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BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 27, 2011

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

[Virginia Vigil, Chair – District 2 – excused]

SFC CLERK RECORDED 11/10/2011

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

September 27, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:10 p.m. by Vice Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Excused:

Commissioner Virginia Vigil, Chair

V. INVOCATION

An invocation was given by Jewel Pacheco from the Health Division.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, I just want to make one point. There aren't any amendments or tabled or withdrawn items on your agenda. However, there is a scheduling conflict with the City on Comcast Channel 28, so they will not be broadcasting from 5:00 to about 7:00. That's when we have our executive session, if we can target that. But they will broadcast from 1:00 to 5:00 and we will be taping it and we will run it at another time for us but they have a scheduling conflict that we're overlapping. They did notify us of that this morning, so we'll be broadcast between 1:00 and 5:00, then

they'll stop somewhere between an hour and two hours and then they'll pick it back up again.

CHAIR STEFANICS: Okay. Thank you very much. So could I have a motion to approve the agenda?

COMMISSIONER HOLIAN: I move for approval of the agenda.

CHAIR STEFANICS: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you very much.

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

VII. APPROVAL OF CONSENT CALENDAR

CHAIR STEFANICS: Are there any withdrawals from the Consent Calendar?

COMMISSIONER MAYFIELD: Madam Chair, move for approval of the Consent Calendar.

COMMISSIONER HOLIAN: Second.

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

XIII. CONSENT CALENDAR

A. Final Orders

1. **CDRC Case # V 11-5070 Joya de Hondo Variance.** Gray-Hall LLC. (Damion Terrell), Applicant, Jenkins/Gavin, Agent Request a Variance of Article XV, Section 6.E (Community College District Road Standards) of the County Land Development Code to Allow an Off-Site Living Priority Lane with a Right-of-Way Ranging in Size From 20 Feet to 30 Feet for a Section of Roadway Approximately 1,110 Feet in Length and to Allow a Driving Surface of 16 Feet in Width for a Portion of Roadway Approximately 640 Feet in Length, for the Purpose of Creating a Four-Lot Summary Review Subdivision on 43.8 Acres. The Property is Located Off of Old Galisteo Way, within Section 15, Township 16 North, Range 9 East (Commission District 4). Vicki Lucero, Case Manager (Approved 4-1).

B. Budget Adjustments

1. **Resolution No. 2011- 139, a Resolution to Increase the DWI Fund Budget and Operating Transfer Out to the Law Enforcement Operations Fund and to Adjust Budgets within the DWI Fund \$16,055 (ASD/Finance)**
2. **Resolution No. 2011- 140, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget Additional Grant Funding Awarded Through the Office of National Drug Control Policy for the Region III HIDTA Program (\$20,000) and**

- to Bring Forward the Fiscal Year 2011 Unexpended Balance (\$1,489.84) for a Total of \$21,489.84 (County Sheriff/Region III)**
- 3. Resolution No. 2011-141, a Resolution Requesting an Increase to the Operating Transfer From the General Fund (101) to the Law Enforcement Operations Fund (246) for Additional Funding for Upgrading the Security Systems for Restricted Areas / \$1,672 (Finance & Sheriff's Office)**
 - 4. Resolution No. 2011-142, a Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget Cash Carryover for the Agua Fria Community Center Project / \$27,236. (Public Works/Projects & Facilities)**
 - 5. Resolution No. 2011-143, a Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget Cash Carryover From Forestry Revenue Received for Expenditure in Fiscal Year 2012 / \$82,631 (Community Services/Fire)**
 - 6. Resolution No. 2011-144, a Resolution Requesting a Budget Decrease to the Fire Operations Fund (244) to Reflect the Actual Fiscal Year 2011 Balance for the Forest Restoration Grant / (\$53,155). (Community Services/Fire)**
 - 7. Resolution No. 2011-144, a Resolution Requesting an Increase to the Fire Operation Fund (244) to Budget Forestry Revenue Received for Personnel and Apparatus That Were Utilized for the Las Vegas Fire, Paseo C De Baca Fire, Oshara Fire, Pequeno Fire, Ojo de la Vaca Fire and Russell Fire / \$75,643 (Community Services/Fire)**
 - 8. Resolution No. 2011-146, a Resolution Requesting an Increase to the Fire Operation Fund (244) to Budget Cash Carryover for the Hazmat Grant Program / \$5,798 (Community Services/Fire)**
 - 9. Resolution No. 2011-147, a Resolution Requesting an Increase to the Fire Operations Fund (244) to Carry Forward the Fiscal Year 2011 Balance for the FEMA Grant / \$98,998 (Community Services / Fire)**

VIII. APPROVAL OF MINUTES

A. August 23, 2011 Special Retreat BCC Minutes

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: On page 6, Day 2, the second paragraph from the bottom, Commissioner Mayfield mentioned a corridor study underway to revamp the interchange system along Interstate 40. I believe that was Commissioner Anaya.

CHAIR STEFANICS: Thank you very much for that correction. Any other comments or corrections?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the August 23 through 24, 2011 Special Retreat BCC minutes with the change noted.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second.

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

IX. SPECIAL PRESENTATIONS

A. Santa Fe Underage Drinking Prevention Alliance Update

CHAIR STEFANICS: Before I introduce those presenters I'd like to have Becky Beardsley from our DWI program. Please come up to introduce everyone who might be presenting. Welcome.

REBECCA BEARDSLEY (DWI Administrator): Thank you. Good afternoon, Madam Chair, Commissioners. We have a great program which encompasses seven components that we fund throughout Santa Fe County including law enforcement, screening, coordination, planning, evaluation, compliance monitoring, and prevention. We work very closely with a variety of organizations throughout the county, one of them being the Santa Fe Underage Drinking Prevention Alliance. They do some outstanding work and we are proud to be a part of that organization. Now I'd like to turn it over to them so that they can give you a highlight of what exactly it is that they have been doing through the year and what one of our partnerships looks like. So I'd like to introduce Shelley Mann-Lev. She is the chair of the SFUDPA.

CHAIR STEFANICS: Thank you. And Shelley, come on up, and I understand we also have Cynthia Delgado, the community liaison, and Lisa Grace Guiffra, the project coordinator. I'm sure there are others in the audience who are also interested, but go ahead.

SHELLEY MANN-LEV: Thank you so much Madam Chair and County Commissioner and County staff as well. It's a pleasure to have this opportunity as the chair of the SFUDPA to share with you an update about the work of this valuable organization in our community. I serve as the chair and as you'll see soon we have many very actively involved members who are committed to this work and they have joined with our City and our County to support this mission: Santa Fe County, where no one drinks alcohol before the age of 21 – we see it up there on your first slide – where adults model low-risk alcohol use, and no one drinks and drives.

This was a vision adopted by the County Commission in December of 2009 and we're here today, 2 ½ years later to share with you the many accomplishments that I feel so proud to be a part of and that you also can feel proud to be a part of today.

So I want to introduce you to members of SFUDPA. There are about 15 organizational members of which Santa Fe County – we have the Santa Fe County DWI program, we have teen court of Santa Fe County, and of course the Santa Fe County Sheriff's Office in addition to other law enforcement agencies, other healthcare service agencies, and other community service organizations and agencies who share this vision as a central part of this vision as well, who recognize that the impact of alcohol on our young people, on our community, is something we

all need to do something about. So this is the work of these members, of which you are a part.

The SFUDPA is fortunate to have funding from the New Mexico Behavioral Health Services Division which provides for some staff support for this work. That provides some very partial funding for myself, for our community liaison, for our coordinator, and for planning and evaluation. But the work wouldn't be done with just the staff. It takes the whole community. And when we established our charter four years ago, we understood that to accomplish this vision, big vision, something that we all care about, that it would require more than just one strategy. There is no magic bullet to reduce underage drinking. There's no magic bullet around DWI reduction and prevention. And so we recognize in our charter that we needed to be data driven and that we needed to work in the areas of policy, and law enforcement, as well as prevention and education. And so we established two working committees which all of our members in addition to participating in the full alliance agree to participate in and people from the Santa Fe County departments are involved in each of those committees. So we have a Policy Committee, currently chaired by Tommy Rodriguez, who is the juvenile probation and parole office chief for Santa Fe County, and the Education Committee, which is chaired by Ramona Flores-Lopez.

We do in our audience today have many members of the Alliance and do want to take a moment to ask all of you to stand because you are responsible for this work.

CHAIR STEFANICS: Thank you very much.

MS. MANN-LEV: Thank you so much. Really, we can applaud, because you're going to see we've accomplished an awful lot this time. In addition, SFUDPA works closely with partners. Our members, they're the body and our partners join us on many projects. As you can see, there's a variety of partners, everything from the courts to the media, to the Attorney General's Office, to students and youth, to the state and businesses in our community, and we couldn't do many of these projects without these important partners.

So I want to introduce you to our strategic model. As you can see at the top it says this is what we aim to accomplish: To decrease alcohol-related injury and death. In order to do that we need to decrease DWI and alcohol-related crashes, a large contributor to alcohol-related death and injury, and we need to decrease and prevent underage drinking. As we know, most people who commit DWI didn't start drinking when they were 35; they started when they were 13, or maybe in our county when they were 10. So we need to decrease DWI, prevent and reduce underage drinking.

There are four strategies for doing that. The big one is to change community norms. We all need to decide as a community it's unacceptable for young people to drink, and it's unacceptable to people to drink and drive. And as adults we need to model low-risk drinking. So changing community norms is critical. We also need to increase law enforcement of underage drinking and DWI laws, decrease access to alcohol, whether it's social or retail access, decrease that access to minors and intoxicated persons, and lastly, we need to increase that perceived risk. People, young people and adults who are considering that decision to drink, to binge drink, to drink and drive. We need to make sure that we recognize that there are all kinds of harms – getting arrested as well as the harms to themselves and others, bodily physical harms and social harms.

So all of our strategies are based on those four key variables and you can see, in each of those columns, the blue ones are the policy strategies, the green ones are the law enforcement

strategies and I'll share those in detail. We've addressed law enforcement policies to increase perceived risk. Law enforcement policy and education to decrease access. Policy, policy, policy, and law enforcement of course. To increase law enforcement. And lastly, changing community norms. You see that beautiful rainbow square, it's the Santa Fe City/County addressing alcohol abuse, a combined effort of the County Commission, City Council, that began after the terrible tragedy to our community two years ago, 2 ½ years ago, which we lost four teens to DWI. And then all of those education efforts which are spearheaded by our education committee.

I just want to very briefly give you a context. When I say briefly, I could spend an entire Board meeting with you, sharing with you what's going on with underage drinking, but I just want to highlight, based on our 2009 statistics. We have some good news. Those of you who can read the statistics, 47 percent – 47 percent of high school students report being a current drinker. That means they've had a drink of alcohol in the last 30 days. 47 percent is less than half. If I stood in front of you in 2003 the number would have been over 60 percent. So we are changing that social norm for our high school youth, critical underage drinkers.

As you can see, more girls than boys. You may be surprised by that, but girls are increasing. The boys may be getting a little smarter. And a critical piece of this is that 2/3 of the current drinkers are binge drinkers. Binge drinking – five drinks or more in a two-hour period. That's a lot of alcohol. That means most of our kids who are choosing to drink are drinking to get drunk. A third of our high school students report drinking before the age of 13. In New Mexico we are highest in the nation around early initiation, and as you come across here to middle school you can see we have a quarter of our seventh and eighth graders in Santa Fe County – this doesn't just encompass the Santa Fe Public Schools, it's Pojoaque and Edgewood as well – a quarter of the middle school students say that they drink alcohol. A quarter of the girls, a little bit fewer of the boys. And most importantly we have about an eighth of our seventh and eighth graders saying that they've binged drink in the last month, and that really scares me. That's part of what keeps me going in this work.

So again, to give you just a brief, brief snapshot. I hope all of you read the *New Mexican* on the third Monday of every month because you will see this snapshot reported, every third Monday. It's called the DWI dashboard. And here you can see we report DWI arrests, crashes, minors under the influence, minors in possession, and seized vehicles. That's the consequence for being caught for DWI in our community. And these data, which we get in a monthly, timely basis, help us see the direction we're heading. And I look over here at DWI crashes, and I look at the totals, and what I see under DWI crashes is in 2009, 157. 2010, 125. But 2011, that 93, is for the first seven months. So that would put us – crashes being a real indicator of what's happening, that got more than that 2009 level. So we cannot stop. We have to keep going.

So now I want to introduce you to the work. As you can see a picture's worth 1000 words. You can see this beautiful collage of media and of individuals, standing before you actually in one case, to accomplish these efforts.

Our policy committee has been incredibly active. Starting in January 2009 when the Santa Fe County Commission adopted the resolution supporting our vision, moving on to the City, the Mayor's Underage Drinking Prevention Month, and also adopting the vision of the SFUDPA. And then of course you know six months later, both of these important bodies coming together for the work to address alcohol abuse.

In December 2009 we worked with the Santa Fe City Council to bring their policy

around alcohol sales on public property in alignment with the County's policy. You were a leader in that effort and the City joined you in which they passed an ordinance that restricted the ban prohibiting the sale of alcohol on City property. And that is so important, both in terms of obviously, it prevents a lot of problems at public events, it allows our families to have fun, and it also creates that social norm, that community norm that's so important. We don't need alcohol everywhere, all the time.

More recently we've been working with the City Council to adopt the first what's called the Social Host Ordinance in New Mexico, and that involves a civil approach to addressing loud and unruly parties as well as some other nuisances. It's an amendment to the Nuisance Ordinance. Loud and unruly parties, underage drinking, drug trafficking, illegal gambling, these what we might call nuisance residences or homes, giving the City the authority to hold those homeowners and the tenants responsible for the costs incurred because of these nuisances. And so we are in the process of working with the City, supporting their effort to bring this ordinance, this Social Host Ordinance, into action, implementation. As you know, an often challenging step. And we have to say as the Alliance hopes, that as the City steps this forward and implements this that the County will join the City in this effort, because our residents don't know the line. They don't know the boundary. Or if they do, we certainly don't want our young people taking their parties out into the county. That would be a very poor, unintended consequence.

In addition, we've worked on the Airport Road area. It's one that the City and County both share, working with our youth, our Student Wellness Action Teams, to support a very focused attention by the Santa Fe City Council on alcohol retail density and alcohol and tobacco advertising in that important area. Four thousand school children go to school in a very small area around Sweeney Elementary School that spreads out in a mile radius, and we have had requests for two liquor licenses to move into that area. We are already over the recommended state quota of one for every 2,000 people, and so the Alliance has been involved in providing education and advocacy around restricting transfers of liquor licenses to areas that will potentially so negatively affect DWI and underage drinking.

Not only do we get involved on the local level, which is critical in terms of policy. That's the area that we've been most successful, but some of the issues have to be tackled on a state level. And actually in collaboration with the County Commission and the City Council, in the 2009 legislative session, we worked on legislation with the Attorney General to increase the local option or increase alcohol taxes, as well as to address issues related to underage drinking. We also worked to support the governor's DWI crime package. As we know, state legislation can take years to pass and we have a long way to go. I don't have to remind you what the opposition is. They are powerful, well funded and have a very strong vested interest in alcohol sales, alcohol profit. However, we appreciate the support of the County Commission in addressing this legislation and hope that with persistence that we'll be successful in the future.

We also work extensively with law enforcement, again, a capturing of the media which is so critical to support law enforcement efforts.

Vehicle forfeiture is an important law enforcement effort, one that the City and County are both working on, and as you can see from the statistics they are not the same ordinances. The Alliance is advocating and working with the City and County to help the County increase their efforts, strengthening their ordinance to bring it into alignment with the City.

We are also working with the Special Investigations Division of the New Mexico Department of Public Safety and want to commend our law enforcement partners, both at the state level, Santa Fe County Sheriff's Office, and the SSPD for working to support – before the Alliance got involved with SID there were almost no operations being done in Santa Fe County. And as you can see now, looking at 2010 there's a large number of operations as well as citations. Our retailers need to be held accountable.

Operation Descansos, again, if you read the New Mexican you see those pictures, 100 pictures, this has been an incredibly successful collaborative effort with our partner law enforcement agencies, the Sheriff's Office, Santa Fe Police, SID, to go after, and I'm going to say go after people who have DWI warrants. And this is a very serious situation. If you can arrest people and if they feel like they can get away with it there's no follow-through, what happens to perceived risk? So after half the people who've been identified in Santa Fe County as having DWI warrants have either surrendered, been arrested or some other way been accounted for. A very, very successful effort.

In terms of law enforcement, we're also working to increase public information. Again, the media piece is so important. If you have all the checkpoints you have and if you don't tell people about it you lose the potency, you lose the power. That's helping coordinate, working with those law enforcement groups so that they coordinate their efforts around saturation patrols and checkpoints.

The last area I want to address is education and again, media and all kinds of events that our Education Committee has been involved in. The Santa Fe County DWI program is a member of the Education Committee and participated in many of these efforts.

I just want to highlight one of these important efforts has been the prom and graduation campaign. While we know just an information dissemination campaign is not going to be effective this campaign covers two months and addresses people. I hope you've heard about it or seen evidence of it. It was funded through some funding of the Santa Fe County DWI program which we hope will be able to continue, and it's multi-faceted. It involves letters to lodging establishments and alcohol retailers, telling them when it's prom, when it's graduation, the times our young people are at great risk. And you can see all those beautiful logos that appear at the bottom of those letters. We also have given them reminder display cards. I know I've walked into stores in April and May and seen those on the counter. Always happy to see reminders. Please check IDs. Please make sure you're checking if someone's intoxicated, if someone's underage.

Postcards to parents of graduating seniors, parents of students attending prom. I know I've received them. They're bilingual and pretty attractive. Newspaper ads, cinema ads, the theater ads actually produced by some of our youth in many cases, and radio interviews. Again, a multi-faceted – [brief power outage]

CHAIR STEFANICS: In case that happens again you might want to wrap it up.

MS. MANN-LEV: I will. I'm following the time closely. I'll definitely wrap it up. So just to heighten, to draw your attention to a couple of the other educational components. We have a Talk to Your Patients campaign for physicians, a Talk to Your Kids campaign for parents, done in collaboration with Christus St. Vincent's, DWI Day at the Roundhouse and March of Sorrows, and a really exciting, innovative program done with the State Traffic Safety Bureau called Life as an Athlete, really taking a unique approach in which we've actually been

able to do direct presentations to over 2,000 people involved in athletics. And there's incredible information that's been coming out around the impact of alcohol on performance.

Lastly, what I want to share is that we're also dealing with retail establishments through education and the responsible retailing project that we've done has involved both education and mystery shopper visits, where we actually send somebody who's pseudo-intoxicated, who's been trained to look and talk and give every cue that they are drunk, and we find that about 20 percent of our retail establishments are still willing to sell. It's an ongoing challenge in best practices and education. And it's an effort that we are continuing to include in what we do.

I'm sorry everybody here can't see the last slide. Can we just take it to the last slide? Because this is the reason we do our work. It's our future. These young people, you can see their T-shirts, the Student Wellness Action Team. They're our vision; they're the ones we need to take care of and protect, and I want to express my gratitude for your support for these efforts, and again, how proud I am for all the accomplishments of all the member of the SFUDPA, and the work that they do. Thank you so much, Madam Chair.

CHAIR STEFANICS: Thank you for being here today, and I'd like to thank publicly all the members of all the different committees who are doing work. I know some of you are here but please take back to your other committee members that we really appreciate the continued work of this group. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have one question and then a few other comments and a few people I'd like to have some forward briefly. You mentioned, associated with the project that you're working with the City, you said you hoped the County does it to, associated I guess with parties in the county. Could you clarify what it is you're specifically asking for within that request and what the history of it has been?

MS. MANN-LEV: I'd be happy to do that and it's something we could potentially do in a longer discussion. So the City adopted an amendment to the Nuisance Abatement Ordinance that includes a social host component which on a civil basis owners and residents of a property are held accountable for the nuisances that occur on that property and that includes underage drinking and loud or unruly parties, along with another list. And so this has been a national effort, recognized the best practice, to hold social hosts accountable in a civil way for the costs associated so that all people take responsibility for what occurs on the properties that they live in and that they own.

COMMISSIONER ANAYA: Is that some type of fees they're charging or fines, or directly tied to that?

MS. MANN-LEV: So the first time the police are called out on an emergency call, whether it's the first responders are called out there's a warning letter that's sent to the people who live there, and the second time there's actually a cost recovery schedule that allows the City to recover the cost for police or fire, whatever kind of first response needed for that nuisance.

COMMISSIONER ANAYA: Excellent.

MS. MANN-LEV: So I think in a sense we have spoken about it with the Santa Fe County Sheriff's Office is that we would allow the City to get that program underway to publicize it, to communicate it, and once it was running successfully the County could build on that success and implement as well hopefully.

COMMISSIONER ANAYA: Madam Chair, I appreciate the response. I would

like to see some more information on that particular item for review, and I appreciate your work and the work of the group. But I do want to ask Frank Magourilos, Alice Sealey, Rebecca Beardsley, Sgt. Pacheco and Sgt. Rodriguez, if you could come forward briefly – I think I caught the primary County staff there. Having spent direct work myself for quite a few years I want to emphasize that Santa Fe County has been, I don't think in the back of the room. I think we've been at the forefront, and it's these individuals that are in front of us that have been doing yeoman's work associated with prevention initiatives and all levels of prevention – youth, adult – and I want to briefly hear a little bit because Frank, if you recall, and we'll start with you, I said Frank, you have the best job in the County, you and Alice and even Rebecca and the sergeant when you get to deal with kids and provide work that directly impacts their lives. So I'd like to hear some of your thoughts, Frank. I know we were one of the few counties in the state of New Mexico that was pushed to have the certified prevention specialists and since then there have been others that have followed suit and there's initiatives like what was just presented that have come about. But I want to emphasize that for well over a decade we've been working on these things as a County. Why don't you briefly provide us a little snapshot and then I'd like to have Ms. Sealey and Mr. Pacheco maybe provide us a snapshot from the Sheriff's Office as to specific things that we do day in and day out that help our youth deal with these types of issues.

FRANK MAGOURILOS (Prevention Specialist): Thank you, Madam Chair, Commissioner Anaya. One of the things that I'd like to point out and also extend my support. The SFUDPA was actually the brainchild of Shelley Mann-Lev, Glenn Wierenga, who was then the underage drinking coordinator for the Traffic Safety Bureau and myself. We did a lot of collaborating. We were involved in a lot of different projects and we decided we needed to formalize the process and get a little more leverage and a little more influence if we have an actual organizational name and a strategic plan behind it. So I fully support what the SFUDPA has been doing.

The last 11 years that I have been working for Santa Fe County as a prevention specialist I realized early on that prevention is such a complex issue and a lot of the time we tend to think and concentrate only on the after-effects of bigger societal issues, for instance poverty, education, graduation rates, all those things, and sometimes we just deal with underage drinking or DWI or things of that nature. And I realized that in order to really be effective and to be successful the most important thing is not really financial resources and money, because that's always going to be finite, and especially where we're at lately the last few years. We all know how budgets are throughout the state.

I realized that the most coveted resource is really people. It's really human resources. So I started collaborating with a lot of different agencies, a lot of different individuals, developing and building relationships, and not only in Santa Fe County but also throughout the whole state. Because a lot of time we have issues here locally in our own county, in our local communities that the state does not realize what they are and they give us mandates or they give us funding or they give us grants that don't really necessarily fit to do the best that we can possibly do here in the County. So by having these relationships and by having afforded the opportunity by my supervisors in the County and yourselves over these years to develop this relationship I can take what the local needs and the Santa Fe County needs are to the state and get input and get our voices heard.

And also with the SFUDPA, they have been able to sort of free me somewhat from just strictly doing prevention in the schools per se and allow myself to do a lot of these relationship building. Because I see myself as a planner, community organizer, sort of if you want to call it systems integration specialist because even on the federal level we see that in order to be successful in prevention and in probably everything else, you need everyone involved. We can't do it by ourselves. We need the government, we need the public sector, we need businesses, we need everyone. And we'll never have enough money, the resources at that level to get it done so the human resources is the most important thing and that's what I take from this whole thing.

COMMISSIONER ANAYA: Thank you, Mr. Magourilos. Ms. Sealey, if you could briefly provide a snapshot of many of the things that you do daily that deal with our kids.

ALICE SEALEY (Teen Court): Well, what I do is actually, the teens that get in trouble for underage drinking in Santa Fe County all get sent directly to us. So basically what we do is pick up the pieces after they break. We have about 16 components which help to guide them to make better choices. And I don't know how many of you saw the article that was in the Journal Santa Fe on Sunday regarding the teen attorney training, but one of the ways we keep the kids focused and keep them out of trouble is to have them work at teen court. So we have a number of volunteers. They're called teen attorneys. We did a training last Wednesday. It was extremely successful. We ended up getting almost 50 teens that want to volunteer with our program. I don't know what I'm going to do with all of them but it is great that they want to be there. And teen court is where they land and we're they're to catch them when they land.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Thank you very much, Alice, for everything you do. It's really an important part of the whole picture. I just – of course I want to thank all of you for what you do and just say that I'm really proud that I belong to a County that is really trying to get a handle on this problem. So, Alice, my question is is since you are kind of on the front lines here with regard to the underage drinking problem, have you noticed any trends in the last couple years?

MS. SEALEY: Well, I guess for me – it's hard for me to judge whether people are drinking more or I'm just getting more people. What I think is happening is that I'm getting more people because teen court of Santa Fe County has gotten very well known and what's happened recently is that the juvenile probation office now sends all first-time offenders to us. So our numbers are increasing but as Shelley said earlier, it sounds like the numbers in Santa Fe County are actually going down. So we're reaching more people but I think in general it's actually helping with the problem.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Commissioner Anaya, you still have the floor.

COMMISSIONER ANAYA: Thank you. Mr. Pacheco, Sergeant, if you could maybe say a few brief words as well from the law enforcement perspective. I know the Sheriff has been very supportive of these types of programs.

WILLIAM PACHECO (Sheriff's Department): Madam Chair, Commissioners, thank you. First of all, when you think of law enforcement and drinking alone – enforcement is what the Sheriff's Office does. We're part of the Underage Drinking Alliance and what we like to do is go out and actually speak to the teens. Meet with them at school, at the county schools,

and let them understand that everyday is a challenge for adults, teens, youths, and alcohol is not the answer. You were asking about trends. Unfortunately this summer we had a lot of underage drinking enforcement action. Hopefully we can get them to Alice and see if we can help those people. We did see a spike in it. I don't know if it was just a hot summer or what but we did see a spike. So we're concerned about that. If we can lower the numbers that is important to us, but mostly going out and speaking to the teens, meeting them and letting them know that law enforcement is not just the enforcement action but actually the community partner and a friend.

COMMISSIONER ANAYA: Madam Chair, everyone, Mr. Pacheco, all the County staff, I very much appreciate your work and efforts and I also want to emphasize that the Moriarty School District, the Pecos Independent School District, Pojoaque School District and Espanola School District are districts that we've worked with in the past and I hope that we continue to do so. But as we maybe broaden the scope of membership of this group that we make sure that we incorporate everyone that's served in Santa Fe County and the periphery that attends school, even our tribal areas and tribal schools and the Indian School. So I appreciate the work – and all the other schools as well that are in the community of Santa Fe, public and private.

So I appreciate the work, I appreciate you allowing me a little extra time, Madam Chair, but thank you, all of you for your efforts and your work. Thank you.

CHAIR STEFANICS: Thank you, Commissioner. Thank you all for coming today and for your presentation and thank you to the volunteers and to our County staff as well.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIR STEFANICS: We are now at that point on our agenda, Matters of Public Concern from the public, but these are non-action items, items that will not be discussed and made decisions about later. Is there anyone in the audience that came to make comments during this public section? Okay. Thank you. I'm sure we'll hear from the public later.

XI. MATTERS FROM THE COMMISSION

A. New Mexico Association of Counties (NMAC) Loss Prevention Updates (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Madam Chair, I want to ask Bruce from the New Mexico Association of Counties to come forward. The Board of County Commissioners volunteered me for the Workman's Compensation Board and I've actually begun to learn many, many new things, which is always good I think. At our last Board meeting we had discussions about how we can improve our training and do better and be aware of all the opportunities, so Bruce, I'll turn the floor over to you to provide a background as to who we are and what you do and talk about what we can do to be better apt to deal with the issues we deal with associated with Workman's Comp.

The other thing I want to say before is I want to thank Jeff Trujillo who sat on the Workman's Comp Board for many, many years and we have a wealth of knowledge with Jeff, and I know that I will be turning to work with him, to work with him and things he knows because he's been around a long time so I want to thank him. The floor is yours.

BRUCE SWINGLE: Thank you, Madam Chair, members of the Commission, Commissioner Anaya. My name's Bruce Swingle and I'm the loss prevention manager for the Association of Counties. Steve Kopelman and our executive director Paul Gutierrez just wanted me to give you a thanks and allowing us to have the opportunity to speak with you for a few minutes today.

With respect to Worker's Comp and Santa Fe County, you just finished year three of your RAP, which is your risk awareness program. It's a 50-week training program to educate employees on a wealth of different topics that are risk-oriented. You just experienced a 16.8 decrease for the year, so that's three years in a row where you've had substantial decreases in your claims. You're going to be starting year four very shortly. I just gave your risk management staff the disc with the lesson plans for the program, so we're excited to see you. You're one of the few counties that are this far along. The only county that's actually ahead of you is McKinley County where we piloted the program for one year before we would actually allow any other counties to participate in it.

We have a Workers' Comp injury reduction incentive program in place right now. It started July 1st and it will run through June 30, 2012, which you're participating in and you're in the large category counties. The large county that reduces their Workers' Compensation claims the greatest percentage compared to the other large counties in New Mexico, which you're actually competing with about nine other counties, will receive a \$15,000 award that will be presented at the January conference in – sorry, it will actually be the June conference in 2013.

You received the statewide safety award for large counties in 2009/10 so you have a pretty good history. Your losses have been very well managed by the County itself and your risk management staff really need to be commended for that. Hopefully, you'll win the award this year as well as the Workers' Compensation injury reduction program. However, I'd like just to update you on a couple of things that are happening. One is we have a training. The risk managers affiliate will be meeting in October, October 19th, 20th and 21st in Ruidoso, New Mexico, and that's their fall conference that they put on. And they deal with strictly risk management issues. It's a very good opportunity and I'm hoping that some of the Santa Fe County risk management staff, loss prevention staff will be able to participate in the program and the trainings.

We unfortunately, statewide, we had a very bad dual fatality in Las Vegas, New Mexico a couple of months ago and this really energized State OSHA to start contacting municipalities, city governments, county government and state government. Through our dialogue they are going to really increase their presence in counties and I think you can look forward to a visit by them in the very near future and it's going to be a little more than a look-see at counties. They're going to provide a pretty aggressive inspection of your County and it's all a result of the unfortunate mishaps that happened in Las Vegas, New Mexico. It was an excavation fatality where two employees of the city were killed.

I wanted to extend an invitation that we offer just a wealth of training opportunities and courses and we'll do them – we do them statewide, we do them in regions, we do them within the state and we'll do them site specific, county by county on all your safety and loss prevention topics that you can imagine. And I just want to extend that opportunity and that offer to you to take advantage of it. We do this, we do it well. Our courses, we accredit them through NMSU. We do a lot of teaching through NMSU through the County College and at NMSU as well. They're very good courses and frankly, Santa Fe County has taken advantage of some of it but there's so much more that you could take advantage of over the course of a given year. And with that being said I'll entertain any questions that you might have.

CHAIR STEFANICS: Thank you very much, Mr. Swingle. Questions and comments? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So Mr. Swingle, I'm curious about the case in Las Vegas. Did it have to do with faulty procedures on the part of the city?

MR. SWINGLE: The investigation is still pending. However, there appears to be a number of procedural issues with regard to OSHA standards and best practices out there that appear to have been ignored or there was just ignorance that nobody really knew about them. I know that OSHA is not only looking at the civil aspect of it and the administrative portion of it but they're also exploring the option of criminal prosecution on this case, and this would be the first case in New Mexico history where there has been a criminal prosecution for a workplace injury or fatality. That is a growing trend nationwide.

COMMISSIONER HOLIAN: And so that would be federal prosecution, correct?

MR. SWINGLE: It would be state.

COMMISSIONER HOLIAN: State. Okay. Thank you.

MR. SWINGLE: You're welcome.

CHAIR STEFANICS: Thank you. Commissioner Anaya, anything else?

COMMISSIONER ANAYA: I appreciate the presentation. We have our staff here, Mr. Ortiz and I say Bern back there as well. But I think we can never be too prepared or never have enough information, so I appreciate your ongoing efforts in working with our staff to make sure we update our processes and our training. I appreciate you mentioning the affiliate meeting. I know in recent years the County has had to tighten their belt associated with some items, but I think training for our staff is one of the places where I'm going to encourage my fellow colleagues that we need to increase, not decrease because we need to be present with our colleagues around the state of New Mexico in risk management as well as all of the other areas and the other affiliates. So thank you for your efforts and your presentation. I look forward to continuing to learn from you and from others.

MR. SWINGLE: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. The very first year I was here we had the opportunity to provide the commendation from the New Mexico Association of Counties to our Safety Committee. And I was new to the County and I was really impressed. Every division and every department here as a representative on the County's Safety Committee. I do know there were a few divisions and programs that did not have representatives, so I hope if we are still missing some, Jeff, you'll let us know, but it would be great to have a full

safety committee representing every place in the county. Thank you very much for coming today.

MR. SWINGLE: Thank you very much.

XI. B. Proclamation Honoring Santa Fe High School's Theatre Department for Being Selected to Attend the Edinburgh Fringe Festival in Scotland (Commissioner Stefanics)

CHAIR STEFANICS: Okay. I have the next item, and I'd like to let everybody know where this came from. It is a proclamation honoring the theater department of Santa Fe High School for being selected to attend the Edinburgh Fringe Festival in Scotland. I was sitting in an airport not too long ago and somebody said to me, Did you hear NPR this morning? And they said our high school had been selected and we were the only high school in the state to be going to Scotland to participate. There were 56 schools nominated. Theater professionals nominate schools to go to this Edinburgh Fringe Festival in Scotland, and Santa Fe High theater department was selected. So this is a proclamation commending them and we will be providing that proclamation to the theater department to hang at the high school. So I just wanted everybody in Santa Fe County that we have some aspiring actors coming up, and it's a great honor as we travel the country to hear people talk about it. So it's great. Commissioner.

COMMISSIONER HOLIAN: I move for approval.

CHAIR STEFANICS: I'll second. Any discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: As a Santa Fe High School Demon alum, I'm excited and ecstatic for the group and want to congratulate them. I have a fellow Demon sitting over there on the other side of the bench with me as well. But I congratulate them very much on their efforts.

CHAIR STEFANICS: So were either of you in the theater department?

COMMISSIONER ANAYA: No, I wasn't in the theater department but I did a lot of acting in high school.

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

CHAIR STEFANICS: Thank you very much. This will be transmitted to the school for placement in the school.

XI. OTHER MATTERS FROM THE COMMISSION

CHAIR STEFANICS: Commissioner Anaya, let's start with you.

COMMISSIONER ANAYA: Okay, Madam Chair, I have a few items. I want to tell staff, I had some conversations with the Manager and others. I know Chris has been

working with Todd Brown in Cerrillos on the park. They're bringing forward some resources and we're working with them and I guess, Ms. Miller, if you could provide a brief – I know you were going to have some more discussions last night associated with the Cerrillos Park and we're working with them. We're letting them use County property and they're helping to bring some revenue. Could you provide an update on that briefly?

MS. MILLER: Madam Chair, Commissioner Anaya, yes. The community is donating quite a bit of work and the equipment for the playground on our land. We're working with them to see what they can raise money for and contribute to the project and then what we can also provide. And then we're going to try to come up with a fully developed project and then see if we have any gaps in funding for it, and then look to see where we can find the funding to finish that out. But we anticipate that we will be able to work with the community and provide a good park with all the work they're putting forward as well.

COMMISSIONER ANAYA: Excellent. Thank you. Madam Chair, Ms. Miller, and maybe this might be for yourself and Mr. Ross. Also staying with Cerrillos, there was discussion, we've had some meetings in prior months on the Cerrillos Hills properties that were in holdings that we were looking to acquire. I've been receiving some requests relative to an update. Ms. Miller, Mr. Ross, do you have any updates? Representative King has also requested some feedback, so I wanted to see if we could get an update on that?

STEVE ROSS (County Attorney): Madam Chair, Commissioner, do you want an update right now?

COMMISSIONER ANAYA: That would be great.

MR. ROSS: Okay. The County has, at least as long as I've been here, trying to acquire Mt. Chalchuitl, which is the ancient turquoise mine just northeast of the current Cerrillos Hills Park. The only problem with the acquisition is that right next to Mt. Chalchuitl is the historic lead mine, which contains lead contamination far above what is considered safe. So the County's been working for many years through the New Mexico Environment Department to get the property in its voluntary remediation program so that the County can acquire the property. What you get at the end of a volunteer remediation project is a covenant not to sue both from the Environment Department and the EPA, which allows you to buy contaminated or brownfields property without the fear of liability.

And so the Environment Department has actually been funding the engineering work in connection with that for many years. They've reached the point where they have developed four or five different options for cleaning up the property to different levels, any of which would be acceptable to EPA, but which would provide differing levels of utility for the County once the property were acquired. I know that Open Space at one time was negotiating with the then property owners which is a consortium of lawyers – I think they're in Iowa or Oklahoma. Houston. Well, I was close.

But we're not in contact with them at this time. The biggest problem with acquiring the property the way it sits right now is evaluating its value because it's so highly contaminated that it will take many hundreds of thousands of dollars to clean it up to an acceptable standard.

In connection with that, also related to the value of the property is the issue of access, because the property is essentially land-locked. We are still in a law suit with the property

owner in between the Cerrillos Hills Park and the Mt. Chalchuitl property and at one point that individual indicated he would like to sell the property to the County to resolve the lawsuit but that has not – that effort has not worked out either. We expect the lawsuit to go away fairly shortly. Then we can perhaps talk with them again, but the issue of access is a secondary problem to that of the pollution that would need to be resolved.

Currently the engineering firm is ready to proceed with an application in the voluntary remediation program. We need to make a decision as a County right now whether to move forward with the project and try and make these two acquisitions.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, I would ask that – I appreciate the update and I would ask that we reconvene the interested parties including Representative King who along with this prior Commission, individuals sitting next to me on past Commissions worked hard with the governor's office at the time and the legislature and others to make that a state park. So I would ask that we reconvene them and continue that dialogue.

Ms. Miller, La Cienega, La Cieneguilla, La Bajada, still dealing with the issues associated with the dams. I know we were going to convene a task force. Have we done that? And if not, can I get some feedback as to when that might occur. I know there's other options that may be helpful to that situation associated with more water from the City of Santa Fe and others, but could you continue to provide a snapshot on that particular items that's still a pressing item from those members?

MS. MILLER: Madam Chair, Commissioner Anaya, we've had meetings internally with the City and then the other governmental entities and then at the beginning of September we had a follow-up meeting with the community. I think that one lasted a few hours. Kind of detailing the findings of Game and Fish and the position of the City, and some of the findings of our own assessment or our property. One of the things that came out of that was that it wouldn't work in the area to do the flow-through devices on County dams because they're not very deep, and that really a lot of this issue resides in the total area because of the large population of beavers and the excessive number of dams.

So we need to go back and look at what other things can be done. Also BLM was looking at trying to measure the flow of river from when it's released from the treatment plant and what it's doing down at the end of their property, how much we're losing in there. I don't know where they stand on that, but we now need to go back and have another meeting with all the groups involved and then put from that group those who would be involved in an actual task force to keep it going. Because right now we're still working with a rather large group of people, probably 30 to 40 attend the meetings from the community and from the different entities. But I think we need to bring that down to a smaller group to keep the issue alive and working on resolution. But we've kind of gone through everything that we've put in the County Commission resolution as to what we would do except for the final pieces having an ongoing task force to deal with those, and then what alternatives that were discussed, what's feasible to be done.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, if we could maybe put out some notice to the community and at the next administrative meeting have appointments – recommendations and appointments to the task force and get some more focus and clarity so that they can move to action. That would be appreciated. I know staff's

been working on a potential project for CCBG. It's my understanding, based on our discussion yesterday there's a couple, one in Glorieta, potentially, and I have been bringing up consistently the Stanley wellness center, youth ag/wellness-type center. Could you provide a brief snapshot on that as we talked about yesterday?

MS. MILLER: Madam Chair, Commissioner Anaya, yes. There's actually probably about three potential projects and that would be Glorieta Mutual Domestic, and that's based on the three separate mutual domestics joining together and going in for an application, because I don't think any one individually could qualify. It would need to be more of a regionalized system, using their income study. So they need to come in as a group, as one entity. There's potentially La Bajada, if they want to come forward with an application, and then also the Stanley ag and wellness center. We're working all three of those. We haven't heard whether there's any other interested parties. We do have to have two public hearings that are separate from BCC meetings for any other entities that may wish to bring, any other communities that may wish to bring projects forward. So we're getting those scheduled. And then also so that these three projects can be presented. And then what we're hoping is that we have at least one out of those three that would actually qualify based upon the criteria set forward by HUD and the CDC and the CDBG program out of DFA. And that the Commission would have one that they could get behind to submit for approval.

So we're working on all three of those, trying to make sure we have at least one viable project to move forward. Either way, whatever comes out of this process over the next month or so we will be bringing it to the Commission as to what the status of the application and potential projects are and looking for the Board to decide which one that they'd like to move forward with. Hopefully, there would be one that would actually qualify and rank for the process.

COMMISSIONER ANAYA: Yes, and Madam Chair, on that point, I wasn't aware of Commissioner Holian's district, the request from members within her district until yesterday, and I think there might be others. Commissioner Mayfield, Commissioner Stefanics may have others. What I would ask as we go through this process, because it's going to happen pretty quick, is that we get some analysis pretty quick on where prior CDBG projects were placed, in what districts and what type of projects they were, and that we have some analysis of types of funds. Because we've got still quite a bit of bond money that's not been spent associated with water and wastewater projects, and some analysis as to where those projects were and located so that as we're faced with those decisions as a Commission that we can evaluate the projects based on their merit and their ability to get funded but also based on other projects that have been approved throughout the county and when they were approved so that we could hopefully work together to make sure that we have parity when we make those decisions.

Madam Chair, the last item, and I appreciate the time. The last item that I have is kind of a tough item for me, but when I stood up here to get sworn in I was sworn in what my dad used to say. He used to say 90 percent of life is kind of ordinary and routine and sometimes he used other words to explain that. And then he'd say ten percent's really important. And you've got to have that ten percent when you need it. And one of my classmates, good friend, Mark Rodriguez, the son of Bobby and Imelda Rodriguez, has been diagnosed with cancer and he's going through a tough time. He's on a list for a lung transplant and they're having a

fundraiser on Saturday at 6:00 at the FOP and it's \$10 per person and/or whatever else you want to donate. The contact name is John Montano. His number is 795-3497. They're also doing a Calcutta or a raffle on November 3rd. There's tickets for \$100 apiece, that you can contact KSWV. I think they're helping coordinate that Calcutta. But whatever help you can provide will be appreciated.

CHAIR STEFANICS: Commissioner Anaya, could you repeat? It's Saturday six pm, where?

COMMISSIONER ANAYA: The FOP.

CHAIR STEFANICS: At the FOP, Fraternal order of Police.

COMMISSIONER ANAYA: On Airport Road.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: On that point, is there – if we can't make it, is there somebody to whom we can send the contribution?

COMMISSIONER ANAYA: Madam Chair, I'd be happy to take that contribution. A phone number of another contact person is that John Montano, at 795-3497.

CHAIR STEFANICS: Thank you very much, Commissioner. Commissioner Mayfield, any items?

COMMISSIONER MAYFIELD: A couple, Madam Chair, thank you. Madam Chair and Ms. Miller, and I think maybe Public Works, we spoke about this. But I just received numerous phone calls over the past week of the hours or the new days of operation with our transfer station so I just wanted to bring that to your attention again. If we're going to make administrative decisions like this I would just hope that we would give the public more than a week's notice to let them know of changing of hours of operations. Also, I was at the dump myself this past week. Can we at least get new signage out there, please? I noticed there's like a bumper sticker they put out there on the signs but a lot of those signs just basically have duct tape over them to try to scratch out the hours and those are already very weathered. So if you could please put up some new signage as to inform the residents at the dump stations what their new hours of operations are.

One thing, Manager Miller, you might want to look at is a couple of employees just talked to me about being able to relief for lunch hours at the Jacona station in particular. I think Jacona and maybe the Eldorado site are open through the lunch hours now. I don't know if any other sites are open through their lunch hours but they did ask if they could have some relief, and I know that's under your purview or the purview of the director.

MS. MILLER: Madam Chair, Commissioner Mayfield, actually, the point of having two caretakers was so that they could go to lunch, because before we would close at lunch because there was only one caretaker, so we would actually have to close and people were waiting there in their cars for the stations to open. So now they're open on a nine-hour timeframe but they are allowed to go to lunch as long as there is somebody there with them to cover while they're gone. I don't know what that's about but I'll get with Robert Martinez.

COMMISSIONER MAYFIELD: Madam Chair, Manager Miller, I think maybe that was the problem was that maybe there weren't two caretakers at the Jacona site so individuals working or individuals that were there were working through their whole lunch hour.

ROBERT MARTINEZ (Public Works): Madam Chair, Commissioner Mayfield, we currently are in the process of hiring a couple more people, caretakers, and we have a couple of individuals that are on FMLA. So the reason that there's only one caretaker when we said there'd be two is because of shortage in staff. We've asked the caretakers if they'd work through their lunch hours. We would pay them overtime. If they didn't want to work overtime we'd send somebody down there to cover for them during their lunch hour.

COMMISSIONER MAYFIELD: That's fine. I just wanted to bring it up because they brought it up to me and I'd pass it on to you folks. There might be some worry that they're transferred to another station. I said I don't know. That's at the discretion of the Manager and Public Works.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, nobody's being transferred from their current locations.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Mr. Martinez, since you're up. Just a couple things I read in the paper. One was Ms. Sealey, there was great kudos for our teen court, but also one article that I read in the *Rio Grande Sun* was one of the paving companies, Star Paving, they were asked to do a whole project going down 284/85 into Espanola. I believe there were some issues with maybe the oil that was coming up in the asphalt mix. Do we have any of those worries with Juan Medina Road going into Chimayo?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, no we do not. We have quality control and quality assurance and none of these issues have come up with the County projects.

COMMISSIONER MAYFIELD: Okay. Thank you very much and thank you for that also. That's all I have, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just have one item. I would like to specifically thank David Gold and Jack Kolkmeier, Robert Griego and our Land Use staff for organizing and conducting the public meetings, discussing the concept decision points for our new Sustainable Land Development Code. I attended the one that was last Monday in Eldorado and a couple of others as well and I was just really impressed with what a great job you're doing getting out into the community and getting feedback from people. I noticed that the meetings are very well run and I was impressed at the way you really brought out people so that they felt free to express what their opinions were and also I have to say that there was a lot of good feedback, in my opinion, from the people that were there. So I just want to say that I'm really encouraged about the progress towards actually creating our new code. So thank you.

CHAIR STEFANICS: Thank you. First of all, I'd like to remind everyone in the public that we have a new prescription discount card and if you have not received one they are available at some of the drug stores. You can also contact the County, but you can also download your own card on the website: www.coast2coastrx.com. Although we have 73 employees that have birthdays in September, I'd like to recognize Ambra Garcia from the Manager's Office and also Commissioner Holian, who had September birthdays.

I'd like to give a big thank you to State Park Ranger Sarah Wood. She is at the Cerrillos Hills State Park and we get many, many emails from her about all the programs, and

I did go down to the stargazing program this last Friday evening, Saturday evening, I can't remember which it was, and I would bet there were 50 to 60 participants during that program. So congratulations to Sarah for all of her outreach.

And Commissioner Anaya, I think that your broadband center in Cerrillos had its grand opening and I know many of the citizens there in Cerrillos are very happy and we had a couple of staff join that grand opening and I'd like to thank them very, very much.

Okay, anything else? Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I did have one other item that's important, to thank the Commissioners for supporting it. But there was a route that went from Edgewood to Santa Fe some time back that was cancelled and through the support of the Commission and work with the RTD and even some discussions with the RPA, the route started again. And I know some of you who were at RPA or all of you had this discussion, but the bus is a 15 passenger bus and it's my understanding that we went from a situation of having less than 10 passengers, four of five a time on the last time the route ran to now we have the problem of the bus being full. And I want to say to the public, there's even staff that are riding the bus from Santa Fe County, that although that's a tough situation because we have a full bus now and we have to turn people away it's a good problem to have because the more people that we get the better off we'll be associated with funding, because funding from federal transit is directly correlated with ridership. So I'm excited about that. I know the newspapers in the East Mountain are concerned now that the bus is going to stop. It's not going to stop. We're going to have to maintain the ridership of keeping it high, and then I will work hard with this Commission and the RTD and others to make sure that we maintain the route and expand the bus, if that's what we need to do. But I'm excited people are utilizing it and it's a benefit to the community.

One other thing, Madam Chair. I wasn't able to be at the RPA meeting because I was stargazing in the wilderness, but I wanted to ask about the joint City-County meeting. I still think it's important and I just wanted to ask my colleagues, are we still moving forward. I think it's an important thing that we could do.

CHAIR STEFANICS: I'm going to recognize Commissioner Holian as the chair of the RPA to report on that.

COMMISSIONER HOLIAN: Thank you, Madam Chair. We didn't really discuss definitely about the meeting. It was just sort of brought up in passing as a possibility. So I think that at this point if we want the meeting to occur, I think that we as a County Commission have to strongly state that that's what we want to have happen.

CHAIR STEFANICS: On that point, Commissioner Vigil did send a letter to the Mayor. It was posted in the newspaper that we had asked for a joint City-County meeting, and Commissioner Vigil indicated that the two Managers would be requested to come to the next RPA meeting to present some of the joint projects that were being worked on and then there could be a discussion about the joint meeting. But it was discussed. The chair, who couldn't be here today did send a request to the Mayor.

COMMISSIONER ANAYA: Madam Chair, I guess I would ask that we send the message that we have a meeting. I had a conversation with our Manager yesterday and I think if we specifically isolate even at least two primary issues being annexation and RECC, and even just focus on those as substantial issues, and I think we referenced those in the

letter, that we could keep the meeting focused and maybe achieve some results. But I think the RPA, as I've said in the past and I think other Commissioners have said this. They said it at the retreat. The RPA is only representative of four Councilors and having a dialogue with the City as a full body and the Commission as a full body is a health step towards continued coordination and to carry that one step further I would suggest that having joint meetings with Edgewood, with Espanola and possibly even Pecos would be future discussions that I think would be fruitful to more regional coordination of planning.

CHAIR STEFANICS: Thank you, Commissioner Anaya. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and I echo Commissioner Anaya's comments. I'd like to see a meeting transpire, hopefully in the very near future. But on a different note but semi-related, Madam Chair, Mr. Ross of Ms. Miller, we were going to ask to have, and I don't know the process, but the organizational meeting of the ELUA Board. Is that going to happen or is that not going to happen? Because that might be a venue for us to talk about the annexation from our retreat.

MS. MILLER: Madam Chair, Commissioner Mayfield, the issue came up at the retreat. The issue with the ELUA Board is that they have a very specific purpose and it comes to deal with when something comes up relative to zoning within the annexation. So that's all they do and it's also only three members from the City. So when we went back and looked at what the ordinance says they actually do it didn't really fit what had come up at the retreat as to what we're trying to accomplish by a meeting relative to annexation, because they wouldn't have the authority to talk about those issues, since the ordinance says it's very specific what they deal with, and that a better avenue would be to talk about that at RPA or at a full, joint City-County meeting. And that they only put themselves together based upon having a need to meet relative to what's in the ordinance for their purpose, if that makes sense.

COMMISSIONER MAYFIELD: It does, Madam Chair, Ms. Miller, thank you. But again, a case that we had before us not too long ago was the case out there on Richards Avenue and Rodeo Road that could have been the appropriate venue for an ELUA Board. So my thoughts are that we at least have the organizational meeting so that we have our two bodies in place with our memberships but if such a petition comes before the County again, a similar circumstance, or it goes in front of the City where the City's asking, well, will the County not support future annexation if we don't approve this, that could be an appropriate venue for the ELUA to discuss.

MR. ROSS: Madam Chair, Commissioner Mayfield, what we generally do is we don't have an organizational meeting. We deal with the organizational items when we convene the group, like appointment of chair, adoption of the Open Meetings Act resolution and if we need to, adoption of rules of order. We just do those as items 1, 2, and 3 on the agenda. We will have to reconvene that. We'll have to convene ELUA if those property owners on Richards and Rodeo go through the City process successfully. Then there will have to be an ELUA meeting to address that rezoning. So my suggestion would be to wait until that matures then we can have a meeting on a number of topics and have it in one meeting as opposed to two.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, I appreciate Commissioner Mayfield's comments associated with potentially using the ELUA, and I would add that I'm going on finishing a year here as a Commissioner and the one thing that I think seems to be a recurring theme is waiting. I even heard in the hallways that there were some that were representing that well, the City of Santa Fe is going to have an election here soon and there's going to be new City Councilors. Some have expressed a desire not to run. There's going to be new ones, so why don't we just wait until after that election? Well, if we continue to wait then we don't get things done. And I think relative to people that live in my district, specifically related to annexation, even some that even – some were for it, some opposed it, but when it was approved, now they're sitting in District 3 and the Airport Road area and that part of the district saying When am I going to get my solid waste? When am going to be able to hook into the utilities and get these other services. So I don't think they're out of the box. I think it's very specific. If it's ELUA, it's ELUA, if it's a joint meeting, it's a joint meeting. But that ultimately we have an obligation and a responsibility to show some results and get some things accomplished. And I kind of keep hearing the theme of, well, we're working on it and let's wait. Well, if we wait too long we won't get anywhere. So I appreciate the opportunity and I echo Commissioner Mayfield's sentiment on utilizing ELUA or whatever mechanism we can to convene.

CHAIR STEFANICS: Ms. Miller, did you want to respond? And then Commissioner Mayfield has the floor.

MS. MILLER: Madam Chair, I just wanted to state that I had checked with the City Manager as well and asked him is the City Council going to agree to meet? And they have it on their agenda tonight. So when we're off the air, we can turn on and find out what the decision is. But he said he would get back to me tomorrow as to what they decide as a body as to whether they want to meet. But he said they did put it on their agenda to make a decision tonight.

CHAIR STEFANICS: Thank you. Commissioner Mayfield, anything else?

COMMISSIONER MAYFIELD: One other question based on Mr. Ross' comment. Mr. Ross, you said in fact if we do get to that ELUA meeting that there might be other items we need to discuss? What are the other items that we need to discuss that we can't discuss now?

MR. ROSS: Madam Chair, Commissioner Mayfield, normally, the organizational items, since the ELUA only meets sporadically at the beginning of the meeting, so election of chair, election of vice chair, adoption of the Open Meetings policy, those kinds of housekeeping items would be the first items on the agenda. And then there's that zoning issue that this body heard a couple months ago that may require reconvening of ELUA. Then there's annexation issues that come up. Remember at the retreat we discussed the fact that ELUA has the statutory responsibility of dealing with certain types of annexations, so something like that could easily come up.

COMMISSIONER MAYFIELD: Thank you. And Mr. Ross, I don't know if you or maybe staff – I don't know if Mr. Kolkmeier is here, are you guys aware of any such issues in the pike that are coming down right now, aside from that issue on Richards Avenue?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. Aside from that one that we're watching we don't know of any annexation issues that are at least on the table over there right now.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. That's all I have.

CHAIR STEFANICS: Thank you.

XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointment of Santa Fe County Representatives to the Estancia Basin Water Planning Committee (County Manager's Office)

LISA ROYBAL (Manager's Office): Good afternoon, Madam Chair, Commissioners. This item in front of you is regarding the appointment of Santa Fe County representatives to the Estancia Basin Water Planning Committee. To provide you with a little bit of background, the Estancia Basin Water Planning Committee is a coordinated water resource planning group for the Estancia underground water basin represented by Bernalillo County, Santa Fe County, and Torrance County. Santa Fe County has been contacted by the Estancia Basin Water Planning Committee to ask that we appoint a representative to the vacant position for Santa Fe County's municipal development utility position. This position was vacated by Mr. Tommy Spindle who resigned from the committee earlier this year. Currently, we also have the Santa Fe County government position representative being held by Mr. Doug Sayre who is a retired Santa Fe County Utility Manager.

These meetings are held once a month, typically from 9:00 to noon or a little bit earlier on the third Thursday each month at rotating locations between Torrance County and Estancia. Our recommendation today to the County Commission is to approve the appointments. There's résumés attached to your packet material of one, Ms. Karen Torres, who's our Santa Fe County Hydrologist to serve as the Santa Fe County government position representative, and two, based on the recommendation of the Estancia Basin Water Planning Committee, they would like for Santa Fe County to recommend Mr. Michael Anaya, who's our former Santa Fe County Commissioner and who has been a past member of the Estancia Basin Water Planning Committee, who's attended meetings in the past and who's served, and for him to serve as our Santa Fe County municipal developer utility position.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'll make a few brief comments. The Estancia Board contacted me and said we need to make these appointments and they said we would really like to have the appointment of former Commissioner Mike Anaya who's my brother, and are making this recommendation today. I don't want to put myself in the position for an ethics violation. I was going to just go ahead and vote and take an ethics violation but I don't have \$400 or whatever that fine is if I do that. But this particular recommendation comes from the board based on the participation of former Commissioner Anaya on that board. They asked for this board to consider it and they also asked for that consideration given his current responsibilities and the benefit they could see in his work at the State Land Office.

With that, Madam Chair, I'd recuse myself from this vote for that reason.

CHAIR STEFANICS: Thank you very much, Commissioner Anaya.
Questions, comments, motion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Do you have questions?

CHAIR STEFANICS: No.

COMMISSIONER MAYFIELD: Madam Chair, I'd move for the appointment of, for the Santa Fe County Estancia Basin, Karen Torres, Santa Fe County Hydrologist, and Mr. Michael Anaya, former Santa Fe County Commissioner to serve on the member ship to the Estancia Basin Water Planning Committee.

CHAIR STEFANICS: Thank you.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay. We have a motion and a second.

The motion passed by unanimous [3-0] voice vote. [Commissioner Anaya recused himself from this action.]

MS. ROYBAL: Thank you so much, Madam Chair. I just also would like you to know that we would like to thank Mr. Sayre. He has been a tremendous asset to the committee in the past several years with the committee and working together through the process to update the original water plan. So we thank him for all of his assistance.

CHAIR STEFANICS: So I think that what we want to do is do some certificates for both of these individuals so we could pass it and present that to them.

XIV. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community Services Department

- 1. Request Approval of an Easement Agreement Between Santa Fe County and the Public Service Company of New Mexico (PNM) to Operate and Maintain PNM Facilities to Provide Service Adjacent to and Abutting the Camino de Jacobo Property Lines.
(Community Services/Housing)**

DODI SALAZAR (Housing Director): Madam Chair, Commissioner the Public Service Company of New Mexico is requesting a 10-foot underground easement along the perimeter of the Camino de Jacobo public housing neighborhood to operate and maintain facilities to provide electrical service to the property. I stand for any questions.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Dodi, didn't we have an easement before? Is this completely new?

MS. SALAZAR: Madam Chair, Commissioner Holian, my understanding, after speaking with PNM is that there is not an easement. When the plans were brought

forward for approval of this development they did not have an easement. So they're coming forward now to request that.

COMMISSIONER HOLIAN: So the lines currently exist in that area already?

MS. SALAZAR: Yes.

COMMISSIONER HOLIAN: And this is sort of just cleaning up, putting in an easement.

MS. SALAZAR: Yes, ma'am.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Ms. Salazar, as far as this easement existing, are there any structures that in violation of this ten-foot that they're requiring?

MS. SALAZAR: Madam Chair, Commissioner, there is not. There are some housing units but they're not going to be disturbed by that 10-foot easement.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Salazar, are these on any County road, this utility easement? Just on a piece of property in somebody's backyard?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, this easement is actually all the way around Camino de Jacobo. It actually abuts the property.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Salazar, are there undergrounding requirements in this area? Are they going overhead? Will there be additional costs to ratepayers?

MS. SALAZAR: Madam Chair, Commissioner, no. My understanding is that there will not.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. So is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

XIV. A. 2. Request Approval of an Easement Agreement Between Santa Fe County and the Public Service Company of New Mexico (PNM) to Install New Electrical Facilities in the Valle Vista Public Housing Sub-Division (Lot 11) (Community Services Department/Housing)

MS. SALAZAR: Madam Chair, the Public Service Company of New Mexico is requesting a five-foot underground easement to install new electrical facilities in the Valle

Vista public housing neighborhood. The easement will all PNM to upgrade to the old electrical system to the residents living in the neighborhood. I stand for any questions.

CHAIR STEFANICS: Thank you, Ms. Salazar. I think back to Commissioner Mayfield's question. Who's going to bear the cost of underground lines if they're not already there?

MS. SALAZAR: Madam Chair, Commissioners, the lines are already there but what is happening is that these lines are old and whenever it rains the tenants in the neighborhood lose electrical power. So PNM has actually approached us. They want to go in there and they want to upgrade those lines. So it's my understanding that they will bear the cost of that replacement.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Salazar, why does PNM need our approval to upgrade or maintain line improvements on existing lines that they have an easement to.

MS. SALAZAR: Madam Chair, Commissioner, I do not know the answer to that.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross.

MR. ROSS: Madam Chair, Commissioner Mayfield, I believe this is the same situation as the previous case that they don't have easements right now. It's another cleanup.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Ross.

CHAIR STEFANICS: So is there anybody with further questions or a motion?

COMMISSIONER MAYFIELD: Madam Chair, we have a representative from PNM I believe. She can answer that question.

CHAIR STEFANICS: Thank you. Identify yourself for the record.

JEANETTE YARDMAN: Good afternoon. I'm Jeanette Yardman with PNM. Madam Chair, Commissioners, in answer to your question, in the Valle Vista subdivision we do have existing facilities that run on the back of the property where there is an existing easement and the transformers were placed there. However, as was mentioned, we will be upgrading the system and what we'd like to do is put the lines in the front of the property line where they're easier to access. We do have some issues with sheds and buildings and landscaping being placed on the back of the property line where the existing lines are, so we're asking to have the easement placed in front where we can access our utilities where all utilities usually are on the front side of the property.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Yardman, thank you. So you're asking to vacate a current utilities easement and create a whole new easement.

MS. YARDMAN: Madam Chair, Commissioner Mayfield, as part of this process today? No. We are not asking to vacate any easements. We're asking as part of this cable replacement project to place the replacement lines on the side lots or the front of the lots where they are easier to access and more convenient to work on when we have issues.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Yardman, then maybe I'm not understanding. So you're going to have two utility easements now on this property?

MS. YARDMAN: Madam Chair, Commissioner Mayfield, at this time, yes. We will still have the transformer in the back of the property. The transformers will stay in place, however the cables that are being replaced will be moved to the front of the side.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Yardman, once those cables are replaced, you're going to vacate that old easement?

MS. YARDMAN: Madam Chair, Commissioner Mayfield, as I stated, as part of this process today it has not been requested that we vacate the easements on the back of the property, however, PNM would be willing to work with the County in order to do that if you so request.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Yardman, it might be difficult, but Mr. Ross, I thought I heard different. That you just wanted to – that you didn't have an easement in place, not that there was a current easement even to move. And now I'm even hearing from you that there are some structures over your existing utility easement and if you maintain that utility easement is there going to be a request to have those structures moved?

MS. YARDMAN: Madam Chair, Commissioner Mayfield, PNM does have existing easements on the back side of the property where the existing cables and transformers now sit. So as part of the replacement project we are asking for new easements on either the side lot or the front lot to put the lines there, and if the County does so request that we vacate the back easement on the back of the property line we will work with the County to do so.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and Mr. Ross, question for you. Would there be a reason why we wouldn't want them to vacate that back easement if they're going to have a new easement.

MR. ROSS: Madam Chair, Commissioner Mayfield, these easements are typically done at the time of platting and don't just benefit PNM but all utilities. So when they don't need the back easement anymore we probably want to take a look at whether there are other utilities using those easements. Typically, they go all the way around the property, and that's what appears to be the case here, looking at the plat.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, is there a plat in our book?

MR. ROSS: Yes. It's the last page of each easement.

COMMISSIONER MAYFIELD: Exhibit A-2?

MR. ROSS: The one I'm looking at says A-4.

COMMISSIONER MAYFIELD: Okay. So Madam Chair, Mr. Ross of Ms. Salazar, what are you going to do for the structures that are currently encroaching on these utility easements?

MS. YARDMAN: Madam Chair, Commissioner Mayfield, could you repeat the question please?

COMMISSIONER MAYFIELD: Madam Chair, that was a question for either Ms. Salazar or Mr. Ross. You indicated that we have some sheds or something that are encroaching on your current utility easement.

MS. SALAZAR: Madam Chair, Commissioners, my understanding is there might be two or three sheds so we would ask the residents to relocate those, move them over.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Dodi.

CHAIR STEFANICS: Thank you. Any other questions or discussion? Is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

CHAIR STEFANICS: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

XIV. A. 3. Request Approval of an Easement Agreement Between Santa Fe County and the Public Service Company of New Mexico (PNM) to Install New Electrical Facilities in the Valle Vista Public Housing Sub-Division (Lots 52,56,57,58 and 59) (Community Services Department/Housing)

CHAIR STEFANICS: So it's the same exact issue, just different lots.

MS. SALAZAR: Yes, Commissioner.

CHAIR STEFANICS: Questions, comments?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

CHAIR STEFANICS: Thank you. We have a motion. Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

XIV. B. Public Works

1. Resolution No. 2011-148, a Resolution Rescinding and Replacing Resolution No. 2011-112 Requesting Participation in the New Mexico Department of Transportation 2010-2011 Local Government Road Fund Program, Road Improvements of County Road 52 (Las Estrellas), in Santa Fe County, New Mexico Under the Capital Cooperative Agreement Project No. CAP-5-11(458) (Public Works Department)

MR. MARTINEZ: Madam Chair, Commissioners, back in August 30th at the BCC meeting the Board approved three resolutions allowing or stating that the County wanted to participate in the local government road fund program, through the NMDOT. The NMDOT forwarded us some information that they needed additional information in these three resolutions. So these next three items are basically rescinding the three resolutions that were adopted in August and replacing them with the three resolutions that are in your packet. I stand for questions.

CHAIR STEFANICS: So, Mr. Martinez, what did they want added?

MR. MARTINEZ: Madam Chair, Commissioners, they wanted the project number, the total project funding amount, and the required matching funds in the resolutions themselves.

CHAIR STEFANICS: Thank you. Questions, comments from the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of Resolution No. 2011-148.

CHAIR STEFANICS: I'll second that. Any discussion?

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I was going to second, but I'm going to try to ask this question. If I can't get this question in please let me know. Madam Chair, Mr. Martinez, will any of this stuff ever go in front of the Road Advisory Committee or no?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, these roads that are on this resolution for possible funding are on our five-year road improvement plan that was put together by the Road Advisory Committee and staff and the Commission and the public. So the Road Advisory Committee helped develop our priorities. So your answer is yes.

COMMISSIONER MAYFIELD: Madam Chair, a segue to my question. When are we going to get the new Road Advisory appointments coming to us?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, we have letters of intent from eight different areas of the Road Advisory boundaries. We need to amend the boundaries of the Road Advisory districts based on the redistricting. So after the Commission redistricts I will bring before you to amend the area because it's a requirement that representatives live in the areas they represent. So those may shift depending on the Commission districts. So we're looking at about November.

COMMISSIONER MAYFIELD: After the October. Thank you, Madam Chair, Mr. Martinez. Last question though. Are we stagnant now on maybe future projects moving forward because we don't have a current Road Advisory Committee?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, no. There's approximately 25 projects that are still in line waiting for funding.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. That's all I have.

CHAIR STEFANICS: Thank you. We have a motion and a second.

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

XIV. B. 2. Resolution No. 2011-149, a Resolution Rescinding and Replacing Resolution No. 2011-113 Requesting Participation in the New Mexico Department of Transportation 2010-2011 Local Government Road Fund Program, Road Improvements of County Road 67 (Old Santa Fe Trail) Also Know as "Camp Stony Road", in Santa Fe County, New Mexico Under the Capital Cooperative Agreement Project No. SP-5-12(160) (Public Works Department)

CHAIR STEFANICS: Any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Robert, for bringing this forward. I guess the question is why is it divided into two parts?

MR. MARTINEZ: Madam Chair, Commissioner Holian, because there's three different funding sources, and as a requirement of the NMDOT we need a separate resolution for each of the three funding sources. Okay. I move for approval of Resolution No. 2011-149.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, I'll second, but I have another question please.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Martinez. Again, hopefully a related question. Different folks have come to me and asked kind of when we approve these projects, when you all go out for RFP, do you look, say with the Better Business Bureau or to see if Construction Industries, if any complaints have ever been filed against maybe subcontractors that would be contracting with us on such paving work?

MR. MARTINEZ: Madam Chair, m mm, that is part of the IFB process where contractors are evaluated based on past performance. These projects here that are before you today will be built with County forces.

COMMISSIONER MAYFIELD: County forces. Thank you, Madam Chair. Thank you. That's all I have.

CHAIR STEFANICS: We have a motion on the floor for approval. Any further discussion?

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

XIV. B. 3. Resolution No. 2011-150, a Resolution Rescinding and Replacing Resolution No. 2011-114 Requesting Participation in New Mexico Department of Transportation 2010-2011 Local Government Road Fund Program, Road Improvements of County Road 67 (Old Santa Fe Trail) Also Know as "Camp Stony Road", in Santa Fe County, New Mexico Under the Capital Cooperative Agreement Project No. SB-7801-(994)12 (Public Works Department)

COMMISSIONER HOLIAN: Madam Chair. I move for approval of Resolution No. 2011-150.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you. Any further discussion?

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

IV. C. Growth Management

1. Request Approval of Ordinance No. 2011-7, an Ordinance Amending Ordinance No. 2008-13 and Its Related and Authorized Project Participation Agreement Between Santa Fe County and Bicycle Technologies International Ltd. (Growth Management/ Economic Development)

CHAIR STEFANICS: Since this is an ordinance, don't we need a public hearing? Okay. So let's have a presentation, then we'll go to public hearing.

DUNCAN SILL (Economic Development): Madam Chair, Commissioners, good afternoon. Back in 2008 the County Commission adopted and approved by Ordinance 2008-13 supporting the Local Economic Development Act project for the Bicycle Technology International, Inc. Company. They also entered into a project participation agreement with the County at that time which delineated the respective responsibilities and the performance activities. In addition to that we received a grant from the New Mexico Economic Development Department in the amount of \$315,000 in support of the capital improvement of that project.

Because of the recent challenges in the financial market the project is taking longer to materialize and they needed a little bit more time to negotiate with their financing institutions, and therefore there was a request to the state to extend the grant award term until December 31st of this year. The original term was expiring on June 30, 2011. That has since occurred and received approval from the State Economic Development Department.

In order for us to recognize that we needed to amend the language in the project participation agreement. On August 30, 2011 the BCC approved the publishing of title and summary from that action. That has been completed. I'm here today to present the material on the amendment of the ordinance. In addition to the time extension there were a couple of cleanup items that our Legal staff wanted to clean up. The first one being that we needed to make the language concerning the creation of the new job consistent with the grant agreement. Previously, there was only a statement about the creation of 40 new jobs. It didn't have the number of labor hours in there. So now the 8,300 hours of additional new hours as a result of this project is reflected in the PPA and the other item was an update of the general liability from \$1 million to \$1,000,050 dollars. That's consistent with County procedures. So I stand for questions.

CHAIR STEFANICS: Thank you. Before we go to the public, questions, concerns? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Sill, where's the specific location of the project?

MR. SILL: The proposed site will be located within the Community College District, off Richards Avenue. They had selected a parcel that's over 11 acres a couple of years ago so they're working closely with the developer in Rancho Viejo in order to ensure that that particular initiative could move forward. They're also considering other sites in the event that this may not be viable.

COMMISSIONER ANAYA: Thank you, Madam Chair. I think the potential jobs and economic challenge is understood. I'd like to hear from the rest of the Commission.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So Duncan, December 31st is really just around the corner. Is this going to be a long enough extension?

MR. SILL: Madam Chair, Commissioner Holian, that was the agreed-upon timeline from the state of New Mexico knowing that there are several things that are being negotiated right now between BTI and the financing institutions. So we are monitoring this on a weekly basis. In the event we needed more time that request would be presented back to the state but we believe that at that point when we negotiated the extension that this will be something that could be achieved. It also puts kind of a little bit of a burden on the company itself to make sure that they stay on task.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you. Okay, we are now open to the public. This is a public hearing. Is there anybody here to speak for or against this ordinance? Seeing no one, the public hearing is closed. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

MS. MILLER: Madam Chair, could I ask one questions?

CHAIR STEFANICS: Yes.

MS. MILLER: Based on Commissioner Holian's question about December 31st, it might not be a bad idea, since the grant itself only goes through December 31st, but we had an extension and it took us two months to get that extension passed and then to you, and then it's taken two months to get this ordinance passed and to you, so I would think it might be prudent to extend that date beyond December 31st, even though I know Duncan said to encourage BTI to get moving, but even just closing alone for their land and all that could take as much time as we're giving right now. So I don't think it's a problem for you to actually make this a little bit longer than December 31st, maybe March or June of next year, and then either way, we would still have to go back to the state to extend the grant, and that would come back to you. So just in the interest of not having to do this again in three months you might want to make that a little longer.

CHAIR STEFANICS: Let me ask a question first though. Has the state imposed that deadline? December 31st?

MS. MILLER: Madam Chair, yes. The grant from the state only goes through December 31st. We got an extension from June to December 31st, so we would still have to go get an extension to that grant if we wanted to use that grant, but then we'd have to turn around once again and come back for an ordinance extension as well. So what I was saying is extending the ordinance a little longer than the grant gives us the ability that in case that grant expires, we can ask for another extension on the grant – because that's going to push BTI anyway, but then you wouldn't have to come back and extend the ordinance as well.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I would like to then move for approval of the ordinance but with the amendment that it be extended until June 30, 2012.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay. Thank you. There is a motion and a second to an amended ordinance 2011-7, taking the date out to June 30, 2012. Any further discussion?

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

XIV. D. Finance Division

1. Review and Discussion of the Monthly Financial Report for the Month Ending August 31, 2011

TERESA MARTINEZ (Finance Director): You have before you the standard monthly report. I want to specify that the color coordinated charts, if you will, bar-type charts are based on data received for the month of July and August only. And then the data reflected in the property tax and in the GRT charts are through September since we received that data prior to submission of the packet material.

You can see that for recurring revenues through August we had a total of \$18.6 million. We had recurring expenditures of \$13.6 million. We saw an increase of grant reimbursement requests, requests that were submitted in June were actually received in July and August, increasing the revenue to a total to about \$5.9 million, so we have sufficient resources to cover our expenditures.

Our lion's share of revenue obviously still comes from property tax and from GRT, so for the month of August, through August we had property tax collections of about \$2.2 million and GRT collections of \$7.4 million.

Our expenditures are on page 2 of the report and they're broken down by our major budget categories. Again, our larger share of expenditures attributable to salaries and benefits at \$8.2 million, and then you can see we have contractual at about \$1.7 and insurance and deductibles at \$1 million, and other operating expenses, specifically utilities, seminars and training, subscriptions at \$1.6 million.

We included on page 3 the year-to-date capital expenditures through August and they're broken down by major category. You can see that thus far our high-end expenditure are the judicial, open space projects, solid waste and facilities projects. Also included within this report on page 4 and 5 are updates on the property tax collections and the GRT tax collections. Property tax has been a little bit off what our monthly trend has been or our monthly forecast of budgets, if you will. But it's important to note that we're still over budget. We have actual collections of \$2.2 million to the end of September and that exceeded the budget by almost \$500,00 – \$492,000.

We saw that July was a very heavy month. We received a lot of money in July, more than the budget forecast, and then we saw that we had dips in August and September, so we will keep a close eye on this.

Again, the GRTs are holding their own. They did just about two percent better than budget. It's important to note that we did a downward cut again of the unincorporated GRTs to the tune of 12 percent and they're coming in under budget, so we're keeping a close eye on those as well.

And relative to budget cuts, all of the budget cuts as we have reported as of last fiscal year are still in place. Those include frozen positions, smart buying concepts, the restructured satellite offices, etc. Those are still in place and we are moving forward with already thinking about planning for the next budget preparation for the next cycle, mid-year reviews and I'll stand for questions.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, Ms. Miller, on the second chart, at first glance it reflects a surplus but that can be a little deceiving because of the reimbursements and the grants. So if there's a way that we can articulate that, put it on the website so that it's explicit as to why we have that jump in growth. I fully understand why, but I think that if the public looks at that they might not understand some of the root background of it. So if we could maybe have another chart or figure out how to segregate those two to delineate that we have a balance because we maybe had three months that we just took in. I think that might be helpful. Because at first glance it looks like, oh, wow, we're way ahead; and we're actually not. We're just playing catch-up on some of our reimbursements. Do you want to respond to that, Madam Chair, Ms. Martinez?

MS. MARTINEZ: Madam Chair, Commissioner Anaya, that's fine. Typically what we do is after this meeting we send this verbal report and then we send the individual charts, so they're both posted on the web. But I'll make sure that we have a chart that identifies the difference between the two.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you very much, Teresa, for the snapshot. It does look – I don't see any red flags. It makes it seem we're pretty much staying on budget. My question is could you refresh my memory as to how much in the way of cash reserves we're on target to use this year if we stay in budget?

MS. MARTINEZ: If we stay in budget – as you'll recall we have gone down from typical years past of \$14 million to balancing the budget this year with \$4 million, and we appear to be on task for staying within that mark.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Ms. Martinez, what are typical miscellaneous expenses, on page 2?

MS. MARTINEZ: On page 2, let me look at that. Very small. This would be something that we really don't have like a major line item for, so you could have something like a 7090, which might be an other operating – something that would not fall within your

normal salaries and benefits. I would have to go look at the detail to see what that \$18,000 is thus far.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, I can get that from you later, I just wanted to know if maybe those are professional dues or –

MS. MARTINEZ: Those would hit within the operating category, so I need to look that up for you.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, you mentioned in here the positions that were under the hiring freeze still. What page was that on?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, it's just within the paragraphs under the summary of budget cuts on page 5.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, Ms. Martinez or Ms. Miller, you guys may have already given this to us, but do you have which are the frozen positions that this County has authorized and which hasn't? My reason is there's a lot of postings out there and I know that we need a lot of positions filled within this organization still, but if we are able to recoup some of this cash I would like to see, and if it needs to be a policy decision of where we can help these folks on staff. I'm going to just say it again, in Public Works, with getting some additional staffing in there. I don't know how those hirings are going out or how they're coming in or how that decision is being made of when we decide to post for those positions. But I just want to see what this Commission as a policy authorized as far as the freezes and then I guess new hires or emergency hires.

MS. MARTINEZ: Okay.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, I agree. I think that it's important that we maintain adequate reserves but at the same time we also make sure that we're staffed to the levels that we need to be staffed, so I would concur and agree with the recommendations of Mr. Mayfield.

COMMISSIONER MAYFIELD: That's all I have, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you. I just would like to comment for the public's information that this morning in the Indigent Board meeting we were requested by Christus St. Vincent Hospital to supply a supplemental dollar amount that would be matched with federal funds. That item will be under discussion and consideration moving on into October, so for any individuals who are interested in that, the discussion had to do whether or not we had any funds and either the second eighth of the indigent funds or from reserves that could be made available. So that's just a notice of an item that has to do with our finances, that I wanted to let the public know about.

Anything else, Ms. Martinez, on this? Anything else, Commissioner? Okay. Thank you very much for that report.

XIV. D. 2. Resolution No. 2011-151, a Resolution Requesting an Increase to the GOB Series 2009 Fund (335) to Budget Cash Carryover for the Caja Del Rio Road Project / \$31,730 (Public Works Department)

MS. MARTINEZ: Madam Chair, Commissioners, this is a road project that's funded by multiple bond proceeds, and in this particular case there was an encumbrance that was liquidated between the budget timing and planning, so with that liquidation we're asking to just increase the budget so that we can complete the roads.

CHAIR STEFANICS: Questions, comments, discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Okay, we have a motion and a second. Any further discussion?

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

XIV. D. 3. Resolution No. 2011-152, a Resolution Requesting an Increase to the Fire Protection Fund (209) to Budget the Fiscal Year 2011 Cash Carryover for Various Fire Districts and to Adjust the Fiscal Year 2012 Budget for the Current Year Allocation to the Actual Distribution Amount for Each Fire District / \$1,912,375 (Community Services/Fire)

MS. MARTINEZ: Madam Chair, Commissioners, typically, when we begin the budget processing we don't have the secure data or the final numbers, so this is an attempt to do the final allocation and also budget carryover once we've been notified. So within that we have a carryover amount totaling \$1,865,850 and then an increase to the current year allotment to bring it in order of \$49,603. So the total amount is \$1.9 million that you have before you. And I know that the balances look large and I'll tell you that many of the districts will grow their money, if you will, over the course of a year so they can afford to buy the apparatus and the equipment that they need. So I questioned the large size of the carryover. It has been appointed, if you will, so that we would have sufficient funds to purchase some of the items that are in line to be purchased.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield, and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Ms. Martinez, what was the need for it? Why was this much money left in the coffers to be carried over? We're not spending it?

MS. MARTINEZ: Madam Chair, Commissioner Mayfield, no. It was intentional in that we needed to save enough from each of the year's allocation so that we could buy some of the larger apparatus and some of the equipment needs for Fire.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Martinez and Chief, I appreciate that, but we take the potential of them sweeping these dollars from us also. For whatever reason, the State Fire Marshal's Office receives direction from the state legislature that there could be a potential sweep of these dollars – at least that's how I've seen it done in the past. I don't know if you want to comment on that.

DAVE SPERLING (Fire Chief): Madam Chair, Commissioner Mayfield, I did speak with the State Fire Marshal's Office and they too express that concern. You have to realize I think that that may certainly do. Purchasing a water tender, we're looking at \$200,000 to \$250,000. A fire truck, in excess of \$300,000. And the fire districts do have to bank that money from year to year in order to be able to afford these pieces of apparatus. So we did provide justification to the Fire Marshal's Office for each amount in excess carried over of \$150,000 and they did approve those carryovers. And I told them that this year we would be expending those larger carryovers on apparatus. So we do have an approval from the Fire Marshal's Office in writing and we all felt that this was sufficient for this year.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Chief. So you will plan on having this money spent by fiscal year 2012, or can you purchase these apparatus and this other related equipment for this fiscal year?

CHIEF SPERLING: Commissioner, on the higher carryover amounts we do have a plan in line with our five-year plan to expend those amounts. There will be some districts which will continue to carry over some funds for next year, because we don't quite have enough to expend yet.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Chief Sperring. As far as our fire districts we have 14 in Santa Fe County? Sixteen?

CHIEF SPERLING: Fourteen fire districts.

COMMISSIONER MAYFIELD: Fourteen fire districts. Are they – how does the formula work for equitable distribution or how is the formula set up for each of those 14 fire districts?

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, the funding comes from the State Fire Marshal's Office based on a formula that revolves around main stations and substations in each fire district, as well as the ISO rating assigned to each fire district. So the money's that are dedicated coming from the Fire Marshal's Office go to these specific fire districts for expenditure.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Chief, and again, those monies can't be pooled for say, the fire district that needs a tender truck, a water truck up in District 1, 4 or 3? We can't do any pooling of that money and station it in, say, one area, where we can move that fire truck around?

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, that's correct. The money has to be expended in the district in which it's assigned by the Fire Marshal's Office.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Chief.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, that clarification that Commissioner Mayfield just brought forth was what I was going to restate and clarify and I guess just along the lines of Commissioner Mayfield's comments, because we have seen sweeps of money in the past in other areas is that does the five-year plan accommodate smaller purchases by district? And if not, maybe we need to have a subset backup plan, if you will, to accommodate a potential sweep, if we typically get some, albeit brief notice before that occurs. We might want to think about a subset plan that deals with smaller purchases that districts could quickly activate using state contracts and other contracts to accommodate. So I appreciate those comments and maybe that's something you could think about if you don't already have it. Do you have something like that?

CHIEF SPERLING: Madam Chair, Commissioner Anaya, we do every year talk about, put in writing, the smaller purchases that are needed. For instance, this year we have a plan and have applied for a grant to replace self-contained breathing apparatus for each district. Those would be considered smaller purchases, but taken in sum come to a considerable amount.

COMMISSIONER ANAYA: Thank you, Madam Chair. I'd move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you. We have a motion and a second for approval of Resolution No. 2011-152.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Oh, I'm sorry. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Chief Sperling. I just had a question. If a fire district does fundraising in their district to get contributions from the people who live there, can they add that money in for their purchase?

CHIEF SPERLING: Madam Chair, Commissioner Holian, on occasion that's been allowed but fundraising that takes place on the district level generally is done under the auspices of their 501(c)(3) and so we separate the government budgeting functions, the 501(c)(3) function, when it comes to purchasing apparatus and that sort of thing.

COMMISSIONER HOLIAN: So generally they use the 501(c)(3) money for a separate purchase.

CHIEF SPERLING: That's correct.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you. We have a motion and a second for approval.

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

XIV. D. 4. Resolution No. 2011-153, a Resolution Requesting an Increase to the Fire Operation Fund (244) to Budget a Grant Awarded Through the New Mexico Department of Health-Emergency Medical Systems Bureau to Purchase an Ambulance for the Pojoaque Fire District / \$80,000 (Community Services/Fire)

MS. MARTINEZ: Madam Chair, Commissioners, as you stated, this is to budget a new grant for the purchase of an ambulance for \$80,000. Now, that amount will not cover the total cost but we estimate that cost to be somewhere in the neighborhood of \$162,000, \$165,000 when it's all said and done, and the difference will come from what is still available in the fire excise tax fund. And I stand for questions.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, thank you, or Chief. This acquisition can be used under mutual aid agreements with Rio Arriba County, correct? With other areas in the City of Santa Fe if they have to respond?

CHIEF SPERLING: Madam Chair, Commissioner, that's correct. This can be used throughout Santa Fe County, responding from the Pojoaque District. Thank you, Madam Chair. If there's no questions I'll move for approval, Madam Chair.

: Second.

CHAIR STEFANICS: Thank you. There's a motion and there's a second. Any questions or discussion?

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

XIV. E. Matters From the County Assessor

1. Request Approval of Lease Agreement with Georgia Place, LLC, Office Rental Space for the Santa Fe County Assessor's Office Located at 128 Grant (Assessor's Office)

RICH LOPEZ (Senior Appraiser): Domingo Martinez and similar staff are out to a conference in Boston, I believe, so I'm here representing the office. This is a two-year lease. It's for four suites for six people. It's currently, the lease is for \$1,890 a month or \$22,680 a year. It's five percent higher than last year. It hasn't been renewed in two years. Currently they're on a month-to-month lease pending approval by the BCC of the lease agreement. The money is coming from the one percent money of our valuation fund.

CHAIR STEFANICS: Okay, questions, comments from the Commission, before I ask mine. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And Mr. Lopez or maybe Ms. Miller. I know we recently or at the beginning of this year entered into a lease agreement, additional lease agreement with the Bokum Building. Is there no other available space in the Bokum Building?

MS. MILLER: Madam Chair, Commissioner Mayfield, the only other space – I actually think we just extended the lease we had but we negotiated the lower price. There

wasn't really any additional space in there that would accommodate the offices that the Assessor had. We were actually trying to reduce our lease space even in there. I'm glad you brought that up because that's going to need to come up again here for renewal within the next couple months, or another place.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Miller, the only reason I'm asking, I know in fairness to our Bokum Building staff there's a huge conference room in the Bokum Building. The kitchen area, our Fire Marshal used to be in there, so I would assume that that staff could hold four office spaces in it. That space.

MS. MILLER: Madam Chair, Commissioner Mayfield, actually, we have looked at that, because one of the things, when we were looking at reducing space over there we were looking at relinquishing the first floor and moving possibly teen court or probate office up there, but it wasn't great space for anybody who might come in and out of the area. So that was one of the main issues for it is that it's not a real good place for visiting traffic.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Miller. You mentioned teen court and stuff. We might look at going for some of that space in the next proposal you bring to us?

MS. MILLER: Madam Chair, Commissioner Mayfield, what actually happened is that they reduced our rent yet let us keep that space for the reduced price. So the lease that – we did a year with another option year but it was with them actually giving us that space, more or less, even with the reduced rent.

COMMISSIONER MAYFIELD: Thank you, Ms. Miller. And Madam Chair, one last question. The construction of the new County courthouse, scheduled for completion in December 2012?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: And then are we looking at maybe renovation of the – I'm going to call it the old courthouse, and how long do we anticipate that taking?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think that would depend on what you decide you would like to do with that facility. We will be bringing some options to you as to whether you want to use it just for County office space, whether we do a combination of office space and retail space, or whether we would look at something completely commercial and planning a completely different space for County offices. So we're going to be bringing some proposals back of how you would like us to proceed with that facility and that will determine how long renovations will take.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And Mr. Lopez, is this \$22,000 for an additional two years?

MR. LOPEZ: I believe that's per year for two years.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Miller, this didn't have to go out for RFP but did we look with surrounding areas. I know we wouldn't really want to relocate some folks and we have to take that into consideration, but there might be some competitive square footage, right in the vicinity of the downtown courthouse.

MS. MILLER: Madam Chair, Commissioner Mayfield, one of the things with the Assessors, because their entire staff is right here. Being basically on this corner was a critical factor in the selection of those offices to make sure that they are really close to the

staff. Obviously, when we finish the courthouse and move out the idea would be to get all of those ancillary leases throughout the area eliminated. One of the things we've looked at is each time we've had to renew these is that it costs us to set up all the IT functions, and that was another factor in why we ended up extending at Bokum. So one of the factors to consider for these offices, because we'd have to rewire anywhere else. Plus the distance from their own staff, because it is just a few offices that are needed for overflow from the Assessor's.

COMMISSIONER MAYFIELD: Okay. Thank you. And Madam Chair, Ms. Miller, or Mr. Ross, is there anything that requires the officials of County government to be housed in the downtown courthouse?

MR. ROSS: Madam Chair, Commissioner Mayfield, the elected officials all must be housed in the County seat but not in the County courthouse.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. That's all I had.

CHAIR STEFANICS: Thank you. Other questions before I ask mine? Okay. I really have some concern, and I'm directing this to the County Manager and then you can take back this comment to our Assessor. I have concern about the Assessor's Office being split. And I also would like for us to think about, even if we approve this two-year, that within two years that we get the entire group together and we make it more accessible to the public. The public does come in to look up records. They do come in to file protests, and we continue to have a major parking issue. So while I might consider this as a stopgap measure I still don't see it as being the ideal situation. So that's my only comment. What's the pleasure of the Commission?"

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

CHAIR STEFANICS: Is there a second? I'll second.

COMMISSIONER ANAYA: I was going to second. I have a comment, Madam Chair.

CHAIR STEFANICS: Certainly, Commissioner.

COMMISSIONER ANAYA: Madam Chair, I think we do need, as you said, to keep the shops together and maybe as part of retooling and revisiting what we're going to do with the other courthouse being part of it. This is the office that the Assessor and the Deputy Assessor utilize, and who else is in there?

MR. LOPEZ: Madam Chair, Commissioner Anaya, it's the Assessor and the Assessor's attorney. We have our administrator and we have two property control people and I believe one temp.

COMMISSIONER ANAYA: Excellent. I was going to say the Assessor could share my office. We could each have a chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a question that brought up. Madam Chair, does the Assessor have a full-time attorney? A contract attorney? And we paying for space if it is a contract attorney?

MS. MILLER: Madam Chair, Commissioner Mayfield, if it's a contract attorney then we should not be paying for space for a contract attorney.

COMMISSIONER MAYFIELD: Could we look into that please?

MS. MILLER: Yes.

CHAIR STEFANICS: There are specific IRS rules about that so I think we have to – that's another message to take back and our Manager will look into it as well.

COMMISSIONER MAYFIELD: Madam Chair, I'm not going to approve something if we're putting space out there for a contract attorney.

CHAIR STEFANICS: Okay, so let's recap. Who are all the people in this rented space, Mr. Lopez?

MR. LOPEZ: Madam Chair, there's the County Assessor and a temp, and then we have two property control people, then we have our attorney, and we have the administrator. So there's six.

CHAIR STEFANICS: So who made the original motion? Could you amend it to make sure it does not include the contract attorney?

COMMISSIONER HOLIAN: Yes. I amend my motion so that this rental space cannot include the contract attorney.

CHAIR STEFANICS: Yes, Ms. Miller. Penny was just saying that the memo actually says five spaces. I think that the contract attorney may rent their own space. So they may be over there but I don't think it's part of this lease. Because that is complete news to me and we should not be paying for that contract attorney and I don't think so. I think she rents her own space and we are only renting five offices.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Can we make sure that that's verified, please.

MR. LOPEZ: Madam Chair, I'm not exactly sure on that. I was just looking at my view of the premises, but I don't know that the contract attorney is actually paying for her own space or is under the County.

CHAIR STEFANICS: Okay. If we go back to the memo, Commissioners, it says the leased property includes four office spaces utilized by staff and myself. So, Ms. Miller, I think we just have to verify that those five additional people are in fact County employees.

MS. MILLER: Madam Chair, we can go back and verify it later. Everything we have known from the County administrative side is that we are only leasing County employee or elected official occupied spaces. We can go over there and verify that. If you don't want to approve this today or if you want to approve it contingent upon that we can verify it, bring it back at the next meeting or we can approve it contingent upon it.

CHAIR STEFANICS: Commissioner Holian, you have the –

COMMISSIONER HOLIAN: Well, Madam Chair, I guess I would like to move for approval contingent upon verifying that the contract attorney does not occupy space that we are paying for.

CHAIR STEFANICS: Commissioner Anaya, you had a comment?

COMMISSIONER ANAYA: I was just going to say, Mr. Lopez, you're doing a good job doing the presentation. We just want to make sure that we're not doing anything that we shouldn't be doing and I realize that this space is for our elected official and the staff and that our ultimate goal is to keep them as close as we can to the courthouse for now, but you're doing fine and I would support the motion Commissioner Holian made.

CHAIR STEFANICS: Okay. Any further discussion on this?

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

CHAIR STEFANICS: Okay, it is approved with the contingency. Thank you very much for your presentation today.

MR. LOPEZ: Thank you, Madam Chair.

CHAIR STEFANICS: Commissioners, we're going to take a five-minute break before we get into redistricting.

[The Commission recessed from 3:35 to 3:40.]

XIV. F. Matters From the County Manager

MS. MILLER: Madam Chair, I have just a couple of updating items before we get to the redistricting. One of those is the legislative session ended and I believe that Hvtce forwarded an email to you in addition to the redistricting bill, and one of those was a capital outlay bill. I just wanted kind of a nod from you if you would like us to send a letter signed by the chair of the Commission to the governor encouraging her to sign the capital outlay. In there is \$274,000 to purchase and equip vehicles for senior centers countywide in Santa Fe County, so that would probably the City and County senior centers; \$7,150 to make improvements for building code compliance including purchase and installation of equipment to the Edgewood Senior Center in Santa Fe County; and then also Indian water rights settlement severance tax bonds for \$15 million appropriated to the Indian water rights settlement fund which would – the Aamodt settlement is one of the cases eligible for funding from that fund.

So I just wanted to update you on that so make sure you're in agreement with sending a letter signed by the chair to the governor encouraging her to sign that.

CHAIR STEFANICS: Commissioners, this is not an action item but is there any opinion about sending a letter of support?

COMMISSIONER HOLIAN: Madam Chair, I think that's a good idea.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Who carried the legislation on each of those items?

CHAIR STEFANICS: It was one capital bill, wasn't it?

MS. MILLER: Madam Chair, I believe so. I think it's the main capital bill.

COMMISSIONER ANAYA: Right. But somebody put in the money amounts. Do we know who did?

MS. MILLER: For each of the items? We can probably find out.

COMMISSIONER ANAYA: Yes, if we could. Yes, I don't think it would hurt to send a letter, Madam Chair.

CHAIR STEFANICS: Okay, so I think we have some direction.

MS. MILLER: Okay. Also, I wanted to bring up that usually as we get into November and December, our BCC meeting schedule gets a little changed because of the holidays, and one of the questions I have is that November 29th is the last Tuesday of the month. I think we usually do have at that meeting, but that's the week after Thanksgiving. That would be our regular scheduled November meeting, November 29th. I would think that we would still have that meeting but I want to make sure that everybody's in agreement with that.

Then December 27th is the last meeting which would normally be our admin meeting for December. That's between Christmas and New Year's and we would probably want to cancel that meeting as we usually do. So I just wanted some thoughts on those meeting dates.

CHAIR STEFANICS: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would suggest we move the administrative items to the second meeting in December [sic] and we go ahead and cancel the 27th meeting.

MS. MILLER: Okay. Let's get some other opinions. Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'm fine with whatever you all want.

CHAIR STEFANICS: Okay.

COMMISSIONER HOLIAN: Madam Chair, I'm fine with that.

CHAIR STEFANICS: So it looks like we'll have two meetings in October, two meetings in November and one meeting in December.

MS. MILLER: Yes, Madam Chair.

CHAIR STEFANICS: Okay. Thank you.

MS. MILLER: And another item is the intergovernmental summit. Last – we were going to have one in September but the schedules were not working for everybody, so we now have a date that appears will work for the Commission, all the Commissioners, as well other participants, and that would be November 16th, and we are currently getting close, based upon all the feedback on that day being the best date, working with everybody's schedules. We will now go get quotes from a number of locations, make sure that they're available. We're looking at Sunrise Springs, Museum Hill, Rancho Encantado, Las Campanas, Bishop's Lodge. We have not picked a location. We're waiting for the quotes. If you have any other potential locations you'd like us to look at we'd be happy to do that, and then I guess I'll stop with that. And then I have some agenda items for that.

CHAIR STEFANICS: Okay, on that point, the comment I'd like to make about the intergovernmental summit is that I had been told it might be until 5:00 pm, and one of the things that normally happens is that by about 2:00 pm, most elected officials have disappeared, because this is our surrounding counties, our surrounding cities and our pueblos. So I just would caution about an agenda that goes to 5:00 pm. Commissioner Anaya, you had a comment.

COMMISSIONER ANAYA: Actually, I wanted to know, because I know we started out with a tribal summit and then it expanded. What governmental entities are we including? Because I'm hopeful that if we're going to have an intergovernmental summit that we can incorporate everyone. So who is it?

MS. MILLER: Madam Chair, Commissioner Anaya, we do invite all of the tribal governments. We invite the federal delegation, the cities/municipalities –

COMMISSIONER ANAYA: Edgewood, Espanola. Pecos? I'd like to invite Pecos.

MS. MILLER: I'll double-check but we can definitely – and then also State agencies that have a lot of interaction with us.

COMMISSIONER ANAYA: I'd like to also consider inviting the counties.

CHAIR STEFANICS: They have attended in the past.

COMMISSIONER ANAYA: The surrounding counties.

MS. MILLER: Okay.

COMMISSIONER ANAYA: And just one other suggestion, and maybe it's a little different, but the superintendents of the schools. Or the board chair. Those two.

MS. MILLER: The school districts. Okay. From Santa Fe and Pojoaque.

COMMISSIONER ANAYA: Espanola, Moriarty, Pecos.

CHAIR STEFANICS: On this point, if we invite the school boards or districts, which I have no opposition to, there needs to be some relevancy to the agenda for them. So I'd be interested in knowing what we intend to address at this year's intergovernmental summit.

MS. MILLER: Madam Chair, that's a great segue into the second half of this item which was agenda items at this point. So right now, based on – and Hvtce Miller has been working on this and talking to the federal delegation and the tribal entities and other governmental entities as to is there anything that they would like to discuss, and so these are the things that have come up at this point. The emergency management, intergovernmental interaction for the Las Conchas and Pacheco fires, so that would include discussions from Santa Fe County and other emergency management personnel, Forest Service, and then other entities that were involved in response there. Animal control issues, related to the fires, dealing with the shelter and also on that issue, municipal, county and tribal governmental relations on what we're doing on animal control issues and concerns they have. The New Mexico Sustainable Water systems work program, which is a cooperative from Senator Bingaman's office, and then Take Back Communities, working together with various agencies to see a healthier and safer community. And that is an initiative that we've been working with Congressman Lujan's office on.

So that's what we have so far. Also we ask that you block out the full day, however, we're looking more at a schedule of about 8:30 to 3:00 and any of these items can be changed, added to. If you have issues that you think are relative countywide that other entities would also be interested in we're open for any other items to add to the agenda.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, relative to schools, Public Works on a regular basis deals with transportation supervisors within the school districts. Law enforcement deals with the schools on a regular and ongoing basis, and Fire deals with the schools on a regular and ongoing basis. Our prevention team that we had here today are four areas where there's direct interaction, so as a starting point those might be places to start from. But I think there's an opportunity within these governing boards, school boards and others to help being reciprocal in conveying information to one another about different projects and programs we're working on and that they're working on as a communication tool.

So I think as an example, I think in southern Santa Fe County and even throughout Santa Fe County each of the school districts has excellent message boards as a simple item. I want to approach the school districts in District 3, especially in the summer months but even during the regular year to start using those message boards when they're not conveying a message from the school district to say the County's having a meeting for growth management or our BCC meeting, or whatever, to begin to get better ways to get messages and information out as a simple example. I think maybe by having them in the room we might learn that there might be other ways that we could work together.

CHAIR STEFANICS: Thank you. Any other suggestions from the Commissioners about the agenda or topics?

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller and Hvtce is here, are there any past topics that have been discussed in prior intergovernmental summits that maybe haven't been addressed or come about that we could look at?

HVTCE MILLER (Constituent Liaison): Madam Chair, Commissioner Mayfield, I think two major topics that had been brought up before in past summits were road issues and land use issues regarding County interaction in tribal governments. Those are always ongoing for the County. I think that they can be brought up again, now that we're looking at the Land Use Code, so if you would like to incorporate that in some manner then we could do that.

CHAIR STEFANICS: On this point, it was either last year or the year before, we were asked by other entities if we at SWMA could take their trash, and I don't think there was ever any resolution to that. And that came up at the intergovernmental summit.

MR. MILLER: Madam Chair, that is correct. That was at last year's and that was brought up as a topic. It was an item for SWMA itself to bring forward and address and I do not know whether that board ever addressed that or not.

CHAIR STEFANICS: Commissioner Mayfield, you still have the floor.

COMMISSIONER MAYFIELD: Madam Chair, I know that I brought that up also in the SWMA board and I think Mr. Kippenbrock said that he would definitely look at it. I think there's some issue again with the cost for the disposal there at the dump plant, I guess. The site plant. But Madam Chair, if there's some topics, such as – I know at least in District 1 with the pueblos, there's always the question of trespass, or land-locked pieces of property. You and I discussed that and I think we have a meeting with the governor of Tesuque Pueblo. But if those issues are topics it may well go past 5:00. I don't know if anybody would entertain a two-day summit, or at least a follow-up.

But I would just hate to see things that have been addressed in prior summits that have gone unaddressed. Because that's where we get to. We bring up a lot of topics, a lot of discussions, but they never materialize or manifest into anything getting done, so I would hope that we could address any outstanding issues also. Thank you. That's all I had, Madam Chair.

CHAIR STEFANICS: Anything else on the agenda or topics? Thank you. Anything else, Ms. Miller?

MS. MILLER: Madam Chair, one other small item before we go to redistricting, and that is that in April, I participated in a program with the International City and County Managers Association on helping other governmental entities with their credit

ratings, and I went to Argentina and worked with the City of Mendoza, and now as part of this program – and it's sponsored by ICMA, but now they're bringing individuals in to see how we run our operations in Santa Fe County. They're going to be visiting on October 12th through the 14th, and it will be potentially the mayor from the City of Mendoza. If not him, their Finance and Administration Secretary and their Finance Director, and also individuals from the province of Salta. So we're going to be working with them, showing them around the county and showing them how we have obtained such a high bond rating, and they'll be here and we'd like to invite you to meet them and also any suggestions you have of things they might want to see, points of interest in the county, we'll be entertaining them, more or less, from an educational perspective about Santa Fe and Santa Fe County for those three days. So I just wanted to let you know that.

CHAIR STEFANICS: Thank you, Ms. Miller. You know, we have had many international visitors come and usually it's been coordinated by the Council on International Relations. And we have actually put together different topics that Commissioners have shared with elected officials or members of administrations from other counties. So you might consider whether or not you want to use an hour and a half or morning for the Board or other elected officials to share any information. But that's just an idea. But great. Thanks very much for sharing with that country and we want to make sure that we welcome them to our community here.

MS. MILLER: Okay. That's all I have other than the redistricting. So with that we can move to the redistricting. This today is our first public hearing.

XIV. F. 1. Ordinance No. 2011- ____, an Ordinance Adopting the Santa Fe County Redistricting Plan, Amending Ordinance No. 1989-10, and Repealing Ordinance No. 2001-13, to Reassign Precinct According to the Five Commission Districts, in Accordance with the 2010 U.S. Census and According to County Redistricting (First Public Hearing)

CHAIR STEFANICS: This being our first public hearing what we will first do is we will have a presentation from staff, Mr. Erle Wright and anyone else. The Commission will ask questions and discuss and then we will turn to the public comment. No vote will be taken today; that is designated for our meeting in October and Ms. Miller, is it for the first meeting in October? The vote?

MS. MILLER: Madam Chair, Commissioners, yes. That is what we had intended. We'll have two public hearings. At the close of the second public hearing we would actually make a decision for the redistricting.

CHAIR STEFANICS: And as a preface to the public, one of the things that we did do, based upon recommendations from the League of Women Voters is we did come up with a selection of five maps to consider. We had started out with something like 11?

ERLE WRIGHT (GIS): Three and then 11.

CHAIR STEFANICS: Three, then 11. We've gotten it back to 5. We have posted some descriptors on the website as well to help the public consider that. At our last

meeting Commissioners did ask Erle to look at some other possibilities. So Erle, Mr. Wright, why don't you go ahead?

MR. WRIGHT: Thank you, Madam Chair. Yes, there was a request to study the feasibility of a couple of additional options. That was done essentially in spreadsheet format and looking at the hard-copy maps. Didn't actually produce new maps or the GIS data sets to actually do full-blown racial/ethnic statistics or the urban/rural numbers. So the results are just kind of very general at this point.

One of the requests was to look at the feasibility of moving La Cienega into District 2 without moving some other precincts closer to Airport Road. That turned out – it was certainly feasible but produced some pretty severe impacts, major impacts to Districts 3, 4, and 5. I can detail those if need be, but in a nutshell that was the result. And it's mainly do – and I can explain it a little bit, but it's really, some of our largest precincts are in that area and if you remember, at Commissioner Anaya's request there was a handful of precincts to look at in that area. Those six precincts by themselves have enough population to constitute a proper district in terms of deviation. So one of our things, unless that area becomes a district in and of itself it does need to be distributed between several districts, otherwise it's just one complete district by itself.

I'll move on to the feasibility study which was a chance to look at option C-3, and the feasibility of swapping precincts to address a concern that was raised about Precinct 63, which is not actually Eldorado proper but the area east of 285, south of I-25 between the railroad, I-25 and US 285 Highway. In a nutshell, what was stated was to move Precinct 63 back into District 5, Precinct 9 into District 4, and Precinct 27 back into District 1. This didn't quite work. It had a deviation a little too high, about 5.3 percent below for District 4. However, with one other adjustment, and that was essentially the option A adjustment, Precinct 29, moving that from District 5 into District 4 would actually work. So that's a possibility. And again, it hasn't been mapped but I can show you a little more detail either on the screen or on the hard-copy maps here.

The third feasibility study was to look at the possibility of swapping out precincts 75 and 14 between Districts 3 and 5, and again, purely as stated, this wouldn't work. It leaves our deviation a little high. It leaves District 3 at about 7 percent under ideal population. And District 5, although it's high, would be within deviation, but it's about 4.2 percent.

I did look at some adjustments as was requested, and kind of over the cascade effects of that. Without – and the problem again is sort of the juxtaposition of the precincts. I could take the adjacent precinct and move it as well to accommodate population without actually moving a Commissioner out of district. So the option was to look at – I believe it was Precinct 71 was one that I looked at that would actually bring the deviations into reasonable range, and it was actually a pretty good range but the unfortunate drawback as all the Commissioners have stated is not really wanting to split communities of interest – it actually carves Eldorado right in place. It literally takes the middle out of it. It's sort of a horseshoe, and I can point that out on the map if you'd like to see it.

I did another one not moving that precinct and actually moving the adjacent precinct, 63, and again this is a little triangle between the railroad, 285, and I-25 that we talked about. That brought us within acceptable deviation but again it was a rather high deviation of about

9 percent. So I'll stand for questions if you want any more details on the feasibility analysis I did.

CHAIR STEFANICS: So, Erle, did you bring copies of that memo that you provided to everybody, or has everybody here on the Commission seen the memo? Okay.

MR. WRIGHT: I didn't bring copies. My apologies for that, Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, just briefly and straightforward, I think that during the discussions we've had thus far it's been a progression and I think that we have options. We may have some tweaks that could potentially work with some of the districts, like in my case, the suggestion I made on 14 and 75 I think it is that would set in motion a cascading that would cause more maps and more consternation of problems. So with that I'm going to regress from that request and suggest that we go back and look at the five maps we have and maybe reduce it down to three.

CHAIR STEFANICS: Okay. Thank you. Other questions or concerns for Mr. Wright to answer before we go to the public comment? Okay. So, thank you, Erle. We'll have more questions for you later. We are now in the public hearing. This is the first public hearing. How many people came today to comment on the maps or anything else regarding redistricting. One, two – not Rebecca?

REBECCA FRENKEL: Not today.

CHAIR STEFANICS: Okay. So we have two individuals. So why don't you make your way up. We have Don Dayton and Judy Williams, so come on up to the podium. While they're coming up, I was just given an email from Bert Blanchard and David Berling, both members of East Ranch requesting their district continue as is without change. So I'll just forward that to other individuals. So Judy, come on up.

JUDY WILLIAMS: Good afternoon, Commissioners. My name is Judy Williams. I'm the president of the League of Women Voters of Santa Fe County and as such I would like to commend the County Commission for the terrific job it's done on redistricting – keeping an open process, making a certain time for people to come so we don't have to be here all day, at least the whole day, and I think you've done a great job with the maps and I think Erle's done a great job with the maps. I'm a little disappointed that I'm the only one of two people here. We really wanted people to be more interested.

Some time ago, I think it was probably July the League sent you a letter asking that you consider certain things and I believe you've considered all of them very well. And that was that the districts be contiguous, be reasonably compact, avoid crossing geographic barriers, minimizing partition of major jurisdictions to the extent possible, and not favor any political party. And I think I've finally gotten straight the five maps you kept. And I've looked at the deviations and I think they're basically all pretty good. B-1 is obviously the one with the smallest deviations across Commission districts, and you can't anticipate growth. I think the rule is you have to base it on the 2010 census so I think as such you've done a really good job. So I can't really comment strongly on the options except that I will say that I think option A, which I believe is one of the ones you kept, I think that has more deviation than you really want and not necessarily in the right direction. But the rest of them I think are reasonably acceptable. But we'll continue to study and we'll come back to the second hearing. Thank you.

CHAIR STEFANICS: Thank you. And Judy, let me just ask you a question. Do you have any other suggestions for how to invite or engage other people to our second hearing before the vote?

MS. WILLIAMS: We can send out notices to our email list. We put it in our newsletter a couple of times. We will send out email lists and we'll ask some of our other organizational partners if they can send it to their lists.

CHAIR STEFANICS: Okay. Ms. Miller, do we ever send emails to various associations or groups notifying them we're going to be discussing a particular item, of having a public hearing on a particular item?

MS. MILLER: Madam Chair, typically, not to individual groups. We advertise. We've been getting more word out through our website, through radio and all that. For this particular item we've been talking about now for a couple of months. But we don't usually send specific mailers or emails to individual groups for the purpose of not targeting anybody in particular, unless it affects a particular community.

CHAIR STEFANICS: Okay. Mr. Dayton, come on up.

DON DAYTON: Madam Chair, members of the Commission, I'm Don Dayton, a 25-year resident of Eldorado. I was at one time the past president of the Eldorado Community Improvement Association. I've tried to poll our members there in Eldorado. There hasn't been a whole lot of interest in this frankly. There was some misunderstanding that they thought Eldorado would be split from this, these five options that isn't the case. Eldorado itself is 2900 platted lots and about 7,000 people, and it is all on the west side of 285.

I think as far as Eldorado is concerned, we're happy we're in District 5 and we want to remain in District 5. Now the question is what happens to the other 20 subdivisions in the general area which have no connection with Eldorado. The other 20 subdivisions go from I-25 down both sides of 285 clear to Lamy. It's part of the old Simpson Ranch, really. But as of now there's no formal association between the different subdivisions. They're all independent subdivisions. They have their own community associations. I guess the biggest difference as far as that area is concerned is if the area may be split one side of 285 to the other. And since it doesn't affect if it is split Precinct 63 moved over into District 4 it may affect some of the other subdivisions but it has absolutely no effect on Eldorado itself.

As such, we are glad it has been reduced to about six different options rather than the many options in the past. I think if Precinct 63 is split off and put with District 4 it does have a precedent on the State Senate districts. 285 is split in two State Senate districts for some time. With that I'd say we're very happy to be within District 5, Eldorado itself, and I think it's really up to the other 20 subdivisions, particularly those on the east side of 285, which way they want to go. Thank you.

CHAIR STEFANICS: Thank you for coming today. Ms. Frenkel.

MS. FRENKEL: I just wanted to add that perhaps if they could send out an announcement to all those people who expressed an interest through the land use processes which have been going on, that perhaps it could bring up a little interest in them to come as far as redistricting is concerned. I think the state has beat you out as far as people who really care.

CHAIR STEFANICS: Thank you. I appreciate that comment, but I think there are a lot of people interested in the growth management plan and that might be an audience to get people too. Is there anyone else from the audience that would like to speak to any of the proposed redistricting plans or anything else in general around redistricting? If not, this first public hearing is closed. Commissioners, are there any more questions or comments to the staff before we have our own discussion?

COMMISSIONER ANAYA: Just one, Madam Chair.

CHAIR STEFANICS: Sure. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Wright, and I'm looking at option A and I'm taking into consideration the comments that we just heard and that we've heard consistently at every hearing relative to the deviations. Based on those deviations, and I know District 3 was one in the proposed option A that was high, if we went with it, or it wasn't where it could be or should be, maybe is a better choice of words. Are there any precincts either in District 3 or other districts that could be just put into a district without cascading multiple changes? Would it help those deviations? For example, if 64 was put into District 2 and nothing else changed, would that assist with some of the deviations? Or are there other potential swaps like that that wouldn't create that huge cascading effect?

MR. WRIGHT: Madam Chair, Commissioner Anaya, option A was essentially the absolute minimal change. District 5 was – and I'd have to check the table, but actually Precinct 67 did move from District 3 to District 2. It was almost your optimal that you were overpopulated, that District 3 was over populated. So that was the simplest precinct to move to get District 3 into compliance. The problem is that it threw District 2. But that's the challenge of redistricting. Ideally, if we could have moved a district – one of District 3's precincts into District 1 we'd practically be done, but because they don't connect, that's not possible. We'd have to maintain the continuity.

COMMISSIONER ANAYA: Madam Chair, and I have some other comments, but on that point, and considering the comments that we've heard from staff and that we've also heard from the previous meetings I think this is a simple request, but I'm going to make a motion that we drop A because of those deviations and because of the complexities associated with leaving it in or not really accommodating what we're after in redistricting. And I want to clarify for the public listening in and watching is that I was one of the proponents early on that said let's do one that was minimal change as best we can. So that being said I'd move we drop A.

COMMISSIONER HOLIAN: And I second that.

CHAIR STEFANICS: Okay, before we do any kind of consensus on that I think we have some other comments and questions and if people aren't ready I'll go ahead and make the comment. Erle, on page 12 and 13, on the option summaries, you use the words good, poor, okay, fair. So I see two that have poor in the descriptors, option A and option C-4. Now, when I have asked questions it's been more about what is going to be considered as objective by the court, what kinds of deviations do we want, how close are we in terms of the numbers of people. We are supposed to plan for growth in certain areas. But could you comment on the poors? You have a very poor, two poors and a very poor in A, and then over in C-4 you have one poor. So, could you just comment on the language that's been used?

MR. WRIGHT: Yes, Madam Chair. Essentially, and this is a bit subjective, but growth accommodation is certainly not one of the key redistricting criteria, however, it was expressed by several members of the Commission that if we could come up with an option that could maybe age well over the next ten years, that's what the purpose of these ratings were. So essentially, a poor rating – and we'll just take option A there with District 5, the fact that in its configuration under option A, that it's about 2.5 percent over ideal population. It is most certainly going to be one of the areas that if Santa Fe County does experience growth will continue to see growth. So ideally, if you were – again, within the parameters of the plus or minus five percent, the reason why it's poor is it's actually over the ideal population of about 28,800 or so, and it's about a thousand people over, essentially.

CHAIR STEFANICS: So let me just ask you, if you had over 2.5 percent but it was stable, that's what made the difference between the poor and the 2.5 likely to grow.

MR. WRIGHT: Madam Chair, that's essentially correct. If it was within a percentage or so I pretty much said, well, that's a couple hundred people that's –

CHAIR STEFANICS: Okay. So I'm going to ask you the question and our County Attorney the question, if you're going to throw out any of these for any potential legal challenges or things that you know could be challenged, do you have any recommendations of what you would eliminate? And then I'll ask Steve that. I'm asking you first and then I'll ask our County Attorney that.

MR. WRIGHT: Madam Chair, actually I haven't brought you anything that personally I think, including all 11 options –

CHAIR STEFANICS: That could be challenged.

MR. WRIGHT: That would be legally challenged, other than a few that we filled out that did some major splits to communities of interest, if you will, and even that, that's kind of your last criterion. Certainly this growth accommodation isn't really a redistricting criterion but I think it's good. Granted, we can't have the crystal ball but it's good to be able to say, hey, this one might mature well over the next ten years.

CHAIR STEFANICS: Thank you for that comment. Steve, do you have a comment on anything around any of these five plans?

MR. ROSS: Madam Chair, you know my position is always that as long as you stay as close to the same, district by district, and keep the districts compact and contiguous, these are very hard to challenge. And I don't think we're out of the realms of defensibility in any of these plans. I think Erle's done a great job in trying to keep us very close to the constitutional norm.

CHAIR STEFANICS: Thank you so much. Commissioner Mayfield, you have the floor.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Ross, would you just expand on "close to the same"?

MR. ROSS: Madam Chair, Commissioner Mayfield, what I mean by that is keeping the ideal deviation between districts as close or below five percent as you can.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield, do you have any opinions about the motion that's been made for elimination of A?

COMMISSIONER MAYFIELD: No, Madam Chair. I don't mind A myself but if the Commission feels they want to eliminate it that's what the Commission feels they want to do.

CHAIR STEFANICS: Well, we might be divided on this and we're not taking formal votes, but if that's a division here we'd certainly take that into account. The recommendation has been if there's a way tonight to whittle it down from five to three or two, that that might be helpful for the final public hearing and vote, but if you have strong opinions tonight's a good night to put them out there.

COMMISSIONER MAYFIELD: Madam Chair, again, respecting the positions of other members of this Commission, one thing I brought up, I don't know if it will be a legal challenge or not, but I understand and hear what folks are saying about equal representation or as close to equal representation, urban versus rural, one of my concerns though is that there could be an opportunity, depending on what happens in the future, there is a potential that there could be no rural representatives serving on this County Commission. And I do believe that that's a community of interest that should be protected as rural area within our area also, and that there should be representatives from rural areas and not just specifically from the urban areas of Santa Fe. But that's just my thoughts and that's just my position.

CHAIR STEFANICS: Thank you, Commissioner Mayfield. I in fact had said the same thing when Commissioner Vigil was interested in our having some equalization and I said that wasn't one of my strong priorities. I agree that people who live in rural areas are needed. Okay. So there are two of you who would really like to eliminate A.

COMMISSIONER ANAYA: If I could comment, Madam Chair?

CHAIR STEFANICS: Certainly.

COMMISSIONER ANAYA: Madam Chair, I fully respect Commissioner Mayfield's perspective. If I looked at isolated A for the benefit of District 3, and I'm not assuming that he's not. I'm just making a statement from my perspective. If I isolate A from the perspective of District 3 it's actually good for District 3 as far as the deviations are good based on the definitions you gave. But when you look at the rest of the districts you have very poor, poor and good. There's actually two poors and a very poor, so it's based on that. For District 3 it might work well and be the least change as far as those voters from a district perspective that voted in the last election. But from the review and observations staff's given us it's not as good I guess for the balance. So that's the corpus of my comments and why I would say – and the feedback we received from the public. But I respect Commissioner Mayfield's perspective.

CHAIR STEFANICS: Thank you, Commissioner Anaya. I think that from looking at the deviation, A is the one with the highest to five percent, the -4.93 percent for District 1. We're getting close there. But is that the one that could grow or that's stable?

COMMISSIONER MAYFIELD: I don't see growth, Madam Chair.

CHAIR STEFANICS: It's stable.

MR. WRIGHT: District 1, Madam Chair, was considered as stable, not a high growth. A relatively stable district.

CHAIR STEFANICS: Okay, so continue this conversation. That's still an option to bump that one out. It's time for us to kind of identify what are some of the strong

ones that we would like as well. So Commissioner Mayfield, do you have any ones that you want to put forward for some finals?

COMMISSIONER MAYFIELD: Madam Chair, I'm comfortable with C-2, C-3, and option A. Those are the three I'm comfortable with.

CHAIR STEFANICS: Okay, so let's do it that way. So, Commissioner Anaya, what would be your two or three strong ones?

COMMISSIONER ANAYA: C-2 and C-3.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: B-1 and C-2.

CHAIR STEFANICS: B-1 and C-2. Okay. In all fairness, B-1, C-2, C-3, C-4 for me is exactly the same, so I would be voting for the same thing regardless. So right now, C-2 has three votes, C-3 has two votes, A and B-1 have one vote, without mine. So do we want to put forward three or two plans for the public for the final hearing?

COMMISSIONER HOLIAN: Two.

CHAIR STEFANICS: Okay, so back to Commissioner Mayfield. You indicated A and which C's?

COMMISSIONER MAYFIELD: C-3 and C-2, Madam Chair.

CHAIR STEFANICS: Okay, so if we eliminated A you would still have two of your choices represented?

COMMISSIONER MAYFIELD: That's fine, Madam Chair.

CHAIR STEFANICS: Okay. And if we eliminated B-1, Commissioner Holian, you would still have choices?

COMMISSIONER HOLIAN: Yes.

CHAIR STEFANICS: Is that enough, to have one?

CHAIR STEFANICS: I think then that we have come to C-2 and C-3, unless I'm hearing anything wrong from the Commission. Because I don't want to put something out here that's not an agreement. Okay, so Erle, I think that without a formal vote we are sending you away to just put C-2 and C-3 on the web as our final consideration for the October 11th meeting. Is that right, Katherine? October 11th.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Maybe we did it. Maybe I'm just not recalling it right, but I think we did actually vote when we removed the last items. Why wouldn't we vote just for clarity? I think we should vote and say C-2 and C-3 and I think we did that last time, didn't we? When we narrowed it from 11 to 5? I thought we did.

CHAIR STEFANICS: I don't remember. I don't have any opposition to voting. Steve, if you have any issue? Okay. So there was a motion to eliminate A. There was a second to the motion, so I'm going to call for a vote on that.

COMMISSIONER ANAYA: Madam Chair, I would be willing to amend that motion to get to where you just took us.

CHAIR STEFANICS: Okay.

COMMISSIONER ANAYA: So that would be moving to remove A, B-1 and what's the other one? C-4.

CHAIR STEFANICS: I'll second that.

CHAIR STEFANICS: Okay. Further discussion?

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

CHAIR STEFANICS: Okay, so we have C-2 and C-3 as the plans. Thank you very much.

MR. WRIGHT: Very good. Thank you.

XIV. G. Matters From the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

b. Limited Personnel Issues

d. Collective Bargaining

CHAIR STEFANICS: So we are at the point to ask our County Attorney, do we need executive session?

MR. ROSS: Madam Chair, yes we do need a closed executive session to discuss pending or threatened litigation, limited personnel issues and collective bargaining issues.

CHAIR STEFANICS: Is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move that we go into executive session where we will discuss pending or threatened litigation, limited personnel issues and collective bargaining.

CHAIR STEFANICS: Is there a second? I will second it. Any discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, I won't bring up the case out of respect to our County Attorney but for some reason there was an attorney to serve me today with I guess a summons for an issue regarding the whole Commission. So for that I will ask that we go into executive session. Thank you.

Pursuant to NMSA Section 10-15-1-H (2, 5 and 7), the motion passed by unanimous [4-0] roll call vote with Commissioners Anaya, Holian, Mayfield and Stefanics all voting in the affirmative.

[The Commission met in closed session from 5:00 to 6:40.]

CHAIR STEFANICS: Let's come out of executive session. Is there someone who will make a motion?

COMMISSIONER HOLIAN: Madam Chair, I move that we could out of executive session where we discussed pending or threatened litigation, limited personnel issues and collective bargaining. Present were the five Commissioners, our County Manager,

the County Attorney, the Assistant County Manager and the Assistant County Attorney, and the HR Director.

COMMISSIONER MAYFIELD: Correction: four Commissioners.

COMMISSIONER HOLIAN: Oh, sorry. Four Commissioners. Yes.

COMMISSIONER MAYFIELD: I'll second that.

CHAIR STEFANICS: Thank you. There's been a motion and a second to come out of executive session.

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

SUSTAINABLE LAND DEVELOPMENT CODE WORKSHOP

CHAIR STEFANICS: So we're out of executive session. We are now in a study session, and the way we would like to run this this evening is to allow the public the opportunity to comment. So we are going to – and Commissioner Vigil is ill today. She's sorry she can't be here, so we are not scheduled to take any vote this evening. We are scheduled to listen, to hear from the public, and to ask questions and to dialogue. There might be some direction given to staff but this is not a voting session and I'm sure Commissioner Vigil wants to weigh in as well. So my intent is to first have staff present summaries of the work that's been done and the recommendations, then go to the public, and take testimony. We have a microphone and a podium over here so when we get to that part we would love to hear what you have to say, pro or con, something that we're missing, anything that you'd like to share with us. That's what a study session is set up for. So, Jack or David, who's going to start?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Anaya is here. He's just on the phone in his office.

CHAIR STEFANICS: Right. So Commissioner Anaya will be here presently but since this is a study session we're going to get going.

A. Introduction and Summary

JACK KOLKMEYER (Growth Management Director): Great. Thank you, Madam Chair and good evening Commissioners and thanks for extending your day today to join us for the study session this evening and I'd also like to thank all of the members of the public who turned out to join us this evening.

I'm very quickly just going to go over the information that you have so we're clear what all you have in front of you right there. And then I'm gong to go over just a couple of things real quickly and then I'll turn it over to David Gold who will do an update on the code public input process and then Madam Chair, as you said, we'll go through the three concept decision points this evening and staff recommendations on energy efficiency and green

building standards, open space and trails, and agriculture. And then the way we have the agenda here, Madam Chair, was then to listen to public comments and come back for discussion. And then we have the home-based business concept code draft to pass out to you, and then we'll go over the next steps and that will constitute the evening.

So what you have in front of you this evening, first of all you have the agenda there so you can follow along what we're doing. You were given I guess at the end of last week a booklet that was bound in a little black coverlet thing here. If you didn't bring it with you this evening you're lucky, actually, because we gave you a new one that actually has a table of contents and page numbers that should prove to be very helpful. So you had that in front of you. *[Exhibit 1]*

You also have a number of recent letters of comment that came in over the last couple of days and we may need to refer to some of those a little bit later on, but you have those in front of you as well. *[Exhibit 2]* You also have a copy of the home-based business concept code draft. That's the colorful document that you have in front of you and we'll get to that. What we're doing with that this evening is simply handing it out for the very first time ever, and we'll talk about that a little bit later in the evening, but you have that with you as well. And we also have behind you a variety of maps and things that we'll pull up to the side or to the front as we may need to reference them during the course of the evening.

I'd like to take just a quick moment to acknowledge the staff who is with us here this evening from the Growth Management Department. We have Shelley Cobau from the Building & Development Services Division, Robert Griego, our Planning Manager, and a new community planner who actually worked at the County with us several years ago who's rejoined us and her name is Sarah Ijadi and we're really extremely happy to have her back on our staff. From Open Space we have Beth Mills and Colleen Baker, and from the Energy Division we have Erik Aaboe and Craig O'Hare who have joined us for this evening as well.

Also a reminder to everyone that we are again broadcasting on TV as I understand it. Is that correct, Madam Chair? Do you know if that's a fact or not.

CHAIR STEFANICS: The TV will come back on at 7:00 and we are on KSWV radio and we are on webcast. So everything here is part of the public record.

MR. KOLKMEYER: And also people can comment to us by email this evening while we're having our meeting, and that is sldcmeeting@santafecounty.org. So we can actually receive emails during the course of the evening as well.

So just by way of brief introduction, we've started this whole process a number of months ago. We started with home-based business concepts and we had public meetings. We had focus groups and a study session with you. Another focus group, and that ended up being a draft code so it's worked out really well and since then we've gone on to discuss green building standards, open space and trails, agriculture and ranching, and just last couple weeks we finished up with the Growth Management Concepts and the Sustainable Development Area Concepts, and Commissioner Holian, thank you for your comments this afternoon. We appreciated that.

So tonight, what we're going to do is focus on green building standards, open space and trails, agriculture and ranching, and it's been really interesting if not in fact, if you like these kinds of things, exciting. For every single concept decision point that has come up there are widely diverse opinions, and what we've found to work our way through it, we've really

had to listen as staff, and as residents of Santa Fe County really understand what the problems and the issues are so we can get to really creating what we think is going to be a tremendous Land Use Code that has come from a really solid Growth Management Plan. So that's what we've been doing and again, this is another culmination of those activities.

So having said that, I'd like to just move forward. I'm going to turn it over to Mr. David Gold to talk about how the process has worked so far. Thank you, Commissioners.

B. SLDC Public Input Process Update (David Gold)

DAVID GOLD: Thank you, Commissioners. I always like to start these things by acknowledging the people that make these things possible and obviously, three of you are sitting in front of me because without the support of each Commissioner this wouldn't be happening. And I really do appreciate that. Each Commissioner has been very, very helpful and it makes this work much better. The staff I work with, it's definitely a privilege to be working with them. I work most closely with Jack and Robert. They're excellent. The entire Planning staff is tremendous. Trails and Open Space and Energy specialists have been involved with this CDP and they've also been incredibly supportive and really active in this. County Manager's staff also has always done an excellent job. I feel that the staff is incredibly dedicated to whatever they're specific area is and in this case they definitely listen to the public. I know all of us had discussions at the beginning of this process and towards the end and there has definitely been some shifts and changes and it was great to see that.

The other people I have to acknowledge is the public. Our meetings with the public have been always very thoughtful and respectful during these meetings. The meetings are also, as Jack said, they're exciting. They're fun. They're respectful to each other and staff and to the facilitator, me, which is always nice and I'm very grateful. My favorite comment so far was "I actually had fun. I've never had fun at a County meeting, but I actually had fun." And also "I didn't realize this subject was so complicated; I learned a lot." So I feel that these meetings beyond just getting public input are informing the public about what is really involved in the plan, what the plan means, in certain cases clearing up misconceptions, in other cases just explaining that there's a lot to this, and it's working. The meetings are very positive and productive, all of them, and it's been great. We have great discussions. People will walk away going, wow. That was really interesting. So it's really good.

So I'm going to cover what we call the concept design point process and sort of review a little bit about what we're doing here and the idea of the concept design points are that there are certain – we want to identify the points where decisions have to be made. So the plan, some of the ways that things can be implemented varies and it's going to be up to you all to tell the staff how you want to see these implementations take place. So what we tried to do is we tried to very deliberately find the things that could be controversial or just need a decision one way or the other and bring them out to the public, come up with ideas. It was my hope that we could find things as a result of the process that could be satisfactory to most of the public. As Jack mentioned, we did the home-based business topic and we ended with something that so far – there are certain like little details that people question but the basic overall idea people have been very supportive of and the reason is because we listen to

everybody and came up with something that worked.

With these concept design points it will be a little bit different. There's a couple of places which I'm going to identify in a moment that there are definitely some differences that we've heard. There's also a lot of places where the public was in agreement on many of these points. The process that we're doing consists of we have public meetings. We identify a topic area then we have public meetings. In certain cases we've had focus groups, and then we have these study sessions. So right now, in addition to this we have the first topic group was the home-based business concept design point which we, as Jack said, we're now in this concept code draft stage, which is something that's going to be just really for review because the next round of public input – the public is certainly welcome to comment on it now but the next round of more formal public input will be when the code itself comes out with this incorporated. So that's the idea of concept code draft, whereas the concept design points, which is what we're talking about now, these are sort of the guiding principles that will create the code.

So as Jack said, tonight's concept design points are open space and trails, energy standards and green building, and also some of the agricultural concept design points and I'll explain that also in a moment. When we do this we have several documents that we give out. We start out with a background document which you have for each of these different topic areas. We then proceed to a concept design point. We included some sample concept design points in it, but then we have our meetings and really try to identify what are the true concept design points, and then ultimately it goes to this concept code draft.

So at this point there are some details in this but because it's a concept stage there's no need to go over all the details or have everything be exact. That will come with the concept code draft and with the code itself. But there are some concepts that definitely need some decisions. I will tell you that. There's basically two concept design points where there seems to be some strong disagreement amongst the public. The agriculture one from what I've heard – and people are certainly going to speak and say their piece but I'll give sort of a summary of things I've heard on both sides. With the agriculture one people seem to be supportive of the agricultural concept design points. Some of the questions will arise with the implementation. So for example, the staff recommendation is to have TDRs. There's concerns that the program itself works and that it actually functions as a good TDR program. There's also concerns which we'll be addressing in subsequent concept decision points and which I'll also talk about at the end of this. But we're not dealing with water.

We're not dealing with zoning or density right now. So in tonight's subjects, if those come up, it would probably be best to steer the person to that phase of the process, because it won't apply to anything that's being discussed tonight. And another thing is that sometimes some people try to bring up programs. Like for example with the COLTPAC program, which is an excellent program and I would have to say that there's been a lot of public support for the COLTPAC program in these meetings. But the real issue is what goes into the code. So the fact that there is a program to buy open space is sort of mildly relevant but it won't really end up in the code. I'm just saying that to sort of remind everyone in our audience here that they want to keep their comments focused on the decision points that need to be made and also to remind you of kind of what we're doing.

So the two concept design points that seem to engender some differences, one of them

is basically the green energy decision. And so Craig O'Hare is going to come up and he'll get into this in some more detail so I'm just going to summarize but there's really in a sense three different alternatives that have been seriously considered. One of them is –

CHAIR STEFANICS: Just a minute, David. Are you taking away his presentation?

MR. GOLD: No. No, no. I want to make sure that I'm able to articulate some of the public comments that I heard about this, just to make sure that – and then other people will get their chance too. But I just want to summarize some of the things that were talked about. And Craig will have plenty to say. I feel confident.

But there's basically using the State Energy Code, using the affordability measure that Craig came up with, and using the LEED standard or something similar. There's certain concern about using any standard beyond the State Energy Code. The issues are brought up that a small increase in price could potentially price people out of the market, a feeling that the market should determine what is constructed, whether government has the right to make decisions like this or whether it's appropriate. The State Energy Code is approximately – already has some energy efficiency in it.

People that felt that there should be more efficient standards felt that the government has an obligation in fact to do this and that it will promote long-term affordability, impact future buyers and that energy is likely to increase. There's also the desire that was brought up to include flexibility in the standard which the staff has done. The other option was the LEED standard which would allow all of the green energy options to be addressed and there was support for that as well. Because focusing on energy efficiency and none of the standards concerned some people and there's a feeling that this could be done within the regular process.

In open space and trails, the big issue seems to be focused on whether or not to make open space mandatory. The comments we've heard about trails seem to be supportive of having trail systems incorporating trails into new developments in some form or other. There's questions of how much, how extensive to make it, that kind of stuff but we haven't heard a lot of heartburn about the idea of including an ability for people to walk alongside a road. That kind of thing, where possible. In certain places it's impossible and Beth or Colleen is going to discuss that.

The issues that came up around open space though are whether it should be required at all. Once again, whether government should be regulating this. The idea that open space costs developers more because it reduces individual lot sizes. That open space in conjunction with other requirements leaves little land to develop. A lot of issues came up about whether open space was quality open space and whether leaving it would leave an appropriate open space. And then issues about who maintains it and who has access to it, private versus public. The people that were for having open space in general felt that if it was not required that it wouldn't get left. They felt that the open space would increase the value of the property or having that type of amenity so that it wouldn't end up costing developers more because it wouldn't reduce density.

Many people expressed the idea that open space is important to them on an emotional level and in the meetings I tried to get this idea. I was curious, like people could articulate and say, come up with something like, brain kind of thing, like why is this important and it

was really tough. But everybody – I'd say that most people felt that open space is important to them, but it was more of an emotional importance. Whether people felt it should be required or not there seemed to be an interest in having open space available in some form or other. The feeling that it provides a benefit to the community and also that it can improve physical fitness if recreational opportunities are nearby.

So that's kind of the summary and like I say, those are the two points that we've heard the most about and the most differing opinions. Once again, the energy – what energy should be implement and specifically whether open space should be required.

So with that, I will now turn it over to Craig O'Hare, who is one of our two energy specialists.

C. Energy Efficiency and Green Building Standards CDP Summary and Recommendations for SLDC [Exhibit 3]

CRAIG O'HARE (Energy Specialist): Good evening, Commissioners. As David mentioned, I'll give a summary of where we're at with the green building/energy efficiency part of this sll Code process. I'll be quickly leaping through this document that's in your packet which basically summarizes our whole process and our recommendations. We do have recommendations that we would like you to consider tonight.

The first, obviously, our work falls back on the policy direction that you all provided in the sll Plan that was adopted last November that focused a lot on the County establishing green building codes. What's considered part of green building? Essentially, you can break it down into three major areas: Energy, primarily energy efficiency, water, primarily water conservation and water harvesting, and then a whole host of other measures that come under the category of green – non-toxic building materials, recycling of construction debris, the use of recycled building materials and things like that.

I did want to mention that we're all aware that the County does not have its own building code and enforcement and inspection staff, so anything we come up with here will need to be workable with respect to our interactions with CID, the New Mexico Construction Industries Division, as they are the enforcers of the State Building Code and that does reflect our recommendations with respect to implementability.

What are we starting with now? What is the State Building Code currently? What would we be basically adding to if we were to adopt green building measures? Essentially, the State doesn't have a green building code per se but it does have a New Mexico Energy Conservation Code. That code was updated last year by the New Mexico by the New Mexico Construction Industries Commission under the Richardson administration and that body adopted what's called the 2009 International Energy Conservation Code, that's for residential and commercial, and then at the direction of the governor, the Construction Industries Commission adopted measures that basically made it more aggressive for energy efficiency.

Subsequent to that time, in the change of the gubernatorial administration the new Construction Industry Commission essentially rolled back some of the energy efficiency standards that the previous administration had adopted and we currently have the 2009 International Conservation Code without any additional energy efficiency add-ons as being the State Energy Code, which takes effect, it's my understanding, in February of next year. So

again, there's no green building overall code. There is an indoor water plumbing code that relates to water conservation efficiency but the closest thing that state has to a green building code is the New Mexico Energy Conservation Code. And it's important to realize that we're not talking about starting from scratch and starting from an environment where there is no such thing as energy conservation codes for buildings and that we would be establishing them as a County, we're talking about possibly adding some energy efficiency measures to the requirements for building in the county.

I did want to mention that we would like to focus on this concept of a home and a commercial building affordability and sort of reorient the thinking about what does it mean to have an affordable home and what does it mean to have an affordable commercial structure? Essentially what we're talking about is getting away from just looking at the upfront purchase price of the home because few entities cut a check for \$200,000 to buy the home. They're financing it over the course of 30 years and so what they're really looking at is their mortgage payment and then of course on a monthly basis, what is their electric utility bill? And what is their either natural gas or propane bill for heating and for cooking and things like that?

We believe that if we focus on a good standard that's not too aggressive but focuses on some of the low-hanging fruit that still exists with respect to requiring homes and commercial buildings to be energy efficient, we can actually increase and not decrease the affordability of a home and therefore make this provision be pro-homebuyer and we think frankly, pro-homebuilder as well.

On page 4 of the green building document I just lay out an example of the way this concept works, just an illustrative example, taking a home that without any additional County standards would be a sales price of \$200,000 and if you added energy efficiency measures, assuming an additional cost of two percent, frankly, we think that's probably on the high end, how would this affect affordability. Well, you can see of course that it raises slightly the monthly mortgage payment, but the idea is that the reductions in the electric bill and the natural gas bill will be great enough or so great as to actually reduce the combined payments of mortgage, electric and gas. And that's really what we're after with respect to affordability, and we feel our recommendation will actually promote that and be in the long-term interest of our citizens.

Again, I'd like to point out that energy bills are rising, energy rates are rising. PNM, as you know just got past through the Public Regulation Commission about a nine percent rate increase. The New Mexico Gas Company has a rate increase before the PRC and we're of course building these homes and these commercial buildings for decades to come so it's really important to get what we call the building envelope that affects the energy consumption right at the front end, and we think that our recommendation does that.

On the next page we talk about staff findings. We do think it's important to focus exclusively on energy efficiency and not try to take on all of the other aspects of what's considered to be green building, primarily because it is those energy efficiency measures that can promote affordability. We realize that in these tough economic times it doesn't make sense to be requiring additional green building measures that are good for the environment and have some good positive public policy reasons for being promoted, but to require them and to add costs to buildings without a commensurate financial benefit to the building owner we don't think is reasonable at this time.

So our recommendations focus on energy efficiency. They focus on what are called performance standards. The building industry likes performance standards rather than what are called prescriptive standards, which are more cook book-y and very rigid, so the builder can get at the standard in any of a variety of ways, either through energy efficiency, either through the heating, ventilation and air conditioning system, or through renewable energy systems up on the roof, be it solar thermal or solar PV.

So those are our findings. We also feel that it's not appropriate at this point to be considering establishing our own building code enforcement and inspection staff, particularly because of the down-turn in the building industry. We just don't think it's a discussion worth pursuing at this point.

So now to get into our options that we lay out for your consideration and our recommendations in both the residential and commercial sector. First the residential. I do want to make it clear that these recommendations in any county energy efficient building code would not apply to what are called manufactured homes or what the rest of us call mobile homes. Mobile homes are regulated as far as energy efficiency goes by HUD, by the federal Housing and Urban Development Department, because of the interstate commercial clause that you can pick up a mobile home and move it across state lines. Even the state building code does not apply to mobile homes. So I want to be clear about that.

Modular homes are a different beast. Those homes that are put onto a permanent concrete pad. They do apply under the code.

Also, we feel it's not practical apply these standards to additions or remodeling and so we would recommend at least at this point we not address additions or remodeling as part of our recommendation.

So for residential and commercial we basically have three options that we discussed in the public meetings Dave talked about. One is basically the do-nothing approach, rely on the state energy conservation code and leave it at that. We don't think that's consistent with the direction you all provided in the sll Plan. The second option is sort of a middle ground that frankly focuses specifically as I mentioned on energy usage and affordability around energy usage and the mortgage payment for the home or commercial structure. And then the third option is to go the full-blow green building route.

[Commissioner Anaya rejoined the meeting.]

For residential, on page 6 of the document, essentially we're recommending that a third party verify home energy performance standards be established. There's a number of those standards or methodologies out there to accomplish this. We had originally focused on what's called the HERS standard, the home energy rating system standard. It's probably the most widespread home energy rating standard and that is the standard that the City of Santa Fe has adopted. From feedback we received from the building community we've basically broadened that concept to allow for other methodologies to address home energy usage. One in particular that was brought up is called the HEED, home energy efficient design standard, and so essentially, our recommendation is to establish a HERS rating of 70 or better, which is the same standard as the City of Santa Fe and Kim Shanahan, the executive director from the Home Builders Association basically stressed that it's important to have a consistent standard between the city and the county, and so we are recommending that either the HERS of 70 standard be considered for adoption, however, we would not include all of the other green

building elements that the City of Santa Fe has adopted. Essentially, the City has a full-blown green building standard. The HERS energy efficient standard is only one component of it.

Essentially, we'd be talking about taking the existing code which equates to a HERS rating of about between 83 and 89, somewhere in that range and bringing it down to a 70, and having the HERS rater that basically looks at the design of the building at the front end, looks at the – does an inspection after the framing and after the insulation and HVAC system has been put in and then does a final inspection. It would be the HERS rater that would essentially do the work to validate whether the standard has been met.

The big question is will CID basically play ball with us, the New Mexico Construction Industries Division. I've been in negotiations with CID, discussions with them for the last three months. In fact I spoke with one of their representatives today. They seem to be favorably inclined to really try to work with us and in essence, what we are asking them to do is to without the final Certificate of Occupancy of the building, of the home in this case, until the County had received verification from the HERS rater that the standard had been met. The CID initially didn't seem to be as much – didn't seem to be inclined to really cooperate with us on it. It seems like they are not. I did speak with them today. They're just to make sure they have a legal route to actually withhold that Certificate of Occupancy pending the County standards being met.

On the commercial side, essentially the same sort of options. One is to live with the state standards, the do-nothing approach if you will. The second is there's not a perfect equivalent to HERS ratings for commercial buildings, but there is the EPA Energy Star label you can actually have a commercial building be what's called designed to earn the EPA Energy Star certification, and you would get an architect or an engineer to basically certify that the commercial building meets the designed to earn the Energy Star standard. You're probably familiar with the Energy Star label. A building does not obtain the actual label of being EPA Energy Star until it's operated for a year, basically it's occupied and can demonstrate its energy usage meeting the standard. And of course that wouldn't be practical for us to try to do anything like that after the fact. So we believe that this designed to earn the Energy Star certification.

It was very difficult to get anybody to provide any information as to how much more aggressive that certification is beyond the state commercial energy efficiency code. And we're going to do some more research on that.

CHAIR STEFANICS: Okay, Craig, you know if you've watched me today that we're going to move this along so that the public is not here until midnight. So would you wrap it up?

MR O'HARE: I'm done.

CHAIR STEFANICS: Okay. Great. Commissioner, thanks. I know you were tied up for a minute. We are taking all the staff presentations and then the public comments, so that if some of the public needs to leave they can and then we'll go to Board discussion and questions.

Thank you, Craig. We can tell you're very enthusiastic about the topic.

MR. O'HARE: I apologize if I went too long.

CHAIR STEFANICS: That's all right. But we will move people along.

D. Open Space and Trails CDP Summary and Recommendations for SLDC
[Exhibits 4 & 5]

BETH MILLS (Open Space and Trails Planner): Good evening, Commissioners. We have been on this journey with the consultant and the Planning Division to try to work toward code language that will fulfill the policies of the sll Plan and also reflect the concerns and as close as we could come to consensus that we've heard from the public. Just briefly, some of the policies that we were charged with trying to implement from the Plan were to provide access to outdoor recreation areas, trails and community centers, protect wildlife corridors, critical habitats, riparian areas, scenic vistas, connect new development to existing open spaces and trails on public lands, establish an interconnected system of trails and parks, including regional trails, develop trail design standards and design trails to connect public facilities, create trailheads for access to existing public open space, develop a multimodal transportation network, and essentially map everything related to conservation and recreation so that planning will be strategic. These were the directives that we took from the policies from the Plan that was supported by the Commission.

And from the public meetings we took basically the following direction, after listening to people in various parts of the county and to the focus group. Pedestrian, bicycle and equestrian trails are important to most people and should be a mandatory element in new developments. Trails serve several different functions; they should connect destinations within communities, such as schools, libraries, community centers, commercial centers and transportation hubs. Trails provide recreation and should also provide non-motorized access to public lands. Trails are an important component of a multimodal transportation network.

Critical habitat, wildlife corridors, significant landmarks and views, historic and cultural sites on the landscape, and riparian areas should be protected, either through codified regulation or through programmatic means such as acquisition or easements or both. Incentives for creating open space in new developments above a certain baseline can be very helpful and many developers will respond to incentives, however, local governments should not rely exclusively on incentives to achieve open space and conservation goals.

There's significantly greater support for both regulatory methods, such as the code, and programmatic approaches such as the open space program on acquisition that has been going on here at Santa Fe County for about 12 years, to increasing open space and trails in the central part of the county, and less enthusiasm in the northern and southern reaches of the county for these goals. The code should not be an impediment to a developer whose goal is to achieve high conservation values in their development.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Could you back up to the previous point?

MS. MILLS: Sure.

COMMISSIONER ANAYA: I'd like to hear it again.

MS. MILLS: I was saying that we observed from the public meetings and the focus groups that there seems to be a significantly greater support for both regulatory and programmatic approaches to increasing open space and trails in the central part of the county,

and we saw somewhat less enthusiasm for those things in the northern and southern reaches of the county.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. And I just want to remind the Commission, we all have got several pieces of paper in front of us, and there is a new book that says table of contents and the pages are numbered, whereas Jack Kolkmeier was indicating that in the books that we received the pages were not numbered. So that's why we have a different thing. So we are on page 16 of the new document.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: On my old book, that's where all my dog ears were.

CHAIR STEFANICS: I appreciate that, Commissioner. Go ahead, Beth.

MS. MILLS: So that was just to summarize our challenge, what we were taking from the plan and what we were hearing from the public, our interpretation of what we were seeing and hearing, and being asked to provide some sort of framework to work towards codification of these ideas. So the recommendations that we're bringing to you this evening are broken up into basically three categories and they're outlined in this oversized piece. I don't know if you have that in your packet as well. I tried to put it all on one sheet there. But I'll just review briefly what was going on.

CHAIR STEFANICS: Okay. So back up to page 14 for that one. Okay.

MS. MILLS: So what we're looking at in this matrix, if you will, is three basic concepts or ideas that are our recommendations. The first set of stuff is on the far left of the sheet and it talks about base open space requirements for all new development and base trails requirements for all new development. And these things, these base requirements for both open space and trails address both large needs that we kept hearing, the need to protect riparian and wildlife corridors including arroyos, significant historical and cultural sites, and critical habitats throughout the county. They also ensure that new developments will be connected to other existing and planned trails and public lands as well as public facilities. And they ensure that there's at least one public trail route through new developments.

So what we're suggesting here is that this is the baseline for every new development that's coming in. Now, in addition to that, we're looking at this table that's on the top which says open space requirements in new development by potential base zoning district. So you'll see the potential base zoning district and there aren't densities associated with these at this point in time.

The top, which says open space requirements in new development by potential base zoning district. So you'll see the potential base zoning district, and there aren't densities associated with these at this point in time. What we're saying is that in some cases the developer will have addressed all their requirements just by addressing the base requirements, and anything that's addressed in the base requirements can be applied to these additional requirements. So for these very large lots in new development you'll see that there are no additional requirements in agriculture and the ranching areas and the rural areas, just meeting the base requirements.

But then as lots get smaller we begin to look at some additional requirements and there are some specifics here for you to consider. But we get to a point where we're actually requesting a land suitability analysis to determine where this percentage of open space should go in new developments.

The other part of this, what we're recommending are these conceptual overlay districts, and I don't have a huge amount of detail or specifics about what the requirements within these overlay districts are, but what we're suggesting is the concept of an overlay district in order to take care of some of these larger landscape-wide issues that keep arising, that we keep hearing from the public, including things like wildlife corridors. How does one regulate new development for wildlife corridors? So what I wanted to consider this evening is just the concept of creating an overlay zoning district with a set of requirements in those areas that we know through the data available to us, in the areas we know wildlife movement and critical habitat is very important. So figure out geographically that is and create an overlay with certain requirements for those geographic areas.

Similarly for cultural resources it's become pretty clear in our work in the Galisteo Basin that there's an added level of scrutiny needed for development in regards to cultural resources out there. There may be other areas of the county where we find we may want to consider that as well. And another example I had here for you this evening was the idea of the scenic byway overlay to protect trail corridors and viewsheds within the national scenic byways to accommodate regulations for that.

So again, this is as close as we could come at this point to translating what we've been charged with into something that could actually be codified. We're most anxious to hear the public and public comment and suggestions on all this and of course your own concerns and comments on this direction. So thank you.

CHAIR STEFANICS: Thank you very much. Next we have Robert Griego doing agriculture and ranching. I think for the public you might start organizing your thoughts. We're going to take it topic by topic for public comment so that we can stay organized about the thoughts. So we'll take the energy first, then we'll take the open space, then we'll take the agriculture. So you can speak on all three if you want, or just one, but just so you know, we'll take all the energy comments first, then so on and so forth. So Robert.

E. Agriculture/Ranching CDP Summary and Recommendations for SLDC

MR. GRIEGO: Madam Chair, Commissioners, for the agriculture and ranching decision point we followed a similar process to the others. Basically, we looked at the Sustainable Growth Management Plan policies. We also reviewed the public input that we received and the focus group, and looked at the existing Land Development Code. There has also been an agriculture resolution that was approved by the Board via Resolution 2010-23 to establish a clearly delineated Santa Fe County policy to encourage and assist landowners who choose to voluntarily protect in perpetuity the open space character of their agricultural land.

We also looked at best practices from surrounding communities and counties. As we looked at the existing code and we established some of the recommendations, the recommendations included both incentives, performance and prescriptive regulations,

subdivision regulations and overlay zones that could be incorporated into the Land Development Code.

The first staff recommendation that we have in your packet is looking at the agriculture, grazing and ranching uses, including greenhouses and small barns and shed that would be allowed by right in the county. This is actually consistent with the current Land Development Code which allows agricultural uses to occur in the county. This recommendation would make that policy explicit into the new code and this would help to support the concepts and the policies that the Board has adopted through the Sustainable Growth Management Plan. However, we recognize that the SLDC should also recognize different SDA areas where agricultural uses are allowed by right. There are also some areas of the county which would have agricultural uses that may not be compatible, so there may be conditional uses that the Board may want to consider.

Options for agricultural uses identified include establishing maybe a registration process where they property owner would provide a site plan, identifying the agricultural uses on the property. That way it's clear what the agricultural use is for that. The SLDC should also accommodate new agricultural techniques, including community gardens, greenhouses, water harvesting and other techniques that may be applicable for agricultural purposes.

The second recommendation would be to establish an acequia protection overlay zone. The intent of the acequia protection overlay zone is to recognize the existing acequias. Acequias are currently protected by New Mexico state law special districts. However, there's no specific performance standards in place for that and the one recommendation would be to provide the – acequias would provide the delineation of the acequia on their plat upon the development coming forward, and have a minimum setbacks from the acequias from development. This is consistent with the SUSTAINABLE GROWTH MANAGEMENT PLAN policies which indicated that new development should be set back from the traditional acequia easements and acequias should be identified on plat and development plans.

And finally, the third recommendation would be to establish tools and incentives for agricultural uses, and this includes developing a transfer of development right program for both agriculture and open space preservation. A TDR program should reward lot owners and developers for enhancing agriculture and open space opportunities. This would also relieve development pressure on agricultural land by transferring development rights to areas that may be more suitable for development. This is also supported by the Sustainable Growth Management Plan policies.

Other tools and incentives include developing a purchase of development rights program for agricultural properties under development pressures, establishing conservation easements, improvement districts, and developing clustered housing conservation subdivision options. The clustered housing options might provide incentives for property owners to allow them potentially higher densities in areas that property owners would choose to provide clustered housing in areas. They might get increased densities within those districts. So we've looked at the potential about implementation of conservation subdivisions.

This would help support agricultural ranching land, critical habitat and open space, encourage a variety of housing types and in some cases continue the existing scale and land use pattern of the traditional communities and farming settlements. These are the recommendations from agriculture and ranching.

CHAIR STEFANICS: Thank you very much, Robert Griego. Okay.

II. Public Comments: Green Energy and Energy Efficiency

CHAIR STEFANICS: We're going to move to public comments and we really thank – first of all, thank you to the staff for doing all of these outreach efforts and to David Gold and to all of the staff for their hard work on where we're going with this. And I'd like to welcome the public and make sure you know that we are going to listen to all of your comments and take them into account. So if you are interested in commenting on the energy and green building, we just would ask you to come up to this microphone. There's no need to be sworn in. We're not voting on anything, and if you would identify yourself by name clearly and keep your remarks maybe to five minutes or so. Thank you.

KIM SHANAHAN: Thank you. My name is Kim Shanahan. I'm the executive officer of the Santa Fe Area Homebuilders Association and I just want to first of all thank you, Commissioners, for having this study session and taking all of this into account. It gets pretty dry. It's not as exciting as the meetings that David's been facilitating, but we certainly appreciate you taking the time to do this.

The Santa Fe Area Homebuilders Association essentially fully supports the recommendations of staff as far as the energy conservation ideas. And I think that Craig O'Hare captured my thoughts pretty succinctly. The main thing we feel as the Homebuilders Association is continuity between our jurisdictions. We have a line that we draw on our maps between the City and the County, but us homebuilders don't really pay that much attention to it. Our clients are wherever our clients are.

We have been building to a HERS 70 in the City of Santa Fe since July of 2009. Many builders have been building much lower than that even before then. The subdivision that I used to build was an affordable housing subdivision, homes that were under \$200,000 and we were getting HERS ratings in the mid-50s. So this is clearly not an impossible number to achieve, a HERS 70 at any price point. And as Craig said, the ultimate affordability is in the reduced cost of energy, and it's significant.

The other advantage of the HERS process is that it really has virtually no fiscal impact to the County or its taxpayers. Builders or homeowners hire HERS raters to do the preliminary analysis of the plans prior to submitting for a permit. The builders come into the County for their development approval. At that time they would show that they have had their plans analyzed and that there was a projection of a HERS 70 or lower. Then they go off and build the homes. The HERS raters would do a couple of inspections during the construction process, and then just before the C of O they come in and do one final inspection to verify that their preliminary investigations are true.

We do believe that the state will play ball. We are drafting a resolution urging CID to enter into an MOU with the County where they would simply not go out and do that final inspection until the County was satisfied that the HERS 70 had been achieved. So it's really the simplest way to do it. Yes, we do wish that someday the County could potentially have a full-blown green code that would take into account other things but at this point in time we don't believe that's where we can go. So it's a pretty simple process, and HERS 70 would give us parity with what we've been doing in the City of Santa Fe. It would achieve

essentially what our plan, the Sustainable Land Development Plan would want to, which is increased energy efficiency for our builders, and it's something that's overdue.

CHAIR STEFANICS: Anybody who would like to come up and speak on this particular topic?

COMMISSIONER ANAYA: Madam Chair, do you want us to reserve questions?

CHAIR STEFANICS: No. If you have a question for Mr. Shanahan we should probably hear it at this time.

COMMISSIONER ANAYA: Yes, I would like to, Madam Chair.

CHAIR STEFANICS: Okay.

COMMISSIONER ANAYA: I've got a couple. Mr. Shanahan, could you tell me a little more about who you represent specifically in your organization and how broad the representation is? Do you represent all 2,000 square miles of Santa Fe County or do you represent a segment? Just briefly tell us about who you represent.

MR. SHANAHAN: The Santa Fe Area Homebuilders Association is approximately 480 business members, and we represent all of Santa Fe County, and virtually all of northern New Mexico, all the way up to the Colorado border. So we have members in Angel Fire, Taos, Rio Arriba County, Los Alamos, Las Vegas.

COMMISSIONER ANAYA: So do you have a broad representation from both the northern part of Santa Fe County specifically, and the southern part, or are the majority of your members in and around the City of Santa Fe?

MS. SHANAHAN: Commissioner Anaya, in your region of the county there are a lot of members who are actually members of the Central New Mexico Homebuilders Association, but some of them actually are members of ours as well. The Mayor Pro Tem of Edgewood, Brad Hill, for instance, is a member of our association and is the chair of our Government Affairs Committee. He was on the concept decision point and is in full support of this.

COMMISSIONER ANAYA: I understand that. I actually appointed him to help us with a lot of this. I'm just trying to understand. Central New Mexico Homebuilders represents probably more people from the southern piece than you do. Is that an accurate statement? I want to understand clearly who your people are so if they're not here that I take an opportunity or staff takes an opportunity to reach out to them to get feedback as well so that we have a full breadth of input.

MR. SHANAHAN: Honestly, I don't know.

COMMISSIONER ANAYA: Okay. So do you have a listing of all your members?

MR. SHANAHAN: Yes. If you go to our website, they're all listed.

COMMISSIONER ANAYA: Maybe that will help. And then you talked about no impact to the taxpayer, and I just – it's my understanding that the HERS rating will cost from \$500 to \$900 just – not on the things that are going to be contained in the HERS requirement but just on the rating itself, the taxpayer or the person building the house is going to have to pay the \$500 to \$900.

MR. SHANAHAN: That's correct, but let's just be clear. That's the homeowner, not the taxpayer. If you're not building a home you're still a taxpayer. The point

I was trying to make is by not developing a full inspection department, which would be borne by all the taxpayers, the HERS rating is borne by the homeowner.

COMMISSIONER ANAYA: Who is a taxpayer.

MR. SHANAHAN: A very narrow segment of the taxpaying basis, yes.

COMMISSIONER ANAYA: Okay, thanks. Thanks, Madam Chair.

COMMISSIONER HOLIAN: Madam Chair, I have a question for Mr. Shanahan as well.

CHAIR STEFANICS: Commissioner Holian, then Commissioner Mayfield.

COMMISSIONER HOLIAN: Mr. Shanahan, would a potential homeowner who is getting a mortgage be able roll the cost of the HERS rating into their mortgage?

MR. SHANAHAN: Well, yes. They would contract with – that would be part of their construction cost that would be assumed when they went to the bank to get a construction loan. And so that would then roll over to a full 30-year mortgage, so yes.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Shanahan, a couple questions. You stated that you did a project with low income housing that achieved a 50?

MR. SHANAHAN: 55.

COMMISSIONER MAYFIELD: 55? Where was that at?

MR. SHANAHAN: It was in the city off of Airport Road. It was called Vistas Bonitas.

COMMISSIONER MAYFIELD: I'm not familiar with that area. Is that single-family homes?

MR. SHANAHAN: Single-family detached homes.

COMMISSIONER MAYFIELD: And what was the typical square footage in one of those homes?

MR. SHANAHAN: They were 1,100 square feet, two bedrooms, two baths.

COMMISSIONER MAYFIELD: What was the typical cost?

MR. SHANAHAN: \$196,000.

COMMISSIONER MAYFIELD: \$196,000? Sir, you with the development association that you represent, if folks have to pay this third-party HERS, are they paying it themselves or are they paying you and you're contracting with this HERS group?

MR. SHANAHAN: Well, typically, it would be the homebuilder would contract with the HERS rater, just as they would with the plumbing contractor or electrical contractor.

COMMISSIONER MAYFIELD: And are they inflating the costs? If the HERS rater charges \$900, that's what they charge? You all or the development community is not putting an extra \$1,100 or something else just in case?

MR. SHANAHAN: Well, it depends on the nature of the contract. If you're on a cost-plus contract, which are quite rare, frankly, yes, you might be able to tack on a 10 percent or 15 percent markup but for the most part it's just a pass-through cost.

COMMISSIONER MAYFIELD: Pass-through cost. And are you all – how many homes are you all building or your association building right now?

MR. SHANAHAN: Well, we don't as an association built any.

COMMISSIONER MAYFIELD: Your membership.

MR. SHANAHAN: Our membership are building – well, I think the County has issued, what? Fifteen building permits this year? It's pretty pathetic, quite frankly. But on the other hand, Centex Homes, for instance is a member of our association. Homewise is a member of our association. They are building the lion's share of homes in our region right now.

COMMISSIONER MAYFIELD: Mr. Shanahan, you indicated you're staying in compliance with the HERS rating within the city, but you build all the way up into southern Colorado, other areas.

MR. SHANAHAN: That's right.

COMMISSIONER MAYFIELD: Are you all maintaining that 70 throughout?

MR. SHANAHAN: Not necessarily, no. It's not an ordinance or a code requirement in Rio Arriba or Los Alamos or anywhere else. There are plenty of builders in those areas who are building to 70s and lower, but in those areas it's a purely optional thing to do, between the homeowner and the homebuilder.

COMMISSIONER MAYFIELD: And Mr. Shanahan, why would your association not build to that 70, even if it is optional?

MR. SHANAHAN: We don't enforce standards like that on our builders. We're a trade association. We're a networking association, an advocacy, education. But we don't actually create standards that we expect our builders to build to.

COMMISSIONER MAYFIELD: I appreciate that, but do you think maybe they're not doing it because of affordability? Otherwise, why wouldn't they just do it?

MR. SHANAHAN: If the homeowner is not demanding it they don't do it. The HERS rating is the proof, if you will. If the homeowner does not require the proof then the builder would not do that. In this situation, we're actually asking the County to be the proof, and the same with the City. They ask the builder to prove it.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Mr. Shanahan.

CHAIR STEFANICS: Thank you, and Commissioner Anaya had another question.

COMMISSIONER ANAYA: Yes, Madam Chair, Mr. Shanahan, when you say that the homeowners association endorses this, do you have a board?

MR. SHANAHAN: Yes.

COMMISSIONER ANAYA: And do you have a membership meeting where you vetted this item before the membership? Or was this a board decision solely on the board?

MR. SHANAHAN: Well, like you, we are a representative body. Our board is 23 members representing, theoretically, the interests of all of our members in the same way that you represent the interests of the county. The board is the entity that would approve this. We have issued a draft. Our last board meeting was about a week and a half ago. We issued a draft essentially supporting the County staff's position. We expect that we will have that by the time this Commission actually goes to a vote and we do expect that they will. We've also, as I've said, drafted a resolution for CID urging them to cooperate with the County should

you choose to go forward with the HERS 70 requirement.

COMMISSIONER ANAYA: So the board hasn't voted yet?

MR. SHANAHAN: No, not yet. But they will.

COMMISSIONER ANAYA: Thank you.

CHAIR STEFANICS: Thank you very much. Next. Could we have your name, sir?

WAYNE NICHOLS: Hi. My name is Wayne Nichols. I've been in the Santa Fe area for about 38 years. I'm in District 4. I'd like to speak first on behalf of myself and then formally on behalf of the Santa Fe Association of Realtors. In my own experience I've pioneered the use of energy efficient construction and passive solar techniques starting in the early seventies. I've built probably over 100 homes in several different solar subdivisions and have taught thousands of people throughout the country in workshops in conjunction with Ed Mazria on how to build, design passive solar structures.

And I am here personally to state that I have no objection to the HERS rating system, but I would like to say in the strongest possible way that there are alternative ways of measuring energy efficiency in residential buildings. Whether it's a HERS rating system or some other method of measuring energy efficiency it all boils down to a single number, which is called the BTUs/square foot/degree day for that building. So my argument is that we do not as a County want to lock ourselves in to only a single path of measuring energy efficiency. That path may be based on computer simulations that are dated or have a self-interest in certain products, and so what I'm recommending is that we allow variable methods of coming to the same energy target that you as a County decide as your green building code, whether it's stated as a HERS 70 or HERS 80 or whatever it is. It all boils down to the same number. There are other, possibly less expensive and possibly easier to use methods of calculating this number for a structure that would meet your code requirements.

So that's why I'm here is to make that strong personal statement based on primary work in energy efficient structures and subdivisions over a great many years. So on behalf of the Santa Fe Association of Realtors I would like to read a letter that has been submitted to you that is in your packet. *[Exhibit 6]*

Dear Commissioners, the Santa Fe Association of Realtors supports the creation of an alternative to using HERS rating as a means of certifying energy efficiency for new homes built in Santa Fe County under a future green building code. The purpose of this letter is to request that any County green building standard include performance path options allowing for a professional third-party architect or engineer to certify as acceptable the energy efficiency of a proposed new building. These performance options if utilized proven passive solar components and techniques as acceptable means of satisfying any new County green building code.

New Mexico and Santa Fe in particular led the nation in the early days of developing and incorporating passive solar strategies in residential and light commercial structures. In developing any new County code the Santa Fe Association of Realtors values the inclusion of these important achievements that take full advantage of our unique climate and request that the adoption of a flexible set of measurements, options, to achieve the County's desired energy efficiency requirements.

And our organization represents – well, it used to be more, but it's about 800 realtors

in Santa Fe County and Santa Fe in particular. And we just want to see the County come up with the means of if you're going to mandate energy efficiency that allows the great variety, and changes ways of determining that final point of energy efficiency, whatever you decide it should be. There's a system in your package here called HEED, which is under development. It's been used actually, in California to meet varying code requirements. Ed Mazria and his staff has been working with the people in California to see how we can adapt HEED, which is home energy efficient development to meet our Santa Fe climate here.

So that's just one of the many options and we hope you will consider that. We strongly endorse alternative number two that your staff has put together. Thank you.

CHAIR STEFANICS: Thank you very much.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: David, we're not taking your comment yet.

Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Nichols, could you comment on the energy efficiency of having been involved in housing and housing construction for a long time. Would you generally say the energy efficiency has improved over the years? I would say it has, but what's your –

MR. NICHOLS: Absolutely. Code requirements have mandated [inaudible] Construction or more insulation or requirements that look at the issue of what's called airflow bypass in structures. There's a lot of really great innovations that are coming along that are being used more and more by builders. But the baseline is that there has been a steady increase of energy efficiency. When we started in 1973 doing our first subdivisions the first oil crisis created a huge market demand for energy efficient buildings and passive solar turned out to be one of the most cost-effective and efficient ways of doing it. It's a way of pointing a house in the right direction, having glass to let the sun in, have mass within the structure to absorb the heat during the day so that it can reradiate out at night, and then insulate the structure very well.

So that is a technique that had a real flush of acceptance until the Reagan administration cut down on a lot of the coverage of that. And market acceptance and consumer interest in energy savings drove that movement in the seventies and eighties. So mandated codes, maybe that's what we need, but basically, a person buying a home has certain cultural and kind of internal, psychological requirements that he wants for his house and imposing kinds of equipment and different kinds of elements for the structure may or may not fit with that cultural preconception of the market base of what people want or don't want.

So every house we ever build was spec built, so we had to learn what the consumer liked or didn't like and there has been, I think over time it's taken a step back, but over time in general there is more awareness, starting in the seventies, happening again in 1979, happening again now every time we have an oil crisis, that the consumer wants more energy efficiency.

COMMISSIONER ANAYA: Madam Chair, quickly, I would credit realtors and builders on their own right, in addition to regulatory changes that also helped that along, that builders and realtors and other people in the housing market, as you said, wanted to have a product that was good, beneficial to the client. Would you agree with that?

MR. NICHOLS: Absolutely. It's a selling feature. There's no question. And I think it's a selling feature that has now come back to the forefront. It died out and now energy prices are on the rise and we see no end of it so I think it will be more and more important.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Next, please.

TOBY GASS: My name is Toby Gass and I'm a resident of District 2. I'm also on the Open Space and Trails Focus Group, but I don't think that pertains to my comments on the energy issue. I simply wanted to say that it's my understanding that the HERS rating system does not consider passive solar in the system. Passive solar is probably the cheapest, easiest way for people in this part of the country to heat their homes in the winter. The home that I live in, which I did not build, does have a passive solar war and on sunny days in winter we have no need to heat our house, at all, which is a significant cost savings, I think everybody realizes. So I would just suggest that the County, whatever the County chooses to do in mandating any types of energy efficiency, it adopt a system that does recognize passive solar energy as a valid way of achieving energy efficiency. Thank you.

CHAIR STEFANICS: Thank you very much. Next, please. How many more people want to talk on green building and energy? You should probably start making your way forward. Thank you.

RAY SEAGERS: Yes, I'm Ray Seagers from the southern part of the county. And one of the things I've noticed here, and it was a consensus in our part of the county with the exception of a few people, when it comes to increasing the code over the existing standards the state now has, we're very much opposed to that, because we have what is called real affordable housing down there. And I don't want you to make a decision based on false and misleading numbers, which I see in here. I don't think they're intentional, but I do think you need to make a rational decision you should have a cost/benefit analysis done by folks that know how much these type of things cost.

And our average house is \$170,000 in the southern part of the county. A quick calculation with a green builder, who just happens to be my son. He got quite a few awards in this field, felt that we would probably end up going up about six percent, not two percent. And if you think about it, if we had \$4,000 to reach this goal, added to a \$200,000, that's what these figures say. It's \$1,000, not \$600 to \$900, but I'm getting quotes of \$1,000 just for the inspection. And by the way, that's \$1,000 and up. So it's not just a basis.

Now we have thousand square foot houses, all right? And we'd like to be able to continue to build them. But that gives us an entry level house that a lot of people can afford. Even the median income in this county is only \$65,000, meaning \$170,000 should be the median price a person could afford. So we're looking at six percent on your house – my thousand square foot house, okay? \$6,000, \$7,000, plus the inspection. So I think these figures if we hang our hat on them really need to be massaged and you need to get local, and I'm talking about we're local too.

We're also members, not of the Santa Fe Homebuilders Association. Almost everybody in our area is represented by the Central New Mexico Homebuilders Association, and they are definitely not for increasing these costs and tying them to one of these standards and going overboard on costs. We have a problem right now. We've got to build a house somebody can afford. The state's regulations, okay, do include, as they stand, once they did

away with a couple of things that wasn't politics. It was an overwhelming response from builders around the state to knock out some of the excessive green requirements. And when they did that, they're trying to get those houses back to not kicking too many people out of the housing market.

So we strongly suggest that you review these figures and see if you add something to the state code, whether it's really a wise idea. Certainly, saving energy is popular and necessary, but that should be between the builder and the buyer. All of us would add whatever we can afford, if we can see some cost benefit, but if it means not having a roof over your head, which it will in many cases at the lower end. The lower end is like a pyramid; there's more people down there than there are at the top.

I sit on this green building committee not as a member but I watched and made public comment on that and I noticed that those people that seem after I interviewed them and asked them questions to build in the higher reaches of the market didn't care much what you add. And certainly, when you've got a million dollar house or a five million dollar house, some of these small, incremental percentages don't mean much because you can afford it. But we've got a whole lot of people in the southern part of the county, many of which have to come up here to go to work, because that's the only place they can afford to live anymore, they can't afford this extra add-on. If they can, they're glad to negotiate with their builder to add it on, but it should not be an additional requirement, you're just destroying another tier of affordable housing, and I'm sure of that.

That's my main comment. We've done some quick work here and come up with these numbers with a valid green builder. I think what I'm saying is quite correct, and I do not see the need for us to exceed an already green requirement or energy efficiency requirement. The other thing is when you go to this HERS, I have heard, I don't know, but solar types of things are not counted in this. I'd rather see somebody spend more money on a solar water heater. They might find that efficient. My son did it. We got a 52 rating on his house and it does save some money. But it costs money, and it would have knocked out quite a few people at the entry level if they had to do this sort of thing. But that might be something you would choose and it eliminates certain energy efficiency things that are coming on the market all the time but don't come under HERS, don't come under the many - by the way, there's 600 and some rating situations like those in the country, all of which are a little difference. So tying yourself to that kind of thing I think is going to hurt affordable housing. And I'm not talking affordable housing where the County subsidizes it. I'm talking what we call the real affordable housing where you make a paycheck and then you go out and pay for that housing.

One more point. These type of onerous and more expensive situations really hurt is in the southern part of the county for another reason. Our market, our employer, is mostly over there in Albuquerque. It's 19 miles from the city limits out to Edgewood and the area around it and the southern part of the county. So we rely on that. Now, for builders, we have to compete against builders in two different counties, Bernalillo and Tarrant, and Moriarty, and the Town of Edgewood. That's our competition that affects us realtors, the folks seeking houses and this sort of thing. And if you lay a non-competitive situation on us where you will if you build in the southern part of the county it's going to cost quite a bit more than if you build over here three miles away in Bernalillo County, or over here, 1.3 miles away in Tarrant County. I think you really ought to take that into consideration and let's stick with

the state code.

CHAIR STEFANICS: Thank you very much, Ray.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, Ray, one quick question for you.

As a realtor for a long time –

MR. SEAGERS: Forty-two years.

COMMISSIONER ANAYA: Forty-two. If you had a requirement and you had a direct incentive through a rebate in taxes or through a direct subsidy, would people utilize the rating? I mean if they could get a direct reduction in their building permit or – I was watching a program the other day on TV, in Cleveland, Ohio, they have tax abatement for a decade on new construction of housing because of the economics and the downturn that's occurred.

MR. SEAGERS: That crossed my mind is an alternative, and I'm sure that some people would take advantage of it. The biggest problem we have also, with all these things we add, we can't get the appraisers in this environment to go ahead and include them as adding to the value of the house. So when you go sell a house, you resell your house, and you've got these various things that are there, that type of thing might be an advantage, especially because nobody lives in a house more than five years, in reality, for all the 60-year life and all that sort of thing, pointed out here, most people turn over in five. Okay?

Now, if that type of incentive existed and could be passed down to the next buyer, now then it would have some good to it. But I find most people choose, and they don't have their hand out. We're talking about working people here. They're proud to have a job. They make \$40,000, they make \$60,000 and they don't mind paying for what they can afford. And if they make a little more they'll pay for that too to save some energy. That's what I find. But, to answer your question specifically, I'm sure it would be an incentive, and it would be positive but it's not the only answer. But to make it truly positive, because you change jobs and you have to transfer and now you've got the house you paid x-amount for and now you're not getting it off your tax bill, you better pass it on to the next guy too, make it work.

COMMISSIONER ANAYA: Thanks, Madam Chair.

CHAIR STEFANICS: Thank you. Next, please.

AMANDA EVANS: My name's Amanda Evans, and I am the program manager of the Energy Smart Academy at the Santa Fe Community College. We do HERS trainings there. I do those trainings. I was a HERS rater for a while. Also, I definitely support the idea that there are other valid systems out there, but there's a lot of misapprehensions or misunderstandings about the HERS rating system and I think here, a prime example is HERS ratings systems do take into account passive solar. There's input streams where you can input solar mass, whether you've got south-facing windows, what the quality of those windows are. Definitely, pretty much everything that you need in a passive solar home can be modeled in a HERS ratings. For many years people said that wasn't so, but they've changed a lot of the input streams in the last few years.

And also I'd really like to stress again Craig's point that all of these improvements that you're making and the extra cost that that might add on is something that can be rolled into a mortgage and that can be financed over a period of time, and you're now not paying for

the additional energy bills. I think that's something that really needs to be taken into account here.

CHAIR STEFANICS: Thank you very much, Amanda. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Evans, you seem like you are an expert on this HERS rating. What about traditional building materials such as adobe bricks? What's the HERS rating on that?

MS. EVANS: Adobe bricks is the one thing, or one thing – well, HERS doesn't model adobe bricks very well, and there is where it's valid to have another system. Some of the qualities in adobe materials aren't well modeled in a HERS rating.

COMMISSIONER MAYFIELD: So, Madam Chair, Ms. Evans, where would you get a modeling for adobe?

MS. EVANS: I think most likely in some of the passive modeling systems. We also have the problem of part of the modeling of an adobe brick wall assembly assuming you just have 24 inches or 20 inches of adobe wall. People are nowadays building adobe walls and they're putting some kind of insulation on the exterior which is defeating the purpose of the thermal mass of an adobe wall. If you're doing a true adobe wall and that's all you're doing, with no rigid foam on the exterior, for example, then you probably would need a different system to model it with.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Ms. Evans.

CHAIR STEFANICS: Thank you. Next, please.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Ms. Evans, can you do a HERS rating on a house that's already been built.

MS. EVANS: Originally, HERS ratings started in 1995 to model existing buildings and then it was after that, once we started getting more into trying to figure out what to do with new buildings and how to model them that the HERS system got adapted more for new buildings. But it was originally done for existing buildings.

COMMISSIONER ANAYA: So couldn't we easily go look at existing construction in recent years, permitted directly from the County, to get a barometer as to what the ratings are in some of those new construction homes? Or do we know that? Do you know that? If we went into Rancho Viejo, for example, did a HERS ratings on those homes and found that we were near 70? Or we analyzed homes in Edgewood or anywhere in the county, we could determine what the factors and what the houses that we've already built is doing, aside from a mandate, couldn't we?

MS. EVANS: You could go into an existing community and model the homes but most likely, I would imagine unless it was a builder who specifically was really building efficient homes, they're most likely not going to be at a HERS of 70 necessarily, because they probably in the past were just building to code.

COMMISSIONER ANAYA: But we don't know.

MS. EVANS: No.

COMMISSIONER ANAYA: The other thing I would ask is if you could find

out what a rating is at the end of the rating criteria, understanding the building principles and practices, what's the need to have an inspector at the beginning, the middle and the end?

MS. EVANS: For you mean the HERS process?

COMMISSIONER ANAYA: Yes.

MS. EVANS: Well, initially what you do is you get a set of plans and you do a projected rating, and that's really to ensure that the builder going forward isn't going to end up in a situation where they've completed this house and they didn't get their HERS result, whatever that number is, say 70. And there's some very, very efficient and cheap things that can be done at the beginning of the building process if you've got a designer or an architect who understands the process.

So there's a big education component in here where if you've got people that understand the process and know how to design a house correctly it's not an expensive add-on. It's expensive if you don't understand what you're doing. And then when you get through the process, at the end you have the HERS rater verify that actually they did do what they said they were going to do. They didn't half-way through decide they were going to put in a cheaper furnace, switch out from the nicer furnace they were going to use, and now all of a sudden they're not at a HERS 70, they're at a HERS 78, for example. So you have to have someone at the beginning to sort of help with the design process and at the end to go in and verify.

COMMISSIONER ANAYA: Not necessarily in the middle?

MS. EVANS: In the middle, it depends on if you bring in the thermal bypass check, which is one of the plus plus that I know that people have been advocating. That's so that in the middle of the process that you understand that the air barrier for the building is complete and that the insulation has been installed correctly. Because they have a big effect on the overall performance of the house for the rest of the house's life. So that little inspection, if it's done and the builder knows it's going to be done is an incentive for it to be done correctly, and that has a big impact for the rest of the building.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield has a question for you.

COMMISSIONER MAYFIELD: Ms. Evans, one, what's the typical cost of a square foot for a HERS rater going to evaluate a home?

MS. EVANS: Typically, it's about 15 cents a square foot to analyze the plans, and it's usually like about a minimum of \$300. There might be differences between Santa Fe and Albuquerque, and then there's the competitive – the more HERS raters you get the cheaper the price gets. And then there's inspections, you do a couple of inspections, the thermal bypass inspections and depending again on the market rate that could be \$50 an hour, it could be more expensive, depending on who's doing it and who you've hired. And at the end, when the HERS rater comes back they'll be doing a blower door test, checking the appliances that were spec'ed out, that actually what's got put in, and just making sure that the house is constructed like the builder said it was going to be. And that – I guess that just depends on the builder and the HERS rater of doing a [inaudible] test at the same time.

I think the \$500 to \$900 price range is pretty fair.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Evans, are HERS

raters regulated by anybody? Do they have any – I think you do continuing ed where you're at right now, but what are the requirements for the HERS raters?

MS. EVANS: The organization that ranks the standards for HERS raters to work under, it's called the RESNET. It's an organization that's made up of the mortgage industry and a bunch of other people that from RESNET, I guess. Underneath them, they have what are called providers, and those providers are people who have gone through fairly rigorous testing and training and they understand how to oversee HERS raters. There's a QA process for them; what they're doing is an oversight process. And then they have HERS raters who work under them. So a HERS rater has a provider who checks their work, a certain percentage every year and if they start messing up that provider is going to take a role in educating them and seeing where they're going wrong. And that provider is checked above to make sure that they're not messing with the system.

So there's a really good oversight in that. And then the HERS rater every three years has to either do a lot of continuing ed or retake the whole HERS process again of testing.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Ms. Evans, if a consumer, a developer, a homeowner had a complaint based on maybe what information they're getting back from the HERS rater, could they appeal that to somebody? Do they have to hire a new HERS rater?

MS. EVANS: You appeal that to their provider, and the provider gets involved and sees – tries to figure out what went wrong, where the process went wrong. If the homeowner's not happy with that it can be appealed back up to RESNET, which is the overarching organization.

COMMISSIONER MAYFIELD: And is there a cost to the homeowner for that?

MS. EVANS: I don't think there's a cost to the homeowner.

COMMISSIONER MAYFIELD: Thank you, Ms. Evans, very much.

CHAIR STEFANICS: Thank you. We're on to our next speaker.

REX ROSS: Good evening, Madam Chair, Commissioners. My name is Rex Ross. I represent Rancho Viejo. I am a builder and I'm a community developer. And I find myself in a little bit of an awkward position because it probably sounds like I both want to have the cake and eat it too, in this type of environment. First, I wanted to thank the Commissioners for basically having this whole conversation and for I think what I've seen a lot of work the staff has done, a lot of input that's been done, and I think it's a great discussion.

The only thing that I wanted to add is just three points. A lot of the things that have been said I think are great, but primarily the part about want to have the cake and eat it too is I find myself very much in support of improving energy standards as well as a host of other green building standards and those type of things. And as a builder what we do is we see customers who want high energy efficiency. But the flip-side is, as a builder, we also have people who are essentially trying to do a cost/benefit analysis themselves when they purchase a home.

So I feel like I'm sort of a middleman, that we're representing the consumer. And the consumer is the buyer of a home, a resident of the community, and as such they're a part of the community. So they probably should have – and this seems to me the same general

concerns that almost everybody else in the community has, at least as a whole. And as a buyer, the real question is am I getting what I'm paying for? And so I think the building industry has done a lot, if we look over the last 10, 15, 20 years in improving energy efficiency with homes and making homes much, much cheaper. I look at what I was building 10 years ago, 15 years ago and 20 years ago, and it's just amazing.

The national standards, the state standards are all coming up. So with regards to this discussion there's three quick points and then I'll let somebody else go. But we have some concerns I think with the factual information that's been presented because it's not what we're experiencing with regards to cost. We already pay almost \$1,000 on individual house inspections. We do build to a higher standard but we're not at 70 with our particular product line today. We very much support the builders and consumers to purchase what they think is in their best interest.

It changes of course with different types of homes, different square footages, different offerings that are provided. But the cost of the improvements we think may be higher to get to lower standards. If that's all we're focused on it might be okay. But there's other choices I think buyers would like to have. The cost of our inspections is actually higher. And the third item that we haven't really discussed tonight but we're getting to a point where homes are so efficient, one of the ways to make them so efficient is they're becoming relatively air-tight. As they become air-tight, the new conversation that's actually kicked up in all these circles and particularly the green side more than the efficiency side is indoor air quality. And we're starting – with us, anyway, we're trying to look way beyond this conversation and figure out how do we convince buyers that what we do to promote indoor air quality is at least as important as other choices that they have to make, and that has to do with the staleness of the air that's in the house and how is that exchanged.

So what I guess I'm saying is I think that should be part of the discussion. I'm very concerned that when we codify something that we discourage a natural tendency of the market to drive and move ahead. And if we saw where the market was stopping or going in reverse with regards to energy efficiency, then I personally would be concerned and would share a much stronger need how to give it a push. But I don't see that today, and I don't know any of the builders that I work with, associate with, that don't have energy efficiency as one of their highest items to achieve. What we're all struggling with is how do we do it for what the consumer wants to pay and what are the items that are – as a metaphor, the highest juice to squeeze ratio, if you will.

The last point is that I think we all know the condition of the current economy and maybe we all know – I certainly do – the condition of the homebuilding situation. And it's a really difficult time to throw on additional layers of requirements that may or may not exceed what's already happening in the industry as it is. So with that, that's what I had to add. Thank you.

CHAIR STEFANICS: Thank you very much. Is there anybody else on the – and how many more people want to speak on the energy and green building? One there – anybody else? Okay. So I think we have two more speakers.

GERRY POWERS: My name is Gerry Powers. I live in the south end of the county. I'm a homebuilder, general contractor. I'm a member of the Homebuilders Association. Ray Seagers made a lot of my points. I'll have a few more to add but I want to

say I definitely agree with what Ray had to say and I want to point out again, throughout this process we've been trying to get the attention of the Commission on the distinctions that make our situation different in the south end of the county. [Exhibit 7]

One of the gentlemen was talking about consistency between the city of Santa Fe and the county of Santa Fe. Well, we're not Santa Fe-centric down there. We have Edgewood down there, we have Moriarty down there and the City of Albuquerque where a lot of people are employed. So if consistency is an issue, we would vote to be consistent with Edgewood's building code, but that's because that's where we're focused. So I just want to point out that Santa Fe is not the only municipality in or around or near Santa Fe County that would affect the consistency of regulation.

The other point I'd like to make is that several people have said that you can actually wrap the cost of these improvements into a mortgage. And while that sounds like it would work, in practical application, if you've got a house, say, in our end of the county. It's \$150,000, it's already been built without the HERS improvements, when the appraiser goes out to appraise the new home that's the same style, same design, same location right next door, they're not going to appraise it at \$212,000 or a higher number because it has a HERS rating; they don't do that.

So the appraisal comes in at \$200,000. The builder can't suck up that extra \$12,000 or \$6,000 or whatever the improvements cost, so in practical application, if you're going to put 10 percent down on your mortgage, you have to put ten percent down, plus the cost of the HERS improvements, which knocks a lot of people out of that ability then to buy a home. So in practical application it doesn't work that way.

I want to say, being a homebuilder, I've built in both the City of Santa Fe and the County of Santa Fe in different places, and I agree that the model that was given in the packet that was handed out of about a two percent bump on a – it's going to cost way more than that. I had my estimator run the numbers out. We figured somewhere between \$7,000 to \$12,000, depending on the size of the home. So I think that Ray's suggestion that an independent analysis be done by an architect or a professional firm to find out what these improvements are really going to cost is essentially. Affordability is a huge issue, especially in the current climate.

The other point I would like to make is when building a home like this you have to start out – I know you can get a HERS rater to look at the plans, but then you have to get an architect to change the plans, so they conform. So there's money involved there. There's money involved in the inspections, and it's not a one-time inspection. You have to go out at the framing point, you have to go out at top-out, and you have to go out for the final. So there's basically several different inspections that have to be made. The idea that you can get the state to police this and enforce a regulation that they don't have – I don't know how that would work. But I think the idea of having other professionals involved and having to pay for that. And then the City of Santa Fe can do it because they have their own building department with their own inspectors. So those are my comments.

CHAIR STEFANICS: Thank you, Gerry. Yes, sir, You in the blue. You haven't spoken yet. Come on up. Is there anybody else who's going to be speaking on green building and energy? Okay. You've spoken once though, right? Okay, you can have one more minute after him, but then we're moving on to open space please. Okay, go ahead. Your

name please.

CARY BOYD: My name's Cary Boyd. I happen to live in the City of Santa Fe because of my wife's employment but she recently retired and we were going to move into the county. I'm used to living in the country, having run my horses and my stock most of my life. I want to get back to it but now I have a concern.

My background includes ranching, banking. By education I'm an economist. For a few years I was in energy conservation and alternative energy industry and did some serious work with Sandia and Los Alamos. On my staff I had the senior engineer from Lawrence Livermore who was born and raised in New Mexico and came back to New Mexico to be near his elderly parents. So I have a little bit of familiarization with things.

I'm going to speak not so much in details but more as an economist. I'm in the process of writing a book on the unintended economic consequences of political decisions that I started about a year ago, still have some work to do on it. One thing my research ran across was Tomas Sowell, an economist and senior fellow at the Hoover Institute with Stanford University. In his articles including one extended panel I saw him on CSPAN, he talked about where government regulations pertaining to zoning, housing and land use has caused an increase in the average homes in those areas where there has been increased regulations, like cities and counties, a little bit state but mostly cities and counties, has increased the average cost of homes by 18 to 50 percent, with a few instances exceeding 50 percent. That's an unintended consequence, made by honest, well meaning people.

In my opinion, this discriminates against low income people, which minorities are a large percentage. Again, as an economist, as I went through the plan, I'm hearing at the meetings I hear stuff on the code, I can't see that not happening by any means at all. That's an extremely serious concern I have and I think it's going to happen.

From an economic standpoint, one of my best friends at New Mexico State wound up being a horse trainer. He's trained horses all over the world and he's moving back to New Mexico, his home state. I was showing him – I'm a licensed realtor also but I do mainly work in cattle ranches and commercial. He was looking to locate not too far from Santa Fe because he thinks the people he trains horses for would like Santa Fe. He trains a lot of polo horses, some racehorses. But he's trained racehorses in Argentina where they would fly him to Europe for one race and fly him back. We're talking about serious money. I gave Tommy a copy of the plan because he was going to come here, buy a piece of property, hire some people to live in the area. His people come in, he thought they would like Santa Fe. He promised them the most expensive room Santa Fe has. He did not finish reading the plan. He's now looking at Torrance County. He said in no way would he be in Santa Fe County. His clientele, instead of coming into Santa Fe, they'll be staying in Albuquerque. That's an unintended consequence of this thing.

I think I could talk more but I think I've said enough.

CHAIR STEFANICS: Okay. Thank you very much, Cary. Wayne, you had another comment?

MR. NICHOLS: Just a couple of points. One is that based on years of experience, the appraisers determine the amount of mortgage you can get on a house and appraisers, due to their code of conduct required by the professional organization, do not at this point take into account energy conservation as a factor in increasing the value of an

appraisal or of a house. So the amount of increased cost for energy conservation goes directly to equity, comes out of the buyer, the builder, the owner's pocket at the time he closes the house, not over a 30-year period.

True, there are means for HERS to analyze passive solar techniques but unfortunately, some of the most effective techniques they don't have methods of modeling, such as unvented Trombe walls. Third, there is a misconception that HERS has an after-occupancy evaluation system and that is not the fact. That is an Energy Star program that's voluntary. I person signs up for it and they monitor the house after it's built, so it's not a part of the HERS program; it's part of the Energy Star, which is a whole different voluntary program that measures energy efficiency in structures. Thank you.

CHAIR STEFANICS: Thank you, Wayne. Is there any other person who wanted to speak on energy and green building before we move on? Robert, we're not taking comments from staff at this point.

MR. GRIEGO: This is a public input comment that came in from an email, Madam Chair.

CHAIR STEFANICS: Okay. Great.

COMMISSIONER ANAYA: Madam Chair, are we going to go through all of them?

CHAIR STEFANICS: Yes, and then go back. Then either have an interim discussion or go back to the staff for questions, etc. But I want to make sure that the public has an opportunity to speak in case they need to get out of here. We are now at 8:30 and I know that several people have been waiting a while. So, Robert.

MR. GRIEGO: This is from Ross Lockridge and Ann Murray from Cerrillos. This is concerning green building. "We wish to see a passive solar requirement as part of the green building standards. We also support the ideas that Wayne Nichols suggested, use flexibility in achieving a significant rating.

CHAIR STEFANICS: Thank you very much.

II. Public Comments: Open Space

CHAIR STEFANICS: We are now on open space. How many people would like to make a comment about open space and trails? Okay, if you could just start moving over and we can start hearing. And for those of you who made comments and are leaving, please remember we're not making any decisions tonight. We'll just discuss with the staff and the decisions will come later. Yes, sir.

JOHN OTTER: My name's John Otter. I live in Santa Fe. In view of what is seen to be very likely an increase in energy costs that would affect transportation it seems to me there should be attention or emphasis on paths and trails that take people from their residences to places where they shop. Such trails could also serve as recreation trails, but I think there's going to be a lot more people wanting to walk to the store.

The second thought is one that other people have made. It's just that there needs to be an overall plan for trails. I can see one new subdivision having their trail go through it in one way and this complicates the problem for making a trail in an adjacent subdivision so that they don't connect very well. So I think it's important to have an overall plan for the trails

and path system. Thank you.

CHAIR STEFANICS: Thank you very much, John. Our next speaker?

GRETCHEN GROGAN: Hi. My name is Gretchen Grogan and I'm a project manager at Commonweal conservancy. Commonweal owns the Galisteo Basin Preserve in the Galisteo Basin. I'm also a member of the City's Bicycle and Trails Advisory Committee, and I was on the focus group that looked at open space and trails. And I just want to commend Beth and Colleen for all their work in putting together their recommendations. I think it's really good work and a good representation of what was discussed in the focus group. I just have a couple things that I would love to see or respectfully request that we get some clarification on and that is complete streets as part of the requirements.

In theory, I'm a big believer in complete streets, but my understanding of the complete streets program is that streets should be designed to accommodate all users, so vehicles, pedestrians, bicyclists, the disabled, in places where there is mass transit. But the complete streets program does now have specific design recommendations about the width of travel lanes or the width of bicycle lanes, or even that bicycle lanes are required in all situations. I think the complete streets program really leaves it up to the communities to decide how we accommodate all these users, and in fact, specifically about bike lanes, it says that although bike lanes generally do increase cyclists' safety, on lower volume, low speed roadways they're not needed. And experienced cyclists can share the road with vehicles without problems.

So I think the last starred item on the left column on this matrix that says that complete streets have a five-foot shoulder designated as a bike lane and an off-road trail, which may be paved or unpaved, is not completely accurate. So I would just request that Beth and Colleen look at that and we give some more definition to what we mean by complete streets.

I also want to say that I think that one of the goals of the plan was to try and create, sort of go back to the idea of traditional neighborhood design, that had narrower streets, more pedestrian friendly communities, and I think some times if we just add bike lanes to every street all we're doing is increasing the travel lane. And we've seen with lots of studies that the wider the streets, the higher the speeds of the cars that are traveling on those streets and that's what's really a problem for cyclists' safety. So I would just request that.

And so in the future, if design requirements are made for complete streets that they're more based on the traffic volume of those streets, and the speeds of those streets and where those streets are located. If it's a connector or an arterial street, I think a bike lane makes sense. If it's a purely neighborhood street I think cyclists can share the street with vehicles that results in a narrower street and slower speeds, which is better for pedestrians as well.

MR. SEAGERS: One other question I had that's a little unclear to me at the Open Space Focus Group. And I'm trying to recall, I think there was, of the ten or twelve people there, there was only one person I think that talked about mandatory provisions for open space, and that was in favor of that. Most people talked about incentives. I was surprised when I saw the chart because it's 30 percent pretty much across the board with the exception of agricultural and rural fringe, I think it is.

But I think options are good. I think some people like to have small lots with some open space, and for those people it's fine and some people would like to have larger lots

where they have – instead of having a small lot they’ll have their own open space in their backyard where they can have a garden or a horse or something like that. Certainly in the south end of the county that’s true. We haven’t seen the density proposals yet so I can’t – I think I’m going to have to reserve comment in the future when we see what the density proposals are because certainly, when you’ve got a 160-acre lot or a 40-acre lot or an 80-acre lot, talking about open space, you know it doesn’t make a lot of sense.

So what I want to point out is that most people were not in that focus group in favor of a mandatory open space requirement and that’s what we’ve got in this proposal. So we’re against that. In addition, page 14 of staff’s recommendations, there’s a table there, talks about new housing developments and agricultural zones. There are items 1, 3, and 6 on that page 14 which would place conservation easements and designate private open space for riparian areas, critical habitat is listed on the federal regulations, and historic places, either state or federal regulations. I think I’m definitely in favor of layer and layers of regulations regarding the same thing. The federal regulations cover the protection of critical habitat probably adequately and to put another layer on top which is a prescriptive taking of the rights of the property that’s the subject of the same I think it is bad thing.

I brought an article that I would like to quote just a couple of excerpt from. It’s about HUD’s report on how regulations decrease affordability and I’ve brought a copy to get into the record which I’ll submit in a minute. [Exhibit 8] It says there are teachers, police officers, nurses, firefighters, returning veterans, the sort of people anyone would be happy to call a neighbor. In certain areas these hardworking families are forced to commute long distances or live in substandard or overcrowded housing because of excessive regulations that are artificially driving up the cost of housing. This is among the findings of a new report released today by the Housing and Urban Development Secretary Alfonso Jackson.

So that sounds a lot like Rio Rancho, where people commute up here because they can’t afford a house. The City of Santa Fe adopted very strenuous regulations 15 years ago or so and the average cost of a house now in Santa Fe is around \$300,000 whereas in the south part of the county and in Albuquerque it’s nearly half of that. So HUD is not by any means – their mission is about affordable housing and that’s all they’re concerned with. They’re the ones, as an arm of the government, talking about over-regulation as being one of the biggest obstacles to affordability. They say smart growth principles can limit affordable housing production by restricting available land that could otherwise be developed, such as what we’re talking about here in the form of mandatory open space.

Complex environmental regulations can significantly increase the length and cost of home building, review and approval processes, and as in the last segment, we’re talking about adding another layer of inspection, regulation, with the HERS standards, so all of this combined is increasing the cost of a house in terms of time and money and making it harder for people to have affordability. We’ll have more people driving up from Rio Rancho.

And by the way, for every thousand miles you drive you add a significant risk of death or injury in a car. So these people that are driving every day, it’s not just about affordability, they’re actually suffering a lot of risk that wouldn’t happen if the housing was affordable on the local level.

So my concerns primarily are about the mandatory open space when that wasn’t really suggested by anybody, or by one person I think in that entire focus group. I’d like to see more

options, more flexibility for the different lifestyles that people really want to live. I don't believe everybody wants to live in exactly the same way.

The County has spent well over a million dollars on outside consultants formulating this plan and I'd like to see – I think it's been brought up several times – I think somebody independent ought to be hired for just a tiny fraction of that, could be hired to look at the unintended negative consequences. I know that the people that are working on the plan have really good intentions, and if none of this costs anything, I'd be in favor of most of it except the things that reduce options. The problem is it does cost. It costs in time and money and it costs in other ways that are very important to people. So the people that are working on the plan are looking at the lofty goals and they're saying this is how we achieve those. But nobody's really looking at the unintended negative consequences of these things that are serious.

So I'd like to see somebody spend a little bit of money on an independent party to come in and look at these unintended negative impacts. And those are my comments.

CHAIR STEFANICS: Thank you very much. Anyone else on open space? A couple more people, Robert, any comments come in from the public? We'll make sure I get you. Go ahead.

LESLEY MANSFIELD: Hi. I'm Lesley Mansfield. I live in District 5 in the Eldorado area. I don't really represent a large organization but I was also on the Open Space and Trails Focus Group and with all due respect my memory of that is a little bit different. In fact I think I'm quoted in the well done summary as being one of the folks who thought there had to be a combination, there had to be carrots and sticks.

I've been to I think most of the public input process meetings and I think there's, at least in my area, the Eldorado area, there's been a majority of people I think, who feel strongly about open space. I think as David said, when people are trying to define open space it does tend to be a bit of an emotional thing, and it's such a broad area; it's such a broad concept to try to encapsulate it. It's different things to different people.

I don't necessarily – I drive the back road to Albuquerque through Stanley. I don't necessarily have to get on those people lands but I love the fact that I can see forever. I personally would like to see that kind of thing preserved.

I'm also a physician. I've been a primary care doctor for 20 years and I truly hope that the committee looks at open space and trails, recreation opportunities from a public health standpoint as well, which is very, very important. As we all know obesity and diabetes, I would really emphasize again, there's so many more issues that go into that of course. Keeping an active life style is a personal decision, a personal value, but unless you have those places to go to – I would encourage you to incorporate open space and trails in terms of any new development in order to support active lifestyles.

And then finally, being on the focus group, we really kind of hammered the staff about – everybody did, about having the strategic plan, and I wanted to commend them about this. I'm seeing it for the first time. This idea of the conceptual overlay districts, and I hope that the Board really looks at that seriously once it's fleshed out a little bit more. But frankly, looking at archeological site, those sorts of things are spread out, wildlife corridors, that sort of issue entails many, many different areas. So I'm excited about the idea of conceptual overlay districts in an attempt on the part of the staff to really get at many of the issues that

those of us in the focus group and in the public input process struggled with in terms of defining open space. Thanks.

CHAIR STEFANICS: Thank you very much, Leslie. Next.

TOBY GASS: My name is Toby Gass. I live in District 2, as I said earlier and I was also on the focus group. Again, with all due respect to Gerry my memory of the meetings is slightly different and closer to Melissa's. I believe there were – I'm not going to say majorities, pluralities, minorities, but there were certainly a number of people in the focus group or my recollection is that we were in agreement that all subdivisions should have some minimum amount of open space that we were unable to specify. And then beyond that we didn't come up with specific numbers as to how much open space acreage or percentage there should be per subdivision but there were a number of us who felt that a subdivision should not be built without any open space which is what would occur if there were no mandatory open space requirement at all, and I hope that wasn't too many negatives so that I cancelled out what I was saying.

In terms of the affordability issue, the easiest way to build the most affordable housing is simply to warehouse people, and I know that we don't want to warehouse people in Santa Fe County. We do want to supply them with some kinds of amenities, and those amenities can pay off in socioeconomic benefits that can help compensate perhaps for the extra cost of having a neighborhood park with a teeter-totter, some swings and a sliding board. And I think when we're talking about minimum open space requirements for a subdivision those are really the kinds of things we were talking about, just having some kind of a community center at the minimum in subdivisions that are being built.

I do agree – I think none of us on the committee had seen this table before Mr. Griego sent this document out to us. I do agree that in terms of five lots or more the items listed under additional requirements, it's very hard to see how that plays out without knowing what the density requirements or the density standards will be in these potential base zoning districts. At some point the open space decision making will have to jibe with the density concept decision points so we'll need to bring those two together to make sense out of them. I think that's it. Thank you.

CHAIR STEFANICS: Thank you very much. Anybody else on open space? Oh, I'm sorry, Robert. I keep forgetting about the internet.

MR. GRIEGO: This one is also from Ross Lockridge who was the past CAC chair for the New Mexico 14 National Scenic Byway Reconstruction Project from Madrid to Lone Butte. He was also a CAC member. "We support staff's suggested scenic byway overlay zoning, including corridor planning. This should include significant setbacks, viewshed protections, context-sensitive solutions to any development associated with scenic byways. We also support the other recommendations from staff for open space and trails. Thank you.

CHAIR STEFANICS: Okay. Anybody else that sent in? That's it Robert?

MR. GRIEGO: Yes.

II. Public Comments: Agriculture and Ranching

CHAIR STEFANICS: Everybody who is waiting to speak please make your way over here.

JULIE BENNETT: Hello. My name is Julie Bennett. I'm a resident of La Puebla on the north side of the county. This is the second County Land Use Planning process that I've been involved in. I sat on the volunteer committee with Jack and others. How many years ago was that? Fifteen years, I think.

I would like to say one thing about some of the comments that have been offered here about open space. It's been very clear through all these planning processes that open space is what defines our identity as northern New Mexicans or New Mexicans and I think good planning is very much a contextual process. So if we're talking about increasing open space we may want to also be talking about density changes and those things have sort of been thrown out of our culture by independent identities of land ownership and the car, but I think it's also been very destructive, culturally. I think New Mexico in the past has had traditional identities as clustered developments, the compounds that were so existent in rural communities are evidence of that and I would like to see us return to that.

My major concern is in making sure that agricultural land is preserved in the northern part of the county. I've seen in the 30 years I've lived here the current land use code basically open the way to destroying agricultural land and I've been very concerned about that. I've seen it in evidence in my community. We have very small swathes of irrigated land in northern New Mexico. I agree with the acequia easement concept and I think we should look at those areas that do have active acequias and areas that are deemed highest to be protected because those are historic structures that will never be repeated and they require protection.

There are many ways we can protect agricultural lands – the TDRs, the PDRs are good. Right now my husband and I are looking at placing a conservation easement for state tax credits on 21 acres of irrigated land that we own. It's a very difficult and arduous process, but one thing that we're taking into account in doing so is that we hope that what we do is duplicatable in other areas of the county. Along the Santa Cruz River where we live, along the Pojoaque River, the Nambe River, very, very small agricultural areas that will not be able to be redeemed if they're destroyed. I think agriculture is the original home-based business in northern New Mexico and if we support agricultural development it will bring life back to our traditional communities that are now basically bedroom communities for Santa Fe and Espanola and Los Alamos. They're commuter communities.

Therefore I would really like to see strong advocacy on the part of the County Commission for protecting agricultural land through the use of increased density in housing developments in those areas so we look at what land can be irrigated and we look at appropriate receiving areas for density, and perhaps density bonuses, because you can't irrigate your living room, and that's why basically the acequia associations are so strongly urging water banking, because people are not irrigating their living rooms, because they can't put water on their land anymore. It's impossible once they've fulfilled the current three-quarter acre minimum lot size mandate that we have. I don't know what else to say except there's a lot of the elements in this code – I think bonus density should be allowed in

agricultural areas. I think traditional neighborhood developments with shared infrastructure should be strongly encouraged. I also think alternative systems, like water catchment systems and off-grid energy systems should be looked at and encouraged so that people can increase density while safely living in a good manner, and then the issues of takings will not be an issue. People will be able to get their development rights out of their land and we will be able to ensure that people can grow food for the future. We can have open space at the same time. I'm not overly concerned with agriculture as an industry in our county. We need to encourage young farmers to be able to farm affordably. I would love to see the County like other counties do in other areas of this country perhaps support financially open space for agriculture through purchasing agricultural lands and then seeing that they're used for sustainable agriculture. Thank you.

CHAIR STEFANICS: Thank you very much. Next person on ag and ranching.

GERRY POWERS: My name is Gerry Powers and I live on a 300-acre farm in the south end of the county which grows primarily feed corn. I've noticed in the plan itself there was an assessment of agricultural lands in the county, I think it was around 8,000 acres, which most of that must be in the south end of the county, because there's at least 6,000 or 7,000 of it down there. So once again, I just want to point out that any regulations regarding agriculture will affect far more people and have a much bigger impact in the south end of the county than they were anywhere else.

I know that there are lots of small acequia farmers in the north end of the county that might have five to twenty acres. Most of those people with that small a plot of land don't really depend on agriculture for their livelihood whereas the farmers in the south end of the county really do. So the impacts there again, the County has such a massive amount of power to affect the economic well-being of the farmers and ranchers that I just want to urge caution in this area.

I saw that staff's recommendations were to allow agricultural uses which of course we would support. It's already in the current code as I understand it, and to allow community gardens, greenhouses and accessory uses as a right. The third recommendation was to establish incentives and tools such as a TDR program. My concern about that is a TDR program that doesn't work is worse than not having one at all because it gives the appearance and pretense of being able to compensate farmers and ranchers who could be downzoned or restricted in severe ways under the guise of protecting agriculture just by legislating an area and saying this is going to remain agriculture.

What you do is you affect the economic well-being of those people in a huge way. So if the TDR program doesn't work it will appear that the County has taken that into account when in fact the economic income that will be lost to the farmers will be substantial.

So why wouldn't a TDR program work? In doing a little research about it, where people resist density, densification, because if you have sending and receiving areas where people already have to densify because there's a mandatory 30 percent open space requirement, they don't want any more intensity. So why would anybody buy a density transfer right to send to that area when the neighbors are going to resist it?

I've had this experience myself. I've built some condominiums right here on Rosario Hill right downtown. We were to get a huge density bonus. It was actually zoned for half-acre lots, six acres. We could have built 12 houses there. The City said we don't want a bunch of

McMansions up on Rosario Hill; we would like to give you a density bonus to build condominiums and densify and do infill. So we attempted to do that and in actuality it was a disaster because of what I mentioned. The neighbors didn't want that kind of density and infill around their neighborhood.

So if a farmer was promised density transfer rights to compensate him for areas of conservation easements or open space that was required by the code and yet couldn't sell those because of the intensity resistance and density from the neighborhoods: not in my backyard, it would have absolutely no benefit to the farmers and it would be just a pretense of dealing with the issue. So that's my main concern about the agricultural part of it.

I want to bring up one other thing, which I understand this will go into more depth at a later date next month, in another meeting. But the south end of the county doesn't rely on surface water for irrigation; it relies on subsurface water. We live in a desert so agriculture here is a marginal activity compared to Iowa where they have three or four the crop yields that we do. They don't have to pump any water. There's no pumping expense, no drilling of wells. So it's a marginal activity to begin with, and when you add more restrictions on top of what can be done with that land it might be better utilized for something else. Our aquifers in the Estancia Valley are dropping sometimes as much as 2 ½ feet a year, and it's not from residential use. Ninety-nine percent of it or 95 percent of it is agricultural. Now, I'm a farmer and I'm saying this.

So why would I be saying this? Because if you restrict that land to agricultural use only, and those uses cannot be changed. So to balance the aquifer, if you took some of that land out of agriculture and used the water for residential uses or commercial uses, you develop some of that land for commercial uses that would produce jobs and an economic benefit, then you can balance the decline of the aquifer.

So my point is I think this issue is a very deep issue that hasn't been addressed. It's nice to say we're going to take a Polaroid shot of all this land and we can see it from now on being just the way it is, but it will devastate the family farms down there if these programs don't work to compensate them and they're restricted to just that use. There are many years when farmers have to sell a piece of land in order just to pay the interest on their agricultural loans in a bad year; otherwise, they'd go bankrupt. And I've seen this happen in other areas where they did this, and farmers would actually go under, and then the land would not be utilized for agriculture or it would be picked up by a corporate farmer like ADM and they'd start assembling these pieces and pretty soon you've got Tyson or whoever with these big factory farms out there.

So those are my concerns about it to be addressed at a later date. Thank you.

CHAIR STEFANICS: Thank you very much. Other speakers on agriculture and ranching? This is your second time.

MS. BENNETT: I would like to say that the northern part of the county and the northern part of the county be treated exactly the same. They have very different characteristics as those of you on the Commission and the planning board know all too well. The most successful farmer at the Santa Fe Farmers Market grows on less than five acres of land. I would say he's growing on 2 ½, 3, maybe 4 acres of land. So the characteristics of what can be done on a very small plot in northern New Mexico has great economic impact. If pulling the water is not an appropriate use agriculturally in the southern part of the county I

think we should look at that carefully, but in the northern part of the county we have a cultural imperative to protect historic, irrigated agricultural lands and I think it would be a real disservice to future generations if we turned our back on that and I appreciate your support for that.

CHAIR STEFANICS: Thank you very much. Any last comments on agriculture and ranching. Anything that came in, Robert? Okay.

III. Board Discussion

CHAIR STEFANICS: Commissioners, we are now at Board discussion. That can be statements, discussion, questions, whatever you would like.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: I just have a couple of questions. First of all, is the document that we've received here online? Okay. So we can point people to it.

MR. GOLD: Yes. And we actually sent out with the email we sent out to invite everyone to the meeting we sent a copy of the document plus we put it online as well.

COMMISSIONER HOLIAN: Okay. My other question is to you, Madam Chair. Are we going to have more public comment at the next meeting where we give some direction.

CHAIR STEFANICS: Well, I think that – I don't know. That's a good question. The chair is not present tonight so it's really going to be up to her how the next session is handled, but what did you envision, Jack, happening at the next meeting, for the Commission?

MR. KOLKMEYER: Madam Chair, I think what we were expecting to get this evening was just some overall comments from you from what we have presented to you and what you have heard from the public, just kind of your ideas that we're on the right track or we should rethink some things or have further discussions on anything else. So I think that's our intention for what we'd like to get out this evening.

CHAIR STEFANICS: So number one, you would like some feedback from the Commissioners this evening.

MR. KOLKMEYER: Yes.

CHAIR STEFANICS: Okay.

MR. KOLKMEYER: Then I think beyond that, I'm not sure, because the chair wasn't here this evening, what you all decide what you would want to do next. I think our intention is to bring these three elements back to you in some code concept draft form again so we can, after we've heard from you tonight, we can refine them more and then come back to you at another meeting.

CHAIR STEFANICS: So based upon our comments this evening, when will you have any code draft ready for us?

MR. KOLKMEYER: Probably within the next month.

CHAIR STEFANICS: So at the next meeting, we really wouldn't be discussing this topic again. We would be waiting for the code development to come before us for discussion.

COMMISSIONER HOLIAN: Madam Chair, I'm wondering, with our chair not being here and her not being able to make comments, her particular comments regarding all these issues, that it might not be fair to determine how we go forward without her input.

CHAIR STEFANICS: Well, thank you, Commissioner Holian, but I think we're going to be missing a Commissioner at the next meeting and I think at the following meeting is when we're going to be voting on having the public hearing and voting on redistricting, which might be very fast. So this might end up waiting for two meetings, and then we would have the code draft. If you're saying it's a month.

MR. KOLKMEYER: Yes. But Madam Chair, if I may, still this evening is really important for us. One of my first comments when we started this evening is you see the diversity of opinion. So what we need to focus on is what directions would you, as the policy makers, like us to kind of move towards. And without that we have a bit of a problem. So if we could at least have that discussion and get some feedback from you what you'd like us to focus on, then we could go forward and figure out how we would do the next step.

CHAIR STEFANICS: I think that, Commissioner Holian, I don't necessarily think that we're going to reach a consensus this evening but I do believe that we need to – I'll solicit comments from all the Commissioners for the staff so they'll know if we're really split or if there's some generic commonality here.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Are we going to do it one topic at a time?

CHAIR STEFANICS: Whatever you wish. It's open forum. You have the floor.

COMMISSIONER ANAYA: If I could make a comment on the previous point.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I think that it's important that we have a dialogue today and some discussion about what was discussed today. I would say that it would be important for us to have another discussion with Commissioner Vigil here as well and allow for and afford opportunity again, even after feedback from staff for the public to come back again, because what you're going to try and do is decide from some of our feedback and do some work and then maybe bring back some more information. So my preference would be to make sure we give the public a chance again to provide feedback and the formality, if you will, of maybe some more formal direction than tonight. So those are my comments, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian. The floor is yours right now.

COMMISSIONER HOLIAN: Thank you. Okay, well, I actually have a question for Craig O'Hare with regard to the green building. I wanted to know what your opinion is about alternative design paths to building more energy efficient homes as was brought up by a couple of speakers from the public today. For example, the home energy efficient design system, for example. It sounds like it's not actually a rating system; it's more of a design system.

MR. O'HARE: Yes, thank you, Commissioner. Essentially, that is incorporated within our recommendation number two, that you could go the specific HERS

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route, which is a HERS of 70 or whatever HERS number you choose to go with if you're not comfortable with a 70. And the Home Energy Efficient Design is the alternative third-party verification. That's one option that Mr. Nichols mentioned that Ed Mazria has also mentioned that is certainly acceptable. It's just different ways, essentially, to achieve the same objective.

You've got three contributing to a building's energy usage. You've got the building envelope, which is your insulation and your windows, primarily. You've got the heating, ventilation and air conditioning system and the lighting, and then you have whether or not there should be renewable energy systems that help generate some of the power onsite, whether it's solar thermal or solar electric. So that's consistent with our recommendation.

COMMISSIONER HOLIAN: Okay, so your recommendation actually endorses more flexibility.

MR. O'HARE: That's correct. Including there's a whole comment around passive solar design. Essentially, that's what the HEED program specifically accommodates.

COMMISSIONER HOLIAN: Okay. Thank you, Craig.

CHAIR STEFANICS: Anything else?

COMMISSIONER HOLIAN: Well, I will wait till later to make comments.

CHAIR STEFANICS: Well, we're at the comment period. It's 9:15, so Commissioners, the floor is yours. Commissioner Mayfield, do you have anything?

COMMISSIONER MAYFIELD: I have a few things to talk about but I'd ask for a few minutes break.

[The Commission recessed from 9:15 to 9:20.]

CHAIR STEFANICS: I thought maybe what we should do is take each topic separately to let staff know what we have interest in, what we have concerns about, and see if there's any consensus or if there's division or if we can give them direction to refine it. So if we dealt with the energy and green building first. I'll start, and I'm going to make some general comments that I made to the staff as well when they met with me about it.

My first concern with energy and green building is that I don't want to price out the market here in Santa Fe. We have many people moving to Santa Fe who have resources to depend upon, but we also have many people who work and live in Santa Fe who struggle to have their own homes. So that becomes part of my concern as we look at this. There is no doubt in my mind that I'd like to have some efficient energy built homes, and to that effect, when Craig and Erik met with me I kept saying, how much is this going to cost the homebuilder? A developer is a little different, but an individual homebuilder I think should be treated differently. So maybe that could be looked at in your revisions, how you look at developers and how you look at individuals.

The other that might – and this isn't something you really put in code – but if we really want people to meet some standards we might want to have a package that we prepare and give people and say you will meet these standards by doing these things: face your home this way, buy one of these ten types of windows, do this with your lights, etc. But if we had a little mini-planning package that we made available to individual homebuyers it might deflect some of their concern and some of their cost. And I'll just stop at that and pass it to the next

person. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think it might be helpful for staff so I'm going to do it as each Commissioner brings up their points. I agree with you on what you said associated with price. I think we have to move towards energy efficiency and standards that help save money, but I think price is a big, driving concern and I agree with Commissioner Stefanics on that. I made the same exact comment relative to recommendations that we would have associated with how someone building a home could make sure that they make a home that is more energy efficient – a checklist. I told staff the same exact things. So I wanted to say those two things first.

One of the things that kept coming up in my mind over and over again as I was listening to all of the information and one general comment I want to make before I talk more about the energy is I am astonish, amazed and humbled and very much impressed with the level of discourse that has occurred over the course of this discussion and tonight in particular. There is no individual that got up to speak today that I felt was way off out of the spectrum. I felt all comments and perspective have a purpose and meaning, but the one thing I've said in prior meetings associated with this document and the tough decisions that we have to make is that the thing that keeps coming up in my mind over and over again is what some of you said in your comments and that is that there are distinguishing, diverse differences from one area of the county to the other, and that if we grasp those differences and understand them respectfully within the context of each area, I don't think we're as far off in any of the comments as some might think we are. And I think that as we analyze the rest of the code that we continually put that back into context and say we don't build a one-size-fits-all code.

That being said, on the energy efficiency, the other thing that came to mind on energy efficiency was that the County and governmental entities through the course of time have utilized regulations as an opportunity to assume or presume they're doing the right thing and that those decisions that were made were always made with good intentions. That was said many times. I don't think there was ever any malice on the part of governing bodies in setting policies on land use development or otherwise, where they were trying to detrimentally impact the community. But I do think there has been those unintended consequences associated with that regulation as well. And as I look at energy efficiency specifically, more and more I think there needs to be a time for Santa Fe County to step up and if we're going to require or ask for higher levels of considerations that we step up to the plate with fiduciary, monetary incentive benefits that will encourage people to do it through that means.

So instead of making people do it because we think and know it might be in the best interest for their home and their bill, we hit it right in the wallet and we say through taxes, reductions in fees. I mentioned earlier there's other states – I don't know we even have the statutory ability to do it but maybe it's legislatively something that we can pursue with the state legislature, but they're doing tax abatement flat out in parts of this country for a decade, for a decade plus, to say that if new construction is built within parameters of codes and energy efficiency standards that flat out, the buyer will have a waiver, complete property tax abatement for a decade plus. And that that might be even transferable.

And it's those levels of incentives – maybe not tax abatement because we don't have those obligations or ability to do it in policy, but it's those types of things that I would like

staff to look into. Where can we remove a payment, reduce a permit fee to have a direct correlation to the desired outcome of having energy efficiency?

I'm concerned about the issues brought up associated with passive solar and HERS rating and think there needs to be more analysis and review of HERS and other alternatives that might complement or work in concert to evaluate for us to consider. I would like to do that. The cost of the independent – and I told staff this yesterday, the cost of \$500 to \$900 on top of the requirements associated with the standard is a concern to me. We would be creating another independent layer to analyze that. I asked staff to also look at the County. What would it cost if we're going to move to a standard or ask people to move to a standard? What would it cost us to assume that fiduciary, financial responsibility, instead of us passing on that cost to the individual homeowner?

Withholding the certification is a concern to me. I think the more governmental entities that you have to deal with if you're a homebuilder or you're an individual building your own home, the whole aspect of waiting, holding the C of O, concerns me associated with timing and money. Generally speaking, I want to end with the comment that I think energy efficiency is something that we need to move towards but I think we as a County, if we're going to move towards it need to step up to the plate financially to help provide resources and incentives to do it and shouldn't do it on the backs of the homeowners and homebuyers. So those are my comments and I look forward to hearing other comments from the Commissioners.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to start off with a little story. My husband and I moved into our home in Sunlit Hills about 11 years ago, and we moved into a home that was built around 1969. Well, shortly after we moved into the home our electric outlets started blowing up. We started having little explosions in them. Well, of course we brought in an electrician to find out what was going on and what was actually going on was the fact that the interior part of the house had been wired with aluminum wiring, and then that was spliced onto copper wiring at the outlets.

Now what happens is that the corrosion of aluminum is a lot different than the non-corrosion of copper and so when the connection between the two got to a certain point it was actually causing explosions and we had to have our outlets rewired. As a matter of fact, we spent about \$4,000 to get our entire home rewired with copper wire and have all the aluminum wire pulled out.

Now, I'm pretty sure that if in 1970 you asked builders whether there should be some sort of a regulation against aluminum wiring, they would say no. Aluminum wiring is a lot cheaper. But unfortunately, it turned out to be a lot more expensive in the long run for the next owners of the house. So that's why I think it's really important for us to be leaders now with regard to energy efficiency. I really think that it's important to actually set some standards for energy efficiency. And the good thing about it is if it's done correctly, the cost of living in the home can actually be less right from day one, for the very first owner. And it will be less for owners down the road. It will be even more important for owners down the road because we know that energy costs are going to be generally trending upwards.

So by doing this, we're not only helping owners who are immediate occupiers of the home but we're also helping owners down the road. The cost of owning – I think that Craig

made a very, very important point that I want to emphasize over and over again. And the cost of owning a home is not just the mortgage and the insurance and the taxes. The utility bills are a significant fraction of what it costs to live in a home, and that's just getting more over the years. And I can really attest to this because I live in a home where we have propane, and propane is very expensive, even with the roll-back in energy prices that we've seen recently propane has not really significantly come down.

And it tends to be people who live out in the county who probably don't have a lot of money who do primarily use propane. So I think that anything that we can do to lower the cost of living in a home, and energy efficiency is really an important way to do that, is important to do.

So I'm really in favor of option number two, which was put forward by our staff. I think that a HERS rating is getting a – well, one thing that was good is that they did have some flexibility as to how people could design their energy efficient home with what was proposed in option number two. A HERS rating is being used regularly by the City now and that appears to be working well. So that's what I'm in favor of. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner Holian.
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Holian, we may disagree on having the mandate associated with the energy efficiency and the option. But if we incentivize the upfront cost, is that something we can agree on? If the County – I don't agree right now today that based on what I've heard that it should be a mandate based on cost and other comments I made, but if the County was to incentivize it and help cover those costs through deferral of fees or other mechanisms, is that something that you and I could agree on?

COMMISSIONER HOLIAN: Well, I agree on incentivizing it. I don't agree that we should leave it completely up to the builders. I think it's important to have standards in place. And the reason I think that is because a lot of time developers just build home on spec to be able to sell. And so the person who's going to occupy that home has no say whatsoever in whether energy efficiency measures are put in. I think it's just really important to get the ball rolling. I think that once people discover that energy efficiency is a good thing to do, everybody will demand it, but I just don't think that the knowledge is out there yet and that's why it's important for us to set standards.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and Commissioners, thank you for the comments, and all the public who's here, thank you also. Just you all stated a lot of things that I want to state, so I'm not going to go directly into every point you brought up. And Craig, thank you for your work. There's some questions I have with the HERS rating and I think they've been articulated well by the public and even what's going on here with the Commission. One comment that Commissioner Stefanics brought up that I was really appreciative of is looking at the individuals that are just trying to build a home. There was a lady here and I have it in my notes somewhere from the northern area. The northern area is a little different, at least where I reside, and I also represent the City of Santa Fe. But traditional communities, ¾-acre lots where people are trying to build a home, typically, there's not big development that's going into those areas. They're an individual

who has received a piece of property through their ancestors or however, and they're just trying to establish their own home there.

And there is funding mechanisms in place when they have to go to banks and try to get these loans. They do typically have to work with a developer or at least a homebuilder who I think has I think it's called GB98 or something to get that home going. But there's a lot of costs and that's what I'm worried about is the cost for these folks. I respect what you have in here, Craig, because maybe they have to think of downsizing their home. But for some folks, and there was a statement made a little earlier by one of the commenters that folks maybe typically turn over in a home in five years. Maybe that's true. At least where I'm from it's not true. It's not the case. People have these homes. They're inherited these homes from their folks. They've maybe been given a piece of property, and they plan on building that home and hopefully leave it as a legacy home for their children.

So in respect to what Commissioner Holian's saying, I can see if that legacy home is energy efficient and hopefully keeps those prices down, but there's emerging technologies out there and with these technologies things change all the time. I'm going to bring up a little issue that I have going on with the community center right now in my Nambe area. We went out, we went out for meetings and folks are saying, no, let's remodel this home. Let's remodel this home. There were some comments out there. People say, maybe if you just tear this building down and rebuild it from the ground up you're going to achieve a lot more with those dollars than what you're mandating. And excuse me. I guess that's my worry is that we can meet these ratings, and I am all for energy efficiency, but this market's changing fast. Technology's changing fast.

So if we mandate these HERS ratings, if that's where this County decides to do [inaudible] And I guess my points on that is I'm worried about folks getting into a home. And I respect developers doing it on a mass scale. Commissioner Holian, if folks are building spec homes, those individuals that they can qualify to buy a home, I still think they have that choice to say, well, guys, this home does not have what I need. Let's see what we can do?

Craig, what you stated in here and it was one of my questions. I appreciate it. I don't think the County's looking at remodeling right now, right? As far as if somebody say, hey, I need to get a permit to build an extension. Am I correct on that? This is not being addressed in this issue, where they have to bring their home up to these new energy standards? What about just that remodeled part? No?

Thank you, Craig, Mr. O'Hare. And my other thoughts, and I don't know how it ties into it or not, but the cost, the permitting costs, what folks are going to have to do pay for a permit. Also, the timeliness of the permitting. I get a lot of folks, and we don't have a lot of development applications sitting up here in our County offices just down the hall, but folks do say, hey, when we go in for a permit, sometimes the bureaucratic lag is indefinite. And I'm just worried now that if we don't have a deal, and I'm going to call it a deal, with our straight construction industries as far as enforcement or with these folks that might be the certified HERS raters if that's the route we go, if for whatever reason there's miscommunication or there's not a Certificate of Occupancy to homeowners who have gone it alone, what happens to these folks when they've got banks knocking on their door saying, you know what? We fronted you this money to build a house. You're not getting the CO released - I don't know. Can you guys help me with that? What will happen to these folks?

Whoever can help me with that, I'd appreciate it.

SHELLEY COBAU (Building & Development Services): Thank you, Madam Chair., Commissioner Mayfield. I have a tally on how many permits have been issued this year and in the preceding years. I think there's a misconception there regarding how many permits we're processing. The total from 2008 to 2011, we've processed 148 mobile home permits, 475 single-family dwelling permits, and 21 commercial buildings. Our permit turnaround time is 15 days, unless there are red lines and then it's kind of up to the individual's architect how long it takes them to address those red lines. I think maybe the person who is applying for the permit misconstrues that the County's the one taking the time when it's actually a red line process.

So far this year we have 28 mobile home permits, a single commercial building permit and 54 single-family residential permits have been issued in the last nine months.

COMMISSIONER MAYFIELD: Madam Chair and Ms. Cobau, maybe I'm asking the question wrong. I don't fault, and I'm not passing any fault on staff for development permits. My worry is when we go down this road in the future, if we have a third-party inspector looking at this and we have CID who may or may not issue a Certificate of Occupancy, how is the County going to force this? And what happens if these folks can't obtain a Certificate of Occupancy because the HERS rating is off? Let's say we do pick that magic number of 70 for the HERS and for whatever reason, it doesn't come in at 70, and I think you addressed that in your summary memo.

MR. O'HARE: Commissioner, good question. Essentially, if the County establishes a HERS standard of 70 and the final HERS inspection is done and the HERS comes in at say, 77, seven points above the standard, with the County, basically, the builder would need to go back into the home and do some things to bring it down to a 70. That's precisely why you have the front end HERS design process at the front end. Sorry the builder folks aren't here with respect to how frequent is it that you get a home that's designed for a HERS of 68 or 70 and you get the HERS inspection after the framing to look at the insulation and that turns out to be fine, and then for some reason it ends up being a 77. I don't know how common that is, frankly.

But the idea would be that if it didn't meet the standard that the builder would have to go back in and put in more insulation or put in a solar thermal system or something, to bring it down to a HERS of 70.

COMMISSIONER MAYFIELD: Madam Chair, and Mr. O'Hare, on that note, and I'm not looking at the big development, I'm maybe looking at the individual who got a construction loan, if banks are offering them. I don't know if they're offering them anymore. But what if those folks, for whatever reason? And what if those folks bought plans, plan designs that you can go buy at any bookstore? Do those designs that have been designed I'm assuming by an architect. You can buy them at a Walmart or a bookstore, do those have HERS rating factors in them? Are they already built or designed for energy efficiency standards? Or would there be different building materials these folks would have to –

MR. O'HARE: Commissioner, I'm not able to answer that question. Those plans are not designed specifically for the current building code. Building codes are constantly evolving and the 2009 International Energy Conservation Code and a few years ago we had 06 and then the 03, so any of those plans would need to conform and be up to

date with respect to the building code. So it's difficult to answer what would be the HERS rating of an off-the-shelf home design or whatever.

COMMISSIONER MAYFIELD: I appreciate that, Craig. And then, as far as some of the comments that were made, the gentleman's name I think was Mr. Nichols – so what other options – you have the HERS and then he talked about the –

MR. O'HARE: The home energy efficient design. That's correct. And that's what's embodied within our recommendation number two. We originally had it listed just as a HERS of 70, and Wayne and some of the passive solar folks really said HERS is fine but it doesn't really take into consideration some of these passive solar elements. So in California they developed this home energy efficient design approach to home energy usage and Erik's done quite a bit of research looking into that. There's also something called the home heating index which could be used, and essentially we would be saying any of those standards that you come up with something that's equivalent to a HERS of 70 that an independent third-party entity, in this case probably an architect or an engineer could stamp and verify, could fall under that program. So the idea is that there would be some flexibility.

COMMISSIONER MAYFIELD: I know it's a building material that's used up north. I'm assuming it's used predominantly in maybe some other areas of Santa Fe County, but I asked it earlier, what's the rating for an adobe brick?

MR. O'HARE: Well, I believe, as Amanda mentioned from Santa Fe Community College that the HERS system at least doesn't accommodate, or it isn't set up to accommodate adobe brick. I don't know if Erik, adobe brick for the HEED has been dealt with at all or not, but that's something that we would need to adjust, basically, to allow adobe structures to fall within the HERS rating system.

COMMISSIONER MAYFIELD: Madam Chair, Craig, that's one worry that I have. If that's a traditional building material that's used predominantly up north, or maybe not predominantly but still used up north and this County is now going to make a decision, and I respect, as Commissioner Holian said about the aluminum and copper. I know electricians charge a lot of money to make that determination on some of the old Bellamah homes that were wired with aluminum. That I know. But now, is the County going to tell folks, you know what, your adobe bricks just doesn't maintain this HERS rating. You're going to have to figure up where to make this HERS rating somewhere else to achieve the 70 percent. Or are we going to tell people you can't use adobe to build a house anymore?

MR. O'HARE: Commissioner, I think that's an excellent point and that's exactly why I think we have a Santa Fe Community College with the sort of expertise that they have there. In fact they just received a State Department of Workforce Solutions grant for green building excellence and I think we need to work with Amanda and her folks there to accommodate these traditional building materials. I would hate to see, personally, I would hate to see adobe construction sort of not be allowed or not be able to be accommodated within this HERS or HEED structure, and I would think we would need to, one way or another, make sure that it did.

COMMISSIONER MAYFIELD: I appreciate that. And Madam Chair, also, just a summary. If you all go back, and whatever direction the Commission chooses to move, if you could just look at traditional building materials I would appreciate that. If you could take into account – I'm not a developer and I respect the developer's point of view, but just

the individual with a legacy piece of property that maybe wants to get out of a mobile home. Maybe wants to build a small home for their family and start a home. If that could be addressed as how to mitigate some of those upfront costs because if there's for the HERS person of \$1,000, let's just say it's \$1,000, and understanding that a tankless water heater versus an old traditional water heater that gets that energy standard. That's extra \$500, \$600, those add up on upfront costs, and I truly understand that over the longevity of that maybe you will realize that savings in five years, six years. I think you gave us some scenarios. But sometimes folks have a hard time coming up with those upfront dollars, and hearing what Commissioner Anaya said too, if there's some incentive, maybe that's where people can see the trade-off. I'm not going to build the 1,800 square foot home, or the 2,300 square foot home. I'm going to go with the 1,100 square foot home.

But Craig, even in what you offered us as far as your presentation, and I'm not picking it apart, but what one gentleman commented on as to what they did to receive that 55 energy square foot rating here at one of the subdivisions, they were building it out at about \$178 a square foot. That's what I think with the information he provided us. An affordable home of \$196,000, 1,100 square feet.

MR. O'HARE: That was Kim Shanahan. Probably the variable that is difficult to take into account is what was the value of the property.

COMMISSIONER MAYFIELD: Right.

MR. O'HARE: Because you'd have to take the property out. But I would be surprised if it came out at \$178 a square foot. You should know that we've got the sustainable building tax credit, that I actually helped pass at the state level a number of years ago, and that provides a \$100,000 tax credit if you can get down to a HERS of 60. And we've actually found, when I worked for the State Energy Department, that the majority of the homes – this surprised me – the majority of homes that qualify for that tax credit were in sort of the moderate price category. They weren't the high-end, 3,500. 4,000 square foot homes. They were actually in the 2,000 square feet and below sized homes.

So we do feel, particularly with a HERS of 70 that we're not talking about extravagant energy efficiency measures that are cost-prohibitive. Our objective here is really talking about trying to keep that monthly outlay lower than it otherwise would be. That's the criteria that we think makes sense, not just for today's home purchaser of course but for the four or five of six other homeowners of that home that are going to own it over the course of the next 70 or 80 years.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, that's what – I think what I heard you say is that you discovered that the more moderately priced homes were actually achieving the rating?

MR. O'HARE: Commissioner, with the incentive of the sustainable building tax credit, which is about a \$10,000 tax credit, if you achieve a HERS of 60.

COMMISSIONER ANAYA: So if that was being achieved through the tax credit and through the work of the builders, not under a mandate, then why would you want to mandate it?

MR. O'HARE: Commissioner, again, the big difference is that was a \$10,000

incentive that the taxpayers of the State of New Mexico were providing that builder to reach that standard. And it's not unlike, basically what you're talking about which is can we find some sort of financial incentives to make this happen in lieu of it being a mandate, and of course it's just an issue for you all is any financial incentive that you provide, obviously has some impact on the general fund and the revenue you receive and the need to balance the budget and all of that. But the reason that they were able to achieve that standard was because of that \$10,000 tax credit.

Basically, the tax credit more than paid for achieving the standard. In other words it costs less than \$10,000 to get all of those energy efficiency measures in place to get the tax credit.

COMMISSIONER ANAYA: So incentive works.

MR. O'HARE: It's very powerful, if the incentive is high enough. If the incentive's not high enough you can have an incentive all you want and it will just sit there.

COMMISSIONER ANAYA: So if the incentive is high enough it works.

MR. O'HARE: If the incentive is high enough. I always say that to make market transformation it's either one M or the other M; it's either money or mandates, and sometimes it's both. But sometimes you have to have quite a bit of money to overcome some of the imperfections in the market.

COMMISSIONER ANAYA: So that being said, Madam Chair, what I would ask again, to staff, based on the discussion, is that we look at those incentives. What would they be? What would they potentially look like? What type of negative impact would it have on our overall budget which we would have to take into consideration, but weigh with the longer-term gains pros and cons associated with that incentive.

CHAIR STEFANICS: Commissioner Mayfield, you still have the floor.

COMMISSIONER MAYFIELD: Madam Chair – I always say one question but this will be my last question. Mr. O'Hare, the current New Mexico, because I know we spoke about this and on your note it says they have a HERS rating equal to about an 82 or an 85, and I know there's been some discussion of the current governor rolling back some of those. Is that rolled back or is it going to go even higher?

MR. O'HARE: Commissioner, that is the rolled back level.

COMMISSIONER MAYFIELD: So what was it before it was rolled back?

MR. O'HARE: Commissioner, that's a good question. I'm not sure. I would speculate, and I wish Kim was here, that we probably saw in the high 70s. That would be my guess. They did do a – the Construction Industries Division did commission a cost/benefit analysis and basically did the sort of analysis that there's an example of in your packet, and did come out with a positive or a reduction in the monthly outlay from that standard that they had had under the Richardson, if you will Construction Industries Commission. They had shown a net benefit, just using today's energy prices. And again, we all probably expect that electricity and gas and propane are probably going to go up in price faster than the rate of inflation. So they did show a net positive benefit to affordability from those more stringent standards that were under the previous Construction Industries Commission.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: I want to go back to some of the comments that were made about whether or not if we did something like this, whether or not we, meaning the

County, should really run the program and not impose this on the builders. And if the Santa Fe Community College has innovative programs in place, why would we not in fact plan to have one or more of those trained people work for Santa Fe County to actually work with the homebuilder, whether it's a developer or an individual.

And I'm going to use the Buckman Direct Diversion as an example, realizing that we, the City and the County, appropriated quite a bit of money for the Buckman, but we were going to send our money out of state to train all our water operators, and we said, wait a minute. We have a Santa Fe Community College. Why don't we have an instructional program there and employ local people to do this. So I feel, as I've been listening to everybody here, that we have a responsibility if we're going to impose something, then we have a responsibility to know how to do it and to do it. If we feel like it's important enough that I feel it should be incorporated into our Permitting and Land Use Department. So that's just a new thought. Other comments on this before we move to another topic? Commissioner Holian.

COMMISSIONER HOLIAN: I just want to add that I think that especially for developers, people who are doing developments with spec homes and so forth, that there should be standards because those builders are building homes that they are not going to live in. They are just going to sell them and they're probably going to want to build them in the cheapest way that they can, just like the person who built our home put in aluminum wiring, because that was the cheapest thing to do. And I don't even know if the person who bought the home had any say in the aluminum wiring or not.

So I really feel like, especially in those cases that we do need to have some standards. I don't know about if somebody is just building a home on their own whether they necessarily have to be held to the same standards, but I really think in that case that there should be a strong education when they come in for their permit, that they receive a lot of information about what it means to actually put in energy efficiency and what it could mean to their utility bills.

CHAIR STEFANICS: Commissioners, would you comment on the commercial standards that have been recommended?

COMMISSIONER HOLIAN: Well, I certainly agree with what you have in your options there because again, for commercial, often the builder is not the occupier of the building and doesn't have to pay the utility bills, so I think it's perfectly fair to put in some standards there as well.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, my comments there echo my comments on residential. I think we should look at incentivizing and less on mandates. And a follow-up comment associated with contractors, I have more faith in contractors and what happens in the market and our population and citizens as a whole over time. I think that when you look at auto manufacturing and what's happened in that industry and the fact that people aren't satisfied with plain-Jane anything anymore in this country and expect and have higher expectations associated with product and construction and how things are done and built. So I have more confidence in the system and more confidence in builders, per se, and even developers, that they have adjusted over time. And that there are standards that have improved and that we can continue to improve those, but if we're going to do it we should

help cover those costs instead of passing them along, especially now.

CHAIR STEFANICS: Commissioner Mayfield, any comments about commercial?

COMMISSIONER MAYFIELD: No, just I believe in incentivizing folks. I just think that's a good route to go also, even on commercial building. Now, on commercial, when you're talking about development, is it for just one individual commercial structure or is it also when a developer comes in with a master plan and they're talking about building a whole tract mall? What is it the code – is it going to be applicable to all of it? Say, to me, as one individual, I want to build a commercial structure. I've got the property and I want to build it on a piece of property. Or is it going to be on the master plan of a full development area?

MR. O'HARE: Well, Commissioner, it's for the actual building. When you're ready to go to CID with building plans it would apply at that level.

COMMISSIONER MAYFIELD: And then also, gentlemen, did you take into consideration there are still building standards for pueblo lands, because we do have a lot of neighboring pueblo properties. They have to build their commercial properties, their residential properties. Do they comply with any of these state building codes or they're not subject to them?

MR. O'HARE: It's my understanding that they have to comply with state building codes but I'm not certain of that. Unless, Shelley or –

COMMISSIONER MAYFIELD: Let me ask – I'm assuming they're compliant with state building codes of course, but say, energy ratings. Are they required to now abide by the 82, 83 percent on their construction?

MR. O'HARE: Commissioner, the state building codes include the New Mexico Energy Conservation Code, which again is equivalent of a HERS of 82, or I heard recently possibly an 89. So just like there's a fire code and a structural code and a mechanical code and those are things they do need to comply with the New Mexico Energy Conservation Code as well.

CHAIR STEFANICS: A question before – just a minute, Commissioner Anaya. What we're talking about is code being written for SDA-1 and -2? Or the entire county?

MR. O'HARE: The entire county.

CHAIR STEFANICS: So I would put out the recommendation that we think about developing standards for specific SDAs and phase in. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would like to hear more on that thought that you just brought up, because I think that gets more centered around the different areas and diversity of different parts of the county. I'd be interested to hear more on that. On Energy Star, there used to be the model energy code years back and this evolution of the different codes and standards. Energy Star is not as cost-prohibitive as HERS would be associated with the requirements in obtaining the ratings, is my understanding, and there's a lot more things that could be done without hiring additional third-party individuals. So actually, in looking at it again, Energy Star could be a progression that is used for residential as well, couldn't it? But it wouldn't have the same cost implications as HERS would.

CHAIR STEFANICS: Erik would like to answer that.

ERIK AABOE (Energy Specialist): Thanks, Madam Chair and Commissioner Anaya. Actually, Energy Star version 3 is significantly more prescriptive. It requires independent verification. It is no longer model energy code sort of thing, so it's actually a more rigorous standard in the residential section. So fewer folks are going the Energy Star route in residential because it has become a higher bar now.

COMMISSIONER ANAYA: So would the previous Energy Star be an incremental step up from what exists now where it isn't intense as you say it has become?

MR. AABOE: Exactly. Energy Star 2.5, which is being superceded and so kind of no longer exists would have been easier to achieve. But it's not really an option for us anymore.

COMMISSIONER ANAYA: So theoretically the County could adopt an increased requirement but one that's more set forth on clear-cut – these are items you need to do in the home, as we talked about earlier as Commissioner Stefanics brought up, or checklist items, that wouldn't entail a lot of the other administrative or even cost-prohibitive things that I'm hearing the HERS could or potentially could.

MR. AABOE: Madam Chair, Commissioner Anaya, the issue around developing a checklist or developing a set of measures that if you work to achieve these then you meet the standard. The challenge with that is something that I believe Commissioner Mayfield brought up. By setting that prescriptive things you have to do you're not actually addressing the fact that the technology has changed and that might not be the most cost-effective list of things to do. That's why 15 or 16 jurisdictions, states around the country are using a HERS approach for meeting the energy goal. That's why on the state level the Construction Industries Commission is probably going to adopt a performance-based standard, rather than the prescriptive, current CIC standard.

So the value of the independently verified performance standard is that it sets a target and lets the market achieve the best way to do it as the technology changes, etc., etc. Sorry to disagree but I think that the list of things to do is a list of things that you should have done when you wrote the list but it might not be the list of things that you want to do a year from now.

COMMISSIONER ANAYA: Thanks for the clarification.

CHAIR STEFANICS: Yes, Commissioner Mayfield, and then I'd like to move on to open space.

COMMISSIONER MAYFIELD: Madam Chair, maybe that's what's thrown me off. So the HERS standard cannot be applied to commercial properties.

MR. O'HARE: That's correct, Commissioner Mayfield. HERS stands for home energy rating standard. And there is no nice, neat equivalent to HERS on the commercial side. So we felt, while it's not really as good as HERS that this Designed to Earn the EPA Energy Star standard would be better than nothing, better than status quo. And the nice thing is that the whole process is done online for free via EPA's online website tools and that sort of thing.

COMMISSIONER MAYFIELD: And Madam Chair, Craig, why – and I understand it's for the home, but why couldn't HERS be moved over to look at commercial ratings, commercial properties?

MR. O'HARE: Well, I think it's because commercial buildings are in so many

ways are just so much different than residential buildings. They're multi-story and they're just essentially designed and constructed differently.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Craig.

CHAIR STEFANICS: I'd like to move on to open space. I'm going to start with a general comment. Years ago, we had the opportunity to have affordable housing within a development or the designation of land for community space. And I believe that's something that should go back into our formula. We're having a focus group on affordable housing and I think this might be another alternative when we want to look at open space and community space within developments. But I'll pass the comments to others for the open space. Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I think that open space being required in developments above a certain size is a desirable thing to do. I just read kind of an interesting article about what people think is important about their communities, and oddly enough, even more than safety and services like that – having effective law enforcement and so on and so forth, people said that what caused them to connect with their community, to love their community was having parks and open space. That was actually number two on the list. Number one on the list was having a really effective community where they could get together with their neighbors and that sort of thing.

So I think that open space is just very valued by people so it really makes sense – I like what they've done in the Community College District where a certain amount of open space is just built into the design.

And the second thing I wanted to say about the whole open space issue is I think that when we're doing developments, again above a certain size, and especially those that are out in the more rural areas of the county, that it's really, really important to assess wildlife corridors, because I think that's something that is disappearing fast and if we completely cut off the ability of wildlife to migrate, we're going to completely change the ecosystem that's around us, and we could actually end up not having hunting here anymore because we just don't have the animals to hunt. So I just think it's really important to protect the ecosystem that we have, so it's important to do wildlife assessments.

CHAIR STEFANICS: Thank you, Commissioner. Commissioner Anaya.

COMMISSIONER ANAYA: Yes. Several things, and my comments are based on staff's presentation as well as the input I've heard and even the input I've heard from others not here. I don't believe that every single parcel should be mandated to have open space. When we recently acquired the land in the San Pedro area, on the southern part of the county for example, there was a lot of support for that down in the southern part of the county. And there are specific parcels of land that are connected to whether it be federal land or state land or even acquisitions that we make, I think land in and around those areas as was said at the public meeting by staff and by some of the members of the COLTPAC committee, even around Wild, Wild West, for example, or Cerrillos Hills as an example that I brought up today, or the Galisteo Basin project. There's specific areas where the County has already made investment, and I think that property in and around those areas – I think it makes good sense to incorporate trails that link into them.

But to say that every parcel needs it – I think that's different depending on what part

of the county you're in. It might be that perspective in and around the urban area of Santa Fe and I would respect that, but it's not the perspective in the southern part of the county. What I hear in the southern part is we'd rather have good, adequate linkages to those public lands and those acquisitions that we've made than to have an open space in every subdivision. So I think we should honor and respect those differences.

The other thing that struck me and I asked for it to be reread again was that those people that participated in the focus group, those others that participated in the meetings in each of the segments of the county, in the north and the south there was a similar thought process and in the central part it was a little bit different. And I just want to restate again: That's okay. There's nothing wrong with that. So if there's a mandated open space in all the parcels in and around the central area and that's the consensus of the community, fine. But if the northern sectors and the southern sectors would rather center those trails and linkages around specific areas, that's fine too. And I think we should be cognizant of that because we heard it in the community meetings in the areas and we heard it in the focus groups.

Wildlife management corridors I think is something that needs to warrant analysis. Our state agencies do look at that when we're doing roadway corridors, and I think that is something we need to pay attention to and not disregard.

A couple of comments, Mr. Seagers brought up a point, and it goes to my earlier point, he asked on five lots or more is it going to be mandated to have 30 percent? I would completely agree with him that I don't think that would be appropriate. And I think that's probably dependent on what segment of the community. What may not be appropriate in the southern part of the county may be perfectly appropriate and desired in the Galisteo or La Cienega. So I think we need to be sensitive to those differences.

I think some way, and maybe David and Jack, you guys can think it through as we're going through the other focus groups, I know that working in groups as you have that it's nice to see if you can work off of consensus, but sometimes there should be some explicit ways that each member of the focus group can get more specific and delineate their perspective. We had some disagreement, which is fine, on perspective, but if there's some way in the focus group where there can be some key points extrapolated and that you could actually pull from the focus group members, six out of the ten said x, y, z. Two out of the ten said, whatever. I think that will help the Commissioners as we evaluate where those focus groups fell. The focus groups aren't going to encompass, for me anywhere, exactly where I'm going to go, but it would be helpful to know, where did they fall on some of those points. And Dave, go ahead and respond.

MR. GOLD: If I might, Madam Chair. One of the concerns that I've had in this process, because as a political advocate I've used this method myself, is that it's really easy to stuff a room full of people and get them all saying I agree. I agree. I'm admitting my secrets here but one of the problems we have – the goal of this process has been to get as many relevant points of view as possible to you. I've been concerned about doing polls of any type because I know in any meeting there's a very good chance we do not have a statistically valid number. And I've been sitting here thinking about that since that came up, and like I say, would I encourage that? I spoke with all these people that spoke and I said it really would be great if you could come here and make your points. Just be really clear. Use logic and reason instead of like trying to stuff the room full of people, because then we can have a

good process.

I think if we're going to really attempt to rely on numbers, I think the only way to do that is to do like a really serious poll, like go out, get really professional polling services and ask these questions. Even at any of the public meetings we have, there's no way to say – I couldn't possibly say with a straight face, oh, yes the people in the community said this, therefore Commissioner you should do this. It's a problem. It's a very, very valid point, because how can you know, and you should know. But having thought about it, the only way I can think of is that we actually do real polling. And then that gets tricky too, because the background that people have to have, like at the meetings we go to we really get into it and we have a flow and people really get all the ideas. And you can see from the level of comments that came out tonight, people know a lot that have been to our meetings, and they have a lot of information. If we just go out and ask a question, if people don't have that kind of background, how do we deal with that?

So I don't have a good answer for you, but it's a question that I'm giving back to you, actually.

COMMISSIONER ANAYA: Well, I appreciate the perspective and those are some of the things that we as Commissioners will have to decide individually and collectively. So I appreciate that response. Another comment tied to open space in my last comment on open space is as connected as everything else is to the discussion we're going to have associated with densities. I think some of the fears that you hear many times through all parts of the county, not just the south, is that some of individual property rights would be taken away. That's a concern of mine. But I think density and what incentives they're allowed is potentially going to help us deal with that, to be able to say if – and there was an example on agricultural use. Ms. Bennett did a good job, I thought, associated with her comments on having the agricultural portion, but having densities that are beyond what wouldn't be allowed now.

Right now, if you're in the basin, it's 2.5 acres period. And so that as we go through those considerations on density, that could have a positive impact on some of the open space discussions if people are given an opportunity to densify or cluster and there's really no fundamental loss, potentially, as they see it. Keeping in mind that a half-acre or three-acre lot or even smaller than a half-acre lot is a whole different perspective in and around an urban area or a traditional community than it is in a rural area where people say, I really don't want to be near anybody that way.

So those are considerations that I think we continually here a lot from the south is that we moved to the country for that reason, because we wanted that open space, if you will, between neighbors. So those are my comments on open space. Thanks, Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. It may not be the most popular question but I'm going to bring it up. What about – has anybody thought about open space for recreational vehicle usage? Because I get that a lot. Danny, we can't drive our ATV anywhere. I get also concerns from pueblo and non-pueblo saying there's trespass with ATVs on our property; we want to stop it. But in Santa Fe County, maybe there's an ATV park somewhere I'm just not aware of.

CHAIR STEFANICS: Okay, let's have Beth or Colleen, are any of the open

spaces designated for that?

MS. BAKER: Madam Chair, Commissioners, currently no. It is something we're very aware of, because it's a popular sport. We're just not at a staff point resources-wise equipped to handle that kind of activity, and it takes some very sensitive planning. One of the biggest things we struggle with is often that's a popular thing for young children under the driving age and it tends to be popular in communities that may not have the resources to trailer those vehicles out of town but people don't like the noise and dust.

So then we have a situation where we're encouraging underage drivers to drive their vehicles to some place out of town. So there's all sorts of complicated planning factors that we need to bring into that. It's not something that we have had, but it's something our program could tackle, but it takes a whole other set of resources that we don't have. So, yes, it's certainly within outdoor recreation. It's a difficult issue.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, former Commissioner Anaya invested a lot of energy on this point. And there's still not a place for people to go. And we have ATVs on County roads constantly. We have law enforcement issues. We have trespass issues, in addition to the issues that you mentioned, Colleen. So I think that's an issue that warrants further discussion and maybe at our intergovernmental summit we can have some real dialogue and maybe some targeted discussion on it to find a place. And maybe it's not kept within the confines of Santa Fe of discussion that we discuss it more regionally, because I get constant feedback and requests on where do we go? So I think it's a good point.

CHAIR STEFANICS: I have a different issue on this point. We have open space that we don't have money to utilize. And creating open space in a community for the community's use is a lot different than creating open space for the County to utilize. And we have open spaces we can't utilize or we don't have developed plans for because we don't have the money for the staff or for the planning or for the development. So that to me is a big drawback as we look at this. You have the floor, Commissioner.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Just a question as far as liability. If we have a mandate on a developer or somebody saying we're asking or we're requiring that you place ten percent of open space on whatever proportion of development. Because I heard someone say they build parks and stuff like that. If somebody gets in an accident on a public street there's a lawsuit and they're naming either a County or a municipal government. Can any of these folks that have created open space such as for a park or anything in today's society, maybe a little litigious, can they be held liable for this or no?

CHAIR STEFANICS: Steve, do you want to answer that?

COMMISSIONER MAYFIELD: Steve, let's say we require open space and somebody's building a park or whatever they're building. If somebody gets hurt on the property, can the developer or the homeowners association be sued? How does that – or is it just basically, you're on that property and –

MR. ROSS: Madam Chair, Commissioner Mayfield, it depends on how the property is held. If it's an easement, probably both easement holder and the underlying property owner could be sued. It depends on who has the maintenance responsibility largely. But anyone who has any sort of title would probably get a lawsuit. The person who actually

has the maintenance responsibility would probably be assigned blame by the court.

COMMISSIONER MAYFIELD: Okay.

CHAIR STEFANICS: Thank you, Steve. Anything else, Commissioner Mayfield? Okay. Any other comments on open space? Okay, we're moving to comments on agriculture and ranching. I found it interesting that only two people spoke, and I know there were other people in the audience who were interested in this topic. Which made me wonder if we really hadn't said anything offensive to them. But maybe people have different perspectives. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have a couple of comments that just hit to the core. My take on the feedback that I've heard, and I've been to several of the meetings associated with the code is that there's a desire in the plan and the code to encourage agricultural use and to encourage more agribusiness type use. And I think maybe that's maybe part of it, part of the reason that there wasn't as many comments. But the comments that were made I think are widely held by those people who are ranchers and farmers that do not want – and I think the biggest concern is they don't want to be forced to only do agriculture on their land. The comment that's come up time and time again is just because I'm a fourth generation farmer in agribusiness or agriculture or ranching, doesn't mean that my children, I want to impose on them that they need to do that or have to do that.

So I think that as we do the code we need to encourage, we need to preserve agriculture, but to mandate or take away a landowner's ability – and Mr. Powers brought up a point about conversion of water rights to residential use, which I would agree, given the volume of 100+ gallons a minute that get pumped out of many of those agricultural wells in particular, that that's not necessarily a negative impact at all on the aquifer but actually could be a positive impact because what the State Engineer's Office does is when they do those conversions is when they're done is they even remove a certain percentage of the water right in that conversion that you can use for residential use. So I think that's very important to those people in agriculture that the preservation on the opportunity to continue to do agriculture is important, but that they are not put in a box of not being able to develop in other ways.

And maybe not do ranching or agriculture at all. And I think we need to be cognizant of that, that the different segments in the community or in the county are important but that that's a concern I hear time and time again. Dave, you look like you're ready to –

MR. GOLD: I just wanted to point out that the issues you brought up, and I discussed this with Mr. Powers as well, these will all be dealt with in the next month's concept decision point. But what we tried to do is isolate the issues that are not related to zoning and water, and zoning use in this one. So this is not the end of agriculture-related issues. And so as I say what I got from listening to people is that with this particular set of issues there were concerns about how a TDR program would be implemented, for example, or whether clustering would be required, which is not what's implied by this document, but that these recommendations are kind of like really they stand alone. You raise a valid question and I discussed this with Mr. Powers also. And we'll be definitely dealing with this question next month.

COMMISSIONER ANAYA: And I appreciate that and Madam Chair, one other comment that I wanted to make on that, because there will be more time for discussion

on it, is Mr. Powers made some valid points on agriculture in the southern part of the county. Where I completely did not agree with Mr. Powers was on the point of smaller parcels being a primary point of livelihood. Ms. Bennett restated that and I want to really emphasize it. There's a lot of people in communities like La Cienega, La Puebla, Chimayo, La Bajada, and members in those communities and others that have very small parcels of land that completely rely on that agribusiness on those parcels. So I think that's just another point of diversity and differences. But that's all I have, Madam Chair, on agriculture for now.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I have to say, looking at the recommendations that all of these are pretty much voluntary on the part of the owner, as far as whether they want to keep their land agricultural or not. It would be like a TDR. People wouldn't be forced to accept that; they would voluntarily decide whether they wanted to accept that or not. My recommendation on TDRs perhaps would be to look at other areas where they've been used and actually been successful in saving agricultural land. I don't know if you have any information on that or not.

And I know we also have another method too, which is conservation easements and I believe that now people can even put a conservation easement on a very small parcel of agricultural land. And again, that's totally voluntary, whether they want to do that or not.

I guess the one thing that isn't voluntary here is establishing an acequia protection overlay zone, but I do think that is important, because that is a very important part of our culture and I think that most people do agree that we want to protect our acequias.

CHAIR STEFANICS: Commissioner Mayfield, anything?

COMMISSIONER MAYFIELD: Madam Chair, and I won't try to get off-point. But let's say, and I don't know if it would come in this segment of the concept decision point or the prior one, but say somebody wanted to develop – not develop; that's probably the wrong word. Somebody wanted to place a small family cemetery on their property. Where would that be brought up in our code?

MS. COBAU: Our current Land Development Code allows people to get a burial permit if they want to bury a family member on their property. We do have a process for that.

COMMISSIONER MAYFIELD: Excuse me, Shelley, Madam Chair. This agricultural land, where we're going, somebody said, look, we want to put a small graveyard for a family, this wouldn't prevent any of that from happening?

MS. COBAU: Not under our current code. If you want the new code to reflect the same criteria as the current code it allows for burial on the property. It doesn't matter if it's agriculturally or residentially zoned. They hire somebody to do an easement. It's a quick process for them to do this under our current code.

And I would like to say something about acequias while I have the mike. We do require, if an acequia is crossing someone's property and it is shown that the easement that surrounds the acequia is shown on the plat, and if the mayordomo of the acequia association signs off before land divisions or anything is done on that property.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Shelley, I would ask that we address some family plots for burial purposes wherever we have to address it in the code, that we will allow it.

Going back to the acequias, up north again, I know we're asking for some setbacks. A lot of acequias run along fence lines, so if there is going to be a buffer, I don't know – how is that going to work?

MS. COBAU: They typical acequia easement that I have seen is 7 ½ feet on either side of the centerline of the acequia. So you end up with about a 15-foot swath. And the top of the acequia is six feet, so there's not a lot of room on either side of the acequia for maintenance and for getting in and out of there and doing their spring cleanup and things. That's – those are really old, historic easements. So I don't know if we want to require wider easements where people are replatting property and there's an acequia. If we want to, say, make them – dedicate another ten feet from the top of the acequia instead of from the centerline so that that allows some maintenance. It certainly bears some discussion and some scrutiny and I know Arnie Valdez on the Planning staff has become an acequia expert so he would certainly want to be weighing in on this discussion at some point.

COMMISSIONER MAYFIELD: There's one road in particular where I reside, Camino del Rincon, there's a huge acequia that runs adjacent to a County road. They've also now recently – I don't know what telephone company; I'm assuming it was Qwest, came and placed fiber right alongside by the acequia. If these folks, and this is still a dirt acequia. It's not encased with any concrete or under pipe, but if folks go and try to work on their acequia now they have to worry about a fiber running right next to it. That's a worry of mine and I don't know how they would have even got that permitted to run the fiber. Does Qwest or somebody have to come to us for a permit if they want to run fiber along a County road?

MS. COBAU: They're supposed to, yes.

COMMISSIONER MAYFIELD: You might want to – I'll ask later about if we can look into that one.

And then what about – how does this address laterals, or this does not address laterals?

MS. COBAU: Laterals are usually in an easement as well, so that the laterals to an acequia are usually contained within an easement, and certainly if there's a lateral on someone's property and they haven't surveyed that and they go to have it surveyed, that needs to be shown on their survey. You can't build over it. There's a prescriptive right on that lateral if it's serving another property. If the lateral is just serving that property and the people want to abandon that lateral they probably could. But again, they would need the consent of the mayordomo of the acequia association.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Shelley, maybe we could meet with Paul Garcia or something because I understood laterals to be different. They're not under the mayordomo's purview on the acequias.

MS. COBAU: Yes, we need to meet with them.

COMMISSIONER MAYFIELD: I would suggest that you folks meet with the New Mexico Acequia Association on that. And then my last thought – that's it. Thanks.

CHAIR STEFANICS: Thank you. Anything else on this last topic?
Agriculture and ranching? I think – I just wanted to share that I went to Ohio recently and some friends of mine had bought a farm that was supposed to be for development but they decided to make an orchard out of it. And the reason the son of the farmer was selling it for development was because it was too hard to farm anymore. And I think that people can go

back and forth but I think there may be some flexibility for agricultural land.

So thank you very, very much, Commissioners. Thank you very, very much staff who lasted this entire time. This was a 12 hour plus day and we really appreciated all our hard work, and we'll look forward in a month at least to start getting some code and talking further.

Now, I know that you want to talk about –

MR. KOLKMEYER: I don't want to talk about it; I just want to explain what it is.

IV. Home-Based Business Concept Code Draft

CHAIR STEFANICS: Go ahead.

MR. KOLKMEYER: Actually, this is really good. The home-based business code draft ordinance, that's this one here. [Exhibit 9] It actually raises a point of how we got to here with the earlier question that you asked when we started that whole last discussion about what do we really do next? Well, what we did, as you may recall, after the home-based business study session is we went back to the focus group and we had them work out some of the difficult things. And we might want to consider that for some of the things that we did tonight is reconvene the focus groups and let them handle some of the really complicated issues and go over some of it again. Because that's actually how we arrived at the home-based business ordinance.

So what you have here, and there's no discussion really needed right now is this is the final product that we've come up with for home-based businesses that we're now going to pass to Penny Ellis and Steve Ross for the work, now to take it and really turn it into the code that we can look at. There are three parts to it. There's a matrix that lists the four new categories of home-based businesses instead of just one like we have in the code right now. So we really paid attention to what everybody was saying. That goes across the horizontal top, and then down the vertical side are a number of things that have to be considered during the approval process: water restrictions, signage and those kinds of things. Then secondly, you have a use list table in there that lists everything we could think of in categories and which category it would fall under. And then the third piece you have is the actual – an attempt at the code draft, which is the written segment.

So this is the whole shot and we're going to pass it on now to the code drafters for them to now take it and turn it into code to be considered. I would suggest I think that there actually is another option, because this has come up now a number of times. If you wanted to take this and turn it into a standalone ordinance that would be an option for you to think about as you look at this, because there's been a lot of concern. We have a lot of home-based business issues right now, particularly with more people wanting to do things on their property that's prohibited under the code that we have.

If you want to consider that I would suggest that you look at this very carefully and see if that works. And in the interim, parallel track where it goes now to our code drafters.

So, again, we thank you for the study session on this, because that really propelled the discussion in the right direction.

V. Next CDPs and Code Draft Process

CHAIR STEFANICS: Okay. Could you please ask, or let the County Manager know that we'd like to have the home-based business put on the agenda for discussion, so we can talk about whether or not we want to move ahead with this as a separate ordinance. So rather than discuss this right now, I think we need to take it home and look at it.

MR. KOLKMEYER: Yes. Absolutely.

CHAIR STEFANICS: But if you'd ask her to put it on the very next agenda.

MR. KOLKMEYER: Yes. And we'll also have it online for your constituents to look at and I've brought a whole bunch of copies if you want to take a few more this evening to give to your constituents.

CHAIR STEFANICS: Good. Thank you very much, Commissioners and staff and public for being here this evening.

XV. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 10:45 p.m.



ATTEST TO:

Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

Liz Stefanics

Board of County Commissioners
Liz Stefanics, Vice Chair

Respectfully submitted:

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Karen Farrell, Wordswork
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Robert A. Anaya
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Kathy Holian
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Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

To: Board of County Commissioners

Date: Tuesday, September 27, 2011

From: Jack Kolkmeier, Growth Management Director
Robert Griego, Planning Manager

Re: Study Session on Sustainable Land Development Code Special CDPs for Green Building Standards; Open Space and Trails; and Agriculture and Ranching

Background

Santa Fe County began the public input process (PIP) for the Sustainable Land Development Code (SLDC) at the direction of the Board through a series of meetings in each growth management area in the County. The first series of meeting outlined the process and identified the first Concept Decision Point which was Home Based Business. The second series of meetings included meetings in each area of the County and focused on the following Concept Decision Points:

1. Green Building Standards;
2. Open Space and Trails; and
3. Agriculture and Ranching

Background information was prepared for each CDP which included a summary of the existing code and policies, SGMP policies, questions and implementation options. Focus groups were created to analyze and solicit additional input for each CDP. Focus group meetings were held in the County Commission Chambers and were webcast live. The meetings were noticed and members of the general public were able to participate in the public comment portion of the meetings. Meeting Agendas, meeting summaries and public comments are in the appendix.

Green Building Standards CDP

Based on public input and staff's assessment of "implement-ability," the following findings are offered:

1. Focus should be placed on an "Energy Efficient Building Code" rather than a Green Building Code. One Focus Group member suggested the term "High Performance Building Code" be used. While there was general support for non-energy related green building measures, concern was expressed about the added costs of such measures without the commensurate reduction to energy utility bills associated with energy efficiency measures.
2. Energy efficiency measures should be required that increase building affordability.
3. A "performance-based" standard is preferable to a "prescriptive" standard. A performance-based standard sets an overall energy efficiency target and leaves it to the discretion of the



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architect/designer and the builder as to how to achieve the target. A prescriptive standard is very rigid and includes a "cook book" of specific measures that must be included.

4. At this time, it is not practical to consider having the County establish its own building code enforcement and inspection staff. Given the complexity and costs involved and the slow building economy at present, it does not make sense to pursue this option for the primary purpose of enforcing green building standards.
5. It is critical to ensure that any code changes will not result in undue administrative burden for the citizens and staff of the County.

Staff Recommendations are included in the Green Building Standards Discussion of Options and the recommended option is summarized below:

Option 2: Require a Third-Party Verified Home Energy Performance Standard. This option would establish a system to require that homes are designed and constructed to achieve a standard of energy performance and that qualified independent professionals would verify that the home meets the performance standard. A few paths to achieve the standard would be allowed. This option would require a home be designed and built to achieve a Home Energy Rating of 70 or an equivalent level of energy performance (in BTU/sq. ft.) The existing NMECC equates to a HERS rating of 82 to 85.

Open Space and Trails CDP

Staff Recommendations are included in the Open Space and Trails Concept Decision Points document and described in the Open Space and Trails Memorandum.

Establish requirements for open space and trails designation in all new development applications to protect riparian and wildlife corridors include arroyos, significant historical and cultural sites and critical habitats.

1. Establish additional requirements by potential zoning districts for new subdivisions.
2. Establish conceptual overlay districts for important archaeological sites, critical wildlife areas and national scenic byways.

Agriculture and Ranching CDP

Agriculture and Ranching recommendations for implementation into the SLDC are described in the Memorandum and summarized below:

1. Allow Agricultural Uses to occur anywhere in the County.
2. Allow community gardens, greenhouses, and accessory uses as a right by zoning district.
3. Establish incentives and tools such as Transfer of Development Rights (TDR) and incentives program for agriculture and open space preservation.

Staff Recommendation for Board Direction

Staff is requesting that the Board provide direction on staff recommendations. Based on Board direction, staff will draft code language to incorporate the concepts into the Sustainable Land Development Code draft.

Green Building Standards - Discussion of Options and Staff Recommendation

Background and Findings

This document summarizes options for consideration by the Board of County Commissioners (BCC) in order to implement the residential and commercial green building policies in the Sustainable Growth Management Plan (SGMP). Public input from four public meetings held throughout the County as well as from one meeting of the Green Building Focus Group is incorporated into this discussion. Options are presented, staff research and knowledge of development and implementation of green building standards is utilized to arrive at a suggested course of action.

A separate document includes a more comprehensive listing of the public comments received to date.

NOTE: While obviously a component of "green building", water conservation will be considered in another Concept Decision Point.

Green Building Summary

Like many terms, "green building" is interpreted differently depending on the context. The United States Green Building Council (USGBC) interprets green building to include a whole host of "environment friendly" considerations including not only energy and water conservation but the use of non-toxic building materials and/or building materials made with recycled content, recycling of construction debris, alternative modes of transportation (e.g. bike racks and shower facilities for commercial buildings), proximity to mass transit, etc. While the SGMP recognizes the merits of all aspects of "green building", it tends to primarily focus on energy (energy efficiency and renewable energy) and water conservation concerns. Energy efficiency standards, in particular, have a substantive benefit in reducing a home's or commercial building's electric and natural gas (or other energy heating source such as propane, wood or wood pellets) utility costs. As roof-top solar and other renewable energy technologies costs continue to decline over time and as energy utility rates continue to rise, renewable energy standards and incentives will have a similar "pay back" benefit.

Existing State Code and its Relationship to County Policies Regarding Green Building

For New Mexico counties without "home rule" authority, relevant building codes are adopted by the New Mexico Construction Industries Commission and inspected and enforced by the NM Construction Industries Division (CID.) In general, the County may adopt code measures, including green building code measures, that are more stringent than what New Mexico has adopted, but there is an issue regarding the extent to which those measures will actually be inspected and enforced by CID. The County currently does not conduct building inspections and does not perform code enforcement functions.

Building Construction Permit and Enforcement Program

The green building policies adopted by the BCC in the SGMP suggest that the County adopt energy efficiency and other green building regulations that go beyond what the Construction Industries Commission has adopted, if practicable. If the County were to establish green building standards, it would need to either establish its own building code permit and enforcement program or otherwise identify a mechanism for ensuring compliance with the adopted standard. One option is to determine the extent to which the County

Green Building Standards - Discussion of Options and Staff Recommendation

could enter into a JPA with the City of Santa Fe to have the City's code enforcement personnel enforce and inspect in the County as well. This would likely only be viable if the County adopted green building standards that are identical to or very similar to the City's.

Third Party Verification

Another option is for the County to adopt a performance standard that is very simple to implement because it requires an authoritative verification of building energy performance by an independent, qualified third party. With such a standard, the accredited professional does all of the necessary plan review and onsite inspection work to verify that the energy performance standard is being met. A number of jurisdictions use this approach because it does not add administrative burden to the approving or enforcement entity. For this approach to be most effective, it would require that CID agree to withhold the Certificate of Occupancy pending the County's receipt from the qualified professional that the building meets the standard. County staff is engaged in discussions with CID regarding CID's willingness/capability to work with the County on such an approach.

New Mexico's State Energy Conservation Code

The Construction Industries Commission revised the residential and commercial building energy codes in 2010. The Commission not only revised the energy code from the 2006 "International Energy Conservation Code" (IECC) to the 2009 IECC, but adopted selected "beyond code" energy efficiency measures as well. The 2009 IECC was modified in places to accommodate special climate or building-related considerations specific to New Mexico, resulting in the "NM Energy Conservation Code." Updating the code from the 2006 to the 2009 IECC resulted in an average energy savings of 7-10% for residential buildings. The "beyond code" measures adopted by Construction Industries Commission resulted in a cumulative savings of approximately 20.9% for residential and 17.5% for commercial construction over the 2006 code. Note that energy efficiency savings estimates utilize certain assumptions and methodologies that are subjective, to a certain extent.

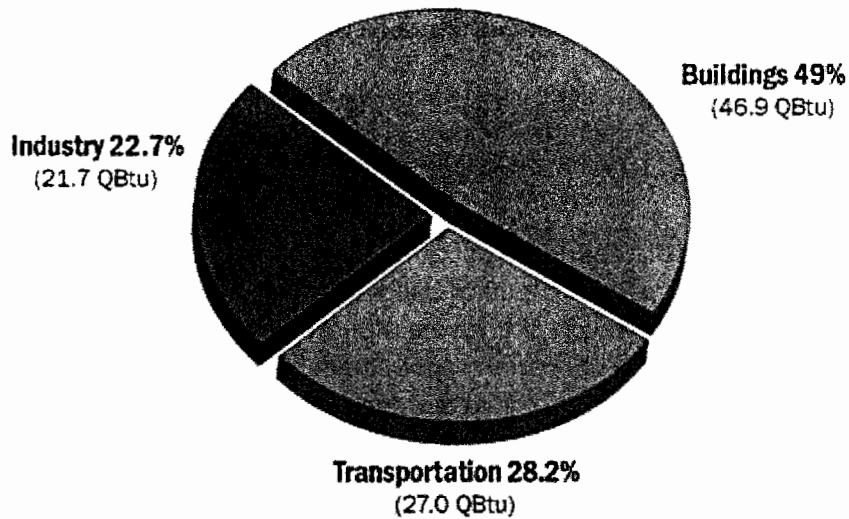
It's important to clarify, however, that with a change in gubernatorial administration and, therefore, Construction Industries Commission membership, the new Commission rescinded the "beyond code" measures in June of this year. That action is currently being legally challenged. Thus, presently, the NM Energy Conservation Code includes only the 2009 IECC.

Building Efficiency and Affordability

Building affordability has generally meant keeping the upfront price of the home or commercial structure as low as possible, with little consideration given to the energy demands and therefore costs associated with heating, cooling, lighting and other activities that consume energy in a building. According to the U.S. Energy Information Administration (EIA), and shown in the diagram below, the building sector consumes nearly half (49%) of all energy produced in the United States.

Green Building Standards - Discussion of Options and Staff Recommendation

In the days of cheap energy, such a limited interpretation of affordability was understandable. But energy utility rates are on the rise. For example, residential electricity rates have increased more than 25% over the past decade in New Mexico. NM Gas Co. has a 13% natural gas rate increase proposal currently before the NM Public Regulation Commission.



U.S. Energy Consumption by Sector

Source: © 2010 2030, Inc. / Architecture 2030. All Rights Reserved.
Data Source: U.S. Energy Information Administration (2009)

A comprehensive, financially smart view of building

affordability should include the combined monthly mortgage and energy utility bill payments. Most consumers don't write a check for the cost of a building. They finance it over 30 years. So the initial purchase price of the home or commercial building is not as relevant to the concept of "affordability" as the combined monthly loan payment and energy utility expenditures. Indeed, high heating and/or cooling costs have contributed significantly to home foreclosures in some instances.

Some energy efficiency measures increase the costs of constructing of building, albeit minimally in most instances. Some may argue that requiring additional energy efficiency measures in residential buildings "prices people out of homes". But if carefully analyzed and selected, energy efficient code requirements will reduce the combined monthly mortgage and energy utility bill payments. The slight increase in the cost of the home (and, therefore, the monthly mortgage payment) that the additional energy efficiency requirements create is more than off-set by the reduction in monthly energy utility costs.

For example, in the case of the "beyond code" energy efficiency measures adopted by the NM Construction Industries Commission last year, an engineering cost analysis concluded that the efficiency measures increased the monthly mortgage payment for a home by \$15/month but reduced the energy utility bill payments by \$29/month – for a net benefit of \$14/month. Thus the homeowner is better off financially from the first month of home ownership with a more energy efficient home. With this concept of home affordability, requiring cost-effective, energy efficiency standards in new buildings can be a benefit to both the homebuyer and homebuilder. Homes and commercial buildings are built to last for 60-70 years; therefore, it is reasonable to consider future energy costs when determining the cost-effectiveness of various energy efficiency measures.

This concept is conveyed by example in the following table:

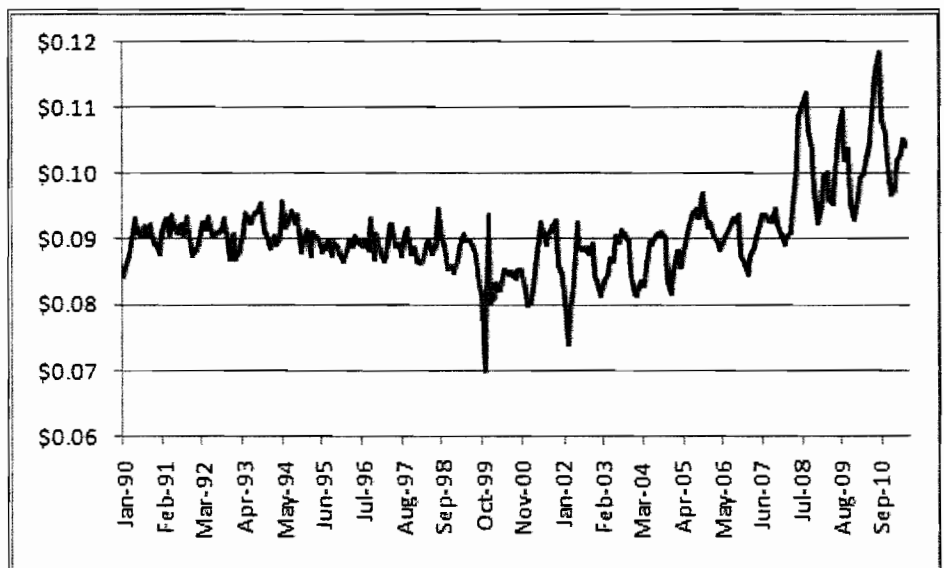
Green Building Standards - Discussion of Options and Staff Recommendation

Requiring Additional Energy Efficiency Measures → Example of the Impact on a Home's Affordability

<u>Sales Price of Home</u>	<u>Standard State Code (2009 IECC)</u>	<u>County Building Code w/Enhanced EE Standards</u>
	\$200,000	\$204,000 (2% cost premium)
<hr/>		
<u>Monthly Mortgage Payment</u> (30 years at 4.5% interest)	\$1,013	\$1,034
<u>Monthly Electric Bill</u>	\$75	\$50
<u>Monthly Natural Gas Bill</u>	\$90	\$60
<u>Total Monthly Payments</u> (Affordability)	<u>\$1178</u>	<u>\$1144</u>
<u>Net Monthly Savings</u>		<u>\$34</u>

The "net monthly savings" will *increase* as electric and natural gas rates increase over time. The trend of increasing costs is clear from the graphic below. The unit cost of electricity for residential customers in New Mexico is shown below (dollars per kWh) for New Mexico since 1990. The data is from the US Energy Information Administration.

Some public comment received in the past months expressed concern that, monthly affordability notwithstanding, increasing the price of the home will prevent some families from being able to buy a home because of loan qualification realities. For instance, from the table above, if a prospective homebuyer can only qualify for a \$200,000 loan, he/she wouldn't be able to afford the \$204,000 home with additional County-required energy efficiency measures. From a very narrow perspective, this conclusion is valid.



Green Building Standards - Discussion of Options and Staff Recommendation

But the “real world reality” is somewhat different from that perspective. It’s not that increased energy efficiency measures will prevent some individuals from being able to buy a home at all, but that they will need to buy a slightly smaller home in order to be able to buy a home of a given price (and therefore loan amount.) For every \$1000 increase in home costs associated with additional energy efficiency requirements, the buyer would need to buy a home that’s 8 sq. ft. smaller (assuming a \$120/sq.ft. construction costs.)

Furthermore, some mortgage lenders have adopted “energy efficient mortgages” that look at the combined monthly mortgage and energy utility bill payments when determining what a prospective homeowner will qualify for.

It’s important to note that all existing building codes (fire, structural, mechanical, energy, etc.) increase the price of a home or commercial building of a given size from what the building would cost if there were no building codes at all. But most consumers accept the added costs to ensure that buildings are safe (from fire, electrocution, structural collapse, etc.), that they don’t use a ridiculous amount of energy, and can withstand reasonable climatic and weather events.

Staff Findings

Based on public input and staff’s assessment of “implementability,” the following findings are offered:

1. Focus should be placed on an “Energy Efficient Building Code” rather than a Green Building Code. One Focus Group member suggested the term “High Performance Building Code” be used. While there was general support for non-energy related green building measures, concern was expressed about the added costs of such measures without the commensurate reduction to energy utility bills associated with energy efficiency measures.
2. Energy efficiency measures should be required that increase building affordability.
3. A “performance-based” standard is preferable to a “prescriptive” standard. A performance-based standard sets an overall energy efficiency target and leaves it to the discretion of the architect/designer and the builder as to how to achieve the target. A prescriptive standard is very rigid and includes a “cook book” of specific measures that must be included.
4. At this time, it is not practical to consider having the County establish its own building code enforcement and inspection staff. Given the complexity and costs involved and the slow building economy at present, it does not make sense to pursue for the primary purpose of enforcing green building standards.
5. It is critical to ensure that any code changes will not result in undue administrative burden for the citizens and staff of the County.

Energy Efficient Building Standards Options - Residential

Option 1: No additional Energy Efficiency Standard above the State Energy Code

Option 1 would not implement a Santa Fe County green building code requirement. The IECC (adopted by the NM Construction Industries Commission as the “NM Energy Conservation Code”) establishes requirements and standards for aspects of a building’s construction that affect energy consumption – generally broken down into

Green Building Standards - Discussion of Options and Staff Recommendation

the “building envelope” (e.g. number, size, type and location of windows and doors, wall, floor and ceiling insulation, etc.) and non-building envelope (e.g. mechanical, electrical, water heating and indoor and outdoor lighting). These codes are prescriptive in nature and there are very specific requirements that must be met. In concert with the Uniform Mechanical Code, the IECC also addresses heating, ventilation and air conditioning (HVAC) standards. The IECC does not address energy consuming items that are not an integral part of the building such as appliances and “plug loads” (e.g. computers, TVs, desk lamps, etc.).

Pros

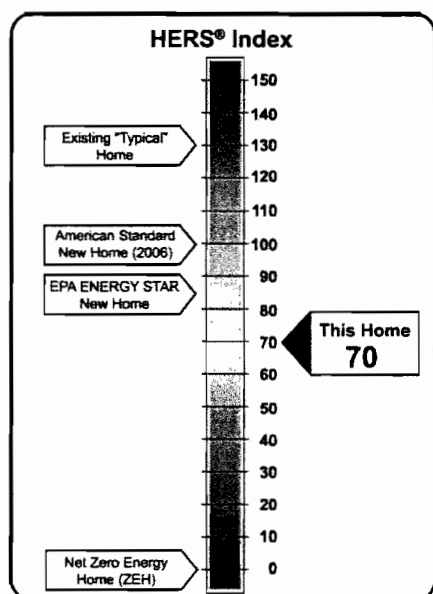
- Easy to implement (i.e. nothing to implement!)
- Keeps the upfront price of the home as low as possible
- Strong support from a segment of the County’s builders

Cons

- Will cause home ownership to be less affordable than if a cost-effective performance-based energy efficiency standard is required
- Does not satisfy the green building policies adopted in the SGMP
- Not consistent with the energy efficiency requirements of buildings built in the City of Santa Fe
- Strong opposition from a segment of the County’s builders

Option 2: Require a Third-Party Verified Home Energy Performance Standard (Staff Recommendation)

Option 2 would establish a system to require that homes are designed and constructed to achieve a standard of energy performance and that qualified independent professionals would verify that the home meets the performance standard. A few paths to achieve the standard would be allowed. This option would require a home be designed and built to achieve a Home Energy Rating of 70 or an equivalent level of energy performance (in BTU/sq. ft.) The existing NMECC equates to a HERS rating of 82 to 85.



The Home Energy Rating System (HERS) index is a national scoring system established by the Residential Energy Services Networks (RESNET.) In this system, a home built to the specifications of the HERS reference home (based on the 2004 International Energy Conservation Code) scores a HERS index of 100, while a net zero energy home (a home that generates on-site all the energy it consumes) scores a HERS index of 0. The lower a home’s HERS index, the more energy efficient it is in comparison to the HERS Reference Home.

This option would require the County to establish a system consistent with the City of Santa Fe Residential Green Building Code and verification, review and/or inspection process. The City of Santa Fe has adopted a HERS requirement of 70 for homes under 3000 sq.ft. Larger homes are required to have a lower (more energy efficient) HERS rating. The Executive Officer of the Santa Fe Area Home Builders Association (SFAHBA) supported developing a standard that was consistent with the

Green Building Standards - Discussion of Options and Staff Recommendation

City's standard in order to avoid a "patchwork" of different standards between building in the County and building in the City. The County's addition of the alternate path will not change the standard of construction but will give additional options for ensuring compliance.

Staff recommends this option because of its focus on energy efficiency (and, therefore, home affordability), simplicity of implementation, and consistency with the City of Santa Fe's standard. As mentioned, nearly all of the design review (of the construction plans) and site inspections are conducted by the independent third party – not by a local government or CID code enforcement staff person. Free software tools are available to assist qualified professionals to verify that the home design will achieve the standard.

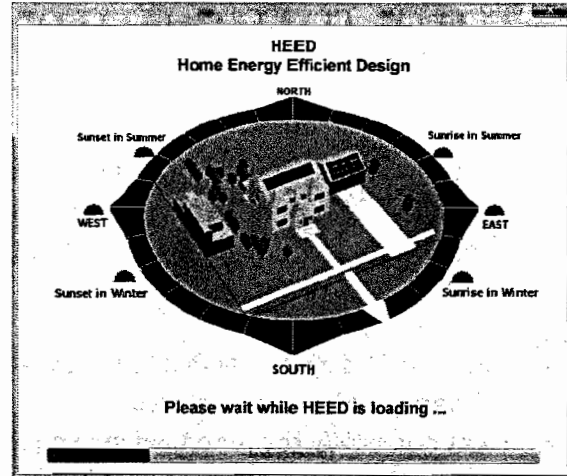
Based upon input from building and building science professionals, staff believes that requiring homes be built to a standard of a HERS rating of 70 or equivalent energy performance will better promote affordability for homeowners. If CID is willing to withhold the Certificate of Occupancy (CO) pending the independent verifier's final inspection confirming that the County standard has been met, enforcing the standard can be assured. If the home's rating does not meet the standard (e.g. it comes in as a HERS of 76), then the builder would need to go back to the home and make improvements that would lower the score.

If CID is unwilling to withhold the CO, the energy performance standard could be maintained but its enforcement would be uncertain, just as currently is the case for the County's existing hot water recirculation and water catchment installation requirements. Verification that the home's design would achieve the performance standard would occur before the County's development review. However, there is not currently a procedure to require verification of proper installation during the mid-construction (of the insulation and mechanical measures) and final energy inspections. If the final energy inspection indicated a rating above the County standard, the County would have no authority to require the needed improvements. However, conceivably if a specific builder consistently built homes that did not meet the standard during the final energy inspection, the County, by ordinance, could consider preventing the builder from building in the County for a certain period of time.

SFAHBA recommended what they called the "HERS 70, plus, plus". The two "pluses" are for: 1) requiring a thermal bypass check list ensuring the integrity of the insulation installation and 2) requiring sufficient mechanical fresh air exchange to ensure maintenance of healthy indoor air quality (as quantified in ASHRAE 62.2.) Staff supports the implementation of a "HERS 70++ or equal".

Pros

- Relatively easy to implement
- Consistent with City standard
- Promotes home energy efficiency and affordability



Green Building Standards - Discussion of Options and Staff Recommendation

- Achieves improved energy efficiency, a most important element of SGMP green building policies
- Easily modified in the future, if desired, with a change in the HERS rating or BTU/sq. ft. number
- Strong support by a segment of the County's builders

Cons

- Building to increase energy performance slightly raises the upfront price of a home (**estimated** from 0.5% to 1.0% of total building cost by local building professionals)
- The cost of the independent third party (\$500 - \$900) is incurred by the builder / homeowner
- Does not achieve all of the SGMP green building policies (recycled content, etc.)
- Strong opposition by a segment of the County's builders

Option 3: Require US Green Building Council LEED Certification

The USGBC's "Leadership in Energy and Environmental Design" (LEED) rating system is nationally recognized as one of the premier green building rating systems. LEED has four levels of increasingly aggressive green building standards: LEED Certified, Silver, Gold, and Platinum. The LEED process provides criteria for rating the environmental performance of construction practices and provides guidelines for documentation that demonstrates conformance; it encourages cost-effective and sustainable building methods, by encouraging conservation of fossil fuels, water and other natural resources, reduction of greenhouse gas emissions, recycling of construction materials reducing solid waste and improving indoor air quality; it includes mandatory green building requirements to ensure that construction waste and deconstruction materials are recycled, reused, or otherwise diverted from landfills, and minimum requirements to ensure that dwellings are constructed in an efficient manner; and it includes provisions intended to provide for joint administration with the processing of building permits for remodeling, adding on, and constructing residential and non-residential structures.

LEED has been criticized in the past for not placing sufficient emphasis on energy efficiency, but more recent editions have improved in this area. A LEED requirement at some level could be implemented in a manner similar to a HERS standard. A LEED accredited professional does virtually all of the verification and inspection work and is responsible for providing documentation.

The additional cost of building to a LEED standard is estimated at less than 3% of total building cost (for the LEED Silver level.)

Pros

- LEED is a comprehensive approach to green building that would satisfy most of the green building policies in the SGMP
- LEED is an established third-party verified process that is in place in a number of other communities

Cons

V1.0

09/22/11

8



REC CLERK RECORDED 11/18/2011

Green Building Standards - Discussion of Options and Staff Recommendation

- LEED requires a more involved and complex (integrated) building design and construction process
- LEED mandates the involvement of a LEED accredited during all steps of project development
- LEED certification requires significant documentation and the associated administrative cost
- LEED adds cost to the home that don't generate a corresponding reduction to home ownership costs
- Strong opposition from a segment of the County's builders

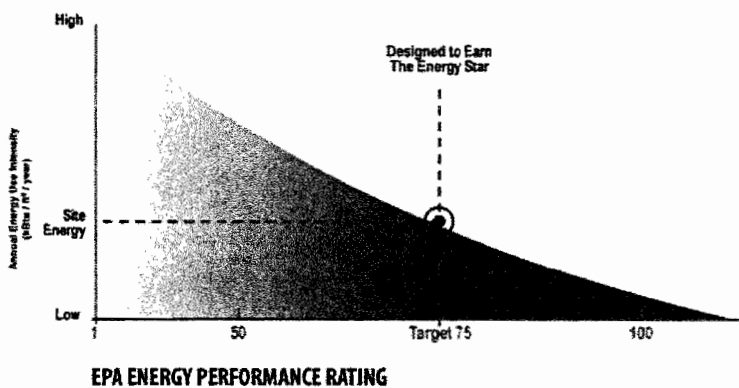
Energy Efficient Building Standards Options – Commercial

Option 1: No additional EE Standard Above the NM Energy Conservation Code

Pros and Cons: essentially the same as for residential.

Option 2: Require Commercial Buildings to be “Designed to Earn the EPA Energy Star Certification”

As the name suggests, ENERGY STAR is solely about efficient energy usage. To qualify for ENERGY STAR, a building must earn a 75 or higher on EPA's 1-100 energy performance scale, indicating that the facility performs better than at least 75% of similar buildings nationwide. EPA's energy performance rating is generated by using “Target Finder”, a no-cost online tool that enables architects and building owners to set energy targets and receive an EPA energy performance score for projects during the design process. Projects that earn a score of 75 or higher are eligible for Designed to Earn the ENERGY STAR certification. Target Finder compares the project's estimated energy use to actual energy use of similar buildings and provides a relative energy performance rating compared to buildings of a similar type.



The architect is required to submit the necessary documents to the EPA (actually its contractor) in order to receive the Designed to Earn the Energy Star certification. The certification is not the same as the building actually achieving the Energy Star label. The Energy Star label is only obtained after an occupied building's energy usage has been satisfactorily documented for a year. Therefore, requiring a commercial building to obtain the Energy Star label is not practical given that it occurs well “after the fact” of building construction.

Pros:

- Focuses exclusively on energy efficiency.

Green Building Standards - Discussion of Options and Staff Recommendation

- Likely to have a positive impact on a commercial building's affordability. County Staff is attempting to locate cost-benefit data, if available.

Cons:

- Does not address other green building elements in the SGMP.

Option 3: Adopt the International Green Construction Code

The 2012 International Green Construction Code will be enacted by the International Code Council in November of this year. The City of Santa Fe has been working with a commercial code stakeholder group with an eye toward adopting the 2012 IGCC once it is finalized. The IGCC is relatively new but is already being adopted by a number of state and local jurisdictions throughout the country including Florida, North Carolina, Oregon, and Scottsdale, AZ.

As the name implies, the IGCC is a comprehensive green building code, intended to be implemented as a mandatory code, like other mandatory codes. It is not a green building rating system, nor is it limited to energy efficiency measures. The IGCC addresses the wise use of natural resources, materials, energy and water and the preservation of indoor air quality. It provides for both performance and prescriptive options.

Staff contact with the ICC indicates that a cost analysis on the IGCC has not yet been conducted.

If the County were to adopt the IGCC it would likely require an agreement with the City of Santa Fe to implement (inspection and enforcement). ***Direction is requested from the BCC as to whether there's an interest in pursuing a Joint Powers Agreement with the City for building design review, inspection and enforcement services.***

Pros:

- Is a comprehensive approach to green building, incorporating virtually all of the green building policies adopted in the SGMP.

Cons:

- Cost impacts are not known.

Staff Recommendations / Open Space and Trails Concept Decision Points

BASE OPEN SPACE REQUIREMENTS (ALL NEW DEVELOPMENT)

- Streams, arroyos, wetlands, and all riparian areas, should be buffered by at least 100 feet beyond the 100 year flood zone, and be designated private open space within any new development.*
- Fencing across the floodway or any arroyo or riparian corridor is prohibited.
- Sites listed on the State or Federal Register of Historic Places, or deemed eligible to be listed, shall be protected through conservation easements or dedicated private open space.
- Sites listed under the Galisteo Basin Archaeological Sites Protection Act, or deemed eligible to be listed, shall be protected by a conservation easement or dedicated private open space.
- New development adjacent to existing public land must provide public access through the development and provide a trailhead.**
- “Critical Habitat” shall be placed in a conservation easement or designated as private open space.***
- “Pre-clearing” of sites before construction is prohibited.

BASE TRAILS REQUIREMENT (ALL NEW DEVELOPMENT)

- Trails or Complete Streets**** must connect all lots in a new development to any existing or planned Regional Trail Corridor adjacent to the proposed development.
- Trails or Complete Streets must connect to any existing or planned public trails adjacent to the proposed development.
- Trails or Complete Streets must connect to any existing or planned public facility such as schools, parks, libraries, fire stations, community centers, or any commercial centers which are adjacent to the new development.
- At least one public pedestrian/bicycle trail must be designated within the new development that will allow for connectivity for the public through the development.

*Incentives should be available for the developer to designate a public trail easement and/or conservation easement within the floodway or buffer zone.

** A mechanism such as “fee in lieu of” or land exchange to construct a trailhead in another location, may be considered to mitigate this requirement.

*** State or Federal Designation for threatened or endangered species habitat would apply.

**** “Complete Streets” have a 5' shoulder designated as a bike lane and an off road trail which may be paved or unpaved.

OPEN SPACE REQUIREMENTS IN NEW DEVELOPMENT BY POTENTIAL BASE ZONING DISTRICT

POTENTIAL BASE ZONING DISTRICT	ADDITIONAL REQUIREMENT
Agriculture / Ranching	NONE BUT Overlay District Zoning may apply
Rural	NONE BUT Overlay District Zoning may apply
Rural Fringe	Subdivision of 5 lots or more require land suitability analysis to inform designation of 30% private open space, subdivisions of 25 lots or more require a public neighborhood park (10 acres per 1,000 residents) Overlay District Zoning may apply
Rural Residential	Subdivision of 5 lots or more require land suitability analysis to inform designation of 30% private open space, subdivisions of 25 lots or more require a public neighborhood park (10 acres per 1,000 residents) Overlay District Zoning may apply
Rural Estate	Subdivision of 5 lots or more require land suitability analysis to inform designation of 30% private open space, subdivisions of 25 lots or more require a public neighborhood park (10 acres per 1,000 residents) Overlay District Zoning may apply
Traditional Community	NONE BUT Overlay District Zoning may apply
Planned Districts	Land Suitability Analysis, minimum 50 % Total Open Space, 25% Public Open Space Overlay District Zoning may apply
Commercial Districts	X square feet for Parks or Open Space per Y square feet of Building Size / Overlay District Zoning may apply

TRAIL REQUIREMENTS IN NEW DEVELOPMENT BY POTENTIAL BASE ZONING DISTRICT

BASE ZONING DISTRICT	ADDITIONAL REQUIREMENT
Agriculture / Ranching	NONE
Rural	NONE
Rural Fringe	Subdivision of 5 lots or more require Complete Streets
Rural Residential	Subdivision of 5 lots or more require Complete Streets
Rural Estate	Subdivision of 5 lots or more require Complete Streets
Traditional Community	NONE
Planned Districts	Complete Streets and Trail Network required
Commercial Districts	Complete Streets required

CONCEPTUAL OVERLAY DISTRICTS

- Galisteo Basin Archaeological Sites Protection Overlay District (Landscape wide standards for protecting cultural resources within this District)
- Critical Wildlife Corridor Overlay District (Standards for Fencing, Road Crossings, Habitat Conservation)
- Scenic Byway Overlay District (Development Standards specifically designed for a designated buffer zone for all National Scenic Byways)

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 27, 2011

To: Santa Fe Board of County Commissioners

From: Beth Mills, Community Planner, Open Space and Trails Program

CC: Mark Hogan, Director, Properties and Facilities
Paul Olafson, Manager, Community Projects Division
Colleen Baker, Manager, Open Space and Trails Program
Jack Kolkmeier, Director, Growth Management Department
Robert Griego, Manager, Planning Division

Re: Staff Recommendations for Sustainable Land Development Code / Open Space and Trails Concept Decision Points

Background:

For the past several months the Planning Division and their Consultant have been conducting public meetings and focus groups to educate the public about the new County Code and to gain an understanding of public opinion, concerns, insights, and direction regarding the content of the Code. Open Space and Trails staff attended public meetings on August 1-4, 2011, and a focus group on August 17, 2011 in order to listen and gain an understanding of public opinion on the Open Space and Trails elements to be incorporated into the new code. Staff has also reviewed the policies generated in the Sustainable Growth Management Plan (SGMP) as they relate to Open Space and Trails.

The policies from the SLDP regarding Open Space and Trails that should inform the code can be broadly summarized as follows:

- Provide access to outdoor recreation areas, trails, and community centers
- Protect wildlife corridors, critical habitats, riparian areas, and scenic vistas
- Connect new development to existing open spaces and trails on public lands
- Establish an interconnected system of trails and parks, including regional trails
- Develop trail design standards and design trails to connect public facilities
- Create trailheads for access to existing public open space
- Develop a multi-modal transportation network
- Map everything related to conservation and recreation so that planning will be strategic

From the public meetings we took the following general direction:

- Pedestrian, bicycle, and equestrian trails are important to most people and should be a mandatory element in new developments. Trails serve several different functions. They should connect destinations within communities such as schools, libraries, community centers, commercial centers, and transportation hubs. Trails provide recreation and should also provide non-motorized access to public lands. Trails are an important component of a multi-modal transportation network.

- Critical habitat, wildlife corridors, significant landmarks and views, historical and cultural sites on the landscape, and riparian areas should be protected either through codified regulation or through programmatic means such as acquisition, or easements, or both.
- Incentives for creating open space in new developments, above a certain baseline, can be very helpful and many developers will respond to incentives. However, local government should not rely exclusively on incentives to achieve open space and conservation goals.
- There is significantly greater support for both regulatory (code) and programmatic approaches to increasing open space and trails in the central part of the County, and less enthusiasm in the northern and southern reaches of the County.
- The code should not be an impediment to a developer whose goal is to achieve high conservation values in their development.

Discussion:

Attached here are the staff recommendations resulting from our consideration of the discussions we heard surrounding the Open Space and Trails Concept Decision Points. **These recommendations are intended to frame a discussion with the Board of County Commissioners about how best to address both public opinion and the policies articulated in the SGMP in the new code.**

The recommendations are broken up into three (3) categories:

1. **The requirements for both open space and trails designation in all new development applications.** These requirements address the need to protect riparian and wildlife corridors (including arroyos), significant historical and cultural sites, and critical habitats throughout the County. They also ensure that new developments will be connected to other existing and planned trails and public lands, as well as public facilities. And they ensure that there is at least one public trail route through new developments.
2. **The “additional requirements by potential base zoning district” tables outline the requirements for new subdivisions that are above and beyond the baseline requirements just discussed.** In some cases the developer may have addressed the additional requirement already through the “Base Open Space Requirement”. In other cases they may need to do more.
3. **The “conceptual overlay districts”** noted in the tables and at the bottom of the page do not refer to open space or trail standards per se, but to a separate set of standards and considerations for particular geographic areas. These standards might also include things such as terrain management, or fencing, to note just a couple.

For example, the “Galisteo Basin Archaeological Sites Protection Overlay District” might be defined as all land within the Galisteo Watershed. Development and design standards would then be created within that particular area to ensure important cultural resources are inventoried and conserved as part of the development review process. Opportunities for open space designation, purchase, or conservation easements might exist within the Overlay District. Similarly, a “Scenic Byway Overlay District” would establish a specific buffer, or geographic extent, from a National Scenic Byway and all development applications which fall within those boundaries must be tested against those standards. Again, opportunities may or may not exist for open space dedication, purchase, trails, or conservation easements within the Overlay District. This is a concept that Open Space and Trails staff would like to test as a way of conserving landscape scale resources because many of the public comments support a landscape wide approach to particular issues (e.g. wildlife movement).

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Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

To: Board of County Commissioners

Date: Tuesday, September 27, 2011

From: Jack Kolkmeier, Growth Management Director
Robert Griego, Planning Manager

Re: Staff recommendation for Agriculture and Ranching Concept Decision Point

Agriculture and Ranching Concept Decision Point (CDP)

This document summarizes options developed through the CDP Public Input and Focus Groups Process for consideration by the Board in order to implement the Agriculture Policies of the Sustainable Growth Management Plan (SGMP) in the Sustainable Land Development Code. Recommendations are based on information, directives and ideas from the following sources:

- SDLC CDP Public Input Process,
- Existing Land Development Code,
- Existing County Agricultural Policies and Adopted Resolution
- SGMP Chapter 4 Agriculture and Ranching
- Best practices from surrounding communities and Counties

Many ideas and directives pertaining to agriculture will be implemented through state and federal agencies, the County Assessor's Office, community organizations and individual property owners and developers. These recommendations are focused on incentives, performance and prescriptive regulations, subdivision regulations and overlay zones that can be accommodated in a land development code.

Staff Recommendations:

- 1) Agricultural, grazing and ranching uses including greenhouses, small barns and sheds allowed by right.**

Agricultural, grazing and ranching uses including greenhouses and community gardens and accessory uses should be permitted anywhere in the County. Application for a development codes should not required for these uses, unless other sections of the code apply; for example base densities, performance standards that regulate accessory structures with larger footprints or lot coverage and restricting structures in arroyos.

Issue: It should be noted that many of the discussions and concerns about agriculture in the public involvement process revealed a lack of understanding of the current “use by right” entitlement of the existing code.

2) Establish Acequia Protection Overlay Zone

Implements performance regulations needed to protect the acequias systems anywhere in the county. The regulations would require easements covering acequias on plats upon application for subdivision or development and require structures to have minimum set backs from acequias.

3) Establish Tools and Incentives:

- A. Develop Transfer of Development Rights Program for both agriculture and open space preservation. A TDR Program should reward lot owners and developers for enhancing agricultural/open space opportunities. Relieve development pressure on agricultural land by transferring development rights to areas more suitable for development.
- B. Develop a Purchase of Development Rights (PDR) for agricultural properties under development pressures.
- C. Develop Clustered Housing Conservation Subdivision
 - a. Provisions and standards for the development of clustered housing in conjunction with consolidated open space and/or agricultural land on sites with 2 acres or more.
Purpose:
 - i. Continue historic land use patterns that maintain open space/ agricultural land and accommodate diverse household incomes and lifestyles.
 - ii. Promote the conservation and use of irrigated agricultural land and open space.
 - iii. Maintain the semi-rural neighborhood character through residential development that is consistent in scale and massing with the neighborhood.

8/1 South County Sustainable Land Development Code - Public Input Meeting Edgewood Senior Center --Monday, August 1st

First Set of Notes - Sustainable Land Development Code - Public Input Meeting

- . Will all CDP issues be subject to modification via Community Plans?
- . Optimum meeting times?
- . Building Code vs. Development Code Review
- . Definition of Green Building
- . State Code as it exists is sufficient
- . Do not require whole house improvements with minor remodel
- . How to create jobs via Code? Mining, Timber
- . How to Educate Homeowners and Home Buyers?
- . Affordability will vary over time
- . Open Space and Trails
- . Support for COLTPAC
- . Criteria beyond population to determine where Open Space is needed. Where does it make sense?
- . Tax credits for conservancy
- . Regional opportunities for Open Space vs. regulation for development in a subdivision
- . "Green Area" requirement for subdivisions but what does that look like?
- . Programmatic
- . Should provide access to large public open spaces
- . Campbell Ranch will be 60% open space when developed with trails connecting "villages"
- . Impact fees to purchase land and easements - State law may not allow this
- . Lots of open space already in this part of the County
- . Need a Master Plan to be able to make connections
- . County should codify access to public land if subdivision is adjacent to the public land = allow for access
- . But DON'T codify if the subdivision is not located adjacent
- . Distinction between Public and Private Open Space. Support for Official Map - County should buy easement for Public Trails. Can make subdivision competitive
- . Option for density bonus - but not a requirement
- . HOA can manage open spaces but if a subdivision doesn't have HOA the County should step in
- . "Opportunity Cost" goes to the County until the purchase goes through
- . What will "build-out" look like in Edgewood and how do we prepare for it
- . Standards for Trails
- . How to protect resources on private property? San Pedro Stream
- . "Curbside and Design" change priorities - Edgewood is an Equestrian Community
- . TO achieve interconnected trails we need planning now. Who is responsible? County will need to step in
- . State Land Office

Second Set of Notes - Sustainable Land Development Code - Public Input Meeting

- Role of Community Plans
- Flow of activities (CDPs, FGs, BCC Review, Draft Code)
- County Review - what? (County replace State CID)
- Define Green Building (High performance Building. Issue: How to do efficiently/effectively)
- Manufactured Housing - what benefits to County?
- Incentivize rather than mandate?
- Better to incentivize than mandate?
- What should be regulated (mandated)?
- Prescriptive vs performance standards
- No more levels of bureaucracy
- One building change should not trigger others/remodel
- County should educate
- Fine with State Code
- Analysis of options available
- Recycling as job creation
- Height restrictions (wind)
- Focus Group Timing
- Choose one or the other regulatory path
- Energy Financing Districts
- Affordability standards change

Open Space and Trails

- What should be - programs, regulations/requirements, incentives
- Criteria for Open Space - population/distance, logical locations
- Different solutions for different parts of the County
- Conservancy Issues
- Locations of open space as programs from subdivisions
- Programs vs. Regulations (Code)
- Impact fees?
- Lots of existing open space
- What should be connected? Regulatory?
- Codify new development next to Open Space
- Should connect
- Distinctions between public and private Open Space
- Open Space/Trails Map
- Required Open Space not most desirable or useful
- Management, maintenance, enforcement issues
- Define options
- Vision for the future
- Off Road - Program
- Protection of resources
- Design Issues
- Build in amenities first
- Curbside Design
- Trades, exchanges with other entities

8/4 El Centro

SLDC Public Input Meeting Agua Fria 8.4.11

- . Question about motorized vehicles on trails in Open Space
- . Required Open Space is often unusable
- . Definitions of Open Space
- . Usable Open Space
- . Trails as bi-passes
- . Codes can be obstacles
- . guidelines may be better
- . Rules for commercial
- . Role of viewscapes
- . Trails and Open Space can be similar
- . Access to Public Lands
- . Goals of Trails
- . Ponding and permaculture as OS
- . Community Commons
- . Connections same as for vehicles-residential-commercial also to natural areas
- . Value to community
- . Absence of development
- . Connection to nature and wilderness
- . Vistas, views
- . Conservation easements
- . Mechanism for incentives
- . Different purposes for trails, people, water, wildlife continuity - choices
- . Relation of trailheads to residential
- . Landscape-wide connections
- . CCD - no designated equestrian properties
- . Requiring does not guarantee perpetuity role of HOAs
- . Problem of fencing streams, rr beds
- . Requirements + LSA
- . Projects available to neighbors/community
- . Funding is necessary
- . Residential required + trails outside
- . ROW for trails not acquired
- . TDRs - sending/receiving areas
- . Establish primary trail system
- . Land suitability analysis
 - o Ecosystem functions
 - o Relation to food, energy, tourism = value
- . One size does not fit all
- . Dependent on areas GMAs
- . Minimum regulations might be good relative to density to serve different purposes
- . Value for other reasons
- . Access to OS is important
- . What are incentives
- . Goals of private space
 - o Purpose pf private/public
- . Large ranches for wildlife
- . Trails connect Open Space

- Role of SGMP Re: Open Space and Trails
- Connect to existing trails
- New development respect sensitive areas
- Signage for Trails
- Wildlife Corridors
- Use of Land Suitability Analysis
- Role of County
- Open Space in CCD
- Wildlife corridors fencing wetlands
- Open Space in Development does not always make sense
- Maintenance/ HOA
- Usefulness of Open Space in new developments
- Different kinds of open space
- 30 percent requirement
- Open Space is often less desirable
- Maintenance
- Set aside desirable open space

8/3 Galisteo

CDP Eldorado 8.3.11

Green Building

*To what does it apply? (types of buildings)

- . New construction (Retrofit? Rehab?)
- . How many Co to their own?
- . Role of Focus Groups
- . Why would County do this if CID code was enough
- . Would County Code be subject to change?
- . How would incentives work?
- . Renewable financing District
- . Why just new construction?
- . Commercial (voluntary? Mandatory?)
- . Maximize benefit
- . County develop HERS preliminary rating
- . Questionnaire about role of regulation vs incentive
- . Costs - to whom for what goal?
- . What are thoughts in other parts of County?
- . How green are County buildings?
- . How green is My Valley?
- . Easier process for solar, wind
- . Regulatory for County buildings!
- . Relation to building waste and landfills
- . Balance between community and home owner
- . Other models elsewhere?
- . Make money for inspections
- . The will of the people
- . Incentivize with density
- . Use of energy Re: transportation
- . Go with "low hanging fruit"
- . Solar, wind orientation
- . Simple Solutions
- . Passive solar etc.
- . Meet requirements as efficiently as possible
- . HERS rates can be advisory
- . Incentives preferable to mandates
- . Rating systems may not be best for NM
- . May be simpler solutions
- . Aesthetics of solar panels

Open Space/Trails

- . Zoning related to Open Space
- . Trails - 30 mi trails
- . Access issues - ELD/ECIA
- . Designate floodplains for wildlife corridors

3/2 El Norte

LDC Public Input Meeting Pojoaque 8.2.11

Green Building

- . Cost of Permits will increase significantly
- . Two Codes (County/CIO) or one?
- . Who enforces? Fees?
- . More levels of bureaucracy?
- . Rebuild County Codes
- . Costs of HERS/LEED
- . What Green Building Standards are important?
- . Costs of standards?
- . Leave at Market Level Incentives
- . Meet Standards – lower fees
- . Require Affordable Standards?
- . Other Incentives?
- . Life cycle Info Program
- . Incentives through banks?
- . Aesthetics/condemnation
- . Alternative building materials

Open Space and Trails

- . What is available?
- . Tribal Lands
- . What about Jacona Land Grant?
- . Wildlife preservation?
- . Who does it?
- . Open Space Requirements

- Designation for equestrian
- Need designated Open Space
- Trails and Open Space mapped
- What about existing properties?
- Family Transfers not requiring improvements
- Broader public process especially related to equestrian
- Needs assessment for Trails and Open Space

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3/15 Green Building Standards

Genea Gray-Lone Butte. Green ordinances good but not sure what we can and should do.

Mark Aaboe-SF County- Citizen advocacy, help citizens do what they want to do. Focus on how we can be efficient and accomplish the goals.
Building . Consistency

Michael Chapman-concise, defined standards. Affordability is important but is not recognized by lenders. Consumer choice, economic conditions, etc. we need to do more with existing structures. . Commercial buildings-green globes. Leed Standards. Make them available rather than regulation

Tim Shanahan- executive officer of SFHBA. Determine green building codes or energy conservation codes. Green codes-water is a part of green codes in City. You have already determined.

- Development codes-solar orientation.
- Group should prioritize based on fiscal analysis –homeowners, taxpayers separate.

Steve Barnum-resident of Tesuque-green standards in Tesuque plan. We should not try to make a strict code but think of ways to conserve and use ways not to use oil and plastic. What is an alternative-double panes. Encourage rather than mandate. Educate so people can choose environmental alternatives.

Harvey Monroe- builder. Work toward consensus on regulations.

Craig O'Hare-bias towards cost effective energy conservation measures. Long term benefits of homeowners.

Phillip Gudwin-realtor- Board of realtors. Board interested and concerned about rights and laws about regulations that might impede the process of someone owning or buying a home. Relative statistics. Green building-future.

Brad Hill-owns green insight-HERS provider-NMHBA, SFAHBA, US Green building chapter. Need to distinguish between green building standards and high performance building standards. Green standards are more difficult to codify in building code-can be done effectively at subdivision phase-concentrate on high performance building-implement good concepts within code.

Karen Dancer-past chair of the green building chapter, SFAHBA, City code process.

- Volunteer programs 5% rate
- Important to implement code to provide baseline
- City HERS 70 requirements.
- Establish baseline –educate public

Rex Ross-homebuilder and community developer. Green building. Rancho Viejo. What do we want to do and make things work for zero cost.

- What is it going to cost?
- Who is going to pay for it?
- Voluntary program would benefit homebuilder but does not benefit homeowners.
- State program is 16% better than current-saves long term funding
- Clean air, energy
- Need to revise the purchasing structure mortgage-appraisal, financing, etc. -we need to through out the building code.
- Assessment districts and infrastructure development. Tie to green building program. We are limited to tax incentives.
- Density or simplified process probably won't work as well. Density does not work.
- Kim-throw out mortgage, LEED, and existing
- County should not use CID code. State does not have HERS code.
- Education-
- Incentives-reduce county taxes-community pays for.
- National statistic of .25 % bump in interest rate-removes 250,000 people.
- Quid-quo-pro
- Education-very innovative-built green-energy star-County mandate=public often does not know rely on contractor-they don't know. How can a homeowner know about requirements?
- HERS-allows homeowner to know what the consumer.
- Code will establish -new houses need to be addressed through code.
- Building process is a code is simply a rule to follow. Is it prescriptive or voluntary.
- County green standard-County standpoint-we need to follow what is a high standard

Alternatives-

- a. Building permit program
- b. City building inspectors
- c. HERS rating-Brad Hill, Craig, Kim, Harvey-cost benefit best, Mike-also allow for alternatives, Erik-County needs to ensure CID participation for CO-Kim-insulation.
- d. HERS ++Brad, Kim,-consider by square footage of house, Steve-thermal envelope
- e. Passive Solar: Wayne Nichols
- f. LEED
- g. 2009 Energy Code Beyond-Phillip Gudwin
- h. HEED-recognizes passive solar

- HERS rating does take passive solar into account.
- Building envelope
- County should not create code enforcement-that would not be feasible.
- HERS would not require code enforcement. Third party would be competitive and efficient.
- State-will require option-which will be the most viable option. First standard for County HERS. What level of HERS standard should that be. Adding thermal bypass and ASHRAE 62.2 * Residential-if state adopts HERS requirement of Good building practice. Try to find the balance.
- Enforcement process for state is highly.
- Verification price is \$200 to \$300.
- Next step to this process is to come up with cost for process.
- Ed Mazria-2030 challenge-
- Permits-in County. 12 new home starts.
- 2009 beyond code measures.

Public comment-

Amanda SFCC-ASHRAE 62-ventilation system-HERS and ventilation key.

Ray Seegers- different market. \$165,000 average market price. Burden of additional mandate. Educating people-base housing. We cannot afford base price to increase.

Tom Winter, Engineer-former HERS rater-strike word green from code. Term should be energy efficient. Energy savings.

- . Passive solar-30% from sun
- . Require 10/20/30/60-insulation R-factors
- . Require house be sealed
- . Require thermal bypass inspections

do not use LEED

do not use HERS-energy generation-other measures are available-home energy

update code every two years. Other things should be added-air quality-solar hot water as a requirement. Progressive.

Ray Dillon

- . Incentives
- . Mortgages-energy
- . State run banking system

Andy Williams

- . Passive and active solar house. Education, we need to be required to be more energy efficient.
- . Support energy efficiency building
- . LWV-supports county efficient buildings for public buildings.

Next Steps

- . Fiscal analysis
- . Existing buildings
- . Location
- . Commercial
- . Manufacture housing=75% of building permits?

8/17 Open Space and Trails

Open Space Focus Group Meeting Notes –5:00 PM August 17, 2011
How to make good recreational and transportation trail connections?

Debra Dickerson:

Do we know what we already have? How do we know what's valuable? Drainages are places where houses won't be built. Site planning is important to trails location.

Kim Sorvig:

Olmstead advocated for separation of uses for transportation and maintenance. Bike trails should not just be shoulders of highway. We should give thought to how to maintain trails which are separate from roadways. We need a County wide master plan for trails and specific requirements for access and trails for subdivisions. Wildlife corridors need to be considered for both Open Space and Trail considerations.

David G.

Inventory of OS and where we want to go. Sustainability analysis needs to be done. Need to include an implementation policy with short and long term strategies.

Martha Eden:

Public Areas such as schools should be accessible by trails. This should be mandated.

Bill Baker:

Access to public areas. There should be public access to all mountains via the trail system.

Adrian Simpson:

Easements should be more official, not just cutting through private land. Access should be guaranteed. Trail by Arroyo Hondo needs to be made more official.

Gretchen Grogen:

Recreational opportunities should be a priority. Also let's focus on how to incentivize such as expediting approvals, reduced development fees, fire fees, water rights, allowing for increased densities. Question of how to promote healthy communities which does not only focus on OS and Trails. Pocket parks also serve a valuable civic function.

Jerry Powers

Trail system should be designed to go somewhere, not just for recreation within a subdivision. Incompatible user groups should be separated and given separate facilities (e.g. equestrians, cyclists). Santa Fe needs more paved trails. Maintenance is also a problem and should be regulated in the code.

Ed Seery

Connecting A to B. Placement of easements is crucial. Incentives for land owner and developer. Are trails going to go through traditional communities, what will be their impact?

Charlie Leery

Need to have a plan so that the County chooses trails wisely and which allow for good connectivity. If a trail does not accomplish this then there should be requirements for useful parks including pocket

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arks. If the County does not require it, then there should be collaboration with Conservation non-profits and incentives.

rent Bonwell

ifferentiation between internal and multi-modal access. Trail easements for multi-modal path should be a requirement in the Code. Trails should be master planned. Off road trails wherever possible. Often maintenance has been problematic (i.e. partial paving of shoulders)

eslie Mansfield

est Open Space Places recommends a Strategic Plan. How to incentivize communities for private land owners to share their private trails. There are public health benefits to trails and open space.

onna Reynolds

Trails are a big draw for home owners in private communities (Homeowners Associations).

oby Gass

Difficult to make a good system if the County relies entirely on incentives. System should think in terms of spokes and hubs. Recreational and Transportation trails should be separate but integrated. Shared bike systems on roads is important. Separation of bike systems off road is often financially not feasible. Must be careful not to create socio-economic divides. There may be grant funding due to poor public health condition. Bicyclist in SF are worst mannered everywhere. Bike and trail users need to be trained.

What are appropriate Open Space Dedication Standards for recreational, wildlife and cultural historical?

oby

What do we want and how do we get it? Wildlife standards should be dictated by the needs of wildlife. OS and Trails should not funnel wildlife into places that are inappropriate to wildlife. Cultural historical standards should look at educational opportunities. Recreational Open Space – Allow for increased densities or other incentives for well planned Open Space. There should be ways of enforcing this.

onna

Engineering and safety are important considerations. Separate Uses, Flexible Standards. Also the community and other funding mechanisms should be explored. Management. Land Use Initiative periodical could be a good resource for Best Practices.

eslie

County should have strategic plan with both incentives and restrictions (carrot and stick). Broader definition of bio-diversity. Private vs public cultural historic properties should be inventoried

Brent

Treat wildlife and cultural historic differently from recreational OS. A matrix needs to be developed for each use. Needs to be good inter-agency cooperation.

Charlie

Merits of each property should be looked at independently. Enforcement and cooperation with land owners expertise should be utilized. Transportation trails should have a higher priority than recreation. Wildlife and scenic area preservation are not as flexible and may need to be prioritized over trails that are primarily for recreation.

erry

Economic considerations. Mandatory Open Space without a way of maintaining it doesn't make sense but places that can be maintained should be emphasized. Best incentives may be an abbreviated/stream-lined process. Open Space for the sake of Open Space is a waste and just increases the price.

Gretchen

Green spaces in the County. There need to be smaller green spaces such as pocket parks or playgrounds. Percentage of Open Space as a requirement makes sense in rural areas, but wherever possible should be publicly accessible. Maintenance and preservation of Wildlife corridors is important which is why clustering makes sense and should be incentivized or even required. Also incentives to restore Open Space property. Stewardship plans from developers should also be an incentive with some financial benefit. Wildlife corridor identified in the Galisteo basin in the SLDP should be made less conceptual.

Adrian

Need to dictate Open Space requirements for new development. New equestrian trails seem to be a thing of the past. Native veg has been impacted. Code should require developers to establish what is open space and be required to maintain the natural condition of the open space, not strip it during construction and call it OS. Incentive plan to compensate for this including tax incentives.

Bill

Albuquerque has a successful OS program. OS is appropriate for the context of NM. SF County should be preserving viewscape.

Martha

Against codifying percentage of land for OS. In development this is just private OS and encourages gated-community. If the development is adjacent to County owned OS, there should be access.

David

How to preserve Open Space for the greater good. We need to have a vision of what we want and where we want to go. Advocate for an OS suitability study. This should be a guide for developing suitability standards that could then apply site by site as part of the development plan application. Cookie cutter standards do not apply.

Kim

There are 2 types of Open Space: Active Open Space (plazas, parks) is density based. Communities must have equal access. On a development by development basis. Other aspect of Open Space with Wildlife, cultural are based on where landmarks are. This requires a sustainability or suitability analysis. This needs to be both County-wide and case by case. Ban on "pre-clearing" - blading off the entire site (ASLA offers many guides and resources that are useful as alternatives). Turquoise Trail Business Park is one example. Good practice - Sustainable Sites Initiative and Walkable Communities. Open Space and Trails should be desirable amenities. Incentives should not be based on avoiding punishing the developer. Suggested incentive -sliding scale- not fixed percentage of Open Space, but a minimum percentage for Open Space and Trails. Incentives provided for every 10 percent increase in Open Space/Trails (through clustering). Also should be based on whether the OS and trail is publicly accessible. Discourages the trend of the "spirit of the gated community".

Debra

Blading areas shouldn't be considered Open Space at all. Sustainability is for the long term. Cultural historical, wildlife corridor - code needs to address how this land is going to be sustained long term. How do we determine what is important open space?

ebra

GIS layering would be a very useful approach for prioritizing.

im

and suitability analysis very useful but it should have a public input process for the values to confirm this

avid

concur with the importance of analysis and public review process

lartha

many reasons to include Open Space

ill

needs to be manageable so that it can be prioritized

adrian

areas that are not appropriate for development should be mapped

Gretchen

areas with cultural resources and scenic areas should be prioritized and Open Space that connects to other Open Space. This needs to be taken back to the public after GIS analysis.

erry

Common Open Space should be considered where there is density and clustering and where there are other cultural priorities (i.e. horse communities)

charlie

science behind which areas should be prioritized

arent

need the staff to manage the Open Space in order to maintain and sustain

eslie

What is Open Space in downtown Santa Fe is different than what it is in the southern portion of the county but there should be priorities to watershed management

onna

access to Open Space is essential

there are 2 different ways of measuring Open Space: Per acre percentage (preservation) vs per person percentage (opportunities). Viewsheds. Open Space can be used to preserve viewsheds. How to determine Open Space. Important that Open Space includes respite opportunities, viewsheds, connections, roads. Open Space should create community and should be accessible.

Public comment

Wide scale multi-county GIS Conservation model is being created. This is the Wildlife Habitat/corridor mapping to coordinate between different agencies in SF County and its neighboring Counties.

Margret Alexander – Maintenance. All volunteer organizations partnering with Fat Tire Society. Mountains are important Open Space in Santa Fe. Prevent blading of mountains for utility easements

Ray Seeger- County needs to lay out a plan to ensure connectivity. Planning Staff should come down to the southern area of the County and work with the people who live there. There are areas with water lines. Areas adjudicated for new development. These should be considered as the Open Space and Trails plan is developed. Time to do planning in the southern end of the County.

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9/1 Agriculture

Santa Fe County Agriculture Focus Group Meeting September 1st 2:00 PM County Commission Chamber

David Gold provided an introduction to the meeting.

Robert Griego provided a brief overview of the definition of agriculture as defined in the Code and the GMP and made a distinction between the Code and the property tax agricultural exemptions which is a Special Method of Valuation.

Question 1: What aspects of agriculture and ranching should be regulated in a Land Use Code and how?

William Mee: currently engaged in agriculture. Would agriculture nonconforming and existing uses be grandfathered in? Concerned about permits for farm operations and being over regulated.

Cathy McManus:

- Water use has to be regulated.
- Number of animals per acre
- Pesticides
- Structures and density should be regulated.

Sam King: Stanley farmer/rancher

- No regulations-no more than we have now. Fields are 160 acres. We should be careful we are not overregulating-especially in relation to larger lots. The differences are that we pump water. You can't farm without using common practices. Distinction between northern and southern areas of the County.
- Impact on land use practices

Bud Hagerman: what is the difference between agriculture and ranching? You can get really tangled up on that. There are some things that you cannot regulate such as number of animals per acre. You can't alter viewscapes, they should not be in plan. We are regulated enough, ie., height of windmills, pesticides.

This code omits watershed management. This is important all over. Ranchers that use this will not mismanage water. Include watershed management in the code.

Steve Warshawer: Owns agricultural operation on Rowe Mesa also as a representative for SFFPC.

- We already have way too much regulation. The code concepts don't need to be in code. We don't need additional regulations, rather support.
- Remove regulatory barriers. Being able to put in a barn without a permit.
- Access to fencing. Permits for grading, building, just to get to fence line is burdensome. Fencepost is a good example. Code enforcement is complaint driven.

- We should say agriculture is encouraged everywhere in Santa Fe County.
- If I need to get a permit to get a pole barn and it takes 120 days, then it is no longer needed.
- How do we prevent barns from migrating to another use.
- Map our facilities for agriculture and then there should be no need to go back for a permit.
- Tradeoff-farmers and ranchers should go on record to state farm plan.
 - Register state our plans and purposes to inform. Makes public the intent of the farmer. (Olive branch)

Alonzo Gallegos: Certified organic grower.

- Agrees with the previous speakers. We should concentrate on educating and regulating the newcomers. The laws on the book are adequate.
- New property owners should have to go to Board. Existing farmers should have the ability to express their concerns. What is put into place today should face higher levels of scrutiny.
- County should share responsibility for meeting water conservation requirements.

Michael Coca: Owns land in agriculture-Cundiyo.

- One problem with regulations is enforcement.
- There should be some limitations such as erosion on agriculture.
- Limitations on the amount of development on agricultural land.
- People need to be productive on their lands-regulations may hinder that productivity.
- We need to be cognizant that overdevelopment will limit agriculture and make us dependent on the system
- We need to maintain traditional communities otherwise we will become urban sprawl and encourages selling off of water rights and transfer of water rights.
Sigmund Silber: San Marcos-farmer, animals
- Reasons for regulations, public welfare, nuisances-avoid conflicts with agriculture. We can't disregard.
- We don't need permits to build structures or roads.
- Less regulation the better. We should not be doing things that make it better.
- Not viewscapes.
- No redundancy in regulations with other agencies.

Paul White-Chupadero-water alliance, United Communities, Santa Fe Water

- Riparian restoration should be included in code
- SDA 2 is the Pojoaque are and does not work unless you have Aamodt.
- The Traditional communities have adopted their ordinances.
- Fisheries.
- Wells, How the County approves -
- Water rights transfers-County is trying to protect irrigated lands.
- Definition of agriculture should include cover crops.
- Well monitoring program by County
- Requirement for rain barrels even though the water is being diverted to ag
- Ponding for agriculture should allow permaculture.
- New development requiring agriculture component and water catchment including surface water capture.
- Dry land farming should be defined and included.
- Green houses should not require a permit.
- Road and trail engineering should allow for permaculture.

- GMO seeds impact on local farmers.
- Municipal sludge. Waste Water treatment allows sludge to be used as fertilizer for agriculture is problematic.
- Letter from Sherri Tepper-
- Different mechanism for implementing and enforcing code
- Should there be agricultural zoning?

- What we have now is agriculture zoning. Changing that would be dangerous. Play on the existing code strength. Make it a responsibility of the property to be rezoned, that should be the burden of the property owner. Remain viable. How do we use sound agricultural principle. Agricultural property food production and resource-it has the right to exist and thrive. How to do that is our goal. Make existing code clearer. Eliminate ambiguities.
- We are a right to farm state.
Carmen Quintana: Land Grant Activist
- Land Grants-should be mapped. Notifying people. Identify land grants in Code.
- County should be helpful to the people. We can do something for the future.
 - Concerned about watersheds. How the County could encourage people to maintain sustainable communities.
Keep existing code language on agriculture

Questions 2 and 3:

- What are the two most important implementation or incentive directives the Land Use Code could provide?
- What other aspects of agriculture and ranching are unique and should be considered in future Concept Decision Point discussions?

Paul White:

- Community farms/open space
- Transfer of development rights

ig:

- Just look at the code is not a good procedure. There is a need for integration.
- Integration-all things that influence agriculture-property tax, sheriff.
- Do planning before we do the Code.

lonzo:

- Protection of existing agriculture areas-specifically water.
- Feds, tribal lands, state coordination

teve W:

- We need a working TDR program. We need TDR program that works for agriculture.
- TDR is a market based incentive. If we keep permitting lots, no TDR program. Should be centerpiece of managing the existing inventory of lots. Not top down. Market based approach.

- TDR projects should be easy and fast. Time is a valuable element. Should help timeline. Triggers. If we tie preservation of agricultural land to TDR, we will have a champion that people can get behind.
- No distinction between agriculture and open space. Value is very different. AG value of land is way below. Meaningful
Bud Hagerman:
- Difficulty for agriculture in finding a good local market. Farmers market in Santa Fe is not a market for all of the county.
- Very painful proposition to sell locally. Small farms do not generate enough funding.
- Incentive to raise and sell products.
- Highest and best use- "You only become successful when you get old and sell your land for a subdivision".

Sam King:

- There is a need for water for agriculture.
- Property rights and water rights should not be taken away.
Carmen:
- GMO seeds-we have to watch the State and Federal views
- Water-water rights for land grants-legal question. Protecting water rights is crucial.
- County needs to be in a powerful position to determine its own future.
William Mee:
- Balance of code of the west and agriculture resolution.
- Family compound to preserve agricultural land.
- More help in community planning.
- Rural protection zones

Paul White:

- Rio Arriba ordinance to protect agriculture/water rights should be reviewed and evaluated

Public Comments:

Joe Miller: Why do we want to change the existing code. There is nothing wrong with it at all.

- Register option that was discussed should be voluntary. We need less government.
- Protect agriculture, more freedom less control by government

Michael Coca:

- Land use and land use code should be based on availability of water. How the land is going to be used. Point system on beneficial use.
- We should plan for 4 or 5 generations ahead. We can only sustain so much in the County.

Ann Murray (remote call):

- High intensity confined feeding operations should be restricted because of pollution and other nuisances as well as health issues related to antibiotics. There should be a distinction made for

ranchers who are temporarily or seasonally feeding stock in times of drought, but are otherwise free range operations.

- Only 1 to 2% of Santa Fe county is blessed with Class one soil. It needs protection. Class one soils should be recognized and protected from development. Master plans should be required to map and recognize class one soil to be protected for open space/agricultural use.
- COLTPAC should include class one soils in their list of desirable lands for county purchase for community agricultural use.
- Wildlife friendly fences should be encouraged.

Subsequent Paul White email (full email under issues)

Posted below are the issues I brought up at yesterday's Ag Focus group meeting.

I'd like to make sure that they get noted along with the other items that Jack was taking notes about and that Arnie was posting on the board.

Paul

Ag focus group; food for thought

PRIPARIAN RESTORATION could be considered ag or critical habitat use.

ADA 2 for Pojoaque without Aamodt doesn't work without imported water.

Traditional communities Ag issues.

Fisheries.

Water use permitted wells, change county well permitting policy to allow for small gardens. Meter reading of wells is not being enforced.

ARI resolution passed in 2006.

Water transfers off of acequia irrigated lands should not be bought by County for municipal use.

Cover crop should be able to be used as definition of ag use, federal and state government allows it.

Buying water rights for offsets for County wells should not come from ag use.

Reinjection wells contaminating agriculture use (organic designation will be violated), reusing waste water for acequias needs to be prohibited in areas that require organic status.

Reuse and return flow credits (water use issue).

Pesticide use, well monitoring to prevent aquifer contamination.

Requirement for rain-barrels for ag land permitting do not work for properties with irrigation rights.

Conservation vs state statute forfeiture.

Bonding and water capture for agriculture, rainwater harvesting.

New developments require ag/community farm component / water collection systems.

Dryland farming added as definition for ag status and open space uses.

Pole barns, greenhouses, cold frames, garden fences, etc. to have (voluntary) registration.

Complaint driven. Already there's a noise ordinance.

Open space in SF County consider open space for ag and permaculture.

Incentives for ag.

Load engineering for runoff can be used for permaculture.

Building moratorium Rio Arriba County, SF County should review.

GMO seeds banned for certain crops such as chile and Alfalfa.

Transfer development rights credits.

Municipal sludge not used for fertilizer.

Laconia Ranch issues, barns were defined as commercial, they lost their business due to high taxes.

Transfer of property reverts from ag to residential is now automatic and assumed. If addressed in code

could change assessors requirements. I would suggest a period of review for ag status similar to State of NM forfeiture of water rights as guideline.

Designation of Ag land to residential automatically is contrary to state statute of forfeiture. It essentially starts the process of designating that land as subject to forfeiture and could be used to start the clock regarding the statute.

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Agriculture Summary

Agriculture Focus Group Public Comments Summary
1/1/2001

Direct Code Related Issues

Transfer of Development Rights

- Current program failed due to inherent limitation
- Improved TDR program would help agriculture

Structures / Fences

- Should be easy to build agricultural structures, fences and internal roads. Currently no permitting is required if land is designated agricultural by County Accessor.
- Problems with monitoring whether structures like barns are converted to residential or other non-ag uses
- Suggested that people register structures, but don't need permits.

Water

- Protect acequia users water rights
- Well uses in area of agriculture threatens acequias through aquifer depletion effect on surface water
- Include watershed management to protect agriculture
- Use treated grey and black water for agriculture
- Simplify channeling storm runoff for agriculture. Collect from roads and trails. Ponding.
- Well monitoring by county needs improvement to protect aquifer

General Issues

- Avoid over-regulation. Keep current code.
- Plan 4 or 5 generation ahead
- Concern about current non-conforming uses being grandfathered in
- Plan mixes the terms agriculture and ranching. Should all be "agriculture"
- Concern over possible regulation of windmill heights
- Increase of development erodes agriculture, especially in traditional communities.
- No permits for green houses
- Include dry-land farming in code
- Community farms as open space
- High intensity confined feeding operations should be restricted because of pollution and other nuisances as well as health issues related to antibiotics. There should be a distinction made for

ranchers who are temporarily or seasonally feeding stock in times of drought, but are otherwise free range operations.

- Only 1 to 2% of Santa Fe county is blessed with Class one soil. It needs protection. Class one soils should be recognized and protected from development. Master plans should be required to map and recognize class one soil to be protected for open space/agricultural use.
- COLTPAC should include class one soils in their list of desirable lands for county purchase for community agricultural use.

Possible Code Related Issues

GMOs

- GMOs threaten other native and organic growers
- GMOs are necessary for corn growers in south
- More likely subject of an ordinance if considered at all

Pesticides

- Concern about pesticide use
- Already regulated by other state agencies
- More likely subject of an ordinance if considered at all

Non Code Related Issues

These are shown for the convenience of focus group members

Taxes

- Difficulty designation of land as agricultural for small growers
- Default Re-designation of land as residential after sale

Other

- Municipal sludge
- Help with community planning
- Land grants should be mapped

Green Building Standards Summary

[UNV] – Claims or Statistics that remain unvalidated

Energy Efficiency

Reasons to use the existing state energy code (“NM Energy Conservation Code”)

- Existing code provides approximately HERS 82-85. This is a reasonable level of energy efficiency
- Even a small percentage increase prices people out of the market. [UNV]
- Statistics show for 1% increase in the price of a home, 250,000 people are excluded from being able to buy a home nationwide. [UNV]. Also for every \$1000 in added home costs, 100,000 people are precluded from homeownership [UNV]
- In Edgewood a “lot” of people wouldn’t qualify [UNV].
- The market should determine what builders construct.
- Government should not do “social engineering”.
- Government does not have the right to interfere in something is a basically a personal decision.
- Important to make sure additional permit costs don't add too much costs

Incentives?

Pros:

- Would not place economic burden on builder or homeowner
- Possibly reduced cost of permit could help

Cons:

- No incentives identified that would work
- Incentive programs 5% effective [UNV]

Reasons to use a more efficient standard than the existing state code code

- Government has an obligation to assure that people have energy efficient homes in the future.
- Will promote home “affordability”. Ie. Keep the combined monthly mortgage and energy utility bill payments lower than the existing state code.
- Decisions on home energy efficiency will impact our children and grandchildren
- Decisions will impact future buyers.
- People would not be priced out of the market. Those who don’t qualify for the 2% increase could live in a 2% smaller home

In 2010, the Santa Fe Board of County Commissioners unanimously voted to approve the Sustainable Growth Management Plan (SGMP), which includes specific recommendations related to agricultural land use policy developed in partnership between the County and the Santa Fe Food Policy Council. The County is now in the process of drafting its Sustainable Land Development Code (SLDC) to implement the policies outlined in the SGMP.

The economic, social, and environmental landscape of our county depends on the thoughtful use and development of our land base. Until around the late 18th and early 19th century when the United States



moved into the Industrial Revolution, our nation was agriculture based. In Santa Fe County, many communities not only relied on agriculture as a source of income, but many people depended on the land to feed their families.

The working of the land to produce food is part of our County's rich cultural heritage. There was a time when the highest and best use of our land was for agriculture and food production. Overtime we have lost that designation to the detriment of our health and economic welfare.

A Movement for Self Sufficiency and Food Security:

There is a growing local and national movement emphasizing the importance of a local food economy. Here in Santa Fe, there are several networks and alliances working to develop these opportunities. This movement is significant to Santa Fe County. According to the U.S. Department of Agriculture, New Mexico is one of the most food insecure states in the nation. Food insecurity is when people do not have enough local food or have problems accessing food in order to feed themselves. In order to address our food insecurity and loss of productive agricultural land, active participation of the County—through the development and adoption of a truly sustainable development code—is needed.

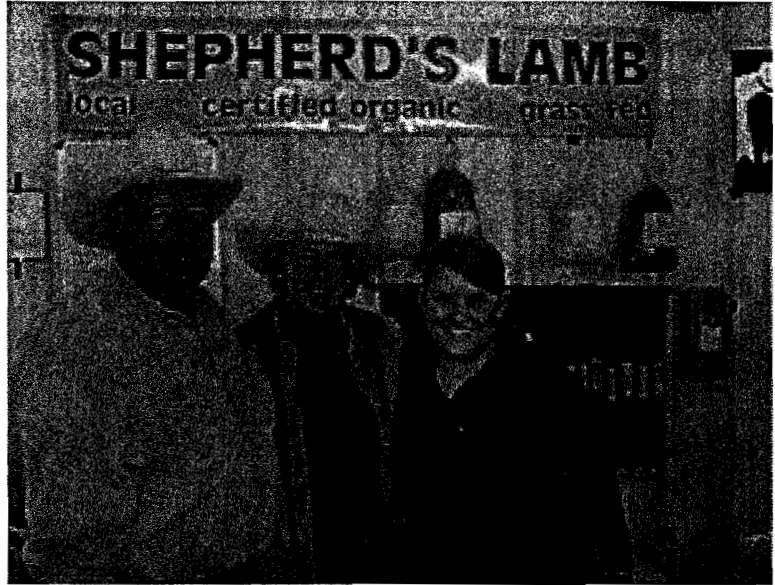
The Santa Fe Food Policy Council challenges the idea that the “highest and best use” of land is for development. We believe that by understanding the importance a local food supply, and by truly accounting for the full costs of development, critical agricultural lands can be maintained, food insecurity can be minimized, and the result will be a healthier and more stable community, i.e., “sustainable”. With the acknowledgment that appropriate development has an important role in the community, the Santa Fe Food Policy Council advocates for a land development code that strikes a balance between development and other important land uses.

What We Need to Do Now:

There are currently 15,000+ undeveloped lots in Santa Fe County. In lieu of new lot creation—and continued consumption of the limited land base by development—the land development code should focus future growth on the existing inventory of developable lots. The code should also address moving or the densification of resources such as water, utilities, infrastructure, and roads. In contrast with development, land for agriculture cannot be moved as it requires particular land attributes as certain lands are more suited to agriculture than others. The availability of water, soil type and quality, grass condition, and forest balance, for example, are all vital attributes for agricultural production. Creating new lots for development without first utilizing existing lots hinders our ability to promote self sufficiency and food security and the economic benefits that those entail.

Agricultural opportunity starts with availability of land and water. Those resources must be affordable and accessible. At the same time, maintenance of resources is not enough to assure that agricultural land contributes to local food security. There are

other factors which must be addressed to reverse the historic depletion of opportunity for small and medium scale producers and food processors. Policies must support existing businesses that contribute to local food security and enhance opportunities for new businesses to start out and become viable economically.



“With the acknowledgment that appropriate development has an important role in the community, the Santa Fe Food Policy Council advocates for a land development code that strikes a balance between development and other important land uses”

Strategies and Recommendations:

The Santa Fe Food Policy Council offers the following strategies and recommendations as guides for the support of agriculture and food business in Santa Fe County.

► Strategies

- Adopt policies that encourage development on existing lots rather than through the continued subdivision of land, including especially agricultural (both ranching and farming) tracts.
- Work to minimize the loss of agricultural acreage, especially acreage with appurtenant water rights, and maintain and provide other resources and infrastructure necessary for agricultural activities.
- Santa Fe County should act in the best interest of the public good by establishing incentives which incubate small and medium scale local farm and food businesses.

► Recommendations

- Develop a TDR (Transfer of Development Rights) program that rewards lot owners and developers for enhancing agricultural opportunities. For example, “bonus” TDR credits could be given “sending areas” currently classified as agricultural or where water rights are tied to the land as part of the agreement not to develop.
- Develop public/private partnerships to create a revolving loan fund to provide bridge financing for conservation innovation on area farms and ranches.
- Develop a PDR (Purchase of Development Rights) program that is funded through a recurring revenue source such as Gross Receipts or Lodging Tax. Such revenues could be funneled through existing programs (such as COLTPAC) but earmarked for agricultural properties.
- Review existing County properties for possible agricultural use especially when such properties have strong agricultural history.
- Develop a management plan for land that the County owns and for future land purchases in order to make it available for agriculture when possible and especially when such lands have strong agricultural potential or history.
- Land exchanges program: Take land that the County already owns and acquires - land that makes more sense to develop, and trade that land to agriculture land holders in order to facilitate reduction of development pressure in sensitive agricultural areas. Creating family transfer zones essentially provides more optimal lands for families to develop on.
- Support training programs in schools including secondary and community college level, FFA and 4H.
- Take an active role in supporting and funding of the Coop Extension Office.



Conclusion:

The drafting of the Sustainable Land Development Code is a golden opportunity to maintain and create opportunities with what little agricultural land we have left. By shifting priorities toward a balance between historically important and currently critical land uses such as agriculture, with conventional priorities such as residential and commercial development and related infrastructure, we begin to prioritize the maintenance of agricultural land by shifting development emphasis elsewhere. This will encourage and strengthen economic development, increase the health and well-being of our residents, and put us on the road to greater self sufficiency and food security.

Acknowledgement:

The Santa Fe Food Policy Council would like to acknowledge and thank the following individuals for their work in developing this white paper.

Steve Warshawer
Rubina Cohen
Matthew McQueen

The Santa Fe Association of Realtors

The Santa Fe Association of realtors is writing this letter to express our support for the creation of an alternative to using only the HERS rating as a means of certifying the energy efficiency for new homes built in Santa Fe County under a future mandated Green Building Code.

We support the creation of several performance path options as described in the August 15, 2011 letter submitted to you by Mr. Ed Mazria, CEO of Architecture 2030.

The purpose of this letter is to request that any County Green Building Standards incorporate the creation of performance path options that allow for the professional third party architect or engineer certification of the energy efficiency for new buildings that allows for the use of **proven passive solar components and techniques** as an acceptable means for satisfying the requirements of any County Green Building Code.

Both the HERS rating number and any other energy efficiency standards share the common energy efficiency end point of the total number of BTUs per Square Foot per Degree Day for a building in Santa Fe County. For this reason our Green Building Code must recognize as equally valid any quantifiable professional calculation or legitimate computer modeling result such as the HEED program used in California adjusted for Santa Fe County which incorporate the real contribution of Passive Solar design and construction.

After All, New Mexico and Santa Fe in particular led the nation in the early days of the solar adaptation to residential and light commercial structures. It would be an insult to all those important efforts and our unique climate to adopt a code the does not to allow the quantifiable and certifiable contribution of the solar energy and proper construction to achieve our desired energy efficiency requirements.

President of The Santa Fe Association of Realtors

United Communities of Santa Fe County

P.O. Box 102
Tesuque, N.M. 87574

Honorable County Manager Katherine Miller
On behalf of the County Commission
P.O. Box 276
Santa Fe, N.M. 87504-0276

September 22, 2011

Honorable Commissioners and Ms. Miller:

The United Communities of Santa Fe County (UCSFC) have reviewed the planning documents on the subjects of Green-Building guidelines, Open Space and Trails, and Agriculture. We wish to share a few comments with you.

SFC CLERK RECORDED 11/10/2011



United Communities of Santa Fe County

P.O. Box 102
Tesuque, N.M. 87574

Jack Kolkmeier September 25, 2011
On behalf of the County Commission
P.O. Box 276
Santa Fe, N.M. 87504-0276

Dear Mr. Kolkmeier:

The United Communities of Santa Fe County (UCSFC) have reviewed the Staff Recommendations of September 22nd on the subjects of Green-Building guidelines, Open Space and Trails, and Agriculture for the proposed Sustainable Land Development Code. We wish to share a few comments with you on the Staff Recommendations.

In general, we support all the Staff Recommendations and urge their adoption as a minimum standard but think the Board of County Commissioners should adopt even more far reaching and long lasting standards that were listed in the Sustainable Growth Management Plan.

In regards to Green-Building, the adoption of the HERS 70 standard is good, but the alternative LEED might be better. If HERS is adopted the standard could be 70 for 2012, 65 for 2020 and 60 for 2025.

With regard to open space and trails: UCSFC supports a mandatory requirement (the 30% levels for 5 or more lots) for permanent open space and trails in all new subdivisions; with the option of paying an alternative impact fee that can go into a revolving fund for maintenance, open space purchases and trail construction. For subdivisions of two to four lots, an impact fee of \$0.25 cents a square foot of home should be collected during the permitting of the home. Even for single lots, with homes under 2,000 square feet, a modest \$100.00 impact fee should be collected. Homes over 2,000 square feet to 4,000 square feet should be \$250.00 and those over 4,000 square feet should be \$0.50 cents a square foot. In areas, where there are Community Plans it should be mandated that subdivision developers meet with the designated Community Organization and Registered Organizations to determine the best siting for open space and use of impact fees.

Lastly, with regard to the Code issue of agriculture, we support the Staff Recommendations. In areas, where there are Community Plans it should be mandated that any Transfer of Development Rights (TDR) applications be presented to the designated Community Organization and Registered Organizations to determine the best relocation for these developments. In Summary, we believe that the Code process is on the right track and we welcome the opportunity to participate in this important endeavor for the future of Santa Fe County.

Sincerely,

William H. Mee for the Steering Committee
United Communities of Santa Fe County
(505) 473-3160

SFC CLERK RECORDED 11/16/2011

In general, we reviewed the Planning Division's documents and participated in Focus Groups and public meetings. We compared the Sustainable Growth Management Plan to the proposed Sustainable Land Development Code.

In regards to open space and trails: UCSFC supports a mandatory requirement for permanent open space and trails in all new subdivisions. Mandatory open space in the development of subdivisions adds value to both the quality of life for communities being created and enhances property value into the future.

--Open space and trails create continuing value for homeowners and the real estate industry. Testimony at the Focus Group on Open Space and Trails from real estate participants verified this.

With regard to the Code issue of agriculture, we found that the Focus Group on Agriculture, basically thought that the existing Code pretty well covered the necessary regulation of that industry.

Lastly, with regard to the Code issue of green building, we feel that the County's proposal

More detailed comments on each of the three Code areas are attached.

In Summary, we believe that the Code process is on the right track and we welcome the opportunity to participate in this important endeavor for the future of Santa Fe County.

[Accompanying statement was sent directly to commissioners]

From Paul White email

Posted below are the issues I brought up at yesterday's Ag Focus group meeting. I'd like to make sure that they get noted along with the other items that Jack was taking notes about and that Arnie was posting on the board.

-Paul

Ag focus group; food for thought

RIPARIAN RESTORATION could be considered ag or critical habitat use.

SDA 2 for Pojoaque without Aamodt doesn't work without imported water.

Traditional communities Ag issues.

Fisheries.

Water use permitted wells, change county well permitting policy to allow for small gardens. Meter reading of wells is not being enforced.

ARI resolution passed in 2006.

Water transfers off of acequia irrigated lands should not be bought by County for municipal use.

Cover crop should be able to be used as definition of ag use, federal and state government allows it.

Buying water rights for offsets for County wells should not come from ag use.

Reinjection wells contaminating agriculture use (organic designation will be violated), reusing waste water for acequias needs to be prohibited in areas that require organic status.

Reuse and return flow credits (water use issue).

Pesticide use, well monitoring to prevent aquifer contamination.

Requirement for rain-barrels for ag land permitting do not work for properties with irrigation rights.

Conservation vs state statute forfeiture.

Ponding and water capture for agriculture, rainwater harvesting.

New developments require ag/community farm component / water collection systems.

Dryland farming added as definition for ag status and open space uses.

Pole barns, greenhouses, cold frames, garden fences, etc. to have (voluntary) registration.

Complaint driven. Already there's a noise ordinance.

Open space in SF County consider open space for ag and permaculture.

Incentives for ag.

Road engineering for runoff can be used for permaculture.

Building moratorium rio Arriba County, SF County should review.

GMO seeds banned for certain crops such as chile and Alfalfa.

Transfer development rights credits.

Municipal sludge not used for fertilizer.

Jacona Ranch issues, barns were defined as commercial, they lost their business due to high taxes.

Transfer of property reverts from ag to residential is now automatic and assumed. If addressed in code could change assessors requirements. I would suggest a period of review for ag status similar to State of NM forfeiture of water rights as guideline.

Designation of Ag land to residential automatically is contrary to state statute of forfeiture. It essentially starts the process of designating that land as subject to forfeiture and could be used to start the clock regarding the statute.

From Sherri Tepper Jacona Ranch

Now, according to Mr. Martinez's tax people our entire farm property, including all the things on it that have nothing to do with "business" (like the barns, or the house we live in) been taxed as commercial property, as a business. Except, there will not be any business. amount of tax increase exceeds our profit, and if we can't show a profit the IRS considers what we do to be a "hobby." will be 82 in a couple of months, my husband is almost 90. We can not drive expenses any lower and we can't afford to run the place at a loss as a "hobby."

When I spoke to a Mr. Lopez in Mr. Martinez's office, he said he "knew nothing" about the IRS. Mr Martinez and everyone in his office should be aware of the IRS implications of decisions he makes and those made by politicians with whom he consults. If he or the politicians reduce profitability enough, businesses are lost as an unintended result. Gross revenues go down, not up. Some businesses are financially profitable. Others run largely on enjoyment with just enough profit to keep them alive. As ours did. The county and state made much more money out of it than we did.

Here's an excerpt from the full article:

And courtesy of the Rio Grande Sun, here's a detailed update on Rio Arriba Co's development of new regulations to protect agriculture and local water rights...

County's 'Forward-Thinking' Water Plan Draws from Past

By Andrew Kasper

SUN Staff Writer

Published:

Thursday, August 11, 2011 10:08 AM MDT

The Rio Arriba County Planning and Zoning Department is drafting regulations that put agriculture and water rights before development.

While the proposed rules have the blessing of at least one County commissioner, they have also drawn criticism from real-estate agents and land owners at a community meeting Jan. 12 in Alcalde where Department Director Gabriel Boyle outlined certain aspects of the plan.

The tentative regulations would restrict development in so-called "critical management areas," such as irrigated lands, floodplains and headwater zones above 8,500 feet in elevation, according to Boyle. The proposed rules would also work to ensure that water rights remain in the County, preferably within local acequias, Boyle said.

Under the proposed regulations, development on irrigated agricultural lands would be limited to 30 percent of a given property, preserving the remaining 70 percent as an uninterrupted tract for agricultural use, Boyle said. He said the larger plots of land are more efficiently farmed.

If the new rules take effect, developed land's layout should resemble something akin to a typical community of the Spanish colonial inhabitants of the territory: a clustered group of houses surrounded by a large garden, crop field, orchard, pasture, corral or other any other form of agriculture, ideally shared-use, Boyle said.

-----Original Message-----

From: Ross Lockridge [mailto:murlock@raintreecounty.com]

Sent: Thursday, September 01, 2011 3:51 PM

To: Robert Griego

Subject: Re: Remote Call [ag focus group comments]

From Ann Murray

High intensity confined feeding operations should be restricted because of pollution and other nuisances as well as health issues related to antibiotics. There should be a distinction made for ranchers who are temporarily or seasonally feeding stock in times of drought, but are otherwise free range operations.

Only 1 to 2% of Santa Fe county is blessed with Class one soil. It needs protection. Class one soils should be recognized and protected from development. Master plans should be required to map and recognize class one soil to be protected for open space/agricultural use. COLTPAC should include class one soils in their list of desirable lands for county purchase for community agricultural use. Wildlife friendly fences should be encouraged.

Thanks.

From: mulachulasf@aol.com [mailto:mulachulasf@aol.com]

Sent: Friday, May 20, 2011 8:41 AM

To: Melissa S. Holmes

Cc: mulachulasf@aol.com

Subject: Sustainable Land Development Code public input

This is my list of issues I wish to be added to the public input in the Sustainable Land Development Code:

1. There needs to be a "maximum" density set, especially on land that is adjacent to **existing** low-density neighborhoods, like the neighborhood of Vista Ocaso. Churchill Estates , La Pradera and Vista Ocaso are currently fighting an increase of density in La Pradera. There is a lot of room in the CCDP, like Rancho Viejo where high density doesn't border lower density subdivisions.
2. There needs to be open space and trails, conservation of the natural terrain, and a limit to mass grading projects like Rancho Viejo, that leave the land barren and a looking like an ugly dust/dirt patch, for years.
3. This affects **ALL** of Santa Fe County, so zoning for equestrian properties and trails need to be included in the plan. There are many land owners with horses in Santa Fe County. Zoning for equestrian properties is a benefit for everyone.
4. A ***sustainable*** code needs to impose water conservation measures. Developers are buying water rights from farmers everywhere so they can develop more and more. Isn't buying up all the water rights from farmers shooting ourselves in the foot in the long run? What is the point of more development if farmers who grow our food find their land more valuable for the water rights and therefore stop growing crops? Where does that leave our future?

5. A *sustainable* code needs to impose some sort of green and or solar building standards.

6. Mixed use development should include a maximum % of affordable housing, builders need to take into consideration the current market values of real estate and price the homes and lots accordingly. Developments that are considering a large % of affordable *small foot print* or apartment/condo units need to take **existing** adjacent developments into consideration. The **impact** on the value of existing custom homes needs to be a consideration.

7. Where are all of the waste water treatment plant designers and operators going to come from? There are only a handful in Santa Fe County, and I question their capabilities. The current standards for waste water treatment facilities (inspections, monitoring of emissions and set backs from residential structures) needs to be revised and **improved** by the NMED. The Public Regulation Commission (PRC) and the EPA need to be involved with monitoring these facilities.

Lisa Burns
11 Las Caballeras
Santa Fe, NM 87508

From: matter [mailto:matter@gmail.com]
Sent: Wednesday, May 25, 2011 2:27 PM
To: Robert Griego
Subject: SLDC input

Hi Robert,

I may not be able to attend tonight's SLDC meeting and wanted to provide some personal input. I have concerns about the monitoring, regulation, definition and enforcement of key sustainability topics including:

- green building
- water capture and reuse
- water conservation

I live in La Pradera, a development which was approved based on a "revolutionary" water reclamation system. The water reclamation system never worked. Another development in the CCD is Oshara Village. As far as I know they also had a "proven" water reclamation system which never worked.

The NMED only tests these facilities every two years and doesn't require that the developers deliver what they promise to the BCC under sworn oath. If swearing under oath does not make these water treatment facilities work, then we need to have a county body that monitors, regulates and enforces the promises of developers.

If not by emailing you, is there a correct way to submit my concerns for the consideration of the SLDC Code process?

Thank you,
From: Joe Duran [mailto:JDuran@espanolanm.gov]

"If someone has a "yard sale" every day, does it become a business?"

Yes

"Can the uses in the agricultural category be covered by the others?"

Relatively small scale vegetable/plants could be in one of the other categories.

"Is there a need for such a [agricultural] category? "

Yes. Better distinguish between growing vegetables and animals.

"Is it advantageous to separate low impact from home business?"

Yes. Home business should be low impact by definition.

"Density variance for noise, light, visual, fumes impacts."

Fumes could be harder to monitor or quantify unlike noise. We think this has implication in residential areas. Also continuous machine sawing, drilling sounds may fall below the 60db level yet still be a nuisance. Dog kennels should be restricted.

" Parking and traffic in a less dense area

Discussion Points:

It is possible that in a less dense area, larger amounts of parking could be accommodated

A problem is shared rural roads might not be able to accommodate more traffic

Also traffic could create more noise and disturbance in rural areas "

We agree with these statements.

" Location near other commercial zoning

Discussion Questions:

If a business is right next door to a commercial zone, does that impact the process? "

This suggests the need for a buffer zone or set-backs.

Traffic & parking is way more important regarding impacts rather than the inside square footage used in a home Oc. or business. Concerning Signage, these seem too big: Home Oc 2: up to 9 SF; Home Business 9 to 15 SF.

Discussion Questions:

Should density or location affect levels?

Yes.

Should there be lower levels after certain hours?

If there are impacts disturbing enough that you don't want them at night, they probably should not be in a residential area during the day.

Day vs. night to protect sleepers? Workday vs. weekends?

If there are impacts disturbing enough that you don't want them on the weekends, they probably should not occur in residential areas..

What is the best measure of traffic impact: # of trips/day, # of employees, # of customers?

Trips per day. In residential areas, trips should be minimal.

What is the best measure of parking impact: # of employees, # of customers, # of parked cars?

Number of parked cars?

Do maximum vs. average impacts matter. For example one day a month where 100 people visit, vs 3 trips per day. Similarly a continuous noise as loud as a conversation, day and night could be annoying in a residential location.

Yes maximum impacts matter. Even if infrequent, maximum numbers should be a deciding factor.

Explanations:

Notification requirements: possible requirements for notification of neighbors

o None

None for No Impact Home Oc. 1 but for all other notification should be required.

Approval process:

o Instantaneous: simple submission of forms

Yes for Home Oc. 1, assuming no fire Haz.

o Administrative: A land use administrator approval. Informal process

Public notification should be required for Home Oc. 2 & up.

o CDRC: Requires one hearing by the County Development Review Committee (CDRC)

Yes for Home Business and appealable to the BCC. Traffic impacts and water availability should always be discussed case by case.

What is the procedure to handle expansion of a home-based business?

If a home-based business shifts to an new category they should then satisfy the requirements of that new category.

How should the County ensure compliance of the home business regulations? Act upon complaints.

What categories and procedures are appropriate for a temporary use?

No temporary commercial use should be allowed in residential areas. This could be abused and would be hard to enforce.

Non-Zoning/Non-regulatory approaches

These approaches were suggested at meetings. It is not clear that they comply with the Sustainable growth management plan.

In all the examples listed we strongly favor regulation and agree with the Cons.

From: Michael Mykris [mailto:michael.mykris@sfcc.edu]

Sent: Wednesday, June 15, 2011 11:21 AM

To: Robert Griego

Subject: Planning input meetings

Robert, good morning,

It seems to me that there ought to be other counties around the nation that have similar situations as ours.

Has anyone researched what others are doing or have set up? I am a firm believer in not re-inventing the wheel.

I have my thoughts about non-impact home-based businesses:

Anything other than a home-based business where the individual lives in a residential dwelling, has not changed any of the exterior features of the existing structure, (no change to the footprint) has 3 or less employees (including the business owner) and either works in a room called 'the office' or 'studio' or travels elsewhere to perform a service, would be considered not a non-impact home-based business. Anything more than that would have to go through a review process. The review processes can become more stringent as the perceived impact on the surrounding area increases. That would be evident in the content of the initial application

I think a modest application fee \$100 which would include the app and the license fee for the first year, then an annual \$35 renewal fee is appropriate. If you put some teeth in the application and have the applicant sign under penalties of deception, perhaps the application would be all you need to be relatively assured that the applicant was being honest with you....

If the home-based non-impact business grows (as we hope it does) and the original home is not adequate for the business, it would no longer be a non-impact business. The license for the business would have to 'grow' to a different category. Most all of the growing businesses that I have been associated with outgrows their current space and moves on to a new location. I don't see that being any different anywhere...

We have worked with clients that would have acquired a County business license but after they reviewed the cost and the requirements (most of which are totally irrelevant for a non-impact home-based business), or they don't understand the terminology – or both-, they ended up going under the radar.

Then, once they do that they cannot get bonded because they don't have a business license....

This is usually the time they come to us for advice. My standard answer is; pay the fine for operating without a license, jump through all the hoops and get the license.. some do and some don't. Economic development is stifled and the perception is that the county is 'business unfriendly'.

This is just my take,

Michael Mykris, Director

Santa Fe Community College

Small Business Development Center

Phone: 505-428-1343

Fax: 505-428-1469

www.nmsbdc.org/santafe

From: Filandro Anaya [mailto:anaya.phil@gmail.com]
Sent: Thursday, June 09, 2011 4:58 PM
To: Robert Griego
Subject: Re: Code
Robert

I believe that in this day in age and in this economic down turn that many people are looking for other ways to stay in business. Contractors do not fall under Agriculture Business. like other larger business do!
So I believe that a contractor or a similar type of business have that right to work and store equipment at a safe place, provided that there covenants and home owners Assoc. are allowed.

The numbers of employees can vary from day to day depending on material runs and the size of jobs that there are working on. Some days they need more employees and some day they will not need so many.
Out here in Edgewood (Southern Santa Fe County) is much different than the center part of the county (City Santa Fe) for example. We have very different types of Covenants that allow home base business. In most cases contractors have larger barns or garages.

So in short, YES I DO believe that a contractor should be allowed...

I hope this E-mail makes since, if not you can call me 505-401-8660

Filandro R (Phil) Anaya

Sent: Friday, June 03, 2011 9:48 AM
To: Robert Griego
Cc: James Lujan
Subject: RE: SLDC PIP

Robert Griego:

On behalf of the City of Espanola, I attended the public meeting held in Sombrillo. I commend your agency in the process to inform and obtain public involvement. During my thirty-four year tenure with the City of Espanola provides adequate experience in Administrative Management, Public Works, Building Inspections, Floodplain Management and Planning.

On a matter of information, during the meeting some of the public intends to have the frontage area zoned as a commercial district. In most of these area many properties have been occupied residential. Please understand that mortgage and financial institutions are not providing residential loans or mortgages on commercial zoned districts. This creates a hardship for many constituents. If your agency has a chance to zone those area with mixed use to some type of R-O-I zoning district (Residential, Office and Institutional), the mortgage institutions will more likely to assist, which in turn will help the county. This concern is brought forth to you, since we in the City of Espanola are experiencing this matter, having to rezone back to residential on portions of a strictly commercial zoning district. We are commencing a method in rezoning to an R-O-I in assisting the residence, yet staying within the legal means from down-zoning.

It was great to see that a tribal liaison is part of your meetings, "extremely important," even though they hold sovereignty rights. It is an excellent method in working together with the local tribal nations, keeping an open dialog, all towards the same goal.

Your next phase in data collection focusing to Home Based Businesses may consider ADA requirements on the type of occupancy and occupant loads. This should include the type of structure used as a Home Based Business. Remember, many individuals intend to use a manufactured home as a business, which the NM Manufactured Home Division has strict criteria on the use of a manufactured home for businesses. The only exception are Mobile-home and Automotive Sales Offices. The other consideration is the automotive repair shops (Mechanic and Auto-body), there are various environmental restrictions, from ground to airborne pollution, to the nuisance conditions it creates. And lastly, is the Life-Safety requirements in the means of egress or escape, emergency/illuminated lights and signs,

Business Advertising signage and most importantly is fire suppression systems, especially in an assembly occupancy or chemical storage facility; Width access for EMS should be considered.
Again thank you for your public services;

Joe Duran
City of Espanola
Building Inspector
(505) 929-3253

From: GABron@aol.com [mailto:GABron@aol.com]
Sent: Sunday, June 05, 2011 9:45 PM
To: Robert Griego
Subject: About the CDP's...

Hello Mr. Griego,

My name is Adriene Simpson. I attended the last SLDP meeting which was also about the home-based businesses, but I am going to be out of town, unfortunately, for both the meeting on the 9th and 13th. My only concern, on this particular CDP, was briefly addressed at the last meeting about how any of the home based business codes will be applied to the properties now being referred to by some as "live/work" properties. Jack Kollkemeyer brought up the fact that there were no existing codes relating to live/work even though several already exist for home-based businesses. I live in Vista Ocaso, and as you may have heard, the live/work units being proposed in La Pradera are rather a hot topic for us right now. Seems to me, that live/work by it's very nature can't really be separated from the definition of a home-based business, or is it a business based home.

Hopefully, in the upcoming discussions you will be able to define live/work more clearly and what rules apply to it, or whether it is exempt from home-based business codes.

I was also wondering which CDP will be the one that deals with density in the county. I believe the CCDP was a nice experiment, but it's time to evaluate it's short-comings and lay down some new rules as far as density goes. I think you would be hard pressed to find codes in other parts of the country, or in history, that had no maximum density defined. It's like a blank check for developers to steal, rape and pillage the countryside. When will these issues be addressed in this process so I can be sure to attend those meetings? Which CDP deals with that? Thank you for your help on this and your efforts to give county residents a voice in the process.

Take care,
Adriene Simpson

Matthew Cooke
85 La Pradera
Santa Fe, NM 87508
505-473-9094

From: Lois Lockwood [mailto:lokinlo@cybermesa.com]
Sent: Wednesday, May 25, 2011 2:33 PM
To: Robert Griego
Subject: sldc
Robert,

I have tried twice on different days to register on the public input database. It won't accept my phone number no matter how I write it and it says my password is too short but it has 8 letters. I read the discussion about home businesses. Most subdivisions have covenants which regulate home businesses, I assume the County

could not override those covenants in respect to home businesses or any other matter. I think this should be clarified.
Thanks, Lois Lockwood

Hi Robert,

Reviewed your documents and liked what I saw in the spread sheet. My only question about Agricultural businesses is they tend to be more commercial and these businesses should be regulated and many are through the U.S. Govt (I think). When I think agricultural businesses I tend to think of farms and ranches that grow food for resale or raise cattle for meat, goats for cheese, hay for feed, horse breeding, farm and ranch machinery sales and grapes for producing wine etc..... All of the aforementioned types of Ag businesses do have major impacts on the environment anadjoining communities. These should not be included as a home business in a residential area. These businesses would fall under Commercial and all land zoning would be Ag/Ranch not residential. I've always been under the belief that home businesses have no environmental impact on the community. Bottom line, any type of agricultural business should not be designated as a home based business.

Lastly, simplify and call all no impact, low impact, and some impact businesses a "home occupation" or "home business". No need for 2 separate designations. Charge \$35 for a business license.
I'm writing now because I'm out of town the rest of the week on business.

Best Regards,
Cathy McManus
Cedar Grove
505-286-7720

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Farming and Ranching

Farming and ranching are not only a primary concern of Southern Santa Fe County but to helping feed the entire nation. Small communal gardens are an admirable idea, but to meet demands of the populous, large scale farming and ranching are critical. Regulations that discourage and bankrupt our farmers and ranchers will eventually starve the impoverished. These food providers are under critical strain right now with floods and drought, and with soaring livestock feed, energy, seed and necessary chemical costs.

Worldwide demand and expanding foreign economies are putting significant pressure on food availability. Regulatory pressure should be eased on food producers now facing some ridiculous EPA standards (land set-asides, dust abatement and minnow protection, for example.)

Purchase of Development Rights and transfer sounds like a whole new industry similar to Cap and Trade, where a few insiders become rich through control. This area needs to be fully scrutinized before implemented.

The push for cluster housing for rural land should be determined by Southern SF County.

Finally, no consideration has been given to industry bringing needed jobs to Southern SF County which has good access to the I-40 corridor. (Why didn't WalMart put its huge warehouse in Southern SF County instead of Las Lunas, for example?) There is little opportunity for this area to enjoy benefits of tourist attractions, film production and art galleries as the preferred industry of Northern SF County.

Open Space

The requirement of 30% open space on new development is concerning for the following:

Developer is not reimbursed for lost land and must pass cost on to individual lots (makes housing less affordable: old rule of thumb is home should sell for 4 times cost of developed lot. For example, if lot for low income family increases from \$20,000 to \$26,000 that is a \$24,000 increase in cost of home.)

Who pays real estate taxes on open space? Is that person entitled to control or restrict its use?

Who determines and by what standards, without being biased, does one determine what is scenic vista, terrain management, fencing restrictions, and scope of cultural, historic and wildlife area? Such control has led to economic and political gain for a privileged few in the past. It can result in unintended consequences.

Finally, there is the problem of policing open space. Often they become dumping sites or ATV and motorcycle playgrounds.

Trails

COLTPAC has addressed many issues regarding trails in SF County, but this proposed code appears to ignore their success and ongoing project. The code only needs to support areas where COLTPAC needs support. (Such as preventing land owners from cutting access to public lands.)

Incentives rather than dictates should encourage developers to provide trails.

The introduction of paths along primary roads is a popular new idea. (Look at Juan Tabo Blvd, Albuquerque and SR 344 in Edgewood.) Suggest primary road and some secondary road right-of-way be similarly developed with separate trails, instead of putting all burden on private land owners.

Trail design

Added by Paul White about 1 month ago.

Status:New Start date:08/11/2011

CDP Open Space and Trails:Trails: What trail standards are appropriate and where?

Description

Trails should be designed to include permaculture provisions. This might configuring runoff to be directed to areas that could grow herbs or riparian zones

Added by Kathleen Burch about 1 month ago.

Trails in new developments

Status:New Start date:08/07/2011

CDP Open Space and Trails:Trails: How should the code implement trail (multi-modal) transportation connections?

Description

I live in Eldorado and the trail and greenbelt open space system here is great.

If I lived in a development where the houses were on 10 acre parcels I would still like trails as it is better than walking on the road.

New developments should be required to have a trail system with the objective of connecting to existing trails where possible.

Affordable Housing vs. Green Building

Increased 1-2% cost and other factors to achieve HERS 70 are not verified:

A list of individual materials needs to be specifically identified. (for example, just increasing amount of insulation in standard 2x6 construction will not provide sought efficiency without increased air gap—may need to increase exterior wall insulation or interior wall size at 25% increased cost in exterior walls. Perhaps low cost increase relies on lower quality fixtures, such as using a \$60 toilet versus a \$200 toilet, discount lighting fixtures, and low grade carpet.)

A panel of construction engineers and architects need to verify material needs for HERS 70.

Life duration of some energy materials not mentioned. (for example, argon gas filled windows lose efficiency over time.)

Aggressive sealing of homes can result in radon and other gas entrapment, moisture, and mold. (Cost does not account for need of air exchange/dehydration equipment needed. Furnishings can emit gases, for instance, rugs from foreign countries.)

Alternative materials, such as adobe and rammed earth, are excellent for energy efficiency, but cost and time of construction take them out of affordability.

The cost of added personnel and time required to review plans, inspect and police beyond state standards has not been considered.

Acceptance of increased HERS cost by mortgage lenders and appraisers is difficult as they rely on square footage comparables (as done by county assessors). It may be impossible to garner an increased mortgage for the 1-2% cost.

Increased energy efficiency often requires reduced window size which can effect quality of life within the home (limiting light and views).

The proposed code takes away the citizens choice of energy upgrade as necessary and affordable (such as installing energy efficient drapery, window replacement, or even simple and inexpensive temporary plastic seal.)

Finally, if global warming is to be believed, the high altitude of Santa Fe will have less need for cold weather insulation and the very efficient swamp coolers substituted.

CONCLUSION: There are hidden costs not identified. The new building code is to burdensome and will destroy affordable housing in Santa Fe County, driving lower income families to other parts of the state. (Note how many of the original citizens of the City of Santa Fe have been driven out because of housing costs.)

Robert Griego

From: Martha Eden <eden@abq.com>
Sent: Tuesday, September 27, 2011 9:15 AM
To: Robert Griego; Jack Kolkmeier
Subject: Open Space comments not shown

Jack and Robert,

Unfortunately, having found the online entry method a little short of user-friendly, I would like to add some comments about Open Space that were mentioned more than once in our Focus Group discussion but which I have not seen anywhere on the summaries available for public viewing.

1. School grounds are, at least in the EGMA, natural places for groups of adults to gather, and are therefore ideal already constructed settings for parks and recreation. Even if they are off limits during school hours, which is appropriate, they offer after-hour and weekend and all summer opportunities for adults to gather with their children and enjoy a variety of recreation opportunities. One real opposition many of us have to forcing a 30% open space requirement on all subdivision developers is that these resources will only be lightly used if at all (see below for further comment on this element of the code.) Opening up and developing school grounds for public recreation makes imminent sense, will be widely used, and will not cost the community much in the way of additional needed tax revenue.
2. The requirement of 30% open space from any developer begs the question of who gets to use this resource and at what expense. If you are going to force the eventual homebuyers in the development to pay more for their land (the inevitable consequence of this "taking"), do you also force them to open this resource to the public without compensation? If you allow them to keep it private, you are also pushing them to become a gated community, which is the only way to keep their open space truly private. Gated communities DO NOT add to an overall sense of togetherness in any given community, a goal the SLDP purports to promote.
3. A tiered plan of donation by a developer makes imminent sense, and will give homeowners a sense of contributing not just to their own amenities but to the community as a whole. Perhaps for donation of profits to the goal of something like a community pool, a developer can fast track his development permits, (and keep the use of all of his land) and his homeowners can access the pool for free, while others pay a fee, or some plan like that. You will see benefits to the community as a whole which your across the board 30% donation does not achieve.
4. Nowhere do I see the goal of requiring any subdivision contiguous to existing open space to keep access to the resource open to the public. This is essential to prevent common areas which are a wonderful natural resource to be essentially closed to the public or so difficult to access that they are only lightly used. (Edgewood's Section 32 is an ideal example of this problem.)

Open space is wonderful when it is truly a widely popular community resource but is an expensive albtross if it is simply a repository for illegal waste disposal, drug distribution etc. (Edgewood's Section 34 before the town took over its administration and opened up access is an ideal example of this problem.)

Respectfully submitted,

Martha Eden

6/26/50

Goal: 25: Development should comply with the principles of sustainability and conservation in the SGMP.

Strategy 25.2.2: Analyze City of Santa Fe and State Green Building Codes for applicability in the County.

Policy 25.5: Adopt green development and sustainability design and infrastructure standards for new residential and nonresidential development in the SLDC.

Goal 26: Promote sustainable development through green building and development techniques.

Policy 26.1: Promote environmentally responsible sustainable green building, site and community design, improvement and development standards.

Policy 26.2: Encourage green construction and neighborhood development materials and techniques for residential and nonresidential development. Strategy 26.2.1: Establish comprehensive sustainable design and improvement standards for green development and renewable energy systems.

Policy 26.3: Encourage sustainable use and conservation of buildings, land and water.

Policy 26.4: Encourage xeriscaping and natural vegetation shading for buildings and hardscape surfaces.

Issues with Current Code:

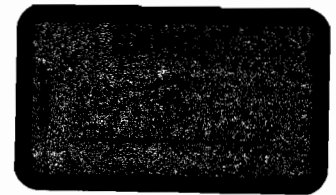
- The green building policies adopted by the BCC in the SGMP suggest that the County adopt energy efficiency and other green building regulations.
- The County currently does not provide building permits and inspections. This is done through NM CID.
- If the County were to establish green building regulations, the County may need to establish a building permit and enforcement program or otherwise identify a mechanism for ensuring compliance with the adopted standard.

Green Building Summary:

Like many terms, "green building" is interpreted differently depending on the context. The United States Green Building Council (USGBC) interprets green building to include a whole host of "environment friendly" considerations including not only energy and water conservation but the use of non-toxic building materials and/or building materials made with recycled content, recycling of construction debris, alternative modes of transportation (e.g. bike racks and shower facilities for commercial buildings), proximity to mass transit, etc. While the SGMP recognizes the merits of all aspects of "green building", it tends to primarily focus on energy (energy efficiency and renewable energy) and water (conservation and storm water harvesting) concerns.

Energy efficiency standards, in particular, have a substantive benefit in reducing a home's or commercial building's electric and natural gas utility costs. As roof-top solar and other renewable energy technologies costs continue to decline over time and as energy utility rates continue to rise, renewable energy standards and incentives will have a similar "pay back" benefit.

The NM CIC revised the residential and commercial building energy codes in 2010. The CIC not only revised the energy code from the 2006 "International Energy Conservation Code" (IECC) to the 2009 IECC, but adopted selected "beyond code" energy efficiency measures as well. The 2009 IECC was modified in places to accommodate special climate or building-related considerations specific to New Mexico, resulting in the "NM Energy Conservation Code". (see link below). Updating the code from the 2006 to the 2009 IECC resulted in an average energy savings of 7-10% for residential buildings. The



Green Building Standards CDP Summary

The purpose of this document is to provide information to facilitate informed input to the SLDC Public Input Process for the green building CDP. This document includes the following;

1. Existing code and policies relating to sustainable and green building.
2. Summary of policies identified in the Sustainable Growth management Plan and issues and for this CDP.
3. Green Building Summary
4. A list of possible alternatives for implementation of the SGMP policies into the SLDC from least to most stringent with respect to green building.
5. Questions and other related information for this CDP

NOTE: While water conservation and stormwater management are obviously a component of "green building", they will be considered in other Concept Decision Points.

Existing Code and Policies regarding Green Building

The current code and regulations for green building are summarized below:

For New Mexico counties without "home rule" authority, relevant building codes are adopted by the New Mexico Construction Industries Commission (CIC) and inspected and enforced by the NM Construction Industries Division (CID.) In general, the County may adopt code measures, including green building code measures, that are more stringent than or "go beyond" what the CIC has adopted, but there is an issue regarding the extent to which those measures will actually be inspected and enforced by CID. The County currently does not provide building inspections and enforcement.

What do the SGMP policies state about Energy Efficiency and Green Building?

Keys to Sustainability, Goals, Policies and Strategies:

Strategy 23.2.1: Assess practicality to develop a County Green Building Code and applicable incentives to ensure energy efficiency, water conservation and renewable energy improvements in development projects.

Create standards for green development; conservation of energy and production of renewable energy; reduction of greenhouse gas emissions and air pollution.

Utilize local resources for building materials and establish a catalog of available recycled materials.

Adobe, stone, pumice, wood are all available in Santa Fe County. There are also a variety of recycled materials such as glass, plastic, metals and paper available from transfer stations and the landfill.

Promote durability and longevity in the design and construction of residential and commercial structures. Building materials should be chosen and evaluated for low embodied energy, low impact on the environment and ability to last for generations similar to many historic structures.

Create incentives for green design, resource conservation, reuse and retrofitting buildings with energy efficient features and building materials.

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“beyond code” measures adopted by CIC resulted in a cumulative savings of approximately 20.9%% for residential and 17.5% for commercial construction over the 2006 code. Note that energy efficiency savings estimates utilize certain assumptions and methodologies that are subjective, to a certain extent.

“Affordability”

Building “affordability” in the last few decades has generally meant keeping the price of the home or commercial structure as low as possible, with little consideration given to the energy demands and therefore costs associated with heating, cooling, lighting and other activities that consume energy in a building. In the days of cheap energy (now disappearing rapidly), such a myopic interpretation of affordability was understandable. But energy utility rates are on the rise, for example: over the last three years, PNM increased electric rates by over 20% and has proposed another 20% rate increase, while NM Gas Co. has a 13% natural gas rate increase proposal currently before the NM Public Regulation Commission. A comprehensive view of building affordability should include the combined monthly mortgage and energy utility bill payments. Most consumers don’t write a check for the cost of a building. They finance it over 30 years. So the initial purchase price of the home or commercial building is not as relevant to the concept of “affordability” as the combined monthly loan payment and energy utility expenditures. Indeed, high heating and/or cooling costs have contributed significantly to home foreclosures in some instances.

Most (but not all) energy efficiency measures increase the costs of constructing of building, albeit minimally in most instances. Some may argue that requiring additional energy efficiency measures in residential buildings “prices people out of homes”. But if carefully analyzed and selected, energy efficient code requirements will reduce the combined monthly mortgage and energy utility bill payments. The slight increase in the cost of the home (and, therefore, the monthly mortgage payment) that the additional energy efficiency requirements create is more than off-set by the reduction in monthly energy utility costs.

For example, in the case of the “beyond code” energy efficiency measures adopted by the NM Construction Industries Commission (CIC) last year (discussed below), an engineering cost analysis concluded that the efficiency measures increased the monthly mortgage payment for a home by \$15/month but reduced the energy utility bill payments by \$29/month – for a net benefit of \$14/month. Thus the homeowner is better off financially from the first month of home ownership with a more energy efficient home. With this concept of home affordability, requiring cost-effective, energy efficiency standards in new buildings can be a benefit to both the homebuyer and homebuilder. Homes and commercial buildings are built to last for 60-70 years, therefore, it is reasonable to consider future energy costs when determining the cost-effectiveness of various energy efficiency measures.

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Green Building Standards Alternatives - Possible alternatives for discussion that are being used in other areas. Other Alternatives are welcome.

Alternative 1: No additional Green Building Standards.

New home construction would need to comply with the 2009 IECC adopted by the NM CIC as the “NM Energy Conservation Code). Santa Fe County does not enforce the 2009 IECC.

The IECC establishes requirements and standards for aspects of a building’s construction that affect energy consumption – generally broken down into the “building envelope” (e.g. number, size, type and location of windows and doors, wall, floor and ceiling insulation, etc.) and non-building envelope (e.g. mechanical, electrical, water heating and indoor and outdoor lighting). In concert with the Uniform Mechanical Code, the IECC also addresses heating, ventilation and air conditioning (HVAC) standards. The IECC does not address energy consuming items that are not an integral part of the building such as appliances and “plug loads” (e.g. computers, TVs, desk lamps, etc.). The following links provide more information on the IECC and, specifically the 2009 IECC.http://reca-codes.org/pages/current_code.html
<http://reca-codes.org/pages/iecc2009.html>
http://www.thirtypercentsolution.org/solution/EECC-Savings_Analysis-Jan-2009.pdf

The actual NM Energy Conservation and Mechanical Codes may be found at:
<http://www.rld.state.nm.us/cid/rules-and-law.htm> .These are the most recent, weaker or “rolled-back” versions of the code adopted by the CIC in June of this year.

Alternative 2: Adopt Green Building Standards similar to those approved by the NM CIC Last Year

This would include the 2009 IECC and certain “beyond code” energy efficiency measures that met the “building affordability” test discussed above. Those additional measures are too numerous to list in this briefing but can be found on page 6 for residential and page 15 for commercial in “State of NM Energy Conservation Code 2009-2010 Update, Overview of Process and Results” (eSolved Inc., June 2010). This document can be found as a link on the Growth Management Department’s Sustainable Land Development Code web page.

Alternative 3: Require Home Energy Ratings Standards (HERS)

Establish a system which would require new development to meet a specific energy saving requirement. The HERS index is a scoring system established by the Residential Energy Services Networks (RESNET) in which a home built to the specifications of the HERS reference home (based on the 2006 International Energy Conservation Code) scores a HERS index of 100, while a net zero energy home (a home that generates on-site all the energy it consumes) scores a HERS index of 0. The lower a home’s HERS index, the more energy efficient it is in comparison to the HERS Reference Home.

Each 1-point decrease in the HERS index corresponds to a 1% reduction in energy consumption compared to the HERS Reference Home. Thus a home with a HERS index of 85% is 15% more energy efficient than the HERS Reference Home and a home with a HERS index of 80 is 20% more energy efficient.

CDP Background and Discussion: Green Building Standards

Implementation of a HERS program may include measures of efficiency which are assigned a point value for specific categories. Energy efficiency categories may include lot design, site design, resource efficiency, energy efficiency, water efficiency, indoor environmental quality and operation, maintenance and sustainable practice.

This alternative would require the County to establish a system such as the City of Santa Fe Residential Green Building Code and verification, review and/or inspection process. The City of Santa Fe adopted a HERS requirement of 70 for homes under 3000 sq.ft. Larger homes are required to have a lower (more energy efficient) HERS rating. Information on the City of Santa Fe's Green Building Code may be found at <http://www.santafenm.gov/index.aspx?NID=1297>. More information on HERS ratings can be found at: <http://www.resnet.us/>

Alternative 4: Require USGBC LEED Certification

The USGBC's "Leadership in Energy and Environmental Design" (LEED) rating system is nationally recognized as one of the premier green building rating systems. LEED ratings system LEED has four levels of increasingly aggressive green building standards: LEED "basic", Silver, Gold, and Platinum. It provides criteria for rating the environmental performance of construction practices and provides guidelines for documentation that demonstrates conformance; it encourages cost-effective and sustainable building methods, by encouraging conservation of fossil fuels, water and other natural resources, reduction of greenhouse gas emissions, recycling of construction materials reducing solid waste and improving indoor air quality; it includes mandatory green building requirements to ensure that construction waste and deconstruction materials are recycled, reused, or otherwise diverted from landfills, and minimum requirements to ensure that dwellings are constructed in an efficient manner; and it includes provisions intended to provide for joint administration with the processing of building permits for remodeling, adding on, and constructing residential and non-residential structures.

Any development would be required to be submitted for compliance in whichever LEED rating system the applicant deems most suitable to the project type: LEED NC (New Construction), EB (Existing Buildings), CI (Commercial Interiors), Core & Shell, or Homes. More information on LEED can be found at: <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1988>

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Key Questions and Issues for Establishing Green Building Standards

1. Should building cost and energy savings be the basis for regulations?
2. What green building elements (energy-related and non-energy related) should be required and what should be incentivized?
 - a) Energy Efficiency (HERS, insulation, solar siting)
 - b) Using local materials
 - c) Using recycled materials
 - d) Minimize construction waste
 - e) Minimize construction materials
3. Do we need different standards for different locations (i.e different geography, climate zones, or growth areas)?
4. What incentives could be used to encourage additional green building?
5. For energy efficiency standards, should we use the “building affordability standard” discussed above?
6. Should residential and commercial standards be different? If so, on what basis?
7. What resources (staff and otherwise) are required to administer any proposed regulations?

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How should adjacent subdivisions connect?	1
What trail standards are appropriate in what areas?	1
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The discussions follow from the Sustainable Growth Management Plan strategies and policies laid out in the Background section. Note: Strategy 22.1.1: Require open space dedication standards for open space and trails in new development so that these are contiguous and connect with existing open space and trails on adjacent lands including connections/access to regional trails. The questions are: how to implement this?

Discussion Points Trails

How should new and existing development deal with a regional / county wide trail or access to public lands?

- Ignore issue
- Provide an incentive
- Require new subdivisions to build trail as part of subdivision
- Require partially built subdivisions to replat
- Require existing subdivisions to replat
- Require subdivisions to leave easements that the county could buy

How should adjacent subdivisions connect?

- On road trails?
- Off road trail?
- Incentives for more or off road trails?
- Number of stubs and location?
- Can public trails go through private open spaces?

What trail standards are appropriate in what areas?

- Based on expected usage?
- Necessity of splitting usage?

CDP Background and Discussion: Open Space and Trails

- Distance from roads?
- Local considerations?

Discussion Points Open Space

Should there be a mandatory requirement for a common recreational open space in new subdivisions?

Issues

- Supports the SGMP and County Open Space planning vision
- Promotes a healthy lifestyle
- Reduces size of individual lots
- Question of property rights of developers.
- What is public and what is private?
- Is there an incentive program that could work?
- What is recreational open space? Is it a developed park or a natural area?
- Who maintains?

If there is a mandatory requirement for open space in new subdivisions how much is appropriate?

Issues

- Numbers between 0 and 80% have been acceptable in Santa Fe County and elsewhere.
- Is it linked to density or SDA area or something else.?

Should there be a mandatory requirement for wildlife corridors to be left as open space?

Issues

- Supports the SGMP and County Open Space planning vision
- Need not be a common open space. Could be accommodated through building envelopes.
- Do animals have rights?
- Could incentives be used?

Should there be a mandatory requirement for cultural or historic areas left as open space?

Issues

- Supports the SGMP and County Open Space planning vision
- Need not be a common open space. Could be accommodated through building envelopes.
- Do we care about the past?
- Could incentives be used?

If there is a mandatory requirement for open space in new subdivisions how can we insure it is "good" or "important" open space?

Issues

- Land Suitability study was suggested to determine "quality" areas. Could include recreational, wildlife, cultural. How much would it cost? How would it be implemented?
- Complaints of development leaving "the worst areas" for open space
- What is "good", "important", or "quality"?

If there is a mandatory requirement for open space, and a Land Suitability study identifies area in excess of the requirement, what are some ways to accommodate this?

Issues

- Could county buy additional areas?
- Transfer of development rights?
- How would this effect subdivision platting?

Background

Open Space and Trails CDP Summary

The purpose of this document is to provide information so you can have informed input to the SLDC Public Input Process for the open space and trails CDP. This document includes the following;

1. Existing code and policies relating to open space and trails and problems identified with existing code.
2. Summary of the issues and policies identified in the Sustainable Growth Management Plan (SGMP) for this CDP
3. Considerations for open space and trails system
4. A series of possible alternatives for implementation of the SGMP policies. Other alternatives are welcome.
5. Questions and related information for the Open Space and Trails CDP

Existing Code and Policies regarding Trails and Open Space.

The current county code and regulations for trails are summarized below:

There are no clear code requirements for open space and trails in the Code.

Some community or district plans have clear trail and/or open space requirements.

In addition, there are adopted policy documents that promote an integrated countywide open space and trails network.

What are some of the problems with the existing code?

Open space:

1. Current code does not implement adopted open space policy.
2. Current code does not clearly define what open space is.
3. Current code does not provide methods to create contiguous open spaces.
4. Open space corridors for wildlife aren't clearly identified.
5. Traditional access to public lands area is sometimes cut off by new development

Trails:

1. Current code does not provide clear mechanisms to create a connected inter-modal transportation system.
2. No regulations or design standards.
3. No clear mechanism for creating trailheads exists.

What do the SGMP policies state about Open Space and Trails?

1.4.3.2. Provide access to outdoor recreation areas, trails and community centers.

Policy 20.3: Preserve and protect wildlife habitat, migration corridors, riparian areas and surface water resources that support wildlife health should be preserved and protected.

Policy 20.4: New development should not cause significant degradation of wildlife or sensitive wildlife habitat, especially to any wildlife listed as threatened or endangered on a state or federal list.

Policy 22.1: New open space and park facilities should be established to match demands of population growth and expansion.

Strategy 22.1.1: Require open space dedication standards for open space and trails in new development so that these are contiguous and connect with existing open space and trails on adjacent lands including connections/access to regional trails.

Strategy 22.1.2: Require all subdivisions and site plans containing land lying adjacent to any tract or corridor designated on the Official Map to reserve or dedicate such land or a provide a spur connection to such designated lands.

Policy 22.2: Protect significant lands including: scenic vistas, environmentally sensitive areas (such as flood hazard areas, hillsides above 11% grade, areas accessible or adjacent to rivers, streams, creeks and springs, acequias, wildlife habitat or migration corridors, and areas of important native vegetation, archaeological, historic, agricultural areas and ranch lands. CDP Background and Discussion: Trails and Open Space V1.0 07/22/11 2

Strategy 22.2.1: Open Space that is preserved through clustering of development will be preferentially located on the most environmentally sensitive area of the site and should be interconnected with open space on adjacent properties when possible.

CDP Background and Discussion: Open Space and Trails

Policy 22.3: Adopt and maintain an Official Map to preserve the potential sites of an open space system of trails, parks, open spaces, scenic vistas, environmentally sensitive areas, scenic vistas, and recreation areas, in addition to other rights of way and sites for existing and future roads, schools, libraries and public facilities.

Strategy 22.3.1: Map all existing conservation easements, wildlife corridors, conservation land, irrigated land, and ranchland, and integrate these data into the official map in order to plan for connectivity among open spaces and conservation lands.

Policy 22.7: Establish an interconnected system of trails and parks, with regional trail and park connections for pedestrians, equestrians, and cyclists.

Strategy 22.7.1: Identify and map existing private trails and coordinate with private land owners, Pueblos, the BLM and the State Land Office to develop voluntary use agreements, easements.

Strategy 22.7.2: Work with community planning groups to expand local trail networks near existing rural communities so that county residents have access to a trail system. Link these local trail networks to regional trails.

Strategy 22.7.3: Continue to develop important regional trail corridors and rails to trails opportunities according to new trail design standards.

Policy 22.8: Develop trail design standards for recreational and commuter trails and implement them in the design of a trails network connecting open spaces, parks, neighborhoods, and commercial centers.

Strategy 22.8.1: Include trail design standards in development review standards for both county and developer projects.

Policy 22.9: Require that the construction, design or location of park and trail corridors does not negatively impact environmental features or waterways.

Policy 22.11: Create and maintain safe access, parking, and trailheads for public lands and other open spaces.

Development in primary growth areas should plan for multi-modal transportation options, including walking, biking, transit, vehicles, and horses. Ideally, community center activity should be within a ¼ miles radius of the community edges to allow these choices of transportation modes to actually occur.

Policy 34.1: Develop an efficient multi-modal transportation network in Santa Fe County such that the access, mobility, and safety needs of motorists, transit users, bicyclists, and pedestrians of all ages and abilities are safely accommodated.

Strategy 34.1.1: Establish requirements for on-street bike lanes and off-road bike paths in areas identified for improvements.

Strategy 34.1.2: Require development plans to show clear, convenient and safe pedestrian connections between commercial developments and surrounding neighborhoods and provide safe bicycle, pedestrian infrastructure and equine access where practical.

Preserve the edges of traditional and contemporary communities from development.

Create an Interconnected Trails System. New trails should be connected to other new and existing trails in the County, creating opportunities for pedestrians, cyclists and equestrians to circulate among residential, commercial, and recreational spaces. New trails should be designed and built in accordance with local and national sustainable trail design standards. The County trail network should be tied to the County multi-modal transportation network.

Establishment of an Official Map to identify existing and planned open space and trails can ensure that these areas are planned and acquired pro-actively to achieve landscape wide preservation.

SGMP sustainable land suitability analysis includes best available data:

- Ecological features
- Geologic features
- Terrain / Slope Analysis
- Rare or endangered species and species habitat
- Riparian areas
- Wetlands, Waterways / Arroyos
- Sacred Places
- Archaeological and Historic Sites

Considerations for Open Space and Trails

Trails

1. A connected multi-modal transportation system requires safe connections. Defining possible future connections (e.g. adjacent subdivisions) requires good planning.
2. Trails designated around the perimeter of a development or in other locations with no regard to terrain can be difficult to use or maintain and are not the best locations and standards for trails.

CDP Background and Discussion: Open Space and Trails

3. Trail easements and other easements are put in place at the time of development approval but there is no systematic monitoring in place which may result in buildings encroaching on easements.
4. Certain trails are dedicated within a development without designated trailheads.
5. Street designs need to incorporate appropriate multi-modal safety.
6. Ensure interior lot access to open space and other destinations through right of way easements.
7. Reserve space within and between developments for potential acquisition of open space (e.g. connection to regional trail corridor).

Open Space

1. The county Open Space plan envisions a network of open spaces connected by trails.
2. Areas are sometimes designated as open space including utility easements, and areas that are fenced off. What constitutes "real" open space?
3. The question of what is public / private open space.
4. Open space is designated on individual lots. This practice does not achieve overall open space goals within a subdivision and can lead to problems regulate fencing and access.
5. Open space may be left to be managed by the home owners association (HOA), but if an HOA fails in its obligations, the result could be unintended uses or neglect.
6. If arroyos and waterways are trails, they may need an easement buffer *beyond* the arroyo boundary (25'? 50'? 100'?)
7. Difficulties ensuring protection of landscapes and other environmentally sensitive areas. This might be accomplished through a TDR program or other programmatic solutions.

A definition of public Open Space for discussion purposes:

Parcels of land, or portions of parcels of land, designated by the developer which will remain natural or with restricted development for environmental, cultural, resource, community or recreational purposes through various regulatory and voluntary means.

Undeveloped areas located on individual parcels is not considered Open Space.

Open Space includes: natural and agricultural areas, archaeological and other culturally significant sites, greenways and greenbelts, parks, community gardens, plazas, and playgrounds.

Alternatives (Possible alternatives for discussion. Other alternatives are welcome.)

Trails

Alternative A: Existing Land Development Code Status Quo

Trails: Summary: Require trails in subdivisions of 25 or greater and require 6' shoulders on arterials.

Art. 5 Sec 8.4: Sidewalks and Paths - Requirements

8.4.1 When appropriate for purposes of public safety, sidewalks or walking paths may be required with paved roads of arterial classification...

8.4.2 For subdivisions of twenty-five (25) or more parcels, non-vehicular trails shall be required with roads of arterial, collector and subcollector classification. In lieu of this requirement, an internal, off-road trail system may be substituted, if the result connects existing trails, trail easements, or assists in the creation of an area-wide trail network on adjacent lands.

8.4.3 Where a subdivision is traversed by a trail, recognized by Santa Fe County, a trail easement shall be platted which conforms substantially with the trail. In lieu of this requirement an alternative trail connection or access may be substituted.

Alternative B:

1. Connectivity must be assured. Complete streets required so that everyone can safely reach open spaces and trails. Connection provided to adjacent open space and trails where appropriate.
2. Context sensitive design for trails designation. Consider location of neighboring open spaces and trails.
3. Provide trail connections to regional trails where appropriate.
4. Trail standards and trail head standards must be met.

Alternative C:

1. Require bike lanes combined with trails as part of the road system.

CDP Background and Discussion: Open Space and Trails

2. Require bike lanes to connect to and align with the County's bike lane plan and bike lanes on abutting property.

Open Space

Alternative A: Existing Land Development Code Status Quo

Open Space: Summary

Require parks for large subdivisions.

Article V 9.7. Parks and Recreation For subdivisions of twenty five (25) lots or more, open spaces shall be provided for parks and recreation on a ratio of ten (10) acres per 1,000 residents; provided however, that no such open spaces shall contain less than one (1) acre per subdivision. Said open spaces shall be of a nature and location suitable for park development.

A.1 Extraterritorial Zoning Area

a. In areas of the Extraterritorial Zoning Districtany proposed subdivision or land division will be required to preserve no less than thirty percent (30%) of the entire tract as permanent open space.

DENSITY BONUS	OPEN SPACE RATIO
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OPTIONS DENSITY	
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BONUS	
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60%	45%
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120%	60%
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150%	80%
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Alternative B:

1. 30% open space required
2. Land suitability analysis should be conducted depending on the size of the subdivision.
3. Connection provided to adjacent open space and trails where appropriate.
4. Establish context sensitive design for open space utilizing a land suitability analysis to designate high conservation value areas as open space.
5. Consider location of neighboring open spaces and trails.
6. Neighborhood parks and their maintenance are required of the developer.

Alternative C:

1. Greater than 30% open space dedication where the land suitability analysis indicates the need for greater resource conservation. Utilize density bonuses and density transfers to offset greater open space dedication. Factor in tax benefits for putting land into conservation easements with a land trust. Reserve corridors and buffers at regular intervals within and around the subdivision to accommodate contiguity for people and wildlife.

2. Intersect programmatic goals with subdivision regulations. Set aside key, strategic spaces (parcels or portions of parcels), beyond the 30% requirement, for potential future open space acquisition by county open space program. Implement a sunset clause for the developer if the parcel is not acquired within an agreed upon time frame.

Alternative D:

1. Required 10% of gross floor area as open space for commercial development
2. Required Parks and Open Space 20% of total developable area
3. Require a playground within 10,000 feet of each residence in a new subdivision.
4. Require 1 park per 1,000 residents
5. Establish design and maintenance requirements for parks and open space

CDP Background and Discussion: Open Space and Trails

Questions

Trails

1. How should the code implement trail (multi-modal) transportation connections?
 - a. On road trails
 - b. Off road trail connections to create a parallel infrastructure
2. What trail standards are appropriate and where?
3. What standards are appropriate for trail heads and parking and where?
4. How are connections made between adjacent developments?

Open Space

1. What are the basic types of open space and what are our objectives for each?
 - a. Public Facilities: Parks, recreational areas
 - b. Environmental: wildlife corridors, riparian areas
 - c. Viewscapes
 - d. Cultural / Historical Preservation
2. What is an appropriate level of parks/open space?
3. How should wildlife corridors be defined and supported?
4. How should view sheds be defined and supported?
5. Is contiguous open space always desirable?
6. What should be required and what should be incentivized?
7. Who should pay and how?

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Open Space and Trails CDP Summary

The purpose of this document is to provide information so you can have informed input to the SLDC Public Input Process for the open space and trails CDP. This document includes the following;

1. Existing code and policies relating to open space and trails and problems identified with existing code.
2. Summary of the issues and policies identified in the Sustainable Growth Management Plan (SGMP) for this CDP
3. Considerations for open space and trails system
4. A series of possible alternatives for implementation of the SGMP policies. Other alternatives are welcome.
5. Questions and related information for the Open Space and Trails CDP

Existing Code and Policies regarding Trails and Open Space.

The current county code and regulations for trails are summarized below:

- There are no clear code requirements for open space and trails in the Code.
- Some community or district plans have clear trail and/or open space requirements.
- In addition, there are adopted policy documents that promote an integrated countywide open space and trails network.

What are some of the problems with the existing code?

Open space:

1. Current code does not implement adopted open space policy.
2. Current code does not clearly define what open space is.
3. Current code does not provide methods to create contiguous open spaces.
4. Open space corridors for wildlife aren't clearly identified.
5. Traditional access to public lands area is sometimes cut off by new development

Trails:

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What do the SGMP policies state about Open Space and Trails?

1.4.3.2. Provide access to outdoor recreation areas, trails and community centers.

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- Strategy 22.1.1: Require open space dedication standards for open space and trails in new development so that these are contiguous and connect with existing open space and trails on adjacent lands including connections/access to regional trails.
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- Strategy 22.2.1: Open Space that is preserved through clustering of development will be preferentially located on the most environmentally sensitive area of the site and should be interconnected with open space on adjacent properties when possible.

Policy 22.3: Adopt and maintain an Official Map to preserve the potential sites of an open space system of trails, parks, open spaces, scenic vistas, environmentally sensitive areas, scenic vistas, and recreation areas, in addition to other rights of way and sites for existing and future roads, schools, libraries and public facilities.

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- Preserve the edges of traditional and contemporary communities from development.
- Create an Interconnected Trails System. New trails should be connected to other new and existing trails in the County, creating opportunities for pedestrians, cyclists and equestrians to circulate among residential, commercial, and recreational spaces. New trails should be designed and built in accordance with local and national sustainable trail design standards. The County trail network should be tied to the County multi-modal transportation network.
- Establishment of an Official Map to identify existing and planned open space and trails can ensure that these areas are planned and acquired pro-actively to achieve landscape wide preservation.
- SGMP sustainable land suitability analysis includes best available data:
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1. The county Open Space plan envisions a network of open spaces connected by trails.
2. Areas are sometimes designated as open space including utility easements, and areas that are fenced off. What constitutes "real" open space?
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DENSITY BONUS OPTIONS	
DENSITY BONUS	OPEN SPACE RATIO
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Alternative B:

1. 30% open space required
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2. Intersect programmatic goals with subdivision regulations. Set aside key, strategic spaces (parcels or portions of parcels), beyond the 30% requirement, for potential future open space acquisition by county open space program. Implement a sunset clause for the developer if the parcel is not acquired within an agreed upon time frame.

Alternative D:

1. Required 10% of gross floor area as open space for commercial development
2. Required Parks and Open Space 20% of total developable area
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7. Who should pay and how?

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EXHIBIT
6



September 27, 2011

Virginia Vigil, Chair
Santa Fe County Commission
102 Grant Avenue
Santa Fe, NM 87504

Dear Commissioner Vigil:

The Santa Fe Association of REALTORS® supports the creation of an alternative to using a HERS rating as a means of certifying energy efficiency for new homes built in Santa Fe County under a future Green Building Code.

The purpose of this letter is to request that any County Green Building Standards include performance path options allowing for a professional third party architect or engineer to certify as acceptable the energy efficiency of a proposed new building. These performance options should utilize proven passive solar components and techniques as acceptable means for satisfying the requirements of any new County Green Building Code.

New Mexico and Santa Fe, in particular, led the nation in the early days of developing and incorporating passive solar strategies in residential and light commercial structures. In developing any new County code, the Santa Fe Association of REALTORS® values the inclusion of these important achievements that take the full advantage of our unique climate, and requests the adoption of a flexible set of measurement options to achieve the County's desired energy efficiency requirements.

Thank you for your serious consideration.

Sincerely,

A handwritten signature in black ink that reads "JoAnne Vigil Coppler". The signature is written in a cursive style.

JoAnne Vigil Coppler
President
Santa Fe Association of REALTORS®
510 N. Gaudalupe Street, Suite E
Santa Fe, NM 87501
(505) 982-8385

SFC CLERK RECORDED 11/10/2011



Santa Fe County Green Building Standards
Architecture 2030
August 15, 2011

Architecture 2030 is a non-profit, non-partisan building sector research organization located in Santa Fe, New Mexico.

Architecture 2030 recommends that Santa Fe County develop and adopt a residential Green Building Standard (SFC Green Building Standard) that incorporates an energy reduction target of 30% below the 2006 International Energy Conservation Code (IECC). We also recommend that Santa Fe County establish the following three (3) pathways for meeting the energy requirements of the Green Building Standard:

1. Home Energy Rating Standard (HERS) Path –establish HERS 70 as the minimum energy requirement.
2. New Mexico Energy Conservation Code (NMECC) Prescriptive Path – Update both the 2009 NMECC with the applicable portions of the recently issued 2012 IECC, and the provisions of the 2009 NMECC Residential Applications Manual for passive solar heating and cooling design, and incorporate both as a path for complying with the SFC Green Building Standard.
3. Simulation Path – modify the Home Energy Efficient Design (HEED) simulation program incorporating Santa Fe weather data, utility rates and a ‘reference building’ that meets the 2006 IECC (see: <http://www.energy-design-tools.aud.ucla.edu/heed/>). The HEED program is available in English and Spanish and simulates passive heating and cooling systems and cool roofs. Incorporate a HEED building simulation that meets or exceeds a 30% energy reduction target from the ‘reference building’ as a path for complying with the SFC Green Building Standard.

Thank you for your consideration of this recommendation.

Edward Mazria, CEO
Architecture 2030

From: Jerry Powers-Southern Santa Fe County Landowners Association
To: Santa Fe County Board of County Commissioners

September 27, 2011

Re: Staff's Recommendations-SLDC

Energy/Green Building

Staff has given two options:

We prefer option one for the same reasons that staff highlighted as pros of this option;

Pros

- Easy to implement (i.e. nothing to implement!)
- Keeps the upfront price of the home as low as possible
- Strong support from a segment of the County's builders

option two, which is recommended by staff. We oppose for the same reasons they list as the cons of option two;

Cons

- Building to increase energy performance slightly raises the upfront price of a home (estimated from *we estimate \$7,000.00* 0.5% to 1.0% of total building cost by local building professionals)
- The cost of the independent third party (\$500 □ \$900) is incurred by the builder / homeowner

Also, what has not been taken into account is that when a mortgage company requires an appraisal of the new home, the appraiser will appraise the price of the new home based on the same size existing home. The new home will have to have a higher sales price based on the additional costs incurred for the Her 70 rating. However, since appraisers give no additional value in their appraisal to the Hers rating, the new home will appraise for the same price as existing sales. This means that the homebuyer will have to come up with the additional down payment over and above the appraise price of existing homes for the same size home. The analysis done by staff of the cost versus energy savings benefits assumes that the higher costs of building can be absorbed into the mortgage payment monthly. This is not the case for the reasons I just stated. So, it analyzes new homebuyers houses that are rated Hers 70 by several thousand dollars, making it less affordable to buy a new home and the down payment requirement to be higher.

Open space

On page 14 of the packet of staff's recommendations regarding open space, staff is recommending a mandatory 30% open space and any new housing developments, except in the agricultural and rural zones. It is however required in the rural fringe, and rural residential zones. The mandatory open space requirement reduces choice for homeowners to have larger lots rather than smaller lots with open space adjacent. Many homeowners consider it to be a viable choice to have a larger lot, especially in rural areas where they can have gardens, barns, stables, and agricultural projects rather than common open space. We believe that a cookie-cutter, one-size-fits-all approach that eliminates choice is not viable. We would rather see more options than a mandatory one-size-fits-all requirement.

Additionally, there are some problems we foresee with items 1, 3, and 6, on page 14. These items require the landowners, land be placed in conservation easements are designated as private open space, wherever these lands have been designated as Critical Habitat, listed on the state or federal Register of Historic Places with no means of compensation for the land owner. First, there already federal regulations that protect critical habitat, so this would be an additional layer of regulation. What happens in the event that an entire property is designated this way? The mandatory provision envisioned here would deprive the property owner of the use of their property without compensation.

I have attached an article regarding a report released by HUD about how regulations decrease affordable housing. I would like to quote just a couple of their findings:

"Complex environmental regulations can significantly increase the length and cost of home building review in a few approval processes,"

"Smart growth principles can be misused to justify limiting affordable housing production by restricting available land that could otherwise be developed."

"Slow in burdensome permitting and approval systems remain serious impediments to affordable housing developments, especially infill development in cities."

The point here is that no one is looking at the potential negative, unintended consequences of this comprehensive, complex plan. The County has spent over \$1 million on outside consultants formulating this plan. It would only take a small fraction of that to hire an independent consultant to look at the potential negative impacts on the cost of housing, infringement of property rights of the County citizens, and to the economy and job market in Santa Fe County, which is suffering like every other area of the country in the worst recession since the Great Depression. We recommend that the County do a study of the negative impacts and currently unforeseen and unintended negative consequences. The cost of such a study would be a small price to pay when compared to the costs that already been incurred just to outside consultants to formulate this plan and miniscule when compared to the damage that could be created by this plan without even taking a look at these consequences. There's an old saying, "Measure twice, cut once". We recommend this approach and erring on the side of caution.

Agriculture
regarding agriculture, staff is recommending as follows:

Agriculture and Ranching CDP

Agriculture and Ranching recommendations for implementation into the SLDC are described in the Memorandum and summarized below:

- 1. Allow Agricultural Uses to occur anywhere in the County.*
- 2. Allow community gardens, greenhouses, and accessory uses as a right by zoning district.*
- 3. Establish incentives and tools such as Transfer of Development Rights (TDR) and incentives program for agriculture and open space preservation.*

We agree on items one and two, which allow more options for agricultural use by right, thereby reducing the amount of regulation to some degree on agriculture. We are concerned about item 3, which recommends establishing a Transfer of Development Rights program. Since no material or information of any kind has been presented regarding recommendations for density in any area of the county, it is difficult to ascertain whether such a system would have any real benefit to agriculture. With the one-size-fits-all requirement for 30% open space, this provision would already require more density to compensate for the loss of 30% of each property. Depending on the density, the surrounding neighborhoods may not allow or support for an intensification of densities based on transferring development rights into a receiving site, thereby rendering the program unworkable. We will have more comments on the program if and when proposed densities are disclosed to the public.

Very truly,
Jerry Powers.
Southern Santa Fe County Landowners Association



About.com US Government Info

Regulations Close Doors to Affordable Housing, HUD Finds

Sec. Jackson issues a "call for action" to lower regulatory barriers.

By Robert Langley, About.com Guide

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Dateline: February, 2005

Excessive and often unnecessary regulatory barriers are closing the door to affordable housing for American working families, according to a massive report just release by the Department of Housing and Urban Development (HUD).

They are teachers, police officers, nurses, firefighters and returning veterans-the sort of people anyone would be happy to call a neighbor. Yet, in certain areas, these hard-working families are forced to commute long distances, or live in substandard or overcrowded housing because excessive regulations are artificially driving up the cost of housing. This is among the findings of a new report released today by Housing and Urban Development Secretary Alphonso Jackson.

"Why Not in Our Community?" is HUD's first substantive examination of the impact of regulatory barriers on affordable housing since the Department's groundbreaking 1991 Report "Not in My Backyard."

"This report is a call to action for government at every level to rethink its approach to affordable housing and begin asking, 'why not?'" said Jackson. "All of us need to raise the level of common sense to make sure we don't create man-made obstacles that close doors on the very people who should be our neighbors."

Like the "Not in My Backyard" study, this report finds that outdated, exclusionary and unnecessary regulations continue to block the construction or rehabilitation of affordable housing in some parts of America. "Why Not in Our Community?" also finds that many communities are actively removing these barriers and promoting the production of housing that was formerly beyond the reach of many working families. HUD's report points to a number of trends in today's housing market:

- Complex environmental regulations can significantly increase the length and cost of home building review and approval processes;
- "Smart growth" principles can be misused to justify limiting affordable housing production by restricting available land that could otherwise be developed;
- Impact fees may not reflect the true infrastructure costs of a development and can artificially inflate the cost of housing;
- Slow and burdensome permitting and approval systems remain serious impediments to affordable housing development, especially infill development in cities; and,
- Obsolete building and rehabilitation codes may not reflect modern building materials or methods for cost-effective rehabilitation.

What is a regulatory barrier?

Barriers are public statutes, ordinances, regulations, fees, processes and procedures that significantly restrict the development of affordable housing without providing a commensurate health or safety benefit. These barriers can effectively exclude working individuals such as teachers, police officers, firefighters, service personnel or nurses from living in the communities where they work. In addition, senior citizens often find it impossible to locate suitable homes or apartments near their adult children or young families may not be able to find a home in the communities where they were raised.

Changing the mindset

More than a decade after the publication of "Not in My Backyard," the regulatory climate is changing in many parts of America. "Why Not in Our Community?" found that many jurisdictions

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are reducing regulatory barriers to affordable housing, particularly in areas where the supply of affordable housing is increasingly scarce. These communities are rewriting their rules in such a way as to reduce the time and money required to build and rehabilitate homes. In some cases, these communities are lowering the cost of housing affordable to working families by tens of thousands of dollars.

In addition, HUD is reviewing all the federal regulations in the Department's program areas to determine if there are any unnecessary, duplicative or obsolete barriers. For the first time in the Department's history, all proposed regulations now must be reviewed for their potential impact on affordable housing before taking effect.

Book: "State and Local Affordable-Housing Programs"

[Complete Page 2](#)

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SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT HOME BASED BUSINESS DESIGN STANDARDS

DESIGN STANDARDS	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business	Exceptions
All licensees must reside on property				
PERMITTED USES	REFER TO USE LIST			Exceptions may be granted by the Hearing Officer based on location, lot size, hours of operation, number of employees or vehicles, screening, surrounding uses similar in nature, etc. and will be considered on a case by case basis. Any use not similar in nature to a business on the use list will be considered an exception and a hearing will be required.
FEES	REFER TO FEE SCHEDULE			
APPROVAL PROCESS	Administrative No Noticing Required	Administrative Ten Day Site Posting Required	Administrative Fifteen Day Site Posting and Certified Letters to Adjoiners, Community Meeting Required	Ministerial Twenty-One Day Site Posting, Newspaper Legal Notice, Certified Letters to Adjoiners, Community Meeting and Public Hearing Required
Minimum Lot Size/Zoning District	No Minimum Lot Size Permitted in All Districts	No Minimum Lot Size Permitted in All Districts	Must be located on parcel where a minimum of 50 percent of adjoining parcels are greater than 5-acres	
Maximum Area Utilized	25% interior, no exterior	30% interior, 600 S.F. exterior must be covered or screened	30% interior, 1500 S.F. exterior must be covered or screened	Determined via Submittal and Hearing Process
Water Restrictions	Per Plat or Water Restrictive Covenant (if none, cannot exceed 0.25 acre feet)	Per Plat or Water Restrictive Covenant (if none, cannot exceed 0.25 acre feet)	Per Plat or Water Restrictive Covenant, uses that require water beyond anticipated residential use (0.25 af/yr) will be required to submit a water budget to demonstrate use does not exceed availability. If on municipal system, letter from water provider required.	Per Plat or Water Restrictive Covenant, uses that require water beyond anticipated residential use (0.25 af/yr) will be required to submit a water budget to demonstrate use does not exceed availability. If on municipal system, letter from water provider required.
Application Renewal Period	5 years	5 years	3 years	2 years
NOTE: BUSINESS REGISTRATION RENEWALS ARE REQUIRED ANNUALLY				



SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT HOME BASED BUSINESS DESIGN STANDARDS TABLE A

DESIGN STANDARDS	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business	Exceptions
Employees	none	4 Maximum	6 Maximum	10 Maximum
Noise	not audible off property	not audible off property	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors
Signage	none	4 s.f., setbacks per sign code	10 s.f., setbacks per sign code	20 s.f., setbacks per code, location dependant
Vibration, Glare, Odor, Lighting	none associated with business	none associated with business	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors
Access	minimum driveway width 14'	minimum driveway width 14'	Frontage or direct access to publicly maintained roadway right-of-way, or notarized letters from all users or HOA associated with road easement maintenance	Frontage or direct access to publicly maintained roadway right-of-way, or notarized letters from all users or HOA associated with road easement maintenance



SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT HOME BASED BUSINESS USE LIST TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
ART RELATED ACTIVITIES			
Artists	x		
Art Appraisals	x		
Art Galleries			x
Art classes/workshops			x
Art Marketing		x	
Art Sales/Advertising (Internet)	x		
AUTO RELATED ACTIVITIES			
Automobile Repair			x
ANIMAL RELATED ACTIVITIES			
Boarding			x
Training			x
Breeding			x
Pet-sitting	x		
Grooming		x	
Black Smithing		x	
Farrier		x	
Riding Instruction			x
Saddlery/Tack fabrication		x	
Rodeos/Roping Events			x



SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT HOME BASED BUSINESS USE LIST TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
CONSULTANT RELATED ACTIVITIES			
Accountant		x	
Archaeologists	x		
Architects	x		
Attorneys		x	
Engineers	x		
Graphic Designers	x		
Computer Consulting	x		
Private Investigators		x	
Secretarial Services	x		
Photographers	x		
Surveyors	x		
Tax Consultants		x	
Web Advertising, Design, Development		x	
CONSTRUCTION RELATED ACTIVITIES			
Home Builders/Contractors			x
Cabinet Makers		x	
Plumbers		x	
Landscapers			x
Home Inspectors	x		
Handy Man Services		x	
Water Well Drilling		x	



SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT HOME BASED BUSINESS USE LIST TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
CONSTRUCTION RELATED ACTIVITIES, Cont			
Wood Working		x	
Electricians		x	
Welders			x
Irrigation/Rainwater Systems			x
Painters			x
HEALTH CARE RELATED ACTIVITIES			
Accupuncture Provider		x	
Chiropractor		x	
Counselor		x	
Home Health Care Provider	x		
Hypnotherapists		x	
Personal Fitness Trainer	x		
Phsyciatrist		x	
SERVICE PROVIDER RELATED ACTIVITIES			
Appliance Repairs			x
Audio Visual Production		x	
Bicycle Service/Repair		x	
Carpet/Upholstry Cleaning		x	
Clock Service/Repair		x	
Estate Planning	x		
Event Planning	x		



SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT HOME BASED BUSINESS USE LIST TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
SERVICE PROVIDER RELATED ACTIVITIES, cont			
Recording Service--Sound and Video		x	
Shoe Repair		x	
Snow Removal Service			x
House Cleaning/Janitorial Services		x	
Jewelry/Watch Repair		x	
Translators	x		
Tutors		x	



SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT HOME BASED BUSINESS FEES TABLE C

	NO IMPACT	LOW IMPACT	CONDITIONAL USE	EXCEPTIONS
FEES	Application: \$25.00	Application: \$50.00	Application: \$100.00	Application: \$100.00
	Business License: \$35.00	Business License: \$35.00	Business License: \$35.00	Business License: \$35.00
	Fire Impact Fee: n/a	Fire Impact Fee: varies	Fire Impact Fee: varies	Fire Impact Fee: varies
	Inspection Fee: n/a	Inspection Fee: \$75.00	Inspection Fee: \$150.00	Inspection Fee: \$75.00 - \$150.00
Special Fees (if required based on submittal)	N/A	N/A	Traffic Report: \$100.00	Traffic Report: \$100.00
			Noise Study: \$100.00	Noise Study: \$100.00
			Environs Study: \$100.00	Environs Study: \$100.00
RENEWALS	\$25.00	\$50.00	\$100.00	\$150.00

SANTA FE COUNTY
HOME BASED BUSINESS STANDARDS

CONCEPT CODE DRAFT
September 27, 2011

Standards to Establish Regulations for Home Based Business, Amending Ordinance 1996-10, Establishing the Requirements and Procedures for Obtaining a Development Permit for a Home Based Business,

ARTICLE 1

AUTHORITY AND PURPOSE

SECTION 1.1

STATEMENT OF PURPOSE

It is the purpose of these standards to promote:

- A. Stimulate economic development in the County by promoting home occupations and home businesses;
- B. Recognize the differences between residential communities throughout the County and provide standards for home based businesses with these differences;
- C. Ensure the compatibility of home based businesses with other uses permitted in the community, neighborhood or subdivision;
- D. Reduce vehicle miles traveled by providing opportunities for people to work from their homes;
- E. Maintain and preserve the character of the community and residential neighborhood;
- F. Mitigate noise, traffic and other possible negative effects of home based businesses;
- G. Streamline and simplify the application and approval process for certain home based businesses;
- H. Restrict alteration or substantial improvements to existing structures located within the floodplain;
- I. Minimize the damage to public facilities such as water mains, sewer lines, streets, roadways, and bridges and therein minimize expenditures of public monies for costly flood control projects;

SECTION 1.2

COMPLIANCE

No home business shall commence operation or change use without full compliance with the terms of this Ordinance and other applicable regulations. Existing Home based businesses shall not be subject to compliance with these standards until three years after their adoption by the Board of County Commissioners.

SECTION 1.3 ABROGATION AND GREATER RESTRICTIONS

These standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, easement, covenant or deed restriction, conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 1.4 INTERPRETATION

- A. In the interpretation and application of these standards, all provisions shall be:
 - a. considered as minimum requirements;
 - b. liberally construed in favor of the governing body; and
 - c. deemed neither to limit nor repeal any other powers granted under State Statutes.

SECTION 1.5 REPEALS

This Ordinance shall repealto be discussed/added. Need to discuss repeal of overlay districts to provide continuity.

ARTICLE 2

ADMINISTRATION

SECTION 2.1 ESTABLISHMENT OF DEVELOPMENT PERMITS

- A. It is recognized by Santa Fe County that certain home based businesses are an important aspect of the local economy. This being the case, home based businesses will be permitted anywhere in the County, provided all of the requirements of this Ordinance are met.
- B. Home based businesses may have impacts on traffic, surrounding areas, etc., while others have little to no impact. In an effort to expedite and enhance the review process, these various home based businesses have been categorized based on anticipated impacts. Each type of home based business shall apply for a Development Permit.
- C. No Development Permit is required in conducting garage or yard sales, holiday bazaars, or home parties unless these activities are held more than four times in a calendar year or operate in excess of fourteen (14) total days in a calendar year.
- D. The sale of Agricultural products raised or grown on a residential property are not subject to a home based business Development Permit. Note that certain Agricultural activities may be deemed a development of county wide impact and require separate permitting based on intensity or designation as a Concentrated Animal Feeding Operation as established by federal law.
- E. No Development Permit shall be issued for a Home Based Business where:
 - a. Code Violations are present on the property;
 - b. Adequate access is not available

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- c. Adequate infrastructure is not in place

F. Minimum submittal requirements, all home based businesses

- a. Development Permit Application
- b. Business Registration Application;
- c. Proof that property taxes on property where business is to be conducted are current;
- d. Recorded Warranty Deed;
- e. Copy of Recorded Plat of Survey;
- f. Notarized Letter of Consent from Property Owner;
- g. Proof of residency on property;
- h. Schematic Floor Plan of Residence, indicating area to be utilized in conducting the Home Business, including approximate overall square footage and square footage used for business
- i. Schematic Site Plan of the property including:
 - a. Location and square footage of house
 - b. Location and square footage of all accessory structures
 - c. Dimensions from property line to all structures
 - d. Street or roadway name
 - e. Site address
 - f. Driveway location and width
 - g. Parking location and number of spaces
 - h. Number of employees
 - i. Number of vehicles associated with business
 - j. Location of any proposed outdoor storage
 - k. Location and dimensions of proposed signage
 - l. Location of water source
 - m. Location of septic system or sanitary sewer

SECTION 2.2

**CATEGORICAL TYPES
ESTABLISHMENT OF USES and DESIGN STANDARDS**

Categorical types of Home Based Business are established in order to establish submittal, review and renewal criterion. Design Standards are summarized in **Table A**. The categories are:

A. No Impact Home Business (NIHB):

1. Location: can be located anywhere in the County.
2. Operator: The operator of the Low Impact Home Business shall reside in a dwelling unit on the subject property Employees:.
3. Total use of the business shall not exceed the 25% heated square footage of the residence.
4. Employees: No persons other than residents of the residential unit in which the home business is located shall be employees of the No Impact Home Business
5. Appointments: None

6. Hours of Operation: Hours of operation are not regulated as it is anticipated that no tangible evidence of the NIHB will occur during operation.
7. Building Space: The home based business shall be conducted entirely within the dwelling unit, but is limited to incidental use thereof.
8. Noise, Vibration, Glare, Fumes and Odors: The No Impact Home Business shall not create noise, vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.
9. Electrical Interference: The No Impact Home Business shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
10. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the No Impact Home Business shall occur, except as specifically allowed by the Sign Ordinance of the SLDC. Notwithstanding this provision, business logos flush mounted on vehicles used in the daily operations of the No Impact Home Business are allowed.
11. Signs: Signs shall be permitted pursuant to the Sign Ordinance of the SLDC, and require a separate permit.

B. Low Impact Home Business (LIHB):

1. Location: can be located anywhere in the County.
2. Operator: The operator of the Low Impact Home Business shall reside in a dwelling unit on the subject property.
3. Employees: The Low Impact Home Business shall have no more than 4 employees.
4. Appointments: No more than four per day.
5. Hours of Operation: All Employee ingress/egress activity must occur between the hours of 8 a.m. and 5 p.m. Monday through Saturday. Deliveries shall occur Monday through Friday during daylight hours.
6. Building Space: The Low Impact Home Business may be conducted in a dwelling unit but is limited to 30% of the total heated floor area of the residence.
7. Exterior Storage/Use of Accessory Structures: A maximum of 600 square feet of accessory space may be used for the Low Impact Home Business. If a portion of an accessory building is authorized for use in the LIHB, a partition wall of six feet shall separate the LIHB from the accessory building. A partition wall may include a door for ingress and egress.
8. Noise: Noise shall be regulated according to Ordinance 2009-11. A noise study may be required by the Code Administrator to demonstrate compliance.
9. Vibration, Glare, Fumes and Odors: The Low Impact Home Business shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

10. Electrical Interference: The Low Impact Home Business shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
11. Storage and Display: Up to 600 sq. feet for outside storage is permitted in conduction the Low Impact Home Business. No display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the LIHB shall occur, except as specifically allowed by the Sign Ordinance of the SLDC. Notwithstanding this provision, business logos flush mounted on vehicles used in the daily operations of the home occupation are allowed.
12. Signs: Signs shall be permitted pursuant to the Sign Ordinance of the SLDC, and shall require a separate permit. Maximum size of the sign shall not exceed 4 square feet, flush mounted, no illumination.
13. Traffic: The LIHB shall not generate more than 10 vehicle trips per day. This includes clients and employees.
14. Parking: Parking associated with the Low Impact Home Business shall be regulated as follows:
 - i. Vehicles associated with the LIHB shall not be stored, parked or repaired on public rights-of-way. On-site parking only.
 - ii. The maximum number of vehicles that are associated with the LIHB and located on the subject property shall not exceed 4 at any time.
 - iii. The LIHB shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of 5 ½ tons, except deliveries by parcel post or similar in-town delivery service trucks. Delivery services shall be limited to no more than 2 deliveries per day.
 - iv. The parking, storage, repair or use of any vehicle exceeding a gross vehicle weight of 5 ½ tons shall not be allowed by an LIHB.
 - v. Parking spaces needed for employees or customers/clients of the LIHB shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed and surfaced appropriately and may be required to comply with Americans with Disabilities Act.
15. Access: The subject property shall have frontage on, and direct access from, a constructed public, county or state road, or take access on an exclusive road or easement serving only the subject property. If the property takes access via a private road or easement which serves other properties, evidence must be provided by the Applicant, in the form of a petition that all other property owners who have access rights to the private road or easement agree to allow the specific home business described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.

C. Conditional Use Home Business (CUHB):

1. Location: The Conditional Use Home Business shall be located on a property where a minimum of 50 percent of adjoining properties are greater than 5 acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home business.
2. Operator: The operator of the home business shall reside in a dwelling unit on the subject property.
3. Hours of Operation: All Employee ingress/egress activity must occur between the hours of 8 a.m. and 5 p.m. Monday through Saturday. Deliveries shall occur Monday through Friday during daylight hours.

4. Employees: The Conditional Use Home Business shall have no more than 6 employees.
 5. Appointments: Not to exceed eight per day, as long as traffic restrictions are not exceeded.
 6. Building Space: The Conditional Use Home Business may be conducted in a dwelling unit but is limited to incidental use thereof and shall not exceed 50% of the total square footage of the residence. A maximum of 1500 square feet of accessory space may be used for the CUHB. If only a portion of an accessory building is authorized for use in the CUHB, a partition wall of 6 feet in height shall separate the CUHB space from the remainder of the building.
 7. Noise: Noise shall be regulated according to Ordinance 2009-11. A noise study may be required.
 8. Vibration, Glare, Fumes and Odors: The CUHB shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
 9. Electrical Interference: The Conditional Use Home Business shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
-
10. Storage and Display: Outside storage is allowed but must be included in the 50% allocation. Display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the Conditional Use Home Business shall not occur, except as specifically allowed by the Sign Ordinance of the SLDC.
 11. Signs: Signs shall be permitted pursuant to the Sign Ordinance of the SLDC.
 - i. Notwithstanding this provision, business logos flush mounted on vehicles used in the daily operations of the home occupation are allowed.
 12. Traffic: The Conditional Use Home Business shall not generate more than 20 vehicle trips per day.
 - i. If a proposed use exceeds this volume of traffic associated with a residence (10 trips per day), a Traffic Impact Analysis will be required.
 13. Parking: Parking associated with the CUHB shall be regulated as follows:
 - i. Vehicles associated with the CUHB shall not be stored, parked or repaired on public rights-of-way. On-site parking for all associated vehicles must be provided.
 - ii. The maximum number of vehicles that are associated with the CUHB and located on the subject property shall not exceed six at any time, including, but not limited to, employee vehicles, customer/client vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from public view. Any additional storage or accessory use area shall be calculated as part of the allowable 50% total square footage of the residence.
 - iii. No more than one vehicle shall be located on the subject property at one time that exceeds a gross vehicle weight of 5 ½ tons.
 - iv. Parking spaces needed for employees or customers/clients of the CUHB shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed and surfaced appropriately.

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- b. Access: The subject property shall have frontage on, and direct access from, a constructed public, county or state road, or take access on an exclusive road or easement serving only the subject property. If the property takes access via a private road or easement which serves other properties, evidence must be provided by the applicant, in the form of a petition that all other property owners who have access rights to the private road or easement agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.

D. Exceptions:

The Hearing Officer may approve a Conditional Use Home Business that includes an exception to any of the standards identified in the previous sections, if the applicant provides evidence substantiating the following:

1. The subject property takes direct vehicular access to a road with a functional classification of collector, minor or major arterial or freeway/expressway as identified in the Sustainable Growth Management Plan.
2. The use remains compatible with the residential neighborhood.
 - a. The more standards exceeded, the more difficult it may be to demonstrate compatibility within the neighborhood and, thus, the need for the proposed use to seek a commercial location;
 - b. The character of the area or neighborhood, including such factors as the size of the lot, the presence of similar uses, proximity of other residential dwellings, the level of surrounding traffic, the size of the accessory buildings, background noise levels, and other storage uses;
 - c. The ability to mitigate impacts by screening, landscaping, building location, building design, and other property improvements (for example, driveway or roadway improvements);
 - d. Potential environmental impacts, including effects on air and water quality and availability; and
 - e. Provision of adequate and safe access to public, County or state roads.
3. The Hearing Officer shall consult existing Community Plans applicable to the property and shall solicit comments and recommendations from area Community Organizations (CO's). All Registered Organizations (RO's) associated with or adjacent to the subject property shall be consulted.

E. Use List: Uses are described for each Category as listed above in **Table B** of this Ordinance.

SECTION 2.3

ESTABLISHMENT OF APPLICATION AND RENEWAL FEES

These standards establish fees for application and renewal as described on **Table C**. Renewal fees for Business Registration is managed and charged separately and this fee is determined by New Mexico Statute and Ordinance 2010-.