

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 241

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Deputy Marcella Salazar Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 9, 2013

Kathy Holian, Chair – District 4
Danny Mayfield, Vice Chair – District 1 (telephonically)
Robert Anaya – District 3
Miguel Chavez – District 2
Liz Stefanics – District 5

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

April 9, 2013

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the IT Department Marlene Garcia and Jim Sisneros led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Geraldine Salazar which indicated the presence of a quorum as follows:

Members Present:

- Commissioner Kathy Holian, Chair
- Commissioner Danny Mayfield, Vice Chair [telephonically]
- Commissioner Robert Anaya
- Commissioner Miguel Chavez
- Commissioner Liz Stefanics

Members Excused:

[None]

V. MOMENT OF REFLECTION

Sam Page, IT Director, led the Moment of Reflection.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

CHAIR HOLIAN: Any suggested changes, Katherine?

KATHERINE MILLER (County Manager): Yes, Madam Chair. On page 2, item XI. B has been tabled. Item XI. F, there is a change in the actual caption itself but it's the same item that was noticed. And under the Public Hearings, items XVI. 2 and XVI. 3 are tabled.

Also, you may want, just for purposes of keeping things together, the item XI.D, you might want to move that one to the end because item XIII. A. 1 is also an NCRTD item.

CHAIR HOLIAN: Thank you, Katherine. Commissioner Anaya, is that okay with you? XI. D is a resolution and it is related to, or is on the same topic to a certain extent as item XIII. A. 1, so we'd bring those two together?

COMMISSIONER ANAYA: Madam Chair, are you saying you'd like to bring it up? Because I'd actually like to bring it up to D.

CHAIR HOLIAN: Actually, it's bringing it to the end of the Matters in item

XI. So it's bringing it down.

MS. MILLER: I just wanted to try to get them to be heard together.

CHAIR HOLIAN: Oh, I got you. But you're talking about still under Matters from the Commission?

MS. MILLER: Yes, that's correct.

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

CHAIR HOLIAN: Okay. Are there any other changes from the Commissioners? Do I have a motion?

COMMISSIONER STEFANICS: I'll move for the amended agenda.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I have a motion and a second. Commissioner Mayfield, are you on the line?

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

CHAIR HOLIAN: I will just say in introduction that the land use section of our agenda might be quite lengthy. Many members of the public will be here and so I would like to move through the rest of the agenda hopefully as efficiently as we can so that we do not cause the members of the public to have to wait too long for the land use meeting this evening which is scheduled to start at 5:00.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR HOLIAN: I will just note that there are no resolutions on the Consent Calendar. Are there any withdrawals?

COMMISSIONER STEFANICS: Madam Chair, I'll move for approval of the Consent Calendar.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

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

XII. CONSENT CALENDAR

A. Final Orders

1. CDRC CASE # V 12-5111 William Frederick Wagner Variance. William Frederick Wagner, Applicant, (Sommer, Karnes & Associates, LLP), Joseph Karnes, Agent, requested a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 31.824 acres into two lots; one lot consisting of 20.990 acres and one lot consisting of 10.834 acres. The subject property is located at 45 La Barbaria Trail, within

- Section 9, Township 16 North, Range 10 East (Commission District 4). Denied 4-0, Wayne Dalton**
2. **BCC CASE # MIS 12-5460 Steven & Lana Park Vacation of Easement.** Steven & Lana Park, Applicants, (Southwest Mountain Surveys) Gabriel Pacheco, Agent, Request Approval to Vacate a Platted Ten Foot (10') Wide Private Utility Easement on 5.054 Acres. The Property is Located at 29 Conejo Trail, within Section 5, Township 17 North, Range 9 East (Commission District 2) Approved 4-0, Miguel "Mike" Romero, Case Manager
 3. **BCC CASE # MIS 13-5010 Joseph V. Guerrero Vacation of Easement.** Joseph V. Guerrero, Applicant, (Del Rio Surveys Inc.) Philip Wiegel, Agent, Request Approval to Vacate a Platted Archaeological Easement on 4.02 Acres. The Property is Located at 46 Cerro Blanco Road, within Section 32, Township 15 North, Range 10 East (Commission District 5) Approved 4-0, Miguel "Mike" Romero, Case Manager

VIII. APPROVAL OF MINUTES

A. Approval of March 12, 2013 BCC Meeting Minutes.

CHAIR HOLIAN: Any changes from staff or the Commissioners? Is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

CHAIR HOLIAN: Is there a second?

COMMISSIONER STEFANICS: Second.

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

IX. PROCLAMATIONS AND PRESENTATIONS

A. A Proclamation to Celebrate the Month of April 2013 as National County Government Month, "Smart Justice: Creating Safer Communities"

COMMISSIONER STEFANICS: Thank you, Madam Chair. I would like to read the proclamation and then move and ask for a second, and I know that all of the Commissioners work together to make our County and our community safe, and I thank everybody, including staff for their efforts, and we'll probably ask for Mr. Sedillo to make a couple comments after we move this.

Santa Fe County Proclamation, a proclamation to celebrate the month of April 2013 as National County Government Month: Smart Justice: Creating Safer Communities.

Whereas, the nation's 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans;

Whereas, Santa Fe County and all of the other 33 New Mexico counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in

sensible and cost-effective ways;

Whereas, county governments are often the entity providing both direct and indirect service to enhance the lives residents and are responsible for maintaining public safety and the efficient use of local tax dollars;

Whereas, currently more than 13 million individuals are booked into county jails each year across the country and more than 7,000,000 individuals are booked into various state and federal prisons;

Whereas, each year since 1991 the National Association of Counties has encourage counties across the country to promote their own programs and services to the public they serve and in Santa Fe County.

Now, therefore, be it resolved that the Santa Fe Board Of County Commissioners does hereby proclaim April 2013 as National County Government Month and encourages all County officials, employees, schools, and residents to participate in county government activities, including safety activities. Signed and dated on this 9th day of April by Commissioner Kathy Holian, Commissioner Miguel Chavez, Commissioner Liz Stefanics, Commissioner Daniel Mayfield, Commissioner Robert Anaya and our County Manager Katherine Miller, our County Clerk, Geraldine Salazar, and Willie Brown for Steve Ross, our County Attorney.

I would move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Okay, we have a second.

COMMISSIONER STEFANICS: If we could take the vote and then ask for comments.

CHAIR HOLIAN: Okay. We have a motion and a second for approval of the proclamation.

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

COMMISSIONER STEFANICS: Mr. Sedillo, do you want to make a few comments about our safer communities and the efforts that Santa Fe County is going through? Just very briefly.

PABLO SEDILLO (Public Safety Director): Madam Chair, Commissioner Stefanics and all the Commissioners. Thank you very much for giving me the opportunity to say something about our Public Safety. All the men and women who provide the public safety in our community in Santa Fe County are very dedicated and committed in what they do. They have a vested interest in Santa Fe County and that's what really makes it very pleasurable to work hand in hand with those individuals. They provide a safe community, they provide individuals who come into our institutions, they treat them with dignity. We have no issues with them whatsoever in regards to what they've done. They treat them with dignity. [inaudible]

So I want to thank all the people in Santa Fe County who provide public safety in their communities.

COMMISSIONER STEFANICS: Thank you.

CHAIR HOLIAN: Thank you, Mr. Sedillo, and thank you, Commissioner Stefanics for bringing this forward. I just have one question. Are there any scheduled activities?

COMMISSIONER STEFANICS: For this week I would like to let the public know that there was a juvenile inspection last week by our County Commissioners. Three individuals were able to take part in that and were able to revisit our juvenile detention and our adult detention facilities, and we'll hear more about that later. But those are just some of the activities that we have for public safety. If you think about public safety, it's the Regional Emergency Call Center, it's the paramedics, it's the Fire Department, it's many people who will speak to us in the coming months and let's hope – knock on wood or whatever we do to knock on wood so that we do not have any forest fires in our community. And for public safety, the range is really broad. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, thank you very much for bringing this forward. It's always very crucial and important to provide an awareness of what we do in County government and the recognition that what we do in County government is direct services for people that need services day in and day out, and also the additional awareness of creating safer communities. So thank you, Madam Chair and Commissioner Stefanics for your work and efforts on this.

CHAIR HOLIAN: Thank you, Commissioner Anaya.

IX. B. A Proclamation Honoring Denise Lamb for Her Outstanding Service as Chief Deputy Clerk for Santa Fe County

COMMISSIONER STEFANICS: Thank you, Madam Chair. And on behalf of all the Commissioners, not just myself, and with the extensive assistance of our County Clerk, Geraldine Salazar and her entire staff, I have this very commanding proclamation that we would like to read into the record and then vote on, and then hear comments about Ms. Denise Lamb.

The Board of County Commissioners of Santa Fe County. A proclamation honoring Denise Lamb for her outstanding service as Chief Deputy Clerk for Santa Fe County.

Whereas, Denise Lamb was born in California and grew up in Sonora and Twain Harte, California;

Whereas, she attended Modesto Junior College and Northern NM Community College;

Whereas, she moved to northern New Mexico in the 1970s where she first lived in an old adobe house without running water, became an integral part of the Chimayo community by campaigning to start the Chimayo Library, by participating in the John Hyson Memorial and Chimayo Elementary Schools and by serving as a commissioner of the Acequia del Potrero, raised her two children while going to college and holding down a full-time job of recording minutes for both Santa Fe City and County committees;

Whereas, she married Michael Lamb, who shares her love of farming and whom she eventually cajoled into being a poll worker;

Whereas, in 1991 she began working for the Secretary of State Office as a legislative analyst and then, under the mentorship of Hoyt Clifton, learned about election administration;

Whereas, under Secretaries of State Stephanie Gonzales and Rebecca Vigil-Giron, she served as State Director of Elections and Ethics from 1994-1997 and 1999-2004, ensuring that elections were fair and open by

- Meticulously running and canvassing eight statewide/national elections,
- Writing quality legislation and rules to promote elections,
- Implementing both the National Voter Registration Act and the Help America Vote Act and writing state compliance plans and administrative rules to support the acts,
- Beginning the process of an integrated statewide voter file and securing funding to continue the program,
- Implementing disability access review of polling places and voting systems in response to the Americans with Disabilities Act,
- Serving as a witness in countless election-law court cases, often under great pressure and stress, taking the steadfast position that the right to vote is the bedrock of our democracy;

Whereas, Denise earned a reputation among legislators and governors of both political parties not only because of the quality of the legislation and rules she wrote, but also because she was a straight shooter who told the truth;

Whereas, she served on state and national committees and was recognized for her service in:

- The National Association of State Election Directors, where she held every office on the Executive Board and served on the Voting Systems Standards and Accreditation Board where she helped draft the 2002 Voting Systems Standards,
- The Federal Election Commission, whose mission is administering and enforcing campaign finance laws,
- The NM County Clerk's Affiliate, where she served on the Legislative Committee and helped clean up the NM Election Code as well as laws on marriage and recording;

Whereas, in 2005, she became Chief Deputy Clerk for Santa Fe County under former County Clerk, Valerie Espinoza, and is retained to this day by newly elected Santa Fe County Clerk, Geraldine Salazar;

Whereas, in her role as head of the Santa Fe County Bureau of Elections she

- Learned the business of running elections at the local level by doing all the jobs (front desk, data entry, programming voting machines, mailings, etc.), so that she could distribute work evenly and help her staff members when needed,
- Brought a new level of accountability and professionalism to the Bureau of Elections, which will continue when she leaves,

- Allowed her staff to think independently without intimidation and gathered good ideas from everyone as a result,
- Developed an outstanding training program for poll workers,
- Showed by example how to treat voters with the dignity and attention they deserve,
- Instilled in all county elections workers the importance of being impartial and apolitical when running elections;

Whereas, her continuing legacy includes

- Serving as a resource and roll model on election code and rules for county clerks and their deputies throughout the State, for the City of Santa Fe, and for the State of New Mexico,
- Providing continuing advice on legislation dealing with all aspects of County Clerk offices,
- Being a watchdog for federal elections laws, such as the Help Americans Vote Act and the National Voter Registration Act.

Now, therefore, be it resolved by the Santa Fe Board of County Commissioners that Denise Lamb be recognized for her outstanding contributions as Chief Deputy Clerk for Santa Fe County; be acknowledged for her devoted public service and honored for her commitment to open and fair elections. Signed and dated this 9th day of April, 2013.

Madam Chair, I move for approval.

CHAIR HOLIAN: Second.

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

CHAIR HOLIAN: First of all, I will ask is there anybody who would like to come forward to say a few words? Our County Clerk first?

GERALDINE SALAZAR (County Clerk): Madam Chair, Commissioners, on behalf of the Clerk's staff and the County Clerk, we want to thank Denise for her outstanding public service and thank you for this recognition. Denise does not like to draw any attention, but she is willing, deserving of any honor you can bestow. And thank you for providing this opportunity.

CHAIR HOLIAN: Thank you. Is there anyone else who would like to speak? Okay, Commissioner Chavez.

COMMISSIONER CHAVEZ: Ms. Lamb, I want to congratulate you for this occasion. I think that the proclamation spoke to your commitment and to your tenacity in making sure that things were done right. And I was just getting to know you but I know that your work will stay and the efforts that you have put into your office or into the office will be permanent, and so we can only build on that. So my hope is that you now will have time for you and your family and that the foundation and the legwork that you have set in place will only help us do our job. So thank you for the time that you've put in. Now it's your time.

DENISE LAMB (Bureau of Elections): Thank you.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Denise, we've known each other for some time and had many, many discussions and I want to say thank you very much for all that you have done and for the citizens and for all of us that have raised questions, I want to accentuate two words that I think the resolution/proclamation clearly articulates. I ditto, agree with everything that they've said but I would accentuate straight-shooter as one of the things that really stuck out in my mind when I heard this and read this, and the other thing before the Now, therefore, be it resolved would be with one hand tied behind your back.

But you've done a fantastic job and have done many things in the community that are near and dear to your heart that come out very clear to us, not only in the words in the page but in your actions and your everyday life. So I very much from the bottom of my heart thank you very much.

CHAIR HOLIAN: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: I just have one other comment I'd like to make about Denise. Denise has also had experience on the other side of voting. She actually, on her time away from her official duties assisted me in a recount at one time and that is very difficult. Every time that a person loses an election, and she was very gracious to go with me to another county to help look at votes in that county and I thank you very much personally for that volunteer activity. Thank you.

COMMISSIONER STEFANICS: Denise, I just want to say that in all my years that I've been a member of the League of Women Voters, I have to say that you gave the best talk that I ever heard at a League of Women Voters meeting and it was sort of like, for those of you who remember the old Art Linkletter show, Kids Say the Darnedest Things? The subject of yours was people running for office and constituents say the darnedest things. And it really was the funniest talk that I've ever heard, and I hope it will be the start of a book that you're planning to write about your experiences.

And I think that we have been very, very fortunately in Santa Fe County to have you as the director of the Bureau of Elections, and I know that there's many, many occasions when I have gotten asked by my constituents about our elections and asked whether it would be possible to stuff a ballot box or throw away a ballot box and whether we really, truly have fair elections and I say, you know, there's not too many things that I'm sure about in life but there is one thing that I am as sure about as the fact that night follows day and day follows night and that is that the elections in Santa Fe County are completely honest, and that is thanks to the leadership of Denise Lamb.

And so anyway, I just want to thank you for all of your years of service and wish you luck in whatever comes next in your life. Commissioner Mayfield, would you like to say anything?

COMMISSIONER MAYFIELD: Madam Chair, I would. Also, I just want to know that we're [inaudible] In the time that I've known you you have brought the highest ethical standards to all of the government agencies you've worked with. You've worked with many government agencies and I just want to say that your consummate professional expertise will be missed by far and I just hope [inaudible] Thank you so much for your service [inaudible]

CHAIR HOLIAN: Okay. Thank you. So, Denise, would you like to say a few words?

MS. LAMB: Yes, thank you. And I want to thank all of you for this singular honor. It's been my honor to serve the citizens of Santa Fe County and it's been made easier since I've had the confidence of the County Commission and the County Clerks I have worked for. I've been fortunate that I've been able to run our elections and keep us out of the newspapers for the most part, which is always a goal. But the larger goal is the mission that we have to bring transparent, fair and honorable elections where each voter has an opportunity to express that intangible highest ideal of democracy, of going to fairly and freely cast a ballot.

People don't know how precious it is until they lose it, and it's been a singular honor in my professional career to be able to help people to do that. And I want to thank other people here at the County because the elections that we run, we can't just do it by ourselves, with the Bureau of Elections. It's a much larger project. It's rolling out a small army of people for one day to 87 polling places, 88 polling places, someday 89. And that is a huge undertaking. And we need to have many County departments to do that. We've had over the years of course the building services people help us, the Finance Department helps us. The Fire Department, the Manager's Office is always very helpful.

And last but not least I really want to thank the IT Department. Now, elections have changed drastically in the last 20 years since I started working elections and they are completely driven now by information technology issues. If we lose a wireless connection at one of our early sites, we're dead in the water and those voters are standing in line. And so I would like to leave you with a cautionary note not to overlook the IT Department. Everything at the County now, all counties is driven by IT. It has become so important to our lives. If things go down we can't serve the public. It's a basic, backbone service that we provide.

The other thing, I'm not going to overlook that are sitting right behind me. The people, staff, Clerk's staff, would you stand up please. These people would rather die than foul up. They are on a mission, and each and every one of them brings skills, honor, decency, integrity, intelligence, all the things that you need to bring to our election process. They are a unique and outstanding group. They're a group that without them I would have been nothing. I would never been able to do a thing without these people.

So thank you again for your confidence and I wish you well as elected officials in the future and thank you for everything.

CHAIR HOLIAN: Thank you. So we need to present the proclamation to you and pictures. Don't go away.

COMMISSIONER ANAYA: I think those comments deserve another round of applause.

[Photographs were taken.]

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I saw on Friday at Denise's party that she had some major dignitaries coming through and I think that some of the newspapers came

through at the very last minute to try to see what kind of pieces of gossip they could pick up to put into the newspaper, because Denise has always been so professional and right there she was at the edge of her party and I think they were hoping to hear something or see something. Denise, all those dignitaries speak to exactly what we were talking about today.

IX. C. Recognition of the RECC Employees in Accordance with the Observance of National Public Safety Telecommunicators Week, April 14 – April 20, 2013

KEN MARTINEZ (RECC Director): Madam Chair, Commissioners, thank you for the opportunity to come up here and talk a little about the RECC and the employees we have. The week of April 14th through the 20th has been declared to honor the men and women across the country who serve as public safety telecommunicators. The idea for this was first thought up in California at the Contra Costa County Sheriff's Office where they initiated the practice of honoring the telecommunicators and for about three years it was practiced [inaudible] until the Association of Public Safety Officials became involved and certain centers around the region started to also celebrate this.

In about 1991, the APCO organization convinced Congress that there was need for a formal proclamation. So on October 9th of that year Representative Edward Markey from Massachusetts introduced what became Resolution 284 to create National Public Safety Telecommunicators Week. According to congressional procedure it was introduced twice more in 1993 and 1994 and then after became permanent without the need for a yearly introduction.

So cities and counties throughout the state celebrate this week in honoring the men and women who serve kind of behind the scenes in public safety and who are there at every call before any of the first responders and who more often than not are overlooked when the thanks go out to the police and the firemen. A lot of people don't remember that there's a large group of people who are certified and trained professionally to take those phone calls and dispatch those units. So this is a great opportunity for us to recognize them for the work that they do, for the role that they play in public safety and local government, and so we like to within the RECC honor them that week. We'll sometimes get things for them, get them lunches and things of that nature. I think this year we're going to try to plan an appreciate day for the staff and do a lunch, maybe some activities. More than anything we want to recognize what they do in their employment, what they do day in and day out without the recognition, without the thanks, because they're behind the scenes. They're the ones that are there, the first-first responders as we like to call them.

So that is for what I'd like to have us recognize for this week, April 14th through the 20th. And with that I would like to go on to the next because I have several of the people that graduated.

CHAIR HOLIAN: Okay, well, first the Commissioners want to make some comments. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, so do you need a motion to move on the recognition for the week? Is that what you're asking for, Mr. Martinez?

MR. MARTINEZ: Madam Chair, I think at this time I'd just like to recognize this nationally recognized week just to appreciate what they do. For next year I can move to do an official proclamation so that the County itself can recognize this on its own.

COMMISSIONER ANAYA: Madam Chair, I have some comments but I think I'm going to wait until after this section that he's going to do right now.

CHAIR HOLIAN: Okay. Any other comments at this point?

IX. D. Recognition of RECC Employees Upon Graduation From the State Law Enforcement Academy, and of Patricia Lucero for Earning Valedictorian of the Class

MR. MARTINEZ: Madam Chair, thank you. Commissioners, we're moving to the next item of the agenda. I would like to take this opportunity to thank you again for letting us come up and recognize the RECC employees that I have here behind me. They're at a point right now where they've completed a year of training within the RECC. They've gone through initial on the job training and now they've actually completed an academy through the New Mexico Law Enforcement Academy. New Mexico, as I mentioned before is one of the only states in the nation that requires professional certification as a public safety telecommunicator. Everyone who is an operator that's hired within the state of New Mexico, within one year of employment is required to attend the state Law Enforcement Academy. At the academy they spend three weeks – they wanted to make it shorter, but three full weeks attending courses in everything from call taking and radio communications to principles of law and critical incident management.

Then they are tested on subjects that related to all aspects of the job they are going to be asked to perform once they sit at the center's consoles. They have to know the difference between larcenies and burglaries, what persons are going to be charged. That's just the law enforcement side. On the medical side they need to be trained to assist and give medical direction to the people calling in to 911 when things go wrong.

Each weekday in the academy course they are tested at the end of the week on each area that was covered and at the end they take a final examination to get their certification as a public safety telecommunicator and graduate the academy. Along with telecommunicators from all around New Mexico, as I mentioned we have 47 PSAPs throughout the state that all send their employees to the academy and train them in these procedures. With all of them, five of our employees attended this last academy. They are Dominic Quezada, Hanna Padilla, Adrianna Bustos, Christopher Flores, and Patricia Lucero.

I would like for you to help me thank them for the hard work it took in completing coursework to graduate from the academy and for obtaining their public safety telecommunicators certification. In addition, and this is a really special thing for me as a director, I would like to individually recognize Patricia Lucero who out of all of the students throughout the academy was able to earn the highest overall score and graduate as valedictorian of the academy. This is a huge accomplishment as the coursework is extremely challenging and the job that they do is tough. What they're asked to do and attain and learn

and know on a day-to-day basis is huge. I myself as a telecommunicator, I've been through the academy and I can tell you that the coursework is challenging. So this was huge.

It also gives Santa Fe County and the members of Santa Fe County [inaudible] and throughout the state as I mentioned earlier because the 911 directors all like to see their operators go and strive for that honor. So with that I would like to congratulate Patricia and all of the academy graduates from the RECC. As I said, this is a culmination of over a year of training. It's a year before they can be on their own on consoles and be fully trained and this group of individuals in general have completed that. So they will be now able to sit on their own and take the calls from the public and provide the services that are so critical to the public.

CHAIR HOLIAN: Thank you. Congratulations.

MR. MARTINEZ: Madam Chair.

CHAIR HOLIAN: Yes. Commissioner Anaya, we're going to do a photo. Yes.

MR. MARTINEZ: Well, I just wanted to make the public aware and congratulate Patricia. When she graduated the academy they presented her with this upon her graduation. It's the New Mexico Department of Public Safety Law Enforcement Academy Valedictorian, presented to Patricia Lucero, Public Safety Telecommunicator Class #122, March 4, 2013 through March 22nd.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you very much. Just a few things. I know there are some family members here of the graduates, if they could please stand and be recognized. Thank you for your efforts and your sacrifices and the fruits of your labor are in front of you and you should be very proud. Let's give the family members a round of applause. Madam Chair, Commissioners, for the records and the minutes, I would like the record to reflect that the recognition comes from Mr. Martinez as well as Ms. Miller and all five County Commissioners to be put on the record. I would also ask you, Mr. Martinez, to work with our liaisons to put together some certificates from the Board of County Commissioners, signed by all five of us and the Manager as well and yourself, acknowledging those efforts.

Ms. Lucero, I was watching you as Mr. Martinez was expressing the work that you did throughout the course and I wanted to say that you took it like your parents would take it. Kind of like, no big deal, all in the course of business. Congratulations for your selection as valedictorian of the class and to each and every one of you, congratulations on your efforts.

Just a quick story, because I can't pass it up, Patricia. I know both your parents and I had the privilege and honor of working with Susan Lucero, who's sitting right there in the back. Susan, if you could stand up again. I have to tell the story that Susan worked with Katherine and I at the County and when I would get on Katherine's bad side or would frustrate Katherine, Katherine would tell Susan, Susan, would you talk to him and get him to understand what's going on. But I really appreciate it. It's good to see you, Susan and Mr. Lucero and congratulations to each and every one of you. Madam Chair, once the comments are done I think it would be nice to get a picture with the group today. But thank you very much for what you do. Good job. You have a tough job that you do day in and day out, 24/7, and it's very much appreciated by each and every one of us on the Commission.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I would agree with Commissioner Anaya and Mr. Martinez, don't wait to do a certificate of recognition for these employees. Certainly we don't want to wait a year. I think that this demonstrates that we have a group of employees that are clearly committed to the job and their career I think that they're going into. And I thought I knew a little bit about the RECC but to know the background and the training that is involved adds a whole other layer to it that I really was not familiar with. So I really appreciate that, because we need that quality in all of our employees and this group of employees just coming into the system demonstrates that we have that commitment and we need to support our employees as much as possible. To the valedictorian, congratulations. You make us shine and you help us do our work. So I can only hope that your commitment will be long-lasting and that you'll have a long and prosperous career with the County. So thank you for all of your efforts and let's get that certificate or recognition before us at the next County Commission meeting. Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to offer congratulations to all the graduates and I want to just instill in you and I'm just repeating what you already know, but for the public to remind them, that you are the voices on the phone when somebody calls in panic, when somebody calls to report something horrible, when somebody is looking for help, when somebody wants to know, who's going to come help me? How quickly? That you really are the people who are going to assist with advice, with calming people down, and with helping them to take their next step. So thank you very much for making this commitment to your new jobs and your graduation. Thank you.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. I also just want to thank you all for your commitment and to all the employees, Mr. Martinez and I'm sorry I'm not there personally to recognize you. Also as Commissioner Stefanics and the other Commissioners alluded to, and so our public know, you provide service 24 hours a day, seven days a week, 365 days a year and that's very important, the services you do provide for our community and you take those phone calls and you help people day in and day out. Thank you again for the commitment. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. And I just again want to thank you all for your accomplishments. It just so happens that in 1981, when the idea of having public safety telecommunications Week was first conceived, I happened to be living in Contra Costa County at that very time. I was living in Walnut Creek, California. And I'm sure it was in the newspaper, and I probably read it and it kind of went in one ear and out the other, but now, now, I am very, very aware of the vital role that you play in our Regional Emergency Communications Center and the role you play in making our county a safer place to live. And it's only fitting, I think, that now we actually have a National Public Safety Telecommunicator Week. That's a hard word to say, to honor the service of all the men and women who work in Regional Emergency Communication Centers all over the United States. And I want to commend all of you on your accomplishments at the academy and I want say a special congratulations to Patricia Lucero as valedictorian, and I'm just wondering, did you have a graduation ceremony and did you give a valedictory speech?

PATRICIA LUCERO (RECC): Yes.

CHAIR HOLIAN: Maybe you can say a few words from your valedictory speech to us. Patricia.

MS. LUCERO: I just want to say, in the short time that I've been at the RECC it's been not only challenging but very humbling and rewarding. We all do a great public service 24 hours a day, which can be hard but it's an experience that I wouldn't change and I'm very blessed to be at the RECC.

CHAIR HOLIAN: Okay. Thank you. So again, thank you and we will do pictures and soon, certificates.

[Photographs were taken.]

IX. E. A Presentation on the REDI Net Broadband Development and Operations – US Department of Commerce, Broadband Technology Opportunity Program ARRA Funded Initiative to Construct an Open Access Broadband Network in Northern New Mexico

CHAIR HOLIAN: I will just introduce Duncan Sill who will be giving the presentation. He's formerly of Santa Fe County and now he's with the North Central New Mexico Economic Development District, and I'll just start off by saying the REDI-Net broadband network is a high-speed broadband communication services network and it's much more than just a high speed way of doing on-line shopping and checking your email and your Facebook. It also has a lot to do, especially in rural areas, with providing more opportunities for people to have educational services, healthcare services, public safety and very importantly too, economic development. And so now Duncan will give us an update on where this network is. So, Duncan.

DUNCAN SILL: Madam Chair, thank you, Commissioners. Good afternoon. Before I begin I just want to introduce Tim Armer who is the executive director of North Central New Mexico Economic Development District. It so happens that the last two agenda items addressed the need for telecommunications and Denise – I didn't get a chance to really visit with her. When I was here she was definitely one of the first friendly faces that I saw every morning. She was one of the early birds. So I just wanted to extend my gratitude to her presence here.

Anyway, by introduction of this presentation I will probably need about three to five minutes to go through the context and the background and the benefits of this network. As Commissioner Holian alluded to, this network is 140+ mile fiberoptic development in northern New Mexico which is the partnership and the outcome of nine local jurisdictions and tribal governments in this region. So I'm going to talk a little bit about what it is, how it began, what's happening right now with the construction activities and what's next, and what are some of the direct benefits for Santa Fe County.

So back in 2007, the regional local jurisdictional partners got together and developed what was known as the Regional Economic Development Initiative. Out of that, broadband infrastructure was identified as the one priority deficiency in terms of infrastructure needs. And in 2008, with the financial crisis there was opportunity through the US government for stimulus funding, and leading into 2009, the region got together and put together a

partnership to apply for funding from the Department of Commerce. Shortly after that, in 2010 we were fortunate enough to get funding in the amount of \$10.6 million to consider this development project.

At the same time there were also other entities within this region including Kit Carson Electric Co-op that received funding and were identified as a partner with our particular efforts. So we were able to bring almost \$75 million worth of assets into this region to address this particular need. In 2011 construction was actually begun in the summertime.

Again, the coverage area encompasses most of northern New Mexico, north central New Mexico going north from the north side of the City of Santa Fe all the way up to Embudo and Dixon, passing Tesuque and Pojoaque Pueblos, into Espanola and Rio Arriba, crossing over Santa Clara and Ohkay Owingeh territory, and then to the west it passes through San I and into Los Alamos. So it's a fairly large area in geographic coverage. And it's mostly – the terrain, as you guys are very familiar with, is rural. It's difficult to navigate through, but we were fortunate enough to have a team of people to help us figure that out.

So currently, at the end of March 2013, two years after the construction has begun, we're now 90 percent complete with our construction activities. On the map to the left, if you can make sense out of it, there are blue lines and red lines. The red lines indicate outstanding routes that are still pending completion, and a lot of it is due to environmental clearance. There is also a segment in Los Alamos where we are waiting for the spotted Mexican owl to nest and come out of that season on May 1st to complete that construction.

So as you can see, a significant part of it has been completed. All of the Santa Fe County originally designed and designated area in the improvement of the infrastructure has been completed. Back in the summer of 2011 there was an official groundbreaking up in Espanola that was presided by then Senator Jeff Bingaman and in this picture both the former Commissioner Vigil and now Commissioner Mayfield attended that event and you can see Ben Ray Lujan is also present. We have been fortunate to receive a lot of congressional support on this project. This project is unique in the sense that it is what is known as an open access community-owned broadband.

That leads us into what REDI Net really is. Why are we concerned about developing a network such as this? There are other telecommunication infrastructures in place. So for the most part northern New Mexico has been deficient in access to broadband, i.e., high-speed internet and Ethernet, and Ethernet may be an unfamiliar term for those of you who are not in the telecommunications sector. Ethernet basically is a related internal network that does not take the traffic out to the outside world, which is commonly known as internet. And this particular network environment has not been robust in the region, and so we've been hampered by that as a result to improve economic development, public safety, telehealth opportunities.

So the need for high-speed broadband is a critical component to this. And the second element that makes REDI Net a unique project is that it is community-owned and operated in terms of management structure. I'm going to go into detail in a couple of seconds here. And coupled with these first two things are the elements of an open access approach, which means that this is not a proprietary, closed system where the public and other entities can utilize for the benefit of the greater region. This is also known as a middle-mile backbone project. It's akin to the development of the interstate highways in this sense. Because it's within the state

it's probably better known as an intrastate type of development.

So as I reference the need for high-speed, so in the first part of the tier of this matrix you can see that traditionally, conventionally, we had access to DSL services. Broadband was very limited in terms of its access because of infrastructure improvement. And you can see for the most part, even on the third row down and the fourth row down, you see a clear comparison of the difference in terms of the access to information. It's four to six times capacity that we're increasing. At the same time, equally important and probably more important to a lot of folks is that we're offering a lot better affordability.

I have an anecdote story coming out of Tesuque Pueblo. Recently, I had to download a service pack for their administration and they did it simultaneously with the incumbent service and REDI Net. They wanted to see how it performs. The incumbent service would have taken them 12 hours to download that service pack, and in ten minutes we were able to deliver that service. And we were also at a price point significantly lower than the incumbent service. So we're really seeing a lot of direct benefit out there for the public good. So I think this is again the first step toward the performance. We have a lot more work to do.

I mentioned the factor of community-owned and operated development as part of the network management. This network is managed by nine jurisdiction partners including Santa Fe County, City of Espanola, Rio Arriba County and Los Alamos County and the pueblos of Tesuque, Santa Clara, Ohkay Owingeh and Pojoaque. And North Central is the fiscal agent and the ninth partner in this. So there's a lot of shared management responsibilities.

So again, the concept of connecting communities as part of this backbone infrastructure is fairly self-explanatory when you look at how the intrastate and the interstate was developed. Again, this is the building block. A point where what we call lateral development could occur where more communities could be connected and be included as part of the benefits.

The open access concept with this development network includes the opportunity and the capacity for us to work with both the private and the public sector in a way that service providers would have to be more competitive, their quality of services would have to improve, and the pricing index, hopefully, will be lowered to offer more affordability. So that is the original intent in the baseline of the network development. And as you can see on the right-hand side of this slide these are some of the service providers that we're currently working with.

So what are some of the direct benefits that we'll realize in this particular region in northern New Mexico? We mentioned education, public safety. There's also integrated infrastructure opportunities with existing civil and social infrastructure improvements in this region. So what I mean by that is, for example, we're currently working with the Triple A and senior services to look at the development of access for telehealth through this infrastructure into the community senior centers.

So there's more to come, hopefully, that would offer benefits to this. I'm not going to drill down to a lot of the other categories for the limited time that we might have today.

So this is just a snapshot of how we have gotten here in terms of the construction schedule and if there are questions I could certainly answer that in greater detail after my presentation. We're heading into the operational stage of the network. As a matter of fact, effective February 1st the network went live. So it was kind of like sink or swim. We have to

roll up our sleeves and actually do it. So it leads to the requirement that we have to address the long-term sustainability of the network. There are four major components that we need to pay attention to. Starting with the monitoring of the assessment of the planning activities, how do we measure the outcomes? How to establish benchmarks that we originally established? And equally important, the second step, developing an asset management approach, it's critical to the long-term viability of the network. And along with the ongoing establishment and re-engagement of partnerships, both old and new, leads us into innovations that we might otherwise not have the opportunity to take advantage of.

And just very quickly I'm going to go over these little details of our sustainability efforts. And again, the critical need to monitor our performance starts with how we establish benchmarks and measures on our original proposed activities, and we do that primarily through a financial tool, through pro formas. So we do that with the review of the board of directors, with subcommittees, with our local government partners, with other private entities.

And many of you are probably familiar, and I'm sure Adam here in Public Works has presented information about asset management approach. We take a similar approach with the development of the network. It's one of the things that we have an opportunity to do up front instead of retrofitting it later on which a lot of infrastructure, public works projects do and it's very costly when you do that after the fact. So this is a full consideration of the ongoing costs, lifecycles, long-term viability, financially, qualitatively, leading into decision tools that affect reinvestment of the network, which is a primary goal of the network. Everything that we generate as resources is reinvested into northern New Mexico, including Santa Fe County.

The relationship with the existing partners has been well established throughout this last 2 ½, 3 years and on the left-hand side these are the ongoing lists of participants in the project and we have new partners that are coming on board, including the University of New Mexico into this region, which enhances access to distance learning. And we look at this as an opportunity to assess the assets and strengths of each one of our partners. Each one of the local jurisdictions brings its own sets of requirements, its own sets of strengths and weaknesses and we hope to optimize these resources rather than do the conventional approval of an enterprise that only looks at the financial bottom line and maximizes profits. So we hope to do that.

So I'm not going to drill down too much on this. The innovation is something we touched upon a little earlier and the focus is on currently dealing with opportunities in healthcare, education and public safety.

So what's happening right now in Santa Fe County is that we are moving and making progress towards. We have an opportunity to extend the network into the Community College District. And there are resources obligated for the fiscal year 12 in Santa Fe County that permits this to occur. So we're working with staff right now to look at how we get the final engineering work completed and in the next few months we might have a status report that we can bring to your attention. So with that, I'd like to stand for questions and comments.

CHAIR HOLIAN: Thank you, Duncan. Any questions or comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Excuse me, Madam Chair, Mr. Sill, good to see you again and thank you for your presentation that you brought forward today. You and I have had a few discussions on the item and I'm excited about the actual work and construction that's taken place and the direct linkage of service that's going to benefit education, economic development, healthcare, public safety, water resource management, energy development, technology transfer and innovation and some that I didn't read that are duly noted that are ancillary benefits of all the work that having appropriate access to technology has.

My comment is that we need to continue, as you and I have discussed in the past in expanding this into the Community College District, but taking this template that we already have in place and expanding it to the rest of the county and the region, we have our partners to the east, San Miguel County, Town of Pecos, Village of Pecos, we have the communities throughout Santa Fe County – Galisteo, Cerrillos, Madrid, Cerrillos, Golden, all of them, that we need to assemble these same partners with our co-op partners as well – Central New Mexico Co-op and our other partners to the south, including Tarrant County, Bernalillo County, Sandoval County and our tribal entities – Cochiti, Santo Domingo and communities like La Bajada.

So I would ask you to get with staff as you continue your dialogue on the next phase in the Community College District, and let's be in the process of a resolution and a discussion to assemble these next set of partners that will help us provide coverage in the balance of Santa Fe County, including partnerships with all those neighboring entities that I've just mentioned.

Has there been any direct dialogue between yourself and some of these entities and groups that I've noted to expand this project, go back to Commerce and try and get additional revenue to grow the network even further throughout Santa Fe County and even in the region?

MR. SILL: Madam Chair, Commissioner Anaya, thanks for bringing that topic up. As a matter of fact we have ongoing dialogue with our neighboring jurisdictional partners and San Miguel is definitely part of the equation. We're looking at next steps or reinvestments and engagement of not only the Department of Commerce but USDA and other funding sources as well. We have been approached by the State of New Mexico Do-IT to partner with them, utilizing REDI Net as a template, as a model, to further efforts that would benefit other state regions. So this is something that we are paying very close attention to and I welcome the opportunity to get input directly from you guys about who might be appropriate under next steps or reinvestments.

Hvtce Miller is the representative for Santa Fe County to REDI Net, so certainly we will work with him closely. I also want to offer that any of the Commissioners, if you have comments after the presentation today, if you think of anything else, feel free to directly contact me. I'll make myself available to respond to you in a timely manner.

COMMISSIONER ANAYA: Madam Chair, Mr. Sill, I appreciate that and I think speaking on the short term, if we could begin the discussion of assembling the partners for discussion – those that I noted. I'll provide you, forward you those names and if you could coordinate with the Manager's Office and begin that dialogue so that we could duplicate the process that's already occurred and expand services throughout Santa Fe County and then

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into the regional areas that are neighboring communities. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Thank you, Madam Chair. Commissioner Mayfield, do you have any questions or comments? I guess not. So anyway, Duncan, thank you very much for your presentation and I just want to end by emphasizing what I think were a couple of really, really important points about this. One is that this network is open access. Which means that any provider can access it to get customers. So I think that's an important feature of it. And the second thing is that it's community-owned. And that means that it's sort of a democratic operation, which means that we the people who own it – that is the taxpayers of the region, set the ground rules for this network. And also it means that the funds that this network gets from providing access goes back to the network and can be used to expand it in the future. So again, I think those are two very important points – open access and community-owned. It makes it very democratic. Thank you, Duncan.

MR. SILL: Thank you, Commissioners.

IX. F. A Proclamation to recognize April 2013 as Donate Life Month

COMMISSIONER ANAYA: Madam Chair, what I'd like to do is ask Mr. Anaya and Mr. Rodriguez to please come to the front if you could. I'm going to read the proclamation and then I'm going to turn the floor over to you, Mr. Anaya and Mr. Rodriguez and I know there's – I think Maryann Sorenson, Kim Moeller and Kip Reinberg that may be here as well.

Santa Fe County Proclamation to celebrate the month of April 2013 as Donate Life Month.

Whereas, National Donate Life Month provides an opportunity to honor the generosity of New Mexicans who have saved the lives of others through their gift of organ, eye or tissue donation; and

Whereas, more than 120,000 men, women and children, including 715 New Mexicans are now awaiting an organ transplant on the National Organ Transplant List, and over one million Americans undergo tissue transplants each year; and

Whereas, the number of patients in need of lifesaving transplants is much greater than the number of available donations, an average of 18 people die each day from lack of available organs for transplants and over 7,000 people on the National Organ Transplant waiting list dies last year along; and

Whereas, one individual's decision to be a donor can save up to nine patients in need of an organ transplants and enhance the lives of up to 50 people in need of tissue transplant; and

Whereas, New Mexicans are generous, compassionate people, willing to help others in need and are urged to register and organ, eye or tissue donors on their driver's license, ID card, or online at www.nmdonor.org;

Now, therefore be it resolved that we, the Santa Fe Board of County Commissioners, do hereby recognize April 2013 as Donate Life Month.

Approved and adopted and passed this 9th day of April 2013 by Kathy Holian, Chair, Commissioner, District 4, Daniel "Danny" Mayfield, Vice Chair, Commissioner, District 1, Miguel Chavez, Commissioner District 2, Robert Anaya, Commissioner District 3, Liz

Stefanics, Commissioner District 5 and our County Manager, Katherine Miller. Approved as to form by our County Attorney and Mr. Willie Brown, attested this day by Geraldine Salazar, our County Clerk.

Madam Chair, I would like to move for approval and then ask these folks to come forward, provide some remarks and then I will have some comments as I believe other Commissioners may. So with that, Madam Chair –

CHAIR HOLIAN: I'll second that. We will vote on this first and then bring forward the people who would like to make remarks.

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

MS. MILLER: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield said to call back for the public hearings, but he's off for the rest of the administrative.

CHAIR HOLIAN: Okay. All right. Mr. Anaya, would you like to come forward and whoever else? I will just recognize Mr. Phil Anaya. He is a member of our County Development Review Committee.

PHIL ANAYA: Madam Chair, Commissioners, first of all, as you all know, my name is Phil Anaya, actually Filandro Anaya, and I am on the CDRC and I am very honored to serve on that board and the many other boards that I do sit on, because without this organization I wouldn't be here today. I am a heart transplant recipient and it's going to be six years come May.

This is something that is extremely hard for me to talk about because it's emotional. It takes two people in order for this to happen. It takes one to die, for lack of a better word, and it takes one that's going to receive that organ in order to survive and live. In my eyes they're both the same. And the reason I say this is because organ transplant is probably the most important thing in my eyes today, not only because I survived but because it changed my life entirely. I was – needless to say, I wasn't even a donor when I received my gift, and I felt very selfish. I felt sad for myself. And it's hard to explain this to somebody else because they've never been through something like this. It's a very emotional state of mind that you go through, because somebody has to die in order for you to live, as I mentioned earlier.

And that person that donated their life, donated their organs, not their lives, the organs, because they chose to do what I call the right thing. On my driver's license today it says I am a donor. I would give anything to anybody. If you take away the pixels of our skins, we are identical. We're not Republicans or Democrats, Independents. Hopefully we're all Cowboy fans, but besides that point, we're identical people. God made us alike. He changed a little DNA to have a little bit of humor, but that is God.

He doesn't need us in heaven with our organs; he just wants our soul. That's all. We as humans here on this earth we need other people's organs at a certain time, and we'll never know when that time is. None of us know that. None of us will ever expect it, including myself. I never expected it. I always thought I was a healthy individual. Not. Don't happen that way. So I just want to say thank you all from the bottom of my heart, my new heart, which happens to be younger than me, that by you all doing this proclamation that it means

so much more to me than I can ever express, but I do want to thank you all because it recognizes those that aren't able to stand up here in front of you and say thank you. So on behalf of all of them and myself, I say thank you, deeply.

CHAIR HOLIAN: Thank you, Mr. Anaya.

KIM MOELLER: That's a hard one to follow. My name's Kim Moeller and I'm a chef here in town. I actually know a couple of you from just around. But November 8, 2012 I received a kidney from a living donor, which is a little less talked about option that is just as important as signing your donor card on your driver's license. My donor, her name is Julie. She works actually for the State Environment Department and we did not know each other when she offered to give me a kidney. And needless to say we're kind of joined now forever. I feel like I have a younger sister and a niece and a nephew now.

I had a hereditary kidney disease called polycystic kidneys which I inherited from my father who had a transplant in 1991. Sadly, he's not here anymore but it wasn't because his kidney stopped working; it was something else. So I've been an organ donor since I guess my first driver's license and I never really gave it a thought. When you're younger you don't think anything will ever happen to you but it did to me too. So I feel that organ donation in all forms is so vital and after I received my kidney I kind of decided it was something important to me to help further along and do some volunteer work with Donate Life and with a group of us who are all recipients and donors from Presbyterian Hospital in Albuquerque where I had my surgery.

So I really appreciate that you took this proclamation up. We have one tomorrow at the City Council that Councilor Bushee is also sponsoring, which I asked her and she said yes, which was really nice. So it's great that you're doing this and the more that we can promote awareness, New Mexico per capita has one of the highest instances of liver disease in the country, yet we do not have a liver transplant program here in New Mexico anymore and the doctor who performed Julie's kidney removal is trying very hard to change that, but he's kind of running against a lot of uphill fight.

So anyway, I would just like to say thank you and encourage everyone who's not an organ donor to consider being a donor on your driver's license and also consider being a living donor, which means you can donate a kidney, and as Julie could testify to if she was here she's running around like crazy with her two little kids and heading off to England next month and you can live a full life giving a kidney, a part of your liver or I forget what else. There are other things you can do as a living donor. So it's - I'm very grateful that I have a chance to continue on with my life. So thank you for letting us be here today.

CHAIR HOLIAN: Thank you, Ms. Moeller.

MARK RODRIGUEZ: Madam Chair, Commission and everybody in attendance, I'd just like to thank you for the opportunity to be here today. My name is Mark Rodriguez and on Thursday I will be 18 months out of a double lung transplant. In that time I've been able to do a lot of things. I've ran in three different 5k road races, I've played in five different basketball leagues. I've had the opportunity to compete at the Transplant Games of America in Michigan last July. I won a bronze medal in the long jump, something I had never even done in my entire life.

And so just to be here today is a real honor for me. Eighteen months ago I was basically down to my last days. I was told by my doctors and surgeons that had I not got the

transplant when I did I would not have lasted more than a week more. I was at eight percent lung function and it just didn't look good for me at all. I have always been involved in sports, always been active, in good shape. The reason I needed a transplant was I attained a lung disease called silicosis fibrosis. I used to be a stonemason for many years, but prior to that I had another disease that I like to refer to as the superman disease. When you're young you think you're invincible and you don't think about these kinds of things that eventually will catch up with you.

My donor was living in Castle Rock, Colorado. Her name was Michelle Stella and she actually saved six people from death. She unfortunately was a victim of domestic violence, but through that tragedy she save six people. Organ donation doesn't just save one person; it saves families. That's a very important thing to remember is that it just doesn't affect that one person but it affects hundreds of people that surround that one person. And so through donating her organs and those six people are still alive, thousands of people's lives were affected through that. And one of my aspirations is to someday be able to develop a transplant support center. Although we don't have any transplant centers here in New Mexico there are a lot of people in need of support before and after transplant, because it takes a huge amount of support to get through a transplant. Not just from family, friends, but many times even communities come together and help certain individuals that are in need of that, and that was in my case that was exactly what happened. And it just reinforced in me, being a lifelong resident of Santa Fe how great this community is is when they're able to rally around somebody or a cause and make a difference.

The one thing that I tried to spread awareness about is that Santa Fe County has one of the lower rates of people registering to be organ donors throughout the state. So we're trying to make a difference in that and bring those numbers up. Because Santa Fe County is a great place to live but we never want to be last in anything. We always want to be considered one of the best and I think this is another opportunity for Santa Fe County to get up there right at the top.

My being a transplant recipient has taken me to many places. I've been able to do many speaking engagements at schools for respiratory therapy, in front of groups at different hospitals. It's brought me here today. Without me going through this transplant I would not be here today. It's taken me even to New York where I attended my donor's one-year mass and did a speaking engagement there. So the importance of organ donation and raising awareness is – you can't measure that because after this takes place in your life, even though it's very difficult, you realize what life is really about, and you start living life the way God intended for all of us to live. You realize what's important and also realize that a lot of things that you've been putting energy into have been a waste of time. I applaud any recipients but the most important people in this equation are the donors, because without the donors you don't have recipients.

I believe one person is added to the list I believe every 14 minutes or some crazy number like that, and the numbers are disproportionate as far as the recipients and the donors. And so raising awareness for that and raising the numbers as far as the donors go is very important. Things like this really help. They really help and donors, they sign up either on line or through their license, no one ever really thinks about that day when it's time to fulfill your commitment.

CHAIR HOLIAN: Mr. Rodriguez, could I ask you, what percentage of people in the state of New Mexico are donors?

MR. RODRIGUEZ: That, ma'am, I don't know. I can't tell you because I don't know.

CHAIR HOLIAN: Ms. Moeller? Sixty-two percent have signed up? Okay. Thank you.

MR. RODRIGUEZ: Donors have been as young as a few months old to as old as 93 years old. So there really are no limits. The only thing is when you become a donor it's not just you get this heart on your driver's license and that's it. It really becomes about a lifestyle. Because if you don't take care of yourself, then when that day comes, if the organs aren't viable then they're not usable and that's a shame.

So one thing that I'm very grateful for is that my donor really took it on as a lifestyle and just took care of her body the best she could. She was 42 years old when she passed and she's my hero. She's my angel. A lot of people throw that word around, hero, very loosely and sometimes associated it with things that really don't matter, like sports figures or maybe celebrities or whatever. But the real heroes are the people that sacrifice of themselves and somebody who with their last act on earth was giving everything that they had to give, that's a hero. Our policemen, our firefighters, our military people, the people that put their lives on the line every day, those are heroes. But donors are really true heroes because that's the last thing you do before you leave this earth and that's the amazing part of it.

CHAIR HOLIAN: Thank you. And also it's important to note that they save more than one life, often.

MR. RODRIGUEZ: More than one life. Yes.

CHAIR HOLIAN: So thank you very much, Mr. Rodriguez.

MR. RODRIGUEZ: Thank you for the opportunity.

CHAIR HOLIAN: Commissioner Anaya, then Commissioner Chavez.

COMMISSIONER ANAYA: Madam Chair, the proclamation and more importantly, the words of our guests today, Ms. Moeller, Mr. Anaya, who I've known for a little while, and Mr. Rodriguez who is Mark to me, Marcos, somebody that I've grown up with in school here from Wood Gormley till now. Madam Chair, you sat next to me just a few months after I became a Commissioner and listened to me to ask for prayers for Mark and the Commission at the time and the people in the room offered those prayers and that support and I'm proud to see him here. All of you that I care about but you Mark, we've done many, many things together. But thanks for the remarks that are sobering, enlightening, moments of reflection on all of us as individuals and thank you for coming and thank you for your words.

I would say that we all have bumps in life that we face, mounds, maybe even more appropriate, but you have all, and all people that have taken on the challenges that you've lived through have conquered mountains and I know that when I need a breath of reality I will ask Mr. Anaya or Mr. Rodriguez to just provide me some reflections on their experiences and it always makes me recognize that whatever I'm faced with is nominal at best. So thank you to the Commission, just acknowledging that this comes from all the Commissioners, the Clerk, the Manager and the County Attorney and all those out there listening, I'm proud to be a donor and I would hope that we consider being living donors. I think that that's an excellent

point in this proclamation and that we consider being living donors as we pass on from this life. So thank you, Madam Chair, thanks to all of you and I'm greatly, continually inspired by your life. So thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Commissioner Holian. Boy, to the three of you, you really put things into perspective. It tells us how fortunate we are and I have to be – I have to say that I am proud to say that I am a donor but I didn't realize fully the lifestyle component that Mr. Rodriguez touched on, so maybe that's one thing I could work on. But your testimony really put things into perspective as to what's important and what's not. And I think for us up here, for me anyway, then it reinforces what our role is as a public servant and it goes to the larger community. We can do as much as we can as individuals but by ourselves we're just one. So that community aspect that Mr. Rodriguez touched on and the fact that it's the individual, the recipient, the donor and all of those families involved, plus the community, that's casting a very broad net.

So when I signed up as a donor I didn't really know what that meant. I have the little heart on my driver's license. I didn't really know what that fully meant until today. Now I understand it a whole lot more. And so I thank you for sharing that with us and for enduring your trials and tribulations because as Commissioner Anaya mentioned, we don't have anything compared to what you have dealt with and if it comes our time then we can only hope that we have the support and the net that you've had to help you face what you have faced. So again, thank you for being here.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much. As you know, these meetings are on the radio and on the webcast and also public TV. So I'd like to thank you all for sharing your personal stories, not only with us but with the Santa Fe community, because it will really get everybody thinking about what they can do and what has happened to the people around them. Thank you.

CHAIR HOLIAN: Thank you. And I too would really like to thank you for sharing your stories with us, Mr. Anaya, Ms. Moeller, Mr. Rodriguez. You are a real inspiration and I think that just today it's going to make a big difference in some people's lives, your coming forward and talking to us. And would you like to say something else, Mr. Anaya? Please come forward. And then I'd like for us to come down, thank you and take photos. Mr. Anaya.

MR. ANAYA: Madam Chair, Commissioners, earlier in the meeting you all recognized some of the RECC members for being 911 dispatch. I have to tell you that I had to use them once and they are the first responders. Before the firemen and the paramedics get there, they are the ones that mean so much, when that other person's on the phone and they can calm them down. My wife, perfect example. I had a car fall on me, on 11/11 of all days. It crushed me, and if it had not been for Santa Fe County paramedics and EMTs, again, I wouldn't be here today to thank you all for all the things that this beautiful county does for us.

So it's great to hear and to see that a community can come together when it needs to and my hope and prayers have always been that we really do love one another and we need one another. It's just that sometimes our minds just get in the way of – like you all said

earlier, things really don't mean anything. So thank you all and I just wanted to make that brief comment about the RECC.

CHAIR HOLIAN: Thank you, Mr. Anaya.

[Photographs were taken.]

[The Commission recessed from 3:50 to 4:00.]

X. MATTERS OF PUBLIC CONCERN – Non-Action Items

CHAIR HOLIAN: We are now under Matters of Public Concern. Please come forward and identify yourself for the record.

MICHAEL AUNE: My name is Michael Aune. I'm a citizen, voter and taxpayer here in Santa Fe County. Some of you may know of my extensive involvement with the state legislature this past session regarding water issue. I know you have the Water Advisory Group coming up as an agenda item, but this is basically an update for you just to have as information. What I've provided to you is a copy of the letter from the New Mexico State Legislature. *[Exhibit 1]* That's the letterhead copy that you have. This particular letter went to the Honorable Tom Udall in the Senate. The same letter went to each of the United States congressional delegation from New Mexico. In a note on the back it's signed by Mary Kay Papen, President Pro Tempore of the New Mexico Senate, Michael Sanchez, majority floor leader, Ken Martinez, Speaker of the House, Rick Miera, majority floor leader, William Sharer, a senator from northern New Mexico, our own Carl Trujillo, Yvette Herrell, a representative from Otero County and Nick Salazar from San Miguel County.

And I just want to tell you a little briefly of the history. There were three things that I was involved with at the state legislature this past legislative session. HJM 24, HM 64, HM 65. This latter deals singularly with HM 65 and what it calls for, I'm just going to read part of one sentence. The New Mexico legislative leadership seeks to integrate local, state and tribal watershed plans with those of the Bureau of Land Management, the Forest Service, the Corps of Engineers and the federal Bureau of Reclamation in an effort to increase wildfire prevention and watershed rehabilitation.

What you need to know is that all three of these pieces of legislation that I talked about ask the House Agriculture and Water Resources Committee and the full House, by unanimous bipartisan vote – not one single dissenting vote – in addition, HJM 24 went before the Senate Rules Committee, the Senate Conservation Committee and the full Senate and on the Senate side it also had full bipartisan support, not a single dissenting vote. All of these dealt with watershed planning, watershed issues, wildfire prevention.

The second document that you have is a draft resolution that is going all across New Mexico to the various counties to use as a guideline. *[Exhibit 2]* All of the whereases cite the legislation passed by the New Mexico State Legislature related to HM 65. And again it deals with watershed planning and developing a watershed plan.

I wanted to reiterate that the letter and the legislation seeks to integrate local, state and tribal watershed plans. And the issue is do local and tribal watershed plans exist? If they do not exist, then in order for you to have a seat at the table with the New Mexico Legislative Interim Water and Natural Resources Committee then you need to have some kind of a watershed plan. And what this model resolution that various county commissions across the

state put before the legislature. So that's the reason that those work groups are there. It encompasses everything. So I'm just asking for your consideration when you look at this, not to actually act on it but to be aware that this exists, to be aware of the state legislation that exists, what's happening at the state level so that it can be incorporated in any future considerations that may or may not be involved with the Water Advisory Group, but you just need to be aware that it exists. Thank you very much.

CHAIR HOLIAN: Thank you, Mr. Aune, for your information. Anyone else from the public who would like to speak to the Board? Seeing none, we will move on but before we go on to the next item I would just like to make an announcement for those people who are watching at home and that is to remind everybody that two land use cases have been tabled: BCC Case MIS #13-05020, and BCC Case MIS #13-5021, and this has to do with two different developments in Las Campanas which are requesting a time extension. So this is just to remind people that these two cases are tabled.

XI. MATTERS FROM THE COMMISSION

CHAIR HOLIAN: Commissioner Anaya, I would like to say a few words first and then –

COMMISSIONER ANAYA: It's not on this resolution. I just wanted to request your indulgence to consider something. It's a possible tabling of a couple of the items that are Matters from the Commission that might expedite our meeting today. If you'd entertain that and the Commission would consider that I'd appreciate it.

CHAIR HOLIAN: Okay. Sure. Go ahead then.

COMMISSIONER ANAYA: Madam Chair, Commissioners, I still have many, many concerns associated with Resolution under XI. D, introduction of a resolution opposing the North Central Transit District's dedication of 14 percent or Regional Transportation gross receipts tax revenues to the City of Santa Fe. And also the resolution associated with – that our Manager moved up, associated with our transit plan to follow this item. I believe that we have some opportunities yet to explore with the chairman of the North Central Regional Transit District and I would move to table. Before I make that motion to table I'm going to say that it's still very critical and crucial to Santa Fe County because we initiated the gross receipts tax for transit that the County, being in a primary position, not a secondary position as it relates to the tax dollars that the County asked the voters to approve. So with that said, I'm going to move to table items X. D, and I guess it would be the new X. E. Is that correct?

CHAIR HOLIAN: No, I think it's still item XIII. A. 1.

COMMISSIONER ANAYA: So X. D and XIII. A. 1. It's my understanding we have to have two hearings on A. 1 and we'll still be able to accommodate that if we hear the item at the end of this month and the beginning of May. Is that correct, Ms. Miller?

MS. MILLER: Madam Chair, Commissioner Anaya, yes. So you'd actually – I think you're requesting to do XI. D.

COMMISSIONER ANAYA: Oh, I'm sorry. XI. D.

MS. MILLER: And item XIII. A. 1.

COMMISSIONER STEFANICS: I'll second.

MS. MILLER: And we can actually table that until the next meeting.

CHAIR HOLIAN: Okay.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: And now we have discussion. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes. I was also willing to second but I think that in saying that I was willing to do that, Commissioner Anaya, because I think that this is important work that needs to be done and we certainly don't want to rush into it. I think that the RTD has gone a long way since their inception and they're providing a much needed service, especially – well in all directions, down south, the Highway 14 corridor, and the 285 corridor all the way up to Taos. And so I certainly would not want to do anything that would undermine our collective efforts in providing that service. So by you tabling this it gives me more time to study the specifics behind these two resolutions and to work with you and the other members of the RTD to be sure that we don't do a disservice to the organization and to the public that really depends on that service. And so I just really look forward to the work that needs to be done and will work with you on that. Thank you.

CHAIR HOLIAN: Okay. Thank you. So we have a motion to table item XI. D and item XIII. A. 1, and a second.

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

XI. A. Introduction of a Resolution Establishing a Water Policy Advisory Committee” (DISCUSSION ONLY, FIRST HEARING)

CHAIR HOLIAN: I will say that the County in the past has had committees and task forces that have looked into issues related to water, but for the most part they've been very specific tasks that they have performed. For instance there was the Conjunctive Management Task Force and this was a task force that looked into the issue of where the wells should be drilled that would back up the County water utility. There were five members of the community that were on that particular task force and it was staffed by Karen Torres. I will also say that the work that they did was very valuable to the County. I really think that they did come up with the best locations for the conjunctive management wells. Unfortunately, they didn't quite come up with the funding for it, and we are still working on that particular point, but at least we have the locations worked out.

Another thing that they did that was really, really important and useful to the County was that they interfaced with the public, so that the public knew what was going on and they weren't surprised. But I will just say that that task force, what it did was very specific. Since then I have been approached by a number of people in the community who have had an interest in creating a water advisory committee, which could work on a variety of issues, not just specific issues, and that's I think what this resolution attempts to do. Now, I will just say that Roger Taylor has been the point person on this particular resolution, first of all bringing it forward to the Commissioners, and also he has met with a number of different community groups to get feedback and input from other people who are interested in doing water planning of various sorts. And so I would like to ask Roger to come forward to describe what

this committee might do, and also to describe the communications that he's had with the various groups in the community who are interested in water issues. Roger.

ROGER TAYLOR: Thank you, Commissioner. I'm Roger Taylor. I live out in Galisteo. I'm the president of the Santa Fe Basin Water Association. I've met with all of you, Madam Chair, Commissioners, over the last year to talk about this. I think we've had about 12 iterations of this draft resolutions and I've gotten a lot of good thoughts from the different Commissioners and from different groups that I've met with, trying to get this to be something that would be very constructive for the greater good. I've spent a lot of time working with different groups.

I've gone to different water groups, for example, going out a couple times to Estancia, which is a bit of a hike, but it's a great place to go. They're very organized, very water-knowledgeable to talk to them about the resolution and their approaches to conservation and their concerns. I talked to several people – the League of Women Voters, different organizations like that, Sierra Club, etc. So trying to get a real broad sense of people's concerns. I'm also on the board of the Galisteo Community Association. I'm on a private water operation for a subdivision that I live in, etc. So gotten a lot of input through that.

The intent of that, of this resolution is really to look at means to help augment the County's efforts at looking at dealing with water issues. Obviously, we're all aware from the television, from the newspapers, etc. that water is an issue. Well, we know that living here. But obviously, there's been a lot of discussion, this kind of constant drought that we've been in since the 90s that is moderate to higher to more severe. If we look at the projections and we believe that those projections are accurate we know that we're in for a long-term drought and there are needs to deal with that. We know that the County has limited staff who have a very strong case load. They're very dedicated to that, and we're looking at a way to bring in people who have water knowledge or water experience to augment the needs of the County in terms of looking at water directions.

So this could be as broad-based or as specific as the Commissioners want this group to work. There are some suggested areas that have been built into the resolution. One would be to look at as the draft code is finalized and brought out to the public, where are there holes, where this could be strengthened in terms of process steps, where other areas could be built in, in terms of looking at additions to just preservation or conservation of water. There are thoughts about maybe doing research into a potential regional water authority, to look at the pros and cons of that, and make recommendations as to whether that's something that would work for this area or not. We are going ahead with the bond unit last far for the ASR activities – aquifer storage and recovery. And there maybe be some assistance this group could provide in that.

So there's a number of different areas that we could be delving into. Santa Fe is blessed, I think, in that it has a fairly well educated population. It has a lot of retirees or transplants from other areas who have time and energy and professional background in engineering or otherwise that could be helpful to this. And so those were some of the thoughts about putting that together. Madam Chair, did you have any specific questions?

CHAIR HOLIAN: Oh. Thank you, Roger. Well, first of all, I would like to open it up to Commissioner Anaya, since he is co-sponsor and have discussion on it and I'm

sure there will be more questions for you, and then we will ask for comments from the public. So, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, appreciate you sponsoring this and allowing me the opportunity to cosponsor it. Mr. Taylor, appreciate your work and your discussions and all those individuals that you've discussed this with as well as others. A few comments that I would make is that I think we're finally to the place where we're noticing this to have a discussion but I still think we have some work to do together associated with membership. The number of individuals that are on the committee and who's represented and have some discussion on the Commission level as to why and for what purpose.

What I would say in the onset is that you've reflected and we've reflected in the resolution different associations. You mentioned the Santa Fe Watershed Association and Estancia Basin Association and others is that we all, on the onset recognize that those independent areas have independent and specific needs that will hopefully in the scheme of things complement one another, but that we are not in the business of trying to take over an entity or in any way overstep the work that they've done. And I reference the Estancia Basin area as one example. As you clearly noted, Mr. Taylor, a group that's been in existence for many, many years and doing much good work.

The other thing I think we need to have some thought and discussion on is relative to our municipal partners. Many times as we go through partnerships and set aside membership we talk about the City of Santa Fe, which is important and necessary and a functional part of our planning, but we also need to engage in that discussion other entities like the Town of Edgewood, other entities like the City of Espanola and even those entities that may not necessarily encroach into the county limits but definitely will have the capacity to serve Santa Fe County like the City of Moriarty who has a fairly broad infrastructure base as far as the potential to serve people in Santa Fe County. So I'm excited about continuing to have this discussion and continuing to eventually move this along. I think, Madam Chair, and all those that are very interested in this item it's going to be important for us to be very clear and very explicit as to what the tasks are.

I don't think it will be beneficial for us to have such a broad subset of things that we're asking of the group that we ultimately aren't able to really accomplish some results, which I think is something that you mentioned with the prior group which was very important to that group to make sure that it was clear, concise goals and objectives and that they were attainable. So I'm excited to listen to my colleagues and to others that are present for the discussion and look forward to the continued dialogue that we will all have. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. What I get out of this is that we're talking about one of our most precious public assets and that's our water. So I think that having said that we're aware that we live in a region that always faces cycles of droughts and whether they're a ten-year cycle or 20-year cycle, that's part of our history. We're on the dry side of the continental divide and we're depending now on imported water that's coming from a watershed in Colorado. That's how precarious it is. But it says that we need to manage our resource more diligently than we have in the past.

SFC CLERK RECORD 05/03/2013

There have been attempts by the County to keep this discussion in the forefront and keep the public involved in this discussion. We had at one time a Metropolitan Water Board that for whatever reasons disbanded and went on their separate ways, but – so this will not be the first attempt in trying to capture this topic of water and water use and lack of water in a larger community dialogue and involve as many partners as possible. So I'd like the fact that we're engaged in that conversation and I think we need to continue that conversation. It's an ongoing, never-ending conversation and I would like to be listed as a cosponsor on this resolution and hope that we can move it forward.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'm totally supportive of the topic, and I've had conversations with Roger and other people. Mine are more comments directed to our County Attorney, and this is not unfriendly about the resolution so I want to make this very clear. Number one, we can't really be listing three County Commissioners because that's a rolling quorum, so I just want you to speak to that. And number two, now that we have this resolution to hear a resolution twice, we now are going to have public comments twice. So could you comment on each of those, Mr. Ross?

MR. ROSS: Madam Chair, concerning the first topic, which is listing Commissioners on the top of a resolution, I guess as long as we agree that sponsorship doesn't equate with a subsequent vote, that's okay, but if we can't make that agreement then we should probably limit it to two Commissioners per resolution so that we don't raise that issue. On the second issue, I know that we have that resolution that requires public comment on resolutions but I wouldn't think that it would apply to this task, which doesn't involve a vote at all. This is just –

COMMISSIONER STEFANICS: No, but my question is, if we introduce the resolution and then we have the resolution, was it the intent of the resolution that did this to have two public hearings or not? Because I could see that we're going to have, for example today, we might have eight introductions of resolutions. Are we going to have eight discussions today and eight discussions next time? I'm just trying to clarify process.

MR. ROSS: Madam Chair, Commissioner Stefanics, I wouldn't think that we would have the public comment that we normally have on resolutions today, since we're just introducing resolutions today. I would think that we would have it when we're voting on a resolution, because that's the important time to receive comments. I don't think we're going to take any action on these introductions. Correct?

COMMISSIONER CHAVEZ: Right. For discussion only.

MR. ROSS: Discussion only. Initial presentation of the concept and in two weeks it's on the agenda for action. I think then we would take – now bear in mind that that resolution requiring public comment was enacted about a year and a half ago before we had this new resolution in place. So the interaction of the two is uncertain at this point but my initial reaction to it is that we don't have public comment because we don't have action tonight.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIR HOLIAN: Steve, I'm glad that you clarified that. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, if it makes it any cleaner I will then withdraw my sponsorship for right now and let the discussion continue, but I will say that I have to be in support of this because it is a way where I hope that we can have community buy-in to help us manage our water resources, so I'm in support of that concept. So I'll just state that and wait until we have the public comment and take actual formal action on this resolution.

CHAIR HOLIAN: Okay. Thank you, Commissioner Chavez. Any other comments from the Commissioners? Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. I really appreciate Commissioner Stefanics' perspective on the quorum and I would actually like Mr. Ross to do maybe a little more background research and information because I can respect that we don't want to get ourselves in a rolling quorum, absolutely, but I also think that over the last several meetings in particular I see a trend of trying to find more and more common ground amongst one another. And I think that's a good trend and I think it's something that we don't want to be in conflict with our own rules of policies and procedures and quorums, but I think we also, from the comments of Commissioner Chavez, I take it as an opportunity to demonstrate some concurrence and consensus.

So maybe a fine line, Steve, but I would like to pursue walking it, and as we walk it that we are completely transparent in our discussions as to what we're doing and why and the messages that we're sending, because we need to be cautious but I think we should also be vocal, if that makes sense. So Mr. Ross, if you could continue that process and I greatly value Commissioner Stefanics' procedural remark to make sure that we don't put ourselves in a bind, but I think building that consensus going over time is important.

The other comment I would make is I really like the fact that on resolutions we're not attaching a fiscal impact and we're having multiple public hearings because now what we can do, Roger and others who have worked on issues like this is we can put this on the website, we can send this to mutual domestic water associations, we can send this to our partners in the different basins and we can say, look, here's the work that's culminated based on a year's worth of discussion. What other feedback and input do you have? What other things might we add to this to improve it? Where have we missed the mark and might be improved?

So it gives us that mechanism to introduce it through discussion and we'll engage in hopefully some clarifying adjustments. When we actually adopt it we have something that's been thought out and vetted but quickly, and then benchmarks and goals and objectives. So I'm appreciative of that process and the remarks thus far and look forward to its development and hearing the comments we're going to hear here shortly. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Anaya, I appreciate that clarification on that resolution that you just outlined because I think that there was some resistance to that. It's something new; we really haven't done that up until now. And it was not my intention to have two public hearings but for us to have this dialogue, right? Go through the process, vet it amongst ourselves with staff, with the public, so that when we do take action on it as you've pointed out it is very well thought out and we haven't left very much out of that discussion. So I do appreciate your capturing that and I think that it's going to work well as we move forward. Again, it's new. We're trying to understand it. Your point

on communication, I find it very frustrating not to be able to talk about things that we can't talk about. How do we be effective? I think we can be effective by being open and transparent in what we're discussing here from the dais but also have that available for the public so we're not hiding anything. We don't have anything under a bushel basked and we're asking the public when it's appropriate to provide their expertise to help us do our job. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Any other comments from the Commissioners? Okay. As I understand it, Steve, we will not have the public comment until the second hearing. Correct?

MR. ROSS: Madam Chair, that would be my interpretation of the interaction of the two resolutions.

CHAIR HOLIAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: We have some folks that have come today and I don't know how they feel but if they're here and they want to say a few words and we can give them that opportunity I don't see the harm in offering it. It wouldn't hurt anything, right? So I would ask if we could keep the remarks brief and concise that they probably wouldn't – if it's okay with you, Madam Chair.

CHAIR HOLIAN: Oh, absolutely. Can I have a show of hands of anybody who is here who would like to speak about this resolution? And could you please come forward and please feel free to say a few words, but please identify yourself when you come to the podium. Charlie.

CHARLIE NYLANDER: Madam Chair and members of the Commission, my name is Charlie Nylander. I'm an independent water consultant here in Santa Fe. And I currently the Jemez and Sangre Regional Water Planning Council covering the Espanola Basin and the region. I also chair the Espanola Basin Regional Issues Forum which is in a transition state right now. Both those organizations have invited me to be involved in overseeing the water issues in the basin that we reside in. And as a long-time practitioner here in Santa Fe, I very much applaud this effort. I think it's a good resolution, a good leveraging of public participation and invaluable professional talent that's in the Santa Fe area. We're actually blessed with dozens if not maybe hundreds of really educated and very aware people in our community that can help the County as sounding board, as an advisory board, to look at the different water issues that confront the County. And I think especially now with climate change upon us and the climate adaptation process we're going through, the new project we have in the Pojoaque Valley with the Pojoaque Regional water system, we have [inaudible] This kind of a body is a volunteer group, a non-decision making group with an advisory role and a sounding board for the County staff and management and Commissioners. I think it will be a very valuable asset. And I can only tell you lastly that during Governor Richardson's administration I served on his water task force statewide and we had some 25 or 30 people serving on the board for the eight years that he was in office, and annually, we contributed about a half million dollars worth of pro bono services to the state in providing advice, recommendations. We were a sounding board for the State Engineer involved in water management. So this would be a very similar thing and I highly endorse it and stand in support.

CHAIR HOLIAN: Thank you, Charlie. Next.

LINDA OSCO: My name is Linda Osco. I'm from Nambe. I'm an acequia commissioner as well as [inaudible] I have worked on many, many committees and work with many of these people. And I really feel like this committee is part of the democratic process. I don't really feel all the time that the County Commissioners and other governing entities have a chance to listen thoroughly to the public. And we have a lot like other people have said, we have a lot of time out here, a lot of intelligence, a lot of experience and a lot of good ideas. I couldn't do what you do, on every single problem, particularly on the issue of water. It's too big for any small committee of Commissioners to do. [inaudible] with mayordomos. It's huge. It's a huge task. We need [inaudible] this committee would be a very viable source for you to make wiser decisions. Some really bad decisions have been made Thank you.

CHAIR HOLIAN: Thank you, Ms. Velasco.

DAVID BACON: Good afternoon, Madam Chair, members of the Board. I'm David Bacon. I work on 6:23.

JOHN MILES SMITH:

EDUARDO [This speaker's remarks were inaudible due to audio difficulties.]

CHAIR HOLIAN: Thank you, Eduardo. I guess with that we'll move on to the next item, but I just want to thank you, Roger, for the hard work you did in bringing this forward to us and making sure that it got done. So thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a couple comments for the record as we move forward to the next meeting, I would like to put out to those that commented and also those listening and maybe watching the meeting. As I heard Mr. Bacon speak and others, the Health Policy and Planning Commission came to mind. Our Health Policy and Planning Commission, we have various issues that come about through the course of time that are very specific and very necessary at one point in time and we asked them, take this issue, vet it, get as much information as you possibly can and then come back and give us some perspective and feedback.

Your comments relative to the Forest Service and what's happening with them, I hoped to say in our resolution we need to articulate that more clearly to say projects and how we can make sure there's a focus and if there's a pressing item or an item that the state or federal government is pursuing then we say here's the defining scope for this meeting or for these functions, so when you get to work, find out what's going on and then work with staff and then come back and provide some feedback and input. So I would ask you guys to consider that as we figure out how to tweak the language.

The other thing that I think is very important, and I say this for every group that we garner from the public to give us advice and expertise, and that's that we be very, very methodical to have diversity represented at every level. We can ill afford to have any lop-sided groups. We need to absolutely make sure – diversity of interest, diversity of background, is represented at the table. So maybe those things we could take within the context of what we have, tweak them so that when the committee gets to work we are

actually hitting the subjects that matter most and timelines that are function and actually help us to move to some action. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Anaya, and I would just sort of ask you to get in contact with Roger to see how this could be tweaked before our next meeting.

COMMISSIONER ANAYA: Madam Chair, that's what I'm saying. All these individuals in the audience right here right now on the record, offer me your feedback on how we could be clear, specific, and then offer me how we could tweak this to make sure we have diversity of interest represented.

CHAIR HOLIAN: Okay. Thank you, Commissioner. First of all, how many of you are here for the land use cases? Could I see a show of hands? Okay, there are a number of people. We have tabled a couple of the items that are upcoming, so it will probably take another half hour to get through the remaining items that we have, and then we will go into a short executive session, about half an hour. And so I am predicting that we will be back for the land use cases at about 6:00 pm. I just want to give you that information in case you want to go out and take a walk or get some fresh air or something like that. You don't have to sit through the rest of this.

XI. B. Introduction of a Resolution Supporting Clean and Renewable Energy Projects to Deploy and Install Energy Efficient and Renewable Energy Owned Facilities That Result in Decreased Utility Cost for Taxpayers, Reduce Negative Impact From Fossil Fuel Use and Contribute to Cleaner Air Quality and Healthier Communities (TABLED)

XI. C. **Introduction of a Resolution Creating an Asset Management System for County Facilities** (DISCUSSION ONLY, FIRST HEARING)

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I'm not going to read the whole resolution into the minutes because this is for discussion only, but I will read the title and maybe two or three of the whereas. So the title of the resolution is Creating an Asset Management System for County Facilities.

Whereas, Santa Fe County is undertaking a performance-based-budgeting system;

Whereas, the County has adopted a rigorous, objective capital improvement planning process;

Whereas, the County owns, operates, and maintains a portfolio of over 84 facilities comprising over 850,000 square feet serving a mix of administrative, functional, and customer service purposes with ages ranging from newly constructed to over 80 years old;

Whereas, over the typical 30-year lifecycle of a facility, operation and maintenance costs will surpass initial capital costs; and

Whereas, every dollar spent in planned facility maintenance and upkeep forestalls five to ten dollars in facility repair, and conversely, every dollar in deferred maintenance ultimately results in five to ten dollars of breakdown repair.

I'm going to stop there on the whereases, because the whereases outline the existing conditions that we're operating under and then the Now, therefore, be it resolved will propose

a new direction that we would go in in maintaining these buildings and having a facility condition index encompassing assessments or evaluation of a facility's age and location, condition and appearance of its envelope, structure and systems, and its adequacy to meet its intended purpose.

So those are one or two of the whereases and a couple of the now, therefore be it resolved. But I would like to now turn it over to Adam Leigland to expand a little bit on the intent, the fiscal impact – because we do a fiscal impact report, and maybe Adam, a couple of, maybe one or two steps if we were to go in this direction.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner Chavez, I think the best response is what the community has been doing for the last few meetings with regard to its roadwork, and if you'll recall, recently from our exemption discussions the County uses a system called PASER, which is an objective way the Commission [inaudible] location decisions. [inaudible] so if we can start to identify initial fiscal impact. [audio difficulties]

CHAIR HOLIAN: Okay. Thank you, Adam. Okay, any comments?
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez, thank you for bringing the resolution forward. I spent the better part of my career dealing with assessment of property and making sure we had the right data and information is crucial to understanding what do you have associated with planning and preventive maintenance that you're going to undertake. So I think this resolution moves in that direction and helps us to be better prepared to deal with the properties that we have, very similar to what goes on in the Housing Authority as well as what you articulated with our road maintenance and our road program. And I think for us as Commissioners, then it becomes the balance of how far do we go, how fast and so that we provide for adequately taking care of our facilities, but don't try and do so in a way that's at a detriment to other projects throughout the county. So a balance between the two I know is what we're all after. So I understand and see where the Commissioner is going and support his efforts moving in this direction. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. And I just want to thank you, Commissioner Chavez, for bringing this forward. I think that it's long overdue. Actually, I know that a lot of times for Commissioners it's more fun thinking about new buildings to build, but we have a lot of old and venerable buildings in our county – a lot of old ones, and it's important that we make those, actually, our top priority to make sure that those are well cared for. So thank you for bringing this forward. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, there's one thing I forgot, Mr. Leigland. Being that I think part of what the resolution wants to do is be more efficient in how we manage the facilities, but the other piece of this is we have our facilities, there's 84 throughout the county, but I think it would be interesting to have a map and place those facilities on that map so that we can see how we're spread out and is that being efficient? Is that making us efficient in the services that we provide? I don't know that there's anything we can do about that but I think it tells us that if we have larger distance between our facilities it's going to be a little bit harder to manage. We have more staff time traveling back and forth. So I don't know if you want to touch on that just a little bit.

COMMISSIONER CHAVEZ: Okay. So knowing where the facilities are located on the map now may not do us that much good because we want to try to work in the area where we can retire buildings that are obsolete and in that effort then we can consolidate our staff as much as possible and be more effective in the work, the service that we provide.

[Mr. Leigland's remarks were inaudible due to audio difficulties.]

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Adam. Well, considering that this building was built in 1934 I guess it's an 80-year decision. Thank you.

- XI. D. Introduction of a Resolution Opposing the North Central Regional Transit District's Dedication of Fourteen Percent of Regional Transportation Gross Receipts Tax Revenues to the City of Santa Fe
[Tabled. See page 28]

- XI. E. **Recognizing the Exceptional Service of Santa Fe County Adult Detention Facility Warden, Mark Gallegos for His Commitment and Dedicated Service to Santa Fe County Over the Past Year**

COMMISSIONER ANAYA: Madam Chair, I think Commissioner Chavez will start and then I'll make some comments.

COMMISSIONER CHAVEZ: Thank you, Commissioner Anaya. Thank you, Commissioner Holian. This certificate of recognition is really a result of a tour that Commissioners Anaya, Mayfield and myself attended about a week ago or so.

COMMISSIONER ANAYA: Last week.

COMMISSIONER CHAVEZ: Last week. And this certificate of recognition was read by Mr. Sedillo to a small group of us that were there at the adult jail, adult detention facility and it just so happened that the anniversary of this particular individual was that day. And so I thought it would only be appropriate that we recognize the employee on site but collectively we recognize that employee as the County Commissioners. So on behalf of the County Commissioners and the County Manager I will read this certificate or recognition. It states The Board of Santa Fe County Commission hereby acknowledges Warden Mark Gallegos of the Santa Fe County Adult Detention Facility for his dedicated public service and steadfast commitment to preserve and foster public safety on behalf of the residents of Santa Fe County over the past year as warden of the Santa Fe County Adult Detention Facility. The Board of County Commissioners extends our appreciation for your sound leadership, and continued efforts during the past year as warden of the Santa Fe County Adult Detention Facility.

So Warden Mark Gallegos, would you please come forward and accept this certificate of recognition.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if I could make a couple comments. Commissioner Chavez, we've heard – one of the things that I've been doing in the Commission and it's been more and more associated with our public safety facilities and in particular our detention facility, is I've been in this meeting and outside of this meeting asking more and more questions as to what we're doing, how we're doing it and whether or not we're taking as many possible steps as we can to provide for the safety of those individuals that are incarcerated within that facility, as well as the safety of those individuals that are tasked with the responsibility, day in and day out, of providing the oversight within that facility.

I've had the opportunity of asking Mr. Gallegos as well as Mr. Sedillo many, many questions. I've also gone on not only noticed tours, like the one we went on last week, but I've gone on impromptu visits. We know as a Commission that there are always challenges that are faced in our detention facility both the youth and the adult. We know there are difficult issues that come to light on a regular basis that are challenges that are many times articulated within the press, whether it be the media or the print press. But I'm here today to acknowledge that beyond those challenges or in front of those challenges are our staff and our personnel.

And Mr. Gallegos, I've appreciated your forthrightness in your communications and your information. You will continue to face those challenges day in and day out. I think you understand that, and I think you also understand that we have an expectation that's very high with yourself and Mr. Sedillo and all of the staff, and that we'll continue to keep that expectation high during the good times and during the challenges.

So I congratulate you on your year of service and the staff that you have begun to build and reinforce from the cadets, from the custodians to yourself and Mr. Sedillo and everything in between and everyone in between. So with that, we'll continue to meet those challenges. We'll continue to work with the Corrections Advisory Committee and yourself and others to do our best to meet those challenges and work through them as they arise. Do you have any comments that you'd like to make, Mr. Gallegos.

MARK GALLEGOS (Warden): Madam Chair, Commissioners, it's been a fast year for me. I appreciate the comments. I appreciate your coming to the facility and looking at what we do, supporting our staff. I thank you for all the support you've given us I will continue to rise to the occasion and whatever the expectations are in working for Santa Fe County and making sure that we are providing a safe and secure facility. More than that, the quality of life for the individuals that come into our facility are the number one thing. So that being said, I appreciate the comments and I invite you to come in any time to come and see the staff, meet with staff. They were very happy to see that the County Commissioners were there to see what we're doing. So again, thank you and I will continue to rise to the occasion for Santa Fe County.

CHAIR HOLIAN: Thank you. Can I say a few words?

COMMISSIONER ANAYA: Just on the previous – I was saying, Commissioner Holian and Commissioner Stefanics have been on tours with us as well through the course of time and are very inclined to make sure that the facility is run appropriately. I just wanted to point that out. Thanks.

CHAIR HOLIAN: Thank you, Commissioner. I just want to thank you, Warden Gallegos, for your leadership and I think that the certificate is very well deserved. I'm sorry that I couldn't be at the tour last week but probably you'd thank me for not coming because otherwise the whole jail population might be sick now with something you probably wouldn't want them to have. So that's why I didn't show up. Anyway, thank you very much, and we will come down to present you with the certificate.

[Photographs were taken.]

XI. F. Introduction of Resolution to Support the Use of Water Catchment Systems Throughout Santa Fe County and to Direct Staff to "Lead By Example" By Considering the Use of Water Catchment Systems at Santa Fe County Facilities

COMMISSIONER ANAYA: Madam Chair, on behalf of Commissioner Mayfield I'd like to read this resolution and before reading it, I want to say my late father used to say, don't talk about it. Do it first and then talk about it. So that's the essence of this resolution.

Santa Fe County Board of County Commissioners Resolution No. 2013. Don't have a number yet because this is the first reading. A resolution to support the use of water catchment systems throughout Santa Fe County and to direct staff to lead by example by considering the use of water catchment systems at Santa Fe County facilities.

Whereas, the term "rainwater harvesting" is used primarily to describe a landscaping strategy designed to capture rooftop precipitation for irrigation and the landscape, reducing the need for supplemental potable water; and

Whereas, the New Mexico Office of the State Engineer, the agency charged with administering the state's water use and supply, promotes helpful strategies for water conservation by use of Roof-Reliant Landscaping which includes xeriscaping, efficient irrigation, use of low-water plants, dry land gardening, use of mulch, erosion control, use of retaining walls and straw bale swales, and the use of active and passive rainwater harvesting systems; and

Whereas, because New Mexico is an arid state with significant water challenges there is a renewed interest statewide in the concept of rainwater harvesting and cisterns; and

Whereas, given the increased cycles of drought coupled with population growth, the County's limited water resources, not only does it make sense to explore ways to get the most use of rainwater, but it is also wise to design and create landscapes that need little or no supplemental water in order to thrive; and

Whereas, New Mexico receives 12 inches of precipitation per year on average and the State Engineer continues to respond to the public's need for new and progressive ways to conserve New Mexico's limited water supply; and

Whereas, water is a precious resource in New Mexico, and it is in our best interest to be good stewards of this life-giving resource; and

Whereas, on November 30, 2010, this Board adopted by resolution the Santa Fe County Sustainable Growth Management Plan, which provides that all new

development consider installing rain barrels, cisterns or other water catchment basins to capture drainage depending on their structure size; and

Whereas, the Sustainable Growth Management Plan further observes that Santa Fe County is already in the forefront of requiring sustainable landscaping and xeriscaping, limiting water use for landscaping, and requiring rainwater catchment; and

Whereas, on January 29, 2013 this Board adopted by resolution, Resolution No. 2013-07, provides that staff be directed to lead by example in implementing cost-effective waste reduction, recycling and clean energy strategies in County operations;

Whereas in order to effectively support rainwater catchment strategies for the citizens and businesses of Santa Fe County, it is incumbent upon the County to lead by example at Santa Fe County facilities. Santa Fe County has approved and begun to establish water catchment systems for the Edgewood Senior Center and other community centers in conjunction with the Soil & Water Conservation District;

Now, therefore be it resolved that the Santa Fe County Board of County Commissioners adopts this resolution to support the use of water catchment systems throughout Santa Fe County and to direct staff to live by example by considering the use of water catchment systems at Santa Fe County facilities whenever prudent and feasible.

Madam Chair, this is the introduction of this resolution. It's not a brand new concept. It's not something Santa Fe County hasn't already done within fire stations and other facilities including the Santa Fe Fairgrounds, but it re-emphasizes the need to keep it a priority and it re-emphasizes that we are taking in our own hands the responsibility of maximizing and saving our valuable resource, water. So with that, Madam Chair, I'd stand for any questions.

CHAIR HOLIAN: Thank you, Commissioner Anaya. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, Commissioner Anaya, I think that this is something that I could also support and I'm wondering if there would be a role that our own County Extension Office could play in this. I didn't see them mentioned specifically. Maybe they're in there somewhere, but do you have any thoughts on that?

COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez, absolutely. We should include a more prominent role within the text of the resolution. I would note that our Extension Agent, Mr. Torres has worked with master gardeners and other entities and was part of the water catchment program that's at the 4-H facilities now. So I think that's a necessary part that we need to include in the resolution itself and I would accept any modifications you'd like to add between now and the next meeting.

COMMISSIONER CHAVEZ: Okay. I think if we could include that that would be good and then I'll put more thought into it between now and then. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair, and I believe that the merits of this stand on its own. I also think that this might be considered part of the responsibilities of the earlier resolution we discussed regarding the Water Policy Advisory Committee as well as action. So we might want to look at amending or combining, but that's just a suggestion. Thank you.

CHAIR HOLIAN: Okay. Thank you. If there's no further discussion it has

been introduced.

COMMISSIONER ANAYA: Madam Chair, I appreciate the input and would be happy to work with Commissioner Stefanics. I don't know if we would combine the two resolutions but I think absolutely we can complement the two resolutions. I know Commissioner Mayfield has another resolution for next month that we tabled that ties the solar energy component to these facilities as well, so I think maybe the discussion across all those areas would be an ongoing one and I appreciate the feedback.

CHAIR HOLIAN: Okay. Thank you. Before we go on, I would like to know, is anybody here for a land use case? Could there be a show of hands? Okay. I just want to warn you we have a couple more items on our main agenda to go through and then we are going to have a half hour executive session and we are going to try to reconvene at 6:00. No earlier than that. So I just want to let you know in case you want to go out and get a breath of fresh air or something like that before the land use part of the meeting starts.

XI. G. Other Matters from the Commission

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. First of all I'd like to invite the Commission and the public. The Santa Fe Community College will have a groundbreaking for the higher education learning center on April 23rd at 2:00 pm at Siringo, the corner of Siringo and the College of Santa Fe and the entire public is invited.

The other item, Madam Chair, is that I placed at everybody's desk a county health rankings data. Our county was ranked 6th in the state, and I'd like to point out that if you look on the second page, 15 percent of our residents have trouble affording a visit to a doctor's office. So this is something we might want to look at in terms of how we appropriate some of our indigent care funds in the future that we have people being limited. And that might matter.

The other item I'd like to bring to your attention is I served through Julia on the City Immigration Reform Task Force. It is a City task force so we don't hold a formal seat, but they are having an Immigration Reform Town Hall. It is Thursday, April 18th, 6:00 to 8:00 pm. It is a listening session and the congressional offices will be attending as well as elected officials. So everyone from the public and the Commission are invited.

Ms. Miller, I have a question for you. It was brought to my attention that we might have asbestos in this building, and I'm wondering if we've had this building inspected or how we address concerns such as that.

MS. MILLER: Madam Chair, Commissioners, I have a report for you on all of that. That statement that was made to you was incorrect and I do have a report for you from our Risk Management, an assessment that was done. So I'll be providing that to you.

COMMISSIONER STEFANICS: Today?

MS. MILLER: I have to make sure that it's correct, because there are some things in it that I don't think are appropriate but yes, I'll get it to you today.

COMMISSIONER STEFANICS: Okay. Or even if you had something to share with us later that would be great. And then the last item, Madam Chair, and I had already spoken to Mr. Sedillo about this. In the past, when we dealt with budget hearings we

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also looked at some of our services and our facilities and our enterprise funds, and we oftentimes discussed that we needed some business plans put into place and specifically juvenile detention was one of those. So I'm hoping that when we come to the next budget hearing we could hear some plans for how we could make that more financially sustainable. That's all. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Stefanics. Commissioner Chavez.

COMMISSIONER CHAVEZ: I will note for the record that I did get a letter from a County employee that has concern I guess about the Santa Fe County Administration Building. That's the building that we are in. You touched on that, County Manager so I will just leave it at that. I guess the employees want information. You're working on getting them the information that they need and hopefully everything will be okay.

The second thing I have is that I want to announce that on April 21st over at the Hillside Market, which is on the Old Las Vegas Highway, they will be having what they're calling a Sustainable Community Day and I've asked staff to work on a proclamation recognizing their efforts in providing opportunities for local artists and craftsmen and others to show and sell their work. I will say that I will disclose that I do have my work on display there along with others, but it is a real – it's becoming a real cultural resource for artists and craftsmen that usually don't have the venues to show and sell their work. And I would also – so I passed out literature about the Hillside Market, where they are, what they do, their hours and things like that. But I would like to invite all of the County Commissioners and especially Commissioner Holian. We'd like to have you in attendance that day to read the proclamation, and then I'm hoping that we can bring the proclamation back on the 30th and capture it in our County Commission meeting and read it again, even though it would be after the fact. So those are my thoughts on that.

And I'll yield the floor. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. Do you know what time the proclamation was scheduled to be read?

COMMISSIONER CHAVEZ: Actually, I don't but we can get you that information.

CHAIR HOLIAN: Okay. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, one item. For the next meeting I would ask – I know we have a placeholder for capital projects, but I would ask that we have a broader presentation relative to all capital projects that we have in the pipeline and a timeline associated with those. I know we've been all working on those and staff's been working on those Countywide, but if we could have a presentation on where we're at, and what we have in the pipeline, that would be appreciated. So thank you, Madam Chair. That's all I had.

CHAIR HOLIAN: Okay. Thank you. I just want to note that April 22nd is also Earth Day in addition to being a day of celebration at the Hillside Market, and I think it's a good day for us to all think about how we can live more sustainably on this earth, so that we can pass the earth that we love that's nurturing to us to our children, our grandchildren and our future generations. So anyway, thank you and now we're done from Matters from the Commission and we will move on.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Growth Management

1. Introduction of a Resolution to Submit Santa Fe County's Recommended Service Plan to the North Central Regional Transit

[Tabled. See page 28.]

XIII. B. Public Works Department

1. **Request Approval of Amendment No. 1 to the Building Lease Agreement with Women's Health Services for the Use of Additional Office Space Located at 901 W. Alameda, Santa Fe, New Mexico and to Authorize the Chair of the Board of County Commissioners to Execute Said Agreement No. 1 and to Obtain Approval From the New Mexico Board of Finance for Amendment No. 1**

AGNES LEYBA-CRUZ (Public Works): Before you is Amendment No. 1 to this agreement between Santa Fe County and Women's Health Services. Currently they occupy 7,751 square feet in our facility located on West Alameda. They're requesting another 2,162 square feet of unoccupied space on the second floor. So a marketing survey was conducted and the current market rate is \$15 per square foot, so that would increase their annual lease permit from \$129,016 to \$148,710. So I stand for questions.

CHAIR HOLIAN: Thank you, Agnes. Any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I know that Senator Rodriguez has brought up this particular facility in some of the discussions we'd had associated with Women's Health using the facility. That being said and the specific item, are we, with our County staff, how much space over all are we leasing still that we're paying other providers for space for right now? How much in a round figure are we expending that is non-County space:

MS. LEYBA-CRUZ: Currently, there is about 21,000 square feet that we own in that condo and 5,800 approximately is used by County staff. So the remainder, about 15,000 is being used by Women's Health and two other tenants.

COMMISSIONER ANAYA: So Madam Chair, Agnes, and maybe this is something you could provide at an upcoming meeting. I know it's a constant analysis but I'm not just talking about Women's Health, I'm talking about other space that we lease in other parts of the County. In the Bokum Building we have space, by the mall. What other spaces do we have and maybe – I know you're going to bring some information back on the courthouse. I know Commissioner Chavez is continually talking about space and use and our facilities. So either yourself or Ms. Miller, whoever wants to respond.

MS. MILLER: Madam Chair, Commissioner Anaya, we have leases, as you said, in the Bokum Building. We also lease spaces over here for the Assessor's. We do lease

out some space for the Fire Department, which as soon as that lease expires we'll move them into the old La Cienega and after it's renovated we'll move them into the old La Cienega fire station, the one that we moved everybody into Rancho Viejo from. So that lease is due to expire I think in a year or two when those renovations are done.

The primary area that we do lease is right downtown here though for all the individuals in the Bokum Building and over here and those leases run us probably close to about \$300,000 a year.

COMMISSIONER ANAYA: So Madam Chair, Ms. Miller, if we itemize some of the other uses that the County has that are in close proximity to downtown, do some of those leases offset? Do they become a wash if we're leasing space to Women's Health and we take in a certain amount of revenue, does it end up being a net wash on payment on some of that space? I'm just trying to understand some of the logic associated with the expansion, and I'm also trying to comprehend where we're at associated with space we could use for ourselves that we are leasing to others. I'm not taking anything away from their purpose and the good work they do but I think we also have to be cognizant of what are our County's needs and how we are utilizing our own space or not utilizing our own space and renting other space.

MS. MILLER: Madam Chair, Commissioner Anaya, we actually – we don't receive – we receive services in lieu of rent in that facility for indigent, so they actually provide indigent services above and beyond our indigent reimbursement and that is the offset on that lease in that building, so we don't receive cash from Women's Health to offset any of our other rental costs. We receive basically in-kind services for indigent care from Women's Health Services. And that building, the majority of the appropriations to purchase that building came from the state legislators and I believe the Governor at the time that we purchased the building with the intent of working with Women's Health in order to provide more indigent services.

COMMISSIONER ANAYA: So, Madam Chair, I think that's a good point for the public and in the future, if we have information like that I think we should say it at the onset. There may be other facilities that for anti-donation reasons that the County's provided before that might have offsetting service obligations they could provide in lieu of that, which is essentially what we're doing for Women's Health. Correct.

MS. MILLER: Madam Chair, Commissioner Anaya, yes. However, indigent services are one of those items as well that are exempt from the constitutional provision of anti-donation. So we have that as well as the fact that we do keep record of the services and they far exceed what the actual market rent would be as well. So Women's Health provides quite a bit of indigent health services in order to actually be in that facility.

COMMISSIONER ANAYA: Madam Chair, for the public and for the questions to you, my comments aren't to begrudge the work of Woman's Health but to make sure that the same opportunities and the same mechanisms are provided to other entities that might provide similar offsetting resources in other parts of the County. So thank you for the additional information.

COMMISSIONER STEFANICS: On this point.

CHAIR HOLIAN: Yes.

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SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
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COMMISSIONER STEFANICS: On this point, we have some other non-profits that receive direct appropriations, directed to the County that we put into capital facilities. Because I was part of some planning meetings and project management meetings as those were being developed and I think Esperanza, the Mountain Center, etc. So we probably have in my mind, at least four or five and maybe many more that the legislature decided to assist and that we were a pass-through. So I think we need to keep in mind that with the public that this isn't all our funds that are going to these entities.

CHAIR HOLIAN: Okay. Thank you. Do I have a motion here?

COMMISSIONER STEFANICS: I'll move to approve.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: We have a motion and a second to approve the amendment to the lease agreement.

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

XIV. MATTERS FROM THE COUNTY MANAGER

- A. Miscellaneous Updates**
- B. Annexation Update**
- C. Legislative Update [Exhibit 3]**

MS. MILLER: Madam Chair, in the desire to be expeditious I really can bypass updates, except I would like to hand out to you the legislative update so you have a copy of the actions that the Governor took on the bills that we were tracking, any of the bills that we were tracking relative to issues related to Santa Fe County. This report shows you of those items which ones were signed and which ones were either vetoed or pocket-vetoed. And then there's also some bills that we're doing some research on that may have impact on the County in ways that perhaps weren't really anticipated at the time they were passing through but we're analyzing those and working with each individual department so we'll have that information as well by the next meeting, hopefully.

And then the last two pages in there, or last three pages are the list of capital outlay that was in Senate Bill 60 and House Bill 337. Those items that are highlighted in red were items that were line-item vetoed. Those items that are in yellow are appropriations that come directly to us and then the other appropriations are with Santa Fe County boundaries but to another entity. And they may or may not be something that we are working on. So for instance, on some of the acequias, we work the acequias. On some of the mutual domestics we work with as well. So the appropriations may go directly to them but we are participating with them in some other way in some cases.

So I just wanted you to see what was in there broken down by Santa Fe County and you have that for your reference. And then that's all unless you have any questions for me.

CHAIR HOLIAN: Okay. Any questions? All right. Seeing none, I guess we'll have a more detailed discussion at the next meeting.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I do have a question, Ms. Miller. All the funds that were appropriate for community projects. They then will flow through the County for those projects?

MS. MILLER: Madam Chair, only those that are highlighted in your list in yellow will come through the County. The rest go directly to the other entity. They actually will say to such and such within Santa Fe County. They'll go to – like if they're for a mutual domestic or something they'll go to the Environment Department and they'll do a contract with them. If they're an acequia they'll go to the State Engineer's and then they'll do a contract. But they might be an entity that we're working with and we'll work with them. If it's something that we're partnering with them on, but only the ones highlighted in yellow come directly to the County.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR HOLIAN: Okay. Thank you, Katherine.

XV. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Discussion of Pending or Threatened Litigation

- a. *Andrew Valdez et. al v. Donald Romero et al., First Judicial District Court Case No. D-101-CV-2013-00280*
- b. *Luciano Trujillo v. the Board of County Commissioners et al., First Judicial District Court Cause No. D-101-CV-00796*
- c. *Lucas Culin et al v. Mark Gallegos et al., United States District Court Cause No. 2013-CV-00290*

4. Discussions Preliminary to Collective Bargaining Negotiations

CHAIR HOLIAN: Steve, do we need an executive session?

MR. ROSS: Madam Chair, we need a closed executive session to discuss the cases listed there as well as have some discussions preliminary to collective bargaining negotiations.

CHAIR HOLIAN: Okay. Do I have a motion?

COMMISSIONER CHAVEZ: So I'll make a motion to go into executive session.

CHAIR HOLIAN: And I'll second that.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (5 and 7) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Stefanics and Holian all voting in the affirmative. [Commissioner Mayfield was not present for this action.]

CHAIR HOLIAN: We will be back in roughly half an hour. Let's say 6:15.

[The Commission met in closed session from 5:40 to 6:50.]

CHAIR HOLIAN: I would like to call this regular meeting of the Board of County Commissioners back to order. Do I have a motion to come out of executive session?

COMMISSIONER CHAVEZ: Madam Chair, I'd like to make a motion to come out of executive session. Those in attendance were the County Manager, the County Attorney, Deputy County Attorney and the four County Commissioners.

CHAIR HOLIAN: And we discussed –

COMMISSIONER CHAVEZ: We discussed pending or threatened litigation on three cases, and collective bargaining negotiations but no action was taken during the executive session.

COMMISSIONER STEFANICS: I'll second.

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

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

XVI. PUBLIC HEARINGS

A. Growth Management Department

- 1. CDRC Case # Z/S 08-5430 Spirit Wind West Subdivision. Joseph Miller, Applicant, Danny Martinez, Agent, Requests Master Plan Zoning Approval for a 39-Lot Residential Subdivision on 133.73+ Acres and Preliminary and Final Plat and Development Plan Approval for Phase 1, Which Will Consist of 16 Lots. The Property is Located South of Eldorado, on the East Side of US 285, Off Old Lamy Trail (CR 33), within Section 5, Township 14 North, Range 10 East and Section 32, Township 15 North, Range 10 East (Commission District 4)**

CHAIR HOLIAN: We are in the public hearing portion of our meeting. Now, I'm going to start off by saying that I am going to recuse myself from this case due to statements that were made in the press. I do not feel that I can make an objective decision on this case and this case only, so I am recusing myself from this case and I will ask Commissioner Stefanics to serve as chair.

[Commissioner Holian left the meeting.]

COMMISSIONER STEFANICS: Thank you, Madam Chair. Good evening everyone. I'd like to make some introductory remarks before we start. First of all, we have two deputies in the room. Deputy Stephen Och and Deputy Bob Clark, because we believe we have some contentious hearings this evening. There are some ground rules. We will have presentations – a summary from the staff, a summary from the applicant. I believe Mr. Rambo has something to say, and then we will go to the public hearing portion. The public hearing is going to be limited to two minutes per person. It will be flashed on the screen. The screen will be your timekeeper. And the screen will move you along and if you can't move along by watching that, you're going to have peer pressure.

No profanity. No disrespectful comments to any parties. If need be, if somebody needs to be escorted out, I will ask the deputy, I will say, Deputy, please remove so and so, so that it is clear that the deputy is being asked to remove somebody out. It is rare that we have to do that in a public hearing but we've now had to set up those ground rules and some other ones as well, not just for the hearings this evening. So with that we'll get started and we have Ms. Vicki Lucero, case manager.

COMMISSIONER MAYFIELD: Madam Chair. [telephonically]

COMMISSIONER STEFANICS: Commissioner Mayfield, are you there?

COMMISSIONER MAYFIELD: I'm here. I just have a quick question for our attorney, Steve Ross.

COMMISSIONER STEFANICS: Commissioner Mayfield, okay. Thank you. Commissioner Mayfield is joining us by phone for this portion of the public hearing and consideration of the land use cases. Thank you, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, a quick question for Steve Ross. I don't know if my audio is good. I know there were some feedback issues a little earlier. [inaudible] But just clarification for me on recusal. As far as recusal, how does that apply to participation in the case? Can we say we have questions and participate in that part of the procedure?

COMMISSIONER STEFANICS: Commissioners, yes. You will have the ability to ask questions of staff or the applicant during the presentation. After the public hearing we will go back to Commissioners' comments and questions. Did that answer your question?

COMMISSIONER MAYFIELD: If we're recusing ourselves from a case. How does that pertain to asking a question and so forth? That's my question for the attorney.

COMMISSIONER STEFANICS: Mr. Ross, I'm not understanding his question.

MR. ROSS: Commissioner Mayfield, are you asking something about recusal? Did I hear that right?

COMMISSIONER MAYFIELD: Yes. If a Commissioner is recusing herself from a case, how does that go as far as participation in a case? Can a Commissioner still participate in the dialogue about the case?

MR. ROSS: Commissioner Mayfield, no. As soon as, like for example Commissioner Holian just recused herself from this case and she's left the room, so she's not participating at all and that's the proper procedure.

COMMISSIONER MAYFIELD: Okay. [inaudible] Thank you. [inaudible]

MR. ROSS: Madam Chair, Commissioner Mayfield, as a Commission, you probably have that option but I don't believe she's going to exercise that. I think she's left.

COMMISSIONER MAYFIELD: Okay. Thank you very much. Thank you, Steve. I just wanted that for clarification. Thank you, Madam Chair. That's all I have.

COMMISSIONER STEFANICS: Thank you, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, I'm going to put my phone on mute. I am on the line. I just don't want that feedback to interfere with you so if you need me just speak up and I'll take my phone off mute.

2. Master Plan and Final Plat and Development Plan, with appropriate signatures, and subdivision covenants and final disclosure statement shall be recorded with the County Clerk, as per Article V, Section 5.2.5 and Section 5.4.5.
3. The Applicant shall submit a financial guarantee, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a county approved engineering cost estimate for the completion of required improvements as approved by staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months as required by Article V, Section 9.9.
4. The letter of commitment from the Eldorado Area Water & Sanitation District shall be amended to include water service for the 39th lot prior to plat recordation of Phase I, Article VII, Section 6.3.
5. A market analysis will be required with the Preliminary Plat application for Phase 2 of the development, Article V, Section 5.2.2.g.2.

MS. LUCERO: Also for the record I just wanted to state that we handed out some letters and emails of opposition that we've received [*Exhibit 4*], as well as a phasing schedule that was presented by the applicant. [*Exhibit 5*] Thank you, Madam Chair. I stand for questions.

CHAIR HOLIAN: Thank you, and before we go to questions, Mr. Ross, would you please make a general statement to the audience about why we as Commissioners do not respond to their individual letters regarding land use cases?

MR. ROSS: Madam Chair, I'd be happy to. When we have time we try to send responses out in response to emails that you received to let people know that in these types of cases you are exercising a function similar to a jury. Jurors swear when they begin a trial that -- in serving as jurors in a trial they swear that they don't really know anything about the case and they're going into the case with an open mind. It's the same thing with an administrative adjudicatory proceeding like this where County Commissioners take off their hats as legislators and put on judges' hats. And as a result County Commissioners have to be clean slates as far as the specifics of a case go. Therefore when supporters or advocates of a particular position in a particular land use case send emails to all of you those email are referred to either my office or the Land Use Office for handling, because it would be improper for you to sit down and learn about the case in advance from one or the other party outside of these proceedings.

With the idea of an ex parte communication, which is how it's referred to in our rules is a communication, ex parte communication which are prohibited are communications that occur outside the context of these hearings in this room. And so when you receive a communication from one of the other parties advocating for a position for one side or the other it's sent to Land Use or myself to be included in the packet so we can discuss it and hear about it for the first time here. That's the whole idea.

So these communications, while normally appropriate when you're serving a legislative role aren't appropriate when you're serving as an administrative adjudicatory body and so you don't read them. You send them to me. We include them in the packet and we discuss them here.

COMMISSIONER STEFANICS: On that point, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Just to further clarify the point, because it's an important one. The trigger for a case is the submittal for a case, because Commissioners are in constant discussion about land use patterns and densities and open space and all of those functions that happen throughout the County. The trigger for the ex parte communications and when not to use them is the case submittal itself, correct?

MR. ROSS: Madam Chair, Commissioner Anaya, that's correct. Land use policy which encompasses all those topics as you've just described are legislative matters.

COMMISSIONER ANAYA: Which, Madam Chair, Mr. Ross, happens continually throughout the County. Many of which submit cases, many community members, development community, everyone. Correct?

MR. ROSS: Correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you. Okay we are now at that point of questions for staff. Commissioners, do you have any questions for Ms. Lucero? Okay. Thank you. Is the applicant here? And would you please introduce yourself for the record?

RON VANAMBERG: Yes, Madam Chair, thank you, Commissioners. I'm Ron VanAmberg here on behalf of Mr. Miller with Spirit Wind and with me is Danny Martinez who is the planner on this project. We have been tabled now several times, once when we were at the CDRC and once here in order to conduct – the Commission the last time they tabled us suggested that we try to reach out again to the community and I can't tell you how many times we have tried to do that. And there was a meeting which Mr. Rambo will discuss and Mr. Martinez will discuss held in early April out in Eldorado and there were about 75 participants there.

Following the tabling of this matter Mr. Martinez and I both tried to reach out to the community. Sort of the official community representative for this Spirit Wind was Mr. Beal and I contacted Mr. Beal. Mr. Martinez contacted Mr. Beal which is shown in emails which I think are part of the record here. The response of Mr. Beal to Mr. Martinez was, What is there left to discuss?

And indeed, the pattern of emails between myself and Mr. Beal was to the effect that we made concessions on covenant changes. We made other concessions and there were a few issues that were remaining but there was really no need for discussion. We were informed by Mr. Beal that there was another group that was forming. We tried to get names; none were provided. We were told that there was a meeting that was going to be held with this other group and that it would be a good forum for us to attend and meet. We then tried to find out the names of contacts. None were provided.

Mr. Martinez went to the County to try to find the names of people who maybe have registered with the County who would want notice. We sent notice out to them, and it was not until April 1st that finally emails started to emerge with the names of other people and comments being made, and we think that the delays were probably intentional. What I'm trying to conclude with is that Mr. Miller and Mr. Martinez have tried their utmost to reach out to the community.

With that said, reading the emails that recently came into the County Commission and also into Mr. Rambo's office there appear to be four or five areas that remain in dispute, and

these are the common themes. The first one relates to water and the general concern there is there isn't enough water to support any further development. I would point out that we went over this issue rather exhaustively at the first BCC meeting and I pointed out the memorandum of understanding which is part of the record here where the County acknowledges its statutory duty to protect the public and to assure that a 99-year water supply is available, where the County acknowledges that the County's water experts have "fairly reviewed the district's source of supply and connection with recent applications to develop property and have agreed with the district that more than adequate water resources currently exist to serve existing customers and to serve new developments within the district's service area."

And then after the whereases the parties agree that Water and Sanitation District Act provides the Water & Sanitation District with all the powers and authorities and responsibilities specified therein, and when the parties agree that for a minimum of three years from the date of the execution of the agreement, which is October 2012, no further information is needed and the County will accept a will-serve letter from the district that it is ready, willing and able to provide a customer with water service that is adequate for purposes of the required review under the New Mexico Subdivision Act. Mr. Miller has that letter.

The County and the district again agreed to a supplemental ensuring the water supply out in the Eldorado area by providing water from the Buckman Direct Diversion project, the negotiations of which were described by Mr. Ross at the last meeting, and that the County and the district agree to work together from time to time on other mutually beneficial agreements for infrastructure improvements, projects, etc. So we believe that the water issue has been resolved at least for the purposes of this application.

There is a concern over the fact that there are modular homes that are not prohibited from Mr. Miller's subdivision at Spirit Wind. I would point out that Section 3-21-0-5 essentially makes it illegal for an ordinance or a regulation to discriminate against modular homes in favor of stick-built site homes. I would point out that these modular homes are actually better constructed in that they are constructed inside facilities, plywood and things and 2x4s are not subject to weather. They are constructed with hurricane ties in order to ensure their safe transport and once they are up and functioning they are constructed as well or better than site-built homes. They are stuccoed and one really cannot tell the difference. We are informed that there are probably 30+ modular homes already in the Eldorado area.

There was a comment by one email that propane tanks were allowed to be above ground. That's not correct. We have agreed to require that they be placed underground.

Then there is a general concern raised about Mr. Miller's covenants being "harmonious." We're not sure what that means but we went through a considerable process with Mr. Beal to try to adjust our covenants to his satisfaction and except for these other areas that we've mentioned, essentially we accepted all of his suggestions and I wish that these people who are now concerned about these covenants had been a little more aggressive in making themselves known instead of essentially hiding their identity until very late in the game.

The issues raised as to the density, these lots average about 2.75 acres. Those are large lots and considerably larger than most lots in the Eldorado Subdivision.

There was a concern raised about the conservation of water. As reflected in your packet there are cisterns or rain barrels that are required, depending on the size of the house. We have water restrictive covenants that are in place. As we discussed last week there has been a drop in water usage in the Eldorado area as people as a matter of economics and as a matter of commitment are conserving more water and the double-edged sword out there is that the Water & Sanitation District charges probably the highest water prices in the state, which in turn has a deterrent effect for water usage. So we believe that the conservation issues have been addressed.

Unless there are any questions from the Commission I would like to have Mr. Martinez address the Commission.

COMMISSIONER STEFANICS: I do have some questions from you, Mr. VanAmberg, and you are an attorney, correct?

MR. VANAMBERG: Correct.

COMMISSIONER STEFANICS: Okay. I just want to explain we do not swear in attorneys because they are already under a code of ethics and we do swear in everybody else who speaks this evening. Commissioner Chavez.

COMMISSIONER CHAVEZ: I had just two questions. One, I think I can agree with some of the points you made regarding the modular homes but I'm wondering, will those be placed on permanent foundations?

MR. VANAMBERG: Absolutely. And stuccoed.

COMMISSIONER CHAVEZ: I didn't hear that part so I wanted to ask. And then I also wanted to ask if you are in agreement with the five staff recommendations that are part of the packet.

MR. VANAMBERG: Yes, we are, Commissioner.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you. Commissioner Anaya, anything for this applicant? Okay. So Mr. VanAmberg, you wanted Mr. Martinez and Mr. Rambo to speak?

MR. VANAMBERG: I would appreciate that, Madam Chair.

COMMISSIONER STEFANICS: Okay. And this is still on the applicant's time, so Mr. Martinez, do you want to come up and be sworn in? You're not an attorney, right?

[Duly sworn, Danny Martinez testified as follows:]

DANNY MARTINEZ: No. Danny Martinez, agent for Mr. Miller. Madam Chair, members of this Commission and community, we welcome the community. We welcome their input. We welcome their participation. We've done everything we can to continue to try to work with them. The problem is individually, there are just too many and we just cannot try to work with every individual to try to satisfy their concerns. So again, I do welcome the community's input. I think that this is healthy and I think it will help in the decision making, in resolving any future potential problems that we can see.

Madam Chair, members of this Commission, we have worked diligently to satisfy the County land development requirements. We have gone above and beyond when it comes to affordable housing. We're actually happy to say we have an affordable housing agreement and that we're going to introduce affordable housing into the community that is still not too

SFC CLERK RECORD 05/03/2013

sure if it's a welcome item in the community. We feel that affordable housing in this particular subdivision will be a start for affordable housing that doesn't exist in the community of Eldorado now. So affordable housing was a big step in that process and we will stand by it that we worked diligently to make this come together.

There was settlement agreement that was reached with Mr. Miller, the settlement agreement also took an enormous amount of time, effort, and again, we're very happy to say a settlement agreement was reached and it was approved by this Commission. The settlement agreement took care of a lot of outstanding issues that have been going on for years with this developer and I will state that our original development application for other development started in 1991, so we're not new to this. We've been involved in this for quite some time now.

Water conservation – we are totally aware of the need for water conservation. In our efforts to meet water conservation we have expanded our conservation guideline, our restrictive covenants that go with it and that cover every aspect of water conservation that has been required of us, and we stand by water conservation because we feel that it is a big issue. It's not over. When the first homeowner comes in and applies for a building permit he's going to have the same water conservation requirements that are going to be attached at development permit. So it's not over yet and we'll continue to work.

Again, water agreements by and between the water company, Eldorado Area Water & Sanitation District and Mr. Miller have been an ongoing issue for a number of years and this isn't just something that happened overnight. In this water agreement Mr. Miller transferred five wells to the water district, four of the wells were capped and abandoned because they didn't feel they were capable of producing water. One of the wells was a very productive well. The water company took this well and they actually went out there and they applied for a production well, which they've done. They've drilled this well. It's a 12-inch casing well. The hydrology report on it was just amazing, the capabilities of this well. It has the potential to provide up to 50 percent of the needs of the water company, and I think that the water company will acknowledge that this was a very important well to them, and again, there were no fees transferred between Mr. Miller and the water company when this took place. There was an agreement that Mr. Miller gave them these wells and there were also water rights that were transferred. They were water rights that were off of the Galisteo Basin well, and they were transferred to the water company, so that has been taken care of.

The will-serve letter that the water company provided is very clear in their agreement with Mr. Miller that they are more than willing and capable to serve Mr. Miller's developments.

Economic [inaudible] - the people in Eldorado are no different. Everybody was affected by the economic downturn. In our efforts to create something that we felt was good for the community, the affordability and the affordable housing, we wanted to keep our price range within a range that was comparable to 80 percent of the Eldorado area, which has been a big area. There are a lot of homes in this community. So we felt that our price range was very comparable with them. It's hard for us to try to be in competition with the developments around us that have three-quarters of a million dollar homes or greater, or less, but our efforts were more trying to create affordability in a community that needs to see the reality of affordable housing for this community.

We worked diligently. We are so anxious to either move forward, if we get turned down other options are available to us. We don't want to be turned down. We want to be able to forward. We want to be treated as every other development in this county would be treated, and that's to be given the fair shake that we have made and the fact that we have complied with every condition possible from the County through all the various state agencies.

Again, we're looking for discussion. If there's any comments, questions, we're ready to answer them all.

COMMISSIONER STEFANICS: So, Mr. Martinez, as was requested before, you are – the applicant is in agreement with all the conditions?

MR. MARTINEZ: Madam Chair, yes we are.

COMMISSIONER STEFANICS: Thank you. Questions for Mr. Martinez before we move to Mr. Rambo? Commissioner Chavez.

COMMISSIONER CHAVEZ: Can I ask a question of staff?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER CHAVEZ: Is this proposal doing anything outside of our current Land Use Code? Are they complying with our current Land Use Code to the extent possible?

MS. LUCERO: Madam Chair, Commissioner Chavez, that's correct. We reviewed for every aspect of the County Land Development Code and the US 285 Corridor Ordinance and it's compliant.

COMMISSIONER CHAVEZ: So we're not applying any of the new proposed Land Use Code that might be adopted in the future? That's not applying to any of this development?

MS. LUCERO: Madam Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: I have a question for Vicki or for Steve. If I own a piece of parcel or of land, Madam Chair, Mr. Ross, by law, I can restrict that development use to, if I was able to obtain approvals, to single-wides only, if I wanted to, and have a restrictive covenant that would only allow single-wide manufactured housing if that was my desire as a landowner.

MR. ROSS: As a landowner. Yes. Correct.

COMMISSIONER ANAYA: But as a governmental entity I would not be able to restrict that use?

MR. ROSS: Correct.

COMMISSIONER ANAYA: Unless – I wouldn't period. The type of house within the code by law, because of fair housing and other issues?

MR. ROSS: There is a specific statute that Mr. VanAmberg made reference to, yes. With respect to manufactured homes and modular homes, there's a specific statute that doesn't permit government to discriminate between those types of homes and stick-built homes.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, I hadn't really thought about it. Permanent housing on permanent foundations as Commissioner Chavez brought up.

That's a good option usually when someone is trying to borrow against a modular home because of financing reasons and it opens up opportunities for financing. But are we skirting that law in any way? Even though the owner agreed to those conditions? If someone was to say I can't put a permanent foundation?

MR. ROSS: Well, Madam Chair, Commissioner Anaya, the government is not making that restriction. It's a restriction the developer is making as a private covenant, just like you described earlier. So the government isn't making any kind of restriction on these lots but the applicant is.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, we probably – we couldn't even do that, could we?

MR. ROSS: That's right.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you. Mr. Rambo. For those who don't know, would you introduce your role in all this?

ROBERT RAMBO: Sure. My name is Robert Rambo. I'm the appellate court mediator. I am an attorney, and I became involved with this through settlement discussions through cases in the court of appeals about two years ago with cases that were up on appeal between Mr. Miller and the County and I have since then become involved in mediating between Mr. Miller, the Land Use Division, the Legal Department, County Hydrology, basically making myself available in any disputes that might arise in this process involving Mr. Miller, the County, and at this point the community.

Back in January there was a meeting that was held in Eldorado with some of the neighbors at the behest of the CDRC. That process that evolved since that meeting, I've monitored some of the communications by email and been updated by Mr. Martinez and Mr. VanAmberg and Mr. Beal regarding changes that were made to the covenants over time. Since the last BCC meeting Mr. Martinez made efforts to schedule another meeting with the community. He had arranged for a meeting March 28th at the Eldorado Community Center. For some reason the Eldorado meeting was cancelled. Well, it was cancelled because someone indicated that Mr. Miller was not a resident of the community.

I then contacted the Eldorado Community Center on March 28th, asked if they would consider rescheduling the meeting for next week, indicated that the Board of County Commissioners had requested that a meeting might be useful. I asked as the mediator involved with this to see if they would accept the meeting. They agreed. Eldorado Community Center scheduled a meeting for April 4th at 7:00. Published that on the website, also put information on the marquis in front of the Agora markets.

I mailed out some notices to some folks for whom addresses were in the file. Mr. Martinez mailed out some notices. There was then a flurry of emails of folks indicating the scheduling wasn't convenient, that there was another conflict. Some folks agreed and Mr. Miller agreed to be available as early as 6:00 pm on that Thursday, so the meeting began at 6:00 pm on Thursday and ran for about 2 ½ hours. And as reported, about 70 community members were able to adjust their schedules, get coverage for the other meeting and attend this meeting at the community center.

I mediated the meeting. I will tell you that interests were raised. Interests were explained to Mr. Miller from members of the community. It's my point of view as a

mediator/facilitator that there really weren't a tremendous amount of new issues that were raised. There was a summary of issues actually that Cindy Clark reported in an email. I don't know if you want me to go into detail to read it, but suffice to say including in the interests that were raised by the Commission – unfortunately, at this point in the process with it being a four-month long process, it's my view as the mediator that Mr. Miller has made the concessions that he feels he can make from an economic point of view. We're reached a point where there's a significant amount of discussion fatigue and discussion frustration with new members who came to the meeting on April 4th hoping they could get further concessions from Mr. Miller and were disappointed and frustrated that they were not forthcoming at this point.

So my input on this is that all of the issues that could be raised have been raised. All of the resolutions that can be resolved have been resolved, and at this point it would be my view that further discussion would not yield any further compromise through that kind of a process. Any questions?

COMMISSIONER STEFANICS: Thank you, Mr. Rambo. Questions for Mr. Rambo?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I wasn't at the last meeting. Who were you hired by?

MR. RAMBO: I work for the New Mexico Court of Appeals and as part of the settlement agreement that was reached –

COMMISSIONER ANAYA: Got it. Thank you, Madam Chair.

COMMISSIONER STEFANICS: I the last meeting, Mr. Rambo was in the audience but did not have a speaking part.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER STEFANICS: Commissioner Mayfield, do you have any questions of the applicants or the staff?

COMMISSIONER MAYFIELD: Madam Chair, I'll just wait till the very end, Madam Chair. Madam Chair, can you hear me?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER MAYFIELD: I'll wait till the end. I want to hear what the public says.

COMMISSIONER STEFANICS: Okay. Thank you. We are now moving into that part of the meeting which is the public hearing. Every person that would like to speak would you please stand up in your place and you will be sworn. Every person that plans on speaking about anything, pro or con, related to this matter, our transcriber will be swearing you in in one minute.

[The oath was administered to those wishing to speak.]

[Duly sworn, Katherine Apodaca testified as follows:]

KATHERINE APODACA: Hello. My name is Katherine Apodaca. I'm a native Santa Fean. I have many generations of my family in Santa Fe, Galisteo, Stanley, Moriarty. I think that it's a wonderful opportunity that Mr. Miller is providing with all of these lots for many people that [inaudible] I'm the mother of three sons. Two of them are

SFC CLERK RECORD 66/63/2613

getting closer to becoming – to starting their own families and I would love for them to have an opportunity to have a home here. And it would be wonderful.

I'm actually living in a modular home myself and when we moved in it was 1996 and it looks like a beautiful adobe. It's wonderful. Otherwise [inaudible] start their families here and I think that it's a great opportunity. Thank you so much.

COMMISSIONER STEFANICS: Thank you, Ms. Apodaca. Next please. Next person. We need to keep moving on. Just come on up. You might as well just line up in the aisles so we can keep going one right after the other, please. We have several more cases after this one this evening.

[Previously sworn, Ursula Freer testified as follows:]

URSULA FREER: My name is Ursula Freer. I live in Eldorado. Do you need the street address?

COMMISSIONER STEFANICS: Yes, please.

MS. FREER: 28 Avenida las Nubes.

COMMISSIONER STEFANICS: Thank you.

MS. FREER: I've heard a lot of wonderful things about all the wonderful things Mr. Miller is doing for us but I heard no details about the water conservation except a vague mentioning of cisterns, how many gallons of tanks. I would like to have more detail.

COMMISSIONER STEFANICS: Thank you. I am going to just refer you back to the website. This is the second public hearing. All of the details about this case have been posted on the website. And the last meeting was a couple of weeks ago so that is where you are going to find the detail.

MS. FREER: I was at the meeting. It was very vague.

COMMISSIONER STEFANICS: Thank you very much. Okay, next person please.

[Previously sworn, Duncan Sibley testified as follows:]

DUNCAN SIBLEY: My name is Duncan Sibley. I live at 18 Palacio Road in Eldorado. I'm a geologist and teach hydrology. I've read the 2007 Glorieta GeoScience report. It's very important. I don't know if it's within your purview to rate it. The report says Eldorado will need to find six new wells within 40 years – that was from 2007, in order to meet the demand. The report never says that Eldorado has an established 100-year water supply. The report says six new wells and the report also says the location of those wells is conceptual. There's nothing in the report that says where Eldorado will find this water. So I've asked the water district whether or not they have the siting for future wells and I've been told by the president of the board and the vice president of the board that no, there is no present location for new wells.

Well 18, which was referred to earlier, is a high producing well. What wasn't mentioned is that Well 18 in the pump test, which is available on the Eldorado Water Board site drew down Well 17, an existing well. So we have a new well drawing water from an older well. We still don't know where that additional water is going to come from. It was mentioned that the County may provide that water from the Buckman Direct Diversion project. Adam Leigland, Public Works Director, has told me they can guarantee water through the Buckman Direct Diversion for 33 years. We don't have a 100-year supply. Thank you.

COMMISSIONER STEFANICS: Thank you very much, Mr. Sibley. Next please.

[Previously sworn, Natalie Champion testified as follows:]

NATALIE CHAMPION: My name is Natalie Champion. I live at 14 Calle Cal and my issue with this development is not based on whether or not modular homes should be allowed or not. It's primarily a question of sustainability. It's not sustainable to keep building at the rate that this – if you approve this, it's going to draw water away from the people that live here that have houses here already. We already are in a water crisis and it's not going to get any better any time soon. We have had 336 months of consecutively higher temperature. That is not going to do anything good for our water supply. It's not a sustainable plan to continue to build. Why not fill the houses that are here? It just doesn't make sense to me for us to try to keep building, especially in an ecosystem as fragile as in New Mexico. Like Duncan said, there's no guarantee of where you should drill in order to get water. So it's a crapshoot. You're not going to be able to say, this is where we should drill and it's just not – it doesn't make sense to try to push through more development without making sure that there's enough water to even sustain the development that is already in place. Thank you.

COMMISSIONER STEFANICS: Thank you very much, Ms. Champion. Next please.

[Previously sworn, Roger Taylor testified as follows:]

ROGER TAYLOR: Roger Taylor, 54 Camino los Angelitos, Galisteo. My concern is looking a cumulative impact. We have a plan, a sustainable, manageable growth plan that was approved with a lot of citizen input in 2011. We have a draft code that's in process and we have an old code from 1996. If we look at the plan the plan talks about growth areas, SD-1's, SD-2's, SD-3's. Eldorado is classified as a moderate or SD-2 area. If we start looking at cumulative impacts, I'm not necessarily talking about this one development tonight. I'm talking about all the developments potentially that could be going along that ten-mile stretch from 285/25 to 285/41. You're looking at a large impact of density, of light pollution, of traffic. Increased traffic, by the way in the WIPP corridor where there is dangerous materials coming down that highway, you're looking at a number of different impacts that if you begin looking and step back and look at the number of developments that may be proposed and are in the pipeline you're going to start to see that there's a larger impact on this area.

I'd like to suggest that actually the County hold until the new draft code comes out. There are a number of communities that have been in this situation and have done that. If you look at Tacoma, Washington, Kirkland, Washington, Ann Arbor, Michigan and Boulder, Colorado, they all were in this issue. They had a plan, they had a draft code, they had an old code. They put a temporary hold on all development in certain areas in order that those areas would not be forced from one designation into another. If we look at the larger scale of the number of developments here, Eldorado could potentially go from an SD-2 to an SD-1. So I think we need to look at the larger perspective. Thank you.

COMMISSIONER STEFANICS: Thank you very much, Mr. Taylor. Could you please hold the clapping? I think everybody's comments are very important and to acknowledge one and not another is a little unfair. Yes, sir.

[Previously sworn, Damian Gessler testified as follows:]

DAMIAN GESSLER: Good evening. I'm Damian Gessler from 15 Acote Court. I'd like to share with you a little number. The number is 104. 104 is the number of building permits issued in this community, many of which over the last five years. That's from Housing and Development. It's a good measure of basically what the market demand is for houses. And we were talking about here [inaudible] in Galisteo, it's about seven percent of the count. So the demand in the county is development should be for six to eight house. Looking at subdivision, a small hamlet over the hill in the desert is a function of Old 285 in Galisteo. Maybe two to four house. Before 2007, my land, I built it, I could make or I could lose money. It's my business. But after 2007 when we saw trillions of dollars of wealth evaporate, it's not one's person's business. If you overdevelop in the area you're affecting thousands of people. We have in front of us a preliminary plan for phasing 16 lots. Sixteen is a much larger number than simple calculations show that this market can support. Now what are we doing? You build the roads and you build the lots and then you build the houses. And [inaudible] or they don't move. It isn't one individual's problem, it's an issue for everyone.

Madam Chair, Commissioners, you have a fiduciary responsibility to all of us and we all have a responsibility to ourselves to develop wisely, sustainably, with conscience about how it affects us and how it affects the children to come. I thank you for your time and please take this into consideration.

COMMISSIONER STEFANICS: Thank you very much. Next please.

[Previously sworn, Victor Hesch testified as follows:]

VICTOR HESCH: Madam Chair, Commissioners, my name is Victor Hesch. I'm a resident of 7 North Hijo de Dios, a lifetime resident here in New Mexico, and I've seen a weather pattern that is frightening and this is what prompts me to speak tonight. When I was a kid I remember when the Santa Fe River at Arroyo Mascareñas and Acequia Madre used to overflow its banks. That hasn't occurred since I was a child. Anyway, if you pay attention to the news media that's being broadcast over the last two or three weeks you will find out that the Rio Grande is at the lowest level from runoff that it's been for the last 14 years. The Buckman wells are scheduled to dry up according to lack of water conditions and so tying into the Buckman well is not going to happen. There's even talk about the reservoirs in the northern part of the state drying up and that's not good news.

So I'm here to defend further building not going through, or going through, I should say, I'm sorry, because of the water situation. We're in a ten-year drought. I've been communicating with the Fire Department people for the last four weeks and the news is not good. Lack of water, if we should have a fire, God forbid, I don't think that people are going to have the water to put out the burning stick-homes, which I find very entertaining. Anyway, thank you very much.

COMMISSIONER STEFANICS: Thank you, Mr. Hesch. Next please.

[Previously sworn, Frank Hersch testified as follows:]

FRANK HERSCH: I'm Frank Hersch, 769 Camino los Abuelos, Galisteo. I'm not here for or against the development. I'm against the expediency of using taxpayers' money. It seems to me that six years ago or so you hired Dr. Froelich to come over and do a new development plan at great expense. You changed that. I was on one of the committees that spent a lot of time and energy examining the new plan and finally the plan has been approved, again, at great expense and time to the taxpayers. And what about all this? Why

isn't the plan in effect? [inaudible] You don't have the code yet. [inaudible] doesn't the plan take over. And why should we for the sake of expediency put through any development until it absolutely meets the requirements of the new plan. In other words, why in the hell did we the plan. Why don't we wait for the code? We're against expediency.

COMMISSIONER STEFANICS: Thank you very much, Mr. Hersch. Next please.

[Previously sworn, Monica Welsh testified as follows:]

MONICA WELSH: My name is Monica Welsh. I live in Lamy at 5 Ravens View Road. I just want to say I attended the meeting on April 4th and the applicants – well, Mr. Miller in particular spoke of covenants. Whatever he has set up as his covenants he said to us, I prefer very simple covenants and as soon as these lots are sold the 39 homeowners they can create their own covenants. So whatever is being told to us about covenants is not exactly binding, whether it's foundation or affordable housing. And Danny Martinez also minimized affordable housing to us as a local community. Those are two things I wanted to say.

The other thing is in terms of the traffic coming down 285 from Eldorado toward Galisteo, I mean I think that whole corridor will be impacted seriously be even 80 more cars a day. But speaking of my own personal experience coming down the crest over that railroad crossing which is designated 40 to 50 miles an hour, cars are coming down at 70, 80, 90 miles an hour. This is on the WIPP route. And I cannot tell you the number of times I have pulled off the road because of a WIPP truck crawling over the tracks. Cars sometimes right behind the WIPP truck, speeding right next to a WIPP truck and this is a situation I can only imagine will get worse. Thank you.

COMMISSIONER STEFANICS: Thank you very much, Ms. Welsh. Next please.

[Previously sworn, Paul Olshefsky testified as follows:]

PAUL OLSHEFSKY: My name is Paul Olshefsky. I live at 22 Mad Dog Drive in Lamy. Madam Chair, Commissioners, my wife and I moved to this area to enjoy the open space and the rural atmosphere. The scenic quality of this is now threatened by residential density and sprawl. We enjoy the accessibility of the Santa Fe Rail Trail, the Galisteo Preserve Trails and living near the historic village of Lamy. We are asking for more open space, public trails and less density in this development. I have two issues to address this. Regarding public trails, I spoke with Colleen Baker, the community Open Space and Trails and Park staff and she said she'd been more than willing to work with Mr. Miller on a public trail. The problem is Mr. Miller's proposed plan did not meet the County's standards for a trail.

The other issue is Mr. Miller did not even know that the State Game and Fish conceptual wildlife corridor engulfs this whole project and what's more, he didn't seem to care. This corridor is listed on pages 50 and 51 of the County's Sustainable Growth Management Plan. Little consideration for our area has been accepted by Mr. Miller. Mr. Miller's only motivation it seems is to make as much profit as he can and get his plan approved before the new codes are approved. Mr. Miller's development lacks a consideration of neighbors and will only enhance sprawl in our area.

SFC CLERK RECORD 05/03/2013

With so many lots available in our area now is not the time for more development. I plea that you make a motion to table this development, to second it, pass it, until Mr. Miller proposes a reasonable plan for our community. Thanks for your attention and time.

COMMISSIONER STEFANICS: Thank you, Mr. Olshefsky. Next please.

[Previously sworn, Joseph Guerrero testified as follows:]

JOSEPH GUERRERO: Joseph Guerrero, 46 Sierra Blanca Road, Spirit Wind Ranch. We've lived in the house for seven years. My experience has been that there are a lot of issues that make living in that area less than affordable. We have radiant heating in the house. We found out after we moved in that we couldn't afford to run it, the price of propane being anywhere from \$1.80 a gallon to \$2.49 a gallon. We simply had to turn off the radiant heating and supplement with electric heating from small heaters.

We also found out about other maintenance issues. We have a road that requires maintenance. We have to set aside at least \$2,000 a year to have it crack-sealed. We have to have it snow-plowed. We have to deal with the drainage system, which we've spent a couple thousand dollars remediating. So there are a lot of issues that are considered maintenance costs that are going to make living there less than affordable. They're going to have to have the means to pay for those other expenses. So to market this as an affordable community really sort of rings like the sub-prime market, selling people things they're not going to be able to afford to live in. So we're concerned there are probably going to be homes – we've already had one home lose its certificate of occupancy because of problems with the foundation. It had to be torn down. We were fortunate that someone in the community had enough money to buy the property and pay for it to be razed or we would have a vacant house sitting in our subdivision which would really decline the value of our homes. So we're wondering what kind of covenants are going to protect the properties that are going to be in our so-called sister community? Thank you.

COMMISSIONER STEFANICS: Thank you very much, Mr. Guerrero. Next please. Now, is there anybody else who wants to speak? Now's the time to be lining up because we'll be ending this public hearing as soon as there are no more people. Okay. Yes, ma'am

[Previously sworn, Cindy Clark testified as follows:]

CINDY CLARK: Yes. Hi. My name is Cindy Clark. I live at 16 Lime Kiln Road, Lamy, and I want the Commissioners to consider postponing the approval of Mr. Miller's plan. You've heard from many community members today and I think the overall request is that you delay until the new codes go into effect. I am here representing a newly formed alliance, the Highway 285 Galisteo Area Sustainable Growth Alliance. This group has come together because overarchingly, we're concerned about water but we are also concerned as citizens of all the communities that make up the area southwest of 25 and west and east of 285, including Eldorado, Cerro Colorado, the Arts Barn and Lamy and Spirit Wind West and Spirit Wind, which we're talking about.

All these different communities, the community that has gone into the Galisteo Basin Preserve, we all are looking at the cumulative effect, and people have talked about water, we've talked about the wildlife corridor, we've talked about the Dark Skies Initiative, and housing that is not sold up to this point. So please listen to your community. We are all being very respectful. We would like to have the science be evidence-based. There are conflicting

reports on the water availability. We do not want to undermine Mr. Miller's chance to make a living, but we also hope that he does look at density and consider highly his plan.

COMMISSIONER STEFANICS: Thank you very much. Next please. Is there anyone else after this speaker? This will be the last speaker from the public then.

[Previously sworn, Fran Nicholson testified as follows:]

FRAN NICHOLSON: My name is Fran Nicholson. I live at 13 Lime Kiln Road in the Village of Lamy. There's been a lot of talk about Eldorado but really, not a lot of the outreach has gone to the people of the Village of Lamy which is where this development is going to be. There's about 50 residences in Lamy and this will almost double the population of our village. I think that's kind of crazy, personally. The village has been that way for a long time and we kind of like it like that. In terms of Joe Miller being good about outreach and trying to get anyone to come to a meeting, I disagree with that completely. There's a stand of mailboxes there. It has a number on every mailbox and he could have sent a letter to every one of those mailboxes. We got three days notice. The wind blew the sign down. He put a sign at the Agora. We don't go to the Agora. We live in the Village of Lamy and we're the people that needed to be contacted, not the people of Eldorado. I just feel that there's a lot of talk and a lot of it wasn't directed at the right population. And that's my opinion.

One more note that in terms of water, I used to house-sit in the house that I now own in the village and that was 20 years ago. The water was fine. Now my water is coming up bad. My water is coming up with minerals and salt and it's killing things, not nurturing things. So the nature of water in Lamy is really changing and I don't know what's going to happen if you're feeding all these other households and giving more water to Eldorado. It's really serious. Anyway, that's what I have to say and I hope you take all of our comments into consideration. Thank you.

COMMISSIONER STEFANICS: Thank you very much, Ms. Nicholson. This public hearing is now closed, but I would like to, number one, thank every person who participated in any meetings between the last hearing and this hearing, who sent in any letters of opinion or comment, and for those of you who took the time to come this evening. I thank you very much. This is about community participation.

I have several questions but I would like to go to the Commissioners first for questions. We're back on questions or comments.

COMMISSIONER ANAYA: I have some.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: I have some, Madam Chair, and I'll make others as you make yours and as time progresses. Madam Chair, Mr. Ross or Ms. Torres or Ms. Ellis-Green, any of you that want to chime in and answer this. Mr. Leigland is referred to in here but I think you guys are familiar with comments made to utility and I think, Ms. Torres, you are familiar with that.

I want to talk a little bit about legality associated with decisions made here at the Commission and process oriented with that legality. We, as a governing body establish a Land Use Code that outlines the legal process by which anybody comes in to use or undertake a land use. Whether that's one lot or 5,000 lots. Is that correct?

MR. ROSS: Madam Chair, Commissioner Anaya, yes, that's correct.

COMMISSIONER ANAYA: And within that process we have a checklist of items that we delineate that an individual has to follow whether they're building one house or whether a developer is going to built 5,000 houses. Correct?

MR. ROSS: That's correct.

COMMISSIONER ANAYA: Associated with that process there was a reference made to a settlement. I'm not going to get into aspects of the settlement because we can't, but typically what happens with land use cases that end up judiciary hearings or in court is there are times when we were like told that we would move to mediation and there would be some negotiation of whatever determination we made that has been disagreed upon by a jury or by an individual judge. Correct?

MR. ROSS: Right. That's correct.

COMMISSIONER ANAYA: Specifically related to this case and other cases in this region and anywhere in Santa Fe County, do we regulate water utility use? Do we regulate in any way the consumption and use of water of the Eldorado utility?

MR. ROSS: Madam Chair, Commissioner Anaya, the Eldorado Area Water and Sanitation District is a political subdivision, just like the County. It's a co-equal political subdivision with less powers than the County has, so no.

COMMISSIONER ANAYA: We don't regulate them. They fall under the auspices of the State Engineer, correct?

MR. ROSS: To some degree, yes.

COMMISSIONER ANAYA: The use of their utility or the administration of their utility is by water consumption under the State Engineer and depending on what type of utility it is, it can fall under the Public Regulation Commission, relative to oversight and administration.

MR. ROSS: Madam Chair, Commissioner Anaya, I actually don't think they file their rates with PRC, but yes, with the AFC and as far as their use of water it's then pursuant to State Engineer permits and they're highly regulated as we are in our utility by that entity.

COMMISSIONER ANAYA: So that the public can understand, those sitting in the room and those listening on the radio or watching on TV, what's the differentiation between what's a utility regulated by the PRC and what is a utility that's regulated by the State Engineer? What's a broad-brush summary of that, for the public's consumption that may not be aware?

MR. ROSS: Madam Chair, Commissioner Anaya, of course the State Engineer regulates the use of water through the thing we call water rights, which is a kind of property right, and so the State Engineer ensures that the constitutional requirements of first in time, first in right are adhered to and they've developed systems to deal with that, as distinguished from the Public Regulation Commission which deals with often investor-owned or co-op type utilities or voluntarily, municipalities or water & sanitation districts. They may regulate the rates that those entities can charge customers.

COMMISSIONER ANAYA: So, thank you for that summary. So Madam Chair, Mr. Ross, relative to this project, and there was reference made to a commitment that was rendered by Santa Fe County associated with supportive water, what's the basis for that determination? Where'd that come from?

SFC CLERK RECORD 55/03/2013

MR. ROSS: Madam Chair, Commissioner Anaya, as you'll recall, the Commission entered into a memorandum of understanding with the water & sanitation district about a year and a half ago in which we promised to work with the district to get them backup water or even direct water should they so desire from the Buckman Direct Diversion system. We the County are not using our full allotment and have quite a bit of excess and so that pledge was intended to provide the Eldorado community with more security in their water supply.

Now, right now, and I mean right now, we're negotiating with the district for a water service agreement to accomplish exactly that. Mr. Guerrerortiz has got a project that's going eventually out to Cañoncito and there is a plan to hook that project into the Eldorado system at two points.

COMMISSIONER ANAYA: So, Madam Chair, relative to water use in that particular area, I want to say public I'm not agreeing to the knowledge base of what's occurred in that basin, the Galisteo Basin as well as Eldorado, but when you go back historically and look at the minutes and look at what has transpired in the last 30 years in that basin, you'll find that the desire of the [inaudible], and I was born and raised in Galisteo and I'm proud of that, but the corpus of a lot of what's happened within Santa Fe County to this date relative to Buckman Direct Diversion came from a desire of residents throughout that corridor to find an alternate source of water that was going to reduce the capacity that was being pulled out of the groundwater.

Pick your land use case, pick your County Commission meeting, pick your discussion on any developments that have gone on in the last 15 to 20 years in that basin and you'll find a recurring theme, not from one side, from both sides of a desire from community members just like yourselves to see a transfer of water use from groundwater wells that Galisteo itself for almost 30 years fought in court and the use of the Eldorado wells that are used to this day to advocate for less groundwater use and more surface water use. Go to any land use case. Go to the legal cases. The corpus of what we at that time, myself included, that sat on that mutual domestic water board in Galisteo, was that we had to find some sources of water that were not coming from the groundwater and coming from the well sites.

That's exactly, that is exactly what Santa Fe County has progressed to where we now, finally after decades of talk are at the point of being able to deliver water from a surface water component as opposed to continued use out of the groundwater. That's exactly what we were after, that's exactly – if you go to the minutes of the meetings in the Board of County Commissioners and the legal issues that those community members were advocating for.

Just by a show of hands, I would like to know, in that sector – because I saw some of you that I've seen that I know have been around for many, many years, how many people have been in that corridor for over 20 years? By a show of hands. So there's a lot. I'm just making a point that there's a lot of history that's tied to exactly what the community's advocated for to get surface water as opposed to groundwater. Documented legal cases and Commission land use cases.

I would encourage any and all of you to research it. Go speak to people like Rod Hall in the Village of Galisteo who's been advocating for making sure we don't deplete our underground water resources for decades, for 40, 50 years plus.

SFC CLERK RECORD 05/03/2013

So I guess I'm bringing these points up to each and every one of you to say that we have been asked as a County – I've only been here, I'm on my third year – but we've been asked as a County over decades of time to find alternate sources to utilize water for augmenting existing uses, but also providing for latitude for additional development. Plain and simple. That's what was asked of the County and that's what the County has done, over decades. And we're finally at the delivery point of being able to offset straight up the amount of groundwater that's coming out of the ground.

Two main priorities that I've had while serving on this bench is augment first, but don't close the door absolutely to any new growth whatsoever. I've said it from the beginning and I'll continue to say it.

That being said I want to go back to the question and the case at hand. Given the positions, and I want you to just speak from your experience. You're our County Attorney, Mr. Ross. Madam Chair, Mr. Ross, how many years have you been the County Attorney here at Santa Fe County?

MR. ROSS: Madam Chair, Commissioner Anaya, ten.

COMMISSIONER ANAYA: Ten years. For those cases – you don't have to represent individual cases but based on your expertise and your experience, if a project comes to Santa Fe County, takes the Land Use Code – any project, whether it's Mr. Miller or anyone that's ever come to the County, and follows what we've mandated, right? It's an ordinance. It's a law. The Land Use Code is a law. We say here's the provisions and parameters that you have to follow, they have to follow those provisions and parameters, correct?

MR. ROSS: Correct.

COMMISSIONER ANAYA: In your experience as the County Attorney, and they've happened, when those cases where the Commission has denied a case with not a direct reference to the Land Use Code, what has happened to Santa Fe County? What have we done? In the heat of the discussion and the moment, and listening to the passion and desires and the avid disagreement on the case, what's happened in your ten years of experience when we've denied a case that we haven't substantiated based on the code? And I'm talking us or any other Commission.

MR. ROSS: Well, Madam Chair, Commissioner Anaya, we get – we see litigation as a result.

COMMISSIONER ANAYA: And what do we end up doing?

MR. ROSS: Sometimes we settle and sometimes we go to judgment.

COMMISSIONER ANAYA: And we spend time –

MR. ROSS: We spend a lot of time.

COMMISSIONER ANAYA: And taxpayer money. Over and over again. So now, it's been brought up several times throughout the course of the discussion about the new code. And we have parameters in the existing Sustainable Land Use Plan, that we adopted. I adopted it. I sat on this Commission with my colleagues and we adopted the Sustainable Growth Management Plan. Correct? In that Sustainable Growth Management Plan anywhere are there provisions for no development?

MR. ROSS: Madam Chair, Commissioner Anaya, no. It's not an anti-development or no development code. It's a regulated development code.

COMMISSIONER ANAYA: Within the land use cases that we have been processing, and maybe, Ms. Ellis-Green, if you want to chime in at any time please feel free to do so and stand up. Throughout the process, based on the Land Use Plan, not the code, we have been trying to work our way, if you will, towards recognizing the intent and the integrity of that plan as best as we possibly can even though our code is not done. Is that an accurate statement? Our Land Use Administrator, I ask that of you. And what I'm getting at is our Land Use Administrator does not disregard the plan because we have not adopted the code. Correct?

PENNY ELLIS-GREEN (Land Use Administrator): Madam Chair, Commissioner, that's correct.

COMMISSIONER ANAYA: We do our best to try and incorporate what the intent of the plan is as we're going through the evolution of the development of the code. Correct?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER ANAYA: That's all the questions I have right now but I know I may have a couple more.

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya. Commissioner Chavez? Okay. Thank you. I have a few questions. Mr. Ross, I have one little question and then I'll go to Ms. Lucero. Mr. Ross, would it be equitable – and I don't think that's the right word – would it be fair and equitable – we'll try – to make any case, this one included, wait for the passing of a new code when they've been in process for three months, six months, 12 years?

MR. ROSS: Well, Madam Chair, we've talked – we had a moratorium in place in the Eldorado area for over a decade at one point and we haven't really talked about returning to those periods. Moratoria are suspect in the United States constitution, specifically the takings clause. We have to be very careful in imposing development moratoria because you're imposing, essentially, a taking of people – you're taking from people the right to use their land for a particular period of time. It's a temporary taking to be sure, but it is a taking. So we've always been reluctant here to return to the days when we had an unlimited, unfettered development moratorium in place.

It would be nice if we were able to get the code in place more quickly so that the plan wasn't just out there as a document that hasn't been put into place but we're very close to having it done. Actually, this development – Ms. Ellis-Green and I have talked about this several times. This development is a development that probably under these conditions would be approvable under the new code as well as the present code because the techniques that the plan refers to in the new code, growth management techniques, I think Mr. Hersch described are growth management techniques that are used around the country and they're related to managing growth by controlling infrastructure. And the way this particular plan – the plan describes that we'll do it in the way the code is going to implement it if you adopt it. In certain areas that are close in and already have established infrastructure, those areas will be relieved of the obligation of providing things like roads, sewers, waterlines, police protection, fire protection, because they already exist.

SFC CLERK RECORD 06/03/2013

In areas like this area of Mr. Miller exists where his property is located the developer will have to bring all that stuff to the table and Mr. Miller is doing that. So in that sense the kinds of development you've seen over the last 20 years are self-funded by developers.

COMMISSIONER STEFANICS: Okay. Just in terms of my question – did you have a question on that point, Commissioner Chavez?

COMMISSIONER CHAVEZ: No, that was clarified.

COMMISSIONER STEFANICS: Okay. That was clarified. Okay, so Ms. Lucero, let's ask you a few questions and if you need to defer to Ms. Ellis-Green that's fine too. Did we ask for a market analysis on this project?

MS. LUCERO: Madam Chair, we do not require market analysis as part of the master plan but we do have a condition that with Phase II they will be required to submit one.

COMMISSIONER STEFANICS: Okay. Again, would you describe for my edification what we would be approving this evening, versus any future plans?

MS. LUCERO: Okay. This evening, the request before you is for master plan approval for a 39-lot residential subdivision to be completed in four phases, and preliminary and final plat approval for Phase I only, which will be 16 residential lots. So upon approval tonight and upon the applicant addressing the conditions they would be recording 16 residential lots. So that's what would be approved.

COMMISSIONER STEFANICS: Thank you. So Ms. Lucero, does this project fall within the parameters of the Sustainable Growth Management Plan and for the district?

MS. LUCERO: Madam Chair, yes, it does fall within the parameters of the district and the Sustainable.

COMMISSIONER STEFANICS: Okay. So Ms. Lucero, does the County or the state have a foundation requirement for the houses that we're talking about?

MS. LUCERO: Madam Chair, I believe the State Construction Industries is the governing body for foundations on modular residences, so they would be reviewing the plans for the foundations.

COMMISSIONER STEFANICS: So there's no way that the developer could avoid the foundation.

MS. LUCERO: Madam Chair, I am not entirely positive if they would allow a modular on a temporary foundation. That I'm not entirely certain of.

COMMISSIONER STEFANICS: Ms. Ellis-Green, can you answer that?

MS. ELLIS-GREEN: Madam Chair, I don't believe you can put a modular on a temporary foundation.

COMMISSIONER STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I actually asked this question earlier and I think Mr. Ross clarified it, but there's been a requirement for CID to have a structure on a permanent foundation. There's many, many modular units throughout the country that are not on permanent foundations. That's why I asked the question earlier about a subdivision, and that's what I've been told is part of the covenant. A subdivision can make a covenant that requires it but by law you can't tell a person because you're going to live in a modular home you have to put it on a permanent foundation. I could go buy a modular home tomorrow, put it on my property and not put it on a permanent foundation.

COMMISSIONER STEFANICS: So we are talking about a couple different things here. We're talking about mobile homes and we're talking about modular buildings. So Mr. Ross or Ms. Ellis-Green, do you have anything different legally you want to offer on this?

MR. ROSS: Madam Chair, a modular building is built to the building code and a manufactured home is built to HUD standards. So a modular building is something that covered by the Uniform Building Code and is built to those standards which are more stringent than a manufactured home. It's basically the same standards a stick-built house is built to.

COMMISSIONER STEFANICS: So would you clarify again publicly, very clearly, about the foundation?

MR. ROSS: Well, Madam Chair, in my opinion anything built to the Building Code must meet the Building Code standards for a foundation as well. A manufactured home doesn't; they have a different set of standards.

COMMISSIONER ANAYA: Madam Chair, on this point.

COMMISSIONER STEFANICS: Yes, on this point, Commissioner Anaya.

COMMISSIONER ANAYA: Some clarification which is always good. This subdivision is not manufactured, it's modular?

MR. ROSS: Maybe Mr. VanAmberg can clarify that but my understanding is that modular homes are permitted and manufactured homes are not by private covenant.

COMMISSIONER ANAYA: Is this subdivision manufactured housing or modular housing?

COMMISSIONER STEFANICS: And could you also refer us to the document that says that.

MR. MARTINEZ: Madam Chair, Commissioners, this development doesn't deny the opportunity to place a modular home. Manufactured homes, which is a single-wide, double-wide or triple-wide are not permitted within the development. Within the restrictive covenants and in the disclosure statement it's very clear that the architectural committee that's formed after the sixth lot is sold will specify foundations per Construction Industry standards.

COMMISSIONER ANAYA: Madam Chair, thank you for the clarification. Major distinction based on that clarification that the modular homes are absolutely required by state law to conform to the same requirements as what's been referred to as a stick-built home. Manufactured housing is completely different, a completely different approval process. So essentially, just based on cost, sometimes there's a cost benefit to a modular and sometimes there's a cost benefit to building the same home as a site-built home. So that just depends on who's building the product and how you put them together. So huge, huge distinction between the two. Completely tied to the site-built construction standard; manufactured standard completely different.

So this subdivision is all modular homes, not manufactured homes.

MR. MARTINEZ: Madam Chair, Commissioner Anaya, it's not restricted just for modular homes. If somebody wants to come in and build a stick-built home, that could be the priority. About that distinction –

COMMISSIONER ANAYA: They can't bring – not based on the County's covenants. I believe that anybody should be able to live wherever they want in whatever type of house they want, whether it's site-built, modular or single-wide or double-wide or whatever their preference is. I have no distinction as to them as an individual, as to where they live or where they choose to live. Your subdivision, you're making a conscious decision as the developers to say we will allow modulars and site-built, those two. You don't allow others based on your own decisions. But there are very distinct differences between the three types, right? Or the two types. Manufactured is one set of requirements; modular falls under the same construction standards as the standards associated with site-built.

MR. MARTINEZ: Commissioner Anaya, you're correct. Site-built homes and modular homes are the same standards.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you. So, Ms. Lucero, back to a few of my questions. Does this master plan zoning meet all of the affordable housing requirements?

MS. LUCERO: Madam Chair, the applicant has an affordable housing agreement in place which actually proposes that some of the affordables from this subdivision will be moved to Cimarron Village, which is another subdivision that the applicant is working on. However, they are actually proposing one affordable lot as part of Phase I of this development.

COMMISSIONER STEFANICS: So Ms. Lucero, what happens if the other project doesn't happen for many years?

MS. LUCERO: Madam Chair, I believe we would have to examine that with the Phase II when this project comes if for Phase II, we would have to examine whether or not the Cimarron Village has been approved or is being built out and whether or not we would want to require them to compensate the affordables within this subdivision.

COMMISSIONER STEFANICS: Okay, and my comment is really not based upon approval for the other project; it's really based upon the economic market and whether or not something gets put on hold. If we move the requirements from one project to another and the other project never happens, have we in fact shot ourselves in the foot, in terms of our requirements?

MS. LUCERO: Madam Chair, I don't have the affordable housing agreement in front of me.

COMMISSIONER STEFANICS: Okay. Let me move on to my next question and Commissioner Mayfield, we're going to go to you next for questions. Fire. Could you talk about any fire concerns or fire issues or fire approvals?

MS. LUCERO: Madam Chair, we did send this application out for Fire for review and we did get comments back. They had some conditions of approval. They were supporting the application with conditions and the applicant has already addressed a couple of those conditions. There are, I believe three remaining conditions which will be addressed at the time of construction regarding inspection and fire hydrants and that sort of thing.

COMMISSIONER STEFANICS: Okay. Thank you. Commissioner Mayfield, do you have any questions or comments at this time...?

COMMISSIONER MAYFIELD: Madam Chair, can you hear me?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, I have been at the last month's meeting and I've been there in chamber to hear what was said by the applicant and staff, but I appreciate all the points that were brought up tonight. But, Madam Chair, the point you just brought up, depending on how this case moves tonight, if it does move forward, I would just share the comment or echo the comment that you just made on if this does move forward tonight that there would be a compliance with the current affordable housing requirement in this subdivision. We don't know what the future may hold for any of us for future proposals. But I would just share that comment that this [inaudible]

COMMISSIONER STEFANICS: Thank you, Commissioner. Anything else, Commissioner Mayfield?

COMMISSIONER MAYFIELD: No, that's all I have for right now. Thank you.

COMMISSIONER STEFANICS: Thank you. My next question is is there anyone here from the Eldorado Water & Sanitation District? Is Mr. Jenkins here or anybody? Okay. We have documentation. That's fine. Any other questions, comments, Commissioners?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, how much have we spent on the Buckman Direct Diversion project? Ballpark?

MR. ROSS: Madam Chair, Commissioner Anaya, ballpark, \$100 million.

COMMISSIONER ANAYA: \$100 million?

MR. ROSS: Yes.

COMMISSIONER ANAYA: And right now, we have how much total water rights that we have that we're allotted to utilize for whatever purpose, whether we wanted to recharge aquifer, use it for augmenting existing wells or new development? What's the total amount?

MR. ROSS: Madam Chair, Commissioner Anaya, we have in the area of 2,300 acre-feet of water rights of different types. We have capacity in the Buckman Direct Diversion, I just have to add these numbers up. Somewhere around 3,300 acre-feet.

COMMISSIONER ANAYA: So if we just isolate the 2,300 and we don't talk about the 3,300, of the 2,300, how much have we committed?

MR. ROSS: Committed through deliveries?

COMMISSIONER ANAYA: Yes.

MR. ROSS: Six, seven hundred, something like that at this point.

COMMISSIONER ANAYA: And of the amount of – and that's good for discussion. Of the amount we've committed, how much is that for new use and how much is for existing?

MR. ROSS: Madam Chair, Commissioner Anaya, it's all existing.

COMMISSIONER ANAYA: Every acre-foot of the committed 700 is all existing use, reducing the requirement for groundwater.

MR. ROSS: Current deliveries. Yes.

COMMISSIONER ANAYA: No additional?

MR. ROSS: There are things like – there are water service agreements out there that obligate us to deliver more like say to the Las Campanas development if they build out, but there's probably – there might be another 200 or 300 extra acre-feet of water not currently in use.

COMMISSIONER ANAYA: So if we added the 200, so roughly 200 of committed use for new – is that what we're saying? And 700, that's committed that's augmenting groundwater that we would have pulled out, those are utilizing surface water?

MR. ROSS: Correct. That doesn't include Aamodt, by the way, which is another 1,500 acre-feet involved in that development. In that project.

COMMISSIONER ANAYA: We're talking about Aamodt?

MR. ROSS: The Aamodt water system.

COMMISSIONER ANAYA: For northern Santa Fe County, we're still working through the logistics on that.

MR. ROSS: Correct.

COMMISSIONER ANAYA: And that is all predominantly existing users converted to surface use?

MR. ROSS: Yes. Right now we have the capacity of 1,500 acre-feet in that system. Right now the use is all groundwater, so presumably 1,500 acre-feet of current groundwater use of non-pueblo residents will be taken off groundwater.

COMMISSIONER ANAYA: That's all I have right now, Madam Chair.

COMMISSIONER STEFANICS: Thank you. Commissioner Chavez, anything right now? Ms. Lucero, I have another question or two. If a master plan in development is approved and they don't comply with all the conditions or requirements that they have adhered to, what is the County's process?

MS. LUCERO: Madam Chair, if the applicants do not comply with the conditions of approval then the plat will not be recorded, therefore the lots will not be created.

COMMISSIONER STEFANICS: So at this point in time, I'm looking at the different conditions, you're saying that there would not be a recording until all the conditions were met?

MS. LUCERO: Until the conditions as stated in the staff report and there are conditions that reviewing agencies have. Some of those cannot be addressed until they actually go into construction, as I mentioned earlier, like the Fire Marshal is requiring inspections on the fire hydrants, which will occur during construction.

COMMISSIONER STEFANICS: And Ms. Lucero, I don't know if you can answer this or Ms. Penny Ellis-Green, if in fact part of our agreement on this master plan is to allow the affordable housing to be attached to a different development, and that were not to occur for a long period, a lengthy period. We've had projects come back here for renewals two years a couple times, what would be our process on that and how would we address the lack of affordable housing? There's some of us who take that affordable housing very seriously.

MS. ELLIS-GREEN: Madam Chair, since it's tied to another development, if for example that development doesn't happen, he does have to come back to this Board three more times for the next three phases. And so we should be seeing progress on the other case

and the affordable housing. I think if he comes back for the last phase and that hasn't happened we would have to question whether or not that affordable housing agreement is still in place. I haven't actually reviewed it. Usually we tie it to a phasing as well.

COMMISSIONER STEFANICS: I believe Commissioner Mayfield and I have expressed some sentiment about adding a condition, so we would relay upon you to think about something quickly about another condition to add about this while we go back to questions and comments. Commissioner Chavez.

COMMISSIONER CHAVEZ: So the condition of approval that you're suggesting would not allow the transfer or development rights for the affordable component?

COMMISSIONER STEFANICS: No, it would rest – what would happen or what a length of time might be or what would be the trigger to identify that it was not happening or – that's what I'm asking the staff. What language would you propose to ensure that affordable housing is really going to happen?

COMMISSIONER CHAVEZ: On that point, would it apply to all of the conditions or just the condition for affordable housing?

COMMISSIONER STEFANICS: His conditions on this are for the first section, right?

COMMISSIONER CHAVEZ: First phase?

COMMISSIONER STEFANICS: First phase.

MS. LUCERO: Madam Chair, the majority of the conditions are for the first phase, however, there are some conditions that will need to be complied with at subsequent phases, such as the market analysis. I believe it's probably just the market analysis.

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, if it's under the current provisions of the affordable housing agreement, if they don't transfer –

COMMISSIONER STEFANICS: This is for staff only, Mr. Martinez.

COMMISSIONER ANAYA: So under the current provisions of the affordable housing ordinance, with 16 lots, how many lots do they have to have affordable?

MS. LUCERO: Madam Chair, Commissioner Anaya, they're required to provide 15 percent affordable, which comes out to two affordable units in the first phase.

COMMISSIONER ANAYA: So I think that the trigger is simple. That if there is a notion of potentially transferring that to a project that they would not be allowed to build out as a condition of the full project unless there was some other agreement or arrangement made on the transfer. In other words, you can't build all 16; you would only be able to build the 14 unless there's some other agreement in place.

COMMISSIONER STEFANICS: Mr. Ross.

MR. ROSS: Madam Chair, we have an affordable housing agreement in place. It's about one and a half years old and it requires that the majority of the affordable houses on this development and on the Tierra Bello Development be transferred to Cimarron Village.

COMMISSIONER ANAYA: We made that agreement.

MR. ROSS: We made that agreement, all of us in this room and that was even prior to the settlement. I think we're at the inception of this agreement. I think we need to give it some time to see if it works. If it doesn't work then we will visit through the

termination provisions in the affordable housing agreement that we already have. But at this point we're just starting down this affordable housing agreement and it would probably be bad faith on our part to add additional conditions to this development that aren't contained in the affordable housing agreement at this point.

So I guess my advice is let's cross that bridge when we come to it.

COMMISSIONER STEFANICS: Okay. Commissioner Mayfield, are you okay with that? I'm fine with that. So let's see if we can keep moving. Okay, so any further questions, comments?

COMMISSIONER ANAYA: Madam Chair, I just have a comment.

COMMISSIONER STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: My comment is this. This Commission will have opportunities through the process if this master plan is approved to make commitments on affordable housing or to fall through on those commitments already agreed upon to deal with water issues that deal with groundwater as opposed to surface water. There's other avenues that we still have opportunities to weigh in without question. Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you. So, Commissioners, if there's no other questions or comments, what's the pleasure?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: I'd move for approval of the master plan with staff conditions.

COMMISSIONER CHAVEZ: And I don't take a lot of pleasure in this. Land use cases are very difficult, but I am going to second the motion. We need to move this forward and there will be time to test this project to see if it's valid or not and I want to give the project a chance to see if it will work out. So I do support the motion, with the staff recommendations.

COMMISSIONER STEFANICS: Okay so there's a motion and a second. Now, Commissioner Mayfield, are you on the phone?

COMMISSIONER MAYFIELD: I'm here, Madam Chair.

COMMISSIONER STEFANICS: Do you have any comments before we go to vote?

COMMISSIONER MAYFIELD: No, Madam Chair. I've heard everything. Thank you, Madam Chair.

COMMISSIONER STEFANICS: Thank you. Ms. Penny Ellis-Green.

MS. ELLIS-GREEN: Madam Chair, it's just to clarify. Commissioner Anaya stated approval of the master plan. This is master plan and with preliminary and final for Phase I. Is that included in the motion?

COMMISSIONER ANAYA: Master plan, preliminary and final for Phase I with staff conditions.

MS. ELLIS-GREEN: Thank you.

COMMISSIONER STEFANICS: Okay, so we have a motion and a second for preliminary and final plat and development plan approval for Phase I as well as the master plan zoning approval.

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian had recused herself from deliberation and vote.]

- XVI. A. 2. BCC CASE # MIS 13-5020 Las Campanas Time Extension (formerly Estancias at Las Campanas) (TABLED)
3. BCC Case #MIS 13-5021 Las Campanas Time Extension (formerly Tesoro Enclaves) (TABLED)
- XVI. A. 4. **CDRC CASE # V-12-5430 Susan Sutton Variance. Susan Sutton, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow Two Dwelling Units on 2.492 Acres. The Property is Located at 8 Ute Lane, within Section 20, Township 16 North, Range 10 East (Commission District 4)**

CHAIR HOLIAN: Thank you, Commissioner Stefanics for being the chair for the last case.

MIKE ROMERO (Case Manager): Good evening. The applicant requests a variance of Article III, Section 10, Lot Size Requirements of the Land Development Code to allow two dwelling units on 2.492 acres. The property is located in the Metro-Mountain Hydrological Zone where the maximum density is one dwelling unit per five acres with community water.

The subject lot was created in 1974 and is recognized as a legal, non-conforming lot. There are currently two dwelling units on the subject property. The structures consist of a main residence, a studio containing a kitchen and bathroom, and an accessory structure which is a metal shed. There are no records of the main residence or the studio being permitted by Santa Fe County.

On October 19, 2012, Santa Fe County Building and Development Services Department received a written complaint regarding the applicant's studio. On October 25, 2012, the applicant received a Notice of Violation from Santa Fe County Code Enforcement for Exceeding Density requirements.

The applicant states that when she bought the property at 8 Ute Lane in 2007 the house was listed below the appraisal value and the property was advertised as is, having a main house and a heated studio with a kitchen and bathroom. According to the applicant's knowledge the house was built in the early 1970s and the original owners lived there from 1974 to 1988. The property has since been sold five times since the original owners sold the property in 1988. The applicant has obtained information that the studio was built in 1991 by the second owner of 8 Ute Lane.

The applicant has stated she has spent thousands of dollars on repairs to bring the main residence and the studio up to code. At this time the applicant has a roommate who is ill that lives in the main residence, which she is helping care for. The applicant has rented the studio to a nurse who provides medical assistance to the roommate. The applicant feels she should not be held accountable for the structure which is a studio that has been on the property for years and to her knowledge has never been challenged as being an illegal

structure.

On January 17, 2013, the CDRC met and acted on this case. The decision of the CDRC was for approval, 5-1.

Staff recommendations: Denial of a variance from Article III, Section 10, Lot Size Requirements, of the Land Development Code. If the decision of the BCC is to recommend approval of the applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter these into the record?

CHAIR HOLIAN: Yes, you may.

[The conditions are as follows:]

1. Water use shall be restricted to ~~0.25~~ 0.5 acre-feet per year per home lot. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office. (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for all ~~structures unpermitted structures or structures not grandfathered~~ on the property (As per Article II, § 2).
3. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Article III, Section 10).
4. The Applicant shall comply with all Fire Prevention Division requirements (As per 1997 Fire Code and 1997 Life Safety Code).

MR. ROMERO: To add to this, Madam Chair, Commissioners, staff amended conditions 1 and 2, and I'll read them to you to what they are now amended. [See above.] I stand for any questions.

CHAIR HOLIAN: Are there any questions for staff? Commissioner Chavez, and then Commissioner Stefanics.

COMMISSIONER CHAVEZ: So on the water restriction, you're going from a quarter acre-feet to a half acre-feet?

MR. ROMERO: Madam Chair, Commissioner Chavez, that is correct.

COMMISSIONER CHAVEZ: And is that going to be a standard practice or is that a staff recommendation just on this particular request?

MR. ROMERO: This is going to be a staff recommendation for this particular variance request.

MS. LUCERO: Madam Chair, Commissioner Chavez, if I can just clarify. The water restriction as previously stated was a quarter acre-foot per dwelling, so it's not really changing. We're just allocating a half-acre-foot to the entire property.

COMMISSIONER CHAVEZ: For all of it.

MS. LUCERO: Right. And that was due to the water system won't allow two separate meters.

COMMISSIONER CHAVEZ: Got it. So it's really not changing the allocation then.

MS. LUCERO: That's correct. Yes.

COMMISSIONER CHAVEZ: Okay. That clarifies it. Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. You used the term grandfathered dwellings. Could you explain that?

MR. ROMERO: Madam Chair, Commissioner Stefanics, that is what is referred to as pre-code.

COMMISSIONER STEFANICS: Pre-code, meaning –

MR. ROMERO: Prior to 1981.

COMMISSIONER STEFANICS: Around 1981. Okay. Thank you very much.

COMMISSIONER CHAVEZ: Can I follow up?

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: So then which of the dwelling units in this particular case would be grandfathered in, because there's only two dwelling units, aren't there?

MR. ROMERO: Well, correct. The main residence, which according to the applicant has been on the property since 1975.

COMMISSIONER CHAVEZ: Right.

MR. ROMERO: And then in 1981, that's when the studio was constructed containing a kitchen and a bathroom. So the applicant has applied for a variance for the studio to keep the initial dwelling in it, which would be the studio to have the kitchen and the bathroom.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Any further questions for staff? Is the applicant here?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Oh, sorry. Commissioner Mayfield.

COMMISSIONER MAYFIELD: [inaudible] you all couldn't find permits for the initial dwelling, correct?

MR. ROMERO: Madam Chair, Commissioner Mayfield, that is correct. We have no record of the main residence or the studio being permitted by Santa Fe County.

COMMISSIONER MAYFIELD: Just to go back to Commissioner Chavez' point and I'm sorry about the echo. [inaudible]

MS. LUCERO: Madam Chair, Commissioner Mayfield, the main residence was constructed pre-code, so that one would be considered grandfathered in. The guesthouse that is before you tonight, we actually have a condition that they need to come in and obtain a permit for that structure. So we're imposing a quarter acre-foot for each dwelling unit, which is standard practice.

CHAIR HOLIAN: Any further questions, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Yes. They each have a separate house on [inaudible] right now?

MR. ROMERO: I couldn't understand the question.

CHAIR HOLIAN: Could you repeat that please. None of us could understand.

COMMISSIONER MAYFIELD: I'll repeat it. Do they each have a separate well right now for each property or are they on a shared well right now?

MR. ROMERO: Madam Chair, Commissioner Mayfield, they're on

community water, and there is one line and one meter to the property right now. Their water supply is through Sunlit Hills.

COMMISSIONER MAYFIELD: So, Madam Chair, they're on community water and if staff would explain this to me. So why would they be subject to a quarter acre-foot? Is that a condition on community water, that it's restricted to a certain amount of water or they just can use the water they need?

CHAIR HOLIAN: So Mike, I think the question is, when somebody is on a community water system like Sunlit Hills, can they be restricted to a quarter acre-foot or half-acre-foot?

COMMISSIONER MAYFIELD: That was the question, Madam Chair. Thank you.

MS. LUCERO: Madam Chair, we do require restrictions of a quarter acre-foot even if they are on community water systems.

CHAIR HOLIAN: Okay. Thank you, Vicki. Did you hear that, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Madam Chair, thank you. Let me ask a follow-up question. So Vicki, have you ever done an audit of our community water systems out there to see if anybody has ever exceeded that quarter acre-foot?

MS. LUCERO: Madam Chair, Commissioner Mayfield, the applicant and in all cases we require them to submit annual water meter readings to the Land Use Department, to the County Hydrologist and Land Use Department, so we monitor it through that mechanism.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Lucero, does someone on staff review those?

CHAIR HOLIAN: Commissioner Mayfield, could you repeat that again? None of us could catch that.

COMMISSIONER MAYFIELD: Yes. So staff does review those readings and no one has ever exceeded those limits? I'll repeat it, Madam Chair. So staff does review those readings and nobody has ever exceeded those readings?

CHAIR HOLIAN: Do you see those readings? Is that the question?

COMMISSIONER MAYFIELD: Yes. That's the question, Madam Chair.

MS. LUCERO: Madam Chair, Commissioner Mayfield, the meter readers are required to be submitted so they are submitted to staff and I believe they are being submitted to the County Hydrologist but I believe that – the County Hydrologist isn't here to address that but yes, they have been submitted to the County Hydrologist.

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

CHAIR HOLIAN: Okay. Thank you, Commissioner Mayfield. Is the applicant here? Can you come forward and be sworn in please?

[Duly sworn, Susan Sutton testified as follows:]

SUSAN SUTTON: I'm Susan Sutton.

CHAIR HOLIAN: Is there anything that you would like to add?

MS. SUTTON: Yes, ma'am, I would. I know we went through just a long, long hearing. I'm exhausted. I left work. I went to work this morning at 8:00 and I'm here. So

I had a neighbor who was going to testify on my behalf for all of my neighbors, but he had to leave because he had to attend to his dog. So I'll just go with it.

The first think I would like for the record to say is the reason I'm here today, I'm a licensed clinical counselor, I don't like to think of myself as a victim, but this complain was filed by a person that was being vindictive actually. I met someone in the lobby when we were waiting to come in that knew of this woman. She filed a lawsuit against me. I let her stay at my house a few weeks and I needed her to move so that I could have a nurse move in, and after that she threatened to go after me in my job. She filed a lawsuit that was settled on the 18th of January, the night after I was here before the Commission, and it was in my favor. I put a permanent injunction against her after she filed a misreport about my property which we're discussing right now, and Judge Ortiz granted a permanent injunction which is fairly unusual for my safety reasons.

So I do want you to know that's why I'm here tonight. I'm not here because I did anything against the code. I have gotten – this started back in October in terms of dealing with Mr. Romero and I've gotten through all of the things like there were no septic permits except one. There are only four residences on Ute Lane and when my former husband and I purchased the house in 2007, that was a requirement of the title company for us to be able to get it. So we're one of two septic permits that are appropriate. And in my exploration of trying to find out about the original house being built I found out that Charter Builders, a very, very larger builder, in New Mexico who's gone out of business in the last couple of years due to the economy, built my house and one of my neighbors, Sandra Place who's lived there since 1984. The other neighbor, Gene, has lived there since 1976. My house was built in 1975 according to Mr. Rendil who built his the next year.

So I could go into it. It depends on what questions you want to ask me, but last year, about this time, a lot of things converged in my situation. I found out – my mother died of ovarian cancer. I've lived out here twice. I built one house in Glorieta and then came back in 2007 and purchased the house at Ute Lane. And I came out here during a very short marriage. It didn't work out but he owned a portion of the house with me. So over the course of a couple of years, with the economy, with the housing market, I wasn't able to buy him out, but last year in April he accepted an offer so I could pay off his second mortgage. I had the first mortgage, and give him some money. At the same time I was tested for the BRCA2 gene. Found out that I am positive for it which means my mother, my grandmother and her own sister all died of ovarian cancer, increased my chances of that. I've since had a surgery.

[inaudible] Ms. Christina Shotts filed the suit against me that I mentioned and I guess that wasn't enough and a few weeks later she called in a falsified letter in terms of what I had done out there. The building, as far as I know, I got arials for Mr. Romero, and I got a 1988 and a 1992, and so the studio was built sometime between that time and both of my neighbors that live on each side of me that were there when it was built remember it being 1990, 1991. So it's twenty-odd years old and I was 24 years old I think when the house was built.

So, that said, I have a lot I could say, but would you like to ask me ask any questions?

CHAIR HOLIAN: Yes. I was just going to ask if there were any questions for the applicant? Commissioner Chavez?

COMMISSIONER MAYFIELD: Madam Chair, I have a question.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Can you hear me any better right now?

CHAIR HOLIAN: Sort of. Please speak loudly and clearly.

COMMISSIONER MAYFIELD: [inaudible] So that being said, Madam Chair. Would the applicant be opposed to having a condition placed that both the permanent resident and I guess the guesthouse [inaudible] or could it be a separate residence?

CHAIR HOLIAN: I think he's asking if it would remain a guesthouse as opposed to being rented.

MS. SUTTON: Well, it is a guesthouse and it only has – there's only one electric bill. There's one water bill. It looks like from the looks of it PNM put the second line in. It's identical pretty much to the other one. There are two separate propane tanks. Ferrell Gas services those. I'm sorry I'm so exhausted tonight. It's been a very, very long process but I didn't do – I didn't make any changes I just painted, cleaned cabinets, replaced the very inefficient heating stove. I put in a \$2,500 heater because the other was not sufficient to keep the studio warm.

When I bought my house – the reason – we wouldn't have bought the property had it not been for the second building because it really was a fixer-upper. It was to code in terms of there were a few things that needed to be fixed, but like for instance the kitchen counter in the main house was four feet wide and about a foot and a half of it was falling off. The tile in the bathroom was so – I just did – the floors didn't have carpets. It was painted black. I put down on the floors carpets in the room, basically the same thing to the studio. But I could not afford to do that once my husband, former husband and I got divorced and we didn't now what we were going to do with the house with the market.

So when I was able to refinance it last year it was all in April and May, at the time I found out about my situation and as long as I could have afforded it, which I did, I put a new water heater in my house and did all that I did. I took extra money out so that the residence would be up to par. I've been living there for six years now.

CHAIR HOLIAN: Thank you, Ms. Sutton. Any further questions, Commissioner Mayfield?

COMMISSIONER MAYFIELD: [inaudible]

CHAIR HOLIAN: Is the guesthouse going to be rented out? Is the question.

MS. SUTTON: If it's a guesthouse – I live there alone so I could have another roommate and they could contribute to the cost of living there.

CHAIR HOLIAN: Okay. Thank you, Ms. Sutton.

COMMISSIONER MAYFIELD: Madam Chair, second question. The applicant stated that they're sharing one water meter. So would the applicant be opposed to the .25 acre-feet, or .25 restriction on both homes?

CHAIR HOLIAN: Well, I think that the restriction has been changed so that it's .5 acre-feet for the lot.

COMMISSIONER MAYFIELD: Well, maybe I'm not understanding. I heard Commissioner Chavez say they did. So .25 for each different home?

CHAIR HOLIAN: No. There's one meter, so it's .5 for the lot.

MS. SUTTON: May I say that the studio in question is 491 square feet. It has a very small bathroom, but it's just a matter that there's a stove in there on the wall that it's

considered that it has a kitchen. I wouldn't call it a kitchen because it's not a separate room. It's a 491 square foot dwelling.

COMMISSIONER MAYFIELD: Madam Chair, do they share the same septic?

CHAIR HOLIAN: Do they share the same septic?

MS. SUTTON: Yes. And I had the septic cleaned a year ago and they said it would be about three more years, and I'd lived there five. And there's a very, very large drain field and I'm one of the few people on Ute Circle, Ute Lane prior to Cibola that actually have a permitted septic tank.

CHAIR HOLIAN: Okay. Thank you, Ms. Sutton. Any further questions, Commissioner?

COMMISSIONER MAYFIELD: Yes, Madam Chair. [inaudible] on the septic, and that's all I had, Madam Chair.

CHAIR HOLIAN: Okay. Thank you. All right. This is a public hearing and so is there anyone here from the public who would like to speak on this case, either in favor or in opposition? Is there anyone here? Okay.

MS. SUTTON: One of my neighbors that wrote of the four letters I have – three people that live on the street and then Mr. Roe Davidson lives at the very end on Ute Circle. He's stayed here for three hours today with me but he had to go tend his dogs. And he was going to read one of the four letters. I don't know if you all have read them or have turned to but if I can find it I'd like to read one of them, which really represents the sense of the neighborhood about this.

CHAIR HOLIAN: Yes. Please do, Ms. Sutton.

MS. SUTTON: Thank you. This is from Mr. Gene Melady. He was born and raised in Santa Fe, New Mexico. He's now retired, and he would be here also with me tonight except he now goes to bed at 5:30 and gets up at 2:30 because he does community service for [inaudible] he has lived there since 1976 and he says, on December 16th. My name is Gene Melady. I live at 6 Ute Lane, Santa Fe, New Mexico. I am writing on behalf of Susan C. Sutton who is the owner of the home at 8 Ute Lane, which borders on my property line. I have lived at 8 Ute Lane since my house was built in 1976. I am aware that 20+ years ago a second structure was built on the property by the second owners, the Christophersons. Although I really didn't know them well, I only saw the structure once.

I've no objections to the existing studio nor object to Susan's use of it as it has passed through several owners since it was built. The additional structure to the property in no way places any kind of burden on me or the neighborhood. I support Susan being granted the variance she's requested so this issue is now and in the future put to rest.

And the other letters are all very similar to that. I did want to – can I say one more thing?

CHAIR HOLIAN: Yes. Please.

MS. SUTTON: It's been tough today. I had cataract surgery last Friday. At any rate, the first owners were the Bishops. They were 1975 to 1988 and that was agreed to by two of my neighbors that have been there that long. The Christophersons, which were the people that built the studio were the second owners and they were there from approximately 1988 to 1995. There was a professor – I don't have his name. I don't know if they know it or

not but it wasn't very relevant. He and his wife lived there approximately from 1995 to about 2003 or 2004. The Bishops – Mr. Bishop died. That is why Ms. Bishop sold the house to the Christophersons. The Christophersons left and went back to Texas in 1995. The professor and his wife went back – went to California when he didn't get tenured at St. Johns College.

There were just a couple – there was another owner that they didn't really know. He may have just had it for investment but moved there – lived there or didn't. It wasn't clear to me for about a year and a half and that person sold it to Mr. Peter Gaugy who lived there with a partner, Endura Roth but he was not on the property, and two children for about two years. It was from him that my former husband and I purchased the house. We had looked at a lot of houses and almost didn't go see that one but when we did I could see that there could be a future in that house because it had good bones but it didn't have – it needed a lot of work. I put about \$35,000 in the main house. I sold my home in Florida and I moved out here twice and I intend to live here the rest of my life. And it wasn't until this last year that I had a situation where I could complete what we had begun in 2007.

CHAIR HOLIAN: Okay. Thank you, Ms. Sutton. So seeing no members of the public who would like to speak on this case I declare that the public hearing is closed now. Are there any further questions for staff or for the applicant? Seeing none, I will make a motion. And I will move for approval of CDRC Case #V 12-5430, Susan Sutton Variance. I feel that the applicant had no knowledge when she purchased the property that a second dwelling unit, that is a studio, was not allowed. She for sure did not build it with the express purpose of getting a variance later on, and I do not see this as a self-imposed situation. Is there a second? With staff conditions.

COMMISSIONER CHAVEZ: I would second with staff conditions.

CHAIR HOLIAN: Okay. We have a motion and a second with staff conditions?

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya. Actually, you were going really fast. If you could go to discussion before the vote next time that would be appreciated. I voted in favor of it but I did want to make a comment that Ms. Ellis-Green [inaudible] As we go into the code phase, I know we don't have any latitude, pretty much whatsoever for there to be determinations made by the Land Use Administrator that fit the criteria. I know we've had discussion about it in public meetings as we move forward into the new code but as one Commissioner, that's definitely something that I want to provide some latitude to the Land Use Administrator in cases of similar nature to this to make some recommendations or even some approvals. So that's something that I would like to see in the upcoming discussions on the code. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Thank you, Commissioner.

MS. SUTTON: Thank you all very much. There was a lot more I could have said that would have really reinforced that but I really appreciate it but it was enough for all of us tonight.

CHAIR HOLIAN: Go home and get some rest.

MS. SUTTON: And I am from Florida and I know what growth looks like, so I appreciate your task.

XVI. A. 5. CDRC CASE # V/Z/PDP 12-5340 Family Dollar Store. Glenwood Development Company, Applicant, Request Master Plan Zoning and Preliminary Development Plan Approval for an 8,320 Square Foot Structure to be Utilized as a Family Dollar Store on 0.87 Acres. The Request Includes Final Development Plan Be Approved Administratively. The Applicant Also Requests a Variance of Article III, § 4.4.3c (Parking Lot Location) to Allow the Parking Lot to be Located in Front of the Proposed Building and a Variance of Article VIII, Sections 7.3, 7.8 and 7.14 (Design Standards for Permanent Signs) to Allow a Sign to Exceed the Height and Setback Requirements and to Allow a Wall-Mounted Sign to Exceed 70 Square Feet in Sign Area. The Property is Located at 18094 US 84/285, within the Pojoaque Valley Traditional Community, within Sections 6 & 7, Township 19 North, Range 9 East (Commission District 1) [Exhibit 6: Letters to Staff]

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. On January 17, 2013, the County Development Review Committee met and acted on this case, the decision of the CDRC was to recommend approval of the applicant's request, for master plan and preliminary development plan with staff conditions and to allow final development plan to be approved administratively. The CDRC also recommended approval of a variance of Article III, Section 4.4.3c to allow the parking lot to be located in front of the proposed building and a variance of Article VIII, Sections 7.3, 7.8 and 7.14 to allow a sign to exceed the height and setback requirements and to allow a wall mounted sign to exceed 70 square feet in sign area. The CDRC recommended that the building-mounted sign be reduced from the proposed 174 square feet to 105 square feet in sign area and that the free standing sign would not exceed 12 feet in height. The applicant agreed to the conditions of approval.

The applicant requests master plan zoning and preliminary development plan approval on a site known as Al's Liquors within the Pojoaque Valley Mixed-Use Traditional Community. The existing non-conforming structure, which is sited on .45 acres, will be demolished and a lot line adjustment with an adjoining parcel is proposed to allow for an 8,320 square foot structure to be utilized as a Family Dollar Store on 0.87 acres. The applicant also requests that final development plan be approved administratively.

The applicant also requests a variance of Article III, Section 4.4.3c to allow the parking lot to be located in front of the proposed building. The applicant states placing the parking lot to the front of the site provides separation of parked cars, noise and public activity from the neighboring residential properties; provides increased public safety and reduced criminal activity; allows for efficient on-site circulation of service and delivery activities.

The Applicant also requests variances of Article VIII, Sections 7.3, 7.8 and 7.14 to allow a sign to exceed the height and set back requirements and to allow a wall-mounted sign

to exceed 70 square feet in sign area. The applicant is proposing a freestanding sign, 20 feet in height to be located five feet from the property line. The applicant also proposes a 174 square foot wall-mounted sign. The applicant states strict compliance with the code would result in hardship to the development due to the existing conditions and location of the site; clear site identification is imperative to the viability of the development and the safety of its customers and employees; the increase of the height of the pylon sign and square footage of the wall mounted sign will provide a safer way for customers and employees to find the Family Dollar.

The applicant is also proposing a lot line adjustment to create a 0.87-acre tract on which the proposed development would take place. The lot line adjustment would incorporate 0.42 acres, from Tract 1, to Tract A creating a 0.87-acre parcel. The lot line adjustment shall be processed administratively prior to final development plan approval.

On August 30th, 2012, the Applicant conducted a community meeting in compliance with Ordinance No. 2008-5 Section 12.8 Seven members of the community attended and none were in opposition of the development.

Building and Development Services staff has reviewed this project for compliance with pertinent code requirements and has found that the following facts presented support the request for master plan and preliminary development plan: the application is comprehensive in establishing the scope of the project; the proposed preliminary development plan substantially conforms to the proposed master plan; the application satisfies the submittal requirements set forth in the land development code.

The review comments from state agencies and County staff has established that this application, for master plan and preliminary development plan, is in compliance with state requirements, Ordinance No. 2008-5 Article III, Section 4.4, Development and Design Standards, Article V, Section 5, Master Plan Procedures and Article 5, Section 7, Development Plan Requirements of the Land Development Code.

Building and Development Services staff has reviewed the applicant's request for a variance of Article III, Section 4.4.3c and Article VIII, Sections 7.3, 7.8 and 7.14 for compliance with pertinent Code requirements and has found that the following facts presented do not support the request. Parking lots shall be placed or oriented on a site to the rear or side of buildings. The maximum allowable sign height for a freestanding sign located at the front property line is five feet; the maximum allowable wall-mounted sign area shall not exceed seventy square feet. A variation or modification of these sections of the code may be considered more than a minimum easing of the requirements.

Staff recommendation is conditional approval of master plan zoning and preliminary development plan to allow an 8,320 square foot structure to be utilized as a Family Dollar Store on 0.87 acres. Staff also recommends final development plan be reviewed and approved administratively.

Staff recommends denial of the applicant's request for a variance of Article III, Section 4.4.3c to allow the parking lot to be located in front of the proposed building and denial of the variance of Article VIII, Sections 7.3, 7.8 and 7.14 to allow a sign to exceed the height and set back requirements and to allow a wall mounted sign to exceed 70 square feet in sign area.

If the decision of the BCC is to approve the Applicant's request for Master Plan and

Preliminary Development Plan, staff recommends imposition of the following conditions:

If the decision of the BCC is to approve the Applicant's request for Master Plan and Preliminary Development Plan, staff recommends imposition of the following conditions.

Madam Chair, may I enter the conditions into the record?

CHAIR HOLIAN: Yes, you may.

1. The Applicant shall comply with all review agency comments and conditions as per Article V, Section 7.1.3.c.
2. Master Plan with appropriate signatures shall be recorded with the County Clerk as per Article V, Section 5.2.5.
3. Detailed lighting plan shall be submitted at time of Final Development Plan as per Article III, Section 4.4.4 h and Table 3.1.
4. Prior to Final Development approval the Applicant shall provide a landscape water budget that will be used to determine the size of cistern required for the development as per Ordinance 2008-4.
5. Drainage calculations for site runoff shall be submitted for review and approval with Final Development Plan as per Ordinance 2008-10 Flood Damage Prevention and Stormwater Management Ordinance.

MR. LARRAÑAGA: Madam Chair, also, if the decision of the BCC is to approve the applicant's request for a variance of Article VIII, §'s 7.3 and 7.14, staff recommends imposition of the CDRC recommendation to allow a building-mounted sign 105 square feet in sign area and that the freestanding sign would not exceed 12 feet in height.

Madam Chair, I stand for any questions.

CHAIR HOLIAN: Okay. Are there any questions for staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Could you identify what the reasons are for having the parking variance and the sign variance request?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, as stated in the applicant's request, the presentation, the building for the parking, they say it will be safer for their customer than if the parking is to the side or the rear of the building and way that the lot is going to be shaped and being right off the highway it would make sense to have the parking in the front of the building for a retail store.

Signage, the applicant had stated that the Family Dollar Store has certain standards for their signage, especially for the wall-mounted sign. That's why they requested that.

COMMISSIONER STEFANICS: Okay. Well, as far as the sign goes, we've already made several people change their signs in town and I don't know that this would be something special to allow that, but based upon the parking have you been out to the site?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, yes, I have.

COMMISSIONER STEFANICS: So in your opinion, maintaining the parking in front of the building would be safer and should be considered the option?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, based on the site visit, yes.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: So I can see that a site visit – and I've driven by the site numerous times so I know the area fairly well, but was that based on just a site visit, how can one determine that it would be safer in front versus the back? I would have to have other criteria that says that there's a safety factor and the parking lot would be better in the back than in the front. I don't see that. I think I see design standards that are, asking for a variance on those design standards, and I'm wondering if it's a preference for the Dollar Store in their design to have it in the front versus the back.

I just pose that as a question. But I look at the visual impact that that parking lot is going to have, and if we have that parking lot, if we approve the parking lot in front that visual impact will always be there because the building I don't think is going to move once it's built. So that's a decision that I'm going to pay a lot of attention to because once that decision is made we can't go back. So I don't – I kind of question the observation and the subjective judgment that one would make just based on a site visit. But I'll just leave it at that.

COMMISSIONER STEFANICS: On this point.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: To pursue the parking, why couldn't the parking be on the side?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, parking can be on the side. There is a zero lot line per the Pojoaque ordinance. They could push that building over to the property line and have the parking on the side and to the read. This is what the applicant is opposed and therefore upon meeting with staff we told him to request a variance of this the way they would set up the parking. And then again, staff is recommending denial of the variance because denial of the variance is approval of the master plan so for instance if the master plan got approved and the variances got denied they would have to redraw the site plan to show the parking along the side or to the rear of the building.

COMMISSIONER STEFANICS: So, Madam Chair, do I understand from the materials that if the parking was in back of the store it would back right up to a residential development?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that's correct. It would have to be screened or a wall would have to be put up. Either way it would have to be screened. Any commercial has to be screened from residential development.

COMMISSIONER STEFANICS: So is the residential development in the back highly dense or big lots?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, it's one big lot. In fact this is – the residential to the rear of the lot is where they're going to be doing the lot line adjustment to incorporate .4 acres.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, so if I could get my bearings, do you have a map that you could point me to quickly? Because as I'm thinking of the layout, especially of the parking, it would seem to me that having the parking in the front would be a safety consideration as opposed to putting the building all the way towards

the street. And then would the entrance still be on the street side of the facility if the parking's in the back? Or would the entrance be on the back of the facility?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, the entrance still has to be directly off the highway. In Exhibit 4 it has the preliminary development plan and the master plan in which shows kind of the lot layout and the parking. The access either way, whether it's – if the parking's not in the front or if we go by code and we can go to the road, the access is still going to be directly off the highway.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Larrañaga, if I'm looking at the site plan now, the recommendation would be to restore it back to the rear of the lot with the parking in front with the public access [inaudible].

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, the recommendation –

COMMISSIONER ANAYA: I'm not sure what the recommendation is. The request of the applicant is that the parking – the building would be pushed back to the back of the lot and the parking would be in the front where the public is going to enter the store.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: So just based on that and I actually am looking forward to hearing the public comment. I want to hear the public comment and feedback. I appreciate the letters that were submitted. But just based on a practical application of going to a store and parking and wanting to go inside, I can't think of a business in the corridor that has the parking in the back. All the businesses that are existing, unless you tell me otherwise – there may be some – but just based on my recollection of what's existing, all of the businesses have frontage parking and then the building towards the back of the lot line. Are there examples there or is there – is there examples?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, actually, Exhibit 18 submitted by the applicant at CDRC illustrates parking in front of other buildings, in fact directly across the highway or in close proximity to the site.

COMMISSIONER ANAYA: So I'm just trying – and I'm just trying to understand patterns of development and growth. Are there any businesses, or maybe some of the public can address that when they come up. Are there other businesses where because of the planning in the Pojoaque Valley and is there maybe a changed desire to do something different. Is there something in our planning tools or their planning discussion that said it makes more sense to put the building in the front and the parking in the back?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, in the Pojoaque Ordinance there really isn't any requirements for the parking as far as the Land Development Code where parking is only allowed on the side or to the rear of the building.

COMMISSIONER ANAYA: I guess that's what I'm getting at. Give me some examples, somewhere in the county that we recently required the parking on the side or the back, as opposed to what's traditionally been done parking in the front. Penny, maybe you can help me. What is the framework or the planning model that was utilized to say parking makes more sense on the side or in the back? Was it? Give me some basis as to why it's there? Do we have any basis?

MS. ELLIS-GREEN: Madam Chair, Commissioner, it's been in our code for a fairly long time. For a freestanding lot it can be difficult to meet this requirement and

SFC CLERK RECORD 05/03/2013

certainly the existing use that had been on this property had parking in the front. And a lot of that area has parking in the front. When you're clustering maybe three or four commercial lots it's much easier to kind of have a driveway going in and have your parking kind of behind the front two buildings. But when you've got one single freestanding building it can be difficult to meet that requirement.

COMMISSIONER ANAYA: What comes to mind, Madam Chair, Ms. Ellis-Green with design standards or some vision for why it should be on the side or the back, it's just been something that's been predominantly in the code that we're not exactly sure what the framework was for why?

MS. ELLIS-GREEN: Madam Chair, Commissioners, it's more to keep the building towards the street and so you don't – what you don't see is the major parking area. Then you've got to wonder, which is the front of the building because I'm thinking of the Turquoise Trail Business Park, if you're driving along State Road 14 you're seeing the building first, but actually if you go into the business park some of that parking is in front of the building if you take the front being the business park. But from the major highway you're seeing the building.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green, I appreciate the feedback and I would just say from a traffic standpoint, having spent a little bit of time at the Department of Transportation, there are corridors that have different speeds, different types of highways, and I think a lot of what we decide, and maybe these are things we need to further analyze when we get in the new code, should have a basis on what type of highway or pathway we're talking about, the speeds, the other requirements associated therein. So thank you for answering those questions.

CHAIR HOLIAN: Do you have any more questions, Commissioner Anaya?

COMMISSIONER ANAYA: Not any right now.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I think Commissioner Anaya asked most of – I think you captured most of my questioning, and I'm wondering, why have design standards then? If we're going to ignore them or they don't really mean anything or if we can just variance around them. But anyway, again, those are just my comments. I think design standards, I think that they're going to mean different things to different people. A visual impact – my concern, the visual impact concern that I have may not be the same that you have, and so I think we have different design standards and different things that we're looking for. And so that's why I raised the question initially about the variances and the design standards and why we have them. And Commissioner Anaya expanded on that. So maybe we need to revisit that.

COMMISSIONER ANAYA: On that point, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I appreciate Commissioner Chavez' comments and my questions and comments were along the line of the types of corridors. And I could actually see a lot of merit in where a building sits and how it will be a detriment and visually impact an area. But I think just on this case, just on that one item, I haven't weighed in on the discussion on the signage yet, but just on the parking item, I think given the corridor and the historical use, there and around the area, that's what my comment is. But there absolutely in

SFC CLERK RECORD 05/03/2013

my mind could be a need on a smaller roadway with reduced speed limits and a desire to assure that there's parking in the back as opposed to the front where safety may not be as an issue or traditional use may be not an issue. So I don't want to downplay that there may be absolutely appropriate places to put the building on the front of the lot line as opposed to the back. I think there may be varying levels of need based on logistics and what's traditionally, historically existing.

CHAIR HOLIAN: Okay. Commissioner Mayfield, do you have any questions?

COMMISSIONER MAYFIELD: I do, Madam Chair. Thank you for recognizing me. A question for staff, Madam Chair, and also a question for our Land Use Director, Penny Ellis-Green and Attorney Ross. Madam Chair, time and time again you all finalized [inaudible] the code rewrite –

CHAIR HOLIAN: Commissioner Mayfield, I couldn't understand what you were saying.

COMMISSIONER MAYFIELD: I'm sorry, Madam Chair. [inaudible] Madam Chair, what I asked, for the code to address also, and I'm going to ask if staff has recognized – I'm speaking very loud, Madam Chair, so you all can hear me. But along that corridor, along the 285/84 corridor and the corridor going up to Los Alamos and also Nambe, Highway 503, and I am going to talk a little bit on this, Madam Chair. I've asked Mr. Ross to recognize the potential of an SDA-1 area out there and the reason I'm getting at this, and I'd also like staff to recognize that District 1 is within five pueblos. And the reason I bring that up, Madam Chair, is that this is a real uniqueness to the code. Other areas in Santa Fe County do not have to go through this within our code development plan. So anything that's being developed along these corridors, and especially this commercial corridor that we go through along 285/84 in the north, and along 502 and 503 up in the north need to recognize that there are external boundaries for the pueblos, for that matter internal boundaries with the pueblos.

And in that there's private claims within those boundaries. And there's sovereign land within those boundaries. So something has to happen for commercial development along [inaudible]. It may not be applicable to that [inaudible] that's applicable to something under our current County code plan that's moving forward and the current County code plan. And that's what I've asked staff to recognize in the current draft of the code. So I hope those considerations are also taken into effect in terms of impact.

And I appreciate what Commissioner Anaya also brought up about some of the existing private claims that are along that corridor. And I'm going to ask staff this question: Have you identified, say from the Tesuque area coming down the hill all the way to the Santa Clara area where we're going into the City of Española – so from the City of Santa Fe limit all the way to the City of Española limit, how many private claims there are between pueblo claims. Can you tell me how many claims we have along that stretch?

CHAIR HOLIAN: How many what we have along that stretch?

COMMISSIONER MAYFIELD: How many private claims we have along that stretch from the City of Santa Fe to the City of Española.

CHAIR HOLIAN: I heard planes – is what I heard and I don't think you actually said that.

COMMISSIONER MAYFIELD: I did say that. I did say that, Madam Chair.

CHAIR HOLIAN: Oh, private claims. Does anybody know the answer to that

question?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I don't know the answer to that question.

COMMISSIONER MAYFIELD: Would you say there are many that are intermingled between pueblo land?

MS. ELLIS-GREEN: Yes.

COMMISSIONER MAYFIELD: Okay, Penny. So, Madam Chair, Ms. Ellis-Green, we can have one set of rules that apply, say, to a private claim, versus one that would apply to sovereign land within that claim. [inaudible] to develop on a commercial piece of land within a private claim and the County were very restrictive on that and they may not be restrictive on the sovereign land right next door to them. [inaudible]

CHAIR HOLIAN: Can you repeat your question?

COMMISSIONER ANAYA: Madam Chair, I could help. The Commissioner is saying that there are sovereign lands adjacent to private claims in the sovereign lands you can have – and I'll just use this example, Commissioner, if you're okay. You could have a 100-foot sign and then adjacent to that you could have the County requirement for a very small sign and I think he's just bringing up that there's parity concerns there, it sounds like. Did I capture what you were trying to say, Commissioner?

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Anaya, exactly. And also as far as authority, we could have setback requirements as far as parking along the 285/84 corridor, where on sovereign lands they may not have the same parking restrictions along the highway. And the other thing that I also would like to bring up is when 285/84 was remodeled and they brought up all of the frontage road issues. Now we have setback requirements based on a frontage road that was never there before. So I think that's very important that staff recognizes. The new setbacks based on frontage roads that were there or were not there, especially on this one particular piece of land. That road was widened, so there's not a frontage road issue right there. But that area, stretch of the road was widened, therefore making a bigger setback there.

But I guess what I'm aiming at is that you all now might be requiring in our current code or our current draft code for parking to be in the rear, look along that whole 285/84 corridor. [inaudible] So I guess my question for staff would be that if somebody comes in and tries to do a remodel, even if it's somebody across the street, because I think in one of the exhibits it's mentioned. If somebody came to do a remodel of that store – and I know that one. I know the store that's across the street from the proposal that's in front of us tonight. But now would they be asked or have to reshift their whole parking? Because they don't have the room to park behind that store. So can staff give me an example on that store, that facility directly across the street, if they came in to do a remodel?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I'm not sure about the property you're talking about. Now, an interior remodel we wouldn't require any kind of parking requirements. If they were coming in to expand the use, say it's a non-conforming use, or non-conforming signs that the property has, if they're coming in to expand the use and in some way to expand the building, then they would have to come in for master plan amendments and they would have to conform to the conditions or the code requirements as they stand now as far as parking and signage and everything else.

CHAIR HOLIAN: So, Commissioner Mayfield, I'd like to bring the applicant forward.

COMMISSIONER MAYFIELD: Madam Chair, I've got a few questions to ask of staff. I just think that's very important and I know that Commissioner Chavez also asked if there were some site visits. So as far as a site visit, there's also some residential property in the back, and I think you indicated that there was a four-acre residence in the past, but it's also a traditional community, correct? That could be split up into smaller pieces along that road. So I think the parking in the back could also be disruptive to the folks in the back. And right now, as far as the existing structure that's there, the grandfathered use, staff, how long has that establishment been there? Do you know?

CHAIR HOLIAN: How long has the applicant been there?

COMMISSIONER MAYFIELD: No, the establishment, the existing establishment that has been there on the roadside, right there along that roadside.

CHAIR HOLIAN: Oh, how long has Al's Liquor been there?

COMMISSIONER MAYFIELD: [inaudible]

MR. LARRAÑAGA: Madam Chair, the applicant says since 1948.

CHAIR HOLIAN: So, Commissioner Mayfield, would it be okay if I brought the applicant forward and then you could ask questions of both the applicant and the staff?

COMMISSIONER MAYFIELD: That's fine, Madam Chair. I'll just defer to public comment and I'll reserve more comments for after that, after public comment.

CHAIR HOLIAN: Okay. Thank you. Is the applicant here? Would you please be sworn in and state your name for the record.

[Duly sworn, Jeff Kost testified as follows:]

JEFF KOST: Jeff Kost, 1333 North Greenfield Road, Mesa, Arizona. Thank you for the opportunity to be with you tonight and present this to you. It's been a long evening for you. I've been to a lot of these meetings. I wanted to first off, just to let you know who I am, I'm not just a developer. I'll be the owner of the building. I've acquired a tenant, Family Dollar. They've signed a ten-year lease with me to be there. Family Dollar, they want to be here. They have teams of marketing groups that tell their VGs exactly where they want to be within a quarter mile, to be exact, of where they want to be. So they know their business, they know the clientele and hence have the lease with me. So you're speaking to the owner of the project, one who will maintain this as well and become a property owner, probably within the next 30 days, hopefully.

So with that, this is an 8,300 square foot building that we're putting in there. It's been a long night so I'll try to truncate this a little bit to help. For example, signage, I know there were some questions with regard to signage. We worked with CDRC in regards to signage. In that last hearing, we reduced it to 105. I've since worked with staff and I've agreed – and the tenant – and I've agreed to get them to compromise to 75 square feet, which is five feet off of the current code, because they make certain size signs that they have with national companies. I couldn't get them to get to the 70 but I got them to go to the 75. So that shows something not just to the neighbors but also to the Commission that we're trying to do something that works for the community.

In regards to the parking, I'd love to comment a little on that. I've site-planned this each way I could. Looking at it, it's a very small piece of property. It's 37,000 square feet.

SFC CLERK RECORD 05/03/2013

I've worked with John Dunn who is the property owner adjacent behind it, with Flavio Gurule who lives behind it as well. The main reasons why they wanted to orientation and they would speak to this. They were here at the last meeting, was because if they were going to have a [inaudible] they didn't want a parking lot behind their homes, they didn't want headlights, and from my standpoint as owner of the business, of the building with a tenant, I want my tenants to be, number one, as safe as possible in regards to the safety. If you are walking, parking in the back, you can't see where the cars are, walking behind and coming to the front of the building. I own this. I have a liability there. Let us set that aside. That's just the right thing to do in regards to safety for people coming in and out of that store.

So there's that aspect. There's also the delivery truck aspect. Family Dollar has delivery trucks. They've looked at the site plan. They've looked at every way we could make this work in regards to the turning movements and they have departments. All they do is they make sure that this thing can work. They've looked at it and this is the one that fit within the trucking movements, within the safety and within what is best for the adjacent property owners. So that's the reason why we're asking for that variance tonight. It's certainly not that we're trying to be difficult. We're trying to do what we want here. It's what we feel is best for that area, what's best for the tenant, what's best for their employees and what's best for the property owners behind us.

CHAIR HOLIAN: Okay. Thank you, Mr. Kost. Do you have any more? Because I have a question.

MR. KOST: Sure. [inaudible]

CHAIR HOLIAN: Okay. Go ahead. My question is not on the parking. So go ahead.

MR. KOST: I just also want to add that we're excited about what we're doing, what we're bringing to that area as well. It's been vacant for quite a while. We're coming in, removing that building, bringing in something that's going to bring some life to that area. At the CDRC meeting we had a property owner across the street come to the meeting. She was very frustrated with the crime that's happening in that vacant lot across the street. She asked me what I'm going to do about it. Well, we're going to bring a business in that's going to be operating and we're going to have additional eyes. We're going to be working together with them to try to help, to call 911 if we see somebody doing something they shouldn't be doing.

But my point is we're trying to move, hopefully, not just move but get rid of that type of activity in that area. I've passed on to Jose a petition of about 99 names for, on behalf of this development that he's passed on to you. [Exhibit 7] Or if not he will. Also, obviously the basics which we all know. The tax base that comes. We're going to bring five to seven jobs to the community. We feel we did a fairly good job with regard to notifications with the community. We did a neighborhood meeting requirement. In talking to County staff, there have been two notifications, one in the *Journal North*, one in the *New Mexican* for that neighborhood meeting. We had that. We had seven attendees. We had one who had questions about it, was not opposed, was not for, but just had questions in general who lived behind [inaudible]

We then moved forward with our other postings, certified letters to property owners within 500 feet. Code is 100 feet. I've done this for a long time. I always go further than I should in regards to notification. So I went 500 feet rather than 100 feet, noticed by certified

letter 32 property owners. Also notified any papers as required and also the sign postings on site. The same has happened with regard to notifications, a certified letter for this meeting, and also the notifications in the papers.

I'm bringing that up and emphasizing that because I'm sure recently that [inaudible] We have. We've gone through the proper channels. I've asked and been pro-active in what I should do in regards to the approval and notifications and we stand before you tonight seeking approval.

CHAIR HOLIAN: Okay. Thank you, Mr. Kost. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, could you tell us the hours of operation?

MR. KOST: For this location, it depends on really how busy the store is.

There are times we're open at 8:00 and other times and areas, I've seen them open until 10:00 at night.

COMMISSIONER CHAVEZ: So you don't have any ideas of what the hours for this store might be.

MR. KOST: Yes, I would –

COMMISSIONER CHAVEZ: In that range.

MR. KOST: From 8:00 am to approximately 10:00 pm.

COMMISSIONER CHAVEZ: Okay. Eight to ten. Can you tell us where the closest Dollar store is in proximity to this proposed dollar store?

MR. KOST: It's 3 ½ miles away if I remember correctly.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

MR. KOST: That is information that's given to us by Family Dollar as well. They know exactly where their stores are.

CHAIR HOLIAN: Thank you, Mr. Kost. I have a question. I noticed in the packet that you proposed a smaller cistern for your rainwater collection system than is recommended by our code. Is there a reason for that?

MR. KOST: It's mostly been the ability to – not only its Kost but also just the overall site size and what we can do to make this deal work and so it's the functionality and a practical approach. We try and do what we can in regards to the harvesting. In regards to our impact on what we're actually .15 acre-feet per year. So we're about equal to what it is currently, was there when Al's Liquor Store was open for business.

CHAIR HOLIAN: So you estimate your usage will be .15 acre-feet a year.

MR. KOST: Or less.

CHAIR HOLIAN: Okay.

MR. KOST: That's the maximum that other stores have used. Maximum they've seen out of five stores that they submitted to the County has been 130 gallons per day. That's the maximum that they've used.

CHAIR HOLIAN: Okay. Thank you. Any further questions? Commissioner Mayfield, any questions? Okay. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Did you pass out these pictures? [Exhibit 8] Talk to me about why you passed them out.

MR. KOST: Sure. Be happy to. The reason why the pictures have been passed out it's just to help the Commission – the first picture, to understand why the parking is in front of the existing building across the street. The signage that doesn't fit within code. If you

look at the last picture, that's a current project that's under construction that's been approved that's a coffee shop that has the parking off of the front of the building.

COMMISSIONER ANAYA: Okay. So I got you on the parking. The square footage on the sign I'm looking at that says Pablo's, that's – I don't know how long it's been there. Do you know? Mr. Trujillo, do you know?

JIM TRUJILLO (from the audience): Probably about 20 years.

COMMISSIONER ANAYA: Twenty years. And just on that, with that sign on the building, do you know how big that is?

MR. KOST: I do not.

COMMISSIONER ANAYA: Okay. And then on the others, on the signage, does staff know whether or not those are above or below the code? Because I know that Mr. Trujillo just represented 20 years on the one across the street. Maybe some of these others are even more recent than that, but the sign that I'm looking at that has lighting, Las Hermanas, and I guess that's Done Right Glass, those are all pretty recent as compared to the Jerky Store and the property in question.

MR. LARRAÑAGA: Commissioner Anaya, yes. There's recent businesses that went into that non-conforming structure or use again that are replacing signs that were there previously. So the actual sign with the windmill, the height and everything else, those are non-conforming structures.

COMMISSIONER ANAYA: But the sign itself, for each of those, not all of them together, but for each of those, is that code? Or are those bigger or smaller than what the code requires? Because I did – well, let me explain so it's clear for the public. If you have a non-conforming use of a glass shop, let's say, and then the glass shop becomes a café, are they still allowed the same use? Or doesn't the use determine whether or not they've got to come in or not and get new permitting on that?

MR. LARRAÑAGA: Commissioner Anaya, we had this discussion with our supervisor because we always have these problems, especially along that corridor. Especially as Commissioner Mayfield mentioned where it's a frontage road and they're away from the traffic. And some of those signs do not meet the height limitations of the code and they're pre-code. So then new businesses go in and they just want to replace the actual signage, like you said, with a different business, so a different sign. We allow them to put the signs on there just so that they meet the same square footage as what was there before. But this was a non-conforming structure where the signage is and the new business goes in there.

COMMISSIONER ANAYA: So Madam Chair, Mr. Larrañaga, I'm looking at the sign that's been on that structure for many, many years that says Al's Liquors on it. And I understand that the business hasn't been functioning as a business of that type for a while now but what's the square footage of that sign?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, I have no idea what the square footage is and if this development were going to use that exact same building with the exact – the way it is built right now and replace that sign, we'd probably allow it, if the use was compatible with the old ones. This particular one is a master plan. They're demolishing this building, they're moving in as a whole new development.

COMMISSIONER ANAYA: I understand what the request is and I still want to hear from the public. I'm just trying to establish that there is an existing sign that, just

based on my glance at it is probably two feet by at least 15 feet, just from looking at it on here, which probably is beyond the square footage requirement that we have. And I'm just saying that there's a sign in place. When we talk about – and I know Commissioner Stefanics has a valid point because we've had some issues in the city limits even with our own County sign for the fairgrounds that we adhered to the requirement. Right? I had an interest in having a bigger sign, to be quite honest, and Commissioner Stefanics was the one that brought up that we ourselves need to follow the same threshold that we are asking other people to follow.

Now, my caveat to that would be that given something that has an existing sign, then I think we need to factor what was in place and how long has it been there and what was the type.

My last question on signage and then I'll be quiet, Madam Chair, for now is that on the sign for the County requirement, we get into not only the square footage, but whether it's illuminated or not and how it's illuminated, correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, correct.

COMMISSIONER ANAYA: Whether or not it's a digital sign and we even have provisions that deal with the type of digital sign that we can have, that deals with whether they can flash or not flash, and that determines whether there's a variance or not a variance. Right?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, correct.

COMMISSIONER ANAYA: That's all for now, Madam Chair.

CHAIR HOLIAN: Okay. This is a public hearing, so is there anyone here from the public who would like to speak either in favor or in opposition to this case, please, can I have a show of hands. And perhaps you could all stand up and be sworn in at once.

[The oath was administered to those wishing to speak.]

CHAIR HOLIAN: Okay. Why don't you start coming forward to speak and when you come to the podium please state your name for the record.

[Previously sworn, Fred Richardson. testified as follows:]

FRED RICHARDSON: Thank you, Madam Chair. My name is Fred Richardson. I live at 34 Tango. I am a resident of the Pojoaque Valley. I'm also a contractor that would like to bid on part of this project and have bid on it. So I stand to keep some of my employees employed with this going on. It will also employ five to seven people after the store is built. So I think it's very advantageous for the valley. Plus it would be a good asset for shopping, for keeping us from having to run either Santa Fe or Española to get the materials that are found in the store.

Also, in regards to the layout of this building, one of the big things that hasn't been discussed here tonight is that the septic system has to meet 100-foot setbacks from all wells. And the septic system that this particular building is going to have to have is an advanced treatment unit because of the groundwater effect. And there's not very many places on this lot that the septic can be put. It is most likely going to be put in front of the parking as a buffer feeder. The trees are going to be put on the other side of the parking. So our shrubs and what not that is going to be put between the parking and the street for visual. And that's kind of most of the area that will be utilized for septic. And the water harvesting system that was originally proposed for this was an over 80-foot long tank that would have had to have been

put under the parking lot. That also was obviously an impossibility to put into one section. So the tank was downsized to try to make it accessible and to be pre-installed. Thank you for your consideration. I think the store should go forward.

CHAIR HOLIAN: Thank you. Next.

[Previously sworn, Julia Takahashi testified as follows:]

JULIA TAKAHASHI: I am Julia Takahashi. I live at 149 State Road 503, Santa Fe, New Mexico, 87506. And given the time, can I submit my written statement to your guys for the record? [Exhibit 9] I'd like to bring your attention to Santa Fe County Ordinance No. 2008-5, Section 5.3, the Pojoaque Valley Traditional Community District. And I'll just kind of slip through this. Point A.2, all non-residential in the mixed-use zoning subdistrict shall be compatible with existing land use patterns, existing residential areas, landownership characteristics, and geographic features near the property. Under these considerations and inadequacies related to the community notice and procedural requirements, myself and 69 other signers of the petition submitted earlier to the County oppose the proposed plan.

And I'd like to bring up that I don't feel that the Family Dollar Store master plan is compatible with existing land use patterns or the existing residential area surrounding it. It's out of scale with existing neighborhoods. So I'd like to point – I'm going to run out of time – but I'd like to point out that as you're moving along the corridor that the nature of the corridor significantly changes after the overpass as you move north. So you go through the very high-density commercial development of the Pojoaque Pueblo area, and then you move into much more rural development. And so that's one reason we don't feel that this is really compatible.

I feel that the proposed project would create undue negative impacts on the neighborhood properties, security, lighting, air pollution, noise. There's an acequia that runs directly on the south side of the property.

CHAIR HOLIAN: Thank you, Ms. Takahashi. Next.

[Previously sworn, Lee Waite testified as follows:]

LEE WAITE: My name's Lee Waite. I live at 55 Banana Lane in the Pojoaque Basin. I support this building going in because it's going to bring in construction jobs. Also, it's going to eliminate the fact of Al's Liquor that's been abandoned for years, is going to be gone and it's not going to be an eyesore. It's also not going to have the graffiti that has been painted over several times. And the fact that the Sheriff has been called out there a couple of times just to remove transients or vagrants from that area. Also that building, because it has been abandoned for so long is starting to become a fire hazard because of the transients in the area and it does conform with the buildup in that area. Also it would be a business in that area that is not specifically controlled by the tribal members, therefore the members that work at that store will be able to pay taxes and defray the expenses in that area. And that's all I have to say.

CHAIR HOLIAN: Thank you, Mr. Waite. Who's next?

[Previously sworn, Marsha Richardson testified as follows:]

MARSHA RICHARDSON: My name is Marsha Richardson. I live at 34 Tango and I have lived there 30+ years. And I know the economic downturn and the high cost of fuel as a wife and a mother, to have affordability of merchandise instead of having to run to Santa Fe or to Española for just a couple things would be good. I don't think – I'm for

the project. I think that it's great that you can bring jobs into the environment, no matter if it's a few or a lot. It puts people to work after the construction is done and even during the construction, it's going to be a huge impact.

There's a lot of signs that have come and gone over there in the last 30 years. Some really tall, some really short, not knowing the laws as far as the pueblo versus the County. I'm not familiar with that. So all I can say is over the years we've seen really big, humongous signs lit up like Christmas trees and we've seen other ones that are small. The sign itself to me is no big deal. If you drive by the Nambe Tribal Center or the casinos they're much worse. As far as the parking issue, as a woman and as an adult female, especially at 10:00 at night I think the front is a safer issue. People who are going to be in that area shopping late at night will feel more comfortable. So I'm saying I support it. Thank you.

CHAIR HOLIAN: Thank you, Ms. Richardson. Who's next?

[Previously sworn, Jim Trujillo testified as follows:]

JIM TRUJILLO: Thank you. I am Jim Trujillo and I am the present owner of that property and it's been in my family since 1948. We ran a very successful business in the area. We supported the schools. We supported the community. We sponsored little league games. That was the place that I met my wife Victoria and Victoria and I bought the business in 1977 from her dad and mom, and we continued the business and it's just kind of sad that we had to let it go because as gaming came into being and there's no room for a mom and pop operators any more. You can't have small businesses. You can't make them profitable. So we had to vacate.

So now what we have is an empty building that is an eyesore that's hard to maintain. I do pay the electric bills so that the streetlights are on 24/7 when they're needed so I think this building, the Dollar Store building – and I have had several offers to lease and rent and sell to other people that I didn't like, and I felt that this was the best match for the community. And that's why I'm making every effort to get it approved so that I can process and become the former owner instead of the present owner because like I say, as time goes by you need to start thinking of in my case retirement and trying to sell some of my property, and that's the last one that I have so I would really appreciate your consideration. Thank you.

CHAIR HOLIAN: Thank you, Mr. Trujillo. Next.

[Previously sworn, Sef Valdez testified as follows:]

SEF VALDEZ: Madam Chair, Commissioners, my name's Sef Valdez, a 53-year resident of Nambe. I'd like to give my two minutes to Jon Paul Romero.

[Previously sworn, Jon Paul Romero testified as follows:]

JON PAUL ROMERO: Jon Paul Romero, 12 Feathercatcher Road, Santa Fe, New Mexico. Madam Chair, Commissioners, I'm standing here before you because I'm in support of this project. I've lived in the Pojoaque Valley all my life, 45 years. I've seen many changes along this corridor. I was the project engineer for the Louis Berger Group who did the study from Santa Fe all the way to Española, and I worked closely with the New Mexico DOT for the improvements that have occurred along this corridor. I believe this location is ideally suited for this type of retail development. It sits between two signalized intersections, so it makes for a safe environment entering onto US 84/285 which currently has over 40,000 vehicles a day that travel that corridor.

I know there's a lot of things that have been said with respect to some of the variances and I think Commissioner Anaya had brought up some very good points. Typically, when a development of this type is built it needs the parking along the front of the access, because that's where the patrons are going to come in. I know you as individuals, you wouldn't want to have to enter into the development from a bank from the bank and then walk around carrying the money in your pocket or having to carry the goods and services that you bought from that area back to your car. So with that being said, I would want you to really consider the variances that are being asked for today and to consider granting those variances.

There are many places along the corridor that are mom and pop shops that have gone under and we don't really have an opportunity to shop in the Pojoaque Valley. I know the developer said that the closest Family Dollar was three miles or 3 ½ miles, that's probably as the crow flies, but along the road way it's a little longer. So it's about nine to ten miles driving distance.

I know there are a lot of residents in the valley who are also in support of this who could not be out here tonight. The Family Dollar does allow for purchases of family good from toothpaste, detergent soaps, things that people use around the household that are very affordable and it keeps them in the valley. It's going to bring in gross receipts revenue. It's going to employ five to seven individuals in the retail shop. The cost of construction I believe is over \$800,000, so during the construction of this facility it's going to employ between 30 and 40 individuals of different trades – electricians, plumbers, framers, painters, window installers, roofers. That's much needed. We don't have a lot of economic development in this part of the county and we really need this for our community. Thank you.

CHAIR HOLIAN: Thank you, Mr. Romero. Next.

[Previously sworn, James Trujillo testified as follows:]

JAMES TRUJILLO: Good evening. My name is James Trujillo. I'm the eldest son of the Trujillo Family and I wanted to tell you we respect what our community – we acknowledge their concerns. I've been involved in the sale of this project for over three years. We tried to bring in a Blake's Lota Burger and that didn't work. We tried very hard. We had offers from two liquor establishments, there were convenience stores. We had two bars that wanted to open bars in our store and sell alcohol of course, a distillery and a winery. Family Dollar came into the picture and it made sense to our family. It's a great, great company. Again, it's going to help the gross receipts.

We have the valley's best interest at heart. Me and my family, we made a decision and we want the valley to know we had the valley's best interest at heart when we made our decision. Thank you very much for your time.

CHAIR HOLIAN: Thank you, Mr. Trujillo. Anybody else?

[Previously sworn, William Mee testified as follows:]

WILLIAM MEE: William Mee, 27 Camino Samuel Montoya, Santa Fe New Mexico. And I have worked with various communities and worked on the Agua Fria Community Plan, working through United Communities of Santa Fe County. The whole community planning function, people ask for in their communities like mid-size grocery stores I think is one of the biggest things. And that's to really stop the need to come into Santa Fe to pick up several items. The convenience stores are always so high-priced. They just don't fit the bill. So the Family Dollar really has a lot of grocery items in it and to this

SFC CLERK RECORD 06/03/2013

aspect I think it really fits in with a lot of community planning activities that I've seen done in the various county community plans. Thank you.

CHAIR HOLIAN: Thank you, Mr. Mee. Anybody else?

[Previously sworn, Larry Hays testified as follows:]

LARRY HAYS: Hi. My name is Larry Hays. I live in the valley. [inaudible] Like Jim said, he's always supporting the schools. [inaudible] The Family Dollar, especially the way the economy is, people that have kids all that, they save a lot of money and they get stuff they need. Thank you.

CHAIR HOLIAN: Thank you, Larry. Anybody else? Okay, so there's no one else who would like to speak about this case, either in favor or in opposition? Okay the public hearing is now closed on this case and I will just ask are there any more questions for staff or the applicant. Perhaps the applicant would like to make some wrap up comments? No? Any other questions for staff or the applicant?

COMMISSIONER ANAYA: Madam Chair, I have a question for the applicant.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I just got through earlier in the meeting dealing with water catchment and Lead by Example in Santa Fe County and implementing rainwater harvesting in our buildings. So we as a County are doing and putting our resources where are ordinances and our mouth are and doing rainwater catchment. I'm real concerned about your request for reduction to what looks like a third of what the code has. Talk to me a little bit about that. I don't have a whole lot of heartache as one individual associated with parking. I've already made that clear and I really don't even think I have a whole lot of angst over the signage, but the harvesting I do. So talk to me about what modifications you would consider and I'll take those into consideration as I consider a motion.

MR. KOST: The main reason again was we looked at for code originally and it would span the whole front of the parking lot. And so we were looking at essentially to build to make this project work for us. That was the main thing. It comes down to the amount of tanks and things we have to do with water harvesting. We have a cistern. We've got a giant water tank. There are several costs that are involved. I know that's not something that [inaudible] necessarily want to hear but it's the reality of where this project is. We don't have water to tap into for a fire. So we have to put in a very large tank to hold enough water to take care of the fire suppression system that's there. We have a cistern. We have the water harvesting.

Those combined elements – I wish these deals with Family Dollar were very, very good for me. I'm thankful for them. I'm thankful for them. They allow me to have a little bit more life in regards to my family and paying bills, but they're not something I retire off of. And so Family Dollar has 9,000 stores. They understand how to make me not really make a lot of money on this. And so that's one of the aspects of it. It really comes down to the practical approach and the economics of it.

COMMISSIONER ANAYA: Madam Chair, I'm going to respectfully say I think this is a good project for the valley and there's a lot of merit in what's going on here but I was born at night but not last night associated with project development and resources. So I'm going to respectfully ask you again, relative to options, and I'm going to ask maybe – I

SFC CLERK RECORD 06/03/2013

don't know, is Buster Patty here from our Fire Department or Chief, if you could come forward. I know we've had systems. He just made a comment about water catchment associated with fire suppression, Chief, to deal with fire supply for the system. Could you speak a little bit to that fact and that piece of the project? I'm trying to think – I think we have some fire stations that have utilized water catchment as an alternative backup supply for actually using for fire suppression. Is there anything that you might offer or suggest associated with utilizing the typical water harvesting and some other combination that doesn't necessarily equate to a vast impact or overall cost to the project? It might be out of the box but do you have any thoughts associated with that particular piece?

DAVE SPERLING (Fire Chief): Madam Chair, Commissioner Anaya, I believe on this project that there is a combined fire suppression system and water harvesting tank with some filtering in place to make sure that it meets the needs for our water harvesting and fire suppression. The original option was that they, in order to meet the fire protection needs, have a very large water storage system in lieu of hydrants, the other option being water storage of a smaller scale in order to meet a fire suppression system which I believe they decided to go with for cost and site effectiveness reasons. So there are options available to – with additional cost of course, combine water storage for both purposes.

COMMISSIONER ANAYA: Madam Chair, Chief, excuse me. I thought that's what you said that they did. So clarify it for me again. Do they have two separate tanks, one dealing with fire suppression and one dealing with harvesting project?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, the cistern will hold water from the well to support the fire suppression system. That needs to be designed per the Fire Marshal's requirements and on top of that they will collect the roof water. Again, the comments on water harvesting are strictly, the ordinance specifically says with commercial you get the square footage of the roofed area of the commercial building and apply that to 1.5 gallon per square foot. But when they come in with a landscaping water budget to reduce that and this may allow – of course, they don't have that much landscaping, so that's going to be part of the final development plan. Conceptually as a master plan this is what they have to do. They have to have a cistern in place. So the cistern is going to be there and what we'll have to figure out at final development plan is based on the water budget for their landscaping how big does that cistern have to be to hold the water from the roof.

COMMISSIONER ANAYA: So if I can get the applicant back up here again. So respectfully – tell me your name again.

MR. KOST: Jeff.

COMMISSIONER ANAYA: Jeff, I respectfully asked you a question earlier associated with the cistern. You said you reduced the tank to accommodate space issues. Are you willing as the applicant, as you go forward to the next phases through construction to accommodate some of the other harvesting issues through landscape design and other aspects within your project beyond just the cistern to fully take advantage of the maximum amount we possibly can between a cistern and utilize the balance for landscaping.

MR. KOST: As I was saying, I'll work with staff on that.

COMMISSIONER ANAYA: So you're willing to maximize that use through the combination of the two, a cistern as well as working on landscape aspects? That's what I'm asking.

MR. KOST: Yes.

COMMISSIONER ANAYA: Okay. Madam Chair, I'll listen to the balance of the questions of the Commission.

CHAIR HOLIAN: Okay. Are there any other questions of staff or the applicant? Commissioner Mayfield, do you have any questions?

COMMISSIONER MAYFIELD: Madam Chair, just a quick follow-up based on the comments that were made and I appreciate the comments that were made. I just recognize them. Can you hear me okay?

CHAIR HOLIAN: Yes, but speak clearly and distinctly.

COMMISSIONER MAYFIELD: I'll speak clearly and distinctly, Madam Chair. [inaudible] Based on the comments that were made, some of the public comments. I heard that that highway design has crippled mom and pop businesses, so I guess the highway design – I'm not sure what the highway design was, but it has hurt the local mom and pop businesses out there, so what we can do to try to benefit some economic development in that community is much needed. I believe that anything that we can do to help our tax base within our local governments, I think that is definitely a plus.

I believe that comments that were made also by our staff indicating or at least by one of my colleagues, Commissioner Anaya, indicated that we have moved forward and approved some recent development projects out in that area. I think also there was a recent project where the Commission dealt with the signage, and staff, please correct me if I'm wrong, but we recently also approved a school out there, I think it was an equestrian center school across the street from [inaudible] Restaurant. What was the size of that sign? Do you all remember, what the footprint of that sign was? There was a school, an equestrian school we approved maybe a year ago, 18 months ago.

CHAIR HOLIAN: Commissioner Mayfield, they're discussing this.

COMMISSIONER MAYFIELD: Okay. Great.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I'm not sure there was a signage issue on that. There was a parking issue.

COMMISSIONER MAYFIELD: [inaudible] there was a pretty large sign right there and we approved that.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I'm not sure as to the sign that's being referred to.

COMMISSIONER MAYFIELD: Then let me just ask this question [inaudible]. If we approve something that is a sign or not a sign, don't we always have to be consistent when we approve something, when we look at the whole – I just want to make sure we're being consistent. So if we go out there and see if there's a sign and [inaudible]

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, that was my project on that school. They probably had – they had a home occupation before, so they probably put up a sign that hasn't been approved yet. The issue on that was the amount of parking spaces per the square footage of the buildings and for a school they didn't need that many parking spaces. But that was the variance that they requested is the amount of parking spaces for that particular development.

COMMISSIONER MAYFIELD: Okay. Then Madam Chair, I'll just stop there. [inaudible] again recognizing the uniqueness of the northern part of Santa Fe County,

recognizing the uniqueness of all of Santa Fe County, I'm going to bring this issue up, with the [inaudible] every issue is unique but I do recognize there are a lot private claims within pueblo external boundaries. Santa Fe County has to move forward and I would hope that we move forward positively to help the valley. Competition is not a bad thing and if we can do things to help our revenue base to tax the county residents we don't have to raise taxes on the back end of people, I don't think that's a bad thing either. So Madam Chair, that's all I have. Thank you.

CHAIR HOLIAN: Okay. Thank you, Commissioner Mayfield. So what are the wishes of the Board?

COMMISSIONER MAYFIELD: I move for approval, Madam Chair.

CHAIR HOLIAN: With staff conditions?

COMMISSIONER MAYFIELD: Madam Chair, I'll move for approval [inaudible] Madam Chair.

CHAIR HOLIAN: But there are a number of conditions, Commissioner Mayfield. Are you saying no conditions at all?

COMMISSIONER MAYFIELD: With staff conditions. I want to allow the variances. Excuse me, Madam Chair. Without the variance of the signage or without the parking in the back. I'd allow the parking in the front and to allow the extra five – I believe it was five feet that the applicant needed for that sign.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I would second that if you would accept the item that I brought up relative to maximizing the use of the roof water for harvesting going with the catchment size of tank they requested but they are willing to work with staff to maximize the use of the additional flow for other purposes on the site, landscaping and other uses.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Anaya, that's a current code requirement that we have right now, correct?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, Commissioner Mayfield, they already – the applicant was already working on changing the signage.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Stefanics, but they did indicate they needed that extra five feet, correct?

COMMISSIONER STEFANICS: Commissioner Mayfield, in our packet the applicant was agreeable to the recommendations that were made by the CDRC regarding the size of the sign.

COMMISSIONER MAYFIELD: No, Madam Chair, I just heard the applicant verbally say they need an extra five feet square footage. [inaudible] Correct me if I'm wrong on that.

MR. LARRAÑAGA: Madam Chair, I believe that the applicant in his presentation said that he would bring it down to 75 square feet, which would be five square feet over the maximum allowable. The CDRC recommendation was to reduce it from 174 square feet to 105 square feet, and to limit the sign height at 12 feet [inaudible].

CHAIR HOLIAN: And the applicant agreed to –

MR. LARRAÑAGA: The applicant agreed to the conditions of the CDRC.

CHAIR HOLIAN: Okay.

MR. LARRAÑAGA: At CDRC.

COMMISSIONER ANAYA: Which included – Madam Chair, on this point.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Which included the additional five square feet, correct? From 70 to 75 is what Commissioner Mayfield is referring to.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, I believe that's what Commissioner Mayfield is referring to but again, just to clarify, the CDRC recommended 105 square feet, reducing it from the proposed 174 square feet originally proposed by the applicant, and the freestanding sign was proposed at 20 feet and the CDRC recommended 12 feet. The applicant's presentation he said he would go down to 75 square feet which is still needing a variance with the 70 square feet.

CHAIR HOLIAN: Okay. Commissioner Mayfield, your motion was for what size for the sign?

COMMISSIONER MAYFIELD: The 75 that Commissioner Anaya just mentioned.

CHAIR HOLIAN: Okay. Gotcha.

COMMISSIONER CHAVEZ: May I ask about the height?

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: What about the height? Is the 12 feet within the code?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, no, it's not. At that setback, the five-foot setback from the property line the code only allows it to be five feet high. At ten feet it would have to be a 30-foot setback.

COMMISSIONER CHAVEZ: So would that not require another variance?

MR. LARRAÑAGA: Yes. At 20 feet or 12 feet it still requires a variance of the height. Yes.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Do we all understand what the motion is?

COMMISSIONER STEFANICS: No. I don't understand what we've approved.

COMMISSIONER ANAYA: So, Commissioner, if I could, just because I'm on the mike, you mentioned approval of the variances for the parking in the front of the property, around the additional five square feet of the sign, square footage, the height of 12 feet on the sign and then my remarks that the applicant's going to work with staff relative to maximizing the water from rain harvesting beyond just the cistern and utilizing the water for landscape.

CHAIR HOLIAN: And I assume that this includes other staff conditions as well, not just the variances. Correct?

COMMISSIONER MAYFIELD: The applicant agreed with staff conditions already with the CDRC case.

CHAIR HOLIAN: Okay.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I appreciate Commissioner Anaya, could staff just repeat what that sign size is? We need to understand.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, yes. The variance to be approved would be the wall-mounted sign at 75 square feet, a freestanding sign at 12 feet in height at a five-foot setback. The parking lot to be in front of the building instead of to the side or to the rear.

COMMISSIONER STEFANICS: I was just asking about the sign. Okay.

CHAIR HOLIAN: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Follow-up question. So then Mr. Larrañaga, the freestanding sign, will that be held to the same 75 square feet, or will that be bigger or larger?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, the dimensions of the freestanding sign will meet the code requirements. It's just the height per the setback that doesn't meet the code requirements. I believe it's 70 square feet of sign area for the freestanding sign. I think it's a few inches over but it's close to the code requirements.

COMMISSIONER CHAVEZ: So the freestanding sign and the wall-mounted sign will be approximately 70 square feet. Well, one will be 75 square feet and the other one might be 70 square feet?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, that's correct. The 70 square foot sign on the freestanding sign does meet the code requirements as far as sign area.

COMMISSIONER CHAVEZ: Right. Not the height. Got it.

CHAIR HOLIAN: Okay. So we have a motion and second with staff conditions and variances for the sign size and for location of the parking.

The motion passed by majority [4-1] voice vote with Commissioner Chavez casting the nay vote.

- XVI. A. 6. BCC CASE # MIS 12-5420 College Park Master Plat Authorization. Univest-Rancho Viejo, LLC, Applicant, Jim Seibert, Agent, Request Master Plat Authorization to Allow for the Creation of a Maximum of Twelve Mixed-Use Lots on 77.4 Acres. The Property is Located on the Corner of Richards Avenue and Avenida del Sur, in the Community College District, within Section 20, Township 16 North, Range 9 East (Commission District 5) [Exhibit 10: Letters to Staff; Exhibit 11: Area Map]**

MR. LARRAÑAGA: Thank you, Madam Chair. On February 12, 2013, the Board of County Commissioners met and acted on this case. The decision of the BCC was to postpone BCC Case # MIS 12-5420 College Park Master Plat Authorization for two months so that the applicant could conduct public meetings with the Rancho Viejo residents. The motion also included that the Applicants request be presented on April 9th for consideration by the BCC.

The College Park site consists of 82.78 acres. Currently Bicycle Technologies

International is being constructed on an existing six-acre lot within the College Park. Master Plan approval for 75.78 acres of this site was granted by way of the Village West Master Plan. 49.65 acres of those 75.78 acres are designated as an Employment Campus and Center within the Community College District. A master plan amendment, of the Village West Master Plan, will be submitted by the Applicant to include proposed uses and to incorporate a seven-acre parcel, which lies outside of the approved Village West Master Plan, to the College Park.

The applicant requests master plat authorization pursuant to Article V, Section 5.6.1 of the County Land Development Code which states in commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer.

If the Board approves the petition, it shall direct that the development request be submitted to the County Development Review Committee. After such a delegation is made, the County Development Review Committee and Board shall establish development standards applicable to the subdivision as authorized by the Code and other applicable ordinances and laws, establish the maximum number of lots to be permitted, intensity of use, and required improvements, and may then approve both the preliminary and final plat which will be known and designated as a master plat.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: the Village West Master Plan was approved by the Board of County Commissioners; the Application is in compliance with the Community College Ordinance the Application meets code criteria to allow a Master Plat Authorization pursuant to Article V, Section 5.6. of the Land Development Code.

Staff recommendation: Staff recommends approval of master plat authorization to allow for the creation, of a maximum, of twelve mixed-use lots on 76.78 acres. Madam Chair, I stand for any questions.

CHAIR HOLIAN: Okay. Are there any questions for staff? Okay. Actually, I have a couple of questions, Jose. In – I guess it was some of the letters that I read it said that the original College Park site was or is – said that it was 82.78 acres, but the master plan approval granted actually 75.78 acres by way of the Village West Master Plan. So how are the other eight acres zoned?

MR. LARRAÑAGA: Madam Chair, part of this –

CHAIR HOLIAN: Are we considering a total of 82.78 acres in this particular case?

MR. LARRAÑAGA: Madam Chair, it's a total of 76.7 acres.

CHAIR HOLIAN: I see. And all of the land that we are considering was part of the Village West Master Plan. Is that correct?

MR. LARRAÑAGA: Madam Chair, for the master plat authorization, yes.

CHAIR HOLIAN: Okay. And by doing this are we adding any more lots than there were in the original master plan? Or is the number of lots staying exactly the same?

MR. LARRAÑAGA: Madam Chair, this wasn't platted for lots. Initially, this pretty much, the request is to put lot lines out there, and then they would have to come in and plat those lots. But especially in commercial it works well because if you had someone who wanted to come in there and build a – say they don't meet the parking requirements for the size of the building, we could administratively, the Land Use Administrator can administratively adjust those lot lines or consolidate lots so that the development can go forward, instead of coming back to the Board of County Commissioners after it's been platted to request a lot line adjustment or a lot consolidation. This helps a developer to be able to sell a lot and get the development in there.

CHAIR HOLIAN: In the original master plan, was there any land that was actually set aside for open space and trails specifically?

MR. LARRAÑAGA: Madam Chair, there was and the master plan is in there, but you can see it clearly more or less in Exhibit 3 where it states Lot 11, that's a lot that was designated for open space and then also we have that trail that goes across that is still going to be implemented in this.

CHAIR HOLIAN: And so that open space would continue to be open space. Correct?

MR. LARRAÑAGA: Per this plan, master plat authorization, through the master plan, if they maintain the 50 percent open space within that master plan they can move that open space around, but that's not what's presented here tonight.

CHAIR HOLIAN: Okay. Thank you, Jose. Commissioner Chavez

COMMISSIONER CHAVEZ: So, Mr. Larrañaga, back on the open space, if they were required to provide open space, what would that look like? I know we're not there yet, but –

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, they are required to provide open space within the –

COMMISSIONER CHAVEZ: How much would that be?

MR. LARRAÑAGA: Again, each lot is subject to show their open space. It's the total development of the master plan that they need to show 50 percent open space. So they can move this open space around just as long as they maintain the 50 percent open space.

COMMISSIONER CHAVEZ: Got it. And that 50 percent open space could be in passive park and trails? A combination of the two?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, yes.

COMMISSIONER CHAVEZ: Okay. And then you're asking – or the applicant is asking that they be able to adjust the lot line based on market needs?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: And so how small and how large of a parcel do you see in this area? What are the parameters?

MR. LARRAÑAGA: Madam Chair, Commissioner Chavez, right now, some of the smaller lots that they're proposing on this is 2.9 acres. It depends on the development.

COMMISSIONER CHAVEZ: What's the largest lot you think – like an acre? Two acres?

MR. LARRAÑAGA: The largest lot on this is 12 acres and the smallest is

2.95, according to this master plan authorization. So they could adjust it within that. What they're asking for is the 12 lots. So not to create any more than 12 lots but adjust – it could be less if they consolidate lots.

COMMISSIONER CHAVEZ: Right.

MR. LARRAÑAGA: But not to create any more than 12 lots, a maximum of 12 lots.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Any further questions for staff? Is the applicant here? Would you please be sworn in for the record?

[Previously sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Madam Chair, my name is Jim Siebert. My address is 915 Mercer, Santa Fe.

CHAIR HOLIAN: Mr. Siebert, do you have anything you would like to add?

MR. SIEBERT: I do. I think first of all let me say that to kind of drill in on the process itself, when we begin talking about the master plan itself we're kind of on dangerous ground, because it's not what is contemplated by the County code. To be specific, we – what's in the County code, Article V, Section 5.6 of the code, it defines this as administrative approval of a lot layout. And that's all it's supposed to be. There's no intention or even a provision to even submit with that a master plan that would indicate what the land uses are associated with that particular lot layout.

As Mr. Larrañaga pointed out there is a purpose to this though, and the purpose of this particular section of the code is to allow for developers and business parks to adjust lots to conform to whatever the purchaser's needs are. In the case of BTI, their need was six acres. Well, there'd be no way to determine what that need would be in advance, so what this section of the code does is simply allows the developer of the park to move the lot lines around to accommodate the needs of the future tenants of the park.

The code also specifies very clearly that the administrative approval or the administrative plat [inaudible] must precede any other application for whatever development request that they have, either master plan or development plan. That application must be heard by the BCC. It must be granted by the BCC. So what we're telling you is that we're simply following the exact procedure of the law that's set forth in the County Land Development Code.

This is not the first time that a master plat or administrative approval has been granted. The projects that I've worked on where it's been previously granted were the Santa Fe Airport Business Park, the Nambe Industrial Park, the Thomas Business Park, the Santa Fe Metro Center and a little over a year and a half ago the Rio Santa Fe Business Park.

In all these cases which have been approved by the Board of County Commissioners there's never been a question against the process itself. And what we've presented to you tonight is really no different than what was being presented in any other projects which currently are operational or operating business parks.

In your packet what you did have is about 150 pages of comments from Rancho Viejo residents which I assume is increased tonight, and I think it almost – if you take a look at the content of those almost universally there is a connection between the administrative plat and the master plan and there's a perception that if you approve the master plat, which is purely a

procedural issue, you're going to absolutely have to approve the master plan or development plan. That was never the way the process was set up or ever intended to operate.

So the problem that we have now is that we cannot control people's perceptions, and that's currently the perception that if you approve this procedure you're also approving the master plan in the future. So this was discussed with the principals of Univest-Rancho Viejo today and given those kinds of misconceptions we would like to offer the following proposal. One, that we will prepare and submit a request to amend the County code allowing for the administrative approval process to take place concurrent with the application for the master plan. We can't do that now; it is not the law. The law says you come before the County Commission, you ask to have the administrative plat approved, and then you proceed with your development request.

We have no other choice. What we're proposing to you, in order to take care of this confusion about the nexus between the administrative plat and the master plan, let's just amend the code. Let's make it clearer. Then you can hear both at the same time and concurrently.

The other thing that we would ask of the County Commission would be we would request assistance from the County Land Use staff in facilitating meetings with the neighborhood. There have been two meetings with the neighborhood and very frankly they have not been very productive. We think that with the assistance of the County staff they can not only facilitate the process, negotiating process, but they can also maybe provide some history to the public of how the land use issues have evolved in the Community College District.

Univest-Rancho Viejo is not opposed to having meetings with the neighbors. We will have as many meetings as is taken, as it will take to address some of the issues and concerns and Univest-Rancho Viejo [inaudible] to reasonably accommodate their concerns. So with that we would ask your consideration of those two points. One, that we would amend the code, we will take the initiative to do that. And two, that we could have some assistance from the County Land Use staff in monitoring neighborhood meetings. And it's really kind of no different from what the City does in their process in what they call the Early Neighborhood Notification process. There's always staff at those meetings. They manage them and they make sure that whatever questions that the public might have regarding the code or the plans that they're there to answer those.

So with that I'll answer any questions for you.

CHAIR HOLIAN: So, Mr. Siebert, what you're asking for is to table this case or postpone this case until – and you would help us bring forward an amendment to our County code in order to be able to consider master plan amendments at the same time as the master plat?

MR. SIEBERT: If you think our position is reasonable we will just simply withdraw this application. I think that takes the issue off the table, it takes the pressure off the neighborhood. It takes the pressure off you all as well.

CHAIR HOLIAN: Steve, could you comment on that?

MR. ROSS: Which part? An applicant can withdraw –

CHAIR HOLIAN: Oh, whether it would be possible to amend our code so that we could consider a master plan amendment at the same time as a –

MR. ROSS: Well, Madam Chair, we're having – we're putting a great deal of effort right now into trying to kick out a draft of the new code so I'd suggest if you want to make this change let's make it in the new code and then try and get that out. Because every time we stop and do one of these fixes to what is about to be the repealed code we take time away from the big project.

CHAIR HOLIAN: Thank you. Mr. Siebert, is there any time constraint on this, from the point of view of the applicant?

MR. SIEBERT: Well, there's always time constraints. Uninvest-Rancho Viejo would like to proceed forward with the master plan in a somewhat timely fashion. The only concern I have about connecting it with the future Sustainable Land Development Code is that my guess is that's going to be in hearings for several months or a very long period of time. We would like the opportunity – this is a fairly small change to the code that can accommodate this issue very easily. So we would request to hear that as a separate issue, separate and apart from the Sustainable Land Development Code.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I have heartburn with the recommendation, and the reason is that we are now talking about setting up a different process for this case that no other application would have access to, and that we would really have the opportunity to be litigated against for not being fair and equitable and adhering to standards. And I'm a little surprised. And I first thought Mr. Siebert was being facetious when he recommended it, but I personally wouldn't do that.

COMMISSIONER ANAYA: I agree with you.

CHAIR HOLIAN: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I agree. I agreed with that perspective at the last case. I think we followed the process associated on our end as well as developments on their end and I think it was just another two months of putting off the inevitable of what we've typically done in other projects. So I'm not prepared to modify the old code and pretend like that's the solution to a process that we've utilized and had in place that I think is as clear as it needs to be.

CHAIR HOLIAN: Thank you, Commissioner. So we will move forward with the case then. Are there any questions for Mr. Siebert?

COMMISSIONER STEFANICS: Yes.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: And I think this might be for staff and Mr. Siebert. In the meetings with the community, I know that the traffic and the road is a big concern. So could each of you address if that was considered or discussed in the meeting that was held with the community?

MR. SIEBERT: I'm going to have to defer that to Warren Thompson who was at the two meetings. Let me just clarify one issue. There's a perception then that if you amend the code it will apply only to Uninvest-Rancho Viejo. It applies across the board. There's opportunity for any applicant to use the same process. We're not trying to limit this only to the Uninvest-Rancho Viejo. So with that, let me let Warren answer that.

CHAIR HOLIAN: Mr. Thompson, will you be sworn in?

[Previously sworn, Warren Thompson testified as follows:]

WARREN THOMPSON: Warren Thompson. Yes, traffic – Madam Chair, Commissioners – yes, traffic came up quite a bit at these meetings. And it is a concern, it's a shared concern that we have with the residents.

COMMISSIONER STEFANICS: Madam Chair, were there any recommendations that could be considered? Are you totally depending on the County to address this? That's what I'm saying. This is a staff and developer question.

MR. THOMPSON: I think that there are a couple of things going on. One is we're studying the traffic issue out there. Two, there's this – I understand there's an alignment study going forward on the southeast connector, and so there's a lot of information going forward on traffic.

CHAIR HOLIAN: Okay. So Mr. Larrañaga.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, at master plat authorization a traffic impact analysis is not required. Again, when they would come in from master plan amendment the traffic impact analysis would be submitted and reviewed by our Public Works Department and DOT. So the master plat authorization again doesn't – they can't go start building buildings out there. As Mr. Siebert said it's a procedural process to get the lots kind of aligned for future lot line adjustments or consolidations.

CHAIR HOLIAN: Okay. So I understand that part, Madam Chair. And – but the issue is that as you move forward with approval for anything there has to be a plan, and I haven't heard that the County is jumping at this. It's certainly not on the MPO's list. The MPO is looking at the southeast connector. The southeast connector really isn't going to help the people who live down that road. Now, I understand at what level we are for approving, but I haven't heard who's discussing whether it's the developer or whether it's the County who's discussing the road. And it seems to me the road has to be addressed.

MR. THOMPSON: It's my understanding, Commissioner, that as we went through the master plan revision process that traffic would be addressed at that point, that land uses would be addressed at that point, and what this process has done is brought all these issues to the table before we've even put in an application to address those issues. So it's the same problem we're having with the residents. We don't have that information together yet. We don't have any proposals on that yet, because that package hasn't even been submitted. Until we get through this process we're not going to be in a position to submit amendments to the master plan that will bring all those requirements forward and force us to address all of those issues.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Are there any further questions of applicant or of staff? Okay. There was a public hearing at the last meeting which was closed, but I will reopen the public hearing for public comments. But I would like to say a few comments in introduction. One is that we had extensive comments at the last meeting which are in our packet. We have had extensive comments mailed in, and they are in our packet. So I would like to ask you who are commenting to concentrate on new information, and I'm particularly interested in the topic of how the public meetings went and also for suggestions on how the developer could do effective outreach in the future. So having said that, who would like to make a public

comment? Is there anybody? Okay, perhaps you could all stand up and be sworn in at the same time.

[Those wishing to speak were administered the oath.]

CHAIR HOLIAN: And please come forward, and there will be a two-minute limit. And please identify yourself when you come to the podium.

[Previously sworn, Vicki Schneider testified as follows:]

VICKI SCHNEIDER: My name is Vicki Schneider. I live at 99 Via Orilla Dorado. Thank you for the opportunity. This is really very confusing on several levels and I certainly, first of all appreciate you, Madam Chair and Commissioners for hanging in. How we got to be last on the list, I don't know, but we're doing it. I think what's important right now is that we have – I'm just going to say two things, because of the time. I'm a long talker. We had promises made to us, the communication in our whole situation has been pretty confusing and we have a discrepancy, probably a different way of describing how our community meetings went. And since you did ask specifically for that I'll address that.

We had a meeting with our developer which we discussed with you last time, two months ago, that we asked if we could organize our community, get our priorities straight, and have a representative group meet with the developer on an overall concept, because what we saw coming when we were presented with the plat authorization, which we fully understand is only administrative, it indicated something that we were all taken aback by, and that was the whole commercial aspect, mixed-use aspects of what was going to happen. That had never appeared to be a possibility before.

So we came to the developer with an idea that we knew how to organize our community over and above the three sections of our homeowners associations, try to get together, have a representative group, and then meet with him as a smaller group. He was delighted by that, it seemed to us, because he didn't want to work with – anyway, so we had this process and he agreed with us, but he did not volunteer to table this meeting two months ago.

We came in, we talked perfunctorily, we didn't know that was going to be the end of our comment, and again this time, we didn't know that we were going to have public comment. So we keep getting a little bit blind-sided by when we can prepare our talks. The two meetings that we had were meetings that we tried to have with our community to organize our priorities to then have a meeting with the developer. Instead, at the last minute of our meeting, the developer just said he was coming to the meeting no matter what. He didn't care what we were trying to do; he was going to come to the meeting because he likes open meetings.

So our process got stopped at that point. However – and then, he also announced to us that he would be gone and out of the country for a month. So we accommodated him and pushed our meeting up a month ahead, got our ducks in a row as fast as we could and we were going to have our public meeting and again he attended and disrupted our meeting by trying to – by trying to say that it wasn't a public meeting. Well, it wasn't. It was us trying to get a representative group that had priorities together. That process took all the time we had at our meetings. We just didn't get to have the meetings that would be efficient and professional. We are a grassroots organization that was about 300 people strong that we have

on our mailing list. So it became an ineffective communication and we didn't get to present or have an exchange with our developer, which we would love to have.

CHAIR HOLIAN: Okay. Thank you, Ms. Schneider. Next.

[Previously sworn, testified as follows:]

STEVE LANDMAN: My name is Steve Landman, 1 Alegre Pass. We were sold something we were told was going to be a certain way and now it's not. So we have Bicycle Parts International there. It doesn't look at any of the other buildings there. It's where this [inaudible] is supposed to go. It's based on the type of building, the kind of work that they do. It's placed very poorly. It's away from the major traffic corridor. So I have to think there's going to be more of the same in that location. That's the first thing.

The second thing is Richards Avenue. As you drive Richards Avenue there are plots for sale all along, both sides. It's only two lanes. You can't widen it. The freeway bridges are going to prevent you from doing so. In order to accommodate the development that's going to be put on Richards Avenue is we have to reroute it and that would have to start now because the traffic disruptions that are going to take place to accommodate all of the building that's planned where it's for sale in that location will cause tremendous disruptions. So it's really a matter of support for what the developer wants to do. I support the developer's right to develop his property. Okay. It's a development. I moved to a development. He gets to do that. But what I'm seeing now is inappropriate. It doesn't work. That's all I have. Thank you.

CHAIR HOLIAN: Thank you, Mr. Landman. Next.

[Previously sworn, Susy Moesch testified as follows:]

SUSY MOESCH: My name's Susy Moesch from 7 Rocky Slope Drive in Rancho Viejo and was just reading all your procedures and the laws and I am very disappointed in what the developer wants to do and I particularly am worried about the roads and I think it's one of your procedures, 5.6.1 I was looking at, I don't know the exact number, where it says that yes, if the developer or the County find that it's not in their interest the County could then kind of not allow it and I think that is exactly what is happening because the roads are too small for bigger trucks, because that's what will happen if - like BTI is a very huge thing that is already there and it has like four loading docks. So when all big trucks will come there so we might have more of this happening with the other 12 lots. And it will mean a lot of money for the County to widen those roads, because there is no way that these big trucks can go through these roads.

And on the other hand, the developer owns land on the corner of Rancho Viejo Boulevard and Highway 14, which is right off the Highway 25, which would accommodate all these buildings and would be away from private property. That is my input.

CHAIR HOLIAN: Thank you, Ms. Moesch. Next.

[Previously sworn, Pat Perrin testified as follows:]

PAT PERRIN: My name is Pat Perrin, 10 Dean's Court. I have many questions. Why were we scheduled last on the agenda when so many homeowners and others are affected? Did the developer request this in hopes that we would go away? Why do we now have in College Park an industrial factory across from the college that sticks out like a sore thumb, because its design is not traditional New Mexican? Were there any public hearings? If so, we were not informed. Why is this motion to move the lot lines being permitted before we know what the developer wants to build there? Isn't this putting the cart

before the horse? Are we not trapped rats and in fire danger if the traffic increases in this area?

Why is this developer permitted to hire his own engineer to perform traffic studies which is an obvious conflict of interest when it should give money to the County and the County should use a revolving list of qualified firms to do the studies? Those are my questions. Thank you.

CHAIR HOLIAN: Thank you, Ms. Perrin. Next

[Previously sworn, Ken Vellen testified as follows:]

KEN VELLEN: My name is Ken Vellen, 95 Via Orilla Dorado, Santa Fe, and I'm going to give my two minutes to my wife. Thank you.

CHAIR HOLIAN: Okay. How gentlemanly.

[Previously sworn, Eunice Vellen testified as follows:]

EUNICE VELLEN: My name is Eunice Vellen. I live at 95 Via Orilla Dorado in Rancho Viejo. I had quite a list for tonight but I just want to address one thing. Mr. Siebert says we don't understand what this process is. We do understand that this is an administrative process. It doesn't involve a master plan change. However, Lot 11 on the master plan map was open land when we bought our land. [inaudible] We were charged a premium for our lot because we were guaranteed that that land was going to remain open for recreation and for trails. My husband and I and the neighbors across the trailhead were charged an additional premium to be on the trailhead, which we are now told is going to become a road. These things were guaranteed to us when we paid our premiums when we bought our land. There were 15 homes along that side of the road that all paid premiums for the same thing. That was almost \$300,000 of profit to the developer and he is now saying, no. That lot was never intended to be open land. We can move it. It wasn't provisional when we paid our premium. It wasn't provisional when we built our homes.

So we understand exactly what this process is. Our objection is that they're including land that was never, to our understanding, to be used for anything but open land for recreation and for trails.

CHAIR HOLIAN: Thank you, Ms. Vellen. Next.

[Previously sworn, Glen Smerage testified as follows:]

GLEN SMERAGE: Hi. I'm Glen Smerage, a pleased and satisfied resident of Rancho Viejo. In the letter to you I requested that you do two things on this case. First is deny the applicant his motion in case 12-5420 and there are numerous reasons that I and other people will give for that. I'm going to focus in my limited time on my second request. It almost is stronger for me than the first. Two parts, the first that you request that Univest go back to the drawing board and consider moving the employment center to its [inaudible] in the vicinity of State Road 14 and Rancho Viejo Boulevard.

The second part of this request is that they put forward a plan for reverting the land in this case to a combination of residential, open space and trails. There are a lot of reasons for this two-part request. Obviously, I don't have time to say them. If you would look in my letter you will see some of those important reasons. Suffice it to say, in topology, in the surroundings where it is nested and there are multiple parts to the surroundings, an employment center is not appropriate here. In 2000, as the Community College District was established, somebody threw a dart at a map and came up with an employment center at this

SFC CLERK RECORDED 05/03/2013

location. It is totally inappropriate today and the County has failed after a whole decade to re-examine the appropriateness.

CHAIR HOLIAN: Thank you, Mr. Smerage.

[Speaker from the audience]: I give him two more minutes.

CHAIR HOLIAN: Okay. Two more minutes.

MR. SMERAGE: I'm not sure I can use it. Well, I will try hard. Let me try to expand a little bit more on the Community College District and subsequent things. In 2000 when that Community College District was established, there was essentially no development, residential or otherwise in Rancho Viejo. Now there are about 1300 homes and growing. There are two elementary schools. There are two colleges. There's a church. There are a variety of things that give character to this community, give identity to this community, and they must be weighed against this commercial stuff. Again, this particular subject land is inappropriate now with its surroundings to be an employment center. A far better place for BTI would have been in the vicinity of State Road 14 and Rancho Viejo Boulevard. But somehow Univest snuck this through on the residents of Rancho Viejo. I don't even know how this [inaudible]. I don't even know if there was a public hearing about the present day [inaudible] of BTI. I think not.

It is an example of the tastelessness that Univest has. We who are residents were imposed upon by a unified architectural style, which most of us are very pleased with – pueblo, territorial, and Mediterranean. Those apparently, both in terms of the county and Univest know nothing about style of commercial buildings. Look at the [inaudible] the inappropriateness of BTI for its location.

CHAIR HOLIAN: Thank you, Mr. Smerage. Next.

[Previously sworn, Evelyn Spiker testified as follows:]

EVELYN SPIKER: My name is Evelyn Spiker and I live at 7-A Dean's Court. I'm very close to the development, the proposal. I've been very involved from the beginning in terms of communicating with my neighbors and I've also been to the two meetings where the developer was speaking to us. I say it that way because it wasn't an exchange; he came to talk to us. Actually, at our meetings, the first one he wasn't invited to. He took it over and we [inaudible] but he didn't want to hear what we had to say. And I think that's where the disconnect came in.

The second meeting was organized to [inaudible] but again it was supposed to be an exchange so he could also understand what our concerns were, and that didn't happen. He basically just talked to us. And actually talked down to us. And I think you saw that in this meeting tonight. He assumed that we're not even informed about some of the [inaudible] and it's rather offensive to a community.

CHAIR HOLIAN: Thank you, Ms. Spiker. Is there anyone else who would like to speak?

[Previously sworn, Eileen Gorman testified as follows:]

EILEEN GORMAN: My name is Eileen Gorman. I live at 3 Firehearth Place in Rancho Viejo. You know that Santa Fe in general is very proud of its dense population area in Rancho Viejo and the College District and I don't have a problem with and I want to be very clear about that. But I think one thing that people have lost sight of is that the economy is going to judge the business model. The economy has spoken. There is a

commercial center in the original village which basically is bankrupt. The center was sold by the developer as all the model homes were to other people who then [inaudible] them back to the developer to use the model homes. That was the business model. And the business center was sold by the developer, previous developer, but by the developer to Suncorps, to private owners who then ran it out.

The private owners are now the only business [inaudible] in the Rancho Viejo original model. It's 13 years. We have to remember that the market is going to determine, and the economy is going to determine the success of this village-style economy in this dense employment and development center. And the more development there is along Rodeo Road, along everything else that's happening on Cerrillos, etc., the less opportunity there is going to be for people to develop commercial in the setting that's there close to the Community College in the near term.

CHAIR HOLIAN: Thank you, Ms. Gorman. Any other public comment? Seeing none, this public hearing is now closed. Are there any further questions? Well, first of all, Mr. Siebert, would you like to say a few words in closing?

MR. SIEBERT: Let me clarify a little history on this. The Community College District plan was something that was adopted approximately 13 years ago and it was done with a great deal of public input and citizens' hours to prepare that plan along with the Community College District plan. So the idea at that time was that there would be a relationship between this particular business park and the Community College, and it was next to the major arterial, which was Richards Avenue, all of which made sense to the committee and the people who put together the plan.

In 2006 there was a master plan that was approved for a much larger area within the district and that was called Village West Master Plan. The Village West Master Plan contained the business park. A portion of that was designated for a business park where [inaudible] business park as well. So there's nothing – this is something that has been ongoing for several years. We realize that some of the residents have moved in recently and [inaudible] the plan. We welcomed the opportunity to provide some history on that particular issue. So thank you.

CHAIR HOLIAN: Thank you, Mr. Siebert. Any further questions for the applicant or for staff? Seeing none, what are the wishes of the Board?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I move for approval of BCC Case MIS 12-5420, College Park Master Plan Authorization consistent with standard practices that the County of Santa Fe has followed for other developments.

COMMISSIONER CHAVEZ: And I will second that motion and state that it will be only for 12 mixed-use lots on 76.78 acres, and that I would imagine, and I'll ask staff, but they still have to comply with open space requirements moving forward.

MS. LUCERO: Madam Chair, Commissioner Chavez, that's correct. They will have to comply with open space requirements.

COMMISSIONER CHAVEZ: Okay. So that's not in staff recommendations now. I just wanted to note that for the record. Thank you.

CHAIR HOLIAN: Okay. We have a motion and a second. Is there further discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Technically, this is meeting the code requirements and Rancho Viejo is in my district and I'm very aware of the lot of the consternation that's going on about this. I also have my own personal concerns about how we're going to work out traffic issues. I think there's other concerns that the community has brought up that they don't believe that they're participating in some of the vision. And maybe that's not what the developer intended. Maybe the developer had his own vision and they wanted to move along, but the community wants to be part of it.

And I know that there are some people who have moved into Rancho Viejo who weren't aware that they had extra property taxes to pay because of the roads. They weren't aware that they were in a mixed-use, high-density community because of the community plan. But that is on the books and that is part of it. I do have some concerns and I don't believe it is the County's responsibility to pursue the issue of extra compensation of land with open space views. I think that is a property right issue that individuals should look at. But Mr. Ross, I don't believe that's our responsibility. Correct? So if individuals feel wronged and they feel that they have something contractual, that has to be pursued on your terms.

Now, I would like to let you know that since I do represent that district and some of you weren't here earlier when we discussed what Commissioners can and can't do when a case is filed. That if in fact this application is meeting the requirements that as it goes forward into the next stages that we will scrutinize and ask the questions and perhaps send it back to the drawing board. But in terms of needed codes, we also have a legal responsibility to keep things moving.

So I wanted to explain to the community that I hear a lot of the consternation. I know what's going on, but in terms of what we have set up in code, this is meeting the requirements right now.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, also, to follow up and expand maybe on a few of the concepts and comments that Commissioner Stefanics just made, I think there are circumstances and today we had several where land use code and County policy that has been put into place in prior years, sometimes doesn't fit with what's concurrent with what's going on today. I know with the developers in question that we've had issues associated with affordable housing that we've spent numerous meetings and discussions where there maybe wasn't 100 percent agreement on the parties but there was an interest and a desire to work through and find some common ground.

I know you're going to be back before the Commission on a continuous basis, and I know that you're going to need to continually have discussions with the community on their concerns and issues associated with their purchase and when they purchased their property and what they were told and what some of those assumptions were, and I think Commissioner Stefanics clearly articulated some of those are better left for those individuals and their own desires relative to how far they want to pursue that.

But associated with Santa Fe County decisions, I want to say that I didn't make the assumption that everything that the County has done prior to my sitting at this bench was done with complete infinite wisdom and that everything will be the same and never change. Without a question we are continually analyzing what happened in the Community College District but also what happened in land use code and trying to figure out what is manageable, what's reasonable within the context of today. And I think somebody articulated economic issues that have arisen and the challenges that are faced associated with those. I think everybody is doing that. But there were real specific things that were done under our framework within this district that were put in aggressive and thought-out. That doesn't mean we're perfect.

I think it's important for staff at some point, especially in places like the Community College District that we have somewhere where people can go. We did the Code of the West, former Commissioner Anaya did the Code of the West for the rural areas of Santa Fe County because many people would move from another state or an urban center to the rural parts of Santa Fe County and when they move in they wonder or ponder what do I have here and why don't I have expeditious service on fire and roads and these other issues? And the same goes for areas in urban areas, in the Community College District is a huge example. We need to have a place where people can get a snapshot summary of the progression of meetings, the progression of decisions, and maps that delineate what those approvals were along the way within the process so that people have somewhere to access the information, hopefully understanding and if they don't, ask questions of the developers and ask their questions of us.

This isn't an end to this discussion. There's going to be continued dialogue. There's going to be continued work, continued discussion on this and other plats going forward. So those are my comments and I think it's a process – a work in progress I guess would be the best way to say it.

CHAIR HOLIAN: Thank you, Commissioner, and I just wanted to say a few words. First of all, I would really like to urge the developers and the community to continue to have dialogue, to continue to communicate and to continue to work with each other. I hope that in fact perhaps the developers will even consider hiring a mediator to help facilitate meetings so that they're more productive. I know that if the community works with the developers on coming up with a plan for that land it's going to turn out a lot better for everybody concerned than if just the developers make the decisions all by themselves. So communication is vital and I would just really urge you to continue with the communication as much as possible and figure out an effective way to do it.

I will also tell the community that this is not the end. The developers will have to come in front of us with a master plan amendment. We don't have to approve the master plan amendment. And the master plan amendment will include things like a traffic analysis. It has to include that. It will include an archeological site survey. It will also include information about where the utilities are going to come from, and it will also include information about what the actual development is going to look like.

And so this will come in front of the CDRC and then the Board. We do not have to approve it, and the kinds of issues that you brought up with your concerns will be addressed then at that time. So with that, if there are no further comments, we have a motion and a second.

SFC CLERK RECORD 05/03/2013

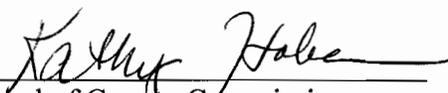
The motion passed by unanimous [5-0] voice vote.

XVII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 11:25 p.m.



Approved by:


Board of County Commissioners
Kathy Holian, Chair


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



EXHIBIT
tabbles
/

SEC CLERK RECORD 06/03/2013

New Mexico State Legislature

STATE CAPITOL
Santa Fe

March 15, 2013

The Honorable Tom Udall
United States Senate
110 Hart Senate Office Building
Washington, DC 20510

Dear Senator Udall:

The New Mexico Legislature is forwarding 2013 House Memorial 65 (HM 65), which passed the house with unanimous bipartisan approval on March 1, 2013, to the New Mexico congressional delegation and to the regional federal land managers. The intent of HM 65 is to convene a public lands watershed health work group. The goal of this legislative interim work group is to find ways to integrate and prioritize local and state watershed plans with regional forest and range planning.

It is the view of the New Mexico Legislature that the loss of vegetation, soil and water due to catastrophic wildfires on public federal lands constitutes a menace to the economic welfare of the State of New Mexico. Floods and the loss of the public trust waters of New Mexico to evaporation in the absence of vegetation on post-burn areas affect the very cornerstone of the New Mexico economy.

Therefore, the New Mexico legislative leadership seeks to integrate local, state and tribal watershed plans with those of the federal Bureau of Land Management, Region 3 of the United States Forest Service, the United States Army Corps of Engineers and the federal Bureau of Reclamation in an effort to increase wildfire prevention and watershed rehabilitation funding and projects.

It is the wish of the New Mexico Legislature that this public lands watershed health work group be convened through the New Mexico legislative interim Water and Natural Resources Committee and implemented by the New Mexico Forestry and Watershed Restoration Institute located at New Mexico Highlands University in Las Vegas, New Mexico.

The Honorable Tom Udall
March 15, 2013
Page 2

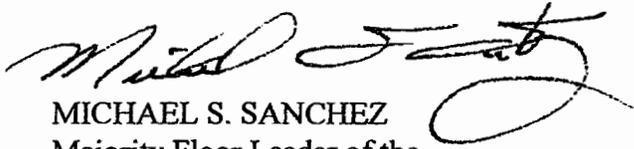
Sincerely,



MARY KAY PAPEN
President Pro Tempore of the
New Mexico Senate
State Senator, District 38



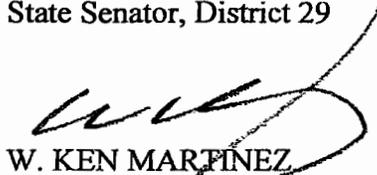
YVETTE HERRELL
State Representative, District 51



MICHAEL S. SANCHEZ
Majority Floor Leader of the
New Mexico Senate
State Senator, District 29



CARL TRUJILLO
State Representative, District 46



W. KEN MARTINEZ
Speaker of the New Mexico
House of Representatives
State Representative, District 69



NICK L. SALAZAR
State Representative, District 40



RICK MIERA
Majority Floor Leader of the
New Mexico House of Representatives
State Representative, District 11



WILLIAM E. SHARER
State Senator, District 1

cc: The Honorable Susana Martinez, Governor of New Mexico
Jesse Juen, State Director for the Bureau of Land Management in New Mexico
Gilbert Zepeda, Acting Regional Forester, Region 3, United States Forest Service
Arthur "Butch" Blazer, Deputy Under Secretary for Natural Resources and
Environment, United States Department of Agriculture
John D'Antonio, Deputy District Engineer, United States Army Corps of Engineers
Michael L. Connor, Commissioner, Bureau of Reclamation
J. Xavier Montoya, State Conservationist, Natural Resources Conservation Service,
United States Department of Agriculture

MKP/YH/MSS/CT/WKM/NLS/RM/WES:kf



SAMPLE/MODEL DRAFT #2

A RESOLUTION

ESTABLISH THE DEVELOPMENT OF A LOCAL WATERSHED PLAN FOR _____ COUNTY TO INTEGRATE WITH THE WATERSHED PLANS, INDIVIDUALLY AND COLLECTIVELY, OF THE STATE OF NEW MEXICO, LOCAL AND TRIBAL GOVERNMENTS, LAND GRANTS, AND THE UNITED STATES AGENCIES OF THE FOREST SERVICE, BUREAU OF LAND MANAGEMENT, ARMY CORPS OF ENGINEERS, AND BUREAU OF RECLAMATION FOR THE PURPOSE OF PRESERVING DOMESTIC, AGRICULTURAL, AND NATIVE WATER SOURCES THROUGH WILDFIRE PREVENTION AND WATERSHED REHABILITATION WITHIN _____ COUNTY.

WHEREAS, the 2013 New Mexico State Legislature passed legislation with unanimous bipartisan approval on March 1, 2013, that requested the United States Congressional delegation representing New Mexico request the United States Forest Service, in light of the history of wildfires on public land in New Mexico, engage with New Mexico state agencies and local governments in meaningful watershed health planning and management; and,

WHEREAS, the 2013 New Mexico State Legislature passed legislation with unanimous bipartisan approval on March 1, 2013, that resolved that the New Mexico Office of the State Engineer, the New Mexico Attorney General, and the New Mexico State Forester shall enforce provisions of the United States Organic Act of 1897 to provide for and protect watershed health within New Mexico; and,

WHEREAS, the 2013 New Mexico State Legislature passed legislation with unanimous bipartisan approval on March 1, 2013, that resolved that state agencies integrate local, state and tribal watershed plans with those watershed plans developed and managed by Federal agencies within New Mexico; and,

WHEREAS, the 2013 New Mexico State Legislature passed legislation with unanimous bipartisan approval on March 1, 2013, that resolved that Federal agencies within New Mexico integrate range and forest planning with the New Mexico state and regional water plans and the New Mexico forest and watershed health plan; and

WHEREAS, the loss of vegetation, soil and water due to catastrophic wildfires on New Mexico public lands, United States government-managed public lands, local government public lands and private lands constitutes a menace to the economic welfare of _____ County; and

CLERK RECORD 08/03/2013

WHEREAS, the New Mexico Legislature passed legislation with unanimous bipartisan approval on March 1, 2013, that calls for the formation of a public lands watershed health work group to be convened through the New Mexico legislative interim Water and Natural Resources Committee; and

WHEREAS, it is incumbent upon this local government jurisdiction, to wit, _____ County, to establish a local watershed plan to integrate all land within _____ County inclusive of New Mexico public lands, United States Government-managed public lands, local government public lands and private lands for the purpose of preserving domestic, agricultural, and native water sources through wildfire prevention and watershed rehabilitation; and

WHEREAS, it is incumbent upon _____ County Commission to represent the needs of the citizens of _____ County to the New Mexico legislative interim Water and Natural Resources Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF

_____ COUNTY that the development of a local watershed plan for _____ County be established to be integrated with the watershed plans developed and managed by the United States public lands agencies within _____ County and to integrate range and forest planning with the New Mexico state and regional water plans and the New Mexico forest and watershed health plan within _____ County; and

BE IT FURTHER RESOLVED that the citizens of _____ County have a responsibility towards self-determination as it specifically relates to individual and collective water demand and water supply for the health and well-being of each citizen and for the economic well-being of _____ County; and

BE IT FURTHER RESOLVED that opportunities for public comment shall be afforded to the citizens of _____ County to allow the Commissioners and County staff to hear the concerns of its citizens relating to watershed health and the preservation of domestic, agricultural, and native water sources, said public comment to include meetings (date and location to be determined) that encourages citizens attendance and participation; and

BE IT FURTHER RESOLVED that work groups shall be established to advise the Commissioners in the specific areas of a) domestic water supply for human consumption and use, b) agricultural water supply including cattle growers, dairymen, food and textile growers to be inclusive of acequia associations and irrigation districts, and c) native water supply to sustain fisheries and wildlife habitat to be inclusive of fishing, outdoor guides and sportsmen associations; and

BE IT FURTHER RESOLVED that the local watershed plan shall include a thorough evaluation of employment opportunities that may be lost or gained related to water supply, wildfire prevention and watershed rehabilitation, inclusive of economic benefit or loss to _____ County; and

BE IT FURTHER RESOLVED that the Commissioners shall include consideration of water demand and water supply, including water quantity and quality, on any issues brought before the Commission that may involve domestic, agricultural, and native water resources, said consideration to include consequences of action or inaction on overall water supply, including water supply that originates or is impacted by the watersheds within New Mexico public lands, United States government-managed public lands, and local government public lands, and that these considerations be incorporated into the local watershed plan for _____ County.

ENACTED AND RESOLVED THIS, THE _____ DAY OF _____,
2013, BY THE _____ COUNTY COMMISSION.

MSWORD2010 draft: Michael Aune 505.983.7021



April 9, 2013 BCC Legislative Report

2013 Legislative Dates

June 14 - Effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

Final Action for Santa Fe County Related 2013 Legislation (34 items displayed below)

| Final Action | Chamber | Type | Number | Title |
|----------------------|---------|----------------|---------|---|
| Signed and Chaptered | Senate | Bill | 14 | EXTEND SUSTAINABLE BUILDING TAX CREDIT |
| Signed and Chaptered | Senate | Bill | 24 | LOCAL GOV'T INVESTMENT POOL |
| Signed and Chaptered | Senate | Bill | 27 | PUBLIC EMPLOYEE RETIREMENT CHANGES |
| Signed and Chaptered | Senate | Bill | 40 | NO ELECTRONIC COMMUNICATIONS IN JAILS |
| Signed and Chaptered | Senate | Bill | 60 | SEVERANCE TAX BOND PROJECTS |
| Vetoed | Senate | Bill | 65 | PRE-RELEASE MEDICAID FOR INCARCERATED PERSONS |
| Signed and Chaptered | Senate | Bill | 101 | ENERGY CONSERVATION BONDS |
| Signed and Chaptered | Senate | Bill | 176 | SUBDIVISION ACT DEFINITIONS |
| Signed and Chaptered | Senate | Bill | 182 | PROCUREMENT CODE CHANGES |
| Signed and Chaptered | Senate | Bill | 221&589 | NM HEALTH INSURANCE EXCHANGE ACT |
| Signed and Chaptered | Senate | Bill | 289 | 5-YEAR SENIOR PROPERTY TAX FREEZE |
| Signed and Chaptered | Senate | Bill | 299 | MARRIAGE LICENSE CLEANUP |
| Signed and Chaptered | Senate | Bill | 307 | PUBLIC RECORDS CHANGES |
| Pocket Vetoed | Senate | Bill | 315 | CITY OR COUNTY COMPREHENSIVE PLANS |
| Signed and Chaptered | Senate | Bill | 353 | LOCAL GOV'T RECORD INDEXING & PROTECTION |
| Signed and Chaptered | Senate | Bill | 406 | DIVIDED & COMBINED PROPERTY TAX COLLECTION |
| Signed and Chaptered | Senate | Bill | 431 | COUNTY FIREFIGHTING CONTRACTS |
| Signed and Chaptered | Senate | Bill | 443 | GOVERNMENT PROCUREMENT REQUIREMENTS |
| Signed and Chaptered | Senate | Bill | 479 | ADEQUATE SUBDIVISION WATER SUPPLIES |
| Signed and Chaptered | Senate | Bill | 480 | SUBDIVISION WATER PERMITS |
| Signed and Chaptered | Senate | Bill | 510 | AGRICULTURAL PROPERTY VALUATION TIMES |
| Pocket Vetoed | Senate | Bill | 539 | REMOTE SELLERS GROSS RECEIPTS |
| Signed | Senate | Joint Memorial | 6 | SANTA CRUZ DAM IMPROVEMENTS |
| Signed and Chaptered | House | Bill | 2 | GENERAL APPROPRIATION ACT OF 2013 |
| Signed and Chaptered | House | Bill | 21 | PUBLIC MEETING AGENDAS 72 HOURS IN ADVANCE |
| Signed and Chaptered | House | Bill | 37 | ANNUAL DELINQUENT PROPERTY TAX SALES |
| Vetoed | House | Bill | 133 | DISCLOSURE OF CONTRIBUTIONS BY CONTRACTORS |
| Signed and Chaptered | House | Bill | 225 | ELECTRONIC VOTER REGISTRATION UPDATES |
| Signed and Chaptered | House | Bill | 275 | VOLUNTEER FIREFIGHTER RETIREMENT BENEFITS |

| | | | | |
|----------------------|-------|------|-----|---|
| Signed and Chaptered | House | Bill | 334 | COUNTY CLASSES & OFFICER SALARIES |
| Signed and Chaptered | House | Bill | 352 | LOCAL CAPITAL OUTLAY PROJECT CONTRIBUTION |
| Signed and Chaptered | House | Bill | 497 | ELECTRONIC VOTER REGISTRATION UPDATES |
| Signed and Chaptered | House | Bill | 615 | VOLUNTEER FIREFIGHTER STIPENDS |
| Signed and Chaptered | House | Bill | 641 | FILM PRODUCTION TAX CREDIT CHANGES |

228 Bills signed into law and 70 bills vetoed overall.

SFC Substitute for SB60 and HB337 (Capital Outlay)

County: Santa Fe(all projects)

| Project Title | | Amount | City | Fund |
|--|------|-----------|-------------------|------|
| 1ST JUD DIST INFO TECH WIRING | | \$85,000 | Santa Fe | STB |
| 1ST JUD DIST TOUCHSCREEN COMPUTERS | VETO | \$45,000 | Santa Fe | STB |
| ACEQUIA AGUA FRIA SYSTEM IMPROVE | | \$46,750 | | STB |
| ACEQUIA DE LA CIENEGA IMPROVE SANTA FE CO | | \$82,667 | La Cienega | STB |
| ACEQUIA DE LA CIENEGA WELL ELEC SYSTEM IMPROVE | | \$50,386 | La Cienega | STB |
| ACEQUIA DE LA OTRA BANDA DIVERSION CONSTRUCT | | \$25,000 | Pojoaque Pueblo | STB |
| ACEQUIA DE LA OTRA BANDA RIVERBANK IMPROVE | | \$34,000 | Pojoaque Pueblo | STB |
| ACEQUIA DE LOS CHUPADEROS IMPROVE | | \$40,000 | | STB |
| ACEQUIA DE LOS INDIOS IMPROVE | | \$50,000 | | STB |
| ACEQUIA DE MORADA IMPROVE | | \$9,500 | Santa Fe | STB |
| ACEQUIA DE SOMBRILLO IMPROVE | | \$4,800 | | STB |
| ACEQUIA DEL POTRERO IMPROVE | | \$10,000 | Chimayo | STB |
| ACEQUIA LARGO DE JACONA IMPROVE | | \$16,000 | | STB |
| AGUA FRIA ELEM SCHL INFO TECH/SMART BOARDS | | \$40,000 | Santa Fe PSD | STB |
| AGUA FRIA WATER DISTRIBUTION SYSTEM | | \$50,000 | | STB |
| ARROYO SECO CIRCLE SPEED CONTROL DEVICES | VETO | \$20,000 | | STB |
| BENNY CHAVEZ SENIOR CTR SANTA FE CO-IMPROVE CODE | | \$45,000 | | STB |
| CAPSHAW MID SCHL MARQUEE | VETO | \$10,000 | Santa Fe PSD | STB |
| DPS LAW ENFORCEMENT ACADEMY DORMS | | \$600,000 | | STB |
| EAST VENUS RD IMPROVE PHASE 1 - EDGEWOOD | | \$275,000 | Edgewood | STB |
| EDGEWOOD SENIOR CENTER-IMPROVE CODE | | \$100,000 | Edgewood | STB |
| EL DORADO ELEMENTARY PLAYGROUND FENCING REPLACE | | \$50,000 | Santa Fe PSD | STB |
| EL DORADO ELEMENTARY SCHOOL ROOFS CONSTRUCT | | \$100,000 | Santa Fe PSD | STB |
| ELDORADO AREA WSD WELLS | | \$200,000 | | STB |
| ELDORADO ROADS IMPROVE SANTA FE CO | | \$151,000 | Eldorado at Santa | STB |
| GALISTEO CREEK RESTORATION | | \$82,000 | | STB |
| IAIA FITNESS & WELLNESS FACILITY | | \$500,000 | | STB |

| Project Title | | Amount | City | Fund |
|--|------|---------------|------------------|-------------|
| LA CIENEGA COMMUNITY CENTER | | \$142,500 | La Cienega | STB |
| LARRAGOITE ACADEMY MARQUEE | VETO | \$10,000 | Santa Fe PSD | STB |
| MARY ESTHER GONZALES SR CTR SANTA FE-IMPROVE CODE | | \$154,000 | Santa Fe | STB |
| NAMBE COMMUNITY CENTER PARK WATER SYSTEM | VETO | \$5,000 | Nambe | STB |
| NAMBE DAM IMPROVE | | \$50,000 | Nambe | STB |
| NAMBE PUEBLO ACEQUIAS IMPROVE | | \$94,000 | Nambe Pueblo | STB |
| NAMBE PUEBLO ADMINISTRATION BLDG IMPROVE | | \$41,700 | Nambe Pueblo | STB |
| NAMBE PUEBLO SENIOR CENTER-MEALS EQUIP | | \$5,400 | Nambe Pueblo | STB |
| NMSD INFRA RENOVATE-PSCOF | | \$7,000,000 | Santa Fe | PSCOF |
| NMSD MUSEUM/LIBR CONSOLIDATE & DILLON HALL-PSCOF | | \$1,000,000 | Santa Fe | PSCOF |
| POJOAQUE PUEBLO POEH CENTER PLASTER/STUCCO | VETO | \$100,000 | Pojoaque Pueblo | STB |
| POJOAQUE PUEBLO SENIOR CENTER-MEALS EQUIP | | \$8,400 | Pojoaque Pueblo | STB |
| POJOAQUE PUEBLO WELLNESS CTR BASKETBALL/VOLLEYBALL | | \$100,000 | Pojoaque Pueblo | STB |
| PUBLIC RECORDS, COMM OF FCLTY EXPAND-SANTA FE | | \$600,000 | Santa Fe | STB |
| RAMIREZ THOMAS ELEM SCHL PA SYSTEM | | \$30,000 | Santa Fe PSD | STB |
| RIO EN MEDIO SENIOR CENTER-IMPROVE CODE | | \$25,000 | | STB |
| SAN ILDEFONSO PUEBLO SENIOR CENTER-MEALS EQUIP | | \$6,500 | San Ildefonso Pu | STB |
| SANTA FE AFFORDABLE HOUSING FOR VETERANS | | \$50,000 | Santa Fe | STB |
| SANTA FE BOTANICAL GARDENS-MUSEUM HILL | VETO | \$140,000 | Santa Fe | STB |
| SANTA FE CHILDREN'S MUSEUM IMPROVE | | \$117,336 | Santa Fe | STB |
| SANTA FE CITYWIDE SENIOR CENTERS-MEALS EQUIP | | \$82,072 | Santa Fe | STB |
| SANTA FE CO CLERK OFFICE EQUIP/INFO TECH PURCHASE | VETO | \$50,000 | Santa Fe | STB |
| SANTA FE CO DISABILITIES INFO TECH | | \$33,333 | | STB |
| SANTA FE CO FAIRGROUNDS IMPROVE | | \$450,500 | Santa Fe | STB |
| SANTA FE CO POJOAQUE VALLEY REC FIELDS | | \$225,000 | | STB |
| SANTA FE CO WOMEN'S HEALTH SERVICES EQUIP | | \$230,000 | Santa Fe | STB |
| SANTA FE CRISIS TREATMENT CTR & SITE IMPROVE | | \$216,000 | Santa Fe | STB |
| SANTA FE EL MUSEO CULTURAL RENOVATE | | \$50,000 | Santa Fe | STB |
| SANTA FE FARMERS MARKET IMPROVE | | \$135,000 | Santa Fe | STB |
| SANTA FE INDIAN SCHL WELLNESS & ED CENTER | | \$708,000 | Santa Fe | STB |

| Project Title | | Amount | City | Fund |
|--|------|-------------|----------------|------|
| SANTA FE LA COMUNIDAD HEAD START PLAYGROUND | | \$50,000 | Santa Fe | STB |
| SANTA FE LA FAMILIA ALTO SITE | | \$50,000 | Santa Fe | STB |
| SANTA FE LARRAGOITE PARK IMPROVE | | \$20,000 | Santa Fe | STB |
| SANTA FE MEDIANS & SIDEWALKS IMPROVE | | \$35,000 | Santa Fe | STB |
| SANTA FE POLICE STATION EXPAND | | \$900,000 | Santa Fe | STB |
| SANTA FE RODEO ARENA & DISASTER RELIEF FACILITY | | \$230,000 | Santa Fe | STB |
| SANTA FE SW ACTIVITY NODE PARK | | \$35,000 | Santa Fe | STB |
| SANTA FE THEATER & CONVENTION EQUIPMENT | VETO | \$65,000 | Santa Fe | STB |
| SANTA FE WATER HISTORY PARK & MUSEUM PHASE 2 | | \$150,000 | Santa Fe | STB |
| SFCC HEALTH SCIENCES PGMS EQUIPMENT | | \$56,000 | | STB |
| SFCC SIGN LANGUAGE EQUIPMENT & INFO TECH | | \$48,750 | | STB |
| SFCC TRADES & TECH BLDG CONSTRUCT & RENOVATE | | \$117,778 | | STB |
| SIRINGO RD & OTHER RDS IMPROVE TO HIGHER LEARN CTR | VETO | \$54,500 | Santa Fe | STB |
| STATE CAPITOL COMPLEX SOLAR ARRAY | VETO | \$185,000 | Santa Fe | STB |
| STATE LAND OFFICE ELECTRICAL UPGRADES-SLMF | | \$375,000 | Santa Fe | SLMF |
| STATE LAND OFFICE ENTRY & SECURITY UPGRADES-SLMF | | \$105,000 | Santa Fe | SLMF |
| STATE LAND OFFICE MORGAN HALL RENOVATE-SLMF | | \$90,000 | Santa Fe | SLMF |
| SUPREME COURT BUILDING RENOVATE | | \$300,000 | Santa Fe | STB |
| TESUQUE FIRE DEPT SOLAR IMPROVEMENTS | VETO | \$15,000 | Tesuque | STB |
| TESUQUE PUEBLO EDUCATIONAL COMPLEX | VETO | \$30,000 | Tesuque Pueblo | STB |
| TESUQUE PUEBLO WASTEWATER INFRASTRUCTURE | | \$70,000 | Tesuque Pueblo | STB |
| TRD EQUIPMENT REPLACEMENT | | \$1,500,000 | Santa Fe | STB |
| WOOD GORMLEY ELEM SCHL FIRE SECURITY SYSTEM | | \$57,000 | Santa Fe PSD | STB |



From: Beth [mailto:beth@stronginstitute.com]
Sent: Tuesday, April 09, 2013 9:50 AM
To: Kathy S. Holian; Liz Stefanics; Daniel Mayfield; Robert A. Anaya; Miguel Chavez
Subject: Joe Miller Hearing today, Tuesday April 9th

Dear Commissioners and Madame Chair,

We are Lamy residents and we draw water from our own well. We worry about dense development in the 285 corridor and the drain it will make on our current water resources. This is compounded by our concerns for higher traffic flow, night pollution, shrinking open spaces, artificial pressure on wildlife, higher density housing, and poorly managed growth.

Please consider a short-term hold on the pending approval of Joe Miller's development. This will allow the development of his many acres to be guided by the new SGMP and Draft Code. The new Code plan is progressive and supports and protects our county lands.

There is great precedence for enacting temporary holds on approval of new developments. As stated by Roger Taylor, "This situation has occurred in other States, and in each occurrence the appropriate City Council or County Commissioners did in fact enact temporary "holds" in development reviews & approvals. Among such instances in the past several years are Tacoma, Wa; Kirkland, WA; Ann Arbor, MI; Boulder, CO. In each instance, a temporary hold ranging from 60 days to 120 days was placed while the Draft Code was being completed."

Please help guide Santa Fe County toward sustainable and manageable growth. Asking Joe Miller to adhere to the new Plan and Draft Code will serve our County and her voting citizens in the best way possible.

Best Regards,
Beth and Jeff Strong
Lamy, NM

CLERK RECORD 05/03/2013

Vicki Lucero

From: paul olshefsky [pk@maddognm.net]
Sent: Friday, April 05, 2013 9:00 AM
To: Vicki Lucero
Subject: CDRC # 08-5430 SWW

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Miss Lucero,

After attending the community Joe Miller meeting, we were told the community voices would not be heard at the BCC meet. on the 9th. Many issues were brought up that I feel the commissioners should be able to hear by the community. The arbitrator, Mr Robert Rambo should not be allowed to speak on behalf of the community. Mr Rambo was given the job of arbitrating between Mr Miller and the County, not between the community and the County. I would submit to you that a member of the community be allowed to speak at the BCC meet, and be put on the agenda.

Thank you for your consideration.

Paul Olshefsky
22 Mad Dog
Lamy, NM
505-466-1325

Vicki Lucero

From: Kathryn Toll [kathryntoll@gmail.com]
Sent: Thursday, April 04, 2013 9:45 AM
To: Vicki Lucero
Subject: April 4 Community Meeting called by Joe Miller

Dear Ms. Lucero,

I'd like to register my concern about the Community Meeting called by Joe Miller for Thursday evening. It is my understanding that notice was sent to only a few area residents and that 2 posters without a return address were affixed to Lamy area gates (one poster reportedly lasted only a short time in the wind).

This meeting is important for area residents to attend but it has been scheduled in haste and not made known to the community at large. I am already attending a meeting with another developer that was previously scheduled.

Area development has a great impact on the lives of those of us who live here and I find it distressing that Mr. Miller has chosen to effectively eliminate a significant number of people from the process.

Thank you for considering these points,
Kathryn Toll

Kathryn Toll
mobile: 801-560-8014
home: 505-466-1909

65 Camino Acote
Santa Fe, NM 87508

SEC CLERK RECORD BE/03/2013

Vicki Lucero

From: Kathy Olshefsky [kolshefsky@centurylink.net]
Sent: Wednesday, April 03, 2013 5:58 PM
To: coarer@nmcourts.gov
Cc: rvanamberg@nmlawgroup.com; Vicki Lucero
Subject: Joe Miller

Dear Mr. Rambo,

So did I have a way of getting ahold of you before Mr. Beal gave me your email? I'm sorry I wasn't sophisticated enough to get it from the BCC records.

As to Mr VanAmberg 's contention that I didn't invite Mr. Miller to attend the other community meeting I wish to state that I was not involved in the planning of that meeting and was going as spectator. I'm sure it is a open meeting and he would be welcome to go. If Mr. Miller would like to go to the other meeting he could postpone his meeting. The community would appreciate and welcome the postponement.

By the way Mr. Millers notice on the billboard sign near the Agora does not include the day of the month the meeting at the RR is to be held.

I find Mr VanAmberg's email very intimidating and do not appreciate it.

Sincerely, Kathy Olshefsky

Vicki Lucero

From: richardbeal@gmail.com on behalf of Richard Beal [richard@beal-net.com]
Sent: Tuesday, April 02, 2013 7:57 PM
To: Cindy Clark
Cc: Robert Rambo; mike palaima; Joseph Guerrero; Paul Rice; Rick Farabaugh and Linda Fillhardt; Kathleen Holian; Vicki Lucero; stopjoemiller@lists.pley.net
Subject: Re: [Stopjoemiller] Spirit Wind West Ranch Meeting?

So what I know at this point is despite many community folks asking for a delay Mr. Miller has not only given us an holding the meeting in spite of County wishes. So the more folks speaking about opposing this the better. And apparently we need to send written letters to the County for the file.

At least we can document our opposition. Actual facts or community concerns don't seem to matter. But let gets it in the file for legal reasons.

On Tue, Apr 2, 2013 at 7:47 PM, Cindy Clark <cindyclarkcommunications@gmail.com> wrote:
Mr. Beal and Mr. Rambo,

I am trying to determine if the proposed April 4 meeting with Joe Miller has indeed been canceled. Please let me know as I am trying to give the community accurate information. Many in the community asked for a meeting at a later date so that we can invite the larger community to attend.

Thank you.

Cindy Clark
Lamy

On Mon, Apr 1, 2013 at 4:18 PM, Richard Beal <richard@beal-net.com> wrote:
Robert,

Just got back in town and was more than surprised to learn that someone (is it you because you signed one of the letters?) has called for a community meeting arbitrated by you(???) and Joe Miller with a highly suspect letter and no community input at all.

One hard to read small sign by the SWR development was apparently suppose to be "community notification".

No newspaper notification

Nothing on the community paper bulletin board at the Agora.

Nothing on the community website (eldoradodailycom).

No notification to the neighboring HOAs or even the Lamy Township!!!! Geez.

Only one mailed letter that I'm aware of that said "the developer's exhaustive and relentless efforts to meet the Santa Fe Development's Regulations" that was not only very very weird but totally self serving. And unsigned.

Just quickly looking at my emails it is apparent that no one was consulted about the date and in fact there are long scheduled community meetings that date that will prevent most folks from attending.

As the County Commissioners asked we are willing to meet with Joe given normal social notification, In this case, the Spirit Wind Ranch folks neighboring this development are unable to attend because of prior commitments and the very short notice and lack of details. And most other neighbors in the Eldorado area as well can't attend.

What we think could be productive is a meeting with Joe, not an arbitrator, who is open to major changes in his proposed development. Any changes he is willing to publish before the meeting will obviously be met with significant interest.

No modular homes, half the number of lots, fenced protection of possible archeological areas, adequate water for the entire community (by most experts not true), and because of major concerns that even if this development is approved and lots will actually not be sold because of the oversupply in this area we especially want a market analysis proving that this development will be successful.

So the only only notification was Easter weekend (last time he did Christmas weekend) to a few people with a highly suspect unsigned letter with no information about who sent it or the address of where it will be held and no contact information

Definitely Joe Miller

If you're the person doing this, please reschedule the meeting to a date where the community can actually attend to be there to oppose this development. If it's not you, please let those who did know this is unacceptable.

--

Richard Beal

www.BealsCowboyBuckles.com

www.CowboyLifestyleBlog.com

Stopjoemiller mailing list

Stopjoemiller@lists.pley.net

<http://mail.pley.net/mailman/listinfo/stopjoemiller>

--

Richard Beal

www.BealsCowboyBuckles.com

www.CowboyLifestyleBlog.com

Vicki Lucero

From: Cindy Clark [cindyclarkcommunications@gmail.com]
Sent: Tuesday, April 02, 2013 7:47 PM
To: Richard Beal
Cc: Robert Rambo; mike palaima; Joseph Guerrero; Paul Rice; Rick Farabaugh and Linda Fillhardt; Kathleen Holian; Vicki Lucero; stopjoemiller@lists.pley.net
Subject: Re: [Stopjoemiller] Spirit Wind West Ranch Meeting?

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Richard Beal

www.BealsCowboyBuckles.com

www.CowboyLifestyleBlog.com

Stopjoemiller mailing list

Stopjoemiller@lists.pley.net

<http://mail.pley.net/mailman/listinfo/stopjoemiller>

Vicki Lucero

From: Kathy Olshefsky [kolshefsky@centurylink.net]
Sent: Thursday, April 04, 2013 10:36 AM
To: Vicki Lucero
Subject: Spirit Wind West

Dear Mz. Lucero,

I want to register my distress that Mr. VanAmberg is portraying my participation in the discussion of Spirit Wind West in such a negative light. I have responded to some of the points Mr. VanAmberg makes in a previous email that you have been CC'd on. I do wish to make several other points. I spoke at the CRDC meeting, in which the board told Mr. Miller to meet with the neighbors. No one from Mr. Miller's camp bothered to look up my telephone number in the telephone book and give me a call or send me a letter. I'm also displeased that after the BCC requested he talk to the community Mr. Miller's group waited so long and then with such short notice dropped a community meeting on us at the same time as another developer whose community outreach meeting had been scheduled for weeks.

I am directly affected by Mr. Millers proposed development. I am adjacent to it. His development will lower my property values, It will impede my views, and one of worse things for me, it will increase traffic on Hwy-285. I cross Hwy-285 to access the Rail Trail and the dedicated trails on the Commonweal with my horse. I belong to a State recognized mounted Search and Rescue group. This year alone, since the middle of February, my group has been scrambled to participate in five searches as far away as the Valle Vidal and as close as the Cerrillos Hills. As a logistic person and the Captain of that team it is very important for me to keep my animals in condition. As a card carrying tax paying citizen of this county I would think that my concerns would be every bit as important as Mr. Miller's need to glut the market with more vacant lots.

Although I understand that the Commonweal's development will increase traffic, I applaud them for providing the surrounding community miles of trails, and miles and miles of proposed trails. AND, considering the county's own goal is to acquire from developers a significant amount of land to support a network of public and private open space, parks, and trails, I feel that this proposed development should be asked to provide a trail that county staff 'CAN' accept. A trail that connects the Rail Trail to the county park on CR-33, so that the neighborhood on my side of Hwy-285 will have a more options for riding, biking and hiking and to get into the village of Lamy. It has been my experience that if trails are not implemented as developments go in they never will happen. From my limited understanding Mr. Miller's proposed development is only offering open space and a trail on land that they already can not use. Land that consists of set backs and un-developable arroyo's.

Trails are something I spoke about at both the CRDC and the BCC and should be of no surprise to this developer

Thank you for considering my concerns.

Sincerely, Kathy Olshefsky

REC'D BY RECORDS 05/03/2013

From: Rick Farabaugh <zappo@earthtribe.net>

Date: April 5, 2013, 11:02:13 AM MDT

To: "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, Liz Stefanics <lstefanics@co.santa-fe.nm.us>, Michael Chavez <mchavez@santafecounty.gov>

Subject: Joe Miller's development in Lamy

Dear Commissioners,

I am writing in opposition to Joe Miller's plan to develop his property near the intersection of CR-33 and 285. I understand that your staff has approved this project and I'm doubtful that there are legal issues that you could cite in order to vote against the plan, but there is no question that the community as a whole is opposed.

At the end of the last BCC meeting in March there was a request that Joe meet with the community. In a style that we who know him are not surprised by, he waited until the last minute and then scheduled a meeting at the same time as another development related meeting in order to have his own meeting. Over 70 people showed up anyway and there was a lively discussion of the changes that the community would like to see in the plan. Very predictably Joe refused to make any changes and at one point claimed that he didn't believe in any covenants or other restrictions on the future lot owners in his development.

There are a multitude of issues that I could cite in opposition to Joe's plans: water, sprawl, property values, etc. I suspect that you are familiar with them all, so I won't bore you with the details.

You have a political choice to make, and not an easy one.

On the one hand you can rule against Joe Miller and his current plan and send him back to the drawing board with instructions that make it clear he will have to really negotiate with the community over the details of his development. That will probably result in yet another lawsuit and perhaps a judgement in his favor.

On the other hand you can rule for Joe Miller and against the larger community.

How you vote on this issue will be determinative for me. I will only support candidates for the County Commission who are willing to take a stand on this kind of issue.

Sincerely,

Rick Farabaugh
Lamy, NM

From: mike palaima <palaimabean@yahoo.com>

Date: April 5, 2013, 10:44:43 AM MDT

To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>

Subject: Eldorado, Lamy, Galisteo community meeting with Joe Miller regarding Spirit Wind West subdivision

Reply-To: mike palaima <palaimabean@yahoo.com>

5 April 2013

Ladies and gentlemen,

I am writing in regards to yesterday evenings meeting with Joe Miller and his surrogates, at the community center in Eldorado. Would like to give you my impressions of the meeting as a citizen of Santa Fe County, a homeowner, and concerned attendee at the meeting. As I understand, for whatever arcane and unfair rules the BCC has, the public will get no input as followup to this meeting, at the next Tuesday, April 9, 2013, BCC meeting? This is unacceptable, you are all elected officials and access to you could be available and desirable in these situations. If there is something in the rules of conduct for the board that precludes you opening comments to the public in this circumstance, than I respectfully suggest you change that rule. Quite frankly, and possibly, wrongly, many of us present, do not trust that Mr Rambo, someones appointed mediator, has our interests at heart, at all. Which means that versions of yesterdays events cannot be confirmed or denied by the community at the 9 April meeting?

Mr Miller was tasked at the March BCC meeting with having a community meeting in order to affect community input and generate some compromise in the matter of the Spirit Wind West subdivision.

Mr Miller did not see fit to start to organize this meeting until Easter weekend, which effectively only gave 3 days for the community to respond and attend. The community objected and asked Mr Miller for a postponement to a later April date as there were other meeting conflicts that evening, and 3 days is not really enough time to mobilize all interested parties. Mr Miller rejected that proposal and as a sop, his "mediator", Robert Rambo, scheduled 2 meetings on Thursday, one at 6:00 PM, the other at 7:00 PM. Both iterations were as expected, not fully attended, unless the 60-70 people who showed up over both times are indicative of the community at large to the board? I do not believe the community was adequately represented at yesterdays meeting. I cannot but hazard a guess as to why Mr Miller would not give more time to this effort and have started the process a week or two ago. In this important matter, all the input available is necessary, and as what Mr Miller does with his development projects affect the whole community, it seemed incumbent upon him to mobilize the community in a much more effective fashion than last nights turnout indicated.

Those that did attend, engaged Mr Miller and Mr Rambo and Mr Martinez in a variety of topics. That, unfortunately is the upshot. Mr Rambo, dutifully took notes and bullet pointed specifics on a story board for all attending to see. Nothing else positive happened. Nothing. If that was the intent of the board, in calling this meeting, than the event was an unqualified success! Otherwise it was an unmitigated disaster. I specifically asked Mr Rambo at meetings conclusion, what if anything on his story board would be addressed and compromise affected by Mr Miller.

SEC CLERK RECORD 06/03/2013

He said he did not know. He did not know? He is the mediator, what kind of an answer is that? I further asked if we would have input at the BCC meeting and he stated no as did Mr Martinez. This being the case, than the meeting was a pure sham, conducted simply so that Mr Miller could minimally comply with the BCC desire for him to meet with the community and flesh out some compromise so he could go forward with his development. He met, ladies and gentlemen, and that is all he did. He also met on his terms, and did not seriously engage the community on one issue other than composting toilets possibility for the proposed homes. He listened to our concerns regarding a variety of issues, deflected them all as uneconomic to him, and interspersed these offerings with stories about how the county had misdealt with him in the past, while Mr Martinez bogged us down in time passing, worthless to the subject at hand, minutae. All in all a very effective evening for accomplishing nothing but frustrating citizens, and in my opinion, not even coming close to the compromise as well as community involvement that the board seemingly desired?

All development, to include Mr Millers could be suspended, until the following happens.

1. New county building codes come into effect. (I hope Mr Rambo got this tidbit, Joe admitted that he was developing and getting his approval prior to those codes coming into play as the new codes would require modifications to his plans he feels are not economic for him. Honest, but a telling answer?)
2. Eldorado and Mr Miller prove to the community in a decisive fashion that the water resource is there, and will be there for the foreseeable future. Mr Miller hedged that question, but at one point said he could not guarantee a wells continuing production. A permit and water rights does not mean the water is going to be there when the tap is turned on. Pumping wonderfully large volumes of water as some of the wells are doing is just that, pumping lots of water, but for how long, until the aquifer is depleted?
3. Suspend development until the ostensibly agreed upon infrastructure to supply additional water to Eldorado from Buckman via Santa Fe, is in place, turnkey, ready to go.
4. Mr Miller really needs to address his unacceptable to the community subdivision in a real fashion, not the theater workshop we had last night.

Compromise is something we all have to live with. Give and take between the community and development has to have some satisfactory resolution, amenable, if not always perfect, to all, in as pragmatic a fashion as possible. I believe this, along with another idea that today, we need to start looking at resource conservation, in a serious fashion, all of us. If these are some of the reasons the board even exists, to be that arbiter, making hard decisions for the public good when necessary, protecting the resources and the environment, than the boards intent was not met yesterday, at all.

Thank you for your consideration in this matter, I look forward to all your responses.

Sincerely,

Mike Palaima
Lamy, NM

palaimabean@yahoo.com
505 231 0395 mobile

-----Original Message-----

From: paul olshefsky [mailto:pk@maddognm.net]

Sent: Friday, April 05, 2013 11:14 AM

To: Liz Stefanics

Subject: Santa Fe County Contact Form Submission

Web form results:

Name: paul olshefsky

Email: pk@maddognm.net

Message:

Dear Commissioner Liz Stefanics,

I know that the community of Lamy is not in your district, but I want to read this as it does concern your area. This about case CDRL # 08-5430, Mr Joe Miller's SWW development.

Mr Miller has a proposed development of 39 home-sights on 133 acres in the Hwy 285 corridor.

in the Lamy area. There was a community meeting last night, with Mr Miller, his agent Mr Danny Martinez, and a mediator Mr Robert Rambo. The part that I want you to know about, is that I asked Mr Miller if he knew that his whole development is in a state Game and Fish wildlife corridor, that connects Apache Canyon to the Galisteo Basin. This corridor is a narrow swath of land that runs completely through his development. His answer was "So". He then said, "He did not know this". I then told him that the state did not have any control over private property, and would he consider a less dense development plan to allow more open space. His answer was again "No". I feel that Mr Miller does not care anything about the concerns of the community, or the surrounding communities.

His proposed development should be tabled till He can compromise with the communities desires.

For your consideration at the April BCC meeting.

Paul Olshefsky

22 Mad Dog

Lamy, NM

466-1325

SBC CLERK RECORD 05/03/2013

From: Clare Carmichael [<mailto:ccarmichael.sf@gmail.com>]
Sent: Friday, April 05, 2013 1:33 PM
To: Liz Stefanics
Subject: FW: Community Meeting - Joseph Miller/Spirit Wind West planned development

Dear County Commissioners Holian, Stefanics, Mayfield, Anaya, and Chavez,

Last night we attended a 3-hour community meeting, suggested by the BCC at the last hearing, with Joseph Miller, Danny Martinez and their mediator, Mr. Rambo. While the decision to hold this meeting is appreciated, in the end, we were told by Mr. Rambo, in response to a direct question, that we would not have input at the April 9 meeting of the County Commissioners to review Mr. Miller's plans. All of last evening's lengthy discussion, which was important, has no real pathway to your attention, except in the broadest possible way: no concessions, no change, no true recognition of real concerns, no further discussion.

We are therefore writing to you to let you know that over 70 people attended the meeting last evening (from Spirit Wind, Galisteo, Eldorado, Lamy, Mad Dog Drive, Cimarron, Art Barns, etc.) after the *most minimal* notice. All who spoke had well-thought out and very deep questions relating to the viability and wisdom of the proposed development. The issues are: water, density, sprawl, sustainability, covenants, modular housing, aesthetics and timing. It was asked and answered: Mr. Miller is trying to beat the clock by securing approval for his plan before the new Santa Fe County Sustainable Land Development Code goes into effect. When asked why he wouldn't rather comply with upcoming codes in good faith, Mr. Martinez told us that we would have cluster housing if they waited for the new sustainability plan to be approved; (therefore they are in effect doing us a favor by trying to get in under the wire?). If the county, in its wisdom, devises a new plan for the future, why would Mr. Miller not wish to wait and comply? Cluster housing sounded rather like a threat to this listener; but many people feel that if this type of housing is sustainable, we are more amenable – at least there would be some thought and planning behind it. Why the rush to plat 39 cookie-cutter lots in an iconic, scenic basin of transcendent beauty? This seems irresponsible.

The issue of water was in the forefront. Present were geologists, members of the ESAWD, environmentalists and citizens highly informed about wells 17 and 18 in Eldorado. It was clear that despite Mr. Miller's agreement with Eldorado officials, there is no real way to know if there will be sufficient water, given future predictions of prolonged drought and past difficulties relating to water in our area. Additionally, discussions with Buckman have apparently collapsed. People are HIGHLY concerned about this, and do not feel new development in the 285 corridor is environmentally sound or sensitive.

We have been portrayed as a group of people simply opposed to change, which is not the case, and this characterization denigrates and undermines our real concerns about the future and beauty of the Galisteo Basin and its environs. We hope the Commission will see fit to deny Mr. Miller approval until issues of sustainability are truly addressed, not merely brushed aside.

Respectfully,

Steve and Clare Carmichael
70 Cerro Alto Road
Santa Fe, NM 87540

From: Richard Beal <richard@beal-net.com>
Date: April 7, 2013, 3:09:08 PM MDT
Subject: Fwd: Spirit Wind Ranch West CRDC Case Z/S 08-5430 (Mr. Joe Miller)

----- Forwarded message -----

From: Richard Beal <richard@beal-net.com>
Date: Sun, Apr 7, 2013 at 3:02 PM
Subject: Spirit Wind Ranch West CRDC Case Z/S 08-5430 (Mr. Joe Miller)
To:

Dear Commissioner:

The Spirit Wind Ranch community continues to remain opposed to this development as detailed in previous correspondence. It doesn't properly fit with the neighborhood and is simply not needed. Additional water use is a huge concern.

Virtually everyone in the community is opposed to this project.

As you no doubt have heard from other citizens, the so called community meeting with Mr. Miller was a sham. I received my invitation 2 days before the meeting. The public sign outside the Eldorado market had notification of the meeting but no date! Multiple groups asked that the meeting be moved to another date – which was ignored. The arbitrator was seriously biased towards Mr. Miller. And of course despite a lot of community concerns and requests he yielded to absolutely nothing.

I hope that kind of behavior is not rewarded.

At the meeting we were clearly told that the Commissioners would not allow any more community input. Because so many people were unaware of the previous BCC meeting I **respectfully request that you allow additional public input on Tuesday.** I believe they have a right to tell you what they have to say so that you have all the information before making a decision.

And finally as Ms. Holian so elegantly stated at the last meeting, if the Commissioners job was simply to assure a checklist had been filled out correctly there would be no need for any proposed development to come before the Commissioners.

Your serious and difficult responsibility is to look at the broader picture do what is best for the entire community.

The job we elected you to do is NOT to protect Joe Miller, it IS to serve the community which is opposed to this development.

BCC CLERK RECORD 06/03/2013

Please vote no on this proposal.

Richard Beal

President, Spirit Wind Ranch Homeowners Association

--

Richard Beal

www.BealsCowboyBuckles.com

www.CowboyLifestyleBlog.com

From: lybrand57@aol.com [<mailto:lybrand57@aol.com>]
Sent: Friday, April 05, 2013 2:13 PM
To: Liz Stefanics
Subject: Fwd: Spirit Wind West Joe Miller project

-----Original Message-----

From: [lybrand57 <lybrand57@aol.com>](mailto:lybrand57@aol.com)
To: Istephanics
Sent: Fri, Apr 5, 2013 11:03 am
Subject: Fwd: Spirit Wind West Joe Miller project

-----Original Message-----

From: [lybrand57 <lybrand57@aol.com>](mailto:lybrand57@aol.com)
To: Istephanics <Istephanics@santafecountynm.gov>; Kholian <Kholian@santafecountynm.gov>;
dmayfield <dmayfield@santafecountynm.gov>; ranaya <ranaya@santafecountynm.gov>; mchavez
<mchavez@santafecountynm.gov>
Sent: Fri, Apr 5, 2013 10:59 am
Subject: Spirit Wind West Joe Miller project

Dear BCC,

Per your suggestion to meet with Mr. Miller we attended a 2 hour meeting last night along with approximately 50 other community people from Highway 285, Glaiesto, Lamy and Eldorado, We were told by Mr. Martinez and Mr. Rambo we would have no input on the scheduled meeting with the BCC on April 9th . This meeting was all to the advantage of Mr Miller he was not in the least concerned about any issue brought forward and not willing in any way to change any thing he had in his covenents, some of the suggestions were to have larger lots but his answer was it was not economical to him. Its sad that this person can go forward with no concern for the surrounding community at all. Please Please listen to the communtiy.

Sincerely
Gladys Guerrero
46 Cerro Blanco Rd
Lamy, NM 87540
Spirit Wind Ranch

BCC CLEAR RECORD 05/03/2013

From: "gallowayusa@aol.com" <gallowayusa@aol.com>
Date: April 7, 2013, 12:06:36 PM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: Joe Miller's proposed Spirit Wind West development

Dear Ms. Stephanics,

I am writing in opposition to Joe Miller's plans for developing the proposed Spirit Wind West project. Of particular concern to me is the water issue. My husband and I have lived in Spirit Wind Ranch for 5 years and have been under water restrictions every summer for 4 of those years. I feel introducing more housing in the area is reckless and absurd.

In addition, an archaeological site that is unique to the Galisteo Basin to date is currently within his proposed development's road right-of-way. To this day he continues to claim the site has been "cleared" for destruction and despite being told 3 times since last summer (letter from State Historic Preservation Office, on file in Miller's county file, personally by three SHPO officers, and by me personally in February 2013) he must either protect it in an archaeological protective easement or fully excavate it as per County regulations. I greatly fear he will "inadvertently" destroy the site in a fit of pique if his development is allowed to proceed.

Based on recent meetings Mr. Miller has held with his proposed neighbors regarding this and his other current developments, he has been caught in several out-right lies and he has done little to prove he has any regard for anything or anyone but himself—the latest meeting with neighbors he (purposely?) scheduled for the same day and time another developer was meeting with neighbors, and that by advertising the meeting over a national holiday, he effectively tried to diminish how many people would be able to schedule their time for this meeting. Mr. Miller might have met the letter of the law but certainly not the intent.

While I appreciate Mr. Miller has the right to develop his property, I strongly believe Mr. Miller can do so in a considerate and conscientious manner and still make the money he wants.

I expect you, our county commissioners and as elected officials, to look beyond the mere vague letter of the law and remember the intent of the laws so that you can guide Mr. Miller through responsible development.

Sincerely,

Lonyta Viklund-Galloway
Spirit Wind Ranch

From: "duncan sibley" <sibley@msu.edu>

To: "Liz Stefanics" <lstefanics@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>

Cc: "clearskynm@gmail.com Taylor" <clearskynm@gmail.com>, "palaimabean@yahoo.com" <palaimabean@yahoo.com>, "stopjoemiller@lists.pley.net" <stopjoemiller@lists.pley.net>, "Nmlulu820@aol.com" <Nmlulu820@aol.com>, "bluebaka@centurylink.net Gessler" <bluebaka@centurylink.net>, "Cindy Clark" <cclarkconsult@gmail.com>

Subject: Spirit Wind Development

Dear Commissioners,

I attended a meeting Thursday evening with Joe Miller and Danny Martinez. I am a resident of Eldorado and have particular concerns about our future water supply.

As I'm sure you are aware, EAWSD has a 2007 report from Glorietta Geoscience which states that by approximately 2047, there District will need to find 6 new, high producing wells in order to maintain present production levels. Significantly, the GGS 2007 report did not attempt to model changes in customer demands due to climate change. That report stated that the location of our 6 new wells is "preliminary and conceptual". Since that time, EAWSD has completed one new well, well 18. The pump test for that well is on the EAWSD website. During the test, well 17 drew down. Therefore, well 18 is not a new water source. It simply allows us to produce more rapidly.

During the discussion Thursday evening, Mr Miller stated that he has a well "45 feet from well 18 and during the pump test, well 18 did not draw down at all". Mr. Miller stated this, apparently feeling this is good. It's not. Well's 17, 18 and the one he described are in fractured granite. The problem of having two wells 45 feet apart that act independently but both produce at high rates is that it suggests the fracture zone is composed of some wide open fractures with few smaller scale fractures between. Fractures zones that are composed of a few wide fractures without a lot of smaller scale fractures produce fluids at a high rate but usually run dry relatively quickly because there are not many smaller scale fractures which tend to store water. Without a geophysical study of the subsurface along Rt 285, no one can predict how long the area wells will produce. We could be lucky and have decades of production but in most fracture terranes, aquifers in factor zones deplete in a few decades.

The other aquifers from which EAWSD produce are also very questionable with respect to finding more water. I would be glad to explain the geologic constraints on each to you.

Back to the meeting- When I pressed Mr. Miller and Mr. Martinez on the water issue, Mr. Martinez stated that each new house will have a cistern and a grey water system. That would be a step forward. Can the BBC hold them to that promise? Mr. Martinez also stated that he would contact me about my request that each house also have at least 1 composting toilet. He hasn't contacted me but I'm hoping you might be able to extract that compromise from them.

Mr. Miler and Mr. Martinez politely listened to the audience's concerns but offered no compromise except the possibility of composting toilets. They have heard to community's concerns on many issues. It is my hope that you will find away to convince Mr. Miller and Mr. Martinez respond to those concerns.

I've attached an article about climate change predictions for our area by a UNM prof. He's very

SBC CT BFM RECORD 05/03/2013

well respected and participates in the IPCC reports. His article concludes that we will be experiencing constant and severe drought from 2050 on (see his figure 4). You might note that he uses a CO2 emission model that assumes some significant reduction in global greenhouse gas emissions. Our federal government has failed to act on climate change for so long that some significant changes are now unavoidable. Now the challenge is whether or not local government officials can act quickly enough to adapt to the coming changes. I realize that it is the inaction of others that have put you in the difficult position of being a last line of defense.

I've been told that neither our understanding of climate change impact nor the lack of confirmed water resources for the EAWSD merit BBC stopping further development in our area. If that's true, I hope you can at least mandate new housing be build as state-of-the -art water conserving structures. Even small steps to slow the decline of our water supply can help.

Thank you for considering my concerns.

Duncan Sibley
18 Palacio Rd.
Santa Fe, NM
Professor
Department of Geological Sciences
Michigan State University
505/660-4745
<https://www.msu.edu/~sibley>

Climate variability and projected change in the western United States: regional downscaling and drought statistics

David S. Gutzler · Tessia O. Robbins

Received: 16 February 2010 / Accepted: 3 May 2010
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Abstract Climate change in the twenty-first century, projected by a large ensemble average of global coupled models forced by a mid-range (A1B) radiative forcing scenario, is downscaled to Climate Divisions across the western United States. A simple empirical downscaling technique is employed, involving model-projected linear trends in temperature or precipitation superimposed onto a repetition of observed twentieth century interannual variability. This procedure allows the projected trends to be assessed in terms of historical climate variability. The linear trend assumption provides a very close approximation to the time evolution of the ensemble-average climate change, while the imposition of repeated interannual variability is probably conservative. These assumptions are very transparent, so the scenario is simple to understand and can provide a useful baseline assumption for other scenarios that may incorporate more sophisticated empirical or dynamical downscaling techniques. Projected temperature trends in some areas of the western US extend beyond the twentieth century historical range of variability (HRV) of seasonal averages, especially in summer, whereas precipitation trends are relatively much smaller, remaining within the HRV. Temperature and precipitation scenarios are used to generate Division-scale projections of the monthly palmer drought severity index (PDSI) across the western US through the twenty-first century, using the twentieth century as a baseline. The PDSI is a commonly used metric designed to describe drought in terms of the

local surface water balance. Consistent with previous studies, the PDSI trends imply that the higher evaporation rates associated with positive temperature trends exacerbate the severity and extent of drought in the semi-arid West. Comparison of twentieth century historical droughts with projected twenty-first century droughts (based on the prescribed repetition of twentieth century interannual variability) shows that the projected trend toward warmer temperatures inhibits recovery from droughts caused by decade-scale precipitation deficits.

1 Introduction

Century-scale climate change projections are often depicted as large scale differences in time-mean fields such as temperature and precipitation (IPCC 2007a). Such projections are of great interest scientifically, but are widely acknowledged to be of very limited direct use for local and regional policymakers and other stakeholders (IPCC 2007b). For applications other than climate research, climate change projections must be downscaled spatially and temporally to much higher resolution than can be provided by global coupled models carrying out centuries-long integrations at relatively coarse resolution.

Multiple approaches to downscaling have been implemented in order to fit particular applications (e.g. Karl et al. 2009). Catchment-scale hydrologic projections may require daily time resolution and spatial resolution on the 10 km scale, for example (Wood et al. 2004). Here we describe an especially simple approach to downscaling on a somewhat larger scale. The goal is to put climate change into context with interannual variability (Hulme et al. 1999), to illustrate the effects of projected climate change at the Climate Division scale, on the order of (100 km)².

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This scale is larger than a small watershed (hence too coarse for many hydrological applications), but smaller than the global and continental scales exhibited by projected long-term climate trends simulated by global models (IPCC 2007a). Operational seasonal climate forecasts in the US are carried out at approximately the temporal and spatial resolutions represented by monthly mean, Climate Division averages. The twentieth century instrumental record supports long-term monitoring of temperature, precipitation and drought at this scale. Thus the Climate Division scale represents an important link in the concept of 'seamless prediction' extending from daily weather out to long-term climate change (Palmer et al. 2008).

The analysis described in this paper has two purposes. One is to illustrate and discuss the utility and limitations of an extremely simple and easily understood technique for implementing downscaling appropriate for interannual variability studies. We will emphasize the simplicity of the approach. This is especially useful for purposes of presenting a 'scenario' of climate change to nonspecialist stakeholders. Our experience dealing with the public across the Southwest suggests that the concept of a 'scenario' as defined in climate change research (i.e. just one of a large set of possible future outcomes) may be familiar to climate scientists but is not easily understood by nonspecialists. The particular approach to downscaling interannual variability described here lends itself to easy interpretation as a scenario, as opposed to a deterministic forecast.

The second purpose is to exploit the structure of interannual variability prescribed in this scenario to extend and complement previous studies of twenty-first century drought in the western US. The trend toward drier hydrologic conditions in southwestern North America in the twenty-first century has been the subject of considerable study already using both observations (Seidel et al. 2008; Barnett et al. 2008) and future projections (Burke et al. 2006; Seager et al. 2007; Hoerling and Eischeid 2007; Sheffield and Wood 2008). The particular algorithm described in the next section for adding climate variability to model-projected climate change lends itself to studying future droughts, because the observed interannual/decadal variability of temperature and precipitation associated with twentieth century droughts is exactly repeated in the future scenario. We can therefore ask how the 1930s Dust Bowl, or the 1950s drought in the Southwest, would evolve in the context of a warmer climate. Section 3 addresses this issue using the palmer drought severity index as a metric of drought. These results can be compared with twenty-first century projections of mean soil moisture (Wang 2005), persistent soil moisture anomalies (Sheffield and Wood 2008) and palmer drought index (Burke et al. 2006) derived using a purely model-based approach.

2 Observed and projected temperature and precipitation

The climate change scenario developed here is based on two sources of data. First, we use observed monthly temperature and precipitation time series for the twentieth century (through the end of 2007), derived by NOAA from cooperative observer sites and averaged into US Climate Division values by the National Climatic Data Center (NCDC) (Guttman and Quayle 1996). Second, a projection of twenty-first century climate change is derived from an average of 18 global climate models, based on the CMIP3 archive (http://www-pcmdi.llnl.gov/ipcc/about_ipcc.php; Meehl et al. 2007). The global model simulations considered here were all forced by the A1B scenario of future anthropogenic radiative forcing, which assumes a relatively mid-range storyline of greenhouse gas increases (IPCC 2007a). Monthly ensemble averages of temperature and precipitation were statistically interpolated to US climate divisions by M. Hoerling and J. Eischeid of the NOAA Earth System Research Laboratory. These data were used previously in an assessment of projected climate change in New Mexico (NMOSE 2006).

For many purposes it is essential to consider the magnitude of projected long-term changes relative to interannual variability (Hulme et al. 1999), and that is a major goal of this study. However global climate models currently exhibit quite disparate changes in short term climate variability in response to long-term trends. An example of such uncertainty is the El Niño-southern oscillation (ENSO) cycle, which has a profound effect on the interannual variability of western North America, but which evolves in a warming climate very differently depending on the details of the ocean-atmosphere coupling incorporated in a particular model (Joseph and Nigam 2006; Vecchi et al. 2008). For this study we choose to keep just the simulated, averaged long-term trends generated by an ensemble of global coupled models, and add to the trend interannual and decadal variability taken from historical data, using observed twentieth century variability repeated in the twenty-first century.

Quantitatively each future annual value $x(t)$ for year t (t ranging from 2008 to 2100), where x is either temperature or precipitation for a particular month and Climate Division, is calculated from:

$$x(t) = C + T(t) + A(t - 100) \quad (1)$$

where C = 1971–2007 observed climatological average of x , $T(t)$ = linear trend in x from the 18-model average of A1B-forced simulations for the period 2008–2099, and $A(t)$ = detrended anomaly value of x from exactly one century prior to year t . Terms C , T and A are each calculated separately for each calendar month. Assumptions and

limitations associated with each of the terms on the right hand side bear careful consideration.

Term C provides the starting point for the projected scenario. By anchoring climate model projections in this way, systematic mean biases in the climate model output are eliminated. Such biases form one of the principal concerns in any downscaling algorithm (e.g. Wood et al. 2002). Term C also ensures that future trends start from current observed conditions, which may be rather different from longer term (century scale) averages. Purely model-based downscaling may not include this property.

Term $T(t)$ is the only term in (1) that incorporates climate model output; C and $A(t)$ involve historical data exclusively. We argue that T represents the component of the greenhouse-gas forced ensemble model simulations that is most robust, while neglecting the components of model output that are less reliable, such as interannual variability from individual models. Studies that consider century-scale differences in precipitation, temperature or soil moisture (e.g. Wang 2005) focus just on T .

Alternatively, one could replace the time-varying trend term T in (1) with a fixed value of climate change ΔT to explore the consequences of interannual variability derived from historical data (term A) in a climate with a different mean state. Such a procedure has been denoted the “Delta” or “ Δ -change” method, and has been used to evaluate climate change impacts that are associated with in extreme conditions at some prescribed time in the future (see CCSP 2008 for a brief review). By specifying a time-dependent climate change $T(t)$ instead of a fixed value of ΔT , the scenario based on (1) describes the emergence of the climate change signal from higher frequency interannual variability described by term A .

For this study we assume linearity in the climate change signal described by $T(t)$, although it would be easy to implement a higher order fit to the model-average change. Figures 1 and 2 will illustrate two examples showing that the assumption of linear change provides an excellent fit to the A1B-forced average temperature and precipitation throughout the twenty-first century.

The final term in (1), denoted $A(t)$, introduces temporal variability to the linear climate change signal by a simple repetition of twentieth century interannual variability. This procedure therefore assumes that the statistics of climate variability remain stationary in the twenty-first century, even while the mean climate shifts significantly as described by $T(t)$. Both recent observations (Groisman et al. 2005, 2008; Alexander et al. 2006; Allan and Soden 2008) and model simulations (Tebaldi et al. 2006; IPCC 2007a; Allan and Soden 2008) strongly indicate that variability is increasing, and is expected to increase further as climate warms, so the assumption built into (1) in term $A(t)$ is likely to err on the conservative side. Introducing

nonstationary higher moment statistics could be accomplished either through dynamical downscaling (e.g. Leung et al. 2004; Diffenbaugh et al. 2005) or a more sophisticated empirical technique (e.g. Wood et al. 2004). We are exploring such modifications to the scenarios presented here, and we take care with nonspecialist audiences to point out the probable underestimate of future variability using this approach.

In this study we consider temperature and precipitation changes derived from only one of many IPCC emissions scenarios, A1B. The A1B scenario is commonly used as a ‘midrange’ emissions projection, in between the IPCC storylines associated with ‘business as usual’ and the storylines associated with aggressive emissions policies or slower growth of energy consumption (IPCC 2007a). A more complete treatment of climate change uncertainties would include an envelope of multiple scenarios (e.g. Sheffield and Wood 2008). One way to interpret the uncertainty in the choice of scenarios is as an acceleration/ deceleration of the projected change. Temperatures that are reached by 2075 in the A1B scenario would be reached sooner in a business-as-usual scenario, or later in an aggressive-policy scenario. Such interpretation is somewhat oversimplified but consistent with inspection of temperature change maps associated with different scenarios (e.g. Fig. 10.8 in IPCC 2007a, or the plots on page 29 of Karl et al. 2009). This simplification neglects potentially important nonlinear threshold effects or impacts that may be dependent on rates of change, rather than on just the magnitude of climate change at any particular time.

Examples of divisional scenarios using this procedure are shown in Figs. 1 and 2 for temperature and precipitation in New Mexico Climate Division 2 (Northern Mountains Division, hereafter NM2), and Nebraska Climate Division 3 (Northeast Division, hereafter NE3; see Fig. 3 for these locations). Figure 1a shows summer and winter time series of NM2 temperature. By construction, the process of averaging multiple simulations smooths out simulated interannual variability and decreases the sampling error (but not systematic errors) associated with determining long-term trends. A linear trend clearly provides an excellent fit to the projected twenty-first century change, consistent with the assumption underlying term T in (1).

For the scenario shown in Fig. 1b, the only feature kept from the model simulations is the linear trend fit to the temperature projection for 2008–2099. For the period 1901–2007 (to the left of the dashed vertical line), historical NM2 data are plotted. The observed sequence of detrended interannual anomalies from the twentieth century data is then repeated—exactly one century later—starting in 2008, superimposed on the projected summer and winter trends for 2008–2100, to form the climate change scenario to the right of the dashed line. Note that

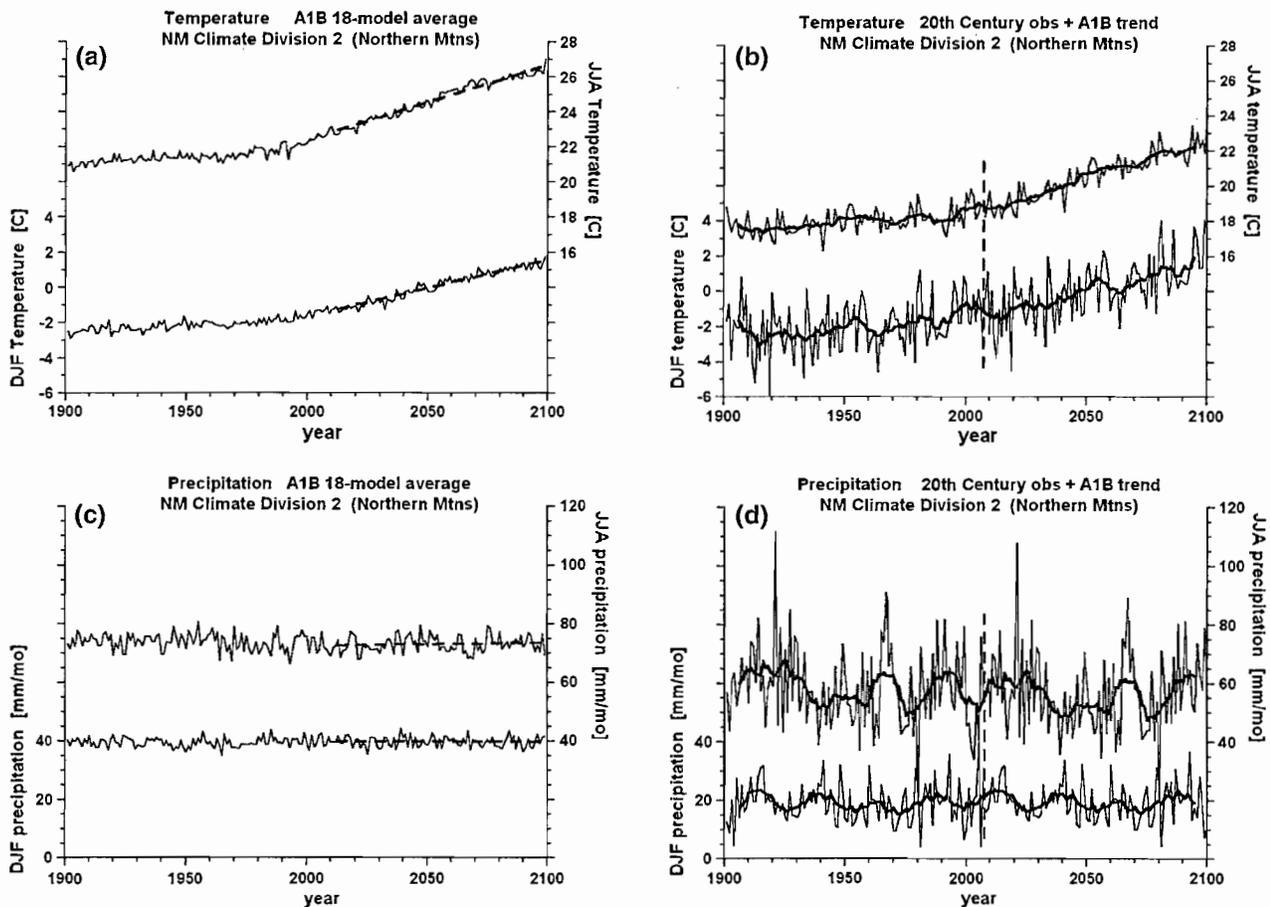


Fig. 1 Time series of annual temperature ($^{\circ}\text{C}$) and precipitation (mm/mo) for the DJF winter season (*lower lines*) and JJA summer season (*upper lines*) for the twentieth and twenty-first centuries in New Mexico Climate Division 2 (NM2, Northern Mountains, shown hatched in Fig. 3). *Thin lines* in each panel show annual values; *thick lines* are 11-year running averages. **a** Simulated temperature, averaged over 18 global coupled models forced by the A1B greenhouse gas scenario. *Dashed black lines* show a linear trend fit to the time series for the period 2008–2099. These trends have values of $+3.3^{\circ}\text{C}/\text{century}$ in winter and

$+4.3^{\circ}\text{C}/\text{century}$ in summer. **b** Winter and summer temperature as in **a**, with interannual variability derived from observations. For years 1901–2007 (*left of vertical dashed line*), values are actual observed climate divisional data. For years 2008–2099 (*right of dashed line*), values are derived by adding twentieth century interannual variability to the twenty-first century simulated trend shown in **a**, using Eq. 1. **c** Like **(a)**, but for winter and summer precipitation. The trends have values of -0.11 (mm/month)/century in winter and $+1.6$ (mm/month)/century in summer. **d** Like **(b)**, but for winter and summer precipitation

the model average for the twentieth century (Fig. 1a) exhibits a significant warm bias of about 3°C in the summer relative to observations (Fig. 1b). As noted above, this bias is removed from twenty-first century values by adding the model-derived trend to term *C* on the right hand side of (1). The projected temperature trends in NM2 are $4.3^{\circ}\text{C}/\text{century}$ (summer, upper curve) and $3.2^{\circ}\text{C}/\text{century}$ (winter, lower curve).

The trends in precipitation are small by comparison, and display considerable variability from model to model (IPCC 2007a; Seager et al. 2007). The slight downward trend in NM2 winter precipitation during the twenty-first century in the 18-model average of A1B-forced simulations (Fig. 1c) is characteristic of the climate change signal in subtropical latitudes in the IPCC simulations (IPCC

2007a; Fig. 3). Even a modest downward precipitation trend could potentially have profound importance for the hydrologic cycle in semiarid regions, when combined with the increase in evapotranspiration associated with the much more pronounced projected temperature trend (Seager et al. 2007).

The winter trend in Fig. 1c is -0.07 (mm/mo)/century, which is statistically indistinguishable from zero. In the scenario developed from (1), the projected twenty-first century decrease in NM2 is less than the short-term decadal increase that was observed at the end of the twentieth century and continues through 2007. Thus average winter precipitation during 2070–2100 in Fig. 1d actually exceeds the observed twentieth century average, despite the small downward trend exhibited during the twenty-first century

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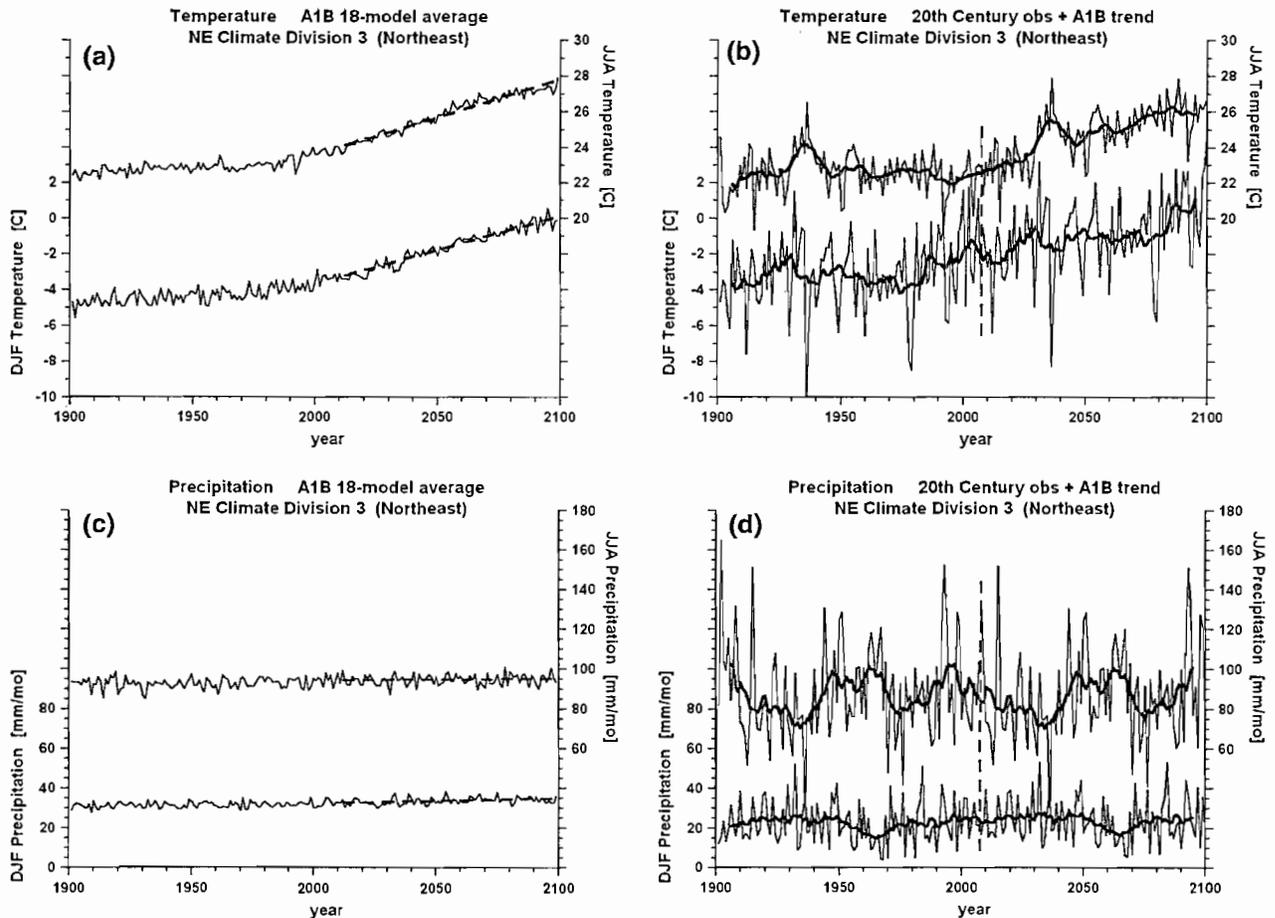
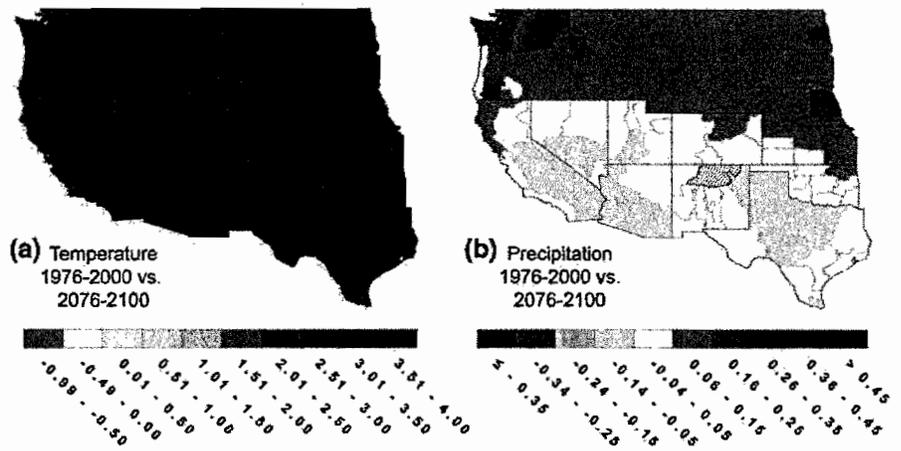


Fig. 2 Like Fig. 1, but for Nebraska Division 3 (NE3, Northeast NE), shown hatched in Fig. 3). The 2008–2099 linear trends in temperature shown in **a** have values of $+3.9^{\circ}\text{C}/\text{century}$ in winter and $+4.2^{\circ}\text{C}/$

century in summer. The corresponding precipitation trends in **c** are $+2.4$ (mm/mo)/century in winter and $+1.1$ (mm/mo)/century in summer

Fig. 3 100-Year differences between the last quarter-century of the twenty-first and twentieth centuries, for Climate Divisions across the western US, derived from annual divisional averages of monthly temperature and precipitation time series as illustrated in Figs. 1 and 2. Climate divisions NM2 (northern New Mexico) and NE3 (northeast Nebraska) are denoted by hatching. **a** Temperature ($^{\circ}\text{C}$), 2076–2100 minus 1976–2000. **b** Precipitation (mm/mo), 2076–2100 minus 1976–2000



in the A1B ensemble average and applied in our scenario after 2007. In other words, term C in (1) has a bigger effect on late twenty-first century precipitation than term T in this particular time series.

As in NM2, the summer temperature trend in NE3 exceeds the winter trend somewhat (Fig. 2a). Addition of observed twentieth century interannual variability (Fig. 2b) serves to emphasize the summer temperature trend because

warm season variability is smaller than cold season variability. Unlike NM2, NE3 exhibits an upward trend in precipitation in both winter and summer (Fig. 2c). Nevertheless, the trends are small relative to interannual variability (Fig. 2d), as was the case for precipitation in NM2 (Fig. 1d).

The instrumental record provides a basis for establishing the century-scale historical range of variability (HRV), an important metric used by the ecological community (Lands et al. 1999). By mid-century, the summer season in NM2 exhibits a higher average temperature *every year* than any summer season ever observed in the instrumental record, i.e. summer temperatures quickly rise outside the climatic HRV. Winter temperatures, in contrast, do not fall outside the range of observed twentieth century winters until much later in the twenty-first century. This seasonal difference occurs in part because summer trends are larger in magnitude than winter trends (Fig. 1a). More importantly, however, interannual variability is much larger in winter than in summer, so that “cold winters” in the mid-twenty-first century exhibit average temperatures comparable to temperatures experienced in the current winter climate.

The linear trends in NE3 temperature are comparable to the NM2 trends, but in NE3 the trends are somewhat less pronounced because interannual variance is larger there in both winter and summer. Late twenty-first century temperatures in NE3 are not consistently outside the twentieth century HRV in this scenario. Of course, the foregoing statement is potentially sensitive to both the magnitudes of twenty-first century trends (subject to uncertainties associated with the choice of emissions scenario, unpredicted climate forcings other than greenhouse gases, and general global modeling uncertainties), and the magnitude of future climate variability (prescribed here to remain constant).

The spatial distribution of the temperature and precipitation trends across the western United States is shown in Fig. 3, showing the difference in values for the last quarter century of the twentieth and twenty-first centuries. This figure is similar (as it should be) to the western US results based on A1B simulations shown in Figure 11.12 in the IPCC AR4 Working Group I report (IPCC 2007a). Both NM2 and NE3 are in the region of large annual temperature trends characteristic of the continental interior (Fig. 3a). However the precipitation trends in these Divisions have opposite signs: NM2 is in the region of modestly decreasing precipitation exhibited across the southwestern tier of states, although the trend in NM2 is smaller in magnitude than in some other nearby Divisions (Fig. 3b). In general, the decrease in projected precipitation in southern states noted in other studies (Seager et al. 2007; IPCC 2007a) based just on model-simulated trends is mitigated in the hybrid scenario presented here because, as

noted above, the late twentieth century was generally a wet period which affects the starting point of future trends.

Division NE3 is located within the northern tier of states exhibiting increases in precipitation, in both winter and summer, in the A1B ensemble average. Based on the gradient in precipitation change seen in Fig. 3b we would expect that corresponding drought statistics could be different in the northern and southern halves of the US.

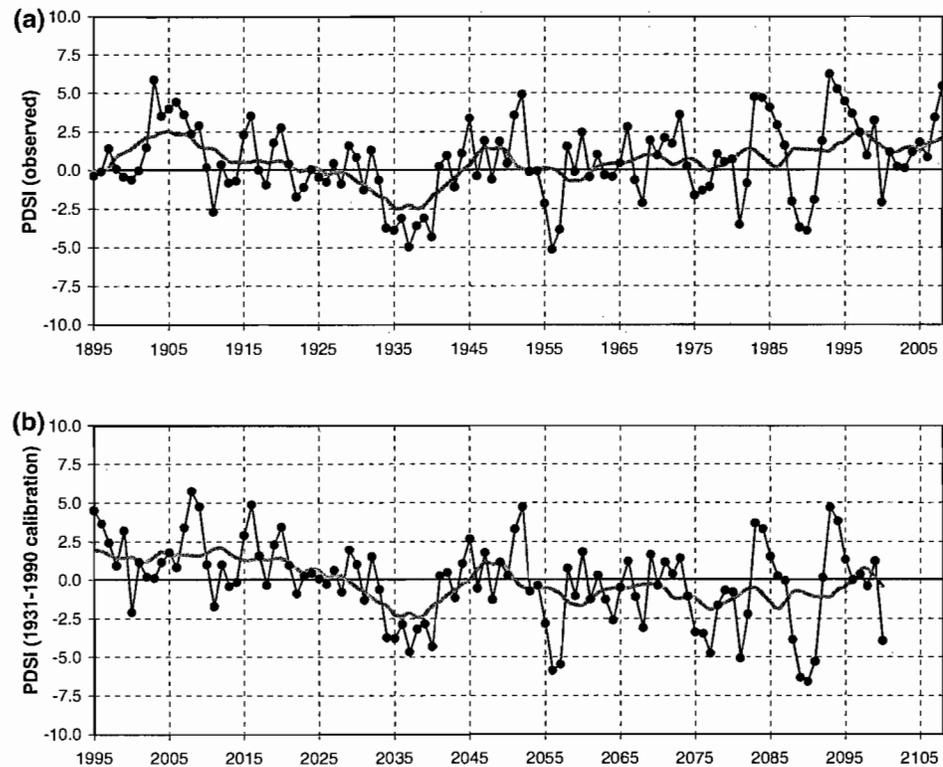
3 Projection of palmer drought severity index values

To explore the surface water budget changes implied by these projections, we have generated twenty-first century palmer drought severity index (PDSI) scenarios for the western US from them. The PDSI uses Thornthwaite’s method to account for the effects of evapotranspiration on soil moisture, controlled by temperature and precipitation (Palmer 1965; Alley 1984; Dai et al. 2004). Lockwood (1999) has shown that use of Thornthwaite’s method could lead to overestimates of potential evapotranspiration in a warmer climate, one of several caveats that must be applied to our results. Soil moisture is accounted for by a two-layer model in which the top layer has a field capacity of 1 inch and does not exchange water with the bottom layer until saturated. Runoff occurs only when both layers are saturated, and all precipitation during a month is either used to meet evapotranspiration and soil moisture demands or is lost as runoff (Heim 2002). Uncertainties in projected PDSI calculations are discussed further in the Appendix.

The PDSI was designed to quantify drought in regions where precipitation is the primary moisture source. It does not account for downstream transport of water (Heim 2002) or for delayed arrival of precipitation to soil caused by melting snow or frozen ground (Alley 1984). Other limitations of the PDSI include its arbitrary divisions of drought severity classes and its simplified treatment of soil moisture such as the absence of groundwater dynamics (Alley 1984; Dai et al. 2004). Despite these drawbacks, the PDSI is a very common and well-recognized index of drought, generated weekly and monthly in real time by operational climate monitoring services and is used widely by stakeholders.

The monthly time series of temperature and precipitation for each Division were used as input to the PDSI algorithm available online from the NCDC. Using these data we reproduced NCDC’s published Divisional time series of twentieth century PDSI. We then ran the program forward in time using the scenarios described in Sect. 2 for each Division. Because climate changes significantly during the two-century period of record, these results are potentially sensitive to the choice of the standardization period (the so-called CAFEC values, “climatologically

Fig. 5 Like Fig. 4, but for NE3, derived from the monthly temperature and precipitation values shown in Fig. 2b, d



repeated Dust Bowl of the 2030s. Average PDSI in the late twenty-first century in NE3 is less than corresponding values a century earlier, but the difference is much smaller than exhibited in NM2.

For comparison, Burke et al. (2006) reported PDSI trends (averaged over global land areas) of $-0.3/\text{decade}$ for the first half of the twenty-first century, decreasing to $-0.56/\text{decade}$ in the second half of the century. The straight line fit to twenty-first century values shown here have slopes of $-0.70/\text{decade}$ for NM2 (Fig. 4) or $-0.25/\text{decade}$ for NE3 (Fig. 5), but the time evolution of these curves is far from linear. Half-century PDSI trends in NM2 or NE3 are strongly influenced by the timing of major droughts in the observed twentieth century record which are repeated in the twenty-first century, and much of the twenty-first century decreases in PDSI in Figs. 4 and 5 occur as rather abrupt declines associated with the onset of major decade-scale drought episodes.

The overall evolution of PDSI across the western US during these two centuries is summarized in Fig. 6, which shows successive 25-year averages for the twentieth and twenty-first centuries for each Climate Division in the western US. The twentieth century (upper four maps), based on observations, exhibits alternating periods of modestly positive and negative values. Periods of extreme drought did not persist through multiple decades anywhere in this domain, so averaging over 25-year epochs reduces the severity of any particular drought episode. Alternation

of drought between the northern and southern states is apparent in the historical data (Brown and Comrie 2004). The 1951–1975 period (panel c) is the driest in the twentieth century, with the entire Southwest exhibiting average PDSI less than zero while the northwestern half of the domain had average PDSI values slightly greater than zero.

Large decreases in average PDSI occur in the twenty-first century across the West in this scenario (Fig. 6e–h). Instead of subregional drought, with a north–south dipole in drought severity, the entire interior western US (except for a few isolated Divisions in the northern half) exhibits a tendency toward lower PDSI values. Maps of the 2051–2075 and 2076–2100 time periods are outside the historical range of twentieth century drought conditions. Seasonal differences in PDSI departure between corresponding intervals of the two centuries are apparent (but not shown here). The summer months of June, July, and August exhibit larger decreases in PDSI than the winter months, consistent with the greater temperature trend in summer (such as the example shown in Fig. 1) and the greater sensitivity of the surface water budget to temperature-driven evaporation in summer (Weiss et al. 2009).

The increased spatial extent and frequency of “severe” drought (quantitatively defined as $\text{PDSI} < -3.0$, using the twentieth century to define the climatological normal distribution of PDSI), is illustrated in Fig. 7. During the twentieth century, only small regions experienced severe drought in more than 20% of all months during any 25-year

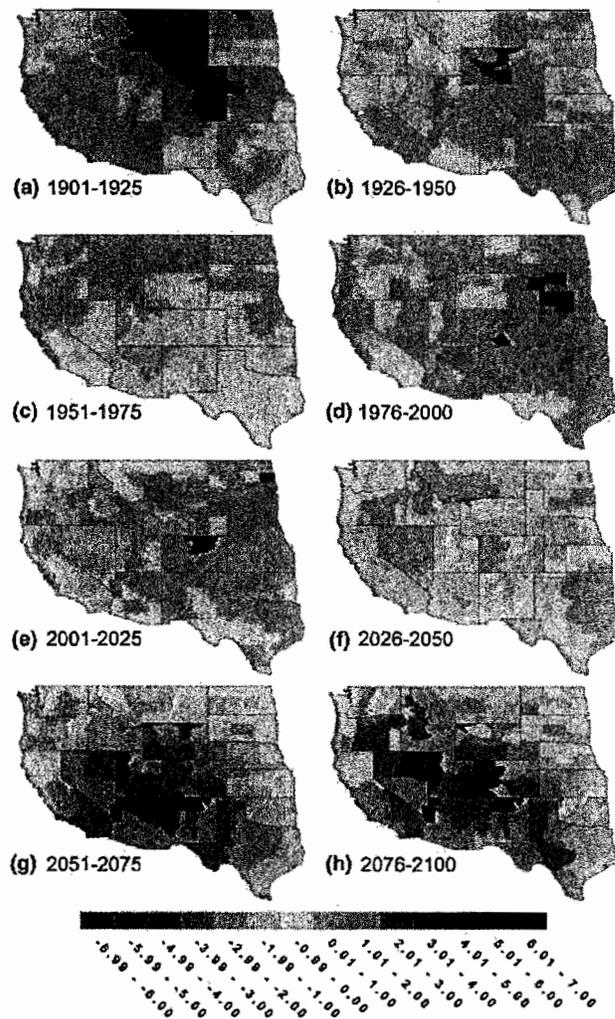


Fig. 6 25-Year average PDSI values for each Climate Division in the western US, for successive epochs in the twentieth and twenty-first centuries

epoch. For example, areas of the Pacific Northwest and the upper Plains states were drought-prone during the 1926–1950 epoch (Fig. 7b), while the Southwestern states experienced very few drought months. Conversely the northern tier of states experienced very little drought in 1951–1975 while the Southwest was much more drought-prone (Fig. 7c). In the twenty-first century, however, both the area and frequency of severe drought increases so that, by 2076–2100, nearly the entire western US (with the exception of western Oregon and Washington) experiences severe drought during >20% of all months.

There is no apparent epoch-scale recovery in the Southwest from the constructed mid-twenty-first-century drought (Fig. 7g, h) as occurred in the twentieth century (Fig. 7c, d). Furthermore the surrounding states—essentially the entire interior west, from the Cascades and Sierra Nevada ranges eastward to the Rocky Mountains and

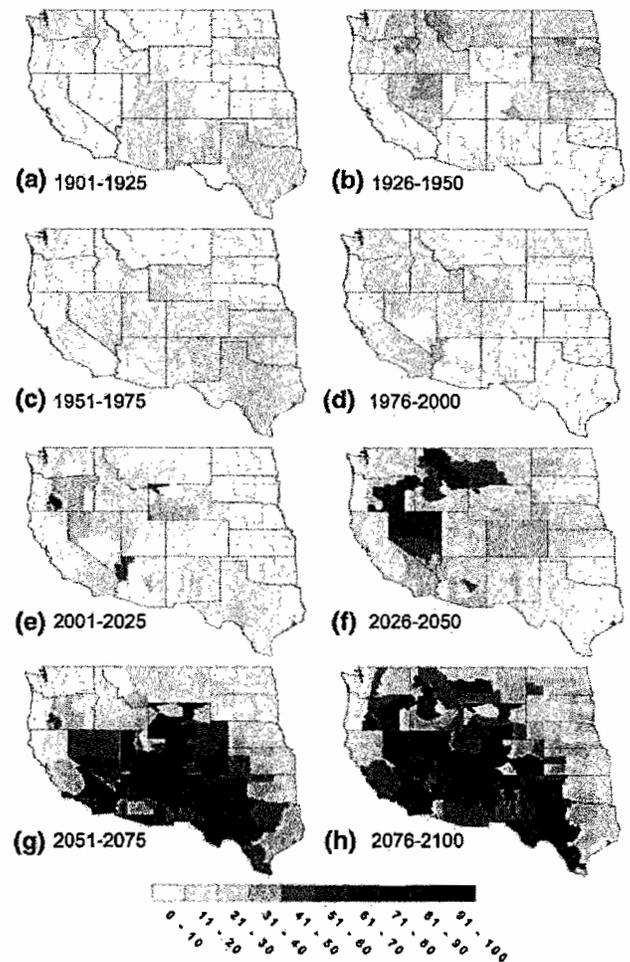


Fig. 7 Percentage of months in successive 25-year epochs with PDSI ≤ -3.00 . PDSI values < -3.00 represent “severe drought” in the current climate (Heim 2002)

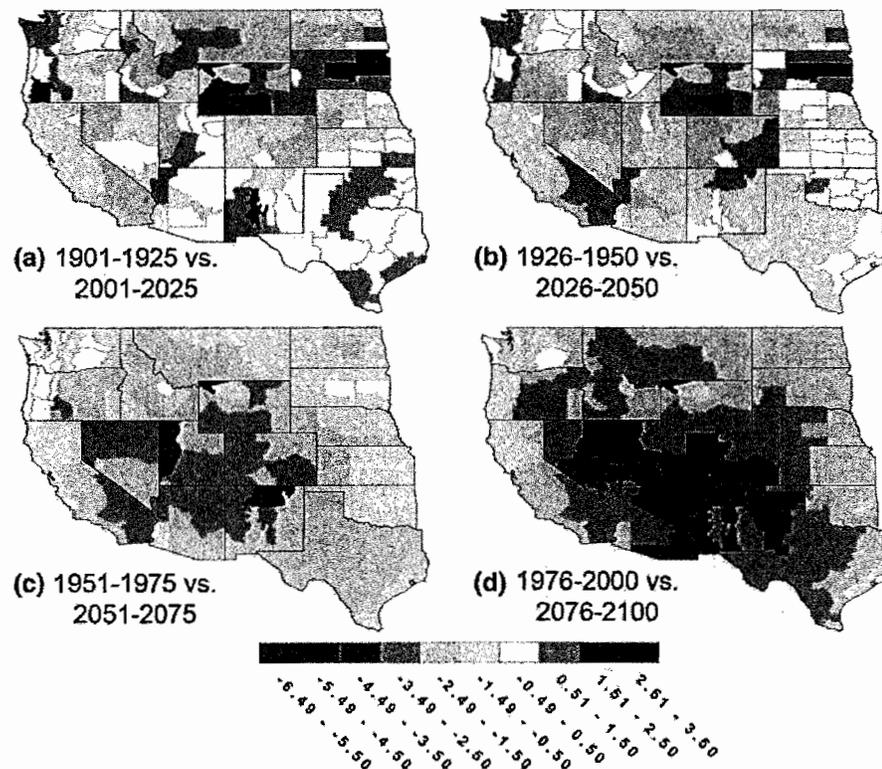
southern Plains—also become drought-prone (by twentieth century standards) during the latter part of the twenty-first century.

The combined effects of projected temperature and precipitation trends on PDSI are shown explicitly by taking 100-year differences in PDSI successive 25-year epochs (Fig. 8). The early years of the twenty-first century are affected by the late twentieth century climatology, which influences both the first seven years of the epoch and the following 18 years of projected values via term *C* on the right hand side of (1). Regions for which the recent observed climatology is wet, such as parts of South Dakota or New Mexico, tend to show positive PDSI values in 2001–2025 relative to 1901–1925 observations. Recent upward trends in precipitation have, so far, compensated for upward temperature trends in preventing large-scale drought conditions from developing across the US (Easterling et al. 2007).

The effects of the initial climatology decrease with time, and by the latter half of the twenty-first century the large

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Fig. 8 100-Year differences in 25-year average PDSI across the western US for successive epochs



scale projected temperature trend drives average PDSI values toward negative (drought-prone) conditions throughout the western US. The largest century-scale trends in PDSI are seen in southwestern states, where generally wet conditions in the late twentieth century (Fig. 6d) are replaced by widespread, severe drought values a century later (Fig. 6h). The PDSI time series for NM2 (Fig. 4) illustrates this trend for one representative Division; Fig. 8 indicates that similar results hold throughout the Southwest.

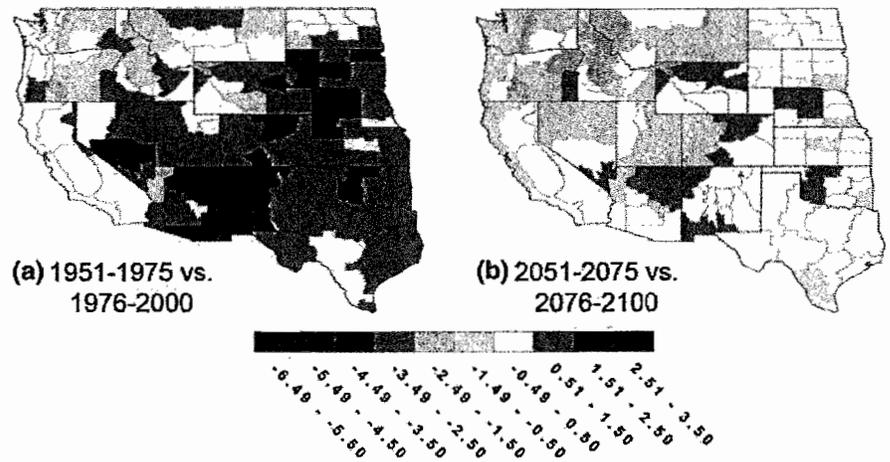
The plight of the Southwest in this scenario is emphasized by comparing the 25-year average difference in PDSI for the latter halves of the twentieth and twenty-first centuries. In the twentieth century, the Southwest underwent a decade-scale transition from drought-prone conditions in the 1950s to very wet conditions in the 1980s and early 1990s. This transition is often associated with a shift in the Pacific Decadal Oscillation in the late 1970s (Mantua et al. 1997; Gershunov and Barnett 1998; McCabe and Dettinger 1999; Gutzler et al. 2002). Average PDSI values increased sharply toward positive values between the third and fourth 25-year epochs in observations (Fig. 9a).

One century later, term *A* in (1) repeats the interannual and decadal variability for the late twenty-first century. But the sharp projected temperature trend alters the surface water budget so that PDSI values fail to recover in the late

twenty-first century (Figs. 7, 9b). As discussed previously (Seager et al. 2007; Hoerling and Eischeid 2007) the Southwest “dries out” as the result of the warming trend, and a repetition of the decadal climate shift of the late 1970s is insufficient to enable drought recovery in the late twenty-first century.

The tendency for increasing temperature trends to inhibit recovery from decade-scale drought conditions on the Divisional scale is illustrated in Fig. 10, again using NM2 and NE3 as examples. The figure shows successive 25-year annual averages of temperature, precipitation and PDSI for the twentieth and twenty-first centuries. The first four 25-year epochs are based entirely on observed twentieth century data; the 2001–2025 epoch is a mix of early twenty-first century data and the first 18 years of projected data; and the final three epochs are entirely projected, with twentieth century interannual variability repeated. Temperature increases monotonically in NM2 throughout the 200-year period, while the Dust Bowl years in NE3 are associated with a peak in temperature for the 1926–1950 average. The great twentieth century droughts in NM2 and NE3 drive 25-year average minima in precipitation in the third and second epochs, respectively, of the twentieth century. These minima are repeated in the twenty-first century, superimposed in NE3 (but not NM2) on an increasing precipitation trend derived from the A1B ensemble average.

Fig. 9 Differences in 25-year average PDSI values for successive epochs in the late twentieth and twenty-first centuries. **a** 1976–2000 minus 1951–1975. **b** 2076–2100 minus 2051–2075



The corresponding 25-year average PDSI values closely parallel concurrent precipitation fluctuations in the twentieth century, with a small downward decrease apparent in NM2 (Fig. 10a) associated with the observed upward trend in temperature. This close relationship between average precipitation and PDSI weakens over the course of the twenty-first century, as the effects of increasing temperature drive PDSI toward negative values in both Divisions regardless of the repeated multidecadal variations in precipitation. PDSI remains negative on average following the constructed droughts of the 2050s in NM2, and the 2030s in NE3, despite the recovery in precipitation following both drought episodes. The upward trend in precipitation in NE3 over the latter half of the twenty-first century is insufficient to bring the average PDSI values up above zero. Widespread drought in the late twenty-first century in this scenario is largely temperature-driven.

4 Discussion

Three key assumptions built into this downscaling procedure are associated with each term on the right hand side of (1). The implications and limitations of these assumptions are assessed term-by-term as follows.

Using the current observed climatology as an anchor for twenty-first century projections (term *C*) can make a significant difference in the interpretation of modest projected trends. In the American Southwest, for example, the late twentieth century was very anomalously wet before the onset of the turn-of-the-century drought (Swetnam and Betancourt 1998; Groisman et al. 2004). These conditions are reflected in positive PDSI values across the four-corners states (UT, CO, AZ, NM) in Fig. 6d, and in the strong precipitation-driven recovery from mid-century drought conditions (expressed as negative PDSI) during the last

25-year epoch of the twentieth century (Fig. 9a). Negative trends in projected twenty-first century precipitation in this region are mitigated somewhat by starting from the relatively wet initial state provided by late twentieth century observations. The scenarios constructed using (1) make it clear that projected precipitation trends on the regional scale are tiny, relative to interannual and decadal variability, compared to the temperature trends.

As in any effort to regionalize a climate change projection, the quality of the results is strongly constrained by uncertainties in the large-scale climate change simulation that is modified by the downscaling. A comprehensive error assessment is beyond the scope of this study, but it is obvious that the particular quantitative results presented here would be different if another choice of emissions scenario had been made. And we should anticipate that future global climate model simulations could generate different results for the same greenhouse gas scenario.

The temperature changes in the A1B-forced ensemble are very closely approximated by a linear trend, as seen in the examples shown in Figs. 1 and 2, justifying the linear approximation in term *T*. The CO_2 changes associated with the A1B scenario are rather linear too (IPCC 2007a). Additional research would be needed using the results of other greenhouse gas scenarios to explore how strongly nonlinear the continental temperature signal becomes in response to increasingly nonlinear greenhouse gas forcing.

Repetition of observed interannual variability in (1) via term *A* assumes stationarity of interannual and decadal variance. Other studies suggest that this assumption is likely to underestimate variability in a warmer climate (IPCC 2007a), so the variability expressed in Figs. 1b, d and 2b, d may err conservatively. Hence this property of the scenario may be inappropriate if the twentieth century climate does not sample a sufficiently broad range of interannual variability, or if very large changes in variance

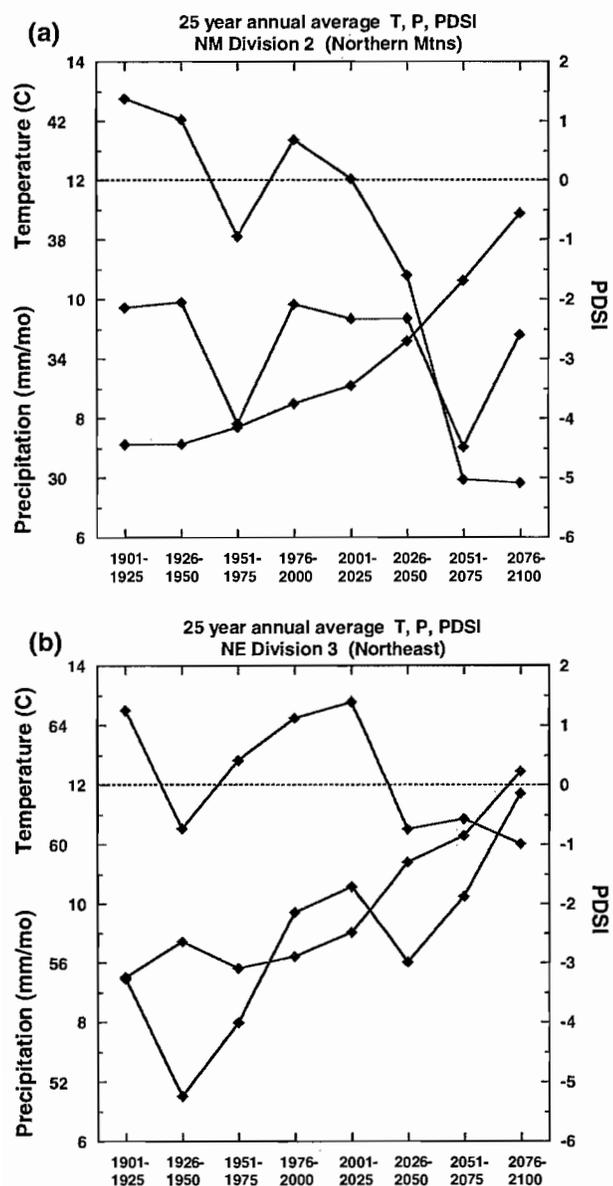


Fig. 10 Time series of 25-year annual average temperature (*red*), precipitation (*blue*) and PDSI (*purple*), derived from values in Figs. 1, 2, 4 and 5. The horizontal dashed lines represent a value of zero for PDSI. **a** NM2, as in Figs. 1b, d and 4. **b** NE3, as in Figs. 2b, d and 5

and extreme events occur. We speculate that the sampling issue might be a more significant concern for smaller scale downscaling, e.g. to individual catchment scales, than it is for the Climate Division scale examined here. All of these issues are ripe topics for more detailed investigation.

The repetition of pronounced climate anomalies from the twentieth century (for example, the 1930s Dust Bowl drought in the Midwest, seen in Fig. 2b, d as a multi-year anomaly of elevated temperature and depressed precipitation) provides a useful benchmark for comparative examination of well-studied twentieth century climate disasters

in the context of projected climate change, as we described in Sect. 3. As is the case for the Delta method, the prescribed repetition of anomalies conserves the spatial co-variability of observed short-term climate anomalies, thus providing realistic (in the sense of previously observed) *patterns* of climate anomalies such as droughts, perhaps better than individual climate model simulations can provide.

The increased tendency for surface water deficits in the western US as climate warms has been noted in multiple previous papers (e.g. Seager et al. 2007; Hoerling and Eischeid 2007, who focused exclusively on this issue). The drought statistics described in Sect. 3 certainly confirm the model-simulated projection of drier conditions in the western US as climate warms. The results presented here emphasize the impact of climate change on recovery—specifically, the lack of recovery—from large twenty-first century droughts. Paleoclimate records indicate that the Southwest has been prone to episodic severe droughts for millennia (D'Arrigo and Jacoby 1991; Meko et al. 1995; Woodhouse and Overpeck 1998; Cook et al. 2004). However the projected anthropogenic temperature increase will inhibit the natural recoveries from severe droughts as exhibited in previous centuries. Warmer temperature may already be exacerbating droughts in the early twenty-first century (Breshears et al. 2005; Andreadis and Lettenmaier 2006; Weiss et al. 2009). A straightforward extension of the downscaling technique described by (1) would be to adjust the timing of severe droughts in the historical data to occur at different times in the future, to examine the relative effects of severe drought at different points along the warming trend in various regions.

The results are also broadly consistent with recent model-based studies of twenty-first century drought-related projections averaged over broader regions, that all show increased tendency for drought in the western US and other subtropical and midlatitude continental regions. Wang (2005) described soil moisture drying trends, and pointed out that uncertainties in the various land surface components of CMIP3 global models represents a major limitation in quantifying the impact of projected climate trends on aridification of agricultural areas. Sheffield and Wood (2008) showed increases in twenty-first century drought extent and frequency that are more closely tied to precipitation changes than the PDSI-based results seem to be (Burke et al. 2006), and thus less detectable because projected precipitation changes are smaller compared to natural variability than the projected temperature changes (Figs. 1, 2). The PDSI represents a complementary (and cruder, relative to direct soil moisture calculations) approach to deriving surface moisture from meteorological variables. Until surface observational networks and land surface models evolve to the point at which soil moisture

these data to Climate Divisions. Code for the palmer drought severity index is available online from the NOAA National Climatic Data Center. Comments and suggestions from G. Garfin, A. Rango, Q. Xiaowei, and two anonymous reviewers are gratefully acknowledged.

Appendix: Sensitivity studies of PDSI calculations

The algorithm used to calculate of the palmer drought severity index follows the US operational practice (Guttman 1998) derived from monthly temperature and precipitation. Several local, tunable parameters are embedded in the code describing boundary values that determine the persistence of the surface water budget from month to month. In a nonstationary climate, these boundary values may change significantly.

We examined the sensitivity of the projected PDSI values to two internal parameters. First, the soil moisture constant *w_{bot}*, which represents the soil moisture capacity in each Climate Division, was varied. The nationwide standard deviation of *w_{bot}* is 1.28 in NCDC's formulation. We repeated twenty-first century calculations after artificially inflating or deflating *w_{bot}* by one unit, and found little difference in the resulting PDSI values. We conclude that any changes to this parameter in the twenty-first century would have to be unusually large to significantly affect the results of this study.

Second, we adjusted the period of record used to define the surface water budget that is climatologically appropriate for existing conditions (CAFEC). Although the calibration period for PDSI calculations is usually the entire period of the record, this need not be the case (Heim 2002) and may not be desirable in a nonstationary climate. The projected climate change used in this study is characterized by a continuously shifting definition of "normal" conditions so it is difficult to determine the most appropriate calibration period to use for the twenty-first century. As Lockwood (1999) and Burke et al. (2006) have pointed out, the calibration period determines the relationship between temperature and evapotranspiration that is implicit in the PDSI calculation used operationally (and in the calculations presented here), leading to probable overestimates in the decrease of PDSI associated with upward temperature trends.

All scenarios discussed in the body of the paper use a calibration period of 1931–1990, the same calibration period used by NCDC for ongoing operational drought monitoring. An additional scenario was generated for New Mexico using a calibration period of 2001–2100. This scenario demonstrated patterns similar to those of the scenario illustrated in Figs. 4, 6, 7, 8, 9 and 10. However in this case 11-year PDSI running averages from 2001 to 2045 were higher (more positive) than the analogous running averages for both the twentieth century and the

1931–1990-calibrated scenario. These observed increases in PDSI during the first half of the twenty-first century reflect artificial elevation of surface water availability as the result of normalizing increased drought severity in the twenty-first century and do not make statistical sense in the near term when juxtaposed with the twentieth century PDSI records.

Nevertheless, post-2052 running averages of PDSI using twenty-first century calibration were still lower than the corresponding post-1952 twentieth century running averages, indicating that even if "normal climate" is based on twenty-first-century projections, then the western US exhibits increased drought severity, frequency, and duration (as depicted by PDSI). However, these running averages are, by construction, less negative than those shown in Figs. 4, 6, 7, 8, 9 and 10, indicating that if 2001–2100 calibration is used, the resulting drought scenario is of intermediate severity between conditions of the twentieth century and those prominent in the future scenario based on a 1931–1990 calibration.

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REC CT BWA RECORD 05/03/2013

From: Jack Clark <jclark.osu65@gmail.com>

Date: April 6, 2013, 6:13:10 PM MDT

To: "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Liz Stefanics <lstefanics@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>

Subject: Joe Miller Spirit Wind West Development

Dear Commissioners,

I, along with over 60 other concerned Highway 285 Corridor citizens, attended a Thursday evening meeting with Joe Miller and Danny Martinez. My wife and I reside near Lamy where we recently constructed a small LEED Platinum home. Our house was built using passive solar principles, produces its own electricity via a solar PV system, and is heated with solar thermal hot water. In addition, we harvest rainwater in both above ground and underground cisterns and collect gray water.

Throughout the meeting, citizens offered to drop their opposition to his project if he would decrease its density, increase lot sizes along with green space, and refine the proposed covenants to support sustainability. In each instance, Mr. Miller refused to consider the offers, citing they were not economically feasible.

When pressed on why he was in a hurry to proceed with the project, he openly stated that he would not be able to complete the project as designed once the proposed Santa Fe County SLDC is approved.

We are concerned that water projections used to approve this project do not take into account climate change. We are concerned about the cumulative affects of this development on traffic, the Galisteo Basin Wildway, and increased light pollution.

We are not opposed to development, but it must be sustainable. We ask you, the community's last hope, to continue to deny approval to Mr. Miller until he develops a sustainable alternative.

Respectfully,
Jack Clark
Lamy, NM

From: Cindy Clark <cclarkconsult@gmail.com>
Date: April 6, 2013, 8:52:44 PM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>
Cc: "cindyclarkcommunications@gmail.com" <cindyclarkcommunications@gmail.com>
Subject: Spirit Wind Development- please do not approve as currently planned

Dear Commissioners,

I respectfully request that you vote NOT to approve Mr. Joe Miller's development plan for Spirit Wind West, off Highway 285, as it is currently proposed. I am not advocating no development, only sustainable development.

Any new development should take into consideration what science indicates now about climate change and diminishing water, not the science even three years ago. The new building codes that are being written now should be applied to all development in the county currently under application process and going forward.

Brief Report Joe Miller/Spirit Wind West Community Meeting April 4, 6-8:50 p.m., at Eldorado Community Center, Santa Fe

The Joe Miller/Spirit Wind West meeting was rather civil. People were insistent about their views; only two tight voices and one outburst. I counted 63 people (others reported up to 70 people) and by 7:24 the room was packed (even though the meeting was arranged with less than a week's notice and poorly communicated).

Duncan Sibley spoke on water, NM Rep. Stephen Easley encouraged having a calm discussion so that we could all voice our opinions and try to reach a compromise, he also said that Spirit Wind West is not a State issue. Roger Taylor, Joe Guerrero, and Mike Palaima were all there and also spoke up. More than 20 people in attendance spoke, giving their perspectives on why we should wait to build (water insecurity was the overwhelming concern) or, at the very least, modify development to be more aligned with the current and future environmental needs of our area. One person from Lamy said that once Spirit Wind West was built that the community would all get along as they have after each new development has gone in. He also said he did not think the new development would affect the animals, specifically the deer herd.

What was discouraging to me is that Joe Miller and his attorney Danny Martinez had a hard line rebuttal for every community suggestion for improvement. While they were very civil, they did not budge from their established line: small lot sizes, 1400 sft homes, and going forth with the building as is (Joe Miller did say he would consider a cistern and one compost toilet per home). We had the proposed covenants at the meeting but these supposedly already written, proposed mentions in the covenants are in an addendum.

Joe Miller is not giving consideration to beautiful views (low density) or people's water concerns. He wants to make his money from the project and is not concerned about his legacy. (He still bears a grudge at all governing bodies denying his right to develop his land.) He said

that if Spirit Wind residents are concerned about their space and views that they should buy the 2.6 and 3.6 acre properties that will be up for sale at \$85,000 - \$95,000 each.

Issues voiced by the community that were written on a flip chart by mediator Mr. Robert Rambo, and are supposed to be conveyed in his mediation report, are:

1. Trail connection to Lamy (through the new community, to accommodate bikers and hikers coming to and from the rail trail)
2. Archaeological site
3. Density
4. Modular homes
5. Water issues
6. RVs
7. Traffic
8. Lighting
9. House slabs (earthwork; Spirit Wind has experienced houses shifting on their slabs and one home had to be demolished)
10. Pushing through approval/development before the new codes go in (Joe Miller said that if he builds now, we would avoid cluster homes and higher density that the new codes require)
11. Impact on the school district (higher class size, etc.)
12. Affordable housing
13. Esthetics (voiced but not written on the flip chart)
14. Animal wild ways (voiced but not written on the flip chart)

People were articulate, amazingly so, but nothing swayed Joe Miller and his attorney. People from Spirit Wind, Mad Dog Road, Eldorado, Lamy, Gaisteo, Cielo Colorado, and other communities gave it their best to try and compromise with Joe Miller.

Sincerely,

Cindy Clark
Homeowner
505-466-6950
16 Lime Kiln Road
Lamy, New Mexico 87540
and
HWY 285/Galisteo Area Sustainable Growth Alliance
Volunteer Communications Coordinator

From: Thomas <thom.w@comcast.net>

Date: April 8, 2013, 7:25:13 PM MDT

To: Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Liz Stefanics <lstefanics@co.santa-fe.nm.us>

Subject: College Park Developmet: a disaster in the making

A note of opposition:

Last week, driving north on Richards to return to my home in Rancho Viejo, I followed a semi-trailer for awhile. The truck went slow—and when it entered the roundabout at the Community College, it went slower still, even as its tires rolled first over the curb to the right, then over the curb in the center of the circle.

This story illustrates why my wife and I oppose the passage of Case # MIS 12-5420. If College Park is allowed to become a busy business area, more trucks will travel—slowly, one hopes—up and down Richards, past Santo Niño Catholic School, past the Community College, both of which clog Richards already at class-change time. Moreover, semi-trailers, smaller trucks, and cars will also travel back and forth on Avenida del Sur, past the grade school. The confluence of streams of traffic, already troublesome, will become congealed. And dangerous: think of the children and their parents entering and leaving the two grade schools; think of the young, impatient drivers who attend the Community College; think of the congestion (already heavy) when people are leaving for or coming home from work in the morning and evening.

Before you vote on this issue, I call upon each of you to spend a couple of mornings or evenings observing what already occurs in this heavily trafficked neighborhood. Observe how narrow the two key roads (Richards and the Avenida) are; watch some semi-trailers and other trucks navigate the traffic circles. Project in your mind's eye what driving on those roads would be like if several businesses open near them in the projected development.

No doubt you are being pressured by the developers with claims that they need to make their money back from their investment. As one who favors capitalism and the benefits it has brought to our country, I am sympathetic to their plight. Nonetheless, capitalism is precisely about risk; if a developer makes a bad investment and loses part of it, government has no business bailing him out. We have had enough crony capitalism at the national level; we don't need it in Santa Fe County.

Thomas F. Woods
2 Madre Mtn.
Santa Fe, NM 87508
(505) 474-9097

From: Roger Taylor <clearskynm@gmail.com>
Date: April 8, 2013, 2:02:13 PM MDT
To: Liz Stefanics <lstepfanics@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>
Subject: Fwd: [Stopjoemiller] Fwd: Joe Miller Hearing Tuesday April 9

----- Forwarded message -----

From: Roger Taylor <clearskynm@gmail.com>
Date: Mon, Apr 8, 2013 at 12:32 PM
Subject: Joe Miller Hearing Tuesday April 9
To: lstepfanics@santafecountynm.gov, Kholian <Kholian@santafecountynm.gov>, dmayfield@santafecountynm.gov, ranaya@santafecountynm.gov, mchavez@santafecountynm.gov

Madame Chair, Commissioners:

We would like to encourage you to consider a temporary "hold" on review & approval of proposals for development. This would apply to both those in process of review with Joe Miller as well as others currently in the CDRC pipeline which impact the 285 Corridor between the junction of 25/285 and 285/41. There are several reasons you may wish to consider this:

1. A sustainable Plan for manageable growth was approved with much citizen input at the end of 2011. This Plan established guidelines for the drafting of a new Code, which was supposed to be completed by end of 2012 but is still in Draft formation. As such, we are in a curious period of operating under a prior Code (1996) which is markedly different from the 2011 approved Plan and soon-to-be released replacement Code. This situation has occurred in other States, and in each occurrence the appropriate City Council or County Commissioners did in fact enact temporary "holds" in development reviews & approvals. Among such instances in the past several years are Tacoma, Wa; Kirkland, WA; Ann Arbor, MI; Boulder, CO. In each instance, a temporary hold ranging from 60 days to 120 days was placed while the Draft Code was being completed.

2. The SGMP, and Draft Code, include provisions for more open space, trails, consideration of wildlife, home lots of larger acreage, density control, and stronger requirements on water resources. In a recent community meeting with Joe Miller, he expressed that he was pushing for review & approval of his development plans NOW in order to evade the requirements of a new Code. He stated that he was not interested in open space, cluster housing, larger lot sites, etc. as any of that took away from his profit level. One purpose of the Draft Code is to protect existing citizens from such irresponsible development. Other developers are now in the review & approval pipeline with the CDRC for this area - probably for the same reasons.

3. The Plan, and Draft Code, provide for areas of dense growth, moderate growth, and low to no growth. The Plan would designate the Eldorado/285 corridor as a SD2, or moderate growth. However, when one steps back and looks at all the potential proposed density of development,

by default that pushes this area into a SD1, or dense growth, area. Where is the sense of a Plan and Draft Code if it is too late in being enacted? Perhaps, considering the intent of the Plan and Draft Code, development should be examined not one-off but in total, in order to identify cumulative impact on the area. Perhaps developers should be required to submit their plans for cumulative impact review in a certain time period, much like setting the County budget cycle by July 1.

We look forward to the discussion on April 9th.

Best Regards

Roger Taylor, President
Santa Fe Basin Water Association

From: Peter Gilbert [prstgilbert@centurylink.net]
Sent: Friday, April 05, 2013 1:57 PM
To: lstephanics@santafecountynm.gov; Kathy S. Holian; Daniel Mayfield; Robert A. Anaya; mchavez@santafecounty.gov
Subject: Please Opose Joe Miller's SWR Development!

Dear Commissioners,

I am writing in opposition to Joe Miller's plan to develop his property near the intersection of CR-33 and 285. My wife and I purchased our home in the Spirit Wind Ranch community in 2011, the main reason for doing so was how impressed we were with how little over development was occurring in Lamy/Eldorado vs. Santa Fe. All I am asking you to do is be responsible community leaders and only allow responsible developments in our community. Otherwise like Santa Fe we will also have developments with roads and lots but with no homes, at what point do you as community leaders start to take a stand, hopefully it is right now.

Please don't forget that you are representatives of the community not the developers, and how you vote on this issue will be determinative for me and my wife. I will only support candidates for the County Commission who are willing to take a stand against irresponsible developers like Mr. Miller.

Regards,

Peter R. Gilbert

15 Cerro Blanco Rd.
Lamy, NM 87540

469 W. Huron St., #1504
Chicago, IL 60654

Email: prstgilbert@centurylink.net<<mailto:prstgilbert@centurylink.net>>

Cell: 412-736-9050
NM Hm: 505-466-1754
IL Hm: 312-255-7478

From: Linda Fillhardt <linda@lindafillhardt.com>
Date: April 8, 2013, 1:14:55 PM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: JM's case CDRC #21508-5430

Dear Commissioner Stefanics,

I attended the meeting with Joe Miller on Thursday, night to hear the community speak about their concerns. Yet again he will not hear of any compromise with the neighbors. There where at least 60 people there to voice their concern of lower density, water, trails, open space, modular homes to name a few.

This is just another development of urban sprawl in a neighbor hood that has many lots and homes already for sale. There are long term predictions of drought, and a declining population in New Mexico. I urge you to post phone this development until the new county development plans are approved and limit the amount of development in the area.

Sincerely,

Linda Fillhardt
Lamy, NM

REC'D CLERK RECORD 08/03/2013

From: "shoeny@aol.com" <shoeny@aol.com>
Date: April 8, 2013, 4:06:36 PM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: Highway 285 corridor development

I am writing to express my concern over all the proposed developments along Highway 285.

When we already have water restrictions in the summer, how can there possibly be enough water?

And with more families straining our precious water resource, we will be at an increased risk if a fire breaks out.

Please take these issues under consideration.

Thank you.

Diane Shoenfeld
121A Camino Acote
Santa Fe, NM 87508

Subject: Fwd: [Stopjoemiller] Fwd: Joe Miller Hearing Tuesday April 9
From: electeasley@gmail.com
Date: Mon, 8 Apr 2013 13:54:05 -0600
To: lstefanics@msn.com; Kathleen.Holian@comcast.net

Looks like the IT problem with bouncing emails may be happening again. See below.

Stephen Easley, PhD
Representative
House District 50
NM State Legislature
Santa Fe, NM 87501
505.990.2044 voice/vm
Electeasley@gmail.com
electstepheneasley2012.com
Sent from my iPhone

Begin forwarded message:

From: Ricki Boyer <dancingneedlessf@gmail.com>
Date: April 8, 2013, 1:06:56 PM MDT
To: Roger Taylor <clearskynm@gmail.com>
Cc: duncan sibley <sibley@msu.edu>, "stopjoemiller@lists.plev.net" <stopjoemiller@lists.plev.net>, "electeasley@gmail.com" <electeasley@gmail.com>, "bluebaka@centurylink.net" <bluebaka@centurylink.net>, "sligtelyn@mac.com" <sligtelyn@mac.com>, Cindy Clark <cindyclarkcommunications@gmail.com>, coarer@nmcourts.gov
Subject: Re: [Stopjoemiller] Fwd: Joe Miller Hearing Tuesday April 9

My emails are coming back from all the commissioners. Undeliverable.

Dancing Needles, LLC
29 Calle Cal
Santa Fe, NM 87508
505-466-3519

On Mon, Apr 8, 2013 at 12:36 PM, Roger Taylor <clearskynm@gmail.com> wrote:
FYI

----- Forwarded message -----

From: Roger Taylor <clearskynm@gmail.com>

Date: Mon, Apr 8, 2013 at 12:32 PM

Subject: Joe Miller Hearing Tuesday April 9

To: Istephanics@santafecountynm.gov, Kholian <Kholian@santafecountynm.gov>, dmayfield <dmayfield@santafecountynm.gov>, ranaya <ranaya@santafecountynm.gov>, mchavez <mchavez@santafecountynm.gov>

Madame Chair, Commissioners:

We would like to encourage you to consider a temporary "hold" on review & approval of proposals for development. This would apply to both those in process of review with Joe Miller as well as others currently in the CDRC pipeline which impact the 285 Corridor between the junction of 25/285 and 285/41. There are several reasons you may wish to consider this:

1. A sustainable Plan for manageable growth was approved with much citizen input at the end of 2011. This Plan established guidelines for the drafting of a new Code, which was supposed to be completed by end of 2012 but is still in Draft formation. As such, we are in a curious period of operating under a prior Code (1996) which is markedly different from the 2011 approved Plan and soon-to-be released replacement Code. This situation has occurred in other States, and in each occurrence the appropriate City Council or County Commissioners did in fact enact temporary "holds" in development reviews & approvals. Among such instances in the past several years are Tacoma, Wa; Kirkland, WA; Ann Arbor, MI; Boulder, CO. In each instance, a temporary hold ranging from 60 days to 120 days was placed while the Draft Code was being completed.

2. The SGMP, and Draft Code, include provisions for more open space, trails, consideration of wildlife, home lots of larger acreage, density control, and stronger requirements on water resources. In a recent community meeting with Joe Miller, he expressed that he was pushing for review & approval of his development plans NOW in order to evade the requirements of a new Code. He stated that he was not interested in open space, cluster housing, larger lot sites, etc. as any of that took away from his profit level. One purpose of the Draft Code is to protect existing citizens from such irresponsible development. Other developers are now in the review & approval pipeline with the CDRC for this area - probably for the same reasons.

3. The Plan, and Draft Code, provide for areas of dense growth, moderate growth, and low to no growth. The Plan would designate the Eldorado/285 corridor as a SD2, or moderate growth. However, when one steps back and looks at all the potential proposed density of development, by default that pushes this area into a SD1, or dense growth, area. Where is the sense of a Plan and Draft Code if it is too late in being enacted? Perhaps, considering the intent of the Plan and Draft Code, development should be examined not one-off but in total, in order to identify cumulative impact on the area. Perhaps developers should be required to submit their plans for cumulative impact review in a certain time period, much like setting the County budget cycle by July 1.

We look forward to the discussion on April 9th.

Best Regards

Roger Taylor, President
Santa Fe Basin Water Association

Stopjoemiller mailing list

Stopjoemiller@lists.pley.net

<http://mail.pley.net/mailman/listinfo/stopjoemiller>

SEC CLERK RECORD 08/03/2013

From: Monica Welsh <goddogit@gmail.com>

Date: April 7, 2013, 6:10:30 PM MDT

To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>

Subject: Community meeting with joe miller on 4/4/13

Dear County Commissioners,

We were among the (at least) seventy residents from the 285 corridor between Eldorado and Galisteo who met with Joe Miller, Danny Martinez and their (non neutral) mediator Robert Rambo on three days notice on April 4, 2013 in Eldorado. During this meeting of 3 hours, participants articulated numerous, serious concerns about the proposed 39 house subdivision of Spirit Wind West.

No doubt you have heard them all- the cumulative effect of water usage, increased traffic on the WIPP route, light pollution and sprawl.

Mr. Miller conveyed a total lack of willingness to compromise on anything and blatantly admitted to rushing his permit through before the new Sustainable Land Use Code takes effect. He was similarly blatant in his disregard for Covenants saying he only wrote minimal covenants and would leave it to the future 39 property owners to write their own. Even on things he and Danny claim to require- such as garages or a water usage limit- there is nothing that would make any of those provisions binding.

We urge you to postpone passage of this development until the new Sustainable Land Use Code takes effect. We also urge you, in view of the County's Regional Water Utility Planning, to make your decision based on current available water in the specified Eldorado well and not on presumed future water from the Buckman Direct Diversion and Pipeline to this area. This does not exist yet. The MOU with Eldorado has not been negotiated so please do not presume this water can carry such a development.

We expect our County Commissioners to make a decision that protects the residents and resources of this beautiful, fragile and rural part of Santa Fe County which includes two historic, traditional villages and where, at this time, fire danger is at an all time high.

Thank you,

Monica Welsh and Marie Smeriglio
Lamy, NM, 87540

From: Janice N Ladnier <janicen4@gmail.com>
Date: April 8, 2013, 3:41:48 PM MDT
To: "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Liz Stefanics <lstephanics@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>
Subject: Fwd: [Stopjoemiller] April 9th Joe Miller Hearing

I am re-sending this email because it was bounced back.
Janice N Ladnier

----- Forwarded message -----

From: Janice N Ladnier <janicen4@gmail.com>
Date: Mon, Apr 8, 2013 at 4:10 PM
Subject: Re: [Stopjoemiller] April 9th Joe Miller Hearing
To: lstephanics@santafecountynm.gov
Cc: Kholian <Kholian@santafecountynm.gov>, dmayfield <dmayfield@santafecountynm.gov>, ranaya <ranaya@santafecountynm.gov>, mchavez <mchavez@santafecountynm.gov>, "stopjoemiller@lists.pley.net" <stopjoemiller@lists.pley.net>, "clearskynm@gmail.com" <clearskynm@gmail.com>, coarer@nmcourts.gov, "electeasley@gmail.com" <electeasley@gmail.com>, "bluebaka@centurylink.net" <bluebaka@centurylink.net>, duncan sibley <sibley@msu.edu>, "sligtelyn@mac.com" <sligtelyn@mac.com>

Dear Commissioners,

My name is Janice Ladnier, and I am a homeowner in Lamy, NM. I have been unable to attend public meetings regarding Mr. Miller's planned development because I am currently out-of-state caring for my elderly mother.

I urge you to reject Mr. Miller's proposed development, as I believe it threatens my and my neighbors' enjoyment of our homes in Lamy. One of the major reasons for my concern is the long-term drought and the water level in the wells in the Lamy area. Putting such an extreme drain on the limited water resources could render my property uninhabitable over time. I believe that my right to continue to use and enjoy the property that I have invested all of my savings in for the past 18 years must be considered to have seniority over Mr. Miller's desire to turn a profit. I am also opposed to the proposed project due to the increased density, which is a radical departure from the established community in Lamy.

In summary, I strongly oppose Joe Miller's plan to develop his property near the intersection of CR-33 and 285.

Thank you.

Janice Ladnier
228-731-7731

SEP 01 PM 05:00 PM 09/03/2013

April 6, 2013

Dear Commissioners,

I am writing this letter to all of the county commissioners, in response to the new land developments being proposed in the south 285 corridor. There are approximately 150- 200 new homes in these various proposals.

This is still one of the most beautiful and pristine areas that exists south of Santa Fe.

Most people have invested their savings and time to be able to see the vista's and have clear night skies with clean air.

I am extremely disappointed that the county would consider developments such as Joe Miller's to be constructed and destroy all that we would love to have remain here.

Why must he propose so many homes, of such questionable value so as to ruin other hard working people's property values?

We live in an area where 3 homes have been foreclosed on and have sold for under half of their value. What I am saying, is that there are plenty of homes already built for new people to purchase, Also beautiful improved vacant lots waiting for buyers to build new homes

I would suggest there be a proposal to build a senior development, like in Arizona or Florida. They have beautiful communities for their senior residents? We have plenty of seniors that would love to have a nice condo without all the yard work for a low price.

What happened to the building ordinance requiring developers could only sell 12 acre lots? That was such a wise idea, especially because of the water problems we all have out here. The drought is only getting worse and now you lift the restrictions from 12 acres to 2-3 acres?.I clearly do not understand your thinking. Have we discovered a new aquifer?

The majority of the community here is so upset and cannot understand why you would allow all this destruction of land, beauty and clean air to be made by one or two developers that are only interested in making money at any cost and have refused to work with and the general public.

We would ask that you, as public representatives for all the people, will consider this when making your decision on approving these developments.

Thank you for your time.

Sincerely,

Ricki Boyer

Cielo Colorado Development

From: PAUL RICE <paulrice28@me.com>
Date: April 8, 2013, 3:23:15 PM MDT
To: "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Liz Stefanics <lstefanics@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>
Cc: "stopjoemiller@lists.pley.net" <stopjoemiller@lists.pley.net>, Stephen Easley <speasley4@me.com>, Cindy Clark <cindyclarkcommunications@gmail.com>, "coarer@nmcourts.gov" <coarer@nmcourts.gov>, Roger Taylor <clearskynm@gmail.com>, duncan sibley <sibley@msu.edu>
Subject: April 9th Hearing; Mr. Joe Miller

Dear Commissioners,

My name is Paul Rice, I am a resident of Lamy, NM

At the end of the last BCC meeting in March, there was a unanimous request by the Commissioners that Mr. Joe Miller meet with the community to review concerns and realize a workable compromise.

I would first report that the community in Lamy, Galisteo and Eldorado were diligent in their attempts to schedule a meeting or meetings with Mr. Miller in order to define a compromise.

We remain willing to compromise and from our perspective all items are open for discussion.

In a style that we have come to know all too well, Mr. Miller, using limited notification, unilaterally scheduled a meeting which, conflicted with a previously scheduled community meeting, thereby challenging attendance.

I thank Mr. Rambo, New Mexico State Mediator, for extending the meeting times to somewhat accommodate attendance and moderate a very difficult schedule conflict.

In spite of little notification and poor timing, 70 or more attendees attended in good faith willing to compromise and discuss all issues with Mr. Miller, his representatives and Mr. Rambo. If given more time we would have doubled attendance.

I am disappointed to report, the results were predictable:

No compromises were reached or offered. Mr. Miller steadfastly refused to consider compromises to any key concerns, namely;

1. Water and the well documented drought that affects the entire South West
2. Modular Construction
3. Outdoor Propane Tanks
4. Applying covenants that would be harmonious with those long established in the community
5. Density
6. Conservation issues in general

*Mr. Miller made it clear, after persistent questioning by several attendees; his main objective is to establish his development prior to pending changes in State code
Those pending, responsible codes, would cause his development plan to no longer be in compliance.*

I strongly oppose Joe Miller's plan to develop his property near the intersection of CR-33 and 285.

Your decision and coming decisions in similar circumstance will define the future of our community, of New Mexico and of the country.
New codes, that recognize the severity of the conservation and water issues will soon work to obviate this problem.

I ask that you decide with the future of our community in mind.

Your decision as Commissioners will stand to support the interest of the community and the conservation challenges we face or will represent the board as having made an easy choice and ignored the difficulties we will all face.

Conservation issues will become worse for our State and our community. The media will continue to report water and conservation issues with greater frequency and urgency.
In that light, how will your decision on April 9th be judged.

Thank you and I look forward to our meeting on April 9th

Paul Rice

From: robert miller <rmillernynm@aig.com>
Date: April 8, 2013, 3:05:53 PM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: Santa Fe County Contact Form Submission

Web form results:

Name: robert miller
Email: rmillernynm@aig.com

Message:

Please delay any approval on Mr. Miller's Spirit Winds proposal. The assessments that have been done to date are inadequate, particularly regarding the question of whether there is sufficient water to sustain another 39 homes, which doesn't include any other developments. There seems to be a rush to approve this project without sufficient and detailed assessment of the impact to the community. Please delay your approval until at least the water situation is reviewed in detail. Mr. Miller has told me that he donated 5 wells to this project, but only 1 well has water and there are easement issues that have not yet been resolved. Why the rush? Please consider the community in this matter. Most of us oppose Mr. Miller's development as we believe that it will adversely effect our environment and further burden on over taxed water sytem. Please don't grant your approve tomorrow. Thank you.

From: Mary McNulty <mmc1110@gmail.com>
Date: April 5, 2013, 10:15:14 AM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: Spirit Wind West

Ma'am – I am not a property owner in New Mexico but I am an interested party in the development of the above. As a newcomer to this area I am daily enthralled with the beauty of this state. It is beyond me why the County of Santa Fe is allowing the above mentioned project to proceed. Even if water were not an issue, is this county experiencing a housing shortage? Who would want to see the environment destroyed as it will be if this development is allowed to proceed. I do not know the politics of this area and perhaps you were not even in office when this proposal went through but I am asking this present council to STOP or at least postpone this until a thorough study of the water situation is conducted. Do the right thing for your community and preserve New Mexico's beauty – stop over development.

From: Mary McNulty [mmc1110@gmail.com]
Sent: Friday, April 05, 2013 10:21 AM
To: Daniel Mayfield
Subject: Spirit Wind West

Sir, as a newcomer to this area forgive me if I am not familiar with the workings of the County Commissioners and am not familiar with the districts each commissioner represents. What has me upset is the development mentioned above. How could any citizen let alone a political office holder allow the development of this area to proceed. You may not have been in office when this was approved and I do not the politics of this area, but as a citizen of this state you should do everything in your power to curtail any more development of land. Do the right thing for this state and the community - preserve your land, conserve your water!!!!

SEC CLERK RECORD RE/M/2/2013

Vicki Lucero

From: Crystal Bonner [crys.bonner@gmail.com]
Sent: Tuesday, April 09, 2013 2:03 PM
To: Kathy S. Holian; Istaphanics@santafecountynm.gov; Miguel Chavez; Daniel Mayfield; Robert A. Anaya
Cc: Vicki Lucero; Istaphanics@gmail.com
Subject: Spirit Wind Master Plan and Preliminary/Final Plat

Chair Holian and Commissioners,

I am unable to attend the Public Hearing this evening. I have heard that the BCC is considering not taking any public input this evening. I urge you and the Board to reconsider this - if this is the case.

Although I live in a neighboring community on Camino Acote, I join the impacted residents of the proposed Spirit Wind development in their concerns as it regards the authorization of additional dwelling units beyond the capacity of the local water utility to provide adequate water for both consumption and fire suppression now and in the future.

I encourage the Board to authorize the Growth Management Planning Division to commence with a Community Planning study of the Hwy 285/Lamy area to address this issue as well as other sustainable growth considerations.

Thank you very much for this consideration.

Sincerely, Crystal Fenn

Vicki Lucero

From: Penny Ellis-Green
Sent: Tuesday, April 09, 2013 4:18 PM
To: Vicki Lucero
Subject: FW: April 9th Joe Miller Hearing

Importance: High

Sent from my Windows Mobile phone

From: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Sent: Tuesday, April 09, 2013 4:16 PM
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>; Stephen C. Ross <sross@co.santa-fe.nm.us>; Julia Valdez <javaldez@co.santa-fe.nm.us>
Subject: FW: April 9th Joe Miller Hearing

From: Kristine Vikmanis [<mailto:krisvikmanis@sympatico.ca>]
Sent: Tuesday, April 09, 2013 4:11 PM
To: Kathy S. Holian; Liz Stefanics; Daniel Mayfield; Robert A. Anaya; Miguel Chavez
Subject: April 9th Joe Miller Hearing
Importance: High

Resending

From: Kristine Vikmanis [<mailto:krisvikmanis@sympatico.ca>]
Sent: April 9, 2013 6:06 PM
To: 'lstefanics@santafecountynm.gov'; 'kholian@santafecountynm.gov'; 'dmayfield@santafecountynm.gov'; 'ranaya@santafecountynm.gov'; 'mchavez@santafecounty.gov'
Cc: 'electeasley@gmail.com'; 'Stopjoemiller@lists.pley.net'
Subject: April 9th Joe Miller Hearing
Importance: High

Dear Commissioners,

My name is Kris Vikmanis. I closed on our new home on Cerro Blanco (Spirit Wind Ranch) late December 2013. I believe it was the most recent purchase in the area.

My spouse, Denny Creighton, and I were in residence for the first time last week. I attended the public meeting with Mr Miller, his agent Danny Martinez and their selected mediator Robert Rambo on April 4. This was not the way I had intended to spend our first week in our new home, but my neighbors within the Spirit Wind Ranch community had been very clear that it was important that I make the time and had been keeping me updated since the beginning of 2013.

I am glad I attended the 3 hour meeting, despite leaving my father-in-law unfed until a fashionably late dinner could be served.

The unresolved and unaddressed issues kept rolling out, one by one, some several times, over those three hours (as they were not satisfactorily addressed or even recorded).

I am not able to attend today's meeting, as I am back in Canada, but I am there very much in spirit and aligned with my concerned and alarmed neighbors, from the surrounding communities.

I understand that the list of unresolved issues has been presented to you by many residents. I add my voice to their concerns.

- In particular, the issue of "jumping the new code", in which I understand Mr. Miller is not alone among developers, is a particularly worrisome governance issue. It was not demonstrated (or even indicated) that there is or even will be demand for the new developments – the "if we build it, they will come" approach has a rather poor track record.
- Failure to address the glut of unsold lots, the inventory of unsold housing, and the time on market for currently listed resale homes is a worrisome fiscal and economic issue.
- Lack of certainty regarding long term water source and supply appears to be a critical ecological, sustainability and economic issue.
- Covenants, which are inconsistent with the neighbouring Spirit Wind Ranch covenants, risks property values even further in the area, which I understand are important in calculating your tax base.

The above are just some of the universal concerns that were voiced, but were glossed over or unaddressed.

I have been very impressed with Spirit Wind Ranch's Architectural Review Committee process, the concern for neighbors and their continued enjoyment of their homes. I heard very little of that at the April 4 meeting.

I strongly oppose Joe Miller's proposed plan to develop his property near the intersection of CR-33 and 285 and urge that it be rejected today. At best, the plan is premature. It would be disastrous to unleash a fiscal unstoppable Tsunami, if, as was clearly indicated, this is the thin edge of the wedge.

Respectfully,

Kris Vikmanis
35 Cerro Blanco



LAND DEVELOPMENT PLANNING

◆ Planners ◆ Construction Management

7009 Marilyn Ave. N.E. ◆ Albuquerque, New Mexico 87109
Phone: (505)660-5250 ◆ Fax: (505)798.1959
Email: LDPlanning@comcast.net

April 4, 2013

Ms. Vicky Lucero
Santa Fe County Development Review Director
200 Grant Avenue
Santa Fe, New Mexico 87506

Re: Spirit Wind West Subdivision

Dear Vicky:

In an attempt to provide a positive projection for future development phasing plan for Spirit Wind West Subdivision. The following schedule is provided as a wish list for this development.

- Receive initial Master Plan approval with Phase One preliminary and final development approval on or before April 9, 2013.
- Work towards recordation of Phase 1, Final Subdivision approval before June, 2013.
- Resubmit for preliminary development approvals for the remaining phases two through four, so the developer can have vested development rights, prior to the implementation of the new Santa Fe County Growth Management Plan. Submittal in July 2013, with approvals before November 2013.
- Submittal for Phase Two or additional phases will be dependent on an economic growth pattern that would justify placing new taxable lots on the tax records. The developer can project future phases into the fiscal year 2014 and 2015 for full development.
- Achieving a growth pattern past 2015 would be detrimental to the development based on infrastructure costs, and the potential development of other projects in the vicinity of Eldorado.

This developer has worked endlessly to achieve approvals on this and other developments and hopes for a positive ending and the ability to continue to meet Santa Fe County's future growth projections. Our request is for BCC approval or denial, not a postponement. This will allow the developer to move forth with his plans for this parcel of land.

Sincerely,

Danny Martinez

Danny Martinez,
Project Development Planner

cc Mr. Joseph Miller, Developer
Mr. Ron VanAmberg, Attorney

2013/04/04 09:53:23

Jose Larranaga

From: Stephen C. Ross
Sent: Friday, April 05, 2013 11:18 AM
To: Jose Larranaga
Subject: FW: CDRC CASE # V/Z/PDP 12 - 5340 Family Dollar Store

Categories: Red Category

-----Original Message-----

From: Daniel Mayfield
Sent: Friday, April 05, 2013 11:14 AM
To: Stephen C. Ross
Subject: FW: CDRC CASE # V/Z/PDP 12 - 5340 Family Dollar Store

For the record.

-Danny M.

From: Harvey Morgan, II [h.morgan2nd@yahoo.com]
Sent: Friday, April 05, 2013 8:58 AM
To: Daniel Mayfield
Subject: CDRC CASE # V/Z/PDP 12 - 5340 Family Dollar Store

Good morning Commissioner Mayfield,

When the matter of the sign variance for the Family Dollar store in Pojoaque comes up I want you to vote against allowing the variance. The rules are set for a reason and citizens were happy with their input establishing these rules. The speed limit is 45 mph through the area so people should have no trouble at all reading a sign that conforms with the established size restrictions.

I am fairly neutral on the parking variance and am fairly neutral on the business itself.

I was basically the only member of the public who attended the initial meeting at the Middle School last August(?) and don't remember the issue of the sign variance being brought up. That could be because I failed to ask, but in the paperwork I brought home from that meeting I wasn't aware that this variance would be asked for.

So please vote no concerning the variance for the sign.

Thank you,
Harvey Morgan, II
Pojoaque, NM

Jose Larranaga

From: Stephen C. Ross
Sent: Tuesday, April 09, 2013 2:14 PM
To: Jose Larranaga
Subject: Fwd: Family Dollar Sign Variance Request

FYI

Sent from my iPhone

Begin forwarded message:

From: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Date: April 9, 2013, 1:23:20 PM MDT
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>, "Stephen C. Ross" <ross@co.santa-fe.nm.us>, Julia Valdez <javaldez@co.santa-fe.nm.us>
Subject: FW: Family Dollar Sign Variance Request

Thanks,

Liz Stefanics

Julia Valdez - Constituent Services Liaison

From: AnneGiff@cs.com [<mailto:AnneGiff@cs.com>]
Sent: Tuesday, April 09, 2013 11:16 AM
To: Liz Stefanics
Subject: Family Dollar Sign Variance Request

Dear Commissioner Stefanics,

I'm contacting you to express my concern about the variance request for Family Dollar Store's sign and why a variance is unnecessary.

1. The proposed location is directly on the main highway which gives it good visibility. There is no frontage road issue to impede visibility.
2. The location is also within a short distance of the major intersection of 84/ 285 and 503, which slows traffic, and which is a signaled intersection slowing northbound traffic dramatically after cars have been stopped when the signal is red.
3. The location has already been favored with a left turn pocket allowing traffic to turn into it easily from the southbound lane, and slowing traffic right at the property just before the traffic signal.

The sign code provides for a signage scale that is appropriate for a traditional village zone. Family Dollar is not a destination business and it's location will be well known to the local community, without oversize signage.

If Family Dollar wishes to be a welcome presence in the community and practice good corporate citizenship, it should begin by conforming to the community standard for it's signage.

Your consideration for the community would be appreciated as expressed by a NO vote on the variance. Thank you. Anne Gifford

Jose Larranaga

From: J.B. PENA <jbstudiob@msn.com>
Sent: Tuesday, April 09, 2013 4:42 PM
To: Jose Larranaga
Subject: oppose proposed dollar store

April 9, 2013

To whom this concerns,

As a 22 year resident of Nambe and a life time New Mexican, **I am very opposed to the possibility of a dollar store at the site of the old Al's Liquor.**

What a total disregard to the integrity of the valley.

Bad enough that the Pojoaque pueblo has discredited our road side stores with the QB liquor sign!

Formost, the traffic conjection beyond the light signals at 503 heading north, would only invite deadly accidents at an already bad intersection.

PLEASE, PLEASE, PLEASE, DO NOT add to more unnecessary plastic items and and an eye sore as one drives into some of the prettiest land as one drives north.

Thank you,

J. Boles Pena
23A Arroyo Nambe
Santa Fe, NM 87506

JB Pena Handwoven Originals 982-4118 info@handwovenoriginals.com Personal: jbstudiob@msn.com

REC'D
CLERK
RECORD
05/03/2013

04/09/2013

Chairperson Holian, Commissioners:

My name is David Dogruel and I am a resident of Nambe.

I would like to provide the following information as input to the public hearing where Glenwood Development Company is requesting variances of the Santa Fe County Land Development Code and the Pojoaque Valley Community Plan for the development of a Family Dollar store in Pojoaque.

As Chair of the Pojoaque Valley Planning Committee, I can attest to the strong desire of the communities of the Pojoaque Valley to maintain the rural character of the Valley, while balancing the needs of property owners to achieve the most beneficial uses of their properties. In order to accomplish this vision, one aspect of the community plan established Mixed Use Districts to direct higher impact commercial developments to areas where they are most suitable. The location of the proposed Family Dollar store is in one of these Districts, therefore the location is appropriate.

A recurrent concern of the community during the planning process was the need for better noticing of proposed large projects and the convening of a well-advertised community meeting. While I believe Glenwood Development and Mr. Jeff Kost originally intended to honor the desire of the community in regard to this noticing and the meeting, the reality was much different. To support this viewpoint, I offer the following information.

I was contacted by Jeff Kost via email on August 13, 2012 and the message is copied verbatim, below.

It is important to note that other members of the Pojoaque Valley Planning Committee were copied as well.

-----Original Message-----

From: Jeff Kost

Sent: Aug 13, 2012 6:06 PM

To: ddogruel@earthlink.net, benavidez4@worldnet.att.net, sandramadmass@yahoo.com, vicente.roybal@gmail.com, mw229a@aol.com

Cc: Jose Larranaga

Subject: Proposed Pojoaque Family Dollar

Good evening: My name is Jeff Kost. The purpose of this email is to reach out to you regarding my desire to develop a Family Dollar in place of the closed down liquor store near the intersection of Santa Fe Hwy 84 and Cundiyo Road. I would like to hold a neighborhood meeting to properly communicate with local residents on the details of the project.

Please advise as to what steps that you would like to see happen next in order to hold that meeting. I would also like to know who my main contact for the Pojoaque board will be for this application. Feel free to email back or call me directly. Thank you for your time and I hope to hear back from you tomorrow.

Thanks again.

Jeff

Jeffrey Wade Kost
Director of Development
Glenwood Development Company LLC
1333 N. Greenfield Road Suite 104
Mesa, Arizona 85205
Phone: 480-775-4650
Fax: 480-775-4646
Email: jwkost@glenwooddevco.com
Website: glenwooddevco.com

I responded the same day with the following message.

From: [dave dogruel <ddogruel@earthlink.net>](mailto:ddogruel@earthlink.net)
To: Jeff Kost <jwkost@glenwooddevco.com>, benavidez4@worldnet.att.net,
sandramadmass@yahoo.com, vicente.roybal@gmail.com, mw229a@aol.com
Cc: Jose Larranaga <joselarra@co.santa-fe.nm.us>
Subject: Re: Proposed Pojoaque Family Dollar
Date: Aug 13, 2012 8:15 PM

Jeff-

Thank you for beginning a pro-active process of involving the community in your plans.

I am not a spokesperson for any board, commission or community organization, but offer the following suggestions.

-Please review the adopted Pojoaque Valley Community Strategic Plan at:

<http://www.santafecountynm.gov/userfiles/CPFINAL%20PLAN%20-AUG2007.pdf>

and SF County Ordinance 2008-5

<http://www.santafecountynm.gov/userfiles/PPVTCDistrictOrdinance%202008-5-FINAL.pdf>

These documents will "set the stage" for the types of development that the community, through the community planning process, wants to see in the Valley and the types of uses that are permissible. The location of your proposed project lies within the Mixed-Use District created by this plan and ordinance.

The community plans are currently being included in the new SF County Sustainable Growth Management Plan (SGMP) and the SF County Sustainable Land Development Code (SLDC).

Drafts of these documents can be found at:

http://www.santafecountynm.gov/growth_management/sgmp
http://www.santafecountynm.gov/growth_management/slsc

Since your proposed project will impact the entire Pojoaque Valley, I suggest you extensively advertise a community meeting at a venue that will accommodate at least 100 people, if not more. You might also hold more than one meeting to be sure you have received input from as many stakeholders as possible. Potential issues I see with the type of development you are proposing include:

- traffic and traffic safety
- parking
- outdoor lighting/light pollution
- solid waste
- litter
- noise
- water, wastewater
- fire/hazardous materials

There is no local planning authority in place in the Pojoaque Valley at this time. The work of the Pojoaque Valley Planning Committee was completed with the adoption of our community plan by the SF County Board of County Commissioners. We are awaiting the completion of the ongoing process to develop the SF County SLDC, which will then lead to the creation of community organizations that will have more direct input into growth management decisions.

I suggest you reach out to the following stakeholders:

All residents of the greater Pojoaque Valley
United Communities of Santa Fe County
Church groups
Pojoaque Volunteer Fire District
Santa Fe County Fire Department/Prevention Division
Acequia associations
pojoaquenews.com
Pueblos of Nambe, Pojoaque and San Ildefonso
Pojoaque Valley School District

People in these groups above may not necessarily have direct input, but these and other groups are good ways to spread the word about meetings.

We look forward to hearing more about your proposed project. I will forewarn you that change often brings about passionate responses in the Pojoaque Valley, but with lots of community involvement and discussion, many of these issues can be resolved.

Regards,

REC'D
OFFICE
RECORDS
8/19/08
10:13

-Dave

Following this exchange, I expected a widely-distributed notice, signs, a newspaper advertisement, etc, to announce a meeting to inform the community about this project and gather community concerns and feedback. I never received such a notice, and I believe I make a reasonable effort to stay informed on such community issues. Apparently a meeting was held sometime during the fall of 2012, and, as reported to me recently, only "a few" community members attended. This attests to the entirely inadequate noticing conducted by Glenwood Development, in violation of the terms of Ordinance 2008-5, section 12.8, Community Notice and Procedural Requirements.

I am also hereby requesting that the Commission deny the sign size variance being requested and that any signage for commercial developments in the Pojoaque Valley conform to the general size, height and illumination of existing signs on non-Tribal developments.

Additionally, I would ask the Commission to consider requiring the proposed development to limit the illumination of the proposed sign and the interior lighting of the store to be turned off one hour after the close of the business or the time of local sunset, whichever is later, and that only the minimal number of lights be left on in the interior of the building as is necessary for security. Many Family Dollar stores I have seen leave all of their interior lights on, all night long, rendering further degradation to views of the night sky in the communities where these stores are located.

Thank you.

-David Dogruel

REC'D
CLERK
RECORDS
08/13/2013
10:27:00 AM



Petition

PETITION IN FAVOR OF "FAMILY DO LLAR STORE IN POJOAQUE NM"

We, the undersigned, are in FAVOR of the Family Dollar Store in Pojoaque, NM

| Printed Name | Signature | Address | Email | Date |
|-----------------|--------------------|---|----------------------|----------|
| Ruby Valdez | <i>[Signature]</i> | 5 Kokopelli Dr 87506 | Starubio07@gmail.com | 4/4/13 |
| Tiffany Valdez | <i>[Signature]</i> | 5 Kokopelli Dr 87506 | | 4/4/13 |
| SF Valdez | <i>[Signature]</i> | 5 Kokopelli Dr 87506 | Kokopellcon@aol | 4/4/13 |
| LATAY Boman | <i>[Signature]</i> | 23 Kokopelli Ln 87506 | | |
| ELAZA Valdez | <i>[Signature]</i> | RTI Box 1244 Sant 87506 | | 4/4/13 |
| Isidoro Valdez | <i>[Signature]</i> | RTI Box 1244 Sant 87506 | - | 4/4/13 |
| Terry Quintana | <i>[Signature]</i> | RTI Box 1244 87506 | | 4/4/13 |
| Jacob Valdez | <i>[Signature]</i> | RTI Box 1244 87506 | | 4/4/13 |
| Edith Valdez | <i>[Signature]</i> | RTI Box 1244 Sant 87506 | | 4/4/13 |
| Ademia Valdez | <i>[Signature]</i> | 199 St Rd 503 SF 87506 | | 4-5-13 |
| Marsha N. Vigil | <i>[Signature]</i> | 04 A Los Huertas St ^{NM} 87506 | nambegirl@aol.com | 4.5.2013 |
| Marcial Valdez | <i>[Signature]</i> | 109 St Rd 503 87506 S.E. N.M. | | 4-5-2013 |

h

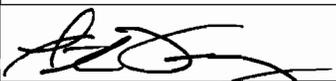
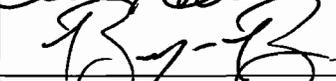
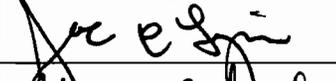
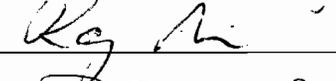
| Printed Name | Signature | Address | Email | Date |
|-------------------|-------------------|--|-------|--------|
| LARRY HAYES | Larry Hayes | George Hayes SR #11 SF NM | | 4/5/13 |
| Johnny Valdez | Johnny Valdez | 161 503 nambre rd | | 4-5-13 |
| Fernando Valdez | Fernando Valdez | 161 rd 503 nambre | | 4-5-13 |
| Liz Quintanilla | Liz Quintanilla | 17 Nursery Rd Nambre N.M. 87501 | | 4/5/13 |
| Joelene Salazar | Joelene Salazar | 17 Nursery Rd Nambre N.M. 87501 | | 4/5/13 |
| Bryan Salazar | Bryana Salazar | 17 Nursery Rd N.M. 87501 | | 4/5/13 |
| Branden Salazar | Branden Salazar | 17 6th Faith Rd N.M. 87501 | | 4/5/13 |
| Kevin M. Herrera | Kevin M. Herrera | 254 CR 840 Santa Fe, N.M. 87504 | | 4/5/13 |
| Bruce E. Woodson | Bruce E. Woodson | 1745 WOODSON DR SF NM 87506 | | 4/5/13 |
| Corina Ortiz | Corina Ortiz | 1 B Amada Romero Rd | | 4-6-13 |
| JOE ORTIZ | Joe Ortiz | 1 B Amada Romero Rd | | 4-6-13 |
| Lynthia Romero | Lynthia Romero | 01 A Amacia Romero Rd Santa Fe, NM 87506 | | 4-6-13 |
| Tilmoteo Martinez | Tilmoteo Martinez | 01 A Amacia Romero Rd Santa Fe, NM 87506 | | 4-6-13 |
| Mateo Delacruz | Mateo Delacruz | #31 Callejon de Atanacio Santa Fe, NM 87506 | | 4/6/13 |
| Robert F. Samson | Robert F. Samson | 13 B Callejon de Atanacio Nambre, NM 87506 | | 4/6/13 |
| Aurora B. Sanchez | Aurora B. Sanchez | 13 B Callejon de Atanacio Nambre NM 87506 | | 4/6/13 |

| Printed Name | Signature | Address | Email | Date |
|------------------------------|------------------------|------------------------|--------------------------|---------|
| Ashley Valdez | | #5 Kokopelli Dr. | 3514hyonlake@gmail.com | 4/4/13 |
| Marissa Hernandez | B | 5 B Kokopelli Dr | EP1115@gmail.com | 4/16/13 |
| Rachael A. Rybar | Julia Ryce | 11 J.R. Drive Santa Fe | | 4/6/13 |
| Alexis Rybar | Alexis Rybar | #13 J.D. Drive | | 4-6-13 |
| Jerry Howard | Pat Russell | #11 J.R. Drive | | 4/6/13 |
| January Lopez | Pat Russell | 2 Kokopelli Dr. | | 4/8/13 |
| Marissa Hernandez | Pat Russell | 2 Kokopelli Dr. | | 4-8-13 |
| Lewis Valdez | Lucia Valdez | 441 Box 124-N S.Finn | | 4-9-13 |
| Treshawn Triron | Shelley O'Brien | 1 Camino Anton, SF | | 4-9-13 |
| Shantel Triron | | 1 Camino Anton, SF | | 4-9-13 |
| Joe Triron | Joe Triron | 11 Patricino Romero Rd | | 4-9-13 |
| Dorothy Romero | Dorothy Romero | 11 Patricino Romero Rd | | 4-9-13 |
| Cecilia Romero | Cecilia Romero | 11 Patricino Romero Rd | cecilia.romero@gmail.com | 4-9-13 |
| Enrique Hernandez | Enrique Hernandez | 01 Cobey Ln | | 4-9-13 |
| John Brown | John Brown | 23 Faith Rd | | 4-9-13 |
| Diane Brown | DB | 23 Faith Rd | | 4-9-13 |

Petition

PETITION IN FAVOR OF "FAMILY DOLLAR STORE IN POJOAQUE NM"

We, the undersigned, are in FAVOR of the Family Dollar Store in Pojoaque, NM

| Printed Name | Signature | Address | Email | Date |
|------------------|---|---|---------------------------|--------|
| Erik Valdez |  | #7 Kokopelli Dr SF NM 87506 | kokopelli 2_2@hotmail.com | 4-5-13 |
| Chris Herrera |  | 96 c state rd 503 Santa Fe N.M. 87506 | none | 4-5-13 |
| BEUFAN B. |  | | | 4-5-13 |
| Albert Duran |  | 21 Entrada De Duran Santa Fe NM 87506 | | 4-5-13 |
| Mario Martinez |  | 55 White Sands Blvd Santa Fe, NM 87506 | marmtz33@gmail.com | 4-5-13 |
| ADRIAN BACA |  | 350500 CAMPO LAMA SF, Nm 87505 | ADRIAN.BACA@gmail.com | 4/6/13 |
| JOE E LUJAN |  | 12 BOLD Perul Plo 8000 Santa Fe 87506 | Not | 4/6/13 |
| Marcos Archuleta |  | 02 S. Ives Water Rd | | 4-6-13 |
| CHRIS KOPONKOS |  | 4442 Colores Rd sd SF NM | | 4-6-13 |
| Kenny Barrego |  | 1140 Riverside SF NM | | 4-6-13 |
| Ray Garcia |  | 21 Calle de Montomas | garcia R 855 @ AOL.com | 4-9-13 |
| Ruby Roybal |  | JR OR 7 | | 4-9-13 |

Petition

PETITION IN FAVOR OF "FAMILY DOLLAR STORE IN POJOAQUE NM"

We, the undersigned, are in FAVOR of the Family Dollar Store in Pojoaque, NM

| Printed Name | Signature | Address | Email | Date |
|---------------------|----------------------------|---|-------|--------|
| Teresa Cordero | <i>Teresa Cordero</i> | 32 Wild west Santa Fe 87506 | | 4/6/13 |
| Jose mulquec | <i>Jose mulquec</i> | 162-A Camino del Vincon ^{Santa Fe} 87506 | | 4/6/13 |
| Robert Rodriguez | <i>Robert Rodriguez</i> | 10 NP 101 SF 87506 | | 4/6/13 |
| Robert L. Rodriguez | <i>Robert L. Rodriguez</i> | 10 NP 101 SF 87506 | | 4/6/13 |
| Elaine M. Rodriguez | <i>Elaine M. Rodriguez</i> | 10 NP 101 SF 87506 | | 4/6/13 |
| Tony Perez | <i>Tony Perez</i> | RT 1 BOX 11A SF | | 4-6-13 |
| Ben Roybal | <i>Ben Roybal</i> | 21 Bouquet Lane SF | | 4-6-13 |
| Leandro Garcia | <i>Leandro Garcia</i> | 2A Callada Gatos | | 4-6-13 |
| TONY A. RIVERA | <i>Tony A. Rivera</i> | 07020 Pueblo Rd | | 4-6-13 |
| Epem Martinez | <i>Epem Martinez</i> | 724 Calle Res. 10716 | | 4-6-13 |
| Jim R. Trujillo | <i>Jim R. Trujillo</i> | 1901 MARIAS PL SF | | 4/6/13 |
| Vicky Trujillo | <i>Victorita Trujillo</i> | 1901 Marias Pl SF | | 4-9-13 |

| Printed Name | Signature | Address | Email | Date |
|----------------------|----------------|---|--------------------------|--------|
| Bobbie Roman | Bobbie Roman | 028 th 2 nd Ave Rivera Ranch 87505 | 699-8545 | 4/9/13 |
| Mike De Maria | | 26 Brando | 455 3801 | 4/9/13 |
| Elva De Maria | | 26 Brando | 455 3801 | 4/9/13 |
| Larry Hays | Larry Hays | | 310-3921 | 4/9/13 |
| Matthew Roman & Dawn | | 17711 US Highway 285 Santa Fe NM | 690-7100 | 4/9/13 |
| Josac Trujillo | | 13 Trujillo Loop SE | 690-7549 | 4/9/13 |
| Kathy Trujillo | | 13 Trujillo Loop SE | 455-7515 | 4/9/13 |
| Jessica Valdez | Jessica Valdez | 7 Kokopelli Dr 02 El Rancho P.O. Box 2201 SF NM | Jess-Valdez@austriai.com | 4/9/13 |
| Tomie Quintana | Tomie Quintana | 02 El Rancho Rd SF NM | | 4-9-13 |
| Kim Roman | Kim Roman | 408 Calle Roberts SF NM | | 4-9-13 |
| Tom Roman | Tom Roman | 408 Calle Roberts SF NM | | |
| Rich Leibel | Rich Leibel | 34 Rancho De las Lagunas | | 4-9-13 |
| Carlos Salazar | Carlos Salazar | 48 Sunlight View | 920-3289 | 4-9-13 |

Petition

PETITION IN FAVOR OF "FAMILY DOLLAR STORE IN POJOAQUE NM"

We, the undersigned, are in FAVOR of the Family Dollar Store in Pojoaque, NM

| Printed Name | Signature | Address | Email | Date |
|-------------------------------|-------------|---|-----------------------------------|-------------------|
| Pablo A. Lujan | | 20R126A Esp. 10m | | 4/8/13 |
| Steven L. Hunsaker | | 11904 10th Ave E | quint s.e. 802 E. STUR | 4/8/13 |
| L. Frizzle | | 1304 3411 | | 4/8/13 |
| Ellen Reeseth | | 11 W Guntimere St Unit. 3212 SF, F3506 | | 04/08/13 |
| | | 0-8 Wrup St Gandy Ave | gfrizzle@gmail.com | 4-4-2013 |
| Chris Trujillo | | 11 Gutierrez 3411 | | 4/8/13 |
| Ausario Trujillo | | 304 19 Santa Fe | 455-2205 | 4/9/13 |
| Alex Trujillo | | 11 Gutierrez | 620-5008 231-1008 | 4/9/13 |
| Martha Trujillo | | | | 4/9/13 |
| Mario Quintan | | County Rd 119 SE | | 4/9/13 |
| Kenny Trujillo | | Reynolds Circle | | 4/9/13 |
| Dobres Trujillo | | 1 Savoy Haterot Ave Martha | | 4/9/13 |

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(505) 455-3000

DRIVE RIGHT GLASS & MIRROR
WHERE IT'S DONE RIGHT
(505) 455-3000







Local Residents for Traditional Village Values Not Political Favoritism

Santa Fe County Ordinance No. 2008-5 – Section 12.3 The Pojoaque Valley Traditional Community District – Pojoaque Valle Traditional Mixed Use Zoning Sub-District states that Retail Establishments, indoor over 5,000 – 20,000 square feet are Conditional Uses. This is defined as a permitted used so long as the Development Plan is approved by the CDRC or applicable LDRC.

Question 1: Was this plan approved by either of these review committees?

Question 2: I spoke with Lynne Velasco who has served as a community representative to the Community Zoning Efforts and she said that the property in question had been zoned ~~RD2~~ SD 3 which allows low to moderate commercial development. Can you please provide some clarification on this.

Section 12.6.C of the Ordinance states among other things that “In order to protect rural community character including ... preserve traditional development patterns, the following is applicable:

2.a: Development shall be designed to preserve and enhance among other things acequias

Section 12.7 Mixed Use Zoning Sub-Districts

A. Performance Sections

A.2: All non-residential development in the Mixed Use Zoning Sub-Districts shall be compatible with existing land use patterns, existing residential areas, land ownership characteristics and geographic features near the property.

Under these considerations and inadequacies related to the Community Notice and Procedural Requirements, Myself and 69 other signers of a petition submitted earlier to Santa Fe county, oppose the proposed master plan for the Family Dollar Store to be located at the former site of AI's Liquors, 18094 US Highway 85/285.

TRADITIONAL VILLAGE VALUES:

We value the scale, respect, and concern for our neighbors and want to see development which:

- Does not infringe on the quiet enjoyment of neighboring properties including impacts from commercial and retail uses where noise, air pollution, water runoff, or light spills over onto the neighboring properties.
- Does not endanger the safety of others.
- Meets the requirements of the zoning and building code without undue variances.
- Fits within the context of the surrounding land uses, scale and the intent of the traditional village land use planning.

SPECIFIC OBJECTIONS:

1. The proposed Family Dollar Store master plan does is not compatible with existing land use patterns or the existing residential areas surrounding it. It is out of scale with the existing neighborhood and the traditional village in terms of the amount of square footage, the building footprint, development intensity and the amount of required parking. Local residents who have been involved in creating the Pojoaque Valley Traditional Community District have stated that they intended to see low to moderate development in this zone and not a project of the size and scale of the proposed project.
2. The project application claims that the proposed development will have a low impact on the neighborhood. A review of the potential impacts and traffic hazard indicated that the potential impact is anything but low.
3. The proposed project will create undue negative impacts on the neighboring properties including noise, air pollution, and light pollution.
 - a. The type of security lighting used for big box retail stores is incompatible with the rural and residential nature of the surrounding area.
 - b. The location of the delivery pad on the south side of the proposed building and close to the southern border of the property will have a negative impact on the quality of life and peaceful enjoyment of the residential neighbors to the south.
 - c. Likewise, the location of the trash containers along the south border will also impact the neighbors with noise, smells, vectors and other possible health issues.
 - d. Potential run-off and toxic or biologically hazardous waste from the docking pad and the trash areas are immediately adjacent to an existing acequia and may contaminate that *traditional waterway*.
 - e. The location of the HVAC system and condensers for the 8000+ square foot building along the eastern border of the property will likely create a major source of noise and heat exhaust. Since the set back is only 20 feet and the HVAC system and condensers is within the setback the distance from the HVAC system to the property line is unlikely to provide much of a buffer.
 - f. The location of the new septic system and leach field within the north side setback is very close to an existing residential water well and may contaminate that source of drinking water.
4. The proposed project may endanger existing residential wells through the location of the proposed septic system leach field shown on the plans as located in close proximity to existing wells and certainly within the drawdown area of those wells.
5. Traffic patterns ingressing and egressing from the proposed project will create traffic hazards.
 - a. It is very likely that cars exiting the site going south will not make a right hand turn and then a U-turn at the signal north of the site but will cross northbound traffic on US 285 and make a left hand turn in the space provided for the southbound left turn lane into the property. The design of this left turn lane and the stop signal which is less than 0.12 miles from the turn lane is confusing to local residents and difficult for non-local drivers to comprehend between the too close left turn lane for the 18994 property right before the left turn lane for the signal, the amount of signage, the flashing lights and the speed sign. Drivers are already distracted and will not be looking for cars making left hand turns.

- b. The traffic study conducted by YSMA Transportation Engineering Solutions used land use trip data from the NJDOT. Trip data for the previous use, Al's Liquor Store, may not be similar to New Jersey data due to the neighborhood serving aspect of Al's Liquor and the rural nature of the Pojoaque Valley in a lightly populated state. Therefore the overall increase in traffic projections may be significantly off with the total number of trips at PM peak hour much greater than the 41% total difference stated in the study.
 - c. Peak PM traffic for the proposed project is likely to coincide with peak afternoon northbound commuter traffic which can be very heavy and fast moving. Left hand turns across this traffic is a major safety concern.
6. Parking during certain times of the year, such as the Easter Pilgrimage to Chimayo, already create *parking and traffic hazards*. The Pilgrimage is highly supported by the County, law enforcement, and volunteer groups to maintain safety for walkers and drivers. The amount of parking required and being provided for a big box retail store at the proposed location may be inadequate. Parking along US 285 or NM 503 will create traffic problems and hazards so near the signaled intersection.
7. The master plan *proposal and/or its studies state that there is no need for a sidewalk at this location because there is no pedestrian traffic*. This just shows the developer's lack of understanding of the local community. There is daily pedestrian traffic along both US 285 and NM 503. When Al's Liquor Store was in operation, pedestrian traffic was even greater. People of all ages walk from their residences to the Pojoaque Commercial strip along US 285 and NM 503.
8. There seems to be a disconnect between what the residents who participated in the community plan, what is stated in the Vision Statement for the Pojoaque Valley Community Plan and the Santa Fe County's land use code. The Code lacks the necessary definition of retail land uses which would protect the traditional village from the inappropriate placement of big box retail stores in the middle of primarily residential areas. Most contemporary zoning codes around the United States will have numerous subcategories of retail that may be specific to types of use, density, or size of buildings. Has the County staff misled the community volunteer planners by not guiding them into considering the possibilities of rather general "retail" zones and helping them further define the type of retail uses which are appropriate for a traditional village.
9. The lack of adequate community outreach and input on this project is disturbing. There were a number of *inadequacies in the manner in which the community outreach meeting was announced, scheduled and conducted*.

DENY VARIENCES:

10. The proposed signage is out of scale with the traditional village and will create further visual pollution *near an already confusing major intersection*.
11. The parking lot location should respect the traditional village planning. The visual addition of a larger parking lot along this section of US 285 detracts from the rural and traditional village environment and creates further visual distraction and traffic hazard.
12. Lot Line Adjustment: Although the land use specified between this section of US 285 and Bouquet Lane is zoned as Pojoaque Valley Traditional Mixed-Use. Having spoken

with several of the community volunteers involved in the PV Traditional Community District Planning, it does not seem that they had big box retail in mind for this location, but rather intended a continuation of small scale, neighborhood serving, very low impact retail businesses along with home based businesses, artisans, craftspeople and local services. See comment 8 above for Santa Fe County's culpability in this process.

Denial of the requested variances and the proposed master plan will not create and extraordinary hardship on Family Dollar Store. There is a commercial district with adequately sized lots, an internal secondary and frontage road and other aspects more suitable for this type of development within ½ to 1 mile south of the proposed site. All of the negative impacts of the proposed development would be mitigated by locating within the existing commercial and retail strip rather than encouraging urbanized sprawl by locating the Family Dollar Store outside of this development.

It may be that the requested variances are not within the Family Dollar Store corporate code. However, a tradition village is not beholden to an out of state corporate entity and has the right to require new development to fit within the intent of protecting traditional village scale, life and traditions.

If Santa Fe County is worried about property tax revenues, then the County Commissioners should carefully consider the impact of this type of development on the existing residential property tax base. Certainly, the property values of the surrounding neighborhood are very likely to decrease due to this development and it may, by the nature of the size, scale and use of this proposed development begin to negatively impact properties values in a wider arch of perceived influence. It is not appropriate for the County to approve a master plan or grant variances because "the Pueblos don't collect taxes." It is the County Commissioner's responsibility to care for the concerns of local residents, locally owned businesses and proper development and application of land use and zoning codes to protect the way of life expressed by the community and established in their planning efforts.

Family Dollar Store is incorporated outside of New Mexico and may not be paying New Mexico State income taxes. *The proposed development will have relatively few employees in low paying jobs.* Loss of the Pojoaque Valley Traditional Village and the potential loss of property values seems to be a poor trade-off for a few more tax dollars grabbed away from Pojoaque Pueblo.

Lastly, the Family Dollar Store may not succeed in this location since there is already one in Espanola, Chimayo and Santa Fe. *If the Family Dollar Store does not lease or fails to renew the lease on this property, the community will be left with an out of scale development with negative impacts.* This leads to questions around the current property owner, his political contacts and the possibility that this is an effort to circumvent the intent of the Pojoaque Valley Traditional Community Plan in order to get a larger development at the location of the old Al's Liquor Store. While this may benefit the existing property owner, the remainder of the community will be left with contending to the negative impacts of this proposed project.

Jose Larranaga

From: Eunice Vicki <concernedrvhos@gmail.com>
Sent: Friday, April 05, 2013 9:05 AM
To: Jose Larranaga
Subject: Info for BCC Meeting 4/9/13

Categories: Red Category



Jose,

Thanks for talking with me yesterday. As I mentioned, I am documenting the fact that our developer did not hold any public meetings with us.

As you stated, the BCC wanted us to have real communication with each other, but the developer changed his mind about the process we had originally agreed to on February 6, 2013. That effectively stopped him from meeting with us to seriously discuss options and alternatives to the current apparent design plans.

At that point, he announced that he would be out of the country for the month prior to the BCC meeting of 4/9/13. We attempted to push up our schedule to accommodate him, however, he would not agree to the process and therefore was unprepared to actually have a working meeting with us;.

I appreciate that you understand our position in this and that you continue to do what is appropriate for all the affected interests and parties to this development activity.

Again, thank you,
Vicki

2013/04/05 09:05 AM

Jose Larranaga

From: Penny Ellis-Green
Sent: Thursday, March 28, 2013 9:32 AM
To: Jose Larranaga
Subject: FW: BCC Case #12-5420
Attachments: BCC Case #12-5420.pdf

Categories: Red Category

Rancho Viejo

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: wangjrmimg@q.com [<mailto:wangjrmimg@q.com>]
Sent: Wednesday, March 27, 2013 4:38 PM
To: Penny Ellis-Green
Subject: BCC Case #12-5420

To Penny Ellis-Green, Santa Fe County Land Use Administrator:

Dear Ms. Ellis-Green:

I am a homeowner in the La Entrada section of Rancho Viejo in Santa Fe County. I have lived in Rancho Viejo for over three years now, and have been a resident of Santa Fe County for over thirty years. I am very concerned about plans by Univest LLC to construct commercial and retail property on the corner of Richards Avenue and Avenida del Sur, and also concerned over plans to build residential properties behind Amy Biehl Elementary School (**BCC case #12-5420**). My concerns include:

- Adding commercial and retail businesses on the corner of Richards Avenue and Avenida del Sur would only exacerbate the considerable traffic congestion that already exists on Richards Avenue. All the residents of the Rancho Viejo subdivisions will be affected by this potential traffic nightmare, as will the students and faculty at the Santa Fe Community College.
- Richards Avenue and Avenida del Sur are narrow roads and will not accommodate the large trucks that will be making deliveries to the business locations, not to mention the construction vehicles that will be in the area as the properties are built.
- The plans to build these new commercial and retail buildings will have a serious, adverse affect on the wildlife in the area. Currently wild animals use this area to travel between the Petchesky Conservation Area and the Sangre de Cristo foothills through the arroyo system south of the college. These new buildings and roads will cut off this southern route from the Petchesky Conservation Area, and will likely lead to starvation for some of the wildlife population.
- The plans to build residential properties between Amy Biehl School and the Petchesky Conservation Area will eliminate a large area currently used by wildlife, as well as eliminate the piñons and junipers growing there, and destroy much of the natural beauty of the area.
- The plans to build residential properties between Amy Biehl School and the Petchesky Conservation Area would eliminate much of the natural dirt trails in the area, and would conflict with the county recreational trails. We walk our dogs on these dirt trails every day, and have enjoyed the beautiful views of the Sangre de Cristo Mountains from this area. Formation of the new roads has already begun in the area, and much of the land has been devastated by this road construction, with ancient piñons and junipers destroyed, and the land leveled.

- In addition, another new road would need to be built to access the new residential properties, and the only likely place to build this new road would be at the current trail head at the intersection of Calle Agua Clara and Via Orilla Dorado. This is a flagrant breach of promise to all the home owners in the La Entrada area, as we were told this location would be the start of the nature trails for the area.
- Finally, the plans to build these properties will have a detrimental impact on the arroyo system that begins behind Amy Biehl School and runs below the Via Orilla homes through La Entrada. The building of sewers through this area, and the adjacent access road, has already devastated the arroyo system. I have attached a photo essay that shows the damage to the arroyo and the surrounding land.

Univest LLC does not need to construct these commercial and retail buildings at this location in the first place, as there are many alternatives available to them to develop commercial property elsewhere in the area on the land they own. The large empty lots on both sides of Rancho Viejo Boulevard and Avenida del Sur are one possible location, as is the undeveloped area beyond La Entrada on the same street. Over-development of commercial property in this area is not a wise idea, as office and retail space in the Village at Rancho Viejo has largely sat empty for the entire time I have lived here, as has much of the commercial property on Bisbee Court and Dinosaur Trail just outside of Rancho Viejo. Building additional commercial and retail property in the area simply does not make economic sense, and any property built would likely sit unused.

Thank you very much for your time and consideration of this issue.

Albert Ericson
5 Calle Agua Clara
Rancho Viejo, Santa Fe, New Mexico
wangjrming@a.com
505-603-9031

REC'D
CLERK
RECORDS
05/03/2013

Jose Larranaga

From: Penny Ellis-Green
Sent: Thursday, March 28, 2013 9:36 AM
To: Jose Larranaga
Subject: FW: Family Dollar Signage

For family dollar

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Stephen C. Ross
Sent: Wednesday, March 27, 2013 2:11 PM
To: Penny Ellis-Green
Subject: Fwd: Family Dollar Signage

Sent from my iPhone

Begin forwarded message:

From: Daniel Mayfield <dmayfield@co.santa-fe.nm.us>
Date: March 27, 2013, 8:26:59 AM MDT
To: "Stephen C. Ross" <sross@co.santa-fe.nm.us>
Subject: FW: Family Dollar Signage

Steve,

Please handle appropriately for the record.

Thank you,

-Danny M.

From: AnneGiff@cs.com [AnneGiff@cs.com]
Sent: Saturday, March 02, 2013 6:01 PM
To: Daniel Mayfield
Subject: Family Dollar Signage

Dear Commissioner Mayfield,
I'm contacting you to express my concern about the variance request for Family Dollar Store's sign. The proposed location is directly on the main highway which gives it good visibility. There is no frontage road issue to impede visibility. It is also within a short distance of the major intersection of 84/ 285 and 503, which slows traffic, and which is a signaled intersection slowing northbound traffic dramatically after cars have been stopped when the signal is red. The location has already been favored with a left turn pocket allowing traffic to turn into it easily

SEC CLEER RECORD 06/03/2013

from the southbound lane, and slowing traffic right at the property just before the traffic signal. The sign code provides for a signage scale that is appropriate for a traditional village zone. Family Dollar is not a destination business and its location will be well known to the local community, without oversize signage. If Family Dollar wishes to be a welcome presence in the community and practice good corporate citizenship, it should begin by conforming to the community standard for its signage.

I would appreciate your comments on this matter. Thank you. Anne Gifford

SEC. CLERK RECORD #6/03/2013

Jose Larranaga

From: Penny Ellis-Green
Sent: Monday, April 01, 2013 8:31 AM
To: Jose Larranaga
Subject: FW: BCC Case#MIS 12-5420 College Park Master Plat Authorization

Categories: Red Category

For rancho viejo

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Liz Stefanics
Sent: Saturday, March 30, 2013 10:05 AM
To: Penny Ellis-Green
Subject: Fwd: BCC Case#MIS 12-5420 College Park Master Plat Authorization

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: "mattes1@msn.com" <mattes1@msn.com>
Date: March 29, 2013, 11:05:07 AM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: BCC Case#MIS 12-5420 College Park Master Plat Authorization

TO: Ms. Liz Stefanics
Board of County Commissioners
Penny Ellis-Gram, Growth Management Administrator

File REF: BCC Case #MIS 12-5420 College Park Master Plat Authorization

In October, 2011, I moved into my new home on Rancho Viejo Blvd. One of the reasons I chose to purchase a home in Rancho Viejo was the developer's plan to include open space, trails, and neighborhood parks. The College Park Master Plat seems to indicate that the developer no longer plans to have open spaces or as many open spaces in the development. I understand the Rancho Viejo development is supposed to be a mixed use of home and commercial sites, but this proposed master plat that changes previously planned open space to commercial space would appear to be an abrogation of the implied contract with current residents.

REC'D BY RECORDS 05/03/2013

Living on Rancho Viejo Boulevard gives me the opportunity to experience the excessive amount of traffic that use this street to get to SFCC, IAIA, Amy Biehl school, and other sites in the development. The traffic all day long is one vehicle right after another from 7AM to 7PM. Because the traffic circles by SFCC are too small for large trucks, Rancho Viejo Boulevard is used by all large commercial delivery trucks. Nothing can be done about the current amount of traffic. The County Commissioners need to be aware that the volume of traffic is not just on Richards, but also on Rancho Viejo Boulevard. Putting commercial sites on Richards will cause an increase in traffic on Rancho Viejo Boulevard, in addition to Richards, with the resulting increased deterioration of the road, increased noise, and increased air pollution. The Commissioners also need to know that there are only two ways to get in or out of the Rancho Viejo Development – Richards Avenue or Rancho Viejo Boulevard – which creates safety concerns if an evacuation is ever needed. Adding even more workers to the area might be creating a serious situation.

Rancho Viejo already has commercial development off route 14/Cerrillos at Bisbee Park where the New Mexico BLM is located. There is also a new fire department station on Rancho Viejo Boulevard just a short distance from these businesses. That area is also right at an exit/entrance for route 25. It seems to me that all of this would make it an ideal area for additional business development. For some reason the developer does not want to build in this area. Perhaps the County Commissioners can explore this issue with Mr. Warren Thompson of Uninvest-Santa Fe LLC before making a decision.

In summary, the proposed decrease in open space, the increase in traffic, the increase in people working in Rancho Viejo, and the developer's lack of considering other options for commercial development are all concerns that I have. I would like the County Commissioners to vote no to BCC Case#MIS 12-5420 and ask Mr. Warren Thompson of Uninvest-Santa Fe LLC to provide alternative proposals.

Thank you for your consideration,

Joyce Matteson

144 Rancho Viejo Blvd.

Santa Fe, NM 87508

Jose Larranaga

From: Penny Ellis-Green
Sent: Wednesday, April 03, 2013 1:35 PM
To: Jose Larranaga
Subject: FW: BCC Case #12-5420

Categories: Red Category

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Chris Furlanetto [<mailto:cfrwf@yahoo.com>]
Sent: Wednesday, April 03, 2013 11:08 AM
To: Penny Ellis-Green
Subject: BCC Case #12-5420

Ms. Ellis-Green,

I am writing to object to changes in the Rancho Viejo master plan that the developer has requested. There are two aspects in particular that I oppose.

1) The developer is asking for permission to create 12 mixed-use lots on ~77 acres at the corner of Richards and Avenida del Sur. It's my understanding that the original master plan included just under 50 acres for mixed-use development. The change requested would take what was supposed to be open space, breaking the developer's commitment to homeowners to maintain significant open space in the community. I do not oppose the original plan for mixed-use development but ask that you require that development to be buffered from homes and schools with open space, as originally planned.

2) I also oppose allowing the developer to reduce the requirement for affordable housing in the La Entrada section of Rancho Viejo.

Thank you,
Christine Furlanetto
6 Redondo Peak - Rancho Viejo
Santa Fe, NM 87508

Jose Larranaga

From: Penny Ellis-Green
Sent: Thursday, April 04, 2013 10:59 AM
To: Jose Larranaga
Subject: FW: Case # 12-5420

Categories: Red Category

Rancho viejo

Sent from my Windows Mobile phone

From: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Sent: Thursday, April 04, 2013 10:49 AM
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>; Stephen C. Ross <ross@co.santa-fe.nm.us>; Julia Valdez <javaldez@co.santa-fe.nm.us>
Subject: Fwd: Case # 12-5420

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: Glen Smerage <glens@ufl.edu>
Date: April 4, 2013, 8:08:53 AM MDT
To: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: Case # 12-5420

187 E Chili Line Road
Santa Fe, NM 87508
505-471-2026

3 April 2013

Liz Stefanics, Commissioner
Board of County Commissioners
Santa Fe County
102 Grant Ave
Santa Fe, NM 87501-2061

Dear Ms. Stefanics:

Re: Case # MIS 12-5420. I am an enthusiastic, satisfied resident of Rancho Viejo (RV) very disappointed and concerned by Univest's ingenuous intentions for land in this Case. I am a member of Concerned Residents for Smart Development, and I fully support their request via a letter and the 9 April public hearing that you deny Univest's request in this Case.

However, I personally want to request that you

1. Deny Case # 12-5420

REC'D CLERK RECORDS 04/04/2013 10:59:13

2. Also request that Univest submit to BCC plans for

a. Moving the Employment Center (EC) from its current 49.65 acres location to land Univest owns at the western end of the Village West Master Plan (2006) and adjacent to SR 14 and Rancho Viejo Boulevard.

b. Reverting the EC land to residential, open space, and trail uses and providing Bicycle Technologies International (BTI) a nonconforming variance.

My first reason for denying Case # 12-5420 is that Univest is attempting to pull a fast one on you, our BCC, and residents of RV by seeking Master Plat Authorization on 77.4 acres rather than the 49.65 acres allowed for the EC via the Village West Master Plan of 2006, a 55% increase. Furthermore, to do this, Univest removed park, open space, and trail lands from the 2006 Master Plan. Where did Univest compensate for those losses? Please note: In 8 January and 12 February 2013 letters from Jose Larrañaga to the BCC, he and other staff members not only missed but approved the excess acreage and loss of parks, open space, and trails.

My second reason for denying Case # 12-5420 and my prime reason for Request 2 above is that the current location of the EC is totally inappropriate to the RV that has evolved since 2000. I elaborate as follows.

The CCD Plan and RV now are twelve years old. Both RV and the CCD were big, new adventures for the BCC and County Staff of 2000, all of whom had limited knowledge and experience in such large and different undertakings. It would, therefore, have been prudent for the County to review publicly the appropriateness of subject EC before permitting the BTI facility and further commercial development of Case # 12-5420 land.

After twelve years of placing in RV 1300 mostly single family residences, two elementary schools, two colleges, unused commercial sites on Johnson Mesa and in Village I, open space, parks, and trails, a community of substantial size and superior character has been established. In 2000, one could only imagine and visualize that character, and it will continue to develop in that manner. The subject EC is embedded incongruously and unacceptably within that community, I do not know the process and by whom the current location of the EC was established, perhaps a dart thrown at a map, but it was ill advised. It does not belong where proposed; the vicinity of SR 14 would be far better.

Developers of RV since 1999 have imposed on residences, including townhouses, a uniform Santa Fe architectural style: Pueblo, Territorial, or Mediterranean. That constraint is welcome because resulting residences throughout RV present varied, pleasing, high quality appearances. Recent construction of facilities in RV for BTI and Easter Seals El Mirador indicate that neither Univest nor the County responsibly impose compatible architectural styles on commercial and institutional structures in RV. Both those facilities are architecturally ugly and belong in a typical, sterile industrial park.

It is axiomatic that things are initially created well so that their creators or successors may subsequently degrade or destroy them. Such now appears to be the case for RV and Univest, a successor with mindless lust for money, which now seeks to degrade or destroy RV, a fine, exemplary creation by its predecessors.

Please effect a good compromise of interests among residents of RV and Univest by moving the Employment Center in Case # 12-5420 to Univest land adjacent to SR 14.

Sincerely,

Glen Smerage

REC'D
CLERK
RECORDS
06/03/2013

Jose Larranaga

From: Penny Ellis-Green
Sent: Thursday, April 04, 2013 11:00 AM
To: Jose Larranaga
Subject: FW: Please vote against passage of Case # MIS 12-5420 College Park.

Categories: Red Category

Sent from my Windows Mobile phone

From: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Sent: Thursday, April 04, 2013 10:54 AM
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>; Stephen C. Ross <sross@co.santa-fe.nm.us>; Julia Valdez <javaldez@co.santa-fe.nm.us>
Subject: Fwd: Please vote against passage of Case # MIS 12-5420 College Park.

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: Ian <iannorrish@gmail.com>
Date: April 2, 2013, 5:00:02 PM MDT
To: "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Liz Stefanics <lstefanics@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>
Cc: Eunice Vicki <concernedrvhos@gmail.com>
Subject: Please vote against passage of Case # MIS 12-5420 College Park.

Dear Commissioner Stephanics and Fellow Commissioners,

Please vote against passage of Case # MIS 12-5420 College Park."

I am not against development in general near Rancho Viejo, but believe the development needs to consider what type of businesses are complementary to the "Village Design" of Rancho Viejo.

Sincerely,

Ian Norrish,
Resident of Rancho Viejo South

7 Alegre Pass,

REC'D
CARR RECORD
APR 03 2013

I am a homeowner in the La Entrada section of Rancho Viejo in Santa Fe County. I have lived in Rancho Viejo for over three years now, and have been a resident of Santa Fe County for over thirty years. I am very concerned about plans by Univest LLC to construct commercial and retail property on the corner of Richards Avenue and Avenida del Sur, and also concerned over plans to build residential properties behind Amy Biehl Elementary School (**BCC case #12-5420**). My concerns include:

- Adding commercial and retail businesses on the corner of Richards Avenue and Avenida del Sur would only exacerbate the considerable traffic congestion that already exists on Richards Avenue. All the residents of the Rancho Viejo subdivisions will be affected by this potential traffic nightmare, as will the students and faculty at the Santa Fe Community College.
- Richards Avenue and Avenida del Sur are narrow roads and will not accommodate the large trucks that will be making deliveries to the business locations, not to mention the construction vehicles that will be in the area as the properties are built.
- The plans to build these new commercial and retail buildings will have a serious, adverse affect on the wildlife in the area. Currently wild animals use this area to travel between the Petchesky Conservation Area and the Sangre de Cristo foothills through the arroyo system south of the college. These new buildings and roads will cut off this southern route from the Petchesky Conservation Area, and will likely lead to starvation for some of the wildlife population.
- The plans to build residential properties between Amy Biehl School and the Petchesky Conservation Area will eliminate a large area currently used by wildlife, as well as eliminate the piñons and junipers growing there, and destroy much of the natural beauty of the area.
- The plans to build residential properties between Amy Biehl School and the Petchesky Conservation Area would eliminate much of the natural dirt trails in the area, and would conflict with the county recreational trails. We walk our dogs on these dirt trails every day, and have enjoyed the beautiful views of the Sangre de Cristo Mountains from this area. Formation of the new roads has already begun in the area, and much of the land has been devastated by this road construction, with ancient piñons and junipers destroyed, and the land leveled.
- In addition, another new road would need to be built to access the new residential properties, and the only likely place to build this new road would be at the current trail head at the intersection of Calle Agua Clara and Via Orilla Dorado. This is a flagrant breach of promise to all the home owners in the La Entrada area, as we were told this location would be the start of the nature trails for the area.
- Finally, the plans to build these properties will have a detrimental impact on the arroyo system that begins behind Amy Biehl School and runs below the Via Orilla homes through La Entrada. The building of sewers through this area, and the adjacent access road, has already devastated the arroyo system. I have attached a photo essay that shows the damage to the arroyo and the surrounding land.

Univest LLC does not need to construct these commercial and retail buildings at this location in the first place, as there are many alternatives available to them to develop commercial property elsewhere in the area on the land they own. The large empty lots on both sides of Rancho Viejo Boulevard and Avenida del Sur are one possible location, as is the undeveloped area beyond La Entrada on the same street. Over-development of commercial property in this area is not a wise idea, as office and retail space in the Village at Rancho Viejo has largely sat empty for the entire time I have lived here, as has much of the commercial property on Bisbee Court and Dinosaur Trail just outside of Rancho Viejo. Building additional commercial and retail property in the area simply does not make economic sense, and any property built would likely sit unused.

Thank you very much for your time and consideration of this issue.

Albert Ericson
5 Calle Agua Clara
Rancho Viejo, Santa Fe, New Mexico
wangjirming@a.com
505-603-9031

Destruction of La Entrada Arroyo Due to Recent Road and Sewer Construction

A photographic record of the damage inflicted on the arroyo and the native land between La Entrada and the Petchesky Conservation Center.

Undisturbed, lower part of La Entrada arroyo below homes on Via Orillo Dorado in La Entrada:

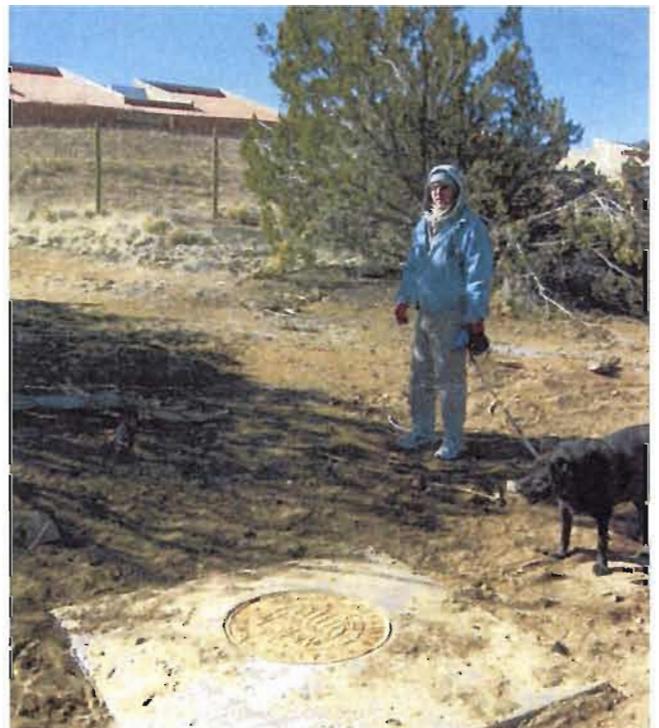


SPC CLERK RECORD 03/28/2013

Undisturbed nature trails between Amy Biehl School and the Petchesky Conservation Area. These trails are being destroyed by the road construction in the area:



Road constructed below Amy Biehl Elementary School that runs next to and crosses the La Entrada arroyo. This road was put in for sewer construction and access, but it is also a road that links to the newly constructed BTI building:



REC'D CLERK RECORDS 03/29/2013

More pictures of the road, showing proximity to the arroyo:



The road actually cuts across and destroys the arroyo further up from Amy Biehl School:



REC CLERK RECORD 03/28/2013



Trees destroyed by the construction of the road and left dead on the side of arroyo:

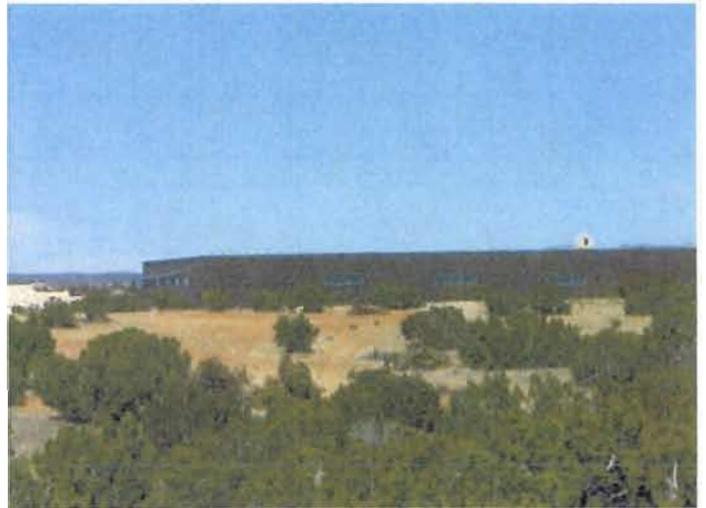
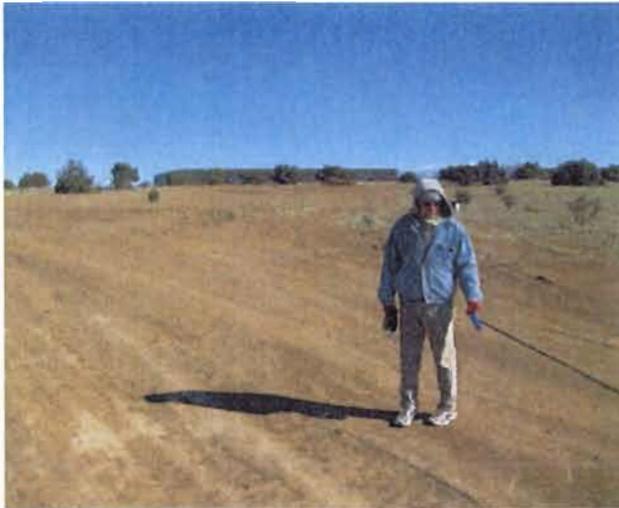


REC'D
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85/83/2813

More photos of the dead trees:



Upper portion of road showing general destruction of the land below the new BTI building next to the Petchesky Conservation Center property. The top of the hill has been leveled off, and all the vegetation destroyed:



Road construction occurring in the same area:



BCC
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11
53

March 29, 2013

Liz Stefanie
County Commissioner

Dear Commissioner,

I am requesting your support in opposing
passage of case # MIS-12-5420, College
Part.

I believe the current infrastructure
is inadequate for expansion of business
in this area at this time.

Sincerely

Eldon E. Brown
169 E. Chili Line Rd
Santa Fe, 87508

Eldon E. Brown

SBC CLERK RECORD 03/29/2013

Web form results:

Name: Randy Crutcher and Karin Lubin

Email: gleapcoach@gmail.com

Message:

DATE: March 26, 2013

TO: Board of County Commissioners

CC: Penny Ellis-Green, Land Use Administrator
Vicki Lucero, Building and Development Services
Manager

Wayne Dalton, Building and Development Services
Supervisor

Jose E. Larrañaga, Commercial Development Case
Manager

FILE REF: BCC CASE # MIS 12-5420 College Park
Master Plat Authorization

ISSUE: BCC CASE # MIS 12-5420 College Park Master
Plat Authorization acts to amend the Village West
Master Plan

We are Randy Crutcher and Karin Lubin writing to
you as residents of College Heights at Rancho
Viejo.

We very much appreciated that on February 12th the
BCC granted a 2 month postponement to allow
concerned Rancho Viejo homeowners time to meet
with Mr. Warren Thompson, Uninvest-Santa Fe LLC.
Only one meeting could be scheduled at which Mr.
Thompson was willing to discuss plans for the
College Park Employment Center due to his
schedule.

Some of our community representatives identified
as Concerned Residents for Smart Development
(CRSD) held a meeting on March 11th with Mr.
Thompson.

CRSD represents concerned residents of all
villages within Rancho Viejo including: Village 1,
Village 2, College Heights, North Association Town
Homes, Windmill Ridge 1, Windmill Ridge 2,
Windmill Ridge 3, Windmill Ridge 4, South
Association Town Homes and La Entrada. Our
representatives have also had contact with at
least one representative of Amy Biehl Community
School, Santo Nino Catholic School and La Pradera.

BCC CASE RECORD # 12/5420

We learned that during the meeting with Mr. Thompson, held at the New Mexico Land Conservancy, there was a free exchange of ideas and alternate suggestions to the Developer's current plans, such as relocating the Employment Center closer to Route 14 to better facilitate the truck and other vehicle traffic created by an Employment Center. Mr. Thompson declined all suggested alternatives and gave no indication that any alternatives would be acceptable. His unwillingness to consider the impacts to our residential community or consider substantive changes to high impact projects at the Feb 12th's BCC meeting and other project proposal meetings we have personally attended remains undiminished.

We are concerned about an approach to planning that suggests developers can propose and gain approval for amendments to existing Master Plans that are at odds with the original vision for our communities thereby rendering those master plans meaningless.

We agree with and fully support the following recommendations of our community representatives and urge you to carefully consider each one.

Article V, Section 5.6.1 of the County Land Development Code concludes that a master plat authorization be: "...in the best interest of the County and developer".

We feel this Master Plat Authorization is not in the best interest of Santa Fe County:

1. The Developers College Park Master Plat Authorization request of November 20, 2012 and in BCC Staff's recommended approval of February 12, 2013, as shown in Exhibit B, serves to amend the Village West Master Plan adopted by BCC in 2006 which allows for an Employment Center of 49.65 acres. This Master Plat Authorization amends the Village West Master Plan Employment Center to a total of 76.78 or 77.4 acres, both figures used in separate BCC staff documents. We request the BCC maintain the current Village West Master Plan allowing an Employment Center of 49.65 acres.
2. In the College Park Master Plat Authorization as shown by Exhibit B, Lot 3A is created which is

not part of the Village West Master Plan. We request this green space area remain outside of the Village West Master Plan and be maintained as a buffer between the County's largest church, Santa Maria de la Paz, and one of the County's largest Employment Centers, College Park. We request the green space represented as Lot 3A in Exhibit B not be included in College Park Employment Center.

3. In the College Park Master Plat Authorization as shown in Exhibit B, Lot 11 is created, where currently an "Arroyo Corridor & Open Space" is indicated in the Village West Master Plan. We request the BCC deny the Master Plat Authorization request to accept Lot 11, and instead keep it as an open space to buffer 1) Santo Nino School, 2) New Mexico Land Conservancy, 3) Amy Biehl Elementary School and 4) La Entrada with the College Park Employment Center. We request the area represented by Lot 11 not be accepted and be maintained as an Arroyo Corridor & Open Space per the Village West Master Plan.

4. In the College Park Master Plat Authorization as shown in Exhibit B, Lot 10 is created with no road access which was formerly an undesignated open space adjacent to Amy Biehl Community School. We request this undesignated open space area in the Village West Master Plan be kept as open space as a buffer or for future expansion of Amy Biehl Community School.

5. In the Village West Master Plan one of two indicated "Master Plan Park Space" has been eliminated by Bicycle Technologies International. We request that this second "Master Plan Park Space" be re-established within the 49.65 acre Village West Master Plan Employment Center.

In conclusion we request the BCC deny CASE # MIS 12-5420 and request the Developer resubmit a Master Plat Authorization for a maximum of 9 lots on 49.65 acres, the Employment Center acreage represented in the Village West Master Plan.

We thank you in advance for your consideration as you handle the many complexities of continued development in our county. We think that the

interests of the County, our communities and
developers can be accommodated when parties are
willing to cooperate in good faith.

Randy Crutcher
Karin Lubin
12 A Dean's Court
Santa Fe, NM
87508

REC'D CLERK RECORD 08/03/2013

Jose Larranaga

From: Penny Ellis-Green
Sent: Tuesday, April 09, 2013 8:13 AM
To: Jose Larranaga
Subject: FW: College Park Developmet: a disaster in the making

Categories: Red Category

Sent from my Windows Mobile phone

From: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Sent: Monday, April 08, 2013 7:57 PM
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>; Stephen C. Ross <sross@co.santa-fe.nm.us>; Julia Valdez <javaldez@co.santa-fe.nm.us>
Subject: Fwd: College Park Developmet: a disaster in the making

Thanks,
Liz Stefanics (cell 505-699-4808)

Sent by iPad

Begin forwarded message:

From: Thomas <thom.w@comcast.net>
Date: April 8, 2013, 7:25:13 PM MDT
To: Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>, "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Subject: College Park Developmet: a disaster in the making

A note of opposition:

Last week, driving north on Richards to return to my home in Rancho Viejo, I followed a semi-trailer for awhile. The truck went slow—and when it entered the roundabout at the Community College, it went slower still, even as its tires rolled first over the curb to the right, then over the curb in the center of the circle.

This story illustrates why my wife and I oppose the passage of Case # MIS 12-5420. If College Park is allowed to become a busy business area, more trucks will travel—slowly, one hopes—up and down Richards, past Santo Niño Catholic School, past the Community College, both of which clog Richards already at class-change time. Moreover, semi-trailers, smaller trucks, and cars will also travel back and forth on Avenida del Sur, past the grade school. The confluence of streams of traffic, already troublesome, will become congealed. And dangerous: think of the children and their parents entering and leaving the two grade schools; think of the young, impatient drivers who attend the Community College; think of the congestion (already heavy) when people are leaving for or coming home from work in the morning and evening.

Jose Larranaga

From: Vicki Lucero
Sent: Tuesday, April 09, 2013 2:21 PM
To: Jose Larranaga
Subject: FW: development proposals for Rancho Viejo/SFCC area

From: Stephen C. Ross
Sent: Tuesday, April 09, 2013 2:15 PM
To: Vicki Lucero
Subject: Fwd: development proposals for Rancho Viejo/SFCC area

Sent from my iPhone

Begin forwarded message:

From: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Date: April 9, 2013, 1:22:54 PM MDT
To: Penny Ellis-Green <pengreen@co.santa-fe.nm.us>, "Stephen C. Ross" <sross@co.santa-fe.nm.us>, Robert Griego <rgriego@co.santa-fe.nm.us>, Julia Valdez <javaldez@co.santa-fe.nm.us>
Subject: FW: development proposals for Rancho Viejo/SFCC area

Thanks,

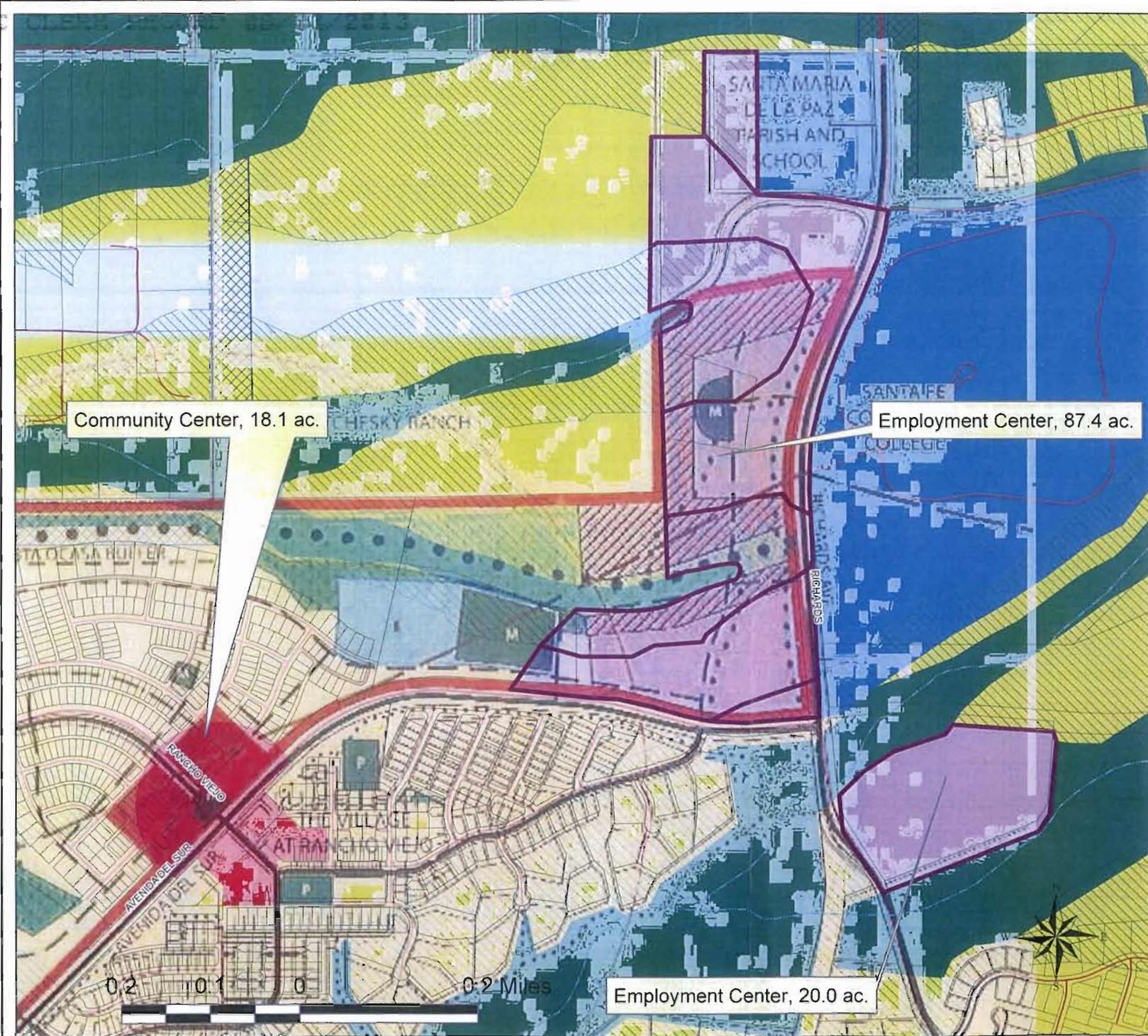
Liz Stefanics

Julia Valdez - Constituent Services Liaison

From: anniemcgovern@aol.com [<mailto:anniemcgovern@aol.com>]
Sent: Tuesday, April 09, 2013 11:22 AM
To: Liz Stefanics
Subject: Re: development proposals for Rancho Viejo/SFCC area

Do you know why proposals are being considered for residential and/or commercial development PRIOR to having roads in place to support the requests? Seems to me the first step would be access ROADS, then buildings, not the opposite. I know emergency responders and law enforcement are already very concerned about lack of access and egress in case of emergencies. Is anyone listening to them?

REC'D CLERK RECORD 05/03/2013



- Legend**
- Santa Fe County
 - Parcels
 - Nat'l Hydrography Dataset - RI (Approximate Location)**
 - Intermittent
 - Perennial
 - Minor Roads
 - Major Roads
 - SANTA FE COMMUNITY COLLEGE**
 - Santa Fe Community College
 - SFCDD Existing Neighborhoods**
 - SFCDD Fringe/Buffer Area
 - SFCDD Rural
 - SFCDD Elementary Schools
 - SFCDD Middle Schools
 - SFCDD High Schools
 - SFCDD Institutional Campus
 - SFCDD Village/New Community
 - SFCDD Village/Established
 - SFCDD Medium Density
 - SFCDD Employment Refit
 - SFCDD Arroyo Corridor and Open Space
 - SFCDD Fringe/Platland/Platland
 - SFCDD Fringe/Platland/Platland
 - SFCDD Fringe/Platland/Platland

March 21, 2013
 sfccd_rancho_viejo_zo

This information is for
 Santa Fe County assu
 errors associated with th
 Users are solely respons
 data accuracy wh



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 Plan