

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING

May 8, 2018

Anna Hansen, Chair - District 2
Anna Hamilton, Vice Chair - District 4
Ed Moreno - District 5
Henry Roybal - District 1
Robert A. Anaya - District 3

SFC CLERK RECORDED 06/14/2018

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

May 8, 2018

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Anna Hansen 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 Anna Hansen, Chair
Commissioner Anna Hamilton, Vice Chair
Commissioner Robert A. Anaya [telephonically after 2:20]
Commissioner Ed Moreno
Commissioner Henry Roybal

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Francella Perez, the State Pledge by Kat Silva, and the Moment of Reflection by Dora Spivey of the Public Safety Department.

F. Poetry Reading

A poem was read by Joan Logghe.

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G. Approval of Agenda

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 Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Yes, Madam Chair. On page 2 we have a couple of amendments under item II. A. 5, a resolution, that is a corrected caption. Then under II. B. 1, Miscellaneous, the right-of-way easement item was added to the agenda. Then on page 3, under Matters from the County Commissioners, item VI. A. 3, that caption was corrected, just adding the approval of the proclamation. Then on page 4, under Matters from the County Attorney, item VIII, the caption was also corrected regarding a change in polling places.

And then those are all of the amendments to the agenda. Those were posted on May 4th at 1:53 pm.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I move to approve the agenda as amended.

COMMISSIONER MORENO: Second.

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

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

H. Approval of Minutes

Approval of April 10, 2018, Board of County Commission Meeting Minutes

CHAIR HANSEN: Do we have any changes or corrections to the minutes? I have some. On page 23, I believe that in the middle of the page, Ms. Miller, Madam Chair, you need to ask for public comments. It's one of the requirements – right after that, I believe that it is Commissioner Hansen, not Commissioner Hamilton. So you just need to change Hamilton to Hansen. And that was the only change or correction that I found.

COMMISSIONER HAMILTON: Madam Chair, move to approve the minutes as amended.

COMMISSIONER MORENO: Second.

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

II. CONSENT AGENDA

A. Resolutions

- 1. Resolution No. 2018-41, a Resolution Authorizing the Disposition of Fixed Assets Worth More than \$5,000 in**

- Accordance with State Statute (Finance Division/Stephanie Schardin Clarke)
2. Resolution No. 2018-42, a Resolution Authorizing the Disposition of Fixed Assets Worth \$5,000 or Less in Accordance with State Statute (Finance Division/Stephanie Schardin Clarke)
 3. Resolution No. 2018-43, a Resolution Authorizing the Disposition of Un-located Fixed Assets in Accordance with State Statute (Finance Division/Stephanie Schardin Clarke)
 4. Resolution No. 2018-44, a Resolution Requesting an Increase to the Road Projects Fund (311) to Budget Grant Funds From NMDOT for Eldorado Road Projects that were Previously Encumbered but now Liquidated / \$22 (Finance Division/Stephanie Schardin Clarke)
 5. Resolution No. 2018-45, a Resolution Authorizing the County Manager to Sign and Submit an Application to the New Mexico Department of Finance and Administration Under the Juvenile Adjudication Fund Grant Program (Community Services Department/ Jennifer Romero)
- B. Miscellaneous
1. Request Approval of a Right-of-Way Easement between Santa Fe County and Central New Mexico Electric Cooperative, Incorporated, for Electrical Service for the East Mountain Regional Health Facility Located Within the Town of Edgewood (County Manager's Office/Tony Flores) *Exhibit A: Staff Report*

CHAIR HANSEN: Is there anything from the Consent Agenda that needs to be pulled or moved, or requires extended consideration? Or can I have approval of the Consent Agenda?

COMMISSIONER HAMILTON: I move to approve the Consent Agenda.
COMMISSIONER MORENO: Second.

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

[Commissioner Roybal joined the meeting.]

III. ACTION ITEMS

B. Resolutions

1. Resolution No. 2018-46, a Resolution Approving and Adopting the Santa Fe County Hazard Mitigation Plan

MARTIN VIGIL (Assistant Fire Chief): Thank you. You have in your packet a document that is in an approvable, pending adoption process phase with FEMA.

This is the last step in a fairly lengthy process before we get final approval from FEMA. Once we get that we will have five years to work with this document, ensure that the action items are actually taken, include any kind of revisions and prepare for the end of that five-year report of what we've accomplished during that time period.

I would like to acknowledge that this document represents a significant amount of collaboration both with County staff and external stakeholders. This has been a two-year process. We've had work with an amazing contractor through this process. You'll find if you look at the document that it is primarily addressing natural hazards that Santa Fe County might be faced with. We did include one very common, plausible event, and that's hazardous materials transportation along the roadways within Santa Fe County.

This particular document is required by local government in order for us to participate in any future pre-disaster and post-disaster grant programs. And one of the criteria that we set out to do this is that we needed to not only acknowledge all of our jurisdictional partners surrounding Santa Fe County but also keep in mind that we really needed to specifically address what the County would have legal jurisdiction to mitigate. An example of that is we have a number of earthen dams in the Rio Arriba side up on Highway 76. Commissioner Roybal, I believe you and I actually toured some of those. And although the risk resides in an adjacent county the populations from that risk are in Santa Fe County. So we had to come up with creative ways of minimizing that risk that we actually could attain.

And so we're very excited about this document. It's been long coming and I stand for any questions.

CHAIR HANSEN: Any comments from Commissioners? Thank you for all the hard work on this. I think this is really an important piece, an important document. I'm especially concerned about radioactive waste and nuclear hazards on our highways and I think it's really important to have something in place that addresses that and I know that in the past we have not. And so I'm grateful for your work on that. Thank you very much. Thank you for your hard work because it's taken a long time. And with that I believe that Commissioner Hamilton has a comment also.

COMMISSIONER HAMILTON: Right. I don't actually have a question but this is an incredibly valuable document and I just wanted to point out to everybody that Chief Vigil, you've indicated what a collaboration is it but we're really lucky to have somebody in Chief Vigil of such national standing in knowledge of this and has pulled this together. This is an incredible resource for us to be working from and it's very timely that we have this at this point, given everything that's going on. So I really want to thank you for organizing this and producing this for us. It's really something.

ASSISTANT CHIEF VIGIL: Thank you. And again, it was many people that came together to bring this information together.

COMMISSIONER HAMILTON: Absolutely. It's so easy to take for granted the resources we have, just on a County level, and this is a really significant resource that you've provided. You and your whole group.

CHAIR HANSEN: I'm extremely grateful for the hard work that you've done on this. It's really important. And with that, are there any other comments from anyone?

COMMISSIONER HAMILTON: Madam Chair, I move to approve.

COMMISSIONER ROYBAL: I'll second. And under discussion.

CHAIR HANSEN: Under discussion, you have a comment. Welcome, Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair, Commissioner Hamilton, I just want to thank you as well. I know that it took a good while to get this document together. I know you guys worked hard on it, so please thank your staff and also thank you for all your work and all the staff that was involve. Thank you, Martin.

ASSISTANT CHIEF VIGIL: Thank you.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action and joined the meeting telephonically shortly thereafter.

[Photographs were taken.]

III. C. Miscellaneous

1. **Request Authorization to Utilize the Design-Build Project Delivery Method for the Design and Construction of the Behavioral Health Crisis Center and Renovation of the Detoxification Center, Located at 2052 Galisteo Street in Santa Fe, New Mexico**

CHAIR HANSEN: I hear that Commissioner Anaya is on the line. Commissioner Anaya, are you there?

COMMISSIONER ANAYA: I am, Madam Chair.

CHAIR HANSEN: Welcome. Thank you very much for calling in. Welcome, Mr. Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. The request before you is required by the County purchasing regulation 2006-60 that requires BCC approval to utilize an alternative project delivery method know as design-build. In March of this year we entered into a contract with New Mexico Solutions to operate and also provide planning services for the new crisis center, and also the Community Services Department and Projects presented their site analysis for the location to be located for the crisis center to be at 2052 Galisteo.

Before you now is a request authority to utilize the design-build project delivery method. And with that I'll stand for questions.

CHAIR HANSEN: Are there any questions from the Board? Any comments? Commissioner Moreno.

COMMISSIONER MORENO: I'm glad to hear that you're moving quickly and look forward to your progress.

MR. TAYLOR: Thank you, Madam Chair. Thank you, Commissioner Moreno.

CHAIR HANSEN: Yes, I am also happy to see that you are moving forward. And with that, do I have a motion for authorization?

COMMISSIONER MORENO: I so move.

COMMISSIONER HAMILTON: Second.

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

III. D. Ordinances

1. Request Authorization to Publish Title and General Summary of Ordinance No. 2018 - _____, an Ordinance Amending Ordinance No. 1998-16 ("An Ordinance Establishing Provisions for Extension of Sewer Service; Adopting Operating and Management [Procedures]; Setting Rates; and Establishing Design Standards for the Santa Fe County Wastewater Utility") to Update Rates And Charges; and Repealing Section 4 of Ordinance No. 2014-11 (A Prior Amendment of Ordinance No. 1998-16) [*Exhibit B: Staff Report*]

CHAIR HANSEN: Welcome, John.

JOHN DUPUIS (Utilities Director): Good afternoon, Madam Chair. Staff is requesting this to update our rates. We have hired a consultant to provide the rate study and cost of service analysis. They plan to do a presentation at the next BCC. This will provide an opportunity for the public to review the proposed ordinances and there will be a public hearing at that presentation as well. The following BCC, which is June 12, there would be the potential to vote as well as an additional public hearing. I stand for any questions.

CHAIR HANSEN: Are there any questions from the Board?

COMMISSIONER HAMILTON: No, but Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I move to approve this.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: Is there any discussion? I know this has been kind of controversial in the past that we're raising rates but I think it is a necessary move for the County to recover our costs. And I think that educating the public in the most efficient way that we can about why we're raising rates is really important, and so I hope that we can do whatever kind of outreach possible to make sure that the constituents understand why we need to raise rates.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, just for clarity, this is only to publish title and general summary to then publish and have public hearings by which we would ask the public to come in and make comments and then the Commission would deliberate and make a decision. Correct?

CHAIR HANSEN: Yes. Correct.

COMMISSIONER ANAYA: Thank you.

CHAIR HANSEN: But I just was commenting on educating the public about why this is happening, Commissioner Anaya.

COMMISSIONER ANAYA: I just want to make sure the public's clear we're not raising rates today, we're just publishing title and general summary to have a

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discussion and hearings in that regard.

CHAIR HANSEN: Yes. Thank you.

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

III. D. 2. Request Authorization to Publish Title and General Summary of Ordinance No. 2018 - _____, an Ordinance Establishing Santa Fe County Utility Water Service Rates and Charges and Repealing All Prior Water Service Rates and Charges [Exhibit C: Staff Report]

MR. DUPUIS: Thank you, Madam Chair and Commissioners. This ordinance is to update the water rates. We have the same consultant on contract for the rate study and cost of service analysis. We scheduled as presented before. The next BCC, have a public hearing and presentation. The following June 12th BCC, potential for a vote and additional public hearing.

CHAIR HANSEN: Any questions, comments from the Board? Seeing none, could I have a motion?

COMMISSIONER MORENO: I move to authorize publishing title and general summary of the ordinance.

COMMISSIONER HAMILTON: Second.

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

IV. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: Is there anyone from the public here who wishes to address the Commission on something that is not on the agenda for today? Seeing none, I will close Matters of Public Concern.

V. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. National Corrections Officers, Nurses and Teachers Week

MANAGER MILLER: Madam Chair, just quickly I wanted to note that this week is National Corrections Officers Week, Nurses Week and Teachers Week and the history of the National Corrections Officers Week is that I think President Ronald Reagan, under a proclamation enacted on May 5, 1984 declared this National Correctional Officers Week, and this whole first week of May they have a variety of activities in appreciation of our detention officers and staff at the facilities. It's also Nurses Appreciation Week or National Nurses Week, and that begins each year on May 6th and ends on May 12th, which is the birthday of Florence Nightingale, and also National Teachers Week and it's celebrating our teachers, particular those who work in our detention facilities.

So there are several events scheduled for this week for the staff at the Correctional

facilities. Today they had nachos and drinks, and tomorrow they'll have hamburgers and Polish sausage. Again on Thursday, nachos and Friday, hamburgers and sausage and Saturday, donuts and drinks and we just want to express our appreciation for all of our detention officers, our nurses that work in our facilities, plus our nurse that runs the health van and the teachers who work in our facilities educating the youth and the adults.

So I just wanted to mention that and if you have an opportunity, say thank you to a nurse, teacher or correctional officer this week.

CHAIR HANSEN: So we should probably thank you our employees of the Public Safety Department who said the pledge of allegiance, the state pledge and the moment of reflection since I see they're still in the audience. Thank you for staying and listening to us and I want to recognize you for your contribution to our community and it's extremely important what you do here. So thank you, Corporal, Kat and Dora. Thank you very much. And we want to get you another teacher at the correctional institution. I think Commissioner Anaya and I both feel very strongly about that. So thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just echo your words and the words of Manager Miller and extend my sincere gratitude and appreciation for all of those employees at the correctional facility for what they do, day in and day out, 365 days out of the year, seven days a week, amidst challenge and criticism. I greatly thank them for what they do and the services that they provide to those that are incarcerated in our facilities, to their colleagues that they work with and to the community at large. So I really appreciate them all and thank them very much. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya, and thank you for saying those words. I know everyone on the Commission feels that way. So thank you very, very much.

V. A. 2. Update on Community Meetings and the Process for the 2018 Infrastructure Capital Improvement Plan (ICIP)

PAUL OLAFSON (Planning): Thank you, Madam Chair, Commissioners. I'm here to give you just a brief update on some community meetings we're planning. In your packets you'll see there are four meetings planned to request citizen of public input on our infrastructure capital improvement plan, and that's the annual plan that we submit to the DFA that then is included with packets for the legislators in the ability to select capital funding projects, if they so choose.

We do this every year. We have the four areas of the north, central, Galisteo and south. So we spread this out throughout the community and I know many of you have attended in the past. Also, we started last year as the Planning Division including other topics with these meetings, including transportation planning, open space and trails planning, affordable housing – so we have an open house format. We do have a very brief presentation and then people are able to walk around and have questions, get more information about specific projects or other issues that we can then help them navigate through the County process.

So this is just a brief update. We'll bringing the results of these meetings back to

you when we anticipate at the end of June and July in order to submit the ICIP to the state and DFA by the end of August. With that, I'll stand for any questions.

CHAIR HANSEN: Do I have any questions from the Board on the 2018 ICIP process for fiscal year 2020 through 2024 requests? Seeing none, thank you.

V. A. 3. **Certificate of Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for the County's Fiscal Year 2017 CAFR**

MANAGER MILLER: Madam Chair, we received a notice from the Government Finance Officers Association in the form of a letter and a news release that Santa Fe County has been awarded the GFOA, which includes the United States and Canada for its comprehensive annual financial report. That's for the one ending last June, June 2017, and this certificate of achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

And I think it's an even more significant accomplishment by the Finance Department and particularly Yvonne because she came in right as we were finishing the fiscal year and jumping right into the audit and preparing the CAFRs and we had a lot of turnovers in Finance in fiscal year 2017 so it was quite a feat to get our audit completed on time and get our financial reports submitted to GFOA for an award. So I just want to express my appreciation to the Finance staff and all of the staff throughout the County that contribute to making sure that we have all our financial reporting in and done on time, and that we actually had a clean and good audit.

So thank you to all of you and to all of those individuals who work in the departments and assist Finance in accomplishing this task.

CHAIR HANSEN: I think it's amazing. I also want to thank Yvonne because I know you worked extremely hard in pulling this together, so thank you so much. And I know that it is all the staff with you that made this possible. I think we should really take a picture with everybody because it's an honor that we have such a good and great Finance Department so I am pleased that we can do that. Is there any other comments from any of the other Commissioners?

MANAGER MILLER: Madam Chair, also, I just wanted to add, I think this is our eighth one in a row.

CHAIR HANSEN: Seventh.

MANAGER MILLER: I was going to say it's our seventh or eighth. I guess I'm already counting the one we're going to get for 2018.

CHAIR HANSEN: I remember reading it and I was really, really happy. I even put it in my newsletter, because I thought that it was such an important thing that we have been recognized for seven years ago. Commissioner Hamilton.

COMMISSIONER HAMILTON: Absolutely. It's just amazing. You guys should be incredibly proud of yourselves. You do an incredible service. What a department. Thank you so much. That's totally impressive.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Roybal.

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COMMISSIONER ROYBAL: I also want to express my gratitude to this department. Every year, as Manager Miller has mentioned, for the last six years – I've only been a Commissioner for the last three, but for the last three years especially, I've seen this result of hard work and dedication to the County. So I just want to say great job and keep up the great work and we are definitely indebted to the services you guys provide. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. I echo the sentiments of my colleagues on the Commission and just would say that it's a testament to the skill sets and the professionalism in the Finance Department and across the County in every facet of the organization. So a shout-out to everyone for those efforts on a continued and consistent basis in striving and attaining excellence. Thank you, Madam Chair.

CHAIR HANSEN: Thank you very much, and with that we will go and take a picture.

[Photographs were taken.]

VI. MATTERS FROM COUNTY COMMISSIONERS

A. Presentations, Proclamations and Resolutions

- 1. Resolution No. 2018-47, a Resolution Supporting the Seventh Annual Neighbor to Neighbor Food Drive in Coordination With the City of Santa Fe and the Food Depot and Authorizing the Use of County Facilities for the Collection of Non-Perishable Food Donations**

CHAIR HANSEN: What's the pleasure of the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: First of all, I just want to say how important and valuable this food drive is. Everybody's hoping that with our good start on it last year that this really expands this year. It's such a valuable thing to do. I know I've already started working on this. I bet some of the other Commissioners have as well. So we really can look forward to a great response, and I'd like to move to approve the resolution.

COMMISSIONER ROYBAL: I'll second, and under discussion, Madam Chair.

CHAIR HANSEN: Yes, discussion, Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to ditto a lot of the remarks that Commissioner Hamilton made, and also thank the Food Depot and their affiliates. I've worked with some of them and I know that they work very hard to put this together, and also thank them for expanding further north into my district. I think it's going to make a huge difference and we so already have some community organizational groups that are getting together to do fundraisers and collect food and also donations for this, so it's something that I'm really excited for this year. Last year we did do it but I'm expecting it to be quite a bit bigger this year, so thank you for bringing this forward.

CHAIR HANSEN: Thank you, Commissioner Roybal. Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. This year I understand that the organizers of the Neighbor to Neighbor Food Drive are going to be especially focusing on neighborhoods and communities that have not typically had the attention and they are recruiting leaders for those slots and this is a big deal that without it there would be a lot of suffering in this county and we need to pull together and I encourage County employees to sign up to be a leader or just a worker, and make this the biggest and greatest food drive ever.

CHAIR HANSEN: Thank you, Commissioner Moreno. I too – I have participated in this for a number of years and I'm honored to bring forward this resolution to continue to support the Neighbor to Neighbor Food Drive. We have many people who are suffering from food insecurity in our community and it is important to remember them in our efforts. It's easy to be a team leader. I organize it through the neighborhood network in my neighborhood and people – I have a canister out in front of my house with a lid and people can come and drop it off. I started like a week before and it fills up every day and then at the end I put out a tarp right in my front yard and the tarp gets filled up and it's a really great experience to see how generous and how concerned everyone is with taking care of the food insecurity in our community.

So I want to thank Linda Flatt and all the people who are volunteers in the Neighborhood to Neighborhood Food Drive and I'm honored that the County is now part of this.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, I just echo and endorse every comment that was made by yourself and my colleagues on the Commission and fully support the continued effort and work of the Food Depot and all the many volunteers countywide that help make it a reality. Thank you.

CHAIR HANSEN: Thank you, Commissioner Anaya.

VI. A. 2. Approval of a Proclamation Recognizing May 2018 as National Mental Health Awareness Month

COMMISSIONER MORENO: Thank you, Madam Chair. This proclamation is Mental Health Awareness Month. We all know that mental health – without it, you're nothing. And we need to have programs to help the people who are afflicted with these conditions.

CHAIR HANSEN: Welcome, Alex.

ALEX DOMINGUEZ (Community Services): Good afternoon, Madam Chair, Commissioners. Yes, some of the highlights and the things we do support as a department for Santa Fe County for mental health include – but are not limited to, of course – the mobile crisis response team. This is a partnership with Presbyterian Medical

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Services that helps intervene, helps reduce suicide and the escalation of mental health crisis episodes. We support a residential substance abuse treatment program. This is a 30-day stay at Santa Fe Recovery Center for low income Santa Fe County residents. We have medication assisted treatment, a coordinator for La Familia Medical Center's outpatient Suboxone treatment program serves pregnant women and their partners as well as all community members. They also have a behavioral health peer support coordinator serving county residents in the Suboxone program for the Pecos Valley Medical Center.

We also support behavioral health navigation services. This is support for Community Services agencies that include Santa Fe City Fire Department, the MIHO program, Christus St. Vincent, the HUGS program, Sangre de Cristo House and Casa Milagro to connect residents how have severe mental disabilities and/or substance use disorders with needed treatment and social services.

We also support coordination for overdose prevention, coalition partnerships with Santa Fe Public Schools, the Santa Fe Prevention Alliance for Santa Fe Opiate Safe, the SOS program, bringing together stakeholders including medical providers, first responders, public schools and community members to combat the overdose epidemic via the CDC's three evidence-based practices: medically assisted treatment, Naloxone, and changing prescriber behavior.

We also have a Naloxone education and distribution via first responders, probation and parole, schools, and community organizations. This is a harm reduction specialist, also through the alliance, which trains first responders, schools and community agencies and staff and front line community members on overdose prevention, distribution of Narcan, and tracking the use countywide.

We support our Department of Corrections, our jail re-entry program to reduce recidivism. Re-entry specialists enroll inmates in Medicate and navigate and motivate inmates that are in need of mental health/illness support and substance abuse programs into an outpatient or inpatient program upon release. There is also a new third re-entry specialist that is now working outside in the community to be a better contact to those community resources available to our clients leaving the jail.

We also have funding for detox services. Santa Fe County Community Services Department provides \$300,000 for detox services in our community that serves all of our residents. And those are some of the highlights of who we are and support and continue to expand on in regards to the relationship of mental health services, which is the co-existing disorders of mental health and substance use disorders. With that I stand for some questions.

CHAIR HANSEN: Do I have any questions or comments from the Board?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate the resolution or proclamation that Commissioner Moreno has brought to the Commission and action that the County has taken over many, many years to try and help mitigate the challenges associated with mental illness. So thank you for everyone's efforts in this regard, and thank you, Commissioner Moreno.

COMMISSIONER MORENO: Thank you.

CHAIR HANSEN: So with that, shall we read the resolution?

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COMMISSIONER MORENO: Sure. I'll kick it off. A proclamation recognizing May 2018 as Mental Health Awareness Month.

Whereas, the month of May 2018 is designated and National Mental Health Awareness month; and

COMMISSIONER ROYBAL: Whereas, mental illness is a leading cause of disability in the United States; and

COMMISSIONER HAMILTON: Whereas, nearly 44 million American adults and millions of children experience mental health conditions each year, including depression, anxiety, bipolar disorder, schizophrenia and post traumatic stress; and

CHAIR HANSEN: Whereas, one in five adults experience a mental health problem in any given year, and one in 17 adults live with mental illness such as major depression, bipolar disorder, or schizophrenia; and

COMMISSIONER MORENO: Whereas, in the State of New Mexico the suicide rate is at least 50 percent higher than the United States, and in Santa Fe County it is nearly twice the national average; and

COMMISSIONER ROYBAL: Whereas, in Santa Fe County drug overdose rates have more than doubled the national average with 70 percent of the drug overdoses tied to opioid painkillers and heroin; and

COMMISSIONER HAMILTON: Whereas, jails and prisons, including the Santa Fe County detention facility, often become the default facility for custodial care for individuals including non-violent individuals suffering from serious mental illnesses; and

CHAIR HANSEN: Whereas, in 2015, the Board of County Commissioners adopted the Santa Fe County Health Action Plan which focuses County effort on addressing mental and behavioral health issues, including reducing suicide, drug overdoses and alcohol abuse among citizens of the county; and

COMMISSIONER MORENO: Whereas, in 2015 Santa Fe County Community Services Department committed funds for the development and operation of the mobile crisis response team to reduce the suicide rate in Santa Fe County; and

COMMISSIONER HAMILTON: Whereas, in 2016 Santa Fe County held a behavioral health summit to discuss and plan for the development of new services to address mental and behavioral health issues in Santa Fe County; and

CHAIR HANSEN: Whereas, in 2016 Santa Fe County passed a bond that committed \$2 million in capital funds towards the development of a behavioral health crisis center for residents experiencing behavioral health crises; and

COMMISSIONER MORENO: Whereas, in 2017 the Board of County Commissioners approved a 1/8 gross receipts tax to generate \$1.6 million to support the operation of the future Santa Fe County behavioral health crisis center and mobile crisis response team; and

COMMISSIONER ROYBAL: Whereas, in 2018 Santa Fe County in partnership with New Mexico Solutions began the first year of planning for a behavioral health crisis center; and

COMMISSIONER HAMILTON: Whereas, in 2018 Santa Fe County Community Services Department is in the process of developing a behavioral health strategic plan; and

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CHAIR HANSEN: Whereas, in 2018 Santa Fe County continues to develop an accountable health community providing standardized screening and navigation for social determinants of health for people with behavioral health disorders; and

COMMISSIONER MORENO: Whereas, the Santa Fe County mobile health van will be conducting free mental health screenings during the month of May; and

Whereas, the Board of County Commissioners and the Santa Fe County Community Services Department have consistently supported and funded programs and policies to address mental and behavioral health issues.

Now, therefore, be it proclaimed by the Board of County Commissioners of Santa Fe County to recognize May as Mental Health Awareness Month.

Be it further proclaimed that government agencies, public and private institutions, businesses and schools in Santa Fe County be encouraged to renew the commitment to eliminate the stigma associated with mental illness, encourage those with mental health conditions to get the help and support they need, and reaffirm our pledge to ensure those who need help have access to the support, acceptance, and the resources that they deserve.

CHAIR HANSEN: And with that can I have a motion to pass, adopt and approve on this 8th day of May 2018?

COMMISSIONER MORENO: I so move.

COMMISSIONER ROYBAL: Second.

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

VI. A. 3. Approval of a Proclamation Proclaiming May 15th "Santa Fe River Day"

CHAIR HANSEN: I sponsored this, although it doesn't say that. This is for the part of the river in the County. So if I could please have my fellow Commissioners read this proclamation with me. Santa Fe County proclaiming May 15th Santa Fe River Day.

Whereas, the El Camino Real de Tierra Adentro, the Royal Road to the Interior Land, brought the first expedition in 1598 of Spaniards to New Mexico; and

COMMISSIONER MORENO: Whereas, the original route of the El Camino Real de Tierra Adentro runs through the heart of the traditional village of Agua Fria on the present day streets of Agua Fria and Junta del Alamo; and

COMMISSIONER ROYBAL: Whereas, the actual name of the place, Agua Fria, isn't documented by present day residents speculate it is from the weary travelers splashing their face with the cold water of the Santa Fe River, the first mountain stream they would have encountered on their journey from the south; and

COMMISSIONER HAMILTON: Whereas, the Santa Fe River connects the traditional communities of Agua Fria Cieneguilla, La Cienega and La Bajada to Santa Fe County and the City of Santa Fe; and

CHAIR HANSEN: Whereas, the Santa Fe River has helped shape the

settlement of traditional historic communities in Santa Fe County, including Agua Fria and their development as a farming community; and

COMMISSIONER MORENO: Whereas, the Santa Fe River has supported ecosystems and riparian habitat of Agua Fria and other communities in Santa Fe County; and

COMMISSIONER ROYBAL: Whereas, the Santa Fe River provides Santa Fe County residents with many opportunities for recreation and the enjoyment of nature; and

COMMISSIONER HAMILTON: Whereas, in modern times, since 1999 the Agua Fria community has celebrated the blessing of the Santa Fe River on May 15th for adequate water resources and bountiful crops; and

CHAIR HANSEN: Whereas, the City of Santa Fe, pursuant to the Living River Ordinance, often releases water from the reservoir into the Santa Fe River in early May to support community events scheduled along the Santa Fe River; and

Whereas, we are in a time of most severe drought, underscoring the cultural and environmental significance of the Santa Fe River to Agua Fria and to Santa Fe County.

Now, therefore be it resolved that we, the Board of County Commissioners of Santa Fe County do hereby proclaim May 15th as Santa Fe River Day and direct the County Manager to deliver this proclamation to the Agua Fria Village Association to aid in their annual celebration and to share it with other communities in Santa Fe County.

And with that I will move to pass this proclamation.

COMMISSIONER HAMILTON: Second.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: And I have multiple seconds.

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

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just wanted to thank you for bringing forth the resolution, and I also want to thank you for noting the La Cienega communities – La Cieneguilla as well as La Bajada in the resolution or the proclamation. I would also want to add that I'm still very hopeful that the trail work will continue down into the communities of La Cieneguilla and La Cienega so that those communities can as well benefit from the infusion of resources to expand the trails so they could utilize it as well in their communities. So I thank you very much for noting those communities in the resolution Thank you.

CHAIR HANSEN: Thank you, Commissioner Anaya. It's really important to me that the trail continue on down past the wastewater plant and into La Cienega and Cieneguilla. It is an important part of community connectiveness that we keep the river and the trail alive. So thank you for supporting me in that.

So I want to invite everyone on May 15th at San Ysidro Parish, there will be a service starting at 6:00 pm and then a procession to the river where there will be a blessing of the river and we will read this proclamation again and also May 15th is San Ysidro Day in the Village of Agua Fria and we will also be celebrating San Ysidro who is the patron saint of farming and agriculture. So with that I thank the Commission.

VI. B. Recognitions and Acknowledgements

None were raised.

VI. C. Commissioner Issues and Comments

CHAIR HANSEN: Do we have any comments from the Commissioners?
COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair it's with a heavy, heavy heart that I am sad to report to the Commission and the County and those listening on the radio that we've lost a friend to Santa Fe County and to New Mexico today. His name was Billy Godinez. I know Manager Miller knows Mr. Godinez, but it's sad to report we've lost a rancher, a horseman, a husband, a father, a friend and a neighbor. Billy would light up any room that he entered and he would give the shirt off his back to help his family and anybody in need. So I would ask, respectfully, Madam Chair, that we offer a moment of silence in honor of Billy Godinez.

CHAIR HANSEN: Thank you, Commissioner Anaya. Let's take a moment of silence in remembering Billy.

Thank you, Commissioner Anaya, for sharing that. Is there anything else you would like to bring forward?

COMMISSIONER ANAYA: No, Madam Chair. Just that every day we have on this earth is a true blessing. That's all I have to add. Thank you.

CHAIR HANSEN: Thank you, Commissioner Anaya. Any other Commissioners have anything? I want to share a letter that I am sending to Mr. Ryan Mann and Dr. Lindline at New Mexico Highlands University. It is a letter of support for the future investigation of the complex hydrology at La Cienega, Santa Fe County, New Mexico. The grant application from Mr. Ryan Mann, a graduate student at New Mexico Highlands University has recently been brought to my attention. The purpose of the grant application is to build upon previous studies to qualify Cieneguilla Creek stream flow and assess wetlands, groundwater connections by gathering additional stream flow and water quality data along the Santa Fe River downstream of the City of Santa Fe's wastewater treatment plant.

The data will quantify the lower Santa Fe River's total water budget along with providing general water chemistry of the river. On behalf of Santa Fe County I would like to express support for this study. Data collected will greatly benefit current understanding of wetlands, groundwater connections, and general water chemistry.

If the County can assist in any way please feel free to contact me. My number and email. Sincerely, Anna Hansen, Commissioner, District 2.

This came about from a meeting from the traditional collaboratives where Mr. Ryan Mann came and presented what he was studying and I wanted to send a letter in support, so I am sharing that all with you so that you know that I am sending this letter in my name as a Commissioner from District 2.

COMMISSIONER ANAYA: Madam Chair.

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CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: As a Commissioner from District 3 I would ask that Mr. Barela prepare a similar letter so that I could provide my support. Dr. Lindline and her team and graduate students do exceptional work at Highlands University and so I think it's an awesome endeavor and I would fully support and endorse the grant application. Thank you.

COMMISSIONER ANAYA: Thank you, Commissioner Anaya. I will have Mr. Barela get with Maria and she has a copy of this letter and she and Chris can add your name or add the letter and we can send them together. So thank you so much, Commissioner Anaya. I appreciate your support on this.

Anything else from any of the other Commissioners?

VII. MATTERS FROM OTHER ELECTED OFFICIALS

A. Elected Officials Issues and Comments

1. Assessor's Annual Report and Assessor's Valuation Maintenance Program

a. Resolution No. 2018-48, a Resolution Approving the County Assessor's Property Valuation Program in Accordance with State Statute

GUS MARTINEZ (County Assessor): Thank you, Madam Chair. Good afternoon, members of the Commission. Every year around this time we are mandated by statute to basically present our annual report as well as the property valuation maintenance program. So we're going to go over that right now and I'll start with the annual report.

What this shows here is basically the value. The first page is basically the value compared to last year that we've brought in our office. So there was a net change of about \$83 million in net new, which shows about a 3.10 percent increase in change from the prior year of 2017. Our total residential value was a total of 4.58 percent. And then on the land/non-residential commercial was a negative 1.6 and that's due to the reappraisal – we're on our third year of reappraisal up north and so some land values had dropped because they were assessed too high, so we dropped some land values, so that's where you're going to see the decrease in there.

The second page is our total taxable value history starting from 2013 to current. Last year we hit for the first time the \$7 billion mark. This year we're at \$7.2 billion for 2018. The market's doing well and so that kind of reflects the market and the new construction that we've been picking up within the county.

The next page is the net new just added through the years and so you compare 2017 to 2018. There's a little decrease and that's because of the reappraisal done up north and like I said, some land values had dropped and so that kind of brought it down a little bit there.

The next page is basically our ratios. We had 2,600 sales in 2017 of residential sales, and this page just shows the standard of where we are and what the IAAO standard is regarding sales data.

Next page is just the definition of co-efficient of dispersion and price related

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differential. If you ever kind of sit down with me regarding that I can kind of go over that with you guys there.

The last page is just the summarized version of 2017 and 2018, just values and parcels. And so we have increased about 2,200 parcels from last year, so we were around 86,000 parcels and currently we are at 88,683 parcels and then the bottom portion is just the veterans exemptions that we've brought in, 100 percent disabled, head of family exemptions, as well as valuation freezes, which are going up. We have a lot of people that fall into that category that are utilizing the valuation freeze. It's income based as well as age.

The next one is our property valuation maintenance program, which we're required by statute to get a resolution on, so I'll kind of go through it. Basically what it is is just kind of the function of our office, our important dates of our office. I won't bore you with everything but I'll kind of just go and highlight some of the areas there. So on the preface, it says, number one, county assessors are exclusively responsible for determining values of property for property taxation purposes in accordance with the Property Tax Code, Articles 35 to 38 of Chapter 7 NMSA 1978, and specifically, 7-36-16.A and the regulations, orders, rulings and instructions of the department. Except as needed to Section 7-36-21.2. Assessors shall also implement a program of updating property values so that current and correct values of property are maintained and shall have sole responsibility and authority at the county level for property valuation maintenance subject only to the general supervisory powers of the director – which is the property tax director.

Page 4, I'll highlight 1, 2 and 3. The property valuation program purpose, the office of the County Assessor is structurally obligated to determine valuation for properties subject to property taxes and shall also implement a program updating property values so that current and correct values of properties are maintained. The report known as the property valuation program has been compiled of purposive planning and implementing an efficient and effect program of updating the property values. In accordance with 7-38-38.1.D 1978, Expenditures from the county property valuation fund shall be made pursuant to a property valuation program presented by the county assessor and approved by the majority of the County Commissioners.

The valuation maintenance program developed and implemented by the Santa Fe County Assessors consists of two major components. The first one is the valuation data maintenance of all taxable parcels on a yearly cycle. Two, door-to-door re-inspection of all taxable improved real property five to six years. So basically, it's kind of just telling us what we're responsible for.

Page 5 just shows the history of our general fund. So from 13 and 14 all the way to current you see that it's dropped a little bit for 17 and 18. The next page has the history of the Assessor's property valuation fund budget history, so it looks like there's a trend and it's going down for 17-18 also of \$1.413066. And then the total budget of the general and the valuation fund, also the trend went down to \$3.8 million from \$4 million the previous year.

And all this stuff in between is just giving you the history of the office and basically what we're responsible for – the dates in each department.

So we go to page 16, it just shows the protest history. Back in 2013 we had 2,800

protests. It dropped in 2014 to 1,875, and then it went back up in 2015 to 2,010, and then 2016 gets 1,681 and then went back up to 1,788. And this current year we've probably had the least amount and we're about 1,400 this year, roughly about what we got this year in our protest process.

And then I will just go with the last couple of pages here in our five-year re-appraisal plan. We're starting our fourth year. We completed in 2015 the Edgewood area, which was roughly about 7,500 parcels – well, I guess 8,200 total that we reviewed. The second year was basically Madrid, Cerrillos, Glorieta, Lamy and Eldorado, which we reviewed about 1,700 parcels, almost 1,800. We were in Commissioner Roybal's district where we hit an additional 15,000 parcels with our staff and so this last two years of the reappraisal, which we're going to be hitting the city limits of Santa Fe. And at that point our office will have reviewed every single parcel with our own staff for the first time in our history to be able to review that. Technology has helped us be more efficient to be able to hit our goals. So we start our re-appraisal basically in August of every year and we try to finish in December and then we use all that data to come up with the values for the notice of value.

So that's basically, in a nutshell, basically what our office is responsible for what we've done these past 3 ½ years. Any questions?

CHAIR HANSEN: Any questions from the Commission? I have a question. So if you're in the city, what does that mean, because if you're only doing 20,000 and the count is 84,000, so of that 84,000, do you not do every home?

ASSESSOR MARTINEZ: So there's 86,000 parcels, or I guess 88,000, and what we do is we break it up in our reappraisal plan. We start in each district and we go through each district each reappraisal year so we're doing it within five to six years. So we have basically reviewed three areas and we are starting the city limits of Santa Fe for this current year and tax year 2019. And we're breaking it up to about 20,000 to 25,000 parcels that our staff will review, and basically we will have touched every single property that's mandated by statute with our own staff.

CHAIR HANSEN: Okay. Any other questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just wanted to thank the Assessor and his team for the work that they do to assess property fairly and equitably across the county and work through protests with people that have concerns. So I appreciate the information and the professionalism.

I guess the one question I would have, Assessor Martinez, is are there any material changes or any material differences in what you've gone over with us and what we have in our packet than what we've done in recent years?

ASSESSOR MARTINEZ: Yes. We update all the numbers with the materials, so the materials that I gave you currently is all the updated numbers going forward for each year, and then there's a reflectant of the past years that we have done but we basically tweak it a little bit every year.

COMMISSIONER ANAYA: So Assessor Martinez, operationally though, the functional methods that you're using in your work are essentially consistent with what you've done in recent years, I guess is my question.

ASSESSOR MARTINEZ: Yes. Starting back in 2015, yes, because prior years we didn't have aerial photography to do our reappraisals, so that would be something different that we have utilized in 15 going forward that we didn't have in the past. So our functions have changed currently than what was done in the past, so, yes. We've updated our procedures regarding that.

COMMISSIONER ANAYA: I just wanted to say on the record, Assessor Martinez and members of the Commission, that before your work in having the staff all through technology and physical means go through each parcel, the County made an investment that I think was ill-conceived at the time and had a private contractor that did a lot of the work and I don't think did as good a job as what we do ourselves with our own existing staff in your department. So I just wanted to say that on the record I appreciate that you've done that and through the utilization of technology and our own fiscal staff and assessment team you've done a great job. So thank you for that work.

ASSESSOR MARTINEZ: Thank you, Commissioner Anaya, and I'll just note that you're only as good as your staff and the training that we've provided them to be able to accomplish this and be as efficient as we are. So I give kudos to my staff for that.

CHAIR HANSEN: Thank you. Commissioner Moreno.

COMMISSIONER MORENO: Gus, you've used aerial photography. What is the next cutting edge technology that you're looking at?

ASSESSOR MARTINEZ: Right now, the technology of aerial photography is getting better each year and the resolution is becoming a lot more detailed than what it was, the stuff that we're currently using, so I assume that going forward the aerial portion of it is probably going to get lot better and more tools that we're going to be able to utilize to be able to get basically effective ages of homes, being able to use that information there to better assess and get if a house is basically 100 years old and it's current we'll be able to look at that and say yes, it looks like it's only ten years old, because of the updates. So that technology is coming around the country and I think in the future it's really going to change with all the stuff that they have out there, at one point. But it changes really fast with the information that they have out there and what big jurisdictions around the United States as well as smaller ones are using to better assess property equitably.

COMMISSIONER MORENO: Thanks.

CHAIR HANSEN: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just also want to extend my gratitude and just thank you, Gus, Assessor Martinez for all your leadership and hard work. And please extend this gratitude to your staff. You do have an elite group with multiple leaders in it, so you guys do a great job. So I'm just really appreciative to your leadership and how you've run the office. Thank you.

ASSESSOR MARTINEZ: Thank you Commissioner Roybal.

CHAIR HANSEN: Any other comments. I too want to recognize you, Honorable Gus Martinez, for your hard work and your staff's hard work on doing such an excellent job and being recognized nationally for your contributions. I think it says a tremendous amount about the County that you are so committed to your staff and to doing things in-house. I think it creates a much healthier work environment and I really

appreciate that and I'm grateful for your service. Thank you.

ASSESSOR MARTINEZ: Appreciate that, Commissioner Hansen. And I'd just like to say, just for my staff, we were asked this year, next week to do a national seminar, via the internet of our office and the changes that we've made, and to help other jurisdictions in the United States. So IAAO, International Associations of Assessing Officers has asked us to do a webinar for the whole country. And so we'll be doing that next week, like I said, via the web and it's going to be asking questions just how our office has done what we've done.

CHAIR HANSEN: That's really exciting. Isn't it?

ASSESSOR MARTINEZ: Yes, it is.

CHAIR HANSEN: I think that that's great that we can be a leader in that, so thank you for your hard work and your staff's hard work. I'm really grateful. Thank you so much.

ASSESSOR MARTINEZ: Thank you.

CHAIR HANSEN: With that, we have a resolution that we need to pass.

ASSESSOR MARTINEZ: Yes.

CHAIR HANSEN: Okay, do I have a motion?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER MORENO: Second.

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

CHAIR HANSEN: So we're good to go for another year. Thank you so much. I want to go to Clerk Salazar, under Matters from other elected officials.

GERALDINE SALAZAR (County Clerk): Yes, thank you, Chair Hansen. What I'd like to let the public know is that today is the last day for voter registration, so our office, the Clerk's Office, closes at 5:00 pm, so if you have voter registrations you want to deliver, you need to deliver those hard copies before 5:00 pm.

In addition that, now that we can update our voter registrations, or register to vote on line, there's more leeway. So if you go on line after 5:00, you can make those adjustments, updates on your voter registration, or register to vote. So be aware of that. So today is the closing of the books. In addition to that, today is the first day of absentee in-person voting. The Clerk's Office at 102 Grant Avenue, this is where it's occurring, from Tuesday, beginning today, May 8th, through Saturday, June 2nd during regular business hours, Monday through Friday, 8:00 to 5:00. The office is closed Monday, May 28th in observance of Memorial Day. The Clerk's Office will be open for voting on Saturday, June 2nd only, but not the other Saturdays of early voting. So at this time it is absentee in-person voting. People can come in if they don't think they will be available during early voting, on-site early voting at the different voting center, or they will not be in town for election day June 5th, they can come in now until June 2nd to vote absentee in person. Thank you so much.

CHAIR HANSEN: Thank you for that. Yes, everybody who has those voter registration forms please bring them to the Clerk's Office before 5:00 pm today. And thank you to all the voter registrars out there who are working so hard to register voters. Thank you. With that, does anyone else have any comments? Manager Miller.

MANAGER MILLER: Madam Chair, I just under Matters from the Manager, I forgot to mention – and I don't know how I could forget because I'm actually sore from this – this weekend, on Saturday, I was fortunate enough to be asked by the firefighters union to participate in their Feel the Heat event, which they invited people, elected officials and managers from around the state to participate in Firefighter 101, I think is what they called it. And I got to experience a very small, small, small portion of what our firefighters and EMTs go through when they are on a call, from actually doing an extrication from a vehicle with the jaws of life, which by the way, weigh a ton. That's why I'm sore.

And they gave me an official – this is the real deal. Commissioner Hamilton told me it takes a lot to get one of these and I got it through Fire Ops 101. And I was on a team with Councilor Signe Lindell and Mayor Webber. I went up 100+ feet in the air – which I'm deathly afraid of heights – on a ladder truck, in the bucket. I was like: I'm not looking over the edge no matter what I do. They had us in a burn building with flames rolling over our heads and I actually was on the nozzle, put out the fire and I just have to say, it's amazing what our firefighters go through on a regular basis, how hard the work is.

They interviewed each one of us as we finished and I think one of the individuals was saying how you just can't imagine how much you sweat in all of that gear and I probably had eight waters that day and was still dehydrated, water was pouring off the bottom of the outfit. You just can imagine how heavy everything is, how much equipment they need. And their whole purpose in doing this was coordinated across the state with different counties and municipalities, was to demonstrate to elected officials and decision makers on how important their equipment is. And every little thing, down to just how you break a window in a vehicle, because a sledge hammer doesn't really work that easily, believe it or not. So each little piece of equipment, how critical it is for them to do their job and save lives every day.

I just want to say I think our local chapter of the union is trying to put one on just for the County at some point next year and if you have an opportunity at all, even if the physical requirements, because it was definitely physical, but if you can just go watch some of the things that aren't so physical, it's really an eye-opener if you're not a firefighter like Commissioner Hamilton and I think Commissioner Anaya has also been a volunteer firefighter. But if you get an opportunity to see some of these things up close, what they do, it's well worth it and it's incredibly educational and I just want to express my gratitude to Eutimio and Randall and Ramon Vilorio, they were the ones who convinced me I should give it a try. They were great. They were super-supportive all day, making sure I didn't look like an idiot trying to put out a fire. So I just wanted to express my gratitude to them and let you know kind of what they go through on a regular basis in doing their job. So thank you.

CHAIR HANSEN: Thank you, Manager Miller, for sharing that exciting event and for sharing your beautiful hat. I know that Commissioner Hamilton has something she'd like to say.

COMMISSIONER HAMILTON: It's actually a big deal. Lots of times you're on a scene and they'll stage a bunch of firefighters and you'll hear on the radio that they need a bunch of black hats down at the front of the event and that's because a

black hat is somebody who has passed Firefighter I and is qualified to go interior on a structure. So I'm very, very proud of our County Manager that she's now an honorary black hat.

MANAGER MILLER: It's only honorary.

CHAIR HANSEN: Congratulations. Any other comments from Commissioners?

VIII. MATTERS FROM THE COUNTY ATTORNEY: Executive session pursuant to Section 10-15-1(H)(7) to discuss threatened litigation regarding (1) a change in polling place pursuant to NMSA, Section 1-3-5 and (2) scheduled public hearing

BRUCE FREDERICK (County Attorney): We have executive session pursuant to NMSA Section 10-15-1-H (7) to discuss threatened litigation regarding one, a change in polling place pursuant to NMSA Section 1-3-5 and the scheduled public hearing.

CHAIR HANSEN: So the Board of County Commissioners will recess at approximately 3:38 pm and reconvene at the Santa Fe High School gymnasium for executive session and the public hearing portion of the agenda scheduled to begin no earlier than 5:00 pm.

MR. FREDERICK: So Madam Chair, if we could just make a motion to recess and reconvene at the high school and we'll start with executive session there at the high school.

CHAIR HANSEN: Okay, do we have a motion?

COMMISSIONER HAMILTON: Madam Chair, I'd like to move that we recess and reconvene at the high school for executive session, which will involved the matter just described by County Attorney Frederick.

CHAIR HANSEN: Do I have a second?

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: Before we recess, is there anything else that I've missed?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Was it my understanding we were going to do executive session so that we could just convene the public hearing at 5:00? So did that change?

CHAIR HANSEN: We're doing executive session at 4:00 pm at the high school, and I hope you are going to join us.

COMMISSIONER ANAYA: Okay. I'll see you there at 4:00 pm at the high school. Are you going to do executive in a certain room?

CHAIR HANSEN: Yes, there is a room but I am not privileged to that and I think that once you get into the high school you will be directed by staff to the correct room.

COMMISSIONER ANAYA: In the gym, I presume.

CHAIR HANSEN: We're going to the gym. Yes.

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COMMISSIONER ANAYA: Awesome. I'll see you there at 4:00. Okay.

CHAIR HANSEN: Thank you so much, Commissioner Anaya.

MANAGER MILLER: Madam Chair, before the Commissioner gets off the phone. I think what Bruce is anticipating is that you actually make the motion to go into executive session and recess, and do that as a roll call, so that as soon as you do get over there you're in executive session.

COMMISSIONER HAMILTON: And just for clarity, that was the intention of my motion.

COMMISSIONER ROYBAL: And my second.

The motion to go into executive session to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission recess to go into executive session from 3:42 p.m. to 5:42 p.m.]

CHAIR HANSEN: Good evening everyone and welcome to the Santa Fe High School gym. Welcome. First I would like to have a motion to come out of executive session.

COMMISSIONER ROYBAL: So moved.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: And everything we spoke about in executive session was what was motioned in the meeting. Roll call please?

CLERK SALAZAR: Chair, are you going into executive session again?

CHAIR HANSEN: We may.

Upon unanimous roll call vote, the meeting returned to open session:

Commissioner Hansen	Aye
Commissioner Roybal	Aye
Commissioner Moreno	Aye
Commissioner Hamilton	Aye
Commissioner Anaya	Aye

[Chair Hansen read the captions as shown below]

- IX. **PUBLIC HEARING which may include additional executive sessions pursuant to NMSA 1978, Sections 10-15-1(H)(3) and (7) of the New Mexico Open Meetings Act, as necessary, to conduct deliberations and engage in privileged attorney-client communications, respectively**

A. **Land Use Cases**

1. **Case # SCSD 17-5330 Pilot Travel Center, LLC Conceptual Plan. Exit 278, LLC/Pilot Flying J Travel Centers, LLC, Applicants, James W. Siebert and Associates, Inc., Agent, Request Approval of a Conceptual Plan to Allow a Phased Development on a Twenty Six-Acre Tract. A Minor Subdivision Will Be Requested to Create a 10-Acre ± Parcel For The Pilot Flying J Travel Center Development. Each Phase within the Minor Subdivision will be Subject to Stand-Alone Applications to be Developed in Conformance with the Approved Conceptual Plan. The First Phase Will Consist of a 10-Acre ± Parcel for the Pilot Flying J Travel Center Development and Approval of the Uses for the Pilot Flying J Development Which Will Consist of a 13,600 Square Foot Structure Housing Restaurants, Convenience Store, Restrooms and Other Amenities to Serve as a Travel Center/Truck Stop Type of Facility. The Site is within the Planned Development District Santa Fe Community College District (CCD), Employment Center (CCD-EC). The Site is Located at the Intersection of NM Highway 14 and I-25 within T16N, R8E, Section 24, SDA-1 (Commission District 5) Jose E. Larrañaga, Case Manager**

[Exhibit 1: Staff report; Exhibit 2: NMDOT, Matthew Grush email dated 5/2/2018; Exhibit 3: Letters of opposition received after staff's packet was compiled; Exhibit 4: Applicant provided NM Stat. 67-8-22; Exhibit 5: Applicant provided Santa Fe County Ordinance 2000-12; Exhibit 6: Applicant's presentation; Exhibit 7: Applicant's supplemental information; Exhibit 8: Santa Fe Community College Governing Body resolution regarding Fly J Truck Stop; Exhibit 9: IALA, President's letter dated 5/8/2018; Exhibit 10: League of Women Voters of Santa Fe County letter dated 5/15/2018; Exhibit 11: Statement to BCC, League of Women Voters of Santa Fe County, dated 5/8/2018]

CHAIR HANSEN: And also, I would like to in the process take a few moments to do a few housekeeping issues. First of all the restrooms are upstairs on this side of the building only. The restrooms on this side are under construction. That is the only place. I would also please like to ask everyone to please be respectful of one another. Please listen to each other in the most respectful way possible. And with that, I will turn this over to Jose. Welcome, Jose.

JOSE LARRAÑAGA: Thank you, Madam Chair. As I go along with my report I am going to provide a couple of handouts. The following items are being handed out to you: letters for opposition that were received after the packet was completed and an email from Matt Grush, District 5 engineer that states that he is in agreement with the summary conclusion and the supplemental analysis of the New Mexico 599 and New Mexico 14 as part of the TIA.

CHAIR HANSEN: Jose, you're going to need to talk into the microphone a little clearer.

MR. LARRAÑAGA: Thank you, Madam Chair.

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The Applicants are requesting approval of a Conceptual Plan for a phased development on 26.46 acres which may consist of the following: Phase 1 – Gas Station, truck stop, which includes an overnight semi-truck parking lot capable of accommodating up to 70 trucks, convenience store, and three fast food restaurants one with a drive-thru; Phase 2 – two hotels containing 100 rooms each; and Phase 3 – Full service sit down restaurant, retail shops, warehouse, and manufacturing/light industrial.

The Applicant states, “The use list would include the permitted and conditional uses in the Employment Center Subdistrict as shown on Table 8.4.4 CCD Use provided intensity of use for traffic generation, water and wastewater do not exceed selected uses. The applicants recognize that the gas station/fueling station is a conditional use, but believe that the Board of County Commissioners should be specifically apprised that a gas station/fueling station is proposed and that a conditional use approval will be sought.”

In a letter dated April 19, 2018, the Applicant identified uses that are not contemplated in the proposed Conceptual Plan. These uses are listed under the Industrial, Manufacturing and Wholesale category of Table 8.44 and are the following: Mill-type factory structures; Manufacturing Plants; Industrial Parks; Assembly and Construction-type plants; Process plants; Heavy Construction; Machinery related; Demolition, building and structure business; and tank farms.

On January 11, 2018, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the Conceptual Plan to allow a phased development on a twenty six acre tract, subject to the following conditions:

1. The 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 in accordance with Chapter 4, Section 4.9.9.9.
 2. Compliance with all Reviewing Agency/Department Comments.
- Paragraph 21 of the Hearing Officers Order states “However, the applicant’s attorney stated that they had filed a conditional use application and staff would not allow concurrent applications in this circumstance.” Staff would like to clarify this statement. A Conditional Use Permit application was submitted to Building and Development Services. Upon review of this submittal for completeness it was determined, by staff, that more information was required to process the CUP and also that the creation of three lots to allow commercial development on each lot constituted a phased development which requires a Conceptual Plan. The review of the proposed CUP is currently not being processed until such time that the Conceptual Plan is approved for the phased development and the required additional information is analyzed by staff.

On March 15, 2018, the request for a Conceptual Plan to allow a phased development on a 26- acre tract was presented to the Santa Fe County Planning Commission. The Planning Commission denied the request for a Conceptual Plan. The minutes of the March 15th, hearing and the written order are attached as Exhibit 18 & 19.

The applicant has requested a use list of all those uses listed as a permitted or a conditional use, and has specifically identified restaurants, hotels, retail shops, warehouse, and manufacturing/light industrial which are all identified in the Use Table.

The applicant also has requested a truck stop as a proposed use. “Truck stop” is not

a land use listed in the CCD Use Table and is actually comprised of several uses. Therefore, the Administrator looked at all of the individual uses that make up the proposed truck stop, compared these to those listed in the Use Table, and reviewed the LBCS and the NAICS in order to make a determination as to whether or not the proposed truck stop is allowed in this district.

The SLDC states that if a use is not listed in the use matrix, the Administrator may determine that the use is “materially similar” to a use within the same structure or function code as a use listed in the Land Based Classification Standards or within the same industry classification as the North American Industry Classification System. In reviewing these referenced documents prior to the Planning Commission Hearing, the Administrator found no reference to “Truck Stops.”

Upon further research of the NAICS, staff discovered that “truck stops” are listed as an example under the NAICS Code # 447190 “Other Gasoline Stations” is described as, “an industry comprised of establishments known as gasoline primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services, selling automotive oils, replacement parts, and accessories, and/or providing food services.”

The site is within the Planned Development District Santa Fe Community College District, Employment Center of the Sustainable Land Development Code, Table 8.44: CCD Use Table is the relevant Use Table in the SLDC.

“Truck stop” is not defined in the NAICS and may vary widely in their scale and types of services offered. The Administrator identified the various types of land uses comprising the proposed truck stop in this matter and analyzed each use as follows: Gasoline station, is listed in Table 8.44 as a conditional commercial use. Gasoline stations generally allow for fueling of all types of vehicles. Convenience Store or centers, is listed as a permitted commercial use in table 8.44. Beer, wine, and liquor store, is listed as a permitted commercial use in Table 8.44. Applicant proposes to sell beer, wine and liquor at the convenience store. Restaurant, with and without the incidental consumption of alcoholic beverages, is listed as permitted commercial use in Table 8.44. Surface parking, open, is listed as a permitted “transportation-related facilities” use in Table 8.44. In addition, truck storage and maintenance facilities and large vehicle/dealers, are listed as conditional uses. These latter categories indicate that large parking areas for trucks are allowed in the CCD-EC. Truck storage and maintenance facilities and truck freight transportation facilities are listed as conditional transportation related facilities uses and on Table 8.44; light industrial structures and facilities and several categories of warehouse uses are listed as permitted uses. All of these allowed uses contemplate significant semi-truck traffic and parking. Sleeping in trucks is not a listed use in Table 8.44 and is not materially similar to any use that is listed.

In conclusion, the Administrator finds that the proposed uses are expressly allowed under Table 8.44, either as a permitted or conditional use, with the exception of the proposed sleeping in trucks use.

The Planning Commission made the following Findings of Fact and Conclusions of Law: The Commission finds that the Conceptual Plan for the proposed truck stop/travel center is not in conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan because the truck stop/travel center is intended to

serve and would predominantly serve out-of-district and out-of-region travelers of the Interstate and not residents and business within the district and region. The Commission finds that the Conceptual Plan is not in conformance to the Section 8.10 because the truck stop/travel center is inconsistent with a village land use pattern as required by the Community College District. The Commission finds that the Conceptual Plan is not in conformance to the Section 8.10.19 because a truck stop/travel center is not a use permitted in the Community College District. The Commission finds that the truck stop/travel center is not a "gasoline station" allowed as a conditional use in the CCD. The Commission finds that the truck stop/travel center is not a "truck storage and maintenance facility" allowed as a conditional use in the CCD. The Commission finds that the truck stop/travel center is not a "truck freight transportation facility" allowed as a conditional use in the CCD. The Commission finds that the truck stop/travel center is not a "warehouse structure" allowed as a permitted use in the CCD. The Commission finds that the truck stop/travel center is not a "light industrial structure or facility" allowed as a permitted use in the CCD. The Commission finds that "truck stop" is not a listed use within function classification 4140 for "truck and freight transportation services" of the Land-Based Classification Standards of the American Planning Association and is therefore not "materially similar" to the listed use for "truck freight transportation facility" in the CCD use matrix.

On April 25, 2017 [sic], the Applicant submitted responses to the Planning Commission's Findings and Conclusions. And that is Exhibit 21.

Conceptual Plan, Section 4.9.9.1 Purpose states, "a conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports."

Section 8.10.3.5. Conceptual Plan Review Criteria. The criteria for approval of a conceptual plan in the CCD are as follows:

1. Conformance to the Sustainable Growth Management Plan as amended by the Community College District Plan;
2. Viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed; and
3. Conformance to the this Section 8.10 and other applicable law and ordinances in effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards.

The applicant has addressed the Conceptual Plan criteria and staff has responded as contained in the report. The Applicant has submitted the following required studies, reports and assessments: environmental impact report, adequate public facilities and services assessment, water service availability report, traffic impact assessment. the applicant also submitted a noise impact study and an air quality assessment. The Applicant has addressed the following SLDC design standards: fire protection, landscaping and buffering, fences and walls, lighting, signs, parking and loading, utilities, water supply, wastewater and water conservation, open space, protection of historic and

archaeological resources, terrain management, flood prevention and flood control and the plan district Santa Fe Community College District Employment Center and that's Section 8.10.3.

The applicant has addressed the conceptual plan criteria set forth in 8.10.3.4 as contained in the record.

Building and Development Services staff has reviewed the request for a Conceptual Plan to allow a phased development on a 26-acre tract for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conceptual Plan. The proposed Conceptual Plan is comprehensive in establishing the scope of the project; the site is within the Planned Development District Santa Fe Community College District, Employment Center Subdistrict, which 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; a Truck Stop is materially similar to allowed uses within the CCD Employment Center Subdistrict; Table 8.44, CCD Use Table illustrates the proposed uses are allowed as permitted or conditional uses within the Employment Center Subdistrict; the proposed Conceptual Plan has addressed the required Studies Reports and Assessments; and the Application satisfies the submittal requirements set forth in the SLDC inclusive of Criteria set forth in Section 8.10.3.

The review comments from State Agencies and County staff have established findings that this Application for a Conceptual Plan to allow a phased development on a 26-acre tract is in compliance with State requirements and design standards set forth in the SLDC.

Recommendation: The Administrator has made the determination that a Truck Stop is a Conditional Use within the CCD Employment Center Subdistrict for reasons included in this report with the exception of the sleeping in vehicles.

The Planning Commission made a determination that a Truck Stop is a use that is not allowed within the CCD Employment Center Subdistrict for reasons outlined in Exhibit 19. Staff solicits the BCC to make a determination whether or not the use of a Truck Stop and the proposed uses within the truck stop should be recognized as a Conditional Use within the CCD Employment Center Subdistrict.

The conceptual plan: Staff recommends approval of the request for a Conceptual Plan to allow the proposed phased development on a 26 acre tract, located at the intersection of NM Highway 14 and I-25, with the following conditions:

1. The 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 in accordance with Chapter 4, Section 4.9.9.9.
2. Compliance with all Reviewing Agency Comments.

This report and the exhibits listed below are hereby submitted as part of the Hearing record.

Madam Chair, I stand for any questions.

CHAIR HANSEN: Are there any questions from the Board?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm looking for Ms. Ellis-

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Green; if she could come forward, please. So, Ms. Elli-Green I'm not going to ask questions but I would like for you as our Land Use Administrator to say a few things and then I'm going to ask Jose, I'm going to ask yourself, I'm going to ask anybody else that comes and makes reference to the Community College District or the Sustainable Land Use Code or the Community College Employment Center, I'm going to ask each of you to make reference to that, respectfully, verbatim. Because – and I know Jose that when you're making presentations we can sometimes fall in the habit of acronyms because we utilize them all the time but for the listening public that may not be present here and even though those that are present here, a lot of those acronyms can get really convoluted and confusing, even for me, and I've been listening to it for some time now.

So, what I would like you to do, Penny, for me, is just go through each of the acronyms that we're going to be utilizing on a regular basis and say them again slowly and this is not picking on you in anyway, Jose, I just Ms. Ellis-Green to do this. And go through those that are listed in there so those that are listening or may listen to this in the recording will know what each facet is because they're all going to plan into discussions that happen throughout tonight and then ultimate decisions. And so you can start at the beginning of the memo if you want, Penny, but – Sustainable Land Use Code, NAICS what that is and then land use based classification standards, some of those things. Say what they are and then give brief description as to what each piece is so that we're all brutally clear as to where we're at with each of those acronyms and functionally how they are attached to decisions that we make on a regular basis.

Thank you, Madam Chair.

CHAIR HANSEN: Sure.

PENNY ELLIS-GREEN (Land Use Administrator): Madam Chair, Commissioners, the first thing I would like to point is the SGMP. That is the Sustainable Growth Management Plan. That is the County's guiding document related to land use. On page 6 of your report we have statements from this plan and how it applies to this project. The Sustainable Growth Management Plan is amended when a community or an area does a plan that covers that area. And this area is covered by the Community College District Plan. That is the CCD Plan.

We then look at the use list and the use list is in the SLDC. The SLDC is the Sustainable Land Development Code. That is the code that puts the land use element of our plan – that is the land use rules for our plan. So in that code you have Appendix B which is the use matrix and this is for the countywide uses. They list every use or a lot of uses in every zoning district and in that it will tell you if the use is P which means permitted. That means it is handled administratively. A C means a conditional use. It is done through a conditional use permit. A is an accessory use meaning it's accessory to another type of use. A DCI is a development of countywide impact. And an X on that table is a prohibited use.

When we look at the Community College District, they have their own rules. That is in Chapter 8 of our code. So that will have its own use table. So that is the use table that Jose spoke about – Table 8-44 is the CCD, the Community College District Use Table. And what the Code says is that if the use is listed we know very clearly how it is processed, whether it is a permanent or conditional use, an accessory use, a prohibited use or a DCI. When it is not listed the Administrator may determine that the use is

materially similar to a listed use. And then it gives some ways that you can do that so what staff did was take a look at the uses and see what was materially similar. It then goes on to say if the use can't be located then you look at the LBCS, Land Base Classification Standards. So that's a standard that is used in planning and it lists different types of uses. It then goes on to say, the Administrator shall refer to the most recent manual of the NAICS which is the North American Industrial Classification System. And, again, that is another list of uses.

COMMISSIONER ANAYA: Madam Chair, just for clarity. When you say it says, it says it in our code that these are the documents that we're to refer to and utilize when making a determination. That we say that in our code. Not the plan, but the code itself.

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes. What it says is that uses not specifically enumerated, if a use is not specifically listed in the use matrix the administrator may determine the use is materially similar to a use listed. If the proposed use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix. So a function and structure classification is in the Land Base Classification System. Then it says, or if the use is listed in the Land Base Classification System the Administrator may refer to the most recent manual of the North American Industry Classification System, NAICS.

So those are the documents we looked at. We looked at the Code . Table 8-44, which is the Community College District use table, whether or not they were uses that were similar, materially similar to what was proposed. We then looked at the LBCS, the Land Based Classification System and then on to the NAICS.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya. Now I believe we will go on to the applicant and I believe we have somebody here also from the Gateway Community. Thank you.

KARL SOMMER: Good evening, members of the Commission. In front of you is a booklet and it has the slide presentations that we're going to be using to walk through our presentation and it will also be up o the screens and I will tell them next slide so they're all looking at the same thing that we're all looking at. The slides are numbered at the bottom for your reference. If you –

CHAIR HANSEN: Excuse me, but how long do you plan to speak and would you please introduce yourself so everyone knows who you are?

MR. SOMMER: Certainly, certainly. My name is Karl Sommer, Madam Chair. I am a land use lawyer here in Santa Fe. I represent the applicants Exit 278 LLC and Pilot Travel Centers, LLC.

CHAIR HANSEN: And how long do you need?

MR. SOMMER: Our total presentation is about 55 minutes.

CHAIR HANSEN: Okay, please. Can you shorten it?

MR. SOMMER: We'll move as quickly as we can through it, Madam Chair. I would say for the record that the last hearing that we were at the public was given 3.5 hours at that hearings, 3.5 hours the hearing before and the issues that have come up are fairly complex but we will move it along as quickly as we can. Anything that is repetitive we will try and cut out, okay?

CHAIR HANSEN: Okay.

MR. SOMMER: So in front of you –

CHAIR HANSEN: Please be [speaking to the audience] even though we have a lot of disagreements here I really want us all to be respectful. So even though you may disagree with Mr. Sommer and the applicant still try to be respectful. This is a public meeting and we need to treat to one another with respect.

MR. SOMMER: Thank you, Madam Chair. We will move as quickly as we can. As I said, my name is Karl Sommer and I represent the applicants here. Tonight on behalf of the applicants is Mr. Warren Thompson with whom you are probably all familiar. He is the principal of Exit 278 LLC which is named after the exit here on I-25 and I-14 and also Mr. Ross Shaver who is here on behalf on behalf of Pilot Travel Centers LLC. They can answer any questions that you might have after our presentation of them specifically. Also here tonight is Mr. Jim Siebert of Siebert and Associates with whom you are also familiar. He has been working here for over 40 years and he has a very long history with this property and he has done the majority of the planning. And we also have here tonight Mr. Ron Bohannon from Tierra West, he is a traffic engineer and Mr. Terry Brown and they both have worked extensively on this and can answer any specific questions you have about traffic. They are going to make a presentation.

Also, on page 2, slide 2 of the presentation, I said that the slides are numbered at the bottom so if at any time you want to refer to a particular slide, in the bottom right hand corner you can refer to a page number. That might make it easier if you have a question about a specific slide. On slide 2 is the long list of professional and technical experts who have submitted and whose work is in your packet and it has been extensively reviewed by your agencies within the County and the agencies of the state. I'm not going to go through each one of them.

So why are we here? We're here on a conceptual plan. A conceptual plan basically is required because this property is going to be developed in phases which you would expect of a 26.4 acre parcel that you're not going to have a single user and that a phased development is likely. The code says that it is required under Section 8.10.3.4 of the SLDC. Commissioner Anaya, is it all right if I refer to the SLDC or do you want me – I was a little confused. Shall I say – is SLDC all right and the other acronyms.

COMMISSIONER ANAYA: I think everybody is aware of what it is but the more we say it with clarity the more people can understand it.

MR. SOMMER: Very well. I will avoid the acronyms if I can and it's not redundant. So the code says, you need a conceptual plan. This is not a site plan for any particular use. This is not a conditional use permit. This is a broad plan required by the code to develop this property. The property owner, Exit LLC, needs a plan approved in order to develop this property in phases. What is a conceptual plan under the code? The code, the SLDC, in the Community College District is defined in Section 8.10.3 on slide 4. I've highlighted just a couple of things that are important for to your consideration. The Planning Commission went deep, deep into specific uses but as you can see, a conceptual plan establishes category of uses. It does not establish a specific use. And it's very explicit in paragraphs 3 and 5 of the requirements of a conceptual plan, that it establishes categories usage. Your table for uses in the Community College District, Table 8-44, is set up like this: it has a category, like industrial, and then under that

category of uses it has very specific uses and those are actual uses. So category of uses and specific uses. That is merely what your code has set up and that is the purpose of a conceptual plan.

This conceptual plan is for a property in the employment center of the Community College District. If you look at slide 5 which is in front of you, you'll see in the pink area, this employment center district. It's an EC district in the Community College District. The Employment Center District is defined very specifically what its purpose is in the SLDC in Section 8.10.3.13 on page 6. And I've provided that so you can look specifically at the highlighted language there. What is the purpose of an employment center in the Community College District? To establish anchor businesses. Businesses with special needs for access. Buffering or visual or noise of other impacts. This, importantly, is an multi-use environment for light industrial and business uses. This is different than every other district allowed in the Community College District. It is unique because of the uses. That fact and the Code that defines this was ignored by the Planning Commission. Absolutely, ignored. When you look at the purposes of an employment center you will find that it is in conformance with the Growth Management Plan and I'm not going to go read them but on page – paragraph – on slide 7 for you all, you will see the policies of the SMGP, the growth management plan, that speak to the establishment of employment centers and the purposes behind them and the employment centers in the Community College District embody these policies. I said this district is unique. On slide 8 you will see all of the districts allowed in the Community College District: village zone, new community centers, neighborhood centers, village neighborhoods, employment centers. Among all of these the employment center is very different. These other uses, with exception of the media district which is more broad based like the employment center, all of these other centers speak to local, retailers that serve the local, jobs locally, the employment center is different. Look on page 9, you will see the allowed uses in this district. Now when I say allowed uses, I don't mean just allowed. These uses are permitted today. An applicant can walk in, file an application that is administratively approvable. And look at that list and it speaks very, very broadly to the purposes behind employment centers in the Community College District. Warehouse structures – so you have categories of uses on Table 8.44, these are the categories on the left and then you have the specific permitted uses in these district, in the Community College. Warehouse structure, large area distribution or transit warehouse. And you can imagine a UPS distribution center. A FedEx distribution center and what happened in these is people sleep in their vehicles often that is part of the use of those. Automotive paint and body, that's an existing use in this district, a very large one which you'll hear about. Warehouse and storage facilities with no size limits except you will find that the floor area ratio in this would allow up to a 3.0 floor area – that's a huge structure and facility as a matter of a permitted right to use. Light industrial structure and facilities, refrigerated warehouse and cold storage, produce warehouse, wholesale trade and durable goods – importantly, you will see under the utility category highway rest stops and welcome centers. We all know that there's a highway rest stop on I-25 when you come over La Bajada Hill. What do people do at the highway rest stops? What are they for? They are for people to stop and rest while they are driving and while they are traveling. What do they do at rest stops? You can go past that one at any time of the day

and you will find semi-trucks, travel trailers, cars parked and people sleeping in them. So in this district, a rest stop is an allowed use. A rest stop includes people sleeping in their vehicles. County staff has said to you, Well, that's no in conformance with the plan but if you look at the code, a rest stop is a permitted use. Under state statute there is a statute that is addressed in this specific issue. It's NMSA 67-8-22 and it's a regulation that says, At a public rest stop you can't stay at a public rest stop more than 24 hours in a three-day period. What do you think people are doing in a 24 hour period in their vehicle? They are sleeping. That's the purpose of a rest stop. The reason we make that emphasis is that this plan, every use within this plan shows up on the allowed use and highway rest stop is a permitted use.

CHAIR HANSEN: But, Mr. Sommer, there is nowhere that it says in the code the things that you have put in parenthesis that includes sleeping in a truck. There is nowhere that it says that in the code.

MR. SOMMER: You are correct. Those are my parenthetical editorial comments.

CHAIR HANSEN: Please, we do not need to applaud or comment. Go ahead.

MR. SOMMER: As staff has confirmed for you, our application is complete. That means that we submitted everything that is required of the code and further that it meets the standards. Staff has confirmed every agency that has confirmed that has looked at this, the Highway Department, every agency charged with responsibility has said this application meets your standards and they recommend approval.

The Hearing Officer in a very detailed order recommended approval after a 3.5 hour hearing and a very extensive review of the record and all of the submittals.

The bottom line is, for a conceptual plan under your code, these applicants have filed everything required by your laws, have met every criterion that your laws require to be met and as a matter of law, they are entitled to approval. And it doesn't deal with specific uses. The Planning Commission on the other hand, got it wrong. They injected improperly the issue of a specific use and then made a determination that a truck stop was not an allowed use and I'll go through that in specific. So they improperly interjected this issue of use which is not to be determined under a conceptual plan. Then they got it wrong. Let me explain, I don't think this Board needs to get into use but it's in the record everywhere so we need to protect this record and I want to demonstrate to you that they got it wrong because the express language of your code deals with and permits truck stops. The second thing is the code requires an analysis to be undertaken by the Land Use Administrator. She did that and she arrived at the inescapable conclusion that under that analysis a truck stop is allowed. And then finally and probably most importantly on this property the history of the approvals and your codes demonstrate without a doubt, unquestionably, that every use that is requested in the category of uses on this property are permitted as a matter of right because of a master plan and the codes that were adopted. I'll demonstrate each one of those.

I said to you that the express language deals with it on slide 11 that is a copy of chart 7.6. Let me explain to you. The Planning Commission you probably all read the minutes, they reasoned as follows, Well, I looked at the 8.8-44 and truck stop is not a

listed use. And somebody pointed out, staff pointed out, Well, truck stop actually is listed as a subcategory of a use that is allowed. In 7.6 the code says there is a parking standard for truck stops and it says that truck stops are a subcategory of warehouse and freight movement. So the code itself, the language in the code says, truck stops subcategory of a use that's allowed in the code. That's right there in the code. The Planning Commission ignored that. And they reasoned it away. They said, Oh, wait a minute. It's not listed specifically in this district and therefore the drafters of the code and those who adopted it, this Board, intended to exclude it. They didn't say so, but they intended to exclude it because they obviously knew what a truck stop was and then they intended to exclude it because they didn't list it specifically. And then we pointed out to them, well, you know what, it's not listed specifically anywhere in the code. There is no reference to truck stop anywhere in any of the use lists allowed in the code. So by their reasoning the SLDC has a parking standard for a use that is not allowed anywhere. It's illogical and it's absurd. But it demonstrates that the Planning Commission was simply trying to reach a result: a result of a recommendation of denial. It's improper and it's not in conformance with the law or the express language of the code.

So I said Penny has already gone through slide 12 about what a plan, a permitted and conditional use – I won't repeat that but it's important because throughout this hearing we're going to say, this is a permitted use of right. Those aren't my words. They're found in the code in that chart on Table 8.4. A permitted use is permitted by right. That means that the code gives one a right to a use if it's permitted. So I said the Planning Commission got it wrong because they ignored the express language of the code. Then they didn't even go through the analysis that the code requires. Ms. Penny Ellis-Green went through the analysis. Staff went through the analysis and the analysis says, Look you have a category of a use, then you have specific uses and if the specific use is not enumerated there, there is a process you must follow to get to whether or not the use is there. Slide 13 provides you the language in the code that says exactly what should be done and I've highlighted the important parts. I'm not going to read the whole thing. The basic inquiry is this, you're looking for whether a use is materially similar, that's the language in the code. And you go to two places. First you go to the Land Base Classification Standards and if it's there, end of inquiry. If the use is there and it's functionally similar, end of inquiry. If it's not there, you go on. And you go on to the North American Industry Classification System. I provided to you on slide 14 the actual language out of that planning document and I've circled where the road truck stop shows up as another gas station use. So under the code you ask the question, can you find in the NAICS and if you can, it says a proposed use shall be treated in the same manner as a listed use which it is materially similar. So under the NAICS, a gas station – a truck stop is an other kind of gas station and the code says, it shall be treated as though it's a listed use. For example, it says, if a proposed use is material or similar to a permitted use the proposed shall be a permitted use. It says it's a permitted use. It doesn't say it's a condition use. It says it's a permitted use.

CHAIR HANSEN: But that's not in our code. That's in the NAICS.

MR. SOMMER: No, that's in the code. That's Section 8.4. That's the language in the code right before 8.4. Nonetheless, Ms. Penny Ellis-Green decided that, well, it's a conditional use but she did not conclude, like the Planning Commission

concluded, Oh, it's not a use allowed at all. And the purpose of my pointing that out is that the Planning Commission decisions was very result oriented. The decision was made before the hearing was over.

I said that it was wrong for three reasons. If you go to slide 16 you'll see the history of approvals of the subject site summarized. This is extremely important to this case. I've said to you all, you don't need to get into the specific use. Planning Commission got into the use. But if you get into the use and you look like we have looked now as a result of that at the history of this property, the history of your codes including the SLDC, the conclusion is unquestionable that all of the uses proposed are permitted. Let me go through them. The code was adopted and as a matter of the public record I have given the

Clerk a copy of all of your codes all the way through the Community College District because the SLDC replaced all of those codes. The code was adopted in 1980. It was amended and restated in 1989. It was again amended and restated in '92 and '96 and then in 2000 the Community College District was adopted and then the SLDC in 2016. Those are all part of the record. I'm going to go through the relevant portions for you to understand.

In 1989 the County Commission adopted a code that said on this property if you want a use you have to file for what was called a Major Center District and you had to file a master plan. And that master plan had to specify uses and that plan had to be approved by the Board of County Commissioners. So when the plan was submitted to the Board of County Commissioners there was a discretionary approval and it resulted in either approval or denial. In this case, in 1989, on this property and throughout the Rancho Viejo owned property, a master plan for a major center district under the code that was in effect in 1989 was adopted. That master plan under the code was alive for five years and extended successive five years for actions that were taken in accordance with that plan. So in 1989, as a matter of right after the Board of County Commissioners adopted the code, on this property there is a designation for traveler services which are defined on the plan and in the code as hotel, gas station, and convenience and restaurant: every one of the uses that we're talking about here.

That plan stayed alive because the property was developed in accordance with that plan successively, year after year. On slide 17 you'll see that that plan was recorded and I've provided you on slide 18, this property was designated commercial industrial uses, hotel, restaurant, gas station and that's right on the face of the plan and it was also designated traveler services. So in 1989, after a discretionary approval, these uses were established as a matter of right.

The plan continued to stay alive because Mr. Thompson's family, the partners of Rancho Viejo developed that property in accordance with that plan all the way up through today. Through the development of the Community College District. Through the adoption of the SLDC. They have never stopped developing in accordance with that plan.

In 2000, the plan was still alive because they were developing in accordance with the plan and it had been extended successfully and successively, the Community College District was adopted by the Board of County Commissioners and in front of you, you will see the front page of the Community College District Ordinance. It's 2012 – and you'll

see behind that front page, it's a loose sheet that I left for you up there so I wouldn't have to walk up there, it says Ordinance 2012. Behind it you will see what it says about existing master plans. So in the year 2000, the Board of County Commissioners adopted that ordinance and it says, you can continue to develop in accordance with the approved master plan. So the Community College District said, expressly, with respect to this plan, you can continue to develop in accordance with it. It's absolutely clear.

So they continue to develop. The Board adopted the SLDC in 2016. So from 2000 to 2016 these properties were developed in accordance with those plans. If you look at slide 20, this is out of the code that you adopted, the SLDC. It's upfront and it says, what is the status of a master plan as of the date of the code's adoption in 2016? Section 1.11.1, I have it highlighted in red, it says the zoning map adopted in conjunction with the SLDC shall incorporate zoning and rezoning of property actions completed prior to the effective date. Your map was required under your code to adopt those zoning actions. I don't believe it's on your map. I think that is a mistake. More importantly, at the bottom of the same section, the very last sentence which is in red, any zoning established by an expired master plan shall be included in the zoning map as described in Section 1.11.1 of the SLDC, that's the one I just quoted. Your code in 2016 said, if you have a master plan our map is suppose to incorporate it. If your master plan is expired our map is supposed to incorporate it: it didn't. That's a mistake. That mistake does not prevent this property owner from using this property in a manner that has been planned for over 40 years. This code follows 40 years of adopted code. When the code was adopted in 1980, this property was designated as a traveler center district. All of the uses were allowed. When it was amended and restated and the Community College District, and the SLDC, all of them talked about these uses: every one of them.

So I say to you, if you're going to get into the question of use there is a mountain of information that leads to one conclusion. That the uses that are listed and proposed and will be proposed are there as a matter of right for at least those three reasons: the express language of the code, the determination following the code's analysis done by Ms. Penny Ellis-Green and the history of the approvals on this property. I think it is unquestionable.

In short, our application complies. We met the criteria. It has been recommended for approval by all the professionals you pay to look at it. You sit here tonight like judges. You are to take the law as it is written, your code as it is written and apply it to the facts that are presented to you. And when you play that role you will find that there is one conclusion, that as a matter of law this conceptual plan should be approved. The specific uses, you should leave to another day. But if you get into the use and you decide that you want to get into the use, there's only one conclusion that you can draw.

I'm going to turn it over now to Mr. Jim Siebert who will go over the basic elements of our plan and we'll answer any questions you might have at the end. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Mr. Sommer.

JIM SIEBERT: Madam Chair, my name is Jim Siebert. My address is 915 Mercer, Santa Fe.

Let me go back to the Rancho Viejo master plan for just a moment. What this really is the basis of the Community College District Plan and what I would like to point

out is that if you were to take an aerial photograph today and overlay it on top of this plan, you would see that many of the uses that are proposed here have actually been implemented on the ground. The road which is coming down from Richards Avenue is the same. The Avenida del Sur is the same coming around A Van Nu Po serving the IAIA, the Institute of American Indian Arts, the Rancho Viejo Boulevard –

CHAIR HANSEN: I believe you're on page 20 but I want to ask the Clerk a question. Do I need to have Mr. Sommer and Mr. Siebert sworn in?

BRUCE FREDERICK (County Attorney): Madam Chair, I think Mr. Siebert definitely needs to be sworn in. Karl Sommer is kind of in a hybrid position –

MR. SOMMER: I don't mind.

MR. FREDERICK: If you wouldn't mind being sworn in that would be great. Thank you.

CHAIR HANSEN: And anyone else I need to have sworn in.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Just respectfully, Bruce, in the name of consistency I believe attorneys have never been sworn in because of the oath they take as legal counsel. I guess – I think they'll do it but respectfully, I don't want to be doing things that aren't consistent with what we've done. So can you help me with that?

MR. FREDERICK: Sure. Madam Chair, Commissioner Anaya, Mr. Sommer is presenting what I think he wants to be evidence. He's presented a power point here. He's doing both. He's presenting facts and he's presenting evidence. If he wants to argue that he should be treated exclusively as a lawyer, I am open to that argument. It sounded like he didn't mind being sworn, however.

CHAIR HANSEN: And maybe at the same time, Mr. McQueen, Mr. McQueen, would you like to be sworn in also even though you are also an attorney? Okay. Any of the other applicants at the moment who are going to be speaking, I would like to just swear you all in at the same time. And then we're going to also going to go to a public hearing where we swear all of those people in also, but – are you going to tell me something else, Mr. Frederick?

MR. FREDERICK: Madam Chair, I think just to keep track of who is sworn and who is not, I think before they testify would be a good time to have them sworn in.

CHAIR HANSEN: Okay, okay, thank you.

Clerk Salazar administered the oath to the applicant's team. She asked that each speaker provide their name, address and confirm they are under oath.

MR. SOMMER: For the record, that applies to the information I just provided.

CHAIR HANSEN: Okay, thank you. And now, Mr. Siebert, what page are you on? I believe you are on page 20.

MR. SIEBERT: We're actually on page 21. I guess let me repeat myself. My name is Jim Siebert. My business address is 915 Mercer and I have been sworn. Just to give you a little background on myself; I have been doing this either in the public

sector or private sector planner for 40 years in Santa Fe. This plan you have before you is dated 1989 so it's approximately 30 years ago and I'd like to point out that I'm still standing.

What we were saying before this was that what you look at here is really the foundation of the Community College District plan and it has obviously evolved over time and things have changed. And probably the most critical element that has changed is the density of residential development. This plan was one unit per 2.5 acres which was the maximum density that was allowed by Santa Fe County Code at that time. But once again just to focus on State Road 14 in the far left that that was designated as traveler services. And within the traveler services they had those uses that Karl spoke about; the convenience center, the restaurants, the gas station and hotels. So all those uses that are proposed now are really consistent with that.

Let's go to slide 22 and this is an aerial photo of the site with the boundary in black and it's looking towards Santa Fe, towards the mountains. On the left-hand side you'll see I-25. On the right-hand side you'll see State Road 14 and you'll notice that Rancho Viejo Boulevard which is kind of halfway down the property on the right-hand side has a stub out there for what would be the fourth leg, the future fourth leg to the intersection. It's a signalized intersection and we do plan on using that fourth leg. We'll be extending that fourth leg into the property. There's a building down below that's an auto body shop and we'll talk about that a little later.

So what exactly is the conceptual plan and I think the one thing that you'll find different here is you're not going to see any buildings. You're not going to see any parking. You're not going to see any landscaping. That's not a requirement of the conceptual plan.

The conceptual plan is really meant to establish intensity of uses. To prove that the traffic, whatever you're proposing in the way of traffic generation doesn't harm either the immediate access site or other access sites identified from the Highway District 5 Highway Department. The utilities are they adequate to serve the property? If they're not, if they're deficient; how are you going to take care of those deficiencies? And then what are the public facilities? Where is the fire station? Where is the sheriff station? All of these studies, the studies, reports and assessment, the SRAs in the Sustainable Land Development Code identify how you go about preparing those studies and it identifies exactly what the intensity of use is. So as long as you stay within that intensity of use, all of those uses that you've listed are eligible uses. If you go outside that intensity of use then you have to start the project over. You have to determine exactly how that intensification affects the property and how you're going to deal with it.

What I'm going to do, and we're going to do this fast here. Karl talked to you about the employment in the pink. We're just simply going to take you from the north end of that and walk you down through a series of aerial photographs and kind of showing what are existing uses. And the point here is that these existing uses are not locally oriented. They really serve a regional community.

The first slide is at the far north end, it's a company that builds building forms and distributes them throughout the state. And the interesting thing about this is that previously it was a bulk fuel plant. It's where Berridges distributed gasoline and diesel throughout Santa Fe and northern New Mexico to serve their case stations. Moving

down this is a company, a contractor, who does large scale water features. He does very elaborate things that require bringing in pretty substantial materials – i-beams and those sorts of things. His area really is the southwest. Moving down we have the auto body shop which is immediately adjacent to this particular property and the thing I would like to point out is as Karl referenced, this is actually a permitted use by right in the employment center district. In other words, there is no public hearing. You come in, you submit your plans for administrative review and you get your building permit. The next one is the PNM service center and it's a combination of administrative office and also their yard where they store their materials to distribute them throughout Santa Fe County and the region.

Moving down, this is Gruda Veterinary clinic. You'll notice that pretty much all this property is either building or parking which was something that was allowed under the previous code, the Santa Fe County Code. And then moving on down further, we have the Santa Fe Brewing facility which has recently expanded and you can see the trucks in the background. All of these uses require heavy trucks to bring things in and take things out. And, once again, they serve – Santa Fe Brewing serves more than Rancho Viejo and the immediate area.

So on utilities, I'm not going to go into detail on this, but the key is that there is a water line – a 16 inch water line and a 12 inch water line. We were requested by the Public Utilities Division of Santa Fe County to do an evaluation of what's the capacity of that line and only the City of Santa Fe has the computer mechanism to do that. They came up with a capacity of 2,500 gallons per minute which will satisfy any fire code of almost any use on this property much less the uses we're proposing.

And what we've done is listed all the utilities that are either adjacent to this property or on this property have capacity to handle the full development of the entire 26 acres. The one exception is sewer. So we worked with the County Public Works to determine what is the best solution to that and they said they want a force main from this site going down State Road 14 to a manhole on State Road 14 which is approximately 3/4 of a mile away. And then from that manhole it discharges into the Quill plant. The cost of that line is approximately \$680,000. The developer is responsible for paying for the total cost of that line. What does that represent? Well, it represents revenue to the County. It represents jobs to put in that line which is a considerable length of line and it also allows people along the State Road 14 corridor to connect into it. So instead of having a proliferation of septic tanks and leach fields, you know have the ability to provide for a community sewer system.

I talked previously about the reports, studies and assessments here's a list of them. The traffic study and I'm not going to go into details on this because Ron Bohannon is going to discuss it. Air quality report really was something that is not required by the Sustainable Land Development Code. It is something that the applicant provided to address some of the concerns that we heard during the hearings or during the public meetings and the finding was that there is no impact in terms of air quality from this project. There's a noise study and the noise study came to the same conclusion that on the boundary of the property that the noise limits satisfies the requirements of the Sustainable Land Development Code. And theirs is an environmental impact study that was done also and that environmental impact study satisfies every requirement and

standards of the Sustainable Land Development Code.

This is a status, on slide 32, I'm not going to go through every one of these. But let me just say, every agency that has reviewed this, the Land Use Office, the County Hearing Officer, have all read the reports and said they are in compliance. The only one that we haven't got any report from is the County Sheriff and in my 30 years with the County, I have never gotten a report from the County Sheriff. So with that, I'm going to let Karl take over.

MR. SOMMER: I'd like to introduce Mr. Ron Bohannan. You're going to hear a lot tonight as we've heard over the course of the last nine months about traffic. I will remind you, the code specifies what the criteria is for approval. That means you must prepare a traffic impact study that the scope of which is defined by the Department of Transportation and by the County. They sit down with the engineer and they say, We want you on this project to give us an analysis of x, y and z. They tell you what they want. We did that. We submitted that. It was approved. You'll hear about that.

They did not say, and this is critical, they did not say, Give us an analysis of the safety of the diverging diamond interchange, the DDI. They didn't say that. They didn't say you have to tell us whether this is safe or not safe. However, time after time we have heard that this is not a safe intersection. It doesn't work, etc, etc, etc. So we've delved into that for you and you'll hear about that. It is not a criteria for approval. It is not something that the department asked for. It is not something that the code requires. But we have addressed it so you're not left with the misimpression that there is a traffic problem.

RON BOHANNAN: Madam Chair, my name is Ron Bohannan and I was previously sworn in. My address is 5571 Midway Park Place, Albuquerque, New Mexico.

Good evening. Terry Brown and I have been working together for 30 years and between the two of us we have approximately 90 years of engineering experience. We are both registered professional engineers and what does that mean? Just like the attorneys we follow an act to protect the general public in health and safety and welfare of the general public. That is what a registered professional engineer does and that is of the utmost importance to the engineering community. I also sit on the Professional Engineer and Professional Surveying Board that administers that act. So we take the act very clearly and very dearly.

I want to give you a little basis of what a traffic impact analysis or traffic impact studies do and what the purpose of that is. So a TIS or TIA is basically to look at the proposed development. Look at the traffic network. Analyze that network and the utmost important thing is to protect the general public safety. That is the primary purpose for doing that report. If we can go to slide 34, thank you, it's up. So on slide 34, that study as Karl alluded to, we had a scoping meeting with the DOT and the County and they said we want you to look at these intersections and analyze those based on your proposed use. We did that and the DOT provided that approval letter. During the courses of the hearings, if we go to the next slide, the public has raised concerns about the divergent diamond interchange or the DDI. It's a brand new concept that the traffic community and all the DOTs across country is embracing. There's approximately 100 DDIs or divergent diamond interchanges built and there's probably equal number being

proposed and designed as we speak. What we've heard and what we're going to cover tonight is that the DDI is not safe, that it's not designed for the volume and size of trucks that the use on the proposed site is going to generate too much traffic for this DDI and then we're also going to cover that the New Mexico 599 and 14 interchange is not safe. And then the final one that we'll address is the New Mexico 14 cut through to I-40 that will increase traffic on New Mexico 14. If you'll go to the next slide please.

So the DDI was weighed – and in our review from the last hearing I was commissioned to look at the design of the DDI. So what we did was we interviewed the design professional, Kevin Eades who is a registered professional engineer with Molzen Corbin. We then went to Paul Brasher show is a registered professional engineer at District 5 and then we further went and talked to Assistant Secretary Anthony Lujan and Secretary Tom Church. So we did a thorough review of this interchange. The interchange, we also looked at all the truck, train movements through this whole interchange. We looked at the volumes and it has been designed and developed in accordance with all federal and state AASHTO standards.

What makes this interchange better than a typical diamond interchange is the seven points that are listed on this slide. The first three are probably the best and in Santa Fe the sixth one is also very, very important. The first one is that it has fewer conflict points. And you're saying, What is a conflict point? A conflict point is when you're turning through an interchange or you're making a lane change or you're actually interacting with oncoming or different types of traffic movement. A typical diamond interchange has 26 conflict points. So 26 known points within that interchange that you have a potential for an accident. The DDI reduces that to 14. So it has a huge reduction in conflict points. Further, in a diamond interchange everything is brought together compactly so that you reduce the movements across signals and those types of movements. The DDI spreads things out and doing that it does a couple of things. It shows things down and it gives you better sight distances through this whole thing. What I think is really important in the Santa Fe area is number six. It really promotes and orchestrates traffic movement. So getting rid of the wrong way traffic onto the interstate is greatly enhanced.

So what we also looked at was the merge lane from the left. There was two movements southbound Interstate 14 to the southbound I-25 to southbound 14. That movement complies with all the MUTCD, Manual Utility Traffic – I use that acronym so much it's hard to – Manual Uniform Traffic Control and is the same truck movement as any off ramp onto a frontage road. So if you're on an interstate and you're using an off ramp and you go onto a frontage road, that movement is exactly the same. So that movement is used throughout the country. We looked at it through our modeling. We saw that the actual move distance are correct and so it conforms with all the original design and safety areas. If we go to the next slide. This is probably one of the things – excuse me, this is a similar project in Grand Junction, Colorado. On the lower right is a divergent diamond interchange. It's almost the same dimensions as your one on Cerrillos Road. To the north is a Love's truck stop and a Pilot Travel Center. The divergent diamond interchange is designed to the traffic volumes to 2040. And so the state highway department and the federal highway department looks at traffic growth, looks at all the traffic through that and looks at capacity. They are not going to invest millions of

dollars for an under designed interchange. This interchange has adequate capacity. What is shown up in this area is that this actually has more capacity and it has twice the trucks stops that are looking at here. Next slide please – go back one, sorry.

So what will be proven over time, slide 36, thank you, what will be proven over time and what's coming out of these first hundred DDIs is the safety of these interchanges. What we've already seen right now is that the accidents on these interchanges have been reduced up to 33 percent. Of those 33 percent, injury accidents have been reduced by 41 percent. So what we are seeing in the industry is that the DDI is a very safe interchange and has the capacity. If I could go to the next slide, one more.

So what we also looked at is the crash analysis at New Mexico 599 and State 14. What we ended up with and we looked through the three years and we computed the crashes at that interchange and what we ended up with and calculating all of the crashes and we found out for that three-year period we had basically an average of .72 crashes per million miles. So how you look at that in the traffic industry is you look at million miles. How many accidents do you have in a million miles. This is less than one accident and there was no fatalities and no large accidents involving trucks. The other thing was at the bottom part of that slide, we did two supplemental analyses. We did our first analysis, is took the standard analysis to look at how many trucks were entering in to from that intersection and then we did a supplemental analysis where we put all the trucks entering into that intersection and we found no change in level of service or no change in degradation of the traffic movement. Next slide.

So the other issue that we looked at was cut through traffic. What you're looking at now is you have a map, Santa Fe is on the north, I-25 is on the left, US 285 is on the right and you have New Mexico 41 and in red is New Mexico 14. The issue was raised, cut through studies, cut through traffic. I've been developing for the private sector for approximately 40 years and cut through traffic is always an issue when we come in to development. So this isn't any issue. So what we have found as traffic engineers is people are going to take the shortest route. We have found if you are coming from the north and you're heading east on I-40, if you're going to use New Mexico 14 to get to Clines Corners that's exactly twice the distance if you used US 285. So it's approximately 110 miles from Santa Fe to Clines Corners via New Mexico 14 and it's 54 miles from Santa Fe to Clines Corners using US 285. All other directions west or south really promote using I-25. If you're going to cut through going north, again what you would have is 285 is much shorter than New Mexico 14. So our experience with doing many, many cut through studies is, truckers aren't dump they're going to use the shortest route possible and you're going to save half the time.

If I go the next slide and I promise you I am very close to finishing. So this slide, we did a comparative analysis for travels and uses. In the upper right-hand corner, out of your land use is the categories listed under the CCD land use and on to the left of that one is specific uses. So what we looked at was comparative uses that could develop on this site. So we looked at the post office, FedEx, or US Postal Distribution Center, Planet Fitness, Costco food distribution center, Trader Joe's, Sam's, warehousing, bus terminal. So what we did was we did four scenarios. On the very right part of the plan in dark blue is the number 3602 and that's the total vehicles that this proposed project will generate of which 350 trucks is shown in red. So we started going through these development

scenarios and we set up some of the development scenarios that would meet the land use guidelines as well as being viable market uses. Scenario 1 was a 50,000 square foot post office, 120,000 square foot FedEx distribution center and 110,000 square foot UPS distribution center and a 35,000 square foot Planet Fitness. We just finished in Albuquerque and Santa Teresa two FedEx centers that were right at 640,000 square feet. These are appropriate for these markets. When you look at that, what we had was a total vehicles of 4,018 with trucks almost four times the number of trucks that would be impacting the network. And these trucks range from typical WB-67s which is what you see on the road to panel trucks. So scenario two we said okay, let's look at a food distribution or processing facility, Cisco, Ben E. Keith those type of things. We looked at a 300,000 square foot center what we found out is this is 3,200 total trips total vehicles and 2,880 vehicles from trucks. So this could actually have – and this is a permitted use, this could have tremendously more impact to this site. When we went through more of a retail one with scenario 3 with a Trader's Joe, Sam's Club and some warehousing we got a lot more total vehicles but the trucks were about the same and then scenario 4 was a bus terminal with the balance of being warehousing. So a bus terminal pretty much operates 24-hours a day and it has slightly more truck trips as well. Can we go to the last slide.

So the traffic summary is basically the DDI is safe and has been designed for all makes and models of trucks. You don't spend federal dollars and miss a design element for that. The volume was also calculated on 2040 traffic forecasts and this interchange can actually handle a lot more in this area. The second point is that the DDI is actually safer and is actually better for your community. The third point is that other permissive uses will actually and can generate more traffic so that's one of the things to consider as well, is that traffic is going to be there so what you want is to make sure that you mitigate it correctly. On number 4 the traffic volume and safety concerns on 14 and New Mexico 599 we could not see that the accident rates were any higher than any place else in the community and they were actually at acceptable levels. And then on the cut through traffic on New Mexico 14, I've been doing this for 40 years and anybody who is going to use that as a cut through probably needs to switch professions. With that, I'm going to turn it back to Karl.

MR. SOMMER: I have about one minute and I'll conclude. I'd just like to point out that that last slide you looked at with the uses, that's important for a couple of reasons. One, it tells you that in the employment district, this district, this piece of property the uses allowed by the code and their intensity – these are not like local Mom-and-Pop stores. This is what the employment centers were intended to produce and you can see the intensity of the uses that are allowed. They're permitted as a matter of right these four items to the left. I think that's important for you to look at and they're intense. They are more intense than the use that we're talking about on just about every score.

In conclusion, members of the Commission, thank you for your attention. I appreciate the time that you've given us. Up on the monitor and in front of you is slide 42, those are the conclusions. Our application complies, we've met the law, we've met all of the criteria with respect to traffic. These uses are allowed by right and as a matter of law this concept plan should be approved. You sit here tonight as judges and the law is pretty clear and the facts support the conclusions that we've suggested. We'd stand for

any questions that you might have of us at this time or if you've got them later.

CHAIR HANSEN: Thank you, Ms. Sommer. I'm going to go on to Mr. McQueen who is speaking for the opposition.

MR. FREDERICK: Madam Chair.

CHAIR HANSEN: Yes, one moment.

MR. FREDERICK: Perhaps we should ask questions of the applicant while the applicants are up and then go – because I would like to ask some questions on behalf of the Board if the Chair allows.

CHAIR HANSEN: Okay.

MR. FREDERICK: And then let the other parties present and then ask them questions and go through this like that.

CHAIR HANSEN: As counsel, I will take your advice and we will ask questions and so we will go to questions first of the applicant. And I will go to Mr. Frederick unless Commissioner Anaya –

COMMISSIONER ANAYA: Madam Chair, I'm going to defer my questions for later. But I don't have any questions that I want the attorney to ask for me. I'll ask the questions that I have from my perspective. If the attorney has questions that he wants to ask then I think he should ask them in that context. The reason I said that is because you made a comment on behalf of the Board and I have a problem with that. So if you have questions, I would just ask that you just ask those questions not for me or for the Commission. Thank you.

CHAIR HANSEN: Thank you, Commissioner Anaya. Mr. Frederick.

MR. FREDERICK: Yes, and I don't have questions for any –

CHAIR HANSEN: I think you need to pull the mike a little closer.

MR. FREDERICK: I don't have – my questions aren't going to be directed at any particular person so whoever is the best person to answer please have whoever you want to answer that. I'm not intending this to be a cross-examination. I'm going to ask open ended questions and I'm trying to assist the Board.

The first question is in your conceptual plan you identify one of the uses in phase one as a truck terminal and I'm just hoping that you can flesh that out. What do you mean by truck terminal?

MR. SOMMER: Madam Chair, members of the Commission, Mr. Frederick, the application refers to truck terminal because at the time we filed the application it was a reference to code language. It's not defined. So that there wasn't any confusion about the use that we will propose there, we did a very detailed site plan that we showed to staff. And the reason we did that was not so that you all would approve that particular site plan or that use, but so that we wouldn't be charged with, Hey, you had that and you didn't tell us. We wanted you to know what it is that we were proposing and describe those uses specifically. And so they include the parking of trucks and people sleeping in their trucks for resting, the fueling of trucks, restaurants, a drive-through restaurant and a convenience store and then personal facilities for people to use to cleanup, bathrooms and that sort of thing. So that's what we thought fit within the term of truck terminal but those are the specific uses. Those fall within all the categories of uses allowed.

MR. FREDERICK: All right. And you mentioned truck terminal was

mentioned in the code, which code are you – cause I can't find any reference to truck terminal and when I look it up it means something different like a temporary warehouse or something like that.

MR. SOMMER: You know, Mr. Frederick, I'm not sure where if it's even found in the code, but it may be a mistake on a nomenclature with the truck stop aspect because you're approving a lot of things that aren't just a respect to that. But I think if there was a mistake or a misnomer of it our description specifically with the site layout tells you all what we're intending to do.

MR. FREDERICK: Okay, thank you. I'm trying to flesh out what is unique about truck stop and I came up with four uses that might define the truck stop aspect of your proposal. They were the 75-lot semi-truck parking area, the weigh station, the truck fueling stations and the travel center that includes showers. Those are the things that seemed unique to a facility that primarily serves truckers. Would you agree with that or would you subtract or add to that?

MR. SOMMER: I believe that Mr. Shaver could describe specifically but the parking of semis, obviously. The weighing of semis, obviously, but showers can be used by the traveling public generally. Anybody who stops at a place that has a public shower, they use the bathroom, they use the showers. Those facilities are not unique to truck stops. But if you have specific questions of Mr. Shaver, he's in the business and he can be specific about how these facilities function.

ROSS SHAVER: Ross Shaver, project manager for Pilot Travel Center, 5508 Loomis Road, Knoxville, Tennessee 37909 and I have been sworn in.

I think when you boil down the uses of what you what to call a truck stop travel center you're looking at essentially at its basic use is a gas station, convenience store and then you also serve the diesel component. Whether that's a large 72-foot long what we call a WB-67 vehicle or a small-box truck or an F-250, okay. Whether it has a shower component or not: I'm building travel centers today with and without showers. We typically try to have parking. I'm building travel centers with and without parking. But typically, 90 percent of the time you're going to have a parking for your auto and for your trucks. But, again, it's a gas station, convenience store component and you're also serving the diesel component as a primary customer base.

MR. FREDERICK: Thank you. I wonder if you would agree that truck stops vary substantially in the scale and in the amount and types of services offered and what's the minimum that comprises a truck stop? Would it be fueling station that's for trucks; is that a truck stop if it didn't contain any other services?

MR. SOMMER: So your comment was that there are all kinds of truck stops that vary in size and vary in amenities that are there. I think that's a fact. But a truck stop that we're talking about here or the facility that we're talking about here includes the components that we're talking about both as to size and scale, 75, there are truck terminals and truck facilities that are two, three times that size. That are some that are smaller. But I think in essence they are the same function. The scale that they serve is very different. The impacts that they have are very different, perhaps. But they serve the same functions. I don't know if I've answered your question.

MR. FREDERICK: You have, Karl, thanks. I have a few questions. It will take me probably 10, 15 minutes I think.

I take it freight is not loaded or unloaded at the truck stops; is that correct? And that did sound like a leading question but you can expand on it anyway you want.

MR. SHAVER: Well our travel center truck stop needs deliveries to serve the customer. So you could say that freight is loaded or unloaded because we have to take on deliveries, accept deliveries to serve the customer.

MR. FREDERICK: And if I could follow-up. You're talking about deliveries to your facilities not the traveling truckers that are going to come in and rest and move on.

MR. SHAVER: Correct.

MR. FREDERICK: Okay. And then you've asked the Board to not decide whether uses are allowable and I have a couple of questions about this. Are you asking the Board to not decide that the uses are allowable in that zone and also not decide whether or not they are consistent with the Community College Plan and the Sustainable Growth Management Plan?

MR. SOMMER: What we are saying is is our application request a conceptual plan approval which of itself does not approve any specific use. It assesses categories of uses and the impacts of the categories of those uses. We believe that the Board's simple job is to determine whether or not a conceptual plan, meaning, can this property be developed on a phased basis under these circumstances? Can that be done under our code? That's what we believe the Board's purpose is.

We've put in the uses that fall within the categories that are allowed and we do not believe that the Board should get into approving or disapproving a particular use. But if the Board does, as the staff has requested and as the Planning Commission has injected, we believe there is one conclusion that can be drawn and it's the conclusion that the uses, all of them, are allowed. And I've demonstrated I think that they're permitted.

MR. FREDERICK: And if the Board were to defer or not to decide the individual uses in this matter, would the Planning Commission be free then because it's the one that decides conditional use permits, would it be free, would anything about the Board's decision here if it didn't decide or prove and uses, would the Planning Commission be free to deny your conditional use permit for the same reasons that it – and I'm not saying whether it is right or wrong – but there be anything in the Board's decision prevent the Planning Commission from reaching the same decision that it did below?

MR. SOMMER: Hold on one second.

MR. SHAVER: What was your question one more time? That was a long one.

MR. FREDERICK: Sorry.

MR. SOMMER: Madam Chair, Mr. Frederick, I understand your question to be, if the Board makes a determination about the conceptual plan and then an application goes in front of the Planning Commission are they bound by a determination of use of any kind by the Board. It is our position that they are not bound by that and that that application, whatever it might be, would be assessed at that time. We believe based on the information that the zoning map needs to be corrected and then our application should be considered by the Board.

MR. FREDERICK: Okay. Thank you. Again, I'm going to follow-up

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this. If that's the case and the Board doesn't approve any of the uses you still have to record a site layout and that provided a lot of detail that shows this 75 lot truck parking area, weigh station and truck fueling station all specific to a truck stop use, it seems if you record that, that looks like an approval. Would you amend the site plan then to remove that detail before you record it?

MR. SOMMER: I believe that it is within the Board's purview to describe what should be recorded based on whatever consideration they give. And I'm positing, if the Board said, We'll approve a conceptual plan but we don't want you to show any uses so there's no confusion about our approval. Then they could say, don't record a site plan – don't record a conceptual plan that shows the detail because we don't want it and we don't want there to be any confusion about our approval. So I think that would be appropriate as a condition if that's the way the Board was going to go. I don't want to presume that. But I think that answers your question.

MR. FREDERICK: It does, thank you. So I want to talk about your master plan that you talked about the one that was recorded in 1990 –

MR. SOMMER: 1989.

MR. FREDERICK: 1989, and it did not mention truck stop, I don't believe. At least it seems like you said it including gas stations, restaurants, convenience store.

MR. SOMMER: The master plan itself has various uses. I referred to this particular property. It talks about travelers services that include the uses that I talked about which are hotel, a gas station, convenience, and restaurants. In this same area right across the street there is a reference to a truck terminal with convenience. The record reflects that in this area the industrial uses were intended by the applicants for a truck stop. Those are found in the minutes of the approval of that application and that is directly across the street from this property. And that's the only reference, Mr. Frederick, that we could find in the record to truck stops. The previous code does not refer to a truck stop. It talks about truck terminals. I don't know if that answered your question.

MR. FREDERICK: It kind of did. The master plan doesn't mention truck stop, I take it.

MR. SOMMER: The master plan itself does not mention a truck stop.

MR. FREDERICK: All right.

MR. SOMMER: But under the NAICS a truck stop is a type of gas station.

MR. FREDERICK: And on your slide 24, have you looked into whether that lumber, it looks like a lumber yard, whether it's properly permitted under the code and do you know how long it has been there?

MR. SOMMER: The answer is I have not looked into whether or not they have sought any approvals from the County but I don't know if Land Use staff knows it. Jim, do you whether or not there's any approvals on that property?

MR. FREDERICK: Madam Chair, can Penny answer that question from Mr. Sommer?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I understand for myself that the lumber yard portion of that is not permitted.

MR. SOMMER: Am I to understand that that use is there without the

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proper permits?

MS. ELLIS-GREEN: Madam Chair, Commissioners, what I'm told by my staff is there's no permit for that and that would be a future violation issue that we would deal with through our Code Enforcement Officers.

CHAIR HANSEN: Thank you. Go ahead, Karl.

MR. FREDERICK: Would the truck stop use – I'm sorry, would your conceptual plan still be viable if the truck stop uses were not approved?

MR. SOMMER: Viable in what sense?

MR. FREDERICK: Viable in could you still have a development that you could – that would be viable economically viable if it didn't have the 75-lot parking area. If it were just a regular gas station with the restaurant, the hotels, warehouses, light industry all that is permitted.

MR. SOMMER: So what I understand your question is, is with respect to the Pilot Travel Center, if it was approved without the truck stop component would it be economically viable; is that the question?

MR. FREDERICK: That's the question.

MR. SOMMER: Give me one second, if I may. So, Mr. Frederick, in answer to your question, the conceptual plan for all three phases is a viable plan with the categories of uses that are listed. One of those is the Pilot Travel Center. If your question is whether Pilot would do this without the truck stop or not, I don't know the answer to that question; probably not. But whether the conceptual plan would be developed in accordance with its phases and uses that are allowed under the code, that's a question for Mr. Thompson and the answer to that is that would be a viable conceptual plan to proceed with. Am I right, Warren? Yeah, to confirm that.

MR. FREDERICK: Okay, Madam Chair, that is all I have.

CHAIR HANSEN: Okay, I will go to some of the Commissioners at the moment if they have any questions. Commissioner, do you want to wait for awhile later?

So, I have one question, Mr. Sommer, just at the moment. I looked up the word truck terminal and it says, this specialized distribution building for distributing goods from one truck to another serves as an intermediate transfer point. The facilities are primary use for staging loads rather than long-term storage and possess very little if any storage area; so is that what you mean by a truck terminal?

MR. SOMMER: Madam Chair, in answer to your question, no, that is not what we mean by truck terminal. When we filed this application we were using the terminology that we understood but we were very clear about the uses we're talking about. If that's a misnomer for the uses, you have in front of you the uses we're talking about.

CHAIR HANSEN: Okay, I'll defer any other questions for later because I would like to go to Mr. –

MR. SHAVER: If I may, Madam Chair. So, I'd like to piggyback on what Karl said. Ultimately, I'm the project manager. I do this across the country develop travel centers, work with staff, work with municipalities to address zoning codes, review them and so on and so forth. I think it is evident that the SLDC is a very thorough, very extensive, very complicated code. So when we first started discussing this project with my team we pulled out the use matrix to try and describe, hey, what is this. But as you

can tell there has been extensive hours, man hours and research spent on what the actual uses are. So even though truck terminal was on our application we really as we moved through the process we dropped truck terminal because we realized along with working with staff that that's not really representative of our uses. And when you drill down as what Karl has provided under the code, when you get back to the NAICS it defines us as other gas stations. So we have since moved forward and how we have represented ourselves in these public hearings is not truck terminal. It's gasoline station with convenience store, restaurants and hotels on the application as well. So that's how the code defines us. That was our understanding as we moved through the code and figured it out and that's how we've been representing ourselves since that's been defined. Does that clarify?

CHAIR HANSEN: Not at all. Nowhere in that last sentence did you say truck stops or a terminal for trucks because if you're talking about a gas station and a restaurant and a –

MR. SHAVER: Convenience store.

CHAIR HANSEN: -- convenience store, that to me does not define as a truck stop.

MR. SHAVER: But, but – so the code, the SLDC per the analysis that the Administrator and the code requires leads you to gas station because it specifically, as Karl showed on that slide, the specific example shows truck stop and the category of that truck stop as a specific example states other gasoline station. So the code directs you back to gas stations.

CHAIR HANSEN: But it's not listed in the CCD. Truck stop is not listed in the CCD EC district. So I don't see that there. I might disagree with the Administrator and her analysis because I have a different view or a different interpretation of the code. So I'm just trying to get some clarity here. But in the meantime I want to go to Mr. McQueen. I want to let him give his presentation.

Please no clapping. That is not necessary.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, and respectfully I might agree with the Administrator.

CHAIR HANSEN: Thank you.

COMMISSIONER ANAYA: Okay, thanks.

MATTHEW MCQUEEN: Thank you, Madam Chair. My name is Matthew McQueen. I'm an attorney and I'm under oath. I represent the Santa Fe Gateway Alliance which is a citizens committee that is organized in opposition to the truck stop. I practice law at 316 E. Marcy Street. Madam Chair, if I may, I'd like to take about 15 or 20 minutes; is that okay?

CHAIR HANSEN: Yes.

MR. MCQUEEN: Thank you, Madam Chair. And, Madam Chair, let me caution you, I'm not feeling great so I'm going to try and get through this as soon as I can.

CHAIR HANSEN: Okay, thank you.

MR. MCQUEEN: First of all, Madam Chair and members of the

Commission, the Planning Commission rejected this unanimously. And if you haven't had a chance to look at it, I really commend their analysis, their discussion, their report to you because it is very persuasive. I understand that the applicant wants to move forward and that they're doing everything that they can. I was really impressed with the Planning Commission's analysis of this application.

So what I'm going to talk to you about today, briefly I'm going to talk to you about safety, then the Sustainable Growth Management Plan, the Community College District Plan and then finally what is a truck stop.

First of all safety. The engineer talked about safety and I think that's great. I would encourage you all to go out here – table it, visit this intersection. It's scary. I went out there I drove every single permutation of the intersection. Each one has problems. And in the interest of time I won't go through all the problems about acceleration and deceleration and stuff like that. Let's just focus on this turn right here in yellow. So you have a semi-truck on that interstate, you've got below rise and then you start going downhill and hard to the right right off the interstate. So they're going 75 – hopefully, they've slowed down by then. At the bottom here there is a yield sign. So you're coming off the interstate, downhill to the right and you're looking in your mirrors presumably to see if anyone is coming and it says yield. Are you going to stop? Are those trucks going to stop? Maybe some of them do but maybe some of them don't. And that's the problem.

The Highway Department has backed this intersection. They just spent millions of dollars on it. It would be hard for them to say it's not safe. We're talking about 300 to 350 semi-trucks a day. And that's presumably a trip in and out so double the number of trips on an already congested and I would say confusing intersection. So the engineers say it's great. I disagree and I would encourage you to judge for yourself.

Safety is an issue and you've heard, this happened in the Planning Commission too, it's interesting, Mr. Sommer tries to punt on safety. He says they're not responsible for safety. All they have to deal with is the impact. The engineer did talk about safety but Mr. Sommer doesn't want to talk about safety. Safety is relevant. Under the SLDC the conceptual plan -- I'm sorry, the Sustainable Land Development Code conceptual plan approval requires conformance with the Sustainable Growth Management Plan. The Sustainable Growth Management Plan in turn states one of the primary goals of the Sustainable Growth Management Plan is to ensure compatibility among various land uses in order to preserve and protect the health, safety and general welfare of the County. So the SLDC for even the conceptual plan, we're not even to the initial use yet, for the conceptual plan you have to look at safety. And I believe that you should not approve a conceptual plan – and they want to just do the conceptual plan now and then they'll come back and work on the hard things later, I understand that. But I don't think you should approve a conceptual plan that contemplates a land use that is not safe and I don't believe that this is safe. If you did approve a conceptual plan that contemplates a land use that is not safe, you're not complying with the Sustainable Growth Management Plan so you're not meeting the requirements for a conceptual plan.

Next issue is the Community College District Plan. And Mr. Sommer and Mr. Siebert gave you a little history of the area and the property. Also, that's great. When the County adopted the Community College District Plan the idea was that we're going to do

something different. It's not going to be business as usual. We're going to do something different for the betterment of this County. And so at that point, everything changed. The outlook of the County and the standards the County applies changed. There is a lengthy discussion on this at the Planning Commission and I'm just going to quote a short part of it. And this is Commissioner Katz speaking and I'm sorry, some of it is quoting him and some of it is quoting him quoting the plan and I can't tell you which is which so I'm just going to read the quote: The Community College District Plan is intended to promote and focus compact mixed-use development in a village land use pattern. This describes the guiding principle of the CCD and the touchstone for judging any development. And he continues, the common theme here is that the CCD is a locally focused, vibrant, walk-able, livable neighborhood combining residential areas and nearby commercial areas that serve and employ residents of the community like a village. The repeated emphasis is that the businesses serve the community.

And, Madam Chair, members of the Commission, a truck stop, a travel center does not serve the community. It is not intended to serve the community. It is just sort of there and impacts the community. So it's clear and there's a lot more in the Community College District Plan, there's a lot more in the Sustainable Growth Management Plan but they all point to this same conclusion.

I would like to note that in an April 25, 2018 letter to the County, Mr. Sommer says and I'm going to quote this, it is un-contradicted – that's his word, un-contradicted – that the application meets all the requirements and criteria for a conceptual plan under the SLDC and should be approved. I think that is false. I think the statement is false. I think it is actually inaccurate and it certainly not un-contradicted and if you need someone to contradict it, I'm happy to do it.

The SLDC conceptual review criteria, I'm going to read this, this is the criteria out of the SLDC, Sustainable Land Development Code, the criteria for approval of conceptual plan in the CCD, Community College District, are as follows:
1, Conformance to the Sustainable Growth Management Plan – that's that health, safety and welfare standard I just mentioned – as amended by the Community College District Plan. So it's not safe. It's not in the public interest. It's not in the general welfare and it conflicts with the basic idea of the Community College District Plan.

Finally, what is a truck stop? A truck stop is more than a gas station. Again, I'm going to quote Commissioner Katz. Quote: Common sense tells us the major interstate truck stop is not a gas station." I mean, it just boggles my mind that anyone would think that. I think we all know what a truck stop is. We've all seen truck stops they are a very identifiable item. And so there may be some overlapping functions, yes, they sell gas. But they are not the same thing as a gas station. And what I would argue to you and I think there's a sense of this, I think the County Attorney alluded to this: I think it's common sense. A truck stop is bigger than the sum of its parts. And I keep – I think about this a lot and I kind of think about Disneyland, right. Disneyland is not just some restaurants, a little retail and some shows and its rides; right? It's something bigger. Similarly, a truck stop you've got overnight stays. You know, 70 to 75 trucks idling, showers, sleeping in the vehicles, the extra traffic. A truck stop is a miniature city. It is more than a gas station and as a miniature city unfortunately it brings a lot of the problems that cities have. I think members of the public might touch on that.

Finally, in his presentation Mr. Sommer brought up the rest stop and welcome center at the top of La Bajada. Hopefully you've all been there. I, myself, have taken a nap there once or twice. It's a convenient little place. It sure is heck is not a truck stop. So trying to equate that to a truck stop, I think is misguided.

At the Planning Commission hearing, Mr. Sommer has ceased on this parking standard and he goes through all the different uses, none of which add up to a truck stop, and he says these are permitted as a right and they're in Chapter 8. And then he says, Oh, by the way it says truck stops over here in Chapter 7 and he comes back and says these are permitted uses in Chapter 8. But that parking standard isn't in Chapter 8. It is in Chapter 7. And I think you need to focus on that.

Mr. Sommer says, and he said this at the Planning Commission too, I think he agrees with this and this is a quote, "So by your logic a truck stop is not allowed anywhere in the code, anywhere in the County, because it's not found in a use table." Well, that's possible. I think that's a lot more plausible than the fact that there is a truck stop parking standard somewhere in the code means that we can have truck stops other places in the code. And by the way, we did find truck stop in a use table. I'm not sure how relevant it is but the US 285 South Highway Corridor Zoning District does list truck stops by name and they are a prohibited use. The code doesn't say truck stop. A truck stop is not a gas station.

This morning in the *New Mexican* they asked where, if anywhere, do truck stops belong in Santa Fe County? And I think that's a good question. I think you have members of the public that have admitted that truck stops provide useful services. There's a Pilot Flying J down in Moriarty that I stop at routinely. Where do they belong? And, Madam Chair, members of the Commission, I would suggest to you that to figure that out what we first need to do is adopt a moratorium. I would suggest we have a moratorium on truck stops until we figure that out. There are two ways I could see this going: one is that we engage in a planning process. Revisit the planning process and figure out where we want truck stops. And I've been thinking about this – you know, I've learned here for 20 years, I am kind of curious to where would we want a truck stop. I think there's a spot down in Edgewood that might work and they would probably like a truck stop. I can't speak for them. But let's go through a planning process. Let's seek input from landowners like Mr. Thompson and community members and figure out where truck stops belong. At the Planning Commission, Jody Larson I don't know if Jody's here tonight but speaking on behalf of the League of Women Voters she said, we believe that if a travel center – a truck stop – had been proposed as a conditional use when the code was drafted there would have been significant community pressure to designate it as a prohibited use. And I agree. If this had come up for discussion people would have been opposed. So let's give people a chance to provide some input.

The second way that this could possibly be addressed is to designate truck stops as a DCI, development countywide impact. DCI is a special category within the Sustainable Land Development Code and I'm going to read this because I think it is relevant. This is from the Sustainable Land Development Code: Developments of Countywide Impacts, DCIs, are those that have the potential of far reaching affects on the community. DCIs are developments that would place demands on public facilities, the County Capital Improvement Plan and budget and or have the potential to affect the

environment and public health, safety and welfare beyond the impacts of the immediate neighboring properties. Immediate neighboring properties, so you're going to hear a lot tonight I think about health, safety and welfare on the whole community. The code continues, DCIs have the potential to create serious adverse noise, light, odor and vibration, solicit hazards, traffic congestion and burdens on the County Emergency Response services. Sounds like a truck stop to me. The existing list of DCIs include landfills, junk yards, sand and gravel extractions, large scale feedlots, oil and gas drilling and mining and resource extraction. I think a logical addition to that list would be truck stops.

I think either of these planning approaches would be reasonable. And I think either of these planning approaches after a moratorium would be a better process than the one we're engaged in right now. Thank you very much for the time.

CHAIR HANSEN: Thank you, Mr. McQueen. Please hold your applause.

MR. MCQUEEN: Madam Chair, do you have any questions?

CHAIR HANSEN: Mr. Frederick, would you like to ask some questions?

MR. FREDERICK: Madam Chair, I would. I will try not to keep you long, Mr. McQueen, I'm sorry you're not feeling well.

MR. MCQUEEN: Thank you.

MR. FREDERICK: I looked at the 285 Corridor Plan as well and what do you think about the conclusion since the plan expressly calls out truck stops and prohibits them, that kind of implies that they're allowed in some form in other places where they're not prohibited.

MR. MCQUEEN: Madam Chair, Mr. Frederick, that basically the argument that Mr. Sommer has made based on the parking standard. I personally having been around this area of law for a long time, I think it's a lot more likely that they left it out rather than they were somehow implying that it is permitted. If there was an error, I think the error was an omission. But I don't think that omission should open the door to truck stops. The fact that they include it in one plan and - I'm not sure who found this; this was emailed to me. We're sort of hunting around in the different codified ordinances and they don't really read together very clearly. So someone was clever enough and found this and apparently you found this as well. I don't think that this suggests that they're permitted in other districts.

MR. FREDERICK: Thank you. Now I think you agree that truck stops they vary in scale and I'm wondering if a gas station, in your view, if a gas station happens to include a couple of fueling stations for semi-trucks or various kinds of trucks, does that mean it is an unpermittable truck stop?

MR. MCQUEEN: Madam Chair, Mr. Frederick, you know, I personally don't think so. It's kind of hard to respond because we have in front of us the application is the big truck stop. It's not one of these smaller things. But I certainly in driving around there are places that trucks can get gas where there aren't showers. There's not a huge field of overnight parking. There's not people spending, you know, 24 hours in their truck or 12 hours, whatever it is. And, again, I go back to the facility in Moriarty. That's a truck stop. It's got showers. It's got truckers. It's got this whole big back lot where it's filled with trucks seemingly all the time. It's a truck stop, I get that.

MR. FREDERICK: All right. And now I apologize for the lawyer question but can you just confirm that the feelings about safety they're not – you haven't offered an engineering report on that issue; is that right?

MR. MCQUEEN: Madam Chair, Mr. Frederick, that is correct. We are a community organization. We don't have deep pockets. We don't have our own engineers. I would ask, especially the Commissioners, is that you apply the common sense standard, the personal experience standard. Just driving through that intersection – when I drive through it and this was before the truck stop issue came up – I'm always sort of looking like, am I on the right side of the road because you crossover and it's scary if you're not used to it. And I believe that truckers aren't going to be used to it. You're going to have a lot of people who are just sort of passing through. It might be their first time, their second time, that worries me.

MR. FREDERICK: I want to get your – this is actually my last question. When I look at the code and what's permitted and I'm just going to read a couple of them, it seems to contemplate some large establishments that will have a lot of truck traffic necessarily. For instance, large area distribution and transit warehouse – now I'm going to lose my rhythm here – truck storage and maintenance facilities, truck and freight transportation services, all of those are I think are contingent conditional use permits. And they all seem to contemplate a fairly large amount of truck traffic. Do you distinguish those from and how do you distinguish those other than the fueling aspect and the resting aspect?

MR. MCQUEEN: Madam Chair, Mr. Frederick, a couple of things. First of all, I would distinguish them in that they're not in front of us today. You know if they came back with an application that they wanted to do an honest to god truck terminal, freight terminal, drop off your load pick up a different load kind of thing, you know, we'd be happy to look at that. Secondly, I would distinguish them in the sense that they are conditional uses. Those uses also would have to meet the public health, safety and welfare standard which is discretionary. And those uses would also have to comply with the Community College District that talks about community and serving people and workers in the district.

So if this was a truck terminal, you know, we might not be here. We might be in the County Commission Chambers. There might be 50 people in the audience instead of 250. But that's part of the process. That being said, Madam Chair, Mr. Frederick, if I may, we all agree that Mr. Thompson is entitled to an economic return on his property. We believe that there are a lot of different ways that he can achieve that and if this application doesn't go forward members of the community have reached out to me, can't we just sit down with Mr. Thompson and talk about what would really be great there and if was open to that so would we.

MR. FREDERICK: Thank you, Mr. McQueen.

CHAIR HANSEN: Thank you, Mr. Frederick. Thank you, Mr. McQueen.

MR. MCQUEEN: Thank you, Madam Chair.

CHAIR HANSEN: I believe now we will go to public hearing. I would like to know how many people would like to speak. Okay, I'm going to allow 2.5 minutes per person and I would like to have everyone sworn in at one time so if you could please all stand and –

MR. FREDERICK: Madam Chair.

CHAIR HANSEN: Yes.

MR. FREDERICK: If the folks could stand so they're not blocking the applicant's view.

CHAIR HANSEN: So once you're all sworn in, you don't need to all come down just raise your hand from where you are so that we have a good idea of – people over on the side please stand if you are being sworn in.

CLERK SALAZAR: Please raise your right hand. Under threat of perjury do you swear to tell the whole truth and nothing but the truth. [Audience responds] As you come to the podium to testify, you must state your name, your address and that you're under oath so that your testimony is validated and accounted for on the record. Thank you.

CHAIR HANSEN: Let's make some kind of organized line or area where everyone will stand who is going to be testifying please so that the applicant can see. Thank you, Vicente.

Please come up to the podium and give your name, your address and that you're sworn in.

LINDA SIEGLE: Madam Chair, members of the Commission, my name is Linda Siegle, 38 Shawnode, Santa Fe off of Highway 14 and County Road 42. I'm here today on behalf of the Santa Fe Community College Governing Board and we have passed a resolution in support of our community neighbors, for our IAIA ally which has a campus right next to us and many of the organizations that have come and presented to the board. And we have issued a resolution in opposition to this truck stop based upon our interest in the health and safety of students and our faculty and staff and the fact that this is the entrance, one of the two entrances to the Santa Fe Community College. And the fact that there might be 300 trucks constantly there spewing diesel fumes. The fact that the traffic on Rancho Viejo Boulevard off of Highway 14 where you enter into the campus we stand with our allies in opposition.

And as a person who drives Highway 14 pretty much every day and comes off of that exit which is right there if you're going south and exiting, what Mr. McQueen was talking about, you have to slow almost to a stop. If you were a truck you would definitely have to slow to a stop because you can't really tell until you look way back to your right whether the traffic is stopped as you go on that exit.

So for all those reasons, the College Board stands in opposition. And I'll provide you with a copy of our resolution. Thank you so much.

CHAIR HANSEN: Thank you, Ms. Siegle. Next please.

ROBERT MARTIN: Madam Chair, Commissioners, my name is Robert Martin. And my address is 26 West Saddleback Mesa, here in Santa Fe. And I've been sworn in.

I am here today on behalf of the Institute of American Indian Arts. I'm president of IAIA and we're primarily a minority serving institution. We have over 100 tribes represented across the country including Canada and Mexico. I stand in support of the IAIA Associated Student Government, the Rancho Viejo, Community College Association and the Santa Fe Community Board of Trustees and others in opposing the construction of a truck stop at the corner of the Highway 14 and Rancho Viejo

Boulevard.

The proposed truck stop would create an upsurge in traffic congestion and we've been talking about the diamond interchange and its design. I don't have the quantitative data but I know qualitatively it's been a challenge for our faculty, staff and students. That's our main entrance to the campus coming off of that road. Many of our students commute from Albuquerque, Rio Rancho, the surrounding pueblos so they use that interchange. And not only here but from across the country, I've talked with our board of trustees in Alaska where the diamond interchange is being used frequently and that's the norm now, and everybody complains about it. That's the qualitative nature of it. Personally, I avoid it if all possible but sometimes I have to go through there and I'm always amazed that I still think I'm in a construction zone.

Also, we think that it would create an increase of course to the traffic and an increase of likelihood of accidents at one of the main entrances to our campus. It also would harm the environment due to the increase air, sound and light pollution. And given that I am president, I'm responsible for promoting the well-being, the safety and security of our students, we must oppose this truck stop and I would ask the consideration of Madam Chair and Commissioners and giving us that same consideration in thinking about the safety and well-being and health of our students, faculty and staff. Thank you.

CHAIR HANSEN: Thank you.

MR. MARTIN: And I have copies of my statement.

CHAIR HANSEN: Thank you, Mr. Martin. Next, please.

RAYMOND MCQUEEN: My name is Raymond McQueen and I live at 45 Bonanza Trail in Santa Fe off of County Road 45 and I'm in Commissioner Anaya's district. I am no relation to Matthew McQueen who was just formerly speaking here although he may be my long-distant cousin.

Honorable Commissioners, while I believe that you will be presented with overwhelming evidence tonight of the applicant's inability to meet various County codes of their project that they contemplate, I believe that an examination of the people who run their company is also appropriate. This goes to the welfare component of which Mr. McQueen formerly had referred. When a person applies for a job most applicants inquire about arrest records and whether or not you have been convicted of any felonies or misdemeanors. While your packets may not contain – may contain it, I don't think it was part of the normal vetting process. On April 15, 2013, federal agents raided the Pilot Flying J corporate offices in Knoxville, Tennessee for evidence of ongoing fraud in their fuel rebate program to the trucking industry. These companies were defrauded to the tune of \$54 million. Need I mention that this is the primary customer of this applicant. Since then 18 people have been charged with 14 pleading guilty. The four that went to trial were convicted just on February 18 of this year in US District Court in Chattanooga, Tennessee including their former president Mark Hazelwood. No one has been sentenced yet, as far as I know, even though Mr. Shaver might speak to that.

Jimmy Haslam who is the owner of this company has not been charged and has denied knowing of the scheme even though it is recorded that it was common knowledge throughout the company. Kevin Clark a former Pilot Flying J sales executive in Kansas City testified last month that Haslam was aware of it. And I can go on with that. On Friday US attorney revealed in a hearing in US District Court in Knoxville that Flying J,

Pilot Flying J, has paid former president Mark Hazelwood \$34 million in deferred compensation since October 2014. This is the guy who was just convicted. The company has been forced into a restitution program of \$179 million. Is this the type of business we want operating in our county? This applicant has serious credibility problems. Can you really trust any of the data, information or projections they have supplied to the County for this needless project? Are we sure that they will pay their state and county taxes? Everyone in this room has already paid a share of federal taxes to bring --

CHAIR HANSEN: Your time is up. Thank you, Mr. McQueen.

KEELAN SMITH: Hello, my name is Keelan Smith and I'm nine and I live at 152 Calle Ojo Feliz and I drive by there almost every day and I don't want to see a truck stop.

LUCY RANNEY: Hi my name is Lucy Ranney and Keelan is my son. And we live off of Highway 14. My family has had property out there close to 50 years. It is land that I know well and my children know well and mostly I want to say that when I drive out that way I think of the future. And I think of my kids. And I'm also a school teacher in Santa Fe and so everyday I'm faced with what the young people have in front of them. And I come back to all the challenges that we face and the things that we can do. The things we can do for our community and for our kids and for the environment. And I think that's really my peace is that I would love to be able to drive that road the way I do every day with my kids and know that we're keeping it safe and we're keeping it open and we're keeping our community healthy.

That's my request, thank you.

CHAIR HANSEN: Thank you, Ms. Ranney.

SCOTT STEVENS: Madam Chair, Commissioners, my name is Scott Stevens. And I live at 6 Arquero Road and I also have a property at 1 Salt Creek Wash. I've lived in Rancho Viejo for 11 years and we appreciate the quality of life we have. I have two --

CHAIR HANSEN: Would you please state that you're under oath.

MR. STEVENS: I am under oath, sorry. I have two kids, 9 and 11. My wife Jamie Stevens in the PTC president. She cannot be here today. Much like a lot of families in Rancho Viejo we are busy. If you notice looking out into the crowd, there aren't any kids here because kids are at home. They're having dinner, parents are cooking them food and they're getting ready for bed. I think you get the picture. There's been a lot of mind share around this project and I think there's a lot of concern. I think some of the things have been brought up very well that we've heard this evening.

There's a couple of things that haven't been talked about. I bought my house in 2007 with a story of a development that started with I guess donated land towards churches and open space and it has been that way for many, many years. From what I understand there is an LLC called Exit 278; is that -- I don't know where those guys went but they were over there. So they started this development, sold a lot of houses and I think four different developments and I'm kind of wondering if this is their exit plan? Is this how they're going to end their affiliation with this area? It's not only very suspect, it's very unsettling. And I'm kind of wondering. I've heard about the codes. I've heard about all these different things that have been brought up. There's been specific questions

about electrified truck stops that allow for HVAC to be connected. Those questions were brought up at one of the meetings and the response back from the developers was that that's not something that we're pursuing because we've got clean fuel. I went onto the Flying J website and I found out that there are a multitude of Flying J truck stops that have these electrified devices. Those aren't being talked about. So I know the purpose here is not to talk about specifics but I just wanted to you know piggyback on what the other gentleman said. We've got to you know a developer that wants to make money. They want to sell gas and they want to sell fast food and that's their business model. That is not part of the Santa Fe Community Development Plan. It is not for the best use of the people who are around. You guys are not judges. We hope that you have good common sense to reject this. Thank you.

COMMISSIONER HAMILTON: Thank you.

PATTY BURKS: Commissioners, I just noticed that our Commission Chair left the panel. I was wondering if we could, might, take a break for five minutes or ten minutes so that my testimony and the testimonies of others will be heard by her.

COMMISSIONER HAMILTON: Everybody will be heard but I have –

COMMISSIONER ROYBAL: Commissioner Hamilton is the vice chair.

COMMISSIONER HAMILTON: I'm vice chair of the Commission and she is always very quick. So, if you want to go ahead and state your name and continue please.

MS. BURKS: Okay, I just thought I would ask. My name is Patty Burks. I reside at 14 Vista del Monte. I am a 40-year citizen near 599 and 14 and I have been sworn.

COMMISSIONER HAMILTON: I'm sorry could you please state that you are under oath.

MS. BURKS: I have been sworn. I am under oath.

COMMISSIONER HAMILTON: Thank you.

MS. BURKS: Okay. All right so tonight let's talk about what the County is not getting with this applicant. The County is not getting the facts. We are not getting 13,000 square feet of commercial building space in this conceptual plan. We are getting over 41,000 square feet not counting two motels which along with the heavy industrial emissions should have thrown this project well in to the requirements of a DCI and at the very least should have required a fiscal impact assessment so you can make a valid judgment of the whole concept and its future cost to the County, its property owners and determine impact fees required by law. We're not getting the complete traffic impact analysis because traffic flows through several collector roads and are still not part of the TIS or the addendum. When the engineer received the scope from DOT and the County as a professional he should have broadened that scope to make his analysis complete. Because the staff left out the third classification of activity to determine materially similar uses in the LBCS we are not getting a truck freight transportation establishment like Allied Van Lines and we're not getting a truck maintenance service repair shop, we are getting a truck stop and that is not a listed use in the district.

We're not getting a gas station. We are getting a truck stop with 17 fuel bays. How many underground storage tanks will that require? We're not getting quality jobs with good wages, benefits and upward mobility for the residents who know that they

could achieve greater for themselves than working in a truck stop convenience store or a donut shop in the village.

The County is not getting open space where it really matters. Instead they are putting it off site where public access is questionable. We're not getting adequate landscape and site design identified as required by the conceptual plan in the SLDC to buffer a truck stop and all that goes with it. Instead we're getting four-foot chain-link fences, four-foot cinderblock walls, large metal dumpsters, some shrubs and two breeding ponds attractive only to mosquitoes. This conceptual plan does not conform with the spirit and intent of the Community College District and its ordinances which I volunteered as a contributor. So please deny.

CHAIR HANSEN: Thank you, Patty.

HANNAH BURLING: My name is Hannah Burling. I live at 145 Bishop Lamy Road in Lamy, New Mexico. I have been sworn. I am speaking for the League of Women Voters of Santa Fe County.

We are concerned about the application and approval processes for the conceptual plan and the potentially damaging precedence that its approval may set. First we believe that the proposed plan fails to meet all code requirements for approval in general. And specifically in the Community College District Employment Center. If the plan is approved we urge you to impose strict conditions on the applicant to remedy any deficiencies. Approval of a deficient application would set a damaging precedent. If it's approved will you be pressured to approve future deficient applications to avoid litigation? Second, the use table for an employment center does not include a travel center. We do not think a travel center is materially similar to a combination of gas stations, truck/freight transportation and truck storage and maintenance facilities. The County, again, risk setting a damaging precedent if a controversial new conditional use is accepted. If a travel center had been proposed as a conditional use when the SLDC was drafted there would have been significant community pressure to designate a travel center as a prohibited use.

Third, can a conceptual plan be approved without implying approval of the required conditional use permit and future variances for the site development? Will you feel pressured to grant future approvals to avoid litigation? Again, this decision will set a precedent. If the plan is approved, we urge the Board to make a strong statement that such approval does not imply approval of any later application for a conditional use permit or variance.

Finally, the SLDC permits the County to hire outside experts to review the required studies, reports and assessment submitted by the applicant. In a complex controversial case such as this we believe that outside expert reviews or preferably independent studies are critical. The Board decision should be postponed until this is done.

The League urges all Commissioners to weigh carefully the merits of the application and its impacts on our community and your decision. Consider the precedence that will be set by this case. Thank you.

CHAIR HANSEN: Thank you.

JANET MCVICKAR: Madam Chair, Commissioners, my name is Janet McVickar. I live at 17 Vista Alando, Santa Fe, New Mexico about a mile off of Highway

14, south of the proposed truck stop location.

CHAIR HANSEN: Please state that you are under oath.

MS. MCVICKAR: And I am under oath. Thank you.

As Supreme Court Judge Gorsuch once said, vague laws invite arbitrary power. It's my assessment that the Pilot Flying J folks have deliberately taken advantage of the sometimes vague language in the SLDC to promote this totally inappropriate development. County codes are vague but built into them are very clear intentions expressed by county citizens. These intentions are being blatantly ignored in this proposed plan. Here's an example, the Pilot Flying J reps interpret table 8.44, this was brought up earlier, allowable uses in the CCD to include a truck stop as well as a gas station, restaurant, etc. Though the restaurants are included in the table the truck stop is not and a gas station requires a separate conditional use permit. If the citizens had wanted a truck stop it would be the table. Further, the SLDC was approved barely a year ago efforts to significantly change it to include a truck stop come off as disingenuous and irresponsible. Pilot Flying J plan is noticeably maybe deliberately vague regarding what's in the proposed three phases. Phase 1, the truck stop is fairly clear but the remaining two phases aren't at all. We, the citizens, and you the Commissioners must be allowed to assess the full plan for the 26-acre parcel. We must know what is being proposed before being able to make a decision on it.

Again, the Pilot Flying J people are exercising what Gorsuch called arbitrary power. To force us to accept development totally out of scale and nature with the local area, the historic scenic byway, and County code. This poorly executed plan is flawed in abundant and substantive ways. We've stated these ways at every meeting, in emails, etc. for well over a year. For these reasons and more, I strongly urge you Commissioners to not approve the proposed truck stop plan. The truck buck stops here. Thank you.

CHAIR HANSEN: Thank you, Ms. McVickar. Next please.

ADRIENE RIDDLE: Madam Commissioner and the rest of you, my name is Adriene Riddle. I'm the treasurer of the Santa Fe Gateway Alliance and a resident of Vista Acosa and 15 Los Caballeros.

So Mr. Shaver repeatedly refers to the diesel component separately, he has at every single meeting and –

CHAIR HANSEN: And you're under oath?

MS. RIDDLE: I'm under oath. That's why this is not a gas station. This diesel component that he so generously separated out for us. Their main goal with this station was to serve their interstate diesel contracts and those are mainly with large corporations, such as Wal-Mart, that sort of thing. So that's one thing as to why it is not a gas station. So I think also that Santa Fe County would be extremely irresponsible in their offer to provide wastewater sewer services regarding this conceptual plan. The Quill Wastewater Treatment Plant is almost 50 years old. It is in very poor conditions per the engineers hired by Santa Fe County and their reports that are listed – they're posted on the Santa Fe County website, you can read them for yourselves. So my husband worked at that plant for over 11 years. Your colleague, Liz Stefanics, finally went out to see the plant. She was applauded when she saw how the ceiling had collapsed over my husband's desk, knocking him out of there to a portable over at public works. This is the same building which houses all the electrical components for the

plant. Hence, the RFP which was issued in 2017 to replace the plant. It had a November 17th due date that was extended to January 18th. So on April 30, 2018, last week, Santa Fe County cancelled their RFP to replace the Quill Wastewater Plant, further proving that they're willing to just kick the can down the road instead of being pro-active in fixing their problems before there is a crisis. The studies that were done use stats that were over 40 years old to say that the Quill Plant as the capacity to handle this development and any other development. That's not true. The study doesn't address the condition of the plant. The building is falling in. The sledge ponds – they go and check them with a rowboat. They can't even get across the pond anymore because the sludge is so deep: it's over 11 feet deep. [time expires]

CHAIR HANSEN: Thank you.

LISA BURNS: Hello. My name is Lisa Burns. I have been sworn in. I live at 11 Las Caballeros. I am the president of Santa Fe Gateway Alliance.

On April 29th PBS aired a program that was advertised on the County website, Travels With Darley, in which Santa Fe, San Marcos, Cerrillos, Madrid and the Turquoise Trail National Scenic Byway are highlighted as top travel destinations. Santa Fe County published and promoted this on the website and that's how I found out about it. How can Santa Fe County promote the Turquoise Trail National Scenic Byway and yet allow for a truck stop to be built at the top of the trail. No mitigation will ever remove the adverse impressions this truck stop will make on tourists and on the top of the trail.

The traffic impact studies are flawed among other reasons the diverging diamond is so confusing that Flying J's own traffic study engineer presented a graphic at the Planning Commission depicting the traffic flow with the arrows going in the wrong directions. 599 was not included in the traffic impact studies until a last minute addendum was submitted at the Planning Commission. Dinosaur Trail is slated for realignment. I went to a meeting on November 1st. It's a realignment with Rabbit Road. Thereby becoming a frontage road that will terminate in front of the truck stop this has not been included in any traffic studies.

This development of countywide impact will be contrary to the health, safety and welfare of our communities and is not a permitted use within the Community College District. I respectfully ask that you deny this application, adopt a moratorium on all truck stop applications and list truck stops as developments of countywide impacts to be subject to all of the conditions in Chapter 11 of the SLDC. Thank you.

CHAIR HANSEN: Thank you, Ms. Burns. Next please.

DIANTHA MCJILTON: My name is Daintha McJilton. I reside at 7 Copper Trail off of County 45 and I'm under oath. The only thing I wanted to ask about was the traffic. I go through the double diamond interchange on a regular basis and I found it hard to get used to but I've gotten kind of used to it. The interesting thing about it is, if you look up double diamond interchange on Google, you'll see all of these diagrams with the double diamond with equal parts, equal lanes on both sides. When they put this one in, they did not do that. They had – they had a separate lane, a merging lane going north and no merging lanes going south because you're going into the city so there's more traffic going that way. But they didn't have a merging lane going south. So when they talked about the double diamond and how it's going to be so much safer, so

much better, it's going to be wonderful and easy for these truckers navigate they left out a major component and that is that it's not your typical double diamond that everyone expected it to be. It has a major flaw with the lack of emerging lane. And if you go on I-25 and you get off there and you're going south you have to be very, very careful to make sure that there's not traffic coming from the right because there's no way to merge. If you're coming from the south and you get off you're fine because there's a merging lane. But he didn't address this, the engineer, who has so much experience and so many credentials, never addressed that. It was never apples to apples. It was oh well, the double diamond is so wonderful. But this is not your typical double diamond. It is an unsafe double diamond I think based on the fact that it's actually trying to deal with the differences in traffic going north and south. So thank you.

CHAIR HANSEN: Thank you.

JOHN PEN LAFARGE: My name is John Pen LaFarge. I live at 647 Old Santa Fe Trail in Santa Fe and I am under oath.

Good evening and thank you for listening to us all. I am the president of the Old Santa Fe Association. Our association has been fighting for the integrity and welfare of Santa Fe and greater Santa Fe since 1927. In the service of the welfare of greater Santa Fe we opposed the gravel mine on La Bajada Mesa and we now oppose the Flying J Truck Stop. All of us recognize the importance of authenticity and integrity to Santa Fe and its economy and its inhabitants. Last year Santa Fe was given the Sense of Place award by the National Geographic Society; an award that could have gone to any town or city in the world. The Society chose us. This is a singular honor. It is in the spirit of this honor, this recognition of the beauty and distinctiveness of Santa Fe that we believe that the proposed truck stop is a travesty. The entry way to Santa Fe is most certainly part of Santa Fe and the introduction to all who drive it as to what they can expect from our city. We believe that the truck stop will irretrievably harm that introduction to Santa Fe and its sense of place, its integrity. Simply put, the truck stop will not fit, will not contribute, will not enhance the entry way to the City Different in any manner. Instead it will do harm, lasting harm to the aesthetic of the welcome of our city that it gives to its residents and to its visitors. Should Mr. Sommer be correct and this concept is permitted, then we suggest that the code ought to be changed.

In this spirit we ask that this Commission turn down this proposition both wholly and permanently. Thank you for your attention.

CHAIR HANSEN: Thank you, Mr. LaFarge. Next.

DOUGLAS SPEER: Douglas Speer, I live at 100 Pine West, Santa Fe, and I'm under oath. Reading from the introduction to the SDLC, the Sustainable Land Development Code is designed to specifically provide protection of environmental, cultural, historical and archaeological resources, lessening of air and water pollution, assurance and conservation of water resources, prevention of adverse climate change, promotion of sustainability, green development and to provide standards to protect from adverse public nuisance or land use effects and impacts resulting from public or private development within the County. That does not sound like a truck stop to me.

In 8.44 which has been referred to as the basis for approval by the applicants, the following are listed as conditional uses in employment center: animal production including slaughter, livestock pens or hog houses, hazardous waste storage, hazardous

waste treatment and disposal. By the applicant's logic you would be required to approve any of these conditional uses for this site if they were applying instead to slaughter animals, house hogs or store hazardous waste. My guess is that you would deny all of those enterprises on this site because regardless of the conditional use, none of those are consistent with the purposes stated in the SLDC. There is no requirement to approve or this process would not exist. The fact is, even if their own argument, even own argument must rely on a third level source which is not mentioned in the SLDC. It's as if they consulted a thesaurus to find anything that could be found as another word for gas station. Synonyms do not create legal precedent. A conditional use may be theoretically permitted but it doesn't mean it is the right thing to do.

I would like to conclude by just saying on Highway 14 both Google and Apple say it is the shortest distance between I-40 going west and Highway 14 at this exit. When your employer has a contract to buy gas at Pilot you will seek the shortest distance to the truck stop. Thank you.

CHAIR HANSEN: Thank you, Mr. Speer. Next please.

KIRK DELAPLANE: Good evening, Commissioners. My name is Kirk Delaplane, 8 Avenida Vista Casita in Rancho Viejo. I've been sworn in. I led the petition drive opposing the truck stop. We have 2,140 signatures of residents of Santa Fe County against the truck stop. In talking to people from all over in a six-month period I would like you to know as I'm sure you can imagine that citizens here are overwhelming against it. For my part, I'd like to point out that Santa Fe is one of the great historic cities in the country. The legacy of this Commission will depend on your vote in this matter. Do we want a dark cloud both literally and figuratively hanging over the entrance to our city for years to come?

I'd also like to say that I was a 2nd grade teacher for 25 years. If I had a class of 2nd graders and I put a picture of a truck stop there and a gas station there and I asked them to point to the truck stop they would all point to the gas station just to make me mad but they would know the difference. Thank you.

CHAIR HANSEN: Thank you very much. Next please.

TREVOR BURROWS: Begging your indulgence. I've been looking at the clock for a little while – oh, maybe I won't, okay.

My name is Trevor Burrows, 2836 State Highway 14 and I've been sworn in. And thank you for the extra time, we usually have 2 minutes. But there are so many things to talk about. We can't do it in 2 minutes. We can't do it in the 3 minutes. The process in which you are going through is creating the problems you are having. We have to look at a much, much bigger picture and figure a way to get from where we are, business as usual, to some kind of different way to approach planning which would include what we have already but this won't work.

Anyway, let me just go on. With the detention center light up like a major airport, a truck stop proposal for Turquoise Trail should come as no surprise. Challenged by rural development the County planning process is and has long been adrift. I left some examples of my previous rural community work assisted by the National Park Service at the table for your perusal. We have great potential and examples for strengthening our rural economy. However, based on food production, resilience, and scenic value – a land [inaudible] near Cerrillos is asked to speak and is considered a leading authority on off

grid desert farming throughout the county and city. The Madrid Food Depot under Gil Snyder and lots of volunteers has been bringing food back from the Santa Fe Food Depot for distribution here for 15 years. The famous San Marcos Café epitomizes rural charm. The neighboring feed store sells a comprehensive list of rural, home and agricultural products. The Facebook group growing food in and around Albuquerque has seen keen to support a food growing economy along the south of the Turquoise Trail. Sophisticated landscape studies on the 14 corridor not unrelated to the movie business could add an [inaudible] tourism dimension to the corridor. The renown founder of *Landscape* magazine, J.B. Jackson, hailed from La Cienega. Oh, well my time is up. I just want to say a legalistic process like this will –

CHAIR HANSEN: Thank you, sir.

CLERK SALAZAR: For the record, I would like the Board to know that I have received approximately 2,135 petitions. If I read the very top heading it says, I oppose the plan of Flying J Travel Center/Truck Terminal. Just so that you're aware.

CHAIR HANSEN: Thank you, Clerk Salazar. Next. Welcome.

DONNA RUSCAVAGE: Yes, hi. My name is Donna Ruscavage. I live at 21 East Saddleback in Santa Fe and I am under oath.

A lot of the points I was going to make have already been made by people who have spoken about the code and not complying with the Community College District Plan village idea. So I want to talk to you instead about my profession. I've worked in the public health profession for 40 years. I have been trained as a social worker. My areas of expertise have been substance abuse, sexual health, and HIV/AIDS. So I want to talk to you about the public health impact that this truck stop could have because there's no doubt in my mind that it will have a serious impact on public health. I think everyone knows that New Mexico is a well-traveled route for drug trafficking and unfortunately for sexual trafficking including child sexual trafficking. Putting a truck stop a stone's throw away from a community where people live and work, where there's many school, where there's young children, pre-school children, young adults is just a recipe for disaster. It has been pretty well documented in the literature that unfortunately truck stops invite this type of activity and crime and I'm concerned for my neighborhood. I'm also concerned for water, air, ground pollution, night sky pollution, the increased potential for traffic accidents as many people have said this is a very busy road, Rancho Viejo Boulevard, and also I'd like to just share my concern with you about our economic security. We are taxpayers. We work hard. We live in the County. We care about the County and this truck stop will threaten our property values. Warren Thompson is building La Entrada had said that he did not want affordable housing in La Entrada because it would bring down property values. What does he think a truck stop will do?

For all of us in the County, we are relying on you to do the right thing. Please don't let the greed of an out-of-state corporation that has no interest or contribution to making our community a better place to live or – you know, have an impact on the welfare of our residents. Please don't let that greed on the local developer and the Flying Pilot J take precedent over our health, safety and welfare. We elected – [time expires]

CHAIR HANSEN: Thank you. Next.

SCOTT HALE: Good evening. My name is Scott Hale. I live at 27 Eagle Peak in Rancho Viejo and I am under oath.

Once again I come before a large group of concerned citizens and ask that they give themselves a round of applause. This is democracy in action. This is exactly what this type of process is supposed to do and allow for.

But as I sit here tonight I can't help but be reminded about Jurassic Park. An interesting analogy considering we're talking about fossil fuels and a truck stop. You may remember the scene in Jurassic Park where after the dinosaurs have gotten loose and they've eaten everybody, one individual stops and pauses and says, We were so concerned about what we could do, we didn't stop to ask ourselves whether or not we should do it. And it's evident to me this evening that Flying J and Mr. Thompson have spent a good deal of money and a good deal of time investigating all the various things that they can do. But that doesn't obligate Santa Fe County Commissioners to do just because they can. Instead the more important question is to ask yourselves whether or not we should do this. And that's where the litany of the concerns with this truck stop come into play because it's basically five different forms of pollution. We're going to experience pollution of our night skies one of the greatest natural resources that Santa Fe has. We're also going to suffer from noise pollution because even though Flying J says it is not a concern, again, common sense says that it is. We're assuredly going to suffer from soil pollution something that in our agricultural economy along Highway 14 we can't begin to suffer from. As well, it's going to pollute the air and worst of all in a drought climate it's going to pollute the water. These should be reasons enough to turn down this application. Now previously Mr. [inaudible] actually went so far to say that he can guarantee that diamond interchange is safe but he can't guarantee that it's not going to pollute our water. He can't guarantee that it's not going to pollute our air. And what he can't guarantee is the safety of our future.

Just because it looks like a restaurant and a gas station and something else, it's still a truck stop and it still pollutes. Thank you.

CHAIR HANSEN: Next, please.

FLOYD CABLE: Good evening, Commissioners. My name is Floyd Cable, I live at 1561 Kachina Ridge Drive in south Santa Fe. And we know that major truck stops certainly has liabilities like tremendous increase in diesel particulate pollution which research has shown to be far more dangerous than had been previously imagined. And we hear a lot of other reasons why we shouldn't have a truck stop. But I want to talk about one of scale. A wolf isn't a Chihuahuas. An elephant isn't a cow and a truck stop is not a gas station. I did a survey of some real estate sales for gas stations around the country and a large, a good size urban gas station might be about 15,000 square feet. A large suburban gas station with hot food, many gas station bays, a car wash, and etc. might be in the neighborhood of 50 or 55,000 square feet. That's about the size of the big gas stations on Cerrillos Road in south Santa Fe, not far from where I live. The Flying J truck stop, remember 55, 50,000 square feet, the truck stop portion alone would be 453,460 square feet. That would be roughly nine to 30 times what most of us think about when we think of a gas station.

Now if you read – instead of cherry picking little bits and pieces from our code – if you read it in its entirety it's really an admirable piece of well-intended, common sense, informed public planning. Our planners did not envision a future with a giant truck stop. They envisioned uses in the area that would benefit the local residents and

business people and it would ensure a future with a healthy economy and a continuation of our admirable quality of life. To argue that a truck stop is a gas station really requires some extraordinary contortions. If I could do that I would be the world champion limbo dancer. I'd say that if we are going to preserve what makes this a city different and a county different and the quality of life that we all brag about and revel in I think that we have to decide that this is not an acceptable use in our County at that location. At this time I think it is a wise idea to declare a moratorium on truck stops until the well intended, well crafted language can incorporate things and protect us from predatory companies and [time expires]

CHAIR HANSEN: Thank you, sir.

CLAUDIA CALISCH: Claudia Calisch, 3 Sprit Run Place in Rancho Viejo. And I have been sworn in.

I just purchased my first house in the beginning of November of last year in Rancho Viejo. I was very excited for the opportunity and the ability to do this. Little did I know that there was a truck stop being proposed a mile and a half from where I live. I don't know about you but I guarantee none of these gentlemen live anywhere a truck stop. I certainly would not have bought my house there if I had known about this.

I am a retired drug and alcohol counselor and I have also spent the night in a truck stop and seen what goes on. Someone else mentioned human trafficking. But they are well known for and constantly amazing amounts of prostitution and drug sales go on in truck stops. It's one of the highlights of the truck stop. It's where many people go to buy their drugs and where lots of prostitutes go from truck to truck. They have very intricate systems for signaling what they want from a prostitute by their visors and their windows and their lights. I don't want to live near that. I'm also a student at Santa Fe Community College. I don't want students at the school or the elementary school exposed to this kind of behavior.

I'm not an eloquent speaker. I'm not a learned or super-educated person. But I can tell you how this impacts my life. I can't afford for my property taxes to go up. I can't afford for my property value to go down. I'm horrified of the thought of Santa Fe housing a truck stop. My great grandfather was one of the first senators of the state. Community concern is in my blood and I believe in considering the impact for the entire community over the rights of one company.

Any my last analogy I want to use is New Mexico allows me to ride a motorcycle without a helmet. That's really nice but is that safe? Just because it's the law that allows me that freedom does that mean that it is good for me? No, I don't think so. But, thank you for your time.

CHAIR HANSEN: Thank you, very much. Next, please.

KATHERINE BILTON: Good evening, Madam Chair and honorable Commissioners. My name is Katherine Bilton and I've been sworn in. I live at 131 East Chili Line Road in Santa Fe. I'm asking you tonight to please say no to the Pilot Flying J conceptual plan and any further efforts to permit this use in Santa Fe County. I'm going to echo some of Matthew McQueen's comments and I'm also going to raise the issue of the many assessments and studies and technical information that have been brought up tonight. The, to me, curious lack of any kind of fiscal impact analysis on the part of the County to determine what eventually in the future this truck stop if it's approved and

built will cost the County in unforeseen costs.

So, according to the SLDC, our favorite code, this is not a gas station. You've heard that from many people. It is what's called a DCI, a development of countywide impact. DCIs are quote, developments that have potential to affect the environment, public health, safety and welfare beyond on the impacts on immediate neighboring properties. This is a broader scope of impact than any gas station that you might approve. DCIs have the potential to create serious – and you've heard this already but I'd like to say it again – adverse noise, light, odor and vibration, explosive hazards, traffic congestion and burdens on the County emergency response services. This list practically defines a truck stop. The County requires higher standards of regulation of DCIs as necessary to preserve the quality and sustainability of life. Higher standards of regulations typically cost more money. I think all of you are pretty much aware of that. Again, no fiscal impact analysis has been conducted to assess the invariable hidden and future costs. We have heard mention of the Quill plant, the problems that could ultimately evolve there. And, yes, Pilot Flying J is committing a certain amount of infrastructure but I don't hear a commitment to continue to maintain infrastructure into the future.

Please reject the Flying Pilot J project outright as an unacceptable DCI that will undermine health and safety of residents and will generate [time expires]

CHAIR HANSEN: Thank you very much. Next, please.

PATRICIA BERENT: Hi, Commissioners and everyone here. My name is Patricia Barent and I live at 79 Calle Agua Clara. I am sworn in.

In 2013 there was a group called the Homework Group. You have the information in your big folders, Donna has sent it to you. This homework group was residents, local taxpayers, voters, people who had homes in Rancho Viejo in La Entrada. This group took the plan, the original plan, first of all we had a history lesson from the people who laid out Rancho Viejo and understood the depth of concern that the original farmers and ranchers had for what Rancho Viejo would become. From there, what we were expected to do was to look at the master plan, go over it and comment on it. There was some conflict between the developer and the residents on what he wanted to use for companies. And, so, we came together and for hours and hours we sat and talked and looked at the plan, discussed in a very conflicted and yet we found unity for all of us.

That plan that we came up with, the Homework Group Plan, was suppose to give guidance to the developer so that he could make the right choices for Rancho Viejo based on the residents. As far as I understand, the developer had fair warning and knowing the results of the Homework Group should not even have begun this process. We said no to a gas station. We said no to a big box store. We said no variances. This is what our community wanted. And if you approve this plan it's going to take away the validation that we gave to the plan and to our lives in Rancho Viejo. Thank you for listening and please say no to the truck stop. Thanks.

CHAIR HANSEN: Thank you. Next, please.

ELIZABETH KIANU STAHMER: My name is Elizabeth Kianu Stahmer and I live at 83 A Van Nu Po Road. I live in family housing at the Institute of American Indian Arts and I am under oath.

I want to talk about the Institute of American Indian Arts. I want you to

contextualize it as a village. It is a community within a community. This community is comprised of Native American students and teachers and faculty and staff who represent tribes from all over this country and from the country north of us and south of us. Historically, oil and gas industries have impacted indigenous communities around the world by bringing in sex trafficking, human trafficking, drugs, crime – our community is located centrally within Rancho Viejo and is bee-line from this truck stop. It would actually gain access for these same factors to be easily impacting these people who are coming from all over the country perceiving that the Institute of American Indian Arts is a safe place for them to be.

I want to repeat what another person said earlier, that just because you can doesn't mean that you should. I am the vice president of the associated student government. I have been elected to be the voice of our student body and to be a steward of this community. I, like you, are a steward to this community and I ask that you perceive these conversations that are happening tonight not just about the environmental impact as far as the code of ethics has been talked about in engineering or in the safety of the planning of the diamond or how those things are going to come in to but the actual impacts on the human lives here and the actual land and the water itself. If we were to consider the land and the waters as our relatives, these too are going to be deeply impacted in the same way and that your stewardship needs to encompass those elements as well.

I'm really affected by this because I live in this because I live in this community. My children – my adult sons are student, my husband is there and I don't want my family and the other people that I now consider my family, the Institute of American Indian Arts community, to be impacted by these terrible elements that can come from a truck stop. The water table is something that is noted to be impacted by these truck stops and I think that is a major thing to be considered and I just want to bring up that the matter of right is not just about codes but it is about the well-being of all the [time expires]

CHAIR HANSEN: Thank you very much.

MICHAEL PSCHORR: Madam Chair, Commissioners, Michael Pschorr, I am sworn in, 42 Via Punto Nuevo. Whatever assurances that Santa Fe County gave over a year ago to approve a supply of water to Pilot Flying J for the proposed truck stop requirement cannot in any way at all be viable where we are today. Last October we entered into drought conditions to find ourselves with southern California to Kansas, the four corners to Oklahoma and the Texas panhandle in drought ranging from extreme quote-unquote to exceptional quote-unquote according to an AP report of 25 April. There is no relief in sight. Charged with the responsibility to protect the well being of our residents, you the Commissioners cannot possibly overrule the unanimous vote of your Planning Commission to Pilot's application a thumbs down. A truck stop with unlimited truck wash, shower and laundry facilities is the last thing that we need in our drought environment. For those of us who live cannot wash cars in our driveways, have strict outdoor water limits to feed our parched plants and trees and take no more than 3 minute showers. For that reason alone, I would urge the Commissioners to turn down the Pilot proposal. Thank you.

CHAIR HANSEN: Thank you, sir. Next, please.

AMADEO AJ ORTIZ: Good evening, Chair and Board. My name is Amadeo AJ Ortiz. I am a current candidate for Santa Fe County Assessor. I come before

you as support to the community, the individuals behind me and to my left.

CHAIR HANSEN: Please raise the microphone so we can hear you.

MR. ORTIZ: Okay. My name is Amadeo Ortiz, otherwise AJ. I'm a current candidate for Santa Fe County Assessor. I come before you as a resident of Santa Fe County. Address is 257A Santa Fe County Road 84, 87506. I understand and acknowledge that I am under oath.

I come before you as support to the individuals behind me and to my left. I approach you with the experience of being not only a truck driver, land surveyor and property appraiser. I ask of Flying J to acknowledge the difference in traffic flow between I-40 and I-25 where we see significant differences in percentages of large vehicles, large trucks so on and so forth, talking about 50 to 60 percent on I-40 on being large oversized vehicles versus I-25 having an estimated probably 10 percent or less. The diamond interchange has not only steep grades, sharp radius curves but also accesses on the curves that throw vehicles to the outside. It is dangerous as I have driven a water tanker before.

I also come before you with the consideration of what the possible impact could be on property values especially considering commercial when you consider the idea of having a one-stop shop for hotel, food, drive-through food, fuel and just about anything else that you can think of on the inside of a convenience store, an extremely large convenience store, there's no reason for individuals driving personal vehicles to stop in our city where our primary consideration is tourism. And not only tourism but the support of local businesses to have individuals stay overnight, long extended stays and see the sights while they are here. A truck stop would allow them to not have to stop. To allow them to continue to go, to pass through. We saw with Route 66 numerous small towns small and go vacant, turn into ghost towns as highways such as I-40 collapsed the industry in those areas.

That's all I really want to say, it's very simple. Thank you.

CHAIR HANSEN: Thank you.

JESSE SHAKESPEARE: Good evening. My name is Jesse Shakespeare. I'm under oath. I live in Madrid. You haven't heard much from Madrid tonight. But if you were to go to the top of the grade south of Madrid you will find posted signs where they say peculiar things, Motorcyclists use extreme caution, right next to, Trucks use lower gears. Now, I got to thinking to myself, if the nimblest vehicle on the road are instructed to use extreme caution, then big trucks shouldn't be there at all and 30 years ago they weren't allowed to be there. Anything over 30 tons was prohibited. And then we had some bridge improvements and because a bridge was improved now we can have all these heavy trucks and note they're not the stupid drivers. No, every single one of them is overweight; they are outlaw vehicles cutting down to 14. So that's what we're going to get.

For 30 years plus the Department of Transportation has told us that they do not have the resources or man power to police the 14 and in our memory no one has seen a truck pulled over in over a decade for inspection. That's a sad thing. If you cannot police and you cannot ensure for the safety of the corridor than the obvious answer really is to restrict its usage. When I look at these things we already have a problem. There's a bill at the capital right now and it's for a moratorium on use of big trucks on the 14. It's

sponsored by the Speaker of the House. We have our senator who is outspoken against this. Both have asked for studies from Department of Transportation as these concerns violate the terms of easement on the unincorporated Village of Madrid. We literally own the 14. It's an easement and you're in violation of it allowing all of these trucks to come through. The only reason any of them are even there is because they're dodging weigh scales and that's all we're going to get except now if you do this we'll have 10 times as many trucks.

Did I mention that my street address 2839 is the exact address where a 9,200 pound cement truck went right through, killed the driver, did \$50,000 worth of damage to my partner and my home [time expires]

CHAIR HANSEN: Thank you, Mr. Shakespeare. Next, please.

KIRSTEN JOHNSON: Good evening. I am Kirsten Johnson, 7 Back Road in Madrid. People like to make fun of my street but that's where I live, on the back road. I am under oath and I appreciate the patients of all the people who let me take cuts to speak after Jesse.

The main thing I wanted to point out is the scenic byway aspect. It's the only scenic byway to my understanding left in New Mexico and this could jeopardize that status. The Land of Enchantment loses its last scenic byway wouldn't that be an embarrassing headline?

Also, as we move away from fossil fuels, I think it's bad timing for a truck stop. Once it's allowed, it can't ever – it's there. It is permanent and maybe it's a bad choice right now.

In the previous meetings a lot of people who lived in area addressed light pollution, I just want to emphasize that again because they didn't address it at all. I didn't hear an answer to the light pollution problem. He did say that they had crossed all the t's and dotted all the i's and done everything right. If they hadn't done everything right it would be your obligation to say, no, you need fix this. But the fact that they have done everything right gives you the choice that gives you to the power to make the decision. And people have been saying, just because you can doesn't mean you have to. And as Jesse pointed out, there are many trucks on Highway 14 despite the things that Mr. Bohannon pointed out. And if we only have the trucks that are overweight, the trucks with the drivers that maybe should be making a different career choice and those are the only ones that are on Highway 14, is that really a good thing? So thank you very much.

CHAIR HANSEN: Thank you, Ms. Johnson. Next, please.

MARK BRAMER: Hello, my name is Mark Bramer. I live at 3 Opera House Road in Madrid and I am under oath. The concern I want to address is health, safety and welfare. That's the overarching theme of what I'd like to talk about right now.

New Mexico State Highway 14 remains a shortcut from I-25 to I-40 for overweight trucks seeking to bypass New Mexico Department of Transportation weigh station on I-25. So if you're a fuel truck supplying fuel to the Pilot Flying J from Albuquerque and you've made a choice to go overweight, which way are you going to go? You're going to New Mexico 14 and you're not going to take that I-25 grade up. You're going to go up, up, up high to the top of Chalchihuitl and you're going to come down a 2 mile grade that starts at 7 percent and is full percent all the way down until you

get to Madrid. And when you get about a half-mile into Madrid there's a sharp right turn and you three choices. One, you can go as was documented by the [inaudible] in 1979 as a dump truck lost its brakes. You can go on Back Road, that's a residential dirt road and there are homes on there. An average size lot is about 1/8 or a 1/4 acre and about every lot is developed. So those are homes. People walk their babies on this dirt road. People stop and talk. This vehicle back in 1979 used that as a runaway truck route. In 1985 a truck overturned because it was going too fast. It actually made that right turn, crossed the arroyo, overturned and landed in the parking lot of one of the largest gallery, the largest gallery, the Johnson Gallery and overturned and stopped. Two years ago, almost two years ago, September 16, 2016, an overweight cement truck came down, lost its brakes, made that right turn, did not cross the bridge. It was tragic and there was a fatality. My neighbor, I live two houses from him, I was within 100 feet of that.

What I want you to consider as I conclude, what if an overweight fuel truck comes down route 14 and loses its brakes. I want you to think about – [time expires]

CHAIR HANSEN: Thank you. Next please.

KAS BERGET: Good evening folks. Kas Berget, is my name and I have been sworn to tell the truth and I live at 82 Cielo de Oro, slightly south of the Lone Butte a mile west of 14, the national and state scenic byway.

We are here to strongly support the Santa Fe County Planning Commission's March 15, 2018 unanimous recommendation to the Commission to reject this plan for a truck stop at the head of the Turquoise Trail because this is not an allowable use of property in the Community College District. They worked on hard on that decision contrary to what the applicants try to tell you. This application plan is a terrible location for a truck stop. Good planning, competent design, quality construction and professional clean operations have been my life's work for more than six decades. These positive attributes can never apply to truck stops anywhere in the world. I am a licensed engineer in New Mexico – licensed, I guess you could say registered professional engineer if you speak attorney – in New Mexico in four disciplines as well as many other states. I have traveled extensively in Europe, Asia, Africa and the Americas, every single one of the 50 states. Yes, I have seen a thing or two. Everywhere truck stops are poorly planned, incompetently designed and shoddily constructed as well as poorly operated. Truck stops are ugly, smelly, filthy, nasty place. Hot beds of deadly drug trafficking and prostitution as a number of others just told you. Unbelievable noise comes from racing diesel engines at truck stops. Light pollution from a truck stop would destroy our priceless night skies. Obstructive congestion prevails in and around all truck stops around the world, everywhere. I have no distain for truckers, only respect for their work ethic and I have sympathy for their having to tolerate the sorry truck stop operations throughout the world.

Commission rejection of this proposal is the correct solution which our community will applaud greatly. Thank you.

CHAIR HANSEN: Thank you, sir. Next, please.

FRANK CHAMBERS: My name is Frank Chambers. I live at 2 Sabroso Place, Santa Fe. I am under oath. I am retired professor of mechanical engineer, a registered professional engineer in Georgia and Oklahoma, not yet New Mexico, with an expertise in acoustics. My study of the proposal for the Pilot Travel Center has led me to

the conclusion that the impacts of the center on traffic, air quality and noise make it an all together inappropriate condition use for the land not fitting within the standards of the Community College District.

Let me address just the noise. The travel center certainly will increase the noise levels over a large area extending beyond the employment district in other parts of the community thereby justifying Matthew McQueen's suggestion that it be considered a DCI. The center itself is a noise source with truck traffic moving in and out and trucks sitting there idling. In addition, the trucks leaving the center and returning to I-25 will be accelerating heavily up long, long ramps way out of the truck stop impacting the surrounding area. There's a berm on the northbound ramp part of the way and after that there's free transmission out to Rancho Viejo. In addition, the trucks are moving slower than the trucks which are passing by on the interstate so they're spending more time generating noise for a longer time in the area.

The travel center certainly will have significant environment impacts on the community; noise, and these impacts will be significant for the residential community to say nothing to the office adjacent to the center. As a p.s. I would like to note that in listening to the presentation by the applicants I suggest that the Commission pay very close attention as to whether they have cherry picked definitions of truck stop as a parking space in one part of the code and a travel center in another part of the code. It seems to me, they may have. Thank you.

CHAIR HANSEN: Thank you, Mr. Chambers. Next, please.

CHRISTOPHER BAYLY: Good evening. My name is Christopher Bayly. I'm under oath. I live 3 Sabroso Place but I work in Bisbee Court right across the street from the proposed site of the Flying J truck stop. I work for a company, OpenEye Scientific Software, we have our offices there and we have just under 50 employees. Of which more than 25 are PhD level scientists and greater than 15 are highly-trained IT specialist. We have people coming to join our company from Apple, from Google, from Microsoft. Recruiting is an issue for our company because, like any of these high tech companies, we have to be very concerned about our work environment and we're very happy to be working at Bisbee Court because those offices are clean and healthy and safe and quiet in this open area. It is everything that Santa Fe should be and is: we can attract people.

I and my colleagues are very concerned about this truck stop going in. We feel that it will have a very negative impact on our work environment. Recruiting aside, we're very concerned that it will impact our health. We are right across the street, we are to the east, the prevailing wind is blowing the diesel fumes and the fuel fumes across to where we will work and it will be there every day, all day, every week. We are concerned about our safety in terms of the traffic. Many people have talked about the ramps I just add my voice to the many in saying, this is dangerous and having 300 trucks a day going on and off will make it much more dangerous. We also have concerns for our safety, just the security concerns as other have raised issues about increased crime and we are also concerned about that. We are also concerned about a large change to our quality of life in terms of increased noise levels and the congestion around there and the litter as the spring winds blow the litter right across the street into Bisbee Court. These concerns are exacerbated because we are less than 100 feet away from where this site is

going to be. All the larger concerns for the larger community are that much higher for my company and every other company that is situated right next door, right across the street in Bisbee Court.

I would say, this is not just a gas station. This is a huge operation going in that completely transforms the landscape around this whole area. It will transform our offices from being clean healthy to being dirty – [time expires]

CHAIR HANSEN: Thank you, Mr. Bayly. Next please.

ANTHONY ASPLAND: Madam Chair, Commissioners, my name is Anthony Aspland. I live at 7 West Hondo Vista in the Casa Viejo neighborhood and I understand that I am under oath. According to the December 4th *Roundhouse* state employee newspaper, New Mexico tourism brings in \$730,000 an hour to the New Mexico economy. Flying J has said that their proposal will contribute about \$2.25 million a year. Doing the math, this means that Flying J will bring in about 3.5 hours of value to New Mexico tourism. So what does Flying J's 3.5 hours of value to New Mexico tourism cost Santa Fe? Three and a half hours of Flying J contribution costs Santa Fe 365 days of night skies due to a variation request for nine times more business lighting which stays on all night. Three and a half hours of Flying J contribution cost Santa Fe 365 days of spoiled viewshed due to a caterpillar weigh station sign on stilts which is also light all night. Three point five hours of Flying J contribution cost Santa Fe 365 days of clean and quiet air due to noise and air pollution delivered by a Flying J estimated 128,000 trucks per year. And by my calculations 3.5 hours of Flying J contribution will include at least 80 tons of pee and 10 tons of pooh for free. Excuse the pun but this is a pooping deal for Santa Fe and Santa Fe tourists and residents. Please say no. Thank you.

CHAIR HANSEN: Thank you, sir. Next, please.

KAREN HELDMEYER: It's going to be hard to top that. I'm Karen Heldmeyer. I live at 325 East Berger and I would like to thank you all for the chairs tonight. That was a big move in the right direction.

I'm speaking for the Neighborhood Network. The Neighborhood Network strongly supports the Gateway Alliance and supports all of the neighbors from all the directions who have done so much to research this particular case, to talk about their own experiences and to give you the information that you need to make a wise decision.

Everybody has been so eloquent and said such wonderful things. I want to mention two points that may have gotten lost in the shuffle. One is at the beginning we heard the developer talk about things that could be used as if they were in the code, as if they were truck stops – kind of, sort of, maybe, a little bit, you know, put them all together and they kind of equal a truck stop. You're being asked to extrapolate from information that is totally unconnected to each other. It's sort of like a big jigsaw puzzle where a lot of the pieces don't fit but somebody is trying to cram them in the holes.

The other thing I wanted to talk about and this is an issue all of the time but particularly for this case, is the issue of traffic safety. When traffic engineers talk about traffic safety what they're talking about are things they get out of these big thick traffic books. And those are based on national averages and national norms. Often that information does not fit a particular situation particularly in Santa Fe where roads are very different often then they are in Des Moines or New York City or anywhere else. So, therefore, it isn't enough just to say the numbers say it's going to be safe. You have to

show that it's going to be safe for this area and that's where an outside study and outside consultant, if you're going to continue to pursue this, is going to be really helpful. So I hope you consider that, thank you.

CHAIR HANSEN: Thank you, Councilor Heldmeyer.

VICKI WORD: Hello, my name is Vicki Word. I have been sworn in. I have a business in Turquoise Trail Industrial Park. I am neighbors with Open Eye. I live at 600 General Goodwin Road, Cerrillos, New Mexico.

I can look at this with two perspectives. One as a small business owner whose customers come to me because I am part of the community and who are very concerned. They have expressed their concern about the truck stop being built, where it's going to be built and they felt like it will impact their ability to get to my store. But the second thing is that I'm a truck driver. I have a CDL. I have worked as a truck driver up until the time that I purchased the store where I am now. My husband continues to drive a truck. We did a little experiment when he was coming southbound on I-25 and he was going to come to the store which means he had to exit and come southbound on 14. He stopped at the intersection. He could not see oncoming traffic in his mirrors and you certainly can't see side of I. So with all due respect to the traffic engineer, the experience that we've had is that you cannot see oncoming traffic in a semi-truck and there is no merging lane. So I have a difficult time thinking that that's safe. If I was driving truck and they asked me to go to the Flying J to fuel, I would ask for a reroute because I would not want to come off that intersection.

The other thing about being a truck driver is that I don't overnight in truck stops because they're just not pleasant places to be. I don't want to live in one and I'm living in my truck, I'd be living in a truck stop so I can empathize with the people that don't want to live next to a truck stop. And I was looking at the map that they were showing as far as the shortest route from 40 and looking at it from a trucker's perspective it really depends on where you are and where you're going. So if you're coming from the east and you want to go north on I-25, yes, 285 is your shortest route. But if you're coming from anywhere down here 14 is literally your shortest route and also if they're talking about getting to their Flying J [time expire]

CHAIR HANSEN: Thank you, Ms. Word. Thank you.

KAREN BROWN: Madam Chair, fellow Commissioners, my name is Karen Brown. I live at 37 Brown Castle Ranch. I am under oath. I've been here 38 years. I would refer you to slide 5 that they gave you because at the bottom there's a little box with a little [inaudible] on it and that happens to be the ranch that my husband's grandmother homesteaded 83 years ago. Now 83 years ago we didn't darn what you put out there because there was nothing but cows anyway. But those cows are gone and I don't think there's a cow anywhere nearby. I can tell you that from my kitchen window I look right straight at the intersection of 599 and 14 and I can tell you anytime of the day or night I see red flashing lights there. That is probably a horrible intersection and those truckers aren't stupid. They're going to avoid exit 2 – whatever it is and they're going to go up to 599 and 14 because it's a whole lot easier to get that truck there than that DDI.

I own Santa Fe Skies RV Park. We put 14,000 visitors through here last year. And you know what, they don't want a truck stop either but they haven't got any say in the matter. So I will tell you that if you approve this conceptual plan you are putting a

fox in the chicken coop because these people get their foot in the door and they're going to do what they want to do. Anything goes. Noise, smell, you name, you're going to see it. And light pollution, these guys are out my backdoor for crying out loud. Do you want this in your backyard? No, you don't even live out where we live. I'm making a suggestion: put this truck stop down at Budaghers. They got nothing else down there, might as well have a truck stop. And, Mr. Thompson, I think you should think sustainable energy. Thank you.

CHAIR HANSEN: Thank you, very much. Next please.

BRENDON ANDREWS: Hello, I'm Brendon Andrews. I acknowledge that I am under oath. I live at 4444 Blue Juniper Loop. I'm the 2019 senior president at ATC. I'm a full-time student and a southside resident. So that means I spend all my time around where this is going to be built.

The local community surrounding ATC, IAIA, the Community College, etc. is beautiful and downright magical. I live southside and drive from my house to school and back usually about once a day if not more. Because of this, I can attest to the horror stories associated with the traffic exchange in question. It's downright scary. Adding 300 semi-trucks into the mix is daunting and quite plainly just – it's a scary idea. In addition to that because of the rural location of ATC an increase in traffic congestion could be disastrous to our students and that it could prevent emergency services to quick access to ATC. Therefore, building this truck stop would in my view be irresponsible and harmful to the community surrounding it. Thanks.

CHAIR HANSEN: Thank you, Mr. Andrews. Next, please.

KATHRYN SHELLEY: Hello, my name is Kathryn Shelley. I live at 15 Rocky Slope in Santa Fe and I am under oath.

I was horrified to learn during the last hearing that a safety impact study had not been conducted. I mistakenly assumed that a traffic impact study was the same thing. While it is interesting that Pilot Flying J contracted one I believe it would serve us well to have an objective party do the study.

Blatant lack of compliance items include policy 34.5 of the Sustainable Land Development Code. That code states, Limit dangerous interactions among roadway users and protect them from inappropriate or dangerous truck traffic. Support the elimination of heavy truck traffic into traditional villages, communities and other inappropriate areas. Policy 35.1 states, Minimize noise, light, dust, visual and other impact of roadways and traffic. Pilot J's 300 percent sign variance request to accommodate their fast food restaurants, their convenience store, and of course their 75 bays for truck idling will increase all of the above. I question the Pilot J progression that code questions must eventually refer up to the NAICS.

There is a Trojan horse at our gateway filled with the temptation of low-wage jobs and a sewer line to an obsolete Quill facility. I ask as so many others do that the County Commissioner become the heroes that have the guts to stick to the vision, the spirit and the policies already written. We the citizens of the City and the County are depending on you to protect us and we thank you for your commitment to us.

CHAIR HANSEN: Thank you, Ms. Shelley. Next please.

KEITH BURKS: Madam Chair, Commissioners, my name is Keith Burks and I live at 14 Vista del Monte. It's about a little under a mile by the way the crow flies.

But the local issue has been covered pretty good and I think I want to focus on the big picture. I'm a foreman electrician for PNM and for the last 40 years I've worked everywhere in Santa Fe County from the Plaza to the outskirts of the County. I still do that daily. And I can tell you without a doubt that the bread and butter of Santa Fe County including the City is tourism. Everybody knows that. And it seems to me that putting a truck stop right in the entrance of our beautiful city is shooting our self in the foot. So when I think of elected officials wondering if they should make a stretch and call a truck stop a gas station to shoot themselves in the foot, I couldn't see it being done. So please look at the big picture, thanks.

CHAIR HANSEN: Thank you, Mr. Burks. Next, please.

LISA GOLDEN: Hi. My name is Lisa Golden and I live at 32 Devoys Peak in Rancho Viejo. And I'm under oath. Everybody is so calm. I am not calm. I moved here for a nice, peaceful and quiet place to live and to take classes at Santa Fe Community College. For what it is worth, I too have a degree in environmental policy and planning but that's not the issue. A truck stop at this location would change the entire character of the County and of the City of Santa Fe. And pollution – part of the draw here is painting and art and pollution destroys art and it destroys paintings. So you're directly impacting so of why people come to Santa Fe.

One of the other larger – also, diesel fuel is extremely – is much more polluting. The particulates are bigger than just regular air pollution and this is inappropriate at a time when we all know that pollution -- I mean that burning of fossil fuels has, is changing our climate dramatically even in the five years since I've been here. The climate of Santa Fe is changing very, very quickly.

One of the other things that really bothers me is that you have more than one elementary school in the area and you have Capital High, you have the Catholic elementary school, you have the high school, you have IA – what is it, IAIA and Santa Fe Community College all encircling this area. And there's going to be sex trafficking not just drugs. You don't – this is not the kind of employment you want to give to your kids. Just in terms of the County, I'd like you to think about when they ruin the county road and 14 is a county road not a state road who is going to pay for the repairs? You will, we will. The company isn't going to. Who is going to pay – oh, and there are five counties, I just looked up – [time expires]

CHAIR HANSEN: Thank you very much. Next please.

GAIL KARR: Good evening. My name is Gail Karr. I am a long time resident and I've been sworn in. And I have a lot to say and a lot of people have said a lot of things and I think I should just speak from my experience living on 14. I've lived in Santa Fe since the '60s and I've seen a lot of changes and when we talk about water policy, that's the '80s when we had water. What affects us now is where I'm living, I live at 100 Rancho Alegre Road, so I live further down off of 14 and what I'm seeing is how many wells are failing. We have to protect everybody's right to get water even if it's from a central location everybody is starting to haul it with tanks in the back of their trucks now. You know, a loaded truck doesn't go very fast if you're hauling water. And a lot of shared wells are going dry now. And water is life as we've been talking about. I'm not – I mean I save water every way I can but what I need to say is also every time I drive into town I try to avoid that new intersection. It scares me and Santa Fe is made up

of a lot of different micro-climates and you can start at one end and at the other end it's snowing. And nobody has addressed that area where they're putting that in is a place where the snow starts to stick and when you can't see those lines and you don't have that – even if you had that road memorized, it's really dangerous when you can't see those lines. And I want to know if the Flying J is going to be on a two-hour delay when the rest of the town is. We're all stuck, we don't have snow removal equipment. And yet we do get it in a good year. The other thing I want to say is that when I've spoken to the deputies from the sheriff's and we call them. They've told me, if you need help we could be two hours away. Just, I mean, we do not have the resources as a county to absorb this. We live in a huge county and we have other needs that are important than supporting them. We have to support the locals first and not the corporations. Thank you.

CHAIR HANSEN: Thank you, Ms. Karr. Next, please.

THOMAS HILL: Yes, my name is Thomas Hill and I am under oath. I live and work in the Turquoise Trail Business Park. Two other businesses have spoken earlier about the impacts. The business that I own is also a high tech business. It develops instrumentation for radiation measurement. Our customers are laboratories all over the country, all over the world. I handed you or it was handed to you the names of other businesses which are in the Turquoise Trail Business Park. I have taken it as my job to talk with many of those businesses and what you're seeing on the picture are the signs of those businesses, a sample, who are opposed to the truck stop. The businesses in Turquoise Trail follow the concept of the Community College District. They are plumbers, they are HVAC people, they are flood remediation folks, they are roofers and every morning those vehicles leave to go out and serve the people in the Community College District and our understanding was that was the goal of the Community College Plan. Notice that there are two churches listed here: Blaze Christian Fellowship and one is Holy Family Episcopal. Both are opposed to the truck stop for fears of safety of their parishioners on service days and evenings.

We believe that the truck stop is incompatible with the other businesses, i.e., our businesses within the employment center. For instance, we actually have a covenant in Turquoise Trail Business Park which does not allow automobile repair or automobile finish repair therefore, I urge you not to support the truck stop. Thank you.

CHAIR HANSEN: Thank you, sir. Next, please.

DIRK STRONCK: Good evening. My name is Dirk Stronck. I have not been sworn in. May I please speak?

[Duly sworn, Dirk Stronck, testified as follows:]

MR. STRONCK: Thank you. My name is Dirk Stronck. I live at 7 Herrada Court in Santa Fe, New Mexico 87508 and I am under oath.

Hello, I speak to you from a truck drivers experience this evening. I am also a student at the college studying sustainable technology so this touches on a couple point that are heavy in my heart. I personally feel the exit on 278 is too tight, steep and narrow for a semi-tractor trailer. I would clearly use exit 276 for better lighting, wider lanes and easier navigation through traffic even though I'm driving another half a mile for a few cents – I told my wife this just the other day. I would like to confirm people's suspicions about the working women also called lizards by truck drivers in the business that use the CB to call for business and they use the word, looking for commercial. I have

experienced this personally. I have helped a distressed young lady while being in a truck stop one night. I also have personally used highway 14 to legally avoid weigh stations. A truck stop at the top of Turquoise Trail would be a huge incentive to use the alternative route. I would like to stress that that is not something that I would like to see for Santa Fe.

I personally do not have a problem and I even like the clean facilities at Flying J Pilot. I have experienced good meals there and I would sometimes make a point to stop there at their terminals. I do feel that it is inappropriate and unnecessary at this location at this time. I personally did not stay at night at truck stops because of noise and diesel smells that is why I would drive out I-40 and not stay at the TA and stay off an off ramp out on highway 40 because it was so nice and quiet and I could enjoy the nice beautiful nights and fresh air that New Mexico has to offer.

As a motorcycle rider I do wear my helmet. I do live in [inaudible] and I would like to echo the previous driver's experience about exit 278 off of I-25 south. The loss of line of sight for traffic that is on your right is terrible and it also is extremely slowing my trailer which will slow traffic that is trying to get to that split. That's all I have to say. Thank you very much for your time.

CHAIR HANSEN: I thank you, Mr. Stronck. Next please.

EIRIK JOHNSON: My name is Eirik Johnson. I live at 2843 North Turquoise Trail, that's in Madrid. And I am under oath. I am speaking because I want to make it quite clear that you guys have the power to do the right thing. The entire argument which has been made by the applicants is that they are entitled to a truck stop in our County whether you guys want to let them have one or not and that's just not true. It is up to you. And you know what to do.

CHAIR HANSEN: Thank you, Mr. Johnson. Is there anyone else who would like to speak? Okay, if there is no one else who would like to speak, I am going to close the public hearing. Thank you everyone.

MR. SOMMER: Madam Chair, it is customary to allow the applicant to respond to some of the comments that were made in the comment period and we would request that opportunity after a five-minute break to just sort of hone our comments.

MR. FREDERICK: Madam Chair, the procedures give the applicant a right to reply.

CHAIR HANSEN: How does everyone feel about a five-minute break?

MR. FREDERICK: Madam Chair, I just want to say this is following the usual adjudication process where the applicant goes, the opponent goes and then the applicant gets a chance to reply. That's just the usual process.

CHAIR HANSEN: No break and how long do you need?

MR. SOMMER: Give me one moment please.

[Opposition erupts from the audience]

MR. FREDERICK: Madam Chair, it is totally inappropriate to react this way. We're almost done with this hearing. It has gone well so far. Let's keep it civil and let's follow the procedures. All we are doing is following the procedures that are in the SLDC and elsewhere.

CHAIR HANSEN: Yes, so please be polite. I know that people are upset and opposed to some of these things. But civility is really the better part of valor. So

please behave and allow Mr. Sommer to have –

MR. SOMMER: I will be very, very brief.

CHAIR HANSEN: Okay, thank you.

MR. SOMMER: I think that there was a lot of discussion by Mr.

McQueen and others about the use and the suggestion was that you should go to these very vague standards when you have very objective standards in the code. The suggestion to you also is, Hey, if we had known this we would have asked you to change the rule. As I started this evening I asked you and I told you that your job is to judge the rules as they are written not judge the rules as others would like you to write them or to write new rules here tonight or to declare a moratorium to change the rules. The application in front of you complies with your written rules clearly.

The suggestion was under the law that you can go to health, safety and welfare. Well the New Mexico courts have rules on that. In the Smith case which is the packet in front of you in Mr. [inaudible] O'Brian's letter, the Supreme Court said when you have an objective standard you cannot go to these vague health, safety and welfare. There's a case in New Mexico also that this County attempted to do that in the context of a family transfer. The court's overruled the attempt to use the intent of the code when an objective standard existed. Second of all, the courts have ruled on the ability for you to sit and judge the rules as you would like them to be in the Hinkle Case. That case stands for the very clear proposition that you must interpret the rules as they are written and that the applicant has a right to that.

I think that from a technical standpoint all of the issues that you have presented with have been addressed with people who have put their licenses on their line. They have certified the information is accurate and correct and they've asked you to rely on them as professionals. It has been suggested that somehow we came up with idea to go to the NAICS to shoehorn a truck stop into an allowed use. The code directs you there. That language is found in the NAICS. It wasn't our invention and the suggestion is inappropriate.

I think in sum, this application meets your rules as written. It has been recommended approval by approval for everybody who you pay to look at it and this applicant deserves an approval under your written rules. Thank you.

CHAIR HANSEN: Thank you, Mr. Sommer. Commissioners?

COMMISSIONER HAMILTON: I'd like to make a motion that we break for executive session to deliberate.

COMMISSIONER ANAYA: Second.

CHAIR HANSEN: Okay. We have a motion to go into executive session and to deliberate. I have a motion and second. Roll call.

The motion to go into executive session to discuss pursuant to NMSA 1978, Sections 10-15-1(H)(3) and (7) of the New Mexico Open Meetings Act, as necessary, to conduct deliberations and engage in privileged attorney-client communications, respectively, passed by unanimous roll call vote as follows:

Commissioner Anaya	Aye
Commissioner Hamilton	Aye

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Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission recess to go into executive session from 9:56 p.m. to 10:59 p.m.]

CHAIR HANSEN: I would like to have a motion to come out of executive session.

COMMISSIONER HAMILTON: So moved.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: All that was spoke about was this case that we are now deliberating. We have a motion and a second. All those in favor.

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

CHAIR HANSEN: What is the pleasure of the Board? Would anybody like to make comments or do I have motion?

COMMISSIONER MORENO: I have a motion.

CHAIR HANSEN: Okay, Commissioner Moreno has motions.

COMMISSIONER MORENO: The approved three motions –

CHAIR HANSEN: No, we talked about three motions.

COMMISSIONER HAMILTON: We talked.

COMMISSIONER MORENO: Yes, we talked about three motions. And I will read them one at a time.

The first motion is: I move that the Board disapproves the truck stop use which consists of the following sub-uses: a) The 75-lot semi-truck parking area; b) The semi-truck weight station; and c) The semi-truck fueling stations. Because these uses are not allowable land uses within the CCD EC and because they are inconsistent with the SGMP and CCD Plan.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Do I have discussion?

COMMISSIONER ANAYA: I'll wait until after all of them.

CHAIR HANSEN: Okay. With that, all those in favor. Opposed.

The motion passed by majority [4-1] voice vote with Commissioner Anaya voting against.

COMMISSIONER MORENO: The second motion: I move that the Board approve the application for the conceptual plan without the truck stop use and that the applicant amend the conceptual plan to remove the truck stop uses subject to the Administrator approves the amendment and the conceptual plan, showing the site layout and conditions of approval shall be recorded at the expense of the applicant pursuant to

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SLDC Section 4.9.9. and compliance with all reviewing agency comments and recommendations.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: All those in favor. Opposed.

The motion passed by majority [4-1] voice vote with Commissioner Anaya voting against.

COMMISSIONER MORENO: And the third motion is: I move that Staff prepare a proposed development order including appropriate conditions consistent with the evidence presented, the requirements of the SLDC, and the Board's final decision, and that staff present the proposed order to the Board for consideration.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: All those in favor. Opposed.

The motion passed by majority [4-1] voice vote with Commissioner Anaya voting against.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I first want to say I appreciate all the people that came and all the feedback and input that we received. And I respect my colleagues on this bench and the discussions, deliberations that they made in the determination – I respect that they made even though I voted against it.

That said, I have just a question of our counsel that I would like some feedback on and then I'm going to make a few brief statements. And that is relative to the role and responsibility of the Board of County Commissioners as I understand it, Bruce, and you can elaborate more but I think it should come from you, could you just say what our role and responsibility is relative to the term quasi-judiciary or adjudicatory process. And then I'm just going to make some brief comments that go specifically respect our Administrator did our Land Use Administrator and what I believe she followed when she did it. But if you could just speak to our role on the County Commission that's a different role in land use cases; if you could just say that on the record, I would appreciate it.

MR. FREDERICK: Well, Commissioner Anaya, Chairman --
Chairperson – sorry,

CHAIR HANSEN: Madam Chair.

MR. FREDERICK: Madam Chair, thank you. I was worried that you were going to ask something that might be subject to attorney client privilege but you are asking something that is a general matter. Quasi adjudicatory means somewhat adjudicatory. It follows judicial process somewhat. It means that there are certain procedural due process protections and I believe we followed the code in following those procedures and providing everybody an opportunity, that's the essence of due process, it's an opportunity to be heard, to present evidence and testimony and to cross exam other folks who were here. And everybody had that opportunity whether they exercised it or not is beside the point. Everybody had that opportunity. So we followed a quasi-judicial

proceeding in this manner.

COMMISSIONER ANAYA: Thanks, Bruce. And I didn't ask the question blindly. I wanted to hear your perspective on the record. I've asked that question of the last seven and a half years many times. And some of the same responses that I've received were from the same individuals. But in that question lies a responsibility that I have taken very literally associated with reviewing or listening to whatever a case might be in any land use case and the basis of the determinations that I'm to make as a commissioner are based on fact and law and so I didn't ask the question blindly. I've asked it many times because I think it's an important basis to operate from in the decisions that we make.

Several quick points. We have a Sustainable Land Use Plan, number one. We have a basis that it follows through in law which is our code, the Sustainable Land Use Code. Attached to that code is the Land Use Base Classification Standards and the North American Industry Classification Standards. We also have in the process a Hearing Officer that also reviews the documents associated with in the plan. And, respectfully, I believe that the Land Use Administrator acted with no malice, no haste and followed suit with the literal representation of what it was she's required to do as the Land Use Administrator. I think she did her job. I have a great deal of respect for Ms. Ellis-Green and I have to say it was tough to hear many people come forward that when we passed the code had praise and accolade for the work of the County and Ms. Ellis-Green where today it took a different posture and tone. But I respect those perspectives individually tonight and every night. But I just say unequivocally on the record I think she did her job and I respect what she did and I don't believe she did her job alone. She did her job in accordance with the structure that this Commission, the prior Commission adopted and she did it in accordance with review and consultation with staff including but not limited to the Attorney's Office our counsel.

And so that said, I guess the last note I would have as someone that's on my way out of the Commission is that if there's perspectives and differences of what is in or outside of the code or what is allowable or not allowable, I would respectfully submit that the time to do that is in the development of the code and the actual implementation and voting of the code before a case comes forward not after a case has been presented. And so I respect my colleagues. I respect everyone here and I respect the hundreds of people that had comments at the Planning Commission and I respect those perspectives that were brought forth there.

So, thank you, Madam Chair and thank you members of the Commission.

CHAIR HANSEN: Thank you, Commissioner Anaya. Any other comments from my colleagues? Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. The people of Rancho Viejo – this move will give us an opportunity to kind of reset some things and get clear on what the next steps are. And I do want to give thanks to all of the people who had worked on this project: the County staff excellent work as usual. Also, the Hearing Officer and the Planning Commission they all worked diligently on this case and I was most impressed by the hundreds, my estimate 400 letters that were submitted to the County. Many of them from Rancho Viejo but from all parts of the County that we received. And I appreciate the dedication of the people in the community. The

Community College community area and we'll keep on working on this. Thank you for participating on this. Thank you.

CHAIR HANSEN: Thank you. I'm going to say just a few words also. I want to thank everyone who came tonight and everyone who participated in democracy at its best, listening to our constituents. I also want to thank the applicant and I want you to think about working with the community. I think that that is what the Community College District is about. It is about community. It was designed and it was made to be a community where it worked with the people and the businesses that exist there. And I hope that Mr. Thompson and the applicants will reach out and work with the community that is there and create something that is in harmony so that we have a positive output.

It is incredibly important to me as a Commissioner that we have a coming together and understanding of what is needed in our community not just one side or the other but how can we come together and build something that is sustainable. And that is what the sustainable land plan is about. That is what the Community College plan is about. It's really building with each other and creating something that is good for everyone in the community. And as the staff and the County Commission knows my large push has been sustainability. I believe fossil fuel is the past. I believe that charging stations and electrification built on solar is the future and that is what we need to be looking for. We need to be working towards a healthy, sustainable planet and that means right here in our own county. And so that is what I am asking of everyone is to work together to find a good solution for our community where everyone benefits not just a few.

With that, I want to say thank you. I know that Commissioner Anaya has something to say again.

COMMISSIONER ANAYA: Yeah, it doesn't have anything to do law or the items I brought up before but I want to say this on the record without a doubt and a question: goods and services that get to every single one of us in this United States hit the trucking industry and they were painted in a bad light today and I'll tell you at the local level and at the national level there are some good people that are truckers that provide those goods and services to us and I don't leave this night without exclaiming that and saying I appreciate their efforts. What I have seen, and I think what all of us have seen in society and history is that anytime we start excluding people or keeping them away from something it's generally not a good thing. And there's a lot of different examples I could cite but I won't. But I want to thank those in the trucking industry and say that, I for one, value their service to the country and the local area and they got to gas places too. And they got to have places to access services as well. And so I didn't want to leave without saying that. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. And with that –

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I just wanted to make a few comments as well. First of all I'd like to ditto a lot of the comments that were made to tonight by my fellow Commissioners and Commissioner Anaya made some good points on the fact that I think the truckers were painted in a light that I didn't really appreciate either. But what I do want to say is us coming together and listening to the public, listening to both sides

is a good way for us to come together but I also think tonight's decision was one that I feel everybody was confident that voted for it was the correct way to go and I feel that representing our constituents and us working together and being respectful to one another is going to be key for the future. So I just want to really thank everybody for the time they spent here tonight with the Commission and bringing forward your concerns. Thank you.

CHAIR HANSEN: And with that, thank you everyone. Thank you for staying to the very end. We appreciate your dedication and commitment.

X. CONCLUDING BUSINESS

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

Having completed the agenda and upon motion by Commissioner Hamilton and second by Commissioner Moreno, Chair Hansen declared this meeting adjourned at 11:18 p.m.

Approved by:


Board of County Commissioners
Anna Hansen, Chair

ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK



Respectfully submitted:

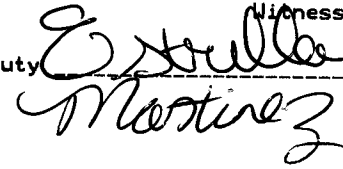

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 186

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of June, 2018 at 11:33:01 AM
And Was Duly Recorded as Instrument # **1860161**
Of The Records Of Santa Fe County

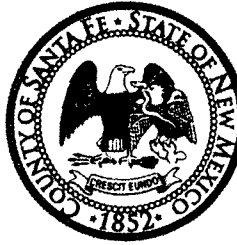
Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy  County Clerk, Santa Fe, NM

II. B. 1.

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



Date: May 8, 2018
To: Board of County Commission
From: Tony Flores, Deputy County Manager
Via: Katherine Miller, County Manager
Subject: Request Approval of a Right-of-Way Easement between Santa Fe County and Central New Mexico Electric Cooperative, Incorporated, for Electrical Service for the East Mountain Regional Health Facility Located Within the Town of Edgewood.

Background and Summary:

Santa Fe County entered into a lease agreement with the New Mexico State Land Office for 5 acres of real property located within the Town of Edgewood for the development of the East Mountain Regional Health Facility (Facility). The Facility is under construction and is expected to be completed on December 12, 2018.

As part of the development, Santa Fe County as the lessee, is required to enter into a Right-of-Way easement agreement (Easement) for electrical service with Central New Mexico Electric Cooperative, Incorporated. The Easement will permit the installation of temporary power for construction and permanent power once the Facility is complete.

Recommendation:

Staff is recommending the approval of the Right-of-Way Easement between Santa Fe County and Central New Mexico Electrical Cooperative, Incorporated.

SEC CLERK RECORDED 06/14/2018

RIGHT-OF-WAY EASEMENT

WO# _____

KNOW ALL MEN BY THESE PRESENTS, that the undersigned
Santa Fe County (~~unmarried~~) (~~this wife~~) for a good
and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto
CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC., a Corporation, whose post
office address in Mountainair, New Mexico, and to its successors or assigns, the right to enter
upon the lands of the undersigned situated in the County of Santa Fe, State of
New Mexico and more particularly described as follows:

TRACT B-1-A LYING WITHIN A PORTION OF THE SE 1/4 NE ¼ OF SECTION 16, T.10N.R.7E. NEAR
THE NORTHEAST CORNER OF THE INTERSECTION OF STATE ROAD 344 AND MUNICIPAL WAY, IN
THE TOWN OF EDGEWOOD, COUNTY OF SANTA FE, STATE OF NEW MEXICO.

*REFERENCE ATTACHED EXHIBIT A FOR EASEMENT LOCATION.

and to place, construct, operate, repair, maintain, relocate, and replace thereon and in or upon all
streets, roads, or highway abutting said lands an electric transmission or distribution line or
system, and to cut and trim trees and shrubbery to the extent necessary to keep clear of said
electric line or system and to cut down from time to time all dead, weak, leaning or dangerous
trees that are tall enough to strike wire in falling.

In granting this easement it is understood that at pole locations, only a single pole and
appurtenance will be used, and that the location of the poles will be such as to form the least
possible interference to ~~farm~~ operations, so long as it does not materially increase that cost of
construction.

LESSEE

The undersigned covenants that (he) (she) (they) is/are the ~~owner(s)~~ of the above
described land, that the said lands are free and clear of grants of conveyances that would restrict
the undersigned from giving this easement.

It is further understood that, whenever necessary, words used in this instrument in the
singular shall be construed to read in the plural and that words used in the masculine gender shall
be construed to read in the feminine.

State of New Mexico }
County of _____ }

Approved as to form
Santa Fe County Attorney
By: [Signature]
Date: 5-4-18

On this _____ day of _____, A.D., before me
personally appeared _____
to be known as the person of persons described in and who executed the foregoing instrument
and acknowledged that (he) (she) (they) executed the same as a fee act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.

My Commission Expires _____

Notary Public

PLEASE DO NOT WRITE OR STAMP BELOW THIS SPACE (for County use only)

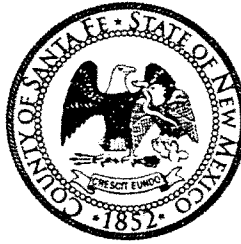
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III.b.1.

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



DATE: May 3, 2018

TO: Board of County Commissioners

FROM: Michael Kelley, Public Works Department Director MK 5/3/18

VIA: Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting May 8, 2018.

Request Authorization To Publish Title And General Summary Of Ordinance No. 2018 - _____, An Ordinance Amending Ordinance No. 1998-16 ("An Ordinance Establishing Provisions For Extension Of Sewer Service; Adopting Operating And Management [Procedures]; Setting Rates; And Establishing Design Standards For The Santa Fe County Wastewater Utility") To Update Rates And Charges; And Repealing Section 4 of Ordinance No. 2014-11 (A Prior Amendment of Ordinance No. 1998-16). (Public Works Department/John Dupuis)

BACKGROUND:

The current rate schedule for the Utility does not generate adequate revenue to cover the costs of operation and maintenance.

DISCUSSION:

Staff is requesting to publish title and general summary of an Ordinance Establishing Santa Fe County Utility Wastewater Service Rates and Charges and Repealing All Prior Wastewater Service Rates and Charges (Ordinance), which establishes wastewater service rates and charges to recover recent increases to the County Wastewater Utility (Utility) operational and maintenance costs. Additionally, the proposed rate increase provides for repair, replacement, and emergency reserves. The attached draft Ordinance provides the specifics on the proposed rates and charges.

ACTION REQUESTED:

Approval to publish of title and general summary of an Ordinance Establishing Santa Fe County Utility Wastewater Service Rates and Charges and Repealing All Prior Wastewater Service Rates and Charges.

Attachment:

Draft Ordinance Establishing Provisions For Setting Santa Fe County Utility Wastewater Service Rates and Charges and Superseding All Prior Rates and Charges.

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

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ORDINANCE NO. 2018-__

AN ORDINANCE AMENDING ORDINANCE NO. 1998-16 (AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT [PROCEDURES]; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS FOR THE SANTA FE COUNTY WASTEWATER UTILITY) TO UPDATE THE SERVICE RATES AND CHARGES; AND REPEALING SECTION 4 OF ORDINANCE NO. 2014-11 (A PRIOR AMENDMENT OF ORDINANCE NO. 1998-16)

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

1. Paragraph 5.1 of Exhibit A to Ordinance No. 1998-16 is hereby deleted in its entirety and replaced with the following:

5.1 Each residential and nonresidential connection within the service area for which water consumption records are available shall be assessed a monthly fixed fee, plus a monthly usage charge per 1,000 gallons of applicable base period water use above the base rate of 1,000 gallons. Fees and charges by fiscal year are set forth in the following chart:

Fiscal Year During Which Rates are Effective	Monthly Fixed Fee	Monthly Usage Charge (Per 1,000 Gallons Above Base Rate of 1,000 Gallons)
FY19	\$8.59	\$5.10
FY20	\$9.02	\$5.31
FY21	\$9.47	\$5.54
FY22	\$9.94	\$5.77
FY23	\$10.44	\$6.01
FY24 and Each Fiscal Year Thereafter	The rates and charges shall automatically be adjusted by the corresponding change in the Consumer Price Index (CPI) for Western Region for Urban Wage Earners and Clerical Workers. The SFCU shall post each new rate and fee schedule on the Santa Fe County website.	

A. A residential connection shall include single and multi-family residences, mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S. Government, the State of New Mexico, the City of Santa Fe, the County of Santa Fe and Santa Fe Board of Education and private elementary and secondary schools and colleges.

SFC CLERK RECORDED 06/14/2018

- 2. Section 4 of Ordinance No. 2014-11 is hereby repealed in its entirety. Except as partially repealed by this Ordinance, Ordinance No. 2014-11 shall remain in effect.
- 3. Except as amended by this Ordinance, Ordinance No. 1998-16 shall remain in effect.
- 4. This Ordinance shall take effect thirty days after it is recorded with the County Clerk.

PASSED, APPROVED, AND ENACTED THIS ____ DAY OF _____, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna Hansen, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Date: _____

APPROVED AS TO FORM:

R. Bruce Frederick, Santa Fe County Attorney

Date: _____

FINANCE DEPARTMENT APPROVAL:

By: _____
Stephanie Schardin Clarke
Santa Fe County Finance Director

Date: _____

ORDINANCE NO. 2014- 11

AN ORDINANCE AMENDING ORDINANCE NO. 1998-16 (AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT PRODECURES; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS FOR THE SANTA FE COUNTY WASTEWATER UTILITY) TO UPDATE THE SERVICE RATES AND CHARGES AND SERVICE AREA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AS FOLLOWS:

1. Paragraph 2.B of Ordinance No. 1998-16 is hereby replaced with the following:

B. Service Area

The County's sewer service area is defined to coincide with Sustainable Development Area 1 as indicated on the Sustainable Land Development Code Official Map Series Map 6 - *County Water and Sewer Utilities*, as such may be amended from time to time.

2. Page iii of Ordinance No. 1998-16 is hereby amended by deleting the phrase "Exhibit C - Service Area Map".
3. Ordinance No. 1998-16 is hereby amended by deleting Exhibit C.
4. Paragraph 5.1 of Exhibit A to Ordinance No. 1998-16 is hereby replaced with the following:

5.1 Each residential and nonresidential connection within the service area for which water consumption records are available shall be assessed a monthly fixed fee, plus a monthly usage charge per 1,000 gallons of applicable base period water use above the base rate of 1,000 gallons. Fees and charges by calendar year are set forth in the following chart:

Calendar Year During Which Rates are Effective	Monthly Fixed Fee	Monthly Usage Charge (Per 1,000 Gallons Above Base Rate of 1,000 Gallons)
2015	\$7.54	\$4.50
2016	\$7.73	\$4.50
2017	\$7.95	\$4.69
2018	\$8.18	\$4.89
2019 and Each Calendar Year Thereafter	\$8.42	\$5.10

A. The base period for residential connection is the most recent December through February period preceding the fiscal year of fee assessment.

B. A residential connection shall include single and multi-family residences, mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S. Government, the State of New Mexico, the City of Santa Fe, the County of Santa Fe and Santa Fe Board of Education and private elementary and secondary schools and colleges.

C. The base period for a non-residential connection is the most recent April through March period for which water use records are available preceding the fiscal year of fee assessment. Upon written application to the Department, metered water use for non-residential connections may be reduced by two (2) gallons per month for each square foot of irrigated property. Reductions may be applied from March through November.

5. Exhibit A to Ordinance No. 1998-16 is hereby amended by adding the following new Paragraph 5.6:

5.6 This paragraph applies to those residential and nonresidential connections for which the County is a wholesale sewer customer of the City of Santa Fe (City).

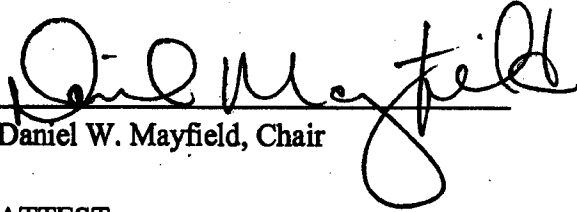
A. Notwithstanding anything in this Ordinance seemingly to the contrary, if the fees, charges, and surcharges, however denominated, under this Ordinance are less than the fees, charges, and surcharges that the City charges the County for sewer service for such connections, the County shall assess the customer the difference in addition to the fees, charges, and surcharges (if any) due under this Ordinance. The preceding sentence applies to surcharges but does not apply to the base monthly service rate and usage rate.

B. Service for such connections shall also be subject to all terms and conditions in the agreement between the County and the City pursuant to which the City agrees to provide sewer services for the connection, in addition to any terms of service established in or pursuant to this Ordinance.

6. This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9.

PASSED, APPROVED, AND ADOPTED THIS 25th DAY OF NOVEMBER, 2014

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

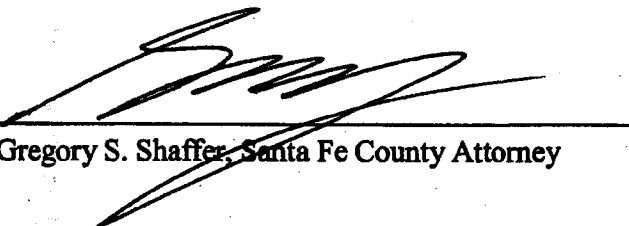

Daniel W. Mayfield, Chair

ATTEST:


Geraldine Salazar, Santa Fe County Clerk

11-25-2014

APPROVED AS TO FORM:


Gregory S. Shaffer, Santa Fe County Attorney



SFC CLERK RECORDED 06/14/2018

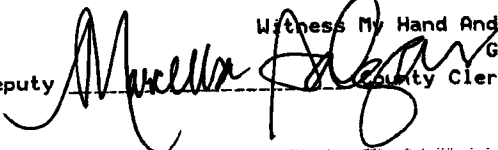
SFC CLERK RECORDED 12/22/2014



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of December, 2014 at 11:58:18 AM
And Was Duly Recorded as Instrument # 1752079
Of The Records Of Santa Fe County

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

ATTACHMENT 2

Aldea: 364 Accts.

Tessera: 12 Accts.

Agua Fria Village

Vista Aurora: 74 Accts.

Desert Academy: 1 Acct.

El Gancho: 1 Acct. Harry's Roadhouse: 1 Acct.

Wild & Wooley MHP: 1 Acct.

TTMA: 25 Accts.

Longford Homes: 184 Accts.

Valle Vista: 195 Accts.

National Guard: 1 Acct. SF Studios: 1 Acct.

State Pen: 1 Acct.

Corrections: 1 Acct.

LEGEND

SFCU Sewer Service Areas

- ☐ Harry's Roadhouse
- ☐ El Gancho
- ☐ Desert Academy
- ☐ Valle Vista

State Pen

- ☐ Santa Fe Studios
- ☐ Corrections
- ☐ National Guard
- ☐ Aldea

Tessera

- ☐ Longford Homes
- ☐ Turquoise Trail Master Assoc.
- ☐ Wild & Wooley
- ☐ Vista Aurora

Agua Fria Village

- ☐ GIS Roads
- ☐ Major Roads
- ☐ All other Roads
- ☒ City of SF Boundary

Total Number of Accounts to be affected by Rate Increase: 862



1 inch = 500 feet

SFCU Sewer Service Areas

1577077

Santa Fe County

Ordinance No. 1998 - 16

**AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF
SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT
PROCEUDRES; SETTING RATES; AND ESTABLISHING DESIGN
STANDARDS FOR THE SANTA FE COUNTY WASTEWATER
UTILITY**

SFC CLERK RECORDED 06/14/2018

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FOR**

1577078

**SANTA FE COUNTY
Ordinance No. 1998 – 16**

**AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF SEWER
SERVICE; ADOPTING OPERATING AND MANAGEMENT PROCEDURES; SETTING
RATES; AND ESTABLISHING DESIGN STANDARDS FOR THE SANTA FE COUNTY
WASTEWATER UTILITY**

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SANTA FE COUNTY

1577081

Ordinance No. 1998 - 16

**AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF
SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT
PROCEDURES; SETTING RATES; AND ESTABLISHING DESIGN
STANDARDS FOR THE SANTA FE COUNTY WASTEWATER
UTILITY**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY THAT:**

SECTION - 1

Short Title: This Ordinance may be cited as the Sewer Use and User Charge Ordinance of the Santa Fe County Utilities Department.

SECTION - 2

A. Purpose.

The purpose of this Ordinance is to set uniform requirements for the users of Santa Fe County's wastewater collection system and treatment works; to enable Santa Fe County (the "County") to comply with applicable federal, state and local laws and the regulations; to provide for the public health and welfare; to protect the County's economic interests in the publicly owned treatment works (POTW) and its treatment by-products; and to otherwise ensure protection of public health, public resources and environment, by regulating the quality and quantity of wastewater discharged into the County's wastewater collection system and treatment works. This Ordinance provides a means for determining wastewater volumes, constituents and characteristics, and the issuance of permits to certain users. This Ordinance also establishes effluent limitations and other discharge criteria and provides that certain users shall prevent the introduction of pollutants into the POTW which may potentially interfere with the operation of the POTW or contaminate the sewage sludge, and shall also prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or may otherwise be incompatible with the treatment works. This Ordinance is also designed to improve opportunities to protect the County's options to beneficially reuse, market, reclaim or dispose of treatment by-products, and to improve the County's ability to minimize the quantity of a user's wastewater discharge.

B. Service Area

1577082

The County's sewer service area is defined to coincide with the County's Water Utilities Service Area. Specifically, the Service Area is defined as those portions of the following Sections which are within the Service Area boundary depicted on Exhibit C.:

Township	Range	Sections
15 North	8 East	1,2,3,4 and 5
Township	Range	Sections
16 North	8 East	13,14,15,22,23,24,25,26,27,33,34,35 and 36
Township	Range	Sections
16 North	9 East	10,15,16,17,18,19,20,21, 22,27,28,29,30,31&32

C. General Violations

Violation of any local, state or federal regulation or law which affects the functioning of the County POTW or the County's beneficial use of the by-products of its wastewater treatment shall be considered a violation of this Ordinance.

SECTION - 3

A. Abbreviations:

BOD means biochemical oxygen demand

CFR means Code of Federal Regulations

COD means chemical oxygen demand

CWA means /Clean /Water Act of 1977 (P.L. 95-217, et seq)

EPA means United States Environmental Protection Agency

gpd means gallons per day

l means liter

LEL means lower explosive limit

MGD means million gallons per day

mg means milligrams

1577083

mg means milligrams

mg/l means milligrams per liter

NPDES means national pollutant discharge elimination system

O&M means operation and maintenance

POTW means publicly owned treatment works

RCRA means Resource Conservation and Recovery Act

SIC means standard industrial classification

SWDA means Solid Waste Disposal Act (43 U.S.C. 6901, et seq.)

TSS means total suspended solids

USC means United States Code

WPCA means Federal Water Pollution Control Act (P.L. 92-500)

UPC means Uniform Plumbing Code

B. Definitions

Acceptance means the final written approval by the County of the construction of sanitary sewers and acceptance of the sewers for public maintenance. Letters indicating acceptance shall not be issued unless adequate evidence has been provided to the County that the sanitary sewer was built in accordance with plans, specifications and applicable standards. Upon issuance of a letter of acceptance, funds or financial guarantees retained by the County to ensure proper completion of the sewer may be released.

Accessible to County sanitary sewer system means a property: (1) which abuts or is within 200 feet of the County sewer system or is within 200 feet of the boundaries of a public street or sanitary sewer utility easement which contains the County sanitary sewer system; and (2) which may physically connect to the County sewer by means of either a gravity or pressure sewer line.

Act or "the Act" means the Federal Water Pollution Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

ALARA (As Low As Reasonably Achievable) means the requirement that an industrial user make every reasonable effort to maintain quantity of discharge and

the amounts and toxicity of pollutants in discharge as far below the regulatory limits as is practical, consistent with the purpose for which the permit is issued, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, the limited resources available, and the public interest in protecting the County's options for the beneficial reuse, marketing, reclamation or disposal of the waste treatment by-products as well as other societal and socioeconomic considerations.

Authorized representative of the Industrial User means one of the following:

A. If the industrial user is a corporation:

(1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal function, or any other person who performs similar policy or decision-making functions for the corporation.

(2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. The manager may designate another authorized representative if: (1) the authorization is in writing; and (2) the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or has overall responsibility for environmental matters for the company; and (3) the authorization is submitted to the County Utilities Department.

B. If the industrial user is a partnership, association, or sole proprietorship, a general partner or the proprietor.

C. If the industrial user is a federal, state or local government, or an agent thereof, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

Base period means the consecutive calendar month of metered water use which is the basis for monthly sewer service charges.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter reserved under standard laboratory procedure, for five (5) days at 20° centigrade, expressed in terms of weight and concentration [milligrams per liter (mg/l)].

Categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance

with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-171, and incorporated herein by reference.

Chemical oxygen demand (COD) means a measure of the oxygen consuming capacity of organic and inorganic matter present in wastewater expressed as milligrams per liter (mg/l) and measured under standard laboratory procedures. COD is used as a measure of the wastewater strength.

County means the County of Santa Fe.

County representative means the County Manager or his/her duly authorized representative.

Code of Federal Regulations (CFR) means a codification of the general and permanent rules.

Color means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

Composite sample means the sample resulting from the combination of individual wastewater samples taken at selected intervals, which intervals are based on either an increment of flow or time.

Control manhole means a manhole installed to allow access to the wastewater discharge of a facility for purposes of sample collection and flow measurement. The manhole shall be constructed in a manner and in a location as may be required by the County.

Control sanitary clean-out means a device installed to allow access to the wastewater discharge of a facility for purposes of sample collection. This will normally be a tee of an appropriate size inserted into the sanitary sewer service line and constructed in a manner and in a location as may be required by the County.

Cooling water means the water discharged from any use such as air conditioning cooling or refrigeration, or to which the only pollutant added is heat.

Customer - See definition of User.

Department means the County Utilities Department or its Director or the Director's designated representative.

Director means the Director of the County Utilities Department.

Developer means a private individual, corporation or public entity that invests capital in the development of real estate.

Dilution means the additional use of potable water for the purposes of reducing the concentration of pollutants in the wastewater before discharging to the POTW. The normal use of potable water for sanitary facilities and food preparation shall not be considered dilution.

Discharge means the introduction into the POTW of a pollutant or wastewater, treated or untreated. The term includes the introduction of either a single pollutant or of multiple pollutants.

Discharge Permit means a permit issued by New Mexico Environment Department or the USEPA National Pollution Discharge Eliminate System permit applicable to the County POTW in question.

Domestic sewage or wastewater means liquid waste which contains constituents and has characteristics similar to that from a residential connection and which for the purpose of this ordinance does not contain COD, or BOD and TSS in excess of the following concentrations: COD – 500 mg/L; BOD – 250 mg/L; TSS – 330 mg/L.

Domestic User See Residential User.

Environmental Protection Agency or USEPA. means the United States Environmental Protection Agency.

Existing source means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards under section 307(b) and (c) (33 U.S. C. 1317) of the Act and which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the Act.

Fixture Unit Equivalent (FUE) means the measure of the wastewater load produced by a plumbing fixture, as described in Section 402 of the Uniform Plumbing Code.

Governing body means the Board of County Commissioners meeting in a session which has been duly called in accordance with the state Open Meetings Act.

Grab sample means a sample taken from a waste stream on a one-time basis without regard to volume of flow of the waste stream or the time of day of the sampling and which sample is taken over a period of time not to exceed fifteen (15) minutes.

Gray Water means a liquid waste that is discharged from any fixture, appliance, or appurtenance of a residential plumbing system which does not include fecal matter.

Grease trap means a floatation chamber used to remove grease or oil from wastewater prior to discharge to the public sewer system.

Half-life means the amount of time in which half the atoms of a radioactive substance will have disintegrated.

Holding tank waste means any waste derived from holding tanks associated with but not limited to vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Industrial user means any person who is a source of non-domestic wastewater discharge.

Industrial wastewater means wastewater originating from sources other than domestic or which exhibit characteristics other than domestic wastewater.

Industrial wastewater discharge permit means a permit issued by the County in accordance with this Ordinance.

Instantaneous maximum allowable discharge limit means the maximum concentration of any regulated parameter in any type of sample, either grab or composite.

Interceptor pipe means a sanitary sewer system with flows exceeding 2 MGD or with a diameter of ten (10) inches or larger.

Interference means a discharge or a permit violation which may cause or may contribute to the disruption of the processes or operations of the POTW treatment plant or with the County's beneficial reuse, marketing, reclamation or disposal of waste treatment by-products; or which violates the County's discharge permit or any pertinent federal, state or local regulations or permits.

Lot or Legal lot means a real estate parcel which has been created, defined or acknowledged by means of the land subdivision authorities of the County of Santa Fe.

Manifold connection means one service connection to the POTW which is shared by more than one legal lot.

May means permissive.

Medical waste means wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood by products, pathological wastes, needles, syringes, scalpels or other sharp implements, body parts, fetal tissue, fomites, etiological agents, contaminated laboratory wastes and dialysis wastes.

National pollutant discharge elimination system permit or NPDES permit means a permit issued pursuant to Section 402 of the Act.

Non-contact Cooling Water means water used for cooling which does not come into direct contact with any raw material, intermediate produce, waste product or finished product.

Non-domestic Pollutants means any pollutant other than human excrement and household gray water.

Non-residential connection means a connection to the POTW whose assumed wastewater flow is based, for the purpose of sewer service rates, on metered water use for a base period consisting of the most recent March through November period preceding the fiscal year of fee assessment and for which water use records are available, unless direct metering of discharge volume is available.

Owner means a person who has legal control over property.

Person means any individual, partnership, limited partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH means the negative logarithm, to base ten, of the concentration of hydrogen ions in a solution. This is a measure of the acidity or alkalinity of a solution.

Pollutant means a man-made or man-induced waste whose discharge into a water stream causes alteration of the chemical, physical, biological or radiological integrity of the water.

POTW Treatment Plant means that portion of the POTW designed to provide treatment to the wastewater.

Pretreatment means a process used to reduce the quantity of a user's wastewater discharge or the amount of pollutants, eliminate pollutants, or alter the nature of pollutant properties in wastewater thereby rendering them less harmful to the POTW process prior to discharge into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants as prohibited by 40 CFR Part 403.6 (d).

Pretreatment requirement means any substantive or procedural requirement imposed on an industrial user which is related to pretreatment of wastewater discharges into the POTW, other than a national pretreatment standard.

Pretreatment standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307 (b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR part 403.5.

Private sewer mean a sanitary sewer which is privately constructed and privately maintained by the owner or resident and which is constructed in accordance with State and County standards and to which individual structures may be connected. This definition does not include plumbing installations regulated by the UPC.

Process wastewater means wastewater produced as a product or by-product of an industrial or regulated process. Such wastewater normally would not reflect characteristics of typical domestic wastewater.

Publicly owned treatment works (POTW) means County owned or operated treatment works including any sewers that convey wastewater to the POTW treatment plant but excluding pipes, sewers, or other conveyances not connected to the POTW treatment works.

Public sewer means a sanitary sewer that is owned, controlled and maintained by the County.

Radioactive compound means any compound containing any atomic nuclei which spontaneously disintegrate.

Receiving stream or "Waters of the U.S." means all streams, lakes, ponds, marshes, watercourses, arroyos, waterways, wells, springs, reservoirs, aquifers, irrigation systems, and drainage systems, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the U.S. or any portion thereof.

Residential connection means a connection to the POTW whose assumed wastewater flow is based, for the purpose of sewer service rates, on metered water use for the most recent December through February period preceding the fiscal year of fee assessment. A residential connection shall include single and multi-family apartments and mobile home parks.

Residential development means a residential district created by sub-division or condominium development wherein the proprietary interest in each single family dwelling is held in fee simple, condominium, or cooperative ownership, which has been approved by the County.

Residential users mean persons discharging domestic wastewater to the POTW.

Sanitary sewer means any system of pipes or conduits used to convey wastewater from its point of origin to a treatment facility.

Sanitary sewer design standards means the criteria, standards and regulations related to the design of public sanitary sewer systems, which are hereinafter referred to as Exhibit B.

Sanitary sewer rate, fee and penalty schedule means the information regarding sanitary sewer rates, fees and penalties including formulas and procedures used to arrive at the rates, fees, and penalty figures assessed by the County, hereinafter referred to as Exhibit A.

Sanitary sewer service line means the length of gravity flow or low pressure flow pipe extending from the public sanitary sewer to the private property line or to the edge of the right-of-way or sanitary sewer easement, the purpose of which line is to connect the plumbing of any structure to the public sanitary sewer.

Septage means the mixture of domestic sludge and wastewater removed during the pumping of a septic tank, cesspool or other wastewater holding or on-site treatment facilities. Sand, grit, and grease from traps or industrial waste from holding tanks are not considered septage.

Septic tank means a watertight receptacle which receives the discharge of a sewage system or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint piping or a seepage pit meeting the requirements of the Uniform Plumbing Code and the regulations of the state of New Mexico.

Sewage See definition for Wastewater.

Sewage sludge or Wastewater sludge is a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Sewer Service Connection or Service Connection means the physical connection of a property sewer to the County POTW by means of a sanitary sewer service line.

Shall means mandatory.

Significant Industrial User means:

- A. Industrial users subject to categorical pretreatment standards; and
- B. Any other industrial user that:
 - (1) discharges an average of 5,000 gpd or more of process wastewater,
 - (2) contributes a process wastestream which makes up to 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or
 - (3) is designated as significant by the County on the basis that the industrial user has a reasonable potential to cause interference.

Sludge means the solids separated from liquids during processing pretreatment of industrial wastes, with or without the addition of chemical agents.

Slug load means any release of a discharge at a flow rate or concentration which will cause a violation of this Ordinance; any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

Solubility means the maximum amount of the solute (substance) that will be dissolved in a definite amount of solvent. (Water at 25° degrees C and a pH of 7) and produce a stable system.

Standard details means the standard detail sheets issued by the County Utility Department. The sheets contain detailed standardized technical references and drawings with specifications for sanitary sewer construction for the County's Sanitary Sewer System.

Standard Industrial classification (SIC) Code means a classification pursuant to the most recent standard industrial classification manual issued by the Executive Office of the President of the U.S. Office of Management and Budget.

Standard methods means the most recent edition of the reference book "Standard Methods" for examination of water and wastewater issued by American Public Health Association.

State means the state of New Mexico.

Storm water means any flow occurring during or following any form of natural precipitation and resulting therefrom, including rainfall and snowmelts.

Total suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering. Total suspended solids shall be determined in

accordance with standard methods for the examination of water and wastewater as determined by the Department.

Total toxic organic (TTO) means the sum of concentrations of the organic compounds from a priority pollutant scan. Categorical standards list any toxic organic compounds that are to be included in the summation of TTO for a specific category in the respective 40 CFR.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of Section 307 (33 U.S.C. 1317) of the Act and any subsequent amendments, or other pollutants or combination of pollutants which may result in interference of the POTW, or otherwise listed by the Department.

Treatment plant means that portion of the POTW designed to provide treatment of wastewater.

Treatment plant effluent means any discharge of treated wastewater, from the POTW made in accordance with the Discharge permit.

Uniform Plumbing Code (UPC) means the Uniform Plumbing Code as adopted and amended by the County of Santa Fe.

User or Customer means any person who contributes, causes or allows the contribution of sewage or industrial wastewater into the POTW.

Waste treatment byproduct means any sludge, reuse water, or other product resulting from wastewater treatment processes.

Wastewater or Sewage means the liquid and water-carried wastes, or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which is released to the POTW.

Water Service means arrangement in which potable water is piped to a property from the public supply.

SECTION – 4

GENERAL PROVISIONS

A. Connection to the POTW

Connection to the POTW is mandatory when the property being developed or improved is accessible to (within 200 feet) the County sanitary sewer system, unless the property can be more effectively served by another public sewer utility (e.g. Valle Vista Sewer

Utility or Ranchlands Sewer Utility). This mandatory connection requirement may be waived if connection could cause the County POTW to exceed its treatment capacity. Prior to making such a connection, owners and developers of such property shall obtain information from the Department concerning specifications, standards, procedures and other requirements contained in this Ordinance.

B. Extension of Sanitary Sewer System

Where an extension of the sanitary sewer system is required in order to provide service to a property, the nearest adequately sized and serviceable public sanitary sewer shall be extended, at the owner's expense, to the furthest limit of the property to be served or the property frontage as the sewer continues its planned course.

C. Replacement and Maintenance of Sanitary Sewer Service Lines

1. Replacement of sanitary sewer service lines between the point of connection and the point where the service line crosses the property line shall be the responsibility of the County, whenever the public sewer segment which includes the point of connection is reconstructed or replaced. The County shall own such service line and all service line segments installed by customer after November 1998; but all work for purposes of preventive or corrective maintenance of these lines shall remain the sole responsibility of the owner of the property receiving wastewater service. All preventive or corrective maintenance work on these service line segments shall be performed by a licensed plumber or plumbing contractor and in accordance with the County ordinances including the obtaining of permits for excavation within public rights of way. Persons performing preventative or corrective maintenance work on any service line, whether privately or publicly owned, shall report such work in a manner to be established by the Department.

2. The owner, agent or occupant of any structure on a lot that is connected to the public sanitary sewer shall, at the owner's expense, maintain the connecting lines in good working condition and free of obstructions that might cause clogging or any damage which could impair the flow of sewage to the main line.

D. Prohibited Connections

1. Manifold Connections are prohibited.

2. Pluvial or storm water drains from roofs, yards, and other surfaces shall not, under any circumstances, be connected to the sanitary sewer plumbing or sanitary sewer collectors. Any such connections are unlawful and shall be subject to the penalties and enforcement in accordance with Section 11 of this Ordinance.

3. Combined sewers which are conduits carrying both storm water and wastewater shall not be permitted to connect to the POTW. If such a connection is discovered the owner of a combined sewer shall remedy such situation within sixty (60)

days from issuance of notice by the County. Failure to comply with such notice shall result in penalties and enforcement action in accordance with this Section 11 of this Ordinance.

E. Trailer and Motor Home Parks

Trailer parks and motor home parks that connect to the sanitary sewer shall have sufficient number of connections to service each trailer or motor home space within the park.

F. Prohibited Discharges

Wastes from septic tanks and holding tanks shall not be discharged to the County POTW.

SECTION - 5

CONSTRUCTION OF SANITARY SEWER SYSTEMS

A. Determination of Necessity

Prior to the development or improvement of any property which may cause the generation of wastewater in the Service Area, the owner shall request a review by the Department. The Department shall provide a written response which shall establish the necessity for connection to the POTW, assess the availability of sanitary sewer service in the area and cite the conditions under which wastewater collection and treatment service may be provided by the County. This County's written response shall be obtained by the owner prior to the commencement of the design of any sanitary sewer improvements affecting the property.

B. Construction and Maintenance of Pressure Sanitary Sewer

1. Construction, operation and maintenance of pressure sanitary sewer systems serving private developments, with the exception of small diameter collection lines as described below, shall be the sole responsibility of the owner. Small diameter low pressure sewer lines which serve one or more individual lots and are installed in accordance with these standards and other relevant provisions of the County code shall be accepted for maintenance by the County, upon verification by the Department that all County imposed conditions for such an acceptance have been met.

2. Whenever the installation of a high pressure system is deemed by the Department to be in the best interest of the County, the operation and maintenance of such a system may be performed by the County at the owner's request, if all other County imposed conditions regarding the transfer of ownership of private sewer are met.

C. Sanitary Sewer Standards

Sewers referred to in this section shall be constructed in accordance with the design standards for sanitary sewer construction adopted herein as Exhibit B.

D. Permit Required; Application

Persons may construct sanitary sewers on and within the County public rights-of-way and dedicated public and private easements, provided that a New Mexico licensed contractor makes an application to the County which sets forth the design, specifications and cost estimate for the work to be accomplished and receives an appropriate permit.

E. Permit Fee

Any permit(s) required for construction of sanitary sewers under this Ordinance shall be acquired by the owner at the owner's expense.

F. Contractor Bond

As a condition of receiving a permit from the County for the construction of a sanitary sewer improvements, the permittee shall provide proof of an approved current New Mexico Utility Contractor's license and a bond or other financial guarantee acceptable to the County for the completion of the improvements, the amount of such bond shall be not less than the cost estimate for the construction of the sanitary sewer.

G. Compliance with Specifications; Acceptance by County

Upon completion of construction satisfactory to the County, the improvements shall be formally accepted by the County. Completion of construction satisfactory to the County shall not be established until the Department has received the following.

1. As-built drawings, television logs and tapes which have been reviewed and found acceptable by the Department; and
2. Written certification by the engineer whose design supported the construction permit, certifying that the constructed improvements have been properly inspected during construction and were installed in conformance with the original specifications or with approved written change orders.

If the construction of the sanitary sewers does not meet the specifications, the improvements shall not be accepted by the County and the contractor shall be required to make the corrections necessary for the work to conform to such specifications. All corrective work shall be accomplished within sixty (60) calendar days from notice of non-compliance by the Department. Failure of the contractor to perform corrective work, or complete the requirements for acceptance by the County shall entitle the County to execute the bond and complete the work as designed.

H. Inspection

The construction activities of all sanitary sewers must be inspected by an engineer registered in the State of New Mexico.

I. Reimbursement of Construction Costs

The actual total construction cost for the sewer extension shall be paid in full by the developer and documentation of such a payment shall be provided to the County. The developer shall be entitled to reimbursement of a portion of the construction costs if sewer service is provided to a new developer within ten (10) years from the date of the original sewer extension, provided the new developer's property abuts the sewer extension. The amount of reimbursement to be made to the applicant on account of a new customer's sewer service shall be determined by the County, based on a front foot basis for individual lots or a prorata acreage basis of the total parcels to be connected to the applicant's line extension. If a reimbursement is determined to be required, pursuant to the foregoing provision, the County shall bill the new customer for the appropriate amount and, upon receipt thereof, shall refund said amount to applicant if it can be determined that the applicant still exists and can be readily located. Reimbursements made under this provision shall not exceed the amount of the applicant's contribution in aid of construction less that portion needed to sewer applicant. The provisions of this paragraph apply to connections to all line extensions installed after the effective date of this Ordinance.

J. Additions to Existing Private Sanitary Sewer Systems

Private additions to existing private sanitary sewer systems that ultimately discharge to the POTW and that are required for provision of service to a development or proposed development will be allowed, provided that the following conditions are met:

1. The private system meets all specifications, design, construction and inspection requirements and applicable health standards as established by the County or otherwise required by law;
2. The total system design and construction costs shall be the responsibility of the petitioner;
3. Maintenance of the new sanitary sewer shall be the sole responsibility of the owner;
4. Developers of new private sewers or services that connect to existing private systems, shall provide proof of permission to connect to and or expand the existing system.
5. Individual connections to the Private Sanitary Sewer System shall comply with other applicable provisions of this Ordinance.

K. Private Sanitary Sewer System Desiring to become Part of the Public System

The owners of private sanitary sewer systems constructed to County standards may request that the County accept dedication of the private system for public ownership and maintenance. In this event, the owner must meet the requirements for acceptance of new sanitary sewers in Section 5.G and provide appropriate easements and rights-of-way in accordance with Exhibit B of this Ordinance.

SECTION - 6

SEWER SERVICE CONNECTIONS

A. Permits Required

1. A sewer connection permit shall be obtained from the Department before any connections are made to the County sanitary sewer system.
2. When a property owner connects into the sanitary sewer, any existing on-site disposal system shall be abandoned in accordance with the requirements of the UPC.

B. Plans to be Filed; Issuance of Permit

When an application for a permit to connect to the existing County sewer system is made, the person, company or corporation making the application shall submit for the County's approval adequate plans, drawings, specifications and descriptions of the proposed work. These submittals must meet with the appropriate standards for approval by the County. The Department shall have ultimate authority to issue a construction permit.

C. Service Connections to be Made by Licensed Plumber

All connections to the County sewers shall be made by a licensed plumber authorized to do business in the County, in accordance with the UPC.

D. Inspections

1. The Department shall be notified when a sewer connection is completed and ready for inspection. All work shall be left uncovered for examination until inspected and approved by the Department's duly authorized representative.
2. For each sewer line connection inspection made by the inspector, an inspection fee shall be charged as described in Exhibit A of this Ordinance. The inspector shall be the sole judge of the total number of inspections necessary.

E. Sewer Service Connections; Fees

The following shall incur a fee for connection or reconnection to a public sewer, or to a private sewer connecting into a public sewer, as described in Exhibit A, payable to the County, before a sanitary sewer connection permit is issued.

1. Each unattached or attached single family residence, including single family units in a Planned Unit Development and in a condominium and each unit in trailer park shall incur a base fee for twenty (20) fixture unit equivalents (FUE);
2. Each unattached or attached single family residence, including single family units in a Planned Unit Development or in a condominium having in excess of twenty (20) FUE shall incur an additional fee for each FUE in excess of twenty (20).
3. Commercial, industrial, institutional, public service buildings and multi-family apartments shall incur a fee in proportion to the total number of FUE.
4. New connections or reconnections resulting from substantial reconstruction or remodeling wherein the total number of FUE shall increase beyond those existing before the reconstruction shall incur a fee based on the net increase in FUE.

F. Special Sewer Construction and Assessments; Authorization

When the County pays for construction of a new sewer main, the governing body may establish a special sewer connection assessment district by Ordinance. The connection district shall not be applied to sewer line replacements or to lines funded out of an improvement district under Section 4-55A-1 et. Seq. NMSA 1978. If a special sewer connection assessment district is established, the Ordinance shall:

1. Define the geographic area to be benefitted by the sewer main;
2. State the projected number of residential units and describe projected commercial development within the defined service area, based on the developer's County approved plans and zoning. The potential number of commercial outlets shall be estimated based on comparable existing structures and applicable code requirements;
3. Project the "residential unit equivalents" within the service area. This figure shall be calculated by dividing the estimated number of commercial outlets by four (4) and adding the projected number of residential units to be served by the new sewer main;

4. State the projected cost of the sewer main, based on accepted construction bids, design costs and bonding costs and state the percentage of this cost which directly benefits the service area;

5. Set a base year special sewer connection assessment, based on total projected cost which directly benefits the service area divided by the number of "residential unit equivalents" projected within the service area;

6. Set an annual interest rate to be applied to the base year assessment. This interest shall be compounded each 12 months following the effective date of the assignment of this Ordinance. The interest rate shall be equal to the interest rate paid by the County on bonds issued to pay for the sewer main construction. If no bonds are issued for the project, the interest rate shall be equal to the rate paid by the County for the most recent bond issued before the effective date of the Ordinance; and

7. Assess each property owner who is required to connect or voluntarily connects to the sewers within the service area, a fee equal to the base year special sewer connection plus interest compounded as set out above. This fee shall be assessed for each residential unit and for every four (4) outlets or fraction thereof in a commercial structure connecting to the sewer. This fee shall be assessed in addition to the sewer service connection fee set out in Section 6. E of this Ordinance.

G. Service Connections for Commercial Establishments

1. New commercial establishments or existing buildings being remodeled into commercial establishments, in which the existing sewer service is adequately sized and in good condition, and where grease traps or sand and grease interceptors are not required by this Ordinance or by the UPC, and which can be classified as either commercial retail businesses, or office buildings, shall not be required to construct a County standard monitoring manhole, provided the establishment has no more than 160 FUE's connected, as determined in the UPC. Sewer connections pursuant to this paragraph, shall be made with clean-out or sampling ports as required by the County.

2. Nothing in this subsection shall be construed to relax or modify the building requirements of the UPC.

H. Illegal Service Connections Prohibited

Service connections to the County sanitary sewer system which are found to be constructed without County permit or otherwise have been undertaken without County authorization or have not been billed for service in accordance with rates established in this section, are deemed illegal and are hereby prohibited.

I. Illegal Service Connections; Correction

1. Upon discovery of an illegal connection, the County shall inform the owner in writing of the property being serviced by such a connection that:
 - (a) the property is served by an illegal connection; and
 - (b) within thirty (30) days of receipt of the County's letter, the owner shall remove the illegal connection and shall be billed in arrears for twenty-four (24) months of service charges at the current authorized rates and shall make such payments; or
 - (c) within thirty (30) days of receipt of the County's letter, the connection shall be excavated and a reconnection made in accordance with the provisions of this section and the owner shall be billed in arrears for twenty-four (24) months of service charges at the current authorized rates for one year of service charges at the current authorized rates and shall make such payments; or
 - (d) at the County's discretion, the County may not require reconnection provided the owner is billed in arrears for a period of service agreed upon by the County and the owner that is greater than twenty-four (24) months and shall make such payment.
2. In the event that the owner can demonstrate to the County's satisfaction the actual time period that the illegal connection has been in existence, the County may adjust the billing in arrears for service charges to the period of actual connection.

SECTION - 7

SEWER SERVICE RATES, CHARGES AND ENFORCEMENT

A. Levy Established; Schedule of Fees

There are hereby fixed, established, levied and assessed against all properties using or abutting on or accessible to the sanitary sewer and disposal system of the County for the service rendered or made available to such properties by and through the sanitary sewer and disposal system the following monthly charges:

1. For each residential and non-residential connection within the County water service area for which water consumption records are available, a fee as established in Exhibit A.
2. For each residential and non-residential connection within the County water service area for which there are no metered water use records for one or more of the months of the base period, a fee as established in Exhibit A.

3. In accordance with Gross Receipts and Compensating Tax Act, Section 7-9-4.1 NMSA 1978, a surcharge of up to five percent shall be imposed on each billing rendered in accordance with this section.

4. Fees for industrial and high strength wastes shall be as established in Section 8 of this Ordinance, and defined in Exhibit A under the category of Extra-Strength Surcharge.

B. Due Date of Fees; Penalty for Delinquency

1. Fees are due within thirty (30) days of receipt of each billing. Any assessment not paid by the date due shall become delinquent on that date.

2. A penalty for delinquency shall be charged as indicated in Exhibit A.

C. New Installations

For new connections to the County sanitary sewer system, the sewer service charge shall begin and be effective for the first full calendar month following the date of connection.

D. Miscellaneous Charges

Waste discharges, including but not limited to rags, solid waste and grease, proven to have caused an obstruction of flow, and or damage or any other impairment to the public sanitary sewer collection system or wastewater treatment plant, are unlawful. Obstructions of the public sewer caused by such discharges shall be cleaned and cleared by the Department. Any expenses incurred by the Department to clear such obstructions, repair any damages to the sanitary sewer, sewer collection system or wastewater plant and any other expenses incurred by the Department shall be determined and shall result in the County filing claim against the user or any other person causing or permitting said damages to occur. The Department shall seek reimbursement for any and all expenses incurred. Failure to reimburse the Department for such expenses shall result in penalties and enforcement action in accordance with Section 11 of this Ordinance.

E. Protest Process

1. On or before August 1 of each year, and or at times that the County Manager may designate, the Department shall send notice to every person delinquent in assessments billed the previous fiscal year. Each notice shall state the assessment and penalty amounts owed and shall provide notice that a lien for sewer service in the amounts owed shall be placed on the property if payment is not received by September 1. On or before September 10 of each year, or at other times that the Department Director may designate, the Department shall prepare an assessment roll showing all delinquent assessments billed in the previous fiscal year. The assessment roll shall list:

- estate being assessed;
- (a) The name of the owner, if known, of the parcel of real estate being assessed;
 - (b) A description of the parcel of real estate being assessed;
 - (c) The amount assessed against each parcel of real estate.
- and

2. The Department shall publish a notice stating that the assessment roll for delinquent sewer service charges due is on file in the office of the Utilities Department and the time by which the Department must receive written appeals or protests by any person aggrieved by the assessment. Such written appeal or protest may request a hearing before the Director or his designee. If the address of the owner of the real property is known, a copy of the notice shall be mailed by certified mail, return receipt requested, to the known address of the owner of the real property being assessed.

3. If a hearing is requested, the Director or his designee shall.

- (a) Schedule a hearing;
- (b) Correct any errors found in the assessment; and
- (c) Document the proceedings and the Director's determination of the assessments. The proceedings and assessments as documented shall be deemed to be the final determination as to the regularity, validity and correctness of the assessment.

4. On or before October 1 of each year, the Department shall prepare a list containing any delinquent assessment with penalty added for nonpayment of the assessment at the rate of one and a half percent per month of any assessment confirmed by resolution, as provided in paragraphs 3, of this subsection, and describe the parcel of real estate to which the assessment is applicable. After preparation of the list by the Department, the assessment shall be a lien when processed, against the parcel of real estate and shall be processed as provided in Sections 3-36-1 through 3-36-5 NMSA 1978 under the authority granted to Counties in Section 4-37-1 NMSA 1978. Any such lien shall be a lien superior to all other liens except general property taxes upon the property so charged and a personal liability of the owner of the property so charged and shall earn interest at the rate of one and a half percent per month.

F. Liens Placed Against Property

1. Within sixty (60) days from the date of the filing for record of the claim for lien, the Department shall mail a notice of lien to each property owner against whose property a lien is being claimed, to the billing address in the County records.

2. The County shall assess an amount as shown in Exhibit A for the release of any lien for delinquent fees in addition to the delinquent fees plus interest. This charge shall be collected, whether release is sought prior to or after commencement of foreclosure proceedings to enforce the lien for delinquent assessments. In the event a suit to foreclose the lien has been instituted, such suit shall be dismissed at any time before foreclosure sale upon receipt of all fees, penalties and interest provided for herein

in addition to payment of all costs of the foreclosure proceeding attributable to the property sought to be released, including reasonable attorney's fees to be set by the court in which the foreclosure proceeding has been instituted.

G. Payment of Lien and Dismissal of Suit

In the event of a suit to foreclose the lien provided for in this section has been instituted, the suit and the lien shall be dismissed and released upon payment, at any time before foreclosure sale, of the amount of the total charges for which lien was filed, including the penalty and interest herein provided for and on payment of all costs of the foreclosure proceeding attributable to the property sought to be released, including reasonable attorney's fees to be fixed by the court in which such foreclosure proceeding was instituted.

H. Liability of the Property Owner; other Methods of Collection

The charges imposed under this section, together with all penalties, interest and other charges prescribed, shall become a personal liability of the owner of the property served. In addition to collection through foreclosure of the lien, collection may be enforced on such personal liability by resort to any other legal procedure available for the enforcement of personal liabilities.

I. Discontinuance of Water Service

1. For users who also receive water utility service from the County Water Utility, the Department may cause the water supply to be turned off and discontinue service to the property if any charge provided for herein remains unpaid for a period of sixty (60) days from the designated due date. Service may not be discontinued for delinquencies of a previous owner or his/her tenant.

2. Prior to the discontinuance of water service, a written notice shall be sent to the customer not less than ten calendar days in advance of the proposed termination of service.

J. Free Service Prohibited

No free service shall be furnished by the County. Any use of the sanitary sewer system shall be at the rates established in this Ordinance.

K. Reconnection Charge

When water service has been disconnected for nonpayment of sewer charges, reconnections of water service shall be made only after payment of all delinquencies, including all penalties, interest and costs that may have accrued,

including any water and sewer service reconnection charges. All reconnections of water service shall be made in accordance with the reconnection provisions of the County Water Utility. If sanitary sewer service has been disconnected, reconnections shall be made in accordance with Section 6 of this Ordinance.

L. Disposition of Money Collected

All funds collected under this section shall be deposited in an Enterprise fund, which shall pay all bond service expenses and all direct and indirect expenses incurred in the maintenance, operation, extension, improvement, repair or construction or reconstruction of the County water and wastewater collection and treatment system.

SECTION - 8

INDUSTRIAL PRETREATMENT REGULATIONS AND PROCEDURES

A. General Provisions

1. This section establishes uniform requirements for the direct and indirect waste contribution to the wastewater collection and treatment system of the County and enables the County to comply with all applicable local, state and federal laws. The objectives of this section include:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works (POTW) which may potentially interfere with the operation of the system;
- (b) To prevent the introduction of pollutants into the County's wastewater system which may potentially pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To ensure that the quality and quantity of the waste treatment by-products are maintained at a level which promotes the County's options for their beneficial reuse, marketability, reclamation or disposal;
- (d) To protect County personnel who may come into contact with sewage, sludge, and effluent in the course of their employment as well as to protect the general public;
- (e) To preserve the hydraulic and solids handling capacities of the POTW;
- (f) To provide for equitable allocation of the cost of operation, inspection and testing of users effluent, maintenance, and improvement of the County's wastewater system as it relates to the industrial pretreatment program;

(g) To minimize the quantity of wastewater discharged by users, and to maximize beneficial reuse, marketability, reclamation or disposal of wastewater treatment by-products.

(h) To ensure that the County complies with its discharge permit conditions, disposal requirements and any other laws to which the County wastewater system may be subject; and

(i) To protect the County's economic interests in its wastewater treatment system.

2. This section provides for the regulation of discharges into the County's wastewater collection system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users; authorizes monitoring and enforcement activities, establishes administrative review procedures, establish user reporting requirements; and provides for the setting of fees for the equitable allocation of costs resulting from the program established herein.

3. This section shall apply to all users of the sanitary sewer collection system and the POTW. Except as otherwise provided herein, the Department shall administer, implement, and enforce the provisions of this section.

B. General Sewer Use Requirements

1. Limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the POTW are hereby established. Pretreatment of some wastewater discharges shall be required to achieve compliance with this section and the Act. The specific limitations set forth herein are necessary to enable the County to meet requirements contained in its discharge permit, to protect the public health and the environment, to protect the County's potential options for the beneficial reuse, marketing, reclamation or disposal of waste treatment by-products, and to provide efficient wastewater treatment and protect the health and safety of wastewater personnel.

2. The following pollutant limits are established to protect against potential interference. No person shall discharge wastewater containing pollutants in excess of the instantaneous maximum allowable discharge limits. These limits are the highest allowable concentration in any type of sample, whether a grab sample or composite sample collected over any time interval. The pollutant limits are as follows:

SEC CLERK RECORDED 06/14/2018

TABLE

Pollutant	Local Discharge Limits (or Range)
pH	$5 \leq \text{pH} \leq 11$
Oil & Grease (animal or vegetable)	200 mg/l
Oil & grease (petroleum)	100 mg/l
Arsenic	2.74 mg/l
Cadmium	0.09 mg/l
Chromium	5.32 mg/l
Copper	0.13 mg/l
Cyanide	0.24 mg/l
Nickel	4.95 mg/l
Silver	0.03 mg/l
Zinc	0.46 mg/l
Maximum Temperature	140°F at discharge point to POTW
Maximum Temperature	104°F @ Treatment Plant Headworks
Total Toxic Organics*	2 mg/l

*Total toxic organics (TTO) is the sum of all concentrations of organic compounds from a priority pollutant scan, that are above the detection limit. Where applicable under 40 CFR for specific industries or where the Department determines the necessity for a priority pollutant scan to be performed to determine pollutant concentrations discharge TTO monitoring shall be required.

3. Pollutant concentrations and the general prohibitions described in subparagraph 4 below apply at the point where the industrial wastewater is monitored or as determined by the Department. All concentrations for metallic substances are for "total" metal. The Department may impose mass based limitations for the pollutants in addition to or in place of the concentration based limitations described above. Compliance with all parameters may be determined from a single grab sample.

national categorical pretreatment standard limitations or the limits established by this or by any other ordinance adopted by the County.

(f) Any fats or greases, including but not limited to petroleum oil, non-biodegradable cutting oil, complex carbon compounds, or products of mineral oil origin, in amounts that will cause interference or pass through.

(g) Any wastewater having a pH less than 5.0 or more than 11.0, or which may otherwise potentially cause corrosive structural damage to the POTW, or harm County personnel or equipment.

(h) Any liquids, gases or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or property or are sufficient to hinder entry into the sewers for maintenance and repair.

(i) Any substance which may cause the waste treatment by-products to be unsuitable for the County's plans for the beneficial reuse, marketability, reclamation or disposal of wastewater treatment by-products.

(j) Any wastewater which imparts color which cannot be removed by the current treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant effluent.

(k) Any wastewater having a temperature greater than 140°F(60°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F(40°C).

(l) Any discharge from an industrial user who is handling radioactive materials under license from the Nuclear Regulatory Commission or the state, unless all of the following criteria are met:

(i) The industrial user demonstrates, to the satisfaction of the Department, that discharge from its normal operations will not exceed the following limits as determined at 25°C and pH7:

(a) Any radioactive material and any product in its decay chain present in the discharge has a half-life no greater than 100 days; and

(b) No radioactive compounds in a representative sample of the discharge shall be present on the filter after the sample is filtered through a 0.45 micron filter; and

(c) The concentration in a weekly representative sample is 1/50 of the concentration levels in 10 CFR 20 App.B, Table III; and

(d) If more than one radioactive compound is discharged, the sum of the fractions of the limit in (b) above as determined by dividing the actual weekly average concentration by 1/50 of the concentrations of the radioactive compounds listed in 10 CFR 20 App.B, Table III, does not exceed unity.

(ii) Any industrial user handling radioactive materials who demonstrates compliance with subparagraph (i) shall be permitted to discharge, but shall analyze a representative sample of its discharge weekly to demonstrate continuing compliance with such subparagraph (i) and shall retain all such sampling records pursuant to Section 8.F.11 of this Ordinance. Any discharge which exceeds the limits of subparagraph (i) shall be reported to the Department immediately by telephone, and written confirmation of such report shall be hand-delivered to the Department within 24 hours thereafter.

(iii) Any discharge which does not meet the requirements of subparagraph (i) shall be considered a violation of this and of the industrial user's permit.

(m) Any trucked or hauled wastes.

(n) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the Department.

(o) Any industrial wastewater containing fats, waxes, greases or oils, which float or become floatable at the wastewater treatment plant.

(p) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(q) Any medical wastes, except as specifically authorized by the Department, in a wastewater permit.

(r) Any material which, in the judgment of the Department, contains, ammonia salts, or other chelating agents which may potentially produce metallic complexes that may interfere with the POTW.

(s) Any material considered hazardous waste according to 40 CFR Part 261.

(t) Any wastewater containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW's wastewater treatment system.

(u) Any substance which may cause the POTW to violate its discharge permit, or any other federal, state or local permits or requirements.

5. Wastes prohibited by this section shall not be processed or stored in such a manner that these materials could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to an industrial user's pretreatment facilities before connecting with the POTW or be adequately protected to prevent accidental releases.

6. Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein by this reference, and any applicable local limits.

7. The County reserves the right to establish by ordinance or resolution or in user discharge permits, more stringent limitations or requirements on discharges to the POTW if deemed reasonably necessary to comply with the objectives presented in this Ordinance or, with any other reasonable objective of the County.

8. No user shall in any way attempt to dilute a discharge as a partial or complete substitute for adequate pre-treatment to achieve compliance with a discharge limitation.

C. Pretreatment of Wastewater

1. Industrial users shall provide, at their own expense, necessary wastewater pre-treatment required to comply with this Ordinance and with all permit conditions and shall achieve compliance with all categorical pretreatment standards, local limits or prohibitions, as defined by the Section 8. Any facilities or equipment reasonably required to pretreat wastewater to a level required by this Ordinance shall be installed, operated, and maintained at the industrial user's expense.

2. Detailed plans showing all pretreatment facilities, operating procedures, construction schedule shall be approved by the Department before construction of the facility. The approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge under the provisions of this Ordinance.

(a) No user required by this Ordinance to install pretreatment facilities will commence discharging industrial or commercial waste into the POTW until those required pretreatment facilities have been installed and approved by the Department.

(b) Any significant changes in pretreatment facilities or methods of operation shall be reported to and approved by the Department prior to the user's initiation of the changes.

3. Those significant industrial users required to by the Department shall provide and operate, at the user's expense, monitoring facilities for inspection, sampling and flow measurement of the building sewer and internal drainage system. Such monitoring facilities may consist of, but need not be limited to, instrumentation, sampling manholes and flow monitoring devices.

(a) Any such monitoring facility shall be situated on the user's premises unless the Department determines that such a location would be impractical or cause undue hardship on the user, in which case, the County may allow the monitoring facility to be constructed in a public street or sidewalk area in a manner such that it will not be obstructed by landscaping, parked vehicles or otherwise. No user shall construct such a monitoring facility unless there will be adequate room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.

(b) Any such monitoring facility and sampling and measuring equipment shall be constructed so as to be protected from vandalism and shall be maintained at all times in a safe and proper operating condition at the expense of the user. It is the responsibility of the user to clear graffiti or other visual nuisances from such facilities.

(c) Wherever constructed, the sampling and monitoring facility shall comply with all County requirements and all applicable local construction standards and specifications. Monitoring facility designs shall follow the standard detail of the County. Any exceptions or changes must be approved by the Department.

(d) Construction of any such monitoring facility shall be completed within the time limit specified by the Department.

4. Users shall ensure that they or whoever occupies the premises where wastewater is created or discharged shall allow the Department, or its representative, upon presentation of proper credentials, ready access at all times to all parts of the premises for the purposes of surveillance, inspection, sampling, records examination and copying, or in the performance of any other duty. Users shall grant the County, State, and EPA the right to set up on the user's property, such devices as are reasonably necessary to conduct sampling, inspection, compliance monitoring, metering, or any other functions related to enforcement of this Ordinance. Users shall, where applicable, make necessary arrangements with their security guards or other security system so that personnel from the County, State, and EPA will be permitted to enter, without delay, to perform their responsibilities.

5. The Director may impose temporary restrictions on industrial discharges; designate that certain wastewater be discharged only into specific sewers;

require relocation and/or consolidation of points of discharge; require separation of domestic quality and commercial wastestreams; or other such conditions as may be reasonable to protect the POTW or to evaluate the industrial or commercial user's compliance with the requirements of this Ordinance. Such restrictions may be reviewed and amended periodically by the director.

(a) Grease, oil, and sand interceptors shall be provided in accordance with applicable codes and ordinances.

(b) Industrial or commercial users with the potential to discharge volatile substances may be required to install and maintain an approved combustible gas detection meter.

6. Where required by the Department, industrial users shall provide protection from accidental discharge of materials which may cause interference with the POTW by developing spill prevention plans. Implementation of such plans shall be accomplished and maintained at the facility user's expense. The spill prevention plans shall be reviewed by the Department every two years to determine adequacy. Spill prevention plans, including the facilities' construction and the operating procedures shall be submitted to the Department. Industrial users that store hazardous substances shall not discharge to the POTW after the effective date of this Ordinance unless a spill prevention plan has been approved by the Department. Submittal of such plans shall not relieve the user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

7. Where required by the Department, industrial users shall provide and implement a plan to protect the County sewer system from any slug discharge(s). Implementation of slug discharge control plan(s) will be reviewed by the Department at anytime, not less than once every two (2) years to determine adequacy.

8. Any person who shall occupy or operate the industrial user's facilities as a tenant under any rental or lease agreement, oral or written, shall be jointly and severally responsible for compliance with the provisions of this Ordinance in the same manner as the facility owner.

9. All industrial or commercial users shall separate domestic quality wastewaters from all industrial wastewaters until the industrial wastewaters have passed through a required pretreatment system and/or the industrial user's monitoring facility.

10. Every applicant for a permit under this section, and every new owner upon approved transfer of a permit, at the time of application or transfer of permit, shall submit plans in accordance with the ALARA principle (As Low As Reasonably Achievable), including implementation timetables, setting forth a detailed description of the available alternative technologies or processes which would reduce the quantity of the user's discharge or the quantity of pollutants in such discharge, as

well as the cost and feasibility of such alternatives, together with a detailed description of the methods and timetable by which the user intends to reduce the amount and concentration of the pollutants in its discharge and the quantity of its discharges. Such ALARA plans and implementation schedule shall require approval by the Department and when so approved shall become part of the permit conditions. Failure to submit or to comply with such plans and implementation schedules shall be considered a permit violation.

D. Wastewater Permit Eligibility

1. When requested by the Department, users must submit information on the nature and characteristics of their wastewater by completing a wastewater questionnaire. The Department is authorized to prepare a form for this purpose and may periodically require users to respond to the questionnaire. Failure to accurately complete this questionnaire within thirty (30) calendar days shall be grounds for disallowing or terminating service to the industrial user and shall be considered a violation of this section. Additional information may be requested and/or a facility inspection performed by the Department to assist in determining the need to permit an industrial user.

2. It shall be unlawful for significant industrial users to discharge wastewater into the County's sanitary sewer system without first obtaining a wastewater discharge permit from the Department. Any violation of the terms and conditions of a wastewater permit shall be deemed a violation of this Ordinance and subjects the industrial user to the sanctions set out in this Ordinance. Obtaining a wastewater permit does not relieve a permittee of its obligation to obtain other permits required by federal, state, local or other applicable laws. At the County's discretion, the Department may require other industrial users, to obtain discharge permits as reasonably necessary to carry out the purposes of this section.

3. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW shall, be required to obtain a discharge permit prior to beginning such discharge. Any industrial user who has ceased discharge for any reason for a period of six (6) months or longer shall be considered a new source.

4. All industrial users required to have a permit must submit the following information on an application form provided by the Department. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

- (a) Name, mailing address, and business location (if different from the mailing address);
- (b) Environmental control permits held by or for the facility;
- (c) Material safety data sheets;

(d) Standard industrial classification (SIC) codes for the facility and any facility processes for which categorical pretreatment standards have been promulgated;

(e) Description of activities, facilities, and plant processes on the premises, including a list of raw materials and chemicals used at the facility.

(f) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system;

(g) Each product and by product produced by type, amount, process or processes and rate of production;

(h) Type and amount of raw materials process (average and maximum per day);

(i) The site plans, floor plans, and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge;

(j) Time and duration of the discharge;

(k) Measured or estimated average daily and maximum daily flow, in gallons per day, to the POTW from categorical and other permitted process streams and other streams as necessary to use the combined wastewater formula in 40 CFR 403.6(e);

(l) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(m) Wastewater constituents and characteristics, including but not limited to any pollutants in the discharge which are limited by any federal, state or local standards, pretreatment standards applicable to each categorical and other permitted process; and nature and concentration (or mass if pretreatment is required) of pollutants in each process (daily maximum and average concentration or mass when required by a pretreatment standard). Sampling and analysis will be undertaken in accordance with 40 CFR Part 136 and with any local rule or regulation and shall demonstrate compliance with all local, state and federal discharge regulations;

(n) A statement by an authorized representative of the user and by a certified by a professional engineer registered in New Mexico verifying that the pretreatment standards listed in this Ordinance are not being violated, and if they are, what additional pretreatment is reasonably necessary. The statement shall contain certification by the authorized representative of the user and by the engineer in the form set forth in Section 8-D.6.

(o) If additional pretreatment and/or operation and maintenance will be reasonably required to meet the pretreatment standards, the industrial user shall indicate the shortest practicable time schedule necessary to accomplish installation or implementation of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

(i) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing construction, beginning operation, and conducting routine operation). No increment referred to above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.

(ii) No later than seven (7) calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Department including, as a minimum, whether or not it has complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports.

(p) Any other information deemed by the Department to be reasonably necessary to evaluate the permit application.

(q) ALARA plans as set forth in Section 8.C.10.

6. All permit applications, ALARA plans as set forth in Section 8-C.10 and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

E. Discharge Permit Issuance Process

1. Permits shall be issued for a specified time period, not to exceed five (5) years. Each permit will indicate a specific date upon which it will expire. Standard permit lengths are three (3) years for industries subject to categorical standards and up to five (5) years for all other significant industries. At the Department's discretion, permits may be issued for periods of lesser duration.

2. Wastewater permits shall include such conditions as are reasonably deemed necessary by the Department to prevent interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate and improve the County's options for beneficial reuse, marketing, reclamation or disposal of the wastewater treatment by-products, protect ambient air quality, and protect against damage to the POTW.

(a) Discharge permits must contain the following:

(i) A statement that indicates permit duration, which in no event shall exceed five (5) years.

(ii) A statement that the permit is nontransferable without prior notification to and approval by the Department which includes provisions for furnishing the new owner or operator with a copy of the existing permit.

(iii) Pollutant limits applicable to the user based on applicable standards in federal, state and local law.

(iv) Self monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include, but are not limited to, an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law.

(v) Statement of applicable penalties for violation of pretreatment requirements, compliance schedules, and permit conditions.

(vi) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) calendar days where self-monitoring indicates a violation(s).

(vii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by this section and affording the Department access thereto.

(viii) Requirements for prior notification and approval by the Department of any new introduction of wastewater pollutants or any significant change in the volume character of the wastewater prior to introduction in the POTW.

(ix) Requirements for the prior notification and approval by the Department of any change in the manufacturing and/or pretreatment process used by the permittee.

(x) Requirements for immediate notification of accidental or slug discharges.

(xi) A statement that violation of any local, state, or federal standard or requirement impacting a user's discharge shall be considered a violation of this Ordinance.

(xii) The ALARA plans set forth in Section 8.C.10.

(b) At the County's discretion, the permits may contain any of the following:

(i) Limits on the average and maximum rate of discharge, limits on the time of discharge, and requirement for flow regulation and equalization.

(ii) Limits on the instantaneous, daily and monthly average discharges and maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(iii) Requirements for the installation of applicable levels of pretreatment technology designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.

(iv) Development and implementation of spill control and/or slug discharge control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(v) The unit charge or schedule of user charges or fees for the management of the wastewater discharged to the POTW.

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(vii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

(viii) Compliance schedules for meeting pretreatment standards and requirements.

(ix) Requirements for submission of periodic self-monitoring.

(x) A statement that compliance with the industrial user's permit does not relieve the permittee of responsibility for compliance with all applicable federal, State and local pretreatment standards, including those which become effective during the term of the permit.

(xi) Other conditions as deemed appropriate by the Department to promote compliance with this, and other local, State and federal laws, rules, and regulations.

3. Within sixty (60) calendar days of receipt of completed applications, the Department shall review and evaluate the applications. The Director shall deny any application which does not, in the opinion of the Department, meet the requirements of this Ordinance, or shall propose such other special conditions as it deems advisable. All wastewater discharge permits shall be subject to all the provisions of this section and all other applicable ordinances, laws and regulations. The Department will act only on applications that are accompanied by a complete report outlining all information required by this section. Persons who have filed incomplete applications will be notified by the Department of the nature of the deficiency. The Department shall deny the application for a wastewater discharge permit and notify the applicant in writing of such action.

4. Upon notification to the industrial user, the Department may, at any time, modify the permit for reasons including, but not limited to, the following:

(a) To incorporate any new or revised federal, State, or local pretreatment standards or requirements.

(b) To address alterations or additions to the industrial user's operation, processes, or wastewater volume or quality since the time of permit issuance.

(c) A change in the POTW or to the condition of the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information indicating that the permitted discharge poses a potential threat to the POTW, or to the County's options for the for the beneficial reuse, marketing, reclamation or disposal of the wastewater treatment by-products.

(e) In response to violations of any terms or conditions of the wastewater permit.

(f) To correct misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.

(g) The revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403-13.

(h) To correct typographical or other errors in the permit.

(i) To reflect a transfer of the facility ownership or operation to a new owner/operator.

5. Permits may be reassigned or transferred to a new owner or operator with prior approval of the Department. Failure to provide advance notice of a transfer along with the below listed information renders the wastewater permit voidable by the Department on the date of facility transfer. The notice must include a written certification by the new owner which:

(i) States that the new owner has no present intent to change the facility operations and processes.

(ii) Identifies the specific date on which the transfer is to occur.

(iii) Acknowledges full responsibility for complying with the existing permit.

(iv) Identifies facility contact, operator and authorized representative.

6. Permits may be suspended or terminated for the following reasons:

(i) Failure to notify the Department of significant changes to the wastewater and/or process prior to the changed conditions;

(ii) False or inaccurate self-monitoring reports;

(iii) Tampering with monitoring equipment;

(iv) Refusing to allow the Department timely access to the facility premises or records;

(v) Failure to meet discharge limitations;

(vi) Failure to pay fines or penalties assessed for violations to this section;

(vii) Failure to meet compliance schedules;

- reports;
- (viii) Failure to submit accurate periodic compliance
- (ix) Failure to complete a wastewater survey;
- (x) Failure to provide the required notice of the transfer of a permitted facility;
- (xi) Making false statements or representations to the Department;
- (xii) Violation of any pretreatment standard or requirement or any terms of the permit or this , or of any local, state or federal law affecting discharge.

7. Permits shall be voidable upon cessation of operations for periods greater than six months. All prior permits are void upon the issuance of a new wastewater permit.

8. A significant industrial user shall apply for permit re-issuance by submitting a complete permit application in accordance with this section a minimum of ninety (90) calendar days prior to the expiration of the user's existing permit.

F. Reporting Requirements

1. Within one hundred and eighty (180) days after the effective date of a categorical standard, or one hundred and eighty (180) days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall submit to the Department, a baseline monitoring report which shall contain the information listed below. A baseline monitoring report must be submitted by industrial users subject to pretreatment standards and requirements ninety (90) days prior to the approval and issuance of a discharge permit authorizing commencement of discharge. Industrial users with an existing permit that have changed processes or sources so as to become a new source shall submit a baseline monitoring report ninety (90) days prior to commencement of discharge, contingent on approval by the Department. A baseline monitoring report must be submitted ninety (90) days prior to the expiration date of an existing discharge permit. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards and any other local, state or federal laws or regulations governing its discharge. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

- (a) The information required by this section shall include:

(i) Name and address of the facility including the name of the operator and owners:

(ii) A list of any environmental control permits held by the user or for the facility;

(iii) A brief description of the nature, average rate of production, and standard industrial classifications of the operations(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the system from the regulated processes;

(iv) Information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);

(v) Measurement of pollutants.

(a) The industrial user shall identify the categorical pretreatment standards and any other local, state or federal laws affecting its discharge applicable to each regulated process and sample to demonstrate compliance during the required reporting period. Sampling shall be performed and reported every six (6) months, at a minimum.

(b) In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the federal categorical standards or by the Department) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be performed in accordance with procedure set out in 40 CFR Part 136;

(c) A minimum of four (4) grab samples must be used for composite cyanide, total phenols, and volatile organics. All other pollutants will be measured by composite samples obtained through flow proportional sampling techniques. If flow proportional composite sampling is infeasible, samples may be obtained through time proportional sampling techniques or through four grab samples if the user demonstrates to the Department's satisfaction that such a sample will be representative of the discharge.

(vi) A statement shall be provided which is approved by an authorized representative of the industrial user and by a certified professional engineer registered in New Mexico, verifying that pretreatment standards and all other local, state and federal regulations affecting discharge are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required in order to comply.

(vii) Whether or not additional pretreatment and/or O&M will be required to meet the pretreatment standards, and all other local, state and federal regulations affecting discharge, the industrial user shall be required to meet the shortest reasonable schedule, as defined by the County, to provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(viii) All baseline monitoring reports must be signed and certified in accordance with Section 8.D.6 of this Ordinance.

2. Within ninety (90) calendar days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the Department a report containing the information described in Section 9.F.1. For industrial users subject to equivalent mass of concentration limits established in accordance with the procedures in 40 CFR 406(c), this report shall contain a reasonable measure or estimate of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified with this section and with Section 8.D.6.

3. Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the Department, but in no case less than twice per year, submit a report indicating the characteristics and concentration of pollutants in the discharge which are limited by such pretreatment standards and the County's local limits and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Section and with Section 8.D.6 of this Ordinance.

(a) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(b) In the event an industrial user's monitoring results indicate a violation of this has occurred, the industrial user shall immediately notify the Department and resample its discharge. The industrial user must report the results of the repeated sampling within thirty (30) days of discovering the first violation.

4. Each industrial user is required to notify the Department of any planned significant changes to the industrial user's operations or pretreatment systems which might alter the characteristics, or volume of its wastewater.

(a) The Department may require the industrial user to submit information as necessary to evaluate the changed condition, including the submission of a wastewater permit application, if necessary.

(b) The Department may issue a discharge permit or modify an existing wastewater permit under Section 8.Eof this Ordinance.

(c) No industrial user shall implement the planned changed condition(s) until and unless the Department has responded to the industrial user's notice.

(d) Average flow increases of 20% or greater and/or the discharge of any previously unreported pollutant shall be deemed significant.

5. Industrial users shall notify the Department of any discharge of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261 (regulations promulgated under RCRA). The notification must indicate the name, hazardous waste number and type of discharge (continuous, batch, or other). This notification must otherwise meet the requirements of 40 CFR 403.12 (p). Discharges of less than 15 kilograms of non-acute hazardous wastes in any calendar month may be exempt from this requirement at the discretion of the Department, if allowed by federal regulations.

6. Each industrial user shall take reasonable measures to predict and prevent any prohibited discharges of substances regulated by this section. Devices and systems to prevent prohibited discharges shall be provided and maintained at the facility owner's or user's expense. For those industries required to submit a spill prevention and/or slug discharge control plan in accordance with this Ordinance, detailed plans showing any pretreatment systems facilities and operating procedures to provide this protection shall be submitted to the Department prior to construction. Review of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

(a) Industrial users who are defined by the Department, as significant industrial users, shall not be permitted to introduce pollutants into the POTW until an accidental discharge response plan has been approved by the Department.

(b) In any case of prohibited discharge which may potentially upset, or interfere with the treatment facilities, or cause potential health hazards to POTW personnel, the user shall immediately telephone and notify the Department of the incident. This notification shall include the location of the discharge, type of waste,

concentration and volume, if known, and corrective actions taken by the user. Failure to notify the Department of any prohibited discharge under this section within one hour of recognition of the discharge constitutes a violation of this section.

(c) Within five (5) calendar days following prohibited discharge, the user shall, unless exempted by the Department, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any liability which may be incurred as a result of such discharge; nor shall such notification relieve the user of any fines, criminal or civil penalties, or other liability.

(d) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a prohibited discharge described in subsection 8.F.6(b), above. Employers shall ensure that all employees are advised of the emergency notification procedure.

7. Industrial users not subject to categorical pretreatment standards and not required to obtain a discharge permit shall, as required by the Department, provide any information or reports that are deemed by the Department to be necessary.

8. Except as indicated in 8(a), below, wastewater samples collected for purposes of determining industrial user compliance with pretreatment standards and requirements and all other local, state, or federal regulations affecting discharge must be obtained using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Department may authorize, in writing, the use of time proportional sampling.

(a) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(b) Where required by the Department, flow measurements may be required by use of suitable methods as approved by the Department. Such flow measurement methods shall be installed in the system and maintained at the expense of the user.

(c) Where required by the Department, manholes shall be required to be placed in the industrial user's wastewater system for the purpose of monitoring and periodic sampling of the wastewater effluent. Such manholes will meet all standards and specifications as set forth by the Department and shall be maintained at the industrial user's expense.

9. All wastewater analyses, sample collection, including sampling techniques, preservation and holding times to be submitted as part of a permit application or report, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. If 40 CFR part 136 does not contain sampling or analytical techniques

for the pollutant in question sampling and analysis shall be done, in accordance with procedures approved by the EPA and/or the Department.

10. The Department shall recover its expenses incurred in collecting and analyzing samples of the industrial user's discharge, or in having the collection of analysis performed by an independent firm, by adding the costs to the industrial user's permit fee or by separate billing for scheduled monitoring and for non-scheduled compliance monitoring.

11. Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under 40 CFR.403.12)(o) or as required by the Department. These records shall remain available for a period of at least three (3) years. This retention period shall be automatically extended for the duration of any litigation or administrative action concerning compliance with this section, or where the industrial user has been specifically notified of a longer retention period by the Department.

G. Compliance Monitoring

1. The Department shall have the right to enter the facilities of any industrial user or applicant to ascertain compliance with the requirements of this Ordinance or any local, state, or federal regulations affecting discharge. All actual and/or industrial users or applicants shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any relate duties. The Department shall sample and monitor each permitted facility at least once annually and more frequently if as the Department determines reasonable in order to determine compliance.

(a) Where a user has security measures in force which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Department, State, and USEPA will be permitted to enter, without delay, for the purpose of performing their responsibilities.

(b) The Department, State, and USEPA shall be permitted to set up or require installation of such devices as are reasonably necessary to conduct sampling, and/or metering of the user's operations on the industrial user's property.

(c) The Department may require the industrial user to install monitoring equipment. The facility's sampling and monitoring equipment shall be maintained in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quantity shall be calibrated periodically in accordance with the manufactures guidelines by the industrial user to ensure their accuracy. Records of calibration methods and frequency shall be made available to the Department upon request. Costs of laboratory testing or

analysis by the outside firm approved by the County for permit compliance monitoring shall be the responsibility of the user.

(d) Any temporary or permanent obstruction to safe and easy access to the industrial users premises shall be promptly removed by the industrial user at the written or verbal request of the Department and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(e) Unreasonable delays in allowing Department personnel access to the industrial user's premises shall be considered a violation of this Ordinance.

H. Confidential Information

Information and data about an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from Department inspection and sampling activities, shall be available to the public without restriction unless the industrial user is able to demonstrate, in writing and to the satisfaction of the Department, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information.

1. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

2. When proved by the industrial user to the satisfaction of the Department that such information should be held confidential, the portions of a report which disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, and in enforcement proceedings involving the person furnishing the report. The Department shall take reasonable measures to preserve the confidential nature of such information.

I. Publication of Significant Violators

The Department may annually publish, in the largest daily newspaper circulated in the area where the POTW is located, a list of the industrial users which during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

1. Sixty-six percent or more of wastewater measurements taken during a six (6) month period exceed the discharge limit for the same pollutant.

2. When thirty-three percent or more of wastewater measurements taken during a six month period equal or exceed the product of the daily maximum limit

or the average limit multiplied by 1.4 for fats, oils and grease, or 1.2 for all other pollutants except for pH.

3. Any other discharge violation that may cause, alone or in combination with other discharges, interference (including endangering the health of County personnel or the general public).

4. Any discharge of pollutants that has caused imminent danger to the public or to the environment, or has resulted in the Department's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within thirty (30) calendar days after the due date, any required reports, including baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports and reports on compliance with compliance schedules;

7. Failure to report noncompliance; or

8. Any other violation(s) which the Department determines may adversely affect the operation of the POTW or implementation of this Ordinance.

9. Significant non-compliance due to the quality of the water supply shall not be grounds for publication of the user's name.

J. Miscellaneous Charges and Fee Provisions

The Department shall adopt reasonable charges and fees for reimbursement of costs of setting up and operating the pretreatment program which shall include:

1. Fee for permit applications including the cost of processing such applications;

2. Fees for monitoring, inspection, and surveillance procedures including the cost of reviewing monitoring reports submitted by industrial users; and the costs of monitoring or analysis by independent firms when so required by the Department.

3. Fees for reviewing and responding to accidental discharge procedures and construction;

4. Other fees as the Department may deem necessary to carry out the purposes set forth herein. These fees relate solely to the matters covered by these

regulations and are separate from all other fees, fines, and penalties chargeable by the Department.

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SECTION - 9

WASTEWATER EXTRA-STRENGTH SURCHARGE PROGRAM

A. Scope

1. The purpose of this section is to provide for the equitable allocation of the costs of conveying, treating, operating and maintaining the POTW.
2. These provisions shall apply to all non-residential wastewater dischargers using the County POTW and shall be administered by the Department.

B. Surcharge Parameters

The Department shall maintain appropriate surcharge parameters based on federal and state requirements placed on the operation, maintenance and performance of the POTW. The parameters may include, but shall not be limited to, the following:

1. Flow, COD and TSS.
2. A base flow in gpd and concentration in mg/l for each wastewater parameter may be established by the County. The user will be surcharged for discharges in excess of the base.
3. The Department may apply any or all of the parameters to the user as appropriate.

C. User Categories

The Department may place each user in a user category for purposes of developing a category mean for flows and parameters.

D. Estimation of Wastewater Flows

1. The Department will estimate the quantity of wastewater discharged by the user. The amount of wastewater discharged shall be assumed to be 90% of the water consumed unless the user can provide acceptable evidence to the County showing otherwise.
2. The Department may require that the user install water measuring equipment and other related items to assist with making this determination, if water service is not provided by the County.

3. The Department may require the user to report readings and allow the County to access the meter.

4. The user shall provide a safe, secure location meeting the Department's requirements for conducting flow measurement studies within sixty (60) days of receipt of the Department's request.

E. Discharge Sampling

1. The Department shall determine the location for all wastewater sampling. The user shall provide a safe, secure location meeting the Department's requirements for the wastewater sampling within sixty (60) days of receipt of the Department's request.

2. The method of sampling shall be determined by the Department. Methods may include grab or composite sampling depending on the user's flow, access, process and other variables. The standard shall be a time-weighted six day composite.

3. The duration and frequency of sampling shall be determined by the Department. Duration and frequency may include single samples or multiple samples taken over a period of time depending on the user's flows, access, process, hours of operation and other variables. The sampling shall be done once every two years, or as otherwise determined by the Department.

4. All wastewater analysis shall comply with the requirements listed in 40 CFR 136 and/or the standard methods.

F. Estimation of Wastewater Parameter Concentrations

In lieu of wastewater sampling and testing, the County has the option of estimating one or all of the user's discharge parameters (concentration and mass) based on the information developed from other users or on incomplete information on the user's discharge.

G. Wastewater Resampling

1. The Department may perform a resample if the results of the analysis do not appear to correspond with the user's operation or for other reasons determined by the Department. Resampling shall follow the same procedure as for discharge sampling. The Department may perform periodic resampling and inspections to assure continued compliance with these rules and regulations, including inspection of grease trap pumping records.

2. Individual users may resample their wastewater and have it tested by a Department-approved lab and present the resulting data to the Department for its

review. The industrial user shall be responsible for all costs associated with the resampling and testing, and reporting shall comply with the following requirements:

(a) Testing shall be performed in accordance with 40 CFR 136 and/or County approved standard methods.

(b) The resampling shall follow procedures described by the Department.

3. Recovery of resampling costs performed by the Department at the request of the user shall be reimbursed in accordance with the fees as shown in Exhibit A.

H. Assessment of the Surcharge

1. The County will assess the surcharge on the users found to be discharging wastewater above the base surcharge parameters.

2. Calculation of surcharge will be made in accordance with Exhibit A of this section.

I. Surcharge Billing

The County shall include the surcharge on the user's monthly wastewater bill. It shall be identified as a separate surcharge fee to the user.

J. Discharge Credits

No credits shall be given for wastewater discharged at a concentration less than the base domestic concentration.

K. Violations

Violations against these rules and regulations include:

1. Disregard of notification(s) issued by the Department to install proper sampling equipment, sampling port or other items requested by the Department.

2. Upon being shown proper identification, refusing to allow Department personnel on user's property for the purpose of user category verification, locating a sampling port, monitoring, estimating water usage or for developing or confirming other information necessary for the program's administration.

3. Removing, damaging, relocating or tampering with sampling and monitoring equipment.

4. Improperly maintaining a grease trap.
5. Non-payment of surcharge over thirty (30) days past due.

SECTION - 10

GREASE INTERCEPTOR FACILITIES

A. Description

The purpose of an interior or exterior grease interceptor is to remove grease or oil from sewage prior to discharge to the public sanitary sewer. These interceptors serve as a small flotation chambers where grease rises to the water surface and is retained, while the clearer water underneath is discharged. The use of word "interceptor" is interchangeable with the word "trap."

B. Prohibited Discharge

No water or wastewater containing substances which may solidify or become viscous at temperatures between thirty-two (32°F) degrees and one hundred fifty (150°F) degrees Fahrenheit shall be discharged into any public sanitary sewer

C. Special Requirements

The size and type of grease interceptor shall be subject to the approval of the County's building inspection Department. The grease interceptor shall be installed in a line separate from other sanitary plumbing facilities. In general, all grease interceptors shall be designed for exterior installation, of capacity sufficient to service those grease generating fixtures connected thereto. Wastes other than those requiring separation shall not be discharged into the grease interceptor. Grease traps shall be designed, located and constructed in a manner that will permit easy access and maintenance by the user and allow inspection by the Department.

D. Grease Interceptor Standards

The minimum requirements for interceptor sizing, construction, materials and other features shall be those required by the Uniform Plumbing Code (UPC), latest edition and any modifications, revisions or amendments made by the County's building inspection Department.

E. Pre-Existing Grease Interceptors

Grease interceptors existing upon the adoption of this Ordinance shall not be exempt from the provisions in this section.

F. Maintenance

Grease traps shall be cleaned at or before the receptacle reaches seventy-five percent (75%) of its design capacity. The operator of a grease trap shall maintain a log book of all maintenance activities and evidence of grease disposal in accordance with County, state and federal regulations. Grease traps shall be subject to unannounced inspection by the Department's personnel at any time during their operation.

G. Grease interceptor Requirements

1. All restaurants, cafeterias, institutional kitchens, and other installations having facilities for the preparation and serving of food in quantity, laundromats, car washes, gas stations, auto machinery garages and car washes, and art shops or art galleries where the potential for discharge of grease, oils and waxes into the sanitary sewer system exists, whose location is within the County's sanitary sewer service area shall be required to install a grease interceptor.

2. Any facility as listed above, that is currently operating without the required grease interceptor, even though there may have been no history of blockages caused at or downstream from their location, shall be required to install a grease interceptor.

3. Customer shall submit to the County, plans or technical drawings to install a grease trap as required in this section, within three (3) months after receiving notice of noncompliance.

4. Customer shall then have up to six (6) additional months to install the grease interceptor, upon approval of the drawings by the County's building inspection Department.

5. An application for a new water or sewer service connection may be denied pending installation of a grease interceptor.

6. Any commercial or industrial facility, currently on an on-site sewer system and making an application to connect to the POTW, shall install or show proof of installation of a grease interceptor, according to the parameters of this section, prior to approval of the application.

7. When any commercial or industrial facility that is found to have grease traps which are inadequate to meet the requirements of this section, and is connected to the POTW, and/or is in the process of changing owners, lessees or renters, the fee simple owner shall be required to update the system in compliance with these rules and regulations before the new owner or operator will be allowed to commence discharge.

SECTION 11

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ADMINISTRATIVE ENFORCEMENT, REVIEW AND PENALTIES

A. Administrative Enforcement.

The Department may take any or all of the following actions (Department action) with respect to any violation of this Ordinance or order issued hereunder, or any pretreatment standard or requirement, or of any permit condition or denial, or any other local, state or federal law or regulation affecting discharge:

(a) Deny a permit not in compliance with requirements identified in Section 8.D.

(b) Issue an emergency cease and desist order for the suspension of any activity by the user, whenever, in the opinion of the Director, such emergency suspension is reasonably necessary to stop an actual or to prevent a threatened discharge which may endanger the health or welfare of persons, or may potentially interfere with the operation of the POTW.

(i) The Director shall have hand-delivered or shall send the notice of emergency suspension by certified mail to the user and/or the owner at the address set forth on the permit application.

(ii) The notice of emergency suspension shall set forth the nature of the emergency, the reasons for the emergency suspension, and a request that the user and/or owner show cause why the emergency suspension should not remain in effect.

(iii) Any user notified of an emergency suspension of its wastewater permit shall immediately stop or eliminate its discharge to the POTW. In the event of a user's failure to immediately comply with the suspension order, the Department will take such steps as deemed reasonable, including but not limited to immediate severance or blockage of the sewer connection.

(c). Issue an administrative compliance order setting forth the terms and conditions of any action reasonably required by the Department for the user's continued discharge, including permit modification;

- (d) Suspend the user's discharge permit;
- (e) Terminate the user's discharge permit;
- (f) Modify the user's discharge permit;
- (g) Terminate the user's service;

(h) Impose fines on the user; and/or

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(i) Seek criminal penalties and/or imprisonment.

2. Before initiating any Department action, except for those Department actions set for in Sections 11.A.1(a) or 11.A.1(g), the Department shall afford the user and/or owner the following rights to pre-action administrative review:

(a) The Department shall issue written notice of the proposed action or permit application denial, and shall have hand delivered or shall send the notice by certified mail to the user and/or owner at the address set forth on the permit application. If the notice is sent by regular mail, it shall be deemed to be served three days after being placed in the mail to the address shown on the user's application. Whether or not the user and/or owner appears as noticed, immediate enforcement action may be pursued following the hearing date.

(b) The notice of proposed action shall set forth the proposed Department action, the reasons for the proposed action, and a request that the user and/or owner show cause why the proposed action should not be taken.

(c) The user and/or owner wishing to participate in the pre-action administrative review shall file with the Director a written response to the notice of proposed action within ten (10) days after mailing of the notice of proposed action. The response shall include the facts supporting the user and/or owner's position that the proposed action should not be taken, and shall also include any alternatives to the Department's proposed action.

(d) The owner and/or user may request a hearing on the proposed action by filing a written request with the Director within ten (10) days of the date of mailing of the notice of proposed action. If a hearing is requested, it shall be set within twenty (20) days of receipt of the request, and notice of the hearing shall be delivered to the user and/or owner at least three (3) days before such hearing. If the notice is sent by regular mail, it shall be deemed to be served three (3) days after being placed in the mail to the address shown on the user's application.

(e) If the owner/user does not timely request a hearing, the Director shall make his/her determination based solely on the written response. If no written response is filed, the user and/or owner shall be deemed to have abandoned all rights to administrative review.

(f) If a hearing is timely requested, the Director shall conduct the hearing, or may appoint a hearing officer to make recommendations to the Director upon which the Director's written order will be based.

(g) The user and/or owner shall bear the burden of proving by the preponderance of the evidence that the proposed Department action should not be taken.

(h) The Director shall issue a written order within 10 days of the hearing, or within ten (10) days of the written response if no hearing is requested, indicating the action which will be taken. The Director's written order shall be considered final agency action for purposes of judicial review, and shall remain in effect during any appellate review process unless otherwise ordered by the reviewing court. If the user is not successful in obtaining a change in the proposed County action, the Director may assess the costs of such hearing process to the user.

3. An owner and/or user may request administrative review of any emergency suspension order through the following procedures:

(a) The user and /or owner wishing to seek administrative review shall file with the Department a written response to the notice of emergency suspension within ten (10) days of the date of mailing of the notice of emergency suspension. The response shall include the facts supporting the user's and/or owner's position that the emergency suspension should not remain in effect, and shall also include all plans to rectify the emergency.

(b) The owner and/or user may request a hearing on the proposed action by filing a written request with the Department within ten (10) days of the date of mailing of the notice of proposed action. If a hearing is requested, it shall be set within twenty (20) days of receipt of the request, and notice of the hearing shall be delivered to the user and/or owner at least three (3) days before such hearing. If the notice is sent by regular mail, it shall be deemed to be served three (3) days after being placed in the mail to the address shown on the user's application.

(c) If the owner/user does not timely request a hearing, the Department shall make its determination based solely on the written response. If no written response is filed, the user and/or owner shall be deemed to have abandoned all rights to administrative review, and the emergency suspension shall become permanent.

(d) If a hearing is timely requested, the Department shall conduct the hearing, or may appoint a hearing officer to make recommendations to the Department upon which the Department's written order will be based.

(e) The user and/or owner shall bear the burden of proving by the preponderance of the evidence that the emergency suspension should not remain in effect.

(f) The Department shall issue a written order within ten (10) days of the hearing, or within ten (10) days of the written response if no hearing is

requested, indicating the action which will be taken. The Department's written order shall be considered final agency action, and shall remain in effect during any appellate review process, unless otherwise ordered by the reviewing court. The Department may assess the costs of such hearing process if the user is not successful.

(g) The emergency suspension order shall remain in effect during the pendency of the hearing, and during any appellate review process, unless otherwise ordered by the reviewing court.

4. A user and/or owner may seek review by the Department of any condition or term of a permit, modification of a permit, refusal to issue a permit or to modify a permit, or order issued with respect to a permit, or of any fine assessed by the Director, through the following administrative procedure.

(a) The user and/or owner shall file a petition for review with the Department within thirty (30) calendar days of the action sought to be reviewed.

(b) The petition shall contain a description of any Department action being appealed, the facts supporting the appeal, and the proposed outcome.

(c) If the petition seeks review of any fine, evidence of full payment of the fine shall accompany the petition for review.

(d) The owner and/or user may request a hearing on the proposed action by filing a written request with the Department within thirty (30) days of the date of mailing of the notice of proposed action. If a hearing is requested, it shall be set within sixty (60) days of receipt of the request, and notice of the hearing shall be delivered to the user and/or owner at least twenty (20) days before such hearing. If the notice is sent by regular mail, it shall be deemed to be served three (3) days after being placed in the mail to the address shown on the user's application.

(e) If the owner/user does not timely request a hearing, the Department shall make his/her determination based solely on the written petition.

(f) The user and/or owner shall bear the burden of proving by a preponderance of the evidence any ruling which it wants the Department to issue.

(g) If a hearing is timely requested, the Department shall conduct the hearing, or may appoint a hearing officer to make recommendations to the Department upon which the Department's written order will be based.

(h) The Department shall issue a written order within thirty (30) days of the hearing, or within thirty (30) days of the written response if no hearing is requested, indicating the action which will be taken. The Department's written order shall be considered final agency action, and shall remain in effect during any appellate review process, unless otherwise ordered by the reviewing court. The Department may

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assess the costs of such hearing process if the user and/or owner is not successful. Any fine, or portion thereof, which is not sustained by the Department shall be refunded to the user and/or owner within thirty (30) days of the Department's order, together with interest at the legal rate.

(i) The Department action sought to be reviewed shall remain in effect during the pendency of the hearing, and during any appellate review process, unless otherwise ordered by the reviewing court.

B. Judicial Enforcement and Penalties

1. Whenever a user has violated or continues to violate the provisions of this Ordinance or orders issued hereunder, the Department shall seek injunctive relief to the extent allowed by law.

2. Violation of any provision of this Ordinance are subject to enforcement pursuant to Section 4-37-3 NMSA 1978 (1998 Cum. Supp.) and as otherwise allowed by law.

C. Costs of Administrative Procedures

1. The costs of transcribing any hearing, the charges of any hearing officer, the costs of any copying or clerical work required for the hearing, filing fees in an amount equal to that currently in effect in state courts, and the actual cost of County staff time required to attend the hearing or perform any additional work in connection with the hearing may be assessed against any person unsuccessful in a request for administrative review.

2. The Department shall adopt a schedule of charges and make same available to the public upon request.

D. Severability

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the invalidation shall be deemed to apply solely to those specific provisions and the remaining provisions shall not be affected and shall continue in full force and effect.

E. Prohibited Disposal of Impermissible Waste

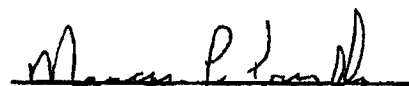
Disposal of impermissible waste from a commercial or industrial facility into the County's POTW shall constitute a violation of this Ordinance. The Department shall have the option to suspend or to terminate the permit for violation of this section, pursuant this Ordinance.

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F. Effective Date

The effective date of the Wastewater Utility Ordinance is 1/08/99

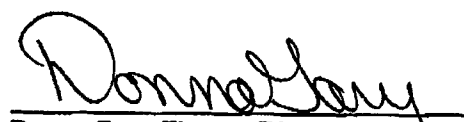
PASSED, APPROVED and ADOPTED this 8th day of December, 1998.


Chairman, Board of County
Commissioners

Attest:


Rebecca Bustamante, County Clerk

Reviewed by:


Donna Gary, Finance Director

Approved as to form:

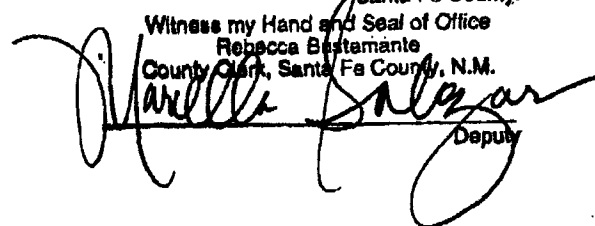

County Attorney



1052.987

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 11 day of Dec, A.D.
19 98, at 1:07 o'clock P. m.
and was duly recorded in book 1577,
page 77-155 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy

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EXHIBIT A

1577138

**COUNTY OF SANTA FE
SANITARY SEWER RATES, FEES
AND PENALTY SCHEDULE
DECEMBER 8, 1998**

1. Introduction.

The intent of this schedule is to consolidate into one document all information regarding sanitary sewer rates, fees and penalties. In addition, when applicable, formulas and procedures for the application of formulas are described.

2. Construction Inspection Fee.

For each inspection made by the building inspection division or Department staff, the county shall assess a fee of one hundred fifty dollars (\$150.00) per service connection. Where subsequent re-inspections are necessary, due to unacceptable construction or non-compliance with county codes, regulations and standards, the county shall assess an additional inspection fee of one hundred dollars (\$100.00).

3. Sewer Service Connection Fees.

3.1 For each unattached or attached single family residence, including single family units in a Planned Unit Development and in a condominium and for each unit in a trailer park, the base connection fee shall be one hundred eighty dollars (\$180) for twenty (20) fixture unit equivalents (FUE);

3.2 For each unattached or attached single family residence, including single family units in a Planned Unit Development or in a condominium having excess of 20 FUE, in addition to the base fee, there shall be a fee of ten dollars (\$10) for each FUE in excess of 20.

3.3 For commercial, industrial, or institutional, or public service building and for multi-family apartments, the connection fee shall be ten dollars (\$10) for each FUE.

3.4 For new connections or reconnections required as a result of substantial reconstruction or remodeling wherein the total number of FUE shall increase beyond those existing before the reconstruction, the fee shall be ten dollars (\$10) for each FUE in excess of the total FUE prior to the reconstruction.

4. Private Sewer Construction Permit Fee

Fees for private sewer construction permits shall be assessed in the same manner as those fees established for sanitary sewer service connections.

5. Sewer Service Charges

5.1 Each residential and non-residential connection within the service area for which water consumption records are available shall be assessed a monthly fixed fee of six dollars and fifty four cents (\$6.54) plus a monthly charge of three dollars and fifty cents (\$3.50) per one thousand (1,000) gallons of applicable base period water use above the base rate of 2,000

gallons. The minimum monthly fee shall equal the fixed charge of six dollars and fifty four cents (\$6.54).

A. The base period for residential connection is the most recent December through February period preceding the fiscal year of fee assessment.

B. A residential connection shall include single and multi-family residences, mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S. Government, the State of New Mexico, the City of Santa Fe, the County of Santa Fe and the Santa Fe Board of Education and private elementary and secondary schools and colleges.

C. The base period for a non-residential connection is the most recent April through March period for which water use records are available preceding the fiscal year of fee assessment. Upon written application to the Department, metered water use for non-residential connections may be reduced by two (2) gallons per month for each square foot of irrigated property. Reductions may be applied from March through November.

5.2 Each residential and non-residential connection within the county limits for which there are no metered water use records for one or more of the months of the base period shall be assessed a monthly charge equal to the fixed monthly fee plus the charge as set out in paragraph 5.1 of this section for an assumed amount of monthly water use. The water use assumed for each month for which water use data is lacking shall be five thousand (5,000) gallons for each residential dwelling unit or for each twenty (20) fixture unit equivalents (FUE) or fraction thereof in a structure other than a dwelling.

5.3 Each lot having improvements which are dependent upon a septic wastewater system and which lot is accessible to county sanitary sewer system will not be assessed a monthly fee.

5.4 Each lot having no improvements but which lots are accessible to the County sanitary sewer system, shall be assessed a monthly fee of seven dollars (\$7.00) per lot.

5.5 In accordance with Gross Receipts and Compensating Tax Act, Section 7-9-4,1 NMSA 1978, a surcharge of up to 5 percent shall be imposed on each billing rendered in accordance with this section.

6. Penalty for Delinquency.

1. A penalty of one and a half per cent per month shall be charged on all delinquent assessments as defined in Section 7B of the Sewer Service Rate, Charges and Enforcement Section

7. Placement of Lien for Sewer Service.

7.1 Liens established against a property shall bear interest at a rate of one per cent (1%) per month.

7.2 Fees assessed for the release of lien shall not exceed one hundred dollars (\$100) in addition to the total amount due the county.

8. Extra-Strength Surcharge.

8.1 The monthly Surcharge fee shall be equal to:

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0.9 (C-D) F (cf) L, for users whose discharge has been tested, and

0.9 (M-D) F (cf) L, for users whose discharge has not been tested.

WHERE:

C = COD concentration in the user's discharge stream in milligrams per liter (mg/l)

D = Average domestic sewage COD concentration, established at 50 milligrams per liter (mg/l).

F = Average water use in million gallons per month as shown in the SFCUD or users records.

cf = 8.34. A factor to convert the units of milligrams to pounds per million gallons.

L = The mass based cost of providing air to remove the COD in wastewater. The cost has been established at 40.50/lb

M = Mean COD concentration for the user's disposal as tested.

0.9 = Represents a constant of ninety percent (90%) of the water used through a water meter as being discharged into the sanitary sewer.

OR:

Monthly water usage x 0.0015 - Amount of monthly surcharge fee.

8.2 Resampling fees shall be charged to the user in the amount of sixty dollars (\$60) for each occurrence.

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EXHIBIT B

COUNTY OF SANTA FE

SANTARY SEWER DESIGN CRITERIA

INTRODUCTION

This document presents the criteria, standards and regulations related to the design of public sanitary sewer systems for general development service. It does not cover the criteria necessary for design of major interceptor sewers, or treatment facilities. The material is directed to the competent design professional and is not intended to be a detailed design handbook. Criteria and standards presented are those determined to be the minimum acceptable values necessary to result in system designs having satisfactory functional characteristics, durability and operational suitability. It is expected that the designer will strive for the best design to suit the circumstances involved, and that designs will reflect sound professional judgement at all times.

Section 1. GOVERNING REGULATIONS

Ordinances and policies related to the design and operation of sanitary sewer systems include the following:

A. LAND DEVELOPMENT ORDINANCES

These ordinances primarily require that sewer service be available to proposed developments before issuance of building permits. There are no specific design criteria included in these ordinances.

Section 2. ENGINEERING DESIGN CRITERIA FOR GRAVITY SEWER LINES

Unless otherwise authorized by the County's Utilities Department, for a specific project, specifications for pipe and other construction materials will be as required in the current edition of New Mexico Standard Specifications for Public Works Construction (NMSSPWC).

A. DESIGN CAPACITY CRITERIA

- (1) Off-site flows shall be determined by the County Utilities Department.
- (2) In areas with a mix of residential, commercial, industrial, etc., roughly representative of the county as a whole, the population of the contributing area shall be determined and the design flows calculated as follows:

$$Q^a - \text{Average Flow} = 80 * \text{Population} / 10^6, \text{ in MGD}$$

$$Q^p - \text{Peak Flow} = 2.5 * Q^a, \text{ in MGD}$$

$$Q^d - \text{Design Flow} = 1.2 * Q^p \text{ in MGD (for cfs multiply MGD by 1.547)}$$

- (3). Population loadings are assumed to be:

2.5 persons for apartments, townhouses and mobile homes (DU)

3.3 persons for R-1 single-family homes (DU)

Where DU – Dwelling Unit

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(4). In primarily non-residential areas, design flows may be determined by other methods as may be appropriate, upon approval by the Department.

(5). Design shall be for full pipe flow at the design discharge.

(6). Manning's Formula shall be used for determination of pipe flow velocities and capacities using a value for Manning's $n = 0.013$, except for PVC & HDPE pipes for which designer shall use 0.009.

(a) Peak Velocity = Velocity at peak flow conditions

(b) Average Velocity = Velocity at average flow conditions

B. MANHOLE CRITERIA

(1) Manholes must generally be located on the centerline of the street right-of-way or the centerline of street width if the street is not concentric with the right-of-way. Manholes in curved streets may be located as much as 10' off from centerline of street or right-of-way; however, required clearances from other utilities must be maintained. The offset of such manholes is to be measured from center of manhole barrel to the centerline of the street or right-of-way.

(2) Standard minimum manhole depth is 6.0', measured from rim to invert.

(3) The required inside measurements or conditions for a manhole are as follows:

(a) Minimum inside diameter is 4 feet.

(b) A minimum 9" wide shelf must be provided on each side of each main line within the manhole.

(c) Where the main flow changes direction at a manhole, the manhole must be large enough so that the centerline radius of curvature of the flow invert will be larger than the pipe diameter.

MINIMUM MANHOLE DIAMETERS REQUIRED FOR DIRECTION CHANGES

1577145

Pipe ID	<u>Degrees of Direction Change</u>							
	0°	5°	45°	50°	75°	80°	85°	90°
8" to 21"	4'	4'	4'	4'	4'	4'	4'	4'
24"	4'	4'	4'	4'	4'	4'	4'	6'
27"	4'	4'	4'	4'	4'	4'	6'	6'
30"	4'	4'	4'	4'	4'	6'	6'	6'
36"	6'	6'	6'	6'	{--NOT PERMITTED--}			
42"	6'	6'	6'		{--NOT PERMITTED--}			

(4) Changes in horizontal flow direction of more than 90° in a manhole shall not be permitted unless the following conditions are present:

- (a) All lines are larger than 36"
 - (b) Continuous lines with a design flow greater than 3 MGD and a design velocity of 5fps or greater.
 - (c) Any junction of two flows, each with design flow greater than 3 MGD, where one line has a design pipe velocity of 5 fps or greater.
- (5) Invert elevations will be called out for each inlet and outlet at a manhole.
- (6) Drops across manholes will be provided as follows:
- (a) Where the main flow does not change direction at the manhole, the design will provide:
 - (i) A slope across the manhole at least equal to the average of the slopes of the incoming and outgoing lines.
 - (ii) The minimum drop will be ≥ 0.05 feet for lines 42 inches in diameter and smaller.

(b) Where the main flow changes direction at the manhole, the design will maintain the average of the slopes of the incoming and outgoing lines and compensate for the loss of velocity head caused by the turn.

(i) The slope component will be equal to the average of the slopes of the incoming and outgoing lines times the diameter of the manhole.

(ii) The velocity head component will be determined by the following formula:

$$h_v = K_b (v)^2 / 2g$$

where:

h_v = required drop to compensate for loss of velocity head (feet).

K_b = bend coefficient, use 0.4 for 90° turn, 0.32 for 45° turn and linear proportioning for other deflection angles (dimensions).

v = design velocity of incoming line based on design flow, ft/sec.

$g = 32 \text{ ft/sec}^2$.

(iii) The total drop required through the manhole will be the sum of the slope component and velocity head component.

(c) Where flows converge at a manhole, the inverts should be designed to produce a smooth water surface at design flow with no backwater conditions in any of the incoming lines or in the manhole. Excessive drops which cause turbulence are to be avoided.

(d) The use of drop connections to manholes (drop manholes) will require CUD approval and shall conform to Sanitary Sewer Construction Details, Sheet 1. Drop manholes are required when inflows to outflows elevations will be greater than 1.5 feet.

7. The maximum distance between manholes allowed is:

- (a) 8"-21" mains - 450'
- (b) 24" & larger - 500' for average velocities 3 fps or less
- (c) 24" & larger - 800' maximum, for average velocities greater than 3 fps.

C. LINE CRITERIA

(1) Sanitary sewer materials must comply with the requirements set forth in the Specifications, shown on the Sanitary Sewer Construction Details, Sheet 1.

(2) Minimum line size allowed: 8" inside diameter.

(3) Following are minimum slopes considered necessary in noncurvilinear lines to provide minimum allowable velocities. **GREATER SLOPES THAN MINIMUM ARE DESIRABLE AND ARE TO BE PROVIDED WHERE POSSIBLE.** Maximum slopes should never result in super critical flow.

SEWER LD.	MINIMUM SLOPE (ft/ft)
8"	0.0060*
10"	0.0028
12"	0.0022
15"	0.0015
18"	0.0012
21"	0.0010
24"	0.0008
27"	0.00068
30"	0.00060
36"	0.00048

* A minimum slope of 0.0040 ft/ft is acceptable for an 8" line if the design loading is at least 200 R-1 DU's or 275 R-T, R-2 or mobile home dwelling units. This slope is also acceptable when the line material is PVC.

(4) Sections of line that are flat relative to the upstream line shall be avoided. As much as possible, continuous flow velocity and capacity will be provided. The energy gradient should slope generally parallel to the slope of the invert with no abrupt changes nor slopes opposite to the direction of flow.

(5) Line depth should be sufficient to provide gravity service to property contiguous to the line. Generally, house services shall be a minimum of 5' below the top of curb at the property line as measured from the top of curb to the invert of the service line.

(6) The main lines are to be located within public right-of-way except as noted in sub-section 7, which follows, and are to be aligned in accordance with the Primary

Utility Locations. Where the Primary Utility Locations do not apply, the following criteria shall apply:

(a) The New Mexico Environmental Department policy on the proximity of water and sewer lines: 577148

Whenever possible, it is desirable to lay parallel water and sewer lines at least 10 feet apart horizontally, and the water line should be at a higher elevation than the sewer. If this not possible, separate trenches will be required in all cases (this shall be effective even though one line has been installed prior to the other), and the water line shall be at least 2 feet above the sewer. When water and sewer lines cross each other, the water line shall be at least 2 feet above the sewer; otherwise the sewer shall be of ductile iron pipe." A preferred alternative is encasement in concrete as shown in the Sanitary Sewer Construction Details, Sheet 1 for ten (10) foot on each side of the water line. If ductile iron pipe is used it must be run from manhole to manhole.

(b) Main lines must be located so that they can be maintained without disturbing any sidewalk, curb, gutter or any other utility. The required trench must be totally within the paved roadway.

(c) Written approval of the Department must be obtained for any deviations from the primary utility locations.

(7) Sanitary sewer lines may be located outside public right-of-way only under the following conditions:

(a) Prior written approval is given by the SFCUD director or his/her designee.

(b) The main line must be located as follows:

(i) In a paved, permanent access utility easement, or

(ii) In a utility easement within a planned green/open space with access from a street suitable for sewer line maintenance equipment.

(iii) If (1) and/or (2) above are impossible due to prior plating, the situation will be handled as a special case to be approved by the SFCUD.

(c) In a permanent utility easement granted for exclusive use of water and sanitary sewer. It must be possible to excavate any buried sanitary sewer with 1:1 side slopes from the bottom of the pipe, without disturbing any sidewalk, curb and gutter, or any other utility. The required trench must be contained within the paved roadway and/or the exclusive easement. A minimum width easement of 20' is required for lines up to 10 feet deep. Lines

deeper than 10 feet shall be provided with easements of a width in accordance to the following schedule:

DEPTH (H)	EASEMENT WIDTH (FT)	
10-15	25	
16-20	35	1577149
>20	100	

(d) Compliance with the New Mexico Environment Department policy on the proximity of water and sewer lines must be achieved.

(e) In private streets or rights-of-way, Primary Utility Locations shall apply.

D. CURVILINEAR SEWERS

Curvilinear sewers are permitted in accordance with the following criteria:

(1) The pipe length to be used, deflection angle, and radius of curvature must be stated on the plans.

(2) The maximum design deflection angle shall be 2/3 of pipe manufacturer's recommended maximum.

(3) The minimum radius of curvature is 300' based on 5.5 foot pipe lengths. If shorter lengths are available, small radii as appropriate shall be considered.

(4) The maximum distance between manholes shall be 400'.

(5) The slope of the curvilinear of the sewer must be at least 5% greater than the upstream slope straight line sewer. Additionally, the minimum slope criteria for curvilinear sewers is shown below.

SEWER I.D.	SLOPE
8"	0.0066
10"	0.0030
12"	0.0024
15"	0.0018

(6) Generally, concrete encasement according to the Sanitary Sewer Construction Details, Sheet 1 is recommended where necessary due to proximity of water lines. If ductile iron pipe is utilized in lieu of concrete encasement, it shall run from manhole to manhole.

(7) Gravity Sewer – Minimum radius for Curvature for PVC SDR-35 pipe.

<u>Pipe Diameter</u>	<u>Laying Length</u>	<u>Min. Radius of Curvature</u>	<u>Max. Offset per Length</u>
8"	13'-0"	300 ft.	3"
8"	20'-0"	300 ft.	8"
10"	13'-0"	375 ft.	2 ½"
10"	20'-0"	375 ft.	6 ½"
12"	13'-0"	450 ft.	2"
12"	20'-0"	450 ft.	6"

Diameters greater than 12", shall be designed as approved by SFCUD.

E. SERVICE CONNECTIONS (Private collection systems and individual service connections).

- (1) A minimum four inch (4") service connection must be made to the main line except at the end of cul-de-sacs where connection to a manhole shall be permitted in the manner shown in the Sanitary Sewer Construction Details, Sheet 1.
- (2) Six inch (6") service connections shall be permitted only where a 6" tee in the main exists.
- (3) Four inch (4") and six inch (6") mechanical taps are permitted to tappable 10" main lines. Mechanical or Manufacturer's taps are required where tees are not available in existing lines. Mechanical and Manufacturer's taps shall conform to the Sanitary Sewer Construction Details.
- (4) Six inch (6") service connections to 8" mains and all service connections 8" and larger shall be made by means of a manhole when there are no existing tees of the required size in the main. Insertion of a factory made tee will be permitted, if practical, for purposes of connecting 4" and 6" services to an existing 8" main. Approved coupling devices

shall be required. Service connections to a manhole are to be made with the invert of the service at the elevation of the top of the main line. No inside-manhole piping shall be permitted.

(5) Service connection shall not be made to sewer interceptors (lines 12 inches in diameter or larger) or lines with peak flows greater than 3 MGD, regardless of size.

(6) All service connections shall be made such that the service is perpendicular or radial to the sewer main.

(7) All service connections shall have a minimum slope of 1/4" per foot toward the main within the public right-of-way. Lesser slopes may be permitted with prior approval of SFCUD, provided engineered drawings are submitted.

F. Television Inspection of Constructed Sewers

All sewer lines constructed for the SFCUD shall be television inspected. The sewerline inspection shall be on a videocassette recorder (VCR) and the tape(s) furnished to the SFCUD prior to acceptance by the County.

Section 3 ENGINEERING DESIGN STANDARDS FOR PRESSURE SEWERS

A. GENERAL CONDITIONS

(1) Systems referred to in these design standards entail high and low pressure sewer installations to serve public or privately financed developments. All pipes, fittings, pumps, pump controls, and other appurtenant components of pressure sanitary sewers shall be designed by a professional engineer registered in New Mexico, with experience in the design of pressure sanitary sewer systems.

(2) Pipe design, installation and testing shall be made in accordance with AWWA Standards applicable to water lines, applicable provisions of the Santa Fe County Code, and the New Mexico Standard Specifications for Public Works Construction

(3) Pressure sewer systems may only be used when, in the opinion of the SFCUD staff, topographic or other conditions may not allow for the operation of conventional gravity flow sewers, or when installation of such sewers may disturb existing drainage ways and/or would increase the erosion potential in existing arroyos.

(4) Prior to its design, the concept of using a pressure system must be accepted in writing by the SFCUD engineer in the form of a sanitary sewer availability statement. For the SFCUD to make a determination, the proponent of a pressure sewer shall submit the relevant information regarding the site's topography.

(5) Design documents shall include all relevant system information as required the SFCUD for its review.

B. HIGH PRESSURE SEWERS

(1) These systems generally include a lift station(s), a pressurized discharge line (forcemain), an emergency power supply source, and all appurtenant controls and instrumentation, installed for sanitary sewage to be discharged into a gravity flow segment of the county's system.

(2) The design of lift stations, forcemains, and controls shall follow the guidelines presented in the manual of Practice (MOP) No. FD-4, Facilities Development, of the Water Environment Federation.

(3) Complete construction documents for this type of facility, shall include a design memorandum, specifications, and drawings for pumps, piping, instrumentation, alarms and telemetry. All parts shall be, in the opinion of the SFCUD, fully compatible with the county's existing system.

C. LOW PRESSURE SEWERS

(1) Low pressure sewers may constitute a very viable alternative to gravity flow collection lines. These systems will generally include individual on-site grinder pump stations discharging a finely ground slurry into small diameter, low pressure (60 psig or less) mains located within appropriate public utility easements or rights of way. Under certain conditions, it may also be desirable to use grinder pump stations which discharge into gravity flow sewer lines.

(2) Complete construction documents shall include the design memorandum, specifications and drawings for the entire system or network, from the grinder pump to the ultimate point of discharge into the gravity sewer. All parts shall be, in the opinion of the SFCUD, compatible with the county's existing system.

(3) Pump stations shall be designed as a package, complete with wet well, and appurtenant instrumentation and controls, fully compatible with the county's existing systems. Each station shall service no more than one individual legal lot.

(4) Individual grinder pump stations for residential service shall be designed to perform their grinding and pumping functions using no more than one (1) horsepower. The electric power for the installation shall be derived from the same source that serves the building and not a separate one. A grinding pump station shall serve no more than one residential lot.

(5) Placement of the grinder pump station shall be outdoors, in location of easy access for maintenance personnel. Wet well shall be provided with integral accessways.

(6) Low pressure collection system shall be designed as branched networks without loops, and as few as possible abrupt directional changes.

(7) Pipes and appurtenant fittings shall be designed to be installed and tested in accordance with AWWA Standards applicable to water systems.

(8) Design shall protect the county system from potential odor problems associated with low pressure sewer discharge.

D. EQUIPMENT MANUFACTURER LIST

1577153

(1) The county shall maintain an up-to-date list of pre-qualified manufacturers for lift and grinder pump stations, as well as electrical and instrumentation equipment.

(2) This list shall be updated not less often than once every two years. Proposed revisions to the list shall be submitted by a professional engineer for review by the SFCUD. Proposals shall include the rationale for the recommended revision(s).

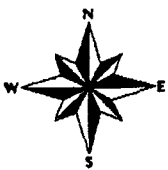
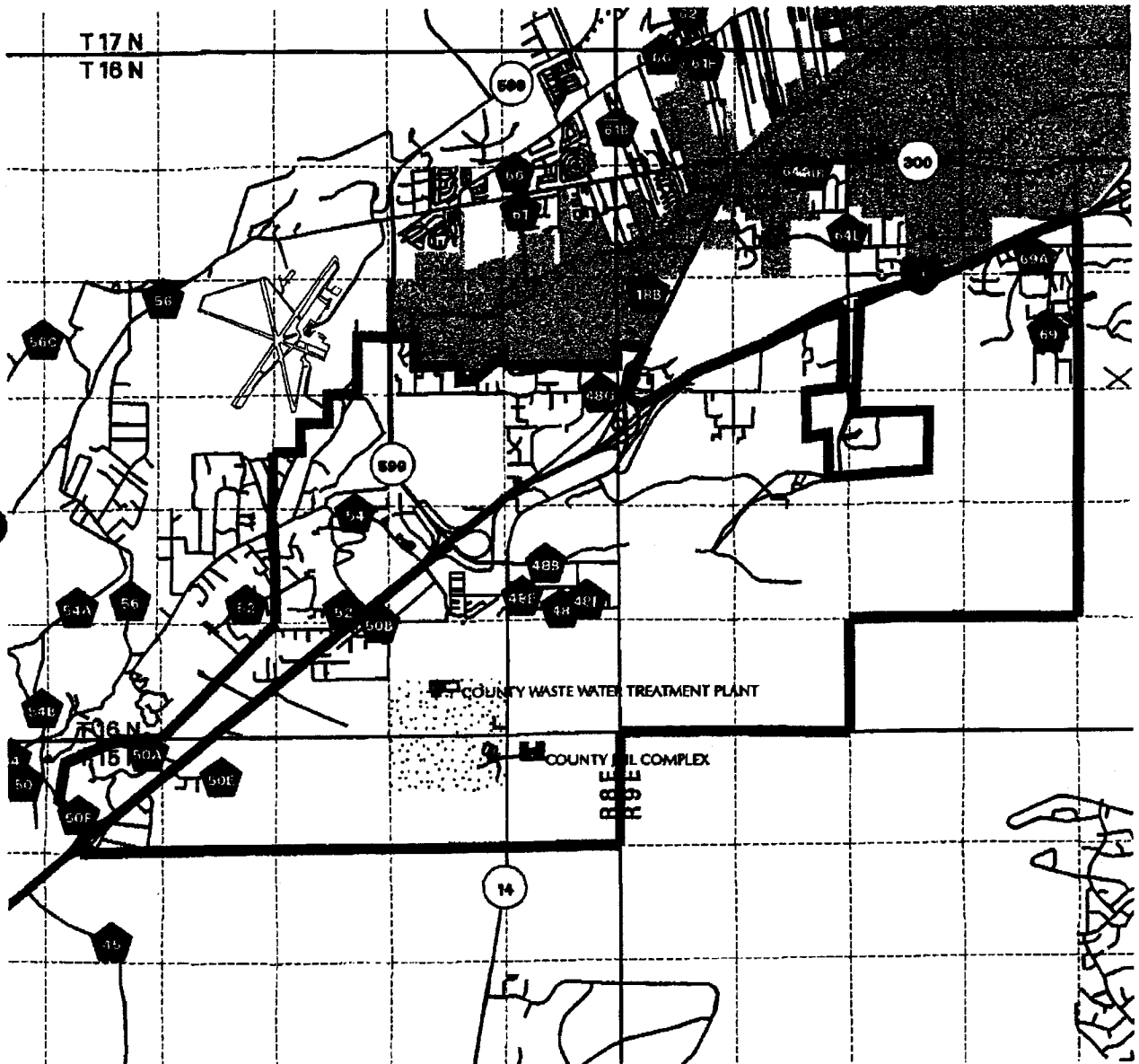
SFC CLERK RECORDED 06/14/2018

Exhibit C

Sewer Service Area

Santa Fe County Utilities Department

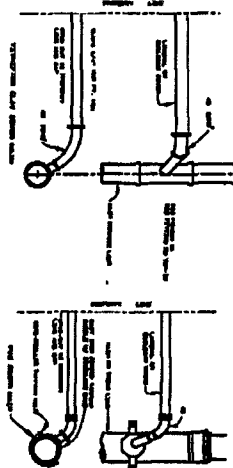
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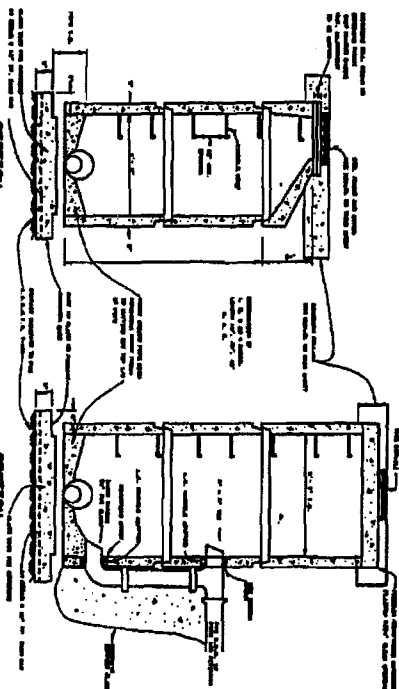
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November 10, 1998

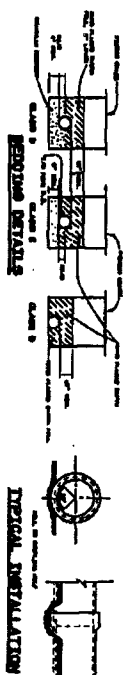


SERVICE CONNECTION DETAIL



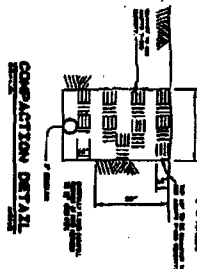
STANDARD MANHOLE DETAIL

DEEP-NAVAL 5705 TALENT

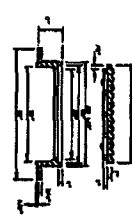


REDOING DETAILS

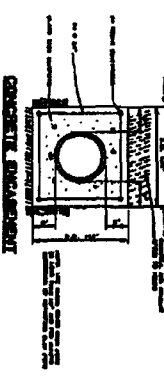
TYPICAL INSTALLATION



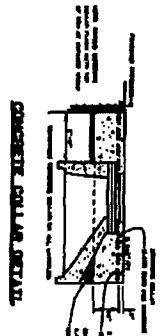
DATE FOR DELIVERY



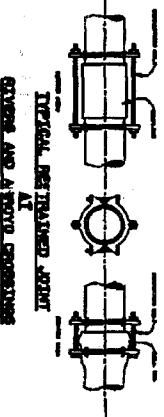
STAFF OF MEMBERS, FRIENDS & FAMILY



CONCRETE MANAGEMENT



TYPESETTING



**AT
THERMAL REFINED JOINT
COVERS AND A THERMOCROSSING**

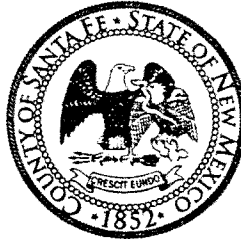
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III.D.2.

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

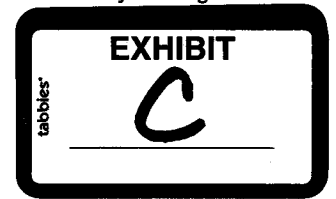
Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



DATE: May 3, 2018

TO: Board of County Commissioners

FROM: Michael Kelley, Public Works Department Director MK 5/3/18

VIA: Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting May 8, 2018.

Request Authorization to Publish Title and General Summary of Ordinance No. 2018 - ____,
An Ordinance Establishing Santa Fe County Utility Water Service Rates and Charges and
Repealing All Prior Water Service Rates and Changes. (Public Works Department/John
Dupuis)

BACKGROUND:

The current rate schedule for the Utility does not generate adequate revenue to cover the costs of operation and maintenance.

DISCUSSION:

Staff is requesting to publish title and general summary of an Ordinance Establishing Santa Fe County Utility Water Service Rates and Charges and Repealing All Prior Water Service Rates and Charges (Ordinance), which establishes water service rates and charges to recover recent increases to the County Water Utility (Utility) operational and maintenance costs. Additionally, the proposed rate increase provides for repair, replacement, and emergency reserves. The attached draft Ordinance provides the specifics on the proposed rates and charges.

ACTION REQUESTED:

Approval to publish of title and general summary of an Ordinance Establishing Santa Fe County Utility Water Service Rates and Charges and Repealing All Prior Water Service Rates and Charges.

Attachment:

Draft Ordinance Establishing Provisions For Setting Santa Fe County Utility Water Service Rates and Charges and Superseding All Prior Rates and Charges.

SFC CLERK RECORDED 06/14/2018

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2018-____

AN ORDINANCE ESTABLISHING SANTA FE COUNTY UTILITY WATER SERVICE RATES AND CHARGES AND REPEALING ALL PRIOR WATER SERVICE RATES AND CHARGES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY:

1. **SHORT TITLE.** This Ordinance shall be cited as the “Water Utility Service Rates and Charges Ordinance” and is referred to herein as “the Ordinance” or “this Ordinance.”

2. **AUTHORITY.** This Ordinance is enacted pursuant to NMSA 1978, § 4-37-1 (1975), and § 4-36-10 (1996).

3. **DEFINITIONS.**

The definitions set out in the Sustainable Land Development Code (“SLDC”), County Ordinance No. 2016-9 and County Resolution No. 2012-88, as the same may be amended from time to time. In addition:

“Santa Fe County Utility” or “SFCU” means the water system owned and operated by Santa Fe County.

“Director” means the SFCU Director.

“Water Budget” means the total approved water requirement of a development, or phase of development, that will be provided by the SFCU plus twenty percent (20%).

“Water Service Connection” means the physical connection of a property to the SFCU water system.

4. **FINDINGS.**

A. SFCU service rates and charges must be just and reasonable and based on the cost of service.

B. The existing SFCU service rates and charges have historically generated substantially less revenue than the cost of service.

C. The service rates and charges established under this Ordinance are based on a rate study and will, over time, better enable the County to cover the cost of service to SFCU customers.

D. The rates and charges adopted under this Ordinance are equitable across customer classes and water system users.

E. The service rates and charges adopted under this Ordinance are designed to encourage water conservation.

5. GENERAL PROVISIONS

A. **Rate Applicability.** The water utility service rates and charges adopted by this Ordinance shall apply to all SFCU customers and those required to connect to the SFCU under the SLDC.

B. **Terms of Payment.** All bills are net and payable within thirty (30) days from the date of bill. If payment for any service rendered is not made within forty (40) days from the date of billing, the Utility shall apply an additional late charge of 1 ½ percent per month to the total balance in arrears, excluding gross receipts tax. Partial payment of amount due by Customer is applied first to late fees, charges assessed and taxes if any, and then to the oldest bill before any amount is applied to the current bill. Any checks that are denied payment due to insufficient funds will be charged the penalty as set out in Section 11 or as assessed by the County bank and the County Treasurer if greater.

6. WATER SERVICE RATE SCHEDULE RESIDENTIAL (SINGLE or MULTI-FAMILY)

A. Residential service shall apply where (i) a single water meter serves a single dwelling unit for indoor and outdoor domestic water use and (ii) where a single water meter serves more than one dwelling unit for domestic water use, but only if use is limited to the residents and their guests and not open to the general public or to non-resident membership. The meter may also serve uses commonly associated with residential dwelling units, such as lawful home occupations, home spas, and landscaping.

B. Where a dwelling unit is used for both residential and non-residential purposes not associated with home occupations, the water service will be billed under the applicable non-residential rate schedule. When separate piping is installed to meter water service to each class of service, billing will be rendered in accordance with the applicable rate schedule.

C. A customer may request a separate irrigation meter to serve outdoor residential domestic use, which separate outdoor use may be supplied using potable, non-potable, or reclaimed water in accordance with SFCU policies.

D. Monthly Rates: The basic water service bill exclusive of any additional charges, fees, or penalties shall be based on the total of the applicable charges set out in Table 1.

Table 1: Monthly Service Charges per Meter Size & Commodity Rates (per 1,000 gallons)

		FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
RESIDENTIAL WATER SERVICE						
Monthly Customer Service Fee	\$/Meter					
5/8"	\$22.83					
3/4"	24.68					
1"	28.32					
1-1/2"	61.38					
2"	63.63					
3"	96.15					
	\$/1,000 gals					
Water Usage Charge per Month						
First 4,000 gallons		\$6.43	\$6.75	\$7.08	\$7.44	\$7.81
Next 4,000 Gallons		8.85	9.29	9.76	10.25	10.76
Next 4,000 Gallons		13.67	14.35	15.07	15.83	16.62
Next 4,000 Gallons		18.50	19.43	20.40	21.42	22.49
Above 16,000 Gallons		22.81	23.95	25.14	26.40	27.72

7. WATER SERVICE RATE SCHEDULE – NON-RESIDENTIAL

A. Non-residential water rates shall apply to water meters not classified by the SFCU as single-family residential or multi-family residential service. Where a dwelling unit is used for both residential and non-residential purposes not associated with a home occupation, the water service will be billed under the applicable non-residential rate schedule. When separate piping is installed to separately meter water service to each class of service, billing will be rendered in accordance with the applicable rate schedule.

B. Monthly Rates: The basic water service bill exclusive of any additional charges, fees, or penalties shall be based on the total of the applicable charges set out in Table 2:

Table 2: Monthly Service Charges per Meter Size & Commodity Rates (per 1,000 gallons)

		FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Monthly Customer Service Fee	\$/Meter					
5/8"	\$48.30					
3/4"	68.62					
1"	109.28					
1-1/2"	210.93					
2"	332.89					
3"	641.93					

4"	762.64
6"	1,517.64
8"	2,423.67
10"	3,365.72

Water Usage Charge per Month	\$/1,000 gals				
First 4,000 gallons	\$6.21	\$6.52	\$6.84	\$7.18	\$7.54
Next 4,000 Gallons	8.57	9.00	9.45	9.92	10.41
Next 4,000 Gallons	13.28	13.95	14.64	15.38	16.14
Next 4,000 Gallons	17.92	18.82	19.76	20.75	21.79
Above 16,000 Gallons	22.81	23.95	25.14	26.40	27.72

8. WATER SERVICE RATE SCHEDULE – HIGH VOLUME

A. High-volume water rates shall apply where a water meter serves a use not classified as single family residential or multi-family residential service and the meter is greater than 2 inches. High Volume use includes those uses classified as Wholesale 1 and Domestic Association under the former utility rate schedule adopted under Resolution No. 2012-88 and Rate Schedule 5 (Wholesale Water Sales) under Resolution No. 2011-79. If a compound meter is installed, the meter charge will be based on the larger meter size.

B. Monthly Rates: The basic water service bill exclusive of any additional charges, fees, or penalties shall be based on the total of the applicable charges set out in Tables 3 and 4:

Table 3: Monthly Service Charges per Meter Size

Meter Size	Monthly Service Fee	Effective Date
3-inch	641.93	July 1, 2019
4-inch	762.64	July 1, 2019
6-inch	1,517.64	July 1, 2019
8-inch	2,423.67	July 1, 2019
10-inch	3,365.72	July 1, 2019

Table 4: Commodity Rate (per thousand gallons; no tiers)

Tier Range (gallons)	Price per 1,000 gallon	Effective Date
All	\$ 6.54	July 1, 2019
All	\$ 6.74	July 1, 2020
All	\$ 6.93	July 1, 2021
All	\$ 7.14	July 1, 2022

Exclusion. A mutual domestic water consumers association serving a designated traditional historic community shall not be charged for metered water used as an emergency backup to their existing water supply due to equipment failure. The amount of water used for such purposes, if any, shall be determined by the Utility Director. The Association shall immediately notify SFCU of an equipment failure requiring emergency backup by SFCU and shall also notify SFCU on the date it restores normal service. Upon receipt of such notices, SFCU will promptly take meter readings to determine the amount of emergency backup use.

9. WATER SERVICE RATE SCHEDULE – RAW/NON-POTABLE

A. Raw/Non-Potable water rates shall apply where non-potable water service is provided from the Buckman Direct Diversion.

B. Monthly Rates: The basic water service bill exclusive of any additional charges, fees, or penalties shall be based on the total of the applicable charges set out in Table 3 and Table 5:

Table 5: Commodity Rate (per thousand gallons; no tiers)

Tier Range (gallons)	Price per 1,000 gallon	Effective Date
All	\$ 4.32	July 1, 2019
All	\$ 4.45	July 1, 2020
All	\$ 4.58	July 1, 2021
All	\$ 4.72	July 1, 2022

10. WATER SERVICE RATE SCHEDULE – PRIVATE FIRE HYDRANT AND FIRE SERVICE LINE

A. This rate applies to owners of private fire hydrants used exclusively for fire protection and individual customers who have a fire service line.

B. In order to assure proper operation of fire hydrants, no water shall be drawn through any fire hydrant for any other purpose than fire protection, except as provided by a special permit issued by the SFCU.

C. Rates: For each private fire hydrant billing shall occur annually and consist of a \$1165.00 fee. For each fire service line billing shall occur annually and consist of the applicable charges set out in Table 6:

Table 6: Rate Schedule for Fire Service Line

Service Line Size	Annual Fee
3-inch	\$ 641.93
4-inch	\$ 762.64
6-inch	\$ 1,517.64
8-inch	\$ 2,423.67
10-inch	\$ 3,365.72

11. WATER SERVICE CHARGES

A. Account Set-up: A charge of \$18.00 will be assessed on applications for water service account set-up due to a new service connection or a change in customer using an existing connection following the close-out of a former account. The account set-up charge shall be submitted with the service application. In addition to completing an application form, the applicant must submit proof of property ownership and a copy of applicant’s driver’s license. Applications may be submitted to the County Water Utility in person, via mail or via email. If the water service applicant is not the owner of a property, the tenant shall provide a copy of the rental agreement and the owner of the property shall co-sign the new service account agreement and agree to be responsible for any unpaid balances. A property owner may elect to receive a copy of the monthly bill.

B. Customer Deposit: A deposit of \$100 will be charged to all new accounts and shall be submitted with the application. Following 12 timely-submitted monthly payments, the deposit will be credited to the customer’s account. This deposit may be waived if the new account applicant has a proven 12-month history of timely payment with SFCU or provides proof of a 12-month timely payment history with another water utility.

C. Reconnection: Whenever service is discontinued for payment delinquency, a reconnection fee of \$70.00 plus tax shall be charged to the customer. Once payment is received service will be reconnected during normal business hours.

D. Customer-Side Leak Adjustment: Upon a customer's request and submitted proof of a customer-side leak repair, the SFCU may adjust one monthly bill cycle to charge only the Tier 1 rate for all metered water. The SFCU shall make an adjustment under this provision no more than one time per customer. "Customer-side" refers to the plumbing downstream of the customer meter.

E. Meter Test: Upon request by the customer, the County shall have the customer meter tested. The customer shall be responsible for the testing costs. The test costs will be absorbed by SFCU if the meter is found to register more than 2 percent over the customer's previously registered use.

F. Water Service: Customers requesting new water service will be assessed a one-time charge based on the size of the meter. The charge for each meter service size shall be determined by multiplying the 5/8-inch meter service charge by the applicable meter equivalency units (MEU). Water service charge is due when after written notice is provided to the customer and before installation of the service line.

Meter Service Size	MEU	Water Service Charge
5/8-inch	1.00	\$2,750
3/4-inch	1.50	\$3,385
1-inch	2.50	\$3,385
1 1/2-inch	5.00	\$3,385
2-inch	8.00	\$6,835
3-inch	15.00	\$6,835
4-inch	25.00	\$18,602
6-inch	50.00	\$31,925
8-inch	80.00	\$92,377
10-inch	115.00	\$129,769

G. Meter Can Inspection: The fee for inspecting a meter can to assure its installation to SFCU standards is \$30 per inspection and is payable upon submittal of the application.

H. Meter Installation: This charge applies to customers requesting a new meter installation and new water service connection and covers the cost of the meter and time and materials for installation. The meter installation charge is payable upon submittal of the application. Legal lots of record for which meters without registers were previously provided to the SFCU will be charged for registers.

Meter Size	Installation Charge
5/8 or 3/4 -inch	\$ 400
1-inch	\$ 450
1 1/2-inch	\$ 1750

The cost for the installation of any meter larger than 1½-inch will be the actual price of the meter, plus material and labor costs. For expediency, a customer may purchase the meter designated by SFCU and pay SFCU customary rates to install it.

I. Document Preparation: For subdivisions and other developments requiring a negotiated water delivery agreement, utility extension agreement, or other agreement between the County and the customer, the customer shall pay a document preparation charge of \$500 payable upon approval of the agreement.

J. Water Infrastructure Improvement Project Design Document Review Fee: For any water infrastructure build for the SFCU, the SFCU shall charge a project design document review fee of 0.5% of the Engineer's approved cost estimate of the customer-requested line extensions to cover the cost of reviewing the project design documents in order to assure that the infrastructure meets SFCU specifications. Payment shall be due prior to final SFCU approval of the project design documents.

K. Water Infrastructure Improvement Project Inspection Fee: For any water line extension to be constructed and dedicated to the County, the SFCU shall charge a project inspection fee of 1.5% of the Engineer's approved cost estimate of the line extension to cover the cost of inspecting the construction to assure that it meets SFCU specifications. The payment shall be made prior to initiation of construction.

L. Stand-by: Persons who own a legal lot of record for which no water service connection with the SFCU has been established and which fronts a SFCU distribution line that is currently tapped or can be tapped for a future water service connection shall pay a stand-by charge of \$7.50 per month. The SFCU shall bill the lot owner of record for the standby charge annually or, to the extent not billed annually or timely paid, at the time the lot owner requests water service. No lot owner shall be liable for more than a total of 36 months of accrued standby charges and no current owner shall be liable for a prior owner's outstanding standby charges.

M. Master Meter Surcharge: Where fewer than one hundred SFCU customers are served by a City of Santa Fe master meter, the SFCU may add a master meter surcharge to each customer's monthly bill served by such a master meter. The charge shall equal the monthly charge of the master meter divided by the number of customers it serves.

N. System Acquisition Surcharge: If approved by resolution of the Board or by written agreement, the SFCU may add a monthly system acquisition surcharge to the bills of customers served by a water system acquired by the County but originally constructed by a non-County utility. In deciding whether to impose the surcharge and the amount of the surcharge, the Board shall consider whether the system is isolated from the rest of the SFCU system, whether the system is a significant distance from SFCU operations, and whether it imposes significant additional costs on the County that should not be borne by the rest of the SFCU customer base. This surcharge shall not be applied if an agreement surcharge has been applied.

O. Agreement Surcharge: If approved by resolution of the Board or written agreement, the SFCU may add a surcharge to the bills of customers within a clearly identifiable

area if the County agreed to assume significant additional costs related exclusively to that customer area pursuant to a written agreement between the County and the customers' water provider or homeowners' association. The Utility may also impose this surcharge if the County assumes the significant additional costs pursuant to a court judgment. This surcharge shall not be applied if a system acquisition surcharge has been applied.

P. Taxes: Billings under this Ordinance shall be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the County and levied or assessed by any government authority on the public utility service rendered, or on the right or privilege of rendering the service, or any object or event incidental to the rendition of the service.

Q. Insufficient Funds Penalty: will be charged at \$25 per occurrence.

12. PROGRAMMED ANNUAL RATE AND FEE ADJUSTMENT

Beginning July 1, 2023, and each year thereafter, the rates and charges adopted through this ordinance shall automatically be adjusted by the corresponding change in the Consumer Price Index (CPI) for Western Region for Urban Wage Earners and Clerical Workers. The SFCU shall post each new rate and fee schedule on the Santa Fe County website.

13. REPEAL OF PRIOR RATES; EXISTING POLICIES AND PROCEDURES NOT INCONSISTENT WITH THIS ORDINANCE REMAIN IN EFFECT.

A. All water service rates formerly adopted by the County are hereby repealed, including those adopted under County Resolutions Nos. 2011-79, as amended, and 2012-88.

B. The policies and procedures adopted by the County under Resolutions Nos. 2006-57 and 2012-88, as the same may be amended from time to time, remain effective to the extent not inconsistent with this Ordinance. Resolution No. 2011-79, as amended, is hereby repealed.

14. 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.

15. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after it is recorded in the office of the County Clerk.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS ____ DAY OF _____, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna Hansen, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Date: _____

APPROVED AS TO FORM:

R. Bruce Frederick, Santa Fe County Attorney

Date: _____

FINANCE DEPARTMENT APPROVAL:

By: _____
Stephanie Schardin Clarke
Santa Fe County Finance Director

Date: _____