

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 13, 2016

Miguel Chavez, Chair - District 2
Henry Roybal, Vice Chair - District 1
Kathy Holian - District 4
Liz Stefanics - District 5
Robert A. Anaya, Chair - District 3

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I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:10 pm by Chair Miguel Chavez in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:

Commissioner Miguel Chavez, Chair
Commissioner Henry Roybal, Vice Chair
Commissioner Kathy Holian
Commissioner Liz Stefanics
Commissioner Robert A. Anaya [arrives during Executive Session]

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Christen Gililland, the State Pledge by Amanda Valencia and the Moment of Reflection by Sean DiPalma of the Public Safety Department.

I. F. **Approval of Agenda**

1. **Amendments**
2. **Tabled or Withdrawn Items**

CHAIRMAN CHAVEZ: Manager Miller, do you want to walk us through any amendments we need to consider, or items that are withdrawn?

KATHERINE MILLER (County Manager): Mr. Chair, the agenda was originally posted last Tuesday and then amended for the final time on Friday the 9th at 11:39 am. Those amendments at that time are under Discussion and Information Items

and Presentations. We moved up items III. B and III. C. These were both on the agenda; we just moved them up in order. They are time-sensitive to be done before 5:00 today.

Then actually item C was moved to there but then it has subsequently been withdrawn. We did understand that the Governor did appoint somebody prior to our recommendation from the Santa Fe County Board, but I would like to say that Mr. Murphree is here and was interested in that appointment and I don't know if he would be able to say anything but he is here at the meeting.

Then on page 5, under the Consent Agenda, item B, Resolutions, the items 1, 2, 3, 4, and 5, we just needed to correct the title of the resolution. These items were noticed but it is a reimbursable construction cost, so that language was changed from the original agenda.

Then, as I said on page 7, item V, Action Items C. 4 had been moved but that has now been withdrawn, and then on page 8, under Public Hearings, item VII. A, the title was corrected. However, it's the same item, it's just there was a correction in the title.

So Mr. Chair, all of those – those are all of the amended or withdrawn items from the agenda as of September 9th.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move approval of the amended agenda with one exception, that we allow Mr. Harold Murphree to speak to us before we would adjourn, or recess for Executive.

CHAIRMAN CHAVEZ: That would be fine, and then the only other comment I would have would be regarding the animal control ordinance, and it's noticed under VII. A. 2, but we want to be sure that that be heard after 5:00 in the Public Hearing portion of the meeting. So if anyone is here for that ordinance that will be heard after 5:00. So there's a motion.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: And a second now to approve the agenda as amended.

COMMISSIONER STEFANICS: Yes, with the addition of allowing Mr. Murphree to speak.

CHAIRMAN CHAVEZ: So we have a motion and a second.

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

- I. G. **Approval of Minutes**
 - 1. **Approval of July 12, 2016, Board of County Commissioners Meeting Minutes**

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

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: There's a motion and a second for the July 12th minutes. Motion and a second.

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

I. G. 2. Approval of July 26, 2016, Board of County Commissioners Meeting Minutes

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the July 26th

minutes.

COMMISSIONER STEFANICS: Second.

CHAIRMAN CHAVEZ: There's a motion and a second. Any further discussion? Hearing none.

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

**III. C. Recommendation to the Governor of Person for Appointment as State Senator for State Senate District 19, per NMSA 1978, § 2-8D-4(B)(2)(a).
WITHDRAWN**

CHAIRMAN CHAVEZ: So now, before we go into executive session we want to ask Mr. Murphree if he would be willing to come up to the podium. Glad to have you here this afternoon and congratulations on your appointment. I apologize, details.

HAROLD MURPHEE: Thank you to the County Commissioners of Santa Fe to have me here today. My name is Harold Murphree. I am the Democratic nominee for the State Senate for District 19. I am here because each county in my district formally nominates someone to fill a vacant seat and the vacant seat is District 19, the one occupied by Sue Wilson Beffort. She has retired. So each county submits a name and then the Governor chooses among those names who she wants to be in that seat.

First of all, who am I? I am retired from the armed services after 29 years and my district, District 19, is as big as China and Mongolia complained, not quite as big as Ms. Stefanics'. From Edgewood and Clines Corners all the way into Albuquerque, Tijeras, all the way down to the Bernalillo-Valencia County line, and all the way up to Golden.

After retiring from the armed services I decided to retire here to New Mexico because it's, a) the land of enchantment, and b) I have family here. My aunt was in the Navy in World War II. Her barracks-mate at Pearl Harbor was from Albuquerque and said to her, if we live through this and when it's all over, why don't you come out to New Mexico and live? And my aunt replied, her words, well, I'm never going back to Texas, so I'll take you up on that. So in November 1945 at the end of World War II she stepped off the train at the corner of Central and First, walked to her war buddy's house and she knocked on the door and said here I am. And she went to UNM on the GI bill with her war buddy.

She met and married a native and had children and grandchildren and great grandchildren here, so I have blood roots here, so to speak, three generations. [inaudible] In my district, we have land grants with families that go back 300 generations, or at least it seems that way.

A few issues I would like to bring up to you: water. This is New Mexico. We don't have much water and the water we do have we need to keep clean and safe for

drinking. That means our surface and groundwater must be kept safe as well. Education. My cousins in Albuquerque, in APS have found that we are testing. Standardized testing is taking up a lot of our time. I've also found that I am a facilitator for scholarships at East Mountain High School, a charter school, and my observation there is we are testing too much. Let's test less and allow instructors to instruct and allow students to learn. We want high standards but a lot of testing does not necessarily equate to high standards.

Two more issues and then I will conclude. Internet service, we've found that in the East Mountains, lack of good internet service discourages businesses from going out there and staying there, so one of our priorities is to fix that as it were, to attract and keep business. If the infrastructure for the internet is there the businesses will show up.

Last issue is behavioral health. I believe we've underfunded it and I realize that we are in a budget crunch, but I would like to approach the issue of behavioral health from a different aspect. In my adult lifetime I have been involved in three wars, one of which I saw direct action. I came out of that without a scratch but some of my comrades did not. So I believe that those who suffer from PTSD deserve behavioral health services here at the state level as well as the federal level.

So I owe those men and women who didn't come back whole. We owe them, and we, all of us, will see to it that they receive what they need, what they deserve, and what they've earned. Thank you.

CHAIRMAN CHAVEZ: Thank you, Mr. Murphree for being here and for your interest in local government and what local government can do for its citizens.

II. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. **Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, and Discussion of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code, as Allowed by Section 10-15-1(H)(6) NMSA 1978, Including the Following:**
 - a. **Rights-of-Way for County Roads**
 - b. **Proposal Submitted in Response to RFP #2015-0031-PW, La Bajada Ranch Development**
 - c. **Proposals Submitted in Response to RFP #2016-EBP-CM/HR, Employee Benefits for Santa Fe County**
 - d. **Bureau of Land Management's San Pedro Land Management Area**
 - e. **Disputes Arising under the Water Resources Agreement with the City of Santa Fe**
 - f. ***The Board of County Commissioners of the County of Rio Arriba et al. v. The Board of County Commissioners of the County of Santa Fe, State of New Mexico, County of Rio Arriba, First Judicial District, No. D-117-CV-2016-00254***

**g. *State of New Mexico, ex rel. State Engineer, v. Aamodt et al.,*
US District Court, District of New Mexico, No. Civ. 66-
06639 WJ/WPL**

CHAIRMAN CHAVEZ: So now we're moving on. We have a need to go into executive session, so I'll ask the County Attorney to walk us through the list of items for executive session.

GREG SHAFFER (County Attorney): Mr. Chair, the statutory basis for the executive session and the specific items to be discussed are as follows: The basis for the session is threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1(H)(7) NMSA 1978, discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, and discussion of competitive sealed proposals solicited pursuant to the procurement code, as allowed by Section 10-15-1(H)(6) NMSA 1978, including the following, the specific items to be discussed: right-of-ways for County roads, proposals submitted in response to RFP #2015-0031-pw, La Bajada Ranch development, proposals submitted in response to RFP #2016-EBP-CM/HR, employee benefits for Santa Fe County, Bureau of Land Management's San Pedro Land Management Area, disputes arising under the Water Resources Agreement with the City of Santa Fe, *The Board of County Commissioners of the County of Rio Arriba et al. v. The Board of County Commissioners of the County of Santa Fe*, State of New Mexico, County of Rio Arriba, First Judicial District, No. D-117-CV-2016-00254 *State of New Mexico, ex rel. State Engineer v. Aamodt et al.*, US District Court, District of New Mexico, No. Civ. 66-06639 WJ/WPL.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move we go into executive session for the express purpose of discussing the items noted.

COMMISSIONER HOLIAN: Second.

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

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (6, 6 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Not Present
Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

CHAIRMAN CHAVEZ: The only thing I'd like to do is do a time check. Can we estimate that will be needed for executive session so we can let the public know when we will reconvene?

MR. SHAFFER: Mr. Chair, I would estimate a minimum of 90 minutes.

CHAIRMAN CHAVEZ: Okay, so we'll be in executive session and then

we'll come back and reconvene and go into our regular agenda.

[The Commission met in closed session from 1:27 to 4:09.]

CHAIRMAN CHAVEZ: If I could get your attention. We need a motion to come out of executive session.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I move we come out of executive session. Five Commissioners present, County Manager, County Attorney's Office and other staff members.

CHAIRMAN CHAVEZ: So there's a motion. Do I hear a second?

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: To come out of executive session and I would note that we discussed only the items that were noticed on the agenda and no action was taken. So now we want to move into the rest of our afternoon meeting. We need to take a vote on that.

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

CHAIRMAN CHAVEZ: We have a resolution that is time sensitive. If I could ask that we hear that resolution next and then we'll go back into discussion and information items, and then move on to our presentations and proclamations.

III. B. Resolution No. 2016-87, a Resolution Proposing a Countywide Advisory Question for the 2016 General Election Concerning the Enactment of a Countywide Gross Receipts Tax for Behavioral Health Services [Exhibit 1: Final Ballot Version]

CHAIRMAN CHAVEZ: Katherine, do you want to walk us through that?

MS. MILLER: Mr. Chair, today is the last day that the Clerk has to submit our ballots to the Secretary of State, by 5:00 today, so we need to actually make a decision as soon as possible as to whether you would like to add an advisory question on the ballot. This is a non-binding question to the voters as to whether they would support the County Commission imposing up to 1/8 of one percent of GRT for behavioral health services. This is just to get a pulse of what the voters feel and it does not bind the County Commission into imposing any kind of tax. We do have increments available in the hold-harmless GRT and potentially some other increments and we would research that depending on what the Board would like to do.

CHAIRMAN CHAVEZ: I wanted the County Manager to just give us a little bit of outline and I think what I would say in addition to that is that this would tie into the concept of the GO bond asking the voters to approve community health facilities with a strong component for behavioral health. And so with that, I would like to make a motion to approve this resolution, hope for a second and then if there's any discussion that can also take place.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN CHAVEZ: Thank you. So there's a motion and a second. Any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I appreciate you seeking to get some feedback from the public before a potential tax increment so it gives the public a chance to provide that feedback. Logistically, where does the question sit on the ballot? Because I do think there are issues in common with the other matter relative to the health facility but I do think it's important to segregate those items as to not to confuse the voters on the two issues, the two items, one being the facility as a GO bond the other being a potential increment. So I just want to make sure that we segregate the two. Preferably, the GO bond is above this question.

GERALDINE SALAZAR (County Clerk): Chair Chavez, Commissioners, Commissioner Anaya, I will have Steve present. He has the list of the questions on the ballot for this upcoming election.

STEVE FRESQUEZ (Election Bureau): Mr. Chair, Commissioner Anaya, this question will go right after the last general obligation number five on the ballot.

COMMISSIONER ANAYA: So, Mr. Chair, I'm conceptually fine with the intent. I guess what concerns me is the placement on the ballot and any confusion associated with the question. I think it could pose some problems, frankly, relative to the placement on the ballot. And given that fact I think it's important to you, as well as I, who are supportive of the health facility and the mental health facility both, I wouldn't want to confuse voters associated with the question. So is there any way that they could be separated different on the ballot? Otherwise I have some reservations if they're right next to each other.

MR. FRESQUEZ: Mr. Chair, Commissioner Anaya, actually the ballot order is already set in statute, so that is the order that it will be placed.

CHAIRMAN CHAVEZ: So, Commissioner Anaya, I think that what we're going to have to do if this is approved, we're going to have to work very hard to educate and inform the public about the importance of these community health facilities with a strong emphasis on behavioral health. If you look at the memo that's in the packet, related to this resolution. It's estimated that about 2,500 Santa Fe County adults have some sort of serious mental illness, and approximately 30,000 residents of Santa Fe County also have a co-diagnosis which involved drugs and alcohol which adds another layer to that mental challenge or condition that they have.

It's also estimate that approximately 67 percent of those inmates in our care at the Adult and Youth Detention Facilities are also having some mental challenges. So that presents us as a County, being responsible for that adult detention facility with a different set of challenges. So I think as we educate and inform the public about the need, the gap in services, and the funding challenges that we in these community health facilities I think that's how we're going to get around or get ahead of this curve.

COMMISSIONER ANAYA: So, Mr. Chair, I couldn't agree with you more on the comments associated with the challenges and the need to confront those challenges with resources. The bond issue actually puts on the ballot an actual – if it passes by the voters is an actual designation of resources today that's I think pertinent. I think it's appropriate, and I think it's timely. What I'm concerned about is that along with

that question that specifically will allocate dollars to the cause is that the question creates confusion associated with what the timelines are. So I'm coming from the perspective of supporting the overall initiative but very concerned that one might confuse the other and the voter. And so, Mr. Chair, I'll leave it at that.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: So Mr. Chair and Commissioner Anaya, correct me if I'm wrong. So the point you're making, I think, is that people – the voters – are going to vote on the bond issue first, and then they're going to come to the advisory question and if that's correct, then we don't want people skipping voting on the bond issue just to answer the advisory question.

CHAIRMAN CHAVEZ: Well, and the advisory question I think, if it's explained to the public – see the GO bond will fund, if it's approved by the voters, will fund the construction of those said community health facilities, but we have yet to identify the operation and maintenance for those said facilities. So this would do that, in the best scenario. So that's why I thought it would be appropriate to have this discussion now and have it placed on the ballot simply as an advisory question. I can see where the confusion would be but I see no other way to try to fill that funding gap for the operation and maintenance. That's the recurring dollars that we need if the voters approve the community health facilities. Manager Miller.

MS. MILLER: Mr. Chair, I was just mulling over what the Clerk and the County Attorney – the concerns that Commissioner Anaya has, and I understand that the ballot could be confusing. It could be construed, because of the way the questions line up, those two questions would be back to back. So if there were some way to clearly delineate that this is an advisory question only, even though it's title that, make sure that the voter really can see on the ballot, hey, below this line is advisory. If you don't even want to give your opinion you don't have to. And so we were looking at whether we could actually change the heading, change the caption, so that it's clear that the questions above it are actual voting on bond questions and the questions below that caption, so to speak, is merely advisory and a completely separate issue. I don't know if that would help, but we're looking at a way to write the resolution, whether we could print the ballots that way so it doesn't confuse the voters.

CHAIRMAN CHAVEZ: Well, and the language in the resolution does refer to it as a non-binding advisory question. It's not in the title but it's in one of the whereases.

MS. MILLER: Mr. Chair, I understand that, in the resolution. But what would show up on the ballot is what we were trying to target making sure it's distinctly different from the general obligation questions.

MR. SHAFFER: Chair Chavez, Commissioners, Steve Fresquez, our BOE chief is handing out what the questions will look like on the ballot. The issue that Manager Miller raises, we will look into, with our vendor, to see if we can add a heading. We'll go that extra mile. If not, this is the way it will appear on the ballot. So the first – right in the beginning it states County Advisory Question. So we will look into if we can put a header prior to that question.

CHAIRMAN CHAVEZ: That would simply state that it's a non-binding advisory –

MR. SHAFFER: Something simple. There's no guarantees, but we're willing to look into that.

CHAIRMAN CHAVEZ: Commissioner Anaya.

CHAIRMAN CHAVEZ: Mr. Chair and Madam Clerk, the ballot has each item in sequence based on the office that somebody's running for in the case of elections, and in the case of bond issuances it says bond issuance or bond obligation A or B, and then it has a description. And so, yes, I think if there was some way to have a break in the ballot, somehow, through some other language so that there's complete clarity that the voter's not voting on a tax. Along with the bond issuance, I think that's going to be real important. We don't want to confuse the voter and then have the voter not support either endeavor, frankly.

MR. SHAFFER: Chair Chavez and Commissioner Anaya and Commissioners, I agree, and I think even in the future for these types of questions, I think we always have to remember that we state that they are advisory. We remember the last time we did this it was controversial, and what we're doing is we're seeking advice from the public. So that's important in itself, that it's an advisory question. Eventually people, voters, will recognize that clearly. But yes, we're still – this is still new for us. So I think we will look to see if our vendor, we could put a header. We'll also look at statute and if we can do that we will do that.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Thank you, Commissioner Anaya. Any other questions? Okay, so we have – there's a motion and a second. Any further discussion? Hearing none.

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

[Clerk Salazar provided the numbers for the approved resolutions and ordinances throughout the meeting.]

III. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS/URGENT ACTION ITEMS

- A. **Matters from County Commissioners and Other Elected Officials**
1. **Elected Officials Issues and Comments**
 2. **Commissioner Issues and Comments**

CHAIRMAN CHAVEZ: Okay, I'm going to go to Commissioner Holian first. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have a question for Madam County Clerk and that is how do we prevent computer hacking during an election? Or do we make any efforts to do that? Do we make any efforts to find out whether it's occurring?

MR. SHAFFER: Well, what I'd like you and all the Commissioners to know, Chair Chavez and voters in New Mexico is that we're very fortunate in New Mexico. We are a paper ballot state.

COMMISSIONER HOLIAN: The whole state?

MR. SHAFFER: Yes. Meaning that every voter must mark a paper ballot. After it's marked then it's entered into a machine that scans and counts the vote. We have many checks and balances. Several canvassing processes. The first canvassing process is the evening of an election, and that would be the poll workers. After that the Clerk's staff conducts the canvass for the Clerk. After that there is a canvass at the Secretary of State's level.

In addition to that there is also an auditor that issues a statement and a direction of what we have to audit. So there are many checks and balances. We don't simply enter our choices of our votes electronically, we use a paper ballot. If anything should ever occur we can recreate an election because we have paper ballots. So the system cannot be hacked in total. One portion may; we've never seen that, but there are many checks and balances and the fact that we are a paper ballot state provides us that opportunity during an audit process and also if we're told we must recount. So that's the beauty of our process in New Mexico.

COMMISSIONER HOLIAN: Well, thank you very much for that information and I hope that our voters understand that we are secure.

MR. SHAFFER: Yes, I've talked to a lot of people about this.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN CHAVEZ: Commissioner Stefanics, did you have anything that you would want to discuss under Matters from County Commissioners?

COMMISSIONER STEFANICS: No, thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: No, thank you, Mr. Chair.

III. D. Presentations

1. Recognition and Acknowledgment of the Santa Fe County Sheriff's Posse and Members of the Sheriff's Posse Board and Resolution No. 2016-64 **TABLED**

CHAIRMAN CHAVEZ: We have presentations but there was one presentation, Commissioner Anaya, that you had wanted to discuss, a recognition and acknowledgement to the Santa Fe County Sheriff's posse and members of the Sheriff's posse board, but you'll bring that back at a future meeting.

COMMISSIONER ANAYA: Yes, Mr. Chair. I'd move to table. They had to leave, but we'll definitely bring them back. So I'd move to table under Presentations, item B. 1.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: So there's a motion and a second. Any discussion?

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

- III. D. 2. **Presentation on the New Mexico Department of Workforce Solutions Disabled Veteran Outreach Program** [*Exhibit 2: Potential Veteran Initiatives*]

COMMISSIONER ANAYA: Yes, sir, Mr. Chair, thank you. We have Mr. Hernandez here. I'm going to defer to him relative to Disabled Veteran Outreach program through Workforce Solutions and figure out what other options that veterans have and how we might work together with them collectively as a Commission, as a County. Thank you, Mr. Chair. Mr. Hernandez.

PHILIP HERNANDEZ: Thank you, Commissioners, for the opportunity to come up here and speak about veterans and some possible initiatives that we can adopt to help our veterans in Santa Fe County and maybe those that come to Santa Fe County. So what I have put together is a list of some ideas. Some are proposals from other veterans that were brought to my attention. I did canvas other veterans to see what they thought, things that the County can do to help out veterans in Santa Fe County.

So the first one that we're going to talk about is property tax exemptions in Santa Fe County. Currently the State has a \$4,000 reduction in taxable value and that's for veterans, and they also have the 100 percent service connected disabled veterans property tax exemption which completely waives property taxes for veterans who are 100 percent disabled. But what we don't have is any middle ground and I think that's something that the County can address and is within the realm of your powers.

A couple other initiatives that were brought to my attention were computers or computer classes for veterans programs, or for veterans so that that way they can use computers more efficiently. Me being in the employment field and helping veterans I ran into Vietnam veterans, Korean War veterans who are just turned off to using computers and those are skills that we can help bring them up to par because those make them basic skills deficient and we want to bring them up to speed. We don't want technology to leave them behind. So that's one area that they brought to my attention as well.

Minor home repair programs, wintering, roofing repairs. I've encountered veterans who are disabled and need assistance with either roofing or they need a ramp and some of the obstacles I've run into is you have to find a 501(c)(3) and then find funding. Home Depot has funding to do that but it has to be a 501(c)(3) who's been managing a certain x-amount of dollars for x-amount of years, and that's not really an easy thing for me to find, especially in this area.

So developing a program like that would be awesome. I think it would be great for veterans.

Another idea, give veterans business preference for County contracts. I know the VA does it. They set aside a certain percentage and they target that and they award, they try to meet that percentage every year in awarding veteran-owned businesses contracts. And also maybe even providing economic incentives to veteran-owned businesses so that way they can relocate to Santa Fe County and operate out of there. I think that can provide some additional taxes for you guys as well. Some more funding for the County.

Another idea was the Santa Fe County land program where you can offer veterans a small down payment on land or on a home to help them. A lot of veterans come back and they don't exactly have a lot of money but they've done well and they have their papers. Well, this might be an incentive for them to move into the county and to help them stabilize their lives.

Veteran hiring initiative, which I know the City does and that's where they give

veterans who are qualified candidates a guaranteed interview. They don't guarantee them a position but they guarantee them an interview for that position that they're qualified for. So if they meet the job qualifications then they at least get seen.

One that I didn't put on the paper was developing a Santa Fe County Veterans Commission or however you want to word it, but basically a group of veterans that could bring more ideas in the future to help veterans, because I think this isn't something that I could just bring a list to you and we can work on this today and that's it. I think it's something that needs to be continuously worked on going forward. I appreciate your guys' time and consideration on all this.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya, and then I'll go to Commissioner Stefanics.

COMMISSIONER ANAYA: So Mr. Hernandez, I know you and I have had discussions leading into this discussion and I'll just upfront thank you for coming forward. Thanks to you and all the people that work with veterans and thank those people that are veterans for the service that they provided to the country. I've been supportive of veterans initiatives long before I ever sat in this chair and I will be long after. And so while I'm here in this chair and this Commission has worked to not only acknowledge veterans but try and put some teeth into helping veterans, which is the bottom line that you bring up in several of the initiatives that you have before us.

Without getting into commenting on each item, there are aspects and the Assessor's Office and other entities within the County or that the County supports that feed into a lot of what you've provided before us and help and will continue to help. But I think the operative point is what you said at the end is that we want to create a continuous, ongoing relationship and partnership and that we figure out which of these areas do we expand upon, which of these do we isolate, which of these do we focus on and put our energies in. And maybe it's all of them.

But what I think from my perspective that's important at this point is that we put you in direct contact with the Manager, with our Assessor and our other departments to make sure we have a comprehensive discussion about opportunities that exist and augment what we have before us, and then figure out going forward what that Commission might look like if we move in that direction, or maybe even a potential office of veterans affairs that the County might entertain.

And so I'm open to all those opportunities and I think at this time it's going to be important to sit down and isolate what we have before us, put you in contact with the Manager, our other elected offices, and let's come up with a short-term plan that can help veterans with challenges they face right now and every day, and then let's figure out an initiative that helps us build that long-standing continuous relationship over time.

I can tell you that there are many veterans organizations as you know yourself. Our interest isn't to compete in any way, duplicate in any way, but rather coordinate and augment where we can those existing services that are helping the veterans at their highest potential. And so with that, Mr. Hernandez, thank you so much for coming. We're going to continue this relationship and the dialogue as this Commission has in the past for veterans and figure out where we can advance from here. But you can take it from my work before sitting here, sitting here now, and long after I'm gone that I'm fully

committed to not only appreciating what veterans do but doing things that help them financially, emotionally, mentally, not only themselves but their families as well, in all aspects – education, healthcare, whatever those needs might be. So thank you, Mr. Chair, and thank you Mr. Hernandez.

MR. HERNANDEZ: Thank you, Commissioner Anaya, Commissioners, for giving me time to speak.

CHAIRMAN CHAVEZ: Commissioner Stefanics and then Commissioner Roybal.

COMMISSIONER STEFANICS: Yes, thank you. Thank you very much for being here today. When I was in a NACo workshop a year ago in Salt Lake City we saw a model specifically for veterans that utilized the federal government services, the state government services, the state Agency on Aging, the local county and the local city all working together so that if a veteran walked in anywhere the computer was interfaced to sit down a person and get them into a program at any governmental level. It should not be hard to do.

It would take our cooperation. It would take the initiative of some entity to do this, but it really spanned all levels of government. And I was very impressed and some of the veterans I talked to felt like they were being paid attention to as a whole human being, not just go here, go over there, go over here.

On a social note I wanted to mention that the veterans' matanza is this weekend, this Saturday from 4:00 to 9:00 at the Santa Fe Fairgrounds, and this is the 50th anniversary of the Vietnam War. There were 500 individuals at the matanza last year. They expect close to 800 people. It is veterans from around northern New Mexico and I recognize that one night does not take care of people's needs but it certainly brings together people and allows people to be recognized for their service. So hopefully the Commissioners and yourself will pass that work along but perhaps we could work together as a County Commission on one of these NACo initiatives that tries to bring together different levels of government to help veterans. Thank you.

CHAIRMAN CHAVEZ: Commissioner Roybal.

COMMISSIONER ROYBAL: I already have my tickets for the matanza this weekend so I look forward to going to that. But I also want to say to Mr. Hernandez thank you for bring all these ideas and actions, asking for our help forward. You probably put a lot of hard work into these ideas and I really appreciate it. I just am going to see whatever I can do to help, like Commissioner Anaya said, to identify the biggest concerns and needs that the veterans need and work to provide some services for them. So I appreciate everything that you've brought forward today. Thank you, sir.

MR. HERNANDEZ: Thank you.

CHAIRMAN CHAVEZ: Manager Miller, did you have a comment that you wanted to make.

MS. MILLER: Yes, Mr. Chair, Mr. Hernandez. I think you have some great ideas here and I'd like to actually invite you to meet with me and the staff. We actually do some of these already, specifically the veteran hiring initiative, and we also have other programs that are available to veterans and low income individuals that I think maybe just connecting the veteran community; some of those programs would be really helpful as well. And so if you could make sure you leave me a card we'll set up a meeting

and connect you with the right departments.

MR. HERNANDEZ: Yes, definitely. Thank you.

CHAIRMAN CHAVEZ: Commissioner Holian, did you have anything you wanted to add at this time?

COMMISSIONER HOLIAN: Well, I have a question. Thank you, Mr. Chair. Thank you for your presentation and your ideas. I know that one of the things that veterans deal with that's really serious is many, many come back with PTSD, and that's a topic that I'm very interested in because some very good friends of our lost their 25-year-old son to PTSD. So I'm wondering if you've done any research into the behavioral health needs of veterans and whether they really are getting the care that they need, whether there's more that we should be doing? I wonder if you could comment on that.

MR. HERNANDEZ: So to touch on that, as far as dealing with the VA here in Santa Fe specifically, there's been a little bit of a struggle there as far as keeping and retaining some psychologists and psychiatrists there. I believe that when the psychiatrist just left and came back recently and since I've been going there there's already been two psychiatrists. One has left and the one that was there recently, she had an accident where she slipped and bumped her head and she was out of commission. So essentially this community at the VA has been without a psychiatrist, without someone to speak with from Veterans Affairs for quite some time. Now, I don't know if she's back finally. I still have to go over there. I've been in training and helping veterans but I'm going to make my way over there.

As far as other community resources, there is some people available. I myself take that time with veterans if they come into my office and they need someone to talk to, by all means I'm not a counselor or social worker but me being a veteran and having deployed to Afghanistan and Kosovo I take that to where we can find some middle ground and I identify with individual and then I work it out. There's also other veterans – there's other psychiatrists and social workers. One of them is my supervisor, Larry Campos. He has his masters in social work and he'll do the same thing. He'll talk to a veteran if they need to. There's a veterans hot line but I don't really believe in that. I really believe in that one-on-one interaction and getting to know that other veteran.

So there is some resources out there and I like to include myself on that list, as far as resources for veterans' contacts. So even if there's anyone in attendance today who has a veteran, family member, friend or even just someone that they know in passing and they need help, you can send them to me and we'll get it figured out.

COMMISSIONER HOLIAN: Thank you. And I also feel that there should be training like for our law enforcement personnel in how to deal with a person who has PTSD because if they don't know what they're doing they can inadvertently make the situation worse, I think. So that's another need, I think, in our community. Thank you.

MR. HERNANDEZ: That's a good point, Kathy, and probably there can be some middle ground between either the City and the County or the state where you can have someone that's on call and that's probably a position that could be developed where it's specifically for veterans who have PTSD and that person can show up. Because the triggers for every veteran are different. They're somewhat similar but it can be one thing for one veteran and another and it changes on a personal basis. So that would be good. That would be a great initiative as well to add to this list.

COMMISSIONER HOLIAN: Well, thank you for your insight.

MR. HERNANDEZ: Thank you.

COMMISSIONER ANAYA: Mr. Chair, I just wanted to ask us to acknowledge all the veterans here today, if they could please stand. Any veterans that are with us today. And also acknowledge veterans who are listening in or maybe streaming into the meeting. Let's give, if we could, Mr. Chair, them another round of applause for their service and commitment to serve this country, our United States. Thank you, Mr. Chair.

III. D. 3. Approval and Presentation of a Proclamation Proclaiming the Week of September 19 – 26, 2016, as SepticSmart Week

COMMISSIONER STEFANICS: Thank you, Mr. Chair and I will move approval once I read it. It's very short. It's in your books with some other informational items. Santa Fe County Proclamation proclaiming the week of September 19 to September 23, 2016 as SepticSmart Week.

Whereas, proper septic system use and routine care are vital to protecting public hearing, preserving our highly valued groundwater, lakes, streams and waterways, and avoiding costly repairs that can result from neglect; and

Whereas, approximately 93 percent of homes and businesses in Santa Fe County are served by septic systems; and

Whereas, the US Environmental Protection Agency's SepticSmart program educates homeowners about the need for proper septic system use and routine maintenance; and

Whereas, the residents and the environment of Santa Fe County benefit from properly designed, installed, operated and maintained septic systems;

Now, therefore be it proclaimed by the Board of County Commissioners of Santa Fe County that the week of September 19 through 23, 2016 is SepticSmart Week.

Mr. Chair and Commissioners, I would move for approval.

COMMISSIONER HOLIAN: Second.

COMMISSIONER STEFANICS: And Mr. Chair, I have a comment.

CHAIRMAN CHAVEZ: Yes.

COMMISSIONER STEFANICS: Okay. So in your book there are some green, blue, yellow handouts behind tab 3, and we also have the same handouts for any member of the public to look at to not only look at how they could be a good septic owner, but there's also a black and white description of the septic tank, the system, and what you need to do for appropriate upkeep. And of course one of the big issues about SepticSmart is that we don't pour oil down our drains or let very large pieces of cloth, rags or other objects down our drains. And so that's my only comments. Thank you.

CHAIRMAN CHAVEZ: Well, thank you for bringing this to our attention, Commissioner Stefanics, because we're talking about protection of our groundwater if we're not able to maintain our septic systems adequately, then that jeopardizes, eventually could jeopardize our groundwater. So thank you for bringing this to our attention. Any other comments on this item? There's a motion and a second.

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

III. D. 4. Approval and Presentation of a Proclamation Proclaiming September 15 through October 15, 2016, as Hispanic Heritage Month

CHAIRMAN CHAVEZ: The next proclamation is proclaiming National Hispanic Heritage Month. This is the period from September 15th through October 15th, and we want to recognize the contributions that Hispano- and Latino-Americans have made to our country. The observation started in 1968 under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period, which is what we're recognizing now, September 15th and ending on October 15th.

It was enacted into law on August 17, 1988 and on the approval of public law it's 100-402. So if I could, I distributed proclamations and in my standard form I would like all of us to read this into the minutes. So it reads Santa Fe County Proclamation proclaiming the week of September 15 through October 15, 2016 Hispanic Heritage Month.

Whereas, during National Hispanic Heritage Month from September 15 to October 15, 2016 we recognize the contributions made and the important presence of Hispano- and Latino-Americans to the United States by celebrating their heritage and culture;

COMMISSIONER ROYBAL: Whereas, Hispanics have had a profound and positive influence on our country through their strong commitment to family, faith, hard work and service;

COMMISSIONER STEFANICS: Whereas, they have enhanced and shaped our national character with century-old traditions that reflect the multi-ethnic and multi-cultural customs of their community;

COMMISSIONER ANAYA: Whereas, Hispanic Heritage Month, whose roots go back to 1968 begins each year on September 15th, the anniversary of independence of five Latin American countries – Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, additionally Mexico, Chile and Belize also celebrate their independence days during this period.

COMMISSIONER HOLIAN: Whereas, the term Hispanic or Latino refers to the people, nations and cultures that have a historical link to Spain regardless of race. On the 2010 census form people of Spanish, Hispanic and/or Latino origin could identify themselves as Mexican, Mexican-American, Chicano, Puerto Rican, Cuban or another Hispanic, Latino origin. And

CHAIRMAN CHAVEZ: Whereas, today, 55 million people or 17 percent of the American population are of Hispano, Hispanic, or Latinics – and I didn't make this up. Latinics is new term that's used now to express our interest in being inclusive with all cultures across gender lines, sexual preference or any other line that there is to cross. It's really about being inclusive as we move forward. This represents a significant increase from 2000 which registered the Hispanic population at 3.53 million, or 13 percent of the total US population.

Now, therefore be it proclaimed by the Board of County Commissioners of Santa

Fe County that September 15 through October 15, 2016 be National Hispanic Heritage Month. Approved adopted and passed on this 13th day of September 2016, signed by all of the Commissioners, the County Attorney, County Manager and the County Clerk.

So having read this I would gladly move for approval.

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: And thank all of you for helping me to read this. There's a motion and a second.

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

III. D. 5. Approval and Presentation of a Proclamation Acknowledging Behavioral Health Needs for the Hispanic and Latino Community

CHAIRMAN CHAVEZ: So this next proclamation ties into a lot of the discussion that we've had regarding behavioral health needs and gaps that we see in our community. It recognizes the commitment and the contribution that Hispanos and Latinos have made across the board. It mentions the National Latino Behavioral Health Association and we have someone in attendance with their organization, Fred Sandoval. If he would please come forward as we are reading this proclamation because it does mention your efforts.

So the proclamation reads Santa Fe County Proclamation acknowledging behavioral health needs for the Hispanic and Latino community.

Whereas, in March 2000 the Substance Abuse and Mental Health Administration, also known as SAMHSA and its center for mental health services acknowledge the growing mental health service needs of a rapidly growing Hispanic Latino community by sponsoring a national congress for Hispanic Mental Health.

COMMISSIONER ROYBAL: Whereas, SAMHSA determined the services must be more accessible, appropriate and responsive to the needs of the Latino community and declared the needs for the plan to serve as an heirloom for the next generation.

COMMISSIONER STEFANICS: Whereas, the aim of the Hispanic Congress was to create a vision for Latino mental health for the new century.

COMMISSIONER ANAYA: Whereas, this conference brought together national Latino leaders in behavioral health research and services, advocates, customers and family members to define critical issues in behavioral health services to Latinos. The group recommended as its top priority the need for a single voice to address the mental health and substance abuse issues facing the Latino community.

COMMISSIONER HOLIAN: Whereas, in September of 2000, a steering committee of the National Congress met and officially formed the National Latino Behavioral Health Association as its single voice.

CHAIRMAN CHAVEZ: Whereas, in support of the NLBHA, the National Latino Behavioral Health Association, and in giving back to his community, Jerry Lopez, a native of Santa Fe, New Mexico who has reached a pinnacle of musical success which reaches international, national, state and local acclaim, Mr. Lopez will be sponsoring a

charity event to raise scholarships for New Mexico Latino college students pursuing a college degree in the behavioral health field.

Now, therefore be it proclaimed that by this proclamation the Board of County Commissioners of Santa Fe County acknowledges behavioral health needs for the Hispanic and Latino community. Approved, adopted and passed on this 13th day of September. Again signed by all the County Commissioners, the County Attorney, County Manager and the County Clerk.

Mr. Sandoval, I want to give you an opportunity to at least share a few thoughts with us this afternoon. Tell us about the event coming up and the need for the scholarship fund. We talked about the gap in psychiatrists and the need for people to go into the behavioral health field. So the podium is yours.

FRED SANDOVAL: Thank you, Mr. Chair, members of the Commission, County leadership. It's great to see you all, first of all. It's been some time since I've had a chance to visit with each of you personally, but Mr. Chair, I'm very grateful to be here today to say two things. One is that I was a member of that Latino Mental Health Conference in the year 2000 that was supported by the administration of President Bill Clinton, and since that time we've continued to do work across the country and it's fortunate that I ended up accompanying not just the president of that board and now the executive director, but get to work out of my home state, virtually. So it's kind of nice to be able to have the connection across the country but also to do the work on the streets in our communities with our families, because at the end of the day, the most significant thing is that whatever any of us do, either as policy implementers, policy makers, such as yourselves or members of the community is that we should do that to support our family members.

The way our organization does that, and it's a very unique way as it relates to how Latino music kind of crosses, transcends many of these areas, both borders and sectors and genres, how we do that is we invite New Mexico's premier Latino artist, Jerry Lopez, to come home from Las Vegas, Nevada to perform here at the Lensic, right across the street, and we do that as a charity event so that we can raise funds for scholarship for New Mexico Latino students to go on to college to pursue a degree in behavioral health – social work, psychology, counseling and therapy – so that they in turn can be members of the workforce and in turn serve our families and our kids and our communities.

We're very fortunate and blessed. We sell that out every year. We want to extend the opportunity for you of course to come and join us because we will actually ask the Chairman of the Commission to actually be on stage with us to present this proclamation to Jerry Lopez on Friday, September 23rd, and I invite you because at the end of the day, we're hoping that we can also recruit some of your neighbors and residents from your communities so that those students can apply for this scholarship fund, no matter where they go to school, whether it's in Espanola, Las Cruces, Santa Fe, Clovis, Silver City, wherever there's a university that promotes and provides those degrees, we want to make sure this is open to all of our communities. Thank you very much for the opportunity to speak briefly. Thanks again.

CHAIRMAN CHAVEZ: Well, Mr. Sandoval, thank you for your patience and for waiting around for us. I know you were here earlier and you stuck around and came back. I know you're committed to the issue and I gladly look forward to the event

and taking the proclamation to read it there at that event as well. And we'll have one copy for you for NLBHA and one copy for Jerry Lopez.

MR. SANDOVAL: Wonderful. Thank you very much.

CHAIRMAN CHAVEZ: Yes. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Sandoval, before you depart, I just want to say hello. We were talking about multiple definitions of the same community and when Mr. Sandoval came up I gave him the universal greeting hello. But good to see you. You've been an advocate, a community leader, for many, many years. He has his own musical prowess of his own that he's very skilled in performing in his own right. But thank you for your continued service where you're at and where you've been and where you're going to continue to go and help the community. But it's much appreciated and it's good to see you.

MR. SANDOVAL: Likewise, Mr. Commissioner, and more importantly I can reflect on those years probably now, about 16 years ago where with your support and your leadership we actually got to work very closely together on the very issues and subjects related to the community health facilities bond election and the issues around behavioral health. So it's good to see the Commissioners kind of really bolstering up that leadership. So nice to see you again.

CHAIRMAN CHAVEZ: Thanks again. We need a motion on that? So I'll go ahead and make a motion then to approve this presentation.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: Proclamation actually. So there's a motion and a second.

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

IV. CONSENT AGENDA

A. Miscellaneous

1. **Request Authorization of the Use of \$149,000 in District 2 Capital Funds for Capital Improvements (Finance Division/Carole Jaramillo)**
2. **Request Approval of Amendment No. 3 to Lease Agreement No. 2010-0066-CSD/VO between Santa Fe County and Esperanza Shelter for Battered Families, Inc. for the Lease of Office Space Located at 3130 Rufina Street in Santa Fe, New Mexico, and Authorization for Amendment No. 3 to be Submitted to the State Board of Finance for Approval (Public Works/Terry Lease)**
3. **Request Approval of Amendment No. 2 to Lease Agreement No. 2010-0165-CSD/VO between Santa Fe County and Santa Fe Recovery Center, Inc. for the Lease of Office Space and Property Located at 4100 Lucia Lane in Santa Fe, New Mexico, and Authorization for Amendment No. 2 to be Submitted to the State Board of Finance for Approval (Public Works/Terry Lease)**

4. **Request Approval of Amendment No. 4 to Lease Agreement No. 2010-0447-CSD/PL between Santa Fe County and Santa Fe Mountain Center, Inc. for the Lease of Office Space and Property Located at 1160 Parkway Drive in Santa Fe, New Mexico, and Authorization for Amendment No. 4 to be Submitted to the State Board of Finance for Approval (Public Works/Terry Lease)**
5. **Request Approval to Purchase Two (2) Tandem Dump Trucks with Snow Removal Equipment in the Amount of \$420,695.40 Utilizing the Houston Galveston Area Council Cooperative Purchasing Agreement Pursuant to Section 1 of Ordinance No. 2012-5 of the Santa Fe County Purchasing Regulations and Policies and Granting Signature Authority to the County Manager to Sign and Execute the Purchase Order (Purchasing Division/Bill Taylor)**
6. **Request Approval of Amendment No. 7 to Engineer Agreement No. 2012-0055-UT/MS between Santa Fe County and Molzen Corbin in the Amount of \$49,755, Exclusive of GRT, for the Lamy Junction Waterline Design Project and Authorization for the County Manager to Sign the Related Purchase Order and Execute the Contract Amendment (Purchasing Division/Bill Taylor)**
7. **Request Approval of Indefinite Quantity Price Agreement No. 2017-0023-FD/IC between Santa Fe County and ROI Fire and Ballistics Equipment Incorporated for MSA Safety Equipment for the Santa Fe County Fire Department and Authorization for the County Manager to Sign the Related Purchase Orders (Purchasing Division/Bill Taylor)**
8. **Request Approval of Amendment No. 2 to Indefinite Quantity Price Agreement No. 2014-0297-B-CORR/IC between Santa Fe County and Bob Barker Company Incorporated for Inmate Clothing, Hygiene, Linen and Mattresses for the Santa Fe County Corrections Department and Authorization for the County Manager to Sign the Related Purchase Orders (Purchasing Division/Bill Taylor)**
9. **Request Approval of Memorandum of Agreement between Santa Fe County and the North Central Regional Transit District To Provide For the Contribution of Funding for the Mountain Trail Route (Growth Management Department/Ray Matthews)**
10. **Request Approval of Amendment No. 1 to Indefinite Quantity Price Agreement No. 2015-0005-A-PW/PL With San Bar Construction and Amendment No. 1 to Agreement No. 2015-0005-B-PW/PL With Highway Supply Company, Removing the \$250,000 Compensation Threshold, Exclusive of GRT for**

Road Striping Services and Request Authorization for the County Manager to Sign the Related Purchase Orders (Purchasing Division/Bill Taylor)

11. **Request Approval of Change Order No. 2 in the Amount of \$65,251, Exclusive of GRT, to Construction Contract No. 2016-0169-PW/MM between Santa Fe County and AAC Construction for the La Cienega Waterline Extension Project and Authorization for the County Manager to Sign the Related the Purchase Order (Public Works Department/Mark Hogan)**
12. **Request Approval of Amendment No. 1 to Cooperative Agreement No. S100282 between Santa Fe County and the New Mexico Department of Transportation to Extend the Term of the Agreement for Construction of the Santa Fe Rail Trail (Public Works Department/Mark Hogan)**
13. **Request Approval of Change Order No. 5 to Construction Agreement No. 2015-0366-PW/MM Between Santa Fe County and AAC Construction LLC. In the Amount of \$13,961.51 Exclusive of GRT For the Vista Redonda Road Improvements and Authorizing the County Manager to Sign the Purchase Order and Execute the Contract Amendment (Purchasing Division/Bill Taylor)**
14. **Request Approval of Memorandum of Agreement between Santa Fe County and the City of Santa Fe for Fiscal Year 2017 Funding for the Jointly Operated Santa Fe Film Office (County Manager's Office/Tony Flores)**
15. **Request Approval of an Amended Board of County Commissioners' Committee/Board Membership Matrix through December 31, 2016 (County Manager's Office/Tony Flores)**

B. Resolutions

1. **Resolution 2016-88, a Resolution Declaring the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Year 2018/2019 Transportation Alternatives Program ("TAP") and Acknowledging the Availability of County Funds for the 14.56% Local Match and Reimbursable Construction Costs Required by TAP for the Construction of Bike Lanes on Avenida del Sur (Growth Management Department/Ray Matthew)**
2. **Resolution 2016-89, a Resolution Declaring the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Year 2018/2019 Transportation Alternatives Program ("TAP") and Acknowledging the Availability of County Funds for the 14.56% Local Match and Reimbursable Construction Costs**

- Required by TAP for Phase IV of the Arroyo Hondo Multi-Use Trail (Growth Management Department/Ray Matthew)
3. **Resolution 2016-90, a Resolution Declaring the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Year 2018/2019 Transportation Alternatives Program (“TAP”) and Acknowledging the Availability of County Funds for the 14.56% Local Match and Reimbursable Construction Costs Required by the TAP for the Construction of Segment 5 of the Santa Fe Rail Trail (Growth Management Department/Ray Matthew)**
 4. **Resolution 2016-91, a Resolution Declaring the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Year 2018/2019 Recreational Trails Program (“RTP”) and Acknowledging the Availability of County Funds for the 14.56% Local Match and Reimbursable Construction Costs Required for the Construction of Segment 5 of the Santa Fe Rail Trail (Growth Management Department/Ray Matthew)**
 5. **Resolution 2016-92, a Resolution Adopting Local Government Road Improvement Fund Project No. CAP-5-174(470) for Pavement Rehabilitation Improvements of County Roads Throughout Santa Fe County, New Mexico and Replacing and Superseding Resolution No. 2016-75 (Public Works Department/Robert Martinez)**
 6. **Resolution 2016-93, a Resolution Adopting Local Government Road Improvement Fund Project No. SB-7806(103)17 for Pavement Rehabilitation Improvements of County Roads Throughout Santa Fe County, New Mexico and Replacing and Superseding Resolution No. 2016-76 (Public Works Department/Robert Martinez)**
 7. **Resolution 2016-94, a Resolution Adopting Local Government Road Improvement Fund Project No. SP-5-17(184) for Pavement Rehabilitation Improvements of County Roads Throughout Santa Fe County, New Mexico and Replacing and Superseding Resolution No. 2016-77 (Public Works Department/Robert Martinez)**
 8. **Resolution 2016-95, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) to Budget the 2017 Youth Conservation Corps Commission (YCC) Award to the Santa Fe County Fire Department / \$149,103 (Finance Division/Carole Jaramillo)**
 9. **Resolution 2016-96, a Resolution Requesting a Budget Increase to the Federal Forfeiture Fund (225) to Budget Cash Carryover / \$ 5,000 (Finance Division/Carole Jaramillo)**

10. **Resolution 2016-97, a Resolution Requesting a Budget Transfer from the General Fund (101) to the Corrections Operations Fund (247) for Additional Funding for Medical Malpractice Insurance / \$134,000 (Finance Division/Carole Jaramillo)**
11. **Resolution 2016-98, a Resolution Requesting a Budget Increase to the Emergency Communications Operations Fund (245) for the Procurement of Consultant Services for the Development and Selection of the Public Safety Land Mobile Radio (PSLMR) System for Santa Fe County and the City of Santa Fe / \$200,000 (Finance Division/ Carole Jaramillo)**
12. **Resolution No. 2016-99, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) to Budget Extension Funding Awarded Through the HIDTA Grant Program / \$5,659.71 (Finance Division/Carole Jaramillo)**

CHAIRMAN CHAVEZ: So now we go on to the Consent Agenda and I'm not sure if we approved that earlier or not. Is there anyone that wants to pull anything off Consent at this time?

COMMISSIONER ANAYA: Did you approve it? I don't think you did. I have several quick comments, Mr. Chair, if I could.

CHAIRMAN CHAVEZ: Yes, go ahead.

COMMISSIONER ANAYA: So on item 6, Ms. Miller, or whoever wants to address it, speaks of the engineering agreement with Molzen Corbin for the water design project at the Lamy Junction. County you just give me a snapshot as to where that overall project is? I think it's a good project. It's an expansion of our system east and it's going to provide coverage in that Eldorado-Cañoncito-Apache Ridge region.

MIKE KELLEY (Public Works Director): Mr. Chair, Commissioner Anaya, first time at the podium for me. My understanding of the project at the Lamy Junction is about 60 percent designed, Commissioner Anaya. We met with Molzen Corbin some time ago and they identified some of the additional needs in the contract. So we're 60 percent designed and the funding is there in the budget, so we are requesting their additional ask.

COMMISSIONER ANAYA: Thank you, Mr. Kelley, Mr. Chair. the other question I have relative to the memorandum of agreement and maybe you could speak to this, Mr. Chair, for the NCRTD, for the mountain trail route that we've provided support to. Is there any additional information you could just provide?

CHAIRMAN CHAVEZ: The only thing I would add, Commissioner Anaya, is that this was discussed at our RTD meeting on Friday. All of the other partners have agreed to their contribution. Our contribution will be the same as last year to keep the mountain trail route in operation. The numbers have been very good on the mountain trail route. They're only increasing, especially during the summer months, and the other report that I think you might be interested in is that the La Cienega and La Cieneguilla trial route is also doing very well.

COMMISSIONER ANAYA: Excellent. I appreciate the update, Mr. Chair and just note that the mountain trail route is the route that goes to the ski basin. Correct?

CHAIRMAN CHAVEZ: That's correct. Yes.

COMMISSIONER ANAYA: And we're working that in partnership with the NCRTD and the City of Santa Fe, correct?

CHAIRMAN CHAVEZ: Yes. And with Rio Metro, I believe, also made a contribution. Ski Santa Fe has made a contribution as well and is considering that as we move forward. So we do have the public-private partnership still in place for that mountain trail route. We also have – we were also able to include the bike racks on those buses so the biking community is really happy about that.

COMMISSIONER ANAYA: So we can ride up the hill and I can coast back down.

CHAIRMAN CHAVEZ: Yes, sir.

COMMISSIONER ANAYA: Okay. Thank you, Mr. Chair. On that, going to the change order #2 is a continuation of the project with La Cienega and the water line extension project. I just want to note that on the record for \$65,251. And then under resolutions, if I could, Mr. Chair, I'd like to see if Mr. Kelley or Mr. Martinez could just – I think I could do it on the record but if you could just help with some clarification, just so I make sure I don't make any incorrect statements. But items 5, 6 and 7 deal with our local government road fund projects, which are typically projects that we fund countywide that assist us in our road projects. There's Robert as well. If you could just provide a snapshot, either one of you, of the local government road fund and the project. You don't have to get into detail on each project but just talk about the scopes so people understand the gravity of this program and how it helps our constituents and citizens throughout the county.

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioner Anaya, these resolutions were approved the previous month but there were some errors that were caught that were accounting errors – a wrong number by the NMDOT and then the County rounded up on some of the dollar amounts. These were previously approved but this is the LGRF which consists of the CAP SB and SP grants that provide local governments an opportunity to projects, pavement preservation treatments.

We're utilizing these grants to do pavement preservation treatments throughout the county and we are using our PASER rating system to determine which roads will receive these improvements or maintenance treatments, and they range all the way from Tierra del Oro to down south to Martin Road, to – the name is escaping me right now but these are pretty much throughout all of the districts throughout all of the county.

COMMISSIONER ANAYA: Thank you, Mr. Chair and thank you, Mr. Martinez. A couple more, Mr. Chair.

CHAIRMAN CHAVEZ: Actually, Commissioner Anaya, Mr. Martinez, on that point, Commissioner Anaya, I do appreciate you highlighting this because there's a lot of work being done through these agreements and they're listed as pavement preservation projects and I'm going to list – I'm going to read a list of projects that's just in one of these resolutions because it is countywide.

We have Blue Jay Drive, beginning at Camino La Tierra, Cosmo Circle, also beginning at Camino La Tierra, Dogwood Circle to East Wildflower Drive, East Wildflower Drive to Camino La Tierra, Blue Jay Drive, Elk Circle, Foxtail Circle. So it's pretty comprehensive. It's a long list of projects. I know a lot of these have been in your shop. You've been working on these. We're now bringing all of these forward through these resolutions as part of this funding source. So I think it's good that we highlight this at this time and reinforce the public that we have a hardworking staff and we pay attention to our roads and we're very diligent about being pro-active and doing work ahead of time so we save money. That's the PASER report that you talked about earlier. So thank you, Mr. Martinez. Thank you, staff, Mike Kelley, for all the work that you do. Commissioner Anaya, back to you.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I'd now go to item 8 under Resolutions. A resolution requesting a budget increase to fire operations fund for our Youth Conservation Corps commission. Is Chief Sperling in the house? That's \$149,103. Chief, if you could just provide a quick snapshot as to the good that this program does for our fire service in the community.

DAVE SPERLING (Fire Chief): Mr. Chair, thank you, Commissioner Anaya. This is our seventh year, I believe, of the YCC grant program and it allows us to hire ten youth aged 18 to 25 for part of our six-month wildland program. Our intention is to start them this November and work them through the wintertime doing fuel mitigation and public education projects as part of our wildland program.

COMMISSIONER ANAYA: So, Mr. Chair and Chief, I appreciate the statements associated with this. I absolutely brought you up on purpose to quantify and clarify what this grant is and to also say that while I'm sitting in this chair in the next few years I'm going to be working hard with the Commission to try and fund this on a full-year basis as opposed to a six-month basis. It's something I believe is prudent and helpful and responsible in the maintenance of our wildland interface areas, and the work that they do is priceless, associated with saving those areas, preserving those areas, and ultimately providing safe zones around homes in the event of wildfires that we know the devastation that they do.

So thank you for those efforts in applying for these grants. They don't just happen on their own. It takes staff effort in coordination with our Manager's Office, Finance Department and many other players involved. So please extend my appreciation for that and thanks to the work that the whole crew does in the endeavors associated with the YCC grant. Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Thank you, Commissioner Anaya.

CHIEF SPERLING: Thank you.

CHAIRMAN CHAVEZ: Thank you, Chief. Commissioner Roybal.

COMMISSIONER ROYBAL: Chief Sperling, I had a question also. Did you already make selections for these or are they posted as regular jobs for the youth that want to be involved?

CHIEF SPERLING: Mr. Chair, Commissioner Roybal, once this budgeting process is done we'll begin advertising with the intention of trying to get them on board around November 1st. So the positions which include eight wildland technician positions and two leads will be posted on the County website, and again, they're available

for 18- to 25-year-old men and women. And one of the things that we've emphasized in the past is this is a really good door-opener to a career in the fire service, whether it be municipal or County fire protection or wildland fire protection. So we really encourage those men and women who have an interest in not only wildland but the fire service in general to apply. It's a really good segue into an excellent career.

COMMISSIONER ROYBAL: And one other question. Can you tell us more or less how many applicants you usually get for this or that you got last year?

CHIEF SPERLING: Mr. Chair, Commissioner, we do pretty well. I don't really recall exactly how many we get. We do go through an interview process and select the ten best candidates, but we have not been overwhelmed in the past. So as I recall those that have a true interest for these positions are usually strong candidates.

COMMISSIONER ROYBAL: Okay. Thank you, Chief.

CHAIRMAN CHAVEZ: Okay. I have one item that I want to highlight and I don't think this will take too much longer, but I have a request to authorize the use of District 2 capital funds per capital outlay policy allocating \$149,000 for capital improvements. It will be \$100,000 for the planning, design and construction for the Three Trails fresco at the future Santa Fe County administrative building pursuant to Santa Fe County Resolution 2015-39; \$19,000 to the Teen Court youth mural program for a mural to be positioned on the Santa Fe County Human Resource building, and \$30,000 for road improvements in the La Tierra area.

But I want to give the opportunity to the – we have a representative from the La Tierra Homeowners Association. Mr. Farley, if you would come forward. I wanted to highlight these three requests. The Three Trails fresco I'll touch on first. We talked about that earlier in our discussions regarding the administration building. Commissioner Anaya, you had a proclamation recognizing the Sheriff's posse for their help with the Three Trails symposium this last September. They were the one group that escorted the Old Santa Fe Trail riders into Santa Fe. So I wanted to tie those two together.

Mr. Farley is here representing the La Tierra Neighborhood Association, and I wanted him to spend a few minutes with us explaining their position and their willingness to help the County improve the roads in their neighborhood, in their area. The La Tierra Subdivision, the project is estimated to be about \$200,000. The La Tierra Homeowners Association has volunteered to fund a portion of the project and then the State Legislature is allocating about \$95,000. So if you would, the podium is yours.

MR. FARLEY: Well, thank you very much for having me here today, Mr. Chair. We're a fortunate subdivision because we're split down the middle of two districts, so we've got two representatives up there today and we thank you both for your support. We know how hard it is to fund all the things that need to be done in Santa Fe County. And so we try to reach out to help and improve our neighborhood in doing so. We have a very good working relationship with the Public Works Department, and then we meet every year to go over what we think ought to be done on the roads in our area. Throughout the year, if the environment changes we modify the plan.

We stay in contact with them constantly. They've done an outstanding job. We've contributed over \$300,000 to date to the improvement of our roads. In addition to that we spend about \$10,000 a year to maintain the right-of-way on either side of the road. It's also County land. The County has been very innovative in coming up with new ways to

increase the life of our roads and we're fully supportive of their efforts. But to take full advantage of their innovation you have to start with a road that has a good base, so the funds we're asking here are to upgrade the roads that don't meet that requirement to some par base.

This has been a joint effort between our elected officials, the Public Works Department and the La Tierra Homeowners Association. And as long as he's here I'd like to give a special kudo to Robert Martinez because without him none of this would have happened. And there's one other plus for his department. He's got that gray hair back there but the ones that are out there doing the work are young. So you've got something that he's built that's going to be good for this County for a long time. So we thank you all for your support and hope you approve this change.

CHAIRMAN CHAVEZ: Yes, thank you. Thank you for being here. So the next appropriation is the \$19,000 for the Teen Court youth mural project and I have members from the Community Services, the Teen Court program and the artists that will hopefully working on this next mural project. If you would explain to us your project and the benefit that it brings to our community.

JENNIFER ROMERO (Teen Court): Mr. Chair, I would first like to thank you for your continued support for the program. Without that our program would be very difficult to continue at this capacity. Teen Court gives our youth an opportunity to have a second chance and make right their wrong. We have been working in this community since 1994 and we are heavily relied upon by the Juvenile Justice system, our schools, and our courts.

Teen Court gives us the extraordinary role of positively influencing our youth during this time. As these youth are referred to us they're accepting responsibility for their actions and many times the other side of that is stigma that plays a role and influences their future decisions. What we do not want to happen is that these youth feel more connected to their offense than what they're doing to make it better.

In order to reconnect our youth in a positive way we have developed programs such as our public mural beautification project. Through this program our youth work with an adult artist in our community. They assist in developing a theme and work with the community to develop a mural that becomes not only a means of beautification and vandalism deterrence but it connect the youth to the community. When they pass by it they can say that they did that. They were involved. They take pride in their accomplishment and in turn have a better chance of making better decisions in the future. We're eager to work on the future project and we would welcome your input.

With us here today we have Glenn Strock. I have pursued him. I saw his work after we did our mural at the La Familia bike path, which was I believe two years ago and since have contacted him and he is interested and eager to work with the County.

CHAIRMAN CHAVEZ: Good. Good. And that's the partnership that we build between artists and young members of our community to get them on a better path. So I see it as a value added component because we're helping our youth to change their path and maybe move on to better things. But we leave behind these visible efforts, this finished product. And the last two unveilings that I went to was a project in Rio en Medio and the most recent one that was finished is the mural project at the Whole Foods on St. Francis and Cordova. And when you go by those and you see those public art projects,

that's a tangible product of your efforts, the efforts of Community Service. And so I wanted to highlight the Community Services component and what we do with our young members who are involved in our court system to be sure that we don't repeat that pattern. We want to break that cycle and this is one way that we can do that. So I want to thank you for being here and for the work that you do and that you continue to do.

MS. ROMERO: Thank you, Commissioner.

CHAIRMAN CHAVEZ: So anything else on the Consent Agenda?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Yes, Commissioner.

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

CHAIRMAN CHAVEZ: We have a motion. Do I hear a second?

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: There's a motion and a second. Any further discussion? Hearing none.

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

CHAIRMAN CHAVEZ: Thank you for allowing me to deviate on our Consent Agenda. I think it was good, Commissioner Anaya, that you highlighted some of those road projects. These things take time so I really appreciate that.

[The Clerk provided the resolution numbers.]

MR. SHAFFER: Previously you passed Resolution No. 2016-87 earlier today.

CHAIRMAN CHAVEZ: Yes. Thank you.

MS. MILLER: And Mr. Chair, in reference to 87, that was the one on the advisory question and I believe that the Clerk handed out to you a printout of what the printer will be able to do relative to a caption and separating it from our bond questions on the ballot. [See *Exhibit 1*]

CHAIRMAN CHAVEZ: Okay. Thank you. The only thing I would like is that I passed out a pamphlet on the Three Trails conference, and the idea behind the fresco in the new building would be to involve the three groups to plan and design that future fresco in that new building. So they were here earlier but had to also leave. I know they're interested in the project and really interested in helping the County move that forward.

V. ACTION ITEMS

B. Appointments/Reappointments/Resignations

1. Appointment of One Member to the Santa Fe County Ethics Board

TONY FLORES (Deputy County Manager): Thank you, Mr. Chair. As you know, the Ethics Board consists of five at-large members that sit for a two-year term and are subject to re-appointment thereafter. Currently the Ethics Board has two vacancies for two at-large positions. Staff solicited applications from potential individuals that would serve on that. As a result of that solicitation we received four

responses and at this time staff is recommending the re-appointment of Mr. William Heimbach to the Santa Fe County Ethics Board. And I stand for questions.

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

COMMISSIONER HOLIAN: Mr. Chair, I'll second that, and I just want to say that I know Mr. Heimbach from his work. He was the liaison to Santa Fe County from Los Alamos Lab for a number of years, and I think he is excellent in that position.

CHAIRMAN CHAVEZ: So we have a motion; we have a second. Any discussion? Commissioner Anaya? Then we have a motion and a second.

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

V. C. Miscellaneous

1. **Presentation and Direction on Santa Fe County's Brand and Logo Development Project**

MS. MILLER: Mr. Chair, Kristine is going to introduce our consultants on this but I wanted to give you real quick framework of this entire discussion. Back – oh, goodness, years ago. I'll even go back 18, 20 years ago, the first time I came to the County we had just borrowed maybe one or two million dollars to buy our first personal computers on the desks. The County had pretty much been known as a very rural, service-oriented entity that mostly moved dirt on roads. And while we still do that on over 500 miles of roads and close to 600 miles of roads that we maintain, we are so much more.

We have significantly expanded our service areas and we're incredibly progressive and a lot of the programs we do in our Community Services and our health programs. You heard Jennifer talk about our Teen Court program. We've had great initiatives in our capital projects from the north to the south end of the county, and one of the other things that has really come along in the last several years is our use of technology in LIDAR and things like that. But we've had the same County logo.

And there's a lot of people who really love the logo and really love what it represents and I think probably every County employee and a lot of people who deal with the County like what it represents. But we've also come into some things where we try to print the logo on a lot of our initiatives – on our letterhead and on things and even the County pins and things. And it's pretty busy. And it's hard to actually see it. And a lot of the discussion started about five or six years ago about the progressive nature of the County and a lot of the things that we were doing relative to our image and really getting out there and showing people what services we provide and letting them know.

And the rebranding and logo initiative was kind of the last piece of the puzzle. And so Kristine a couple years ago came to the Board, came to me and asked if we could do something like that, kind of modernize some parts of our image while not losing our history and a lot of the qualities of the county, its rural nature and its outdoor beauty, bring these things together in a possibly new image and new presentation. So that's what the Board of County Commissioners authorized was funding last year and this year to go forward with this initiative and awarded a contract to GUMCo. So with that I'll turn it over to Kristine.

KRISTINE MIHELIC (Public Information Officer): Hi, Commissioners. I am going to introduce, actually members from GUMCo. They're going to be giving the presentation. In your packets you'll have the full research portion of what we've done, so we did an extensive amount of research. I believe all five of you participated in the very first stage of it which was the in-depth interviews with stakeholders. And then from there we went into focus groups and online surveys. Through that, GUMCo took that information, took what our residents were saying and created some logos, and then County staff, 20 staff members met and narrowed it down to the two logos and the four taglines that we'll be presenting today.

So GUMCo is going to walk through a quick presentation, a quick overview of their research and then present the logos for you and then I'll come back for the follow-up and direction.

STEPHANIE BARLOW: Thank you so much for having us here today. We are really happy to be here and it's been really great getting to know people in your county and getting to know and understand this project. I'm Stephanie Barlow and this is Steve Driggs, my colleague here from GUMCo and I'm just going to walk you through the first part and then I'll have Steve take you through the logos. I talked to a few of you on the phone, actually, when we started this process so it's kind of fun to be here in person again.

So we are GUMCo. We have done a lot of logos and branding and all sorts of destination and economic development projects, specifically tourism related in the western part of the United States, a lot of them. You can see that and that's what we came in to do for Santa Fe County. So like Kristine mentioned, one of the things that we did is first start by doing extensive research and as we just discussed, we started with 15 key stakeholder interviews. They were 45 minutes to about an hour and a half each, and that was to help us to understand everything that we could from a lot of different perspectives from you as Commissioners as well as other people that had a lot of information to provide.

And then what we did was take that information and help to create what we would take to then focus groups for people to be able to give back feedback. So we did two focus groups in conjunction with Southwest Planning. One was a business group and one was a resident group and they were both really well attended, a lot of great participation. And we took all of that information and used that to discuss that in our focus groups and get their feedback. And then we also took that information that was discussed in the focus groups and did a survey that was sent out to and participated in by 273 countywide participants that gave their feedback on some of the similar questions that were asked in the focus group. And all of that research is in your packet so you can refer to that later. Today I'm going to just summarize the information that came from those particular parts of the research.

So all of that basically led us to two major themes that emerged. And the first of those major themes was that Santa Fe – there's an endless – the endless open vistas, mountains and skies are what set Santa Fe County apart. And then the second insight or major theme that emerged was one must go beyond the city to fully understand the richness of Santa Fe. And we took those two insights or those two major themes and we took all of that feedback together and tried to put it into a succinct brand statement and

then use that to develop the logos and taglines that you're going to see here today.

So this is where we landed on the brand statement after some feedback from the committee that we presented to, the steering committee and some of the County employees a few weeks ago. So the brand statement is Santa Fe County boundless high plains, majestic mountain tops and wide-open spaces are renowned for their mystical and restorative character. The mosaic of cultures is as welcoming and open as the landscapes themselves. The full bounty is found when one steps past the city limits to explore, escape and connect with something greater. And that led us to our logos, which I'm going to turn over to Steve to take us through.

STEVE DRIGGS: It's great to be here and good to see all of you. Well, I'm just going to throw out these logos, all this culmination of all this research when you put it down in a physical sense. The groups have gone through and I think we have two fantastic directions for you. So the first one is Santa Fe County, this logo with the skies, the sun, the mountains, and then a triangle shape to kind of represent the three cultures in the county. It's a modern shape. It gets a little bit into moving into a more progressive, outdoorsy kind of tone for the county.

I'll show you some examples of how it would look on an image, how it might look if we used it for the letterhead. I think its strength is it's clean, it's colorful, it works well big, small and I think it captures somewhat of what we heard from the county. Here's an example of t-shirts and polo shirt, what it could be on the side of a truck or heavy machinery.

So that's logo option number one. So the second one – oh, with these logos we also created a tagline and we have two taglines that kind of pair with each of the logos. And this one, the tagline we have here is Stand on higher ground. Which talks about getting outside, up in the elevation and also kind of living in a way that's in accordance with the county values and kind of having those high standards.

Another option for the mountain kind of direction is above the beaten path. So that's kind of a little bit of a tourist destination but it also kind of connotes getting out there and doing things on your own terms and being your own person, which I think goes well with the county and goes with what we heard.

The next direction – I'm just going to plow through this if that's okay – is this logo. It also has elements of the cultures and the history and the triangle shapes but is very bold. It can look very stamped, very strong and here it is juxtaposed –

COMMISSIONER STEFANICS: Excuse me. Are the logos in our packet?

MR. DRIGGS: I don't think so.

COMMISSIONER STEFANICS: In the handout? In the power point?

MR. DRIGGS: That was mostly the research in the packet. I'm sorry. Are you following on a screen in front of you?

COMMISSIONER STEFANICS: No. We're looking at the power point in our books. So we really need handouts. Yes, we could look on the screen but we also have a whole power point so it would be nice to have the information you're talking about. So maybe Kristine could get it for us. Thanks.

MR. DRIGGS: Yes, I'm sorry. Sorry you have to crane your neck to see this. This logo is – here's this one. Here's how it would look on a letterhead, both in vertical and horizontal format. The colors here aren't exactly right. It's more of a kind of

a brick, brownish color. Again, on the t-shirt and polo, the side of a truck, the machinery. And the tagline options for this one are one, the greater Santa Fe. Connoting getting out past the city limits. And another one, step outside the limits. Kind of going to the spirit [inaudible]

So that's pretty much the presentation. We have a back-to-back comparison with also the taglines and I would be grateful for the chance to show you and appreciate any of your comments or thoughts.

COMMISSIONER HOLIAN: Thank you, Steve. Is Kristine here?

MR. DRIGGS: Yes, I think she went to get the –

COMMISSIONER HOLIAN: Oh, okay. Are we supposed to be making a decision tonight?

MR. DRIGGS: I think she's going to follow up on that. What we talked about, and I'll speak for her in this, is that she wants to present these to the community on social media and allow people to kind of give feedback and vote on which ones, both the tagline and the logo, which ones they like, which one fits them the most. And then we'd come back and present those kind of conclusions after that time period.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Yes.

COMMISSIONER STEFANICS: Why don't we have people in the audience vote right now on the emblems. Not the statements, the emblems, and just ask them to stand if they like.

MR. DRIGGS: Can I go back.

COMMISSIONER STEFANICS: If you like the triangle one, why don't you stand? Thanks. Sit down. Then if you liked the other one would you stand? Okay.

MS. MIHELIC: Sorry about that, Commissioners. You were supposed to have them up on your screens below, and we didn't put them in the packet so that the Commission could see the logos beforehand. But regardless, what we wanted to do was ask you to approve these four items, the two logos with two taglines each, for us to send them out countywide for staff to vote on, and then also county wide to our constituents to participate in an online poll.

And then we would come back to you with the results of that, although clearly, everyone really likes –

COMMISSIONER HOLIAN: I think we know.

MS. MIHELIC: Yes, we might have a clear winner here. Yes, so that was the intent, was to bring forward these designs with these taglines. Again, these are kind of the two that have come out continuously as the ones that have been well received. We did have staff meet – 20 staff members from across the County at various levels and these are the ones that rose to the top. But that's the idea, is for you all to provide the approval and direction for us to move forward to put these out to the staff members and also to our constituents to vote and see and see which one they feel is the best representation of the County.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I just wanted to make a couple comments. First of all, great work, Stephanie and Steve. I actually read all the material that you

provided us in the packet. I was a little worried that you were going to go through the whole presentation. But in any event, I really like, on the brand, the emphasis – or how you phrase it, the emphasis on wide open spaces and tying it to the mosaic of cultures as welcoming and open as the landscapes themselves. I just love that wording. I think it really captures a lot of the essence of what I love about this area.

I also wanted to add that I think in a way that this work has more significance than just branding, because it will help us, the Board, in the future make decisions to protect what we love and when we go through this process we really are identifying what we love about this community. And so it holds us, it holds our feet to the fire to make decisions to protect what we love about this place, which is the wide open spaces and the mosaic of cultures. So anyway, thank you very, very much for your work.

CHAIRMAN CHAVEZ: So Kristine, this is not noticed as an action item but you want us to give you some direction?

MS. MIHELIC: Yes, Commissioner. Mostly just direction as I mentioned to go ahead and put this out to vote on and then bring back the final decision to us to what everyone – I don't know. Now I'm really confident that everyone –

CHAIRMAN CHAVEZ: Well, that was one simple straw poll so we'll see.

MS. MIHELIC: A very simple straw poll.

CHAIRMAN CHAVEZ: So we'll see if others fall in line. So then I think I'm okay with what you're suggesting. I think it's a concept that we're interested in moving forward with and we just want more input before we make a final decision.

MS. MIHELIC: Absolutely.

CHAIRMAN CHAVEZ: Good. Okay. So we're good with that? Thank you. Thank you for all the work that you've done.

V. C. 2. Request Approval of an Order Imposing Tax Rates on the Net Taxable Value of Property to Governmental Units within Santa Fe County for the 2016 Tax Year [Exhibit 3: Tax Rate Schedule]

CAROLE JARAMILLO (Finance Director): Thank you, Mr. Chair. The Finance Division is requesting the Board of County Commissioners issue a written order setting the Santa Fe County property tax rates on the net taxable value allocated to appropriate governmental units for the tax year 2016. Pursuant to Section 7-38-33 NMSA 1978 the Secretary of the Department of Finance and Administration issues a written order to set property tax rates for all governmental units on September 1st of each year. Further, Section 7-38-34 NMSA 1978 requires that within five days of receipt of property tax rate setting order from the Department of Finance and Administration each Board of County Commissioners shall issue its written order imposing the tax at the rate set on the net taxable value of property allocated to the appropriate government units.

We obtained the tax rates from DFA last Tuesday and actually received our formal notice on Wednesday of last week. The rates were then distributed to all of the taxing entities for their review and the Assessor's Office also reviewed the rates for accuracy. We believe that the rates that are being presented to you in your packet are

correct. I had forwarded to you some handouts via email yesterday after we were sure that there would be no more changes to the rates and I just wanted to highlight a few things on the handouts if I may.

CHAIRMAN CHAVEZ: Ms. Jaramillo, is this the handout that you're referring to?

MS. JARAMILLO: Yes, sir.

CHAIRMAN CHAVEZ: It has the tax rate, comparison 2015 to 2016, examples of taxes on total value?

MS. JARAMILLO: Yes, that's the handout.

COMMISSIONER STEFANICS: So, Mr. Chair.

CHAIRMAN CHAVEZ: Yes.

COMMISSIONER STEFANICS: Before Ms. Jaramillo goes into the specific things she was going to point out, Ms. Miller, what I wanted you to do is really to recap exactly what she already said for the public. Where do these tax rates come from? So the public understands we are not coming up with these numbers.

MS. MILLER: Mr. Chair, Commissioner Stefanics, that's correct. Santa Fe County, while we do the property assessments and send out the tax bill, and approve the tax certificate, the tax rates within that certificate are set by a variety of entities, as well as the public with their votes on general obligation bonds. So when you look at the tax certificate, you'll note that there's inside city limits, outside of city limits, and we have three incorporated areas in the county of Santa Fe, Edgewood and Espanola. And then we also have different school districts and Community College district, and state debt.

So the state sets their debt rate with general obligation questions. The County sets its operational rates and its debt rate with general obligation questions. The City sets their operational rate and their debt rate with general obligation questions, and then each school district within each city and each school district within the boundaries of the county. Then those are sent, all of that information is sent to the Department of Finance and Administration, Tax & Rev, the higher education department, as well as the public education department, and they verify each school district and the community College and any other small taxing authority like a Soil & Water Conservation District, and anyone else who may have an ability to impose property taxes or any type of levy.

Those are all combined at the Department of Finance. The Department of Finance sends us the certificate and asks us to verify that all information is included in that certificate. And that is what the Board of County Commission is approving, is that all that information within that certificate is correct, including our own operation mill levy and our debt. And so we go back and verify that as well as the property valuation as assessed by the County Assessor. And so what the Board of County Commission is actually approving today is that certificate. They're not actually approving rate increases or decreases set by any other entity or even anything by the County. Those are already set by previous actions of individual boards and the voters.

COMMISSIONER STEFANICS: Thank you, and so Ms. Jaramillo, you were going to point out a few specific things, but I wanted the public – you had said it but I wanted Ms. Miller to repeat it. I really wanted the public to understand where these tax rates come from.

MS. JARAMILLO: Yes, ma'am. It always bears repeating. I thank you for that. Just a few of the things that I wanted to highlight for you today was that many of the rates actually decreased slightly, including our operational rate for residential property went down a tiny bit. It went from 6.065 mills to 5.893. It's a small decrease but a decrease nonetheless. Our debt stayed virtually flat and our non-residential rates went up a tiny bit – .064.

There were a few other decreases. The largest of these was in the Pojoaque School District. The Pojoaque School's debt went down 3.328 mills, which is a really large decrease, and then there were also come increases and the largest of those was in the Espanola School District debt. That increased 2.054 mill rate. Generally speaking though the other rates for the different entities stayed pretty flat. There weren't any significant changes.

I also included in your packet just some comparative information on what a home in the different districts would cost, or a property, I should say, in the different districts would cost if it had a value of \$300,000 or a taxable value of \$100,000, and then a summary of all of the rates by district are included in your packet. The Assessor also did a rate comparison for you with a slightly more detailed information on a property that would have a taxable value – an assessed value, excuse me, of \$100,000, which is a taxable value of \$33,333 that I can hand out to you. And with that I stand for any questions you may have.

CHAIRMAN CHAVEZ: Questions of staff?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

CHAIRMAN CHAVEZ: There's a motion but I was really hoping that Commissioner Anaya and Commissioner Roybal would be here for this vote. Do we know if – here's Commissioner Anaya.

COMMISSIONER HOLIAN: Mr. Chair, we could put it off and vote on it later.

CHAIRMAN CHAVEZ: I would like that.

COMMISSIONER STEFANICS: It would seem to me – Commissioner Anaya just came back but it would seem to me that Commissioner Roybal would want to be here since his school district taxes went down.

CHAIRMAN CHAVEZ: Commissioner Anaya, we're just finishing the discussion on the request for approval of an order imposing tax rates on net taxable value of property to governmental units. But I really wanted the full Board to be here to vote on this. So I'm thinking that we postpone this vote until Commissioner Roybal is here.

COMMISSIONER ANAYA: I would concur with that, Mr. Chair.

CHAIRMAN CHAVEZ: Okay. Thank you. Here's Commissioner Roybal. Commissioner Roybal, we were just now finishing C. 2, the request for approval of an order imposing tax rates on the next taxable value of property to governmental units. And maybe, Ms. Jaramillo, you could highlight what might be of interest to Commissioner Roybal in the Pojoaque School District.

MS. JARAMILLO: Yes, Mr. Chair, I will highlight that the largest decrease in the property tax rates occurred within the Pojoaque school district. Their debt

mill levy went by 3.328 mills, which is a significant decrease. Also, the Espanola School District debt mill levy went up 2.054. So there were some significant changes in the school districts within your Commission district.

CHAIRMAN CHAVEZ: And Manager Miller, would you explain to Commissioner Roybal that we're really not setting – increasing or decreasing any of the current rate structure but just approving the certificate.

MS. MILLER: Yes, Mr. Chair. As I stated earlier what the action that the Board takes is actually approving the certificate that is sent to us from DFA verifying all of the rates that are in existence throughout Santa Fe County, within city limits, within different school districts, within the Community College District. But we are asked to do it because these are all of the things within our boundaries and this certificate is what generates the tax bill. So while the rates are actually verified at the state level with the Department of Tax & Rev, Public Education Department, Higher Education Department, Local Government Division of DFA and the County and all of the individual entities verifying that their debt service rate is correct and their operational levy is correct, we are the roll-up entity where it comes to us to approve the order of that certificate so that we can print the tax bill and send it out. So that's what you're approving. You're not actually approving the other individual entities' rates but rather what the tax certificate looks like.

CHAIRMAN CHAVEZ: So I just wanted to give you that background, Commissioner Roybal, to give you some comfort level and we wanted to vote for this but I wanted all of us to be here for this vote. Do you have any questions?

COMMISSIONER ROYBAL: No. That answers any questions I would have. I appreciate that, Manager Miller and thank you too.

COMMISSIONER HOLIAN: So Mr. Chair, I'll repeat my motion for approval.

CHAIRMAN CHAVEZ: So we have a motion. Do I hear a second?

COMMISSIONER ROYBAL: Second.

CHAIRMAN CHAVEZ: There's a motion and a second. Any further discussion? Hearing none.

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

- V. C. 3. **Request Approval of Amendment No. 2 for Agreement No. 2015-0307 -FI/MY with HK Advertising, to Extend the Term For One Additional Year and Increase Compensation by an Amount of \$298,500 Inclusive of GRT, for a Total Contract Amount of \$628,500.00, for Advertising and Promotional Services Related to Santa Fe County's Lodgers Tax Program and Authorization for the County Manager to Sign the Related Purchase Order**

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair, Commission. We're here before you to ask approval of amendment number two that increases the original contract amount by \$298,500. It requires BCC approval for additional advertising and promotional services for the lodgers tax and advertising of

Santa Fe County. And with that I can stand for any questions.

CHAIRMAN CHAVEZ: So Mr. Taylor, the only thing I would add is I would read the elements of the local economy that have been emphasized. I think in this climate and moving forward we have cultural tourism, outdoor recreation and eco-tourism, agri-tourism, wedding tourism and the health and wellness tourism. So those are the components – no?

MR. FLORES: Mr. Chair, if I take you back to a previous conversation, this is specifically to the tax generated from lodging. So the services under the HK contract deal specifically with the marketing and promotion of County or tourist-related facilities. So this is the contract, this is the second year of the contract we have that's specifically tied to the lodgers tax program.

COMMISSIONER STEFANICS: He's reading from your memo.

CHAIRMAN CHAVEZ: Yes. So are these still the areas, the components, that they'll focus on?

MR. FLORES: So, Mr. Chair, the items that are in Bill's memo deal with the elements of our economic development plan that drive tourism, but this contract is specifically related to lodgers tax.

CHAIRMAN CHAVEZ: Related to advertising and promotion – okay. So this is amendment number two and it will run for one additional year?

MR. FLORES: Mr. Chair, it's the second year of a potential four-year contract, so we do it in one-year increments.

CHAIRMAN CHAVEZ: Okay. Thank you. Any other questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to ask staff to go back to the comments that I made when we originally initiated this contract. One of the things that I want us to be able to try and quantify over time is what direct benefit or increases to specific lodging are we seeing based on the advertising itself. And that is going to be real important to me next time around so that we can quantify the investment, which is a substantial investment, into marketing and outreach to bring people to the community under this contract.

MR. FLORES: Mr. Chair, on that point, we've taken the comments from Commissioner Anaya seriously. This weekend we have Southwest Planning who is the firm that has been selected to conduct the post-event surveys and analysis to see what impact the marketing has provided to that organization. So we are moving in that direction. We initiated the contract with Southwest Planning to do those post-event summaries, so we are gathering the data as you requested.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Mr. Flores. I move for approval.

CHAIRMAN CHAVEZ: Okay, there's a motion to approve amendment number two. Do I hear a second?

COMMISSIONER STEFANICS: Second.

CHAIRMAN CHAVEZ: There's a second. Any further discussion?
Hearing none.

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

- V. C. 4. Request Approval of a Plan for Submitting One Name to the Governor of the State of New Mexico for the Vacant Senate Seat - District 19 **REPLACED AND WITHDRAWN**
- V. C. 5. **Request Approval of Memorandum of Understanding No. 2016-0080-UT/BT between the City of Santa Fe and Santa Fe County for Waste Water and Water Service to the St. Francis South Large Scale Mixed Use Project**

CLAUDIA BORCHERT (Utilities Director): Good afternoon, members of the Commission, Chair. This is an MOU between the City and the County that allows the County to provide water and wastewater service to St. Francis South, the large-scale mixed-use project. This is a cooperative agreement that then allows the County to provide these services and allows the City to deliver water to the County and to collect wastewater and treat it so we serve as the intermediary between the City and the County in providing these water and wastewater services.

This MOU was before three City committees and was approved by the Council on August 31st and now it is before you for your consideration. With that, I stand for questions.

CHAIRMAN CHAVEZ: Questions to staff?

COMMISSIONER ANAYA: Mr. Chair, Claudia, did we do any approvals on this development? Did we already undertake any approvals from a land use perspective on this particular development? Did we already take care of that?

MS. BORCHERT: Mr. Chair and Commissioner Anaya, I can speak mostly to the water allocation land approval that was brought before you in July where the water allocation was approved. If you are asking what phase they are in the development, I would have to defer to somebody else.

COMMISSIONER STEFANICS: Mr. Chair, I'd like Penny to answer that question.

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, Commissioners, they do have a master plan approval and I believe they have a preliminary plat for phase 1.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

COMMISSIONER STEFANICS: I'd move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN CHAVEZ: There's a motion and second. Any further discussion? Hearing none.

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

- V. C. 6. **Request Approval of Memorandum of Agreement No. 2016-**

**0081-UT/BT between the City of Santa Fe and Santa Fe
County for Waste Water Service to Tessera – Phase 2**

MS. BORCHERT: Mr. Chair, this is a similar agreement to the one that you just approved. One slight difference is that this MOU is moving in parallel for approval through the City process as it is before you, so this has been heard by the City's Public Utilities Committee last week. It will be heard by their Finance Committee and then possibly Public Works and then ultimately City Council but has not gone all the way through their approval process and in parallel we are seeking this approval from you. It similarly is about wastewater service that allows Tessera to send their wastewater to the City system for collection and treatment. They will be water customers of the County and will be wholesale wastewater customers of the City.

CHAIRMAN CHAVEZ: Thank you for your presentation. I think that pretty well explains it. Any questions to staff? Do I hear a motion? I'll make a motion to approve the MOU between the City of Santa Fe and Santa Fe County for wastewater service to phase 2 of Tessera Subdivision.

COMMISSIONER ROYBAL: I'll second.

CHAIRMAN CHAVEZ: There's a motion and a second Any further discussion? Hearing none.

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

**V. C. 7. Request Approval of a Water and Waste Water Line
Extension, Water Delivery, and Wastewater Discharge
Agreement No. 2017-0088-UT/BT for an Extension of
Infrastructure and Water Service with Caja del Rio Holdings,
LLC for the Senior Campus at Caja del Rio Subdivision**

SANDRA ELY (Public Works): Mr. Chair, Commissioners, before you this afternoon for your consideration and approval is a water and wastewater line extension, water delivery and wastewater discharge agreement between Caja del Rio Holding and Santa Fe County. This agreement would allow for the design and construction of a waterline extension, a wastewater line extension, water service and wastewater discharge for the Caja del Rio Senior Campus Subdivision which will be located near the intersection of 599 and Caja del Rio. This infrastructure will eventually be dedicated to the County.

One item of note in this agreement is the upsizing of the system. The system will be increased in size in order to address future needs of the County, upsized beyond the immediate needs of the proposed development.

CHAIRMAN CHAVEZ: And for the public's information, could you explain the Caja del Rio project and what it brings to the community.

MS. ELY: I'm going to have Jennifer Jenkins –

CHAIRMAN CHAVEZ: And I guess I would ask the same question that Commissioner Anaya asked earlier. This has already been through the approval process,

or going through the process?

MS. ELY: My understanding is it's a summary review process under the new SLDC which is an administrative review for a division of five lots or less.

CHAIRMAN CHAVEZ: So it's the Senior Campus at Caja del Rio is how it's titled.

MS. MILLER: Mr. Chair, this is also one of our LEDA projects.

CHAIRMAN CHAVEZ: Okay, so that helps me refresh my memory a little bit. Any other questions of staff?

COMMISSIONER ANAYA: Move for approval, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: We have a motion and a second. Any further discussion? Hearing none.

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

V. C. 8. Request Approval of a Memorandum of Understanding Between Santa Fe County and WaterNow Alliance Regarding a Feasibility Study and Program Development for Customer-aided Leak Detection Technology Solutions

CHAIRMAN CHAVEZ: Commissioner Holian, do you want to take the lead on this?

COMMISSIONER HOLIAN: Yes, thank you. First of all, thank you, Claudia for all the work you did on this. I know it was a lot of work as a matter of fact. But anyway, I think that what you've put together is really a well thought out plan to partner with the WaterNow Alliance, to figure out how water utilities and customers can quickly find leaks. And I think it's important to note that a significant amount of expensive utility water is lost every year to leakage.

So anyway, I'll let you explain all the details of the MOU and then I'd like to make a few comments at the end.

MS. BORCHERT: Thank you, Commissioner and Chair. So this is an innovative project that I think goes on the heels of many of the innovative projects that the County has implemented around water use and as the Commissioner has said this is helping customers with leaks on their side of the meter, detect leaks earlier and helping us understand what kind of technologies would be helpful in that. So this is a multi-step process. We're partnering with WaterNow. First to understand what kind of technology is available and then to develop some programs and potential policies on how the County could implement these kinds of – encouraging customers to install these leak detections and that will come before you after we analyze the various options for your consideration of policies and programs that we could adopt to help customers reduce leaks on the customers' side.

As my work as Utility Director I am constantly amazed at how often we get calls from customers who are very upset because they've had large amount of water go through their meters and the first time they know about it often is when they get water bill from us. It can be hundreds or thousands of dollars and tens, hundreds and thousands

– millions of gallons of water that have gone through people’s meters undetected until they get our bill. So this is an attempt to understand how they might be able to understand that they have a water leak well before they get the bill and the bad news from us.

COMMISSIONER HOLIAN: Thank you, Claudia, and I just want to make a few important points for the Board, that is a significant amount of water is lost every year and I think you noted in there it’s up to five million gallons a year. It could be a number that high. And it’s important to note that it’s expensive water because it’s treated water and it’s water that we spent a lot of money to move and transport to homes. And I think it’s also important to note that the WaterNow Alliance will actually donate staff time and expertise to help with this particular project. And they will also work to help, I think, identify funding – that is grants and things like that that the County might be able to access and take advantage of in order to install this kind of technology.

And it will cost us some staff time at this point but we’re not really committing ourselves to any huge expenditures of money, I think. And I think it also has the potential to save water, not only in Santa Fe, which of course is important to us and all of our customers and so on, but this technology, thanks to the WaterNow Alliance can be exported to other utilities throughout the western United States because the WaterNow Alliance is a robust organization that contains representatives from local governments and local water utilities all over the western United States.

So this work is seminal and will help other areas as well. So but the bottom line of course is in the end if we really do develop this technology and implement it, it has the potential to save money for our customers who live right here in Santa Fe. So in any event, I think that this is a great project and a great opportunity for the County of Santa Fe. So with that, Mr. Chair, I will first move for approval and hope I get a second, then turn it over to the others for questions.

CHAIRMAN CHAVEZ: I’ll second that motion. So there’s a motion and a second. Any further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Commissioner Holian, do we have a cost associated with this?

COMMISSIONER HOLIAN: Well, I just mentioned it. I said, it’s only at this point our staff time, and we’re actually getting a lot of donated staff time and expertise from this WaterNow Alliance. So we’re not really committing to any huge expenditures of money, but part of the project is to determine leak detection technologies, what they would cost, what’s the most efficient way to implement them and so on and so forth. And then also as I mentioned, also, the WaterNow Alliance will actually help us identify grant funding sources that we could take advantage of.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

CHAIRMAN CHAVEZ: Thank you, Mr. Chair and Commissioner Holian and Claudia. I think it’s a great idea to identify leaks. I just would want us to be prepared for the responsibility of what to do what those leaks are found. Because we have a harsh environment sometimes and there are breaks and other problems, and so I just would want to make sure that once we do identify a water leak that we know what we’re going

to do about it, since it's our responsibility.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: If I could just respond to that. Well, we already have that problem. When somebody gets a huge water bill we do then know that there's a leak going on and we have to deal with it.

COMMISSIONER STEFANICS: Right. But my comment really is about if we have 10,000 people tracking leaks and we get 3,000 leaks, that's a huge impact. So we just need to have a little plan of action. That's all.

CHAIRMAN CHAVEZ: Okay, so we have a motion and a second.

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

- V. C. 9. **Presentation and Possible Non-Final Direction on the Six-Month Review of the Santa Fe County Sustainable Land Development Code (SLDC) and the Permit and Review Fee Ordinance** [*Exhibit 4: Draft Review Changes; Exhibit 5: Development Review Fees; Exhibit 6: Sand and Gravel Section; Exhibit 7: Setback Illustrations; Exhibit 8: Resolution 2015-38; Exhibit 9: Equestrian Section*]

MS. ELLIS-GREEN: Thank you, Mr. Chair, Commissioners. In your packet is a memo and also a public comments database dated September 6th. We've received additional comments since then; they haven't been incorporated at this point. So in July we came in front of the Board to start the six-month review process. In August we held four area meetings. So what Vicki is handing out is the updated review draft, and I wanted to point out a few areas that have had some additional changes.

And the first one of that – I'm just going to go through a few of these that are additional, and then through the proposed changes for the fee ordinance and then I have a couple of other questions or areas of concern to raise.

So in Chapter 1 on page 1 of your packet, 1 of 82, is additional language for approved master plans. What we wanted to allow is that if a master plan – a lot of the old master plans had multiple phases, and some of those phases had already taken place but it was planned for that subdivision to build out in maybe five phases, each one every five years. So we didn't want those master plans just to be void and to allow this additional language, to allow those master plans just to carry on because the applicant had already started with phase 1 and had already started through that process.

We had some cleanup in Chapter 2 as far as area, community and district planning. We had that as a title but the actual language was regarding community planning, and really it doesn't matter if we're doing an area or a district plan or a community plan we still want those plans to go through a community process. So we had cleanup on Chapter 2.

The next change I'd like to point out is on page 8 of the handout. We worked with the Utility Department and the Legal Department for this to actually make this consistent with the Utility requirements and to put in writing at what stage of platting you needed

your water allocation approved from the Board, your agreement approved by the Board and your water rights transferred. So the way it reads at preliminary plat is that you would need your water allocation from the Board, which is consistent as to what we've been doing over the last few years. And then at final plat requirement you would need to have – at final plat approval you would need to have the water delivery agreement approved. And if there's a requirement to transfer water rights, that would be done prior to filing a final plat. So it's all taken care of before you create a legal lot of record and before you can sell a lot to a member of the public.

The next section I would like to point out is on page 18. This was an issue that was raised in the Nambe community hearings and it's regarding when you're doing a land division or a subdivision exemption. At the moment the code was allowing you to do offsite roads that went down as narrow as 20 feet and there was a request to do offsite and onsite roads. When we actually looked at how people would divide, you could have an offsite road already at 20 foot and then have to do a 38-foot easement on your property and a lot of those properties in traditional communities are not that wide to allow a 38-foot easement. We duplicated that if you're building a residential structure. So allowing you to do that for a land division, an exemption or a residential structure.

On page 20 we amended the two tables as to when you hook up to a water system. The first item I'd like to show is that we had a section called Residential Development and looking at that, that could have included a carport, a small addition, an accessory structure, and it seemed excessive to request a connection to a water utility for those type of uses. So we've clarified that by saying it's new residential dwelling. The other thing that the Board at the July meeting had asked us to do is look at the distances to hookups. So we looked at the really what the differences were between the SDA areas and we made those areas match. The other thing we did is non-residential uses. The ones that are smaller than a quarter acre-foot are fairly small non-residential uses so we had them meet the same requirement as a new residential dwelling.

We duplicated that on the next page on table 7-18, for if you're not in the County service area but you're in a publicly regulated water service area.

The next change we've got is on page 27, and it's when you need well test requirements. This is for someone who's going to use wells rather than a water system. The Utility Department had wanted longer pumping hours because that allows you to stress a well, it allows you to get better data on your water availability. What we decided to do was to do that for the larger developments. So a major subdivision or a non-residential use using more than one acre-foot, but we left the existing pumping hours the same for the small-scale divisions, the minor subdivisions, and the non-residential uses up to one acre-foot.

On page 30, this is where we've got the quarter acre-foot water restriction. We heard a lot of issues regarding the Aamodt area and the fact that that area had been adjudicated, so we wanted to make that really clear that the quarter acre-foot didn't include what's allowed by the OSE for irrigation and livestock watering. It didn't include if you had water rights other than a 72-12-1 well, so water rights that you've transferred to the property, and it didn't include if have an adjudicated amount. So allowing those three exemptions to the quarter acre-foot. I think that the first and the second – the irrigation and livestock and the water rights were two things that were written previously

in the SLDC but we just clarified the language for that.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Just for clarity, because we did have a lot of discussion on this while we were going through the SLDC, a quarter acre-foot, and that's what you just spoke to, deals with the actual residential use of the structure. Correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, that is correct. So it's for the single-family residential dwelling. It doesn't include the irrigation and livestock watering that you're allowed to do under a 72-12-1 well.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Any other questions of staff at this time, before we move forward? No? Go ahead, Penny.

MS. ELLIS-GREEN: The next change is on page 36. It's to do with steep slopes, ridges, and shoulders. We had changed the standard for a ridgetop as being from a 30 percent slope to being a 20 percent slope. We found that was way too restrictive. It meant a lot of areas that previously were not considered ridgetops were now considered ridgetop. We also had a 50-foot building setback and again we've realized that that's fairly restrictive to do that from a ridgetop so we've reduced that to 25 foot. We've gone back to the 30 percent – for the shoulders to be 30 percent rather than the 20 percent.

We are taking out the requirement for a conditional use permit for any building over 7,800 foot in elevation. That is because residential structures are permitted uses so we've already said in the use table it's a permitted use; we shouldn't then be saying it's also a conditional use.

Planning added a section on page 46 of an agricultural overlay. Again, this is implementation of the ag and ranching element of the SGMP. We're moving that forward. It lists accessory uses and conditional uses that can occur in an agricultural overlay. We have some Chapter 10 changes on page 62. Now that we allow accessory dwelling units we want to make sure that our accessory structures are tightened up a little bit. Not to allow full bathrooms in them because again, we've seen a lot of them convert into dwelling units and since we now allow an accessory dwelling unit we wanted to tighten up the rules for an accessory structure.

Then my next change is again related in Chapter 10, on page 65, related to small-scale sand and gravel. We wanted to make it clear that the extraction activity includes the removal, the stockpiling, processing, all ancillary uses, such as office, parking, vehicle storage, vehicle loading – that it's all limited to that 10-acre site. And then again under setbacks, again, it didn't have any introductory language so we wanted to add the language of the extraction activities have to comply.

And the last point or the last thing I'd like to point out is at the rear of the package is a lot of definitions have changed related to affordable housing. We've used different terms and we've still had the definitions but in Chapter 13 we were using different terms. So we changed a lot of those and also on page 79, again, you can see the diagram added of a ridgetop and the requirement of a shoulder instead of 20 percent to be 30 percent. Again, that relates to the whole terrain management section.

So in addition to these changes staff would like to address two other areas and I'm going to have Vicki hand out that information while I quickly go through the review fees.

At the last meeting I believe Commissioner Stefanics had raised the issue of a non-residential remodel. The permit was extremely expensive so we looked at that and we added in a non-residential remodel up to a \$50,000 valuation being a straight \$75 fee. When we did that we realized that we didn't have that in there for a residential remodel, so we added in a residential remodel up to \$25,000 valuation would be the straight \$25 fee.

We made a couple of other changes on there. We realized we didn't have a conceptual site development plan amendment, so we put in a fee for that and just clarified that the variance and third party reviews were peer review.

And then the two items that Vicki handed out. The first is small-scale sand and gravel, and you have two handouts for that. Commissioner Stefanics had requested that I present some additional possible changes. We've heard a lot of public comment about three major things. At the moment small-scale sand and gravel is ten acres or less. So there was a request from the public to go to five acres, a request for a two-year duration, and a request for a 1,000-foot setback. So if I can have you look at this diagram of the setbacks. One page is for five acres the other page is for ten. So if you looked at the ten acre, that allows us to look at what the setbacks would be. So if you're doing a setback in your property to the property boundary and it's 1,000 foot, and you're mining ten acres, you would need about 162 acres to be able to mine ten acres on your property.

If the setback was within a ten acre property, which is the second diagram here, a 200-foot setback within a 10-acre property would only leave about 1.5, 1.6 acres to mine. Bearing in mind that the mining activity includes the stockpiling, it isn't just the area that you're mining. It's the office, it's the parking, the stockpiling, the crusher, whatever it may be.

The second page is related to five acres. Again, if there was a 1,000-foot setback you would need about 140 acres on your property if the setback is 1,000 foot to the property boundary. So this document is a redline possible changes, and it is Section 10-19 and in 10-19-1, if you were to agree with this it would go to a five-acre instead of a ten-acre. Again, if that changed here it would have to change in the DCI section as well and that would then say that a small-scale sand and gravel extraction couldn't be more than five acres in size. On the second page of that is addition into hours of operation would be duration and hours of operation, saying the extraction activity would be limited to a two-year duration but the two years wouldn't include the initial setup or the reclamation, since reclamation can take years.

And on – sorry, I didn't number this – but on page 6 is another yellow highlighted area again for setbacks. What I propose is that if the Board did want additional setbacks is to do 1,000 feet from an existing residential structure. That mimics what we did in the DCI Ordinance. The DCI Ordinance has a 500-foot setback to your property boundary but a half-mile setback to a residential structure. So the residential structure could be on somebody else's property. So this would allow for a 200-foot setback from the property line, but a 1,000-foot setback from existing residential structures.

CHAIRMAN CHAVEZ: So Penny.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Can I ask a question, then I'll go to you. So, Penny, under reclamation – I know this is at the back end. But would that include any

roads that would be built to get to any particular mining location?

MS. ELLIS-GREEN: Mr. Chair, in general you would build the roads up front before you mine. If it was in a really rural area and the intent was not to have a road in the end you may want to reclaim the road. But mainly it's the area that you're digging. You usually take the topsoil off and then you dig down, and it would be replacing the top soil and doing revegetation.

CHAIRMAN CHAVEZ: So the road may or may not be part of that reclamation. How would you determine that?

MS. ELLIS-GREEN: That would depend what the submittal required. In general, if somebody's going to build a road, they're probably going to want it to get to their property in the future as well.

CHAIRMAN CHAVEZ: Right. Oh, okay. I see. So once the mining operation is done then the road could still serve a different purpose.

MS. ELLIS-GREEN: Right.

CHAIRMAN CHAVEZ: To access the property but not directly to access that operation, because it would be phasing out.

MS. ELLIS-GREEN: Right. And bearing in mind, if I could just remind the Commission that the DCI section also says that if you mined a small-scale area you couldn't do one small-scale area after another. You would look at the whole area and if you went over at the moment the ten-acre mark you would become a DCI at that point.

CHAIRMAN CHAVEZ: Commissioner Stefanics, you had a question?

COMMISSIONER STEFANICS: Well, I wanted to say a couple things about these changes I asked her to do. When I met with Penny it was based upon many requests from the community. And so what I wanted to do, and we discussed, it would be much better if we agreed what to include and not to include based upon the direction of the Commission as she goes on. So that if we agreed that we would be willing to set a two-year limit, that could be renewed, that we would tell her. Give some direction. It wouldn't be a final vote, but if there wasn't concurrence on some of these items then we wouldn't move ahead. And so Penny worked with me on some of – on many emails and I know you've all received some of these emails.

So in terms of the extraction, the first thing on the first page was moving it from ten acres to five acres. It is not the entire piece of property; it is only what would be used for extraction, the five acres. So the property could be larger. If you look at the next page it moves it to a two-year duration, not for the setup of the whole business but for the actual extraction and then they could come back and apply for a continuation. But it also has the hours during that two years.

Now the last one that she mentioned was the setback, not from the property line but from the nearest residence, because we determined that the property line, that 1,000 feet wasn't realistic in terms of knocking out the entire operation. So what I had talked with Penny about is getting this ready for your discussion and your consideration so that she would know whether to move ahead and include them in the revisions when we move ahead or whether or not. Am I reflecting that?

MS. ELLIS-GREEN: Mr. Chair, Commissioner, yes. it would be helpful to know what you would like in the version that comes forward to publish title, either today or when we publish title so when we do publish title, that goes out in noticing

stating that those are the changes being proposed.

COMMISSIONER STEFANICS: So, Penny, could you talk about the changes and if you feel they are workable, from your perspective?

MS. ELLIS-GREEN: Mr. Chair, if I can take the duration first, I think we did address this a little bit when we did the DCI Ordinance and when we did the SLDC, probably more when we did the SLDC last year. Because the consultants have been asked that question. If you condense the time frame it may be more intense. Because if you're taking out the same amount of gravel over a four-year period than a two-year period you're going to take more out at a time over a two-year period. But really I don't think it's something that is not workable.

The 1,000-foot setback, I think if that was to be from the property boundary I think that would be overly burdensome because you would need about 130 to 160 acres to even be able to mine. If it's from a residential structure I think that's a lot more workable.

As far as the five acres, again, we had this discussion with the Board. We didn't recommend it as staff because we did have this discussion with the Board when we did the original DCI Ordinance last year and again when we did the SLDC Ordinance and the Board had chosen the ten acres. What we had said at the time is you get to choose a number, bearing in mind that a large portion of your site is going to be for the – not necessarily for the mining but for the other activity that happens on the site as well.

COMMISSIONER STEFANICS: So I'm hearing you say that the two years might be workable but it would be intense, and that the 1,000-foot setback from the nearest residence is workable, and the other question would be whether five acres versus ten acres. So I'd like to get the feedback from my colleagues.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I appreciate the question, Commissioner Stefanics, and I think you could even go back to comments that I made right at the beginning of the SLDC process and I would say it again that I was very much appreciative of the fact that this Commission and the Commission at the time afforded myself and the public an opportunity to get more feedback associated with the plan before we actually developed it into the code. And we actually spent five years going through that methodical process of getting feedback and input associated with the whole document, including this particular section.

And I consistently have said that I respect the integrity and the interest of each individual segment of the county, but I've also said that the interests within one part of the county may be different, and actually factually are different from one segment, whether you're in the north, central or southern part of the county. And so the concern that I have is the majority of the comments that we've received on this sand and gravel piece come essentially from one area. They come – I could go back and pull all the emails and pull all the feedback that we've received and the essence and the vast majority of those comments come from one segment, just south of Santa Fe and in this general region.

That's where the impetus of the sand and gravel concerns have come from. And what I've consistently said is if a given area says we don't want something or we want to

limit something to a certain level then I respect that. What I have concern over is there are other parts of the county that wouldn't and don't want the reduction down to five acres, and want to keep what's in place that we have in the code already. So I respect my constituents that live in this particular sector that you and I share in representing to create some limitations in that sector.

What I have angst over is imposing that same level of reduction to the whole county. And that's where I think – I don't think it's reasonable. That's where I think we shouldn't impose upon the whole county something which a specific area has been pushing over time. So I know we had discussion over maps and designation of areas and this could be one of those areas. Frankly, this is an area where I think there's going to be a new Commission coming in next year. They're going to have to review those. We have one of the Commissioners sitting in the audience now that going to have to be sitting up here and considering those alternatives and options as well.

But I really have been steadfast in saying that we should be careful not to impose upon every community the will of just one general area. And so I'm a little concerned that we're bringing this now, okay, for the whole county. I'm willing to consider it especially in those designated areas where we've received the vast majority of input but I do have some concern about putting the swath over the entire county and reducing the county as a whole. And I'll use it without even flinching the areas in and around Edgewood and Stanley as being areas that would embrace a small sand and gravel operation – the economic development, the jobs and the use of the material, whereas I know where it's not wanted or unwanted. I get that.

And I'm not going to reference names of individuals as I've done in the past, but I'll simply say let's be careful not to impose upon the whole county the wishes of segments of each county, in the same way that we respect community plans on their own individual autonomy from one community to the next. So those are my comments, Mr. Chair.

CHAIRMAN CHAVEZ: Thank you, Commissioner Anaya. Any other comments, questions to staff?

COMMISSIONER STEFANICS: Mr. Chair, that doesn't really give any direction to the staff? You've heard from two of us.

CHAIRMAN CHAVEZ: So I guess for –

COMMISSIONER ANAYA: And respectfully, Commissioner Stefanics, I don't think we're on opposite sides. I think that in the given area where we've received the vast majority of comments from relative to this issue, I'm willing to say let's go ahead and impose the reduced amount. On the two years, I guess I'm a little gray on why – what the two-year is with an allowable renewal. I'm a little confused on that piece as to what the purpose is of that. When I initially read it I read it as you've got two years and you're done. That's it. You can't do it anymore. But then when I heard your explanation it sounds like you could do it for two years and then you can extend it for two more years? Is that what the reality is?

COMMISSIONER STEFANICS: Well, that would really come to Land Use as a continuation of their application, but let me say out of all of this, the item that I think people feel passionate about, and I probably would if it was happening in my backyard, is the thousand feet from my residence.

COMMISSIONER ANAYA: Right.

COMMISSIONER STEFANICS: So I understand we want to encourage small business. And I would see a five- or a ten-acre sand and gravel as a small business. But I also wouldn't want it right on top of my property. So I think that the change that was 1,000 feet from my property line to 1,000 feet to the residence helps ensure our community members that they'll have some buffer.

COMMISSIONER ANAYA: So on that point I'll agree that that makes sense to have the 1,000 foot from a residence. Where I'm having a problem with is across the whole county going from the ten-acre to the five-acre. So maybe that's an area where it makes sense and there's more density and closer to a traditional community, let's figure out that and do that, but let's not impose that countywide in a vast area where there's not much population, where 1,000 foot from a residence is going to be a complete non-issue. Let's not close the door on a ten-acre operation as a small business operation. I guess that's what I'm suggesting. So I'm agreeing that especially in those areas where we've received the vast majority of comments, and they're here. I can see them. That we move in the direction you're saying, 1,000-foot setbacks, but that we don't put the whole swath over the whole county and keep the ten acres in place.

COMMISSIONER STEFANICS: Well, that's why, Mr. Chair, I was suggesting that the three items be considered separately. So for example, on the 1,000-foot setback from a residence, is that palatable to individuals?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I would say on that issue, for sure. I agree with that. I have a question though for Penny. I'm not sure exactly how the sand and gravel extraction fits into our code, but would it be possible for a community plan to have their own customized sand and gravel extraction rules? Or is this really countywide?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, I was just looking at that section with Greg, because the community overlay district section of the code does allow the communities to regulate certain things, and that includes your base zoning, fences, walls, building design, mass, lot coverage. It also allows a community to address DCIs and uses, so, yes, I think they could. There are some things that are not allowed to be addressed by a community, but if it allows DCIs then yes. My concern at first was to look at that was that the DCI section is intertwined with this section, because whatever your cutoff is it affects both of those sections, so I wanted to make sure that they could regulate the DCIs and it does allow them to do that. So yes, a community could decide in the area they wanted the five-acre cutoff and go through their community plan amendment/community overlay and the public meetings that are associated with that and bring that forward.

COMMISSIONER HOLIAN: So, to me, that seems like a good solution to the problem, allowing communities to customize.

COMMISSIONER ANAYA: If I could on this point?

CHAIRMAN CHAVEZ: Yes.

COMMISSIONER ANAYA: Mr. Chair, I appreciate the comment from Commissioner Holian and Commissioner Stefanics and that's exactly what I think if we do, not only for this item but any item that we have, so that a given community or a basin

– right, Ms. Ellis-Green? We’ve talked about a broader planning district that just a community but a grouping of communities that coalesced and said, here’s what’s in the interest of our given area and how we see fit to do land use development within the scope of the framework of the plan, but given that autonomy to those respective communities and geographical areas. I think it provides governance in the hands of those local communities without imposing requirements on communities that may not want them.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, that’s correct. It would be a community plan, an area plan or a district plan. So it could be much larger than one community.

COMMISSIONER ANAYA: So, Mr. Chair, in the interest of this particular issue as we progress, couldn’t we, given, if we go look at the comments and we go look at the feedback we can isolate a pretty large geographical area that this particular request addresses. And I respect. Couldn’t we isolate that geographic area in this instance and set those parameters in place based on the feedback that we already have received, that we can isolate to specific residences and specific communities and specific community members?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, to go for the five-acre instead of the ten-acre?

COMMISSIONER ANAYA: For that geographic area south of Santa Fe. Couldn’t we in this process isolate an area that accommodates that?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I think that would be a little bit more difficult because the way that the code is set up is that you would have to do a community or an area plan, so you would have to go through that. And in that area we’ve got a number of existing communities. So it may be that you’ve got those communities and then some larger areas outside of those communities where there aren’t as many, I guess, dwelling units that it may be acceptable on. So to actually identify an area we would probably want a community to come forward and do that through a planning process.

Certainly in the southern part of the county we have spoken about the whole area, the Estancia Valley area doing their own plan.

COMMISSIONER ANAYA: So Mr. Chair and Commissioners Holian and Stefanics and others, I guess I’m still at the same place I was then. If the swath goes over the entire county, five acres, then I have concern over it. I have no problem whatsoever with the 1,000 foot from a residence. That makes perfect sense in any area, frankly, but reducing the size of the mining operation to five acres, outside of the area that’s provided the most feedback and the most concern, seems arbitrary to me.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I think what I’ve got is that we do have support for the 1,000-foot setback from a residence, to keep it at ten acres but allow communities to amend their plans to allow it to go to five acres, but I don’t really have direction on the two-year and I’m not sure if we want a two-year with renewals. The way I had anticipated it would be two years and that would also be written in the DCI section, so if you wanted to do it for five, six years it would become a DCI at that point. But it can be written at two years with a two-year time extension.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Can you help me understand the logic of the two-year with a extension anyway? What's the – give me the rationale behind a two-year time frame with an extension that's possible.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I think if the extension was done in a public hearing then there could be the discussion as has the applicant been operating under the conditions of their permit? So have they been operating outside of the mine zone? Have they operated late at night, early morning, when the time limits didn't allow? And so you'd be able to do that and say you have been operating under your conditions, therefore you will get a further extension. I'm assuming that that would probably be the reason that you would allow someone to do an extension.

COMMISSIONER ANAYA: So Mr. Chair, Penny, this goes way beyond a sand and gravel operation and I'm thinking from a small business perspective. If I have a development permit that's come before the Commission, in that development permit and the process of approving a business that we've done, we've gone through those iterations as to what are the hours of operation? What's the traffic flows? What's the water consumption? All those variables are contained in the actual approval of that small business or that development that we do. Are we then going to get in a situation where every two years we bring in other businesses back to the Commission and go through that same process.

And I guess the comparison I'm making is we have small business that we provide parameters to and tell them to operate within these parameters and then it's up to us, based on our regulatory framework and our code enforcement to assure that they fulfill those responsibilities.

So I guess I'm a little concern that we take this particular operation and we segregate it from all other businesses that we do, or we set a precedent that we then bring back businesses in to go through a process. And let me just put it in these terms. If a business is operating in the county and they know they're going to have to do another process at the end of two years then six months before the expiration or a year before the expiration of the permit, then they come in to the County and they file a request and they go through another similar set of notification requirements. And so every year – you're in perpetual re-application mode, for lack of a better point.

Is what you said the logic behind it that they get as much done as they can in two years and then – or leading up to the second year they're already back in an evaluation process?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I don't think we would want to do that with every business in the county. A lot of those businesses are permanent businesses as opposed to a temporary use. I think the reaction is that the community had said we would sooner know that this is just for a temporary time frame and we would put up with it for the two years. And so I didn't realize we were looking at renewals and so my intention had been, okay, if you want to put a two-year time limit, if it's more than two years then really it would kick you into a DCI.

COMMISSIONER ANAYA: I see. So there was no timeframe at all in the original document. Correct?

MS. ELLIS-GREEN: That's correct. There were hours of operation but not a timeframe.

COMMISSIONER ANAYA: I think two years is too short. If we're going to have a small business that's going to come in and try and do business I think at minimum we go seven years, maybe, five years. I would even consider, but I think two years is not reasonable.

CHAIRMAN CHAVEZ: Well, Commissioner Anaya, I've held my comments but I think that the 1,000-foot buffer between residential and this kind of activity is more than appropriate. I would draw a distinction between this business and other small businesses, especially those in the cottage industry because the impact is not as great as it is in these mining operations. And we've yet to see how this plays out. So there are some variables that I think will come into play as we move forward. Commissioner Holian's proposal to allow the community plans to flush this out further I think is one option but I'm more comfortable with the smaller footprint and the two year with the possible extension to continue that operation, I think is appropriate.

We know that enforcement in any case on any ordinance is always problematic. I think it's complaint-driven for the most part. I don't know, Penny if staff is going to be out intentionally inspecting these operations. So I think that the two-year sort of interval would allow us to check in to be sure that they are following all of the requirements, the permit requirements and anything else that goes along with that. So I don't see it as punitive. I don't see it as being too harsh on this particular segment of our economy. I don't know what percentage this represents as far as our overall economic development. I know that the activity is needed for roads and other construction projects but I still see it as somewhat different and distinct from other types of business because of the intensity and the activity that goes along with this type of operation.

So I guess I'm somewhere on the other side of that spectrum and hoping that we can start – this could be a starting point and we test it and see how it works and then I think eventually there will be some changes as we move forward. So I guess that's my position right now on moving forward. Any other comments? Commissioner Stefanics? Commissioner Roybal?

COMMISSIONER ROYBAL: I would just say that the 1,000-foot setback is something that's acceptable. The acreage, I don't really – I feel like as long as it has that 1,000-foot setback that should be the determiner. And that's it. Thanks.

CHAIRMAN CHAVEZ: Commissioner Stefanics, did you have anything else that you wanted to add?

COMMISSIONER STEFANICS: No, I'm hoping that Penny, Ms. Ellis-Green has received some kind of direction.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, the 1,000-foot setback and I think the ten acres. I'm hearing, the two-year, I'm assuming I'm going to put it in for public comment and the Commission can decide when you take action. Two years but with extension.

CHAIRMAN CHAVEZ: Yes, with a renewal or extension.

COMMISSIONER HOLIAN: Mr. Chair, may I just ask for one clarification. Would that be with just one extension, Penny? The way it's being proposed?

MS. ELLIS-GREEN: [inaudible] for one.

COMMISSIONER STEFANICS: Well, Ms. Ellis-Green, right now it

could be forever. Correct?

MS. ELLIS-GREEN: Yes. As long as you don't go over the 20,000 tons or the ten acres in size. Of you don't do any blasting.

COMMISSIONER STEFANICS: So it could be a renewal up to the number of acres extracted. Correct?

MS. ELLIS-GREEN: You wouldn't be able to go above the ten acres, and you wouldn't be able to go above the 20,000 tons. Both of those are going to kick you into a DCI. As would any blasting.

COMMISSIONER STEFANICS: That's what I was alluding to. So it could be the two years with a renewal, not exceeding the tons.

MS. ELLIS-GREEN: As long as you stay within the ten acres. Okay. And multiple renewals? If I write it in that way we can have the discussion; we can put it out to the public. Okay.

The second item that was an area of concern was regarding stables and other equine related facilities for personal use and commercial horses up to 12 horses. This had been a discussion in 2013 about whether or not we wanted to promote those kind of uses, and what Vicki handed out was two things, and the first thing is this Resolution 2015-38 supports the development and maintenance of facilities and businesses that will enable horse-related economic growth and protect and preserve the equine culture in the final development and implementation of the SLDC.

So what we did countywide is that we allowed those uses, all personal horses and commercial up to 12 horses. We allowed them as permitted uses throughout the county. What we realized is that we had an applicant come in with a smaller-scale non-profit equine use and we realized in that community they had listed this as a conditional use. So he is faced with public meetings to do that. So we went a little further and we looked at the communities and that's this handout here. Two communities have actually prohibited these uses. And the concern staff has with that is that if we have a person with a single horse that doesn't have a stable and asks for a permit for a stable it's a prohibited use in those districts.

And then we've got five community districts that listed them as a conditional use. So even for a personal stable you would have to go through public meetings, public hearings, sorry, to get that approved. So we did have a section – it was a section I was referring to earlier regarding what a community overlay district can regulate and can't regulate, and one of the things they can't regulate is countywide policies and priorities. And some of the additional things that are spelled out there is like group and foster homes, daycares, schools, religious institutions – those are related to case law that we shouldn't be regulating them differently in different zoning districts.

And so there has been a request from several – several comments related to the code as to whether or not communities should be restricting. So there's a couple of ways we could deal with that. And the first way would be to split out personal use and commercial use. We did suggest that in 2013 as we were adopting that but the Board was quite focused at the time to try to encourage equine businesses as well as personal equine uses. And we had suggested either reducing the commercial number of horses down to six, or to break them out. And it was decided at that point we should move forward with all personal and commercial up to 12 to allow small-scale equine uses as businesses.

We could break it out. We could look at how we would do that and then break it out in the communities allowing at least the personal horses to be permitted everywhere. The other thing we could do, because you have made policy direction to us regarding the equine uses is to say that the personal and commercial up to 12 horses is something that a community couldn't regulate. So I would throw that out for discussion, because again, I would like to be able to incorporate any of those changes because it does involve our community districts. It just was a concern that was brought to us because we have stated – the Board has stated that they want to encourage equine uses.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Who knew that we had a situation where a use like a personal use of a horse was restricted? I think absolutely we have to include the discussion in and I think absolutely, within given areas we have to define where you can and cannot make those restrictions. When I see Cerrillos on there in particular as an area that you can't have a horse in now unless you already had one grandfathered in, I think that's absolutely an area that I'm concerned about that I don't think that was the intention. And I'm hopeful that that wasn't the specific intention of those even in those communities that developed those conditions, because that would really concern me.

So I'm glad you brought it up this way, because I think we need to have the dialogue but I absolutely think that we've got to be real cautious as to how far we allow things to go within those communities.

Another thing that comes to mind that I really respect the communities with their community plans did with affordable housing I know in Galisteo and various other communities in my district. There was some discussion from a few – not the majority – from a few that talked about modular homes and disallowing modular homes and we've got to be real cautious with issues like that that didn't come up, only from a select few, but that we're not taking away traditional and historical uses in this or any code.

So I'm glad you pointed it out. I think we need to make some determinations that protect against that, for lack of a better word.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I think that the reasoning was not necessarily related to the personal horses. So I think you could have a horse, you just couldn't build a stable or a barn for it. I think the concern was is the commercial up to 12 horses, that some communities felt that having a 12-horse riding stable was a little intense. And I think that was probably the issue. So again, we could look at breaking those out. We could just say, no, we're going to keep it together but not allow for the regulation of it.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: Is there somebody in front of me?

CHAIRMAN CHAVEZ: No.

COMMISSIONER STEFANICS: Okay. So when we discussed this in 2015 did we not discuss what number was appropriate for personal use? Number of horses?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, that conversation actually happened in 2013 when we first adopted the code before we had a

zoning map, and we did have that discussion. And it was not about the personal horses, because it has always been in here as many personal horses as you have. It's just when you're running a business. So the suggestion had been that either that we pair them out and have commercial up to 12 as a different line item on the use table than the personal horses, or that we reduce it down to six commercial horses.

COMMISSIONER STEFANICS: Okay, so this handout though really includes personal use and commercial. And so that's what I wanted to – if we were going to delineate, like is personal use of horses one to three? Is it one to five? Is everyone allowed to have at least one horse? See where I'm going? But if you were going to actually identify a personal category and a commercial category that could be standardized, just like what we were talking before versus putting it into a community plan, what would be a definition for personal?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, it would be that you're not using it for any business purposes. So it's not horse riding –

COMMISSIONER STEFANICS: How many?

MS. ELLIS-GREEN: There was never a discussion about limiting that. We have people in the county that have multiple horses of their personal horses, that they're not running a business with. And so that was the discussion that we had in 2013, the first round of this. What we had was two line items. One was commercial horses, over 12 commercial horses. And the other one was chosen to stay together as all personal horses, whether it's one or 12 or 15. And commercial horses up to 12. So horse riding lessons, boarding, therapeutic riding, whatever it may be. Up to 12. So those are the only two rows that we've got on the use table.

So the option is is either saying we're going to keep those two rows, but for the personal and commercial up to 12, we won't allow a community district to further regulate whether or not those are allowed, or to split them up and allow personal horses, commercial up to 12, and commercial over 12.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I'm inclined to break out the commercial use from the personal use because it can be quite different. When people have commercial horses that means there's a lot of traffic around their place, more parking, and that sort of thing. So I think that communities should not be able to limit the number of personal horses people have at all, in any way, because that is a tradition in our area. I can see allowing community plans to put some regulation on commercial operations though. That's just my point of view.

CHAIRMAN CHAVEZ: So Penny, if we accepted that concept of separating personal from commercial, how would we distinguish that? Through a business license or how would that be set up?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, it would be the same way as we do it now as to whether or not you're actually running a business or whether they're you're private personal horses.

CHAIRMAN CHAVEZ: And how do you determine that? Are they required to submit for a business license for that particular activity?

MS. ELLIS-GREEN: If you're doing non-residential use, yes. So if you're advertising horse riding lessons, or you're doing horse boarding or something like that. That's a business activity.

CHAIRMAN CHAVEZ: Even if you're in a residential neighborhood.

MS. ELLIS-GREEN: That's correct.

CHAIRMAN CHAVEZ: So would that be a home occupation ordinance or business license?

MS. ELLIS-GREEN: Mr. Chair, no, it wouldn't be a home occupation due to the size of the equine facility, usually, because home occupations are limited to square footage.

CHAIRMAN CHAVEZ: So it would just be a business.

MS. ELLIS-GREEN: So it would either be a permitted use or a conditional use, understanding a conditional use means that you do go through public hearings. You still have to meet the same requirements, as far as showing you've got parking area, looking at water availability, looking at traffic, fire protection, things like that. So our design standards of Chapter 7 for a non-residential use would be the same; it would just be a different procedure you'd go through if it's conditional.

CHAIRMAN CHAVEZ: Well, I guess the other byproduct of your larger stables, 12 horses or more, is stockpiling of the manure or making sure that it's not stockpiled and that it's move appropriately and landfilled wherever it's appropriate. So how is that going to work?

MS. ELLIS-GREEN: Mr. Chair, we do include that in Chapter 7, standards. I'm just trying to find it. We do require it to be removed on a monthly basis and you do have to submit a manure removal plan.

CHAIRMAN CHAVEZ: So do we have staff that's going to be tracking that or is it an honor system?

MS. ELLIS-GREEN: For non-residential uses you have to submit that plan as you come in to get your approval. And just judging by calls that we've received in the past I imagine if you're not complying with that we will get a call.

CHAIRMAN CHAVEZ: Okay. So that's the complaint-driven feature of our ordinance. Right?

MS. ELLIS-GREEN: Yes, that's correct.

CHAIRMAN CHAVEZ: Okay.

MS. ELLIS-GREEN: Mr. Chair, really quickly, the one other thing I wanted to run through is the timeframe. We are going to do a similar presentation to the Planning Commission this Thursday. We would come back to the Board at the end of this month to request to publish title and general summary, which would allow us to get the word out a little bit more and do our actual legal noticing. We would have a hearing with the Planning Commission that's a requirement in October. The proposal in my memo was to come to the Board for the first public hearing on October 25th and the second on November 8th. I believe some communities have asked for a little bit more time and I think we could bump that to do a November 8th and a November 29th hearing. So bump it back by about three weeks for final approval, still allowing us one more BCC meeting before the end of the year if the Board needed some additional time.

COMMISSIONER STEFANICS: Mr. Chair, I'm so sorry. I was not

listening. We were having a sidebar. So could you repeat the timeline?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, so we're going to go on Thursday to the Planning Commission to do this kind of presentation again, informational item, September 27th, so the next BCC meeting, to request to publish title and general summary so we can do our legal noticing, a Planning Commission meeting on October 20th, and the two hearings to the Board October 25th and November 8th, but as I said some community members have asked for a little bit more time to review, and so we could do November 8th and November 29th, pushing it back by three weeks.

The document has started to be out since the end of July so that would give about a four-month timeframe of it being out and it would still allow one more BCC meeting before the end of the year under this Commission if you needed to have one more hearing at the end.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Penny, I think as we go to publish title and general summary one of the things that you did throughout the process and you did it today as well, is if the Commission has provided a resolution that's connected to ecotourism or ag-ranch or anything and set forth a general direction that the Commission has voted on and moving in that we make sure that there's consistency between what we're recommending and those prior documents that the Commission has already set direction on. I think the discussion today was healthy, especially as it relates to everything sand and gravel in particular but even this discussion on the timeline and horses.

The last thing I'll say is this. We said we were going to have a review process; that's what this is, so I appreciate the efforts and the feedback we've received from the community and the citizens and the work of staff, and that this isn't an end game; this is a continuous process. And when we get through this title and general summary and we do whatever changes we need to, we're ultimately going to be back reviewing this again and making other modifications, given the complexity and the size and scope of the document that we adopted for the code as well as the plan. So we know, we anticipated this and we'll just continue to review it and modify it as we need to help it be functional. Thank you, Mr. Chair.

CHAIRMAN CHAVEZ: Thank you, Commissioner Anaya. Any other comments? Commissioner Roybal.

COMMISSIONER ROYBAL: I also want to say thank you to staff for all your hard work and to the communities as well that were involved and have given back their feedback. I also have had some calls from constituents asking for more time so I appreciate – I think I had that conversation with you too, Penny, and I appreciate your looking at us pushing it back, as a possibility of pushing it back if we need to to make sure we implement all of our constituents' concerns and recommendations. So I appreciate that, and as a possibility even, if we even have to go into the meeting in December I'd like to possibly consider that as well. Thank you.

CHAIRMAN CHAVEZ: Okay, that concludes discussion on this item for now. Thank you, Penny and to your staff and again to expand on Commissioner Roybal's comment to the members of the community that have engaged in this for the last five or

six years it will be ongoing and we hope that eventually we can come to some solution in the near future.

VI. MATTERS FROM THE COUNTY MANAGER

- A. **Miscellaneous Updates**
- B. Presentation of the 2016 Albuquerque *Journal's* Readers' Choice Award, Best Destination – Day Trip **DEFERRED**

CHAIRMAN CHAVEZ: I'm going to ask that we postpone the presentation on the 2016 Albuquerque *Journal's* Readers' Choice Award, Best Destination Day Trip. Maybe we can have that at another meeting. So in the interests of time we want to move on to the Public Hearings. We have two ordinances and one beer and wine license. So I would propose that we do the public hearing A. 1. first, then go to the beer and wine license, and then come back to the animal control ordinance. I know that you've been waiting for the animal control. I want to get through this business and then we'll do the animal control, the last piece of business.

VII. PUBLIC HEARINGS

- A. **Ordinances**
 - 1. **Ordinance No. 2016-6, The STAR Cryoelectronics Local Economic Development Act (LEDA) Project Ordinance (First and Only Public Hearing) [Exhibit 10: Revised Staff Report and Ordinance]**

DAVID GRISCOM (Economic Development): Mr. Chair, Commissioners, as you noted, Chair, this is a LEDA ordinance. You have seen the draft ordinance when we requested authorization to publish title and general summary. In your packet you have before you the LEDA application that was submitted by Dr. Robin Cantor, as well as the draft LEDA ordinance and the PPA of the project – participation agreement.

I am joined by Therese Varela and Juan Torres from the Economic Development Department, as well as Carla Rachkowski from the Regional Development Corporation, RDC, should you have any questions directly for them.

CHAIRMAN CHAVEZ: So will they be explaining what the project is about and what the benefit to the community is and maybe to the employment – creation of jobs?

MR. GRISCOM: Mr. Chair, I will go into that, briefly.

CHAIRMAN CHAVEZ: Okay.

MR. GRISCOM: Thank you. So Mr. Chair, STAR Cryoelectronics is a business located in Bisbee Court. It's been in business since 1999. It's been existing primarily on DOE grants doing technology research. The reason why they're before us today is they're making a transition in their business model into manufacturing which presents an economic base proposition for our community which means that more than 50 percent of the revenues coming into that business are coming from out of the community, which is essentially growing the pie. So that's exciting for us. That's the kind of

economic pace project and company that we like.

They are a supplier of superconducting devices, control electronics and cryogenic systems. They're proposing to, with the LEDA support from the State Economic Development Department of \$100,000, they are proposing to create 11 jobs by 2021. These jobs are high tech, high wage jobs paying up to \$45 an hour. Santa Fe County in this project will simply be the pass-through, similar to the LEDA project that we did with Santa Fe Brewing Company. Again, it's \$100,000. The money is going to come from the State's closing fund and so we will simply be administering these funds.

There's a few changes to the ordinance and I believe that you were handed out hard copies of those changes, but essentially to sum up, those changes provide some flexibility in the type of security that the County and Economic Development Department can receive in return for the \$100,000. Mr. Chair, Commissioners, I stand for questions and we have the guests here who will also entertain questions. I don't see Dr. Cantor in the audience. There he is. Dr. Cantor, come on up. Dr. Cantor is the CEO and founder of the company.

CHAIRMAN CHAVEZ: Okay, so that concludes your presentation then, Mr. Griscom? Are there questions of staff or the applicant? Commissioner Holian? Commissioner Roybal? I know that Commissioner Stefanics wanted to be here for the vote on this. So what we'll do, since this is a public hearing, is there anyone here – but we're only on this one.

MS. MILLER: Mr. Chair, this is the first and final public hearing. We're just having one public hearing so we do need to have – open that and see if there is anybody for it but that's the only one we need to have.

CHAIRMAN CHAVEZ: Okay, so that clarifies it. So then, at this time I'd ask anyone in attendance if they want to speak in support or opposition to this ordinance. So I've opened the public hearing portion. I've asked for public comment. I'll ask one more time if there's anyone here that would like to speak in favor or opposition to this ordinance. Please come forward.

THERESE VARELA: Mr. Chair, Commissioners, my name is Therese Varela. I'm with the Economic Development Department. We stand in support of the project.

CHAIRMAN CHAVEZ: Thank you. Okay. Anyone else that wants to speak? Please come forward.

CARLA RACHKOWSKI: Hello, my name is Carla Rachkowski. I'm with the Regional Development Corporation, a non-profit economic development in Espanola. We've had substantial dealings with STAR Cryo and strongly recommend support for the LEDA funding. Thank you.

CHAIRMAN CHAVEZ: Yes. Thank you. So I'll now close the public hearing.

CLERK SALAZAR: Chair Chavez, before we had them testify or give their opinions we would need to have you sworn in, state your name, your residence, and then you state whether you oppose or not.

CHAIRMAN CHAVEZ: Okay, so let's go through it one more time then. You can be sworn in at the same time.

[Duly sworn, Therese Varela testified as follows:]

MS. VARELA: Therese Varela, City of Santa Fe.

[Duly sworn, Carla Rachkowski testified as follows:]

MS. RACHKOWSKI: Carla Rachkowski, Albuquerque, New Mexico.

CLERK SALAZAR: State your address and what you are here – what are you stating? Whether you are for or against.

MS. VARELA: 123 Daniels Street, Santa Fe, New Mexico, and I stand for approval.

MS. RACHKOWSKI: 2408 Rio Grande del Sol Boulevard NW, Albuquerque, New Mexico and I stand for the approval.

CHAIRMAN CHAVEZ: Okay, so that takes care of the formalities. I apologize for that. Thank you, County Clerk for catching that. Commissioner Stefanics, we're now at the conclusion of staff's presentation. We've held the public hearing on this ordinance. Do you have any comments or questions at this time?

COMMISSIONER STEFANICS: No, I don't have any questions.

CHAIRMAN CHAVEZ: Okay, so I'd entertain a motion to approve this ordinance.

COMMISSIONER ANAYA: So moved, Mr. Chair.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: So we have a motion and a second. Any further discussion? Hearing none.

MR. SHAFFER: Mr. Chair, if we could just clarify, I think we do that by roll call vote. But that would be with the proposed changes from staff that were distributed today?

COMMISSIONER ANAYA: That's correct.

CHAIRMAN CHAVEZ: Okay, so that's the maker of the motion and the second agrees to that?

COMMISSIONER HOLIAN: Yes.

CHAIRMAN CHAVEZ: So for the ordinance we need a roll call.

Commissioner Anaya	Aye
Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

VII. B. Land Use Cases

- 1. BCC CASE #MIS 16-5200. Raven's Rock Café, LLC, Beer & Wine License. Raven's Rock Café, LLC, Applicant, Requests Approval for a Restaurant Beer and Wine Liquor License. The Property is Located at 3810 State Road 14, within the San Marcos District Overlay, within Section 35, Township 15 North, Range 8 East (Commission District 5)**

JOHN MICHAEL SALAZAR (Case Manager): Thank you. Raven's Rock Café, LLC, applicant, requests approval for a restaurant beer and wine liquor license. The property is located at 3810 State Road 14, within the San Marcos District Overlay, within Section 35, Township 15 North, Range 8 East, Commission District 5.

Commissioners, the applicant is currently operating Raven's Rock Café. It's already operating. It's in an existing building. The previous restaurant at this location was Babalu's Cocina Cubana. This is located in the San Marcos Community District Overlay. The site is zoned as neighborhood commercial. Table 9.14.8 designates a restaurant with incidental consumption of alcoholic beverages as a permitted use.

Staff recommends approval for a restaurant beer and wine license to be located at 3810 State Road 14, and I'll stand for questions.

CHAIRMAN CHAVEZ: Commissioner Stefanics, do you have questions of staff?

COMMISSIONER STEFANICS: No. After the public hearing I'll move for approval.

CHAIRMAN CHAVEZ: So this is a request for a beer and wine license. It requires a public hearing. Is there anyone here this evening to speak in favor or in opposition to this request for a beer and wine license? Anyone here to speak in favor or support? The applicant? Anyone? No? Okay, I'll close the public hearing portion then and bring it back to the County Commission. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I move for approval on BCC Case MIS 16-5200.

COMMISSIONER HOLIAN: Second.

CHAIRMAN CHAVEZ: There's a motion and a second. Any further discussion? Hearing none.

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

- VII. A. 2. Ordinance No. 2016- ____, Santa Fe County Animal Control Ordinance: an Ordinance Governing the Duties of Animal Owners, and Others; the Impoundment of Animals; and the Issuance of Permits; Defining Offenses; Establishing Penalties; and Repealing Santa Fe County Ordinance Nos. 1981-7, 1982-7, 1990-8 and 1991-6 and Santa Fe County Resolution No. 1982-28 (First Public Hearing) [Exhibit 11: Letters from the Public]**

CHAIRMAN CHAVEZ: So now we're saving the best for last. This is an ordinance and this is the first public hearing so we're not going to take action on this tonight. We're going to hear a staff presentation. We'll have a public hearing. We'll take your comments, and then staff will work on incorporating those comments into the

ordinance, and then we'll have a second public hearing and maybe a third. I'm not sure how extensive the public hearings will need to be. So we have the first public hearing on the Santa Fe County Animal Control Ordinance, an ordinance governing the duties of animal owners; and others; the impoundment of animals; and the issuance of permits; defining offenses; establishing penalties; and repealing Santa Fe County Ordinance Nos. 1981-7, 1982-7, 1990-8 and 1991-6 and Santa Fe County Resolution No. 1982-28.

WILLIAM PACHECO (Sheriff's Office): Mr. Chair, County Commissioners. My name is Captain William Pacheco. I'm with the Santa Fe County Sheriff's Office. The Santa Fe County Sheriff's Office, Animal Control Services is trying to enact – update our ordinances in the Animal Control Division. Some of the updates we're trying to make changes to, we discussed this at the last County Commission and we asked for public comment in regards to some of the changes that we'd like to make.

Some of the ordinances have not been changed since 1991 and some of the fees have not changed so we are looking to make some changes to the ordinances, bring them up to date and bring some of our fees up to date as well.

CHAIRMAN CHAVEZ: Thank you. So that concludes staff's presentation?

CAPTAIN PACHECO: Yes.

CHAIRMAN CHAVEZ: Questions to staff?

COMMISSIONER STEFANICS: Mr. Chair, I'd like for the staff to really go through the major changes so that we are clear. I'm sure that everybody who's read it in detail is clear but we have many people listening. They also watch this on the web, so we need a review or a summary please.

CAPTAIN PACHECO: Mr. Chair, Board of County Commissioners, some of the major changes that we are looking to add or take away, one of them that has caused for the public comment that we'd like to have is chaining. The ordinance now calls for no chains within the county. Also the restraints, whether trolleys were to be used or not used and that I think is one of our biggest changes that we want to add in this new ordinance. If I'm not mistaken at the last County Commission meeting we spoke about, Mr. Chair, you wanted to open it up to public comment because you had a lot of constituents that had concerns whether or not chaining was going to be allowed or not allowed, or tethering. So that's probably one of our biggest changes that we will be adding and it is at this time proposed no chains. So it's a chain-free ordinance.

Some other changes are the leash laws within Santa Fe County. In the old 91 ordinance we had a voice command, so if you were able to control your animal under voice command that was allowed. We'd like to change that to having the animal or animals on a leash when in public places, public parks, County parks, sidewalks. So there's another change that we'd like to have made to the ordinance. And again, fees have gone up.

CRISTELLA VALDEZ (Assistant County Attorney): Good evening, Commissioners. I can outline some of the major changes for the Commission if you would like. One of the big changes that the ordinance has is delineation of authority. The current ordinance really only covers the authority for animal control officers to issue citations, investigate and enter and inspect premises. The new ordinance is far more thorough. It has more detailed direction on warrantless entry and on entries that would

require warrants. It provides more guidance for the officers on when they should go into a property, when they shouldn't, and these requirements are not authority really granted by the Commission. These requirements are just articulations of current state law on warrantless entry.

It also gives authority for the animal control officers to exercise their discretion regarding waiving of fees and when they should strongly implement certain provisions in the code and when they can exercise their discretion to allow someone to come into compliance.

As far as impoundment, the current ordinance really only focuses on impoundment of strays. The new ordinance gives far more clarification and process which is balancing the due process rights of individuals and the requirements for impounding animals. So it outlines the process for redemption. It gives due process provisions for notice and hearing, which are in the current ordinance but not in as great of detail.

The new ordinance allows officers to seize animals that they believe are endangered due to safety issues or violations of the code. It allows impoundment for emergencies when it's clear that there is immediate danger to either the animal or to people. There is a protective care provision that allows animal control to take an animal into protective care when the owner is incarcerated or ill or absent for any reason and cannot provide care for the animal. In all of those instances it gives direction and due process requirements and noticing requirements to the animal control officers.

As mentioned by the Captain there are restraint provisions that are new to the ordinance. The current ordinance does already have some restraint provisions. It requires a leash but it does allow voice control. The proposed changes would eliminate the requirement or the exception for voice control and animals would have to be kept on a leash. The current ordinance also already prohibits chaining in inhumane and cruel manners but it does create some conditions under which they can be tethered and it does have standards for tethering. The new ordinance, as you've heard, contemplates completely eliminating any form of tethering except in very limited circumstances when the owner is present, such as picnic gatherings, gatherings in the park.

COMMISSIONER ANAYA: Mr. Chair, just a few comments before you guys proceed. So we had a pretty complex ordinance that we had some time back that we took in a lot of feedback on that this particular ordinance has been reconfigured, for lack of a better word, and I just want to tell the three of you and all the comments that we've received thus far, we're going to go through a process, we're going to hear it out as a Commission and then we're going to make some determinations as to whether or not we're going to do the new ordinance or potentially even make modifications to the existing ordinance. I don't think that's completely off the table.

But I want to let you guys know that you've done a good job in helping to compile the information and provide the summary so I know it's maybe a little tenuous but it's okay. And I just want to let you know you're doing a good job. Just take your time. It's all good. And we'll get through the summary and then we'll get some public input and then the Commission will provide some feedback. But I just wanted to kind of bring things down a little, let you know you're doing fine and just relax and just go through the summary and we'll go from there. Okay? Thank you, Mr. Chair.

COMMISSIONER ROYBAL: Thank you, Commissioner Anaya.

MS. VALDEZ: And all the previous or the current ordinance addresses, leashing, it doesn't have any exceptions that address the rural character of Santa Fe County, and so the proposed ordinance does allow exceptions for the leash requirement for animals that are engaged in herding or hunting, and also for show animals.

As far as permitting goes, the previous – or the current ordinance did have licensing provisions for animals over three months. The new licensing provision has increased the age to six months, and in the previous or current ordinance tags did have to be affixed and the proposed ordinance contemplates allowing exceptions for when the tag has to be on, taking into account the rural character of Santa Fe County, allowing dogs that are herding or in active shows to be exempt from having their tags on at that time.

There were kennel provisions, a permitting provision for kennels in the current ordinance and that did require a permit, or does require a permit for ten dogs over the age of three months, you had to have a permit if you had ten dogs. And it did give animal control officers the right to inspect once you had the permit. It did have a fee for acquiring the permit and did have care standards for the size of the kennel, the temperature, bedding, sanitation, food and water. That's been reconfigured into what's called a professional care permit under the proposed ordinance and that covers kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using guard dogs and individuals that maintain more than ten cats or dogs.

And I will note that there is an oversight in the section for professional care permits. Currently there is a requirement for standards of care for particular classes of individuals that I just outlined and individuals maintaining more than ten cats or dogs was inadvertently omitted from that section so unless the Commission would like for that to remain exempt, for those individuals to remain exempt from the standards of care, those individuals will be added as a class that will require compliance with the standards of care.

And those standards of care are pretty basic. They're almost identical to the current standards of care except that they're a little more – it's a little more detailed and more express what's required. I think there is a temperature requirement that wasn't included in the current ordinance. And specifics for ventilation.

The current ordinance does address wild and exotic animals and animal exhibitions and that remains the case for the proposed ordinance. It has two separate permitting requirements for those in the current ordinance, wild animals and animal exhibitions were encapsulated in the same provisions and now they're two separate provisions with their own standards of care because they are two very different types of permitting.

And the proposed ordinance adds standards for guard dogs which weren't previously contemplated in the current ordinance.

The current ordinance also more carefully delineates what is permitted behavior and what's prohibited behavior. I think there's a misconception that everything is now criminalized because it's expressly indicated in the proposed ordinance that violations are misdemeanors but the current ordinance, actually all violations of County ordinances are misdemeanors so if you're not in compliance currently you would already be guilty or at least able to be cited for a criminal violation. But what the proposed ordinance attempts

to do is make it clear for the courts and for users to understand exactly that point, that it is a misdemeanor if you violate this ordinance and it's just more clearly delineated. It doesn't change the fact that they were already misdemeanors. And you can those changes in the sections for rabies, restraint, impoundment, etc.

Also has a more clear section in Section 11 for prohibited activities. A lot of the activities listed in that section were already prohibited under the current ordinance. It's just listed in a manner that allows access for the courts, for users and for the law enforcement officers.

As far as animal nuisances goes, the current ordinance already prohibits barking. It's just been difficult for the officers to enforce that here and they can give you some more information on the enforcement challenges they've had. The only thing that's been added regarding barking dogs is a time period of ten minutes. Other than that the language pretty closely mirrors the current ordinance. The ordinance adds and incorporates language from the New Mexico Dangerous Dogs Act. The County already had authority to act in accordance with that state statute or that set of statutes but the addition to the ordinance just gives clear direction to the animal control officers and the public the process that will be used in compliance with the authority granted by state law.

The proposed ordinance also has a more comprehensive animal cruelty provision and a lot of the activities – what the current ordinance does is it has animal cruelty kind of broken into different sections and this ordinance kind of gathers those together into one section of animal cruelty, and that again is so that the public can understand what activities are cruel to animals. And that language mirrors the state statute and it outlines exemptions that weren't currently in our ordinance for veterinary practices, hunting – so that makes it a more thorough and more nuanced animal cruelty ordinance and will allow for better enforcement and for better compliance.

As a lot of sections were added there have been several new words added to definitions, so there's 28 new words that correspond to the added sections or the more detailed sections. I believe the officers can address the fees and maybe speak to some of the enforcement issues. In addition to the public comment that was included in the agenda packet the County has received two other sets of comments that have been handed out to the Commission and are also available in the back for the public.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a friendly suggestion. I think we have the fee structures in our packet, but if we could I'd like to see if we could go to the public comment and hear what the public has to say.

CHAIRMAN CHAVEZ: I'm fine with that and I'm suggesting that we set a three-minute time limit per speaker. If you need to go over that I think we can be flexible, but if you would gather your comments and see if you can be concise with the three minutes that I'm suggesting. Commissioner Stefanics, did you have a comment?

COMMISSIONER STEFANICS: No, I'll wait. Thank you.

CHAIRMAN CHAVEZ: Then let's go to the public hearing. Anyone here to speak in favor or opposition or add comments to this ordinance you're able to do that at this time. Please come forward.

[Those wishing to speak were placed under oath.]

CHAIRMAN CHAVEZ: Okay, now if you want to start lining up so we can also, in the interests of time run in a sequence. Please come up to the first bench and line yourselves up so that you're ready to speak. Sir, go ahead.

[Duly sworn, Herb Rickert, Jr. testified as follows:]

HERB RICKERT, JR: My name is Herb Rickert, Jr. I live at 3033 Primo Colores, just off South Meadows. My wife and I are in favor of the ordinance that there must be a leash on the dog and that it be under leash control. I was attacked by a pit bull coming out of a house. I'm not 25 percent disabled, \$70,000 in the arm and our dog was nearly destroyed last September 30th. Since then we've carried pepper spray and we've had to spray a German shepherd and another dog that was charging our dog and us when we were in a public space.

We do not object – in fact we had a dog about 40 years ago, where there's a line. We're opposed to chaining, but where the dog has 50, 80 feet where they go back and forth – let's face it. Not everybody can afford to build a fence. Another comment we would suggest may be a financial burden to some is the dog that attacked us last September 30th came out of a house. There was no security screen. He charged me, bit me, knocked me down then attacked our dog which required 24 trips to the vet, three surgeries and 84 bandage changes and \$2,500 out of our pocket.

So you may want to consider having part of the ordinance that says if you have a dog you have a security screen on your doors, because this dog had been previously trying to get to people. In fact the pest management company refuses to let its technician do that house anymore because through the open windows the technician could hear the dog trying to get out of a bathroom. So to summarize, we support the changes that are proposed and we would add a suggestion that a security door be included so if somebody opens a door the dog can't get out. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Sir, if I could just get clarity. You're not opposed to tethering with a trolley?

MR. RICKERT, JR.: Correct.

COMMISSIONER ANAYA: Got it. Thank you.

MR. RICKERT, JR.: Yes. Anybody else? Okay.

COMMISSIONER ROYBAL: I do have one question, Mr. Chair. So the dog that came out of a house, but the owner wouldn't have had it on a leash then, right?

MR. RICKERT, JR.: Correct.

COMMISSIONER ROYBAL: So a security door would be good. But, yes, in public parks – is the public park that you take your dog to, do you see a lot of people without leashes on their dogs?

MR. RICKERT, JR.: From time to time and we've had to spray two to keep them away. I was at the part three nights ago. He said it was under voice command. I said I'll spray the son of a bitch if it gets near me because I've been injured and disabled. We were attacked on a public sidewalk and that dog had killed a neighbor's dog but nobody had reported it. So if you're going to bitch about who's in office you need to vote. I better quit now.

CHAIRMAN CHAVEZ: Thank you, sir and thank you for being patient.

So next speaker.

[Duly sworn, Linda Kastner testified as follows:]

LINDA KASTNER: Hi. Under oath, my name is Linda Kastner and I live at 111 San Salvador, Santa Fe, New Mexico. And I stand with the over 500 Santa Fe County voters that signed the petition to no longer allow tethering to either a fixed point or to a trolley in Santa Fe County. I have heard talk about the difficulty in enforcing this portion of the new ordinance, but I do not believe that this is a reason to not pass it. It is my hope that it gives animal control officers the power to step in and help a dog that is reported chained 24/7 and in all kinds of weather.

Does anyone really care if someone ties their cocker spaniel to the porch for a short time while they drink their morning coffee? Probably not. But where does one draw the line? It's not an easy thing to legislate and if the ordinance contains too many ifs, ands or buts it will be impossible to enforce. I've lived in many big cities where dogs live in high-rise apartment buildings, be it uptown or in the projects and I can assure you that dog owners do not chain their dog to the lamp post on the corner before they go to work. Training, education, a leash and a few walks a day seem to do the trick for all these dogs. It may be a hardship at first for people to comply, whether they live in Las Campanas or a trailer park, but I have faith that with the support of the County and non-governmental organizations that there will be a way to assist people with financial help, training and education, for the safety of our communities we can no longer allow dogs to be chained or to run at large.

Change is always hard but it's time to move forward. Thank you very much.

[Duly sworn, Martha Kennedy testified as follows:]

MARTHA KENNEDY: Hello, my name is Martha Kennedy, 14 Summer Night, Santa Fe, New Mexico. I also stand with the 500 people that signed the petition. I'm part of a group of people called Chain-Free Santa Fe that have been working on this ordinance for the past year. To me, I really see this as a public safety issue, as we can tell. Dogs do bite. When a dog is not contained behind some kind of physical barrier such as a fence they – dog have a fight or flight response to fear and pain and suffering. When they are affixed to a chain, whether it's a movable tether or a fixed point chain, they can never get away from things that approach them.

For a dog this causes much frustration and fear and it can lead to aggression in a dog. They see someone coming towards them, they can't go away, they very well may bite. And one of those people that comes, that can just stumble into a chained dog like that, there's no physical barriers, it can be a child, and this has happened before. And it's not a pretty thing.

It's also a safety issue for the dogs. When they're on a chain wild animals and other stray dogs have total access to them. They have no resource other than teeth to protect themselves. Unspayed females on chains have – well, they get pregnant and then you have litters where also the mom is on a chain and they have puppies out there. And, well, we have actually seen mothers kill their puppies just out of fear and frustration. And this just adds more dogs out there that really aren't wanted.

I know it's not easy for some people. As Linda said, a leash can go a long ways. A little bit of training, a little bit of education and we need to start looking at animals and there's been a lot more studies lately that animals are thinking, feeling beings. And to be

stuck on a chain out alone, 24/7 is just not something you should ever do to another animal. And I know legally they are considered property but I think most of us can see that they really are beyond just property. I guess that's it. Thank you very much.

CHAIRMAN CHAVEZ: Thank you, ma'am.

[Duly sworn, Diana Dorantes testified as follows:]

DIANA DORANTES: Good evening, distinguished Commissioners. My name is Diana Dorantes. I live at 1710 Third Street, Santa Fe, New Mexico. I'm grateful to be here because I want to talk about the fact that there is no such thing as a bad dog, only irresponsible pet owners. The other thing I want to talk about is the tip of the iceberg. Dogs on chains, dogs who are tethered, restrained in such a way and neglected, not fed, left for hours, days, never acknowledged, are an indicator of other things going on inside the household.

Many times we see in other counties where this type of ordinance has been passed, we see crime, spousal abuse, neglect of children and many other atrocities that are going on and the dog is an identifier for law enforcement and a means to enter the home legally by seeing that first and foremost, on the outside of the home there is something going on that is illegal and finally I want to say that modeling abusive, neglectful behavior of a living creature of any kind to our children, to this younger generation as they grow up they will repeat this behavior. And it will be cyclical and a systemic, toxic part of that family system and our culture here in this county. So I'm asking you to consider the social ramifications of one item, a dog on a chain, which has a domino effect on not only that dog but that family and those of us who resident here in this county. And thank you so much for listening.

CHAIRMAN CHAVEZ: If there's anyone else that has been sworn in please come forward. If you haven't been sworn in let us know and we can still swear you in so you can speak to this issue.

[Duly sworn, Eileen McCarthy testified as follows:]

EILEEN MCCARTHY: Hi. My name is Eileen McCarthy and I'm a resident of Santa Fe County, 5 Big Bear Place, Santa Fe, New Mexico, 87508. And I'm here today representing Animal Protection of New Mexico. We did submit a letter to all of the Commissioners and our position, after many discussions with Chain-Free Santa Fe and the Sheriff's Department and Paul Portillo, and I think that this is a really good ordinance that we do support. We have made in our letter a couple of points that I think might go a long way towards making this enforcement, this ordinance really meaningful, enforceable and not as much of a hardship on some people as it otherwise might be.

Number one would be if the ordinance is passed as-is, or with modifications but the basic ban on tethering and trolley systems intact, we would recommend at least a minimum of a one-year grace period before people are actually in violation and give them time to explore alternatives.

The second thing that I would like to comment on is that I think the fencing areas, particularly that are in the ordinance and the enclosure size for fenced-in areas for animals, mostly dogs, is a great idea, especially in a rural area where it might not be feasible to have a fence around the whole piece of property. However, I would recommend, based on my experience in working with animals in captivity and the formulas that are usually used to figure out what is an adequate enclosure size that we

explore that a little bit more and maybe add to it. There are many people that have dogs that are over 50 pounds. There are people that might have multiple dogs. Certainly I would hope if a dog is living 24/7 in an enclosure that has a companion.

But again, I think that with maybe some work and some tweaking and the outreach that the APNM and Chain-Free Santa Fe can provide to help animal control and the County educate people access resources because the County of Santa Fe has many resources that will help people with little means or who may have disabilities and it's difficult for them to get their animal the care they need. There's many services available. People may just need help accessing them. And we would like to work with the County on that as partners. And I thank you for allowing us to speak today.

[Duly sworn, Karen Cain testified as follows:]

KAREN CAIN: Good evening, Commissioners. Thank you for allowing me to speak. My name is Karen Cain and I'm a mental health professional in Santa Fe and I run a non-profit street homeless animal project. And I just want to say that I absolutely support the 500 petitioners. It's so important. It's just so important for us all – for the animals, for the humans, it's so important. And the other factor is precisely what the other speakers indicated as far as the mental health issues regarding this. Domestic violence – I've worked at Esperanza. I've worked at Eight Northern, and it's just so important. We must do this. It's essential for all of us. Thank you.

CHAIRMAN CHAVEZ: Is there anyone else that would like to speak before I close the public hearing portion? Okay, we'll go ahead and close the public hearing portion. Are there any questions to staff at this time? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. So, in this – I'm not sure who wants to respond. Three voices? Great. In the ordinance, come of the comments I got dealt with city versus incorporated. We have made no distinction in the animal ordinance, correct?

MS. VALDEZ: That's correct, but under state law county ordinances are only applicable outside of municipal boundaries.

COMMISSIONER STEFANICS: Okay. So that means that our ordinance would cover areas like Rancho Viejo, Eldorado, but also 150-acre farms and ranches.

MS. VALDEZ: That's correct.

COMMISSIONER STEFANICS: Okay. Is there any place in our ordinance that grandfathers in shelters that have taken in abandoned or strays, that are providing a service to all the unwanted animals that we have in our county?

MS. VALDEZ: There currently are not any grandfather clauses in the proposed ordinance.

COMMISSIONER STEFANICS: Okay, so I do know that there are some really good people who are providing shelter for some animals, keeping them contained on their properties, but probably would never meet some of the standards that are in this, and in taking their animals it really would take out a community service but it also would take a great number of animals to another system that would become overloaded. So I just would want us to look at that.

And the other issue that I want to bring up is that I hear and I've read all the comments about the trolleys and we were talking, one of the other Commissioners and I about animals – and I've had dogs and cats. Have neighbors with pet cows and horses.

Lots of coyotes. But on the dogs and the cats, I've had everything from a pure-bred Great Dane to lots and lots of shelter dogs and other show dogs. But one of my dogs could have climbed out of anything. Anything. And in fact, one year we lived in Santa Fe City when I first moved here and she got impaled on the fence. I do not think that fences, regardless of how high they are, can really contain some large and over-active animals. They can be totally friendly but they still can get out. So I just think we need to think about some of these options and exceptions.

There are – quite a few of course received comments about AKC standards, and you've mentioned show dogs. You've mentioned herding dogs. I'm not sure we've taken into account some of these interests in this ordinance. So I am very interested to see how this will play out over the next month but I definitely think that there are some great things in this new ordinance. I think we should be raising the fees. I think we should be clarifying for our officers so that they do not feel that they are in limbo or out there with a gray area of what they could or could not do.

I also think though it's going to really – I think that the Sheriff's human resources department, which of course relies on our own County's HR Department, is really going to have to identify some stellar individuals, like when we have to replace the ones we have, in some very astute decision making. Because you are providing a lot of – or you're clarifying the latitude and the authority that people have. So this is not an entry level position and it used to be. We have had people in our County start in that position and move up and we're not talking about that anymore. So we need to be clear about what that means to your department. I think that's all for right now. Thank you.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: So I remember the last ordinance when we did it and all the comments that we received and I'm going to actually go back and look at some of those comments because I think we had three times the people that are at this particular meeting at that meeting and a lot of the comments were associated with some of the same principles relative to chaining and not allowing chaining. Where I'm not completely convinced, frankly, and I'm just being candid and honest is that there was a lot of discussion at that last Commission meeting that we had on the last ordinance associated with trolleying and other dog owners and how they deal with trolleying and most of those owners that do that utilize that system during the daytime when they're at work. A lot of those trolley systems are in very good homes of people that are very much so good citizens in the county and I know those systems throughout the county.

And so what I'd like staff to do in the consideration of the ordinance is like Commissioner Stefanics was talking about, I think we have to give some consideration to urban settings and rural settings and some examination as to what are the implications between the two, as we move into deliberating and making any determination on changes. I concur there needs to be some modifications. I know, Captain, that over the years that we've had discussions with yourselves, Mr. Portillo and law enforcement, to help you guys have the appropriate mechanism through an ordinance that gives you the ability to do your job effectively and fairly and equitably across the county.

So I think there's a lot of good things that we can feed off of, but I don't think that it's a black and white scenario. I think that there are some issues that we need to deliberate on. One of the ladies earlier made a comment relative to the size of the

enclosure for a particular dog. I think we need to have some discussions on that, and associated costs that goes along with that as well. I don't know – and in some of the examples of trolley systems I've seen, I don't know that a dog is better off in a small enclosure that meets the rigid requirement or a requirement of size, I don't know that they're necessarily better off in that enclosure or tethered to a line where they can be throughout an entire yard of 100 feet, let's say.

So I want to learn more about those aspects. I think the other thing I'd like to learn more about, several of the people that provided public comment spoke of other areas that they were from, and I'd like to see in New Mexico in particular – respectfully, I'm not so much concerned with large metroplexes in the United States, but I would like to see other communities, even maybe the City of Albuquerque and other counties and entities that have done similar modifications, and what experiences they've had with not only the ordinance itself but the actual application of the ordinance. I'd like to see and get some feedback if we could from some of those other entities.

I heard a comment from Commissioner Stefanics that I just want to highlight and say that we earlier, and a lot of you were here when we discussed it, but we earlier talked about the Land Use Code. And we went through a long process, but it afforded a lot of public input and feedback over a succinct period of time, and some things we need to take the appropriate time. So I'm just going to say up front that if we're not in a position 30 days from now to implement this, I don't want to rush in and implement it just for the sake of implementation. So I just want to be clear and candid about that.

I think it's important that we get input from – we've got some incoming Commissioners, respecting my Commissioners that are sitting on this bench; I respect them greatly, but we also have some incoming Commissioners that are coming into the Commission that I think we need to give some deference to and get some feedback from, given the scope of this type of decision. But I think there's a lot of good things. At the end of the day we need to be humane, we need to be realistic, and I think there are a lot of things that are misconceptions with pets.

I'm going to leave you with this story. So I found a dog near my home that was starving, a small, little puppy and we took the dog into the family. And we nurtured the dog to health as a puppy that started growing up and the puppy began to cause – I live on a ranch. We have cattle. This is a herding dog we work with to train. He's a mix healer breed. But this dog was causing so much havoc for everyone, including my mom and the people in the family, if you will, in the general area where we live, that one of my buddies came over and said you need to take that dog to the pound because he's just got too many habits. Or if you're going to keep him you better name him Torrance because he belongs at the Torrance pound. And he kiddingly said that.

Well, that was 15+ years ago and I've invested, through the family, more, into not only trying to train that dog, but we've learned more about ourselves and about different things from that dog than a lot of things. And so I don't take away anything from the ability to take a dog and to train a dog and to help it adapt to be a trained herding dog or to help you on a ranch or help you around the house, but we all have to understand that there are parameters and that we all have responsibilities as pet owners. And so Torrance is my example and our example, but there's Torrances all throughout Santa Fe County.

We need to make sure that we as pet owners and pet owners across the county

treat their animals appropriately and that they have appropriate spaces to care for those animals. So all those things being said, we also need to take into consideration that there's many people that do a great job with limited resources that they might have, and we don't want to put those people in a position where they can't afford to make modifications to their property. And I don't take that light at all. I think it's going to be real important for us to take the whole gamut into consideration.

And I think most of the people I know – all of the people I know that have animals are responsible, but I too drive down the street on occasion in any city and see dogs chained with a heavy chain around them and it makes me sick. And so this Commission has never condoned or acknowledged that system and nor have these individuals, day in and day out, that do their job in animal control and animal protection.

So I think we have some opportunities. I'm looking forward to those. But I also think we have some homework that I'm hopeful that we can do so as we make those decisions that are going to impact anybody that wants to have an animal in Santa Fe County we do it in a fair, equitable way. So I thank all of you for being here, and for all the comments, because we've got them. We've got the emails; we've had the phone calls, so I'm appreciative of that and I'm appreciative that you came and waited to provide your feedback and input.

It might not hurt, also, to take some of those comments from the prior cycle that we went through because there was a lot of them, and maybe take a look and absorb some of the feedback and public input that we got through the last round that we were considering an ordinance as well. Thank you, Mr. Chair.

COMMISSIONER ROYBAL: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Roybal.

COMMISSIONER ROYBAL: I too would like to say thank you to everybody for your comments today. They were really insightful. The gentleman that talked about the dog that attacked him. I know he alluded to saying maybe a security door would have benefited but he also said there was somebody said that the dog was also trying to come out of the window. So it may have stopped the dog from coming out of the door but who knows out the window. So those are things – I don't know how we'd address all those individually but I think just making sure that the animal can't leave the property. I think that's really important.

And I did have some stuff for the staff where I had seen – and like Commissioner Anaya alluded, I've seen before in the past and even when I was younger, even friends that had big chains on their dogs and it was just silly and very abusive to the dog. So I would really – I haven't probably seen that in a while but maybe I have. Not anywhere near, maybe a stranger. But at the same time it's something that's not right for the animal and I think it's animal cruelty for you to put such a heavy-duty chain on an animal. I'm not really sure; I'm still undecided on the tethering part. Like Commissioner Anaya alluded to that a 100-foot run or a 60-foot run versus a 15 by 15 kennel, I don't know which the dog would prefer.

For staff, I'd like to ask the question for hunting dogs. I know that – I read that if they have licenses that they would be checked to make sure they have licenses to be let off of their leash when they're in the mountains, but let's say during seasons where the hunter is training their dog, do we have anything that we would address for that?

Also, there's going to be times like where Commissioner Stefanics had mentioned about a dog possibly damaging a kennel, digging under the fence. Somebody gets called, they come out of work, they have to do something temporary. Is that a situation where they can tie the dog temporarily to it. The weekend comes or that evening, or if they can get off of work to fix a fence, whenever it happens to be, a temporary time when they can tie the dog so that they can make the repairs necessary to keep the dog in its kennel if that's what they choose to do, or if we do end up doing trolley system, if it breaks the trolley system, if they can do something temporary just to keep it from getting away.

Another concern, I live in a pretty rural area of the county and I know that my dogs – I have to go downstairs and go outside and calm them down or tell them to be quiet when they're barking because we have the coyotes that are howling around the neighborhood. So they always like to set off my dogs especially. I think they come to the fence just to get them going. But I'll go outside and I'll tell them to be quiet and I think that probably scares the coyotes away because they stop usually. But that's another thing to consider and I don't know if it's continual barking or ten minutes, and if somebody as it happens not to be home overnight there's going to be that situation where the coyotes are still going to howl and the dogs are still going to bark and we may have some issues with that as well, where these individuals – I don't know if that would be a misdemeanor as well. I know you said that it would probably be warnings. I'd like to see more warnings, and if somebody wasn't home maybe we'd take that into consideration.

So those are just some of my comments that I'd like for you guys to look at and once again I'd like to say thank you for everybody coming here tonight. I really appreciate it.

PAUL PORTILLO (Sheriff's Office): Mr. Chair, Commissioners, I'd like to address the questions that you had. As far as the barking, it would ultimately have to be based on what the circumstances were at that time. We're not just going to go based off of, okay, your dog was barking for ten minutes; here's your citation. Even now we take into consideration, okay, what is around that is making the dog bark? Do you have foot traffic, do you have a park? Different things like that. And we take those into consideration when we are speaking with constituents when it comes to barking complaints.

Now, if we go out to a call and we observe – what we try to do depending on what kind of calls we have pending, is to sit and observe, document what's going on around. If there's nothing that we can find that is making the dog bark – like I said before, foot traffic, wildlife, stuff like that, then we find it a violation. So we do a thorough investigation before we issue any citations for dogs that are barking.

COMMISSIONER ROYBAL: Okay, thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CHAVEZ: Commissioner Anaya.

COMMISSIONER ANAYA: Officer Portillo, could you give me your perspective, because I know it's going to come up again, but give me your perspective. You're out every day. Give me your perspective on the discussion relative to trolleying a dog versus having it in an enclosed space, in a fence. What's your perspective just based on what you see as an officer?

OFFICER PORTILLO: Well, based on what we see, we encounter more

dogs that are chained rather than are fenced. That comes with people have large amounts of property and that can become very costly, depending on how they are financially. It's not something that I personally like as far as chaining. I don't agree with it, but I have to go with what's in my ordinance and the ordinance says that it's acceptable, so I go based on what I have in my books here.

COMMISSIONER ANAYA: Because what I'm trying to differentiate and what I differentiate in my own mind what I've seen, there's a difference from my perspective between a dog chained to a post and a dog on a trolley that has some latitude to move throughout a property. Do you – I'm not trying to bait you or anything. I'm just asking. I see it as a distinct difference.

OFFICER PORTILLO: There is. Direct point chaining you have a lot of things that could come into play as far as getting twisted and tangled and stuff like that around trees, posts, even other dogs that might be around, and then they have no access to food. They have no access to water. They have no access to shelter. So that's the problem that I see with direct point chaining. The tethering or the trolley system you kind of eliminate that, but I've seen where dogs are able to break the trolley system as well and take off and running at large.

So they have their good and they have their bad. The trolley system, it's kind of a little bit better rather than direct point chaining I guess.

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

CHAIRMAN CHAVEZ: I just have one question, because I know we had information that suggests that there are other municipalities in the area – Las Vegas, Bernalillo, Torrance, other counties. Los Alamos. Have you had the time to study those ordinances, see how long they've been in effect and see if there's any sticking points or anything that we can learn from what other communities or counties have done.

OFFICER PORTILLO: We haven't done any studies as far as compiling the different counties. We only have is the direct point chaining comes from the Bernalillo County.

COMMISSIONER STEFANICS: On that point, there have been many ordinances we've asked staff from other departments to say we'd like a comparison chart. Like I know San Miguel has done a no-chain. Who else –

CHAIRMAN CHAVEZ: Well, it seems that Las Vegas, Albuquerque, Edgewood, Hobbs, Bernalillo County, Torrance County and San Miguel County.

COMMISSIONER STEFANICS: Well, we're really talking about the counties versus the cities. I think Los Alamos County somebody wrote me about something, but it would be interesting to see some kind of comparison of what we're planning to do with what some of those other rural counties have done. Because our neighbors have passed things and it would be good. Thanks.

CHAIRMAN CHAVEZ: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I don't think I'm stepping out of the box here too far or at all really, but I think we need to take a look at – I still see on occasion, and it frustrates me no end, and I've seen it not that often but I still see people that put chains from pulling cars on dogs. And I do think that as we look at the fines and the penalties that in extreme circumstances we figure out a way to step up what those fines could be. And not only fines but downright other criminal facets that we need to analyze

for animal cruelty.

So I know on the one hand I am wanting to see relative issues and comparisons as everyone has suggested relative to trolleying and I think we may have to figure out some type of compromise associated with that. But when it comes to extreme cruelty that's flagrant, and that's what I would call a dog chained with a chain you pull with a car, then I think we need to be more punitive in how we deal with those circumstances.

And so I don't know if any other county has broached that but it's definitely something I want to take a look at and maybe there's some other state or some other entities we can look at to analyze that. Do you still see that, Officer?

OFFICER PORTILLO: On occasion we do. If we do run into it, not that we get a call or we're just patrolling we do see something like that my officers do stop and they inquire as to why this dog is on such a heavy chain. Most of the time the answer that we get is, well, he breaks everything that we put him on so we have to put him on a bigger chain. So I personally haven't seen it in a few years but we've had some cases where a small dog or a medium size dog with a 20, 30 pound chain, I should say, which I believe is excessive for the size and the weight of the dog.

CHAIRMAN CHAVEZ: Okay. Any other questions, comments at this time? So this is the first public hearing. We'll have a second public hearing. Do we know, do we have a timeline for the second public hearing?

OFFICER PORTILLO: The 27th

CHAIRMAN CHAVEZ: Of this month?

OFFICER PORTILLO: Yes.

COMMISSIONER STEFANICS: Mr. Chair, I have specifically asked for a comparison chart and I heard other Commissioners ask for something like that, so it's a specific request.

CHAIRMAN CHAVEZ: I agree and that's why I asked for the same comparison that you're asking for in mentioning those other counties and municipalities. So I think what I'm hearing is that we may need more time between now and the second public hearing?

OFFICER PORTILLO: Yes.

CHAIRMAN CHAVEZ: I just wanted to ask the question so that we could be clear to ourselves and to the public so that we don't set up any expectations that we can't meet.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN CHAVEZ: Yes.

COMMISSIONER HOLIAN: I just wanted to make a comment. I think that dogs are feeling, sentient beings and they should just never live on a chain 24/7. And so we need to figure out a way to stop that activity if it is happening in our county. And so again, I'm very interested in what's happened in neighboring counties and how well it's worked, what things work and what doesn't. And I would also put a plea out to the community. If you have any examples of ordinances that have really worked well in other areas to please let us know, because we can use that information. And I appreciate all of your comments, but we need – this is a difficult problem and we need to work together to figure out how we're going to solve it and it's not going to be solved overnight, Thank you, Mr. Chair.

CAPTAIN PACHECO: Mr. Chair, Commissioners, Commissioner Stefanics, you've asked for specific request for comparisons. That may take us more time to compile.

COMMISSIONER STEFANICS: Well, and correct me if I'm wrong, my colleagues sitting here. I heard at least three or four other people asking for the same thing.

CAPTAIN PACHECO: You are correct. So would you like to have public comment again on the 27th and then us come back?

COMMISSIONER STEFANICS: Well, that – I'm going to leave that to the Chair.

CHAIRMAN CHAVEZ: I'm going to defer to the County Manager.

MS. MILLER: Mr. Chair, I understand that they may not be able to get the data by the next meeting but we have advertised two public hearings, one for tonight and one for the 27th. What I suggest we do is keep that one on the agenda and at that time, if you don't have the data you can then table the rest of that public hearing to another date specific at which they can give you a more specific time as to when they can have the data and what meeting we would close that second public hearing.

CHAIRMAN CHAVEZ: And at that subsequent meeting we would take final action on the proposed ordinance.

MS. MILLER: Mr. Chair, that would be my suggestion. So to go ahead and keep it on the agenda for the 27th as advertised, go ahead and open the public hearing, take comments and then table until a meeting specific at which you would then finish the public hearing and close it and then vote on it. Then you could pick that date at that time.

CHAIRMAN CHAVEZ: I'm fine with that.

CAPTAIN PACHECO: Thank you.

CHAIRMAN CHAVEZ: So that concludes then this item. Thank you to staff and to all the public that patiently waited until the last of our proceedings we do appreciate that.

VIII. MATTERS OF PUBLIC CONCERN

- A. Española/Rio Arriba County E-911 Center (Marti Griego, Director)
[No discussion occurred]

IX. INFORMATION ITEMS

None were presented.

VIII. CONCLUDING BUSINESS

- A. Announcements**
- B. Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Chavez declared this meeting adjourned at 8:35 pm.

Approved by:

Miguel Chavez

 Board of County Commissioners
 Miguel Chavez, Chair

ATTEST TO:

Geraldine Salazar

 GERALDINE SALAZAR
 SANTA FE COUNTY CLERK
 10-11-2016



Respectfully submitted:

Karen Farrell
 Karen Farrell, Wordswork
 453 Cerrillos Road
 Santa Fe, NM

COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

BCC MINUTES
 PAGES: 208

[Hereby Certify That This Instrument Was Filed for
 Record On The 12TH Day Of October, 2016 at 09:30:31 AM
 and Was Duly Recorded as Instrument # 1806827
 of The Records Of Santa Fe County



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



SFC CLERK RECORDED 10/12/2016

ADVISORY QUESTION ONLY/ PREGUNTA DE LA CONSEJERÍA SOLAMENTE

COUNTY ADVISORY QUESTION TO ENACT A COUNTYWIDE GROSS RECEIPTS TAX FOR BEHAVIORAL HEALTH SERVICES

Should Santa Fe County enact a countywide gross receipts tax for behavioral health services that would increase the aggregate gross receipts tax rate by up to one-eighth of one percent (0.125%)?

PREGUNTA DE LA CONSEJERÍA DEL CONDADO PARA PROMULGAR UN IMPUESTO BRUTO SOBRE RECIBOS EN TODO EL CONDADO PARA SERVICIOS DE SALUD DE CONDUCTA

Deberá el Condado de Santa Fe promulgar un impuesto bruto sobre recibos, aplicable a todo el condado, por servicios de salud de conducta que incrementarían la tasa bruta agregada sobre recibos hasta un octavo de uno por ciento (0.125%)?

- FOR / (A FAVOR)
- AGAINST / (EN CONTRA)

O



SFC CLERK RECORDED 10/12/2016

Potential Veteran Initiatives

- New Mexico already provides 100% service connected disabled veterans with a waiver of their complete property tax. Our state also provides a \$4,000 reduction in the taxable value of the property of veterans for county taxation purposes. Compared to:

- Minnesota - A disabled veteran in Minnesota may receive a property tax exemption of up to \$300,000 on his/her primary residence if the veteran is 100 percent disabled as result of service. Veterans with a disability rating of 70 percent or more may receive an exemption of up to \$150,000.

- Possible computers/computer classes for veterans program.
- Minor home repair program. Winterizing. Roofing repairs. Disability modifications program for disabled veteran homes. (HUD program does it,
- Give Veteran business preference for county contracts and set a percentage of the contracts to veteran businesses.
- Provide economic incentives for veteran owned businesses to operate out of Santa Fe County
- Santa Fe County Land program – offer to loan 20k or 40k to buy land as a down payment program.
- Veteran Hiring Initiative – gives Qualified veterans for a stated position a guaranteed INTERVIEW

NOTES:

7-37-5. Veteran exemption.

A. Up to four thousand dollars (\$4,000) of the taxable value of property, including the community or joint property of husband and wife, subject to the tax is exempt from the imposition of the tax if the property is owned by a veteran or the veteran's unmarried surviving spouse if the veteran or surviving spouse is a New Mexico resident or if the property is held in a grantor trust established under Sections 671 through 677 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, by a veteran or the veteran's unmarried surviving spouse if the veteran or surviving spouse is a New Mexico resident. The exemption shall be deducted from the taxable value of the property to determine the net taxable value of the property. The exemption allowed shall be in the following amounts for the specified tax years:

- (1) for tax year 2004, the exemption shall be three thousand dollars (\$3,000);
- (2) for tax year 2005, the exemption shall be three thousand five hundred dollars (\$3,500); and
- (3) for tax year 2006 and each subsequent tax year, the exemption shall be four thousand dollars (\$4,000).

B. The veteran exemption shall be applied only if claimed and allowed in accordance with Section 7-38-17 NMSA 1978 and regulations of the department. For taxpayers who became eligible for a veteran exemption due to the approval of the amendment to Article 8, Section 5 of the constitution of New Mexico in November 2004, a county assessor shall, at the time of determining the net taxable value of the taxpayer's property for the 2005 property tax year, in addition to complying with the provisions of Section 7-38-17 NMSA 1978, determine the net taxable value of the taxpayer's property that would result from the application of the veteran exemption for the 2004 property tax year had the deadline for applying for the veteran exemption in 2004 occurred after the amendment was certified. The veteran exemption for 2004 shall not be credited against the 2005 property value of a taxpayer until the taxpayer has paid in full the taxpayer's property tax liability for the 2004 property tax year.

C. As used in this section, "veteran" means an individual who:

- (1) has been honorably discharged from membership in the armed forces of the United States; and
- (2) except as provided in this section, served in the armed forces of the United States on active duty continuously for ninety days.

D. For the purposes of Subsection C of this section, a person who would otherwise be entitled to status as a veteran except for failure to have served in the armed forces continuously for ninety days is considered to have met that qualification if the person served for less than ninety days and the reason for not having served for ninety days was a discharge brought about by service-connected disablement.

E. For the purposes of Subsection C of this section, a person has been "honorably discharged" unless the person received either a dishonorable discharge or a discharge for misconduct.

F. For the purposes of this section, a person whose civilian service has been recognized as service in the armed forces of the United States under federal law and who has been issued a discharge certificate by a branch of the armed forces of the United States shall be considered to have served in the armed forces of the United States.

7-37-5.1 Disabled veteran exemption.

A. As used in this section:

(1) "disabled veteran" means an individual who:

(a) has been honorably discharged from membership in the armed forces of the United States or has received a discharge certificate from a branch of the armed forces of the United States for civilian service recognized pursuant to federal law as service in the armed forces of the United States; and

(b) has been determined pursuant to federal law to have a one hundred percent permanent and total service-connected disability; and

(2) "honorably discharged" means discharged from the armed forces pursuant to a discharge other than a dishonorable or bad conduct discharge.

B. The property of a disabled veteran, including joint or community property of the veteran and the veteran's spouse, is exempt from property taxation if it is occupied by the disabled veteran as the veteran's principal place of residence. Property held in a grantor trust established under Sections 671 through 677 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered by a disabled veteran or the veteran's surviving spouse is also exempt from property taxation if the property otherwise meets the requirements for exemption in this subsection or Subsection C of this section.

C. The property of the surviving spouse of a disabled veteran is exempt from property taxation if:

(1) the surviving spouse and the disabled veteran were married at the time of the disabled veteran's death; and

(2) the surviving spouse continues to occupy the property continuously after the disabled veteran's death as the spouse's principal place of residence.

D. Upon the transfer of the principal place of residence of a disabled veteran or of a surviving spouse of a disabled veteran entitled to and granted a disabled veteran exemption, the disabled veteran or the surviving spouse may choose to:

(1) maintain the exemption for that residence for the remainder of the year, even if the residence is transferred during the year; or

(2) remove the exemption for that residence and apply it to the disabled veteran's or the disabled veteran's surviving spouse's new principal place of residence, regardless of whether the exemption was applied for and claimed within thirty days of the mailing of the county assessor's notice of valuation made pursuant to the provisions of Section 7-38-20 NMSA 1978.

E. The exemption provided by this section may be referred to as the "disabled veteran exemption".

F. The disabled veteran exemption shall be applied only if claimed and allowed in accordance with Section 7-38-17 NMSA 1978 and the rules of the department.

G. The veterans' services department shall assist the department and the county assessors in determining which veterans qualify for the disabled veteran exemption.

History: Laws 2000, ch. 92, § 1; 2000, ch. 94, § 1; 2003, ch. 29, § 1; 2003, ch. 57, § 2; 2004, ch. 19, § 21; 2015, ch. 126, § 1.

HIRE VETERANS

Employers Hiring Veterans, Transitioning Service Members & Family

\$35 per person -

Advanced reservations required, seating is limited.

Registration fee includes continental breakfast and lunch

SEPTEMBER 29, 2016

8:30 AM - 4:00 PM

Agenda will include:

- "How to Find and Recruit Veterans and Transitioning Military Personnel"
- "Assessing Your Compliance - How to Ensure Your Affirmative Action Programs Meet OFCCP Standards"
- "Best Practices for Employing Veterans"
- "Understanding the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)"
- "Supporting and Accommodating the Needs of Our Veterans, Our Employees"
- "Assistance to Employers Who Hire Veterans"
- "On-the-Job Training Opportunities and Hiring Veterans"
- "Successfully Retaining America's Heroes in the Workplace"



Santa Fe Community Convention Center
201 W. Marcy St.
Santa Fe, NM 87501

Register online TODAY

<http://2016HireVeterans.eventbrite.com>

Register by September 27, 2016

Event check-in and continental breakfast begins at 7:30 AM

For Information:

Contact Stacy Johnston, Marketing Coordinator
New Mexico Department of Workforce Solutions
Office: 505.841.9004
Email: Stacy.Johnston@state.nm.us

SHRM and HRCI Recertification Credit Pending



U.S. Department of Veterans Affairs



SANTA FE COUNTY

TAX RATE COMPARISON: TY 2015 TO TY 2016

Example of Taxes on Total Value of \$300,000 w/out Exemptions

$$\begin{aligned} \$300,000 / 3 &= \$ 100,000 \times \text{Mill Rate} / 1000 \\ &= \text{Taxes Due} \end{aligned}$$

DISTRICT LABEL	RES/ NON-RES	Geographic Area/ School District	2015 MILL RATE	2015 TAXES	2016 MILL RATE	2016 TAXES	CHANGE (\$)	CHANGE (%)
C IN R	res	City of SF/SF School District	\$ 24.12	\$ 2,411.90	\$ 23.97	\$ 2,397.30	\$ (14.60)	-0.61%
C IN NR	non-res	City of SF/SF School District	\$ 31.74	\$ 3,173.70	\$ 32.21	\$ 3,221.20	\$ 47.50	1.50%
C OUT R	res	Outside City of SF/SF School Dist	\$ 21.75	\$ 2,174.70	\$ 21.53	\$ 2,153.10	\$ (21.60)	-0.99%
C OUT NR	non-res	Outside City of SF/SF School Dist	\$ 27.98	\$ 2,798.30	\$ 28.26	\$ 2,825.60	\$ 27.30	0.98%
1 R	res	Pojoaque/Pojoaque School Dist	\$ 21.03	\$ 2,102.60	\$ 17.54	\$ 1,753.70	\$ (348.90)	-16.59%
1 NR	non-res	Pojoaque/Pojoaque School Dist	\$ 27.05	\$ 2,705.40	\$ 23.79	\$ 2,378.70	\$ (326.70)	-12.08%
8T IN R	res	Town of Edgewood/Moriarty School Dist	\$ 23.13	\$ 2,313.40	\$ 22.49	\$ 2,249.10	\$ (64.30)	-2.78%
8T IN NR	non-res	Town of Edgewood/Moriarty School Dist	\$ 28.96	\$ 2,896.40	\$ 28.60	\$ 2,860.30	\$ (36.10)	-1.25%
8T OUT R	res	Outside Edgewood/Moriarty School Dist	\$ 20.64	\$ 2,063.80	\$ 20.00	\$ 1,999.50	\$ (64.30)	-3.12%
8T OUT NR	non-res	Outside Edgewood/Moriarty School Dist	\$ 26.47	\$ 2,646.80	\$ 26.11	\$ 2,610.70	\$ (36.10)	-1.36%
18 IN R	res	City of Espanola/Espanola School Dist	\$ 20.28	\$ 2,027.60	\$ 22.15	\$ 2,215.40	\$ 187.80	9.26%
18 IN NR	non-res	City of Espanola/Espanola School Dist	\$ 28.29	\$ 2,828.50	\$ 30.63	\$ 3,063.10	\$ 234.60	8.29%
18 OUT R	res	Outside Espanola/Espanola School Dist	\$ 17.08	\$ 1,708.30	\$ 18.96	\$ 1,895.60	\$ 187.30	10.96%
18 OUT NR	non-res	Outside Espanola/Espanola School Dist	\$ 22.88	\$ 2,287.80	\$ 25.02	\$ 2,502.00	\$ 214.20	9.36%
El Dorado Area W & S District								
		Operational	2.188	\$ 218.80	2.120	\$ 212.00	\$ (6.80)	0.00%
		Debt	2.058	\$ 205.80	1.905	\$ 190.50	\$ (15.30)	-7.43%
Edgewood SWCD								
		residential	1.000	\$ 100.00	1.000	\$ 100.00	\$ -	0.00%
		non-residential	1.000	\$ 100.00	1.000	\$ 100.00	\$ -	0.00%

SFC

TY 2016 VS. TY 2015 COMPARISONS
TOTAL MILL RATE BY DISTRICT

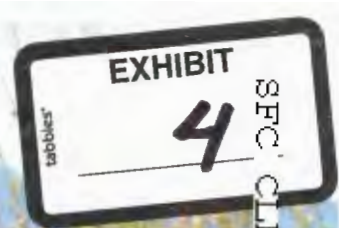
PROPERTY TAX DISTRICT	TY 2016	TY 2015	Inc/Dec mill	Inc/Dec %
Santa Fe C IN R*	23.973	24.119	(0.146)	-0.6%
Santa Fe C IN NR*	32.212	31.737	0.475	1.5%
C OUT R (Santa Fe School District)*	21.531	21.747	(0.216)	-1.0%
C OUT NR (Santa Fe School District)*	28.256	27.983	0.273	1.0%
1R (Pojoaque School Dist)	17.537	21.026	(3.489)	-16.6%
1/1D NR (Pojoaque School Dist)	23.787	27.054	(3.267)	-12.1%
8T R OUT (Moriarty School Dist)	19.995	20.638	(0.643)	-3.1%
8T NR OUT (Moriarty School Dist)	26.107	26.468	(0.361)	-1.4%
ESPANOLA 18 IN R	22.154	20.276	1.878	9.3%
ESPANOLA 18 IN NR	30.631	28.285	2.346	8.3%
18 OUT R (Española School Dist)	18.956	17.083	1.873	11.0%
18 OUT NR (Española School Dist)	25.020	22.878	2.142	9.4%
Edgewood 8T IN R	22.491	23.134	(0.643)	-2.8%
Edgewood 8T IN NR	28.603	28.964	(0.361)	-1.2%

* Includes for the Santa Fe Community College

TY 2016 VS. TY 2015 COMPARISONS
MILL RATE BY TAXING AUTHORITY

SFC CLERK RECORDED 10/12/2016

NET TAXABLE VALUE	TY 2016	TY 2015	Inc/Dec
State Debt	1.360	1.360	-
Santa Fe County Operational-Res	5.893	6.065	(0.172)
Santa Fe County Operational-NR	11.850	11.786	0.064
Santa Fe County Debt	1.971	1.974	(0.003)
City of SF Operational - Res	1.282	1.327	(0.045)
City of SF Operational - NR	2.796	2.709	0.087
City of Espanola Operational - Res	3.198	3.193	0.005
City of Espanola Operational - NR	5.611	5.407	0.204
City of Espanola Debt	-	-	-
Edgewood Operational - Res	-	-	-
Edgewood Operational - NR	-	-	-
Edgewood Debt	2.496	2.496	-
City of SF Debt Service	1.160	1.045	0.115
SF Schools Operational-RES	0.151	0.156	(0.005)
SF Schools Operational - NR	0.500	0.494	0.006
Pojoaque Schools Operational-Res	0.207	0.193	0.014
Pojoaque Schools Operational-NR	0.500	0.500	-
Moriarty School Dist Operational-Res	0.384	0.391	(0.007)
Moriarty School Dist Operational-NR	0.500	0.500	-
Espanola School Dist Operational-Res	0.167	0.169	(0.002)
Espanola School Dist Operational-NR	0.246	0.243	0.003
SF Schools Debt	3.760	3.417	0.343
Pojoaque Schools Debt	6.106	9.434	(3.328)
Moriarty Schools Debt	8.426	8.848	(0.422)
Espanola Schools Debt	6.998	4.944	2.054
SF Schools Capital Improvement-Res	1.938	2.000	(0.062)
SF Schools Capital Improvement-NR	2.000	1.976	0.024
Pojoaque Schools Capital Improvement-Res	2.000	2.000	-
Pojoaque Schools Capital Improvement-NR	2.000	2.000	-
Moriarty Schools Capital Improvement	1.961	2.000	(0.039)
Espanola Schools Capital Improvement	2.000	2.000	-
SF Schools HB33 School Building-Res	1.453	1.500	(0.047)
SF Schools HB33 School Building-NR	1.500	1.482	0.018
Pojoaque HB 33 School Building	-	-	-
Moriarty Schools HB 33 School Building	-	-	-
Espanola Schools HB 33 School Building	-	-	-
SF School Dist. Educ. Tech. Debt Service	1.315	1.499	(0.184)
Poj. School Dist. Educ. Tech. Debt Svc	-	-	-
Mor. School Dist. Educ. Tech. Debt Svc	-	-	-
Esp. School Dist. Educ. Tech. Debt Svc.	0.595	0.571	0.024
Santa Fe Comm. College - Res	2.690	2.776	(0.086)
Santa Fe Comm. College - NR	3.000	2.995	0.005
Santa Fe Ctl. Dist. Levy	1.000	1.000	-
Special Assessments:			
Edgewood SWCD-Res	1.000	1.000	-
Edgewood SWCD-NR	1.000	1.000	-
El Dorado Area W & S Dist Operations	2.120	2.188	(0.068)
El Dorado Area W & S Dist Debt	1.905	2.058	(0.153)
Where Applicable:			
Cattle Indemnity	8.049	8.739	(0.690)
Sheep/Goats/Swine/Alpaca	9.428	9.440	(0.012)
Dairy Cattle	4.220	4.523	(0.303)
Bison/Comelids/Ratite	9.986	10.000	(0.014)
Horses/Asses/Mules	8.777	8.709	0.068



SFC CLERK RECORDED 10/12/2016

Santa Fe County

SLDC 6 Month Review Draft Changes

Sustainable Land Development Code

**BCC Review Draft Changes
September 2016**



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Staff Proposed SLDC Changes

Chapter 1

1.11.4. Approved Master Plans. Properties that have received final approval of a master plan within five years of the effective date of the SLDC shall file an application for approval of a development plan, preliminary development plan or subdivision plat pursuant to this SLDC no later than one year after the effective date of the SLDC, or the approval of the master plan shall nevertheless expire. In the case of a phased master plan that has moved forward with a phase or phases in accordance with an approved phasing plan, the master plan shall be considered a conceptual plan and expiration shall be pursuant to section 14.9.9.10. Any zoning established by an expired master plan shall be included in the Zoning Map as described in ~~sub~~Section 1.11.1 of the SLDC.

Staff Proposed SLDC Changes

Chapter 2

2.1.4.5. Area, Community, and District Planning Process.

1. An area, community, or district plan ~~The community planning~~ process is initiated by filing a letter of application with the Administrator. Alternatively, the Administrator may initiate the planning process *sua sponte*. The application shall include:

a. A representative list of members who are proposed to be the initial members of the planning committee. ~~The representative list~~ ~~which~~ shall include residents, property owners, and business owners who are generally representative of the area, community, or district;

b. An explanation of the conditions that justify undertaking the area, community, or district planning process, ~~or an explanation of conditions that justify amending an existing Community Plan;~~ and

c. A map of the proposed area, community, or district boundary. ~~or, in the case of an application for amendment of an existing plan, a map of the existing community boundary and a map of the proposed community boundary where a change to the boundary is proposed.~~

2. The application shall be reviewed by the Administrator for completeness and referred to the Board of County Commissioners. ~~If the application is approved, the Board shall, by resolution, establish the planning committee and area, community or district plan boundary. if the application is for a new planning area, establish the planning area.~~ The Board shall approve the planning committee upon recommendation of the Administrator. ~~Once the committee is approved, County planning staff may initiate the process with the planning committee activities.~~ Additional persons may participate as members of the planning committee throughout the planning process without the necessity of appointment by the Board.

3. All planning sessions and activities shall be open to the public and advertised throughout the community and coordinated by County planning staff. Open discussion and diversity of opinion shall be encouraged. The area, community, or district plan shall document resident, property owner and business owner participation and representation.

2.1.5.3 4.6. Review and Adoption.

5. ~~Notice of the public hearing shall be provided by publication once a week for two consecutive weeks in a newspaper of general circulation within the community, and by posting notices for at least two weeks prior to the public hearings in a conspicuous place in the community.~~ Following the completion of the public ~~meetingshearings~~, the Administrator shall review all comments ~~received during the public hearings~~ and make a recommendation on the area, community or district plan ~~proposed plan or amendment~~ to the Planning Commission and the Board of County Commissioners.

6. ~~Following the completion of the public meetings/hearings, the Administrator shall review all comments received during the public hearings and make a recommendation on the area, community or district plan proposed plan or amendment to the Planning Commission and the Board of County Commissioners.~~ Notice of the public hearings to the Planning Commission and the Board of County Commissioners shall be provided by publication once a week for two consecutive weeks in a newspaper of general circulation within the community, and by posting notices for at least two weeks prior to the public hearings in a conspicuous place in the community.

2.1.5.5 4.8. Implementation. Following approval of an area, community, or district plan, County staff ~~shall~~ may develop ~~the~~ an appropriate ~~overlay~~ district(s) to implement the approved ~~Community P~~ plan.

2.1.5.7 Plan Amendments.

~~2.1.5.7. The applicant, and any person that could have proposed a plan amendment under this chapter, may appeal the decision of the Planning Commission to the Board so long as the person or the applicant files a written notice of appeal with the Administrator within ten (10) days of the date of the Planning Commission's development order or decision.~~

Staff Proposed SLDC Changes

Chapter 3

3.3. PLANNING COMMISSION.

3.3.1. Creation and Responsibilities. There is hereby created a County Planning Commission (“Planning Commission”) which shall have the responsibilities and duties specified in the SLDC and in NMSA 1978, § 3-19-1 *et. seq.* (1965)(as amended) and NMSA 1978, § 3-21-1 *et seq.* (1965) (as amended) .

3.3.2. Duties and Powers of the Planning Commission. The duties and authority of the Planning Commission are as follows:

3.3.2.1. To perform the functions specified in NMSA 1978, §§ 3-19-1 and 3-21-7 (1965);

3.3.2.2. To review and recommend to the Board, for adoption, text and map amendments to the SLDC, SGMP amendments and the adoption and amendment of an Official Map, a Capital Improvement Plan (“CIP”) and other programs for public improvements and services and financing;

3.3.2.3. To hold public hearings and prepare written recommendations to the Board on certain discretionary development approvals subject to appeal to the Board in the matters designated in Table 4-1;

3.3.2.4. To hold public hearings and recommend action on an Area, District or Community Plan, ~~preliminary and~~ final development orders, and quasi-judicial discretionary development applications;

3.4. ADMINISTRATOR.

3.4.2. Responsibilities. The Administrator shall have the responsibility to administer and enforce the provisions of the SLDC, make advisory opinions on the interpretation of the SLDC, the SGMP, an Area, District or Community Plan, hold and determine the adequacy of security instruments and issue ministerial development orders as set forth in the SLDC, ~~subject to appeal to the Planning Commission.~~ The Administrator shall make a reasonable interpretation of the SLDC that is not inconsistent with the SGMP.

3.5. HEARING OFFICER.

3.5.4. Qualifications. A Hearing Officer shall have a J.D. degree from a law school certified by the American Bar Association or Association of American Law Schools, with not less than six (6) years of legal experience, and shall be licensed to practice law in New Mexico ~~for a period of not less than three (3) years.~~ During the term of the Hearing Officer’s appointment and during three (3) years immediately preceding the Hearing Officer’s appointments, neither the appointed Hearing Officer nor the Hearing Officer’s law firm shall represent or have represented persons or

entities with regard to land use applications submitted to the County or in appeals of or lawsuits regarding County land use decisions. In addition, a Hearing Officer shall not during the term of their appointment:

~~hold other appointed or elective office or position in government during his/her term.~~

~~a. hold elective office;~~

~~b. be employed by the County; c. be appointed to any County or joint board or committee of the County and City of Santa Fe;~~

~~d. be employed by any political subdivision of the State of New Mexico or tribal government the geographic boundaries of which are located either wholly or partly within the geographic boundaries of the County;~~

~~e. be employed by a governmental entity from which the County requests opinions pursuant to Section 4.4.7 and Section 5.7.5.1 of the SLDC.~~

Staff Proposed SLDC Changes

Chapter 4

4.4.4. Pre-Application Neighborhood Meeting. A pre-application neighborhood meeting shall be conducted as specified in Table 4-1.

4.4.4.1. Notice of Pre-Application Meeting. The following entities and persons shall be invited by a letter sent first class mail, ~~return receipt requested~~ 15 days prior to the pre-application meeting:

1. The applicable CO and/or RO (see § 2.2).
2. Property owners entitled to notice of the application as required in § 4.6;

4.4.8. Land Use Facilitation.

4.4.8.1 Purpose. Land use facilitation is intended to provide a means of communication between an applicant proposing a development, and persons that would be impacted by the proposed development. Land use facilitation provides an opportunity for the applicant and residents to exchange information, ask questions, and discuss concerns about the proposed development.

4.4.8.2. In General. Land use facilitation uses a professional facilitator to assist the applicant and residents to discuss issues related to the proposed development, identify and achieve goals and complete tasks in a mutually satisfactory manner. The process uses a facilitator, who will focus on the process and assist and guide the participants in principles of dispute resolution and decision-making. The facilitator is impartial to the issues being discussed, has no advisory role in the content of the meeting, and has no interest in the outcome of the meeting.

4.4.8.3. Types of Cases Referred. In general, any application which presents controversy, in which residents have questions or concerns, or that the applicant feels is appropriate for facilitation, may be referred to facilitation.

4.4.8.4. General Process.

1. Referral. An application may be referred to a land use facilitation by the Administrator or the applicant ~~coincidentally with the finding of completeness.~~ A matter may also be referred by the Administrator to land use facilitation following the TAC meeting ~~if the case has a high potential for controversy. but, more likely, will be referred to land use facilitation coincidentally with the finding of completeness.~~

2. Assignment of a Land Use Facilitator. The Administrator shall assign a case referred to facilitation to a land use facilitator contracted ~~or employed~~ by

the County. Any facilitator selected for a given case shall have no interest in the case and shall not be an employee of Santa Fe County.

4.4.12. Notice of Decision by the Administrator. Written notice of a final decision of the Administrator to approve an application or approve an application with conditions pursuant to NMSA 1978, Sec. 39-3-1.1 shall constitute the issuance of the permit. Written notice of a final decision of the Administrator to deny an application shall be provided to the Applicant and a copy shall be filed in the office of the Administrator. If an Application has not been approved, the specific reasons for disapproval shall be indicated in the written notice.

4.4.13. Notice of Decision by the Planning Commission or The Board: Findings of Fact, Conclusions of Law. Written notice of a final decision of the Planning Commission or the Board to approve, or approve with conditions, an application pursuant to NMSA 1978, Sec. 39-3-1.1 , which can be in the form of a development order, shall constitute the issuance of the permit. Staff or the Hearing Officer where one is used as indicated in Table 4-1, shall prepare findings of fact and conclusions of law pursuant to NMSA 1978, Sec. 39-3-1.1 to document final action taken on each application. Such findings and conclusions shall be approved by the decision-making body and filed with the County Clerk.

4.4.16. Subsequent Applications. A subsequent application, after the application's failure is not allowed unless there is a material change to either the facts or law governing the application.

4.5. APPEALS.

4.5.1. Applicability. Any aggrieved person with standing may appeal a development order to the Planning Commission or Board, as designated in this chapter.

Staff Proposed SLDC Changes

Chapter 5

5.4. LAND DIVISIONS, ~~AND~~ SUBDIVISION EXEMPTIONS AND OTHER PLAT REVIEWS.

5.7.3. Preliminary Plat Requirements. The application for preliminary plat approval shall, at a minimum, include all of the following:

5.7.3.3. For Subdivisions connecting to the County Utility, a public utility or publicly-regulated water or waste water system, a letter of commitment to serve for domestic and fire protection purposes and a water allocation approval from the utility shall be provided prior to preliminary plat approval by the Board. If the County utility will provide water, the water allocation must be in the form of a resolution by the Board.

5.8.4. Final Plat Requirements.

5.8.4.5. Water permit required for final plat.

1. Pursuant to NMSA 1978, § 47-6-11.2 (2013), before approving the final plat for a subdivision containing ten (10) or more parcels, any one of which is two (2) acres or less in size, the Administrator shall:

a. require that the subdivider provide a proof of service commitment from a water provider as well as an opinion from the OSE that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1), or provide a copy of a permit obtained from the OSE, issued pursuant to NMSA 1978, §§ 72-12-3 or 72-12-7 for the subdivision water use.

b. not approve the final plat unless the OSE has so issued a permit for the subdivision water use or the subdivider has provided proof of a service commitment from a water provider and the OSE has provided an opinion that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1).

c. not approve the final plat based on the use of water from any permit issued pursuant to NMSA 1978, § 72-12-1.1.

2. For Subdivisions connecting to the County, a public or publicly-regulated water or waste water system, a water delivery agreement or a wastewater collection agreement, which shall include provisions governing any required

water or wastewater line extension, shall be entered into with the County at or prior to final plat approval by the Board.

3. For Subdivisions connecting to the County, a public or publicly-regulated water or waste water system, all conditions of the water delivery agreement or wastewater collection agreement relating to the subdivision's entitlement to water or waste water service shall be complied with prior to recordation of the final plat.

5.9.5. As-Built Drawings.

5.9.5.1. Submittal. Prior to final inspection of the required improvements, and prior to the issuance of any ministerial development approval for any tract, parcel or lot in the subdivision, the applicant shall submit to the Administrator a digital disk and two prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be recertified by the applicant's professional engineer, indicating the date when the as-built survey was made.

5.9.5.2. Sewer and Storm Drainage. As-built drawings shall show the constructed vertical elevation, invert elevation, horizontal location and size of all sanitary and storm sewers; rainwater capture swales, pervious pavements, filtering and treatment facilities; manholes, inlets, junction boxes, detention basins, and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. Sewer and storm drain lines shall be videotaped and a copy of the videotape shall be provided with the as-built drawings. Copies of any and all test results or other investigations shall be provided to the Administrator.

Staff Proposed SLDC Changes

Chapter 6

Table 6-1: Required Studies, Reports and Assessments (SRAs).

Application Type	SRA Type				
	TIA	APFA	WSAR	FIA	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development Permit-non-residential (between 10k sf and 25,000 sf)	yes*	yes	as needed**	no	no
Development Permit-non-residential (over 25k sf)	yes*	yes	yes	yes	yes
Minor subdivision	yes*	yes	no	no	no
Major subdivision 24 or fewer lots	yes*	yes	as needed	as needed	as needed
Major subdivision more than 24 lots	yes	yes	yes	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes	as needed**	as needed**
Development of Countywide Impact (DCI) Overlay or Conditional Use Permit	yes	yes	yes	yes	yes

* See NMDOT State Access Manual

** As part of the pre-application TAC meeting process (see § 4.4), the Administrator will determine which SRAs are applicable based on the scope and impact of the proposed project.

6.2. PREPARATION AND FEES.

6.2.1. Applicant prepared. An applicant for discretionary development approval shall prepare their own SRAs as required in this Chapter. The applicant shall deposit, as determined in the Fee Schedule approved by the Board, cash, a certified check, bank check or letter of credit, to cover all of the County's expenses in reviewing the SRA, including engaging consultants.

6.2.2. Expert Review. The County may hire outside experts to review any of the submitted SRAs at the expense of the applicant in accordance with the approved fee schedule.

6.2.3. Project Overview Documentation. In addition to the technical reports required under Table 6-1 and detailed below, every SRA submittal shall include basic project information to facilitate in the evaluation of the application. At a minimum, the project overview documentation shall include the following:

6.2.3.1. an accurate map of the project site, depicting: existing topography; public or private buildings, structures and land uses; irrigation systems, including but not limited to acequias; public or private utility lines and easements, under, on or above ground; public or private roads; public or private water or oil and gas wells; known mines; parks, trails, open space and recreational facilities; fire, law enforcement, emergency response facilities; schools or other public buildings, structures, uses or facilities; nonconforming building, structures or uses; environmentally sensitive lands; archaeological, cultural or historic resources; scenic vistas and eco-tourist sites; agricultural and ranch lands; and all other requirements of the Administrator as established at the Administrator's pre-application meeting with the applicant;

6.2.3.2. a detailed description of the development uses, activities and character of the development proposed for the project site;

6.2.3.3. the approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities, public and private utility lines and facilities, public buildings, structures or facilities, community centers, and other non-residential facilities and structures within one (1) mile of the site perimeter;

6.2.3.4. the approximate location, arrangement, size, ~~floor area ratio (FAR)~~ of any buildings and structures and parking facilities proposed for construction within the development project;

6.5.5. The WSAR shall include:

6.5.5.1 An evaluation of the water supply as described in Section 7.13.6.1.

6.5.5.2. If the proposed development will rely on groundwater, the WSAR shall also include but not be limited to, the following:

~~7. if there is no public water system, or if the identified public water system supplier fails to deliver an assessment within the thirty (30) day period provided, then the County shall prepare the assessment after consulting with any domestic water supplier whose service area includes the project site, the State Engineer any public or private utility, system or company adjacent to the project site and the County's cost of preparation shall be charged to the applicant.~~

6.6. TRAFFIC IMPACT ASSESSMENT (TIA).

6.6.7. **Expiration of TIA.** A TIA shall expire and be no longer valid for purposes of this section on a date which is three (3) years after its creation. ~~The Administrator may require an update or a revision to the TIA before it expires if it is determined that there are significant changes in traffic conditions since the creation of the TIA.~~

Staff Proposed SLDC Changes

Chapter 7

7.3 RESIDENTIAL PERFORMANCE STANDARDS

Table 7-A: Setback Table

Zoning District	Front Setback (Min) ft	Front Setback (Max) ft	Side Setback (Min) ft	Rear Setback (Min) ft
Agriculture/Ranching (A/R)	25	n/a	50	50
Rural (RUR)	25	n/a	25	25
Rural Fringe (RUR-F)	25	n/a	25	25
Rural Residential (RUR-R)	20	n/a	25	25
Residential Fringe (RES-F)	10	n/a	25	25
Residential Estate (RES-E)	10	n/a	25	25
Residential Community (RES-C)	5	n/a	5	5
Traditional Community (TC)	5	n/a	5	5
Commercial General (CG)	5	100 25	0	30
Commercial Neighborhood (CN)	5	100 25	0	30
Industrial (I / IL)	20	n/a	30	30
Mixed Use (MU)	0	n/a	0*	5
Public/Institutional (PI)	5	n/a	10 5	25 10

7.3.3.8. Exceptions to Setback Requirements. Notwithstanding other provisions to the contrary, the following exceptions to setback requirements shall apply provided that a ten foot distance between structures is maintained:

13. An addition to an existing structure that is already located within the setback, provided that the addition will not be built closer than the existing structure is to the property line; and

14. In cases where setback requirements prohibit development of a parcel the Administrator may allow a reduction of the setbacks to a minimum of 5 feet.

7.4 ACCESS AND EASEMENTS

7.4.2. Access and Utility Easements.

7.4.2.1. Access Easements. Consistent with § 5.8, legal access shall be provided to each lot through an appropriate easement, deed or plat dedication.

7.4.2.2. Utility Easements. Easements shall be provided for utility services including, but not limited to, water, sanitary sewer, gas, electric, and communications (cable/internet/phone). Utility easements shall have a minimum width of seven and one-half (7½) feet, except where a transformer or other facility is required, in which case adequate provision for that facility or transformer shall be made. Where multiple utilities share the same easement, additional width sufficient to avoid conflict shall be provided. Easements shall be established to provide continuity of alignment throughout the area to be served and to adjoining areas. Utility easements shall be located such that each lot can be served by all proposed utilities. No new trees or shrubs shall be planted in utility or drainage easements

1. Drainage easements between lots containing storm or drainage pipes with an inside diameter larger than 12 inches shall have a minimum width of 30 feet, or larger as determined by the Administrator. The minimum utility easement width shall be 30 feet. In no case shall the width of a drainage easement containing an underground pipe or facility be less than that calculated by the following formula:

$$\text{Minimum Easement Width} = (2) \times (\text{Depth of Pipe}) + (\text{Pipe Diameter} + 7')$$

7.4.2.3. Combined. Access and utility easements shall be combined unless the utility company dictates otherwise, or where topographical conditions, existing utility easements, or other conditions dictate otherwise. In such cases, utility easements may be placed parallel to access easements so that maintenance of utility lines will not create the need to disturb a road or driveway. Utility trenches shall be placed within easements in or adjacent road or driveway easements or rights-of-way where possible, except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching. No new trees or shrubs shall be planted in utility or drainage easements.

7.6. LANDSCAPING AND BUFFERING.

7.6.4. Landscaping for Non-Residential Uses.

7.6.4.1. For all non-residential and multi-family development that is not already buffered by the requirements of subsection 7.6.4, a landscaped area twenty-five (25) feet in width shall be provided at the front of the property that abuts a public right of way that serves a highway or arterial and a landscaped area ten (10) feet in width shall be provided at the front of property that abuts a public right of way that serves a collector or local road.

7.6.4.2. The landscaping shall include a combination of trees, shrubs, grasses and flowers, ground cover or other organic and inorganic materials.

7.6.4.3. Evergreens and canopy or shade trees shall predominate; ornamental trees and shrubs and smaller native trees may be interspersed in groups which simulate natural tree stands.

7.6.4.4. Landscaped areas shall be permitted to be clustered closer to structures if this enhances the buffering or visual impacts.

7.6.8.6. Alternative Landscaping. The Administrator may approve the submittal of an alternative landscaping plan in conjunction with the site development plan, which modifies or removes required landscaping in the following circumstances:

1. in open lands characterized by an absence of significant natural vegetation;
 2. where there is no practical purpose for screening or buffering;
 3. where the subject development or use is not visible from the area otherwise required to be buffered;
 4. where existing landscaping or topographic features provides adequate buffering; ~~or~~
 5. where landscaping is prohibited by the International Wildland-Urban Interface Code.
 - 6.** fire stations where a six foot high solid fence is constructed in lieu of landscaping;
 - 7.** where a building has a zero lot line; or
 - 8.** where there is no adequate space for landscaping due to existing building location.
-

7.9. SIGNS

7.9.11.2. The temporary permit may specify such conditions and limitations as are deemed necessary to protect adjoining properties and the public. The permit may not be approved for a time period exceeding thirty (30) ~~consecutive~~ days in any calendar year for each property, or each business in a multi-tenant center.

7.9.12.4 Setbacks. All freestanding signs shall be setback at least 5 feet from the property line.

Table 7-5: Allowable Height for Freestanding Signs.

Distance from R-O-W (feet)		Max. height (feet)
at least	but less than	
<u>5</u>	<u>25</u>	<u>5.0</u>
25	50	10.0
50	75	15.0
75	100	20.0
More than 100		25.0

7.10 PARKING AND LOADING

7.10.7 **Shared Parking.** Shared parking is permissible where an executed parking agreement is submitted. Shared parking may be allowed for projects with multiple uses, the applicant shall provide an analysis of required parking and the amount that can be shared by different uses, to be approved by the Administrator.

7.11. ROAD DESIGN STANDARDS.

7.11.2. **Applicability.** The standards of this section shall apply to all development. Tables 7-12 and 7-13 provide road design standards. Urban road standards shall apply to all roads within SDA-1 ~~and SDA-2~~, and to all planned development and mixed-use zoning districts. Rural road standards shall apply to all roads within SDA-2 and SDA-3. Local roads serving a major subdivision, multi family development or non residential use over 10,000 sq ft in SDA-2 and SDA-3 may be required to provide paving, sidewalks or bikelanes for continuity if existing roads have this level of improvement.

Table 7-12: Urban Road Classification and Design Standards (SDA-1 ~~and SDA-2~~).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Major Arterial or highway	5000 +	2-6	12	Two 5'	Two 5 ft on-road	150	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO
Minor arterial	2000 to 4999	2 - 4	12	Two 5'	Two 5 ft on-road	120	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO
Collector	601 to 1999	2	11	Two 5'	Two 5 ft on-road	80	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Sub-collector	301 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Local	0 to 400	2	10	One 5'	n/a	50	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7%	6"	3"	5%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	3"	n/a
<u>One Way Alley</u>	n/a	1	12	n/a	n/a	19	n/a	7%	6"	3"	n/a
<u>Residential Driveway</u>	n/a	1	14	n/a	n/a	20	n/a	10%	n/a	n/a	n/a

Table 7-13: Rural Road Classification and Design Standards (SDA-2 and SDA-3).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non-vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Double-penetration chip-seal with fog coat	Min. bit. pavement	Max % Super-elev.
Major arterial or highway	5000 +	2-4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	n/a	6"	8%

Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	120	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	n/a	5"	8%
Collector	401-1999	2	11	n/a	n/a	80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	n/a	4"	8%
Local	201-400	2	10	n/a	n/a	50	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	n/a	3"	8%
	0- 200 400								6 3/4"	yes	n/a	
Cul-de-Sac	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6 3/4"	n/a	n/a	n/a
Residential Driveway	n/a	1	14	n/a	n/a	20	n/a	10%	n/a	n/a	n/a	n/a

7.11.4. Base Course and Soil Compaction Standards.

7.11.4.1. Soil classification and sub-grade conditions shall determine the base course thickness required. A minimum of six (6) inches of base course shall be required in all cases and more than six (6) inches may be required if soil conditions so indicate. In wet or swampy ground, rock or an acceptable alternative to rock as recommended by a licensed soils engineer shall be placed so as to establish a sub-base for placement of base course. Base course shall be watered and rolled to a compaction of not less than ninety-eight (98) percent of maximum density, according to methods specified by the AASHTO, T-180 modified proctor moisture density test.

7.11.11. Road Access.

7.11.11.1. Generally.

1. Legal road access shall be provided to each lot. Proof of legal access shall be provided with any application.
2. Each lot shall directly access a road constructed to meet the requirements of this section or access a public road.
3. Except as provided below in Section 7.11.11.4, all new lots created, shall be provided with adequate access for ingress, egress, utility service, fire protection and emergency services whether by constructing on-site and off-site roads meeting the standards of this Section 7.11 or by direct access to a public road.

4. When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with the requirements of this Section 7.11.

7.11.11.2. Access to Highways and Arterial Roads.

1. All driveways and roads into developments shall be designed to have the minimum number of intersections with roads, arterials or highways specified in subsection 7.11.12.3 below.

2. Where a development accesses a State or federal highway, an access permit is required from NMDOT or the Federal Highway Administration.

7.11.11.4. Standards for Land Divisions and Subdivisions Exemptions.

1. Divisions of land for grazing or farming as identified in Section 5.4.3.8. are exempt from on-site and off-site road requirements.

2. Divisions of land that create no parcel smaller than one hundred forty (140) acres as identified in Section 5.4.3.11 are exempt from on-site and off-site road requirements, except when more than one (1) such parcel is created in an area of land, the Administrator may require on and off-site road improvements.

3. Other land divisions and subdivisions exemptions may reduce the road easement width for off-site and on-site roads to no less than 20 feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density.

4. required off-site and on-site road improvements shall be constructed prior to plat recordation.

5. Plats creating a sending area for TDR purposed shall be exempt from on-site and off-site road improvements.

7.11.11.5. Standards for Residential Development .

1. Residential development may reduce the road easement width for off-site and on-site roads to no less than 20 feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density.

7.11.12. Driveways. Access to individual lots and parking areas shall be designed in accordance with the requirements of this subsection.

7.11.12.1. Driveway Standards .

1. Driveways shall not be located within the functional area of an intersection or located in such a manner as to interfere with the entry into or exit from an adjacent driveway.

2. All driveways shall conform to all minimum sight distances specified per AASHTO. For driveways accessing roads with a posted speed limit of fifteen (15) mph or less, the sight distance shall be a minimum of 80 foot.

3. The entrance of a driveway to a road shall not impede the flow of stormwater along the road or highway. Installation of culverts may be required to ensure compliance with this section. If installed, a culvert shall be at least eighteen (18) inches diameter. In addition, end sections and/or riprap may be required at driveways along steeper terrain.

4. The entrance to a driveway shall be a minimum of 100 foot measured from the return radius of an intersection.

7.11.12.3. Additional Standards for Non-Residential, Multi-Family and Mixed-Use Driveways.

7. A 50 foot asphalt or concrete apron shall be required on driveways accessing a paved road, the Administrator may reduce this to require paving to the end of a 30 foot return radius for small scale non-residential.

8. Driveway access to non-residential, multi-family and mixed-use developments shall meet local road standards at a minimum.

7.11.15.2. The minimum sidewalk or walking path width shall be ~~four~~ five feet.

7.13. WATER SUPPLY, WASTEWATER AND WATER CONSERVATION.

7.13.1. Water Supply and Distribution. The water supply and distribution system required of any development is dependent upon the nature of the development, the Sustainable Development Area (SDA) in which the development is located, and the proximity of the development to public water and wastewater infrastructure .

7.13.2. General Requirements.

7.13.2.1. Water and wastewater systems required. Each development shall provide water and wastewater systems within the development as required by this section.

7.13.2.2 Construction standards.

1. Water and wastewater systems shall comply with all applicable construction and operational standards of the SLDC and applicable federal and State law.
2. Water and wastewater infrastructure that will become a part of the County's water and wastewater utility, either upon completion of the development or when service becomes available, shall be constructed to standards established from time to time by the County's water and wastewater utility construction specifications, most recent edition. Each such facility shall be constructed so as to permit connection to the County utility when such a connection becomes feasible.
3. Water and wastewater infrastructure that will become part of the water and wastewater system of another entity shall be constructed to meet the standards established by that entity.

7.13.2.4. Required connection to the County, or a public water and wastewater systems. Persons desiring to develop property may be required to connect to the County's water and wastewater utility for water and wastewater service as described in subsection 7.13.3, or connect to a public or publicly-regulated water and wastewater system as described in subsection 7.13.4, or to self-supply water and wastewater service as described in subsection 7.13.5.

Table 7-17: When Connection Required to County Utility Water/Sewer.¹

		Property Location		
		SDA-1	SDA-2	SDA-3
Development Type	<u>New Residential Dwelling Development</u>	if within 200 feet	if within service area and within 400 <u>200</u> feet	if within service area and within 600 <u>200</u> feet
	Residential Land Division	if within 330 feet	if within service area and within 1,320 <u>330</u> feet	if within service area and within 2,640 <u>330</u> feet
	Multi-family (5+ units)	Yes	if within service area	if within service area
	Minor Subdivision	Yes	if within service area	if within service area and within 2,640 feet
	Major Subdivision	Yes	if within service area	if within service area
	Non-residential (using up to 0.25 AF water)	if within 400 <u>200</u> feet	if within service area and within 600 <u>200</u> feet	if within service area and within 800 <u>200</u> feet
	Non-residential (using over 0.25 AF water)	Yes	if within service area	if within service area and within 2,640 feet

¹For purposes of this section, all distances shall be measured between the nearest point of County infrastructure that is capable of providing service and the property line of the property to be developed, not from any structure located or to be located on the property.

7.13.4. Required connection to public water and wastewater systems other than the County.

7.13.4.1. Unless the provisions of subsection 7.13.3 apply, connection to public water and wastewater systems or publicly-regulated private systems shall be required if specified in Table 7-18.

Table 7-18: When Connection Required to Public Water/Sewer or Publicly-Regulated Water/Sewer.²

		Property Location		
		SDA-1	SDA-2	SDA-3
Development Type	New Residential Dwelling Development	if service area and within 200 feet	if within service area and within 400 200 feet	if within service area and within 600 200 feet
	Residential Land Division	if within service area and within 330 feet	if within service area and within 1,320 330 feet	if within service area and within 2,640 330 feet
	Multi-family (5+ units)	Yes	if within service area	if within service area
	Minor Subdivision	Yes	if within service area	if within service area and within 2,640 feet
	Major Subdivision	Yes	if within service area	if within service area
	Non-residential (using up to 0.25 AF water)	if within service area and within 400 200 feet	if within service area and within 600 200 feet	if within service area and within 800 200 feet
	Non-residential (using over 0.25AF water)	Yes	if within service area	if within service area and within 2,640 feet

7.13.4. Required connection to public water and wastewater systems other than the County.

7.13.4.3. If connection to a public ~~water and wastewater system~~ or a publicly-regulated ~~private~~ water or wastewater system is not required in Table 7-18, or the public or publicly-regulated ~~water private~~ water or wastewater system is unable to immediately provide service, but the property ~~in question~~ is located within SDA-1 or is within the service area of a public ~~water or wastewater system~~ or a publicly-regulated ~~private or public~~ water or wastewater system, necessary facilities to connect to the public or publicly-regulated water and wastewater system shall be provided. When a public or publicly-regulated water and wastewater system becomes available to such a development, the development shall be required to connect; that requirement will be

²For purposes of this section, all distances shall be measured from the property line of the property to be developed and not from any structure located or to be located on the property.

clearly specified in the development order, relevant plat, or subdivision disclosure statement, and shall be made a part of the voluntary development agreement.³

7.13.5. Self-supplied water and wastewater systems.

7.13.5.1. Unless the provisions of subsections 7.13.3 or 7.13.4 apply, water and wastewater systems shall be self-supplied by the applicant.

7.13.5.2. Self-supplied water and wastewater systems are subject to all the requirements in subsections 7.13.6. and 7.13.7 below.

7.13.5.3. If water and wastewater service is to be self-supplied, all the costs of providing water and wastewater infrastructure and water and wastewater service shall be borne by the applicant, although the applicant may make appropriate arrangements to delegate the operational expenses of water and wastewater to a homeowner's association or appropriate entity. Infrastructure associated with a self-supplied system shall be private infrastructure and the County shall have no responsibility therefor; similarly, the obligation to operate and maintain a self-supplied system and the obligation to serve residents shall remain a private obligation and the County shall have no responsibility therefor.

7.13.5.4. If connection to the County, ~~water and wastewater utility or connection to a public or publicly-regulated water~~ and/or wastewater system is not required ~~by operation of in~~ Table 7-17 or 7-18 but the property is located within SDA-1 or is within the service area of the County, ~~water and wastewater utility or a public or publicly-regulated private or public~~ water or wastewater system, then all necessary facilities to subsequently connect to County, ~~water or wastewater service or to~~ public or publicly-regulated water and wastewater, shall be provided. When County, ~~water and wastewater service, or public or publicly-regulated water and wastewater~~ becomes available to such a development, the development shall be required to connect; that requirement will be clearly specified in the development order and relevant plat, and shall be made a part of the voluntary development agreement.⁴ If the County, ~~public or publicly regulated utility or a public~~ water or wastewater system provides written confirmation to the Administrator that water or wastewater service will not be available for a period of five (5) years, then the requirements of the foregoing shall not apply.

7.13.6. Water Supply Requirements.

7.13.6.2. Water Service Availability Report. The Water Service Availability Report (WSAR) required by Chapter 6 shall provide ~~details on the~~ source of water, including whether the source of water will be the County, ~~utility or a~~ public or publicly-regulated water system, and shall discuss in detail any required water supply infrastructure to be

³The development agreement may provide that such interconnection be provided later so long as adequate security is also provided.

⁴The development agreement may provide that such interconnection be provided later so long as adequate security is also provided.

provided (its cost, details of the design and construction, construction schedule, financing of design, construction cost, and operational cost including capital replacement), and shall discuss in detail whether the proposed system is capable of meeting the water requirements of the development as required by the SLDC.

7.13.7. Self-Supplied Water Systems.

7.13.7.1. Community Water Systems.

1. A subdivision shall be required to create a community water system or connect to an existing community water system if specified in Table 7-19.
2. A community water system shall meet or exceed all applicable design standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer and Santa Fe County Utility.
3. Water wells supplying a community water system shall be capable of providing the water needs of the development for at least 99 years (see footnote 5 of Section 7.13.6.1), or shall put in place a reasonable and funded capital replacement program through which the construction of necessary replacement wells and other infrastructure can be assured. A community water system shall be designed to provide a reasonably anticipated peak rate of production. An applicant proposing or required to use a community water system whose source of water is, in whole or in part, groundwater, shall submit a geo-hydrologic report that conforms to the requirements of this SLDC for approval by the County. As an alternative, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by section 7.13.7.4.1.
4. A community water system shall provide adequate water for fire protection consistent with the requirements of the New Mexico Fire Code and the Santa Fe County Fire Code.
5. A community water system shall possess a valid water permit, vested right, adjudicated right, or license issued and verified by OSE or produce proof of a valid service commitment from a water provider to meet the maximum annual water requirements of the proposed development. Pursuant to NMSA 1978, § 3-20-91, if irrigation water rights that are appurtenant to the land to be subdivided have been severed, a community water/mutual domestic system shall acquire sufficient water rights through a permit issued pursuant to NMSA 1978, § 72-5-1, §72-5-23, §72-5-24, § 72-12-3, or § 72-12-7 for subdivision water use. own water rights permitted by the Office of the State Engineer; the water rights shall have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit shall be sufficient to meet the maximum annual water requirements of the proposed development. Additionally, if irrigation water rights that are appurtenant to the land to be subdivided have been severed, a community water system shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision.—An application failing to provide proof of the

permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

6. All distribution mains within a community water system shall be a minimum of eight (8) inches in diameter and shall be pressure tested in accordance with the latest versions of the New Mexico Standard Specifications for Public Works Construction, Section 801.16 ~~(as amended from time to time), the Santa Fe County Utility Water System standards and American Water and Wastewater Association standards.~~

7. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of individual and/or shared domestic wells is strictly prohibited on property supplied by a community water system.

8. A community water system shall be capable of supplying the volume of water required for the development and shall be designed to provide a peak rate of production reasonably anticipated.

9. All applicable requirements of the Public Utility Act, Articles 1 through 6 and 8 through 13 of Chapter 62, NMSA 1978, shall be met, as applicable.

10. A community water system shall be designed ~~by~~under the supervision of a New Mexico registered professional engineer. Any expansion of an existing community water system to supply new development shall likewise be designed ~~by~~under the supervision of a New Mexico registered professional engineer.

11. Easements, including construction easements, shall be provided.

~~12. The community water system shall demonstrate compliance with all applicable state and federal law. The community water system shall provide proof that the system is operated by a qualified and certified operator and include compliance documents required by NMED, PRC and the OSE. Management of a community water system shall be accomplished by competent, professional manager or management consultant. A qualified and certified operator shall be employed or contracted. The management structure of a community water system shall be capable of ensuring that all reports and submissions required by NMED, PRC and the OSE are submitted on a timely basis.~~

13. Financial security shall be deposited to secure the construction of a new or expanded community water system.

14. An applicant proposing or required to use a community water system whose source of water is, in whole or in part, groundwater, shall ~~perform~~submit a geo-hydrologic report that conforms to the requirements of this SLDC, to be approved by the County.

15. As an alternative to the previous paragraph, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC.

16. A community water system within a Traditional Community District zoning district shall minimize the use of local water resources.

7.13.7.2. Shared Wells Systems and Individual Wells.

1. A development that is not required to connect to the County water utility pursuant to Table 7-17, or to a public or publicly-regulated water system pursuant to Table 7-18, or to a community water system pursuant to Table 7-19, may self-supply water service through a shared well system or individual well.
2. A shared well system or an individual well shall provide all water needed for domestic use and fire protection.
3. A shared well system or an individual well shall meet or exceed all applicable design and operational standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer.
4. A shared well system or an individual well shall be capable of providing the water requirements of the proposed development for up to 40 years or 99 years respectively.⁵
5. A shared well system or an individual well, together with its associated equipment and infrastructure, shall provide adequate water for fire protection, including storage, consistent with the requirements of the Fire and Building Codes specified in Section 7.2.
6. Water storage to address requirements of the Fire and Building Codes specified in Section 7.2, or to maintain deliveries during periodic drought ~~or as a result of climate change~~, shall be provided.
7. A shared well system or an individual well shall possess a valid water permit, vested right, adjudicated right or license issued and verified by the Office of the State Engineer with sufficient capacity or water rights to meet the maximum annual water requirements of the proposed development. Pursuant to NMSA 1978, § 3-20-91 if irrigation water rights that are appurtenant to the land on which the subdivision is to be located have been severed, the developer must fulfill the requirements of Paragraph (1) of Subsection F of NMSA 1978, §47-6-11 or acquire sufficient water rights through a permit issued pursuant to NMSA 1978, § 72-5-1, §72-5-23, §72-5-24, § 72-12-3, or § 72-12-7 for subdivision water use. ~~owners of a shared well system or an individual well shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision.~~ In all other cases, a shared well system shall own water rights permitted by the Office of the State Engineer; the water rights shall have an appropriate place and purpose of use, and

⁵ Pursuant to NMSA 1978, § 72-1-9, water provided by or on behalf of a member-owned community water system (e.g., a mutual domestic) or a special water users' association, must be capable of meeting a 40-year water supply for its members or association. Pursuant to § 6.5.5.1 of this Code, water provided by or on behalf of an individual must be capable of meeting a 99-year water supply.

the quantity permitted and any conditions imposed on the permit shall be sufficient to meet the maximum annual water requirements of the proposed development. An application failing to provide proof of the permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

8. A shared well system or an individual well shall be capable of supplying the volume of water required for the development and shall be designed to provide a peak rate of production reasonably anticipated.

9. Easements, including construction easements, shall be provided.

10. Financial security shall be deposited to secure the construction of a shared well system.

11. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of other wells within the area to be served by an individual well or shared well system is strictly prohibited.

12. An applicant proposing or required to use a shared well system or an individual well shall perform a ~~geo~~-hydrologic report that conforms to the requirements of this SLDC, or, as specified in the following paragraph, a *reconnaissance report*. An applicant proposing to (i) develop a single family residential dwelling or accessory dwelling unit on a lot existing prior to the effective date of the SLDC using a single domestic well permitted under NMSA 1978, ~~See, §~~ 72-12-1 as the water supply, (ii) develop a single nonresidential use that has a water budget of 0.25 acre foot per year or less, (iii) divide land through a land division or exempt subdivision, or (iv) create a minor subdivision or no more than five (5) lots, shall not be required to provide a ~~geo~~-hydrologic report or a reconnaissance report, but shall be required to provide a copy of the well permit issued pursuant to NMSA 1978, ~~See, §~~ 72-12-1 by the Office of the State Engineer.

13. As an alternative to a geo-hydrologic report, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC.

7.13.7.3. Standards for geo-hydrologic reports.

1. A geo-hydrologic report,⁶ if required, shall demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of 40 years or 99 years as the case may be⁷. The contents of the report shall be consistent with well-established engineering and geological

⁶A geo-hydrologic report may be provided as a part of a required study, report or assessment as described in Chapter 6, or separately.

⁷ See footnote 7.

practice, and shall be certified by those professionals contributing to the study and conclusions.

2. The geo-hydrologic report shall take into account the production from existing wells in making conclusions about the ability of a particular well or wells to provide adequate water for the development for 40 years or 99 years as the case may be. (See footnote 7.)

3. The geo-hydrologic report shall be predicated upon actual testing results from wells ~~within at the location of~~ the proposed development. Test requirements for wells are set forth in Table 7-20. If no well is present ~~at the proposed development location of each of the proposed well or wells~~, an exploratory well shall be ~~drilled~~provided. If more than one well will be ~~used to provide water to the proposed development~~ provided, the Administrator shall determine ~~whether~~ the number of test wells and their locations to adequately ~~profile the aquifer~~. ~~The geo-hydrologic report shall adequately~~ characterize the aquifer in accordance with the requirements listed herein.

Table 7-20: Well Test Requirements

TABLE 7-20: WELL TEST REQUIREMENTS			
	Pumping Hours	Recovery Days	Additional Tests for Large Areas
INDIVIDUAL WELLS (NON RESIDENTIAL USE UP TO 1 ACRE FOOT PER YEAR AND SUBDIVISIONS OF 5 OR FEWER LOTS)			
Miscellaneous locations	48	5	one per 40 acres
Part of Santa Fe Formation	36	5	one per 160 acres
Cretaceous	24	5	one per 40 acres
INDIVIDUAL WELLS (NON RESIDENTIAL USE OVER 1 ACRE FOOT PER YEAR AND SUBDIVISIONS OF MORE THAN 5 LOTS)			
Miscellaneous locations	<u>72</u>	<u>5</u>	<u>one per 40 acres</u>
Part of Santa Fe Formation	<u>48</u>	<u>5</u>	<u>one per 160 acres</u>
Cretaceous	<u>72</u>	<u>5</u>	<u>one per 40 acres</u>
COMMUNITY WELLS			
All Areas	96	10	one per 40 acres

4. Geo-hydrologic reports shall provide detailed data and information reports concerning each pumping test as set forth in Table 7-20.

5. The geo-hydrologic report may rely upon previously developed geo-hydrologic reports with appropriate pumping test on wells within one (1) mile in lieu of drilling a new well or wells so long as the geo-hydrologic report that is relied upon adequately characterizes the aquifer beneath the proposed development as specified herein and establishes that the hydrogeologic conditions are comparable. Notwithstanding the foregoing, no more than one (1) test well ~~per four (4) dwelling units shall be required, and no more than one (1) test wells~~ per up to ten (10) dwelling units shall be required where cluster or shared wells are to be used, provided that the entire development is served by the same geologic formation.

6. The geo-hydrologic report shall provide a schedule of effects over the applicable time period from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of ~~climate and~~ drought. The geo-hydrologic report shall analyze the effect of pumping of existing wells. Predicted draw down of each well shall be calculated in a conservative manner.

7. The geo-hydrologic report shall calculate the lowest practical pumping water level in the proposed well or wells so long as there is no presumption made as to additional available water below the bottom of the proposed well or wells, and the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought, reduction of well efficiency over time, and peak production requirements. The lowest practical pumping water level may be established by any one of the following methods:

- a. By using the results of acceptable on-site aquifer pump tests where the lowest allowable pumping level is the lowest water level reached during the test;
- b. By setting the lowest practical pumping water level at the top of the uppermost screened interval;
- c. In wells completed in fractured aquifers, by setting the lowest practical pumping water level above the top of the fracture zone; or
- d. In wells completed in alluvial aquifers, by setting the lowest practical pumping water level at a point equal to seventy percent (70%) of the initial water column.

8. The geo-hydrologic report shall present all pertinent information. All sources of information used in the report shall be identified; basic data collected during preparation of the report shall be provided if available.

9. The geo-hydrologic report shall contain all of the following information, in the following order:

- a. Geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the geo-

hydrologic boundaries, intake areas and locations of discharge of those aquifers;

b. Maps and cross sections showing the depth-to-water, water-level contours, direction of ground water movement and the estimated thickness of saturation in the aquifers; and

c. Probable yields of the proposed wells (in gallons per minute and acre feet per year) and ~~probable~~calculated length of time that the aquifer system will produce water in amounts sufficient to meet the demands under full occupation of the development for the appropriate time period, including any underlying pump test analyses, hydrologic boundaries, aquifer leakage and historic water level changes, logs and yields of existing wells, aquifer performance tests, and information concerning interference by the proposed wells with existing off-site wells and among the proposed on-site wells.

10. If a pumping test has been submitted to the OSE to support an application to change the place or purpose of use of water rights from agricultural to domestic or subdivision use and OSE accepts the pumping test, then the pumping test can be utilized for the purposes of this Section if it complies with Table 7-20.

7.13.7.4. Standards for reconnaissance reports.

1. A reconnaissance report⁸ may be provided in lieu of a geo-hydrologic report only if all of the following circumstances ~~exist~~prevail:

a. ~~the~~ the geo-hydrologic report has been completed on a well within one (1) mile of ~~the~~ the proposed well or wells;

b. ~~the~~ the geo-hydrologic report indicates that the geology and well completion ~~is~~are comparable to the conditions existing at the site of the proposed well or well;

c. the total amount of water to be drawn by the development will not exceed three (3) acre feet per annum; and

d. ~~except as may be permitted by the Administrator, no more than one (1) well will be constructed within the proposed development. The previously submitted geo-hydrologic report has been deemed valid and acceptable by the County.~~

2. A reconnaissance report shall contain the following information in the following order:

⁸A reconnaissance report may be provided as a part of a required study, report or assessment as described in Chapter 6, or separately.

- a. Detailed information on the geology at the site of the proposed well or wells from the previously-performed geo-hydrologic report, including data from a pump test;
- b. A copy of the well log for the well upon which the previous geo-hydrologic report was ~~performed based,~~ and a complete analysis of the data contained therein and an explanation of how the findings from the previous geo-hydrologic report as it pertains to the proposed development; and
- c. A calculated ninety-nine (99) year schedule of effects from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of ~~climate,~~ drought and change. The reconnaissance report shall analyze the effect of pumping of existing wells and the predicted draw down of each well, calculated in a conservative manner; and
- d

7.13.11. Water Conservation.

7.13.11.1. General Requirements.

1. All plats and non-residential development shall file signed water restrictions and covenants included in this Section with the plat or site development plan. All applications subject to water restrictions and conservations requirements shall file a declaration with the County Clerk memorializing the restrictions of this Section. These restrictions shall run with the land and any violations shall be enforceable by the County pursuant to Section 14.3.

12. Total water use shall not exceed that specified in the development order, plat note, or the SLDC.

23. Annual water use for ~~domestic purposes~~ for a single family residential dwelling ~~from any source~~ shall not exceed 0.25 acre foot per year. In applying this limitation to a dwelling, the County shall not include any water used on the parcel: (a) from 72-1-1 wells for the purposes of irrigation on the parcel not to exceed one acre of non-commercial trees pursuant to NMSA 1978, Section 72-12-1.1, livestock watering pursuant to NMSA 1978, Section 72-12-1.2, or temporary uses pursuant to NMSA 1978, Section 72-12-1.3; (b) pursuant to the parcel owner's water rights or permit to appropriate water other than those arising under NMSA 1978, Sections 72-12-1 or 72-12-1.1 (except as provided above); or (c) in accordance with any water right that a court has adjudicated through entry of any form of subfile order, decree, judgment, or other court order adjudicating the amount, purpose, and place of use. This limitation shall not apply to use of water derived from a well permitted pursuant to NMSA 1978, Section 72-12-1 that is used for agriculture, so long as the use is consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights for non 72-12-1 wells, permitted by the Office of the State Engineer and to the use of water derived from such water rights for agricultural or other purposes.

7.13.11.2. Outdoor Conservation. This section is applicable to all lots within the County.

1. Low water use landscaping techniques or xeriscaping shall be utilized for all new landscaping in development. ~~Drip irrigation and landscape mulching shall be provided.~~

2. Drip irrigation and landscape mulching shall be provided for all new landscaping required by this SLDC. Only low water use grasses, shrubs and trees that are appropriate to the New Mexico climate shall be used. ~~Sod or grass seed that contains Kentucky bluegrass is not permitted.~~

3. New sod or grass seed that contains Kentucky bluegrass is not permitted. Lawns of non-native grasses shall not exceed 800 square feet and shall only be watered with harvested water or grey water.

5. Watering or irrigation ~~shall be that is~~ provided through a ~~timed~~ drip irrigation system shall include a timer that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Such approved systems include but are not limited to evapotranspiration-based controllers. This paragraph does not apply to gardens or agricultural uses.

10. All permanent swimming pools, and any temporary pools with a fill capacity over 3,000 gallons, shall ~~be prohibited~~ only be permitted in accordance with Section 7.24. of this SLDC.

7.13.11.3. Indoor Conservation. This section applies to all lots within the County.

7.13.11.5. Domestic Well Use Metering Program.

1. ~~Every person engaging in All~~ development utilizing a well after the effective date of this Code shall participate in the well use metering program.

2. Meters shall be installed on wells for any development subject to the SLDC. All meters shall be a Santa Fe County-approved meter. The meter shall be read by the property owner annually ~~within the first two weeks of each calendar year.~~ Meter and meter readings shall be provided to the Administrator no later than April 30 of the same calendar year. Submissions shall include name and address of well owner, location of well, OSE well permit number, meter reading, date of meter reading, number of residences served by the well, make and model of meter and photograph of the meter. If a property is required to submit meter

readings to the OSE, these readings may be sent to the Administrator in lieu of the above requirement.

7.13.11.7. Water Harvesting.

1. Rainwater Catchment Systems. Rainwater catchment systems are required for all new residential and all new or remodeled non-residential development, including a change of use from residential to non-residential, as required below.

2. Overflow from a cistern shall be directed into a designated retention pond or landscaped area.

3. The requirements of this section shall not apply where a development proposes to utilize gray water recycling for all outdoor landscaping.

~~a. Rainwater catchment systems are required for all new construction whose roof area is 2,500 square feet or greater. Rainwater catchment systems are required for all remodeling of an existing structure whose roof area, after the remodeling, is 2,500 square feet or greater. Rainwater catchment systems are required of any accessory structure whose roof surface is 500 square feet or greater.~~

~~b. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.~~

~~c. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey water to the point of use.~~

~~d. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure shall install as its rainwater catchment system: (i) rain barrels, (ii) cisterns, or (iii) passive water harvesting systems using berms, swales, or tree wells. The system shall capture water from at least 85% of the roofed surface.~~

~~e. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area.~~

2a. Catchment Requirements, Residential Structures.

~~a-i.~~ Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.

b-ii. Residential primary or accessory Sstructures whose roof surface is 2,500 sq. ft. of heated floor area or greater and additions of 2,500 sq. ft. of heated floor area or greater, shall

install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

~~e-iii.~~ A structure whose roof surface is 2,500 sq. ft. of heated floor area or less, ~~and any accessory structure whose roof surface is 500 sq. ft. or greater~~ shall install rain barrels, cisterns or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater ~~from a minimum of 85% of the roofed area.~~

~~d-iv.~~ Cisterns shall be sized to hold 1.15 gallons per square foot of roof area that is captured but this figure may be adjusted based on proposed landscaping, to be approved by the Administrator.

3 b. Catchment Requirements, Non-residential structures:

a i. Systems shall be designed to capture rainwater from all of the roofed area.

b ii. Cisterns shall be buried, partially buried or insulated and shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

e iii. Cisterns shall be sized to hold 1.5 gallons per square foot of roofed area or the equivalent of a one month supply of water, to be approved by the Administrator.

iv. Where no new landscaping is required, the Administrator may approve the use of rain barrels or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater.

7.14. ENERGY EFFICIENCY.

7.14.2. Residential Structures.

7.14.2.1. Each new residential structure, excluding accessory buildings, mobile homes, and manufactured homes and structures constructed to the standards prescribed by the State of New Mexico Earthen Building Materials Code and New Mexico Historic Earthen Buildings Code, shall achieve a HERS rating of 70 or less, or have demonstrated that it achieves some equivalent energy performance. Structures required to achieve this rating

shall be designed, constructed, tested and certified according to the Home Energy Rating Standards (HERS) index, as most recently adopted by the Residential Energy Services Network (RESNET). After completion of the residential structure, a final HERS rating, indicating a score of 70 or less, shall be submitted to the County as part of obtaining a Certificate of Completion from the County pursuant to this Section.

7.14.2.2 The HERS 70 standard or equivalent shall be certified by a qualified, independent, third-party accredited HERS rater for both the designed and final constructed HERS or equivalent rating.

7.14.2.3. As an alternative to a HERS 70 requirement, other energy efficiency performance measures or methodologies may be utilized to demonstrate compliance with the requirement, provided that:

1. The residential structure achieves an equivalent or lower level of energy performance (in BTUs per square foot per year) as a HERS 70 rated structure; and
2. A New Mexico licensed engineer, architect, or qualified independent building science professional performs the analyses, inspections and certifications.

7.14.2.4 In addition to the energy performance standard above, new residential structures shall also:

1. Comply with the following whole-house mechanical ventilation requirement. In order to maintain indoor air quality, continuous mechanical ventilation is required based on the following formula: Required minimum cubic feet per minute of ventilation = {(Total heated floor area in square feet X 0.01) + [(number of bedrooms + 1) x 0.75]} the most recent version of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 62.2, "Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings"; and
2. Complete the United States Environmental Protection Agency's "Thermal Bypass Inspection Checklist" or "Thermal Enclosure System Rater Checklist" during the building process, as determined by the Checklist's guidelines. The Administrator shall determine which updated version of the checklist, or equivalent, shall be applicable at any given time.

7.14.2.5. To demonstrate compliance with these requirements, a preliminary certification of energy performance, signed and/or stamped by the independent third party verifier, shall be documented on a form provided or approved by the County and included as a part of the application package submitted for development review. Similarly, compliance with the ventilation and thermal enclosure checklist requirements will be documented by submittal of forms to the County signed by an independent third party verifier. These submittals are required as part of obtaining a Certification of Completion pursuant to Section 14.2.

7.14.2.6. Larger multifamily residential structures that are not included under RESNET's HERS index rating system shall comply with the energy efficiency requirements for nonresidential structures in ~~sub~~Section 7.14.3.

7.14.3. Nonresidential Structures.

7.14.3.1. All new nonresidential buildings that are eligible to achieve EPA’s “Designed to Earn Energy Star” certification shall obtain written confirmation from the United States Environmental Protection Agency that the building is designed to meet this certification ~~“Designed to Earn the EPA Energy Star Certification”~~. This certification shall be submitted to the County along with the other required materials required to support and application for development approval.

7.17. TERRAIN MANAGEMENT.

7.17.3. Buildable Area. A buildable area shall be identified for all lots on any plat and on any site development plan.

7.17.3.1. Development shall occur only within the area designated for building on the final plat. If there is no buildable area designated on the plat, then the Administrator shall designate a buildable area upon request.

7.17.3.2. A buildable area shall not be less than 2,000 square feet and shall include all required working areas around the structure, this does not apply to high density PD or MU areas. ~~include the footprint of the proposed structure, a working area extending thirty feet from the structure, and any areas of expected site disturbance necessary for construction, all of which shall not be less than 2,000 square feet.~~

7.17.3.3. The Administrator may approve an alternative buildable area upon proof of compliance with the requirements of this SLDC.

7.17.6 Grading, Clearing and Grubbing.

7.17.6.1. Prior to engaging in any grading, clearing or grubbing, a development permit shall be obtained. A development permit is not required to maintain a driveway or road; provided, however, that any major change in the driveway or road or a capital improvement to a road or driveway, shall require a development permit.

7.17.6.2. Grading and clearing of existing native vegetation shall be limited to approved Buildable Areas, road or driveways, drainage facilities, liquid waste systems, and utility corridors.

7.17.6.3. Topsoil from graded areas shall be stockpiled for use in revegetation.

7.17.6.4. The boundaries of the development area shall be clearly marked on the site with limits of disturbance (LOD) fencing or construction barriers prior to any grading or clearing.

7.17.6.5. No grading is permitted within one foot of a property line, except for roads driveways and utilities.

7.17.6.6. Temporary fencing shall be installed to protect natural vegetation.

7.17.6.7. Retaining walls shall not exceed ten (10) feet in height.

7.17.9 Steep Slopes, Ridge tops, Ridgelines, and Shoulders.

7.17.9.1 Applicability. This subsection applies to development of any structure on a slope whose grade exceeds fifteen percent (15%), areas where slope exceeds thirty percent (30%); and to a ridge, ridge top, ridgeline, or shoulder.

1. Where a ridgetop measures more than five hundred feet (500') from shoulder to shoulder, the ridgetop standards and requirements shall apply within two hundred feet (200') of the shoulder of the ridge.

7.17.9.2 Standards.

1. No structure may be constructed on a ridge top, ridgeline, or shoulder unless there is no other buildable area on the property. Only single story structures are allowed on ridges, ridge tops, and shoulders.

2. Buildable areas on a ridge top, ridgeline, or shoulder shall be set back ~~5025~~ (twenty five) feet from the shoulder. The shoulder is the point at which the profile of the upper slope begins to change to form the slope.

3. No structure may be constructed on a natural slope of thirty percent (30%) or greater.

4. Utilities, drainage structures, slope retention structures, and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they disturb no more than three separate areas not exceeding 1,000 square feet each. ~~Drainage structures and slope retention structures may be located on a natural slope in excess of thirty percent (30%).~~

7.17.11. Development at or above 7800 Feet in Elevation. Development at or above an elevation of 7800 feet is a restricted build area and will be subject to additional requirements as follows:

1. Proposed development in this area shall not be visible from major arterial roads.

~~2. Proposed development in this area is subject to a conditional use permit.~~

7.22. FINANCIAL GUARANTY.

7.22.3. Engineer's Cost Estimate. A cost estimate for all required public and private site improvements or reclamation shall be prepared by a New Mexico registered professional engineer and shall be submitted with the financial guaranty. The cost estimate shall be valid for a period of 12 months.

7.25. SPECIAL PROTECTION OF RIPARIAN AREAS.

7.25.1. Applicability. This section applies to any development depicted in documents or activities, including but not limited to a subdivision plat, land division or site plan.

7.25.2. Relation to Flood Prevention and Flood Control. This section and Section 7.18 of the SLDC ("Flood Prevention and Flood Control") are related.

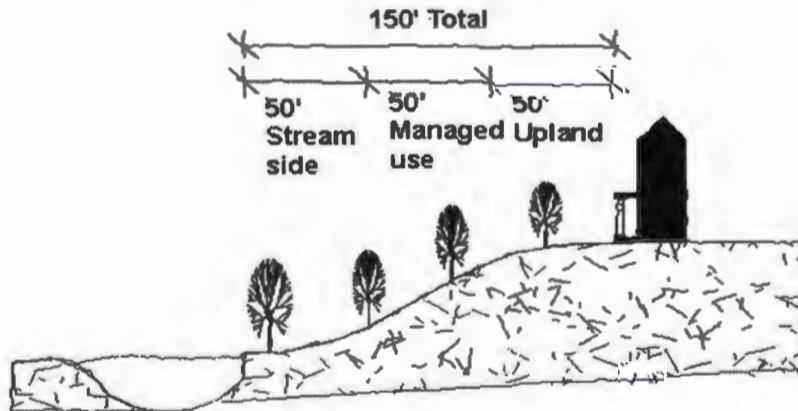
7.25.3. Beneficial Use Determination. A person aggrieved by restrictions applicable to property pursuant to this Section may apply for a beneficial use determination pursuant to Section 14.9.8 of the SLDC.

7.25.4. Riparian Corridors. Riparian corridors are established as described in Table 7-22 ~~and the Official Map. See also Figure 7.7.~~ Distances specified shall be measured as the horizontal, linear distance from the stream bank. There shall be three zones of stream corridors, having the dimensions shown in Table 7-22. ~~These areas shall be measured as shown on Figure 7.7. Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC and are also designated as floodways and described in Section 7.18.13 of the SLDC, shall be designated as the "Stream Side Zone." The Managed Zone and Upland Zone shall be measured as shown on Figure 7.7. Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC shall be designated and correspond to the "Managed Use Zone." Construction adjoining riparian areas that are also designated as Special Flood Hazard Zones under Section 7.18 of the SLDC, shall be set back as provided in Section 7.17.5.2.7 of the SLDC and shall be designated and correspond to the "Upland Zone."~~

Table 7-22 Definition of Stream Corridor Zones

(A) Corridor	Applicability			(E) Location and Required Width of Zone
	(B) Perennial Stream	(C) Intermittent Stream	(D) Perennial Water Body	
Stream Side Zone	Yes	Yes	Yes	50 feet from stream bank
Managed Use Zone	Yes	-	-	50 feet from outer edge of stream side zone
Upland Zone	Yes	-	-	50 feet from managed use zone, or out to resource conservation district elevation, whichever is greater
Total corridor area	150	50	50	150 feet minimum from each side of stream bank

Figure 7.7 Riparian Corridors



7.25.5. Permitted Uses and Activities in Riparian Corridors. Provided a specific use is permitted within the applicable zoning district, a use permitted in Column (A) of Table 7-23 is permitted within the applicable corridor zone as defined in Table 7-22. Such uses are restricted to the corridor zones indicated in Columns (B), (C), and/or (D) of Table 7-23.

**Table 7-23
Permitted Uses Within Riparian Buffer Corridors**

(A) Use	(B) Stream Side Zone	(C) Managed Use Zone	(D) Upland Zone
Pastures or plant nurseries that do not require land-disturbing activities or use of pesticides, or extensive use of fences or walls.	N P	P	P
Gardens, play areas, <u>recreational uses</u> and other similar uses that do not require the use of pesticides for routine maintenance.	N P	P	P
Lawns, golf course fairways, play fields, and other areas that may require the use of fertilizers or pesticides.	N	N	P
Archery ranges, picnic structures, playground equipment, and other similar public and private recreational uses that do not require the use of fertilizers, pesticides, or extensive use of fences or walls.	N P	P	P
Public utility and storm drainage facilities where there is a practical necessity to their location within the resource conservation district (RCD).	P	P	P
Sidewalks, streets, bridges, and other similar transportation facilities where there is a practical necessity to their location within the RCD.	C	C	C
Sidewalks.	P	P	P
Accessory land-disturbing activities ordinarily associated with a single- or two-family dwelling, such as utility service lines, gardens , and similar uses.	N	P	P
Public maintenance of streets, bridges, other similar transportation facilities and/or public utility and storm drainage facilities.	P	P	P

P = the activity is permitted as of right; N = the activity is prohibited; and C = the activity is permitted only upon approval of a conditional use permit or a subdivision application.

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8.5.2. Agriculture, Grazing and Ranching Uses. Agriculture, Grazing and ranching of livestock shall be allowed anywhere in the County. A development permit is not required for this use, however, a development permit is required for any structure(s) related to this use in accordance with the siting and design standards of this SLDC.

8.7. NON-RESIDENTIAL ZONING DISTRICTS.

8.7.1. Commercial General (CG).

Table 8-13: Dimensional Standards – CG (Commercial General).

CG Zoning District	CG-Base	With TDRs
Density (# acres per dwelling units per acre)	2.5**	<u>20</u>
Multifamily Density with TDRs*	Up to 15	
Frontage (minimum, feet)	50	<u>25</u>
Lot width (minimum, feet)	n/a <u>50</u>	<u>25</u>
Lot width (maximum, feet)	n/a	
Height (maximum, feet)	48 <u>40</u>	<u>48</u>
Lot coverage (maximum, percent)	80 <u>60</u>	<u>80</u>

*Multi-Family Residential shall comply with supplemental use standards in Chapter 10.

** Density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

8.8 PUBLIC/INSTITUTIONAL ZONING DISTRICT.

8.8.3. Dimensional Standards. The dimensional standards within the PI district are outlined in Table 8-17 below.

8.8.4. Review/approval procedures. All PI developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A conceptual plan shall be required for all phased development in accordance with procedures outlined in Chapter 4.

Table 8-17: Dimensional Standards – PI (Public/Institutional).

P/I Zoning District	P/I
Density	2.5*
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	80
*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.	

8.8.5. Side and Rear Setbacks. For buildings in the PI district that are over 12 feet in height, side and rear setbacks adjacent to any A/R, RUR, RUR F, RUR R, RES F, RES E, R C, or TC districts, and any predominantly single family detached or attached dwelling districts or sub-districts in areas subject to community district zoning, as well as any existing or approved development consisting of predominantly single family detached dwellings or 1 or 2 story duplex or single family detached dwellings in MU or PDD districts, are outlined in Table 8-17.1 below.

Table 8-17-1: Side and Rear Setbacks—PI (Public/Institutional).

Building Height	Minimum Side and Rear Setbacks
Greater than 12 but less than or equal to 24 feet	40 feet
Greater than 24 but less than or equal to 36 feet	100 feet
Greater than 36 but less than or equal to 48 feet	150 feet

8.9. MIXED USE ZONING DISTRICT (MU).

8.9.5. Dimensional Standards. The dimensional standards within the MU district are outlined in Table 8-18.

Table 8-18: Dimensional Standards – MU (Mixed Use).

MU Zoning District	Base	With TDRs
Density (Number of dwelling units per acre)	1	20
Non-Residential (Min required, percent/Max permitted, percent)	10/15	5/50
Frontage (minimum, feet)	50	25
Lot width (minimum, feet)	50	25
Height (maximum, feet)	27	48
Lot coverage (maximum, percent)	40%	80%
Setback where existing residential uses adjoin property (ft)	50	50
Setback <u>from edge of MU district</u> where existing residential uses adjoin residential property (ft)	100	100
Setback <u>from edge of MU district</u> to adjoining community district (ft)	1000	1000

8.10.3 Planned District Santa Fe Community College District.

8.10.3.4. Conceptual Plan. A ~~e~~Conceptual ~~p~~Plan is required for multi-phased development within the CCD. The Conceptual Plan shall:

1. Define the boundaries of the landscape types and the resulting designation and configuration of Village, Employment Center, Institutional Campus, and Fringe Zones and Open Space;
2. Calculate the zoning allowances and requirements including the minimum and maximum number of residential units, the minimum and maximum range of commercial square footage, FAR and the open space and park requirements;
3. Establish categories of land uses with sufficient specificity to allow for an analysis of the traffic and other impacts of the proposed uses, within each category;
4. Identify the location and general configuration of New Community Centers, Neighborhood Centers, Neighborhoods, Employment Center Zones and Institutional Campus Zones that are included in the Master Plan area. A digitized aerial photograph containing metes and bounds description may be used to establish zone locations;
5. Identify the proposed categories of land uses to be developed to demonstrate the mixed-use nature of the development;
6. Establish the general road layout and classification of road segments as living-priority, mixed-priority and traffic-priority roads;
7. Establish the general trail network and classification as district, village, local or any separate equestrian trails;
8. Establish a phasing schedule which details the timing for the proposed development which shall include a general description of each phase of the development, with projected sales and buildout;
9. An explanation of how each development phase promotes the mixed-use intent of this Section; a description of the phased development of the on-site infrastructure and the manner in which it is coordinated with development of needed off-site infrastructure to ensure that the standards of the zones and densities of the development required by this Section are achieved; and

~~10. In an Employment Center Zone, an applicant may propose a phase which is not mixed-use if:~~

~~a. the phase following the non-mixed use is a mixed-use phase;~~

~~b. the proposed use is for a major employer, is not retail, creates a significant number of new jobs and all infrastructure is adequate;~~

~~c. the proposed non-mixed use phase bear a sufficient connection to the approved, proposed or built residential uses in the same Zone or any adjacent or contiguous Zone such that the overall mixed-use intention of this Section will be achieved and the uses in the non-mixed use phase promote and advance the County regional goals for employment and economic development and are compatible and appropriate with principles of the CCD and meet the requirements of the Land Use Table.~~

8.10.3.7. District Development Standards. The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

1. Off-site Improvements. The County may require developers, as a condition of approval, to enter into a development agreement pursuant to which the developer shall be required to pay a pro-rata share of future off-site improvements.

a. Advancement of Public Facilities and Services by Applicant. Advancement of public facilities and services by applicant shall be in accordance with Section 12.2.6. of this Code.

5. Road Design Standards.

b. Road Circulation and Design Standards. The following standards are applicable to all development in the CCD district:

ix. Minimum distance required between driveways ~~or~~ and road intersections are as specified in Table 8-20 below:

Table 8-20: Driveway ~~or~~ and Intersection Separation.

DRIVEWAY OR <u>AND</u> INTERSECTION SEPARATION	
Roadway Classification (1)	Minimum Separation (feet)
Living	75
Mixed	125
Traffic	200

Delete floor area ratio from all dimensional tables for each zoning district.

8.10.3.13. Employment Center Subdistrict Development Standards (CCD-EC). The Employment Center Subdistrict is intended to accommodate mixed uses, where large scale employers, anchor businesses and light industry can locate in support of New Community Center Subdistrict development. Businesses with special needs for access; buffering for visual, noise or other impacts; technology; storage and size can located in the Employment Center Subdistrict. The Employment Center Subdistrict provides a concentrated planned multi-use environment for light industrial and business uses. Retail uses may be included as necessary to support the needs of anchor employees.

1. General. The Employment Center Subdistrict shall be located on Flatlands/Grasslands and Flatlands/Piñon, Juniper land types, provided housing opportunities and a New Community Center Subdistrict are located within one mile.

Development shall be in accordance with applicable requirements of this section and the following sustainable development requirements:

- a. There is no minimum or maximum size on a EC.
- b. Each phase of development in a multi-phase project shall may include mixed use, ~~unless the EC complies with Section 8.10.9.3.3.9 of this SLDC.~~
- ~~c. A mix of housing types appropriate to the characteristics of the Employment Center Subdistrict shall be required, including single family and multi family.~~
- d. Living or Mixed Priority Roads are required and shall include direct primary road connection to a New Community Center with potential transit connections.
- e. The Neighborhood Center Subdistrict may be utilized and located within the Employment Center Subdistrict.

8.10.3.19 CCD Use Matrix. The following Use Matrix shall apply within the CCD.

Use	CCDV	CCDNCC	CCDNC	CCDVN	CCDF	CCDIC	CCDRUR	CCDEN	CCD Open Space	CCDEC	CCDM	Special Conditions
Residential												
Assisted living facility	p	P	P	P	P	P	P	P	X	X-P	X	
Life care or continuing care facilities	p	P	P	P	P	P	P	P	X	X-P	X	
Nursing facilities	p	P	P	P	P	P	P	P	X	X-P	X	
Community Home, NAICS 623210	P	P	P	P	P	P	P	P	X	X-P	X	
Barracks	X	X	X	X	X	A	X	X	X	X	X	
Dormitories	X	X-A	X-A	X-A	X	A	X-A	X	X	X-A	X-A	
Hotels, motels, or other accommodation services												
Resorts	X	P	P	X	X	X	P	X	X	X-P	P	
Retreats	X-P	P	P	X-P	X-P	X-P	P	X	X	X-P	X-P	
Commercial												
Shop or store with drive-through facility	X	X-P	X-P	X	X	X	X	X	X	P	P	
Restaurant, with incidental consumption of alcoholic beverages	X-P	X-P	X-P	X	X	X-P	X	X	X	X-P	X-P	
Restaurant, with no consumption of alcoholic beverages permitted	C-P	P	P	X-P	X	X-P	X	X	X	P	P	
Stand-alone Store or shop no drive-through facility	X-P	X-P	X-P	X-P	X	X-P	X	X	X	P	P	
Department store	X	X-P	X-P	X	X	X	X	X	X	C	C	
Market shops, including open markets	X-P	X-P	X-P	X-P	X	X-P	X	X	X	C-P	C-P	
Tap or Tasting Room	X	P	P	C	X	P	X	X	X	P	P	

Use	CCD V	CCD NCC	CCD NC	CCD VN	CCD F	CCD IC	CCD RUR	CCD EN	CCD Open Space	CCD EC	CCD M	Special Conditions
Beer, wine, and liquor store (off-premises consumption of alcohol)	X	EP	C	C	X	C	X	X	X	EP	C	
Shopping center	X	PC	PC	X	X	X	X	X	X	EP	EP	
Churches, temples, synagogues, mosques, and other Religious facilities	P	P	P	P	P	P	P	P	XP	P	P	
Institutional or community facilities												
Child care institution (basic)	XP	P	P	EP	P	P	P	XP	X	P	P	
Child care institution (specialized)	X	P	P	E	P	P	P	X	X	P	P	
Day care center	XP	P	P	EP	P	P	P	XP	X	P	P	
Community food services	P	P	P	P	P	P	P	XP	X	P	P	
Utility												
Composting facility	XC	X	X	X	X	C	XC	X	XC	C	X	
New Wireless Communication Facility/Modification of existing wireless communication facility with substantial changes	X	X	X	X	C	P	X	X	XC	EP	P	
Agriculture, forestry, and conservation/open space												
Commercial greenhouses	C	C	C	C	C	C	C	C	XC	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.	EP	C	C	C	EP	EP	EP	EP	EP	EP	EP	
Apiary and other related structures	P	P	P	P	P	P	P	P	XP	P	P	
Crop production outdoor	P	P	P	P	P	P	P	P	XP	P	P	
Crop production greenhouse	P	P	P	P	P	P	P	P	XP	P	P	
Other farm and farming-related structures (Sale of farming products)	A	A	A	A	P	A	P	A	XA	EA	XA	
Sheds, or other agricultural facilities	A	A	A	A	P	A	P	A	XA	XA	XA	
Mining and extraction establishments												
Small Scale Sand and Gravel Extraction Mining	X	X	X	X	C	X	C	X	C	C	X	
Sand and Gravel Extraction mining with blasting (as specified in Section 11.102.7)	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	

* Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.

8.11. OVERLAY ZONES.**8.11.7. Agriculture Overlay (O-AG).**

8.11.7.1. Intent. The intent of the Agriculture Overlay (O-AG) is to support goals and policies in the Agriculture and Ranching Element of the SGMP, the County's Code of the West and the County Agriculture and Ranching Implementation Plan.

The O-AG accommodates the development of agricultural use and business that would not cause a detriment to any abutting residential lands. This overlay is appropriate for areas where agriculture and ranching may logically locate because of established land use patterns, and agricultural potential in either greenhouse or land-based environments. The O-AG allows a mixture of agricultural land uses and also establishes appropriate scale and intensity for these uses.

8.11.7.2. Location. The Agricultural Overlay (O-AG) is appropriate for use throughout the County.

8.11.7.3. Accessory Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the O-AG as accessory uses, and may be approved administratively:

1. Crop production greenhouses, hoop-houses, other controlled-environment agricultural structures and related season extension structures for personal and/or commercial use provided the combined maximum covered area shall not exceed fifteen thousand (15,000) square feet; and
2. Agricultural-related structures including but not limited to barns, sheds, farm buildings, animal housing, propagation houses for accessory agricultural uses and seasonal protection for livestock or horses provided the square footage shall not exceed twenty thousand (15,000) square feet.

8.11.2.4. Conditional Uses. The following uses may be allowed in the O-AG upon the issuance of a conditional use permit:

1. Crop production greenhouses, hoop-houses, other controlled-environment agricultural structures and related season extension structures for personal and/or commercial use greater than fifteen thousand (15,000) square feet; and
2. Agricultural-related structures including but not limited to barns, sheds, farm buildings, animal housing, propagation houses, for accessory agricultural uses and seasonal protection for livestock or horses greater than twenty thousand (15,000) square feet.

8.11.7.5. Dimensional Standards. Dimensional standards for all agricultural related structures are as prescribed in the underlying zoning district.

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9.4. LOS CERRILLOS COMMUNITY DISTRICT OVERLAY.

9.4.6. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the LCCD Use Table 9-4-8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9-4-7. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table: Los Cerrillos Community District Use Table

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
Commercial								
Stand-alone Store or shop <u>no drive through facility</u>		2230		X	X	X	X	
Public assembly structures								
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	P	*
Institutional or community facilities								
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562	-	-	P	P	P	P	
Mining and extraction establishments								
Small Scale Sand and gravel <u>Extraction Mining</u>				X	X	X	X	
Sand and Gravel Extraction mining -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch. 11

9.5 TESUQUE COMMUNITY DISTRICT OVERLAY.

9.5.6. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the TCD Use Table 9-5-10. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9-5-9. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table: Tesuque Community District Use Table

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
Commercial										
Stand-alone Store or shop <u>no drive through facility</u>		2230		X	C	X	C	C	X	
Public assembly structures										
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	P	P	P	
Institutional or community facilities										
Child care institution (basic)	6562			P	P	P	P	P	P	
Child care institution (specialized)	6562	-	-	P	P	P	P	P	P	-
Mining and extraction establishments										
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	X	X	
Sand and Gravel <u>Extraction mining</u> with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

9.6. MADRID COMMUNITY DISTRICT OVERLAY.

Table: MCD Use Table

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
Commercial								
Stand-alone Store or shop <u>no drive through facility</u>		2230		X	X	P	X	
Industrial , manufacturing and wholesale trade								
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	P	
Institutional or community facilities								
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	-
Mining and extraction establishments								
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	
Sand and Gravel <u>Extraction mining</u> with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch. 11

9.7. SAN PEDRO COMMUNITY DISTRICT OVERLAY.

Table: SPCD Use Table.

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
Commercial							
Stand alone Store or shop <u>no drive through facility</u>		2230		P	P	P	Ch.9
Public assembly structures							
Churehes, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	*
Institutional or community facilities							
Child care institution (basic)	6562			P	P	P	
Child care institution (specialized)	6562	-	-	P	P	P	-
Mining and extraction establishments							
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	Ch.11

9.8 LA CIENEGA AND LA CIENEGUILLA COMMUNITY DISTRICT OVERLAY.

1. LCLCCD Agriculture/Ranching (LCLCCD A/R); Purpose. The purpose of this district is to designate areas suitable for agricultural, ranching and residential uses, and to prevent encroachment of incompatible uses and the premature conversion of agricultural and ranch lands to nonagricultural uses. Uses in the A/R district are limited to agricultural, ranch, residential and other compatible uses. This designation reflects areas whose present use is agricultural, such as grazing or dry land farming. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback a minimum of 25 feet from the property line.

ii. The rear and sides of the buildings shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

1. LCLCCD Rural Fringe (LCLCCD RUR-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. The RUR-F designation provides an intermediate step in development density between typical open space and agricultural/ranching lands and primarily residential (low density) parcels. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The RUR-F zone accommodates primarily large lot residential, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

a. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

2. LCLCCD Rural Residential (LCLCCD RUR-R); Purpose. The purpose of this district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, farmers markets and produce stands. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback a minimum of 25 feet from the property line.

ii. The rear and sides of the buildings shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

3. LCLCCD Residential Fringe (LCLCCD RES-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, smaller-scale agricultural uses, ranchettes and other compatible uses. The RES-F district provides an intermediate step in single family residential development between open space and/or agricultural/ranching lands, and typically suburban residential densities. The RES-F district may be comprised of a variety of residential lot sizes, clustered housing and community open space and can include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

4. LCLCCD Residential Estate (LCLCCD RES-E); Purpose. The purpose of the Residential Estate (RES-E) district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The RES-E district supports single-family homes on medium sized lots consistent with contemporary community development. Generally this district applies to low to medium density residential development in established neighborhoods (lands that are already committed to residential uses and have been subdivided for a specific development) and undeveloped or underdeveloped areas with a moderate to high development suitability. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

6.LCLCCD Traditional Community (LCLCCD TC); Purpose. The purpose of this district is to designate areas suitable for residential, small-scale commercial and agricultural uses consistent with the existing development patterns of traditional communities. The TC district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses, including agriculture found in traditional communities with acequia systems, from encroachment by development. Density bonuses and transfers of development rights may be utilized to achieve the purposes of the district. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

iv. The front, sides and rear of the building shall be setback a minimum of 25 feet from the property line.

v. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

5. LCLCCD Commercial Neighborhood (LCLCCD CN); Purpose. The purpose of this district is to allow for low-intensity convenience retail and personal services, as well as office uses that are intended to serve and are in close proximity to individual residential neighborhoods.

c. Setbacks. Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

i. The front of the building shall be setback 25 feet from the property line.

ii. The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

9.8.7. Use Table. Uses permitted in the base zones and planned development zoning districts are shown in the LCLCCD Use Table 9-8-15. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9-8-14. Accessory uses may be subject to specific regulations as provided in Chapter 9, 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table: LCLCCD Use Table.

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
Commercial													
Stand-alone Store or shop <u>no drive through facility</u>		2230		X	X	X	X	X	X	C	P	A	Ch. 9
Public assembly structures													
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	P	P	P	P	P	P	*
Institutional or community facilities													
Child care institution (basic)	6562			P	P	P	P	P	P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	P	P	P	P	P	
Mining and extraction establishments													
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Small Scale Sand and gravel <u>Extraction Mining</u>				C	C	C	C	X	X	X	X	X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

9.9 EL VALLE DE ARROYO SECO HIGHWAY CORRIDOR DISTRICT OVERLAY.

Table: ASHCD Use Table.

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Commercial							
Stand-alone Store or shop <u>no drive through facility</u>		2230		C	P	X	
Public assembly structures							
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	*
Institutional or community facilities							
Child care institution (basic)	6562			P	P	P	
Child care institution (specialized)	6562	-	-	P	P	P	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
Mining and extraction establishments							
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	Ch.11

9.10 US 285 SOUTH HIGHWAY CORRIDOR DISTRICT OVERLAY.

Table: 285 SHCD Use Table.

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
Commercial												
<u>Stand-alone</u> Store or shop <u>no drive through facility</u>		2230		X	X	X	X	X	X	P	X	
Public assembly structures												
<u>Churches, temples, synagogues, mosques, and other</u> Religious facilities		3500		P	P	P	P	P	P	P	P	*
Institutional or community facilities												
Child care institution (<u>basic</u>)	6562			P	P	P	P	P	P	P	P	
Child care institution (<u>specialized</u>)	6562	-	-	P	P	P	P	P	P	P	P	-
Mining and extraction establishments												
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	X	X	X	X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

9.11 TRES ARROYOS DEL PONIENTE COMMUNITY DISTRICT OVERLAY.

Table: TAPCD Use Table.

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
Commercial					
Stand-alone Store or shop <u>no drive through facility</u>		2230		X	
Public assembly structures					
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	*
Institutional or community facilities					
Child care institution (basic)	6562			P	
Child care institution (specialized)	6562	-	-	P	-
Transportation-related facilities					
Commercial automobile parking lots or garages		5200		X	
Commercial automobile parking garages				X	
Mining and extraction establishments					
Small Scale Sand and gravel <u>Extraction Mining</u>				X	
Sand and Gravel Extraction mining -with blasting (as specified in Section 11.102.7)				DCI	Ch.11

* Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use District and Planned Development District.

9.12 VILLAGE OF AGUA FRIA COMMUNITY DISTRICT OVERLAY.

9.12.3.2. Base Zoning Districts. Base zoning districts approved for use in the Community District are listed in Table: 9.12.1.

1. VAFCD Residential Estate (VAFCD RES-E); Purpose. The purpose of this district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The VAFCD RES-E district supports single-family homes on medium sized lots consistent with the Village of Agua Fria’s development north of the river. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

i. Non-residential uses. As regulated in Chapter 8 of this Code and Appendix B of this Code with the following exceptions:

(a) **Setbacks.** New development shall be set back no less than 25 feet from the front property line.

(b) If a parcel does not have 100 feet on one or more sides the setback may be 05 feet from that property line.

ii. Residential uses. As regulated in Chapter 8 of this Code and Appendix B of this Code with the following exceptions:

(a) **Setbacks.** New development shall be set back no less than 5 feet from the front, rear and side property lines.

(b) If a property does not have 100 feet on one or more sides the setback may be 05 feet from that property line.

Table: VAFCD Use Table.

Use	Function	Structure	Activity	VAFCD RES-E	VAFCD TC	VAFCD CN	VAFCD PI	Special Conditions
Commercial								
Stand-alone Store or shop no drive through facility		2230		X	C	P	C	
Public assembly structures								
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	P	*
Institutional or community facilities								
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562	-	-	P	P	P	P	
Mining and extraction establishments								
Small Scale Sand and gravel Extraction Mining				X	X	X	X	
Sand and Gravel Extraction mining with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch. 11

9.13. POJOAQUE VALLEY COMMUNITY DISTRICT OVERLAY.

Table 9.13.6: PVCD Use Table.

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
Commercial						
Stand-alone Store or shop no drive through facility		2230		C	X	
Public assembly structures						
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	*
Institutional or community facilities						
Child care institution (basic)	6562			C	P	
Child care institution (specialized)	6562	-	-	G	P	-
Mining and extraction establishments						
Small Scale Sand and gravel Extraction Mining				X	X	
Sand and Gravel Extraction mining -with blasting (as specified in Section 11.102.7)				DCI	DCI	Ch. 11

9.14 SAN MARCOS COMMUNITY DISTRICT OVERLAY.

3. SMCD Rural Fringe (SMCD RUR-F); Purpose. The purpose of this district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The SMCD RUR-F zone accommodates primarily large lot residential, retreats, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. Commercial greenhouses:

(a) There shall be a minimum 500 foot setback from property lines for commercial greenhouses.

b. Dimensional Standards. As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9-14-3.

Table 9-14-3: Dimensional Standards SMCD RUR-F (Rural Fringe).

Zoning District	SMCD RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), <u>hay or animal barn, silo</u>	36
Lot Coverage (maximum)	20%
Setbacks from front, rear and side property lines	100 feet

4. SMCD Rural Residential (SMCD RUR-R); Purpose. The purpose of this district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, and farmers markets.

a. Use Regulations. Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

i. Water wells, well fields, and bulk water transmission pipelines:

(a) This does not prohibit private wells.

ii. Movie Ranch

(a) This use must be on a parcel over 65 acres in size.

(b) This property must be accessed from a County or State Road.

(c) Maximum individual building size of new permanent structures is 5,000 square feet.

(d) Maximum aggregate building size for new permanent structures is 15,000 square feet.

Table: SMCD Use Table.

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
Commercial								
Stand-alone Store or shop <u>no drive through facility</u>		2230		X	X	X	P	
Public assembly structures								
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	P	*
Arts, entertainment, and recreation								
Movie Ranch				X	X	XP	C	
Institutional or community facilities								
Child care institution (basic)	6562			P	P	P	P	
Child care institution (specialized)	6562	-	-	P	P	P	P	-
Transportation-related facilities								
Commercial automobile parking lots or garages		5200		X	X	X	X	
Commercial automobile parking garages				X	X	X	X	
Mining and extraction establishments								
Small Scale Sand and gravel <u>Extraction Mining</u>				X	X	X	X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch.11

9.15. GALISTEO COMMUNITY DISTRICT OVERLAY.

Table: GCD Use Table.

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
Commercial										
Stand-alone Store or shop <u>no drive through facility</u>		2230		X	X	X	X	C	X	
Public assembly structures										
Churches, temples, synagogues, mosques, and other Religious facilities		3500		P	P	P	P	P	P	*
Institutional or community facilities										
Child care institution (basic)	6562			P	P	P	P	P	P	
Child care institution (specialized)	6562	-	-	P	P	P	P	P	P	-
Transportation-related facilities										
Commercial automobile parking lots or		5200		X	X	X	X	X	X	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
garages										
Commercial automobile parking garages				X	X	X	X	X	X	
Mining and extraction establishments										
<u>Small Scale Mining</u> Sand and gravel <u>Extraction</u>				X	X	X	X	X	X	

9.16 CHIMAYO COMMUNITY DISTRICT OVERLAY.

Table: ChCD Use Table.

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
Commercial										
<u>Stand-alone</u> Store or shop <u>no drive through facility</u>		2230		X	X	X	C	P	X	
Public assembly structures										
<u>Churches, temples, synagogues, mosques, and other</u> Religious facilities		3500		P	P	P	P	P	P	*
Institutional or community facilities										
Child care institution (<u>basic</u>)	6562			P	P	P	P	P	P	
<u>Child care institution (specialized)</u>	<u>6562</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Transportation-related facilities										
Commercial automobile parking lots or garages		5200		X	X	X	C	C	X	
Commercial automobile parking garages				X	X	X	C	C	X	
Mining and extraction establishments										
<u>Small Scale Mining</u> Sand and gravel <u>Extraction</u>				C	C	X	X	X	X	

Staff Proposed SLDC Changes

Chapter 10

10.3. ACCESSORY STRUCTURES.

10.3.1. Applicability. Where a principal use or structure is permitted, the Use Matrix may permit certain accessory structures subject to this section. Accessory structures shall be clearly incidental and subordinate to the principal use, customarily found in connection with the principal use, and located on the same tract or lot as the principal use.

10.3.2. Requirements.

10.3.2.1. Accessory structures shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established; however, an accessory structure may be constructed before the principal structure when development approval has been granted for both the principal and accessory structures.

10.3.2.2. The accessory structure shall share a driveway and utilities with the principal use or structure unless prohibited by terrain constraints.

10.3.2.3. The accessory structure shall not contain a kitchen or cooking facilities, including kitchen appliances, unless approved as part of an approved home occupation or non-residential use. If a kitchen is provided for such use, the accessory structure shall not also contain a half bathroom or shower.

10.3.2.4. Agricultural and grazing and/or ranching accessory structures shall be permitted on property where the principal use is agriculture, grazing and/or ranching, provided that a development permit is obtained in accordance with the siting and design standards of this SLDC.

10.3.2.5. Residential accessory structures shall not be designed such that they can be used for dwelling purposes. Accessory structures used for dwelling purposes are governed by § 10.4.

10.3.2.6. Residential accessory structures shall not contain a full bathroom; a toilet and sink shall be permitted but no shower or bath shall be permitted.

10.4. ACCESSORY DWELLING UNITS.

10.4.1. Purpose and Findings. Accessory dwellings are an important means by which persons can provide separate and affordable housing for elderly, single-parent, and multi-generational family situations. This section permits the development of a small dwelling unit separate and accessory to a principal residence. Design standards are established to ensure that accessory dwelling units are located, designed and constructed in such a manner that, to the maximum

extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.

10.4.2. Applicability. This section applies to any accessory dwelling unit located in a building whether or not attached to the principal dwelling. Accessory dwelling units shall be clearly incidental and subordinate to the use of the principal dwelling. Accessory dwelling units are permissible only: (a) where permitted by the Use Matrix; and (b) where constructed and maintained in compliance with this §10.4.

10.4.2.1. Number Permitted. Only one accessory dwelling unit shall be permitted per legal lot of record. Platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this.

10.4.2.2. Size. The heated area of the accessory dwelling unit shall not exceed the lesser of: (a) fifty percent (50%) of the heated floor area building footprint of the principal residence; or (b) 1,400 square feet.

10.6. HOME OCCUPATIONS.

Table 10-1: Home Occupation Requirements.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	3	5
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see <u>§7.9.4.3-7.9.8.3</u>	see <u>§7.9.4.3-7.9.8.3</u>
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None	Up to 2	3-6

10.6.6. Noticing Requirements for Home Occupations. Low and Medium Impact Home Occupations shall comply with the noticing requirements of Section 4.4.6. Noticing is not required for No Impact Home Occupations.

Table 10-3 Wireless Communications Facility Height Limitations by Zoning District.

Zoning District	New tower and substantial modification (ft)	No substantial modification (ft)	Roof Mounted	Surface Mounted	Stealth
A/R	150	75	See 10.17.6.1.	See 10.17.7.1.	See 10.17.8.1
RUR	120	75	"	"	"
RUR-F	90	50	"	"	"
RUR-R	75	50	"	"	"
RES-F	60 n/a	40	"	"	"
RES-E	40 n/a	36	"	"	"
RES-C	40 n/a	30	"	"	"
TC	40 n/a	24	"	"	"
CG	75	50	"	"	"
CN	60 n/a	40	"	"	"
I/IL	90	50	"	"	"
P/I	60	40	"	"	"
MU	60	40	"	"	"
<u>PD</u>	<u>60</u>	<u>40</u>	<u>-</u>	<u>-</u>	<u>-</u>

10.17.3.2. Setbacks.

3. In addition to any minimum setback requirements described in paragraph 1 above, antenna supporting structures with a tower height of at least 20 feet sited adjacent to residential property shall be set back a minimum of 100 feet, or a distance equal to twice the tower height, whichever is greater, measured from the property line of any property on which a residence is located. An antenna supporting structure shall be sited such that if it falls, it will not fall outside of the boundaries of the property on which it is sited nor will it fall onto any residence or accessory structure of an abutting property. It shall be certified in writing by a

New Mexico professional engineer duly licensed by the State of New Mexico Board of Licensure for Professional Engineers and Professional Surveyors that an antenna supporting structure satisfies these setback and fall restrictions. This section shall not apply in a P/I district for emergency communication facilities.

10.17.6. Standards for Roof-Mounted Antenna Supporting Structure.

10.17.6.1. Height.

1. For purposes of public safety in order to prevent or reduce the potential for damage and bodily injury from such an antenna supporting structure or modification thereto, any roof-mounted antenna supporting structure, attachment device, equipment enclosure, and/or any ancillary appurtenance may not extend above the roof line of the building upon which it is attached by more than twenty (20) feet.

~~2. Roof mounted wireless structures with an overall height of greater than 50 feet are considered antenna supporting structures subject to the applicable standards of this chapter.~~

~~32.~~ Roof-mounted antenna supporting structures proposed within proximity of an airport as set forth in 47 CFR § 17.7 (Antenna Structures Requiring Notification to the FAA) and Title 14 CFR Part 77 (Safe, Efficient Use, and Preservation of the Navigable Airspace) both as most recently amended, shall comply with the provisions of those regulations and provide the Administrator with a copy of either the Determination of Hazard to Navigation or the No Determination of Hazard to Navigation notice, whichever is issued pursuant to 14 CFR § 77.9.

~~43.~~ An antenna located on a building roof shall, in addition to the requirements of paragraphs 1 to 3 above, be governed by the regulations for the maximum height of structures of the applicable district.

10.17.6.2 Location and placement. Roof-mounted antennas may be placed only on commercial non-residential, institutional, industrial, and multifamily buildings ~~that are at least 35 feet in height.~~

10.17.10.5. Application for a new wireless communication facility. Notwithstanding any other review/approval timeframes for development permits or CUP permits under this SLDC, an application for the siting of a new wireless communication facility shall be reviewed and a final decision issued by the Administrator or Planning Commission within 150 days from the date of submittal of the application ~~to the Administrator or Planning Commission.~~

10.18. SATELLITE DISH ANTENNAS.

10.18.1 Applicability. This section applies to any satellite dish antenna use except:

10.18.1.1. An antenna that is one meter (3.28 feet) or less in diameter and is used to

receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite;

10.18.1.2. An antenna that is one meter (3.28 feet) or less in diameter or diagonal measurement and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite;

10.18.1.3. An antenna of any size that is used for residential purposes to receive television broadcast signals and high speed internet; and

10.18.1.4. A mast no higher than 24 feet in height supporting an antenna described in ~~the~~ subsections ~~1 through 3~~ 1 through 3 above.

10.19. SMALL SCALE SAND AND GRAVEL EXTRACTION.

10.19.1. Applicability. This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials that affects less than 10 acres of land and extracts less than 20,000 tons of construction material and does not use blasting. Such activity shall be allowed where permitted by the Use Table, Exhibit B, subject to approval of a conditional use permit (§ 14.9.6.) and the additional requirements of this section. If the extraction activity requires blasting, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11. The extraction activity includes all areas for removal, stockpiling, processing, and all ancillary uses such as office, parking, vehicle storage and loading and is limited to a total of 10 acres under this section.

17. Setbacks. The extraction activity shall comply with the following setbacks:

- a. 200 feet from all property lines.
- b. 200 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.
- c. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

10.22. LAND USE RESTRICTIONS ON MEDICAL USE OF CANNABIS.

10.22.1. The sale, cultivation, licensing, certification, and regulation of the medical use of cannabis is governed by the Lynn and Erin Compassionate Use Act (“Act”) [NMSA 1978, §§ 26-2B-1 to 26-2B-7].

10.22.2. The Act is implemented by the New Mexico Department of Health, ~~which has enacted through its adoption of three (3) rules codified in the New Mexico Administrative Code that governing all aspects of~~ the facility certification and placement, regulation, licensing, authorized sales, and production of medical cannabis and its lawful uses. *See* 7.34.2 NMAC, 7.34.3 NMAC, and 7.34.4 NMAC (02/27/2015, as amended through 02/29/2016).

10.22.3. ~~Any restrictions governing the sale and distribution of medical cannabis shall be governed by~~ For the purposes of the Use Matrix attached as Appendix B to this Code, ~~and determining where the sale, distribution, cultivation, and growing of medicinal cannabis is allowed:~~

10.22.3.1. the distribution or dispensing of medical cannabis shall be considered a Store or Shop;

10.22.3.2. the cultivation and growing of medical cannabis shall be considered a Commercial Greenhouse;

10.22.3.3. the manufacturers shall be considered Food, Textiles, and Related Products;

10.22.3.4. the laboratories shall be considered a Research and Development Services (scientific, medical, and technology); and

10.22.3.5. cultivation and growing, manufacturers, and laboratories, if applicable, may apply as a Home Occupation.

10.22.4. Production of medical cannabis by a qualified patient holding a personal production license issued by the Department of Health for that patient’s personal use is allowed anywhere in the County.

10. 22. 5. Any licensed non-profit producer who sells, distributes, cultivates, or manufactures medical cannabis shall obtain a business license.

10.24. TAP ROOM OR TASTING ROOM.

10.24.1. Applicability. This section shall apply to all tap rooms or tasting rooms.

10.24.2. Standards. Tap rooms or tasting rooms shall meet design standards within this SLDC in addition to the following standards:

10.24.2.1. Tap rooms and tasting rooms may sell for consumption on and off premises but shall not be permitted to sell for resale.

10.24.2.2. Hours of operation shall be limited to 9 p.m. within a residential zone.

10.24.2.3. The tap room or tasting room may only sell products produced by the winegrower, distillery, or brewery and must hold a Winegrower's, Craft Distiller's, or Small Brewer's License issued through the State of New Mexico.

10.24.2.4. The tap room or tasting room may sell products from multiple winegrowers or breweries but may not also serve products from a distillery.

Staff Proposed SLDC Changes

Chapter 11

11.4.4. Application for a DCI Overlay Zoning District. An applicant who submits an application for approval of a DCI Overlay Zoning District shall submit a concept plan that includes:

11.4.4.4. All Studies, Reports and Assessments (SRAs) required in Chapter 6 of the SLDC, ~~which~~ shall be prepared and submitted by the applicant. The County may hire outside consultants to review the SRAs at the expense of the applicant, ~~(see Appendix A).~~

11.5. REVIEW CRITERIA.

11.5.1. The Hearing Officer, ~~County Development Review Committee~~ Planning Commission and Board of County Commissioners shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Overlay Zoning District:

11.5.2. The Hearing Officer and ~~County Development Review Committee~~ Planning Commission shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Conditional Use Permit:

11.5.2.1. consistency with the Sustainable Growth Management Plan and any applicable Area, District and Community Plan;

11.5.2.2. consistency with the DCI Overlay Zoning District approval; and

11.5.2.3. to determine the operator's compliance with federal, state and local laws pertaining to the DCI during the development of previous phases of the DCI.

11.10.4. This Section 11.7.7 does not apply to:

11.10.4.1. Excavation related to basements and footings of a building, or retaining walls.

11.10.4.2. Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which do not utilize blasting, are regulated by Section 10.19 of this SLDC.

11.10.4.3. Mineral Exploration and Extraction regulated by County Ordinance 1996-10, Article III, Section 5 ~~of this Ordinance.~~

Staff Proposed SLDC Changes

Chapter 12

Table 12-1: Adopted Levels of Service (LOS).

(A) Public Facility -Type or Location		(B) Level of Service	(C) Impact Area
Roads	SDA-1 and SDA-2	D	within ½ mile of development
	SDA-3	C	within ½ mile of development
Emergency Response	Fire Vehicles and Facilities	Must achieve ISO 7/9	countywide
	Sheriff Vehicles	2.4/1,000 residents	countywide
	Sheriff Facilities	111 sf/1,000 residents	countywide
Water Supply and Liquid Waste	Water	0.25 acre ft/year (residential)*	per residence
		To be determined by the Administrator based upon water budget approval	per 10,000 sf nonresidential
	Sewer	Must be created in accordance with § 7.13.10.	county utility, local treatment facility, or project site
Parks, Trails and Open Space	Parks	1.25 <u>2.35</u> acres/1,000 residents	countywide
	Trails	0.5 <u>0.88</u> miles/1,000 residents	countywide
	Trailheads	1 each at the ends of the trail, and a trailhead every 5 miles	countywide
	Open Space	85 <u>138</u> acres/1,000 residents	countywide

*Subject to reduction pursuant to Section 7.13.6.1.

12.14. TRANSFER OF DEVELOPMENT RIGHTS.

12.14.3. General Standards.

12.14.3.1. Development Rights may be sent:

1. from sending sites identified by a Community Overlay District;
2. from sites designated as an environmental and resource protection overlay, historic preservation overlay or agriculture overlay;
3. from sensitive environment lands; e. g. riparian habitats, endangered or threatened species habitat, archeological sites;

4. from ~~traditional~~ agricultural land;
5. from lands providing open space and preserving scenic vistas, natural features and areas of special character; and
6. through a transfer of development rights as part of a development order granting BUD relief.

12.14.3.2 Development Rights may not be sent:

1. from areas of required open space within a development;
2. from areas of required setbacks; ~~and~~
3. from MU and PD districts within SDA-I; ~~and~~
4. from CG, I and IL districts.

12.14.3.3 MU and PD districts shall not be both a sending and a receiving site.

12.14.3.4. Development rights may be used on receiving sites to provide additional density.

12.14.4. Allocation of development rights.

12.14.4.1. A development right shall be transferred only by a Development Right Certificate to which Santa Fe County is party. A Transfer of Development Rights Easement ~~deed restriction accompanied by either an easement restricting development or a~~ conservation easement shall be placed on the sending area limiting future construction to the total number of development rights established by the zoning of the property minus:

1. all development rights transferred in accordance with this Chapter;
2. any development rights previously extinguished or limited as a result of a recorded covenant and plat against the property;
3. the number of development rights to be transferred by the proposed transaction;
4. the number of existing single-family dwellings or square footage of development allowed on the sending site.

12.14.4.2 The Transfer of Development Rights Easement ~~easement restricting development or the~~ conservation easement shall be created and identified on a survey plat clearly noting the development rights being sent from the parcel and the development restriction on the property. The plat shall be approved in accordance with Chapter 4.

12.14.4.3. Each transferor shall have the right to sever all or a portion of the rights to develop from the parcel in a sending site and to sell, trade, or barter all or a portion of those rights to a transferee.

12.14.4.4. Any transfer of development rights pursuant to this Chapter authorizes only an increase in maximum density and shall not alter or waive the development standards of the receiving site, nor shall it allow a use otherwise prohibited in the receiving zoning district, unless otherwise provided in the regulations applicable to the receiving site.

12.14.4.5. Transfer of development rights shall not be available for land restricted from development by covenant, easement or deed restriction.

12.14.4.6. Any transfer of development rights shall be recorded in the land records of Santa Fe County, New Mexico.

12.14.4.7. **Value of Transferable Development Rights.** The monetary value of transferred development rights is completely determined between the seller and buyer.

12.14.5. Sending Sites.

12.14.5.1. **Calculation of development rights.** ~~The size of the sending areas shall be the size of the allowable base density of the zoning district. Sending areas must not be occupied by a habitable structure. The number of development rights associated with a sending property shall be the larger of:~~ Calculation of development rights shall be based on the base density of the parcel and the size of the sending areas. Sending Areas may not include any residential dwelling. The number of development rights associated with a sending area shall be determined based on the following:

1. One development right for each primary residential dwelling that could potentially be constructed on the sending property.

2. Sending areas shall meet the criteria for a sending site established by this Chapter 12.

3. Sending sites with valid irrigation water rights ~~appurtenant to 90% or more of the sending site and with a consumptive use right of 1.5 acre feet per acre or more,~~ shall receive an additional unit of density for each area of irrigated land equivalent to the base density. This additional unit shall be made available only if the owner agrees to an enforceable restriction on the transfer of water rights acceptable to the County. The party sending the development rights shall bear the burden of demonstrating to the County's satisfaction the validity, amount and other elements of the water right.

4. If the parcel with the sending areas contains any residential dwelling units ~~then the sending site already has development on it, then~~ the calculation of development rights pursuant to the subsections ~~1 and 2~~ above shall be reduced to reflect such existing development, so that the resulting calculation reflects only additional potential primary residential development available on the property.

12.14.8. Development Approval Procedure. The procedures for review and approval of an application including the use of transferred development rights shall be the same as those procedures that would apply if no transferred development rights were being used. A rezoning of the receiving site shall not be required for use of development rights consistent with the provisions of this Chapter unless it is part of a rezoning to a qualifying district. If the County approves the proposed development, the documentation of the approval shall include the numbers of the development right certificates necessary to support the number of residential dwelling units or nonresidential square footage in the development.

12.14.8.1. Development Right Certificates shall be acquired prior to recordation of a final plat.

12.14.8.2. The Development Rights Certificates will be extinguished at the time of the plat recordation.

12.14.8.3. A ~~e~~Conceptual ~~p~~Plan shall establish the number of TDRs required for the development. A receiving site may be established by a conceptual plan, including location, size and general development parameters. The normal subdivision and rezoning processes, if needed, will be required ~~following~~ ~~in addition to~~ the ~~e~~Conceptual ~~p~~Plan approval.

Staff Proposed SLDC Changes

Chapter 14

14.8.2. Development Permits. A development permit is a written document that authorizes development in accordance with the SLDC. A development permit may require inspections and a certificate of completion, and may authorize multiple forms of development or may authorize a single development activity. A development permit may include conditions which shall apply to the development. A site development plan is required to be submitted with a development permit application for any non-residential use, mixed use or multi-family use requesting a development permit. For non-residential permitted uses, an applicant may request that staff review a site development plan prior to a complete application for a development permit being submitted. A Site Development Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk. A development permit shall be required for any of the following activities:

14.8.2.10. Change of Use. To authorize a change of use from residential to non-residential use as allowed in the Use Table of Appendix B or a Community Overlay Use Table in Chapter 9.

14.9.6. Conditional Use Permits (CUP). For approval of certain conditional uses as set forth in the Use Matrix and elsewhere in the SLDC, pursuant to this ~~sub~~Section.

14.9.6.2. Applicability. The provisions of this ~~s~~Section apply to any application for approval of a CUP as required by the Use Matrix. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review of their location, design and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in the use matrix may be authorized by the Planning Commission. No inherent right exists to receive a CUP. Concurrent with approval of a CUP, additional standards, conditions and mitigating requirements may be attached to the development order. Additionally, every CUP application shall be required to comply with all applicable requirements contained in the SLDC. ~~Additionally, every CUP application shall be required to comply with all applicable requirements contained in the SLDC.~~

14.9.6.3. Application. An applicant may apply for a CUP by filing an application for discretionary development approval with the Administrator. A site development plan is required to be submitted with any ~~for a~~ CUP application and shall include any SRAs required pursuant to Table 6-1 in Chapter 6.

14.9.6.4. Review. The application shall be referred to the Hearing Officer and Planning Commission for the holding of a quasi-judicial public hearing.

14.9.6.6. Conditions. In approving any CUP, the Planning Commission may:

1. Impose such reasonable standards, conditions, or mitigation requirements, in addition to any general standard specified in the SLDC or the SGMP, as the Planning Commission may deem necessary. Such additional standards, conditions, or mitigation requirements may include, but are not be limited to:

~~g. area requirements;~~

14.9.6.8. Recording Procedures. The CUP showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk.

14.9.7. Variances.

14.9.7.1. Purpose. The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

14.9.7.2. Process. All applications for variances will be processed in accordance with this chapter of the Code. A letter addressing Section 14.9.7.4. review criteria must accompany the application explaining the need for a variance.

14.9.7.6. Administrative minor deviations. The Administrator is authorized to administratively approve minor deviations upon a finding that the deviation is required, that the result is consistent with the intent and purpose of this SLDC, and that the deviation is not detrimental to adjacent or surrounding properties as follows:

1. minor deviations from the dimensional requirements of Chapters 7, 8 and 9 of the SLDC not to exceed ten percent (10%) of the required dimension.

2. minor deviations from the density requirements dimensional standards of Chapter 8 of the SLDC not to exceed five tenths of a percent (0.5%) of the gross acreage allowed in the zoning district.

14.9.9 Conceptual Plan.

14.9.9.9. Recording Procedures. ~~A certified copy of t~~The approved conceptual plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk, ~~and another certified copy filed in the office of the Administrator.~~

14.10.9. Nonconforming (Legal) Lots of Record.

14.10.9.1. Any lot that does not conform to a dimension established in Chapter 8 for the relevant zoning district but that is shown on the initial zoning map as being within that zone, shall not be deemed nonconforming.

14.10.9.2. The owner/applicant shall submit evidence demonstrating ~~the lawful existence of the lot on the effective date of the Santa Fe County Land Development Code [January 1, 1981]~~ that the lot was either legally created prior to January 1, 1981, or that it was part of a subdivision or land devision approved by the Administrator or the Board after January 1, 1981.

Staff Proposed SLDC Changes

APPENDIX A – RULES OF INTERPRETATION, DEFINITIONS AND ACRONYMS

Advisory Committee: a five-member committee appointed by the Board pursuant to NMSA 1978, § 5-8-37 NMSA 1978 of the Development Fees Act, of which 40% shall be representative of the real estate, development or building industries, and whose function it is to advise the Board in adopting land use assumptions, to review, monitor and evaluate CIPs, and to file annual reports on the progress of CIPs.

Affordable Housing: means single-family dwellings provided pursuant to Chapter 13 of the SLDC that meet the requirements of the affordable housing regulations. an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible or Entry Market Buyer or Renter, where the Eligible Housing Unit is occupied by the Eligible or Entry Market Buyer or Renter as a primary residence.

Affordable Housing Administrator: means the County employee charged with administering Chapter 13 of the SLDC, making recommendations and taking other actions as set forth in this Chapter 13.

Affordable Housing Agreement: means a recorded, enforceable contract between the County and a subdivider an applicant that specifies how the subdivider will comply with Chapter 13 of the SLDC and the affordable housing regulations, the number of Affordable Units and types that will be built, along with specific locations, and which is recorded along with the final plat or development plan.

Affordable Housing Plan: means a written conceptual plan that generally describes how an applicant subdivider intends to will comply with the Affordable Housing requirements of Chapter 13 of the SLDC, this Ordinance, and which specifies the general location, number and types of Affordable Units that will be built.

Affordable Housing Regulations: refers to regulations developed and updated periodically by the Affordable Housing Administrator and Board of County Commissioners to govern implementation and administration of Chapter 13 of the SLDC, this Ordinance.

Affordable Dwelling Housing Unit: means a dwelling that is sold to an eligible buyer at or below the maximum target housing price or leased for the maximum target monthly rent and that otherwise meets the requirements of Chapter 13 of the SLDC and the affordable housing regulations. an Affordably Priced Housing Unit or an Entry Market Housing Unit.

Affordably Priced Housing Unit: means an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible Buyer or Renter within Income Ranges 1, 2, or 3.

Appeal: an appeal is an administrative challenge, where permitted by Chapter Four or elsewhere in this Code, to the Board or Planning Commission, that alleges there is an error of law or erroneous finding of fact in any development order, requirement decision, or final determination on an application made by the Administrator, Hearing Officer, or Planning Commission. [Note: this definition should not be interpreted as creating nor does it create a right of appeal.]

Church: as a place of worship, which includes any church, synagogue, temple, mosque, or other building or facility, primarily engaged in religious worship or practice. The term "church" includes

~~ancillary uses, such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories, or other facilities, for temporary or permanent residences.~~

Community Water System: a water supply system or community well that is under central or common ownership and/or management ~~that serves fifteen (15) or more service connections used by year-round residents or regularly serves at least twenty five (25) year round residents or commercial units, including a Water and Sanitation District,~~ that uses permitted water rights rather than domestic wells licensed by the State Engineer under NMSA 1978, § 72-12-1.1 NMSA 1978.

Comprehensive Plan: the long-range general plan, authorized by NMSA 1978, Section § 5-11-3 NMSA 1978, consisting of the adopted Santa Fe County Sustainable Growth Management Plan (SGMP) including any adopted Area or Community Plans, the Capital Improvements Plan and the Official Map, intended to guide the growth and development of the County. Also see Sustainable Growth Management Plan.

Development: any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; ~~and~~ the storage, deposit or extraction of materials, public or private sewage disposal systems or water supply facilities; any change of use; the division, reconfiguration or platting of a parcel of land.

Disclosure Statement: a statement required to be given to persons acquiring an interest in subdivided land complying with the requirements of NMSA 1978, § 47-6-17 NMSA 1978 of the “New Mexico Subdivision Act”.

Dwelling or Dwelling Unit: a structure or portion of a structure that is designed, occupied or intended to be occupied, or has been previously used, as living quarters for a family and includes facilities for cooking, sleeping and sanitation; but not including recreational vehicles, travel trailers, hotels, motels, boardinghouses. Dwelling or dwelling unit includes single-family, two-family, and multi-family dwellings; manufactured homes, ~~and~~ mobile homes, and tiny houses.

Dwelling, Multifamily: a dwelling or group of dwellings on one lot containing separate living units for ~~three~~five (5) or more families, ~~but~~ which may have joint services or facilities.

Eligible Buyer: means the buyer of an affordable dwelling Eligible Housing Unit whose annual gross income is one hundred and twenty percent (~~100~~120%) or less than the Area Median Income.

~~**Eligible Housing Type or Unit:** means a housing unit, attached or detached, that is constructed in compliance with applicable codes. Design standards for an Eligible Housing Type or Unit shall be further categorized within the Affordable Housing Regulations according to housing type, number of bathrooms and minimum square footages of heated residential area.~~

Eligible Renter: means the renter of an affordable dwelling Eligible Housing Unit whose annual gross income is one hundred and twenty percent (~~100~~120%) or less than the Area Median Income.

~~**Entry Market Buyer:** means a buyer of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.~~

Entry Market Housing Unit: means an Eligible Housing Type or Unit that is sold at or below the Maximum Target Housing Price or rented at or below the Maximum Target Monthly Rent to an Entry Market Buyer or Renter within Income Range 4.

Entry Market Renter: means a renter of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.

Floor Area Ratio (FAR): the ratio of the total building floor area in square feet to the total land area in square feet.

Hearing Officer: the person appointed by the Board for a term not exceed four (4) years to conduct certain public hearings as assigned by Chapter 34 of the SLDC.

Income Range: means the income range used to determine the Maximum Target Housing Price or Maximum Target Monthly Rent for that an affordable dwelling may be sold or leased to an eligible buyer or renter, respectively, each Eligible Housing Type, using the following definitions: Income Range 1: 0% to 65% of Area Median Income; Income Range 2: 66% to 80% of Area Median Income; Income Range 3: 81% to 100% of Area Median Income; Income Range 4: 101% to 120% of Area Median Income.

Major Project: means any division of property into twenty five (25) or more parcels for purpose of sale, lease or other conveyance of one or more single family residences.

Maximum Target Housing Price: means the highest price at which an Eligible Housing Type or Unit affordable dwelling may be sold to an Eligible or Entry Market Buyer in the appropriate Income Range, as set forth in the Affordable Housing Regulations.

Maximum Target Monthly Rent: means the highest rent at which an Eligible Housing Type or Unit affordable dwelling may be rented to an Eligible or Entry Market Renter in the appropriate Income Range, as set forth in the Affordable Housing Regulations.

Minor Project: means a subdivision of a parcel or parcels into between five (5) and no more than twenty four (24) parcels (inclusive of any Affordable Housing provided) for purpose of sale, lease or other conveyance of one or more single family residences.

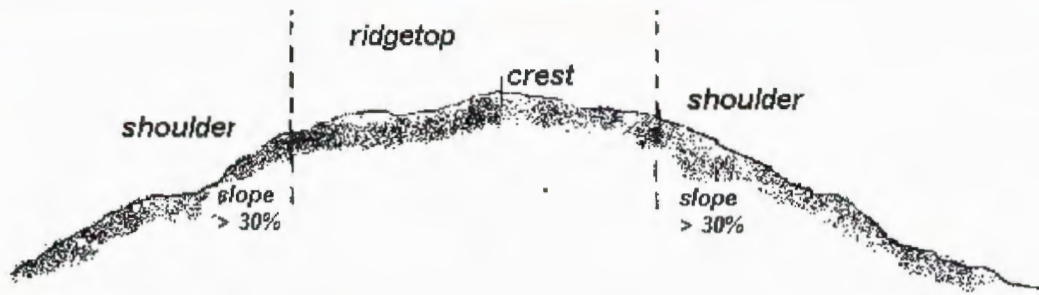
Religious Facilities: a property or facility primarily used for religious worship or practice, including but not limited to, churches, synagogues, temples, and mosques.

Resort: a building or group of buildings containing guest rooms, with a majority of the property devoted to recreational activities, for example, tennis, horseback riding, yoga, a spa, swimming, and/or golf, which may or may not provide meals.

Retreat: a property or facility used for professional, educational, health-related or religious meetings, conferences, or seminars and which may provide meals, overnight accommodations, and/or recreation for participants. a facility or property used for professional, educational or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. A retreat may not be utilized by the general public for meals or overnight accommodations.

Ridge or Ridge Top: the uppermost elevations, between the shoulder and crest, of any hill or ridge as shown in Figure A-1 below.

Figure A-1 Ridgetop Diagram



Shoulder: the line along which the profile of the upper slope of an elevation (hill, ridge, mountain, escarpment, etc.) changes from 2030 percent or greater slope to less than 2030 percent slope.

Site Development Plan: a report and scaled drawing for a project that shows/identifies the proposed development of the lots, parcels, or tracts, including elevations, sections, architectural, landscape, engineering, and ecological drawings and compliance with all code requirements as required for development approval.

Tap Room or Tasting Room: a place where a business or person who holds either a Winegrower's License pursuant to NMSA 1978, § 60-6A-11; a Craft Distiller's License pursuant to NMSA 1978, § 60-6A-6.1; or a Small Brewer's License pursuant to NMSA 1978, § 60-6A-26.1 may sell both for consumption on or off premises, but not for resale, the product that the business or person has produced and bottled.

Vested Rights: right to initiate or continue the use or occupancy of land, buildings or structures, or to continue construction of a building, structure or initiation of a use, pursuant to a prior lawful development approval obtained in good faith, where such use, occupancy of land, or construction is currently prohibited by the SLDC or other applicable county ordinance, statute, judicial decision or regulation in effect. Vested rights include rights obtained under principles of equitable or quasi-equitable estoppel. there must be an 1) issuance of written approval to the applicant for the proposed project; and 2) a substantial change in position by the applicant in reliance upon such approval.

Wastewater Collection Agreement: an agreement between a waste water utility and a developer or a user that specifies terms by which the utility will provide wastewater collection services.

Water Allocation: a reservation of water supply set aside by a water utility for an expressed purpose as approved by the appropriate governing body; the allocation will include necessary water supply components like infrastructure capacity, water rights, and availability of water

Water Delivery Agreement: an agreement between a water utility and a developer or a water user that specifies terms by which the utility will provide water and the terms under which the developer or user will receive water. A water service agreement may include delivery locations, quantity, and other obligations.

PART 3: ACRONYMS AND ABBREVIATIONS.

EIR: Environmental Impact Report

FIA: Fiscal Impact Assessment

SRA: Studies, Reports, and Assessments

TAC: Technical Advisory Committee

WSAR: Water Service Availability Report

Appendix B: Use Matrix

Use Matrix. Uses permitted in each zoning districts are shown in the Use matrix in Appendix B. All uses are designated as permitted, accessory, or conditional, or prohibited as further explained in Table 8-4. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 8-4: Use Matrix Labels.

P	Permitted Use: The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	Accessory Use: The letter “A” indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	Conditional Use: The letter “C” indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	Development Of Countywide Impact: The letters “DCI” indicate that the listed use is permitted within the zoning district only after review and approval as a Development Of Countywide Impact.
X	Prohibited Use: The letter “X” indicates that the use is not permitted within the district.

Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if:

The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA).

If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). The proposed use shall be considered materially similar if it falls within the same industry classification of the NAICS manual.

The Use Matrix also includes Function, Activity and Structure Codes in accordance with the Land Based Classification System.

Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial General	Industrial Light	Public Institutional	Planned Development	Special Conditions
Commercial																			
Shop or store with drive-through facility		2210		X	X	X	X	X	X	X	X	C	X	C	C	C	X	P	
Stand-alone Store or shop no drive through facility		2230		X	X	X	X	X	X	X	C	P	P	P	C	P	X	P	
<u>Tap or Tasting Room</u>				C	C	C	C	C	X	X	C	P	P	P	P	P	X	P	
Public assembly structures																			
Churches, temples, synagogues, mosques, and other r Religious facilities		3500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Mining and extraction establishments																			
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
<u>Small Scale Sand and Gravel Extraction Mining</u>				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Sand and Gravel <u>Extraction mining with blasting</u> (as specified in Section 11.102-7)				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

* Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.

**SANTA FE COUNTY
GROWTH MANAGEMENT DEPARTMENT
DEVELOPMENT REVIEW FEES**

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Permits		
Agricultural, Grazing and Ranching Accessory Structures where the principal use is Agriculture, Grazing or Ranching	No Fee	
Development Permit Residential*, Residential Accessory Structures over 600 sq. ft.* & Community Service Facilities	\$200	Valuation Fee
Development Permit Residential Accessory Structures of 600 sq. ft. or Less or remodel up to \$25,000 valuation*	\$25	
Residential Accessory Structures used only for storage that are 120 sq. ft. or less	No permit or fee required	
Residential additions with a valuation of less than \$10,000*	\$50	
* Seniors over 62 years of age and Veterans and their spouses will receive a 25% reduction in fees for residential permits with a valuation for new construction of \$150,000 or less or a remodel valuation of \$75,000 or less. (A reduced fee shall be available only to an applicant of a residential development permit who owns and/or resides on the residential property requiring a fee.)		
Project Valuation		
\$0 - \$25,000		\$75
\$25,001 - \$50,000		\$150
\$50,001 - \$100,000		\$350
\$100,001 - \$200,000		\$550
\$200,001 - \$250,000		\$950
\$250,001 - \$300,000		\$1,150
Each Additional \$100,000 in constuction value or part thereof:		\$500
Development Permit Non-Residential Remodel up to \$50,000 valuation	\$75	
Development Permit Non-Residential Mixed Use & Multi Family	\$700	Valuation Fee
Project Valuation		
\$0 - \$999		\$175
\$1,000-\$4,999		\$600
\$5,000-\$49,999		\$1,100
\$50,000-\$149,999		\$1,500
\$150,000-\$499,999		\$2,500
\$500,00-\$749,999		\$3,500
\$750,000-\$999,999		\$5,000
\$1,000,000-\$1,999,999		\$7,000
\$2,000,000 and above		\$10,000 for first \$2 Million
Each Additional \$1,000,000 in constuction		\$1,000

value or part thereof:		(\$20,000 max)
APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Conditional Use Permit	\$1,000	
Medium Impact Home Occupation	\$500	
Site Development Plan for Permitted Uses	\$200	
Sign Permit	\$245	
Burial Permit (For Human Burial)	\$150	
Film Permit		
Small Scale Production	\$25	\$10 per day
Major Production	\$100	\$10 per day
Episodic Television Production	\$100	\$70 per week
Demolition Permit	\$100	
Demolition Permit Due to Natural Disaster	\$15	
Blasting Permit	\$1,000	
Grading & Clearing Permit-Single Family Residential or Community Service Facility (Not Required if part of a Development Permit)	\$100	
Grading & Clearing Permit-Subdivision/ Non-Residential/Mixed Use/Multi Family	\$750	
Road or Driveway Cut Permit	\$200	
PV Solar-Private Residential	\$100	
Temporary Use Permit	\$125	
Itinerate Vendor Permit	\$150	
After the Fact Permit	2X the base permit fee	

Subdivisions and Other Plat Reviews		
Minor Subdivision	\$350	\$25 per lot
Major Subdivision	\$1000 Prelim \$500 Final	\$100 per lot \$50 per lot
Exempt Land Divisions & Other Plat Reviews	\$200	
Plat for creation of a TDR sending area	\$25	
Non-Residential/Mixed Use Subdivision	\$1,000 Prelim/\$1,500 Final	\$100 per lot
Vacation of Plat or Easement	\$300	
Plat Amendment/Replat	\$300	
Boundary Survey	\$250	
Time Extension	\$300	

Zoning/Re-Zoning/Text Amendments		
Planned Development District	\$3,000	\$10 per acre
Zoning Map Amendment	\$3,000	
Overlay Zone	\$200	
SLDC Text Amendment	\$3,000	

Zoning Statement or Residential	\$150
Condominium Confirmation Statement (No charge for confirmation of Zoning District)	

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Conceptual Site Development Plan	\$3,000	
<u>Conceptual Site Development Plan Minor Amendment</u>	<u>\$500</u>	
Supplemental Uses/Other		
Home Occupation/Registration:		
No Impact	\$50	
Low Impact	\$100	
Wind Energy Facilities		
Large Scale	\$1,500	
Single Parcel Use	\$100	
Wireless Communication Facilities		
Substantial Modification/ New Facilities	\$3,000	
Non-Substantial Modification, Roof/Surface Mounted, or Stealth Amateur Radio Antennae	\$1,000 \$100	
Sexually Oriented Businesses	Initial - \$5,000/Renewal - \$1,500	
Beneficial Use		
Determination	\$500	
Development of County Wide Impact		
Overlay District	\$7,500	
Conditional Use Permit	\$3,000	
Inspection	\$250	
Business Registration (When Site DP not req'd)	\$225	
Swimming Pool	\$545	
Utility Authorization		
Residential/Agricultural/ Community Service Facility (Not req'd if part of a Development Permit)	\$200	
Non-Residential/Mixed Use Multi Family (Not req'd if part of a Development Permit)	\$300	
Well Only	\$100	
Franchise Review /Expansion/ Renewal	\$600	
Inspections during construction (incl. SWPP and grading)/Final Inspections for release of Financial Guarantee	\$250	Per Inspection
Courtesy Inspection (Will be credited at time of Development Permit)	\$100	
Floodplain Determination Letter (No Application Fee Required)	\$50	
<u>Variance (per variance)</u>	<u>\$300</u>	
Appeal	\$200	
Review of Special Reports (ie. Traffic Impact Analysis, Geohydrologic Report)	\$500	

Liquor License Transfer	\$220
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APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
3rd Party Reviews		
County Reviewed SRAs (TIA, APFSA, WSAR, FIA, EIR)	Full Cost of Review by Outside Consultant In An Amount Not To Exceed \$10,000	<u>Per Review</u>
Specialized Review if Needed	Full Cost of Review by Outside Consultant In An Amount Not To Exceed \$10,000	<u>Per Review</u>

* See Section 6.2 of the SLDC

10.19. SMALL SCALE SAND AND GRAVEL EXTRACTION.

10.19.1. Applicability. This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials that affects less than ~~10~~ **five (5)** acres of land and extracts less than 20,000 tons of construction material and does not use blasting. Such activity shall be allowed where permitted by the Use Table, Exhibit B, subject to approval of a conditional use permit (§ 14.9.6.) and the additional requirements of this section. If the extraction activity requires blasting, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11. The extraction activity includes all areas for removal, stockpiling, processing, and all ancillary uses such as office, parking, vehicle storage and loading and is limited to a total of ~~10~~ **five (5)** acres under this section.

10.19.2. Related Uses. Related office and material processing activity may be permitted at the sand and gravel extraction sites where approved as part of the conditional use permit and constructed and operated in compliance with the SLDC and so long as the use is consistent.

10.19.3. Application. In addition to the submittal requirements for a conditional use permit (§ 4.9.6.), including any studies, reports and assessments required by Table 6-1, an application for approval of a small scale sand and gravel extraction activity shall include the following:

10.19.3.1. Operations Plan. An operations plan for the small scale sand and gravel activity consisting of the following:

1. Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:
 - a. a detailed description of the method(s) or technique(s) to be employed in each stage of the activity where any surface disturbance will occur;
 - b. the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - c. pursuant to the standards of §7.17 (Terrain Management), a description of all earthmoving activities, including backfilling of cuts and leveling or compaction of overburden;
 - d. if applicable, the location and size of all water diversions and impoundments or discharge of water used in extraction activity;
 - e. areas to be used for storage of equipment and vehicles;
 - f. location and size of any structures;
 - g. areas designated to be reclaimed;
 - h. hours of operation and, if applicable, a description of outdoor lighting; and
 - i. fire protection plans.

2. A description of how construction materials will be processed on and/or removed from the site.
3. A description of how each phase of exploration or extraction correlates to the reclamation plan.
4. A timetable for each phase of extraction operations and reclamation.
5. A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
6. A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the site.
7. A description of all hazardous materials to be used and transported in connection with the small scale sand and gravel extraction activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
8. A description of the projected noise to be generated and an explanation of how the operator will comply with the requirements of §7.21.4 (Noise).
9. A statement concerning compliance, as applicable, with regulations of the Federal Aviation Administration (FAA).

10.19.3.2 Operational Standards and Requirements.

1. State Permits. All small scale sand and gravel extraction activities shall submit all required state permits, FEMA and/or Army Corps of Engineers permits with the conditional use permit application.

2. Duration and Hours of Operation. Extraction activity for a small scale sand and gravel operation shall be limited to a two (2) year duration. This two year limit shall not include initial set up of the operation and reclamation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday.

3. Water Supply. Extraction and filling of a reservoir shall not infringe on a downstream appropriator's rights.

4. Project Traffic Impacts:

a. All roads carrying small scale sand and gravel extraction related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.

b. Transportation Facility Improvements. An analysis of all roads accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to adequately support the projected traffic, including projected weight of vehicles for 20 years or

the life of the small scale sand and gravel extraction activity. Cost of all improvements required, on and off-site, shall be borne entirely by the applicant.

c. Trip Generation. The Planning Commission may establish a maximum number of truck trips allowed to enter and exit a processing location.

d. Traffic Counts. Traffic counts at the entrance of the operation may be required.

e. Designation of construction and haul routes. The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the Planning Commission, which proposal shall:

- i.** identify the primary haul route including existing road conditions;
- ii.** identify residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings along the haul route,
- iii.** identify alternative routes;
- iv.** identify the timing of truck haul traffic; and
- v.** include a fugitive dust plan for designated routes to prevent loss of loads and fugitive dust during transportation.

5. Project Description. The applicant shall provide a detailed statement describing the proposed small scale sand and gravel extraction activity including:

- a.** The amount and type of materials to be excavated;
- b.** Duration of the excavation activity and reclamation activity;
- c.** The proposed method of excavation;
- d.** The amount of fill to remain on site; and
- e.** A statement from a New Mexico professional engineer indicating the type of material(s) to be excavated and their suitability for road and structural fill construction.

6. Access. Adequate and available access required per Section 7.4 (Access and Easements) of the SLDC.

7. Visual Screening Measures. Visual screening, which shall include all phases, is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards:

a. General. The view from all public roads, rivers, parks, open space and adjoining residential areas shall be screened.

b. Buildings. All buildings' design, scale, and location shall be minimized.

c. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved, including vegetation existing in the required setbacks.

8. Lighting. All small scale sand and gravel extraction activity must comply with Section 7.8 (Lighting) of the SLDC.

9. Signs. All small scale sand and gravel extraction activity must comply with Section 7.9 (Signs) of the SLDC, but are limited to two signs of 4 square feet each.

10. Parking and Loading. All small scale sand and gravel extraction activity must comply with Section 7.10 (Parking and Loading) of the SLDC.

11. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure.

12. Wildlife. Protection is required for critical environmental resources including wetlands, riparian areas, and important wildlife habitats.

a. Any modification of the terrain within a floodplain area shall be environmentally sound and not result in net loss of wildlife habitat.

b. All small scale sand and gravel extraction activity shall be limited to locations and times of year that ensure no significant negative impacts to federally listed endangered species.

c. No small scale sand and gravel extraction activity shall interrupt a wildlife corridor.

13. Protection of Historic and Archaeological Resources. Any application for small scale sand and gravel extraction activity shall submit an archaeological report conforming to the requirements of Section 7.16.3 (Protection of Historic and Archaeological Resources) of the SLDC.

14. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

a. Removal of Organic Materials. Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

b. Site Vegetation Removal and Revegetation. The removal of existing vegetation shall not occur more than 30 days prior to the

commencement of grading; however, permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas if any. Mulching shall be used in order to assure vegetation growth.

c. Topsoil, Stripping, Stockpiling, and Redistribution. The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

d. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

15. Sediment and Erosion Control. Practices for sediment and erosion control shall be designed, constructed and maintained to mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of utilization of proper reclamation methods and sediment control practices including, but not limited to:

- a. grading material to reduce the rate and volume of run-off;
- b. retaining sediment within the pit and disturbed area; and,
- c. establishing temporary vegetation or mulch on short term erosion, sedimentation or windblown dust.

16. Air Quality and Noise.

a. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met; however, only a preliminary air quality report is required for submittal with the application. Once approved, a final air quality permit is required prior to commencement of any activity on the site.

b. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application. Such noise study shall provide a baseline of three consecutive weekdays representative of existing conditions.

c. Fugitive Dust Control. Dust control is required for all active small scale sand and gravel extraction activity.

- i. The presence of fugitive dust at a small scale sand and gravel extraction activity is attributable to earth moving, soil or surface

disturbance, construction or demolition; movement of motorized vehicles on any paved or unpaved roadway or surface, right-of-way, lot or parking area; and the tracking out or transport of bulk material (i.e., sand, gravel, soil, aggregate, or any other inorganic or organic material capable of creating fugitive dust related to extraction activities) onto any paved or unpaved roadway in Santa Fe County.

ii. Fugitive dust consists of airborne particulate matter from a source, resulting in particulate matter emissions that can be detected by the human eye.

iii. Dust control measures include but are not limited to the use of wet suppression through manual or mechanical application; the use of fabric fencing material or equivalent that shall be a minimum of 24 inches in height and anchored 6 inches below the surface on the bottom edge installed around the perimeter of the disturbed surface area; the use of dump truck tarps; and the use of chemical dust suppressant applied in amounts, frequency, and rates recommended by the manufacturer.

iv. In no circumstances shall a small scale sand and gravel extraction operator continue extraction activity during a high wind event.

v. All small scale sand and gravel extraction activity shall incorporate an entry/exit apron, steel grates, or other equivalent devices capable of removing bulk material from the tires of vehicle traffic.

vi. An applicant for a small scale sand and gravel extraction activity conditional use permit shall submit a fugitive dust control plan as part of the application. The fugitive dust plan must detail the control measures the operator intends to use to reduce the quantity of visible fugitive dust, transported material, temporary cessation of activity during a high wind event and track-out leaving the property or area under the control of the operator.

17. Setbacks. The extraction activity shall comply with the following setbacks:

a. 200 feet from all property lines.

b. 200 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

c. 1000 feet from any existing residential structure.

ed. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be

preserved to the maximum extent possible

18. Protection From Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC, for health and safety protection.

19. Height. Any equipment used for small scale sand and gravel extraction activity must meet the height standards for the zoning district in which it is located. Height shall be measured from existing grade prior to commencement of any grading activity on the site, and shall also conform to the height measurement requirements of Section 7.17.9.3.

20. Activities In or Near Water Bodies.

a. Uncontrolled/Natural Watercourses. When working near uncontrolled, or naturally flowing, watercourses, the proposed activity shall be conducted in a manner that improves fisheries and waterfowl habitat. This requirement shall apply to any water body, which shall include: naturally occurring rivers, streams, ponds, lakes, seasonal streams and seasonal lakes.

b. Minimum Buffer. A minimum 100 foot buffer of natural vegetation between the water's edge and any small scale sand and gravel extraction activity site is required.

c. No Negative Impact. No extraction activity shall be permitted that is deemed by the County to have a negative impact on the water body or neighbors.

21. Solid Waste. All small scale sand and gravel extraction activity must comply with Section 7.20 (Solid Waste) of the SLDC.

22. Water Supply and Liquid Waste. All small scale sand and gravel extraction activity must comply with the requirements of Section 7.13 (Water Supply, Wastewater and Water Conservation) of the SLDC.

23. Phasing. All phases shall be clearly staked prior to commencement of any activity on the property. The applicant must GPS all stakes and make them digitally available to the County upon request in GIS format based on the standard Santa Fe County GIS spatial reference.

a. Only one phase of the development shall be excavated at a time.

10.19.3.3. Reclamation Plan, Bonding and Financial Guarantee. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.19.3.4. The plan shall restrict extraction activity to areas of workable size so that no area is left inactive and un-reclaimed for more than 60 days, unless approved by the conditional use permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A financial guarantee shall be posted to implement the reclamation plan at 125% of expected cost of the reclamation. The

reclamation plan does not replace a landscape plan that may be required for any subsequent development of the gravel processing and extraction site.

10.19.3.4. Reclamation Standards. The reclamation plan shall comply with the following standards:

1. General. Reclamation shall restore land areas to a condition suitable for new land uses. Wildlife habitat shall be restored in a manner comparable or better, to the habitat conditions that existed prior to the small scale sand and gravel activity. In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.

2. Grading. Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. In general, all slopes (cut or fill) shall be graded to 3:1 or flatter. Such methods must be approved as part of the reclamation plan.

3. Revegetation of all disturbed areas is required. The reclamation plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original, or better vegetated condition.

4. Small scale sand and gravel extraction activity shall be allowed to progress so long as the disturbed areas within previous phases have been reclaimed within 6 months after the commencement of the new phase; provided that, the County will consider extensions due to weather conditions and taking into account seasonal changes. Reclamation shall commence within 30 days of the commencement of a new phase of extraction.

5. Prior to Approval of Reclamation Study. In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat.

10.19.3.5. Annual Operating Plan and Monitoring Report. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, the area mined, quantities mined in tonnage and cubic yards, the amount of area undergoing reclamation, and the success of reclamation including any notices of violation issued and their outcome.

10.19.3.6. Existing small scale sand and gravel extraction uses. Any small scale sand and gravel extraction activity existing prior to January 1, 1981 and having been in continuous operation, may continue operations and may expand up to 25% beyond the area currently and formerly mined on that parcel. Any small scale sand and gravel extraction activity approved by the County prior to the adoption of this SLDC may continue operations in accordance with their final County approvals. Any new phase or further expansion proposed, not previously approved, shall comply with this SLDC.

****NOTE – If acreage size is changed to 5 acres, Chapter 11 (DCI) will need a similar amendment****

STABLES AND OTHER EQUINE RELATED FACILITIES – ALL PERSONAL USE AND COMMERCIAL UP TO 12 HORSES

Resolution 2015-38 states the Board’s intention to:

“Support the development and maintenance of facilities and businesses that will enable horse-related economic growth” and “Protect and preserve the equine culture in the final development and implementation of the SLDC

The Countywide use table allows this category of use as a permitted use within all Zoning Districts. However, some Community Overlay Districts have further restricted this use. Two Community Overlay Districts prohibit this use and five Community Overlay Districts require a conditional use permit for this use, as is summarized below:

PROHIBITED

Los Cerrillos				
Use	RUR-R	RES-E	TC	
Stables and other equine related facilities- All personal use and commercial up to 12 horses.	X	X	X	

Madrid				
Use			TC	CN
Stables and other equine related facilities- All personal use and commercial up to 12 horses.			X	X

CONDITIONAL

San Marcos				
Use	RUR	RUR-R	RUR-F	CN
Stables and other equine related facilities- All personal use and commercial up to 12 horses.	C	C	C	X

Village of Agua Fria				
Use		RES-E	TC	CN
Stables and other equine related facilities- All personal use and commercial up to 12 horses.	C	C	C	C

Galisteo						
Use	RUR	A/R	RES-F	RES-E	TC	PI
Stables and other equine related facilities- All personal use and commercial up to 12 horses.	C	P	C	C	C	C

US 285 South Highway Corridor								
Use	RUR	RUR-R	A/R	RUR-F	RES-F	RES-E	CN	PI
Stables and other equine related facilities- All personal use and commercial up to 12 horses.	P	C	P	C	C	C	C	X

Pojoaque Valley				
Use				TC
Stables and other equine related facilities- All personal use and commercial up to 12 horses.				C

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3




Ruthy Roman
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

TO: Santa Fe County Board of County Commissioners

FROM: David Griscom, Economic Development Manager 
Gregory S. Shaffer, County Attorney

RE: Ordinance No. 2016-___, the STAR Cryoelectronics Local Economic Development Act (LEDA) Ordinance

DATE: September 13, 2016

Background

On July 26, 2016, the Board of County Commissioners (Board) of Santa Fe County (County) authorized staff to publish title and a general summary of the above-referenced ordinance. County staff is recommending changes to the ordinance and project participation agreement (PPA) attached to it. Those changes are reflected via track changes in the attached documents.

Explanation of Proposed Changes

Funding for the LEDA project is being provided by the State Economic Development Department (EDD). The proposed revisions primarily are designed so as to provide for greater flexibility with respect to project implementation, subject to EDD approval, as the funding agency.

Specifically, the proposed substantive changes would allow EDD and the County Manager to:

- Authorize changes to the project by approving the reimbursement of other capital expenditures for buildings and infrastructure at and for STAR's property [Ordinance, Section 3(f)];
- Use something other than an appraisal to establish the value of STAR's property that is to be mortgaged to secure repayment of the economic assistance provided [Ordinance, Section 7(c)(i) and PPA, Section 6(A)(i)]; and
- Authorize STAR to provide security other than a mortgage on its property [Ordinance, Section 7(c)(ii) and PPA, Section 6(d)].

The other changes are cleanup in nature. For example, authorizing the County Manager to both negotiate and execute the form of any security agreement [Ordinance, Section 8(d)], removing a reference to the Land Development Code [Ordinance, Section 11], and removing language inapplicable to the STAR project [PPA, Section 17].

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505-995-2740 www.santafecountynm.gov

Staff request

Staff recommends that the ordinance be adopted and PPA authorized with the changes proposed by staff.

Attachments:

Revised Draft Ordinance No. 2016-, The STAR Cryoelectronics Local Economic Development Act (LEDA) Project Ordinance

Exhibit A to Ordinance – Revised Draft Project Participation Agreement (PPA)

Attachment 1 to PPA – STAR’s LEDA Application

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2016-_____

**THE STAR CRYOELECTRONICS
LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) PROJECT ORDINANCE**

IT IS HEREBY ORDAINED by the Board of County Commissioners of Santa Fe County as follows:

1. **SHORT TITLE.** This Ordinance shall be cited as the "The STAR Cryoelectronics LEDA Project Ordinance" and shall be referred to herein as "the Ordinance" or "this Ordinance."

2. **AUTHORITY.** This Ordinance is enacted pursuant to N.M. Const., art. IX, Section 14(D), LEDA, and the Santa Fe County Economic Development Ordinance, Ordinance No. 2014-7.

3. **DEFINITIONS.**

a. "Board" means the Board of County Commissioners of the County.

b. "County" means Santa Fe County.

c. "EDD" means the New Mexico Economic Development Department.

d. "LEDA" means the Local Economic Development Act, NMSA 1978, Chapter 5, Article 10.

e. "PPA" or "~~Project Participation Agreement~~" means the Project Participation Agreement ~~attached hereto as Exhibit A~~ between the County and STAR concerning the economic assistance to be provided by the County for the Project.

f. "Project" means the plan, design, construction, and equipping of a modular clean room at the Property, ~~to include a chilled water supply, power upgrade and electrical services, and a new sewer line~~ or such other capital expenditures for buildings and infrastructure at or for the Property as may be approved by EDD and the County Manager in writing.

g. "Property" means the real property at which STAR Cryoelectronics is located: 25-A/B/C, Bisbee Court, Santa Fe, NM 87508.

h. "STAR" means STAR Cryoelectronics, a New Mexico corporation.

4. **FINDINGS.**

a. STAR has submitted an application for economic assistance pursuant to Section V(C) of the Santa Fe County Economic Development Ordinance, Ordinance No. 2014-7.

b. The Board has reviewed the application and hereby determines that the Project warrants the economic assistance set forth in this Ordinance and the PPA based upon the following, among other, factors:

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i. STAR is a qualifying entity under LEDA, in that it is “an industry for the manufacturing, processing or assembling of agricultural or manufactured products” (NMSA 1978, § 5-10-3(I)(1));

ii. STAR is an expanding business in Santa Fe County that proposes to create 11 permanent jobs by July 1, 2021;

iii. The economic benefits of the Project, including the permanent jobs, represent adequate return on the public investment of \$100,000 in the Project; and

iv. The economic assistance to be provided under this Ordinance and PPA is permissible under LEDA, in that it represents the provision of a grant for buildings and/or infrastructure. NMSA 1978, § 5-10-3(D) (defining “economic development project” as, among other things, “the provision of direct loans or grants for land, buildings or infrastructure”).

5. APPROVAL OF PROJECT AND PROJECT PARTICIPATION AGREEMENT. Subject to the contingencies set forth in Section 7 of this Ordinance, the Board hereby approves of the Project and the PPA.

6. ECONOMIC ASSISTANCE TO BE PROVIDED. Subject to the provisions of this Ordinance and the PPA, the County shall grant to STAR \$100,000 for the Project.

7. CONTINGENCIES. The economic assistance to be provided under this Ordinance and the ~~Project Participation Agreement~~ PA are contingent upon the following:

a. EDD’s approval of the County’s application for a \$100,000 LEDA grant for the Project;

b. EDD and the County entering into an Intergovernmental Agreement, pursuant to which EDD grants \$100,000 to the County for the Project;

~~c. STAR granting the County:~~

~~i. granting the County a mortgage on one or more of the units comprising the Property, the appraised value of which is determined by EDD to be adequate to secure repayment of the economic assistance to be provided and other amounts that may become due under this Ordinance and the PPA, based upon one or more appraisals paid for by STAR and performed by an appraiser mutually acceptable to STAR and the County or other methodology approved by EDD in writing; or~~

~~e. providing the County with such other security for the repayment of the economic assistance to be provided and other amounts that may become due under this Ordinance and PPA as is acceptable to EDD and the County Manager-;~~

d. The Project receiving all necessary development permits and approvals under the Santa Fe County Sustainable Land Development Code; and

e. The PPA being fully executed by both parties.

These contingencies must be met by December 31, 2016, or the County’s approval of the Project and ~~Project Participation Agreement~~ PA is void.

8. DELEGATION OF AUTHORITY TO THE COUNTY MANAGER. The Board hereby delegates to the County Manager the authority to:

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- a. sign on behalf of the County all applications and other documents required to be submitted to EDD for purposes of applying for a LEDA grant for the Project;
- b. execute on behalf of the County an Intergovernmental Agreement between the County and EDD pursuant to which EDD grants \$100,000 to the County for the Project;
- c. execute on behalf of the County the PPA; provided, however, that the County Manager may negotiate changes to the PPA so long as the changes do not (i) change the job creation requirements for the Project; (ii) extend the deadline by which jobs must be created; or (iii) commit the County to providing any more economic assistance for the Project; and
- d. negotiate and execute on behalf of the County the mortgage ~~or other~~ security to be provided by STAR to secure repayment of the economic assistance and other amounts that may become due under this Ordinance and the PPA.

9. PROJECT ACCOUNT. The County Manager shall cause to be established the STAR Cryoelectronics LEDA Project Account, into which shall be deposited \$100,000 and which shall account for all expenditures for the Project.

10. SEVERABILITY. If a provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

11. NO EFFECT ON DEVELOPMENT APPLICATIONS. The adoption of this Ordinance does not obligate the Board, any County committee, or County staff to approve any application for or issue any development approval or development permit under the Land Development Code or Santa Fe County Sustainable Land Development Code. Each such application shall be evaluated on its merits without regard to this Ordinance.

12. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after it is recorded in the Office of the County Clerk.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER, 2016.

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**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Miguel M. Chavez, Chairperson

ATTEST:

Geraldine Salazar
County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer
County Attorney

9.13.2016 Draft

**LEDA PROJECT PARTICIPATION
AGREEMENT FOR
THE STAR CRYOELECTRONICS**

This Project Participation Agreement (“Agreement” or “PPA”) is entered into by and between Santa Fe County, New Mexico (“the County”) and STAR, a New Mexico corporation (“the Project Party” or “STAR”), as of the date it is signed by both parties.

1. Recitals.

A. Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the STAR Cryoelectronics LEDA Project Ordinance.

B. Pursuant to LEDA, the County adopted the Santa Fe County Economic Development Ordinance, Ordinance No. 2014-7, authorizing the County to consider applications for economic assistance.

C. The Project Party has submitted an application to the County for economic assistance under the Santa Fe County Economic Development Ordinance. (Attachment 1.) In the application, the Project Party has requested funding for the Project.

D. The County has adopted The STAR Cryoelectronics LEDA Project Ordinance, finding, among other things, that the Project Party is a qualifying entity as defined in Section 5-10-3(I)(1) NMSA 1978 and approving this Agreement.

2. Economic Assistance to be Provided. The County shall grant \$100,000 to STAR for the Project.

3. Substantive Contribution of the Project Party. Per the LEDA application submitted to the County and in accordance with NMSA 1978, § 5-10-10(B), the Project Party agrees to provide the following substantive contribution in exchange for the economic development assistance set forth in Paragraph 2:

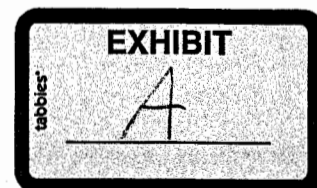
- By July 1, 2021, the Project shall employ a total of ____ permanent, full time employees, as documented in biannual reports to the County as well as required filings with the New Mexico Department of Workforce Solutions. This represents an increase of eleven (11) employees over the number of employees employed by STAR as of the date of this Agreement. The eleven (11) new jobs to be created shall be technician and engineer jobs paying a minimum of \$25/hour.

4. General Terms and Conditions. The economic assistance to be provided under this Agreement is expressly conditioned upon the following general terms and conditions:

a. The Project must obtain all required Development Permits and approvals under the Santa Fe County Sustainable Land Development Code, as applicable;

b. The Project Party must obtain and continuously maintain any necessary permits and other approvals from the State and any other regulatory body necessary for the Project, including a County business license;

c. All conditions set forth in the Intergovernmental Agreement between the County and the EDD concerning the LEDA grant for the Project must be complied with. Without limiting the generality of the foregoing, all expenses for which the Project Party seeks



reimbursement under this Agreement must be capital expenditures for the plan, design, and construction of the Project that are properly reimbursable under the Intergovernmental Agreement and appropriation providing funds for the LEDA grant from EDD to the County;

d. Expenditures for which SFBC seeks reimbursement under this Agreement must be made by the earlier of the date set forth in the Intergovernmental Agreement between the County and EDD or the end of the expenditure period set forth in law for the appropriation providing funds for the LEDA grant from EDD to the County; and

e. The Project Party must be current on all federal, State, and local taxes, including, but not limited to, property taxes to the County.

5. Events of Default; Recovery of Proportionate Share of Economic Development Assistance.

a. The following are Events of Default (i) entitling the County to terminate this Agreement; (ii) causing the amounts set forth in subparagraph b of this Section 5 to be immediately due and payable; and (iii) entitling the County to execute its rights under the Mortgage or other agreement securing repayment of amounts due under the Ordinance and this PPA:

i. The failure of STAR to create 11 new permanent, full time technician and engineer jobs by July 1, 2021, that each pay a minimum of \$25/hour;

ii. The failure of STAR to pay when due all federal, State, and local taxes, including property taxes and gross receipts taxes;

iii. The failure of STAR to annually maintain a County business license;

iv. Breach of any covenant or agreement or warranty by STAR to the County, whether such covenant, agreement, or warranty is set forth in this Agreement ~~or the Mortgage,~~ the mortgage, or other security agreement;

v. Any attempt by STAR to sell, transfer, or otherwise encumber the Property, without first obtaining written consent of the County Manager;

vi. Abandonment of the Property by STAR;

vii. Development or use of the Property in violation of the Santa Fe County Sustainable Land Development Code;

viii. The filing, execution or occurrence of:

a) A petition in bankruptcy by or against STAR, its lessee, or operator of the Project which remains undismissed or unstayed for sixty (60) calendar days;

b) A petition or answer seeking a reorganization, composition, readjustment, liquidation, dissolution of STAR or other relief of the same or different kind under any provision of the federal Bankruptcy Code, 11 U.S.C., which remains undismissed or unstayed for sixty (60) calendar days;

c) Adjudication of STAR as a bankrupt or insolvent, or insolvency in the bankruptcy equity sense which remains undischarged or unstayed for sixty (60) calendar days;

d) An assignment by STAR for the benefit of creditors, whether by trust, mortgage or otherwise;

e) A petition or other proceeding by or against STAR for the appointment of a trustee, receiver, guardian, conservator or liquidator with respect to all or substantially all of STAR's property which remains undischarged or unstayed for sixty (60) calendar days; or

f) STAR's dissolution or liquidation, or the taking of possession of STAR's property by any governmental authority in connection with dissolution or liquidation; or

viii. A reasonable determination by the County that the property subject to the mortgage described in Paragraph 6 is inadequate or in danger of being impaired or threatened from any cause whatsoever.

b. Should an Event of Default occur and should STAR have not fully met its substantive contribution under Section 3 of this Agreement as of the date of the Event of Default, the following amounts shall be immediately due and payable from STAR to the County:

i. a proportionate share of the economic assistance provided through the date of the Event of Default, calculated as follows: the amount due shall equal (i) the amount of economic assistance provided through the date of the Event of Default multiplied by (ii) the recovery percentage, where the recovery percentage is equal to 1 minus the quotient derived by dividing the number of new full time jobs actually created as of the date of the Event of Default or 11, whichever is less, by 11. By way of example, if \$100,000 of economic assistance had been provided to STAR as of the date of the Event of Default and STAR had created 10 new, full time jobs as of the date of the Event of Default, the amount immediately due and payable from STAR to the County would be \$ 90,909.09; that is, $\$100,000 \times (1 - (10/11))$;

ii. interest on the amount due under Section 5(b)(i) from the date of the Event of Default through the date of payment by STAR at the prime rate on the date of the Event of Default as published by the Wall Street Journal; and

iii. any and all costs and fees incurred by the County in enforcing this Agreement, the mortgage, or the ~~Mortgage~~ other security agreement or collecting amounts due from STAR under this Agreement or the Mortgage, including reasonable attorney's fees.

6. Security Provided by STAR.

a. Prior to receiving any funds from the County, STAR shall execute and deliver to the County a ~~Mortgage~~ mortgage in a form approved by the County Manager that:

i. Gives the County a security interest acceptable to EDD in one or more of the units comprising the Property, the appraised value of which is determined by EDD to be adequate to secure repayment of the economic assistance to be provided and other amounts that may become due under the STAR Cryoelectronics LEDA Project Ordinance and the PPA, based upon one or more appraisals paid for by STAR and performed by an appraiser mutually acceptable to STAR and the County, or other methodology acceptable to EDD, the costs of which shall be borne by STAR. Such units in which a security interest is granted is referred to throughout the remainder of this Agreement as the "Mortgaged Property";

ii. Secures to the County the payment of all amounts due to the County under this Agreement, the Mortgage, and the STAR Cryoelectronics LEDA Project Ordinance; and

iii. Remains in effect until STAR has met its job creation goals, the amounts due to the County under this Agreement, the Mortgage, and the STAR Cryoelectronics LEDA

Project Ordinance have been paid, or the Mortgage has been foreclosed upon, is released due to the County's acceptance of a substitute standby letter of credit provided in accordance with Section 6(b) of this Agreement, or is released in accordance with Section 6(c) of this Agreement due to STAR having achieved the employment requirements set forth in Section 3 of this Agreement.

b. In the event STAR desires to sell, transfer, mortgage or develop the Mortgaged Property prior to the release of the security interest through satisfaction of the employment requirements set forth in Section 3 of this Agreement, STAR shall have the right to substitute a standby letter of credit for the security interest in the Mortgaged Property. The standby letter of credit shall be for the amount secured by the mortgage and issued by a federally insured financial institution reasonably acceptable to the County in a form acceptable to the County. In such event, the mortgage in favor of the County shall be released and proper documents shall be signed, substituting the standby letter of credit for the security interest in the Mortgaged Property.

c. At such time as STAR has satisfied the employment requirements set forth in Section 3 of this Agreement, STAR shall provide written notification to the County that such employment requirements have been satisfied, together with a proposed form release of mortgage. Upon receipt of such notice, the County may require additional information or documentation and may audit the records of STAR to determine whether the employment requirements have been satisfied; provided, however, that STAR has the burden of proving that the employment requirements have been satisfied. Within 60 days after receiving the notice, the County shall determine in writing whether STAR has satisfied its employment requirements. The County shall execute a release of mortgage releasing the Mortgaged Property from the mortgage if:

- i. The County determines that STAR has satisfied the employment requirements; or
- ii. The County fails to timely make its written determination.

d. In lieu of the mortgage described in Section 6(a) of this Agreement, EDD and the County Manager may authorize STAR to provide alternative security. The terms of any such alternative security must be documented in an amendment to this Agreement.

7. Requests for Reimbursement. This section governs STAR's requests for reimbursement for Project costs.

a. STAR shall submit Requests for Reimbursement to the County's Economic Development Manager.

b. STAR may seek reimbursement of costs no more frequently than once per month.

c. STAR may only seek reimbursement of costs that it has already paid, as evidenced by cashed checks or other proof of payment satisfactory to the County.

d. All requests for reimbursement must be made on forms provided by the County, be submitted in accordance with procedures developed by the County, and be supported by such documentation as the County may reasonably require.

e. Submission of a request for reimbursement constitutes STAR's express representation and warranty that all conditions precedent to its reimbursement have been met and that there exists no Event of Default, as defined in Section 5 of this Agreement.

f. The County shall complete the requisite review of each request for reimbursement within fifteen days of receipt of each request. When additional documentation is necessary to support the request for reimbursement, the County shall notify STAR of the need in writing within the fifteen day review period. The County shall have an additional fifteen days to review any additional documentation supplied by STAR.

g. If the County rejects a request for reimbursement, the County shall notify STAR of the rejection and the reasons therefore. If the County approves of the request for reimbursement, reimbursement shall be mailed to STAR within thirty days of approval.

8. Term; Early Termination; Limitation on Damages.

a. This Agreement shall be effective upon the date it is executed by both parties. It shall terminate on July 1, 2021, unless the County terminates the agreement early.

- i. Due to an Event of Default as defined in Section 5 of this Agreement, or
- ii. Due to STAR having met its substantive contribution by creating 11 new full time jobs prior to July 1, 2021.

The County shall provide written notice of early termination to ~~CHRH~~the Project Party in accordance with Sections 15 of this Agreement.

b. In the event of early termination, the County's sole liability shall be to reimburse the Project Party for expenditures made prior to the effective date of termination that are properly reimbursable under this Agreement and the Intergovernmental Agreement between EDD and the County for the LEDA grant. WITHOUT IN ANY WAY LIMITING THE GENERALITY OF THE FOREGOING, IN NO EVENT SHALL THE COUNTY BE LIABLE TO THE PROJECT PARTY FOR ANY INCIDENTAL, CONSEQUENTIAL, SPECIAL, OR PUNITIVE DAMAGES OF ANY KIND OR NATURE, WHETHER LIABILITY FOR SUCH DAMAGES IS ASSERTED ON THE BASIS OF CONTRACT, TORT, OR OTHER THEORY, AND REGARDLESS OF WHETHER THE COUNTY HAD BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES PRIOR TO EXECUTION OF THIS AGREEMENT.

9. Reporting and Review; Books and Records; Inspection and Audit.

a. By May 15 and November 15 of each year during the term of this Agreement, the Project Party will submit to the County a project report in such format and containing such information and supporting documentation as the County may reasonably require. At a minimum, each project report shall include the following: a 1-page narrative on project progress and a jobs spreadsheet listing all employees, their titles, and salaries as of the last day of the month preceding the project report. Project ~~report~~reports must be supported by any reports and documentation from the New Mexico Department of Workforce Solutions, including form ES-903, demonstrating the headcount of the operation.

- b. In addition, the Project Party shall:
- i. maintain detailed employment records and Project expenditure records;
 - ii. permit the County to examine and audit its books and records at all reasonable times;
 - iii. furnish such additional information and statements, lists of assets and liabilities, agings of receivables and payables, inventory schedules, budgets, forecasts, tax

returns, and other reports with respect to Project Party's financial condition and business operations as the County may request from time to time; and

iv. provide such additional information and reports as may be necessary for the County to comply with its reporting requirements to EDD.

10. Ratification. The County and the Project Party hereby ratify all actions consistent with this Agreement that the County or the Project Party or their respective agents may have taken in furtherance of the Project.

11. Miscellaneous. This Agreement binds and inures to the benefit of the County and the Project Party and their respective successors and assigns. This Agreement may be amended or modified, and the performance by any party of its obligations hereunder may be waived, only in a written instrument duly executed by the parties. This Agreement may be executed in any number of counterparts, each of which is an original and all of which taken together constitute one instrument. This Agreement is governed by and is to be construed in accordance with the substantive laws of the State of New Mexico, without giving effect to its choice-of-law principles.

12. Merger and Integration Clause. This Agreement contains the entire agreement of the parties with respect to the subject matter hereof. This Agreement supersedes any prior agreements, understandings, or negotiations, whether written or oral.

13. Written Amendments Required. This Agreement may only be amended in writing, which written amendment must be duly executed by all parties.

14. Representations and Warranties of STAR. STAR hereby represents and warrants as follows:

- a. STAR is a New Mexico corporation, duly organized and in good standing;
- b. The person signing this Agreement has the authority to bind STAR to the terms hereof;
- c. This Agreement and the actions contemplated hereunder do not conflict with STAR's Articles of Incorporation, Bylaws, any agreement to which STAR is a party, any law or regulation applicable to STAR, or any court order to which STAR is bound; and
- d. Once duly executed by all parties, this Agreement shall be valid and enforceable against STAR according to its terms.

15. Notices. All notices required to given in writing shall be sent by facsimile or regular mail, addresses as follows:

If to County:

County Manager
102 Grant Avenue
PO Box 276
Santa Fe NM 87504-0276
Facsimile: (505) 995-2740

with a copy to

County Economic Development Manager

102 Grant Avenue
 PO Box 276
 Santa Fe NM 87504-0276
 Facsimile: (505) 820-1394

If to STAR:

In the case of mailings, notices shall be deemed to have been given and received upon the date of the receiving party's actual receipt or five calendar days after mailing, whichever shall first occur. In the case of facsimile transmissions, the notice shall be deemed to have been given and received on the date reflected on the facsimile confirmation indicating a successful transmission of all pages included in the writing.

A party may change the person or address to which notice shall be sent by giving the other party written notice of such change in accordance with this paragraph.

16. Termination Clauses Related to Intergovernmental Agreement and LEDA Grant.

a. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, the County may immediately terminate this Agreement by giving the Project Party written notice of such termination. The County's decision as to whether sufficient appropriations are available shall be accepted by the Project Party and shall be final. The Project Party hereby waives any rights to assert an impairment of contract claim against the County or EDD or the State of New Mexico in the event of immediate or Early Termination of this Agreement by the County or EDD.

b. This Agreement is funded in whole or in part by funds made available under an EDD Grant Agreement. Should EDD early terminate the grant agreement, the County may early terminate this Agreement by providing the Project Party written notice of such termination. In the event of termination pursuant to this paragraph, the County's only liability shall be to pay the Project Party for acceptable goods delivered and services rendered before the termination date.

17. No Commitment of County Funds. Project Party acknowledges and agrees that the LEDA grant from EDD to the County is the sole and exclusive source of reimbursement for expenditures it occurs to plan, design, or construct the on-site wastewater treatment system to treat all the Project Party's wastewater at the Property for the Project. In no event shall the County be obligated to reimburse the Project Party unless it receives LEDA grant funds from EDD with which to do so.

[THIS SPACE LEFT BLANK INTENTIONALLY]

ATTACHMENT NO. 1 TO PPA

SANTA FE COUNTY LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)
APPLICATION FORM
(IN ACCORDANCE WITH LEDA AS PER ORDINANCE 2014-7)

SFC CLERK RECORDED 10/12/2016

Project Requirements for Financial Solvency:

A. History and Background:

1. Applicant name and contact info:
STAR Cryoelectronics, Robin Cantor, President, 505-424-6454
2. Description of project:
Expansion of clean room facilities to support thin-film device manufacturing.
3. Description of specific LEDA request of Santa Fe County:
Requesting \$100,000 to support the costs to acquire a modular clean room, upgrade electrical power to 600A/208V three-phase, install central chilled water unit for cooling water, and add a sewer line connection at the rear of the building for waste water.
4. Description of applicant's experience with the industry in which this project would best fit:
STAR Cryoelectronics has been in business over 17 years, and is a recognized leading supplier of superconducting devices, control electronics, and cryogenic systems.
5. NAICS code: 334516 - Analytical Laboratory Instrument Manufacturing
6. Disclosures including any conflicts of interest or involvement with governmental entities or their officials (explain in writing):
None
7. Is the applicant current with all property taxes due to SF County?
Yes
8. Has the applicant or any of its officers ever filed for bankruptcy? If yes, provide details:
No
9. Has the applicant or any of its officers ever defaulted on any loans or financial obligations? If yes, provide details:
No
10. Does the applicant have any loans or other financial obligations on which payments are not current? If yes, provide details:
No

B. Funding Sources for Project and timeline:

1. Aside from LEDA support from SF County, what other funding sources (public or private) is applicant pursuing?
Private (company) funding of \$25,000.
2. What is the total estimated value of assistance requested by the County?
\$100,000
3. Is a bond issuance requested, and if so, what percentage of the total project cost does the bond amount request represent? No

ATTACHMENT NO. 1 TO PPA

SANTA FE COUNTY LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)
APPLICATION FORM
(IN ACCORDANCE WITH LEDA AS PER ORDINANCE 2014-7)

4. What is the equity investment for applicant?
\$25,000
5. Describe the security that will be provided to Santa Fe County by the applicant in return for public support (lien, mortgage, or other indenture)
Mortgage
6. Describe the schedule for project development and completion, including measurable goals and time limits for those goals.
Year 1: Complete clean room expansion and set up; one new hire
Year 2: Complete ISO certification; three new hires
Year 3: Three new hires
Year 4: Two new hires
Year 5: Two new hires

C. Business Finance Info- please provide the following:

1. Financial statements with independent audits if available, or tax returns for the past three years:
Audited financial statements for 2012, 2013, 2014 attached.
2. List type of business (C-corporation, S corporation, LLC, Partnership, etc) and attach bylaws, articles of incorporation and any other relevant documents
LLC, Certificate of Organization and Articles of Organization attached.
3. Federal tax number, NM Taxation and Revenue number and County business license number if applicable:
EIN: 85-0460916, NMCRS: 02-395842-00-1
4. Three year projected income statements:
Year 1: \$3.0M
Year 2: \$3.5M
Year 3: \$4.0M
5. Business plan complete with detailed assumptions for business and proposed project; Include pro-forma cash flow analysis:
6. Any other document or record that pertains to the financial solvency of the qualified entity that the County deems necessary:

Cost Benefit Analysis and Community Commitment

All qualified entities seeking LEDA support from Santa Fe County will show as a part of their application how the proposed project will benefit Santa Fe County in relation to the relative costs of the project. Please provide an analysis, with both tangible and intangible costs and benefits, and include at a minimum the following:

1. What are the number and types of jobs to be created by the entity?
11 new positions within five years
2. What is the proposed pay scale and payroll proposed by the entity?

ATTACHMENT NO. 1 TO PPA

SANTA FE COUNTY LOCAL ECONOMIC DEVELOPMENT ACT (LEDA)
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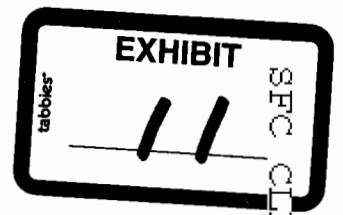
\$25/hr to \$45/hr for technician and engineering positions, respectively.

Current Payroll, 2016: \$716k/year

Projected payroll, 2021: \$1.32M

3. Describe efforts made or to be made by the entity to provide employment opportunities to people within the local employment pool:
Most recent new-hire is a veteran and long-time resident of Moriarity.
4. Describe any plans for job/workforce training and/or career development for employees:
Ongoing employee training to improve production efficiency, productivity, and reduce costs.
5. Detail estimated impacts to the local tax base:
This project will add 11 or more new high-wage jobs over the next five years. We anticipate that most of these new hires will live in the county and support the local tax base.
6. Detail any need for additional services from the Sheriff department and Fire department as a result of this project:
None
7. Describe efforts made or to be made by the entity to procure materials and services from local (Santa Fe) providers:
The company currently does business with several Santa Fe businesses and retailers; expenditures in 2015 totaled almost \$56,000. The company paid over \$2,000 in gross receipts taxes on the taxable purchases of these expenditures in 2015.

SFC CLERK RECORDED 10/12/2016



SFC CLERK RECORDED 10/12/2016

From: marybeth lucero <mblucero29@gmail.com>

Date: September 12, 2016 at 9:44:59 AM MDT

To: ranaya@santafecountynm.gov,
mchavez@santafecountynm.gov, kholian@santafecountynm.gov,
hproybal@santafecountynm.gov, lstefanics@santafecountynm.gov,
ragarcia@santafecountynm.gov

Subject: SF County Animal Control - proposed changes - OPPOSITION

I am a Santa Fe county resident and taxpayer and am opposed to the proposals being reviewed at Tuesday's meeting. These changes would turn responsible pet owners and breeders into criminals and make it much more difficult to buy, own, and breed healthy animals with good temperaments.

- Many neighborhoods have CC&R's that prohibit fencing.

T- here are scores of scientific studies documenting the negative health consequences of altering (spaying or castrating) animals at any age, but most particularly juveniles.

- Responsible breeders who test their animals in field and ring and for health issues already lose money on every litter. Increasing fees makes it harder for good breeders to continue offering healthy well-bred puppies to Santa Fe residents.

- Santa Fe county already has laws on the books regarding standards of care; those laws need to be enforced. MORE legislation is not an improvement.

- Have the ACO's been asked what they believe would be good improvements to current regulations?

Summary:

The proposal would make numerous changes to current law, including:

Licensing and inspections of all breeders. Anyone who breeds dogs must obtain a Breeder's permit, which is \$150/year. This permit must include a list and description of all dogs intended to be bred in the coming year. This permit may be amended, so long as it is amended prior to the breeding taking place. An Animal Services Officer must be granted access "at any reasonable time" to inspect the premises and ensure compliance. If the inspection is not allowed, then the permit may be suspended or revoked, and the dogs may be impounded.

Since this includes those who breed just one litter in their homes, this means that the animal services officers would be permitted to enter private residences at any time. If no one is home, the officer may come back with a warrant.

If the litter was unintentional, then a litter permit must be obtained unless all dogs are relinquished to the local animal shelter.

Additional licensing if more than 10 dogs or cats of any age on premises at any time. If a person ever has more than 10 dogs or cats of any age on their property then a Professional Care Permit must also be obtained, which is \$200/year. This presumably includes someone who owns a small number of dogs, then has a litter that puts the total number of animals to 10. There are numerous additional procedures, approvals, and regulations on those who obtain this permit, including radiant heating for all cages and never allowing the kennel to be cooler than 50 degrees or higher than 85.

There is no exception for puppies recently whelped that may need to be kept at higher temperatures for their health and safety.

Sterilization of dogs on a first impoundment. There are many reasons a dog may be impounded under this proposal, including tethering a dog humanely on an owner's private property. Any animal impounded must be sterilized before being released, unless the dog has participated in "formal competition" within the past 6 months. For example, if a puppy strays from its owner's home and has not yet participated in a show, it could be sterilized.

Possible loss of dogs for any violation of a permit. If it is determined that a person who holds a permit has any violation, then the permit may be revoked. A permit holder may request an appeal, which will be held by the Animal Services Division within 30 days. The hearing officer, according to the proposal, "shall not be limited by formal rules of evidence" and it states that "any evidence may be considered which is of a type which responsible people are accustomed to rely on in the conduct of serious affairs."

A notification will be sent to the permit holder within 15 days of the hearing with a final determination. If the permit is revoked, the permit holder must cease within 5 days. If deemed necessary, the permit holder must give away, sell, or surrender all animals.

Requiring that all dogs must be kept in a fenced yard or enclosure. When on the owner's private property, all dogs must be kept in a secure run, kennel area, a fenced-in yard, or a yard with an electric fence. No tethering of any kind is ever permitted. Any animal not in compliance will be considered a stray and impounded.

This could be a significant challenge for those who do not have a fenced-in yard or have a dog that they humanely tether outside for brief periods throughout the day. It also punishes those who because of income or the location of their residence are unable to build a fence or kennel run.

Establishing requirements that could prevent companion and performance events and all dog training. A dog is never allowed to be tethered at any time, with very few exceptions. Exemptions include dogs at dog parks, or dogs actively herding or hunting. Also if the dog is "appearing in an approved show", it does not need to be tethered, but it is unclear how this would impact agility, obedience, rally, or performance events. It also has no exception for any kind of dog training. Prohibiting dogs from barking more than 10 consecutive minutes at any time of day. There is a fine of \$300 for violations or imprisonment. Animal control does have the option of issuing a warning, although on the third offense "the animal will be deemed a nuisance and a lawsuit will be filed".



Animal Protection of New Mexico

PO Box 11395, Albuquerque NM 87192
 505-265-2322 • 505-265-2488 (fax)
 apnm@apnm.org • www.apnm.org

September 9, 2016

Santa Fe County
 Board of County Commissioners
 102 Grant Avenue
 Santa Fe, New Mexico 87501

Dear Commissioners,

Thank you for your thoughtful review of the proposed amendments to the current Santa Fe County Animal Control Ordinance. As a statewide animal advocacy organization, Animal Protection of New Mexico (APNM) works closely with local, state, and federal officials to develop policies that promote the welfare of all animals. Your willingness to consider progressive measures to protect public health and safety, while improving the lives and wellbeing of domesticated companion animals, is truly welcome and appreciated.

The proposed ordinance, if passed, would prohibit the use of any tether, chain, or trolley system attached to a fixed point(s) or stationary object(s), and recommends enclosed outdoor areas (or "runs") as a more humane method of ensuring that the needs of residents and their animal companions are reasonably met. In recent years, many municipalities and counties have passed similar laws prohibiting or severely restricting the practice of tethering/chaining, including Las Vegas, Albuquerque, Edgewood, Hobbs, Bernalillo County, Torrance County, and San Miguel County.

APNM fully supports the primary objectives of the proposed ordinance, including increased fees for ordinance violations. We do, however, recommend that the ordinance language reflect

1. *a meaningful increase in the proposed minimum size requirements for outdoor animal enclosures*
2. *a full one (1) year grace period prior to enactment and enforcement*

in the provisions summarized above. Such modifications to the ordinance requirements will likely result in greater overall compliance, clearly defined law enforcement and public guidelines, and the substantive advancement of animal welfare in our community.

Sincerely,

Eileen McCarthy
 Program Manager
 505.603.8916

cc: William Pacheco, Santa Fe County Sheriff's Office
 Gabriel Gonzales, Santa Fe County Sheriff's Office
 Paul Portillo, Santa Fe County Sheriff's Office