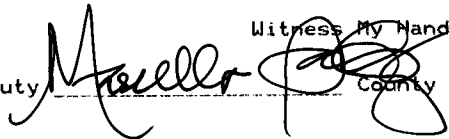


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 10, 2013

Kathy Holian, Chair - District 4
Danny Mayfield, Vice Chair - District 1
Robert Anaya - District 3
Miguel Chavez - District 2
Liz Stefanics - District 5

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12/10/13

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

December 10, 2013

1. Opening Business
a. Call to Order

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Kathy Holian, 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, Kathy Holian, Chair
Commissioner Danny Mayfield, Vice Chair
Commissioner Robert Anaya
Commissioner Miguel Chavez
Commissioner Liz Stefanics

Members Excused:

None

c. Pledge of Allegiance

The Pledge of Allegiance was led by Justin Garcia.

d. State Pledge

The State Pledge was led by Iris Cordova.

e. Moment of Reflection

The Moment of Reflection was led by Maria Sanchez of the Purchasing Department.

1. f. Approval of Amended Agenda

KATHERINE MILLER (County Manager): Madam Chair, since we posted the agenda last Tuesday, one week ago, we had a couple of items that were added. The first one is under the consent calendar, item 2.d.1, that is a resolution authorizing county manager to finalize and execute the purchase agreement and all required documents for acquisition of

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the Pojoaque ball fields. We also added item 3.c.2, that's expressing consent to the Town of Edgewood on annexation issues. Under item 4, Presentations, Matters from the Commission, B.1, we actually withdrew a recognition of the Pojoaque Valley High School volley ball team, and then under item 5, Matters from the County Attorney, executive session, we added an item, pending or threatened litigation on a PRC case with a possible action on that item. And then also, under procuring item 6.a.3, Thomas Wagner variance is tabled.

CHAIR HOLIAN: Thank you, Katherine. Any further suggested changes, Commissioners? Is there a motion for approval of the agenda as amended?

COMMISSIONER STEFANICS: I'll so move.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: There's a motion and a second for approval of the amended agenda. All those in favor.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just a reference to the postponement of the recognition of the Pojoaque Valley High School team, it's just being done – the code was coming tonight and I just anticipated that discussion taking a bit of time tonight and we don't want to keep those lovely, young ladies here all night long so we will recognize them in January. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. And on that point, I suspect that many of you who are here are in fact here for the discussion of the ordinance that is being considered on the land use code, and I would just like to alert you that that item won't be heard until after our other action items. So my guess is it would not be heard until 4 o'clock at the latest. I just want to warn you about that in case you don't want to be sitting here the entire time. .

g. Approval of Minutes

i. Approval of November 12, 2013 BCC Meeting Minutes

CHAIR HOLIAN: Any changes staff or Commissioners?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I'll move approval of the November 12th BCC meeting minutes.

COMMISSIONER ANAYA: Second.

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

2. Consent Calendar

CHAIR HOLIAN: I will note that there are several resolutions on the consent

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calendar related to financial actions and a purchase agreement. Is there anyone here from the public who would like to address the Board on those resolutions? Seeing none, do any of the Commissioners have any questions or comments on the consent calendar items that would require less than five minutes to address?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I have one little – it'll be quick. Do you want me to do it now?

CHAIR HOLIAN: Yes, please.

COMMISSIONER ANAYA: I'm looking at the resignations and appointments to the CDRC; is that under there?

CHAIR HOLIAN: Yes, yes, it is.

COMMISSIONER ANAYA: Could you just briefly for the public's edification those listening on the radio, Penny, if you could just go through those on the CDRC, County Development Review Committee is the primary land use committee that we have. I think that it's a very important committee and I would just ask that you just go through those resignations and appointments for the public and the people here in the audience.

VICKI LUCERO (Building and Development Service Manager): Madam Chair, Commissioner Anaya, there are currently, in January there are three members of the County Development Review Committee whose terms expire. One of those is Commission district 2 and the other two positions are at-large positions. We actually did notice for new members, people who are interested to fill those positions and we got a total of 17 applicants, included two which are current members of the CDRC. We received three applicants from Commission district 2, and those are Charlie Gonzalez, Bette Booth, Richard Hawkins and then we received 14 other applicants for the at-large positions: Susan Martin, Louis Gonzales, Ralph Griswold, Michael Lackner, JJ Gonzales, Jonelle Maison, Anita Leivo, Buddy Roybal, Noah Berke, Michael Maremont, Arnold Valerio, Ted Paperas, Mary Helen Follingstad and John Parks. The two members who do not get selected for Commission district 2 are eligible for the at-large positions as well.

Staff recommends that the following appointments for the CDRC: for District 2, Betty Booth, a two-year term expiring January 2016, the at-large position, Susan Martin who is a current CDRC member, a two-year term expiring January 2016 and the other at-large position Louis Gonzales, two-year term expiring January 2016.

CHAIR HOLIAN: Commissioner Anaya, any further questions?

COMMISSIONER ANAYA: Madam Chair, I think it's important at this time given the length of the terms that they served to acknowledge the service of Mr. JJ Gonzales who has been on the CDRC for 11 years and recognize him and others who have served on the committee for their service, hard work and dedication.

CHAIR HOLIAN: Thank you, Commissioner, that is a good suggestion. Perhaps we can send certificates of recognition. Thank you, Vicki.

Are there any consent calendar items that a member would like to withdraw? Seeing none, is there a motion for approval of the consent calendar?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER MAYFIELD: Second.

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

- a. **Final Orders**
 - i. **CDRC CASE # MIS 13-5200 Oshara Village Master Plan Amendment.**
Homewise, Inc. and Century Bank, Applicants, Design Enginuity, Agent, Request a Master Plan Amendment to Rezone 26 Live/Work Lots Into 26 Residential Townhome Lots (Lots 76-85 and 92-107), to Rezone 10 Live/Work Lots to 7 Residential Patio Lots (Lots 145-154) and to Rezone 17 Commercial Lots to 9 Residential Patio Lots (Lots 7-15 and 20-27). The Applicants Also Request to Create 5 Residential Patio Home Lots on Tract C Which Was Designated Reserved, Open Space. The Property is Located in Oshara Village, East of Richards Avenue, within the Community College District, within Section 16, Township 16 North, Range 9 East (Commission District 5) Vicente Archuleta, Case Manager (Approved 4-0)
 - ii. **BCC CASE MIS 13-5310 Oshara Village Master Plan Time Extension.**
Greer Enterprises Inc. (Alexis Gerard), Applicant, Requests a 24-Month Time Extension of the Previously Approved Master Plan for a Mixed Use Development (Residential, Commercial and Community) in a Village Zone, Institutional Campus Zone, Employment Center Zone and Fringe Zone Consisting of 735 Residential Units and 1.7 Million Square Feet of Commercial Space on 471 Acres. The Property is Located in Oshara Village, Via Richards Avenue, within the Community College District, within Section 16, Township 16 North, Range 9 East (Commission District 5), Vicente Archuleta, Case Manager. (Approved 4-0)
- b. **Financial Actions**
 - i. Resolution 2013-136, a Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded to Plan, Design, Construct, Renovate, Furnish and Equip the La Cienega Community Center in Santa Fe County. /\$142,500 (Public Works/Adam Leigland)
 - ii. Resolution 2013-137, a Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded for Improvements to the Santa Fe County Fairgrounds to Include Utility Upgrades and Construction of an Extension Building in Santa Fe County. /\$450,500 (Public Works/Adam Leigland)
- c. **Resignations/Appointments**
 - i. Appointment of 3 Members to the County Development Review Committee, One Member From Commission District 2, and 2 at-Large Members (Growth Management/Penny Ellis-Green and Vicki Lucero)

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ii. Appointment of Alternate Member to the Santa Fe County Valuation Protest Board

d. Resolutions

i. Resolution No. 2013-138, a Resolution to Authorize the County Manager to Finalize and Execute the Purchase Agreement and All Required Documents for Acquisition of the Pojoaque Ball Fields Property (County Manager Miller)

(End of Consent)

3. Action Items

a. Resolutions

i. Resolution No. 2013-139, a Resolution to Adopt the Tesuque Community Plan 2013 as an Amendment to the Santa Fe County Sustainable Growth Management Plan (SECOND PUBLIC HEARING)

CHAIR HOLIAN: Resolution No. 2013-139, a Resolution to Adopt the Tesuque Community Plan 2013 as an amendment to the Santa Fe County Sustainable Growth Management Plan. This is the second public hearing. Sarah, are you taking this?

SARAH IJADI (Planning Department): Good afternoon, Madam Chair, Commissioners, members of the public. I'm sorry, Sarah Ijadi, Planner with the Growth Management Department. We're here today along with the Tesuque Community Planning Committee to seek adoption of the Tesuque Community Plan 2013 as an amendment to the SGMP via resolution 2013-49; is that it? Excuse me, 139. The plan represents a two year plan efforts that followed both the County planning ordinance and policies in the SGMP and anticipates the SLDC and when adopted will provide the County and community a guide to shaping the evolution of the community for the next 10 to 20 years.

At the last public hearing highlights of the plan were presented to the Board and members of the planning committee and the community expressed their support. The BCC reviewed draft with minor changes as part of their packet and it has been appropriately noticed and available to the public. I would now to invite Margo Cutler, chair person of the Tesuque Planning Committee to say a few words. After she has finished we will stand for questions from the Board. Thank you very much.

CHAIR HOLIAN: Thank you, Sarah. Ms. Cutler.

MARGO CUTLER: Good afternoon, Madam Chair, Commissioners and members of the public. The planning committee is here today to seek adoption of the Tesuque Community Plan as an amendment to the SGMP. We believe this plan represents the vision of the community and sensible strategies and recommendations to achieve this vision. We recognize, as with the planning process, the implementation of this plan will require an ongoing collaboration between the County and the community. As with any plan we also recognize that it is not set in stone and as conditions in the community and region change, we will revisit and amend the plan as necessary.

We would like to thank the Commissioners for their advice and insight given at the last meeting and for their kind words about our plan. We will make every effort to make

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newcomers to the community aware of the plan and it is, in fact, already up on the TVC website. Thank you very much and we look forward to your vote and support of our efforts.

CHAIR HOLIAN: Thank you, Ms. Cutler. Actually, I have a question just right off since you're here and I know you're a real estate agent. When buy into the Tesuque area will they get a copy of the plan at closing?

MS. CUTLER: We're not sure that we can get the title companies to hand out plans. We're trying to make all of the real estate brokers aware that this plan has been passed and we'll use our best efforts with our board association to have the information available on the board website as well as the Tesuque website.

CHAIR HOLIAN: Thank you. Commissioners, any questions? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, Ms. Cutler and everybody in the audience from the Tesuque community and surrounding communities, you know, I'm honored to be part of this and also I think it was stated at the last meeting by Commissioner Holian and many others, I think this can serve as a model for a lot of other communities who are going to undertake the process of how things are done in a collaborative effort and how things are done, I'm going to say, right, and working in conjunction with local government and how outreach is done. So, again, I'm honored to be part of this. And with that I would move for approval of this plan.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay, a motion and a second for approval. Any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I would just like to take this opportunity to thank the Tesuque community and also congratulate you for your work and for your comment that really stands out for me, and the comment was, it's not set in stone and that it's a work in progress and that we're willing to continue to work on that. That says a lot because it is a plan. Once it's adopted I hope it's not put on a shelf to collect dust. And the implementation is where the work really is not to say that it doesn't take work to get to this point but the work continues. So I appreciate your comments.

MS. CUTLER: Thank you.

CHAIR HOLIAN: Any further discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. And thank you to the community. As I mentioned last time together to work on this and not all communities have had the cohesiveness to accomplish this. I'd also like to thank our staff who supported you in the work and I know that our work will continue to be available for questions and further development.

CHAIR HOLIAN: This is a public hearing and this is a resolution. Is there anyone here from the public who would like to comment or address the Board on this resolution? Okay, seeing none. I would just like to say from my own point of view a hearty, "Good work," to the community and to staff and I am very, very pleased to be able to vote for this today. So with that, we have a motion and a second for resolution number 2013-139.

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

3. a. ii. **Resolution No. 2013- a Resolution Directing Staff to Submit an Application for Grant Funds to the Federal Highway Administration (FHWA) Central Federal Lands Highway Division for Design and Construction of a Segment of El Camino Real Tierra Adentro National Historic Trail (Buckman Road Segment) [See Page 13]**

CHAIR HOLIAN: This is being sponsored by Commissioner Anaya and Commissioner Chavez. Who is going to introduce this?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'm looking for Mr. Burns –

CHAIR HOLIAN: Robert.

ROBERT GRIEGO (Planning Director): Madam Chair, Commissioners, send his regrets, he has a meeting.

COMMISSIONER ANAYA: What I'd like to do, Madam Chair, since it is a significant project, I'd ask the Commission if we could postpone the project until Mr. Burns is available to provide us feedback; is that okay?

CHAIR HOLIAN: Yes, that would be fine. So we will postpone hearing that item and move on.

3. a. iii. **Resolution 2013-140, a Resolution Supporting Legislation Prohibiting the Sale of E-Cigarettes to Minors**
[Exhibit 1: Washington Post article]

CLERK SALAZAR: Madam Chair, excuse me. It would still be 140 because we have not voted on the previous one.

CHAIR HOLIAN: Thank you, Madame Clerk. I stand corrected. This is resolution number 140. This is sponsored by Commissioner Stefanics and Commissioner Anaya and who is going to introduce this?

COMMISSIONER STEFANICS: I'll start and then I'm sure Commissioner Anaya has some words to say. Thank you, Madam Chair, currently, the Food and Drug Administration has not ruled or taken a position on E-cigarettes and E-cigarettes are starting to pervade our school classrooms. The legislature in this resolution is being encouraged to take up the topic to determine how the state should approach this issue. We have seen that fewer teens are smoking but more are using E-cigarettes and several entities, local governments and health organizations are starting to address this. I'll turn this over to my colleague.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think Commissioner Stefanics has encapsulated the corpus of this resolution. We need to keep these cigarettes out of the hands of our youth, out of your schools and this resolution stands behind that emphasis to do so to not allow them to be prevalent and make sure we keep them out of the hands of our children.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yeah, and I'd gladly sign on to this. It's not just the tobacco itself, which is not good, but it's all the other chemicals that they're putting in the product that adds to the – it just compounds the problem. So those reasons I think this is a good message to send. Thank you Commissioner Stefanics.

CHAIR HOLIAN: I just want to thank Commissioner Stefanics and Commissioner Anaya for bringing this forward. I have to admit that I was actually surprised to find out that minors could buy E-cigarettes. I was shocked.

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

COMMISSIONER ANAYA: Second, Madam Chair.

CHAIR HOLIAN: There's a motion and a second. This is a resolution, is there anyone here from the public who would like to comment on this resolution to the Board. Seeing none, we have a motion and a second.

The motion passed by unanimous [5-0] voice vote. Commissioner Mayfield was not present for this action, when he arrived [See below] he asked to be shown voting in the affirmative.

COMMISSIONER STEFANICS: Madam Chair, I'd like to thank our staff, Julia and Chris for working on this together.

3. b. Purchasing Actions

i. Request Approval to Award Agreement No. 2014-0011-FI/IC to RBC Capital Markets for Financial Advisor Services

CHAIR HOLIAN: Bill Taylor, is he here?

MS. MILLER: Madam Chair, he was here just a minute ago.

CHAIR HOLIAN: Okay, we'll give him 30 seconds because the next three items are his.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner.

COMMISSIONER MAYFIELD: On the last item would you please show me in the affirmative.

CHAIR HOLIAN: Commissioner Mayfield, could you turn on your mike and please speak into it.

COMMISSIONER MAYFIELD: Please show me voting yes to the prohibition of the sale of E-cigarettes to minors, thank you.

CHAIR HOLIAN: I think that would be fine. Bill, we are on 3.b.i which is the agreement with RBC Capital Markets.

BILL TAYLOR (Purchasing Director): Thank you Madam Chair and Commissioners. This request is the purchasing division's request for approval of agreement 2014-0011 with RBC Capital Markets to provide financial advisor services to Santa Fe County officials and bond counsel. We had two respondents, Madam Chair and Commissioners, RBC Capital and George K. Bond and Company. The selection and evaluation committee made their determination with RBC's proposal. With that we'll stand

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CHAIR HOLIAN: Are there any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Taylor, is this the agreement that is going to have multiple vendors or just one vendor?

MR. TAYLOR: Madam Chair, Commissioner Anaya, it is just one vendor, RBC.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Any further – yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER MAYFIELD: Second.

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

3. b. ii. **Request Approval to Award Six (6) Contracts for No. 2014-0131-PW/PL on-Call Architectural & Engineering Services, Each in the Amount of \$500,000 for a Total of \$3,000,000 Exclusive of GRT and Request Signature Authority for County Manager to Execute the Purchase Orders**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. Purchasing issued an RFP to do multiple award contracts for architectural and engineering services. These would be for structural design services. The engineering would be plumbing, mechanical, electrical type of engineering services. These contracts, as stated, is in the amount of \$500,000 for each contract per year allowed and we had multiple firms submitted, 15 firms submitted. Based on the evaluation there was a separation at point six, number six on the evaluation selection of points and so the amount of work that we have in design services we felt that, the committee felt that, six firms would adequately address our needs. So with that, I'll stand for questions.

CHAIR HOLIAN: Commissioner Chavez and then Commissioner Anaya.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Mr. Taylor, under any engineering would that include engineering of road projects and features related to roads?

MR. TAYLOR: Madam Chair, Commissioner Chavez, not necessarily. We did mention in there that there may be some civil engineering work required but this is primarily for the mechanical, electrical and plumbing in a facility. We already have on call engineering service contracts that we came I believe in the late October meeting for approval so we do that have tool in our tool box.

COMMISSIONER CHAVEZ: Okay, thank you for reminding me on that. But I wasn't sure so I wanted to bring it up now. So then this will need mostly with buildings and facilities like that.

MR. TAYLOR: Madam Chair, Commissioner, that is correct.

COMMISSIONER CHAVEZ: Okay, thank you. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Taylor, Ms. Miller and staff,

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this is an item that we've discussed in the past as a Commission being prepared to move forward with projects and their development and their implementation or projects specifically that are in the pipeline; I am very much supportive of this. I think it's progressive. I think it puts us where we need to be as far as design services and I'd moved for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: We have a motion and a second. Further discussion?
Commissioner Stefanics and then Commissioner Mayfield.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Mr. Taylor, I see that 50 percent of the awards are Santa Fe firms and 50 percent are not; is that correct?

MR. TAYLOR: Madam Chair, there are –

COMMISSIONER STEFANICS: Is it the top six?

MR. TAYLOR: SMPC – yes those are Albuquerque firms, there are two Albuquerque firms that are selected.

COMMISSIONER STEFANICS: Okay, my question is do we give points for local preference in Santa Fe?

MR. TAYLOR: That's correct, yes we do, Madam Chair, Commissioners, yes, we do.

COMMISSIONER STEFANICS: So, in this situation the points would not have been enough weight to overcome some of the other grading factors?

MR. TAYLOR: That's correct, Madam Chair, Commissioner.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Mr. Taylor, so as far as building and facilities is this all new construction or retrofitting of any existing?

MR. TAYLOR: Madam Chair, Commissioner, that's correct. It's multiple. It's renovations, upgrades, improvements, new constructions.

COMMISSIONER MAYFIELD: So knowing that we passed resolutions, lead by examples resolutions of wanting to do some transitioning to solar and retrofitting solar, is that included in this also where if we're going to be maybe taking our water heaters and heating elements – is that inclusive in this contract?

MR. TAYLOR: Madam Chair, Commissioner, that's correct. It's the scope of work, any scope of work that we provide them that has to do with design. And, just to note, we are in the process of doing facility assessments as we speak with another firm that will give us sort of a laundry list of issues in regards to energy efficiency improvements to our facilities.

COMMISSIONER MAYFIELD: Okay, so these contractors who are on the second page also have that in the repertoire of what they can do?

MR. TAYLOR: Madam Chair, Commissioner, that is correct.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Taylor.

CHAIR HOLIAN: Well, we have a motion and a second for approval to award he six contracts. All those in favor.

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

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3. b. iii. Request Approval of a Building Lease Agreement Between Santa Fe County and Bokum Burro Alley for Office Space Located at 142 West Palace Avenue, Santa Fe, New Mexico in the Amount of \$255,868.50 Annually

MR. TAYLOR: Thank you, Madam Chair. As we all know the County is leasing over 13,000 square feet in the Bokum Building across the street here on Palace. That lease is expiring the first of February 2014. We've negotiated an improved deal. This is a two-year lease agreement with one-year options. There is an additional 850 square feet that was added at the same cost. With that, Madam Chair, I stand for any questions.

CHAIR HOLIAN: Any questions?

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Mr. Taylor, the 16.50 per square foot is that comparable to downtown prices? Is that below what most people are charging?

MR. TAYLOR: Madam Chair, Commissioner, it is well below what is standard within Santa Fe City limits.

COMMISSIONER CHAVEZ: What would be the standard?

MR. TAYLOR: Madam Chair, Commissioner, it's been a little while, and I'm sure those prices have come down, but we were looking at anywhere from \$27 to \$30 a square foot in Santa Fe prices and I believe that's coming back to that level if not more at this time with the economy.

COMMISSIONER CHAVEZ: Okay, so the additional 850 square feet is – that's 16.50 reflects that additional square footage as well?

MR. TAYLOR: Madam Chair, Commissioner, that is correct.

COMMISSIONER CHAVEZ: Okay, thank you, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya and then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, this is part of our ongoing process of utilizing the space but then planning for other potential uses in the old courthouse site. And I don't want to preempt any comments the Commissioner has, so I'll defer a motion until he comments.

COMMISSIONER MAYFIELD: That's fine. Madam Chair, Mr. Taylor, and kind of in line with Commissioner Chavez's question, what are we paying again for the square foot price of the building the assessor is in?

MR. TAYLOR: I believe, Madam Chair, Commissioner, it was I believe \$28 or \$30 a square foot.

COMMISSIONER MAYFIELD: I thought it was over 40 some dollars a square foot.

MR. TAYLOR: Was it over 40?

MS. MILLER: Madam Chair, Commissioner Mayfield, I want to say you're correct, it was something like \$40, \$45. And we actually tried to move them over to the Bokum. We'll have an opportunity to revisit that one in May/June timeframe but that was an issue at the time that it was approved.

3. c. ii. Expressing Consent to Town of Edgewood Annexation and Authorizing County Manager to Execute Any Documents Necessary to the Annexation

ADAM LEIGLAND (Public Works): Madam Chair, Commissioners, with this first one I remind you that the packet material is at the front of your binders, it is not necessarily bound with the rest of the packet material. As the Commission knows the town of Edgewood when they originally incorporated they did it in sort of a checkerboard pattern and if you refer to your packet material you'll see a large map and you'll get a sense of what the checkerboard looks like. The area hatched is the current town boundaries and then the white portions are what's still County. That checkerboard pattern is somewhat unacceptable for both political jurisdictions. It makes the road maintenance, in particular, difficult and that is why this is coming forth as a public works item. If you look on this map you'll see that the green roads are the current County roads. So the town of Edgewood has been trying to solve this checkerboard annexation and part of the process is that they need some sort of formal consent from the governing body of Santa Fe County. Their lawyer about three weeks ago submitted a letter to the County asking for consent. That letter is listed as attachment 2 on your packet material. There was some confusion about the actual roads involved and so now we settled these too and it is before the County's consent to annexation and to authorize the County manager to sign documents that the Boundary Commission or other documents that may come up through this process.

With that, Madam Chair, I stand for any questions.

CHAIR HOLIAN: Thank you, Adam. Any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval.

COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: There is a motion and a second for approval. Is there any further discussion?

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

CHAIR HOLIAN: I note that Mr. Steve Burns is now here, is that correct?

COMMISSIONER ANAYA: That's correct, Madam Chair.

CHAIR HOLIAN: So we will go back to the resolution regarding the grant for the construction of the El Camino Real Tierra Adentro.

3. a. ii. Resolution No. 2013-141, a Resolution Directing Staff to Submit an Application for Grant Funds to the Federal Highway Administration (FHWA) Central Federal Lands Highway Division for Design and Construction of a Segment of El Camino Real de Tierra Adentro National Historic Trail (Buckman Road Segment) (cont.)

CHAIR HOLIAN: Mr. Burns.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Oh, yes, Commissioner Anaya.

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COMMISSIONER ANAYA: Madam Chair, Commissioner Chavez and I are going to read in the resolution and then defer to Mr. Burns to provide a snapshot of the proposed grant and the process that we're going to go through as we go through the application for it.

A resolution directing staff to submit an application for grant funds to the Federal Highway Administration Central Federal Lands Highway Division for design and construction of a segment of El Camino Real de Tierra Adentro, National Historic Trail, Buckman Road Segment:

WHEREAS, the United States Department of Transportation Federal Highway Administration administers the Federal Lands Access Program, FLAP, under 23 U.S. C. 204, established under Section 1119 of the Moving Ahead for Progress in the 21st Century Act MAP-21, Public Law 112-141;

COMMISSIONER CHAVEZ: WHEREAS, the State of New Mexico has been allocated FLAP program funds in the amount of \$14.4 million dollars for states, counties, tribes and local governments for the current funding cycle, which program provides funds for transportation projects that provide access to, are adjacent to, or are within Federal lands with emphasis placed on those that access high use recreation sites and are Federal economic generators, but which require that such a facility supported by federal grants be owned or maintained by the state, tribe or local government.

COMMISSIONER ANAYA: WHEREAS, El Camino Real de Tierra Adentro, Royal Road of the Interior, National Historic Trail was added to the National Trails System by the United States Congress in October of 2000 and is recognized throughout the United States of America and Los Estado Unidos de Mexico as a timeless route of trade and cultural exchange;

COMMISSIONER CHAVEZ: WHEREAS, the National Trails System Act, calls for the development of a national system of trails near urban areas, within scenic areas, and along historic travel routes of the Nation;

COMMISSIONER ANAYA: WHEREAS, an approximately 20-mile segment of the el Camino Real de Tierra Adentro National Historic Trail identified as the "Buckman Road Segment," described on Exhibit A hereto, falls within Santa Fe County and generally connects to the El Camino Real Park along the Santa Fe River Trail near NM Highway 599 to point along the historic route of El Camino Real near La Cieneguilla, and has been identified as an eligible project under the FLAP funding guidelines and illustrated generally on Exhibit A;

COMMISSIONER CHAVEZ: WHEREAS, the 2010 Sustainable Growth Management Plan, adopted by the Board of County Commissioners by Resolutions 2010-210 and 2010-225, states under Section 6.2.2 that the current Open Space and Trails Program relies on partnerships and collaboration with over 75 local, state, and national agencies, associations and non-profits to accomplish its work that is important to cultivate these relationships and to seek out grants and other creative avenues for funding in Section 6.2.3.3 that an expanded and well maintained trail network will attract tourists who are looking for an outdoor recreation experience and that trails also provide a green alternative to non-motorized transportation and are an amenity that improves the quality of life in the community;

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COMMISSIONER ANAYA: WHEREAS, the National Trails Intermountain Region Office of the U.S. National Park Service has taken a leadership role in advancing a collaborative approach with Santa Fe County, the Bureau of Land Management and the National Forest Service to develop a trail master plan for the Buckman Road segment;

COMMISSIONER CHAVEZ: And, WHEREAS, the Board desires to direct staff to apply to the Federal Highway Administration (FHWA) Central Federal Lands Highway Division for FLAP funds for design and construction of El Camino Real de Tierra Adentro National Historic Trail also known as the Buckman Road Segment.

COMMISSIONER ANAYA: NOW, THEREFORE, BE IT RESOLVED: that the Santa Fe County Board of Commissioners direct staff to apply for a grant from the Federal Highway Administration, Central Federal Lands Highway Division for design and construction of el Camino Real de Tierra Adentro National Historic Trail/Buckman Road Segment, and authorizes the County Manager to execute any and all documents necessary for the grant application.

Mr. Burns, if you would come forward and provide us another overview of the project and speak to briefly the process that this resolution affords us to work collaboratively with you and the other partners to try and achieve in addition to collaborations and communications with residents in La Cienega, La Cieneguilla and other areas that would be potentially affected.

STEVE BURNS (USFS): Commissioner Anaya, Madam Chair, Commissioners, let's see if I can provide a little bit of an overview of kind of where we're at right now and what's happening since I last was here and very very briefly just presented the idea of development of the trail and the possibility of FLAP funds or pursuing FLAP funds in a partnership collaborative effort with the County.

Since then and kind of as a result of the general nodding that it seemed to be a pretty good project to pursue, our office had initially contacted with TRIPTAC which is a federally funded office with [inaudible] alternative transportation bills some time ago that provides technical assistance to other federal agencies in the area of transportation planning, transportation and they were read through a whole bunch of potential projects in our office was looking at that they could help us with and the one that rose to the top was this particular project and was a result of our discussion since then they, in fact, through their weight behind or their weight of resources behind this project and contracted out with a landscape architecture/ multidisciplinary firm in Portland, Oregon to help us being to look at whether or not this was something that could be pursued and a multi-partnership with the County, the National Park Service, the Bureau of Land Management and the US Forest Service in pursuing the FLAP funding.

As a result of that we began in earnest discussions with the County staff to begin to explore this and to look at whether or not we would reach this day and an actual resolution to pursue the FLAP funds. We had some public meetings with in the La Cienega community center and as a result of that have made some adjustments based on concerns and discussion which are all very, very preliminary to begin to even begin to consider whether or not there was enough of an alignment of interest to pursue the project focusing on the Buckman Road and the requirements of a FLAP funding which are a local government to use their federal money to access federal lands. So there's a required partnership for the FLAP funds so the

County being the lead local government, the federal lands being Bureau of Land Management and the US Forest Service and so far the agencies are the agencies are all on board and, of course, our office is also as part of the mission and mandate of the National Trails System Act in establishing this trail.

So that's kind of a broad overview of where we are today. I want to defer, however, to Lisa Roach, the County staff, who has been working, really doing the heavy lifting with the resolution and also with the FLAP, reviewing the FLAP application and the criteria and efforts that is before you with this proclamation.

COMMISSIONER ANAYA: Before, talk about two things and maybe if you'd like to as well, non-motorized trail segment that I think is important to note and also that this also us also the continued engagement of not only the partners of BLM, Park Service and the Forest, the County it continues an open dialogue of collaboration and communication including people in the communities that would be potentially affected, correct?

MR. BURNS: Yes, it's really important. The specific funds that are being requested are for completing and – necessary public involvement in planning for some specific alignments and construction. Without this, without the FLAP money we're kind of dead in the water in even pursuing the idea of making this connection. And, I think it's really important to note that this is really building on something the County has already been working on with the City and to some extent with our office and like I said, to wit, to our office in developing the portion of the National Historic Trail that follows the Santa Fe River in which plans have already been underway for a number of years. And it was identified as I think the River Drainway Trail but it's branded now as a National Historic Trail because it meets all of the criteria and is exactly what the Trails Act intends, not that the National Park Service is going to come in only acquire or build the trail, necessarily, but to partner with others. So that's exactly what has happened and this project is connecting to that existing effort and extending it along the oldest segment of the Camino following Buckman Road and tying into existing facilities that are already in place at the US Forest Service with the trailhead that they have built some years ago. So it's really connecting the dots here and connecting efforts that have already been underway for quite some time.

CHAIR HOLIAN: Commissioner Chavez, you have a question for Mr. Burns?

COMMISSIONER CHAVEZ: Yes, I do. Thank you, Mr. Burns. I want to step back for just a minute because the County along with your agency and the help of others has gone through and extensive effort of marking Agua Fria as the original route of the Camino Real. The County will be investing some public money in working with the Agua Fria Village to place a monument in or around the Village that will also commemorate and recognize the Camion Real. There is a symposium that will be hosted here in Santa Fe that will focus on, from what I'm understanding three significant trails: the Santa Fe Trail, the Old Spanish Trail and the Camino Real. So this grant is focusing on a portion on a portion of that Camino Real, the Buckman Road segment; how many miles is that, do you know right off hand?

MR. BURNS: It depends on kind of where to the south you start but it's somewhere in the range of 10 to 15 miles.

COMMISSIONER CHAVEZ: So that's 10 to 15 miles in that segment of the

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Camino Real and I think most of that is undisturbed; is that correct?

MR. BURNS: Very pristine. Yeah, I would say that the most amazing part of this segment is how evocative it is. I want to say that when you're on this segment of the trail you're standing in 1598 because the landscape is essentially pristine and unchanged. Setting aside much of the utility corridor that exists there, looking at the broad setting of the landscape Oñate would recognize that area if he were here today.

COMMISSIONER CHAVEZ: So I think these are the segments that are more sensitive and the ones that we want to protect if we can now before any development does move in and it's absolutely comports with the attempt of the National Historic Trail. There's a preservation complement that is part and parcel to the National Historic Trail idea and the development portion which is the public use.

So how, if you can, how does all of this moving forward, I know this is 2015, but moving forward how does all of this tie into that symposium?

MR. BURNS: Commissioner Chavez, I'm glad to brought up the 2015 symposium because this really is connecting the dots in that we already have been working with the County in developing the trail and it's visibility here in Santa Fe and much of it in anticipation of having some real on the ground visible trail experience available for those conference attendees who will be here in 2015. It's really a target for our office to have visibility to partner on efforts right here in Santa Fe in our backyard. We administer nine national historic trails that cover about half of the country. It's very unusual for us to have the opportunity to come to a county commission meeting like this and to engage so intimately in projects on the National Historic Trails for all of the nine we administer but we can here because we're – because our office happens to be here. So we are really aiming to have high visibility of the National Historic Trails, three of them, to the extent that we can advance any efforts for that symposium. So the Agua Fria Village project, the monument as well as the signing along Agua Fria as well as the development of the retracement trail along the river, all of that is part of this effort and this ties together to that and I think if this all comes together and the stars continue to align there will be significant not only visibility of the National Historic Trail and the Santa Fe Trail – I might add that maybe some of you may have noticed the original route signs along the Old Santa Fe Trail, it is all part of this effort for visibility. But I think more importantly, it gets to the heart of what we're trying to do which is to create as Congress intended public appreciation and public access of these national historic trails that they can vicariously experience our heritage that can only be found by following these historic routes and learning about our history as you literally walk in the footsteps of our ancestors.

COMMISSIONER CHAVEZ: So, Steve, if we could, I want to connect the dots. So the Santa Fe Trail is from Santa Fe to Missouri?

MR. BURNS: Yes, it's a little bit braided as you get to the Missouri River because – well, for several reasons – they moved the ports up the river along Kansas City so it's Independence, Westport Landing so it's a little bit braided but generally it's the Missouri River and then it's the railroad was built, kind of the beginning point on the east end migrates further and further to the west. But, generally, the beginning point, more or less in Kansas City is a good area.

COMMISSIONER CHAVEZ: Okay, and then if you could connect the dots

between Santa Fe and somewhere in California, the Old Spanish Trail.

MR. BURNS: I haven't worked a lot on that trail so I'm less familiar with the Old Spanish Trail and it's one of our newer trails and it's still in the planning stages so – the baton hasn't been tossed off yet to the landscape architects.

COMMISSIONER CHAVEZ: But it's a land route between here and somewhere in California?

MR. BURNS: Yeah, San Gabriel Mission – Mission San Gabriel, and that's one is also very braided.

COMMISSIONER CHAVEZ: Also, and very obvious, the Santa Fe to El Parral or Chihuahua is the Camino Real –

MR. BURNS: It actually terminates in Mexico City. So the official beginning and ending points are Ohkay Owingeh formerly San Juan Pueblo which this segment that is in discussion is the oldest segment that Oñate took before the capitol was moved in 1609 to Santa Fe he continued north into San Ildefonso, it split on both sides of the river and connects it in San Juan or Ohkay Owingeh Pueblo and then south all the way to Mexico City.

COMMISSIONER CHAVEZ: So for those who like history, the symposium is going to be really interesting. I'm really looking forward to it. I think this groundwork, this work that is being done now is a groundwork, I think, for that symposium. The pieces seem to be falling in place. We're not fabricating anything. We're recognizing the history that we have in the area and so I'm really excited that this is before us.

But I would like to ask on the matching funds because there is always the fiscal side, what is the County's match? I don't know if staff wants to respond to that because there is a grant match and there are different dollar amounts and I just wanted to get a handle on what that total dollar amount might be. I think it's a good investment but I would just like to know what the overall dollar amount for our match would be.

CHAIR HOLIAN: Ms. Roach.

LISA ROACH (Open Space Planner): Madam Chair, Commissioners, I'm Lisa Roach, the County's Open Space and Trails Planner, Planning Division, Growth Management Department. The required match for FLAP funds is a 15 percent match. If we're looking at approximately \$1.5 million as and ask for FLAP funds the match requirement would be approximately \$225,000 from the County which could be met by some combination of cash and in kind contributions.

COMMISSIONER CHAVEZ: Is there a minimum of in kind cash contribution that we would be expected to provide or budget for?

MS. ROACH: Madam Chair, Commissioners, I believe there is no minimum of cash to meet that requirement; however, the Board may consider providing say half of this match in the form of cash by prioritizing the project on the Capital Improvements Plan.

COMMISSIONER CHAVEZ: Okay, and I appreciate that and I do also appreciate the match is recognizing County staff time because of their project management and qualifications for planning, they're recognizing in-kind soft match also. That's good. But I think when push comes to shove the dollars are going to make a difference and I just want us to be prepared for that. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Ms. Roach, is there anything else you'd like to add?

MS. ROACH: I would just like to add that initial discussions about how the FLAP funding would be used would be directed toward both the design phase and a construction phase. A design phase would include more detailed master planning, additional public outreach, detailed design and compliance for environmental review requirements and the construction phase would focus on the portion of the trail on Buckman Road connecting to the Forest Service trailhead just north of the transfer station and then potentially connecting down through the Santa Fe River Greenway along Caja del Rio/CR 62 so those are the initial connections we have been playing around with but additional outreach and planning is needed in order to get to that first phase of construction.

The initial public meeting and discussion with property owners have indicated both concerns over and support for the trail concept and additional public outreach is needed.

CHAIR HOLIAN: Thank you. Are there any further questions? Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Just one final comment. I do also appreciate the memo recognizes that there will be an ongoing operation maintenance need once this trail is built and they're estimating that it would be 2,500 a mile for 21 miles of trail or 52,500 and I don't know if that's for the year. But anyway, I think it just recognizes that when we build something, if it's worth building we need to maintain it and there's a price in that as well. So I just wanted to highlight that. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. And Commissioners, thank you for bringing this forward. And I'll ask this and I know our County attorney is out of the office and I'll just leave it at that so whoever can answer this question, maybe Penny Ellis-Green can answer this. And, I'm going to ask this question tonight later on in the meeting – so if we would approve this, and I think it warrants approval, but would our Sustainable Land Development Code be applicable to this? Would this trail have to be built to whatever standard we approve tonight?

CHAIR HOLIAN: Penny.

COMMISSIONER MAYFIELD: Or is this code that we're going to approve tonight only be applicable to the constituents that we're pushing it on?

ROBERT GRIEGO (Planning Manager): Madam Chair, Commissioner, let me address the first part of that. If the approval of this grant is that the County will work to pursue this one of the mechanisms in the Sustainable Land Development Code would be through the official map in addition to the CIP. The trail standards we are looking at the trail standards, some trails are not all the same type of standards, so we are proposing some changes to the trail standards for you this afternoon in regard to allowing additional multiuse trails in addition to the sub-surfacing. This would not be as improved to the trail as it would be in more of an urban area. I think the idea that we would create standards that would be applicable to the Land Development Code. So those standards would be addressed after –

COMMISSIONER MAYFIELD: Madam Chair, Mr. Griego, but I would presume or assume that some of this trail would be going through some of our urban area not just the rural area of Santa Fe County.

MR. GRIEGO: Yes, that is correct –

COMMISSIONER MAYFIELD: Are there going to be different trail

standards for this trail?

MR. GRIEGO: Yes, there are trail standards that we have identified that would fit. There are different types of trail standards.

MS. ROACH: Madam Chair, Commissioners, the change that has been proposed to the trail development standards in the SLDC recognizes the difference between a hard surface multiuse path and a lower-level of service or as pedestrian, hiking, equestrian type of trail more rural in character. The trail development standards that would be included in the SLDC would apply to the development of this trail.

COMMISSIONER MAYFIELD: But, again, Madam Chair, if this is going through urban area and it continues on through a more rural area it would change the design of this trail?

MS. ROACH: Correct, the design may change between the --

COMMISSIONER MAYFIELD: Depending on what we do tonight, if we do anything tonight.

MS. ROACH: That is correct.

COMMISSIONER MAYFIELD: Thank you, that's all I have, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate all the comments. I appreciate, Commissioner Mayfield, your comment relative to the trails. I think as you were speaking about it I received a lot of feedback and I appreciate that staff is working through modifications but there is a need in different areas, just like in the wilderness area where you have a natural trail or a trail that is developed but doesn't have any other manmade additions other than maybe utilizing natural resources to divert water to keep it off the trail. But I think I appreciate the questions and I think that we have to take that into consideration.

One thing I would add associated with this, I would ask our open space committee to review this process as it goes forward and provide feedback and recommendations associated with potential resources. I, for one, am ready to also commit my own dollars that I have from my resources to help with that match issue and I appreciate that Commissioner Chavez brought it up.

And I just want to read a segment from the fiscal impact report that talks about what the essence of this is. I think the bottom line as Commissioner Chavez articulated better than I can is that it's a preservation of a historical monument from my perspective and continuing that rich history that we have in the region that will essentially provide substantive recreational trail for hiking, mountain biking, trail running, nature walks and equestrian activities and I know that we have a lot of equestrian folks with us today that are going to speak to those issues but I think it's an opportunity for us to take a piece of history that we haven't been able to preserve and provide some preservation and use of it so that people can utilize it better.

So with that, Madam Chair, I would move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Motion and a second. First of all, this is a resolution. Is there anyone here from the public who would like to address the Board regarding this resolution? Is there any further discussion?

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

CHAIR HOLIAN: Thank you very much, Mr. Burns. Thank you very much, Ms. Roach. This is an exciting thing to go forward for our community.

We are now on the issue which I think practically everyone is here for which is considering the ordinance, the Sustainable Land Development Code ordinance. I think that it would be good for us to take a short break. I'll say a 15-minute break and we will reconvene at 3:30. I think it is going to be a lengthy discussion – we will reconvene at 3:30.

[The Commission recessed from 3:15 to 3:40.]

3. e. Ordinances

i. Ordinance No. 2013-___, the Sustainable Land Development Code (SLDC) [Exhibit 2: Proposed Amendments; Exhibit 3: Submitted Public Comments; Exhibit 4: Aldea comments; Exhibit 5: Oralynn Guererrortiz comments re: road standards]

CHAIR HOLIAN: I would like to call this regular meeting of the Board of County Commissioners back to order. It is now 3:40 p.m. We are now on 3.e, under ordinances and we are going to be considering the ordinance to implement the Sustainable Land Development Code. I want to say a few words in introduction. First, Penny Ellis-Green our Land Use Director and Steve Ross our County Attorney will describe the state of the adoption draft of the code that is in front of us. She will outline the changes that have been made to this code since its initial release last September. Then we will have public comment. Can I see a show of hands of how many people would like to comment? Okay, I will allow two minute per comment and if there is anybody who would like to cede their – who is here and would like to cede their time to a spokesperson that will be allowed.

Then, if there is a motion for adoption of the code and a second, we will first have questions for staff and discussion on the code. And then if the Commissioners wish to make amendments to the adoption draft of the code, we will consider those one at a time. I will require that there is a motion and a second for each of the amendments and if so then we will have discussion on that proposed amendment and then there will be a vote on the amendment by the Commissioners. And there are some forms which staff has prepared which will allow us to document exactly what the amendment was so that staff will understand what we voted on, exactly what we voted on. When no more amendments are put forward we will then have a final vote on the code with all of the amendments that did pass prior to that.

Steve, can you tell me whether this process that I have outlined is consistent with our rules of order?

MR. ROSS: Madam Chair, it is.

CHAIR HOLIAN: Thank you. My goal in considering this ordinance, and it's quite complex, is in a spirit of openness and transparency I want this to be a clear process. I want it to be understandable for the staff, for the Commissioners who are doing the voting and for the public. So with that I will now turn it over to Penny.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Madam

Chair, Commissioners. I put in front of each of you a packet that includes the adoption draft changes dated December 10, 2013, a use table that is in redline and then some final proposed SLDC amendments from the staff. So that's the packet that I'm going to go through. And, also Robert is going to hand out some comments that were forwarded to staff today just so you have all the public comments. From the adoption draft changes, the December 10th packet that is about 54 pages long, what I'm going to go through is the highlighted areas in yellow. Those are the things that are changes between the December 3rd meeting and today's meeting. They start on page 3, with the deletion from 1.15.6.3, the subsequent applications, we're deleting the second paragraph because it is addressed in chapter 4. On page 4 of that document there is an amendment to 2.1.5.1 which is the community planning –

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just for my clarification, the audience clarification – Penny, I'm going to ask for you to go through this really slow for me. I'm going to ask that it be put up on the board up here and I'm going to also ask when this document was given out?

MS. ELLIS-GREEN: Okay, Robert will work on getting this up on the screen. This document was put on the webpage last Friday at the December 3rd meeting we did commit to get this document out on Friday. So it was sent out to our email list and it was put on the webpage on Friday and it was sent to the Commissioners on Friday.

COMMISSIONER MAYFIELD: Okay, and I know when I received, Madam Chair and Ms. Green, so when was it sent out to the public?

MS. ELLIS-GREEN: It went out to the public about 20 minutes after it was sent to the BCC.

COMMISSIONER MAYFIELD: That was after 3 p.m. on Friday?

MS. ELLIS-GREEN: It was about 3, 3:30 p.m. on Friday.

COMMISSIONER MAYFIELD: Okay, and, you have also indicated that there have now since been subsequent changes as of today?

MS. ELLIS-GREEN: Madam Chair, there are a few additional changes that we're recommending that we put on a form. We did get some last minute recommended changes from the State Historic Preservation Office so those are included and a couple of other errors that were brought to staff's attention.

COMMISSIONER MAYFIELD: Okay, and, I don't know if any other Commissioners have seen those changes but I know I have not seen those changes as of yet.

CHAIR HOLIAN: Penny, you will be going through those changes, correct?

MS. ELLIS-GREEN: Madam Chair, I will be. I have put them in front of everyone. I did email them out about noon today but they weren't out any earlier than that.

COMMISSIONER MAYFIELD: And, Madam Chair and Ms. Ellis-Green, anybody, just clarify for me, has this Commission decided that we are voting on this today? Has there already been a decision made to that?

CHAIR HOLIAN: Commissioner Mayfield, I will answer that question since I am responsible for the agenda. This is on our agenda for action. It will be voted on if there is a motion and a second.

COMMISSIONER MAYFIELD: Okay, but, again, there has not been a

rolling quorum or anything if we would be voting on this today.

CHAIR HOLIAN: Commissioner Mayfield, it has been my decision to approach the process this way.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: And my decision alone.

COMMISSIONER MAYFIELD: Thank you.

MS. ELLIS-GREEN: Thank you, Madam Chair, Commissioners, so continuing on page 4, under 2.1.5.1 for the amendments of community plans now reads, amendments to an area, district or community plan shall be accomplished by a procedure determined by the Administrator and may involve applicable sections of Section 2.1.4.5 as applicable. We have deleted a section in 2.1.5.2.2, an application to amend any plan described in this chapter. That portion has been deleted. 2.1.5.5, the final sentence, the Planning Commission shall issue a development order has been deleted. Under Chapter 4 on page 5 of your document on Table 4.1 it reads, area district or community plan. And that's been amended to read area, district, community plan or plan amendment. The next change on your document is on page 9, under 5.7.4, the applicant shall provide proof of legal access to the property. We have deleted from a public road.

The next change is on page 14, under traffic impact assessment, 6.6.3, we are now quoting the New Mexico DOT State Access Manual requirements so the sentence reads, The TIA shall follow the NM DOT State Access Manual requirements which requires a general assessment for [inaudible] impact projects which generate less traffic – oh sorry – which generate little traffic and a detailed analysis for those projects that generate larger traffic volumes. These large impact projects will require a detailed – and then it goes on with the rest of the sentence. Page 15, flag lots, 7.3.1.6, we've added a sentence that says except when creation of such a lot cannot be avoided due to the circumstances existing on the property. On page 16, under the easement section we have added a statement regarding acequia easements, 7.4.7, all structures excluding walls and fences must be set back a minimum of 15 feet from the centerline of any acequia, ditch, lateral or drain under the authority of the acequia association, organization or irrigation district. Minimum setback requirements can be waived if easement is otherwise prescribed by a recognized acequia association or irrigation district. Applicants shall provide notice to impacted acequia associations, organization or irrigation districts of development projects within 25 feet of an acequia, ditch or lateral or drain.

On page 18 and 19 on the road standards we added an asterisk on sidewalks and bike lanes are not required if a 10 foot wide multiuse paved trail is provided located adjacent to the roadway. That is actually one change that we are recommending later. We will show you that that we're recommending that that actually be deleted due to MPO and other concerns.

The next change is on page 22. And we added in under the quantity and quality in general under water supply, residential dwelling per annum. Under community water systems on 7.13.7.1 number 5, deleted, on which the subdivision is to be located. And we added in to be subdivided.

On page 23, 7.13.7.2 shared well and individual wells, this change was brought up at the last BCC meeting, the last public hearing. We added in shall possess a valid permit, vested right, adjudicated right, or license issued by the OSE. And we deleted the word

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license in that sentence later on. Under number 12, we deleted an individual and we added in single domestic.

On page 24, the top, we added in the word, well. 7.13.7.3, still on page 24, we deleted the word each. 7.13.7.4, standards for reconnaissance reports we deleted g after consideration of reconnaissance report the administrator determines that sufficient information has been provided from which to make a determination of water availability. On page 25, we changed a footnote. The footnote is number 4, and it says see footnote 6.

On page 26, which is still part of 7.13.11.2, outdoor conservation, number 5, we added in such approved systems include but are not limited to evapotranspiration based controllers. 7.13.11.3, indoor conservation, this section was rewritten per the last BCC meeting we had a gentleman speak about the wording for the EPA watersense certified. So it now reads, Water conserving fixtures shall be installed in all new construction, in all new remodels and renovations when a fixture is being replaced. A) all toilets and flush urinals shall be EPA watersense certified or equivalent. B) all lavatory faucets shall be EPA watersense certified or equivalent and C) all showerheads shall be EPA watersense certified or equivalent. 2) Water conserving appliances shall be installed in all new construction, remodels and renovations when an appliance is being replaced. A) residential dishwashers shall be EnergyStar certified or equivalent and B) residential clothes washers shall be EPA EnergyStar or equivalent. We took out the language that that replaced.

Then on page 27, under trail requirements, trail standards, 7.15.3.4.6, we took out the requirements for 4 inch thick concrete. And under number 7 on the same section we added that multiuse trails should be designed in accordance with approved plans, may be constructed of concrete, asphalt or other hard surface, permeable materials including compact crusher finds. We have actually recommended changes to that section which we will get to later.

The next change is on page 39, and this is under rural commercial overlay, under dimensional standards, we added in minimum lot size for a non-residential use within a rural commercial overlay is 2.5 acres in the AR RUR, RUR-F, RUR-R, RES-F, RES-E.

The next change is on table 12.1 on page 47, the level of service for water for non-residential will be determined by the Administrator based upon the water budget approval and the sewer level of service must be in accordance with 7.13.10. And the next change is on page 53, we deleted the definition for Q as we're no longer have that within our code. And then on the final page, page 54, we did search and replace impact fees with development fees.

We searched and replaced must with shall. We searched and replaced development agreement with voluntary development agreement and amended the related paragraphs to make it clear it is voluntary, and, again, this is only regarding the final development agreement that is issued. And we numbered as it was needed.

So those are the changes that we did. The next change to go through is the use table and on that document, again, highlighted in yellow are our changes from the last meeting and on appendix B.2, services, we clarified that by adding in including pest control, janitorial, landscaping, carpet, upholstery and cleaning. And then the next change on that appendix is on page B.6, the stables and other equine related facilities, we amended to say, all personal use and commercial up to six horses and the second row stables would be stables and other equine related facilities commercial over six horses. And there's a reference to an activity

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code from the land base classification on that. So those are the documents that were sent out last week.

The next thing to go through are these additional changes. The first one is 1.11.7 we recommend taking out, not subject to the SLDC. That statement was suppose to state that a previously approved division, the division itself wouldn't have to go back through the code. So it would be legally recognized as an existing lot.

COMMISSIONER MAYFIELD: May I have a copy of those please?

CHAIR HOLIAN: Commissioner Mayfield, it is in your packet.

COMMISSIONER MAYFIELD: Where?

CHAIR HOLIAN: Underneath the use table in your packet.

COMMISSIONER MAYFIELD: I have my old use table, Madam Chair.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, Robert is bringing another copy.

COMMISSIONER MAYFIELD: Let me ask also, what was this amended form for amendments created that the Commissioners were asked to create?

MS. ELLIS-GREEN: I believe that was yesterday.

MS. MILLER: Madam Chair, Commissioner Mayfield, at the last BCC hearing on this the Chair set a process that she'd like to follow. We prepared a form in order to try and follow that yesterday, it was developed by staff and presented to the Commission as a way of actually writing something down so you could see any proposed amendments.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, so as we've tried to follow a process of openness and transparency in government where we have all of our packet material available for ourselves and for all of the general public; have all of the public have copies and access to these forms also and seen all of these changes?

MS. MILLER: Madam Chair, Commissioner Mayfield, no, it was just something that was developed yesterday for the process of putting amendments forward today. We had not been previously been doing amendments that were voted on by the Board so they were proposed changes as Penny had outlined them just today. That's how they had been done previously. But, as I said, at the last meeting, it was requested that at this particular meeting if we made changes from the version that was printed up on Friday that those would be done by a motion and a second. So we wanted to provide you with an actual form in order to do that so everybody could see them.

COMMISSIONER MAYFIELD: And, Madam Chair, Ms. Miller, Penny, whoever has done this – so how were these proposed? Because I have received a lot of comments. I'll speak up, I'm sorry. I received a lot of comments and I've even pushed all of those comments to staff. Some of those comments were, well, changes are made by the last person who gets the last comment in. So is that how these – is that how these changes are made by who got the last comment in?

CHAIR HOLIAN: So, Katherine, could you address how you decided which amendments to put on these forms for this meeting.

MS. MILLER: Madam Chair, anything that has been proposed since the document that you have in front of you that was given on Friday and the document that Penny just read, anything that has been proposed since then, since at the last meeting on December 3rd it was committed that we would get a clean document to all of you and on our website.

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So anything that has come since then as a proposed amendment, we developed this form yesterday to say put it on there to make sure that it gets in writing to you because we didn't want things – for just what Commissioner Mayfield had said, if somebody says something yesterday that it gets changed. We wanted to make sure that you would see that it is in writing for all of you.

COMMISSIONER MAYFIELD: Thank you. So, Madam Chair, Ms. Miller, so, then am I to be assured that every single email I received that I forward to you or everyone that any other Commissioner has or anyone that staff has received individually via the technology or via telephone call has been put on one of these forms that I'm going to be seeing tonight?

CHAIR HOLIAN: Um, Commissioner Mayfield, if I might address that.

COMMISSIONER MAYFIELD: Yes.,

CHAIR HOLIAN: These are not all the comments that we have received. Now, first of all these have not been added to the adoption draft of the code. These are all proposed amendments which we the Commissioners will vote on tonight. This is just a way of documenting them.

COMMISSIONER MAYFIELD: Madam Chair, again, my question is I don't know if there's 100 proposed comments on it or the one that is in front of me tonight that staff has made the decision to put in front of me tonight.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, what we looked at is where we thought – like something that really definitely needed changing. So as I go through these I can explain where they came from and why we recommend them. There's a total of six of them and one of them was directly from a reviewing agency comment from the State Historic Preservation Office that was not received until after the document was put out on Friday.

CHAIR HOLIAN: So, Penny, as you go through these would you enumerate where the suggestion to have this amendment originated and why staff decided that they would recommend that these amendments be put forward.

MS. ELLIS-GREEN: Okay, the first one is on 1.11.7, we're recommending taking out not subject to the SLDC. That section would still read that a previously approved subdivision and land division and platted land divisions and subdivisions and the lots created thereby shall be recognized as legally existing lots. If you have a legally existing lot and later on in two years' time you want to build a time, then at that point you are subject to the SLDC. So that's why this could be read incorrectly and we realized we did not want that language to be in because we have a lot of previously approved platted lots, every lot that is out there right now has previously been platted. So what is existing on the lot is grandfathered or legal but any future development would need to meet the SLDC. So that was really a typographical error that we realized could be read incorrectly.

The second change is Table 6.1, and this was from numerous comments from some of the development agencies as far as regarding major subdivisions. Major subdivisions are now considered subdivisions of six or more lots and what this will do is breakdown the major subdivisions to 24 or fewer lots and 24 or above for the required studies reports and assessments. And, so that would leave the water study, the fiscal impact and the environmental impact as an as-needed depending on the actual application for a major

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subdivision of 24 or fewer lots. So again, that had been a comment, it had been a comment actually at our last public hearing and it had been a comment that we received – I actually had a meeting with several developers yesterday who had recommended that change.

The next is on 7.11 on the road standards, the text underneath the two tables where it says sidewalks and bike lanes are not required if a 10 foot wide multiuse paved trail is provided located adjacent to the roadway. I think a lot of people received comments from some consultants and the MPO that objected to that language. That had been language that we added in so at this point we would recommend deleting that since we did hear from the MPO yesterday and today. In addition to that the trail standards we had made some changes to so the fourth change, I believe you have in front of you, is on 17.15.3.4 would now read under 3, minimum trail widths for multiuse trails shall meet ASHTO criteria for bicycle facilities with a 30 foot easement and deleting trails identified on the official map shall be 5 foot with a 20 foot easement. Again this came from the MPO and our Public Works Department. Number 4 would read, minimum trail widths for all other trails shall meet US Forest Service Trail Management Handbook FSH 23.09-18, criteria for trail development with a 20 foot easement. Number 6 would now read, surfacing for multiuse trails shall be designed and prepared in accordance with ASHTO criteria for bicycle facilities; deleting trails shall be prepared and designed in accordance with the approved plans and may be natural or other permeable soft surface, may be constructed of concrete, asphalt or other hard surface permeable materials. And number 7, changing that to read surfacing for all other trails shall be designed and constructed in accordance with the US Forest Service Trails Management Handbook FSH 2309.18, criteria for trail development. Taking out multiuse trails shall be designed in accordance with approved plans and may be constructed of concrete, asphalt or other hard surface, permeable materials including crusher finds.

The fifth change came directly from the State Historic Preservation Office and it does quote some additional standards. I did ask legal to look at this and they have found a few additional typographical errors, so I will read through that. This is under 7.16.2, the first change, rather than saying list of registered cultural properties, it is actually called the New Mexico Register of Cultural Properties. And instead of State of New Mexico Department of Cultural Affairs, it is actually State of New Mexico Cultural Affairs Department. So the word department should be brought to the end of that sentence. Under 7.16.3.1 adding in, or adversely affect a property listed on the New Mexico Register of Cultural Properties and/or the National Register of Historic Places. 7.16.5.2 deleting maintained by the State Register of Cultural Properties. 7.16.5.5 adding in a citation to 4.10.15.NMAC standards for survey. That actually should read standards for survey and inventory since that is a reference. It takes out the manual of the Museum of New Mexico Office of Archaeological Studies, note 24 A 1994 as amended. Again, this was something recommended directly from the State Historic Preservation Office as these are the rules that they review under. 17.16.5.10, again, adding in the reference to set forth in 4.10.16 NMAC standards for excavation and test excavation. 7.16.5.12 deleting as a result of application of the previous paragraph and 7.6.5.13 making it clear it is the State Historic Preservation Officer, the opinions of the State Historic Preservation Officer shall be final instead of that office.

The final change we have is to the sand and gravel section. Steve, will address that. He has actually been working with some of the people who have concerns regarding sand and

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gravel. And I'll pass that over to Steve.

MR. ROSS: Madam Chair, Commissioners, the original draft for the code drew a line at 20 acres below which sand and gravel operations were not to be regulated as a DCI and above which such operations would be regulated as a DCI. That line drawn was basically done by Penny and myself fairly arbitrarily just to encompass a large gravel operation within the DCI category but the people involved in this, the people who are interested in sand and gravel operations as well as developments of County wide impact were concerned that this exercise in line drawing preempted some of the work that would be done when we develop the DCIs later. And I think that's a good point. So we're proposing just to strike that language and leave that whole issue for the development of the DCI section.

You'll see the strike out in the first box and language in the second box that refers to the fact that we'll be doing this DCI section and will be making the determination – drawing the line where sand and gravel operations affect the entire County as a part of that process. But for right now, this is basically article 11 of the current code so this really kicks the can down the road and really doesn't change anything with respect to sand and gravel operations, although we did clean up the statutory language, the ordinance language during the development of this particular section.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on your last comment on not changing the current effect, if we had a road construction project that we undertaking before that section is developed it would progress under the current structure. I don't want to kick something down the road that would prohibit us from having sand and gravel for a road or continue doing the business of government or even the private sector in the construction of roads or other aspects.

MR. ROSS: Madam Chair, Commissioner Anaya, that's right it doesn't make any changes of substance from the current ordinance. The current ordinance has a temporary permit for government sand and gravel operations. We don't have any jurisdiction over other governments so we took that out but that should not affect anything that governments do with respect. So the County road projects will proceed as before and private sand and gravel operations are essentially unchanged by this.

COMMISSIONER ANAYA: And, so, the change doesn't require DCI it just defers the discussion?

MR. ROSS: It defers the discussion.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: And, I apologize, a lady brought us up an amended form and I have so many papers on my desk right now that I don't know where that form is. So if you want to give it to staff I'll get a copy of it again, please.

But on, and I've asked on borrow pits but it's specifically to this so Steve or Penny if you could just address this on this one. And, I've asked Mr. Leigland and I hope he's here and I hope he's here for tonight's meeting. Katherine, if I could just say that because I'm going to have a lot of questions for Public Works tonight for the duration of the meeting.

But as he's working on a future resolution for me as it pertains to an individual, an individual who has an arroyo running through a yard and if they need to get a 44 permit or a

permit from the Corps to prevent potential flowing on their property and they need to move some of that aggregate off their property and they want to move it, maybe give it to a neighbor to help them improve their driveway or for that matter sell it to a neighbor, is that going to have any impact on that individual from doing such a thing?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, I believe you're talking about the borrow section.

COMMISSIONER MAYFIELD: Even if it's in this DCI section, wherever it is. I just want to make sure that I'm not potentially voting on anything that would have an impact on such a thing.

CHAIR HOLIAN: Commissioner Mayfield, I would just like to point out that we will voting on the amendments much later and if you have a question that is directly related to the changes that were put in front of us then –

COMMISSIONER MAYFIELD: This is part of this change right now, Madam Chair.

CHAIR HOLIAN: Okay.

COMMISSIONER MAYFIELD: They say no?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, no, that would fall under 10.8 Borrow, which is on page 42 of your changes.

CHAIR HOLIAN: We'll wait until then to address it. Thank you, Madam Chair. Thank you, Ms. Ellis-Green.

CHAIR HOLIAN: If there are no further questions on clarification of the changes then I will now go to public comment.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Oh, do you have any further comments on changes, Commissioner Anaya, or questions?

COMMISSIONER ANAYA: I'm fine going to public comment but I have several amendments. I got a stack of them over here that we can discuss later.

CHAIR HOLIAN: We're going to have plenty of discussion.

COMMISSIONER ANAYA: The other thing I want to say is that beyond the amendments I have some other broader comments that tie to the overall document. So I just want to let you know that.

CHAIR HOLIAN: Commissioner Anaya, right, as a matter of fact, after the public comments we are going to have discussions and questions on the entire code.

COMMISSIONER ANAYA: Excellent. Thank you, Madam Chair.

CHAIR HOLIAN: And then we will vote on the amendments after that. Any further questions? We will now go to public comment. Two minutes per person and if somebody else is ceding their time to you I would ask that you say who that is and I would ask for that person to raise their hand. And with that, I would ask people to line up and just come forward and as soon as one person finishes there will be timer up here letting you know when your two minutes is up and I think the microphone will even go off when your two minutes is up. Please begin and please identify yourself for the record.

CAT PARKS: My name is Cat Parks. I'm being ceded time by Jim Bennison of Raven Ranch, Julia Jarvis of La Reata Ranch, Tim Nelson and Karen Ryer.

Madam Chair, Commissioners, could I have permission to have everyone here who

has come today in support of the Santa Fe Horse Coalition please stand.

CHAIR HOLIAN: Yes, please.

MS. PARKS: Thank you. My name is Cat Parks. The Santa Fe County Horse Coalition looks forward to becoming a registered organization upon adoption of the SLDC. Formed on November 14th we started our member drive on November 18th. I'm proud to say in less than a month we now have over 500 members who live in every district. We come from Agua Fria, La Cienega, Stanley, Arroyo Seco, Edgewood, Canada de los Alamos, Eldorado, Galisteo, Lamy and Glorieta, to name a few. We're Anglo, Hispanic, Mexican, and Indian. Some of us live in condos downtown and board horses. Some of us live on 160 acre pieces of land, ranch managers of the Sangre de Cristobol Ranch which was recognized as the best remuda in the nation. We have one commonality: we're New Mexicans, we love Santa Fe, we love the horse and we love its history here.

Commissioners, I was copied on over 100 emails sent you since the December 3rd meeting. Our members universally stated that they supported the changes presented in the December 3rd version of the SLDC. We advocated for changes that specifically addressed trail standards, manure management, and Appendix B use table defining the permitted and conditional uses of stables and other equine related facilities. The December 3rd version permitted 12 horses pertaining to commercial use. For some unknown reason, that number was reduced to six in the final version presented on Friday. I would like to see this changed. I'll be honest; I don't know what the trail changes presented today mean for horses. There seems to be an incorrect assumption that regulation of commercial stables does not affect individual horse owners. I have heard staff say this several times. I'm not going to regurgitate all the emails back to you but there are a few standouts that are worth sharing loud to everyone here today on behalf of those who are unable to be here because of their work.

Claire Romero writes, horses has been a tradition in my family for over 400 years and continue to be an important part of our lives. While we cannot afford to own a horse we benefit from the stable where my daughter rides. They provide lessons, access to horses and valuable guidance. Having horses in my daughter's life has given her discipline, inner strength, kindness, patience, joy and a connection to her Spanish heritage. Commercial horse operations are an asset to our community. They should not be over regulated.

Chuck Noble writes, I'm a horse rider who depends on commercial horse facilities in Santa Fe County. I've lived here my entire life and horses at a commercial horse facilities are a part of what makes the Santa Fe a wonderful and usable place. Horses provide a wholesome and enjoyable experience for families. They teach children responsibility and other skills for becoming productive members of our community. Not everyone can own a horse or have a horse on their property and many of us must depend on commercial facilities to experience the wonder of horses.

Why is the future of horses so important to the people here today, I'd like to share my time with Sarah Luis, she's 12 years old and she'll be reading something to us.

CHAIR HOLIAN: Thank you. Sarah Luis.

SARAH LUIS: For quite a long time I stood by while people played with my heart until it was just too much. I wanted to hide from the world because no one really understood me like horses. Throughout a human life you experience things that teach you valuable lessons but I have learned more things on a horse than any human could teach me.

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If I want to do something on a horse, I have to search for the answer. That horse and I have to come to an understanding and find that answer together. I love the journey of getting there. Watching us make mistakes, fall down, get back up and try again. Eventually we get it while respecting each other along the way. Horses will give you their heart and soul. They devote themselves to pleasing you. When you get to that point, you create an unbreakable bond. It is the most incredible feeling. It is like they're warming your heart, bringing out your best qualities that not everyone gets to see. The greatest thing I have learned is that I can use these learnings in everyday life. You have to be patient with horses but you also have to be patient and respectful of people. When you don't get something right while riding, you have to keep trying. It also applies to humans. No one gets it right the first time but we don't give up. Maybe that's just the horse in all of us.

MS. PARKS: Thank you, Sarah.

CHAIR HOLIAN: Thank you Sarah Luis, that was very profound.

MS. PARKS: What Sarah said was a common theme which we heard echoed again and again through the emails. Horses hear my soul. Horses keep me sane. The benefits both physically and emotionally for the participants of special equestrians is a miracle to behold. Horses have become an enormous part of my emotional and physical health. Horses are healing. I can personally attest to this. This month I will be celebrating my fifth year of being cancer free. During my chemotherapy cancer robbed me of a lot of things. When I could no longer ride my husband brought portable fencing into our backyard so I could look out the window from my bed and look at my horses. I can honestly tell you that horses heal.

Our mission statement of the Santa Fe County Horse Coalition is to raise the level of public awareness of the positive impact of horses on the quality of life in Santa Fe County. To address the number side of things about horses in commercial facility, they make a tremendous economic impact on our County. We financially support our local hat shops, tack shops, boot shops, trucks, trailer, tire sales, equine veterinaries, and chiropractors, farriers, hay farmers, feed stores, not to mention hotels, gas stations, local restaurants, and shopping. The average cost to own a horse per year is between \$3,000 and \$3,500 and most of it goes directly into our local economy.

Commissioners, over and over again in the SLDC we read about its dedication to preserving the rural culture of our great county. I think it's important to point out that the US Department of Agriculture defines horses as livestock. Within New Mexico, horses are governed by the New Mexico Livestock Board. The New Mexico Property Tax Code also defines horses as livestock. There are zero restrictions on livestock, cattle and others in the use table.

I would like to make two things known: number one, we support stables and equine related facilities as permitted use for both commercial and personal horses in rural residential zoning, as the current code reads. I want to read for those who may not be familiar with the code the purposes of the rural residential district are, to preserve the scenic and rural character of the County, to provide open space and agricultural lands and to recognize the desirability of carrying on compatible agricultural operations in home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming and ranching operations. Uses that shall support the rural character of the broader area shall

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be allowed including agricultural production, home-based business, and equestrian and boarding facilities. And number two, we would like to see the number of recognized horses for commercial use in the use table be returned to 12. The overwhelming voice of this County as you will hear today is to support the horse, support commercial operations as they benefit our community and to ask for your help in preserving our rural culture and securing access to horses for our future generations. Thank you.

CHAIR HOLIAN: Thank you, Ms. Parks.

KEVAN SAUNDERS: I'm Kevan Saunders, Galisteo, New Mexico, long time Santa Fe resident and Santa Fe native. Madam Chair, Commissioners, I've done a lot of thinking about this and I thought I would pull for some reference material the Santa Fe County New Mexico of the West. This is how to avoid surprises and be a good neighbor when you're buying, building and developing in Santa Fe County. And, this is a publication of the Santa Fe County Board of Commissioners. Santa Fe County resolution number 2010-233 and the Code of West, another name for it is known as Rural Living in Santa Fe County. It starts out by saying, welcome to Santa Fe County, life in the County is rich and rewarding, treasured by both Santa Fe County residents who have been here for generations and those who have recently moved here. It's important that new property owners and homeowners know that both in non-urban parts of the County is different from life in town. A couple of bullet points in here and it's my apology, I have been ceded two minutes from Trish Hunt and from Rick Iannucci, if it's not too late.

A bullet point here is that agriculture is our heritage and key to the future. Agriculture is an economic contributor to Santa Fe County. If you choose to live among and next to farming and ranching operations you will be affected by them. You have an opportunity to help keep the ranching and farming operation viable by learning how you can be a good neighbor to this important part of our community. Livestock will cause odors and noise that are objectionable to some people. And if you find them annoying you to find another parcel in another area of the County.

There's a bullet point here under a few final thoughts in this code. It says, please take the time and effort to study the history of Santa Fe County. This will give you an understanding and appreciation for the pioneers who tamed the way and in many cases spent 100 years and four generations of a family completing what might be called our first land use change. It is our hope that through this understanding, you will approach your construction, development in a thoughtful and sensitive manner to protect our unique community.

The information in the Santa Fe County version of the Code of the West – excuse me – I wanted to add to lastly coming from an economic view and coming from a real estate view as a licensed realtor, when we are marketing property whether it be for commercial or residential we look at what we call, and especially big developments, entitlements. And I wanted to clarify that word, entitlement is simply, it's the backbone of developments. And an entitlement dictates the permitted building types that may be constructed on a property. They also determine the property's value and property that is limited in its use is not typically as valuable as the property that has a wide array of possible uses. So I look at the number of horses as entitlements, it does increase the property value for resale. Reducing the number of horses allowed has taken away peoples property entitlement. Imposing restrictions is reducing those entitlements.

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In closing, conditional use versus permitted use is taking away peoples property entitlements. It was more difficult and more expensive for an individual to run the gauntlet of conditional approval process at some point it is just protecting peoples rights as outlined in the Code of the West. Thank you.

CHAIR HOLIAN: Thank you, Ms. Saunders.

FAREN DANCER: Thank you for the opportunity, Madam Chair and Commissioners. County staff, also, thank you for your good work. I'm here today to address the green building aspect of the Sustainable Land Use Code. My name is Faren Dancer. I'm a builder of 40 years in the residential building sector. I'm the past president of the Santa Fe Area Homebuilders Association, co-founder and currently its chair of the Santa Fe Green Building Council.

I also had opportunity to sit on the City of Santa Fe code committee from 2007 to 2009 whereby we authored the building code for Santa Fe that rolled out in 2009. At that time we instituted HERS 70 as a baseline for that code. We got enormous push back from the production building community that were building entry-level houses, saying that the new code was going to put them out of business and it was not affordable. Since that time some Sunplex a production builder here in Santa Fe, has built more homes in Santa Fe than anyone in the last four years, has adapted to the code and has learned how to get to the HERS 70 which as it turns out is not about money but is about building science and education. Since that time [inaudible] building models in our community and [inaudible] constructing on the pueblos, Pojoaque Pueblo and San Felipe Pueblo. The initial push back on green building was it's too expensive and they have convinced them to get to the equivalent of a HERS 70 since they don't have [inaudible] on the pueblos and adopted the building science that we have put forth to them to understand that they would be saving the residents an enormous amount of money in terms of utilities –

CHAIR HOLIAN: Thank you, Mr. Dancer.

MR. DANCER: All right, thank you.

PAM GREAVES: Hello, I'm Pam Greaves and I live in Lamy. I want to share with you a letter that was part of the application packet of Luna Rosa who applied for zoning on Ranch Road and a business license in 2003 and I'll be using Christine Kohler's two minutes. Thank you. It's a short letter. Dear Commissioners, we got in the proposed Luna Rosa LLC property while we think the project should be able to move forward we have concerns about the close proximity to our home. We met with Mr. Siebert on 4/12 and measured the approximate structure locations. We expressed our concerns about their locating the entire infrastructure so close to our residence with so much other acreage available. The prevailing winds which can be formidable would richly cover us up with dust and all things that go along with a horse operation. We know because we also have horses. We also pointed out that this location would impact the land far more than other more suitable locations lower on their proposed property. A lower location on the property more centrally located would make for less excavation, shorter roads, less stormwater retention concerns on the [inaudible] portion of the property leaving a smaller footprint on the property also leaves more and better landscape for everyone to look at. This also leaves our new house with views less obstructed and impacted. Sincerely, Roger Aires.

I present this letter for two reasons. One, Dr. John Parks and Cat Parks, this is the

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home that they now live in and regardless of what it's called in the code, permitted, conditional – this is what I found to be the value of conditional uses, where neighbors could come forth with their concerns, bring them to light and if it was needed, and only if it were needed, conditions and mitigations imposed on the project so that it fit into the surrounding neighborhood which in my opinion creates a win/win for everyone . It makes it a responsible project. It keeps the neighbors happy. So regardless of what it's called, I just urge the Commission to keep this due process where neighbors can have a neighborhood meeting and bring to light concerns and if it is appropriate, to address them.

I think it benefits everybody, whether you're a horse lover, which I am, I support commercial facilities, or not, if you're just living in a residential area. It's a great process, thank you.

CHAIR HOLIAN: Thank you, Ms. Greaves. Next.

DIANE HALAS: Hi, my name is Diane Halas. I'd like to speak for my husband Phil also, he's back there. Thank you for letting me speak. I actually live in San Miguel County but I do quite a bit of horse activity in Santa Fe County. My daughter has spoken to you before, her name is Katie. She was a Santa Fe County princess and she has spoken to you several times. I teach riding lessons to kids in Santa Fe County. I've done quite a bit of that for no money. I did it to give the kids the opportunity to ride. Several of the commercial horse businesses in Santa Fe County have helped me with that. John and Kat Parks, Jim Bennison, Rick Innucci, Luna Rosa have allowed us to come to their property, use their horses. They've ridden horses for us for horse judging. They've allowed 4H kids to come ride and to learn from them. So many of these kids live in Santa Fe they wouldn't have an opportunity to do anything with horses except for the generosity of these commercial properties. These kids have been allowed to compete in 4H. They've learned about competition, about judging, about how to see a horse, how to think critically about things. They've gotten to experience all the things that Kat was talking about with horses when they haven't owned a horse and that's all been at no profit to these people, just from their generosity of letting these kids use their horses. They've been a great benefit to the kids in this community. They've been a great benefit to my daughter and so many other people in this County. So I would just urge you to please support them to not putting more restrictions on them. They're a great benefit to Santa Fe and I think to make it harder for them to operate would be a detriment to everyone in Santa Fe County. Thank you.

CHAIR HOLIAN: Thank you, Ms. Halas.

VANESSA WALTZ: My Vanessa Waltz and I live in Lamy. I've spent more than a decade in horse-related businesses in Santa Fe County. My family currently owns a commercially licensed property with an allowance for up to 25 boarded horses. Over the years our facility has offered boarding and training to the public and also has offered horse shows and clinics. I feel that my business and others like it have added greatly to the local economy as clients patronize businesses including retail stores, restaurants, gas stations, and hotels. It has also served many families as Cat spoke of who are not in a position to own horses or own horse property. I'm currently in negotiations with a licensed 501 (c) (3) therapeutic riding organization that wishes to have a business on my property. Such services provide an essential benefit to physically/emotionally challenged youth and adults. As Cat Parks said, horses are great healers.

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My neighbors have been very supportive of my commercial property which is surrounded by a neighborhood. They enjoy coming to my property for events with their families and we all get along just great.

My property is current for sale and I'm very concerned about how these proposed changes might affect my property value and its viability as a commercial property in the future. Any restrictions and codes can reduce the legally designated entitlements of my family's real estate and thus decrease the value. I moved here because of these entitlements and because of the appeal of living in a strong horse-friendly community culture. Further restrictions would affect so many people not limited just to farm owners, trainers, riders, farm workers, veterinarians, retailers, local business owners, but most importantly citizens for whom horse activities are a significant part of healthy family life and community.

I took pride not just in making a living in the horse industry but also providing a place for family-friendly and healthy activity that has historically been an important part of life in Santa Fe County. Please don't prevent our horse culture from continuing to enrich life here in Santa Fe. Thank you.

CHAIR HOLIAN: Thank you, Ms. Waltz. Next.

TIM ROGERS: Madam Chair, members of the Commission and staff, thank you for this opportunity to address the changes in the code. My name is Tim Rogers. I am a transportation planning consultant. Worked with the MPO on the Metropolitan Bicycle Master Plan which I had the pleasure to work with you all in getting passed last year for the metropolitan area. I had comments on the final changes which I expressed to staff and to the Commission in an email and they were basically in support of the strategy of building a bikeway system by accommodating bicyclists on roads and building a complementary multiuse trail system.

I am very thankful for the response that has resulted in the amendments being proposed by staff and are absolutely acceptable and appropriate. I think particularly in the case of trails referring to the established guidelines is the best way to go.

So, once again, thank you very much for your support of bicycling and thank you for the amendments today.

CHAIR HOLIAN: Thank you, Mr. Rogers. Next.

MR. ROGERS: I'm sorry, one more thing. I was here at a previous meeting and I ran out of time because the meeting went for hours. I wanted to thank you all for the re-striping of Tesuque Village Road and creating bike lanes on that road, thank you very much.

CHAIR HOLIAN: Thank you. Next.

LYNN PICKARD: My name is Lynn Pickard and I've lived in Santa Fe County for 40 years and I've been a vehicular bicyclist that whole time, meaning that I use my bicycle as much as possible and I'd just like to reiterate everything that Tim said. I was frankly shocked when I heard yesterday that some changes had made it into the code at a late date and I am gratified right now that they're being taken out. I speak not only for myself but for the hundred member Santa Fe Seniors on Bikes and the also hundred member Santa Fe Pedal Queens. I will not ask to be speaking for 200 minutes, however. I will close my remarks now.

CHAIR HOLIAN: Thank you, Ms. Pickard.

CHRIS FURLANETTO: Madam Chair, Commissioners, I'm Chris Furlanetto,

6 Redondo Peak and I represent the League of Women Voters of Santa Fe County. As you know the League has consistently urged the Board to adopt a strong land development code in a timely fashion; although we support adoption of the code today we urge you to approve the following amendments. First, we're concerned with some of the global changes; changing the word must to shall and also changing the word shall to may. These changes weaken the code. Second point, Penny Ellis-Green has already spoken to this with a staff amendment to remove that phrase, not subject to the SLDC from paragraph 1.11.7. Third point, we would like a sentence added back that was deleted from the adoption draft. This is paragraph 6.6.4.9 and the sentence reads, access roads shall be sited in a manner that mitigates or minimizes the impact on the environment and neighboring land uses. Fourth, we propose deleting paragraph 7.6.8.4.3. which allows supplemental potable water use for irrigation. Number five, change the distance requirements in table 7-17 and 7-18 for hooking up to the County water/sewer system or to another public system back to the original distances in the October adoption draft. The current shorter distance requirements will result in more wells and more ground water use which conflicts with the Sustainable Growth Management Plan goal of maximizing use of surface water via existing infrastructure. And, finally, clarify the phrase, gardens or agricultural uses in paragraph 7.13.11.2.5 as it currently stands the limits on irrigation hours and the requirement for a rain sensor are meaningless because the word garden can be interpreted to cover an entire property.

Thank you for all of your efforts. Thanks to the Commission and also to staff for all of your efforts to put in place a real meaningful land development code for the County. Thank you.

CHAIR HOLIAN: Thank you, Ms. Furlanetto. Next.

JAMES ALLEY: My name is James Alley. I have lived in Santa Fe County for the last 48 years in the same place in rural residential area just seven miles from the plaza. Thank god, it's paradise still and I hope you'll preserve it.

Because the subject happens to be horses, I've had horses 47 of those 48 years and it's the most wonderful thing in the world to be able to ride in the National Forest from seven miles out and it has kept all of my daughters out of trouble so it's a wonderful thing and great for a daddy.

But I really came here because I'm an officer of Preserve the Trail Association and that is interested in preserving the rural residential character beyond El Gancho to Canada de los Alamos on the Old Santa Fe Trail and I commented to the staff and I'm not sure I got, and I apologize, Madam Chair, I haven't done my homework as I should have, but I don't think you put in a response or comments about lighting. We really can't stand lighting – the lighting has to shine on ones' own property and not pour onto another person's property: it's inexcusable to let that. I don't know if you addressed that. And, secondly, we're concerned about height. If anyone wants a ceiling [inaudible] height go to the dead-end of Old Santa Fe Trail and look at the house that was recently built there – we'd like to have a height restriction of 16 feet which is about the height of the pinon trees in our area and that's one thing we have done a good job at preserving. We'd keep like to keep the rural residential character out there.

I like the zoning map and I hope you don't change it. Thank you very much.

CHAIR HOLIAN: Thank you, Mr. Alley. Who is next?

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MARY SCHRUBEN: Mary Schruben. Madam Chair, Commissioners and staff who has worked so hard to put this together. I've only heard about these changes regarding the rural agriculture in the County Code at the November Food Policy Council meeting and I believe I have not had enough time to read and understand all of these changes. I don't have access to a computer at home because it was stolen and it makes it hard for me to get to a system where I can get a hold of them. The documents that were available for review that we got from the County staff were insufficient to make reasoned judgments because of the way the sections were extracted and abstracted and removed from their context so I really don't know a lot about what all the changes for rural agriculture really state.

I feel that the public needs more time to understand these changes along with the evolving Santa Fe County water plan. The coding structure, the overlays, the existing permit uses, blah blah blah, all of these are very complicated ideas for someone to get a hold of. I believe some of these changes promote the gentrification of agriculture. One of the County's original and most and longest standing human occupations, this is unfortunately a negative effect of this ordinance. It is also important that the people of Santa Fe County and of the City of Santa Fe who have come to rely on agriculture in the County for our food to fully understand the changes these ordinances will have on our locally grown food.

I urge the Commission to table this ordinance so that farmers, consumers and landowners can understand the consequences of the implementation of these changes and have further – for our future needs.

CHAIR HOLIAN: Thank you, Ms. Schruben.

SCOTT VOORHEES: Madam Chair, Commissioners, my name is Scott Voorhees. I live on the 285 corridor between I-25 and Lamy where there are many, many horse friendly communities. I live there because I want to be in a horse friendly community where I can have my horses at home and it's been that way for many years. I want to commend Sarah Luis the young lady spoke earlier about the importance of horses and horse facilities to kids and what it does for them and provides for them. I've seen her at the [inaudible] Ranch along with her friends who are all learning horsemanship and benefiting greatly from the use of that and any restriction on the ability to have a horse facility is going to make it harder for people to have that kind of business and provide that kind of service to the people of Santa Fe.

So my point is to ask you to move the commercial requirement for horses back to 12 as it was last week when you met here instead of six. I moved to Santa Fe from Seattle 20 some years ago I didn't plant a green lawn and try to turn the area green. I came here because of what was here. I moved out to the 285 area because of what was there. There seems to be a vocal group of people who also moved out there who now want to change it to something they want rather than adapting to what's already there or finding a place in Santa Fe County that doesn't have horses. If there are problems with horse facilities there are many ways less restrictive to address those problems such as the New Mexico Livestock Board, the Department of Health, the Environment Department. In other words, if it's not broke, don't fix it. I don't think there's a problem now and I don't think that we need to restrict what's going on with horse facilities because of a parade of horrible things that might happen in the future. Thank you.

CHAIR HOLIAN: Thank you, Mr. Voorhees.

TOM GORMAN: Good evening, Madam Chair and County Commissioners. My name is Tom Gorman. I am a retired military officer from the Air Force. In my capacity in the Air Force I was involved in operational planning and flying as a pilot. After that I spent a number of years in state planning and emergency operations planning and I'm here to talk more about the process that you've gone through and the fact that the code has been completely developed and is in the position to be passed.

With my experience in planning I think you have to eventually get to the point where you pass a code and then make it a living document so that it can move forward and be tested and see how it can be changed if that's appropriate, if that's necessary, but you get to the point where you've had an awful lot of inputs to both the plan and the code and you get to the time where it's time to really pass the code and move forward and see if there are things that need to be changed and have a process in place that can allow those who are unhappy with it to come forward and propose changes to the code. I urge you to pass the code.

CHAIR HOLIAN: Thank you, Mr. Gorman.

GLEN SMERAGE: Glen Smerage. I live in Rancho Viejo. Commissioners, I would like to remind you of glaring deficiencies of this proposal that I pointed in two study sessions last month and in recent letters to you.

First, chapter 1 badly needs a definition of sustainable. A substantial definition as it pertains to land development and the governing of that in Santa Fe County. Second in Chapter 1 we need a far better subsection on review of the code. The two sentences there now are a cruel joke for the residents of this County and for the function of the BCC. We should have public, substantive public reviews far more farther apart than five years. [inaudible] matrix in Appendix B, I believe it still is an unprofessional matrix lacking the legend dividing the terms, the symbols used in that matrix. Fourth, among the various impact reports there must be an archaeological report in most cases. I believe that is not covered although I wasn't sure what Penny Ellis-Green said earlier today.

Finally, sustainable communities: I believe the proposed code inadequately protects significant residential communities from compatible imposition of commercial and industrial facilities.

CHAIR HOLIAN: Thank you, Mr. Smerage.

JAN-WILLEM JANSENS: My name is Jan-Willem Jansens. I am a landscape planner and consultant here in Santa Fe County and I've been here for 20 years and worked on a lot of landscape and natural resource conservation projects. During that period I have been before you justifying and urging you about conservation and restoration projects many times and also in the last five or six years regarding the development of the plan and code.

I want to speak in particular to Chapter 7 where a lot of terrain management and stormwater and et cetera activities are being discussed. Based on the input I've given in the last several years I'm actually surprised and disappointed that a lot of the feedback that I have supplied as far back as very detailed information a year ago didn't make it in the code. This year I have actually been quite busy fixing land that has been affected by the severe rains in the second part of the summer and have not been able to participate much. But I would urge you in support of the previous speaker also who said to pass the code, to do that today, but also to provide opportunities for improvements regarding landscape and natural resources,

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conservation and protection. And therefore I think we need an official map in the back similar to the map of archaeological protection that addresses natural resources and landscape protection. You have a map like in the Sustainable Land Development Plan that didn't make it – wetlands and streams and wildlife corridors and protection map in this one and I don't see very much language in Chapter 7 and there many details that are missing and I can provide that information to staff as well as here at this point. Thank you very much.

CHAIR HOLIAN: Thank you, Mr. Jansens. Next.

DEBRA SPICKERMANN: Hi, Madam Chair, Commissioners. My name is Debra Spickermann. I'm the president of Back Country Horsemen of America, Santa Fe Chapter of New Mexico and the chair of Back Country Horsemen of New Mexico [inaudible] I'm concerned that if the proposed changes of the Sustainable Land Development Code are approved members of our chapter would be negatively impacted. Our chapter volunteers for the Santa Fe National Forest, BLM, and other land agencies to maintain equestrian and multiuse trails. If our members are restricted to board and/or keep their personal horses at a commercial facility or their own facility, this would directly impact the efforts of this group to maintain trails in Santa Fe County and ultimately add to the backlog of trail maintenance. I ask the Commissioners to please vote in favor of the horses and the people who care for them. Thank you.

CHAIR HOLIAN: Thank you, Ms. Spickermann.

EDWARD HUNTER: Good afternoon, Madam Chair, esteemed Board. My name is Edward Hunter. I am a retired fireman, board of directors of Back Country Horsemen of New Mexico, Santa Fe Chapter and I own 100 cattle out of Arroyo Seco. I respectfully request the Commissioner Board to please note that livestock and agriculture have been and continue its mainstay as a constant not a variable of our state. And it has been so since its settlement in Territorial times. It holds a tradition that most all of us have been privy to or are still upholding. Most of us here know what it is like to raise your own livestock, your horses, your cattle, or to have in the past worked with your parents especially your grandparents. Most of us have memories of that.

It has and continues to teach our youth responsibility while allowing them a positive and healthy alternative to other activities that they can and seem to get into. Horsemanship programs, farming and ranching, insure a way of life is passed down and practiced by our future generations. Horse boarding facilities enable horsemanship programs and activities to flourish for those people who have a desire and an interest yet don't have available space to keep their animal or gives the non-owner an avenue to show up and ride from the strength of a facility.

I respectfully request, in closing, of the Board to please protect this way of life previously mentioned for all who have a love and desire for it which are the horse programs that give every opportunity for them and the people who run them to succeed. Thank you for your consideration.

CHAIR HOLIAN: Thank you, Mr. Hunter. Next.

LOWELL TUCKER: Madam Chair, Commissioners, thank you for letting me speak. My name is Lowell Tucker. I'm a fourth generation New Mexican and a professional horse trainer. I originally came to look at these professional horse operations and not regulating them to a position where they can no longer do business. Right now in our

economy the horse has suffered quite a bit in the last five to ten years. We can look around the number of horses in Santa Fe County they have suffered. Unfortunately so does the population of horse owners in the County. The last thing we need to do is to regulate the number of horses in these commercial operations and the more that we do this the more that we ensure that there won't be a fifth and sixth generation of New Mexicans that own a horse. And when we do this there's less chance that we're going to show our community that our heritage means something. Thank you very much.

CHAIR HOLIAN: Thank you, Mr. Tucker.

JARRATT APPLEWHITE: Good evening, Madam Chair, members of the Commission. My name is Jarratt Applewhite, I live in Lamy. The singular charm of Santa Fe that most attracted me here 45 years ago and made me want to spend the rest of my life here was its tolerance. It was a place where people left other people alone. It was a place where on the east side of Santa Fe there were lots of small lots where people owned chickens. Now the places that are 5 acres in size where you can't own chickens. My daughter lives on a 6,000 square foot lot in Austin a quarter of a mile from UT and has 20 chickens in her backyard. My point is that excessive regulation can be destructive.

The other point I want to make is that I spent a decade on the Board of the Santa Fe Economic Development and during that time we spent countless brain cycles trying to figure out what we could bring to Santa Fe. What industries could we attract? Santa Fe has every potential to be a world class regional horse center and bring millions and millions of dollars here and I urge you instead of trying to constrain this vital historic activity we should be doing everything we can to nurture all of it including its commercial aspects.

CHAIR HOLIAN: Thank you, Mr. Applewhite.

TOBY GASS: Good afternoon, Madam Chair and Commissioners, my name is Toby Gass. I would like to start by thanking the Commissioners and staff for their endless amount of work that has gone into this massive document and the attendance of the many public meetings at odd hours all over the county. I would also like to reference a document that we haven't heard very much about tonight which is the Sustainable Growth Management Plan. That document was passed by the Commission a few years ago and the SLDC is the subordinate document to the SGMP. The purpose of the SLDC is to implement the SGMP, that's its legal reason for being.

In reviewing some of the provisions in the SLDC and looking back on the SGMP I find a significant disconnect between the two documents. And I'll just mention one this evening that comes out of the section which I'm most familiar, the section on open space and trails – open lands and trails. Where the SGMP lays out goals and strategies for achieving those goals, the strategies reference requiring standards and subdivisions for open space for continuity and contiguity with trails in the surrounding area. None of those requirements are reflected in the SLDC. So [inaudible] recourse to this [inaudible] in order that the SLDC accomplishes its legal purpose of implementing the SGMP that there be a review that be started at least with a search process of all the requirements that were stated in the strategies in the SGMP that were stated as requirements to see whether or not they're actually required in the SLDC. Thank you.

CHAIR HOLIAN: Thank you, Ms. Gass. Who would like to speak next?

DEL ROSEN: My thanks and respect to all of you who do this every day. I

just thought I would say something because I am not a horse owner or a business owner but I have been a wrangler for 15 years. I've also worked with Challenge New Mexico with horses and in the impact of the lives that we change by people who come for a horse ride has been proven to me day after day. And I know it's a lot of reason for people to come to New Mexico is for their chance to ride a horse here and I don't know how you could restrict a commercial environment to 12 horses because most of them have to have more to provide enough horses to take people on rides. But it has a huge impact and so much gratitude from the people who get to experience New Mexico like that and it really has changed their lives and I just hope you –

CHAIR HOLIAN: Thank you – I'm sorry, I didn't get your name.

MS. ROSEN: Del Rosen.

CHAIR HOLIAN: Del Rosen, thank you.

ARTHUR FIELDS: Madam Chair, Commissioners, I'm Arthur Fields. I'm the managing member of Aldea LLC which was a developer of Aldea de Santa Fe. I have passed out to staff and to Commissioners and clerk [Exhibit 4] a site plan showing Aldea, I've marked the plaza and also to the left of that which is the north, I've marked 15 acres of vacant land. There is an intense commercial project that was approved with final development plan for that 15-acre parcel and then the economy crashed. I don't know that that project will ever get financed. I hope that it does. But I've also marked out there an arroyo, there's an arroyo running through the 15 acres. There's intensive development that was approved in the final development plan on both sides of that arroyo. If that plan goes forward there will not be an issue. The center of Aldea was zoned Village Center in the TAP Community Plan, Village Center. So I'm here to discuss setbacks with you. I hope it's not controversial, I don't think it is. One the second page as an example of some flexibility that I'm looking for it says that the setback table in Chapter 7 shall apply quote unless a lesser setback is approved in the master site plan so that's the flexible type language I'm looking for on the third page, 7.3.3 setbacks, it says that the table shall control for commercial and industrial districts a minimum of 100 feet but then it exempts mixed use zone. Aldea is not mixed use because that didn't exist. It's called village center but the same concept should apply. It's a mixed-use zone and I'm looking for flexibility. The setbacks should apply unless a lesser setback is approved by the BCC. That's the language I'm looking for. The fourth page along the arroyo, a 100 year setback must be a minimum of 75 foot setback just got popped in last week and all I'm asking for is some language to give some flexibility to the Board of County Commissioners quote, a lesser setback is approved by the BCC. Otherwise, this site [microphone is turned off] on both sides of the arroyo there is no development that could happen there.

CHAIR HOLIAN: Thank you, Mr. Fields.

DANNY MARTINEZ: Madam Chair and members of the Commission, my name is Danny Martinez I represent the most popular developer in Santa Fe County. I have a lot of concerns. It would take me everybody's time in here to tell you how I feel. My biggest issue is that after we saw the amendments that came before us yesterday morning the first impact that we saw was all of the years of hard work, 28 years of hard work, that we have tried to get something done in Santa Fe County is about ready to be flushed away. Existing development, master plans, so on, so forth, guess what? It's coming undone. I just think this

is a very unfair option thrown at people who have prior approvals or are going through the process or be forced to hold back on their development plans because of this rotten economy that we are still suffering through. Now we're going to have to be suffering again. We have up to six development applications within the County right now that we've worked diligently over time to try get staff to work with us and get these things done [inaudible] and this just puts us back. My concern if you adopt this code these [inaudible] development applications that are in process are going to be treated under the new code and it's going to have a detrimental effect on what we're doing. We talk about elderly housing, we would love to provide elderly housing in one of our development – it's not going to happen because of what this is doing to us. My concern, and all I can do is ask you Commissioners to take into consideration the developers that are already in process and don't shut us down. Don't shut us down, that's all I can ask of you. Thank you.

CHAIR HOLIAN: Thank you, Mr. Martinez. Would anybody else like to comment? Welcome, Representative.

RHONDA KING: Good evening Madame Commissioner and Commissioners. There are two individuals within the audience that have been gracious enough to yield their time to me and one is Mr. Jim Siebert and Mr. Jamie Cook and I believe Karl Sommer as well, Madam Chair, thank you.

Again, thank you for the opportunity to be here tonight. What I would like to do, Madam Chair, since our time constraint I would like to draw your attention to several areas of the code. The first one, Madam Chair, I believe on your page 49 that has to do with lot line adjustment. And I would request under 5.4.3.1 that you delete number 2 which says that a lot – it is inappropriate if the proposed lot line is altered so that the none of the original lot lines are preserved. And the reason I bring this to your attention, Madam Chair and Commissioners, is that currently there are a number of existing lots within the County many of those lots are non-conforming and by having this type of provision that is really inflexible I think you may inadvertently be encouraging people to develop on these non-conforming lots. If you delete this provision then this will allow individuals to come in with lot line adjustments that are under your purview with the Administrator and bring those lots into conformity. I believe this is what the County would like to encourage is to have people come in with lot lines and have them come under your review and conformity. So I would request that you strike that.

Also, Madam Chair, on page 59 there was an addition 5.8.4.5 water permit required for final plat. I would just request that it's clarified that those three new provisions apply to a subdivision containing 10 acres or more parcels [inaudible] which is less than 2 acres in size. It's my understanding from staff that that's the intent then I would request that that be clarified.

In regards to page 83, Madam Chair, 6.5.5.2 number 3 there were again deletions made in the last version and I believe the way the or and the remaining of the language in there it contradicts with other parts of the provision of Chapter 7. So I would request that you delete or if the proposed development is within a declared underground water basin and insert where or was be provided period. And then the other part of the code that is more detailed that regulates that would then apply and there wouldn't be a conflict.

Also, Madam Chair, on page 138, this was talked about at the last meeting and there

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was a correction under 7.13.4.2 that added in cooperatives, however, Madam Chair, I would ask that you strike that is regulated by the Public Regulatory Commission. Cooperatives just like mutual domestic water associations are not regulated by the PRC so I request that you delete that and that they be given the same status that you're giving mutual domestic water associations. Also, in regards to that same provision I would request in your Appendix A, page 362, that you clarify and that you add in the word cooperative, either after mutual domestic or after the series of entities that are defined as a public water system.

And, Madam Chair, in regards to page 143, under 7.13.7.2 number 7, self supplied water systems. There were some changes to clarify that, however, Madam Chair, in that section there is a sentence at the very end of the number 7 that says, in all other cases a shared well system shall have water rights, and actually that is contrary to the table you have listed of 7.19 that determines which entities will have a community water system or not. And it appears that that language is actually discouraging shared wells which are more economical and makes housing more affordable, keeps the cost down. And if the goal is obviously the restriction on what can be used, I think it makes more sense to have a shared well, Madam Chair, versus individuals building two independent wells that are still going to use the same water. So I would request that that be deleted.

Also, Madam Chair and Commissioners, the language above that, if irrigation rights are severed then it says that you have to have a service commitment from a water provider. Well, what if the individual actually has a well that has water rights, I don't see why there is a need to add in a middle individual or entity to then be required to service you.

The last comment I have, Madam Chair, is on 7.13.7.1 number 5, under the community water system. And I would ask that you delete language that starts out, additionally if irrigation water rights have been severed, again, there are other ordinances and statutes that refer to that and I believe this is contradictory to actually conservation certainly in Estancia Valley where water rights are diverted or changed from use you actually are cut in half of your use which in reality in our area will actually extend the life of the basin. Thank you, Madam Chair, Commissioners, I appreciate the opportunity and I appreciate all of your hard work because I know this isn't an easy process.

CHAIR HOLIAN: Thank you. Would anybody else like to speak? Please come forward.

MAUREEN MESTAS: May we still remark on proposed language for horse operations and properties? My name is Maureen Mestas I live La Cienega and I am a lifetime resident of New Mexico and I have owned and trained horses in New Mexico and around the world. I've trained in Germany, in Austria, Spain and England and I've never seen a more conscientious group of horse owners and operators anywhere in the world than here. And I guess I feel strongly about it and you're probably noticing that because restricting the properties as is proposed won't do anything to address the issues. I live in La Cienega right on La Cienega Creek which is near to live water stream. Within my property I've counted this week about 50 horses on other properties near me within blocks. I have never had an infestation of flies on my property and I have six horses. One of my barns is within 40 feet of my home. When I look on the rivers I never see horse manure or organic materials or manufactured material associated with the ownership of horses or the operation of horse facilities and I'm within five miles of Santa Fe Horse Park. But I do see human waste. I see

old diapers. I see discarded auto parts. I'll see refrigerators. So I don't understand operators of horse facilities is going to improve groundwater, improve environmental conditions, improve traffic, and I look forward to the Commission's conscientious and appropriate response to this proposal because I don't see anything and I've read everything, and I'm also seeking information that quantifies what the group who is proposing those changes can use as support for their basis. I can't find it. I haven't been given it in spite of requesting it.

CHAIR HOLIAN: Thank you, Ms. Mestas. Is there anyone else who would like to speak?

ORALYNN GUERRERORTIZ: I'm Orallynn Guerrerortiz. I'm only going to talk about recommended road changes. I want to point out a few things. The existing code as presented is written for urban environments. It is not written for what is our SD1 and SD2 area, most of which is 2.5 acre lots or greater. And it doesn't imply and the only urban, what I consider the only urban area in SD1 which is the Community College District because Community College District has its own road standards. So these standards are going to apply in areas that aren't urban. And some of the things that are buried in here include six lanes required for arterial roads that are 5,000 trips or greater. That would mean Agua Fria should be a six lane road. That would mean that Richards Avenue would be a six lane road. That's absolutely insane. These standards are insane is what I've been trying to say repeatedly. And I'm hoping you'll consider changing them. I think they are valid for urban densities. So what I've suggested is changing the language saying these standards will apply when there's a residential density of unit per acre or mixed use zoning district. I don't think you should ever apply that in a traditional community so I would ask for that exclusion too.

And then on the rural road classifications, I recommend some minor changes. You have them before you. One of the key ones is not requiring paving of local roads that serve zero to 60 homes in the rural areas of our community. I don't think pavement is necessary in those cases. What I want you to recognize is that these standards as proposed will turn Bishops Lodge Road into a four lane road, curb and gutter, sidewalk on either side. It's crazy. The more stringent than anything that the City has. They won't apply to our most urban Community College District. There's a map -

CHAIR HOLIAN: Ms. Guerrerortiz, has two more minutes.

MS. GUERRERORTIZ: There's a map called Map 3 it designates Pinon Road, Richards Avenue, Bishops Lodge Road, State Road, 30, State Road 76, the Southeast Connector and others as arterial roads. According to these standards, again, you're talking six lanes, sidewalks either side, I don't think that's your intention. County road don't meet the standards. Regardless of what I've heard in this meeting I don't think that there's any intention of making our County roads meet these standards. Wide paved roads result in higher speeds. They are more dangerous than our current road standards and I hope you'll take that into consideration.

I have two questions for staff: under the current code if a project increases a traffic load on an existing road, that road would have to be improved to meet the current road standards; is that going to still be the case? And, if so, would that mean if I did or I worked off a subdivision built off Tano Road and it increased traffic on Tano Road, would I have to bring Tano Road up to these standards? Which that would mean curb and gutter, sidewalk on both sides and another 10 feet of pavement at least. My second question is, what existing

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problems exist that this new standard fixes? Thank you.

CHAIR HOLIAN: Thank you, Ms. Guerrerortiz. Is there anyone else who would like to speak? Please come forward.

ELAINE PATTON: My name is Elaine Patton. I am a 25 year resident of the Village of Galisteo. I'd like to speak to you about the horse issue and I'd like to support what Mr. Voorhees said earlier about if it ain't broke don't fix it. I'm not even sure I understand why there is such a concern about commercial barns. Most of the subdivision, when we're talking about smaller and smaller lots, most of the subdivisions in the 285 corridor address the number of horses you can or can not have. And I don't see that there's been any abuse of horse ownership. If you have to have regulation going forward, 12 is more than reasonable as Ms. Mestas just said, I don't understand where this number six came from. I believe it's unreasonable and slightly restrictive and 12 is more than fair. I just hate to see a character nature of Santa Fe County changed on – I think there's a little hysteria going on about a proliferation that doesn't exist of commercial horse properties or barns and I really hope you'll reconsider that number. Twelve is quite fair and reasonable.

CHAIR HOLIAN: Thank you.

MS. PATTON: Thank you for all your hard work.

CHAIR HOLIAN: Thank you, Ms. Patton. Is there anyone else who would like to speak?

TERESA SEAMSTER: My name is Teresa Seamster and I'm a resident now of [inaudible] County Road in the County. Thank you for going through this process. It's been a very, very long process. I think I'm almost in agreement with everybody who has spoken tonight which is an odd position to be in. I think you've heard the [inaudible] experts in their own way. They knew what they knew about different issues and they're very accurate about what they're concerned about. I think what you really have to do is to pass the code. You've got a process that is working. I don't know that you could give it [inaudible] 100 or more people to talk in this level of detail about specific issues in the County without a code. The code is what gives you the framework. You have a plan, you have a code to implement. You've worked really hard to get all these inputs somehow represented in the code and you have people turning out by the tens and hundreds to help you basically fine tune it. And I think it's an excellent process and I really hope that you'll support the code and if it passed – and then have a process that you already have in place and it is working with a facilitator who can come out and work with a group of people about home occupations. That part of the code was very [inaudible] and I think people are very happy with it. You have an excellent process. All you need to do now is [inaudible] and let it work and you will have an ideal code in a couple of years. This is not something that is going to work overnight. But the process is great, so thank you.

CHAIR HOLIAN: Thank you, Ms. Seamster. Next.

ROSS LOCKRIDGE: Ross Lockridge from Cerrillos. I agree with Teresa. The following groups in rural communities [inaudible] preservation trust and numerous groups from San Pedro, Cerrillos, San Marcos and Galisteo and some families in Golden support staff's recommendation of the amendment in the involving sand and gravel so that the [inaudible] issues can be dealt with appropriately and as so would be reflected in the use table.

We appreciate your support on this. Thank you, thank you all and staff too for the great work.

CHAIR HOLIAN: Thank you, Mr. Lockridge. Is there anyone else who would like to speak. Seeing none, I am going to close the public comment portion of this agenda and I would like to thank all of you, all of you who have come to this meeting, all of you who have commented either by email or to us today. We really, really appreciate all the community involvement in this process. And it is your code so it is only right that the community should be involved in this.

However, we have now been here for a couple of hours listening to public comment so I am going to call a 10 minutes break so we can stretch our legs and we can reconvene at 5:40.

[The Commission recessed from 5:30 to 5:50]

CHAIR HOLIAN: I'm going to call this meeting back to order at 5:50. And now we will go forward with questions and discussions and amendments. But, before we do that I would like to have a motion for the ordinance so that it is on table for discussion. I don't want to – Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I will move ordinance number 2013-6.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, so we have a motion and second. So now I will open it up to discussion, comments, questions, amendments. Commissioner Chavez and then Commissioner Stefanics.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. First I want to make an observation and a comment or a comment and then an observation. My comment is that I really want to thank all of the public for the countless hours that you spent on this land development code; that is not to be taken lightly. I know that you could have been doing other things with our time. I want to thank staff for their time in this. I'm the new Commissioner, the newest Commissioner on the Commission at this point. I was willing to make a motion to the second because I do understand the process and when you talk about land use or growth management and depending on what side of the topic you are, it's not popular and it's not easy. And it's not anything that is fixed in stone or written in stone. We have in the document – about 400 pages, there's 13 chapters. It will be adopted in ordinance and the ordinance is on one page. And the ordinance simply says that this ordinance is hereby enacted or at that point, that this ordinance is hereby enacted and may be cited as the Sustainable Land Development Code. So after saying that then for all the business that we conduct after that point you have to refer to this document. And I think that puts us all in a better place than what we were before. The only thing for me that is missing in this one page ordinance is that what happens after we adopt the land development code. As many of you alluded to the fact that the work continues. And it's not easy work but it's work that needs to be done. So the work doesn't start or stop here it only continues. And we have a lot of groups that have surfaced the Santa Fe County horse association, horse owners, so we have groups that are interested in the topics of equestrian ownership or boarding. You have groups

that are interested and knowledgeable about sand and gravel. You have other people that are interested and knowledgeable about their own community and what works for them, those are the community plans. We need to be sensitive to that.

So the work continues and that is one of the amendments that I will be looking for. But I did want to make those comments and I was willing to make a second so that we could keep the discussion going, talk about the amendments that are appropriate at this point in time and continue that discussion so that we can amend the land use code in the future to meet our needs. Thank you, Madam Chair.

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

COMMISSIONER STEFANICS: Thank you, Madam Chair. I want to make a few comments and then listen to my colleagues. My assumption and ideal for this code is that it is looking out for the future of Santa Fe County. It is not to harm any development in place, any development in application and moving through the process. Even if we pass the code tonight it can't be enacted for quite a while. And for those of you who have missed some of those conversations, the code can't be enacted until there are zoning maps and the development fees have been approved and we move ahead. And so I am assuming that somebody here this evening is going to have an amendment that we will bring this code back in six months to finalize the language.

But my ideal here is that if you are in a home on a piece of property and you have some non-conformance, nobody is going to make you come back in and say, I'm living in a house, let's repermit it. That's not what my goal is. My goal is that as we have developments going forward that we have some planned activity for this County and that it's not helter skelter. I happen to have a community – we all represent many facets of Santa Fe County. Some of it is urban. Some of it is rural sprawl. Some of it is truly rural or rural suburban. I have small community and they'll know when I'm talking about them when I bring this up, but they have some roads that can't be adopted by us because there are telephone poles in the middle of the road. That is an example of why we have to have some kind of planning for Santa Fe County. It's not just for administration, for a piece of paper – it's really for the welfare of people living there.

I also lived in a community for many years down Highway 14 that at times had to boil water and how many times have we read about that in the newspaper, about small communities that have to boil. Some of that has to do with having community water system or having some plans in place.

So my intention on working on this code, in voting, is not hurt people in Santa Fe County but to protect Santa Fe County in the future and to support individuals in what they have now.

So, Madam Chair and Commissioners I don't intend to provide any amendments this evening. I intend to listen to my colleagues and to vote on them as they come up or down. But my intention or my belief is that we're bringing this back again before it is fully implemented. Thank you.

CHAIR HOLIAN: Thank you, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

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COMMISSIONER MAYFIELD: Madam Chair, I know we have people sitting in the audience and outside of that door for other reasons than this code tonight. So if we could just get clarifying on what – on land use cases of a timeline that they may be here because I think there may be some folks paying interpreters tonight and I just in fairness to them or in fairness to anybody else who may want to take a dinner break, in fairness to our agenda. I have numerous questions too about this code.

CHAIR HOLIAN: Penny, is there anyway that we could table those cases until our next land use or – this might take awhile.

MS. ELLIS-GREEN: Madam Chair, Commissioners, the first land use case that we have we do have an interpreter that we're paying for for that case. The second one was tabled last month so but – I know they have agents but they don't have an interpreter.

COMMISSIONER MAYFIELD: Let's just give them a timeline, Madam Chair. If it's going to take an hour, two hours – I don't know how long.

CHAIR HOLIAN: Well, Commissioner Mayfield, you are a big part of that, what would you suggest?

COMMISSIONER MAYFIELD: I don't know I can't speak for everybody. My questions may take an hour, depending on staff. I don't know who is going to be the scribe for all the amendments, if they're going to pass or not pass. I just want to be respectful of people's time who is waiting tonight for the rest of our agenda.

CHAIR HOLIAN: Commissioner Mayfield, I don't think that my amendments are going to take very long. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I don't need an hour either. But I'll keep my comments short and I think we can be brief on this and still be effective. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Chavez. Commissioner Mayfield, why don't you go first then.

COMMISSIONER MAYFIELD: I going to wait, defer, Madam Chair, for my colleagues.

CHAIR HOLIAN: Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I think I'll just go straight to some of my comments. The first amendment I have and I'm just going to put it that on the table right away is an amendment to the appendix – let me get to the right one, so that I can be clear. The appendix that deals with horses and essentially, Appendix B, page 6, use table/agriculture, forestry, conservation, and open space: removes 6 and replaces it with 12. So that's my amendment.

CHAIR HOLIAN: I will second that amendment.

COMMISSIONER MAYFIELD: I'll second it also.

COMMISSIONER ANAYA: Do you want to do them one at a time and vote on them?

CHAIR HOLIAN: Yes, please. Did you want to make any comments on that or –

COMMISSIONER ANAYA: No, I think there has been plenty of comments and I just want to move it.

CHAIR HOLIAN: Okay, Commissioner Chavez has a comment.

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COMMISSIONER CHAVEZ: I'm going to support this and honestly I think I disclosed this with some of the people that I spoke to that own horses and unfortunately I don't own a horse, I wish I did. I wish I could ride more. But I do have backyard chickens in the City of Santa Fe with a roster and it allowed. So I think that want to keep and hold onto part – that part of our history and our culture but I'm in a residential – not a rural residential neighborhood, but a residential neighborhood in the middle of the City of Santa Fe so that means I have to be more diligent about how I maintain and keep my backyard chickens.

And so I think that we all want to be responsible in that regard and that's all I'm asking for. When you talk about management of manure, we have to be serious about that because we know that if one does not have the wherewithal to dispose of that, it might end up in an arroyo: that's not good. Sometimes it ends up at our transfer stations in piles: that's not good. And so how we manage that is very important. Now many of you have said to me that you are willing to help us manage that piece of the land use code and that's very encouraging because that talks about the public participation and the fact that our public is willing to invest their time and they have been willing to invest their time to get to this point and are willing to continue that. And so with that spirit of cooperation I'm going to support this amendment. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. I just wanted to say a few comments of my mine own. My husband and I got into horses relatively late in our lives and the reason that we got horses in the first place was that I couldn't hike anymore in the mountains and I thought that they would be a good way that I could get transportation to the places that I love. But I found that horses are so much more than transportation. They are an important part of your life. They are part of your family and a relationship with a horse is a very, very special thing. And it has been just such a – I can't tell you the difference it has made in my life and it isn't just transportation. It's my relationship with my horse. In the beginning our horses were stabled at the Carr Ranch, maybe you've heard of that, it was on the – 599 didn't exist, but it would sort of west of 599 now, I don't know if it still is there. And they had about 15 to 20 acres and there must have been 40 or 50 horses on that ranch. And it was very clean. The owners were very responsible about manure. You never saw manure lying around the place. I tell you it was a shoestring operation. They were not getting rich on this. They were doing it because they loved it. And I can't tell you how important it was for my husband and me to have our horses there because of all the advice that we got from all of the other horse owners there. And so that then when we finally did take our horses to our own property we felt like we kind of knew what to do with horses although it did take us a while to really learn all the various fine points of owning horses. And also I'll say that when we got our horses in the first place we got then from B Bar C. This was a 5-acre ranch that was off of West Alameda and it was run by Bill and Carol Cantu, I don't know if you remember them or not. But they must have had 40 or 50 horses on 5 acres, and, again, it was spotless. It was clean. There was no manure around. They took care of the manure and I think that for the most part horse owners in our community are very, very responsible. I just don't worry about that. And I think that because of the long tradition of horses in New Mexico that we really need to recognize how important a part of our community that this is and so I am very supportive of this resolution and I want to really thank the horse owners out there for being actually willing to compromise at 1 horses because I think it can actually even be a great number than that.

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But in any event I wholeheartedly second this amendment.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes.

COMMISSIONER MAYFIELD: And it may just not be me with my questions that will keep us here for a few hours if all of us have a lot of rhetoric on this bench tonight. I'll say that. But I think it's very important with everything that was said tonight and respecting both sides of I guess the argument but one thing that struck me that is of significant importance is the generations and the future generations. In respecting the Sustainable Land Development Code as applicable to all of us for future but one thing to me for my son and for his children and his children's children is I would hate for them to have to go to museums to see this type of living one of these days. I hope that is what we look at in this code also.

The other thing though, that we all, I believe we all have taken a position on this bench is the economic impact to Santa Fe County and how we can bear that for both the rural parts of Santa Fe County and the urban parts of Santa Fe County. And one thing that was presented to me tonight and over the many study sessions that we've had is the economic benefit that this does provide to our rural part that don't have that same benefit that our more urban parts have. And I think that's a huge significance that we have to recognize in this code is that we can't diminish economic benefits to our rural communities and we need to help them thrive economically also because it's not just urban interface that we have to be taking care of. If it's an SDA1, if it's an SDA2 or an SDA3 we have to recognize the economic benefits and the impacts to the families that live in SDA 2 and SDA3 areas also. They choose to live there, but they still need to support their families to live there because the downside effect to that is the carbon footprint for them having to travel to an SDA1 area, back and forth, back and forth. And all of us talk a really good game about protecting the environment so let's provide those economic opportunities for people that live in the rural areas. And with that, Madam Chair, I'm happy to support this amendment also.

CHAIR HOLIAN: Okay, we have a motion and two seconds to change the use table to require conditional use for over 12 horses in a commercial operation.

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

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, the next proposed amendment I have and I'm going to take the suggestion of Commissioner Chavez that just offered it to me associated with where to put it, in good faith with the comment Commissioner Stefanics just made about review associated with six months, review and potential amendment. We have the map, the zoning map and other documents that we still need to work through associated with the code to actually fully implement the code and put it in place.

So I'm going to propose a six-month review for review and potential amendment and a 12-month review. Six and 12 to be placed at the end of the document on the last page. Commissioner Chavez, do you want to elaborate.

COMMISSIONER CHAVEZ: Yes, I would like to second that. Thank you, Commissioner Anaya and Madam Chair, if I could. I referenced the ordinance earlier and I

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want to ask legal staff if it would be appropriate to add language to the ordinance that mentions the review, the outline that Commissioner Anaya articulated in his motion. Can that be included in the ordinance?

MR. ROSS: Madam Chair, Commissioner Chavez, we have a section in the ordinance already, Section 1, 1.1.3, it's entitled periodic review. It doesn't have specific time periods.

COMMISSIONER CHAVEZ: I'm asking that it be inserted on this here.

MR. ROSS: Right, so what you're proposing could be an excellent amendment to 1.1.6, we could do that fairly easily and I would also suggest that the 6 months starts after the effective date of the code. The code isn't effective until the zoning map is adopted and we don't know exactly when that will be.

CHAIR HOLIAN: Steve, did you say that was 1.1.6? Where did you say that was?

MR. ROSS: 1.1.3.

CHAIR HOLIAN: 1.1.3.

COMMISSIONER ANAYA: So, Madam Chair, on Mr. Ross's last response I want to ask a question.

CHAIR HOLIAN: Yes.

COMMISSIONER ANAYA: Mr. Ross, the reason I explicitly said six months was to connect it directly to the zoning maps to when the zoning maps are being finalized if there are any conflicts associated with the maps that are contradictory in the code that we would be able to adjust those. But are you saying that that's not necessary? The reason I'm saying six months is to tie the two together so that as we review them that we're able to complement both of them and work through them. Does that make sense?

MR. ROSS: Madam Chair, Commissioner Anaya, I get what you're saying now and so here's what I would suggest: that we add language to that section that says something like the Board shall review the SLDC at the time of adoption of the zoning map and –

COMMISSIONER ANAYA: Six months thereafter.

MR. ROSS: And six months thereafter, right.

COMMISSIONER ANAYA: And, Madam Chair, Mr. Ross, I think it's also important to even if it's a rearticulation of the same language for clarity at the end of the document as well. I don't think it hurts anything to restate that. But in the appropriate section and then restate that at the end. Does that hurt anything? Does that cause any problem if we do that as Commissioner Chavez has suggested?

MR. ROSS: Madam Chair, Commissioner Anaya, we'll figure it out.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya, where was the additional place you were suggesting to put it?

COMMISSIONER ANAYA: I think we need to put it in the binding place, the section that we refer to periodic and wherever Mr. Ross just stated. But I would agree with Commissioner Chavez that having a statement at the end that rearticulates that wouldn't hurt anything.

CHAIR HOLIAN: In the ordinance itself?

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COMMISSIONER ANAYA: That's correct. It would be in the section – they're both in the ordinance but one would be in the section and one would be restated at the end. Is that okay?

MR. ROSS: Madam Chair, Commissioner Anaya, we'll do that.

COMMISSIONER ANAYA: And that's all I have on that one.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this may help me for the rest of the evening. So clarification for Mr. Ross and my colleagues who introduced this resolution. So, Madam Chair, Mr. Ross, can I understand if we potentially have, and I'll say potentially right now, any conflict within chapter to chapter in this code that we may not have identified tonight or something that arises maybe within the six months as it pertains to the creation of the zoning map or whatever may arise this is where it can be addressed because this is not totally concrete as we may act on it tonight. That there will still be that potential for that cleanup and it can come back to the Commission?

MR. ROSS: Madam Chair, Commissioner Mayfield, we can make clean up changes at any time when we recognize them and also do the periodic reviews that Commissioner Anaya has suggested.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: So if we notice a large problem we'll bring it right back to you unless you want us to hold them until the six-month intervals.

COMMISSIONER ANAYA: Oh, this point, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Yeah, yeah, please.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: My intent is what you said. That's my intent of the motion and I would further state that in the process of utilizing the code we may have things that come from the public that are glaring omissions or concerns that those too could be brought to us and then thus discussed. So my intent is what you're suggesting.

COMMISSIONER MAYFIELD: Thank you. And, Madam Chair, and clarification, it's one of my talking points tonight and I want to explain this to the public are going to be based on even comments that came to me tonight to the bench. So one of the comments that came to me tonight to the bench was I believe from Mr. Martinez, if there is applications in the process right now they are currently applicable under current code, not this code as long as they meet whatever time line they're under; correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, the code doesn't become effective until we adopt the zoning map.

COMMISSIONER MAYFIELD: Even – Madam Chair, Mr. Ross, even if it's adopted, if they were given a date to complete until say 2016, are they to abide by the code when they were given that condition approval or if the code comes in prior to that date would they have to be bound to abide by the new code?

MR. ROSS: Madam Chair, Commissioner Mayfield, it depends on what they're doing. There are transitional provisions in Chapter 1 that govern all possible, conceivable situations.

COMMISSIONER MAYFIELD: Okay, then Madam Chair, Mr. Ross, Ms. Miller, Ms. Ellis-Green – and if you're not here, that's fine, just kind of hear me out here,; is

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it possible, please – and please, general public don't misread into this by any means, but can you right now take some general permits that we have in our land use and at our expense and nobody else's expenses, if it's just a mom and pop application, if it's a master plan application and run it through this code right now knowing that we still don't have a zoning map but an anticipated zoning map to see how this code would be applicable to it? To see if we would catch maybe some conflicts in our chapter right away or in chapters or where there might be a potential conflict so we're not waiting post fact when this thing is totally inked and then we're coming back a year from now saying, oh man this was a huge conflict.

MR. ROSS: Madam Chair, Commissioner Mayfield, we've done that and we will continue to do that. It's a good idea.

COMMISSIONER MAYFIELD: I wasn't aware that this was being done. So that's good. Okay, Thank you, that's all I have, Madam Chair.

CHAIR HOLIAN: Steve, as I understand it you were continuously doing consistency reviews on the code, correct?

MR. ROSS: Madam Chair, yes.

CHAIR HOLIAN: If I understand it, let me rephrase the amendment and see if I have it correct. The amendment is to have the Board shall review the code at the time that the zoning map is finalized and six months thereafter and that will be added to section 1.1.3 –

MR. ROSS: Plus we'll add it to the ordinance.

CHAIR HOLIAN: Plus to the ordinance itself and then there is direction to staff to bring back serious issues whenever they arise.

COMMISSIONER ANAYA: No, that's not my amendment. My amendment says and Steve Ross restated it to say upon approval of the zoning map there will be review and possible amendment of the code. Six months thereafter, we'll do it again.

CHAIR HOLIAN: Didn't I get that correct?

COMMISSIONER ANAYA: And then he said we'll bring back other issues as they come up for consistency but the amendment is explicit to six months after the maps and then six months –

CHAIR HOLIAN: Oh, whenever actually it's specific to whenever the zoning map is finalized, correct?

COMMISSIONER ANAYA: Yeah, I accept that because we know we're going to go through a process to adopt the zoning map.

CHAIR HOLIAN: And six months thereafter.

COMMISSIONER ANAYA: That is correct.

CHAIR HOLIAN: Okay and –

COMMISSIONER MAYFIELD: Can I ask –

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, Ms. Ellis-Green, where does the fee schedule or anticipated fee schedule come into play in this?

MR. ROSS: Madam Chair, Commissioner Mayfield, we anticipate the fee schedule will come prior to the adoption of the zoning map.

COMMISSIONER MAYFIELD: That will come to the Commission before for approval or at a separate time?

MR. ROSS: Earlier than the adoption of the zoning map but separately,

correct.

COMMISSIONER MAYFIELD: And we can have that discussion up here on that bench.

MR. ROSS: We can take it up whenever you guys want to take it up but that was the plan to get it in place before the code became effective so people knew what to pay when they came to the front desk.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Okay, we have a motion and a second, all those in favor.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, we had comments I believe Ms. King brought these comments up and I had a brief conversation with Mr. Ross pertaining to Section 5.4.3.1, lot line adjustment, and Steve would you comment because this item is an item that is a state regulatory item is my understanding and if you would comment further because what I am going to request is that we do not necessarily restate what another governmental entity is doing but rather stick to what our responsibilities are associated with regulation and that it sounds like to me we put things in the code and there's a few others that we'll talk about that are not our requirements but another state entity's requirement and I think we need to be careful not to restate someone else's regulatory responsibility or government's responsibility. So go ahead and respond to this one.

I'm going to read the amendment before you respond. A lot line adjustment – this is what is requested to remove – a lot line adjustment is inappropriate if the proposed lot is so altered that none of the original lot line are preserved and any such proposal will be treated as a replat or a subdivision pursuant to this chapter. The example that I would provide is that if you have a 40-acre tract that has four lots on it and they're drawn all over that 40-acre tract in different areas if you do a lot line adjustment, removing this language would allow you to put those four lots anywhere. You wouldn't be restricted to use one of the other boundary lot lines. But, Mr. Ross is going to comment that there are some legal issues associated to that that are not responsibility but the state regulatory authority.

MR. ROSS: Madam Chair, Commissioner Anaya, so this is a requirement that is implicit in the Subdivision Act and we actually had a case that we're still in litigation concerning, land use case, where a number of federal lots were aggregated and created a subdivision which were thought to be exempt a number of the requirements of the land development code and this body refused to permit that to happen and later the developer came in and subdivided it pursuant to our procedures. This sentence was just intended to remind people of that issue and restate what was already in the subdivision act so that people reading our code would realize, hey, this is a problematic technique to use when creating what probably ought to be dealt with as a subdivision.

And this is less important now with this particular code, this language, than it was under the current land development code because many of the road requirements and other development requirements that were part of the subdivision regulations in the current code

have been moved to Chapter 7 in this code and are independently applicable. So this isn't as hot-button an issue as it was several years ago. We've talked about with proponents of this language deleting after the word preserved or deleting the whole thing as you suggested. There are basically three options, leave it in, delete the whole thing and rely on the State Subdivision Act or ending the sentence at preserved and letting Penny determine on a case-by-case basis what the appropriate procedure is for any particular application.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Does anybody in the audience want to comment on what you just – what Mr. Ross just suggested associated as – is Karl here or somebody else want to comment? Ms. King, did you want to comment?

I mean, Steve, let me ask this. So if the Subdivision Act is utilized then is there – what's the purpose of us putting this in here?

MR. ROSS: Madam Chair, Commissioner Anaya, the only purpose was to remind people that this is an issue. It's just a heads up in the code.

COMMISSIONER ANAYA: Ms. King.

MS. KING: Thank you, Madam Chair, Commissioners and Mr. Ross, I would certainly concur with what he said about the deletion and the reason I believe that – or would recommend that you delete it is that I actually think that it ties the County and the Administrator's hands to actually do what might be in the best interest of everyone because some lots if you've ever looked on some existing government lots they are non-conforming and if there is an avenue to make those lots conforming, I think that makes more sense than leaving them non-conforming and somebody coming forward and selling those lots. Also, it is my understanding that even if you delete this language it does not take your purview away from reviewing lot line adjustments, you still have that purview and you still can set the standards. But I think by setting the standard that one of the original lot lines has to be reserved is in essence or could inadvertently tie your hands and prevent you from doing something that is very logical. And I'll give you an example, previously we did a lot line, some lot line adjustments many years ago that took some 2-acre tracts that were very non-conforming and actually turned them into 40-acre tracts. But there is no way I could have feasibly done if I would have had to keep some of the original lot lines. So I view it more as a flexibility of staff and the administrator to make what's in the best interest of everybody and then allow, again, for the County to have their full review in what they feel is allowable. Thank you.

CHAIR HOLIAN: Commissioner Anaya, Commissioner Mayfield has a question on this point.

COMMISSIONER MAYFIELD: Madam Chair, if I can just defer that to the end because it might be answered.

CHAIR HOLIAN: Okay. Karl.

KARL SOMMER: Madam Chair, may I comment on the – I was listening on TV across the street so ran over and I'm a little out of breath. I'm showing my age.

Let me respectfully disagree with your County counsel. I'll tell you a little bit about the history of lot line adjustments –

COMMISSIONER ANAYA: Get your breath.

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COMMISSIONER MAYFIELD: I'll ask my question. So, Madam Chair –
COMMISSIONER ANAYA: You should have had a horse, Karl.

MR. SOMMER: Yeah.

COMMISSIONER MAYFIELD: Let me ask a question this way because I know that this was a case that came up at one time long ago. An individual that is landlocked, an individual, not for development purposes or anything, that is landlocked on parcels of land that just wants to do a lot line adjustment for potentially allowing an adjacent neighbor the opportunity to buy that from them. They bring it into land use and land use says, nope, we're not going to do it because now you have to provide us a clear, divided road to it. And they're saying, look, I just want to move three internal lines around so now that somebody adjacent to this property can now have access to this property so I can basically sell it to them. And they were denied by County staff Administrator, I guess they could have ran the gamut of paying every single dollar fee or respectfully hiring Mr. Sommer or some other person and take this through the whole bureaucracy of this Board. They didn't want to do it. They just gave up. And I just want to make sure that – or think that we could have that type of process to make it fee simple for somebody to able to do this, just internally move a line around that's already potentially landlocked but give an adjacent property owner the opportunity to buy it from them without having to create a whole road for them.

Now I don't know if that pertains to this or not and that's where I want you all to help me.

MR. ROSS: Madam Chair, Commissioner Mayfield, we don't think it does. It sounds like a fairly straightforward lot line adjustment.

COMMISSIONER MAYFIELD: Well, it did happen and I'll show you that case later. Thank you.

CHAIR HOLIAN: Mr. Sommer.

MR. SOMMER: Okay, I'm breathing again. So I was saying I respectfully disagree. I've been practicing here for many, many years, since 1986 and I have done I would venture 50 or 60 lot line adjustments on the scale of dealing with two and three lots and dealing with dozens and dozens of lots at a single time. And that policy in this County was consistent all the way up to one case and that the case to which Mr. Ross referred. It was the Saddleback Ranch case. Not all of you were on the Board at the time but you may be familiar with it. It did not reach this Board. It was appealed because it was denied at a staff level and then the applicant chose a new route. It did not come to this Board.

The policy was always to say, look, if you [inaudible] lot lines around reconfiguring lots so that the same number of lots existed before and after it was a lot line adjustment. The Saddleback Ranch case presented several problems, one of which was it was unpopular with the neighbors in Galisteo. The second problem was it highlighted what do you do with infrastructure requirements because technically speaking on a lot line adjustment the code did not allow the County Land Use Administrator to impose terrain management, engineering, water – all of the things that go along with a subdivision. That case highlighted the problem.

Why do you know that that was the County policy? Right across the highway is the preserve, the Galisteo Preserve, that was done by a developer on a lot line adjustment basis, dozens of lots moved around out of the Thorton Ranch, there were BLM lots and they were adjusted, not a subdivision, they were adjusted.

Now, I tend to agree with staff that lot line adjustments on that scale needs some regulations. The County code didn't allow for the kind of regulation it needed. It presented a problem. The State Statute does not allow you to treat them like a subdivision. They don't. And I can tell you that the provision as drafted will get challenged and it will be challenged in the worst kind of way, it'll get challenged in the kind of case where you have lots and lots of lots and it's a high stakes thing. What we have proposed and what I think is rational is to say, look, a lot line adjustment is not a subdivision because that's what the State Statute says. The State Statute says that if you are moving lines around and end up with the same number of lots that you started with you are not a subdivision. That means the County can't treat you that way. But what the County can do is say, all right, you're not a subdivision but you will comply with our terrain management, you will comply with our fire protection, you will comply with all the things that you need to take care of but we're not going to make you go through the subdivision. I'm sorry I still need to catch my breath.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: So what language do we need to modify to make sure that it does comply with the other aspects of the land use management or is it by taking it out will it comply if we just remove the language?

MR. SOMMER: I think that this particular section needs to say that if you are a lot line adjustment then the County Land Use Administrator has the authority to impose among other regulations, terrain management, fire protection requirements – all of the things that would protect the public from getting substandard lots that they're then coming in and saying, hey, why did you approve this?

So there is a provision that you could add very simply saying, lot line adjustments will be approved by the Land Use Administrator who shall have the authority to impose the regulations contained in such and such...and then just lay them out. That way the County is protected. The public is protected and staff is protected.

COMMISSIONER ANAYA: So, I'm trying, in the spirit of wanting to move along I'm going to set this aside and Steve proposed removing the language but the additional language I'd like to get some feedback as to what that looks like.

MR. SOMMER: I can go type that up.

COMMISSIONER ANAYA: And I'll move on to the other items.

MR. SOMMER: Very well.

COMMISSIONER ANAYA: Madam Chair, 5.8.4.5, speaks of water permit required for a final plat and the request is that text be added, and, Steve this was also another one that you said you believed there was some discussion and some work on it – that text be added to clarify that 5.8.4.5.1 and .2 and .3 apply to final plat for a subdivision containing 10 or more parcels any one of which is 2 acres or less in size.

MR. ROSS: Madam Chair, Commissioner Anaya, this is a State Statute also recently enacted, in fact, in the very last session. And it's a verbatim in the ordinance. In my opinion 5.8.4.5.3 is governed by 5.8.4.1 but it doesn't say that the way this says it. I suppose what we could do is add a 5.8.4.5.4 to make it clearer or add some language at the beginning saying – we can figure it out.

COMMISSIONER ANAYA: Is that an amendment or an item that you could

MR. ROSS: If you would let us have a little latitude to add some introductory language on that section to clarify that without destroying the statutory meaning we can do that. I don't think that you can interpret 5.8.4.5.3 as operating independently.

COMMISSIONER ANAYA: So you can take a stab to try and clarify that.

MR. ROSS: Yes.

COMMISSIONER ANAYA: Madam Chair, this comment was also made earlier at it's something that I kept bringing up through the process of this entire discussion of the code changes or code as a whole. I've kept consistently asking that when we define what a utility or a water service is; I kept saying that it's not a governmental entity it could be public or private. 7.13.4.2 basically says, delete as regulated by the Public Regulation Commission and then in Appendix A definitions – and staff has this as well – Appendix A, definitions, public water, wastewater system –

CHAIR HOLIAN: Excuse me, Commissioner Anaya. What page are we on? Do you have any idea?

COMMISSIONER ANAYA: I don't know what the page numbers are.

CHAIR HOLIAN: Can you say that again, 7. –

COMMISSIONER ANAYA: 7.13.4.2.

CHAIR HOLIAN: Let us get there.

MS. ELLIS-GREEN: Madam Chair, on the handout I gave you, that is on page 21.

CHAIR HOLIAN: Okay, and in the code here it is 7.13.4.2 is on page 138; is that correct?

MR. ROSS: Madam Chair, the language he is referring to only appears on Penny's handout I believe. Unless you have the final version up there.

CHAIR HOLIAN: But it does say in 7.13.4.2, number 3 is a cooperative that is regulated by the PRC.

MR. ROSS: Okay, so you got that, so the proposal is to delete that language and we are fine with that.

COMMISSIONER ANAYA: But, the point there, Madam Chair, is that cooperatives aren't regulated by the PRC and our interest is to have collective service. The form it takes is not as relevant as having community service or cooperatives where it is possible; right?

CHAIR HOLIAN: Steve, do you have any comments on that?

MR. ROSS: Madam Chair, I think that change is fine. It is accurate. Co-ops are not regulated by the PRC.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Anaya, Mr. Ross, just a quick comment. I agree with that, they're not regulated by the PRC but I think we can simplify some of our code as to the way it relates to New Mexico State Statute and knowing and respecting even Governor Martinez of how she might want to allow some work with some of our mutual domestics and some assistance – and knowing this County has even tried to provide assistance – if we just made a simple reference in this of anybody who is recognized under state statute because it could change at any legislative session of who is recognized under state statute on any given year. And are we going to come back and always

do an amendment to the code? I just think in some certain sections of this code we just might make a general reference to NMSA.

COMMISSIONER ANAYA: I'm fine with that, if that's reasonable. I just want to make it clear that we are not excluding a body in the code.

COMMISSIONER MAYFIELD: Exactly.

COMMISSIONER ANAYA: Is that one we need to make a motion on or is there consensus? Do you want a motion?

CHAIR HOLIAN: Steve, do we need a motion for that?

MR. ROSS: If there's unanimous consent to do that and you can declare that as the Chair, we'll move forward. That would be great.

CHAIR HOLIAN: Are there any objections?

COMMISSIONER MAYFIELD: In addition to Commissioner Anaya, we could say cooperative or any entity recognized under New Mexico State Statute.

COMMISSIONER ANAYA: Deliverable water/wastewater; that's fine.

COMMISSIONER MAYFIELD: I'll second that, Madam Chair.

CHAIR HOLIAN: Steve, does that work? Can you repeat that again.

COMMISSIONER MAYFIELD: Well, Madam Chair, I believe we were going to strike regulated by the Public Regulations Commission, because a cooperative is not.

CHAIR HOLIAN: Correct. And then what was the additional?

COMMISSIONER MAYFIELD: And then we were going to also recognize – we're just going to leave the rest of the section intact and then add recognized by – however you want to say it, NMSA, New Mexico State Statute because that may change and there may be somebody that we're missing.

CHAIR HOLIAN: Steve, do you have a comment on that?

MR. ROSS: Madam Chair, are you saying, Commissioner Mayfield, that we should add an f, that recognizes public water and wastewater systems other than the County as described in New Mexico Statutes?

COMMISSIONER MAYFIELD: Well, you have that in there, don't you as I'm reading 7.13.4.2. I'm going to just read it, you have water and wastewater systems to which the subsection applies are a) a mutual domestic water association; b) a water and sanitation district; c) a municipal water or wastewater utility; d) a water/wastewater system public or private that is regulated by the Public Regulation Commission and then what you added or a cooperative that is regulated by the PRC. We've got to strike that because they're not regulated by the PRC.

CHAIR HOLIAN: I think we all agree on that, Commissioner Mayfield. So I don't think we need to vote on that.

COMMISSIONER MAYFIELD: But I believe we should also say or anybody else that is also recognized under NMSA because there may be another entity that we're either forgetting or there may be somebody to come on board a little later.

An example, Madam Chair, Commissioner, let's say that we come together as a little homeowners group and somehow we get qualified and we apply and we get recognized and we go through the PRC and they get legislation to get that approved, I mean, it has happened.

COMMISSIONER ANAYA: Yeah, would we want to not allow that in our system?

CHAIR HOLIAN: Steve, would that language be legal?

MR. ROSS: Madam Chair, I think what we were trying to do here was identify which entities, if you're in their service area, you must hookup to. So if you're talking about an unincorporated association or a partnership or something like that which are the entities that are recognized by law you're starting to run a field of what the paragraph was intended to do.

COMMISSIONER MAYFIELD: Okay, Madam Chair, look – I don't –

MR. ROSS: But I'm fine with it.

COMMISSIONER MAYFIELD: I don't want to throw any fire on this but I'm going to throw some fire on this right now. So let's look at somebody that basically might even be in receivership right now or somebody that is in financial trouble right now. We're going to go and tell JQ Public who just dropped 15,000 bucks into a well: you know what? You guys are now mandated to hookup to somebody who's in financial receivership or somebody that be potentially go belly-up. You are mandated to hookup to this system. I don't know that I want to support that, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield, I'm not sure I really understand quite what you're saying.

COMMISSIONER MAYFIELD: We're requiring people to connect to a public utility system. I can tell you from my knowledge that there are many potential public utility systems that are in financial trouble. And there are some that are potentially going through receivership right now, that are regulated. And we are telling folks that if they are within so many feet of this utility they are mandated to hookup to this utility. So what if this utility goes belly-up. We've just mandated that somebody hookup to this utility. I just want you all to think about that right now.

CHAIR HOLIAN: Well, Commissioner –

COMMISSIONER MAYFIELD: And they just dropped \$10,000 into a well.

CHAIR HOLIAN: Well, Commissioner Mayfield, I don't think I could strike this section entirely just because of the fact there might be some water association out there that – we're never going to require anybody to hookup to any water utility because of the possibility that one of them might be in receivership.

COMMISSIONER MAYFIELD: What if they are? Let's say not if; what if they are currently in receivership?

CHAIR HOLIAN: Perhaps that would be something that we could look at when we do the six-month review on the code as to how we would put in language to deal with that particular situation. This is very complex.

COMMISSIONER MAYFIELD: I know, Madam Chair, and you're being asked to have me pass this tonight. It's very complex.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yeah, I guess on this topic, on this point, I'm willing to as we've all come to a consensus on we strike the language that says a cooperative that is regulated by the PRC and leave it at that. That would be my position. I think the questions that Commissioner Mayfield are bringing up are valid, but those can be captured in the six or one year review.

So I would be willing to support the motion to strike that, if there is a motion or just

end the discussion there. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Anaya, do you have a comment?

COMMISSIONER ANAYA: Madam Chair, I think maybe that's something we can have continued discussion on but I definitely want to go ahead and do the first part and then figure out how to –

CHAIR HOLIAN: And, Steve, I think we all agreed by consensus on at least striking the language, regulated by the PRC in item 3.

COMMISSIONER MAYFIELD: Yes, thank you.

CHAIR HOLIAN: In 7.13.4.2. Yes, please continue.

COMMISSIONER MAYFIELD: Madam Chair, look, I'm going to bring this up under discussion for me after if I can't talk about it now. But another point and I'll just say this right now I have a mutual domestic up north that I represent. They're out of water and they are right now in front of the OSE, out of water. I have residents saying, hey, I want to hookup to this mutual domestic and I'm just going to give an example right now, Commissioner Chavez and everybody else, they have asked the mutual domestic, hook me up for your service. The mutual domestic wants to hook them up. Mr. Leigland can talk about this tonight if he's here. They can't do it because a soil conservation district is protesting that hookup. So the individual had to go and buy a well or pay for the well. He had to do it, he needs water. So now if they can come and acquire the water rights for that mutual domestic within five years, we're going to now go tell that individual go hookup now to that mutual domestic when he tried to initially do it. I mean let's – I'm going to just say, let's think this one out a little bit. Respectfully, think this one out a little bit.

COMMISSIONER ANAYA: And, Madam Chair, Commissioner Mayfield, I'm going to speak to a few comments that I think we're going to have to figure out some regulatory issues that deal exactly with that. We just had two months ago a discussion associated with County mandates on hookup to County utility and the reality is we don't have the mechanism, the resources, or the system to do that so I think concurring with what you're saying as we're going through evolution of the code, there's going to be some process issues and some policy issues that are going to have to be developed to be able to address what you're saying. I think that we're seeing that in the old code and we're going to definitely realize it in the new code as well.

COMMISSIONER MAYFIELD: And, Madam Chair and Commissioner, and I respect what you're saying but we're still inking something right here up in 7.13.3.6 –

CHAIR HOLIAN: Well, Commissioner Mayfield, we did actually agree on one point. Now if you have a specific suggestion for an amendment please bring it forward.

COMMISSIONER MAYFIELD: Commissioner Anaya has the floor. So I'll wait.

COMMISSIONER ANAYA: If there's some other amendment that we could come back to it on.

COMMISSIONER MAYFIELD: Yes, I'm going to try to –

COMMISSIONER ANAYA: Then we can hear it out.

Madam Chair, the next item that I have has to do – and I have an amendment but I guess I have a question before I offer the amendment. In 6.5.5.2 number 3 and if you could help me with the page number, Penny or somebody. I apologize I didn't write these on my

forms. I actually like these forms. They kind of help me write down the information but I didn't write the page number.

MS. ELLIS-GREEN: 83.

COMMISSIONER ANAYA: So are you there, Penny? It speaks to underground usage of water and one of the things throughout the entire discussion of the code was that in the Estancia Basin that is the source of water and the mechanism for delivery of water is underground sources. We don't have any other sources in that area. And that was a concern that was brought up throughout the discussion. It talks about and let me bring up the amendment. You have the amendment in front of you. But it says, only if, the deletion that is requested is only if the proposed development is within a declared underground water base on a 7212-3 or 7212-7; okay. That's what's requested to be removed. And just add be provided in lieu of that. So can you speak to that, I think this might have been another one that you guys had had some discussion and modification on in the code already. But can you clarify for me this provision and what – how it needs to be worded or whether or not you made modifications.

MR. ROSS: Madam Chair, Commissioner Anaya, we've batted this around a few days ago and just neglected to make the change. So I think your change is fine.

COMMISSIONER ANAYA: So, you didn't make the modification but you're comfortable with the change? Would you clarify so there's no –

MR. ROSS: Madam Chair, I mean the concept that you – this is a list of things that you need to provide when you're required to do a study of the water availability for the development. Not everyone has to do this. But say a large development one of the things that they would want to bring to you and that's what this paragraph requests is a copy of whatever they have from the State Engineer that authorizes them to make those water withdrawals. In most cases it's a permit.

COMMISSIONER ANAYA: Okay, and we want that.

MR. ROSS: Yeah, we want. So there are two different kinds of sources of water. One is a general unappropriated groundwater. The other is water within a declared basin. So there are basically two sources for water for groundwater uses and this sort of in a clumsy way attempted to refer to both of them. But I think your change is perfect and it reflects the discussion we had the other day about how to read this section.

COMMISSIONER ANAYA: And it doesn't take away --.

MR. ROSS: It's doesn't.

COMMISSIONER ANAYA: -- any integrity of the –

MR. ROSS: Provide us with the permit. Provide us with a piece of paper that

COMMISSIONER ANAYA: Do you want me to make that in the form of a motion or is it –

CHAIR HOLIAN: Does everybody agree with that particular amendment?

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: If I could, I want to be real clear on this.

Steve, we're on page 84, 6.5.5.6 –

COMMISSIONER ANAYA: Point two.

MR. ROSS: Page 83.

CHAIR HOLIAN: 6.5.5.2. And this states in the case of a proposed plat approval a copy of the water permit issued by the State Engineer or if the proposed development is within a declared underground water basin pursuant to – and then it lists.

COMMISSIONER CHAVEZ: Okay, so that really helps. Now, I have a question then to staff. Would this scenario or this language need to be placed anywhere else?

MR. ROSS: Madam Chair, Commissioner Chavez, this is just a laundry list of things you have to give us to support the water study. So, no, I think this fine.

COMMISSIONER CHAVEZ: So just in the case of the proposed final plat approval at that juncture then that list would be required.

MR. ROSS: So it would say a copy of the water permit issued by the State Engineer shall be provided.

COMMISSIONER CHAVEZ: Okay. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield, is it on this point?

COMMISSIONER MAYFIELD: Yeah, it is. Well, I think it is, if not I'll bring it up under mine later. How does this pertain to settlement that the County signed onto such as the Aamodt?

MR. ROSS: Madam Chair, Commissioner Mayfield, it doesn't.

COMMISSIONER MAYFIELD: Okay, then I'll bring that up later under mine.

COMMISSIONER ANAYA: So is there consensus?

CHAIR HOLIAN: I'm fine with it. Is everybody else in agreement with this. Okay, Steve. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, thank you, Madam Chair. These next two I think are also statutory requirements and I'll bring them up and Steve if you could elaborate and I also – there might be some feedback or some input that we can get from audience members that might help clarify.

But 7.1.3.7.2 number 7. I'll just do that one first.

CHAIR HOLIAN: Repeat that, please.

COMMISSIONER ANAYA: 7.1.3.7.2 number 7, talks about self-supplied water systems and request for deletion that staff has, I think you have it, is a statutory change; is that correct as well?

MR. ROSS: Madam Chair, Commissioner Anaya, last session the legislature passed a statute restricting, well, conditioning the use of irrigation water for subdivisions specifically and imposed a number of requirements and these two sections that you're referring to are drawn from that statute.

COMMISSIONER ANAYA: The other section that he just referenced is 7.13.7.1 number five, community water systems. So, here, again, is this like you said earlier, is this a heads up or what is this? Is it essential that we have it in here or can we leave it out; that's not a responsibility of ours but it's a subdivision act responsibility or OSE responsibility?

MR. ROSS: Commissioner Anaya, it's in here for two purposes. One, to alert applicants that this is an issue and also, frankly, to alert out staff internally that this is an issue

also. The lawyers will know it but staff may not necessarily know it.

COMMISSIONER ANAYA: So it's a literal –

MR. ROSS: It's a heads up, you're right.

COMMISSIONER ANAYA: It's a literal restatement of state law?

MR. ROSS: It's a very narrow situation. Almost never do we have applicants who come in and are proposing to convert irrigation water to subdivision. It almost never comes up. I can't recall it happening.

COMMISSIONER ANAYA: So I guess I'm not going to go there. I think it's explicit in the State law and we're just restating what law is.

I did want to say on that cooperative statement earlier, for the cooperative water utility, that's also in the appendix, so if we could make that notation in the appendix.

MR. ROSS: Madam Chair, Commissioner Anaya, the only thing about that one is that that particular definition is of a public water system and a cooperative is a private water system. So defining it as a public water system probably wouldn't make sense.

COMMISSIONER ANAYA: I guess my question is, and this, let me ask a question and let you know my intent. My intent is that I don't care if an entity or, you know, individuals or an entity use a public system, government run or otherwise, or a strictly private system. So does the code afford that or does that item restrict it?

MR. ROSS: Madam Chair, Commissioner Anaya, no, the code encourages people to hookup to public or private water systems. The definition defines what a public system is and I think there's another definition that describes a private water system; right, Penny?

COMMISSIONER ANAYA: But you could have a –

MR. ROSS: A co-op would be under the private.

COMMISSIONER ANAYA: You could have a private system that's not necessarily a co-op.

MR. ROSS: Yes, yes.

COMMISSIONER ANAYA: We would allow that right.

MR. ROSS: Yeah.

COMMISSIONER ANAYA: And that's in the code and it's explicit?

MR. ROSS: Right.

COMMISSIONER ANAYA: Do we have a definition, Penny?

MR. ROSS: We don't have a definition of private.

COMMISSIONER ANAYA: So I think we need to include private, right, as well, and that's consistent with comments that I've made throughout. And comments that we've heard from the public as well.

MR. ROSS: Okay.

COMMISSIONER ANAYA: Is that, I mean is that –

MR. ROSS: Madam Chair, Commissioner Anaya, that's perfectly reasonable. We can do that.

COMMISSIONER ANAYA: Assuming – do my colleagues agree?

CHAIR HOLIAN: Yes.

COMMISSIONER ANAYA: Does that clarify.

MR. SOMMER: May I ask a question on that regard?

CHAIR HOLIAN: Yes, Mr. Sommer.

MR. SOMMER: On the issue that you're talking about, Commissioner, and I think that your request for clarification is, is that a co-op that is not regulated by the PRC, i.e., it is an unregulated co-op, it is still an acceptable system.

COMMISSIONER ANAYA: Yes.

MR. SOMMER: A co-op that is regulated by the PRC would be an acceptable system and a public utility that is regulated by the PRC is an acceptable system.

COMMISSIONER ANAYA: Yes.

MR. SOMMER: That's what I think you are saying. If the code reflects that intention then it would all be internally consistent.

COMMISSIONER ANAYA: That's the intent.

MR. SOMMER: Right, okay. That's what we were getting at.

CHAIR HOLIAN: Commissioner Chavez, do you have a question.

COMMISSIONER CHAVEZ: Well, yeah, just to comment, I think that when we're talking about these system, water, wastewater, these delivery systems, they have to be designed to certain standard so we can't just accept anything at face value. That has to be quantified in some way.

MR. SOMMER: That would be like you said they would have to be able to show that they have the actual capacity to serve not just that they're a co-op but that they have the capacity to serve as well.

COMMISSIONER CHAVEZ: And that the system is designed so that it will effective – I mean, because in some cases we've accepted wastewater systems or even just sewer systems that are substandard and we accept them from a developer done maybe not in the best way but then we're having to make those improvements. So I just want to be sure that we're expecting that these systems be designed and built with certain design standards in mind and that we want to be careful in the case that we would accept those that we want to make sure that they're up to standard.

COMMISSIONER ANAYA: And I, I would agree with what Commissioner Chavez just said. There will always be mechanisms that provide for how the system is developed and who it delivers to and how it's delivered and that's going to be regulated by somebody. Maybe not the PRC but Environment Department, Office of State Engineer. We're not, in no way am I suggesting language that down grades the responsibility to deliver adequate water supply and service and equipment and design and all the things that Commissioner Chavez just suggested.

MR. SOMMER: And I think that what Commissioner Chavez is getting at is that if a development comes in and is using a co-op for their system, for their supply, that their internal design be consistent with the standards that the County sets so that if the County ever took over it they're not taking a subdivision that has the wrong size meters, the wrong size pipes, the wrong size fire hydrants those kinds of things I think is what he's getting at. And, I think that Penny discussed that at a meeting saying that internal development of your water systems is going to have to comply with our standards. And I think that's what you're getting at and we understand that.

COMMISSIONER ANAYA: I just want to make a comment thought. A private system might be the best mechanism to deliver a water and never be assumed.

MR SOMMER: Right.

COMMISSIONER ANAYA: So I don't necessarily follow the line that everything would have to be like the water meters you suggest and those to one certain type. I mean, I think there are relevant private systems that will stay relevant for many, many years to provide a service. And to assume that in all cases we would take over –

MR. SOMMER: No, I don't want to make that assumption but it is not good to design to a different standard that makes it impossible to take over.

COMMISSIONER ANAYA: Understood.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Sommer, just a question and then I'm going to use your legal mind right now, if you don't mind. So, it's been said a regulated system, any type of system, the County has a provision right now that says if a system is there or comes on board. So if there's even a system right now in place that does not have adequate water authorized to them and an individual who comes to this County and wants to build. And you represent these clients all the time. And we're saying hook into that water system because it's right there in your front yard. Okay, I will sign up and hook into that water system. The system comes back and says we can't serve you because we do not have ample water to serve you. So now this individual says I'm forced to drop a well. And then however they work it out, they come to the County and we help them obtain the water, they move water, whatever, a year later, now the County is going to say, we turnaround and mandate that you hookup into this system. I mean, wouldn't that be a case for you to come and challenge us on?

MR. SOMMER: I think, Commissioner, you're pointing out that if a person gets an approval initially and they sink their well, the County would not be in a position to reimpose the connection unless that person came in for an additional approval. At that point you can say, all right, now you're going to cap your well and you're going to come onto to this system because they have adequate water which is a policy that you all have promoted for a long time. And it is a good policy. But in instance that you're talking about, that person who is sinking their well they're in and they're through the door, if they come in for something else you can tag them and that's lawful.

COMMISSIONER MAYFIELD: Okay. Stick around for when I ask my questions about Aamodt, please.

COMMISSIONER ANAYA: Thank you, Madam Chair, so –

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: The next item that I have, I don't even think we could get into the whole crux of it but I want to say to Oralynn, I appreciate your feedback on the roads. The only statement that I'm going to make associated with roads is that I agree wholeheartedly that we do not want to create a code that assumes pavement throughout the County because we would all get voted out of office if that would happen and that's not the interest of people especially in the rural areas. And that you provided a framework for us to work with and continue to use and I think we need to take serious consideration of the road aspects and we need to make some changes. I don't know that we'll be able to make all of these changes tonight or have the full discussion but as we're developing the maps and getting ready to officially roll this document we need to modify our code so it doesn't reflect

that everything has to be asphalt. And I think if you take the literal definition as it's written and as it's adopted, you're right, essentially it says that in many places so I would just ask that my colleagues, I think you all agree that there are communities throughout the County that would never want pavement and I respect that. And there are also subdivisions that are workable, usable subdivisions that would never want asphalt. So I'm looking at Adam. I looking at Penney and my colleagues to say – and they're nodding so we want to continue to have that. I'm looking at the Lockridges from Cerrillos so – I think, I appreciate your feedback on that and I think we need to work through those issues.

Water and issues associated with agriculture, Steve, I want to make this general comment associated with irrigation wells in particular. Does the section that I read earlier that talked about water rights conversion apply to a cornfield in southern Santa Fe County for example, and the application of that regulation if those people that owned the cornfield wanted to convert those water rights to a residential use? Does that section – is that where the type of section or is that strictly acequias? The section I'm referring to is 7.13.7.2 number 7 and 7.13.7.1. number 5, were those sections targeted at irrigation wells in southern Santa Fe County or any other place in the State of New Mexico?

And let me while they're looking for it, let me make this statement: the reduction of water use from an irrigation well when it is converted to residential use is as Ms, King said almost half of the water. So in no way do I want to have a code that potentially has an opportunity for us to draw less water out of the basin from an agricultural irrigation use when it's converted to a residential use. So I just want to make that comment public because it makes practical sense to consider that, also in the vein of maintaining the aquifer. And, I don't know if the Chair or anybody else wants to comment on that but what – I guess I want to know what do my colleagues feel about that section. I see that as an opportunity to conserve water.

CHAIR HOLIAN: You mean to convert the use of water from the aquifer that's being drawn by well from the aquifer to a residential use from an agricultural use?

COMMISSIONER ANAYA: Yes.

CHAIR HOLIAN: But I believe that isn't there a law that was passed recently that says though that you can't double-dip. You can't create a subdivision and use the water and then – in other words, you can't use it twice.

COMMISSIONER ANAYA: Agreed. And we had, Mr. Swenka who came from Estancia Basin some time back and had a discussion about that when they were considering that legislation but as a policy standpoint, if there are ability to convert that use that is higher use and it's reduced greatly for residential --

CHAIR HOLIAN: As long as they haven't sold their water rights somewhere else and then they go ahead and develop anyway.

COMMISSIONER ANAYA: Right, right. I agree. I agree, but how do my colleagues feel? I just want to get a sense because for us in the Estancia Basin in particular it's an opportunity to reduce the groundwater and also provide economic development in the region.

CHAIR HOLIAN: I have mixed emotions about this I have to say because I really feel that really need to actually promote agriculture in our County and we're losing that capability. Of course, I'm thinking more of the northern area not the southern area where I

think it's a little bit different. The kind of agriculture that is done in the southern area tends to be dairy farms and alfalfa fields if I understand it correctly. And then the north tends to have more small farmers that maybe produce produce for the farmers market. And so I think we don't want to – I mean we have to be very careful about that because I think we don't want to kill agriculture in our County.

COMMISSIONER ANAYA: And I appreciate that feedback and I also as a resident in that sector want to also have the ability to have some economic development. I'm going to be candid and frank as many of the residents have but also preserve the groundwater as well. And continue pumping at the capacity that we've been over time we'll create an adverse impact. So if there farmers that no longer want to farm that again wanting to covert that, it's an opportunity for two things: that economic and sustainability for a community to prosper but also to preserve the groundwater.

CHAIR HOLIAN: But I think that this is a very complex topic and I don't know that it actually sort of fits in the discussion of amending our code right now, exactly. But I do think that we do need to do –

COMMISSIONER ANAYA: Well, I think that it's very relevant.

CHAIR HOLIAN: -- well, I think we need to do water plans, basin by basin. We need to do an Estancia Basin water plan, we need to do a Santa Fe basin water plan and a Pojoaque water plan and to have the residents come together and to express how they want their water to be used in the future and I don't think we can answer that with this code right now.

COMMISSIONER ANAYA: I'm asking a question and I'd like to hear from my colleagues.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I'll respond to that. I honestly would have to say that I have mixed feelings about that also. But, I think if that community, the specific community that you're talking about sees the need to change the use of that water and balance that right, so you have water supply. It's not guaranteed in perpetuity. It needs to be managed. But if you want to split that use between agricultural and some mixed use or residential and it's part of a community plan, I don't see any problem with that. I do have a concern though about the erosion of the agricultural base but if a farmer and their family need to diversify and that's what they want to do, I think that they should have that option.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I think I weighed in on this many times and I want to be a good steward of the water, I think everybody knows that about me. But one of my concerns, respectfully is at a state level. Santa Fe County and I brought this up with northwest well situation, I had a talk with Mr. Taylor about this about two hours ago, an hour, I've lost track of time already. We impose restrictions on our residents and rightfully so to be good stewards of our water. And folks are very good stewards of their water. But also, in doing that it potentially – let me phrase this a different way. By us being good stewards of our water makes somebody down stream of us maybe be the benefactors of that. And I just think that we have to recognize that. We want to put in drip irrigation and I think that's a great thing but until the State recognizes that and there's a statewide policy recognizing that how are we going to address somebody else not taking that water when we

do that?

I think it has to be a collaborative effort with everybody sitting at the table. Santa Fe County is doing their part by putting these water restriction on place, but I think it has to be a bigger policy picture, a much bigger policy picture and I'm not saying that we just do it and we keep using but I believe that the – at least my constituents up north and I think out of the goodness of Santa Fe County, they're good stewards of water. I can take you to many residents that will have – at least how I grew up in our families were taught use the rain water to water your plants. You know, I know some people have talked to me, well, why are we – why do you have in the code that people can still irrigate for agricultural purposes. Well, maybe they want to put it to beneficial use so they don't lose it to maybe a priority call or something else.

And, I think that's a bigger policy picture, Commissioner, and if that means that they maybe have to move that water for economic development, well, maybe that's what they have to do. And I know you all have just talked to me – and I'm being educated a lot on this bench and through meetings with a lot of folks, and I have no problem saying – so we're talking about the Estancia Basin, the Santa Fe Basin, the Pojoaque Basin. The other day I even heard that there's even a bigger basin under all those basins. I think that was told to me that was the Española Basin. So are there underlying basins on top of these upper basins? And if anybody can verify that to me right now, I'd appreciate that. So what does that mean to these underlying basins? Because nobody here at the County has ever told me that there's an underlying aquifer basin and if these are three sub-basins or four sub-basins somebody just tell me that. Staff, do you know? Does anybody on water know that?

CHAIR HOLIAN: Commissioner Anaya, do you have a specific suggestion for an amendment here? I do want to keep our conversation on track to some extent otherwise we will be here until 2 in the morning.

COMMISSIONER ANAYA: Well, the Commissioner has a question I think.

COMMISSIONER MAYFIELD: I would just like to know, is there another basin under all these basins – Commissioner Holian, you brought up all the basins so I want to know if there's an underlying basin under all these basins.

CHAIR HOLIAN: I think this is a question for a geo-hydrologist.

COMMISSIONER MAYFIELD: Okay, well, if nobody knows we can get that when it comes to water. But, I do think, Commissioner Anaya, you asked the question, that this definitely deserves more comprehensive review just of sustainability of water and putting it to beneficial use and the bigger question is either use it or lose it and how we conserve it at the same time. And, that is a huge policy question for all of us. I want sustainability but I also want to recognize the fact, if we're being good stewards of the water that other people are basically taking it for us by trying to be a good steward and I'm just throwing that out there. And I'll throw my little comment of the Northwest well out there also, thank you.

CHAIR HOLIAN: Commissioner Stefanics, do you have a comment?

COMMISSIONER STEFANICS: No.

COMMISSIONER ANAYA: Madam Chair, I have a specific recommendation on 5.4.3.1, lot line adjustment. Leave the text 2.a, lot line adjustment is inappropriate if the proposed lot is so altered that none of the original lot lines are preserved

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states essentially what is already in the draft in another place.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I would also agree that I could support this without that final sentence as well.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, if you strike that language than who would administer or who would have oversight over lot line adjustments?

MR. ROSS: Madam Chair, Commissioner Chavez, the Administrator deals with lot line adjustments. That's in the draft in several places.

COMMISSIONER CHAVEZ: Commissioner Stefanics, you're proposing to strike that language, the last sentence.

COMMISSIONER STEFANICS: I'm proposing that we strike the earlier sentence, Chapter 6, and then the final sentence, Chapter 7.

COMMISSIONER CHAVEZ: It reads the Administrator may impose the requirements and standards contained in Chapter 7?

COMMISSIONER STEFANICS: Right, because we're only talking about lot line adjustments. We are not talking about development.

COMMISSIONER CHAVEZ: Right.

COMMISSIONER ANAYA: So it's already clear in the rest of the code where that responsibility lies?

MR. ROSS: Yes.

COMMISSIONER ANAYA: So then I'm okay if we strike it.

CHAIR HOLIAN: Is the seconder of the motion agreeable?

COMMISSIONER CHAVEZ: Yes.

CHAIR HOLIAN: Okay, so it now – under 5.4.3.1 we deleted the text after 2 and then we add, a lot adjustment is and means the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. Lot line adjustments shall be administratively reviewed and approved by the Administrator.

Is that correct?

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes, that's correct.

CHAIR HOLIAN: Okay.

The motion passed by unanimous voice vote.

COMMISSIONER ANAYA: Madam Chair, I have just a few more comments in closing. Adequate public facilities has been one of the broadest discussions that we've had a Commission throughout the public hearing process and the code process. And, from the beginning to now I have consistently said that what's adequate in Santa Fe in the urban area is not necessarily the same definition as you move to different parts of the County. I think we have respected the integrity and independence of communities throughout the County and that as we move forward to the map and the regulations that staff be cognizant that adequate public facilities, roads is an example, is not going to be same in every community. And we're going to have to work through what those definitions are and how we

define those. And I think I would make that a statement.

The closing statement I'll say is, three years ago and I'm going to look to my colleagues over here, Commissioner Chavez wasn't here, but I'm going to look to Commissioner Holian and Commissioner Stefanics; Commissioner Mayfield and I looked at you guys and Commissioner Vigil was here at the time, and we said can we please have a process that we go for more public input and that we go back to the various communities throughout Santa Fe County and get feedback. Three years ago. And here we are three years later at a code that we've done that. And I'm looking at you, Madam Chair and Commissioner Stefanics, former chair, and I thank you for that because it's not perfect and there's things that we're going to find that we may need to modify and tweak but we do have a document in place that's going to create zoning, and provide some preservation of our County but also provide for some growth and economic development as well. And, so, I thank all of you as Commissioners on the bench. I look forward to hearing the balance of discussions that are going to come about the rest of the evening but I thank staff and I thank the public for all the input that has happened thus far. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you. It is 7:30 now and I want to point out that there is one action item on our agenda that we have not taken care of yet. And there are representatives here from New Mexico Association of Counties and this item 3.c.1 which is renewal of the public liability insurance policy. Also, I would point out that we have to renew this before the end of the year. So this is the last meeting at which we can do this so would it be okay with the other Commissioners if we moved to that item before we continue with our discussion of the code?

COMMISSIONER ANAYA: So moved, Madam Chair.

CHAIR HOLIAN: Okay there's a motion and I'll second that to move to item 3.c.1. And with consensus. We will have a five minute break and return at 7:35.

[The discussion on the Ordinance continues on page 88]

[The Commission recessed from 7:30 – 7:50]

3. c. Miscellaneous
i. Annual Renewal of the Public Liability Insurance Policy.
(Legal Department and ASD/Risk Management)

CHAIR HOLIAN: It is 7:50. I think our break was a little longer than five minutes but we sort of have to pace ourselves because we're going until 2 in the morning, no doubt, for this particular meeting.

Now, we are going to hear case 3.c.i, annual renewal of the public liability insurance policy. I meant item not case.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: If there's anything that we're going to table could we just do that so people can go home.

CHAIR HOLIAN: Yes, would someone like to motion to on the land use case

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COMMISSIONER CHAVEZ: Madam Chair, I really wasn't comfortable doing a tabling action. There's a lot of history behind this project.

COMMISSIONER STEFANICS: Madam Chair, I move to table.

CHAIR HOLIAN: I will second that.

COMMISSIONER CHAVEZ: So then tabling till when?

CHAIR HOLIAN: The next land use meeting which will be the first meeting in January. We aren't having a meeting at the end of December.

COMMISSIONER CHAVEZ: No, no, that's fine but I just thought that the motion should be specific and the tabling should be time specific.

CHAIR HOLIAN: I believe that when you table the default is the next appropriate meeting.

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

CHAIR HOLIAN: Now we are back on item 3.c.i. Annual Renewal of the Public Liability Insurance Policy, Steve.

MR. ROSS: Madam Chair, Commissioners, every year our insurance agent, Mr. Koch and Mr. Segura solicit offers from insurance companies for the upcoming calendar year to provide the insurance package to the County. So Mr. Koch is here and he's got a little power point that he's going to present concerning the bids this year. It was very interesting this year, we had a lot of competition for the business this year and he'll detail that for you.

JAMIE KOCH: Madam Chair, I'm Jamie Koch, president of Daniels Insurance. Good evening, I've enjoyed the meeting today. In fact, when Rhonda when came she said that I had raised my hand so she could get two more minutes. I do have a horse out on 14 and I do ride there and appreciate it, plus the fact I'm on the board of regents and one thing I just observed which is interesting, your time clock. So I need to know how to get this time clock because I thought that was probably the best things I've seen with the time clock doing so. And, it's been an interesting meeting and you know what's interesting about it is some of this is going to relate to what we're going to talk about here briefly in our insurance.

I am, as you know, the broker, and my responsibility is to go out to the standard market and also deal with the association. And the way I've done that is what I've told you each time we've done this is, is once I get all the standard market bids in I have Steve come over. We go over all the figures so that the County Association has those figures I do not go back to the standard market to do that. So what I do is just sit down with him so when we come and give a presentation then they've had a chance to take a look at it.

In our last meeting, which shows you sometimes it's good to take a break. Our last meeting as you know we didn't get to present anything and you said, we'd like for you to go sit and talk. Well, we went and sit and talk and saved you \$74,000. So I think it was worth the talk to do that and to take a break. We hadn't presented the coverages but we then visited with Steve on Monday and went over the numbers again and they were able to refine some of their numbers.

What I'm going to do, if we can go to the next slide, the next one, there's a couple of coverages that we don't need to go into detail and that's like your property coverage, the New

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Mexico Counties, theirs is a true blanket. The One Beacon is 120 percent, that means if you have a loss that the building was insured at \$1 million, we can pay up to \$120 million. They have a blanket coverage that they would pay up to the full amount, right? So that's the differences in the coverage.

Punitive damages – did anybody read the *Journal* this morning? Front page, front page on the left-hand side of the front page. You know people talk about punitive damages and the highest award in New Mexico was just done in Albuquerque. It was \$60 million punitive damage, \$20 million claim. It was an auto accident; the person had DWI and stuff. Punitive damage is an important coverage. Now the standard market, One Beacon, has offered punitive damage – under your policy you don't have punitive damage but you very seldom have, I think you've only had one claim if I'm not mistaken of punitive damage. And the Association tries to negotiate out for punitive damages for settlement – if I say something that's not correct, correct me.

CHAIR HOLIAN: Mr. Koch, could you speak into the microphone – continue to speak into the microphone because whenever you turn around you cut out.

MR. KOCH: Fine, sorry. So if you read the paper this morning, it was very interesting. The other [inaudible] on strip search we have \$25,000 deductible; you would have \$250,000 on the strip search. Is that correct?

STEVE KOPELMAN: Class action.

MR. KOCH: Class action. Defense inside the limit and defense outside the limit. The County Association defense is inside the limit of the policy with Beacon the defense is outside the limit of the policy.

Land use, we just – it was interesting you were just talking about land use today which is very interesting. I got to complement the Association, this time last year we – come on up here, Steve. When I do that I want to make sure what I'm saying is not counter to Steve. The County Association did not have land use coverage and they've gone out this year and been able to get land use coverage and it's a very important portion and their limit is \$750,000. So when you take a look at this example here, this is a claim that I think all of you are familiar with. This is a claim that occurred in Santa Fe in land use, and when I spent time here this afternoon listening I can see how difficult your issues are in land use. So the differences are that there's quite a bit of difference in the coverage – that it's a \$6 million with the Association. If you look at the comparison is that One Beacon on that claim would have paid \$25,000 and the New Mexico Association would have billed to you all for \$352,000. I'm not trying to tell you that you're going to have that kind of land use problems but there's still another 75,000 outstanding and so when you take a look at it and what you all were doing today, talking about land use, is very important portion.

We are required to give you what the differences are in the policies. Now if you go to the next slide, here are the differences. After we sat down with the County Association this week they went down to the \$1.424 million and One Beacon is about 56,777 less than you are and so by us sitting down with County we were able to do it. Now it's up to you all to determine what you want to do in regards to it. We've laid out the differences in coverages. Your premiums now which the Association has come down – what were we last year in the Association?

MR. KOPELMAN: We were \$1.8 billion, I believe.

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MR. KOCH: Yeah, yeah. So it's – that's real simple you all just need to decide to either go with the Association or One Beacon. We've laid out the differences in coverages, the punitive damages, the differences in regards to land use and differences in strip search. And I don't know, did you want to say anything?

CHAIR HOLIAN: Mr. Kopelman.

MR. KOPELMAN: Madam Chair, may I? Thank you. Member of the Commission, I appreciate the opportunity to speak with you. I also just wanted to introduce the NMAC president Wendell Bostwick, he's a Curry County Commissioner. But a couple of points real quickly. One is the Association of Counties, it's your association. You're members of it. You have a seat on the board of directors. A big difference really between commercial insurance and the Association is we work to find coverage. We don't look to find exclusions. Just real quickly there is a case in San Juan County now, where San Juan County is actually in mitigation with One Beacon over coverage on a jail claim. We've never had that kind of issue. We really bend over backwards to find it. And there's a lot of value added to being in the Association. A lot more stability in the contributions. There's equity return. The pools have returned on worker's comp over \$13 million to member counties in good years, over 5.5 million on the multi-line. The counties control the board of directors. As a Class A county you have an automatic position on the board. On worker's comp, you are in the pool and Commissioner Anaya is on the board of directors. We specialize in county government. We do a lot of loss control training. We've worked – checked closely with your detention center on an accreditation program that we've been doing. We've set standards working with county detention centers; that's never been done before in New Mexico.

I really think it's a lot more than just what the coverages look like on paper. It's really the people, the relationships and I think you get a lot more bang for your buck with the Association. So I don't want to take anymore of your time but I really wanted to lay that out that I think there's a lot of really good reasons. The difference in the premiums are really when you look at the big picture, it's not that much and if the loss records are good, the contributions or premiums come down the next year. We really hope you'll consider coming back to the Association for the multi-line and law enforcement pool. And I guarantee if you do that you're going to be very pleased with the service and with every other aspect of what we offer.

CHAIR HOLIAN: Thank you, Mr. Kopelman.

MR. KOCH: With regards to the case that they have up there that was a case where there was an illegal matter and One Beacon did not pay because there was an illegal operate by one of the –

MR. KOPELMAN: No, it was a sexual misconduct case in the jail and we've had a lot of those with our counties and we've never denied coverage.

MR. KOCH: Well, I'm not trying to defend either way. I just want to make sure that we've got it clear.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to make a couple of comments. Over the last couple of years we've had this discussion. The board of directors of the New Mexico Association of Counties, the multi-line board, the workman's comp board

have all had discussions about what they do as a provider and I think that Mr. Kopelman you've articulated what the Association does and is. And the boards are not exception. One of the things that I said on this bench in previous years that the Association agreed with, was, the Association had to become more competitive and that was something that I know we look for and we're explicit on this bench in conveying to the Association of Counties and that you've done.

To me, it's much more than the coverage as you've said, a seat on the board, coordination amongst fellow counties in the Association and throughout the State of New Mexico, all 33 counties trying to work together on issues well beyond risk and liability.

The other thing that I would say is that we have a lot of discussion as a Board of County Commissioners about providing options for localities and local competition and people in Santa Fe County and in the State of New Mexico to get contracts and work to try and encourage that. We do that all the time at the county-level and it's done at the state-level. For me, you've gotten there. I think it would be good for us to be back at the table.

I would also express that last year when all of the discussions were happening associated with how the board was going to be rearranged on multi-line, the multi-line and the full county board did not turn their back on Santa Fe County and say, you guys aren't part of the discussion, but actually moved in a direction to provide automatic seats when and if the day would come that the County would possibly come back.

So, President Bostwick and the board and Mr. Kopelman and Mr. Gutierrez and others worked to that end. And, so, for me, I would like to go back to the Association of Counties.

And so I'll defer and make a motion to say that I would move that we get back in the pool with the Association of Counties based on the facts and the information represented today and it's much more than that dollar as a bottom line, thank you.

COMMISSIONER MAYFIELD: Madam Chair, second.

CHAIR HOLIAN: Okay, there's a motion and a second. Any further discussion or questions?

COMMISSIONER MAYFIELD: Madam Chair, I have some questions, please.

CHAIR HOLIAN: Yes.

COMMISSIONER MAYFIELD: So if we can go to the example of a land use loss. So on the total paid by the insured, Mr. Koch or Mr. Kopelman, because I'm looking at judgment defense total less deductible, all of those are pretty much tracking, you know, minus \$50,000 on the deductible and then on the total on the carriage, paid by the carrier, where is that difference coming from? Is it just to what they're going to pay out of pocket?

MR. KOCH: The total amount of the claim is \$952,295, that's what's legal and what was settled. You have a \$25,000 deductible which came down to 927,955 and you have 75,000 that's outstanding. Under the County of Associations, you didn't have this coverage, but now you do and so – if you had this coverage at the county at that time, the county would have been short 352,000.

COMMISSIONER MAYFIELD: Okay, because that would have been the cap that the Association would pay.

MR. KOCH: Yeah, their maximum would have been 750,000 and he agrees

with these numbers. These aren't any numbers that have been pulled out.

COMMISSIONER MAYFIELD: Okay, so even if the judgment was 750, there's still a cap that the Association pays and One Beacon didn't have that cap.

MR. KOCH: No our [inaudible] is \$6 million.

MR. KOPELMAN: And that's just on civil rights claims and land use.

MR. KOCH: Yeah.

COMMISSIONER MAYFIELD: Okay. So you guys have a cap – again, so I understand this – a 750 cap and One Beacon is 6 million.

MR. KOCH: Yes.

COMMISSIONER MAYFIELD: Okay. On that note, I'm just going to ask this, is there like a – and I'm talking as a homeowners here so I don't know if it's out here for a county, is there like an umbrella we could purchase?

MR. KOCH: Yeah, you see you have a 5 million umbrella and 1.50 million underlying which comes to 6 million.

COMMISSIONER MAYFIELD: So we would still have that umbrella if –

MR. KOCH: You would still have the umbrella. You still would have 6 million in coverage; 1 million on the primary and 5 million on the umbrella. The different – what is your umbrella limit?

MR. KOPELMAN: Well, on almost all the other claims we have up to \$5 million. On civil rights claims other than land use it's \$5 million per occurrence.

COMMISSIONER MAYFIELD: And are we going to, Madam Chair, excuse me, are we going to be paying an additional premium for that umbrella?

MR. KOPELMAN: No, that's included in the quote. For all the companies, that's included.

COMMISSIONER MAYFIELD: Oh, so that is inclusive. So then we have that 6 million cap.

MR. KOPELMAN: Except for land use.

COMMISSIONER MAYFIELD: Oh, except for land use.

MR. KOPELMAN: Land use is \$750,000 because it's a new coverage for us so it's being done gradually but I suspect in future years that the coverage will be increased for land use.

COMMISSIONER MAYFIELD: Okay. And, hearing Commissioner Anaya and the benefit of jumping into a pool and working with all of our neighboring counties, is there another umbrella that we could maybe work at still purchasing for a small – for a different premium just to cover Santa Fe County?

MR. KOCH: No, the total amount if you look at the screen here in front, the County Association is 1.424 and it covers all of that and that is a straight, flat [inaudible] with \$6 million it covers.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Koch, I'm looking at the land use case of maybe potential up to \$6 million.

MR. KOCH: The land use case would be 750.

COMMISSIONER MAYFIELD: Yeah, but I want to look at maybe the other 5 and a quarter that we might need.

MR. KOCH: That's right.

COMMISSIONER MAYFIELD: Is there an umbrella out there that we could purchase from somebody?

MR. KOCH: The umbrella –

COMMISSIONER MAYFIELD: Individually?

MR. KOCH: [inaudible]

COMMISSIONER MAYFIELD: -- the gap then covers that that we're missing on the land use case.

MR. KOCH: He wants to see [inaudible] additional other coverage?

MR. KOPELMAN: Madam Chair, Commissioner, we could look into that. I'm not aware at this point but it's certainly something we can look into right away.

MR. KOCH: If you go with the Counties, which is fine, we are not disagreeing with what your decision is, they may be able to obtain an additional umbrella on top of that.

COMMISSIONER MAYFIELD: Am I to take it, Madam Chair, Mr. Kopelman, that no other county has an additional umbrella for that.

MR. KOPELMAN: Commissioner, that's correct at this point.

COMMISSIONER MAYFIELD: I'm sorry I hear the chairman behind you saying something –

WENDELL BOSTWICK: I think you only have three counties that are participating.

MR. KOPELMAN: At this point, 750 would be the cap.

COMMISSIONER MAYFIELD: Okay.

MR. KOPELMAN: And no county that has any more coverage than that in the pool now in land use.

COMMISSIONER MAYFIELD: We've had a long day and I know you all have also. So said you said it was an exclusion not only for land use but there was a cap for land use and – that's it? Seven fifty is the cap only for land use?

MR. KOPELMAN: That's correct, yes.

COMMISSIONER MAYFIELD: Okay. And then my last question is on the deductibles. So on our vehicle deductible, \$5,000 on our vehicles; is there any way we can do any better on that?

MR. KOCH: That's One Beacon. One Beacon is 5,000, 1,200 and that is on your police vehicles. The County Association is 5,000 deductible on all vehicles. The difference there is 500 on collision and 1,000 on comprehensive which is theft of the vehicle on all of your police units. So there is a difference is theirs is 5 million – 5,000 excuse me.

COMMISSIONER MAYFIELD: I'm sorry, I am having a hard time hearing you. I see the difference. I'm just asking if we can do any better than a 5,000 deductible.

MR. KOPELMAN: That's for auto physical damage.

COMMISSIONER MAYFIELD: I know what it's for; can you guys do any better than \$5,000? If we pay a \$1,000 deductible comparable to One Beacon, what would that do to our premium?

MR. KOPELMAN: I could check quickly. It wouldn't be a huge difference it would probably be about \$10,000.

COMMISSIONER MAYFIELD: I wouldn't guess it would be that much.

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MR. KOPELMAN: Yeah, it wouldn't be very much.

COMMISSIONER MAYFIELD: That's all I have, Madam Chair. But I do see also a benefit of us getting in the comprehensive pool for various reasons but I am worried about the land use benefit.

MR. KOCH: Madam Chair, if you go with the Association it's fine we'll be glad to try and sit down with them between now and the end of the year to see if we can do some adjustments on the auto deductible if that's what you would like.

COMMISSIONER MAYFIELD: And, also, maybe looking at a writer or potentially maybe an umbrella policy to make up that \$5 million difference. Hopefully, we'd never have a case of that significance but just have that insurance out there.

MR. KOPELMAN: And, Madam Chair, Commissioner, I understand the concern. I think there's been one case in probably the last 25 or 30 years that actually exceeded the 750, and, so I think the chances of that happening again are hopefully are very small. But on the detention center sheriffs' claims the coverage is 5 million.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. And, thank you for your presentation, gentlemen. I understand the rationale to try go back to the Association of Counties and I'm not opposed to that. I think we just need to be clear that we'll be paying more money. And based upon our past land use experience in our federal mediation based on other situations we're going to be paying more money and we just have to weigh the goal of being part of a group of other entities.

When we decided to go with One Beacon we saved about \$800,000. Which was not something to sneeze at especially during hard economic times. I just want us to be very clear that by supporting our association, which I have no objection to, we will be paying a little bit more. I don't know that, Steve, you're going to be able to lower anything here. You're not able to do it for other counties and that's what Commissioner Mayfield is asking you to do. Did you get that? He's asking you to –

MR. KOPELMAN: No, Madam Chair, Commissioner, we can lower the deductible for the auto physical damage. Some counties have lower APD and it would be a slight increase in the premium; it wouldn't be a lot more though. But it can be done.

COMMISSIONER STEFANICS: My next question is how many counties are not in the Association plan?

MR. KOPELMAN: There are 31 counties in the comp pool and there are 28 in the liability pools.

COMMISSIONER STEFANICS: Okay, so, I just want that to be there, that there are five counties that have – we're not the only county and so there are some other entities that are thinking about this.

Let me use another example, and, Steve, on the situation of Mora County and their land use case around mining. What is the Association policy prepared to do for them?

MR. KOPELMAN: Madam Chair, Commissioner, it's interesting you ask. I was on the phone this morning with one of the commissioners, the manager and the attorney and we are getting an attorney for them, if the commission is amenable to that, to do an extensive evaluation and analysis of what their liability and exposure would be to try to help

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them so they understand moving forward what their risk might be in this case. And that hasn't been for them before. So we're stepping up and trying to work with them and do what we can and if necessary work with them to amend the ordinance, if necessary, to try to avoid liability.

COMMISSIONER STEFANICS: But, so, Madam Chair, if you went ahead though and they said, no, we're not going to change the ordinance, your cap would be 750?

MR. KOPELMAN: No, they don't have land use coverage.

COMMISSIONER STEFANICS: Oh, they don't?

MR. KOPELMAN: And they knew that going into that, yes.

COMMISSIONER STEFANICS: Okay.

MR. KOCH: There are only three counties that have land use coverage.

COMMISSIONER STEFANICS: Okay, thank you. I'm finished.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. So it seems that we may be paying a little bit more and getting less coverage in certain areas and maybe paying a higher deductible and it think that's all going to add to the cost. But under public officials, on page – well they're not numbered – but on your handout there's a page that's titled public officials and then you have four bullet points, land use defense, outside limit, practices, and punitive damage. Impunitive damages are covered by One Beacon and Travelers but excluded by New Mexico Association of County. So in that case, in that scenario, what is our fall back? What do we have to fall back on?

MR. KOPELMAN: Madam Chair, Commissioner, every single case that we've had when the case needs to be settled and been settled and we've never had to – nobody has had to pay out punitive damages on a case. But one thing you need to understand is language in a policy is all well and good but a lot on depends on how that is applied and who is interpreting the language. Like I said, you can talk to the San Juan County. They are litigation with One Beacon over a coverage issue. That's a fact and you can talk to the county manager and you can talk to their commissioners. The coverage is there. The language isn't that different from ours. We interpret it a lot differently because we understand what counties are going through and we said, you know, there may be a sublimit to that individual who committed the criminal act but when the commission is sued and they're sued for failure – neglect hiring, failure to property supervisor, we cover that. And so that's an intangible but that will make a big difference if a case comes along, a particular case.

So I'd ask you to call San Juan County and talk to them about it. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, gentlemen, for your presentation and in principle I would like to be part of the New Mexico Association of Counties but I just have to look at the numbers here and I know that we being Santa Fe County are particularly vulnerable to land use judgments and so on. And I am very worried about the punitive damages. I've read about some cases recently where they've been huge amounts of money for punitive damages. So, I really – my personal preference is to go with One Beacon but I think that we will vote on this.

We have a motion and a second.

COMMISSIONER MAYFIELD: Madam Chair, can I just ask one more

question?

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Again, Madam Chair, Mr. Kopelman, can you come back – because we're pressed for time, I guess, to do this tonight because our insurance is expiring. Am I right on that, Mr. Ross? Our insurance is going to lapse or something?

MR. ROSS: Oh, Madam Chair, Commissioner Mayfield, our insurance lapses on December 31st at midnight so we need to make a decision now.

COMMISSIONER MAYFIELD: Okay, thank you. And, I would like, again, I think there's benefit for us being in the pool and supporting New Mexico as a whole and I think there's other benefits, again, just supporting the Association directly and indirectly for this County. Also, I would really like to see about that umbrella to pick up you know on land use cases and you know what you guys have sat around for the last three hours, five hours, I don't know how many hours, I don't want to incite anything but you knows if we're going to be challenged on this code that we're pushing through in six months. The only coverage as I see it for 650,000 – 650,000, so I'll see how this plays out tonight. I want to support the Association and support Santa Fe County being part of our association but I would ask that you all look into some sort of an umbrella or Mr. Koch maybe you can purchase an umbrella even through a different entity separately. Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, Steve, we're going in for a one year; is that correct?

MR. ROSS: Madam Chair, Commissioner Stefanics, yes, we do one year at a time. That's what the agent is hired to do.

COMMISSIONER STEFANICS: Okay, and, so, Mr. Koch, if we went in for one year with the Association and then we wanted to go back to One Beacon, what would happen to our One Beacon rate?

MR. KOCH: First of all, is that you can go back to One Beacon or to Travelers if you go with the Association I would suggest we do what we normally do is we bid it. And I would presume One Beacon – the only problem with One Beacon is that the one big huge claim that we had and their loss ratio was about 73 percent. But you know, I can tell you that private industry still would like to have an opportunity to potentially apply [inaudible] for you so I would guess that we would get bids and I presume that's what our new contract is with you that we'd go for bid and One Beacon I'm sure – see, what we didn't do which I want to make sure is very clear because this is a commitment we gave the County Association. We did not go back to One Beacon. We did not go back to Travelers and ask them to reduce their premium. I know that if I had gone back to One Beacon I probably could have got a reduction of another 50,000 but we did not do that. We gave the Association – I understand why the Association is there because I've been in this a long time and when there was no insurance available you needed the Association and the Association does a great job. There is no question about it. But what we did and we would bid it again and I presume they have their numbers and I would presume that One Beacon or Travelers or other markets will try to be competitive. Not in less the this year the county has a much of

bad losses then that could affect it but I would presume that we would do as we were told to bid it every year which we will.

COMMISSIONER STEFANICS: Madam Chair, so, that brings up another question in my mind. Steve, doesn't this have to abide by our procurement process?

MR. ROSS: Madam Chair and Commissioner, the procurement that Daniels is operating under requires them to do this bidding process and then procure the coverage. So when we paid for –

COMMISSIONER STEFANICS: If we were acting as our own broker we would need to go back to every body for a bid but since he is doing it, he's not required to.

MR. ROSS: Right, right.

COMMISSIONER STEFANICS: Okay, thank you.

CHAIR HOLIAN: We have a motion and a second to go with the New Mexico Association of Counties for our liability insurance policy. All those in favor signify by saying aye.

The motion carried by majority [4-1] voice vote with Chair Holian voting against.

CHAIR HOLIAN: Thank you, gentlemen. I will just note that I got a text message saying that the video went out for our meeting and so I would ask staff to look into why that happened and whether it can be restored.

Now we have a request by our County Manager, we have another time sensitive issue and that is 4.c.ii which has to do with the CADDy program and Katherine has a suggestion on how we can move forward expeditiously on this and have the presentation on the CADDy program at a future meeting.

4. Presentations/Discussion Items

c. Matters from the County Manager

ii. Discussion of Proposed Changes to the Chauffer and Designated Driver Program (CADDy)

MS. MILLER: Madam Chair, Commissioners, we have actually had an evaluation of the CADDy done and the evaluator was here earlier, she had to leave but it was to kind of give what recommendations came out of that evaluation or findings and then some recommendations to change the program starting January 1. And if it would be okay, we would still like you to have that presentation but I'd like to have authorization to go ahead and have staff make the changes to the program but still have the evaluator and staff come back and present what they were going to present today.

CHAIR HOLIAN: Okay, thank you, Katherine. Is there a motion to give our County Manager authorization to make the changes to the CADDy Program?

COMMISSIONER STEFANICS: I will move.

COMMISSIONER MAYFIELD: Second.

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

CHAIR HOLIAN: Now we are going on to hear the –
COMMISSIONER STEFANICS: Madam Chair.
CHAIR HOLIAN: Yes, Commissioner Stefanics.
COMMISSIONER STEFANICS: Oh, never mind.
CHAIR HOLIAN: We are going on to the land use cases and we will hear

6.a.i.

6. Public Hearings

a. Land Use Cases

i. CDRC Case # V13-5270 Rebecca Ornelas & Maria Zubia Variance. Rebecca Ornelas and Maria Zubia, Applicants, Request a Variance of Ordinance No. 2007-2 (Village of Agua Fria Traditional Community Zoning District), § 10.6 (Density Standards) to Allow a Second Dwelling Unit on 0.638 Acres. The Property is Located at 2144 Camino Polvoso, within the Traditional Community of Agua Fria, within Section 5, Township 16 North, Range 9 East (Commission District 2). Miguel “Mike” Romero, Case Manager

MIKE ROMERO (Case Manager): Good evening, Commissioners. I may reiterate some of which you just read so bear with me.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just real quick. We have a translator I believe for this case.

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

COMMISSIONER MAYFIELD: I just want the record to reflect that and we might need to slow down a little bit because there has to be some translation done on this case so the interpretation can take place, please.

MR. ROMERO: Okay.

CHAIR HOLIAN: Yes, and can you come up and speak into the mike. I can't really hear you. And would you please identify yourself for the record.

FLOR de MARIA OLIVA: Flor de Maria Oliva, the interpreter and interpreter is requesting that Mr. Romero speaks loud. I'm having difficulty hearing him the back.

CHAIR HOLIAN: Mr. Romero, can you speak loud please.

MR. ROMERO: Okay, I will speak louder and I will speak slower. The property is located within the Traditional Community of Agua Fria where the minimum lot size is 0.75 acres per dwelling unit. Lot size can be further reduced to 0.33 acres per dwelling unit with community water and sewer. The subject property is served by community water and sewer. In order to have two dwelling units on the property, the lot would have to be at least 0.66 acres, 28,749 square feet in size. The Applicant is lacking approximately 958 square feet of property to meet Code requirements for two dwelling units.

There is currently one dwelling unit and one accessory structure on the property. The Applicant purchased the property in July, 2013, and shortly after moved a mobile home onto the property without a Development Permit from Santa Fe County. The Applicant along with

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her three daughters and grandchildren reside in the current residence. If the variance is granted, the Applicant intends to move an additional mobile home onto the subject property. The proposed mobile home that would be placed on the property belongs to another daughter who does not live in the current residence or resides on the subject property. The Applicant's intention is to move this daughter onto the subject property in order to help provide special needed care for her daughter's two young children.

May I enter the conditions into the record?

1. The Applicant must obtain an After-the-Fact permit for the mobile home and accessory structure (As per Article II, § 4.5.2b Article II, § 2).
2. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Ordinance No. 2007-2 Section 10.6).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application (As per 1997 Fire Code and 1997 Life Safety Code).

CHAIR HOLIAN: Yes, you may. Are there any questions of staff? Seeing none, is the applicant here? Do you wish to add anything? [translated in Spanish] If so, please come forward to the mike and be sworn in?

[Maria Zubia was duly sworn]

[The questions and Ms. Zubia's responses were translated to English by the interpreter]

MARIA ZUBIA via INTERPRETER: My address is 2144 Camino Polvoso.

CHAIR HOLIAN: Would you like to add anything?

MS. ZUBIA via INTERPRETOR: No, that's all. My petition is because I want to have my daughter and my grandchildren closer to me to be able to help her with them. Because the issue is that some of my grandchildren have been born with health issues and require care more than a normally born child would require. I'm requesting this permit because I want my daughters to be closer to me, to be able to have their home and the issue is the size of the lot is slightly smaller to able to have this house in there.

CHAIR HOLIAN: Thank you. Are there any questions for the applicant?

Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Madam Chair. Ms. Ornelas do you and your applicant understand the conditions of approval? There are three conditions of approval.

MS. ZUBIA via INTERPRETOR: Yes.

COMMISSIONER CHAVEZ: And have you explained those to her?

MS. OLIVA: There seems to be a confusion. She is Mrs. Zubia. I am Ms.

Oliva –

COMMISSIONER CHAVEZ: You're the interpreter?

MS. OLIVA: I am Ms. Oliva, the interpreter. I am not Ms. Ornelas.

COMMISSIONER CHAVEZ: Right, okay I apologize. I mixed you up. So then have you explained to the applicant that there are three conditions of approval?

MS. OLIVA: No, I haven't because I am here only to interpret and the conditions of the approval haven't read.

COMMISSIONER CHAVEZ: Well, then, Madam Chair, would it okay for me to read those conditions of approval?

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CHAIR HOLIAN: Yes, please.

COMMISSIONER STEFANICS: On this point.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, and I'm sorry to interrupt Commissioner, but hasn't staff explained these conditions? Could we hear from the staff please.

MR. ROMERO: Madam Chair, Commissioner Stefanics, the applicant did go before the CDRC and prior to the CDRC Mrs. Ornelas, the daughter of Mrs. Zubia, is the applicant that actually came in and submitted the information, the application itself. I've met with her and her mother numerous times and explained to them the report and what was needed to be done as far as the conditions. I did meet with the applicant prior to this meeting this evening and, again, I explained to them what needed to be done as far as the staff conditions. Mrs. Orenelas the other applicant which is the daughter to Mrs. Zubia who is also the other property owner understood staff conditions. They were explained to them before the meeting.

So staff conditions were read and explained to the applicants and they understood and agreed to what needed to be done if this was approved.

COMMISSIONER STEFANICS: So, Madam Chair, I just one more questions. Were the conditions provided to the applicant in writing in English and in Spanish?

CHAIR HOLIAN: Mike, were the conditions presented in writing?

MR. ROMERO: The conditions were presented in writing in English.

CHAIR HOLIAN: Mike, did they have an interpreter at the time?

MR. ROMERO: Madam Chair, they didn't. They did have an interpreter at the time or at the meeting for the CDRC. It was requested by staff that an interpreter for the BCC to make sure everything was understood and if there were any questions they would be presented at this time.

CHAIR HOLIAN: Commissioner Chavez, perhaps you can then read the conditions and they would be interpreted.

MR. ROMERO: Madam Chair, Commissioners, if I may add one more thing. Both of the daughters both speak and understand English and one of the daughters, that is behind me here, is one that understands and speaks English. She was given the information as to the procedures of the variance and she was also given the interpretative information to her mother at the time and during the application and I believe during the CDRC and now before the BCC.

CHAIR HOLIAN: And the daughter's name is?

VERONICA JIMENEZ: My name is Veronica.

CHAIR HOLIAN: And please be sworn in for the record.

MS. JIMENEZ: I'm sorry.

CHAIR HOLIAN: Can you please be sworn in for the record.

[Duly sworn, Veronica Jimenez testified as follows]

CHAIR HOLIAN: So, Ms. Ornelas, did you explain the conditions to your mother?

MS. JIMENEZ: Yes, I know what the conditions are. So we like have to have everything so like to have my trailer in the land. I know that this is not like a split. I know that this is like a family, this is not like land separate. It's just to get to family. I don't know how to – I know the conditions. Mike has told me everything and I understand. And I tell my mom everything but sometimes she gets a little confused. But I know that she knows everything.

CHAIR HOLIAN: And you understand that you have to comply with the fire code, correct?

MS. JIMENEZ: Yes, yes.

CHAIR HOLIAN: Commissioner Chavez

COMMISSIONER CHAVEZ: Veronica?

MS. JIMENEZ: Yes.

COMMISSIONER CHAVEZ: I'm going to read the three conditions.

MS. JIMENEZ: Sure.

COMMISSIONER CHAVEZ: And I apologize, I don't mean to make this any harder than it is. But we have to be responsible and do our jobs also. So the first condition is that Applicant must obtain an After-the-Fact permit for the mobile home and accessory structure; and staff can work with you to make that happen.

MS. JIMENEZ: Yes.

COMMISSIONER CHAVEZ: The placement of the additional dwelling unit or Division of land is prohibited on the property. Okay? And then the third one is that the third one, The Applicant shall comply with all Fire Prevention Division requirements at time of Development Permit Application, and I think Mike we can leave this information with them, right?

MS. JIMENEZ: Yes, and like I said, we are ready. I know it.

COMMISSIONER CHAVEZ: So I just wanted to read them into the minutes that way everyone knows and then staff can you the copy of this.

MS. JIMENEZ: Sure.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Thank you, Veronica.

CHAIR HOLIAN: Any further questions for the applicant or staff? This is a public hearing is there anyone here who would like to speak on this case either in favor or in opposite? Seeing none the public hearing is closed. What are the wishes of the Board?

COMMISSIONER CHAVEZ: Madam Chair, I'd like to –

CHAIR HOLIAN: Oh, Mike, did you want to say something?

MR. ROMERO: Madam Chair, Commissioners, yes, I just wanted to inform you that the applicant did a receive a copy of the staff report prior to the CDRC and also the interpreter also prior to the BCC received the staff report as well a copy of. So they do have the report as well as the conditions that were –

COMMISSIONER CHAVEZ: Good, I appreciate that. And I just wanted to be sure because I didn't know that so I'm just trying to be thorough and do my job and be sensitive to the request. But if I could, Madam Chair, I'd like to make a motion to approve the variance of ordinance number 2007-2 with the conditions, the three conditions of approval.

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COMMISSIONER MAYFIELD: Second.

CHAIR HOLIAN: I have a motion and a second to approve CDRC V-13-5270. All those in favor.

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

COMMISSIONER CHAVEZ: Buena suerte.

i. Ordinance No. 2013-6: The Sustainable Land Development Code
[Continues from page 73]

CHAIR HOLIAN: Okay, no we are going to move back to discussion of the code and if the Commissioners will indulge me, I would like to bring forward the amendment that were proposed by staff and perhaps we can move through these rather quickly. I think that you all have copies of them.

The first amendment that we will consider has to do with sand and gravel extraction. The text to be deleted in 10.19.1 is, similarly if the extraction operation covers an area larger than 20 acres it should be treated as a DCIM in Chapter 11. That is deleted and text to be added is, 11.2.7 sand and gravel extraction that is of a scope and scale as determined by subsequent amendment to the SLDC that it merits regulation as a DCI pursuant to subsection 11.3.6 of the SLDC and then there is new material, 11.3.6, sand and gravel extraction, reserved pending subsequent amendment to the SLDC that regulates sand and gravel extraction whose scope and scale requires that it be regulated as a DCI.

Is there a motion for approval of this amendment?

COMMISSIONER STEFANICS: I'll move.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay, there's a motion and a second, any further discussion?

COMMISSIONER MAYFIELD: Madam Chair, repeat that number please?

CHAIR HOLIAN: All of them?

COMMISSIONER MAYFIELD: No, the one you just said.

CHAIR HOLIAN: 11.3.6.

COMMISSIONER ANAYA: So I just want to ask.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I just want to ask a question, a clarifying question, relative to that amendment. I asked this question earlier and I just want to clarify that the approval does not stipulate that the regulation will impose DCI for all sand and gravel? That's what I want to make clear because when I read this it doesn't quite say that.

MR. ROSS: Madam Chair, Commissioner Anaya, no, it punts this down the road. As I said earlier, Penny and I just picked the 20-acre just out of the air based on a evaluation of what we thought might be significant but that would be for future discussion of this body.

COMMISSIONER ANAYA: But the amendment does not imply that there will be DCI for all sand and gravel.

MR. ROSS: No, no.

COMMISSIONER ANAYA: We're going to have a discussion with community and staff and the Commission.

MR. ROSS: Right.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Any further discussion.

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

CHAIR HOLIAN: The second amendment has to do with designation of registered cultural properties; and who are these changes recommended by?

MS. ELLIS-GREEN: Madam Chair, Commissioners, these were sent to me by Michelle Ensey, from the State Historic Preservation Office.

CHAIR HOLIAN: Okay. I won't read this into the record I assume that you will give our recorder a copy of this.

MS. ELLIS-GREEN: Madam Chair, Commissioners, the recorder does have a copy.

CHAIR HOLIAN: Oh, good. So is there a motion for approval of these changes recommended by the State Historic Preservation Department?

COMMISSIONER CHAVEZ: I'll move for approval.

COMMISSIONER MAYFIELD: Madam Chair.

COMMISSIONER STEFANICS: I'll second for discussion.

CHAIR HOLIAN: Okay, Commissioner Mayfield, discussion.

COMMISSIONER MAYFIELD: Well, Madam Chair, you may not want to read them into the record but I think they should be read into the record.

CHAIR HOLIAN: You want me to read the whole thing into the record or the changes?

COMMISSIONER MAYFIELD: Is staff wants to read it – or the changes, I guess, if staff wants to read them into the record. Somebody should read them into the record.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I did them into the record earlier when I went through them but I'm willing to do that again.

COMMISSIONER MAYFIELD: No, no. As long as they were read.

CHAIR HOLIAN: Okay. There's a motion and a second.

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

CHAIR HOLIAN: The next amendment has to do with trail standards and Penny, did you read those into the record as well? This is kind of lengthy.

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes, I read all the ones that staff has proposed into the record.

CHAIR HOLIAN: Okay, there's text to be deleted under 7.15.3.4 and then there's also text to be added. Is there a motion for approval of these changes?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: There's a motion and a second; any further discussion?

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

CHAIR HOLIAN: The next has to do with 7.11, road standards. And the text that is to be deleted is I think a footnote on a couple of tables and the text to be deleted is,

sidewalks and bike lanes are not required if a 10 foot wide multi-use paved trail is provided located adjacent to the roadway. This is to be deleted. Is there a motion for approval?

COMMISSIONER ANAYA: Madam Chair, I'd move and then I have a comment under discussion.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Motion and a second. Commissioner Anaya.

COMMISSIONER ANAYA: So under discussion, I'm looking to staff right now, based on the comments that we heard associated with pavement and other road standards throughout the County and the fact that there are differencing areas. Does staff recognize that they're going to have be reviewed and possible adjustment on road standards in varying parts of the County based on the desires of the community members and just the nature of the County?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, you gave us that direction earlier so I would assume that we would be looking at these two tables. So tables 7.12 and 7.13 and reevaluating those with our public works department.

COMMISSIONER ANAYA: Keeping in mind the interest and desires of communities throughout the county?

MS. ELLIS-GREEN: Right.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, based on comments that we heard before tonight and tonight and me sitting as the former chair of the MPO and the current board members of the MPO, how is this tracking with MPO positions that have been taken by this board past and present?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, this change was actually a request by the MPO.

COMMISSIONER MAYFIELD: Right.

MS. ELLIS-GREEN: To make this change.

COMMISSIONER MAYFIELD: Thank you. Based on past votes by MPO board members also, correct?

MS. ELLIS-GREEN: Madam Chair, yes, I believe so.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: There's a motion and a second. Is there any further discussion.

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

CHAIR HOLIAN: We are now on a proposed amendment for Table 6-1. And in this table there is another category that was added. A major subdivision which is defined as 24 or fewer lots. And they are required to provide a TIA, an APFA, a WSAR as needed, and FIS as needed and an FIR as needed. And a major subdivision is now defined as more than 24 lots. Are there any questions? Commissioner Chavez and then Commissioner Mayfield.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. I just have a question on the number the 14 or fewer is that a number that is there a rational nexus for the number?

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, 24 is the cut off under the Subdivision Act.

COMMISSIONER CHAVEZ: And that's a state statute?

MS. ELLIS-GREEN: Yes.

COMMISSIONER CHAVEZ: Okay, thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: That was my question that Commissioner Chavez asked.

CHAIR HOLIAN: Okay, there's a motion for approval. Is there a second?

COMMISSIONER ANAYA: Second.

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

CHAIR HOLIAN: There is also a proposed amendment for 1.11.7 and this reads: Previously approved subdivisions and land division – and it says previously approved and platted divisions and subdivisions and the lots created thereby shall be recognized as legally existing lots, period. And the words, not subject to the SLDC is removed. Are there any questions or discussion? Is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

CHAIR HOLIAN: I'll second that. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Could you clarify what it does again? What's the amendment? What are you doing?

CHAIR HOLIAN: We're taking out the words, not subject to the SLDC. The reason as I understand is that if those words are in there it means that all previously approved and platted land divisions would not be subject to any of the conditions of the SLDC.

COMMISSIONER ANAYA: Are you talking about the building permit?

CHAIR HOLIAN: And I think the intent –

MS. ELLIS-GREEN: Right, yeah, Madam Chair, Commissioners. What this would do is we would recognize the lot as being legal but if in five years time they came in for a building permit or for a division or whatever else, future development would be subject to the SLDC. So that's just clarifying that.

COMMISSIONER ANAYA: Okay, and, just on that note. Because this question comes up, until we adopt the zoning map and the other items associated with code that make it full in effect, we use the existing code in that interim period for building permits and the likes so that people aren't feeling like they can't do anything; is that correct?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Madam Chair, members of the Board then there was a member of the public that came before us earlier in the evening that had these concerns about prior applications, prior permits that have already been issued. And, so, if we

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take action on this that's not going to affect any of those applications that are pending or applications that have already been approved.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, that is correct. So if an application is in, there's another section of the code that says we would review under the current code. And if it's already been approved then we would honor that approval.

COMMISSIONER CHAVEZ: Thank you, Madam Chair.

CHAIR HOLIAN: Are there any – Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Penny, we also have granted or we came up with a resolution, I believe, I don't know whether it was an ordinance, because of the economic conditions and some of these master plans that have already been out there, where we've given a deferral of a few years. I don't know if it was two years or five years. But that was just maybe on the master plan. So what if that five-year master – was it is five year or two-year deferral extension, one, help me.

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't remember if it was two or five years but the new code accomplishes what the master plan accomplished through the zoning map. So once the zoning is established on the property the zoning cannot go away. In fact, it shouldn't have gone away before that was a mistake in the current code. Zoning can't go away without a process to make it go away. So they're saving one step here when it gets properly on the zoning map in the right color, in the right zoning district, most of what the existing master plans did, is already done for them.

COMMISSIONER MAYFIELD: So, again, for process after master plan approval then they come in for?

MR. ROSS: Preliminary plat and final plat.

COMMISSIONER MAYFIELD: Okay, so then if somebody is in the master plan approval process right now and they're on an extension for economic conditions and then they're going to come in for the other two processes. Are they going to follow under the new code when if it gets finalized or are they still going to be under the current code?

MR. ROSS: They're fall under the new code the subsequent processes. But the master plan that they area preserving through the [inaudible] ordinance will be captured on the zoning maps. So if they have commercial zoning and they're holding it pursuant to the economic hardship issue it will be shown in the zoning map.

COMMISSIONER MAYFIELD: Unless they came in and asked to apply for preliminary within the next six months?

MR. ROSS: Yeah, well, that's true. That's true.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: I think there's a motion and a second for approval of this amendment. All those in favor.

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

CHAIR HOLIAN: If the Commissioners will indulge me, I have a few quick amendments of my own that I would like to bring forward and –

COMMISSIONER MAYFIELD: And then can I –

CHAIR HOLIAN: Yes, yes, then we can take a break.

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CHAIR HOLIAN: The first is I would like to request that some definitions be added to Appendix A. I didn't find them in the definitions but one is, domestic use, and I believe that there is a definition for that from the Office of the State Engineer. And since we referred to domestic use of water, perhaps we could add that to our definitions. Or do we have it already somewhere?

MS. ELLIS-GREEN: No, we don't have it.

CHAIR HOLIAN: And then also I believe there's a definition for conditional use, but perhaps we should also have a definition of permitted use.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Are we going to deliberate what the definition is or are we going to let staff figure out what the definition is?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Are you talking about as implied throughout the code?

CHAIR HOLIAN: Yes.

COMMISSIONER ANAYA: Yeah, I think that's reasonable – what it means.

CHAIR HOLIAN: Do you mean now we should come up with the wording.

COMMISSIONER ANAYA: I don't think we need to come up with the wording. We use permitted and conditional throughout the whole context of the code.

CHAIR HOLIAN: Right, and we have defined, well, we have defined conditional use. But we haven't defined permitted use. So it seems to me we should have both. Or maybe I'm incorrect.

MS. ELLIS-GREEN: Madam Chair, Commissioners, it's actually not in the definitions but on Table 8.4 at the beginning of the zoning section it does say that permitted use indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC but we can certainly add that to the –

CHAIR HOLIAN: Perhaps, if you could just add it to the glossary then. Appendix. And then on agriculture, I believe agricultural uses also has an actual definition by the State Engineer and I wonder if we could add that to our glossary. Because we do talk about water being used for agricultural uses. It seems to me that we should define what exactly we mean by that. My understanding is that the State Engineer has defined that.

MR. ROSS: Madam Chair, we do have a definition for agricultural use in the – are you proposing to add –

CHAIR HOLIAN: Perhaps add that to the glossary.

MR. ROSS: It's in there already.

CHAIR HOLIAN: It is?

MR. ROSS: Yes, agricultural use.

CHAIR HOLIAN: Oh, I'm sorry.

MR. ROSS: It's under agricultural operation.

CHAIR HOLIAN: Okay, then I stand corrected.

MS. ELLIS-GREEN: It's on page 339.

CHAIR HOLIAN: Okay.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: I had one more.

COMMISSIONER MAYFIELD: Okay, but are we going to move for approval of that one or no?

CHAIR HOLIAN: Well, I'll withdraw that particularly suggestion since it's already in there/

COMMISSIONER MAYFIELD: Oh, domestic use is already in there too?

CHAIR HOLIAN: No, no, just the agricultural use is already there.

COMMISSIONER MAYFIELD: Are you going to put another definition, I'm sorry.

CHAIR HOLIAN: The other definition that I would like that I don't think really is defined by anybody at this point and that is gardens. When we talk about gardens being watered I think we should come up with a definition for that. And I would propose that gardens are defined as – well, I don't know if you would call it agriculture – but growing something for the purposes of food or medicinal herbs.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: yes, Commissioner Anaya.

COMMISSIONER ANAYA: I would like if we not try and define that today. Similar to some of the stuff earlier today on roads that I brought up that we maybe give staff an opportunity to come up with something rather than try to maul that over right now.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: We have a document from the League of Women Voters and they have six points to their document and the sixth point of that document of the League of Women Voters is asking us to clarify the phrase, gardens or agricultural uses in paragraph 7-13-11.25. As it currently stands, the limits on irrigation hours and the requirements for a rain sensor are meaningless because garden can be interpreted to cover an entire property.

I just wanted to point that out because they did highlight that. I think it is an area that is going to need more work and I would agree with Commissioner Anaya that maybe we could allow for a placeholder for that one and allow that discussion to play out in a broader forum.

CHAIR HOLIAN: I'm fine with that, Commissioner Chavez. Commissioner Stefanics.

COMMISSIONER STEFANICS: I also think that as staff is looking at garden it could be for economic use. I could see somebody growing flowers and selling them. So I think we need to be a little careful, Penny, as staff goes forward with that definition.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: And I agree with Commissioner Stefanics because a song came to mind as far as never promising anybody a rose garden . But somebody could be wanted to use this for economic gain and we have a proper climate and we've talked about algae farms and everything else. And, I'm just saying it could be a garden for flowers or something for economic benefit.

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CHAIR HOLIAN: I agree with that. The one concern I have and the reason I would like for it to be defined somebody could, now that it's not defined, loosely interpret it as their entire property and they could water anything. And so I think that we do – when we actually specify that water be used for gardens we ought to define exactly what we mean by garden.

COMMISSIONER MAYFIELD: And, Madam Chair, let me ask this and I don't know if staff can answer. With our assessor, could a garden be a tree garden if somebody is planting fruit trees?

CHAIR HOLIAN: Sure, absolutely. That's for food.

COMMISSIONER MAYFIELD: Right. So I guess, yeah, it definitely needs some work.

CHAIR HOLIAN: Correct, yes. And, then under Table 12.1, the level of service for trails is quite low. Let's see what is it now? I think it is way lower than what's normally recommended – right now it's recommended as ½ mile for 1,000 residents. My understanding that's what's recommended by open space people, people who are experts in open space, is that actually should be 5 miles per 1,000 residents. But I would like to see that at least go up to 2 miles per 1,000 residents.

Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this is one that I would also like us to maybe even give our Open Space Committee maybe a charter to help us work this through or a task. This is where in certain parts of the County instead of a development creating a trail within the development, in the case of southern Santa Fe County and District 3 in particular because there's so much open space we acquired it might be level of improvements or augmentation to an existing source that we have instead of trying to do a new one. So, in line with what you're talking about making sure there's enough, can we talk about or have the staff and open space talk about language to incorporate using the existing trailheads or structures instead of creating new ones? Is that reasonable?

CHAIR HOLIAN: I'm in agreement with asking COLTPAC to look into this and make recommendations. Penny, do you know why it was set so low?

MS. ELLIS-GREEN: Madam Chair, I believe that this was consistent with our plan. It is in our plan as being ½ mile per 1,000 residents. I think we've looked at the level of service that we currently have and used that. This was also reviewed by our Open Space and Trails Planner but we're certainly willing to look at that again and discuss with COLTPAC.

CHAIR HOLIAN: Okay. That seems like a good suggestion. And, then, I have one more here. And that is in Section 6.6.4 which has to do with access roads and again maybe this is part of the roads discussion in the future but 6.6.4.9 was actually removed entirely and the League of Women Voters made a request that we leave in 6.6.4.9, the last sentence and that is, access road shall be sited in a manner that mitigates or minimizes the impact on the environment and neighboring land uses. Do you know why that was removed entirely?

MR. ROSS: Madam Chair, we've had a few discussions about this. We could not find these standards anywhere and when they were challenged by people we

couldn't defend them so we didn't know where they came from or what the rationale was for the standards so they were just deleted.

CHAIR HOLIAN: Perhaps, this is something that could be, again, part of the discussion about road standards and so on since that is going to be a topic that is going to be delved into much more deeply. But it does seem to me that you do want to have roads be sited in such a way that they don't cause a lot of erosion for example.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I would agree. And I think it's going to entail an actual guideline or tool that people use as a policy to be able to understand it so I think it's an ongoing and broader discussion.

CHAIR HOLIAN: Okay. That's all I have for now. And, I think, again, we've been sitting here for quite awhile so I will call a 10 minute break and we will return at 9:15.

[The Commission recessed from 9:05 – 9:25]

CHAIR HOLIAN: It is 9:25 and we are continuing our discussion of the ordinance to implement the Sustainable Land Development Code. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Just clarification, Madam Chair, on your definitions. So on domestic wells and all of the definitions, we're going to still work on those or –

CHAIR HOLIAN: Domestic use.

COMMISSIONER MAYFIELD: Domestic use but that could include domestic wells in general?

CHAIR HOLIAN: Domestic use has nothing to do with the well. It has to do with what you're using the water for. But apparently there is a definition in the Office of the State Engineer precisely for what domestic use consists of.

COMMISSIONER MAYFIELD: Okay, thank you, okay.

So, Madam Chair, as it was stated to a few of my colleagues, I don't have all of my amendments on the form that was given to me. So I'm going to go through some of the text and I've explained to you my personal circumstances why and so I'm not going to elaborate that on the bench. But I'm going to go through the December 10th document and I'm going to go through my code book and I'm going to go through some changes and comments for the few people that are here. And, I'm just going to ask this. Are back live on audio or video or are we totally gone?

MS. MILLER: Madam Chair, Commissioners, I believe we're back on now.

COMMISSIONER MAYFIELD: Okay, thank you. And, I will try to be brief and not redundant.

So, Madam Chair and staff thank you for all the work you've put in this and all the public, for your work also. And, I'm going to make some comments after I bring up some of my requests for amendments. 7.4.7, page 16 on the December 10th document and I'm not going to work off the book right now, but on acequia easements. I appreciate your all accommodation of putting this in there. I just wonder if it would be easier to make reference as prescribed in the New Mexico State Statute or is there a reason why we've suggested – and

there may be reasons why we've put these mandated requirements in there but I think there may be some difference in state statute. But I want to recognize acequia easements.

MR. ROSS: Madam Chair, Commissioner Mayfield, these are setbacks from the centerline of the acequia.

COMMISSIONER MAYFIELD: And, Madam Chair, Mr. Ross, is that just our typical utility easements that we have for any utility or again, because I think New Mexico State Statute under the acequia guidebook is a little different. So, my suggestion or my amendment would be as referenced under New Mexico State Statute as it pertains to acequias.

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't believe there are setbacks in state statutes.

COMMISSIONER MAYFIELD: I always – and I believe that state statute does afford acequias their right-of-way for easements.

MR. ROSS: Madam Chair, yes, acequias have their own easements but this is – the way this is written, and you know, the title of this, acequia easements, is a misnomer. This is really a setback to make sure that people developing near and acequia respect the acequia which is a little bit different than the other concept which is an acequia has the right to be where it has historically been. And they have the right to a [inaudible] possession of that property which is a little bit different than this which is, you have to stay away from me, the acequia, a certain distance to allow the acequia workers room to do their work, get in there with their annual cleaning and stuff.

COMMISSIONER MAYFIELD: And, Madam Chair, and Mr. Ross, a lot of them, the northern acequias and I would assume everywhere else, but I am going to speak just in general terms, are putting the acequias under pipe right now too. So and there's existing fences right now, potential, maybe new fences so how would that be applicable in that regard?

MR. ROSS: Madam Chair, Commissioner Mayfield, so they'd have even if it were underground, they'd still have to setback 15 feet back from the center line.

COMMISSIONER MAYFIELD: And that would only be on new development, correct?

MR. ROSS: Only on new development, right. This isn't a regulatory ordinance. It's just a development ordinance.

COMMISSIONER MAYFIELD: Thank you. Could we also put a section in there and I don't know if it should be a disclaimer but, and as or applicable per New Mexico Statute; or would there be a reason you don't want to do that?

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, there isn't, I don't believe there is a statute and so if we said that it might make the provision unenforceable.

COMMISSIONER MAYFIELD: Okay, thank you.

MR. ROSS: We have the authority to do this under our land development authority, land use authority.

COMMISSIONER MAYFIELD: Okay, fair enough. Madam Chair, Mr. Ross, this is a general comment, I'm going to ask and I should preface my comments by this.

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This land use code is applicable to the residents of Santa Fe County once it's enacted; correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: Is it applicable to local government itself?

MR. ROSS: Madam Chair, Commissioner Mayfield, that's an open question. For sure it's not applicable against the State of New Mexico and the Federal Government.

COMMISSIONER MAYFIELD: Is it applicable to Santa Fe County?

MR. ROSS: The County?

COMMISSIONER MAYFIELD: To us.

MR. ROSS: Probably not.

COMMISSIONER MAYFIELD: It's not. Okay. Thank you. So I'm going to try to move a resolution right now that anything that we are enforcing in this code that Santa Fe County will abide by the standards that we are pushing onto our constituency. Where you want to place this in this document is where you would want to place it. But I am asking for a friendly amendment to place that Santa Fe County will abide by anything we are putting onto our constituency. With that, I'll make that motion, Madam Chair.

CHAIR HOLIAN: Is there a second?

COMMISSIONER ANAYA: I'll provide a second for discussion, I guess. I have a question.

CHAIR HOLIAN: Yes.

COMMISSIONER ANAYA: Are you talking construction, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Yes, new construction, Commissioner. I just believe that if we're asking that all of our residents partake in these rules and knowing that Santa Fe County time and time again has pushed lead by example resolutions, I wholeheartedly believe that Santa Fe County, the enacting agency of sustainable land development throughout our county needs to set the example on all of our future development and we should truly lead sustainability. So what we're trying to enact and mandate on our residents we should be doing on ourselves.

So, if we're building a new facility, we need to abide by the rules that we're enforcing.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Is Commissioner Anaya done? Okay, so I have a question, a specific example. When we built the new public works facility and put the wind turbine there it exceeded a height standard and required a variance, I believe. This was before my time and I heard this from Commissioner Sullivan. There might – well, first of all, let's talk about that example. Would that be a problem in the future or have we done away with height restrictions?

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, for wind turbines we do have completely different standards than we do under the current code. So we're proposing a much taller height standard.

COMMISSIONER STEFANICS: So in that situation the public works building and that turbine would we be complying with the code or would we have to go in for a variance.

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MR. ROSS: Madam Chair, Commissioner Stefanics, if what Commissioner Mayfield is proposing is – let's assume that it's higher than the height limitation that is in the current code, yes, there would be a need for a variance.

COMMISSIONER STEFANICS: Okay, so, the reason I might have some concern about this is that if we wanted to do a pilot, lead a project, something that would be different, like a wind farm. We probably would not comply with our own code and we know from experience sitting here and listening to land use cases that it could take six months and put our project behind that long.

COMMISSIONER MAYFIELD: And, Madam Chair, on that point. I hear exactly what you're saying. Santa Fe County did a huge economic development project, Santa Fe Film Studios and I believe that could have some potential great economic benefit for Santa Fe County. But there might be other individuals out there in the County who want to try to promote some individual economic development for the greater good of Santa Fe County.

But I just believe that us being good stewards that are pushing this code, which is a great thing to do. Sustainable land development is a great thing to do. But that we need to lead by example and that's my reason for this amendment to move forward.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think Commissioner Mayfield – Madam Chair, Commissioner Mayfield, I think the general intent is, yes, absolutely. That being said I think that based on the comments that I have made time and time again about different parts of the County having differing needs or desires, there may be a time when we would as a County come back to ourselves and ask the question as to whether or not we wanted to advance an innovative or creative economic development project that might not fit within the box of the code and at that time that Commission would have to evaluate that and make a determination as to whether or not they wanted to stick with the literal intent or modify for a good reason or based on the need or desire of specific community. So, if you advance it with that in mind; do you advance it with that in mind? Just like we're never going to be able to do away with other issues, a variance that might come even with the new code. I mean, that's just going to be a given reality. Are you entering the point so that we follow, which I agree with, with the reality that there might be an instance where we would allow an outside party or a County resident to modify or ourselves based on a particular project or creative initiative?

COMMISSIONER MAYFIELD: Most definitely, Commissioner Anaya. I believe that. But I do think we could be in a pickle if we are voting on our own project. If a project comes in front of us I would think that we might have to potentially abstain and let that project maybe go to district court, seriously. I'm serious. How could we all vote on our own development project going forward?

And I just want to throw that out there of that we're pushing a code, which I think has a lot of merit, but we're going to enact some changes for the good for Santa Fe County but I just hope that we truly are going to be leading by example in what we're asking people to do.

So that was my topic for discussion on this. Commissioner, look, I do believe and I know a gentleman brought this up maybe a few nights back should you guys be able to afford

a variance anymore. I do believe that variance request still will come in front of this Commission time and time again. We just approved one 20 minutes ago for reasons that I believe were merited.

And I just want that also to be know with staff and I appreciate the work that staff and our constituency has put into this code and I think Commissioner Anaya you summarized it very well that even with this code there is significant differences within our County. And it is not a one-size fits for Santa Fe County. And that's just the point I'm trying to get across tonight. And, that's just where I'm at, Commissioner.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm fine with wanting to follow the intent of what we're asking others to follow. But I actually could see a circumstance, several circumstances where we would grant a creative project or some other initiative to some other entity or grant it for the benefit of the County and the citizens as elected officials on the Commission. But I appreciate your intent and I support the intent that we should follow what we're trying to impose on others.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'm just going to comment briefly on that. I think there are some areas where we could apply those standards to ourselves, the same standards that we're applying to the public. I don't think we can apply this code unilaterally and expect that everything in the code applies to the County as it would apply to the public. I don't think that's going to happen. I don't think that's the reason for developing this land development code.

If the County disrespected, let's say the zoning standards or design standards or wanted to do something in a residential neighborhood that didn't belong, then, yes, we should comply with those parts of the code. But I don't think we can comply with everything that's in the code so I think it's somewhere in the middle and it would be only in certain cases the code would apply to the County. County buildings or County improvements that we would want to make. Thank you, Madam Chair.

CHAIR HOLIAN: I too feel a little uncomfortable about making a blanket statement that we are going to follow all the provisions of the code because it does seem like most of the code isn't all that relevant to what the County actually does. And I don't think we should tie our hands. I think that the County would make every effort in the design standards to follow the same standards that are laid out in the Code. I can't see why they wouldn't do that. I'm just not really sure I understand what the benefit of that particular amendment would be.

COMMISSIONER MAYFIELD: Madam Chair, I think, again, my benefit for doing this or bringing this up is not to put anybody in a sticky position but just to make – and, again, I know that a lot of thought went into this code and I appreciate the time and thought and the process and the value that went into this code. But, I know we still have some time to work on this code. And I know it's going to be approved tonight. I know that. And it's not from talking to any of my colleagues, but that we just really thing what we are going to be doing to the constituents for sustainability for the future and if we're willing to lead that charge as a local government. So that was my point in bringing this up, Madam Chair.

CHAIR HOLIAN: Steve, can I ask you whether there are any legal ramifications putting a statement such as that in the code?

MR. ROSS: Madam Chair, there are not any legal ramification but there are practical implications. We were just discussing we'd have to build roads to County standards and that might probably drive up the cost of our road network significantly. Some people might like that but it's not free.

COMMISSIONER MAYFIELD: And, Madam Chair, on that point I have to bring that point up, Steve, and I'm glad. Is it free to JQ Public to build these roads to the standards we're imposing on them? Is it, I mean, we are asking average Joe resident and Jane resident to build these roads to these standards. And I haven't got to the road standard section of this but I've only been bringing it up for two and a half years and we're not willing to do that because of the cost?

And that's my point. I'm just going to – I'll leave it at that, but that's my point.

COMMISSIONER ANAYA: The conversation that we had earlier relative to roads was that on that issue in particular, connected with communities not with what we think as Commissioners, but there are individual communities throughout our entire County that have community plans and desires that are not pavement, 22 foot road surface, and culverts and curb and gutter and a lot of other things. And that's why I knew we couldn't get into the detail of that, but that's something we've definitely asked staff to have the discussion on because there are going to be different levels of what adequate facilities are. And that includes roads and other functions.

Generally speaking, we should absolutely do everything in our power to follow the code that we're adopting. I mean we should. But the point is that the code isn't going to standardized entirely from one end to the other end. That's what I appreciate your emphasizing because that's an important point.

COMMISSIONER MAYFIELD: And, Madam Chair, Commissioner, I will get to the road standards section. I don't think we've gloss over it by any means. But I do believe I'm reading a provision in here and I'm going to – and Mr. Leigland, I do appreciate you're here on this just for clarification and it's not for any other reasons. But that we are asking if it's four individuals who live on the end of a private road and the fifth resident who has not developed his or her home yet come in for a permit and if that road is a mile long, if it's 50 feet long – if it's a 50 foot road we are now mandating, and it doesn't matter if they're in a community plan or not, this code is mandating that that individual will now have to pave a private road that is adjacent to a County road. Now, if the four residents that live before that private residence on the end do not want it paved, our code is still dictating that they pave that road. And somebody can tell me now if that's true or not based on the applicability, I think it's in 7.1 for all development. And we may flesh that out over the next six months but we're going to be asked to vote on this tonight. And a lot can happen in six months from now. That's all I'm getting at.

CHAIR HOLIAN: I would also like to make another point. I noted that there are different standards in there, for example, major subdivisions versus minor subdivisions; so what are we? A major subdivision or a minor subdivision? Or a DCI? Are we a DCI? Actually, we are. We're the ultimate DCI.

Okay, so you have an amendment on the floor and a second to add the wording to the code that the County will adhere to all the standards in the Sustainable Land Development Code; is that correct?

COMMISSIONER MAYFIELD: Yes, Madam Chair.

CHAIR HOLIAN: All those in favor signify by saying aye.

The motion failed by majority [2-3] voice vote with Commissioners Mayfield and Anaya voting for.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I'll move. Madam Chair, I believe it was addressed on bike lanes so I'll move off of that. So, Madam Chair, on page 19 and I'm working off the December 10th document and staff if we run over this just please tell me. It's kind of what we just talked about. A 12 foot asphalt – and I'm sorry, I'm on redline diversion 7.11.13.2, and this is a redline four. A 25-foot asphalt or concrete apron shall be required on a driveway that accesses an arterial or highway. A 12-foot asphalt or apron shall be required on a driveway that accesses a private collector, subcollector, or local road. And, I spoke with Mr. Leigland about this. One of my concerns and I understand the need to preserve our roads and Adam, if you don't mind, I'm just going to ask you and correct me on anything that I'm saying that I might be misstating just because I don't understand it, please. But one of my worries up north, and we've talked about this, and, again, I'm speaking specifically about up north. This could be going on countywide. But if we have a County road and I know I think it's covered in subsection 7 somewhere as far as a floodplain ordinance or the one that was repealed. But if an individual may be crossing an arroyo, there is a County road, there might be a small arroyo to get to their driveway. And now if we're mandating that folks put the 12 or the 20 foot apron, even the commercial apron to get there, could we not be potentially creating check dams all along that all those structures that could be mitigating a bigger problem than the \$500 they're going to be incurring for that driveway surface? And then potentially be flooding out their neighbors upstream and downstream? And you and I know, we experienced this with a lot of our low-water crossing in the northern part of Santa Fe County.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I think what you're referring to for instance is the water crossing on 113 where we created a –

COMMISSIONER MAYFIELD: -- 113, or I'll talk about Arroyo on the west where an individual went and put a whole bunch of concrete to try and help him get across his driveway. And he's now creating – well, I don't want to say what he's creating for anybody else but we're going to now mandate that individual puts these concrete or paved aprons.

MR. LEIGLAND: Yes, if there's a driveway that crosses an arroyo to get to a County road --

COMMISSIONER MAYFIELD: -- it could be a 100-flood year plain.

MR. LEIGLAND: -- yes, and then are we creating a grade control structure essentially to cause a drainage problems we've seen elsewhere and I think the answer to that, Commissioner Mayfield, you probably would have a culvert there. You wouldn't still be having to pave across an arroyo. So what –

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COMMISSIONER MAYFIELD: What cost are we going to incur on somebody to do this?

MR. LEIGLAND: We already ask them to put culverts if they cross a drainage structure they already have to have a driveway culvert and it's just not paved across that.

COMMISSIONER MAYFIELD: Oh, okay.

MR. LEIGLAND: I think the other thing to consider and I think the example is one on Fire House Road, that particular road if that driveway were paved I don't think it would have the large drop off and the drainage issues we had where their driveways meets the County road. So I think that – I understand what you're saying but I don't think it will be an issue. I think we're actually going to be solving many more problems than we'll potentially causing.

COMMISSIONER MAYFIELD: Okay, so thank you. Madam Chair, Mr. Leigland, let's use Arroyo on the West as an example where the County went and did some work along all those driveways. And I think they put 36 inch culverts and paved with curb and gutter and everything else.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, on Arroyo on the West there's the County Road and then there's the I'm not sure if that's an acequia or a drainage ditch that's actually crossed.

COMMISSIONER MAYFIELD: Yeah, and so the County did all this work.

MR. LEIGLAND: Yes.

COMMISSIONER MAYFIELD: The County did all this work and if engineering work was done or not, I don't know. By that work being done it's flooding everybody out across the street. So homeowner X is mandated to put a 20-foot apron in on their property, potentially are we creating a liability issue for that homeowner by doing this who potentially could be flooding out everybody else downstream from them? I just – are we looking at potential unintended consequences by mandating somebody to do something in this code? Are we telling somebody to go get an engineering study done and do it right. Because the County didn't even do some of these engineering studies on some of this work. And that's what I'm just trying to bring up here. When somebody – the deal with the Code of the West, and I'm going to bring it up in one of these amendments to adopt the Code of the West in this where people understand, I know I'm going to have to cross a low water crossing and I'm not going to cross it when it's wet, I'm not going to cross it when it's flooding, and I'm just going to deal with it getting into my driveway. That's all I'm just trying to get at.

MR. LEIGLAND: So, Madam Chair, Commissioner Mayfield, I'm –

COMMISSIONER MAYFIELD: Okay, let me just cut to the chase. Madam Chair, I will make an amendment to remove that section of the 12-foot or the 20-foot apron that connects to these arterial roads. That is my amendment, Madam Chair.

CHAIR HOLIAN: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Okay, there's a motion and second. All those in favor signify by saying aye.

The motion failed by majority [2-2] voice vote with Commissioners Mayfield and Anaya voting for and Commissioner Stefanics abstaining.

COMMISSIONER ANAYA: Madam Chair, and commissioners, and Commissioner Mayfield, can I ask a question?

COMMISSIONER MAYFIELD: Please.

COMMISSIONER ANAYA: I think he's bringing up really valid points associated with the roads that I don't know if we're going to continue—I mean, I guess what I don't want to happen is for us to have these votes and then not have the discussions that staff is going to have internally as well as probably Road Advisory and others. I guess I want to make it clear just because this vote didn't pass that now it's off the table. Because roads is a problem and the way we have the standards now is a problem that needs to be fixed. I want to be very clear about that.

That's what I said earlier and I'll say it again. So, Madam Chair, is it still the intent that we're going to allow a broader discussion to continue to occur?

CHAIR HOLIAN: Yes, indeed, Commissioner Anaya. And, I would hope that we would go in that direction but of course each Commissioner is allowed to bring up any –

COMMISSIONER ANAYA: No, no, no.

CHAIR HOLIAN: -- amendments that they care to

COMMISSIONER ANAYA: I'm glad the Commissioner is bringing them up and I concur with many of his points. I just I didn't want this to become something that becomes an issue that takes it off the table because we didn't have a 3-2 vote or a majority vote.

CHAIR HOLIAN: First Commissioner Stefanics and then Commissioner Chavez.

COMMISSIONER STEFANICS: Okay, so Madam Chair, I didn't vote. So it's a two/two. I want to talk about that section a little bit and I'm wondering if it really, whether or not we're really talking about fewer than X number of properties and more than X number of properties. Because, for example, if you look at number one there, residential driveways shall serve no more than two lots. If I look down in my area of the County you actually see a private driveway that goes along the edge of several lots. And it's one driveway that becomes a private road which then accessing two, five, ten, 20 homes. But, technically it's a driveway that then becomes a private road. And, I realize that that's not a new development but that's the easement that has been provided is the edge along all of the lots. So, then I go down to the issue that Commissioner Mayfield is bringing up and then I start thinking about perhaps we really don't want to have this standard for those individual houses that aren't part of a subdivision. So, Penny, I'm just wondering your thoughts on that.

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, the statement that residential driveways serve no more than two lots is consistent with our rural addressing. You address a road that serves, and it's considered a road, that serves three or more homes. And so when you're creating lots, if you're serving three or more you do need to give it a road name and you do get a rural address.

COMMISSIONER STEFANICS: So once it becomes a road name it's not a driveway anymore?

MS. ELLIS-GREEN: It's not an individual driveway at that point.

COMMISSIONER STEFANICS: Okay, and the number of homes is how many to create that road?

MS. ELLIS-GREEN: It's three or more.

COMMISSIONER STEFANICS: Three or more.

MS. ELLIS-GREEN: Right.

COMMISSIONER STEFANICS: So, is that an appropriate standard to use for that number four there then? Because if a driveway is less than three –

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, yes, that section would require the driveway that's just serving one or two homes to pave back that far. That's what that section requires.

COMMISSIONER STEFANICS: Okay, when Highway 14 was redone they had to widen it in order to get the federal money and when they widened it they also paves the entrances to all the driveways along Highway 14. But what they did was they put in these little cement or paved driveways and Walter might have more details about that if he remembers but it goes immediately into dirt. And some of the dirt can drop down a foot – they don't care. The State just came, they put in all of these entrances and that's what we could end up with. And where I'm going with this is maybe this really is more appropriate for a subdivision, the paved entrances.

CHAIR HOLIAN: Commissioner Chavez, oh, yes, Adam would you like to address that?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, what I want to bring up is that if you an [inaudible] surface, meaning a paved surface you're going to have to interface it at some point. A paved apron just manages that interface in a better –

COMMISSIONER STEFANICS: But if it's not paved? What if you're talking about dirt road here?

CHAIR HOLIAN: But it says a paved arterial, see it's connected to a paved collectors, subcollector or local road.

MR. LEIGLAND: So this is managing the interface between an unpaved road or driveway and a paved road and so, in my opinion, you manage that interface, it's much better 12 or 20 feet or whatever is decided away from the edge of the road then it is right at the edge of the road and that's for drainage reasons, that's for protection of the County road. That is why the State did that. That's the County's practice as well.

COMMISSIONER STEFANICS: And maybe I misread it then and maybe it's just because of the hour. So this only relates to the apron being paved when it's on a paved road.

MR. LEIGLAND: That is correct.

COMMISSIONER STEFANICS: But it doesn't require the driveway to be paved just the apron?

MR. LEIGLAND: Madam Chair, Commissioner Stefanics, yes, the apron is that, just what you're describing on Highway 14, it's that interface, that first however many feet from the paved road.

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COMMISSIONER STEFANICS: But not the rest of it?

MR. LEIGHLAND: Not the rest of it, that's right.

COMMISSIONER STEFANICS: Okay, I think my question was answered.

Thanks.

CHAIR HOLIAN: Commissioner Stefanics, we had a vote, did you want to vote on this? It didn't pass because it was two to two. Do you abstain?

COMMISSIONER STEFANICS: I'm going to abstain. But I'm going to abstain.

CHAIR HOLIAN: Okay, so it didn't pass.

COMMISSIONER MAYFIELD: Okay, so Chapter 7, 7.1, Mr. Leigland, applicability. If the development standards of this section, on page 94 of the code book and least the code book that was given to me on December 10th, not the one that was given to when was it – Friday night at 6 o'clock that I wasn't able to receive until Monday morning for personal reasons.

CHAIR HOLIAN: Say that again.

COMMISSIONER MAYFIELD: On page 94, Chapter 7, 7.1, applicability. I don't think it has changed. I'm going to read it for the public. The development standards of this section shall be applicable to all development except as otherwise specified herein. Development approved shall not occur unless application demonstrates compliance with applicable standards of this chapter.

And, I just want to go back to our definition of development really quick for everybody. We can find that in our books, and Adam just remember what you told Commissioner Stefanics, please, and put my mind at ease in a few minutes. Development: any manmade change or improved or unimproved real estate including but not limited to the construction of building structures or accessory structures, the construction of addition or substantial improvements to building structures or accessory structures, of placement of buildings or structures, mining, dredging, filling, grading, paving, excavation, or drilling operations and the storage deposit or extraction of materials, public or private sewage, disposal system or water supply facilities. Okay.

Now let's go to Table 4 on page 34, procedural requirements by application type. And, then I'm referring back to Chapter 7 on applicability so tell how that is not – so when this code is passed I want to know how this applicability is to a family transfer, to a temporary use permit, to every single thing that we do in Santa Fe County? How this is not, when anybody comes into Ms. Ellis-Green's department and files for anything that they're going to have to comply with every single thing that this County just voted on that we're not willing to do? Just clear my mind on this one.

Because somewhere in this section, Adam, what you just told Commissioner Stefanics I'm going to say that we're asked to tell everybody to pave a road, a private road to four inches anywhere in Santa Fe County. If that person comes and gets a development permit, you will pave your road to four inches.

And I know we've asked that this code is coming back in front of us in six months but I think is important to talk about; at least for me it is tonight.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, the applicability section you read in 7.1 on page 94 is basically saying everything is applicable unless it states otherwise. So, for example, in let's see the landscaping section –

COMMISSIONER MAYFIELD: No, let's go to Table 4.1, on page 34.

MS. ELLIS-GREEN: Well, the applicability section at the beginning of Chapter 7 is related to Chapter 7. That's why I was trying to –

COMMISSIONER MAYFIELD: Okay, that's great. So every chapter is only related to its own chapter; it has no cross-reference to any other chapter in this code?

MS. ELLIS-GREEN: No, there are cross-references. The Chapter 4 table is the procedural table so that just tells you if you submit for a development permit a residential development permit who reviews it, whether or not you need a pre-application meeting, that kind of thing.

COMMISSIONER MAYFIELD: So a family transfer would not apply under this sustainable design standards and applicable to all development. If somebody wanted to improve their property.

MS. ELLIS-GREEN: Are we talking about Table 4.1 still?

COMMISSIONER MAYFIELD: Yes.

MS. ELLIS-GREEN: Well, 4.1 will say that a family transfer is not a discretionary review. It does not need a pre-application TAC meeting. It does not need a pre-application neighborhood meeting. Does not need studies reports and assessments. Agency review if it's needed. Approval by the Administrator and it does not go to a hearing office, a planning commission or BCC. That's all that Table 4.1 tells you.

COMMISSIONER MAYFIELD: Okay, so, then they would not have to comply with all these other development codes either or they would?

MS. ELLIS-GREEN: No, the applicability of Chapter 7 states that all development will comply with these standards but in some of the sections it will state that this is specifically for residential, this is specifically for subdivisions – So the example that I was going to give you on page 100, on the landscaping, except for the provision in 7.6.3 which applies to everything, this section only applies to non-residential, mixed-use, multi-family and to all subdivisions, so that's the overall subdivision. So it wouldn't apply to a single family dwelling unit. And it wouldn't apply to a family transfer.

The section that you were discussing is the road section and let me get back to that – and it states that it does it apply to all development. There should probably be a gap between that statement and the statement about what 7.12 and 7.13 do but it would apply for development. So if you were building a road you would need to comply with these standards. A residential permit would maybe be building a driveway if they didn't already have a driveway. I don't necessarily think that they would be building a road.

COMMISSIONER MAYFIELD: Penny, let me find a quick table here also. And I know Ms. Orallynn Guerrerortiz brought it up. She brought it up as a different point, I think she brought it up as Agua Fria Road and also Tano Road. What table was that on because I was looking at it as it was applicable more to a local road?

Thank you, Commissioner Chavez. So it was 7.12, let me see if I have my highlights.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield –

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COMMISSIONER MAYFIELD: So on a local road, okay, so I have this table. Help me understand this, Penny, please. So on Table 7.12 if it's a local road that's moving vehicle of zero to 400 we're asking that it have minimum pavement of 3 inches?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, that's –

COMMISSIONER MAYFIELD: And that's in an STA 1 or STA 2 area?

MS. ELLIS-GREEN: Yes, yes.

COMMISSIONER MAYFIELD: Now, is that a private road?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, it's any local road.

COMMISSIONER MAYFIELD: Okay, so, again, have we just stated to Commissioner Stefanics that this is only going to be a 20 foot apron? So if an individual lives on the end of a mile private road and they come in for a development permit, that individual now is going to have to be charged with paving that whole mile of that private road and there could be five people that live along that private road that says we do not want this private road paved because we're mountain bikers, we're equestrian users and we just don't want the road paved.

CHAIR HOLIAN: Steve, is that true?

MR. ROSS: Madam Chair, no, that's not true. 12.2.2 applicability, the adequate public facilities regulations do not apply unless it's identified as applying on Table 4.1. A single house does not have to build a road. All they have to do is build an apron, 12.2.2.

COMMISSIONER MAYFIELD: Okay, then, Steve, and you can say it's true or not true, however you guys want to phrase it. But look at what 7.12 says, the table, so why don't you make a reference to it's not true then in 7.12 then if that's how you guys want to phrase it. Because 7.12, the table says what it says in Table 7.12. And Penny just said it applicable to every single road.

MR. ROSS: Madam Chair –

COMMISSIONER MAYFIELD: Madam Chair, Penny, let me just ask you this question: is it true what you just said?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, yes, if you are building a local roads those are the standards. But if you are requesting a development permit for a home you wouldn't be building a road. You would be building your driveway. So if you're off of an existing local road that is not paved then that apron requirement would not apply because the existing road is not paved.

COMMISSIONER MAYFIELD: And even if that local road is against an arterial paved road, it would not apply?

MS. ELLIS-GREEN: No, that section for the apron is regarding your driveway. So where your driveway goes from your house to your road if that road that it adjoins is paved then there would be the requirement for the apron. But if it is not, there would not be the requirement for the apron.

COMMISSIONER MAYFIELD: Okay. And, then Ms. Guerrerortiz' comments that she brought up as far as, and, again, the County is not bound by these rules, but making Tano Road six lanes if somebody lived in a driveway right off of Tano Road and it's moving – what is it – 5,000 cars a day or 500 I don't know what it's moving.

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MR. LEIGLAND: Madam Chair, Commissioner Mayfield, remember that the standards refer to building new roads. But also there's the Boards' philosophies behind this code is growth management and so having standards like that would actually encourage development at a place where the road existing network, this is what the adequate public facility philosophy is, is that you would direct development to a place where the County road can accommodate that sort of standard so you would not put a development that is going to generate 10,000 vehicles a day onto Tano Road because Tano Road could not accept that traffic and that cannot be made into a six lane road with 5-foot sidewalks and a bike lane. So one of the philosophies behind that is you direct development where it can be accommodated by the standards that we're asking. She was right, the two busiest county roads that we have are Agua Fria which carries about 8,500 vehicles a day and Richards which carries probably up to 15,000 but I think those are relatively what we are looking at in terms of what the capacity is now. So, maybe we could modify what the average daily trip numbers are. For instance, maybe a local road being paved to 4 inches is not appropriate for 10 vehicles a day, 10 trips a day. We all know of roads that meet that. But our experience that at least at 200 vehicles a day it should be probably paved.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, I respect, you know, the development community but again I'm trying to advocate for just the regularly Joe and Jane homebuilder. So let me use another example. And I used to represent the district, part of the district and now Commissioner Holian represents one side and I represent the other side. So going up to Hyde Park Estates, so just an individual homeowner wants to build a home up there. I don't know how many cars move up and down that road every day but you know there's a commercial enterprise on top of that mountain also. So, if X amount of cars are going up and down that State - I think it's a State Highway, correct, for a while. So many cars are going up and down that road every day and somebody is off of there trying to get a development permit, maybe it's a bigger development than just one home; what are we going to ask that they do to that road? Are they going to have to accommodate it to be a lot wider now?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, first that is a State Highway and -

COMMISSIONER MAYFIELD: Okay.

MR. LEIGLAND: -- it's a State Highway all the way up to the ski basin. And I don't even know that the County could allow a development that comes directly off that. That would have to be the State requirements and they would need to go to the State. Hyde Park Estates has about 76 lots in it so it probably generates about 100 trips a day, probably, going in and out of there.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, say 10,000 Waves wanted to expand. And they came in here for some application permit. They wanted to expand two-fold. Could we tell them that you guys have to improve the highway all the way up?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I think in that case they would have to go to the State. And the State would have requirements for acceleration lanes and whatever else. A new road is not being built. It's an existing road. It's no difference from what comes to mind when Desert Academy opened -

COMMISSIONER MAYFIELD: Okay.

MR. LEIGLAND: -- they had to do traffic impact analysis and what we asked them to do was to put in turn-pockets and acceleration lanes. I imagine the State would have a similar requirement in that particular case. And of course our requirement in that case was under the old code and we did a traffic impact analysis and the service was at 4, and we say that an SDA 1 where we have the level of service D which is having to do with delays in turning maneuvers -- and so that would enter as well.

COMMISSIONER MAYFIELD: And I appreciate what you just said, Madam Chair, Mr. Leigland. So Desert Academy is a good example. So under Desert Academy under this code and I guess I'm kind of putting you on the spot right now, would they have the same development standards or would they now be asked to widen that road?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, my understanding is that those standards have to do with when you're building a brand new road. So you're coming in and you're building a new subdivision and you put in 10 lots and your traffic impact analysis indicates that you're going to generate 1,000 trips a day because you're building 10 lots and so according to our standard you're going to generating 1,000 so that's going to be considered a minor collector and so our standards for a minor collector are this many feet wide, with this many bike lanes. This doesn't have to do with existing developments. So I don't think -- and I'll look to legal to correct me if I'm wrong -- but if there is going to be development connecting to an existing road you're not going to ask them to build a new road. What would come into play there is our level of service requirements and that actually did come into play at Desert Academy. They were at a level C and you had to indicate that your impact on traffic was not going to cause intersection level service to get to E or F. And, again, levels of service have to do with the amount of vehicular movements and lengths of queues and things like that.

COMMISSIONER MAYFIELD: Okay, Madam Chair, Mr. Leigland, I know we gave consideration on different matters so I'm going to ask Ms. Orallynn Guerrerortiz to briefly comment, if that's permissible.

MS. GUERRERORTIZ: I would only say that if what Mr. Leigland said was correct, I would be very supportive of it. But that's not how I read the code currently. If it only applied to new roads I think that would be ideal. But that isn't what it says.

COMMISSIONER MAYFIELD: And, Mr. Ross, in fairness to Mr. Leigland, are you okay with how Adam's interpreting it that it only applies to new roads?

MR. ROSS: Madam Chair, Commissioner Mayfield, it only applies to roads that have to an adequate public facilities assessment pursuant to Table 4.1 and 6.1.

COMMISSIONER MAYFIELD: That's new roads?

MR. ROSS: New roads, yes, yes.

COMMISSIONER MAYFIELD: Okay. It's on the record and if we have to address this when we do the revetting we'll address it when we do the revetting. And, again, my deal is for the smaller homeowners out there too. If we can address that, thank you for your indulgence.

Okay, I'm going to move on. So let's just get to the water section really quick. Going back on page 21 of the redline version, and this is important to me. 7.13.3.6 where the County water/wastewater utility provide confirmation to the administrator that

water/wastewater both will not be available to development – I may have answered this question, I'm not going to elaborate but, Mr. Ross, within five years, Mr. Leigland, you know the situation that's going on with Chimayo, and I'm going to use that as an example, an individual drops a well, once that well is dropped I guess it's not considered a new permit anymore, a new development permit. But my worry is that if one of these mutual domestic or one of these providers does not have the adequate supply and they obtain it, we can't go retroly back and somebody cap, right, Steve?

MR. ROSS: Madam Chair, Commissioner Mayfield, I'm sorry, I didn't hear the last three or four words.

COMMISSIONER MAYFIELD: We can't go back and make somebody cap a well once they've dumped their cash to buy a well and hookup into a water system can we?

MR. ROSS: No.

COMMISSIONER MAYFIELD: Okay. And, if they have a lot and they've put the well prior to building, they're fine also, right, as long as they show you look here's our OSE license that we already have a well on our property even though we have not put a structure on our property. Or let me put it another way. We can get a shared well agreement from our brother, from our neighbor.

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

COMMISSIONER MAYFIELD: Okay, then I'm fine with that.

Commissioner Anaya brought up a little earlier 7.13.4.2 I would like to see a provision in here, and I respect the cooperatives, the mutual domestics and everybody else is regulated by a regulatory agency, such as the PRC but there could be a – we need to respect that somebody could be financial issues. I've seen it when I worked at the PRC. There are folks that are insolvency. That are some folks that are in receivership, folks that do a good job but their books aren't in the best order and we could be mandated that somebody hookup to one of these water or wastewater companies and I just think we should recognize that in the code.

I would support a friendly amendment that before we mandate somebody to hookup to one of these entities that that entity does have to provide to us that they are financially solvent. And with that, I would like to make a friendly amendment, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair does Commissioner Mayfield need to make a motion on this? I think the intent is very good. But as staff is doing their review that we don't place a requirement that they connect to somebody that's not practical, not functional. So isn't there a way that we could have a consensus that they're a viable supply? That seems reasonable to me. That seems very reasonable.

CHAIR HOLIAN: I have a question for Penny and Steve. When we do require that somebody hook into a water or wastewater system we do require that – we actually require that system to be viable don't we?

MR. ROSS: Madam Chair, we require that system to provide us with a letter saying that they're capable of serving the development. Remember we got in trouble with the Eldorado Area Water and Sanitation District second guessing their own internal estimates from the outside of what they're capable of doing. And so we don't have an investigation provision in here of the viability of various systems for that reason. What this draft says is

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that system is better able to determine what they're capable of producing than we are looking in from the outside. So it's up to them to determine whether they hook the customer up and whether they can provide adequate service to that customer.

Now the reviewing agency in this case, the OSE, does have information and if they have concerns about it they'll bring it to our attention in their review.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, let me just ask this question it's not to take – look, I have enough of them in my district, but somebody is hooking up to the Chupadero system right now. Chupadero has some well issues going on and we're telling someone that you have to hookup to Chupadero of Canoncito for that matter before we help them out. I mean, we're going to mandate that somebody hooks into a system, so would that scenario still play out on what you just said, Steve, if we're not aware of it. And they're saying, hey, we're viable, we'll take them over and then a month later they're going to come to the County and say, hey, take us over we need help.

MR. ROSS: Madam Chair, Commissioner Mayfield, the issue is whether the relevant water system is provided a ready, willing and able letter to an applicant. So if the applicant has that letter presumably it means that the system feels that they're capable of providing the water that's requested. If they're not, they won't give them a letter. If they're not they won't give them a letter and then there are a whole other set of requirements that apply when they can't get that letter which is – you move down the chart.

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Ross –

MR. ROSS: So self-supplied water. It's another question whether the system then feels like it's unable to provide service to its customers as a whole. That's not anything that the land development code can or does address. That's an intergovernmental issue between the water system and this body.

COMMISSIONER MAYFIELD: But, Madam Chair –

CHAIR HOLIAN: Commissioner Mayfield, I'd just like to answer that as well. You used Canoncito as an example but they're not a good example because if anybody wanted to hook into Canoncito at this point they would issue a letter saying they were not able to serve that customer.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: They know they can't. In fact, there are a number of people who would like to join the Canoncito Mutual Domestic but they're not capable of serving it so they never would say that they could.

COMMISSIONER MAYFIELD: Okay. All right, so I won't beat that one to death. Madam Chair, Mr. Ross, and I'm just going to look at 7.18 I guess in general. How is this total water use table in general, and I've already, Commissioner Anaya brought something up and I gave my thoughts on it on water conservation and everything. But let's look at the potential of the Aamodt up north and even – I'll just bring that and they I'll go talk about the Northwest Well Settlement.

So right now Santa Fe County signed onto a settlement agreement in the Pojoaque Valley Basin and you all are very familiar with that settlement and this Commission signed onto it. And in that water settlement agreement, Steve, and you correct me anywhere where I'm off on it. It afforded people arguably at one time when they signed onto it 7/10 of an acre foot. It afforded people a half of an acre foot depending what they do today or tomorrow and

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I even think there's going to be some order recently going to go out now by the courts for determination and that is even on future determination if folks sell property, give property to kids, or do anything else and you can explain that. But, if Santa Fe County is now saying, well, you can have .25 acre-feet. So is anywhere in this code taking away rights of another agreement that this County has already signed onto?

MR. ROSS: Madam Chair, Commissioner Mayfield, no.

COMMISSIONER MAYFIELD: Okay. So then what was prescribed in the Aamodt Settlement Agreement that Santa Fe County signed onto?

MR. ROSS: Madam Chair, Commissioner Mayfield, in what sense?

COMMISSIONER MAYFIELD: You tell me. What right now do folks have the right, if they make a designation to accept the Aamodt agreement, what are their entitlements right now if they will have accepted the Aamodt agreement or not accept the Aamodt agreement? What are they able to keep even on an undeveloped piece of property?

MR. ROSS: Madam Chair, Commissioner Mayfield, it depends on which election they make.

COMMISSIONER MAYFIELD: That's what I'm asking you. So what are the election, right now, that they can make that the County signed onto to also in the stipulation?

MR. ROSS: Well, the election that the court is going to make people make is an election to hook onto the County water system or an election not to hook onto the County system or third, an election to require their successors in interest to hook onto the County water system. Three choices.

COMMISSIONER MAYFIELD: And if folks elect not to hook onto the water system; how much water will they be afforded?

MR. ROSS: Madam Chair, Commissioner Mayfield, it depends on the matrix which I don't have committed to memory.

COMMISSIONER MAYFIELD: Okay. So, Madam Chair, wherever it goes into this table, I just would like an amendment that if there is an adjudicated settlement agreement anywhere in this County in any basin that the County has already signed onto that anything this County puts forth cannot trump that. And I think that's important.

So with that, I would an amendment to that. I would just ask where staff sees that's best served if there an adjudicated agreement anywhere within this policy statement that Santa Fe County has already stipulated that we cannot have a – I guess – a stricter policy. Because right now folks have the right if they designated and Steve doesn't have the table committed to memory nor do I, folks may have designated for ½ acre-foot for 7/10 of an acre-foot and that still may be on an undeveloped piece of property if they so elect choose. But now we're saying that, and Santa Fe County has signed onto that settlement agreement.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: And, Madam Chair, Commissioner Mayfield, and I guess, Mr. Ross, we've had several different Commissioners, yourself, myself, Commissioner Chavez brought it up and I think Commissioner Stefanics brought it up also, the recurring theme of prior approvals on projects, we brought it up in the project sense and the approval sense of the prior code and prior approvals. And, I would think that this would

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fall in the same vein, Mr. Ross, as those so that any prior approval or agreement that we've entered into that this doesn't trump it. Essentially, we keep asking it for different components I guess. But the theme is the same that this code for prior approvals isn't going to supersede those prior approvals. Yes, no? I mean the answer I keep hearing is that anything that was approved prior and anything that we have agreement on doesn't change.

MR. ROSS: Madam Chair, Commissioner Anaya, that's correct for land use approvals. But we're kind of mixing apples and oranges here. We have the Aamodt Water Settlement –

COMMISSIONER ANAYA: All he's saying though, Madam Chair, Mr. Ross, is that for the water aspect of Aamodt it's not going to adversely change that in any way. Yes or no?

MR. ROSS: Madam Chair, Commissioner Anaya, I don't believe it's fair to connect the two because in Aamodt you're talking about domestic and irrigation rights adjudicated in that settlement on an individual basis, on an individual well basis. Nothing in here – I thought we were talking about Table 7-118 which obviously we're not talking about. So I guess we're talking about the .25 acre-foot limitation that is somewhere in here; is that what we're talking about?

COMMISSIONER MAYFIELD: I said it generally, Steve, I said I don't know where it is in there so I –

MR. ROSS: And we tried to address that by adding language and it's in here somewhere that makes it clear that the limitations don't apply to adjudicated water rights that people have otherwise have a right to use.

COMMISSIONER ANAYA: Okay.

COMMISSIONER MAYFIELD: Will you repeat that, Steve, please.

COMMISSIONER CHAVEZ: Madam Chair, and Steve is it on Penny's handout is it page 23, 7.13.7.2 shared wells and individual wells?

MR. ROSS: No, it's page 25, on this consolidated changes document, 7.13.11.1.2 and we added a couple of sentences there to address this very issue that keeps coming up.

COMMISSIONER CHAVEZ: So why don't you read that, Steve/

MR. ROSS: Okay, it says, the added language says, This limitation – which is of course the .25 acre-foot limitation – this limitation shall not apply to use of water derived from a well permitted pursuant 72121 that is used for agriculture so long as the use is consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and to the use of water derived by such water rights for agricultural or other purposes.

COMMISSIONER MAYFIELD: But, Madam Chair and Mr. Ross, what we could also add in here or any other settlement agreement, such as Aamodt.

MR. ROSS: Madam Chair, Commissioner Mayfield, I didn't understand the question.

COMMISSIONER MAYFIELD: Well, in here – so the limitations shall not apply to the use of water diverted from a well permitted pursuant to NMSA 1978 Section 72121 that is used for agriculture so long as use is consistent with the terms – I'll just read it real quick – this is just for agriculture uses.

MR. ROSS: Negative. It's for agricultural or other purposes.

COMMISSIONER MAYFIELD: Okay, let me read this again.

CHAIR HOLIAN: Read the first sentence.

COMMISSIONER MAYFIELD: Oh, the first, okay – water use for domestic purposes – okay, and Madam Chair, just help me again with what your amendment of your definition is that you want on domestic use?

CHAIR HOLIAN: Commissioner Mayfield, I don't know the exact wording but I have heard the Office of the State Engineer does have a definition of domestic water use.

COMMISSIONER MAYFIELD: So, Steve, with what Commissioner Holian just said, would that have any impact on this domestic purposes or no?

MR. ROSS: Madam Chair, Commissioner Mayfield, all this stuff fits together. The State Engineer permits are divided into domestic use and outdoor agricultural use and so typically you have a 3 acre-foot well and 1 acre-foot is potentially dedicated to outdoor ag uses. It could be a field one acre in size or one acre of trees and then the remainder is designated to domestic use. So what Commissioner Holian is suggesting and it makes a lot sense is to tie all of this stuff together cause it all integrates and it all ties back to the State Engineer permit.

COMMISSIONER MAYFIELD: Yes, but, let's reread what you all just said. So annual water use for domestic purpose for a single-family residential dwelling unit shall not exceed .25 acre-foot per year period. This limitation shall not apply to the use of water diverted from a well permitted pursuant to NMSA 1978 Section 72-12-1 that is used for agricultural so long as the use is consistent with the terms of this permit period. Similarly comma this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and to the use of water diverted from such water rights for agricultural purposes.

Steve, time and time again, you've also said that a license from the State Engineer is just that, a license is to use. You've never said it was a water right. And you have a distinct period after annual use from domestic purposes for a single-family residential dwelling shall not exceed .25. So if we're tying this into what the County signed off on the settlement for the Aamodt, I don't know if this is incorporating that. And I want some reference in here that this cannot trump any prior settlement that this County has signed off on.

And, with that, Madam Chair, I am going to move an amendment that will state that.

CHAIR HOLIAN: What will be the wording?

COMMISSIONER MAYFIELD: That any prior action this Commission has taken for any settlement agreement, such as the Aamodt, that this section would not be applicable.

CHAIR HOLIAN: So, what you're saying Commissioner Mayfield is that anybody who is party to the Aamodt Settlement would not have .25 acre-foot a year limitation?

COMMISSIONER MAYFIELD: Madam Chair, this is making it – as I'm reading it, it's more restrictive than what folks have signed off on, if they elected to sign off even onto the Aamodt to begin with and that was already adjudicated – that's already been

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adjudicated and the County has already signed off on that agreement. And what you all just read into the record is not what this says. I mean, you have –

CHAIR HOLIAN: So you're saying that they should not have any limitation.

COMMISSIONER MAYFIELD: I'm not saying that they should not have any limitations. I'm saying that this County should be bound by the agreement they've already signed at a minimum. They've already signed onto an agreement with the Aamodt.

CHAIR HOLIAN: Steve, when we signed onto the Aamodt agreement did we specify the amount of water that could be used by each residence?

MR. ROSS: Madam Chair, there are charts in the Aamodt Settlement document that describe how each of the classes of water rights holders will be treated, but, that being said, the Aamodt Settlement is going to be effectuated to individual permit decisions on individual permits on a house-by-house well-by-well basis. And that's happening right now. So each well owner will understand what their specific limitations are based on their individual proceeding. So, this language was intended to capture those principles in a general sense and it was specifically designed for the Aamodt Settlement based on comments section Commissioner Mayfield has made.

CHAIR HOLIAN: So this is not inconsistent with the Aamodt Settlement, is what you're saying?

MR. ROSS: It was intended to address the ambiguities of the settlement and to insure that people who had water right adjudicated through the Aamodt Settlement could use them without water conservation restrictions. Now, some people don't agree that that should be the rule. In fact, people think that's an inroad around the limitation which is correct, but Commissioner Mayfield has pointed out over and over and over again that people in many cases in the Aamodt area will have more than a quarter acre-foot of adjudicated water rights. This is intended to let them use those rights. That's the whole purpose of this language.

CHAIR HOLIAN: Commissioner Anaya then Commissioner Chavez.

COMMISSIONER ANAYA: So I don't want to dive all the water into the water, but, I'm going to say this: the current code without even talking about the new code, has provisions associated with land use that when you broach changing your land use you lose a right. That's the way the code is, the current code. My later father was very, very frustrated over aspects associated with having a right that was utilized and by nature of changing the land use would lose a use and a right that he had before in the water but at the end of the day associated with what his desire was for his family and his children and providing a piece of land made the accommodation to forego that. So all things equal if someone has a right anywhere in the County whether it be in the Aamodt Settlement or whether it be in Stanley, New Mexico as it stands at face value I don't think that changes. But the whole intent of a code is that once it moves from the current use to a new use or a new proposed change or additional uses, then the same use that was prior essentially does go away. So if we started pick apart and said in the north because of Aamodt you would never lose that because it was adjudicated but yet there would still be the benefit of having different land uses or different lots, well then this whole thing would unravel because no one whether they lived in La Cienega or in Stanley or Glorieta would want to say, well, I wasn't part of the Aamodt and since I'm not part of the Aamodt I might not have that same benefit.

I concur that whatever the agreement was that was litigated and the determination made after 40 years, at face value is what it is, but the minute people in that segment start saying, now I want to make two lots or three lots or do other things well, then I think that's inherent as part of a land use code that there might be trade-off or loss of those. I mean, I've done it myself in the interest of trying to help my own family members and my own kids and to say, what might I have to give up in the interest of them having a lot to build on.

So I agree with what you're saying relative to Aamodt but at the same time when that use changes there has to be reasonable accommodation across the County to say, are we as equitable and fair as can be for all the residents. I'm not debating you. I'm just giving you my perspective.

COMMISSIONER MAYFIELD: And, Madam Chair, Commissioner, I appreciate the comments. And, maybe I misunderstood even how I'm looking at this based on what Mr. Ross said. So, Steve, on 7.13.11.1 this will allow the residents in the Aamodt area to have more use of their water rights or will it be more restrictive under the settlement agreement?

MR. ROSS: Madam Chair, Commissioner Mayfield, it says, this limitation shall not apply, so the .25 acre-foot limitation will not apply if the terms of these two sentences are met.

COMMISSIONER MAYFIELD: For agricultural though?

MR. ROSS: Look at the second sentence.

COMMISSIONER MAYFIELD: Okay, I'm looking at sentence.

MR. ROSS: Use of water derived from such water rights for agricultural or other purposes.

COMMISSIONER MAYFIELD: Let me see, okay, other purposes could be domestic use?

MR. ROSS: Yes, or any use, yes, commercial use.

COMMISSIONER MAYFIELD: Even if it was .50 given in the Aamodt agreement?

MR. ROSS: Even if it was .7, yeah. So they're going to have water rights as soon as the adjudication –

COMMISSIONER MAYFIELD: Okay, I'm going to meet with Steve on this one later, Madam Chair, because I just really need to be with him. So I'm going to move on. Thank you. Thank you, Commissioners for that. And, Steve, you're going to have to meet with me on that. I'll be brief because you've been very patient with me. So I'm going to move fast now. Thanks. Steve, I really have to meet with you on the Aamodt.

Okay, so a few amendments, Madam Chair. Bear with me. So, Madam Chair, on 9.3.14, we've reserved a holding section and I'll find that page. Penny, can you take me to that page. I spoke to you about that this morning.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, 9.3 is on page 216.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And respecting our community plans, we've reserved a section – I'm sorry, Penny, where were we again?

CHAIR HOLIAN: It's in the new book.

COMMISSIONER MAYFIELD: Okay, I was in the old book.

CHAIR HOLIAN: Page 216.

COMMISSIONER MAYFIELD: Thank you. 216.

CHAIR HOLIAN: In the clean version, Chapter 9, community districts.

COMMISSIONER MAYFIELD: For the agricultural overlay?

CHAIR HOLIAN: Chapter 9 is regarding community districts not overlays. They are overlays but these are specifically community districts in Chapter 9.

COMMISSIONER MAYFIELD: Yeah, and maybe, Penny, this is where you thought best to put it but we have a section reserved for agriculture is that for overlays, is that in the agricultural –

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, that's in the overlay district so that's in Chapter 8 for agricultural.

COMMISSIONER MAYFIELD: Under agricultural?

MS. ELLIS-GREEN: Yes.

COMMISSIONER MAYFIELD: Okay. So, Madam Chair, I know I've spoken about this and there are various community plans but I would like to just add, add a friendly, I don't know if it's a friendly amendment or not, but just private in holding within the pueblo boundaries just reserved. I know we said we can address this in the zoning map but we've reserved that section for agricultural districts. I've spoken about this time and time again and I just would move that as an amendment.

Commissioner, I know that I've brought this up, and I think you've maybe brought this up for the area you represent it's just to protect an overlay district potentially say for potential commercial development along maybe SDA 1, SDA 2 areas on commercial corridors. Let's use Torrance County as an example in your area. One side of the highway if it's Torrance County you can have billboard and Santa Fe County on your side we're not going to let that be permissible. The same thing up in my district. We are within five external boundaries of pueblos and although I have different community plans I just still want to make it at least economically competitive for private in holding within those external boundaries respecting the community plans. I mean, Penny said we still have to try and figure this one out. I just want to reserve an overlay district there.

CHAIR HOLIAN: Commissioner Mayfield, I have a question – oh, are –

COMMISSIONER ANAYA: I was just going to say that I've had many, many discussions with staff especially in the southern part of the County associated with Torrance County, Moriarty, the Town of Edgewood and having the code and our zoning districts complement which is kind of what I'm hearing from you, what's in the surrounding area. And so I think staff has a good job in analyzing what those areas are and how the zoning will work well and mesh with what's existing. So I think we have that mechanism based on what my experience has been in that sector. So, I guess I'm trying to figure out what additionally are you looking for because we still have to review the maps and those zoning district which I would agree we want to make sure as we look at those that they're complementing one another.

COMMISSIONER MAYFIELD: And, Madam Chair, Commissioner Mayfield, I just – knowing that if we do address that in the zoning map, that's great. But I want to make sure that we are reserving a placeholder for it in the code because we did that

on the agricultural. We have a placeholder reserved for an agricultural overlay. So that's all it was, was just a placeholder in it.

COMMISSIONER ANAYA: I think that's reasonable because we're going to be analyzing the maps and approving the maps associated with uses and consistency with the code so I think that's reasonable.

CHAIR HOLIAN: And I have a question too. What if you have a pueblo overlay district in the Pojoaque area and it conflicts or it overlaps the Pojoaque community plan, which one would apply?

COMMISSIONER MAYFIELD: Well, Madam Chair, that's what Penny and I were talking about and that's why it's a placeholder. We still have to work that out. It's the same thing which one applies now – and I think Mr. Wait just left – Santa Fe County Code, the community plan? They're stacked. And that's another I asked staff to do and I know you all are doing a lot of work was kind of put some reference as to how all of these overlays are going to be applicable in this code. We have a plan, we have our code, we have a community district plan of how all of these do apply. And I just wanted to make sure that a placeholder was reserved. And, Madam Chair –

CHAIR HOLIAN: I have a question. Who would it apply to a pueblo overlay district? Would it only apply to the non-puebloans who lived in that district or would you try to apply it to the pueblo itself?

COMMISSIONER MAYFIELD: You can't make it applicable to the pueblo. They're sovereign, Madam Chair. And, again, I won't labor what we talked about but I've let you all know once you leave Santa Fe along 84/285 you lived in the area that commercial corridor how everybody has been stymied by that highway and all of the frontage roads. Anybody who has commercial property along that corridor from leaving Santa Fe to the City of Espanola and if they are outside of community plans we have – this book is contained with restrictions of sizes of signs when right next door, from here not even to the end of this building, respecting the pueblo government, their commercial enterprises, they can put any size of sign they want to try to draw in the public. So that's why I'm asking that we reserve this for discussion.

CHAIR HOLIAN: I'm open to discussion but I would want to make sure that if something like that were put in place that the people who live in that community would actually make the decision of what that overlay zone would look like. And it wouldn't just be something imposed from above, you know, from the Board of County Commissioners.

COMMISSIONER MAYFIELD: Well, Madam Chair, I kind of hope that for this whole code. But it kind of seems like we're doing that with this whole code also. But, Madam Chair, I have a motion on the floor, if it's adopted, it's adopted. If it's not, it's not.

CHAIR HOLIAN: Commissioner Chavez, you have a question?

COMMISSIONER CHAVEZ: I think that Commissioner Mayfield is raising questions about design standards along 285 and I'm remembering now that the Dollar Store that was just approved had the same issue with their signage because I guess they felt that their sign couldn't be as big as the pueblo sign. I don't know that the Dollar Store needed signs to get people there because people like those places. But design standards – I'm willing to have the discussion about design standards along 285 but acknowledging that the pueblos are a sovereign nation we're still going to have our design standards. Are they going to be

the same as the pueblo or are they going to be lesser than the pueblo? Or I'll put it another way. Are we going to want the signs along the 285 corridor to be the same sizes as what the pueblo is putting up or do we want them smaller?

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Chavez, and hearing what Commissioner Holian stated also, I don't know; that would be for public debate and let the public community come in. May be they would say, look, if Pojoaque Pueblo allows this or Tesuque Pueblo allow this or Santa Clara allows this maybe can adhere to our adjacent neighbors' design standards. Maybe the public says we don't want that. We don't want to allow that. But hopefully, that would be for public decision and we would also say, well, let's respect that the Pojoaque Community Plan has this and they're saying no to this so we don't want to afford that wherever that community plan is. But there are areas out there that aren't served by community plans either and I do hear that it's an uncompetitive advantage.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I don't think a placeholder of potential overlays and a discussion is a problem. What came to mind when you were just talking now was Route 66. There's an effort between Moriarty, Town of Edgewood, City of Albuquerque, Bernalillo County to revitalize the corridor of Route 66 and bring back a lot of things including neon signs. And this very discussion that you're bringing up is one of the things that the governmental entities, including us, are discussing or are going to be discussing in more detail. You know, do you buy into the concept of revitalization of the whole corridor and afford the appropriate zoning or do you have piecemeal changes where on one side you have neon and on a stretch you might not. So I can see the relevance of the discussion and then affording as you're saying, Madam Chair, the ability of the community, and you said, Commissioner Chavez, to provide feedback and input to create that buy in along the corridor or sector.

COMMISSIONER MAYFIELD: And, Madam Chair and Commissioner Anaya, if this needs to be changed where we would recognize an area in any Commissioner's district, if it's Route 66, maybe where you represent, I have no problem for that modification but just so that there is a place holding in this plan, And, again, Madam Chair, I want you to know for public discussion.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. So, Commissioner Mayfield, what would the name of the overlay zone be?

COMMISSIONER MAYFIELD: Well, Madam Chair, we're going to include other Commissioner's districts. But Penny when I spoke with her, and I'll let you know I did, she had it under 9.3.14, it said private in holdings within pueblo boundaries overlay – and I would even ask Mr. Ross if it should external boundaries.

COMMISSIONER STEFANICS: Well, excuse me, hang on one second. Penny, shouldn't it be under 8.11?

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, initially we thought maybe it would fall under a community district and that's why we said 9.3.14 to

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Commissioner Mayfield. But it would probably fall under, if you want to do an overlay, 8.11.8,

COMMISSIONER STEFANICS: Okay, thank you very much. That just answered my question.

COMMISSIONER ANAYA: And I would just ask for, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: If we're going to down this road that we have language not just limiting it to a consideration of a pueblo but any potential overlay that would complement a sector or a corridor based on public input and will.

COMMISSIONER MAYFIELD: I would be more than happy with that if –

CHAIR HOLIAN: Commissioner Anaya, what would the name of that overlay district be?

COMMISSIONER ANAYA: I guess I'm not speaking of any one district. Route 66 comes to mind just like that because it's in the planning phases and its got State legislative support on both sides of the aisle.

COMMISSIONER STEFANICS: Madam Chair, Commissioner, what if it was economic overlays?

COMMISSIONER MAYFIELD: Okay.

COMMISSIONER ANAYA: That sounds good.

COMMISSIONER STEFANICS: Does that address the different areas that we're talking about?

COMMISSIONER ANAYA: That sounds very reasonable.

COMMISSIONER MAYFIELD: Very reasonable. And with that I'd move for approval, Madam Chair.

CHAIR HOLIAN: Approval of having an economic overlay district placeholder, correct?

COMMISSIONER MAYFIELD: Yes.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Okay. I guess we have a motion and a second.

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

CHAIR HOLIAN: Okay, so we have an economic overlay district placeholder now.

COMMISSIONER MAYFIELD: Madam Chair, thank you and thank you, Commissioners. Also, I would ask for and we'll just hear what everybody else says on this one, but a renewal energy placeholder district. I know it's come up time and time again, we've talked about this on this bench. It was brought up in discussions and I think it may have been brought up semi a little earlier by one gentleman. But I think the County needs to recognize small scale renewable development and also larger scale renewable development throughout Santa Fe County. And, Penny, unless it's something in this code that I'm just maybe overlooking it, but I think we also should be looking at a renewal energy district overlay. I know that we've talked about some – we passed a resolution for some potential cooperative farms and I just want to know how that would play in or play out to this. But

let's say there's someone in the area that what's to do this; is that possible or feasible in the SGMP or the in the Sustainable Land Development Code? Or if not, can we at least have an overlay district for that if it's in my neighborhood, one of the other Commissioner's neighborhoods?

CHAIR HOLIAN: Let me ask Penny this question on that. Do we actually need an overlay district in order to put in a community solar project?

COMMISSIONER MAYFIELD: Madam Chair, it may not just be solar.

CHAIR HOLIAN: Do we need an overlay district to put in a wind farm?

MS. ELLIS-GREEN: Madam Chair, Commissioners, under the use table you have large scale wind facility and you have areas that it's allowed as a conditional or permitted use. You also have commercial solar energy productive facility. So we do address it in there. If you were going to create an overlay you have a procedure to create an overlay [inaudible] procedure for either a permitted or conditional use in addition to that. So if you can do it simply under the use table it will probably be more efficient to do it that way. Let's look – the large scale wind facility is allowed as a condition use in the ag, ranch, rural, rural fringe and residential fringe.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Penny, what about some things that we haven't developed yet. So for example I know there's a project going on here with algae, growing algae for an energy source. Which table first of all are you looking at?

MS. ELLIS-GREEN: I am looking at the use table Appendix B.

COMMISSIONER STEFANICS: Appendix B, okay. So do we have in Appendix B a catchall for something like a new topic that might come along?

MS. ELLIS-GREEN: -- utilities you do have geo-thermal, you have solar, you have wind and ag I am not exactly sure where algae is.

COMMISSIONER STEFANICS: Right, so that's my point was maybe as we're talking about placeholders maybe that's the – the question is does it fit in a chart or does it fit somewhere else? There's always going to be new development past our lifetimes.

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, the algae plants that we've seen because they're quite intense are all done in a green house. So actually on the top of Appendix B, page 7 is crop production and a green house. And so it may well fit in that district and that is permitted in all of the zoning districts.

COMMISSIONER STEFANICS: Madam Chair, another topic. I'm sorry –

COMMISSIONER MAYFIELD: No, please, Commissioner.

COMMISSIONER STEFANICS: At the last Association of Counties board meeting in Truth of Consequences individuals came to talk to us about tire burning energy. And there is a cement factory right off of I-40 and they're talking about utilizing used tires to create a high level source of energy. So my question still is whether algae is covered or tires are covered do we need something generic put in there for future developments that don't even know what they are yet.

CHAIR HOLIAN: Commissioner Stefanics, would it be as a placeholder because not knowing exactly what it was how could you say what zone it would be appropriate in?

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COMMISSIONER STEFANICS: Well, it's really about an energy source.

CHAIR HOLIAN: But, again, if you didn't know exactly what it was, how would you know what zones you would allow it in or not? Would it simply be a placeholder than and you would fill in where it was allowed some point in the future? It seems to me that that is really getting into details that we would address as it came along and as we made amendments to the code which we've talked in great detail about how this is a living document and it will change over time.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I think that if you wanted to add specific standards the correct chapter to add that in is Chapter 10. That's where we've got our standards for wind facilities. And so if you can use the use table and if a new facility comes forward or if a new technology comes forward we could add a section into the Chapter 10. We don't have to put all the placeholders in now. If something happens we know there are areas that we can put placeholders or we can put placeholders or actual language at a later date.

COMMISSIONER STEFANICS: Thank you. It really is Commissioner Mayfield's issue.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR HOLIAN: We're back on renewable energy overlay districts.

COMMISSIONER MAYFIELD: Right, so I guess everybody is comfortable that we do not need to put a placeholder for, just again, there might be other renewable energy sources that come down the pike.

CHAIR HOLIAN: I'm comfortable with that at this point.

COMMISSIONER MAYFIELD: Okay, Commissioner Stefanics, okay. Then I'll move on. I'm going to go back to water really quick. Page 25 of the December 10th handout, 7.13.8.8 and if Commissioner Anaya brought this up, excuse me. But under the redline and I'll just read the whole thing, The development order plats, the disclosure statement and private covenants as applicable on a development where a shared well system is used shall clearly specify that the drilling or use of other wells is strictly prohibited except for agricultural wells or well to supply the County water system or a public water system.

Now, Madam Chair, Mr. Ross, is this withstanding any other sections of the code? Does it stand alone right here?

MR. ROSS: Madam Chair, Commissioner Mayfield, this is just about shared well systems.

COMMISSIONER MAYFIELD: Okay. Just applicable to – this right here, okay.

MR. ROSS: Madam Chair, Commissioner Mayfield, it's a very narrow paragraph. It's only applicable to shared well systems.

COMMISSIONER MAYFIELD: Okay. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: We had this discussion earlier associated with shared wells. There was some comments from the public. We're not discouraging the use of

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shared wells in our code. We're encouraging or allowing maybe is a better word. We're not discouraging the use of shared wells.

MR. ROSS: Right, absolutely.

COMMISSIONER ANAYA: Okay.

COMMISSIONER MAYFIELD: The cost benefit and everything. We discussed that earlier.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Thank you. I'm going to try this. It's not going to fly but I'm going to try. 7.11.2.1, this is my amendment: 7.11.2.1 – maybe it'll fly. I got you guys pretty tired or you got yourselves tired.

CHAIR HOLIAN: This is actually in the book, is that correct?

COMMISSIONER MAYFIELD: This is in the book, yes.

CHAIR HOLIAN: Okay.

COMMISSIONER MAYFIELD: I'll find it right now, Commissioner, give me one second.

COMMISSIONER CHAVEZ: Is it in the old document?

COMMISSIONER MAYFIELD: I'm working on like 20 documents guys.

CHAIR HOLIAN: 7.11.2.1, correct?

COMMISSIONER MAYFIELD: Yes, Miss, Madam Chair.

MS. ELLIS-GREEN: Madam Chair, Commissioners, there actually isn't a 7.11.2.1.

CHAIR HOLIAN: There isn't one?

COMMISSIONER MAYFIELD: There isn't one. Okay, so I'm going to try to add this one .

MS. ELLIS-GREEN: I believe that is an additional section. And it would be on page 127.

CHAIR HOLIAN: And it would be related to applicability and road standards.

COMMISSIONER MAYFIELD: Thank you. Okay, right under applicability. This is what I am going to try. If it is not feasible for a public road to be improved in the future an applicant for a land division or a minor subdivision shall be permitted to construct roadways that are reduced to the existing public road standards.

And, again, I'm going to preface that based on us trying to abide, as a county, to the rules that we're putting on JQ Public out there.

CHAIR HOLIAN: Commissioner Mayfield, I have to say that I just understand it well enough to vote on it.

COMMISSIONER MAYFIELD: Madam Chair, you know, what was stated on one of the reasons why the County can't adhere to these standards is because it cost too much money. Well, look at what we're telling everybody else to do: spend all the money in the world before we give you your development permit.

And, again, I've said this time and time again, Madam Chair, up in the north I may have 16 foot roads accessing somebody's driveway or somebody's private road, but, yet, we're going to tell them, you guys construct your road to X condition. And I know they say,

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Well, we've got to start somewhere but it seems like we're always starting from the bottom up instead of the top down. And that's all I'm just saying.

If we know that we're never going to have ICP money to do what we need to do to a county road and the vote was already taken here that we're not going to – we're going to try abide by this but we're not going to abide by this code as a County: that's what this means.

If it is not feasible for a public road to be improved in the future an applicant for a land division or a minor subdivision shall be permitted to construct roadways that are reduced to the existing – the existing – public road standards that right there they're accessing. That's all I'm asking. They don't have to not meet any less standard but meet the same standard that is accessing the property. That's all I'm asking for, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: And only in the scenario that the improvements would not be made in a reasonable amount of time.

COMMISSIONER MAYFIELD: Yeah, if you want to add that in there, I have no problem, Commissioner. Yeah, yeah. And if we get the road up to, I don't know what's the PASER scale rating? Ten is the best, Mr. Leigland? So if we get it up to a 10 and then somebody else comes in and does it, then guess what, they're going to have to get it up to a 10, I guess after. But if we still have it at a 1, well let's not make them build it to a 10. It cost them a lot of money.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I have a question for staff. These road design standards are they meant to be applied to new development versus existing development?

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, I believe Steve had tried to answer that by saying that it would be for new development but you would look to whether or not you had to do adequate public facilities. So if you are required to do that, then, yes, you would need to meet these standards.

COMMISSIONER CHAVEZ: So in Commissioner Mayfield's amendment it says if it is not feasible for a public road to be improved in the future an applicant for a land division or a minor subdivision shall be permitted to construct roads that are reduced to the existing public road standard. So that would be the trigger that would require those improvements only if someone was coming in for an application for a land division or to do something on their private property.

CHAIR HOLIAN: Penny, you said they would also be required to do an APFA. It sounds to me that somebody coming in for a land division or a minor subdivision would not be required to do an APFA.

MS. ELLIS-GREEN: Madam Chair, Commissioners, if somebody was creating a minor subdivision, a four-lot divisions, there would not be considered to be a driveway so they would be constructing a portion of a local road. And so I think that the issue is a local road is two 10-foot driving surfaces and the issue would be if the County road accessing the road that you're going to build is only 15 foot or 16 foot wide you would go from a 16 foot wide road to a 20 foot wide road accessing those four lots that you're creating.

COMMISSIONER MAYFIELD: Madam Chair, Penny, and Madam Chair you even proposed – I mean the League of Women Voters of Santa Fe County – add back a sentence that was deleted from the adoption draft in paragraph 6.6.4.9, access roads shall be

sited in a manner that mitigates or minimizes the impact on the environment and neighboring land uses. How much impact is all this asphalt doing to our environment, Mr. Leigland? Any? And somebody's driveway when they're doing all of this. I mean does asphalt have any impact on our environment?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, asphalt cures by the volatiles so unless it's an emulsion – but, yes.

COMMISSIONER MAYFIELD: It does. And I think there was even a consideration for us to have this added back and here we're asking people to do 20 feet. That's just why I'm asking. I'm just asking nobody to have to do any more than what the County is doing.

And it was just stated earlier by this Board, by staff, the reason we don't do it is because it's not cost effective for us.

COMMISSIONER CHAVEZ: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Yes.

COMMISSIONER CHAVEZ: Could I ask you a question?

COMMISSIONER MAYFIELD: Please.

COMMISSIONER CHAVEZ: The roads that you're talking about, are they dirt or paved now?

COMMISSIONER MAYFIELD: I don't know. It depends when a developer – not a developer but a homeowner comes in. Typically, they're probably, I'm going to say, I'm going to assume speaking of my district, they're dirt. They're dirt off of a paved County road.

CHAIR HOLIAN: So let me ask this question to Penny about this. If there was a minor subdivision created and the road that accessed that minor subdivision was a 16 foot wide dirt road what kind of roads would be required interior to that minor subdivision?

MS. ELLIS-GREEN: Madam Chair, Commissioners, a local road which would be two 10-foot driving surfaces with one 5-foot sidewalk and it would be paved. That's in SDA 1 and 2 and in SDA 3 it would be two 10-foot driving surfaces, no sidewalk but it would be paved.

COMMISSIONER MAYFIELD: Madam Chair. Penny or Mr. Leigland, how many sidewalks do we have in District 1 that are off of County roads?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I can't think of any.

COMMISSIONER MAYFIELD: Neither can I. Thank you.

COMMISSIONER CHAVEZ: But, Commissioner Mayfield, I think road standards need to apply to all of the districts.

COMMISSIONER MAYFIELD: But not to the County though. But not to the County. That's all I'm saying, to us. That's just my point again. I guess maybe I shouldn't have beat this horse, guys, and I apologize, but that's just why I get a little frustrated and I'm tired. I'm sorry.

And that's all I'm getting at. We're just not asking that they have don't have to adhere to anymore than what there currently is. If we get there and we make them 20 feet, great, then we'll mandate it on the people who are doing this.

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CHAIR HOLIAN: Commissioners, as I recall in the amendment that I brought forward regarding roads Commissioner Anaya suggested that I hold off on that and that we have a discussion about roads in the future and try to bring some of these matters in and try to do an overall reasonable plan. So I would think that this could be a topic that could be discussed as well.

COMMISSIONER MAYFIELD: I don't think, Madam Chair, again, that it is unreasonable.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I think that I had forgotten what you had just said that we were going to discuss the roads in a greater in depth manner in the future. And if that's the case, then this does belong as part of that discussion. But I do see the Commissioner's position because you would not want – we have some County roads that were pretty devastated by some of the storms and those roads can't be brought up to high standards quickly or without a great deal of money. And to expect adjoining roads to be all wide and paved is a little silly.

CHAIR HOLIAN: Commissioner Stefanics, actually I have some experience with that because my husband and I now live in a subdivision that's on Glorieta Mesa. To access our subdivision we go up County Road 63 which is a County dirt road that doesn't even have base course on it and then we go on a very steep 18 percent grade on a Forest surface road, and let me tell you, the County does a great job of trying to maintain the dirt road and the Forest Service actually refuses to maintain its road whatsoever. Not only that, they won't allow the homeowners association to maintain their road either. We can actually be fined if we try to maintain the road. So then we get into our nice little subdivision where we have an 18 foot wide basecourse road which was put in thanks to County standards for the subdivision. And we are very grateful for having that road and so if the developer had said, I want to get away with using the same standards as are on the road that you use to access the subdivision we would be happy. So I am grateful for the County standards that are put on people that are building and developing subdivisions.

COMMISSIONER MAYFIELD: So, Madam Chair, let me ask that. So, and I'm just asking because you opened up that door. So on what you built why did you not all have to improve your subdivision road to 20 feet if that was County standards? If you go that development permit why would that not then have had to comply with our current code of that subdivision road? Wait, that's not fair. So, if somebody, Mr. Leigland or Penny, came in and built that home on that lot they would not have to come and build that access road to the 20 foot requirement by County standards now?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, if what you're doing is building a house then you're not going to be quick kicked into adequate public facilities for a level of service for your offsite improvements. So what you would build is your driveway and your house but not the offsite improvements to upgrade a road if you're building a house.

So if you were creating the subdivision. If you were creating today a 50-lot subdivision then you would look at the level of service and you would look at the service area it's in and you would look at what offsite improvement you would need to do and also what onsite improvements you would need to do.

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COMMISSIONER MAYFIELD: So even if that's, Madam Chair, even if that's going through a private road you are not required to get that private road up to standards or now the way the code is written have that road put four inches of asphalt everything that this code is requiring. So that's where I am misunderstanding this then because I am. Because I would think that that's the requirement because I've seen these variances come in front of this Commission all the time. And we're saying, look, you're going to have to – or we're just mandating that on somebody trying to a little driveway through to serve two or three homes because they're the individuals who, on Commissioner Holian's point, who are trying to go through three lots through I guess a private driveway, they're the ones who are stuck with making that 20 foot road, but on Commissioner Holian's point, that subdivision had the 18 foot road. So they're not even bound by that 20-foot road with a 10-foot easement on each side that we're mandating some homeowner to have to do because they have three lots. Because they gave a piece of property to their two kids and we're making them put, how much basecourse down, 20 feet, 10 feet on each side – but somebody who builds a lot at the back end of the property can go ahead and stay with that substandard road. That's where I think there's not parity.

CHAIR HOLIAN: Okay, is there a second to that proposed amendment?

COMMISSIONER MAYFIELD: Commissioner Anaya seconded it already,
Madam Chair.

CHAIR HOLIAN: Okay, there's a motion and a second not to require the same road standards for minor subdivisions. All those in –

COMMISSIONER MAYFIELD: Madam Chair, that was not the amendment. So I'm going to reread the amendment, please.

CHAIR HOLIAN: Oh, yes, the amendment is 7.11.2.1: if it is not feasible for a public road to be improved in the future an application for a land division or a minor subdivision shall be permitted to construct roadways that are reduced to the existing public road standards.

All those in favor?

The motion failed by 2-3 voice vote with Commissioners Mayfield and Anaya voting for.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you for acknowledging that we're still going to have a broader discussion specifically around roads that could include this as well.

CHAIR HOLIAN: Perhaps, we should have a short break.

COMMISSIONER MAYFIELD: I think I only have one more.

CHAIR HOLIAN: Pardon?

COMMISSIONER MAYFIELD: Maybe two. I don't have a few.

COMMISSIONER CHAVEZ: On this last one if I could comment just briefly I think if it was an individual property owner I could go along with it but for a land division or minor subdivision I think it needs more discussion so for that reason I couldn't support this particular amendment right now but I do agree on design standards overall that needs to be discussed further as we implement the land development code.

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COMMISSIONER MAYFIELD: And, Madam Chair, Commissioner Chavez, let me ask that then. So, minor subdivision and land division and when you say individual owner, because this is – I will try to get there on this and I'll use me as the example. So if I'm doing a family transfer wanting to give a piece of property to my son and to my daughter. I'm not trying to sell this property off. I what my son and daughter do to this five years now 20 years – my son is 11 year old, so 25 years from now, knowing that I'm creating three lots, if it's permissible under code and everything else, that would still be a land division.

COMMISSIONER CHAVEZ: It would be but it's not a minor subdivision. So I would take them case by case and because this group with the two together I could not support it.

COMMISSIONER MAYFIELD: Okay, so, Madam Chair, I'll offer another amendment then. If it is not feasible for a public road to be improved in the future an application for a land division shall be permitted to construct roadways that are reduced to the existing public road standards.

I offer that as an amendment, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield, I can't support that either unless you say how many lots are created by that land division. It could be 20 lots that are created and to say that they would not be subject to our road standards – Commissioner Stefanics

COMMISSIONER STEFANICS: Madam Chair, I thought we already said we're going to discuss this with the roads. And, Commissioner Mayfield had a couple more and I think we should just run through them.

CHAIR HOLIAN: I think we really should just go through it. Commissioner Mayfield, please give us –

COMMISSIONER STEFANICS: We need to elect officers for next year.

COMMISSIONER MAYFIELD: I'm just trying to – I thought I had a second over here to get one through.

COMMISSIONER STEFANICS: You already got one through.

CHAIR HOLIAN: Commissioner Mayfield, do you have an estimate, a realistic estimate on how long this will take, realistic? And if it's going to be more than half an hour, I would like to take a break.

COMMISSIONER MAYFIELD: I'll try and get us out of here by midnight, how does that sound? That's not more than half an hour.

CHAIR HOLIAN: We still have other business, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Well you asked me my estimate. Look, I'll do this right now, Madam Chair. You left me for last – Madam Chair, I'll just say this right now. That's why this code was important to me. I had questions for it. Everybody knew I had questions. Everybody can anticipate I have questions. The Commission ran their gamut on questions. I have one more written amendment and then I just have a couple of other things that I just want to try and introduce in general and I think that's pretty much it. Respecting what the Commission said that this code as it is approved tonight it is still arguably not the final document, I want the public to know that if anybody is still listening. The text will be out there tomorrow, that it will be coming back to this Commission within six months for another review, the master zoning plan will be coming – I'm getting it wrong,

Penny, I'm as tired as everybody else. So I'm not going to probably be saying things a lot right.

So I'm going to move fast, Madam Chair. Here's my next amendment. A reference – this will be section proposed change 7.14.4, the reference document will be available in the Growth Management Department to assist the public with regards – and this is for the HERS rating, Madam Chair, you know that one wouldn't go unaddressed – a reference document will be available in the Growth Management Department to assist the public with regards to this section to include but not limited to educational brochures, step-by-step compliance instructions. And I'll pass this out to all the Commissioners too.

Thank you, Madam Chair. A reference document will be available in the Growth Management Department to assist the public with regards to this section to include but not limited to educational brochures, step-by-step compliance instructions, user friendly forms, and County staff contact information. These materials shall be available in both hard copy and on the County website.

CHAIR HOLIAN: I can agree with this.

COMMISSIONER STEFANICS: I can too.

CHAIR HOLIAN: Is there consensus on this? Can we move forward.

COMMISSIONER ANAYA: Yes.

CHAIR HOLIAN: Please move forward.

COMMISSIONER MAYFIELD: Madam Chair, it was referenced by one individual and I want to recognize former Commissioner Michael Anaya. He did a great job for this Commission. It was Resolution 2010-233, I believe it was unanimously passed by the Santa Fe County Commission and anybody can correct me if I'm wrong, but it was a resolution to adopt the Santa Fe County version of the Code of the West known as the Rural Living in Santa Fe County. I would like an amendment to the Santa Fe County Code to make this a reference document to the Sustainable Land Development Code that individuals should recognize where they live within Santa Fe County and know that there have been established cultural practices throughout Santa Fe County and this a great resource guide for folks that live here now or move here tomorrow. And with that I would move for adoption of this to placed as a reference document within our code and that's my recommendation, Madam Chair.

COMMISSIONER ANAYA: Second.

CHAIR HOLIAN: Penny, do we have a list of reference documents that go with the code?

MS. ELLIS-GREEN: Madam Chair, Commissioners, no we don't so the one that was previously done regarding HES we had in the HERS section. I would need to work out exactly what section you want to put this in.

COMMISSIONER MAYFIELD: Madam Chair, I would reserve that for staff. Wherever they think would be an appropriate fit. And I would also defer to Commissioner Robert Anaya, and I'm putting him on the spot, if he would like this to be referenced in any specific spot? We could put it on the front page of the code, I guess.

COMMISSIONER ANAYA: No, Madam Chair, I think it's a reference document and I think it does help people understand the complexities of living in a rural area.

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So I would think wherever staff would feel it would be appropriate, staff, where staff would feel it would be appropriate..

CHAIR HOLIAN: Penny, do you have a recommendation for where it might fit in? I don't know exactly how it is relevant to any specific part of the code.

COMMISSIONER MAYFIELD: Madam Chair, I'll read it. I think it's –

CHAIR HOLIAN: No, no, please, don't read it Commissioner. Penny, please tell me exactly which chapter you think that somehow it is relevant to.

COMMISSIONER MAYFIELD: I think rural living is very relevant. You know, the understanding of rural living is very relevant to the Sustainable Land Development Code. I mean this is arguably applicable to anywhere in this code.

MS. ELLIS-GREEN: I would probably want to discuss this with Steve as to exactly where he wanted to put this but perhaps it could come in Chapter 1 where we have a coordination with other regulations so maybe it could be within that area. If I could just confirm with Steve whether or not it would be applicable there.

COMMISSIONER MAYFIELD: That's fine, Madam Chair, wherever staff thinks it would fit the best.

COMMISSIONER STEFANICS: I call the question.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Okay, we have a motion and second to reference the Code of the West in the Land Development Code.

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

COMMISSIONER MAYFIELD: That's all I have, Madam Chair.

CHAIR HOLIAN: Okay, with that we are now on to voting on the code. Well, first of all I would like to just, at the risk of dragging things out a little bit more, I would at least like to say a few words. Thank staff for putting all this material together. I know there were many late nights and extra hours in preparing all of this material and I really want to commend staff on what a great job that they did. And I would especially like to recognize Penny, Steve and Robert Griego for their work on the Code.

I think that voting on this today is an important statement. It's really saying that we intent to follow through on our promise to the people of Santa Fe to enact a code that implements our Sustainable Growth Management Plan. And, as been noted many times, we aren't finished. We have many things to do yet for this to be complete but we now have a motion on the table to pass the Sustainable Land Development Code Ordinance and a second. And will the maker of the motion be willing to modify the motion to include the amendments that were passed?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: And the seconder? Will the seconder be willing?

COMMISSIONER ANAYA: You're the seconder.

COMMISSIONER CHAVEZ: Yeah.

CHAIR HOLIAN: Okay, any further discussion?

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COMMISSIONER MAYFIELD: Madam Chair, just one clarifying question that I did forget to ask. So on the borrow permits, Madam Chair, Mr. Ross, you all heard what I asked about if somebody needed to move some sand maybe from an arroyo that's running through their property, that that wouldn't be an issue under borrowed?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, if it is done under a development permit that meets the requirements of the code then, no, that wouldn't be an issue.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would like to request a roll call vote on this.

CHAIR HOLIAN: Yes, we're going to have a roll call – we're supposed to have a roll call. It's an ordinance.

COMMISSIONER MAYFIELD: Madam Chair, I'm going to ask that I explain my vote also.

CHAIR HOLIAN: Yes. Roll call, please.

COMMISSIONER ANAYA: Yes.

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER MAYFIELD: Yes.

COMMISSIONER STEFANICS: Yes.

CHAIR HOLIAN: Yes.

The motion to approve Ordinance No. 2013-6 passed by unanimous [5-0] roll call vote.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you and again I also want to thank staff and all the public who has commented on this. There have been numerous meetings, I know that. I know I've probably put staff through a lot on this and I appreciate the work you all have put into this but as was stated by the Commission that as this has been approved tonight, it's not tomorrow yet, that this will be coming back in front of the Commission. It's not the final document. We still need our zoning maps. The Commission has asked that this come back in six months and that some more work will be done prior to the six months. We have a fee schedule, we have the zoning maps and then we're going to do another review in one year. And so, with that, this is not the final, final document. This is the document as we've been stating to get the zoning maps moving as I understand.

Thank you, Madam Chair for your great work on this code, also.

CHAIR HOLIAN: Thank you. So we have some more late night meetings to look forward to.

COMMISSIONER MAYFIELD: I hope not.

CHAIR HOLIAN: I think there are a few other things we should take care of before we go.

4. c. **Matters From the County Manager**
i. County Priorities for 2014 Legislative Session

MS. MILLER: Madam Chair, a couple of items. We have a meeting with our legislators tomorrow evening at 5:30 to go over our legislative agenda. One of the items that is going to up in that meeting is the State's proposal to take the second 1/8th of our gross receipts tax and allocate it towards the Centennial Care, enhanced Medicaid rate and uncompensated care. The Association of Counties has been trying to come up with a counter proposal to that that they would like to propose at the end of next week to Human Services or Health Interim Committee and also to the administration. I think where they're heading is something more of a voluntary 1/16th or an equivalent to that. In other words, you wouldn't have to dedicate any specific revenue source. It would be up to individual counties to determine the actual source but it would be equivalent to a 1/16th and that would be for the base Medicaid rate change and then the other item would be voluntary to make up the uncompensated care pool.

I just wanted to put that in front of you today. They have – that's where the director and the task force they've put together a kind of come up with a counter proposal but it has not been put to the Association members at this point. I think that they're hoping to do that over the next week but since we have our meeting tomorrow evening I wanted to make sure that you were aware of that so you have the opportunity to discuss that with our delegation to Santa Fe.

CHAIR HOLIAN: Thank you, Katherine.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner.

COMMISSIONER STEFANICS: I think it's important for us to communicate to our legislators tomorrow night that we do, in fact, have a plan so that they don't think that we're not being cooperative and let them know specifically so they can rebut the executive saying we're not cooperating.

CHAIR HOLIAN: Thank you.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Will there be an official agenda or program for that?

MS. MILLER: Madam Chair, Commissioner Chavez, yes. What we have is basically starting at 5:30 in the Tesuque Room at the Inn of Loretto and we have welcomes and introductions and then going over the legislative priorities that you have approved to date, that would be all the Association of Counties resolutions that the Commission has adopted and any other additional ones and then the County capital outlay projects that were approved when we did the ICIP and then the sole community provider changes that the State is proposing and then this idea back, and then anything from our delegation. So that's what we have on the agenda at the moment.

COMMISSIONER STEFANICS: So, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Ms. Miller, we're going to have something

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printed to hand them for our priorities?

MS. MILLER: Yes.

COMMISSIONER STEFANICS: And then we'll include the one we passed today on e-cigarettes?

MS. MILLER: Yes, I think they have already put that together. If they have not put that in there, I'll make sure it gets added to the list. But we have all the resolution with a little blurb about what each one is about. All of our capital priorities that were approved and then the resolutions relative to the local tax authority, actually the one we did pass last week and then all the others more of a description. And we'll add the one that was passed earlier today as well.

And it looks like a fairly good number of our delegation will be there.

So that was what we have as far as the legislative update. And then unless there's anything else you would like me to add to that. And, then, we put off the CADDy Program changes and the evaluation of it until the next meeting. So we'll do that at the January 14th meeting and then the other item we have is the election.

**4. c. iii. Election of County Commission Chair 2014
iv. Election of County Commission Vice Chair 2014**

COMMISSIONER STEFANICS: Madam Chair.

CHAIR HOLIAN: Is there a motion?

COMMISSIONER STEFANICS: Madam Chair. I'd like to nominate Commissioner Mayfield as the Commission Chair for 2014 and Commissioner Anaya for the Commission Vice Chair for 2014.

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: Motion and a second.

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

CHAIR HOLIAN: We have our new Chair and new Vice Chair. Welcome and congratulations.

**4. c. v. Appointments of Board Members to the Following Committees:
BDD,SFSWMA, ELUA, MPO, NCNMEDD, RPO, Regional
Coalition of LANL Communities and NCRTD.**

MS. MILLER: We tried from the last meeting, Madam Chair, to get everybody's desires of what boards they would like to continue to serve on, what boards if they're not currently on which ones they would like to be on and which ones they would like to perhaps rotate off of. What we did was put all of that on one sheet for you to look at a little chart at the bottom of that that shows what our needs are. The ones that are highlighted and I'll let Erik go through this because he's been kind of changing it as we've gotten additional information from either my conversations or emails from you. You can see the ones highlighted in yellow I think are the ones where we still need some work. Go ahead,

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Erik.

ERIK AABOE (Manager's Office): Great, Katherine, Madam Chair, Commissioners, the BDD we have more volunteers than slots and on the others we actually need folks. I'm sorry, it looks like ELUA is solid. But on the Regional Coalition and SWMA we do need some more folks to participate.

CHAIR HOLIAN: Erik, I have a question on the Regional Coalition; there are supposed to be two members on that? Oh, okay.

COMMISSIONER ANAYA: I'll do SWMA, Madam Chair.

CHAIR HOLIAN: Okay.

MR. AABOE: Madam Chair, my apologies, I went off the last document that said 2 plus 2 alternate and it's a single 1 plus 1.

COMMISSIONER MAYFIELD: Madam Chair, and Mr. Aaboe, [speaks with microphone off]

MR. AABOE: Madam Chair, so it looks like if Commissioner Anaya participates and Commissioner Stefanics will act as the alternate, as you can see in the last line I have spoken to Randall and expressed interest in moving the meeting time from the middle of the day to a more convenient time. He said he would get back to me today but it's still today, but I don't think he will.

COMMISSIONER STEFANICS: You can use me as the alternate and see what happens.

MR. AABOE: Thank you, Commissioner.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Erik, under my listing of committees I've been the member of the RTD for about the last maybe four months but that's not indicated on this list.

MR. AABOE: Yes, you're listed at the bottom.

COMMISSIONER CHAVEZ: But not on the list.

MR. AABOE: Okay. My apologies. The guiding part of this sheet is the bottom to look at what position, who will serve on what committee. So if this is satisfactory to you all, it looks like the only thing we need to do is determine the composition of the BDD. Commissioner Anaya, am I correct that you're not interested in serving on this at this time?

COMMISSIONER ANAYA: No.

MR. AABOE: So following precedent, I have a hunting hat and in here there are four sheets that you're hunting for and two of them say member and one of says alternate and one is blank. And if it works, I can ask people to draw from the hat.

COMMISSIONER MAYFIELD: Madam Chair, just a little bit of info – we're all members of the Investment Committee.

COMMISSIONER ANAYA: The chair and the vice chair.

MS. MILLER: Madam Chair, it's chair, vice chair and then an alternate based on that last resolution, Commissioner.

COMMISSIONER STEFANICS: I'm a member.

COMMISSIONER CHAVEZ: I'm a member.

MR. AABOE: And the alternate?

COMMISSIONER MAYFIELD: That would be me.

MR. AABOE: It looks like the membership is pretty much solved. Thanks very much for your help.

COMMISSIONER STEFANICS: So will you – you'll put this all together and send it out to us and the liaisons please.

MR. AABOE: Absolutely.

CHAIR HOLIAN: And also to the committees themselves so that they know who to invite to the next meeting for example.

MR. AABOE: Will do, absolutely. Thank you very much.

CHAIR HOLIAN: On the BDD I will just mention to the members that there is a meeting, the last meeting of the year, this Thursday and it's probably an important meeting for the members to go to because it's going to be discussing the budget.

COMMISSIONER STEFANICS: I'm starting in 2014. I am not available this week.

CHAIR HOLIAN: Okay. Just thought I'd let people know at least.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to thank you and your efforts. We had a productive year I think and I know that at times there was some tenuous moments but I want to tell you I appreciate your efforts and your work as chair.

CHAIR HOLIAN: Thank you, Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair, I'll also say that in January but also I do appreciate your leadership, you do a great job. And I've learned a lot from you and I will continue to learn a lot from you.

CHAIR HOLIAN: Thank you, Commissioner.

COMMISSIONER STEFANICS: Madam Chair, I'll make this really brief. But we did all sign some certificates and I just want to say who they were for: One was for all of our staff who collected 1,013 pounds of food and a couple of hundred dollars to provide 2,131 meals. The staff was Patricia Boies, Carol Branch, Christine Mihelcic, Trudy Archuleta, Mia Barela, Karen Griego, Kathleen Roybal, Jennifer Romero, Francis Martinez, David Fresquez, and Rachel O'Connor and many grocery stores as well contributed. And you also signed a certificate for Joe Eigner who is not only 80 years old but one of the driving forces behind the Eldorado 185 Recycles organization. Thank you very much for that.

COMMISSIONER MAYFIELD: Are we making comments?

CHAIR HOLIAN: Yes, are there any comments from the Board members.

COMMISSIONER MAYFIELD: I just -- this will be broadcast later but I don't think we're having another meeting this year so just for us, staff and everybody have a very merry Christmas, happy holidays, happy past Chanukah. And just everybody be safe out there. And thank staff, Manager Miller, for the great work that they do do. I know they put a lot of time and effort into this organization for the betterment of Santa Fe County and the citizens and just, again, I wish them the very best over this holiday season and to be safe. Thank you. And, thank you, Commissioners for all the great work that you do.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: First I want to start by thanking my colleagues for the successful year that we've had. I've enjoyed working with you. I've enjoyed working with the chair. I know that's been a challenge and maybe that's as is should be. But I do want to wish all of you a very happy and safe holiday season. And to staff and residents of the County be safe and thank you for all your work as well. And to the public I think that with the Sustainable Development Code I don't think we would be this far along if it were not for the public that engaged and dedicated their off time to this endeavor so really hats off to them.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Ditto the comments of my colleagues and have a happy holiday season.

CHAIR HOLIAN: And I will just say happy holidays. And, also, in my opinion passing the Sustainable Land Development Code is a huge, huge achievement. So thank you to staff and thank you to all the public who have participated in that.

5. Matters from the County Attorney

a. Executive Session

i. Contract Negotiations Under the Procurement Code

ii. Pending Or Threatened Litigation

1. Public Regulation Commission Case No. 13-00152-UT, in the Matter of Amending Rule 17.9.572 NMAC, Renewable Energy for Electric

b. Action Item

i. Possible Action Regarding Public Regulation Commission Case No. 13-00152-UT, in the Matter of Amending 17.9.572 NMAC, Renewable Energy for Electric Utilities

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

MR. ROSS: Well, Madam Chair, this item was requested by Commissioner Mayfield. I will say that –

COMMISSIONER MAYFIELD: What item did I request? Oh, that can wait until next year.

MR. ROSS: I think there's a time issue here. If we're going to do something in this case we have to do it within 30 days. But the real problem is, I believe it's a statute that requires of an appellant of a case like this that that party be a party in the underlying case and we're not. We didn't participate in the case before the PRC so in order to appeal it we would have had to have participated so it is probably that we cannot do it. We might be able to aid other parties or you know assist quietly in the background other parties should they choose to appeal. But I think we would be thrown out if we try to just do this, intervene and appeal.

COMMISSIONER STEFANICS: So, Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Steve, would it be appropriate for us to continue our role as an observer?

MR. ROSS: Yes.

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COMMISSIONER STEFANICS: I would move that.
COMMISSIONER MAYFIELD: Second, Madam Chair.
CHAIR HOLIAN: All those in favor signify by saying aye.

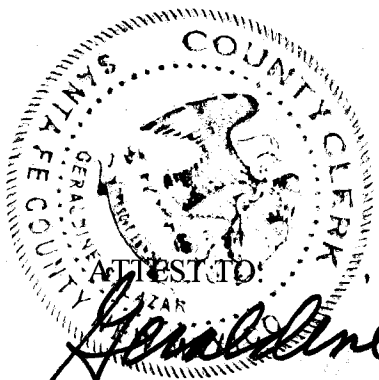
The motion passed by unanimous [5-0] voice vote.

CHAIR HOLIAN: Motion carries and –

COMMISSIONER MAYFIELD: Madam Chair, though if I can just say this for two minutes. This is on the energy renewable rule that was changed by the Public Regulations Commission; correct? Thank you, and we'll continue to be an observer. Thank you.

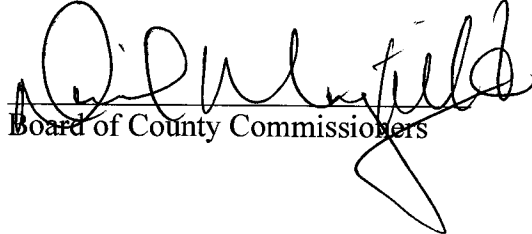
7. **Concluding Business**
a. **Announcements** – None were offered.
b. **Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned shortly before midnight.

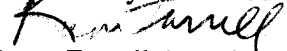


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Approved by:


Board of County Commissioners

Respectfully submitted:


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

1-28-2014

The Washington Post



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E-cigarettes gain attention in schools amid rise in popularity

By Donna St. George, Published: November 14

When a teacher noticed what looked like smoke rising in her Eastern Middle School classroom one day this fall, she quickly investigated, finding an eighth-grade boy holding an e-cigarette.

The "smoke" was vapor, but for Casey B. Crouse, principal at the Silver Spring school, the episode was the first signal of what she would learn is a troubling teen trend nationally: An increasing number of students using electronic devices that simulate tobacco smoking.

E-cigarettes are beginning to show up in the hallways of the nation's middle schools and high schools. Just as health officials have begun to debate their potential dangers and school districts have started to pay attention to them, educators are grappling with how to deal with students who are found puffing on e-cigarettes while at school.

A report from the federal Centers for Disease Control and Prevention released Thursday underscored the popularity of products such as e-cigarettes, cigars and hookahs among the nation's youth. In just one year, from 2011 to 2012, e-cigarette use among middle and high school students nearly doubled, a fact that troubles researchers who worry that e-cigarettes could lead to nicotine addiction or be a gateway to tobacco products; about 90 percent of smokers pick up the habit as teenagers.

Like combustible traditional cigarettes, electronic cigarettes typically contain nicotine, which has been shown to interfere with adolescent brain development, according to the CDC. The devices are widely seen as an option that is less harmful than conventional smoking, and one that doesn't have the same odor. The Food and Drug Administration, which is seeking to regulate the devices, says further research is needed to assess potential health benefits and risks.

The tobacco products that e-cigarettes aim to mimic are banned from nearly all U.S. public schools, and it is illegal to sell conventional cigarettes to minors. But it is less clear what the rules are for the electronic devices, which some adult smokers use as a tool to quit. Maryland bans the sale of e-cigarettes to minors. District officials are considering a broad e-cigarette bill that includes banning sales to minors, with a council hearing planned for next week. Officials in the Virginia attorney general's office said they could find no state law that regulates the sale of e-cigarettes.

Campus sightings

In school systems across the Washington region, educators report scattered sightings of the battery-powered devices, which can turn a liquid form of nicotine into an inhalable vapor. Many of the liquids are flavored — vanilla, cherry, gummy bear — which can make them more appealing to young people.

“It’s really new, and it’s popping up, and I think it bears some looking at in terms of offering resources for prevention and particularly for intervention,” said Richard Moody, supervisor for student affairs/Safe and Drug-Free Schools in Prince George’s County. Moody said two cases have come to his attention, both involving middle school boys. “I think students are just a little naive, and they think it’s harmless when it really isn’t.”

In Fairfax County, administrators have encountered students with e-cigarettes since spring, though they say the problem is not widespread.

Mary Ann Panarelli, director of intervention and prevention services, said her office takes the occasional call from administrators asking: Should I handle it like tobacco?

The county’s answer is yes.

“I think everyone across the country is increasing their awareness about this,” Panarelli said.

For violations at the high school level, students typically are sent to a one-day tobacco seminar that includes a discussion about e-cigarettes, she said. Younger students receive one-on-one intervention.

Panarelli said she expects e-cigarettes will soon be addressed through prevention efforts, both as a topic in Fairfax’s health curriculum and in a newsletter to schools. She said students might not understand the potential dangers. “The kids, when they first hear about it, think, ‘Oh, this must be safer somehow because it’s only an imitation,’ ” she said.

In Prince George’s, a student handbook distributed in September says that having or using e-cigarettes on school property is a “tobacco violation” akin to having a conventional cigarette. A first offense would result in a call to parents and a tobacco education program; additional offenses can result in suspensions.

In Prince William County, spokesman Phil Kavits said e-cigarettes would probably be treated like the more typical variety. “Smoking is not permitted,” Kavits said.

Christine DiFonzo, 17, an editor in chief of the Rockville Rampage, the student newspaper at Rockville High School in Montgomery County, wrote an article about e-cigarettes that suggested some students use them instead of regular cigarettes, alcohol or drugs. The story quoted a student who uses e-cigarettes socially but chooses a nicotine-free variety.

Such social use among teens appears to be on the rise: The CDC released figures in September showing that in 2012, an estimated 1.78 million students in middle and high school had tried e-cigarettes.

Among high school students, 10 percent reported having used them at least once as of last year, compared with less than 5 percent the previous year. Nearly 3 percent said they had used e-cigarettes in the past 30 days, up from 1.5 percent in 2011. By comparison, 14 percent of high school students reported in 2012 that they had recently smoked cigarettes.

‘Dangerous situation’

Tim McAfee, director of the CDC's Office on Smoking and Health, said in an interview that CDC officials were so disturbed by the numbers, they published the results on the fastest possible timetable.

"I think it is very important for parents, for teachers and for policymakers to be aware of the fact that our children are experimenting with these products," said McAfee, who described their popularity as "a dangerous situation."

Many experts worry that e-cigarettes are alluring to children and threaten longtime efforts to discourage teen smoking.

"It introduces young people to smoking and nicotine in a way that nothing has in decades," said Matthew L. Myers, president of the District-based Campaign for Tobacco-Free Kids, who said he urges school districts to treat e-cigarettes as they would treat other forms of smoking: Ban them.

Yvette M. Alexander (D-Ward 7), a D.C. Council member and chair of its Health Committee, has urged in proposed legislation that e-cigarettes be treated like tobacco products and that sales to those younger than 18 be prohibited.

"What I'm so concerned about is that kids who don't smoke cigarettes might turn to [e-cigarettes] as a trendy, cool thing to do," Alexander said.

Kip Schwartz, whose D.C. law firm represents a number of manufacturers and distributors, said a growing segment of the e-cigarette industry does not support marketing to minors.

Montgomery officials said they are not aware of cases other than the one at Eastern Middle, but they said such issues are often handled at the school level. Students who take e-cigarettes to school would be violating state and local policies about smoke-free environments, but principals decide on the consequences, spokesman Dana Tofig said.

At Eastern Middle, Crouse, the principal, said the eighth-grader who had the e-cigarette told school leaders he hadn't thought it was a problem because the item was electronic. He said he was just "playing around with it," she said.

The item was confiscated, Crouse said, and the boy's parents were contacted.

As Crouse and her staff looked into the issue, she decided to send a message to school families in late October, warning them about e-cigarettes and other devices.

"We urge you to discuss these products with your children and to discourage them from using these items," she wrote.

Crouse also wanted families to know how Eastern views devices that simulate smoking: They're like the real thing.

"I hope that our kids are smart enough to make good decisions, but peer pressure is tough," Crouse said.

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Adoption Draft Changes

This document includes all proposed changes from November 19, 2013 and December 3, 2013. In addition, additional changes are included and highlighted in yellow.

Chapter 1

1.4 Purpose and Intent

1.4.2.4. Require that development and administrative fees; dedications; public improvement district taxes, assessments, charges and fees; homeowner association assessments; public and private utility rates, fees and charges; development fees; and other appropriate mitigation fees and conditions that are required as conditions of development approval, ~~and are not legislatively required by the SLDC~~, be roughly or reasonably proportional to the need for adequate public facilities and services at adopted levels of service, the need for which is generated by the development at the time of development approval;

1.7. **ENACTMENT AND REPEALS.** Upon the adoption effective date of the SLDC, the following are hereby repealed in their entirety: the Flood Prevention and Stormwater Management Ordinance of 2008-10; Ordinance No. 2012-10, the Santa Fe County Land Development Code, Ordinance 1996-10 (except Article III, Sec. 5 "Mineral Exploration and Extraction"); together with all amendments thereto; the original Santa Fe County Land Development Code Ordinance No. 1980-6. Ordinances No. 2000-8, 2000-12, 2000-13, 2002-1, 2002-02, 2002-9, 2003-7, 2005-08, 2006-10 (~~except Article III, sec. 4 "Mineral Exploration and Extraction"~~), 2006-11, 2007-2, 2007-10 and 2008-5 shall remain in effect until amended following adoption of revised community plans that are consistent with the SGMP and this ordinance. Ordinance 2008-19 shall remain in effect until amended following adoption of Chapter 11, Developments of County Impact. To the extent there is any conflict between the SLDC and any land-use ordinance that is not repealed by this §1.7 or otherwise addressed in the SLDC, the provisions of the SLDC shall apply.

1.11. TRANSITIONAL PROVISIONS.

1.11.1. Effect of Zoning Map on Prior Zoning Approvals. The Zoning Map adopted in conjunction with the SLDC shall incorporate zoning or rezoning of property actions completed prior to the effective date of the SLDC.

~~1.11.1. Application for Development Approval. Any application for a development approval, including but not limited to: rezoning; establishment of an overlay zone; amendment to the SLDC; development of countywide impact; amendment to the SGMP or to an Area, District or Community Plan; a conditional use permit; variance; or development permit; may be approved and completed in conformance with the terms and conditions applicable at the time of submittal. If the development approval is not completed within the time allowed under the original development approval or permit, then the development may be constructed, completed or occupied but only in strict compliance with the provisions, criteria and standards of the SLDC as adopted herein.~~

1.11.2. Prior Development Permits and Approvals without Vested Rights. Except as otherwise provided in subsection 1.11.1, development permits Permits and approvals previously granted by the

Board, County Development Review Committee or the Administrator ~~before prior to~~ the effective date of ~~the SLDC this Ordinance~~ for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the SLDC.

1.11.3. Permits and Approvals With Vested Rights. Permits and approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of ~~the SLDC this ordinance~~ for which rights have vested shall be recognized by the County.

1.11.4. Approved Master Plans. Properties that have received final approval of a master plan within five years of the effective date of ~~the SLDC this ordinance~~ shall file an application for approval of a development plan, preliminary development plan or subdivision plat pursuant to this SLDC no later than one year after the effective date of the SLDC, or the approval of the master plan shall expire. Any zoning established by an expired master plan shall nevertheless be included in the Zoning Map as described in subsection 1.11.1 of the SLDC.

1.11.5. Approved Preliminary Development Plans or Plats. Properties that have received preliminary development plan, subdivision approval or plat approval but have not received final development plan or plat approval, shall, within 24 months of said approval (or such other period as may be ~~specified~~ specified in Section 5.8.7. of the SLDC) file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat or the approval of the preliminary development plan or plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.6. Approved but Unrecorded Final Development Plans and Plats.

1.11.6.1. Properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval.

1.11.6.2. Properties that have received final development plan or plat approval and have recorded the plan or plat shall apply for construction permits consistent with that plan or plat within 24 months or the approval will expire and standards established by the SLDC for approval of development shall apply to any application for development of the property.

1.11.6.3. Any subdivision for which a Preliminary Plat was approved prior to the effective date of the ~~before the first reading of this amended~~ SLDC may be granted Final Plat approval if the Planning Commission and Board find that the final plat is in substantial compliance with the previously approved preliminary plat. Provided that, if the final plat approval is not received within 24 months of approval of the Preliminary Plat (or such other period as may be specified in Section 5.8.7.), shall file an application for approval of a final plat in accordance with the Preliminary Plat or the approval of the Preliminary Plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.7. Previously Approved Subdivisions and Land Divisions. ~~Reserved~~ Previously approved and platted land divisions and subdivisions, and the lots created thereby, shall be recognized as legally existing lots not subject to the SLDC.

1.13. PERIODIC REVIEW. The Board shall periodically review the SLDC and make appropriate amendments. The Board shall review the SLDC within six months of the effective adoption date. The Administrator, the Planning Commission, other interested persons or groups may make recommendations to the Board for amendments to the SLDC.

1.15. SLDC TEXT AMENDMENTS OR ZONING MAP AMENDMENTS.

1.15.6.3. Subsequent Applications.

~~2. **Withdrawal after Planning Commission Hearing.** No SLDC text or map amendment application shall be received or filed if, during the previous twelve (12) months, an application was received or filed and withdrawn after a public hearing has been held by the Hearing Officer; unless the owner/applicant acknowledges with a sworn affidavit that new, relevant, and substantial evidence is available, that could not have been secured at the time set for the original hearing. The Administrator shall receive and process the new application subject to compliance with all of the provisions of this section.~~

~~3. **Denial.** No application for an SLDC text or map amendment shall be received or refiled with the Administrator within two (2) years after the County has denied the an application for an SLDC text or map amendment with regard to any portion of the same property.~~

Chapter 2

2.1.2. Area Plans.

2.1.2.1. An Area Plan covers a defined geographic area of the county and provides planning, design and implementation strategies consistent with the SGMP. Area Plans provide basic information on the natural features, resources, and physical constraints that affect development of the planning area. They also specify detailed land-use designation used to review specific development proposals and to plan services and facilities. An area plan may consist of goals, objectives, policies, and implementing strategies for capital improvement and service programs, zoning, subdivision regulation, official map, the level of service required for adequate public facilities and services; physical and environmental conditions; environmentally sensitive areas; cultural, historic and archeological resources, land-use characteristics of the area; and maps, diagrams, and other appropriate materials showing existing and future conditions. An area plan provides specific planning, design, and implementation, for the defined geographic area of the County to guide development applications, provision of governmental facilities and services, and to implement the official map, capital improvement and services programs, public and private utility and infrastructure plans, annexations, and creation of assessment and public improvement districts.

2.1.2.2. An Area Plan may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other area needs.

2.1.2.3. An Area Plan is consistent with and is adopted as an amendment to the SGMP.

2.1.2.4 It is the intent of this subsection to establish a process for the adoption of an Area Plan directed by County planning staff following the procedures outlined in Section 2.1.4.5 as applicable.

2.1.3. District Plans.

2.1.3.1. A District Plan provides specific planning and design for single use and mixed use development specialized around a predominant activity. A District plan may contain specific planning and implementation steps and may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other district needs.

2.1.3.2. A District Plan is consistent with and adopted as an amendment to the SGMP and any Area or Community Plan.

2.1.3.3 It is the intent of this subsection to establish a process for the adoption of an District Plan process directed by County planning following the procedures outlined in Section 2.1.4.5 as applicable.

2.1.4.5 Area, Community, and District Planning Process

2.1.5.1. The Board, the Planning Commission or the Administrator may initiate proposed amendments to the SGMP, Area, District or Community Plans. Proposed-a Amendments to an Area, District or a Community Plan shall be accomplished through the a procedure determined by the Administrator and may involve applicable sections of set forth above Section 2.1.4.5, as applicable.

2.1.5.2. No amendment to the future land use maps of the SGMP, Area, District or Community Plan or the zoning map, involving a majority of the land within a single tract or parcel of land in the same ownership shall be adopted unless it is demonstrated that there has been a substantial change in the condition of the area surrounding the owner's property, or there was an error or mistake made in the adoption of the future land use or zoning map and - An application to amend any plan described in this chapter shall be processed according to the procedures set forth in Chapter 4.

2.1.5.5. The Planning Commission shall hold either a legislative or quasi-judicial public hearing upon the proposed plan or zoning map amendment depending upon whether the proposed amendment is applicable only to a single development tract, parcel or lot or to a single parcel of land under common ownership which constitutes the majority of land affected by the proposed amendment, or whether the proposed amendment is applicable to multiple development tracts, parcels or lots. The Planning Commission shall issue a development order.

2.1.5.6. In determining whether a proposed amendment shall be approved, the Planning Commission and Board shall consider the factors set forth in the SLDC, New Mexico judicial decisions and statutes. No ~~SGMP amendment~~, Area, District or Community Plan amendment or

SLDC zoning map amendment will be approved unless it is consistent with the SGMP or the applicable Area, District or Community Plan.

Community Participation

2.2.2.3. A CO must file an application for recognition as a CO in order to be recognized by the Board as a CO. The application must be filed with the Administrator, and shall include all of the following:

1. The name, address, telephone number and e-mail address of the ~~CO, and the name, address and telephone number of the~~ person, ~~as applicable,~~ who will be designated by the CO to receive notice from the County and to represent the CO in dealings with County staff;

2.2.3.3. An RO must file an application for recognition as a RO in order to be recognized by the Administrator as an RO. The application must be filed with the Administrator, and shall include all of the following:

1. The name, address, telephone number and e-mail address of the ~~RO, and the name, address and telephone of the~~ person, ~~as applicable,~~ who will be designated by the RO to receive notice from the County and to represent the RO in dealings with County staff;

Chapter 4

Table 4-1: Procedural Requirements by Application Type

Change Minor subdivision final plat to “yes” under Discretionary Review and remove “*” under major subdivision final plat/BCC.

Change “Area, District or Community Plan” to “Area, District ~~or~~ Community Plan or Plan Amendment.”

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

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

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

4.4.4. Pre-application meeting

4.4.4.9. The applicant may hold a mediation-land use facilitation meeting to address concerns from the neighborhood pre-application meeting.

4.4.6. Completeness Review

4.4.6.2. Completeness Review Determination. The Administrator shall issue a written determination on completeness after review of an application and attachments within fourteen (14) days, which may be extended an additional ten (10) days if determined to be necessary by

~~the Administrator due to the complexity of the application. a reasonable period of time. The Administrator shall transmit such determination to the owner/applicant.~~

4.4.6.3. Determination that an Application is Incomplete. If the Administrator determines that the materials submitted to the review agency or department in support of the application are not complete, any completeness determination may be revised by the Administrator and the applicant shall be notified in writing of the information required. The owner/applicant may resubmit the application with the information required by the Administrator. The owner/applicant shall not be required to pay any additional fees if the application is resubmitted or the Administrator's decision is appealed within six months thirty days.

4.4.8. Mediation. Land Use Facilitation

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

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

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

4.4.8.4. General Process.

1. Referral. An application may be referred to mediation a land use facilitation by the Administrator or the applicant. A matter may also be referred to mediation land use facilitation following the TAC meeting but, more likely, will be referred to mediation land use facilitation coincidentally with the finding of completeness.

2. Assignment of Mediator a Land Use Facilitator. The Administrator shall assign a case referred to mediation land use facilitator employed by the County. Any mediatorfacilitator facilitator selected for a given case shall have no interest in the case and shall not be an employee of Santa Fe County.

3. Initiation of Process. The mediatorfacilitator shall contact the applicant and relevant persons affected by the proposed development to determine the level of interest in a mediated facilitated

meeting. If the Administrator is aware of a ~~homeowners' association~~ Community Organization or Registered Organization in the vicinity of the proposed development, the ~~mediator~~ facilitator shall contact the ~~homeowners' association~~ Community Organization or Registered Organization. If there is no interest in a ~~mediation~~ Land Use Facilitation or if there is no person affected by the proposed development, the ~~mediator~~ facilitator shall generate a "no ~~mediation~~ facilitation held" report and refer the matter back to the Administrator.

4. ~~Mediation~~ Facilitation. If interest exists, the ~~mediator~~ facilitator shall schedule a ~~mediation~~ facilitation. During the ~~mediation~~ facilitation, the applicant shall present the proposed project, followed by a presentation (if any) of residents or homeowners associations, followed by a discussion among the participants. The ~~mediator~~ facilitator shall record comments, questions, concerns and areas of agreement among the parties.

5. Report and Completion of Process. Following the ~~mediation~~ facilitation, the ~~mediator~~ facilitator shall generate a complete and neutral report on the ~~mediation~~ facilitation. All areas of agreement shall be highlighted, and areas of severe disagreement also noted. The report shall be distributed to the Administrator and all participants in the ~~mediation~~ facilitation. Areas in which agreement was reached during the ~~mediation~~ facilitation shall be reported as resolved in the staff report to the decision maker.

6. Timeline. The ~~mediation~~ facilitation described in this subsection shall be completed no later than thirty (30) days from the date of referral, unless waived by the applicant.

7. Costs of ~~Mediation~~ Facilitation. All the costs of ~~mediation~~ facilitation shall be paid by the applicant. Following completion of the ~~mediation~~ facilitation, the Administrator shall present a invoice to the applicant.

4.4.9. Review and Final Action by the Administrator. Within ten (10) days of the receipt of all necessary referral comments, or as soon thereafter as possible, the Administrator shall complete the review. If an application has been referred for agency or department review under § 4.4.7 and referral comments have not been received by the Administrator within thirty (30) days, then the Administrator shall complete the application review absent the comments. Provided however, that if a referral agency indicates in writing to the Administrator that more time is needed to complete its review, the Administrator may extend time for completing his/her application review by an additional fifteen (15) days. Following completion of the review, the Administrator may take final action, make the appropriate recommendation to the Planning Commission or the Board, or may take other appropriate action. The Administrator may, in the Administrator's discretion, refer an Application that is committed to the Administrator's authority for review and final action to the Planning Commission or the Board. Consistent with Chapter 12 herein, all final actions on applications for approval shall contain a finding as to whether the application addresses the adequacy of public facilities and services associated with the proposed development. Failure to meet the adequate public facilities and services requirements in Chapter 12, either because both the proposed development is located in a sustainable development area other than SDA-1 and adequate public facilities are not available, or because a level of service is not met, may shall result in an application being denied.

4.5.4. Appeal of a Final Decision of the Planning Commission. Any party with standing may appeal a final decision of the Planning Commission to the Board. The application seeking an appeal of a decision of the Planning Commission must be filed with the Administrator. An appeal from a decision of the Planning Commission must be filed within thirty (30) working days of the date of the decision and recordation of the final development order by the Planning Commission. The application shall be forwarded by the ~~Planning Commission to the~~ Administrator to the Board. The Administrator shall provide to the Board a copy of the record of the proceedings below of the decision appealed. The appeal must be placed on the docket of the Board for further consideration on the next available agenda. An appeal of the decision of the Planning Commission shall be reviewed *de novo* by the Board. The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

4.6 Notice

4.6.6. Notice of Administrative Action. Notice of a proposed land division, ~~or~~ subdivision, multifamily or non-residential use that is to be approved administratively shall provide the following notice:

4.6.6.1. Posting. Notice of the pending application shall be posted on the parcel at least fifteen (15) days prior to the date of the approval of the application. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property notice shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.7 Hearing Standards

4.7.1.2. Special Rules: Contested Zoning Matters. If the owners of twenty percent ~~or of~~ more of the area of the land lots or representing more than twenty percent (20%) of the lots and of land included in an area proposed to be changed by a zoning regulation, or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a two thirds vote of the Board. ~~Per~~ NMSA 1978, §3-21-6(C).

Chapter 5

5.4.3 Qualifying Exempt Land Divisions

5.4.3.3. Large Agricultural Tracts. ~~As a~~ A sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve-month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with § 7-36-20 NMSA 1978, for the preceding three years.

5.6. Summary Review

~~5.6.5. Limitation. Any tract of land originally created through the summary review process may not be further subdivided by the summary review process if the total number of tracts created from the parent tract is to exceed five (5) within a period of seven (7) years from the date~~

~~of recording of the original plat. The language of this section shall be referenced in any disclosure statement prepared in conjunction with approval of a minor subdivision.~~

5.7.4. Endorsements

5.7.4.3. The application shall provide proof of legal access to the property. ~~from a public road~~

5.7.9. Preliminary Plat Amendments

5.7.9.1. Minor amendments may be approved by the Administrator without a public hearing and without the filing of a new preliminary plat. Minor amendments are limited to the following:

1. changes in the internal alignment of roads that do not affect external properties or the connectivity of roads;
2. changes in internal parcel or lot boundaries;
- ~~3. changes in setbacks along internal property lines; or~~
- ~~4. changes to lot numbering or addressing; or~~
4. changes in the internal routing of trails and pedestrian ways.

5.8.4 Final Plat Requirements

5.8.4.3.4. Dedications

~~4. The owner shall deliver a title insurance policy insuring the interest of the party receiving the dedication of all dedicated lands and improvements in the amount of their fair market value as of the date of dedication.~~

5.8.4.5. Water permit required for final plat.

1. Before approving the final plat for a subdivision containing ten (10) or more parcels, any one of which is two (2) acres or less in size, the Administrator shall require that the subdivider provide a proof of service commitment from a water provider as well as an opinion from the OSE that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1), or provide a copy of a permit obtained from the OSE, issued pursuant to NMSA 1978, §§ 72-12-3 or 72-12-7 for the subdivision water use.

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

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

5.8.6 Consideration and Approval of Final Plat

5.8.6.3. Review Standards. The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the approved preliminary plat. However, the Board shall not issue a development order approving a final plat unless and until:

1. the final plat approval application has been received and deemed complete;
2. the final plat substantially conforms to the preliminary plat and all conditions and requirements are complied with;
3. the final plat and all documents required are in a form acceptable for recording with the County Clerk;
4. ~~bonds or other acceptable financial security have been deposited with the County;~~
5. the development and subdivision improvement agreements have been signed and notarized and are otherwise fully executed; and
6. the administrative and final plat fees have been deposited with the Administrator, together with proper security.

5.9 Subdivision

5.9.5.2. Sewer and Storm Drainage. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers; rainwater capture swales, pervious pavements, filtering and treatment facilities; manholes, inlets, junction boxes, detention basins, and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. ~~The applicant shall cause all grading, excavations, open-cutting, and similar land surface disturbances to be mulched or otherwise protected.~~ Sewer and storm drain lines shall be videotaped and a copy of the videotape shall be provided with the as-built drawings. Copies of any and all test results or other investigations shall be provided.

5.9.5 As-Built Drawings

5.9.5.3. Water. As-built drawings shall depict water lines, valves, fire hydrants, and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and the location and description of valves with dimensional ties. Copies of any and all test results or other investigations shall be provided to the Administrator.

Chapter 6

~~6.1.3. Role of SRAs in Application Review. The findings, conclusions and recommendations of the SRAs shall become part of the record of the public hearing and shall be utilized as substantive standards with a presumption of validity for the findings, conclusions, recommendations and terms of the development orders issued by such agencies as to whether the application for development approval meets the requirements of the SLDC and should be approved, approved with conditions and mitigation requirements, or denied.~~

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

Application Type	SRA Type				
	TIA	APFA	WSAR	FIS	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development permit, non-residential (between 10k sf and 25,000 sf)	<u>Yes</u>	<u>Yes</u>	<u>as needed***</u>	<u>no</u>	<u>no</u>
Development Permit-non-residential (over 25k-10k sf)***	yes*	yes	yes+	yes	yes
Minor subdivision	yes*	yes	no	no	no
Major subdivision	yes	yes	yes+	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes+	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes+	as needed**	as needed**
Development of Countywide Impact (DCI)	yes	yes	yes+	yes	yes

* If project generates over 100 trips/day based on the Institute of Transportation Engineers' Trip Generation Manual. See NMDOT State Access Manual to Determine level of TIA required

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

*** Non-residential

6.2 Preparation and Fees

6.2.1. Applicant prepared. Except for DCIs, an applicant for discretionary development approval shall prepare their own SRAs as required in this Chapter. ~~All such consultants shall disclose any information as to conflict of interest, financial interests, or other disqualifying interest that would prevent their ability to provide to the County fair and independent SRAs.~~ The applicant shall deposit, as determined in the Fee Schedule approved by the Board, cash, a certified check, bank check or letter of credit, to cover all of the County's expenses in reviewing the SRA, including engaging consultants ~~and for a Hearing Officer where required.~~

6.2.3. Project Overview Documentation. In addition to the technical reports required under Table 6-1 and detailed below, every SRA submittal shall include basic project information to

facilitate in the evaluation of the application. At a minimum, the project overview documentation shall include the following:

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

6.2.3.6. the approximate location of all fire, law enforcement, and emergency response service facilities and all roads and public facilities and utilities shown on the capital improvement and services plan; floodways, floodplains, wetlands, or other environmentally sensitive lands and natural resources on the applicant's property; location of historic, cultural and archeological sites and artifacts; location of slopes greater than 15% and 30%; wildlife and vegetation habitats and habitat corridors within ~~five (5)~~ one (1) miles of the proposed project site perimeter;

6.2.3.7. a statement explaining how the proposed project complies with the goals, objectives, policies and strategies of the SGMP and any area or community plan covering, adjacent to, or within ~~five (5)~~ one (1) miles of the proposed project site perimeter;

6.2.3.8. a statement or visual presentation of how the project will relate to and be compatible with adjacent and neighboring areas, within a ~~five (5)~~ one (1) mile radius of the project site perimeter;

6.3. Environmental impact Report

6.3.8. **Significant Irreversible Environmental Changes.** Uses of nonrenewable resources during the initial and continued phases of the development project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary effects and impacts and, particularly, secondary effects and impacts (such as highway improvements required to provide access to a previously inaccessible area) generally commit future generations to similar uses. Irreversible damage can result from environmental and other accidents associated with the development project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. ~~Any and all potential effects on climate change attributable to the development project must be thoroughly analyzed, including necessary mitigation to minimize such effects and impacts.~~ Applicant must comply with all federal and New Mexico statutes and regulations regarding climate change.

6.3.10. Mitigation (SRAs)

6.3.10. Mitigation Measures.

6.3.10.1. The EIR shall identify mitigation measures for each significant environmental effect identified in the EIR, which impacts include but are not limited to: inefficient and unnecessary consumption of water and energy; ~~pollution attributable to the project; contribution to climate change; water and air pollution;~~ degradation of environmentally sensitive lands; sprawl; and noise, vibration, excessive lighting, odors or other impacts.

6.3.13. Discussion of Cumulative Impacts. The EIR shall discuss cumulative effects of a project. A cumulative effect and impact is created as a result of the combination of the project evaluated in the EIR together with other development projects causing related effects and impacts. ~~An EIR should not discuss other project effects and impacts which do not result in part from the project being evaluated.~~ The discussion of cumulative effects and impacts shall reflect the severity of the effects and impacts and their likelihood of occurrence.

6.4 Adequate Public Facilities and Services

6.4.2.6. Existing Deficiencies. Subsection 12.2.3.2 of the SLDC describes the ramifications of an existing failure of infrastructure and services to meet the LOS specified in the SLDC. Existing deficiencies that affect the proposed development project shall be identified and any proposed projects that will address the deficiency in the CIP shall be identified.

6.5 Water Service Availability Report (WSAR)

6.5.3. The WSAR shall contain a detailed analysis of the following matters: existing system capacity of the public water or wastewater supply proposed for use ~~or a publicly regulated private system;~~ capacity of a well field (as applicable), stream, spring, or other source of raw water supply (as applicable); historical average use of potable water; and historical peak use of potable water; the number of hook-ups and the estimated potable water demand per hook up; and the number of hook-ups for which contractual commitments have been made or previous development orders have been approved. Applications requiring use of the County system or a public water or wastewater system, as described on Tables 7-17 and 7-18 and the accompanying text, need only supply the letter from the relevant supplier agreeing to provide service.

6.5.5. The WSAR shall include:

6.5.5.1. ~~If a development application is by or on behalf of an individual, an~~ An evaluation of the water supply ~~shall be required~~ as described in Section 7.13.6.1.

6.5.5.2.3 Well requirements.

3. in the case of a proposed final plat approval, a copy of the water permit issued by the State Engineer: ~~pursuant to NMSA 1978, §§ 72-1-5, 72-5-23, 72-5-24~~ or if the proposed development is within a declared underground water basin, §§ 72-12-3 or 72-12-7;

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6.5.5.9. **Water Quality.** The applicant shall provide:

1. an analysis of all ~~single or multiple units or~~ aquifers ~~within a two (2) mile radius of the project site to be used by the project;~~

6.6. TRAFFIC IMPACT ASSESSMENT (TIA).

6.6.2. ~~**Reserved Fees.** The applicant shall deposit cash, a certified check, bank check or letter of credit, to cover all of the County's expenses in reviewing the Traffic Impact Assessment, engaging consultants, and as applicable pursuant to Table 4-1, for a Hearing Officer to conduct a public hearing on the Traffic Impact Assessment.~~

6.6.3. **General Requirements.** The TIA shall follow the NMDOT State Access Manual requirements, which requires a general assessment for smaller impact projects which generate little traffic, and a detailed analysis for those projects that generate larger traffic volumes. These larger impact projects will require a detailed traffic impact assessment shall identify the improvements needed to:

6.6.3.8. If applicable, after identifying any deficiency in road capacity as required by subsection 6.6.3.2. of the SLDC, determine, after taking into consideration improvements to be provided through development fees, improvements to be provided by the County through the mechanisms described in Provide a basis for applicant financing of all County and State road improvements as shown on the CIP, and through the mechanisms described in use of a voluntary development agreements, or through an Improvement District Assessments for capacity needs, how all infrastructure that is required will be provided;

~~6.6.3.15. Establish the monetary contribution that the applicant will be required to provide to the County or to any established assessment or improvement district for the provision of all roads and highways shown on the CIP, the need for which is generated by the project;~~

6.6.4.4. **Residential road impact.** Average daily traffic impinging on residential roads shall be within the ranges spelled out in the transportation plan for the class of road involved. ~~No development project traffic shall increase the traffic on a residential road with at least 300 average daily trips by more than 15%, and shall contribute no more than 10% of the traffic on any road segment providing residential access.~~

~~6.6.4.9. **Access Roads.** Access roads shall equal or exceed 1.08 miles per section of road and shall contain a minimum width of twenty (20) feet paved surface based upon County road construction standards for heavy vehicles. Access roads shall be sited in a manner that mitigates or minimizes the impact on the environment and neighboring land uses.~~

6.6.5 Contents

6.6.5.9. If the applicant fails to advance the improvements in accordance with Chapter 12, the application for the development approval ~~may shall~~ be denied for lack of adequate transportation system capacity, safety, and design.

6.6.5.2. **Study Area.** The study area shall identify the roadway segments, and all intersections of roads classified as sub-collector or larger and access points for all transportation routes from the site to the nearest state road or interstate.

6.6.7. Expiration of TIA. A TIA shall expire and be no longer valid for purposes of this section on a date which is ~~twelve (12) months~~ three (3) years after its creation.

6.7 Fiscal Impact Assessment

6.7.2.3. The fiscal impact assessment shall ~~determine whether, and to~~ assess the extent, a development project ~~is~~ fiscally and economically impacts the County positive, meaning forthcoming revenues (operating and capital) exceed the forthcoming costs (operating and capital) of the development project.

Chapter 7

7.3 Residential Performance Standards

7.3.1.5. Double Frontage Lots. Double frontage or through lots are prohibited except in commercial or industrial districts or for alleyways approved as part of a subdivision. A double frontage lot is not created when an alleyway is provided. Double frontage lots may be permitted when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.1.6. Flag Lots. Flag lots are prohibited except when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.3. Setbacks.

7.3.3.5. Commercial and Industrial Zones. Notwithstanding anything to the contrary in the Setback Table, a setback of 100 feet from the property line is required between any residential district and any structures or uses within a commercial or industrial district. For purposes of this paragraph, the phrase “commercial district” shall not include the MU zone.

7.4 Access and easements

7.4.2.2. Utility Easements. Easements shall be provided for utility services including, but not limited to, water, sanitary sewer, gas, electric, and communications (cable/internet/phone). Utility easements shall have a minimum width of seven and one-half (7 ½) ten (10) feet, except where a transformer or other facility is required, in which case adequate provision for that facility or transformer must be made.

Where multiple utilities share the same easement, additional width sufficient to avoid conflict shall be provided. Easements shall be established to provide continuity of alignment throughout the area to be served and to adjoining areas. Utility easements shall be located such that each lot can be served by all proposed utilities.

7.4.2.3. Combined. Access and utility easements shall be combined unless the utility company dictates otherwise, or where topographical conditions, existing utility easements, or other conditions dictate otherwise. In such cases, utility easements may be placed parallel to access easements so that maintenance of utility lines will not create the need to disturb a road or driveway. Utility trenches shall be placed within easements in or adjacent road or driveway easements or rights-of-way where possible, except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching.

7.4.3. Drainage Easements. Where a property is traversed by a water course, drainage conveyance, channel or stream, a storm water or drainage easement shall be established which conforms substantially with such water course. All drainage components, including detention or retention basins, water courses, acequias, drainage conveyances, channels or streams which impact more than one lot, shall be included in drainage easements.

7.4.7 Acequia Easements. All structures, excluding walls and fences, must be set back a minimum of 15 feet from the centerline of any acequia, ditch, lateral or drain under the authority of an acequia association, organization or irrigation district. Minimum setback requirement can be waived if easement is otherwise prescribed by a recognized acequia association or irrigation district. Applicants shall provide notice to impacted acequia associations, organizations or irrigation districts of development projects within 25 feet of an acequia, ditch, lateral or drain.

7.6.4. Landscaping for Non-Residential Uses.

7.6.4.2. ~~The landscaping~~ The landscaping shall include a combination of trees, shrubs, grasses and flowers, ground cover or other organic and inorganic materials. ~~The landscaping~~

7.6.6. Landscaping Parking Areas

7.6.6.5. Divider Medians. Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall be five feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum width shall be eight feet. ~~All tree planting areas shall have a minimum width of seven feet.~~

7.6.7. Parking Area Perimeter Walls

7.6.7.1. Parking areas with ten or more spaces or 4,000 square feet, whichever is less, shall be screened from view along the front property line (adjacent road rights-of-way) by an opaque, ~~four-six~~ foot masonry wall or fence.

Table 7-2: Minimum Plant Size Requirements.

Plant type	Minimum size
Deciduous Trees	1½ inch caliper (measured 6 inches above ground) and 6 feet tall
Evergreen Trees	6 feet tall
Shrubs	<u>Between 1 gallon and 5-gallon container size and up to 24 inches tall</u>

7.6.8.4. Irrigation.

1. All landscaped areas shall include a permanent, underground irrigation system to ensure long-term landscape health and growth. Irrigation systems ~~may shall~~ utilize storm water, grey water or other non-potable irrigation water. Irrigation system design shall

take into consideration the water-demand characteristics of plant or landscape materials used.

2. As an alternative to permanent underground irrigation, water harvesting or surface irrigation from an acequia may be used for irrigation so long as the alternative provides sufficient water to maintain the landscaping.

3. Supplemental potable water may be used only when storm water, grey water or other non-potable irrigation water is inadequate.

7.8 Lighting

7.8.5. Road Lighting.

7.8.5.1. **When Required.** Street lights are required ~~along paved roads and along any road where curb, gutter and sidewalk are provided;~~ an intersection of any road with a highway or arterial; and where necessary to protect the safety of motorists and pedestrians due to the particular characteristics or location of a site.

7.10 Parking and Loading

7.10.3.4. **Floor Area.** Unless otherwise expressly stated, all square footage-based off-road parking and loading standards shall be computed on the basis of the net usable square footage sum of the gross horizontal floor areas of all space used.

7.10.9. **Surfacing and Maintenance.** Parking lots of forty or more spaces shall be paved, and parking lots containing fewer than forty spaces shall have a properly compacted base course surface. Where paved parking is required, permeable pavement ~~shall~~ may be used ~~if technically feasible.~~ Parking areas shall be maintained in a dust-free, well-drained, serviceable condition at all times.

7.10.12. Internal Circulation System.

7.10.12.1. The layout of the circulation system shall be designed to provide access between parking spaces and roads, and to accommodate vehicular traffic and pedestrians safely and efficiently with a minimum impact on adjacent properties.

7.10.12.2. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade and drainage, as well as aesthetic factors, such as the visual impact of the road pattern and the highlighting of special site features.

~~7.10.12.3. Parking areas shall be designed to provide for internal circulation so that backing is not required to leave a given space.~~

~~7.10.12.4. No backing onto public roads or rights-of-way shall be allowed.~~

7.10.16 Vehicle Stacking Areas

7.10.16.1. **Minimum Number of Spaces.** ~~Where stacking spaces are required by Table 7-10, stacking spaces shall be provided in the amount provided.~~ The minimum number of stacking spaces shall be provided pursuant to Table 7-10.

7.11 Road Design Standards

Table 7-12: Urban Road Classification and Design Standards (SDA-1 and SDA-2).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks*	Bike lanes*	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Arterial or highway	5000 +	6	12	Two 5'	Two 5 ft on-road	100	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO
Minor arterial	2000 to 4999	2 - 4	12	Two 5'	Two 5 ft on-road	60 to 100	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO
Collector	601 to 1999	2	11	Two 5'	Two 5 ft on-road	45 to 72	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Sub-collector	301-401 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Local	0 to 300 400	2	10	Two One 5'	n/a	34 to 48	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7 11 %	6"	3"	5%
<u>Cul-de-Sac</u>	<u>0 to 300</u>	<u>2</u>	<u>10</u>	<u>n/a</u>	<u>n/a</u>	<u>20</u>	<u>Level: 30-50</u> <u>Rolling: 20-40</u> <u>Mount.: 20-30</u>	<u>9%</u>	<u>6"</u>	<u>n/a</u>	<u>n/a</u>
Alley	0 to 30 <u>n/a</u>	1	12	n/a	n/a	19	n/a	7%	6"	3"	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	6 11 %	n/a	n/a	n/a

*Sidewalks and bike lanes are not required if a 10' wide multi-use paved trail is provided located adjacent to the roadway.

Table 7-13: Rural Road Classification and Design Standards (SDA-3).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non-vehicular side paths	Bike lanes*	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Major arterial or highway	5000 +	4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	6"	8%
Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	70 to 100	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	5"	8%
Collector	100 to 1999 <u>401-1999</u>	2	11	n/a	n/a	60 to 80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	4"	8%
Local	1-99 <u>0-400</u>	2	10	n/a	n/a	56	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9 <u>11%</u>	6"	4"	8%
Cul-de-Sac	0 to <u>300</u>	2	10	n/a	n/a	20	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9 <u>10%</u>	6"	n/a	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	9 <u>11%</u>	4"	n/a	n/a

*Sidewalks and bike lanes are not required if a 10' wide multi-use paved trail is provided located adjacent to the roadway.

7.11.7. Cul-de-sacs (dead end roads).

7.11.7.1. Cul-de-sacs (dead end roads) shall not ~~be longer than five hundred (500) feet and may not~~ serve more than thirty (30) dwelling units.

7.11.13.2. Additional Standards for Residential Driveways.

1. Residential driveways shall serve no more than two (2) lots.

~~1.2.~~ Lots within residential subdivisions shall be limited to a single access point or driveway.

~~2. 3.~~ Access to a lot shall be from a local or collector road, except where the only possible access is from an arterial road or highway.

~~3.4.~~ A twenty-five (25) foot asphalt or concrete apron shall be required on a driveway that accesses an arterial or highway. ~~paved road.~~ A twelve (12) foot asphalt or concrete apron shall be required on a driveway that accesses a paved collector, subcollector or local road.

7.11.13.3. Additional Standards for Non-Residential, Multi-Family and Mixed-Use Driveways.

7. A 50 foot asphalt or concrete apron shall be required on driveways accessing a paved road.

7.12. Utilities

7.12.4 Utilities serving agricultural operations are exempt from the provisions of this section.

7.13. Water Supply, Wastewater and water Conservation

7.13.2 General Requirements

7.13.2.3. Readiness. Each applicant for a development order shall establish in writing that a proposed service provider (County utility, mutual domestic water association, water and sanitation district, municipal water or wastewater utility, water or wastewater cooperative) is ready, willing, and able to provide service. The applicant shall provide such additional details concerning the proposed service provider and its readiness to provide service as the Administrator may deem appropriate.

7.13.2.4. Required connection to the County, or a public ~~or publicly-regulated~~ water and wastewater systems. Persons desiring to develop property may be required to connect to the County’s water and wastewater utility for water and wastewater service as described in subsection 7.13.3, or connect to a public or publicly-regulated water and wastewater system as described in subsection 7.13.4, or to self-supply water and wastewater service as described in subsection 7.13.5.

Table 7-17: When Connection Required to County Utility Water/Sewer.¹

		Property Location		
		SDA-1	SDA-2	SDA-3
Development Type	<u>Residential Development Permit</u>	<u>if within 200 feet</u>	<u>if within service area and within 400 Feet</u>	<u>if within service area and within 600 Feet</u>
	<u>Residential Land Division (1-4 units)</u>	<u>if within 330 feet</u>	<u>if within service area and if within 1,320 feet</u>	<u>if within service area and if within 2,640 feet</u>
	Multi-family (5+ units)	Yes	<u>if within service area and if within service area</u>	<u>if within service area and if within service area</u>
	Minor Subdivision	Yes	if within service area	<u>if within service area and if within 2,640 feet</u>
	Major Subdivision	Yes	if within service area	if within service area
	Non-residential (under 10,000 sf)	if within 660 <u>if within 400 feet</u>	<u>if within service area and if within 1,320 600 feet</u>	<u>if within service area and if within 2,640 800 feet</u>

Non-residential (over 10,000 sf)	Yes	if within service area	<u>if within service area and if within 2,640 feet</u>
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¹For purposes of this section, all distances shall be measured between the nearest point of County infrastructure that is capable of providing service and the property line of the property to be developed, not from any structure located or to be located on the property.

7.13.3.6. Where the County water and wastewater utility provides written confirmation to the Administrator that water, wastewater service, or both, will not be available to a development within five (5) ~~twenty (20)~~ years, the requirements of subparagraphs 1, 2, and 3, above, shall not apply

7.13.4 Required connection to public ~~or publicly-regulated~~ water and wastewater systems other than the County.

7.13.4.2. Water and wastewater systems to which this subsection applies are (a) a mutual domestic water association, (b) a water and sanitation district, (c) a municipal water or wastewater utility, ~~or~~ (d) a water or wastewater system, public or private, that is regulated by the Public Regulation Commission, or (e) a cooperative that is regulated by the Public Regulation Commission.

7.13.4.4. Where a public or publicly-regulated water or wastewater system provides written confirmation to the Administrator that water, wastewater service, or both, is not presently available or will not be available within five (5) ~~twenty (20)~~ years, the requirements of subparagraphs 1, 2 and 3, above, shall not apply.

Table 7-18: When Connection Required to Public Water/Sewer or Publicly-Regulated Water/Sewer.²

		Property Location		
		SDA-1	SDA-2	SDA-3
Development Type	<u>Residential Development Permit</u>	<u>if within service area and within 200 feet</u>	<u>if within service area and within 400 Feet</u>	<u>if within service area and within 600 Feet</u>
	<u>Residential Land Division (1-4 units)</u>	<u>if within service area and within 330 feet</u>	if within service area and within 1,320 feet	if within service area and within 2,640 feet
	Multi-family (5+ units)	Yes	if within service area	if within service area
	Minor Subdivision	Yes	if within service area	if within service area and within 2,640 feet
	Major Subdivision	Yes	if within service area	if within service area
	Non-residential (under 10,000 sf)	<u>if within service area and within 400</u>	if within service area and within <u>600</u>	if within service area and within <u>800</u>

		660 feet	1,320 feet	2,640 feet
	Non-residential (over 10,000 sf)	Yes	if within service area	if within service area and within 2,640 feet

²For purposes of this section, all distances shall be measured from the property line of the property to be developed and not from any structure located or to be located on the property.

7.13.5 Self Supplied Water and Wastewater Systems

7.13.5.4. If connection to the County water and wastewater utility or connection to a public or publicly-regulated water and wastewater system is not required by operation of Table 7-17 or 7-18 but the property is located within SDA-1 or is within the service area of the County water and wastewater utility or a publicly-regulated private or public water or wastewater system, then all necessary facilities to subsequently connect to County water or wastewater service or to public or publicly-regulated water and wastewater, shall be provided. When County water and wastewater service, or public or publicly-regulated water and wastewater becomes available to such a development, the development shall be required to connect; that requirement will be clearly specified in the development order and relevant plat, and shall be made a part of the development agreement. If the County utility or a public water or wastewater system provides written confirmation to the Administrator that water or wastewater service will not be available for a period of five (5) years, then the requirements of the foregoing shall not apply.

**7.13.6
Water Supply Requirements**

7.13.6.1. Quantity and Quality in General. Each development shall be required to provide water in adequate quantity and quality to meet the needs of a proposed development for ninety-nine (99) years³. Regardless of the source of water supply, for planning purposes, the minimum required water supply assumed to be required for development of any type shall be 0.25 acre feet per unit residential dwelling per annum notwithstanding that the owner or developer claims that less water is to be used. The Administrator may reduce this planning assumption to the actual amount of water expected to be used given the type of construction and use contemplated upon a showing from the applicant that a lesser planning figure is reasonable. Annual water use limitations are established in subsection 7.13.11 (“Water Conservation”) of the SLDC, and shall also apply.

7.13.7 Self Supplied Water Systems

7.13.7.1. Community Water Systems

5. A community water system shall own water rights permitted by the Office of the State Engineer; the water rights must have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit must be sufficient to meet the maximum annual water requirements of the proposed development. Additionally, if irrigation water rights

that are appurtenant to the land on which the subdivision is to be located to be subdivided have been severed, a community water system shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision. An application failing to provide proof of the permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

12. Management of a community water system shall be accomplished by competent, professional manager or management consultant. A qualified and certified operator shall be employed or contracted. The management structure of a community water system shall be capable of ensuring that all reports and submissions required by NMED, PRC and the OSE are submitted on a timely basis.

15. As an alternative to the previous paragraph, a reconnaissance report may be substituted for geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC when: (a) the water needs of the development are not reasonably anticipated to exceed three (3) acre feet per annum; (b) no more than four (4) residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed; (c) the parcel or parcels do not exceed the maximum density specified in the applicable zoning district; (d) no more than one (1) well will be utilized; and (e) a reconnaissance report is appropriate pursuant to the standards of subsection 7.13.7.4.(1) below.

7.13.7.2. Shared Wells and Individual Wells

7. A shared well system or an individual well shall possess a valid permit, vested right, adjudicated right or license issued by the Office of the State Engineer with sufficient licensed capacity or water rights to meet the maximum annual water requirements of the proposed development. when: (a) the water needs of the development are not reasonably anticipated to exceed three (3) acre feet per annum; (b) no more than four (4) residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed; (c) the parcel or parcels do not exceed the maximum density specified in the applicable zoning district; and (d) no more than one (1) well will be utilized. If irrigation water rights that are appurtenant to the land on which the subdivision is to be located have been severed, the owners of a shared well system or an individual well shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision. In all other cases, a shared well system shall own water rights permitted by the Office of the State Engineer; the water rights must have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit must be sufficient to meet the maximum annual water requirements of the proposed development.—An application failing to provide proof of the permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

12. An applicant proposing or required to use a shared well system or an individual well shall perform a geo-hydrologic report that conforms to the requirements of this SLDC, or, as specified in the following paragraph, a reconnaissance report. An applicant proposing to develop a single lot existing prior to the effective date of the SLDC using an individual single domestic well permitted under NMSA 1978 Sec. 72-12-1 as the water supply, shall not be required to provide a

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geo-hydrologic report or a reconnaissance report, but shall be required to provide a copy of the well permit issued pursuant to NMSA 1978, Sec. 72-12-1 by the Office of the State Engineer.

13. As an alternative to a geo-hydrologic report, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC. ~~-(a) the water needs of the development are not reasonably anticipated to exceed three (3) acre feet per annum; (b) no more than four (4) residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed; (c) the parcel or parcels do not exceed the maximum density specified in the applicable zoning district; (d) no more than one (1) well will be utilized; and (e) a reconnaissance report is appropriate pursuant to the standards of subsection 7.13.7.4.(1) below.~~

7.13.7.3. Standards for Geo- Hydrologic reports

3. The geo-hydrologic report shall be predicated upon actual testing results from wells at the location of the each proposed development well or wells. Test requirements for wells are set forth in Table 7-20. If no well is present at the location of each of the proposed well or wells, an exploratory well shall be provided. If more than one well will be provided, the Administrator shall determine whether the number of test wells and their locations to adequately profile the aquifer. The geo-hydrologic report shall adequately characterize the aquifer in accordance with the requirements listed herein.

6. The geo-hydrologic report shall provide a calculated ninety-nine (99) year schedule of effects from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of climate and drought and climate change. The geo-hydrologic report shall analyze the effect of pumping of existing wells. Predicted draw down of each well shall be calculated in a conservative manner.

7.13.7.4 Standards For Reconnaissance Reports

1. A reconnaissance report may be provided only if all of the following circumstances prevail:
 - a. a geo-hydrologic report has been completed on a well within one (1) mile of a proposed well or wells;
 - b. a geo-hydrologic report indicates that the geology is comparable to the conditions existing at the site of the proposed well or well;
 - c. the total amount of water to be drawn by the development will not exceed three (3) acre feet per annum; and
 - ~~d. the proposed development will contain no more than four (4) dwellings or parcels;~~
 - ~~e. each parcel within the proposed development will be no less than 2.5 acres;~~
 - f. except as may be permitted by the Administrator, no more than one (1) well will be constructed within the proposed development; and
 - g. if, after considering the reconnaissance report, the Administrator determines that sufficient information has been provided from which to make a determination of water availability.

7.13.8. Individual or shared well systems

7.13.8.3. A shared well system or an individual well shall be capable of providing the

water requirements of the proposed development for up to 40 years or 99 years respectively.⁴

7.13.8.8. The development order, plats, disclosure statement and private covenants, as applicable, on a development where a shared well system is used, shall clearly specify that the drilling or use of other wells is strictly prohibited, except for agricultural wells or wells to supply the County water system or a public water system.

7.13.10. Wastewater systems

7.13.10.1. General requirements

1. Regardless of whether the County's wastewater system is utilized, all development shall include wastewater systems built to standards established by the County wastewater utility and may shall be designed and constructed so that they may be connected to the County utility when available.

7.13.10.3.2 Alternative wastewater systems

2. Where a development is not required to connect to the County's wastewater system or a public system pursuant to Table 7-17 or 7-18, and the development creates three (3) or more lots, the development shall provide a separate tertiary sewer treatment facility with full grey water capture, treatment and reuse. Where a development is not required to connect to the County's wastewater system pursuant to Table 7-17, and three (3) or fewer lots are being created, an on-site septic sewer system or systems may be provided so long as the an alternative wastewater disposal system shall be used when specified on Table 7-19 so long as the appropriate liquid waste permit is obtained from the New Mexico Environment Department and presented to the Administrator as a part of the application.

7.13.11 Water Conservation

7.13.11.1. General Requirements.

1. Total water use shall not exceed that specified in the development order, plat note, or the SLDC.

2. Annual water use for ~~both indoor and outdoor~~ domestic purposes for a single family residential dwelling shall not exceed 0.25 acre foot per year. This limitation shall not apply to use of water derived from a well permitted pursuant to NMSA 1978 Section 72-12-1 that is used for agriculture, so long as the use is consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and to use of water derived from such water rights for agricultural or other purposes.

7.13.11.2. Outdoor Conservation.

5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May

⁴ See footnote 6

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and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Such approved systems include but are not limited to evapotranspiration-based controllers. This paragraph does not apply to gardens or agricultural uses.

7.13.11.3. Indoor Conservation.

7.13.11.3. Indoor Conservation.

1. Water saving fixtures shall be installed in all new construction. Toilets shall consume no more than 1.6 gallons (6.1 liters) per flush. Blowout urinals may be installed in stadiums, race courses, fairgrounds and other structures used for outdoor assembly and similar uses. Water conserving fixtures shall be installed in all new construction and in all remodels and renovations when a fixture is being replaced.

a. All toilets and flush urinals shall be EPA WaterSense certified or equivalent.

b. All lavatory faucets shall be EPA WaterSense certified or equivalent.

c. All showerheads shall be EPA WaterSense certified or equivalent

2. Water conserving appliances shall be installed in all new construction and in all remodels and renovations when an appliance is being replaced.

a. Residential dishwashers shall be EPA Energy Star certified or equivalent.

b. Residential clothes washers shall be EPA Energy Star certified or equivalent.

2. Faucets shall be equipped with aerators and shall not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute. Self-closing, metering or self-closing faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants and convention halls. These faucets shall consume no more than .25 gallons of water (1.0 liters) of per use. Emergency safety showers are exempted from this provision.

3. Water conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.

4. Dishwashers shall use no more than 13 gallons in a regular cycle and shall have a water saving option that provides for reduced water to be used for reduced loads. No more than one dishwasher may be provided in each residential dwelling unit.

5. Washing machines shall be front loading only.

3. Water-conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.

6 4. Hot water systems shall ensure that hot water is delivered within five seconds of a

tap being opened. This requirement can be achieved through the use, either alone or in combination, of the following devices or designs: (i) an on-demand circulation system; (ii) a centrally located water heater; (iii) a point-of-use water heater; (iv) short hot-water pipe runs; (v) small diameter piping; (vi) "instant hot" hot water fixtures; or (vii) super-insulation methods

~~7-5.~~ A certificate of compliance by a licensed mechanical contractor or plumber that new construction meets the requirements of the SLDC shall be provided.

Renumber remaining subsections

7.14 Energy Efficiency

~~7.14.2.1. Each new residential structure, excluding mobile homes and manufactured homes, shall be designed, constructed, tested and certified according to the Home Energy Rating Standards (HERS) index, as most recently adopted by the Residential Energy Services Network (RESNET).~~

~~7.14.2.2. Each new residential structure, excluding mobile homes and manufactured homes, shall achieve a HERS rating of 70 or less, or have demonstrated that it achieve some equivalent energy performance. Structures constructed according to the standards prescribed by the State of New Mexico Earthen Building Materials Code and New Mexico Historic Earthen Buildings Code are exempt from this requirement.~~

7.14.2.1. Each new residential structure, excluding mobile homes and manufactured homes and structures constructed according to the standards prescribed by the State of New Mexico Earthen Building Materials Code and New Mexico Historic Earthen Buildings Code, shall achieve a HERS rating of 70 or less, or have demonstrated that it achieves some equivalent energy performance. Structures required to achieve this rating shall be designed, constructed, tested and certified according to the Home Energy Rating Standards (HERS) index, as most recently adopted by the Residential Energy Services Network (RESNET).

Renumber the remaining Sections of 7.14

7.15.3.4. Trail standards.

1. A trail easement shall be dedicated in accordance with the Official Map or adopted plans. ~~on lands through which a trail shown on the Official Map, adopted plans or are otherwise recognized by Santa Fe County.~~
2. Trails identified on the Official Map shall be constructed.
3. Minimum trail widths for trails identified on the Official Map shall be ~~8~~ 5 feet with a 20 foot easement.
6. Trails shall be prepared and designed in accordance with approved plans and may be natural or other permeable soft surface or may be constructed of ~~four inch (4") thick~~ concrete, asphalt, or other hard surface permeable materials including compact crusher fines, brick or unit pavers.

7. Multi-use trails shall be designed in accordance with approved plans and may be constructed of concrete, asphalt, or other hard surface permeable materials including compact crusher fines.

7.16 Protection of Historic And Archeological Resources

7.16.3. Development Affecting a Registered Cultural Property – Required Report.

7.16.3.1. Development that proposes to remove or demolish a Registered Cultural Property is not permitted unless the applicant first obtains a beneficial use and value determination pursuant to subsection 14.9.8 of the SLDC.

7.16.5. Development Within Areas of High Potential for Discovery of Archeological Resources; Required Investigation, Treatment and Mitigation.

7.16.5.1. Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 5.0 acres or more within an area of “high” potential, or 2.0 acres within a traditonal community and in a “high” potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources and shall preserve, mitigate, or treat the archeological resources as specified herein before a development permit is issued.

7.16.7. Development Within Areas of Low Potential for Discovery of Archeological Resources, Required Investigation; Treatment and Mitigation.

7.16.7.1. Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 40.0 acres or more within an area of “high low” potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources, and shall preserve, mitigate, or treat the archeological resources as specified herein before making application for a development permit.

7.17.5 Storm Drainage and Erosion Control

7.17.5.1 General.

1. No fill shall be placed in natural drainage channels and a minimum setback of twenty five feet shall be maintained from the natural edge of all streams, rivers, or arroyos with flows exceeding twenty-five (25) cubic feet per second during a one hundred (100) year frequency storm, twenty-four (24) hour duration;

7.17.5.2. All Other Development. Subdivision, multi family, non-residential and single family residential development shall comply with the following standards:

4. No development shall disturb any existing watercourse or other natural drainage system, in a manner which causes a change in watercourse capacity or time to peak, time of concentration or lag time or other natural drainage system or increase of the pre-development stormwater discharge-"Q".

5. All natural drainage ways and arroyos which traverse or affect one or more lots or development sites shall be identified on the plan and/or plat. ~~All land-disturbance~~

~~activity, both within and outside the limits of the Special Flood Hazard Area (SFHA), must provide a Stormwater Management Analysis pursuant to Ordinance No. 2008-10 ("Santa Fe County Flood Damage Prevention and Stormwater Management Ordinance") as amended.~~

~~6. Pursuant to Santa Fe County Ordinance No. 2008-10, erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of 50' must be provided from all arroyos not mapped as SFHA with flow rates in excess of 25 cubic feet per second (25 cfs); or (b) a minimum setback of 75' must be provided from all unstudied SFHA.~~

~~7. 6. Pursuant to Santa Fe County Ordinance No. 2008-10, e~~ Erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of 50/25' must be provided from all arroyos ~~not mapped as SFHA~~ with flow rates ~~in excess of 25~~ of 100 cubic feet per second (~~25/100~~ cfs) ~~generated from a storm of 100 year recurrence, 24 hour duration;~~ or (b) a minimum setback of 75' must be provided from all FEMA designated 100 year Floodplains ~~unstudied SFHA~~.

7.17.6. Grading, Clearing and Grubbing

7.17.6.2. Grading and clearing of existing native vegetation shall be limited to approved Buildable Areas, ~~and~~ road or driveways, drainage facilities, liquid waste systems, and utility corridors.

7.17.7. Restoration of Disturbed Areas

7.17.7.1. Disturbed areas not stabilized by landscaping shall be permanently revegetated to approximate the density and species or vegetation at the site prior to grading.

7.17.9 Steep Slopes, Ridge tops, Ridgelines and Shoulders.

7.17.9.1 Applicability. This subsection applies to development of any structure on a slope whose grade exceeds fifteen percent (15%), areas where slope exceeds thirty percent (30%) and to a ridge, ridge top, ridgeline or shoulder.

7.17.9.2 Standards.

2. ~~All~~ buildable areas on a ridge top, ridgeline or shoulder shall be set back 50 feet from the shoulder. The shoulder is the point at which the profile of the upper slope begins to change to form the slope.

4. Utilities and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they utilities disturb no more than three separate areas not exceeding 1,000 square feet each. Drainage structures and slope retention structures may be located on a natural slope in excess of thirty percent (30%).

7.18 Flood Prevention and Flood Control

7.18.5. Basis for Establishing Special Flood Hazard Areas. The Special Flood Hazard Areas ("SFHAs") identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for Santa Fe County, New Mexico and Incorporated Areas," effective June 17, 2008 December 4, 2012 ("FIS"), with accompanying Flood Insurance Rate Maps ("FIRM") and/or Flood Boundary Floodway Maps ("FBFM") and any revisions thereto, are hereby adopted by reference and declared to be a part of the SLDC. These Special SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of the SLDC and may be

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supplemented by subsequently conducted studies designated and approved as set forth herein. The Floodplain Administrator shall keep a copy of the FIS, FIRMs and/or FBFMs on file and available for public inspection during normal business hours.

7.18 Flood Prevention and Flood Control

7.18.14. Variances. The Floodplain Administrator may recommend to the Hearing Officer and the Planning Commission a variance from the requirements of this section in accordance with this subsection.

7.18.14.1. A variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. ~~Moreover, pursuant to Santa Fe County Ordinance No. 2008-10, n~~No variance shall be issued based on floodproofing until the Applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation, and meet current FEMA criteria for floodproofing.

7.20. Solid Waste.

7.20.2.5. All solid waste, ~~including manure,~~ shall be removed from the property on a regular basis, but not less than monthly. ~~Because it is considered a breeding place for flies, rodents and/or pests, and a source of groundwater contamination, the unhealthful accumulation or stockpiling of manure has been declared a public nuisance pursuant to Santa Fe County Ordinance No. 2009-11, and will be treated accordingly.~~

7.20.2.6. All facilities generating manure shall have a plan for manure management, which can include:

1. Removal of manure from the property on a regular basis, but not less than monthly
 2. Utilization of a composting system; or
 3. Spreading or harrowing of the manure on the ground to enrich the soil.
-

7.22 Financial Guaranty

7.22.1. Applicability. Prior to the recording of a final plat and issuance of a development permit, an applicant for any of the following development projects shall submit for approval to the Administrator a financial guaranty for construction of any required public or private ~~infrastructure site~~ improvements, landscaping or reclamation in accordance with the requirements of this section:

7.22.2.3. Deposited with the Administrator cash, a letter of credit, an escrow agreement, surety bond, or a payment and performance bond, sufficient to cover the cost of completion of all improvements, together with costs, expenses and attorney's fees in the event of default (as set forth in the engineer's cost estimate below), required to be made pursuant to the conditions of the development order granting final plat approval, the development and subdivision improvement agreements executed pursuant to this Chapter and the approved construction plans. The acceptance issuance of any surety bond or letter of credit shall be subject to the approval of the Administrator and County Attorney.

7.22.6. Maintenance Bonds. The applicant shall warranty any public improvements against defects in workmanship and materials for a period of five (5) years from the date of acceptance of such improvements. ~~At the time the improvements have been completed and accepted, a warranty shall be provided through a letter of credit, escrow agreement, payment and performance bond, cash in an amount equal to 50% of the annual cost of maintaining the improvements.~~

7.22.8. Releases and Financial Guaranty.

7.22.8.1. When an applicant has given payment and performance security in any of the forms provided in this Chapter, and when ~~fifty (50%) percent of the~~ required site improvements have been completed and accepted, the original guaranty may be substituted with a new guaranty in an amount equal to 125% of the cost for completing the remaining site improvements. Such new guaranty need not be in the same form as the original guaranty. However, in no event shall the substitution of one security for another in any way alter or modify the obligation under the performance and payment bonds, letter of credit, or cash. Releases shall not be requested more than once a month.

7.22.8.2. As ~~fifty (50%) percent of the~~ improvements are completed, applicant may submit a written request, prepared by the project engineer, for a partial or full release of the financial guaranty. Such application must show, or include:

7.22.8.3. Upon receipt of the application, the Administrator shall inspect the required improvements, both those completed and those uncompleted. If the Administrator determines from the inspection that the required improvements shown on the application have been completed as provided herein, that portion of the collateral supporting the commitment guaranty shall be released. The release shall be made in writing signed by the Administrator and the County Attorney. The amount to be released shall be the total amount of the collateral:

- 2. Less 100 percent of the cost of any required landscaping, which shall be retained for at least one year following the landscape installation release to guaranty its the survival ~~of the landscaping~~; and
-

7.23 Operation and Maintenance of Common Improvements

7.23.3. Homeowner's associations

7.23.3.2.3. The HOA shall be responsible for maintenance of insurance and taxes on undivided improvements, enforceable by liens placed by the County on the HOA. The HOA shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments. Such liens may require the imposition of penalty or interest charges. Should any bill or bills for maintenance of undivided improvement be unpaid by November 1st of each year, a late fee ~~of 15 percent~~ shall be added to such bills and a lien shall be filed against the premises;

7.23.3.2.6. The HOA shall have or hire or contract for staff to administer common facilities and properly and continually maintain the undivided improvement;

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7.25 Special Protection Of Riparian Areas.

7.25.2. Relation to Flood Prevention and Flood Control.

This Section and Section 7.18 of the SLDC (“Flood Prevention and Flood Control”) are related.

7.25.3. Beneficial Use Determination.

A person aggrieved at restrictions applicable to property pursuant to this Section may apply for a beneficial use determination pursuant to Section 14.9.8 of the SLDC.

7.25.42. Riparian Corridors. Riparian corridors are established as described in Table 7-22 and the Official Map. See also Figure 7.7. Distances specified shall be measured as the horizontal, linear distance from the stream bank. There shall be three zones of stream corridors, having the dimensions shown in Table 7-22. Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC and are also designated as floodways and described in Section 7.18.13 of the SLDC shall be designated as the “Stream Side Zone.” Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC and are also designated as Areas of Shallow Flooding (AO/AH Zones) under Section 7.18.12 of the SLDC shall be designated and correspond to the “Managed Use Zone.” Construction adjoining riparian areas that are also designated as Special Flood Hazard Zones under Section 7.18 of the SLDC, shall be set back as provided in Section 7.17.5.2.7 of the SLDC and shall be designated and correspond to the “Upland Zone.”

7.25.4. Dimensional Regulations. In lieu of the dimensional regulations generally applicable to the zoning district, the standards in Table 7-24 may apply.

Table 7-24 Dimensional Regulations in Riparian Buffers

(A) Dimensional Requirement	(B) Stream Side-Zone	(C) Managed- Use-Zone	(D) Upland Zone
Floor-area-ratio	0.01	0.019	Same underlying-zoning-district
Impervious-surface-ratio (unsewered-areas)	0.06	0.12	0.12
Impervious-surface-ratio (sewered-areas)	0.10	0.20	0.20
Disturbed-area-ratio	0.20	0.40	0.40

Renumber the remaining of section 7.25

7.25.5. Development Standards in Riparian Buffers. The following standards and criteria shall apply to any portion of a development or, as appropriate, to any land disturbance, within a riparian buffer:

7.25.5.1. ~~No~~ stormwater may be discharged ~~is permitted directly off from~~ an impervious surface into a stream channel consistent with regulations of the Environmental Protection Agency without appropriate treatment pursuant to the Clean Water Act [33 U.S. Code § 1252 *et seq*] and, as applicable, the County's MS4 discharge permit as set forth in subsection 7.19.

Chapter 8

Table 8-1: Base Zoning Districts.

Residential:	
A/R	Agriculture/ranching
RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential
RES-F	Residential Fringe
RES-E	Residential Estate
RES-C	Residential Community
TC	Traditional Community
Non-Residential:	
<u>CG</u>	Commercial <u>General</u>
<u>CN</u>	<u>Commercial Neighborhood</u>
I	Industrial
<u>P/I</u>	<u>Public/Institutional</u>
Mixed Use:	
MU	Mixed Use

Table 8-4: Use Matrix Labels.

P	Permitted Use: The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	Accessory Use: The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses must be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	Conditional Use: The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
<u>DCI</u>	<u>Development Of Countywide Impact:</u> <u>The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development Of Countywide Impact.</u>
X	Prohibited Use: The letter "X" indicates that the use is not permitted within the district.

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Lot coverage – remove for all residential districts as setbacks apply

8.5.2. Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if:

8.5.2.1. The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA) See <http://www.planning.org/lbcs/standards/>.

8.5.2.2. If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). If the use cannot be located within the NAICS, the Administrator shall make a determination whether the proposed use is materially similar to a use if it falls within the same industry classification of the NAICS manual; if so, the Administrator shall approve the use. If not, the Administrator shall deny the use. See <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>.

8.6 Residential Zoning Districts

Add the following language to the purpose section of Rural Fringe, Rural Residential, Residential Fringe, Residential Estate, Residential Community, Traditional Community

Density transfers and clustered development shall be allowed in order to support continued farming and/ or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.7. NON-RESIDENTIAL ZONING DISTRICTS.

8.7.1. Commercial General (CG).

8.7.1.1. Purpose. The purpose of the Commercial General (CG) district is to designate areas suitable for general commercial activities such as retail and wholesale sales, offices, repair shops, limited manufacturing, warehouses and indoor and outdoor display of goods. The CG district promotes a broad range of commercial operations and services while ensuring that land uses and development are compatible with surrounding areas.

8.7.1.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the CG district.

8.7.1.3. Dimensional Standards. The dimensional standards within the CG district are outlined in Table 8-13.

8.7.1.4. Review/approval procedures. All CG developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A master site plan must be approved in accordance with procedures outlined in Chapter 4.

Table 8-13: Dimensional Standards – CG (Commercial General).

<u>Zoning District</u>	<u>CG</u>
<u>Density</u>	<u>n/a</u>
<u>Multifamily Density*</u>	<u>Up to 20</u>
<u>Frontage (minimum, feet)</u>	<u>4050</u>
<u>Lot width (minimum, feet)</u>	<u>n/a</u>
<u>Lot width (maximum, feet)</u>	<u>n/a</u>
<u>Height (maximum, feet)</u>	<u>48</u>
<u>Front setback (minimum, feet)</u>	<u>5</u>
<u>Front setback (maximum, feet)</u>	<u>100</u>
<u>Side setback (minimum, feet)</u>	<u>0</u>
<u>Rear setback (minimum, feet)</u>	<u>30</u>
<u>Lot coverage (maximum, percent)</u>	<u>80</u>
<u>Maximum building size (individual buildings, square feet)</u>	<u>2550,000</u>
<u>Maximum building size (aggregate)</u>	<u>75150,000</u>

*Multi-Family Residential shall comply with supplemental use standards in Chapter 10

8.7.1.5 Architectural Design Requirements

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.
2. Buildings over 25,000 square feet shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade shall be 50 feet.
3. Fifty percent of the horizontal length of a facade must have features to reduce scale and break up uniform façade appearance.

8.7.2

Table 8-1314: Dimensional Standards – CG-CN (Commercial General Neighborhood).

<u>CN Zoning District</u>	<u>CN</u>
<u>Density</u>	<u>n/a</u>
<u>Frontage (minimum, feet)</u>	<u>3050</u>
<u>Lot width (minimum, feet)</u>	<u>n/a</u>
<u>Lot width (maximum, feet)</u>	<u>n/a</u>
<u>Height (maximum, feet)</u>	<u>24</u>
<u>Lot coverage (maximum, percent)</u>	<u>80</u>

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Maximum building size (individual buildings, sq. ft aggregate)	50,000*
Maximum size of individual establishments (sq. ft.)	1015,000 **

*Building size may be increased up to 100,000 square feet with the issuance of a conditional use permit.

**Establishment size may be increased up to ~~230,000~~ square feet with the issuance of a conditional use permit.

8.7.2.5 Architectural Design Requirements

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.

2. Buildings over 25,000 square feet shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade shall be 50 feet.

~~3. Fifty percent of the horizontal length of a façade must have features to reduce scale and break up uniform façade appearance.~~

8.7.2.3 Industrial (I).

8.7.2.3.1. Purpose. The Industrial (I) district accommodates areas of heavy and concentrated fabrication, manufacturing, access to transportation, and the availability of public services and facilities. These districts provide an environment for industry that is unencumbered by nearby residential or commercial development. Industrial districts must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses.

8.7.2.3.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the I district.

8.7.2.3.3. Dimensional Standards. The dimensional standards within the I district are outlined in Table 8-14.

8.7.2.3.4. Review/approval procedures. All I developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A master site plan must be approved ~~in accordance with procedures outlined in Chapter 4.~~

Table 8-14 15: Dimensional Standards – I (Industrial).

Zoning District	I
Density (maximum, dwelling units/acre)	n/a
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a

Height (maximum, feet)	50
Lot coverage (maximum, percent)	70%
Maximum building size (individual)	50,000*
Maximum building size (aggregate)	100,000*

~~*Building size may be increased up to 100,000/200,000 with the issuance of a conditional use permit.~~

8.9. Mixed Use Zoning Districts

~~8.9.3. Location. SDA-1 areas with adequate public facilities and services.~~

Table 8-17: Dimensional Standards – MU (Mixed Use).

MU Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5	2/12
<u>Multi-Family Residential Density *</u>	<u>15</u>	<u>20</u>
Frontage (minimum, feet)	50	50
Lot width (minimum, feet)	50	50
Lot width (maximum, feet)	n/a	n/a
Height (maximum, feet)	36	48
Lot coverage (maximum, percent)	60%	70%
Maximum building size (individual)	n/a	n/a**
Maximum building size (aggregate)	n/a	n/a**

*Multi-Family Residential shall comply with supplemental use standards in Chapter 10

~~* No interior side setbacks are required in the MU district, except when residential uses abut non-residential uses, in which case the minimum side setback shall be 25 feet. If a commercial use in an MU district abuts a residential zone adjacent to the MU district, then the setback shall be equal to that of the adjacent residential zone.~~

~~**The gross floor area of any single commercial establishment may not exceed 10,000 square feet.~~

8.9.6. Design requirements.

8.9.6.6. Architectural Design Requirements

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.

2. Buildings over 25,000 square feet shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade shall be 50 feet.

~~3. Fifty percent of the horizontal length of a facade must have features to reduce scale and break up uniform facade appearance.~~

8.10 Planned Development Zoning Districts

8.10.2.2. Application. Every application for creation of a PD zoning shall be accompanied by a master site plan, a rezoning request if applicable and any concurrent preliminary subdivision plat, where applicable

Table 8-18: Dimensional Standards – PD (Planned Development).

PD Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5	2/12
<u>Multi-Family Residential Density *</u>	<u>15</u>	<u>20</u>
Frontage (minimum, feet)	50	50
Lot width (minimum, feet)	50	50
Lot width (maximum, feet)	n/a	n/a
Height (maximum, feet)	36	48
Lot coverage (maximum, percent)	60%	70%
<u>Maximum building size (individual)</u>	<u>n/a</u>	<u>n/a*</u>
<u>Maximum building size (aggregate)</u>	<u>n/a</u>	<u>n/a*</u>
Setback from outside property boundary – no existing residential uses adjoining property	50	50
Setback from outside property boundary – existing residential uses adjoining property	100	100

~~*The gross floor area of any single commercial establishment may not exceed 10,000 square feet.~~

*Multi-Family Residential shall comply with supplemental use standards in Chapter 10

8.10.9. Planned District Santa Fe Community College District (Ordinance 2000-12)

8.10.10. Planned District Media District (Ordinance 2007-10)

8.11 Overlay Zones

8.11.2. Rural Commercial Overlay (O-RC).

8.11.2.1. Intent. The Rural Commercial Overlay zone (O-RC) accommodates the development of agriculture business, commercial, service-related, and limited industrial activities that have adequate facilities and would not cause a detriment to any abutting rural residential lands. This zone is appropriate for areas where such development should logically locate because of established land use patterns, planned or existing public facilities, and appropriate transportation system capacity and access. Although this zone allows a mixture of land uses, there are controls intended to minimize or buffer any nuisances caused by such land uses.

8.11.2.2. Location. The Rural Commercial Overlay is appropriate for use in the A/R, RUR, RUR-F, RUR-R, RES-F, RES-E, RES-C, and TC districts.

8.11.2.3. Permitted Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the Rural Commercial Overlay upon the issuance of a development permit:

1. Agriculture production, storage and food processing facilities, Bbusiness, service, and commercial establishments, provided the maximum floor area for each establishment shall not exceed five thousand (5,000) square feet;

8.11.2.4. Conditional Uses. The following uses may be allowed in the Rural Commercial Overlay upon the issuance of a conditional use permit:

1. Agriculture production, storage and food processing facilities, business, service, and commercial establishments provided the maximum floor area for each establishment shall not exceed fifteen thousand (15,000) square feet;

8.11.2.5. Dimensional Standards. Dimensional standards are as prescribed in the underlying zoning except as prescribed in this section. Minimum lot size for a non-residential use within a Rural Commercial Overlay is 2.5 acres in A/R, RUR, RUR-F, RUR-R, RES-F, RES-E.

8.11.6. Airport Noise Overlay Zone (O-AN).

8.11.6.1. Short Name and Map Symbol. The City of Santa Fe Municipal Airport Noise Impact Overlay Zone is referred to as the O-AN Zone, and is shown on the Zoning Map as O-AN.

8.11.7 Agricultural Overlay (O-AG). Reserved

Chapter 9

9.3 Effect of SLDC On Existing Community Districts

9.3.1. Los Cerrillos Community District (Ordinance 2000-8, amended by Ordinance 2006-11).

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- ~~9.3.2. Santa Fe Community College District (Ordinance 2000-12).~~
- 9.3.3. ~~2.~~ Tesuque Community District (Ordinance 2000-13).
- 9.3.4. ~~3.~~ Madrid Community Planning District (Ordinance 2002-1).
- 9.3.5. ~~4.~~ San Pedro Community District (Ordinance 2002-2).
- 9.3.6. ~~5.~~ La Cienega and La Cieneguilla Community Planning District (Ordinance 2002-9).
- 9.3.7. ~~6.~~ El Valle de Arroyo Seco Highway Corridor District (Ordinance 2003-7).
- 9.3.8. ~~7.~~ U.S. 85 South Highway Corridor District (Ordinance 2005-08).
- 9.3.9. ~~8.~~ Tres Arroyos Del Poinente District (Ordinance 2006-10 and Ordinance EZA 2007-01).
- 9.3.10. ~~9.~~ Village of Agua Fria Planning District (Ordinance 2007-2).
- 9.3.11. ~~10.~~ Pojoaque Valley Community District (Ordinance 2008-5).
- 9.3.11. San Marco Community Plan (Resolution No. 2003-83)
- 9.3.12. Galisteo Community Plan (Resolution No. 2012-36)
- 9.3.13. Chimayo Community Plan (Resolution Pending)

Chapter 10

10.4 ACCESSORY DWELLING UNITS.

10.4.1. Purpose and Findings. Accessory dwellings are an important means by which persons can provide separate and affordable housing for elderly, single-parent, and multi-generational family situations. This section permits the development of a small dwelling unit separate and accessory to a principal residence. Design standards are established to ensure that accessory dwelling units are located, designed and constructed in such a manner that, to the maximum extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.

10.4.2. Applicability. This section applies to any accessory dwelling unit located in a building whether or not attached to the principal dwelling. Accessory dwelling units must be clearly incidental and subordinate to the use of the principal dwelling. Accessory dwelling units are permissible only: (a) where permitted by the Use Matrix; and (b) where constructed and maintained in compliance with the this §10.4.

~~10.4.2.1. Occupancy:~~

- ~~1. Only immediate family members may occupy the principal~~

~~dwelling unit and the accessory dwelling unit.~~

~~2. The property owner shall execute an affidavit that the accessory dwelling unit is accessory to the principal dwelling unit and that the owner will at all times comply with the provisions of this § 10.4. This affidavit shall be recorded with the County Clerk.~~

10.4.2.2. Number Permitted. Only one accessory dwelling unit shall be permitted per legal lot of record.

10.4.2.3. Size. The heated area of the accessory dwelling unit shall not exceed the lesser of: (a) fifty percent (50%) of the building footprint of the principal residence; or (b) 1,200 square feet.

10.4.2.4. Building and Site Design.

1. In order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence, the accessory dwelling unit shall be of the same architectural style and of the same exterior materials as the principal dwelling.

2. An accessory dwelling shall not exceed one story in height and may not exceed the height of the principal dwelling unit.

3. An accessory dwelling shall be accessed through the same driveway as the principal residence. There shall be no separate curb cut or driveway for the accessory dwelling.

~~4. A manufactured home shall not be considered to be an accessory dwelling~~

10.6. Home Occupations.

10.6.1. Purpose. The Purpose of this section is to stimulate economic development in the County and promote energy efficiency by promoting home occupations and home businesses while ensuring the compatibility of home based businesses with other uses permitted in the community. Any home-based business that exceeds the standards of this section, either at its commencement or through business growth, must be located in or relocated to an appropriate nonresidential area.

10.6.2. Permit Required. Home occupations require a permit as specified in Table 10-1. A permit will not be issued for a home occupation where:

10.6.2.4. Roofing or towing business, construction yard, ~~heavy equipment storage~~, port-a-potty leasing, vehicle leasing, crematories, auto paint and body shop or ~~any heavy~~ industrial ~~uses use or uses involving heavy equipment/vehieles.~~

Table 10-1: Home Occupation Requirements.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit

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Non-resident employees (max)	1	3	5
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
<u>Heavy Equipment</u>	<u>None</u>	<u>Up to 2</u>	<u>3-6</u>

10.6.5.2. Traffic. The maximum number of vehicles that are associated with the business and located on the subject property shall not exceed six at any time, including, but not limited to, employee vehicles, customer/client vehicles, and vehicles to be repaired. No more than ~~one~~ two pieces of heavy equipment/~~vehicle~~ may be located on the property at any time for a low impact home occupation. A Conditional Use Permit is required for any more than two pieces of heavy equipment for a Medium Impact Home Occupation.

10.8 BORROW. No on-site borrow may be removed from a site except removals associated with a grading permit granted by the Administrator, without a conditional use permit; provided, however, that building materials such as adobes and rammed dirt may be excavated as a part of construction on the property without a permit.

Table 10-2: Temporary Uses.

Activity	Permitted district	Duration	Maximum times/year per lot/parcel	Permit required?
Auctions	any	3 days	1	no
Christmas tree sales	C, I	60 days	1	no
Office in a model home	any	6 24 months, renewable for additional (up to) 6 12 month periods	n/a	yes
Fireworks stand	C, I	30 days	1	yes
Temporary outdoor retail sales	C	10 days	4	yes (unless shown on approved site development plan)

10.19.3.1. Operations Plan. An operations plan for the facility consisting of the following:

1. Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:
 - a. a detailed description of the method(s) or technique(s) to be employed in each stage of the operation where any surface disturbance will occur;
 - b. the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - c. pursuant to the standards of §7.17 (Terrain Management), a description of all earthmoving activities, including backfilling of cuts and leveling or compaction of overburden;
 - d. if applicable, the location and size of all water diversions and impoundments or discharge of water used in extraction operations;
 - e. areas to be used for storage of equipment and vehicles;
 - f. location and size of any structures;
 - g. areas designated to be reclaimed;
 - h. hours of operation and, if applicable, a description of outdoor lighting; and
 - i. fire protection plans.
2. A description of how construction materials will be processed on and/or removed from the site.
3. A description of how each phase of exploration or extraction correlates to the reclamation plan.
4. A timetable for each phase of operations and reclamation.
5. A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
6. A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the site.
7. A description of all hazardous materials to be used and transported in connection with the activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
8. A description of the projected noise to be generated and an explanation of how the operator will comply with ~~meeting~~ the requirements of § 7.21.4 (Noise).

9. A statement concerning compliance, as applicable, with regulations of the Federal Aviation Administration (FAA).

10.19.3.2. Reclamation Plan. A plan that provides for reclamation of the site. For extraction activities involving open pit operations, the plan shall account for recontouring and reseeding or revegetation of the site. The reclamation shall include reseeding or revegetating of all disturbed areas of the site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors. The applicant shall be responsible for maintaining revegetation for two growing seasons, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to extraction, through a single reasonable effort.

10.19.3.3. Other Permits. A listing of all permits required to be obtained to engage in the extraction activities on the site. Copies of the submittals or other data presented in support of obtaining required permits shall be provided to the Administrator upon request and the listing of the regulatory agency under which the permit is required. Upon obtaining the required permits, a copy of each shall be submitted to the Administrator.

10.19.4. Water for Site Control. The applicant shall possess a suitable water supply to meet the requirements of the New Mexico Environment Department pursuant to the applicant's air quality permit and for general dust control. As necessary, a WSAR may be required by the Administrator as described on Table 6-1 to establish the necessary water supply.

10.19.5. Approval Standards. In addition to meeting those standards required for approval of a conditional use permit under § 14.9.6, the applicant must demonstrate each of the following with respect to the proposed sand and gravel extraction facility:

10.19.5.1. The existence of significant mineral resources at the site;

10.19.5.2. That the proposed use is reasonably compatible with other uses in the area, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers;

10.19.5.3. That the site is suited for sand and gravel extraction, in comparison with other reasonably available areas of the County;

10.19.5.4. That the operations plan and reclamation plan are feasible and adequately protective and the application can be conditioned upon carrying out both plans; and

10.19.5.6. A history of significant mining activity in the area, if mining has been conducted in the area.

10.21 Multi-Family Housing:

10.21.1 Parking. Multi-family Development shall provide the following minimum off street parking spaces:

10.21.1.1. One (1) space for units with one bedroom or efficiency apartments,

10.21.1.2. One and a half (1.5) spaces for units with 2 bedrooms,

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10.21.1.3. Two (2) spaces for units with 3 or more bedrooms,

10.21.2 Units. There shall be no more than 12 units per building.

10.21.3. Egress. Units must have a means of egress separate from the commercial use. No access to the units shall be through a commercial establishment.

Chapter 11

11.2. DESIGNATION. On account of their potential impact on the County as a whole, the following activities are deemed DCIs subject to the requirements of this chapter:

11.2.1. oil and gas drilling and production;

11.2.2. mining and resource extraction;

11.2.3. substantial land alteration;

11.2.4. landfills;

11.2.5. junkyards; **and**

11.2.6. large-scale feedlots and factory farms; **and**

11.2.7 sand and gravel extraction over twenty (20) acres.

11.3 Regulation

11.3.2. Mining and Resource Extraction. Reserved (*but see* Section 4-1.7. and Chapter 10, *generally* and County Ordinance 1996-10, Article III, Section 5 “Mineral Exploration and Extraction”).

Chapter 12

12.2 Adequate Public Facilities Regulations

12.2.1. Purpose and Overview. The purpose of APFRs is to ensure sustainable growth by requiring that adequate public facilities and services are available concurrently with new development. Evaluation of public facilities occurs at the time of application using the Adequate Public Facilities Assessment (APFA) and applicable SRAs described in Chapter 6. The adequacy of infrastructure and services are measured against the County’s adopted, funded, and prioritized CIP and the adopted levels of service (LOS) set forth in this Chapter. Facilities evaluated through the APFR process include water, sewer, storm water, emergency services including fire protection and law enforcement, parks, open space and trails, and transportation. An applicant may expect that the County will construct facilities identified in the CIP and applicants are only expected to provide

infrastructure and services to the extent the proposed development degrade the expected level of service.

12.2.3.5. In order to avoid denial, deferral or conditional approval of an application, an applicant for a discretionary development approval may propose to construct, advance or otherwise secure funding for the public facilities and services necessary to provide capacity to accommodate the proposed development at the time of discretionary development approval, incorporating legislative requirements in the SLDC that pre-date the submittal of the application including, but not limited to, the provision of adequate public facilities and services. The terms of the construction or advancement of public facilities and services may be incorporated into a voluntary development agreement consistent with Section 12.4 of the SLDC.

Table 12-1: Adopted Levels of Service (LOS).

(A) Public Facility -Type or Location		(B) Level of Service	(C) Impact Area
Roads	SDA-1 and SDA-2	D	within ½ mile of development
	SDA-3	C	within ½ mile of development
Emergency Response	Fire Vehicles <u>and Facilities</u>	Must achieve ISO 7/9	countywide
	Sheriff Vehicles	2.4/1,000 residents	countywide
	Sheriff Facilities	111 sf/1,000 residents	countywide
Water Supply and Liquid Waste	Water	0.25 acre ft/year (residential)*	per residence
		<u>0.27 acre ft/year. To be determined by the Administrator based upon water budget approval</u>	per 10,000 sf nonresidential
	Sewer	<u>Capacity to treat the amount of wastewater created per §7.5.2. Must be created in accordance with § 7.13.10.</u>	county utility, local treatment facility, or project site
Parks, Trails and Open Space	Parks	1.25 acres/1,000 residents	countywide
	Trails	0.5 miles/1,000 residents	countywide
	Trailheads	1 each at the ends of the trail, and a trailhead every 5 miles	countywide
	Open Space	<u>8.5 85</u> acres/1,000 residents	countywide

*Subject to reduction pursuant to Section 7.13.6.1.

12.2.6. Advancement Of Public Facilities and services by Applicant

12.2.6.3. Public facilities and services that are advanced may be phased along with the proposed development so long as the applicant provides the capacity needed to meet the adopted LOS for each phase of the development as it is completed; ~~advancement of only a portion of a public facility or services shall not be approved if the adopted LOS is not achieved.~~ Where advancement of only a portion of infrastructure and services is approved, funding for the construction or funding of the balance of the public facility or service shall be identified and the future expenditure committed to in a development agreement.

12.4 Development Agreements

12.4.1. When Required Used. This subsection provides guidelines for use of voluntary development agreements. A voluntary development agreement may be used for any ~~applies to any application for~~ discretionary development approval that requires an AFPA as set forth in Tables 4-1 and 6-1. Any applicant may request a development agreement for any development, even if not specified in tables 4-1 and 6-1. ~~, even if not required.~~

12.4.4.15 and, if a contribution from the County is to be provided pursuant to a voluntary development agreement to upgrade infrastructure that is not meeting the adopted LOS.

12.4.6.2. A development agreement may be used to document agreement concerning the advancement of public facilities and services that incorporates the pre-existing requirements and standards set forth in the SLDC. Such a provision in a development shall set forth obligations of the applicant that are roughly proportional to the need for facilities and services determined to exist, based on the SRAs and the application of submittal data to the levels of service and other factors set forth in the SLDC.

12.5 Development Fees

12.5.5. Applicability. This section shall be applicable to all development where more than five (5) lots are created either as a result of a land division or a subdivision, and shall apply uniformly within each service area. ~~The current development fee ordinance adopting fees for fire and emergency response facilities and equipment shall be repealed and shall not apply to new development approvals occurring after the date of adoption of the SLDC.~~

12.14. Transfer or Purchase of Development Right

12.14.3 Receiving or Sending Properties.

12.14.3.1. Receiving areas within the County for receipt of development rights are properties located within SDA-1 and SDA-2.

12.14.3.4. Receiving areas shall be located in approved areas planned districts and shall be and SDA-1 or SDA-2. Receiving areas shall be entitled to a bonus incentive of three (3) dwelling

units per acre, or three (3) EDUs (equivalent dwelling units) per acre for non-residential sites. The receiving area shall, as appropriate, apply to amend its final subdivision plat or final site plan to accommodate the TDRs.

Chapter 13

13.2. AFFORDABLE HOUSING REQUIREMENTS.

13.2.1. Applicability. This Chapter shall apply to each Project within the unincorporated areas of central and northern Santa Fe County shown on Appendix E. ~~Map 14-1.~~

Chapter 14

14.8.2. Development Permits. A development permit is a written document that authorizes development in accordance with the SLDC. A development permit may require inspections and a certificate of completion, and may authorize multiple forms of development or may authorize a single development activity. ~~A development permit may include conditions which shall apply to the development.~~ A site development plan is required for any non-residential use or multifamily use requesting a development permit. A development permit shall be required for any of the following activities:

14.9.6 Conditional Use Permits

14.9.6.8. Amendments. An amendment is a request for any enlargement, expansion, greater density or intensity, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid CUP.

~~**14.9.6.10. CUP for a Large Wind Energy Facility.** A large wind energy facility shall obtain a conditional use permit.~~

14.9.7. Variances

14.9.7.1. Purpose. The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. ~~This section pertains specifically to the provisions of the SLDC relating to height, area and yard requirements.~~ The granting of an area variance shall allow a deviation from the dimensional requirements of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

14.9.7.4. Review criteria. A variance may be granted only by a majority of all the members of the Planning Commission. (or the Board, on appeal from the Planning Commission) where authorized by NMSA 1978, Section 3-21-8(C):

1. where the request is not contrary to the public interest; ~~and~~
2. where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant; and
3. so that the spirit of the SLDC is observed and substantial justice is done.

14.9.7.6. Administrative variance/minor deviations. The Administrator is authorized to approve administrative variances from ~~the all~~ dimensional requirements of Chapter 7 of the SLDC not to exceed up to ten percent of the required dimension, but only upon a finding that the result is consistent with the intent and purpose of this code and not detrimental to adjacent or surrounding properties.

14.9.8 Beneficial Use Determination

14.9.8.2. Application. In order to evaluate whether, and if so, the extent to which, application of the SLDC unconstitutionally creates a regulatory taking without just compensation; or other constitutional deprivation, ~~an each~~ applicant ~~for a development project~~, once denied development approval or granted conditional development approval ~~or as otherwise provided in subsection 7.16.3.1, may shall be required to exhaust all administrative remedies, and~~ apply to the Administrator for a beneficial use and value determination, the application for which shall describe:

14.9.8.3. Timing. ~~Except for an application filed pursuant to subsection 7.16.3.1, a~~An application for a BUD shall be within twelve (12) months subsequent to a final development order denying or conditionally approving an application for development approval. The application shall be filed with the Administrator together with the application and administrative fees payment as established by the Board.

14.9.9. Nonconforming Uses

14.9.9.8.3 nonconforming Structures

3. Nonconforming Uses and Residential Structures. A ~~residential use or~~ structure that was established in accordance with all regulations in effect at the time of ~~its~~ establishment shall not be deemed nonconforming solely due to the fact that it does not comply with the ~~maximum density standards established by of~~ the SLDC. If such a structure is destroyed by accidental means, it may be rebuilt provided that the number of dwelling units does not exceed the number that existed prior to destruction or the maximum density limit of the subject zoning district, whichever is greater.

14.9.9.10.3 Uses for Nonconforming Lots

3. Prohibition on Reduction of Size. A nonconforming lot may not be further reduced in size except by application of the principles of accretion or reliction, by order of a court of competent jurisdiction or by application of the principles of eminent domain.

Appendix A – Definitions

Accessory Structure: a subordinate structure or building, ~~excluding fences and walls~~, customarily found in connection with the principal use, clearly incidental and subordinate to the principal use, and located on the same lot as the main use or building.

Affordable Housing: means ~~residential housing primarily for persons or households of low or moderate income~~ an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible or Entry Market Buyer or Renter, where the Eligible Housing Unit is occupied by the Eligible or Entry Market Buyer or Renter as a primary residence.

Affordable Housing Administrator: means the County employee charged with administering Chapter 13 of the SLDC, making recommendations and taking other actions as set forth in this Chapter 13.

Affordable Housing Agreement: means a contract between the County and an applicant that specifies the number of Affordable Units and types that will be built, along with specific locations, and which is recorded along with the final plat or development plan.

Affordable Housing Plan: means a written plan that describes how an applicant intends to comply with the Affordable Housing requirements of this Ordinance, and which specifies the general location, number and types of Affordable Units that will be built.

Affordable Housing Regulations: refers to regulations developed and updated periodically by the Affordable Housing Administrator and Board of County Commissioners to govern implementation and administration of this Ordinance.

Affordable Housing Unit: ~~a designated affordable housing dwelling or unit~~ means an Affordably Priced Housing Unit or an Entry Market Housing Unit.

Affordably Priced Housing Unit: means an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible Buyer or Renter within Income Ranges 1, 2, or 3.

Area Median Income: means the median income of Santa Fe County, adjusted for various household sizes, published by the United States Department of Housing and Urban Development and amended annually pursuant to data published by the United States Department of Housing and Urban Development.

Community Garden: Places where neighbors and/or community members gather to grow food and plants together in a common community space.

~~Community Plan: a plan that guides the extension of the boundaries, platting, development or redevelopment of an historical traditional neighborhood or other community in order to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships. A Community Plan constitutes a part of the SLDC. A Community Plan is a future land use and development plan that provides detailed planning, design and implementation guidelines for a community pursuant to the SGMP. A Community Plan should be consistent with the SGMP while addressing the communities desired future land use goals. An adopted Community Plan is an amendment to the SGMP and may be implemented through a Planning District Ordinance.~~

Eligible Buyer: means the buyer of an Eligible Housing Unit whose annual gross income is one hundred percent (100%) or less than the Area Median Income.

Eligible Housing Type or Unit: means a housing unit, attached or detached, that is constructed in compliance with applicable codes. Design standards for an Eligible Housing Type or Unit shall be further categorized within the Affordable Housing Regulations according to housing type, number of bathrooms and minimum square footages of heated residential area.

Eligible Renter: means the renter of an Eligible Housing Unit whose annual gross income is one hundred percent (100%) or less than the Area Median Income.

Entry Market Buyer: means a buyer of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.

Entry Market Housing Unit: means an Eligible Housing Type or Unit that is sold at or below the Maximum Target Housing Price or rented at or below the Maximum Target Monthly Rent to an Entry Market Buyer or Renter within Income Range 4.

Entry Market Renter: means a renter of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.

Income Range: means the income range used to determine the Maximum Target Housing Price or Maximum Target Monthly Rent for each Eligible Housing Type, using the following definitions: Income Range 1: 0% to 65% of Area Median Income; Income Range 2: 66% to 80% of Area Median Income; Income Range 3: 81% to 100% of Area Median Income; Income Range 4: 101% to 120% of Area Median Income.

Major Project: means any division of property into twenty-five (25) or more parcels for purpose of sale, lease or other conveyance of one or more single family residences.

Minor Project: means subdivision of a parcel or parcels into between five (5) and no more than twenty-four (24) parcels (inclusive of any Affordable Housing provided) for purpose of sale, lease or other conveyance of one or more single family residences.

Maximum Target Housing Price: means the highest price at which an Eligible Housing Type or Unit may be sold to an Eligible or Entry Market Buyer in the appropriate Income Range, as set forth in the Affordable Housing Regulations. Maximum Target Monthly Rent: means the highest rent at which an Eligible Housing Type or Unit may be rented to an Eligible or Entry Market Renter in the appropriate Income Range, as set forth in the Affordable Housing Regulations.

Public Water and Wastewater System, Public Water System, Public Wastewater System: a the water or wastewater system that includes all of the following: (a) a mutual domestic water association, (b) a water and sanitation district, (c) a municipal water or wastewater utility, or (d) a water or wastewater system, public or private, that is regulated by the Public Regulation Commission. and maintained by the Santa Fe County Public Works Department.

Project: means any Major Project or Minor Project.

Q: see Peak Flow. The design capacity of a channel or conveyance or the volume of water they generate; "Q" is measured in cubic feet per second (cfs). Manning's or Chezy's formulas shall be utilized to establish Q, but the rational formula does not apply.

Recreational Vehicle: a vehicle with a camping body that has its own mode of power, is affixed to or is drawn by another vehicle, and includes motor homes, travel trailers and truck campers and is designed for recreational, camping, travel or seasonal use, not as a permanent residential use.

**Appendix B:
(Insert before the use matrix)**

Use Matrix. Uses permitted in each zoning districts are shown in the Use matrix in Appendix B. All uses are designated as permitted, accessory, or conditional, or prohibited as further explained in Table 8-4. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

<u>P</u>	<u>Permitted Use: The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.</u>
<u>A</u>	<u>Accessory Use: The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses must be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.</u>
<u>C</u>	<u>Conditional Use: The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.</u>
<u>DCI</u>	<u>Development Of Countywide Impact: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development Of Countywide Impact.</u>
<u>X</u>	<u>Prohibited Use: The letter "X" indicates that the use is not permitted within the district.</u>

Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if: The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). The proposed use shall be considered materially similar if it falls within the same industry classification of the NAICS manual. The Use Matrix also includes Function, Activity and Structure Codes in accordance with the Land Based Classification System.

Appendix C: Official Map series

- Change Maps 1 through 6 in the adoption versions of the SLDC Official Map Series, follows:
- The word “Draft” has been removed from all of the maps;
- “Sustainable Land Development Code” has been added to the title of all maps;
- The date on each map is set to a consistent date, “December, 2013”, or the actual adoption date of the SLDC when it occurs;
- The road right-of-way and road maintenance responsibility data on Map 2 is updated to Nov. 1, 2013, based on the property appraiser’s parcel data (for the R.O.W.s) , and the date of this information is added to the map;
- The County water and sewer line data on Map 6 is updated to Nov. 1, 2013, using the latest GIS data from the Utilities Division, and the date of this information is added to the map.
- Any county-owned open space, trails, and parks properties that did not appear on previous drafts of the Official Map 5 for Open Space, Trails, and Parks have been added, including planned or proposed trails and trail corridors;
- All Santa Fe County Community Plan District boundaries have been added Official Map 5, in order to make reference to proposed open space, trails, and parks in adopted Community District Plans and ordinances, with the wording “Community plan area open space and trails plan and ordinance maps apply”;
- All trails through public lands (U.S. Forest Service, Bureau of Land Management, National Park Service, etc.) in Santa Fe County for which GIS data is available, have been added to Official Map 5;
- All City of Santa Fe trails and multi-use paths for which GIS data is available, have been added Official Map 5;
- Parks and open space parcels that are owned by municipalities have been added to Official Map 5;
- The Santa Fe River watershed closure by the U.S. Forest Service has been added to Official Map 5; and
- Add a note that Official Map 5 for Open Space, Trails, and Parks is to be used and interpreted consistent with the applicable Official Map section of the SLDC.

Search and replace “impact fees” with “development fees”

Search and replace “must” with “shall”

Search and replace “Development agreement” with “voluntary development “agreement” and amend related paragraphs to make it clear it is voluntary.

Search and replace “Development Approval” with “Development Order”

Typos, incorrect punctuation etc. will be corrected as found.

Renumbering will be done as needed

Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Residential Buildings																		
Single family detached units		1110		P	P	P	P	P	P	P	P	P	P	X	X	A	P	
Single-family attached units		1120		P	P	P	P	P	P	P	P	P	P	X	X	A	P	
Duplex structures		1121		P	P	P	C	C	C	C	C	P	P	X	X	A	P	
Accessory dwelling units		1130		A	A	A	A	A	A	A	PA	A	A	A	A	A	P	Chapter 10
Townhouses				P	P	P	P	P	P	P	P	P	P	P	X	A	P	
Multifamily dwellings		1202-99		C	C	C	C	C	C	C	C	P	P	C	X	A	P	
Retirement Housing	1210			P	P	P	P	P	P	P	P	P	P	X	X	P	P	
Assisted living facility	1230			P	P	P	C	C	C	C	C	P	P	P	X	P	P	
Life care or continuing care facilities	1240			P	P	P	C	C	C	C	C	P	P	P	X	P	P	
Skilled nursing facilities	1250			P	P	P	C	C	C	C	C	P	P	P	X	P	P	
Community Home, NAICS 623210				P	P	P	C	C	C	C	C	P	P	P	X	P	P	
Barracks		1310		A	A	A	X	X	X	X	X	X	A	A	A	P	P	
Dormitories		1320		A	A	A	X	X	X	X	X	C	A	A	X	P	P	
Single room occupancy units		1340		A	A	A	X	X	X	X	X	C	C	A	X	P	P	Chapter 10
Temporary structures, tents etc. for shelter		1350		P	P	P	A	A	A	A	A	C	A	P	P	P	P	
Hotels, motels, or other accomodation services																		
Bed and Breakfast inn	1310			P	P	P	C	C	C	C	P	P	C	C	X	X	P	Chapter 10
Rooming and boarding housing	1320			C	C	C	C	C	C	C	C	P	P	P	X	C	P	
Resorts				C	C	C	X	X	X	X	C	C	P	P	X	X	P	
Hotels, motels, and tourist courts	1330			C	C	C	X	X	X	X	X	X	P	P	X	X	P	
Commercial Buildings																		
Community center		2200		P	P	P	C	C	C	C	C	P	P	P	X	P	P	
Shop or store building with drive-through facility		2210		X	X	X	X	X	X	X	X	C	X	C	C	X	P	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	X	X	X	X	C	P	C	P	X	X	P	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	X	X	X	X	C	P	P	P	C	X	P	
Stand-alone store or shop building		2230		X	X	X	X	X	X	X	C	P	P	P	C	X	P	
Department store building		2240		X	X	X	X	X	X	X	X	X	C	P	X	X	P	
Warehouse discount store/superstore	2124	2250		X	X	X	X	X	X	X	X	X	C	P	C	X	P	
Market shops, including open markets		2260		A	A	A	X	X	X	X	C	P	P	P	C	X	P	
Gasoline station		2270		C	C	C	X	X	X	X	C	C	C	P	P	X	P	
Automobile repair and service structures		2280		C	C	C	X	X	X	X	C	P	P	P	P	X	P	
Car dealer	2111			C	C	C	X	X	X	X	X	X	C	P	P	X	P	
Bus, truck, mobile home, or large vehicle dealers	2112			C	C	C	X	X	X	X	X	X	X	P	P	X	P	
Bicycle, motorcycle, allterrain vehicle dealers	2113			C	C	C	X	X	X	X	X	X	C	P	P	X	P	
Boat or marine craft dealer	2114			C	C	C	X	X	X	X	X	X	X	P	P	X	P	

Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Parts, accessories, or tires	2115			C	C	C	X	X	X	X	C	P	P	P	P	X	P	
Gasoline service	2116			C	C	C	X	X	X	X	C	X	X	P	P	X	P	
Lumberyard and building materials	2126			C	C	C	X	X	X	X	C	X	C	P	P	X	P	
Outdoor resale business	2145			C	C	X	X	X	X	X	X	X	X	C	P	X	P	
Pawnshops	NAICS 522298			X	X	X	X	X	X	X	C	P	P	P	C	X	P	
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			C	C	C	X	X	X	X	C	P	C	C	X	X	P	
Shopping center	2510-2580			X	X	X	X	X	X	X	X	P	C	P	X	X	P	
Convenience stores or centers		2591		X	X	X	X	X	X	X	P	P	P	P	P	X	P	
Car care center		2593		X	X	X	X	X	X	X	C	P	P	P	P	X	P	
Car washes	NAICS 811192			X	X	X	X	X	X	X	X	C	X	P	P	X	P	
Office or bank building-stand-alone (without drive-through facility)		2100		A	A	A	X	X	X	X	C	P	P	P	X	X	P	
Office building (with drive-through facility)		2110		X	X	X	X	X	X	X	X	C	C	P	X	X	P	
Office or store building with residence on top		2300		X	X	X	X	X	X	X	C	P	P	C	X	X	P	
Office building over storefront structure		2400		X	X	X	X	X	X	X	C	P	P	P	X	X	P	
Research and development services (scientific, medical, and technology)	2416			C	C	C	X	X	X	X	C	P	P	P	P	X	P	
Car rental and leasing	2331			C	C	C	X	X	X	X	C	P	P	P	P	X	P	
Leasing trucks, trailers, recreational vehicles, etc.	2332			C	C	C	X	X	X	X	X	C	X	P	P	X	P	
Services to buildings and dwellings, including pest control, janitorial, landscaping, carpet upholstery, cleaning, parking and erating and other services	2450			C	C	C	X	X	X	X	C	P	X	P	P	X	P	
Bars, taverns and nightclubs				X	X	X	X	X	X	X	C	C	P	P	C	X	P	
Camps, camping, and related establishments	5400			P	P	P	X	X	X	X	C	X	X	X	X	C	P	
Sexually oriented business				X	X	X	X	X	X	X	X	X	X	C	C	X	X	Sec. 10.20
Tattoo parlors				X	X	X	X	X	X	X	C	P	P	P	C	X	P	
Industrial buildings and structures, manufacturing and wholesale trade																		
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)		2610		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Loft building		2611		C	C	X	X	X	X	X	X	X	X	X	P	X	P	
Mill-type factory structures		2612		C	C	X	X	X	X	X	X	X	X	X	P	X	P	
Manufacturing plants		2613		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Industrial parks		2614		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Laboratory or specialized industrial facility		2615		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Assembly and construction-type plants	3000	2621		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Process plants (metals, chemicals asphalt, concrete, etc.)	3000	2622		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Construction-related businesses	7000			C	C	C	X	X	X	X	C	X	X	X	P	X	P	
Heavy construction	7400			X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Machinery related	7200			X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Special trade contractor	7300			C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Automotive wrecking and graveyards, salvage yards, and junkyards				C	C	X	X	X	X	X	X	X	X	X	P	X	P	
Demolition business				C	C	X	X	X	X	X	X	X	X	X	P	X	P	

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Recycling business				C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Warehouse or storage facility Structure		2700		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Mini-warehouse		2710		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
High-rise mini-warehouse		2720		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Warehouse structure		2730		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Produce warehouse		2740		P	P	P	X	X	X	X	X	X	X	X	P	X	P	
Refrigerated warehouse or cold storage		2750		P	P	P	X	X	X	X	X	X	X	X	P	X	P	
Large area distribution or transit warehouse		2760		C	C	X	X	X	X	X	X	X	X	X	P	X	P	
Wholesale trade— durable goods	3510			X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Wholesale trade nondurable goods	3520			X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Food, textiles, and related products				C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Wood, paper, and printing products				C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Tank farms		2780		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
Public assembly structures																		
Performance theater			3110	C	C	X	X	X	C	C	C	P	P	P	P	P	P	
Movie theater			3120	X	X	X	X	X	X	X	X	P	C	P	P	P	P	
Amphitheater			3130	C	C	C	X	X	X	X	X	X	C	P	P	P	P	
Drive-in theaters			3140	C	C	X	X	X	X	X	X	X	C	P	P	X	P	
Indoor games facility		3200		X	X	X	X	X	X	X	X	C	P	P	P	P	P	
Amusement, sports, or recreation establishment not specifically enumerated	5300			C	X	X	X	X	X	X	X	X	X	C	P	C	P	
Amusement or theme park	5310			C	X	X	X	X	X	X	X	X	X	C	P	X	P	
Arcade	5320			X	X	X	X	X	X	X	X	X	C	P	P	X	P	
Miniature golf establishment	5340			C	C	C	X	X	X	X	C	X	P	P	P	X	P	
Fitness, recreational sports, gym, or athletic club	5370			P	P	P	C	C	C	C	C	P	P	P	P	P	P	
Bowling, billiards, pool, etc.	5380			X	X	X	X	X	X	X	C	P	P	P	P	C	P	
Skating rinks	5390			P	P	P	X	X	X	X	C	X	P	P	P	P	P	
Sports stadium or arena		3300		C	X	X	X	X	X	X	X	X	X	C	C	C	C	P
Racetrack or raceway	5130			C	X	X	X	X	X	X	X	X	X	C	C	X	P	
Exhibition, convention or conference structure		3400		A	A	A	X	X	X	X	X	X	X	P	C	P	P	
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		A	A	A	X	X	X	X	C	C	C	P	P	P	P	
Passenger terminal, mixed mode		3810		P	P	P	P	P	P	P	X	P	P	P	P	P	P	*
Active open space/ athletic fields/golf courses	6340			P	P	P	C	C	C	C	C	X	C	X	P	P	P	*
Passive open space	6340			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Arts, entertainment, and recreation																		
Active leisure sports and related activities			7100	P	P	P	C	C	C	C	C	C	C	P	C	P		
Camps, camping, and related establishments	5400			P	P	P	X	X	X	X	X	X	X	X	X	P		
Exhibitions and art galleries		4410		X	X	X	X	X	X	X	P	P	P	P	P	P		

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Performing arts or supporting establishment	5100			C	C	C	X	X	X	X	P	P	P	P	P	P		
Theater, dance, or music establishment	5101			C	C	C	X	X	X	X	P	P	P	P	C	P		
Institutional or community facilities																		
Hospitals		4110		X	X	X	X	X	X	X	X	X	X	P	X	P	P	
Medical clinics		4120		P	P	P	P	P	P	P	P	P	P	P	C	P	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Child and youth services	6561			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Child care institution (basic)	6562			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day care center	6562			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community food services	6563			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Emergency and relief services	6564			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Other family services	6565			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Services for elderly and disabled	6566			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Animal hospitals	6730			P	P	P	P	C	C	C	P	C	P	P	P	P	P	
School or university buildings (privately owned)		4200		P	P	P	C	C	C	C	P	C	P	P	P	P	P	
Grade school (privately owned)		4210		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
College or university facility (privately owned)		4220		P	P	P	C	C	C	C	C	C	P	P	P	P	P	
Technical, trade, and other specialty schools	6140	4230		P	P	P	C	C	C	C	C	C	P	P	P	P	P	
Library building		4300		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Museum, exhibition, or similar facility	5200	4400		P	P	P	C	C	C	C	P	P	P	P	P	P	P	
Exhibitions and art galleries			4410	P	P	P	X	X	X	X	P	P	P	P	P	P	P	
Planetarium		4420		P	P	C	X	X	X	X	P	C	P	P	P	P	P	
Aquarium		4430		P	P	C	X	X	X	X	C	C	P	P	P	P	P	
Outdoor facility, no major structure			4440	P	P	P	C	C	C	C	C	P	C	P	P	P	P	
Zoological parks		4450		P	P	P	X	X	X	X	X	X	X	P	P	P	P	
Public safety related facility		4500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fire and rescue station		4510		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Police station		4520		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Emergency operation center		4530		P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Correctional or rehabilitation facility		4600		C	C	C	X	X	X	X	X	X	X	X	C	P	P	*
Cemetery, monument, tombstone, or mausoleum		4700		P	P	P	C	C	C	C	C	X	C	C	P	P	P	
Funeral homes		4800		P	P	P	X	X	X	X	P	P	P	P		P	P	
Cremation facilities		4800		P	P	P	X	X	X	X	X	X	X	X	P	P	P	
Public administration		6200		P	P	P	X	X	X	X	P	P	P	P	P	P	P	
Post offices		6310		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Space research and technology		6330		P	P	P	X	X	X	X	C	P	C	P	P	P	P	*
Clubs or lodges				C	C	C	C	C	C	C	C	C	C	C	C	C	C	*

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Transportation-related facilities																		
Commercial automobile parking lots		5200		X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Commercial automobile parking garages				X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Surface parking, open		5210		A	A	A	A	A	A	A	A	A	A	A	A	A	P	
Surface parking, covered		5220		A	A	A	A	A	A	A	A	A	A	A	A	A	P	
Multistoried parking structure with ramps		5230		X	X	X	X	X	X	X	C	X	P	P	P	A	P	
Underground parking structure with ramps		5240		X	X	X	X	X	X	X	P	X	P	P	P	A	P	
Rooftop parking facility		5250		X	X	X	X	X	X	X	C	X	P	P	P	A	P	
Bus terminal		3830		X	X	X	X	X	X	X	C	X	P	P	P	P	P	
Bus stop shelter [3]		5300		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Truck storage and maintenance facilities [3]		5400		X	X	X	X	X	X	X	C	X	C	C	P	X	P	
Truck freight transportation facilities [3]	4140			X	X	X	X	X	X	X	X	X	C	C	P	X	P	
Light rail transit lines and stops	4151			P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Local rail transit storage and maintenance facilities [3]	4153			X	X	X	X	X	X	X	X	X	C	C	P	X	P	
Taxi and limousine service maintenance and storage facilities	4155			X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Taxi and limousine service dispatch facilities [3]				X	X	X	X	X	X	X	C	C	P	P	P	X	P	
Bus transportation storage and maintenance facilities [3]	4156			X	X	X	X	X	X	X	c	X	P	P	P	C	P	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage	4157			X	X	X	X	X	X	X	C	X	C	C	P	C	P	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry [3]	4170			C	C	C	C	C	C	C	C	X	C	C	C	X	P	
Courier and messenger service facilities [3]	4190			X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Commercial airports		5600		C	C	C	X	X	X	X	X	X	X	X	C	C	P	
Private airplane runways and landing strips		5610		C	C	C	C	C	C	X	C	X	C	C	C	X	P	
Airport maintenance and hangar facilities		5620		C	C	C	X	X	X	X	X	X	X	X	C	C	P	
Heliport facility		5640		C	C	C	X	X	X	X	X	X	C	C	C	C	P	
Helistops				C	C	C	X	X	X	X	C	X	C	C	C	C	P	
Glideport, stolport, ultralight airplane, or balloonport facility		5650		C	C	C	X	X	X	X	X	X	C	C	C	C	P	
Railroad tracks, spurs, and sidings				P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Railroad switching, maintenance, and storage facility		5700		C	C	X	X	X	X	X	X	X	X	X	P	C	P	
Railroad passenger station		5701		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Railroad freight facility		5702		C	C	X	X	X	X	X	X	X	C	C	P	X	P	
Utility and other nonbuilding structures																		
Local distribution facilities for water, natural gas, and electric power		6100		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Telecommunications lines				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Electric power substations				C	C	C	C	C	C	C	C	C	C	C	P	C	P	
High-voltage electric power transmission lines [3]				C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Dam		6220		C	C	C	C	C	C	C	C	X	C	C	C	C	P	
Livestock watering tank or impoundment				P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Levee		6230		C	C	C	C	C	C	C	C	A	C	C	C	C	P	

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Water tank (elevated, at grade, or underground)		6250		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water wells, wellfields, and bulk water transmission pipelines		6260		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Water treatment and purification facility		6270		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Water reservoir		6280		C	C	C	C	C	C	C	C	X	C	C	C	P	P	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Solid waste landfill facility	4345	6320		C	C	C	X	X	X	X	X	X	X	X	C	C	P	
Composting facility		6330		C	C	C	X	X	X	X	C	X	X	X	C	X	X	
Solid waste collection transfer station	4343		3210	C	C	C	C	C	C	C	C	X	C	C	P	X		
Solid waste combustor or incinerator	4344			C	C	C	X	X	X	X	X	X	X	X	X	X	C	
Septic tank service, repair, and installation business	4346			X	X	X	X	X	X	X	C	C	C	P	P	X	P	
Household hazardous waste collection facility				C	C	C	X	X	X	X	C	X	C	C	P	X	P	
Hazardous waste storage facility		6340		C	C	X	X	X	X	X	X	X	X	X	C	X	P	
Hazardous waste treatment and disposal facility				C	C	X	X	X	X	X	X	X	X	X	C	X	P	
Sewage treatment plant and disposal facilities		6350		C	C	C	C	C	C	C	C	X	C	C	C	C	P	
Gas or electric power generation facility		6400		C	C	X	X	X	X	X	X	X	X	X	C	DCI	P	
Communication towers		6500		P	P	C	C	C	C	C	C	A	C	C	C	C	P	
Radio, television, or wireless transmitter		6510		P	P	C	X	X	X	X	C	A	C	C	P	P	P	
Weather stations or transmitters		6520		P	P	P	C	X	X	X	C	A	P	P	P	P	P	
Environmental monitoring station (air, soil, etc.)		6600		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Commercial solar energy production facility				C	C	C	X	X	X	X	C	C	C	C	P	X	P	
Geothermal production facility		6450		C	C	C	X	X	X	X	X	X	C	C	P	C	P	
Large scale wind facility				C	C	C	C	X	X	X	X	X	C	C	P	X	C	Sec. 10.16
Telecommunications and broadcasting station	4230			P	P	P	X	X	X	X	C	X	P	P	P	C	P	
Highway rest stops and welcome centers		6930		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Fountain, sculpture, or other similar decorative structures		6950		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960		X	X	X	X	X	X	X	C	P	C	C	X	P	P	
Agriculture, forestry, and conservation/open space																		
Grain silos and other storage structure for grains and agricultural products		8100		P	P	P	A	A	A	A	P	X	A	A	P	C	P	
Animal production that includes slaughter	9300			C	C	C	X	X	X	X	X	X	X	X	X	X	X	
Livestock pens or hog houses		8200		P	P	C	X	X	X	X	C	X	X	X	X	X	X	
Commercial greenhouses		8500		P	P	P	C	AC	AC	AC	C	P	P	P	P	PC	P	
Nurseries and other growing of ornamental plants				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 5-12 horses.		8240		P	P	P	P	P	EP	EP	EP	EP	EP	P	P	P	P	
Stables and other equine-related facilities - Commercial over 5-12 horses		8240		P	P	P	EP	C	C	C	C	C	C	C	C	C	C	
Kennels and commercial dog breeding facilities		8700		P	P	PC	C	C	X	X	C	C	C	P	P	P	P	
Apiary and other related structures		8700		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Crop production outdoor	9100			P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Crop production greenhouse		8500		P	P	P	€P	€P	€P	€P	€P	€P	€P	€P	€P	€P	€P	
Display or sale of agricultural products raised on the same premises				P	P	P	A	A	A	A	A	P	P	P	P	P	P	
Forestry and logging operations [6]	9300			P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Game preserves and retreats [4]	9400			P	P	P	C	C	C	C	C	X	C	C	C	P	P	
Support business and operations for agriculture and forestry				P	P	P	A	A	A	A	C	P	P	P	P	P	P	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public or community outdoor recreation facilities				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Concentrated animal feeding operation		8310		DCI	DCI	DCI	X	X	X	X	X	X	X	X	X	X	X	
Cattle ranching, and the grazing or cattle or other livestock [7]		8230		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Dairy farms		8210		P	P	C	X	X	X	X	X	X	X	X	X	X	X	
Other farm and farming-related structures		8900		P	P	P	A	A	A	A	P	A	A	A	A	A	P	
Poultry farms and poultry production facilities		8220		P	P	C	X	X	X	X	X	X	X	X	X	X	X	
Sheds, farm buildings, or other agricultural facilities		8000		P	P	P	A	A	A	A	A	A	A	A	A	A	P	
Animal waste lagoons		8420		DCI	DCI	DCI	X	X	X	X	X	X	X	X	X	X	X	
Mining and extraction establishments																		
Oil and natural gas exploration or extraction [H]	8100			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Metallic minerals mining [H]	8200			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Coal mining [H]	8300			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Nonmetallic minerals mining [H]	8400			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Quarrying and stone cutting [H]	8500			C	C	C	X	X	X	X	X	X	X	X	C	X	X	
Sand and gravel Mining under 20 acres				C	C	C	C	C	X	X	X	X	C	C	C	X	X	
Sand and gravel mining over 20 acres or with Blasting [H]				DCI	DCI	DCI	DCI	DCI	X	X	X	X	X	DCI	DCI	X	X	

* Subject to inclusion in approved list of uses that is part of the master site plan for the Planned Development District.

Proposed SLDC Amendment – December 10, 2013

(please put each proposed change on a separate form)

Amendment proposed by: staff				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Staff suggesting change:				
Section of proposed change:		1.11.7		

Text to be deleted:

1.11.7. Previously Approved Subdivisions and Land Divisions. Previously approved and platted land divisions and subdivisions, and the lots created thereby, shall be recognized as legally existing lots not subject to the SLDC.

Text to be added:

Consistent with Code and SGMP? Y N	Staff Initials:	Amendment Number :	
--	-----------------	--------------------	--

Amendment seconded by:				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Action on Amendment	Approved <input type="checkbox"/>	Rejected <input type="checkbox"/>	Vote (for / against) <input type="checkbox"/>	<input type="checkbox"/>

Proposed SLDC Amendment – December 10, 2013

(please put each proposed change on a separate form)

Amendment proposed by: staff				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Staff suggesting change:				
Section of proposed change:		Table 6-1		

Text to be deleted:

See attached table

Text to be added:

See attached table

Consistent with Code and SGMP? Y N	Staff Initials:	Amendment Number :
--	-----------------	--------------------

Amendment seconded by:				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Action on Amendment	Approved <input type="checkbox"/>	Rejected <input type="checkbox"/>	Vote (for / against) <input type="checkbox"/> <input type="checkbox"/>	

REC'D CIVIL RECORDS 12/10/2013

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

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

* See NMDOT State Access Manual to Determine level of TIA required

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

SPP CLIENT RECORDS 02/03/2014

Proposed SLDC Amendment – December 10, 2013

(please put each proposed change on a separate form)

Amendment proposed by: Adam Leigland, PW				
Commissioner Mayfield	<input type="checkbox"/>	Commissioner Chavez	<input type="checkbox"/>	Commissioner Anaya
	<input type="checkbox"/>		<input type="checkbox"/>	
		Commissioner Holian	<input type="checkbox"/>	Commissioner Stefanics
			<input type="checkbox"/>	<input type="checkbox"/>
Staff suggesting change:		Adam Leigland		
Section of proposed change:		7.11 Road Standards		

Text to be deleted:

*Sidewalks and bike lanes are not required if a 10' wide multi-use paved trail is provided located adjacent to the roadway.

Text to be added:

Consistent with Code and SGMP? Y	Staff Initials:	Amendment Number :
-------------------------------------	-----------------	--------------------

Amendment seconded by:

Commissioner Mayfield	<input type="checkbox"/>	Commissioner Chavez	<input type="checkbox"/>	Commissioner Anaya	<input type="checkbox"/>	Commissioner Holian	<input type="checkbox"/>	Commissioner Stefanics	<input type="checkbox"/>
Action on Amendment		Approved	<input type="checkbox"/>	Rejected	<input type="checkbox"/>	Vote (for / against)		<input type="checkbox"/>	<input type="checkbox"/>

2013/12/10 10:00 AM RECEIVED

Proposed SLDC Amendment – December 10, 2013

(please put each proposed change on a separate form)

Amendment proposed by: Adam Leigland, PW and Lisa Roach, GM/Planning				
Commissioner Mayfield	<input type="checkbox"/>	Commissioner Chavez	<input type="checkbox"/>	Commissioner Anaya
	<input type="checkbox"/>		<input type="checkbox"/>	
			Commissioner Holian	<input type="checkbox"/>
				Commissioner Stefanics
				<input type="checkbox"/>
Staff suggesting change:	Adam Leigland and Lisa Roach			
Section of proposed change:	7.15.3.4 Trail Standards			

Text to be deleted:

7.15.3.4. Trail standards.

- 3. Minimum trail widths for trails identified on the Official Map shall be 5 feet with a 20 foot easement.
- 4. Minimum trail widths for all other trails shall be 5 feet with a 15 foot easement.
- ...
- 6. Trails shall be prepared and designed in accordance with approved plans and may be natural or other permeable soft surface or may be constructed of concrete, asphalt, or other hard surface permeable materials.
- 7. Multi-use trails shall be designed in accordance with approved plans and may constructed of concrete, asphalt, or other hard surface permeable materials including crusher fines.

Text to be added:

7.15.3.4. Trail standards.

- 3. Minimum trail widths for multi-use trails shall meet AASHTO criteria for bicycle facilities, with a thirty (30) foot easement ~~trails identified on the Official Map shall be 5 feet with a 20 foot easement.~~
- 4. Minimum trail widths for all other trails shall meet U.S. Forest Service Trails Management Handbook (FSH 2309.18) criteria for Trail Development, with a twenty (20) foot easement ~~shall be 5 feet with a 20 foot easement.~~
- ...
- 6. Surfacing for multi-use trails shall be designed and prepared in accordance with AASHTO criteria for bicycle facilities. ~~Trails shall be prepared and designed in accordance with approved plans and may be natural or other permeable soft surface or may be constructed of concrete, asphalt, or other hard surface permeable materials.~~
- 7. Surfacing for all other trails shall be designed and constructed in accordance with the U.S. Forest Service Trails Management Handbook (FSH 2309.18) criteria for trail development. ~~Multi-use trails shall be designed in accordance with approved plans and may constructed of concrete, asphalt, or other hard surface permeable materials including crusher fines.~~

Consistent with Code and SGMP? Y	Staff Initials:	Amendment Number :	
-------------------------------------	-----------------	--------------------	--

Amendment seconded by:

Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Action on Amendment	Approved <input type="checkbox"/>	Rejected <input type="checkbox"/>	Vote (for / against) <input type="checkbox"/> <input type="checkbox"/>	

Proposed SLDC Amendment – December 10, 2013

(please put each proposed change on a separate form)

Amendment proposed by:				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Staff suggesting change:	Stephen C. Ross, County Attorney			
Section of proposed change:	Archeological Section (Section 7.16)			

Text to be deleted:

7.16.2. Designation of Registered Cultural Properties. The State of New Mexico, Historic Preservation Division maintains a list of archeological, historic and cultural properties that are deemed worthy of preservation. The list is called the “New Mexico Register List of Registered Cultural Properties.” The list also includes properties that have been listed on the National Register of Historic Places of the National Park Service. Whenever in the SLDC reference is made to the list of Registered Cultural Properties, that reference shall refer to the most current list maintained by the State of New Mexico, Department Office of Cultural Affairs.

7.16.3.1. Development that proposes to remove, ~~or demolish or adversely affect~~ a property listed on the New Mexico a Registered of Cultural Properties and/or the National Register of Historic Places is not permitted unless the applicant first obtains a beneficial use and value determination pursuant to subsection 14.9.8 of the SLDC.

7.16.5.2. The investigation referred to in the previous paragraph shall include documentary research through the Archeological Records Management System (ARMS) ~~maintained by the State Register of Cultural Properties~~ of the State of New Mexico, Historic Preservation Division, records maintained by the federal Bureau of Land Management, and any other known documentary sources (such as those held by the University of New Mexico), to determine whether known archeological resources exist at the site.

7.16.5.5. Notwithstanding the foregoing, a pedestrian survey of the property proposed for development to which this subsection applies shall be conducted by a qualified professional under § 7.16.8 for all properties to which this subsection applies. The pedestrian survey shall be consistent with the requirements for such surveys set forth in 4.10.15 NMAC (“Standards for Survey”). ~~the manual of the Museum of New Mexico, Office of Archeological Studies, Note 24A (1994)(as amended).~~ If the qualified professional determines that archeological resources may be present, shovel tests or other subsurface testing shall be performed.

7.16.5.10. For those resources determined to be significant under the previous paragraph and for which a treatment plan is recommended, a sample of surface artifacts shall be collected and documented, and if there is any reason to believe that subsurface resources exist, excavations shall be conducted according to the most current standards of the Historic Preservation Officer set forth in 4.10.16 NMAC (“Standards for Excavation or Test Excavation”).

7.16.5.12. The total cost of treatment shall not exceed ten percent (10%) of the total cost of development of the applied-for development, including all future phases. If future phases are not planned sufficiently to determine development total costs, then development of future phases consistent with the applied-for development shall be assumed. To the extent that the cost of treatment exceeds ten percent of development costs, treatment shall be completed to the extent that funds do not exceed ten percent of the costs of development. If treatment is incomplete ~~as a result of application of the previous paragraph~~, the applicant shall contact the State Historic Preservation Officer and the County’s Open Space and Trails Division for additional funds to complete the treatment. Only if such requests are denied may the treatment plan be terminated and a development permit issued.

7.16.5.13. If an applicant does not agree with the findings and a proposed treatment plan, the applicant may consult with another qualified professional to review the findings and treatment plan and render a second opinion. If, after the second opinion, the applicant still does not agree, the applicant may request an opinion from the State of New Mexico, State Historic Preservation Officer. The opinions of the State Historic Preservation Officer ~~that office~~ shall be final.

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Consistent with Code and SGMP? Y N	Staff Initials:	Amendment Number :	
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Amendment seconded by:				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Action on Amendment	Approved <input type="checkbox"/>	Rejected <input type="checkbox"/>	Vote (for / against) <input type="checkbox"/> <input type="checkbox"/>	

Proposed SLDC Amendment – December 10, 2013

(please put each proposed change on a separate form)

Amendment proposed by:				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Staff suggesting change:	Stephen C. Ross, County Attorney			
Section of proposed change:	Section 10.19 (Sand and Gravel Extraction)			

Text to be deleted:

10.19.1 Applicability. ... If the extraction activity requires any blasting, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11. ~~Similarly, if the extraction operation covers an area larger than 20 acres, it shall be treated as a DCI under Chapter 11.~~

Text to be added:

11.2.7. sand and gravel extraction that is of a scope and scale, as determined by subsequent amendment to the SLDC, that it merits regulation as a DCI pursuant to subsection 11.3.6. of the SLDC.

11.3.6 [new material] Sand and gravel extraction. Reserved, pending subsequent amendment to the SLDC that regulates sand and gravel extraction whose scope and scale requires that it be regulated as a DCI.

Consistent with Code and SGMP? Y N	Staff Initials:	Amendment Number :
--	-----------------	--------------------

Amendment seconded by:				
Commissioner Mayfield <input type="checkbox"/>	Commissioner Chavez <input type="checkbox"/>	Commissioner Anaya <input type="checkbox"/>	Commissioner Holian <input type="checkbox"/>	Commissioner Stefanics <input type="checkbox"/>
Action on Amendment	Approved <input type="checkbox"/>	Rejected <input type="checkbox"/>	Vote (for / against) <input type="checkbox"/> <input type="checkbox"/>	



LEAGUE OF WOMEN VOTERS®
OF SANTA FE COUNTY

12/10/2013

To: Board of County Commissioners

As you know, the League has consistently urged the Board to adopt a strong Land Development Code in a timely fashion. Although we support adoption of the code today, we urge you to approve the following amendments.

- 1) Reverse global changes of “must” to “shall” and of “shall” to “may.” These changes weaken the code.
- 2) Remove the phrase “not subject to the SLDC” from paragraph 1.11.7 to clarify that only the lot creation is grandfathered.
- 3) Add back a sentence that was deleted from the adoption draft in paragraph 6.6.4.9: “Access roads shall be sited in a manner that mitigates or minimizes the impact on the environment and neighboring land uses.”
- 4) Delete paragraph 7.6.8.4.3, which allows supplemental potable water use for irrigation.
- 5) Change the distance requirements in Tables 7-17 and 7-18 for hooking up to the county water/sewer system or to another public system back to the original distances in the October adoption draft. The current shorter distance requirements will result in more wells and groundwater use. This conflicts with the SGMP goal of maximizing use of surface water via existing infrastructure.
- 6) Clarify the phrase “gardens or agricultural uses” in paragraph 7.13.11.2.5. As it currently stands, the limits on irrigation hours and the requirement for a rain sensor are meaningless because “garden” can be interpreted to cover an entire property.

The League thanks you and county staff members for your efforts to put in place a meaningful land development code for Santa Fe County.

REC'D CLERK RECORDED 02/03/2014

Chrisann N. Romero

From: Francescaorofino <francescaorofino@aol.com>
Sent: Monday, December 09, 2013 8:02 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Subject: Horse issue

Dear Commissioners,

My name is _Francesca Orofino_____. I have owned horses/lived in Santa Fe County for __23__ years. Horses are important to me/Santa Fe County because they belong to our heritage, they deserve to live alongside with us, peacefully, treated with respect

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Sent from my iPad

2013/12/09 08:02 AM RECEIVED

Chrisann N. Romero

From: Fletcher Catron <fcatron@catronlaw.com>
Sent: Monday, December 09, 2013 5:08 PM
To: Liz Stefanics; Daniel Mayfield; Kathy S. Holian; Robert A. Anaya; Miguel Chavez
Cc: kpwilson@ci.santa-fe.nm.us; Erick Aune; williams.hutchinson@state.nm.us; Bill Johnson; Robert Griego; Adam Leigland; Chrisann N. Romero; Tim Rogers
Subject: RE: County SLDC "Final" Changes: Bad for Bicycles

Ladies and Gentlemen:

I would like to echo Tim Rogers' comments. As a participant in the Metropolitan Bicycle Master Plan development process, having spent hours in meetings to draft, review, and revise that plan, I am appalled that the plan might be ignored. I have not reviewed the proposal before you, but assuming that the provisions are as Tim states, the County is ignoring the results of a long planning process in which we made every effort to comply with best practices throughout the country as established by nationally-recognized organizations.

I realize that the requirements of the Metropolitan Bicycle Master Plan may seem counter-intuitive to those who do not use the roadways for actual bike transportation, and the proposals you now have before you must clearly have been written by staff with no substantial cycling experience. County staff were often present at our meetings and assisted in the drafting of the plan; I know, therefore, that there are staff with the knowledge of bicycle transportation sufficient to meld your Development Code with best safety and transportation practices.

To take only the worst part of the proposal before you, you should realize that bicycles now serve a significant transportation function, not merely a recreational function for youth. For cycling commuters or for teen or adult recreational road cyclists, cycling on a multi-use trail (as exist in Eldorado, for instance) is not only inadequate for their needs, but is also actually unsafe to everyone because of the multiple intersections with streets and driveways. These trails may work well for slow-speed cycling by very young children, but other cyclists will ignore the paths and use the road; the roads must therefore be planned to accommodate this use in the safest possible way.

Please direct your staff to re-write the Code to comport with the provisions of the Metropolitan Bicycle Master Plan.

Thank you.

Fletcher R. Catron
Catron, Catron, Pottow & Glassman, PA
2006 Botolph Road
Post Office Box 788
Santa Fe, New Mexico 87504
Telephone: (505) 982-1947
Fax: (505) 986-1013

From: Tim Rogers [mailto:timro@hotmail.com]
Sent: Monday, December 09, 2013 1:42 PM
To: dmayfield@santafecountynm.gov; kholian@santafecountynm.gov; lstefanics@santafecountynm.gov; ranaya@santafecountynm.gov; mchavez@santafecountynm.gov

RECEIVED 12/09/2013 11:41 AM

Cc: kpwilson@ci.santa-fe.nm.us; Erick Aune; williams.hutchinson@state.nm.us; Bill Johnson; rgriego@santafecountynm.gov; Adam Leigland; cnromero@co.santa-fe.nm.us
Subject: County SLDC "Final" Changes: Bad for Bicycles

Dear County Commissioners: Please postpone tomorrow's consideration of adopting the Sustainable Land Development Code until the following significant issues resulting from last-minute edits can be resolved.

Last Friday at around 5 pm, the public received the e-mail below directing us to "Final Changes" in the proposed SLDC. After about five years or so of developing the SGMP and the SLDC, these "final changes" include a sudden, absolute "about-face" in terms of accommodating the use of bicycles on roads and trails in Santa Fe County. Tomorrow - one and a half business days after this notice was distributed - you are going to consider the code for adoption. There is no time or venue for discussion of these changes, nor even a chance for public comment before the revised code goes before you.

The following newly inserted note on road standards, for example, has far more impact than you might expect from a footnote:

*Sidewalks and bike lanes are not required if a 10' wide multi-use paved trail is provided located adjacent to the roadway.

This new provision supporting "side paths" INSTEAD OF bike lanes or shoulders is absolutely unacceptable. We (citizens advisory group, the MPO, and myself as consultant) worked very hard in the Metropolitan Bicycle Master Plan process, side by side with development of the SMGP and the SLDC, to educate staff, elected officials, and COLTPAC members, and worked very specifically with County planning staff to omit this kind of language, which mirrors unacceptable provisions that unfortunately remain in the Community College District Plan. Now this appears only at the very last second before adoption.

Reliance on "Side paths" instead of on-road provisions on busier or higher speed roads is absolutely counter to bike safety (e.g. per League of American Bicyclists), national engineering guidelines (AASHTO), and the Metropolitan Bike Master Plan that the City and County adopted through the Transportation Policy Board last year. Side paths are inferior both as alignments for recreational trails (compared to other trail alignments) and as alignments for bicycle transportation along roads (compared to bike lanes or shoulders). This was our number one primary message to the County in the BMP process, and it is exactly the problem that we thought we had fixed in years of working with County staff.

Elsewhere the Code suddenly proposes a minimum width of "five feet" for trails. This is a figure that has no basis in trail standards. Accessible, paved trails should be 10 feet wide for safe operation by multiple types of users (again per AASHTO and the Bicycle Master Plan). That is part of "universal design" serving users of various types and various abilities. The Americans with Disabilities Act (ADA) also comes into consideration here, but the proposed SLDC suggests that less accessible surfaces are OK. Recreational trails that do not serve transportation purposes are another matter, they can be narrow dirt trails, but that does not mean we abandon proper standards for accessible multi-use trails that can play a role in our transportation system. Five-foot wide, soft-surface trails in future County subdivisions will be unsafe, inaccessible and inconvenient for a wide variety of users that are trying to get anywhere.

I am all for fun recreational trails, but when we set low standards, that is what we will get for trails across the board. Improving multi-use trail planning and standards in order to acknowledge and support their transportation function was probably our second most important message in working with the County during the BMP process.

The City of Santa Fe was recently recognized as a Bicycle Friendly Community at the Silver level, and I am proud to say that the Metropolitan Bicycle Master Plan is an important piece of that. The SLDC as proposed sets us up for a decidedly Bicycle-Unfriendly Santa Fe County. Is this working toward "sustainability"?

These issues need to be resolved based on professional standards rather than simply agreeing with whoever gets in the last word in a five-year marathon planning process. I am sure that MPO and County engineering staff who are familiar with the professional guidelines for bicycles and multi-use trails will agree. Even if there is disagreement from others, at the very least these very significant changes cannot be pushed through with so little notice and no discussion. I am inviting others cc'd and bcc'd on this e-mail to take a look at the "final changes" (see links below) and express their opinions on this to you as well. (But please act fast, the County Commission meeting starts 24 hours from now!)

I plan to be present at the meeting tomorrow if there is a chance to discuss this. Thank you for your representation and consideration.

Regards, Tim

Tim Rogers
Active Transportation Planning
Santa Fe NM
(505) 629-5647

From: cnromero@co.santa-fe.nm.us
Date: Fri, 6 Dec 2013 17:22:32 -0700
Subject: FW: Sustainable Land Development Code Adoption Update

From: Kristine Mihelcic
Sent: Friday, December 06, 2013 4:44 PM
Subject: Sustainable Land Development Code Adoption Update



News Release

Sustainable Land Development Code Adoption Update

Santa Fe, NM – December 6, 2013 - Santa Fe County has prepared a document titled Adoption Draft Final Changes which highlights changes to the Sustainable Land Development Code (SLDC) Adoption Draft. It is available to view or download at www.santafecountynm.gov/slDC.

REC'D
CLERK
RECORDED
02/03/2014

The Board of County Commissioners will consider the adoption of the Sustainable Land Development Code (SLDC) at the Board of County Commissioners Regular Meeting on Tuesday, December 10 which begins at 2 p.m. in the County Commissioner Chambers, located at 102 Grant Ave.

To view the BCC agenda, visit www.santafecountynm.gov/event_detail/2974 or go to the County website www.santafecountynm.gov for further information.

###

Kristine Mihelcic (Mi-hel-sick)
Public Information / Media Production
Kbustos@santafecountynm.gov
505.986.6224

Santa Fe County is on Facebook and Twitter



Chrisann N. Romero

From: fabian saak <fsaak@web.de>
Sent: Monday, December 09, 2013 8:02 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Melissa S. Holmes; Christopher M. Barela; Tina Salazar; santafecountyhorsecoalition@gmail.com
Subject: SANTA FE COUNTY HORSE COALITION
Attachments: SANTA FE COUNTY HORSE COALITION STATEMENT Fabian Saak.docx

Ladies and gentlemen.

please take the attached document into consideration at your meeting:

TUESDAY, DECEMBER 10th, 2pm.

102 Grant Ave, Santa Fe 87501
Corner of Grant and Palace.

Best regards

Fabian Saak

REC'D CLERK RECORDED 02/03/2014

Ladies and gentlemen,

at first I would like to introduce myself. My name is Fabian Saak, I'm part of the diplomatic personal of the German Air Force in Alamogordo/NM and I've been living in the United States of America since 2010.

I support the SANTA FE COUNTY HORSE COALITION.

- I support the changes to the SLDC use table as presented on December 3rd.
- Imposing greater restrictions on Commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment Vote on the horse issue is planned after the vote on the Code December 10, I would urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

I'm aware of the fact that my point of view as a foreigner might not be of any relevance for the commissioner of Santa Fe County, but nevertheless I would like to address my opinion as a guest in the beautiful United States of America, the State of New Mexico, where I have felt at home from the very first day, and the amazing County and City of Santa Fe that I love so much.

One of the most interesting things for me about Santa Fe is its impressive history, an integral part of the American West, which we as Europeans only know from the movies or Old West stories we can read about in books. Being fascinated from this I traveled around a lot and I found out, that this historical part of New Mexico is not only something you can find in history books but a very vital kind of lifestyle you can find everywhere in the New Mexico, Texas, Arizona and many more States in the USA. I was able to find this lifestyle in the architecture, in the way people are dressed, in the museums, the artwork of many artists, many festivals and events, in hat and boot shops in town, left and right from the highway, when you see men and women horseback moving cattle, I would say pretty much everywhere.

This Old West lifestyle in Santa Fe expresses itself in many different ways, but something is always present – the horse. For everybody who visits from another country it is so obvious that the horse plays the major role in all this. Never before have I seen a society whose roots and identity is so much built on an animal like the American. Even in the German State of Lower-Saxony where I was born and raised and that has a horse in its state flag, the connection of the horse and the society is not as strong as it is here in the Southwest. And I have to say that I've never seen so many modern presidents horseback in any other country before.

Having all this in mind I realized that all the ranches and horses in and around the Santa Fe County made everything so naturally authentic. Santa Fe is not a part of Disneyland, where the Old West was set up to amuse tourists from all over the world. Santa Fe has a living tradition including all the values I could find in the code of the west. For me as a German it is wonderful to see how a society keeps its traditions alive and I always tell critics of America that this country even though it is a very young one compared to my homeland is proud of what it is, where it comes from and what its

REC'D BY THE CLERK
FEB 24 2011

traditions are. Many other countries in the world have lost this touch to their traditions and they have lost a lot of values that are thought in institutions like these ranch businesses, too. It's sad to say, but my country is in too many ways among these.

Being deeply influenced by this way of life the past four years I realized that to integrate myself a little more into the American society, to be not just a tourist for a few years, to build up real friendships with the American people a wonderful way would be being horseback. I saw a lot of German kids here in the US doing the same, and they were pretty successful with that.

To improve myself in horsemanship I took part in some horse clinics in Lamy and I was surprised to see so many people from all over the United States and even Europe. I expected people from and around Santa Fe, but not from Texas, Arizona, California or even states and countries more far away. They all came to this little town of Lamy to learn how to ride a horse. As a former politician in the German County of Hanover/Lower Saxony I thought to myself, how smart and forward it is that the people and their government here know how to make money with something that has so many positive social and financial side effects for the whole county, too, and that it would be a very good idea to get things like that running in my hometown. I see people, including myself, spending thousands of dollars in hotels, cafes, restaurants, art galleries, gas stations and shops of Santa Fe. I am excited that the horse again took part in building up the West, especially in our times where money gets tight for many communities, counties, states and countries.

Another wonderful circumstance I realized at these larger horse ranches that run bigger horse events was to see so many children being around there. They all looked so happy, healthy, interested and were incredibly well-behaved. Very often in our days kids are spending most of their time inside the house and way too often in front of a game box or things like that. The consequences for their health and even their intelligence are so extreme, that we have installed special programs in Germany to get the children out of the house and into nature again, because this does not only have an impact on the child alone but on the whole society, that has to pay for the resulting problems.

So I was very happy to see that you do the same here and that there of course cannot be any doubt about the fact that there is nothing better for the development of a healthy and happy child then to be among animals and in nature. Especially for children who have very little self-esteem or are mentally or physically disabled the horse plays a very important role as a therapist. I saw all this happening on the horse ranches and clinics in Santa Fe County and I have great respect to a County Government that is aware of these factors.

You might understand my surprise when I got the information that there is a discussion about the presence of horses in the surrounding areas of Santa Fe and the "problems" they possibly cause. I was told that the manure, that by the way is an incredibly good and cheap fertilizer for the very dried-out soil in New Mexico, is one of the reasons for this discussion. This reminded me of a discussion we had in the district I was working for in Germany. They have a lot of these huge old German oak trees there, most of them way older then the United States, that drop their leaves every fall and cause a mess on the streets, the private yards, pools and everything around. A small group of people who had moved into that district got together and wanted these trees to be cut because of all the leaves in fall.

Of course they were not successful with this idea because of two reasons. First, the trees had been there before they moved in and it was their own choice to live there. The other reason was the historical value of these trees, that, in the eye of the government was more important than a few individuals that would have had any freedom to stay away or to move into an area without any trees, which they should have taken into consideration before they moved in, according to the government.

Maybe you can see a similarity to your current discussion.

People can and will move in and out the County every day, but institutions of a highly social, financial and reputational value, with a naturally grown history in Santa Fe County like the horse ranches cannot.

Be assured that I take the interests of any "Anti-horse coalition" and their situation very seriously, but a critical limitation of horses on certain properties that comes close to a ban of a national symbol like the horse from his very own origin cannot be the solution. It's not only about the horse ranchers, but all the other hundreds of Santa Feans like alfalfa and grass farmers, horse supply shop owners, saddle makers, horse trainers, trailer rentals or sellers, barn builders, tractor traders, and so on, who live from this unique creature that beside the eagle stands so much for this great nation, its strength, its freedom, its history and last but not least the hope for a better future we want for the next generation to live in.

I would like to end my short essay by saying thank you for taking your time to read it. As mentioned above my opinion might not be of any relevance for you as commissionaires, but it is what is, a very honest and heartfelt statement of a guest in your country, who feels very much at home here in the United States and who fell in love with the country, the American people, their history and traditions. I truly hope that none of the decisions taken will ever harm any of these wonderful horse people in your county who serve Santa Fe and its people in so many different ways. They preserve one of the most unique symbols of the American West, whose legacy is well known all over the world and that serves the American people so well in the military, the police, the border patrol, the Search and Rescue Units, is there as a therapist, a teacher or simply as a friend – The American Horse.

With great respect and best regards

Fabian Saak, RL
Alamogordo/NM

REC'D
CLERK
RECORDED
5/2/83
11:14

Chrisann N. Romero

From: Vanessa Waltz <vanessawaltz@yahoo.com>
Sent: Monday, December 09, 2013 6:35 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Melissa S. Holmes; Christopher M. Barela; Tina Salazar; Juliá Valdez; Juan R. Rios; santafecountyhorsecoalition@gmail.com
Subject: Horses - SLDC

Dear Commissioners,

My name is Vanessa Waltz. My family owns a commercially zoned horse farm in Lamy, which I operated for almost a decade. Prior to that, I operated training and boarding businesses in Santa Fe.

I believe that my farm and other farms like mine are significant assets to Santa Fe County. Not only have I personally paid thousands of dollars in income and property taxes, clients from both Santa Fe and surrounding counties have contributed greatly to the local economy by patronizing restaurants, retail stores, gas stations, and hotels around the farms which are their regular destinations. Events like clinics, horse shows, and rodeos are an additional benefit to our local economy.

But perhaps more importantly, the culture of ranching and horsemanship is a significant part of life in the west. Local horse businesses facilitate a healthy, family friendly culture that has strong roots in our county, our state, and the southwestern US as a whole. Throughout history, horses have continually and effectively added to the allure of Santa Fe County, continually and effectively adding to the natural beauty of our home.

I support the SANTA FE COUNTY HORSE COALITION.

I support the changes to the SLDC use table as presented on December 3rd.

Imposing greater restrictions on Commercial horse operations HURTS the community at large in addition to hurting individual horse owners. Commercial horse operations are an ASSET to our community.

If an Amendment Vote on the horse issue is planned after the vote on the Code December 10, I would urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Respectfully,

2013/12/09 11:52:11 AM
COMMUNICATIONS SECTION
SANTA FE COUNTY

Vanessa Waltz
Grandabon Farm
48 Cerro Alto Rd.
Lamy, NM 87540
(505)466-2797

Chrisann N. Romero

From: Elizabeth K. Lynch <eklynch@rpb-law.com>
Sent: Monday, December 09, 2013 5:08 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com

Dear Commissioners,

My name is Elizabeth Lynch Phillips. My family and I have lived in Santa Fe County since this past summer. One of the reasons we were so drawn to Santa Fe (having moved here from the Washington DC area), was the prevalence of horses and horse-related activities in the beautiful, open, Western landscape that surrounds us here. My children have been able to take riding lessons now that we live in a place that is so horse-friendly, and they have benefitted greatly from it. They have both grown in terms of compassion, connection with animals, and learning to take charge in a gentle and consistent way. For these reasons, I want to let you know that I support the Santa Fe County Horse Coalition, and the changes to the SLDC. It is our strong feeling that the ranch we go to for lessons (Trinity Ranch), as well as surrounding ranches and horse owners, will be hurt if greater restrictions were placed on commercial horse operations.

As such, I ask that you keep the Code as presented at the public meeting that took place on December 3, 2013.

Thank you for your time and for your consideration.

Elizabeth Lynch Phillips, Bryan Phillips, and sons.

2013 DEC 09 15:08 PM
SANTA FE COUNTY
RECORDED
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INDEXED

Chrisann N. Romero

From: Scott Voorhees <svoorhees@warpmail.net>
Sent: Monday, December 09, 2013 8:01 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Melissa S. Holmes; Christopher M. Barela; Tina Salazar; santafecountyhorsecoalition@gmail.com
Subject: SLDC Horse restrictions

There are many financial and social benefits associated with horse ownership in Santa Fe County. Commercial horse facilities help make individual horse ownership possible and enjoyable for many people. Burdening horse facilities with additional expensive permitting requirements will make it difficult or impossible for horse facilities to continue in business.

Many equine facilities host horsemanship clinics during the year. These clinics bring tourist dollars to the local economy for hotels, motels, restaurant and other local businesses. Horse ownership supports many business such as feed stores, tack shops and veterinarian's offices.

Equine boarding facilities make it possible for people to own a horse when they do not live in a place that will support a horse. Parents can provide a horse for a son or daughter who is interested in horsemanship. The facilities often give riding lessons that allow the kids to learn important values and become part of a riding community. When a teenager is at the stable they are not hanging out at Cathedral Park or the Plaza. Equine facilities also create a community of people who can share ideas and experiences that help make horse ownership an enjoyable family activity.

The people pushing for more restrictive rules are a small but vocal group of people who chose to a rural, equine friendly area and now want to impose their desires on the many people who chose to live in the 285 corridor because it is horse friendly. They base their arguments on problems that have occurred only in their imaginations. If these imagined problems actually come to pass there are remedies including the New Mexico Livestock Board for problems with animal neglect and cruelty, the environment department for pollutions problems and civil actions.

Rather than restricting the activities of the responsible stable owners and horse owners I encourage the Board to first closely investigate whether a problem exists, and if so, whether there less restrictive ways to solve the problem through enforcement of existing laws.

People who have moved into a rural area and then find that it is not compatible with their needs might be encouraged to find a home that better suits their needs rather than trying to change the land use that was in place long before they decided to move in.

Scott Voorhees

Sent from my iPad

Chrisann N. Romero

From: Suzanne Sloan <ssloan0318@att.net>
Sent: Monday, December 09, 2013 5:09 PM
To: Daniel Mayfield; Kathy S. Holian; Liz Stefanics; Robert A. Anaya; Miguel Chavez
Subject: Re: County SLDC "Final" Changes: Bad for Bicycles

Dear County Commissioners,

As a county resident and avid bike rider, I strongly support the following email from Tim Rogers. Substituting "side paths" for bike lanes on county roadways is not acceptable, and at the least deserves further discussion.

Regards,
Suzanne Sloan
3 Avenida de Mercedes
Santa Fe, NM 87506
505-992-3007

From: Tim Rogers <timro@hotmail.com>
To: "dmayfield@santafecountynm.gov" <dmayfield@santafecountynm.gov>; "kholian@santafecountynm.gov" <kholian@santafecountynm.gov>; "lstefanics@santafecountynm.gov" <lstefanics@santafecountynm.gov>; "ranaya@santafecountynm.gov" <ranaya@santafecountynm.gov>; "mchavez@santafecountynm.gov" <mchavez@santafecountynm.gov>
Cc: "kpwilson@ci.santa-fe.nm.us" <kpwilson@ci.santa-fe.nm.us>; Erick Aune <eaune@co.santa-fe.nm.us>; "williams.hutchinson@state.nm.us" <williams.hutchinson@state.nm.us>; Bill Johnson <wjohnson@ziabehavioralhealth.com>; "rgriego@santafecountynm.gov" <rgriego@santafecountynm.gov>; Adam Leigland <aleigland@santafecounty.org>; "cnromero@co.santa-fe.nm.us" <cnromero@co.santa-fe.nm.us>
Sent: Monday, December 9, 2013 1:46 PM
Subject: County SLDC "Final" Changes: Bad for Bicycles

Dear County Commissioners: Please postpone tomorrow's consideration of adopting the Sustainable Land Development Code until the following significant issues resulting from last-minute edits can be resolved.

Last Friday at around 5 pm, the public received the e-mail below directing us to "Final Changes" in the proposed SLDC. After about five years or so of developing the SGMP and the SLDC, these "final changes" include a sudden, absolute "about-face" in terms of accommodating the use of bicycles on roads and trails in Santa Fe County. Tomorrow - one and a half business days after this notice was distributed - you are going to consider the code for adoption. There is no time or venue for discussion of these changes, nor even a chance for public comment before the revised code goes before you.

The following newly inserted note on road standards, for example, has far more impact than you might expect from a footnote:

*Sidewalks and bike lanes are not required if a 10' wide multi-use paved trail is provided located adjacent to the roadway.

This new provision supporting "side paths" INSTEAD OF bike lanes or shoulders is absolutely unacceptable. We (citizens advisory group, the MPO, and myself as consultant) worked very hard in the Metropolitan Bicycle Master Plan process, side by side with development of the SMGP and the SLDC, to educate staff, elected officials, and COLTPAC members, and worked very specifically with County planning staff to omit this kind of language, which mirrors unacceptable provisions that

unfortunately remain in the Community College District Plan. Now this appears only at the very last second before adoption.

Reliance on "Side paths" instead of on-road provisions on busier or higher speed roads is absolutely counter to bike safety (e.g. per League of American Bicyclists), national engineering guidelines (AASHTO), and the Metropolitan Bike Master Plan that the City and County adopted through the Transportation Policy Board last year. Side paths are inferior both as alignments for recreational trails (compared to other trail alignments) and as alignments for bicycle transportation along roads (compared to bike lanes or shoulders). This was our number one primary message to the County in the BMP process, and it is exactly the problem that we thought we had fixed in years of working with County staff.

Elsewhere the Code suddenly proposes a minimum width of "five feet" for trails. This is a figure that has no basis in trail standards. Accessible, paved trails should be 10 feet wide for safe operation by multiple types of users (again per AASHTO and the Bicycle Master Plan). That is part of "universal design" serving users of various types and various abilities. The Americans with Disabilities Act (ADA) also comes into consideration here, but the proposed SLDC suggests that less accessible surfaces are OK. Recreational trails that do not serve transportation purposes are another matter, they can be narrow dirt trails, but that does not mean we abandon proper standards for accessible multi-use trails that can play a role in our transportation system. Five-foot wide, soft-surface trails in future County subdivisions will be unsafe, inaccessible and inconvenient for a wide variety of users that are trying to get anywhere.

I am all for fun recreational trails, but when we set low standards, that is what we will get for trails across the board. Improving multi-use trail planning and standards in order to acknowledge and support their transportation function was probably our second most important message in working with the County during the BMP process.

The City of Santa Fe was recently recognized as a Bicycle Friendly Community at the Silver level, and I am proud to say that the Metropolitan Bicycle Master Plan is an important piece of that. The SLDC as proposed sets us up for a decidedly Bicycle-Unfriendly Santa Fe County. Is this working toward "sustainability"?

These issues need to be resolved based on professional standards rather than simply agreeing with whoever gets in the last word in a five-year marathon planning process. I am sure that MPO and County engineering staff who are familiar with the professional guidelines for bicycles and multi-use trails will agree. Even if there is disagreement from others, at the very least these very significant changes cannot be pushed through with so little notice and no discussion. I am inviting others cc'd and bcc'd on this e-mail to take a look at the "final changes" (see links below) and express their opinions on this to you as well. (But please act fast, the County Commission meeting starts 24 hours from now!)

I plan to be present at the meeting tomorrow if there is a chance to discuss this. Thank you for your representation and consideration.

Regards, Tim

Tim Rogers
Active Transportation Planning
Santa Fe NM
(505) 629-5647

THIS IS A PUBLIC RECORD REQUEST

From: cnromero@co.santa-fe.nm.us
Date: Fri, 6 Dec 2013 17:22:32 -0700
Subject: FW: Sustainable Land Development Code Adoption Update

From: Kristine Mihelcic
Sent: Friday, December 06, 2013 4:44 PM
Subject: Sustainable Land Development Code Adoption Update



News Release

Sustainable Land Development Code Adoption Update

Santa Fe, NM – December 6, 2013 - Santa Fe County has prepared a document titled Adoption Draft Final Changes which highlights changes to the Sustainable Land Development Code (SLDC) Adoption Draft. It is available to view or download at www.santafecountynm.gov/sldc.

The Board of County Commissioners will consider the adoption of the Sustainable Land Development Code (SLDC) at the Board of County Commissioners Regular Meeting on Tuesday, December 10 which begins at 2 p.m. in the County Commissioner Chambers, located at 102 Grant Ave.

To view the BCC agenda, visit www.santafecountynm.gov/event_detail/2974 or go to the County website www.santafecountynm.gov for further information.

###

Kristine Mihelcic (Mi-hel-sick)
Public Information / Media Production
Kbustos@santafecountynm.gov
505.986.6224

Santa Fe County is on Facebook and Twitter



REC'D
CLERK
RECORDED
02/03/2014

Chrisann N. Romero

From: Penny Ellis-Green
Sent: Tuesday, December 10, 2013 1:18 PM
To: Robert Griego
Subject: FW: For the Official Record
Attachments: Restrictions on commercial horse facilities; SANTA FE COUNTY HORSE COALITION; SLDC Horse restrictions; Horse issue; Horses - SLDC; Re: County SLDC "Final" Changes: Bad for Bicycles; RE: County SLDC "Final" Changes: Bad for Bicycles; Untitled; Horses and Regulations! DON'T please!!!; thank you; Re: County SLDC "Final" Changes: Bad for Bicycles; horses in county

Please print 7 copies and have them at the meeting

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Juan R. Rios **On Behalf Of** Daniel Mayfield
Sent: Tuesday, December 10, 2013 1:16 PM
To: Katherine Miller; Stephen C. Ross; Penny Ellis-Green
Subject: For the Official Record

These email(s) are forwarded to you at the request of Commissioner Mayfield for the official record.

Juan Rios, Constituent Services Liaison
Commissioner Daniel Mayfield, District 1
Santa Fe County Commission
Office: (505) 986-6328
E-mail: jrios@co.santa-fe.nm.us

2013/12/10 11:23 AM RECEIVED

Chrisann N. Romero

From: Tina Ossorgin <tina@ossorgin.com>
Sent: Monday, December 09, 2013 5:04 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Subject: Horses and Regulations! DON'T please!!!

Dear Commissioners,

My name is Tina Ossorgin. I own 2 horses, one adopted from The Horse Shelter in Cerrillos. I have lived in Santa Fe 30 years and the freedom to be around horses for many of those years is crucial to my enjoyment of life. I can't tell you how wonderful of an environment we have for horses here, politically and physically! I know you have a lot to read, so let me just say **PLEASE DON'T ADD COUNTY WIDE REGULATIONS AND RESTRICTIONS on horses!** That would be destroying a huge part of what's so wonderful and special about living here, perhaps starting an awful precedent for all kinds of micro managing of our lives. If we wanted to live in a rules-&-regulation place we would be living in Denver (or many other places where you can hardly blink without having to go get someone's permission or get it cleared through some committee. **LET'S NOT GO THERE!** (not to mention the expense being added to an already expensive "hobby" (passion?!).

I am definitely in **support of the SANTA FE COUNTY HORSE COALITION.**

I do **support the changes** to the SLDC and **as presented** at the public meeting **on December 3rd.**

I agree with the coalition that **imposing greater restrictions on commercial horse operations HURTS** individual horse owners, hence hurts **the quality of life offered in Santa Fe.** Commercial horse operations are an **ASSET** to our community.

If an Amendment vote on horse issues is planned after the vote on the Code December 10, **I urge you to keep the Code as presented at the public meeting on December 3.**

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT 400+ YEAR (!)TRADITION.

Thank you for all your hard work at trying to keep Santa fe the wonderful place to live that it is.

Tina Ossorgin
60 Arroyo Hondo Rd
Santa fe, NM 87508

REC'D
CLERK
RECORDED
12/13/13
11:11



LEAGUE OF WOMEN VOTERS®
OF SANTA FE COUNTY

June 6, 2013

Board of County Commissioners
Santa Fe County Administration Building
P.O. Box 126
Santa Fe, NM 87504-2706

Dear Commissioners:

The League of Women Voters of Santa Fe County is concerned about the long time lapse between approval of the Sustainable Growth Management Plan (SGMP) and release of the draft Sustainable Land Development Code (SLDC), as well as the long time lapse between submission of community comments on the draft code and approval of the final code.

The League urges the Board of County Commissioners (BCC) to create and publish a schedule for next steps in the approval process for the SLDC. Public comments on the current draft, including comments from the League, were submitted several months ago, but we have seen no target dates for a revised draft of the code, for additional hearings or comment periods, or for the BCC to pass the implementing ordinance. We ask that the BCC act expeditiously to pass a comprehensive code that fully implements the approved growth management plan.

Second, we wish to emphasize our support for the assessment of developer-paid impact fees adequate to cover the costs of new infrastructure needed by new developments. Removing this requirement from the SLDC would shift the burden of the infrastructure costs to county taxpayers when these costs should be the responsibility of the developers who stand to profit from the new development. We, therefore, ask that the BCC require developers to fund any new infrastructure required for their proposed development projects.

Third, we wish to emphasize again the need to include the strong energy efficiency building standards, as drafted, in the final code. County staff has developed an excellent plan for reduced energy consumption and sustainability that is grounded in thorough cost-benefit analyses; the League asks the BCC to include the standards as proposed in the final code. These proposed building standards that reduce energy consumption, particularly consumption of fossil fuels, will reward residents with reduced energy bills;

2013 JUN 06 10:58 AM

such requirements are necessary as we face record high temperatures and drought, both symptoms of climate disruption.

Finally, the current state of climate and water supply in New Mexico cry out for strong consideration of water in any new development in the county. The League's position, based on careful study, is well known by the BCC.

The League has opposed efforts to weaken the plan and we have previously commented on the need to approve and implement the complete code in a timely manner, given the urgency of our needs and the length of time elapsed since the SGMP was approved. While we appreciate all the work done on the plan and on the code by the Commissioners and their staff, we strongly believe that now is the time to make finalizing the code a high priority.

Sincerely,



Chris Furlanetto, Vice President and Action & Advocacy Chair
League of Women Voters of Santa Fe County

cc: Katherine Miller, County Manager
Penny Ellis-Green, Director, Growth Management / Land Use
Robert Griego, Planning Manager

Robert Griego

From: devin bent <devin.bent@gmail.com>
Sent: Monday, October 21, 2013 1:31 AM
To: Daniel Mayfield; Carl Trujillo
Cc: Juan R. Rios
Subject: Could we talk about the SLDC?

The SLDC is perhaps impossible to read in the time we have been given.

However, I have found several things in it with disturbing implications for the Pojoaque Valley.

Please look at the table of usage appendix B of the SLDC and see the long list of things that are permitted by right

A partial list:

Town Houses; Bed and Breakfast Inn; Convenience Store or Centers; local distribution facilities for water, natural gas, and electric; telecommunication lines; livestock watering tank or impoundment; medical clinics; social assistance, welfare, and charitable services (not otherwise enumerated); child and youth services; child care (basic); child care (specialized); day care center; community food services; emergency and relief services; other family services; services for elderly and disabled; animal hospital; school or university building (privately owned); grade school (privately owned); college or university facility (privately owned); funeral homes; water treatment and purification facility; highway rest stops and welcome centers.

This of course totally contradicts the PV Community Plan -- and in case of conflict, the SLDC controls

See all the things that are conditional but would be favored for approval because they increase either density or mixed use.

And the maximum height of a building is 24 feet. Imagine these things on 503 which is also the High Road. Or imagine them in neighborhoods. And they would be permitted by right.

Also look at the Levels of Service that are required before development occurs -- see how low some of these are and that some are defined county-wide. I have snipped out the table of Levels of Service and it should follow.. And things like a library are not even mentioned.

Table 12-1: Adopted Levels of Service (LOS).

(A) Public Facility -Type or Location	(B) Level of Service	(C) Impact Area
Roads	SDA-1 and SDA-2	D
	SDA-2	C
Emergency Response	Fire Vehicles	Must achieve ISO 7/9
	Sheriff Vehicles	2.4/1,000 residents
	Sheriff Facilities	111 sf/1,000 residents
Water Supply and Liquid Waste	Water	0.23 acre ft/year (residential)
		0.27 acre ft/year
	Sewer	Capacity to treat the amount of wastewater created per §7.5.2
Parks, Trails and Open Space	Parks	1.25 acres/1,000 residents
	Trails	0.5 miles/1,000 residents
	Trailheads	1 each at the ends of the trail and a trailhead every .5 miles
	Open Space	8.5 acres/1,000 residents

Source:SLDC pp. 268-269.

--

Devin Nambé Bent
Santa Fe, NM
devin.bent@gmail.com
505-699-9042

2025/08/28 08:08:00 AM

Robert Griego

From: devin bent <devin.bent@gmail.com>
Sent: Thursday, October 24, 2013 2:59 AM
To: Daniel Mayfield; Carl Trujillo
Subject: SLDC -- major concerns
Attachments: Problems of the fall 2013 proposed SLDC my rough draft one of oct 24 2013.docx

Danny and Carl,

I decided to put my thoughts on paper as the SLDC is rushing toward approval.

IMO Santa Fe County is trying to urbanize the Pojoaque Valley -- just put more people here -- but without a single green park or adequate public transportation or any of the things that are usually just assumed for an urban area.

IMO, it will be very bad for the Pojoaque Valley that we all love. And nobody here in the valley wants it. So why are we getting it? IMO, we need to mobilize public opinion and I can't do that.

The attached is a very rough draft. It undoubtedly contains error -- but time is flying.

I hope you find it useful.

Devin

--
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505-699-9042

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10/24/13 10/24/13 10/24/13

DRAFT 1. CONCERNS RE Sustainable Land Development Code (SLDC)

This is a working draft in an attempt to understand the SLDC -- an impenetrable document (see Point 7). This working draft probably contains errors. Feedback is welcomed.

Devin Bent, October 24, 2013

Brief overview:

1. The public meetings are too few in number, too far in distance, and too soon in time, and the roads too dark at scheduled times.
2. The Community Plans survive only if they are 'consistent' with the Sustainable Growth Management Plan (SGMP) and the SLDC. Thus the distinction between residential and mixed used districts in the PVCSP is over-ridden and replaced by a single mixed used district for the entire traditional community.
3. The uses "permitted by right" or conditional in the SLDC are totally different from and much more extensive than allowed by the PVCSP. Many are forbidden in other residential districts and are entirely unsuitable for residential areas.
4. The Draft SLDC has a gigantic loop hole that negates zoning by allowing higher density and more mixed use than the 'zoning' would allow. In practice, the conditional uses and other uses will be allowed.
5. Does the community planning process of the Chapter 2 offer any hope? Nothing significant. The process is too tightly controlled by the staff and the Administrator – and in the end cannot change the underlying SLDC zoning – i.e., the permitted by right or conditional uses. And it cannot close the gigantic loop hole of POINT 4.
6. The levels of service (LOS) that are required are either non-existent or set ridiculously low. Frankly they allow shoddy and unsafe practices.
7. The Draft SLDC is unreadable. It requires far too many years of education to read. Public hearings are meaningless if people can't read the document.
8. Chapter 2 of the SLDC is a brazen assault on our First Amendment Freedoms. I will not address this point at this time.

POINT 1. There are only four public meetings for the entire county -- all at 6:00 – 8:00 PM with many citizens and taxpayers forced to drive long distances even to reach the closest meeting. (The BCC study sessions are primarily for the BCC and also involve long distances for many.)

For instance, the "El Norte" meeting place is at the Chimayo Community Center at the far north end of the Santa Fe County -- a stone's throw from Rio Arriba County. For some, much of the trip will be over narrow, twisting roads with no houses, no business, no street lights -- no lights of any kind. The alternative route is much longer and portions of the roads are not much better.

The last time I looked, DWI fatalities in Rio Arriba County jumped up at about 6:00 PM. I suspect that the same may be true in northern Santa Fe County with an incredible number of sources of alcohol. In a short period of time, 4 people died in Santa Fe County in a short section of 84/285 just north of the Nambe Road (503).

By 7:00 PM it is dark as of today (10/23/2013). Darkness will come earlier and earlier for a while.

Certainly, people need alternative times and places of meetings. For El Norte, a second meeting at one of the Pojoaque Valley Schools would seem to be a minimum. Undoubtedly, other areas of the county need additional times and places of meetings.

One individual told me that he drove 1 hour and 20 minutes one way to attend the meeting at Edgewood – at the other end of the county.

Frankly, the meeting schedule is designed to discourage participation. (Interestingly, Chapter 2 of the SLDC requires two public hearings in a single community for the adoption a community plan.)

POINT 2. The SLDC overrides community codes which express the will of the people of the communities.

“To the extent there is any conflict between the SLDC and any land-use ordinance that is not repealed by this §1.7 or otherwise addressed in the SLDC, the provisions of the SLDC shall apply.” SLDC p. 6.

Thus the Pojoaque Valley Community Strategic Plan (PVCSP) states:

“Our mission is to formulate a strategic plan for sustainable development that promotes the rural quality of life in the Traditional Communities in the Pojoaque Valley.”

But the SGMP in 2010 considered the Pojoaque Valley as urban “sprawl” and classified the Pojoaque Valley as SDA-2 (see map SGMP. P. 45). [It is difficult for a rational person to believe that the Pojoaque Valley constitutes “vast acreage of contiguous single use zoning [that] produces uniform sprawl,” but so be it. SLDC, p. 10.]

Thus the SGMP mandated urbanization the urbanization of the Pojoaque Valley by 2030 through promoting mixed used and increased density in existing residential neighborhoods. The expressed will of the people of the Pojoaque Valley meant and means nothing.

The PVSCP makes a distinction between a residential district and a mixed use districts. Only the latter allowed uses other than residential or agricultural. The mixed use districts were on the four lane roads and not on the two-lane State Road 503.

The SLDC specifies one type of district for the Traditional Community (p. 197) and looking at the list of permitted and conditional uses (see below), a Traditional Community is treated differently from all other residential neighborhoods. It is in effect a mixed use or commercial neighborhood district.

The basic problem is this – mixed use is allowed everywhere. On two-line State Road 503 – the High Road to Taos – in residential neighborhoods, next to churches, next to the 84 acre El Rancho de Bouquet Historic and Archeological District. Frankly, who wants an animal hospital or funeral home next door? Or a telecommunication line cutting through the back yard? All of these things and more are permitted by right. That is, if the developer dots all the i’s and crosses all the t’s, then the building or the development will be allowed. Nothing can be done – not even by the BCC.

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POINT 3. Uses by permitted by right and conditional uses.

The PVCSP has a short list of uses permitted by right in the residential district. They are entirely either residential or agricultural uses.

These are: Single-family dwellings and manufactured homes; duplexes; mobile homes; community residential facilities; all agricultural not listed below; agriculture, grazing, and ranching.

The SLDC does not allow by right a few things that the PVCSP would allow – e.g., dairy farms and duplexes. These are traditional to our Pojoaque Valley community. But the SLDC would make us identical to everyone else. It is the SLDC that enforces uniformity.

There is a long list of things permitted by right by the SLDC that the PVCSP would not allow – a very partial list is:

Town Houses; Bed and Breakfast Inn; Convenience Store or Centers; local distribution facilities for water, natural gas, and electric; **telecommunication lines**; medical clinics; social assistance, welfare, and charitable services (not otherwise enumerated); child and youth services; child care (basic); child care (specialized); day care center; community food services; **animal hospital**; school or university building (privately owned); grade school (privately owned); college or university facility (privately owned); **funeral homes**; water treatment and purification facility; highway rest stops and welcome centers.

[The above is not a complete list and I may have made errors reading across the table.]

The very long list of conditional uses is scary since they will probably be allowed in practice (See **POINT 4** below). A very, very, partial list from page 1 and top of page 2 only (less than 1/4th of the seven page list)

Rooming and boarding house; restaurants, with incidental consumption of alcoholic beverages; stand alone shop; gasoline station; automobile and service structures; parts, accessories, and tires; **Beer, wine, and liquor store (off-premises consumption of alcohol); pawnshops; bars, taverns, and night clubs.**

We need liquor stores, bars, taverns, and nightclubs next door? We don't have enough already on Pojoaque Pueblo? A pawn shop on the High Road? Next door?

Many of these uses are forbidden in any other residential neighborhood. For an example of a few of these see the table below. [The table was made by snipping the header and a section of the table from Appendix B in two pieces, and putting one on top of the other. Please forgive any slippage.]

Use	Function	Structure	Activity	Agriculture/Horticulture	Rural	Rural Fringe	Rural Residential	Technical Fringe	Suburban/Urban	Residential Community	Traditional Community
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	X	X	X	X	C
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	X	X	X	X	C
Stand-alone store or shop building		2230		X	X	X	X	X	X	X	C
Department store building		2240		X	X	X	X	X	X	X	X
Warehouse discount store/superstore	2124	2250		X	X	X	X	X	X	X	X
Market shops, including open markets		2260		A	A	A	X	X	X	X	C
Gasoline station		2270		C	C	C	X	X	X	X	C
Automobile repair and service structures		2280		C	C	C	X	X	X	X	C

There are others. Why can those who live in traditional communities have tattoo parlors next door when no one else can?

The traditional communities also get uses that are forbidden in all other residential areas, agricultural and rural areas and even commercial neighborhoods. An underground parking structure is permitted by right in traditional communities and forbidden anywhere else a person might live. Other totally unsuitable uses are forbidden elsewhere – but are conditional uses in traditional communities.

Use	Function	Structure	Activity	Agriculture/Horticulture	Rural	Rural Fringe	Rural Residential	Technical Fringe	Suburban/Urban	Residential Community	Traditional Community	Commercial Neighborhood
Transportation-related facilities												
Commercial automobile parking lot:		5200		X	X	X	X	X	X	X	C	X
Commercial automobile parking garage:				X	X	X	X	X	X	X	C	X
Surface parking, open		5210		A	A	A	A	A	A	A	A	A
Surface parking, covered		5220		A	A	A	A	A	A	A	A	A
Multistored parking structure with ramps:		5230		X	X	X	X	X	X	X	C	X
Underground parking structure with ramps:		5240		X	X	X	X	X	X	X	P	X
Rooftop parking facility		5250		X	X	X	X	X	X	X	C	X
Bus terminal		3830		X	X	X	X	X	X	X	C	X

Who wants a multi-structured parking structure with ramps on the High Road or next door? Why are the traditional communities singled out? Why are the traditional communities allowed uses that are forbidden in commercial neighborhoods?

All of these things can be 24 feet high.

FEB/28/20 GEORGE WALKER BUSH

POINT 5. Does the Community Planning Process of Chapter 2 of the SLDC offer any hope.

a. It is tightly controlled by the Administrator and the staff. It is, in fact, “directed by the staff.” p. 15.

It is “intended to permit communities to recommend” (p. 15) various things. But to do so we have file “a letter of application to the Administrator” listing all our members.

The whole process goes on for pages, but I won’t.

If the Administrator and the BCC approve us – apparently they can just turn us down – then we can jump through more hoops and come up with a community plan. |And this might be approved by the the county planning staff, outside reviewers, the Administrator, the Planning Commission, and the BCC.

But if it gets approved, then “county staff shall develop the appropriate overlay district(s) to implement the Community Plan.” This has to be approved by everybody. Please note: the community does not develop the overlay district – staff does.

My professional judgment. This is a bureaucratic dream for the staff and a bureaucratic nightmare for us. We pay their salaries – they tell us what to do. We jump through all the hoops – they draw up the final product.

Then in an effort to understand this nightmare, we must jump almost 200 pages to Chapter 8:

“8.11.3.3. Relation to Underlying Base Zoning. An approved overlay community district does not replace the underlying zoning of the area.” P. 207.

So we are stuck with the same zoning – the same list of permitted by right and conditional uses.

There is a list of things that the community overlay district might regulate – other than the basic zoning – but is anyone hopeful that the staff is going to recommend anything with teeth?

Maybe that liquor store next door will be only 14 feet high and with a fauxdobe exterior – looking like “Saints and Sinners” in Espanola. It’s still a liquor store next door.

And the giant loophole is still there for the overlay district as well as the underlying zoning. Anything that increases density or mixed use “shall” be approved.

developments. Level D for traffic is “the level of service in which speeds are somewhat reduced and motorists are hemmed in by other vehicles.” SGMP, p. 162. That sounds like 503 right now.

What do we do when traffic increases? Do we widen 503? It is the High Road. It is already too close to many historic structures of El Rancho Bouquet, the Nambe Community Center and Nambe Headstart which date from the 1930’s and the New Deal. All the buildings along 503 would be closer to the road and stripped of existing adobe walls. Undoubtedly, the High Road would be made ugly if we widened 503

Do we have a sensible plan for dealing with the traffic consequences of urbanization of the Pojoaque Valley? IMO – we do not.

Look at the next items in Table 12.1. Fire and police protection. They are set at the minimum and are county-wide. The sheriff may well have 2.4 vehicles per 1,000 people. However, the Pojoaque Valley has approximately 6,000 people – do we have 14 officers patrolling? Or is it two?

The ISO scores for fire protection are bottom dwelling. The scores range from 1 to 10 with 1 the highest. The recommended 7 is the lowest possible score for any area within 1,000 feet of a fire hydrant. The 9 is the lowest possible score for an area within 5 miles of a recognized fire station. How bad is a 9? And 8B means that an area is within 5 miles of a recognized fire station but lacks sufficient water and water to fight fires well. And a 9 is lower than that. And we have 10s in the Pojoaque Valley fire district – areas that are more than 5 miles from a fire station – the lowest score possible.

Aamodt water will not change these numbers. We will have more 7’s than we used to have – but many will be still be 9 or 10. All of these numbers are below average.

Our goal with respect to fire and police is to be bottom dwelling.

What about EMS? Isn’t that our big problem – like public transportation – is it simply ignored.

What about parks, trails, and open space? Those levels in Table 12.1 are county-wide and they have been achieved (while the Pojoaque Valley got nothing). 13 years ago, the previous Santa Fe County Comprehensive plan promised the Pojoaque Valley a 20 to 50 acre park, a trail the length of the valley, and a trail south from the Jacona Land Grant. In 2006 the BCC reaffirmed its commitment to the trails. The PVCSP called for a trail the length of the valley.

We got nothing. Zero.

Now look at the Map 5 of the SLDC. What is proposed for the Pojoaque Valley Traditional Community. Nothing. The park and the trail the length of the valley are gone. The promised trail south is still on the map – but that’s all. Maybe it will happen.

2006/08/23 09:00 AM

POINT 7. The draft has 406 pages of densely packed words -- single spaced. Page 9 has 566 words. Typically a writer who wants to be read uses double spacing and a twelve point font, often Times New Roman. The average page holds about 200-300 words. Thus page 9 has about twice as many words and is oppressive. (The number of words on a page will vary and different sources offer slightly different answers. See, for instance, http://wiki.answers.com/Q/How_many_words_does_a_one_page_essay_typically_contain)

A single phrase (part of a sentence) on page 2 is 94 words long. However, 40 words is a long sentence and should be attempted only by highly skilled authors. Yet the draft contains phrases (part of a sentence) more than twice that long. Source: <http://joanyedwards.wordpress.com/2010/09/20/how-many-words-should-your-sentences-contain/>

A single sentence of the draft may contain a triple negative – or perhaps more. It uses words that no one but lawyers have used in this century. “Notwithstanding” is used 22 times and often it is used incorrectly and adds nothing but confusion.

That single 94 word phrase on page 2 sentence requires between 19.5 and 53.8 years of education to read according to on-line tests of Readability. The average reported grade level for five tests is 40.3 years of education.

Readability Formula	Grade
<u>Flesch-Kincaid Grade Level</u>	45
<u>Gunning-Fog Score</u>	50.8
<u>Coleman-Liau Index</u>	19.5
<u>SMOG Index</u>	32.4
<u>Automated Readability Index</u>	53.8
Average Grade Level	40.3

Source: <http://www.readability-score.com/>

For the Flesch-Kincaid Reading Ease test, a "higher score indicates easier readability; scores usually range between 0 and 100." The SLDC is off the bottom of the scale with a score of MINUS 60.5. <http://www.readability-score.com/>

Another web site scores it MINUS 90.

REC'D CLERK RECORDED 02/03/2011 11:02/02/28

Robert Griego

From: Ross Lockridge <murlock@raintreecounty.com>
Sent: Monday, October 21, 2013 4:01 PM
To: Robert A. Anaya; Liz Stefanics; Kathy S. Holian; Miguel Chavez; Daniel Mayfield
Subject: SLDC Adoption Draft - Section 10.19. Sand and Gravel Extraction

Dear Commissioners Anaya and Commissioners,
Here's input on the sand and gravel section 10.19. of the SLDC Adoption Draft. Not wishing to overwhelm you, we've put this in 2 parts, the first within one page. The 2nd part (~2 pp) breaks down the section and is there for reference if you feel you need a more detailed critique. Over the years we've had quite a bit of experience with gravel mines, which may help to explain our interest.

We do think there's a place for comparatively low impact, time-limited, borrow sites, or non-comercial type operations, as might be compatible with 2.2.7. of the SGMP *Minor Land Alteration*, but suggest that that too should be reserved for discussion after the Adoption Draft is adopted.

Best Regards,
Ross Lockridge & Ann Murray
Cerrillos
471-9182
ps. we're planning to attend tomorrow's Study Session.

PART 1

We'd like to propose a simple remedy toward correcting the Adoption Draft, Section 10.19. Sand and Gravel Extraction. Please place the item (Sand and Gravel Extraction) as a DCI, for discussion during the writing of the "reserved" DCI section, just as the SGMP dictates:

Section 2.2.6.2 of the SGMP states clearly that "Sand and gravel mining will be recognized as a DCI [Development of Countywide Impact] and [be] subject to the requirements of the existing [hard rock] mining ordinance", aka, Mineral Exploration and Extraction, Section 5 of the current code.

Staff has never given us any convincing rationale for ignoring the SGMP on this. Nor is there any justification for the omission of any reference to the mining ordinance itself.

We have been concerned about opening Section 5 for fear that mining industry pressures during the Martinez administration could compromise the ordinance. If that has been a rationale for the current draft on sand & gravel, we argue that sand and gravel must still be regulated as a DCI. But Staff has also said recently that they do intend to make modifications to Section 5, ie. they intend to open it after all.

We don't wish the Commissioners to be distracted into debating now such issues that 10.19. stipulates (size & components). That would confuse the focus which is to simply follow the SGMP's directives and deal with such issues toward promulgation of the reserved DCI section.

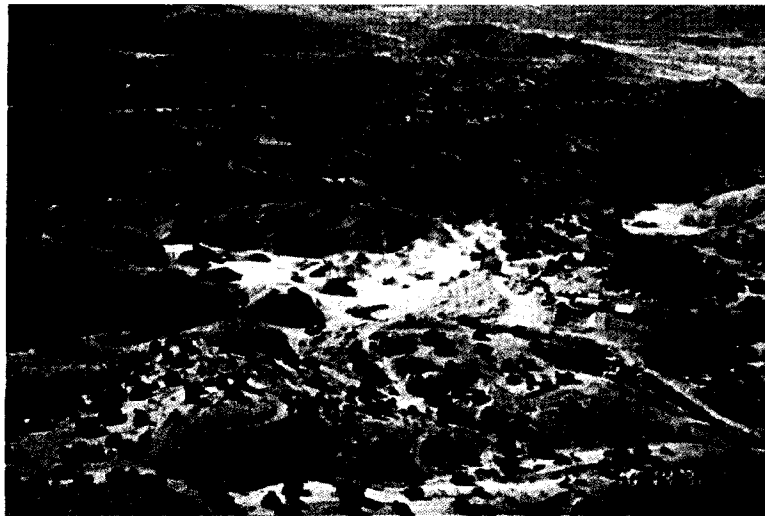
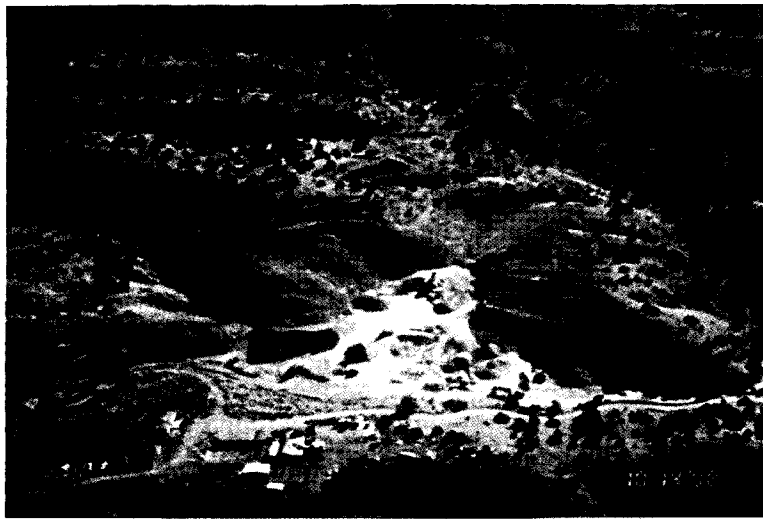
Section 10.19. is not something that can be easily amended later if left in the draft. If it was adopted, soon thereafter we expect applications--that would also affect locally in the Cerrillos area--to be submitted under it and 10.19. would consequently be locked in.

There are also some troubling mining-related items found in Appendix B: Use-Table, p.7 that could exempt the following from the mining ordinance: just as "Sand and Gravel mining under 20 acres" is Conditional rather than DCI in all Ag, Rural, & Rural Fringe areas (~40% of the County), so are these: Metallic minerals mining, Coal mining, Nonmetallic minerals mining, Quarrying and stone cutting. This doesn't make sense and we think these items should be deleted from the Use Table altogether.

We are not opposed to structuring code efficiently and zoning "by right" when it makes sense. But concern with the drafts from the beginning has been with the an imbalance between corporate powers vs. that of citizens. The easing of development permitting, ie., streamlining, in this case, bends over backwards. With the Citizens United ruling by the Supreme Court, we need a code that is balanced if not progressive to protect the environment into the future.

We haven't had time yet to review the other sections of the draft code to any depth for comment and hope the time will be allotted.

PART 2:



Gravel Mining in the Cerrillos Hills, 1984, with thanks to Lighthawk

The following observations amplify the need to first delete section 10.19. from the Adoption Draft; here are a few critical observations on it:

Statute 10.19. would apply "to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials."

And "If the extraction activity includes any blasting, then this section does not apply and the operation will be treated as a mining operation under Chapter 11 (Developments of Countywide Impact – 'DCIs')."

Blasting is a main consideration of the code writers in judging the impact of sand and gravel mining & DCIs. But the picture above (Cerrillos Gravel Produces) shows how a hill of monzonite porphyry was mined, & removed without much need for blasting.

10.19. continues: "Similarly, if the extraction operation covers an area larger than 20 acres, it will be treated as a DCI under Chapter 11."

It was accepted by the county for the SGMP that sand and gravel should be a DCI regardless of the size of the zone, because of the industrial intensity of the daily activities, not the size of a permitted zone.

As at the Cerrillos site, the industrial intensities of a sand & gravel operation could spring from a space just large enough to access the materials and stage the extraction activities including loading and trucking. An operator with the equipment could be drawing hundreds of independent trucks in a matter of weeks from a small acreage.

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But note that 10.19.2. allows "[s]uch related uses [that] may include, but are not limited to, road materials fabrication plants, asphalt hot mix plants, concrete batch plants, and the use of mobile equipment such as crushers, stackers and conveyors." These are all simply allowed without any additional comments or guidelines, but they should be because of the potential for increased impacts.

Along with any [or none] of 4 or 5 Studies (SRAs) under 10.19. the Administrator may require the SRAs, as listed on Table 6-1, p. 73. It appears that a traffic assessment may not be required until over 100 trips/day, based on an Engineers Trip Generation Manual.

For Sand and Gravel, up to & including 20 acres, there are no studies (SRAs) required by statute, they are discretionary at the wishes of the Administrator, except when trip/day exceeds 100.

In 14.9.6.5. Approval Criteria, (p. 325) for Conditional Use Permits (CUPs) must give the appearance ("it must appear") in the application that whatever the conditional use is, it will not impact certain listed items: the use will not be detrimental to the general welfare, and a few other good suggestions. But without SRAs, most of these would be reduced to simple claims made by the applicant.

Approval Criteria, No. 7 concerning zoning consistency could also be undermined by the Use Table or Matrix (Appendix B, P7). Here we find that approximately 40% of the county is already zoned Conditional for sand & gravel mining and other forms of mining, and we feel the conditions are lax and do not insure sustainability.

Concerning other statutes (Conditional Use Permits, Terrain Management...) references found in 10.19., these are not really concerned with the impacts of mining and largely appear irrelevant, and without much command.

The Conditions (14.9.6.6., p. 326) that the Planning Commission may apply, contain 1 or 2 thoughtful items (protection of environmentally sensitive areas) but the list is nonspecific to mining, and there are no listed "standards" that the Commission could begin to draw from: "[T]he PC may ... impose such reasonable standards . . ."

Expansions (under 14.9.6.8. Amendments), are something mining operations tend to do by the nature of the activity. Expansions of a 20 acre sand/gravel zone does not move such future expansion applications into a DCI. Here again, since these areas of the code (CUPs) are not specific to mining, expansions would be largely discretionary and could easily add a 5% increase in a pit size and at worst encourage the company to return with a new 20 acre application. We think 5% of a floor plan for a warehouse for instance is far different from a 20 acre gravel pit.

The referenced 7.17. (Terrain Management, p. 160) applies only to any description of earth moving. But there really isn't anything here that seems apropos. Example: under 7.17.6. "Grading, Clearing and Grubbing", there are merely instructions to stockpile topsoil for revegetation, and to mark boundaries of development. This section is largely, if not entirely dedicated to housing development.

Consequently 10.19.3.2 Reclamation Plan, makes it clear that if the mining plan includes an open pit, then such would understandably be exempt from having to reclaim steep slopes, ie. "with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors." Rather than standards for avoiding such slopes, there is some inducement to create steep slopes.

There is absence of any real commitments to return comparable topsoil or mulch materials to aid in successful reclamation. There are no SRAs related to reclamation and no performance standards. This is not in keeping with the Plan's sustainable intent.

A well-sited DCI gravel operation shouldn't encounter much, if any resistance if well sited.

Again, it is completely justifiable to classify sand and gravel mining as a DCI placed under Section 5 - Mineral Exploration and Extraction, known as the hard rock mining ordinance.

Notes by Ross Lockridge & Ann Murray, 10/21/13

2013 OCT 21 10:00 AM RECEIVED

Recently I was forwarded some internet correspondence compiled by Pamela Greaves a Lamy, NM resident. A year or so ago, Ms. Greaves & her partner purchased a run down piece of property at 113 Ranch Road, put in some sweat equity, built a terrific 2-3 horse barn, and settled into the neighborhood. One neighbor was a rural resident with horses, another was Sled Reynolds, a stock provider for the movies, whose property had previously been a horse boarding stable for 30-40 years and the third was an old historic boarding stable known as Mariposa.

Prior to Ms. Greaves arrival on Ranch Road, it was a quiet neighborly area of commercial horse stables (Luna Rosa & Mariposa), non-commercial horse residences with barns, pens, and arenas, the Art Barns, East Ranch, and Rancho de Bosque. Since Ms. Greaves' arrival, I have found her to be an agitator inciting animosity towards horse properties other than those kept in relatively small backyard setups. She has a history of misrepresenting the truth and creating a certain level of drama or hysteria to persuade others to join her in whatever quest she pursues. I find her to be a "bully", who rather than physically assailing her adversaries will badger them through the internet and the legal process.

I also find her to be a hypocrite. While Ms. Greaves professes her concern of horse facilities and their so-called impact on water issues, manure production, traffic, noise, etc. ; she eagerly signed up and rode 4 days with Buck Brannaman in September 2012 and again in August 2013 at clinics we conducted at The Trinity Ranch. She thought the events were awesome. Furthermore, earlier in the summer of 2013, she enrolled her daughter in my wife's horse camp from 9-1300 for 5 days. She thought that was pretty cool and convenient, too. But now she disparages and displays alarm over such events, which she previously endorsed and utilized.

I don't know her motivation, who or what has instigated her quest and what is her real basis or interest in these matters. I do know the SLDC very adequately designates, "Stables and other equine related facilities" as a Permitted Use in Rural Residential neighborhoods; and non-residential stables should not require a Conditional use designation. Furthermore, the County officials presently do a very adequate job of screening and granting Commercial and In Home Business licensure; and there is NO NEED for change of the present statues and regulations. I could only speculate that her latest quest and "county wide" concern is a veiled attempt to protect herself from a possible stable on her adjacent neighbor, Sled Reynolds', land.

I would like to address Ms. Greave's document titled SLDC. I cannot speak for my neighbors, but I will seek to correct some misrepresentations in her document.

1. Permitted Use-

I believe the SLDC is very adequate now for home owners and horse owners. The approval process for business and commercial licensure certification is extensive, yet very functional to serve the county populace.

2. Concerns

A. Water- At our place we have 10-18 horses depending on the time of year. None of our horses are onsite 12 months of the year due to breeding, foaling, and turn out. So let's estimate that we have 14 head on site year round. I'll take 10 gallon water consumption per day, although ponies, babies and foals are certainly less. Thus, $14 \times 10 \times 365 = 51,100$ gallons per year.

Generally we don't wash horses. We probably do a 5 gallon hose off on 6 horses twice a week over 6 months. Thus, $5 \times 6 \times 2 \times 24 = 1,440$ gallons per year.

I have no residents except my family. Friends and visitors probably flush the toilet 3xs a day, 5 days a week, 40 weeks a year. $3 \times 5 \times 40 \times 3\text{gal} = 1800$ gallons per year.

Landscaping irrigation is done from our water collection system, as is some of our stock watering. Aside from our home uses, I figure horses are utilizing 54,340 gallons per year. Even if one were to double this figure, it would be a small fraction of the figures presented by Ms. Greaves. I believe likewise the figures presented are a gross exaggeration for Luna Rosa, Mariposa, Dr. Melio, and any other horse horse properties in our area.

We are very mindful of water usage. We have an ongoing commitment towards water collection and conservation. The figures of water usage in the SLDC document are inaccurate, invalid, and not a basis for any sort of conclusion.

B. Solid Waste-

It is a common misconception amongst laymen that the 30-60 pounds of manure produced by horses is THE significant figure when dealing with manure. Actually most of the weight of manure is water. It certainly benefits our soils if we can retain the organic matter and nitrogen contained in manure. Such retention is a significant and worthwhile goal.

We spread our manure and some pine shavings on a track around our property. We mow, rake/harrow, and turn these areas to break down the 1-2" diameter clumps to a dusty residue. The best breakdown and decontamination of manure is exposure to sunlight's ultraviolet rays and dryness. Flies, rodents, and parasites do not prosper when manure is handled in this manner. The residual soon blows into our protected areas of native Gramma grass and Pinon pines. Indeed our soils are better for this practice, especially in a year with rainfall like 2013. Furthermore, unless there is a 320 foot sink hole into our well's aquifer, groundwater contamination is not even a consideration. Bacteria in manure are very dependent upon water and oxygen for survival; they don't do well in the ground.

We tried composting for a couple of years. You stockpile manure, wet it, turn it, etc. Talk about flies. But we tried it. We advertised for FREE COMPOST. And wow, we loaded one mini-Nissan pick-up bed with garden ready compost in 2 years. It sounds good and it works for some people, especially those with a need for the compost, but it doesn't work for everybody.

C. Fire

I don't think our manure is deep enough to start a fire. But in 2011 and 2012, the winds and dryness produced some unusual circumstances. Our water catchment is also designed to fight fires and protect our property and that of our neighbors. In reality, incidents with fires from lightning, cigarette smoking, BBQing, chimneys, kitchen stoves, and battery chargers, etc. are more frequent than with manure.

D. Traffic

Ms. Greaves' contentions here are again a reflection of her fabrication, lack of knowledge or effort to create a certain level of hysteria. At our place, my wife is the barn manager. We are the trainers for our own horses. I am the maintenance guy. We haul to the vet when necessary. Hay is delivered once a year. We average 2 lessons a day. Summer horse camp was three 5 day sessions Monday through Friday from 0900 to 1300. Let's see. Ms. Greaves drove her daughter ¼ down Ranch Road to our place. Another neighbor drove from across the street. And most of the others carpooled. Wow, what a big impact. I do drive trucks and have trailers. A lot of people without horses love to drive trucks and SUVs also.

500 cars per day ! Another purposeful error in stating the facts. That figure is much closer to the traffic over 4 days for the August Buck Brannaman clinic... attended by who else, but his willing accomplice Pam Greaves. This clinic and its' impact on neighbors has been addressed with the county several months ago and it is unlikely that Brannaman will be coming back to Santa Fe. Furthermore, I can understand people's concern about this event. I don't agree with their concerns, but I recognize them as a valid difference of opinion.

Buck Brannaman is kind of a big deal in the West, Hollywood, and Washington DC, as well as the horse world. Brannaman clinics here brought 15-20 people here from Europe, Asia, and Latin America and another 300 from neighboring states/distant sites in New Mexico. Other than attending the clinic, those visitors did nothing but stay in hotels, eat in restaurants, rent cars, buy gas, shop, etc. One could probably conservatively figure a million dollar impact on the local economy. Too bad for the horse owners and too bad for Santa Fe for the loss.

I do not see the horse properties impacting traffic on Ranch Road. Aside from the Brannaman clinics and a few morning or evening commuters it is pretty hard to find 3 cars on the 1+/- mile stretch of paved road at any time or any day.

E. Noise

"PA Systems heard for miles". I seriously doubt this. Buck Brannaman's clinics were from 9- 1630 with a 1 ½ hour lunch break. Of the 6 hours, he probably spoke for little more than 1 hour. Today, October 21, 2013 was a relatively calm morning, leaves barely rustling and winds estimated at 4-7 mph. I set my PA system up and began testing the noise level and distance of spread. I was shocked that I could NOT hear anything, nothing, at my property borders. I have a high tech guru coming out soon to evaluate for any noise contamination. I don't think noise is an issue. Different winds and temps? Don't think the climate will alter my gross sound test this morning. On certain days I can hear an upwind instructor barking some instructions at Luna Rosa, a neighbor's dog howling, or a delivery truck scurrying down Ranch Road. Annoying? Not to me.... just the sounds of life.

The rest of Ms. Greaves' document is filled with statements of intent, zoning, and drama about the negative impact of the horse on communities. As far as her

proposed solutions, Santa Fe County already has enough checks without further regulations. Her document is filled with erroneous facts, inflated figures, and hypocritical condemnation. I think it was put together in a dishonest manner and is an invalid source of information.

It is my hope that a more accurate assessment of some facts and a review of the current SLDC will help the BCC to reject any changes to the SLDC as pertains to non-residential horse properties or alterations to the present Commercial or In Home Business license procurement process. I think it would be an error to open up the SLDC to a host of new classifications involving equine facilities and integrating state law of The Right to Farm Act into the SLDC. The time involved with hearings, permitting and inspection of facilities is an unnecessary task. In Santa Fe County such a review will impact a lot of people as well as their property values. I think Ms. Greaves is best to deal with her home and her neighbors and leave Santa Fe County alone.

The horse has a long and significant history in New Mexico and Santa Fe. I think to alter or limit the availability of horses and the ability to acquire good horsemanship is a disservice to people and the horse. Sometimes, some people want to inaugurate solutions where no problems really exist; and suffice to say there is no need to burden or strangle people with unneeded and unwanted regulations. The current thrust to alter the SLDC is just such an endeavor. "If it ain't broke, don't fix it".

It is my intent to soon meet with representatives of nearby Home Owners Associations to exchange concerns, thoughts, ideas and just to have some "open dialogue".

REC'D
CLEAN
RECORDED
82/83/2814

Robert Griego

Subject: FW: La Bajada Ranch Master Plan Amendment & Community Plan Ordinances - for the official record

From: Ross Lockridge [<mailto:murlock@raintreecounty.com>]
Sent: Monday, August 12, 2013 9:36 PM
To: Robert A. Anaya
Cc: Daniel Mayfield; Kathy S. Holian; Liz Stefanics; Miguel Chavez
Subject: La Bajada Ranch Master Plan Amendment & Community Plan Ordinances

Dear Commissioner Anaya and Commissioners,

Please make sure from the start that any motions concerning La Bajada Ranch Master Plan Amendment are tailored to be clearly within the lawful meaning and *intention* of La Cienega Community Plan's existing ordinance.

If the Commission strays from a Community Plan's Ordinance, such could undermine a community's commitment to spend the time needed in developing a Plan in the first place.

In the same spirit of respect for a Community Plan Ordinance, we believe the SLDC should avoid all temptations to create ways (loopholes) that might likewise authorize a Planning Commission or the Board toward an ability to undermine a Community Plan Ordinance. Again there would be little incentive for citizens to develop a community Plan if an ordinance could be willfully and legally undermined.

The promise of an ordinance, of putting a Community's Plan into the legal framework of an ordinance is what gives meaning to a community plan. It is a way of balancing the powers within the County, between the citizens, their communities and their elected representatives

It is very tempting for a Commissioner to follow the recommendations of his or her county staff, or Manager to, in this case, maximize profit, however conditions should be placed to unequivocally meet La Cienega's Community Plan.

Sincerely,

Ross Lockridge
Ann Murray
POB 22
Cerrillos, NM 87010

REC'D DEPT. RECORDED 8/13/2013 11:14

Robert Griego

Subject: FW: The Draft SLDC is worse in content than the previous one, and unreadable. Part 1 & 2. - for the official record

From: devin bent [mailto:devin.bent@gmail.com]

Sent: Sunday, October 06, 2013 1:25 PM

To: Daniel Mayfield; Carl Trujillo; Juan R. Rios; Robert Griego; Rachel A. Brown

Subject: The Draft SLDC is worse in content than the previous one, and unreadable. Part 1 & 2.

Brief summary:

1. The Draft SLDC is unreadable. It requires far too many years of education to read.
2. The public meetings are too few in number, too far in distance, and too soon in time.
- 3 The Draft SLDC totally negates zoning by allowing higher density and more mixed use than the 'zoning' would allow.
4. The Community Plans survive only if they are 'consistent' with the SGMP.
5. The Draft SLDC assaults 1st Amendment freedoms in a manner that I find incredible.

I'll take up points 1 and 2 in this message.

The draft has 406 pages of densely packed words -- single spaced. Page 9 has 566 words. Typically a writer who wants to be read uses double spacing and a twelve point font, often Times New Roman. The average page holds about 200-300 words. Thus page 9 has about twice as many words and is oppressive. (The number of words on a page will vary and different sources offer slightly different answers. See, for instance, http://wiki.answers.com/Q/How_many_words_does_a_one_page_essay_typically_contain)

A single phrase (a part of a sentence) on page 2 is 94 words long. However, 40 words is a long sentence and should be attempted only by highly skilled authors. Yet the draft contains phrases (a part of a sentence) more than twice that long. Source: <http://joanyedwards.wordpress.com/2010/09/20/how-many-words-should-your-sentences-contain/>

That single 94 word phrase requires between 19.5 and 53.8 years of education to read according to various tests. The average reported grade level for five tests is 40.3 years of education.

Readability Formula	Grade
<u>Flesch-Kincaid Grade Level</u>	45
<u>Gunning-Fog Score</u>	50.8
<u>Coleman-Liau Index</u>	19.5
<u>SMOG Index</u>	32.4
<u>Automated Readability Index</u>	53.8
Average Grade Level	40.3

Source: <http://www.readability-score.com/>

For the Flesch-Kincaid Reading Ease test, a "higher score indicates easier readability; scores usually range between 0 and 100." The SLDC is off the bottom of the scale with a score of MINUS 60.5. <http://www.readability-score.com/>

Another web site scores it MINUS 90.

REC'D - CIVIL RIGHTS DIVISION
OCT 06 2013 11:12 AM
RECORDED - 88/83/2014

Robert Griego

From: pamela greaves <pamelagreaves@hotmail.com>
Sent: Friday, October 18, 2013 1:32 PM
To: Daniel Mayfield
Subject: suggested refinements to SLDC
Attachments: the santa Fe County Sustainable Land Development Code Public Adoption Draft October.doc;
fire incident report.pdf

Commissioner Mayfield,

I respectfully request that you view that attached document suggesting refinements to the SLDC in advance of Tuesday, October 22nd's SLDC study group.

I live at 113 Ranch Road, Lamy NM 87540. I have two horses on my property. I am a member of the HWY 285 Sustainability Alliance.

I will attend Tuesday's study group and I hope to be given the opportunity to discuss these refinements with the Board at the study group.

Sincerely,
Pamela Greaves
505-490-0068

REC'D CLERK RECEIVED 02/03/2014

*United Communities of Santa Fe County
P.O. Box 23554
Santa Fe, N.M. 87502*

August 19, 2010
For the CDRC Document Two

Mining as treated in the "Final" June 2010 SLDP Draft

To the CDRC 8/19/10 from United Communities of Santa Fe County
Support For Staff's Recommended Changes on Mining to the Final SLDP Draft
(Item Three)

~

5.4.1 Submittals for Types of Mines and Operations

Each application for mineral exploration or extraction permit or by a mine operator who proposes an expanded mining land use shall be evaluated for the purpose of establishing the type of mine that is proposed. The type and size of mining land use and mine site will then be evaluated by the Code Administrator to determine which submittals will be required of the applicant. Objections to the findings of the Code Administrator can be appealed by any interested person to the CDRC." From Existing code, Article III, Sect. 5 (emphasis added)

Members of the CDRC/Planning Commission,

It has very recently come to our attention that County Staff supports changes from the current text on mining (and specifically sand and gravel mining) as found in the Final SLDP. We wish then to encourage your support of Staff's changes. Here is their text:

The County's existing mining ordinance will be incorporated into the SLDC and will be recognized as a Development of Countywide Impact. The mining ordinance shall be incorporated into the SLDC without substantial changes, although it is expected that some aspects of the oil and gas ordinance may also be made applicable to mining. Sand and gravel mining will also be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC.

Proposed Language:

Policy 5.1.

Ensure that the oil and gas and mining ordinances are incorporated into the SLDC.

Strategy 5.1.

Incorporate existing mining ordinance to include sand and gravel mining into SLDC.

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82/83/84/4

3) the danger of multiple, adjacent or serial 2-acre mines being approved under the lax Article XI;

4) by retaining Article XI in the Code, there would likely be applications for variance or amendment to accommodate larger mines under Article XI;

5) ceding this issue (a relatively small amount) now would make it difficult for the County to take back if it finds that there is litigation as the result of this change--it makes sense to have greater controls up front, then lessen them *if* there appears to be either burden on commercial uses or some need to attract additional sand and gravel operations to the County;

6) the principle of economy in legislative drafting dictates that one does not change laws from ones of known effect and impact to ones where the effect and impact are unknown or yet to be determined unless there is good cause based upon experience with the working of the prior enactment--here that is not the case, so the law should remain under the existing mining ordinance unless the proponents of the change can adduce, to the satisfaction of the reviewing committee or commission, that the change is necessary for the health, safety and well-being of the County;

7) the change (a directive in the SLDP to include sand and gravel mining in Article III, Sect. 5 by removal of exception 5.1.2 Pre-Emption, D) preserves the original intention of the mining ordinance to protect the public health, safety, welfare and order. This action is responsive to problems that local communities have had regarding sand and gravel operations, some of which started small and could not be contained. This is basically a modest change and assures that the County will carry forward its stated intentions, that it will properly control all sizes of sand and gravel operations under the new plan, ordinances & code that will carry it forward;

8) staff's changes provide needed predictability to all persons regarding the intention of development within the County by placing the mining of sand and gravel within the existing mining ordinance;

9) this is consistent with good legislative practice, consolidating useful legislation with clear directions as to the intent for interpreting it. Given that sand and gravel "mining" more naturally fits with other forms of mining, removing the exception provides both drafting economy (eliminating Article XI) and clarity (placing the mining of sand and gravel under the mining ordinance with plain language intending to control size);

10) the net effect of adopting the change is that the County will assure, that under the Plan, the Code will be interpreted to preserve community values and assure public health, safety, welfare and order in the development of Santa Fe County.

Edits to the "Final" SLDP draft. (blue underlined are suggested additions):

2025/03/28 09:00:00 AM



LEAGUE OF WOMEN VOTERS®
OF SANTA FE COUNTY

November 19, 2013

Board of County Commissioners
Santa Fe County Administration Building
P.O. Box 126
Santa Fe, NM 87504-2706

Dear Commissioners:

The League supported adoption of the Sustainable Growth Management Plan and has advocated for the adoption of the Sustainable Land Development Code in this calendar year. Until the code is adopted and the zoning map approved, residents of Santa Fe County will not benefit from the sustainable principles of the growth management plan.

Because the code will not go into effect until the zoning map is approved, we urge the board and staff to work as quickly as possible towards a vote to approve the zoning map. We ask you to begin preliminary steps in the zoning map approval process even before adoption of the code, where such acceleration of the process is feasible.

We understand that the code is complex and may need to be amended over time. However, we believe it is important to put the code in place to give Santa Fe County a consistent, up-to-date package of land development procedures and standards.

We also understand that a document of this complexity will never garner unanimous agreement on every detail. However, the county has followed an open and democratic process, taking into account public opinion, in producing and revising the adoption draft.

We again want to express our thanks to the board and to all county staff members who have been involved in development of the code. This has been a lengthy process that you have conducted professionally and with careful attention to the many public comments submitted since the initial draft was released more than a year ago.

We ask all commissioners to vote to approve the code at your December 10 meeting.

Sincerely,

A handwritten signature in cursive script that reads "Christine Furlanetto".

Christine Furlanetto
LWVSFC Vice President, Action & Advocacy Chair

cc: Katherine Miller, County Manager
Penny Ellis-Green, Director, Growth Management / Land Use
Robert Griego, Planning Manager

1472 St. Francis Drive
Santa Fe, NM 87505-4038

1 of 1

Tel/Fax: 505-982-9766
www.lwvsfc.org

REC'D BY RECORDED 11/21/13 10:28 AM



Santa Fe County Commissioners

Chair: Commissioner Kathy Holian, District 4
Commissioner Daniel Mayfield, District 1
Commissioner Miguel M. Chavez, District 2
Commissioner Robert A. Anaya, District 3
Commissioner Liz Stefanics, District 5

102 Grant Avenue
Santa Fe, N.M. 87505

November 18, 2013

RE: SLDC Provision for Habitat and Wildlife Corridor Protection

Dear County Commissioners,

Thank you for a diligent and public process for developing the Sustainable Land Development Code. **The Northern New Mexico Group of Sierra Club strongly supports the Code and the process of updating and improving it into the future.**

There are two significant natural resources mentioned in the Plan that have not yet been identified for protection in the Code – wildlife habitat and corridors. Preserving wildlife populations and habitat are areas of public concern as well as essential to our landscape ecology and quality of life.

In 2009, the county and the BCC helped sponsor two Santa Fe County Wildlife Focal Species workshops. The first workshop had 38 county, state, pueblo and federal biologists and wildlife managers identify and rate over 50 species of concern. A focal species list of 20 was compiled and species occurrence data collected. Dr. Ken Boykin, from New Mexico Cooperative Fish & Wildlife Research Unit, led the GIS mapping workshop that followed and developed the individual species habitat maps. His team's technical assistance report, "*Santa Fe County Wildlife Habitat GIS Modeling: Workshop and Conservation Priorities*" was submitted to the county in December 2009.

This detailed report and GIS mapping by the county that followed are the most accurate tools to date for identifying the locations and densities of key wildlife populations in the county. In order for the county to protect these areas, the report

2013/11/18 10:00 AM RECEIVED 11/18/2013

Robert Griego

From: Kim Shanahan <Kim@sfahba.com>
Sent: Tuesday, November 19, 2013 8:30 AM
To: Daniel Mayfield
Subject: HERS 70

Commissioner Mayfield,

Unfortunately I cannot be at tonight's hearing on the SLDC, but I do want to make a few points on whether requiring a HERS 70 on new homes built in Santa Fe County makes them cost-prohibitive.

- Santa Fe County staff analysis, in partnership with experienced area HERS raters and verified by Santa Fe Area Home Builders Association, shows building to a HERS 70 on an average home adds 1% - 2% to the cost of a home but can save a homeowner over \$100 in total monthly expenses on a propane-heated home.
- Because of state energy tax incentives, nearly 75% of homes built in Albuquerque routinely achieve HERS ratings of 60 or lower, including entry-level homes by production builders.
- Santa Fe builders have been building to a HERS 70 standard since 2009 because of City code.
- Current New Mexico Code, based on IECC 2009, presumes a HERS rating equivalent of 89, not 100 as some assume. HERS 100 is based on IECC 2006
- Independent national studies suggest our code is actually closer to a HERS 85 equivalency.
- The IECC 2012, which is the current national energy code benchmark but not yet adopted by New Mexico, presumes a HERS equivalency in the low 70s.
- The 2015 IECC, recently adopted by the International Code Council in its October Final Action Hearings, assumes our climate zone will have HERS equivalency of 55, and in fact codifies that number.
- The actual cost of hiring a HERS rater is an unavoidable cost, but for Santa Fe County residents outside of the incorporated area, Affordable Housing Funds should be utilized to offset costs.

A HERS 70 requirement on all new residential construction is no longer a line in the sand of radical change. It is virtually status quo and should be codified in the Sustainable Land Development Code.

Thank you for serving the people of Santa Fe County, passage of the SLDC is a legacy accomplishment that we should all be proud of.

Kim Shanahan
Executive Officer
Santa Fe Area Home Builders Association
Building A Better Santa Fe Together
1409 Luisa Ste A
Santa Fe, NM 87505
505.982.1774 fax 505.982.0238
Cell 505.310.3247

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SERIAL
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11/20/2013
11:28:28 AM



Santa Fe County Commissioners

Chair: Commissioner Kathy Holian, District 4

Commissioner Daniel Mayfield, District 1

Commissioner Miguel M. Chavez, District 2

Commissioner Robert A. Anaya, District 3

Commissioner Liz Stefanics, District 5

102 Grant Avenue
Santa Fe, N.M. 87505

November 18, 2013

RE: SLDC Provision for Habitat and Wildlife Corridor Protection

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There are two significant natural resources mentioned in the Plan that have not yet been identified for protection in the Code – wildlife habitat and corridors. Preserving wildlife populations and habitat are areas of public concern as well as essential to our landscape ecology and quality of life.

In 2009, the county and the BCC helped sponsor two Santa Fe County Wildlife Focal Species workshops. The first workshop had 38 county, state, pueblo and federal biologists and wildlife managers identify and rate over 50 species of concern. A focal species list of 20 was compiled and species occurrence data collected. Dr. Ken Boykin, from New Mexico Cooperative Fish & Wildlife Research Unit, led the GIS mapping workshop that followed and developed the individual species habitat maps. His team's technical assistance report, "*Santa Fe County Wildlife Habitat GIS Modeling: Workshop and Conservation Priorities*" was submitted to the county in December 2009.

This detailed report and GIS mapping by the county that followed are the most accurate tools to date for identifying the locations and densities of key wildlife populations in the county. In order for the county to protect these areas, the report

and maps listed below should be included in the Code's Environmental & Natural Resources Overlay (8.11.4):

1. Potential Habitat Survey Areas and NMSU Focal Species Model
2. Potential Habitat Survey Areas and ReGAP Overall Vertebrate Species Richness Map
3. Potential Habitat Survey Areas and Parcel Size
4. Potential Habitat Survey Areas and Public Lands and NMDGF Corridors

These maps take into consideration county and state conservation priorities, recently completed habitat studies, N.M. Department of Game & Fish conceptual wildlife corridors, proximity to public and private conservation lands, and parcel size.

We ask that the maps be utilized as aids in Land Suitability Assessments on environmentally sensitive lands. We suggest that when new developments within the Potential Habitat Survey Requirement Areas prepare site surveys of natural resources, that focal species habitat and corridors are included and that the standard of protection be determined using the existing code sections, including recently approved protections for riparian areas. Wetlands and riparian areas are critical habitats and should have the highest level of protection from disturbance.

Of key importance in protecting habitat or wildlife is the expertise of locally based biologists and state wildlife experts. As habitats continue to be altered and reduced due to human use and climate change, we suggest these experts be routinely consulted as part of the decision making process.

Thank you for your dedicated work on behalf of our county.

Sincerely yours,



Teresa Seamster
Co-chair, Northern N.M. Group
Rio Grande Chapter of Sierra Club
1807 2nd Street, Suite 45
Santa Fe, N.M. 87505
(505) 983-2703
(505) 466-8964 (h)
tc.seamster@gmail.com

Attachments

Santa Fe County Technical Assistance Report
Maps (1-4)

2013/08/28 09:23 AM RECEIVED

Robert Griego

From: robin dunlap <robin@keshi.com>
Sent: Saturday, December 07, 2013 2:10 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Subject: in support of the SanaA Fe Horse Coalition

Dear Commissioners,

My name is Robin Dunlap. I have owned horses in Santa Fe County for 30 years. Horses are important to me/Santa Fe County because they provide diversity, rural life experiences, recreation minutes from the city and income for those who make having horses possible. For many, living in the county is like living in the country. It is amazing to me that people knowingly move out here where there are more opportunities to see wildlife and horses and then they want to sanitize it, fence it, gate it, and make it difficult for others to enjoy. Live in the city!

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Your Name_ Robin Dunlap, Devine, and Stoney, Your Horses
Local Santa Fe business owner for 33 years

2013/12/07 14:23:00

Robert Griego

From: Cathy McManus <chuck_cathy@q.com>
Sent: Saturday, December 07, 2013 2:07 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Cc: 'Santa Fe County Horse Coalition'
Subject: SLDC Code Adoption

Dear Commissioners,

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I have a problem with these regulations on commercial horse operations if there is not more clarity to the # of horses that can be boarded or farmed on any size property. Lived in Corrales and yes there can be environmental concerns when too many horses are housed on small properties. Although Waste management in Corrales accepted the manure so disposal wasn't a huge problem. Traffic is never a problem out here in Rural SF County and if the neighborhoods are zoned for rural residential or rural fringe next to ranch/ag I'm not sure we need a lot of regulations and hoops but I do think there has to be a rule that defines how many horses are allowed per acre or something to limit the exposure.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Cathy McManus
Cedar Grove, NM
505-331-2975

Horse Organizations: Back Country Horsemen Pecos Chapter and High Desert Riders of NM

REC'D
CLERK
RECORDED
12/10/13

Robert Griego

From: prsantafe@gmail.com on behalf of Matedor <matedor@wyndhorse.com>
Sent: Saturday, December 07, 2013 11:14 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Santa Fe County Horse Coalition
Subject: In support of Commercial Horse Facilities: I support the changes to the SLDC and as presented at the public meeting on December 3rd.

Dear Commissioners,

My name is David Marks. My wife and I have owned horses and lived in Santa Fe County for 10 years. Horses are important to us and to our county because they embody the character and history of Santa Fe. Keeping and riding horses in the beauty of Santa Fe County is why I moved here. We are lucky to have a vital horse community. The equestrian character of our county makes it attractive to both residents and visitors.

Please help us maintain the legacy and culture of the horse by supporting commercial horse activities. Commercial equestrian centers give the horse community a heart: venues for training, education, and social interaction. They also provide a valuable link to the community at large by hosting horse events and educational opportunities. Horse owners value hard work, responsibility and cooperation. We are good neighbors and proud to be part of the heritage of Santa Fe County.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
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I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.



David Marks
Board Member
SANTA FE COUNTY HORSE COALITION

2013 DEC 07 11:14 AM
SANTA FE COUNTY
COMMUNICATIONS CENTER

Robert Griego

From: Piar Marks <prsantafe@gmail.com>
Sent: Saturday, December 07, 2013 11:09 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Santa Fe County Horse Coalition
Subject: In support of Commercial Horse Facilities: I support the changes to the SLDC and as presented at the public meeting on December 3rd.

Dear Commissioners,

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I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Piar Marks
Board Member
SANTA FE COUNTY HORSE COALITION

REC'D BY: RECORDED 02/23/2014

Robert Griego

From: Libby Pattishall <libpatt@earthlink.net>
Sent: Saturday, December 07, 2013 9:49 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Cc: santafecountyhorsecoalition@gmail.com
Subject: Santa Fe County horses and code vote December 10

Dear Commissioners,

My name is Libby Pattishall. I have owned horses/lived in Santa Fe County for 18 years. Horses are important and essential to me/Santa Fe County and they are the reason we chose to move into this area near Santa Fe. This was a designated horse owner area at that time. We appreciate the keeping of horses in this area, the wide open lots and the ability to see/hear horses throughout the area.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners and could prevent certain owners from being able to afford to keep their animals. Commercial horse operations are an ASSET to our community and allow individuals to enjoy their passion of riding where they would not be able to without boarding their horse..
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Libby S Pattishall

Libby Pattishall
libpatt@earthlink.net

"Be patient toward all that is unsolved in your heart and try to love the questions themselves. Do not seek the answers, which cannot be given you because you would not be able to live them. And the point is to live everything. Live the questions now. Perhaps you will gradually, without noticing it, live along some distant day into the answer." --from Letters to a Young Poet by Rainer Maria Rilke

"We need another and a wiser and perhaps a more mystical concept of animals. Remote from universal nature and living by complicated artifice, man in civilization surveys the creature through the glass of his knowledge and sees thereby a feather magnified and the whole image in distortion. We patronize them for their incompleteness, for their tragic fate for having taken form so far below ourselves. And therein do we err. For the animal shall not be measured by man. In a world older and more complete than ours, they move finished and complete, gifted with the extension of the senses we have lost or never attained, living by voices we shall never hear. They are not brethren, they are not underlings: they are other nations, caught with ourselves in the net of life and time, fellow prisoners of the splendour and travail of the earth"
— Henry Beston, *The Outermost House: A Year of Life On The Great Beach of Cape Cod*

Robert Griego

From: Deb <dbenenson@fastmail.fm>
Sent: Saturday, December 07, 2013 9:42 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Cc: jsb43@q.com; Cat Roberts Parks
Subject: We support SLDC changes

Dear County Comissioners,

We have lived in Santa Fe county for many years and own a small equine facility. Horses, ranches, and agricultural endeavors are a big part of Santa Fe culture and history. Please support the changes presented by the Santa Fe County Horse Coalition at the December 3rd meeting.

Imposing more restrictions on commercial and small horse owners puts an unfair burden and may limit their ability to serve horse lovers and owners in our county.

Please help maintain the rural lifestyle we cherish.

Thank you,
Deborah and James Benenson
Raven Ranch 87508

Sent from my iPhone

2013/12/07 09:42:42 AM

Robert Griego

From: Greg Fuess <greg.fuess@gmail.com>
Sent: Saturday, December 07, 2013 9:17 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Subject: Sustainable Land Development Code (SLDC)

Dear Commissioners,

My name is Greg Fuess I have owned horses and lived in Santa Fe County for over a year. Horses are important to me and Santa Fe County because of the important social, cultural and historical influences horses have made on life in and around Santa Fe County.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Greg Fuess
La Cueva Ranch
Glorieta, NM

REC'D CLERK RECORDED 12/03/2013

Robert Griego

From: Amy Lee Mowins <amylee@bayhorsesdesigns.com>
Sent: Saturday, December 07, 2013 9:02 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Melissa S. Holmes; Christopher M. Barela; Tina Salazar; santafecountyhorsecoalition@gmail.com
Subject: Your support is needed

Dear Commissioners,

My name is Amy Mowins. I have owned horses since I was six years old. Horses are an important part of our heritage and charm of New Mexico and human history as a whole. Horses provide us with not only recreational use but also provide healing therapies in both mental and physical well being. The positive economic impact horse activities bring to the community are numerous. Businesses supporting equine activities such as feed, hay farmers, clothing stores, tack and equipment, farm equipment and implements, vehicle maintenance and repair, veterinarians, farriers and blacksmiths, restaurants, and grocery stores to name a few.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC use table as presented on December 3rd.
- Imposing greater restrictions on Commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment Vote on the horse issue is planned after the vote on the Code December 10, I would urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration,

Amy Mowins

Sent from my iPad

RECORDED
12/07/13 11:23:51 AM

Robert Griego

From: Amy Lee Mowins <amylee@bayhorsesdesigns.com>
Sent: Saturday, December 07, 2013 9:02 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Melissa S. Holmes; Christopher M. Barela; Tina Salazar; santafecountyhorsecoalition@gmail.com
Subject: Your support is needed

Dear Commissioners,

My name is Amy Mowins. I have owned horses since I was six years old. Horses are an important part of our heritage and charm of New Mexico and human history as a whole. Horses provide us with not only recreational use but also provide healing therapies in both mental and physical well being. The positive economic impact horse activities bring to the community are numerous. Businesses supporting equine activities such as feed, hay farmers, clothing stores, tack and equipment, farm equipment and implements, vehicle maintenance and repair, veterinarians, farriers and blacksmiths, restaurants, and grocery stores to name a few.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC use table as presented on December 3rd.
- Imposing greater restrictions on Commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment Vote on the horse issue is planned after the vote on the Code December 10, I would urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration,

Amy Mowins

Sent from my iPad

OFFICE RECORDED 02/03/2014

Robert Griego

From: Penny Ellis-Green
Sent: Tuesday, December 10, 2013 1:53 PM
To: Robert Griego
Subject: FW: SLDC and Horses. - For the official record

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Juan R. Rios **On Behalf Of** Daniel Mayfield
Sent: Tuesday, December 10, 2013 1:20 PM
To: Katherine Miller; Stephen C. Ross; Penny Ellis-Green
Subject: FW: SLDC and Horses. - For the official record

These email(s) are forwarded to you at the request of Commissioner Mayfield for the official record.

Juan Rios, Constituent Services Liaison
Commissioner Daniel Mayfield, District 1
Santa Fe County Commission
Office: (505) 986-6328
E-mail: jrios@co.santa-fe.nm.us

From: Rheanna Butler [<mailto:rheannabutler@gmail.com>]
Sent: Friday, December 06, 2013 5:24 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Melissa S. Holmes; Christopher M. Barela; Tina Salazar; santafecountyhorsecoalition@gmail.com; Julia Valdez; Juan R. Rios
Subject: SLDC and Horses.

Dear Commissioners,

I have owned horses and lived in Santa Fe County for 27 years. Horses and other livestock taught me about responsibility and hard work in my childhood through programs like 4-H. Through training and showing horses I learned about sportsmanship, I gained self esteem for a job well done, I learned about patience and I learned that life isn't always fair but you try again. I also met many friends whom are still dear to me today and these friends kept me from seeking gangs, drugs or other dangerous paths. My children are just now getting old enough to be around horses and I am excited to teach them the same things I learned as well as enroll them in 4-H.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC use table as presented on December 3rd.
- Imposing greater restrictions on Commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment Vote on the horse issue is planned after the vote on the Code December 10, I would urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration,

Rheanna Butler

Robert Griego

From: Penny Ellis-Green
Sent: Tuesday, December 10, 2013 1:53 PM
To: Robert Griego
Subject: FW: I support HORSES! Please read. - For the official record

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Juan R. Rios **On Behalf Of** Daniel Mayfield
Sent: Tuesday, December 10, 2013 1:21 PM
To: Katherine Miller; Stephen C. Ross; Penny Ellis-Green
Subject: FW: I support HORSES! Please read. - For the official record

These email(s) are forwarded to you at the request of Commissioner Mayfield for the official record.

Juan Rios, Constituent Services Liaison
Commissioner Daniel Mayfield, District 1
Santa Fe County Commission
Office: (505) 986-6328
E-mail: jrios@co.santa-fe.nm.us

From: GABron@aol.com [<mailto:GABron@aol.com>]
Sent: Friday, December 06, 2013 12:15 PM
To: Daniel Mayfield; Robert A. Anaya; Miguel Chavez; Kathy S. Holian; Liz Stefanics; mholmes@santafecounty.org; Christopher M. Barela; Tina Salazar; Julia Valdez; Juan R. Rios
Subject: I support HORSES! Please read.

Dear Commissioners,

I support the SANTA FE COUNTY HORSE COALITION.

I support the changes to the SLDC use table as presented on December 3rd.

Imposing greater restrictions on Commercial horse operations hurts the individual horse owners. Commercial horse operations are an asset to our community.

I have been a resident of Santa Fe County since 1984 and a homeowner in the ETZ of Santa Fe County since 1987. When I moved to Santa Fe in 1984, I brought my horse with me. I have had horses in my life since I was 10 and I was not about to change my lifestyle. That is one of the reasons Santa Fe appealed to me. As a matter of fact, that same appeal has been used in countless real estate and tourist advertisements in the county for decades. People don't come to Santa Fe to satisfy their urban desires or their big city dreams. No, the appeal of the southwest has always been a sense of style that has direct roots to a rural tradition which involves horses. Rancho Viejo and other subdivisions started out their marketing programs touting "equestrian trails" and the rural lifestyle. What they didn't tout was the fact that you couldn't have a horse on your property. I was told you could open a commercial riding stable in the commercial zoned areas. I bet. Go ahead and try it now.

Not everyone in Santa Fe county is interested in owning a horse, but if a person purchases a piece of property that has never had restrictive covenants preventing them from keeping a horse on their own property, as has been the case for years, then they should have that option. Right now there are two very large pieces of developed real estate in Santa Fe County to accommodate the people who do not want to live side by side with equestrians. The Community College Development District and El Dorado

Robert Griego

From: Penny Ellis-Green
Sent: Tuesday, December 10, 2013 1:53 PM
To: Robert Griego
Subject: FW: THANK YOU - For the official record

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Juan R. Rios **On Behalf Of** Daniel Mayfield
Sent: Tuesday, December 10, 2013 1:22 PM
To: Katherine Miller; Stephen C. Ross; Penny Ellis-Green
Subject: FW: THANK YOU - For the official record

These email(s) are forwarded to you at the request of Commissioner Mayfield for the official record.

Juan Rios, Constituent Services Liaison
Commissioner Daniel Mayfield, District 1
Santa Fe County Commission
Office: (505) 986-6328
E-mail: jrios@co.santa-fe.nm.us

From: Dr. Doug Thal [<mailto:drthal@thalequine.com>]
Sent: Thursday, December 05, 2013 7:37 AM
To: Daniel Mayfield
Subject: THANK YOU

Dear Commissioner Mayfield,

Thank you for the amendments to the SLDC that were made on December 3, 2013, which benefitted the horse community. I have an equine veterinary clinic here and I rely on horses being here. I employ a number of people. I also have managed boarded horses here for years, and I do it in a way that is sustainable. I have improved the land here significantly using horses as a tool. See <http://thalequine.com/for-the-planet/>

Your support of the horse industry in Santa Fe county is appreciated.

Sincerely,

Doug Thal

Doug Thal DVM DABVP
Thal Equine LLC
www.thalequine.com
drthal@thalequine.com
505-438-6590

Author of Horse Side Vet Guide™

2013/12/10 1:53 PM RECEIVED

Robert Griego

From: Penny Ellis-Green
Sent: Tuesday, December 10, 2013 1:54 PM
To: Robert Griego
Subject: FW: SLDC meeting - for the official record

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Juan R. Rios **On Behalf Of** Daniel Mayfield
Sent: Tuesday, December 10, 2013 1:25 PM
To: Katherine Miller; Stephen C. Ross; Penny Ellis-Green
Subject: FW: SLDC meeting - for the official record

These email(s) are forwarded to you at the request of Commissioner Mayfield for the official record.

Juan Rios, Constituent Services Liaison
Commissioner Daniel Mayfield, District 1
Santa Fe County Commission
Office: (505) 986-6328
E-mail: jrios@co.santa-fe.nm.us

From: Paul White [<mailto:paulwhitesf@gmail.com>]
Sent: Saturday, November 23, 2013 4:45 PM
To: Juan R. Rios; Daniel Mayfield
Subject: SLDC meeting

Is there going to be a meeting in Pojoaque on the 2nd of December? If so it isn't on the County calendar website.
~Paul

2013/12/10 11:02 AM RECEIVED

Robert Griego

From: Penny Ellis-Green
Sent: Tuesday, December 10, 2013 1:54 PM
To: Robert Griego
Subject: FW: Santa Fe Realtors Comments re: Draft Sustainable Land Use Code - for the official record
Attachments: SFARMemorandumUseTableNov13.doc

Penny Ellis-Green
Growth Management Director
Santa Fe County
(505) 986 6221

From: Juan R. Rios **On Behalf Of** Daniel Mayfield
Sent: Tuesday, December 10, 2013 1:25 PM
To: Katherine Miller; Stephen C. Ross; Penny Ellis-Green
Subject: FW: Santa Fe Realtors Comments re: Draft Sustainable Land Use Code - for the official record

These email(s) are forwarded to you at the request of Commissioner Mayfield for the official record.

Juan Rios, Constituent Services Liaison
Commissioner Daniel Mayfield, District 1
Santa Fe County Commission
Office: (505) 986-6328
E-mail: jrios@co.santa-fe.nm.us

From: Donna Reynolds [<mailto:donna@sfar.com>]
Sent: Monday, December 02, 2013 11:22 AM
To: Robert A. Anaya; Miguel Chavez; Kathy S. Holian; Daniel Mayfield; Liz Stefanics
Cc: Stephen C. Ross; Penny Ellis-Green; Lois; Paco Arguello
Subject: Santa Fe Realtors Comments re: Draft Sustainable Land Use Code

Dear Commissioners:

Please find attached an additional analysis with recommendations from the Santa Fe Association of REALTORS® regarding the Use Table and other issues as provided in the most recent Draft Sustainable Land Use Code. For your information, members of the association are working with county staff to address these recommendations. We remain grateful for this opportunity to interact with staff on these important revisions. We ask that you review these recommendations and consider taking action as the Code is adopted.

Thank you for your serious consideration.

Donna Reynolds, RCE, e-Pro, Government Affairs Director
Santa Fe Association of REALTORS
510 N. Guadalupe Ste E
Santa Fe, NM 87501
(505) 982-8385
(505) 982-3764 (Fax)

donna@sfar.com

The Mission of the Santa Fe Association of REALTORS is to enhance members' ability to conduct their individual business successfully and with professional competency.

Robert Griego

From: Sue Murphy <suemurphy723@earthlink.net>
Sent: Saturday, December 07, 2013 9:01 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics
Cc: santafecountyhorsecoalition@gmail.com
Subject: I support the changes to the SLDC and as presented at the public meeting on December 3rd.

Dear Commissioners,

My name is Sue Murphy. I have owned horses/lived in Santa Fe County for 7 years. Horses are important to me, and we chose Santa Fe County because horses and New Mexico were a primary goal of our retirement plans/ enjoyment.

- I support the SANTA FE COUNTY HORSE COALITION. Please refer to the Coalition website <http://santafehorse.com>
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Sue Murphy,
Sunset Trails Ranch

THIS DOCUMENT IS UNCLASSIFIED
DATE 02/03/2011 BY 60322 UCBAW

Robert Griego

From: sandra benson <sandybenson@earthlink.net>
Sent: Friday, December 06, 2013 6:35 PM
To: Robert A. Anaya; Liz Stefanics; Daniel Mayfield; Kathy S. Holian; Christopher M. Barela;
TheTrinityRanch
Subject: Horses in Santa Fe

I have owned horses/lived in Santa Fe County for 13 years. Horses are important to me in Santa Fe County because I earn my living as a riding instructor. I have first hand knowledge of the joy, education and life skills that are acquired by my students when they come to take riding lessons. Anyone who visits the southwest or lives here should have the opportunity to encounter the amazing contribution of equines to this very special part of the country.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC use table as presented on December 3rd.
- Imposing greater restrictions on Commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment Vote on the horse issue is planned after the vote on the Code December 10, I would urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Respectfully,

Sandy Benson

REC CLERK RECORDED 02/03/2014

Robert Griego

From: Bonnie Schwartz <bonnie@aloveoflearning.org>
Sent: Saturday, December 07, 2013 8:57 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Subject: horse ownership in Santa Fe County

Dear Commissioners,

My name is Bonnie Schwartz. I have owned horses/lived in Santa Fe County for six years. Horses are important to me and to Santa Fe County because they are a wonderful addition to my family and teach my daughter important lessons about love, kindness gentleness, appreciation, consideration, and responsibility. My horse also helps me be a more balanced parent, share my passion with my daughter, and be involved in my community to a greater extent.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Very sincerely yours,

Bonnie Schwartz, member of the New Mexico Dressage Association

REC'D CLERK RECORDED 12/10/13 11:21 AM

Robert Griego

From: mfrederici@q.com
Sent: Saturday, December 07, 2013 3:25 PM
To: Daniel Mayfield; mchavez@santafecontynm.gov; Robert A. Anaya; Kathy S. Holian; Istefaniu@santafecountynm.gov
Cc: santafecountyhorsecoalition@gmail.com
Subject: preserve and protect the rural traditions

Dear Commissioners,

I have lived in Santa Fe County for almost four years, and the rural preservation of the area is of vital importance to me. Please take notice of signatures on a petition that are circulating via the internet ;on the petition there are signatures from individuals outside of Santa Fe County.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community. Greater restrictions can affect all rural and rural fringe property values.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.
Thank you for your consideration.

Sincerely,

Margaret M. Frederici

2013/12/07 15:25:25
RECORDED
2013/12/07 15:25:25

Chrisann N. Romero

From: deborah samuel <deborah@deborahsamuel.com>
Sent: Saturday, December 07, 2013 5:34 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics
Cc: Santa Fe County Horse Coalition
Subject: SLDC Support

Dear Commissioners,

I have lived in Santa Fe County for 11 years and own horses. I have chosen to live in Santa Fe County because of the quality of life that I am able share with my horses. A rich history and cultural fabric that Santa Fe offers with respect to horses have shaped the unique qualities of why we choose to live here.

€ I support the SANTA FE COUNTY HORSE COALITION.

€I support the changes to the SLDC and as presented at the public meeting on December 3rd.

€ I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community. The horse industry supports many industries within our community; feed stores, tack shops, teachers, farriers and vets to name a few. To make it more difficult to keep our horses will affect not only those who thrive as an industry in this county because of our horses but we the horse owners will be impacted as well. Most importantly, it will be the horses themselves who will be hurt the most. The horses need all of our support in these unique and trying economic times.

€ If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY.
HORSES ARE AN IMPORTANT PART OF THAT TRADITION.

Thank you for your consideration.

Sincerely,
Deborah Samuel

SEE DEBORAH SAMUEL RECORDS
12/07/2013 05:34 PM

Chrisann N. Romero

From: Howard Gershon <howard@reach-newheights.com>
Sent: Saturday, December 07, 2013 4:52 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; santafecountyhorsecoalition@gmail.com
Subject: Santa Fe Horses

Dear Commissioners,

My name is Howard Gershon. I have owned lived in Santa Fe County for 9 years and have owned horses here for the past 4 years. Horses are important to me and one of the reasons that I love living in Santa Fe County.

- I support the SANTA FE COUNTY HORSE COALITION.
- I support the changes to the SLDC and as presented at the public meeting on December 3rd.
- I believe that imposing greater restrictions on commercial horse operations HURTS individual horse owners. Commercial horse operations are an ASSET to our community.
- If an Amendment vote on horse issues is planned after the vote on the Code December 10, I urge you to keep the Code as presented at the public meeting on December 3.

I URGE YOU TO PRESERVE AND PROTECT THE RURAL TRADITION IN THIS COUNTY. HORSES ARE AN IMPORTANT PART OF THAT TRADITION.
Thank you for your consideration.

Howard J. Gershon
New Heights Group
505 986 1570 (phone)
505 690 8433 (cell)
Howard@reach-newheights.com

www.reach-newheights.com

Thought for the month:
"It's better to burn out than it is to rust."
Neil Young

OFF CLERK RECORDED 12/03/2013

Chrisann N. Romero

From: Robert Griego
Sent: Thursday, December 05, 2013 11:37 AM
To: Chrisann N. Romero
Subject: FW: In support of SLDC....
Attachments: Use Table Final redlines 1_6_7 (2).pdf; Sofia on Woody.JPG

From: pamela [<mailto:pamelagreaves@hotmail.com>]
Sent: Tuesday, December 03, 2013 10:08 AM
To: Kristine Mihelcic
Subject: In support of SLDC....

County of Santa Fe,

I am a 6th generation cattle rancher and equestrian. I am the owner of many horses, 2 of which are housed on my 5 acre property on Ranch Road in Lamy. I own a cattle ranch in Texas. (The attached picture is of my daughter Sofia on our horse "Woody.")

I support the current, "Final Redline Changes" in regards to Stables and other Equine Related Facilities in the Use Matrix of the proposed SLDC.

Designating Stables and other Equine Related Facilities for Commercial Use over 5 horses as a **Conditional Use** in the proposed SLDC for Rural Residential, Residential Fringe, Residential Estate, and Residential Community areas (i.e. on lots 10 acres in size or less) is a prudent designation.

Additionally, designating Stables and other Equine Related Facilities for Commercial Use over 5 horses as a **Permitted Use** in the proposed SLDC for Agriculture/Ranching, Rural and Rural Fringe Areas is a sensible designation.

Finally, designating Stables and other Equine Related Facilities for Personal Use as a **Permitted Use** in all areas is a sensible designation.

These designations will be a win, win for residents of Santa Fe County, County Staff and applicants for Stables and other Equine Related Facilities.

Neighbors will be ensured that their property values and quality of life are being protected as responsible projects will receive approval and the impact on the surrounding neighborhood of larger projects will be mitigated. Staff will receive complete applications and less opposition to applications and applicants will have a clearer understanding of what is allowed and required of them.

I commend each of you for your hard work on this massive undertaking!

In gratitude,
Pam Greaves
30-0068

Chrisann N. Romero

From: Robert Griego
Sent: Monday, December 02, 2013 1:18 PM
Subject: FW: proposed changes to SDLC related to horses

From: JA [mailto:jarratt@jarratt.net]
Sent: Sunday, December 01, 2013 11:01 AM
To: Robert A. Anaya
Cc: Christopher M. Barela
Subject: proposed changes to SDLC related to horses

Dear Commissioner Anaya:

I have been a resident of Santa Fe County for over forty years. Working with horses was my primary occupation for many of those years. I currently own horses in Lamy. I provide horse-related services to other people and to local non-profits such as The Horse Shelter in Cerrillos.

I have spent well over \$100,000 on horse-related capital improvements to my property in the past year. I spend over \$10,000 per year caring for my horses. The feed, the veterinary care, the training services and the clinics I attend are purchased primarily from local vendors.

Our County's robust equine scene is as integral to its character now as it has been for the past 400 years. We have a rich array of horse-related activities ranging from our rodeos, to our horse shows, our trail rides, our competitive riding events and our many horse & rider training clinics. These events add millions of dollars to our economy and generate considerable tax receipts. These activities attract participants and viewers from a very large area.

I would not want to live here if our horse-related activities were curtailed or if our precious rural land were chopped into lots that didn't accommodate this historic activity. I urge you resist the shortsighted efforts that some people have initiated that would constrain the vibrancy of this important part of our lifestyle. I also urge you to support the changes to the SLDC that have been proposed by the Santa Fe County Horse Coalition and which are being submitted to the BCC.

Thank you very much for your consideration. Please do not hesitate to contact me.

Sincerely,

Jarratt Applewhite

PS: I am a constituent of yours. I greatly admire the public service of your family who I think of as people who really understand rural issues and are especially skilled at representing farming and ranching interests.

jarratt applewhite
lamy, nm 87540
505.577.5335 (cell)

2013 DEC 02 11:01 AM RECEIVED

Chrisann N. Romero

From: Robert Griego
Sent: Thursday, December 05, 2013 11:44 AM
To: Chrisann N. Romero
Subject: FW: A Grave Mistake

From: pamelagraves [mailto:pamelagraves@hotmail.com]
Sent: Thursday, December 05, 2013 11:40 AM
To: Robert Griego
Subject: A Grave Mistake

Mr. Griego,

Horse Stables as a permitted use in Rural Residential areas is a grave mistake.

The Mistake:

Based upon the complaints of the Santa Fe County Horse Coalition, the County changed stables in Rural Residential back to Permitted Use.

The Santa Fe County Horse Coalition does not understand the SLDC. They are looking at "**Permitted**" and equating that with **allowed**. They are looking at "**Conditional**" and equating that with **not allowed**. The Santa Fe County Horse Coalition is uninformed and uneducated.

What they don't understand is even a "Permitted Use" must

1. Conform to the Sustainable Design Standards in Chapter 7, page 93 of the SLDC of which there are 25 standards.
2. Be given a Discretionary Review by the County Administrator.
3. Have a pre-application Technical Advisory Committee meeting.
4. Have a Neighborhood Meeting.
5. Be given Agency Reviews by County, State and Federal agencies.
6. Be given Approval or Denial by the County Administrator.

They don't understand that the difference between "Permitted Use and Conditional Use" is that in addition to the above, a 'Conditional Use' application is reviewed by the Hearing Officer and the Planning Commission. This additional review will not cost the applicant any more money than a 'Permitted Use' application.

John and Cat Parks, the leaders of the SF County Horse Coalition, are not aware of these requirements as they have been operating Trinity Ranch for 4 years without zoning or a business license. They have not gone through Master Plan with SF County to change their zoning from residential to commercial. They would be better served complying with the current code.

Additionally, the Santa Fe County Horse Coalition communicated to horse owners that horses for personal use were not going to be allowed in SF County thus, creating hysteria and fear in the Horse Community.

SFC CLEAR RECORDED 02/03/2014

- Penny Ellis-Green granted approval to house the sheep.
- On March 8, 2013, the owners of 95 B Ranch Road submitted an application to SF County to board animals for the movies and build up to 50,000 square feet of building.
- County Staff/Administrator did not require the applicants to submit a Water Budget or Traffic Analysis until August 19, 2013 – after the CDRC hearing. The application currently remains incomplete.
- The Agency Reviews of this application were cursory and lacked real consideration of the project and its impact upon the surrounding neighborhood.
- Although, 150 sheep were never housed on the property, 24 sheep, 4 horses, 4 mules, and 2 bovines were housed from April 29, 2013 – August 1, 2013.
- The decision by Penny Ellis-Green to allow the applicants to operate while they were in the “process of becoming compliant,” resulted in the following:
 1. On April 29, 2013 the applicants left 2 dogs locked in the barn for 3 days and nights. The dogs howled and barked continuously for 3 days and nights. After numerous complaints by the surrounding neighbors to Animal Control, Animal Control made the applicants remove the dogs.
 2. The animals being boarded on this property from April 29 – August 1, 2013 were transported to and from the property at all times of the night. Neighbors were awakened every Saturday morning May - August at 4:00 am when the animals were returned to the property.
 3. Manure from these animals was continually placed in a pile on the property and never removed from the property.
 4. The manure pile created polluted run-off onto my property and water well. My water well is located within the polluted runoff from their manure pile.

2013/08/28 10:00 AM RECEIVED

Designate Horse Stables and other Equine Facilities in Rural Residential areas a "Conditional Use." This is sensible and fair. It will protect property values and the quality of life for residents in Rural Residential Areas.

Sincerely,

Pamela Greaves

113 Ranch Road, Lamy, NM 87540

SEE OTHER RECORDS 02/23/2014

Chrisann N. Romero

From: Robert Griego
Sent: Thursday, December 05, 2013 11:36 AM
To: Chrisann N. Romero
Subject: FW: Santa Fe County Public Comment Form

From our online comment form

-----Original Message-----

From: Lara Goitein [<mailto:lgoitein@gmail.com>]
Sent: Wednesday, December 04, 2013 9:25 PM
To: Kristine Mihelcic; Jennifer Jaramillo
Subject: Santa Fe County Public Comment Form

Web form results:

Lara Goitein
29 Willa Cather Road
Lamy, NM 87540
Email: lgoitein@gmail.com
Phone: 505-660-3881

Comments:

I am concerned about the changes to the Sustainable Land Development Code, October 2013 version, (SLDC) for Santa Fe County, NM, which now directs that placement of commercial horse boarding facilities ("Stables and other equine related facilities" Appendix B, page 6) on Rural Residential (minimum 10 acres) and Rural Fringe (minimum 5 acres) properties is Permitted without requirement for public notice or public comment.

As a resident of the East Ranch area (north of Lamy), I am surrounded by such properties, and I believe that the changes to the code could drastically change the character and value of my home. My neighbors and I bought property in this area because of its quiet, idillic, and lovely residential atmosphere. The idea of permitting unchecked commercial influx is truly distressing.

Please consider opposing this change.

2013/12/05 11:36 AM RECEIVED

Chrisann N. Romero

From: Robert Griego
Sent: Thursday, December 05, 2013 11:36 AM
To: Chrisann N. Romero
Subject: FW: FW: Sustainable Land Development Code Adoption Draft Schedule Update

From: Elayne Patton [mailto:elaynesantafe@gmail.com]
Sent: Thursday, December 05, 2013 10:55 AM
To: Robert Griego
Subject: Re: FW: Sustainable Land Development Code Adoption Draft Schedule Update

Robert

Thank you so much for taking the time to meet with me Tuesday. I strongly support and appreciate the compromises and changes that were made to the Land Development Code with regard to horse related issues. As it is now written, the Code is more aligned with the history and essence of Santa Fe County.

Best
Elayne Patton
Galisteo

On Wed, Nov 27, 2013 at 3:33 PM, Robert Griego <rgriego@co.santa-fe.nm.us> wrote:

*Robert Griego, AICP
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87504
Phone: 986-6215*



From: Chrisann N. Romero
Sent: Wednesday, November 27, 2013 11:10 AM
Subject: FW: Sustainable Land Development Code Adoption Draft Schedule Update

2013/11/27 11:10 AM RECEIVED

Chrisann N. Romero

From: Robert Griego
Sent: Thursday, December 05, 2013 11:35 AM
Subject: FW: Santa Fe County Public Comment Form

Web form results:

Kristin Koehler
105 bishop lamy road
87540, NM 87540
Email: kmk@bway.net
Phone: 466-3955

Comments:

If all property owners developed their land responsibly, then no land development code would be necessary.

I object to weakening the specifications in the Use Table (Appendix B, p. 6 of 7) regarding STABLES (change of 12/3). Up to 12 horses for COMMERCIAL and PRIVATE use ON ANY PROPERTY/ZONE IN THE COUNTY will be PERMITTED. Irresponsible owners will be PERMITTED to house up to 12 horses on properties of any size. For COMMERCIAL use, not just PRIVATE use.

And PERMITTING development OF COMMERCIAL STABLES, etc., on RURAL RESIDENTIAL properties without public notice a study of the appropriateness of (another) COMMERCIAL STABLE in the neighborhood flies in the face of the notion of quality of life and protection of property values.

Encouraging retention of fecal waste and contamination of ground water by allowing a PLAN for "composting" or "harrowing" the feces is likewise an affront to non-horse adjoining neighbors. Where can manure from more than 12 horses be safely piled ("hot manure") and how large an area is required to harrow it and can it be safely done on 10 acres? How deep is safe? A fire on Ranch Road originated in 4 (four) inches of manure. What fire inspector or investigator has reviewed this section of the 12/3 change, and have the County environmental and water departments/inspectors cleared the piling and harrowing? Because piling is what happens. Where on the property will the manure be placed? On the downhill corner so that the foul, microbe-laden water drains onto adjoining property? And what of flies and other annoying and disease-carrying insects? In the past facilities that produce large amounts of manure have failed to remove solid fecal waste from their properties, which is required by law. Why would they change their practice because of statements in the SLDC? (They admit openly that they don't presently remove the fecal waste.)

We already have several illegal and unlicensed "stables and other equine-related facilities," plus two large legal and licensed stables on Ranch Road. (Members of the BCC have been notified of this.) Ranch Road is 1.5 miles long. The illegal COMMERCIAL operations operate on properties zoned RESIDENTIAL and neither has a business license.

Although this past summer one of them did obtain a license for 150 sheep on the property.

With the 12/3 changes related to stables, etc., both of these properties will be able to continue operating as they have been, against the law and without any regard for the nearby housing estates, most of whose residents enjoy the horses on the COMMERCIAL facilities that are operating legally, and the stabling of a few horses for private use by several

2013/12/05 11:35 AM

12-03-2013



Madam Chair and Commissioners:

The Santa Fe Food Policy Council, as an advisory body to both the City and County of Santa Fe, has an active interest in promoting a future of local food security through the protection of agricultural resources, skill sets, and residents' right to farm. The approval of the Sustainable Land Development Code (SLDC) is a mechanism in which we, as a County, can articulate a clear framework prioritizing agriculture and holding a space for the cultural, economic, ecological, and health-related benefits which are associated with a strong local food system.

Since the approval of the County's Sustainable Growth Management Plan in early 2011, the Santa Fe Food Policy Council has been working with staff of the County Growth Management and Land Use Department to transform those recommendations in the form of the SLDC. However, the current version of the Code does not yet reflect the agricultural goals included in the County's Sustainable Growth Management Plan.

The SFFPC supports a code that includes a set of clear and quantifiable methods of gathering funds from development processes that in turn will be used to invest in agriculture. We ask the Board of County Commissioners (BCC) to instruct staff to develop these methods, working with the SFFPC and other stakeholders, and to present them as part of a final DRAFT development code for BCC approval.

The historic 'Right To Farm' that has shaped this region's development, and which has been a cornerstone for New Mexican family self-sufficiency, would be revoked by the proposed zoning districts. Without other mechanisms to support local agricultural use, the Code as written, will result in continued and progressive elimination of agricultural opportunity in the County. Through the new Code we want to minimize additional layers of cost and confusion associated with small and medium-scale farming in Santa Fe County.

As a predominately rural county with a living agricultural heritage, it is essential that steps are taken now which support both traditional and innovative methods of food production as key assets in future development plans. The Santa Fe Food Policy Council maintains a position that while agriculture is the highest and best use for land, development is both necessary and beneficial. The movement from a "Right to Farm" based (un-zoned) County code, to one that is fully zoned, will add costs to all agricultural enterprises. To mitigate these costs for Santa Fe County farmers and ranchers, it is imperative that this transition in zoning include mechanisms of investment which strategically protect and support our region's agricultural assets amid future development.

618 B Paseo de Peralta
Santa Fe, New Mexico, 87501
(505) 473-1004, ext. 16
www.santafefoodpolicy.org

A program of Farm to Table



SFC CLERK RECORDED 02/03/2014

The following recommendations for the SLDC will support a framework for a mutually beneficial relationship between agriculture and development in Santa Fe County.

- A place-holder for an 'Agricultural Activities Overlay District' which has specific language detailing necessary components of functional crop farming and small-scale livestock operations which will be permitted under this overlay district.
- Revisions to the proposed section for Transfer of Development Rights to include language that favors the preservation of agricultural land uses. (i.e. a program that rewards lot owners and developers for enhancing agricultural opportunities through retirement of existing lots (this concept can be applied equally well to irrigated acres and ranged land for grazing.)
- The inclusion of an Agricultural section in Chapter 10, Supplemental Zoning Standards, which will be cited under 'Special Conditions' in Appendix B, pages 6 & 7 for clarification and definition of terms used in the Agriculture, Forestry, and Conservation/Open Space section of the Use Table.
- The inclusion of 'Conservation Subdivisions', or a similar mechanism by which zoning districts have incentivized options of clustering development within a portion of the parcel, thereby retaining continuity in the surrounding landscape for agricultural production or other landscape conservation practices.
- The inclusion of mechanisms to offset or reverse the trend of agricultural land (and water) lost to competing uses which result in higher land values. An example we recommend has precedent in Connecticut, and addresses this concern through a transaction fee on all permits with the funds then allocated to costs associated with area agricultural activities and for the preservation of farmland.

Simultaneous to the development of the SLDC, the Santa Fe Food Policy Council has, in partnership with numerous stakeholders throughout the community, spearheaded an effort which represents another major step on our collective journey toward building a local, healthy, and prosperous food system for Santa Fe County. This October, a draft of the first ever Food Plan for Santa Fe region, "**Planning for Santa Fe's Food Future: Querencia, a Story of Food, Farming, and Friends,**" was released. Over the upcoming year, this document will serve as a tool to reach out to all corners of our county to gain input, understanding, and build relationships around how to design a local food system that works within our regional context. Our process will culminate in the development of a final strategic food plan for the City and County of Santa Fe-- a detailed roadmap for action and accountability around food related issues.

OFFICE OF THE COUNTY CLERK
SANTA FE COUNTY, NEW MEXICO
RECORDED & INDEXED
2013 OCT 23 10:53 AM

'Growing Food: Goal Area 5' is a section of "**Planning for Santa Fe's Food Future**" which speaks directly to the potential of the SLDC in shaping a future of agricultural viability and food security in Santa Fe County. This goal, and associated action items can be found on p. 16 of the document, and are outlined below:

Goal 5: Increase the viability of local farm and ranch activity by working with the City and County to ensure land use plans are supportive of agricultural use.

- Work with Santa Fe County to incorporate land use allowances for agricultural activity into the SLDC.
- Develop innovative land use strategies that promote density in urban areas and reserve outlying lands for increased food production.
- Support land conservation strategies such as agricultural easements which provide tax incentives to land owners to protect their lands from development for all future generations

Through the lens of **'Growing Food: Goal Area 5'** and past work with the County Growth Management and Land Use Department, the Santa Fe Food Policy Council is in favor of and fully supports the following proposed edits for adoption in SLDC which were presented on November 19, 2013.

- Crop Production Greenhouses changed from 'Conditional' to 'Permitted' use in Appendix B for all proposed zoning districts.
- Amendment of language in the existing 'Rural Commercial District' to include language which clearly specifies agricultural business, production, storage, and/or processing as permitted or conditional uses.

The members of the Santa Fe Food Policy Council look forward to working in collaboration with the Board of County Commissioners and staff on refinements of the Sustainable Land Development Code prior to its enactment. We are confident that this partnership will result in an increased capacity to manage future concerns of agriculture and food security within Santa Fe County and a Sustainable Land Development Code that the Santa Fe Food Policy Council can fully support.

Please feel free to call us if you have suggestions and wish to discuss this further.

Sincerely,

Susan Perry, Chair

505-955-4048
sjperry@ci.santa-fe.nm.us

Erin Lloyd Ortigoza, Coordinator

505-473-1004, ext. 16
lightningcalm@hotmail.com

Chrisann N. Romero

From: Robert Griego
ent: Tuesday, December 03, 2013 10:35 AM
o: Chrisann N. Romero
Subject: FW: Santa Fe Realtors Comments re: Draft Sustainable Land Use Code
Attachments: image001.jpg; ATT00001.htm; SFARMemorandumUseTableNov13.doc; ATT00002.htm

From: Daniel Mayfield
Sent: Tuesday, December 03, 2013 9:49 AM
To: Penny Ellis-Green
Cc: Daniel Mayfield; Juan R. Rios
Subject: Fwd: Santa Fe Realtors Comments re: Draft Sustainable Land Use Code

Penny,

Commissioner Mayfield asked that the attached communication be forwarded to you for the record.

Juan

Sent from my iPhone

Begin forwarded message:

From: Donna Reynolds <donna@sfar.com>
Date: December 2, 2013 at 1:22:23 PM EST
To: "Robert A. Anaya" <ranaya@co.santa-fe.nm.us>, Miguel Chavez <mchavez@co.santa-fe.nm.us>, "Kathy S. Holian" <kholian@co.santa-fe.nm.us>, Daniel Mayfield <dmayfield@co.santa-fe.nm.us>, Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Cc: "Stephen C. Ross" <sross@co.santa-fe.nm.us>, Penny Ellis-Green <pengreen@co.santa-fe.nm.us>, Lois <lsury@aol.com>, Paco Arguello <paco@sfar.com>
Subject: Santa Fe Realtors Comments re: Draft Sustainable Land Use Code

Dear Commissioners:

Please find attached an additional analysis with recommendations from the Santa Fe Association of REALTORS® regarding the Use Table and other issues as provided in the most recent Draft Sustainable Land Use Code. For your information, members of the association are working with county staff to address these recommendations. We remain grateful for this opportunity to interact with staff on these important revisions. We ask that you review these recommendations and consider taking action as the Code is adopted.

Thank you for your serious consideration.

Donna Reynolds, RCE, e-Pro, Government Affairs Director
Santa Fe Association of REALTORS
510 N. Guadalupe Ste E
Santa Fe, NM 87501
(505) 982-8385
(505) 982-3764 (Fax)
donna@sfar.com

REC'D CIVIL RECORDS 12/03/13 11:23/2013

SANTA FE ASSOCIATION OF REALTORS®
MEMORANDUM

October 2013, Adoption Draft of the Sustainable Land Development Code

Review of Use Table and Additional Issues re Mitigation

Santa Fe County, New Mexico

November 21, 2013

TALKING POINTS

POINT 1: The Adoption Draft is not clear that more than one principal use may be allowed on a lot.

The Adoption Draft does not specifically indicate that more than one principal use is permissible on a single lot in the zoning districts. Rather, in several sections, the Adoption Draft appears to suggest that only one principal use is allowed. For example, the definition of "Principal Use" is "the primary or main use of land or structures, as distinguished from a secondary or accessory use."¹ This language does not appear to contemplate more than one principal use on a lot. We also note that the term "secondary" use, while appearing in this definition, does not appear to be defined or used elsewhere in the Adoption Draft.

Similarly, in the regulations applicable to an accessory use also appear to contemplate only one principal use being allowed on a lot. Section 10.3.1 states that:

Where a principal use or structure is permitted, the Use Matrix may permit certain accessory structures subject to this section. Accessory structures must be clearly incidental and subordinate to the principal use, customarily found in connection with the principal use, and located on the same tract or lot as the principal use.²

This omission is problematic, particularly in the "Mixed Use" zoning district, where multiple principal uses would typically be allowed on a single lot. Similarly, this omission could impact the ability of the County to promote mixed use development in other districts where it may otherwise be desirable. As the creation of mixed use places was a key purpose of the Santa Fe County Sustainable Growth Management Plan,³ the Adoption Draft's apparent restriction on multiple principal uses on a single would appear to be inconsistent with the Plan.

¹ Adoption Draft at 365 (emphasis added).

² Adoption Draft at 216 (emphasis added).

³ Section 1.3.1.c of the County's Sustainable Growth Management Plan (adopted 2010).

2013/11/21 10:58 AM RECEIVED

(iii) incorporate specific provisions into a new section of the Adoption Draft that pertain to accessory uses.

POINT 3: The Adoption Draft should contain a procedure and standards to govern the Administrator's evaluation of proposed uses not specifically enumerated in the Use Table.

Section 8.5.2 of the Adoption Draft states:

Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if:

8.5.2.1. The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA).

8.5.2.2. If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). The proposed use shall be considered materially similar if it falls within the same industry classification of the NAICS manual.⁵

The Use Table incorporates references to the LBCS and the NAICS in the three columns identified as "Function," "Structure," and "Activity." Reference to these data sources may be a useful approach to allow for a standardized determination of use classifications. One concern with this approach is that, as drafted, the Adoption Draft does not contain sufficient information to identify the specific reference. For example, the date of publication and the location of these sources would be useful to reference to ensure that County is providing accurate information.⁶ To the extent that these classifications systems change over time, there is the potential that the Adoption Draft's reference to these sources in the Use Table could become confusing and difficult to apply.

More importantly though, reference to these use classification systems may not always be sufficient for the Administrator to evaluate uses that are not specifically enumerated in the Use Table. As businesses and industries emerge, entirely new uses may become established that are not listed within the classification systems. It would be useful if the Adoption Draft provided in Section 8.5.2 an additional procedure with accompanying standards for the Administrator to follow in approving uses not specifically enumerated. Such standards could be based on use characteristics similar to other enumerated uses, such as similar traffic generation/parking demand, hours of operation, noise, etc. The Administrator's determination should be based on findings related to the standards and become part of a record of such determinations to ensure

⁵ Adoption Draft at 193.

⁶ S. Mark White, *Classifying and Defining uses and Building Forms: Land-Use Coding for Zoning Regulations*, ZONING PRACTICE (APA, Spring 2005).

2005/03/24 09:53 AM RECEIVED CLERK REC 2005

Recommendation: The County should correct the header to the Use Table.

ADDITIONAL TALKING POINTS ON OTHER SECTIONS OF THE ADOPTION DRAFT

In addition to the six Talking Points above concerning the Use Table, we have identified two additional concerns on other sections of the Adoption Draft.

POINT 7: The Adoption Draft inappropriately attempts to exempt *legislatively* required exactions, fees, etc. from the requirement that they be roughly proportional to the impact of a development.

As part of the "Purpose and Intent" of the Adoption Draft, Section 1.4.2.4 states that the SLDC shall:

Require that development and administrative fees; dedications; public improvement district taxes, assessments, charges and fees; homeowner association assessments; public and private utility rates, fees and charges; development fees; and other appropriate mitigation fees and conditions that are required as conditions of development approval, and are not legislatively required by the SLDC, be roughly or reasonably proportional to the need for adequate public facilities and services at adopted levels of service, the need for which is generated by the development at the time of development approval.⁷

It is not clear why the underscored phrase was inserted in the Adoption Draft to exempt "legislatively" adopted mitigation fees and conditions from the constitutional requirement that conditions, fees, exactions, etc. be "roughly or reasonably proportional." In the U.S. Supreme Court's recent decision in *Koontz v. St. Johns River Water Management District*,⁸ the Court reaffirmed the "unconstitutional conditions" doctrine, stating that: "Extortionate demands for property in the land-use permitting context run afoul of the Takings Clause not because they take property but because they impermissibly burden the right not to have property taken without just compensation."⁹ It also held in this case that the *Nollan/Dolan* "essential nexus" and "rough proportionality" requirements apply to monetary exactions associated with a government approval.¹⁰ In expressing the view that the states have successfully applied the *Nollan/Dolan* standard in constitutional challenges to monetary exactions, the majority in *Koontz* cited to state court decisions involving legislatively adopted impact fee ordinances.¹¹ Viewed in this context, therefore, the Court's decision to extend *Nollan/Dolan* to monetary exactions must reasonably be

⁷ Adoption Draft at 3 (emphasis added).

⁸ *Koontz v. St. Johns River Water Management District*, 570 U.S. ___, 133 S. Ct. 2586 (2013).

⁹ *Koontz*, 133 S. Ct. at 2596-2597.

¹⁰ *Koontz*, 133 S. Ct. at 2599.

¹¹ *Northern Ill. Home Builders Assn. v. County of Du Page*, 165 Ill.2d 25, 31-32, 208 Ill.Dec. 328, 649 N.E.2d 384, 388-389 (1995) (challenge to county transportation impact fee ordinance); *Home Builders Assn. v. Beavercreek*, 89 Ohio St. 3d 121, 128, 729 N.E.2d 349, 356 (2000) (challenge to roadway impact fee ordinance). See *Koontz v. St. Johns River Water Management Dist.*, 133 S. Ct. at 2602.

REC'D CLERK RECORDED 02/03/2011 11:27:00 AM

Chrisann N. Romero

From: Robert Griego
Sent: Tuesday, December 03, 2013 10:40 AM
To: Chrisann N. Romero
Subject: FW: COLTPAC recommendation to BCC
Attachments: COLTPACrecommendation_12-3-2013.pdf; official_map_5_open_space_and_trails_revised_11x17.pdf

Commissioners Mayfield, Chavez, Anaya, Holian and Stefanics –

Over the past month the County Open Lands, Trails and Parks Advisory Committee (COLTPAC) has worked with staff to review the Draft Official Map 5 for Open Space and Trails Resources, as included in the Adoption Draft of the SLDC. During the course of their review, they identified the need for several revisions to the map prior to adoption of the SLDC. At their regular meeting last night, COLTPAC determined to present the attached Memorandum to the BCC at this evening's public hearing. The memo includes a brief description of COLTPAC's process for reviewing Official Map 5 with staff and a recommendation that the BCC consider the proposed revisions to Official Map 5, as summarized in the memo and depicted on the attached "Proposed Revised Official Map 5 – Open Space, Trails and Parks."

I submit this memo to the Board today on behalf of COLTPAC, as their staff liason.

Thank you,

Lisa G. Roach

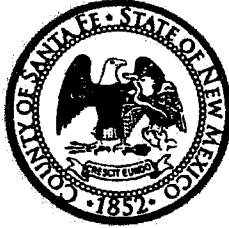
Community Planner – Open Space and Trails
Growth Management Department, Planning Division
Santa Fe County
102 Grant Avenue
P.O. Box 276
Santa Fe, NM 87504-0276
Direct Line: 505-992-9857
lroach@santafecountynm.gov

REC'D CLERK RECORDED 02/03/2014

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: December 2, 2013
To: Santa Fe County Board of County Commissioners
From: County Open Lands, Trails and Parks Advisory Committee (COLTPAC)
Re: Recommendations for the draft SLDC Official Map 5 for Open Space and Trails Resources

Background:

At the regular meeting of COLTPAC held on November 6, 2013, a subcommittee was formed for the purpose of reviewing the Draft Official Map 5 of Open Space and Trails Resources for a) accuracy of existing facilities based upon Santa Fe County's inventory of county-owned open space, trails and parks properties; and b) consistency with the Sustainable Growth Management Plan (SGMP) and the draft Capital Improvements Plan (CIP). The COLTPAC subcommittee worked closely with staff to review the Official Map 5 and to identify proposed revisions. At their regular meeting on December 2, 2013, COLTPAC resolved to make the recommendations below based upon the work of the Subcommittee.

Recommendation:

COLTPAC recommends that the Board of County Commissioners consider the attached revised draft of the Official Map 5 for Open Space and Trails Resources for inclusion in the Adoption Draft of the Sustainable Land Development Code (SLDC). The proposed revisions can be summarized as follows:

- Any county-owned open space, trails and parks properties that did not appear on previous drafts of the Official Map 5 for Open Space and Trails Resources;
- All trails through public lands (U.S. Forest Service, Bureau of Land Management, National Park Service, etc.) in Santa Fe County for which GIS data is available;
- All City of Santa Fe trails and multi-use paths for which GIS data is available;
- All projects that have been included and prioritized in the SGMP and the Draft Capital Improvements Plan (CIP); and
- All Santa Fe County Community District boundaries, in order to make reference to proposed open space, trails and parks in adopted Community District Plans.

COLTPAC's review of the Draft Official Map 5 additionally identified the need for the creation of an Open Space and Trails Strategic Plan for consistency with the SGMP, the SLDC, and the CIP. COLTPAC recommends that the Board of County Commissioners provide the necessary resources for this purpose.

Attachment: "Proposed Revised Draft Official Map 5 – Open Space, Trails and Parks Resources"

2013/12/03 09:53:24 AM RECEIVED

Chrisann N. Romero

From: Robert Griego
Sent: Monday, December 02, 2013 1:18 PM
To: Chrisann N. Romero
Subject: FW: proposed changes to SDLC related to horses

From: JA [<mailto:jarratt@jarratt.net>]
Sent: Sunday, December 01, 2013 11:01 AM
To: Robert A. Anaya
Cc: Christopher M. Barela
Subject: proposed changes to SDLC related to horses

Dear Commissioner Anaya:

I have been a resident of Santa Fe County for over forty years. Working with horses was my primary occupation for many of those years. I currently own horses in Lamy. I provide horse-related services to other people and to local non-profits such as The Horse Shelter in Cerrillos.

I have spent well over \$100,000 on horse-related capital improvements to my property in the past year. I spend over \$10,000 per year caring for my horses. The feed, the veterinary care, the training services and the clinics I attend are purchased primarily from local vendors.

Our County's robust equine scene is as integral to its character now as it has been for the past 400 years. We have a rich array of horse-related activities ranging from our rodeos, to our horse shows, our trail rides, our competitive riding events and our many horse & rider training clinics. These events add millions of dollars to our economy and generate considerable tax receipts. These activities attract participants and viewers from a very large area.

I would not want to live here if our horse-related activities were curtailed or if our precious rural land were chopped into lots that didn't accommodate this historic activity. I urge you resist the shortsighted efforts that some people have initiated that would constrain the vibrancy of this important part of our lifestyle. I also urge you to support the changes to the SLDC that have been proposed by the Santa Fe County Horse Coalition and which are being submitted to the BCC.

Thank you very much for your consideration. Please do not hesitate to contact me.

Sincerely,

Jarratt Applewhite

PS: I am a constituent of yours. I greatly admire the public service of your family who I think of as people who really understand rural issues and are especially skilled at representing farming and ranching interests.

jarratt applewhite
lamy, nm 87540
505.577.5335 (cell)

Chrisann N. Romero

From: bgraveen@comcast.net
Sent: Tuesday, December 03, 2013 2:37 PM
To: Jennifer Jaramillo; Chrisann N. Romero; Robert Griego; Penny Ellis-Green; Robin Gurule; Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; stefanics@santafecountynm.gov
Subject: Support For SLDC

County of Santa Fe,

As a horse owner and a property owner in Santa Fe County I support the current, "Final Redline Changes" in regards to Stables and other Equine Related Facilities in the Use Matrix of the proposed SLDC.

The "Redline Changes" make sensible designations for equestrian usage based on acreage and **personal vs. commercial** use.

By Designating Stables and other Equine Related Facilities for **Commercial** Use over 5 horses as a **Conditional Use** in the proposed SLDC for Rural Residential, Residential Fringe, Residential Estate, and Residential Community Areas (i.e. on lots 10 acres in size or less) the impact on the surrounding neighborhood of larger projects will be mitigated.

Designating Stables and other Equine Related Facilities for **Personal Use** as a **Permitted Use in all areas** and designating Stables and other Equine Related Facilities for **Commercial Use** over 5 horses as a **Permitted Use** in the proposed SLDC for Agriculture/Ranching, Rural and Rural Fringe Areas are sensible designations.

I appreciate all of you hard work on the SLDC,

William Graveen
113 Ranch Road
Lamy, 87540

Chrisann N. Romero

From: Kristin M. Koehler <kmk@bway.net>
ent: Tuesday, December 03, 2013 3:15 PM
o: Chrisann N. Romero

I request that Santa Fe County, New Mexico, in the proposed Sustainable Land Development Code require applications for Commercial Horse Boarding facilities on parcels of land 10 acres in size or less, be reviewed by the

- (1) County Hearing Officer, and the
- (2) County Planning Commission, and that the applicant prepare an
- (1) Environmental Impact Report,
- (2) Water Service Availability Report, and
- (3) Traffic Impact Assessment.

These reviews and evaluations will provide for community oversight to determine and mitigate any detrimental impact of these facilities on the surrounding neighborhood. The process is consistent with the current procedure in the current code used by Santa Fe County for such applications.

This would NOT apply to commercial stables on 20 acres or more, nor is it applicable to stables for PERSONAL AND PRIVATE use.

KRISTIN KOEHLER, LAMY 87540
kmk@bway.net

12-10-2013



Madam Chair and Commissioners:

The Santa Fe Food Policy Council, as an advisory body to both the City and County of Santa Fe, has an active interest in promoting a future of local food security through the protection of agricultural resources, skill sets, and residents' right to farm. The approval of the Sustainable Land Development Code (SLDC) is a mechanism in which we, as a County, can articulate a clear framework prioritizing agriculture and holding a space for the cultural, economic, ecological, and health-related benefits which are associated with a strong local food system.

Over the next few months, members of the Santa Fe Food Policy Council look forward to working in collaboration with the Board of County Commissioners and staff on refinements of the Sustainable Land Development Code prior to its enactment. We are confident that this partnership will result in an increased capacity to manage future concerns of agriculture and food security within Santa Fe County and a Sustainable Land Development Code which protects agricultural interests into subsequent generations.

Since the approval of the County's Sustainable Growth Management Plan in early 2011, the Santa Fe Food Policy Council has been working with staff of the County Growth Management and Land Use Department to transform those recommendations in the form of the SLDC. Through the lens of past work with the County Growth Management and Land Use Department, and the draft Food Plan, "*Planning for Santa Fe's Food Future: Querencia, a Story of Food, Farming, and Friends*," the Santa Fe Food Policy Council is in favor of and fully supports the following proposed edits for adoption in SLDC which were presented on November 19 and December 3, 2013:

- Crop Production Greenhouses changed from 'Conditional' to 'Permitted' use in Appendix B for all proposed zoning districts.
- Amendment of language in the existing 'Rural Commercial District' to include language which clearly specifies agricultural business, production, storage, and/or processing as permitted or conditional uses.
- The inclusion of 'Conservation Subdivisions', or a similar mechanism by which zoning districts have incentivized options of clustering development within a portion of the parcel, thereby retaining continuity in the surrounding landscape for agricultural production or other landscape conservation practices.
- A place-holder for an 'Agricultural Activities Overlay District' which has specific language detailing necessary components of functional crop farming and small-scale livestock operations which will be permitted under this overlay district.

618 B Paseo de Peralta
Santa Fe, New Mexico, 87501
(505) 473-1004, ext. 16
www.santafefoodpolicy.org

A program of Farm to Table



Dan W. McCarn, Geologist; 108 Sherwood Blvd., Los Alamos, NM 87544; USA;
Cell: +1-505-670-8123 HotGreenChile@gmail.com

Monday, December 09, 2013

Santa Fe County Council
102 Grant Ave
Santa Fe, NM 87501-2061

Trail System for Santa Fe County



Dear Santa Fe County Council Members:

I find it amazing that Santa Fe County cannot wrap it's head around how important these concepts are. Though I live in the White Rock Community of Los Alamos, I must travel through Santa Fe County at least twice each day. A portion of that drive on State Route 4 abounds with seasonal cyclists & vacationers, yet there is absolutely no provision made for their safety. Why?

Having lived over 15 years in Europe (Austria, France & Belarus), I came to "take for granted" a bike and horse trail system that was almost limitless. As an equestrian, in 12 years in Austria, I rode over 150,000 miles on horse, mainly on the extensive multi-use trail system that was being maintained, chiefly by volunteers and smaller municipalities. Rarely did I need to trailer my horses to a trailhead. Attached is a photo of those days, walking dismounted with my horse along the Danube near Krems an der Donau after 2 weeks in the saddle.

Please take care to note that the trail that I am on is a multi-use trail designed for pedestrians, bicyclists and even a horse or two. The longest ride that I undertook in Austria was 6 weeks solo with two horses (pack & saddle) down the length of the Austrian Alps and back on the south side. Without a great trail system, and existing statutes preventing fencing of trail areas, that ride would have been impossible. During my years in Austria, I maintained over 160 km of riding trails in Northern Austria, clearing Winter's fallen trees every Spring from across trails and maintaining trail markers.

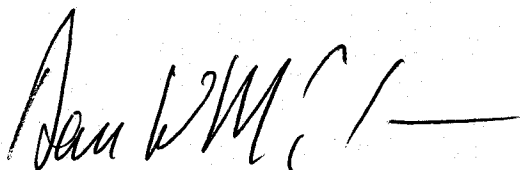
As a geologist, I worked 5 years "in the field" totaling over 700 field days in Southern Colorado and Northern New Mexico and saw many pieces and portions of the old Santa Fe Trail. How I would love to ride that trail except for the thousands of fences erected across that historic route. Why? It seems to be an American obsession to deny access via fence.

So, what are we going to leave to our kids in terms of sustainability? As a minerals / mining geologist I am acutely aware of the long-term limits of minerals, oil & gas. Yet we live in a wonderland of sustainable potential in New Mexico if we choose to. So, what is the legacy that we will leave? Isn't it time to plan for the next few decades?

THIS DOCUMENT IS UNCLASSIFIED
DATE 02/23/2011 BY 10438

I am fortunate indeed to have covered so much territory on foot, bike & horse over the years. I've worked in 15 countries on 4 continents. New Mexico has some of the most beautiful scenic expanses in the USA, but without a long-term commitment on the part of those entrusted with the future, it will become a sad place indeed if a cyclist / horseman cannot travel safely across the City & County of Santa Fe.

Thank you for your time.

A handwritten signature in black ink, appearing to read "Dan W McCarn", followed by a horizontal line.

Dan W McCarn, Geologist
108 Sherwood Blvd
Los Alamos, NM 87544-3425
+1-505-672-2014 (Home - New Mexico)
+1-505-670-8123 (Mobile - New Mexico)
HotGreenChile@gmail.com (Private email) HotGreenChile at gmail dot com

Attachment: Walking with my horse "Boo" along the Danube near Krems, Lower Austria

REC'D
SERIAL
RECORDED
08/03/2014



510 CLERK RECORDED 482/83/2014

tabbles
EXHIBIT
4

PLAZA

Aldea Village Site Map

Aldea de Santa Fe

Step back in time to earlier centuries...

Aldea was home to a small Indian Pueblo and later a Spanish Colonial structure. On this land, rich in tri-cultural history, fourteen local families committed 345 pristine acres of land to a vision of a traditional, pedestrian-friendly village with a central plaza. World renowned architect and planner Andres Durny was engaged to utilize neo-traditional planning concepts to create Aldea de Santa Fe. His design integrates individual neighborhoods with picturesque parks and large open space preserves connected by trails and walkways. The village features a variety of distinct housing types. As Aldea Plaza grows, it will provide convenient commercial and retail services.

...An invitation to a lifestyle that echoes the spirit of historic Santa Fe.



Aldea Home Owners Association 424-3901

Land Uses in legend are subject to change. This site plan is an artistic illustration of Aldea de Santa Fe and is subject to change.

ARROYO

Basketball, Tennis Court with Parking



Trails are for the enjoyment of Aldea homeowners. Use trails at your own risk. Horseback riding is equestrian easements only.

"VILLAGE CENTER" ZONE

15 ACRES VACANT LAND

EXAMPLE
OK

8.10.2.6. Height and Yard Requirements. Setbacks shall be governed by the PD master site plan and the Setback Table in Chapter 7. Lots located on the perimeter of a PD district shall adhere to the minimum and maximum setback requirements of the base zoning district set forth in the Setback Table in Chapter 7 unless a lesser setback is approved in the master site plan. There are no setbacks for interior lots, provided that the requirements of the New Mexico Building Code are met.

8.10.2.7. Infrastructure Requirements. Publicly owned and/or maintained utilities shall be placed in public roads or easements that are a minimum of 16 feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless an approved vehicular turnaround is provided at the end of each such easement.

8.10.2.8. Parks/Open Space. Each master site plan shall provide for a minimum amount of parks/open space as required by Table 8-19.

Table 8-19: Planned Development: Parks and open space requirements.

Land Use Category	Required Parks/Open Space*
Residential	2,500 SF per dwelling unit
Nonresidential	200 SF per 1,000 SF of floor area, and 250 SF per 1,000 SF of parking and loading area

*Total required parks/open space is calculated by dividing the total open space within a PD district by the gross site area. The land-use category shall be determined by the base zoning district.

8.10.2.9. Reduction in Parks/Open Space. The Planning Commission may approve a decrease of no more than 50% in the amount of required parks/open space when the master plan includes design features or amenities such as, terraces, sculptures, water features, preservation and enhancement of unusual natural features, or landscape sculpture.

8.10.3. Planned Traditional Neighborhood Development (PD-TND). Reserved.

8.10.4. Planned Neighborhood Center (PD-NC). Reserved.

8.10.5. Planned Regional Center (PD-RC). Reserved.

8.10.6. Planned Campus/Opportunity Center (PD-C/O). Reserved.

8.10.7. Planned Transit Oriented Development (PD-TOD). Reserved.

8.10.8. Planned Conservation Subdivision (PD-CS). Reserved.

8.11. OVERLAY ZONES.

8.11.1. Generally. Overlay zones address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern.

2025 RELEASE UNDER E.O. 14176

REQUESTED LANGUAGE

December 10, 2013

6.6.7. **Expiration of TIA.** A TIA shall expire and be no longer valid for purposes of this section on a date which is ~~twelve (12) months~~ three (3) years after its creation.

6.7 Fiscal Impact Assessment

6.7.2.3. The fiscal impact assessment shall ~~determine whether, and to~~ assess the extent, a development project is fiscally and economically impacts the County positive, meaning forthcoming revenues (operating and capital) exceed the forthcoming costs (operating and capital) of the development project.

Chapter 7

7.3 Residential Performance Standards

7.3.1.5. **Double Frontage Lots.** Double frontage or through lots are prohibited except in commercial or industrial districts or for alleyways approved as part of a subdivision. A double frontage lot is not created when an alleyway is provided. Double frontage lots may be permitted when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.1.6. **Flag Lots.** Flag lots are prohibited except when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.3. Setbacks.

7.3.3.5. **Commercial and Industrial Zones.** Notwithstanding anything to the contrary in the Setback Table, a setback of 100 feet from the property line is required between any residential district and any structures or uses within a commercial or industrial district. For purposes of this paragraph, the phrase "commercial district" shall not include the MU zone.

7.4 Access and easements

7.4.2.2. **Utility Easements.** Easements shall be provided for utility services including, but not limited to, water, sanitary sewer, gas, electric, and communications (cable/internet/phone). Utility easements shall have a minimum width of seven and one-half (7 1/2) ten (10) feet, except where a transformer or other facility is required, in which case adequate provision for that facility or transformer must be made. Where multiple utilities share the same easement, additional width sufficient to avoid conflict shall be provided. Easements shall be established to provide continuity of alignment throughout the area to be served and to adjoining areas. Utility easements shall be located such that each lot can be served by all proposed utilities.

7.4.2.3. **Combined.** Access and utility easements shall be combined unless the utility company dictates otherwise, or where topographical conditions, existing utility easements, or other conditions dictate otherwise. In such cases, utility easements may be placed parallel to access easements so that maintenance of utility lines will not create the need to disturb a road or driveway. Utility trenches shall be placed within easements in or adjacent road or driveway easements or rights-of-way where possible, except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching.

REQUESTED LANGUAGE

December 10, 2013

~~activity, both within and outside the limits of the Special Flood Hazard Area (SFHA), must provide a Stormwater Management Analysis pursuant to Ordinance No. 2008-10 ("Santa Fe County Flood Damage Prevention and Stormwater Management Ordinance") as amended.~~

~~6. Pursuant to Santa Fe County Ordinance No. 2008-10, erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of 50' must be provided from all arroyos not mapped as SFHA with flow rates in excess of 25 cubic feet per second (25 cfs); or (b) a minimum setback of 75' must be provided from all unstudied SFHA.~~

7. ~~6.~~ Pursuant to Santa Fe County Ordinance No. 2008-10, ~~e~~ Erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of ~~50~~25' must be provided from all arroyos not mapped as SFHA with flow rates ~~in excess of 25~~ of 100 cubic feet per second (25~~100~~ cfs) generated from a storm of 100-year recurrence, 24-hour duration; or (b) a minimum setback of 75' must be provided from all FEMA designated 100 year Floodplains/unstudied SFHA.

~~UNLESS A LESSER SETBACK IS APPROVED BY THE MASTER SITE PLAN BY BCC~~

7.17.6. Grading, Clearing and Grubbing

7.17.6.2. Grading and clearing of existing native vegetation shall be limited to approved Buildable Areas, ~~and road or driveways, drainage facilities, liquid waste systems, and utility corridors.~~

7.17.7. Restoration of Disturbed Areas

7.17.7.1. Disturbed areas not stabilized by landscaping shall be permanently revegetated to approximate the density and species or vegetation at the site prior to grading.

7.17.9 Steep Slopes, Ridge tops, Ridgelines and Shoulders.

7.17.9.1 Applicability. This subsection applies to development of any structure on a slope whose grade exceeds fifteen percent (15%), areas where slope exceeds thirty percent (30%) and to a ridge, ridge top, ridgeline or shoulder.

7.17.9.2 Standards.

2. All buildable areas on a ridge top, ridgeline or shoulder shall be set back 50 feet from the shoulder. The shoulder is the point at which the profile of the upper slope begins to change to form the slope.

4. Utilities and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they utilities disturb no more than three separate areas not exceeding 1,000 square feet each. Drainage structures and slope retention structures may be located on a natural slope in excess of thirty percent (30%).

7.18 Flood Prevention and Flood Control

7.18.5. Basis for Establishing Special Flood Hazard Areas. The Special Flood Hazard Areas ("SFHAs") identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for Santa Fe County, New Mexico and Incorporated Areas," effective ~~June 17, 2008~~ December 4, 2012 ("FIS"), with accompanying Flood Insurance Rate Maps ("FIRM") and/or Flood Boundary Floodway Maps ("FBFM") and any revisions thereto, are hereby adopted by reference and declared to be a part of the SLDC. These Special SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of the SLDC and may be

CURRENT PROPOSED CODE WITH REGARD TO ROAD STANDARDS

7.11.2. **Applicability.** The standards of this § 7.11 shall apply to all development. Tables 7-1 and 7-13 provide road design standards. Urban road standards shall apply to all roads within SDA-1 and SDA-2, and to all planned development and mixed-use zoning districts. Rural road standards shall apply to all roads within SDA-3.

Table 7-12: Urban Road Classification and Design Standards (SDA-1 and SDA-2).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks*	Bike lanes*	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. sup. base course	Min. int. pavement	Max % Super-elev.
Arterial or highway	5000 +	6	12	Two 5'	Two 5 ft on-road	100	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO
Minor arterial	2000 to 4999	2-4	12	Two 5'	Two 5 ft on-road	60 to 100	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO
Collector	601 to 1999	2	11	Two 5'	Two 5 ft on-road	45 to 72	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Sub-collector	301 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Local	0 to 400	2	10	One 5'	n/a	34 to 48	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7%	6"	3"	5%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	20	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	3"	n/a
Alley	n/a	1	12	n/a	n/a	19	n/a	7%	6"	3"	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	6%	n/a	n/a	n/a

*Sidewalks and bike lanes are not required if a 10' wide multi-use paved tail is provided located adjacent to the roadway.

RECOMMENDED CHANGES TO ROAD STANDARDS

7.11.2. Applicability. The standards of this § 7.11 shall apply to all development. Tables 7-12 and 7-13 provide road design standards. Urban road standards shall apply to all roads within a development with a residential density of 1 unit per acre roads within SDA-1 and SDA-2, and to all planned development and mixed-use zoning districts. Rural road standards shall apply to all other roads within SDA-3.

Table 7-12: Urban Road Classification and Design Standards (SDA-1 and SDA-2).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks*	Bike lanes†	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.	EXAMPLE ROAD
Arterial or highway	5000 +	42-6	12	Two one 5'	Two 5 ft on-road	100	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO	AGUA FRIA RICHARDS AVENUE
Minor arterial	2000 to 4999	2 - 4	12	Two one 5'	Two 5 ft on-road	60 to 100	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO	BISHOPS LODGE ROAD
Collector	601 to 1999	2	11	Two one 5'	Two 5 ft on-road	45 to 72	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%	ARROYO HONDO ROAD
Sub-collector	301 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%	SOUTH SUMMIT DRIVE
Local	0 to 400	2	10	One 5'	n/a	34 to 48	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7%	6"	3"	5%	
Cul-de-Sac	0 to 300	2	10	n/a	n/a	20-34 to 48	Level: 20-30 Rolling: 20-30 Mount.: 20-30	9%	6"	3"	n/a	
Alley	n/a	1	12	n/a	n/a	19	n/a	7%	6"	3"	n/a	
Driveway	n/a	1	14	n/a	n/a	20	n/a	6-11 %	n/a	n/a	n/a	

*Sidewalks and bike lanes are not required if a 10'-5' wide multi-use paved trail is provided located adjacent to the roadway.

REASONING TO MODIFY THE PROPOSED ROAD STANDARDS

1. The proposed standards are overkill for a city, let alone a county that values open space, and its rural and traditional character.
2. County roads do not meet these standards, nor are there any plans to meet these standards.
3. Six lane arterials in our community are limited to roads with 45K trips, not 5K trips.
4. Strict adherence to the proposed standards would turn Agua Fria Road into something that looks like like St. Francis Drive.
5. Strict adherence to the proposed standards would turn Bishop's Lodge Road into something like this.



6. These proposed standards require more pavement and more improvements than is required in the Community College District.
7. In the Community College District, an area in which true urban densities are permitted, these standards will not apply.
8. Urban road standards should be limited to areas with Urban densities. Most of SD-1 and SD-2 have a minimum lots size of 2.5 acres or greater. Why are urban roads necessary at these densities?

2013/08/28 09:28 AM RECEIVED