

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
July 14, 2015

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

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I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:11 p.m. by Chair Robert Anaya 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 Robert Anaya, Chair
Commissioner Miguel Chavez
Commissioner Kathy Holian
Commissioner Henry Roybal
Commissioner Liz Stefanics

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Kyra Ochoa, the State Pledge by Anna Bransford and the Moment of Reflection by Jewel Pacheco of the Community Services Department.

A moment of silence was requested for Dr. Steven Spencer for his work for the County and the community, and for Eileen Sauder.

F. Approval of Agenda

1. Amendments

2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Mr. Chair, we have a couple of items that have been added to the agenda since it was posted last Tuesday. On page 3 of the Action Items, III. E. 1, Ordinances, we request authorization to publish title and

general summary. Also, under item VII. A. Matters from the County Attorney, Executive Session, items 1, 2, 3 a through f have been added to the agenda. And those are all the changes that I have.

CHAIR ANAYA: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I will make a motion to approve the amended agenda.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Chavez, a second from Commissioner Holian. Any further discussion? Seeing none.

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

I. G. Approval of Minutes

1. Approval of June 9, 2015 BCC Meeting Minutes

CHAIR ANAYA: What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the meeting minutes from the June 9, 2015 BCC meeting.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian, second from Commissioner Chavez. Any further discussion? Seeing none.

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

H. Honoring Our Veterans and Service Men and Women

CHAIR ANAYA: We're now going to move on to honoring our veterans and service men and women. We have two fine individuals we're going to be honoring today, and we're going to start with Mr. Robert Griego and I'll ask Commissioner Roybal if he would read his bio into the record. Is Mr. Griego here with us? If you could come forward, Robert, to the front, I'd appreciate it. Thank you for your service. Commissioner Roybal.

COMMISSIONER ROYBAL: Robert Griego is a native New Mexican who was born and raised in Albuquerque. Robert joined the military and served on active duty in the US Navy from January 1989 to January 1993 as an operations specialist. He served in Operation Desert Shield in the Persian Gulf and received the National Defense Service Medal, the Southwest Asia Service Medal with Bronze Star, and a Sea Service Ribbon.

Robert received an honorable discharge from the US Navy Reserve in January 1997. Robert gained tuition assistance through the Montgomery GI Bill and received a Bachelor of Arts degree in economics in 1997 and a Masters degree in community and regional planning (MCRP) from the University of New Mexico in 2000.

Robert moved to Santa Fe in November 2000 when he was hired by Santa Fe

County as a community planner. Robert has worked in multiple capacities for the County including community planner, senior planner, economic development planner and planning manager. Robert met the City's Arts Commission planner Debra Garcia in early 2001 and they have been married since 2002 and have two children, ages 11 and 8. Thank you, Robert, for your service.

CHAIR ANAYA: Thank you, Mr. Griego. I'd like to read another bio and then afford them each an opportunity to say some words if they choose and give the Commissioners a chance to speak. Jose E. Thomas, is he here? Can you come forward, sir? Mr. Thomas is the father of our own Erika Lovato that works for Public Safety. Welcome here, Mr. Thomas.

Jose – Joe – Eufrazio Thomas was born in 1944 in Las Vegas, New Mexico to Piedad and Eufrazio Thomas. At age 3, Joe's father passed away and his mother successfully raised Joe and his seven siblings in a small two-bedroom house on Valley Street. He grew up in Las Vegas and attended school through graduation from West Las Vegas High School.

Shortly after graduation Joe went to work for Boeing Aircraft in Seattle, Washington. After working for Boeing, Joe joined the United States Army in 1968. During his time in the military he served in the Vietnam War where he served approximately 18 months. He returned to New Mexico after his service with the Army and joined the Santa Fe Police Department as an officer from which he retired in 1993 after 22 years of service. After retiring from the Santa Fe Police Department he worked for the Santa Fe Public Schools for 18 years.

Joe has four children, Erika, Janell, Aaron and Dawnielle. He also has five grandchildren and one great grandchild. One of his grandchildren has followed in his footsteps by joining the Army of which Joe is very proud, and is also considering a job in law enforcement. Joe enjoys spending time and spoiling his grandchildren. He especially likes taking them fishing and buying them sweets to fill their hearts' content. He currently continues to serve his community as a DWI instructor in Santa Fe and volunteers his time with his church and local agencies.

Thank you, Mr. Thomas, for your service to our country, to our county, to our community and our state. We very much appreciate it. I'm going to any remarks or comments you would have and then I'll have the Commission make some comments. The floor is yours, Mr. Thomas.

JOSE E. THOMAS: I just wanted to mention the fact that I also worked for the County. I was the first jail administrator.

CHAIR ANAYA: Well, thank you very much Mr. Thomas. Commissioners, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'd like to thank both gentlemen for their service to our country and for your commitment to your work and your contributions to the community. And it's our pleasure to honor you both today. Thank you very much.

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

COMMISSIONER CHAVEZ: I guess I would say something similar to both of you, not only have you demonstrated your commitment to country but you did

your tour of duty and you've continued to serve your community after that in different ways, and even volunteering. And so I appreciate that. I know that it's a benefit to our community and it's an honor for us to be able to recognize both of you.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Mr. Thomas, from me too, for all of your service, not only in the military but also in the community. Clearly, you are a very giving person back to your community and a very important member of your community. And I would also like to say to Robert I had no idea you were in the military. I'm just really impressed with all of your service and all that you've done, and I bet you have some pretty interesting stories to tell. That would be my guess. I'll have to ask you about them. Thank you.

CHAIR ANAYA: Thank you, Commissioner. Commissioner Roybal.

COMMISSIONER ROYBAL: I'd like to say thank you also for your service and your contribution to our County and our community. It's invaluable. Thank you.

CHAIR ANAYA: Thank you, Commissioners. I would just add that with each presentation and each serviceman or woman that comes before us that has served the country gives us a different perspective from the very diverse background that we have in our county and our state and just all the different services that they provide, not only involving military service, Mr. Thomas and Mr. Griego but throughout your life, to your community, your employment and your volunteer work and I think most important, what you do with your families, both reflected in the bios. So for that service and commitment to community and your service we thank you. I want to afford you an appropriate round of applause. If we can give them both an appropriate round of applause. Mr. Thomas, do you have some other remarks you'd like to make.

MR. THOMAS: I just want to thank the Commission for this honor and get on with the agenda.

CHAIR ANAYA: Thank you so much, sir. Mr. Griego, if you'd come forward. And Mr. Thomas, please stick around and come up with your family and we'll present you with a certificate and take a picture of you if we could. We'd be honored if we could. Mr. Griego.

ROBERT GRIEGO (Planning Manager): Thank you for this honor. I appreciate it.

CHAIR ANAYA: Well, thank you. We're honored. You do an excellent job in our Land Use Department and you've served this community in many capacities and today we honor you for your service to the United States of America and our military and we thank you for that sacrifice that you made for others and for our county.

[Photographs were taken.]

CHAIR ANAYA: Thank you very much. Let's give our veterans in chambers, these two we honored today and all the others that have come before us and those who have passed on, those who made the ultimate sacrifice, let's give them all a round of applause if we could. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, you mentioned those that paid the ultimate price and those that have already passed on, I also remember, and we'll be talking about it a little later when we will discuss and try to find solutions to what is a

mental health almost crisis in our community and it really impacts our veterans. And as a result our veterans are represented in the homeless population. They have a high number of cases with PTSD and just mental challenges and so I wanted to just do a shout-out to those that are less fortunate than the other vets and keep them in mind as well. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez, for those remarks. Very much appreciated.

II. CONSENT AGENDA

A. Final Order

1. **CDRC CASE # Z/P&FDP/V 14-5470 Ernest Luna Water Tower. Ernest Luna, Applicant, Requests Master Plan Zoning, Preliminary and Final Development Plan Approval for a Water Storage Tank for the Greater Glorieta MDWCA in a Fenced 4,400 Square Foot Area and 17,802 Square Feet for an Access Driveway and Associated Water Lines within an Easement on a 10.82-Acre Tract. The Remainder of the Tract Will Remain for Residential Use. This Request Also Includes a Variance of Article III, Section 4.4.4.c Development and Design Standards of the Land Development Code, to Allow the Proposed Water Storage Tank to be Constructed at Sixty-Six (66) Feet in Height which Exceeds the Maximum Permitted Height of Thirty-Six (36) Feet. The Property is Located at 65 La Joya Road within the Traditional Community of Glorieta, within Section 2, Township 15 North, Range 11 East (Commission District 4) John M. Salazar, Case Manager (APPROVED 5-0)**

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the final order that is on the Consent Agenda.

CHAIR ANAYA: There's a motion from Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: Second from Commissioner Stefanics. Any further discussion? Seeing none.

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

III. ACTION ITEMS

B. Appointments/Reappointments/Resignations

1. **Reappointment of Roger Carson to the Santa Fe County Protest Valuation Board**

TONY FLORES (Deputy County Manager): Thank you, Mr. Chair.

Before you today we have three items. The for the members of the Valuation Protest Board, which as many of you know are volunteer members that are appointed by the Board to examine and rule on protests on property tax valuations. Board members are selected and approved by the Board of County Commissioners for a two-year term and expirations are pending in August. As part of the normal due diligence of staff we did a call for applicants for interested parties to come in and submit an application and go through an informal process and then we make recommendations to the Board. We currently have four individuals that have requested consideration by the Board and [inaudible]

We have those board members seeking reappointment, Mr. Roger Carson who is a member requiring valuation experience and we have Mr. Gil Tercero who is asking for reappointment as a non-experienced member. And then we have an alternate position that we open that may or may not be deemed to have experience. In this case it's an alternate not having experience. We have two members that have expressed interest. The first one was Mr. David Neal and the second one is Suzanne Taylor. For the first position, Mr. Chair, staff is recommending the reappointment of Mr. Roger Carson for the position of a Board member requiring experience, and if the Board elects to choose this recommendation his term would expire in August of 2017. With that, Mr. Chair, I'll stand for questions.

CHAIR ANAYA: Mr. Chair Flores, we have with us the Assessor, Mr. Martinez. Do you have any comments or remarks regarding this? Thank you, Mr. Assessor. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'll move for approval of the reappointment of Roger Carson to the Santa Fe County Protest Valuation Board.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: Motion from Commissioner Chavez, second from Commissioner Stefanics. Is there any further discussion? Seeing none.

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

III. B. 2. Reappointment of Gil Tercero to the Santa Fe County Protest Valuation Board

MR. FLORES: Thank you, Mr. Chair. The second item, staff is recommending the appointment of Mr. Gil Tercero to the position of member with non-experience, not required to have experience. So with that, Mr. Chair, I'll stand for questions.

CHAIR ANAYA: What's the pleasure of the Board?

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

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion, Commissioner Stefanics, second from

Commissioner Roybal. Any further discussion? Seeing none.

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

**III. B. 3. Appointment of Suzanne Taylor to the Santa Fe County
Protest Valuation Board**

MR. FLORES: Thank you, Mr. Chair. For the last item, staff is recommending the appointment of Ms. Suzanne Taylor for the alternate board member, not requiring experience. I stand for any questions, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

CHAIR ANAYA: Motion to approve.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: Second from Commissioner Stefanics. Any further discussion? Seeing none.

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

VI. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Matters from County Commissioners and Other Elected Officials

1. Elected Officials Issues and Comments

CHAIR ANAYA: I'm going to defer on C. Resolutions and go to Matters from Elected Officials. And I'm going to – do you have a specific item, Mr. Martinez, or do you have Matters from Elected Officials that you're here for? So I'm going to go to that item if it's okay with the Commissioners.

COMMISSIONER CHAVEZ: That's fine.

CHAIR ANAYA: Mr. Martinez.

GUS MARTINEZ (County Assessor): Mr. Chair and members of the Commission, I just wanted to give you an update regarding the protest process. We are wrapping that up and we are probably around, about 80 percent complete on residential property. There are 160 protests left in El Rancho, regarding that issue of the easements which I will be holding a meeting pretty soon regarding those issues with the Board of County Commissioners and the County Attorney. Then we have roughly probably around 300 protests that are left in the commercial area, commercial properties and we'll be wrapping those up. The last dates of those are probably going to be in October when we finish up all those.

We'll be starting on reappraisal in about three weeks with the appraisers coming back from Socorro. We'll start the reappraisals down south and it's going to be about a five to six year plan. So we'll start, like I said Edgewood and then up north in the Española area.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Martinez, could you go back just a minute to the protests that are as a result of the [inaudible] issue and the number of protests as a result of that? Do you have numbers and based on the numbers that you have now and the work that you've done, have you heard from everyone that's impacted by that?

MR. MARTINEZ: Yes, so there was around 160 so we've actually sent out appraisers to redo all the properties and gather up information. Now what we're doing is we're gathering all the information, the sales data in that area there and then we're going to come up with to see what the market is telling us for adjustments in that area based off the issues that we find in that area.

COMMISSIONER CHAVEZ: Because I guess that's not really a standard part of your work. It's a unique situation that's kind of presented itself and you've had to deal with. And so it's outside of – it seems to me that it's a little bit outside of the norm of what you'd be doing in most cases.

MR. MARTINEZ: Yes, it is a unique situation but as property sells in that area there and with the issues with the tribe [inaudible] what we do is we use sales data from that area to determine what an adjustment would be regarding these issues that are in that area there. So we are really doing our due diligence to research that area and the properties in that area to make sure that when we roll it out to you guys and let you guys know what the adjustments will be that you will all be informed on exactly what's going on there.

COMMISSIONER CHAVEZ: And I guess at that point you'll know, we'll have a guarantee that no one has been left out or overlooked.

MR. MARTINEZ: Yes, so what's going to happen is there's about 160 people that have protested right now but that wasn't the whole community. And so then we need to take a look at the people that didn't file an appeal and maybe be pro-active if there is an adjustment that takes place apply that to those properties for the following year so that those properties don't have to – the people don't have to come in and file an appeal for the remaining properties. So we're trying to be pro-active to just blanket it after we deal with the first 160 and then everybody that is affected by it we'll look individually and then see if that adjustment applies to those properties, if that's the case will all the information we gather through this whole process.

CHAIR ANAYA: Thank you, Commissioner Chavez. Any other comments from Commissioners? I'm going to comment that this is not an issue that's going to go away. It's an issue that I know that Commissioner Roybal is dealing with on a regular basis, or trying to deal with. I think I would just say fundamentally is that to have a bunch of major adjustments up in that area based on the easement issues and the conflict issues associated with the conflict between the private, public and Indian lands, I guess to sum it up, would have a detrimental impact to the taxes that we assess countywide. If you could just talk about, briefly, if you make adjustments to the taxes in one segment of the county, how that could potentially affect the entire county, based on the resources that we need to make to offset our debt payments. Do you want to just briefly give a comment about that, Mr. Martinez?

MR. MARTINEZ: Well, I guess what happens in the process I guess is that everybody shares in the tax process, the tax burden and so when a group of people or

a group of people protest in a certain area it affects basically the tax base and so it could affect the tax rate in those areas both in dollars that are being protested in that area if there's a big adjustment that takes place in that area. That's kind of in a nutshell kind of how it could affect other properties that are not involved in that.

CHAIR ANAYA: Thank you, Mr. Chair, and if I could I would maybe say it again, and add on to what you said and say that if you have a large enough adjustment and a loss of taxes in one area, then you have to compensate for that loss of taxes countywide. And so what that potentially turns into is adjustment of the taxes higher in other areas to offset that reduction. And so that's a definite impact to not only that area that might have an adjustment but everybody else in the county.

And so we are evaluating this issue. We are working with you on this issue as we are with Commissioner Roybal and will continue to provide updates and information relative to the matter and very much appreciate that you came today to provide us the information and update that you did. Did you have any other comments, Mr. Martinez?

MR. MARTINEZ: No. That's it. Thank you.

CHAIR ANAYA: Thank you, Mr. Martinez. Any other comments for Mr. Martinez? Seeing none, thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, there was one thing that I had asked Mr. Martinez and I just wanted to have it put on the record if he could come back. Earlier, right before the meeting – I had brought up at our last meeting about constituents concerned about drones. And so I asked Mr. Martinez if his department was using drones for any work. Would just –

MR. MARTINEZ: No, we are by no means using any drones. What we use is aerial photographs, which are flown over through photometry. They're oblique images, so they're shot at a 45 degree angle by just planes that fly over and they shoot the areas that we ask them to through that point in time. So they're again, oblique imagery; they're not drones.

COMMISSIONER STEFANICS: Thank you very much, Mr. Martinez. And Mr. Chair, I wanted to get that on the record because I have staff researching other issues for me for these constituents but I wanted the public to know that our Assessor is not using drones. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics and Mr. Assessor. Thank you so much. Madam Clerk, do you have any issues?

GERALDINE SALAZAR (County Clerk): An update. The Clerk's Office staff and Bureau of Elections staff is already preparing for the primary election June 7, 2016. So we're already on a roll here with our calendar and getting things in order and making sure that we'll be well prepared for the next election.

Also, I'd like to request that residents from Santa Fe County who are eligible and 18 years old or older, I encourage them to register to vote and to also, if required, to update old registration files, and that would entail if they had a change of address, change of party, name, etc. So updating your voter registration file is very important so that we can be assured that you're on the list when the election occurs. Thank you.

CHAIR ANAYA: Thank you very much, Madam Clerk. Since we're on that order of business we'll go to Matters from the Commission and I'm going to start with Commissioner Holian.

VI. A. 2. Commissioner Issues and Comments

COMMISSIONER HOLIAN: Mr. Chair, I wasn't quite prepared at this point.

CHAIR ANAYA: Would you like me to go to someone else?

COMMISSIONER HOLIAN: Well, I'm going to make a few comments regarding another issue that might be brought up but I did want to say a few words about Steve Spencer who was on our Corrections Advisory and did a lot for the community over the years. I first met him and his wife when I was going door to door the first time around when I ran, and he and his wife invited me in to talk to me. I guess they were sort of curious about what I was all about but Steve Spencer was also a man on a mission and there were things that he wanted to talk to me about.

He was very knowledgeable about corrections, not so much about the operation of our correctional facility but more what he was concerned about is what happens to inmates when they are released from our jail. And as you probably know, the inmates in our corrections system get very good medical care when they're there, but then often when they leave they really don't get any more support. They're just thrown back into the community to fend for themselves. And he was very concerned that they continue to get the medical care that they really needed after they were released so that they could make that transition back into the community.

Now, I know that things are getting better because of the Medicaid expansion, so people are getting more medical care who don't have medical insurance in our state and our community. But in any event, this was something that he really cared about and he really worked hard on over the years to improve and I think he did bring some improvements over the years. So I just wanted to tell that story to illustrate one of the many things, one of the many ways in which he got involved in our community to make it better for the citizens, and I'm really going to miss him, but again, as I said before, he had a very rich and full life and so I think it's appropriate to actually celebrate his life in this case. And as I understand from Commissioner Stefanics we will be bringing a proclamation forward to honor him in the future.

Oh, and Mr. Chair, I did have one other thing.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Just to let people know, on Saturday, June 25th, it's the National Day of the Cowboy and there is going to be a celebration at the Mortenson Arena on Bonanza Creek Road, and they are going to have cowboy mounted shooting, reining, a kids' horse show, chuck wagon lunch, tack swap, working cow horse arena polo, ranch roping, and much, much more. So I just want to let people know that that's going on. Again, Saturday, July 25th at the Mortenson Arena from 10:00 am to 3:00 pm. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Holian, and well said words in memory of Dr. Spencer. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all, Julia is going to be passing out to the Commissioners little goody bags from the NACo conference. Commissioner Chavez and I just came back from that, but there are couple

topics we want to mention. Before I go on to that I'm going to go back to Steve Spencer. Many people did not know all of his work with – his contributions to the military, his work with the Navajo Nation as a physician, his expertise in teaching, and he as actually the director of medical services for the entire state of New Mexico's corrections facilities for a period of time. He has four daughters and I'm hoping that we'll get one or two of them here when we do the proclamation. I understand we have certain dates we want to do that but I'm not sure it's quite timely when we want to recognize somebody for a death.

Going back to the materials, the bags that Julia has provided for each of you has some information about the next conference, which is next summer in Long Beach, California. So it would not be far for elected officials or staff to travel to Long Beach, California. As you all know, we had submitted six applications for achievement awards from NACo. We did receive four. We did not receive the outstanding ones for each category but we have provided one of the summary booklets to Ms. Miller for that. Commissioner Chavez has the certificate frames that they provided all of us at the lunch.

There are a couple of topics that came up that are very relevant to Santa Fe County. We a few meetings ago did pass a Stepping Up Resolution which deals with trying to assist the mentally ill from being in our County jail, getting into proper services. There were several, several sessions on this topic throughout the entire conference, whether in the committees to the general session and I know that Commissioner Chavez wants to talk about that as well.

The other issue is there was a special breakfast held on how oral health affects mental health. *[Exhibit 1]* And I know we have discussed here sponsoring or supporting the dental clinic at the convention center but this breakfast gave us many ideas of things that need to be incorporated with providing dental health. And it was everything from doing blood pressure screenings to having a pharmacist available to screen interactions with medications to having our staff available to help people with social services if they need food or they need to enroll in healthcare, etc. So there is a brochure that either we provided you or we will provide you on oral health/mental health that was given to us.

There was also quite a few sessions on aging and how to really make this a focus. Oh, backing up to mental health and oral health, in all of these topics veterans were identified as a prime customer. So as I know that the Chair has made a point of recognizing veterans in all of our meetings but this might be something for all of our staff, thinking about incorporating it into all of our programs and outreach for veterans so they are receiving what they need.

So the other emphasis besides justice, mental health, oral health, was aging, *[Exhibit 2]* and I am hoping that our senior centers will look into whether or not we can assist with the hunger problem, besides having people come to our centers, delivering meals, whether we can assist people in getting food stamps if they need it, which is now called SNAP, or whether we can assist with the distribution of commodities. We know that the City senior centers do that but we're not quite sure if that is occurring throughout our senior centers.

So I'd be happy to talk further to anybody individually but there might be some information if you're curious in the bags that were provided you that would help you look into certain topics. Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. I would just say relative to the outreach initiative to veterans, I very much would like to learn more about what those outreach initiatives are and how we might systematically incorporate those efforts through our programs with staff. So I look forward to hearing more on that from staff. Commissioner Roybal.

COMMISSIONER ROYBAL: I wanted to mention, in my district, as far as the easements in the El Rancho area, I'd like to mention that has been dialogue that's started with San Ildefonso Pueblo. Just to let the public know that we are working on that and there has been dialogue that has started, and also we're continuing negotiations for the JPA on the regional water system.

I also wanted to direct staff to draft a new ordinance that deals with curbside pickup services in the county. I would like to get to include mandatory recycle services, to be provided by the haulers and to have incentives for people to recycle. Staff should bring options to the Board for how we can get this accomplished and I would like for it to be considered on or before November 10th, prior to the previous curbside district ordinance, or as an amendment or a replacement to the previous ordinance.

I would also like staff to engage the neighborhood housing associations along with all constituents during this process. Thank you.

CHAIR ANAYA: Commissioner, would you restate that last part about what you're wanting to amend in the Solid Waste Ordinance or replace? I know there was a lot of discussion. I know you and I have had some discussion. Could you restate that one more time? What amendment are you wanting?

COMMISSIONER ROYBAL: The curbside amendment we have in the districts.

CHAIR ANAYA: And the amendment was just to change – what are you proposing we amend, I guess is what I'm asking.

COMMISSIONER ROYBAL: I'm asking for a new ordinance that deals with the curbside. [inaudible]

CHAIR ANAYA: Would that be changing the districts or what specifically are you wanting to change? I'm not objectionable to that, I just want to –

COMMISSIONER ROYBAL: [inaudible] Basically, I'm asking for them to include recycling.

CHAIR ANAYA: I see.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like some clarification from our County Attorney. We had several motions at our last meeting, and I'm sorry you might have missed them, but I made a motion to basically redraft and it was not voted on; it was voted down. So I'm not sure if any individual Commissioner can request something that was voted down. So I'd like to go back to Mr. Shaffer to say if we want to change the action that we took on the Solid Waste Ordinance at our last meeting what do we need to do?

CHAIR ANAYA: Mr. Shaffer.

GREG SHAFFER (County Attorney): Mr. Chair, Commissioner Stefanics, I think what's being proposed is to have a competing ordinance being brought forward

for consideration of the Board and that if the Board of County Commissioners were desirous of considering that they would authorize the publication of title and general summary of that new ordinance. Now, depending upon what's in that ordinance and the Board's action on it that means that policy such that when the Board considered at the June 30th meeting comes back, it's a foregone conclusion that we voted it down because of the policy and direction that the Board has already opted for.

So what I understand is being proposed is that a new ordinance be brought forward and the Board will decide whether it wants to start a new process of publishing title and general summary.

With respect to the ordinance that was before the Board on June 30th, the Board voted to postpone action on that until November 10th. So I think that the Board has committed that's when that ordinance will be considered by the Board again. If the Board wanted to change the date of that consideration then I think, again, you would do a new legal noticing and that would be an action by the Board to in fact inform the public that that ordinance would be taken up before November 10th. So I believe that's what I understand would be what's being proposed but also where we are in terms of the ordinance that was considered at the June 30th meeting.

COMMISSIONER STEFANICS: Mr. Chair, as a follow-up, Mr. Shaffer, if a person wanted – if a person who was in the majority on the final vote, if they wanted to reconsider their motion to table ultimately that particular ordinance so that it could be rewritten, would that need to be noticed as an item for the future?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, the Board's rules of order actually do not allow a motion to table to be reconsidered. So in the rules of order themselves it specifies certain motions that may not be subject to a motion for reconsideration and a motion to table is one such motion.

COMMISSIONER STEFANICS: So, Mr. Shaffer, if, from your prior comment then the Board would need to either on November 10th or earlier, notice it and either vote it up or down, the original ordinance. Is that what you're saying? Since we've already had a motion on the floor?

CHAIR ANAYA: If I could clarify, there wasn't a vote taken. The vote was taken, it's my understanding, Mr. Vice Chair, from our brief conversation before and after the meeting, but the motion was to postpone the action on the ordinance and in fact, unless something changed while I missed one meeting, we still have the potential to amend and offer amendments for that particular ordinance. So I guess and I understand what the deliberation provided. I understand there was a lot of people in opposition to the ordinance itself, we're still in a position where we could amend this particular ordinance that we have for consideration. Correct?

MR. SHAFFER: Mr. Chair, that is correct. If someone wanted to follow that process and offer amendments to be considered at the public hearing that is a possibility as well.

CHAIR ANAYA: Okay. Commissioner Stefanics still has the floor.

COMMISSIONER STEFANICS: I'm finished. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: I'll go to Commissioner Chavez and then Commissioner Holian.

COMMISSIONER CHAVEZ: Yes, if I'm understanding the ordinance that was tabled until November 30th, that proposal has built into it the concept that if it's approved and the providers buy into it, it's a game changer in the sense that recycling is a requirement of the franchise agreement. Am I correct on that?

MS. MILLER: Mr. Chair, Commissioner Chavez, yes. In those districts.

COMMISSIONER CHAVEZ: Yes. Yes. And so having said that then, the only other amendments that could be presented in my estimation would be on whether or not we do the districts, all three or 3 ½, or 1 ½ of the districts that are proposed, because I think that's the rub. So I think that, Commissioner Roybal, if we just want to do recycling, that's all, and walk away from the districts, because that's the hardest piece to do. I think that we could introduce a resolution that would be independent and separate the districts, an ordinance that would mandate that anyone providing solid waste service in Santa Fe County would be required through a business permit process or some mechanism that they would have to provide both curbside solid waste and recycling as part of their business. Is that a fair observation?

MS. MILLER: Mr. Chair, Commissioner Chavez, I believe that that is what Commissioner Roybal was asking, whether we could have an ordinance come before the Commission, a separate ordinance prior to November 10th that would make countywide recycling [inaudible] so any hauler would provide – that provides curbside would also provide curbside recycling.

COMMISSIONER CHAVEZ: Okay.

MS. MILLER: I don't know exactly how we would do that. That would be what we would need to look into.

COMMISSIONER CHAVEZ: Right. So I wanted to clarify that because that was a key component in the original proposal. So it's good that we're embracing that concept. That's the lowest common denominator. What's not easy is to establish those districts. And let me tell you that we are not the only county in this United States that is dealing with this or has dealt with this. It's common across the country. And so we're not doing anything different or anything new compared to other counties across the country, because many counties are not providing the service in-house, so our residents have to depend on private haulers. It doesn't matter where you are, whether big or small, they're light and they're non-light, but they're private haulers.

And the way we're doing it now, if we don't do the districts and we only do the curbside recycling, then it's all market-driven. And the County then in our case has no leverage to do a franchise fee. Ours is very reasonable. It's I think two percent. Other counties are four, six, eight percent, franchise fee. Other counties have solid waste taxing districts that help pay for these services so that they're not all subsidized. So I think that I'm willing to support the concept of extracting the recycling component from the original ordinance that was slated to be heard on November 10th. Okay?

And deal with that separate and move forward with just that piece. But what I'm encouraging all of us not to do is lose sight of solid waste districts, because that's the next best thing that we can do aside from providing that service in-house. And if it's all market-driven, the market is going to dictate the price and they're going to run ruts in our roads going back and forth. There's a lot of other impacts that he have if we don't have the districts, other than just reducing the waste stream into our landfill.

So I'm willing, as I told Commissioner Roybal when we talked about this at the last meeting, I said I would be willing to cosponsor an ordinance with you if we're going to do only the recycling piece first, but not lose sight of the districts, the solid waste districts.

So I wanted this to be on the record and be clear in my position and understanding to the best of my ability the issue that we're dealing with which is that the management of our landfill because that we have responsibility for. And it's our responsibility to reduce and reuse as much as we can so that we extend the life of that landfill. That's one of the biggest investment that we have and on that point we're far ahead of other communities in establishing that regional landfill at the cost that we've invested into a landfill.

So I won't take any more time but that does clarify it a little bit more. I stand in support of an ordinance that's real clear about just doing the recycling piece and if we want to amend the other ordinance that's tabled until November 10th I think we should have that as a separate discussion at that time and propose amendments that be voted either up or down. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I would like to acknowledge at the last public hearing that there were some reasonable points that were made by the public who were here. Also, I think there were some serious misunderstandings about what was being proposed. So I think it would be – what I would like to see is for staff to bring some options in front of us as to how we would proceed from here, given our goals. I think from what I have heard that recycling is the goal for everyone. And so whatever proposal they bring forward should encourage recycling, not discourage it like as is currently going on at this point.

And I think also right now it wouldn't hurt to have a few more community meetings, just because of the – I was really sort of dismayed, I guess, by some of the comments that people were making, and so I think it really would be worthwhile to me to meet more with the community and I would be willing to go to some of the community meetings to talk about solid waste because I was on the Solid Waste Task Force and so I have a certain knowledge of the history of how we got to this point.

But in any event I think that it would be good for staff, like I say, to bring options forward and maybe to address some of the concerns that people have but also for us not to let this die but to actually make something really happen. So that's where I stand on this issue.

CHAIR ANAYA: I'll go back briefly to Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I'd like to expand on some of the other discussions that we had at the National Association of Counties and I want to read off the awards that Santa Fe County was recognized for.

CHAIR ANAYA: If I could, I'm going to go you under Commissioner items but I'm going to make sure on the last item – you still have the floor, Commissioner Roybal, under Other Items from the Commission. Do you have other items before I go to Commissioner Chavez?

COMMISSIONER ROYBAL: No, sir. That was my last. Thank you.

CHAIR ANAYA: Okay, Commissioner. The floor is yours under Matters from the Commission.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair and Commissioner Roybal. So both on recognition that the Santa Fe County received on a national level was a program, the reading for moms and dads program, the monthly delivery of free books in English and Spanish for children age birth to five, County Manager Commit to be Fit Challenge, and then I note the Fire Chief's in the back of the room and I think would be flattered to hear on this, it's now being brought to your attention, we are recognized for our wildfire hazard assessment and prevention program.

And then to the Commissioners, points on the discussions on mental illness and jail and the solutions, improving outcomes for people with mental illness and substance abuse disorders in the justice system, those – there were a series of workshops and they were very well attended because on a national level we know that there's about two million people with mental challenges and they're impacting our jail systems and our community hospitals. On a national level there were 16 out of the 33 counties of New Mexico that were represented. Guadalupe had the most attendees and Curry County the least with one.

Guadalupe had six and then Santa Fe County two. So I just bring this – I wanted to mention this on the record because often we get criticized for participating in these with the National Association of Counties, and it does cost to travel but believe me I think Commissioner Stefanics can attest to this, it's a lot of work. It's not easy.

But we're a collective voice. We're convening on a state and national level, on a congressional level, to try to find solutions to the issues that we live with on a daily basis. And so New Mexico was well represented on a national stage. The key note speaker, President Obama's aide, actually mentioned Santa Fe County on a different note and gave us accomplishments for our efforts in increasing the living wage in Santa Fe County. So Santa Fe County was on that stage one of the 15 states who are engaged or participating and were well represented as a state. And I just wanted to put that on the record and do a shout-out here this afternoon to all the counties who are members of the National Association of Counties, the New Mexico Association of Counties, and especially those who attended this last convention. Thank you, Mr. Chair.

CHAIR ANAYA: Commissioner Chavez, if you have some other items, I'd like to talk about the Solid Waste Ordinance again. You do have the floor still. Do you have any other items? I was wanting to be briefed on the solid waste discussion.

COMMISSIONER CHAVEZ: No.

CHAIR ANAYA: To continue that dialogue.

COMMISSIONER CHAVEZ: I appreciate that, Mr. Chair. I think we've discussed the solid waste issue enough. I appreciate the clarification I needed on that issue and yes, we will be discussing that in depth as we move forward.

CHAIR ANAYA: Excellent. Thank you, Commissioners. Commissioners, I have a few items. [inaudible] lightning rods issues in many ways but the first issue that I want to touch on is this solid waste discussion. I just wanted to provide a brief prospective on the discussion and based on the feedback I received. Commissioner Holian you said it well, that there seemed to be a lot of misunderstanding as to what the objectives and goals were relative to that ordinance. And I would just like to take it back

several years and to the many discussions we had on solid waste to simply say the discussion and the goal was to be able to have curbside where curbside made sense in the communities close to the urban areas for starters in particular so that they would have access to those services similar to the public entity of the City of Santa Fe provides, or that we might provide or put a contract out so that it could be done by another provider.

So it seems as though some of that discussion got taken in a different tangent and it seems as though the assumption of the objectives that I think were incorrect assumptions. But the reality is still the same, that there are areas in Santa Fe County that do make sense, going along with what you said, Commissioner Chavez, earlier, and I know Commissioner Holian and Stefanics and I have had this discussion in a prior Commission. It does make sense to have some point of collection in some areas. And so what I'm going to be doing in the next few weeks is having a review of where those areas were that would welcome, areas where people have actually asked us for those types of services and how might we come up with some amendments to the ordinance that direct our initial programming and concentrate, if you will around those areas.

So I just want to just throw it out, Commissioner Roybal. I think there may be areas that don't make sense, but I'm not ready to just scrap it and not do anything at all. I'm amenable to discussions on the recycling, as you said. Maybe that's part of the ordinance or maybe it's in another, as you suggested, Commissioner Chavez. And so I just wanted to put that out there.

I've been giving a lot of thought and I know other Commissioners have had thought and discussion, both in and outside of these chambers relative to the Regional Communications Center and specifically around some of our requests to the City of Santa Fe associated with wanting to have more dialogue and essentially more partnership and more shared responsibility. And the more I was trying to understand and evaluate their own perspectives or positions if you will, and the conclusions that I keep coming back to again and again are that there are some areas that may make perfect sense for us to have regionalization and direct partnership and there are some areas that may not.

Each entity, the City of Santa Fe, the County of Santa Fe, the Town of Edgewood, Española, Pecos, any community whether it be county or city throughout the state of New Mexico has to internally evaluate their own individual priorities and establish where those priorities are, and then also assess and provide the budgets that go along with those particular initiatives of the projects. And if a municipality or a county has desire for a particular service then they need to essentially fund that service.

So in the discussion about RECC I think we need to carefully internally, as a county, evaluate what is our cost associated, which we've done many times, with delivering the services that we choose to provide, and communications is one of them, and then we need to evaluate is this truly something that should be continued as a regional partnership or is this something that we have to contain within the bounds of the county because we have the available resources for funding.

And so Ms. Miller, I know we've had some preliminary discussions and we're not going to stop the discussions. I'm not suggesting we're stopping the conversation. But I think we need to understand based on the taxation that we have in place and the resources that we have in place, what would it take for us to fund our own RECC, fund our own communications center, based on either the taxes that we have or if we were to withdraw

some of those taxes, what new taxes would we have to offset those withdrawals with to fund our operations? I think we've gotten caught up too much in trying to understand why maybe they don't want to invest in it or maybe why it's not a priority from their perspective, but I think we need to evaluate that and evaluate our own needs and make sure we just go ahead and figure out how do we take care of the needs we have in the county.

And so relative to the RECC, if I could restate it, Ms. Miller, I know we've had some preliminary discussions and I actually want you to comment on it today so that there is some general understanding by the people in this room and the people listening in that there is some taxation components in the place that we do have but that we do have the mechanisms that we could pull back on one particular tax and institute another just for the purposes of county funding.

So if you could just speak to that briefly, because this is a topic that I'm going to bring back at each meeting and follow up on but I'd like to just – I'd like to hear just a brief synopsis on RECC specifically, Ms. Miller, speak to the tax and how we might fill the bucket, if you will, if we were to operate that center independently.

MS. MILLER: Mr. Chair, without having to look at the specifics around each one of the taxes and just my general knowledge and take it as a first cut, in 2007 I believe the County, through referendum passed a quarter cent GRT and giving you really round numbers to make the conversation easy, passed a quarter cent GRT which generates about \$8 million a year, and it was passed for two purposes. One, to fund regional emergency communications, and two, to fund emergency services provided by the County.

Nothing in that referendum or in any of our ordinances specifies what percentage goes to what, but as it actually turns out, about \$3.5 million on average per year goes to the regional dispatch which covers the City of Santa Fe's dispatch, the County of Santa Fe, and Edgewood dispatch. And Edgewood actually provides us \$70,000 for their portion of it. The City of Santa Fe does not provide anything for the operations of the dispatch. So the full \$3.5 million budget is borne by the County of Santa Fe using that tax.

The rest of that revenue that's generated from that \$8 million goes to fund our Fire Department. When, in 2008 or 2007, prior to that tax being imposed, it was that the City and County split the cost of the operations based upon call volume. Call volume at that time was around 69, 70 percent City of Santa Fe and 30 percent Santa Fe County. So just for round number if you said it was \$4 million, 70 percent would come from the City, \$2.8 million and \$1.2 million would have been the County's.

CHAIR ANAYA: I don't want to take this too far and we didn't prepare for the full discussion but I want you to go to one point in particular. We have the mechanisms, through taxation, either with the current tax structure as it exists now on the funding, or by utilizing another increment from somewhere else to fund our own regional communications department. Let's just say communications center. Is that correct?

MS. MILLER: Mr. Chair, I believe there are some things that complicate it. Based upon the way the statute reads, that quarter cent, the way that it's passed at the election would have to be for a regional dispatch. So if we broke it apart and just did our own dispatch we would need to do something different with that revenue first which

could potentially to pull back a portion of it, let's say an eighth of it, and possibly put in an eighth of one of our general purpose GRTs.

CHAIR ANAYA: That's exactly the point I wanted you to say on the record is that I want us to know, this whole Commission to know, what options might we have as it stands, what we're doing now and what would we have an option if we chose to have a County communications center? What would it cost and what would we need to implement? But that's exactly the point I was getting at. So that we understand what our choices are and then we can carefully deliberate those choices and alternately get a determination as to what might be best for the County's interest and the resources [inaudible]

MS. MILLER: Mr. Chair, the other option might be that other entities besides the City of Santa Fe qualify as a regional entity and therefore that tax that we currently have is eligible, or the other possibility, I believe that tax could be that and possibly just a county area, one imposed for just a county dispatch. I think those are our three possible options. I just have to research them in a little more detail.

CHAIR ANAYA: And so the last point – I appreciate you brought up the last point because I think that there are different needs in the rural parts of the county in particular when you get outside of the metroplex area, and that's exactly the type of discussion. So if we could – if you could work with your staff and come up with some specific options for us to analyze and review and then we could put it on a future agenda for continued discussion. I'm going to go to Commissioner Chavez, on this just briefly if you could, Commissioner, and then I'm going to finish up with another item.

COMMISSIONER CHAVEZ: Thank you. I appreciate that. I know that we have an agenda and a schedule that we're trying to keep but this discussion it's hard to rush through that so I'll try to be brief. Are you suggesting – there were two scenarios and maybe I guess there were options that we're considering. But what would – is one of the options or suggestions that we would build a separate regional center, communications center for the County and the existing facility would –

MS. MILLER: Mr. Chair, Commissioner, that's our facility so we don't need to build a separate one.

COMMISSIONER CHAVEZ: Okay. So then we would not be duplicating services necessarily with another building. We would just try to find a funding mechanism that would fill that million dollar gap for the facility that we have currently.

CHAIR ANAYA: And if I could, Commissioner Chavez, and I appreciate your question, because I want it to be clear as to what options I'm seeing for us to review, but the option is in fact for us to not have us have a regional facility as it exists now but have our own facility and focus the facility that we have on the county needs associated with public safety. And I don't do it maliciously or say that maliciously, but we as policy makers, the City has to evaluate what are their needs, what do they have to do with their constituencies, and we have to do the same thing.

So rather than ponder why they wouldn't partner I'm simply saying what does it cost to do our services and what – have we carefully analyzed that? Let's analyze it and see what it would look like if we didn't have to have an independent communications center or as you suggested, a communications center that is making the County and maybe other county partners or other partners in other areas. Commissioner Chavez I

appreciate your question for clarify.

Then this other item, I'm going to need some help between now and the next meeting, Mr. Shaffer, and I'm going to look to you to work with Ms. Miller and Mr. Sedillo and the Sheriff's Department, I think would be the key components to help me understand and raise some overall questions of our leadership in the state of New Mexico, even our state legislative body as well as our congressional delegation, as well as our judiciary.

In recent weeks we've seen a lot of what I would call politicization the issue of immigration, and in particular politicizing the issues around illegal immigration in America. I have been doing a substantial amount of reading in the last few weeks in particular relative to what happened in San Francisco relative to the murder of Katherine Steinle, and what I'm discovering is that it's very troubling. The more reports that I looked at associated with that murder the more I see in the state of California and in San Francisco in particular, people pointing fingers at each other as to whose fault it was or is and where the blame should be placed.

What's frustrating for me as a Commissioner that sits here is we had a broad discussion on this very issue several years back relevant to what the federal government does, and ICE does in particular, and how we handle crime associated with illegal immigrants, and had a very broad and intense discussion associated with that. I don't know – I know we had discussion but I don't how much resolution came from those discussions. And the more I read and ponder this very issue the more I think it's incumbent on us as elected officials, not only at the County level but every level to raise the question as to what we're doing in the state of New Mexico.

So, Mr. Shaffer, specifically what I need your help with is some summary of what we're doing based on that prior discussion that we had and direction that we provide as a Commission to our Corrections Department in conjunction with the discussions with the Santa Fe County Sheriff's Department, is what exactly policies we have in place that deal with that very issue on ICE holds and what information is provided to ICE and how that information is conveyed and I'm going to go back to it is because I keep hearing in the media and seeing on TV and in the papers is that everybody is pointing fingers at everyone else. And I think it's incumbent on our – we're a sub-part – Greg, what are we legally? What's the legal term as to what we are as a County entity? We're a sub-part of state government, but what is that legal definition of what we are as associated with state government?

MR. SHAFFER: As a county, Mr. Chair, we're a political subdivision of the state.

CHAIR ANAYA: We're a political subdivision of the state of New Mexico and by that political subdivision of the state I think it's incumbent on our Attorney General, Mr. Balderas, Hector Balderas, our Governor, our state legislature, our congressional delegation and our judiciary to have some discussions and some understandings as to what, number one, what are we doing as counties in dealing with these issues in our jail, because counties, Mr. Shaffer, counties are responsible, every county in the state of New Mexico for jails. Correct? It's a county responsibility. Correct?

MR. SHAFFER: Mr. Chair, yes, that's generally correct.

CHAIR ANAYA: So we're political subdivisions of the state. We're

ultimately under the state of New Mexico and we ultimately should be, in my opinion, consistent as to how we deal with these matters. So, Mr. Shaffer, if you would please summarize what we do in a letter form, then I'm going to request of our state leaders, essentially, starting first with our Attorney General, in raising the question as to what are we doing across the state of New Mexico? Are we doing anything in some consistent manner? Should we do it in a consistent manner or not? And obtain some feedback and recommendations and dialogue to hopefully get to a point in New Mexico where when this happens in New Mexico – not if – but when, that we're not pointing fingers at who's to blame but rather figuring out some collective dialogue. So do you have everything you need to make and find out some information so that I can send a letter to request feedback and input from our leadership across the state of New Mexico and our federal delegation on this?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I think what you're talking about is the sanctuary status that a local, municipal government can provide for those citizens not based upon race, color or how long they've – whether they're undocumented or not. Is that pretty much what –

CHAIR ANAYA: Actually, no. I'm not asking – I think that's one component that's come up and actually that's probably one of the ones that's been criticized the most as to of the cities and sanctuary cities in the United States and the City of Santa Fe is one, that's an ancillary issue that's connected to what I'm requesting. I'm simply requesting when you peel the onion on this issue, the people that are at the center of the debate and the dialogue is the County Sheriff, the County entity, the County Sheriff's Department, and the federal government. Okay?

So what you bring up though is very much part of the entire dialogue, one piece. But when you look at sanctuary cities, any municipality can do a designation of that sort if that's what they choose to do and that's what the City chose to do. But when people are arrested and incarcerated they're incarcerated in our facility in our jurisdiction. And they're incarcerated under predominantly – and correct me if I'm wrong, Greg – state law violations in our jail. In most cases. Not all cases. In most cases in our jails. Is that an accurate statement, Mr. Shaffer? Pablo? If you could come forward because I want you to say on the record.

PABLO SEDILLO (Public Safety Director): Mr. Chair, members of the Commission, that's correct. Most of the individuals who come into our facility are on state charges, whether it's a misdemeanor or a felony.

CHAIR ANAYA: Thank you, Mr. Sedillo. So according to what you said, Commissioner Chavez, my specific request is around what our obligations are, our responsibilities, what we're doing essentially as Santa Fe County, and then reaching out to our Attorney General, who is – the Attorney General by law is the chief law enforcement official? Is that the right verbiage, Mr. Shaffer? For the state? What's his ultimate responsibility? He's what for the state of New Mexico?

MR. SHAFFER: Mr. Chair, it would be somewhat to hazard a guess at the risk of providing offense but he is a statewide elected official as a member of the executive branch who is in charge of a variety of obligations including rendering

opinions on legal matters that are submitted to him for consideration by officials.

CHAIR ANAYA: Okay, so based on that, and I appreciate what you said. I wouldn't want to taint or take away from or impose a responsibility that's not in place but I actually, as the keeper of our information, I actually would request a review of what we're doing and whether or not there are any recommendations as to what we should do that's different. I don't mean – not individually. Not individually as a county but selectively as a state. What are we doing in handling these matters and are we handling them in a rational, logical way? Or are we handling them in a way that's consistent from one place to the next? Keeping in mind that we're all county governments and we all have this responsibility.

So if you could help me summarize what we do and what the basis for that is and then we can [inaudible] and I don't want to just get input from the Attorney General, I want to get input and feedback from our Governor, from the state legislature and the courts. I've had numerous discussions with district court judges in our district that see consistent challenges that are faced with how we deal with these circumstances.

So with that, Commissioners, I thank you for giving me the opportunity to go through those items. Are there any other Matters from Commissioners? Seeing none, we will now go to resolutions.

III. C. Resolutions

1. **Resolution No. 2015-__**, a Resolution Amending Resolution No. 2006-116, the Village of Agua Fria Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Village of Agua Fria Community Plan Update (First Public Hearing) [*Exhibit 3: Letter from Agua Fria Village Association, 7/12/15*]

MR. GRIEGO: Mr. Chair, Commissioners, before you this afternoon are four resolutions dealing with community planning in the Village of Agua Fria, San Pedro, Los Cerrillos and Tres Arroyos del Poniente. Before we go to begin the public hearings on these resolutions I just want to provide a brief overview of the planning process of these community districts. The Board approved the Resolution 2015-18 on January 14, 2015 which established planning districts to work with staff to review the existing community plans.

Just to clarify, these are plan updates to the existing community plans. The existing community plans will remain in effect. The planning communities also worked with staff to do the community district overlays along with the community plans. [inaudible] as identified through the Sustainable Growth Management Plan and the Sustainable Land Development Code.

The planning committees also worked on the zoning for community districts which will be incorporated into the official zoning map adoption draft. This process that the community planning committees has been a fairly intensive process over the last five-month period which was initiated in early February. These committees have worked consistently in regularly scheduled meetings, had consistent community participation

from both committee members and community members at large. What the committee members have done is to review their existing plans and existing land use. They reviewed the updated demographic information for each community and reviewed the planning regulatory framework for the community plan in relation to the Sustainable Growth Management Plan and the Sustainable Land Development Code.

The draft community plan updates for amendments to the existing plans in the SGMP include transitional provisions which take them from their existing plans in the existing SGMP framework into their implementation through the SLDC. This will be accomplished through the community district overlay drafts, the community district overlays which will be an amendment to the Sustainable Land Development Code and to the draft of the zoning map.

Each of the communities has had two community planning meetings to review the community plan and those have meetings have been thoroughly well attended in most of the communities. The process is according to the Community Planning Ordinance, Ordinance 2002-3 which does require two public hearings for approval of the community plan updates. The first public hearing will be for the Village of Agua Fria and this will be presented by community planner Amy Rincon.

COMMISSIONER STEFANICS: Mr. Chair, I have a question.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and Robert, thank you for that I'm waiting to hear from our staff. So I'd like to clarify, when the community plans come forward with their updates they need to be in accordance with our new land use code sections that have been approved?

MR. GRIEGO: The community plan amendments will need to be consistent with the Sustainable Growth Management Plan and they will be amendments to that SGMP

COMMISSIONER STEFANICS: Okay. The second question I have, Mr. Chair and Robert is are you only presenting plans where there is agreement from the community?

MR. GRIEGO: Mr. Chair, Commissioner, we are bringing forward the plan updates that have been the outcomes from those community plans. So the communities have worked hard to achieve consensus on these drafts. We have also identified additional community issues that are attached to the community plan updates that are not necessarily addressed but they're additional community issues that were identified through this process.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair and I hope to be brief on this because I know we want to allow for a public hearing. This is the first public hearing – this is the first of two public hearings as required by Ordinance 2002-3 and requests that this hearing, but to Commissioner Stefanics' point about the buy-in to draft, you have a majority of the – I'm referencing the Agua Fria Community Plan update, you have sufficient buy-in to present the draft to us this afternoon?

MR. GRIEGO: Yes, Commissioner. I just wanted you to know that at the community meetings the communities, as we worked with these communities and there was recognition that these plans have been adopted over a 17-year process and most of these plans were recognized by the communities, so we began from that existing plan and this is just an update to that plan, so we weren't recreating that through each process; we were just providing some updates and some transitions that will allow us to be consistent with the Sustainable Growth Management Plan.

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

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to say a big thank you to staff. I know that you've had a really intense schedule of meetings over the last six months or so and I would also like to thank the residents of the communities who participated in this update process for the overlay districts for the zoning map. That is what was being worked on, correct?

MR. GRIEGO: Yes. That's all part of the process. Yes.

COMMISSIONER HOLIAN: And I think that it's important to note that we absolutely have to get a zoning map in place if we want the new Land Development Code to be actually be implemented. So this is really an important process that you are going through and a huge step for the County. Thank you.

CHAIR ANAYA: Thank you, Mr. Griego. Do you have anyone else you want to present?

AMY RINCON (Community Planner): Good afternoon, Mr. Chair, Commissioners. My name is Amy Rincon. I'm a community planner here with Santa Fe County and I was one of the planners working with Agua Fria so I'm going to be presenting about Agua Fria right now. We've been working with the Village of Agua Fria since March to create this planning update that's before you today. The BCC has adopted the Village of Agua Fria Community Plan by resolution in 2006. The ordinance to enact the plan was adopted in 2007 and there was also in 2008 an ordinance amending the boundary of the Village of Agua Fria Traditional Historic Community.

Through the recent community planning process we have worked with the Agua Fria Planning Committee to develop this community plan update. The process has included six planning committee meetings with approximately 27 community members participating. The planning meetings were held at the Nancy Rodriguez Community Center which is located inside the Village of Agua Fria. The meetings happened every two weeks and we'd like to add examining the current conditions in the community, any changes that occurred since the initial plan was adopted a few years back. We also looked at current community needs and planning goals.

The plan update is intended to serve as an amendment to the plan which will guide future development for the community while ensuring that the plan's overall goal of protecting the unique rural character of the area itself is maintained. After we developed the draft document we conducted two community-wide meetings. The first one was on June 30th and the second, the next day on July 1st and we presented the draft to the wider community to receive feedback.

Some of the issues identified throughout the planning process included to make sure that we actually maintained the rural character of Agua Fria, to make sure that we addressed community needs for water and wastewater services, concerns over roadway and traffic safety, continued community involvement in new developments. This is the first of two public hearings as required by Ordinance 2002-3. No action is requested this hearing and we anticipate bringing this back for a second hearing before the BCC on July 28th.

And then I have a letter from William Mee who is a member of the Village of Agua Fria Community Planning Committee and if it's okay – I think everybody received a copy of it but I'd like to read it if that's okay.

CHAIR ANAYA: You can read it into the record.

MS. RINCON: So he starts with: Dear Mr. Griego; On behalf of the Agua Fria Village Association and Acequia Agua Fria, I have been attending the community planning meetings for the Agua Fria Village Traditional Historical Community. The planning process has been most inclusive and I must commend Planning staff who have made the meetings most productive and who have really afforded opportunity for all points of view to be heard. We have been able to reach consensus on our zoning and land use issues, and have had a fair and equitable debate in getting there.

Our Village of Agua Fria Community Plan, County of Santa Fe Resolution No. 2006-116 will be greatly enhanced by the joint work we have done. We feel confident that our planning document should advance to the Board of County Commissioners meeting of July 14, 2015. Thank you for your time and leadership in this process. Sincerely, William Mee.

And I stand for questions.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So I heard from an update earlier of July 28th but Mr. Mee's letter, correspondence has a date of July 14th. So when will this be before the BCC for final adoption?

MS. RINCON: I think, Mr. Chair, Commissioner Chavez, I think what Mr. Mee is talking about is today's meeting, July 14th that he wrote this letter to be heard for this first meeting and then we anticipate that we will be bringing this for the final second hearing on the 28th.

COMMISSIONER CHAVEZ: Okay, so then it seems that the Village pretty much stands then in support of the draft document that's before us today and is anticipating its adoption on the 28th then?

MS. RINCON: Yes. From the feedback we've received.

COMMISSIONER CHAVEZ: So anyway, Mr. Chair, the only thing that want to say at this time is that follow-up on Commissioner Holian's comments to staff, to thank staff for your efforts in working with the community and to thank the community for engaging in this process and educating themselves about their community and to make it a better place and so forth. With that bottom-up approach I think it's going to make our work a little bit easier. So congratulations again to staff and to the residents who worked through the process.

CHAIR ANAYA: Thank you, Commissioner Chavez. Any other questions or comments. This is a public hearing so we'll now go to public hearing. The public hearing is open. Is there anyone here that would like to speak in regards to this matter, the Agua Fria Village Community Plan? Is there anyone who would like to speak in regards to the Agua Fria Village Community Plan? No other questions or comments? The public hearing is closed.

So we will have another opportunity, Mr. Griego?

MR. GRIEGO: Mr. Chair, Commissioners, yes. We will be bringing this forward for the second public hearing which should be on July 28th.

CHAIR ANAYA: Thank you, Mr. Griego and ditto the comments of Commissioner Chavez in thanking everybody for their efforts in working to this solution. Thank you so much.

III. C. 2. Resolution No. 2015-___, a Resolution Amending Resolution No. 2001-51, the San Pedro Neighborhood Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan to Create the 2015 San Pedro Community Plan Update (First Public Hearing)

MR. GRIEGO: Mr. Chair, Commissioners, Amy Rincon will be presenting this community plan.

CHAIR ANAYA: Thank you, Mr. Griego.

MS. RINCON: So I'm also one of the planners working with the San Pedro Community. I just wanted to say there are three of our community members here today to support the plan update that we have. So we have been working with the San Pedro Community since February of this year to work on their plan update. The BCC adopted the San Pedro Community Plan by resolution in 2001 and the ordinance to enact the plan was adopted in 2002. Through the recent community planning process we have worked with the San Pedro Planning Committee to develop a community plan update. The process has included seven community planning meetings with approximately 24 community members participating. The planning meetings were held at the new Edgewood fire station, which is slightly outside of the San Pedro community, but still within a 15-minute drive.

The planning meetings were held approximately every two weeks. We examined the current conditions of the community and any changes that have occurred since the initial plan was adopted. We examined the current community needs and planning goals. The planning update was intended to serve as an amendment to the plan which will guide future development in the community while ensuring that the plan's overall goal for protecting the community's unique rural character of the area is maintained.

After we developed the draft documents we conducted two community-wide meetings on June 16th and June 18th. These community-wide meetings took place at the San Pedro fire station, so right in the middle of the San Pedro community. And we did receive feedback and identified some of the issues in the plan update for the community.

Some of those issues included a shooting area on BLM property which is inside the planning area, the expansion of the planning area boundary to include the San Pedro open space, which is on the west side of the community, and then also the possibility of including residents who are on the east side who are outside the boundary and didn't live in the area prior to the original boundary creation in 2000. And then increase in traffic, trash, illegal dumping and abandoned homes in the area.

Again, this is the first of two public hearings as required by Ordinance 2002-3. No action is requested at this hearing, and we anticipate bringing this back for a second hearing before the BCC on July 28th. I stand for questions.

CHAIR ANAYA: Are there any other questions or comments of staff? I have one. Relative to the additional people that said that they didn't get in the area, how far are they away from the existing boundary? Are they a quarter mile? Five miles? How far away are they? How much are you wanting to expand the boundary, as you said?

MS. RINCON: Most of them are adjacent. They're like the parcels on the boundary. So they would be – we would just be moving one parcel.

CHAIR ANAYA: Are they large parcels or small parcels?

MS. RINCON: It's a combination. Some are between, I would say from five to 30 acres.

CHAIR ANAYA: Mr. Griego, if you and I could get together between now and the next meeting you could show me the plans and I'll take a look at them.

MR. GRIEGO: Absolutely.

CHAIR ANAYA: Thank you so much. Are there any questions or comments? So this is a public hearing and we'll now open the public hearing. And those individuals wishing to speak from the community, thank you for coming and thank you for being patient.

TONY OLSON: My name is Tony Olson and I live within the boundaries of the San Pedro neighborhood. I've lived there over ten years. Good afternoon, Mr. Chair and Commissioners. I would like to say that the San Pedro neighborhood worked very hard on this community plan update. We did our homework in several neighborhood meetings so that we would be prepared when we met with the County representatives. We made it a point to discuss and work out any differences of opinion before meeting with Amy Rincon and Paul Olafson.

And with regard to Amy and Paul, I can't speak highly enough of their dedication to this process. They listened to us. They answered our questions and were a major factor in making this update a positive experience for our neighborhood. And we hope that the Commission will move our update forward for approval.

CHAIR ANAYA: Tony, if I could ask you a quick question.

MS. OLSON: Sure.

CHAIR ANAYA: How many people generally, in round figures, participated in those discussions?

MS. OLSON: Probably some meetings we had maybe 15. Others – because when we met within our neighborhood it was normally in the evening and not everybody had the chance to attend. But we worked very closely and I was amazed at

how everybody worked in a very positive manner. We had very little dissent on any particular issue. So we were all pretty much in agreement. And that helped us as a community to move forward and to work real closely with Amy and Paul. But they were just amazing.

CHAIR ANAYA: Thank you so much. Others wanting to come forward? Is there anyone else who would like to speak? Would anybody else like to speak? Okay. This public hearing is closed. Any other questions or comments?

COMMISSIONER CHAVEZ: Mr. Chair, just another –

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Just a comment again, to thank staff and the community members that did participate and gave of their free time to help us do the work that needs to be done. So thank you.

CHAIR ANAYA: Thank you so much. Thank you, Commissioner Chavez. Thank you, community members for the work that's done this far, and I'll look at those maps so I can better understand those boundaries. Thank you so much.

III. C. 3. Resolution No. 2015-__, a Resolution Amending Resolution No. 1999-129, the Los Cerrillos Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Los Cerrillos Community Plan Update (First Public Hearing)

MR. GRIEGO: Mr. Chair, Commissioners, Erin Ortigoza will be presenting the Los Cerrillos Community Plan update.

ERIN ORTIGOZA (Community Planner): Good afternoon, Mr. Chair, Commissioners. We've been working with the Los Cerrillos Planning Committee since February to create the plan update before you tonight. The BCC adopted the Cerrillos Community Plan in 1999 through Resolution 1999-129. The ordinance to enact the plan was adopted in 2000 and in 2006 the Board adopted Ordinance 2006-11, which amended the original Los Cerrillos ordinance to clarify zoning.

Through the recent community planning process we've worked with the Los Cerrillos Planning Committee to develop the community plan update. The process consisted of nine planning community meetings with approximately 25 community members participating. The planning meetings were held at the Cerrillos Hills State Park Visitors Center in the center of Los Cerrillos community, and we met approximately every two weeks to complete this process thus far.

During this process we examined the current conditions in the community and any changes that may have occurred since the initial plan was adopted. We also identified current community needs and planning goals. The plan update is intended to serve an amendment to that plan which will guide future development in the community while ensuring the plan's overall goal of protecting the unique rural character of the area.

After we developed the draft documents we conducted two community-wide meetings on June 16th and June 26th to present the draft to broader community and to

receive feedback. Some of the issues identified through the planning process include the need to protect the Cerrillos water source and recharge area, and the need to recognize the historic Cerrillos mining district as an important cultural resources for the community and the surrounding region. Another need identified was the desire to allow for small-scale non-residential development which enhances the community's self-sufficiency by providing for local daily needs.

This is the first of two public hearings as required by Ordinance 2002-3. No action is requested at this hearing and we anticipate bringing this item up for a second hearing before the Board on your July 28th meeting. Ruben Cedeño is a member of the Los Cerrillos Community Planning Committee and is here with us today to speak about this process. I'd like to invite him to come up here and speak.

RUBEN CEDEÑO SANTIAGO: Buenas tardes, comisionados, damas y caballeros. Soy Ruben Cedeño Santiago, residente de Los Cerrillos en el condado de Santa Fe. Para ser más inclusivo voy a empezar a hablar en inglés. To be a little more inclusive I'm going to speak in English.

As a representative of our Community Planning Committee I was asked to come and speak to you on three points. First of all, I need to put in perspective. As you know Los Cerrillos is sometimes stereotyped as a ghost town, a mining district, and the town that refusing to die. I do want to mention to you that this process has become very important to us simply because of this point. The process that Roberto, Paul and Erin brought up to us put a mirror up in front of us. That mirror forced us to look at our past, our present, and what we want to be in the future.

This process made us debate – do we want to be a hindrance or do we want to be a resource, asset, to not only be to Santa Fe, to the county and to the state in this redistricting, rezoning process. It has forced us to debate those issues and I don't want to put any rose-colored glasses on. The process was strenuous. It was tenuous at the same time. But in the nine meetings that we met with the staffers that I just brought up, we also met in between the meetings. And in between those meetings we had heart-felt debates. We had some that were against any progress. We had some that were progressive and wanted to see us move in the direction that the county and the city of Santa Fe is moving.

We also wanted to see that we wanted to develop as a community and not be only in the shadows of Santa Fe and Madrid. So we wanted to take our assets and be able to develop them in this process.

The second one is that we had rich discussions. All of the discussions weren't as pretty or as I would say compañai-ish. They were more heart-felt because progress and the development or our communities are very passionate issues in our discussions and in the existence of our community. Plus, during the meetings that we had with the mentioned staff from the County, we had an average of 25 members coming to those meetings but we also had an average of 15 to 30 in the in-between meetings. We even had people from the otro lado. I don't know if you really know what that means. It's the people who are within the boundary but on the other side of 14, of the Turquoise Trail. They even came.

Some of the things that we had was that we learned about this process. One, it wasn't easy. We had to confront our truths and we had to confront what we wanted to be

in the future. But we also learned and became reflective of the following three items. Number one: In order to become inclusive in our community and our Village of Cerrillos we had to do house to house visits. As you know, the census, we have an average age of 54 but we also have residents that are over 70, over 80, that couldn't make it to the meetings and we had some homekeepers that take care of their parents in their homes and couldn't come out. So we had to establish house-to-house visits.

Number two, we also had to acknowledge the importance of having flyers and talking points outside of just those cards for the ongoing meetings. So we had to make sure that we had talking points that would consist in what we would say. We also used the motto of collaboration and consensus, that we all had to agree. We may not agree, but can we live with what we decided? The other one was we had to increase our contacts face to face and build up relationships so that we can increase participation and getting feedback from the community people that were not able to come to the meetings.

And finally, that we feel that the outcomes of this draft is very important for us to continue this journey of developing our community. We also believe that it's consistent not only with the county but with the state, but it also leaves the mirror in front of us, for us to ask the difficult questions of whether we want to do, or what is it that we want to do in the community as to become partners with the County and partners with our neighboring villages as well, to become collaborative and productive partners in that as well.

We believe that with the draft we are in support. We're in support of this process and as a matter of fact we're having a debrief tomorrow which is consistent with what we plan to do every time we have a meeting so we have a meeting tomorrow to discuss what we heard, what we want to do as we continue the work that Erin and Paul and Roberto have put in front of us. And finally, I just want to say Paul, Erin and Roberto were taskmasters. They did not allow us – to use the slang here – to shuck and jive, to move around the issues. They also were very skilled in facilitation, group dynamics and problem solving. And with that, they were also very accessible to us so if we had questions and we could come to their offices and talk about it we burned the email correspondence, we did a lot of face-to-face discussion and we look forward to continuing that. So with that I want to say thank you to them and thank you to you all for considering this process. And I will say it's an added value that could not have come at a most perfect time for us. I want to say thank you.

COMMISSIONER CHAVEZ: Thank you.

CHAIR ANAYA: Thank you very much for those comments.

MS. ORTIGOZA: That is our presentation and we stand for any questions.

CHAIR ANAYA: Are there any questions or comments? Commissioner Chavez.

COMMISSIONER CHAVEZ: Your name again, sir?

MR. CEDEÑO: Ruben Cedeño Santiago.

COMMISSIONER CHAVEZ: Mr. Santiago, thank you for being here this afternoon. It's a pleasure to hear you speak on this issue and you mentioned that the mirror analogy which I think sometimes maybe we should use that on a personal level on a more regular basis. But what you really talked about, this is more than a community

plan; you're talking about community building. Not for today or tomorrow but into the future and when you buy the house you have to be responsible for the maintenance of that house. That goes for the building, the garden, the fence in front of everything, and so you're building of community should also include looking into the future to keep that maintained on a regular basis and I really appreciate that approach and I want to thank you for bringing that component to light in your presentation. And I think that you talk about a value added component, I don't think you can put a price on that. That's priceless. So muchísimas gracias.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair, I just want to thank you, Mr. Santiago, for your presentation, for giving us an insight as well as what the process was really like. And I think that your plan is all the better for the strong community participation that you have managed to build over this process. So thank you very much for that view.

CHAIR ANAYA: Thank you, Commissioner Holian. This is a public hearing and I will go ahead and open this public hearing. Is there anyone here that would like to add additional comments or speak on this item, Los Cerrillos Community Plan? Is there anyone here who would like to speak to this item, Los Cerrillos Community Plan? This is the first of two hearings. There'll be another opportunity for Members of Los Cerrillos and other members of the county to speak on this matter. Seeing none, this public hearing is closed.

I'd like to add a few additional comments. Mr. Santiago, I very much appreciated your remarks as well and the remarks of the individuals from San Pedro and any and all people that come together to evaluate themselves, what they've done. In many circumstances evaluate what they have not done. So one of the early lessons that I learned over the years especially as it related to communities is there's lots of ideas that people might have but if you don't really get to the people and maybe understand what their perspective is and whether or not they're receptive to those ideas we never will get anywhere. And it sounds like you really did take up the task as do the other communities and quickly find that there's many, many perspectives and many competing perspectives at times. But as it relates to communities and their advancement or their chosen stagnation, maybe, they're all different.

But when we as the County sitting up here as Commissioners look at where there might be opportunities to provide resources, not to contradict those realities and desires that you have to complement those. I'll tell you as I've told others we've tried to do that. In fact in Cerrillos, we have been in discussion in recent years relative to this senior center that Commissioner Stefanics and I have not let go of and will not let go of. I think both of us might be a little frustrated with maybe timing and how long it's taken but that we're ultimately trying to build that facility right there in Los Cerrillos, in that community.

And when I sit here and talk to you I talk to you as a neighboring community, a member of Galisteo and the Stanley area, where many times those individual community members through fear or through work or other hindrances didn't ever participate in any

way in the process. And so your comments about direct outreach and going door to door really hit home to me, to make sure that not only those people participating that are able to attend and maybe even want to attend, but that you even took that extra step to go door to door and do as much as you could to survey people and understand what their needs are.

I can't tell you, I can probably mention names but I won't, but I can tell you the number of comments that I hear on a regular basis about speculation and assumption as to what I would do there or trying to do. And I always tell those members of the community, if you're not going to want to do something collectively then I'm not going to move in that direction. But along with that there are some communities that have missed opportunities because they didn't sit down and do that self-evaluation and come up with some goals and objectives.

And I think because you've done – you've put yourself in a position of not only achieving what you want to achieve as your goals, but along with that maybe some other improvements in those areas to the [inaudible], the senior center and the other areas. So as you continue on your journey, and I would say this to San Pedro and others, always be cognizant of not only what [inaudible] but being very methodical about what resources you might need to meet those goals, and don't be shy about coming back to this Commission and to these staffers and to the County to say here's where these priorities might fit in so that we don't lose sight of that.

But I thank you for those efforts. I look forward to the next public hearing for yourselves and San Pedro and other communities that come forward as we move through the process. So thanks again. Thank you, Commissioners.

III. C. 4. Resolution No. 2015-___, a Resolution Amending Resolution No. 2006-41, Tres Arroyos Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Tres Arroyos del Poniente Community Plan Update (First Public Hearing)
[Exhibit 4: Letter from Thomas Terwilliger, 6/12/15]

MR. GRIEGO: Mr. Chair, Amy Rincon will present this community plan update.

MS. RINCON: I've been working with the Tres Arroyos del Poniente Community since March. I will be referring to them, they're also known as TAP. So the BCC adopted the TAP Community Plan by resolution in 2006. The ordinance to enact the plan was also adopted in 2006. Through the community planning process we have worked with the TAP Community Planning Community to develop the community plan update. The process has included six planning community meetings with approximately 19 community members participating. These meetings took place at the Nancy Rodriguez Community Center. The planning meetings were held roughly every two weeks. They examined the current conditions in the community and any changes that may have occurred since the initial plan was adopted. We also examined the current community needs and planning goals.

The plan update is intended to serve as an amendment to the plan that will guide future development in the community while ensuring that the plan's overall goals for protecting the unique rural character of the area is maintained. After they developed draft documents they conducted two community-wide meetings on June 24th and June 30th to present the draft to the broader community and receive feedback.

Some of the identified issues from the planning process included maintaining the rural character of the community and the safety along New Mexico 599. This is the first of two public hearings as required by Ordinance 2002-3. No action is requested at this time and we anticipate bringing this item for a second hearing before the BCC at your July 28th meeting.

I have a letter from Thomas Terwilliger who is a member of the TAP Community Planning Committee and if it's okay I'm going to go ahead and read this one. So he starts off with: Dear Amy, I would like to give my strongest support to the proposal to approve the 2015 Tres Arroyos del Poniente Community Plan update as an amendment to the Sustainable Growth Management Plan. I am very pleased that the TAP plan update includes all the key items that formed the basis of the original TAP plan, Santa Fe County Ordinance 2006-10. I am also very happy that the TAP plan update additionally includes a 250-foot setback from the New Mexico 599 Highway right-of-way, based on a similar provision that was in the Highway Corridor Plan. Thank you and your colleagues for so much work on this plan and for so carefully considering the input from community members. Best regards, Thomas Terwilliger.

And s I stand for questions.

COMMISSIONER CHAVEZ: Thank you. Are there any questions or comments for staff?

COMMISSIONER ROYBAL: Mr. Chair.

COMMISSIONER CHAVEZ: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: I do have one comment. [inaudible] I just also want to thank you guys for all your hard work and also the thank the community members for their hard work and coming out to work with our staff and I really think you guys did a great job. Very informative. And you did a great job representing Santa Fe County and I'd like to encourage you guys to keep up the great work. Thank you.

COMMISSIONER CHAVEZ: So as was mentioned, this is the first of two public hearings and I would like to open the meeting up, the public hearing portion of this meeting and ask if there is anyone here to speak on the resolution before us, a resolution adopting the Tres Arroyos del Poniente Community Plan update. Anyone here to speak on this resolution? Seeing none, then I'll close the portion of the public hearing and Robert, do you have any other comments that you want to make at this time?

MR. GRIEGO: Mr. Chair, Commissioners, this is the first public hearing for each of these community plan updates. We will be bringing these plan updates forward for the July 28th for the second public hearing before the Board for consideration for adoption.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair and just on the letters of support from the individual members, it's good to have those letters but I would encourage members to attend the second public hearing. We'll have final adoption at that

meeting and in addition to the letters of support here this afternoon I would encourage and invite as many members of our public to attend and participate for the final adoption as well. That's a shout-out to all of those who have participated in this long, drawn-out process. That will be the juncture of everything and this isn't done but at least we're done with that piece and we can incorporate that into the larger Sustainable Land Development Plan and then we can put that behind us, but still, I'm hoping that through this effort all of these communities will be much stronger and more united in their futures and what that means for them. So thank you, Mr. Griego and your staff.

I would like to recognize Senator Phil Griego in attendance this afternoon.

CHAIR ANAYA: Hello, Senator. How are you?

III. C. 5. Resolution No. 2015-__, a Resolution Establishing the Santa Fe County Youth Development Program Task Force

CHAIR ANAYA: Mr. Sedillo.

MR. SEDILLO: Good afternoon, Mr. Chair, members of the Commission. This is a resolution establishing the Santa Fe County Youth Development Program Task force.

Whereas, Santa Fe County assumed oversight of the County Youth Development Program, YDP, in 2004; and

Whereas, YDP provides detention services for incarcerated youth and day reporting program services for youth who require supervision short of incarceration; and

Whereas, YDP's population consists of youth from within the county and other counties as well as youth within the custody of the US Marshals Service; and

Whereas, YPD's mission is to change the lives of incarcerated youth and those participating in the day reporting program by providing a safe, secure, structured, caring environment; and

Whereas, YDP is currently housed in a facility located at 4250 Airport Road, Santa Fe, New Mexico 87505, which was constructed in 1984; and

Whereas, in recent years, the number of incarcerated youth and day reporting program participants have been far less than the current facility's accredited and physical capacity and much of the current facility is vacant; and

Whereas, the Board of County Commissioners of the County desires to evaluate YDP's current programs and services and assess possible alternatives to the status quo; and

Whereas, a broad-based task force would assist the Board in doing so.

So at this point this is what we're looking at for a task force for our Santa Fe County Youth Development Program.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, Mr. Sedillo.

When they invite members forward from the District Attorney sometimes they don't have time. Has there been any discussion in advance?

MR. SEDILLO: Yes, there has been discussion in advance as well. At

times they have sent a representative.

COMMISSIONER STEFANICS: But they're willing to participate?

MR. SEDILLO: Yes.

COMMISSIONER STEFANICS: And the second question I have, Mr. Chair, is what will be the end date for this task force? Because we have had some that have been too long, without any results.

MR. SEDILLO: Mr. Chair, Commissioner Stefanics, within six months of the adoption of this resolution the task force shall submit to the BCC a written report summarizing its work, conclusions and possible recommendations of alternatives to the status quo.

COMMISSIONER STEFANICS: So, Mr. Chair, Mr. Sedillo, if we'll have something by December or January, that would be timely because of budget considerations. And if we started budget discussions in March or April for anything new we'd want to have that information before us.

MR. SEDILLO: Mr. Chair, Commissioner Stefanics, that's correct.

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

COMMISSIONER CHAVEZ: Any other comments or questions?

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you very much, Director Sedillo for bringing this forward. I think this is a good way to move forward to be able to answer some of these questions about how we can improve the CYFD program. So I'm very encouraged by this and it seems like you have a good mix of people on this task force, so I'm very encouraged that they will come up with some good suggestions. Thank you.

COMMISSIONER CHAVEZ: Thank you, Commissioners. Thank you, Mr. Sedillo. Mr. Sedillo and I were able to have a conversation before the meeting on this topic and I wanted to reference our resolution, Resolution 2015-66, a resolution supporting the National Stepping Up Initiative to reduce the number of people with mental illness in jails, [inaudible] on the initiative's call to action. So the work that you're doing here is part of that initiative in the sense that we're using a facility that could provide wraparound services for especially those that are mentally challenged in our community to keep them from – to lower the recidivism and keep them out of our jails and out of our judicial system. If we reduce those numbers in our jails then it will reduce our operating costs in the jails. Is that an accurate observation, Mr. Sedillo?

MR. SEDILLO: Mr. Chair, Commissioner Chavez, I think that's going to be a recommendation from the task force itself.

COMMISSIONER CHAVEZ: Okay.

MR. SEDILLO: Looking at those.

COMMISSIONER CHAVEZ: Okay. So I imagine I may be taking a few steps ahead of that but I think we're understanding that when we're talking about the mental health challenges that we're facing those wraparound services are the services that we're enacting. Is that also a fair observation to make at this time?

MR. SEDILLO: Mr. Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: And so this facility that we have, even though it's a challenge right now, we could utilize that facility or work towards another

facility that could work in tandem with this to provide the services for those that might need to be in an incarcerated setting and those who need the other services once they're processed through the jail, so that we don't keep that pattern going. That's pretty much where I think we're heading.

MR. SEDILLO: Mr. Chair, Commissioner Chavez, that's always a challenge. It's something that the community, the stakeholders needs to come together and look at in regard to services.

COMMISSIONER CHAVEZ: I guess that we're more successful in that that would help us to reduce our jail costs and be more effective in managing the population that has those mental health challenges.

MR. SEDILLO: Mr. Chair, Commissioner Chavez, that's correct.

COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair. The only other thing I would add I guess is that somehow the public seems to know about this building and seems to have come to the understanding that we're not fully utilizing this facility, so there's been some requests that come to us individually and maybe collectively on their idea for use of this facility located at 4250 Airport Road. One was from someone who was interested in placing the Salvation Army there. I think I mentioned that to you. So I think this is a good message to send to our community that we have hopes and intentions for this facility that will fill a gap, a need in services that we're trying to fill. So I'm hoping that this discussion will send that message to our community and maybe then direct them to look for other facilities for the services that they need to provide.

And so I wanted to take the opportunity to touch on that just for a minute and maybe, if at all possible, diffuse that a little bit, but maybe invite others that have expressed interest in this building that would be an obvious user or somebody that we could collaborate with. And so Mr. Sedillo, Mr. Chair, let's leave comments there and hope we can move forward with this. I think it's a really good resolution and it's one of the pieces that we definitely need to work on and we're not going to be able to work on it ourselves. We need good partners, a public-private partnership with the state and even our federal government at some level. But anyway, I stand in full support of this resolution. Thank you, Mr. Sedillo.

CHAIR ANAYA: Would you make that in the form of a motion?

COMMISSIONER CHAVEZ: I'd be glad to make that in the form of a motion. A motion to adopt resolution establishing the Santa Fe County Youth Development Program Task Force.

CLERK SALAZAR: Mr. Chair.

CHAIR ANAYA: Madam Clerk.

CLERK SALAZAR: May I?

CHAIR ANAYA: Sure.

CLERK SALAZAR: Okay. I would like to recommend that we add a Section B.1.h, which would include the following: One member appointed by the First Judicial District Public Defenders, who's in the employ of the District Public Defender's Office. I think that would make this a more well rounded board where there's an entity that defends individuals who are – who would be utilizing this facility.

CHAIR ANAYA: So I'd echo it if I could. Commissioner Chavez, if you

withdraw your motion for a moment.

COMMISSIONER CHAVEZ: I would accept that as a friendly amendment, if that's appropriate.

CHAIR ANAYA: So we could go ahead with that motion with that amendment.

COMMISSIONER HOLIAN: As the seconder I accept that as well.

CLERK SALAZAR: If they do indeed public defense for juveniles.

COMMISSIONER CHAVEZ: I'm sure that they do. The Public Defender's Office is very busy providing those services.

CLERK SALAZAR: I believe so.

CHAIR ANAYA: Greg, do you want a formal amendment or would you take it as a friendly amendment?

MR. SHAFFER: Mr. Chair, I think it's fine. I think it's a friendly amendment. I would just suggest perhaps if we could delay consideration on that for a few minutes to see if we can confirm that the Public Defender's Office actually does have an interest in the Youth Development Facility.

CHAIR ANAYA: So let's leave that and get the information requested.

[See page 41.]

III. D. Miscellaneous

1. Request Authorization from the Board of County Commissioners to Accept the Donation of a 2005 Ford Expedition from the Town of Edgewood to the Edgewood Fire District/Santa Fe County Fire Department for the Use by the Fire District as a Command Vehicle

CHAIR ANAYA: I'd like to go to D. and I'd like a motion on that item if we could. It seems straightforward. Request authorization for the Commissioners to accept a donation from the Town of Edgewood which we appreciate.

COMMISSIONER CHAVEZ: Are you looking for a motion on that?

CHAIR ANAYA: I would appreciate it.

COMMISSIONER CHAVEZ: I'll move for approval on that donation.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion from Commissioner Chavez and a second from Commissioner Stefanics. Chief, is there anything you want to add?

DAVE SPERLING (Fire Chief): Mr. Chair, Commissioners, no, just to thank you very much for accepting the donation. Edgewood's been working on this for a while, the District of Edgewood, and we very much appreciate it. So thank you.

CHAIR ANAYA: So they're donating this to us, correct?

COMMISSIONER CHAVEZ: Right.

CHIEF SPERLING: Mr. Chair, Commissioners, yes. The Town of Edgewood is donating a 2005 Ford Expedition for use of the District Chief in Edgewood.

CHAIR ANAYA: Awesome. Thank you to the Mayor and the Town Council for that. There's a motion and a second.

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

not present for this action and recorded her vote later in the meeting. See page 71.]

III. E. Ordinances

1. Request Authorization to Publish Title and General Summary of an Ordinance Amending the Land Development Code to add a New Article XVII, Developments of Countywide Impact, to Regulate Landfills, Junkyards and Sand and Gravel Mining Extraction of a Certain Scale and Make Amendments to Other Articles of the Land Development Code Related to the New Article XVII [Exhibit 5: Redlined Ordinance Text]

CHAIR ANAYA: Penny, how much time do you need on this particular – are you going to need some time? Because we may take a break and take care of some executive stuff before we do this. How much time do you think you need?

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, for the presentation, probably five to ten minutes.

CHAIR ANAYA: What's the pleasure of the Board on this?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: This is only publishing title and general summary, so it's not really debate about the bill. I think we can dispose of it very quickly without even a lot of discussion.

CHAIR ANAYA: I would agree. This is just to public title and general summary. Penny, if you could just provide a two-minute synopsis, a brief synopsis.

MS. ELLIS-GREEN: Thank you, Mr. Chair, Commissioners. Last September the Board imposed an ordinance imposing a moratorium on certain developments of countywide impact. That included sand and gravel with blasting, junkyards and landfills. This proposed ordinance regulates these three DCIs. As the SLDC doesn't come into effect until we have a zoning map adopted, the proposed regulations are being brought forward to create a new article in the existing 1996 Land Development Code in order to make the timeframe of the moratorium.

The timeline for adoption, today we're asking to public title and general summary; July 28th would be the first public hearing; August 11th would be the second public hearing and adoption of the ordinance. In addition, staff has been holding – has already held three meetings and have one more meeting in one growth management area each. So we met at Galisteo, in Edgewood, and last night at the Nancy Rodriguez Center and tomorrow we will be meeting in Pojoaque. We've had good turnout and a lot of discussion, a lot of suggestions. So those meetings – three of those meetings have been held and comments from those meetings and any other comments that have been received have been compiled and reviewed by staff and the consultants and the draft ordinance that was just handed out reflects those changes in redline format from those comments.

Our consultant, Jim Strozier from Consensus Planning can summarize the ordinance and identify changes.

COMMISSIONER STEFANICS: Mr. Chair, I move authorization to public title and general summary.

CHAIR ANAYA: There's a motion.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion and a second from Commissioner Chavez. Under comment I would just say we each have an opportunity to review the changes. There are now two additional public hearings. I would ask Penny, as you always do, to accommodate individual Commissioner's requests for individual discussions if they so desire for clarification. Is there any further discussion from the Commission?

The motion passed by unanimous [5-0] voice vote. [Commissioner Holian was not present for the action and recorded her vote later in the meeting. See page 71]

CHAIR ANAYA: We'll give Commissioner Holian the opportunity to provide her feedback on that. Thank you, Penny.

VII. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. **Discussion of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code, as Allowed by Section 10-15-1(H)(6) NMSA 1978**
 - a. **Proposals Submitted in Response to RFP #2015-EMP-CM/HR, Employee Benefit Program**
2. **Discussion of the Purchase, Acquisition or Disposal or Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978**
 - a. **Acquisition of Rights-of-Way for County Roads**
3. **Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978**
 - a. **Jemez Mountains Electric Cooperative, Inc. First Revised Rate Rider No. 4 – Pueblo of San Ildefonso**
 - b. **In the Matter of the Application of Public Service Company of New Mexico for Approval to Abandon San Juan Generating Station Units 2 and 3, Issuance of Certificates of Public Convenience and Necessity for Replacement Power Resources, Issuance of Accounting Orders and Determination of Related Ratemaking Principles and Treatment, Public Service Company of New Mexico, Applicant, Public Regulation Commission Case No. 13-00390-UT**
 - c. **American Federation of State, County and Municipal Employees, Council 18, AFL-CIO v. Board of County Commissioners of the County of Santa Fe, PELRB Case No. 305-15**
 - d. **American Federation of State, County, and Municipal Employees, Council 18, *AFL-CIO v. Board of County***

Commissioners of the County of Santa Fe, PELRB Case No. 107-15

- e. Litigation Involving Claims Against Special Deputy Sheriffs.**
- f. Arbitration and Lawsuits Involving the City of Santa Fe and/or City of Española**

CHAIR ANAYA: I think we'll take our break. I'm going to propose, Commissioners, I had a conversation with Mr. Shaffer who has the opportunity to give us some updates under the executive session and we can get clarity on that last question on the Public Defenders. I'm going to go ahead and propose that we get a motion to go into executive session for no more than 40 minutes. He told me 30 to 60 so I'm going to say 40 and see if we can target that.

COMMISSIONER CHAVEZ: So, Mr. Chair, I'll make a motion then to go into executive session for items under VII. A. 1. Discussion of competitive sealed proposals; 2. Discussion of purchase, acquisition or disposal of real property; 3. Threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1, paragraph (H)(7) of the New Mexico State Statutes 1978. 3.a, Jemez Electric Cooperative, b. the matter of the application of Public Service Company of New Mexico for approval to abandon San Juan generating station, units 2 and 3, c. American Federation of State, County and Municipal Employees and litigation involving claims against the Special Deputy Sheriffs and arbitration and lawsuits involving the City of Santa Fe and/or the City of Española.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion to go into executive session and a second from Commissioner Stefanics.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (6, 7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

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

[The Commission met in closed session from 4:42 to 6:20.]

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I move that we come out of executive session where we discussed the issues that are listed on our agenda. Present were the County Attorney, the Deputy County Attorney, Rachel Brown, our County Manager, the Deputy County Manager, Tony Flores, Bernadette Salazar, two consultants from the Arthur J. Gallagher & Company organization and the five Commissioners.

COMMISSIONER CHAVEZ: And I'll second that motion, Mr. Chair, and

state that no action was taken.

CHAIR ANAYA: There's a motion from Commissioner Holian and a second from Commissioner Chavez. Mr. Shaffer.

MR. SHAFFER: Mr. Chair, if I could just request that if it's okay with the Commissioners who made and seconded the motion that the motion be amended to reflect that Mr. Flores, Ms. Salazar and the consultants were only present for the discussion concerning the RFP for employee insurance benefits.

COMMISSIONER HOLIAN: Yes.

COMMISSIONER CHAVEZ: That's acceptable.

COMMISSIONER HOLIAN: That's acceptable.

CHAIR ANAYA: Motion and second as amended by the County Attorney's suggestion. Any further discussion?

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

III. C. 5. Resolution No. 2015-93, a Resolution Establishing the Santa Fe County Youth Development Program Task Force (continued from page 37)

CHAIR ANAYA: We're going to go back to Action Items, number III. C. 5. Mr. Shaffer, we're getting some clarity on the motion for the task force and the discussion with, I believe, the Public Defender inclusion.

MR. SHAFFER: Mr. Chair, thank you, yes. And we've confirmed that the Public Defender's Office does in fact represent indigent juveniles as part of their mission, number one and number 2, that they would be interested, the local district would be interested in participating in the task force. So I think then the suggested language was –

CHAIR ANAYA: So there's a motion from Commissioner Chavez and a second from Commissioner Holian with the friendly amendment including a participant from the Public Defender's Office. Go ahead and read in the language, Mr. Shaffer.

MR. SHAFFER: It would be a new subparagraph of B. 1, h, I think I've got the place right. It says one member appointed by the First Judicial District Public Defender, who is an employee of the District Public Defenders Office.

CHAIR ANAYA: There's a motion and a second, friendly amendment read in by Mr. Shaffer. Any further discussion? Seeing none.

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

[Clerk Salazar provided the numbers for the approved resolution.]

IV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

CHAIR ANAYA: Ms. Miller, do you have any other amendments relative to Matters from the County Manager or other items?

MS. MILLER: Mr. Chair, no. All I wanted to do was remind the

Commission that on Thursday at 4:00 at the Sage Brush Inn we will be doing a teen court mural dedication and you are invited to attend.

VI. B. Presentation and Update on the Santa Fe County Employee Benefits Program Project

CHAIR ANAYA: Under VI. B there are no other updates under Mr. Rohr or Mr. Heilman? Are there any other matters that we've not taken care of prior to the Public Hearings?

MS. MILLER: Mr. Chair, did you do Matters of Public Concern?

V. MATTERS OF PUBLIC CONCERN

CHAIR ANAYA: Are there any Matters of Public Concern for items not listed on the agenda? Anybody wishing to come forward to speak to the Commission for any items not listed on the agenda? Thank you for that. Seeing none, we've gone through our regularly scheduled order of business. We now move into Public Hearings.

VIII. PUBLIC HEARINGS

A. Land Use Cases

1. **CDRC CASE # APP 13-5382 Elevation Multi-Family Community Appeal. Vedura Residential Operating, LLC, Applicant, JenkinsGavin, Agents, Received Conditional Approval from the County Development Review Committee (CDRC) for Preliminary and Final Development Plan for a Multi-Family Residential Community Consisting of 200 Residential Units on 22+ Acres. The Applicant is Aggrieved with a Condition of Approval, Imposed by the CDRC, on the Approval of the Preliminary and Final Development Plan. The Condition Imposed by the CDRC States "No Construction of Buildings May Begin Until Actual Construction of the Southeast Connector Begins". The Applicant Requests an Appeal to the Board of County Commissioners of the Condition Imposed by the CDRC on the Preliminary and Final Development Plan. The Site is Located at 63 College Drive, within the Community College District, within Section 21, Township 16 North, Range 9 East, (Commission District 5)**
2. **CDRC CASE # V/DP 13-5381 Elevation Multi-Family Community Variance. Vedura Residential Operating, LLC, Applicant, JenkinsGavin, Agents, Received Conditional Approval From the County Development Review Committee (CDRC) for Preliminary and Final Development Plan for a Multi-Family Residential Community Consisting of 200 Residential Units on 22+ Acres. The Applicant Requests BCC Approval of a Variance of Ordinance No. 2000-12, Section**

6.E.3.c to Allow a No-Outlet Roadway to Exceed 300 Feet and a Variance of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 8.1.4, which States that Dead End Roads May not Serve more than Thirty (30) Dwelling Units. The Two Variances were the Subject of a Recommendation to the Board of County Commissioners by the CDRC. The Site is Located at 63 College Drive, within the Community College District, within Section 21, Township 16 North, Range 9 East, (Commission District 5)
[Exhibit 6: Text of Final Order, recorded January 13, 2015; Exhibit 7: Supporting Material from Applicant; Exhibit 8: Schematic of Area from P. Parent; Exhibit 9: Excerpts from County Land Development Code from P. Parent; Exhibit 10: Letter from Eileen Gorman, Ph.D.; Exhibit 11: Letter from Mary Kay Boulton]
Additionally, Minutes of the BCC meetings of July 8, 2014, pages 51 through 89; and September 9, 2014, pages 61 through 81 were provided to the Commission.

CHAIR ANAYA: Mr. Larrañaga.

MR. SHAFFER: Mr. Chair, if I could, these are two technically separate items that all relate to the same proposed projects, Elevations, which is a multi-family apartment complex that would be located off of College Drive. Again, they are technically separate. You have an appeal by the applicant of a condition recommended by the Community Development Review Committee and you have a separate item related to a requested variance. But the two items are very much related in that action on one implicates action on the other and the factual underpinnings of the two matters are very much the same. So a recommendation, if it's okay with the chair would be that staff be allowed to cover the staff report for both items, allow the applicant to present on both items, and then have the public be able to comment on both items, so that we're operating as efficiently as possible and then the Board would have a record upon which they could separately consider the two items. That would be my recommendation, Mr. Chair, as to how to proceed.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Mr. Shaffer, are we in litigation around any of this? Current litigation?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, no. I'm not aware of any action having been filed to challenge the Board's earlier approval of the master plan request.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: So then I would take that recommendation, accept it. So we will be having discussion on CDRC Case Application 13-5382, as well as CDRC Case V/DP 13-5381. Mr. Larrañaga and staff, the public has access to our agendas and our packets. It's not necessary for you to read in every word associated with your summary. You can provide the summary for the applications on those properties. You

don't need to read in verbatim each one, and then any questions or comments the Commission has we'll go to that, and then move to the applicant and then public hearing. Okay?

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. Vedula Residential Operating, LLC, applicant, JenkinsGavin, agents, received conditional approval from the County Development Review Committee for preliminary and final development plan for a multi-family residential community consisting of 200 residential units on 22 acres. The applicant has agreed with the conditions of approval imposed by the CDRC on the preliminary and final development plan. The condition imposed by the CDRC states: No construction of buildings may begin until actual construction of the southeast connector begins.

The applicant requests an appeal to the Board of County Commissioners of the condition imposed by the CDRC on the preliminary and final development plan. The site is located at 63 College Drive within the Community College District, within Section 21, Township 16 North, Range 9 East.

On September 9, 2014 the Board of County Commissioners approved a master plan application submitted by Vedula Residential Operating, LLC, for a multi-family residential community consisting of 214 residential units on 22 acres. The final order was approved by the BCC on January 13, 2015 and recorded on January 14, 2015 in the County Clerk's Office. On May 21, 2015 the County Development Review Committee approved a preliminary and final development plan for a multi-family residential community consisting of 200 residential units in conformance with the approved master plan. Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code, and Santa Fe County Ordinance 2000-12, the Community College District Ordinance.

The CDRC also recommended approval to the BCC of a variance of Ordinance No. 2000-12, Section 6.E.3.c to allow a no-outlet roadway to exceed 300 feet, and a variance of Article V, Section 8.1.4 of the Code which states that dead-end roads may not serve more than 30 dwelling units. The CDRC's approval of the preliminary and final development plan and variances included staff conditions as amended, with an additional condition imposed by the CDRC that no construction of buildings may begin until actual construction of the southeast connector begins.

The applicant is appealing the additional conditions imposed by the CDRC on the preliminary and final development plan to the BCC. The applicant states, This condition is in direct conflict with the BCC's decision to approve the master plan. The BCC's decision was not based on construction of the southeast connector roadway. To the contrary, the final order contemplates the possibility that the project will move forward without construction of the southeast connector roadway. This basis for the decision is detailed in the following excerpt from the final order: The applicant provided a traffic study which confirmed the need to evaluate the level of service at the adjacent intersections prior to development plan approval in order to determine what road improvements would be necessary to attain adequate traffic flow. If the project develops without the benefit of an anticipated road project called the southeast connect a traffic analysis will be required to evaluate necessary improvements on Richards Avenue such as a slip lane, and how much development Richards Avenue, with or without

improvements can support.

The applicant confirmed that offsite road improvements provided by the applicant could be required as part of the preliminary and final development plan approval process for the project. The applicant also states the traffic impact analysis that was submitted with the development plan application recommends improvements to Richards Avenue to attain adequate traffic flow. In response to this recommendation the County approached the applicant with the following request. In lieu of improving Richards Avenue the applicant will construct College Drive from its current terminus at Burnt Water to the western boundary of the future southeast connector right-of-way.

The applicant agreed to this request. The applicant would delay commencement of the building construction. The applicant and County agreed that building construction would not commence until June of 2016.

Staff's recommendation to the CDRC stated the following: The variance request could be considered by the CDRC to be a minimal easing of the code requirements due to the fact that the variances are only required for a temporary period of time. Once the southeast connector is constructed the project will provide a road network that will integrate automobile, pedestrian and other modes of transportation in a safe and controlled manner and interconnection will be provided as shown on the CCD circulation map. Other than the proposed variance requests the project complies with code, ordinance requirements for the preliminary and final development plan. Staff recommended approval of the preliminary and final development plan. Staff also recommended that the CDRC impose a condition as to the start date of vertical construction of the project to minimize the time that any variances would be required.

The applicant requested a June 2016 start date. Public Works requested an August 2017 start date. The CDRC determined that the start date should begin with the commencement of construction on the southeast connector because a definitive timeline for the southeast connector was not available to weigh whether June 2016 or August 2017 would be the most appropriate start date.

On June 16, 2015 the Public Works Director submitted a supplemental memo to correct any misunderstandings that may have occurred at the CDRC hearing in regards to the Public Works comments. The memo addresses the southeast connector's timeline, cost, funding, and impact on the proposed development.

Staff recommendation: It is at the BCC's discretion either to grant the appeal and remove or modify the CDRC's additional condition, or deny the appeal and keep the CDRC's condition.

Vedura Residential Vedura Residential Operating, LLC, applicant, JenkinsGavin, agents, received conditional approval From the County Development Review Committee for preliminary and final development plan for a multi-family residential community consisting of 200 residential units on 22 acres. The applicant requests BCC approval of a variance of Ordinance No. 2000-12, Section 6.E.3.c to allow a no-outlet roadway to exceed 300 feet, and a variance of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code, Article V, Section 8.1.4, which states that dead end roads may not serve more than thirty (30) dwelling units. The two variances were the subject of a recommendation to the Board of County Commissioners by the CDRC.

On September 8, 2014, the Board of County Commissioners approved a master

plan application made by Vedula Residential Operating, LLC, for a multi-family residential community consisting of 214 residential units on 22 acres. The final order was approved by the BCC on January 13, 2015 and recorded January 14, 2015 in the County Clerk's Office.

On May 21, 2015 the County Development Review Committee approved a preliminary and final development plan for a multi-family residential community consisting of 200 residential units. In conformance with the approved master plan, Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code and Santa Fe County Ordinance 2000-12, the Community College District Ordinance. The CDRC also recommended approval to the BCC of a variance of Ordinance No. 2000-12, Section 6.E.3.c to allow a no-outlet roadway to exceed 300 feet and a variance of Article V, Section 8.1.4 of the code, which states that dead-end roads may not serve more than 30 dwelling units.

The applicant requests approval of a variance of Section 6.E.3.c of the CCDO to allow a no-outlet roadway to exceed 300 feet and a variance of Article V, Section 8.1.4 of the code which states that dead-end roads may not serve more than 30 dwelling units.

The applicant states the variances are necessitated by the fact that College Drive will temporarily be a dead-end road until the completion of the southeast connector. This is a non-self-inflicted condition which is temporary until the construction of the southeast connector. Construction of the roadway will not result in conditions injurious to health or safety as the road will be built to County standards with the requisite emergency turnaround. Once the connection to the southeast connector is constructed College Drive will no longer operate as a dead-end road.

The CDRC approval of the preliminary and final development plan and variances included five staff conditions, as amended, and imposed a sixth condition which states no construction of buildings may begin until actual construction of the southeast connector begins. The applicant is requesting that that condition imposed by the CDRC be removed from the variances.

The proposed 200-unit apartment community is 0.26 miles east of College Heights Subdivision and northeast of the Santa Fe Community College. The one- and two-bedroom units are dispersed among two story buildings and there are two single-story garage buildings on the west side of the property. A community center serves as a gathering place offering a fitness center, lounge areas, an activity room and a business center with a conference room. Outdoor amenities include a pool, spa, barbecues, a fire pit and covered patio areas.

The project will gain access via an extension of College Drive from the current termini of Burnt Water Road. The applicant will extend College Drive approximately 3,140 feet to the west boundary of the future southeast connector right-of-way terminating in a temporary emergency turnaround. The new roadway extension will be constructed in accordance with CCDO standards as a village connector highway. A revised traffic impact analysis was submitted based on the timing and availability of the southeast connector.

The applicant proposes to delay commencement of the building construction of the apartments until June of 2016 in an effort to allow time for future connectivity to the southeast connector. The applicant's construction schedule shows 40 units online, ready

to be leased by July 2017, with all 200 units available by January 2018 and lease stabilization June through August 2018.

The project will be served by the County water utility with the construction of a 12" waterline on College Drive connecting to an existing 16" main in Richards Avenue. A 10" public main will loop through the site to serve the project. Each building will be equipped with automatic fire suppression and six hydrants will be distributed throughout the site.

On March 24, 2015 the BCC approved a new water delivery request in the amount needed for the development's water budget.

Building and Development Services staff has reviewed the applicant's request for a variance of the CCDO's Section 6.E.3.c and Article V, Section 8.1.4 of the code for compliance with pertinent code and ordinance requirements and has found that the request is not in conformance with code and ordinance requirements and that the code and ordinance require the following roadway circulation within the Community College District shall provide a network of roads that will integrate automobile traffic, pedestrian and other modes of transportation in a safe and controlled manner. Within each development roadway circulation shall be interconnected as shown in the circulation map. The developer shall be required to construct any portion of the roadway necessary to maintain connectivity throughout the CCD. All road construction shall conform and comply with AASHTO standards, ITE guidelines, New Mexico State Highway and Transportation Department specifications and all applicable national codes.

The variances requested are temporary in nature and they will only existing until the southeast connector is constructed. The applicant proposes to construct College Drive to CCDO road standards to connect Richards Avenue to the southeast connector. The code does not address temporary variances.

Staff recommendation: The variance request could be considered by the BCC to be a minimal easing of the code requirements due to the fact that the variances are only required for a temporary period of time. Once the southeast connector is constructed the project will provide a road network that will integrate automobile, pedestrian, and other modes of transportation in a safe and controlled manner and interconnection will be provided as shown on the CCD circulation map. Other than the proposed variance request, the project complies with code and ordinance requirements for the preliminary and final development plan.

The CDRC recommended approval of the variances of the CCDO Section 6.E.3.c and Article V, Section 8.1.4 of the code and approved the preliminary and final development plan for a multi-family residential community consisting of 200 residential units on 22 acres with the following five amended staff conditions. CDRC also imposed a sixth condition on the approval of the preliminary and final development plan and variances. With that, Mr. Chair, I stand for any questions.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Jose, could you go to page NB-49 and 50? And I'd like for you to walk us through the votes from the CDRC. I see four sets of votes and I'd like for us to be clear about what occurred. So in the third paragraph on 49 I'm seeing the first set of votes as 1 to 5.

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, that's correct.

That was on the motion to approve the project with staff conditions.

COMMISSIONER STEFANICS: And the staff conditions included – the road completion or not?

MR. LARRAÑAGA: I'm sorry?

COMMISSIONER STEFANICS: The staff conditions included the road completion or not?

MR. LARRAÑAGA: It recommended, staff recommended – actually if you turn to the variance case, Exhibit 2 I believe.

COMMISSIONER STEFANICS: So I just want to be – I want us all to be clear about there's four different sets of votes taken between page 49 and 50 and I'd like to just for all of us to be clear what the CDRC said and did.

MR. LARRAÑAGA: So Exhibit 2 on the appeal is the original staff report to CDRC and on page NB-18 is staff recommendation with the conditions and a statement about the start date. So that was what was moved for approval by Committee Member Anaya which was voted against. And then there was the next motion which included the condition that no construction would start on the appeal, which included the no construction of buildings may begin until actual construction of the southeast connector begins.

COMMISSIONER STEFANICS: That was a 3-4 vote? On page 49. The 1-5 was with staff conditions, the 1-5 vote.

CHAIR ANAYA: Commissioner Stefanics, the first one failed which was requesting no condition on construction, failed 3-4 and then it passed 4-3.

COMMISSIONER STEFANICS: Right. Mr. Chair, what I'm pointing out, what I'm trying to point out here is that the CDRC went back and forth on this issue several times itself and it was not – it was a simple majority not full majority. So is there anything else that you want to tell me about these votes being so close?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, again, there was some discussion about the access and the start time and hence our recommendation was to – the applicant was asking for a certain start time and Public Works was stating a different start time and that's where the discussion came on the start time and then implementation of this condition by the CDRC.

COMMISSIONER STEFANICS: So Mr. Chair, I had a discussion today with our County Manager about the road, not these building projects but the road. And at the last MPO we just approved the plan that has the road in for 2018. Not 16, not 17, but 18. And the County Manager said we have the money, we have the \$5 million for 16 and the staff asked me for the extra money so it could be started and completed by 17. And I said, well, the MPO plan is 18. So one of the issues I'm pointing out is that we don't really have clarity about this one condition. I'm not saying it throws the case one way or another; I'm just saying we don't have clarity. And that was my point. So that's the only question I had. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Any other questions of the Commission? So I would like staff to get me the minutes when we deliberated on the master plan. Because we had a discussion during the master plan discussion on this very issue, this Commission. Not the CDRC, but this Commission had a deliberation. This issue came up and we in the master plan approval had specific

questions and specific discussion on this particular issue. And as I recall, I want to see the minutes and I'll read them into the record, but as I recall we deliberated on that discussion and the discussion centered around any improvements necessary. Not the completion, not the construction start of the connector, but that any traffic patterns that would adversely – or any increase or additional requirements would have to be evaluated within the current system. Not based on the construction of the connector, not based on start or completion of the connector.

Because in the master plan discussion we had a long discussion about that issue. So if staff can get me the minutes from our deliberations as a Commission, because I'm a little puzzled as to how those wouldn't have been included with the CDRC so that he CDRC could have seen what we talked about as Commissioners. Because we specifically talked about that in the master plan. I'm not debating whether it was appropriate for them to hear preliminary and final; that's their responsibility, but we had a lot of discussion in the discussion at the Commission level at master plan about the project and the southeast connector. So if somebody could get me those minutes I'd appreciate it.

So is the applicant present?

JENNIFER JENKINS: Good evening, Chairman, Commissioners, I'm Jennifer Jenkins with JenkinsGavin Design and Development here this evening on behalf of Vedura Residential and Elevation multi-family community.

CHAIR ANAYA: If you could get sworn in.

[Previously sworn, Jennifer Jenkins testified as follows:]

MS. JENKINS: So also with me this evening is Oralynn Guerrerortiz with Design Engenuity who is the civil engineering consultant on the project, and behind her is Eric Ray with Bohannon Huston, who is our traffic engineer, also be available for questions.

If I could have the slide show please. So as a little bit of background, back in September as was referenced by Chair Anaya this body approved a master plan for the Elevation multi-family community proposed in Rancho Viejo. And there was much discussion that evening about access, the southeast connector and how that was going to be resolved, which I will speak to here momentarily. On May 21st the County Development Review Committee approved the development plan for the project as well as recommended approval of a couple of variances that staff asked us to request, and they also imposed an additional condition of approval as referenced by Mr. Larrañaga.

So just in the second page there, I'm not sure how many of you have your monitors on or just are looking at our handout, but it just reflects the location of the project off of what is going to be a new extension of College Drive. Currently College Drive terminates here at Burnt Water, which is the access to the College Heights neighborhood here, and this is a new proposed extension of College Drive, and the apartment community is about a quarter mile east of College Heights and just kind of at the northeast corner of the Santa Fe Community College.

So in September, the master plan was approved. And on page 3 of your handout is the very specific section from the final order that specifically addresses this question of access. It says the applicant provided a traffic study which confirmed the need to evaluate the level of service at adjacent intersections prior to development plan approval in order to determine what road improvements may be necessary. If the project develops without

the benefit of the southeast connector a traffic analysis will be required to evaluate necessary improvements to Richards Avenue.

The applicant confirmed that offsite road improvements may be required as part of the final development plan. It's very important. It's exactly what Chairman Anaya was speaking to. This was the discussion and the basis for the approval of the master plan.

So we did a traffic impact analysis. We did one for the master plan. We updated the traffic impact analysis for our development plan approval in accordance with the master plan, and yes, we have a delay issue, an inadequate level of service issue in the morning at the Willowback Road roundabout that leads into Oshara as well as at the College Drive roundabout. So for 15 minutes in the morning. So when you see there in the chart, you see where it says TIA, and that shows the actual period of delay.

So an interesting thing, we submitted the traffic impact analysis to the Public Works Department and they came back and they had an interesting request which was a first for me but I'm actually really glad they did it. They asked us to do a simulation. A simulation is basically a computer model that is a video that actually shows how cars behave on the roadways. You input all the data, all the background traffic, the traffic that this project will generate, and they wanted to see it graphically. What's really happening in the simulation? And the interesting thing about the simulation is it doesn't show an unacceptable delay in the morning.

It was really fascinating. We met with Public Works. We showed them the simulation. We gave them the DVD for the simulation, and what the simulation showed is, yes, things in the morning do slow down a little bit but things keep moving. So it was quite an interesting exercise. And yet we still have, per the traffic impact analysis, we still had some delays in the morning that need to be addressed.

So this, in addition to the traffic impact analysis, in addition to the computer model simulation, we also onsite in person, analyzed the actual travel time of the Richards Avenue corridor, sat out there and timed it and drove it. And we discovered the same thing that the TIA represented is we have this, out of the 24-hour period, we have 15 minutes in the morning where things slow down, and we have that delay period in the morning.

So the traffic impact analysis said we could do a couple of things to these two roundabouts, the Willowback roundabout and the College Drive roundabout, to mitigate that delay, and the proposal was to add an additional lane to each of those roundabouts.

So while all this is going on, and we're working with Public Works and reviewing the TIAs and doing the simulation there were also some things that were shifting and changing a little bit with respect to the southeast connector project, and I just want to touch on those briefly. So what we see right now and on that next page of your handouts, this is what the alignment study was heading toward when we were here in September when the master plan was approved, and basically, what you see in the white there is the alignment of the southeast connector, which is basically, this is where the project is located so it was basically coming right down the west side of the proposed project.

So that's what we thought the southeast connector was going to look like back in September. But since then there have been some changes. So this is currently showing the preferred alternatives and basically, the southeast connector has moved further to the east. This is an overhead power line easement, the orange here, and then this is another

alignment that just is a little further east as well.

So the southeast connector project has a few different components to it. Coming down off of Rabbit Road, we have an alignment coming here, then a new extension of Avenida del Sur to connect into the existing Avenida del Sur here, and this is Richards Avenue. We also have the northeast connector up here which is sort of going to function as a frontage road along I-25 that will connect into Dinosaur Trail. And then we have the extension of College Drive.

So a couple of things happened. The southeast connector moved much further east than what was originally contemplated. It doesn't even go through the subject property anymore. And College Drive was removed from the project. It was removed from the project. It was designated as a developer-funded roadway. Okay. So we had – we had our TIA, we had the recommendations for the improvements that would be necessary on Richards Avenue per our master plan approval, and then staff reached out to us and we had a meeting. And the Public Works Department expressed concern about the improvements that we were proposing on Richards. They were concerned about potential driver confusion and the additional lanes of the roundabouts, and they said, you know, if we're going to make that big of an investment, or even a private sector developer make that big of an investment to address 15 minutes of the day, don't know if that is a wise use of funds.

However, in lieu of that we would like you to build the entirety of College Drive from its current terminus at Burnt Water all the way to the where the future southeast connector will be. We said, okay. We will give you College Drive. It's a \$1.4 million roadway. Because I think it's very clear that without College Drive the southeast connector project isn't a complete project. If all the vehicles coming down the southeast connector are all going to dump right here at the intersection of Avenida del Sur and Richards Avenue, it's not good traffic planning. We recognize that, and I think the Public Works Department recognizes that. So we said, okay, we will do that.

And then there was the discussion about end. In addition to you funding the complete construction of College Drive we would like you to delay your construction and we said, okay, again. We said yes, we will delay construction. When we were here in September for the master plan approval we were very transparent that there may be and would likely be a gap between the time that residents begin moving into this project and the completion of the southeast connector. We discussed it. We were very clear about that and we were prepared and willing to do what is necessary with respect to that. But we concur with staff. We concur with Land Use and Public Works that this is a better use of funds. College Drive is more important in the bigger picture for the Community College District, for the southeast connector project, and for the overall connectivity that is contemplated in the Community College District Ordinance.

So this is just zooming in on that portion of the map and as you can see here on the next page where we have what is – the alignment that's in orange, it's my understanding through my dialogue with Public Works, that's probably the more preferred alignment but as you can see, whether it connects here or connects here it's not a huge difference there. And so we have done everything that has been asked of us. So we agreed to build College Drive, we agreed to delay construction. At the time when we first had this conversation we agreed to a 14-month delay. And the beauty of this is

based upon the schedule that we've received from Public Works for the southeast connector.

We will finish our leasing activities the summer of 2018 and that is the same summer that the southeast connector is slated to be complete. So we actually are running parallel paths. We'll be under construction; the southeast connector will be under construction. And College Drive will already be there by the time they get there so the connection can be built.

We have significant concerns about the condition imposed by the CRDC because it is in direct conflict with our master plan approval. When we were here in September we stated that there were three guiding documents that governed this property in Rancho Viejo. There was the Rancho Viejo master plan, followed by the Community College District Ordinance, followed by the Sustainable Growth Management Plan. Those are the only guiding documents. All of them not only contemplate multi-family housing, encourage multi-family housing, they permit multi-family housing. This property has been zoned for multi-family housing since 2000.

So now we have one more guiding document, the master plan for this project. And all we ask is the opportunity to proceed in accordance with that approval. And in the process, providing really significant public infrastructure improvements for the benefit of everyone. So as stated by Mr. Larrañaga, staff felt it was appropriate for us to request a couple of variances from the County code with respect to the potential temporary nature of the dead-end of College Drive. So we're going to build this, and it has to be built before anybody can even start moving in. There'll be a temporary cul-de-sac/emergency turnaround, and since – although it's a temporary situation it will be a dead-end for a short period of time. So we did – we requested a couple of variances, one of which relates to just the length of the dead-end and one of which relates to the number of dwelling units that can be accessed from a dead-end. And the CDRC recommended approval of those variances and we ask for your approval of those variances this evening as well.

The interesting thing about the dwelling unit count is although the County code says 30, the International Fire Code has different regulation. The International Fire Code states that if you have automatic fire suppression, which this project is absolutely equipped with sprinklers inside all of the units and all the buildings, you can have up to 200 units on a dead-end road. So the International Fire Code is very explicit on this point. And I believe Fire Marshal Patty is here who'd be happy to speak directly to this. And our development plan is originally – is a request for 200 units and we're requesting an approval for 200 units tonight. However, there already are 20 homes in College Heights and so Mr. Patty has asked us, and there's a new condition imposed that we were actually only be permitted to occupy 180 units until the southeast connector – until that connection is made and we have that other means of access, and we're fine with that. We're absolutely fine with that. So we're going to be able to construct the 200 but only 180 will be occupied. So we are completely in compliance with the International Fire Code.

And one thing you may hear a little bit tonight. There's been concern expressed by some residents in the area about, well, what happens in case of an emergency? And that's a very valid question and that is why the automatic fire suppression is so critical and why the International Fire Code – that creates an incredible opportunity for response

time and life safety and addresses a lot of issues. This property is not in a wildland interface zone where there's high danger in terms of the amount of vegetation in the area, so this is not a typical fire hazard area as defined in the County Code. And so we looked at, well, what does happen if there's an emergency? Say there has to be an evacuation.

So what we're showing on the next one are the green arrows are cars exiting, coming down towards Richards Avenue if there's an evacuation, and the red arrows are showing emergency response coming from the south, because they would be coming down Rancho Viejo Boulevard and coming down Avenida del Sur, so they would be coming from the south, and they would be coming in College Drive as the cars are exiting and heading north. This is just – so we're just showing this graphically to say there is a – obviously, if there is an emergency and there's a need for an evacuation there are plans for this, and this is the responsibility of your emergency responders. The International Fire Code would not permit this if it were not something that was deemed to be acceptable. And we're happy to comply with that.

So with that I will be happy to stand for questions. And again, all we're asking for is an opportunity to proceed in accordance with our approved master plan. We have invested significant time and funds in moving forward in good faith based on those approvals and we ask the opportunity to continue to do so, and I appreciate your attention. Thank you very much.

CHAIR ANAYA: Thank you. Questions of the applicant? Seeing none, this is a public hearing and I will open the public hearing. Is there anyone who would like to speak on this item? If you would please come forward and line up. We're going to have a timer up on the screen behind me. I was at the City of Santa Fe speaking on one of their cases last week. They provided a minute and we're not going to do that. We're going to be a little more generous than that. We're going to put up a 90 seconds, a minute 30 seconds per speaker on the screen up there. So if you would please say what you need to say and please don't be redundant.

[Those wishing to speak were placed under oath.]

[Previously sworn, Phil Griego testified as follows:]

PHIL GRIEGO: Thank you, Mr. Chair. Mr. Chair, as you know I represented this district here, District 39, for almost 18 years and Rancho Viejo was part of my district. And I met with these citizens back in February when they came to talk to me about the approval of the project and the information that we received, or my staff and I received was that the project was approved and it was approved under executive session and not a whole lot of input. But that's neither here nor there.

We're here today to talk about the request for a variance and the request to override the CDRC. And the citizens of this area, Mr. Chair and members of the Commission, are requesting that this entire project be tabled until a complete and full study of the adverse impact that this project is going to have on the entire area, not only Rancho Viejo, but you're looking at Nava Ade, you're looking at La Pradera Subdivision, Oshara Subdivision, that whole area is going to be affected by the amount of traffic that this project is going to create.

This project in and of itself, Mr. Chair and members of the Commission, would change the total landscape of that whole area and it will destroy the intent that these people had when they purchased their property, not to speak about what it's going to do

the property values of that area, with the amount of traffic that is coming in and out of this 200-unit apartment complex.

Also, Mr. Chair and members of the Commission, you need to be informed that these people who are going to be affected, their safety, health and welfare is going to be adversely affected by this, were never involved in the traffic study that was presented here tonight. They were involved in the connector and that's why it was removed to the east, but they have never been involved and give an opportunity to discuss the issues regarding the traffic impact statement that was done here today. And I don't know, Mr. Chair, whether there has been a complete study of the effects of this project of that whole area.

And Mr. Chair, you were absolutely right. You need to look at the minutes of your meeting to make a determination whether the CDRC undertook under their consideration your discussion. And Commissioner Stefanics, you're absolutely correct to discuss and to talk about and to be concerned about the dates that were set in order to create the traffic safety.

CHAIR ANAYA: Thank you, Senator. I let you go quite a bit over because I didn't start it but I appreciate your comments and your feedback.

MR. GRIEGO: Well, Mr. Chair, the only thing I ask is that you listen to these people as they come and they speak before this Commission, because, I want to tell you, they are going to be adversely affected. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you. So do we have it on there now? And we'll go ahead and turn the mic off when it gets to the end. Go ahead and start.

[Previously sworn, Susan McGrew testified as follows:]

SUSAN MCGREW: My name is Susan McGrew, 3-B Dean's Court. My concern is the emergencies. We are surrounded by open grassland and pinon, which is usually tinder-dry. There are 15 to 20 families with horses on Meador Lane. They would have to exit on College Drive, the only exit for them. There are 20 families on Dean's Court. They would have to exit on College Drive, the only exit for them. There are hundreds and thousands from Santa Fe Community College – students, faculty, staff – and they only have two exits. Half of them would be coming out on College Drive. There are, across the road there are 500 little kids from the Catholic elementary school plus faculty and staff coming onto Richards. The only exit they would have. So you add 200 apartment units, that's at least 400 people, 400 cars, all trying to get out on College Drive, a single two-lane road.

It would be chaotic and the little diagram that shows cars exiting onto Richards, it wouldn't happen. It would be pure chaos and Richards would be bumper to bumper. So it would be a chaotic disaster and loss of life and it could end up being lawsuits that could bankrupt the County and the County Commissioners. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Jerry Wells testified as follows:]

JERRY WELLS: My name is Jerry Wells, 14-A Dean's Court. This is not a conflict with your decision to approve the master plan as JenkinsGavin has presented in their appeal. It is in fact a self-inflicted condition of their own making. This is what results when the County approves spot development rather than requiring a cohesive and comprehensive development plan. JenkinsGavin presents the appeal as though the matter

of the southeast connector was a done deal at the time of the approval for the Elevation multi-family apartment complex and was not considered in the approval. The connector was requested by the residents of Rancho Viejo around 2009 and 10 as a relief route for Richards Avenue traffic and relief from the north entry into Santa Fe Community College.

The only known factors at that time of approval was that College Drive would be one of the roads leading to the apartment complex and that the southeast connector was anticipate to be in the general area but no decision had been made as to the final location of this roadway. This is a simple question of what the County ordinance says about dead-end streets. Such streets may not have more than 30 dwellings on them. Why? To protect the public safety in the event of an emergency evacuation. Currently there are three dead-end streets tied into College Drive – Dean’s Court, Meador Lane and the dead-end at the west end of College Drive at Santo Niño School.

There are a total of 25 homes on the dead-end streets of College Drive and Meador Lane. In addition to these dead-end streets an estimated 600 parking spaces –

CHAIR ANAYA: Thank you, sir. If you could wrap up please.

MR. WELLS: I’m trying. This is not an issue of not in my backyard as Elevations project has been approved. This is and always has been an issue about infrastructure planning and having the infrastructure in place prior to development.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Anna Hansen testified as follows:]

ANNA HANSEN: Hello. My name is Anna Hansen. I live at 2008 Kiva Road and from 2004 until 2010 I was the direction of community building for Oshara Village. And I am concerned about Oshara Village and the impact that this will have on them. I want to make sure that the northeast connector is going to be complete before this project is done. I think that the whole road network out there needs to be completed. Oshara Village paid for the connection to make all of these roads happen. I worked with the Federal Highway Administration to get the northeast connector opened up. I know how difficult it was. That was a huge undertaking to get that road, Rabbit Road, opened up and connected to Dinosaur.

Oshara Village needs to be sealed off or those roads need to be redesigned in there so that the traffic is not so heavy for them. So this is going to add more traffic. The other thing that I’m glad that staff recommended to Ms. Jenkins. Richards Avenue cannot be widened. There is no easement on the roundabout. Jane Petchesky gave only enough easement on that land so that the roundabout can only be there.

There’s a lot of other things I would like to say because I have a lot of history and information about this area and I worked on it for a number of years. I am not opposed to growth and I’m not opposed to this project, because the County has developed this area as the growth area. But let’s get the roads done. Let’s know what we’re building so that we can protect the citizens who live there and especially the people who live in Oshara Village.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Gail Evezich testified as follows:]

GAIL EVEZICH: Good evening. My name is Gail Evezich. I’m at 6-B Dean’s Court. I’m going to scrap what I had prepared to not be redundant, but basically,

this is about safety, clear and simple, and the absolute necessity of that southeast connector. There was a lot of talk, a lot of diagrams of the traffic but if you live there and you drive those roads every day it's a lot worse than it seems. And if you can imagine 200 additional dwellings, what we already have and everyone attempting to exit on College Drive and Rodeo it will be a disaster.

I actually spoke with the project manager of the southeast connector just this evening before walking in here. The plan that's in place, and I think we need to be really realistic about the southeast connector plan. The money's there; that wonderful; the plan is in place. But two very critical phases of land acquisition, design, still have to happen. Land acquisition itself can go on for months, maybe a year. Who knows? The idea that a road this significant is going to happen on time and on schedule and on budget, probably not going to happen. I think that's realistic. And if you live anywhere in that area that road is absolutely necessary and I ask you to seriously consider the effects of all of those neighborhoods, in addition to 600+ parking spaces in the Community College exiting on College Road. We have to have the southeast connector in place before those apartments are opened up. Thank you.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Ken Vellon testified as follows:]

KEN VELLON: My name is Ken Vellon and I live in La Entrada. I've been asked to read something for Jim Shuba, 9-A Dean's Court. He had to leave. He was here until 6:00 but then he had to go. Meador Lane has been in the Meador family since the mid-sixties. It was not until the eighties that the County named the road after the Meadors since addresses were needed to deliver mail. Meador Lane is a private road to residents with a no trespassing sign as you enter. As a result, the County has no responsibility to maintain the road.

Meador Lane is a single lane dirt road requiring a vehicle to pull over at certain points to allow an oncoming vehicle to pass. The road is maintained using a tractor owned by Steve Meador to level the washboard road when inclement weather occurs. Either Steve or a neighbor, Richard Roundmount, provides the labor of operating the tractor with expenses shared by some residents. At times, the tractor needed to be used when residents slid off the road. Aside from people needing to evacuate in case of an emergency, horses and horse trailers would be evacuated as well as that is owned by some of the residents. There is no ingress or egress related to Meador Lane. You enter and you exit only from Burnt Water Road and/or Dean's Court.

An earlier map reflected Old Galisteo Road intersecting Meador Lane. That was a mistake. The more recent and correct map reflects Old Galisteo Road ending much before Meador Lane. In conclusion it was Steve's opinion that the original written master plan requiring single family homes should have precedence and not be allowed to change. Residents along Dean's Court relied on the master plan in making their decisions to purchase. His opinion, as well as all of us will suffer a dramatic decline of property values should this change be allowed to happen. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Al Padilla testified as follows:]

AL PADILLA: Mr. Chair and Commissioners. Al Padilla. I live at 8 Dean's Court. Buenas tardes. And just common sense governance. The road needs to be

built before there's development out there. There is some statements that were made about the traffic and reality and we see it every day with our college students coming in and out of the Community College off the College Lane. So we appreciate your full consideration and concern for that. Have a good evening.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Eileen Gorman testified as follows:]

EILEEN GORMAN: My name's Eileen Gorman. I have a PhD in biochemistry. I've lived in Santa Fe for ten years. I live in Rancho Viejo, Village 1. And I'm going to summarize my comments. The appeal of the variance should not be granted for safety reasons. The CDRC made that clear. The Public Works Division made that clear in their first memo that I saw in the packet that was dated in January. I understand there was a later memo that addressed that also and there was a memo in June as well.

If we can't make changes to adjust a master plan, which is the way Ms. Jenkins characterized it, I believe in September of last year, in an impassioned pleas to move it forward. If we can't make a change for safety's sake then what will we make a change for? And we haven't negated the plan; we've just asked for wisdom in the timing so that the whole community can be safe. If you've ever been involved in an evacuation of the Community College because of weather, you know how bad it can be. And they're not the only ones that evacuate. The Catholic Church evacuates, the school evacuates and the three other campuses that are out there evacuate along Richards. If there were a true emergency out there it would be a real emergency and one that the first responders would not be able to respond to.

In addition to that, the taxpayer residents of the area are highly responsible, educated community members with a wide range of expertise. They are PhDs, MDs, lawyers, community leaders, Fortune 100 company leaders of the past, diplomats, lawyers, other professionals of the area. They have a lot of high experience and are credible witnesses who speak from experience that matters. The testimony of this important constituency should not be brushed aside as irrelevant because expensive consultants are not present to give that same testimony.

The homeowners who are taxpayers do not have deep pockets for consultants. However, they are the taxpayers and the voters who care about their community. And the testimony of us should be taken into serious consideration in these matters. Thank you.

CHAIR ANAYA: Thank you. Go ahead, ma'am.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Could I ask the staff, they brought us the August minutes; they didn't bring us the September minutes.

CHAIR ANAYA: I was going to tell them that as well.

COMMISSIONER STEFANICS: While we finish hearing people could the staff get the September minutes where we actually took the vote. I'd like to see that because I'm trying to recollect something. Thank you.

[Previously sworn, Pat Parent testified as follows:]

PAT PARENT: My name is Pat Parent and I reside at 10 Dean's Court. I'm a retired foreign service officer. The current situation is already dangerous. We have a dead-end at Meador, a dead-end at Dean's Court, a dead-end at College Drive and a

dead-end over by Santo Niño School. So when the college evacuates 634 cars from the back – I counted every parking space except those that had container trucks – and approximately 2,000 cars exit from the front. They cut off that red line that you saw with the emergency vehicles coming in so if I have a heart attack or someone else does during one of these evacuations what – nobody can get in to us.

The circle is inadequate to meet heavy demand, which has already been determined by the applicant's own consultant, Bohannon Huston. What could happen? Fire, the Pope comes to speak at the college, a bomb threat, a shoot-out at either of the schools, and for my sister, it was only a funeral cortege coming out of the Catholic church that kept her from getting into me. So it's the last thing you really think of that could really create a nightmare situation here.

The southeast connector plan has the route going around the south end of the college to come out on Avenida del Sur so that we don't get all of the traffic from Oshara Village coming in through College Drive and running right into the back exit of the college, which also comes into College Drive.

CHAIR ANAYA: If you could wrap up. You're already over one –

MS. PARENT: So you need a briefing on the southeast connector in the planning, and what are the odds that one of these would happen? Well, one day Murphy's Law will kick in and two or three things will happen, and emergency vehicles will not be able to get in. Thank you very much.

CHAIR ANAYA: Thank you very much.

[Previously sworn, Glen Smerage testified as follows:]

GLEN SMERAGE: Glen Smerage, 186 East Chili Line Road, Rancho Viejo. Ladies and gentlemen, in the next few months you will have several major decisions to make on the southeast connector. Examples should be where to place that connector, how many, where and what form should the intersections with the connector from the side roads. There are several other matters. For example, whether to restrict the north entrance to the Community College to emergency only and open up a new major entrance to the college from the southeast connector. It would be foolhardy and not very responsible to limit the options that we now have for many decisions on the southeast connector while granting the requested variances this evening and allowing construction to proceed before August of 2017.

People of Oshara, the residents, have been waiting for at least six years now for relief from a mindless mistake of this Commission seven or so years ago when it allowed the extension of Rabbit Road through their village.

CHAIR ANAYA: If you could wrap up, Glen, please.

MR. SMERAGE: Let's not permit these variances that have been requested, delay construction beginning until 2017, and perhaps with the southeast connector decisions get a better situation that we're working towards.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Beth Detwiler testified as follows:]

BETH DETWILER: I'm Beth Detwiler, 11 Craftsman Road in Oshara Village in Santa Fe County. I have an investment in my house as we all do who live there. I plan to improve that investment over the next 30 to 40 years with sweat equity. Also, I have asked many times for relief from the traffic problems in Oshara with the

completion of the southeast connector. I'm always told we understand your anxiety and your anxiousness, because you want safety for your family, you want stability for your property. You want a restored quality of life. But you've got to take things in the correct order. Things have to be done right, so be patient.

Now, the developer has an investment in the land he purchased, a big investment. He spent a lot of money. And he wants to get a lot more money back and he wants to get it back fast. That's why he wants the permission to build quickly. I think we need to say we acknowledge, we understand why you want to move quickly. You want money. You want profits. But you have to get things done in the right order. You have to go slowly and carefully. And you're going to have to be patient. Please don't let the trucks roll on this project until the southeast connector is there. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Karen Luban testified as follows:]

KAREN LUBAN: Good evening. My name is Karen Luban and I live at 12-A Dean's Court. I'm speaking tonight because of my concern about building the Vedula 200+ apartment complex with no long-term development plan in place. I ask that you deny the two variances as the developers are way ahead of themselves. Currently we have 1,100 homes or approximately 2,000 people in Rancho Viejo. 6,300 people right now go to Santa Fe Community College, which expects to grow to about 12,000 in the next five to ten years. There's new development occurring right now on Avenida del Sur with the Univest building another 1,200 homes.

This adds up to about 15,000 to 20,000 people on the road, not including the two schools, the businesses and the Catholic church. Last week there was a large apartment complex that was turned down by the City Council because of the site's lack of infrastructure and poorly thought out plan. These are the same reasons we keep addressing with Vedula and yet our voices seem to go unheard. We've already expressed concerns about traffic, fire and all the things that you've heard already. Do not approve a no-outlet road that is longer than the 300-foot maximum or allow more than 30 units on a dead-end road.

Even the Santa Fe Public Works cannot approve those variances. That's stated on page 80. So let local people drive this development plan. Make a development plan that's long term. I ask you to vote on no on anything that has been requested up to this point. The developer needs to wait and studies need to be done or they must leave.

CHAIR ANAYA: Please wrap up, ma'am.

MS. LUBAN: We citizens insist, we insist on having a say in planning developments in our community. Thank you.

CHAIR ANAYA: Thank you.

[Previously sworn, Gerald Schier testified as follows:]

GERALD SCHIER: Ladies and gentlemen, my name is Gera Schier. I live in the Rancho Viejo. I have very few comments. The Santa Fe Land Development Code is in place and has been enacted for a reason. You've been asked to provide a variance. I question that word. You are asked to abolish that code and increase the code from 30 to 200+ units. That's a 700 percent variance. I would not call it a variance and I don't know that if other than being part of the Land Development Code and being on that Commission you should be asked to vote on that. The last comment is that once you

approve this, if you foolishly do so, what prevents the developer from abandoning the connection to the connector and just dump everybody on to Richards. Once you approve that he has a free rein to go in that direction. Thank you.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, Bruce Krasnow testified as follows:]

BRUCE KRASNOW: Commission, Bruce Krasnow, 3-B Dean's Court. I had some dental work done. My tongue's really sore so I'm going to talk slow, so I may need extra time and these two ladies have offered me their time. Is that okay?

CHAIR ANAYA: Sure. I'll give it just this one time.

MR. KRASNOW: Thank you. So we were here a year ago and we talked about the land use for this property and I'm not going to reargue that. We're not going to ask the taxpayers to buy this land, to keep it open. We're not going to ask you to keep it vacant to walk our dogs. We understand this project is going to move forward, it's just a question of when it moves forward. The issue was raised earlier about no neighborhood planning and just so Commissioner Roybal knows who wasn't here last year, the two big issues that we talked about were as the County goes around to Agua Fria, Los Cerrillos, US 285, Tesuque, to do neighborhood planning, there was no neighborhood plan for Rancho Viejo. The neighborhood plan was established about 20 years ago when the developer owned 90 percent of the property so we've never had any input. We've been the flyover community for your Planning Department and we ask that you maybe try to change that.

The other issue was unlike the Community College District this property was platted for single family homes and disclosures were given to us that it would be a single family neighborhood. That's fine. We lost that battle. We disagreed. But we did agree on some things, Commissioners, and in fact I have the September 19th minutes. I've been scrawling over them. We agreed on infrastructure and traffic and the need that these improvements take place. The approval of the final order was not a green light to disregard County variances and disregard County ordinances. Yes, I agree the final order did not say the project was dependent on the connector, but it did not say that it wasn't dependent on other things. It was a red light, a flashing red light. You stop, you make sure everything is safe, and then you can proceed. And that's not what's happening here.

You Public Works Department got it right. The CDRC got it right. And I think your Fire Department got it right when they said this project needs a second ingress and egress. So if you look at the notes from that meeting when you voted, September 9th, Commissioner Stefanics asked the question to Jose about what happens if the southeast connector is not build, and he responds, if the southeast connector isn't built and the traffic analysis comes back that they would increase traffic on the roads to a point where the intersections would be failing, yes, they couldn't build the apartments until they had the proper roads in place.

Penny Ellis-Green also responded further down. The southeast connector was not built the applicant could either wait until it is built or they would have to front the infrastructure costs themselves. And then later on, Ms. Jenkins herself is saying the County staff will not allow a project to move forward unless that project can demonstrate with their development that there are acceptable levels of service on adjacent roadways. They won't let it move forward. It's a requirement. They have to demonstrate acceptable

levels of service.

And then on the last page she said this is our burden. If we can't do it we don't get to move forward. Well, what do we have here? We don't have acceptable levels of service, Commissioners. We have requests for variances. And we not only have requests for variances, these are mega-variances. It's a whopping variance. It's a monster variance. It's seven times what the code allows. Commissioner Chavez, you build furniture. Can you ever imagine a variance that's written that's seven times from the written diagram, 566 percent.

So the larger question is why is there a rush to build this project? Why not come up with a solution that best accommodates both the development and the existing neighborhood? The rush is because there are other pending development projects out there on the market in pre-development stage and we know there's a need for apartments. I'm not going to deny that. No one can deny that. So rushing them to market sooner will mean that they can increase the rents of the units. And –

CHAIR ANAYA: I'm going to give you one more minute to go ahead and wrap up, sir.

MR. KRASNOW: Okay. Anyway, the housing needs study which will come up after you gather this close, the applicant will bring up affordable housing. I'm going to quote from the affordable housing study. The biggest mismatch in the market supply and demand is to very low-income renters. This is a market unit building. It will do nothing for affordable housing. And if the Commissioners want to do something for affordable housing they should pass an ordinance that would require projects like this to deed a portion of the land over to the Housing Trust or to Homewise. We are not afraid of those projects. They are our neighbors and they do good, solid projects.

So, Commissioner Anaya, I know you were at the meeting where Morning Star was considered. Mayor Gonzales talked about a compromise, a win-win, sending it back to the Planning Commission. Both sides rejected it. That's where we were last year. This year it could be a win-win and the win-win would be let them go forward with the project but after the infrastructure is in place. Thank you.

CHAIR ANAYA: Thank you. Tell me your name again, sir.

MR. KRASNOW: Bruce Krasnow.

CHAIR ANAYA: Thank you, sir.

[Previously sworn, David Vigil testified as follows:]

DAVID VIGIL: Good evening. My name is David Vigil and I live at 6-A Dean's Court. I think it's pretty evident that this is not a popular project. As a matter of fact I have yet to see somebody that is not hired by the developer speak in favor of this project. You have a tough job. I disagree with Ms. Jennifer Jenkins when she says that this benefits everybody. I will always stand by my original platform that this is not what I was sold. And in those preliminary meetings that we were having with the County Commission we were asked to go back and have dialogue with the developer. Well, where did that get us? A de-annexation and a sale of the property without our knowledge. We found out at an IAIA meeting with a [inaudible].

We're at a critical moment right here because you have the opportunity to do something right here. Do not allow want, and this is a want by very few, to govern the better good of the constituency in which you represent. There's been a lot of things that

have been presented here tonight. There's no harm in exercising patience. I think that's wonderful to just ensure the safety of the residents. I have big concerns about the safety for that. Please assist us in making the right decision tonight. This is very unpopular and a lot of people are keeping a close eye on it. Thank you.

CHAIR ANAYA: Thank you, sir. Thank you for your comments. Are there any other comments? Are there other comments? Hearing none the public hearing is closed. Ms. Jenkins.

MS. JENKINS: Thank you, sir. I just wanted to reiterate a couple of points in response to some of the things that were share by the residents in Rancho Viejo. When we proceeded with our development plan application, with our traffic impact analysis, with our traffic simulation, with our drive time analysis on Richards Avenue, with our recommendations for the improvements that would be needed on Richards Avenue to have the acceptable levels of service as mandated by this body as part of our master plan approval, we were – County staff reached out to us and said we think we have a better idea. And we said okay.

They said College Drive is a better investment, building the entirety of College Drive, which we've agreed to do, which was a condition of our development plan approval, to connect to the southeast connector. In addition to that we agreed to delay construction. We worked with County staff and we asked this body to uphold the agreement of a June 2016 start date. I think that is the perfect definition of a win-win. We are collaborating with Santa Fe County to ensure the success of the southeast connector project, to ensure that it works and is functional, and we're happy to be a part of that effort. And we simply ask for the opportunity to keep our project viable.

And we agreed to delay for a year. And we ask for the opportunity to keep it viable. That's all. And with respect to safety you don't need to listen to me. Your Fire Marshal has that charged of ensuring life safety. That's why every development project in Santa Fe County hits his office. He and his staff have to review it and they have to make a recommendation. He recommended approval of the master plan. He's recommending approval of the development plan, and I think that he can speak to that better than I can. And with that I'd be happy to stand for any additional questions. Thank you very much.

CHAIR ANAYA: Commissioners, questions or comments of the applicant. So I have a question if you could come up, Ms. Jenkins. Tell me on the record again, when, if you had approval, were you targeting to start construction?

MS. JENKNS: June of 2016 is when we would begin with buildings themselves.

CHAIR ANAYA: And what was the August – I think it was August – what was the 2017 date that was referred to many times in the discussions? If you could speak to that.

MS. JENKNS: Yes, I'd be happy to. Thank you for bringing that up, Chairman, Commissioners. So when we first had the discussions with staff about us building College Drive in lieu of doing those improvements to Richards to deal with those 15 minutes in the morning, we talked about delaying construction, minimizing what we have come to call that gap time period potentially, and I was under the impression that we had come to an agreement that June of 2016 was going to be the recommended start date.

A memo came from the Public Works Department that frankly came as a surprise to us prior to the CDRC that was recommending a summer, an August of 2017 start date. We had serious concerns about that because again, it was counter to what we thought we had agreed upon with staff. I know that Adam Leigland is here who can speak to that and his supplemental memo that he wrote just in June prior to CDRC kind of clarified. So what we are looking at right now is in the summer of 2017, pretty much a year after we start construction, the first buildings will be complete, and gradually – this is a very important point – people start moving in very gradually. Maybe a couple units a week, maybe are leased.

CHAIR ANAYA: Ms. Jenkins, let me just ask you some pointed questions.

MS. JENKNS: Sure.

CHAIR ANAYA: So you're anticipating, or you would like to start on June 7, 2016.

MS. JENKNS: Correct.

CHAIR ANAYA: And you're anticipating completion with units with certificate of occupancy by what date?

MS. JENKNS: Can I have the slide show please. With the schedule.

CHAIR ANAYA: I'm just going to ask you specific questions.

MS. JENKNS: Absolutely. I just want to get my numbers in front of me. So we would basically have completion of the units themselves in early 2018. We would expect all of the buildings to be complete in early 2018.

CHAIR ANAYA: When you say early what are you talking about? March?

MS. JENKNS: January, February of 2018.

CHAIR ANAYA: So let's say January. So you won't have any occupants in the building in lease out phase starting until January of 2018?

MS. JENKNS: No, the buildings will be done sequentially. So our leasing efforts begin the summer of 2017. So we start construction the summer of 2016. Our first residents, potentially, start moving in the summer of 2017. We do not expect to have what we call lease stabilization.

CHAIR ANAYA: So you're going to start leasing out buildings –

MS. JENKNS: The summer of 2017.

CHAIR ANAYA: You would like to.

MS. JENKNS: Yes, that would be the intention.

CHAIR ANAYA: Start construction on June 2016, and you'd like to start lease-up of some of the C of O, certificate of occupancy buildings in August, July –

MS. JENKNS: July of 2017.

CHAIR ANAYA: So July 2017 is when you're targeting to have people moving in. And what is your anticipated completion of the whole property in July 2017?

MS. JENKNS: In July 2017, maybe about 100 units.

CHAIR ANAYA: A hundred units. You'll have 100 units estimated completed by July 2017 and then all of the units completed by January 2018.

MS. JENKNS: Correct.

CHAIR ANAYA: Okay.

MS. JENKNS: And based on the schedule we've seen from Public Works Department the southeast connector is currently slated to be complete the summer of 2018, around the time that we finish leasing.

CHAIR ANAYA: Is Mr. Leigland here? Adam, if you'd come forward please. So going back to Commissioner Stefanics' comments, Mr. Leigland, relative to the resources available that the County has, what is your estimation of a construction timeframe, start to finish for the southeast connector, based on your participation on the technical advisory committee and your work here at the County?

ADAM LEIGLAND (Public Works Director): Mr. Chair, Commissioners, the current schedule has the construction beginning in August of 2017 and construction complete August of 2018. That's assuming that it's 100 percent County funded. The Commission has already allocated – there's already \$5 million allocated and then in the February capital allocation session the Commission also allocated future bond funds so I think it can be considered fully County funding. So the current schedule as I mentioned has construction beginning in August 2017.

The alignment study was just submitted to the DOT for approval so we expect to get that complete by the end of this calendar year. We can go into design and then start construction in August 2017.

CHAIR ANAYA: Based on that timeline and Commissioner Stefanics, made comments earlier about the MPO approval of the STIP essentially, we're fully funding – we would fully be funding this project in your scenario so it's actually a matter of course for us to approve a project timeline if we're funding the whole thing. There's no federal dollars at all?

MR. LEIGLAND: Mr. Chair, that is correct. So the project has been carried on the MPO's project list because it is of regional significance, but because the MPO is showing it so far out in the future this Commission back in 2012 chose to fully fund it. So because of the importance of it, and we heard about that importance today, the Commission chose to fully fund it. That said, what we did on other projects, we decided to accelerate it with our own funds because state and federal funds were going to be slower in coming.

CHAIR ANAYA: Right. It's needed in the area. We had a lot of discussion about it and we all had discussions relative to capital. So could you talk briefly about the memo that Ms. Jenkins just referred to relative to the last CDRC meeting and your input into that process?

MR. LEIGLAND: Yes, Mr. Chair, be happy to. So at the CDRC a member of my staff was presenting the Public Works memo and he was asked a number of questions that he didn't feel he was qualified to ask and so when I talked to him afterwards and I talked to members of the Growth Management Department I felt like some of the information hadn't been properly conveyed to the CDRC. For instance, my staff member wasn't aware that the project was fully County-funded. So he made the comment and you can see that reflected in the minutes, that he was under the impression it was not fully funded. There's also questions about the traffic impact and so I felt that in order to clarify what might have been some misinformation. It wasn't negligence; she just was asked questions she wasn't prepared to answer. I wrote a supplemental memo and so in that memo I just mentioned as I just described here that it's fully funded. I described

the current schedule and that schedule for the southeast connector that I just described to you is the most current as of the day I wrote the memo and then I just described the traffic impacts, the potential traffic impacts based on the analysis that we heard earlier, the simulation and the traffic impacts from the – depending on if the construction were in June 2016 or pushed to August 2017. So in other words, just a clarification of what I felt was maybe some not 100 percent accurate information at the CDRC.

CHAIR ANAYA: Do you have any comments that you want to add as the Public Works Director relative to traffic flows and patterns associated with this project, whether or not the connector is started, completed or done when people start occupying this particular facility, if it was to get constructed? Do you have anything you want to add?

MR. LEIGLAND: Well, Mr. Chair, I think we've heard that the public, if it's allowed to begin in June 2016 will cause traffic impacts. It's undeniable. I think that they're estimating – they use the Institute of Traffic Engineers trip generation rate of .4 trips per unit, so using those data and using the data that you see on the screen here for the number of residents as [inaudible] states, we know that those traffic impacts will be, I think, it looks like it would be like a 20 percent increase in the volumes at the Richards-College Drive intersection on the first phase and then that will gradually increase. So I think that's undeniable. I think the question is really whether that increase in traffic volume is acceptable for what will probably be, if the construction is allowed to start in June 2016, if that increase in traffic volume is acceptable for about a year.

When the southeast connector is done and when the College Drive extension is done I think that will relieve the traffic. I don't think that's in question. I think what really the question is is that gap period, which Ms. Jenkins referred to – she referred to it as the gap – whether that is an acceptable time period to accept an increase in traffic.

So I think that there's no questions on really the traffic volumes, what they look like. That was one of the purposes of the memo was just trying to clearly spell out what the traffic implications would be.

CHAIR ANAYA: Thank you, Mr. Leigland. Ms. Jenkins, I actually went back and looked through the minutes. Actually, Mr. Krasnow, Bruce – if I'm pronouncing that right. I apologize if I'm not. Where is here? Back there. He actually took me quicker to some of the items that I had brought up earlier and in those discussions when he had in the master plan, it's actually pretty clear in the minutes that there was no direct requirement associated with the southeast connector to the actual master plan. There was no direct – there was a lot of concern. There was a lot of desire to make sure that was done but it's pretty clear in the minutes that there was no direct link.

In fact the question was asked and the response you provided was that essentially, whatever the traffic analysis determined was necessary for the property that those augmentations would be made to Richards Avenue to accommodate what Mr. Leigland just referred to as the gap in time. What I'm trying to rationalize in my mind, given the consternation and the frustration that was aired in that meeting and frankly, in going back to the minutes, there was some comments that went over the top that I was pretty frustrated about in the meeting that I addressed at the time, but that being said, the master plan was approved and you had a position and an opportunity to progress with the project. Help me understand now what in essence I'm looking at as maybe about a year in

time. Help me understand why it would be a better investment to you as the representative of this owner to invest in improvements on Richards Avenue for essentially a year period of time, maybe, because you – I worked in the affordable housing industry for many years myself and was directly responsible for multi-family affordable housing in the state of New Mexico for a period of time and I understand the dynamics and the economics of lease-up and that it doesn't happen overnight and it's a process. I lived it and did it myself.

That being said, you're going to invest additional resources and revenue into extra turning lanes and some other work on Richards, if it warrants it, based on the traffic analysis, which is what you said in the master plan. I'm getting there.

MS. JENKNS: I'm with you.

CHAIR ANAYA: What I'm trying to rationalize in my mind, given the impact and the discussions of the community is, is that year that much worth it to the entity to advance those improvements, or I guess what I'm asking is, why wouldn't a period of time that in essence is roughly a year, because the connector's happening. Okay? We're building that connector. This Commission already made a commitment to build the connector and fund it.

MS. JENKNS: Yes.

CHAIR ANAYA: Okay. So the connector is going to be in place and then what you articulated earlier in your comments is that you're going to in fact build the road, College Drive, to connect to it. So help me understand why you would press on a year, given that we are going to have all those – when we did this discussion, Commissioners, and Commissioner Stefanics, she had a lot of points that I was refreshed in my memory of the minutes, not only of the September meeting but of the July meeting, we were wondering if we were even going to be able to have the southeast connector done. And then we made some conscious decisions as a Commission and the importance of capital projects throughout the county, this turned out to be one of the priorities that we wanted to get done.

What I'm struggling with now is a span of maybe a year in which we'll have it all. And I have to ask you that question. So help me rationalize why that 12 months would tarnish the project or kill the project, from your perspective.

MS. JENKNS: Thank you, Chairman, Commissioners, a very valid question and I think one point I want to be clear on, just to make sure we're on the same page is that the recommendations for some improvements to those two roundabouts on Richards per our traffic impact analysis, the County asked us not to build them. They said we don't want it. Instead, we want College Drive. They asked us not to build the recommended improvements on Richards. They said we want College Drive instead. We think it's a wiser investment to spend hundreds of thousands of dollars in Richards Avenue to deal with 15 minutes of the day. They were weighing that, weighing the benefit of that, or weighing the benefit of College Drive connecting to the future southeast connector. So we were asked not to do that.

CHAIR ANAYA: Okay, so Mr. Leigland, if you'd come back to the front. So Adam, when we had the discussion – when we had the discussion I just asked you a few minutes ago what would be the impacts and you said well, there's obvious impacts and there would probably be a 20 percent increase – you threw out a 20 percent. Right?

MR. LEIGLAND: Yes.

CHAIR ANAYA: Based on your understanding thus far and I'm not putting you to the test on every statement that was made here but based on what Ms. Jenkins just said, where are we at from a perspective of the flow necessary for safety purposes and otherwise? Is what she said accurate that we don't want the roundabouts expanded, and I guess I would beg that question as well and say, well, if you're going to build them for a 12-month window and then once the connector's in place and all of College Drive's in place, it becomes moot. Go ahead and respond if you could.

MR. LEIGLAND: Mr. Chair, so the numbers I spoke to earlier were on the increase in traffic volume. So based on the undeniable increase in traffic volumes their first technical solution to address this was to increase the capacity of the two roundabouts and in particular what the proposal was, because they were mostly focused on the northbound movements –

CHAIR ANAYA: So hold on. Let me make sure. Because I've got to make sure I have it square in my head as you're giving it to me. The discussion that we had during master plan, not the preliminary and final, not the discussion that was held at CDRC, the discussion that we had at master plan level was what happens with the increased traffic? That's what we asked. And the response was, well, if the traffic analysis warrants additional improvements then the developer is going to be responsible for those improvements. The only recommendation that came out was increase the two calming circles and add a lane? There was no other alternatives? I guess so include in your remarks some discussion about what options there were. I would think there would be more than just add two lanes to the roundabouts and that's it. Was there other alternatives, or kind of include that in your discussion.

MR. LEIGLAND: Well, Mr. Chair, so the impacts were at the intersections and so when they proposed their technical solution to address the traffic it centered on those intersections and in particular it centered on just a few turning movements. And so when we came back with their solution really all it involved was expanding the capacity of the roundabouts just to address the movements. Because if it was dropping from the level of service B to a C, for instance, that's not triggering for offsite improvements. And so they focused on any – only the infrastructure improvements, the capacity improvements to address where was a demonstrable drop in the level of service.

And so what that resulted in was the ability to increase the capacity, essentially in the northbound direction of the roundabouts and that would double the capacity and then they would have to add the expansions to accommodate the cars going from the one lane of the road to the two lanes through the roundabout and back out. And so they presented that to us. And we heard from Ms. Jenkins that there was a request for a traffic simulation and that resulted in the fact that we saw the two roundabouts. We said, well, that's not something this community is familiar with. That's not something we have a lot of experience with. It looked good on paper but we wanted to see a simulation.

So we did make an unusual request and we did ask for a traffic simulation and I think we did raise their eyebrows but it actually produced – they did produce a simulation and it demonstrated that it would produce as delivered. But then we asked this question that you yourself just asked, which is, well, that's a significant improvement. It would be

in place for a year or two. We do know that we are investing – the County’s investing heavily in the southeast connector and at that time, the College Drive was not part of the project. We were focusing on getting it down to Avenida del Sur so we saw it as a win-win.

So everything she’s saying is right in terms of we saw it as a balance. So we did say instead of the roundabouts, because we said maybe this would be a better solution to provide the longer-term, the bigger picture solution.

MS. ELLIS-GREEN: Mr. Chair, if I could just add something.

CHAIR ANAYA: Sure.

MS. ELLIS-GREEN: The County code actually requires the connection. The Community College District requires connectivity and the no more than 30 units requires that there be a connection. So it wasn’t just as to whether or not we wanted the Richards improvements or the connection, I think the County code really does require it. The variances in front of you is being presented as a temporary variance, because once the southeast connector is built and College Drive extension is built there would be no need for that variance because the project won’t be served from a dead-end road and the connectivity will be there. But I did want to point out that the County code actually does require that that connection happen.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Penny, doesn’t the code also – the code seems to be silent or does not support a temporary variance. Is that accurate?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, the code really doesn’t address temporary variances.

COMMISSIONER CHAVEZ: It does not.

MS. ELLIS-GREEN: No, it does not.

CHAIR ANAYA: Are you done, Commissioner?

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I move that the Board of County Commissioners maintain staff conditions, allow construction and not permit occupancy until the southeast connector is completed.

COMMISSIONER HOLIAN: I will second that.

CHAIR ANAYA: There’s a motion from Commissioner Stefanics, there’s a second from Commissioner Holian. Any further discussion?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would just like to make a comment. The issue that has always concerned me the most about this development in fact is – has to do with traffic and vehicles on the road. Otherwise I think this is the kind of development that is actually needed in our community, high quality multi-unit rentals, and there are a lot of advantages to that kind of a development. Young people these days want to live in smaller, more efficient spaces and it also reduces the need for so much sprawl development. We’ve had a real problem with sprawl development in our county over the years and I would like to see less of that.

But back to the traffic issue. I think that it’s clear that whenever you have denser

development it does lead to more intense use of the roadways, of course, and we need to plan for that when we do that kind of development. And I think that there are safety considerations in this particular case because of the fact that if there is an emergency you immediately have a lot of cars on the road exactly like you have – or maybe even worse – than what you have during rush hour. So I think that when there's an emergency is when you do tend to have a massive traffic jam. And Richards Avenue really has shown that it just can't handle a lot of traffic at this point.

As I understand it it was a road that was designed for 1,000 to 2,000 cars a day and now there's something like 10,000 cars a day on this particular road. So right now I'm really uncomfortable with this development being built if the southeast connector does not happen. I think that it is going to happen; it sounds like it's going to happen but in my 6 ½ years in this office I've seen delays. They're not that uncommon. We don't know for sure exactly when it will happen. So I believe that the CDRC condition was reasonable and therefore I support the motion that was just made.

CHAIR ANAYA: So I just want to clarify, Commissioner Holian, the motion on the table does not preclude them from starting construction as the CDRC condition does? The motion from Commissioner Stefanics allows them to go to construction but doesn't let them occupy the facility until the connector is in place. So it's a little different than the CDRC.

COMMISSIONER HOLIAN: Yes. I agree.

CHAIR ANAYA: I just wanted to clarify.

COMMISSIONER HOLIAN: Yes, and I think that that is find since if the residences are not occupied then that traffic will not be there.

CHAIR ANAYA: Thank you. I just wanted to make sure. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes. Just for the record I did vote in support of the master plan. I think the motion that's being discussed is reasonable. I don't think that we should put the cart before the horse. I think that any development wherever it's placed depends on that infrastructure and I think that that infrastructure, whenever possible, should be done ahead of the development, not after. And so I think that that's the direction that we're heading in so it gives both the developer some consideration but it still allows us to work on that timeframe so that if there is a delay for whatever reason we still know that the occupancy will not occur until after the road network is fully in place to support that development.

CHAIR ANAYA: I'll give you an opportunity to provide some feedback and then I'm going to make a comment and probably vote. Go ahead.

MS. JENKNS: Thank you, Chairman, I appreciate that. I appreciate the Commission's concerns that have been expressed but I need to make a very important point. There's not a bank in the world that will finance a project under those conditions. It is actually an impossibility. It kills the project. It does. It's not – I'm not trying to do any tactics here. I'm just being very candid with you not. There's not a bank in the world that is going to allow you to build a multi-million dollar apartment community and you're not allowed to lease the units. It's never going to happen. And if that is the wish of this Commission obviously we have to live with that. What we are asking for the opportunity to do is to participate in the success of the southeast connector project on a parallel path.

On a parallel path that's consistent with this body's approval of the master plan. That's what we're asking for. And we're asking for a start date that keeps the project viable and that start date is the June of 2016. And I appreciate your thoughts on that but I think it was just such a critical point that I needed to make on that.

CHAIR ANAYA: Ms. Jenkins, I'm going to make a few remarks in relation to that and then I think I'm going to go ahead and go to the vote, but I – as you were discussing the project I was actually surprised that you didn't make any mention of lending institution, whatever financial commitments that you had in place sooner, to be quite honest. But actually, the motion that Commissioner Stefanics provides, based on a known fact, and the known fact is that the southeast connector is going to get built, that even if College Drive as a result of potentially this project not occurring doesn't happen now, the southeast connector is going to get built. This Commission already made the determination of putting the necessary funding in place to make it happen, and we're going to make it happen.

And so as a result of that and the reality that you, along with your investors and whatever lenders you have could go in and provide a determinant timeframe as to start and finish of construction, it will potentially delay the project but that in itself shouldn't kill it, because there is going to be a southeast connector. But that's not up to me. That's up to you and the discussion with your investors and their desire to either go forward or not go forward.

I want to go back briefly to these minutes that I have in front of me. It was a very difficult meeting. There was discussion. There was some comments that were downright inappropriate that I would put forward that I provided a response to. But in those discussions we also said to the neighborhood association and the people that if there was warrant for change that we would need to make those changes and adjustments. I don't think that the comments that were made today by the people that came forward were unreasonable. I think that they know that realistically that there will be probably some multi-family in the Community College District. And if in fact this project isn't the particular project that happens I think there is a realization that there will be some multi-family in the Community College District because the Community College District needs multi-family in it. I've not been shy about saying that. And I won't stop saying that because people need a range of options to choose from. And frankly, in the United States these days more and more people are not buying; they're actually renting.

And so given the economics and the realities that we're faced with I think that the comments were reasonable. I don't think the motion is unreasonable at all. I think it does require you to go make some adjustments if that's the desire of the investors. I appreciate your comments and I very much appreciate the comments of the people that came today to make their case and their concerns known. So that being said, are there any other questions from the Commission? Seeing none.

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

MR. SHAFFER: So, Mr. Chair, I understood that motion to be with respect to CDRC Case #APP 13-5382. So then there's the separate case of #13-5381, which is the variance. In light of the Board's motion and decision on the appeal, the

variance is no longer necessary but I still think you need to take action on that in order to close that matter out.

CHAIR ANAYA: So, Mr. Shaffer, the motion is different than the recommendation of the CDRC. The motion, if they show choose, affords the master builders to actually move to construction, whereas the CDRC would not have afforded them that. So are we good on that? Is there clarity on that that our motion affords them the opportunity if they so desire, to begin construction. They just can't occupy.

MR. SHAFFER: That's correct, Mr. Chair. I think that that is very clear, and I think that that condition, again, obviates the need for the variance because there won't be any occupancy of the units before the southeast connector comes on line. Whereas, the CDRC condition allowed the possibility for that gap in timing, and that's why the variance was necessary even though it was just a recommendation to this body. It was the possibility of that gap that necessitated the variance. But the motion that was made and approved by the Board eliminates the possibility of that gap and so the variance is no longer necessary.

CHAIR ANAYA: So I'd entertain a motion to deny, then essentially is what you're looking for.

COMMISSIONER STEFANICS: Mr. Chair, I move to permanently table the request for the variance.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion to table. What's the relevance of the verbiage of "permanently table"? So no date certain? I guess I'm asking is her language okay? The Commissioner's?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, with respect, I think that the Board should make a decision, because there was an application in front of the Board and one that we will have to memorialize in a final order. So I think that the better course would be to make a decision.

CHAIR ANAYA: I make a motion to deny.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion to deny. There's a second.

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

IX. CONCLUDING BUSINESS

A. Announcements

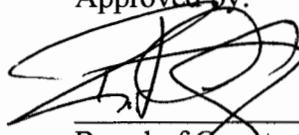
Commissioner Holian registered her affirmative votes for items III. D.1 and III. E.

1.

IX. B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Anaya declared this meeting adjourned at 8:25 p.m.

Approved by:



Board of County Commissioners
Robert A. Anaya, Chair

ATTEST TO:

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK
8-11-2015

Respectfully submitted:

Karen Farrell

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 152

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Witness My Hand And Seal Of Office
Geraldine Salazar

Deputy *Laura Hernandez* County Clerk, Santa Fe, NM



HOW ORAL HEALTH & MENTAL HEALTH

..... ARE CONNECTED



EXHIBIT
1

SEC. CLERK RECORDED 08/12/2015

THE MOUTH REFLECTS GENERAL HEALTH AND WELL-BEING. THE MOUTH IS A READILY ACCESSIBLE AND VISIBLE PART OF THE BODY AND PROVIDES HEALTH CARE PROVIDERS AND INDIVIDUALS WITH A WINDOW ON THEIR GENERAL HEALTH STATUS. AS THE GATEWAY OF THE BODY, THE MOUTH SENSES AND RESPONDS TO THE EXTERNAL WORLD AND AT THE SAME TIME REFLECTS WHAT IS HAPPENING DEEP INSIDE THE BODY. THE MOUTH MAY SHOW SIGNS OF NUTRITIONAL DEFICIENCIES AND SERVE AS AN EARLY WARNING SYSTEM FOR DISEASES SUCH AS HIV INFECTION AND OTHER IMMUNE SYSTEM PROBLEMS. THE MOUTH CAN ALSO SHOW SIGNS OF GENERAL INFECTION AND STRESS.

—U.S. SURGEON GENERAL'S 2000 REPORT

Source: U.S. Department of Health and Human Services. Oral Health in America: A Report of the Surgeon General. Rockville, MD: U.S. Department of Health and Human Services National Institute of Dental and Craniofacial Research, National Institutes of Health, 2000. Available at: <http://www.nidcr.nih.gov/OralHealthinAmerica/OralHealthinAmerica.pdf>



HOW ORAL HEALTH & MENTAL HEALTH ARE CONNECTED

Counties aim to provide comprehensive care to residents. It is critical to ensure that this care incorporates primary, behavioral and chronic disease management and oral health care. Approaches such as accountable care organizations, service integration and the implementation of parity for behavioral health services and treatment offer opportunities to treat the whole person rather than provide fragmented services and treatment. Both oral health and mental health are integral components of an individual's health and well-being and can impact an individual's economic productivity and ability to work.¹ Poor oral health has been shown to:

- lead to malnutrition,² which in turn influences physical health
- cause serious or fatal infections³
- be linked to heart disease, stroke and diabetes,⁴ and
- be associated with respiratory diseases such as pneumonia.⁵

When treating individuals with mental illness,⁶ particularly those with serious mental illnesses, paying attention to oral health is important because it is often neglected and deteriorates.⁷ This population has an average of 6 or more decayed, missing or filled teeth than the general population and is 3.4 times more likely to have lost teeth.⁸ Individuals living with mental illness are susceptible to certain oral health conditions, including enamel erosion, gingivitis, tooth abrasion, oral pain disorder, dry mouth and jaw and muscle pain.⁹ For example, depression and stress increase the level of the hormone cortisol, which can contribute to periodontal disease.¹⁰ Furthermore, medications, lack of motivation for maintaining good dental hygiene, dental phobia, dental care costs, geography and access to care have all been shown to contribute to oral diseases.^{11, 12, 13, 14}

BY 2020, MENTAL ILLNESS AND SUBSTANCE USE DISORDERS WILL SURPASS ALL PHYSICAL DISEASES AS A MAJOR CAUSE OF DISABILITY WORLDWIDE.¹⁵ THE SIDE EFFECTS OF THE ANTIPSYCHOTICS, ANTIDEPRESSANTS AND MOOD STABILIZERS USED TO TREAT MENTAL ILLNESS REDUCE THE FLOW OF SALIVA IN THE MOUTH, RESULTING IN CAVITIES, GINGIVITIS AND PERIODONTAL DISEASE. GUM DISEASE HAS BEEN LINKED TO HEART DISEASE.¹⁶ BY ADDRESSING THE ORAL HEALTH NEEDS OF INDIVIDUALS LIVING WITH MENTAL ILLNESS, COUNTIES COULD POTENTIALLY REDUCE THEIR RESIDENTS' RISK FOR HEART DISEASE,¹⁷ A LEADING CAUSE OF DEATH IN THE U.S.

This, in conjunction with visits to the hospital emergency room for dental care costing more than \$2.1 billion over a two-year period,¹⁸ has led to the emergence of integrating oral health care into primary health care as a potential solution for addressing oral health.¹⁹ The presence of dentists, dental hygienists and/or other dental care professionals in a primary health care setting can assist in not only treating oral health conditions, but also in preventing them. According to the American Dental Hygienists Association, every \$1 spent on preventive oral care can result in \$8 to \$50 in savings in future dental costs.²⁰

Recognizing its unique position as a policy maker, public health leader and the local safety net, one county, Washtenaw County, Mich., has incorporated oral care into the services it provides through its public health department. Through a partnership with the Saint Joseph Mercy Health System, a full-service dental clinic opened in 2015 and is expected to serve more than 6,000 Medicaid-enrolled or low-income patients annually.²¹ Research indicates that "once a patient has visited the dental clinic, the fact that it is located in the same place as providers of medical and behavioral health services makes it easy to introduce the patient to other services."²² Another health setting that has integrated oral health care with primary care are the federally qualified health centers (FQHCs), which provide health services to underserved areas or populations. FQHCs can play a critical role in increasing access to timely and appropriate dental services, according to research.²³

Other potential strategies include implementing activities that can impact health behavior and promoting interventions such as fluoride use to reduce tooth decay, according to Healthy People 2020.²⁴ Having staff undergo dental awareness training and requiring use of a dental checklist can improve oral health among individuals being treated for mental illness, according to research studies.²⁵ Other interventions include motivating and providing oral hygiene training for individuals with serious mental illnesses.²⁶ Additionally, family members and caregivers can be provided with information on healthy lifestyles (e.g., no tobacco use, healthy diet, regular physical activity) to help the individual living with a mental illness. The type of advice, support and education should be tailored to the individual's oral health needs.²⁷ Factors affecting oral health are listed in the figure below. Considering these factors and implementing some of the strategies described can potentially reduce the disparities in access and ultimately improve the oral health status of individuals living with mental illness.

FACTORS AFFECTING THE ORAL HEALTH OF INDIVIDUALS LIVING WITH MENTAL ILLNESS:

Source: De Hert M, Cohen D, Bobes J, Cetkovich-Bakmas M, et al. *Physical Illness in Patients with Severe Mental Disorders. II. Barriers to Care, Monitoring and Treatment Guidelines, Plus Recommendations at the System and Individual Level.* *World Psychiatry*. 2011;10:138-151.

- diagnosis, severity and stage of mental illness
- socioeconomic factors
- poor diet (e.g., foods and drinks high in sugar and/or fat, low in fiber)
- lack of perception of oral health problems
- smoking
- ability to self-care
- access to the dentist
- side effects of medications, and
- knowledge of oral health problems.

A FEW THINGS TO CHEW ON...

- **1 in 5 adults (43.8 million adults)** experience a **mental illness** in a year.²⁸
- **10 million adults** have a serious mental illness such as **depression, bipolar disorder or schizophrenia**.²⁹
- Of the people who experience a mental illness during their lifetime, **half of the cases** occur by 14 years of age and **three-fourths** by the age of 24.³⁰
- More than **47 million people** live in places where it is **difficult to access dental care**.³¹
- More than **125 health conditions** affect or are affected by oral health,³² including **cardiovascular diseases, HIV/AIDS, osteoporosis, obesity, rheumatoid arthritis and mental illness**.
- **Between 2008 and 2010**, more than **4 million people** visited the emergency department for dental care at a cost of **\$2.1 billion**.³³
- Serious mental illness costs the U.S. **\$300 billion** each year.³⁴
- 2014 expenditures on mental health services and substance abuse treatment are estimated at **\$735 per person** in the U.S.³⁵

About NACo

The National Association of Counties (NACo) unites America's 3,069 county governments. Founded in 1935, NACo brings county officials together to advocate with a collective voice on national policy, exchange ideas and build new leadership skills, pursue transformational county solutions, enrich the public's understanding of county government and exercise exemplary leadership in public service. For more information about NACo, visit www.naco.org.

Acknowledgements

This brief was written by Emmanuelle St. Jean, Program Manager with guidance from Maeghan Gilmore, Program Director. This brief was designed by Katy Solomon.

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National Association of Counties
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- ⁶ In this document, mental illness refers to conditions identified by the Diagnostic and Statistical Manual of Mental Disorders-V (DSM-V). This includes mood disorders, anxiety disorders, eating disorders, psychotic disorders, cognitive disorders and substance abuse disorders. Additional information is available at: www.dsm5.org
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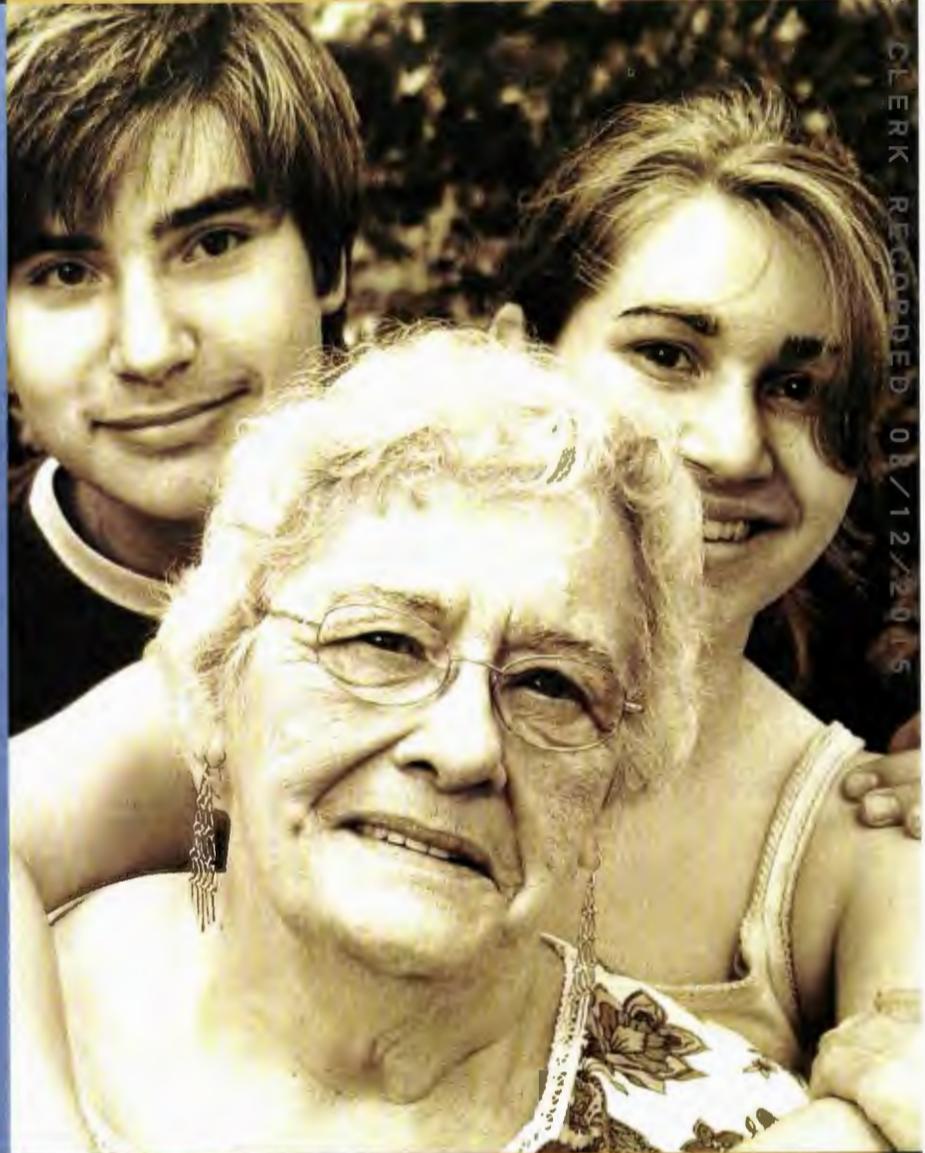
AGING TOGETHER SONOMA COUNTY

tabbiker
EXHIBIT
2

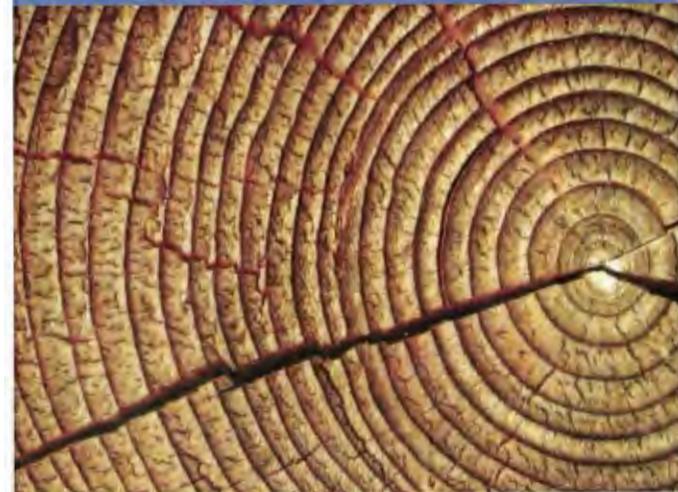
Many of us will live to 100...
what's your plan?

OUR VISION:

Sonoma County
is a healthy place to
live, work and play...
a place that supports
all people to thrive
across the lifespan and
achieve their life potential.



SPC CLERK RECORDED 08/12/2015



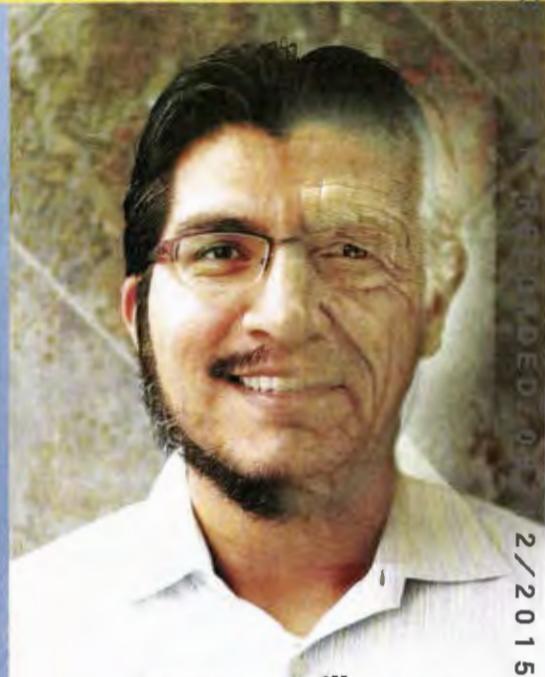
OUR MISSION:

To promote a community that ages together and supports opportunities where we can enlighten, encourage, and care for each other with honor, respect and interdependence.

take**ACTION**

Aging Together Sonoma County connects all sectors of the community to improve the health and quality of life for people across the lifespan as we age together in Sonoma County. Aging Together works to assure that everyone, no matter their age, is respected, valued, and has the opportunity for an improved quality of life as integral parts of our community. The overarching goal is that all people have the opportunity to be connected to community life, and have access to the resources and support they need to thrive and achieve their life potential.

**AGING
TOGETHER**
SONOMA COUNTY



S F C
2 / 2 0 1 5

Everyone will age...
take**CARE** of yourself

Local assessments of needs and assets helped to identify 7 goals as important contributors to healthy aging across the lifespan:

1. Community Connectedness
2. Transportation
3. Varied Housing Options
4. Resources for Healthy Living
5. Lifelong Learning
6. Employment & Financial Security
7. Access to Coordinated Health & Community-based Services



not old...perfectly aged

Why is Aging Together Important?

The growing number of older people in Sonoma County presents new challenges and opportunities for seniors to be physically, psychologically and financially healthy, active and connected to others.

Older adults have unique needs and life experience.

Older adults offer a wealth of knowledge, wisdom and experience that benefit the health and well-being of the entire community. By planning now, our community will anticipate and prepare to tap into this valuable pool of wisdom and energy.

By identifying clear priorities and resources both within and outside of our community Aging Together Sonoma County will offer leadership and planning to assist the community in addressing and responding to the needs of older people. Aging Together will help to prepare all ages to plan for aging, and connect generations for the well-being of the entire community.



What can we do now?

How will we achieve our Vision?

There are services, programs and policies in place in Sonoma County to support healthy Aging Together. Our goal is to connect these resources and assets to those who are in greatest need.

AGING TOGETHER WE WILL:

- Develop a common agenda, aligned goals and indicators for healthy aging.
- Build commitment to the common agenda. Encourage organizations to align their work to common goals and indicators
- Engage families, businesses, local government, and the broader community to identify gaps and solutions to pressing needs
- Align public and private investments with shared goals, indicators, and priority strategies
- Measure and report results- compile and report indicator data and progress toward goals transparently. Identify what is working well and share best practices throughout Sonoma County.
- Create a community where all people are Aging Together.



Goal 1: Community Connectedness

Older adults are connected to their communities and participate in community life

- 1.1 Support opportunities to involve older adults and individuals with disabilities in volunteerism and other forms of civic engagement.
- 1.2 Promote positive social interactions and support healthy decision-making.
- 1.3 Facilitate social connectedness and community engagement across the lifespan.

Goal 2: Transportation

Every older adult is able to access and afford transportation to access resources

- 2.1 Improve and expand existing transit service to accommodate those with special needs and in outlying areas, and promote safe, alternative transportation methods beyond the personal automobile.
- 2.2 Promote the development of walkable, transit-oriented communities that allow older adults to live near public transit stops and essential services.

Goal 3: Varied Housing Options

Older adults have access to affordable, safe and healthy housing

- 3.1 Improve access to affordable housing.
- 3.2 Improve access to safe and healthy housing.

Goal 4: Healthy Living

Older adults have the resources and support to engage in healthy living

- 4.1 Older adults eat healthy food.
- 4.2 Older adults are physically active.
- 4.3 Older adults are engaged in self-care and chronic disease prevention.
- 4.4 Older adults live free of tobacco, alcohol and other drugs.
- 4.5 Older adults enjoy good mental health.
- 4.6 Promote the cultural transformation and the experience of healthy aging in Sonoma County.

Goal 5: Lifelong Learning

Older adults have access to education and training and are adequately prepared for the challenges of the future

- 5.1 Improve cognitive health of older adults by providing mental stimulation and learning opportunities.
- 5.2 Provide needed education and training to older adults so they are relevant in the workplace.

Goal 6: Employment and Financial Security

Older adults, and their families, have access to economic resources, services and support to live independently

- 6.1 Increase opportunities for employment later in life.
- 6.2 Build economic security and reduce the effects of poverty of older adults.
- 6.3 Expand awareness of available services and support for older adults, their families, and caregivers.

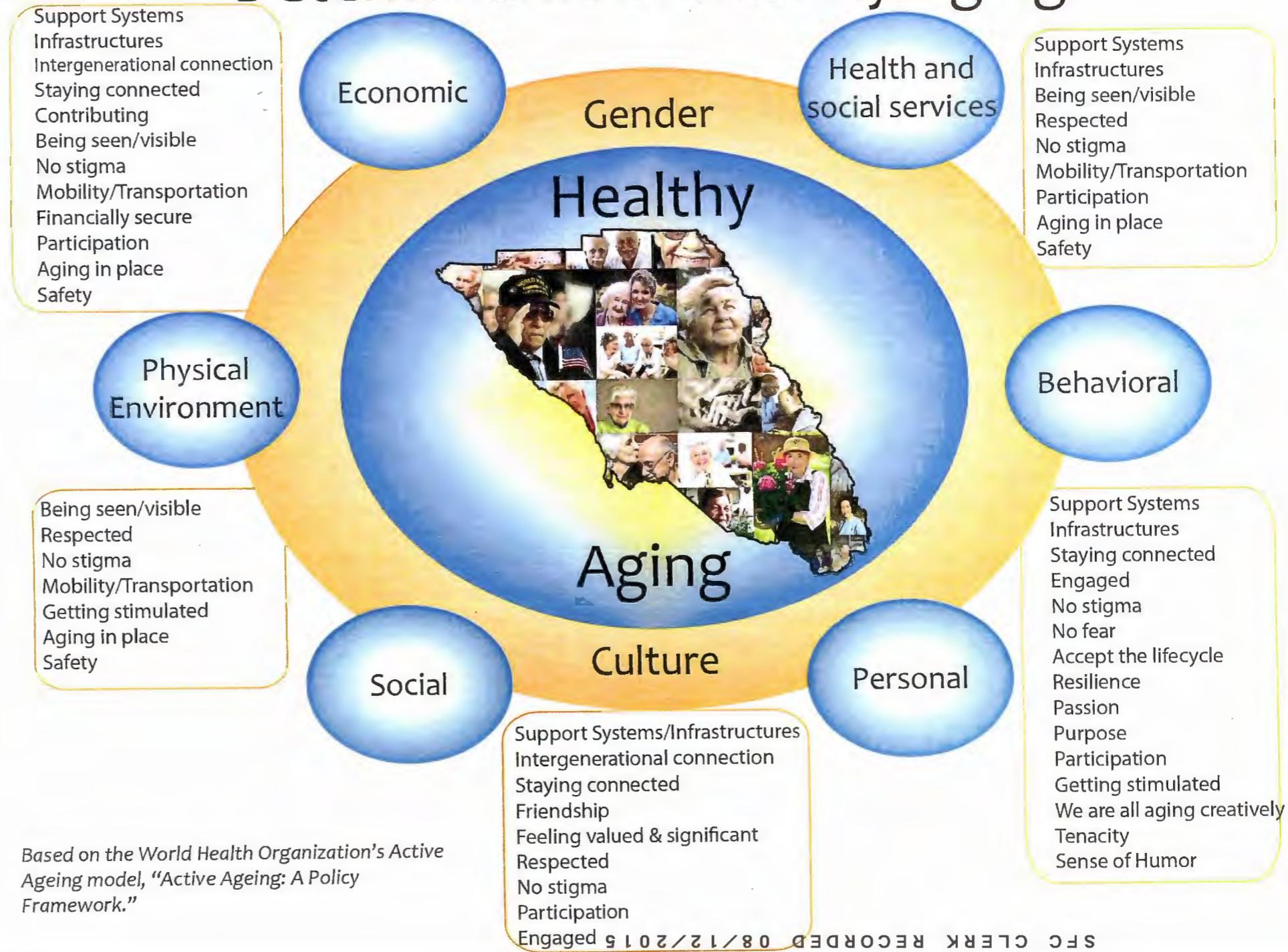
Goal 7: Health and Community Based Social Services

Ensure that all older adults have access to the continuum of health care and community based services that they need to achieve optimal health and well-being.

- 7.1 Improve access to prevention-focused primary care and other needed health and community-based social services for all older adults.
- 7.2 Optimize the coordination and support of patient care across the continuum of health care and community-based social services.
- 7.3 Ensure that each person and family is engaged as partners in their wellbeing.

**For more information, visit www.agingtogethersonoma.org
or contact Diane Kaljian at (707) 565-5950 - agingtogethersonoma@schsd.org
Diane Kaljian, Adult and Aging Services Director, Sonoma County Human Services Department**

Determinants of Healthy Aging



Based on the World Health Organization's Active Ageing model, "Active Ageing: A Policy Framework."

Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507



July 12, 2015

Robert Griego, Planning Manager
Growth Management Department
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276

Dear Mr. Griego:

On behalf of the Agua Fria Village Association (AFVA) and Acequia Agua Fria, I have been attending the Community Planning meetings for the Agua Fria Village Traditional Historic Community (THC).

The planning process has been most inclusive and I must commend planning staff who have made the meetings most productive, and who have really afforded opportunity for all points of view to be heard. We have been able to reach consensus on our zoning and land use issues, and have had a fair and equitable debate in getting there.

Our *Village of Agua Fria Community Plan* (County of Santa Fe Resolution No. 2006-116) will be greatly enhanced by the joint work we have done. We feel confident that our planning document should advance to the Board of County Commissioners meeting of July 14, 2015.

Thank you for your time and leadership in this process.

Sincerely,

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

Email CC:

COUNTY OF SANTA FE:
rgriego@santafecountynm.gov, amrincon@santafecountynm.gov, POlafson@santafecountynm.gov,
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P.O. Box 276
Santa Fe, N.M. 87504-0276
Commissioner Miguel Chavez, mchavez@santafecountynm.gov,
Tessa Jo Mascarenas, Constituent Services Liaison, tjmascarenas@santafecountynm.gov,



68 Camino Espejo
Santa Fe, NM 87507
Email: terwill@swcp.com

June 12, 2015

Amy Rincon
Community Planner
Santa Fe County

Dear Amy,

I would like to give my strongest support to the proposal to approve the 2015 Tres Arroyos del Poniente Community Plan Update as an amendment to the Sustainable Growth Management Plan.

I am very pleased that the TAP Plan Update includes all the key items that formed the basis of the original TAP plan (SF County Ordinance 2006-10). I am also very happy that the TAP Plan Update additionally includes a 250 foot setback from the NM 599 Highway right of way, based on a similar provision that was in the Highway Corridor Plan.

Thank you and your colleagues for so much work on this plan and for so carefully considering the input from community members.

Best regards,

A handwritten signature in cursive script, appearing to read "Thomas C. Terwilliger".

Thomas C. Terwilliger

SFC CLERK RECORDED 08/12/2015



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE No. 2015 - _____.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ADD A NEW ARTICLE XVII, DEVELOPMENTS OF COUNTYWIDE IMPACT TO REGULATE LANDFILLS, JUNKYARDS AND SAND AND GRAVEL MINING-EXTRACTION OF A CERTAIN SCALE AND MAKE AMENDMENTS TO OTHER ARTICLES OF THE LAND DEVELOPMENT CODE RELATED TO THE NEW ARTICLE XVII.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SANTA FE THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE IS HEREBY AMENDED BY ADDING THE FOLLOWING: NEW ARTICLE:

ARTICLE XI. ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

1.1 Applicability

Mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials, (hereinafter: construction materials) that affect less than 10 acres of land and extracts less than 20,000 tons of construction material, shall be allowed anywhere in the County, provided the requirements of this Ordinance are met.

ARTICLE XVII DEVELOPMENTS OF COUNTYWIDE IMPACT (DCIs)

Section 1. Purpose.

Developments of Countywide Impact (DCIs) are those that have potential for far reaching effects on the community. DCIs are developments that would place major demands on public facilities, the County's capital improvement plan and budget, and/or have the potential to affect the environment and public health, safety, and welfare beyond the impacts on immediately neighboring properties. DCIs have the potential to create serious adverse noise, light, odor and vibration; explosive hazards; traffic congestion; and burdens on County emergency response services. Therefore, special regulation of DCIs is necessary:

- 1.1. to protect the health, safety and welfare of the citizens, residents, and businesses of the County from the potentially harmful or hazardous impacts of DCIs;
- 1.2. to ensure short and long-term compatibility (both on-site and off-site) of DCIs and the County at large;
- 1.3. to preserve the quality of life, the economy, infrastructure, environment, natural and cultural resources, and natural landscapes; and
- 1.4. to promote sustainability by protecting against the degradation of air, surface water and groundwater, and soils, and to protect environmentally sensitive lands and visual and

SFC CLERK RECORDED 08/12/2015

scenic qualities.

Section 2. Designation.

Due to their potential impact on the County as a whole, the following activities are designated DCIs subject to the requirements of this chapter:

- 2.1. landfills;
- 2.2. junkyards; and
- 2.3. sand and gravel extraction pursuant to Section 10.2.1. of this Ordinance.

Section 3. Definitions.

3.1. Junkyard - A place where scrap materials, including automobile bodies and parts, construction debris or metal, are stored or stockpiled for reuse, parts salvage or destruction, and generally, but not always, associated with a junk or scrap business.

3.2. Landfill - A solid waste facility that receives solid waste for disposal as defined in Environmental Improvement Board's (EIB) regulation 20.9.2 New Mexico Administrative Code (NMAC) and as further regulated by regulations of the EIB.

3.3. Sand and Gravel Mining - Mineral extraction activity for construction materials, including but not limited to, stone, sand, ~~basalt~~, gravel, aggregate, or similar naturally occurring rocks and materials such as granite, basalt, shale, slate and sandstone.

Section 4. Procedure and Submittals.

4.1. No DCI is permitted by right in the County. Operation of a DCI shall require the establishment of a DCI Overlay Zoning District, issuance of a DCI Conditional Use Permit and issuance of grading and construction permits.

4.2. Applicability of the Sustainable Land Development Code (SLDC). Although not currently effective, any reference in this Ordinance to the SLDC, Ordinance No. 2013-6, shall neither indicate nor suggest the implementation of the SLDC, but ~~shall merely~~ incorporates by reference into this Ordinance the specific language or provision being referenced.

4.3. Application Procedures. An application for a DCI Overlay or for a DCI Conditional Use Permit shall follow the procedures set forth in Chapter 4 of the SLDC for Overlay Zones and Conditional Use Permits.

4.4. Application for a DCI Overlay Zoning District. An applicant who submits an application for approval of a DCI Overlay Zoning District shall submit a concept plan

that includes:

- 4.4.1. An accurate map of the project area including its relationship to surrounding areas, existing topography and key features.
- 4.4.2. A detailed description of the proposed DCI activities on the entirety of the owner or applicant's property in the same ownership:
 - 4.4.2.1. the planning objectives and the character of the development to be achieved through the overlay, and the approximate phases in which the DCI activity will occur;
 - 4.4.2.2. the approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities and community centers, and other non-residential facilities and structures within five (5) miles of the concept plan site perimeter;
 - 4.4.2.3. the approximate location, arrangement, size, height, floor area ratio of any existing and proposed buildings, structures and parking facilities and activities related to the intended use;
 - 4.4.2.4. the proposed traffic circulation plan, including number of daily and peak hour trips of any and all vehicles including heavy equipment to and from the site and the proposed traffic routes to the nearest intersection with an arterial road or highway;
 - 4.4.2.5. the location of all fire, police, and emergency response service facilities and all roads shown on the capital improvement plan; floodways, floodplains, wetlands or other natural resource areas surrounding the applicant's property; location of historic, cultural and archeological sites and artifacts; steep slopes between 15% and 30% and steep slopes greater than 30%, general wildlife vegetation habitats and habitat corridors within five (5) miles of the concept plan site perimeter;
 - 4.4.2.6. a statement explaining how the proposed overlay complies with the vision, goals, objectives, policies and strategies of the County's Sustainable Growth Management Plan (SGMP) and any Area, District and Community Plan covering the property;
 - 4.4.2.7. a statement or visual presentation of how the overlay will relate to and be compatible with adjacent and neighboring areas, within the five (5) mile radius of the project site perimeter; and
 - 4.4.2.8. all application requirements set out in this Ordinance.
- 4.4.3. A detailed site plan depicting boundaries, dimensions, acreage, existing

and proposed structures, storage, stockpiling, equipment, lighting, streets and easements, setbacks and separations and preservation areas.

4.4.4. All Studies, Reports and Assessments (SRAs) required in Chapter 6 of the SLDC. The applicant shall be responsible for the cost of all SRAs as set forth in Section 6.2.2 of the SLDC.

4.4.5. Emergency Response and Preparedness Plan.

4.4.5.1. An application for a DCI Overlay Zoning District shall provide an emergency preparedness and response plan ("ERP Plan"). The ERP Plan shall include a provision for the applicant to reimburse the appropriate emergency response service providers for costs incurred in connection with an emergency. This plan shall be filed with the County at the time of application for the DCI Overlay District and shall be updated on annual basis or as conditions change. The ERP Plan shall be coordinated with and approved by the emergency management officer prior to beginning field operations.

4.4.5.2. The ERP Plan shall consist of the following information, at a minimum:

1. a cash, certified or bank check, or letter of credit, deposit, to cover all of the County's expenses in reviewing the ERP, engaging consultants, and for a Hearing Officer to conduct the first public hearing on the ERP. The County will provide an estimate of the cost of conducting the study, which shall provide the basis for the initial deposit. The applicant shall make additional deposits if the initial deposit is inadequate to reimburse the County for the costs of the study, and the County shall refund any unexpended funds on deposit after the study is completed;
2. name, address and phone number, including a 24 hour emergency number of at least two persons responsible for emergency field operations;
3. a printed map, including GPS coordinates, showing the name, location, and description of all potentially dangerous facilities. The map shall be prepared digitally on the County geographic information system parcel maps;
4. a written response plan for the potential emergencies that may be associated with the operation of the facilities. This may include any or all of the following: explosions, fires, gas or water pipeline leaks or ruptures, hazardous material vehicle spills or vehicle accidents; failure of berms, dams or ponds used by DCI operator;

and

5. a fire prevention, response, and health and safety plan.

4.4.6. Phasing Schedule. A detailed phasing schedule including timing of each phase, boundaries and description of each proposed phase.

4.4.7. Such other information as the Administrator shall require, including any additional information necessary to determine compliance with the standards for the approval of the DCI Overlay Zoning District.

~~4.4.8. At the time of application, the applicant shall submit all information at the time of application, required by the County necessary to carry out the above-referenced SRAs. In addition to the SRAs to be conducted by the County, listed above, the applicant and any other interested party shall have the opportunity to may prepare and furnish to the County its own SRAs, or parts thereof.~~

4.4.9. Prior to the submission of any application for a DCI Overlay Zoning District, the applicant shall attend a pre-application meeting with all residents, owners/lessees of non-residential structures, within one mile of the perimeter of the project area and with all County groups, Registered Organizations and Community Organizations that have previously registered for notification of applications for DCIs or Overlay Districts in accordance with Section 2.2.2 and 2.2.3 of the SLDC. The applicant shall furnish an address list for the one-mile area to the Administrator ~~who and~~ shall send out notices to all affected parties at least ~~five ten~~ fifteen business days prior to the meeting. In addition, the applicant shall publish notice of the meeting in a newspaper of general circulation at least fifteen days prior to the meeting. Such meeting shall be conducted at the offices of the County, or within a community close to the location of the DCI and shall be presided over by a designated County Hearing Officer. The proceedings shall be designed to resolve, to the extent possible, issues and problems between the parties. Such meeting shall not last longer than three (3) hours without the consent of the applicant, and the Hearing Officer shall have the authority to request invitees to consolidate presentations and otherwise cooperate so that effective and cordial discussion of issues and problems takes place.

4.4.10. A report demonstrating consistency of the project with the SGMP, Area, District or Community Plans and any federal, state and local regulations.

4.5. Application for a DCI Conditional Use Permit. An application for a DCI Conditional Use Permit, which shall be for a single phase only if multiple phases are intended, shall include:

4.5.1. Final Order from the Board granting approval of the DCI Overlay Zoning District;

~~4.5.2. the Conditional Use Permit shall only be submitted for a single phase;~~

4.5.23. all required state and federal permits approved in conjunction with the proposed DCI;

4.5.34. a cost estimate prepared and sealed by a New Mexico professional engineer for all site improvements and reclamation, if appropriate;

4.5.45. a detailed development plan, meeting the submittal requirements of Article V, Section 7.1.2. of this Code; and

4.5.56. all final SRAs, complying with any comments and conditions imposed through the DCI Overlay Zoning District approval.

4.6. Revocation or Suspension of a DCI Conditional Use Permit. Willie add language, other remedies.

4.6.1. A DCI Conditional Use Permit is subject to revocation or suspension by the Land Use Administrator for the following reasons:

4.6.1.1. any conduct that constitutes a failure to comply with performance standards or conditions imposed by the Conditional Use Permit;

4.6.1.2. engaging in the activities allowed by the Conditional Use Permit that are outside of the geographic boundaries of the Permit;

4.6.1.3. the revocation or suspension of any federal or state permit required as a condition of approval of the Conditional Use Permit; or

4.6.1.4. any other conduct, whether or not within the scope of the Conditional Use Permit, that damages or commits waste to private or public property ~~that is not within the scope of Conditional Use Permit.~~

4.6.2. The Land Use Administrator shall serve a written Notice of Violation to the Holder of the DCI Conditional Use Permit either by certified mail at the address provided in the application or by personal delivery to the Holder, either at the Holder's address or at the worksite of the Permit. The Notice of Violation shall provide the following:

4.6.2.1. a statement of the nature of the violation with reference to this Ordinance or the terms of the DCI Conditional Use Permit;

4.6.2.2. a brief description and location of the violation; and

4.6.2.3. a statement that failure to remove and correct the violation, or to cease and desist from further acts of the violation within fifteen (15) days of receipt of Notice of Violation may result in revocation or suspension of

the DCI Conditional Use Permit.

4.6.3. If the Holder fails or refuses to correct or to cease and desist from further acts of the violation within the fifteen (15) days afforded or to the satisfaction of the Land Use Administrator, or if the Holder disagrees with issuance of the Notice of Violation and so informs the Land Use Administrator in writing:

4.6.3.1. the matter shall be referred for a hearing before a Hearing Officer as soon as is practicable but in no event longer than thirty (30) days after referral;

4.6.3.2. during the hearing, it shall be the burden of the Land Use Administrator to demonstrate by a preponderance of the evidence that a violation of the DCI Conditional Use Permit has occurred as set forth in Subsection 4.6.1 above;

4.6.3.3. the Holder may then provide a defense by calling witnesses or submitting evidence disputing the evidence of the Land Use Administrator;

4.6.3.4. within five (5) working days of the hearing, the Hearing Officer shall make written findings of fact and rulings of law and recommend to the Board to either revoke, suspend, ~~or~~ not revoke or not suspend the DCI Conditional Use Permit;

4.6.3.5. the matter shall be referred to the Board for a hearing as soon as practicable, and after hearing, the Board may:

1. affirm the recommendation of the Hearing Officer to either revoke, suspend, ~~or~~ not revoke or not suspend the DCI Conditional Use Permit; or
2. issue a decision to not revoke or not suspend the DCI Conditional Use Permit but impose additional conditions related to curing the effects of the violation and preventing future violations.

4.6.4. Any person aggrieved by a final decision of the Board pursuant to this section may appeal to District Court in accordance with NMSA 1978, § 39-3-1.1 (as amended) and Rule 1-074 NMRA.

4.6.5. If the Holder of the DCI Conditional Use Permit fails or refuses to comply with an order of the Board after its issuance, the Land Use Administrator may seek a court order enjoining further operation by the Holder and may invoke other remedies available pursuant to NMSA 1978, §§ 3.17.1, 3.18.17 and 3.21.1 (as amended).

4.6.5. The remedies described above are not inclusive remedies that are available to the County.

Section 5. Review Criteria.

5.1. The Hearing Officer, County Development Review Committee and Board of County Commissioners shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Overlay Zoning District: Each application for approval of a DCI Overlay Zoning District shall be reviewed by the CDRC, Hearing Officer and Board of County Commissioners:

5.1.1. ~~for~~ consistency with the SGMP and any applicable Area, District and Community Plan;

5.1.2. ~~to ensure that~~ environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or appropriately mitigated;

5.1.3. ~~whether that~~ adequate public facilities either exist or can be promptly funded as identified in the ~~a~~adequate ~~P~~ublic ~~f~~acilities and Services ~~a~~Assessment (APFA) as required by the SRAs;

5.1.4. ~~whether that~~ improvements identified in the ~~adequate public facilities assessment-APFA~~ can be provided, as set forth in the capital improvements plan, or provided by the applicant, and when such facilities will be available;

5.1.5. ~~whether that~~ water is available for each of the ~~various~~ phases of the proposed DCI as set forth in the Water Service Availability Report as required by the SRAs;

5.1.6. ~~the whether~~ impacts of traffic generated as a result of the activities taking place in the proposed DCI Overlay Zoning District can be mitigated;

5.1.7. ~~to determine~~ whether the proposed location is compatible with adjoining uses given the size, design and operational characteristics of the proposed DCI, and whether the DCI facilities can be made compatible with the surrounding area by using reasonable efforts to mitigate any public nuisance or land use effects or impacts of the DCI operation. Factors to be considered include impacts to property values, public safety, impacts on cultural, historic and archaeological resources, emergency services response, wildlife and vegetation resources, noise, impacts on roads and highways, vibration, odor, glare, fire protection, access, visual impacts and impacts upon air and water quality and quantity, the past performance of the operator's past compliance (or lack thereof), with federal, state and local laws pertaining to the DCI; ~~and~~

5.1.8. ~~to determine the operator's past history for compliance with federal, state or County requirements related to a County-issued DCI permit; and~~

5.1.98. ~~to determine~~ whether the proposed DCI will be detrimental to the safety, health, prosperity, order, comfort and convenience of the County pursuant to NMSA 1978 § 4-37-1.

5.2. The Hearing Officer and County Development Review Committee shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Conditional Use Permit: Each application for approval of a DCI Conditional Use Permit shall be reviewed by the Hearing officer and the CDRC:

5.2.1. ~~for~~ consistency with the Sustainable Growth Management Plan and any applicable Area, District and Community Plan;

5.2.2. ~~for~~ consistency with the DCI Overlay Zoning District approval; and

5.2.3. the past performance of the operator's past compliance (or lack thereof) with federal, state and local laws pertaining to the DCI during the development of previous phases of the DCI.

Section 6. Findings.

The Board of County Commissioners hereby finds, declares and determines that this Ordinance:

6.1. promotes the health, safety, and welfare of the County, its residents, and its environment by regulating adverse public nuisance and/or land use impacts and effects resulting from DCIs;

6.2. promotes the purposes of planning and land use regulation by assuring that adequate public facilities and services as defined by this Ordinance including roads, fire, police, stormwater detention and emergency and response services will be available at the time of approval of DCI projects;

6.3. prevents the occurrence of adverse public nuisance and/or land use effects and impacts resulting from the abandonment of DCI activities within the County;

6.4. protects the County's priceless, unique, and fragile ecosystem, the preservation of which is of significant value to the citizens of the County and state;

6.5. protects the County's unique and irreplaceable historic, cultural, archaeological, and eco-tourist sites and scenic vistas, in addition to water and other natural resources;

6.6. ensures the health, safety, and welfare of the County and its residents, and protects the natural and ecological resources of Santa Fe County as follows:

6.6.1. New Mexico has an interest in strengthening protection to historic, archaeological and cultural resources by issuing new rules and new statutes, if necessary, to put into place greater, and in some cases absolute protection, for highly sensitive and significant historical, cultural and archaeological sites and landscapes;

6.6.2. under the Wildlife Conservation Act (NMSA 17-2-37 through 17-2-46), species of wildlife indigenous to the state that may be found to be threatened or endangered by DCIs require such police power regulation over DCIs so as to maintain and, to the extent possible, enhance wildlife population within the carrying capacity of the habitat;

6.6.3. because DCIs may presently or in the future potentially cause irreparable harm to the County's water supply and pollution of water and air, may cause cancer, lung disease, and respiratory diseases, various DCIs must show documentation of community health effects, and these effects must be scrutinized, and thoroughly mitigated before DCI activities occur;

6.6.4. pursuant to the New Mexico Public Health Act, NMSA 24-1-1 (1978), the Department of Health has the authority to "investigate, control, and abate the causes of disease... sources of mortality and other conditions of public health." Environmental hazards resulting from DCI projects may potentially cause adverse health effects;

6.6.5. air, soil, and water contamination may occur during different stages of DCI operations, and such contamination could affect human health;

6.6.6. all New Mexicans have an equal right to live in a safe and healthy environment, and implementation of precautionary principles promotes this premise as well as reduces potential effects on public health resulting from exposure to environmental toxins;

6.6.7. persons and/or organizations, in response to proposed technological innovations, have a duty to take anticipatory action to prevent harm, an obligation to examine alternatives, and the right to stop the implementation of technological innovations in an open democratic process;

6.6.8. the burden of proof of harmlessness for any proposed technological innovation must lie with the proponent of the innovation, not the general public;

6.6.9. DCIs could have a negative effect on tourism, landscapes and communities; and

6.6.10. recognizes that the County of Santa Fe has supplemental authority, in addition to the authority of the state to regulate adverse public nuisance, land use and environmental impacts and effects consistent with state legislation and regulation, stemming from DCI projects in the Galisteo Basin and unincorporated areas of the County and makes no finding that the state has preempted or occupied DCI regulation.

6.7. acknowledges that the Galisteo Basin has been recognized by the United States Congress as a nationally significantly archaeological resource and contains within it a number of areas protected under the auspices of the Galisteo Archaeological Sites Protection Act, Public Law 108-208 (2004), and finds additionally that:

6.7.1. DCIs in the Galisteo Basin will have significant impact on archaeological, historical, cultural and environmental resources and sensitive areas;

6.7.2. water resources in the Galisteo Basin are at risk as DCIs in the Galisteo Basin may negatively diminish or pollute local water supplies and sources of groundwater;

6.7.3. due to the importance of the hydrology of the Galisteo Basin, not only to the citizens of Santa Fe County but to the interstate stream system through its contributions to the Rio Grande, it is extremely important to protect the quantity and quality of the surface and ground water resources in the Galisteo Basin;

6.7.4. the Galisteo Basin is home to a variety of native plant and animal species whose arid habitats will be impacted negatively by DCIs. In addition terrestrial wildlife, aquatic and riparian species and habitats such as those found around the springs, wetlands, and drainages in the Galisteo Basin must be protected;

6.7.5. clean air and water are essential to most resources and activities in the Galisteo Basin and will be degraded by DCI activity; and

6.7.6. sensitive environmental systems and cultural, archaeological and historic sites in the Galisteo Basin require permanent protection from DCI projects.

Section 7. General Regulations for all DCIs.

7.1. Identification, Mapping, and Analysis of Potential Impacts. The Environmental Impact Report (EIR) shall identify whether potential impacts would occur, where a "Yes" is indicated in the column for the proposed use, with respect to the category of potential impacts indicated in the row. The EIR shall include a description and maps of relevant information related to these impacts both on- and off-site, and identify whether factors related to these impacts exist on the property or would be affected either on- or off-site by

the proposed use and development of the property, and describe whether and how potential adverse impacts will be avoided or mitigated. The categories of potential impacts that are listed in Table 17-1 below, shall be construed to be part of the environmental setting, environmental effects, and avoidance or mitigation of impacts and effects.

Table 17-1 Categories of Impacts to be Identified, Mapped and Addressed.

CATEGORY OF POTENTIAL IMPACTS TO IDENTIFY, MAP, AND ADDRESS	SAND AND GRAVEL EXTRACTION	LANDFILLS	JUNKYARDS
Federal and State endangered and threatened species and species of concern impacts	Yes	Yes	Yes
Connectivity and protection of significant wildlife habitat areas	Yes	Yes	Yes
Stormwater runoff rates, surface water flows and levels	Yes	Yes	Yes
Surface water contamination, and degradation generally	Yes	Yes	Yes
Wetland and riparian area viability	Yes	Yes	Yes
Groundwater levels and availability, potential groundwater depletion	Yes	Yes	Yes
Groundwater contamination, and degradation generally	Yes	Yes	Yes
Water well contamination potential	Yes	Yes	Yes
Erosion, siltation, and dust potential	Yes	Yes	Yes
Soils bearing strength and stability for development	No	Yes	No
Wildfire hazard	No Yes	No	Yes
Earthquake and landslide hazards	No	Yes	No
Flooding hazards and floodwater contamination	Yes	Yes	Yes
Archaeological and historic resource protection	Yes	Yes	Yes
Impacts to landscape scenic quality	Yes	Yes	Yes
Impacts to conservation and open space areas, scenic roads, and recreation trails, including visual impacts and noise	Yes	Yes	Yes
Viability of agricultural crop lands and improved pasture lands	Yes	Yes	No
Nuisance, hazard, traffic, character, and visual impacts to residential uses	Yes	Yes	Yes
Nuisance, hazard, and visual impacts to commercial and public or institutional	Yes	Yes	Yes

uses			
Adequacy of roads for intended use	Yes	Yes	Yes
Water system availability and capacity, if water supply from a central system is proposed	No Yes	No	No
Fire protection and emergency medical service availability and response times	Yes	Yes	Yes

Section 8. Regulations for Landfills.

8.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for landfills and associated activities that are designed to establish reasonable limitations, safeguards, and mitigate negative impacts on the surrounding properties.

8.2. Applicability.

This Section 8 applies to the place of business or establishment which is maintained, operated or used for disposal of solid waste located within Santa Fe County.

8.3. Operational Standards and Requirements.

8.3.1 Operating Permit. A Solid Waste permit shall be obtained from the New Mexico Environmental Improvement Board per Title 20, Chapter 9, Part 3 of the New Mexico Statutes. The permit shall be submitted prior to obtaining a Conditional Use Permit.

8.3.2. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

8.3.3. Visual Screening Measures. Visual screening is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards.

8.3.3.1 General. The view from all public roads, rivers, and adjoining residential areas shall be screened.

8.3.3.2. Buildings. All buildings' design, scale, and location shall reduce the visibility from off site.

8.3.3.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved.

8.3.4. Lighting. All Landfills must comply with Section 7.8 (Lighting) of the SLDC.

8.3.5. Signs. All development must comply with Section 7.9 Signs of the SLDC.

8.3.6. Parking and Loading. All landfills must meet the parking and loading requirements in Section 7.10 (Parking and Loading) of the SLDC.

8.3.7. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure. The impoundment structure shall be set back a minimum of 300 feet from any property boundary.

8.3.8. Protection of Historic and Archaeological Resources. Any landfill development shall submit an archaeology report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

8.3.9. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

8.3.9.1. Grading and Erosion Control. In addition to the Terrain Management requirements of the SLDC, drainage and erosion control shall comply with the following:

1. Removal of Organic Materials. Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

2. Site Vegetation Removal and Revegetation. The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of landscaped areas if any. Mulching shall be used in order to assure vegetation growth.

3. Topsoil, Stripping, Stockpiling, and Redistribution. The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

4. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil

type, soil stability, and any proposed structures.

8.3.9.2. Sediment and erosion control. Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional contribution of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading the back-fill material to reduce the rate and volume of run-off;
2. retaining sediment within the pit and disturbed area; and,
3. establishing temporary vegetation, mulch, or other soil stabilization application on areas that will remain subject to erosion for a period of 6 months.

8.3.10. Air Quality and Noise.

8.3.10.1. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met.

8.3.10.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application.

8.3.11. Setbacks.

8.3.11.1. The refuse and salvage material shall be at least 300 feet from all property lines and 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

8.3.11.2. The site shall be located at least one-quarter mile from any existing dwelling or land subdivided for residential development.

8.3.11.3. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

8.3.12. Protection From Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

8.3.13. Analysis of Landfills in the County. An analysis of the existing capacity, the remaining life, and the need for a new major solid waste disposal site shall be submitted with the application.

8.3.14. Hours of Operation. Landfills shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m. on weekdays. Landfills may be open to the public on weekends but shall not open any earlier than 8 a.m.

Section 9. Regulations for Junkyards.

9.1. Purpose; Intent. The purpose of this Section is to establish operational, location, and general standards for junkyards and associated activities that are designed to establish reasonable limitations, safeguards, and mitigate negative impacts on the surrounding properties.

9.2. Applicability. This Section 9 applies to the place of business or establishment which is maintained, operated or used for storing, keeping, buying or selling junk or scrap, or for the maintenance or operation of a motor vehicle graveyard located within Santa Fe County.

9.3. Operational Standards and Requirements.

9.3.1. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

9.3.2. Visual Screening Measures. Visual screening is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards:

9.3.2.1. General. The view from all public roads, rivers, and adjoining residential areas shall be screened.

9.3.2.2. Buildings. All buildings' design, scale, and location shall reduce the visibility from off site.

9.3.2.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the ~~extraction-storage or worksite~~ area shall be preserved.

9.3.2.4. Hours of Operation. Junkyards shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m. on weekdays. Junkyards may be open to the public on weekends but shall not open any earlier than 8 a.m.

9.3.3. Lighting. All junkyard developments must comply with Section 7.8 (Lighting) of the SLDC.

9.3.4. Signs. All junkyard development must comply with Section 7.9 (Signs) of

the SLDC.

9.3.5. Parking and Loading. All junkyards must comply with Section 7.10 (Parking and Loading) of the SLDC.

9.3.6. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure.

9.3.7. Protection of Historic and Archaeological Resources. Any application for a junkyard development shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

9.3.8. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

9.3.9. Air Quality and Noise.

9.3.9.1. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met.

9.3.9.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application.

9.3.10. Setbacks.

9.3.10.1. The refuse and salvage material shall be at least 300 feet from all property lines and 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

9.3.10.2. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

9.3.11. Protection From Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

Section 10. Regulations for Sand and Gravel Extraction.

10.1. Purpose; Intent. The purpose of this Section 10 is to establish operational, location, reclamation and general standards for gravel processors and associated extraction activities that are designed to establish reasonable limitations, safeguards, mitigate negative impacts on the surrounding properties, and provide controls for the conservation of natural resources and rehabilitation of land.

10.2. Applicability.

10.2.1. This Section 10 applies to the extraction and processing of any sand and gravel extraction operation that affects ~~10 aeres~~ or more acres of land ~~and or~~ extracts more than 20,000 tons of earth materials, or ~~which~~ utilizes blasting. Small, incremental increases of an approved extraction operation by the same owner or operator that effectively avoid the application and approval requirements of this ordinance are prohibited. No applicant, operator or owner who has been granted an approval to operate a sand and gravel extraction operation of less than 10 acres of land or less than 20,000 tons of earth material shall be granted approval to operate an expanded or similar extraction operation on the same or contiguous property, where the total of any additional operation increases the extraction operation to one in excess of 10 acres of land, or to one in excess of 20,000 tons of earth material. Instead, any such additional operation shall be treated as a DCI and shall require application and processing under this Ordinance.

10.2.2. Sand and gravel extraction and processing includes any ~~rock quarrying or gravel~~ removal, stockpiling, or processing of construction material in Section 3.3 above. Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert or by itself, constitutes gravel processing.

10.2.3. This Section 10 does not apply to:

~~**10.2.3.1.** Decorative building materials naturally exposed at the surface of the earth.~~

~~**10.2.3.12.** Excavation related to basements and footings of a building, or retaining walls .~~

~~**10.2.3.23.** Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which does not utilize blasting, this is regulated by Article XI of the Land Development Code.~~

~~**10.2.3.34.** Mineral Exploration and Extraction regulated by Article III, Section 5 of this Ordinance.~~

10.3. Operational Standards and Requirements.

10.3.1. State and Federal Permits. All sand and gravel extraction operations shall submit all required state permits, FEMA and or Army Corps of Engineers permits with the Conditional Use Permit.

10.3.2. Hours of Operation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday. The Board may further restrict hours per section 10.3.4.5.1 of this Ordinance.

10.3.3. Water Services Availability. A Water Service Availability Report shall be submitted with the application per Section 6.5 (Water Service Availability Report) of the SLDC.

~~10.3.3.1. No sand and gravel operation may use potable water from a community water system.~~

10.3.3.21. Extraction and filling of a reservoir shall not infringe on downstream appropriator's water rights.

10.3.4. Project Traffic Impacts and Road Standards.

10.3.4.1. All roads carrying sand and gravel related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.

10.3.4.2. Transportation Facility Improvements. An analysis of all roads accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to adequately support the projected traffic, including potential weight of vehicles for 20 years, or the life of the sand and gravel extraction operation. Cost of all required improvements, on and off-site, shall be borne entirely by the applicant.

10.3.4.3. The Board of County Commissioners may establish a maximum size and number of truck trips allowed to enter and exit a processing location where needed to:

1. avoid a reduction in the level of service for all access roads and roads within the study area as provided in the Traffic Impact Analysis (TIA) the time of application;
2. ~~to~~ avoid the deterioration of all access roads; and
3. ~~to~~ otherwise comply with Section 6.6 of the SLDC.

10.3.4.4. Traffic Counts. Traffic counts at the entrance of the operation shall be presented at the annual review of the operation's permit.

10.3.4.5. Designation of Construction and Haul Routes. Truck haul and traffic routes shall avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations where possible. Alternative routes shall also be identified.

1. Timing of truck traffic may be limited by the BCC.

2. Applicant shall submit a fugitive dust plan, and prevent loss of loads and fugitive dust during excavation and transportation.

10.3.5. Project description. The applicant shall provide a detailed statement describing the project including:

10.3.5.1. The amount and type of materials to be excavated;

10.3.5.2. Duration of the excavation activity and reclamation activity;

10.3.5.3. The proposed method of excavation;

10.3.5.4. The amount of fill to remain on site; and

10.3.5.5. A statement from a New Mexico professional engineer indicating the type of soil(s) to be excavated and their suitability for road and structural fill construction.

10.3.6. Access. Adequate and available access is required per Section 7.4 (Access and Easements) of the SLDC.

10.3.7. Visual Screening Measures. Visual screening, which shall include all phases, is required per Section 7.6 Landscaping and Buffering of the SLDC plus the following standards.

10.3.7.1. General. The view from all public roads, rivers, and adjoining residential areas shall be screened.

10.3.7.2. Buildings. All buildings' design, scale, and location shall reduce the visibility from off site.

10.3.7.3. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved, including vegetation existing in the required setbacks.

10.3.7.4. For all proposed extraction areas of greater than 10 acres, the extraction shall be designed in phases in order to minimize the visual impact.

10.3.8. Lighting. All Sand and Gravel developments-operations must comply with Section 7.8 (Lighting) of the SLDC.

10.3.9. Signs. All development-sand and gravel operations must comply with Section 7.9 (Signs) of the SLDC, but are limited to one address/identification sign and directional signs-two signs of 4 square feet.

10.3.10. Parking and Loading. All Sand and Gravel ~~operation~~extraction must comply with Section 7.10 (Parking and Loading) of the SLDC.

10.3.11. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure.

10.3.12. Wildlife. Protection is required for critical environmental resources including wetlands, riparian areas, and important wildlife habitats.

10.3.12.1. Any modification of the terrain within a floodplain area shall be environmentally sound and ~~will~~ not result in net loss of wildlife habitat.

10.3.12.2. All gravel processing shall be limited to locations and times of year that ensure no significant negative impacts to federally listed endangered species.

10.3.12.3. No sand and gravel development can interrupt a wildlife corridor.

10.3.13. Protection of Historic and Archaeological Resources. Any application for sand and gravel extraction shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC.

10.3.14. Terrain Management. Requirements of Section 7.17 (Terrain Management) of the SLDC shall be met.

10.3.14.1. Grading and Erosion/Sediment Control. In addition to the Terrain Management requirements of the SLDC, drainage and erosion control shall comply with the following:

1. Removal of Organic Materials. Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

2. Site Vegetation Removal and Revegetation. The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading; ~~and however,~~ permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas if any. Mulching shall be used in order to assure vegetation growth.

3. Topsoil, Stripping, Stockpiling, and Redistribution. The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

4. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

10.3.14.2. Sediment and Erosion Control. Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional ~~contribution deposits~~ of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of ~~the~~ utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading the back-fill material to reduce the rate and volume of run-off;
2. retaining sediment within the pit and disturbed area; and,
3. establishing temporary vegetation or mulch on areas that will remain subject to erosion for a period of 6 months.

10.3.15. Air Quality and Noise.

10.3.15.1. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met, however only a preliminary air quality report is required for submittal with the application. Once approved, a final air quality permit is required prior to commencement of any activity on the site.

10.3.15.2. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application. Such noise study shall provide a baseline of three consecutive weekdays representative of non-excavation activities.

10.3.15.3. Fugitive Dust Control ~~Permit.~~ ~~A Fugitive Dust Control Plan shall be prepared in compliance with the Fugitive Dust Regulation 20.11.20 NMAC.~~ Dust control is required for all active sand and gravel extraction operations.

1. The presence of dust at a sand and gravel operation is attributable to earth moving, soil or surface disturbance, construction or demolition; movement of motorized vehicles on any paved or unpaved roadway or surface, right-of-way, lot or parking area; and the tracking out or transport of bulk material (i.e., sand, gravel, soil, aggregate, or any other inorganic or organic material capable of creating fugitive dust related to extraction activities) onto any paved or unpaved roadway in Santa Fe County.

2. Fugitive dust consists of airborne particulate matter from a source, resulting in particulate matter emissions that can be detected by the human eye.

3. Dust control measures include but are not limited to the use of wet suppression through manual or mechanical application; the use of fabric fencing material or equivalent that shall be a minimum of 24 inches in height and anchored 6 inches below the surface on the bottom edge installed around the perimeter of the disturbed surface area; the use of dump truck tarps; and the use of chemical dust suppressant applied in amounts, frequency, and rates recommended by the manufacturer.

4. In no circumstances shall a sand and gravel operator continue extraction operations during a high wind event.

5. All sand and gravel operations shall incorporate an entry/exit apron, steel grates, or other equivalent devices capable of removing bulk material from the tires of vehicle traffic.

6. An applicant for a sand and gravel Conditional Use Permit shall submit a fugitive dust control plan as part of the application. The fugitive dust plan must detail the control measures the operator intends to use to reduce the quantity of visible fugitive dust, transported material, temporary cessation of activity during a high wind event and track-out leaving the property or area under the control of the operator.

10.3.16. Blasting Plan. A blasting plan shall be submitted with the application and for any future blasting after the initial blast.

10.3.16.1. The plan shall be created by a qualified blasting firm who is knowledgeable with State of New Mexico requirements and National Fire Protection Association (NFPA) 495.

10.3.16.2. Blasting may only be conducted during the hours of operation

in Section 10.3.2. above.

10.3.16.3. The blasting plan shall identify the maximum number of holes to be shot each occurrence, the type of explosive agent, maximum pounds per delay, method of packing, type of initiation device to be used for each hole, blasting schedule and establish noise and vibration standards.

10.3.16.4. The Applicant shall notify the County of proposed blasting ten working days prior to a blast and shall provide the name of the qualified blasting firm and provide insurance of \$1,000,000 for each occurrence.

10.3.16.5. The County may hire a qualified blasting firm to review the Applicant's blasting plan at the expense of the Applicant.

10.3.16.6. The operator shall require that any blasting be conducted by someone who has been trained and examined and who holds certification issued by the Director of the Mining and Minerals Division of the Energy, Minerals and Natural Resources Department or the Director's designee. Comparable certification from another state is acceptable.

10.3.17. Monitoring Report. The applicant shall monitor all blasting and record all noise and vibration levels. The report shall be submitted to the Land Use Administrator within five (5) working days of blasting.

10.3.18. Setbacks.

10.3.18.1. 500 feet from all property lines.

10.3.18.2. 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

10.3.18.3. One ~~quarter~~-half mile from residential structures.

10.3.18.4. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

10.3.19. Protection From Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC for health and safety protection.

10.3.20. Height. Any equipment used for sand and gravel extraction must meet the height standards for the zoning district in which it is located. Height shall be measured from existing grade prior to commencement of any grading activity on

the site, and shall also conform to the height measurement requirements of Section 7.17.9.3 of the SLDC.

10.3.21. Activities in or Near Water Bodies.

~~10.3.21.1. Prior to Approval of Reclamation Study. In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat.~~

10.3.21.21. Uncontrolled/Natural Watercourses. When working near uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that ~~improves neither disturbs nor degrades~~ fisheries and waterfowl habitat. This requirement shall apply to any water body, which shall include: naturally occurring rivers, streams, ponds, lakes, seasonal streams and seasonal lakes.

10.3.21.32. Minimum Buffer. A minimum 100 foot buffer of natural vegetation between the water's edge and any plant site is required.

10.3.21.43. No Negative Impact. No extraction is permitted that is deemed by the County to have a negative impact on ~~the any~~ water body.

10.3.22. Solid Waste. All sand and gravel operations must comply with Section 7.20 (Solid Waste) of the SLDC.

10.3.23 Liquid Waste. All sand and gravel operations must comply with the wastewater requirements of Section 7.13 (Water Supply, Wastewater and Water Conservation) of the SLDC.

10.3.2224. Phasing. All phases shall be clearly staked prior to commencement of any activity on the property. The applicant must GPS all stakes and make them available to the County upon request.

10.3.2224.1. The maximum size of any phase of the development shall be ten acres.

10.3.2422.2. Only one phase of the development shall be excavated at a time.

10.3.235. Reclamation Plan and Bonding. A reclamation plan shall be provided that is designed and certified by a New Mexico registered engineer or landscape architect, and meets the reclamation standards specified below in Section 10.3.245. The plan shall restrict extraction operations to areas of workable size so that no area is left inactive and unreclaimed for more than 60 days, unless

approved by the DCI Permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A bond shall be posted to implement the reclamation plan at 125% of expected cost of the reclamation. The bond amount shall be reviewed annually, as part of the annual review of the DCI Permit, for the purpose of up-dating the bond amount in accordance with any changing costs of reclamation. The reclamation plan does not replace a landscape plan that may be required for any subsequent development of the gravel processing and extraction site.

10.3.245. Reclamation Standards. The reclamation plan shall comply with the following standards:

10.3.245.1. General. Reclamation shall restore land areas to a condition suitable for new land uses. Wildlife habitat shall be restored in a manner comparable or better, to the habitat conditions that existed prior to the gravel operation. In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.

10.3.245.2. Grading. Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas.

10.3.245.3. Revegetation of all disturbed areas is required. The plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original, or better vegetated condition.

10.3.245.4. Mining operations shall be allowed to progress so long as the previous phases have been reclaimed within 6 months after the commencement of the new phase; provided that, the County will consider extensions due to weather conditions and taking into account seasonal changes. Reclamation shall commence within 30 days of the commencement of a new phase of extraction.

10.3.25.5. Prior to Approval of Reclamation Study. In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat.

10.3.256. Existing Sand and Gravel Extraction Uses.

Any sand and gravel extraction use existing prior to adoption of the Land Development Code (January 1, 1981) and having been ~~continuously~~ in continuous operation, may continue operations and may expand up to ~~+25% of beyond~~ the area currently and formerly mined on that parcel. Any sand and gravel extraction use approved by the County prior to the

adoption of this Ordinance may continue operations in accordance with their final County approvals. Any new phase proposed, but not previously approved, shall comply with this Ordinance.

10.3.25267. Annual Operating Plan and Monitoring Report.

~~10.3.257.1. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, area mined, quantities mined, amount of area undergoing reclamation, the success of reclamation, and any violations. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, the area mined, quantities mined in tonnage and cubic yards, the amount of area undergoing reclamation, and the success of reclamation including any violations issued and their outcome.~~

~~10.3.257.2. For the first three years, the report shall be reviewed at a public hearing with the Board of County Commissioners. After the third year, the Board may allow the report to be reviewed administratively by the Land Use Administrator and brought to the Board when the Land Use Administrator has determined a significant change in operations has occurred, or circumstances have changed warranting re-evaluation of the DCI permit.~~

Section 11. -Application Fee.

Each application for a DCI Overlay District and DCI Conditional Use Permit shall be accompanied by a-the nonrefundable application fees in the amounts set forth in Appendix A. Other fees related to reports and reviews listed in Appendix A shall require payment at a later date.

Section 12 . Severability.

If any provision of this Ordinance shall be held invalid or non-enforceable by any court of competent jurisdiction for any reason, the remainder of this Ordinance shall not be affected and shall be valid and enforceable to the fullest extent of the law.

Section 13. Effective Date.

This Ordinance shall become effective thirty (30) days following recordation in the Office of the County Clerk.

PASSED, APPROVED AND ENACTED this _____ day of August, 2015, by the Board of County Commissioners of Santa Fe County.

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

By _____
ROBERT A. ANAYA, Chair

ATTEST:

GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

GREGORY S. SHAFFER, County Attorney

**APPENDIX A
APPLICATION FEES**

Application for a DCI Overlay Zone: \$7,500

Application for a DCI Conditional Use Permit: ~~\$5,000~~ 3,000

Inspection Fees \$250 per inspection:

~~Initial Inspection:~~ \$500

~~Pre-Final inspections:~~ \$350

~~Final Inspections:~~ \$500

~~Courtesy inspection:~~ \$300

Fee for preparation of SRAs Full cost of preparation and review by outside consultants

Fee for Specialized Review if needed Full cost of review by outside consultant.

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CDRC CASE # Z 13-5380 ELEVATION
VEDURA RESIDENTIAL OPERATING, LLC, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners (BCC) of Santa Fe County (sometimes, "County") for hearing on July 8, 2014, and September 9, 2014, on the Application of Vedura Residential Operating, LLC (Applicant) for Master Plan Zoning approval in accordance with Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code), as amended by the Santa Fe County Ordinance 2000-12, the Community College District Ordinance (CCDO), to allow a multi-family residential apartment community consisting of 214 residential units on 22 ± acres. The BCC, having reviewed the Application, supplemental materials, staff reports, and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, subject to conditions, and makes the following findings of fact and conclusions of law:

I. Background

1. The Applicant requests Master Plan Zoning approval for a 214 unit multifamily residential apartment community, referred to as Elevation, on a 22± acre site (the Property).

2. The Property is located on the north side of College Drive and east of Burnt Water Road in the Community College District, within Section 21, Township 16 North, Range 9 East.

3. "All development within th[e] Community College District is required to submit a Master Plan" Code, Article XV, Section 4.

4. Uninvest-Rancho Viejo, LLC acquired the Property by warranty deed, recorded on December 23, 2010, as instrument 1621125 in the Santa Fe County Clerk's records. At the time of the hearing, the Applicant was in the process of purchasing the Property.

5. The property owner and Applicant authorized Jenkins/Gavin Design & Development, Inc. to act on their behalf in making application for the proposed development, as evidenced by the written authorization contained in the record.

6. The Applicant is proposing approximately 9.7 dwelling units per acre, a density which complies with the CCDO. The development will include one, two, and three bedroom units, for a total of 214 units. There will be approximately 480 parking spaces on site. College Drive will be the access road to the development. The development is proposed to receive water service from the Santa Fe County water utility, and will connect to and receive wastewater treatment services from Ranchland Utility Company, Inc. (Ranchland Utility). The development will have a series of dumpsters that will be screened and gated. Weekly collection of waste will be contracted with a local waste collection company. Amenities of the development are anticipated to include a community pool, and a community work-out facility.

II. History of Zoning and Master Planning of the Property

7. In 1989, the Rancho Viejo de Santa Fe Master Plan was adopted, a master plan which included 570 multi-family units on 55 acres, or approximately 10 dwelling units per acre. That Master Plan specifically identified an area in close proximity to the Property, at the corner of College Drive and Richards Avenue, for high-density multi-family development. The Property was within that portion of the Rancho Viejo de Santa Fe Master Plan that was never developed and expired.

8. The Property was next included in the 1997 College North Master Plan, which proposed single family dwelling units on the Property. Although portions of the College North Master Plan were developed and are now referred to as College Heights, the portion of the Master Plan applicable to the Property expired and has not been developed.

9. The CCDO was adopted on December 11, 2000. The CCDO establishes comprehensive zoning for and governs development in the Community College District, which is Santa Fe County's designated growth area and includes the Property. The Community College District is the only area within Santa Fe County that encourages high density through zoning, and is therefore the only area in the County where development of apartments is feasible without seeking a density variance.¹ The CCDO is intended to ensure a variety of housing types for County residents, including multifamily development.

¹ Article III, Section 10, of the Code, establishes permissible densities outside of the Community College District. As explained by the County Land Use Administrator at the public hearing, densities available outside of the Community College District Ordinance are too low to make multifamily apartment complexes feasible.

10. The CCDO Land Use Zoning Map, adopted in 2000, designated the Property as part of a Village Zone. The uses permitted in the Village Zone include multifamily residential developments such as that described in the Application. Density within a Village Zone *is a minimum of 3.5 dwelling units per acre*. Community Development Plan, adopted by Resolution No. 2000-136, § E(1)(c)(1).

III. The Public Hearing Process and Evidence of Compliance with the Code

11. The Applicant complied with the notice requirements of Article II, Section 2.4.2 of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing and confirmed that public notice posting regarding the Application was made for twenty one days on the property, beginning on June 17, 2014. Additionally, notice of the hearing was published in the legal notice section of the Santa Fe New Mexican on June 17, 2014, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners and Home Owners Associations. Additionally, the Applicant held multiple community meetings to inform the community about the contemplated development and, after learning of the desire of the community to have the development moved east of its proposed location; the Applicant accommodated that request in the Application.

12. The Applicant undertook a market study to determine if multifamily housing was needed in the area. That study confirmed a significant demand for multifamily rental properties.

13. Elevation will be accessible from College Drive. The County Public Works Department supported the project subject to specific conditions.

14. The Applicant provided a traffic study which confirmed the need to evaluate the level of service at adjacent intersections prior to development plan approval in order to determine what road improvements would be necessary to attain adequate traffic flow. If the project develops without the benefit of an anticipated road project called the Southeast Connector, a traffic analysis will be required to evaluate necessary improvements on Richards Avenue, such as a slip lane, and how much development Richards Avenue, with or without improvements, can support. The Applicant confirmed that off-site road improvements provided by the Applicant could be required as part of the preliminary and final development plan approval process for the project.

15. In accordance with the Code, on May 15, 2014, the County Development Review Committee (CDRC) held a public hearing on the Application and recommended denial of the Application.

16. On July 8, 2014, the BCC held a public hearing on the Application. A staff report was presented to the BCC, the Applicant's agent made a presentation in support of the Application, and 22 members of the public provided testimony in opposition to the Application. The staff report recommending conditional approval of the Application included materials and plans submitted by the Applicant, Code requirements, reviewing agency comments and letters of concern from the public, among other material.

17. Following the extensive public hearing, the BCC went into closed executive session to deliberate on the application as allowed by NMSA 1978, § 10-15-1-H(3). Following executive session, the BCC tabled the case until the September 9, 2014 BCC meeting. The BCC identified three specific issues to be addressed at the September

9 meeting. Specifically, the BCC directed staff to obtain additional information regarding:

a. The basis for the concerns of the New Mexico Environmental Department (NMED) regarding the proposed wastewater treatment provider, Ranchland Utility, as reflected in NMED's report of a compliance evaluation inspection conducted on or about February 25, 2014;

b. The availability of water for the project; and

c. The status of the design, survey, easements and construction timeline associated with the Southeast Connector.

18. On September 9, 2014, the BCC continued the public hearing with respect to the three items, and then acted to approve the Application for Master Plan zoning approval.

19. The following was established during the continued public hearing on September 9, 2014:

a. As confirmed by NMED, a compliance evaluation inspection of the Ranchland Utility wastewater facility was conducted on February 25, 2014. The facility is regulated under the United States Environmental Protection Agency (USEPA), National Pollutant Discharge Elimination System (NPDES) permit program. NMED's Surface Water Quality Bureau conducts compliance evaluation inspections on behalf of the USEPA. The purpose of the inspections is to provide the USEPA with information to evaluate compliance with the NPDES permit. According to NMED, as of the time of hearing, all findings from the inspection report were addressed sufficiently by Ranchland Utility.

b. The Santa Fe County Utilities staff reviewed the Ranchland Utility NPDES inspection report dated March 6, 2014. Based on the information provided, the wastewater facility has capacity to serve the proposed multifamily development.

c. In response to the inquiry regarding availability of water for the project, it was noted that Santa Fe County Utilities had issued a “ready, willing, and able” letter to the Applicant, which provide that water right acquisition costs will be recovered from projects at time of meter installation. Santa Fe County Resolution 2006-57, Resolution Adopting A Santa Fe County Water Resources Dept. Line Extension And Water Service Policy, states that new water service applicants “may be required to deposit or dedicate water rights with the County to match against expected deliveries, pay the County to acquire water rights to match against deliveries that are sought, pay a significant initial service fee, or pay other fees to the County to assist the County to provide a permanent and perpetual water supply.” Since water rights and water allocations have been dedicated to the County under the original Rancho Viejo Master Plan Applicants may be able to take credit for those contributions for this development. The Applicants may need to pay a water right acquisition fee at the time of meter installation. These water rights issues are to be resolved prior to preliminary and final development plan approval pursuant to Resolution 2006-57. To address concerns regarding the water budget and water availability for the development, the Utilities Department suggested and the Applicant agreed to certain conditions on master plan approval.

d. The Southeast Connector is currently at the stage of an alignment study. This study evaluates the best alignment for the proposed road. Once the alignment

study is complete, the County may need to acquire rights-of-way for the road project. The road will then need to be designed, and constructed. Based on the best information available at this time, the estimated schedule for this road project is: alignment study completed – February 2015; Right-of-Way acquired – November 2015; design completed – November 2016; and, construction completed – July 2017.

20. Affordable housing requirements set forth in County ordinances only apply to single family dwelling units on individual lots, and thus do not govern development of the proposed multi-family apartment development.

21. The archaeological review presented no obstacles to granting Master Plan Approval, and the Applicants will note a non-disturbance easement on the Development Plan submittal or survey.

22. The Property is not located within a FEMA designated 100 year flood zone. Floodplain and terrain management were adequately addressed by the Application.

23. The Application proposed two monument signs at the entrance to the development, which was not in conformance with the Code. The Preliminary Development Plan will have to reflect a single sign. Similarly, the 25 foot lighting proposal will have to be reduced to a maximum of 24 feet in height for the Preliminary Development Plan. Neither defect is sufficient to serve as a basis for denial of the Application, which is simply for approval of the Master Plan.

24. Fire protection was sufficient as proposed.

25. The Master Plan contained the mandatory 50% minimum open space and accommodates planned district trails.

26. No objection to the Application was identified by the Office of the State Engineer, New Mexico Environment Department, New Mexico Department of Transportation, and Santa Fe Public Schools.

27. Santa Fe Community College, one of the largest employers in New Mexico, is located adjacent to the proposed development, and across the street from the development is the College Park. Also in the area are: Amy Biehl School, the ATC Charter School, the Institute of American Indian Arts (IAIA), and La Entrada Commerce Park, which is currently home to Bicycle Technologies International (BTI). The proximity of these employers to the Property illustrates the potential customer base for the development. Not all residents seek home ownership, and the multi-family development will offer residents an alternative to home ownership. A housing needs assessment conducted by Santa Fe County confirmed that employers felt that access to housing was one of the most important needs to address in the community; a need which is partially addressed by development of multi-family housing.²

28. Elevation includes a community pool, which is permitted under the CCDO Land Use Table and Santa Fe County Ordinance No. 2007-1.

29. The water budget for the project is estimated as 30-34 acre feet per year, which will be equivalent to approximately .14 to .16 acre feet per dwelling unit. The Applicants confirmed that at the time of preliminary and final development plan approval they would either prove entitlement to utilize water rights already dedicated to the County, acquire sufficient water rights for transfer to the County, or pay the County for

² The conclusion of the Housing Needs Assessment was the subject of testimony at the public hearing. In addition, the BCC may properly take administrative notice of the County's own Housing Needs Assessment.

any water rights required for the development. The determination of how water rights will be provided by the developer to the County is governed by Resolution 2006-57 and is not required for master plan approval.

30. The Applicants' engineer testified in support of the Application in regards to the sewer line and waste water treatment facility proposed for the development. Her expert opinion was that the sewer line and waste water treatment facility, components of which are to be installed and components of which already exist, would be adequate to accommodate the demands of Elevation. She described a three inch low pressure sewer line that runs from College Hills Drive to Richards Avenue, down Richards Avenue to Avenida del Sur and into a manhole that flows to the Rancho Viejo treatment plant. The three inch line has capacity for more than 400 units. NMED also reviewed the Application and did not indicate any basis for rejecting the Application as a result of the Rancho Viejo wastewater treatment facility. NMED Ground Water Quality Bureau determined that the proposal fit within the current conditions of Rancho Viejo's Ground Water Discharge Permit and no further permitting would be required.

IV. Opposition to the Application

31. Twenty-two members of the public, including those representing homeowners associations and groups of area residents, testified against the Application.

32. The basis for opposition to the project presented from members of the public can generally be characterized as follows:

a. Concern over the adequacy of the existing wastewater infrastructure which would serve the development;

b. Concern that renters living in Elevation would not be compatible with the home owners in the community and that Elevation may bring an increase in crime to the area;

c. Frustration that what was once master-planned as 73 single-family residences had been partially built out with 22 single-family residences and that the Property was now being master planned for multifamily development;

d. Concern about the increased traffic generated by the development;

e. Concern regarding the visual impact of a multifamily development;

f. The impact of multifamily development on property values;

g. Failure to include all property in the village zone owned by Univest-Rancho Viejo, LLC in the Application;

h. Failure to ensure a transitional buffer between the multifamily development proposed and the existing single-family development to the east;

i. Concerns that the Property had been de-annexed from the private covenants governing property within the Rancho Viejo development, which means the Property does not have to pay dues into the homeowners association or support the trails and open space in Rancho Viejo.

33. With regard to generalized concerns regarding compatibility between renters living in Elevation and home owners in the community, crime allegedly associated with apartment complexes, the impact of Elevation on property values, and concerns about the visual impact of Elevation, the BCC specifically finds that these

general concerns were unsupported by substantial evidence, in the form of testimony from individuals qualified to render an expert opinion or other competent evidence.³

34. The Southeast Connector is intended to provide an improved traffic network within the Community College District, thereby relieving traffic congestion on Richards Avenue. The Southeast Connector, if constructed, will be a Santa Fe County road. The road, if installed as described during the public hearing on this matter, would run between the existing single family residential area known as College Heights and the Property. Applicant has confirmed that the location of the apartment buildings on the subject property may be moved once the final alignment of the Southeast Connector is determined.

35. Reviewing agencies and County staff confirmed that the Application was in compliance with all relevant requirements contained in the Code and the CCDO.

36. The information provided at the September 9, 2014 public hearing confirmed, and the BCC hereby finds, as follows:

- a. The wastewater requirements for the proposed development can be adequately met by Ranchland Utilities and existing and proposed infrastructure;
- b. The Applicant has met the Master Plan requirements of the Code and the CCDO pertaining to water; and
- c. That traffic concerns are appropriately addressed at the time of preliminary and final development plan approval.

³ For example, some opponents to the Application, area residents not qualified as expert witnesses, speculated about the demographics of potential residents of Elevation apartments and made assumptions about the likely behavior of those residents based upon those assumed demographics.

V. Conclusions of Law

37. Any finding or conclusion set forth above that may be construed to constitute a conclusion of law is hereby incorporated as such to the same extent as if it was expressly denominated as a conclusion of law.

38. The Application is comprehensive in establishing the scope of the project.

39. The Master Plan conforms to the eligible use and density allowed under the CCDO and the Community College District Plan.

40. The Application satisfied the relevant submittal requirements.

41. The Application does not request a rezoning of the Property. Rather, the CCDO establishes comprehensive zoning for the entire Community College District, including the Property. Allowable uses for the Property include multifamily residential developments of over four units, since the Property is within a Village Zone. CCDO, Community College District Land Use Zoning Map and Exhibit 2. In other words, the Property is already zoned for multifamily residential developments of over four units (as well as other uses). *E.g.*, Code, Article XV, Section 4(B)(1)(b) (“All lands within the Community College District are zoned for the uses allowed in the Land Use Table.”). Consequently, the change or mistake rule established by the New Mexico Supreme Court in such cases as *Miller v. City of Albuquerque*, 1976 -NMSC- 052, 89 N.M. 503 (N.M. 1976) does not apply to the Application.

42. There is no specific buffer requirement in the Code or CCDO between single family developments and multifamily developments. The Application complies with all applicable buffering and open space requirements.

43. With regard to general principles, the Sustainable Growth Management Plan (SGMP), adopted by Resolution Nos. 2010-210 and 2010-225, recognizes that “that when a use is authorized in a base or planned district zone, the use itself is deemed compatible with the adjoining area.” SGMP, § 2.2.4.5. As indicated above, the Property is zoned for multifamily residential development of over four units, meaning that the BCC has previously determined that multifamily residential development is compatible with the adjoining area. This general compatibility is demonstrated when College Heights and the Property are put in context: They are both in close proximity to large scale, mixed uses (e.g., the Community College, Santa Maria de la Paz Church, and BTI).

44. With regard to development specific compatibility issues, the SGMP establishes as a goal “the protection of residential areas through open space and buffering site design” and emphasizes that “[s]ite design plays the most significant role in assuring land use compatibility.” Here, the Application proposes to maintain 50% of the Property as open space, as required by the Code, Article XV, Section 6(H)(2)A). This includes open space between all property boundaries and buildings on the Property. In addition, the landscape plan for Elevation includes vegetation between the buildings and property boundaries. These conceptual site design elements are consistent with the general policy goal of the SGMP of using open space and site design to ensure land use compatibility.

45. The BCC does not have jurisdiction over the following matters: (i) the legality of the de-annexation of the Property from the First Amended and Restated Declaration Covenants, Conditions and Restrictions, including any alleged inequity arising from the multifamily development being exempt from homeowners association dues, and (ii) whether the Elevation development proposed in the Application should be

enjoined because it is inconsistent with the marketing material used to sell lots in College Heights. *E.g., Singleterry v. City of Albuquerque*, 1981 -NMSC- 037, ¶¶ 6-10, 96 N.M. 468 (N.M. 1981). These issues are for the courts to resolve in litigation brought by and between appropriate parties.

46. The Application does not violate Code, Article XV, Section 4(B)(2)(a), which provides that “[t]he minimum area which must be included within a master plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant.” The Application includes all of the land within the Village Zone that the Applicant is in the process of acquiring. There is no evidence in the record that the sale to the Applicant is a non-bona fide transaction or that Univest-Rancho Viejo, LLC is otherwise engaging in activity designed to avoid master planning all of the property within the village zone it owns, which evidence, if present, might justify an interpretation of Article XV, Section 4(B)(2)(a) that would require Univest-Rancho Viejo, LLC to master plan all of the property it owns in the applicable zone.

47. Master plan approval means that “that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time.” Code, Article V, § 5.2.6(a).

48. Article III, Section 4.4.1.5(b) of the Code requires that when a “development will increase the burden on inadequate public roads, utilities or other services, the use may be denied, or the developer may be required to undertake the full cost of improvements to the public road or other services in order to meet the test of

adequacy.” As the Applicant acknowledged at the public hearing, traffic impact from the proposed development and the adequacy of public roads must be addressed prior to preliminary or final development plan approval. Depending upon the then current level of service on Richards Avenue and College Drive as well as the status of the Southeast Connector, Applicant may be required to undertake the full cost of improvements necessary to provide adequate service and/or limit the size of the proposed development to a level that can be adequately served.

49. Subject to the conditions noted below, the application should be approved based upon the criteria established in Code, Article XV, Section 4(B)(3), as follows:

a. The Application conforms to the Santa Fe County Growth Management Plan, as amended by the Community College District Plan, and SGMP. Without limiting the generality of the foregoing conclusion, the Community College District Plan and SGMP call for higher densities and growth in the Community College District, specifically establish the goal of encouraging multifamily, rental housing developments, and specifically recognize the desirability of diverse housing opportunities near work, transit infrastructure, commercial areas, and community services. *E.g.*, Community College District Plan, adopted by Resolution No. 2000-136, § D(9), § E(1)(c), and § (E)(8); SGMP, Policy 8.2, Policy 8.3, Critical Finding 13.2.1 and § 14-2.1.2 (recognizing community plans adopted by the BCC as amendments to the SGMP).

b. The Application does not propose phasing.

c. At the conceptual level required for master plan approval, the Application conforms to the CCDO and other applicable law and ordinances in effect at the time of consideration.

d. There will be no impact to schools, as demonstrated by the January 21, 2014 letter from Shirley McDougall, Santa Fe Public Schools, Property & Asset Management, which states, in part, that “current capacities at assigned schools . . . will be adequate to serve the anticipated student population from this development.” Opponents to the Application failed to establish through substantial evidence that the Application would negatively impact their land to a degree sufficient to justify denial of the Application. With respect to impacts to Santa Fe County, Elevation will address an identified goal of providing multifamily residential development, as established above in the paragraph concerning conformity with the Community College District Plan and SGMP. In terms of potential impacts upon the adequacy of public roads, as previously indicated, traffic impacts will be evaluated and addressed at preliminary and final development plan approval.

50. The following conditions of approval shall be applicable and have been agreed to by Applicants:

- a. The Applicants shall comply with all review agency comments and conditions, as per Code, Article V, § 7.1.3.c.
- b. Conditions shall be noted on the recorded Master Plan. The Master Plan with appropriate signatures shall be recorded with the County Clerk, as per Code, Article V, § 5.2.5.
- c. A revised traffic impact analysis, showing current road conditions, shall be submitted based on the Southeast Connector at the time of submission of the Application for Preliminary Development Plan. Code, Article III, § 4.4.1.5.c.

d. Prior to submittal for Preliminary Development Plan Approval, the Applicant is required to submit a proposed water budget that meets County code requirements and incorporates Santa Fe County conservation ordinances and resolutions. Upon approval, Utilities will add 20% to the development's water budget for line losses per Resolution 2006-57 and submit the water budget to the BCC for a water allocation.

e. Prior to submittal for Preliminary Development Plan Approval, the Applicant must have a BCC-approved water allocation in the amount needed for the development's water budget.

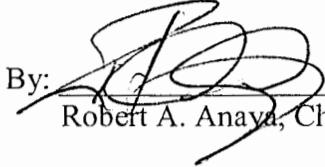
f. Prior to Final Development Plan Approval, Elevation may provide the County Rio Grande surface water rights or Rancho Viejo water commitments. Otherwise, a water right acquisition fee will be added to the meter installation fee for each dwelling unit, which will be metered separately per Santa Fe County Resolution 2012-88, Customer Service Policy 15.

WHEREFORE, the BCC hereby approves the request for Master Plan Zoning approval to allow a multifamily residential apartment community consisting of 214 residential units on 22 ± acres, subject to the conditions set forth in Paragraph 50 above. The motion to approve the Application passed by a 3-2 vote, with Commissioners Anaya, Holian, and Chavez voting in favor of the motion. Commissioners Stefanics and Mayfield opposed the motion.

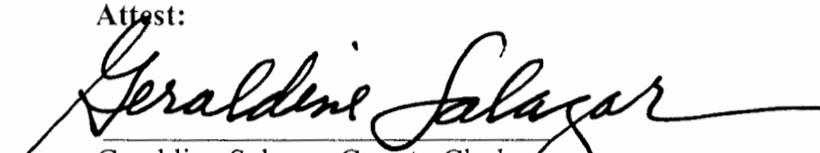
IT IS SO ORDERED.

This Order was approved by the Santa Fe County Board of County Commissioners on this 13th day of January, 2015.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

By: 
Robert A. Anaya, Chair



Attest:

Geraldine Salazar, County Clerk
1-13-2015

Approved as to form:


Gregory S. Shaffer, County Attorney

SFC CLERK RECORDED 08/12/2015



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDER
PAGES: 19

I Hereby Certify That This Instrument Was Filed for Record On The 14TH Day Of January, 2015 at 01:50:53 PM And Was Duly Recorded as Instrument # 1754938 Of The Records Of Santa Fe County

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

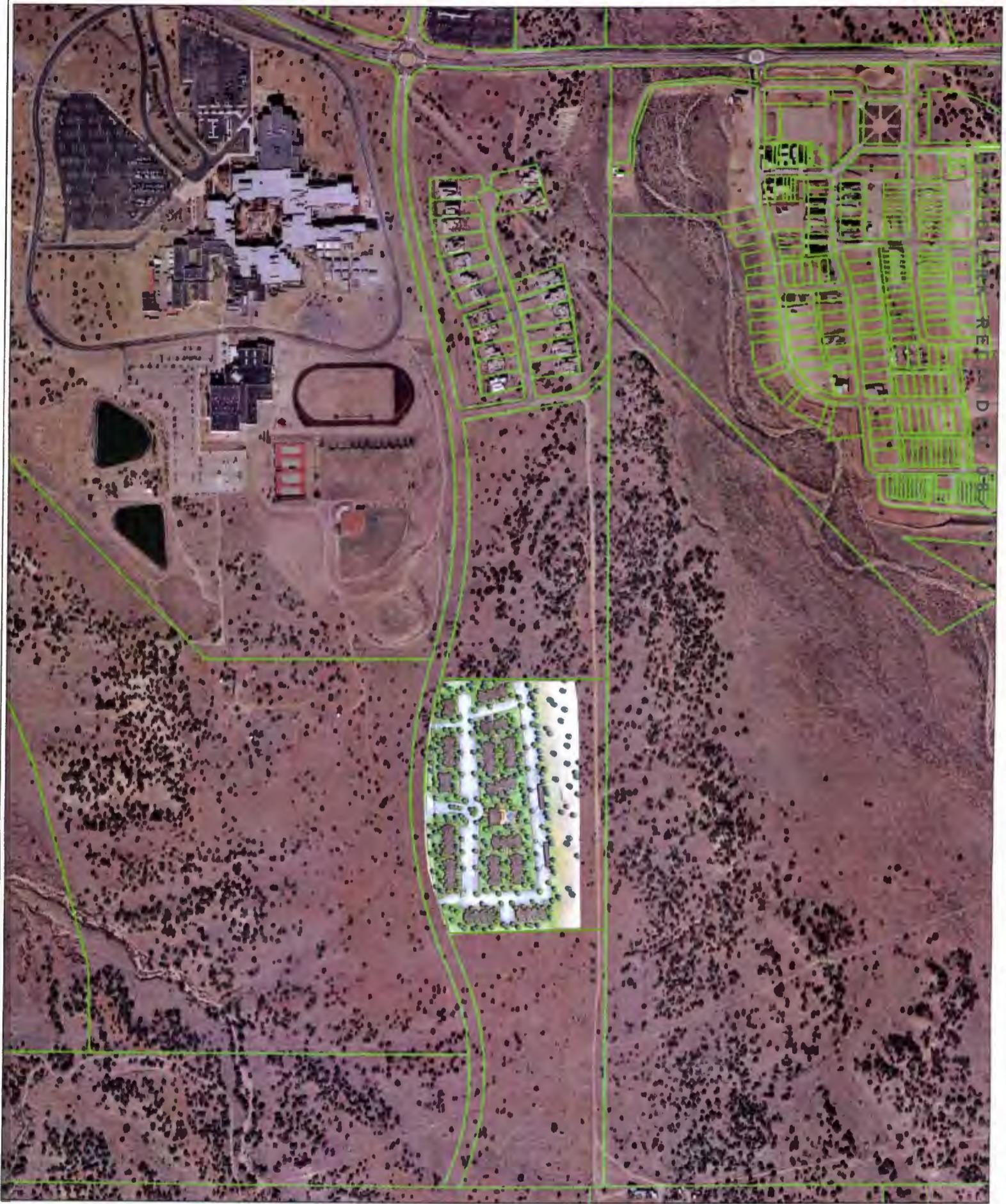
tabbler
EXHIBIT
7

elevation

LUXURY APARTMENTS



NS





FINAL ORDER

14. The Applicant provided a traffic study which confirmed the need to evaluate the level of service at adjacent intersections prior to development plan approval in order to determine what road improvements would be necessary to attain adequate traffic flow. If the project develops without the benefit of an anticipated road project called the Southeast Connector, a traffic analysis will be required to evaluate necessary improvements on Richards Avenue, such as a slip lane, and how much development Richards Avenue, with or without improvements, can support. The Applicant confirmed that off-site road improvements provided by the Applicant could be required as part of the preliminary and final development plan approval process for the project.

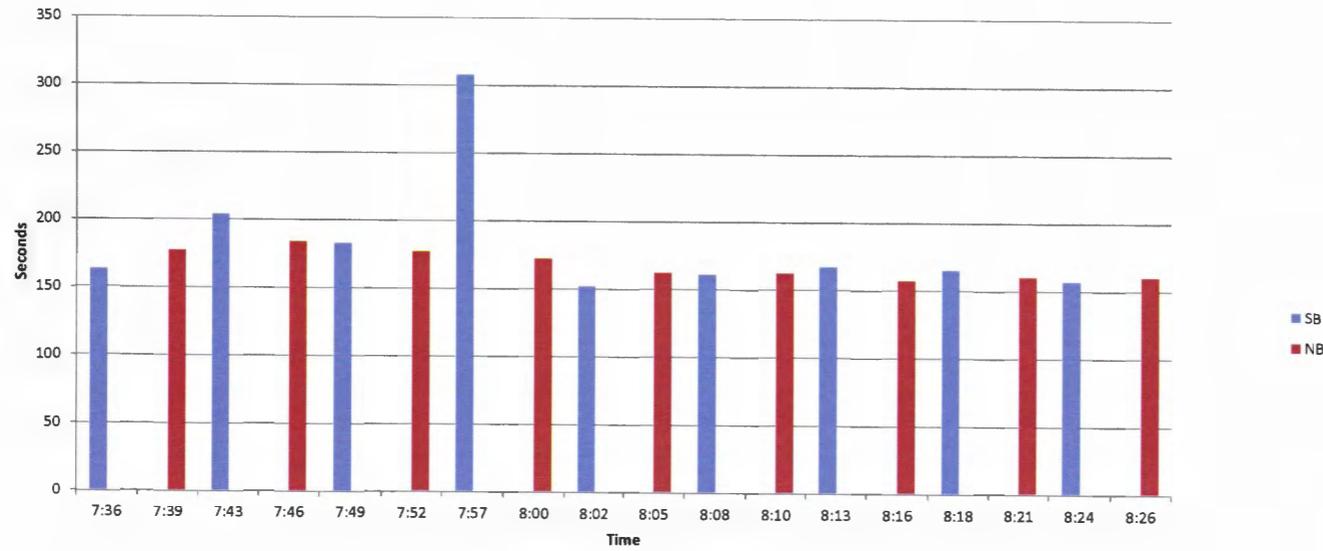
Willow Back Rd. Roundabout	AM Peak		PM Peak	
	TIA	Sim	TIA	Sim
Existing Conditions	26.7	12.9	18	11.9
Build Condition	43.9	17.6	32.4	16.6

College Dr. Roundabout	AM Peak		PM Peak	
	TIA	Sim	TIA	Sim
Existing Conditions	43.3	15.4	16.0	10.6
Build Condition with SB Slip Lane	54.7	17.7	22.6	17.3

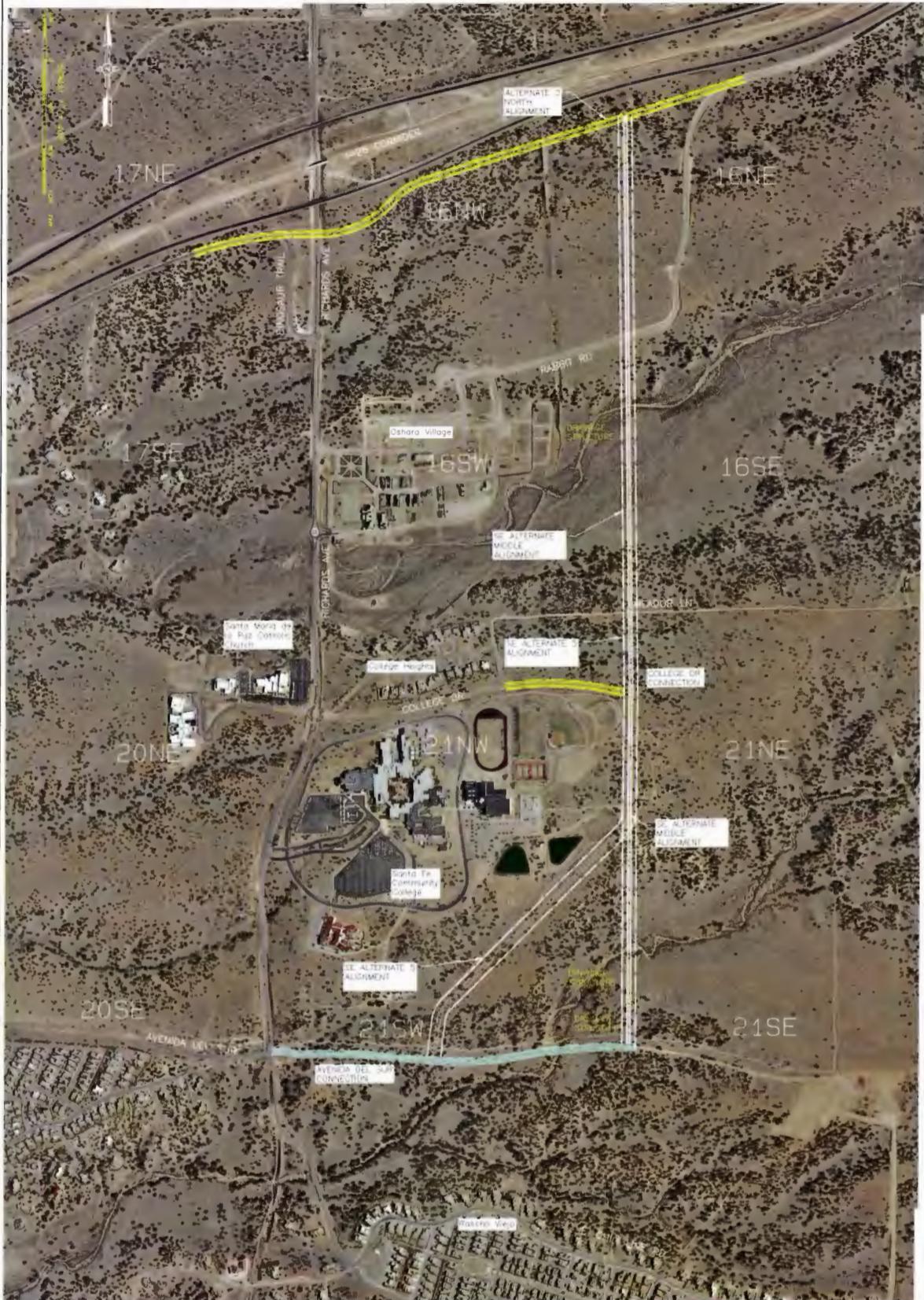
Intersection	TIA Build Condition Period of LOS E/F	Simulation Build Condition Period of LOS E/F
Willow Back Road Roundabout	7:45 a.m. – 8:00 a.m.	None
College Drive Roundabout	7:45 a.m. – 8:00 a.m.	None



Actual AM Travel Time Dinosaur Trail to Avenida del Sur



NE AND SE ALTERNATIVES



15



SANTA FE CORRIDOR STUDY
 PHASE I-A ALTERNATES
 ALTERNATES-BASE - NE AND SE ALTS

Santa Fe County	
Santa Fe County	
NO.	
BY	
DATE	
REVISION DESCRIPTION	

SFC CLERK RECORDED 08/12/2015

NE AND SE ALTERNATIVES SELECTED TO MOVE FROM PHASE A TO PHASE B



DATE: 02/04/15
 DRAWN BY: JMM
 CHECKED BY: JMM
 APPROVED BY: JMM

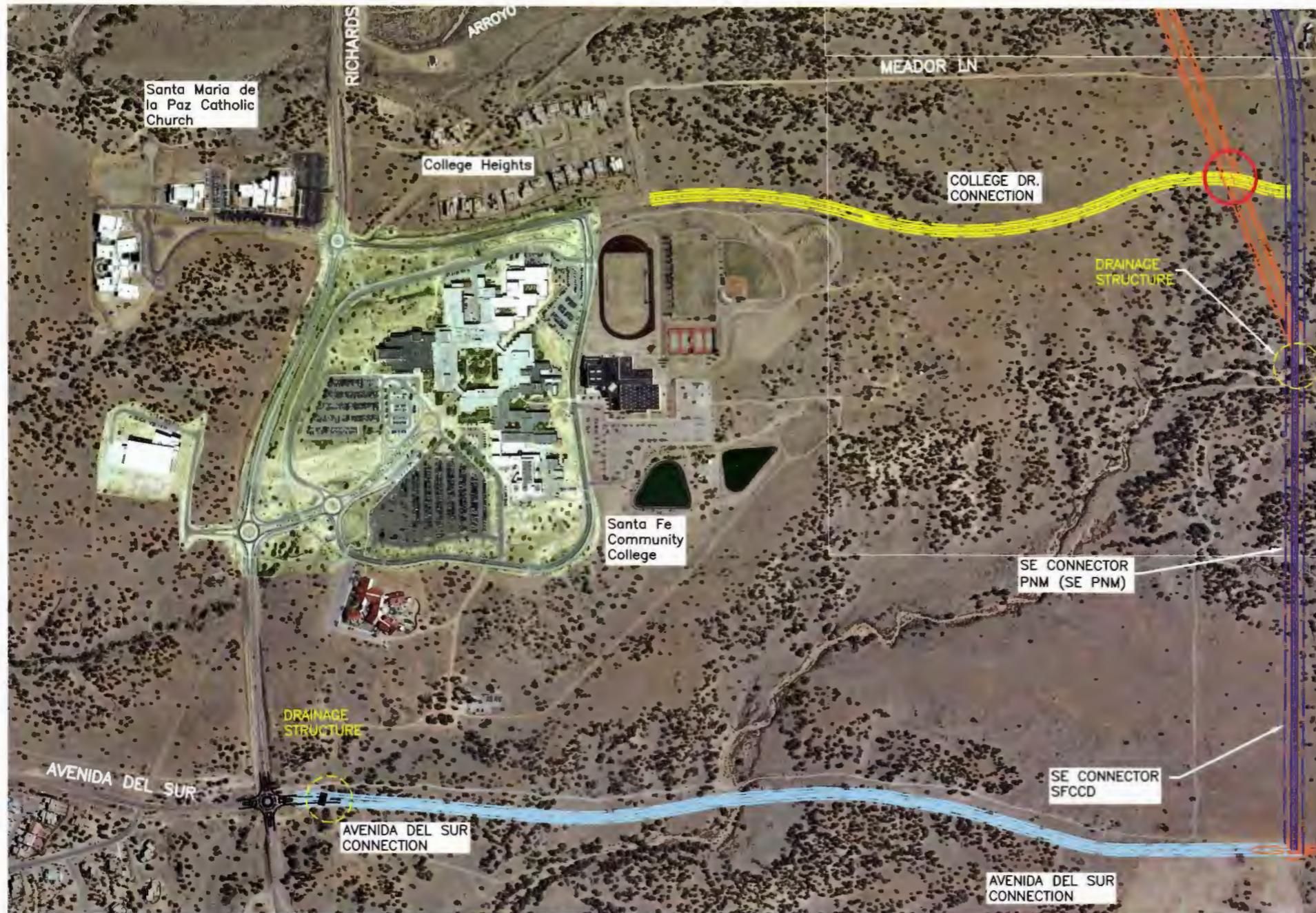


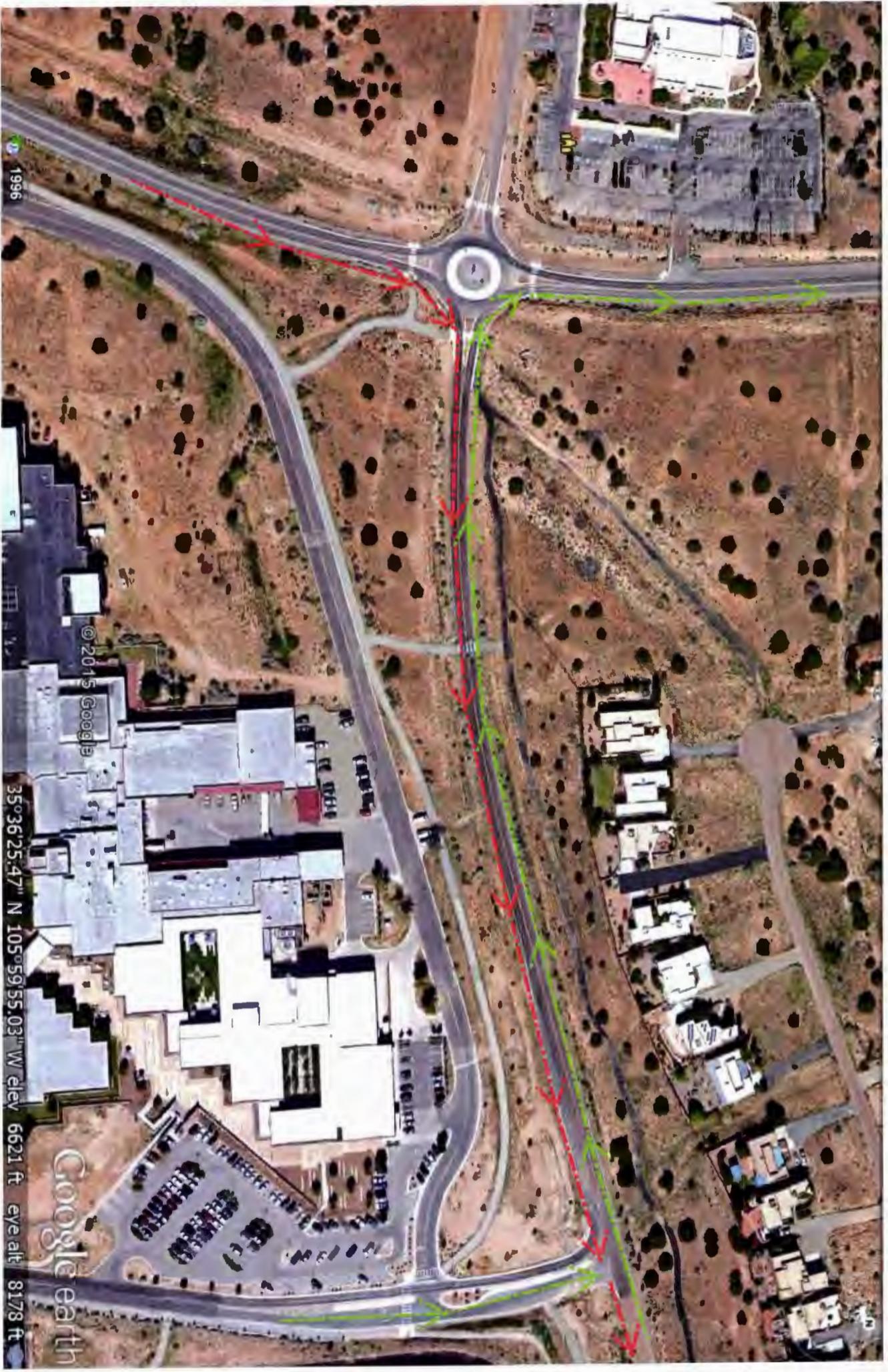
SANTA FE CORRIDOR STUDY
 SELECTED ALTERNATIVES FOR PHASE B

OVERALL LAYOUT

Santa Fe County
 Santa Fe County

NO.	REVISION DESCRIPTION	DATE	BY
1			
2			
3			





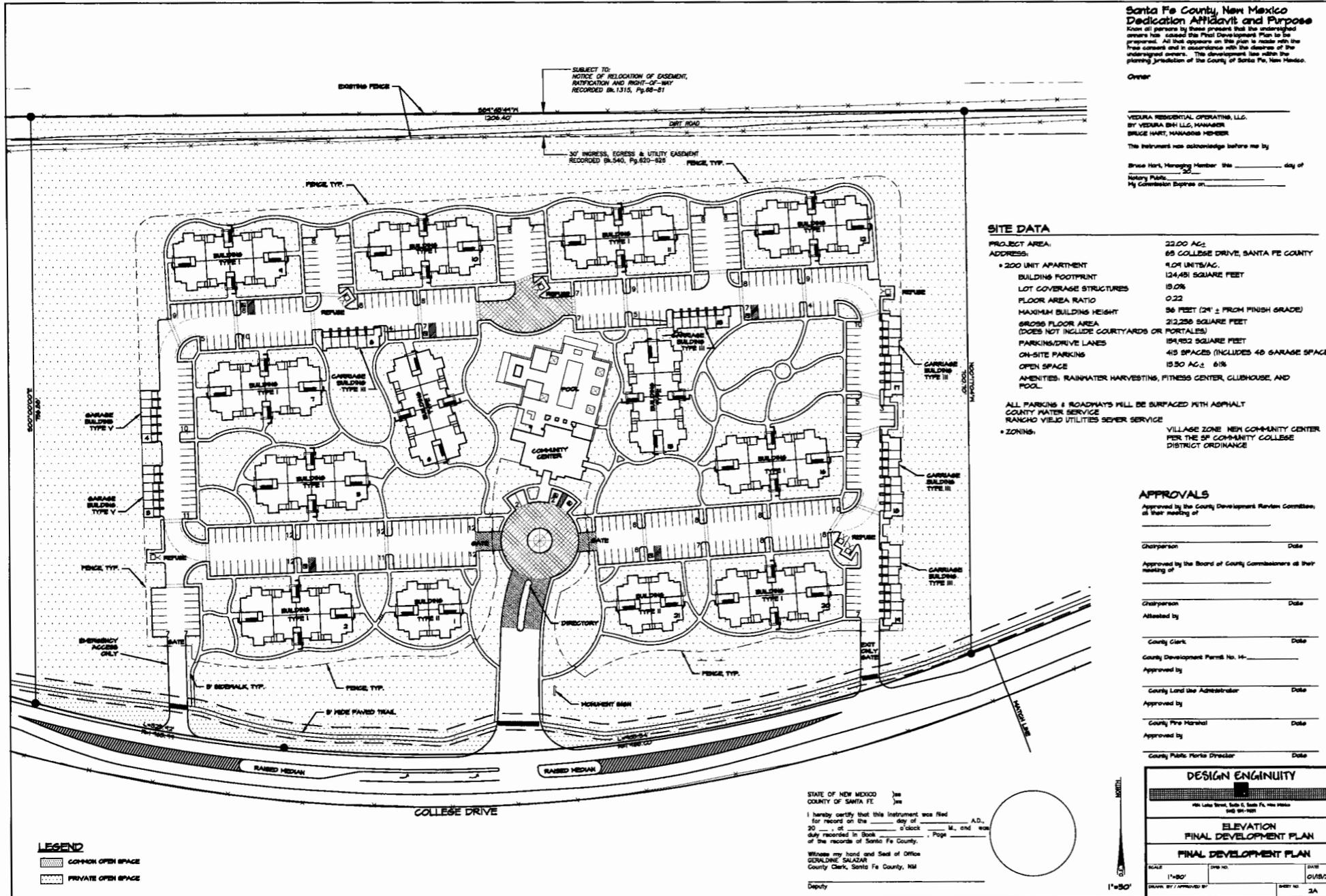




elevation

DELIVERY SCHEDULE

	<i>Number of Residences</i>	<i>Construction Start</i>	<i>Completion Date</i>
Phase 1	50	June 2016	May 2017
Phase 2	54	August 2016	July 2017
Leasing Begins			July 2017
Phase 3	46	October 2016	September 2017
Phase 4	50	December 2016	January 2018
Lease Stabilization			June-August 2018



**Santa Fe County, New Mexico
Dedication Affidavit and Purpose**
 Know all persons by these presents that the undersigned owners have caused this Final Development Plan to be prepared. All that appears on this plan is made with the true consent and in accordance with the desires of the undersigned owners. The development lies within the planning jurisdiction of the County of Santa Fe, New Mexico.

Owner
 VEDURA RESIDENTIAL OPERATING, L.L.C.
 BY VEDURA BSH, L.L.C. MANAGER
 BRUCE HART, MANAGING MEMBER
 This instrument was acknowledged before me by
 Bruce Hart, Managing Member, this _____ day of _____, 2015.
 Notary Public
 My Commission Expires on _____

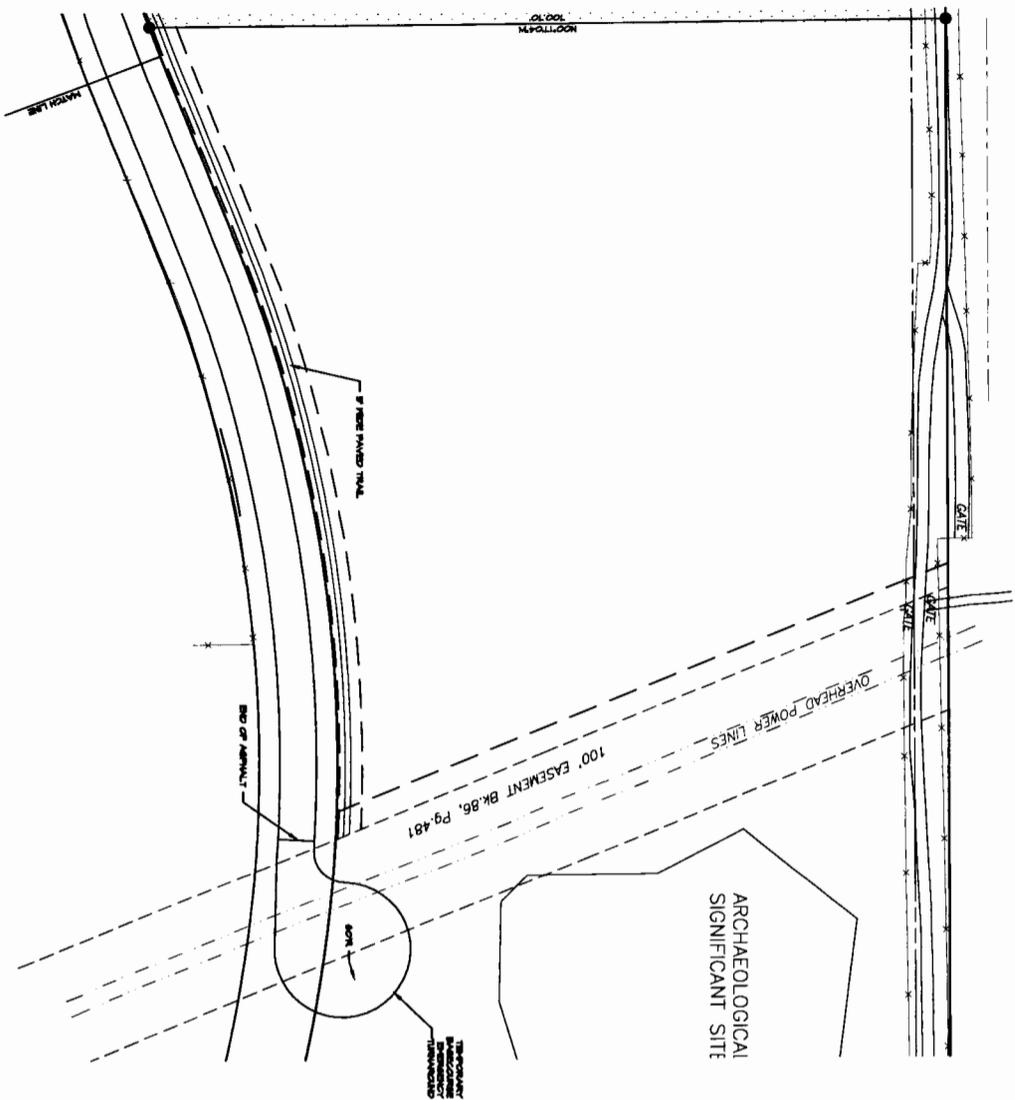
SITE DATA
 PROJECT AREA: 22.00 AC±
 ADDRESS: 65 COLLEGE DRIVE, SANTA FE COUNTY
 • 200 UNIT APARTMENT
 BUILDING FOOTPRINT: 124,481 SQUARE FEET
 LOT COVERAGE STRUCTURES: 15.0%
 FLOOR AREA RATIO: 0.22
 MAXIMUM BUILDING HEIGHT: 36 FEET (2" ± FROM FINISH GRADE)
 GROSS FLOOR AREA: 212,250 SQUARE FEET
 (DOES NOT INCLUDE COURTYARDS OR PORTALES)
 PARKING/DRIVE LANES: 184,952 SQUARE FEET
 ON-SITE PARKING: 418 SPACES (INCLUDES 48 GARAGE SPACES)
 OPEN SPACE: 15.30 AC± 61%
 AMENITIES: RAINWATER HARVESTING, FITNESS CENTER, CLUBHOUSE, AND POOL.
 ALL PARKING & ROADWAYS WILL BE SURFACED WITH ASPHALT
 COUNTY WATER SERVICE
 RANCHO YIELD UTILITIES SEWER SERVICE
 • ZONING: VILLAGE ZONE, NEW COMMUNITY CENTER
 PER THE SF COMMUNITY COLLEGE DISTRICT ORDINANCE

APPROVALS
 Approved by the County Development Review Committee, at their meeting of _____
 Chairperson _____ Date _____
 Approved by the Board of County Commissioners at their meeting of _____
 Chairperson _____ Date _____
 Attested by _____
 County Clerk _____ Date _____
 County Development Permit No. 14-_____
 Approved by _____
 County Land Use Administrator _____ Date _____
 Approved by _____
 County Fire Marshal _____ Date _____
 Approved by _____
 County Public Works Director _____ Date _____

DESIGN ENGINEER
 [Signature]
 400 Latta Street, Suite 11, Santa Fe, New Mexico
 (505) 991-1921
ELEVATION
FINAL DEVELOPMENT PLAN
FINAL DEVELOPMENT PLAN
 SCALE: 1"=30'
 DATE: 01/15/2015
 DRAWN BY / APPROVED BY: [Signature]
 SHEET NO. 2A

STATE OF NEW MEXICO)
 COUNTY OF SANTA FE)
 I hereby certify that this instrument was filed for record on the _____ day of _____ A.D., 2015, at _____ o'clock _____ M., and was duly recorded in Book _____ of the records of Santa Fe County.
 Witness my hand and Seal of Office
 SCARLENE SALAZAR
 County Clerk, Santa Fe County, NM
 Deputy

LEGEND
 COMMON OPEN SPACE
 PRIVATE OPEN SPACE



DESIGN ENGINEER

ELEVATION
FINAL DEVELOPMENT PLAN

FINAL DEVELOPMENT PLAN

SCALE	DATE
1"=40'	08/12/2015
BY	DATE
DESIGNED	08/12/2015

1"=40'

NORTH



Santa Fe County
Land Development Code
Santa Fe County Ordinance 1996-10

Section 3 - Variances

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code would not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variance or Modification

In no case shall any variance or modification be more than a minimum easing of requirements.

8.1.4 Dead end roads

May not serve more than thirty (30) dwelling units, except that the Code Administrator with the concurrence of the Fire Marshal may approve the development of more than thirty (30) lots on a dead end road. The Code Administrator may require a second access for any development with fewer than thirty (30) dwelling units where issues of public health, safety and welfare exist.

14.9.7. Variances

14.9.7.1 Purpose

The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict

application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

14.9.74 Review Criteria

A variance may be granted only by a majority of all the members of the Planning Commission (or Board, on appeal from the Planning Commission) where authorized by NMSA 1978, Section 3-21-8(C):

1. where the request is not contrary to the public interest;
2. where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant; and
3. so that the spirit of the SLDC is observed and substantial justice is done.

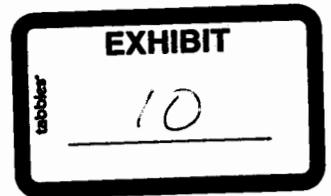
14.9.7.5. Conditions of Approval

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission, specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant takes affirmative action consistent with the approval.

14.9.7.6 Administrative variance/minor deviations

The Administrator is authorized to approve administrative variances from the dimensional requirements of Chapter 7 the SLDC not to exceed ten percent of the required dimension, but only upon a finding that the result is consistent with the intent and purpose of this code and not detrimental to the adjacent or surrounding properties.

Eileen Gorman, Ph. D.
3 Firehearth Pl. (The Village I at Rancho Viejo)
Santa Fe, NM 87508



The proposed change in the variance to the approval for Elevation to build is in **direct conflict** of County code protecting the safety of the tax payers/residents of the County. No more than 30 dwellings are allowed on a dead-end road. Yet the application is proposing another 200 dwellings. In addition, the SFCC also has an entrance that intersects on to the same small road. Multiple examples of the inadequacy of the road system, including Richards have been demonstrated with poor weather, usually during the winter when the College closes early. Adding more traffic will only make an already inadequate road even more so. *The Appeal of the variance should not be granted.* Master Plans are not "just" ^a Master Plans - if they cannot be changed along the way as needed because of circumstances, especially when the *safety* of the community is involved.

In spite of the above, the County has said the South East connector is going to solve this problem. But the South East connector is not scheduled for completion until 2018, under recent developments that have not yet been formally announced to the taxpayers/citizens. The Public Works Division Department provided a memo to County Planning Staff in January 2015 highlighting the safety and traffic issues along Richards Ave. This memo makes it clear that Richards is not currently functioning at an acceptable level.

The simulation study provided in To Elevation by Bohannan Huston, Inc. is just that - a simulation. The Public Works evaluation is much more credible. We have repeatedly asked the County for the traffic studies related to Richards and the South East Connector, and have been told that it will come. This leads us to believe that the study does not actually exist yet. Traffic on Richards is a mess.

The Taxpayers/Residents of the area are highly responsible, educated community members with a wide range of expertise- Ph.D.s, M.D.s, Fortune 100 company leaders, diplomats, lawyers, etc. This is a group of highly experienced, and credible group of witnesses who speak from experience that matters. The testimony of this important constituency should not be brushed aside as irrelevant because expensive consultants do not present it. The homeowners who are taxpayers do not have deep pockets; we are concerned citizens and voters who care about our community. Thank you for your time and consideration.

A handwritten signature in black ink that reads "Eileen Gorman". The signature is written in a cursive, flowing style.

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Katherine Miller
County Manager

**PUBLIC WORKS DIVISION
MEMORANDUM**

Date: January 7, 2015

To: Jose Larranaga, Land Use Department

From: Paul Kavanaugh, Engineering Associate Public Works
Johnny P. Baca, Traffic Manager Public Works

Re: CDRC CASE # DP 13-5381 Elevations at Rancho Viejo Preliminary and Final Development Plan.

The referenced project has been reviewed for compliance of the Land Development Code, and shall conform to roads and driveway requirements of **Article V (Subdivision Design Standards) and Section 8.1 (General Policy on Roads)**. The referenced project is located within the Community College District located within Santa Fe County Zoning Jurisdiction and is situated on the east of Richards Avenue, northeast of College Drive/Burnt Water Road intersection, approximately one mile south of Interstate 25. The applicant is requesting Preliminary and Final Development Plan approval to allow a 214 unit multi-family residential community on approximately a 22 acre tract.

Access:

The applicant is proposing to access the proposed development from College Drive (Neighborhood Street as per the Community College District) via Richards Avenue. At present Richards Avenue is a two lane, paved roadway 24 feet in width, with two driving lanes and shoulders. The posted speed limit is 35 MPH north of College Drive and 25 MPH south of College Drive. Richards Avenue was constructed in the early 1980's to Collector road standards with an estimated Average Daily Traffic of 1000 - 1999 vehicles per day. Richards Avenue's current Average Daily Traffic is 10,959 vehicles per day, which means it is operating as a major Arterial/Highway. Elevations at Rancho Viejo is proposing two new driveways off of College Drive, one which will be used as an exit only. A third access is mentioned in the TIA, however, it is not shown on the set of development plans. The applicant provided Santa Fe County with a Traffic Impact Analysis prepared by Bohannon Huston, dated December 4, 2014. The purpose of this study is to assess the traffic impacts the proposed project may have on essential intersections within the area and identify any necessary street improvements to these intersections. The intersections evaluated were Richards/Dinosaur Trail, Richards/Willowback, Richards/ College Drive and Richards/Avenida del Sur. The Analysis states that the intersections of Richards/Dinosaur Trail and Richards/Avenida del Sur will operate at acceptable levels of service. Richards/Willowback intersection currently operates at a Level of Service of D, which is an acceptable Level of Service as per the Highway Capacity Manual, however, this intersection as stated in the TIA is shown to drop to a Level of Service of E for the AM peak hour in a 2016 no build scenario.

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

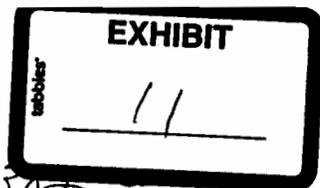
SFC CLERK RECORDED 08/12/2015

The TIA states that a second south bound lane will bring this intersection to a Level of Service C for a 2016 Build out scenario. The TIA states that the Richards/College Drive intersection is operating at a Level of Service E and currently has operating deficiencies for the AM peak hours on the northbound lane. The TIA states that a second northbound lane will bring this intersection to a Level of Service D for a 2016 Build out scenario. Santa Fe County conducted an independent study on this intersection for the existing conditions. Santa Fe County has determined that at present the roundabout is operating at an unacceptable Level of Service. It has been determined that a southbound slip lane would bring this roundabout to an acceptable Level of Service. Santa Fe County has designed a slip lane for this project and is on schedule to construct this improvement approximately June of 2015.

Conclusion:

Santa Fe County has determined that the submittal is incomplete and cannot provide support for the project until the following issues have been addressed;

- Applicant is proposing to extend College Drive to an extent of 2,600 feet. Article V, Section 8.2.1d, states Cul-de-Sacs (deadend roads) shall not be longer than five hundred (500') feet in length. Article XV, Section 6.E.3.c of the Community College District code states No-outlet roadways shall exceed three hundred feet (300') in length. The applicant shall obtain a Variance of these sections of the Land Development Code.
- The applicant shall submit all pertinent data/modeling for this study.
- The applicant shall submit a simulation model (i.e. VisSim) of individual vehicle movements of these intersections for the purpose of visually assessing movements for the area.
- At present Richards Avenue is at full capacity with the existing traffic, the applicant shall demonstrate how their development is not going to overburden the entire system of Richards Avenue.
- Applicant shall specify sizes of traffic signs and use Type IX prismatic sheeting on all sign faces on page C-6 Traffic Signage Plans.
- A note shall be placed on page C-6 Traffic Signage Plans stating "All Panel signs must be installed on Telspar post assemblies using appropriate Rivet anchor hardware".
- Applicant shall place note on plans "All Longline pavement markings shall be minimum 350mil. Thermoplastic. All Arrows, Legends, Median Hash Marks, Crosswalks and Stop Bars shall be 380 IES BY "3M" NO SUBSTITUTIONS".
- Applicant shall provide delineators at all inlets/outlets of culvert pipes.
- Applicant shall install pedestrian detectable inserts with manual hardware at all pedestrian crossing.
- Applicant shall comply will American Disabilities Act for sidewalk and crossings.
- Applicant shall install a gate at the exit of property to ensure that it remains an EXIT ONLY.
- Applicant shall provide Santa Fe County a letter stating that Elevations at Rancho Viejo will be responsible for all off-site improvements.



Case #'s 13-5300-5381

Mary Kay Boutten
3 Bucking Horse Ct.
Santa Fe, NM
474-6716

July 14, 2015

mkb 5118 @ yahoo.com

I would like to express my opposition to the "Approval of Appeal" by Verdura Residential Operating LLC.

I can no longer wait for the hearing to convene. I arrived at 4:45. I would like my opinion entered into the record.

It is now 6:15 pm. I was informed when I arrived that the commission just took a 15 minute break.

Thank you for your time & consideration

Mary Kay Boutten

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