

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
August 11, 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 2:12 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 Victoria Trujillo, the State Pledge by Jorge Lopez and the Moment of Reflection by Richard Varela of the Clerk's Office.

F. Approval of Agenda

1. Amendments.

2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Mr. Chair, we have a couple of items that may have moved around on the agenda but first I'd like to go to action item III. B. In the interest of time today I would like to recommend that we table item B. 1 and item B. 3. And then also item B. 2 was moved to item VII. Matters from the County Attorney, Executive Session. Additionally, under Matters from the County Attorney,

Executive Session, item 2. Discussion of competitive sealed proposals – that's where the employee benefits was moved to. Also threatened and pending litigation, arbitration, litigation on rights-of-way, and treatment guardians for inmates have been added to the executive session. And then items C and D for possible action on two of those items were also added.

Everything else on the agenda is the same but I would like to note that under Public Hearings, under the land use cases, the first land use case does need to be heard at 6:30; we have an interpreter for that case who will be here at 6:30. Those are all the changes.

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

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So, Ms. Miller, I know there's some people here so I want to clarify. We are tabling III. B. 3 which is the solid waste discussion?

MS. MILLER: Mr. Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Okay. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would also like to request that we start the hearing for the ordinance promptly at 5:00. I have to leave at 7:00.

COMMISSIONER CHAVEZ: So why don't we move that up then?

COMMISSIONER HOLIAN: Commissioner Chavez, I think we can start it no earlier than 5:00 anyway.

COMMISSIONER CHAVEZ: You're right. Okay.

COMMISSIONER HOLIAN: Mr. Chair, it is noticed for 5:00.

CHAIR ANAYA: Commissioners, I also have a request on this item. I am going to request that we not have the vote until the subsequent meeting because I may not be here for the actual vote. So I'm okay with having the hearing but as far as the vote goes, I wanted to see if we could defer the vote. Not having another public hearing at the meeting, just the vote.

COMMISSIONER HOLIAN: Mr. Chair, actually I would like to ask our staff. I know that we're under a deadline with the moratorium, and if we had a vote at the next meeting, would the ordinance come into effect before the moratorium expired? I think it's extremely important that we not let the moratorium expire.

GREG SHAFFER (County Attorney): Mr. Chair, Commissioner Holian, I don't know that the timing would line up so as to allow that to happen if final action wasn't taken this evening. Just looking at the schedule, approval on 8/25 would likely push the effective date I think likely beyond September 15th. But let's double check the math on that but that's the way that I would see that working out. So I do think that an action tonight would be advisable so as to avoid the necessity to prolong the moratorium any longer than it's already been or to avoid a lapse in the moratorium.

CHAIR ANAYA: Check the dates. If I need to call in I will.
Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, while you're looking for that information I wanted to also go back to III. B. 3, which is the curbside solid waste

recycling program that we've been discussing. There are a couple of members of the audience that I know are here for that item. It's been suggested we table this discussion and so for their information, what will be the timeline on that discussion, Manager Miller?

MS. MILLER: Mr. Chair, Commissioner Chavez, our thought was just to move it to the next meeting, August 25th.

COMMISSIONER CHAVEZ: Okay. So at least we know that's the date that we're looking at and we'll pick up this discussion at our next scheduled BCC meeting. Okay. Thank you.

CHAIR ANAYA: Thank you, Commissioners. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the amended agenda with the proviso that if necessary, you will call in for the vote for the DCI ordinance.

CHAIR ANAYA: That's fine, Commissioner. There's a motion.

COMMISSIONER ROYBAL: Second.

COMMISSIONER STEFANICS: And I still need clarification. I'm sorry.

CHAIR ANAYA: You're fine, Commissioner Stefanics.

COMMISSIONER STEFANICS: I was having a sidebar. So we are tabling the solid waste discussion.

COMMISSIONER CHAVEZ: Until the next BCC.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: So there was a motion and Commissioner Roybal seconds the amended agenda.

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

I. G. Approval of Minutes

1. Approval of July 7, 2015, Special 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.

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

COMMISSIONER ROYBAL: Second.

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

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

2. Approval of July 14, 2015, BCC Meeting Minutes

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

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

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

COMMISSIONER ROYBAL: Second.

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

II. **CONSENT AGENDA**

A. **Final Orders**

1. **CDRC CASE # V 15-5080 Thomas Ketcheson Variance.**
Thomas Ketcheson, Applicant, Requests a Variance of Ordinance No. 2007-2 Village of Agua Fria Zoning District, Section 10.6 (Density and Dimension Standards) to Allow Two Dwelling Units on 2.998 Acres. The Property is Located within the Agua Fria Low-Density Urban Zone at 1719 Roys Way, within Section 31, Township 17 North, Range 9 East (Commission District 2) Mathew Martinez, Case Manager (Approved 5-0)
2. **CDRC CASE # V 15-5070 Jennifer Farquhar Variance.**
Jennifer Farquhar, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 11.34 Acres Into Two Lots. The Property is Located at 21 Piedras Negras, within the Vicinity of Old Santa Fe Trail, within Section 21, Township 16 North, Range 10 East (Commission District 4) Mathew Martinez, Case Manager (Approved 5-0)
3. **CDRC CASE # V 15-5031 Juan Franco Variance.** Juan Franco, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 2.661 Acres Into Two Lots. The Property is Located at 88 Taylor Loop, within Section 5, Township 15 North, Range 8 East (Commission District 5) Mathew Martinez, Case Manager (Approved 3-2)

B. **Resolutions**

1. Resolution No. 2015-105, a Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (313) to Budget Funds to Improve the La Cienega Community Center Park in the Amount of \$20,500 (Finance/Carole Jaramillo)
2. Resolution No. 2015-106, a Resolution Requesting a Budget Increase to the Economic Development Fund (224) for the Local Economic Development Act (LEDA) Funds Received From the State of New Mexico Economic Development Department for the Santa Fe Brewing Company LEDA Project/\$250,000 (Finance/Carole Jaramillo)
3. Resolution No. 2015-107, a Resolution Requesting a Budget Increase to Various General Obligation and GRT Revenue

**Bond Funds from Cash Carryover to Offset Losses on
Investments/\$22,153 (Finance/Carole Jaramillo)**

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

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

COMMISSIONER STEFANICS: Second.

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

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

County Clerk Salazar provided the Commission with the numbers to the ordinance(s) and
resolutions throughout the meeting.

III. ACTION ITEMS

B. Miscellaneous

1. Request for Direction on the Creation of the Office of County
Flood Commissioner Pursuant to NMSA 1978, Sections 4-50-1
through 4-50-9 (Public Works/Adam Leigland) **TABLED**
2. Request for Direction on the Santa Fe County Employee Benefit
Program (Human Resources/Bernadette Salazar) (Item Moved to
VII(C)) **MOVED TO EXECUTIVE SESSION** [See Page 16]
3. Request for Direction on Options for Residential Curbside Solid
Waste and Recycling Service Regulation within Santa Fe County
(Public Works/Craig O'Hare) **TABLED**

- III. 4. Request Approval of Construction Contract No. 2015-0292-
CORR/IC Between Santa Fe County and Prime Builders,
LLC. In the Amount of \$449,291.91, Exclusive of GRT, for the
Server Rooms at Adult Detention Facility and Youth
Development Program and Authority for the County Manager
to Execute the Purchase Order**

TONY FLORES (Deputy County Manager): Mr. Chair, I'll be pinch-
hitting for Mr. Taylor on this item. We're requesting approval of the construction
agreement, 2015-0292, because Santa Fe County and Prime Builders in the amount of
\$449,000 for the server room upgrades at both the Adult Detention Facility and the Youth
Development Program. These were secured via an invitation for bid, Mr. Chair and I
stand for any questions.

CHAIR ANAYA: Are there any questions of Mr. Flores? If there aren't
any what is the pleasure of the Board?

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

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion to approve construction contract

2015-0292, second from Commissioner Holian. Any other discussion or questions?
Seeing none.

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

III. B. 5. Request Approval to Award Agreement 2015-0307-FI/MY for Lodger's Tax Advertising and Promotional Services between Santa Fe County and HK Advertising in the Amount of \$300,000, Inclusive of Gross Receipts Tax

MR. FLORES: Thank you, Mr. Chair. I'll also be stepping in for Bill on this one. We're requesting approval of a professional service agreement in response to a procurement solicitation for a new advertising contract for our Lodgers' Tax. We had four responsive proposals and based upon the evaluations of the committee we are recommending award to HK Advertising for an amount of \$300,000 inclusive of gross receipts tax for this fiscal year and I stand for any questions, Mr. Chair.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I do have some questions. I have brought to the attention of the Manager and perhaps to the Board my interest in the New Mexico True advertising campaign set up by the state. And recently I was at a groundbreaking for the expansion of Santa Fe Brewing Company. And one of the individuals, it happened to be Tony Mortillaro's wife works downtown at the Amigos booth. And as individuals come by their booth they ask them how they came to Santa Fe. Was this a return visit? Was this a first time visit, etc.?

And they are keeping statistics on everything and the statistics are showing that quite a few first-timers are coming because of the New Mexico True advertising. I think that carries some weight and I'd like to know how that is being incorporated into our advertising campaign for tourism, etc.

MR. FLORES: Mr. Chair, Commissioner Stefanics, that's an excellent question, and I can speak as one of the evaluators on the review panel and confirm that what we're recommending today was actually the contractor with the state of New Mexico for their New Mexico True campaign. So we have a very – the committee felt a very positive reaction to this firm being able to provide the same or similar branding and I don't want to use the work piggyback but to expand upon the New Mexico True campaign.

HK Advertising, as you know, or may not know, they are the firm that did the New Mexico True campaign for the state. They are also the ones that have taken that same model and used it for entities such as the Town or Village or Red River, the City of Espanola, the City of Roswell, the City of Carlsbad and Gallup. So one of the reasons that we felt that this was an important component to bring to the table is this organization that we're recommending today is building upon the success the state has with New Mexico True. So that will be incorporated into the new Santa Fe County advertising and promotional program.

COMMISSIONER STEFANICS: So thank you for that clarification but

the next question that leads me to is any extra fees related to New Mexico True included in this contract or will those be extra fees?

MR. FLORES: Mr. Chair, Commissioner Stefanics, there are no extra fees, there are no add-on fees and there are no fees that would be in the future. The program that HK Advertising would be developing for Santa Fe County can use the model, it just wouldn't be the state of New Mexico campaign. So there aren't any add-ons for that component of this contract.

COMMISSIONER STEFANICS: Okay, but Mr. Chair and Tony, the secretary of the department presented to the North Central Economic Development District and Red River, etc. are actually paying a small fee to be able to use the New Mexico True photography and ads. So you're saying that we would not be using New Mexico True.

MR. FLORES: Mr. Chair, Commissioner Stefanics, we would not be using the campaign for the state of New Mexico. HK Advertising would be developing our own campaign using that model, using our imagery and our photographs. That's part of this thing. So we're not using the canned program from the state of New Mexico.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIR ANAYA: Other questions or comments from Commissioners?
What's the pleasure of the Board?

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

COMMISSIONER HOLIAN: Second.

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

The motion passed by majority 4-1 voice vote with Commissioner Stefanics casting the nay vote.

IV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Mr. Chair, Commissioners, I don't have too many updates. Just one to let you know the Assessor's Office, they will be doing some kind of office planning and retreat this Friday from 11:30 to 5:00 so the office will be closed. All the staff will be working but they will not be in the office for the public and we have put that on both the Assessor's site and our County website and they're posting it so that the public will know ahead of schedule. And that's all I had for you.

CHAIR ANAYA: Thank you, Ms. Miller. Any questions or comments for Ms. Miller? Seeing none, thank you, Commissioners.

V. MATTERS OF PUBLIC CONCERN

CHAIR ANAYA: Is there anybody here that would like to come forward before the Commission under Matters of Public Concern for items not on the agenda? Any members of the public? Yes, sir.

BERT LEHMAN: Good morning or afternoon, Commissioners. I'm the

president of Tierra de Oro Homeowners Association off of Camino La Tierra near Las Campanas and we've been on the agenda for the last year or so to have our roads, the County roads, worked on and I spoke today with Commissioner Chavez and also just recently with Mr. Roybal about this and they're very up on this process. We were on the agenda to go to the legislature this last year but we were far enough down in all the priorities that it seems things got tucked under the radar a little bit.

In speaking with Commissioner Chavez today he said he's understanding now that some of the legislators want more input from the County as far as strong commitment to this project of resurfacing the roads. I don't want to get into the details of how the roads are. They're very up on that. If you have any questions you can ask them directly about it. But if we do that, we as the constituents of the Tierra de Oro are willing to put in a substantial amount of our own money for the County road maintenance in this project and we just ask that you would really direct the Public Works Department to go ahead with this project and get it done.

There was a comment that was sent to them last year saying that this is the very particular time that we need to do this because this so-called PASER evaluation is ripe for that and if we go any further the roads are deteriorating substantially and we need to do this now. So I would just look for your commitment to be behind this project in whatever way it could be possible. If you have any questions of me of that.

CHAIR ANAYA: Thank you, sir, for your feedback.

MR. LEHMAN: Thank you very much.

CHAIR ANAYA: Are there any other Matters of Public Concern? Any other Matters of Public Concern?

VI. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Matters from County Commissioners and Other Elected Officials

1. Elected Officials Issues and Comments

CHAIR ANAYA: Madam Clerk, do you have any items?

GERALDINE SALAZAR (County Clerk): The only item I have is that we have an internet service for our records which is currently called Web Extender. We are upgrading that system to be to Clerk Track Web, so we're giving up to implement that September 1st. So that's the latest in the Clerk's Office is we're changing our current system, upgrading it, and it will be available to subscribers September 1st. So staff is working very hard to get everything in order. IT and other County staff are working with my staff to make sure that we have a smooth transition.

CHAIR ANAYA: Excellent. Thank you, Madam Clerk.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a question for our County Clerk. Madam Clerk, I understand that in October you come forward with all the voting sites for us to approve or put on the record. In the meantime, are some of those voting sites what we consider convenience centers? And have we had those in the past where somebody can go to a few places, regardless of where they live? I understand that we do that here at

the County Courthouse but do we do that anywhere else?

CLERK SALAZAR: We do that – and it's been for several years, at the County Fairgrounds, for early voting, where anyone in the county can go to that facility and vote, no matter what precinct they're located at. What we do now, we've been working on this for a couple of months, is that staff has been out in the field testing to see if the polling places are receptive to vote centers. So we're putting together a plan and we're going to present that to you September 1st. So we're looking at either going 100 percent vote centers or 100 percent traditional. We don't want to do a hybrid. We do some vote centers and some traditional. We're gearing towards 100 percent of either one. So we're hoping that connectivity is 100 percent in all locations. We currently have 50-some polling places, so we're looking at lowering that to 30 or 31, where anyone in the county can go to these polling sites and vote.

COMMISSIONER STEFANICS: Thank you for that information.

CLERK SALAZAR: You're welcome.

CHAIR ANAYA: Thank you, Madam Clerk, thank you Commissioner Stefanics. I don't see any other elected officials present; I'll go to Commissioners.

2. Commissioner Issues and Comments

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I would like to thank Paul in IT again. He actually made my Mac Air work in the Bokum building and I've been trying to make that happen now forever there. It seems like forever. So anyway, thank you, Paul. You're a genius.

The other thing I wanted to just make you all aware of is where we all are with regard to the Jemez y Sangre Regional Water Plan. I think I mentioned this before that the state is requiring that all regional water plans be updated – and there are 16 of them – be updated by next summer. I think next June is the target date. There is a committee that has been established and I'm pleased to say that the committee has representatives from a number of different areas in the region, and it's a very large and complex region, as well as members from different sectors like mutual domestics and so on.

The co-chairs are yours truly, Peter Ives from the City is a co-chair, Councilor Peggy Sue Martinez from Espanola is a co-chair, and Christine Chavez from Los Alamos is a co-chair. So we're really trying to be very inclusive about this. It's a very, very complex district. It has 15 water sheds, six pueblos. It has the Pojoaque Valley, which is the home of the Aamodt settlement, which is quite complex, and includes of course the BDD project. And one thing that I'm very interested in too is there are a lot of areas in this region, in our county, where groundwater is disappearing, where people who are depending on wells and groundwater are losing their wells. And so this is an issue that I hope we will take up.

The goal of the water planning, which was set out by the state, is to figure out if there is a supply/demand gap in the region and if so how do we close that gap. I am pleased to say that we've made quite a bit of progress already. Again, there are many

different entities that are represented. The staff of the City and the County are involved because there is clearly going to be information that we need and so they're going to help us gather any technical information that we need, and we have a process in place that is very, very inclusive. This is going to include a lot of public input, including meetings in different parts of the region, so I will be coming to you and asking for advice on where we should set up the meetings.

So in any event, I'm pleased with how far we have come along and I will keep you posted.

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

COMMISSIONER STEFANICS: Mr. Chair, I don't have anything but I'd like to ask Commissioner Holian whether or not the Jemez y Sangre de Cristo working with any of the New Mexico First townhall recommendations on water. Are they being incorporated is what I'm asking.

COMMISSIONER HOLIAN: We really haven't gotten to that point yet, of actually looking at the data and looking at recommendations that other entities have made, but that seems like something we should bring in to the conversation.

COMMISSIONER STEFANICS: Thank you very much.

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

COMMISSIONER ROYBAL: I think it was mentioned in the last BCC meeting that if there are any constituents that are out there listening in District 1 we are looking for Road Advisory members and we're looking for them in the Arroyo Seco area, Pojoaque, and Tesuque, so if there's anybody that's out there interested please contact the County.

I'd also like to acknowledge Public Works. I've been working with Robert on some issues on road issues. Robert Martinez has been really helpful with that. He's always responded when I call him and there's other road issues that he's actually currently working on so I'd like to thank and recognize him for his hard work.

The other thing is the County Fair that we had. I'd like to thank everybody involved – Jaqueline Baca and Christina Turner. They did a great job with that. I felt like it was really a nice even and really successful. So I'd like to recognize them and also thank them for their hard work. And that's all I have at this time.

CHAIR ANAYA: Thank you, Commissioner Roybal. Mr. Vice Chair, Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I'm going to give a little update on the blue bus, the North Central Regional Transportation District. So we have ridership is doing pretty well. I have numbers if you want exact numbers on the Turquoise Trail, 599, Eldorado route, Edgewood route. And then we have in the Pojoaque area, we have a new service that's on-call demand for those that need special assistance. And so the publication, *Blue Bus Blue Times* features the Taos Chile Line and the partnership that the RTD was able to establish with the Town of Taos and Taos County so that the Chili Line is now part of the RTD and the Town of Taos did transfer

the keys and the equipment over to the RTD so we assumed responsibility of that. So that's the RTD newsletter, *Blue Bus Blue Times*.

Also, we have a new feature for the Golden route and it's – we're calling it the Golden Mailer. It's the RTD blue connects you, and it's titled We're going to Golden. And so that's one of the newer routes that we're working on. The RTD was featured in last month's – this is a national publication Passenger Transport Issue. It's the July 10th trade publication of the American Public Transportation Association. And there were new services introduced in three states and New Mexico was featured in that national publication for the service that we're providing to the Town of Taos, the Chile Line. So we're mentioned again, we're being recognized on a regional level but also we're being recognized for our efforts on a national level and I thought that was very significant.

And with that, Mr. Chair, I think that will conclude my presentation. If anyone has any questions we can provide more specific detail. I'll just close in saying that in addition to the *Blue Bus Blue Times* and the national publication, local newspapers, the New Mexican and others, have also featured the accomplishments of the blue bus and so I think we're on the radar as far as public transportation is concerned and I think that there are other communities that we will be able to share our information with and they can probably learn from what we're doing as well.

CHAIR ANAYA: Thank you, Commissioner Chavez. Any questions or comments? I have just a few comments. I have actually ridden the route from Stanley into Santa Fe and I can tell you that it is awesome to see the number of people. The bus is a full route. We've had to expand that particular bus and it's awesome to see all the different people from the different communities beginning in Edgewood, through Moriarty, then to Stanley, through Eldorado and into Santa Fe that are riding the blue bus and the many other routes that are being ridden throughout the entire NCRTD district. So Mr. Vice Chair, I appreciate your efforts, the efforts of the board, and just to restate it again, the blue bus is free. It's free public transportation into our hubs throughout northern New Mexico and in the districts. So thank you so much for those efforts and that update is very helpful.

Commissioners, I just have one item that I wanted to maybe piggyback on the comments – piggyback is I guess – no pun intended but there was a lot of pigs at the fair. I appreciate Commissioner Roybal's comments and in fact to Commissioner Roybal I want to say publicly, his son built a headache rack for a truck out of metal and it was not only very functional but it was a piece of art. He did a great job on that. I would just say the County Extension as well, 4-H, County Fair Association, the Santa Fe County Buyers, County staff, the public and the participants that joined in on the fair, the vendors, the buyers, and most importantly I think for everyone involved, the kids.

Commissioners, I want to tell all of you that it was constant throughout the fair their appreciation and thanks to the County as a whole and to this Commission for the efforts in helping the County fair as well as the efforts of the Commission and staff relative to the extension facility. We're getting our hands around a building that's been there since 1954 and it's going to be renovated for master gardeners and County Extension Services and the fair and so it was very awesome to see the participants and the public and the community, but their thanks never ended. I know Commissioner Roybal

when he was taking that rack in and others, a lot of the people showed their appreciation. So I wanted to just pass that on to the public and to the Commission and thanks to everyone that went to the fair.

We hear all the time that it's one of the most professional fairs in the state of New Mexico and our kids are performing at a very high level in every facet, from the indoor exhibits to the animals to just their leadership capabilities and the way they carry themselves. So a shout-out to all those involved and especially the kids. Ms. Miller, do you have anything you wanted to add? I know you had a lot of work with your team that went into it.

MS. MILLER: Mr. Chair, yes, thank you. As a matter of fact I went over on Friday and the number of people who came up to me and just thanked me for all that the County staff and the County was doing working with the Extension Office, with the Fair Board, and how much the kids really enjoy it. And these were people, just anybody who knew I had anything to do with the County came up and said something and I would say probably more than any other time. We actually had some Public Works staff over there to help any time something broke or they needed anything and it went really well. They said the whole event was just going really smoothly and they appreciated all the time and effort that the staff is putting in to helping make it a success and I think we have a really good Fair Board and Extension Office as well.

And I can say to your comments about around the state. I always get emails from the other managers – how do you guys handle your fair? Because ours is a problem. And I'm like, oh, ours actually works really well. It's a great collaboration between the Fair Board, the Extension Office and the County. So thanks to the Commission supporting it and all the staff and the people who work on it. I think it's a great event.

CHAIR ANAYA: Thank you, Ms. Miller. I'm going to go to Commissioner Stefanics and then the other Commissioners that want to comment. I had nine items written on here and I didn't mention the Fair Board. We can't leave the Fair Board out. So thanks for catching that and acknowledging their ongoing yearly work. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Since Saturday, three members of our community, adults, have approached me and are totally excited about the blue ribbons that they received at our County Fair. In the meantime I went down to Las Cruces for a meeting and Sandoval County has thrown down the gauntlet to Santa Fe County for their county fair. They believe they have the best fair, that they have people coming from all over the state to their fair. So perhaps next year we could do something to have people put colored pins or tacks on the state and where they came from but they believe they have the best. And I know that – I want to ditto all your thanks, but there are other counties that want to compete with us. Thank you.

COMMISSIONER STEFANICS: Thank you, Commissioner.
Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, it sounds like I really missed out because I wasn't able to attend the fair this weekend but I want to thank the Commissioners and staff who did attend. I want to thank the County Manager for attending. Because it's something that we really need to invest in and I need to learn

more about, but the County Extension, the 4-H, I think those are all – it's all about life skills, and you touched on that earlier, Mr. Chair. And so these are the programs and the efforts that we continue to support. So I want to thank you for being there and apologize myself for not being able to attend but based on Commissioner Stefanics' comments I guess we all need to up our ante a little bit and see if we can make it even more successful than it has been in the past. I don't know how we can build on that but we'll figure that out. Thank you, Mr. Chair.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I know we have a great fair but I also want to mention an event, another event, that's going to happen at our fairgrounds in October. I don't know if you've heard this but Food Day is going to be on October 16th, all day at our fairgrounds, and I would like to thank whoever made the decision to allow Food Day to occur there. Was it our Manager?

MS. MILLER: Mr. Chair, Commissioner Holian, it came up through Community Services and thought that was a great place for the event.

CHAIR ANAYA: Thank you, Commissioner Holian.

COMMISSIONER HOLIAN: So in any event, I'll be bringing more information about this in the future. This is just a perfect venue for this. There are going to be a lot of demonstrations and it's all going to be culminated in the evening with a wonderful free banquet that is prepared by local chefs using local ingredients. So I think this is just another great use for our fairgrounds and thank you very much for allowing us to be able to use our fairgrounds.

CHAIR ANAYA: Thank you, Commissioner Holian. I would add on to that that I believe we still do weekly, or I don't know how often it is, but commodities distribution at the County Fairgrounds all the time, all year round. Do we still do that, Ms. Miller?

MS. MILLER: Mr. Chair, Commissioners, as a matter of fact Commissioner Stefanics was asking about this. We do food distributions at the fairgrounds, our housing and our senior centers as we have commodities available for the different populations within the county and those are some of the places we do it. I don't know the exact schedule but we do have them in the senior centers, in the housing and at the fairgrounds.

CHAIR ANAYA: Awesome. Thank you, Commissioners, for those comments and that feedback. Are there any items any Commissioners would like to add? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'm sorry. I forgot. I did forward to you all, there's an advocacy kit from NACo that has to do with the summer break that all of our people from Congress, from the House of Representatives and the US Senate. They will have some time off and of course we want to talk with them about transportation, the PILT, and Senator Martin Heinrich is taking the lead on trying to make PILT more secure. But I did forward that to the Commissioners and their liaisons. Thank you.

CHAIR ANAYA: Fantastic. Thank you, Commissioner Stefanics. Where

are we at?

MS. MILLER: Mr. Chair, we need to go executive session and unfortunately all the others are public hearings that were noticed for after five. So we need to go to executive session but we have quite a few items under there.

VII. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

- 1. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978**
 - a. Acquisition of Real Property in the Town of Cerrillos for a County Senior/Community Center**
- 2. 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**
- 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. Arbitrations Involving the City of Santa Fe**
 - b. Litigation Concerning Rights-of-Way for County Roads**
 - c. Treatment Guardians for Inmates at the Adult Detention Facility**

CHAIR ANAYA: Okay, is there a motion from the Board?

COMMISSIONER STEFANICS: Mr. Chair, I move that we go into executive session for the purpose of discussion of purchase, acquisition, or disposal of real property or water rights, discussion of competitive sealed bids, threatened or pending litigation in which we may become a participant.

CHAIR ANAYA: There's a motion from Commissioner Stefanics. Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Second from Commissioner Chavez, our vice chair.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (8,6,and 7) 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	Aye

[The Commission met in closed session from 2:56 to 4:35.]

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioners.

COMMISSIONER HOLIAN: I move we come out of executive session where we discussed the purchase, acquisition or disposal of real property or water rights. We also discussed competitive sealed proposals solicited pursuant to the procurement code. We also discussed threatened or pending litigation. I think that's what we discussed.

CHAIR ANAYA: And acquisition of property. Did we get that in there?

COMMISSIONER HOLIAN: Yes.

CHAIR ANAYA: Excellent.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion and a second from Commissioner Stefanics.

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

VII. B. Resolution No. 2015-108, a Resolution Delegating to the County Manager the Authority to Negotiate and Execute All Documents Necessary for the Acquisition of Real Property in the Town of Cerrillos for a Senior/Community Center

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would move items VII. B. Resolution 2015-108, a resolution delegating to the County Manager the authority to negotiate and execute all documents necessary for the acquisition of real property in the Town of Cerrillos for a senior/community center, and I'd like to thank Commissioner Anaya and the staff. I'm really excited that this is moving forward.

CHAIR ANAYA: I'll second that motion, Commissioner Stefanics and thanks to yourself as well and your efforts and the staff and the entire Commission; we're one step closer to an acquisition we hope. So any other discussion on that item? A resolution delegating to the County Manager the authority to negotiate and execute all documents necessary for the acquisition of real property in the Town of Cerrillos for a senior/community center. Motion by Commissioner Stefanics, second by myself. Any further discussion?

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

VII. C. Request for Direction on the Santa Fe County Employee Benefit Program [Item Moved from III(B)(2)]

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. On item C, I believe, and if we need a motion I can make that, but I believe that after a few months of study about setting up our own County employee benefit program and diverging from the State of New Mexico that we have decided that the State of New Mexico is willing to work with us on capping increases on our healthcare insurance rates and that we would choose to stay with the State of New Mexico, and I would make that a formal motion.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Motion from Commissioner Stefanics, second from our Vice Chair, Commissioner Chavez. Any further discussion? Madam Manager, do you have anything else you want to add on that item?

MS. MILLER: Mr. Chair, I would just like to thank the staff. They did a lot of work. This was a pretty monumental undertaking of getting information from the state about our employees' claims and what not and the contractor that helped us and those entities that proposed. It was a lot of information. It was a really good exercise for us to take a look at that and it also prompted us to have some good discussions with the state about benefits for our employees. They also are going to add some additional benefits in the way of clinics that will not require co-pay and also could dispense some prescription medications without a co-pay. So we're looking forward to see that the state not only will keep a cap on their increases but also provide better services to the County employees and I just wanted to recognize all the work that was done by the staff to get to this decision.

CHAIR ANAYA: Thank you, Ms. Miller. A motion from Commissioner Stefanics, second from the Vice Chair, Commissioner Chavez, to stay in the insurance pool of the state of New Mexico. Is there any other discussion? Seeing none.

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

CHAIR ANAYA: Thank you, Commissioners. We're going to go to one other item and then we're going to recess until 5:00. Commissioner Stefanics, did you want to bring up the item relative to the State Fair Queen?

COMMISSIONER STEFANICS: Thank you, Mr. Chair. We have a young lady, and I'm sorry I don't have her name right in front of me, from Santa Fe County who is applying to be the State Fair Queen and we have discussed this over the past years. She is the first one from Santa Fe County to apply in several years to be the State Fair Queen because usually our County Fair Queens go on for the formal rodeo queens. There is an issue though for any of the young women who go forward. There is an application fee and then there are several costumes that she is required to provide. She asked whether or not Santa Fe County can provide that support for the application fee, and I did let her know that that would be against the Anti-Donation Clause and that we cannot come forward with the \$250 fee.

I am asking though that any individuals that would like to make a private donation for this young lady to apply before August 31st to drop off a donation at our front desk in the County Manager's Office, and I will make sure that they have the names to write the check to or a cash donation. If she exceeds the \$250 for her application and you are fine with her retaining any cash she would use it towards the required costumes. This event usually costs someone about \$1,000 to participate. Thank you very much, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Stefanics. I'll happily help provide a private contribution to that so thank you for bringing that up. Seeing no other item, Commissioners, I think we'll stand in recess until 5:00 pm.

[The Commission recessed from 4:40 to 5:00.]

VIII. PUBLIC HEARINGS

A. Ordinances

1. **Ordinance No. 2015-7, 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 Extraction of a Certain Scale and Make Amendments to Other Articles of the Land Development Code Related to the New Article XVII (Second Public Hearing)**
[Exhibit 1: Ordinance Text with Changes; Exhibit 2: Ordinance without redlines; Exhibit 3: Orion Planning Group Memo; Exhibit 4: Pam Bennett-Cumming Comments; Exhibit 5: Laird Graeser analysis re: aggregate in the County]

COMMISSIONER CHAVEZ: I'm going to call this meeting back to order. Commissioner Stefanics.

COMMISSIONER STEFANICS: Before the break.... Oh, somebody just put in another \$100. We have \$207. We only need another \$43 so she can apply from Santa Fe County to be the State Fair Queen. So if you have any cash take it over to Katherine Miller. She has the envelope. Thank you.

COMMISSIONER CHAVEZ: That was a carryover from our afternoon session. So we're still trying to –

COMMISSIONER STEFANICS: Oh, and there's other good news.

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER STEFANICS: Mr. Chair, I know there's people from the Highway 14 area here, and we just approved the purchase of a piece of land in Cerrillos for the senior center. Thank you very much.

COMMISSIONER CHAVEZ: So if I could, the Chair, Commissioner Anaya, asked me to chair the remainder of the meeting. So we have before us a couple of community plans. We have the ordinance on the DCIs and we also have presentation on our capital – CIP, the Infrastructure Capital Improvement Plan for the year 2017 through 2021. So in the interests of time I'd like to restructure the agenda and go to item C.

COMMISSIONER STEFANICS: No. We've got to do the DCI.

COMMISSIONER CHAVEZ: This will not take very long. The CIP will

just take a few minutes. Okay, we'll I'm getting resistance there, Erik, so we're going to have to follow the agenda as it was presented. So then we're going to go back to the first item on the agenda which is the ordinance amending the Land Development Code to add a new article, Developments of Countywide Impact, to regulate landfills, junkyards and sand and gravel extraction of certain scale and make amendments to other articles of the Land Development Code related to the new article. This is the second public hearing and Commissioner Anaya did ask – he's going to do a phone conference. So I don't know if he's on the line now or if he will be calling in later. Okay, just for the vote. So he'll be calling in just for the vote. So go ahead and do your presentation then, Penny.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Mr. Chair, Commissioners. This is the second public hearing of the DCI Ordinance to regulate junkyards, landfills and sand and gravel with blasting. The memo in your packet lists the proposed changes that have been proposed since the July 28th meeting. In addition to that staff has several more proposed changes. Willie is handing out an ordinance with the additional changes highlighted and a clean copy with no redlines.

The changes that we are proposing – I'll let Willie hand this out so you can follow – we just have a total of five additional changes, some of which are typographical errors.

So the version that I'll be reading from is the one that has highlighted in yellow, starting on the first page. The first change proposed is under Article XI, Applicability. We're clarifying there that Article XI applies to sand and gravel that does not include blasting. So those few words have been added.

The next change is to Article XVII. We're adding a scope to Article XVII, therefore there's been some numbering changes on the first page. On the second page, 1.2, titled Scope, clarifies who this ordinance covers and states that it is not applicable to developments with vested rights.

The next change in your packet is on page 4 of the ordinance and this is a change in 4.4.4, Studies, Reports and Assessments. It's related to the fees and in order to be reasonable we need to give an upper limit on fees. That really isn't feasible for the preparation of the SRAs because the cost of an SRA, which is a study, report and assessment is going to be based on the type of application and the size of an application. So this proposal has the developer submitting and preparing their own SRAs, just as they do right now. However, the County still has the right to hire a third party to review any SRA or any technical information.

The next change in your packet is on page 24, and these are just typographical errors, the work applicant being spelled with a lower case instead of an upper case.

The next change is on page 28 of the ordinance, again, related to section 4.4 that I just read, removing reports and since the applicants will be submitting the SRAs themselves.

And the last proposed changes on the Appendix A on page 30 of your packet, again, removing the fee from preparation of SRAs and adding an upper limit to the fees for specialized review, an upper limit of \$10,000.

Those are the proposed changes that we have. I would like to then have our consultant team, Nancy Long, Graham Billingsley and Jackie Fishman do a brief presentation. Thank you.

COMMISSIONER CHAVEZ: Yes, when we get to the public hearing I

am going to suggest a time limit of three minutes and then we'll cut the mike off at four. So presenters, if you could keep your comments to the point and as succinct as possible. Thank you.

JACKIE FISHMAN: Thank you, Mr. Chair, Commissioners. My name is Jackie Fishman. I'm a principal of Consensus Planning and I'm going to do a brief overview tonight of what our project team will be presenting to you on the DCI ordinance. First I'd like to describe our project team. Consensus Planning is the lead consultant on the team and that's comprised of local and national planning and law firms. Consensus Planning is a planning and landscape architecture firm based in downtown Albuquerque. Jim Strozier and I are the two planning principals. We are both certified with the American Institute of Certified Planners. Our firm was established in 1991 and has been providing planning services to counties and cities throughout the state of New Mexico and has completed over 75 community planning documents and codes.

Orion Planning Group is a sub-consultant to us. They are a planning firm with a more national focus. Graham Billingsley and JoAnne Garnet are both fellows of the American Institute of Certified Planners and both have served as president of that organization, as well as JoAnne has been the national president of the American Planning Association. They each have more than 30 years of planning experience in both the public and private sectors writing land use codes and regulations. Graham Billingsley will be speaking tonight on the basis of the regulations contained in the DCI ordinance. The project team has prepared a memo on this which I believe has been handed out to the Commission.

For the legal side of our team, our local expert is Nancy Long who as you know is based in Santa Fe, is very familiar with Santa Fe County and is a member of the New Mexico Bar and is licensed in the state and federal courts in New Mexico. Nancy will be speaking this evening to the issue of the legal defensibility of the DCI ordinance and its provisions.

Mark White of White and Smith is our legal expert that brings a more national focus to our team. He's a member of the Missouri and North Carolina bars and a certified planner as well. His practice focuses on creating land use development codes and zoning regulations for communities throughout the country. With that I'm going to turn the presentation over first to Nancy Long, who is going to talk about, again, the legal defensibility of the ordinance that we're considering tonight, and then following Nancy will be Graham Billingsley. Thank you.

NANCY LONG: Good afternoon, Commissioners. We have, the legal aspect on the team, the two lawyers on the team have looked at reviewed various legal issues as they have arisen in compiling this ordinance and along with your legal staff who's been very helpful in looking at those issues as they've come up. Overall, the DCI ordinance is being considered by the Commission under your general health, safety and welfare of the County, to protect the county and to protect its residents. The purpose of the ordinance is right up front on page 1, provides the general purpose and also recounts that you are adopting this under your health, safety and welfare power. Then the more detailed findings are contained on Section 6 on page 9, and those are the specific, detailed findings that provide the stated basis for the governmental interest that you all are asserting in adopting the ordinance, and that is very complete in our opinion.

The specific type of review process here has been recommended by model land use codes for many years, actually for decades, and several states have adopted this type of process that you all considering this evening. Permitting systems similar to the DCI ordinance that you have in front of you have been upheld in other states, challenges to those ordinances. We've reviewed that precedent and also have reviewed this ordinance and we believe that based upon this precedent as well as the authority that you have in the state of New Mexico that the ordinance is, from a legal standpoint, sound. Thank you.

GRAHAM BILLINGSLEY: Mr. Chair, Commissioners, Graham Billingsley, Orion Planning Group. I just want to hit on – you've got the memo; I'm not going to read the whole thing. I just want to hit on a couple highlights. DCIs themselves we feel are those uses unique enough that have a potential of generating more significant impacts than most other uses including those that would go through the normal conditional use process, and therefore we think it's appropriate to have this distinct chapter, this ordinance in front of you that singles these out. And tonight we're dealing with the three that were addressed in the moratorium – landfills, junkyards and sand and gravel extraction. And there will be several more coming to you over the coming time.

One of the things that we thought important was establishing reasonable setbacks because of the potential impact so landfills, we suggested 300 feet, 500 feet from roads. Junkyards we have 1,000 feet from state highways, which is actually state law, and 300 feet from property lines and 500 feet from roads when it's not a state highway. And sand and gravel extraction we have 500 feet. Now I want to emphasize this. We have a 500-foot setback. I know there's been suggestions that reduce the size from ten acres to five acres. However, the math won't really let you do that. Five hundred foot buffer on all sides is a total of 5.7 acres of buffer.

So no one could then possibly do a five-acre mine. So that's why we have it at ten acres. So you would have, of that ten acres, you would have 4.3 acres left that could actually be mined. Our assumption is that most of these mines will come in at greater than the ten acres. I know it was even in the paper today that you reduce it to five acres. So that's a math problem and I would suggest you not go there.

A couple of unique parts of this that you don't have for some other uses is the annual reporting. We think that because of the potential here you need to monitor this in a more formal way than you typically monitor uses so we have, for these uses, required annual reporting so that you have for at least the first few years a statement, an audit as it were, that you can judge whether or not those standards that you establish when you approve these uses were being met. And you also then have the ability to revoke or suspend that permission that you granted if you find that they haven't been able to mitigate the impacts as expected.

So those are above and beyond what you typically can do with uses and we think this is one of the things that's important with these particular types of uses. I can go into any more detail that you might want but I wanted to highlight those particular things for your consideration tonight.

COMMISSIONER CHAVEZ: Thank you, sir. Are there any questions of staff or the consultants? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and Penny, what is our setback for our oil and gas drilling, please? In our ordinance for that.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, I don't have that information readily available. I can go and find that.

COMMISSIONER STEFANICS: Well, the reason I'm asking is for point of comparison with the 500 feet. I understand about the five acres in terms of a size of a production but I'm also wondering about maintaining some kind of consistency if it's feasible with our oil and gas drilling.

MS. ELLIS-GREEN: I'll go and check that.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER HOLIAN: If there is a ten-acre property and 4.3 acres, I guess is being mined, would that be done in phases or could they do it all at once?

MR. BILLINGSLEY: Most likely that would be done all at once. Anything up to about ten acres could be done in a phase. That's just a couple of thousand foot square. So it would be fairly inefficient to make the mine area smaller than that but somewhere around that ten acres is when you would definitely want to see reclamation occur behind the mining so that you only have that pit open for as short a period of time as possible.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER CHAVEZ: So while we're waiting for information to come back I'd like to go ahead and start the public hearing and ask for a show of hands of those that are here this afternoon that want to speak on this issue. Okay, so all of you would like to speak. As I mentioned earlier we're going to keep – we're going to set a time limit of three minutes so please gather your thoughts and see if you can condense them into that timeframe to help us manage our time because we do have some other items on the agenda that we need to get to also.

[Those wishing to speak were placed under oath.]

COMMISSIONER CHAVEZ: So I'm going to go back to staff to see if they have the answer to the question regarding our oil and gas mining. Penny, do you have – not yet. Okay. Let's go ahead and start the public hearing portion then. Anyone who wants to come up please come up to the podium. Give your name, address, and state that you are under oath, please. And if you want to start lining up on either side to save time that would be okay. Maybe we can rotate from one side to the other.

[Duly sworn, John Otter testified as follows:]

JOHN OTTER: My name is John Otter, 2300 West Alameda, Santa Fe, and I'm under oath. Some rather general comments on the process and the procedure. It appears that in the public interest we need to allow a certain amount of sand and gravel and various kinds of activities which are addressed by this ordinance. Nevertheless, it's good I gather when an individual project comes before the Commission then there is a lot of consideration at that point with regard to whether that particular project is indeed in the public interest.

Because we can't ban these activities totally for the public interest we need to have an ordinance of this type. What these ordinances do is they regulate where the damage to the environment is allowed to occur. Damage to the environment in general of course is not a desirable thing even though I assume that in these circumstances of this

ordinance there is a requirement that there be restoration of the property eventually, although that generally doesn't result in restoration of the environment that was disturbed for some long period of time. So I just urge that in the consideration of this document that even though it's addressed in terms of the health, safety and welfare of the public that the quality of the environment also have some attention paid to it just as well. I believe that the quality of the environment is a matter of human welfare and I hope that you give that careful attention. Thank you.

COMMISSIONER CHAVEZ: Thank you, Mr. Otter. Ma'am.

[Previously sworn, Diane Senior testified as follows:]

DIANE SENIOR: My name Diane Senior. I live at 317-B Camino Cerro Chato in Madrid and I am under oath. First I would like to sincerely thank the County and staff as well as the consultants for the hard work they've put into drafting the proposed regulations. I know the community had a lot to say. We provided a lot of input. I know the process was rushed but I very much appreciate the opportunity we've had to provide that input and the responsiveness of staff. Thank you also to Mr. Billingsley for just speaking now to clarify the acreage requirement. That was one of my remaining concerns and I'm glad to see that that is actually not as much of a concern as I had originally.

What I would like to do, however, is just make one statement to highlight a fact that may cause concern among some of the Commissioners, which is a questions of gravel and sand availability in the county. I'd like to remind you of the testimony from former chief economist Laird Graeser prior to the enactment of the moratorium in which his analysis showed that Santa Fe County produces an annual quarter million to half million tons in excess aggregate production. So this is relevant to the current conversation, because it's not to say that it means additional mines should not be considered, but that surplus production underscores the fact that large operations may provide very little in the way of real benefit to the county and warrant additional scrutiny prior to approval.

For your reference, I actually have copies of the relevant portions of that analysis for you if you'd like to refer back to it, but I do hope you will make – you will take the time to vote on this resolution tonight and get this matter put to bed. I know you've put a lot of work into it and we do appreciate it. Thank you.

[Previously sworn, Ross Lockridge testified as follows:]

ROSS LOCKRIDGE: Ross Lockridge, the Village of Cerrillos, P.O. Box 22, and I'm sworn. I hadn't planned to speak this evening because I've written a few letters but upon hearing that this zoning might be sort of a simple math problem got me to my feet. I'm a little bit baffled by that and I think you better consider that very carefully. The reason I've been so concerned about this issue repeatedly is just because of the experience we've had in Cerrillos. There was a permit for a three-acre mine. Fifteen years later it had grown to 13 acres. The County would not close it. It took a great citizen effort to actually get it stopped. I think siting is probably in the end of everything the most important issue and anyway, that's all I had to say.

COMMISSIONER CHAVEZ: Thank you, sir. Ma'am.

[Previously sworn, Cynthia Carter testified as follows:]

CYNTHIA CARTER: My name is Cynthia Carter and I live at 17 Cloudstone Drive and I am under oath. I'm here because of land use. I'd like to ask that a

variance be allowed for the zoning code currently allows one dwelling unit on my property on 1.458 acres and I'm asking that I can build a guesthouse.

COMMISSIONER CHAVEZ: Ma'am, that's a case that we'll be hearing later. That's a separate –

MS. CARTER: Oh, okay. That was under the – okay.

COMMISSIONER CHAVEZ: We'll get to that a little bit later in the afternoon. That's fine.

[Previously sworn, Sally Douglas testified as follows:]

SALLY DOUGLAS: I'm Sally Douglas. I live at 51 Camino del Corazon, Sandia Park, New Mexico, but I live in the San Pedro neighborhood that is within Santa Fe County boundaries. We have a five-acre gravel operation located on a County-maintained dirt and gravel road, Oro Quay, about 1-½ miles from my house. The truck travel is continuous all day and has increased over the years. The main road through San Pedro, paved County Road 344, was resurfaced in March. At the intersection where the gravel trucks pull out from Oro Quay Road to Route 344 the pavement is already cracked and has buckled up. The edges of Route 344 have crumbled in many places and the white line is just painted over these crumbled areas.

Route 344 is a main bicycle route and the noise and dust is also a constant problem. The gravel trucks deliver to locations that include Albuquerque, Edgewood, Stanley and Santa Fe, so among others, County Road 41, Simmons Road, State Road 14, which is an official scenic byway, are impacted. So obviously, even a five-acre gravel mining operation has countywide impact. The sand and gravel mining DCI should lower the ten-acre minimum. I understand what he was saying about the five acres but the ten acres is still a lot.

In addition, notification of new mining sites should be within a two or more mile perimeter of the project area, not merely one mile as stated in Section 4.4.9; that isn't enough. As I said, I live 1-½ miles from the San Pedro gravel operation and my property is impacted. I appreciate your consideration of these issues.

[Previously sworn, Pam Bennett-Cumming testified as follows:]

PAM BENNETT-CUMMING: Good evening. Pam Bennett-Cumming, 286 Camino Cerro Chato, Cerrillos, New Mexico, and I have been sworn. I'm under oath. I too would like to commend the Commissioners and their staff on the hard work they've done pulling this ordinance together. I recognize there was a tight timeline, a lot of things had to be addressed and your community-mindedness in looking at the impacts of developments that have more effect that just on the property is greatly appreciated. As a planner retired from local government in Washington State these kinds of provisions were standard operating behavior for many of the local governments, so I've seen this before.

It appears that one of the questions that I had has been taken care of. I understand that the words "and does not use blasting" being added to the first page, the amendments to Article XI, Zoning for Extraction of Mineral. One thought I had on this section, since it only talks about zoning for one of the land uses considered under the ordinance was should there be some reference into other documents for the other types of land uses considered so that the reader is guided as to where to look.

The other issue – the five-acre question. I can appreciate the consultant's position

on concerns about a small parcel of land suddenly being cut down to an even smaller one for the use. However, does that mean that a 9.9-acre mine could be allowed anywhere as currently written in the ordinance without the clearer review provided in Article XVII? For example, would the health, safety and welfare of the people in greater Santa Fe County while attending a school, hospital, being in hospital, attending a public facility – might they be affected by the proposed use next door? Might it be possible to add some provision within this ordinance that addresses that there could be greater impacts if there was close proximity to somewhere where the health, safety and welfare of people was affected? And I think that's it. Again, thank you very much.

COMMISSIONER CHAVEZ: Thank you, ma'am.

[Previously sworn, Karen Yank testified as follows:]

KAREN YANK: Good evening. My name is Karen Yank. I live at # 9 Luz del Cielo, Golden, New Mexico. I'm under oath. I think that the majority of the people that have been involved in comments between the last meeting and now are concerned about lowering it to five acres and so many of us came with that as our main agenda item. I am a little bit baffled still by his explanation and I kind of would like the Commissioners to ask for more clarification so we can understand really clearly. I would have like to have seen some kind of visuals showing me the setback and how much of the acreage is taken up. Wouldn't it allow, if a mine was set deep into – far off of a road, wouldn't it allow for the full ten acres then? I'm not clear on that. I do believe that we shouldn't have any mines over five acres of actual activity that isn't considered a DCI. So I'd like clarity on that.

I also think that a couple other concerns I don't think were met completely. I think they should be required to first secure water rights that aren't potable water for dust abatement before they go forward with an application. I also believe that we should limit them to two acres of disturbed land at a time and have them reclaiming the two acres as they move to the next two acres. And have unannounced site inspections. And also they should do some kind of visual analysis impact on what kind of impact it's going to do to our scenic quality of our lands in Santa Fe County. I think that's pretty much all my concerns. Thank you.

COMMISSIONER CHAVEZ: Thank you, ma'am.

[Previously sworn, Helen McCloskey testified as follows]

HELEN MCCLOSKEY: Hi. My name is Helen McCloskey. I'm under oath. I live at 33 Back Road in Madrid, New Mexico. Just a couple of points. First, thank you for getting on this and doing all this hard work. There's been a proposed gravel operation in Madrid and I'm concerned about how this ordinance would interface with that. Our town is unincorporated and under your jurisdiction, but we do have a private Madrid Landowners Association. Our roads are private. Our private roads ordinance in our own town do not allow for the use of large trucks, but since we're not an incorporated city I'm not quite sure how much jurisdiction we'd have over our own fate under those kinds of circumstances.

I'm also concerned about that particular one because it's at the edge of a watershed. It's in a watershed. I'm interested in how wildlife are provided for in this new ordinance. I'm not clear about that. Also the water availability issue that was mentioned just one speaker ago. It really seems to me that the applicant needs to show that he or she

has exhausted all avenues for non-potable water in the use of the proposed operation before they're given permission to use potable water. It seems almost insane not to have that provision in an ordinance regarding mining. And that's it. Thank you.

[Previously sworn, Chris Furlanetto testified as follows]

CHRIS FURLANETTO: Hi. My name is Chris Furlanetto. I live at 6 Redondo Peak, 87508. I am under oath and I'm speaking today on behalf of the League of Women Voters of Santa Fe County. As you know, for the last several years, during this entire process the League has closely followed the drafting, revisions, adoption of the Growth Management Plan, the Sustainable Land Development Code and over the last several months we've also closely followed the process for drafting and revising this proposed ordinance to regulate the three DCIs. We've attended stakeholder meetings, community meetings and Commission meetings. We've provided comments to staff on the draft ordinance and we really appreciate the attention that staff has paid to our suggestions.

We strongly urge you to adopt this ordinance this evening. It will put in place comprehensive regulations of landfills, junkyards and the sand and gravel operations of the larger scope. If changes to the proposed ordinance are considered this evening we would just ask that you agree only to any changes that strengthen the ordinance and not to any that would weaken the current provisions. We believe that these regulations will provide necessary protections for the residents of Santa Fe County by maintaining air and water quality, preserving cultural natural resources, protecting viewsheds, landscapes and wildlife habitats, managing terrain, traffic areas, and overseeing these operations. And we ask you to put these regulations in place with a vote this evening. Thank you.

COMMISSIONER CHAVEZ: Thank you.

[Duly sworn, Roger Taylor testified as follows.]

ROGER TAYLOR: I'm Roger Taylor, 54 Camino los Angelitos, Galisteo. I would like to urge a vote tonight. I've been watching this DCI evolve over some time. I think that there's been a lot of improvement, a lot of strengthening. The language is a lot stronger than it has been, so each iteration seems to have gotten us into a much more positive place. I would like to comment on the size and the demarcation between the DCI coverage and non-DCI coverage. I also would like to support the five acres instead of the ten-acre distinction.

In the Galisteo preview discussion I recall asking Mr. Miller, who runs a sand and gravel operation at the junction of 285 and 41 just how large his operation was, and he said it was between three and five acres, depending on his contract and what he was working on, but that seemed to be sufficient. So that's a bit anecdotal but perhaps that's something to think about.

If the actual operational size is the issue then perhaps there's a compromise that can be done where the language would say that the actual handling of materials, excavation of materials, etc. would be limited to the five acres, but perhaps the operational infrastructure or support could be additional acreage. So for example, buildings, parking for industrial materials like excavators, trucks, etc. could be outside of the five-acre envelope and the five-acre envelope would be dedicated just to the actual extraction and moving, etc. of the operation. So some thoughts to think about but I definitely would like to support a vote on this tonight. Thank you.

COMMISSIONER CHAVEZ: Thank you, sir.

[Previously sworn, Lana Paolillo testified as follows]

LANA PAOLILLO: Good evening. My name is Lana Paolillo. I live at #3 Waldo Mesa Road in Madrid and I'm sworn in. My comments follow up a little bit on Helen McCloskey's comments but mine are very personal and I would hope that the Commissioners would take into consideration the people that live in the areas where proposed mining or gravel extraction operations are being planned. There's currently an offer by a Mexican concrete gravel company to remove the slag pile, gob pile, in Madrid that's left over from the mining. They're willing to pay my neighbor who owns the property and the Hubers who own the mineral rights, \$40,000 apiece a year for the next five years to remove that. They want it for gravel.

However, not only do the people in Madrid feel that the infrastructure over our roads will not be able to handle the heavy trucks coming down every day, seven days a week, but they're going to go right by my house. Okay? I moved to Madrid in the mid-eighties, left, went back east, came back again, bought property, built a home, worked for the past 15 years in the school systems in this state and the pueblos, only to be able to retire in my home in Madrid. And I may not be able to do that. My property value will plummet. I won't even be able to sell my property, never mind live there.

And the destruction to the environment and the town itself – that town exists on tourism and no one wants to sit at an outdoor café with two-ton trucks barreling by all day long, seven days a week. Nobody wants to shop in that environment. So I don't have as much knowledge about these issues as some of the people that spoke before me but this is very personal for me and I would hope that the Commissioners would take into consideration the people that live in the areas when you allow someone to extract or reclaim or mine. Thank you.

[Previously sworn, Walter Wait testified as follows]

WALTER WAIT: My name is Walter Wait. I represent the San Marcos Association. I'm at 48 Bonanza Creek Road and I have been sworn in. I too am a little bit confused by the setback statement. It would appear to me that if the developer is part of a larger acreage owned by the developer then there may not be a setback except where it meets a public roads or another property. If that is the truth then of the ten acres it will allow mining of at least seven-plus acres instead without the benefit of the DCI review. Again, this under ten acres, non-DCI to grant a permit should be classed as a DCI. If it's at five acres then it's a three-acre grant for a non-DCI program.

Now, I think that in light of the continuing public concern over the proposed ten acres cut off before a DCI is declared for sand and gravel extraction, I'd ask the BCC to create and pass a motion to lower the cutoff in the proposed amendment to the code to five acres. This was suggested by Commissioner Stefanics at the last meeting and has been advocated by numerous community groups and civic organizations over the past five years. The extent of this amendment – the intent of this amendment is to both identify developments of countywide impact and to protect the county as a whole from potentially degrading aspects of such endeavors.

While there may be areas within the county where a ten-acre disruption of the scenic value inherent in our county would not be felt there are other areas where stripping the groundcover off of 9.9 or 4.3 acres would create irreplaceable harm. And there are

these areas of the county as a whole must ensure that they have adequate protection and full disclosure of the long-term effects such a development might have. So I would again urge you to consider the change as a precursor to passage of the proposed amendment. Thank you.

COMMISSIONER CHAVEZ: Thank you, Mr. Wait.

[Previously sworn, Joanna Conti testified as follows]

JOANNA CONTI: Hi. I'm Joanna Conti, 6 Anthracite, Cerrillos, and I've been sworn. I did write some emails but I thought I would want to read it again to you all. Mine's more personal too. Good afternoon. Thank you so much. In reference to La Bajada and regulations vote this evening I don't know if it's even a choice at this point to ask to vote against going through with the mine at all because this is our home. The hills are historic, they're special, and they're wild. But if we do have to compromise please make it small and intentional. Native American's use La Bajada for prayer and ceremony. Residents use the land and surrounding land for recreational tours, eco-psychology for the well-being of the community. Please hear the voice of the people that you represent. And if it's too late at this point for the vote, please make it as eco-safe, please think of the balance and peace of our community. Think about the future of our community. Please recognize that nothing can be separated, so any intrusions that we do to the hills or anywhere else on our land ripples out and affects all of us.

We see this happening all over the planet, old ways of mining and energy use that's affecting the future of our life here on the earth. Mines leaking into water sources, poisoning the animals and the water sources, nuclear waste pouring into the ocean, we must be the steward of the earth. Give the planet a break. Our vote and our intention and our decision makes a difference for all of humanity. Thank you so much for your time and please take this seriously. Please be clear, and please hear the people. This vote is a microcosm of the macro of our whole planet's future. Thank you.

COMMISSIONER CHAVEZ: Thank you.

[Previously sworn, Scott Hoeft testified as follows]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group. I'd like to commend the staff on the ordinance. We did work quite extensively with Ms. Ellis-Green and Mr. Billingsley, Nancy Long, as well as Robert Griego. However, what I think would be helpful is just one more round of edits on this. We had two meetings and then we had the hardcopy. If I missed something in between I apologize for that. But we have several comments just regarding existing mining operations, how this ordinance is affected by that and it would be helpful for us to just get some more clarity and time. And in my two minutes I can't really get things clarified.

The bonding process is a little uncertain to us. Some of these cells of mining activity could go on for ten years. To bond that period of time, we need to kind of understand a little bit about that. The blasting permit, though the specifications seem fine it requires that we hire a blasting firm to review the permit as well as submit the permit, so it seems that we're being hit with costs twice, and there's a host of other small issues regarding existing facilities that are in the county right now that are going to continue to operate and we just want to make sure that we're consistent and conform with this new ordinance. So I ask that if it's possible, to allow us a little more time to work with Mr. Billingsley and crew. It would be very helpful to us. Thank you very much.

[Previously sworn, Jim Siebert testified as follows]

JIM SIEBERT: Jim Siebert, 915 Mercer, Santa Fe. Let me kind of talk about the big picture with sand and gravel mining. It's my opinion that once you adopt this ordinance relative to sand and gravel mining that there will be no future sand and gravel operation in Santa Fe's new operation or anyone that's greater than 20 percent expansion of the existing one. With that I think you need to actually provide a greater percentage of expansion for existing sand and gravel operations. Some of the pits are older; they're running out and consider the consequences. The consequences to the county are that sand and gravel will not be from Santa Fe County. It will be brought in from some other county, most likely Sandoval County. So what happens? Well, you lose the jobs. It gets much more expensive. You're going to have to transport that product which transportation is a big item for sand and gravel. And the County no longer receives the benefits of the gross receipts tax.

I had several items where I'm just going to pick one tonight and that is I think it's a major flaw in the ordinance that deals with how you're going to handle asphalt and concrete plants. It says that if you're stockpiling then you have to fall in the new category. Concrete and asphalt plants typically have to store sand and gravel products. They have to stockpile sand and gravel products. So I think there needs to be specification that those sand and gravel and asphalt plants are exempt from the requirements of the code.

The same actually applies to recycling, because what happens now is that asphalt is – and there are several companies around Santa Fe County that do this, that asphalt is brought in. All asphalt, including asphalt from Santa Fe County is brought in and it's munched up, it's sieved and then it's reused. The same for concrete. There's old concrete that's brought in and it's stockpiled and then eventually it's recycled and used for other construction projects.

So I think that major, besides the big picture, one of the major flaws in the ordinance is in fact the issue of how you handle the stockpiling for the concrete and asphalt plants. Thank you.

[Previously sworn, Gail Carr testified as follows]

GAIL CARR: My name is Gail Carr. I live at 100 Rancho Alegre Road in Santa Fe County and I have been sworn in. I need to speak under many different hats because I was part of the process. I live in the San Marcos neighborhood and we've reviewed everything so we could coordinate throughout the county and I have to commend you for doing all this work. It wasn't easy for anyone. But because of that we have a much bigger picture of what the county needs besides our little neighborhood. So today I'm going to speak as myself, part of the San Marcos Neighborhood Association, and I'm also a member of the Green Party, and unfortunately many people couldn't be here tonight because we have been meeting at 6:00 tonight.

So I'm talking for many people who are very concerned about the environment, actions and impacts that this represents and off or our team-affirming values for life we really applaud this whole process because we believe in grassroots democracy and we're trying to exercise our view for the future environmentally so that we can focus on the future and make it sustainable. We want community-based economics unlike the gentleman who spoke before me because we believe that we have more jobs that we will

lose than he will bring in.

We moved here for the quality of life and we're into nurturing cooperative, diverse points of view, but we need it to be workable and I think for it to be workable in our community, what I've seen is that we need to lower it to five acres tonight so that we will have it in place for September. We need to place something in place before we have the next step. And basically I moved her because I really believed the American dream which was the pursuit of happiness, and I'm happy where I live. I don't know where I'll go next but if this goes through where more mining comes in, I won't be able to stay here. I can't take the sound and the traffic and all that stuff. That's why I chose to live here and I believe a lot of people chose to live here because of that. And so we have to go forward, looking like the Indians say, for the next seven generations and what are we doing. Thank you.

MS. YANK: I already spoke but I missed one important point. So I'll say my name again, Karen Yank and I'm under oath. I forgot to mention crushers with operation with this can be as close as a half a mile from residents and the noise can be really – noise pollution is a real factor. So I think that in this ordinance we should have something that requires them to use building structures to abate that noise pollution. That's really a major problem for people like us that live near these sites. I also want to just reiterate that I think you really should vote to change it to five acres or less tonight. Thank you.

[Previously sworn, Don Van Doren testified as follows]

DON VAN DOREN: Don Van Doren, 504 Adolfo in Santa Fe, and I've been sworn. Mr. Chair, Commissioners, first of all thank you all for all of your hard work here for you and the staff and the consultants. We think you've done a really good piece of work here in putting this document together. None of us is really – at least most of us – are not trying to prevent sand and gravel operations. What we're trying to do is make sure that they're sited effectively. I think the approach that you took to create overlay zones is really an effective method for doing this. I do feel that there are some challenges with the ten acres. I have some issues with Graham's comment. He is assuming I think that the entire property is within this area and if as a previous application that we heard over a year ago came out we had a situation where it was a certain number of acres within a much larger piece of property that was being proposed, and so in those kinds of circumstances it seems to me that the ten acres could be fully mined.

I think that what I would suggest is what is important is that we look at how and where these sites are done. Again, the whole point of the overlay zone approach means that certainly people can come in and they can make a presentation and if it's an appropriate area then they can go ahead. So it doesn't prohibit in any way sand and gravel operations. However, what we're talking about I think is at what point do the provisions of the DCI come into play? And for that reason I think that a five-acre zone would be a much more appropriate level.

Picture five acres in a very visible location in the county. I think there's a major impact even from something of that size. Ten acres is significantly larger than that. I would urge you to consider making it five acres. Thank you.

[Previously sworn, Kim Sorvig testified as follows]

KIM SORVIG: My name is Kim Sorvig. I live on slightly less than five acres at 103-C Camino los Abuelos in Santa Fe. I think people have covered most of the kind of technical things that I had intended to talk about. I would urge you not simply to drop the five-acre possibility because the assumption with the simple math with all due respect to my colleague, Graham, is the buffer has to be counted within that ten acres, and that's not necessarily the case. You could have a five-acre mine with a buffer around it and not have it count towards the same total.

But rather than go into technical things what I would like to do after thanking everyone who has worked so hard on this, is just to remind us why we're doing it. It's basically a vision of this county that I think we all shared when we started this. We want a county where people have jobs. We want a people where there's a place to get rid of our trash, where there's a place to recycle cars and where builders have gravel. But we also want to make sure that it's worth living and working and building and recycling here and that's about quality of life as one of the earlier speakers said.

So I think it's really important for us to remember that none of the 600 people that showed up at the meeting a year ago were there just to hate on gravel. I think that we all recognize that it's an important industry, a necessary industry. What we're concerned about is that it should be in the right place and that our ordinance should be strong enough to ensure that that's the case. We also want to make sure that we have an ordinance that discourages people from coming in with the attitude – I'm going to apply and you can't stop me, which we have seen too often. I think we also want to make sure that the ordinance doesn't encourage people who in the past in the gravel industry have basically been scofflaws. The case out by Cerrillos is a good example.

What we want is to use our resources, use them from the right places and use them well to make a county that we're all proud and happy to live with. This is a good ordinance I believe. Could it be better? Of course. Every ordinance can be better, but people have worked very long and hard on this and I would urge you to go ahead and pass it with the possible change of five acres which I don't think should be flatly excluded. Thank you.

[Previously sworn, Althea Roycel testified as follows]

ALTHEA ROYCEL: Good evening, County staff, Commissioners, county residents. My name is Althea Roycel. I have lived at 128 Camino Cerro Chato, south of Madrid since 1979 and actually, my family named Camino Cerro Chato out of respect for Cerro Chato. It's the hill that looks out over all of us, and the fact that it was formerly the Juana Lopez land grant so needs to be in Española. Okay, so that's who I am.

I was around for the three-acre gravel pit in Cerrillos that Mr. Lockridge mentioned that grew to 13. It had a very detrimental effect not only on the land and all that but on the kids on the school buses, whether they were pro-gravel mining, anti-gravel mining. Okay. So I lived through that. And that is why, excuse me. That is why I support a five-acre maximum. Definitely.

Okay, then a lot of us lived through Pegasus and gold fields and from that came the Hard Rock Mining Ordinance which was a really good ordinance. It's protected the land and I appreciate that you folks are doing this for sand and gravel. And at that point I'd like to support what someone else said about reclamation before they move on, because anyone familiar with the Ortiz Mountains and the ex-gold site or anyone who

travels south from Santa Fe towards Cerrillos or Madrid sees the scar from the reclamation. So I really support reclamation before any kind of expansion.

So from where I live I could see the growth of the Santo Domingo mine. I forget what it was called but it's on Santo Domingo land. These people leased it and as the crow flies it's maybe five miles away but my windows shook. We felt the explosions. I'm just saying that the impact of the detonations and the air-borne particulates goes way beyond 500 feet or 1,000 feet. It has quite an impact.

And as far as resale value, I could not care less, although it helps my taxes if it goes down, but I'm willing to pay my taxes. We, my husband and I bought this land for ourselves and our children. We made our own adobes, we built an adobe house back in the day. Neighbors helped each other. He has passed on and my 20 acres is the only inheritance of my three daughters and my five granddaughters. So my interest is more that it stay environmentally basically as it is. I've got a slow well with good water. We have fresh air to breathe. And when the family gets together like they did last year for the passing of my husband it was a healing and it was wonderful to see all the cousins getting together at a time. So back to what I'm saying is over the last 39 years tourism is working better than extraction for the county. Thank you.

[Previously sworn, Trevor Burrowes testified as follows]

TREVOR BURROWES: Good afternoon. My name is Trevor Burrowes, 3628 State Highway 14, Madrid and I have been sworn. I started attending County meetings due to support for the Save La Bajada movement, but now I also see the relationship of gravel mining to building and infrastructure development in the county. Why is gravel being mined? Why is gravel being mined? How much gravel do we need? What if these questions are contingent upon how many and where roads are built? Where roads are being built now is where rural heritage and scenic values are being eroded. Just look at Rancho Viejo and the 599 Corridor, formerly County land. Just look at Cerrillos Road and the I-25 Corridor skirting the city and county.

No one looks at building as a DCI and it may be a little bit ridiculous but I'm wondering if it isn't. If you have a development model that is calculated to remove critical amounts of open space, scenic assets and rural heritage, any development on open land constitutes a DCI in my opinion. The so-called sustainable plan does not help with this. The Sustainable Growth Management Plan in a contradiction in terms. Given how development is being practiced in Santa Fe County and City growth would continue infinitely within the geographic scope of the county. But that runs into a contradiction. You can't have infinite growth on a finite amount of land.

So the very name of the plan attests to something unclear and ill-conceived about county development. County planning needs to go back to the drawing board. This time there should be input from voluntary historians, landscape architects, ecologists, planners, artists tribes, and other concerned citizens, as well as the groups and professionals who created the current plan. We need a more transparent, long-term, people-friendly planning process. Fortunately, there may be a way to grow with restrictions for a long time without requiring new sources of gravels and while enabling an increase in the perception and enjoyment of open space, but that requires new and smaller buildings to be placed where roads and buildings already exist. It precludes the construction of new roads. It rules out new developments like Rancho Viejo. It examines and questions the annexation process.

It might required form-based planning for major circulation areas such as the Turquoise Trail.

Form-based planning is a very precise kind of pro-active planning that goes beyond abstract codes to specific directions on how a place will look. For instance, form-based planning would say not only where mining would go – should not go, but where it should go and what such places would be like in terms of geology, hydrology and esthetics, etc. I suggest that we consider form-based planning for the entire county of Santa Fe. Meanwhile, I recommend the new senior facility near Lone Butte discussed at the previous BCC meeting be used as an opportunity to examine rural heritage preservation and new construction. I appeal to the County through better planning to reduce the need for new roads so as to be in balance with reduced gravel acquisition. Gravel mining is now hanging in the wind with no relation to the application of the gravel. I appeal to the County to address that discrepancy. Thank you.

COMMISSIONER CHAVEZ: Thank you, sir. Anyone else that would like to speak please gather your thoughts and come forward and be ready to speak. Go ahead, sir.

[Previously sworn, Eric Johnson testified as follows]

ERIC JOHNSON: I'm Eric Johnson, I'm at 2843 Turquoise Trail in Madrid, New Mexico. I want to thank you guys. You guys had the guts and the wisdom last fall to recognize that we didn't know what to do what was right at that point and to give us some more time. And I think that's also the one thing that almost everybody here can agree on. We just haven't had enough time to do it right. So I think we need to take the steps that are part of the proposed ordinance, but we can't afford to stop the process of developing and improving it in the future.

So the hearings that have been held were very useful. They began us on the process of making things better. I think the ordinance that approves the new DCI code will also include a schedule and a procedure for continuing to improve it in the near future. I think it would be really ironic if the County approved a code that turned out to be extremely disastrous on the same day when the state is in a state of emergency because of a terrible pollution of the Animas River that caused the Governor to actually take action about that. And ironically enough, the spill in the Animas River was apparently caused by the EPA. If anybody ought to be in a position to know what to do what's right it's them, but they didn't.

We can't afford to get it wrong. We're probably not smarter than the EPA. We've got to get it right, and that means do what we need to do tonight and continue as we go forward. Thank you very much.

COMMISSIONER CHAVEZ: Thank you, sir. So I'll ask one more time if there's anyone else in the audience that would like to speak to this issue? If not then I'll close the public hearing portion of the meeting and ask if there are any questions. I know there was one unanswered question, Commissioner Stefanics, that you were waiting for information on that. Go ahead, Penny, and then if there are any other questions from the Commission I'll go to you next.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, Robert is actually handing out the page from the oil and gas ordinance. There's a number of setbacks. They range from 200 feet to 1,000 feet. A thousand feet is from acequias, water sources, 200

feet from roads. The non-residential about 400 feet. A dwelling, 750 feet, and a lot line for residential use, 600 feet. I would want to point out that section of the ordinance says 500 feet from all property lines, but one half mile from residential structures. So that actually is in excess of the oil and gas ordinance.

COMMISSIONER CHAVEZ: So I think that was the comparison that you were looking for, Commissioner Stefanics, between this ordinance and the oil and gas ordinance.

COMMISSIONER STEFANICS: Yes. Thank you very much.

COMMISSIONER CHAVEZ: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is a question for either Penny or staff or our consultants. But I wondered if you would describe the restoration process that is outlined in the ordinance.

MR. BILLINGSLEY: Graham Billingsley. I'll do it. You want me to try and put this section in layman's terms? Is that –

COMMISSIONER HOLIAN: Well, just –

MR. BILLINGSLEY: Explain how it would work?

COMMISSIONER HOLIAN: Yes. What's the process, how quickly does it have to be done? That sort of thing.

MR. BILLINGSLEY: So the 3.25 and .26 and then actually the bonding would be part of that as well. The assumption is that most gravel mines will be – that will come through DCI will be of larger size and what we would suggest is through these regulations is that the Commissioners would want to phase that so that the eyesore, the issue of disturbed area could be reduced as much as possible and still make it feasible to mine. So in that phasing the requirement would be that in order to start the phase 2 of the mining you would have to start the reclamation of phase 1. Now there would be a short window between the two phases actually occurring.

What has happened in places that I'm familiar with, what generally happens is the negotiation over how much the second phase is going to be usually occurs in a public hearing unless you had already proscribed that in your original approval, and in that process then they would have to post the bond for the reclamation so that as the County monitors phase 2 the phase 1 reclamation has to occur. If it hasn't you stop everything that's happening. The County then takes that bond and does the reclamation themselves. So that's basically how that works.

COMMISSIONER HOLIAN: Thank you. That's good. Another issue that was brought up is sand and gravel mining operations expanding. So how would that process occur? Would they have to again finish the mining operation that they have, reclaim the land before they expand?

MR. BILLINGSLEY: They would have to apply for a new DCI in order to expand it because your approval would have delimited the size of that disturbed area. If they came in and said our plan is to eventually do 30 acres of actually mining and you say, well, okay, well, we want you to do that in phases of six acres each, or whatever. And they came back in 15 years or so and say, well, it turns out there's a lot more gravel than we thought, so we'd like to add another ten or 15 acres. They would have to apply for a new DCI in order to do that because you would have set the limit in that original approval.

COMMISSIONER HOLIAN: Thank you, Mr. Billingsley. And then another issue that was brought up had to do with truck travel on rural roads and so on. So first of all, during the application process how is it determined how the trucks are going to travel to and from the mines? In other words what route are they going to use? And then if the roads are inadequate for heavy trucks, how do we remedy that?

MR. BILLINGSLEY: There's two parts to that. The applicant would submit a proposed truck route which you would have to approve. The County would have to – the applicant would have to show that the roads that they intend to travel on are capable of withstanding the impact of those trucks of that particular size truck over the life of the mine – 20 years or 30 years or whatever that may be. You would then, in your deliberations determine whether or not that's an appropriate truck route. And we've put in there several things including the ability for you to limit that truck traffic to certain times of the day to avoid things such as school bus traffic, so there would be no trucks allowed on that route the same time or within a window of that same time that the school buses are.

You can also say no to trucks going through areas in which you cannot find a way for that impact to be mitigated. If your determination – you may be quite comfortable with the mine itself – it's remote, it's not visible, they've done everything they possibly can but the trucks are going to create an impact. You would then have a basis to deny the mine because there's no good way to get the gravel from the mine to the client.

COMMISSIONER HOLIAN: Thank you. And one other issue that was brought up had to do with non-potable water, using non-potable water I guess for dust control and so on. And maybe this is a question for our Land Use staff, but my understanding is is that the only non-potable water available right now in the county comes from the City's water treatment plant, and I'm wondering if that's correct.

MR. BILLINGSLEY: That's an issue that I'll let staff address.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, the one I know of is the one from the City's wastewater treatment plant. I'm sure other wastewater treatment plants do create non-potable water. A lot of them in the Community College District actually reuse that water in their open space so I don't know if it's available for purchase.

COMMISSIONER HOLIAN: And I think that's an important point. I think a lot of that treated wastewater has actually been promised for other uses. Correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, my understanding from the City is that they are only allocating letters of commitment for a year at a time because of future conflicts or potential conflicts on the amount of allocation.

COMMISSIONER HOLIAN: Okay. Thank you. Thank you very much, Penny and I have no further questions at this point.

COMMISSIONER CHAVEZ: Commissioner Stefanics, did you have a question?

COMMISSIONER STEFANICS: Mr. Chair, I have an amendment. On page 18, Section 10.2.1, after the first sentence, which says, "or utilizes blasting" I move to include any acreage utilizing blasting is affected by this section.

COMMISSIONER CHAVEZ: What page are you on again?

COMMISSIONER STEFANICS: Page 18, 10.2.1, after the first sentence,

which ends, "or utilizes blasting." A new sentence: "Any acreage utilizing blasting is affected by this section. I would hope for a second before we discuss it. And if there's no second it dies. It's a motion.

COMMISSIONER CHAVEZ: Read your motion one more time, Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay. Page 18, Section 10.2.1, after the first sentence that says, "or utilizes blasting." There would be a new sentence that says, "Any acreage utilizing blasting is affected by this section."

COMMISSIONER HOLIAN: Mr. Chair, I'll second that just for purposes of discussion. And I would like to hear what Penny has to say about that.

COMMISSIONER CHAVEZ: Penny, go ahead.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, you'd have to meet any of these standards. So if you were 11 acres but 10,000 tons and no blasting, you're a DCI. If you're five acres and 5,000 tons and you blast, you're a DCI. So it's all of these. So this section applies to sand and gravel that affects more than ten acres, or extracts more than 20,000 tons, or utilizes blasting. So if any of those three come into play you are a DCI, the way it is written.

COMMISSIONER STEFANICS: Mr. Chair, Penny, right now, it actually says or, it doesn't say and. So could you explain that a little bit further?

MS. ELLIS-GREEN: Yes, Mr. Chair, Commissioners. In this aspect you would want it to say or. If it said and, you would have to meet all three standards. By saying or you only have to meet one of those. So it only has to be more than ten acres, or more than 20,000 tons, or blasting.

COMMISSIONER STEFANICS: So, Mr. Chair, Penny, a piece of land that is five acres that would use blasting and not bringing in enough of a load would not be covered by this.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, it would be. So if you're more than ten acres –

COMMISSIONER STEFANICS: No, I'm talking about less than acres.

MS. ELLIS-GREEN: Okay, so the way the DCI ordinance would kick in is if you are one of three things. If you either do any blasting, on any size tract, bringing in any amount of gravel, you're a DCI. If you don't blast, you don't bring in more than 20,000 tons but you're on 11 acres, you are a DCI. And if you are on less than 10 acres, you don't blast but you bring in 25,000 tons, you're a DCI. So any of those three things will kick you into being a DCI by saying or. If you list it as DCI you have to meet all three qualifiers.

COMMISSIONER STEFANICS: So, Mr. Chair, Penny, going back to the DCI chapter, can you show me specifically, before we get to sand and gravel where it says that about the blasting.

MS. ELLIS-GREEN: I'm sorry. Could you repeat the question?

COMMISSIONER STEFANICS: So I asked if you could show me, before we get to sand and gravel, it says that blasting kicks in all these requirements. My point is I don't believe it's clear enough that any type of blasting, the way it's worded, is going to kick in the rest of the requirements. And that's what I want to ensure the public.

MS. ELLIS-GREEN: Okay. On page 1, under Article XI, Applicability,

we've amended that. Those are for the mines that are less than 10 acres, less than 20,000 tons, and we add in: and does not include blasting. So that's one area that would regulate sand and gravel in the ordinance. The next area –

COMMISSIONER STEFANICS: Penny, I'm asking specifically about blasting anywhere, anytime, on any size acreage. Anywhere. Any size. How clear is it?

MS. ELLIS-GREEN: Mr. Chair, Commissioner, are you talking about blasting that is unrelated to sand and gravel?

COMMISSIONER STEFANICS: No, I'm talking about sand and gravel. So you have the first section but it does say does not use blasting. I'm saying in the next section I had asked about to try to amend, if it's less than ten acres, and it's using blasting, I think it needs to be covered.

MS. ELLIS-GREEN: Page 18 does cover that under Applicability, and then on 10.2.3, the section does not apply to – and again that says sand and gravel operations less than – this is what this section does not apply to: less than ten acres, and less than 20,000, and doesn't use blasting. So this section does not apply if you don't blast and you're less than 20,000 tons and you're less than ten acres. But the applicability above allows the DCI section, Section 10 of Article XVII, to apply if any of the three qualifying events happen. If you are blasting, if you're over 20,000 tons, or if you're at ten acres.

COMMISSIONER STEFANICS: I don't think it's that late but I am missing this whole relevance to smaller than ten acres.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: Actually, I am confident that any operation, any sand and gravel operation with blasting, no matter what size it is, will be considered a DCI the way that this is actually written. So I withdraw my second.

COMMISSIONER CHAVEZ: So let's hold on to that thought for a little bit longer, Commissioner Stefanics, and then I have one or two questions I want to ask.

COMMISSIONER STEFANICS: Mr. Chair, if there's not a second, the motion dies. Rule on it and let's move on. There might be other amendments.

COMMISSIONER CHAVEZ: So I have a couple of questions of staff. I guess they are similar questions to those that have already been asked, but my first question I guess would go to existing operations that are already conducting business. I think the consultant touched on that a little bit because if they want to expand beyond a certain threshold they still have to apply for the DCI. But if – so my question is if they want to just continue the size and the scale of operation that they're currently operating under, what would it do to them? Would they be able to continue under the new ordinance or not?

MR. BILLINGSLEY: Yes, Mr. Chair, Commissioners, Section 10.3.27, existing sand and gravel extraction uses, basically we've created something that's sort of like a non-conforming use. However, in this particular case what we say is that if it is in operation at the time this becomes effective they can actually expand up to 25 percent more and still be allowed to operate as they are. If they want to expand beyond the 25 percent then they have to come through this ordinance, through the DCI process.

COMMISSIONER CHAVEZ: And I guess that would be in the scenario

where they were not doing blasting. Because if they wanted to change their scope to increase the size and include blasting where maybe they were not previously, would that change their application?

MR. BILLINGSLEY: That's not the way this is written. If they continue to operate as they have been operating, assuming that they're doing blasting today they would be allowed to expand 25 percent. It's not absolutely clear; it's implied.

COMMISSIONER CHAVEZ: Okay, so I just wanted a little bit of discussion on that, because I think that came up in the discussion, as far as the impact on existing businesses, whether they would be able to develop their cells and continue with their bonding and things like that. As you've stated it seems that they would be able to continue their operation.

MR. BILLINGSLEY: That was the intent.

COMMISSIONER CHAVEZ: Okay. I think you already touched on the comparisons between the concrete and asphalt plants and sand and gravel, right?

MR. BILLINGSLEY: Yes, sir, although we discovered where the concern came from and do have a suggested change to fix that. On page 18, it's 10.2.2, I'm going to read the whole thing just so it's clear. Sand and gravel extraction and processing includes any removal, stockpiling or processing of any material. Any screening, crushing, gravel recycling or washing or stockpiling of aggregate in concert or by itself constitutes a gravel processing.

So we see there the concern because you could do stockpiling by itself and then you would fall under this. Any stockpiling is related to asphalt or concrete batch plant would of course be covered in that operation, but we think the solution here would be to strike – after “in concert” – strike “or by itself.” And so it says, In concert with extraction constitutes gravel operation – constitutes a gravel operation. And that way if any of these things are done under some other sort of use that use covers it and it doesn't fall in here. But it was a good catch something that we hadn't really considered.

COMMISSIONER CHAVEZ: Thank you. I want to definitely thank all of the public that has been following this for the last year. I want to thank staff. I know that it's not going to be perfect for either side, for those that are against it or those that are supporting it. It's not going to be perfect. But I do think that it's a start and I was wondering – someone made the comment that maybe it's not the best but it could be better. And I don't think that we could make it better right now tonight. I think that the work that has been – the work that has gone into the document right now I think is making it the best that we can for right now but I'm wondering if there couldn't be a section in the ordinance itself on the last page before the effective date or maybe after the effective date another section and I'll throw this staff, a section that would suggest that we revisit, revise or update this ordinance in a reasonable length of time, a year, 18 months, two years. I don't exactly what the timeframe should be but I think that if we're sensing no matter what side we're on that this is not perfect that we could make it better I would accept that thought and that concept and accepting that if we adopt this, I would suggest that we not walk away from it and forget it and think that it's done because it's not right or it's not perfect or it's not as good as we want it to be but in time in the next year or the next two years I think we could work on it and improve it and make it better as we move forward.

So that would be my closing comment or suggestion in trying to deal with the situation and this activity that we're discussing tonight because I think the impact – the need is not going to go away, the impact of this activity will be there to some degree so I think that we want to be able to maybe manage that as we move forward. So those are my thoughts.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER HOLIAN: On that point. I couldn't agree with you more but I have a question for staff. Do we really need to amend the ordinance to make that happen or can we just give direction to staff that we revisit this in a year or some time period.

MR. SHAFFER: Mr. Chair, Commissioner Holian, I think it is at the pleasure of the Board to always revisit its ordinances. It doesn't have to enact an ordinance or include in an ordinance a review provision. But I think Ms. Ellis-Green may want to speak to general provisions that talk about that sort of update.

MS. ELLIS-GREEN: Mr. Chair, Commissioner, this is written as part of our existing Land Development Code at the moment but by the end of the year we're hoping to roll this into the SLDC. The SLDC has an annual review I believe and in addition to that, the Board of County Commissioners in 2013 when they approved the SLDC asked staff to come back six months after implementation of the SLDC with any proposed changes.

COMMISSIONER HOLIAN: Thank you, Penny. So, Mr. Chair, I believe that we have taken care of that.

COMMISSIONER CHAVEZ: I think it's covered. I think you're right but I just wanted to make sure for this record that we were clear on that. So I'm satisfied with staff's insight on that and I'm glad that that's there so we can move forward on that. Commissioner Roybal, did you have any comments or questions before we move forward?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Holian.

COMMISSIONER HOLIAN: I'm ready to make a motion.

COMMISSIONER CHAVEZ: Okay. We want to get Commissioner Anaya on the phone as well. So let's check in and see if we have our technology in place.

COMMISSIONER HOLIAN: Mr. Chair, I was just going to make a few introductory comments before I make the motion.

COMMISSIONER CHAVEZ: Sure.

COMMISSIONER HOLIAN: So I can do that in the meantime. First of all I really want to thank our staff and the consultants. You drafted a very, very good ordinance under very strict time constraints. And I think it is impressive what you accomplished. And I want all of you who are out here today and all of you who participated in this process. I think it's great to show how much you care about our county and how much you've actually contributed in the way of ideas and thoughts and brought up things that I wouldn't have thought up myself. It is just so important to participate in your local government. I can't emphasize that enough.

I do want to start off by saying that implementing regulations for developments of countywide impact is a huge step forward for this county. It is a huge accomplishment. I think it is the first time that anything like this has been done in the state so we are really breaking new ground here and I'm very proud of what we've done.

I think it's important that our regulations be effective, obviously, and protective both for our quality of life that has been brought up many times as well as for our environment Santa Fe County is a very special place and we need to protect it but we also have to recognize as many of you have pointed out that Santa Fe County does need landfills, junk yards and sand and gravel operations to some extent. We live in an automobile centric culture – we have to recognize that and accept it. And so we need sand and gravel products and it's not fair to expect that they all be imported from other parts of the state. And I think that we've heard from our constituents many a time that they expect for our roads to be well maintained.

What this DCI ordinance is doing is it's attempting to maintain a balance. In other words, it recognizes that we need these kinds of activities but they must be responsibly implemented. I think there are a lot of really good aspects of this ordinance that I want to emphasize a couple of things, again as has been talked about, before any size operations, sand and gravel operation that involves blasting is a DCI. Blasting causes it to be a DCI. And it also specifically recognizes as many of you have brought up protection of sensitive ecological areas because we require environment impact studies to be done for any DCI application. And what that means is that if an environmental impact study is done that means that no area that is sensitive in an ecological sense is going to be allowed to have a sand and gravel operation for example. And it also recognizes, I was very pleased to see that it even recognizes things like protecting wildlife migration. This is something that we have given very little attention to in the past and this is specifically called out in this ordinance.

Is this ordinance perfect? As many of you have pointed out, no. You still have some suggestions to make. But the important point is that we can modify it and we will be looking at the code again in the not too distant future and we can modify it then as we have experience with using this ordinance over the course of the next six months to a year, something like that. And, so at this point I'm not really, I have to say I'm not really ready myself to put the five acre limit on it at this point to trigger a DCI application. I want to study that a little longer because it's pretty clear that if you have just a 10 acre lot that is the entire lot for a sand and gravel operation with the setbacks only 4.3 acres would actually be disturbed. So I think that that area needs a little bit more study and we can make that modification in the future if it seems appropriate.

So with that, again, I would like to thank everybody, all of you for your comments. I would like to thank staff and the consultants again, you did a beautiful job on this in my opinion.

So with that, I would like to make a motion to approve Ordinance 2015-7, an ordinance amending the land developed code to add a new Article XVII, Developments of Countywide Impact to regulate landfills, junkyards and sand and gravel extraction of a certain scale.

COMMISSIONER STEFANICS: Second.

COMMISSIONER CHAVEZ: There's a motion and a second but I want

to check in with Commissioner Anaya. Mr. Chair, are you on the phone? Are you on the line there? Can you hear us? Commissioner Anaya? Try it one more time and then we'll move on.

COMMISSIONER HOLIAN: Mr. Chair, I would like to clarify that my motion includes the revisions that were presented to us today.

COMMISSIONER CHAVEZ: Okay, and are you okay with that?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER CHAVEZ: Okay, Commissioner Anaya we tried. That was the second try. We're going to go ahead and move on with it.

We have a motion and we have a second. Roll call.

MR. SHAFFER: Mr. Chair, if I could just clarify. The motion is as we understand it is to approve the version of the ordinance that was handed out by Mr. Brown at the beginning of this evening's hearing and then just for clarity, we also had a suggested revision proposed by one of our consultants and did your motion include that? That was to Section 10.2.2 which I think he read into the record earlier.

COMMISSIONER HOLIAN: Yes, it includes that.

COMMISSIONER CHAVEZ: Thank you, Mr. Shaffer. So there's some clarity on exactly what we're voting on and so everyone is clear on that. There is a motion and a second. Roll call vote please.

Commissioner Chavez	Aye
Commissioner Holian	Aye
Commissioner Stefanics	Aye
Commissioner Roybal	Aye
Commissioner Anaya	Excused – changed to Aye

[Commissioner Anaya was not available during the roll call vote but indicated later in the meeting, see page 53, by telephone that he voting for the motion.]

COMMISSIONER CHAVEZ: Thank you all for being here this afternoon. I do want to do a little bit of housekeeping and in the interest of time we do have land use cases for the remainder and we have some community strategic plans that we want to approve. But we have one case, CDRC 15-5110, Marta and Dolores Perez variance. We have a translator for this case. Are those applicants here? We're going to go ahead and hear that case first. We had promised to hear them by 6:30 and it's now 10 to 7 so.

VIII. D. Land Use Cases

- 1. CDRC CASE # V 15-5110 Marta and Dolores Perez Variance.
Marta and Dolores Perez, Applicants, Request a Variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to Allow a Land Division of 2.5 Acres Into Two Lots; Each Lot Consisting of 1.25 Acres. The Property is Located within the Traditional Historic Community of La Cienega at**

**19 B Las Estrellas, within Section 27, Township 16 North,
Range 8 East (Commission District 3). Mathew Martinez, Case
Manager**

COMMISSIONER CHAVEZ: Mr. Martinez, do you want to go ahead and start your presentation. The interpreter, sir, okay, go ahead and be ready. If the applicants want to come closer too, they can.

MATHEW MARTINEZ (Case Manager): Thank you,, Mr. Chair, Commissioners, Marta and Dolores Perez, Applicants, request a variance of Ordinance No. 1996-10, the Santa Fe County Land Development Code as amended by Santa Fe County Ordinance 2002-9, La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District, Section 6.4, Zoning Density, to allow a land division of 2.5 acres into two lots; each lot consisting of 1.25 Acres. The property is located within the Traditional Historic Community of La Cienega at 19 B Las Estrellas, within Section 27, Township 16 North, Range 8 East.

The subject lot was created in 1990, by way of Family Transfer and is recognized as a legal lot of record. There is currently a single family residence, 1,400 square feet, which was permitted in 2005 and two storage buildings on the property. The Applicants are sisters and have owned and lived on the property since December 16, 1994.

The Applicants request a variance to allow a land division of 2.5 acres into two lots; each lot consisting of 1.25 acres. The Applicants state they own the subject lot jointly and are requesting a Land Division so that both Applicants will own their own equal share and would no longer have a shared payment on the property.

On June 18, 2015, the County Development Review Committee, CDRC, met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request

Staff's recommendation and the recommendation of the CDRC was to deny the Applicants' request for a variance of Ordinance No. 2002-9 La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District, Section 6.4 Zoning Density to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres.

If the decision of the BCC is to approve the Applicants request, staff recommends imposition of the following conditions. Mr. Chair, may I enter these conditions into the record?

COMMISSIONER CHAVEZ: Yes.

The conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).

3. Future division of either tract is prohibited: this shall be noted on the plat. (As per Article III, § 10).
4. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

MR. MARTINEZ: I stand for any questions.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes, I see that there was discussion about a possible guest dwelling on the same property and were the applicants not interested in – or accessory dwelling, were the applicants not interested in that?

MR. MARTINEZ: I don't believe so.

COMMISSIONER STEFANICS: That's in the minutes from the CDRC. It's on page 7 of the materials that you gave us. Ms. Lucero said an accessory dwelling would be allowed under certain criteria but further division would not be allowed. Are the applicants interested?

MR. MARTINEZ: No, they are not.

COMMISSIONER STEFANICS: Okay, thank you.

COMMISSIONER CHAVEZ: Does the applicant understand all of the staff recommendations? Sir, I was asking if the applicants are of understanding of the staff recommendations?

[The translator speaks to the applicants away from the microphone.]

COMMISSIONER CHAVEZ: Should I read them so you can translate?

Okay. These are the conditions. There are four conditions of approval. The first condition: Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator on January 1st of each year. Water restrictions shall be recorded in the County Clerk's.

COMMISSIONER STEFANICS: Mr. Chair, they should have a copy of this.

COMMISSIONER CHAVEZ: No, I want him to –

COMMISSIONER STEFANICS: I know but they don't even have a printed copy is what I'm saying.

COMMISSIONER CHAVEZ: We can get them a printed copy but he would still have to translate it for them.

COMMISSIONER STEFANICS: I understand that. But he doesn't even have it to read it from.

COMMISSIONER CHAVEZ: Let's get him one then. Vicki, can we get him one?

GABRIEL DePABLO: Yeah, they have the report in their hand.

COMMISSIONER CHAVEZ: So come to the mike and for the record state your name and address if you would please.

MR. DePABLO: My name is Gabriel de Pablo I am a translator and interpretation. My address is 6419 Cerros Grande Drive here in the south part.

COMMISSIONER CHAVEZ: So I'm going to read the second condition of approval: A Plat of Survey meeting all Code requirements shall be submitted to the

Building and Development Services Department for review and approval.

MR. DePABLO: I think if I had the thing I could explain better.

[A copy of the conditions were provided to the interpreter and he talked with the applicants.] Yes, sir.

COMMISSIONER CHAVEZ: Okay, so you can attest for the applicants that they are in agreement of these four conditions.

MR. DePABLO: Yes.

COMMISSIONER CHAVEZ: Thank you. Okay, are there any questions for the translator? No. Commissioner Stefanics.

COMMISSIONER STEFANICS: I would still like to know and instead of our staff answering the interpretation could ask, have they been apprised that they can have an accessory dwelling on the property without dividing the property?

MR. DePABLO: They are interested in dividing the lot. They were told in five years time they would be able to divide the lot.

COMMISSIONER STEFANICS: Thank you.

MR. DePABLO: You are welcome.

COMMISSIONER CHAVEZ: If there are no further questions of staff, pleasure of the Board? Public hearing, thank you. Is there anybody here this afternoon to speak on this issues, CDRC V 15-5110, Marta and Dolores Perez variance. Sir.

[Duly sworn, Carl Dickens testified as follows]

CARL DICKENS: My name is Carl Dickens. I live at 26347 West Frontier Road, La Cienega, president of La Cienega Valley Association. This is an opportunity to express a long lasting community concern. When you talk about the well monitoring and they are going to have meters in each home and they're going to monitor and they are suppose to submit their records to the powers that be: that never happens. We now have over 450 homes that have been – basically, a subdivision has been created out of lot splits and family transfers and it's one of those things that if you look at the water situation within our community this is a very serious concern. We've had the Acequia de La Cienega over the last 20 years has seen over a 60 percent decrease in the amount of water that is available per farming. Our community without water is not a community.

And I hate to in a sense single these people out for this particular issue but it is one of those things that as a community we have to stand up and start talking about. We can't continue to have these wells drilled into an additional use out of a community that has a very limited amount of water. One of the things that we have done as a community is we are now working with the Bureau of Geology and Mineral Resources out of Socorro to do a well monitoring project. We have 35 wells that we will monitor twice a year because we are seriously concerned about what is happening to our water sources and with that that's what I'd like to say, thank you.

COMMISSIONER CHAVEZ: Okay anyone else here to speak on this issue? Then I will now close the public hearing portion on this item and ask what the Commission would like to do.

COMMISSIONER STEFANICS: Mr. Chair, I move to deny.

COMMISSIONER CHAVEZ: Do I hear a second?

COMMISSIONER ROYBAL: I'll second.

COMMISSIONER CHAVEZ: There's a motion to deny. There's a second.

The motion passed by majority [2-1] voice vote with Commissioner Chavez casting the nay vote. [Commissioner Holian was not present for this action.]

COMMISSIONER CHAVEZ: The motion is denied. It was denied by a 2 to 1 vote to table it – actually motion to deny not to table. The motion was to not approve.

COMMISSIONER STEFANICS: Mr. Chair, if the interpreter would please share with the applicants that they do have the possibility of the accessory dwelling.

COMMISSIONER CHAVEZ: Right. Thank you.

VIII. B. Community Plans

1. Resolution No. 2015-____, A Resolution Amending Resolution No. 2007-120, the Pojoaque Valley Community Strategic Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Pojoaque Valley Community Strategic Plan (First Public Hearing)

ROBERT GRIEGO (Planning Manager): Good afternoon, Mr. Chair, Commissioners, this is the first of two public hearings required by ordinance 2002-3. This item is a resolution to create the 2015 Pojoaque Valley Community Strategic Plan Update as an amendment to the SGMP and as part of the framework for the implementation of the Sustainable Land Development Code in accordance with the process established by Resolution 2015-18.

In your packet is background information regarding the process to create the plan update which included the following: review of the existing plan, review of the existing land uses and land use map, review of the regulatory framework of both the SGMP and the SLDC, the development of the 2015 community plan update, the review of the community overlay district draft for Pojoaque and a review of proposed zoning for Pojoaque Valley.

Proposed changes to the existing Pojoaque Valley Strategic Plan include the following: 1) amend the mixed use areas to remove certain properties within the Bouquet Historic District and areas adjacent to the US 84/285 that were identified by property owners as residential property; 2) update demographic information for the Pojoaque Valley based on the 2010 census and also the plan updates includes identification of community issues that have been brought forward through this planning process. This includes agriculture and environment regarding retaining the rural character and supporting agricultural opportunities to include community farms, markets, and an informalized land exchange program for agricultural purposes; conserving open space and contiguous agricultural lands through agricultural preservation techniques such as an agricultural overlay district; maintaining the integrity of the acequia system; and, also

recognizing the Jean Bouquet Historic District which has been recognized as a unique area for architecture, archaeological, and agricultural significance and the need to preserve the historic character of that district.

The planning committee have participated in a consistent and fairly intensive process over the last five months. The planning committee has also held two community wide open house meetings in June and July to present the plan update and receive update on both the plan update, the overlay draft and the proposed zoning.

The community district overlay and proposed zoning to implement the Pojoaque Valley Plan will be brought forward as part of the SLDC amendment process and the official map adoption process which are anticipated to be brought forward in the September timeframe.

This is the first of two public hearings on this plan update and no action is required at this time. This concludes my presentation and I stand for questions.

COMMISSIONER CHAVEZ: Questions of staff before we go to public hearing? Seeing none, I will open the meeting up to public comments. If there is anyone in the audience that would like to speak to this issue please come forward.

MR. GRIEGO: Mr. Chair, one of the planning committee members, Martha Trujillo, will be making a presentation on behalf of the planning committee.

MARTHA TRUJILLO: Thank you, Robert. Mr. Chair, Commissioners, thank you for having me tonight. My name is Martha Trujillo. The Pojoaque Valley Community Strategic Plan was created to address key issues and concerns of the Pojoaque Valley landowners. The process was somewhat confusing initially but with much persistence and expertise by the Santa Fe County staff we were able to address our concerns and feel satisfied with this portion of the SLDC.

I'd like to thank you for listening to us a while back and allowing us to be able to participate in this activity. This was a great exercise. We appreciate being able to have input. We the community built relationships with Santa Fe County staff which was important given some of the perceptions of representation or the lack of what we had, especially with the issues that cloud our community and our families today. Those issues, as you are well aware of, especially Commissioner Roybal, the proposed zoning valley with future water systems that will affect land use and what that impact will mean to landowners. The fact that we're looking at a water system prior to a sewer system, the surrounding easements and access issues for residents and property owners which has resulted in a level of uncertainty surrounding their ability to obtain loans, title insurance and bonding for small businesses, and in some cases forcing these small businesses to go out of state for jobs. There are other areas of the SLDC that are flags to our community that we would welcome to have future input on, for example, Chapter 13, affordable housing .

And with that I would just like to again say you have a great staff. Erin and Robert worked diligently with our committee and I'd like to thank them and I'd like to thank you as Commissioners, again, for hearing us and in particular Commissioner Roybal for your being so visible to our community and for helping in all that you're doing and all the efforts in our valley. Thank you.

COMMISSIONER CHAVEZ: Anyone else. Yes, please come forward.

Don't be shy.

MATTHEW MURRAY: I'm Matthew Murray, 15 Olive Lane in El Rancho. And I also had the pleasure and the privilege of serving on the committee. The staff put up with a tough bunch and they should be commended for their work. And, Martha, at some point in the future you should recognize her as an outstanding community leader. And I want to emphasize how important this is not only for the valley but for myself personally and the reason I put so much time in it is because I am some of my neighbors have been severely impacted, the roads issue aside, by people who have moved in and basically set up junkyards and horse operations that's way outside the ordinance and heretofore the land use department has been totally ineffective in regulating that. Right new door for many years we had an operation that had on any given week anywhere from six to 20 horses and cows on less than an acre and five years ago they stopped removing the manure which meant that when the wind blows it blows onto my property and when the rains came it flooded manure and sewage into another neighbor's house and filled their yard. And what was the County's response? You should hire a lawyer because we would have to hire a lawyer to prove this and we don't have the funds for that. And the reason I bring this up is because another nearby property that is severely impacted our property values, the folks moved in and basically set up a junkyard with more than a dozen disassembled non-working vehicles and is running a business and there is no record and I just double-checked before this afternoon and there is no record that they have permission to do so or have a business license. And, so, this ordinance is important and I want you to think about the future that these ordinances don't do us any good unless we can have enforcement. And when illegal dumping took place on a property last year and we called the Sheriff, the Sheriff refused response, I called land use. So neighbors were calling – and myself – called for a day, from one afternoon into the next morning and the dumping continued. This is where the McDonald's is now. They tore down the old laundromat and you guys gave them a permit to take it to the landfill. But a landowner made a side deal and it was being dumped. So we had to block the road with cars and have a confrontation with the haulers because we could not get the County to respond. In fact, we had to elicit the help of a Pojoaque Pueblo Police to even document what was going on.

So this is a great transition and it will strengthen the land use code but again I urge you to deal with the issues of enforcement and inspections because if we can't call upon people – if we can't even call the Sheriff at night or on the weekend when a lot of these violations take place, then it's not going to be very useful because then it's a lot more expensive to fix it afterwards. And our experience was that even in the daytime during the working week we can't necessarily get any help from the Sheriff or any help from Land Use in a time critical fashion when violation are taking place. And, again, I compliment the staff for all of the work they did and for putting up with us and I think it's about the best that we can do. Thank you.

COMMISSIONER CHAVEZ: Thank you. Ma'am.

HEATHER NORDQUIST: I'm Heather Nordquist. I'm at 40 County Road 84B and I was also on the planning committee. I want to pass on my thanks, we were a little rough to begin with Robert and Erin. I wish Erin were here, I would tell her

thank you as well. I just wanted to make a general comment about Pojoaque Valley having some very unique challenges in its planning and to let you know that we tried to strike a really good balance that allows for economic development in the future for Pojoaque and yet still maintains our rural agricultural character. So we hope we've done the best job that we can in allowing for that future growth and for opportunities for home businesses and galleries and those sort of things that we want to support while at the same time really wishing to push forward things like community farming and incentivizing people to use their land for agricultural uses. And I just wanted to say a thank you. I don't have much more and thank you to Henry Roybal for all of his support of the community.

COMMISSIONER CHAVEZ: So, I think that concludes this public hearing portion for this item. There's no action to be taken at this time. Commissioner Roybal did you have any comments or questions at this time before we move on?

COMMISSIONER ROYBAL: I just wanted to thank staff, Robert and Erin, you guys did a great job again and I appreciate that. And I'd like to thank our community members that were involved. You know it's a big challenge and great duty for you guys to step forward and do this and I really appreciate it every time I am able to pick up the phone and talk to you guys. So I really appreciate you guys being there and working with the community and, you know, making a difference. That's the big thing. That's what we're all here for. So I appreciate it and thank you all again.

COMMISSIONER CHAVEZ: This is the first public hearing so we'll take action on this community plan at the next – when will this be on the agenda next, Robert?

MR. GRIEGO: Mr. Chair, we plan to bring this forward for August 25th the second public hearing.

VIII. B. 2. Resolution No. 2015-____, A Resolution Amending Resolution No. 2001-117, the La Cienega and La Cieneguilla Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the La Cienega and La Cieneguilla Community Plan (First Public Hearing) [Exhibit 6: Plan Update]

AMY RINCON (Community Planner): Good evening, Mr. Chair and Commissioners. My name is Amy Rincon I am a community planner with Santa Fe County and I had the opportunity to work with La Cienega and the La Cieneguilla on this process. We have been working with this community planning committee since 2011 to create the plan update that is before you today. The BCC adopted the La Cienega La Cieneguilla plan by resolution in 2001 and the ordinance to enact the plan in 2002. The original vision statement from the 2001 plan has been carried forward into this 2015 plan update and it reads: The vision of our community is one of a peaceful and rural nature. One that respects diversity and is governed through unity. We resolve to respect our natural environment and unique character by honoring our traditional culture and the area's historical, agricultural, livestock and rural low-density residential development

traditions. We wish to maintain our self-sufficiency and to protect our community from urban sprawl. We wish to live in a community where people of all cultures and incomes share decision making, a community in which any changes, improvement and decisions are dictated by realistic understandings of our available resources and by our vision of our relaxed and open quality of life. So this vision statement is something that we've carried on to this 2015 plan update.

There is also objectives that were developed to guide this plan update. Those objectives included planning in La Cienega La Cieneguilla will be consistent with the community's history and examine the ways that past planning efforts have shaped the area. The planning process will include the opinions and ideas of residents, business owners and property owners in order to be representative of the community. The plan update will be a result of the community identifying a common set of concerns, goals that address concerns and identify clear policies to achieve the goals for future development in the community. The plan update which includes key recommendations from the 2001 La Cienega La Cieneguilla Community Plan will be consistent with the Sustainable Growth Management Plan. The plan update will be used to guide the Board of County Commissioners and the La Cienega La Cieneguilla communities when considering approval of development proposals in the planning area. The plan update will identify and prioritize project and programs to be considered for funding through County and/or other programs. And these were actually listed in the plan itself in the plan update. The major chapters in the 2015 plan update include an introduction, section 2 is existing conditions and trends, section 3 is key community issues, section 4 is goals and strategies, 5 is land use plan and growth management, 6 is the community action plan and implementation matrix and 7 is the governance/implementation of the community planning ordinance. There is also an appendix at the end that refers back to the original 2002 ordinance.

Through the recent community planning process we have worked with the La Cienega La Cieneguilla planning committee to develop this community plan update. This year we have held eight planning community meetings with approximately 25 participants. All of the meetings were held at the La Cienega Community Center and we met approximately every two weeks. This work included deciding on the appropriate plan update draft to start with because this process has been going on since 2011 there was a couple of different drafts so it was important to start on the right foot on where to start from and make that a concrete decision. Updating information in the draft, because this draft has been continuing on for a while some of the information needed to be updated. Examining past land use maps and determining the land use map that we would continue forward with.

This plan update is intended to serve as an amendment to the existing plan and will guide future development of the community. The continuing issues in the planning area and major proposed updates to the La Cienega La Cieneguilla plan include, the land use map. We spent most of our meetings working out all of the issues that came up with that. A couple of those included the expansion of the traditional community boundary to the west to include 113 acres of the Tres Rios Ranch and this will increase potential development density but has been identified in this plan as a potential sending area for

transfer of development rights. Another issue was neighborhood commercial is proposed along Erica and Los Pinos roads which is the area just west of Santa Fe Downs. Another land use map issues was actually calling out planned development districts which were identified and these were designated to include properties that have existing master plans such as the Santa Fe Downs, Sunrise Springs, and the County-owned La Bajada Ranch. The next thing that we had major discussions about were transfer of development rights and the importance of the County actually creating this program. The identification of sending areas – and real quick – for transfer of development rights what you do is to preserve one area you sell off your development rights so you preserve that area but you send them somewhere else. So a sending area is where you actually have your property and you're preserving it but sending that right to somewhere else. So the identified sending is where we would be sending development rights away from to preserve would be a traditional agricultural lands, archaeological or cultural sites, open space areas which includes identification of the County portion of La Bajada Ranch and then Tres Rios Ranch section that was identified to expand the traditional community. And then the identified receiving areas would be the areas that actually would take in more of those development rights and so those identified areas would include properties with a PDD and commercial designation and then also the possibility of this being the County owned portions of La Bajada Ranch as well. And there are still concerns over water in the area as was mentioned in the CDRC case previously. There's also concerns over the Santa Fe River, wells and future water connections and another issue is to preserve traditionally irrigated agricultural land using tools such as density bonuses are encouraged throughout the plan.

So after we developed an internally reviewed draft and land use map we conducted two communitywide meetings that were held on June 23rd and July 8th with over 20 people at the first open house, 30 at the second. The feedback received during these open houses and we had feedback after these as well and it has been included in the drafts before you today.

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 up this item for a second hearing before the BCC at your August 25th meeting. Gene Bostwick is a member of the La Cienega La Cieneguilla planning committee and is here to talk as a representative.

COMMISSIONER CHAVEZ: This is a public hearing. If there is anyone who would like to speak to this issue. Anyone, Mr. Gonzales, do you want to come forward? Please.

GENE BOSTWICK: My name is Gene Bostwick. I live at 20 Cielo del Oeste, in Santa Fe, in lower La Cienega. I wanted to thank everyone, the Commissioners, staff for a phenomenal job over years working on this. We started in 2011 with this revision process so we've been at this for like four years with ups and downs and things have changed at the County level and in the course of that time we've had to do a lot of adjusting to the new conditions as we went. And also thank so many members of our community that helped and participated in this. La Cienega La Cieneguilla are very active community. You folks probably know that from some past events that we've been to here. To give you an idea of the kind of things people look at in detail one of them is –

Robert pointed it out to me just today, that the front picture on this somebody had a problem with the quality of that picture and so right down to the level of the graphics in our plan that we had people making comments and making suggestions and helping us make this as good a plan as we could.

It has been a long process. Amy just did an excellent job of giving you a pretty good rundown of all the things that we've been through. This past year, she's right, we spent most of it dealing with the land use map issues. That was the latest thing to come along that we had to make a lot of adjustments to and how we looked at things in the community. We really like the idea of how the land use map changes the approach to zoning. People were very in favor of that but it takes a lot of thinking and a lot of adjusting to get that to work for your community. We do look at this as a work in process. We know that it's not perfect. We know that there will be things that need revision and it's something that the community will continue to work on. But we think that we've got a very good draft at this point that we can take forward with a couple of small corrections.

I do want to particularly address and thank members of the committee, people like Rick and Tom and David and Alonso and Tino, Kathryn, Jose, Sylvia, JJ, Carl – there were many, many people who have spent years working on this. They put in every other Wednesday for two hours a week, we spent many, many, many hours and thank you to all of them as well.

Three things that I want to address particularly here that people asked me to take a look at and Amy already mentioned a couple of them. One is the PDD. We have three pieces of property in the planning area that are zoned or potentially zoned/proposed as PDDs. One is the Santa Fe Downs. The other is the Sunrise Springs and the third one is the County's 470 acre proposed development that has master plan. All three of these do have a master plan on them and that's why the County thought that PDD was a good choice. PDD being a zoning designation that simply recognizes that there's a master plan for the future development of that property. The issue that we had as a committee and members of the community raised, the question that we raised, the PDD does not specify a base zoning. Now what we're used to and in the history of things when master plans, sometimes they get built, sometimes they get changed, sometimes they expire and developers maybe come in maybe make changes, proposed something different. If one of these master plans on these properties goes away the community would like some understanding of what that means in terms of the property at that point. If the County property master plan expired, I think it's got a couple more years before it has to come up for another review, if it were to expire where does that leave the property? We don't know with the PDD. So we suggested/requested that you consider the idea of having a base zoning. Everywhere else in the County now is going to have some sort of base zoning, almost everywhere, where people can look at a map and say, Okay, that's 2.5 acres base zoning or 10 acre base zoning, something like that. We'd like to see the same thing underlie these pieces of property so that if they expire, if those master plans go away people know at least where to start. People know in the community what to expect going forward. They can look at that and say, Okay, it's 2.5 or it's 10 or whatever and have some idea how that moves. So we'd like to ask that that maybe be considered for

these three pieces of property. The committee had proposed densities under each one of these, so we've got ideas about how that would work. It would be in keeping with the surrounding properties have for base densities. We weren't looking for anything that was radically different but we'd like you to consider that. That's number one.

The second one, Amy mentioned the extension of the traditional community zone on the western end of the existing zone. That goes onto a piece of property that is called Tres Rios Ranch. It's about a 300, a little less than 300 acre ranch that they're looking at 113 acres plus or minus that would be incorporated into this traditional community. And that's a very large increase in potential density. That's a .75 acre density. Right now that property is a minimum 2.5 and it may be even a higher density than that depending on how it was worked out. The reason the committee supported and I think the community by in large supported the extension of that zone for that high density was that the owners of that property came to the committee and sat down with us and committed to making that additional density a part of a TDR program or some other conservation program. So in other words, they wouldn't build on the property but they would use that extra density in a program that would allow them, frankly, to get the value out of the property which we think is a good idea but do it in a way that doesn't build on the property. We don't really understand how that goes through the legal process here and maybe you can think about that a little bit. Is there something that you do as a Commission or something that the County can do on a level that makes it clear that that's the intent so that when we approve this – when you approve this new plan with the zoning map, everyone understands that that particular change in the map comes with the understanding that the owners will develop a conservation program. Maybe that's something you talk with him about. I'm not real clear on how that goes forward but we want to make sure that everyone is aware that those were the conditions that the community approve that. Otherwise, frankly, there would be very strong opposition to any property getting a huge increase in potential density. But under these conditions we support it because it supports conservation of the community. Okay?

The third and last one I want to mention is the people at Las Golondrinas which you are familiar with the living museum out there. It's a fabulous property and they've been there forever, since the early 1700s as I understand it. They are potentially going to come forward and ask to relook at the zoning on their property. Right now the proposed new map has it as mostly an institutional designation which is more of a conservation use. But a piece of the property, roughly a quarter of it, is in the traditional community zone right now. So it's in that zone where they have fairly high density. They're not certain which way they want to go with that but the community wants to help them make the best decision and support them. They want to continue to preserve the use of that property and make that museum the best that it can be and we want to see that work. So you may see something from them in the way of correspondence or some proposal on how to do that. I don't think they quite know what those terms are yet.

Those are my three issues to note in terms of the process. We want to thank everyone. Thank you once again and look forward to bringing this to a conclusion after four years.

J.J. GONZALES: My name is J.J. Gonzales. I'm a resident of La

Cienega. I live at 54 Entrada, La Cienega. I want to thank you for this opportunity to speak to you. I want to thank County staff for assisting us and leading the revision of this community plan, Robert Griego, Amy Rincon and Paul Olafson, Vicki Lucero, Penny Ellis-Green, I want to thank them for going out there and meeting with us. This plan was originally started when they adopted the SLDP and that was about four years ago when they started that. And it's been a long process. And also I want to thank the La Cienega La Cieneguilla planning committee. There's about 10 or 12 very loyal members that really stuck with for the last three or four years. Gene was the chairman of that committee. He did a wonderful job in organizing things and keeping things moving forward. They're really dedicated people and I'm happy I served on that committee for a brief time.

I was concerned about a couple of parcels in our planning area and one was the museum. That is a property, El Rancho Las Golondrinas that Gene talked about. As it is right now part of that property lies in the traditional historic community and that property goes back to 1710 when they first had a *paraje* out there in that area. It's a historic property. The other balance of the property which is about 200 acres lies in the public institutional area and there's seems to be some uses allowed in the historic zone that maybe are not allowed in the public institutional so we wanted to figure out how do we get public institutional uses on the historic zone and historic zone uses into the public institutional. I don't know if there's a way we can have an overlay map that kind of brings in all those uses and what they have their now is they have food service, they have demonstrations, they have festivals and some of those uses are maybe not allowed in public institutions so we wanted to see how we could get all those uses to be allowed in both areas.

With that, I really support this plan and thank the committee and thank the Commissioners for allowing that to go forward. And, thank you very much.

COMMISSIONER CHAVEZ: Thank you, Mr. Gonzales.

CARL DICKENS: Hi, Carl Dickens, La Cienega Valley Association and this committee who is a true reflection, the La Cienega La Cieneguilla planning committee was a true reflection of our community. We had farmers, we had ranchers, we had environmentalists, we had business representatives, we had a lawyer from the Environment Department, we had a representation from the Pueblo of Pojoaque and I can't tell you how appreciative we are in terms of their work and what they've done in this whole process.

We support, again, what has been said about the museum. We really feel that is something that is of great importance to our community. Sunrise Springs is being revised and I'm working there now. It's coming along. It's going to be a gem of a place and I encourage you to come out and visit some time. And just this afternoon I met with Governor Talachy of the Pueblo of Pojoaque because one of the things we've done over the year, we are an active community, we've done a really good job about reacting to development and responding to development. And in talking to Governor Talachy we wanted to instead of waiting to see what they're going to propose to do on their property, we're going to sit down and talk with them before. And so whenever there is a proposed development for that property it is our intent to come before you as a committed group to

support them and them to support us.

Again, thank you, thanks to the committee, thanks to all of the County staff who has worked on this over the past four years and especially thanks to Gene Bostwick who has headed this thing up. I can't tell you the volume of work that he has done in terms of revisions and getting the paperwork out and all of that kind of stuff. Thank you very much.

COMMISSIONER CHAVEZ: Well, I have to say a thank you to you and to your committee, to the committee of La Cienega La Cieneguilla. Each of these community plans that we've been approving there's a lot of effort that goes into them. There's a lot of thought. There's a lot of historical information. I kind of see these as individual chapters that make up the history of Santa Fe County. And they are very unique. Each one is different and unique in their own way yet still share common threads, you know, the quality of life, the protection of cultural and sensitive areas, protection of wildlife, protection of water and all of those kind of things. A lot of quality of life concerns and those are valid. So without the commitment and the participation of the public – this is your neighborhood. This is your community. You see this day in and day out and so it's bottom up, it depends on public participation and it takes time. So I want to thank you for your efforts. So this is the first public hearing. We'll have this come back at the next BCC and we'll be able to take formal action on this.

Any suggestions or comments, Robert, that were made now you can work with the community and incorporate those into the final draft.

MR. GRIEGO: Mr. Chair, Commissioners, we certainly can. We have met with representatives from Las Golindrinas. We are also looking at some of the other points that they have brought forward.

COMMISSIONER CHAVEZ: Good thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. We've seen a few community plans come forward that are very comprehensive and this is one. Thank you very much. I know it took a lot of time and effort. It's hard to live up to something this detailed, but thank you.

COMMISSIONER CHAVEZ: And thank you again for being here La Cienega La Cieneguilla.

MS. MILLER: Mr. Chair. Could I just – Commissioner Anaya asked that we could call him.

COMMISSIONER CHAVEZ: Yes, please do, thank you.

MS. MILLER: So if Carlos would call his cell phone.

CHAIR ANAYA: Mr. Chair, I appreciate that you called me. I wanted to thank the communities of La Cienega and La Cieneguilla and make additional comments at the next public hearing but I very much appreciate their work and their efforts and their diligence in walking through the plan along with staff. Mr. Chair, on the ordinance I wanted to render a yes vote to go along with the Commissioners who voted on that ordinance.

COMMISSIONER CHAVEZ: Commissioner, just to be clear. This is the ordinance on the DCI?

CHAIR ANAYA: Yes, sir, Mr. Chair.

COMMISSIONER CHAVEZ: Okay, so that is duly noted, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Chair.

MS. MILLER: Mr. Chair, I don't know if the Commissioner would like to stay on the line. We have the two community plans, Madrid and San Marcos, which I also think are in his district and those are up for a vote.

COMMISSIONER CHAVEZ: Mr. Chair, are you able to stay on the line for those two items?

CHAIR ANAYA: Yes I will.

COMMISSIONER CHAVEZ: Okay.

VIII. B. 3. Resolution No. 2015-109, A Resolution Amending Resolution No. 2000-119, the Madrid Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 Madrid Community Plan Update (Second Public Hearing)

COMMISSIONER CHAVEZ: And this is the second hearing.

PAUL OLAFSON (Planning Division): Good evening, Mr. Chair and Commissioners, I'm Paul Olafson with Santa Fe County Planning Division. As you just stated this is the second public hearing for the Madrid 2015 community plan update. At our first public hearing in July, July 28th staff did summarize the planning process that the Board initiated the process in January. We convened a committee of community members. We held several public meetings I believe it was seven or eight planning committee meetings. We also had two communitywide meetings which were open house format for all the community to come in and make comments. We did receive strong community participation throughout that planning process. We did incorporate the comments and ideas that we received both during the community planning meetings and in the open house public meetings.

And just to briefly summarize, the overall intention of the plan update is to continue promoting appropriate scale residential and non-residential within Madrid that also meets the community's unique characteristics and historical patterns and its unique place along the Turquoise Trail. This plan update is consistent with the Sustainable Growth Management Plan as well as the Community Planning Ordinance 2002-3 and staff recommends approval and I would stand for any questions.

COMMISSIONER CHAVEZ: Questions of staff?

CHAIR ANAYA: Mr. Chair.

COMMISSIONER CHAVEZ: Commissioner Anaya, do you have a question?

CHAIR ANAYA: No I don't but I know you may go out for public input but I did want to go ahead and move adoption of the update.

COMMISSIONER CHAVEZ: Okay. Let me open the public hearing portion to see if there is anyone here who would want to comment on this resolution for the Madrid Community Plan. Is there anyone in the audience that would like to speak to

this resolution? Seeing none, I'll close the public hearing portion of the meeting. And Mr. Chair, you had a motion?

CHAIR ANAYA: Yes, sir, Mr. Chair. I would move for adoption of the Madrid Plan Update.

COMMISSIONER STEFANICS: Second.

COMMISSIONER CHAVEZ: Motion and a second. Any further discussion?

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

VIII. B. 4. Resolution No. 2015-110, Resolution Amending Resolution No. No. 2006-148 and 2010-06, the San Marcos Community Plan, and Resolution Nos. 2010-210 and 2010-225, the Sustainable Growth Management Plan, to Create the 2015 San Marcos Community Plan Update (Second Public Hearing)

MS. RINCON: Mr. Chair, Commissioners, my name is Amy Rincon and I'm here with Santa Fe County. This is the second public hearing for the resolution to adopt the San Marcos 2015 Plan Update. At the first public hearing on July 28th staff summarized the planning process which included when the planning process started back in January, the meetings that were held at the Rancho Viejo Fire Station just slightly outside of the community but the open houses were held at the Turquoise Trail elementary school. We also discussed at that time the community participants some of the issues that were identified in the plan update and then we had two community members speak in favor of the plan update that is in front of you today.

This is the second of two public hearings as required by Ordinance 2002-3. Staff has worked with the San Marcos planning committee to create a plan update and has been presented to the San Marcos community for feedback and comment and staff at this time recommends approval of this resolution. I'm not sure everybody is going to speak but the majority of people left here are here representing from San Marcos which I think is really awesome for this time of night. But I stand for any questions.

COMMISSIONER CHAVEZ: Patience, patience. Any questions of staff? Public hearing, let's go to the public hearing. Anyone who would like to speak to this resolution please come forward. Walter?

COMMISSIONER STEFANICS: Mr. Chair, I know they spoke last time eloquently.

WALTER WAIT: Vote yes.

COMMISSIONER CHAVEZ: So we're just getting encouragement from the audience. Okay, so then I will now close the public hearing portion of the meeting and go back to the Commission.

COMMISSIONER STEFANICS: Mr. Chair, I would move Resolution 2015-110, is that correct?

CLERK SALAZAR: Correct.

COMMISSIONER STEFANICS: Amending Resolution 2006-148 and

2010-06, the San Marcos Community Plan.

COMMISSIONER CHAVEZ: Commissioner Anaya, do I hear a second?

CHAIR ANAYA: Second, please.

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

COMMISSIONER CHAVEZ: Congratulations to the San Marcos community.

VIII. C. Infrastructure Capital Improvement Plan for Fiscal Years 2017-2021.
1. Resolution No. 2015-111, A Resolution Adopting Projects for Inclusion in Santa Fe County's Infrastructure Capital Improvement Plan for Fiscal Years 2017-2021 [Exhibit 7: ICIP Staff Supporting Material]

ERIK AABOE: Thank you. Erik Aaboe from the Public Works Department. As we mentioned to you at the public hearing at the last BCC meeting, Craig O'Hare and I went out to meet with members of the community eight or nine times. Since that time we've been able to meet with all five Commissioners to get the priorities that they have for the ICIP. The handout is on your table in front of you that is titled Infrastructure Capital Improvement Plan FY 2017/21 that consists of the attachment to the resolution that if you approve this item will be submitted to the State Department of Finance Administration and will constitute our ICIP. So we were able to get the priorities of the Commission. In addition, there are a number of items at the end of the list that constitute potential grant opportunities for the state wherein certain entities ask, is this project on your ICIP, so while those items 31 up to 41 were not specifically requested by the Board to be included, those are things that may have potential grant opportunities. So I stand for any questions.

COMMISSIONER CHAVEZ: Commissioner Anaya, are you still with us?

CHAIR ANAYA: Yes sir, Mr. Chair, I don't have any questions. I had an opportunity to visit with Erik. I do appreciate all the work of staff and the communities and the individuals who came out to provide input.

COMMISSIONER CHAVEZ: Okay, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Erik, I took it off and I did get a request to put it back on. There was that piece of property along 285 that we had been putting it in for the past couple of years to be a trail and now the request is to buy up the easement and make it open space along 285; did we take that off?

MR. AABOE: Yes, Commissioner, if you look at item number 33 which is on the back of page 4 –

COMMISSIONER STEFANICS: It's not part of the Santa Fe River.

MR. AABOE: Okay, so it's a –

COMMISSIONER STEFANICS: It's a 285 easement right behind the Agora and La Tienda – no, not Agora, behind La Tienda which was requested to become

County open space. Now, do we want to put open space on here or not? Are we going to pass that request on to COLTPAC? Okay, I'm comfortable passing it on to COLTPAC but would one of you guys make a note of that.

MR. AABOE: Mr. Chair, Commissioner, absolutely. We'll note to –

COMMISSIONER STEFANICS: If I could find the email I'll send it to you.

MR. AABOE: Absolutely. Thank you very much.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER CHAVEZ: Commissioner Stefanics, you just want that detail noted in the ICIP list for that particular project?

COMMISSIONER STEFANICS: No, it's not going to go on ICIP it's going to be referred to COLTPAC.

COMMISSIONER CHAVEZ: Okay. All right.

MR. AABOE: Will do, Commissioner.

COMMISSIONER CHAVEZ: So this is also a public hearing. I want to ask if there's anyone here this evening that would want to speak in support or opposition of this resolution adopting projects for inclusion in the infrastructural capital improvement plan? Seeing none, I will then close the public hearing portion of this item and ask what the pleasure of the Commission would be.

COMMISSIONER STEFANICS: Mr. Chair, I would move acceptance of the ICIP prepared for us after several public hearings.

COMMISSIONER ROYBAL: Second.

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

COMMISSIONER CHAVEZ: Motion carries. Thanks for your patience, Erik.

VIII. D. Land Use Cases

- 2. CDRC CASE # V 15-5120 Cynthia Carter Variance. Cynthia Carter, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of Santa Fe County Ordinance No. 1996-10, the Land Development Code (Code), to Allow Two Dwelling Units on 1.458 Acres. The Property is Located at 17 Cloudstone Drive, within The Vicinity of Old Santa Fe Trail, within Section 6, Township 16 North, Range 10 East (Commission District 4). John Lovato, Case Manager**
[Exhibit 8: Opposition letter, Dennis Kensil]

JOHN LOVATO (Case Manager): Thank you, Mr. Chair. Cynthia Carter, Applicant, requests a variance of Article III, § 10, Lot Size Requirements, of Santa Fe County Ordinance No. 1996-10, the Land Development Code (Code), to allow two dwelling units on 1.458 acres. The property is located at 17 Cloudstone Drive, within the vicinity of Old Santa Fe Trail, within Section 6, Township 16 North, Range 10 East,

Commission District 4.

On June 18, 2015, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the requested variance with a 3-1 voice vote. On September 13, 2007, the Extraterritorial Zoning Commission approved a Small Lot Family Transfer Land Division of a 2.918 acre lot into two equal 1.458 acre lots, creating two legal lots of record. The Applicant acquired one of the lots in 2013. Currently, on the property there is a 1,400 square foot residence, which is served by an onsite well and septic system.

The Applicant requests a variance of Article III, § 10, Lot Size Requirements, of the Code, to allow two dwelling units on 1.458 acres. The Applicant would like to build a 700 square foot guesthouse with a separate septic system on the property. The Applicant asserts that she can no longer afford her mortgage and does not want to lose her property. She states that if she is able to build a guesthouse to live in she can rent out the main house. In the Applicant's letter she addresses that the Sustainable Land Development Code is expected to be implemented within the next few months, which would allow for a guesthouse. Therefore, the Applicant requests the variance, rather than waiting, due to the rising interest rates. She would like to start building before the start of winter.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommended and the decision of the CDRC was to recommend denial of the request for a variance of Article III, §10, Lot Size Requirements, of the Code. If the decision of the BCC is to approve the variance request, Staff recommends imposition of the following conditions. Mr. Chair, may I enter those into the record?

COMMISSIONER CHAVEZ: Yes.

Conditions:

1. Water use shall be restricted to 0.25 acre feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling. (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit for the additional dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The placement of additional dwelling units or division of land is prohibited on the property. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

MR. LOVATO: Thank you and I stand for any questions.

COMMISSIONER CHAVEZ: Questions of staff?

COMMISSIONER ROYBAL: How long did you say that it was before

guest houses are going to be allowed with the new ordinance? When will that be passed? Did you say three months?

MR. LOVATO: Mr. Chair, Commissioner Roybal, the Sustainable Land Development Code has been approved but we're waiting on the zoning map.

COMMISSIONER ROYBAL: And how long do you think before that will be approved or complete?

MS. LUCERO: Mr. Chair, Commissioner Roybal, the goal is to have that implemented probably by the end of the year beginning of next year.

COMMISSIONER ROYBAL: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER STEFANICS: So is the issue here, this question is for staff. Is the issue here is it's just because the code is not finalized or is the issue here that the main house was going to be used for a rental?

MR. LOVATO: Mr. Chair, Commissioner Stefanics, the code is not finalized yet. That's the issue right now and that's why the variance is being brought forward.

COMMISSIONER STEFANICS: Thank you for the clarification. Thank you very much.

COMMISSIONER CHAVEZ: This is also a public hearing so I'd like to ask if there is anyone in the audience that would like to speak in favor or support of this request, please come forward? The applicant, do you have anything you want to share with the Commission at this time? I know you've been waiting also.

[Duly sworn, Cynthia Carter testified as follows]

CYNTHIA CARTER: Yeah, hopefully the second time is the charm. I wanted to get this passed because the mortgage rates are really low right now and I need to get a loan in order to build this house and my situation is such that if I wait and the mortgage rates go up it's not going to be possible for me to afford having the mortgage for the guest house and my main mortgage. And I really need to have this guest house to move into because I can no longer afford my mortgage. I want to mention that I love my house. I love my property. I have a water catchment system that collects water off of the roof and goes into an underground tank. I am a very conscious steward of the land and when I build this guesthouse I would be very careful and I would – I would not be using a lot of resources and the – basically, yeah, that's – I just really would like to be able to do this now rather than wait until later when the code passes because I don't know what the mortgage rates are going to be like and I don't want to let go of my house. I love my house. I just got it two years ago and my financial situation changed since then.

COMMISSIONER CHAVEZ: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, if this was approved is the applicant willing to abide by all the staff recommendations?

MS. CARTER: Yes.

COMMISSIONER STEFANICS: And you've seen them?

MS. CARTER: Yes, I have.

COMMISSIONER STEFANICS: And I have one other question of staff.

COMMISSIONER CHAVEZ: Yes, go ahead Commissioner Stefanics.

COMMISSIONER STEFANICS: What is the process that someone needs to go through to rent out a home?

MR. LOVATO: Mr. Chair, Commissioner Stefanics, we really don't have a process for that. It would just be coming in for a building permit administratively and complying with code.

COMMISSIONER STEFANICS: This isn't building. She wants to use her existing home for rental. So would it be a business and would she need a business license under our new code?

MR. LOVATO: Mr. Chair, Commissioner Stefanics, she would not.

COMMISSIONER CHAVEZ: Can I ask a follow-up question. What if the intent was to do a short term rental; do we have any provisions allowing or disallowing short term rental?

MR. LOVATO: Mr. Chair, there is nothing in our code.

COMMISSIONER CHAVEZ: Okay, just checking. Any other questions of the applicant or staff? No. Sir, if you want to comment on this case you are more than welcome to.

[Duly sworn, Dennis Kensil testified as follows]

DENNIS KENSIL: My name is Dennis Kensil and my address is 9 Cloudstone Drive. I live two lots away from the applicant on 2.5 acres with water supplied by a domestic well of limited capacity. As a general rule I am not opposed to guest houses nor am I opposed to new development. I have a guest house on my property that was permitted and built in the mid-1980s and I have developed and sold many residential home sites in the County and City of Santa Fe since 1988.

Recently, the single septic system that serves my house and guest house failed because of the rocky terrain and poor soils in that part of the county the state required that I double the size of my leach field and install an alternate system to accommodate the wastewater produced on my property. I was fortunate to live on a property large enough, 2.5 acres, to allow for the expansion of that leach field. I was told that eventually all leach fields need to be retired and new ones installed.

My concern with the current application is how the County processes these requests. One, it does not appear that the County requires any water availability report or soils analysis as part of a variance request to increase density. How does the County assure existing property owners that variances of the kind proposed by the applicant do not compromise the water quality and quantity in surrounding domestic wells? Two, when the applicant's lot was created in 2007 the EZC limited water use to .25 acre-foot per year and required water restrictions to be recorded against the property. Should the County be concerned about violating its own conditions of approval by the addition of a second dwelling unit on the property? Three, it does not appear that the County discussed the use of an advanced treatment system to accommodate wastewater from both the main house and the proposed guest house through a single-point of discharge. Wouldn't such a condition limit ground water risk from multiple septic tanks? Four, has the County discussed the applicant's willingness to expand the existing home and wastewater system rather than asking for a variance for a guest house and second septic system? Finally, is it legitimate to apply a code that is not yet in effect as justification for a second dwelling unit but then that same code is disregarded when it prohibits multiple

septic tanks? If approved, how are current property owners protected when the County picks and chooses which part of the Code to apply for a variance request?

Thank you.

COMMISSIONER CHAVEZ: Thank you, sir. So that closes the public hearing portion of the meeting. Any further questions of staff? Comments?

COMMISSIONER ROYBAL: Mr. Chair, in the light we will in four months be approving the Sustainable Land Development Code and the applicant will have the right to build this guest house with that code, I'd like to move for approval.

COMMISSIONER CHAVEZ: And I'll second and just note for the record that one restriction that goes along with the variance states that water use shall be restricted to .25 acre-foot per year per home and that a water meter shall be installed for each residence and that annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. So that's on the water side of it. On the septic system, staff is suggesting that these septic systems be updated and using the most modern technology available to us. Is that an accurate observation?

MR. LOVATO: Mr. Chair, in the report it should be stated that a new liquid waste septic permit shall be – so if I can note that on there.

COMMISSIONER CHAVEZ: Okay, that's fine. I think that's one concern that was mentioned earlier and that's a concern that we should not ignore. Okay, so there's a motion and a second.

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

IX. Concluding Business

A. Announcements

B. Adjournment (Action Item)

Having completed the agenda and with no further business to come before this body, Chair Anaya moved to adjourn and Vice Chair Chavez declared this meeting adjourned at 8:05 p.m.

Approved by:



Board of County Commissioners
Robert A. Anaya, Chair

ATTEST TO:




GERALDINE SALAZAR
SANTA FE COUNTY CLERK

9-8-2015



Respectfully submitted:



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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 252

I Hereby Certify That This Instrument Was Filed for
Record On The 9TH Day Of September, 2015 at 09:12:50 AM
And Was Duly Recorded as Instrument # **1774106**
Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 09/09/2015

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 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:

ARTICLE XI. ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

1.1 Applicability

Mineral extraction activity for sand and gravel mining as defined in Article XVII of this Ordinance that affects less than 10 acres of land and extracts less than 20,000 tons of construction material **and does not use blasting**, shall be allowed anywhere in the County, provided the requirements of the Land Development Code are met.

1.1.2 [Section 1.1.2 shall be deleted in its entirety.]

1.7.2 [The following sentence of section 1.7.2 shall be deleted.] ~~"Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code."~~

ARTICLE XVII DEVELOPMENTS OF COUNTYWIDE IMPACT (DCIs)

Section 1. Purpose **and Scope.**

1.1. 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:

1.1.1. 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;

1.1.2. to ensure short and long-term compatibility (both on-site and off-site) of

DCIs and the County at large;

1.1.3. to preserve the quality of life, the economy, infrastructure, environment, natural and cultural resources, and natural landscapes;

1.1.4. to promote sustainability by protecting against the degradation of air, surface water, groundwater, and soils; and

1.1.5. to protect environmentally sensitive lands and visual and scenic qualities.

1.2. Scope. This Ordinance shall apply to all applications for any of the DCIs listed in Section 2 herein, including any applications that are pending on the effective date of this Ordinance that have not been approved. However, the Ordinance shall not apply to development permits with vested rights that were issued as of the effective date of this Ordinance. To have vested rights, generally:

1.2.1. there must be prior approval by the County for use of buildings or land for the DCI, and

1.2.2. there must be a substantial change in position in reliance on the approval.

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 are 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, gravel, aggregate, or similar naturally occurring loose rocks and materials such as granite, basalt, shale, slate and sandstone. Producing gravel like materials by blasting and breaking solid rock shall be included in this

definition.

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 incorporates by reference into this Ordinance the specific language or provision being referenced.

4.3. Application Procedures. An application for a DCI Overlay Zoning District (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 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, which shall be prepared and submitted by the applicant. The applicant shall be responsible for the cost of all SRAs as set forth in Section 6.2.2 of the SLDC. The County may hire outside consultants to review the SRAs at the expense of the applicant (see Appendix A).

4.4.5. Emergency Response and Preparedness Plan.

4.4.5.1. An application for a DCI Overlay Zoning District shall include 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, letter of credit, or cash 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. the 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 with latitude/longitude UTM graticules along the edges. These maps shall be produced and available in GIS format based on the standard Santa Fe County GIS spatial reference. Additionally, all digital data shall be provided to the County for use in its GIS databases and mapping in this format;

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 required by the County necessary to carry out the above-referenced SRAs. In addition to the SRAs to be conducted by the County, the applicant and any other interested party 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 Sections 2.2.2, 2.2.3 and 4.4.4 of the SLDC. The applicant shall furnish an address list for the one-

mile area to the Administrator and shall send out notices to all affected parties at least 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. all required state and federal permits approved in conjunction with the proposed DCI;

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

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

4.5.5. 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.

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 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.

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 scheduled for a hearing before a Hearing Officer, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled 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, not revoke or not suspend the DCI Conditional Use Permit;

4.6.3.5. the matter shall be scheduled for a hearing before the Board, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as practicable, and after hearing, the Board may:

1. affirm the recommendation of the Hearing Officer to either revoke, suspend, 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).

4.6.6. 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:

- 5.1.1.** consistency with the SGMP and any applicable Area, District and Community Plan;
- 5.1.2.** environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or appropriately mitigated;
- 5.1.3.** whether adequate public facilities either exist or can be promptly funded as identified in the Adequate Public Facilities and Services Assessment (APFA) as required by the SRAs;
- 5.1.4.** whether improvements identified in the 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 water is available for each of the phases of the proposed DCI as set forth in the Water Service Availability Report as required by the SRAs;

5.1.6. 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. 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. 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:

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

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

5.2.3. to determine the operator's compliance with federal, state and local laws pertaining to the DCI during the development of previous phases of the DCI.

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

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

6.6.9. 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 significant 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. the boundary of the Galisteo Basin is depicted in the Galisteo Basin Planning Area Map attached as Exhibit A, which is the same map attached to ordinance No. 2008-19 (Oil and Gas Ordinance), and which area further contains specific sites identified in and protected by the Galisteo Basin Archaeological Sites Protection Act referenced above, including any maps referenced in that Act;

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

6.7.3. 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;

6.7.4. 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;

6.7.5. 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;

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

6.7.7. 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	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 uses	Yes	Yes	Yes
Adequacy of roads for intended use	Yes	Yes	Yes
Water system availability and capacity	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 to 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 Administrative Code (NMAC). 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 any landfill has been filled, covered and graded. 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 mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading 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 as needed to prevent short-term erosion, sedimentation or windblown dust.

8.3.10. Air Quality and Noise.

8.3.10.1. All 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, 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.

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 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.

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.

9.3.9.3. Reclamation and revegetation shall be required at such time as the junkyard ceases to do business.

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, 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. All 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 sand and gravel operations 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 or more acres of land or extracts more than 20,000 tons of earth materials, or 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, whether individually or as an agent or corporate officer of any business entity, 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 removal, stockpiling, or processing of any 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. Excavation related to basements and footings of a building, or retaining walls .

10.2.3.2. Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which do not utilize blasting, are regulated by Article XI of the Land Development Code.

10.2.3.3. 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 application.

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. 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. avoid the deterioration of all access roads; and
3. 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. The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the BCC, which proposal shall:

1. avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations where possible;
2. identify alternative routes;
3. identify the timing of truck haul traffic; and
4. include a fugitive dust plan for designated routes to prevent loss of loads and fugitive dust during 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 material(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, parks, open space and adjoining residential areas shall be screened.

10.3.7.2. Buildings. The design, scale, and location of all buildings 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 operations must comply with Section 7.8 (Lighting) of the SLDC.

10.3.9. Signs. All sand and gravel operations must comply with Section 7.9 (Signs) of the SLDC, but are limited to two signs of 4 square feet each.

10.3.10. Parking and Loading. All Sand and Gravel operations 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 a lined 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 not result in net loss of wildlife habitat.

10.3.12.2. All sand and gravel operations 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 shall 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; 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 mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading 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 short term erosion, sedimentation or windblown dust.

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. 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. If a proposed operation intends to do any blasting, 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 which 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~~ 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~~ applicant's blasting plan at the expense of the ~~Applicant~~ applicant (see Appendix A).

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 in a monitoring report. The monitoring report shall be submitted to the Land Use Administrator within five (5) working days of blasting and shall comply with the following ground vibration and noise levels:

10.3.17.1. Ground vibration shall not exceed 0.50 inches per second Peak Particle Velocity (PPV) at any property line, unless such property is owned by the operator and not leased to any other person.

10.3.17.2. Noise levels shall not exceed the values specified in Table 17-2 below:

Table 17-2 Maximum Allowable Noise Levels.

Lower frequency limit of measuring system, Hz + 3dB	Maximum level in dB
0.1 Hz or lower—flat response	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak

10.3.18. Sand and Gravel Operation Setbacks.

10.3.18.1. Sand and gravel operations shall be setback:

1. 500 feet from all property lines;
2. 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands; and
3. One half mile from residential structures.

10.3.18.2. 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

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. Uncontrolled/Natural Watercourses. When working near uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that 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.

10.3.21.2. Minimum Buffer. A minimum 100 foot buffer of natural vegetation between the water's edge and any sand and gravel operation is required.

10.3.21.3. No Negative Impact. No extraction is permitted that is deemed

by the County to have a negative impact on 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.

10.3.24. Phasing. All phases shall be clearly staked prior to commencement of any activity on the property. The applicant must GPS all stakes and make them digitally available to the County upon request in GIS format based on the standard Santa Fe County GIS spatial reference.

10.3.24.1. The maximum size of any phase of the development shall be ten acres.

10.3.24.2. Only one phase of the development shall be excavated at a time.

10.3.25. Reclamation Plan and Bonding. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.3.25. 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.

10.3.26. Reclamation Standards. The reclamation plan shall comply with the following standards:

10.3.26.1. 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.

10.3.26.2. Grading. Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. In general, all slopes (cut or fill) shall be graded to 3:1 or flatter. Such methods must be approved as part of the Reclamation Plan.

10.3.26.3. 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.

10.3.26.4. Mining operations shall be allowed to progress so long as the disturbed areas within previous phases have been reclaimed within 6 months after the commencement of the new phase; provided that, the County will consider extensions due to weather conditions and taking into account seasonal changes. Reclamation shall commence within 30 days of the commencement of a new phase of extraction.

10.3.26.5. 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.

10.3.27. 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 in continuous operation, may continue operations and may expand up to 25% 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 or further expansion proposed, but not previously approved, shall comply with this Ordinance.

10.3.28. Annual Operating Plan and Monitoring Report.

10.3.28.1. 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, 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.

10.3.28.2. 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 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:

DRAFT 8-10-15

**APPENDIX A
APPLICATION FEES**

Application for a DCI Overlay Zone:	\$7,500
Application for a DCI Conditional Use Permit:	\$ 3,000

Inspection Fees













\$250 per inspection

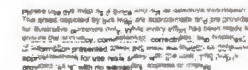
Fee for preparation of SRAs	Full cost of preparation and review by outside consultants
Fee for Specialized Review if needed	Full cost of review by outside consultant <u>in an amount not to exceed \$10,000.</u>

DRAFT 8-10-15

SFO CLERK RECORDED 12/10/2008

Legend

-  Railroads
 Railrunner Alignment
Roads
 Federal
 State
 County
 Other
 Incorporated
 Galisteo Basin Planning Area Boundary
 Santa Fe County Boundary
 Stream/River: Intermittent / Other
 Stream/River: Perennial
 Water Body



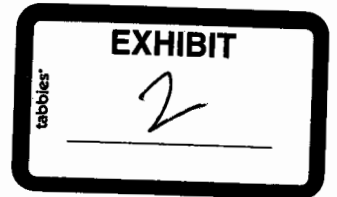
Map Document: C:\Chernob\Info Fe County\MapInfo\BeltTable-02.mxd
17/09/2006 - 9:33:18 AM

Santa Fe County Planning Dept., Santa Fe County Geographic Information Systems (GIS) Dept., Santa Fe County Department of Transportation, NM DOT

Data Source
 1990-2000, NIM, DOD

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE No. 2015 - _____.



SFC CLERK RECORDED 09/09/2015

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 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:

ARTICLE XI. ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS

1.1 Applicability

Mineral extraction activity for sand and gravel mining as defined in Article XVII of this Ordinance that affects less than 10 acres of land and extracts less than 20,000 tons of construction material and does not use blasting, shall be allowed anywhere in the County, provided the requirements of the Land Development Code are met.

1.1.2 [Section 1.1.2 shall be deleted in its entirety.]

1.7.2 [The following sentence of section 1.7.2 shall be deleted.] ~~"Except as otherwise provided in this Ordinance, mining uses shall not be subject to the Code."~~

ARTICLE XVII DEVELOPMENTS OF COUNTYWIDE IMPACT (DCIs)

Section 1. Purpose and Scope.

1.1. 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:

1.1.1. 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;

1.1.2. to ensure short and long-term compatibility (both on-site and off-site) of

DCIs and the County at large;

1.1.3. to preserve the quality of life, the economy, infrastructure, environment, natural and cultural resources, and natural landscapes;

1.1.4. to promote sustainability by protecting against the degradation of air, surface water, groundwater, and soils; and

1.1.5. to protect environmentally sensitive lands and visual and scenic qualities.

1.2. Scope. This Ordinance shall apply to all applications for any of the DCIs listed in Section 2 herein, including any applications that are pending on the effective date of this Ordinance that have not been approved. However, the Ordinance shall not apply to development permits with vested rights that were issued as of the effective date of this Ordinance. To have vested rights, generally:

1.2.1. there must be prior approval by the County for use of buildings or land for the DCI, and

1.2.2. there must be a substantial change in position in reliance on the approval.

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 are 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, gravel, aggregate, or similar naturally occurring loose rocks and materials such as granite, basalt, shale, slate and sandstone. Producing gravel like materials by blasting and breaking solid rock shall be included in this

definition.

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 incorporates by reference into this Ordinance the specific language or provision being referenced.

4.3. Application Procedures. An application for a DCI Overlay Zoning District (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 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, which shall be prepared and submitted by the applicant. The County may hire outside consultants to review the SRAs at the expense of the applicant (see Appendix A).

4.4.5. Emergency Response and Preparedness Plan.

4.4.5.1. An application for a DCI Overlay Zoning District shall include 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, letter of credit, or cash 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. the 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 with latitude/longitude UTM graticules along the edges. These maps shall be produced and available in GIS format based on the standard Santa Fe County GIS spatial reference. Additionally, all digital data shall be provided to the County for use in its GIS databases and mapping in this format;

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 required by the County necessary to carry out the above-referenced SRAs. In addition to the SRAs to be conducted by the County, the applicant and any other interested party 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 Sections 2.2.2, 2.2.3 and 4.4.4 of the SLDC. The applicant shall furnish an address list for the one-mile area to the Administrator and shall send out notices to all affected parties at

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

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

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

4.5.5. 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.

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 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.

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 scheduled for a hearing before a Hearing Officer, which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled 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, not revoke or not suspend the DCI Conditional Use Permit;

4.6.3.5. the matter shall be scheduled for a hearing before the Board,

which hearing shall be noticed in accordance with Section 4.6.4 of the SLDC and shall be scheduled as soon as practicable, and after hearing, the Board may:

1. affirm the recommendation of the Hearing Officer to either revoke, suspend, 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).

4.6.6. 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:

- 5.1.1.** consistency with the SGMP and any applicable Area, District and Community Plan;
- 5.1.2.** environmental effects and impacts identified in the Environmental Impact Report (EIR) are avoided or appropriately mitigated;
- 5.1.3.** whether adequate public facilities either exist or can be promptly funded as identified in the Adequate Public Facilities and Services Assessment (APFA) as required by the SRAs;
- 5.1.4.** whether improvements identified in the 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 water is available for each of the phases of the proposed DCI as set forth in the Water Service Availability Report as required by the SRAs;

5.1.6. 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. 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. 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:

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

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

5.2.3. to determine the operator's compliance with federal, state and local laws pertaining to the DCI during the development of previous phases of the DCI.

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

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

6.6.9. 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. the boundary of the Galisteo Basin is depicted in the Galisteo Basin Planning Area Map attached as Exhibit A, which is the same map attached to ordinance No. 2008-19 (Oil and Gas Ordinance), and which area further contains specific sites identified in and protected by the Galisteo Basin Archaeological Sites Protection Act referenced above, including any maps referenced in that Act;

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

6.7.3. 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;

6.7.4. 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;

6.7.5. 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;

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

6.7.7. 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	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 uses	Yes	Yes	Yes
Adequacy of roads for intended use	Yes	Yes	Yes
Water system availability and capacity	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 to 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 Administrative Code (NMAC). 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 any landfill has been filled, covered and graded. 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 mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading 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 as needed to prevent short-term erosion, sedimentation or windblown dust.

8.3.10. Air Quality and Noise.

8.3.10.1. All 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, 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.

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 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.

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.

9.3.9.3. Reclamation and revegetation shall be required at such time as the junkyard ceases to do business.

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, 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. All 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 sand and gravel operations 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 or more acres of land or extracts more than 20,000 tons of earth materials, or 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, whether individually or as an agent or corporate officer of any business entity, 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 removal, stockpiling, or processing of any 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. Excavation related to basements and footings of a building, or retaining walls .

10.2.3.2. Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which do not utilize blasting, are regulated by Article XI of the Land Development Code.

10.2.3.3. 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 application.

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. 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. avoid the deterioration of all access roads; and
3. 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. The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the BCC, which proposal shall:

1. avoid residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings, municipalities, and already congested locations where possible;
2. identify alternative routes;
3. identify the timing of truck haul traffic; and
4. include a fugitive dust plan for designated routes to prevent loss of loads and fugitive dust during 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 material(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, parks, open space and adjoining residential areas shall be screened.

10.3.7.2. Buildings. The design, scale, and location of all buildings 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 operations must comply with Section 7.8 (Lighting) of the SLDC.

10.3.9. Signs. All sand and gravel operations must comply with Section 7.9 (Signs) of the SLDC, but are limited to two signs of 4 square feet each.

10.3.10. Parking and Loading. All Sand and Gravel operations 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 a lined 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 not result in net loss of wildlife habitat.

10.3.12.2. All sand and gravel operations 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 shall 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; 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 mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of utilization of proper reclamation methods and sediment control practices including, but not limited to:

1. grading 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 short term erosion, sedimentation or windblown dust.

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. 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. If a proposed operation intends to do any blasting, 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 which 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 (see Appendix A).

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 in a monitoring report. The monitoring report shall be submitted to the Land Use Administrator within five (5) working days of blasting and shall comply with the following ground vibration and noise levels:

10.3.17.1. Ground vibration shall not exceed 0.50 inches per second Peak Particle Velocity (PPV) at any property line, unless such property is owned by the operator and not leased to any other person.

10.3.17.2. Noise levels shall not exceed the values specified in Table 17-2 below:

Table 17-2 Maximum Allowable Noise Levels.

Lower frequency limit of measuring system, Hz + 3dB	Maximum level in dB
0.1 Hz or lower—flat response	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak

10.3.18. Sand and Gravel Operation Setbacks.

10.3.18.1. Sand and gravel operations shall be setback:

1. 500 feet from all property lines;
2. 500 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands; and
3. One half mile from residential structures.

10.3.18.2. 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

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. Uncontrolled/Natural Watercourses. When working near uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that 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.

10.3.21.2. Minimum Buffer. A minimum 100 foot buffer of natural vegetation between the water’s edge and any sand and gravel operation is required.

10.3.21.3. No Negative Impact. No extraction is permitted that is deemed by the County to have a negative impact on 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.

10.3.24. Phasing. All phases shall be clearly staked prior to commencement of any activity on the property. The applicant must GPS all stakes and make them digitally available to the County upon request in GIS format based on the standard Santa Fe County GIS spatial reference.

10.3.24.1. The maximum size of any phase of the development shall be ten acres.

10.3.24.2. Only one phase of the development shall be excavated at a time.

10.3.25. Reclamation Plan and Bonding. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.3.25. 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.

10.3.26. Reclamation Standards. The reclamation plan shall comply with the following standards:

10.3.26.1. 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.

10.3.26.2. Grading. Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. In general, all slopes (cut or fill) shall be graded to 3:1 or flatter. Such

methods must be approved as part of the Reclamation Plan.

10.3.26.3. 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.

10.3.26.4. Mining operations shall be allowed to progress so long as the disturbed areas within previous phases have been reclaimed within 6 months after the commencement of the new phase; provided that, the County will consider extensions due to weather conditions and taking into account seasonal changes. Reclamation shall commence within 30 days of the commencement of a new phase of extraction.

10.3.26.5. 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.

10.3.27. 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 in continuous operation, may continue operations and may expand up to 25% 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 or further expansion proposed, but not previously approved, shall comply with this Ordinance.

10.3.28. Annual Operating Plan and Monitoring Report.

10.3.28.1. 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, 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.

10.3.28.2. 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 the nonrefundable application fees in the amounts set forth in Appendix A. Other fees related to 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

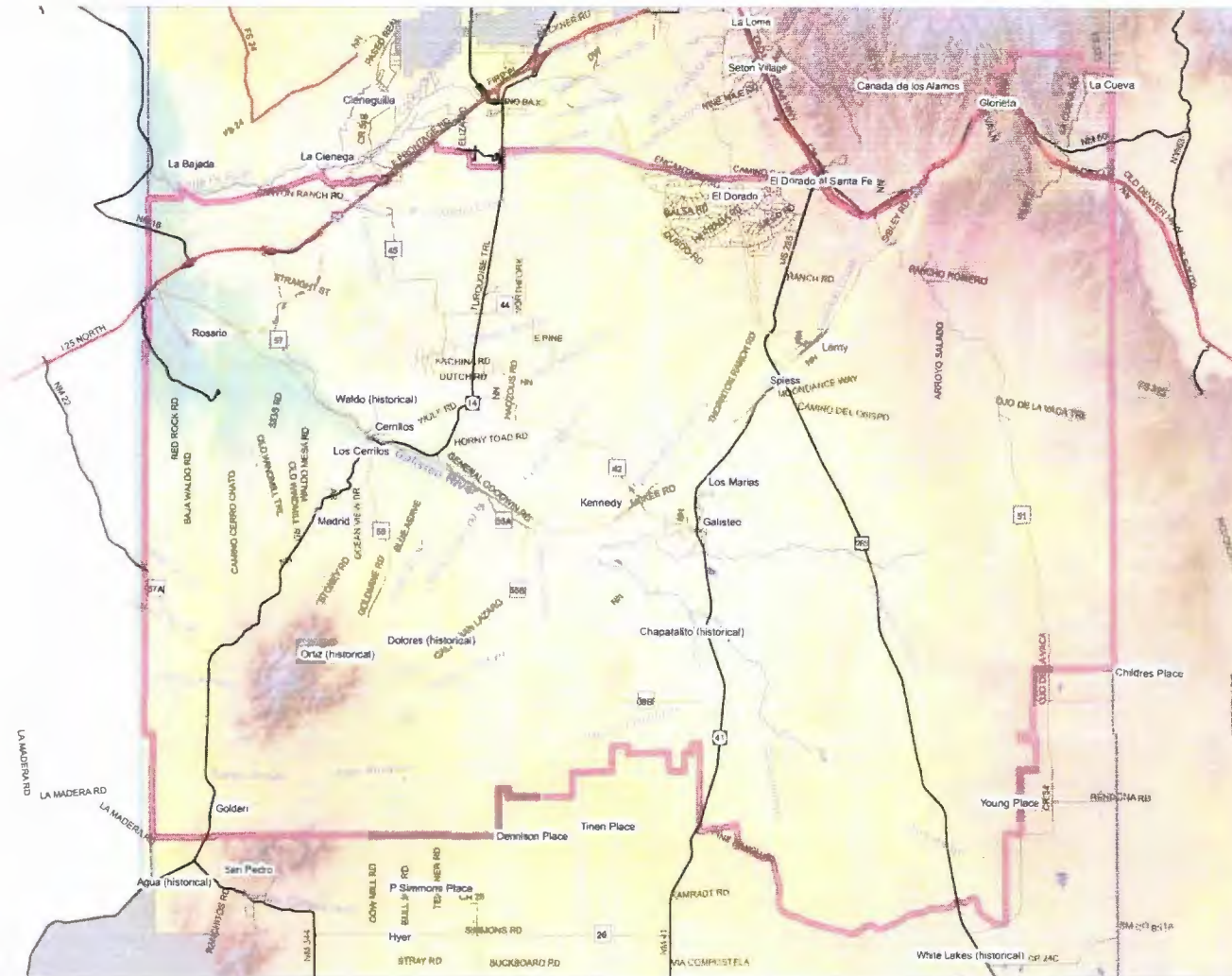
**APPENDIX A
APPLICATION FEES**

Application for a DCI Overlay Zone:	\$7,500
Application for a DCI Conditional Use Permit:	\$ 3,000
Inspection Fees	\$250 per inspection
Fee for Specialized Review if needed	Full cost of review by outside consultant in an amount not to exceed \$10,000.

SEC. CLERK RECORDED 12/10/2008

Legend

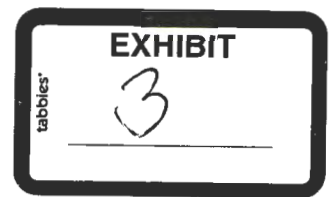
-  Railroads
-  Railrunner Alignment
- Roads**
 -  Federal
 -  State
 -  County
 - Other
 -  Incorporated
 -  Galisteo Basin Planning Area Boundary
 -  Santa Fe County Boundary
 -  Stream/River: Intermittent / Other
 -  Stream/River: Perennial
 -  Water Body

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12/9/2006 - 9:33:18 AM

Santa Fe County Planning Dept., Santa Fe County Geographic Information Systems (GIS) Dept., Santa Fe County Dept. of Transportation (NM DOT).

SFC CLERK RECORDED 09/09/2015



TO: Penny Ellis-Green

FROM: Graham Billingsley, Joanne Garnett, Jim Strozier, Jackie Fishman

DATE: August 10, 2015

RE: Developments of Countywide Impact (DCI) Ordinance - Basis of Regulations

This memo lays out the basis for the DCI regulations. A companion piece (please see attached) is the matrix of responses to public comment. That matrix has more specificity for certain issues and should be reviewed in association with this memo.

The County determined that there is a need to regulate certain uses that have the potential for creating significant impacts. The three DCIs covered by this Ordinance, landfills, junkyards, and sand and gravel extraction, in an emergency declaration because of the moratorium adopted by the County on these specific uses, which moratorium expires on September 16, 2015. In the future, mining and resource extraction, substantial land alteration, large-scale feedlots, and possibly other uses will be added to the DCI Chapter. The oil and gas drilling and production use has regulations currently in effect and these will be moved to the DCI Chapter when the SLDC is approved. These types of uses have a greater likelihood of generating negative impacts than the uses currently reviewed and processed as conditional uses. Because of their potential impacts, landfills, junkyards and sand and gravel extraction require special, more stringent standards to protect Santa Fe County residents, businesses, and the environment.

In order to address these uses, the County has created a new category for their review: Developments of Countywide Impact (DCI). Because impacts from these three types of uses cover a wide range of issues, the regulations take a two-tiered approach. The first tier (overlay) is used to determine if a location is suitable. If it is, then a detailed review process (the second tier, a conditional use permit) is used to determine if the use, as specified, is suitable in that location. Both tiers require approval by the Board of County Commissioners.

Review criteria are established to ensure any use approved is compatible with the Sustainable Growth Management Plan (SGMP), appropriately mitigates impacts on the environment, as well as any impacts on public facilities and services such as roads and water. These review criteria have to be met in order for the proposed overlay district to be approved. These criteria are based on Santa Fe County's interests as described in the policy document, the SGMP.

Findings are included in the regulations section that explain the basis of the ordinance, which includes the relationship of the regulations to the County's obligation and interests of promoting

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health, safety, and welfare, assuring adequate public facilities, protection of the unique aspects of the place, and protection of the environment. This is standard language in regulatory discussions, so it is clear what the purpose of the regulations is.

Suitability for the proposed land use (landfills, junkyards, or sand and gravel extraction) is determined based on the required submittal information including studies, reports and assessments as mandated in Chapter 6 of the SLDC, and satisfying certain criteria or standards. The studies, reports and assessments are targeted for uses beyond those included as DCIs, making these standard review requirements. In addition, there are more stringent standards in the DCI regulations which include setbacks, size and phasing; hours of operation; haul route requirements; annual reporting; noise and vibration, and other technical issues. These standards are described in more detail below.

Setbacks and visual screening– All three uses have unique operational activates requiring different setbacks to reduce potential conflicts with adjoining properties, all greater than the standard setbacks in the zoning districts that allow these uses. In addition to the setbacks, visual screening is required for all three uses in order to increase the effectiveness of the setbacks and to remove the unsightly nature of the operations from public view.

- *Landfills* use heavy equipment generating significant noise and dust. The minimum setbacks are therefore 300 feet from all property lines and 500 feet from roads, public recreation easements, and sensitive lands. Visual screening is mandatory.
- *Junkyards* also generate noise and are usually considered unsightly. Because of the concern about visual impacts, the State of New Mexico may require screening of a junkyard if it is within 1,000 feet of a State Highway. To address the noise and the visual impacts, the minimum setbacks are therefore also set at 300 feet from all property lines and 500 feet from roads, public recreation easements, and sensitive lands.
- *Sand and gravel extraction* uses heavy equipment, generates noise, dust, and vibration from operations and blasting, and because of these combined impacts, require greater setbacks to mitigate their impacts. Minimum setbacks required are 500 feet from property lines and roads and one-half mile from existing residential structures. In addition, a minimum 100-foot buffer is required between the mine and any water body.

Size and Phasing – Although not necessarily the case in all proposed projects, each of the uses may ultimately become very large, requiring development in phases. This is particularly common for landfills and sand and gravel extraction. Because of this, phasing schedules and boundaries are important to establish upfront to help determine the long-term potential impacts of these operations. Each phase may be reviewed and require approval prior to commencement, and previous phases need to be reclaimed concurrent with any additional phase to ensure the activity is contained within reasonable boundaries and that the impacts of earlier phases are mitigated.

Hours of operation – Due to the nature of these activities, particularly the generation of noise, dust, and traffic, hours of operation are set to contain these impacts to reasonable portions of the day.

Haul routes – For sand and gravel extraction uses, heavy truck traffic is common. This truck traffic creates several potential negative impacts including short or long-term degradation of the roads, noise, and traffic congestion. Therefore the haul routes need to be approved to avoid travel on underbuilt roads and through incompatible areas. In addition, truck traffic may be time limited by the BCC to avoid conflicts with school buses and other expected, incompatible traffic.

Fugitive dust – Fugitive dust is a significant potential health hazard if not properly controlled. Both PM 10 and PM 2 dust are prevalent with sand and gravel extraction, and possibly for landfills. Dust can travel long distances so actions taken for mitigating dust on the site and along travel routes is essential. The proposed regulations also allow the County to cease operations during high wind events (i.e., 30 mph or greater along with dry conditions).

Noise and vibration – All three uses generate significant noise, and because of this, all three require noise studies. Sand and gravel extraction may use blasting which generates vibration in addition to noise. The vibration can create structural damage to area buildings; therefore standards are set to ensure vibration is mitigated.

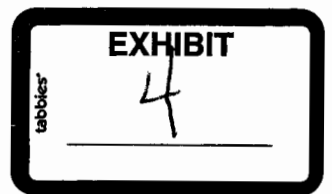
Blasting plan – Blasting creates noise and vibration which can impact neighboring properties. Because of that potential impact, a blasting plan is required as part of the application process to better establish mitigation measures of for setbacks and noise barriers. The plan also addresses the monitoring of blasting operations.

Reclamation and bonding – DCI uses can create long term impacts during operation and once the operation has ceased. Because of the alteration of the land or potential contamination, reclamation is required. For some uses, such as junkyards, that reclamation occurs after the use has been abandoned. For others, specifically landfills and sand and gravel extraction which disturb the land cumulatively over time, reclamation has to occur as the use moves across a site. Phasing is the best approach for reclamation so that limited areas are disturbed at any give time. Because of the long-term potential impacts of abandoned uses, guarantees, in this case bonds, are required so the County may step in and complete the reclamation if the owner is unable to.

Annual reporting – All of these uses are long term, grow over time, and may be subject to change as markets and technology evolves. Because the impacts are greater than expected from other land uses, monitoring of these particular land uses needs to be greater. All three uses require an annual update of the County's Emergency Response plans. Sand and gravel extraction requires an annual report including the area mined, the amount of material mined and removed, traffic counts and truck sizes used, reclamation and reclamation bond status, and any violations of local or State requirements. The critical stage of sand and gravel operations is usually the first few years; therefore, the annual report needs to be reviewed by the Board of County Commissioners. This gives the opportunity to adjust their approval to mitigate unexpected aspects of the operation. Part of the purpose of annual reporting is to monitor whether the expected impacts and mitigation of those impacts have been successful.

Ability to Revoke or Suspend the Permit – Because of the potential for significant impacts affecting the health, safety, and welfare of the residents of Santa Fe County, or degradation of public infrastructure or services, if in the reporting or review of the reporting it is determined the use did not adequately mitigate impacts, or the activities are outside the geographic boundary of the conditional use permit, or the federal or state permit required as a condition of approval of the conditional use permit has been revoked or suspended, the proposed regulations allow the Land Use Administrator to suspend or terminate the use through revocation of the permit.

Fees – The fees are established for these reviews in the same way they are established for other types of review. The complex nature of the applications for DCI uses generally require more staff time. In addition, some potential impacts require a special knowledge to understand and evaluate their operation. It is therefore conceivable that outside consultants may occasionally be required to advise the County on those potential impacts. Because this is a cost created by the request of a third party, the County should not be liable for the expense. However, it is also understood that some reasonable cap on the potential cost of review is needed to insure the applicant can predict, prior to submittal of their application, the potential cost. That cost is a combination of the County's set application fee and a cap of \$10,000 for expert consultants to advise the County.



August 11, 2015

TO: Board of Santa Fe County Commissioners
FROM: Pam Bennett-Cumming, M.E.S.
RE: Public comment on Article XVII Developments of Countywide Impact (version 8-4-2015)

Thank you Commissioners and staff for your community-mindedness, and diligence in working to bring Article XVII together. And recognizing that there are certain activities and developments that have broader impact to the County as a whole.

Both the County and the people of Santa Fe County have worked long and hard developing the Sustainable Land Development provisions. This DCI Article XVII is another important step along that path.

I have just a few of thoughts for clarifications in the Article:

A

Amendments to Article XI Zoning for Extraction of Minerals 1.1 Applicability:

To be consistent with the content of Article XVII, wording needs to be added to 1.1 which clarifies that mines of any size which use blasting come under Article XVII, and may NOT be allowed anywhere in the County. For example: "... less than 10 acres in size and extracts less than 20,000 tons of material *and does not use blasting* shall be allowed..."

Since one aspect of one of the three uses addressed under Article XVII are called out in this section, should there be wording here to guide the reader into the SLDC and the body of Article XVII for zoning information on junkyards, landfills, and mineral extraction greater than 10 acres or 20,000 c.y., or that uses blasting?

B

The chapter puts a 10 acre threshold on mines: that is a pretty large hole in the ground.

Does that mean that a 9.9 acre mine could be allowed anywhere, without the clearer review provided by Article XVII? The people of greater Santa Fe County attending a school, hospital, public facility or historic or cultural site for example, might be affected by that proposal next door even if smaller than 10 acres. Is there a way for smaller scale mining to be reviewed under this Chapter based on its potential for impact? In the same way that the other uses - whatever the scale - are able to be reviewed under this Chapter.

S F C C L E R K R E C O R D E D 0 9 / 0 9 / 2 0 1 5

Excerpted Executive Summary of Testimony and Analysis by Laird Graeser
Chief Economist (ret.), NM Taxation & Revenue Dept (1986-2001)
and NM Dept. of Finance & Admin. (2006-2010)
International economic consultant (1998-present)
specializing in analysis of tax revenue impacts of economic proposals

Sworn testimony provided at June 11, 2014 BCC hearing, Santa Fe NM

The following chart shows the recent volume and value of aggregate for Santa Fe County as reported to NM EMNRD, 2008-2012. Production by Caja del Rio is not included by EMNRD in their statistics. However, Caja del Rio currently has a stockpile of 1.6 million tons of basalt extracted from the landfill cells that can readily be processed into gravel.

Note that even without the CdR production, there was an excess supply of aggregate in the County for the period reported. This excess is much larger when CdR production and sales are properly accounted for.

Existing Aggregate Production/ Sales/ \$Value - Santa Fe County
NM EMNRD statistics 2008-2012 (as reported by operators)

AggregateType	Amount Sold	Amount Produced	Production Value	Price per Ton
	Short Tons	Short Tons	\$	\$/Short Ton
Base Course Total	516,283	550,797	\$10,585,457	\$19.22
Crushed Rock Total	79,595	80,626	\$249,800	\$3.10
Gravel Total	348,262	420,973	\$11,364,937	\$27.00
Riprap Total	65,778	65,778	\$1,217,715	\$18.51
Totals - existing production	1,009,918	1,118,174	\$23,417,909	
Average Total Annual	201,984	223,635	\$4,683,582	
Excess Supply Annual		21,651		
Caja del Rio aggregate (annual)		250,000 to		
not included in EMNRD stats		500,000		
ACTUAL EXCESS SUPPLY FOR ALL		271,651 (min)		
EXISTING COUNTY AGGREGATE		521, 651 (max)		
(ANNUAL)				

Note: NM EMNRD statistics for fill dirt production have been excluded from this chart. For SF County during the above years, the pattern of supply slightly exceeding demand held for fill dirt as well as gravel products.

2015

EXHIBIT

6

La Cienega and La Cieneguilla Plan Update



La Cienega and La Cieneguilla Community Planning Committee
Santa Fe County Planning Division
Santa Fe County Growth Management Department



LCLC COMMUNITY PLAN

Page 1

SFC CLERK RECORDED 09/09/2015

La Cienega and La Cieneguilla Community Plan Update 2015 Review Status:

- Internal Re-Review: Oct 8, 2014
- Growth Management Department Review & Revisions: Jan 23, 2015
- Legal Review & Revisions: Feb 6, 2015
- Feb 12, 2015 Team Review:
 - Growth Management Director
 - Planning Manager
 - Assistant County Attorney
- Reviewed and revised by LCLC Committee: Mar 25, 2015



SATELLITE PHOTO & MAP OF LA CIENEGA and LA CIENEGUILLA PLANNING AREA

2001 ACKNOWLEDGEMENTS:

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Jack Kolkmeier - Planning Division Director	

NOTE: The original Community Plan document was adopted in August, 2001. A copy of that document is available at the Santa Fe Office of the County Clerk, Book 2064/2065, pages 960-020.

2015 ACKNOWLEDGEMENTS:

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SECTION 1 – INTRODUCTION

The Planning Area is comprised of Lower La Cienega, Upper La Cienega and La Cieneguilla and surrounding areas. These rural communities in Santa Fe County share a long, enduring history, a scenic rural environment and a tradition of working together through discussion, education, listening and negotiation to solve problems and plan for the future by creating a community plan that encourages sensible and sustainable growth. In the late 1990's the communities began an in-depth community planning process that resulted in the adoption of the 2001 La Cienega and La Cieneguilla Community Plan and corresponding 2002-9 Ordinance.

Much has changed since the 2001 Community Plan and corresponding ordinance were adopted. Population has increased 27% from 3,007 people in 2000 to 3,819 people in 2010. Correspondingly, 261 new homes were added and commercial development in southern portions of the City of Santa Fe and areas adjacent to the valley has greatly intensified. In 2010, the NM Rail Runner Station at the interchange of NM 599 and I-25 just northeast of the plan area opened with over 200 parking spaces and bus connections to Los Alamos and Santa Fe, making it an important regional transit hub for northern New Mexico. These factors combined with the explosive residential growth of the 1990's have resulted in a population size equal to or greater than many incorporated New Mexico communities and towns.

Additionally, Santa Fe County's legal framework and policies for land use, growth management and development have changed since the 2001 Community Plan was adopted. In late 2010, the Board of County Commissioners, (BCC), adopted the Sustainable Growth Management Plan (SGMP). In December 2013 the BCC adopted the corresponding Sustainable Land Development Code (SLDC) which when in effect will replace the 1996-10 Land Development Code and implement many of the policies from the SGMP. Most significantly, the new code presents a shift from the County's current hydrologic zoning, which regulates density based on water availability, to a fixed zoning scheme. To implement the new code and zoning scheme, the County will assign zoning districts and adopt a corresponding zoning map following criteria identified in the SGMP including water resources, proximity to public utilities, community character, existing and compatible land uses, densities and lot sizes. For areas such as La Cienega and La Cieneguilla covered by adopted plans and ordinances, the County will work with communities to assign base zoning districts and overlay zones as outlined in Chapter 9 of the SLDC. Both the SGMP and SLDC will guide land use and regulate development throughout the County for years to come.

In early 2011, in response to the adoption of the County's new General plan (the SGMP), Planning Area community members recognized the need to revisit the 2001 La Cienega and La Cieneguilla Community Plan, and corresponding 2002-9 Santa Fe County La Cienega and La Cieneguilla Community District Ordinance. Over the course of several years, members of the community and the County worked together to assess changes in the area, update information, identify issues, and revise and develop strategies to manage growth and development in accordance with the SGMP and SDLC. The process was guided in large part by the Community Vision Statement established in the 2001 Plan:

"The vision for our community is one of a peaceful and rural nature, one that respects diversity and is governed through unity. We resolve to protect our natural environment and unique character by honoring our traditional culture and the area's historical, agricultural, livestock and rural low-density residential development traditions. We wish to maintain our self-sufficiency and protect our community from urban sprawl. We wish to live in a

community where people of all cultures and incomes share in decision making; a community in which any changes, improvements and decisions are dictated by realistic understanding of our available resources and by our vision of our relaxed and open quality of life”.

This document is the resulting La Cienega and La Cieneguilla Community Plan Update 2015, (“the Plan Update” or “the Plan”). When adopted it will amend the Santa Fe County Sustainable Growth Management Plan, and it will replace the 2001 La Cienega and La Cieneguilla Community Plan. As an amendment to the SGMP, this plan guides land use policy for the area and provides the framework for future zoning and development regulations, capital projects, programs, and services.

1.2 INTENT AND PURPOSE OF THE PLAN

The intent of this plan is to reinforce the unique, historical, rural character of the plan area while serving evolving community needs through a mix of policies, projects, and programs.

The purpose of this plan is to:

- Document and map changes from 2001 through 2015 and analyze impacts.
- Revisit elements, strategies and recommendations identified in the 2001 La Cienega and La Cieneguilla Plan.
- Establish a future land use map, categories and general provisions to guide future development, and land use policy
- Identify projects, programs and strategies that support the community’s vision and goals.
- Provide recommendations to guide zoning and development standards for incorporation into the SLDC. These standards will define the La Cienega and La Cieneguilla Community District “Overlay” which will replace the La Cienega and La Cieneguilla Santa Fe County Ordinance 2002-9.
- Provide a community action plan to further the Community vision and solve problems on an on-going basis with an emphasis on developing collaborative relationships between residents, local, state federal governments, public agencies and community organizations.

1.3 KEY ISSUES

Many issues identified in the 2001 Plan are still relevant today and are brought forward in this update. Among these ongoing and primary concerns are the reduction of the planning area’s surface and ground water resources and a continued desire to preserve and enhance the rural character related to residential development, roads, open space, agriculture and the acequia systems.

This plan update also identifies new issues pertaining to growth both within and adjacent to the plan area, particularly the need to coordinate and plan for increased commercial activities both within and adjacent to the plan area, including the areas associated with the Santa Fe Downs, Erica Road, the Airport, I-25/NM 599 interchange, and Sunrise Springs.

Additionally, this update addresses issues and opportunities associated with changes that have occurred over a decade in the County’s land use and policy framework. As a result, this document is consistent with the Sustainable Growth Management Plan, including the shift from hydrologic zoning to a fixed zoning scheme established in the Sustainable Land Develop Code and the resulting Official Zoning Map.

1.4 MAJOR RECOMMENDATIONS

Many recommendations of the 2001 Plan have been implemented through a variety of public and private actions, zoning regulations, capital improvement projects and programs. Recommendations that have not been fully implemented and are still relevant have been brought forward in this update, combined with new ones. Major recommendations include:

- Implement La Cienega Watershed Water conditions fully by seeking the extension of Santa Fe County water lines to serve existing and future residential and commercial uses in Upper La Cienega.
- Preserve and protect traditional agricultural and ranching activities through various means, including incentives such as site development standards, density bonuses and transfers.
- Allow cluster development and density transfers in conjunction with agricultural, archeological and open space conservation easements.
- Establish a bus route through the community that provides connections to the Railrunner Station and to City bus routes on Airport Road.
- Maintain the rural character of roads and increase pedestrian, vehicular and equestrian safety.
- Preserve and protect traditional agricultural and ranching activities through various means, including incentives such as site development standards, density bonuses, and transfers.
- Allow cluster development and density transfers in conjunction with agricultural, archeological and open space conservation easements.
- Ensure that any density increases and/or bonuses take into account all issues into consideration, including water, wastewater, neighborhood surroundings, access, traffic, utilities, history, etc.
- Establish a commercial district on properties on properties associated with the NM 599/I-25 Interchange and Santa Fe Downs.
- Establish community pathways and equestrian trails along existing road network to connect with existing and planned regional trail systems, open space and community facilities.
- Conduct a water/sewer feasibility study for the plan area to analyze utility service options to consider all possible methods of serving the area over the long term including on-site systems, (primarily well and septic), community systems and extensions of the Santa Fe County water and wastewater systems.
- Initiate Public Improvement District or other funding mechanisms to finance infrastructure projects in existing areas with deficiencies.

1.5 DOCUMENT GUIDE

The document is composed of seven sections and an appendix:

Section I: Introduction

Section II: Existing Conditions and Trends

- Brief History
- Community Profile & Demographics
- Existing Conditions and Trends:

- Brief History and Plan Area Description
- Community Profile and Demographics
- Historic and Cultural Resources
- Existing Land Use, Zoning and Development Trends

Section III: Key Community Issues

- Water Resources
- Water Quality and Wastewater
- Agriculture
- Transportation and Roads
- Community Services
- Airport
- Community Open Space & Facilities

Section IV: Goals and Strategies

Section V: Land Use Plan and Growth Management

The Community Land Use Plan is made up of several components that are interrelated and when viewed as a whole provide a framework to guide development decisions, zoning and regulations, utility extensions and capital improvement projects.

They consist of:

- Future Land Use Map, Categories and general provisions which will be used to guide the establishment of base zoning districts;
- Traditional Agricultural Lands Preservation and Protection Map and recommendations which will be used to guide the establishment of an Agricultural Overlay Zone to provide incentives to promote the conservation and use of irrigated agricultural land;
- Parks, Open Space and Trails recommendations.
- County water system extension and current planned alignment of County water lines.
- Roads and Transportation Plan that includes a map, text, and graphics illustrating a proposed route for a commuter shuttle and recommended rural road profiles and improvement guidelines.

Section VI: Community Action Plan and Implementation Matrix

Section VII: Governance/Implementation of the Community Planning Ordinance

1.6 PLANNING AREA BOUNDARY

1.6.1 Boundary Purpose

The physical boundaries of the Planning Area are designed to recognize the traditional uses of the land and how development would impact the communities. Expansion of the City of Santa Fe and possible annexation of the Planning Area's communities threatened many of the grazing lands and open lands connecting the villages which are crucial to the fabric of the communities. Through discussion by the 2001 Planning Committee, historic and rural importance was assigned to these areas.

1.6.2 Boundary Status

The planning area boundary follows the La Cienega Traditional Historic Communities boundary that was established by Santa Fe County Ordinance 2000-07 (See Appendix) in accordance with State Law (NMSA 1978, Section 3-21-1) which recognizes the historic importance of the area and prevents annexation by the City of Santa Fe.

1.6.3 Boundary Description

The planning area is the same as the area included in the 2001 Community Plan boundary. The boundary follows the upper edge of the La Bajada escarpment on the south, follows topographic features and County Road 56 C to the west and north, the southern airport boundary and NM State Highway 599 to the north and east, and Interstate 25 to the east and south. (See Map 1: La Cienega and La Cieneguilla Planning Area.). Within the core of the planning area the 1980 Santa Fe County General Plan delineated a Traditional Community Zoning District.

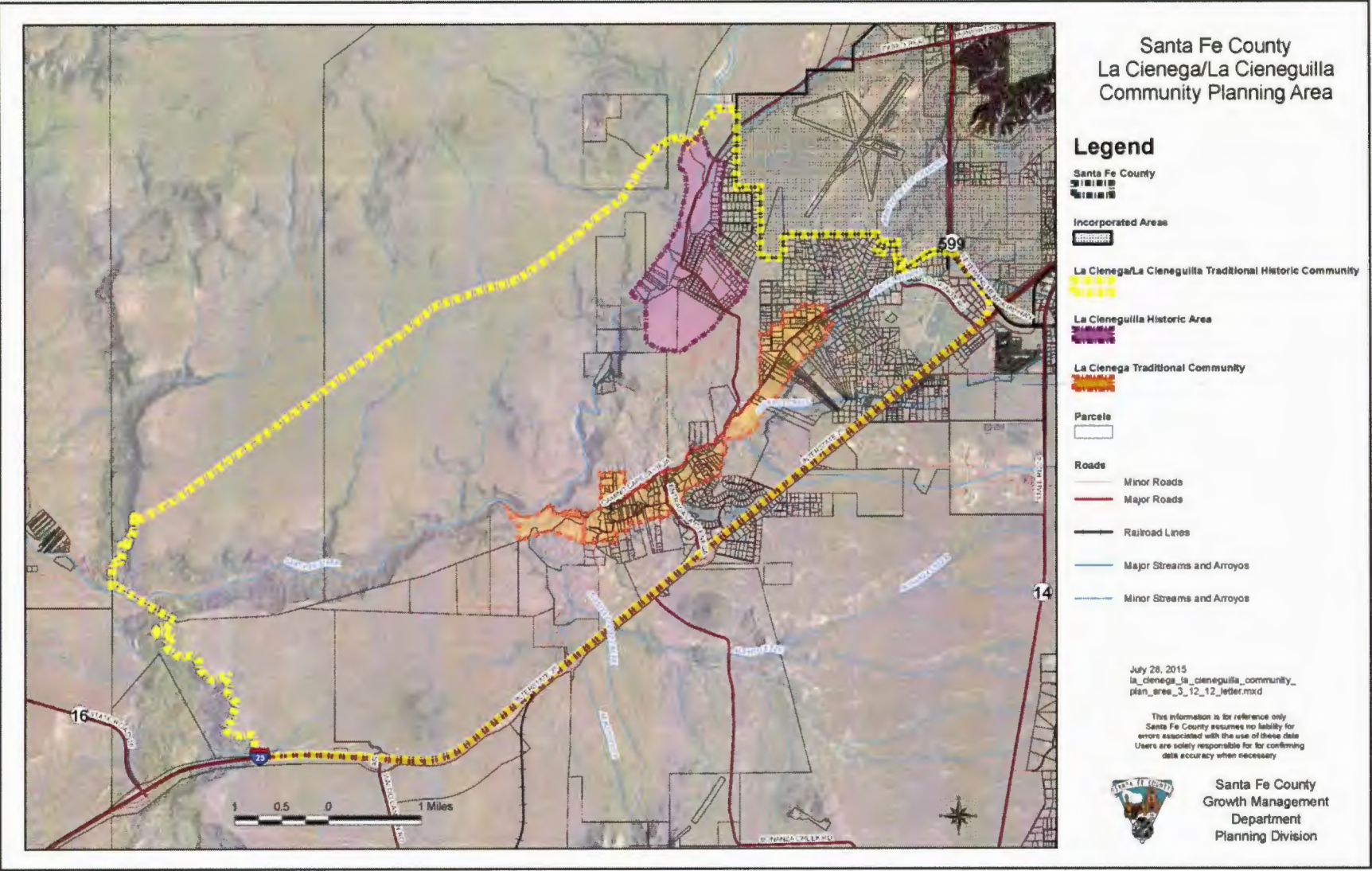


Figure 1 Planning Area Boundary Map

1.7 COMMUNITY PLANNING HISTORY AND PROCESS

1.7.1 Planning History

In recent decades unincorporated communities throughout Santa Fe County have experienced rapid growth over the past two decades. The La Cienega Valley Association (LCVA) was formed in 1995. With the draft of the City of Santa Fe's General Plan calling for expansion of their urban boundary, the citizens feared imminent annexation into the city limits. The LCVA approached the County to request that a community planning process be initiated in La Cienega and La Cieneguilla.

In 1996 the Board of County Commissioners requested that the Land Use Department and Planning Division begin working to help Traditional Communities and Contemporary Communities develop local land use plans. To that end they adopted the Santa Fe County Ordinance 1998-5, the subsequent 2003-02 Community Planning Ordinance and the SGMP to guide the process for conducting community planning efforts and provide for County staff to assist communities in developing plans.

At the Board of County Commissioners meeting on March 11, 1997, the LCVA requested permission to proceed with a community plan and outlined initial planning boundaries. The group was instructed to survey residents within the proposed boundaries to seek their approval of inclusion in a community plan. With the communities approval the County Planning Division staff began working with the LCVA and other community members to develop a plan for the area.

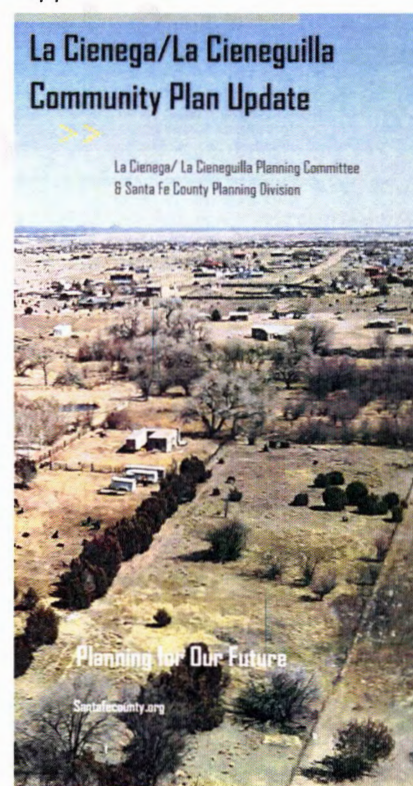
The La Cienega and La Cieneguilla Community Plan was adopted by the Board of County Commissioners as an amendment to the Growth Management Plan on August 14, 2001 via resolution 2001-117. In June of 2002, many aspects of the plan were adopted and codified by Ordinance 2002-9 as amendment to the Santa Fe County Land Development Code.

In 2008 several community members recognized the need to review goals, policies and regulations for commercial uses and home occupations in light of continued growth in and adjacent to the plan area. After the review and a survey of existing commercial development in upper La Cienega the decision was made not to amend either the 2001 Community Plan or associated ordinance.

In 2009 the LVCA and community members identified the need to revisit the 2001 community plan in light of changes in the area. The process was halted by Resolution 2009-74 to allow the County to focus on the Sustainable Growth Management Plan.

In January of 2011 after the SGMP was adopted, the community resumed the planning process. As with the 2001 Plan, the plan update involved a planning process in accordance with the County community planning ordinance. A planning committee was convened with representatives from Upper and Lower La Cienega and La Cieneguilla.

All meetings of the Planning Committee were open to the public. Meetings and activities of the Planning



LC-LC Planning Brochure - 2012

Committee were periodically announced through mailings, phone calls, bulletin boards and posted signs throughout the planning area. Community open houses were held in April 2012 to solicit input and present work to date. In the fall 2012 a draft of the plan was submitted to the County for internal review. However due to a shift in County priorities the internal review was not completed until early 2015.

1.7.2 The Community Planning Process

In order to deal with the inevitable changes and plan for the future, the residents of the La Cienega and La Cieneguilla Planning Area came together to create an updated community plan. Planning in La Cienega and La Cieneguilla must be consistent with the community's history and the ways that past planning efforts have shaped the area. The planning process must include the opinions and ideas of residents, business owners and property owners in order to be representative of the community. This Plan represents the product of countless hours of volunteer time from community members, friends and neighbors that was spent in meetings, discussions, disagreements and friendly conversations regarding how these communities will best be able to direct future development. The La Cienega and La Cieneguilla Community Plan is the result of the community identifying a common set of concerns, goals that address these concerns, and then create clear policies to achieve the goals for future development in the community. This Plan is a guide for the future growth of the La Cienega and La Cieneguilla Planning Area that is consistent with the directives of The Sustainable Growth Management plan.

The Plan helps to inform the Board of County Commissioners and the La Cienega and La Cieneguilla Communities about issues and concerns including land development, the airport, agricultural field burning coordination and many others issues that the community wants to work on in the planning area. By identifying various goals and strategies, the Plan will help in structuring proposed programs and projects that will be considered for funding through County programs such as the Infrastructure Capital Improvements Program (ICIP) and other sources. The community planning process is not static and plans can be amended as new conditions arise, allowing for the community plan to evolve over time as the community changes.

1.7.3 Plan Update Objectives

The following objectives were developed to guide the plan update:

- Planning in La Cienega and La Cieneguilla will be consistent with the community's history and examine the ways that past planning efforts have shaped the area.
- The planning process will include the opinions and ideas of residents, business owners and property owners in order to be representative of the community.
- The Plan Update will be the result of the community identifying a common set of concerns, goals that address these concerns, and identify clear policies to achieve the goals for future development in the community.
- The Plan Update which includes key recommendations from the 2001 La Cienega and La Cieneguilla Community Plan will be consistent with the Sustainable Growth Management Plan.

- The Plan Update will be used to guide the Board of County Commissioners and the La Cienega and La Cieneguilla Communities when considering approval of development proposals in the planning area.
- The Plan Update will identify and prioritize project and programs to be considered for funding through County and /or other programs.

"Settlement in Colonial New Mexico was in effect a transplantation, a new version of the order that had prevailed in Colonial Mexico and Spain. It was not the work of footloose individuals in search of adventures or wealth, but of a small homogeneous groups of simple people who brought with them their religion, their family ties, their ways of building and working and farming."

JB Jackson, Cultural Geographer, La Cienega Resident

SECTION II – EXISTING CONDITIONS & TRENDS

2.1 A BRIEF HISTORY AND DESCRIPTION OF THE PLAN AREA

The history of the Planning Area and its traditional historic communities of La Cienega and La Cieneguilla date back thousands of years. As the name Cienega (Spanish for marsh) implies, the La Cienega Valley contains marshlands formed by natural springs that have attracted passersby and settlers since well before the time of Christ. Archeological surveys conducted over the years yielded archaeological sites ranging from camp sites of the Archaic Period five thousand years ago to ruins of an early 20th century school house. This high level of archeological site density is indicative of numerous ancient settlements throughout the valley. Overall the Planning Area has one of the highest concentrations of historic occupations in the Santa Fe vicinity.



Fields in La Cieneguilla circa 1955

The oldest traces of human use can be found on the slopes overlooking the numerous springs in the area. The mesa escarpments are dotted with petroglyphs and rock etchings that date as far back as three thousand years, when American Indians took advantage of the ever present water so vital to us even today. About the time of Christ, people began living in pit houses presumably on a year round basis. Over the centuries, people began the transition of living in surface structures made of puddled adobe or stone, or a combination.

At the time of Spanish contact in the late 16th century, there was mention of at least two considerably large Indian Pueblos in the Planning Area referred to as “La Cienega” and “La Cieneguilla”. La Cienega continued to be inhabited through the 17th century by Tano Indians. La Cieneguilla was abandoned by the Keres Indians in the early 1600’s but subsequently reoccupied by the Spanish in the 1630’s. The location of the Cieneguilla Pueblo is in the present village of La Cieneguilla whose mesas are adorned “with petroglyphs inscribed over thousands of years.” La Cienega is located on the mesa adjacent to the confluence of the Santa Fe River and La Cienega Creek.

The earliest known Spanish settlement in the valley is the 'Sanchez Site' otherwise known as LA, 20,000 dating from 1630 to the time of the Pueblo Revolt in 1680. It is a very important site located in the southern part of the valley that was partially excavated in the 1980's and is now owned and protected by El Rancho de Las Golondrinas. Other pre-revolt estancias are known to have existed at that time, although none have been located. Collectively the numerous archaeological sites constitute a concentration of historic resources that need to be protected and preserved. The Galisteo Basin Archaeological Sites Protection Act passed by Congress and signed into law on March 19, 2004 includes La Cienega and La Cieneguilla Pueblos and is in the process of developing a management plan that will offer federal protection for these sites. Other significant sites within the boundaries of the planning area may be worthy of inclusion in the Act. It is important to note that this protection is only on publically owned lands.

While the communities of La Cienega and La Cieneguilla are both located within the Planning Area, the Spanish settlement of each village was very different. La Cienega rapidly increased in population due to the fact that common lands were easily settled and the availability of water. The village of La Cieneguilla, along the Camino Real, was initially settled by Spanish colonists to the west of the Santa Fe River shortly after the arrival of Don Juan de Oñate to the area late in the 16th century. The east side of the river was the site of both historic and prehistoric Keresan pueblos.

The original grantee, Francisco Anaya De Almazan, was conferred title to over three thousand acres by Don Diego De Vargas in 1693. The property was sold in June of 1716 to the extended Montoya family. Increased population during the 19th century prompted the settlement of families to the east side of the Santa Fe River, in the vicinity of the then abandoned pueblo, as seen on the U.S. surveyor general's map from the late 1800's (below). Farming and ranching on the La Cieneguilla Land Grant was a major area of food production for the population in the Villa de Santa Fe. Extensive settlement of La Cieneguilla did not occur until some 50 years after the Anaya De Almazan family sold the grant. Currently, the remaining traditional land of the grant is located near the mouth of the Santa Fe River.



La Cieneguilla Land Grant, Map circa 1898

After the Spanish reconquest in 1692 and throughout the Spanish Colonial period, various place names

are recorded for a number of ranchos in the Planning Area including "Guicú," "Los Tanques," "Las Golondrinas," "El Alamo," "La Capilla Vieja" and "El Cañon." The springs that seep throughout the valley made these areas very desirable for ranching and grazing. In addition, El Rancho de Las Golondrinas was a major paraje (stopping place) on the Camino Real de Tierra Adentro that traversed along the Santa Fe River serving as the first stop leaving Santa Fe when traveling south and the last stop for travelers before entering Santa Fe coming north. Even today, remains of the trail ruts can still be seen in the La Cienega Valley. The names of the early Spanish settlers are ones that are prevalent today in the valley: Baca, Bustamante, C' de Baca, Delgado, Gonzales, Montoya, Ortiz, Perea, Pino, Rael, Romero, and Sanchez to name a few.



La Cieneguilla Historical Marker Sign 2015

The Planning Area continued to be used for farming and ranching in the 19th century and up to the present. The valley was a busy place in the 19th century as reflected in the census of the time. By World War II, with the development of better roads, motor vehicle travel enabled the economy of the Planning Area to change. More and more people found work in Santa Fe and families sent their children there for schooling. By the early 1980's, the settlement patterns of La Cienega and La Cieneguilla were changing dramatically; more affordable land was located in this part of the Santa Fe area where families could live. The area was caught in an incredible surge of residential development that included residential population growth and in-migration, Table 1 displays this growth. Although the rate of growth has slowed in recent years, the repercussions to the cultural landscape of the valley are ongoing.

What does this all mean? It means that the Planning Area has always been a desirable place for people to live, raise their families, grow their crops, graze their livestock and welcome strangers. It means that we in the valley have become stewards of a cultural landscape that has nurtured our forebears and welcomed recién emigrados (recent émigrés) to the valley for centuries. It means we have a responsibility to preserve as best we can the lay of the land, the water and its traditions, while at the same time allowing controlled growth to take place that respects one's neighbors.

2.2 COMMUNITY PROFILE AND DEMOGRAPHICS

2.2.1 Population Growth

Total Population Growth in population for the plan area from 1990 to 2010 has been relatively high for the County. As Table 1 describes, the La Cienega Planning Area CDP (census dedicated place), which includes most of the populated portions of the plan area, grew substantially between 2000 and 2010. The 27% population increase observed between 2000 and 2010, while substantial is actually a less dramatic increase than occurred in the 1990's. Between 1990 and 2000 the population increased from 1,775 to 3,007 representing a 69% increase. In general, La Cienega Planning Area has a growing population as result of both residential population growth and in-migration, but the rate is slowing. As Table 2 describes, two decades of growth in the community has resulted in a population size equal or greater than many incorporated New Mexico communities and towns.

Table 1: La Cienega CDP POPULATION
La Cienega CDP Population changes between 1990 & 2010

1990	2000	2010	Change 1990-2010	Change 2000-2010
no. of people	no. of people	no. of people	% change	% change
1775	3007	3819	69%	27%
Source: 1990, 2000, and 2010 Census				

Table 2: Population of other small New Mexico towns and communities

Community/Town	Population
Chama Village, Rio Arriba County	1,022
Agua Fria, Santa Fe County*	2,800
City of Santa Rosa, Guadalupe County	2,848
Town of Clayton, Union County	2,980
Village of Chimayo, Santa Fe and Rio Arriba County*	3,177
Town of Edgewood, Santa Fe County	3,735
La Cienega and La Cieneguilla, Santa Fe County*	3,819
Village of Bosque Farms, Valencia County	3,904
Town of Taos, Taos County	5,716
Los Ranchos de Albuquerque Village, Bernalillo County	6,024

Source: 2010 Census
*Unincorporated communities within Santa Fe County

2.2.2 Housing Characteristics

Growth in housing units also is also relatively high for the County, as seen in Table 3. According to both the census and County data on residential structures, the number of units has increased 24% from approximately 1079 units in 2000 to approximately 1340 units in 2010. The percent of owner occupied units and rental units has remained the same while number units that are vacant has increased slightly to 6% but is relatively low compared to the County vacancy rate of 13%.

Table 3: Change in La Cienega Housing Characteristics – 2000 to 2010

	2000		2010		Change 2000-2010	
	no. of units	% of total	no. of units	% of total	no. of units	% change

Occupied Housing	1033	96%	1259	94%	226	22%
Vacant Housing	46	4%	81	6%	35	76%
Owner Occupied	800	77%	966	77%	166	21%
Renter Occupied	233	23%	293	23%	60	26%
Occasional Use Housing	9	1%	12	1%	3	33%

Source: 2010 Census

2.2.3 Age Structure and Ethnicity

Compared with the community's population and housing growth figures, other population characteristics, such as age structure and ethnicity have been more stable (see Table 4). The percent of the population that identifies as Hispanic or Latino has increased from 9% from 2000-2010 while the percent of the population that identifies as not-Hispanic or Latino has decreased by 9%. The percent of individuals under the age 18 has remained the same while the percent of population ages 50-64 has increased 6% and the percent over 65 has increased 3%. Continued increases the elderly population may increase the need for community services in the area.

Table 4: Change in Ethnicity and Age distribution between 2000 and 2010

	Ethnicity					
	2000		2010		change 2000-2010	
	no. of people	% of total pop.	No. of people	% of total pop.	Change in pop.	% change
Hispanic or Latino	2129	71%	3069	80%	940	44%
Non-Hispanic or Latino	878	29%	750	20%	-128	-15%
	Age					
under 19	1017	34%	1292	34%	275	27%
20-24	182	6%	205	5%	23	13%
25-34	458	15%	440	11.5%	-18	-4%
35-44	1025	34%	1132	30%	107	10%
55-64	196	7%	477	12.5%	281	143%
65 & over	129	4%	273	7%	144	112%

Source: 2000 and 2010 Census

2.2.4 Employment

The limited amount of commercial development and community services in La Cienega Planning Area may limit employment opportunities available within the community. Most working residents travel outside the community for work. Average commute times are about 23% higher in La Cienega Planning Area than in Santa Fe County as a whole and most La Cienega Planning Area residents work in industries that are unevenly represented in the community. However, the significant number of residents who work from home in the community (about 8%) may mean that opportunities for home based businesses may ameliorate the spatial mismatch between jobs and housing in the community. Key employment characteristics are described in Table 5.

Table 5: 2010 Estimates of La Cienega CDP Community Employment Characteristics

Percentage unemployed	3.2%
Percentage who work from home	8.1%
Mean travel time to work	26.2 minutes
Median income	\$51,891

Percentage employed in construction	19.9%
Percentage employed in public administration	18.0%
Percentage employed in educational services, health care and social assistance	17.5%
Percentage employed in professional, scientific, management, administrative, and waste management services	8.2%
Percentage employed in arts, entertainment, and recreation, accommodation, and food services	7.0%
Percentage employed in retail trade	6.9%
Percentage employed in transportation and warehousing, and utilities	6.9%
Percentage employed in other services (except public administration)	4.8%
Percentage employed in finance, insurance, real estate, and rental and leasing	3.5%
Percentage employed in agriculture, forestry, fishing and hunting, and mining	3.4%
Percentage employed in wholesale trade	1.9%
Percentage employed in public administration	1.8%
Percentage employed in educational, health and social services	1.8%
Percentage employed in information	1.5%
Percentage employed in manufacturing	0.5%

Source: 2006-2010 American Community Survey 5-Year Estimates

2.3 HISTORIC & CULTURAL RESOURCES

La Cienega's rich cultural heritage is evident in the continuation of agriculture production in the community, the continued use of the historic acequia systems, local building form and patterns, community traditions, and the many families with histories going back for generations. Historic structures including churches, cemeteries, capillas, homes, barns, corrals, and cisterns, dot the landscape and many are still in use and highly valued by community members. The community values historic resources and actively protects and maintains historic structures and by collaborating in the acquisition and management of historic sites and public lands.

Collectively the numerous archaeological sites constitute a concentration of historic resources that need to be protected and preserved.

Significant sites within the plan area include:

- La Cienega Pueblo and Petroglyphs- The La Cienega Pueblo dates to A.D. 1100- 1300. It contains over 140 rooms and over 1,000 petroglyphs. The site is not accessible to the public.
- La Cienega Pithouse Village- The La Cienega Pithouse dates to A.D. 700-900. It is not accessible to the public.
- La Cieneguilla Petroglyphs & Camino Real de Tierra Adentro- The Camino Real de Tierra Adentro provided connections among native peoples prior to European contact, and later between colonial Mexico City and Santa Fe. Extensive petroglyphs are associated with the trail.

- La Cieneguilla Pueblo- The La Cieneguilla Pueblo dates to 1325-1600. The Pueblo was abandoned and resettled and eventually had a Spanish and Mexican village built on it. It is not open to the public.

Since the 2001 plan was adopted, the Bureau of Land Management has made significant land purchases to expand their holdings in the Planning Area and further protect the community's historical as well as natural resources. The agency, in cooperation with community members and other governmental bodies, has also developed a plan to manage the community's land resources. Portions of La Cienega and La Cieneguilla also are covered by the "La Cienega Area of Critical Environment Concern," a BLM designation that formally signifies a need for land management to protect "national significant cultural resources as well as riparian, wildlife and scenic values."

Other public lands significantly contribute toward preserving the community's historical resources. Santa Fe National Forest land, BLM land, and Santa Fe County Open Space land all contain portions of the Camino Real. Although only the BLM petroglyph site has interpretative resources to facilitate public visitation of historical resources, all public lands in the area are managed with an objective to protect the community's uniquely valuable cultural resources.



La Cienega - La Cieneguilla Area Satellite Photo - 2011

In addition, El Rancho de Las Golondrinas Living Museum, located on a historic local hacienda, has been operated by a local nonprofit organization for over forty years. This historic rancho, now a living history museum, dates from the early 1700s and was an important paraje or stopping place along the famous Paseo Real, the Royal Road from Mexico City to Santa Fe. The

museum also includes and protects the "Sanchez Site" dating from 1630 to the time of the Pueblo Revolt in 1680. Partially excavated in the 1980's, it is the earliest known Spanish settlement in the valley. Other pre-revolt estancias are believed to have existed in the area at that time, although none have been officially identified.

2.4 EXISTING LAND USE & DEVELOPMENT TRENDS

2.4.1 Recent Development Trends

Traditionally, the rural and agricultural character of the La Cienega and La Cieneguilla Planning Area has shaped local settlement and land use patterns. Communities were formed along waterways to ensure irrigation for crops while upland areas were used commonly for grazing, wood collection and other household purposes. Early settlement by pre-pueblo and pueblo communities was characterized by compact housing areas near water sources. Beginning in the 1600's, Spanish, Mexican and United States immigrants expanded development along the waterways and acequia systems as the population grew. Housing units were typically clustered in familial and community compounds. The primary land uses

were for housing, irrigated agriculture and grazing. This type of land use required coordinated management and stewardship practices to maintain shared water resources and common lands or *ejidos* for livestock, timber and other uses. These agricultural and community traditions have defined where people built homes and how the community grew well into the 1900's.

In the 1980's and 90's urban pressures from the City of Santa Fe's growing population as well as internal growth from settled families spurred rapid residential growth in the plan area. New development intensified in upland areas near the intersection of NM State Highway 599 and Interstate 25 as well as in La Cieneguilla. Growth has also occurred in Upper and Lower La Cienega where traditionally irrigated lands have been converted to housing sites. The Planning Area became an attractive bedroom community for Santa Feans looking for the rural amenities of quiet living, low traffic, and open spaces.

From 2000 to present, growth is still influenced by close proximity to the City of Santa Fe, its desirable rural and historic character, a market preference for low-density single family housing, and low initial development costs relative to many other areas proximate to the City of Santa Fe. Increase in employment associated with the Community College District, the Airport, the National Guard and new commercial growth in Southwestern Sector of the City of Santa Fe may also be a contributing factor. Other factors may include proximity to transportation facilities including easy access to I-25, NM 599, NM Route 14 and the opening of the New Mexico Rail Runner Express station in 2010.

New development trends continue to pressure the Planning Area's traditional rural character, farm fields, running acequias, and open spaces. The demand for new housing drives up real estate prices as well as property taxes on undeveloped and agricultural property, thereby making agricultural uses less viable. Community members have expressed that they feel overpowered by development and a lack of local control over land use decisions. One of the primary intents of the Plan is to protect and maintain the rural character and non-urban style development that makes the area special to residents while providing for community input in future land use decisions.

2.4.2 Residential Land Use

With the exception of the public lands, a few private ranches, Las Golondrinas Living History Museum and the Santa Fe Downs Property, land uses in the planning area continue to be predominantly low-density, single family residential with a few large and medium sized parcels remaining in agricultural use. From 1990 to 2010, an estimated 404 new housing units were developed in the plan area, representing annual growth rate of 6%. With the exception of the Las Lagunitas subdivision in Lower La Cienega, most of the development occurred on existing lots, small subdivisions of fewer than 5 lots, lots created by family transfers, and infill of a large pre-1980 subdivision in La Cieneguilla, (see page 21, Figure 4: Existing Land Use Map).

Several factors will likely influence the rate of residential development in the plan area:

- *Available Land*, especially the transfer of private lands to public conservation lands. The transfer from private to public lands has significantly reduced the amount of land in the planning area available for single residential development. *Limited Water Resources*. In recent decades, several factors in the larger watershed and water supply of the region have come into play that are having and will continue to have impact on the plan area water supply. Decreases in rain and snowfall and increased temperatures have contributed to longer-term drought conditions.

Several new studies and reports have confirmed continued drawdown of the aquifer generally, with increases in some isolated areas. Availability of regional water supplies through County and/or community systems may also be limited.

- *Market Conditions.* Between 2000 and 2010, the number of housing units in the planning area increased 24%, down from a 60% increase between 1990 and 2000. The slower pace of new development in recent years partly reflects the impact of the national recession. According to data from the Santa Fe Association of Realtors, home sales in the broader southwest Santa Fe County region (inclusive of La Cienega and La Cieneguilla, Madrid and Cerrillos) fell over 50% between 2005 and 2012 while median values decreased about 14% during the same period. County-wide, the number of building permits for new single family homes issued between 2005 and 2011 fell about 83%. Also according to American Community Survey estimates, between 2000 and 2010, the median home value in La Cienega climbed about 56%. Incomes, however, haven't necessarily increased. More people today are spending more of their incomes on housing in the planning area than ten years ago. According to the American Community Survey estimates, 45% of all 2011 mortgage holders in La Cienega and La Cieneguilla and 43% of all renters have housing costs (a measure which includes mortgage, rent, as well as estimate of utilities and other costs) that are 35% or more of their household incomes.
- *Zoning and Legal Regulations.* Santa Fe County's recent adoption of the Sustainable Growth Management Plan and Sustainable Land Development Code may represent significant changes in how development will occur. Establishment of zoning districts determines maximum densities which may not be adjusted to reduce lot sizes through signing of water restrictions.
- *County Purchase of Santa Fe Canyon Ranch.* In 2009, Santa Fe County acquired 470-acres of the Santa Fe Canyon Ranch property (also known as La Bajada Ranch) composed of several additional large parcels which comprise a total of approximately 1300 acres with an approved master plan for 156 single family residential units with a gross density of 2.58 acres per unit. The County has established a steering committee to review development options and potential uses. A 2010 survey of residents conducted by the County revealed a community preference for the property to be preserved as open space or developed with low-intensity land uses such as recreational facilities. The Master Plan was revised in 2014 to remove the large parcels and the remaining Master Plan consists of 470 acres.
- *Home Occupation Businesses:* Home occupation businesses continue to play an important economic role in the community. About 8.1% of residents work from home according to American Community Survey 5-year estimates. Small home-business scaled business operations include agriculture, a lodging facility, a furniture maker, and an upholstery shop among others. While home businesses have the potential to increase opportunities for commercial and employment services, concerns remain about their neighborhood impacts. For example, an asphalt and seal coating home business in La Cienega raised community concerns several years ago when they expanded their business and added heavy equipment storage.

2.4.3 Agricultural Land Use

The rich legacy of agricultural production in the planning area includes grazing in dry upland areas as

well as harvesting food, herbs, and tree crops along the waterways and acequias. Today, agricultural traditions are highly valued by community members and continue to reinforce the planning area’s rural heritage and historic character. Many residents tend gardens and fruit trees which yield substantial harvest for their household consumption. Even so, conversion of irrigable agricultural land to residential uses and home sites combined with declines in water flows in the acequia systems have led to a decrease in agricultural production.

2.4.4 Commercial Land Use

Commercial services and employment opportunities in the community are limited. Other than RV and mobile home parks, open-yard commercial operations, a small number of home-based craft studios and shops, and the weekend Flea Market and farmers market at the Downs, there are no grocery stores, gas stations, or retail services in the plan area. As Table 6 makes clear, the number of commercial establishments is low relative to the number of commercial establishments in other small communities in the County.

Table 6: Commercial Land Use	
Community	% of parcels in commercial use
Pojoaque	3.7%
Arroyo Seco	3.9%
Agua Fria	4.6%
La Cienega	1.3%
Source: 2010 Census	

The amount of commercial services in the plan area will be heavily influenced by utility extensions, water resources, transportation improvements, land use, and zoning regulations. Factors including changes in ownership or land use could have significant impact on the surrounding community and future development proposals. Major factors influencing commercial development include:

- *Medium to Large-Scale Commercial or Quasi-Commercial Properties:* A small number of medium-to-large scale business currently operate within the Plan area. In the Planning Area there are three properties that have current Master Plans with zoning approved from the Board of County Commissioners. These properties include:
 - Santa Fe Downs: The Santa Fe Downs property has a Master Plan and has traditionally hosted recreational or semi-commercial land uses. Currently, the property hosts concerts, equestrian activities, and has had a flea market on weekends and allows organized league play on the irrigated, grassy infield. The property is adjacent to most of the other commercial establishments in the community which is mostly located in Upper La Cienega and Santa Fe Downs is expected to produce a master plan in the near-term that proposes more intensive development on the property.
 - Several properties between the Downs and the NM 599 / I-25 Interchange are used for open yard commercial and RV or mobile home parks.
 - Sunrise Springs: Sunrise Springs has a Master Plan and has lodging, restaurant, and retreat facility. The property has extensive gardens and water features and in the past has provided gallery space.
 - MCT: MCT has a Master Plan and is a commercial waste management facility that sorts

and temporarily stores construction site waste and maintains a fleet of trucks and storage/collection containers on site.

- *Adjacent Commercial Development and other Uses Adjacent to the La Cienega Planning Area:* Several properties adjacent to the Planning Area have been developed or are slated for intensive development. These include:
 - Santa Fe Municipal Airport.
 - The Pavilion business park, 371 acres located along N.M. 599 near the airport. This property is directly adjacent to the boundary of the La Cienega and La Cieneguilla Planning area.
 - 23 acre Komis property at northeast intersection of I-25 and N.M. 599.
 - Las Soleras, mixed use commercial and residential development, 550 acres located northeast of the outlet mall development.
 - National Guard complex on approx. 1,000 acres located across I-25 from the Las Estrellas/racetrack area.

2.4.5 Community Facilities

For the size of the population of the plan area there are also relatively few community facilities. There are no medical clinics, public schools or developed parks in the community. However the community does host County facilities including the La Cienega Community Center, Fire Station and the Transfer Station; and there are a couple of churches and cemeteries that provide a variety of services to the community.

In general public funding at both the state and County level has dropped during the recession and the lack of appropriate levels of funding for community facilities will continue to influence the ability for the community and the County to adequately meet the needs of this growing community. Despite this, the community has been very active in identifying needs and seeking funding. Currently several projects related to Community Facilities have been listed on the County's Capital Improvement Plan and/or in resolutions adopted by the Board of County Commissioners:

- Funding for a new Community Center with associated outdoor recreation facilities has been listed on the County's Capital Improvement Plan and the community has identified vacant State Land Office property as a suitable central location with suitable access off of Paseo Real.

2.4.6 Conservation, Community Stewardship, and Open Space Use

Settlement in the La Cienega and La Cieneguilla Planning Area has traditionally been focused on rural, agricultural economies and land use practices. Communities formed along waterways to ensure irrigation for crops while upland areas were shared in common by the community for grazing, wood collection and other purposes. This system required coordinated management and stewardship

practices to maintain the common areas. The system also allowed for common lands between communities and spacing of development to allow for enough resources to support each community. Areas traditionally used as common lands continue to be lost to new development. While these common lands were often privately held, development effectively removes them from the undeveloped landscape and reduces areas for grazing and hiking. The common undeveloped lands also helped define individual villages by forming buffer areas between communities and signified rural, agricultural and historical characteristics of the La Cienega and La Cieneguilla Planning Area. Residents of La Cienega and La Cieneguilla have always considered these lands to be integral and essential parts of the community and continue to collaborate with private landowners, the BLM, the County and the State Land Office in the management and stewardship of these cherished areas.

Major conservation land uses include federal, state, and County holdings as well as properties that function to conserve historic and natural resources such as the El Ranchos de Las Golondrinas Living Historic Museum and the Leonora Curtin Wetland Preserve, also known as the Santa Fe Botanical Garden. Since 2001 over 1000 acres has been transferred from private property to public property and is now under the control of the Bureau of Land Management and Santa Fe County Open Space. This transfer from private to public lands has significantly reduced the amount of land in the planning area available for residential development. The public lands contribute greatly to protecting the community's natural setting, resources, cultural heritage, scenic amenities and recreation value.

Public lands in La Cienega and La Cieneguilla encompass approximately 46% of the planning area. They include Santa Fe County Open Space property, Bureau of Land Management properties, US Forest Service land and lands managed by the New Mexico State Land Office. Each agency operates under various management objectives and not all lands have been completely inventoried or have had management plans developed to date. An inventory of public lands within the Plan Area includes:

- *Bureau of Land Management:* In 2004, the United States Congress passed the "Galisteo Basin Archaeological Sites Protection Act" in recognition of the unique historical value of the basin's archeological resources. The Act designates four sites in La Cienega and La Cieneguilla as "Galisteo Basin Archeological Protection Sites" and directs that sites should be protected and preserved: La Cienega Pueblo and Petroglyphs; La Cienega Pithouse Village; La Cieneguilla Petroglyphs/Camino Real de Tierra Adentro; and La Cieneguilla Pueblo. The BLM is the lead agency in managing La Cienega and La Cieneguilla's archeological resources and most of the community's archeological resources recognized in the Galisteo Basin Archeological Sites Protection Act are located on agency land. The agency has increased their land holdings in La Cienega substantially since the adoption of the 2001 community plan and has developed a management plan for its La Cienega and other northern New Mexico land holdings. While much of the agency's management focuses on historical resources preservation, BLM lands are also managed for habitat values and support community uses such as grazing. The BLM Petroglyphs/Camino Real de Tierra Adentro is one of the few developed interpretive sites on public lands in La Cieneguilla.
- *Forest Service Lands:* Forest Service lands in the Planning Area provide grazing opportunities under the Caja del Rio grazing allotment (the allotment extends beyond the community planning area and supports in excess of 500 head of cattle). The portions of the Santa Fe National Forest in the La Cienega and La Cieneguilla community planning boundary do not have any developed recreational sites although the Forest Service's 2012 Travel Management Plan shows that a new road may be built through the portions of the Santa Fe National Forest in the community

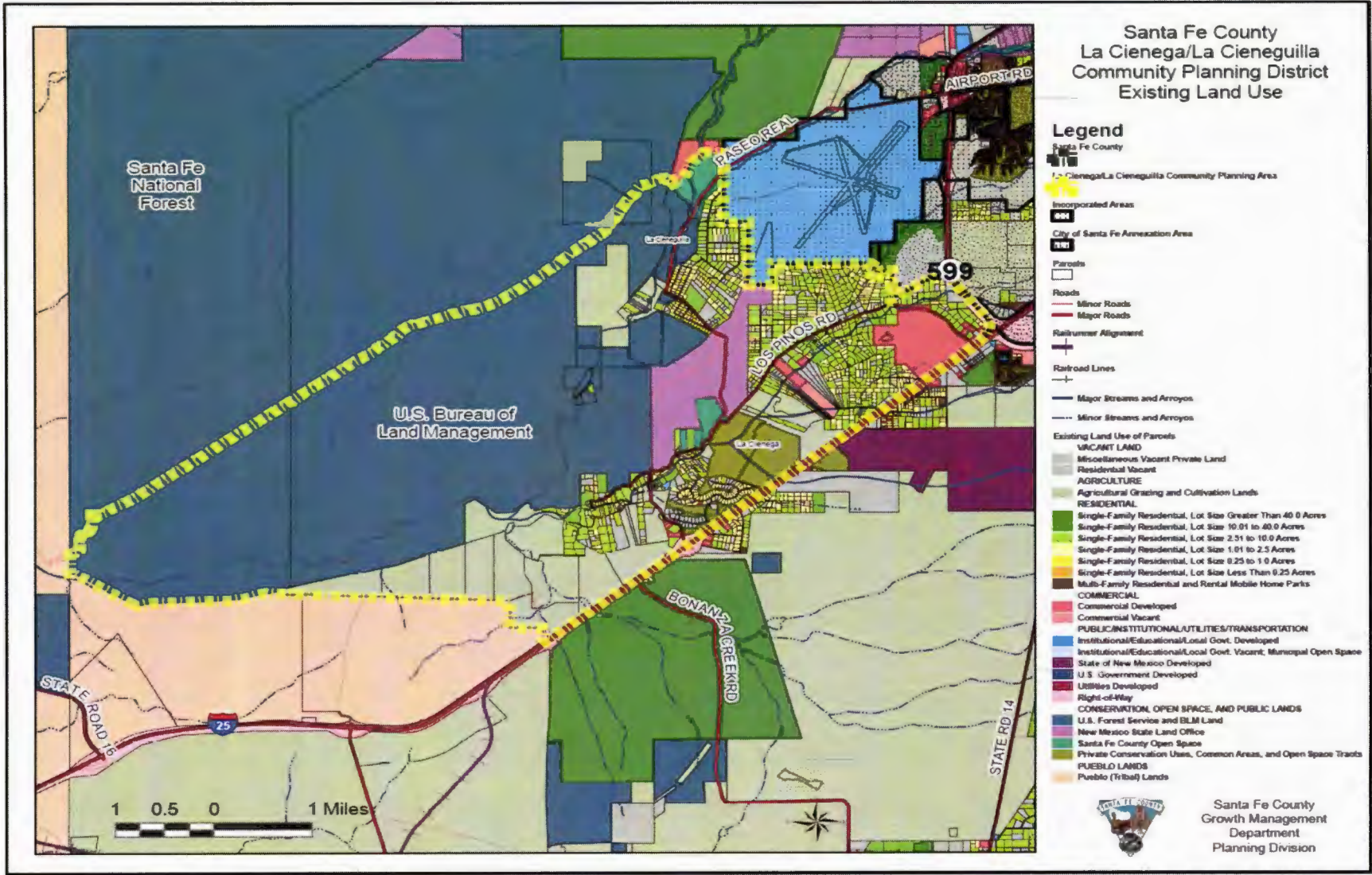
planning area.

- *State Lands:* State Trust lands encompass nearly 750 acres of the planning area. They border public lands managed by the Federal Bureau of Land Management and developed private lands. While State Trust lands have limited trails, they do not have other developed recreation sites or interpretation resources. State Trust lands currently host several agriculture leases and one commercial lease as follows:
 - Agricultural Lease 386 acres gm 2828 Reynaldo Romero
 - Agricultural Lease 258 acres Carlos Kellogg gs2291
 - Agricultural Lease 45 acres Santa Fe County Commissioners GO2335
 - Agricultural Lease 40 acres Barbara Stein gm 2892
 - Commercial Lease .35 acres BL 1037000 Connie Rivera Chavez effective date 6/25/2011
- *County Lands:* County open space properties include holdings in La Cieneguilla and La Cienega:
 - In La Cieneguilla
 - A part of the property at La Cieneguilla is included in a site boundary for the Galisteo Archaeological Sites Protection Act, under the designation for the La Cieneguilla Petroglyphs and management of the property for historic preservation is provided for by a Memorandum of Agreement between the County and BLM.
 - The County owns and manages approximately 100 acres of the riparian corridor along the Santa Fe River and regularly removes non-native trees and plants native trees. The County also has an agreement with the Santa Fe Girl's School to use the part of the property along the river for outdoor education and limited water quality monitoring.
 - In La Cienega
 - El Peñasco Blanco in La Cienega includes the Springs and restoration work at Los Carrizales. This property is open to public (access is only possible via horseback or foot), but at the wishes of the La Cienega community, the property lacks any interpretative or directional signage.
 - Santa Fe Canyon Ranch: Santa Fe County acquired the 470-acre Santa Fe Canyon Ranch property and facilities in 2009. The County has not developed a plan for developing the property, however a 2010 survey of residents conducted by the County revealed a community preference for the property to be preserved as open space or developed with low-intensity land uses such as recreational facilities.
- *Pueblo Lands:* Santo Domingo Pueblo owns approximately 3500 acres located at the southwest corner of the planning area. The land is not currently designated as tribal land, but it may receive this designation in the future.
- *El Rancho de Las Golondrinas Living History Museum:* El Rancho de Las Golondrinas Living History Museum: El Rancho de Las Golondrinas is a living museum of Spanish Colonial life in the 17th century in New Mexico. The museum encompasses 193-acres of a former encampment on the Camino Rael and former ranch dating to 1710. The ranch includes a vast number of historic structures restored and added to the site in the 1930s including an 18th century placita house complete with defensive tower, a 19th century home and all of its outbuildings, a molasses mill, a threshing ground, several primitive water mills, a blacksmith shop, a wheelwright shop, a

winery and vineyard, a morada, descansos, a Campo Santo and an Oratorio. The museum is open to visits from the public and is regularly rented for large events and for filmmaking. The museum and its land are owned and managed by the El Rancho de Las Golondrinas, Inc. a non-profit organization.



- *The Leonora Curtin Wetland Preserve:* The preserve, also known as the Santa Fe Botanical Garden, is a 35-acre habitat preserve with picnic areas, trails, and interpretive guides. The area includes a spring-fed pond and significant species diversity. It is managed by the Santa Fe Botanical Garden under a long-term lease with the trustees of El Rancho de Las Golondrinas Trust (the entity which formally controlled the Las Golondrinas Living Museum) and is open to the public.



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Figure 2 LC & LC Existing Land Use Map

2.5 EXISTING COUNTY ZONING AND REGULATIONS

Land uses, densities and related environmental aspects of development in the plan area are regulated by the Santa Fe County Land Development Code. In December 2013, the County adopted a new land development code known as the Sustainable Land Development Code (SLDC) which will become effective when an Official Zoning Map is adopted. Once in effect, the SLDC will replace the Santa Fe County Land Development Code 1996-10 (SCLDC 1996-10 as Amended).

It is anticipated that implementation of this Plan Update that are related to land use, development, and growth management will be incorporated into the La Cienega and La Cieneguilla overlay district in Chapter 9 of the SLDC. The land use map will provide the basis for the Official Zoning Map.

SECTION III – KEY COMMUNITY ISSUES

3.1 WATER RESOURCES

3.1.1 Introduction

For centuries, the availability of water in the La Cienega and La Cieneguilla valleys has been a primary factor for area settlement by Native American, Spanish, Mexican, Territorial and United States settlers. Surface water is found in springs, streams, and river that the area is named after. Surface water has traditionally been used for domestic purposes, to water livestock, power mills and irrigate crops. By the mid-20th century, domestic use of the streams, rivers and acequias, or ditches, was minimized due to recognition of bacteriological cotangents, contamination and depletion of the aquifer. Household consumption from naturally-filtering springs continued, but there are now few if any remaining springs with sufficient quantity of flow to support a home. Following World War II, most valley households began replacing spring boxes with conventional wells, electric pumps and pressure tanks. The proliferation of water wells has been a major factor in altering the character of the valley communities. Traditional land and water use for agricultural purposes have been rapidly converted to serve residential development.



Water Flow from La Cienega Spring

Due to residential and commercial growth in the basin including upstream communities in the greater Santa Fe area, substantial drawdown of the aquifer is occurring. The combined effect of aquifer mining throughout the basin as well as increased local demand for water has created a serious threat to ground and surface water resources in the La Cienega and La Cieneguilla Planning Area. While this Plan is applicable to the established Planning Area, it must be recognized that the water resources in the plan area are intrinsically tied to the entire basin. This includes large developed areas of the City of Santa Fe

and Santa Fe County including the Community College District, areas east of I-25 associated with the Penitentiary, National Guard, Valle Vista neighborhood, and other developments in the Turquoise Trail area.

Since the 2001 Plan was adopted several factors in the larger watershed and water supply of the region have come into play that are having and will continue to have impact on the plan area water supply.

- Decreases in rain and snowfall and temperature increases have contributed to short and medium-term drought conditions.
- Several new studies and reports have confirmed continued drawdown of the aquifer with increases in isolated areas.
- The Buckman Direct Diversion project (BDD) has come on-line bringing a source of imported surface water from the Rio Grande to both the City and County water utilities. This has the potential to decrease the rate of ground water depletion by replacing service areas currently dependent on wells with the imported water supply.
- Dramatic increases in beaver populations along the Santa Fe River have impounded water, reducing surface water available to downstream irrigators, and likely increasing ground water infiltration

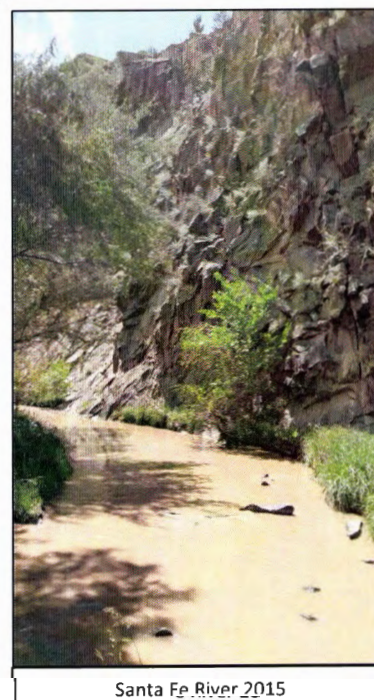
3.1.2 Area Hydrology: Rivers, Creeks, Springs, Arroyos, Flood Plains, and Wetlands

The river, creeks, springs, major arroyos and their tributaries provide a surface water drainage system which forms regional and local hubs of riparian zones, springs, and wetlands. The creeks and their tributaries are mostly intermittent streams due to the complex interaction of geology, ground water and climate of the area.

Santa Fe River, La Cienega Creek, Arroyo Hondo, and Arroyo Chamiso

The Santa Fe River runs diagonally through the plan area from the northwestern boundary to the southern boundary. It enters the plan area south of City of Santa Fe Wastewater Treatment Plant (WWTP) through a shallow meandering river channel traversing County Open Space crossing Paseo Rael (sometimes under the road, sometimes over the road) flowing through the agricultural lands of La Cieneguilla and into a narrow canyon of basalt eventually joining the Cienega and Alamo creeks in the southern portion of the plan area.

The Santa Fe River below the WWTP is a perennial stream, primarily due to effluent release from the plant. In 1996 the 12.7 mile stretch of the Santa Fe River between the WWTP and Cochiti Pueblo, including the portions running through plan area, was classified as impaired due to low dissolved oxygen levels, high pH, high chlorine levels, high ammonia levels, and high sedimentation. Water quality in the reach below the WWTP has improved since the revegetation.



Santa Fe River 2015

Effluent released from the WWTP benefits downstream irrigators, including the community of La Bajada,

and provides semi-consistent flows in the river to replace the flow from area springs which are now virtually depleted. Due to the current release point, this benefit to irrigators does not extend to the Upper and Lower La Cienega area acequias or springs and does not appear to provide wide-spread recharge. During the summers of 2011 and 2012, the effluent flow was retained by beaver dams created at the wetland area near the City of Santa Fe Municipal Airport which resulted in reduced flow and less water for irrigators (see Trends below).

Management of effluent from the City 's WWTP and beaver activity on City and County property associated with the effluent will continue to impact flow in the Santa Fe River and irrigators that divert off the river.

The communities of La Cienega and La Bajada have been diligent in advocating that the City of Santa Fe adjust their water release schedule and volume to accommodate the needs of downstream irrigators and will continue to do so in cooperation with other partners.

Arroyo Hondo enters the plan area at its junction with NM 599. Arroyo Chamiso enters the plan area near the eastern boundary of the Airport. Both traverse in a southwestern direction, joining each other in Upper La Cienega. Cienega Creek enters the plan area under Interstate I-25 in Upper La Cienega where it runs west joining Arroyo Hondo just above the north boundary of El Rancho de Las Golondrinas. The intermittent Alamo Creek enters the plan area under Interstate-25 along the southern boundary of Santa Fe Canyon Ranch where it runs west to join the Santa Fe River and Cienega Creek near the western portion of the aptly named Tres Rios Ranch.

Trends in the Area Hydrology

Since the adoption of the 2001 plan, a number of trends/events have either affected or are likely to affect the community's water resources:

- Based on the increase in households, the number of ground water wells has increased which has an impact of withdrawing more acre-feet of water per year.
- Work in the late 1990's and 2000's to restore the stretches of the Santa Fe River on City of Santa Fe and County-owned land, while increasing water quality, has led to dramatic increases in the beaver population. Beaver activity has impounded enough water to impact downstream irrigators.
- The Santa Fe-Pojoaque Soil and Water Conservation District grant provided for the removal of nonnative vegetation on Santa Fe County Open Space property along the Santa Fe River in La Cieneguilla and at Los Carrizales in La Cienega.
- The New Mexico House of Representatives pass House Memorial 74 requesting that the City of Santa Fe and Santa Fe County work together to ensure sufficient river flows to La Bajada and La Cienega.
- Santa Fe County passes Resolution 2011-191 requesting that the City of Santa Fe release additional effluent to the Santa Fe River to support agricultural production in La Cieneguilla and La Bajada.
- Santa Fe River Traditional Communities Collaborative formed with the goal of promoting the health of the Santa Fe River and the traditional communities that depend on the river. The initiative is the result of partnership among La Cienega community members, La Cieneguilla landowners, the community of La Bajada, the Santa Fe Watershed Association, Forest

Guardians, the City of Santa Fe, County of Santa Fe, Santa Fe-Pojoque Soil and Water Conservation District and federal agencies with land holdings in the community. The broad mission of the group is to promote the health of the Santa Fe River as well as the communities. In the near-term, the group will be working toward developing a plan for mitigating the impoundment of water associated with beaver activity on public lands.

3.1.3 Acequias

Traditional agriculture in the planning area has historically been sustained by spring-fed acequias and, to a lesser extent, diversions of the Santa Fe River. The *ojos y ojitos* or natural springs filled ponds formed by construction of earthen dams which store water to be directed into an acequia. These gravity-fed acequia systems have remained basically unaltered for centuries. By the 1990's greatly diminished flows of area springs necessitated the addition of supplemental ground water irrigation wells to maintain flows and acequia system integrity. Additionally, reduced flows in effluent in the Santa Fe River due to the beaver dams (see above) are a major concern to effected acequia associations and communities. The communities of La Cienega, La Cieneguilla and La Bajada have been diligent in ensuring that the City of Santa Fe adjust their water release schedule and volume to accommodate the needs of downstream irrigators and will continue to do so in cooperation with other partners.



Acequia La Cienega Diversion Headgate

There are three acequia associations and four private acequias in the valley that provide water for irrigation. According to a hydrological survey of the area completed by the State Engineer's Office in 1976, approximately 150 acres of land are potentially irrigable by community acequias. Conversion of irrigable agricultural land to use residential in conjunction with declines in water flows in the acequia

systems have led to a decrease in acreage under agricultural production.

La Acequia de La Cienega delivers water to 98.6 acres of irrigated land of which approximately 40 acres are currently being farmed. Some of the acreage traditionally used for irrigation has been developed for other purposes; some of it lies fallow. The acequia is entitled to use approximately 294 acre-feet of water per year (one acre-foot equals approximately 325,850 gallons of water). However, due to dramatic declines in water flow from the springs that feed the acequia, an irrigation well has been employed since 1998 to provide a supplemental water source to maintain the ditch integrity.

La Acequia de El Guicu traditionally serves approximately 41 acres of irrigated land. The acequia currently irrigates approximately 25 acres. The *El Guicu* is entitled to approximately 123 ac-ft of water per year. The ditch has an irrigation well to supplement spring or surface flows.

La Acequia de El Molino (also known as the *La Acequia de La Capilla*) has approximately 6 users irrigating approximately 15 acres.

The valley also supports four private acequias: the *El Canon*, *La Capilla Vieja*, *Los Pinos*, and *Romero* ditches.

The mayor domos of the two largest acequias, *La Cienega* and *El Guicu*, report that it is currently not possible to supply water to all of the potentially irrigable acres along their acequias due to low flows from springs. Residents report that one of the reasons for a decline in local agricultural production is the lack of adequate and reliable water flows in the acequias. Residents believe that a primary reason for low flows is the depletion of ground water supplies throughout the Santa Fe watershed. No studies to date adequately illustrate aquifer depletion and resulting potential impairments. Additionally, a reduction in treated effluent releases to the Santa Fe River from the WWTP during the peak summer months and reduced flows from beaver activity are a major concern to effected acequia associations.

3.1.4 Private Water Wells

Throughout the La Cienega and La Cieneguilla Community Planning Area, most homes and businesses receive water from private domestic wells. In the Upper La Cienega area and parts of La Cieneguilla, many lots share a well with 1-4 other homes. Several homes still use springs for drinking water. According to OSE data, as of July 2011, the plan area included approximately 146 one-household domestic wells, 28 multi-household wells and 30 irrigation/stock/sanitary wells. All property owners with wells, who have requested a building or development permit with Santa Fe County since 1996 are required to install water meters on their new wells (or in the case of shared wells, meters on each dwelling unit or primary structure), record monthly meter readings, and provide an annual report of monthly readings to the County Hydrologist.

Lots Subject to the La Cienega Watershed Conditions

The La Cienega and La Cienega Planning District Ordinance implemented many of the strategies identified in the 2001 Community Plan pertaining to water resources including reaffirming and refining the "La Cienega Watershed Conditions." County parcel data shows that out of approximately 1,645 private parcels in the plan area, approximately one quarter (385 parcels) are subject to watershed conditions with the majority concentrated in Upper La Cienega. The watershed conditions require residential property owners to hook up to County water services, when service is available within 200 feet of the property line of land being divided and all commercial development applications to hook up regardless of distance. Additionally, owners have waived their right to protest the implementation of an improvement or assessment district. An estimated 709 parcels are not subject to the watershed conditions. For 509 parcels it is unclear whether they are subject to the watershed conditions due to missing information on the plats. The County has not extended water lines to serve the majority of those properties. As a result the use and number of private domestic wells using ground water has increased to accommodate the increased number of households.

3.1.5 Community Water Systems

La Cienega Mutual Domestic Water Association

The La Cienega Mutual Domestic Water Association (LCMDWA) was founded in the early 1970's and serves a large portion of Lower La Cienega. The domestic water system uses approximately 21.7 acre feet of water per year. In order to become a member of the system, one must contribute ground water rights to the LCMDWA.

The membership cost includes a one-time start-up fee plus the cost of hooking the system to one's home. The monthly user fee includes up to 4,000 gallons per month; use above 4,000 gallons incurs an additional fee. The LCMDWA does not have capacity for commercial use hook-ups and provides limited capacity for fire protection.

In 2000, the LCMDWA served approximately 112 households with a system capacity that could accommodate 25 additional meter hook-ups. In 2012, the LCMDWA served approximately 135 households with an average use per household of 0.16 acre-foot per year.

Other Community Water Systems

Wild & Wooley Trailer Park Community Water System. This water system in Upper La Cienega is based on 72-12-1 sanitary well designated for commercial use with a diversionary use right up to 3 acre-feet. The extension of County water services in this area is anticipated in the future. As of 2012, the trailer park's is a County wastewater utility customer.

La Cienega Water Users Community Water System. This community system in Lower La Cienega is associated with the former Lakeside mobile home park, located at the end of Paseo C de Baca. It is primarily used to supply water to the residence of the park and has a diversion of 5.1 acre feet. Per a 2013 settlement agreement with the County, the County is required to provide the community with water services.

3.1.7 County Water System

In 1998, Santa Fe County water service was extended to serve the Las Lagunitas subdivision and down La Entrada to Camino San Jose providing service to the Fire Station and Community Center. In 2004 the water line was extended further to include the Paseo C de Baca area to La Lomita. In 2015, the number of active County utility hook-ups in the plan area is approximately 98, with 73 active accounts in the Las Lagunitas subdivision and 25 hook-ups servicing households along Paseo C. de Baca.

At the direction of the BCC (*SF County Resolutions Nos. 2006-93 & 2011-162*) and with 2013 Water Trust Board funding support, the Utility has nearly completed the design of a looped water service line for the Camino Loma, La Lomita, and Cielo Del Oeste (Lower La Cienega) area. The line extension is expected to be serving customers by 2016.

The County system is piped to provide water supply to the LCMDWA system, under an agreement with the County.

Wherever County water lines are extended within the planning area, properties with the watershed conditions are required to hook up. Other residents may hook up to the County water utility according to costs and conditions set forth in the then current line extension and customer service policies and

ordinances.

Other notes on the County Water System and County water management with respect to the planning area:

- The County provides approximately 275 acre-feet/year of water to the State Penitentiary, thus reducing the depletions to the shallow Ancha/Tesuque Formation aquifer in the area.
- The County owns surface water rights associated with the Guicu acequia.
- The County adopted via Resolution No. 2012-58, a policy that allows small, public or private water systems to seek water-related technical assistance or water supply service from the County Utilities. The community water systems within the planning area may avail themselves of the services. Qualified systems may or may not be connected to the BDD Rio Grande surface water supply; if not connected to the BDD water supply, water systems run by the County may continue to be supplied using local ground water sources.
- County water systems that rely on ground water include the County Public Works Complex, the Romero Park, and the Caja del Oro system, which serves La Familia Medical Center, the Nancy Rodriguez Community Center, and the Agua Fria fire station. The County has not been pumping its water rights from the Hagerman well since approximately 2011.
- County Water Service Areas established as part of the SGMP (2010) include portions of Upper and lower La Cienega.
- The County continues to analyze the amount of uncommitted water supply available for providing service outside of the SDA-1 area.

3.1.8 Water-related Policies, Programs, Resolutions, Ordinances, and Activities

The list below identifies the various actions that, community members, local governments, and other stakeholders have taken in order to support sound water resource management in the planning area.

Maintaining and Enhancing Santa Fe River Flows

- Santa Fe County passed Resolution No. 2011-191, requesting that the City of Santa Fe release additional effluent to the Santa Fe River to support agricultural production in La Cieneguilla and La Bajada.
- In 2012, the New Mexico House of Representatives pass House Memorial 74 requesting that the City of Santa Fe and Santa Fe County work together to ensure sufficient river flows to La Bajada and La Cienega.
- The City of Santa Fe, Santa Fe County, NM Game and Fish Department, and Bureau of Land Management analyzed the following alternatives for delivering water from the Santa Fe River to La Bajada:
 - trucking potable water from La Cienega to La Bajada reservoir;
 - pipe potable water from La Cienega distribution line to La Bajada;
 - control beavers with birth control;
 - control beavers with beaver deceivers;
 - buy out farmers' crops;
 - drill a supplemental well in La Bajada;
 - sharing of shortage priority of diversion among and within acequias based on crop-type;
 - coordinating irrigation diversions.

The city's reports of the alternatives analysis describes that none of the alternatives appear to have high feasibility.

- Local residents and other stakeholders formed the Santa Fe River Traditional Communities Collaborative, with the goal of promoting the health of the Santa Fe River and the traditional communities that depend on the river. The group is developing a plan for mitigating the impoundment of water associated with beaver activity on public lands. The initiative is a partnership among La Cienega community members, the community of La Bajada, the Santa Fe Watershed Association, Forest Guardians, the City of Santa Fe, County of Santa Fe, and federal agencies with land holdings in the community (Bureau of Land Management and US Forest Service).
- The County 2002-09 Ordinance includes a provision that all projects plans that propose restoration, enhancement or creation of new riparian areas shall:
 1. be legally noticed;
 2. submit a hydrologic report to the County hydrologist describing proposed projects' likely effects on evapo-transpiration, infiltration, and recharge;
 3. show compliance with existing terrain management and floodway regulations; and
 4. demonstrate no net impact on traditional water uses.

Projects on ephemeral streams shall demonstrate how occasional flows will be managed to support wetlands.

The communities of La Cienega and La Bajada, in cooperation with other partners, continue to advocate that the City of Santa Fe adjust their water release schedule and volume to accommodate the needs of downstream irrigators.

Conjunctive Use, Sustainability, and Back-up Supplies

- The County's Conjunctive Use Management Plan identifies the County's commitment to importing water to the basin to alleviate the use of domestic wells.
- The County continues to participate in a public process to work with the communities of La Cienega and La Cieneguilla to develop plans to minimize water used from the planning area and in watersheds that impact area acequias.
- In 2014 the County's Water Policy Advisory Committee considering the high cost and onerous permitting requirements of aquifer-storage and recovery (ASR). Upon the WPAC's recommendation, the BCC approved Resolution No. 2015-14, which recommends that the County Utility pursue back-up supply to the BDD water supply via in-basin ground water wells, since the BDD has been off-line an average of 17 percent each of the last four years.

Water Right Acquisition

- Per Resolution No. 2006-57, the County acquires or requires developments to acquire water rights necessary to serve future water utility customers.

The Community would like to continue to work in developing a water plan for the County water utility that addresses:

- Recharge of the area aquifer;
- Reduced pumping of County held wells in or near the Planning Area;
- Planning future expansion of the county water system to manage withdrawals from wells near the Planning Area to achieve a sustainable ground water supply and recharge of the area aquifer to prevent or mitigate depletion of the aquifer;
- Investigating and actively pursuing other points of diversion that would reduce impact on the Planning Area;

- Investigating and pursuing the possibility of using effluent to supplement acequia flows and;
- Coordinating a cooperative process with the community and all water interests to minimize impacts of future water use on the Planning Area; and
- Incorporate County “growth area” zones to further define areas that may have future access to County water systems.

3.1.9 Water Resources Key Issues

- Limited water is available to meet both domestic and agricultural needs in the Planning Area. Continued approval of development applications in the Planning Area creates an atmosphere where many local residents feel as if they are forced to compete with new developments for limited water resources. As a result, many residents oppose new development. This serves to hinder all potential development, regardless of scale and leads to community division rather than coordinated planning for development that is determined to be appropriate by local residents.
- The Community Planning Committee has identified issues regarding enforcement of density requirements based on water availability within the Planning Area. Dwellings have been permitted in the Community Planning Area without regard to approved water resource estimates.
- Area residents have identified that property division through family transfer splits and variances are being used to divide properties below the minimum lots sizes. (See Map 2: La Cienega and La Cieneguilla Existing Land Use for information on existing sub-minimum lots and other lot size data.) These newly subdivided lots are often developed for rental or sale. This allows for increased density on small lots which places new demands on local water resources to accommodate the new development. While the community supports the family transfer process, it is felt that more careful examination of the potential impacts of increased densities on local water resources is necessary before variances are granted.
- Large commercial and institutional entities in or near the Community Planning Area are high volume water users (Map1: La Cienega and La Cieneguilla Community Planning Area for more information). The high volume use threatens the limited water resources in the Planning Area as well as the La Cienega and Santa Fe River watersheds. Public records at the Office of the State Engineer (OSE) have documented instances of water use exceeding permitted rights for both institutional and commercial entities in or near the Planning Area.
- Both wells and water rights that affect water resources in the Planning Area and the La Cienega and Santa Fe River watersheds have been actively sought by the City of Santa Fe, the County and private entities. Use of these water resources would further draw down local water supplies. Without adequate protections for local water resources, continued draw down and aquifer mining in the La Cienega and Santa Fe River watersheds threatens to deplete or impair existing water resources for Planning Area residents.
- The Traditional Community District of La Cienega currently has more users drawing water through private wells than the recommended density based on the critical population estimates outlined in the 1980 County General Plan. The critical population estimates were established to define a maximum population carrying capacity for local water resources but were removed from the County's 1999 Growth Management Plan. The Sustainable Growth Management Plan and complimentary code both support planning for centralized sewer and water systems in the Traditional Community in order to accommodate the increased population. Continued development in the area without regard to the limited water supplies threatens the Planning

Area and watershed surface and ground water resources of all communities in the Planning Area.

- Documentation of aquifer drawdown as demonstrated by decreased stream flows of La Acequia de La Cienega are presented in a 1994 report by W. Fleming that was commissioned by the County. The Fleming report clearly states that the aquifer is being depleted as evidenced by the dropping water flow from springs between 1966 and 1994. Residents confirm these dramatic decreases in spring flows over the past three decades. Aside from USGS monitoring of La Acequia de La Cienega, no data collection systems are in place to measure and document actual impacts to La Cienega and La Cieneguilla area water supplies.

3.1.10 Water Resources Keys to Sustainability

The Community supports a number of the water resource keys to sustainability expressed in the County's Sustainable Growth Management Plan (SGMP), including:

- SGMP Goal 38: Land use and development should be consistent with water management, environmental and hydrological capabilities and constraints.
- SGMP Goal 39: New development will incorporate water conservation and reuse.
- SGMP Goal 40: Water conservation will be required to maintain a sustainable water supply and reduce County-wide per capita water consumption.
- SGMP Goal 41: Protect ground water as the County's secondary source of water to serve as a back-up supply.
- SGMP Goal 42: Provide for a sustainable long-term water supply capable of meeting current and future needs.

In addition, the Community Plan includes several area-specific watershed keys to sustainability:

- Work to provide that an adequate quantity of surface and ground water is available for domestic and agricultural use in the Planning Area.
- Collect and analyze demographic and hydrographic information to help guide development decisions in the Planning Area and the La Cienega and Santa Fe River watersheds.
- Reduce aquifer depletion in the Planning Area and La Cienega and Santa Fe River watersheds.
- Implement water conservation throughout the Planning Area and La Cienega and Santa Fe River watersheds.
- Periodically monitor water use to limit ground water depletion and over consumption.
- Help protect the water resources and the associated rights of the Planning Area communities.
- Optimize aquifer recharge.
- Help protect senior water rights in the Planning Area.

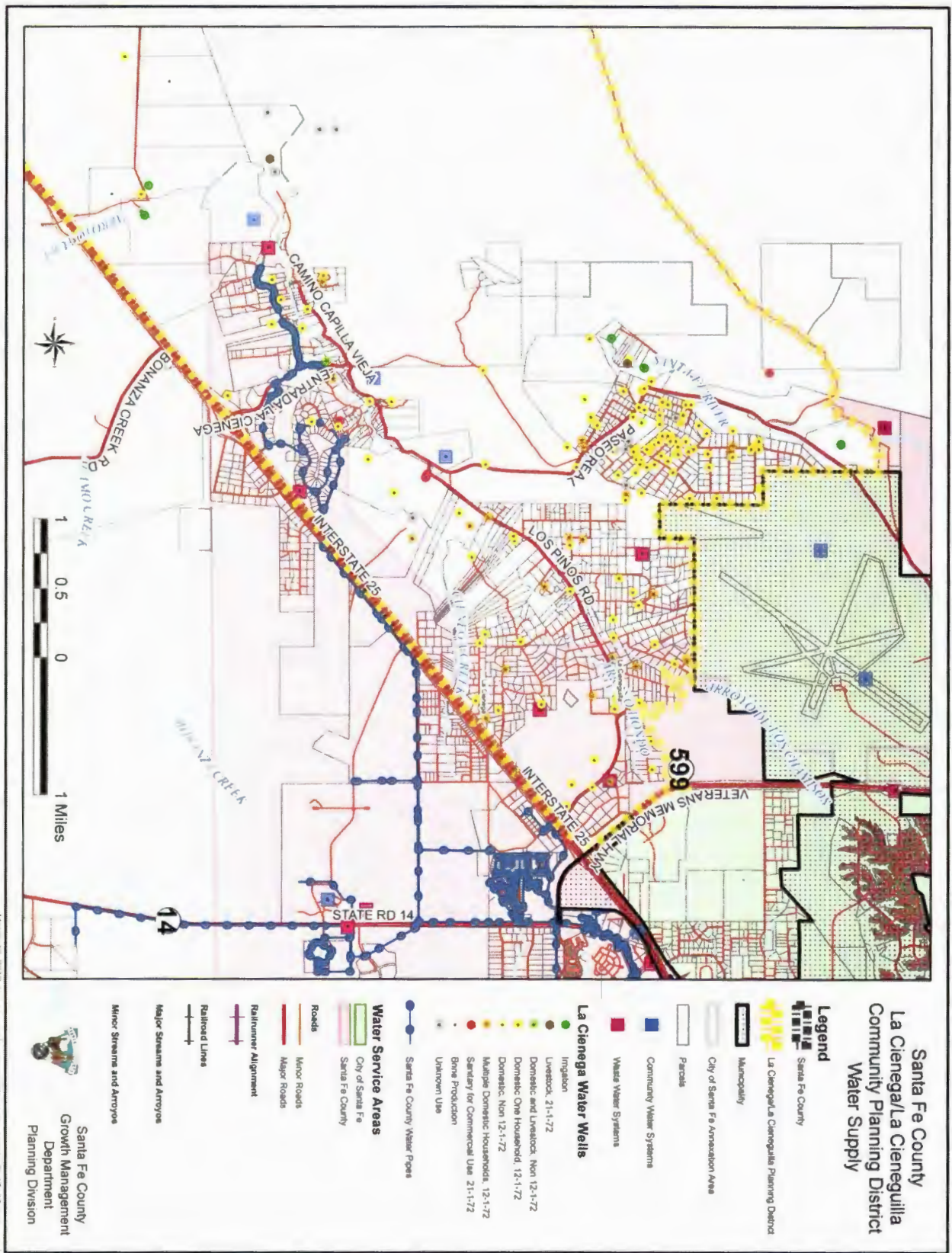


Figure 3 Community Water Supplies

3.2 WATER QUALITY AND WASTEWATER

3.2.1 Introduction

Latrines and cesspools were the traditional wastewater systems in the area. Septic tanks and leach fields to treat increasingly higher volumes of wastewater in the valleys have gradually replaced these systems. Currently, almost all development in the plan area uses septic systems to dispose of wastewater. The modernization of wastewater treatment systems has provided limited improvements to wastewater treatment in the Planning Area. Increased commercial and residential development continue to pose a risk of ground water contamination due to the large number of septic systems, areas with high concentrations of active and aging septic tanks, improperly functioning septic systems and pollution from increased runoff. Existing systems leach to the surface, especially during dry weather, and leak into waterways.

Additionally, as discussed in the water resources section, effluent from the City of Santa Fe's wastewater treatment plant is released into the Santa Fe River near La Cieneguilla. While the effluent benefits downstream irrigators and provides semi-consistent flows in the river, community members have expressed serious reservations as to the consistency of facility operations as well as the potential for effluent to contaminate local water resources in the planning area. Thus, the potential benefits for effluent to recharge Planning Area aquifers should be explored and must be balanced with clean and safe procedures to protect area water resources.



Beaver dam on the Santa Fe River below the wastewater treatment plant

Protection of the Plan Area's water resources from further contamination and maintenance of historic stream flows in the La Cienega Creek and Santa Fe River are critical goals of this Plan.

3.2.2 Community and County Sewer Systems

In 2014, The Wild and Wooley Mobile Home Park constructed a wastewater forcemain (pipeline) and a lift (pumping) station. The pipeline was deeded to the County as public infrastructure, while the pumping station remains private. The project was funded privately and there is a pro-rated repayment provision to the owner of the Wild and Wooley for anyone seeking to connect to the pipeline within the next 10 years.

3.2.3 Water Quality and Wastewater Key Issues

- Increased commercial and residential development pose a risk of ground water contamination due to the large number of septic systems, improperly functioning septic systems and pollution from increased runoff. Existing systems leach to the surface, especially during dry weather, and leak into waterways.
- Commercial and residential development create a risk of surface contamination through increased runoff from impervious surfaces due to the potential for pollution from roadways, parking lots and increased turbidity in surface water from increased flow.
- Ordinance 2002-09 restricts certain land uses based on water quality protection; primarily those that pose a risk of spills and potential to contaminate surface and ground water systems such as gas stations, asphalt batch plants and asphalt production plants, large-scale mining, any warehouse which stores or transfers chemicals, large-scale agricultural operations which stockpile manure or have manure lagoons (e.g.: dairies, horse parks or stables, chicken farms), waste oil recycling, septic tank pumping waste disposal, grease trap waste disposal, large-scale chili processing plants, cheese processing plants, gasoline storage facilities or transfer stations, auto repair facilities, car washes, sludge disposal fields, mortuaries, and slaughter houses.
- Treated Effluent Management Plan: In 1998, the City of Santa Fe adopted the Treated Effluent Management Plan which provided an allocation formula for the 11,000 acre-feet of water that the city projected the WWTP to produce annually. Actual annual effluent production has fallen far below initial projection and the allocation formula has required adjustment. The average volume of effluent discharge from the Santa Fe City waste treatment plant was 3.64 million gallons per day for 2009 and 2010. Volumes were higher from November through March, averaging 4.59 million gallons per day. Volumes were lower from April through October, averaging 2.96 million gallons per day. June volumes were lowest overall, averaging 2.52 million gallons. Records for effluent discharge are kept at the City's waste treatment facility headquarters, currently at 73 Paseo Rael, Santa Fe, NM 87507. In 2013 the City of Santa Fe created the Reclaimed Wastewater Resource Plan (RWRP), which replaces the 1998 Treated Effluent Management Plan (TEMP).
- The Planning Area is located at the downstream end of the Santa Fe watershed. The area's natural springs and ground water supplies are hydrologically connected to both underground and surface water flows. This interconnectedness of water systems leads the area's environment to be sensitive to alterations in natural water flows, water withdrawals and septic or other water introductions.
- The Environment Department enforces wastewater disposal and septic systems standards but does not always have the resources to monitor or enforce violations if they occur. The County does not have the authority to consistently enforce wastewater discharge requirements following granting of development permits. This allows for the potential of septic systems being installed in the Planning Area on small lots so that the intent of protecting ground water through existing regulations may not always be met.
- The increasing population is served mainly by septic systems. This increases the probability of future ground water contamination through overcrowding of lots and increasing density levels that pose a risk of contamination by placing septic tanks too close to existing water resources.
- State regulation 20.7.3.902 NMAC, Operation and Maintenance Requirements and Inspection Requirements At Time Of Transfer, requires inspection of residential treatment systems at the time of sale of the property. This regulation is largely ignored and rarely enforced.
- Permits for new construction do not require mapping of adjacent properties for septic and waste treatment systems or wells, springs, water courses, etc.

- Beaver dams below the City of Santa Fe Wastewater Treatment facility are obstructing the flow of effluent to downstream users in lower Cienega, La Cieneguilla and La Bajada.

3.2.4 Water Quality and Wastewater Keys to Sustainability

- Ensure adequate quality of water available for domestic and agricultural use in the La Cienega and La Cieneguilla Planning Area.
- Pursue regulations that require future development to protect and enhance local water quality.
- Regularly monitor ground water quality.
- Protect ground water through installation of affordable, safe and effective wastewater treatment systems throughout the Planning Area.
- Strive for legal, safe recycling of wastewater.
- Seek the highest level of protection against water resource pollution and degradation from all potential commercial, institutional, and residential sources of pollution.
- Develop cooperative educational and management programs between all parties regarding wastewater disposal in the Planning Area, including potentially a sewer maintenance district.

3.3 AGRICULTURE

3.3.1 Introduction

Farming, ranching, and the acequia irrigation systems have been the defining characteristics of land use and settlement of communities in the La Cienega and La Cieneguilla Planning Area for hundreds of years. The presence of *ojos* or springs that formed the area's *cienegas* or marshes have been tapped by settlers to irrigate crops, water livestock, and sustain households. The agricultural and community traditions formed around acequias have defined where people built homes and how the community grew since at least the early 1600s. Collective maintenance and management of acequias was a primary basis of community governance along with stewardship of both land and water resources needed to sustain the communities. The waterways and irrigation of fields has also led to the development of unique and vibrant riparian ecosystems. The rich legacy of agricultural production in the Planning Area includes grazing in dry upland areas as well as harvesting food, herbs and tree crops along the waterways and acequias.

Agriculture and associated farm activities are part of the history, culture, economic base and tradition of the area. Additionally the agricultural economy is still an



Agricultural plot at Tres Rios Ranch

important and component of the plan area and the County as a whole. Many residents have both fulltime employment outside the agricultural sector and engage part time in tending to the orchards, vegetable farms and pastures of the plan area which contributes to the household food budgets and a diverse economy. A number of residents still earn their living entirely from farming. Without taking steps to revitalize local agriculture, residents fear that continued development will eliminate the option of farming in the valley and the communities will permanently lose agriculture along with the rural character of the Planning Area. Maintenance of agricultural production and protection of agricultural land are primary goals of this Plan. (See Maps 5 & 6 – Irrigated Agricultural Lands)

According to a hydrographic survey of the area completed by the State Engineer's Office in 1976, approximately 150 acres of land were potentially irrigable by community acequias, surface water sources such as springs, streams and rivers. Out of that 150 acres of acequia irrigated farmland, an estimated 80 acres are actively under cultivation. There lands used for grazing located primarily on the large ranch holdings and public lands in the plan area.

Several factors will continue to positively and negatively influence agricultural production in the plan area:

- The growing demand for organic locally grown food by Santa Fe County residents and visitors has steadily grown. The Santa Fe Farmers Market and the La Cienega Valley Growers' Market provide local venues for selling produce.
- New technologies applied to weed control and water conservation.
- Continue conversion of agricultural lands into home sites.
- Continued drought conditions and the drawdown of water supplies.
- A labor force that is aging.
- The selling off of water rights associated with the acequia systems.

The demand created for new housing drives real estate prices up as well as property taxes on undeveloped property. Higher property taxes and low returns from agriculture create economic pressure on Planning Area residents. The pressure encourages the sale and development of land traditionally used for agricultural purposes. Once land is converted to housing, it is virtually eliminated from future use in agriculture.

Local residents continue to look for viable means to preserve agricultural lands and protect them from development. Potential avenues include:

- Transfer of Development Rights Programs
- Conservation Programs
- Land Trusts
- Institutional Ownership
- Traditional Community Preservation Programs

3.3.2 Agriculture Key Issues

- Agricultural land, including irrigated fields, orchards, and grazing areas, are being lost to new development. This significantly alters the local communities, as agricultural activities are integral parts of the rural character and historical heritage of the La Cienega and La Cieneguilla Planning Area.
- The changing agricultural economy and decreased use of agricultural lands helps encourage the conversion of farmlands to other development. A lack of education and promotion of

economically viable agricultural practices exacerbates this problem for the typical small-scale farmer in the Planning Area.

- Lands managed by the Bureau of Land Management and the New Mexico State Land Office (NMSLO) currently provide opportunities for agricultural uses, such as grazing, within the Planning Area. However, if these lands should change to private ownership through land swaps or state development, they could be removed from use in the communities' traditional grazing practices.
- The drop in spring flows in and near the Planning Area has dramatically impacted local acequias and has made the practice of irrigation difficult because there is less water available for irrigating than the total number of irrigable acres. Residents and longtime irrigators have identified the drop in available water for irrigation as one of the biggest obstacles to maintaining agriculture in the area.

3.3.3 Agriculture Keys to Sustainability

The Community supports a number of the keys to sustainability expressed in the County's Sustainable Growth Management Plan (SGMP), including:

- SGMP Goal 14: Preserve, support, promote and revitalize agriculture and ranching as a critical component of the local economy, culture and character.
- SGMP Strategy 14.1.5: Create an inventory of agricultural lands and conduct a land suitability analysis to identify agricultural potential and determine high priority of protection for agricultural soils and other sensitive arable lands, especially historical agricultural land with water rights.
- SGMP Policy 14.2: Support the practicality of agricultural uses to include financing tools to support viability of agriculture.
- SGMP Strategy 14.2.1: Create a transfer of development rights program for agriculture and ranch lands.
- SGMP Strategy 14.2.2: Assess and develop resource tools such as conservation easements, improvement districts, development of impact fees and grants to support the viability of agricultural uses.
- SGMP Strategy 14.2.3: Coordinate with local communities and organizations to promote the development of agricultural products and markets, including the development of farmers markets, buy-local campaigns, and a local products website to market and distribute fresh goods.
- SGMP Strategy 16.1.1: Develop education programs and outreach to support agriculture and ranching. Include materials on organic farming, year round farming and better range management practices.

In Addition, the Community Plan includes these area-specific agricultural keys to sustainability:

- Protect all agricultural lands in the Planning Area.
- Maintain and enhance active agricultural production in the Planning Area.

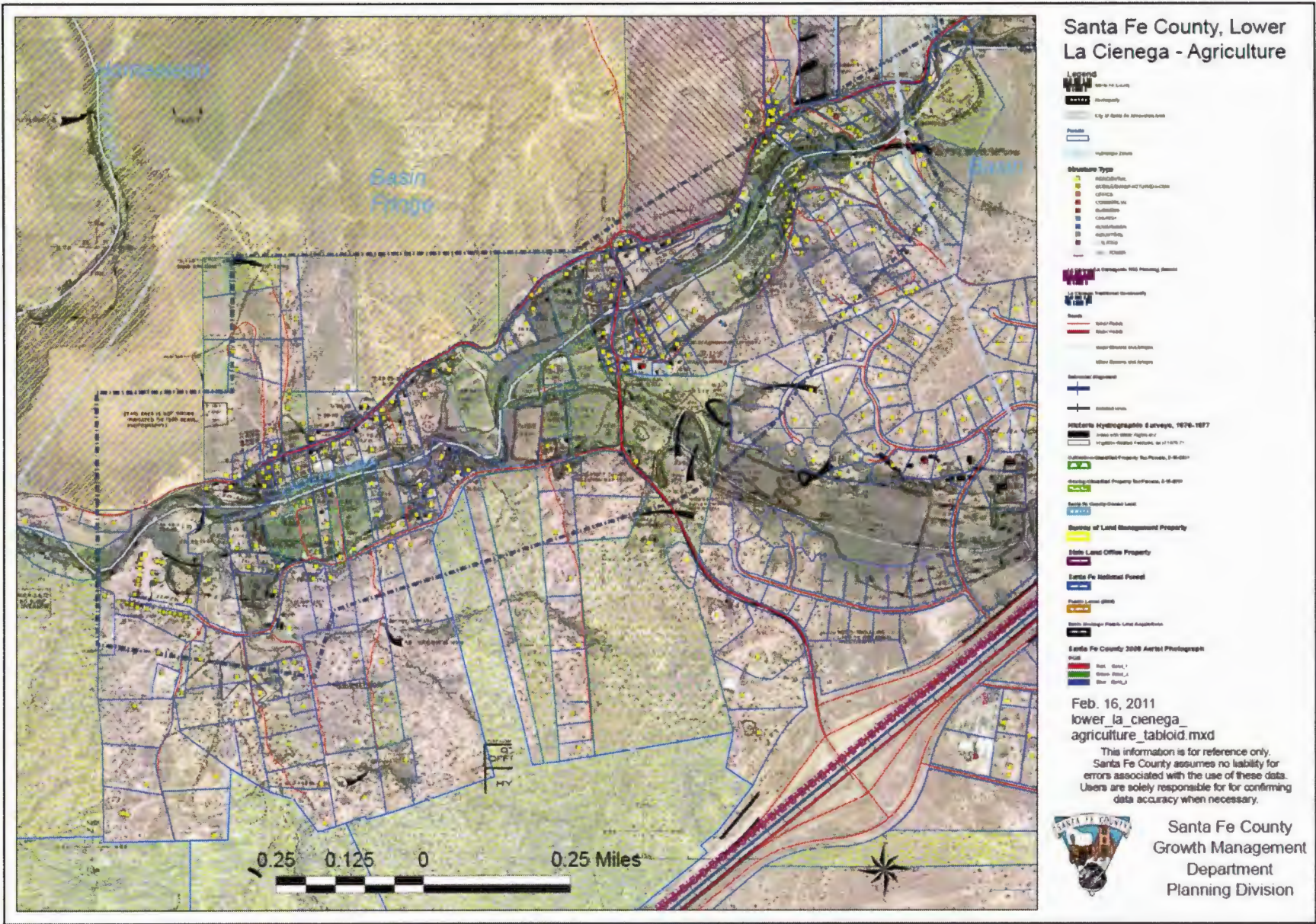


Figure 5 Lower La Cienega Agriculture Map

3.4 TRANSPORTATION AND ROADS

3.4.1 Introduction

Significant changes have occurred since the adoption of 2001 Plan that influence traffic conditions and transportation options for the community. New public transit services available just north of the plan area have increased connectivity to the wider region and enhanced the mobility of mobility-restricted residents. Continued residential growth in the plan area has led to increased daily traffic volumes on many roads and the community continues to be concerned about road safety and traffic violations. Residents in some neighborhoods of the plan area have petitioned the County to consider traffic calming measures to increase safety for all users including seniors and children. Similarly, communities across the state are examining their road networks for ways to strengthen overall health of the residents by preventing accidents and increasing opportunities for exercise in the form of walking or bicycling.

3.4.2 Roads

The planning area's roads are often narrow and winding. They were created over several centuries, beginning with the Camino Real de Tierra Adentro from Mexico City to Santa Fe and have been continually developing to serve increasing populations while also following natural contours of the landscape.



Unpaved road in La Cienega

The majority of roads in the planning area are County owned and maintained. The planning area is accessed from the northeast by the I-25 Frontage Road and Los Pinos Road (CR 5), from the northwest by Paseo Rael, (CR 56) and from the southeast on Entrada La Cienega. Access from Interstate Highway 25 is provided at three intersections: at NM 599, at Exit 271 and at the Waldo exit to the south, near the La Bajada precipice.

The County conducts minor repairs of its roads on a regular basis. Overlays and repaving occur less frequently. Several years ago, the Board of County

Commissioners established the Road Advisory Committee. The Board re-established a Transportation Advisory Committee via Resolution 2013-13 which consists of 13 community volunteers, appointed by the Commission, who represent areas throughout the County. The Committee meets monthly and advises staff on road conditions or problems in their respective areas. Additionally, the Committee prepares an annual Road Improvement Priority Program which lists the County's priority projects. The program is provided to the legislative delegation and becomes the basis for most of the projects funded by the legislature. County Road projects in the plan area are identified on the County's Road Surface and Proposed Road Maintenance Projects Map (SGMP 2010), page 40.

Future and on-going transportation study's, plans and projects adjacent to the plan area present potential impacts and/or opportunities for the plan area. These include:

- The extension of Jaguar to NM 599 (Veterans Memorial Highway) which will provide a major connection to I-25 and the relief route to new and growing developments associated with Tierra Contenta. A major interchange at the intersection of Jaguar and NM 599 just south of the airport which will serve the planned Pavilions Development and possibly access to the Airport.
- A study conducted by NMDOT and completed in 2009 proposed new interchange at the signaled intersection of NM 599 and I-25 West Frontage RD as well as the extension of the frontage road in the right-of way paralleling the south side of NM 599, the realignment of the I-25 West Frontage Rd and a new local access road providing access to properties associated with Erica Road and Santa Fe Downs. This project is on the NMDOT and Santa Fe MPO list and will be started when funding becomes available.
- The SGMP Future Road Network Map shows a proposed study of a future road extension between State Highway 14 approximately 1 mile south of the Penitentiary to the interchange at I-25 and Entrada La Cienega.

3.4.3 Traffic

The main source of traffic is from local residents with additional traffic generated by several tourist sites located in the planning area. Numerous large and small businesses and home occupation businesses located throughout the planning area generate additional traffic. Due to its proximity to Santa Fe, the area also receives some tourist traffic from "scenic drives" to enjoy the rural character and setting. Presently there are two relatively major generators of traffic in the plan area that generate traffic during specific events; Las Golondrinas and the Santa Fe Downs property when it is hosting the flea market on weekends and soccer practice during the week. Both are accessed via the I-25 frontage road. With the exception of the Transfer Station accessed off of Camino Capilla Vieja, major generators of traffic are not anticipated nor zoned for the interior of the plan area.

3.4.4 Traffic Accidents

Between 2006 and 2011 there were 167 traffic accidents. The roads with the highest accident frequency were Los Pinos Road (51 incidents), County Road 56 (26 incidents), and Paseo Rael (11 incidents). The areas around Los Pinos Road and Tierra Hermosa, Los Pinos Road and the Frontage Road, and Los Pinos Road and Camino Colores appear to have the highest frequency of traffic accidents.

3.4.5 Public Transportation and Transit

The NM Rail Runner Express commuter train station is located near the intersection of NM 599 and I-25, with current rail access to the City of Santa Fe, and south to Bernalillo, Albuquerque, Belen, and stops in between.

The station is within 1 mile of 3% of the plan area (43 parcels including the Downs) but there is not an easy pedestrian trail or bicycle route connecting the area with the station.

Currently the plan area does not have public transportation or bus routes through the area.. The closest connection to NCRTD buses is the Rail Runner Station where NCRTD buses pick up passengers for routes to the National Guard Facilities. The Santa Fe Trails bus service also has scheduled pick-ups at the station providing connections to a variety of locations in the City of Santa Fe. Another connection closer to the northwestern portion of the plan area and within a mile of La Cieneguilla to the Santa Fe Trails Bus System can be made at a bus station on Airport Road just east of its intersection with NM 599.

The Board submitted a Transit Plan to NCRTD in May 2015 which included a La Cienega and La Cieneguilla Pilot Route which is anticipated to begin in February or March 2016. The 2011 Transit Plan considered by the Regional Planning Authority identified the possibility of future transit services in La Cienega. Their recommendation for future transit services suggested the La Cienega and El Rancho de Las Golondrinas areas southwest of Santa Fe represent a potential future transit service market. Based on this recommendation, further discussions should be conducted with the La Cienega Valley Association and the developers of the La Cienega Farmers Market to develop a transit connection from the City of Santa Fe as well as transit connections from the Rail Runner Station at NM599.

A resolution approved by the County Commission in May of 2012 also recognized that residents of the plan area could benefit from a NCRTD bus route through the community. A Blue Bus route is proposed to start in 2016 and will go through the Planning Area and connect with existing routes at NM599. The specific routes and stops will be determined through a public input process in the months leading to the buses running.

Several plans for adjacent developments present potential impacts and/or opportunities for the plan area. The MPO Bicycle Master Plan identifies on-road and off-road bike lanes and trails in the plan area. On-road bike lanes which will require road widening are shown for both Paseo Rael and Los Pinos Rd. Both the Arroyo Hondo Trail and the Los Chamisos Trail are identified as key elements of the future regional bikeways network although it shows the trails stopping short of the plan area. Additionally, future bikeways planning for the proposed Pavilion development, adjacent to the airport and plan area on the north, will include bicycle paths along the Arroyo de Los Chamisos.

3.4.6 Transportation Key Issues

Key issues from the 2001 plan are still relevant today:

- Vehicles often travel at high speeds along the roads in the planning area. The majority of roads are quite narrow with sharp turns. The high vehicle speeds create hazardous conditions for other vehicles, pedestrians, and others sharing the roadways.
- Pot holes and poor road conditions exist on many roads throughout the planning area due to a lack of maintenance.
- Roads in the planning area are subjected to frequent washouts and erosion damage due to runoff from the arroyos, the Santa Fe River, and other drainage sites.
- As the area has grown and tourist destinations have developed, increased traffic including large trucks and busses have created new safety hazards for residents, pedestrians, and livestock on the narrow roads and lanes within the planning area.
- Senior citizens, the disabled, and others who do not drive or have access to transportation lack mobility both within the valley and for trips to Santa Fe.
- Blind and sharp curves often do not have guard rails or other protections.
- Many roads leading to area homes have insufficient access for fire safety and emergency

vehicles.

3.4.7 Transportation Keys to Sustainability

The Community supports a number of the keys to sustainability expressed in the County's Sustainable Growth Management Plan (SGMP), including:

- (SGMP Goal 32) Coordinate with Local, State and Federal governments and transportation organizations to develop a cohesive, safe, and efficient transportation network and transit opportunities to serve County residents, workers, employers and visitors.
- (SGMP Goal 33) Expand safe, convenient and efficient public transportation services to encourage reduction in automobile trips and provide mobility for all people, including underserved populations.
- (SGMP Goal 34) Ensure safe, context-sensitive design standards for transportation improvements that reflect local preferences and the needs of all types of transportation users.
- (SGMP Strategy 34.5.1) Coordinate with the NMDOT to determine what types of traffic calming best management practices can be implemented along state highways which pass through communities in Santa Fe County.
- (SGMP Strategy 35.4.1) Establish a process for evaluating low-water crossings based on traffic volume, road type, runoff volumes, and conjunctive use of the drainage by wildlife and other traffic safety considerations.

In Addition, the Community Plan includes several area-specific keys to sustainability:

- Improved road and bridge infrastructure that maintains the rural character of the Planning Area.
- Improved drainage to prevent bridge washouts and flooding.
- Roadways that are safe and include traffic calming measures.
- Alternative transportation systems that do not rely on auto commuting.
- Signage that maintains the rural character of the Planning Area.
- Accessible public transportation services for Planning Area residents.

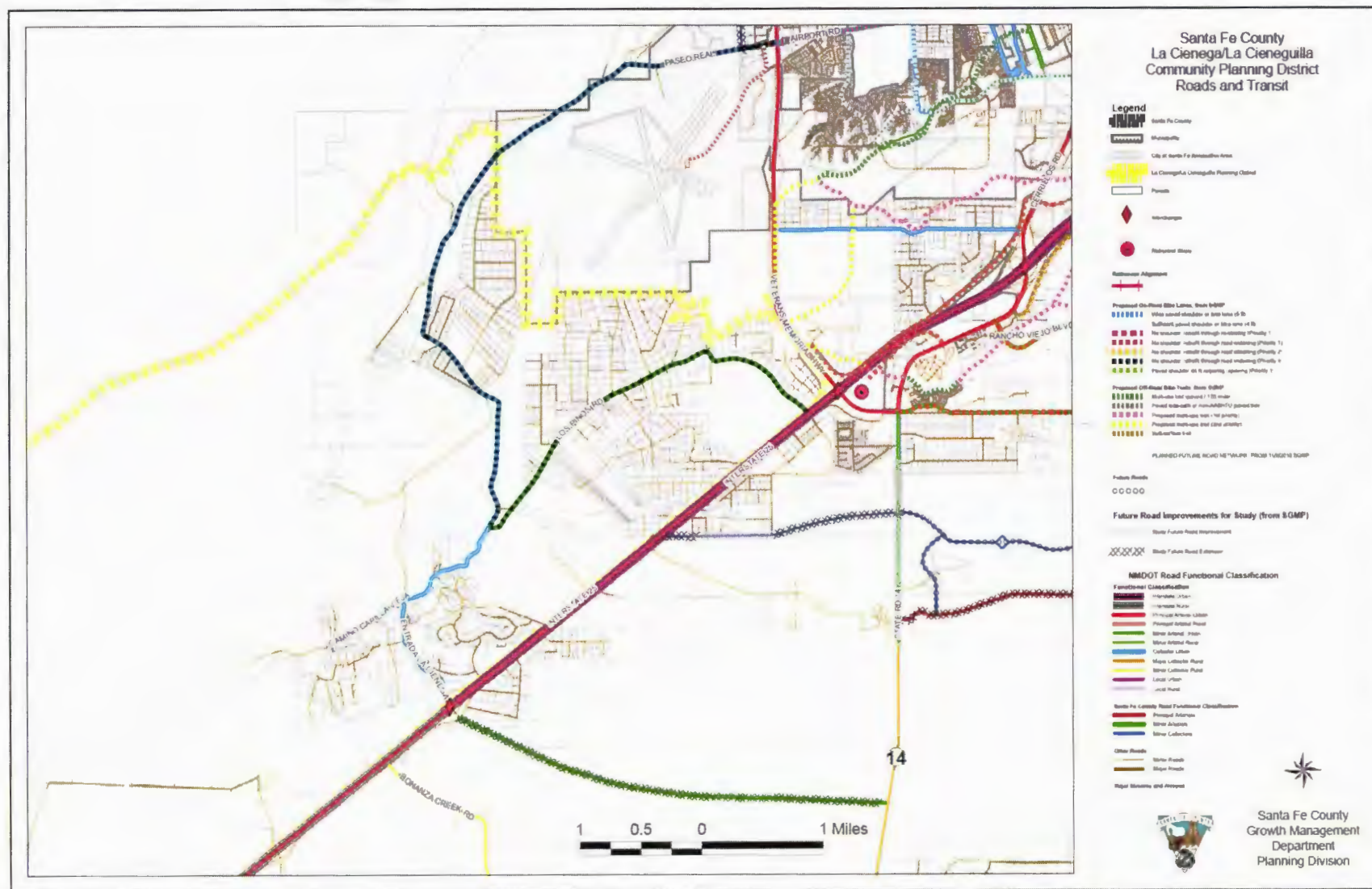


Figure 6 Plan Area Roads & Transit Information Map

3.5 COMMUNITY SERVICES

3.5.1 Electric and Gas Utilities

As the communities of La Cienega and La Cieneguilla have grown in the past few decades, the number of overhead utility cables has dramatically increased. The lines provide power and communications to Planning Area residents. However, the proliferation of overhead lines also creates aesthetically unappealing alterations to the rural landscape and scenic vistas in the area.



La Cienega Transfer Station at County Road 54B

3.5.2 Solid Waste

Traditionally, residents disposed of household waste by burning it at home. Since the 1980s, the County has managed garbage removal. Solid waste is collected at a County operated transfer station, also known as the La Cienega "Convenience Center" located on County Road 54 B. The transfer station is open five days per week and residents purchase "unit" permits that allow a specified number of visits. Commercial businesses generating less than 850 pounds of refuse per month may also use the transfer station. Use of the facility's recycling bins is free of charge. The County's Solid Waste Ordinance No. 2014-10 outlines maximum size and weight of loads, requirements for bagging and covering loads, prohibited materials, fines for disposal of waste after hours, permit abuses, and requires recycling of pulp based materials such as paper and cardboard.

The existing facility is perceived to lack the necessary capacity for the area it serves and the location is considered inconvenient for many. The large service area, including communities outside of the planning area, brings additional traffic to the area.

Illegally dumping garbage along roadways and in arroyos is still an issue. Many residents are unaware of the procedures for disposing of waste or the community impacts of illegal dumping.

3.5.3 Fire Protection

The La Cienega and La Cieneguilla Planning Area is served by the La Cienega Fire District which is responsible for providing fire and emergency medical services to the communities of La Cienega, Rancho Viejo, Cochiti Pueblo, Cochiti Village, Valle Vista, the Santa Fe Community College. Its two stations are located outside the plan area and within the plan area at #18 Camino San Jose. The district responds to approximately 450 fire and EMS calls a year with 10 certified Firefighter/EMT's serving approx. 70 sq. miles, a major interstate, large residential development and an ever-increasing commercial development area along state highway 14. The district assists and receives aid from other agencies including NM State Forestry, US Forest Service, the City of Santa Fe, Cochiti Pueblo, Sandoval County Fire Department, as well as other Santa Fe County Districts.

The La Cienega Volunteer Fire Department was originally started approximately twenty-eight years ago because several of the residents, who were also farmers at the time, would burn off / clear fields in preparation for yearly planting. These fires would sometimes get out of control in the La Cienega Valley bringing them (the residents) together to fight the field fires with whatever resources and personnel they had available. The department started with a garage donated by a resident/member for housing of a 4x4 brush truck on loan by the forest service. Years later, on land donated next to the community center, the members/residents built the current substation (then main station) with donated building materials and labor. Members were trained to basic firefighter levels (no certifications available) however no medical/first aid was available at the time. The organized volunteers responded to approximately 10 calls a year with a used fire engine and borrowed firefighting equipment.

3.5.4 Community Services Key issues

- Overhead cables alter the rural aesthetics of the roads and vistas of the Planning Area.
- Utility easement access is often missing for existing homes, and no reasonable method exists to obtain easements over private property.
- The location of the solid waste transfer station on County Road 54 B generates additional traffic on narrow roads in the Planning Area. This creates safety and traffic problems.
- The solid waste transfer station serves too broad of an area and results in a large amount of solid waste from outside of the Planning Area's communities being brought into the community.
- There is illegal trash dumping on public and private property.
- The impacts of illegal dumping create problems such as public health, water contamination and aesthetic detriment to the rural community character.
- The communities of the Planning Area have seen a dramatic increase in population over the past two decades. The increase in residents and home sites has outstripped fire protection infrastructure development. This has led to a lack of accessible and adequately functioning fire hydrants throughout the Planning Area.
- Five of the eight working fire hydrants in the planning boundary do not have adequate water pressure to meet fire suppression needs.
- The working fire hydrants are not positioned to provide timely service to all parts of the Planning Area.
- The La Cienega Fire District does not have enough volunteer members from the Planning Area. More local volunteer firefighters would improve its ability to provide timely responses to emergencies.
- Developments and subdivisions in the Planning Area have been created with commitments to develop adequate fire protection services to new residences and subdivisions. The actual installation of such facilities was not often observed at the community level in the past and residents have expressed concern that facilities may not be fully developed or may not be in proper working order.
- Permits for burning agricultural fields are necessary for local farmers yet are difficult to plan due to potential conflicts.

3.5.5 Community Services Keys to Sustainability

The Community supports a number of the keys to sustainability expressed in the County's Sustainable Growth Management Plan (SGMP), including:

- SGMP Goal 27: Reduce solid waste production and support recycling to limit landfill use and

move toward zero waste.

- SGMP Goal 28: Establish and maintain an all-hazard emergency response plan for Santa Fe County.
- SGMP Goal 29: Preserve and protect public health, safety, welfare and property through adequate provision of law enforcement, fire and emergency response, and emergency communication services.
- SGMP Goal 30: Establish and maintain an 911 public education/community outreach program.
- SGMP Goal 31: Obtain and utilize the latest in emergency communications equipment and technology.

In Addition, the Community Plan includes several area-specific keys to sustainability:

- Improved fire safety throughout the La Cienega and La Cieneguilla Planning Area.
- Increased membership of Planning Area residents on the La Cienega Volunteer Fire Department.

3.6 AIRPORT

3.6.1 Introduction

The La Cienega and La Cieneguilla Planning Area is located directly south and southwest of the Santa Fe Municipal Airport. The airport was established in the 1950's and has expanded over the years as the region has grown. The airport currently serves as the main air traffic facility serving commercial, private and military aircraft in north central New Mexico. All of the populated areas in the Planning Area are within a 5-mile radius of the municipal airport. Current flight patterns for landing and departing from the facility regularly direct aircraft over the Planning Area.

The communities of La Cieneguilla and Upper La Cienega are located directly adjacent to the airport's southern boundary and a large portion of the Planning Area's population lives within two miles of the airport boundaries. These residents and communities have received rapid growth over the past two decades. Simultaneously, as demand for air service from the Santa Fe region has grown, airport operations have intensified. The proximity of these communities to the airport has led to increasing impacts from airport operations. Residents in the Planning Area have strong concerns that possible airport expansion will exacerbate the existing noise and disturbance problems. One intent of this plan is to develop stronger planning and communication between the Planning Area communities and the Santa Fe Municipal Airport in order to minimize and/or eliminate the airport's impacts on these communities.

3.6.2 Airport Key Issues

- The current Santa Fe Municipal Airport flight patterns and flight schedules create nuisances from noise as well as safety concerns for Planning Area residents.
- Training exercises conducted by the Air National Guard at and near the airport facility generate noise and vibrations due to low flying helicopters and jets.
- Expansion of airport facilities including increased or intensified use by commercial, residential and military aircraft will likely exacerbate existing noise and safety problems.

3.6.3 Airport Keys to Sustainability

- Mitigation of airport operation's impacts on the surrounding communities in the Planning Area.
- Alteration of aircraft flight patterns to minimize flights over populated portions of the Planning Area.

3.7 COMMUNITY OPEN SPACE & FACILITIES

3.7.1 Open Space

Areas traditionally used as community open spaces are being lost to new development. While these common land areas are often privately held, development effectively removes them from the undeveloped landscape which has traditionally been used for grazing areas, hiking and helped define individual villages by forming buffer areas between communities. The development pressures threaten the traditional rural character of the Planning Area as characterized by farm fields, acequias, and open lands buffering village areas. The open lands and buffers between development are significant characteristics of rural, agricultural and historical identity of communities in the La Cienega and La Cieneguilla Planning Area.

Open Space and undeveloped areas in the La Cienega and La Cieneguilla Community Planning Area includes County open space property, Bureau of Land Management properties and lands managed by the New Mexico State Land Office. Open space areas throughout the Planning Area contain significant ecological and cultural resources that have not been completely inventoried or had management plans developed to date. It should also be noted that extensive study has been conducted on the adjoining BLM designated Area of Critical Environmental Concern (ACEC) and that the BLM has cooperated with community members in developing management strategies. Residents of La Cienega and La Cieneguilla have always considered these lands to be integral and essential parts of the community. The Plan supports continued and enhanced joint management between community members, private landowners, the BLM, the County, and the State Land Office.

3.7.2 Community Facilities

Development in the La Cienega and La Cieneguilla Planning Area has increased in the past two decades. As the community has grown, there has been an increase in demand for more community facility's. The existing Community Center is located in Lower La Cienega near the intersection of La Entrada de La Cienega and Camino San Jose. This facility was built in the 1930's and served as the community school for many years before becoming the community center. The building also serves as the La Cienega Fire District sub-station and houses the new library.

. Additionally, the center is located near the southern end of Lower La Cienega and is not in a central location to serve the growing populations in Upper La Cienega and La Cieneguilla. This center is the only community facility and its limited size and location do not allow for either expansion or development of recreational facilities such as a park and playground for area youth. One aim of this plan is to develop and implement plans for a centrally located community facility to meet growing population and diverse needs of the communities in the planning area.

3.7.3 Community Open Space and Facilities Key Issues

- Lands managed by the Bureau of Land Management (BLM) and the New Mexico State Land Office (NMSLO) currently provide open space opportunities within the Planning Area. However, if these lands should change to private ownership through land swaps or state development, they might be removed from the communities' traditional open space and buffer areas.
- Open space areas throughout the Planning Area including the county open space, BLM lands and state lands require a coordinated, community-based management plan to maintain and protect these resources while allowing for community uses
- New development on private lands threatens to build over many of the buffer areas and traditional open spaces which help define the rural character of the community.
- Use of off-road vehicles and firearm discharge/target shooting in unauthorized areas as well as garbage dumping on open lands in the Planning Area have also been identified as problems.
- The Planning Area's existing community center is not centrally located and does not have adequate facilities to support a sufficient range of community activities, particularly outdoor activities. The facility is too small, lacks adequate parking, and is not convenient.

3.7.3 Community Open Space and Facilities Key Issues

The Community supports a number of the keys to sustainability expressed in the County's Sustainable Growth Management Plan (SGMP), including:

- SGMP Goal 44: Ensure that adequate public facilities and services are provided and maintained .
- SGMP Goal 45: Equitably finance facilities and services.
- SGMP Policy 44.2: The provision of new infrastructure and facilities should be coordinated with existing infrastructure and facilities and should maximize use of existing facilities capacity to the extent that any exists.
- Protect and maintain all open space areas as an integral part of the community.
- Provide ecologically and culturally sensitive management of open spaces and trails in the Planning Area.

SECTION IV: GOALS AND STRATEGIES

WATER RESOURCES

Goal 1: Ensure a sustainable, fresh water supply for the community.

Strategy 1.1: Develop alternative water sources including conservation.

Action 1.1.1: Ensure that commercial and institutional entities with on-site wells in or adjacent to the planning area connect to the County water system at the earliest possible date. When possible, existing on-site wells should be retired or dedicated for emergency uses only, such as fire protection or in the event that the County water system should fail.

Action 1.1.2 Ensure that all new residential development shall limit water consumption to .25 acre feet or less of water per year for domestic consumption per legal lot of record for all indoor and outdoor water use.

Action 1.1.3: Investigate sources of supplemental water to use for irrigation. Sources might include water harvesting and/or other reuse initiatives such as treated effluent from the City of Santa Fe's wastewater treatment plant, the State penitentiary and/or National Guard facility as well as commercial, institutional and residential developments in or near the Community Planning Area.

Action 1.1.4: Develop water conservation and protection initiatives at all commercial facilities within and adjacent to the Community Planning Area.

Action 1.1.5: Monitor to ensure that water users and all new utility, institutional, residential, and commercial developments in the La Cienega and Santa Fe River watersheds will incorporate a reasoned approach in the development of water sources. These policies will be based upon the best available data and should be considered as necessary aspects of all development approvals in the planning area and in the La Cienega and Santa Fe River watersheds.

Strategy 1.2: Retain water rights which currently exist in the community within the community.

Action 1.2.1: Develop a monitoring and notification program within the planning area to inform all water rights holders of proposed initiatives and activities that may impact and or potentially impair all water rights in and/or associated with the planning area.

Action 1.2.2: Coordinate with the La Cienega Mutual Domestic Water Association (LCMDWA) to leverage community resources to acquire transferable water rights in the planning area and apply such water rights to the expansion of existing or creation of new community water systems.

Action 1.2.3: Inventory transferable water rights in the planning area and when possible, develop a voluntary notification process with the water right owners to arrange a preferential right of purchase for these water rights in order that they may continue to serve as a community resource.

Action 1.2.4: Coordinate with the acequia associations, the La Cienega Mutual Domestic Water Association, residents, business owners and property owners to expand water conservation initiatives within the community by providing educational materials and practical examples of water conservation

techniques that can be employed in the planning area.

Strategy 1.3 Expedite the implementation of the La Cienega watershed conditions.

Action 1.3.1: Implement watershed conditions fully by seeking the prioritization of the extension of Santa Fe County water lines to serve existing and future residential and commercial uses in Upper La Cienega. Seek to have available County water prioritize existing water users over new development (see Water Service Priority Area & La Cienega Watershed Conditions below).

Action 1.3.2 Ensure that all new development in the Planning Area connect to the County water system when the system is extended to within 200 feet of the property line or according to SLDC, provided that adequate capacity exists in the system and that taps are available.

Strategy 1.4 Require documentation of conservation measures.

Action 1.4.1 All land division and zoning density variance applications in the Planning Area shall be granted only if the applicant provides a site-specific hydrogeological report that demonstrates a 100 year water supply and which assess the impact of the new well on neighboring wells, acequias, streams, ponds and springs.

Action 1.4.2 Limit the maximum possible existing residential water use to 0.50 acre feet of water per year. Any use above .025 acre feet per year must be applied for with a water budget and proof of 100 year water supply as per the existing County Sustainable Land Development Code or other regulation that may apply. The application must also demonstrate conservation of water through recycling, reduced use, rainwater (and other) collection and other means equal to stringent sustainable land use principles. This water consumption requirement applies only to use of water for domestic purposes from domestic wells as defined by the state and does not apply to any other water rights (irrigation or private.)

Action 1.4.3 Verify that all new wells and buildings using ground water drawn from wells located within the Planning Area as a partial or total water supply have installed a water meter on their wells. All new development using shared wells or community water systems shall install a water meter on every dwelling unit or primary structure/intake that uses the well water.

Action 1.4.4 Enforce current regulations requiring the monitoring and reporting of water usage. All users shall record water meter readings on a monthly basis and submit an annual report of monthly readings to the County Hydrologist and, if established, to the community's water management authority. The community will coordinate with the County Hydrologist to develop a water meter auditing program to ensure compliance with water restriction covenants. If a user is over consuming, the County will work with the individual to 1) develop a water budget and conservation plan including efforts to replace any amount over consumed and, 2) develop a fine for repeated instances of over consumption.

Strategy 1.5 Promote and enforce water conservation and best management practices.

Action 1.5.1 All new development shall incorporate water conservation and best management practices which are compliant with state and county regulations as well as current sustainability practices. This may include reuse of gray water, storm water recharge and rainwater collection systems such as, cisterns, gravel beds or other storage systems for which regulations have been enacted. These practices

may include:

- Water collection to the extent practical and affordable and not required to exceed 1% of total construction costs, shall be used for landscaping irrigation and/or other domestic uses in order to replace use of potable water supplies.
- Xeriscaping and/or native plants will be encouraged for landscaping on all new landscaping. The area of landscaping to be irrigated will be based on County Hydrologist approved water budget estimates of rainwater collection and storage capacity per the individual development. This will not apply to agricultural uses of water.
- The building of swimming pools is discouraged in the Community Planning Area. Any new pool must meet County SLDC, County water conservation guidelines, satisfy water availability requirements, and include a covering when not in use to minimize evaporation.

Strategy 1.6 Regulate all new development of riparian areas and/or wetlands

Action 1.6.1 Prior to development of new riparian areas and wetlands in the Planning Area, applicants shall demonstrate adequate water rights and/or source(s) of water to meet consumptive needs of the riparian area or wetlands, and demonstrate that the project will not negatively impact prior beneficial uses or traditional uses of water resources, in accordance with State Engineer's Office regulations.

Action 1.6.2 OSE guidelines for determining the consumptive needs of the riparian area or wetlands shall use the U.S. Soil Conservation Service Modified Blaney-Criddle Method, long-term weather data for the period from 1867 onward and consumptive-use coefficients developed by the U.S. Bureau of Reclamation for riparian vegetation in the Middle Rio Grande Valley. The Consumptive Irrigation Requirement (CIR), an annual measure of water uptake by vegetation, exclusive of precipitation, shall be calculated for all proposed types of vegetation to be incorporated into the riparian area or wetlands.

Action 1.6.3 All development of new projects in riparian areas and wetlands shall also comply with all County Code requirements including, without limitation, terrain management. Projects may also be subject to monitoring, which will be designed on a case-by-case basis, to ensure that the water rights associated with the project are not exceeded, and to address any possible negative impacts associated with the project.

WATER QUALITY AND WASTEWATER

Goal 2: Protect the quality of surface and ground water.

Strategy 2.1: Monitor existing on-site treatment wastewater systems to prevent contamination.

Action 2.1.1: Undertake and fund a feasibility study for different scales and approaches to wastewater management in the plan area including sanitation districts, satellite systems and regional wastewater treatment facilities. Explore the possibility of establishing local financing mechanisms, such as an assessment district, to create a water and/or sanitation district to serve the planning area

Action 2.1.2: Develop a program that will assist homeowners with septic system compliance. Such a program should include education, outreach and funding mechanisms to help homeowners ensure existing and new septic systems meet applicable standards.

Action 2.1.3: Develop guidelines and assistance for all new developments to install wastewater treatments systems which are designed to treat effluent or wastewater to EPA and NMED standards. (The state requires systems to meet EPA and NMED standards and in order to get a County development permit an applicant must have a state approved permit). This will include working with the Drinking Water Bureau of the Environment Department to disseminate information regarding how individuals can test their own water, all relevant County and State regulations regarding well drilling and maintenance, as well as scheduling periodic water fairs in the planning area.

Action 2.1.4: Work with the NMED to develop voluntary noticing procedures whereby when new wells or septic systems are installed within the planning area, the land owner will provide a map of all wells, septic systems, open water courses, springs, arroyos and acequias on or adjacent to the property. The intent of this is to prevent accidental placement of wells or septic systems which might have potential impacts to water resources and drainage on adjoining properties.

Action 2.1.5: Develop a septic tank monitoring program. Such a program will require that individual septic tank sludge levels be measured every 2 years and pumped if called for by NMED standards. A biennial report examining septic tank conditions and problems in the planning area will be compiled and distributed to interested community organizations. This policy is intended to help homeowners ensure that septic systems will not fail, to avoid large costs of repairing failed systems, and protect surrounding water resources from potential contamination.

Strategy 2.2: Minimize ground water impacts associated with polluting land uses.

Action 2.2.1: Require existing commercial and institutional entities which produce animal or chemical wastes that have the potential to contaminate ground water which are located adjacent to or in the planning area to properly contain and dispose of all wastes either brought onto the property or generated through the entity's operations.

Strategy 2.3: Reduce erosion and pollution from storm water runoff.

Action 2.3.1: Develop design requirements for new development that control runoff into arroyos through use of retention ponds and/or other techniques that control runoff while also allowing for aquifer recharge.

Action 2.3.2: Review all road projects that may affect run-off in the La Cienega and Santa Fe River watersheds and Planning Area such as the Arroyo de Los Chamisas, Arroyo Calabasas, Arroyo Hondo and the Santa Fe River.

Strategy 2.4: Enhance water quality and quantity in the Santa Fe River.

Action 2.4.1: Seek to develop a joint information sharing and dissemination program that allows for periodic review of the City's Wastewater treatment facility operations and reports. This will be designed to allow for greater communication and cooperation between the City, the County, NMED and County residents regarding facility operations' impacts on the community at large and the communities of the planning area. Issues of concern to the community include but are not limited to facility design and potential for spills, reliable supplies for power generation and emergency back-ups, sludge treatment and storage capacity, and sludge field injection practices and potentials for water contamination. The goal of this action is to get the above parties to investigate means to formalize such a cooperative program through development of cooperative agreements between the various parties and agencies.

Action 2.4.2: Monitor to ensure that quantity and quality of effluent flows from the City's wastewater treatment plant are sufficient, based on the best available data, to meet the needs of downstream water users and in recognizing priority water rights of downstream users, once established.

Action 2.4.3: Develop a study of best management practices to ensure quality of water, wildlife habitat and beneficial use of water resources along the Santa Fe River in the planning area.

AGRICULTURE

Goal 3: Maintain and expand agriculture in the plan area.

Strategy 3.1: Limit the conversion of agricultural land to non-agricultural uses.

Action 3.1.1: Creating an inventory of agricultural lands in the planning area.

Action 3.1.2: Developing a voluntary notification process of all sales of agricultural land. When possible, this will include negotiation of a first right of refusal agreement on sales of said lands. The OSE requires any ditch member to notify the commission of the ditch of intent to sell water rights. El Guicu Ditch's bylaws give their commission the right to refuse the request.

Action 3.1.3: Forming a representative committee of stakeholders to develop a community managed agricultural land protection program using methods such as, but not limited to, land trusts, conservation easements, and transfer of development rights.

Action 3.1.4: Investigating various funding mechanisms to support agricultural land protection and management programs through mechanisms including, but not limited to, improvement districts, development impact fees, grants, and legislative appropriations.

Action 3.1.5: Supporting public land access, including to federally managed and state managed land, for grazing, as it is a community tradition and directly tied to sustaining economically viable agricultural enterprises in the planning area.

Action 3.1.6: Supporting incentive based zoning that encourages property owners to create agricultural conservation easements

Strategy 3.2: Support current growers and ranchers.

Action 3.2.1: Investigate the feasibility of alleviating property tax burdens for small-scale ranching and farming operations in the planning area.

Action 3.2.2: Investigate the feasibility of recharging area springs in order to support traditional agricultural uses of water resources in the planning area.

Action 3.2.3 Develop an agricultural support program to help revitalize traditionally irrigated lands and agricultural activities such as small scale farming and ranching in the Planning Area. This will include educational outreach, skills training, and marketing assistance to support economically and environmentally viable farming practices for community members in the Planning Area. The program

will also include educational outreach for appropriate scale gardening and landscaping in newer subdivision areas.

TRANSPORTATION AND ROADS

Goal 4: Develop a transportation system that provides for community mobility and safety.

Strategy 4.1: Ensure existing transportation infrastructure is properly maintained.

Action 4.1.1: Develop educational materials to inform Planning Area residents of the County's notification procedures for road maintenance needs and requests.

Action 4.1.2: Coordinate with the community representative of the County's Road Advisory Committee and the County Planning Division to develop a community priority list of road improvements and funding priorities.

Strategy 4.2: Ensure that future transportation improvements do not undermine the plan area's rural character.

Action 4.2.1: Design road safety features, including but not limited to, lighting and signage that are designed to maintain the rural character of the community.

Action 4.2.2 Work to ensure that all construction, widening and/or upgrading of public roads into the Planning Area shall be planned and designed through consultation with a representative community body and shall include design standards that meet all legal requirements while also maintaining the rural character of the Planning Area.

Strategy 4.3: Enhance the transportation network's safety.

Action 4.3.1: Identify areas with speeding problems and develop a periodic monitoring schedule with the Sheriff's Department to enforce speed limits within the planning area.

Action 4.3.2: Study the feasibility of implementing traffic calming measures, such as speed bumps, on roads with consistent speeding problems.

Action 4.3.3: Coordinate with establishments in the planning area that generate high traffic volumes in order to develop either alternative traffic routes and/or event planning to minimize impacts from high traffic.

Action 4.3.4: Study the feasibility of implementing guardrails on dangerous and sharp curves in the planning area.

Action 4.3.5: Work with the State Highway Department to improve the intersection of Las Estrellas Road and the Interstate 25 frontage road and create screening which will clearly separate headlights on the interstate and on the frontage road.

Strategy 4.4: Support the use of alternative transportation modes.

Action 4.4.1: Study the feasibility of providing transportation services to low mobility residents through existing public, non-profit and private transportation services.

Action 4.4.2: Study the feasibility of developing alternative transportation services including options such as ride-sharing and park and ride

Action 4.4.3: Develop better walking trails and better pedestrian access along roadways.

COMMUNITY SERVICES

Goal 5: Ensure adequate utility services that do not undermine the plan area's rural character.

Strategy 5.1: Ensure that the planning and installation of future utility services reflect community preferences.

Action 5.1.1: Develop design and installation standards for all new or replacement utility services in the planning area. All improvements must be designed to maintain the rural character of the community. This will include a public process for input from residents, business owners and property owners.

Action 5.1.2 Encourage policies that require all new and replacement utility services within the Planning Area must be installed underground or, if this is not possible, installed in such a manner so as to mitigate the aesthetic impact on the rural character of the community and surrounding natural environment.

Goal 6: Ensure solid waste is appropriately disposed.

Strategy 6.1: Prevent illegal dumping.

Action 6.1.1: Study how well existing solid waste management practices are serving the planning area. This may include investigating the possibilities for additional sites for solid waste transfer, particularly for areas on the eastern side of 1-25 and communities north of the planning area, as well as means to finance a new station.

Action 6.1.2: Study the possibility of opening the solid waste facility seven days per week in order to better meet the demand for waste disposal from the entire area served by the transfer station and to eliminate illegal dumping at times when the facility is not open.

Action 6.1.3: Develop more effective enforcement of illegal dumping fines and develop regular community wide sweeps to discourage illegal dumping.

Action 6.1.4: Develop new signage to educate people regarding illegal dumping and to deter the practice in the planning area. Signage should also educate people about disposal of hazardous household items that can enter water resources.

Strategy 6.2: Reduce trash in the plan area.

Action 6.2.1: Create a community program for periodic trash pick-up days in the planning area for large items and waste not accepted at the transfer station on private, County, State and BLM lands.

Action 6.2.2: Initiate an annual community program "Clean-up." This will include developing a representative community committee to coordinate local waste management activities and projects. This may also include expanding an Adopt a Road program and creating affordable incentives for community participation on annual clean-ups.

Goal 7: Create a fire protection network for the entire community.

Strategy 7.1: Increase capacity to respond to fire events.

Action 7.1.1: Investigate means to increase water pressure in existing fire hydrants. This may include but is not limited to connecting existing hydrants to the County water system and/or other available water systems at the earliest possible date.

Action 7.1.2: Identify additional public and/or private water sources and to develop use agreements in order to meet emergency service needs in the planning area.

Action 7.1.3: Develop an implementation and funding plan in order to expand the number and location of accessible fire hydrants throughout the planning area. This may include, but is not limited to, construction of water storage facilities for emergency use in the planning area. Improvements must be designed to maintain the rural character of the community.

Action 7.1.4: Assess the capacity and working order of existing fire hydrants and develop a repair and or replacement program for hydrants which are not in proper working order.

Action 7.1.5: Assess fire access conditions in the planning area and develop a community education program to ensure proper access conditions on roads, driveways and gated drives and roads within the planning area.

Action 7.1.6 Plan for coordinated permitting and burning of agricultural fields, including working with the local Acequia Associations to coordinate burns and provide support to fire personnel.

Action 7.1.7 Ensure that fire protection is available for addressing the spontaneous burning of manure piles and ensure that similar stockpiling of manure does not occur in the future.

Strategy 7.2 Require an access management plan for all new roadways, per SGMP Strategy 29.4.2.

Action 7.2.1 Ensure that developments and subdivisions in the Planning Area meet all commitments to create adequate fire protection services. These commitments should be fully developed and in proper working order to service new residences and subdivisions.

Strategy 7.3 Increase volunteer fire fighter recruitment from within the Planning Area.

Action 7.3.1 Develop an educational campaign to increase awareness in the Planning Area of the need for volunteers and options for volunteering. (Coordinate with County efforts per SGMP Policy 29.3 and Strategy 29.3.1).

Action 7.3.2 Increase fire protection awareness in the Planning Area. This will include an educational campaign to inform residents of current County Code requirements as well as practical measures that residents can implement to improve fire protection.

AIRPORT

Goal 8: Enhance compatibility between the airport and plan area.

Strategy 8.1: Minimize the airport's external impacts on the plan area.

Action 8.1.1: Address the impacts of airport operations on surrounding communities. This representative group will work with the City of Santa Fe, the Federal Aviation Administration (FAA) and any other relevant agency or group on issues including but are not limited to development of flight patterns that do not cross populated areas, timing of flights, placement of navigational beacons and noise abatement.

Action 8.1.2: Develop a representative community body which will request that Santa Fe County and the City of Santa Fe jointly create a Noise Mitigation and Abatement Program at the airport.

Action 8.1.3: Create and implement a planning process to develop all airport expansion plans.

Action 8.1.4: Request a limit on expansion of new carriers, daily flights by commercial aircraft and non-emergency operations until a new airport plan is developed.

Action 8.1.5: Explore options and constraints of locating an airport facility away from heavily populated areas in the County. This program action is intended as an investigative measure and does not imply any type of commitments by any party for siting of future facilities.

Action 8.1.6: Investigate options and means for developing a scheduling process to limit regular flights to daytime hours and decrease or eliminate regularly scheduled flights after 8:00 p.m.

Action 8.1.7: Work with the National Guard to reduce the impact of flights over populated areas and undeveloped private property in the planning area through higher flight patterns, noise abatement efforts, and other means.

Action 8.1.8: Encourage the airport management to educate pilots and other airport personnel about the importance of noise abatement procedures, common courtesy toward local residents, and the locations of private property in the airport vicinity.

COMMUNITY OPEN SPACE & FACILITIES

Goal 9: Ensure that parks, open spaces and trails in the community reflect and support community values.

Strategy 9.1: Ensure that planned uses on public lands do not inappropriately impact the plan area.

Action 9.1.1: Develop an accurate inventory of all public land uses and leases in and surrounding the planning area. This will include development of a reporting procedure whereby all parties can be informed as to current and planned uses of these public lands.

Action 9.1.2 Coordinate with the County Open Space program and the Planning Division to develop a

public education program to help clearly identify boundaries between public and private properties in order to respect and protect private property from non-permitted public use.

Action 9.1.3 Form a representative committee of stakeholders to develop a community open space protection program.

Strategy 9.2: Maintain open space while accommodating new growth.

Action 9.2.1: Develop voluntary open space protection programs including but not limited to: clustered housing, land conservation programs, Transfer of Development Rights programs, conservation easements, purchase of development rights programs and community-based land trusts.

Strategy 9.3: Plan for appropriate pedestrian and equestrian access aligned with exiting road network that provide connections to community facilities and regional trails.

Action 9.3.1 Identify pedestrian connections in conjunction with planning and programming of new community facilities.

Action 9.3.2 Identify roads in the plan area with appropriate R.O.W. that can accommodate future trail network to avoid trail linkages across private property or in arroyos.

Action 9.3.4 Work with private land owners, the BLM and the State Land Office to develop voluntary use agreements, easements, or other arrangements for public use of these trails. This will include working with all parties to help identify trailhead locations for existing trails. This will also include closure of all unauthorized trails and measures to educate the public to eliminate trespass on private properties.

Action 9.3.5 Develop a voluntary notification process of all sales of open space properties identified in the above mentioned inventory. When possible, the community will negotiate a voluntary first right of refusal on sales or transfers in order that the lands may be purchased for protection and inclusion in community open spaces. This program will include exploring funding mechanisms to purchase the lands and maintain the lands.

Action 9.3.6 Develop an accurate inventory of wildlife habitat areas in the Planning Area and develop a management and protection program with direct participation from local residents, property owners and business owners

Action 9.3.7 Identify and create a management program consistent with existing county and state regulations to preserve historical and archeological areas within the Planning Area including but not limited to petroglyphs, Pueblo ruins, and other historical sites.

Action 9.3.8 Develop a community-based stewardship and management program for public lands in and adjacent to the Planning Area. The management program will create environmentally and culturally sensitive programs to maintain traditional activities such as common open space areas, horseback trails, and grazing.

Strategy 9.4: Plan for small parks to serve evolving neighborhoods to serve existing and future neighborhood residents.

Goal 10: Ensure the availability of community facilities to serve the planning area's diverse and growing population.

Strategy 10.1: Establish new community facilities in appropriate locations in the plan area.

Action 10.1.1: Investigate means, including funding for development, operations and maintenance costs, to establish a community facility in the planning area. Such a facility may include but not be limited to a park, a local history center, recreational facilities for sports, and a multipurpose community meeting center. Coordinate efforts to apply County resources to local facilities as described in SGMP Chapter 12.

Action 10.1.2: Investigate options including but not limited to linking public facilities with acquisition and management of County Open Space properties and /or other lands held by public agencies within the planning area. Coordinate efforts to apply County resources to local facilities as described in SGMP Chapter 6.

Action 10.1.3: Investigate mechanisms available to include public recreational facilities in new development and/or local funding mechanisms to support maintenance of community facilities. Coordinate efforts to apply County resources to local facilities as described in SGMP Chapter 6 and 12.

Action 10.1.4 Ensure that all proposed community facilities shall be designed through consultation with a representative community body and shall include low water use design, energy efficient construction, passive solar features, and low-maintenance design.

Strategy 10.2: Expand the scope of community services available in the plan area.

Action 10.2.1: Develop a message board(s) for the Community Organization to use for announcement of development projects to facilitate greater public notification and review of proposed development in the planning area. Such board(s) could be placed in centrally located spot(s) within the planning area and be used by the Community Organization for public notification procedures as outlined in this Plan. A message board or kiosk shall be included at the community center. Coordinate efforts to apply County resources as described in SGMP Chapter 14.

Action 10.2.2: Develop a commercial kitchen for community use.

Action 10.2.3: Develop a permanent funding source for community outreach, including announcement board signs, community website expansion and maintenance, community newsletters, and other informational program.

SECTION V LAND USE PLAN AND GROWTH MANAGEMENT

5.1 INTRODUCTION

The Community Land Use Plan is made up of several components that are interrelated and when viewed as a whole provide a framework to guide development decisions, zoning and regulations, utility extensions and capital improvement projects. The components include:

- Future Land Use Map and Categories which will be used to guide the establishment of base zoning districts and corresponding overlay zones.
- Traditional Agricultural Lands Preservation and Protection Map and recommendations which will be used to guide the establishment of an Agricultural Overlay Zone to incent and promote the conservation and use of irrigated agricultural land and open space.
- Priority County Water Hook-Up Area Map and recommendations based on existing regulations pertaining to the La Cienega watershed conditions, County water extension policies and current and planned alignment of County water lines.
- Roads and Transportation Plan that includes a map, text and graphics illustrating a proposed route for a commuter shuttle and recommended rural road profiles and improvement guidelines.
- Corresponding Community Facilities, Open Space and Trails Map and recommendations.

5.2 SUSTAINABLE GROWTH MANAGEMENT GUIDELINES

Guidelines for growth and development based on the principle of sustainability reflect a number of changes in the ways that zoning densities are determined. Many of the original components of the La Cienega and La Cieneguilla Community Plan incorporate sustainability. Preservation and stewardship of the traditional uses of the land are important aspects of sustainability, as are principles of protecting water resources (in both quantity and quality), and supporting the viability of traditional occupations including agriculture and grazing. In addition to these existing components, sustainability addresses the broader use of all resources, including energy consumption, recycling, and the economic stability of the community.

The County's Sustainable growth Management Plan (SGMP) outlines principles based on long-term sustainability that will guide land use, and provides a framework for zoning for the County's Sustainable Land Development Code (SLDC). These principles include consideration of water availability and use, terrain, proximity to existing development, energy consumption, and economic viability. Many of the original components of the 2001 La Cienega and La Cieneguilla Community Plan incorporate these principles. Preservation and stewardship of the traditional uses of the land are important aspects of sustainability, as are principles of protecting water resources (in both quantity and quality), and supporting the viability of traditional occupations including agriculture and grazing. This plan update reinforces those principles and supports the goals and policies of the SGMP and in fact implements many of the strategies identified in the SGMP.

In conjunction with the SGMP policies and the SLDC, the following future land use map and provisions is intended to ensure compatibility among various land uses, protects existing property rights pertaining to lot size and density, provides flexibility and certainty, conserves local water resources, protects scenic features and environmentally sensitive areas, enhances rural development patterns, delineates areas to incent agricultural preservation while accommodating the anticipated natural growth of the community

and the potential for appropriate commercial development.

The land use categories are consistent with the Future Land Use Categories in the SGMP but are described in greater detail to capture the community's goals for the plan area and the area's unique character. Once adopted The La Cienega and La Cieneguilla Future Land Use Map, (see page 67), corresponding land use categories and provisions refine and amend the SGMP policy framework and Future Land Use Map and as such shall guide future zoning and development decisions.

Development types, such as clustered developments and accessory dwelling units are identified as a means to encourage compact development, encourage historic development patterns and accommodate a variety of lifestyles including multi-generational families living together.

Many provisions and recommended standards identified in this plan are accommodated in appropriate sections of the SLDC.

5.3 LAND USE PLAN AND GROWTH MANAGEMENT GENERAL PROVISIONS & GUIDELINES

The following general provisions and guidelines should guide the drafting and adoption of a La Cienega and La Cienega Community District to amend Chapter 9 Community Districts of the SLDC and Official Zoning Map.

Restricted Land Uses based on Water Quality Protection

New development that poses a risk of spills and potential to contaminate surface and ground water systems shall not be permitted within the Planning Area. Non-permitted uses will include gas stations, asphalt batch plants and asphalt production plants, large-scale mining, any warehouse which stores or transfers chemicals, large-scale agricultural operations which stockpile manure or have manure lagoons (e.g.: dairies, horse parks or stables, chicken farms), waste oil recycling, septic tank pumping waste disposal, grease trap waste disposal, large-scale chili processing plants, cheese processing plants, gasoline storage facilities or transfer stations, auto repair facilities, car washes, sludge disposal fields, mortuaries, and slaughter houses.

Restricted Development Areas

Restricted Development Areas simply delineate all of the areas where development will be severely restricted. This can be based on the FEMA maps, the SGMP official maps and the community identified scenic features and environmentally sensitive areas. For example La Cienega Creek, Arroyo Hondo and Alamo Creek and associated bosques could be delineated on a map using FEMA flood plains.

Steep Slope Areas

These are areas with greater than 30% slope.

Floodplain Areas

These are the 100-year floodplains that have been mapped by FEMA. Santa Fe County also

generally prohibits development within a 75-foot buffer adjacent to the mapped FEMA floodplain boundary, which will also be included.

Wetland Areas And Riparian Habitat

The National Wetlands Inventory will be used for wetland areas and the New Mexico ReGAP Vegetative Land Cover data will be used for riparian areas. "Riparian areas" are the willows, cottonwoods, etc. that are typically found near streams, but do not occur in the water-saturated soils that characterize wetlands.

Archaeological Sites

Archaeological sites identified in the under the Galisteo Basin Sites Protection Initiative shall be protected.

Stream And Arroyo Buffers

Streams will have at least a 25-foot buffer based on the current County Land Development Code requirements.

Critical Habitat Areas

These are typically defined as areas that are essential to the maintenance of viable populations of endangered or threatened animal species. Likely areas that may be included as Critical Habitat Areas are usually within the wetland, riparian, and floodplain zones.

5.4 LAND USE PLAN AND GROWTH MANAGEMENT KEY ISSUES

- Community residents have identified that family transfers and variances are sometimes used to divide properties below the minimum lot sizes to avoid subdivision regulations and procedures, contrary to the intent of the family transfer procedure. This allows for increased density on small lots and places higher demands on local water resources to accommodate the new development. More careful examination of the potential impacts of increased densities on local water resources as well as on infrastructure and the area's rural character is necessary before exemptions and variances are granted.
- The rapid development and subsequent changes in land uses, primarily from agricultural to housing, impacts property values and increases tax burdens. This development has benefited some property owners, particularly in the case of large-scale developments. However, the development has also increased economic pressure on families and small-scale landowners to follow the same pattern which has led to piecemeal subdivision of the Planning Area at the expense of the community character. Community residents have identified that continued and uncontrolled development threatens to destroy the rural nature of the community. Additionally, rapid development places strains on limited local natural resources, including water.
- The Planning Area includes various zoning districts including the Traditional Community Zoning District. The maps which depict these different zones, particularly the Traditional Community Zoning District, are interpreted on a case by case basis which has led to confusion on individual zoning decisions. Thus, enforcement is complicated because of unclear boundaries between the various zoning areas.

- Due to increased growth and concerns regarding water quality in the Planning Area, some community members have called for extension of County water and/or wastewater systems into the Planning Area. However, if these systems were expanded in the Planning Area it might be possible to increase housing densities to areas served by both sewer and water. The increased housing densities would lead to urban style intensive development which would further threaten the rural character of the communities in the Planning Area.
- Zoning and density decisions are largely influenced by water availability and the adequacy of septic systems. This is an appropriate approach in the Planning Area due to the need to balance water resources with development. However, the rural character of the communities in the Planning Area is intrinsically linked to development patterns and zoning decisions. Community members in the Planning Area have expressed the importance of including specific consideration of important elements such as local infrastructure, traffic and other impacts of development on the rural communities along with the critically important water resources.
- In the past two decades, zoning changes and land use policies designed for the entire County have helped to direct new growth in the Planning Area. While growth and change are recognized as inevitable and often positive, the rapid development in the Planning Area has also negatively impacted the quiet, rural character of the community. Community members have expressed frustration and exasperation at decisions and policies impacting the community in which they feel community concerns were not addressed or considered. This has led to the impression of disenfranchisement at the community level and served to discourage participation in community and County level decision-making

5.5 LAND USE PLAN AND GROWTH MANAGEMENT KEYS TO SUSTAINABILITY

- Land uses within the Planning Area will protect the natural resources, historical resources and rural character of the communities in the La Cienega Valley.
- Increased awareness of the importance of maintaining rural and agricultural character of the communities in the Planning Area.
- Protection and maintenance of clean air and water as community priorities in the Planning Area.
- Incorporate sustainable land practices which preserve the rural, agricultural, ranching, and traditional ways of life within the community.

5.6 LAND USE PLAN AND GROWTH MANAGEMENT GOAL

Create a land use plan to protect the natural and historical resources and rural character of the communities in the La Cienega Valley while at the same time position the community to leverage its location adjacent to regional and interstate highway systems, regional transit systems and the airport to increase economic viability.

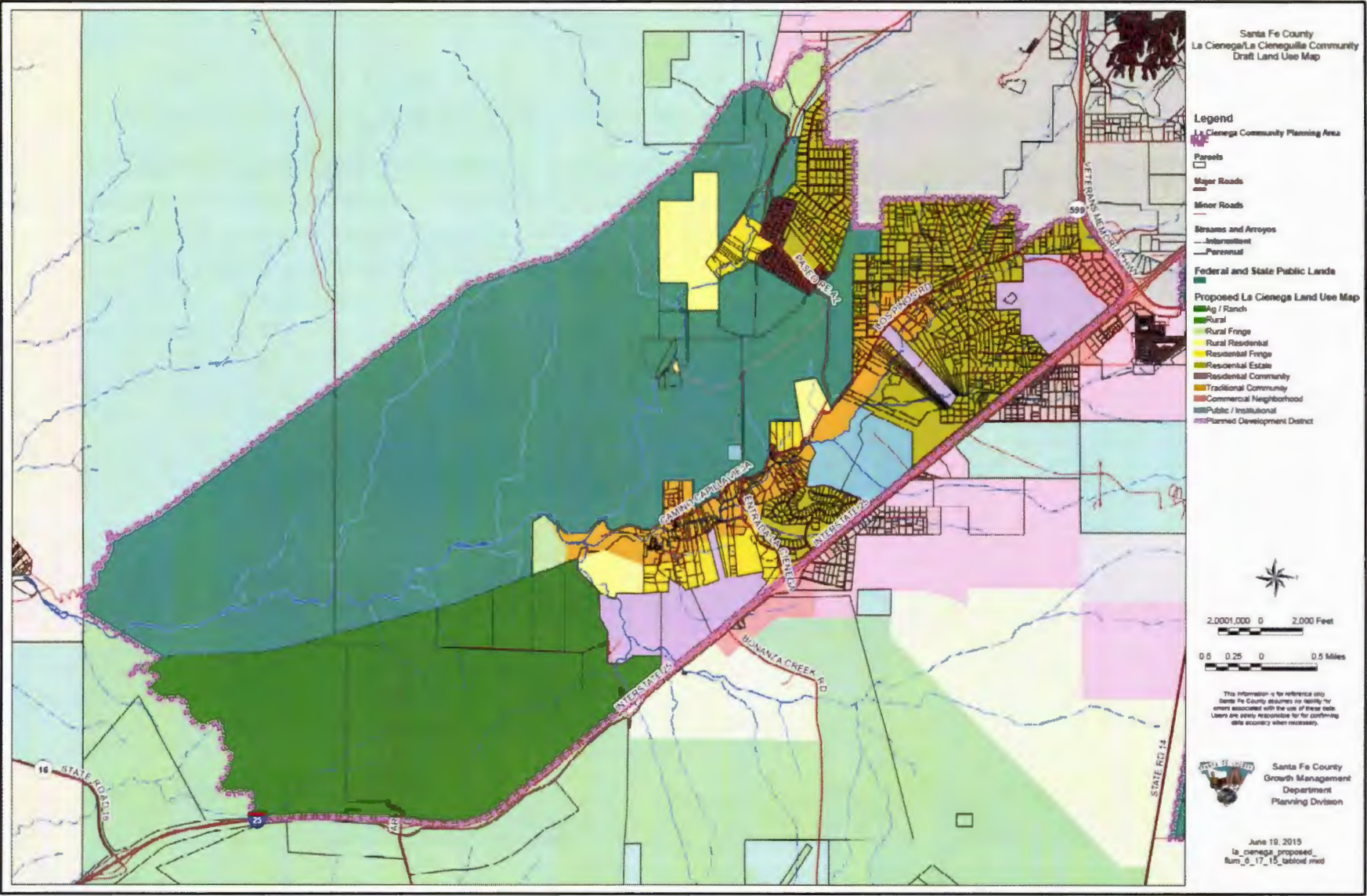


Figure 7 La Cienega and La Cieneguilla Land Use Map

5.7 LAND USE MAP AND LAND USE CATEGORIES

In conjunction with the SGMP policies and Chapter 2 Planning, of the SLDC, the following land use categories and corresponding land use map will be established for the La Cienega and La Cieneguilla Plan Area.



Federal and State Public Lands

Federal and State Lands land use category applies the western half planning area which is primarily under the management of the BLM with a smaller portion under the control of the Forest Service. The area should continue to provide opportunities for hiking, grazing, hunting, mining limited to exiting operations and a natural setting for wildlife and flora. State Land is a large undeveloped property owned and managed by the State Land Office. It should continue to provide opportunities for grazing and hiking. Due to its central location and easy access of Paseo Real, a portion of the area should be considered as a possible site for a new community center with active outdoor recreation facilities including playing fields.



Public /Institutional

The Public/Institutional designation pertains to the area associated with the El Rancho de Las Golondrinas Museum and the Leonora Curtin Wetland Preserve. This area should continue to conserve the natural and historic resources and manage visitor impacts with designated operating hours and coordinated traffic management on days with special events



Agricultural/Ranch

The Agricultural and Ranch land use category applies to portions of the plan area that are associated with the historic ranch operations The area includes approximately 3,500 acres adjacent to Santo Domingo Pueblo, the adjacent six tracts averaging 140 acres in size for a total of approximately 900 acres. The large tracts should continue to support ranching and associated activities. Incentives in the form of density bonuses and reduced minimum lot size should be used to encourage compact development in conjunction with major conservation easements.



Rural Fringe

The Rural Fringe land use category applies to portions of the plan area that associated with ranch operations. These areas are largely undeveloped.

Incentives in the form of density bonuses should be used to encourage compact development in conjunction with major conservation easements.



Rural Residential

The Rural Residential land use designation covers several largely undeveloped agricultural tracts in the plan area, including large grazing properties west of La Cieneguilla. These areas should continue with primarily agricultural uses. Due to the large tracts under single ownership, if residential development is

proposed, there is an opportunity to support planned compact residential development in conjunction with conservation easements that set aside land for the purpose of preserving contiguous agricultural land, major archeological sites and natural open space as well as trail easements for community pedestrian and equestrian connections to regional trails and open space.

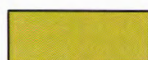
All new major residential subdivisions and developments should be required to submit a master site plan that protects adjacent properties, provides an environment within the layout of a site that contributes to a sense of community, preserves and enhances natural amenities and cultural resources; protects the natural features of a site that relate to its topography, shape, and size; and provides for a minimum amount of open space to serve the subdivision or development, pedestrian paths and trails; provide an efficient arrangement of buildings, circulation systems, and infrastructure.

Incentives in the form of density bonuses and reduced minimum lot size should be used to encourage compact development in conjunction with hooking up to County water and the establishment of major conservation easements.



Residential Fringe

The Residential Fringe land use designation covers sections of the plan area are that south of the Traditional community.



Residential Estate

The Residential Estate Land Use Category is designated for areas associated with contemporary residential subdivisions in both La Cienega and La Cieneguilla. This plan anticipates continued infill on the remaining scattered vacant lots; and supports primarily single- family residential development with options for agricultural related uses, home occupations and businesses.

All new major residential subdivisions and developments should protect adjacent properties and provide an environment within the layout of a site that contributes to a sense of community, preserves and enhances natural amenities and cultural resources; protects the natural features of a site that relate to its topography, shape, and size; and provides for a minimum amount of open space to serve the subdivision or development, pedestrian paths and trails; provide an efficient arrangement of buildings, circulation systems, and infrastructure.



Residential Community

The Residential Community designation applies to only a contiguous residential area in La Cieneguilla that is almost completely built out on existing 1 acre lots created in the late 70's. No additional areas are proposed to have this zoning designation.



Traditional Community

The Traditional Community Land Use Category is designated for the historic village areas of La Cienega. It is characterized by the historic acequia irrigated farmlands and a concentration of historic homes and traditional development patterns. Agricultural lands and acequias are the defining cultural features of

the area and should be preserved and expanded through incentives zoning techniques. The La Cienega and La Cieneguilla Traditional Community Boundary was designated in 1980. In 2001 the boundary was surveyed and was incorporated in the original La Cienega and La Cieneguilla Plan. The current boundary is proposed to expand along the southwest section to include approximately 113 acres of traditional agricultural land.

The La Cienega Creek and surrounding bosque are the defining natural features of the area. The creek is the primary surface water source for the area and the bosque provides a ground water recharge zone for several springs as well as an important wildlife corridor and riparian habitat. It should be protected from new development and accessible to the community for maintenance and restoration.

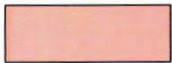
The area consists of primarily single-family residential and small scale agricultural development, consistent with historic development patterns and uses. Community facilities, institutional uses, agricultural uses, home businesses and occupations should be allowed anywhere in the area.

Incentives to promote preservation of agricultural land, should be encouraged through the use of land use mechanisms such as TDR's, conservation easements to preserve contiguous agricultural lands.



Planned Development (PDD).

Planned Development Districts are included as a land use category in order to recognize existing Master Plan approvals for properties that do not fit a single land use category. Properties in a PDD may be built out in accordance with their approved master plans.



Neighborhood Commercial

The purpose of the Neighborhood Commercial district is to allow for low-intensity convenience retail and personal services, as well as office uses, which are intended to serve and are in close proximity to individual residential neighborhoods.

5.9 GENERAL PROVISIONS AND GUIDELINES

Limitations on the Scope of This Plan

The adoption of this plan is not intended, nor shall it in any way operate, to obligate any entities identified in this plan, including Federal, State, and Santa Fe County in providing resources, initiating support or implementing any project, program or strategy.

Density Transfers

- Density transfer(s) generally are used to protect community assets including but not limited to wetlands, open spaces, springs, watercourses, riparian areas, agricultural lands, acequias, traditional community centers, archeological sites, historical and cultural sites and multi-generational family housing compounds. This could allow developments to transfer minimum lot size densities from an entire piece of property to a specific area of the property in order to protect important community resources such as those listed above. For example if a developer chooses to develop a 10 acre tract in the Traditional Community Zoning District under permitted .75 acre lot size zoning, the county code would allow the developer to divide the

land into 13 individual parcels with one dwelling unit per .75 acre parcel. Under density transfers, the developer would be able to cluster the gross density of 13 units on a portion of the property, leaving the rest of the property open and undeveloped.

Home Occupations and Businesses

- The Community Plan recognizes the importance of individuals and families to operate small businesses from their homes. Mixed use development consisting of development that house both residential and non-residential uses on the same property and or in the same structures should be permitted as part of a home occupation. Small-scale arts & crafts and galleries already exist in the community as is demonstrated through the annual gallery tour. The Plan determines that home occupations are appropriate throughout the Planning Area and supports the continuation of existing home businesses and small commercial operations in the Planning Area.

Cell Towers and Antennas

- Standards and regulations for cell towers provided in the SLDC should be reviewed for appropriateness. It should be noted that unique standards and regulations for the plan area may be preempted by federal law which limits permitting authority for cell towers.

Family Transfers

- Because local families are one of the great community resources of the La Cienega and La Cieneguilla Community Planning Area, lots created by inheritance or family transfer should be supported as provided by the SLDC.

Land Protection

- Open spaces set aside for density transfer or other easements for the protection of community assets, as described above, should interconnect to similar sites or potential sites on adjacent properties whenever possible.
- Narrow roads and driveways should follow the natural terrain without creating large cut and fill areas and should be designed with more natural edges, using shoulders, ditches and grassy swales rather than curb and gutter.
- Native vegetation should be preserved, when possible, on development sites and local native plants used for landscape buffers and screening.

Acequia Protection

- Development should be set back from the six foot (6') maintenance right of way of the traditional acequias to maintain the integrity.
- Applications for development within twenty-five feet (25') of an acequia should be reviewed by the affected Acequia Association prior to the issuance of permits. The County should work with the Acequia Associations to develop a contact list for review of proposals.

Ridgetop Protection

- In order to more effectively protect the horizons surrounding La Cienega and La Cieneguilla, ridgetops in the Planning Area should not have unnecessary development.

Noise and Lighting

Noise and lighting standards should be strictly enforced to protect the quiet nature and dark skies of the community. **Community Notification of Water Impacts**

- Development should ensure adequate water resources.

5.10 TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

The purpose of TDR's is for the conservation of natural, scenic, and/or agricultural qualities of open land, areas of special character or specific historic, cultural or aesthetic interest or value, or environmental protection such as watershed, steep slopes, floodplains, etc. The following are suggested guidelines for the creation of a TDR program. Actual program regulations will be developed in conjunction with the County, based on current conditions.

A TDR program will be developed in order to preserve:

- Traditional agricultural lands for agricultural use.
- Archeological or cultural sites as identified by Federal or New Mexico State registry.
- Other sites as determined by future community review and amendment of this Plan.
- Open Space property.

Participation in the TDR program will be voluntary, and no development restriction or other penalty should be imposed by non-participation.

The initial implementation of the TDR program should prioritize the preservation of traditional agricultural lands for agricultural use.

The program should identify Sending and Receiving Areas (SAs and RAs) within the La Cienega Planning Area.

Sending Areas (SAs)

SAs are specific properties eligible to send or transfer their development rights to other properties. Each property shall be evaluated by means of professional appraisal or other acceptable valuation method. The valuation should be used to determine the number of development rights, or Development Units, for the property. The valuation is not necessarily the "selling price" or "market value" of the property or the Development unit.

Proposed Sending Areas:

A) Traditional Agricultural Lands

- Properties identified as having traditional agricultural lands should be identified and mapped. A land parcel need not be identified as 100% traditional agricultural land to be qualified for the TDR program. The portion of a qualifying land parcel that is identified as having traditional agricultural use shall be used to determine the Development Units available. For example, if a five acre parcel has two acres of traditional agricultural land, the two acres shall be used in calculating the number of Development Units available to the parcel. Development rights transferred from the parcel should only affect the two acres of agricultural land, and the remaining three acres of the parcel should maintain base zoning density.
- To qualify as traditional agricultural land, the land must be identified as having long-term agricultural use. Surface irrigation water rights from current or past acequias, or traditional use of acequias waters with or without identified rights, may be used to identify qualifying lands.

Traditional surface water irrigation from local streams and rivers, whether by acequia or not, may be used to identify qualifying lands. Other means of qualification of lands may be employed.

B) Archeological or Cultural Sites

- Properties identified as having archeological or cultural sites should be identified and mapped. A land parcel need not be identified as a 100% archeological or cultural site to be qualified for the TDR program. The portion of a qualifying land parcel that is identified as having an archeological or cultural site should be used to determine the Development Units available.
- To qualify as an archeological or cultural site, the site must be identified by federal or New Mexico registry of such sites. Sites not currently identified by federal or state registry may become eligible if they are included in future Federal or State registries.

C) Open Space

- *Properties or portions of properties can qualify for the TDR program to maintain continuous sections of open space for viewscapes, and trails.*
 - *La Bajada Ranch may be used as a sending area to maintain open space.*

D) Tres Rios Ranch portions included in the Traditional Community

- *Portions of the Ranch that are within the Traditional Community have been included in the Traditional Community because of the existing agricultural nature and history of the property. To preserve this site for historical and agricultural uses the site has been identified as a Sending Area.*

Receiving Areas (RAs)

RAs are properties eligible to receive Development Units and thereby increase the allowable density of the property. Each property shall be evaluated by means of professional appraisal or other acceptable valuation method. The valuation shall be used to determine the number of development rights, or Development Units, that the property can receive. The valuation is not necessarily the "selling price" or "market value" of the property or the Development unit. RA properties shall have an established base zoning density determined by the land use category as established by the Santa Fe County Sustainable Land Development Plan and as specified in the current La Cienega Community Plan and La Cienega Ordinance 2002-9. Each RA property shall also have a specified maximum zoning density that includes the base zoning density plus any increase in density allowed through the application of Development Units from a qualified TDR program.

Proposed Receiving Areas

Properties that may qualify as RAs include:

- A. Properties with PDD and Commercial zoning as identified by this Plan and the Future Land Use map.**
 - PDD and Commercial Receiving Areas may qualify for increased density bonus as part of the TDR program. This density may be adjusted as the TRD program is developed in order to promote and encourage the viability of the program.
 - Valuation of each property shall be used to determine the number of Development Units required to achieve the maximum density.
- B. La Bajada Ranch tracts owned by Santa Fe County comprising approximately 470 acres.**

- The development density is limited by on-site water resources, as specified by the La Cienega Ordinance 2002-9. Application of TDRs may be used to increase the limit established by on-site water resources. Increased density allowed by TDRs in this manner shall require imported water. Use of TDRs to increase density by importation of water shall not exceed more than 110% of the maximum density specified by the Land Use category.
- If non-residential uses are permitted through master planning or other means, the application of TDRs may be used to increase the maximum lot coverage as established by on-site water resources. Increased density allowed by TDRs in this manner shall require imported water. The density may be adjusted as the TRD program is developed in order to promote and encourage the viability of the program.
- Valuation of the tracts should be used to determine the number of Development Units required to increase density through the use of TDRs. A specific ratio shall be determined for the number of Development Units needed to import water for each residential unit or Mixed Use density unit.

C. Other sites as determined by future community review and amendment of this Plan.

The TDR program shall be managed through the Santa Fe County Planning Department or other appropriate authority.

Unless specified by County or State regulation, the initial list of qualified Sending and Receiving areas should include those specified in the La Cienega TDR program as defined by this Plan and the La Cienega and La Cieneguilla Community Overlay.

5.11 TRADITIONAL IRRIGATED AGRICULTURAL LAND PRESERVATION

Maintenance of agricultural production and protection of agricultural land are primary goals of the community. Conversion of irrigated land into home sites often results in land that is no longer irrigated and left fallow shrinking the overall health of the agricultural lands. As an important connection to the history and an important aspect of the community's rural character, the irrigated agricultural lands of the valley deserve special design guidance and incentives to individual property owners who continue to keep and/or assemble land for agricultural uses.

There is a need to promote the integrity of historic agricultural lands in the valley by incenting individual property owners to assemble and set-aside consolidated tracts of irrigated agricultural land. The strategy is to increase the value of irrigated agricultural lands by establishing zoning incentives, density bonuses, and transfers in conjunction with agricultural conservation.

LCLC Traditional Irrigated Agricultural Lands Maps in Figure 4 and 5 identifies parcels that contain irrigated lands as identified by the OSE Santa Fe River Hydrographic Survey of 1972. Of the total acreage, approximately 150 acres are identified in the 1972 OSE Survey as surface or acequia irrigated land and should be considered as *qualifying Traditional Irrigated Agricultural Lands*, for which residential density bonuses and/or transfers can be established.

It should be understood that the parcels depicted on the map include land that is not currently or historically acequia or surface irrigated land. Buildable areas that employ density bonus's should be encouraged to locate outside of the *Traditional Irrigated Agricultural Lands*; this reflects traditional patterns in the acequia landscape where prime farmland was preserved for farming. Development, including residential development, was relegated to the drier areas, the ejidos & altitos, above the acequia systems.

Residential Density Bonuses and Transfers

- On properties where irrigated agricultural land is preserved (by conservation easement, set-aside, or other means) from any future development, properties may qualify for a residential density bonus (increase in the number of dwelling units allowed by the base zoning district or overlay) and/or the right to transfer density in the form of dwelling units to qualifying developments (See TDR Program above).
- Preserved agricultural lands should be registered as conservation easements or no build-areas recorded on the plat.
- Residential density bonuses and transfers will allow for increases to base zoning densities for residential development and in many cases decreases in minimum lots sizes.
- In order to accommodate density bonuses the County should first develop minimum regulations for the divisions of land as well as site development standards and regulations.
- Regulations and standards for land division and site development should include provisions for the following:
 - Development in the Set-aside of Qualifying Traditional Irrigated Agricultural Land, ("no build area" and/or agricultural conservation easement):
 - Land used for roads, parking and private yards should not be counted as part of the set aside. No buildings or structures should be permitted in the set aside except as incidental to agricultural uses such as green houses, sheds or corrals. Underground and above ground utility easements and land accommodating septic systems, acequias, drains or laterals can be counted as part of the set-aside.

Development in Buildable Areas:

Procedures, regulations and standards based on the intent and purpose of the underlying land use designation or base zoning districts should be established to regulate and guide development with increased density due to the use of density bonuses. Particular attention must be paid to water supply and wastewater treatment in conjunction with density and soils suitability. It is anticipated that high performing septic systems and shared wells or hook up to County or community water and waste water systems will be necessary for increased density on most sites.

Incentives should be increased for density bonuses that are transferred to qualified developments outside of parcels associated with the Traditional Irrigated Agricultural Lands.

Density bonuses in the form of residential units should be established if development right is transferred to a qualifying development outside of a parcel associated with Traditional Irrigated Agricultural Land. Transfer of the development right should be submitted as part of the development application for the qualifying development and include the set-aside of qualifying Traditional Irrigated Agricultural Land in the form of an agricultural conservation easement and/or no-build area depicted on an approved site plan or subdivision plat.

5.12 WATER SERVICE PRIORITY AREA & LA CIENEGA WATERSHED CONDITIONS

This Plan establishes a priority area for implementing the La Cienega Watershed Conditions as outlined in Santa Fe County Ordinance 2002-09 and the extension of Santa Fe County Water Utilities which is identified on the Recommended Priority Area Water Connection Map (page 86). The priority area is in close proximity to existing County water pipes and development, both residential and commercial, is expected to be fully built-out in the next ten years. The intent is to serve Upper La Cienega in order to reduce ground water depletion, negative effects on downstream users and to fully implement the La Cienega Watershed Conditions.

Utility service to the plan area should provide an appropriate level of service and maintain rural character that is important to the area residents. On-site systems, (primarily well and septic), community systems and extensions of the Santa Fe County water and wastewater system are all possible methods of serving the area over the long term. Utility extensions will be necessary to support higher density and non-residential uses proposed in the areas designated as commercial mixed-use.

The quick facts below provide very basic and preliminary information about the area. A water/sewer feasibility study to analyze utility service extension and options for the area is necessary to begin implementation. Possible funding mechanisms for the project include Public Improvement Districts, County Improvement Districts or Special Assessment Districts. All lots subject to the La Cienega Watershed Conditions have waived the right to protest the implementation of an improvement or assessment district.

Water Service Priority Area Quick Facts:

- Total Lots: 600
- Lots subject to La Cienega Water conditions: 307
- Total Vacant Lots: 94;
- Vacant lots subject to La Cienega Water conditions: 36
- Number of Wells: 51; Multiple = 16, Domestic = 35

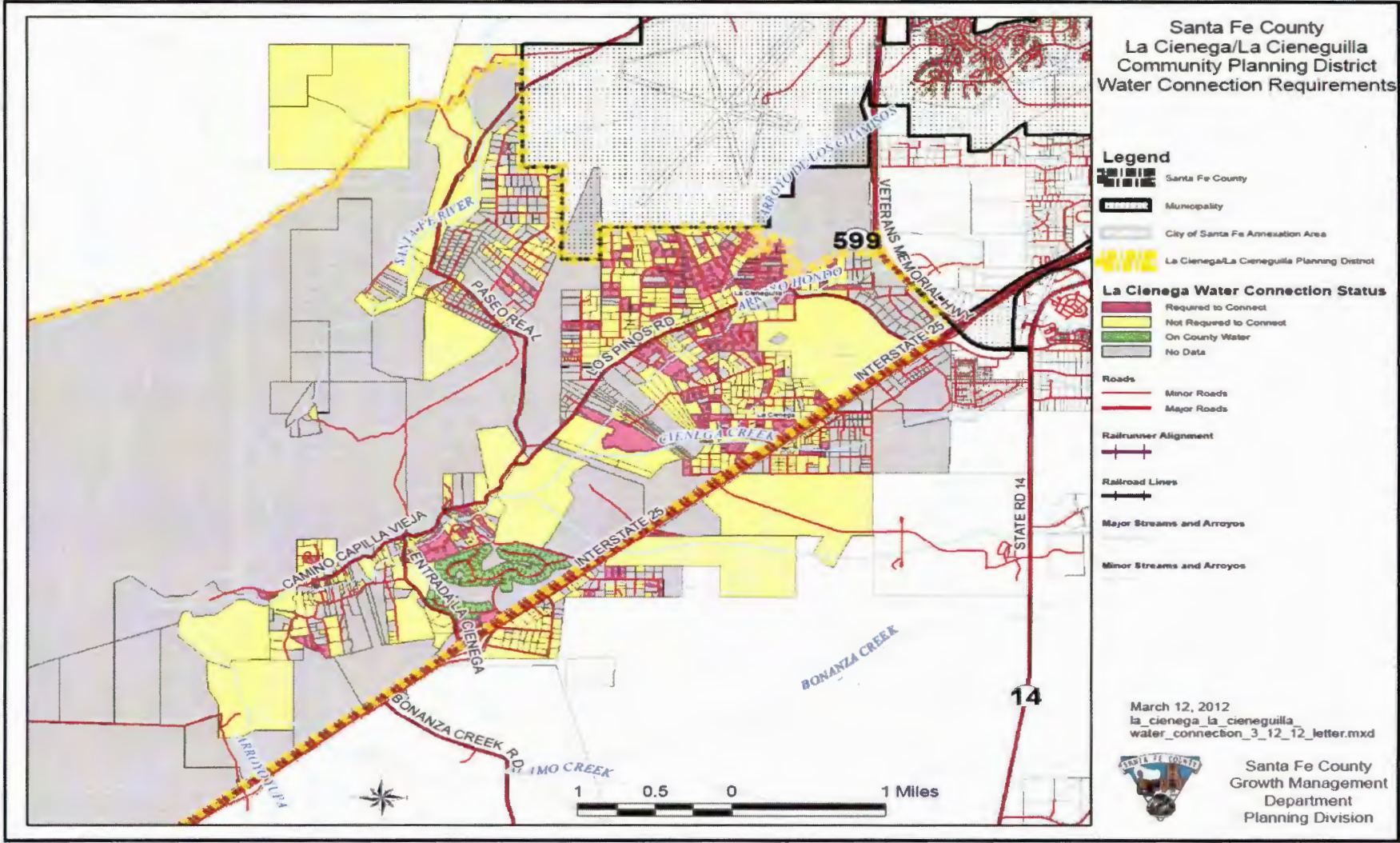


Figure 11: Water Connections Map

5.13 TRANSPORTATION AND ROADS

In addition to the goals, strategies and objectives for roads and transportation in Section IV, the following framework should be considered in all future road projects and maintenance routines for the plan area. SLDC design standards for roads should be reviewed as part of the drafting and adoption of the Community District. Road design standards should be communicated in a clear graphic representation of desired road profiles for each area type. Implementation of design standards for roads should be accomplished through amendments to the SLDC Chapter 9 La Cienega and La Cieneguilla Community District and associated overlay zones.

The County Roads and Planning divisions should work with community to determine/refine area type and identify unique contextual elements that will influence the design beyond those generalized below. These might include the church, community center, natural features such as large “heritage” trees, creeks, springs & arroyos, historic features such as archeological sites, acequias, bridges, and miscellaneous structures.

Users

Roadways in the plan area serve a variety of users including pedestrians, bicyclists, motor vehicle drivers and passengers. Selecting the appropriate treatment of the roadway to accommodate all users, (including children and the elderly) can influence the overall health of the community by preventing accidents while increasing opportunities for exercise in the form of walking or bicycling.

There may be a latent demand above observed pedestrian and bicycle volumes in the plan area because pedestrian and bicycle facilities do not yet exist or are substandard, or do not provide complete connectivity to key community locations such as the community center or church. Future pedestrian and bicycle facilities including paths, crosswalks, and transit stops should be considered in evaluating new or changes in land development, including any potential attractors such as schools, parks and retail uses.

Area Types

Roadways in the plan area traverse three distinct environments; *rural open lands*, *traditional community areas*, and *rural developed areas*, and are characterized by differing land uses, densities and topography with changes in the amount of pedestrian, bicycle and vehicle use. Land use dictates the function of a road; as land use changes along a road the roads functions also change. Roadways should be designed in a manner that serves the existing land use while supporting future land use goals. Traditionally, roadways have been classified either as “rural” or “urban.” It is important to recognize that a roadway’s formal classification as urban or rural (which is determined from census data using periodically-adjusted criteria adopted by the United States Office of Management and Budget) may differ from actual site circumstances or prevailing conditions.

Rural Open Lands

- This area type is associated with public conservation or open space shown on the future land use map, where the roadway travels through range land or other open space. There are few access points along the roadway and little or no development. Design constraints tend to involve topographic, environmental, scenic or historic resources. Pedestrian, bicycle and transit activity is

usually infrequent and of low volume. However, there may be potential latent demand for bicycle accommodation on low-volume roadways traversing scenic rural areas.

- Most of Paseo Real from the intersection with NM 599 to the intersection with Los Pinos Road passes through rural open lands. It is currently a 2 lane paved road maintained by the County with a 35 mph speed limit through the plan area. A the portion of Paseo Rael goes through La Cieneguilla in area with single family homes, however very few of the properties front or have access directly onto Paseo Rael.
- The SLDC Official Map Functional Classification for Paseo Real is Collector Urban. SLDC Design Standards applied to collector urban classification requires 11' lane width, two 5' sidewalks, two 5ft on-road bike lanes and a Right Of Way (ROW) of 45-72 feet.

Traditional Community

- This area type is associated with the more compact built-up areas based on traditional acequia settlement patterns. Varied building setbacks, and frequent driveways and intersections are common. Individual property frontage is generally less than 200 feet. Right-of-way is usually constrained by the built environment. Pedestrian activity is generally moderate. At this time bicycle activity is low but often generated to, from, and within the traditional community. An important safety consideration for design is the often rapid transition between rural open lands or rural developed areas to a traditional community area.
- Major roads in this area include portions of Los Pinos and Entrada La Cienega. SLDC Official Map Functional Classification for the two major roads is "Minor Arterial Urban". SLDC Design Standards applied to Minor Arterial (SDA-2) classification requires 12' lane width, two 5' sidewalks, two 5ft on-road bike lanes and a ROW of 60-100 feet.
- Minor roads include Camino C de Baca, Camino San Jose and Camino Capilla La Vieja. SLDC Official Map Functional Classification for these roads is "Local." SLDC Design Standards applied to Local (Urban SDA-2) classification requires 10' lane width, one 5' sidewalk, and a minimum ROW of 34-48 feet.

Rural Developed

- This area type is associated with the low-density residential development based on contemporary subdivisions and occasional commercial uses. Buildings generally have large setbacks from the roadway. Occasional driveways require a driver to be more alert for entering and exiting vehicles than in rural open land areas. Pedestrian and bicycle activity are more frequent than in rural open lands area, but generally of modest scale.
- Major Roads in this area type include, Calle Debra, Camino Montoya in La Cieneguilla, Cerro Del Alamo, Sunset Road, Nancys Trail, Paseo De Angel, and Las Estrellas in upper La Cienega. The SLDC Official Map Functional Classification for these roads is "Other Major Local or Collector Road Not Officially Classified". Although there are no SLDC Design Standards for this classification, standards that apply to Local (Urban SDA-2) classification requires 10' lane width, one 5' sidewalk, and a minimum ROW of 34-48 feet.

Potential Regional Commercial Node

Presently there are three relatively major generators of traffic in the plan area; Las Golondrinas Historic Museum during events primarily on weekends, Sunrise Springs property during regular business hours and the Santa Fe Downs property when it is hosting the flea market on weekends and soccer practice during the week. Traffic for both generators is adequately accommodated via access from the I-25 Frontage Road.

Additional major generators of traffic are not anticipated nor zoned for the interior of the plan area. However, major traffic generators are expected if the area designated as commercial mixed-use is fully develop with urban densities and infrastructure. This area has large tracts of land, high visibility, close proximity and easy access to regional (NM 599) and interstate highway systems (I-25), the airport and regional transit systems including the Express Rail Runner Commuter Train and North Central Regional Transit Authority buses. Roads and circulation in this area should evolve as part of larger efficient, safe, multi –jurisdictional, multi-purpose circulation plan that encompasses land and facilities associated with the I-25/NM 599 interchange, the Airport and the Rail Runner Station.

Traffic Calming Measures

Residents living along Camino Capilla Vieja would like to see speed humps or other traffic calming measures to slow traffic. Several other areas in La Cienega have existing speed humps or have expressed an interest in traffic calming measures. Review and possible implementation of the County’s Traffic Calming Policy, Resolution 2013-102, should be initiated at the neighborhood level. Once traffic calming has been implemented, monitoring of the performance of the project should be undertaken to assure that speeds have indeed been reduced, and to provide valuable lessons for future traffic-calming projects.

Transit Options

5.14 PARKS, TRAILS & OPEN SPACE

The following locations and functions are identified to assist in planning for a future parks, trails and open space network that serves the La Cienega and La Cieneguilla communities.

Central Plan Area

A developed community park should be designed and developed as part of the proposed community center on State Land Office land in the central plan area. Additionally, a pedestrian trail with some educational signage should be developed to connect the community center to adjacent County Open Space land. The community park and trail should be scaled and programmed to serve residents of La Cienega and La Cieneguilla.

La Cieneguilla

A neighborhood scale semi-developed park should be developed In conjunction with any new subdivision on the large undeveloped 40 acre tract located off of Paseo Real. The park should be scaled and programmed to serve residents of La Cieneguilla.

Upper La Cienega

A neighborhood park should be developed in conjunction with expected new development in the commercial district associated with the Santa Fe Downs property. It should preferably be located in the transition area from higher density/commercial land use and adjacent existing residential areas south and west of the commercial district. It should be scaled and programmed to serve the existing residents of upper La Cienega and the future residents of the commercial district.

Lower La Cienega

Dedicated community open space with trails should be developed in conjunction with expected new development associated Santa Fe Canyon Ranch. There is a potential to provide trail linkages for pedestrians and equestrians to regional trails associated with Arroyo Hondo and Alamo Creek as well as links through Tres Rios Ranch to BLM land in western portion of the plan area. Open space and trails in this area should be scaled and programmed for the La Cienega and La Cieneguilla communities as well as any future residents expected as part of the development of Santa Fe Canyon Ranch.

Southeastern Plan Area

A pedestrian and equestrian trail parallel to but off set from the I-25 West Frontage Road should be developed from Entrada La Cienega to the Flea at Santa Fe Downs.

SECTION VI- COMMUNITY ACTION PLAN and IMPLEMENTATION MATRIX

6.1 ACTION PLAN GUIDELINES

The La Cienega and La Cieneguilla Community Plan is essentially a partnership between the Community and the County to help tailor land use and services to best fit with existing conditions in the Planning Area. The Plan establishes policies that can be enacted through ordinances or implemented through programs and projects. The Plan serves as an amendment to both the Sustainable Growth Management Plan as well as to the Sustainable Land Development Code.

6.1.1 Program Actions

Program actions outline in Section III propose future programming or projects that the Community Plan identifies as important work to be addressed in the community. These actions are not proposed ordinances and do not outline any legal changes for land use or future development in the community. Program actions describe various actions that are important for future planning and development in the area. The community is responsible for working with the County and various agencies mentioned to initiate the program actions.

6.1.2 Implementation and Responsibilities

The Planning Division of Santa Fe County's Land Use Department is the lead agency responsible for both assisting the residents of the La Cienega and La Cieneguilla Planning Area in the creation of this plan as well as for helping the community coordinate implementation of the various actions outlined in the Plan. The actions contained herein are designed to address specific issues identified as important aspects of future development in the planning Area.

All adopted ordinances, including revisions for the La Cienega and La Cieneguilla Community Planning Area, should be enforced by the County. It is important to note that neither the County nor the various agencies listed in the Plan are directly committing resources for the specific program actions outlined. However, the County recognizes the importance of the many projects and programs listed in this plan. The County is committed to assisting the Planning Area's communities in addressing these problems or needs and in finding locally appropriate solutions.

The Planning Division will work with representative community organizations to coordinate both planning and implementation of the Plan's many actions. The La Cienega Valley Association (LCVA) has served as the lead community group in helping to organize and develop this plan. However, the County recognizes that the LCVA is not the only community group in the Planning Area and does not imply that the LCVA would be responsible for implementing the actions listed herein. Throughout the Plan, reference is made to the "community" working with the Planning Division and other agencies to implement program actions. The County will collaborate with the "community" through Community Organizations (CO's) in a collaborative, consensual process to address the program actions called for in the Plan.

The Community Plan is intended as an active document that can and should be updated as conditions change throughout the Planning Area. Additionally, it is recognized that the Plan may be tailored to include specific concerns and conditions in smaller geographic areas within the Planning Area boundary,

such as La Cieneguilla, Upper La Cienega and Lower La Cienega.

6.2 IMPLEMENTATION MATRIX

The Implementation Matrix outlines proposed future programming or projects that the Community Plan identifies as important work to be addressed in the community. Entities including federal, state and local governments identified under potential partners are just that- potential. The adoption of this plan does not obligate potential partners to initiate, fund, support or implement any project, program or strategy.

	Element, page numbers		Potential Partners	Time Frame
1.	Water Service Priority Area	Extension of Santa Fe County Water lines in Upper La Cienega	LC/LC Community, Organization County, NMED, Federal Government	Medium
2.	Traditional Irrigated Agricultural Land Preservation	Develop Incentive Zoning, Land Use and Development Standards in support of the preservation or expansion of contiguous agricultural lands and acequia systems.	Acequia Associations, Property Owners, LC/LC Community, Organization County	Short-medium
3.	Existing Conditions Goals and Strategies Water Resources	Analyze supplemental water to use for irrigation	Acequia Associations, State Penitentiary, National Guard, SF Wastewater, Treatment Plan, Property Owners, LC/LC Community Organization, Santa Fe County	Short
4.	Existing Conditions Goals and Strategies Water Resources	Wastewater Feasibility Study	County Public Works, NM Environment Dept, EPA, USDA	Short-meduim
5.	Community Parks, Open Space & Trails	Community Pedestrian and Equestrian Circulation Study	LC/LC Community Organization SFC Open Space	Short
6.	Agriculture	Agricultural Lands Directory	Acequia Associations LC/LC Community Organization Santa Fe County USDA Farm & Ranch	

7.	Community Facilities	Multipurpose, Multigenerational Community Center , Conduct a needs assessment	LC/LC Community Organization Santa Fe County State Land Office	Short-medium
8.	Existing Conditions	Monitor water rights retirement schedules to ensure that compliance with said schedules are enforced for all water rights derived from the Community Planning Area.	Acequia Associations, LC/LC Community Organization	Short
9.	Existing Conditions	Develop accurate population estimates for the La Cienega and La Cieneguilla Community Planning Area. These population figures will be used in conjunction with a water budget for the planning area to determine potential population impacts on local water resources and the development of realistic water availability estimates to guide future land use decisions. This study should be completed no more than 3 years from the date that the Plan is adopted	Acequia Associations, LC/LC Community Organization	Short

SECTION VII- GOVERNANCE/IMPLEMENTATION OF THE COMMUNITY PLANNING ORDINANCE

7.1 Community Notification

The community will work with the County Land Use Department to develop a Community Organization (CO) for notification of development proposals.

7.2 Amendments to the Plan

Any amendments to the Plan will be made in accordance with the SGMP and the SLDC Chapter 2.

Appendix

Plan Area Zoning: Santa Fe County Ordinance No. 2002-9

Summarized below are general zoning and development regulations that pertain to land use, density, and related environmental aspects of development based on Santa Fe County Ordinance No. 2002-09 for the Planning Area of La Cienega and La Cieneguilla.

Acequia Protection

- Acequia Association Review of New Development: Prior to issuance of development permits for activities that may interfere with acequia operations including fences, walls, grading, drainage and septic systems, applications for development within twenty- five feet (25') of an acequia must be reviewed by the affected acequia association.
- Acequia Setback Requirements: No new structures or permanent fences or walls that will impair or obstruct normal operations of an acequia shall be permitted within six (6) feet of community acequias.

Agriculture Development and Tax Valuation Regulations

- Per New Mexico State Statute, Santa Fe County taxes agricultural lands at a lower rate than other land uses in order to help prevent the loss of agricultural lands. One acre of non-improved land is the minimum acreage that can be used as agriculture, and 80 acres minimum for grazing. Property owners interested in the special agricultural assessment must demonstrate that their land is primarily used for the production of plants crops, trees, forest products, orchard crops, livestock, poultry or fish, or proof that the livestock has access to all of the agricultural land for the tax year. [Note: federal definitional standards for farms and farmers for income and estate tax purposes differ from local standards].
- Agricultural sales and roadside stands are allowed in the planning area with a permit.

Residential Development

- Residential water use is limited to .25 acre feet a year throughout the plan area. The request for additional water consumption requires a water budget and proof of 100 year water supply.
- The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer or TDR's are used to protect sensitive lands or preserve community assets.
- Lot Coverage; the total roofed area of principal and accessory structures, shall be no more than twenty percent (20%) of the total lot area.
- Allowable uses within the planning area include residential, agricultural and mixed uses if associated with home occupations.

Hydrologic Zones and TC Zoning District

There are three existing hydrologic zones and one zoning district under the existing Land Development Code for residential development that currently regulate density in the plan area:

- Homestead Hydrologic Zone:
 - Allows 1 dwelling unit per 160 acres. With proof of 100 year water supply through a geohydrologic reconnaissance report, and application of water use covenants, the maximum density may be increased to one dwelling unit per 40 acres. If an adequate 100 year supply of water, and no impairment to neighboring wells, is proven by an on-

site geohydrological well test, land may be further divided to a minimum of 2.5 acres per 1 dwelling unit.

- Basin Fringe Hydrologic Zone:
 - Allows 1 dwelling unit per 50 acres. With proof of 100 year water supply through a geohydrologic reconnaissance report, and application of water use covenants also known as La Cienega Watershed Conditions, the maximum density may be increased to one dwelling unit per 12.5 acres. If an adequate 100 year supply of water but no impairment to neighboring wells is proven by an on-site geohydrological well test, land may be further divided to a maximum of 2.5 acres per dwelling unit.
- Basin Hydrologic Zone:
 - Allows 1 dwelling unit per 10 acres. With proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants also known as La Cienega Watershed Conditions, the maximum density may be increased to one dwelling unit per 2.5 acres.
- La Cienega Traditional Community District:
 - The traditional community district is primarily a residential zoning district requiring a minimum lot size and density of one unit per 3/4 acres.

Commercial Zoning Provisions

- County Ordinance 2002-09 limits commercial zoning to those existing at the time of adoption. These properties are restricted to uses, intensities and densities identified on their approved master plans. This includes the Santa Fe Downs property which is zoned for outdoor recreational uses and a few lots fronting Erica Road.
- Expansion or establishment of new commercial development on properties with commercial zoning are subject to the La Cienega Watershed Conditions and restricted to .35 acre of water per year per acre if on a domestic well. The code also requires a water resources analysis at the time of application. The analysis must demonstrate secured access to a 100 year supply of water as well as secured water rights, as required by state law and/or the code to meet all current and projected demands for the business operation.
- Lot Coverage: The total roofed area of principal structures and accessory structures, roadways, driveways, walkways and parking facilities shall be no more than sixty percent (60%) the total lot area.

Prohibited Commercial Development

- New developments that pose a risk of contaminating surface and ground water systems shall not be permitted within the planning area. Prohibited uses will include but not be limited to: gas stations, asphalt batch plants and asphalt production plants, large-scale mining, any warehouse which stores or transfers chemicals, large-scale agricultural operations that stockpile manure or have manure lagoons (e.g.: dairies, horse parks or stables, chicken farms), waste oil recycling, septic tank pumping waste disposal, grease trap waste disposal, large-scale chili processing plants, cheese processing plants, gasoline storage facilities or transfer stations, auto repair facilities, car washes, sludge disposal fields, mortuaries, municipal and/or hazardous landfill, and slaughter houses.

Home Occupations

- Mixed use development and small commercial operations consisting of development that house

both residential and non-residential uses on the same property and/or in the same structures are permitted throughout the plan area. There are standards related to parking, number of employees and percent of total area of a residence that can be occupied by the business. Small-scale retail establishments, such as arts and crafts stores, restaurants or galleries may be permitted as part of a home occupation. The scale is defined by the number of vehicle visits per day with no more than thirty (30) vehicle visits per day and no- more than ten (10) vehicle visits per hour.

General Provisions for All Development Types

- Utilities- Gas, Electric and Telecommunications: All new and replacement utility lines and fixtures must be installed underground.
- Limits on light and noise pollution.
- Landscaping: Recommendations and requirements for preserving native plants, water conservation, use of xeriscape materials and principles, rainwater collection and storage systems, reuse of gray water, storm water recharge.
- Septic Tanks: All new septic tanks shall meet or exceed existing New Mexico Environment Department (NMED) and County standards and be equipped with an above ground access port.
- Ridgetop Protection: Building on slopes greater than 15% and ridge tops comply with Code requirements such as setbacks, screening and buildable areas.

La Cienega Watershed Conditions

- The La Cienega and La Cienega Planning District Ordinance implemented many of the strategies identified in the 2001 Community Plan pertaining to water resources including reaffirming and refining the "La Cienega Watershed Conditions." (For more information see Lots Subject to the La Cienega Watershed Conditions below).

Other Relevant Ordinances and Regulations

- Santa Fe County Ordinance 2000-7: Confers designation of La Cienega and La Cieneguilla as a Traditional Historic Community (THC) under state law. This ordinance prevents annexation by the City of Santa Fe. The Boundary of the La Cienega THC is congruent with the 2001 La Cienega and La Cieneguilla Plan Area Boundary and will remain in effect with the adoption of this plan.
- Environmental Requirements: It should also be noted that there are additional environmental requirements in both the SCLD 1996-10 and the SLDC 2013 that address flood hazards, liquid waste disposal, terrain management, air quality, noise, water supply and solid waste.

Community Plan Review and Revision

- Community Review of the Plan. The La Cienega and La Cieneguilla Community Planning Committee requests that an annual community review of the La Cienega and La Cieneguilla Community Plan be conducted each year to assess community concerns and assist in monitoring community conditions as well as implementation of Plan elements.

Formation of a Community Plan Committee to Implement and Monitor Plan

- The La Cienega and La Cieneguilla Community Plan authorizes the County Planning Division to establish a permanent La Cienega and La Cieneguilla Community Plan Committee to conduct this annual review of the Plan. The County Planning Division staff will provide support and help to coordinate the process. This committee shall consist of three (3) representatives each from La Cieneguilla, Upper La Cienega and Lower La Cienega for a total number of nine (9) committee members. Representatives shall serve for two-year terms and the terms shall be staggered to ensure continuity of the planning process. Representatives shall be nominated by residents, property owners and business owners from each respective area. Nominees must be a resident, business owner or property owner in order to be eligible to serve as a representative on the committee. In the case that more than three nominations are received for each area, three names shall be randomly selected to serve on the committee. This committee shall follow the process established for community planning under Santa Fe County Ordinance 1998-5 including consensual decision-making and open public meetings.

ICIP for Santa Fe County

EXHIBIT

tabbles

7

Contact: Paul Olafson
Santa Fe County
Santa Fe, N.M. 87501-0276

Telephone No.: (505) 992-9866

County: Santa Fe

COG District: 2

Fax: (505) 820-1394

Entity Type: CO

Email Address: polafson@santafecountynm.gov

Provide your entity's most current audit opinion: Unmodified Modified Qualified Adverse Disclaimer AUP
Yes No No No No No

For what fiscal year was opinion issued? 2014

Is your entity REQUIRED to report to the NM State Auditor's Office? Yes

Does your entity fall under the No

Tiered Number:

Tiered System Reporting?

If your entity falls under Tiers 1 or 2, have you provided a copy of the certification to:

NM State Auditor's Office: N/A

LGD: N/A

Findings for Tiers 3-6: N/A

FY for these findings: N/A

Is entity required to submit budgets/quarterly reports to LGD?: Yes

Fiscal Year for the most current budget approved by LGD: 2016

Current report to LGD /Year: 2015

Current report to LGD / Qtr: 3

Does entity have an asset management plan/inventory listing?: Yes

Project Priority Process

The Board of County Commission approved an ICIP Implementation Schedule that included community meetings which were held throughout the County, internal team and stake holder meetings and one (1) public hearing. In addition staff received input from various community organizations and planning groups throughout the year. After a preliminary listing of capital outlay project requests, staff and the internal capital outlay team began to prioritize and evaluate projects. As part of the evaluation, staff utilized the 2016-2020 ICIP, the 2014 Santa Fe County Capital Outlay Funding Strategy and listings of received state appropriations following the 2015 legislative session. Staff categorized projects into six (6) areas; Community Centers/Facilities, Roads, Water/Wastewater, County Administration and Facilities, Open Space and Parks and Miscellaneous Projects. After reviewing and ranking projects and a determination that highly ranked projects either were project ready, were emergency situations or had existing funding, staff prepared a draft project listing. On August 11, 2015 the Board of County Commissioners met and adopted the required "Resolution of Approval" which approved the project prioritizations that are included in the 2017-2021 ICIP.

Capital Improvement Goals

To establish a capital improvement plan that is comprehensive, thorough and realistic; and that establishes, identifies and addresses community and County capital outlay needs. In addition, the County is committed to preparing and implementing a funding strategy that encompasses a myriad of funding sources to ensure that capital outlay projects are completed in a timely, cost efficient and consistent manner.

Factors/Trends Considered

Santa Fe County continues to experience an increase in the number of residents it serves, and the amount and types of services that are necessary for its residents. The County has made a change in capital outlay planning that is intended to be the springboard for identifying not only projects but also the mechanism to implement and complete the projects. The distribution of population and the makeup of Santa Fe County has changed over the past to be less concentrated inside the incorporated limits of the City of Santa Fe and more concentrated in the unincorporated areas of the County. The County is projected to grow by a range of 23,800 to 29,332 persons in the decade of 2010-2020. With this dramatic increase, the County has to position itself as the leader in developing capital projects.

Infrastructure Capital Improvement Plan FY 2017-2021

Santa Fe County Project Summary

ID	Year	Rank	Project Title	Category	Funded to date	2017	2018	2019	2020	2021	Total Project Cost	Amount Not Yet Funded	Phases?
28759	2017	001	Pojoaque Recreation Complex Improvements	Public Parks (local)	0	585,500	0	0	0	0	585,500	585,500	No
24687	2017	002	Agua Fria Village Utility Sewer Design	Wastewater	0	1,000,000	0	0	0	0	1,000,000	1,000,000	No
25694	2017	003	Improve Cerrillos and Madrid Fire Stations	Fire	0	500,000	0	0	0	0	500,000	500,000	No
28867	2017	004	Old Santa Fe Trail Bike Lanes	Hiways/Roads/Streets/Bridges	0	962,500	0	0	0	0	962,500	962,500	No
31119	2017	005	Purchase Land for Eldorado Fire Station	Fire	0	105,000	0	0	0	0	105,000	105,000	No
28771	2017	006	Storm Water Impv for Camino Chupadero	Storm/Surface Water Control	0	332,900	0	0	0	0	332,900	332,900	No
28802	2017	007	Upgrades to Vista Aurora Lift Station	Wastewater	0	100,000	0	0	0	0	100,000	100,000	No
31162	2017	008	Improve Roads in Sfc District Three	Hiways/Roads/Streets/Bridges	0	2,000,000	0	0	0	0	2,000,000	2,000,000	No
31120	2017	009	Improve Glorieta Main Fire Station	Fire	0	500,000	0	0	0	0	500,000	500,000	No
31113	2017	010	Road and Trail Improvements in Eldorado	Hiways/Roads/Streets/Bridges	0	240,000	0	0	0	0	240,000	240,000	No
31135	2017	011	Improve Cuyamungue County Roads	Storm/Surface Water Control	0	500,000	0	0	0	0	500,000	500,000	No
31126	2017	012	All Weather Crossing in Pinon Hills Subdivision	Hiways/Roads/Streets/Bridges	0	670,000	0	0	0	0	670,000	670,000	No
31163	2017	013	Youth Services Facility in SW sector of SFC	State Government Facilities	0	500,000	0	0	0	0	500,000	500,000	No
31130	2017	014	Bulk Water Facility at OLVH and US285	Water Supply	0	300,000	0	0	0	0	300,000	300,000	No

Infrastructure Capital Improvement Plan FY 2017-2021

26522	2017	015	Water Line along State Route 14	Utilities (publicly-owned)	0	400,000	1,500,000	1,500,000	1,000,000	0	4,400,000	4,400,000	No
28916	2017	016	Addition to the Santa Cruz Senior Center	Senior Facilities	0	450,000	0	0	0	0	450,000	450,000	No
28837	2017	017	Arroyo De Las Gallinas Multi-Use Trail	Public Parks (local)	0	66,000	0	0	0	0	66,000	66,000	No
31164	2017	018	Youth and Senior Facility in Estancia Basin	Senior Facilities	0	500,000	0	0	0	0	500,000	500,000	No
31129	2017	019	CR51 Galisteo River All Weather Crossing	Hiways/Roads/Streets/Bridges	0	700,000	0	0	0	0	700,000	700,000	No
20540	2017	020	Impv Richards Avenue Bike Lanes	Hiways/Roads/Streets/Bridges	0	500,000	0	0	0	0	500,000	500,000	No
31125	2017	021	Addition to Chimayo Main Fire Station	Fire	0	40,000	450,000	0	0	0	490,000	490,000	No
31136	2017	022	La Tierra Fire Station Addition	Fire	0	40,000	400,000	0	0	0	440,000	440,000	No
24563	2017	023	La Cienega Road Imprv and All Weather Crossings	Hiways/Roads/Streets/Bridges	0	1,500,000	0	0	0	0	1,500,000	1,500,000	No
31122	2017	024	Solar Electric System for Rancho Viejo Fire Stn	Clean Energy	0	45,000	0	0	0	0	45,000	45,000	No
28815	2017	025	Parking and Trail to Winsor Trl in Tesuque	Public Parks (local)	0	275,000	0	0	0	0	275,000	275,000	No
31124	2017	026	Water Supply Improvements on Caja del Oro	Water Supply	0	200,000	0	0	0	0	200,000	200,000	No
31147	2017	027	Improve Roads in Tierra del Oro Subdivision	Hiways/Roads/Streets/Bridges	0	400,000	0	0	0	0	400,000	400,000	No
30201	2017	028	ADA Vans for All Senior Centers in SFC	Senior Facilities	0	200,000	0	0	0	0	200,000	200,000	No
26871	2017	029	Construct SFC Fairgrounds improvements	Adm/Service Facilities (local)	0	1,500,000	0	0	0	0	1,500,000	1,500,000	No
25715	2017	030	Utilities Quill Plant Improvements	Wastewater	0	1,500,000	0	0	0	0	1,500,000	1,500,000	No
31085	2017	031	All Weather Crossings Throughout County	Hiways/Roads/Streets/Bridges	0	1,100,000	0	0	0	0	1,100,000	1,100,000	No

Tuesday, August 11, 2015

Santa Fe County/ICIP 01000

S F C C L E R K R E C O R D E D 0 9 / 0 9 / 2 0 1 5

Infrastructure Capital Improvement Plan FY 2017-2021

28749	2017	032	Water and Sewer System for UDV Settlement	Water Supply	0	500,000	0	0	0	0	500,000	500,000	No
28776	2017	033	Santa Fe Rail Trail Segments 5-6	Public Parks (local)	0	1,298,000	0	0	0	0	1,298,000	1,298,000	No
31057	2017	034	First Choice Health Center	Health-Related Cap Infra	0	1,000,000	7,500,000	0	0	0	8,500,000	8,500,000	Yes
31121	2017	035	La Clinica Villa Therese	Health-Related Cap Infra	0	200,000	0	2,000,000	0	0	2,200,000	2,200,000	No
24679	2017	036	Arroyo Hondo Trail	Public Parks (local)	0	1,000,000	0	0	0	0	1,000,000	1,000,000	No
28800	2017	037	SF River Greenway, Siler to San Isidro Crossing	Public Parks (local)	0	5,200,000	0	0	0	0	5,200,000	5,200,000	No
18114	2017	038	Improvements to SF County Corrections Facilities	Adm/Service Facilities (local)	0	1,500,000	1,500,000	1,500,000	1,500,000	2,200,000	8,200,000	8,200,000	No
10175	2017	039	SF County Public Housing Sites Upgrades	Housing-Related Cap Infra	0	50,000	550,000	550,000	500,000	500,000	2,150,000	2,150,000	No
20531	2017	040	SFC-Orthophotography Project	Other	0	85,000	150,000	150,000	0	0	385,000	385,000	No
28768	2017	041	Purchase the Eldorado Water System	Utilities (publicly-owned)	0	10,000,000	0	0	0	0	10,000,000	10,000,000	No

Number of projects: 41

	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:	Total Not Yet Funded:
Grand Totals	0	38,544,900	12,050,000	5,700,000	3,000,000	2,700,000	61,994,900	61,994,900

Infrastructure Capital Improvement Plan FY 2017-2021

ICIP Capital Project Description

Year/Rank 2017 001

ID:28759

Project Title: Pojoaque Recreation Complex Improvements

Project Type: New

Category: Public Parks (local)

Contact Name: Paul Olafson

Contact Phone: 992-9866

Contact E-mail: polafson@santafecountynm.gov

Project Location: Pojoaque Valley Pojoaque NM

Latitude: 35.682

Longitude: 105.983

Legislative Language: Improve the Pojoaque Recreation Complex to include construction of some or all of the following: basketball court, playground, skate park, perimeter walking trail, etc.

Description/Scope of Work: Phase 2 improvements identified in schematic design are construction of a basketball court (\$59,800), installation of a playground (\$115,000), skate park (\$300,000), perimeter walking trail (\$90,000), crusher fines at common area (\$21,000)

Previous and Potential Funding Budget:

Has this project received previous legislative or other funding? Yes

Please explain. Appropriation 15-0854 for \$100,000 was certified 6/15/15.

Appropriation 14-1997 for \$128,800 was expended and closed.

Appropriation 13-1765 for \$225,000 was expended and closed.

State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.

Please complete table below with funding source, etc. (No commas, decimals or \$ signs)

Funding Sources:	Potential Funding Amt applied for or to be applied for	Applied for?	Matching Funds?	Funded to Date Amt Previously Spent / Secured	Date Received
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
TOTALS	0			0	

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.

	Completed	Funded to Date	Estimated Costs Not Yet Funded					Total Project Cost
			2017	2018	2019	2020	2021	
Water Rights	N/A	0	0	0	0	0	0	0
Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A							

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Santa Fe County/ICIP 01000Project ID:28759

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		0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	N/A	0	0	0	0	0	0	0
Design (Engr./Arch.)	N/A	0	0	0	0	0	0	0
Construction	N/A	0	585,500	0	0	0	0	585,500
Furnishing/Equipment	N/A	0	0	0	0	0	0	0
TOTALS		0	585,500	0	0	0	0	585,500
Amount Not Yet Funded		585,500						

Can this project be phased? No							
Phase: A project phase is a fundable, standalone, functional or operable stage during the development and/or life of a project.							
Project phases: Unfunded amounts broken down by phase and category.							
Phase	Amount	Plan	Design	Construct	Furnish/Equip	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Has your local government/agency budgeted for operating expenses for the project when it is completed? No							
If no, please explain why:							
ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL	
Annual Operating Expenses plus Debt Service	0	0	0	0	0	0	
Annual Operating Revenues	0	0	0	0	0	0	

Infrastructure Capital Improvement Plan FY 2017-2021

Does the project lower out-year operating costs? No
If yes, please explain and provide estimates of operating costs

Entities who will assume the following
responsibilities for this project:

Own:	Operate:	Fiscal Agent:	Own Land:	Own Asset:
Santa Fe County	Santa Fe County	Santa Fe County	Santa Fe County	Santa Fe County

Does the project have life expectancy of 10 or more years? Yes
Has the project had public input and buy-in? Yes
Is the project necessary to address population or client growth? No
Has the land and all necessary easement or rights of way been acquired to complete the project? Yes

Legislators affected by this project:

House:	Senate:
46-Trujillo	6-Cisneros
-	-
-	-
-	-

Is this project a regional priority? For example, is it supported by more than one legislator or by more than one local government entity? Yes
If yes, please explain. Pojoaque Public Schools supports the expansion of the Pojoaque Sports and Recreation Complex.
Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes
If yes, please explain. As with all of its capital projects, the County utilizes standard critical path project scheduling procedures and project budget cost controls.
Do the requested funds complete a fully functional phase of the project or complete a project previously funded by a legislative appropriation? Yes
If yes, please explain. The improvements indicated will be fully completed and functional with the requested funding.
Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

Infrastructure Capital Improvement Plan FY 2017-2021

If yes, please explain.

Does the project benefit all citizens within a recognized region, district or political subdivision? Yes

If yes, please explain and describe the population benefiting from the project. The project will benefit all sports and recreational users within the greater Pojoaque region.

Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? No
Emergencies must be documented by a Subject Matter Expert.

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the
mandate.)

Infrastructure Capital Improvement Plan FY 2017-2021

ICIP Capital Project Description

Year/Rank 2017 002

ID:24687

Project Title: Agua Fria Village Utility Sewer Design

Project Type: New

Category: Wastewater

Contact Name: Robert George

Contact Phone:

Contact E-mail: rjgeorge@santafecountynm.gov

Project Location: Agua Fria Santa Fe NM 87507

Latitude: 35.649

Longitude: -105.997

Legislative Language: To plan, design, construct, equip and furnish.

Description/Scope of Work: The residents of the Agua Fria area are requesting funding to extend municipal wastewater services to serve the area. The extension of wastewater collection service would serve residential and commercial areas of the community. The project would provide for safer wastewater collection and eliminate the reliance in the area on septic systems and the related risk of groundwater contamination. A preliminary engineering report to develop a prioritized list of areas to design and construct is underway.

Previous and Potential Funding Budget:

Has this project received previous legislative or other funding? Yes

Please explain. Appropriation 14-1697 for \$80,000 is currently budgeted in SFC FY2016 Budget and underway. Appropriation 15-0553 for \$190,000 was certified 6/15/15.

State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.

Please complete table below with funding source, etc. (No commas, decimals or \$ signs)

Funding Sources:	Potential Funding Amt applied for or to be applied for	Applied for?	Matching Funds?	Funded to Date Amt Previously Spent / Secured	Date Received
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
TOTALS	0			0	

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.

	Completed	Funded to Date	Estimated Costs Not Yet Funded					Total Project Cost
			2017	2018	2019	2020	2021	
Water Rights	N/A	0	0	0	0	0	0	0
Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A							

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Santa Fe County/ICIP 01000Project ID:24687

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Infrastructure Capital Improvement Plan FY 2017-2021

		0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	N/A	0	0	0	0	0	0	0
Design (Engr./Arch.)	N/A	0	0	0	0	0	0	0
Construction	N/A	0	1,000,000	0	0	0	0	1,000,000
Furnishing/Equipment	N/A	0	0	0	0	0	0	0
TOTALS		0	1,000,000	0	0	0	0	1,000,000
Amount Not Yet Funded		1,000,000						

Can this project be phased? No							
Phase: A project phase is a fundable, standalone, functional or operable stage during the development and/or life of a project.							
Project phases: Unfunded amounts broken down by phase and category.							
Phase	Amount	Plan	Design	Construct	Furnish/Equip	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Has your local government/agency budgeted for operating expenses for the project when it is completed? No

If no, please explain why:

ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	0	0	0	0	0	0
Annual Operating Revenues	0	0	0	0	0	0
Does the project lower out-year operating costs?	No					

Infrastructure Capital Improvement Plan FY 2017-2021

If yes, please explain and provide estimates of operating costs

Entities who will assume the following
responsibilities for this project:

Own:

Operate:

Fiscal Agent:

Own Land:

Own Asset:

Santa Fe County

Santa Fe County

Santa Fe County

Does the project have life expectancy of 10 or more years? No

Has the project had public input and buy-in? No

Is the project necessary to address population or client growth? No

Has the land and all necessary easement or rights of way been acquired to complete the project? No

Legislators affected by this project:

House:

Senate:

43-Garcia Richard

24-Rodriguez

Is this project a regional priority? For example, is it supported by more than one legislator or by more than one local government entity?

Yes

If yes, please explain.

Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget?

No

If yes, please explain.

Do the requested funds complete a fully functional phase of the project or complete a project previously funded by a legislative appropriation?

No

If yes, please explain.

Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy?

No

If yes, please explain.

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Santa Fe County/ICIP 01000Project ID:24687

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Infrastructure Capital Improvement Plan FY 2017-2021

Does the project benefit all citizens within a recognized region, district or political subdivision? No

If yes, please explain and describe the population benefiting from the project.

Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? No

Emergencies must be documented by a Subject Matter Expert.

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the mandate.)

Infrastructure Capital Improvement Plan FY 2017-2021

ICIP Capital Project Description

Year/Rank 2017 003

ID:25694

Project Title: Improve Cerrillos and Madrid Fire Stations

Project Type: New

Category: Fire

Contact Name:

Contact Phone:

Contact E-mail:

Project Location: Cerrillos and Madrid Cerrillos and Madrid NM

Latitude:

Longitude:

Legislative Language: To plan, design, construct, equip and furnish.

Description/Scope of Work: The Santa Fe County Fire Department is requesting funding to construct the Cerrillos and add to the Madrid Fire Stations for additional space and apparatus storage.

Previous and Potential Funding Budget:

Has this project received previous legislative or other funding? No

Please explain.

State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.

Please complete table below with funding source, etc. (No commas, decimals or \$ signs)

Funding Sources:	Potential Funding Amt applied for or to be applied for	Applied for?	Matching Funds?	Funded to Date Amt Previously Spent / Secured	Date Received
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
TOTALS	0			0	

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.

	Completed	Funded to Date	Estimated Costs Not Yet Funded					Total Project Cost
			2017	2018	2019	2020	2021	
Water Rights	N/A	0	0	0	0	0	0	0
Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0

Infrastructure Capital Improvement Plan FY 2017-2021

Planning	N/A	0	0	0	0	0	0	0
Design (Engr./Arch.)	N/A	0	0	0	0	0	0	0
Construction	N/A	0	500,000	0	0	0	0	500,000
Furnishing/Equipment	N/A	0	0	0	0	0	0	0
TOTALS		0	500,000	0	0	0	0	500,000
Amount Not Yet Funded		500,000						

Can this project be phased? No							
Phase: A project phase is a fundable, standalone, functional or operable stage during the development and/or life of a project.							
Project phases: Unfunded amounts broken down by phase and category.							
Phase	Amount	Plan	Design	Construct	Furnish/Equip	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Has your local government/agency budgeted for operating expenses for the project when it is completed?							No
If no, please explain why:							
ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL	
Annual Operating Expenses plus Debt Service	0	0	0	0	0	0	
Annual Operating Revenues	0	0	0	0	0	0	
Does the project lower out-year operating costs?							No
If yes, please explain and provide estimates of operating costs							

Infrastructure Capital Improvement Plan FY 2017-2021

Entities who will assume the following
responsibilities for this project:

Own:

Operate:

Fiscal Agent:

Own Land:

Own Asset:

Santa Fe County

Santa Fe County

Santa Fe County

Does the project have life expectancy of 10 or more years? No

Has the project had public input and buy-in? No

Is the project necessary to address population or client growth? No

Has the land and all necessary easement or rights of way been acquired to complete the project? No

Legislators affected by this project:

House:

Senate:

Is this project a regional priority? For example, is it supported by more than one legislator or by more than one local government entity? Yes

If yes, please explain.

Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? No

If yes, please explain.

Do the requested funds complete a fully functional phase of the project or complete a project previously funded by a legislative appropriation? No

If yes, please explain.

Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

If yes, please explain.

Does the project benefit all citizens within a recognized region, district or political subdivision? No

If yes, please explain and describe the population benefiting from the project.

Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? No

Tuesday, August 11, 2015

Santa Fe County/ICYP 01000Project ID:25694

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Infrastructure Capital Improvement Plan FY 2017-2021

Emergencies must be documented by a Subject Matter Expert.

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the mandate.)

Infrastructure Capital Improvement Plan FY 2017-2021

ICIP Capital Project Description

Year/Rank 2017 004

ID:28867

Project Title: Old Santa Fe Trail Bike Lanes

Project Type: New

Category: Hiways/Roads/Streets/Bridges

Contact Name:

Contact Phone:

Contact E-mail:

Project Location: Old Santa Fe Trail Santa Fe NM

Latitude: 35.6192

Longitude: -105.9105

Legislative Language: To plan, design, and construct bike lanes along Old Santa Fe Trail from El Gancho Way to Two Trails Road.

Description/Scope of Work: 1.75 miles of road widening to accommodate bike lanes. Both the City of Santa Fe and Santa Fe County are improving connectivity for bikeways, and this segment would add another leg to a current project of the County.

Previous and Potential Funding Budget:

Has this project received previous legislative or other funding? No

Please explain.

State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.

Please complete table below with funding source, etc. (No commas, decimals or \$ signs)

Funding Sources:	Potential Funding Amt applied for or to be applied for	Applied for?	Matching Funds?	Funded to Date Amt Previously Spent / Secured	Date Received
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
	0	Yes	No	0	
TOTALS	0			0	

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.

	Completed	Funded to Date	Estimated Costs Not Yet Funded					Total Project Cost
			2017	2018	2019	2020	2021	
Water Rights	N/A	0	0	0	0	0	0	0
Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	0	0	0	0	0	0
Archaeological Studies	N/A	0	0	0	0	0	0	0

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Santa Fe County/ICIP 01000Project ID:28867

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Environmental Studies	N/A	0	0	0	0	0	0	0
Planning	N/A	0	0	0	0	0	0	0
Design (Engr./Arch.)	N/A	0	62,500	0	0	0	0	62,500
Construction	N/A	0	900,000	0	0	0	0	900,000
Furnishing/Equipment	N/A	0	0	0	0	0	0	0
TOTALS		0	962,500	0	0	0	0	962,500
Amount Not Yet Funded		962,500						

Can this project be phased? No

Phase: A project phase is a fundable, standalone, functional or operable stage during the development and/or life of a project.

Project phases: Unfunded amounts broken down by phase and category.

Phase	Amount	Plan	Design	Construct	Furnish/Equip	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Has your local government/agency budgeted for operating expenses for the project when it is completed? No

If no, please explain why:

ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	0	0	0	0	0	0
Annual Operating Revenues	0	0	0	0	0	0

Does the project lower out-year operating costs? No

If yes, please explain and provide estimates of operating costs

Infrastructure Capital Improvement Plan FY 2017-2021

Entities who will assume the following
responsibilities for this project:

Own:

Operate:

Fiscal Agent:

Own Land:

Own Asset:

Santa Fe County

Santa Fe County

Santa Fe County

Santa Fe County

Does the project have life expectancy of 10 or more years? Yes

Has the project had public input and buy-in? Yes

Is the project necessary to address population or client growth? No

Has the land and all necessary easement or rights of way been acquired to complete the project? No

Legislators affected by this project:

House:

47-Egolf

-

-

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Senate:

25-Wirth

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Is this project a regional priority? For example, is it supported by more than one legislator or by more than one local government entity? Yes

If yes, please explain. This project is part of the City and County of Santa Fe Old Santa Fe Trail bike corridor.

Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes

If yes, please explain. On all of its capital projects, the County incorporates standard procedures for critical path project scheduling and project budget cost controls.

Do the requested funds complete a fully functional phase of the project or complete a project previously funded by a legislative appropriation? Yes

If yes, please explain. With the requested funds, the project will be fully completed and functional.

Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

If yes, please explain.

Does the project benefit all citizens within a recognized region, district or political subdivision? No

If yes, please explain and describe the population benefiting from the project.

Yes. Santa Fe County has a sizeable population of bike commuters and recreational bike users. Bike users also reduce the vehicle traffic on a given road.

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Santa Fe County/ICIP 01000Project ID:28867

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Infrastructure Capital Improvement Plan FY 2017-2021

Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? No
Emergencies must be documented by a Subject Matter Expert.

If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the
mandate.)

Infrastructure Capital Improvement Plan FY 2017-2021

ICIP Capital Project Description

Year/Rank 2017 005

ID:31119

Project Title: Purchase Land for Eldorado Fire Station

Project Type: New

Category: Fire

Contact Name: David Sperling

Contact Phone: 505-992-3076

Contact E-mail: dsperling@santafecountynm.gov

Project Location: Eldorado Santa Fe NM

Latitude: 35.527

Longitude: -105.921

Legislative Language: Acquisition of land for a new fire station in the community of Eldorado.

Description/Scope of Work: Acquisition of land for a new fire station in the community of Eldorado.

Previous and Potential Funding Budget:

Has this project received previous legislative or other funding? No

Please explain.

State Grant Funding should only be requested when all other funding sources have been exhausted if entity is providing matching funds, i.e. Federal, Local Taxes, Fees, NM Finance Authority Loans (NMFA), Tribal Infrastructure Fund (TIF), Water Trust Board (WTB), Public School Facility Authority (PSFA), Colonia's Infrastructure Board (CIB), etc.

Please complete table below with funding source, etc. (No commas, decimals or \$ signs)

Funding Sources:	Potential Funding Amt applied for or to be applied for	Applied for?	Matching Funds?	Funded to Date Amt Previously Spent / Secured	Date Received
	0	No	No	0	
	0	No	No	0	
	0	No	No	0	
	0	No	No	0	
TOTALS	0			0	

Project Budget - Complete the Budget below. Only include unfunded or unsecured funds under each project year. Note: Funded to Date column must equal the amounts listed above here.

	Completed	Funded to Date	Estimated Costs Not Yet Funded					Total Project Cost
			2017	2018	2019	2020	2021	
Water Rights	N/A	0	0	0	0	0	0	0
Easements and Rights of Way	N/A	0	0	0	0	0	0	0
Acquisition	N/A	0	45,000	0	0	0	0	45,000
Archaeological Studies	N/A	0	0	0	0	0	0	0
Environmental Studies	N/A	0	0	0	0	0	0	0

Monday, August 10, 2015

Santa Fe County/ICIP 01000Project ID:31119

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Infrastructure Capital Improvement Plan FY 2017-2021

Planning	N/A	0	0	0	0	0	0	0
Design (Engr./Arch.)	N/A	0	60,000	0	0	0	0	60,000
Construction	N/A	0	0	0	0	0	0	0
Furnishing/Equipment	N/A	0	0	0	0	0	0	0
TOTALS		0	105,000	0	0	0	0	105,000
Amount Not Yet Funded		105,000						

Can this project be phased? No

Phase: A project phase is a fundable, standalone, functional or operable stage during the development and/or life of a project.

Project phases: Unfunded amounts broken down by phase and category.

Phase	Amount	Plan	Design	Construct	Furnish/Equip	Other (Wtr Rights, Easements, Acq)	# Mos to Complete
1	0	No	No	No	No	No	0
2	0	No	No	No	No	No	0
3	0	No	No	No	No	No	0
4	0	No	No	No	No	No	0
5	0	No	No	No	No	No	0
TOTAL	0						

Has your local government/agency budgeted for operating expenses for the project when it is completed? No

If no, please explain why:

ANNUAL OPERATING BUDGET	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
Annual Operating Expenses plus Debt Service	0	0	0	0	0	0
Annual Operating Revenues	0	0	0	0	0	0

Does the project lower out-year operating costs? No

If yes, please explain and provide estimates of operating costs

Infrastructure Capital Improvement Plan FY 2017-2021

Entities who will assume the following
responsibilities for this project:

Own:

Operate:

Fiscal Agent:

Own Land:

Own Asset:

Does the project have life expectancy of 10 or more years? No

Has the project had public input and buy-in? No

Is the project necessary to address population or client growth? No

Has the land and all necessary easement or rights of way been acquired to complete the project? No

Legislators affected by this project:

House:

50-McQueen

-

-

-

Senate:

25-Wirth

-

-

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Is this project a regional priority? For example, is it supported by more than one legislator or by more than one local government entity? No

If yes, please explain.

Are there oversight mechanisms built in that would ensure timely construction and completion of the project on budget? Yes

If yes, please explain. As with all its capital projects, the County utilizes standard critical path project scheduling procedures and project budget cost controls.

Do the requested funds complete a fully functional phase of the project or complete a project previously funded by a legislative appropriation? No

If yes, please explain.

Other than the temporary construction jobs associated with the project, does the project maintain or advance the region's economy? No

If yes, please explain.

Does the project benefit all citizens within a recognized region, district or political subdivision? Yes

If yes, please explain and describe the population benefiting from the project.

Construction of a new fire station will allow Santa Fe County to provide better fire protection, a higher ISO rating and lower insurance rates for all area residents and business owners.

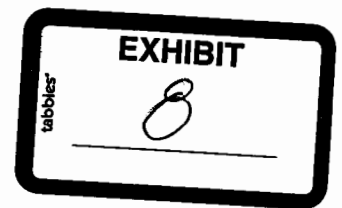
Monday, August 10, 2015

Santa Fe County/ICIP 01000Project ID:31119

S F C C L E R K R E C O R D E D 0 9 / 0 9 / 2 0 1 5

Infrastructure Capital Improvement Plan FY 2017-2021

Does the project eliminate a risk or hazard to public health and/or safety that immediately endangers occupants of the premises such that corrective action is urgent and unavoidable? No
Emergencies must be documented by a Subject Matter Expert.
If yes, please explain. (If mandatory, provide Summary Page of the Federal, State or Judiciary Agency who issued the
mandate.)



My name is Dennis Kensil and my address is 9 Cloudstone Drive. I live two lots away from the applicant on two and a half acres with water supplied by a domestic well. ^{of LIMITED CAPACITY.}

As a general rule, I am not opposed to guesthouses, nor am I opposed to new development. I have a guesthouse on my property that was permitted and built in the mid-1980's and I have developed and sold many residential home sites in the County and City of Santa Fe since 1988.

Recently, the single septic system that serves my house and guesthouse failed. Because of the rocky terrain and poor soils in that part of the County, the state required that I double the size of my leach field and install an "alternative" system to accommodate the wastewater produced on my property. I was fortunate to live on a property large enough, two and a half acres, to allow for the expansion of that leach field. I was told that, eventually, all leach fields need to be retired and new ones installed.

My concern with the current application is how the County processes these requests.

1. It does not appear that the County requires any water availability report or soils analysis as part of a variance request to increase density. How does the County assure existing property owners that variances of the kind proposed by the applicant, do not compromise the water quality and quantity in surrounding domestic wells?
2. When the applicant's lot was created in 2007, the EZC limited water use to 0.25-acre foot per year and required water restrictions to be recorded against the property. Should the County be concerned about violating its own conditions of approval by the addition of a second dwelling unit ^{ON} to the property?
3. It does not appear that the County discussed the use of an advanced treatment system to accommodate wastewater from both the main house and the proposed guesthouse through a single point of discharge. Wouldn't such a condition limit groundwater risk from multiple septic tanks?
4. Has the County discussed the applicant's willingness to expand the existing home and wastewater system rather than asking for a variance for a guesthouse and second septic system?
5. Finally, is it legitimate to apply a Code that is not yet in effect as justification for a second dwelling unit but then that same Code is disregarded when it prohibits multiple septic tanks. How are current property owners protected if the County picks-and-chooses which parts of the Code apply to a variance request?