

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
December 8, 2015

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

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I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:14 p.m. by Chair Robert A. Anaya in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Robert A. Anaya, Chair
Commissioner Miguel Chavez
Commissioner Kathy Holian
Commissioner Henry Roybal
Commissioner Liz Stefanics

Members Excused:

None

- I. C. Pledge of Allegiance**
D. State Pledge
E. Moment of Reflection

The Pledge of Allegiance was led by Gabriella Trujillo, the State Pledge by Jeanette Duran and the Moment of Reflection by Deborah Leyba-Dominguez of the Public Works Department.

There was a moment of silence to remember the victims and their families in Colorado Springs and San Bernardino.

- F. Approval of Agenda**
1. Amendments
2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Mr. Chair, we have a few items that have been amended into the agenda since last Tuesday when the agenda was

posted. Under Action Items on page 2, item III. B. 3, first of all, there's additional language that was added to that caption, but additionally, we would like to move that item, #3 until after executive session, so it would be the last item under matters from the County Attorney, VII. D.

COMMISSIONER STEFANICS: I'm sorry. Which one are you moving down?

MS. MILLER: Under Action Items on page 2, item B. 3.

COMMISSIONER STEFANICS: Thank you.

MS. MILLER: And then on page 4, Matters from the County Attorney, item VII. A, Executive Session, items 1 and 2 were added, and then also, outside of executive session, possible items related to that, items B. and C. were added in case there is a need for action. And then under Public Hearings, on page 5, item VIII. A. 1, the ordinance authorizing the issuance and sale of hold-harmless gross receipts tax revenue bonds, that item was added to the agenda. These were all amended into the agenda last Friday prior to the 72-hour deadline as well. With that, those are the amendments to the agenda that staff has.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian then Commissioner Chavez.

COMMISSIONER HOLIAN: Mr. Chair, I would like to request that under the land use cases, item VIII. B. 5, be moved to be heard as the first land use case if we are starting that section of the agenda late. On the late side.

CHAIR ANAYA: Duly noted, Commissioner Holian. Commissioner Chavez.

COMMISSIONER CHAVEZ: [inaudible]

COMMISSIONER HOLIAN: Well, if we haven't started on the land use cases by 8:00 I would like to hear that one to be heard the first because I have to drive down to Albuquerque tonight.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Let me see. I just needed clarification then on III. B. 3. That will be moved to after the executive session – is that correct?

MS. MILLER: Mr. Chair, Commissioner Chavez, yes. The caption as it's printed on your amended agenda stays exactly the same; we just would like to move it until after executive session.

COMMISSIONER CHAVEZ: That's all I had, Mr. Chair. So I'll make a motion to approve the agenda as amended.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Chavez to approve as amended. A second from Commissioner Holian. The other item I would add is I'm going to leave Matters of Public Concern where it is but I want to bring it up right after we approve the agenda to afford Pilar the opportunity to make some brief comments in regards to a project that's been worked on here in Santa Fe for informational purposes, if we could add that to the amendment.

COMMISSIONER HOLIAN: Yes, I agree.

COMMISSIONER CHAVEZ: Fine.

CHAIR ANAYA: Thank you to the maker and to the seconder. There's a

motion, there's a second. Any further discussion? Seeing none.

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

V. Matters of Public Concern

CHAIR ANAYA: Thank you, Commissioners. Before we move further to the minutes I'm going to give Pilar an opportunity to come forward and she has a guest with her. If you guys could just provide some brief comments on the project, the soccer field project, that's been worked on here in Santa Fe.

PILAR FAULKNER: Thank you so much, Chairman and Commissioners. I'd like to introduce Nick Smith. He's the chairperson for the Santa Fe Soccer Complex, which is comprised of four major soccer leagues in the Santa Fe area that are working on this project. I would just like to note that this is very much a regional project with significant impact for the youth of Santa Fe and the surrounding area, as well as for economic development. So this is Nick Smith.

NICK SMITH: Honorable Chair and Commissioners, thank you for the opportunity to just say a few words. This project that we touch upon impacts the youth of our community. It impacts economic development and utilizes regional resources, and it is the refurbishment of the soccer fields at the municipal recreation center out on the Caja del Rio.

Three-fold objectives in this project when we started it were firstly to create a community soccer environment. Currently, there are only five dedicated soccer fields north of Albuquerque and those are the ones at the MRC which have fallen into repair so this is a major focus of ours. The second one is to impact economic development with a bringing of tournaments into the area which is a popular thing, and the third area was in – we are at 7,000 feet. Soccer is the fastest growing sport in the United States and we have a large professional body throughout the country, is to offer them high altitude training, which there's no other facility that can do that within the United States

So those are our three overriding objectives. Currently, as I indicated, there are already five dedicated fields and they have fallen into a poor repair, so we've been canvassing the state and have obtained so far \$450,000 from the state for the City of Santa Fe to refurbish these fields. We also had a donation – a contribution, sorry – from the Santa Fe County. Thank you for that, as part of that. The situation now is that we've had the master plan has been drawn up and has been approved by the City and that is for the refurbishment of five fields and to expand it by adding four more fields.

We are also now number one on the City's ICIP list which will help us with obtaining more state funding, which is something that we're doing. Essentially we know that the City is facing a number of challenges and the economy is facing a number of challenges but we do believe that this is a truly regional project and we feel that all the stakeholders have something to gain from that in terms of the state, the City and the County. And what I really just wanted to do is say that we would like to reach out and see what support we can garner from you as we move forward in this project. So that's just my few words on this project moving forward. Thank you.

CHAIR ANAYA: Thank you so much for coming forward. In recent years

we've elevated our discussions around economic development and around mountain biking with Mr. Griscom and the Commission and the County staff and we already have access to other activities including the trail networks that we're continually expanding including hiking and biking, ecotourism, and I would equate this type of project in the same vein. And so I absolutely think we need to continue to be aware of it and have it as part of the discussions which we had and you've noted that we've put some resources forward and more than anything I want to continue to learn more about the project and make sure the Commission is up to speed as it progresses and see how we can possibly help it come to fruition.

I've had the opportunity of participating as a spectator in the facility in Albuquerque in the state tournament and the magnitude of economic development is prevalent the moment that you drive into the sector. And so I would see that to be the same case here in Santa Fe. So I appreciate you coming in and the work and efforts and look forward to learning more about the project and its potential impacts for the kids, number one, and then also opportunities for other business ventures that could draw on resources to help facilitate its function and operation. Commissioner Chavez.

COMMISSIONER CHAVEZ: Do we have a specific dollar amount? Because you're talking about doing five of the existing fields and adding four more, so I didn't hear too much discussion about the dollars and the cents of it, because I know that as Commissioner Anaya pointed out there are other projects that we can point to that are good examples, like the Santa Fe River Corridor project where we've collaborated extensively on our open space and trails network in other areas as well. So I think this could be added to the list of things that we would work through with our City counterparts. But again, it has to follow the process and fit into budgets, as you also mentioned earlier. So what are the dollars that we're looking at?

MR. SMITH: At this point we're working very much with the design team on finalizing that and that's an ongoing piece. So there's not an actual nailed down dollar amount on that. There are a number of phases on that and that's really what I would see as part of this ongoing dialogue and communication to be able to do that. We are at an early stage of talking with you about what this might be.

COMMISSIONER CHAVEZ: Do you have a dollar amount on what's been spent to date and on what?

MR. SMITH: To date, my understanding of this from the last meeting was around \$100,000 has been spent on the master plan so far.

COMMISSIONER CHAVEZ: For everything. For the five fields and the four additional fields.

MR. SMITH: Correct. That's for the master plan, the refurbishment of five fields, the adding of the four fields and a clubhouse building, which includes all the infrastructure that goes with it. Yes.

COMMISSIONER CHAVEZ: So that's the rest of the story, as Paul Harvey would say.

MR. SMITH: Yes. Exactly.

COMMISSIONER CHAVEZ: Okay. Thank you.

CHAIR ANAYA: Thank you very much.

MR. SMITH: Great. Thank you very much. I appreciate it.

CHAIR ANAYA: Thank you for indulging me, Commissioners.

I. G. Approval of Minutes

1. Special BCC Meeting on November 2, 2015

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

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move approval of the special BCC meeting minutes on November 2, 2015.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion and a second from Commissioner Chavez and Commissioner Holian. Is there any further discussion? Seeing none.

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

2. Regular BCC Meeting on November 10, 2015

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'd move approval of the regular BCC meeting minutes on November 10, 2015.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion from Commissioner Stefanics, second from Commissioner Holian. Any further discussion? Seeing non.

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

I. H. Honoring Our Veterans and Service Men and Women

CHAIR ANAYA: We don't have any veterans today to honor and I wanted to take this opportunity to thank the Commission for the last year in also assisting in bringing veterans to be acknowledged and to say that publicly we acknowledge and appreciate every single veteran, past, present, and even those future veterans for their service and their dedication to whichever armed service they were part of and a special thank you and tribute goes to all of those that paid the ultimate sacrifice in the service of this country. On that note I would ask for one more sincere, heartfelt moment of silence for those veterans. Thank you very much, Commissioners.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I've mentioned before that my dad is a World War II veteran and he is still alive. He's 91 years old. But the passing of his own personal airplane into somebody else's hands this month is shutting down a part of life and I think that when you have had something personal – he's been an

airplane mechanic his entire life so when you have to give something up it's the closing of one chapter. I spoke to him this morning and he's feeling pretty blue, but as a veteran I know it's hard for everybody who has to give something up. Thank you.

CHAIR ANAYA: Thank you so much, Commissioner Stefanics.

I. I. Employee Recognitions

1. A Presentation Recognizing Fire Training Captain Jim Lovell for his Twenty Years of Service to Santa Fe County and his Retirement from the Santa Fe County Fire Department

DAVE SPERLING (Fire Chief): Thank you, Commissioners. I appreciate the opportunity to bring forward one of our fine Santa Fe County Fire Department employees to recognize their 20 years of service to Santa Fe County and the Santa Fe County Fire Department and their upcoming retirement from the Fire Department on December 17th. And Commissioner Stefanics, you mentioned just a moment ago about the closing of a chapter and the opening of a new chapter and I think both Captain Lovell and I were shaking our heads in agreement, and that's what Captain Lovell here is facing.

He is one of the original Santa Fe County Fire Department employees. Became a volunteer with Agua Fria fire district in 1993, and then in 1995 became one of the first paid firefighters working out of the Agua Fria fire station when at the time we only had one 8 to 5 career employee responding to calls, supplemented by volunteers, and it was as Captain Lovell can attest, quite a challenge at the time.

He then became a regional lieutenant, a training division lieutenant and more recently the training division captain. He was our one and only official fire training career officer. He has taught 16 of our volunteer fire academies. That required him to flex his schedule, often teaching evenings, weekends, at all kinds of odd hours. He also instructed eight of our career academies. Our current roster of 73 career employees, out of that roster 67 have been taught by Captain Lovell. And out of our contingent of volunteers he's touches 260 of 320 through the training academies and other work that he's done.

Some of his remarkable achievements through the course of his career he's been an adjunct instructor for the New Mexico Firefighter Training Academy for 17 years, and worked with the International Fire Service Training Association, Essentials Six Validation Committee on a three-year project. He traveled around assisting that committee in putting together the newest edition of training materials for which his name was recorded in their book, as well as *Jones & Bartlett* and the International Association of Fire Chiefs – that's another fire service training manual, *Fire Officer Principals and Practice, Third Edition*, also recognized there, and in *Jones & Bartlett, Introduction to Fire Protection and Emergency Services, Fifth Edition*, he served as an official reviewer.

Captain Lovell also is a one-of-a-kind character, and I mean that in a very kind and honorable way. He's always ready for a laugh and he's always ready for a self-effacing comment. But I can tell you when the chips are down this is the individual who you want to assist you. And I'll just give you a most recent example. We had a structure fire in the Hondo district about two weeks ago. It started in the basement of a two-story structure so you can imagine everyone was a little bit nervous about that and Captain Lovell was one of the first career responders to show up on scene. He took charge as the

operations commander and did an outstanding job keeping everybody safe and taking care of business.

So he's always ready, willing, and able and it's been my great pleasure to work with him over the last eight years of my experience with Santa Fe County and I'm going to miss him as I know our staff is going to miss him. He's going to be very hard to replace. So with that again I thank you for the honor to recognize Captain Lovell here at the Board of County Commissioner meeting and I'll take any questions or comments that you may have.

CHAIR ANAYA: I'm going to go to Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Thank you for the time and the dedication and the skill that you've offered to Santa Fe County and I hope that whatever you do in your next phase of your life, I know you'll have memories of being here, but I hope you won't work as hard. Thank you so much for your dedication.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Captain Lovell for your years of service overseeing training of our firefighters is an incredibly important job and I know that our firefighters, including our volunteer firefighters, are as capable as any at dealing with the kinds of fires that we experience here in our community, including forest fires, wildland-urban interface fires, structural fires and so on.

I would now like to read an email message that I received from Anna Hamilton, a volunteer firefighter in the Glorieta Pass volunteer firefighting department, and I will also add that Anna and David would have been here today except that they are at a very important doctor's appointment right now and I imagine you know what that's about. This is from Anna: Jim Lovell is great. He put a lot of personal effort and commitment into training new firefighters through the volunteer and career academies. He was definitely a strong personality; he could get riled up at things, but could always readily admit that if it was he, and apologize and so make a situation good. When I did the volunteer fire academy with him a really appreciated how he could focus our attention on what was important, how it fit in, how to think about things, and even with a gruff exterior when he required formal academy discipline he was always quietly checking on how we were all doing with the academic materials and the skill, that is whether anyone needed extra time, explanations or tutoring or how to study and so on. And he was enthusiastic about the service and about our participation. I never felt like I was a second class citizen with him, either because I was a volunteer or because I was a woman. That was really cool. Plus he did little extras that showed his care for the students, like a slide show of photos of the students doing firefighting skills at that burn building that he assembled and showed at graduation. I know that there are lots of other good people in the department but we are definitely losing a great resource for building our volunteer and paid fire service.

CHAIR ANAYA: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, Mr. Lovell, I can only say that not

only did you – you just didn't come to work; you went above and beyond, giving training, making sure that the organization has a future and that it's on a good foundation. I think that from my reading and what I'm hearing I think honestly I haven't gotten to know you that well but I'm sensing that you did that for a reason, and you were committed to more than just your job. That's pretty obvious. And so that legacy I hope will stay behind and that you will be an example because in many cases I'm also sensing and learning that County government is not just a job, it's a career. And time and time again there are examples that come before us that prove that. And so you've done that. You've had fun; you enjoy your work and you have fun doing it. And so keep that up. Don't let that go. Congratulations.

CHAIR ANAYA: Commissioner Roybal.

COMMISSIONER ROYBAL: Well, first I'd like to say congratulations, Captain Lovell. You've done a great job and I want to thank you for your years of service and the knowledge that you shared with the cadets. That's invaluable, all your experiences. I would also like to thank you for the commitment that you've had to the County and your career choice. Thank you, sir.

CHAIR ANAYA: Thank you, Commissioners. Captain, when Chief Sperling brought up 1993 and your start in the volunteer fire service it brought a lot of memories back for me and when we started out in revitalizing Galisteo fire district. But real simple and real straight, when no one was looking, you were putting on your bunker gear. You were answering the call those citizens in their most time of need to help them with a helping hand. When no one was looking you were helping not only work with the administration and with the staff at the County Fire Department but you were training those future volunteer firefighters day in and day out, up early, to bed late, to Socorro, to all the fire districts and all the many, many places that you took those individuals to teach and demonstrate what was necessary to be a professional in the fire service in Santa Fe County.

When no one was looking, you were the one that was sitting there alongside Chief Sperling and many others to develop and grow the Santa Fe County Fire Department. When no one was looking, you were watching it grow and helping it grow, all in the interest of those citizens that we serve and you serve day and day out, from the beginning as a volunteer firefighter through your escalation, through the ranks as to being a captain and where you were. And to that, I thank you from the bottom of my heart and I know everybody that had the opportunity to see you and work alongside you admired your character, your charisma and your straightforward candor, to be quite frank.

But thank you so much for your service. I know as a leader, although you'll be moving on to a new chapter that you won't be far, and I know that if we were in need and needed some help and direction that we would be able to ask you for some advice and maybe some little additional help. So for that I sincerely thank you on behalf of all those people that I know you helped, and especially those people you helped in their most time of need. So let's give the Captain a round of applause and then let's give him the microphone.

JIM LOVELL (Fire Captain): Chairman Anaya, Commissioners, I thank you for this acknowledgement today. It means a lot to me. It's been my honor and my privilege to serve the residents and the visitors to Santa Fe County and the honor to have

such a small part in the beginning of so many careers. It is really my honor. Thank you.
CHAIR ANAYA: Thank you, Captain. We'd love to have a picture with you if we could, if you would indulge us.

[Photographs were taken.]

II. CONSENT AGENDA

A. Final Order

1. **CDRC CASE # V/FDP 15-5170 Jacona Collection Center.**
Santa Fe County, Applicant, Received Conditional Approval from the County Development Review Committee (CDRC) for Final Development Plan to Allow a Facility to be Utilized as a County Collection Center on 19.63+ Acres. The Applicant Requested Approval by the Board of County Commissioners for a Variance of Ordinance No. 2002-6, Article III, Section 4.4.4(C) (Maximum Height) to Allow the Structure to Exceed 24 Feet in Height, a Variance of Ordinance No. 2000-01, Section 2.3.6.D.2, to Allow Retaining Walls to Exceed 10 Feet in Height and a Variance of Article VII, Section, 3.4.1.1.C.1 (No-Build Areas) to Allow Five Isolated Disturbances of 30% Slope for Access Roads Totaling 1,313 Square Feet. The Property is Located Off of Highway 502, within the Jacona Land Grant, within Section 15, Township 19 North, Range 8 East (Commission District 1) (Approved 4-0) Jose E. Larrañaga, Case Manager

B. Resolutions

1. **Resolution No. 2015-168, a Resolution Authorizing the Donation of Fixed Assets in Accordance with State Statute (Finance/Carole Jaramillo) [Exhibit 1: Letter from San Miguel Fire Division]**
2. **Resolution No. 2015-169, a Resolution Requesting a Budget Decrease to the EMS Fund (206) to Adjust the Budget for the Current Year Allocation to the Actual Distribution Amount /(-10,374) (Finance Department/Carole Jaramillo)**

C. Miscellaneous

1. **Request Approval for Waiver from Section I of Ordinance No. 2012-5 to Purchase Fourteen Police Interceptors in the sum of \$337,932.25, utilizing the State of New Mexico Purchasing Agreement and Authorizing the County Manager to Sign and Execute the Purchase Order (Purchasing/Bill Taylor)**

CHAIR ANAYA: I know we have one item that Commissioner Chavez wants to pull for a brief comment. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I wanted to have just a brief discussion on C. 1 and really just to highlight – this is a request approval for

waiver from Section 1 of Ordinance No. 2012-5 to purchase fourteen police interceptors in the sum of \$337,932, utilizing the State of New Mexico purchasing agreement and authorizing the County Manager to sign and execute the purchase order. So really again, just to highlight, this is I think an accomplishment again for public safety and to be able to replace these vehicles in a timely fashion so that they will also have the tools to do the job that they need to do and do it safely and effectively and so I just again wanted to highlight, and having said that, Mr. Chair, I would move for approval on this request.

CHAIR ANAYA: There's a motion to approve on the – do you want to go ahead and just move the whole Consent, Commissioner?

COMMISSIONER CHAVEZ: Sure. I'll make a motion that would include the entire Consent Agenda.

COMMISSIONER HOLIAN: I'll second.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a motion and a second, Commissioner Stefanics, second from Commissioner Holian as well. Is there any further comments or discussion on the Consent? Seeing none.

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

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

III. ACTION ITEMS

B. Miscellaneous

1. **Approval of Application for Business Lease to the New Mexico State Land Office for 320 Acres of State Trust Land Adjacent to the Thornton Ranch Open Space**

COLLEEN BAKER (Projects Division): Mr. Chair, Commissioners, the item before you is an application to the State Land Office for 320 acres for a business lease on 320 acres of state trust land adjacent to the Thornton Ranch open space. The County has maintained a grazing lease on this property since we acquired the property in 2001. However, as we've been moving through the master plan for the Thornton Ranch open space the State Land Office has determined that the grazing lease does not allow public access. And so to move forward with incorporating this 320 acres as part of the management of the open space they've advised us to apply for a business lease.

This 320 acres is situated just north of the Burlington Northern railway and it's surrounded by open space and Bureau of Land Management land, and it affords more opportunities to be able to move trails through the open space, so it is integral to the management of the property, being able to provide public access for that property. This is just the application, so once we've submitted the application the State Land Office will conduct an appraisal of the property, tell us what the value is for the lease. Then they will prepare a lease document and we will bring that back before you for approval of the lease

itself. So with that I'll stand for any questions.

COMMISSIONER CHAVEZ: Questions of staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay. Thank you, Mr. Chair. Colleen, thanks for your work on this but let's talk about how this relates to the use of Petroglyph Hill.

MS. BAKER: So Chairman, Commissioners, the overall property that we own is approximately 1,900 acres and part of what we need to do is manage the cultural resources so that they're protected and that we're addressing tribal concerns. So what this does is allow us to move the trails that get used without guidance away from Petroglyph Hill to allay some of those concerns that the tribal representatives have. So it supports us in protecting that resource.

As far as tours to Petroglyph Hill, it's not directly related, but it does help us move the unmanaged access or the open access away from the resource so it's more protected.

COMMISSIONER STEFANICS: So Mr. Chair and Colleen, you're estimating that the annual rental is \$10,000.

MS. BAKER: That's the estimate that the State Land Office gave me for budgeting purposes without having conducted the appraisal, so right now that's a placeholder, I'm hoping a fairly conservative estimate.

COMMISSIONER STEFANICS: So is this land available for sale from the State Land Office?

MS. BAKER: That's a very involved question. The State Land Office can sell land. In the past their policy has been not to unless they could realize more than the value of the land, because their mission is to earn revenue for the schools they prefer to maintain their resource holdings. There are possibilities that we could look at a trade if we were to purchase property that the State Land Office could realize revenues off of in a more efficient way they might consider a trade. So in the long term we're certainly looking at those strategies, either to be able to purchase it to be able to get out of an operating expense like this, or to work with BLM even on a trade with State Land Office. So there are some long-term strategies but in the immediate term –

COMMISSIONER STEFANICS: But Mr. Chair, I don't have a problem with the application. What I might have a problem with is a long-term, forever high payment for a piece of land that we could potentially trade or own. So I would want us to keep that in mind as we go forward. Thank you very much. But I would move for approval of the application.

COMMISSIONER HOLIAN: And I'll second that.

COMMISSIONER CHAVEZ: There's a motion and a second. Any discussion? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Actually, my questions and comments were very similar to what Commissioner Stefanics brought up and I really would like to investigate if there is a way that we could obtain ownership of that land and have it in perpetuity because I do worry about having a long-term lease on

land that we have put improvements on. Thank you, Mr. Chair.

COMMISSIONER CHAVEZ: And I would support that concept as well and I want to deviate just a bit because I know that we have some sensitive features in the area that connect to our pueblo history and our past, and former Governor Dorame is here in attendance this afternoon and Governor, would you like to come forward at this time and speak on this issue? I want to give you the opportunity.

CHARLES DORAME: Thank you, Mr. Chair and members of the Commission. I wasn't here prepared to make any statements but because of my vast knowledge of the area and the number of years that I've been a resident of our community, I must say that the concern there is the protection of the petroglyphs. It's very important to preserve history and in the past we've had too much vandalism and theft in these areas once they've been identified. I would like to see more resources to protect the area and not leave it open to where there's no guidance or any other form of resource available to the people that actually go out there and see it so they learn about the history and what it means to the majority of the people here in the county. Thank you.

COMMISSIONER CHAVEZ: Thank you, Governor, and maybe Colleen can speak to that a little bit as we move forward with our management plan and oversight of this, and especially if the intent is to purchase the property and have it under ownership of the County then I think it's even more critical that we have some policy and safeguards in place for special areas like this. Have you put any thought into that?

MS. BAKER: Mr. Chair, Commissioners, we are actively engaged right now in a tribal consultation process and we hope to be able to start bringing forward an option for tribal review. That's really what we've been hearing back from the tribes is to propose something and let us review it and tell you ways to refine that so that it's protecting the resource better. So we are working very diligently right now to recognize how significant this is to many of the tribes in the area, respect that resource and also fulfill our mandate to the public to provide access. It's a tricky balance but we are working through and the tribal representative has been very helpful, very engaged in working us through this process and helped to honor that as we come forward.

COMMISSIONER CHAVEZ: Okay. So maybe just to highlight that and I guess just keep the line of communication as strong as possible and I think that hopefully will lead us in the right direction. Thank you. So there's a motion and a second, Mr. Chair, on this item, this approval for a business lease for the State Land Office. There's a motion and a second. Did you have any comments? Okay. So there's a motion and a second.

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

**III. B. 2. Amendment No. 2 to a Memorandum of Understanding
Between the New Mexico Department of Transportation and
Santa Fe County for the Northeast Connector from Saint
Francis Drive to Richards Avenue**

MARK HOGAN (Projects Division): Mr. Chair, Commissioners, the MOU before you is a formalization of a change in the agreement between Santa Fe County and New Mexico DOT. This formalizes the agreement that requires the County to be responsible for the land acquisition for the northeast connector as well as the environmental clearances, and it also establishes that at that point DOT will do the design of the northeast connector as well as will fund the construction of it.

A point of clarification. In the packet they refer to the northeast connector as going from St. Francis all the way to Richards, but the new section of construction is really from where Rabbit Road ends and then there's a stretch between that and Richards Avenue where new construction will be required and that's the specific segment. So DOT will be doing safety audits and other design considerations for the entirety of that length but the part that the County's responsible for acquiring land for as well as doing the environmental clearances is just for that new construction between Rabbit Road and Richards Avenue. With that I'll stand for questions.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I would move for approval for amendment #2 to the MOU between the New Mexico Department of Transportation and Santa Fe County for the northeast connector.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Stefanics, second Commissioner Holian. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mark, Mr. Hogan, wouldn't the MOU then have to reflect the change that you read into the record? Because the MOU still states that it will be from St. Francis Drive to Richards. So does that not need to be changed?

MR. HOGAN: Mr. Chair, Commissioner, the DOT's view is the northeast connector goes that entire length but the area of the construction, I don't think is in doubt in terms of new construction. So I think that that covers it.

COMMISSIONER CHAVEZ: Okay. I just wanted to be sure that we're okay with that, Mr. Chair. So that's fine.

CHAIR ANAYA: Any other questions or comments? Seeing none.

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

III. B. 4. Memorandum of Understanding between the City of Santa Fe and Santa Fe County for the Senior Campus at Caja del Rio Allowing Discharge into County Wastewater Collection System and then into City Wastewater Collection and Treatment System

[Exhibit 2: Amended Agreement; Exhibit 3: Map]

CLAUDIA BORCHERT (Utilities Director): Mr. Chair, members of the Commission, before you today is the memorandum of understanding between the City of

Santa Fe and Santa Fe County that allows a senior campus at Caja del Rio to discharge wastewater from the County's collection system into the City's wastewater collection and treatment system. As you all know, this step is required for a development in order to be able to show that they have a place for their wastewater to go in order for them to precede in the development process. Should you approve this and should the City approve this the senior campus will be allowed to discharge their waste and continue on through their development process.

I would also like to point out that this is in parallel going through approval at the City. It was before their Public Utilities Committee on last Wednesday and that committee approved an amendment to this agreement as it was given to you in your packet. I believe you have a redline, one-page version on your desk that on the top of page 2 in the recitals, the last recital, number 6, adds at the end of the sentence, "subject to the approval of this agreement". So I'm requesting that should you approve this MOU that you please approve it with that amendment that makes the two – the one that's going through the City process and the one before you the same. With that I'll stand for questions.

CHAIR ANAYA: Thank you, Claudia. Are there questions from the Commission? This isn't a public hearing but I'm going to give you, if you want a brief opportunity, I'm going to give you an opportunity to make some brief comments.

MATTHEW BACA: Hi. I'm Matthew Baca from the Baca Ranch. I'll be quick on this. In 1994 the County condemned 300 acres of our property acting under a joint powers agreement with the City of Santa Fe to place the Santa Fe Caja del Rio landfill on our property. As part of the settlement agreement, in terms of the purchase of the property, there was a settlement agreement that allows us to transfer density transfers from land adjacent to the landfill that went down in value to a piece of property adjacent to this campus.

We've been working with Cauwels & Stuve since several months ago to include this property that the density transfers are going to be on as part of the memorandum of agreement that Ms. Borchert just talked about. We learned on Thursday that we were not included in that agreement and you received a phone call to your office as well as the Manager's Office, the County Attorney's Office and Ms. Borchert.

We don't want to slow this up. It took since February just to get it to this point. This is my father, Phillip M. Baca. I just wanted to pass out a brief map showing where the density transfers that we're working on with Growth Management are going in relation to the campus, and at the suggestion of Ms. Borchert as well as the County Attorney's Office we will go ahead and commence starting work on a separate joint powers agreement – I mean a memorandum of agreement related to this property so we can go ahead and commit to the County Attorney and Manager so that you can see where the senior campus is on the left and where the density transfer will be transferred to on the right.

We've worked, like I say, closely with Cauwels & Stuve. We don't want to stop this agreement that's been put in place because it took eight months, nine months. The purpose of this is to give you that quick, brief history but to also say that since we're starting over, the deadline on the 20-year agreement we have with the County is coming up in July of 2016 and because of this delay plus others that I'm going to bring up tonight

during the public hearing on the zoning, sustainable zoning, we will be asking the County Attorney to agree to extend that July 2016 deadline for somewhere between 12 to 24 months just because everything's taking so long. Thank you.

CHAIR ANAYA: Thank you, Mr. Baca, for the information. What's the pleasure of the Board? Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I'll go ahead and move for approval of this MOU between the City of Santa Fe and Santa Fe County for the senior campus at Caja del Rio, with staff's additional language that's on our dais.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion from Commissioner Chavez with staff recommended amendments. Second from Commissioner Holian. Any further discussion? Seeing none.

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

III. C. Resolutions

1. Resolution No. 2015-170, a Resolution Reallocating Proceeds from Santa Fe County's General Obligation Improvement Bonds, Series 2013 from Water and Wastewater Projects to Roads within the County in Compliance with Voter Approved Project Limits

CAROLE JARAMILLO (Finance Director): Mr. Chair, Commissioners, before you you have a resolution. Its purpose is to reallocate proceeds from Santa Fe County's general obligation improvement bonds from the Series 2013. If you recall, back in November of 2012 voters approved the issuance of \$35 million in general obligation bonds, \$19 million for roads, \$10 million for water and wastewater projects, and \$6 million for open space and trails projects. We have issued two series of bonds from that original authorization in 2013 and in 2015 totaling \$27 million to date. We have \$8 million left in our authorization.

Originally we had allocated a certain amount as you see in the tables in the memo to you. \$10.4 million to roads in 2013, \$5.6 million to water and wastewater and \$3 million to open space and trails. In 2015 an additional \$3.4 million was allocated to roads, \$2.6 million was allocated to water and wastewater projects and another \$2 million was allocated to open space from the 2015 bond issuance.

So what we're requesting today is to reallocate some of the funds from the 2013 bond issuance from water and wastewater to roads, and the reason for that is because we have a more immediate need for the funding for the roads than we can sell the remaining issuance. We probably will sell the remaining authorization, the remaining \$8 million in the late spring of next year but that will be too late for the road construction season and they need the money sooner than that. So we're requesting this reallocation. We will then replenish what we are allocating away from water and wastewater back to water and wastewater when we issue the new bonds next year.

The allocation will come from funding that is for the Quill plant and will be

allocated primarily for Pinon Hills and Puesta del Sol road projects. Then when we issue bonds again next year we will replenish the money for the Quill plant. I stand for questions.

CHAIR ANAYA: I just have one for Mr. Shaffer relative to just complete transparency. We have no problems at all? I understand the logic, to make sure that we're ready for the construction season but we have no legal problems at all to be able to do this change and make the adjustment to hit the construction season and then replenish those bond funds? If you could just say that on the record I'd appreciate it.

GREG SHAFFER (County Attorney): Mr. Chair, that is correct. We specifically worked with the County's bond counsel, the Modrell Sperling firm, and confirmed with our bond counsel, Peter Franklin, that this type of reallocation, so long as we are within the voter-approved limits, it is legally permissible and doesn't raise any questions concerning the validity of the bond issuance or use of the proceeds for the reallocated purposes.

CHAIR ANAYA: Thank you, Mr. Shaffer. I'm going to make a follow-up comment. A couple months ago we had some recommendations from staff on bond allocated projects where there were other complications that arose on those bond allocated projects that dealt with design structural issues that put us in the position where we wouldn't be able to advance particular projects because of those problems. But I just want to say that we have been and will continue to be completely transparent on any of those issues that arise. In one circumstance I want to also say publicly to Mr. Martinez and the project team, they were actually able to work through some of the challenges that were faced on one particular road that had bond funds that voters approved and they're going to make it work.

But sometimes it doesn't work out that way and we have to be put in a position to either meeting construction time lines or season construction issues. We have to from time to time make those modifications. But we duly notice those modifications and afford people the opportunity to provide feedback. So Mr. Shaffer, thank you for your statement and clarification and that we're fulfilling our responsibility to be diligent and transparent with the use of funds, all funds but especially those funds that are bond funds where we have many other variables to be cautious and careful with. So thanks again.
Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, just if I could for a minute to expand on that because I think that it was good to hear from the Attorney. That makes me comfortable but what also makes me comfortable is that in the name of transparency we are capturing everything that we're doing in the resolution. That will be processed through the Finance Department and I trust that the Finance Department then will have a line item in your shop that will track these numbers so that we can be sure that we replace the funds from where they came. Otherwise – this is the best place to do it. The fact that it's in a resolution makes it that much stronger and so I'm really comfortable with that.

And I think as we move forward we also get two bites of the apple, so to speak, because we can use funds that we already have in place knowing that we're going to reallocate them and put them back to their original purpose. We're taking advantage of projects that have already been started and we need to complete, and we're trying to use

our window, the season, for construction. So actually we're being more efficient in those three ways instead of just sitting on the funding that we do have, waiting for the Quill plant to be ready. So I think we can argue that we're acting in the best interest of the County collectively.

CHAIR ANAYA: Thank you, Commissioner. Appreciate those comments and clarifications. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian, a second from Commissioner Chavez. Seeing no further discussion.

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

COMMISSIONER STEFANICS: So, Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I do have a comment that I hope that the Quill plant doesn't take another ten years because we've made that a priority for the past couple years and it keeps sliding by the wayside. Thank you.

III. C. 2. Resolution No. 2015-171, a Resolution Requesting a Budget Increase to the 2013 GOB Fund (351) and Capital Outlay GRT Fund (313) from Cash Carryover and an Increase to the State Special Appropriation Fund (318) and Corresponding Decrease to the Water Enterprise Fund (505) for an Overall Budget Increase for Various Capital Projects/\$108,201

MS. JARAMILLO: Mr. Chair, the next resolution on the agenda is a resolution to address the budget aspect of the resolution that you just passed, in addition to doing some cleanup on some particular accounts that we have for projects. The reallocation of the funding that you just passed is being taken care of by the resolution and we are also requesting to use savings from other projects, including the Spruce Street and Rancho Alegre projects in order to offset some additional funding needed in the Cerrillos Village project, and we are requesting to budget some engineering and design money for Torcido Loop, which was already allocated back in February.

Also part of this resolution is to move some grants which we had originally budgeted in the utilities fund but we have determined that they are more appropriately to be budgeted in the special appropriations fund so we are shifting the budget for those into the correct fund. And then addressing an erroneous reclassification. That was done several years ago on a project without a change to the allocation to the Romero Park project. And I stand for questions.

CHAIR ANAYA: Ms. Jaramillo, if you could provide me some background on the Cerrillos Village project monies.

MS. JARAMILLO: I'm going to defer to my colleagues from Public Works on that project.

CHAIR ANAYA: Hopefully there's not any surprises I'm going to get right now.

MR. HOGAN: Mr. Chair, Commissioners, what am I trying to clear up here?

CHAIR ANAYA: Ms. Jaramillo mentioned Cerrillos Village, so I needed some clarification on what she means by that.

MR. HOGAN: I believe it's referring to the senior community center. Oh, the roads.

ROBERT MARTINEZ (Roads Director): Mr. Chair, Commissioners, originally, the scope of the project was to chip-seal the roads within the Cerrillos Village. Mr. Todd Brown is the representative of the Cerrillos Village and they are just requesting that First Street be paved and all the other roads within the village remain unpaved.

CHAIR ANAYA: So help me understand the reallocation. Where is the recommendation on the reallocation for part of those resources? Just so we're in the vein of transparency and information to the public and myself.

ERIK AABOE (Public Works): Mr. Chair, I believe this action actually budgets money for Cerrillos, the Cerrillos First Street project. It had not been budgeted at the beginning of this fiscal year and bringing funds into this project is what this action will do.

CHAIR ANAYA: We had additional funds that weren't allocated and I know you and I have had some discussions, but does this pull money from that pool and put it somewhere else? If it does that's the part I want to better understand.

MS. MILLER: Mr. Chair, staff, if you recall some of the funds from the Cerrillos roads in the GRT did go to the Stanley Center to complete the budget for that, back when we did reallocation in February. But there was still supposed to be funding available to do the main road, and that was going to come out of GO bond. Correct? And this is GO bond.

MS. JARAMILLO: This is GO bond.

MS. MILLER: So that – and the GO bond part was never budgeted. But when we did the reallocation, Commissioner, in February, in order to get enough money to do the Stanley Center those were some of the roads that we did reallocate from.

CHAIR ANAYA: And I want to be clear to staff and in fairness to all my colleagues. If my colleagues have a project in their district that they're going to have a modification and there's going to be recommendations to change resources, Ms. Miller is correct. We had some discussion with Projects relative to the Cyclone Center and other projects. But if we're going to have projects that are going to take money from one district to another I think we need to be real diligent about making sure that the Commissioners are concurrent with that recommendation and that we're real careful about doing that. So the resources that I'm hearing were shifted partially was the Cyclone

Center. Are there any funds that are going out of the district or the area that could be placed? For example, somebody just mentioned the senior center, which would be a logical place to possibly put it. But is that the case with any of the funds? Just so I'm clear about what we're doing today.

MR. AABOE: Mr. Chair, there's the original allocation on the bond question. The literature that went with the GO bond question for the \$19 million in roads included a little over \$222,000 for Cerrillos roads. And this budget action moves \$115,000 into the project to be able to pave First Street. And so there's no money moving out of the district. I believe a previous action took some of the funds that were identified for the Cerrillos paving but because the scope has changed, and moved those to Cyclone because the scope has changed. This doesn't move any funding out of district or out of the road list.

CHAIR ANAYA: Yes. I appreciate that clarification and keep in mind that we have projects from time to time that we will fund in different parts of the county. I just want to be transparent especially with funds that were voted on by the public so that there's clarity as to what we did and why and how we did it. So I'm appreciative of that. And just for those residents of the area in Cerrillos, I heard loud and clear and understand they didn't want any additional work done to the interior roads but Mr. Martinez and myself and I think Chris was with us as well had a recent discussion with the Department of Transportation Secretary and his team to try and get their assistance on General Goodwin Road and the drainage issues, and then work out possible switch-out of the road that moves into Cerrillos to have that part of our system connecting into First Street. So, Mr. Martinez, for their edification, could you just comment a little bit about that particular aspect or anything else you want to add?

MR. MARTINEZ: Mr. Chair, the comment I wanted to make is that the Village of Cerrillos, they did not agree with the original scope of work. They just wanted First Street paved, but they did express the interest to have the rest of their roads have additional basecourse placed on there. I did discuss with them that we do not do basecourse improvements with general obligation bond funding because basecourse is not a permanent surface, so they understood that. But they did still want the County to consider at some point in time placing basecourse on those roads with other sources of funding.

CHAIR ANAYA: And I will absolutely keep that on my radar as we move through the budget process. So I appreciate the clarification. I think it's good for me, especially, and the public. Commissioner Chavez.

COMMISSIONER CHAVEZ: I just again wanted to sort of highlight the significance of this resolution and what we're doing this afternoon. I agree with you, Commissioner, Mr. Chair, it's not to be taken lightly. It needs to be tracked and the money needs to go back from where it came. But there's a resolution in our packet that has a completely different format. I've not seen this before. Have we used this format before, Ms. Jaramillo? The resolution that's in the packet on this item. It's very detailed. It's a different format than most resolutions.

MS. JARAMILLO: Oh, the budget resolution?

COMMISSIONER CHAVEZ: Right.

MS. JARAMILLO: It will list out each individual cost center and line that the money is moving from and to.

COMMISSIONER CHAVEZ: Right. That's why I wanted to highlight it. It's not just – the format of this resolution is even different. The intent is different. The content is different. It's very well thought out. And so I think it's all there. I don't think you left anything out. Is this format used? Have you used this before? Okay, so it's new to me then. So I apologize. But it's different. So again, I think for me it is very refreshing. It's new to me but I think it's also encouraging, so I just wanted to highlight that, Mr. Chair, for the record. So I'm supportive of this. I know – I share your concerns about the Quill plant. Commissioner Stefanics raised that. And we do need to be diligent on that and be sure that those projects do come to completion as well.

CHAIR ANAYA: Excellent. Thank you, Commissioner Chavez. Seeing no other questions or comments I'm going to go ahead and move approval.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Second from Commissioner Holian. I'll make another final comment that this is affording us the opportunity to rebudget funds and to actually move towards where we're doing improvements on First Street and helping those residents in the Village of Cerrillos. I would also note for the record that this Commission is one of our top five priorities for the legislative session included Cerrillos and Madrid fire stations within those recommendations and for that I'm thankful to my colleagues and hopeful that we may get some resources to help us from the delegation. Thank you, Ms. Jaramillo. There's a motion; there's a second.

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

III. C. 3. Resolution No. 2015-172, a Resolution Determining Reasonable Notice for Public Meetings During Calendar Year 2016 of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed By or Acting Under the Authority of the Board of County Commissioners; Establishing Permissible Meeting Locations and a Webcast and Broadcast Policy; and Rescinding Parts of Resolution No. 2015-59

MR. SHAFFER: Mr. Chair, a resolution of this sort is required to be annually adopted by the Board of County Commissioners under the state Open Meetings Act it sets forth what the Board has determined to constitute reasonable notice of its meetings as well as those meetings of boards and committees appointed by or acting under the authority of the Board of County Commissioners.

This resolution is substantively identical the Board's current Open Meetings Act resolution for the remainder of calendar year 2015. Changes to regular meeting dates, times or places require ten days notice. Special meetings require three days notice and emergency meetings require such notice as is practicable under the circumstances. Generally speaking, notice of meetings is posted here at the County Administrative Building in a conspicuous and appropriate place and in addition to that required notice,

notice is posted on the County's website.

So the changes between the current Open Meetings Act resolution and the one in front of you really relate to the meeting dates of the Board's regular meetings in calendar year 2016. And so the Board's practice is to adopt meeting times for its regular meetings and dates and publish that along with its Open Meetings Act resolution so that the public has ample notice as to when the Board's regular meetings are. And all meetings for 2016 are proposed to start at 2:00 p.m. on the second and last Tuesday of each month with exception of December, in which there will only be one meeting on the second Tuesday. And with that I would stand for any questions and I think the County Manager may have wanted to address a suggestion made at a previous meeting about having a meeting-free month.

CHAIR ANAYA: Ms. Miller.

MS. MILLER: Mr. Chair, in previous meetings you've brought up and the Commission has discussed a potential month where we could forego our Board meetings and get caught up on stuff. We discussed it at a directors meeting and our senior staff where some of the elected officials had attended or had representation there and kind of the month we came up with, although it's not in this resolution, if you wanted to give that a try, we thought August of 2016 would be one of the possible months. It's not something you have to decide today but I bring it up because this lists out all of the meetings for the year and if we were going to do that, that would likely be the month where we don't have some statutory deadlines to bring budget documents or tax documents or fiscal year-end items to you and that that might be an appropriate month to do that. So I just wanted to add that to the discussion.

CHAIR ANAYA: And I appreciate that, Ms. Miller, and I would say that that discussion came from discussions that I had with other Commissioners in other areas. Bernalillo County I believe does it. And in fact I know they do it, and they explained that it affords them an opportunity to do business with their constituents without having a meeting and then from a staff perspective it provides an opportunity for staff to catch up without the additional work that goes along with preparing for a Commission meeting. So I'm in support of it. I'm in support of doing it today but I would defer to my colleagues. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I'm in support as well, as far as taking August off and I'm in support of actually taking the whole month off if my fellow Commissioners agree with that. And frankly, I think that after this last year staff really deserves this too.

CHAIR ANAYA: Thank you, Commissioner Holian. Commissioner Stefanics, any thoughts on this item?

COMMISSIONER STEFANICS: Mr. Chair, I'm going to be fine with whatever we decide.

CHAIR ANAYA: Excellent. Commissioner Roybal.

COMMISSIONER ROYBAL: I'll be fine with that also.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I hope I'll be able to fit it into my other schedule.

CHAIR ANAYA: So I'm going to go ahead and move an amendment and

hope for a second that we forego – it doesn't stop County business in any way or the business of the Commissioners. It just stops the requirement of having a meeting in that month. Obviously, if we had problems that we needed to take care of at the discretion of the Chair, he still has the latitude if necessary and would be able to call a special meeting if we had to take care of business that needed to be done, and that's at his discretion. But on this item I'm going to move an amendment to forego the meeting in August.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER STEFANICS: To clarify, are you saying one meeting or all meetings?

CHAIR ANAYA: All meetings in August.

COMMISSIONER STEFANICS: Okay. Thank you.

COMMISSIONER HOLIAN: Mr. Chair, to clarify, are you moving just the amendment or the whole resolution?

CHAIR ANAYA: I'm just moving the amendment and then we can go to the – Greg, are you okay if we did it in a full motion or would you prefer it one at a time?

MR. SHAFFER: Either works, Mr. Chair.

CHAIR ANAYA: So I'll go ahead and move the amendment, no meetings in the month of August and also approval of the resolution.

COMMISSIONER CHAVEZ: I'll second the motion.

CHAIR ANAYA: I made the motion. Second from the vice chairman, Commissioner Chavez. Any further discussion? Seeing none.

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

III. C. 4. Resolution No. 2015-173, a Resolution in Support of the New Mexico Grown Fresh Fruit and Vegetables for School Meals Program [Exhibit 4: Brochure]

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I believe this is the third year that we are considering this request to the legislature, that is allocating funds to help the purchase of New Mexico grown fresh fruits and vegetables for the school lunch program, and I am pleased to note that at this point in time, while the legislature has not allocated the full \$1.44 million that has been requested that in fact starting last year a total of \$449,300 was allocated and that was allocated as a recurring allocation.

But it's also important to note that this so-called recurring allocation will be reviewed annually by the Legislative Finance Committee. And so that means that we have to make the request that not only that be continued to be funded this year but hopefully that they will increase that amount of funding, hopefully to the full \$1.44 million even. That would be very nice.

But in any event, I would like to note that Morgan Day is here from both the Food Policy Council and Farm to Table, and she will give a few further details as well as be available for any questions that you might have. Morgan.

MORGAN DAY: Chair Anaya, Commissioner Holian, thank you very much for your time. You should all have before you a little pamphlet that just gives a brief rundown of the program. I'm sure you all very familiar with it at this point but just

for your information, along with some updates about the real benefit that this program has.

So I am the coordinator of the Santa Fe Food Policy Council We are a joint advisory council for the City and County and we give advice to both elected officials and elected bodies and also hear from the citizens of the City and County on what types of policies we should see. New Mexico grown fresh fruits and fresh vegetables for school meals program is a very successful program that not only benefits children in schools – they get a fresh meal that’s picked probably sometimes within the last few days. That might be their only time to get a fresh meal is at school, so it’s wonderful for the health of our students, very nutritional. But it also benefits our farmers, so it’s a wonderful investment in our local farm economy. It connects children to our cultural heritage here in New Mexico of being connected to the land and having that understanding of where our food comes from.

The last session we had the opportunity to work very closely with Hvtce Miller who is the intergovernmental coordinator here at the County because the Board of County Commissioners was very generous to approve this bill as a part of the legislative priorities for the last session and we were successful along with a coalition of statewide partners and being one of the few programs that actually saw an increase in their budget. So that was very heartening to us and showed that the state does want to put an investment in our schoolchildren and in our farmers.

However, we did reach, as Commissioner Holian pointed out, \$449,300 of recurring funding. We’re coming up on a budget year and it will be really important for us not only to work to protect this funding that is going out and that is still not able to provide enough funding for schools to have a pot of money to procure local food throughout the school year. Usually that money gets used up pretty quickly. So it will be really important for us to continue that appropriation request for \$1.44 million to support our local farmers and our school children. And I leave myself open for questions.

COMMISSIONER HOLIAN: Thank you very much, Morgan. Also, I would like to recognize that Pam Roy is here from Farm to Table as well as our own Patricia Boies and Erin Ortigoza. All of these four women are on the Food Policy Council and so any questions?

CHAIR ANAYA: I guess I just have one if I could, Commissioner Holian. Could you, for the public’s edification talk about some of the awareness work that you do at the Food Policy Council about not only obviously the foods that are good for you and that we should be eating, but what kind of awareness do we do about the foods that are not good – processed food and refined sugars and the things that people like me should try and avoid. But what are we doing and what could we do to further provide awareness as to those things that are not so healthy for us?

MS. DAY: Thank you very much for the question. We really look to the Santa Fe Food Plan, the 2014 Food Plan that was adopted in Resolution 2014-131 by the Board of County Commissioners as a real guideline to help not only the Santa Fe Food Policy Council understand how to do and conduct education and outreach among the city and the county around nutrition education and health lifestyle, things like that, but it’s also a really great roadmap for partners in the City and County who are doing that work. It’s a wonderful document because it comes from the community on what we see as

values around healthy eating, around culturally appropriate food, things like that.

Above and beyond that though, I think the Food Policy Council tries to stay out of the nitpicking of telling you you can't eat this; you can't eat that. I think that we look to the dietary guidelines that came out from the federal government. I guess it was passed just a few months ago. That has a big focus on eating more fresh fruits and fresh vegetables and having smart portion sizes of meats and lean meats and things like that. Low-fat dairy, things like that. And above and beyond that we're very lucky to work with a lot of community partners and also working closely with the County Department of Health and the City Health Department as well around some of these healthy lifestyle options and opportunities for folks in the community.

CHAIR ANAYA: So if I could, Commissioner Holian, I just wanted to follow up and say that we do some really good work in our prevention efforts with our DWI program as a prime example on public outreach and marketing. And I guess I would like to throw this out as something for the Council to grab onto and see if there's some interest in developing our own awareness campaign, and I appreciate what you said about not trying to be punitive with how we do it but progressive and positive as to how we might provide that outreach. But maybe the time has come to discuss an actual campaign that could be an annual campaign where we work with our radio stations and our media of all types and do our best to try and get that message out and get it out even broader than maybe we've done in the past.

So I would just put that out as a thought for your absorption and discussion and would look forward to any thoughts that you might have as Council back. Thank you, Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would also like to just highlight the program Cooking with Kids because this program goes into the schools and they, as it says, cook with kids and they show them that healthy – that fresh fruits and vegetables can actually taste good. And so that's a really positive way about teaching kids about healthy eating. So with that, I enthusiastically move for approval of this resolution.

COMMISSIONER ROYBAL: Second.

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

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

III. D. Ordinances

1. Request Authorization to Publish Title and General Summary of Ordinance No. __, the Place at Caja del Rio, a Senior Living Project, Local Economic Development Act (LEDA) Project Ordinance

DAVID GRISCOM (Economic Development): Mr. Chair, Commissioners, you have before you a memo as well as various attachments including the actual LEDA application that was submitted, the draft LEDA ordinance, the draft PPA – project participation agreement – as well as a summary of the economic impact of this project. Mr. Chair, Commissioners, I've been before you one time for this project.

We discussed it briefly, but to summarize it, it is essentially a four-phase senior living project on Caja del Rio. It is 28 acres. The four phases are independent living, assisted living, skilled nursing and memory care.

We are proposing LEDA assistance, Local Economic Development Act assistance in the amount of \$300,000 for this project. In return for the public's investment in this project the applicants are proposing to create 170 full-time jobs at an average wage of \$52,000 by January 1, 2016. With that I stand for questions.

CHAIR ANAYA: Thank you, Mr. Griscom. Are there any questions?

COMMISSIONER CHAVEZ: Mr. Chair, I guess, David, do we – how do we know that this facility – what do we know about their licensing and about their procedures and their policies and their real intent to care for people that need assistance?

MR. GRISCOM: Mr. Chair, Commissioner Chavez, that's a good question. I did have the chance to visit another facility that the developer put together in the South Valley in Albuquerque and visited with some of the staff down there, got some feedback from the staff, got some feedback from a variety of other different sources. I was quite impressed with that facility. I've had numerous meetings with the developers as to their intent and whatnot and they clearly have the experience to do this but beyond that I couldn't really specify.

COMMISSIONER CHAVEZ: But I would imagine that once they're up and running they have to comply with whatever licensing they're required to keep on site and be open to inspections and things like that.

MR. GRISCOM: Mr. Chair, Commissioner Chavez, I'd be happy to look into what kinds of compliance they would have to – I imagine it would be at the state level, but I'd be happy to look into that. I can say their business model is based on essentially bringing in an operator to run the facility. So they will develop the facility and they will turn it over to their chosen operator, who at this time we don't know who it is yet.

COMMISSIONER CHAVEZ: Well, then I think that's sometimes where the uncertainty lies because those operators, they're not always – I think they can come and go in time. So I guess those would be some of my concerns. I noticed that, Ms. Jenkins, you stepped forward. Is there anything that you could add to this line of questioning?

JENNIFER JENKINS: Yes, thank you, Chairman, Commissioners. I think I can shed a little bit of light on this. So out of the four facilities that are proposed in each of the phases, there's the skilled nursing, the assisted living and the memory care, absolutely have to be licensed by the State of New Mexico through the New Mexico Health Department.

COMMISSIONER CHAVEZ: But they're separate and distinct kind of –

MS. JENKINS: They're separate and distinct. They will each be a separate phase of the project. But the wonderful thing is the developers are in negotiation with an incredibly reputable operator who actually wants to operate all of the facilities. They have the bandwidth and the expertise, which is actually somewhat rare in the industry, and we're really excited about these guys and they are very interested in this community. They have a lot of great experience, and having that cohesion for having one operator working on all the facilities we think is really going to be a huge benefit to the project.

And so those negotiations are ongoing and part of it is getting some of these details, like our sewer MOU, which just came before you moments ago, getting some of these details resolved so we can move into the next phase of the development process and finalize those negotiations.

But the licensing requirements are quite stringent with regular inspections and things of that nature. And of course once our first facility is up and running we look forward to granting a tour to this body to see what we're doing out there.

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

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Commissioner

Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Jennifer.

Is this operator actually currently operating any facilities in the state at this point?

MS. JENKINS: No, this would be their first foray into the state of New Mexico. They've been operating in the West, so primarily in California and Arizona and so they have had a lot of interest and this is kind of a perfect fit for them. So we've been vetting them, they've been vetting us, back and forth. But it's looking very promising.

COMMISSIONER HOLIAN: Good news. Thank you.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just wanted to clarify that I'm not opposed to moving forward with publishing title, but that when we get to the agreement I would really want it to be very clear that if there is a failing of some kind, if there is a default, if there is a non-compliance, that we have some written assurances in this process. Thank you very much.

CHAIR ANAYA: Thank you very much, Commissioners. Seeing no other questions or comments, what's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move to publish title and general summary of this ordinance.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: Motion from Commissioner Holian. Second from Commissioner Stefanics and Commissioner Chavez. Any further discussion? Seeing none.

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

III. D. 2. Request Authorization to Publish Title and General Summary of an Ordinance Amending the Dedication of the Third One-Eighth Increment of the County Gross Receipts Tax Imposed By Ordinance No. 1987-6

MR. SHAFFER: Mr. Chair, Commissioners, the ordinance in front of you is a cleanup ordinance. It is designed to remove any arguable issues concerning a prior

action by the Board in rededicating revenue from the third one-eighth increment of the County gross receipts tax. So in other words it doesn't actually change the dedication that's on the books today that was enacted in 2008. Rather, it's a redo if you will so that any questions that could be raised in the future are avoided.

By way of background, the third one-eighth increment of the County gross receipts tax is authorized by law to be used for County general purposes and may be pledged to repay gross receipts tax revenue bonds. In 2008 when the Board of County Commissioners authorized the issuance and sale of \$30 million in gross receipts tax revenue bonds for the new courthouse and other buildings the Board did in fact amend the dedication of the third one-eighth to be used for County general purpose and to pay debt service on those revenue bonds.

The ordinance by which that was done did not strictly comply with model ordinance and guidance provided to counties by the Taxation and Revenue Department, nor does it appear that the ordinance was submitted to TRD. The County's position appears to have been at the time that such compliance and submittal was not required and so as we explore potential refunding opportunities in the future we came upon this issue and we just recommend, both myself and the County Manager, that we address any of those issues pro-actively through the adoption of this, again, cleanup ordinance.

So with that by way of explanation the proposed ordinance would change the dedication or amend the dedication so as to allow revenue from the third one-eighth increment to be used for County general purposes as well as for debt service on revenue bonds that the County might issue. In addition it would elect the so-called petition referendum option pursuant to which there would be no election on the ordinance unless a petition was filed with the County Clerk calling for one, and it provides that the effective date of the proposed ordinance would be January 1 or July 1, whichever first occurs three months after it's adopted or after an election is held. So with that I'd stand for any questions.

CHAIR ANAYA: Thank you, Mr. Shaffer for the background. That being said, background information, this authorization provides for publishing title and general summary which would then afford us to publish title and general summary if it passed and afford an opportunity for any public input on the matter. Correct?

MR. SHAFFER: That's correct. Mr. Chair. All what is in front of you today is a request to authorize the publication of title and general summary and so we propose to bring the ordinance back to the Board for adoption at the first meeting in January. Then that will allow, if the Board adopted it, the process to roll forward so that the ordinance would be effective July 1 of 2016.

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

COMMISSIONER STEFANICS: Mr. Chair, I'd move for approval of the authorization to publish title and general summary.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion from Commissioner Stefanics to publish title and general summary. Second from Commissioner Roybal and Commissioner Chavez. Is there any further discussion? Seeing none.

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

CHAIR ANAYA: I have a question on the previous item that I want to try and keep really brief. When we had the requirement to move the resources back to the state out of our healthcare assistance funds, that was a statutory requirement driven by the New Mexico State Legislature, those funds were previously part of legislation that fell under the Indigent Claims Act. We did not – we had a lot of negotiation and discussion relative to the framework of what was ultimately determined but we did not have any control or authority over that designation and that removal of gross receipts tax from the indigent fund. The reason I bring it up is because I had a call from an individual that was part of the original discussions and creations of some of those funding increments that local governments had the ability to vote on at the local level. I was quite frustrated to find out that we did not have the level of resources that we had once had in our indigent fund to provide for indigent care at the local level through our approvals that we would ultimately do previously at the Indigent Healthcare Assistance meeting or here at the bench at the Board of County Commissioners.

So I wanted to just give you just a moment, Ms. Miller, to give a clarity to what I said or help clean up anything that I said but that we do not have the level of funding that we once had and the resources went into a safety net care pool. The idea is that they would leverage those dollars with more dollars and provide a better structure. I've made many comments about my frustrations over the process and how those funds were moved. I know Senator Rodriguez and others helped us to mitigate the damages as best as possible, but we in fact did lose local oversight, local responsibility, local control over those resources that we once provided direct approvals for people that needed indigent care. And so I wanted to say that as clearly as I could on the record and then have you provide any additional comments if you would like, Ms. Miller, to provide more clarity for the public's understanding.

MS. MILLER: Mr. Chair, that is correct. There was, as you know we have our second increment, second one-eighth of gross receipts tax was dedicated specifically to indigent care and indigent claims throughout the county and to numerous providers throughout the county for indigent residents needing healthcare that could not afford to pay for that healthcare. Providers would actually submit claims to us on those patients' behalf and we would pay the providers.

That program is gone – I shouldn't say it's gone; that's not true. We do still pay indigent claims. But the funding source and the amount of claims has changed. The state actually took away the sole community provider program. They eliminated that and that was a program where we additionally used money out of the indigent care funds and the healthcare funds, sent that to the state, they matched it with federal dollars and sent it to the hospital to cover indigent claims at the hospital. That no longer happens. What they did instead is take a twelfth – instead of an eighth they took a twelfth, but that's the majority of the funds we previously received, and they take that funding from us on a quarterly basis. We must give them equivalent to one twelfth. I believe the last letter I saw from that state that that's \$3 million that they take from the County's local gross receipts tax and fund the state's safety net care pool and increase Medicaid

reimbursement to the hospital.

I met with the hospital as a matter of fact yesterday, with St. Vincent's, and they're receiving even less funding. So out of our control those funds go to the state and then are used, matched with federal dollars to be matched with Medicaid claims throughout the state, or to safety care net pool recipients for uncompensated care from hospitals throughout the state. So there is no longer a direct tie for our funding to the state to our local residents, and we have no control over that. That is completely in the state's hands based on the legislation that passed last year.

CHAIR ANAYA: Thank you, Ms. Miller, I appreciate that. Thank you to the Commission for indulging. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, would it be appropriate, Ms. Miller, to touch on the providers that we are helping with funding to assist those that are indigent? I know that it's a shorter list than previously, but I think it would be worth mentioning that as well.

MS. MILLER: Mr. Chair, Commissioner Chavez, yes. With the funds that we have – that's a good point – with the funds that we do have remaining we still provide indigent claim reimbursement to providers. We have a list every month as a matter of fact. You do approve those claims at the Board meeting and we have a list of the total of the claims but it's to primary care providers, recovery resources in the community, ambulance services and some other services, and we do still provide reimbursement of those claims. However, more people are eligible for Medicaid and that under Obamacare and the changes in the state to Medicaid has actually reduced the amount of claims we had. So there are other provisions for getting healthcare. However, it's not the same and it's not to the same degree that we had provided it directly from Santa Fe County.

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

CHAIR ANAYA: Thank you, Commissioner Chavez, Mr. Vice Chairman.

IV. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates [Exhibit 5: Task Force Information]

MS. MILLER: Mr. Chair, I just wanted to provide a reminder that the ArtSmart program exhibition is going on. It's the exhibition of the artwork by our Youth Development Program and the YDP and it is this week and I believe they even had an opening showing the other day but it's with the Santa Fe Community Foundation and it's located at 501 Halona Street. And it's open any time from 9:00 to 5:00 Monday through Friday.

And then also, just an update on the Senate Joint Memorial 4. That was the 2015 memorial that was passed in the 2015 legislative session and it established a task force that was headed by the Association of Counties. The purpose was to study and make recommendations for clinically appropriate housing options for individuals with serious mental illness that had been in the custody of County detention centers, and we were well represented on that task force by our warden, Mark Caldwell, and also Dr. Merritt Ayad, our psychologist, and Pablo Sedillo III.

That report was presented to the Courts and Corrections and Justice Interim Committee on December 4th and you have each been provided a copy of that report via

email. If you did not receive it we can get you a hard copy and put that in your inbox if you would like that.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: It's encouraging for me to know that the state legislature is at least beginning to address this issue because we know that it's a big impact to the County because we're responsible for both the adult and youth detention facilities. But also it seems that the recommendations dovetail with our Community Services *Health Action Plan* for this next year. So I think that the issues, the challenges that we're facing is surfacing and it seems that more of us are taking an interest in it and trying to address the issue and come up with solutions other than jail, incarceration or homelessness. And so we talk about wraparound services, we talk about alternative housing and programs. So I think it's not going to be an easy task but at least it's in discussion and it's something that we'll have to continue to address as we move forward. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. Ms. Miller.

MS. MILLER: Two other real quick updates. One, just to let you know that the holidays are coming up. We will probably close, or we will close a little early on Christmas Eve and New Year's Eve, but the transfer stations will remain open, but that will be by the supervisors and the directors and we're going to make sure that the employees get that time off. But we did want to make sure that we kept them open since they'll be closed on the following holidays and people might need access to them. So their hours won't change except for the regular annual holiday at the transfer stations, but the County offices will close a little early on the 24th and the 31st of December.

And then the last thing I just wanted to mention, because we have a gap between now and January 12th, and then the legislative session starts on January 19th, we would like to visit with each one of you about other policies besides the overall resolutions that were passed by the Commission in support of the Association of Counties, but we've had resolutions over prior years that kind of legislation keeps cropping back up each year, and we want to reaffirm the Commission's position on those since some things may have changed. But as we just passed the healthy foods resolution I would like to visit with each one of you about other resolutions relative to the healthcare funding, because that may come back up again.

We've heard that the legislative Finance Committee developed a report that said, oh, we still don't have enough money and we'd like to take the cash reserves that every county has accumulated in their healthcare funds in order to leverage more federal dollars. So we'd like to bring a resolution back on that even though we haven't really – that hasn't been an Association initiative, we'd like to reaffirm the County's position on keeping all of our funds locally, including those in the reserves.

And just ones like that that have been passed over for the last year or two in case bills get dropped that might bring those issues back up, we'd like to make sure we have current resolutions by the Board to hold up our position at the different hearings that would arise, and we'll only have kind of one or two meetings to do that before the end of the session.

So I just wanted to put that on your radar screen to give it some thought and give

us some ideas if there' any in the past and we'll be sending you out emails that list the ones that we've had in the past. And that's all I have.

CHAIR ANAYA: Thank you, Ms. Miller. Appreciate that very much. Any questions or comments of Ms. Miller?

VI. Discussion/Information Items/Presentations

A. Matters from County Commissioners and Other Elected Officials

1. Elected Officials Issues and Comments

CHAIR ANAYA: Madam Clerk, did you have anything you'd like to add?

GERALDINE SALAZAR (County Clerk): I'd like to mention again that we will be having elections. There will be a school bond election. There will be a municipal election, and then next year 2016 we'll have another election, a major election for us, so now's the time for residents to – those that are qualified to register to vote to update their records. They can go on the County website at the Clerk's webpage. It links all the way to the Secretary of State's Office so that they can check their voter registration record. If there are updates, changes, whatever it may be, please do it in advance before there's any closure of voter registration. Thank you.

CHAIR ANAYA: Thank you, Madam Clerk. Appreciate those announcements very much. I'd like to go back and make sure.

V. Matters of Public Concern

CHAIR ANAYA: Is there anybody here for Matters of Public Concern for items that are not going to be on the agenda or not on the agenda? Anybody here under Matters of Public Concern. Yes, sir. Is it an item not on the agenda? On the Commission agenda?

[An audience member spoke and it was ascertained he wished to speak about the code.]

CHAIR ANAYA: When we get to that order on the code we'll definitely provide you that opportunity for comments, sir. Thank you so much.

VI. A. 2. Commissioner Issues and Comments

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Last week I had the opportunity to attend the Safe and Secure Communities meeting in Colorado Springs that was attached to our national board meeting, and this exercise that I'm handing out was provided by Homeland Security. [Exhibit 6] Pages 1 through 11 has quite a bit of information related to the southwest United States and all of the impacts of climate change. Now, we're not talking about political climate change we are talking about the actual change of climate.

So it goes into scenarios related to decline in snowpack and streamflow, threatened agriculture, increased wildfires. It gives quite a bit of data and the Department

of Homeland Security on the federal level actually has on their website how the continent and particular areas of the continent have been cooling or growing hotter and they collect quite a bit of scientific data and their role is not to get involved in the political debate but really to help prepare counties and other elected officials on handling crises and tragedies as they come about.

So that for example if we have wildfires, what that then does, what would then happen if we had heavy rains and flooding, contamination of water systems, etc. We have had quite a bit happen in New Mexico. Of course Colorado has been through quite a bit. So that is why the new president of the National Association chose Safe and Secure Communities. She was building on a prior president's prerogative of resiliency. So I thought that the information, again, up to page 11 specifically deals with the Southwest. And that's all the information I have.

On a social note, since this is our last meeting of the year, I would wish all of our employees and the public a safe holiday season. Any holidays that are practiced or remembered or recognized, please have an enjoyable and safe holiday season. Thank you.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you very much, Commissioner Stefanics, for this information and as a matter of fact I think that it wouldn't be a bad idea if the County Commission were to consider doing its own climate adaptation plan to see how we might deal with the changes that we're almost sure are coming in the future.

COMMISSIONER STEFANICS: Commissioner Holian, the Department of Homeland Security will come anywhere to do trainings. They'll do it just with our own County, or a multi-county, or the City and County. They have a whole group of people who just do traveling to do this kind of work.

COMMISSIONER STEFANICS: And I would also like to say congratulations to Meredith Machen of the League of Women Voters, as well as to Joseph Eigner of Eldorado 285 Recycles. Both of those individuals have been in front of this County Commission a number of times in the past and they were both named in the Ten Who Made a Difference by the *Santa Fe New Mexican*. And I would also like to say Merry Christmas, Happy Holidays, Happy New Years, Happy Kwanzaa, Happy Chanukah and whatever other holidays might be appropriate this time of year to our staff and to the listening audience out there. Thank you.

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

COMMISSIONER ROYBAL: I don't have anything new to report at this time but I do want to wish everybody a safe and happy holidays and enjoy your holidays. Thank you.

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

COMMISSIONER CHAVEZ: Thank you, Mr. Chair, Commissioner Anaya. I have one announcement that I would like to make. I think it will be of interest to you, Commissioner Anaya and Commissioner Roybal, and to the riders of the North Central Regional Transit District. There will be a public meeting to discuss modifications

to the Eldorado-Edgewood and Turquoise Trail routes. The date is Wednesday, December 16th at 3:00 p.m. In March 2015 the NCRTD began providing mid-day transit service between Santa Fe and Eldorado and Edgewood, Monday through Friday on a six-month trial basis. During the trial period from March through September approximately 100 trips were provided during the mid-day trips. In contrast, approximately 3,900 trips were provided in am and pm on the Eldorado and Edgewood routes collectively. Due to lower ridership the NCRTD proposes to eliminate the mid-day round trip between Santa Fe, Eldorado and Edgewood. Both the 280 Eldorado and 290 Edgewood routes will continue to provide service during the peak times to commuters.

Also in March 2015 an extension to the 2070 Turquoise Trail route was implemented to provide service to Golden on Wednesdays only. During the six-month trial three trips were provided that originated in Golden. Due to low ridership, the NCRTD proposes to eliminate the Wednesday extension to Golden. The 2070 Turquoise Trail route will continue to provide service to Madrid, Cerrillos and the Highway 14 Corridor.

The NCRTD is seeking public input and feedback related to the proposed changes to the mid-day transit service between Eldorado, Edgewood and Santa Fe, as well as the once weekly transit service operating between Santa Fe and Golden. Please provide feedback via the website at ncrtd.org, or by attending the public input meeting to be held at that Santa Fe County Offices Legal Conference Room on December 16, 2015 at 3:00 p.m.

And I don't know if that could be posted on our webpage as well if it isn't already.

And then in addition to that I'd like to offer a safe and healthy holiday season and safe and prosperous New Year to all of our staff, to their extended family, and to those that we serve in Santa Fe County. And I want to send a special shout-out to Tessa Jo Mascarenas. This December, this month, I believe the 11th will be her one-year anniversary and a year goes by pretty quick but I finally feel like I'm kind of getting settled in. I'm feeling that the addition to staff not only has assisted myself and the residents of District 2 but has been a really good complement to the County Manager's staff and to the legislative lobbying team that will be working through this next legislative session. So again, thank you to Tessa Jo and good well wishes to her and her extended family as well. Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Mr. Vice Chairman. I appreciate the comments of all my colleagues on the Commission. I wanted to make a few comments. This is my last meeting as a chair and I've appreciated the time spent here as the Chair and I hope there was more highlights than lowlights. I know that it's challenging to get through meetings at times but I'm hopeful that it was a smooth as it could be. I wanted to say that I'm going to call one special meeting. It's an oversight on my part but on this Commission we have historically elected the new chair and vice chair in the month of December, not in the month of January and I want to have a special meeting that doesn't have to have all five Commissioners there but I'm hopeful that Commissioner Chavez, the incoming chair would be present as well as Commissioner Roybal, who I was going to nominate as the vice chair as the order of sequence. But I think it's important before the end of the year that we get to the point to give them the opportunity, Chairman

Chavez and the new Vice Chair the opportunity to give some planning and thought over the next few weeks but I'll communicate with all four of my colleagues and the Manager to find an adequate day to just take care of that order of business. I think it's appropriate and I think it's in order.

But I am very thankful to my colleagues. Thank you very much. And to the staff, and to the many, many volunteer groups. I know we do it on a regular basis but I really want to thank the staff and the volunteer committees. We have many, many committees that dedicate many, many hours to this County and its progression forward, so I thank them all for their dedication and their volunteer efforts across the board.

Mr. Martinez, one committee that I know we've been working through to get done is the appointments on the Transportation Committee. The Transportation Committee is very, very important to me and I believe to this county. I had the opportunity to cut my teeth in County government quite a few years back on that committee that was the Road Advisory Committee, and so whatever we need to do to get that functional and back in place and back working I'm hopeful we can do it. And so I would like if you could to just briefly comment on it and if you need additional appointments from any of us, that we work diligently to get those done to make that happen, because I think it's a vital part of what we do. Mr. Martinez.

MR. MARTINEZ: Mr. Chair, currently we have multiple volunteers for Commission District 2, 4 and 5. We have plenty of volunteers to pick from for the appointments that those three Commission districts have. We do need letters of interest and volunteers from Commissioner Roybal's district and same with your district. So that's what we're lacking. If you could find us – we have advertised several times, but if you could send us any interested residents within your district that would be wanting to serve on the Transportation Advisory Committee we will go ahead and move forward with making appointments.

CHAIR ANAYA: So on that point, I actually had a couple of individuals that I know you guys reached out to that they actually got hung up on the whole résumé and background component so I'm hopeful that in the coming years that we actually can provide some simple, straightforward templates to folks. Many of the volunteers that we have didn't work around computers their career but are very valuable minds that we want to have on our committees, and one in particular in La Cienega, I think it's important we give them some extra assistance and maybe a template to help them get through that paperwork process.

I know that we've tried to strike a balance as a Commission but that whole background analysis, it does in fact deter some folks from participating on our committees, and Mr. Chairman to be, elect, here soon, I don't know what the solution is but I do know that there are valuable people that get discouraged at times by that process. So maybe we could use the Transportation Committee in getting that going and have some other thoughts on maybe making it holistic and complete but maybe simplifying it a little bit as well.

MR. MARTINEZ: Mr. Chair, there's no requirement that it has to come through email or any form. We will take any form of letter of interest. It could even be on a napkin if they choose. We will consider anybody that wants to serve, regardless of how they communicate that interest to us.

CHAIR ANAYA: Thank you, Mr. Martinez. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, I was just kind of thinking off the cuff here, thinking out loud. I'm wondering – I think that what you're talking about – I really appreciate you touching on the concept that personally, I don't depend a lot on emails and computers and I think you're right. There are people that are not going to be connected in that way but still have something valuable to contribute. So could we find a way where our liaisons or staff could maybe work with these individuals to help them if necessary with a letter of intent. Maybe we could give them a form letter that they could use and sort of make that a little bit more user-friendly, for lack of a better term, and maybe just encourage or assist those that might need that sort of little nudging or a little assistance. But I would offer our liaisons as a first sort of maybe point of contract.

MR. MARTINEZ: Mr. Chair, Commissioner Chavez, if any of you have any interested residents, they can even contact me or your liaisons and we will help them through a process that just somehow gets their interest on paper or whatever. But we will definitely work with whoever you have in mind. Thank you.

CHAIR ANAYA: Thank you very much, Mr. Martinez.

VII. Matters From the County Attorney

A. Executive Session

- 1. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, and Discussion of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code, as Allowed by Section 10-15-1(H)(6) NMSA 1978**
 - a. Proposal Submitted in Response to RFP # 2015-0031-PW, La Bajada Ranch Development**
 - b. Proposals for General Liability and Law Enforcement Insurance Coverages for Calendar Year 2016**
- 2. Threatened or Pending Litigation in which Santa Fe County is or may Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978, Including the Following:**
 - a. Arbitrations Involving the City of Santa Fe**
 - b. Potential Breach of Contract Actions**
 - c. Litigation Involving Santa Fe Film and Media Studios, Inc. and La Luz Holdings, LLC**
 - d. Prohibited Practices Complaints Filed Against the Board of County Commissioners of the County of Santa Fe with the Public Employees Labor Relations Board**
 - e. *City of Espanola, et al., v. County Commission of Santa Fe County, et al., State of New Mexico, County of Santa Fe, First Judicial District, No. D-101-CV-2015-01396***

CHAIR ANAYA: Do we have a need for executive session, Mr. Shaffer?

MR. SHAFFER: Mr. Chair, we do and I would just respectfully suggest

that the maker of the motion to go into executive session incorporate by reference the bases and items to be discussed as stated in the amended agenda, rather than repeating them verbatim.

CHAIR ANAYA: Before you do, if you could, I want to acknowledge former Governor Dasheno for being here with us from Tesuque. I appreciate your presence. I know you're going to make some comments probably later but thank you for being here. What's the pleasure of the Board?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move that we go into executive session for the purposes of discussing the proposal submitted in response to RFP La Bajada Ranch development, proposals for general liability in law enforcement insurance coverages, which comes under the discussion of purchase, acquisition or disposal of real property or water rights, and number two, the threatened or pending litigation, including the arbitrations involving the City of Santa Fe, the potential breach of contract actions, litigation involving Santa Fe Film and Media Studios and La Luz Holdings, prohibited practices, complaints filed against the Board of County Commissioners of the County of Santa Fe, with the Public Employee Labor Relations Board, and the City of Espanola et al. versus the County Commission of Santa Fe et al. That's my motion.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Stefanics, second from Commissioner Holian. Madam Clerk, roll call.

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

CHAIR ANAYA: So I want to acknowledge that we are in executive session. It's 4:25. We will not be back in session sooner than 5:30. That's not a guarantee we'll be back at 5:30, but I did want to provide that as an informational piece. We will not be back in session no sooner than 5:30 and it won't be exact but I wanted to give people that opportunity so if there are people here that want to take a break and go grab something to eat or do some other things, we will not be back in session until some time after 5:30 Thank you.

[The Commission met in executive session from 4:25 to 6:05]

COMMISSIONER STEFANICS: Mr. Chair, I move we come back into open session. The following people were present in executive session: our County Attorney, our Deputy County Attorney, our County Manager, the five County Commissioners and our administrative services director and our Deputy County Manager.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: Motion by Commissioner Stefanics to come out of executive session and a second by Commissioner Holian. Any further discussion? Seeing none, all those in favor signify by saying "aye."

The motion passed by 4-0 voice vote: Commissioner Chavez was not present for this action.

CHAIR ANAYA: Commissioner Stefanics.

VII. B. Resolution No. 2015-174 A Resolution Authorizing the County Manager to Negotiate the Terms of General Liability and Law Enforcement Insurance Coverages for Calendar Year 2016 and to Execute Purchase Orders and Other Documents Necessary to Effectuate Such Coverages (Action Item) (Administrative Services Department/Jeff Trujillo)

COMMISSIONER STEFANICS: Mr. Chair, I would move Resolution number 2015-174, a resolution authorizing the County Manager to negotiate the terms of general liability and law enforcement insurance coverages for calendar year 2016 and to execute purchase orders and other documents necessary to effectuate such coverages with the New Mexico Association of Counties per their appropriate bid.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Stefanics requesting approval to afford the manager approval to negotiate the final terms relative to continuation of the New Mexico Association of Counties for insurance and a second by Commissioner Holian. Is there any further discussion?

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

CHAIR ANAYA: Commissioner Holian.

VII. A. 2. c. Litigation Involving Santa Fe Film and Media Studios, Inc. and La Luz Holdings, LLC

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I'm going to make two motions under item VII, A, 2, c. The first motion is, I move to authorize the County Manager to negotiate and execute on behalf of the County a forbearance agreement with Santa Fe Film and Media Studios, Inc. and La Luz Holdings, LLC, pursuant to which the County would forebear for a time from exercising its rights to seek remedies for their defaults under the County's various agreements with those parties. Such forbearance to be in exchange for consideration and on such terms and conditions as the County Manager determines to be in the best interest of the County.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian providing authorization to the County Manager to negotiate a forbearance agreement in

coordination with the attorney's office. There's a second from Commissioner Chavez. Is there any further discussion?

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

CHAIR ANAYA: Thank you, Commissioners. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I move that in the event a forbearance agreement is not executed or if Santa Fe Film and Media Studios Inc. and La Luz Holdings LLC, breaches the executed forbearance agreement, I move to authorize the County Attorney to initiate and prosecute in the name of the Board of County Commissioners such actions and proceedings as are necessary or proper to seek remedies for those parties defaults and take any other action necessary or proper to exercise and enforce of the County's rights under its agreement with those parties.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion from Commissioner Holian and a second from Commissioner Chavez. Is there any further discussion?

MR. SHAFFER: Mr. Chair, if I could.

CHAIR ANAYA: Mr. Shaffer.

MR. SHAFFER: I would just note, if it's okay with the maker of the motion that it should be exercised and enforced the County's rights under its agreements with those parties and the agreement should be plural. I apologize for that.

COMMISSIONER HOLIAN: Thank you. Yes, I agree.

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: Motion as amended per the language of the County Attorney. The movant accepts that and the seconder?

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: There's a motion and second with an amendment suggested by the County Attorney that has been accepted. Any further discussion? All those in favor.

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

CHAIR ANAYA: Thank you, Commissioners. We're going to action item III. B. 3.

III. B. 3. Direction of an Alternate Means of Compliance Request for La Pradera and Authorize the Land Use Administrator and County Manager to Execute any Agreements necessary to Implement the Board of County Commissioners' Direction. (Growth Management/Penny Ellis-Green)

[Exhibit 7: Staff memo Alternate Means of Compliance Request for La Pradera, 12/1/15]

CHAIR ANAYA: Penny, I think you're going to take this one. Mr. Griego, this is for alternative means of compliance for La Pradera.

ROBERT GRIEGO (Planning Manager): Good afternoon, Mr. Chairman, Commissioners, this item is in your packet and you've also got an amended memo regarding the request for direction for the La Pradera request.

Commissioners, at the September 8th Board meeting the Board of County Commissioners considered a request from La Pradera and directed staff to review the homes built by the Santa Fe Community Housing Trust in La Pradera as an alternative means of compliance to meet La Pradera's affordable housing agreement. La Pradera Subdivision would like to amend their December 12, 2012 amended and restated affordable housing agreement in order to reduce the number from seven to one, the number of tier one affordable units to be sold at the maximum target priced to income eligible buyers, to allow affordability liens and lot substitutions to be approved after the fact and possibly change terms related to the affordability liens held by Santa Fe County Community Housing Trust.

In your packet and in your information there is some background information regarding the existing affordable housing agreement and also the existing affordable housing ordinances that related to the requirements of affordable housing. –

CHAIR ANAYA: Mr. Griego, we've had discussion and opportunity to review the background. What I would ask is that you go to the options, the staff recommended options and then I'll go to the Commission.

MR. GRIEGO: Mr. Chair, Commissioners, staff has provided an analysis in your packet. Staff recommends that the Board determine whether the provision of the units in Table 1 identify the units by each tier that was sold by the trust and the units that were sold at the maximum target prices that the Board consider the total number of homes and other income ranges to determine whether this justifies amending the Affordable Housing Agreement to reduce the number of required tier 1s from seven to as few as one. If the Affordable Housing Agreement were amended to require only one tier house then no additional affordable housing would be required at La Pradera. On the other end of the spectrum the Board could decide to hold the developer to the affordable housing agreement and require six additional tier one homes. That would be part of option 1.

Option 2 would be to provide direction to staff to allow a submittal from alternative means of compliance for the remaining 15 homes – I'd like to backup a minutes. Option 1 would allow La Pradera to – would require La Pradera to complete an additional six affordable housing units in Tier 1 as required by the existing Affordable Housing Agreement.

Option 2 would provide direction to staff to allow a submittal for alternative means of compliance for the remaining 15 homes with the existing affordable housing agreement. This option would allow the nine additional homes built by the Housing Trust in Tiers 2, 3, and 4 to meet the obligation for Tier 1 for La Pradera.

For either option 1 or 2 the applicant would need to submit an application to amend their master plan, their affordable housing plan, affordable housing agreement and it would also need to be indicated in the plat.

If the Board agrees to amend the affordable housing agreement it should authorize the County Manager to execute the agreement. The amended agreement should identify the specific lots on which the trust homes now exist as County approved affordable

housing lots.

The Board may further require the developer to conform to the Affordable Housing Agreement as necessary and authorize the Land Use Administrator to review and approve these amendments administratively. The Board could also consider the existing affordable housing agreement as stated.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I would move for Option 2. Would you want me to read it into the record?

CHAIR ANAYA: I'm going to second it and go ahead and read it into the record.

COMMISSIONER STEFANICS: Okay. It's to provide direction to staff to allow a submittal for alternative means of compliance for La Pradera for the remaining 15 homes required with the existing affordable housing agreement. This option would allow the nine additional homes built by the Housing Trust in Tiers 2, 3, and 4 to meet the obligation for Tier 1 for La Pradera. For this option the applicant would need to submit an application to amend the master plan, the affordable housing plan, affordable housing agreement, plat and development plan in accordance with Ordinance 2012-1 and 2006-2.

CHAIR ANAYA: There's a motion and there's a second. Commissioners, any other questions or comments? All those in favor.

The motion passed by unanimous (5-0) voice vote.

CHAIR ANAYA: Thank you, Mr. Griego. I greatly appreciate the patience of all the people that are here today –

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Sorry, did we do VII A. 1; or are we doing it later? Or we did it. The one on the bonds.

COMMISSIONER HOLIAN: That's VIII A. 1.

COMMISSIONER STEFANICS: We did it? No, it's coming up. Thank you.

VIII. Public Hearings

A. Ordinances

- 1. Ordinance No. 2015-09, An Ordinance Authorizing the Issuance and Sale of the Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, in an Aggregate Principal Amount of \$25,000,000 for Purposes of Defraying the Costs of Planning, Designing, Constructing, Reconstructing, Renovating, Rehabilitating, Equipping, and Furnishing Necessary County Buildings and Facilities,**

Including, Without Limitation, County Facilities Located at the County Administration Building and at the Old Judicial Complex, and To Pay Costs of Issuance of the Bonds; Approving the Principal Amounts, Maturities, Prices, Redemption Features, and Other Details of the Bonds; Ratifying the Distribution of a Preliminary Official Statement in Connection with the Sale of the Bonds; Providing that the Bonds Shall Be Special, Limited Obligations, and for the Payment of the Principal of and Interest on the Bonds from the Revenues of the Hold Harmless Gross Receipts Tax which are Distributed to the County by the New Mexico Taxation and Revenue Department Pursuant to Section 7-1-6.13 NMSA 1978; Providing for the Pledge of Such Revenues by the County; Ratifying Action Previously Taken in Connection With the Bonds and Repealing All Ordinances in Conflict with this Ordinance [Exhibit 8: Staff memo, dated 11/30/15; Exhibit 9: Ordinance]

CHAIR ANAYA: Ms. Jaramillo.

MS. JARAMILLO: Mr. Chair, Commissioners, back in November, November 10th, the BCC approved Resolution 2015-159 which was your resolution declaring the intent of the BCC to consider adoption of an ordinance authorizing the issuance of revenue bonds pledged with revenue from the hold harmless gross receipts tax. The proposed ordinance that you have in front of you will authorize the issuance and sale of the Santa Fe County Hold Harmless Gross Receipts Tax Revenue Bonds Series 2015 in an agreement principal amount not to exceed \$25 million. The purpose of the bond will be to defray costs associated with constructing the new administrative building at the property located on Catron Street where the old judicial court used to be as well as renovating the current administrative building.

Back in February when the BCC approved the allocation for capital the administrative complex project, as it is known, was allocated \$32 million and this bond will be a significant amount of funding towards that \$32 million allocation. If authorized the proposed ordinance will authorize the issuance and the sale of the bonds but the actually marketing and actual sale of the bonds will not take place until any pending litigation related to the hold harmless GRT is resolved. I stand for any questions.

CHAIR ANAYA: What is the pleasure of the Board?

MR. SHAFFER: Mr. Chair, if I could, I would just explain briefly the version of the ordinance that I handed out and identify some redline changes. Some of it was cleanup to make all internal references consistent in terms of making the County Treasurer the paying agent and initial registrar. But the other changes both to the title of the proposed ordinance as well as to the body is to build in that flexibility that Ms. Jaramillo referenced in terms of allowing the bonds to be sold at a future date once the pending litigation with the City of Española is resolved.

CHAIR ANAYA: Thank you, Mr. Shaffer. Commissioner Stefanics then

Commissioner Chavez.

COMMISSIONER STEFANICS: I believe this is a public hearing.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: If you want to conduct a public hearing, that's at your discretion but I'll save my comments for until after if that's the direction you're going, Mr. Chair.

CHAIR ANAYA: Excellent. This is a public hearing associated with the bonds being available for sale. Is there anybody here who wants to comment on this item? An ordinance authorizing the issuance and sale of Santa Fe County New Mexico hold harmless gross receipts tax revenue bonds series 2015. Is there anybody here that would like to speak in regards to this item?

Seeing none, the public hearing is closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, thank you. I'll go ahead and make a motion to approve an ordinance authorizing the issuance and the sale of the Santa Fe County New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds Series 2015 in the aggregate principal amount of \$25 million.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: That's a motion from Commissioner Chavez, Mr. Vice Chairman for approval and second from Commissioner Holian. Is there any further discussion from the Board. All those in favor of the motion – oh, roll call. Madam Clerk.

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

CHAIR ANAYA: Ordinance 2015-09 An Ordinance Authorizing the Issuance and Sale of the Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds is approved.

MS. JARAMILLO: Thank you, Commissioners.

CHAIR ANAYA: Thank you, Ms. Jaramillo. So we now will move to the ordinance with our code.

- 2. Ordinance No. 2015-10, An Ordinance Establishing Development Permit and Review Fees for Projects in Santa Fe County, New Mexico; and Repealing Ordinance 2008-12 and Section 9.A (Fee Table) of Ordinance No. 2010-6 (Motion Picture and Television Productions) (Second and Final Public Hearing)**

[Exhibit 10: Staff proposed development review fees]

CHAIR ANAYA: I want to thank everyone that is present. We have opened up the legal conference room and have some additional space in there. We have our Chief of the Fire Department here and the Fire Marshal to help us maintain order in the facility.

As we progress to the public hearing portion of this particular item, this is an item that hasn't been developed overnight. We have gone through a lengthy process. This is five years, the culmination of five years of work from the staff perspective, from the community's perspective and from an input perspective from the public.

Tonight I am going to be rigid with time. I'm going to afford 90 seconds per person to add additional comments. I'm not going to afford passing on time or incremental giving of time to other people. Individuals can come forward, provide a 90 second statement. We're going to have the microphone on and at the end of that 90 seconds we're going to turn the microphone off. If you feel a burning need to come back and provide another set of comments I'll let you do it one more time but you'll need to get to the back of the line, progress to the beginning and then we'll afford that again.

That being said, it's five years of discussion, amendment, community meetings, modifications, input that has gone on through the process. So that's what I would say in advance of the items going forward. So, with that said, I want to go to Ms. Lucero I believe first. Ms. Lucero.

VICKI LUCERO (Building and Development Service Manager): Thank you, Mr. Chair. On October 27, 2015, the BCC granted authorization to publish title and general summary of the proposed ordinance establishing development permit and review fees for projects in Santa Fe County. The ordinance was presented to the BCC at several meetings prior to the October 27th meeting in order to obtain feedback and direction from the Commission on the proposed fees.

On November 10, 2015, the BCC held its first public hearing on this ordinance and there were no public comments provided at that meeting. Since that time staff has received a couple of comments regarding the proposed fees. The first comment regarding the fees is for the SLDC text amendment, zoning map amendments or overlay zones and that comment stated that the fee should be eliminated due to the concern that community planning committees or civic organizations or an individual who discovers a flaw in the code would not be able to bring a request for an amendment forward without paying the fees. Any concerns or issues brought to staff's attention regarding the SLDC or zoning map will be reviewed and if staff supports those changes then we will bring forward to the BCC as an amendment and we would not require the submission of any application or fees. Similarly, if the BCC or the planning commission were to direct staff to make changes to the SLDC or zoning map based on public comments or concerns or just something general that the Commission believes is incorrect, staff would bring forth the request for amendment without the need for application and fees as well. Also, for example, if a community wanted to come forward to propose a change to their overlay district, they would have to get authorization from the BCC to proceed with the planning process anyway so if the BCC granted authorization then staff would initiate the process without the need for formal application or fees.

So essentially the only time an application and fees would be required for an

SLDC text amendment, a zoning map amendment or overlay zone would be if the request did not have the support of staff, the planning commission or the BCC.

The second comment that we received was in regard to film permit fees and it stated that charging these fees put Santa Fe County at an economic development disadvantage when compared with other counties that do not charge these fees and it sends a negative message to the industry. The proposed permit fees for small-scale productions are exactly the same as what's in the existing film ordinance currently. The proposed fees for episodic TV productions are actually decreasing over the long-term as we're proposing them. The fees for major productions are proposed to be doubled from what is in the current film ordinance so that fee would go from \$400 to \$800 for 30 days of filming. The increase for the fees for major productions came at the direction of the BCC so staff does not propose any changes to the film permit fees at this time.

Staff is proposing changes to the fee ordinance to clarify that fees will apply the submission of a development permit application or any other miscellaneous request outlined in the SLDC. These changes have been incorporated into the fee ordinance in Exhibit 1 and shown in redline format in Exhibit 2.

Staff has also reviewed some additional proposed changes to the fee schedule from Commissioner Robert Anaya which included no fees for agricultural structures, no fees for movable structures under 250 square-feet, no permit required for carports, permits for additional structures with a valuation of less than \$10,000 shall be \$50. Permit fees for veterans and seniors over the age of 62 shall be reduced by 25 percent. Staff has included the changes proposed by Commissioner Anaya into the redline version of the fee schedule in Exhibit 3. However, staff has confirmed with the staff construction industries division that permit is required for any accessory structure regardless of whether it is permanent or movable unless the structure is 120 square feet or less and is used only for storage. Therefore, we have used the 120 square feet for storage structures that do not need a permit.

Since the time the packet material was submitted staff has incorporated additional changes to the fee schedule based on communications with Commissioner Anaya. Those changes are shown in blue on the new handout that was just distributed. Those changes include modifying the square footage cutoff from 400 to 600 square feet which pertains to fees for residential accessory structures. We've also added a condition in regards to the 25 percent fee reduction for seniors 62 years of age and veterans and that will apply to new construction with a valuation of \$150,000 or less or a remodel with a valuation of \$75,000 or less. We also clarified that reduced fees shall be available only to an applicant of a residential permit who owns and/or resides on the residential property requiring the fee.

With that, Mr. Chair, staff recommends that the BCC approve the proposed development and review fee ordinance. If the BCC chooses to incorporate the changes recommended by Commissioner Anaya, staff would recommend that the changes and the fee structure has shown on the new handout be incorporated into the motion.

Mr. Chair, I stand for questions.

CHAIR ANAYA: Thank you, Ms. Lucero. I'm going to Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Since this has come out I have talked to David Griscom our Economic Development Planner. We are the only county in the state that charges any fees for any filming, any county. And I hope, David, that you're right about this if I'm hanging my hat on it. So I don't really want to do away with all of the fees, but I would like to drop the major production base fee from \$500 to \$100 and keep the \$10 a day. So that's a motion.

CHAIR ANAYA: There's a motion from Commissioner Stefanics. And I'll second it. Is there any discussion on the motion?

COMMISSIONER HOLIAN: Mr. Chair, I would just like to point out that when productions are filming in the County they do get a lot of services. For example, if there's an accident on the set our EMTs, our emergency personnel do come to deal with that. So I don't think it's really that unreasonable to charge them a fee for filming in our community because they are getting community services when they are filming. And there's been filming going on for Longmire out where we live and they must spend literally thousands of dollars per day just for food. You know there are numerous trucks, there's numerous personnel hanging around and so on and I would think that \$100 a day is sort of a drop in the bucket actually compared to what they normally pay when they're doing a film production.

CHAIR ANAYA: Are you done, Commissioner?

COMMISSIONER HOLIAN: Yes.

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

COMMISSIONER CHAVEZ: I think only to add to that, that that's in addition to the subsidies that the state is providing. I guess I'm a little torn. I would be willing to support the motion knowing that if in the future if we needed to, because of the cost that we're incurring, that we would be able to increase the permit fees because I agree with Commissioner Holian that there is a cost in providing the servicing and we need to recoup some of that cost, maybe not all of it. So I guess at this time I'll be willing to support the motion but I think that we need to track this and be sure that there's a cost analysis and we can in the future recouping more of those costs.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Well, I would also like to add that, yes, I think that would be a good idea to track the costs and also to determine whether we should charge a fee for emergency services, at least. Thank you, Mr. Chair.

CHAIR ANAYA: So me a favor, somebody, Commissioner Roybal, we've gone through a long process to get to this point and I want to afford – there he comes. I want to give Commissioner Roybal an opportunity. Commissioner Roybal, there's a motion relative – what we have in front of us is a redline version of the fee ordinance with redline changes at the top that I proposed and then Commissioner Stefanics just made a motion to – could you restate the motion Commissioner?

COMMISSIONER STEFANICS: It's simply drops the base fee for major productions from \$500 to \$100. It still retains the additional fees per day and that is to

make us – I mean we’re still the only county charging but that still would make us a little more competitive than.

CHAIR ANAYA: So it still have the fees per day that the Commissioner was just bringing up? Okay. Do you have any comments, Commissioner, on that item?

COMMISSIONER ROYBAL: No, I would agree.

CHAIR ANAYA: So what we’re going to do is, I’m going to close discussion on that item. Any further discussion on the amendment? On the amendment only.

COMMISSIONER CHAVEZ: Well, does that include your amendments too?

CHAIR ANAYA: Not yet.

COMMISSIONER CHAVEZ: Okay.

CHAIR ANAYA: Right now we’re just voting on the amendment to add it to the redline version. So on the amendment the amendment would drop the – say it one more time Commissioner.

COMMISSIONER STEFANICS: It would drop the \$500 base fee for major productions to \$100. And that’s the only change.

CHAIR ANAYA: And so clarity on the amendment and so that there’s no question, I’m going to go ahead, Madam Clerk, on these amendments and I’m going to go roll call so everybody on the same page. So on the amendment there’s a motion and a second and we’ll go roll call.

Commissioner Anaya	Aye
Commissioner Chavez	Aye
Commissioner Holian	Aye - Reluctantly, yes.
Commissioner Roybal	Aye
Commissioner Stefanics	Aye

CHAIR ANAYA: Okay, so the amendment gets included in the version in front of us that includes the redline in front of you. So I’ll go to Commissioner Chavez now with all of the fees including the redlines that were added that I recommended. Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chair, thank you, I just wanted to I guess speak to your amendment and I’ll read it, it states that seniors over 65 years of age and veterans will receive a 25 percent reduction in fees for residential permits with a valuation for new construction for \$150,000 or less or a remodel valuation of \$75,000 or less, a reduced fee shall be available only to an applicant of a residential development permit who owns and/or resides on the residential property requiring a fee. So it has to be age and income verified and it’s a 25 percent reduction in fees and I think that that seems to be reasonable. I don’t think that’s anything that we would not be able to accommodate. So I just wanted to point that out for the record.

COMMISSIONER STEFANICS: I have a question on that.

CHAIR ANAYA: Thank you, Commissioner Chavez. And just for

clarity there is no income verification there is valuation. Commissioner Holian at the last meeting that I wasn't at made a comment relative to – to staff, relative to recommendations on this item that have to do with if an individual had a substantial project or a huge project that that might be an unfair disparity. I concur with that so we felt that the valuation component and limiting it to 150,000 and 75,000 would be equal across the board and would provide some parity. So I appreciated the input that was provided but that was the rationale that was staff assisted with and I appreciate staff to come to a medium on it. So, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, the only concern I have is that it's not income based and a person could actually own an apartment complex, live in the apartment complex that might be worth quite a bit of money bringing in quite a bit of income and still qualify.

CHAIR ANAYA: So, and Ms. Lucero, you can help comment on it. We provided a residential component to it not a commercial component to it. So a multifamily complex, per se, would be, in my estimation and if we need language to clarify more of a commercial function but we wanted to keep it a residential function but the other thing I would say is this, and I had a lot of thought before I proposed the amendment but I think it's understandable that we want to limit the scope and size of the fee structure but everybody in the County is a tax paying citizen. Everybody regardless of income. And, so, my rationale for not moving down the income based realm is that every tax payer and especially our senior members in our community should have an opportunity and a benefit from it. I mean, some people are more fortunate than others, I get that. But everybody is a tax paying citizen, works hard and had to go through an evolution those that have become very successful and maybe have a higher means. My basis was on the basis of being a senior member in the community and providing that limitation in the size of the project cost I think still is reasonable. So that was my rationale. I think every tax payer, especially our senior members and our veterans should have an avenue to have their responsibility reduced. So that was my rationale.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I have a question on the category that is under agricultural, grazing and ranching accessory structures. Would that include barns, horse barns, expensive horse barns, for example.

CHAIR ANAYA: Say it one more time, Commissioner. I'm sorry.

COMMISSIONER HOLIAN: Under the accessory structures agricultural, grazing and ranching would that include expensive horse barns? I would like to have that excluded.

CHAIR ANAYA: Explain, what is it you – I guess what I was after here is that agricultural purpose is agricultural purpose. Currently, we don't have a fee for agricultural facilities and we're encouraging agricultural facilities. So I'm open to a discussion about a size if that's what you're after but I think any agricultural facility is an agriculturally facility. So if you have help me with some clarity.

COMMISSIONER HOLIAN: Well, it is just defining whether horses are really agricultural or not because in most cases horses in our community are for

recreation not for agriculture.

CHAIR ANAYA: Not in my community. But I say that respectfully.

COMMISSIONER HOLIAN: Not in your community.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Yes.

COMMISSIONER STEFANICS: Commissioner Roybal is suggesting that the definition had to do with edible animals. And he heard that from the Assessor. We need to know what we're taxing.

CHAIR ANAYA: Okay, so Vicki or Penny, right now there is no permit required for agricultural so could you provide some definition or clarity that helps all of us understand.

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, Commissioners, right now if your principal use is agricultural, grazing or ranching and you're building something for that principal use then, no, you don't need to get a permit. We would like to see permits applied for because we do need to check the flood plains, easements, things like that. But this would say no fee. So if you had a residential piece of property where your house was but you happen to want to put a riding arena then there would be a fee. But if you had a ranching use where you had horses on your property and that's what your primary principal use was for your property and you wanted storage, you wanted a hay barn, a shelter for the horses, then that would fall under this and there would be no fee.

CHAIR ANAYA: And the example that Commissioner Holian brought up that would require a fee.

MS. ELLIS-GREEN: If your principal use is residential and that's what you primarily use your property for and you happen to also have a horse that you want to put a barn and a stable then your principal use is not agriculture, grazing or ranching.

COMMISSIONER HOLIAN: Well, what about the case of somebody who has a large boarding facility on their property. Say they have 20 acres and they have a horse boarding facility but they don't really do agriculture on their property.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, that would be considered a non-residential use and so that would need a permit and a conditional use permit or a permitted use under the chapter IV table would tell you whether it was permitted or conditional through the use table.

COMMISSIONER HOLIAN: And they would pay an application fee to build such a facility.

MS. ELLIS-GREEN: That is correct.

COMMISSIONER HOLIAN: Okay, thank you, Penny.

CHAIR ANAYA: Other questions or comments from the Commission? So on the fees as redlined and just discussed we would now go to public hearing only on this fee structure ordinance. So those individuals that – is there people here that want to speak specifically on this component; if you would please all stand at the same time and be sworn in. And if we could get the screen down as well.

[Clerk Salazar administered the oath to those desiring to speak.]

[Duly sworn, Toby Ives testified as follows]

TOBY IVES: Commissioners, I will keep this brief. My name is Toby Ives. I'm at 4352 W. Alameda in the County here in Santa Fe. I am actually here as I am employed by the New Mexico State Film Office. I just want to thank you for your amendments tonight in regards to the film permit fees. David Griscom is correct in regards to no other counties do charge fees. Generally, the perception is that fees are a deterrent. I do think it's important that impact and use is considered and to address your concern Commissioner when you do have other services the production should expect to pay those on top of the base fee. And they actually aren't rebateable. So I just wanted to comment and thank you for your amendment.

CHAIR ANAYA: Thank you for your feedback. Other questions or comments on the ordinance? And before – so I'm going to go back to – I'm going to keep the public hearing opened but I'm going to go back to Commissioner Roybal, you asked for the floor. He has a possible amendment relative to the redline. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Chair. My question was and a suggestion that you know we do have the discount for the seniors, 62 years of age and over and veterans will receive 25 percent – and I was suggesting that possibly we include the spouses of veterans. If the veteran is deceased the spouse would have the same discount.

CHAIR ANAYA: If you make that in the form of a motion, Commissioner, I will second.

COMMISSIONER ROYBAL: I'd like to make a motion that we change the discount to veterans to include their spouses.

CHAIR ANAYA: I'll second. Is there any other discussion? I appreciate the amendment and seeing none, I'm going to go roll call on the amendment, Madam Clerk.

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

CHAIR ANAYA: The amendments in the redline and I would ask for additional comments on the fees, the fee ordinance. Is there any other public comment on the fee ordinance? Seeing none, the public hearing is closed. What's the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I make a motion to approve an Ordinance Establishing Development Permit and Review Fees for Projects in Santa Fe County, New Mexico; and Repealing Ordinance 2008-12 and Section 9.A, Fee Table, of Ordinance No. 2010-6, Motion Picture and Television Productions and the motion includes the redline versions and amendments that were discussed earlier.

COMMISSIONER HOLIAN: Second.

CHAIR ANAYA: There's a motion from Commissioner Chavez to approve the redline version with the amendments brought forward today as well. There's a second from Commissioner Holian. Is there any other discussion? Thanks to the Commissioners, staff and the public input.

Madam Clerk we'll go to roll call for the vote.

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

CHAIR ANAYA: An ordinance establishing development permit and review fees for projects in Santa Fe County, New Mexico has been duly adopted.

3. Ordinance No. 2015-11, An Ordinance Amending and Restating in Its Entirety the Sustainable Land Development Code (SLDC), Ordinance 2013-6 (Second and Final Public Hearing)

[Exhibit 11: Staff provided SLDC Addendum Comments; Exhibit 12: Staff provided, SLDC – Additional staff proposed changes; Exhibit 13: Commissioner Anaya's Proposed SLDC Changes; Exhibit 14: Ross Lockridge, 21st Century Land Development Code – Quarry, Sand and Gravel Excavation setback recommendations; Exhibit 15: Trevor Burrowes, re: community-based roof water catchment initiatives; Exhibit 16: Santa Fe County Land Use memo, dated 5/26/10, re: EZO development approvals – submitted by Karl Sommer; Exhibit 17: AT&T submittal for the record dated 12/8/15]

MS. ELLIS-GREEN: Thank you, Mr. Chair, Commissioners. This is the second public hearing of the ordinance amending and restating in its entirety the Sustainable Land Development Code. In your packet are additional changes and exhibit B that have been recommended since the November 10th BCC meeting. I'm going to run through those very quickly. In Exhibit B, Chapter 1 is additional transitional provisions clarifying that permits with vested rights can build out in conformance with the final approval of a permit. Second changes is in Chapter 7 a statement that for road access clarifying the need to provide legal access with applications and also protection of historic and archaeological resources. Updated language and corrections provided by the State Historic Preservation District, those have been included. Chapter 8 increasing the density allowed in mixed use and PD districts with the use of TDRs from 15 to 20. Requiring that a conceptual plan in the CCD cover the entire village zone, employment center or institutional campus zone of the portion owned by the applicant or the portion owned by the applicant and that's to be consistent with CCD language. Clarifying

language that existing PDs are governed by their previous approval and regulations for expansions. So what we did here is we split the expansions into a minor expansion of no more than 25 percent and a major expansion

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Penny, as you're identifying these please say the chapter and the section number so I can follow please.

MS. ELLIS-GREEN: Okay, sure. This is section 8.10.11.3. And just above that 8.10.11.2 is where we changed the language to have governed by and restricted to the densities, uses and conditions. The expansion of existing PDs would now read, and that's 8.10.11.3, an expansion of an existing PD as a request for an enlargement, greater density or intensity of non-residential uses, relocation, decrease in a project size or density, modifications of any conditions of a previously approved and currently valid PD. There are two types of PD expansion; major and minor. The minor shifts onsite location of the development, changes in non-residential size, shape and intensity or configuration of less than 25 percent of impervious surface or floor area of what was originally approve. We can authorize that under a conditional use permit provided that expansion complies with the following criteria: no minor expansion has been previously granted pursuant to the section, the expansion is consistent with the scope of the approved development and the proposed expansion conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP. Major expansion is any proposed expansion other than a minor expansion including an increase in residential subdivision density shall require the submission of a new PD application or a rezoning request. Relaxation of development percentages and expansion of an existing PD may not be required to comply with the maximum and minimum percentages for residential and non residential uses identified in Table 8.19.

The next change in Chapter 8 is 8.11.4.7 this clarifies that the Turquoise Trail environmental resource protection overlay extends 1,000 feet on either side of the center line of State Road 14 and is identified on the zoning map.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think the reason I'm confused is because my section 8 starts at 8.12. We have three handouts, one is comments, one is –

MS. ELLIS-GREEN: I'm sorry, I'm reading from Exhibit B that is within your packet. Not the handout.

CHAIR ANAYA: In your regular Board of County Commissioner packet.

MS. ELLIS-GREEN: From the regular packet. I'm sorry, that's the folder that has all of the fees, the SLDC and the zoning map. You were given three additional binders –

COMMISSIONER STEFANICS: No, we weren't.

COMMISSIONER CHAVEZ: Yeah, it's here.

COMMISSIONER STEFANICS: We have our binder for today.

MS. ELLIS-GREEN: Four binders were given out for this BCC meeting. I believe the other Commissioners have one. I can give you mine.

[A discussion ensues regarding the binders.]

MS. ELLIS-GREEN: The next change is in Chapter 9, if you're there, Commissioner.

CHAIR ANAYA: Are we all on the same page, Commissioners? Commissioner Stefanics, do you have what you need?

COMMISSIONER STEFANICS: She gave me her book.

MS. ELLIS-GREEN: So in Chapter 9, a change on 9.3.2, the use matrix. Additional language to make it clear that the community districts in chapter 9 of the SLDC includes community specific use tables that should prevail over any use set forth in appendix B use matrix for the community. And then later one changes the word matrix to table as we're referring to the community districts' tables.

Next change is in Chapter 14 under 14.9.9.3 requiring the minimum area which must be included in a conceptual plan application is the entire property owned by the applicant or the portion of the property within the zoning district under which the application is being made. Next change is in the appendix. A definition for a media special needs structure. This had been left out in the previous drafts and is included in the CCD ordinance existing. It reads, a facility that houses or supports a media use that requires additional height to accomplish the use based on industry standards. Media special needs structures include sound stages, recording studios and broadcasting studios and in appendix B we did change the row that as titled special trade contractor to trade contractor, plumbing, electrical, roofing, painting and landscaping.

And then, Mr. Chair, Commissioners, I would like to go to the two handouts from today. The first one that states December 8th meeting SLDC additional staff proposed changes. These have been changes that we found since the packet was produced. In section 1.2 under authority this list our authority to have regulations. We're taking out where we have some additional symbols to the sections and adding a sic after 4-6-1. The next page under 2.2.3 this has been a concerned that was raised recently from community members this is registered organizations. We are taking out the requirement for members to provide phone numbers. It would now read a list of the officers of the organization including phone numbers and/or email addresses of officers. It would not require members to provide that information. Chapter 7 we had several changes –

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Shaffer, I had that question earlier about, and go back to Chapter 1, general provisions in this handout, does that page cover my question about the County adhering to all required state statutes and regulations? I think this is just an authority provision.

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I agree with your latter comment that this is really a statement of the authority for the code itself as opposed to a statement of compliance with all applicable laws and review agencies type comments. But we're looking into that question separately but I don't believe that this section addresses that.

COMMISSIONER STEFANICS: So we don't know yet if it's in some other section? Okay, thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics, Mr. Shaffer. Ms. Ellis Green.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, going on Chapter 7 we had already required that DCIs and small scale sand and gravel extraction submit archaeological reports. What we're doing here is we're numbering them, giving them a number four and a number five under the high which is 7.16.5.1. Under the low potential which 7.16.6.1 and under the low potential – sorry the last one was the medium potential this is the low potential under 7.16.7.1. Just putting numbers in for small scale sand and gravel and DCI.

The next changes we've got and again this came from public comment, on section 10.19, small scale sand and gravel extraction. We're trying to use more consistent standard. We're using small scale sand and gravel activity throughout. We had used uses and facility as well as activity. We are adding in the word extraction in 10.19.3.1.4 and 10.19.3.2 at the end of that adding the word application to read the conditional use permit application.

Under 10.19.3.2.4 project traffic impacts, under B we're adding the word projected for projected weight of vehicles. And we're adding it in 10.19.3.2.16 under noise study representative of existing conditions instead of non-excavation activities. Under section 18, several pages later, protection from trespassing is being added in. Under number 22, we've added in water supply and under the liquid waste. So now it reads water supply and liquid waste all small scale sand and gravel extraction activity must comply with requirements of section 7.13 which is water supply, wastewater, and water conservation. 10.19.33 adding in and financial guarantee, also adding that in the paragraph that follows that. The other changes are to make it consistent again to use the term small scale sand and gravel extraction activity throughout.

The appendix, the additional changes, there's a change to the movie ranch definition which would now read, movie ranch is primarily a facility for sets and scenery for the production of motion pictures, adding language, but with a secondary use which may include commercial photography, film and photography classes, workshops, public and private special events, music events and tours. Movie ranch and – then it goes into the existing language, movie ranch supporting structures may include movie sets, sound stages, recording studios, distribution facilities, set construction facilities, back lots, temporary special effects facilities, dining facilities, mobile living and dressing quarters, movie ranch is the most appropriate for large parcels where the activities and uses of the movie ranch will not impact neighboring residential uses or [inaudible] of the underlying zoning district where the movie ranch is located shall apply. And, then we did miss out under the trade contractor that we had included that change in your packet. I didn't state in the packet that we changed some of the uses, or some of the allowable area. So the use under traditional community was changed from prohibited to conditional. The use under commercial neighborhood has been changed from prohibited to permitted. The use under mixed use has been changed from prohibited to permitted. The use under commercial general has been changed from prohibited to permitted and the use under public institution has been changed from prohibited to conditional.

Those are the staff proposed changes. The second handout was a proposed change from Commissioner Anaya. And that's related to the density bonus section. There's one change actually that came from staff, 8.12.4 we missed out the 8- in the table that we were referencing but on the second page of that handout is a new section, 8.12.5 a

density bonus in the Ag Ranch district for family transfer shall be allowed a density bonus to create lots that are a minimum of 40 acres in size providing that 1) the application complies with all other requirements for the Ag Ranch district set forth in the table above; 2) and there is proof that the property has been in the ownership for no less than five years.

Those are the proposed changes. I would like to touch base on a few things that had been brought up previously on TDRs. On the November 24th meeting a developer stated that they didn't have a way of telling clients how to develop in a mixed use area because of the need of TDRs. So I just wanted to reiterate the process and the reasoning for this. TDRs are used to protect area. So agricultural areas, open space, scenic vistas, archaeological sites, cultural resources. We've had policy direction on this in the SGMP since 2010. The 2015 SGMP strengthened that language. A TDR allows for a higher density development in a receiving area where we would have more adequate policy facilities. And those receiving areas are mixed use areas, industrial, industrial light, commercial general, and new planned development or a designated receiving area. SDA1 has a primary growth area which is the CCD, the Community College District, and the transfer of development rights are not required in that area. The secondary area in SDA1 the secondary growth area is where we have the mixed use, industrial, industrial light, which is where you can use TDRs if you want to go above the base zoning. I would point out that currently in that area the maximum density that you could do on the current code is one dwelling unit per 2.5 acres. The base density that is allowed in that area under the SLDC is one dwelling per one acre. So it's already a big increase. Currently, you can do non-residential use. We've opened up non-residential use in those mixed use areas and so if you wanted to go above that then you would purchase TDRs, transfer of development rights. SDA2 and SDA3 wouldn't be relevant areas unless it was done through a planned development district as SDA2 is mainly traditional communities and existing subdivided area where high density and apartments wouldn't be appropriate. And the same with SDA3. It's mainly large lots in a rural area and again high density wouldn't be appropriate.

If we have more concerns regarding this our consultants are here and they can address any concerns you have about other entities and what other entities have done with transfer of development rights.

One of the things I would like to touch base is the chapter 5 changes, statute requires that the Board gives reasonings for changes on the subdivision chapter so I would like to quickly run through those. The change in 5.4 is a title change to reflect that exemptions are not subdivisions. Under 5.4.3 additional plats have been added to the list. These are plats that we currently process and we missed in the old version of the code by mistake. We also added a TDR sending area plat as we know have a TDR section in this code. Under 5.5.4 clarifies that a conceptual plan is required for subdivisions that are phased or creates more than 24 lots. This was done because we added in a conceptual plan process and it's consistent with the existing master plan process in the existing code. It also clarifies that when a minor subdivision is approved administratively or has to go to the Board, this change was made as it is consistent with the current code. The Board approves summary subdivisions that are between 6 and 24 lots and that was left out by mistake. Ones smaller than 6 lots are approved administratively. And also under 5.11.2

is the vacation of the plat. A change was made to be consistent with Board direction that if an easement was created by a plat that was approved administratively then the easement vacation or relocation can be handled administratively. We currently process them this way at the direction of the Board.

And, Mr. Chair, the only additional handout are the additional comments that came to you that are related to the sand and gravel section, 10.19, or related to the movie ranch definition which we have incorporated, related to the registered organizations, again, we've not required members to give email addresses and phone numbers and then the letter regarding our authority to regulate and, again, Section 1.2 of the code does list our authority to regulate.

Mr. Chair, I'll stand for questions.

CHAIR ANAYA: I'll go to Commissioners, first. Are there any questions or comments at this time. Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I actually have a comment on the proposed change that you brought forward regarding family lot splits in an agricultural zone. While on the surface I don't have an objection to 40 acre lots, family members own them. What I am concerned about is unintended consequences. And that is the cases where a developer uses family lot splits to create a subdivision that does not go through a development planning processes. And I know of a couple of cases that are near where I live. One of which happened a number of years ago and one of which I think is happening now, or at least the out-of-state developer is trying to make it happen. And when developers use family lot splits to create a subdivision what they're really trying to do is to sell lots to buyers without spending the money to, for example, plan, plan the subdivision to provide roads that are up to County standards, that provide a proven water supply, provide fire hydrants and all the other things that go with creating a real subdivision. And I think that oftentimes in situations like that when people buy those lots they think that actually the County has approved that subdivision and so when something goes wrong in that area where they're living, they come to the County and they think the County is going to fix it and that's not going to happen because they're actually on their own.

So before I would be able to vote for something like that I would really want more thought put into preventing that kind of a scenario from happening. Thank you, Mr. Chair.

CHAIR ANAYA: I appreciate the comments, Commissioner Holian, and I'm going to reserve my comments for now but I really appreciate your feedback. Other questions from Commissioners? Commissioner Roybal.

COMMISSIONER ROYBAL: Yeah, real quickly. Penny, I did get a call and an email in regards to applying for variances. Even with this new code there will be a mechanism to put in for variances for individuals within the County, correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Roybal, yes. I believe Chapter 14 includes the variance provisions.

COMMISSIONER ROYBAL: So is that going to be different than how variances are handled now? Just so you can say it on the public record.

MS. ELLIS-GREEN: Mr. Chair, the one change and I'm trying to get to the actual language is that – sorry, I'm trying to find the exact language. I believe that a

use variance cannot be applied for. If it's prohibited in a zoning district you couldn't ask for a variance to allow that use. You would need to ask for a rezoning instead. So that's the one difference.

COMMISSIONER ROYBAL: Okay, and let's say for example somebody had a piece of property where they were short of a enough acreage to build on that property, that's the type of variance; is that correct?

MS. ELLIS-GREEN: Yes. That is correct. We also have added into this code administrative minor deviations, 10 percent of the dimensional requirements in Chapter 7, a density requirement of .5 percent could be allowed so that's when you're very close to the acreage so that can be handled administratively. So those are two sections that we did add into this code.

COMMISSIONER ROYBAL: Thank you.

CHAIR ANAYA: Other questions at this time, Commissioner? Other questions or comments? I have a few, Penny, and I want to see – I know we're going to get some comments on them. We've had some comments in the past. But under density units per acre and transfer of development rights I think there's some frustration I think is probably a good work with understanding that in an SDA1, we're not talking about the rural, the rural fringe or properties in traditional communities. But in SDA1 where the intent is to in fact have some growth and understand what that growth is, help me understanding how having a zoning of one DU per acre in a SDA1 equates, I guess for lack of a better word, when in fact we can assume based on prior development patterns in locations in SDA1 that there's going to be housing developments, either single family or multifamily they're going to have smaller lots than one acre. And I guess what I'm trying to make sure we understand as we approve this is that – are we in the right place when we're saying you have one DU per acre in an SDA1 area or have we taken appropriate consideration to think about the multi-family component as well as the real size of what a lot would be in a single family subdivision. I know I kind of bounced around a little but the nut, the crux of it is that we know we're not going to have a development with one acre lots. We're going to have a development with something more significant or structured based on patterns that have existed. So would you help connect the dots and then speak in particular when you're thinking about multi-family which is something that I know in fact we need more of in and around not only the city limits but in the county and I haven't been quiet or shy about that and I think that more and more people are not choosing to me homeowners but would rather me renters that we're finding more and more projects coming forward to fill that void and I think in the calculation of how you do those projects whether they're single or multifamily understanding what those upfront costs will be are going to be crucial to whether or not they happen at all. So I think that's where the TDR component comes in and help us understand what we're doing and let's make sure that we're shutting the door, if you will, to those opportunities in particular in the SDA1 areas which are targeted growth areas.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I guess there's a number of points that I would like to make on that. First of all, the TDR program is designed to protect land, for example, in traditional communities where there is traditional agriculture and transfer the right to development where the person can still farm their land and still own their land but it doesn't necessarily – has transferred the

right to develop it with a dwelling unit. And the way that the TDR section is written that is if you purchase a TDR you don't get to build one house, you get to build three houses when you purchase. So that was one point I wanted to make.

The existing densities in the areas that we've already zoned, so at the moment there is no comprehensive zoning in the County, so those areas are one dwelling per 2.5 acres. So not only are we proposing that we do do the zoning so it is not down to the individual but we are proposing that there be mixed use of commercial be allowed and that their density increases from one dwelling per 2.5 to one dwelling unit per one with base density. Understanding that there's also a requirement for open space. So when you look at the density you look at the gross area. So if you've got to leave 30 percent open space and maybe you have some arroyos and some other areas in addition, you get to look at your whole gross area and then you cluster. So you can certainly choose to cluster and do much higher density as it is.

The other area I would like to point out is the Community College District. That is our primary growth area. Even though we've got more area in SDA1 our primary growth area is the Community College District and that does not require the purchase of TDRs. It's been a program that we've had since 2000 so it's been in existence for 15 years. We've seen one application come forward for multifamily in that area. When you look at that whole area even though it's got no maximum density we're not seeing the overall being built out at 15, 20 dwelling units per acre. As more apartments come in that's where I think if someone was to come into staff and say where could I do apartments, we would be pushing to the Community College District as our primary growth area where there is no limit on the density. Our mixed use areas are the areas that are surrounded by existing communities and again, that's where if you're going to have a TDR program, you have to have a place where people are going to have to buy you can't just have a place where people are going to sell. So in order to protect some of that other land you already get a big bonus or a big increase in what you can have from the existing based zoning in those mixed use areas. We are already zoning instead of requiring people to come forward to ask for a rezoning and then as for a density and what you buy with your TDRs is after you've done all of your clustering. And we're increasing the limit from 15 to 20 and again, if you purchase one TDR you get three homes to be able to be built.

CHAIR ANAYA: I'm going to reserve any additional comments right now. Are there other questions or comments from the Commission? So it's close to Christmas and as I'm thinking about the time allotment – I went to a City meeting a couple of months ago and I got a minute that I was afforded to speak on a land use case, so I just want to provide a little bit of basis for what I said earlier. But what I'm going to do – I'm going to do something a little different, I'm not trying to detract from anybody making comments but I'm going to do two and a half minutes, two minutes 30 seconds and if you want to come back around again I'll give you another two and a half minutes if you want to wait and come back around. So I'm going to modify a little bit of what I said.

I would respectfully ask that if you've come before us ten times, I'm hopeful that you're not going to say the same thing on the eleventh time tonight. I'm hopeful that we're not redundant in our remarks. We've been very thoughtful about hearing all the

concerns and I'm hopeful that we're not redundant in the remarks that we get because we've been taking in a lot of public comment. So with that, is everybody okay with that, Commissioners; does that sound reasonable? Okay.

With that I'm going to have everybody that is in the room right now and I know that there are people in the legal conference room and we'll address those as we get through these but everybody that would like to speak if you'd stand up – if you're not an attorney, obviously attorneys don't need to be sworn in but everybody else does; is that correct Greg? So if you'd all face the clerk right here and raise your right hand if you would and Madam Clerk.

[Clerk Salazar administered the oath to those standing.]

CHAIR ANAYA: So if we could, just form a line, pick a line and we can alternate the lines if we could. And so let me make sure everybody is ready. Are we ready on the timer back there? We're ready. So you have your two minutes and the microphone is just going to shut off and I would just respectfully if you'd like to speak again if you would just wait toward the end and then we'll let you speak again if you absolutely need to make additional comments. So I thank each and every one of you. Yes, sir.

FRANK HERDMAN: Thank you, Mr. Chair. Mr. Chair, members of the Commission –

CHAIR ANAYA: One other thing quickly when they're saying who they are and where they live I don't want the clock to start. Two minutes and 30 seconds. So I'm going to give you a chance. You don't need to rush through. Give your name, your address and then the clock will start, okay.

MR. HERDMAN: Thank you, Mr. Chair. My name is Frank Herdman. My address is 123 E. Marcy Street and –

CHAIR ANAYA: And, Frank, if you could pull that mike closer. These are directional mikes so if you talk right into that microphone then everyone will have the benefit of hearing you.

MR. HERDMAN: Thank you. I am the attorney for the Las Campanas Homeowners Association and I just want to say very briefly that the association supports staff's proposed new provisions Section 8.10.11.1 and 8.10.11.2. Those provisions help clarify the continuing affect and validity of existing approvals of the developments that are listing including Las Campanas and I want to especially thank both Penny and Robert for working with us to draft those provisions and we do request that the Board adopt them. Thank you.

JUSTIN RODRIGUEZ: Mr. Chair, Commissioners, I'm Justin Rodriguez. I am here on behalf of the Ortiz Mine Grant, Potter Ortiz LLC exception number 2 and exception number 3. I believe you received our written comments yesterday, December 7th. I am providing further comments in addition to the written comments we provided yesterday. As the Commission is aware my clients are one of the single largest landowners in Santa Fe County holding over 56,000 acres of mineral rights in the County in addition to fee and surface, including the entirety of the Ortiz Mine Grant. Interesting, we are here tonight and the Ortiz Mine Grant is a grant that has its roots in the Spanish Colonial period, 400 years ago. The grant was established for purposes of gold mining. The grant was recognized with the Treaty of Guadalupe Hidalgo in February 2, 1848 a

date we have on our wall today. And what the treaty recognized was the rights of the Mexican citizens to existing property rights including the Spanish colonial property rights to my clients impact this includes the Ortiz Grant, a property that has been mined for 400 years. A property that has an existing mining purpose. A property that the United States government in 1848 recognized with a patent to mine.

The adoption of the Sustain Land Act would infringe on the rights of the New Mexico Constitution Article 2. The Code addresses the New Mexico Constitution Article 1. Article 2 adopts the Treaty of Guadalupe Hidalgo and provides the protections to my clients of the treaty. The primary protection being existing property rights, known and existing property rights. My clients have known and existing property rights going back 400 years to mine the Ortiz Grant.

What the code attempts to do is prohibit any development of the grant. Uses the grant has had for well over 400 years should be recognized. Requiring the grant to go through a process, an impossible process, of obtaining a permit, a zoning, a special land use to mine a property that's purpose is to mine should not be permitted.

We would encourage the Commission not to adopt the SLC. We would encourage the Commission to recognize the rights afforded under the Treaty of Guadalupe Hidalgo. We would encourage the Commission to consider what Article 2 of the New Mexico Constitution protected by way of rights to those who pre-existed the State of New Mexico.

Thank you, Commissioners.

CHAIR ANAYA: Thank you very much, sir.

WILLIS LEE: My name is Willis Lee, 20 Arroyo Calabasas. I'm here to talk about the zoning of the 12 acres at Camino la Tierra and Arroyo Calabasas. May I please present the Chair with our petition.

CHAIR ANAYA: Sure. Thank you, sir.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the zoning map is the next item to be heard. So we would want specific testimony on the zoning map under the zoning map item.

CHAIR ANAYA: Okay, so we're going to do the zoning map separate from this and so I'm going to ask you to come back if that's okay. Thank you very much sir.

So this is specific to the code, Mr. Wait.

WALTER WAIT: Yes, it certainly is. Mr. Chairman, members of the Commission, my name is Walter Wait, 48 Bonanza Creek Road, Santa Fe, New Mexico. I have been sworn. I am here representing the San Marcos Association Board of Directors.

The San Marcos Association strongly objects to and is strongly opposed to the late change in Chapter 8 from 15 dwellings to 20 dwellings in mixed use zoning with the addition of TDRs. Along the National Scenic Byway this one change could add higher volumes of traffic and cause visual impacts to the scenic byway. On behalf of all of the civic organization along Highway 14 we urge you to reject this change. Thank you.

CHAIR ANAYA: Thank you, Mr. Wait. Yes, ma'am.

SHERONNA LEE ASHER: My name is Sheronna Lee Asher, 300 Arroyo Salado, Santa Fe. I am under oath.

Mr. Chair and Commissioners, I want to thank you for a wonderful code that you have worked so hard on the last five years. I was very happy when I had reviewed the code. I live up on top of Glorieta Mesa and Ojo de la Vaca and I have been an advocate for traditional rural land values. I was very happy that the zoning was going to be ag ranch up there.

I am a little upset about the new change that you just offered that I just heard, Commissioner Anaya, about allowing for family transfer down to 40 acres. I understand that families need to pass on their land and I think that the current code allows for that. Families are still allowed to stay there with structures on their land so they can continue to have that community. I am concerned about the abuse of family transfers with is what Commissioner Holian had brought up. There has been a lot of abuse by developers up on the mesa in particular using the family transfer to bypass County regulations doing their subdivision.

Aside from that, thank you very much for all the work that you've done.

CHAIR ANAYA: Thank you very much. Yes, sir.

CRAIG EAVES: Commissioners, my name is Craig Eaves. I am under oath. I am here to talk about the Eaves Movie Ranch and the first thing that I wanted to do was thank Penny and Robert both for considering our request to change the definition of a movie ranch so that it was inclusive of current and established activities that we do.

There is another issue that has caused us great concern about our continued operation of the movie ranch and that is that the San Marcos Community District Overlay has proposed a rural residential zone for the Eaves Movie Ranch, or designation. The movie ranch use is prohibited within this zone paradoxically which means that our current operation and all of the activities therein are non-conforming use. This obviously, is of great concern to us and our continued ability to not only operate but to keep the property intact and maintained and under repair.

The other issue that we have is that the non-conforming use requirements are vague and difficult to understand how we would comply or how the County would have us comply. The idea I think behind the San Marcos committee's designation of residential and then saying movie ranch is not allowed in residential, was that they thought we could grandfather the use in. The problem is that grandfathered use has associated with it this concept of abandonment which states that if a non-conforming use ceases for any period of more than one year, the use shall be considered abandoned. There are a number of activities that we do out there that are not as frequent as a year and it raises all sorts of concerns about how the standards would apply and whether for example episodic use of the movie ranch for a major motion picture would be reviewed by the county staff as an abandonment provision.

I strongly recommend that the County order or direct San Marcos District to reconvene, the Committee, to deal with these issues and possibly to address either a change to the zone or the vagaries of the non-conforming and the problems raised by the non-conforming provisions. Thank you.

CHAIR ANAYA: So we'll comment more later on but one of the things that I think most Commissioners have been saying time and time again is that for existing uses that we didn't want to mess with that. So we'll have more conversation at the end of the public hearing about making sure there's appropriate clarity so you're not put in a

predicament on a use you've had for many, many decades. And so we'll just leave it at that for now.

MR. EAVES: Okay, thank you, Commissioner Anaya. And we certainly don't believe that anybody wants to hurt us or put us – or change what we're doing. It just seems to have happened this way and so we appreciate your considering it.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Mr. Chair, thank you for bring that up. So it seems that we need some definition from staff on exactly what legal non-conforming means to everyone in relation to the Land Use Code and moving forward.

CHAIR ANAYA: Thank you, Commissioner Chavez. Yes, sir.

FRANCOIS-MARIE PATRONI: Thank you. My name is Francois-Marie Patroni. I am under oath. My address is 28 Arroyo Calabasas in Santa Fe, Santa Fe County. I own property on Glorieta Mesa and I have since I own it the last 10 years been very concerned about preserving the rural character and lifestyle on the mesa. I would like to warn and express my concern about possible loopholes and especially family transfers seeking to reduce the zoning basically to 40 acres rather than the existing 100 proposed 160 acres. My wish is that this area remains pristine for wildlife, livestock and for traditional values. Thank you.

CHAIR ANAYA: Thank you, sir. Yes, ma'am. We're on the code still. We're going to do the code changes first and then the map. Okay, excellent, yes. Yes, ma'am, Madam Chair.

JUDY WILLIAM: No more. My name is Judy Williams. I live at 13 Ute Circle. I am under oath. I am the president of the League of Women Voters of Santa Fe County and as you all know we have followed this from the plan development through the code development. And, as Mr. Chairman said, the development has taken a long time and has been through a very thorough process.

We have nothing but praise for the staff. For Katherine Miller, Penny Ellis-Green, Robert Griego and all the staff. They have done an incredible job. They helped develop 13 individual community plans. They've had hundreds of community meetings, endless rounds of input, comments, revisions, more comments and more revisions. They have gone out of their way to listen to the concerns brought by the public and you've incorporated as many of them as you can without sacrificing the integrity of the basic code.

So our request tonight is that you approve the entire code tonight so the County can operate on a modern plan and code designed to provide sustainability, preserving our asset for future generations. And, we'd like to also comment that several months ago you enacted an ordinance or a resolution to revisit this code in six months after passage. So I would urge you to pass the code with minimal amendments and we do share the concerns of Commissioner Holian of unintended consequences. And I think changes except for small changes need some more study and thought before they are enacted. So thank you all.

CHAIR ANAYA: Thank you very much.

DANNY MARTINEZ: Danny Martinez, 7009 Marilyn Avenue and I am under oath.

Mr. Chair, members of the Commission, I represent three major subdivisions in

the Eldorado area. These three subdivisions have been in the process, one in particular, for over 25 years. It has been just one battle after another not only with the 25 years but we also have to go through an eleven year water moratorium that, in my professional opinion, was illegal, should have been challenged but it wasn't. We are at a point in our life in these three developments that this new development code just totally throws the book at us in our existing developments that are before this Commission. We got developments have been submitted to staff. They have been put on hold for the past six months. Development fees on one project were not accepted because they wanted us to wait until after the code was approved. So you can see, after everything that we've gone through now we're getting the book thrown at us again.

I ask this Commission to please deny this SLDC code until more consideration is given to those existing developments that have master plan, preliminary or final development approval. I am also against the fact that in one of the developments we're bringing in 20 affordable housing units, now we're looking at that we're going to be hit again with more -- because now we want to comply with affordable housing.

So you can see it's been a long drawn out battle. You Commissioners have seen us here and yet we're still fighting the battle. Is this battle going to continue for the next 10 years? I see that happening. It's a lose-lose situation in my opinion. Thank you.

CHAIR ANAYA: Thank you, sir.

ORALYNN GUERRERORTIZ: Hi, I'm Oralynn Guerrerortiz. I live at 700 Juniper Drive in Santa Fe. And I have been sworn in.

I think the code is good. I am glad you're passing it. Thank god we're finally at this point. I know you've all been living through this for quite some time. I can honestly say that almost every time I look at it though I find something that is minor but somewhat important. Today I looked at things and I noticed in the existing table or list of existing approved, identified PDs in section 8.10.11.1 we failed to list any of the Summit projects. Everyone of those projects was based on assuming density bonuses. Very large sections of our mountain were up into large open space tracts and as a result they got density bonuses and they should be acknowledged just like Aldea and Tessera was. That includes Summit Phases 4 through 8, High Summit the first one and High Summit 3.

The other issue I found was the site triangle -- I really do hope you all sent this to the state review boards including the DOT -- the site triangle bases the setbacks from the right-of-way doesn't work. It is not how it is done. It's done from the curb or the end of the road. And by showing it at the right-of-way it kind of creates these silly site triangles especially when you have 150 foot right-of-ways doesn't make any sense at all so I suggest you follow AASHTO requirements and use the site triangle best on the edge of road.

I do want to tell you what I'll be watching is that you follow your own code. Specifically, the southeast and northeast connector. This requirement requires you to spend an extra \$100 a linear foot on the roadway related to sidewalks; 5 foot sidewalks on both sides of the road. I think it is excessive. I really think it should be looked at but you've ignored that comment before. I'll assume that northeast and southeast connectors both have sidewalks and follow your own code. There was a provision earlier in here that allowed a pathway adjacent to the roadway. At some point, it was taken out. I personally think pathways removed from the roadway especially when you have a 150

foot right-of-way makes sense. It's safer for the public and the pedestrians and bicyclists.

And I will tell you, we have projects in our community that will not be able to be fully recorded in the next 18 months or 12 months or whatever is required by code. – Oops, I'm out of time. Do I get back in line?

CHAIR ANAYA: If you would, thank you.

DAVID BIRNBAUM: Good evening. I am David Birnbaum and I live at 7727 Old Santa Fe Trail and I under oath. I am also here as the President of the Preserve the Trail Association, an incorporated organization based in the area near Canada de los Alamos.

I am extremely concerned and very unhappy about the proposed removal from the SLDC of the language regarding community service facilities. The proposed code would change long standing County policy and allow churches anywhere in the county without regard to their compatibility with existing development in the vicinity. This simply does not make sense. In this age of mega-churches being built in various parts of the country this could allow for a 100,000 square foot facility to be built right new door to any one of our homes without any requirement that the roads be sufficient for the traffic, that there be sufficient water available, that the fire department have appropriate access and most importantly that the peaceful enjoyment of the residences be preserved. There is no logic that I can imagine for allowing such facilities to avoid a reasonable public approval process and evaluation of compatibility unless it is the fear of unreasonable lawsuits based on the RULIPA statute.

I would ask that the language regarding compatibility with existing uses in the area surrounding such facilities be restored and that churches or community service facilities be required to go through the same process that is required for approval of any non-residential use in the County.

The local incorporated community organization of which I am president is currently involved in opposing approval of such a facility in our neighborhood which is on the agenda for consideration later tonight. And it makes no sense at all if the SLDC is approved as proposed there would be no such process for people to have any say about such a facility anywhere in the County no matter how inappropriate or incapable the location. There is nothing wrong or onerous about the process which is currently in place for approval and no acceptable reason for eliminating it. The existing process does no harm to such facilities as there are numerous locations that would meet the standards for approval whereas the elimination of the discretionary approval process puts all county property owners at risk of serious harm by threatening the value and enjoyment of our homes and property. Thank you very much.

CHAIR ANAYA: Thank you, sir. Thank you, this is a gentleman that has been with us all afternoon. Thank you for your patience.

MICHEAL SMITH: Mr. Chair, Commissioners. My name is Michael Smith. I live at 11 Camino Iglesias in El Rancho, Santa Fe County. I ask you to forgive my language. I'm not a president. I am not a lawyer. I am just a simple guy. So for your consideration there is an allowance for a secondary residence up to half of the current residence or 1,200 square feet in the new code. Unless a residence were to be built which would cost a lot for a simple person, it would require the purchase of a mobile or modular home in which case most out there are more than 1,200 square feet.

I would also request an amendment be considered to allow an extra 15 percent or so square feet to allow in hardship cases, such as medical needs. This would allow greater flexibility for people who are moving in to assist family members. As an example, I was living in Washington for 15 years but my father has COPD, rheumatoid arthritis, a heart murmur, diabetic and other issues. So I moved my family all the way down here but we can't live on the land because we purchased a small mobile home, but we can't move it in because it's still too big under density. In this particular situation my father is a veteran and he needs assistance. My mother is getting to an age where is starting to get overwhelmed. She is still mostly in decent physical condition but she still has needs.

The thing is I am not the only one. I know that there are many of us and a lot of what I have heard tonight are coming from big organizations or people who have genuine concerns about environmental issues and those are all very valid. I'm just talking about the simple guy. Thank you.

CHAIR ANAYA: Thank you, sir. And Commissioner Roybal has an amendment that he's going to talk about later on that might get to part of what you're talking about so we appreciate your input.

MR. SMITH: Thank you, sir.

THERESE MARTINEZ: Good evening, Chairman and Commissioners. My name is Therese Martinez I live on 30 Little Island Road out in Santa Fe County off of County Road 67. I have not been sworn.

[Duly sworn, Ms. Martinez continued her testimony]

MS. MARTINEZ: I am bringing up the same issue that David Birnbaum said just a moment ago about community service facilities in our area. The SLDC says a community service facility is a facility which provides service to a local community organization. Such facilities may include governmental services, such as, police and fire stations, elementary and secondary, daycare centers, schools, and community centers and churches and other places of worship. The old code, the current code states, in addition for section 10.15.2 and 10.15.2.1.2.3 and .2.2, that these facilities are necessary and compatible with existing development. We would like this language to remain in the code as part of the language in the new SLDC and for reasons being that striking this language leaves no parameters to govern the proposed community facilities. Key language is now missing. It leaves an open door for anyone labeling their non-conforming use as a community service facility. In addition, I also think that language needs to be added in terms of how many community service facilities may be allowed in neighborhood areas. Also, establishing required distance between the facilities in order to avoid strips of community facilitates should be incorporated into the code. Community service facilities in such close proximity can become highly populated nodes or eventually become commercial areas. Language should also include the maximum developable number of acres the community service facilities may have. The acreage should not be permitted to expand to strip commercial or industrial uses. It should stay in character with the neighborhood. The use should remain with the lot even with the sale of the land or that it reverts to a residential use. Lot coverage or density requirements of the community service facilities should stay within relative size of the surrounding neighborhood. Scale, size and intensity of the development should be key approval

criteria. This is the County not the City and should remain less dense and more rural in nature. Thank you.

CHAIR ANAYA: Thank you. Mr. Baca.

MATTHEW BACA: Matthew Baca, 5125 Northern Trail, NW, Albuquerque, proud father of Terry Nicole Baca who is the external director of New Mexico Affairs for AT&T. She was here earlier but she had to leave and she asked me this letter into the record for AT&T. Thank you.

CHAIR ANAYA: Thank you, Mr. Baca. Yes, sir.

TREVOR BURROWES: Thank you, Commissioners. Trevor Burrowes, 2836 State Highway, Madrid. Introduction, I respectfully request that the BCC put a community based roof water catchment initiative on the agenda for possible inclusion in the new land use code or at least allow me to address the issue at a future meeting. Should BCC recommend it, Madrid is willing and has a need and ability to take the lead in testing and making real such an initiative. Roof water storage and catchment is beneficial in light of the ongoing drought and general water shortage in Santa Fe County. But as one example of catchment, severe pressure on water supply is noted in northern county communities that are adversely affected by antiquated and inconsistent laws including Aamodt case legal issues. The older communities are correctly grandfathered into non-compliance with water catchment and storage requirements mandated for new construction. So compliance for them must be a voluntary, communitywide effort which benefits County support. Among possible kinds of County support would be a calculation of roof water catchment capacity within the County. Another suggestion from the Pojoaque area was roof water catchment on County buildings.

Madrid water catchment and storage pilot project: I serve on the Board of the Madrid Water Co-op. The people there say that Madrid, through its only public well is mining water. It is using water rate beyond its supplying aquifers ability to recharge. With New Mexico's ongoing open ended drought it is hard to conceive that we won't run out of water eventually but Madrid has no communitywide roof water storage program. When I suggested that the County might see good reason to help us with that the idea was ridiculed. But county government is the most important level of government. In an emergency we all have to turn to county government first and foremost and if Madrid has no water, water would need to be brought in from elsewhere creating water shortage there. Furthermore, what starts in Madrid won't end in Madrid it will spread to other County communities. I see water catchment proposal as a sustainability issue for the entire County

BCC has already demonstrated foresight in mandating gray water outlet and roof water catchment for new construction. I hope the County will also work with Madrid to bring the older communities into compliance with this progressive initiative. Thank you.

CHAIR ANAYA: Thank you, sir. Mr. Taylor.

ROGER TAYLOR: Roger Taylor, 54 Camino Los Angelitos, Galisteo, New Mexico. I am under oath.

Mr. Chair, Commissioners, I would like to see this passed tonight. I do have a suggestion for change if it is too large I am perfectly willing to wait until next July during the review period but I would like to address it today.

In the sand and gravel section 10.1.9 there is the issue of the offset. It has

disturbed me for some time that the offset is 200 feet and the more I thought about the more I think that that does need to be a larger offset. In the DCI which is a much larger parcel of land, 10 acres and larger, that offset is 500 feet, which I'm not so sure is actually very sufficient either. But in a 10 acre or less area for sand and gravel extraction 200 feet, if you think about it, if you just visualize where you're sitting today and you go out to the stairwell, that's 100 feet. If you go 100 feet further that's probably to the end of the hall. If you have an extractor, if you have a crusher, if you have an excavator you're sure going to hear it, see it and feel the dust that is in the air if you are adjacent in an adjacent lot parcel.

So my feeling is that that shouldn't be 200 feet. That should be at least 500 feet as it is in the DCI. I would also like to suggest that we think about because somewhere in one of the last meetings there was an argument that this could – if you had too large of an offset that it might interfere with the business operations on a smaller parcel. From what I've seen, most sand and gravel businesses are about two to three acres and if you think about 500 feet or even 1,000 feet an acre is 43,500 square feet. You take off even on each corner or each side you took off 4,000 feet, that still about 40,000 feet on one acre plus several other acres to work with. So it really doesn't impinge on the ability to do the work. So I would really like to suggest that we think about going to at least 500 as we have with the DCI if not to 1,000. Thank you.

CHAIR ANAYA: Thank you, Mr. Taylor.

SCOTT ARMSTRONG: My name is Scott Armstrong. I live at 14 Jericho Road, Jericho Lane in Santa Fe County and I'm under oath.

I'm speaking to the issue that was raised by Mr. Birnbaum and Ms. Martinez which on reflection is even more serious than I recognized and that is the notion of having a definition of community service facility. We live in an area where there is a small cul-de-sac of many thousands of roads and driveways that is defined by Two Trails Road and Old Santa Fe Trail. In that area, 2,000 people live. There are 1,000 vehicles that would have to get out in a fire emergency and if someone is allowed to build a facility as was proposed a year ago the size of the Santa Fe Federal Courthouse in our little area in the foothills it would not only destroy the nature of the neighborhood but it would become truly a fire danger in an extraordinary situation that we already have.

Secondly, I don't know if this is the time to address housing, the heights; is that in the zoning section? We were once in the Special Mountain District in our area and had a 14 foot requirement that nothing could be built over 14 feet. And the notion that we now have 24 and 36 foot limits in that small area seems a remarkable difference and is going to make a remarkable difference in the character of the area. Thank you.

CHAIR ANAYA: Thank you, sir. Penny, before we go further I would like to get a quick clarification from you if we could. If you would come to the mike. Could you provide some clarity so I understand – there's already been several comments and I expect we might get more – there's still a process by which a facility regardless of the type of use has to go through. A review process within a community whether it's a religious facility or not in this new code; correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, that is correct.

CHAIR ANAYA: Just for clarity because I have been hearing in the comments that there may be a false assumption that I want to get clarified that there is

still a process by which any facility including religious facilities would have to submit documents, plans, and work through the process that exist. They are not going to be waived from that responsibility; correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, that is correct. Chapter 7 is the sustainable design standards and it clearly states that the development standards of this section shall be applicable to all development. There are some sections that are specifically regarding either non-residential or residential and it will tell you in each section what is applicable. If something is a permitted use and churches are identified as a permitted use in all zoning districts they will still need to meet those standards. So you cannot get an approval unless you meet the standards.

CHAIR ANAYA: Okay, thank you. I just wanted to do that clarity. Yes, ma'am.

KAREN YANK: Karen Yank, number 9 Luce del Cielo, Golden, New Mexico. I'm under oath. I'm here representing the Turquoise Trail Preservation Alliance. We worked over the last month, we worked with and support the Rural Conservation Alliance and their attorney Chris Graeser's amendments to 10.19 sand and gravel which you have all received prior to this meeting. I was happy to see that of a few of the changes were made by staff or at least recommended by staff earlier. I was disappointed that the setback was not addressed for small operations. I agree that the 200 foot setback is not even near adequate. I believe it should be 1,000 as Chris Graeser had spoke of in the amendments mainly because whether or not DCIs are 500 feet has really no bearing on the small sand and gravel because DCIs have a lot more regulations determining where it is appropriate to have an operation of countywide impact. The small operations don't have that same stringent application so they may be closer to residence and they may be in rural areas. So the setbacks should actually be increased from the DCIs. So I recommend 1,000 foot setback and I agreed with Mr. Taylor's analysis that if you can imagine your house property line being that close to a crusher or just the noise of the trucks and the dust – I mean, if it would happen to you I don't think you would feel that 200 feet is adequate.

I also want to support Kathy in her request for more analysis on the dividing of family properties of this 160 acre ag ranch. I think there are way too many options that we haven't looked at that could come up that would be problematic. So I would like that to be tabled until July when we relook at this.

CHAIR ANAYA: Thank you.

ROSS LOCKRIDGE: Ross Lockridge, PO Box 22, Cerrillos, New Mexico 87010. And I am under oath. I would just like to follow up from what Ms. Yank has just spoken to that 200 feet as the ordinance reads from all public roads, rights-of-way, public recreational easements, environmentally sensitive lands and from all public property lines really is no setback at all. And I would just like to add that your former consultant Robert Freilich recommends 200 feet from commercial zones with a buffer or 500 feet without a buffer. He along with Rio Arriba County recommends 1,000 feet from residential areas both with and without buffers. Please correct this mistake of empathy and threat to the health of County residents. Thank you.

CHAIR ANAYA: Thank you, Mr. Lockridge.

MARY BETH DOCKENDORF: My name is Mary Beth Dockendorf. I

live at 42 Vuelta Tomas in Santa Fe and I am under oath.

It seem to make sense to me to establish codes regarding lot sizes while the practice of granting administrative adjustments confound and circumvent the established codes especially when the adjustments tend to create higher densities in areas with established codes without updated or current water studies. Thank you.

CHAIR ANAYA: Thank you very much. Yes, sir. Sure, sure.

DEVON BENT: I'm Devon Bent. I live at 193 County 113 in Nambe. I'm sworn in. I'm a member of the board of Northern New Mexico Protects and I'm not going to ask you to change anything tonight but there is one issue that we discussed, we did not take any formal vote on, and that's that map you're looking at which is the map from appendix E. That map governs where you need affordable housing and where you don't. As far as I can tell that map is 10 years old, at least, and it doesn't really make much sense so I just hope between now and July maybe you could have staff take a look at that and maybe with better GIS like we've got now really do a better job of saying where we need affordable housing.

I also hope when you do this and I know this is a hard time to do this but to work with the pueblos because the pueblos do a lot of hiring and they may not show up in county employment data, they also build some low income housing. And so that data would be needed to make it realistic. So, thank you very much. I'd also like to thank you very much for all the changes that you've made over the last couple of years. I know you all wanted to leave this behind you and I'm really appreciative of the transfer of development rights and just the recent – no longer you need a membership list, we really appreciate this.

CHAIR ANAYA: Thank you, sir.

MS. GUERRERORTIZ: Thank you. I'm Oralynn Guerrerortiz and I was speaking earlier. The last point I wanted to make is I'm concerned about some existing projects that are successful in our community and they were presented and approved by the BCC as large projects that were phased. We wanted that to happen. We didn't want to see something done piecemeal and when they were approved, the master plans were approved, they were assumed that every phase would be recorded every three years or so. When the economy tanked that did not happen. And you granted extensions on several projects but as a result of those extensions we've got some projects that have 60 to 90 lots that are going to have to be dealt with in the next 12 months and they will not be able to be recorded. Theoretically tonight they could become worthless because most people cannot bond for a 90 unit project in many cases these days. These are projects that are good. They are successful and you want them in your community. You've approved them and you've approved the extensions. But the code as presented tonight will be crushing to them.

I suggest maybe you add some line in your existing code to allow additional extensions under the current code for approved projects. That's what I ask for. I think it is wise and I hope you'll consider it. Thank you.

CHAIR ANAYA: Thank you. Mr. Taylor.

MR. TAYLOR: Roger Taylor, Galisteo, New Mexico. I'm still under oath. I only intended to speak once tonight but with the introduction of this new amendment I am a little confused. So I'm not sure what the intent of the family lot splits

of 160 acres zoned areas down to 40 is for. In most of the hearings that I've been attending it seems like the family lot splits are usually parcels that are about 5 acres or less into 2 or 3 acre parcels. If it's help the farmers and ranchers hold onto land I'm not sure that's the best way to do it if that's the intent and it's a good one. I wonder if there's other ways to do it.

The concern I would have and I was talking to Ted Harrison of Commonweal back there who had a similar concern is just in the last meeting I was at we were talking about the zoning of the land that came out of the amended plan and the 1,600 acres there without conservation easements. Should a family buy that and then decide they want to subdivide you could end up with a 40 unit inadvertently subdivision without the intent to make that happen. So there's a way there that it possibly ends a backdoor and I know that's not the intent but I'm thinking it through of evading the master plan process and maybe allowing building in excess of what we want. So if we're looking at a way to protect farmers and ranchers to hold onto land, maybe there's a committee or something or staff should be looking into what are all the ways to do this et cetera and come back in July and propose an amendment. Or perhaps we could have a little more exploration of the intent because I'm uncomfortable supporting that without knowing what the intent is. So, thank you.

CHAIR ANAYA: I appreciate the comment, thank you. I'll give you the intent here shortly.

DAVID GURULE: My name is David Gurule. I have not been sworn in.
[Duly sworn, David Gurule testified as follows]

MR. GURULE: I would just like to speak briefly to the concept of TDRs. As I've been trying to investigate the cost of a TDR I can't seem to get any clear definition and I was just wondering if there was some way to add some clarity to the cost to a developer of going out and actually buying a TDR. It seems like there should be some definitiveness to this such that, for instance, a multifamily developer knows what the cost of his land is, he knows what his construction costs are, he knows what the cost of water rights are going to be. He should be able to know what a TDR is going to cost. As a suggestion, I know that the County doesn't want to get into the business of brokering TDRs but it does seem like there should be a simpler mechanism to be able to add some clarity to what it actually cost the multifamily developer per unit in the way of TDRs. It seems like it is creating a commodity that is not unlike toilet retrofits. Toilet retrofits costs as much as \$900 per toilet. Later one when there was no development going on they dropped it to \$350 for a toilet retrofit. I just think if there's any way to take it away in terms of responsibility and just say, here it is. Here's the fee. Maybe it's an impact fee. Whether it's \$250 per apartment unit – whatever the fee needs to be. It just seems to make it simpler – a simpler concept for people to understand and grasp.

That's all. Thank you for your consideration.

CHAIR ANAYA: Thank you, sir. Yes, sir.

MR. BIRNBAUM: Good evening. I am David Birnbaum and I spoke before. I'm under oath. I just wanted to clarify that regardless of the fact that the community service facilities would be required to go through an approval process the objection I believe that all of the people have spoken about this tonight have is the elimination of the language that would make compatibility one of the deciding factors in

evaluating that development application. I think that if you imagine a huge church plonking down on the lot right beside your house. You have to realize that it might in every way meet the other aspects of approval but it would certainly not be appropriate where I live in terms of the very rural and very community oriented neighborhood that we have. I feel that this is a real major difference in what's being proposed and that was the main issue that we wanted to bring and ask to have that changed before the code is approved, to reinstate the compatibility as a qualifying issue. Thank you very much.

CHAIR ANAYA: Thank you very much. Mr. Baca.

MATTHEW BACA: Thank you, Mr. Chairman. Matthew Baca from the Baca Ranch which is located at 1 Baca Ranch Loop here, west in town. In 1996 the Board of County Commissioners and the Baca Family reached a settlement agreement on litigation related to the siting and placement of the Santa Fe Caja del Rio landfill. This settlement agreement included a 20 year window to implement the provisions which in lieu of financial compensation the Commission offered and it related to many different things including density transfers. For the past 15, 16 years, since 1998 through the Airport Development District effort which is I think this is a culmination of, the Tres Arroyos Planning effort as well as other minor things – we've implemented a lot one of them that is still not complete is the density transfers that will be from land that was damaged adjacent to the landfill to an area which is right next to the campus of the senior that was on your agenda earlier today.

One of the issues that has now arisen, this is the only issue I want to put on the record at this time, is that the ordinance – we are living with two ordinances as we go through this process. Our expiration date right now on the settlement is July of 2016. We began the density transfer planning since – almost a year ago now. And we are dealing with the existing ordinance as well as having to anticipate what the new ordinance is going to have and it has made it very difficult because as you can see you're still making changes here at this late date in December. So I'm just putting that on the record that we may be requesting that there be an extension of that agreement date from July 2016 to sometime in the future if we in the next 90 days or so we see that that the delays that have occurred are going to keep us from reaching that deadline. Thank you.

CHAIR ANAYA: Thank you, Mr. Baca. Yes, sir.

MR. BURROWES: Thank you, Mr. Commissioners. I have been sworn. Trevor Burrowes, 2836 State Highway. I left out one little short paragraph in terms of water catchment for the County and a pilot project that we in Madrid are quite anxious to see supported and we – I already have the approval of the Madrid Water Co-op in terms of coming here and making that statement. So I don't know whether it fits and where it fits exactly in your process but you allowed me to record it and I'll leave a copy with the clerk in case this can come out again.

One thing I left out is that it was wondered whether this request for County support for water catchment and storage can still be referred to the state legislative session for financial and other kinds of state assistance. There isn't much time to do anything like that but unless it's feasible but I just want to state it.

And I would like to say something briefly about the Turquoise Trail that again, and although Turquoise Trail is just one part of the County it could apply to other parts because the County is extremely scenic and most of the major highways are very scenic.

When I came to live in Nambe from California I just couldn't – I was in awe. Do you understand how scenic this place is? There is nothing like that in California. I would also suggest that with transfer of development rights we sort of look for a way to combine it with form-based planning. That's something that I don't know all that much about but it really has to do, as far as I can tell, with the siting, how you want the place to look. So what we could do is have a sort of a visual analysis of our landscape and form-based planning will tell us what we want it to look like and then of course our zoning will help us to conform to that look, that visual design. Thank you.

CHAIR ANAYA: Thank you. Mr. Sommer.

KARL SOMMER: Member of the Commission, Mr. Chairman. I would like to first of all quickly thank staff particularly, Ms. Penny Ellis-Green, Mr. Griego and Mr. Brown and the entire legal staff for all the work and attention that they have given to this ordinance and particularly you all under your direction of getting it here tonight. It's not a perfect document.

One of the things that has come up repeatedly here tonight is about community service facilities. In every other instance that this body and staff has considered controversial uses and the uses that we're talking about for community services can be controversial in many ways. One of them is a case here tonight that you all are going to consider. Those uses have been made conditional uses and placed standards and discretion in the boards that will consider those, and the hearing officers that will consider those. And, I suggest that the solution to this issue of the removal of compatibility is that you take those uses and make them conditional uses and they can be anywhere in the County but you make them conditional and you set standards that the term compatibility can be defined with reference to various communities and standards like that. You have a solution. Staff has suggested that in controversial kinds of cases like that that you make them conditional uses rather than something of right. You may meet every other aspect of the code.

The other thing is I'd like to say is the code in 1.11.3 has been amended and I would suggest you adopt the amendment that the staff has requested in this last round and that is to allow for developments that have a vested right to build out in accordance with their vested right. That means that they've got final master plans, development plans, they're recorded and they have some element that hasn't been built and that section that has been amended would be perfect as revised.

Again, thank you very much and I really appreciate it and I think you have a solution to this compatibility issue.

CHAIR ANAYA: Thank you, Mr. Sommer. Where's Penny? Penny, if you would come on up. So I'm going to go to the Commission but I'm going to ask a few questions first and I want you to help provide some clarity. I know that many times over the last five years I've probably asked this question and probably other Commissioners have as well, but one of the things that we're continually, we're trying to do and maybe we need to make sure that the appropriate verbiage is in there if it isn't already, but the one thing that we've said from the onset is for those projects that had prior approval that the intent of the code was not to turn those projects upside down. And so Oralynn and some other folks got up and said that those projects and she referenced the Summit and some others and not just her but anywhere in the County. I want you to

briefly speak to what the code does to those projects and understandably if somebody had a 10 phase project and they were going to carry it over 30 years, I mean we've got to have some consideration of a changing dynamic in the County so I want to say that in the onset but if I could get some clarity on what the code does to existing projects and whether we've been – let's just start there. Give me a response to that, if you could, please.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I think she brought up a couple of projects. I don't know all of the specific projects in the approval. I know High Summit was one of them. They got a preliminary and final plat for all phases all at one time. The code has always read the same that you have to record a final plat within a certain number of years. That was about 12 years ago, I believe, and one possibly two phases out of the seven phase subdivision have been recorded in the past 12 years. So there wasn't really a phasing plan associated with it. We couldn't say they were going to record every three years and they certainly have not recorded every three years. So we have an existing approval that has a final plat through the previous ordinances and resolutions that the Board has approved for the economic hardship, that is extended that approval to the end of next year. So in that instance we've got something that is already – that's about 12 years old, 13 years by the end of next year and the question is how long we utilize the old code for. The differences are going to be that there could be some design standards that are slightly different. There will be the studies reports and assessments are a new requirement. Certainly the traffic study, the water study are already done for a major subdivision.

A couple of other people have brought up those issues as well and –

CHAIR ANAYA: So let me just ask a question. Within the process and I'm not talking about new applications. I'm talking about what was brought up in that instance would the CDRC or the Commission be in a position of hearing a request to sustain an existing development that had had a prior approval to keep essentially the prior approvals in place? Given the discussions that we've had as a Commission that from my perspective and comments from my colleagues – and I'm not going to speak for them, I'm going to let them speak for themselves – was the intent wasn't to rollback approvals that were previous made, was my understanding from the onset. Not new projects but existing approvals. And the other connection that I'm drawing is that in the last three years in particular this Commission on a regular basis has increased or allotted additional timeframes for master plans for the primary reason that the economy crashed, plain and simple. So I'm not just asking the question blind. We as a Commission have, in fact, looked at people trying to bring economic development and follow through on projects and we looked at them square in the eye and said, We agree. And we provided that accommodation of time.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, master plans I think are slightly different than a final plat approval. Final plat approvals have a two-year timeframe to record and an additional 36 months, an additional three years that the Commission can grant.

The master plans, we won't have master plans in the new code. We'll have conceptual plans. They have that same five-year timeframe remembering that a master plan doesn't tie down all the details. It is more conceptual and for a subdivision, still

after a master plan need a preliminary and final plat for each phase that you do that meets current code requirements. So I'm just checking the transitional provisions for the master plan because I would assume if you've got a master plan that's in existence you could continue to get your approvals under the conceptual plan approvals for an additional two year extensions.

CHAIR ANAYA: So I'm going to hold on that for now. So is that all you have on that particular item?

MS. ELLIS-GREEN: Yes, Mr. Chair.

CHAIR ANAYA: Okay, so I might add some additional questions. The other concept that was – comment that was brought up had to do with AASHTO requirements and County requirements. I mean, relative to traffic analysis or other assessments and analysis we do wouldn't we want to stay structured with the universal standard and if not why would we want to deviate from that?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the corner setbacks was sent to the Public Works Department, was sent to the DOT so these have been sent out for review. It was in this in – this corner setback was pulled out of a document that we did 12, 13 years ago when we were looking at rewriting the code and it's still been on the books for this amount of time. I don't have an answer about right-of-way or driving lanes. And certainly we can look at that again with AASHTO standards and bring that back at the six month change if it is not in accordance with AASHTO standards we will bring it back as being a mistake.

CHAIR ANAYA: And I guess on that note, any applicants are still going to be given the opportunity to provide justification or a request for a variance or a modification based on an actual standard that DOT or some other entity utilizes as a framework. We still have that latitude within that approval process to have, as somebody said earlier, I think Commissioner Roybal, project approvals with either a variance or conditions associated or even have a easing of those requirements based on that rationale in this case that the requirements make more sense; right?

MS. ELLIS-GREEN: Mr. Chair, that is correct.

CHAIR ANAYA: Okay. Ms. Ellis-Green, I know I brought it up earlier but we had an individual come forward and I was trying to better understand the transfer of development rights but I think Mr. Gurule brings up a valid point relative to cost associated with a parcel or a property and I think one of the things I heard you say earlier and I think I'm going to disagree with it a little bit is that the Community College District has the mechanisms through the planning to sustain multifamily housing in this case. But I don't think we ever want to get in a circumstance where we pigeonhole one type of use or development to one sector anywhere in the County. I think we found and learned over the years that that can pose other problems if we segregate any one type of use, either residential or commercial. Do you have any comments to that particular piece and as far as the cost piece do you have a follow up as to what are we going to do and how are we going to deal with that so that as people are doing financial analysis to determine if they can do any type of project at all they have some rational basis by which to compare with and as people are seeking investors and resources to fund a project; do you have any thoughts on that?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I think that first we

have our SGMP, our Sustainable Growth Management Plan that set the policy direction for staff to write this transfer of development rights section. Then this gives us the regulation. The next step that we have to do, that we're intending to do within the six month process is actually set up the procedure for transfer of development rights. So our internal procedure as part of that – the way that the code reads right now is that it's at market value. We certainly could when we set up a procedure look at setting any actual price. But, again, that would come into the procedures that we would be doing over the next six months as to exactly how you go through the process and the internal procedure for each transfer of development right. But if the Board wanted us to look at that, we could look at the valuation – I guess like fair market value what that would be and if the Board wanted to at that point they could set a value per transfer of development rights.

CHAIR ANAYA: I guess I absolutely am going to want us to take a look at it. I know we're not going to be able to get through the detail tonight. I'm not assuming that we do that but I think that there's a straight forward policy question that we've brought forward in relation to multifamily housing that we as a Commission are either establishing that we concur that there's a need for multifamily housing or not. And I think there is a need for multifamily housing but that's up to this whole Board to determine if that's appropriate policy question and I think it is. And then once we determine that that is in fact a direction that we want to move to in the right areas that we absolutely need to make sure that it's doable to attain that multifamily housing within reasonable cost frameworks. So to say it and then have provisions either through TDR or lack of manageable areas to actually develop – you know, we've got to agree to the policy question that it is needed and then we have to make sure that we have a reasonable framework so that people are able to attain the financing mechanisms to make it happen and get it done.

And, so, I am asking that, you know, as somebody who spent a lot of years and a lot of time in that arena and understanding that it is not a simple process for any level of development whether that's single family, commercial or multifamily, but whatever those parameters are we need to be very clear and explicit and answer those policy questions. We either do want it or we don't and these are the places we do and then we make it rational and we make it functional so that it can actually happen.

So those are things that I think we need to dive into in the next six-month window and so that those people in those positions and we've already had them. You know, we went from in five years, we went from not having hardly any applicants for any types of affordable housing development because of the economy to now seeing more multifamily proposals come in in the last what, Commissioners, year, year and a half then we had in a long time. So I think that the market is driving that and I think we need to be conscious and aware of those facts.

So I'm going to go to Commissioners now. I have a few other comments I'm going to get to the amendment I have and provide some background but Commissioners, I'll go to you now. Do you have additional comments, questions?

COMMISSIONER CHAVEZ: Commissioner Anaya.

CHAIR ANAYA: Mr. Vice Chairman.

COMMISSIONER CHAVEZ: Did you touch on the legal non-conforming concept and was that explained a little bit better?

CHAIR ANAYA: No, and I appreciate you bringing it up. I think we need some clarity and probably non-conforming isn't the right terminology I guess is what I'm hearing. What suggestions do you have or thoughts might we get from Counsel or others in how we can deal with that whether it's in the movie sites or anywhere else?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the request was regarding a movie ranch and the concern is that there's not a continual stream of large movies, sometimes there's that, sometimes there's the episodes, the TV commercials, special events so they kind of rotate through that. In general what we tried to do as we were looking at the zoning map not wanting to talk too much about the zoning map here, is that we looked at what the existing uses were and we tried not to make people non-conforming. We have tried to put them in a zoning district that would allow that use to occur.

The concern here is that they are shown as an X so it prohibited use in that zoning district; however, this was part of a community process so I think the way staff would like to see this is through direction from the Board to go back to that community to address that as a non-conforming use and look at what other alternatives there would be for that community to make sure it doesn't stay as a non-conforming use.

As far as non-conforming uses are concerned it's the same as the current code so these are the uses that haven't gotten approval, are old uses that were pre-code and there is a one-year time frame. So if you have a really old use, you keep up your business license and you keep up the business and then you're not abandoning at that point.

Certainly, we can look at how we can tighten up that language at the six-month review and make it clearer but I think specifically regarding the movie ranch direction for the Board for us to work with the community and go through that community process would be something that staff would recommend.

CHAIR ANAYA: So, just so I can understand: when the use is in place and it's functional and it is maintained; so what exactly would you say when you went back to the community and the use is allowed, we're recognizing that it is allowed – so what exactly are you talking about when you're saying that you have to go back? What does that entail? What exactly do you mean by that?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I think what is being asked for is at the moment under that zoning district, movie ranches are shown as being prohibited so what we would ask is that the community look at that again and not have it as a prohibited use. We could look at an overlay. We could look at a different zoning district, something like that to allow it to occur maybe as a conditional use so there isn't the concern that if we don't have a movie filming here for a year we can't open our doors again. So I think from discussion with Mr. Eves that was his concern.

CHAIR ANAYA: Okay. Commissioner Chavez.

COMMISSIONER CHAVEZ: Penny, could you talk about the legal non-conforming as it would apply to an individual property owner that has maybe less than 5 acres.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, non-conforming section is in 14.10 and it allows the continuation of a non-conforming use. It talks about reuse and expansion for residential uses, non-residential uses. It does allow a 50 percent increase in square footage for non-residential uses which is currently not allowed in our

existing code. You could do that under this new proposed code by a conditional use permit. You can certainly continue an old non-conforming use. One of the things that I'd like to state and we've talked about this multiple times before with the zoning map that if you're in a zoning district that is a 10 acre minimum and you only have 8 acres, you're not considered non-conforming and that you can still do anything that is allowed in the 10 acres including building your house. The abandonment is the same as in the current code which is that you've got to keep up the license and the use every year and not close for more than a year. So we've got a lot from what's in our existing code. We are allowing the expansion which is addition.

COMMISSIONER CHAVEZ: Okay, and so that's separate and distinct from what the larger scale movie ranch complication or scenario was suggesting. Because the non-conforming use in a residential area – you mentioned that the movie ranch was non-conforming for residential situation so that is separate from just residential or commercial on a smaller scale.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, that's one example of becoming non-conforming. By doing the overlay, the community identified it as a prohibited use in the zoning district and that --

COMMISSIONER CHAVEZ: And that was part of their community plan that they developed on their own.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, that is correct.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Chavez. I'm going to go to Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Chair. I would like to make a motion to increase on a variance as far as the size of the property and the variance in regards to how close the property is to the correct size and I'd like to increase that from 10 percent to 15 percent.

CHAIR ANAYA: So you're speaking to the accessory dwelling?

COMMISSIONER ROYBAL: Yes, to the guest house. I think right now it's – no, no, no. I'm talking not about accessory dwelling. I'm talking about the property. As far as somebody, I think you said they could file for variance and it would be within 10 percent of the size of the – is that correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Roybal, no, that's not exactly correct. The section where I said that 10 percent is the requirement of Chapter 7 and that's only for an administrative minor deviation. If they wanted more than that, they could come in front of you or sorry, in front of the Planning Commission and ask for a variance and there's not a limit of the percentage. This just gives the land use administrator up to 10 percent that they can vary from the dimensional standards in Chapter 7. So if someone submits, that's really not a variance it's a minor deviation. So the variance if somebody wanted a 30 percent variance they could go through the process and ask for that but it wouldn't be handled administratively.

COMMISSIONER ROYBAL: So, can we increase the minor deviation to 15 percent?

MS. ELLIS-GREEN: That would be 14.9.7.6 1.

COMMISSIONER ROYBAL: That's correct.

CHAIR ANAYA: So provide clarity as to what that gives latitude for you to do?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, just for clarification that would be section 14.9.7.6 1, would read minor deviations from the dimensional requirements of chapter 7 of the SLDC not to exceed, at the moment it says 10 percent, it would say 15 percent of the required dimension.

CHAIR ANAYA: I can second that.

COMMISSIONER CHAVEZ: So, Mr. Chair, for clarification; Penny, would that apply only to the lot coverage and the density or would it also apply to the square footage and involve included design standards?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, Mr. Chair, Commissioners, that would include the chapter 7 design standards which could be access and easement, landscaping amounts, lighting – I don't know what your dimensional standard for lighting is, maybe signage, road designs, parking and loading so if you need to provide 10 parking spaces you could provide – this would allow you to provide 15 percent less.

COMMISSIONER CHAVEZ: So those are design standards. What about density and lot coverage; would that also be addressed?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, that would need to be submitted as a variance request.

COMMISSIONER CHAVEZ: That would be part of the variance request.

MS. ELLIS-GREEN: Right. We don't have that in the code.

COMMISSIONER CHAVEZ: Okay, well, Mr. Chair, it's hard to speak against an amendment like this but it is hard to support it when you don't have anything in writing and it's – we're doing something that I think could be significant but maybe not. I think it is something that could be considered in the six month review instead of at this point. That's my sort of gut feeling about it. But I'll just make that statement and see where the rest of the discussion goes.

CHAIR ANAYA: Okay, any other discussion on that. I think Commissioner Roybal has another one after this. Madam Clerk, roll call on this.

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

COMMISSIONER STEFANICS: No, because I'm not sure of the affect yet.

COMMISSIONER CHAVEZ: Respectfully, I'm going to have to vote against the motion now. I'm not voting against on the idea but I think we need more time to flesh it out. We have a review in six months and I think we can do it then and I think we can do a better job at it.

So I vote no,

COMMISSIONER HOLIAN: I vote no as well for the same reasons.

CHAIR ANAYA: Thank you, the amendment fails. Commissioner Roybal.

COMMISSIONER ROYBAL: I'd also like to make a motion – right now we did have a – we do have our accessory dwelling as far as guest homes at 1,200 square feet as a maximum and we did have Mr. Smith that spoke earlier and he said that he would like to see an increase. I can see his point because the more I think about mobile home or modular homes, they're typically an average size of 24 x 56 which would be larger than that 1,200 square feet. So I would like to add a variance to that especially when it comes to modular homes or mobile homes of 15 percent which would cover an average size modular home of 24 x 56 if we add that variance. I would like to make a motion to add that variance.

CHAIR ANAYA: Second.

MS. ELLIS-GREEN: Mr. Chair, if I could clarify that. The accessory dwelling unit is 10.4; are you asking that someone comes a variance to ask for that or are you asking that the square footage as I am trying to find the square footage to be increased from 1,200 to 1,500?

COMMISSIONER ROYBAL: It would actually be 1,380 or something like that for the 24 x 56. But yes. And it would be your latitude, Penny.

MS. ELLIS-GREEN: So, Mr. Chair, again that would be on the complete version of the code that you've got without redline would be on page 10-3, section 10.4.2.2.

COMMISSIONER ROYBAL: I'd like to see it increased to 1,400 square feet.

MS. ELLIS-GREEN: So it would read, The heated area of the accessory dwelling unit should not exceed the lesser of a) 50 percent of the building footprint of the principal residence or, b) 1,400 square foot.

COMMISSIONER ROYBAL: That's correct.

COMMISSIONER CHAVEZ: So, Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So I have a question then because this was presented to us under the section or title of hardship. So would this apply, Commissioner Roybal, only to those cases where an individual would claim a hardship or it would it just apply across the board for anyone that wants to do an accessory dwelling the square footage would increase from whatever it is now to whatever it is you're suggesting?

COMMISSIONER ROYBAL: It would be across the board and not the lesser.

COMMISSIONER CHAVEZ: So there's no hardship then really that would factor into this amendment.

COMMISSIONER ROYBAL: No.

CHAIR ANAYA: I have a thought, Commissioner Roybal, as the seconder to the motion. There was some feedback that you might have an individual who builds their initial home and 1,400 square feet isn't a lot of square footage but there are homes that are smaller than that, that in the amendment that we have if you had – because in the language right now if you had an 800 square foot home you'd have to build something half that size as the accessory dwelling unit and I think one of the things

that I got feedback on is what if you had a family that had a real small home and they wanted to build a 1,400 square foot home that somehow help me understand the language where one or the other wouldn't exceed 1,400 square feet so that somebody wouldn't be limited if they had a small place they wouldn't be limited to half that.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I think if you had an existing very small dwelling unit there would be two choices open to you: one is that you would add onto that and then build a smaller guest house or – sorry, accessory dwelling unit or that you would utilize your existing house as the accessory dwelling unit and build a larger house.

CHAIR ANAYA: They could do that?

MS. ELLIS-GREEN: Yes.

CHAIR ANAYA: So then in the amendment that is being proposed instead of 1,200 for a 200 square foot increase to 1,400 – is that clear?

COMMISSIONER ROYBAL: Yes.

CHAIR ANAYA: So I would second that. Other discussion.

COMMISSIONER CHAVEZ: Just to clarify, then it's not considered a variance? It is something that would be a due process that would be allowed to anyone that would want to increase either their primary residence or their accessory dwelling unit by 200 square feet; is that accurate?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, yes, this wouldn't require a variance request.

COMMISSIONER CHAVEZ: I think it is still something that we're going to have to track in the six month review because there's no other way around it and we've already committed to that anyway. So I would just put this on that list too to track it, to amend or make changes as we move forward.

COMMISSIONER HOLIAN: Mr. Chair.

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

COMMISSIONER HOLIAN: Yes, I have a question, Penny. In the case where somebody had their main house and then an accessory structure would they have to – I'm assuming that they would have to get a liquid waste permit so that they couldn't overbuild on their property; is that correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, yes, that would be correct.

COMMISSIONER HOLIAN: So even if we allowed the 1,400 square feet if it was too large for the given property because of the septic system or something like that they wouldn't have be able to do it; correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, that is correct. For example, if you only had a ¾ acre lot and you had an existing two bedroom house, you may not be able to get a permit from the Environment Department to add a three bedroom house to that.

COMMISSIONER HOLIAN: Thank you, Penny.

CHAIR ANAYA: Thank you. Any other questions or comments?
Madam Clerk, on this proposed amendment, roll call.

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

COMMISSIONER CHAVEZ: I am voting yes with my concerns and the request that we track this at a six-month review.

CHAIR ANAYA: The amendment passed. Thank you, Madam Clerk. Thank you, Ms. Ellis-Green. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I am not ready to make an amendment on this but I would like this to be worked on for the six month review and that's the setbacks. I think that several individuals brought very valid points about the setbacks for different activities including the small gravel mining, the properties along scenic drives, etc., and so I'm not proposing a specific number because I know we have different properties that we have to relate to but I would like it addressed in the six-month review. Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Other items?

COMMISSIONER CHAVEZ: No, I don't have anything else, Mr. Chair. But I'm going to take a stab at making a motion.

CHAIR ANAYA: Commissioner, if – I have still an amendment that I want to put forward that we have in front of us.

So there was numerous comments that were made today and I respect each and every one of them that made the comments. Not only here tonight but all comments throughout the entire process.

Relative to the proposed amendment that I have relative to family transfers. We have many changes in this new code that directly go to the concerns raised throughout the entire process relative to small lot family transfers and how some individuals frankly misused the intent of what those small lot family transfers were for. But there's many, many, many families that have been here in this county for many, many generations that have land resources but they don't have cash resources. And these are the families that this particular amendment and the only portion that I'm targeting are those tracts of land of 160 acres in rural areas, that would afford families to give their kids, their family members a parcel of property from 160 acres to four tracts of land or four 40 acre tracts of land.

The current family transfer ordinance afforded families with 160 acre tracts and I think it was a good thing, to go down as low as 20 acres in those 160 acre parcels. And I'm not ashamed in any way, shape or form to say that I myself, Mr. Taylor, as I look back at you sitting in the back of the room, was afforded the opportunity by my father and my mother to have a 20 acre parcel on 160 acre tract of land to be able to raise my family and give my kids a lot if I wanted to so that they would continue to perpetuate and live on the family land that we have had in our family for many generations.

I am one of many examples throughout Santa Fe County of families that have been here for many generations that desire, because they don't have the financial wherewithal to be able to go out and buy a large tract or even a small individual lot.

But I truly understand the perspectives that have been brought forward that say, We don't want any abuse. And so an amendment that I'm going to offer in addition to the request that I have in front of this body for consideration is that the intention is for families to keep the parcels and utilize those parcels in a family so I am absolutely amenable to a holding period of five or even 10 years on those parcels that are given to family members to utilize. But to say that a person who has 160 acre tract of land would never be able to give their kids and their family an additional tract I think is not right. I think we need to provide that opportunity and like I said previously, it is not a matter of a parcel going from 160 to even the 20 acre tracts but it's actually a 160 acre parcel going to four tracts, four 40 acres tracts. I think it's reasonable, like I said, I'm willing to a holding period that makes perfect sense.

And, also, along with this amendment, and, Penny, before I make a motion and seek a second, I want to ask you, one of the things that has been frustrating as a commissioner when I have heard family transfers is this notion of trust. In our current code we do not afford people to give parcels of land to minor children, people under the age of 18 and I think that is a flaw. I think we need to absolutely evaluate that and provide the mechanism where if someone is going to provide a parcel of property, that in itself is an assurance and a guarantee that there's not going to be any monkey business, if you will, with people trying to split those lots and sell them. By affording people the opportunity to give a minor child a parcel, you're having that added assurance that that property is going to, in fact, stay in trust until that person reaches appropriate age.

So on that, before I make my motion, could you comment on that. I know we have some similar circumstance and I know there is statutory law that is also been put into question as to what some of the practices might be. But could you comment on that because I think we need to address that and we might not be able to address it tonight on that point but I absolutely think we need to figure out how to address it moving forward.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the current code only in the small lot family transfer section does it say that you need to give a piece of property, that the transfer has to be to an adult child or grandchild. But it does limit on the small lot family transfer it can only go child or grandchild it can't go uncle, aunt, brother, sister. And so that's the only place that it talks about it being adult child. It is silent on the family transfer section and that's been something that the Land Use has worked with the Legal Department as to whether or not we can accept trusts to give family transfers to or from and also estates after there's been a death in the family and that's something that I think Greg and a couple of the other attorneys are working on right now. And, again, it is not actually written in the SLDC other than in the existing code it is there for the small lot family transfer.

Again, you're right. Under the existing code in some areas of the county you could go down to a 20 acre lot for a small lot family transfer. You would have had to hold the property for five year before you divide and again that condition is in your recommended change. The other thing is that it could only go to child or grandchild and it can only happen one time throughout the county. So those were the additional standards that were in the small lot family transfer section.

CHAIR ANAYA: So I'm going to make a motion to adopt the amendment with the addition of additional five years because it is not the intention,

whatsoever, to provide opportunity for quick land sale transactions but to truly provide an afford people the opportunity that don't have the means to purchase land on their own to go from 160 parcels down to four 40 acre parcels with the provisions noted in the amendment. So I would make that in the form of a motion.

COMMISSIONER ROYBAL: Second.

COMMISSIONER HOLIAN; Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to make a comment on that. I am going to vote against that amendment and I'm going to explain why. I believe that as you have pointed out that the requirement that there can only be one family lot split on a piece of property every five years would help cut down on the abuse of the family lot split provision that was leading to the these subdivisions which were not really planned properly. But I also want to note that there are places in our county where it is really, really important to keep land intact for a whole variety of reasons. For example, wildlife protection or areas that are at extreme risk for wildlife or areas that have limited water resources. So I really feel that there is a reason that we created agricultural zoning and we should stick with that.

I just wanted to explain my reasons for voting against it.

CHAIR ANAYA: Thank you, Commissioner.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to clarify two things. The first is your amendment; it takes it to 10 years?

CHAIR ANAYA: My amendment would take it to 10 years.

COMMISSIONER STEFANICS: Okay, and secondly, Penny, I would like you to answer this. This would affect all lot sizes or only 40 acres?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, this is only in the ag ranch area and it would allow, if you're doing a family transfer, so you're giving the land to a family member instead of the density bonus section that would allow you to do – anyone to go down to 80 acres, it would allow for a family transfer to go down to 40 acres.

COMMISSIONER STEFANICS: Thank you very much.

MS. ELLIS-GREEN: Mr. Chair, could I clarify just so I have the notes correct? Are you saying on the handout that I had done, the 8.12.5.2 would say that the property has to be I the ownership of the applicant for 10 years prior to the division?

CHAIR ANAYA: No, no. What I'm saying is once the division is made they have to hold the property for a period of 10 years before they would be able to sell it.

MS. ELLIS-GREEN: So, Mr. Chair, you would be looking at an additional section 8.12.5.3 saying that there is a holding period afterwards of 10 years.

CHAIR ANAYA: That's correct.

COMMISSIONER CHAVEZ: So on that, Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So there is no real guarantee that that will stay in the family. Because it's a family transfer with the intent that it will stays in the family, I guess in perpetuity. I don't think that's realistic because if I give a piece of

property to my son or daughter and – I mean I don't have the luxury of doing that, but in the scenario that I did, I wouldn't want to hold them or tie them to that if they needed to sell that property in 10 or 20 years. And so I think that we're getting partway there but there's no guarantee that the family that is doing the family transfer will continually occupy or own that property.

I just wanted to point that out for the record.

CHAIR ANAYA: Thank you, Commissioner Chavez. Madam Clerk, roll call.

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

COMMISSIONER CHAVEZ: I'm going to pass for right now.

CLERK SALAZAR: You have three yeses and one pass and one no.

COMMISSIONER CHAVEZ: I'm going to go ahead and reluctantly, Commissioner Anaya, support the amendment. I think that it is something else that we are going to have to track in the six months and in the years that we have moving forward. Let's see if it works.

So I'm going to support it with the idea that we tract it as we move forward.

CHAIR ANAYA: The amendment passes 4 to 1. Thank you, Commissioners. On the ordinance have we received clarity on the questions that we have raised? I know we have – I'm going to go back one more time, Penny, and I'm going to ask – I'm going to ask it again and I just want to relative to projects and subdivisions that have already been approved, there's going to be a process by which – so is this code going to make it so onerous that they're not going to be able to sustain their approvals going to the comments that were made previously by some. I mean, will in fact the passage of this code stop those previously – not new ones but previously approved projects in your assessment of those projects? And I know we've looked at them but what's your take on the record on that request?

MS. ELLIS-GREEN: Mr. Chair, a number of the projects, for example, the ones Danny Martinez spoke about one of those is listed in the zoning map as a planned development so that builds out in accordance with your master plan. So, no. The subdivisions if you've got a master plan then, no, you could – that could kind of change to your conceptual plan and you could keep getting your two year timeframe. The issue is if you've got a very old subdivision that was approved and you've got a final plat approval that you have not recorded. Now under the currently code you were suppose to record within two years or ask the Board for an up to three year extension. And the example that Oralynn gave is way longer than the five years that it was allowed under the current code so the Board has already done the Economic Hardship Ordinance to allow extensions from that. And so that's the situation that we've got. We've got some old approvals that have a final plat approval that we are talking about years ago got an approval. So I think the question to the Board is how long we carry on utilizing the existing land development code rather than this and it is staff's recommendation that the

year go up and say, Okay, you come in and get a new approval under this code and if variances are needed there's a request to the Board to say that we already had an approval. This new code came into place, can we ask for a variance as well.

CHAIR ANAYA: So I think we have that process that Commissioner Roybal and others have already brought up that are still going to be available and so we'll leave it at that. On the ordinance, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I had asked staff to look at language and I hadn't received an answer yet so in looking through the book 1.10 is a general reference to all other County, State and Federal statutes, ordinances or regulations; I would like that to be reviewed to be determined at the six month period whether that needs to be put specifically designated statutes in other chapters or whether we need to repeat that same section in every chapter.

I just haven't been reassured that we have done a good job in the code stating that. So I'm not going to hold it up, of course, tonight but I think that we need to look at is this adequate or do we need to repeat it in every chapter or do we need to do specific NMSA citations. Thank you.

CHAIR ANAYA: Mr. Brown.

WILLIE BROWN (Assistant County Attorney): Mr. Chair, Commissioners, Commissioner Stefanics, we did do a rather quick research of the entire code electronically and there at least 16 provisions in the code that currently address direct compliance with state laws and they're in chapters 3, 4, 5, 7, 10, 12, 14 and there are other provisions that cite specific statutes, environmental laws and such and then there are other provisions that cite to federal laws. So dispersed throughout this code is strict compliance, direct compliance with state and federal statutes.

COMMISSIONER STEFANICS: Okay, so, Mr. Chair and whether it is Willie or Penny, sometime just provide me that list. Not tonight – oh, you have it. Great. Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. On the ordinance, other questions or comments? What is the pleasure of the Board/

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Oh, do you want to do it?

COMMISSIONER HOLIAN: Mr. Chair, I move to approve Ordinance 2015-11, with regard to the amendments to Chapter 5, subdivisions and land divisions, I would offer the following short statement to be included in the record as the Board's reasoning and general basis of the Board's decision. The proposed amendments add clarity, for example, by clarifying when a minor subdivision is approved administratively and making clear that exemptions are not subdivisions. The proposed amendments also make Chapter 5 consistent with other chapters of the SLDC. For example, by adding provisions concerning conceptual plans for large and phased subdivisions and transfers of development rights. Conceptual plans are important for large and phased subdivisions as they allow the Board, applicant and public to assess whether a proposed subdivision works before the more significant resources associated with preliminary and final plats are expended. The TDR program is an important tool that allows certain policy goals to be achieved in sending areas without losing the value associated with foregone

development rights by allowing those rights to be transferred to receiving areas that are better suited to handle the more intense development. The proposed amendments also allow administratively approved plats to be vacated in whole or in part administratively. This streamlines the plat vacation process for such plats and makes the vacation procedures consistent with the plat approval procedures. The complete reasoning and basis for the amendments to Chapter 5 are contained in the record related to the SLDC amendments including staff memos and recommendations.

COMMISSIONER STEFANICS: Second.

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

MR. SHAFFER: Mr. Chair, if I could just clarify that would be the ordinance with staff's additional changes handed out tonight as well the amendments approved by the Board by roll call vote?

COMMISSIONER HOLIAN: Yes, with changes.

CHAIR ANAYA: The maker of the motion accepts the changes and the amendments discussed and voted on tonight. And the seconder as well.

MS. ELLIS-GREEN: Mr. Chair, further clarification. There were changes that would attached to the staff report and the changes handed out tonight. I went through all of those and then one other question as to whether or not you're giving staff direction regarding the San Marcos area to address the movie ranch issue?

CHAIR ANAYA: I think yes, right?

COMMISSIONER HOLIAN: Yes.

CHAIR ANAYA: And the seconder?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER HOLIAN: We'll add that direction.

CHAIR ANAYA: And I think on the San Marcos area I think any of those non-conforming uses that need further clarification and discussion are includes as well. Not just San Marcos area.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yeah, on the family transfer amendment that you brought forward, Penny, is it standard that this language would be recorded on that plat that the family transfer would have these conditions that ownership of the applicant that it would be 10 years instead of 5 and that the applicant complies with all other requirements for the AR district set forth in Table 8-22?

Peg: Mr. Chair, Commissioner Chavez, it was actually a new section 8.12.5.3 of a holding period after the division for 10 years. It would be – I think it would be clearer and give more notice to anyone if someone was trying to sell the lot if we make sure that that was noted on the plat.

COMMISSIONER CHAVEZ: So is that already in the –

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, no, that wasn't in the specific motion.

COMMISSIONER CHAVEZ: So I would ask Commissioner Anaya that you would include that.

CHAIR ANAYA: No, no, I'm fine with that, Mr. Chavez.

COMMISSIONER CHAVEZ: So that would be a friendly amendment to your amendment?

CHAIR ANAYA: That's included in the motion, Commissioner Holian, you can include that in motion and the seconder; you're okay with that?

COMMISSIONER HOLIAN: Yes.

CHAIR ANAYA: That's fine. Thank you, Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you.

CHAIR ANAYA: Other questions or comments? If not, Madam Clerk, we'll do the roll call.

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

CLERK SALAZAR: Chair Anaya, you have passed, approved, and enacted today, December 9, 2015, Ordinance 2015-11 as amended, changed and presented on the record.

CHAIR ANAYA: Ordinance is adopted.

COMMISSIONER STEFANICS: Mr. Chair, while they're getting ready let me continue to thank the staff. I am sure that their work does not stop. All the consultants as well. And when you go back over the years even Mr. Freilich. Thank you.

CHAIR ANAYA: Thank you, Commissioner Stefanics.

CHAIR ANAYA: So we'll move to the zoning map.

4. Ordinance No. 2015-12, An Ordinance Adopting the Zoning Map of Santa Fe County Applicable to Lands to Which the Santa Fe County Sustainable Land Development Code Applies (Second and Final Public Hearing)

[Exhibits 18, 19: Staff provided Zoning Map Addendum Comments; Exhibit 20: Mott & Krakowski email comments; Exhibit 21: Luckhardt comments re parcel #990003334; Exhibit 22: Packet of Materials submitted by Tierra de Oro Homeowners' Association by Frank Herdman; Exhibit 23: Sommer Karnes & Assoc. Re: 330 acres formerly known as Santa Fe Center, dated 6/23/14; Exhibit 24: Sommer Karnes & Assoc. re Request for recognition of mixed use zoning 330 acres...formerly known as Santa Fe Center; Exhibit 25: Phillip Baca, designation of Industrial Land Zoning, dated 8/3/14; Exhibit 26: Phillip Baca, 2 Photos Vulcan Hot Mix; Exhibit 27: Cauwels & Stuve, Caja de Rio Holding, LLC, 12/8/15 memo to staff; Exhibit 28: Packet of letters in opposition to the zoning of 12 acre parcel, dated 2008; Exhibit 29: Tidwell, Keeton letter opposing zoning of 12 acre parcel; Exhibit 30: Petitions (approximately 26 pages with a varying number of signatories) dated 2006 in opposition to the proposed commercial development known as "Plazuela de la Tierra or "The Town Center at Las Campanas

ROBERT GRIEGO: Robert Griego, Planning Manager. In your packet in the supplementary packet material you have a background memo in addition to the exhibits for this item.

I will provide background: This is the second public hearing of the ordinance to adopt the 2015 zoning map. At the first public hearing, November 24th staff presented the zoning map adoption process which included notification to all property owners in the County. The letter was sent out including the date, time and location of the public hearing for adoption of the 2015 zoning maps as well as the County website address where the public was able to access the interactive zoning map, the amendments to the SLDC and provide public comments on line.

The zoning map framework was developed in accordance with both the Sustainable Growth Management Plan adopted by resolution in 2015 and the Sustainable Land Development Code. The zoning map includes a total of 14 zoning districts, 16 planned development districts, 13 community overlay districts, rural commercial overlay districts and the Turquoise Trail environmental resource protection overlay.

At the first public hearing of November 24th approximately 25 individuals provided public comments. These comments have been summarized in the public comments database included in Exhibit D. And a couple of items that I want to bring to your attention in regard to those public comments. One comment an attorney expressed concerns regarding development of a 330 acre property as residential estate along Highway 599 and Camino La Tierra. He indicated that the 2014 adoption draft included that area as a mixed use. That designation was based on the special exception zoning that he indicated was still valid.

Another attorney had an opposing view and supported the residential estate designation which is identified on the 2015 zoning map adoption draft. To the 330 acres, staff recommends the zoning as proposed as residential estate on the zoning map.

I ask that the following ordinances and resolutions be made part of the record because they are part of what is relevant to the staff recommendation. The 1981 EZ Ordinance, the City of Santa Fe Ordinance 1986-11, the County Ordinance 1986-4, EZ Ordinance 1988-1, EZ Ordinance 1997-4, County Resolutions 1999-79, 1999-137 and 1998-30, the EZ Ordinance 1999-2, County Resolution 1999-120, EZ Ordinance 2000-1, County Resolution 2000-113, EZ Ordinance 2000-1 and the Extraterritorial Land Use Commission ELUA Ordinance 2008-17 and the ELUA Ordinance 2009-1. In addition, there's also a City resolution 1998-19 which is part of this.

CHAIR ANAYA: Mr. Griego, when you get to the bottom of that list just let me know because I'm going to entertain a motion to just make it clear that we are putting those all on the record, okay?

MR. GRIEGO: That concludes that item.

CHAIR ANAYA: So can I get a motion, Commissioners, that just puts all of those documents on the record?

COMMISSIONER STEFANICS: I'll so move.

CHAIR ANAYA: Motion by Commissioner Stefanics.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: Second by Commissioner Chavez. All those in favor.

The motion passed without opposition.

CHAIR ANAYA: Those are all part of the record. Mr. Griego.

MR. GRIEGO: Commissioners, in addition at that meeting on November 24th there was a resident from the Sombrillo traditional community area. That public commentary expressed some concerns regarding the TC designation for that area in Sombrillo and thought that the designation was not appropriate for the existing and future development pattern in that area. Staff did meet with the representative who commented and we did an existing analysis of the proposed uses on the parcels – of all of the parcels that were identified there. We provided an analysis and identified that many of the uses in the community are allowed in the tradition community based on the district. But we identified that there are also two properties that are not residential in nature and are more appropriately designated as commercial neighborhood. Staff is recommending the change to these two parcels from traditional community to commercial neighborhood as a change 2015 zoning map adoption draft and that is identified as number 7 in Exhibit C of your packet.

The items in your packet includes the public comments database, it includes a summary of all the comments we received as of December 2, 2015. With that information we included a summary analysis and recommendations for each public comment. Exhibit E includes all the public comments and supplementary materials along with additional public responses for specific areas identified in the public comments database.

We've also received additional comments through this afternoon at 1 p.m. which Paul is going to be handing out to you now. We received these ones today after the packet material was submitted. We also provided a summary review of these comments which is the first page of the document Paul is handing out.

Final recommendations to the zoning map are included in Exhibit C and they're summarized below. If you look in your packet for each of these final staff recommendations there is a map identifying both the map revision number and the proposed changes to the zoning map based on staff review and recommendations. So for instance, change 1 was presented at the last Board meeting and it was a parcel that we're proposing to change from residential fringe to residential estate. That is identified on the map as map revision 1.

The parcel number is identified in your packet material for each of these parcels as well. Zoning map revision 2 is to change the areas identified as mixed use and industrial light area along New Mexico 14 to include the following: change a portion of the parcel that is identified as 74347602 from industrial light to mixed use. This is an area of approximately 399 acres and this proposed change is intended to address concerns and impacts from industrial uses along New Mexico 14 and Turquoise Trail Scenic Byway. And change B would be changing a portion of parcel 74347602 from mixed use to industrial light. This area consists of approximately 313 acres and located immediately south of the existing proposed light industrial area which is in addition to the New Mexico National Guard Armory. These proposed changes were commented by the public at the meeting on November 24th and the comments were included in the record.

Change number 3, and those maps are identified as Map 2 so you can see both the

existing and the proposed final recommendation revision to adjust the industrial to the area and replace that with that mixed use. That's also identified in the map on the screen. The third change is to change a parcel which is approximately 205 acres that is parcel number 910004509 from residential estate to residential fringe. Change 4 would be amending the Galisteo Basin Reserve planned development district to reflect a master plan amendment approved by the Board on November 10th and there are three changes to that. We would change the plan development district from approximately 10,360 acres to approximately 2,502 acres to reflect that amended master plan. Then we would change the area that was previously in the PD to approximately 6,146 acres to ag ranch zoning district and the other proposed change would be to change the area – another portion of the area previously in planned development areas to rural zoning district and that's approximately 2,587 acres. Change 5 would be to amend the zoning district designation from three parcels to residential fringe in order to create a transition between residential estate and rural residential density. This would be approximately 180 acres on parcel number 910004343 from residential estate to residential fringe. Change a portion of parcel number 960001291 which is approximately 23 acres from residential estate to residential fringe. And the third part of change 5 would be to change parcel 960001293 from residential estate to residential fringe.

And, our sixth change out of seven is amend the zoning district from residential estate to residential fringe for lots in the subdivision located along Camino Novoso in the vicinity of Old Las Vegas Highway and Two Trails Road. There are several parcels that are listed in change 6A. All of those parcels would be changed from residential fringe to residential estate. And then finally is change 7 and that's the change that I was just referring to in regard to the area along Sombrillo Road from traditional community to commercial neighborhood. These parcels consists of 1.3 acres and 2.7 acres. They currently have commercial and non-residential uses and are located on major roads and are on the periphery of the Sombrillo community currently developed for commercial uses.

These are the proposed changes that we have proposed based on the public comments that we have seen, based on staff review of all of the comments and with that I stand for questions from the Board.

CHAIR ANAYA: Thank you, Mr. Griego. That's a mouthful for sure and a lot of work. Are there questions or comments from the Commission on the map and the content presented by Mr. Griego? Seeing none, we'll do the same thing. If we could everyone rise and if you haven't already been sworn in let's make sure when you come up that we swear you in. I think everybody else has been sworn in. And we'll do the same routine with the clock so are we ready? Yes, sir.

[Those wishing to speak that had not been previously sworn, were administered the oath]

TOM WEINER: I'm Tom Weiner I live at 7 Conejos Trail in Santa Fe. I've been sworn in. Chairman, Commissioners, I want to thank you for your work. It was a long road to get to this point. I want to especially thank Robert Trujillo [sic] who has been instrumental in actually hearing our concerns and taking that appropriate action. I specifically want to address four parcels that he mentioned in his presentation. That's 910004343 and 60001219 and 60001293. There is an inconsistency in the last minute efforts that Robert has put forth and that is that in the final staff recommended revisions

document that you have in your packet, that is paragraph 5, subparagraph A should state that a portion of 910004343 is rezoned as he said. I think that Robert would concur with that. There's an inconsistency between the terminology here and the map that is in the same document. So if you could make that amendment I would appreciate that.

Second, I would like to request that parcel number 54063744 which is adjacent to these parcels be rezoned in the same manner. And, last, third, because this particular area was hydrologically zoned for 10 acres per lot and then by abuse of family transfer and by a clerical error became 2.5 acres per lot. I would request that you actually rezone these parcels to residential rural instead. That would basically allow the correct hydrologic type zoning to move toward the area that is currently 2.5 instead of extending the 2.5 acre per dwelling unit out and extending that further and basically promulgating possible abuse that has happened in the past and a clerical error. So thank you very much.

CHAIR ANAYA: Thank you very much sir. Yes, sir, and thank you very much for being so patient.

WILLIS LEE: Willis Lee, again, 20 Arroyo Calabasas. I'm here to speak about the 12 acres at the corner of Camino la Tierra and Arroyo Calabasas. Over the last decade we have filled this chamber several times. We have handed in 800 signatures on our petition. This evening I resubmitted some of those. Also with notarized testimonials. We know that you have received a lot of letters, emails and phone calls. In our neighborhood we are permanent residents. There is no need for commercial development on those 12 acres. What you are taking away from us is our property value. Our night sky. We're going to have increased crime. We are very concerned that this 12 acres – there's no current plans. It has been named several different things. I believe right now on the interactive map it is called Town Center as – it's not Las Campanas, but Las – whatever. It has been named so many different things we really lost track. The last sign is still face down on that property.

We – we don't want it. It's not a NIMBY situation. The problem is that we are zoned Residential E. That 12 acres is smack-dab in the middle of our neighborhood. We the people don't want it there for good reason. And those three words behind your head, above your heads, behind that screen is what we're appealing for and that is protection of our property. I've spent the last 18 years improving my property. I'm afraid now to even do anymore improvements.

Since it was first approved in 96, 97 there have been numerous new homes built on the adjacent area. Why do we need a commercial development in a neighborhood that is zoned Res E?

We plead with the Commissioners to please help us. We've been – we've been fighting this for over a decade and we would love your help. We would love to host somebody to come out and actually look at what we're talking about. This is about the people and not a couple of developers and it is not etched in stone because on the master plan of Las Campanas 18 or 20 years ago it was selected for a commercial development. Everything has changed since that period. And there's enough business – [microphone is cut] to pay a high school student salary for the ice cream shop they wanted to put in. They were also talking about over 300 lights and 212 parking spaces in our neighborhood. And –

CHAIR ANAYA: Thank you. Thank you, sir. Yes, ma'am, thank you for

your patience.

ARABELLE LUCKHARDT: My name is Arabelle Luckhardt. I live at 105 East Sunrise Drive, in the Salva Tierra neighborhood in Santa Fe County. And I have been sworn in. My husband and I moved to Santa Fe in 2004 because of the quality of life here. We moved here for the quiet, the light traffic, the beautiful natural world, the fascinating archaeological and historical history and the dark night sky. None of which we had in Atlanta, Georgia.

Our request is that the 12 acre parcel that was just discussed, parcel number 990003334 current zoned CN be returned to its original zoning of residential estate. We feel that the commercial neighborhood zoning is not needed. There is not sufficient population in our area to support a commercial area.

We also feel that this commercial neighborhood zoning is detrimental to the neighborhoods surrounding it. This parcel is immediately adjacent to the private homes and close to other neighborhoods. All the traffic, noise and lights that a commercial area generates will directly and negatively impact us and all of the neighbors.

The quality of life for those near this parcel will be seriously diminished if it is developed. We recognize that the County Commissioners have varied and weighty responsibilities. Tonight has certainly proved that. These responsibilities, however, do not include protecting wealthy developers from making foolish financial investments. However, I think your responsibilities do include protecting the well being of your – of the constituents here. The group of investors that plan to develop the 12 acres in 2008 have plans for a shopping center. These developers have not done their homework. They didn't have a clue. If they had succeeded in building this strip mall of some 4,500 square feet it would have failed and all of us in nearby homes would have suffered irreversible losses. We are told that there is a possibility of a retirement or a nursing home being put on the site. This would cause the same deleterious effects for the neighbors: noise, think ambulances, traffic, lights. Thank you.

CHAIR ANAYA: Thank you very much.

FRANCOIS-MARIE PATRONI: I am Francois-Marie Patroni, 28 Arroyo Calabasas in Santa Fe, next to the famous 12 acre parcel. And I would like just to support what the two previous speakers have said. This parcel is 12 acres surrounded by hundreds of acres of residential zoning. Nobody wants it. There have been more than 800 signatures against it and we cannot understand why the County would just go back on its pledge in the land development to avoid spot zoning. Twelve acres in the middle of hundreds of acres of residential zoning is not the right thing to do. Thank you.

CHAIR ANAYA: Thank you, sir. And just for the record, I want to note that we're going to put the comments and the petitions on the record that were provided. Paul, if you could give this to the recorder. Thank you, sir. Yes, sir.

GUY de MONTAY: My name is Guy de Montay. I live at 111 East Sunrise Drive in Salva Tierra and I would like to support the opposition to the 12 acre parcel that was discussed by the previous three speakers. I just note that the appendix 2 of the SLDC permits things like pawn shops, tattoo parlors, solid waste transfer stations, liquor stores in this 12 acre parcel in the middle of a neighborhood. The convenient stores in Rancho Viejo and Eldorado have to sell lots of alcohol, beer, wine and minis to be successful. These are not the kinds of things that would enhance our neighborhood.

Certainly, the 12 acre parcel is no longer at the periphery of the residential area simply because housing has moved out all the way out to 599. So in Rancho Viejo and Eldorado you notice that the commercial services are at the periphery near – well, in Rancho Viejo it's at [inaudible] where the traffic can support this kind of commercial establishment. In Eldorado it is near 285. It's not in a small spot in the middle of a neighborhood area.

Finally, you know, we've invested in real estate and so I understand the economic risk of rezoning 12 acres but such risks are routine when you make land investments. You have to take that into account. And if you have a bad commercial development where it is not going to be supported by the neighbors you'll going to adversely impact 100 times more land close to 1,000 acres out in that area. And I know that under section 1.15.6.22 of the SLDC it's important that the Board consider the adverse impacts of neighboring lands. And I think keeping it as a commercial neighborhood does not do that. Thank you very much for your consideration.

CHAIR ANAYA: Thank you, sir.

MARIE ARMIJO: Hello. My name is Marie Armijo and I would like to request that zoning on my property parcel number 238500974 from rural to traditional. And my address is – I live off State Road 50 number 238 in Glorieta. And my neighbors, as you can see in the map, my neighbors to my right are traditional and to my left are rural. I don't have 160 acres. I don't have 40 acres. All I have is 2 acres and I would like to be able to have it changed to traditional so I can leave it to my boys. I would like to divide it so my sons can build a home for them and their families.

CHAIR ANAYA; Thank you very much.

MS. ARMIJO: Thank you and I appreciate your help.

BARRY GREEN: I'm Barry Green. I'm an attorney here in Santa Fe having first been licensed in 1982. Appeared last before this Commission quite a while ago. In 1993 I bought three parcels of land that were homesteaded and divided some of it. And had to come before the Commission to get that division approved and it was.

I'm here today because I tried to do a family transfer to transfer part of one of those lots to my son and was told by land use that I couldn't do it. I've been trying to contact someone and speak with a person about zoning the proposed zoning for my land and haven't been able to do it. And finally I saw Mr. Shaffer last week and he told me that I needed to come and address the Commission directly at this hearing.

The issue that I have is that the land that I currently own and some of the land that I sold has been arbitrarily, I believe, classified in three different zones on the zoning map and all of this property is next to each other. So, I own land that is classified and I don't remember the classifications but it's a 20 acre minimum. I own land that's next to that that has 10 acre minimums and some of the land that I sold is being classified as 5 acre minimums. And I just think it is completely arbitrary. I have neighbors who border my property, multiple neighbors that have lots that are 2 acres and yet I am being told that I have to have a 20 acre minimum, a 10 acre minimum.

I would like to see all of this land that I once owned have the same designation. All of it adjoins each other. All of it adjoins lots that are much, much smaller in the two acre range and I think it all should be the same. And, so finally, when I couldn't get anybody to respond to my phone calls I did submit a comment online making this request

and I ask that all three – all of those properties which are much more than three be designated with a 10 acre minimum so that they all would be the same. And all I receive back was – nobody called me – County Attorney sent me some, emailed me their response which was they don't agree and they would not make that recommendation to the Commission.

So, I'm here today to ask the Commission to look at that and to least get somebody to talk to me and tell why this is an arbitrary designation so that I can respond or to change the designations. Thank you.

CHAIR ANAYA: Thank you, sir.

JIM SIEBERT: You're getting a two for one here. Jim Siebert, 915

Mercer.

ALBERT MONTANO: Albert Montano, 4519 Agua Fria.

MR. SIEBERT: I showed up before you the last time. Albert and his wife own a small landscape materials business in Agua Fria. The code is recommending commercial neighborhood for that. The problem is that a lot of those uses are not entirely clear that he can continue to operate there. I know that under non-conforming use that they can continue to operate but there were uses that were approved under the master plan that are still valid today and he may like to use those uses in the future. So we're requesting that it be a PDD in order to recognize the zoning that was applied on this property 15 years ago.

MR. MONTANO: Yes, we've been in business for quite a few years. My family has been in the business since 1960s and we're fourth generation of a reputable business. Everybody knows the Montanos from concrete and aggregate supplies. I'm into landscaping business. I sell flagstone. I'm trying to – improvements of the Santa Fe. We serve pretty much the whole community from Galisteo to Española to pretty much the whole basin of the Santa Fe County. I'm asking you that we can still stay in business. My daughter is a fourth generation in here and we're a small business. My wife answers the phone. My daughter answers the phone. My daughter is 23 years old and she's driving the loader, so we grew up and really would like to keep doing what I'm doing. I enjoy what I do. I've done it all my life, you know and I want to give you guys the opportunity to give us the right to do what we're doing which is a good service for the community. Thank you.

MR. SIEBERT: Just to clarify, the request would be from commercial neighborhood to planned development district. Allowing the continued implementation of the master plan that as approved by the County.

CHAIR ANAYA: So on this particular item, I would take it back to the comment that we made earlier relative to the film item in Highway 14 that we spoke to non-conforming uses of any type that we're going to have staff go through that evaluation process and work through maintaining those existing uses and so we're going to defer to them but it's all non-conforming uses that were brought up not just the one we spoke of earlier so I wanted to restate that on the record.

MR. SIEBERT: Thank you.

THERESA WISDA: I'm Theresa Wisda. I live at 5 Columbine Lane in the Salva Tierra division and I'm here to talk about the 12 acres on Camino la Tierra that are zoned for commercial and we moved in – my partner and I moved in about 7.5 years

ago and since that time we have enjoyed the quiet of the area and when we were looking to buy a home, we were looking for quiet. We were looking for peace, serenity, beautiful skies, you know, night skies with sparkling stars and we found that in Salva Tierra. And to think there would be commercial put within hearing distance of where we live, and that the traffic would increase in the same that it has increased by that open space further down on Camino la Tierra closer to the 599, seems incredible to destroy that serenity that is currently enjoyed by I think all of the people who live around that area. And for any commercial building they are going to have lights. They are going to have more traffic. It's going to have parking spaces; it's going to be more pavement. There is nothing that is going to benefit this residential neighborhood by having this commercial development. Thank you.

CHAIR ANAYA: Thank you. Mr. Baca.

PHILLIP BACA: Thank you, Mr. Chair. My name is Phillip Baca and my address is 6209 Acacia Street, NW, in Albuquerque, New Mexico and I have been sworn in. I'd like to address the areas around the former airport development district that were designated for industrial use zoning.

I also would like to put in the record, that as a landowner and owner of the Baca Ranch I was not given any notice for these matters. I never received any written notice as required by law for this.

I passed a memorandum out that I met last year on August of 2014, I met with people from the land office, Mr. Robert Griego from your staff which has been a terrific help to the family through the years. And I'd like to read some of the pertinent things in this memorandum. This area that we're discussing right over by the airport we believe that these properties provide one of Santa Fe's most scientific – scenic jewels with panoramic views of the Sangre de Cristo Mountains, the Jemez Mountains, La Bajada Escarpment and the Ortiz Mountains. We believe the property will suffer permanent damage if the area is designated for industrial use. You are aware of the conditions of the land that are being used for that purpose now. There are huge piles of dirt, heavy equipment, you get the dust, mountain of concrete, rebar, asphalt, heavy trucks and other properties. The amount that [inaudible] same zoning that the State Land Office leasing would add approximately 900 acres which is about mile and half square to the same use. At the present time I estimate there is already 150 acres in the condition described in the above paragraph not including the Santa Fe landfill which increases it by 600 percent would be a travesty to immense proportions to this area.

But we also understand the need for such zoning in order to accommodate [inaudible] needs and the State Land Office mission to earn income from the Trust lands. What we propose is that there be a demarcation that provides a boundary for industrial uses to the south and mixed uses to the north. We believe that the demarcation should be the historic Acequia de Mercedes la Cieneguilla which traverses the properties. The acequia flows from the Santa Fe River east of where the west due west – much of the acequia was lost due to mining on State Trust Lands south of State Road 599. But is clearly seen on properties that we are discussing. I am a [microphone is turned off – time elapsed] circa 1994 which the shows the acequia and the farm [inaudible]

CHAIR ANAYA: Thank you, Mr. Baca. We will include it on the record or you could – go ahead and finish. You're almost done. Go ahead and finish the memo.

MR. BACA: Sure. I would like to note that the Department of Transportation did recognize the family's use of the acequia to fill the cattle pond when they constructed State Road 599 and provided a culvert under the bypass to our property. The culvert is located immediately to the east of the Santa Fe Public Works Department and terminates at [inaudible] tank. Unfortunately, the dropping river elevation due to mining by most accounts has made it unworkable. Finally, a national company that you worked on this afternoon is building a great asset, a great jewel to the County of Santa Fe for the elderly off of Caja del Rio. And we feel that this demarcation line of the acequia would be a good – if you look at the last page there's a photo of that 1934 aerial photograph shows the farms that were on the Arroyo Calabasas, shows the Santa Fe River and shows the Acequia de Mercedes la Cieneguilla that went to the Santa Fe River to all of those farms. It also shows some dry and farming to the northeast corner of that page over by Las Campanas and the former homestead there and the left-hand corner of your page shows another dry land farm for where the landfill is presently located. We'd like to see that demarcation line going in existence.

I would like to inform you that [inaudible] you're probably not aware of, we have – we met with the Land Office personnel back last we met with Robert Griego and again we went through the Land Office. The Land Office has currently adopted a policy of making the acequia the demarcation line and they are refusing any further mining to the north of the acequia. They have had some applications that they have started to refuse. I don't want to say that this is not something that we can depend on forever but I think it would be a good start and a good thing for the Commission to follow because the Land Commissioner does not have to look at the master plan of Santa Fe.

But I'm really happy to say that at this point they are using the Acequia de la Cieneguilla as a demarcation point and I think if you follow the same steps a future Land Commission you would have a foothold on trying to keep the industrial to the south of the Acequia de Cieneguilla and nothing to the north because they have already started that step.

Thank you very much for your attention.

CHAIR ANAYA: Thank you, Mr. Baca. Yes, sir.

FRED TEITELBAUM: I'm Fred Teitelbaum, 3 Columbine Lane, Salva Tierra and I have been sworn in. My wife grew up here in Santa Fe and I've been coming here for like 45 years or longer and we moved all over the country and when I retired Anne said I'm coming back to my beloved Santa Fe. We searched for houses all over the area for three years. We finally settled on one that satisfied our needs in a semi-rural area with beautiful skies and beautiful vistas and almost immediately after we move in here is this wonderful developer who wanted to build in the infamous 12 acres. We've been fighting this ever since we've been here. The whole point of moving here would be destroyed by this commercial area. You've heard from all sorts of people how it would negatively impact the quality of life, the land values and life and one thing I do want to stress that I don't think has been stressed enough is that Camino la Tierra if you drive down that you can see that first of all it is a very much of a semi-rural area. There is no place whatsoever for any commercial property. The other thing you realize is there's a lot of traffic in that road and those roads are narrow. Every day you have to drive down those streets and there's bicycles there and there's no shoulders. It's dangerous as heck.

You can imagine what's going to happen with a commercial area a lot more cars, trucks, noise, light pollution, etc., etc.

I really hope that you guys listen very carefully what we're saying. We've been saying for as Sunny said for a decade plus and it just seems like the people are never represented, it's just the developers. So after listening to your careful, insightful discussions over the course of the night I am really hopeful that you will consider what we are saying. Thank you very much.

CHAIR ANAYA; Thank you, sir. Mr. Baca.

MATTHEW BACA: Thank you, Commissioners. Matthew Baca, Baca Ranch again. I am having passed out a letter from Cauwels & Stuve which is the development company that you earlier this morning with the MOA for the water – the sewer usage of the – and it's the place at Caja del Rio which is recuperative therapy, independent living, assisted living and memory care facilities and the reason I'm passing this out after my father's presentation is that it is a part of that and it echoes that. Attached with it, as you well know, along the river there is a – it's too bad we have the colors on there so you could see the acequia but you saw that earlier with my dad's thing. Along the river we have I think three hot mixes and they not be affected by what we are proposing here and that is limiting industrial to the south of the acequia, the Acequia de Merced. The picture I'm showing you over there is of the hot – the bulk and hot mix plant and then at the bottom is a reverse angle taken on Thursday approximately two miles north which is up by Marty Sanchez Links and you can see that with the prevailing winds that we have here in Santa Fe the emissions from the bulk and plant are going directly towards – or actually into the land that is going to be occupied by the Cauwels & Stuve Development I think to have this industrial designation north of the acequia is going to just be a recipe for conflict throughout this time because of the people that they would be serving and the susceptibility of that population which is elderly and those needing recuperative therapy.

Thank you very much.

CHAIR ANAYA: Thank you, Mr. Baca. Yes, sir.

WILLIAM EKLAND: Mr. Chair, Commissioners, my name is Williams Ekland. I live at 48 Paseo de la Tierra in Santa Fe. I am here tonight to talk about parcel number 50 – 54063744 up near the La Tierra, Las Campanas area. We have commented on this parcel and four parcels adjacent to it since your last meeting.

Let me step back a little bit and give you a little background. In your initial October 27 map you have a very large area of residential estate zoning proposed all the way from the northwest corner of the City of Santa Fe all the way out to La Tierra and then immediately contiguous to that would come a large area zoned as rural residential which includes the neighborhood of La Tierra. We propose that the parcels, some undeveloped parcels, five undeveloped parcels at that boundary which is also in the boundary of the hydro zone, be rezoned to residential fringe, 5 acres per lot. Your planning staff after some discussion we think very appropriately recommended to you in their recommended changes issued since your November 24th meeting that there be created a buffer strip of residential fringe area between the two large areas that I am speaking of. The purpose would be consistent with professional planning standards, a gradation from residential estate through the residential fringe to the rural residential

zoning districts. The problem we see with living out parcel 54063744 is that as currently proposed the residential fringe area constitutes essentially a narrow buffer strip in some places less than 1,000 feet wide. We think it would be far more appropriate if this entire undeveloped area of five parcels be covered as residential fringe so that it would be more of a zoning district rather than a narrow buffer strip. We are genuinely concerned about the density of housing in this area because of the impact on the aquifer which is a much later issue I will not address tonight.

So we urge you to zone this parcel 54063744 as residential fringe and I thank you very much for your consideration.

CHAIR ANAYA: Thank you. Yes, sir.

PAUL SCHWEITZER: Good evening, Commissioners. My name is Paul Schweitzer. I reside – I'm a lawyer here in Santa Fe for the past two year and I reside at 118 East Sunrise Drive. I'm voting or voicing my support for what was said by so many others here tonight in connection with the 12 acre parcel across from Salva Tierra and Arroyo Calabasas and Camino la Tierra. My family and I purchased property here in Santa Fe a couple of years ago. My wife and I have three young sons, relatively young, the eldest is 15 and we were looking forward to the opportunity to move here full time in the future. The reason my family moved to Santa Fe or started moving to Santa Fe is because of so many things like Mr. Lee and Ms. Luckhardt brought up about the beautiful night skies, the lack of traffic in so many areas. It is particularly where we are out in Salva Tierra just the true semi-rural neighborhood and I would like to encourage you to keep the zoning away from being anything further commercialized than it already is back to residential and protecting the night skies, protecting the reason that we and so many others chose to come to Santa Fe. Thank you.

CHAIR ANAYA: Thank you, sir. Yea, ma'am.

JC VARTAK: Hello, how are you sir? My name is JC Vartak. My parcel of land 910006546 –

CHAIR ANAYA: Ma'am, if you could just pull that microphone down. Thank you, thank you.

MS. BUCKNER: Okay, my name is JC Vartak. My parcel number is 910006546. After 15 years later I get the commercial zone, thank you for that. Please thank you.

CHAIR ANAYA: Thank you.

FRANK HERDMAN: Mr. Chair, members of the Commission, my name is Frank Herdman. I represent the Tierra de Oro Homeowners Association and I want to speak very briefly to the 333 acres at the intersection of Camino la Tierra and 599 to which Mr. Griego referred. The Association continues to support staff recommendation that that area be zoned as residential estate and we request that you adopt staff recommendation with respect that 333 acres.

I'm also submitting some materials for the record and again I want to commend staff for all of the hard work that they have done on this as well as the zoning code. Thank you.

CHAIR ANAYA: Thank you.

ORALYNN GUERRERORTIZ: Oralynn Guerrerortiz, 700 Juniper Drive, Santa Fe, New Mexico. I once again ask that you recognize the Summit project Phases 4

through 8, High Summit 1 and High Summit 3 as a planned development. It was approved with density bonuses associated with open space. It was unique like Aldea and Tessera and those two were mapped as a planning PD. I think that this was a complete oversight and I only ask that you maybe ask staff if that's true. But I think that the logical zoning for the Summit should be PD. Thank you.

CHAIR ANAYA: Thank you.

KARL SOMMER: Mr. Chair, members of the Board, I will be very brief. I am here representing the owners of the parcel that Mr. Herdman just spoke about. You have I believe received our letters but I don't know that they are formally in the record and I would like to place them in the record because they place all the issues in front of you before that we have talked about. I'm not going to repeat them here tonight. I don't anticipate that the Board is going to change anything.

So I'm going to place in the record our letter of November 20, 2015 which we sent to the Board and our letter of June 23, 2014 that was sent to City staff. I would also like to place in the record a letter of May 10 – excuse me, May 16, 2010 from Jack Kolkmeier to the property owners indicating that the special exception provisions of the Extraterritorial Zoning Ordinance which at that time had been repealed did not provide for any expiration contrary to the staff position that the staff is taking today. So with that we would request that the Board redesignate this property as mixed use as it was originally designated in the draft map.

Thank you very much.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I want to go back to the concept that I thought we were all following and that was to respect all legal non-conforming uses for all property owners, large and small. From the very beginning we said that we will recognize all master plans that have already been approved, large or small, whether we like them or not.

So I want to go to the 12 acres that was part of the commercial neighborhood master plan for Las Campanas and I want to ask staff about that 12 acres. It is my understanding and you can tell me if I'm wrong, that 12 acres was part of their original master plan.

MR. GRIEGO: Mr. Chair, Commissioners, the 12 acres and the adjacent 8.8 acre property that was there were part of one master plan. So the areas identified, the two parcels that were, that have been discussed here for commercial neighborhood were both part of one master plan so they did receive master plan approval for both parcels. They built out part of the master plan, the area to the south has not been built out at this time but it does have an approved master plan.

COMMISSIONER CHAVEZ; Okay, then let's hold that thought for a minute. So a portion of that 12 acres has already been developed; is that what I'm understanding?

MR. GRIEGO: No, Commissioner, I'm sorry. Let me clarify. There's two parcels that are identified as commercial neighborhood. They were both part of one master plan. The one – there is one parcel that has been partially developed in accordance with the master plan.

COMMISSIONER CHAVEZ: So which one is that? Is it not the 12 acre

parcel that there seems to be more concern about?

MR. GRIEGO: No, that would be the 8 acre piece, it's adjacent. Of the two parcels the 8 acre parcel that has been identified has some development on it and we have specific – the development plan was identified in the staff report to the Board and the databases comment number 10. Staff did review the comments that have been received. There's several comments that we had but the initial comment that we had in regards to this parcel, staff did review an analysis and identify the approved master plan which included both properties.

COMMISSIONER CHAVEZ: So we would accept the master plan as it has been approved and its gone through the process as all of the other master plans have.

MR. GRIEGO: Yes, that's correct.

COMMISSIONER CHAVEZ: Okay, so then, let's accept that thought for a minute and let's assume that that 12 acre parcel has already been master planned and we've accepted that through this process and it's a commercial neighborhood designation adjacent to Las Campanas and other neighborhoods. If that particular developer wanted to develop a portion of that 12 acres or all of that 12 acres what would they have to do?

MR. GRIEGO: The process specifically – again, they would go through a development review process but they do have existing approvals in place. I will defer that question to Penny.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, if they have the CN zoning approved then they would look at the use list and move forward with either a permitted or a conditional use.

COMMISSIONER CHAVEZ: And during that process they would have to notify all adjoining property owners?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, yes they would have to meet the noticing requirements.

COMMISSIONER CHAVEZ: And if at that time it was determined that a buffer of some kind between the commercial neighborhood and other residential components that could be a condition of approval?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, I'll have to grab my code book again. If it's a conditional use permit, yes. And there will be notification to the neighbors because that's done through a public hearing. If it's a permitted use it is not done through a public hearing. So I believe it's a poster board on the property.

COMMISSIONER CHAVEZ: Okay, because I know there is a lot of speculation and uncertainty and speculation about what might happen to this parcel but I think that's why from the very beginning we gave everyone, all property owners, some guarantee and some security that they would continue to be able to do what they're doing with their private property. So I think it seems to me that that has to apply across the board. I don't know any other way to approach it.

So, Mr. Chair, I'll just leave it at that. Thank you.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is a question for staff. I seem to have some contradictory information here. There is a written comment from Marie Armijo requesting that the zoning of her parcel be changed from

residential fringe to traditional community and then in our packet there is a comment that has been compiled from Joseph and Marie Armijo same property number and this says that they're requesting a change from traditional community to rural fringe. So which is it?

MR. GRIEGO: Mr. Chair, Commissioners, in the staff responses and what we handed out tonight was based on the comments that we have received after December 2nd and staff – the first comment was Marie Armijo and the request zoning change from residential fringe to traditional community. So the existing proposed zoning on the 2015 zoning map draft is residential fringe and they are requesting it to be traditional community.

COMMISSIONER HOLIAN: Okay, because it says two opposite things in the two different pieces of paper that I have here. So you're saying that the request actually was from residential fringe to traditional community/

MR. GRIEGO: Yes, and that's my understanding from the testimony.

COMMISSIONER HOLIAN: And your response is? Your recommendation is?

MR. GRIEGO: Is that the proposed zoning meets the established zoning criteria that we have and that we would not be expanding the traditional community zoning district at this time.

COMMISSIONER HOLIAN: Thank you very much. And then the other thing that I would like to ask you to respond to again is with regard to the request that the High Summit subdivision be a planned development district designation; what is our recommendation and why?

MR. GRIEGO: We did not receive a comment on High Summit until today that I am aware of. But in regard to the proposal for a planned development district it's if it doesn't fit into another zoning district such as the examples that were provided tonight, such as, Las Campanas or Aldea. Those developments have both a mixed use component so they have residential and non-residential within their development plan and then if the development fits the zoning district in accordance with our criteria then we try to fit it in within each of those zoning districts. We would need to review the High Summit development in order to determine that.

COMMISSIONER HOLIAN: So the High Summit is strictly residential, is that what you're saying? So it wouldn't be appropriate to be a –

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, yes, it is residential. It did get – what Oralynn stated is it got a substantial density bonus by leaving open space. However, it has been put in the 1 acre zoning so until we really sit down and look at and calculate the lot sizes sorry, the total acreage I don't really know whether or not it is something that would be allowed and would comply.

I would recommend that direction be given to staff to take a look at all of those and if there is a mistake that has been made that we can bring that back.

COMMISSIONER HOLIAN: Thank you, Penny.

CHAIR ANAYA: Thank you, Commissioner Holian. I want to make a brief comment. Penny, if I could, for staff on Ms. Armijo, I think that she needs to understand what options are available to her and the accessory dwelling component might be a component that affords her some opportunities to help her family so I want to make

sure that staff provides some feedback and direction to her as to what her options are in that light.

And then relative to traditional community component, a traditional community through their planning process could analyze the boundaries that they have for their communities and present feedback to the Commission within their planning process correct? If you could just say that on the record I would appreciate that.

MS. ELLIS-GREEN: Mr. Chair, I was just trying to work out which traditional community she was in –

CHAIR ANAYA: Glorieta.

MS. ELLIS-GREEN: Glorieta, right, if the community did a community planning process, yes, they could look at that boundary.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I'm not aware that the Glorieta area has a community plan anywhere.

MR. GRIEGO: No, Commissioner Holian, Commissioners, there is not a community plan in there. There is a traditional community zoning designation in the area so part of that traditional community zoning designation is what's proposed for this area. Ms. Armijo has requested to include that property in traditional community zoning district –

COMMISSIONER HOLIAN: -- But it is outside of the district you're saying.

MR. GRIEGO: There is no planning – there is no community plan for that area currently. If there were to be a community plan for that area it could be considered. So as per the – the direction there could be potential for them to go through a community planning process and identify the appropriate zoning boundaries for the traditional community in accordance with our community planning process.

COMMISSIONER HOLIAN: Okay, thank you, Robert.

CHAIR ANAYA: Thank you. And those other parcels in that particular area that would probably be evaluated in that same context that are right adjacent to more densified areas. So I think we need to make sure that people are aware of that process. We have plenty of experts in the community planning area and community participants throughout the county so we just need to make sure that those community leaders understand what's available to them as they consider options for their own communities and use. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I want to go back to another request that was made that also has a master plan attached to it and it's in the middle of a traditional historic village that's the Montano Landscaping business in the Agua Fria Village. It does seem that they have some sort of a master plan to conduct their business in the Agua Fria Traditional Village but wouldn't that activity comply with their community plan?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, that property is designated on the zoning map as CN, commercial neighborhood and I did go ahead and check: they were approved for a landscaping business and trade contractors which include landscaping businesses allowed as a permitted use under CN. So that was, again,

part of a community planning process and they did look at the use. They did look at the approval and so it would not be considered non-conforming. Those uses are permitted. That use is permitted in that zoning district.

COMMISSIONER CHAVEZ: Thank you. Thank you for that clarification.

CHAIR ANAYA: Thank you, Penny. Ms. Ellis-Green, could you comment or Robert, somebody comment, this gentleman sitting right here in the second row with the black shirt on. I forget your name and I apologize. But he brought up parcels that are directly adjacent to one another. Could you provide some logic as to why there's three different planning areas and some rationale. And I want to just say this again, I know Commissioner – all the Commissioners I think have said it at one point or another in tonight's discussions/deliberations but when you take in context the five years it has taken us to get to this point and then take a look at the six months that we've already committed to providing some additional review and discussion, that's not a very long amount of time so I just want to provide some feedback to those that maybe think that if they weren't able to get modifications in today that they're done and don't have that avenue. I want to say that we're going to go through the evaluation process and we're going to have this time period to understand what the evolution of this code is going to begin to look like and we're not going to know everything in six months and then we're going to be in a position to better make some rational amendments if they're needed.

But on this gentleman that brought up that parcel with multiple changes, it seems logical to consider, you know, one designation unless there's some continental divide in between those parcels. Can you help me, can you help me understand?

MR. GRIEGO: Yes, on the map, Commissioner, we did review the comment that was submitted. It was submitted as comment number 2 and that would be in your comments database, within that comment staff did review it in accordance with our zoning criteria. There are different areas as you can see on the map in back of you. Some of his parcels are in the yellow area there and some are in the green areas there. So the difference densities are based on the lot sizes for both the development pattern as it is and the transitions that we have in accordance with our zoning criteria. We also reviewed, you know, what the current hydrologic zones were as part of our review of this. So, staff did review that and I'm sorry I did not receive a – I didn't receive a call but we did review the comment from the individual and we did provide a staff recommendation and analysis on his concerns.

CHAIR ANAYA: I respect the response, Robert, I'm not sure that I'm satisfied but I would go back to what I said earlier that as we go into this implementation phase and we progress that we're going to need to take a long at not only parcels like this but others throughout the county. So, other comments, questions from the Commissioners?

One other comment I guess I would add and I appreciate and respect their long standing presence in the area in and around Santa Fe, the Baca family, I wouldn't be in support of a demarcation of the river for everything south being only industrial for the simple fact that there's industrial north of the river. But I do think as we progress through this evaluation phase in the next six months that we do need to understand and

maybe take another look at those boundaries as they do relate to industrial for reasonableness and appropriateness. And, so, like I said, I don't think the boundary would be the river but I do think that there's an opportunity for us to evaluate how far it would go on the north and whether or not we have it right or not or could make some adjustments. So I am just going to leave it at that. Mr. Baca, I respect your comments and your feedback but I just wanted to say that on the record so --

If there's no other questions or comments, I will look to the Commission for the pleasure of the Board.

COMMISSIONER HOLIAN: Mr. Chair.

MR. SHAFFER: Mr. Chair, if I could. I am sorry. If you formally closed the public hearing I may have missed it. But I believe there is a gentleman here who had one last comment that he wanted to make if the Board would allow it.

CHAIR ANAYA: Provide one more opportunity for comment. You'll close the public hearing, sir.

MR. TEITELBAUM: I've closed a lot of doors but never a public hearing. Thank you, Fred Teitelbaum, Salva Tierra. The question I have because the logical implication of what you said Commissioner Chavez about the master plan be sacrosanct is that it will last in perpetuity. So I can have a master plan approved like Las Campanas' commercial infamous 12 and 8, which was probably in the 90s and they never acted on it. They made an attempt in 2006 and all they did was convert the Las Campanas sales office into a restaurant and a wine place. They didn't do a thing on the other side. So if you follow your logic they could sit on that land and we've all be sitting in risk for perpetuity and I don't know legally if that's the case because I thought I hear Penny say you have to act on something or do plots or do whatever. But it just doesn't make any sense to me that someone could be granted infinite, you know, power over that. It just doesn't make any sense.

COMMISSIONER CHAVEZ: Mr. Chair, could I have staff explain that because we have extended master plans -- it's not uncommon for us to extend the time of a master plan. So Penny if you could help me out here.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, master plans under the current code do two things. For non-residential uses they establish a zoning and the other portion of what a master plan gives is a conceptual approval whether it's for a subdivision or for a non-residential use. So when the Board of County Commissioners approves a zoning on a piece of property, the way that the statute reads is for if that zoning is going to change again only the Board of County Commissioners can do that. So a master plan for the conceptual plan kind of purposes could expire but your zoning doesn't. And that is stated in section 1.11.4 of the code, where it states, Any zoning established by an expired master plan shall be included in the zoning map as described in 1.11.1 of the SLDC which is effect of the zoning map on prior zoning approvals. So that piece of property has a prior zoning approval from the Board and that is why we're recognizing it as commercial neighborhood.

COMMISSIONER CHAVEZ: So is it any different than any other master plan that we've extended the timeframe on?

MS. ELLIS-GREEN: The -- there's two different things. The timeframe is kind of for the master plan but that's not related to the zoning of the property. That's

related to the conceptual element. So we've talked a lot tonight more regarding subdivisions, certain subdivisions need a master plan as a conceptual approval not as a zoning change. So those are kind of two different things.

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

CHAIR ANAYA: Thank you, Commissioner Chavez. I'm going to go to the Board.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to make a motion to approve ordinance number 2015-12, An Ordinance Adopting the zoning map of Santa Fe County applicable to lands which the Santa Fe County Sustainable Land Development Code applies and with direction to staff to evaluate the appropriate zoning designation for the High Summit area – and are there any other directions to staff that you would like me to include?

CHAIR ANAYA: I just, Commissioner, if you could restate the non-conforming uses that we stated earlier in the ordinance piece and making sure that staff does an evaluation – we already said it and we included it the last one but I think it would be appropriate to include it again.

COMMISSIONER HOLIAN: Evaluation of the –

CHAIR ANAYA: Non-conforming.

COMMISSIONER HOLIAN: -- legal non-conforming. Any other direction to staff?

CHAIR ANAYA: No, Commissioner. I think that will suffice.

COMMISSIONER HOLIAN: Okay, that's my motion.

CHAIR ANAYA: There a motion from Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIR ANAYA: There's a second from Commissioner Stefanics. A vibrant second. Thank you Commissioner.

COMMISSIONER CHAVEZ: Does staff want to –

MR. GRIEGO: Mr. Chair, Commissioner, there were two points that we wanted to make. One was does this motion include the staff recommended changes. The seven staff recommended changes?

COMMISSIONER HOLIAN: Yes, yes indeed.

MR. GRIEGO: And before the Board approves, we also wanted to address one additional – an additional comment that came in yesterday which was – which the individual spoke about earlier regarding – it was a letter that we received which is included in your packet and I just want to include for the record the staff recommendation on the change. This is in regard to the Ortiz Mountain Grant. There was a Mr. Rodriguez who came in and spoke on this. There's a letter in your packet identified as number 8 and this submittal was regarding the parcel 78402816. The letter and attached document refer to an area of approximately 57,000 acres. This is identified – he identified as specifically the Ortiz Mountain Grant, I'm sorry. The proposal for that parcel is ag ranch which is one dwelling per 160 acres in that area.

The letter questions the validity and the County's ability to zone the area and states its appropriate zoning should be industrial general. Staff did want to provide a

response for the record. The authority for the County to provide zoning is identified in the code in section 1.2. The identity of the area in discussion is not [inaudible] in the review of the documents that they submitted. Under the SLDC in proposed zoning mining would be allowed pursuant to the SLDC requirements for any mining in accordance with the code based on land use suitability, location and need factors and in consistency with the SGMP and the intended industrial general zoning district, the proposed ag ranch and rural zoning districts are the most appropriate zoning for the area. With that I thank you for including that in the record.

COMMISSIONER HOLIAN: Mr. Chair, I will include staff recommendations in my motion with regard to that parcel.

CHAIR ANAYA: There's a motion with staff recommendations. There's a second. Any further discussion from the Commission. Madame Clerk, roll call. Greg, did you have something you wanted to add/

MR. SHAFFER: Yes, Mr. Chair, and also if the – not only is the Board adopting the staff recommendations with respect to the changes proposed but also whether the Board is adopting the staff's recommendations as to changes that aren't proposed. In other words, does the maker of the motion want adopt the rationale and analysis of staff as it relates to those changes proposed by property owners that the Board is denying.

COMMISSIONER HOLIAN: I will include that in my motion. Thank you, Greg.

CHAIR ANAYA: Does the seconder?

COMMISSIONER STEFANICS: I guess.

CHAIR ANAYA: I guess.

COMMISSIONER CHAVEZ: Well, let's have some discussion on that because I think that what staff is suggesting doesn't close the door completely for those recommendations that are not approved or considered now. We're going to do a six-month review. We're going to have to continue to review both of these ordinances as we move forward. So I think that through the community plans and through our permit process some of those things could change in the future. We don't know that. So I don't think it closes the door completely. But it says that right now we're accepting staff recommendations. We're accepting that staff has accepted some recommendations from the public, we're going to accept those this evening, we know that we're going to review it in six-months and that we can bring some of those back as we move forward. So I just want to point that out for the record. Am I off bas on that, Greg?

MR. SHAFFER: Mr. Chair, Commissioner Chavez, I don't think that they're in conflict. So if staff re-evaluates and assesses either per the direction that the Board specifically gives tonight or otherwise that there was a mistake such that the zoning should be changed for part of that review process. That would still allow that. It was just more of a technical point in terms of making it clearer as to what the Board's rationale was at this point in time in terms of not going forward with changes.

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

CHAIR ANAYA: Thank you, Commissioners. Madam Clerk, roll call.

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

CLERK SALAZAR: You have five yeses. You have passed Ordinance 2015-12.

CHAIR ANAYA: Ordinance 2015-12 passes unanimously.

I have some things I'm going to roll through real quick. Five years of work, dedication, input, amendment, compromise, numerous community, Commission and individual opportunities for input, staff review, absorption, thoughtful amendment and red commendations to the Commission, attention, consideration and respect for community concerns, desires and community plans and their approvals. Respect and support of farming and agricultural uses; respectful and thoughtful zoning for all types of uses; maintenance and preservation of family transfer opportunities Countywide; reasonable fees, no fees for farming and ag principal purposes; no fees for small car ports and storage units; 25 percent reduction in fees for seniors and veterans including veterans' spouses; attention and provisions that encourage home occupations and small business development in appropriate places in the County; sustainable development provision that will link people to services in the interest of the citizens all done with no malice. It's a living document – I'm going to go with what Commissioner Chavez just restated – it will evolve as it is utilized and when we revisit it in six months – I don't live in a perfect world. This is not a perfect document. It's a living document. All those folks in this room, outside of this room, responding by email, by phone, individually, collectively, responded with good intent and no malice. And I thank each and every one of you for those presentations at that input. Thank you, the Commission.

We're going to take 10 minutes.

[The Commission recessed for 15 minutes]

VIII. B. Land Use Cases

- 5. CDRC CASE # MP/DP 13-5000 Amma Center. Amma Center of New Mexico, Applicant, Dolores Vigil, Agent, Request Master Plan, Preliminary and Final Development Plan Approval to Allow Existing Structures to be Utilized as a Religious Institution on a 40+ Acre Site. The Property is Located at 48 Stone Cabin Road, via Old Santa Fe Trail, within Section 27, Township 16 North, Range 10 East, (Commission District 4). Jose E. Larrañaga, Case Manager**

[Exhibit 31: NMED 11/20/15 memo; Exhibit 32: Graeser & McQueen, LLC, Packet of material, dated 12/8/15; Exhibit 33: Church of Antioch at Santa Fe support letter; Exhibit 34: Signatures of approximately 38 individuals in support of the Amma Center; Exhibit 35: Census info from 2000, submitted by opponents; Exhibit 36: Sommer, Karnes & Assoc. on behalf of the Preserve the Trail Association letter dated, 12/2/15]

[Commissioner Holian participates in this portion of the hearing telephonically.]

CHAIR ANAYA: For the Amma case, Mr. Larrañaga.

JOSE LARRAÑAGA: Thank you, Mr. Chair. Amma Center New Mexico, Applicant, Liaison Planning Services, Inc., agent, requests Master Plan, Preliminary and Final Development Plan approval to allow existing structures to be utilized as a religious institution on a 40 acre site. The property is located at 48 Stone Cabin Road, via Old Santa Fe Trail, within Section 27, Township 16 North, Range 10 East.

The Applicant requests Master Plan, Preliminary & Final Development Plan approval to allow a Community Service Facility on 40 acres in conformance with Ordinance No. 2010-13, Community Service Facilities, which amends Article III, § 7; Article V, § 5; and Article V, § 7 of Santa Fe County Land Development Code, Ordinance No. 1996-10. The existing structures consist of a 5,000 square foot residential ashram, a 1,400 square foot meditation hall, a 200 square foot storage shed and a 1,000 square foot greenhouse. The existing structures are located within a 20 acre parcel. The Applicant proposes to consolidate the 20 acre parcel with an adjoining 20 acre parcel to create a 40 acre parcel which will be utilized for the Community Service Facility.

On November 19, 2015, the County Development Review Committee recommended denial of the request for Master Plan, Preliminary and Final Development Plan to allow existing structures to be utilized as a religious institution on a 40 acre site.

The Applicant's Report states: The Amma Center has utilized the subject property since 1988. The Ashram was built in 1996. The non-profit spiritual center will continue to occupy the residential ashram and conduct Satsang, meditation and meetings with residents/members and guests. There are several larger gatherings per year, coinciding with Swami's visit and Amma's birthday celebration.

Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request. The proposed use meets the criteria set forth in Ordinance No. 2010-13 as an allowed use, this is not a rezoning or a zoning of the property.

The Application is comprehensive in establishing the scope of the project. The proposed Preliminary Development Plan substantially conforms to the proposed Master Plan; the Final Development Plan conforms to the Code requirements for this type of use; and the Application satisfies the submittal requirements set forth in the Code.

The review comments from State Agencies and County staff have established findings that the Application is in compliance with state requirements, Ordinance No. 2010-13, Article V, § 5.2 Master Plan Procedures, Article V, § 7.1 Preliminary Development Plan, and Article V, § 7.2 Final Development Plan of the Code.

Staff Recommendation: Staff recommends approval of Master Plan, Preliminary and Final Development Plan to allow a Community Service Facility on 40 acres in conformance with Ordinance No. 2010-13, which amends Article III, § 7; Article V, § 5; and Article V, § 7 of the Santa Fe County Land Development Code, Ordinance No. 1996-10, subject to the following conditions. Mr. Chair, may I enter them into the record?

CHAIR ANAYA: You may enter them into the record.

The conditions are as follows:

1. The Applicant shall comply with all review agency comments and conditions as per Article V, § 7.1.3.c.
 - If the improvements to Stone Cabin Road can be restricted to this area of previous disturbance on the west side of the road, then the proposed widening of Stone Cabin Road will not adversely impact LA 175659. If LA 175659 can be avoided then this trail segment should be placed in a non-disturbance easement. If the road improvements cannot avoid LA 175659, then a treatment plan must be prepared to mitigate the adverse impacts to the Santa Fe Trail.
 - The Applicant shall address the approach of Stone Cabin Road to meet Article V, § 8.2.7d which states, “grades at the approach to intersections shall not exceed 3 percent for 100 linear feet, excluding vertical curve distance.”
 - Return radii shall be a minimum of 30 feet.
 - All internal radii shall be a minimum of 30 feet unless approved by the Santa Fe County Fire Marshall.
 - Stone Cabin Road shall be improved to Local Road Standards as Article V, § 8.1.3 of the Code.
 - The Applicant shall demonstrate that existing culverts are sized correctly to accommodate storm run-off.
 - The Applicant is proposing to accommodate run-off via bar ditches, these bar ditches traverse slopes of approximately 11 percent, the Applicant shall demonstrate how they will reduce the potential for erosion.
 - The Applicant shall provide a 50 foot asphalt apron from the edge of Old Santa Fe Trail on the approach of Stone Cabin Road.
 - The Applicant shall provide an R1-1 30”x30” at the exit of the property.
 - Driveway, turnouts, and turnarounds shall be County approved all weather driving surface of minimum 6” compacted base course or equivalent.

- Minimum road way width shall be 20' and an unobstructed vertical clearance of 13'6".
 - The secondary emergency access/egress loop shall be designated and legally recorded on the registered plat.
 - Driveway/fire access shall not exceed 11 percent slope and shall have a minimum 28' inside radius on curves.
 - The Application shall comply with Article 1, § 103.3.2-New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.
 - Upon completion of the permitted work the Applicant shall contact the Santa Fe County Fire Marshal to conduct a final inspection.
2. Master Plan, Preliminary and Final Development Plan with appropriate signatures, shall be recorded with the County Clerk as per Article V, § 5.2.5.
3. Prior to recordation of the Master Plan the Applicant shall record a Lot Consolidation Plat, combining Lot 1-A (20.00 acres) and 1-B (20.00 acres), creating a 40 + acre parcel to be utilized by the Amma Center.
4. The Applicant shall monitor the traffic created by the approved use. If it is determined that the development generates more than the estimated 25 vehicles per peak hour, the Applicant shall provide Santa Fe County with a revised Traffic Impact Analysis.
5. Water restrictive covenants, restricting the water use to 0.50 acre feet per year, shall be recorded along with the Final Development Plan. Meter readings shall be submitted to the County Hydrologist on an annual basis. If the water use exceeds 0.50 acre feet per year the Amma Center may have to adjust their water use for individual uses in order to stay within 0.50 AFY. This shall be noted on the Master Plan/Development Plan.
6. Large events, exceeding the daily use, at the Amma Center shall be required to obtain a special event permit from NMDOT and a Special Use Permit from Santa Fe County.
7. The dimensions and location of the Applicant's signage must comply with Article VIII, Sign Regulations.
8. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, as per Article V, § 9.9.

MR. LARRAÑAGA: Mr. Chair, also staff recommends the Board make three motions: the first regarding the master plan, the second regarding the preliminary development plan, and the third regarding the final development plan. Mr. Chair, also you have two handouts. One was a review letter that didn't make it in time for the packet material from New Mexico Environmental Department on the site and the other is a support letter handed to me by the applicant prior to this hearing.

I stand for any questions.

CHAIR ANAYA: Thank you, Mr. Larrañaga.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: The applicant agrees to all the conditions? I'm asking staff.

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, the applicant has read the report and they haven't told me that they've agreed to all the conditions but at the CDRC they agreed to all the conditions.

COMMISSIONER STEFANICS: Okay, so let's ask the applicant. Do you agree to all the conditions?

CHRIS GRAESER: Mr. Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: Thank you, Commissioner Stefanics. Any other questions of staff?

COMMISSIONER STEFANICS: Mr. Chair, there is one other question. The Environment Department talks about the liquid waste is set up for six bedrooms, not 100 people. What improvements will be made for the larger group?

MR. LARRAÑAGA: I kind of read over that section on MBH 2 on my report where in the event of larger events the applicant can submit for a special use permit and at that time they would address to have the facilities there – the porta-potties, for the larger events.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR ANAYA: That you, Commissioner Stefanics. Other questions of staff? Is there anything the applicant would like to add at this time?

[Duly sworn, Dolores Vigil testified as follows]

DOLORES VIGIL: Good evening, Mr. Chair and Commissioners. My name is Dolores Vigil. I am with Liaison Planning Services. I'd like to recognize the team that will be testifying and answering any questions that you may have. We have Christopher Graeser with the Graeser McQueen attorneys at law; Morey Walker with Walker engineering; Meghan Hodkins with Glorieta GeoScience and Steve and Kathy Schmidt of Amma Center of New Mexico.

We represent the applicant, Amma Center of New Mexico, and are here to answer any questions you may have. Amma Center is a religious organization of 501c3 which receives tax deductible donations from members in New Mexico, Arizona and Colorado. In addition, Amma Center has fundraisers to raise money to provide food and clothing for homeless, children's school uniforms and literacy programs. The donations support these charitable programs, the ashram and expenses like rezoning applications, legal and land use fees.

Amma Center is a small residential community that provides Amma's members a place to worship and live and convene. Members are devotees of Amma an international spiritual and humanitarian leader. We are here to request master, preliminary development plan and final plan approval of 40 acres owned by Amma Center. The property is surrounded by 177 acres of primarily vacant land and is located on Stone Cabin Road which is accessed by a 2,800 linear foot easement off of Old Santa Fe Trail. The request is from rural residential to community service facility as requested by the County in order to define the uses.

Amma Center began holding meetings in 1987 at the home of Steve and Kathy Schmidt where they still reside. Their home is located east of the 40 acres. In 1996 the

Schmidt family donated 40 acres to Amma Center of New Mexico. That year Amma Center obtained permits from Santa Fe County and built a 5,000 square foot residential ashram. The ashram is and always has been used for long-term housing by Amma's members. Up to seven people have lived in the residence at one time. Currently, only two members live there. In 1993 permits were obtained from Santa Fe County for a 1,400 square foot meditation hall. The hall has been and still is used as a gathering space for meditation, worship and prayer meetings. The hall is not plumbed so most attendees bring their own water to drink. If they need the restroom, they use the ashram which is located on the property. Approximately 30 to 40 people attend these gatherings on Saturday between the hours of 6 and 8 p.m. It is important to note that the septic system has never been overtaxed as speculated by opponents at the CDRC meeting.

To support the ashram and provide sustainability a greenhouse was erected about eight years ago. In addition, 10,000 gallon water holding tanks were installed that provide alternative water conservation measures for the greenhouse and landscaping.

From 1986 to 2004 Amma Center hosted large gatherings were Amma would visit. Prior to the events, Amma Center always contacted the County for approval which was given verbally by Land Use and further they followed up with any specific instructions that were given by staff.

After 2004, the large events were moved off site and held in different venues in Albuquerque and Santa Fe. The last two years these very large events were held at Buffalo Thunder Resort. Several additional events have occurred on the property that may bring in 90 to 120 people. These events coincide with, as Mr. Larrañaga explained, Amma's birthday and Swami's visit.

At the CDRC meeting there was much confusion regarding the application. The original application included a 16,000 square foot gathering hall where the large yearly events would be held. Since, contrary to what was testified at the CDRC meeting by the neighbors, Amma, herself, decided to continue to hold these events offsite. Thus, the original application was withdrawn.

The application before you does not include a request for a new structure for Amma's annual program. The applicant is asking for approval for what has been occurring there for 29 years, excluding Amma's annual program.

The Santa Fe County Land Use Office has recognized and has been aware of Amma Center's activities during this entire period starting with Gilbert Chavez, the Land Use Administrator in 1987. The applicant has worked diligently with County staff and all reviewing agencies to comply with all regulations. County staff recommends approval for this application for Amma Center to be a community service facility. Your approval is greatly appreciated. Mr. Graeser, Mr. Schmidt would like to add to this presentation with a brief explanation. Thank you.

MR. GRAESER: Thank you, Mr. Chairman, Commissioners. I have handed out a letter and supporting materials. I won't belabor those points. I just want to address a few key points to you.

The primary one is that the Amma Center is small residential community. It is also a place of assembly for its members to worship and a base for the charitable activities. The most important point, and to reiterate what Dolores said is, we're not asking for anything new, just what has been happening there for 20 years. In the spirit of

cooperation we agreed to apply for approval and also because it will make Amma Center's rights more clear. We've been working with staff for several years now. We've obtained recommendations of approval from land use, traffic, hydrology, fire, everyone else. We have addressed all staff concerns, all staff questions and requirements.

I want to be very clear that there has been no unpermitted development and no unlawful use on the property. All buildings were permitted. Every year when Amma was visiting the Amma Center would call the County to determine if any sort of special permit was needed and they were always told one was not. I think Steve Schmidt will talk a little bit more about that history, about what Amma Center means.

I wanted to touch on the code provisions starting with Article 3 Section 7.1, community service facilities are allowed anywhere in the County. So unlike commercial uses that are limited to where they can occur, places of worship can be anywhere. And, in fact, the Sustainable Growth Management Plan encourages location of places of worship within communities. And it's particularly relevant with this application because there are many, many neighbors who visit the center. Similarly, the Sustainable Land Development Code permits uses anywhere in the County and that would be the most recent expression of policy from this Board. There are also other reasons that religious uses are allowed anywhere and these are constitutional, federal, state law that protects religious uses. There must be a compelling government interest to warrant substantially burdening religious practices such as by denying them or unreasonably conditioning them.

Amma Center does constitute a religious use of land as the County Assessor has already recognized. The requirements under 7.1.1. proposed facilities are necessary in order that community services may be provided for in the County. The community services to be provided here are specifically long-term housing for members, provision of assembly and worship for many devotees of Amma in Santa Fe County, and significant volunteer and charitable services to the local community. This is the only option in Santa Fe County or anywhere in the area for Amma devotees to connect.

This location in particular is considered consecrated ground for devotees due to the significant history and long-term connection with Amma with the property. This property was also donated to the Amma Center specifically for this use and the Amma Center is not in a position to purchase property elsewhere for this use. Finally, the quiet rural setting is consonant with Amma's own values of in ethos of environmental preservation and respect for the natural world.

7.1.2, the use is compatible with the existing developing in the area and is compatible with development permitted under the code. As I noted, community service facilities are allowed anywhere in the County as are residential and agricultural uses. By definition community service facilities must be compatible with residential uses because they are specifically made to co-exist under the code. There is nothing about this area of the County that makes it uniquely unsuited to the current use and the requested use. It is in the El Centro growth management area which is the fastest growing region of the County and it's in the SDA2 where new development is likely to occur.

The lot consolidation that Amma proposes will mean that this center is on a 40-acre lot in the middle of 200 acres owned by the Schmidt family; so in essence, it has its own built in buffer. By the way the Schmidts have never developed their property

despite having over 200 acres other than the Amma residential ashram and a few family homes.

I did a little quick math. There are 30,634 dwellings in the unincorporated County. There's 1,168,000 acres in the unincorporated County that puts us at an average of 38 acres per dwelling unit, right at the 40 acres that Amma Center is.

We've addressed, in the process of addressing code and staff concerns, we have addressed major issues brought up by concerned neighbors and opponents. The first being fire. The reality is we are facing significant, expensive requirements to obtain Fire Prevention Division approval. We accept those requirements in the context of being a responsible resident and neighbor. We understand community concerns about fire but the scenarios presented are not supported by the evidence. The fact is this approval is going to require better fire apparatus access roads, vegetation management plan, additional water storage in the form of cisterns – it will be in a better position to prevent fires than any surrounding properties.

Second concern raised is water use. We have a budget of .50 acre-feet. We have allowable use of .50 acre-fee which has been accepted by staff. Over the course of 20 years out there water use was, at least for the first 18 of those years, .59 acre-feet per year. They simply have never taken meter readings. Once they did so, they instituted water conservation measures including getting reverse osmosis water filter, including changing out their landscaping for low-water use landscaping, it is, in fact, the outdoor uses that are significant in addition to not have the large events with Amma that had occurred every year. They are now down to a fairly consistent .35 acre-feet per year. We are confident that Amma Center can easily live within the .5 acre-feet requirement.

The water budget is also conservative. We have an allowable water use of .5 acre-feet and there's no reason to limit the budget to less than .5 acre-feet so there is room in there to adjust amongst the uses in the water budget. And we will submit annual water meter readings and subject to enforcement.

Traffic was a major issue raised. The traffic impact analysis was submitted and approved. History has demonstrated that there is no significant traffic, or really no traffic impact at all whatsoever during regular usage of the center. Levels of service will remain acceptable. We do have a requirement from Public Works Department that if we're seeing peak traffic, more than 25 trips per peak hour, we'll have to revise the study and address that. There have been, we acknowledge in the past, a few occasions during special events where there was some traffic backup on Stone Cabin Road. Amma Center certainly learned from those events and will address traffic concerns with any larger events in the future, particularly larger ones that might require a special use permit which would require a traffic management plan.

We believe we have addressed all staff concerns, all reasonable concerns from neighbors and opponents related to the current application. We have tried working with the opponents but we can't really – if the concern that they don't want us there we can't really address that concern.

As I noted, we accept all County conditions of approval. We don't have accept the conditions of approval proposed by the opponents. They are unfair, unreasonably treat the Amma Center differently from any other land owner. And I think what is going on is the opponents know that the land use is permitted and they are attempting to use water

use to bootstrap a land use regulation. But this would unfairly limit Amma Center's uses, potentially infringe on Amma Center's religious rights. The fact is, there's a budget and we need to live within that budget. It is subject to enforcement and we are committed to living within it. Similarly, traffic; we have a limit on traffic and we have to live within that. So this proposal is very compatible with the overall area which is primarily rural residential with businesses and community services facilities interspersed as you see on the map. In shorthand pretty much everything that is not in green is a non-residential use, including of course nearby community facilities on Camp Stoney, the La Cañada church, Desert Academy – it's an existing use, it's a compatible use, it meets all the code requirements and there's no compelling reason to reject it. As I mentioned, there is a federal law overlay. I don't even think we need to get into that because the applicant meets the code requirement and staff recommends approval. We agree with the staff's conditions.

Before I sit down I want to address – I understand that the opponents want to show a video of a discussion with Mr. Schmidt taken last year. And as Mr. Schmidt will tell you, he ran into his neighbors on the road. They engaged in a conversation and then started videotaping the conversation and now are going to use a 30 second clip of a 10 minutes conversation taken out of context against them.

It's appalling to me if we're at a point where you can't talk to your neighbors without being videotaped and have that become a public record used against you. I don't think it should be allowed for that reason. That said, I don't think that there's any concern. It's not particularly relevant. Mr. Schmidt at the time was explaining all the potential uses that could be involved in a community service facility. Amma Center subsequently decided to simply apply for its current existing use and that's all it is asking for. Anything else that could have been applied for is not relevant. It is again just asking for approval to what they're doing now.

So on behalf of numerous supporters and we may have lost about half the folks we had over the course of the night, but if I could get a show of hands of supporters of the Amma Center. Lots of them did stick it out and I am sure you'll hear from some of them. So we look forward to and appreciate your approval. I am happy to answer any questions as are anyone from the Amma Center or Mr. Walker and Ms. Hodkins.

CHAIR ANAYA: Thank you, Mr. Graeser.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Yes, I have a couple of questions for either Mr. Karnes [sic] or Ms. Vigil.

CHAIR ANAYA: Okay, if we could get the mike turned up so we could hear a little better.

COMMISSIONER HOLIAN: Can you hear me now?

COMMISSIONER CHAVEZ: Better.

COMMISSIONER HOLIAN: How's that?

CHAIR ANAYA: That's better. Go ahead, Commissioner.

COMMISSIONER HOLIAN: My first question is what is the maximum number of people whom you might expect at a gathering hosted by the Amma Center?

CHAIR ANAYA: Maximum number of people expected for a gathering.

COMMISSIONER HOLIAN: At any of the kinds of gatherings that you might have.

MS. VIGIL: Mr. Chair, Commissioner Holian, 120.

COMMISSIONER HOLIAN: Okay, and would you expect to ever have a gathering at which there would be more than say 27 vehicles?

MS. VIGIL: No.

COMMISSIONER HOLIAN: And, let's see, how far away is the nearest neighboring residence?

MS. VIGIL: Mr. Chair, Commissioner Holian, it is to the east of the property, the 40 acres, and is owned by Kathy and Steve Schmidt.

COMMISSIONER HOLIAN: Where or how far away would the nearest neighboring residence be that is not owned by the Schmidts?

MS. VIGIL: I would say – that person actually uses the same easement that is used for the Amma Center and that easement was actually given by Kathy and Steve Schmidt and I would assume it is probably, it's hard to see on this map, but I think I can point it out to you. It is not adjacent to directly adjacent to, I think there's maybe about 10 acres between.

COMMISSIONER HOLIAN: And my understanding is that you don't have any current plans for any future development on the property. Any further building, is that correct?

MS. VIGIL: No, we do not.

COMMISSIONER HOLIAN: And, I guess I have one other question. Are you going to be putting in a water supply cistern by any chance that might be used for fire protection purposes?

MS. VIGIL: Mr. Chair, Commissioner Holian, that is not proposed in this application but there is an approximately 10,000 gallons of cistern and holding tanks that could be used for fire protection if need be.

COMMISSIONER HOLIAN: Thank you. And, then I guess I have one question for staff and that might be for Marshal Patty and that is to explain what the requirements are for the center with regard to fire safety?

FIRE MARSHAL PATTY: Mr. Chair Commissioner Holian, being as they are not adding any new buildings, the one gathering building that they get is under the 1,500 square foot that triggers the sprinkling and the water storage. So at this time they don't have to have any because the fire department will haul the amount to meet the ISO requirement of rural fire fighting of 250 gallons a minute for two hours, which is 30,000 gallons.

COMMISSIONER HOLIAN: I see, thank you, Marshal Patty. Those are all my questions, Mr. Chair.

CHAIR ANAYA: Thank you, Commissioner Holian. Are there other questions or comments. Ms. Vigil go ahead.

[Duly sworn, Steven Schmidt testified as follows]

STEVEN SCHMIDT: Mr. Chair, Commissioners, my name is Steven Schmidt. I'm sorry I have to prolong this any longer than we have to since it's so late but I just want to mention that much of the opposition against Amma Center has been directed at me personally. Kathy and I, my wife Kathy, and I, donated the land for the

center. But we do not control its membership. We don't control its activities or the programs. The Amma Center has a life and character of its own. People come from the Santa Fe area and other parts of New Mexico to pray, sing, meditate, prepare meals for the homeless and other activities. Over 100 volunteers are organized every year to host Amma and her entourage when she has a public program at what's been the last two years at Buffalo Thunder. There are no plans, may I repeat, there are no plans for expansion of the Amma Center facilities. By granting this request our spiritual community will continue to operate with minimal impact on the land and resources.

Having been involved with the Amma since its beginning I would like to explain why this land and this location mean so much to us. Amma held annual programs on the property for 18 years starting in our living room in 1987. Amma held the very special event [inaudible] in the Amma Center temple which makes the temple most holy. Moving to another site could never recapture that history or the blessings the property has received. For many years we had the large annual events around Amma's visit on the site. We no longer do that and will not in the future.

Every year I would meet with County staff. I believe the first year in 1988 I met with Gilbert Chavez who was the Land Use Administrator and explained to him what we were going to do. He told me that I did not need a special event permit and that I should stay in touch with the County. Every year that we had the programs there and that was for 18 years until 2004, I was in contact with the County particularly Greg Al-Yassin and every year they told me that if the event resulted in a code enforcement complaint then Amma Center would have to get a permit. I am frustrated because it was the opponents who insisted that we get approval to be a community service facility. We were very, you know, content just being private like we have been since 1987. It's like they were for us to become a community service facility before they were against it. It's like they for it before they were against it and now they're against it and we are suffering the fallout.

There are many troubling claims and misrepresentations. I am sure you will hear some personal attacks against me from Mr. Karnes. As an example, it is said that our burrito project impacts the neighborhood and will exceed our water budget. Although we are joyful to have serviced over 100,000 burritos to the homeless for the last 20 years the reality is that the project is five people in the kitchen and only the water used to cook a pot of beans and wash our hands when we are done.

Other claims that I am a developer and that we have a hidden agenda to expand beyond what we are requesting. That is simply not true and as a practical matter why wouldn't we ask for approvals or expansion plans if we had the intent to expand our activities. We have no plans to do anything other than what we have been doing peacefully for almost 30 years and that is serve the homeless with food, warm clothes, buy children's uniforms for the high schools and support various other charitable activities in the community.

What the opponents called a large unpermitted event in September of last year, in fact, was a visit by a monk. A person during – at the beginning of this event told me that there was somebody in the road harassing the people coming with a video tape and with signs that were threatening against Amma Center, I went out to see what was happening. And I saw Ms. Sahlin in the middle of the road harassing all the people who were coming up the road to the monk's event. I saw her brother who is a friend of mine and he came

over and got in the car with me and started talking to me and Ms. Sahlin came in the car put a video camera in my face and at that point it was pretty frustrating. And I addressed to her my really truthful feelings about what we were doing. And what I basically said to her was, I said you know we would really just like to remain private and not have to go through with this community service facility approval because once we do that we become public and a community service facility is like a church, a police station, a fire station, a camp, a community center and we become public and we have more rights than we would have if we just remain private. Mr. Karnes is going to try to show that I was threatening them with expansive activities and I wasn't.

CHAIR ANAYA: Sir, if I could. I appreciate your testimony and the testimony of everybody that is going to come before us today. Do me a favor, just provide your feedback and let's not speculate on all that you presume might happen.

MR. SCHMIDT: Okay.

CHAIR ANAYA: I'll make sure that we maintain decorum in the discussions and hopefully we don't get into redundant comments. Do me a favor if we could, let's not speculate on what might happen and let's provide your input and we'll go through a public hearing process and I'll do my best to keep the decorum fair and appropriate for all parties involved.

MR. SCHMIDT: I understand. Thank you.

CHAIR ANAYA: You bet.

MR. SCHMIDT: So, finally as I said, Amma Center is on land that was donated. It does not have the resources to relocate elsewhere and any fund raising it does is to put its funds back into community service efforts for the poor nor would it want to relocate due to the consecrated nature of the existing site.

In the end, I ask you to approve our permit request to keep doing the peaceful, beneficial and very small scale works we have been doing all along. Thank you.

CHAIR ANAYA: Thank you, sir.

MS. VIGIL: Mr. Chair, Commissioners, that concludes our presentation. We stand for any questions that you may have, thank you.

CHAIR ANAYA: Any other questions or comments at this time? Seeing none, this is a public hearing and I will open the public hearing for those that want to speak in favor or against this particular project. What I'm going to do, is I'm going to alternate. I'm going to do against or in favor and alternate back and forth. I'm not going to put a clock up right now but I'm going to respectfully ask that we not be redundant in our comments. If something has already been said, let's not be redundant in our comments. I would respectfully ask that from all of you on both sides.

Please stand and be sworn, if you would.

[Those wishing to speak were administered the oath.]

CHAIR ANAYA: So like I said, people that are in favor and against, we're going to alternate back and forth between the two. And if you don't mind, could you move the maps back? Thank you, appreciate that.

And another thing I'm going to do just to make sure that we maintain a respectable decorum, those people that are against I want you to be against, I want you to be on this side and those people that are for I'd like you to come from this side, if we could from this side if we could.

So if you're going to speak if you'd line up and I'm not going to put the clock like I said, but, please, please, please be respectful of one another and the time of night for lack of a better word. And if we could start with you, sir.

SCOTT ARMSTRONG: My name is Scott Armstrong. I live at 14 Jericho Lane in Santa Fe County. And I am under oath.

I am going to make just a couple points on the way. We, my wife and I, enjoy the ethnic cultural and economic diversity of our community and we have no problems with the Amma Center's religious practices. I am not even aware of the events that were just described. But we have a series of concerns that I think go to the heart of what it is to have a community service facility in your neighborhood. We live on a cul-de-sac that starts from Two Trails Road and Old Santa Fe Trail, that's where the bottleneck is, and goes up and around, basically, the area you see in that map. It includes during the day time roughly 2,000 people and roughly 1,000 cars or vehicles that would have to exit. And we live there at sufferance of the – as the result of the support of the Hondo Volunteer Fire Department, one of the finest in the country.

On June 6, 2013 we were asked to come to a meeting by the Hondo Fire Chief and we went to the meeting and at the meeting he discussed the notion of the fire conditions in the area and the fact that we were facing a potential fire disaster in the area and would we please help work on an evacuation plan. We got involved at that point and that led, from my point of view, to what became as known as the organization of Preserve Old Santa Fe Trail. When we began to look at it we recognized that the bottleneck that would occur in an emergency if under a very short period of time while the fire department is coming in one direction into the cul-de-sac, 2,000 people and 1,000 vehicles presumably some with horse trailers and other things were going to be exiting.

Now, it may sound like an unlikely event but we know how severe the fire conditions have been in the last five years. And to illustrate on November 5th on a point that is actually on their – there's a little red dot down on their thing, which indicates the Red Sky, some sort of Red Sky Center, which is just above that is to say, just west of the bottleneck so it is not within our area. There was a fire that 13 Hondo fire people responded, Glorieta and Santa Fe County and Santa Fe City all responded and they had to stage it on Santa Fe Trail because they couldn't get back into it because of the size of the equipment which is one of the problems that we have with this site is how much of the equipment can get back there. As a result, the structure burned completely to the ground and they had to shut off Old Santa Fe Trail to have the staging area to allow them to get any water in at all. And I don't think we have the equipment that can get 30,000 gallons in a situation like that, much less to one up the location where the Amma Center wants to be.

Last night we had another fire and that fire was up on Overlook Pass and it was in a separate garage. It burned to the ground. But it was very difficult to get fire equipment up there. They could only get one small engine up there. They had to then relay and shuttle water up and as a result it burned to the ground. Had it been during the fire season the Deputy Chief told me he would have expected that would have gotten the main building, the trees around it and we would have had a major disaster. Exactly, the sort I am talking about. So we are not talking about something that is unlikely. We are talking about two incidents that if in the right season would have –

We all know that the Hondo Fire Department is having difficulty recruiting. It needs additional support. That's another matter before the County. One of the things in your code –

CHAIR ANAYA: Sir, I'm going to respectfully stop you. I'm going to let you finish but I'm going to say this, behind you there's a lot of people and I'm going to be equitable with time and I got your point on your third sentence that you're concerned about the fire impact and you're concerned about ingress and egress. So, respectfully, I'm going to ask you to close and I'm going to ask all of you standing there on both sides, for and against, not to be redundant with your comments and not to go on and on about the same thing. Because I'm telling you respectfully, I got what you're after in the second or third sentence that you said it. So, respectfully I'm going to ask you to close in fairness to both sides and I'm going to do this on both sides. I didn't put the clock up there on purpose but I don't want to get in a situation already on the first speaker where I move to do that. So if you could – I'm going to respectfully ask you to wrap up and then we're going to go through some additional comments. Okay?

MR. ARMSTRONG: I will wrap up. You mentioned the community services facilities would be evaluated. They were evaluated. The traffic study is not an appropriate traffic. It needs to be a traffic study under stress, what would happen in an emergency not one that is done under the idea conditions. Not to mention it doesn't – for a cul-de-sac – it doesn't presently meet the traffic study does not meet the present standards.

Lastly, I think that the – you need to have the traffic study evaluated by people with fire expertise and people that have studied the emergency evacuation procedures that we put into place which are quite cumbersome and would take several hours to execute.

I'll leave it there.

CHAIR ANAYA: Thank you, sir. Yes, sir.

BARRY GREEN: Thank you, Mr. Chair, Commissioners. I will try to be brief. I am Barry Green, I testified earlier. My property is about one mile from the Amma Center but more importantly I have to drive past it to get out of the cul-de-sac that was just mentioned. I met Steve Schmidt in 1996, that's when I started living on my property. I don't know why people are saying negative things about him; I think he's a great guy. I even in the 80s went to some of the Amma meetings when they were at St. John's College. About 300, 400 people were at each of those meetings. I'm a neighbor. I don't have anything against them.

But I did want to raise two concerns and sort of along the lines of the other gentleman. We can only get to our properties through one road and that road goes up a big steep hill and that's where the entrance is to get to the Amma Center. Twice now I've been in some really scary situations on that road and I think that needs to be addressed. Once, I was coming home and about halfway up that hill someone had lost control of their vehicle and hit a power pole and the power line across the road dropped and it was the middle of winter and for 2.5 hours we were not allowed to go home until the power company got out there and did something about that line. And I've counted it, from Two Trails Road/County Road 67 C to my road the power line crosses the road 23 times. So that's 23 chances for someone who loses control of their vehicle or a fire drops a power line across the road and trap everybody there. I think something needs to be done

about that.

The second thing is, right where the driveway is to Steve Schmidt is the worst part of the road to the Amma Center, Steve Schmidt's house. It is the worst part of the road. It is designed wrong. People go off the road in the winter all of the time there. There's a guardrail now that stops most of them. I was hit head on by my neighbor coming down that road sliding in the ice and hit me head on, I don't know, in 2000 or so. So in the winter time, again, there's another concern about the road that it's really dangerous in that section right where they enter into the road that goes to the Amma Center. I don't know that it's the Amma Center's responsibility to deal with the road but since I was here earlier for the hearing I wanted to mention that to at least make the Commissioners aware that there's some problems on that road that you should really be concerned with.

CHAIR ANAYA: Thank you, sir. Appreciate it.

MR. GREEN: Thank you.

DAVID BIRNBAUM: Good evening. David Birnbaum and I live at 7727 Old Santa Fe Trail and I'm the president of the Preserve the Trail Association. And I'll be brief.

I live less than a mile away and I'm painfully aware of the very limited water resource that we all share having drilled four wells on my property and hauled water in a tank in my truck at times as each of the first three wells failed. So when a neighbor applies to permit a use which clearly will consume a large amount of water and submits three water budgets all of which leave out significant uses I am alarmed.

The first budget submitted by the applicant in the spring of 2015 specified seven full-time residents using the total of the allocated .5 acre-feet ignoring the weekly meetings which draw approximately 40 people and the weekly event where 100 burritos are made as well as several larger gatherings of over 100 people each year.

The subsequent revisions of the water budget reduced the proposed number of residents but still failed to include all the uses the applicant proposes. The CDRC members in recommending denial of the application seem to recognize that the proposed solution of depending on their promise to live within the budget despite having documented themselves that they don't have sufficient water by requiring annual reporting of the monthly well meter readings would not be a timely enough response to protect the fragile water supply that we all share.

The other concern which the CDRC members agreed was a significant concern is the fact that the septic system for the property was designed and permitted in 1994 for a six bedroom house and that for a variety of reasons there is a reasonable expectation that it would not properly treat the waste generated under the proposed use. And would therefore probably or possibly release contaminated water or result in contamination of the groundwater. The attitude of the applicant in response to my raising this concern was surprising and disappointing because there were statements made indicating unrealistic assumptions about the participants at the weekly events not using toilets and a testimony by an expert that the system can treat a lot of waste as well as a refusal to install a modern advanced-type system that would purify the waste to a degree which would allow the outflow from the system to be used for irrigation and to be much less likely to contaminate groundwater. In responding to these concerns, the applicants exhibited a lack of willingness to consider alternatives which were proposed, which I believe

contributed to the CDRC recommendation for denial.

The assertion this evening that the system has never been over-taxed is meaningless in the context of our objection as this system does not need to overflow in order to malfunction and potentially pollute groundwater. There is a history in our neighborhood of many promises made and broken: promises to keep the noise down late at night when a mile away it was keeping my children awake; promises to reduce the number of participants; promises last year that there would be no event and then a surprise tent gets set up and there's 200 people coming in on tour busses and the idea that this traffic backup never affects any road other than Stone Cabin Road is not correct. We've had people waiting on the long Abeyta Hill that leads up on the Old Santa Fe Trail when there's congestion as people are turning off the Old Santa Fe Trail onto Stone Cabin Trail.

So I am just briefly addressing the fact that they make is sound like we have a personal vendetta against Steve Schmidt which is not at all true. It is simply that we have not been treated honestly in our attempts to be good neighbors and try to live with what has been an unpermitted and out of context use in our lovely rural residential neighborhood. Thank you very much.

CHAIR ANAYA: Thank you. Yes, sir.

RONALD BOYD: My name is Ronald Boyd. I live on 7741A Old Santa Fe Trail. I am three driveways down from Mr. Birnbaum who just spoke which is on the Camp Stoney Road. I drive past the entrance to the Amma Center, Stone Cabin Road, normally twice a day. I have never had to pause for traffic going in or out of the Amma Center property.

The first gentleman who spoke about there being thousands of vehicles going up and down this road is absolutely false. There is only about 100 or so houses beyond this junction so at most there might be 200 cars in the course of a day going in and out. There would never be that kind of traffic jam he envisions. The speed limit at this point is only 20 miles per hour so people are generally moving slow. I have not known of any congestions or traffic accidents in this stretch of the road. Although, Mr. Green who testified earlier said he has had problems with sliding on the ice or a power line being down in the road, that would have nothing to do, absolutely nothing to do, with the Amma Center activities. The only problems with the road have been occasional snow or ice when the County can't clear it fast enough.

On Saturday evenings when there are services held, again, I've never experienced any delays for people going up and down the road caused by attendees of the program going in and out. And you're talking about 15, 20 at the most 25 cars over a two hour period.

The Amma Center property has no large signs or bright lights. Its building is barely visible from Old Santa Fe Trail. There's no smoking. There's no fireworks, no trash burning, or campfires on the property. There's a zero chance that any activity on the property would cause a fire except, perhaps, by lightning. No alcoholic beverages are allowed on the property so there would never be a drunk driver living the property.

At this time there are under three permanent residents on the property and it's capable of housing six permanent residents. The clothes washing machine is water conserving. The toilets are low flow. The dishwasher is run only when it is full. The

septic system has never backed up or smelled bad. All the work for the various projects and programs is volunteer. No one gets paid. I believe we are good stewards of the land and good neighbors. Our contribution to the community is great. But the impact to the land and the neighbors is minimal. Thank you.

CHAIR ANAYA: Thank you, sir.

MR. BOYD: I also have several signatures of people, about 60 signatures, of people who are either present or who were present this evening who were unable or don't want to take the Commission's time. How can I deliver this to you?

CHAIR ANAYA: Give it to staff and we'll make sure that that's included in the record, sir.

MR. BOYD: I'll give it to Mr. Larrañaga.

CHAIR ANAYA: That's fine. Thank you. Yes, sir.

JIM MOORE: Good evening, Mr. Chair and Commissioners. My name is Jim Moore. My wife and I live at 20 Jericho Lane also known as County Road 67B which is just off Old Santa Fe Trail almost right where Two Trails Road comes in. I just want to present a few facts that have been presented to me by Ms. Martinez of the Preserve the Trail Neighborhood Association which we belong to, just to put this in a little bit of context.

The Association itself, just for the record, covers an area where we have County Road 67 at the intersection of Old Santa Fe Trail and Two Roads and it goes all the way out to Cañada de los Alamos. We have eight neighborhood captains as we call them that are serving in a volunteer capacity notifying neighbors of emergencies, evacuation, etc.

I understand from census bureau figures in the last 15 years the Village of Cañada has gone from 310 to 438 residents just in the context of more traffic and more population something that is presumably going to continue. Ms. Martinez has traffic tables that she would like to put into the record which indicate that over the last 12 years traffic along this road has gone from an average of roughly 1,200 vehicles a day to over 2,200 vehicles or trips a day, considerably more than someone just mentioned. And we are served, of course, by the Hondo Fire Department and you're familiar with it but this is a little bit different than other areas in Santa Fe County. It is a land locked area particularly with Cañada. It is in a densely forested area at considerable altitude in terms of the fire danger and so forth.

So I just wanted to put those facts into the record. And we'll be happy to pass out those traffic tables but it is something that is more dense, more traffic and likely to continue independent of the application here and I would urge you just to look at the application in the context of something that is less – it's still rural but it is less so than it was and likely to become even a little bit more that way. Thank you very much.

CHAIR ANAYA: Thank you, sir. If I could have the next person come. I don't want everybody to just stand there the whole time. So sit down but – go ahead and sit down those of you that are just standing respectfully. But please, I'm going to ask again, please be brief and succinct with your comments.

BRENDA WITTNER: I am Brenda Wittner. I live at 3603 State Highway 14, Santa Fe. I want to say that I have been going to the Amma Center for 20 years and I am really here to speak about the spiritual music and the devotion music. However, I just really need to mention that because I drive there and I've driven my

children there I have never had any fear of fire, any fear of traffic, any fear that there are septic problems, any fear that we are not doing what we can for water conservation and care of the environment. And I keep hearing the same thing over and over again which you keep asking the opposition not to say.

So I'm going to speak about singing and listening to spiritual music which is a benefit that Amma teaches her disciples and I deeply believe and many people in our community whether they are Christian, Catholic, whether they are Buddhist, whether they are Amma devotees we all believe that when we pray in that environment the atmosphere is purified and there is a certain level of protection. And that's why my stepfather wears his scapula and that's why I go to the Amma Center. I pray for my family and I sing spiritual songs and I believe that area is protected because of the prayers I do and that I'm not going to get into a fire. I'm not going to have an accident and that the neighbors are protected. I do [inaudible] for world peace when I go there and neighborhood peace and peace in my community. So I want you to know that every night we perform our devotional music and we do six songs, we have five backup singers and we practice and we are accompanied by a keyboard, harmonium and drums. We are so attentive to the volume and the quality of the sound because it is so important to create a devotional mood and not be too low but only loud enough that people want to join in, the 15 to 25 people who are there with me. And when Amma is in the country, sometimes I am there with 10 other people – it is such a small group. Sometimes there's five cars parked in the parking lot. There is no traffic. There is no danger. And all they are doing, the opposition wants to talk about danger and I'm here to tell you that we pray to uplift the area. To uplift the Santa Fe community. We are just a small group who practice and I don't even want to say anymore. I just want you to know that we then practice enough that we perform for Amma in June at a big convention where thousands of people come and the quality of music for Amma is world class. And we do our best to have supreme sound and we work with the children. I work with the children for them also to sing these spiritual songs. And anymore it's like a little bit of a movement like Tina Turn-on on YouTube you can watch here. She also works like I do with children to help uplift humanity. If anything is going on on the planet where we need it more than ever is for small groups of people to come together and pray. And I ask that you consider how important this is for us. Hundreds of – maybe there's 20, 25 people usually who come to the Amma Center on a Saturday and I ask that you let us continue to go to donated land where people have been generous enough to give us septic tanks and a kitchen to make burritos and a place where we can gather money for uniforms and we gather gloves and hats for homeless people. And, I'm asking you that you let us continue to pray for the entire community through devotional singing and music and prayer.

CHAIR ANAYA: Thank you. An individual from the opposition, come forward.

THERESE MARTINEZ: Good evening, again, Chairman and members of the Board of County Commissioners. My name is Therese Martinez. I am the vice president of the Preserve the Trail Neighborhood Association. I am the fifth generation of my family that has lived in this area for over 100 years. I live at 30 Little Island Road 7/10 of a mile from the proposed development being discussed tonight.

In regard to the application for preliminary and final plan approval to allow

existing structures to be utilized as a religious institution on a 40 acre site at 48 Stone Cabin road we have the following concerns. Ordinance number 2010-13, community service facilities state, and it is still current, Community service facilities are facilities which provide service to a local community organization and continues the proposed facilities are necessary and compatible with the existing development. As a neighborhood we do not find the use providing service to the local community nor necessary nor compatible as is evidenced by the petitions and letters in your packets.

The Hondo volunteer fire department district is not governed by the size of area, square miles, terrain, density or other factors. It is governed by preset boundaries decided years ago to make sure all of Santa Fe County was covered. The proposed center is beyond five driving miles from the closest fire station. For ISO ratings and the general well being a fire substation with equipment and man power would be more of a necessity. More of the type of community service facility needed in our area than the proposed development. With a dedicated water storage equipped with fire hydrant, with draft hydrants.

At the present the proposed development is already using their limit of .5 acre-feet yearly allowance with just the residence in their ashram. The harvested rain water in the storage tanks are not outfitted with the draft fire hydrants so are therefore not a usable source of water for fire suppression. The total gross square footage of the development is 7,600 square feet total. What started in a private residence has grown into a 501c3 and several buildings totaling 7,600 square feet. We want to know what is to stop this use from increasing to the convention center sized building that was initially proposed; covenants, footprint or height restrictions, what about the change of ownership. How is that enforced? What are the parameters to govern this proposed use that states in their proposal no changes to the subject property. Traffic has increased significantly over the several years, the last several years and will significantly increase with the proposed community service facility. Their 2013 traffic study submitted by the applicant recorded 16 trips per hour entering and leaving Stone Cabin Road with peak hours being 7 to 11 a.m. and 2:30 to 6 p.m. that's 104 more vehicles per day, 728 more per week, 21,840 more per month during peak hours. This number is 3,065 times more than the Village of Cañada has increased in one year and 255 times more than the traffic has increased in 20 – excuse me, 12 years in the village alone. These are single vehicle counts that do not include the amount of passengers in those vehicles. And the report also states it would not be a substantial burden on the area yet this amount is more than the County allowance of 25 vehicles per day.

As the CDRC recommended our neighborhood also recommends that this proposal be denied. Thank you.

CHAIR ANAYA: Thank you. Yes, sir.

CHRISTOPHER BENTLEY: Mr. Chair, Commissioners, my name is Christopher Bentley. I live at 2491 Sawmill Road here in Santa Fe, New Mexico. I am one of the volunteers that delivers the burritos for the burrito project to the Interfaith Community Shelter on Cerrillos Road on Sundays. Every Sunday the Amma Center of New Mexico serves a wholesome nutritious burrito snack lunch meal for the needy to one of the homeless shelters in our community. The guests in the shelter are always grateful to have something that they can pack up and take with them for later. We serve

anywhere from 50 and 100 people at a time. We serve people who are destitute with nowhere to call home and also people who have a place to stay or live but are struggling just to get by. We serve young people, seniors and also families. Some with wheelchairs and some with mental disabilities. In the winter we also distribute clothing and at times it seems that the need is greater than what we can provide.

The words that most people commonly use to express their gratitude to us is, God bless you. Many people that we serve have told me that they save their sack lunches so that they have something to eat later in the week. I even had one homeless man tell me one time that one week the only food he had for the whole week were the sack lunches that he took from us. You saved my life, he said.

Our community relies on non-profit charitable organizations, churches, spiritual centers like the Amma Center to work together and provide clothing for the homeless and needy and also food. There are some days when the other organizations that work together with us at the shelter to provide food run out and all that is left to serve are the sack lunches that the Amma Center have brought.

I am never left wondering if my contribution is used appropriately. Every week I see right before my eyes directly, exactly the result of Amma Center's dedication and service to humanity in our community.

I just want to close in saying that Amma has told us that she has only one thing to teach us and that is that our lives should be of some benefit to the world and I am grateful to the Amma Center for providing this opportunity for me to directly serve the community in this way and I only ask that the center be able to continue and operate in the way that it has done for the last 20 years. Thank you for your time.

CHAIR ANAYA: Thank you. Yes, ma'am.

ERICA CHIADO: Good evening, Board of County Commissioners. My name is Erica Chiado and I live at 1 Courts Trail in the Village of Cañada de los Alamos, Santa Fe County. I have been sworn.

I would like to state that I have no issue with the Amma Center or with the Schmidts nor am I against feeding the homeless, eating burritos, or singing – I do all of these things. My concerns are regarding the land use and its impact and the rural character of said land.

My colleagues have already addressed the handling of liquid waste during large gatherings which was not addressed nor required in the proposal. They have addressed special use permits for large gatherings. The intensity and the variance of the use of this land which concerns me. And also the water usage. That is all, thank you.

CHAIR ANAYA: Thank you. Yes, sir.

DAVID GINSBERG: Mr. Chair, Commissioners, my name is David Ginsberg. I live at 3 Monte Alto Way in the County. I run a successful company in the County and for note I am also chairman of the Board of Southwest Care Center as well as Women's Health Services which has a long history of helping to safety net a population of this town and very long history of being supported by the County for which we greatly appreciate.

I have also been a participant and a member, if you will, or devotee of the Amma Center since 1990. In that time I have served on their residence committee approving the residents that come into the facility and chair of the finance committee. I can assure the

Commissioners that our finances are not such, nor have they ever been, to really support any kind of major expansion in that it is a truthful statement that is being presented in the application that there are no plan right now to expand or go beyond the facility size. In fact, really the ultimate goal is to remain where we are and continue the ability to exercise our right to assemble and our civil rights to worship.

Additionally, in my role as the residence committee, one of two people that approves residents, we've really never looked to have more residents than the property can accommodate and that six to seven number has stayed fairly stable although we'll have some residents who will leave and some who will come back but typically the facility does not get overwhelmed in terms of the size.

I think you've heard all the other statements in support of the safety net services that the organization does. Clearly, that is a passion of mine which drives me to service to this community both as chair of Southwest Care Center but also my service to the Amma Center and I would urge the Commission to recognize our long standing role for the community and to approve our ability to continue just what we've been doing for many, many years. Thank you.

CHAIR ANAYA: Thank you, sir. Yes, ma'am.

MARIA MARTINEZ: Buenas tardes y muchas gracias. Thank you kindly everyone. I am Maria Martinez. I am generational and this is where our ancestors have been on both the indigenous and the Iberian history.

We support all the good things that transpire in the community. We understand that the Amma followers work honorably to support peoples at any measure. We have no issue with that. We understand growth is imperative. We would appreciate that all of the concerns cited previously and today be responded to with respect and responsibility individually and collectively.

We recognize that there has been much sentiment, much emotion and we ask solely that we all respect the land and each other for safety and welfare for all of us. It is not a division. It is not a we and they. It is all of us. Let us be whatever intelligent is and whatever gentle is in this reciprocal respect with the land and all the peoples. Muchas gracias.

CHAIR ANAYA: Thank you.

BISHOP DOUG WALKER: Mr. Chair, Commissioners, I am Bishop Doug Walker. I am the ordinary of the ordinariate of Holy Faith and ambassador to the parliament of world religions.

I want to share a little bit about Amma. Amma is a very unique person and I think what makes this community unique is the teachings of Amma. Amma doesn't require her devotees to be Hindu. Many of her devotees are Christian, are Jews, many of her devotees are people of all different faiths. And why they follow Amma and why they serve as Amma asks them to serve is because Amma has a vision of feeding the poor, clothing the naked, serving those who are the neediest in all communities. This community has done that faithfully for 28 or 29 years. To deny them the benefit of continuing on their property would be to deny them their religious freedom and so I stand here in support of the Amma Community and in support of their ability to practice their religion; to practice the charity that they offer to this community. Denying them the right to continue as they have would impact not only this small community but the larger

community of several people who depend on them for help annually. Thank you.

CHAIR ANAYA: Thank you. Yes, sir.

JOSEPH KARNES: Thank you. Chair Anaya and members of the Commission, Joseph Karnes, 200 West Marcy Street here on behalf of the Preserve the Trail Organization. I'll wrap up the opposition presentation by briefly initially reiterating that my clients as some of them have stated have no quarrel whatsoever with the good works carried out by the Amma disciples; that is not what this is about. What this is about is the compatibility or more specifically the incompatibility of the use with the existing development in the area. That is still a test under the code that is being applied tonight and I'll briefly address that test which the CDRC found was not met here. As he did before the CDRC we listened to Mr. Graeser explain his rationale or his understanding of the test basically saying that since community service facilities are allowed anywhere in the county then by definition, that was the term he used, by definition they are compatible with surrounding development. If that was the case we wouldn't be here tonight. The CDRC applied that test and they said, no, that's the reason they were making the determination whether the use is compatible with existing development in the area. They found it was not. Now you have that responsibility tonight. And, in most cases, with a proposed community service facility you're looking into the future. You're anticipating what the impacts of that use might be. Well, here that is not the case. You have before you 28 years of actual impacts. You have the testimony before you. You have a record before you to determine compatibility or the lack thereof.

Now, I'm going to, given the late hour, I'm going to refrain from showing the video and just focus and finish up briefly by addressing the impacts this use has had on the community over the last 28 years. What they have done in the past has resulted in long standing issues and complaints that you've heard about tonight and are in the record. There have been large events carried out without the issuance of special use permits repeatedly. And I'll just point out that the relocation of the weeklong Amma visit every year to outside of Cañada de los Alamos, that's a good thing. That's a positive thing. Likewise, there was an unsuccessful attempt to obtain administrative approval of the 16,000 square foot building as an accessory structure. That didn't go through. That's a good thing as well. However, we are left with these large events that happen every year and the concern that you've heard tonight from the residents of the area is that for 28 years the feeling is that the Amma Center has done basically whatever it wants. It hasn't complied with the County's requirement that community service facilities have approval from this County. They never approached the County. They didn't – they were charged with complying with the code. They heard from Mr. Larrañaga and members of the planning staff for the last several years that they needed to come into compliance with the County code if they wanted to continue their use. That requirement has been held off for a couple of years while they pursued the large building that they eventually dropped but when they decided when Amma, as they just described, decided to drop that proposal then they were left with nothing but a bare unpermitted use that needed to be rectified. That is why we are here tonight.

I'll just summarize on the compatibility issue by reading the statement that CDRC member Bette Booth made before moving that the CDRC recommend denial of the

application before you. I think she understood and expressed very well the issues regarding the lack of compatibility that this community has faced for the past many years. Member Booth said, and I am reading from the minutes of that meeting: Member Booth said that the CDRC has been challenged to look at the legalities of the current and long standing 20 year unpermitted use for this facility. Member Booth said in her review of whether the use is compatible with existing development in the area, it is not. The use is too intense for the area and does impact the surrounding community as documented by the complaints heard today and letters in the record going back to 2000. She said the dead-end road concerned her as well as the tremendous potential for a real major catastrophe to happen, speaking specifically of the fire threat. She said it was just too dense for this rural residential area Your CDRC is charged with applying your land use code and making a recommendation to you. That's their expertise. That's their job as the planning commission of this county. They recommended denial of the application because based on the 28 year record of unpermitted use, the use is incompatible with the existing development in the area.

I urge you to follow the CDRC recommendation and deny this use. Thank you very much.

CHAIR ANAYA: Thank you, sir.

ANTON KOURY: My name is Anton Koury and I reside at 31 Paseo Vista, Santa Fe, New Mexico, 87508. Respected Commissioners and staff my family and I have been part of the Amma Center community for over 12 years. Like many other families, our children grew up visiting the center, spending time with other children and participating in numerous service oriented activities like the burrito project mentioned earlier. The Amma Center is a safe, peaceful environment and most importantly it maintains a minimal impact philosophy on the environment along with its commitment to serve which like many other parents we wanted to instill in our children through examples. In regard to the request for being granted a community service status, the Amma Center has been a service to the New Mexico community for over 25 years. Along with other families, my family has been providing meals for two Santa Fe area homeless shelters for the past seven years. We cook twice a month, full meals for around 40 people in each shelter. We all take turns cooking in our homes, using our own kitchens to provide the meals under the blessings and support of the Amma Center. Being that the meals happen on Sundays the same day as the burrito project early on we made the conscious decision to cook at our homes and not burden further the kitchen in the facilities at the center.

Both the burrito project and the shelter meals are only a few of the many examples and services that the Amma Center provides and supports. We appreciate your time and consideration in keeping this vital center part of this community, inspiring others, a new generation in service and care for our county and state. Thank you so much.

CHAIR ANAYA: Thank you. Mr. Graeser.

MR. GRAESER: Mr. Chair, I know there were a lot of other people to speak and if no one absolutely has to speak I'll ask you to simply hold your good wishes because I do believe the Commission has got a feel for it at this point, unless the Commission would like to hear from more individuals.

CHAIR ANAYA: I would appreciate it if you would move to closure.

MR. GRAESER: Thank you, Mr. Chair. I'll just take a minute with a couple of comments. The first one, towards Commissioner Holjan's question about traffic, I think to clarify the requirement from staff was no more than 25 peak vehicles per house, or whatever the staff put in there and we can certainly live under that. There was discussion of all the petitions in the record. I need to clarify. There is two different petitions in there. One from opponents and there were opponents to the plan from a couple of years ago for a 16,000 square foot building not to this. There was also a petition in support of this project. As far as fire equipment access we are upgrading half a mile of road to 20 foot wide, full base course, it's an expensive project. It's going to provide much better fire apparatus access.

Morey Walker, you don't even have to stand up. Was your traffic report done to meet all required engineering standards?

MOREY WALKER: Yes, it was.

MR. GRAESER: Yes, thank you. Meghan, does your water budget meet all required hydrologic standards?

MEGHAN HODKINS: Yes.

MR. GRAESER: Okay. And Morey, you have reviewed the engineered septic system plans, is the septic system adequate to meet all required uses in your professional opinion?

MR. WALKER: In my professional opinion, yes.

MR. GRAESER: Thank you. I told my client they had to pay these folks to sit here all night so I needed to get them to testify.

You know, I think the biggest point is that we meet all the requirements, staff has recommended approval, there have been requests from opponents to impose all kinds of conditions of approval, in fact, a fire substation. The reality is the conditions of approval requested by staff are supported by evidence and professional standards. The conditions of approval requested by the opponents are not.

We very much appreciate your time. We know it is late and thank you.

CHAIR ANAYA: Commissioners. Commissioner Chavez.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER CHAVEZ: Yeah, I just want to thank everyone for their testimony and the time that you put into this. I know it's not easy. It's been stated that the County Development Review Committee recommended denial and that's true but it was 3 to 2 and it was not a unanimous vote. We're not all going to agree on everything all the time. We have to listen to each other respectfully. But we're not always going to agree. So I respect the time and the effort that the CDRC puts into this as well because we may or may not follow through with their recommendation. They are a recommending body.

As was stated earlier there are numerous conditions of approval that staff has placed on this. They're not all numbered by there must be, I'm estimating somewhere between 10 and 12 conditions of approval. The majority and this may be a minor consolation to those that don't support the project right now in its current form or in the application that is being requesting but most of the staff conditions deal with the road surface, with improvements to the road – I'm going to read just a couple of them: The

Applicant shall address the approach of Stone Cabin Road to meet Article V, § 8.2.7d which states, "grades at the approach to intersections shall not exceed 3 percent for 100 linear feet, excluding vertical curve distance; return radii shall be a minimum of 30 feet; all internal radii shall be a minimum of 30 feet unless approved by the Santa Fe County Fire Marshal; Stone Cabin Road shall be improved to Local Road Standards as Article V, § 8.1.3 of the Code suggests; The Applicant shall demonstrate that existing culverts are sized correctly to accommodate storm run-off; The Applicant is proposing to accommodate run-off via bar ditches, these bar ditches traverse slopes of approximately 11 percent, the Applicant shall demonstrate how they will reduce the potential for erosion; The Applicant shall provide a 50-foot asphalt apron from the edge of Old Santa Fe Trail on the approach of Stone Cabin Road; The Applicant shall provide an R1-1 30"x30" at the exit of the property. I'm going to stop there. It goes on and again the majority of the staff recommendations deal with the road with the ingress and egress.

I'm going to touch on one other condition of approval and I want to ask staff to expand and explain this. The secondary emergency access/egress loop shall be designated and legally recorded on the registered plat; Mr. Larrañaga.

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, yes, and actually on page NBH1 there is a simple little city map that you're looking at on the first page, the two properties are going to be combined to create the 40 acre lot as you see the arrow pointing to them, where the roadway transverses through the other property that is where Mr. Schmidt lives and that's where that plat would have to show the – so there will be an outlet roadway or a turnaround right there to go out for fire.

COMMISSIONER CHAVEZ: So that should help for fire, to respond to fire if necessary but also allow a better flow of traffic in general.

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, that's correct and also that roadway will be a 20 foot roadway with 6 inch basecourse.

COMMISSIONER CHAVEZ: Okay, that's all I have, Mr. Chair.

CHAIR ANAYA: Other questions or comments of staff?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I'm ready to make a motion if there are no further questions.

CHAIR ANAYA: The floor is yours, Commissioner.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. As has been noted this is a community service facility and they are permitted anywhere in the County but I think it is also important to recognize that they have to adhere to certain standards. And I think as Commissioner Chavez just pointed out this facility has met all the use standards including road access issues, water availability, fire protection and so on.

So, therefore, I would like to make a motion for approval of this application with staff recommendations.

COMMISSIONER CHAVEZ: Second.

CHAIR ANAYA: There's a motion to approve the application with staff conditions.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Staff is recommending or requesting three different motions. A master plan, the preliminary development plan and the final development plan. So would the maker of the motion agree to that?

COMMISSIONER HOLIAN: Yes, I will include all three.

CHAIR ANAYA: Mr. Shaffer, do we need those independent motions? Is that the purpose of the statement in – we can do it that way if that's the request. This is one of the first time I've seen it in that format.

MR. SHAFFER: Mr. Chair, Commissioners, I think it's fine to have a single motion to approve the master plan, preliminary development plan and final development plan with the staff conditions. I think that's fine.

COMMISSIONER HOLIAN: Okay. My motion is for the master plan approval, preliminary development plan and final plat approval.

COMMISSIONER CHAVEZ: Mr. Chair, my second for that motion still holds.

CHAIR ANAYA: There's a motion inclusive of master, preliminary and final –

COMMISSIONER CHAVEZ: And all staff –

COMMISSIONER HOLIAN: And all staff conditions.

COMMISSIONER CHAVEZ: -- conditions of approval.

CHAIR ANAYA: With staff conditions. The maker of the motion is okay with that?

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: And the seconder?

COMMISSIONER CHAVEZ: Yes.

CHAIR ANAYA: Before we go to the vote, I have a few brief comments some of which apply to the comments relative to ingress and egress and fire protection and those issues around that particular issue in particular. Having been in the fire service myself for several years there is no fire representative, firefighter, fire chief or officer in the County that wouldn't look at anybody straight in the face with common sense and say that this particular area is a challenge. But the reality is that each person, and I'm going to have a caveat to this next statement, there's families like the Martinezes that are over here and made comments that have been in that area for generation and generation that through no fault or input maybe of their own they have seen a growth in that whole area. And you can pick, there are several long standing families in that whole quadrant and year after year and I'm not picking on anybody prior to us but it wasn't this Commission sitting here but year after year there was growth but there was still that same road and that same loop that all of those same people that drove and I'm going to keep saying with the caveat of those generational families that didn't come up and probably protest having new neighbors at that time but have watched this migration into these areas. Why? Because they are beautiful areas and people wanted to come and have a home and have a place to dwell and live and pray and sing and do all things that we as humans do on a regular basis. But it's – without a question – it's a challenged area. And without a question in that urban wildland interface area, Mr. Patty, Chief Sperling or any of our fire districts would look you square in the eye and say, if and when an event occurs in that area it's going to be a difficult situation to deal with. That's not the fault of the Amma

Center. The reality is that that progression happened over years and years. That wasn't the Amma Center's making. That was a consolidation of different projects and different divisions of land that evolved into a situation that is difficult. What we've done at this point and what we try to do with all projects is we try to figure out how do we, as best we can, mitigate as best we can, Mr. Patty if I can hopefully use the right words, a situation to make it a little better. Will this plan rectify and deal with a catastrophic event, nope, it won't. But will this plan provide for a framework where there can be a chipping away and an improved access, ingress and egress, and water supply, I think it probably will. It doesn't answer your question Ms. Martinez and your frustrations maybe with not just what evolved in those 28 years with this project but all the other houses and growth that happened. But we have to be cognizant that this isn't a brand new facility. This is an existing use and we have to figure out amongst one another with whatever decision happens after this how in the heck do we continue to reside amongst one another and work through other challenges so as Mr. Green said earlier we figure out how to work with the Commissioner and the Commission and the public works department to figure out how to work through the roads and improvements associated with the roads and access to a substation and there may be a need at some point to figure out that. Mr. Patty, I don't know that because of that ingress and that egress issue I don't know that that would even fit into a planning phase but we always want to figure out ways to improve fire suppression and all of those other matters.

I'm going to leave it there but I'm going to say this, when the dust settles we reside among one another in the interest of the collective goodwill. I thank you all for your service that you do in the community for the homeless and others and I pray that there can be some common ground found at the end of the day to figure out how to respect one another continually and I don't imply that there was disrespect. I think people get emotional and they get frustrated but at the end of the day we're all in this together. And somebody earlier today and maybe it was even part of this case said, now more than ever in this society and the things that have happened in other parts of the country and the world I think we have to maybe agree to disagree, not always agree because that's just who we are as a world and a country but we have to reassemble ourselves and put ourselves around some common cause and effort in the interest of goodwill amongst one another. So I'll leave it at that.

Commissioners, other questions or comments? All those in favor of the motion signify by saying "aye."

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

CHAIR ANAYA: Motion carries.

MR. GRAESER: Thank you, Commissioners.

1. **CDRC CASE #Z/DP 14-5370 PNM Caja del Rio Solar Energy Center Project. In Accordance with an Order from the First Judicial District Court in Case D-101-CV-2015-01488, Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, is Requesting to Vacate a Master Plan Zoning,**

Preliminary and Final Development Plan Approval which Allowed a 5 Megawatt Electric Solar Facility on a 40-Acre Site. The Property is Located North of New Mexico Highway 599 and Takes Access Via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East, (Commission District 2). Jose E. Larrañaga, Case Manager.

MR. LARRAÑAGA: Thank you, Mr. Chair. in accordance with an Order from the First Judicial District Court in Case D-101-CV-2015-01488, Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, is requesting to vacate a Master Plan Zoning, Preliminary and Final Development Plan approval which allowed a 5 megawatt electric Solar Facility on a 40-acre site. The property is located north of New Mexico Highway 599 and takes access via Caja del Rio Road, within Section 3, Township 16 North, Range 8 East.

The above referenced matter came before the Board of County Commissioners of Santa Fe County for hearing on March 24, 2015, on the application of the Public Service Company of New Mexico for Master Plan Zoning, Preliminary and Final Development Plan approval, in accordance with the Santa Fe County Land Development Code, Ordinance 1996-10, as amended by Ordinance No. 1998-15, to allow a 5 megawatt solar electric generating facility on a 40 acre site. The BCC approved the application by a unanimous 4-0 vote.

The Final Order was approved by the BCC and recorded with the Santa Fe County Clerk's Office on May 27, 2015, which, pursuant to Section 39-3-1.1 NMSA 1978, may be appealed by filing a timely Notice of Appeal in the appropriate District Court.

On June 22, 2015, Mr. Ronald VanAmberg, on behalf of Phillip Baca, Mathew Baca, and PMB, LTD filed a Notice of Appeal with the Santa Fe County First Judicial District Court. The Notice of Appeal stated the following, "come now the Plaintiffs/Appellants and pursuant to Rule 1-074, NMRS 2001, appeal to this District Court as against the Defendants/Appellees the Order of the Santa Fe County Board of County Commissioners in CDRC Case # Z/DP 14-5370, entered and recorded on May 27, 2015."

On October 19, 2015, a Stipulated Order of Remand was filed with the office of the District Court Clerk. (Exhibit 4) The Order stated the following: The Public Service Company of New Mexico no longer intends to purchase and use the property at issue in this land use matter making its application moot. As a result, the parties have agreed to this stipulated order of remand. This matter is dismissed as being moot and is remanded to the Board of County Commissioners for Santa Fe County for consideration of PNM's request that the BCC's Order of May 27, 2015, approving the Application, including any possible effects on zoning, in CDRC case # Z/PDP/DP 14-5370, PNM Caja del Rio Solar Energy Center Project, be vacated. This dismissal is without prejudice to Appellant's right to appeal the BCC's May 27, 2015, Order that is subject of this appeal or any additional orders on remand in the event the BCC does not vacate its May 27, 2015, Order.

Mr. Richard Cook, owner of the 40 acre tract on which PNM was approved for the Master Plan Zoning, Preliminary and Final Development Plan, is in agreement to vacate the BCC approval, as per the First Judicial District Court Order.

PNM submitted a letter which states: PNM respectfully submits a request, due to the remand of October 19, 2015, from the State of New Mexico County of Santa Fe First Judicial District Court, that the Board of County Commission vacate PNM's approved Application of May 27, 2015, approving the Application, including any possible effects on zoning, in CDRC case # Z/PDP/DP 14-5370, PNM Caja del Rio Solar Energy Center.

CHAIR ANAYA: Mr. Larrañaga, on that note, move to staff recommendations. We have the packets in front of us with the balance of the summary in front of us, move to staff recommendation.

MR. LARRAÑAGA: Staff recommendation, the Board of County Commissioners vacate the Master Plan Zoning, Preliminary and Final Development Plan, to allow a 5 megawatt electric Solar Facility on a 40 acre site, pursuant to the Order from the First Judicial District Court, Case D-101-CV-2015-01488, Public Service Company of New Mexico.

CHAIR ANAYA: Is there any members here to speak in regards to this particular application? The applicant or others?

MR. LARRAÑAGA: Mr. Chair, the agent for PNM emailed me earlier and said that she couldn't make it tonight.

CHAIR ANAYA: Okay. Is there anybody here tonight to speak in favor or against this application?

Seeing none, what is the pleasure of the Board?

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I make a formal motion to vacate the Master Plan Zoning, Preliminary and Final Development Plan, to allow a 5 megawatt electric Solar Facility on a 40 acre site, pursuant to the Order from the First Judicial District Court, Case D-101-CV-2015-01488, Public Service Company of New Mexico.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion by Commissioner Chavez and second by Commissioner Roybal. Any further discussion? Mr. Shaffer, is everything in order with the motion? Are we good?

Motion and second.

The motion passed by unanimous [3-0] voice vote [Commissioners Holian and Stefanics were not present for this action.

2. **CDRC CASE # V 15-5220 Heidi Seizys Home Occupation Variance. Michael and Heidi Seizys, Applicant, James Siebert, Agent, Request a Variance of Article III § 3.2 (Home Occupation Performance Standards) to Allow a Dog Rescue Facility which Exceeds 50 percent of the Floor Area of the Existing Dwelling on 6.52-Acres. The Property is Located at 94 Turquoise Trail Court, within Section 24, Township 15 North,**

Range 8 East, (Commission District 5). John M. Salazar, Case Planner.

JOHN SALAZAR: Thank you, Mr. Chair. John Salazar, Development Review Specialist Senior. Michael and Heidi Seizys, Applicant, James Siebert, Agent, requests a variance of Article III, § 3.2 of the Santa Fe County Land Development Code, Ordinance No. 1996-10 to allow a dog rescue which exceeds 50 percent of the floor area of the dwelling on 6.52 acres. The property is located at 94 Turquoise Trail Court, within Section 24, Township 15 North, Range 8 East, Commission District 5.

On October 15, 2015, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial through a unanimous 5-0 vote.

This Property is located within a residential area. This initially came in through the County Sheriff's Office Animal Control Services Division. As the applicant went to go register the animals and due to the number of animals they told her that this would be determined a kennel. The applicant came in for a home occupation business registration. Staff denied it as it did not meet the home occupation criteria. The Applicant chose not to appeal this but rather ask for a variance to the Home Occupation criteria as it does not meet the 50 percent square footage.

Staff recommendation: The CDRC and Staff recommend denial of a variance of Article III, § 3.2 . Staff has determined that the proper mechanism for this request would be through master plan zoning, preliminary and final development plan as a community service facility. If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends the following conditions. Mr. Chair, may I enter those into the record?

CHAIR ANAYA: You may.

Conditions:

1. The Applicants shall be restricted to a kennel that only allows 20 dogs housed at any time in accordance with the Santa Fe County Animal Control Ordinance 1991-6, § 10.1, Appendix A (C)(2).
2. The home occupation area shall not exceed the 15,100 square feet as proposed in the Application for the business.
3. The Applicants shall comply with any standards and/or requirements for ownership and maintenance of a kennel in accordance with the Animal Control Ordinance 1991-6, Section 10.1 (A-F).
4. Per the Fire Marshal's memo the Applicants shall have annual inspections conducted by the Fire Prevention Division.
5. The Applicants shall obtain a Santa Fe County Business License.

Mr. Chair: Any questions of staff? Are the applicants present? Mr. Siebert.

JIM SIEBERT: Mr. Chair, Commissioners, my name is Jim Siebert. My address is 915 Mercer, I was previously sworn, I assume that's good enough.

Mr. Chairman, Ms. Seizys lives in the San Marcos area off State Road 14. The lot she lives on is 6.5 acres. What's being requested tonight is a variance on a home

occupation to allow more than 50 percent use of the building in this particular case it's the dogs, basically, who use the majority of the building.

The one thing I would like to point out is that staff has suggested that the more appropriate approach would be to go for a master plan, the zoning that would make this permanent. This is really Ms. Seizys' passion. If something would ever happen that she would ever decide to move from this location the dogs would go along with here and there would be no more this type of kennel type of facility or facility for taking care of dogs at this location.

What Ms. Seizys does is she gets dogs that other people have found difficult to find homes for. And these are dogs that would be euthanized if she didn't pick them up. She spends the time actually looking for homes, working with people to find adequate homes for these dogs. They are well cared for. They are all licensed. They all have their vaccinations. And I think one of the issues that came up is and Ms. Seizys will talk to you about this, right now she is a nurse and she has to work nights. She's been working diligently to see if she can no longer work at the night shift and be available at night when the dogs really need more attention. So with that I'm going to ask Ms. Seizys to do a short presentation.

[Duly sworn, Heidi Seizys testified as follows]

HEIDI SEIZYS: I'm Heidi Seizys, 94 Turquoise Trail Court, Santa Fe off of Highway 14. I have an evolving 501-3c non-for-profit dog rescue that is foster based. I work with three or four to multiple other rescue groups in the area to adopt out dogs in any of the high-kill shelters. Just in northern New Mexico they put to sleep 20 dogs a week, at least, and all of us pull from high-kill shelters, rehab, medicate and take care of the dogs and adopt them out.

I love dogs and I would like to continue to do this. I was not aware that noise was an issue until the last meeting that I had and I am working really hard to change that to accommodate my neighbors. I have reached out to my neighbors to try to acknowledge the one concern, they're concerns and I am waiting – I work in Los Alamos and I am just waiting for a day slot to open up in the emergency room so I can go to days to be home at night which I feel is when the noise might be an issue or more so.

And I would love to continue doing what I do to help dogs and to help people.
Any questions?

CHAIR ANAYA: Any questions of the applicant?

COMMISSIONER CHAVEZ: I do.

CHAIR ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, how many dogs would you have – how many dogs are you housing at this location at this time?

MS. SEIZYS: Probably 15, 20. The goal is under that depending on how many – in the last three months I have adopted out 10. Summer is better than winter for adoption events so it just depends on the flow. But under 15 is the goal.

COMMISSIONER CHAVEZ: Okay, because if this were approved the staff is recommending that you restrict – that you have only 20 dogs houses at any time in accordance with the Santa Fe County Animal Control ordinance 1991-6. Do you accept that condition?

MS. SEIZYS: Yes, I accept that.

COMMISSIONER CHAVEZ: That's all I have, Mr. Chair.

CHAIR ANAYA: Are there any other questions right now? This is a public hearing and are there any other -- is there anybody present who wants to speak regarding this case? Would you please come forward.

[Duly sworn, Lisa Wilson Beloit testified as follows].

LISA WILSON BELOIT: Mr. Chair, Commissioners, I am Lisa Wilson Beloit. I reside at 2352 Camino del Prado here in Santa Fe. I've known Ms. Seizys for the better part of probably 20 years. I, myself, am a dog owner and I know that she works diligently to make sure that the animals are all fully vetted and fully groomed and cared for and licensed and you know she keeps better care than most people do that I have seen taking strays and adoptions. I work with several rescues in Texas. My sister runs a rescue in Pennsylvania and if I had the space that she has I would probably really be trying to do the same thing. So I applaud her efforts.

CHAIR ANAYA: Thank you very much. Anybody else here that wants to speak in regards to this applicant? Seeing none, the public hearing is closed.

I am going to move for approval with staff conditions.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: There is a motion and second with staff conditions. Commissioner Chavez?

COMMISSIONER CHAVEZ: No, I'm okay with it. I just again want to respect the CDRC in this case they were unanimous in a 5-0 vote. This is the second chance for the applicant. I am going to support the motion with staff recommendations and hope that you can work through some of the issues with your neighbors regarding the activity. So, I'll just leave it at that, Mr. Chair.

CHAIR ANAYA: Thank you. Seeing no other comments all those in favor of approving with staff conditions signify by saying aye.

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

3. **CDRC CASE # S 15-5310 Cienda Partners (Las Terrazas Phase III) Preliminary Plat, Final Plat, and Development Plan Amendment. Cienda Partners, Applicant, Scott Hoeft, Agent, Request a Preliminary Plat, Final Plat, and Development Plan Amendment to Sub-Phase the Previously Approved Las Terrazas Phase III Residential Subdivision (46 Lots on 43.63 Acres) into Two Phases. Sub-Phase 3A Will Consist of 24 Residential Lots and Sub-Phase 3B Will Consist of 22 Lots. The Property is Located Along Paseo Las Terrazas, off of Trailhead Drive and Las Campanas Drive within Sections 2, 11 and 12, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta, Case Manager.**

MS. LUCERO: Cienda Partners, Applicant, Scott Hoeft, Agent, requests a Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the

previously approved Las Terrazas Unit III residential subdivision,(46 lots on 43.63 acres, into two phases. Sub-phase 3A will consist of 24 residential lots and Sub-phase 3B will consist of 22 lots. The property is located along Paseo Las Terrazas, off of Trailhead Drive and Las Campanas Drive within Sections 2, 11 and 12, Township 17 North, Range 8 East, Commission District 2.

Mr. Chair, the only thing that the applicant is requesting is to subphase the development. It already received approval, plat approval from the BCC and so they are requesting to subphase it into two phases. The applicant states that This adjustment of two sub-phases will make it more financially palpable for Cienda Partners and a partner home-builder to move forward with the construction of the balance of the Las Terrazas subdivision. It is anticipated that construction of Sub-phase 3A will commence in the Spring/Summer of 2016, with subsequent series of lots in Sub-phase 3B to commence within 2-years.

Staff recommendation and the decision of the CDRC was to approval the Preliminary Plat, Final Plat, and Development Plan Amendment to sub-phase the previously approved Las Terrazas Unit III residential subdivision into two sub-phases as proposed subject to the following conditions.

Mr. Chair, may I enter those conditions into the record?

CHAIR ANAYA: You may.

Conditions:

1. The driving surface of Paseo Las Terrazas shall have a minimum width of 24 feet, which meets the requirements of the Santa Fe County Fire Department.
2. The driving surface of the cul-de-sac at the end of Trasera Court shall have a minimum width of 20-feet and a 50-foot radius

MS. LUCERO: Thank you. I stand for questions.

CHAIR ANAYA: Are there questions of staff?

COMMISSIONER CHAVEZ: No, Mr. Chair, I don't have a question but I'm going to read staff's condition of approval – it's just one. The driving surface of Paseo Las Terrazas shall have a minimum width of 24 feet, which meets the requirements of the Santa Fe County Fire Department. So if this were approved would the applicant agree to this condition?

MS. LUCERO: Mr. Chair, Commissioner Chavez, just to clarify there's one other condition on the following page, condition number two.

COMMISSIONER CHAVEZ: The driving surface of the cul-de-sac at the end of Trasera Court shall have a minimum width of 20-feet and a 50-foot radius.

MS. LUCERO: Mr. Chair, Commissioner Chavez, at the CDRC meeting I do believe that the applicant stated they were in agreement with the conditions.

COMMISSIONER CHAVEZ: So for purposes of this record, would the applicant agree to those conditions?

[Duly sworn, Scott Hoeft, testified as follows]

SCOTT HOEFT: I do. Scott Hoeft, Santa Fe Planning Group, 109 St. Francis. Yes, Commissioner, we concur with the conditions of approval. And I stand for

questions.

CHAIR ANAYA: Does the applicant have any other comments that they would like to add?

MR. HOEFT: I do not at this time.

CHAIR ANAYA: Is there any other questions of comments of the applicant?

COMMISSIONER CHAVEZ: No, Mr. Chair.

CHAIR ANAYA: This is a public hearing. Is there anybody here that would like to speak in favor or against this applicant? Is there anybody here that would like to speak in favor or against this applicant? Public hearing is closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. This is a reasonable request. It's subphasing the previously approved Las Terrazas unit III residential subdivision. I think this meets the market conditions that we are facing and nothing wrong with slow growth.

I move for approval.

COMMISSIONER ROYBAL: Second.

CHAIR ANAYA: Motion from Commissioner Chavez and second Commissioner Roybal. Any further discussion? Seeing none all those in favor signify by saying – and that's with staff conditions?

COMMISSIONER CHAVEZ: Yes, with staff conditions. Thank you, Mr. Chair.

CHAIR ANAYA: Motion and a second with staff conditions.

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

4. **BCC CASE# MIS 10-5552 Tessera Phase II Preliminary Plat and Development Plan Time Extension. Homewise, Inc., Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request a 36-Month Time Extension of the Previously Approved Preliminary Plat and Development Plan for the Tessera Phase II Residential Subdivision Consisting of 78 Residential Lots on 69.40 Acres. The Property is Located off of the NM599 West Frontage Road, West of the La Tierra Exit within Section 20, Township 17 North, Range 9 East (Commission District 2). Vicente Archuleta, Case Manager.**

MS. LUCERO: Thank you, Mr. Chair. Homewise, Inc., Applicant, Design Enginuity, Oralynn Guerrerortiz, Agent, requests a 36-month time extension of the previously approved Preliminary Plat and Development Plan for the Tessera Phase II residential subdivision consisting of 78 residential lots on 69.40 acres. The property is located off of the NM599 West Frontage Road, west of the La Tierra exit within Section

20, Township 17 North, Range 9 East, Commission District 2.

The Applicants are requesting a 36-month time extension of the Preliminary Plat and Development Plan approval for the Phase 2 of Tessera Residential Subdivision under Article V, Section 5.3.6.a of the Santa Fe County Land Development Code.

The Applicant states, we have been working with the County Utilities Division to apply to the City of Santa Fe for sewer service to get a BCC approval for New Water Deliveries, to enter into a Water Delivery Agreement and a Sewer Service Agreement with the County. All of these issues require County Utility staff preparation. We have provided all information requested and have been waiting more than a year to do what they need to do so that we can proceed to Final Plat and Development Plan. Given that we have no control on the timing of when this work gets done, we are concerned about the delays and the potential of having our preliminary approval expire.

Staff recommendation: Approval for a 36-month time extension of the previously approved Preliminary Plat and Development Plan for the Tessera Phase II residential subdivision consisting of 78 residential lots on 69.40 acres, which will render the Preliminary Plat and Development Plan valid until August 12, 2019 subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIR ANAYA: You may.

Conditions:

1. Homewise Inc. obtains a letter from the City of Santa Fe Water Division (City) that identifies what, if any, additional water utility infrastructure is needed in order to supply the maximum 19.5 acre-foot-per year demand proposed by Phase 2.
2. Homewise Inc. agrees to construct and dedicate all infrastructure needs identified by the City's water utility hydraulic modeling.
3. Homewise Inc. enters into a Water Delivery Agreement and Wastewater Service Agreement with SFCU, which will specify construction standards (e.g. line taps and meter cans) and inspection and dedication requirements for Phase 2. The agreement will specify many of the requirements identified in SFCU's March 27, 2014 letter.

CHAIR ANAYA: Commissioner Chavez, are there any there that you want to read into the record?

COMMISSIONER CHAVEZ: There's three of them and I'll read them [the conditions are read as shown above]

The applicant agrees to those three conditions?

CHAIR ANAYA: The applicant is present. Ms. Guerrerortiz, do you have any other items to add.

MS.GUERRERORTIZ: Mr. Chair, I just wanted to let you know is that 20 months ago we requested a water service and sewer service from the County and asked to proceed forward and we've been delayed all this time. We hope we're going to get the water service agreement paperwork. I've been hearing this month and I'm hoping that's true.

CHAIR ANAYA: From the City you mean?

MS. GUERRERORTIZ: No, the water service agreement is totally made up by your staff. So it is in their control 100 percent. The sewer is a little more difficult.

It's got to go through the City. In this case, Phase 1 is served by the City and so we're asking that Phase 2 be served. It seems like a no-brainer. But it is incredibly difficult to get through the bureaucracy of the utility department. As far as the conditions, we've already met that first condition in regards to water modeling. We finished it December 2014 and submitted it to the City – or the County staff so I'm surprised it's not in your packet, but and the second condition related to the water modeling, the modeling showed that there was no need for any improvement. So we've actually met the first two conditions. The third condition is signing these agreements. We would love to sign them. We need the – the County actually produces them and we have to wait for the County to produce them for us to sign them. So that's what we are waiting on.

COMMISSIONER CHAVEZ: Mr. Chair, for clarification, Oralynn, you're saying that Homewise already has a letter from the City of Santa Fe Water Division that identifies what if any additional water utility infrastructure is needed in order to supply the 19.5 acre-foot year demand proposed in Phase 2?

MS. GUERRERORTIZ: That's correct. We did that. It took us six months to get a contract. We went to the --

COMMISSIONER CHAVEZ: That's okay. Yes or no, because we have no control over how long things take.

MS. GUERRERORTIZ: We completed it, yes.

COMMISSIONER CHAVEZ: But you have another 36 months to try and figure the rest of it out I guess if this is approved.

MS. GUERRERORTIZ: And we'd like it to happen as soon as possible. Originally in our schedule we were suppose to start construction in Spring 2016 we're behind schedule now.

CHAIR ANAYA: Thank you. Any other questions of the applicant?

COMMISSIONER CHAVEZ: No, Mr. Chair. So I'll go ahead and move for approval –

CHAIR ANAYA: If I could. This is a public hearing is there anybody here that wants to make additional comments in favor or against this project? Seeing none, the public hearing is closed. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I'll go ahead and make a motion to approve the 36 month extension for the preliminary plat and development plan for Tessera Phase II Residential Subdivision consisting of 78 residential lots on 69.4 acres with staff recommendations.

COMMISSIONER ROYBAL: I'll second.

CHAIR ANAYA: Motion from Commissioner Chavez and second by Commissioner Roybal. I see no further discussion. All those in favor to approve the extension with staff conditions say aye.

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

IX. Concluding Business

CHAIR ANAYA: I don't think we have any other business. I want to

thank everybody for their patience, perseverance, commitment staying power – I don't have any more words. But I thank everybody for their work during my time as chair and look forward to respectfully handing this gavel, I think I'm going to take this gavel, they're going to have to get another one. I'm going to use this one for something, I don't know what. But we're going to have a special meeting to vote on those officers before the end of the year and I look forward to making the motion to have my colleague to the left, Commissioner Chavez, take the reins as chair and my colleague to the right take the reins as vice chair. And I'm going to go hide under some table somewhere.

All kidding aside, I look forward to working with them.

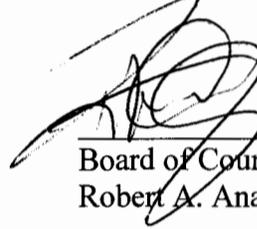
A. Announcements

None were offered.

B. Adjournment (Action Item)

Commissioner Chavez moved to adjourn. Commissioner Roybal seconded and having completed the agenda and with no further business to come before this body, Chair Anaya declared this meeting adjourned at 1:00 a.m., December 9, 2015.

Approved by:



Board of County Commissioners
Robert A. Anaya, Chair

ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

1-12-2016



Respectfully submitted:


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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC MINUTES
PAGES: 663

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of January, 2016 at 09:01:53 AM
And Was Duly Recorded as Instrument # 1783960
Of The Records Of Santa Fe County

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

II.B

EXHIBIT
1



Fire Division
Russell Pacheco, Fire Chief

- Arthur J. Padilla
Chairman - District 3
- Gilbert J. B. Sena
Vice Chair - District 4
- Marcellina A. Ortiz
Commissioner - District 2
- Rock G. Albarri
Commissioner - District 1
- Nicolas T. Leger
Commissioner - District 5
- Les W. J. Montoya
County Manager

SFC CLERK RECORDED 01/14/2016

December 3, 2015

Santa Fe County Fire
Steve Moya, Assistant Chief
35 Camino De Justicia
Santa Fe, NM 87508

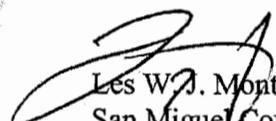
Re: Donation of Ambulance to the Cabo Lucero Fire Department

Dear Assistant Chief Moya,

San Miguel County would be grateful for the possible donation of an ambulance to the Cabo Lucero Fire Department. We are willing and ready to accept the donation of the 1990 Ford Econoline National Ambulance, or any donations of equipment to better serve the County of San Miguel. The unit is for the Cabo Lucero Fire Department and will serve the fire district well. The VIN 1FDKE30M3LHA8030 and the license plate number of G-09557 have been provided to me by Russell Pacheco, San Miguel County Fire Chief.

Thank you in advance for your kind and generous donation to San Miguel County.

Sincerely,


Les W. J. Montoya
San Miguel County Manager

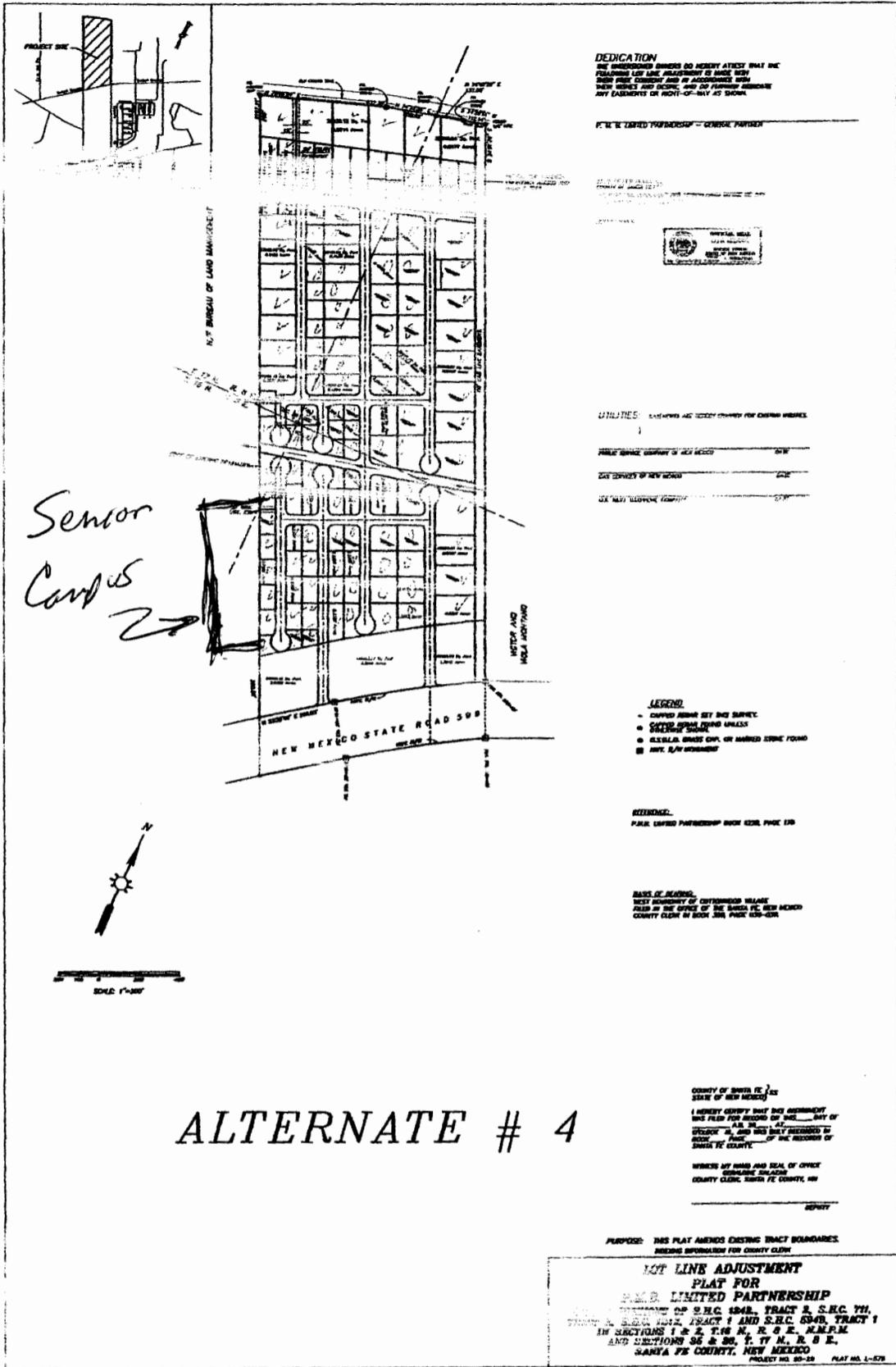
XC: San Miguel County Board of Commissioners
Russell Pacheco, SMC Fire Chief
Melinda Gonzales, SMC Finance Division Supervisor



6. On September 18, 2014 the WWRT met to review the application (see Exhibit D). The WWRT members determined that the application was complete and that the application met the requirements of SFCC Section 22-6.2, subject to the approval of this agreement.

AGREEMENT

1. Connection of the Senior Campus to City's Wastewater Collection and Treatment System. The Senior Campus is authorized to connect to the County wastewater collection system (to be constructed by the developer and dedicated to the County) and discharge its wastewater into the City's wastewater collection and treatment system via the County system (see Exhibit D).
2. Dedication to the City of a Portion of the County Wastewater Collection System. Upon the City's request, the County shall require the Developer (Senior Campus) to construct and dedicate to the City the portion of the County's wastewater collection system and easements that is gravity sewer or low pressure sewer and located within the City's presumptive City limits. This portion of the sewer system shall be designed and constructed to City standards as approved by the City's Wastewater Management Division.
3. Compliance with Federal, State, and Local Law. The County agrees to maintain and operate the County wastewater collection system as required by all applicable federal, state, and local laws and shall comply with all applicable requirements imposed upon City utility customers. The City's affordable housing ordinance, SFCC Section 14-8-11(D), does not apply, pursuant to SFCC Section 22-6.2(G).
4. Metering Requirements. The County shall meter water use of the Senior Campus pursuant to SFCU Customer Service Policies adopted by Resolution No. 2012-88, as the same may be amended from time to time. The County will collect the metered usage pursuant to SFCU Customer Service Policies. The County will report the metered water usage and other pertinent billing information to the City on a monthly basis for use in calculating the invoice for the wastewater bill to be paid by the County in accordance with the City's most current rates.
5. Utility Expansion Charges. The County shall collect and pay the City's Utility Expansion Charge incurred by Senior Campus under SFCC Section 22-6.6.
6. Service Fees. The County agrees to pay to the City the sum of the City's monthly service fees under SFCC Section 22.7, as it may be amended from time to time, for wastewater collection and treatment services provided for the wastewater discharge by the Senior Campus.
7. SFCC Section 22.9 and SFCC Section 22.10. The County agrees that the discharges from any commercial/industrial properties within the Senior Campus shall be subject to the provisions of SFCC Section 22.9, *Industrial Pretreatment Regulations and Procedures*, and SFCC Section 22.10, *Wastewater Extra Strength Surcharge Program*, as they may be amended from time to time.



DEDICATION
 THE UNDERSIGNED HEREBY DO HEREBY ATTEST THAT THE FOLLOWING LOT LINE ADJUSTMENT IS MADE WITH THE BEST CONSCIENCE AND IN ACCORDANCE WITH THE STATUTES AND DECISIONS, AND DO HEREBY WARRANT ANY ENCUMBRANCES OR RIGHT-OF-WAY AS SHOWN.

P.M. LIMITED PARTNERSHIP - GENERAL PARTNER

STATE OF NEW MEXICO
 COUNTY OF SANTA FE

UTILITIES: GAS LINES AND SEWER LINES FOR OTHER AREAS
PUBLIC SPACE (SEWER) IS ALSO SHOWN
DATE CORRECTED BY NEW MEXICO
DATE NEW SURVEYING (CORRECT)

LEGEND:
 - CHIPPED ASPHALT SET BY THIS SURVEY
 - EXISTING ASPHALT DRIVE UNLESS NOTED OTHERWISE
 - EXISTING DRIVE CURB OR MARKED DRIVE FOUND
 - NEW DRIVE FOUND

REFERENCE:
 P.M. LIMITED PARTNERSHIP BOOK 328, PAGE 178

DATE OF RECORD:
 BEST BOUNDARY OF CONFIRMED RELEASE FILED IN THE OFFICE OF THE SHERIFF, NEW MEXICO COUNTY CLERK IN BOOK 328, PAGE 123-124.

COUNTY OF SANTA FE, N.M.
 STATE OF NEW MEXICO
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS _____ DAY OF _____, A.D. 2016, AT _____ O'CLOCK _____, AND WAS NOT RECORDED IN BOOK _____ PAGE _____ OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
 SHERIFF, SHERIFF
 COUNTY CLERK, SANTA FE COUNTY, NM

PURPOSE: THIS PLAT AMENDS EXISTING TRACT BOUNDARIES, BEARING INFORMATION FOR COUNTY CLERK

LOT LINE ADJUSTMENT
PLAT FOR
P.M. LIMITED PARTNERSHIP
 A PARTNERSHIP OF S.E.C. 1048, TRACT 2, S.E.C. 774, TRACT 2, S.E.C. 1048, TRACT 1 AND S.E.C. 1048, TRACT 1 IN SECTIONS 1 & 2, T.10 N., R. 9 E., N.M.P.M. AND SECTIONS 26 & 28, T. 17 N., R. 9 E., SANTA FE COUNTY, NEW MEXICO
 PROJECT NO. 80-29 PLAT NO. L-578

ALTERNATE # 4

Senior Campus

SFC CLERK RECORDED 01/14/2016

Farm to School Education

Farm to School links school children with farm fresh food and educational activities that bring the whole world of agriculture to life and help instill lifestyle choices that nurture their bodies, their communities, and the planet.



Eating fresh, local foods AND having farm and food related education is the combination that turns kids into healthy eaters for a lifetime.

Farm to Table's new Harvest of the Month program . . .



In 2014-15 School year, 16 schools and school districts are participated in the LOVE LOCAL program!

Through this program:

Schools across the state are committed to serving students in their communities New Mexico grown fresh fruits and veggies on a monthly basis.

Schools are promoting nutrition, local produce, and local farmers in the cafeteria.

Farm to school educational curriculum engages k-12 students in experiential learning activities that include the following aspects and more!

- ◆ School garden planning, care, planting, and harvesting
- ◆ Agriculture and natural science based curriculum
- ◆ Incorporating local foods into school lessons, snacks, and meals
- ◆ Visits to Local Farms
- ◆ Cooking and Nutrition classes
- ◆ Farmer in the classroom
- ◆ Local food tastings and Harvest of the Month promotional programs

For more information about Farm to School educational activities and supporting policy initiatives happening across the nation please visit:

www.farmtoschool.org



New Mexico Grown Fresh Fruits and Vegetables for School Meals

- Appropriation Request: \$1.44 Million -



What Legislative funding could do:

For our Children

- ◆ The purchase of New Mexico-grown fruits and vegetables will enhance the diets of school children, promoting healthier lifestyles and increasing academic achievement. Studies show healthy nutrition improves child well-being and learning ability.
- ◆ Legislative funding will stem the rise in childhood obesity in New Mexico and help to save the state an additional \$324 million in obesity related health care expenses and an additional \$1.2 billion for diabetes.

For our Schools

- ◆ Legislative funding will help ensure that school meal programs will have the budget to purchase local produce from New Mexico farmers.
- ◆ School food service directors will be in a better position to comply with recent federal rules requiring more servings of fruits and vegetables in the school meals.

For our Farmers and the Economy

- ◆ Legislative funding will expand school markets for the agricultural sector in New Mexico, particularly small and medium size fruit and vegetable farmers, they will build a new market and increase their chances to stay on the land and continue producing food for our communities.
- ◆ The new federal school meal rules—and their emphasis on fruits and vegetables—will help develop a strong market for New Mexico farmers as well as enhance rural and tribal economies.

For our State

- ◆ Increasing economic farming opportunities will help to maintain family farming and conserve the unique heritage and cultural traditions of New Mexico.



New Mexico Grown Fresh Fruits and Vegetables for School Meals

State Funding 2015 — 2016

\$449,000

State investment could have sustainable impacts on the well-being of children and economic growth of communities across New Mexico.

Funds administered by the NM Departments of Public Education and Agriculture

9102/4174/2016
 \$364,300 Appropriated to PED, Recurring, Statewide
 \$85,000 Appropriated to NMDA, Recurring to AQB Schools
 \$30,000 Appropriated to NMDA, Non-Recurring, Regional

New Mexico Food and Agriculture Policy Council

618 B Paseo de Peralta

Santa Fe, NM 87501

www.farmtotablenm.org

www.facebook.com/FarmToTableNewMexico



How it Works for Schools

By purchasing New Mexico-grown fresh fruits and vegetables schools across the state are providing high quality produce to students; helping food service directors to meet updated Federal nutrition standards for school meals and encouraging kids to eat fresh fruits and veggies for the rest of their lives.



Schools are modifying their practices and policies to support local food purchasing by:

- ◆ Building relationships with local farmers by engaging in conversations, farm tours, and production planning meetings.
- ◆ Establishing clear, and scale-appropriate vendor requirements for local producers.
- ◆ Working to modify and adopt bid processes to allow for the increased purchase of locally grown foods.
- ◆ Partnering with non-profit and service corps organizations to bring Farm to School education to their school communities.

"Its like going out to your garden and picking fresh produce to serve for lunch that day"

— Priscilla Garcia, FSD, Santa Rosa

The potential success of the New Mexico Grown Fresh Fruits and Vegetables for School Meals program is rooted in a public private partnerships; state agencies, non-profits, and communities are working together to benefit children, farmers, and our state economy.

One example of this is an innovative public-private partnership between local farmers and non-profits, and the NM Human Services Department. Because of this generous support, local farmers are able to utilize the distribution system for the Food and Nutrition Services (FANS) USDA Donated Foods program to distribute their farm fresh produce to schools in the furthest corners of our state. This program not only benefits our local farmers by providing critical infrastructure to grow our agricultural economy, but also increases access to fresh fruits and veggies – helping to build healthier communities for New Mexico's children.

Among others, our partners include: Human Services Department Food and Nutrition Services (FANS) Bureau, New Mexico Student Nutrition Association, New Mexico Department of Agriculture, New Mexico Farmers Marketing Association, New Mexico State University Co-operative Extension, New Mexico Food and Agriculture Policy Council, Foodcorps New Mexico, and Farm to Table.

New Mexico Grown Fresh Fruits and Vegetables for School Meals

The list below represents all schools and school districts who are currently participating in the **New Mexico Grown Fresh Fruits and Vegetables for School Meals** grant program, administered through NM Public Education Department.



New Mexico Public Education Department : New Mexico Grown Fresh Fruits and Vegetables for School Meals Grant Program

Fresh fruits and veggies are reaching the plates of students all over New Mexico because of a state-supported program to help schools increase their purchase of New Mexico produce for meals served in their schools.

School Foodservice Directors responded to an RFP issued by NM PED in early Fall of 2014 and were awarded funding allocations in Winter of 2014. The funds are allocated on a reimbursement basis and must be spent before July 2015. All schools and school districts in New Mexico were eligible to apply.

For more information visit : www.ped.state.nm.us/nutrition/

How it Works for Farmers

Selling fresh fruits and vegetables to schools helps strengthen New Mexico's farming economy and agricultural heritage by increasing market opportunities for small and mid-scale producers across the state.



"The apples are coming straight from my trees and not traveling more than 50 miles to a school. My melons are picked ripe and ready. Everything going to the schools is harvested the day before delivery .If the schools want to buy more, I'll grow more."

— Anthony Wagner, Wagner Farms, Corrales NM

New Mexico farmers enjoy selling to schools because they are contributing healthy foods to the plates of diverse children across the state, strengthening their communities by retaining cultural traditions, and growing and inspiring the next generation of farmers.

Farmers selling to schools are increasing their capacity by working with partners to:

- ◆ Receive trainings on food safety and quality management.
- ◆ Develop farm management and documentation tools.
- ◆ Participate in production planning and marketing meetings.
- ◆ Train other farmers and work together to meet market demand.
- ◆ Inform programs and local bid design through input and evaluation.

New Mexican farmers need additional support to increase their production, access new markets, and to retain farmland, preserve a way of life, and grow new farmers.

For more information about New Mexico food and farming please review, **The Power of Public Procurement**, a research document produced in partnership by Farm to Table and New Mexico State University.

Download the report at : www.farmtotablenm.org/programs/farm-to-cafeteria/

Senate Joint Memorial 4 Task Force Recommendations

December 2015

Senate Joint Memorial 4 Task Force Recommendations

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Senate Joint Memorial 4

The challenge for this task force is to study and make recommendations for clinically appropriate housing options for individuals with serious mental illness who are in custody in county detention facilities.

Senator Sander Rue,
SJM 4 Sponsor

Introduction

Protracted length of stay in detention for people with serious mental illness comes at substantial human as well as financial cost. Senate Joint Memorial 4, sponsored by Sander Rue in the 2015 regular legislative session, created this task force (Task Force) charged with recommending clinically appropriate housing options for individuals with serious mental illness who are in custody in county detention facilities¹.



Jails are used for holding because we don't know what else to do with some defendants.

Angela "Spence" Pacheco,
1st Judicial District Attorney

As elsewhere in the country, jails have become the *de facto* mental health hospitals for the state. The state hospital, the New Mexico Behavioral Health Institute, houses on average 80 individuals in its adult psychiatric unit and 50 in its forensic unit². In addition, there are a combined total of 491 psychiatric beds in 14 hospitals statewide. Using statistics from the Metropolitan Detention Center in Bernalillo County³, it can be estimated that approximately 35% of our county jail population (2,557 statewide on any given day) are on prescribed psychotropic medication and even more have a mental health diagnosis that isn't treated with medication. According to a study performed by the New Mexico Sentencing Commission in 2012, simply having a mental illness increases length of stay by 36 days and having a very serious mental health diagnosis such as a psychotic disorder increases median length of stay by 121 days when compared with inmates charged with the same crime who are the same age and gender.⁴ When competency is challenged, length of stay increases even more dramatically.⁵ The medium length of stay for someone whose competency is challenged but who is found competent (72.6% of the inmates evaluated) is 332 days (11 months). The median length of stay for someone who is found incompetent is 537 days (18 months).⁶

The Task Force and a smaller steering committee met throughout the summer to consider and vet recommendations. The final recommendations identify and assess the needs of the target inmates, match those needs with identified community resources through individualized plans providing for wrap around services and prompt release. The Task Force also recommends creating regional secure clinical facilities for identified individuals who are not released and who do not meet the criteria for commitment to state hospital as part of the criminal competency process and cannot be committed involuntarily in a civil commitment proceeding because of the pending criminal proceedings.

The appendix of this report assembles information that can be used to further develop and implement these recommendations.

Handwritten signature of Grace Philips.

Grace Philips, SJM4 Task Force Chair
New Mexico Association of Counties General Counsel



Recommendations The Task Force reached consensus on 6 interrelated recommendations ⁷	Page
Identify the relevant inmate population and assess their risks and needs.	4
Inventory available community resources and gaps in needed resources.	5
Provide for release from detention supported by wrap around services.	7
Provide for release from detention with services that include housing	8
Create secure clinical facilities to serve "gap" population (as defined)	10
Educate stakeholders regarding benefits of supportive treatment for individuals living with serious mental illness and available tools for release	13

¹ New Mexico is one of only two states in the country where there are more people held in jails than in prison. A one-day comparison from June 2013 showed that there were nearly 1,000 more men (7,030 versus 6,043) and more than twice as many women (1,405 versus 652) in New Mexico county jails than held by the New Mexico Corrections Department. This is despite the fact that jails are designed for short-term stay and rapid high turnover. The median length of stay is 147 days, but a majority of individuals booked into county detention facilities are released within 48 hours and ¾ are released within 14 days. The volume of people who pass through county jails is staggering. Although the average daily county jail population for fiscal year 2015 was approximately 7,305, there were more almost 100,000 individuals booked into county jails during the same period.

² The New Mexico state hospital has 116 licensed forensic beds 64 of which are currently operational and 121 adult psychiatric beds of which 96 are currently operational.

³ MDC, the largest county detention facility in the state, averaged 473 inmates per day on its mental health caseload during the first 6 months of this year. Of these inmates, an average of 110 were housing in the facility's psychiatric unit.

⁴ <http://nmsc.unm.edu/reports/2013/effect-of-mental-health-diagnoses-on-length-of-stay-in-two-new-mexico-detention-facilities.pdf>

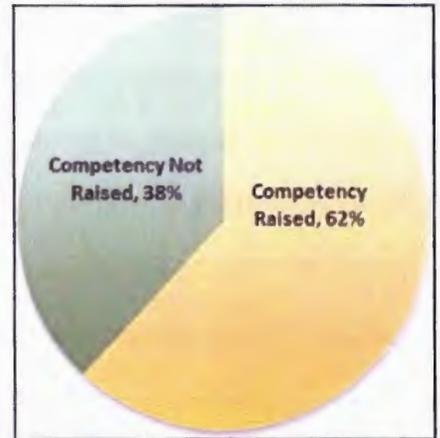
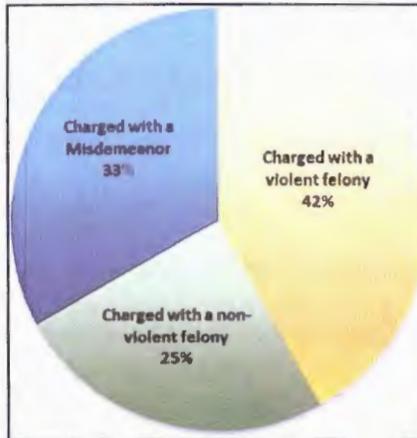
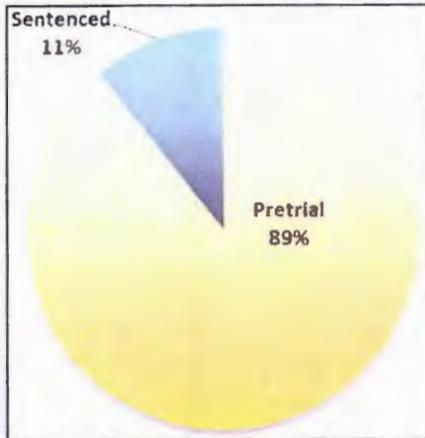
⁵ <http://nmsc.unm.edu/reports/2012/final-update-length-of-stay.pdf>

⁶ <http://nmsc.unm.edu/reports/2013/effect-of-competency-and-diagnostic-evaluation-on-length-of-stay-in-a-sample-of-new-mexico-detention-facilities.pdf>

⁷ The Task Force decided to limit its recommendations to adult inmates because the greater problem exists with adult detention and the recommendations discussed were not readily transferable.

Characteristics of the Target Population

When New Mexico detention administrators were asked to identify those individuals with the most serious mental illness who could not be appropriately managed in their detention facilities during the first six months of 2015, they identified 260 individuals. (appendix 1) The majority were nonviolent offenders held in pretrial detention. 28% were charged with battery on a peace officer, household member or healthcare worker. (13% Battery on a peace officer 11% Battery on a household member 4% Battery on a healthcare worker)



Recommendations

1. Identify the Population and Assess Their Risks and Needs

All individuals booked in county jails are screened for signs and symptoms of mental illness by booking staff. Individuals who are identified as having a possible mental health condition should be flagged for additional screening and release with services as appropriate.

What to Assess:

The Task Force is charged with recommending housing and services alternatives for individuals with serious mental illness (SMI) who are in custody. A definition for SMI has been agreed upon⁸ (appendix 2) and would also qualify the inmate for Medicaid services. Such a clinical diagnosis must be performed by a licensed mental health counselor, professional clinical counselor or other higher level clinician, and a clinical diagnosis alone is inadequate to determine the necessary services needed to support release from detention.

Jails have become the psychiatric crisis centers of first and last resort.

Matthew Elwell, CJM,
Luna County
Detention Administrator

The Task Force found that for appropriate linkages to resources to be achieved, a full spectrum of the inmate's needs must be identified. Assessments should include psychosocial, medical, and behavioral needs and strengths. Individuals with co-occurring disorders such as substance addiction must be included in the population served. Children of inmates who are affected by their incarceration must be identified so that their needs may also be addressed by the release plan. Information from law enforcement, detention facilities, health providers, the inmate and the

inmate's family must also be included in both the screening and release program planning. The inmate in particular can share what has and what has not worked for them in the past and consultation with the inmate will improve compliance with the plan that is developed.

How to Assess:

A specific person or team should be responsible for collecting and using all relevant information to create a fully informed release plan to support the inmate outside of detention. The Task Force felt that Core Service Agencies (CSAs) were well positioned to perform such enhanced assessments if adequate funding is provided. It is critical that assessment and planning occur promptly. Unfortunately, not every county will have health care providers qualified to perform the clinical diagnosis. Telemedicine may be useful for this purpose. However it is accomplished, the various screening and diagnostic information must be centralized and shared as appropriate to inform creation of the release plan.

Assessments should employ uniform methods for screening and identification of people with behavioral disorders in order to facilitate data collection as well as evaluation of programming. Mental health screening can be followed by an in depth psychosocial diagnosis as needed. Inmates often have prior medical documentation, including psychiatric evaluations that can expedite the process. Tools that are being successfully used in other jurisdictions include the ORAS (Ohio Risk Assessment System) <http://www.drc.ohio.gov/web/oras.htm>, which screens for criminogenic factors and the TCU (Texas Christian University) <http://ibr.tcu.edu/forms/tcu-drug-screen/>, which is a screening tool for substance use disorder. Both can be effective tools for mental health practitioners to screen individuals identified as having a mental illness for psychosocial needs, housing, employment, and amenability to treatment. Cultural sensitivity should be incorporated as well as attention to gender and age. The assessment process should engage inmates and their families (when appropriate and feasible) in assessing his or her own needs and should incorporate addressing those needs into the plan. Consultation with family members will add further insight and assist in producing the most beneficial individualized plan. The inmate's expressed clinical and social needs should then be balanced against public safety risks and criminogenic factors.

Funding Possibilities:

State and county indigent funds, Medicaid (for individuals no longer in custody)

Role for Legislature:

Validated assessment tools are essential but also cost money to perform and interpret. Some states have moved to state funding of screening tools to support uniformity and the sharing of information. <http://uacnet.org/legislation/key-issue-justice-reinvestment/>. A funding stream should be established to enable existing community providers to perform assessments and create and oversee release plans.

⁸ Definition of Serious Mental Illness:

The Task Force agreed that the definition of serious mental illness (SMI) adopted by the NM Behavioral Health Collaborative earlier this year is appropriate to apply to the population within the scope of this report. It includes schizophrenia and other psychotic disorders, major depressive and bipolar disorder and other mood disorders, anxiety disorders, obsessive compulsive and related disorders, trauma and stressor-related disorders, eating disorders, somatic symptom and related disorders and dissociative disorders. It does not include brain injury or mental retardation. Although the Task Force was charged with addressing the needs of individuals with the most serious mental illness, it quickly realized that these recommendations could also serve a broader population that may not meet the clinical definition of SMI (appendix 2) but who are still vulnerable and not appropriate for incarceration.

2. Inventory Available Resources and Gaps

It is critical to inventory and assess community programs and other resources available to provide post-release services. Health and community provider systems must be clearly identified. There are existing lists that inventory available behavioral health resources throughout the state; however, they are not sufficiently comprehensive. The process of inventorying resources should also serve to assess available programs and identify gaps in needed services.

Individuals living with serious mental illness who are involved with the criminal justice system require a wide range of supports in order to be successful in the community. These include not only electronic monitoring, behavioral health treatment, medication management, chronic medical care and sometime treatment guardians, but also housing, skills based education, vocational training, transportation, food support, benefits management, social activities, and employment. While a lot of good work has been done in the area of inventorying behavioral health treatment services, the state lacks a truly comprehensive and current accounting of the spectrum of services available on a community by community basis that are needed along with identification of gaps in services that need to be addressed.

Prosecutors will use services to release defendants who can be safely managed in the community if those services exist and we know about them.

Angela "Spence" Pacheco,
First Judicial
District Attorney

Resources to Include in Inventory:

All **housing resources** including a range of housing options that meet the particular needs of the individual such as permanent supportive housing, recovery/sober living, mental health transitional living services, residential treatment, group homes, assisted living, transitional living options, and family homes; **Intensive case management** including wrap around services that include support with taking medication, getting groceries, getting to doctor appointments, peer activities, as well as activities of daily living such as hygiene and paying bills; **Employment services** such as job training, coaching, and placement; The full spectrum of **mental health services** including individual and group counseling, supportive therapy, skills development, medication, assertive community based treatment for recovery and resiliency, drop-in centers, recreation, peer specialists, and crisis triage; **Peer groups** to serve as the glue between weekly sessions with clinicians; **Substance abuse services** that will work with a population that has mental illness, including those taking medication; **Transportation resources** including public transportation, transportation vans, transport staff for work, shopping, treatment and non-treatment appointments; **Benefits support** for enrollment in Medicaid, SSI/SSDI, health care insurance exchange, SNAP, Medicare, VA, and tribal benefits as appropriate; **Subsidized childcare** and other parenting support and family services; **Public health services** to address infectious disease, nutritional screenings, needle exchange; **Education & Training** to support return to school, certification and skill development; **Treatment guardian**; and **Criminal justice supports** such as electronic monitoring and community custody.

Needed Services:

Housing
Job training/placement
Education
Transportation
Benefits
Medication Management
Medical Health Care
Public Health Care
Childcare
Parenting support
Treatment Guardians
Electronic Monitoring
Mental Health Services
Substance Abuse Services
Peer services

The Task Force endorses a state-funded, user friendly, continuously updated, 24/7 accessible, comprehensive website that incorporates the good work that has been done but expands the scope and includes real time updating so that information is always current and includes detailed information about the scope of services provided, including eligibility, cost, insurance, and contact information. The inventory should also be accompanied by an analysis of the gaps in services in each community so that work can be done to develop missing supports. Peer specialists, for example, have long been recognized as affordable and effective resources but they are not widely available. A gap analysis could identify where and how such services are needed and recommend funding, for example, for one on one peer interventions in addition to groups.

Many individuals who live with serious mental illness have dual diagnosis for substance use disorder. For wrap around services to be meaningful, they must serve dual diagnosis including accepting individuals with addiction and providing medication as prescribed. Certified peer counselors offer unique and effective support to individuals seeking recovery and employment of peers provides an incentive for sustained engagement with treatment. Family psycho-educational interventions may also be appropriate when family members can be incorporated into an ex-inmate's recovery.

Role for Legislature:

The Aging and Long Term Services, NM Crisis and Access Line, the UNM Center for Development and Disability, and Networks of Care Data System all maintain resource lists. Consider consolidating additional funding in an existing behavioral health resource entity to expand the scope of their resource lists, make them available on a user friendly continuously maintained state funded website, and support communities in identifying gaps in needed.

3. Provide for Release from Detention Supported by Wrap Around Services

Individuals with serious mental illness are more likely to be held and to be held for longer than similarly charged individuals who do not have a diagnosis. These recommendations propose that they be prioritized for release.

Grace Philips,
New Mexico
Association of Counties
General Counsel

Reducing the number of people with mental illness in jail is the first step in addressing the problem. The purpose of this recommendation is to provide for release under circumstances that will support sustained success in the community, reduce recidivism and protect public safety.

Once the individual is identified and a comprehensive list of available community resources compiled, a plan needs to be developed that offers eligible arrestees an opportunity to get out of jail and go into treatment. There are a number of ways such release programs can be managed. Mental Health courts exist in four of the larger communities statewide (Santa Fe, San Juan, and Sandoval counties and the city of Albuquerque, providing coverage for 63% of New Mexico residents according to: http://www.treatmentadvocacycenter.org/index.php?option=com_content&view=article&id=227&Itemid=162), and could be expanded to include pretrial supervision. In other communities, Core Service Agencies could contract to provide assessment, release planning, and oversight. There are Core Service Agencies (CSAs) in every county in the state (appendix 3) that are charged with providing

behavioral health services to the community. Interested CSAs are well situated to reach into their local detention facilities to identify and serve inmates with serious mental illness. Their scope of services could be crafted to provide services to individuals who are identified on booking in order to

County detention centers should partner with Core Service Agencies to divert people from jail instead of mandating CSAs to do it.

Chris Tokarski,
Executive Director
Mental Health
Resources Inc.

Diversion isn't a big deal but we need a place to divert in order to divert.

Angela "Spence" Pacheco,
1st Judicial District
Attorney

A release plan tied to available resources and benefits with evidence of treatment compliance could assist a Court considering conditional release for non-violent offenders who should be prioritized for supported release – even where there is a history of repeated criminal involvement or other court non-compliance.

Judge James Hudson,
5th Judicial District Judge

assess them using uniform tools and then connect them with services, using an individualized treatment/support plan for release. In communities where CSAs are not capable or willing, intensive care coordinators could be funded to go into the jails to perform these services. Identified services could also be accessed to enhance existing pretrial diversion programs. Court intervention is not required where the prosecutor agrees to drop charges in order to facilitate release into programing. Jail diversion programs should be expanded to address those held in custody where community resources are available.

The population of individuals with serious mental illness in jail can be reduced by increasing the availability of community mental health resources that will serve individuals with criminal histories and pending charges. Individualized plans for the treatment and services required to address an inmate's needs are a critical component of this recommendation. Connecting individuals with benefits is also essential in order for there to be sufficient resources to pay for the services. Medicaid expansion in New Mexico creates the opportunity for greater numbers of individuals to access medical and behavioral healthcare. Social security, SNAP, veterans' and other benefits can provide necessary resources to pay for services as well as food and shelter. Medicaid, SSI/SSDI, veteran, food stamp, and TANF benefit applications as appropriate should be initiated immediately.

Insufficient community based voluntary outpatient and residential treatment programs combined with aggressive policing of minor crimes and the absence of programs to divert people with mental health conditions who commit minor offenses from the criminal justice system only increase jail populations. Inadequate numbers of psychiatric beds in area hospitals exacerbates the problem.⁹ (appendix 4)

Inadequate transition planning compromises public safety and increases the incidence of psychiatric symptoms, hospitalization, relapse to substance abuse, suicide, homelessness and re-arrest. The level of treatment is key—more intervention is not necessarily better and can do harm for someone who does not need it. The most important task of the transition planner is to listen to the inmate to learn what has worked or not worked in the past and to plan accordingly. Collecting comprehensive information about and from the individual inmate and his or her family will make an appropriately individualized release plan possible.

Effective release planning can demonstrate to judges on both a case-by-case and system-wide level, how treatment programs that fail to meet the multiple needs of inmates with co-occurring disorders significantly reduce the likelihood of successful re-entry.

⁹ http://www.treatmentadvocacycenter.org/storage/documents/the_shortage_of_publichospital_beds.pdf

Medical adherence is critical to successful community integration and mechanisms should be developed to encourage and monitor medication compliance. Ideally medical stabilization would be initiated on booking with discharge medications provided through community services using a warm hand-off from the jail. Program participation is voluntary, and release into services as recommended by the Task Force is different from probation, parole, or other traditional supervised release.

Successful programs recognize that relapse is often part of recovery. Relapses should be expected and result in adjustments to the plan as opposed to termination from the program.

The Task Force discussed limiting participation to misdemeanants but decided that the specific circumstances of offenses involved as well as attributes of the individual inmate should be the determining factors for eligibility.

Role for Legislature and Other Policy Makers:

Some programs have restrictions on who they will serve and exclude the population addressed by this report. Funding should prioritize programs that accept individuals with mental illness, co-occurring disorders, criminal histories, and pending charges. Capacity can be built within existing Core Service Agencies or other local providers willing to serve the incarcerated population through a combination of state and local dollars. Medicaid expansion and SB 42, sponsored by Senator Ortiz y Pino in 2015, will increase Medicaid enrollment and therefore access to critical funding to pay for medical and mental health care. Medicaid could also reinstate payment for targeted case management for people with serious mental illness.

Having services pick and choose who they are serving with state dollars limits their treatment outcome.

Rick Miera, Former State Representative

...the single most important thing a transition planner can do...is learn from the inmate what has worked or...not worked during past transitions and plan accordingly.

The APIC Model Report
National GAINS Center,
September 2002

We don't want to incarcerate this population but we are ill-equipped to effectively manage this population in the community.

Chief Sgambellone,
Los Alamos County
Police Department

4. Provide for Housing in Conjunction with Other Services

Housing for persons with serious mental illness should be available using a variety of models ranging from highly structured, professionally staffed to more autonomous arrangements. Housing instability disproportionately affects people leaving institutional stays. Individuals suffering from serious mental illness, alcohol dependency or past drug addiction are often denied housing based on criminal history or bad rental references; such individuals can often experience very significant barriers to housing.

Individuals entering or exiting the justice system encounter barriers to housing and services that negatively affect health outcomes and limit full integration into their communities.

Melissa Marcoline,
Supportive Housing
Coordinator, Behavioral
Health Services Division
NM HSD

Homelessness and in particular chronic homelessness which is linked to mental illness is a statewide problem.¹⁰ (attachment 5) Permanent supportive housing (PSH) is an evidence-based model that provides subsidized community-based housing, as well as services and supports like health care, case management, and employment assistance to very low income or homeless individuals. Housing is “permanent” because there is no time limit on how long housing can be utilized. In most programs, whether or not a resident chooses to access services and supports is not a condition of housing. However, participants may be required to commit to regular home visits that focus on housing stabilization supports and eviction prevention.

Housing without stabilization support often leads to termination of tenancy and an individual’s subsequent eviction that can further limit access to quality housing. Permanent supportive housing is key. Transitional living may also play an important role in expediting release while permanent housing is arranged.

Supportive housing could be sufficient for many individuals leaving detention but some will need housing that offers even more services in order to be successful. Half way houses, transitional housing, health homes, or residential treatment may be needed for homeless mentally ill individuals who need time to rebuild social skills before they are found more permanent placement in the community.

Arrest and detention is often the only path available to law enforcement in situations where people are not sufficiently ill to gain admission to a hospital but too ill to be ignored. Where rates of homelessness are growing, it is increasingly difficult to avoid jail as a substitute for housing. The cost per night of Linkages beds, however, averages \$19.60 significantly less than the estimated \$61.00 to \$123.00 per night per diem estimated for county detention beds.

Inmates with co-occurring disorders who are homeless or at risk of homelessness should be prioritized for community low-income and supportive housing resources because the stability of these individuals is both a clinical and a public safety concern. The concept of behavioral health homes, residential treatment, and other models are extremely important as not all individuals will be able to manage successfully (at least initially) using supportive housing. Residential treatment that accepts individuals with addiction and provides medication management is key for the population.

Funding:

Federal Continuum of Care Homeless Assistance Programs, New Mexico Linkages, SSI/SSDI, grants, federal, state or local government funding including county indigent funds.

Housing is a health intervention not an amenity or add on and criminal convictions are barriers to housing.

Melissa Marcoline,
Supportive Housing
Coordinator, Behavioral
Health Services Division
NM HSD

¹⁰ SM 44 (2015) also sponsored by Senator Sander Rue recently resulted in recommendations regarding supportive housing and other solutions.

Role for Legislature and Other Policy Makers:

Increase or create funding for permanent supportive housing that targets individuals being released from custody and that will accept individuals living with both serious mental illness and substance addiction. Provide for Medicaid funding of adult residential care. Fund additional Linkages beds to meet the needs of mentally ill people who can live independently with support services. Create a unified message on the need for housing of all citizens and remove landlord incentives to exclude the population addressed by this report.

One thing that is happening is that at the same time local governments are trying to house this population, another arm of the same government is encouraging and incentivizing landlords to exclude this population... The government needs to send a single message on the need to provide housing for all of its citizens.

Lisa Simpson,
Technical Advisor to the Adult Detention
Reform Coordinator

5. Create Secure Clinical Facilities to Serve "Gap" Population

Programs that provide for release or diversion with services will not serve all individuals who are in custody in county jails and who have serious mental illness. A secure alternative must be created to care for the individuals who are not released due to their charges, lack of community services, severity of their condition, and/or because of safety. Currently, there is no appropriate alternative for this "gap" population.

The rules and regimes that define corrections and detention are counter-therapeutic and potentially harmful to the mental as well as physical well-being of someone with a serious mental illness. Many inmates with mental disabilities deteriorate behind bars where their symptoms worsen. Mental health treatment is subordinate to custodial and security concerns and is provided to meet the constitutional requirement prohibiting deliberate indifference to an inmate's serious mental health condition as well as to facilitate security.

Therapeutic detention should be provided to serve individuals with serious mental illness who are not released back into the community pending trial or following sentencing.

The gap population identified by the Task Force consists of individuals who are vulnerable and extremely high need but who are charged with a violent felony, still awaiting a competency determination, or are otherwise not appropriate for or likely to be released. These are the individuals who stay in detention the longest.

The effect of competency proceedings on length of stay cannot be overstated. According to a study performed by the NM Sentencing Commission in 2012, the competency process extends the median length of stay to 11–18 months. <http://nmsc.unm.edu/reports/2013/effect-of-competency-and-diagnostic-evaluation-on-length-of-stay-in-a-sample-of-new-mexico-detention-facilities.pdf>.

We have many seriously mentally ill who do not meet the criteria of being more likely than not in the near future (i.e. days) to be at serious risk of great bodily harm to themselves or others. However, these non-emergency people may be suffering terribly.

Dr. Merrit Ayad,
Santa Fe County
Adult Detention Center

The average duration of adult competency proceedings varies greatly throughout the state: from 41 days for closed cases in Bernalillo County Metropolitan Court to 318 days for FY15 cases still pending in Colfax County in the 8th Judicial District.

Judicial District	Days to Process
1st Judicial District	151 days
2nd Judicial District	130 days
3rd Judicial District	89 days
4th Judicial District	131 days
5th Judicial District	156 days
6th Judicial District	90 days
7th Judicial District	153 days
8th Judicial District	163 days
9th Judicial District	180 days
10th Judicial District	143 days
11th Judicial District	149 days
12th Judicial District	170 days
13th Judicial District	154 days
Metropolitan Court	49 days

Jails are not licensed healthcare providers. Consensus of the Task Force was that the proposed facility should be “treatment first” but also secure. It could not be a hospital because hospitals are restricted on who they can admit and under what circumstances. A therapeutic jail would hold individuals in custody against their will. Individuals in this population would not necessarily be at imminent risk to themselves or others and would also not be eligible for treatment to competency at the state hospital. The proposed facility also should not be a detention facility because of the incompatibility of detention with recovery.

This is a resource that does not exist in New Mexico and would therefore need to be clearly defined. The Task Force recommends that such facilities not be part of a detention facility, but operate under a chain of command that prioritizes treatment and therapeutic amenities. There was no consensus about whether such facilities should be operated by the state, local government or under regional authorities, but concern was voiced about housing them under corrections or another public safety department. A juvenile model considered by the steering committee is the Mendota Mental Health Institute Juvenile Treatment Center in Wisconsin in which high risk youth convicted of violent offenses serve their sentence in a program administered by the Wisconsin Department of Health Services/Division of Mental Health and Substance Abuse Services while in custody of the Division of Juvenile Corrections. Other ideas include making the facility a full spectrum behavioral health services facility with non-secure residential treatment areas, out-patient, crisis triage, day reporting activities, vocational services, and other community resources. Miami, Florida is currently renovating a former hospital to serve as such a facility. Other communities have built or renovated former detention facilities to provide secure therapeutic services for individuals with substance addiction serving time for related offenses. Operating procedures could reflect forensic unit operations at the state hospital but would not be able to be licensed as a hospital in order to serve the desired population.

Licensed hospitals need legal authority to house someone for treatment.

Dr. Grey Clark,
Behavioral Health
Medical Director,
Presbyterian Health
Plan

This new hybrid facility would meld detention with treatment holding treatment as the priority. The Task Force recommends an operation that looks a lot like the state hospital forensic unit: clinical teams, primary care doctors, detoxification protocols, psycho social rehabilitation, use of peer specialists, dental care, lessons in money management, vocational skills, intensive discharge planning and psychiatric technicians instead of correctional officers. Assignment to the facility would be a classification decision and individuals whose charges are resolved would no longer be eligible to stay. Although transportation and travel time to regional therapeutic facilities was raised

as a concern, the consensus was that the limited size and high need characteristics of this population required at least regional facilities.

The cost of operations for such a facility would be greater than the average per diem cost for detention. The average FY2014 operating cost per bed for the New Mexico Behavioral Health Institute forensic unit was \$365.72 per day, and the average daily cost per bed for the adult civil unit was \$516.12.

Role of Legislature:

To accomplish this recommendation, the legislature would need to create laws and redefine the laws that affect everything from building codes to admitting procedures and to licensing standards, in order to create a new facility model that currently does not exist, and which will accept inmate patients who need specific treatment in a specialized setting. Funding would not be available through Medicaid because the facility would be secure custodial and therefore not qualify as inpatient hospitalization under current regulations. However, the state could explore whether operation of such a facility could be a value added service from the Managed Care Organizations (MCOs). The Task Force recommends that a feasibility study be performed and that a pilot facility be established.

As long as persons who are seriously mentally ill continue to be placed in county jails, special management must continue to be utilized. Currently it is the ONLY option. Simply put... seriously mentally ill persons do not belong in county jails.

Mark Caldwell,
Santa Fe County
Detention Administrator

6. Educate Stakeholders Regarding Benefits of Supportive Treatment for Individuals Living with Serious Mental Illness and Available Tools for Release

Education is critical to increase the likelihood of early release and reduce unnecessary use of detention for people living with serious mental illness.

Education regarding mental illness, available resources, the benefits of diversion on public safety, and other aspects of these recommendations is essential in order for these recommendations to be successfully implemented. Stakeholders need to be informed regarding available alternatives to detention and how they can improve public safety. Legislators and the general public need information regarding the fiscal and human cost of what we are doing now so that policy initiatives can be aligned in a way that makes sense. Courts, attorneys and families need education on the use and limitations of treatment guardians. Law enforcement needs training on how to deal with individuals in mental health crisis and education regarding available community resources that might offer an alternative to arrest and detention.¹¹ Detention staff need ongoing training regarding best practices for management of this high need population and also the availability of treatment guardian appointments in certain cases.

NAMI's In Our Own Voice program more than many of the other education programs I have been exposed to, brought to me a better understanding of what a person with a mental illness goes through.

Jim Ogle,
NAMI Albuquerque

¹¹ Good work is being done to improve existing crisis intervention training for law enforcement through a consent decree between the City of Albuquerque and the US Department of Justice in *United States of America v. the City of Albuquerque*, 1:14-cv-01025, Section VI, Crisis Intervention, B. Behavioral Health Training.

On a more individual level, families of incarcerated people need information about how to support them when they are released back into the community. Education regarding available community resources is also critical for all stakeholders including inmates who should have information regarding their own mental illness, how to deescalate themselves and deal with their mental health challenges.

Some existing courses offered by the National Alliance on Mental Illness (NAMI)¹² include:

- ◆ Family to Family
- ◆ NAMI Basics
- ◆ In Our Own Voice
- ◆ Provider Education
- ◆ Peer to Peer

People with lived experience provide a perspective that no one else can.

Nancy Koenigsberg,
Senior Attorney,
Disability Rights New Mexico

Peers should be recognized as a hugely important and underutilized resource for educating the full spectrum of stakeholders identified in this report as well as for providing support to individuals. In addition, Mental Health First Aid (MHFA) training is widely available in New Mexico where there are 139 certified instructors who delivered training to over 1,600 adults and youth during the first 8 months of this year and who have trained approximately 8,000 individuals in New Mexico over the last four years.¹³

Who should receive education?

- ◆ Legislators
- ◆ Law Enforcement
- ◆ Detention staff
- ◆ The Judiciary
- ◆ Prosecutors
- ◆ Defense counsel
- ◆ Probation/parole staff
- ◆ Medical/mental health staff

What should the education cover?

- ◆ Mental Health generally, including recovery and resiliency, stigma, de-escalation techniques, and how to communicate with individuals living with serious mental illness who are in crisis
- ◆ Inmate population, length of stay, and recidivism
- ◆ Available resources in the community to support diversion
- ◆ Evidence based information on diversion

Who should provide the education?

- ◆ Peers
- ◆ NAMI
- ◆ Mental Health First Aid Trainers
- ◆ Crisis Intervention (CIT) trainers
- ◆ Colleagues from communities with successful diversion programs
- ◆ NMAC and NM Municipal League
- ◆ Trained providers such as psychiatrists and psychologists

How would the education be funded?

- ◆ Grants
- ◆ Free Services
- ◆ General Fund

There should also be an opportunity for inmate education about their illness as well as family education. The education should have an eye to instilling a sense of hope for recovery for both inmates and staff. Wellness Recovery Action Plan (WRAP) Training for example is an evidence based practice for self-help.

Role of Legislature:

The legislature should fund comprehensive education and make available information to key stakeholders that supports implementation of these recommendations

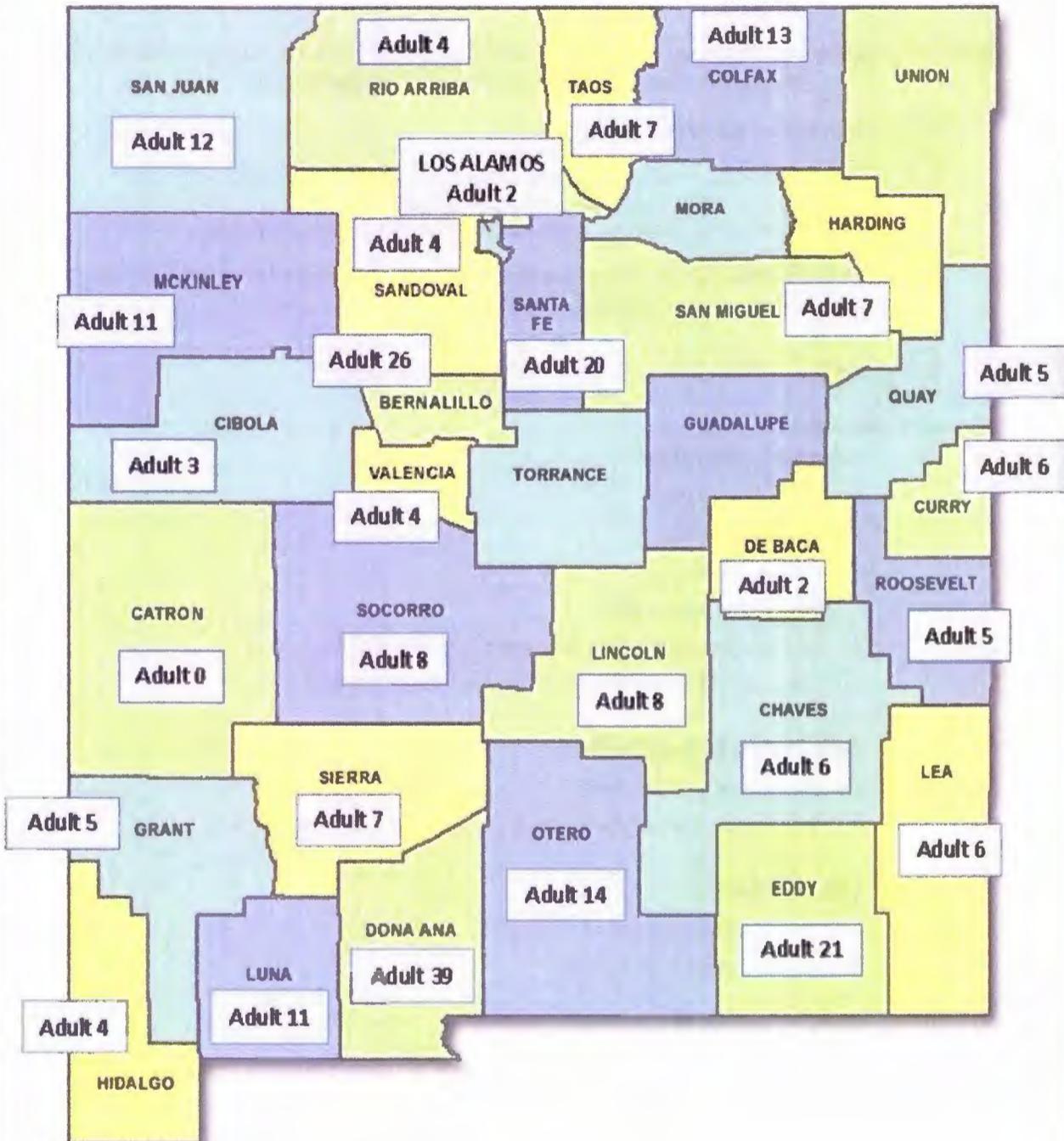
¹² For more information on NAMI programs go to: <https://www.nami.org/Find-Support/NAMI-Programs>

¹³ For more information on MHFA in New Mexico go to: <http://www.nmsoc.org/mhfa.html>

Appendices

Number of Seriously Mentally Ill in New Mexico Facilities

Individuals Housed from January 1, 2015 thru June 30, 2015
Total: 260



Serious Mental Illness (SMI)
CRITERIA CHECKLIST



SMI determination is based on the age of the individual, functional impairment, duration of the disorder and the diagnosis. Adults must meet all of the following four criteria:

- 1. **Age:** Must be an adult 18 years of age or older.
- 2. **Diagnoses:** Have one of the diagnoses specified in the list below as defined under the current *American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders*. The diagnosis would need to have been determined within the prior 12 months by an appropriately credentialed and licensed professional.
- 3. **Functional Impairment:** The disturbance is excessive and causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- 4. **Duration:** Expected duration of the disorder is to be six months or longer.

List of Diagnoses for #3 Above

Schizophrenia – 295.90 diagnoses

- Schizophrenia 295.90

Other Psychotic Disorders

- Delusional Disorder 297.1
- Schizoaffective Disorder 295.70
- Other Specified Schizophrenia Spectrum and Other Psychotic Disorder 298.8
- Unspecified Schizophrenia Spectrum and Other Psychotic Disorder 298.9

Major Depression and Bipolar Disorder

- Major Depressive Disorder 296.XX
- Bi-Polar Disorders 296.XX (all except Unspecified Bi-Polar and Related Disorder 296.80)

Other mood Disorders

- Cyclothymic Disorder 301.13
- Persistent Depressive Disorder 300.4

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Criteria Checklist - Serious Mental Illness

Anxiety Disorders

- Panic Disorder 300.01
- Generalized Anxiety Disorder 300.02

Obsessive Compulsive & Related Disorders

- Obsessive Compulsive & Related Disorders 300.3

Trauma and Stressor-Related Disorders

- Posttraumatic Stress Disorder 309.81

Eating Disorders

- Anorexia Nervosa 307.1
- Bulimia Nervosa or Binge Eating Disorder 307.51

Somatic Symptom and Related Disorders

- Conversion Disorder 300.11
- Somatic symptom Disorder 300.82
- Factitious Disorder Imposed on Self 300.19
- Borderline Personality Disorder 301.83

Dissociative Disorders

- Dissociative Amnesia 300.12
- Dissociative Identify Disorder 300.14

Personality Disorders [For which there is an evidence based clinical intervention available]

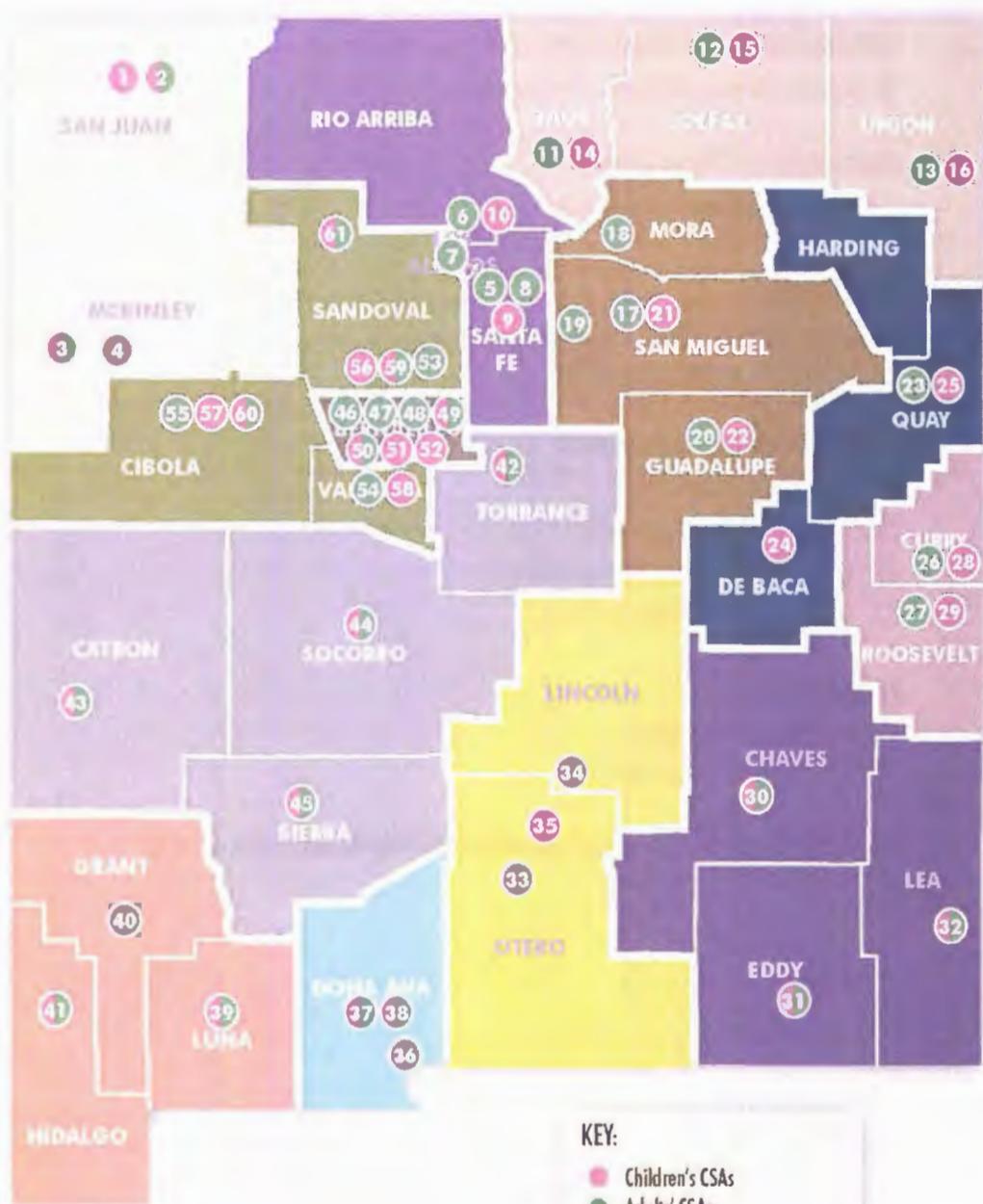
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07.09.2015

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CORE SERVICE AGENCY SITES





CORE SERVICE AGENCY SITES

KEY:

- Children's CSAs
- Adults' CSAs
- Child and Adult CSAs

Childhaven

- 1 Farmington (505) 325-5358

Presbyterian Medical Services

- 2 Farmington (505) 325-0238
- 3 Gallup (505) 863-3828
- 4 Thoreau (505) 862-7417

Presbyterian Medical Services

- 5 Santa Fe (505) 986-9633
- 6 Española (505) 747-7400
- 7 Los Alamos (505) 747-7400

The Life Link

- 8 Santa Fe (505) 438-0010

Agave Health

- 9 Española (505) 747-0081
- 10 Santa Fe (505) 471-5006

Tri-County Community Services

- 11 Taos (575) 758-5857
- 12 Raton (575) 445-2754
- 13 Clayton (575) 374-2032

Agave Health

- 14 Taos (575) 758-7263
- 15 Raton (575) 445-3557
- 16 Clayton (575) 374-8300

NM Behavioral Health Institute/CBS

- 17 Las Vegas (505) 454-5100
- 18 Mora (575) 387-2677
- 19 Pecos (505) 757-6112
- 20 Santa Rosa (575) 472-3068

Agave Health

- 21 Las Vegas (505) 454-8265
- 22 Santa Rosa (575) 472-0745

Mental Health Resources

- 23 Tucumcari (575) 461-3013

Turquoise Health & Wellness

- 24 Fort Sumner (575) 355-8326
- 25 Tucumcari (575) 461-4411

Mental Health Resources

- 26 Clovis (575) 769-2345
- 27 Portales (575) 359-1221

Turquoise Health & Wellness

- 28 Clovis (575) 742-2620
- 29 Portales (575) 356-2223

Turquoise Health & Wellness

- 30 Roswell (575) 623-1480
- 31 Carlsbad (575) 885-4836

Lea County Guidance Center

- 32 Hobbs (575) 393-3168

La Frontera NM

- 33 Alamogordo (575) 437-7404
- 34 Ruidoso (575) 630-0571
- 35 Mescalero (505) 464-0016

La Frontera NM

- 36 Anthony (800) 426-0997
- 37 Las Cruces - Griggs Ave. (575) 647-2800
- 38 Las Cruces - S. Solano Dr. (575) 527-7900

La Frontera NM

- 39 Deming (575) 546-2174
- 40 Silver City (575) 388-4412
- 41 Lordsburg (575) 542-3304

Presbyterian Medical Services

- 42 Torrance County (505) 384-2777
- 43 Catron County Medical Center (575) 533-6456
- 44 Socorro Mental Health (575) 835-2444
- 45 Sierra County (pending) n/a

Agave Health

- 46 Albuquerque - Coors Blvd. NW (505) 338-3320
- 47 Albuquerque - Central Ave. SE (505) 268-1125

Saint Martin's

- 48 Albuquerque (505) 764-8231

Open Skies

- 49 Albuquerque (505) 345-8471

YDI

- 50 Albuquerque (505) 873-1604

All Faiths Receiving Home

- 51 Albuquerque (505) 271-0329

University of New Mexico

- 52 Albuquerque (505) 272-2190

Valle del Sol of NM

- 53 Bernalillo (505) 867-2383
- 54 Los Lunas (505) 865-3350
- 55 Grants (505) 287-7985

Open Skies

- 56 Rio Rancho (505) 891-9797
- 57 Grants (505) 285-3672
- 58 Los Lunas (505) 565-1761

Presbyterian Medical Services

- 59 Rio Rancho (505) 896-0928
- 60 Grants (505) 287-2273
- 61 Northern Sandoval Co. (Cuba) Check-board Area Health System (575) 289-3291

Psychiatric Beds by City

Hospital	City	Total Beds	Psychiatric Beds
Gerald Champion Regional Medical Center	Alamogordo	99	17
Haven Behavioral Senior Care of ABQ	Albuquerque	34	34
HealthSouth Rehabilitation Hospital, Albuquerque	Albuquerque	87	
Kindred Hospital of Albuquerque	Albuquerque	61	
Lovelace Medical Center	Albuquerque	263	44
Lovelace Medical Center - Heart Hospital	Albuquerque	55	
Lovelace Rehabilitation Hospital	Albuquerque	62	
Lovelace Westside Hospital	Albuquerque	80	
Lovelace Women's Hospital	Albuquerque	120	
Presbyterian Hospital	Albuquerque	453	
Presbyterian Kaseman Hospital	Albuquerque	85	46
University of New Mexico Hospital	Albuquerque	527	91
Artesia General Hospital	Artesia	49	15
Carlsbad Medical Center	Carlsbad	115	
Union County General Hospital	Clayton	25	
Plains Regional Medical Center	Clovis	100	
Mimbres Memorial Hospital & Nursing Home	Deming	25	
Espanola Hospital	Espanola	70	
San Juan Regional Medical Center	Farmington	194	13
San Juan Regional Rehabilitation Hospital	Farmington	16	
Rehoboth McKinley Christian Health Care Services	Gallup	60	
Cibola General Hospital	Grants	25	
Lea Regional Medical Center	Hobbs	186	20
Advanced Care Hospital of Southern NM	Las Cruces	20	
Memorial Medical Center	Las Cruces	199	
Mesilla Valley Hospital	Las Cruces	88	88
Mountain View Regional Medical Center	Las Cruces	168	
Rehabilitation Hospital of Southern New Mexico	Las Cruces	40	
Alta Vista Regional Hospital	Las Vegas	54	
Los Alamos Medical Center	Los Alamos	47	
Nor-Lea General Hospital	Lovington	25	
Roosevelt General Hospital	Portales	24	
Miners' Colfax Medical Center	Raton	25	
Presbyterian Rust Medical Center	Rio Rancho	81	
UNM Sandoval Regional Medical Center	Rio Rancho	72	12
Eastern New Mexico Medical Center	Roswell	162	25
Lovelace Regional Hospital - Roswell	Roswell	26	
Lincoln County Medical Center	Ruidoso	25	
CHRISTUS St. Vincent Physicians Medical Center	Santa Fe	19	
CHRISTUS St. Vincent Regional Medical Center	Santa Fe	248	20
Guadalupe County Hospital	Santa Rosa	10	
Peak Behavioral Health Services, LLC	Santa Teresa	56	56
Gila Regional Medical Center	Silver City	68	10
Socorro General Hospital*	Socorro	24	
Holy Cross Hospital	Taos	29	
Sierra Vista Hospital	TorC	15	
Dr. Dan C. Trigg Memorial Hospital	Tucumcari	25	
TOTALS		4366	491

Housing Chart Showing Chronic Homelessness

Need for New Supportive Housing by New Mexico County

County	2014 Census Population	Poverty Rate	Total # of Homeless People Counted on 1/26/15*	Estimated Total Need for Supportive Housing**	Total # of Chronically Homeless People on 1/26/15***	Relative Priority
Dona Ana County	213,676	27	333	534	112	H
Sandoval County	137,608	17.7	35	344	0	H
Valencia County	75,817	23.4	20	190	0	H
Chaves County	65,878	21.2	28	165	4	H
McKinley County	74,098	40.3	108	185	51	H
Otero County	65,082	21.3	14	163	0	H
Lea County	69,999	14.8	12	175	0	H
Bernalillo County	675,551	18.7	1,378	1,689	265	H
San Juan County	123,785	22.7	207	309	27	H
Eddy County	56,395	15.1	86	141	29	H
Rio Arriba County	39,777	24.8	2	99	0	H
Cibola County	27,349	32.2	2	68	0	M
Luna County	24,673	31.2	15	62	2	M
San Miguel County	28,239	35.9	7	71	2	M
Taos County	33,084	26.2	21	83	2	M
Torrance County	15,611	27.8	0	39		M
Roosevelt County	19,536	24.6	0	49		M
Curry County	50,969	21.1	30	127	0	M
Sierra County	11,325	26.9	0	28		M
Grant County	29,096	22.4	8	73	0	M
Lincoln County	19,706	18.8	0	49		M
Quay County	8,501	25.8	0	21		M
Colfax County	12,680	20.1	0	32		L
Guadalupe County	4,468	25.8	0	11		L
Hidalgo County	4,560	25.7	0	11		L
Santa Fe + County	148,164	18.1	323	370	196	L
Socorro County	17,310	27.9	0	43	0	L
Mora County	4,592	23.8	0	11		L
Catron County	3,556	21.7	0	9		L
De Baca County	1,825	22	0	5		L
Union County	4,297	20.1	0	11		L
Los Alamos County	17,682	4	0	44		L
Harding County	683	15.2	0	2		L
New Mexico	2,085,572	21.4	2,629	5,214	690	

* Total number of homeless persons sheltered and unsheltered counted on January 26, 2015.

** Need for supportive housing based on state study showing need for 5,000 beds, divided up by county according to population.

*** Chronically homeless people are those with disabilities who have been homeless for a year or 4 times in 3 years and are the highest users of costly services including hospitals and jails. Count and Analysis by the New Mexico Coalition to End Homelessness

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New Mexico Association of Counties

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New Mexico Association of Counties

Senate Joint Memorial 4 - Sponsored By Senator Sander Rue

Requesting the New Mexico Association of Counties to study housing and clinical service options for individuals with serious mental illness who are in custody awaiting trial.

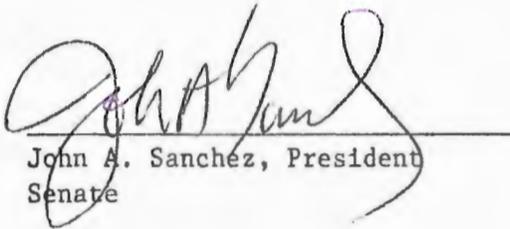
- WHEREAS, the state's county detention facilities have become de facto mental health facilities; and
- WHEREAS, according to a 2012 study conducted by the New Mexico sentencing commission, individuals receiving mental health services while in detention have a median length of stay that is twenty-five percent longer than the length of stay for all pretrial inmates; and
- WHEREAS, individuals diagnosed with the most serious mental illness, such as psychotic disorders, have a median length of stay that is eighty-two percent longer than individuals of the same gender and age who have been charged with the same crime; and
- WHEREAS, individuals whose competency to stand trial is in question have a median length of stay that is two hundred seventy-eight percent longer than other pretrial inmates; and
- WHEREAS, few detention centers are equipped to deal adequately with this population; and
- WHEREAS, the condition of individuals with serious mental health disorders can deteriorate when they are incarcerated; and
- WHEREAS, the current situation exposes the state and local governments to substantial liability; and
- WHEREAS, individual agencies and counties cannot provide the solution to this problem alone because it is a systemic problem that requires collaboration and the development of alternatives among state, county and municipal governments as well as health care providers and advocacy organizations;

Now, therefore, be it resolved by the legislature of the State of New Mexico that the New Mexico Association of Counties be requested to convene stakeholders to study and make recommendations for clinically appropriate housing options for individuals with serious mental illness who are in custody in county detention facilities; and

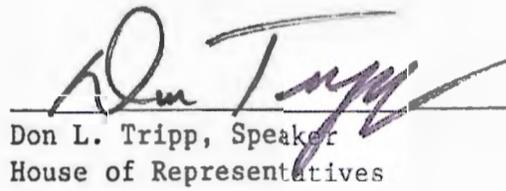
Be it further resolved that stakeholders include but not be limited to representatives from the New Mexico municipal league; the department of health; the aging and long-term services department; the corrections department; the veterans' services department; the behavioral health services division of the human services department; the department of finance and administration; the interagency behavioral health purchasing collaborative; the administrative office of the district attorneys; the administrative office of the courts; the public defender department; the New Mexico sheriffs and police associations; the New Mexico behavioral health institute at Las Vegas; the New Mexico hospital association; disability rights New Mexico; the national alliance on mental illness; mental health clinicians; and two individuals living with serious mental illness identified by the interagency behavioral health purchasing collaborative; and

Be it further resolved that the New Mexico association of counties be requested to report that the New Mexico association be requested to report its findings to the appropriate interim legislative committees by December 1, 2015; and

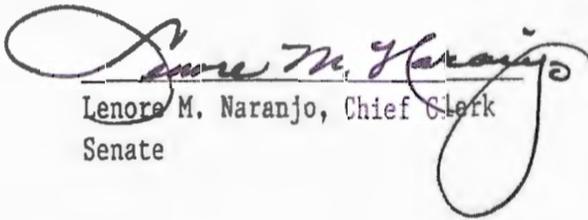
Be it further resolved that copies of this memorial be transmitted to the executive director of the New Mexico association of counties, the executive director of the New Mexico municipal league, the director of the New Mexico behavioral health institute at Las Vegas, the director of the administrative office of the district attorneys, the director of the administrative office of the courts, the chief public defender, the New Mexico hospital association, the director of the interagency behavioral health purchasing collaborative, the executive director of disability rights New Mexico, the executive director of the national alliance on mental illness and the secretaries of health, public safety, aging and long-term services and corrections.



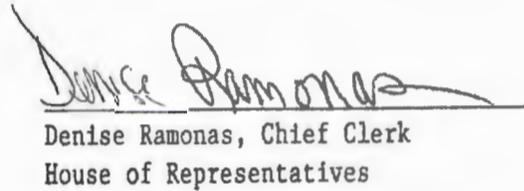
John A. Sanchez, President
Senate



Don L. Tripp, Speaker
House of Representatives



Lenore M. Naranjo, Chief Clerk
Senate



Denise Ramonas, Chief Clerk
House of Representatives

National Exercise Program

Climate Adaptation, Preparedness, and Resilience *Tabletop Exercise*

National Association of Counties
Safe and Secure Counties Symposium
Colorado Springs, Colorado
December 4, 2015

Participant Handbook

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SFC CLERK RECORDED 01/14/2016

INTRODUCTION

In collaboration with the National Exercise Division, the National Association of Counties (NACo) is hosting the Climate Adaptation, Preparedness, and Resilience Tabletop Exercise for the Safe and Secure Counties Symposium. This exercise continues the national climate adaptation dialogue to identify collaborative and sustainable approaches to community-based climate preparedness and resilience capabilities.

Exercise participants include a wide-range of partners who have roles, responsibilities, and varied expertise in adaptation, hazard mitigation, and resiliency planning efforts. The multitude of players and relevant experience supports the goal of improving collaboration amongst whole community partners.

This *Participant Handbook* provides the goals and objectives for the tabletop exercise, detailed scenarios, and discussion questions for discussion during the exercise.

The primary goal for this exercise is to stimulate climate adaptation and community resilience activities within participants' respective counties to prepare, now, for the second- and third-order effects of a changing climate in the coming decades, consistent with local and state risk management strategies.

The three objectives of this tabletop exercise are:

1. To identify and examine adaptation and resiliency strategies for forecasted effects and consequences of changing climate;
2. To identify collaborative and sustainable whole-community approaches to advance and sustain local climate adaptation and resilience programs, policies, and strategies, to include identification of investment opportunities and coalition partners to resource investments; and
3. To examine coordination and collaboration opportunities among members of the National Association of Counties.

The National Exercise Division, in conjunction with the National Association of Counties, will draft a *Summary Report* based on findings from the tabletop exercise discussion and hotwash.

The exercise is a two and a half hour (9:30 a.m.-12:00 p.m.), facilitated event that is tailored to the specific needs of the National Association of Counties Safe and Secure Counties Symposium.

Participants will split into multiple breakout groups to discuss one of two scenarios. A facilitator will guide discussion for each breakout group and evaluators will capture key discussion points. A summary of findings will be presented after the main discussion is complete.

Two scenarios will prompt exercise participants for discussion based on information from the *Third U.S. National Climate Assessment*:

- Scenario A: Adapting to Drought and Wildfire Conditions (Southwest U.S., 2045)
- Scenario B: Adapting to Frequent Heavy Precipitation (Northeast U.S., 2045)

The schedule for the event is as follows:

Welcome and Exercise Overview	9:30 a.m.
Scenario Descriptions	9:45 a.m.
Moderated Small Table Group Discussions	10:00 a.m.
Breakout Group Brief-outs	11:00 a.m.
Closing Remarks	11:45 a.m.
Adjournment	12:00 p.m.

Exercise Scope and Assumptions

Exercises play a vital role in national preparedness, enabling whole community stakeholders to test and validate capabilities. Exercises also identify planning requirements for improving preparedness as well as potential capability shortfalls. A well-designed exercise provides a low-risk environment to share understanding of requirements, familiarize personnel with roles and responsibilities, and foster meaningful interaction and communication across organizations. Exercises unite and strengthen the whole community in its efforts to prevent, protect against, mitigate, respond to, and recover from all hazards. Overall, exercises are cost-effective and useful tools that practice and refine the collective capacity to build, sustain, and deliver the core capabilities needed to achieve climate preparedness and resilience.

Exercise participants include attendees of the National Association of Counties Safe and Secure Counties Symposium. Attendees represent a wide-range of backgrounds and areas of expertise (see **Appendix C** for full list of exercise participants). Participants are encouraged to share their expertise and experience. Facilitators will ensure that all participants have an opportunity to contribute to all discussions. The scenarios integrate existing climate issues identified in the *Third U.S. National Climate Assessment*. Discussion questions aim to assist participants in achieving exercise objectives.

Participants should consider the following exercise ground rules to ensure the exercise runs smoothly and meets objectives in a reasonable amount of time:

- Keep exercise objectives in mind throughout the exercise;
- Participate openly – asking questions; sharing thoughts; and offering forward-looking, problem-solving suggestions, and focus discussions on appropriate topics to enhance the exercise experience; and
- Focus comments and consider time constraints.

In any exercise, a number of assumptions may be necessary to complete play in the time allotted. During this exercise, the following apply:

- The scenarios are plausible, and events occur as they are presented;
- There are no “hidden agendas” or trick questions; and
- All players receive the same information at the same time.

The exercise evaluation process is consistent with Homeland Security Exercise and Evaluation Program doctrine and aligns with requirements of this national exercise guidance. Evaluation efforts validate strengths and identify opportunities for improving climate resiliency by capturing key discussion points, identifying strengths and areas for improvement, and consolidating these discussion points within a Summary Report. This approach affords participating organizations an opportunity to revise, update, or modify current climate change adaptation and hazard mitigation plans and strategies.

The *Summary Report* will capture key discussion points to include the following:

- Recommendations on adaptation and resiliency strategies for forecasted effects and consequences of changing climate
- Recommendations on collaborative and sustainable whole-community approaches to advance and sustain local climate adaptation and resilience programs, policies, and strategies
- Areas of coordination and collaboration opportunities among members of the National Association of Counties

The National Exercise Division will assign evaluators to capture participant discussions. The evaluation team will then produce the *Summary Report* and deliver it to the National Exercise Division within two weeks of exercise conclusion. The exercise planning team will participate in a virtual After-Action Meeting in December 2015 with key participants. The meeting will review the draft, then validate and revise the findings and observations to produce a final output.

The National Preparedness Goal, released in September 2011, defines what it means for the whole community to be prepared for all types of disasters and emergencies. It also identified five mission areas – Prevention, Protection, Mitigation, Response, and Recovery – which encompass 32 core capabilities needed to achieve a secure and resilient Nation. This exercise will focus on the Mitigation mission area, comprised of “the capabilities necessary to reduce the loss of life and property by lessening the impacts of disasters.” This tabletop exercise focuses on three of the Mitigation mission area core capabilities:

Core Capability	Description ¹
Community Resilience	Lead the integrated effort to recognize, understand, communicate, plan, and address risks so the community can develop a set of actions to accomplish mitigation and improve resilience.
Long-term Vulnerability Reduction	Build and sustain resilient systems, communities, and critical infrastructure and key resources lifelines so as to reduce their vulnerability to natural, technological, and human-caused incidents by lessening the likelihood, severity, and duration of the adverse consequences related to these incidents.
Planning	Conduct a systematic process engaging the whole community as appropriate in the development of executable strategic, operational, and/or community-based approaches to meet defined objectives.

¹ Department of Homeland Security, *National Preparedness Goal*, September 2011.

SCENARIO A: SOUTHWEST UNITED STATES

Scenario Background: Adapting to Future Drought and Wildfire Conditions

As the climate continues to change, longer and more pronounced periods without rain are expected to occur in the southwest U.S. According to the *Third U.S. National Climate Assessment*², the potential effects to the southwestern United States include:

- **Projected decline in snowpack and streamflow:** Snowpack and streamflow amounts are projected to decline in parts of the Southwest, decreasing surface water supply reliability for cities, agriculture, and ecosystems.
- **Threatened Agriculture:** The Southwest produces more than half of the nation's high-value specialty crops, which are irrigation-dependent and particularly vulnerable to extreme moisture, cold, and/or heat. Reduced yields from increasing temperatures and increasing competition for scarce water supplies will also displace jobs in some rural communities.
- **Increased wildfires:** Increased warming and drought, all caused by or linked to a changing climate, have increased wildfires and their effects to people and ecosystems in the Southwest. Fire models project more wildfires and increased risks to communities across extensive areas.

Local Background Information for Southwest United States³

The Southwest is the hottest and driest region in the United States, where the availability of water has defined its landscapes, history of human settlement, and modern economy. Climate changes pose challenges for an already parched region that is expected to get hotter and, in its southern half, significantly drier. Increased heat and changes to rain and snowpack will send ripple effects throughout the region's critical agriculture sector, affecting the lives and economies of 56 million people – a population that is expected to increase 68% by 2050, to 94 million. Severe and sustained drought will stress water sources, already over-utilized in many areas, forcing increased competition amongst farmers, energy producers, urban dwellers, and ecosystems for the region's most precious resource.

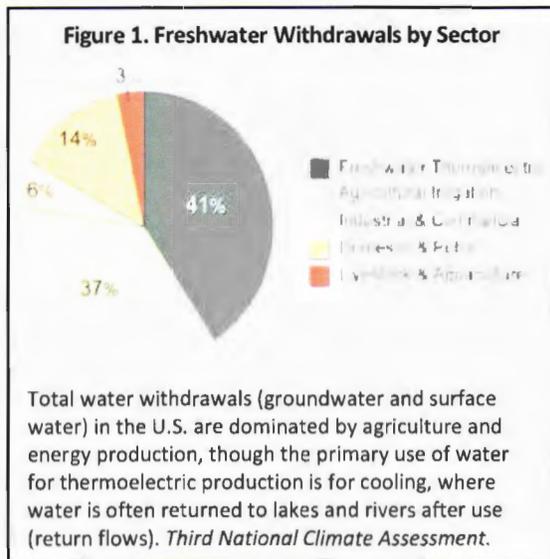
Agriculture, a mainstay of regional and national economies, also faces uncertainty and change. The Southwest produces more than half of the nation's high-value specialty crops, including

² Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 20: Southwest. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M.

Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 463-486. doi:10.7930/J0NP22CB.

³ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 20: Southwest. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M.

Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 463-464. doi:10.7930/J0NP22CB.



certain vegetables, fruits, and nuts. The severity of future impacts will depend upon the complex interaction of pests, water supply, reduced chilling periods, and more rapid changes in the seasonal timing of crop development due to projected warming and extreme events.

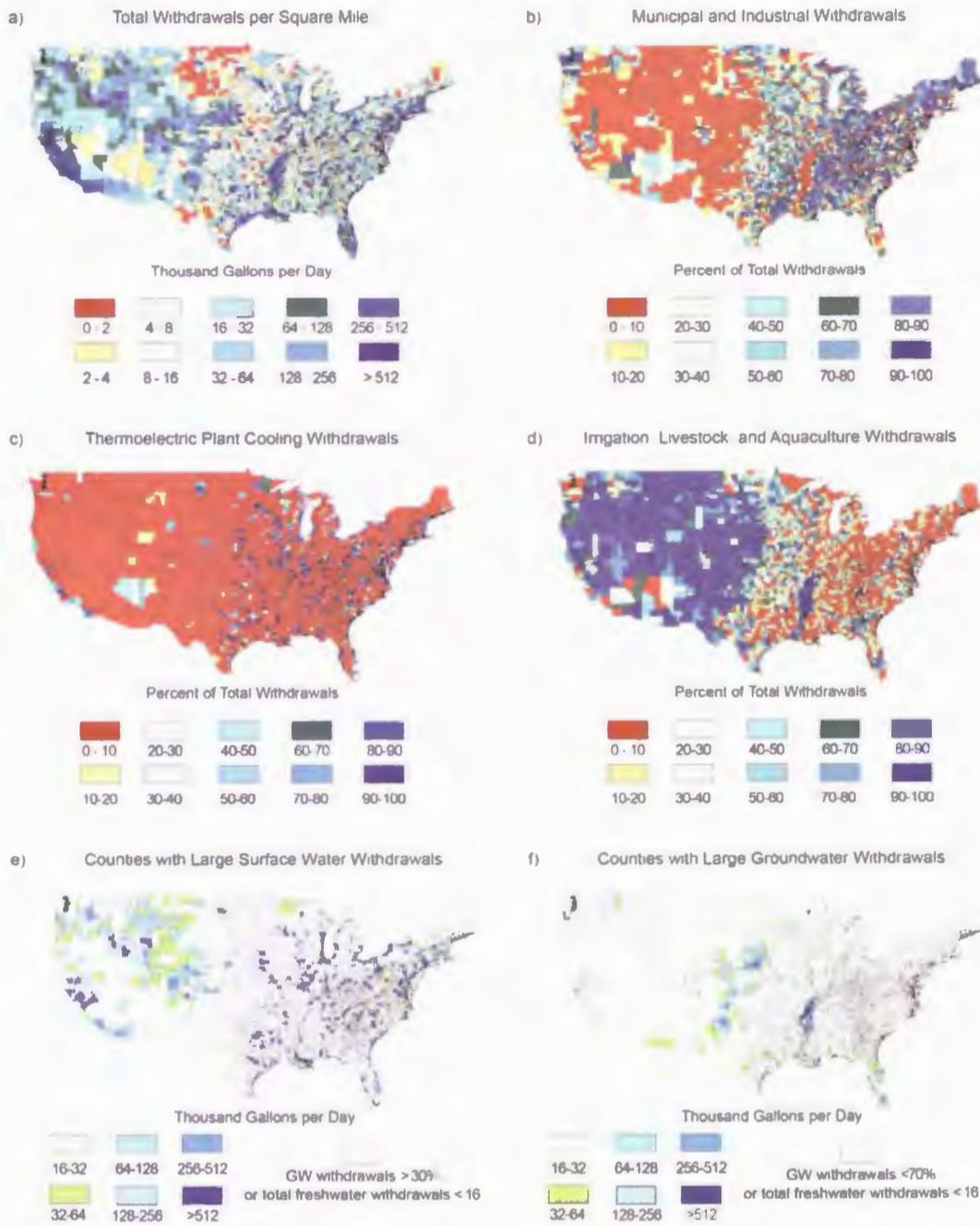
Projected climate changes will increase stress on the region's rich **diversity of plant and animal species**. Widespread tree death and fires, which already cause billions of dollars in economic losses, are likely to increase, forcing wholesale changes to forest types, landscapes, and the communities that depend on them.

Tourism and recreation is a powerful economic generator for the area, thanks to the areas'

winding canyons, snow-capped peaks, and Pacific Ocean beaches. The industry, as well as the famous natural landmarks, also face climate-related challenges. The recreational economy will be increasingly affected by reduced streamflow and a shorter snow season, influencing everything from the ski industry to lake and river recreation.

Native communities and tribes experience unique issues in adapting to climate change. Specifically, water infrastructure is in disrepair or lacking on some reservations. Many communities in American Indian nations are not served by municipal systems and must haul water to meet their daily needs. Longer-term impacts of this lack of control over water access are projected to include loss of traditional agricultural crops. Furthermore, there is an overall lack of financial resources to support basic water infrastructure on tribal lands. Uncertainty associated with undefined tribal water rights make it difficult to determine strategies to deal with water resource issues. Potential effects to treaty rights and water resources exist, such as a reduction of groundwater and drinking water availability and water quality decline, including impacts from oil and natural gas extraction and rising sea level-induced saltwater intrusion into coastal freshwater aquifers. New datasets on climate impacts on water in many locations throughout Indian Country, such as the need to quantify available water and aquifer monitoring, will be important for improved adaptive planning.

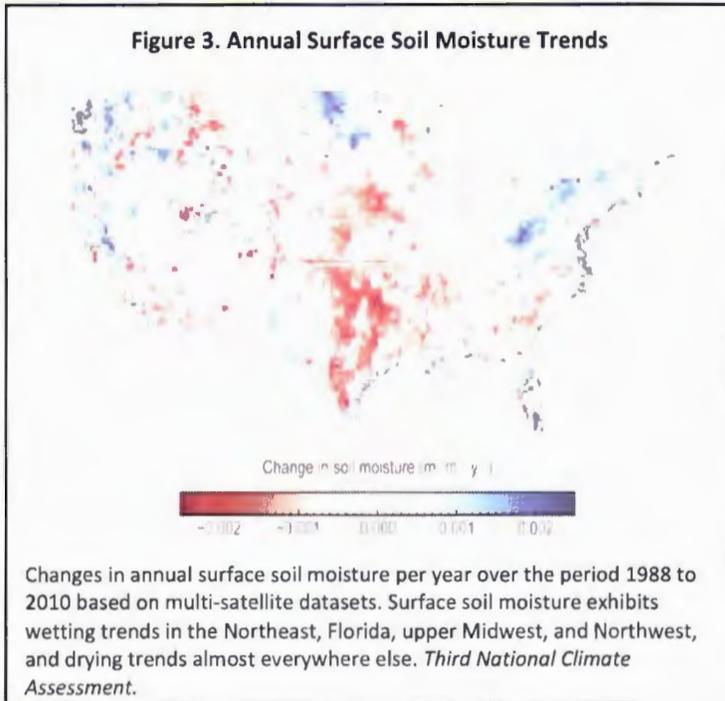
Figure 2: Observed U.S. Water (Surface and Groundwater) Withdrawal Distribution



Based on the most recent United States Geological Survey water withdrawal data (2005). This figure illustrates water withdrawals at the U.S. county level: (a) total withdrawals (surface and groundwater) in thousands of gallons per day per square mile; (b) municipal and industrial (including golf course irrigation) withdrawals as percent of total; (c) irrigation, livestock, and aquaculture withdrawals as percent of total; (d) thermoelectric plant cooling withdrawals as percent of total; (e) counties with large surface water withdrawals; and (f) counties with large groundwater withdrawals. The largest withdrawals occur in the drier western states for crop irrigation. In the east, water withdrawals mainly serve municipal, industrial, and thermoelectric uses. Groundwater withdrawals are intense in parts of the Southwest and Northwest, the Great Plains, Mississippi Valley, Florida and South Georgia, and near the Great Lakes. *Third National Climate Assessment.*

Projected Future Climate Changes for the Southwest United States

Projected Increase in Drought: While there has been no universal trend (see **Figure 3**) in the overall extent of drought across the continental United States since 1900, in the Southwest, widespread drought in the past decade has reflected both precipitation deficits and higher temperatures in ways that resemble projected changes. Summer droughts are expected to



intensify almost everywhere in the continental U.S. due to longer periods of dry weather and more extreme heat, leading to more moisture loss from plants and earlier soil moisture depletion in basins where snowmelt shifts to earlier in the year.⁴ Under a continuation of current rising emissions trends, reduced winter and spring precipitation is consistently projected for the southern part of the Southwest by 2100 as part of the general global precipitation reduction in subtropical areas. Already the Southwest is prone to drought. Southwest paleoclimate records show severe mega-droughts at least 50 years long. Future droughts are projected to be substantially hotter,

and for major river basins such as the Colorado River Basin, drought is projected to become more frequent, intense, and longer lasting than in the historical record.⁵

Winter snowpack, which slowly melts and releases water in spring and summer, when both natural ecosystems and people have the greatest needs for water, is key to the Southwest's hydrology and water supplies. Streamflow totals in the Sacramento-San Joaquin, the Colorado, the Rio Grande, and in the Great Basin were 5% to 37% lower between 2001 and 2010 than the 20th century average flows. Projections of further reduction of late-winter and spring snowpack and subsequent reductions in runoff and soil moisture pose increased risks to the water supplies needed to maintain the Southwest's cities, agriculture, and ecosystems. Temperature-driven reductions in snowpack are compounded by dust and soot accumulation on the surface of snowpack. This layer of dust and soot, transported by winds from lowland regions, increases the amount of the sun's energy absorbed by the snow. This leads to earlier snowmelt and evaporation—both of which have negative implications for water supply, alpine vegetation, and forests. The prospect of more lowland soil drying out from drought and human disturbances (like

⁴ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 3: Water Resources. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 75. doi:10.7930/J0NP22CB.

⁵ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 20: Southwest. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 465. doi:10.7930/J0NP22CB.

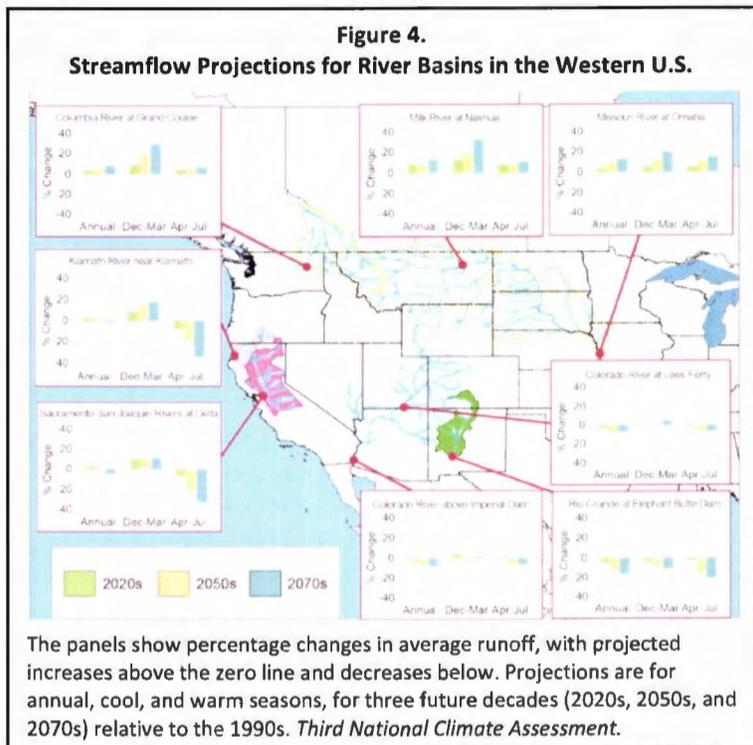
agriculture and development) makes regional dust a potent future risk to snow and water supplies.⁶

Projected Increase in Temperatures: Regional annual average temperatures are projected to rise by 2.5°F to 5.5°F by 2041-2070 and by 5.5°F to 9.5°F by 2070, with the greatest increases in the summer and fall. Summertime heat waves are projected to become longer and hotter, whereas the trend of decreasing wintertime cold air outbreaks is projected to continue. These changes will directly affect urban public health through increased risk of heat stress, and urban infrastructure through increased risk of disruptions to electric power generation. Rising temperatures also have direct impacts on crop yields and productivity of key regional crops, such as fruit trees.

Potential Climate Change Consequences for the Southwest United States

Scarce Water Resources:

Intense drought conditions present a huge challenge for regional management of water resources and natural hazards such as wildfire. In light of climate change and water resources treaties with Mexico, discussions will need to continue into the future to address demand pressures and vulnerabilities of groundwater and surface water systems that are shared along the border. Human-caused climate change, when superimposed on past natural variability, may amplify these past extreme conditions. Projected changes in runoff for eight basins in the Northwest, Great Plains, and Southwest are illustrated in **Figure 4**.



In California, drinking water infrastructure needs are estimated at \$4.6 billion annually over the next 10 years, even without considering the effects of climate change. Conservation efforts have proven to reduce water use, but are not projected to be sufficient if current trends for water supply and demand continue. Large water utilities are currently attempting to understand how water supply and demand may change in conjunction with climate changes, and which adaptation options are most viable.

Increased Wildfire: Drought and increased temperatures have caused extensive tree death across the Southwest. Numerous fire models project more wildfire as climate change continues.

⁶ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 20: Southwest. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 465. doi:10.7930/J0NP22CB.

Models project a doubling of burned area in the southern Rockies, and up to a 74% increase in burned area in California. Fire contributes to upslope shifting of vegetation, spread of invasive plants after extensive and intense fire, and conversion of forests to woodland or grassland. Historical and projected climate change makes two-fifths (40%) of the region vulnerable to these shifts of major vegetation types or biomes; notably threatened are the conifer forests of southern California and sky islands of Arizona.

Threats to Agriculture: California produces about 95% of the nation's apricots, almonds, artichokes, figs, kiwis, raisins, olives, cling peaches, dried plums, persimmons, pistachios, olives, and walnuts, in addition to other high-value crops. Drought and extreme weather affect the market value of fruits and vegetables more than other crops because they have high water content and because sales depend on good visual appearance. The combination of a longer frost-free season, less frequent cold air outbreaks, and more frequent heat waves accelerates crop ripening and maturity, reduces yields of corn, tree fruit, and wine grapes, stresses livestock, and increases agricultural water consumption. This combination of climate changes is projected to continue and intensify, possibly requiring a northward shift in crop production, displacing existing growers and affecting farming communities.⁷

Vulnerable Communities: The Southwest's 182 federal recognized tribes and communities in its United States-Mexico border region share particularly high vulnerabilities to climate changes such as high temperatures, drought, and severe storms. Tribes may face loss of traditional foods, medicines, and water supplies due to declining snowpack, increasing temperatures, and increasing drought. Historic land settlements and high rates of poverty – more than double that of the general United States population – constrain tribes' abilities to respond effectively to climate challenges.⁸

Jurisdictional Coordination: Most of the Southwest border population is concentrated in eight pairs of fast-growing, adjacent cities on either side of the United States-Mexico border (like El Paso and Juárez) with shared problems. If the 24 United States counties along the entire border were aggregated as a 51st state, they would rank near the bottom in per capita income, employment rate, insurance coverage for children and adults, and high school completion. Lack of financial resources and low tax bases for generating resources have resulted in a lack of roads and safe drinking water infrastructure, which makes it more daunting for tribes and border populations to address climate change issues. These economic pressures increase vulnerabilities to climate-related health and safety risks, such as air pollution, inadequate erosion and flood control, and insufficient safe drinking water.⁹

⁷ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 20: Southwest. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 467. doi:10.7930/J0NP22CB.

⁸ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 20: Southwest. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 465. doi:10.7930/J0NP22CB.

⁹ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 20: Southwest. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 465. doi:10.7930/J0NP22CB.

Scenario A: Events (Southwest United States, 2045)

It is December 2045. The entire Southwest has suffered a severe drought for more than six years. The overall mean temperature for the region has also increased about six degrees Fahrenheit over the past twenty-five years¹⁰, exacerbating drought conditions and impacts to the environment and communities. Dust-storms have become more frequent and dangerous for nighttime driving and outdoor activity. Nighttime temperatures have not fallen below 85 degrees Fahrenheit in over three weeks, creating an unsafe environment for the elderly, young children, and other vulnerable populations.

Table 1: Scenario A: Estimated Population

State	2010 Population ¹¹	2045 Population (est.) ¹²
Arizona	6.4 million	12 million
California	37.3 million	50 million
New Mexico	2.1 million	2.8 million ¹³

For the last nine months, the states of Arizona, California, and New Mexico have each been enforcing mandatory water-use restrictions of up to 50 percent. Along with the drought, this has resulted in significant costs for the agricultural industry, especially in California. Subsequent effects include a roughly twenty percent increase in fruit and vegetable prices nationwide, and thousands of jobs for

agricultural workers.¹⁴ Vulnerable communities in tribal nations have been especially hard-hit, experiencing greater effects than the non-native population.

Officials in Scottsdale and the metropolitan Phoenix, Arizona area (**Figure 5**) are monitoring an ongoing (five-week long) wildfire in the Salt River Reservation that has already burned through three thousand square miles, and is approaching residential neighborhoods in Central Scottsdale, including approximately 135,000 housing units.¹⁵ Also in the path of the fire is the Salt River Pima-Maricopa Indian Community (**Figure 6**), with around 9,000 members on 52,600 acres of protected reservation land, much of which is for agriculture and residential neighborhoods.¹⁶

The Salt River and Scottsdale Fire Department have been fighting the fire for several weeks, but are experiencing significant difficulty due to high winds that strengthen the fire. Officials are considering ordering an evacuation of most at-risk residential areas. Officials in the neighboring jurisdictions of Mesa, Tempe, Fountain Hills, and Phoenix are also closely monitoring the wildfire. The Mayo Clinic Medical Center and HonorHealth Scottsdale Shea Medical Center, both on East Shea Boulevard, are both on alert, checking backup generators, and preparing to

¹⁰ Temperature increase predictions from U.S. Geological Survey. *Climate Research and Development Program: National Climate Change Viewer*. Online resource. http://www.usgs.gov/climate_landuse/clu_rd/nccv/viewer.asp.

¹¹ U.S. Census Bureau. *2010 U.S. Census: Resident Population Data*. Online Resource. <http://www.census.gov/2010census/data/apportionment-dens-text.php>.

¹² Population estimated from U.S. Census Bureau projections. *Interim Projections of the Total Population for the United States and States*. Online resource. <https://www.census.gov/population/projections/files/stateproj/SummaryTabA1.pdf>.

¹³ Population estimated from University of New Mexico Geospatial and Population Studies Group (GPS). *Population Projections for New Mexico and Counties*. Online resource. <https://bber.unm.edu/demo/PopProjTable1.htm>.

¹⁴ Agricultural industry projections from U.S. Department of Agriculture. *California Drought: Food Prices and Consumers*. Web resource. <http://www.ers.usda.gov/topics/in-the-news/california-drought-farm-and-food-impacts/california-drought-food-prices-and-consumers.aspx>.

¹⁵ 2010 U.S. Census data (projections). Online resource. <http://quickfacts.census.gov/qfd/states/04/0465000.html?cssp=SERP>.

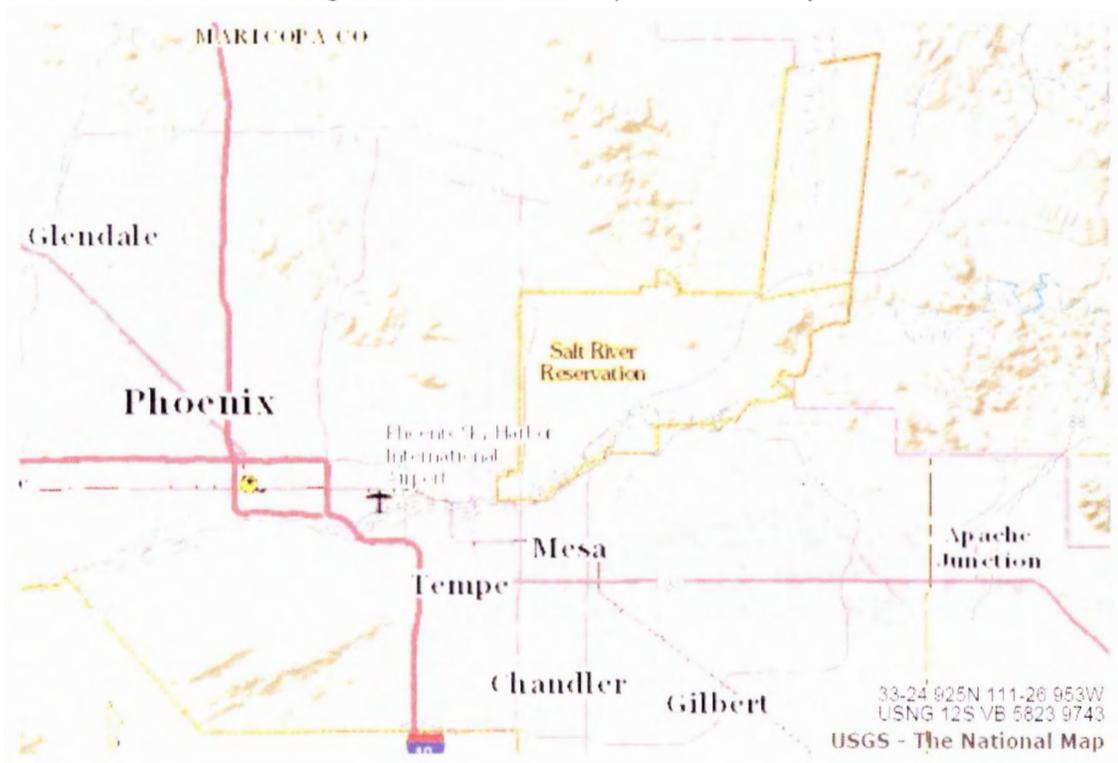
¹⁶ Salt River Pima-Maricopa Indian Community. *Quick Facts About the Community*. <http://www.srpmic-nsn.gov/community/quick.asp>.

evacuate if necessary. The Tri Cities Biomass Power Plant is also considering shutting down if the fire turns towards their location along the banks of the Salt River.

Figure 5: Phoenix Metropolitan Area



Figure 6: Salt River Pima-Maricopa Indian Community



SCENARIO B: NORTHEAST UNITED STATES

Scenario Background: Adapting to Future Frequent Heavy Precipitation

Changes in the climate are effecting heavier and more frequent rainfall in the northeast U.S. Climate-related risks to this heavily populated and economically important area will have consequences that affect the entire nation. According to the *Third U.S. National Climate Assessment*¹⁷, the climate change impacts to the Northeast include:

- **Increased people and infrastructure vulnerability:** Heat waves, coastal flooding, and river flooding will pose a growing challenge to the region's environmental, social, and economic systems. This will increase the vulnerability of the region's residents, especially its most disadvantaged populations. Infrastructure will be increasingly compromised by climate-related hazards, including sea level rise, coastal flooding, and intense precipitation events.
- **Increased Agriculture and ecosystem compromise:** Agriculture, fisheries, and ecosystems will be increasingly compromised over the next century by climate change impacts. Farmers can explore new crop options, but these adaptations are not cost- or risk-free. Moreover, adaptive capacity, which varies throughout the region, could be overwhelmed by a changing climate.

Local Background Information for the Northeast U.S.¹⁸

64 million people are concentrated in the Northeast. The high-density urban coastal corridor from Washington, D.C., north to Boston is one of the most developed environments in the world. It contains a massive, complex, and long-standing network of supporting infrastructure. The region is home to one of the world's leading financial centers, the nation's capital, and many defining cultural and historical landmarks.

The region has a vital rural component as well. The Northeast includes large expanses of sparsely populated but ecologically and agriculturally important areas. Much of the Northeast landscape is dominated by forest, but the region also has grasslands, coastal zones, beaches and dunes, and wetlands, and it is known for its rich marine and freshwater fisheries. These natural areas are essential to recreation and tourism sectors and support jobs through the sale of timber, maple syrup, and seafood. They also contribute important ecosystem services to broader populations – protecting water supplies, buffering shorelines, and sequestering carbon in soils and vegetation. The twelve Northeastern states have more than 180,000 farms, with \$17 billion in annual sales. The region's ecosystems and agricultural systems are tightly interwoven, and both are vulnerable to a changing climate.

¹⁷ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 16: Northeast. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 371-395. doi:10.7930/J0NP22CB.

¹⁸ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 16: Northeast. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 372-373. doi:10.7930/J0NP22CB.

Urban and rural regions in the Northeast have profoundly different built and natural environments, both, however, include populations that have been shown to be highly vulnerable to climate hazards and other stresses. Both also depend on aging infrastructure that has already been stressed by climate hazards including heat waves, as well as coastal and riverine flooding due to a combination of sea level rise, storm surge, and extreme precipitation events.

Figure 7. Urban Support Systems are Interconnected



In urban settings, climate-related disruptions of services in one infrastructure system will almost always result in disruptions in one or more other systems. When power supplies that serve urban areas are interrupted after a major weather event, for example, public health, transportation, and banking systems may all be affected. This schematic drawing illustrates some of these connections. *Third National Climate Assessment*.

Although infrastructure and urban systems are often considered individually—for example, transportation, water supply, or wastewater/drainage—they are usually highly interactive and interdependent.¹⁹ Approximately 245 million people live in United States urban areas, a number expected to grow to 364 million by 2050. Paradoxically, as the economy and population of urban areas grew in past decades, the built infrastructure within cities and connected to cities deteriorated, becoming increasingly fragile and deficient. Existing built infrastructure (such as buildings, energy, transportation, water, and sanitation systems) is expected to become more stressed in the next decades – especially when the impacts of climate change are added to the equation. As infrastructure is highly interdependent, failure in

particular sectors is expected to have cascading effects on most aspects of affected urban economies. Further expansion of the U.S. urban landscape into suburban and exurban spaces is expected, and new climate adaptation and resiliency plans will need to account for this. Significant increases in the costs of infrastructure investments also are expected as population density becomes more diffuse.

The vulnerability of different urban populations to hazards and risks associated with the changing climate depends on exposure to particular stressors, sensitivity to impacts, and ability to adapt to changing conditions. As people begin to respond to new information about climate change through the urban development process, social and infrastructure vulnerabilities can be altered. For example, the City of New York conducted a comprehensive review of select building and construction codes and standards in response to increased climate risk in order to identify adjustments that could be made to increase climate resilience. Climate stressors will bundle with

¹⁹ *National Climate Assessment*, Ch. 11 Urban Systems, Infrastructure, and Vulnerability.

other socioeconomic and engineering stressors already connected to urban and infrastructure systems.²⁰

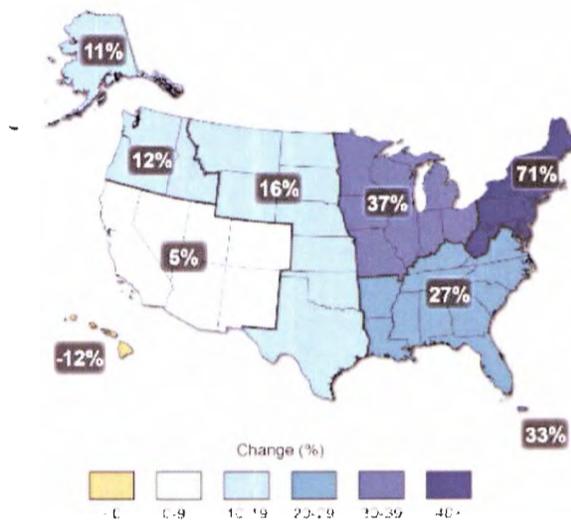
The Northeast is characterized by a diverse climate. Average temperatures in the Northeast generally decrease to the north, with distance from the coast, and at higher elevations. Average annual precipitation varies by about 20 inches throughout the Northeast with the highest amounts observed in coastal and select mountainous regions. During winter, frequent storms bring bitter cold and frozen precipitation, especially to the north. Summers are warm and humid, especially to the south. The Northeast is often affected by extreme events such as ice storms, floods, droughts, heat waves, hurricanes, and major storms in the Atlantic Ocean off the northeast coast, referred to as nor'easters. However, variability is large in both space and time. For example, parts of southern New England that experienced heavy snows in the cold season of 2010-2011 experienced little snow during the cold season of 2011-2012. Of course, even a season with low totals can feature costly extreme events; snowfall during a 2011 pre-Halloween storm that hit most of the Northeast, when many trees were still in leaf, knocked out power for up to ten days for thousands of households.

Projected Future Climate Changes for the Northeast United States.

Projected Increase in Heavy

Precipitation Events: The number and intensity of very heavy precipitation events (defined as the heaviest 1% of all daily events from 1901 to 2012) have been increasing significantly across most of the United States (see **Figure 8**). The amount of precipitation falling in the heaviest daily events has also increased in most areas of the United States. For example, from 1950 to 2007, daily precipitation totals with 2-, 5-, and 10-year average recurrence periods increased in the Northeast and western Great Lakes. Very heavy precipitation events are projected to increase everywhere. Heavy precipitation events that historically occurred once in 20 years are projected to occur as frequently as every 5 to 15 years by late this century. The number and magnitude of the heaviest precipitation events is projected to increase everywhere in the United States.²¹

Figure 8. Observed Change in Very Heavy Precipitation

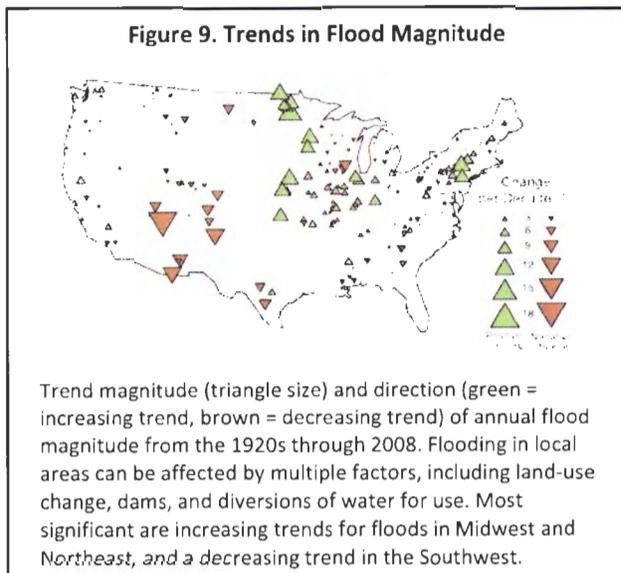


Winter and spring precipitation is projected to increase, especially but not exclusively in the northern part of the region. A range of model projections for the end of this century under a

²⁰ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 11: *Urban Systems, Infrastructure, and Vulnerability. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 284-285. doi:10.7930/J0NP22CB.

²¹ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 3: *Water Resources. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 71. doi:10.7930/J0NP22CB.

higher emissions scenario averaged over the region, suggests about 5% to 20% (25th to 75th percentile of model projections) increases in winter precipitation. Projected changes in summer and fall, and for the entire year, are generally small at the end of the century compared to natural variations.²² The frequency of heavy downpours is projected to continue to increase as the century progresses. In mountainous regions, including much of West Virginia and large parts of Pennsylvania, New York, Vermont, and New Hampshire, more intense precipitation events will mean greater flood risk, particularly in valleys, where people, infrastructure, and agriculture tend to be concentrated.²³



Projected Increase in Flooding Events:

Flash floods occur in small and steep watersheds and waterways and can be caused by short-duration intense precipitation, dam or levee failure, or collapse of debris and ice jams. Snow cover and frozen ground conditions can exacerbate flash flooding during winter and early spring by increasing the fraction of precipitation that runs off. Urban flooding can be caused by short-duration very heavy precipitation. Urbanization creates large areas of impervious surfaces (such as roads, pavement, parking lots, and buildings) and increases immediate runoff. Stormwater drainage removes excess surface water as quickly as possible, but heavy downpours

can exceed the capacity of drains and cause urban flooding.²⁴

Projected heavy rainfall events and increased soil moisture results in an increase likelihood of flash flooding, exacerbated in urban areas. Land cover, flow and water-supply management, soil moisture, and channel conditions are also important influences on flood generation and must be considered in projections of future flood risks. Region-specific storm mechanisms and seasonality also affect flood peaks. Because of this, and limited capacity to project future very heavy events with confidence, evaluations of the relative changes in various storm mechanisms may be useful. Warming is likely to directly affect flooding in many mountain settings, as catchment areas receive increasingly more precipitation as rain rather than snow, or more rain falling on existing snowpack. In some such settings, river flooding may increase as a result – even where precipitation and overall river flow decline.²⁵

²² Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 16: Northeast. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 374. doi:10.7930/J0NP22CB.

²³ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 16: Northeast. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 378. doi:10.7930/J0NP22CB.

²⁴ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 3: Water Resources. *Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 80. doi:10.7930/J0NP22CB.

²⁵ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 3:

Potential Climate Change Consequences for the Northeast United States.

Human Health and Well-Being: Not only are most United States occurrences of Lyme disease in the Northeast, several studies in the Northeast have linked tick activity and Lyme disease incidence to climate, specifically abundant late spring and early summer moisture. Suitable habitat for the Asian Tiger Mosquito, which can transmit West Nile Virus and other vector-borne diseases, is expected to increase in the Northeast from the current 5% to 16% in the next two decades and from 43% to 49% by the end of the century, exposing more than 30 million people to the threat of dense infestations by this species.

Many Northeast cities, including New York, Boston, and Philadelphia, are served by combined sewer systems that collect and treat both stormwater and municipal wastewater. During heavy rain events, combined systems can be overwhelmed and untreated water may be released into local water bodies. In Connecticut, the risk for contracting a stomach illness while swimming significantly increased after a one inch precipitation event, and studies have found associations between diarrheal illness among children and sewage discharge. More frequent heavy rain events could therefore increase the incidence of waterborne disease.²⁶

Stressed Infrastructure: Disruptions to services provided by public and private infrastructure in the Northeast both interrupt commerce and threaten public health and safety. Throughout the Northeast, populations are also concentrated along rivers and their flood plains.²⁷ Flash floods develop within minutes or hours of the causative event, and can result in severe damage and loss of life due to high water velocity, heavy debris load, and limited warning. Most flood-related deaths in the United States are associated with flash floods.²⁸

Although infrastructures and urban systems are often considered individually – for example, transportation or water supply or wastewater/drainage – they are usually highly interactive and interdependent. Such interdependencies can lead to cascading disruptions throughout urban infrastructures. Flash and urban floods can very quickly compromise public transit systems, street-level property, electricity and power grids, and waste management systems. These disruptions, in turn, can result in unexpected impacts such as public safety and communication, clean water, and public health sectors, at least in the short term.²⁹

Over the past 30 years in the United States, floods have caused 4,586 deaths from 1959 to 2005 while property and crop damage averaged nearly \$8 billion (in 2011 dollars). The risks from

Water Resources. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 75. doi:10.7930/J0NP22CB.

²⁶ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: *Ch. 16: Northeast. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 377-378. doi:10.7930/J0NP22CB.

²⁷ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: *Ch. 16: Northeast. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 378. doi:10.7930/J0NP22CB.

²⁸ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: *Ch. 3: Water Resources. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 80. doi:10.7930/J0NP22CB.

²⁹ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: *Ch. 11: Urban Systems, Infrastructure, and Vulnerability. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 286. doi:10.7930/J0NP22CB.

future floods are significant, given expanded development in coastal areas and floodplains, unabated urbanization, land-use changes, and human-induced climate change.³⁰

Scenario B: Event (Northeast United States, 2045)

It is December 2045. The entire northeast region has been experiencing heavy precipitation for the last few months. Most storm water sewage systems, reservoirs, and natural waterways are completely full or overflowing, and the ground is saturated. The overall mean temperature for the region has also increased about seven degrees Fahrenheit over the past 25 years³¹, adding increased ice-melt to northeast watershed systems.³²

Table 2: Scenario B: Estimated Population

State	2010 Population ³³	Estimated 2045 Population ³⁴
Connecticut	3,574,097	3.7 million
Delaware	897,934	1 million
Maine	1,328,361	1.4 million
Maryland	5,773,552	7.4 million
Massachusetts	6,547,629	7.2 million
New Hampshire	1,316,470	1.8 million
New Jersey	8,791,894	10.2 million
New York	19,378,102	19.4 million
Pennsylvania	12,702,379	12.7 million
Rhode Island	1,052,567	1.1 million
Vermont	625,741	730,000
Washington, D.C.	601,723	390,000
West Virginia	1,852,994	1.7 million

A nor'easter is moving through the region, and already causing issues for low-lying neighborhoods and infrastructure. Across many states, flash floods have swept through residential streets, submerging basements and ground floors in one to two feet of water. In the worst cases, small cars have floated down the street, hitting other cars, power lines, and trees. Community members have reported a few dozen injuries related to flash floods. Thousands of schools and businesses have closed until the floods recede, costing millions of dollars to the economy. Many of the people living in the northeast are also vulnerable populations, including those who live in poverty, with disabilities, and are elderly.

On a busy December Saturday three days into the nor'easter, the Muddy River is overflowing onto the streets of downtown Boston, Massachusetts. Flash flooding in the city has been fluctuating throughout the storm, with some streets impassable for hours at a time. As with all urban

centers, Boston has more impervious surfaces than the suburbs, exacerbating the already

³⁰ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: *Ch. 3: Water Resources. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 80. doi:10.7930/J0NP22CB.

³¹ Temperature increase predictions from U.S. Geological Survey. *Climate Research and Development Program: National Climate Change Viewer*. Online resource. http://www.usgs.gov/climate_landuse/clu_rd/nccv/viewer.asp.

³² Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: *Ch. 3: Water Resources. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Melillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 72. doi:10.7930/J0NP22CB.

³³ U.S. Census Bureau. *2010 U.S. Census: Resident Population Data*. Online Resource. <http://www.census.gov/2010census/data/apportionment-dens-text.php>.

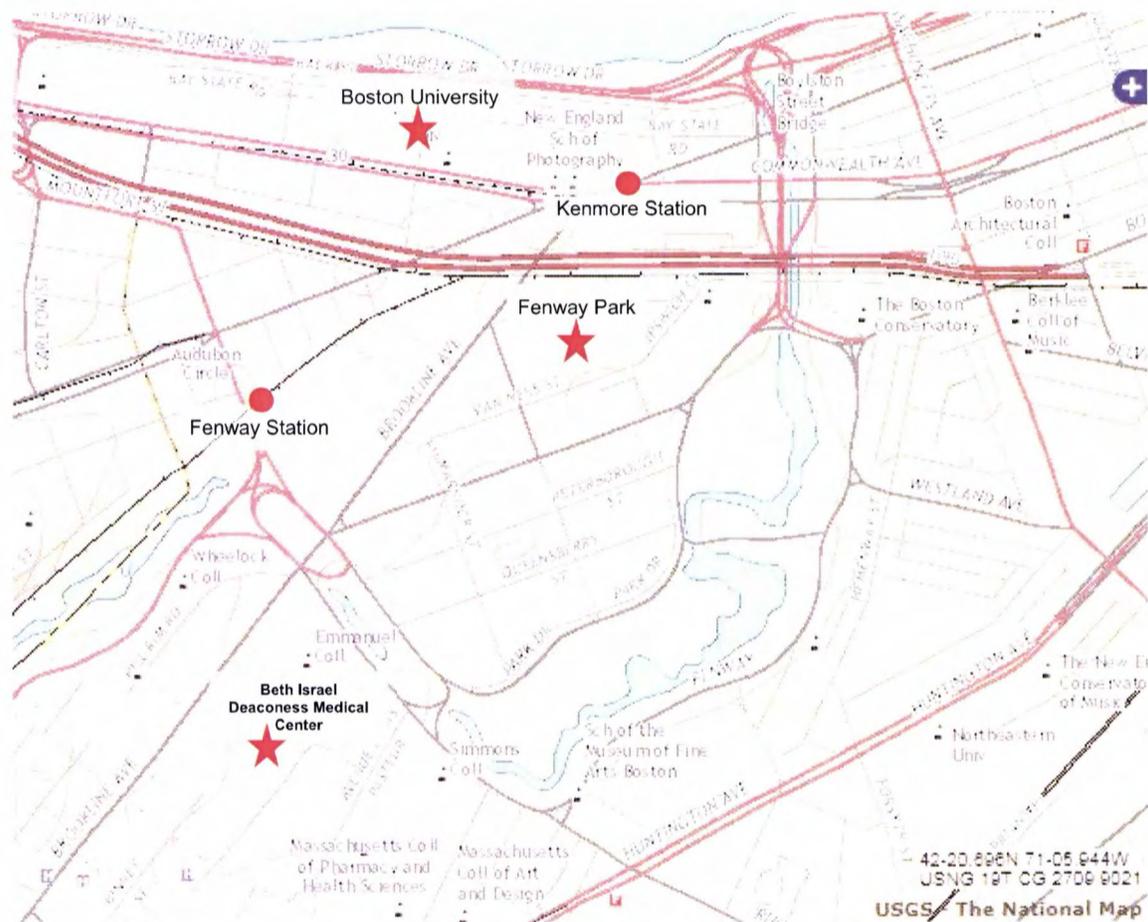
³⁴ Population estimated from U.S. Census Bureau projections. *Interim Projections of the Total Population for the United States and States*. Online resource. <https://www.census.gov/population/projections/files/stateproj/SummaryTabA1.pdf>.

inundated storm-water sewage system. Officials learn that water from the Muddy River has breached the subway tunnel at Fenway station, and is filling up the underground Green Line towards Kenmore station. There are two train cars still inside the tunnel between Fenway and Kenmore stations.

In the immediate area on the ground level is Fenway Park stadium, Boston University, and the Beth Israel Deaconess Medical Center. As the Kenmore station is also the juncture point of three branches of the Green Line, the Massachusetts Bay Transportation Authority must decide how many subway stations to close, inevitably cutting off most of the western stations from the main sections of the city.

As emergency response personnel dispatch to the scene, officials are considering the ramifications on traffic if the incident commander decides to shut down busy highways that are in the immediate vicinity of the incident area. There are already congestion and dangerous driving conditions, and forcing traffic away from such a major artery through the city will cause more delays and frustrated drivers. Officials send engineers to check and test the structural integrity of the extensive underground network of subway and highway tunnels throughout central Boston.

Figure 10: Downtown Boston, Massachusetts



S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

APPENDIX A: TABLETOP EXERCISE DISCUSSION QUESTIONS

The following questions are aimed at guiding the discussion during the tabletop exercise. Participants should consider these questions in the context of either scenario. Questions were developed, in part, using *Key Message 11: Adaptation Opportunities and Challenges* from the *National Climate Assessment*.³⁵

Consider these questions in the context of the scenario, or of your own jurisdiction:

1. Climate adaptation involves both addressing risks and leveraging opportunities that may occur from climate shifts. What key challenges related to the scenario does the community face in the short- and long-term?
2. Climate change will stress already aging infrastructure to varying degrees across the country over time. What specific challenges does the scenario pose to this issue?
3. If no action was taken to adapt to climate change in these regions, how would the scenario affect health and social services in the community, given the expected rise in population and projected socio-economic conditions of the mid-21st century?
4. The economic, social, and environmental implications of climate change have already shown to be significant, as is the cost of inaction to adapt. What are the costs and benefits of available action versus no action when it comes to community preparedness and adaptation?
5. In the past few years, many local, state, federal agencies and tribal governments have begun to address climate adaptation and resilience, integrating it into existing decision-making, planning, or infrastructure-improvement processes. Discuss some specific examples of how this has been done in your jurisdiction.
6. How can communities incorporate climate change adaptation into existing societal goals, such as sustainable development, disaster risk reduction, or improvements in quality of life?
7. What long-term natural infrastructure development or re-development efforts should the community pursue to prepare for the climate impacts expected in 2045?
8. Adapting to climate change can offer co-benefits for communities. What investment opportunities or co-benefits exist for communities to adapt to a changing climate?
9. What public messaging/communications strategies have you developed or observed that have been effective? What public messages or strategies can planners utilize and implement? Will using these messages and strategies in the present connect with the public on issues related to climate adaptation and hazard mitigation in the long-term?
10. How do you communicate the risks of climate change to your elected officials and other key decision-makers?

³⁵ Carter, L. M., J. W. Jones, L. Berry, V. Burkett, J. F. Murley, J. Obeysekera, P. J. Schramm, and D. Wear, 2014: Ch. 3: *Water Resources. Climate Change Impacts in the United States: The Third U.S. National Climate Assessment*, J. M. Meffillo, Terese (T.C.) Richmond, and G. W. Yohe, Eds., U.S. Global Change Research Program, 89-90. doi:10.7930/J0NPF22CB.

11. National, state, and local policies play an important role in fostering and sustaining adaptation. At present, there are no national regulations specifically designed to promote urban adaptation. How can the whole community coordinate today to ensure that the adaptation actions taken now are effective to withstand the projected climate impacts of 2045?

Consider these questions in the context of your own jurisdiction:

12. Has your department/agency faced challenges that affect collaborative adaptation planning? What strategies have you already implemented or could implement in the future to remove those obstacles?
13. What incentives can be pursued to enhance local, state, tribal, and federal preparedness and resilience in the face of climate change risks in the short-, mid-, and long-term?
14. Have you shared success stories or lessons learned with your peers? If so, does this occur on a regular basis? If not, how can communities share success stories and strategies with peers?

APPENDIX B: ADDITIONAL RESOURCES

White House Resources:

- Council on Environmental Quality: <http://www.whitehouse.gov/administration/eop/ceq/initiatives/resilience>
- Office of Science and Technology Policy: <http://www.whitehouse.gov/administration/eop/ostp>
- White House Climate Data Initiative: <http://www.data.gov/climate/>

Federal Resources:

- The U.S. Climate Resilience Toolkit: <https://toolkit.climate.gov>
- The U.S. Global Change Research Program: www.globalchange.gov
- Third U.S. National Climate Assessment: <http://nca2014.globalchange.gov>
- Third U.S. National Climate Assessment Download Materials: <http://www.globalchange.gov/nca3-downloads-materials>
- FEMA Map Journal: <http://napsg.maps.arcgis.com/apps/MapJournal/index.html?appid=fef06301a9504f548bb1c69c5994c506>
- The U.S. Global Change Research Program Adaptation Page: <http://www.globalchange.gov/explore/adaptation>
- The U.S. Global Change Research Program Federal Adaptation Resources Library: <http://www.globalchange.gov/browse/federal-adaptation-resources>

Regional Resources:

- Third U.S. National Climate Assessment: Regions: <http://nca2014.globalchange.gov/report#section-1948>
- Third U.S. National Climate Assessment: Southwest Region: <http://nca2014.globalchange.gov/report/regions/southwest>
- Third U.S. National Climate Assessment: Northeast Region: <http://nca2014.globalchange.gov/report/regions/northeast>

Status of State and Local Adaptation Planning:

- Georgetown Climate Center: <http://www.georgetownclimate.org/adaptation/state-and-local-plans>

APPENDIX C: EXERCISE PARTICIPANTS

Organization	State
Clarke County	Alabama
Morgan County	Alabama
City and Borough of Juneau	Alaska
Arizona Association of Counties	Arizona
Coconino County	Arizona
Maricopa County	Arizona
Clark County	Arkansas
Randolph County	Arkansas
Colorado Counties	Colorado
Douglas County	Colorado
El Paso County	Colorado
Larimer County	Colorado
Otero County	Colorado
Ouray County	Colorado
Kent County	Delaware
Broward County	Florida
Leon County	Florida
Miami-Dade County	Florida
DeKalb County	Georgia
Rockdale County	Georgia
Honolulu City & County	Hawaii
Kauai County	Hawaii
Maui County	Hawaii
Ada County	Idaho
Idaho Association of Counties	Idaho
Idaho Public Health North Central District	Idaho
Valley County	Idaho
Black Hawk County	Iowa
Iowa State Association of Counties	Iowa
Linn County	Iowa
Polk County	Iowa
Jefferson County	Kentucky
Lafourche Parish	Louisiana
St. James Parish	Louisiana
Baltimore City	Maryland
Queen Anne's County	Maryland
Michigan Association of Counties	Michigan
Oceana County	Michigan
Wayne County	Michigan
Blue Earth County	Minnesota
Carver County	Minnesota
Hennepin County	Minnesota
Ramsey County	Minnesota

Jasper County	Missouri
Phillips County	Montana
Douglas County	Nebraska
Pershing County	Nevada
New Hampshire Association of Counties	New Hampshire
McKinley County	New Mexico
New Mexico Association of Counties	New Mexico
San Miguel County	New Mexico
Cleveland County	North Carolina
Durham County	North Carolina
North Carolina Association of County Commissioners	North Carolina
Pitt County	North Carolina
Cass County	North Dakota
Dunn County	North Dakota
Lake County	Ohio
Union County	Ohio
Association of Oregon Community Mental Health Programs	Oregon
Jackson County	Oregon
Multnomah County	Oregon
Berks County	Pennsylvania
County Commissioners Association of Pennsylvania	Pennsylvania
Greenville County	South Carolina
Fall River County	South Dakota
Lincoln County	South Dakota
Tarrant County	Texas
Washington County	Utah
Weber County	Utah
Fairfax County	Virginia
Spotsylvania County	Virginia
Virginia Association of Counties	Virginia
King County	Washington
Pierce County	Washington
Skagit County	Washington
Ohio County	West Virginia
Dunn County	Wisconsin
Eau Claire County	Wisconsin
St. Croix County	Wisconsin
Vernon County	Wisconsin
Wisconsin Counties Association	Wisconsin
Laramie County	Wyoming

III.B.3

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District
4

Liz Stefanics
Commissioner, District
5

Katherine Miller
County Manager



Date: December 1, 2015

To: Santa Fe Board of County Commissioners

From: Robert Griego, Planning Manager
Rosemary Bailey, Housing Specialist

Via: Penny Ellis-Green, Growth Management Director

Re: **ALTERNATE MEANS OF COMPLIANCE RESQUEST FOR LA PRADERA**

ISSUE: The La Pradera Subdivision developer (“the Developer”) wants to amend its December 12, 2012, Amended and Restated Santa Fe County Affordable Housing Agreement (“AH Agreement” or “Agreement”) to:

- reduce from seven (7) to one (1) the number of Tier 1 affordable housing units to be sold at the maximum target price to income eligible buyers;
- allow affordability liens and lot substitutions to be approved after the fact; and
- possibly change terms related to affordability liens held by the Santa Fe Community Housing Trust (“the Trust”).

BACKGROUND:

What the Agreement says. The Developer and Santa Fe County (“County”) are parties to the AH Agreement. Significant terms of the AH Agreement are summarized below.

Homes required by income ranges. The AH Agreement for La Pradera required the Developer “to cause to be built and sold to Eligible Buyers and Market Entry Buyer” a total of 15 additional Affordable Units distributed among the four income ranges, as follows: 7 in Tier 1¹; 3 in Tier 2, 4 in Tier 3 and 1 in Tier 4.

Two main components of a qualified transaction: buyer’s income and sales price. County ordinance and regulations have two general requirements for the sale of an affordable home to be a qualified transaction that counts toward a Developer’s affordable housing obligations. First, the

¹ Tier 2 is the lowest qualifying income range; Tier 4 is the highest.

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home must be sold to an eligible buyer, meaning someone within the applicable income range that meets any other criteria. Second, the home must be sold for no more than the maximum target housing price, which is set to ensure that the home is truly affordable.

Lots were identified but could be substituted. The specific lots on which the affordable houses were to be constructed are identified in the AH Agreement, development plan, master plan, and the final plat. However, the Agreement allowed the Developer to propose and the Administrator to approve lot substitutions using the "lot substitution form" attached to the Agreement. Significantly, Paragraph 9 of the AH Agreement provides that "[a]bsent approval by the Affordable Housing Administrator, the lot substitution will not be implemented."

AH Agreement allows non-profit to hold primary lien instead of the County. The AH Agreement requires the usual County-held affordable mortgages or liens to assure long-term affordability, subject to the following significant exception:

12. Affordability Lien and Maintenance of Long-Term Affordability.

Notwithstanding the provisions of Section 11², **County and Applicant agree that the Applicant may provide the required Affordable Units through a program with a non-profit housing organization where the non-profit holds a lien in lieu of the County affordability lien** provided that the total lien held by the non-profit, including its cash subsidy, can be no greater than three (3) times the amount of cash proven to be contributed by the non-profit from its own funds to subsidize the homeowner. Furthermore, the principal amount of the lien shall equal the contract sales price as shown on the HUD-I settlement statement, which includes all liens; less the effective sales price, which is the affordable buyer's first mortgage amount plus downpayment from their own funds; less the cash subsidy contributed by entities other than the non-profit. If there remains a difference between the total principal amount of the lien that is allowed per the above formula and the maximum lien amount that can be retained by the non-profit, as set forth above, the difference shall become the principal amount of a subordinate County affordability mortgage and' lien. **The effective sales price paid by the Eligible Buyer or Entry Market Buyer after any subsidy shall be less than or equal to the Maximum Target Housing Price, as set forth in the Affordable Housing Regulations.** Applicant agrees that the contract sales price for -an Affordable Unit must be set between ninety five percent (95%) and one hundred percent (100%) of the unit's appraised value. **Applicant agrees that the note and mortgage instruments used by the non-profit to secure this lien shall represent a deferred payment, non-amortizing, zero percent (0%) loan that shall not include a shared appreciation provision, nor include a right of first refusal with the County and must be approved by the Affordable Housing Administrator.** Applicant agrees that the difference between the cash subsidy provided by the non-profit and the total amount of the lien retained by the nonprofit shall, upon payoff of this subsidy loan, be committed to affordable housing programs for households in Santa Fe County, per an agreement between the non-profit and the Applicant, a copy of which shall be provided to the County prior to the first closing of an Affordable Unit under this Amended and Restated

² Referring to County-held mortgages and liens.

Agreement. Applicant agrees that for such a transaction to be certified as a Qualified Transaction, all other provisions of Section II of this Amended and Restated Agreement must be satisfied, along with all provisions of the Affordable Housing Ordinance, 2012 Ordinance and Affordable Housing Regulations, unless otherwise stated herein.

(Emphasis added.)

Thus, the Agreement allows non-profits, such as the Trust, to hold the affordability liens instead of the County, assuming the technical requirements set out above are met and the Administrator approves the "note and mortgage instruments used by the non-profit."

What the Developer and Trust did. The Developer sold lots within La Pradera to the Trust. The Trust, in turn, constructed homes ("Trust Houses") on 25 of these lots and sold them to eligible buyers. To address long-term affordability, the Trust required the buyers to grant assumable liens to the Trust.

Most significantly, the Developer did not have the required number of qualified transactions in Tier 1, but sold more than the required number in other tiers. Six Tier 1 units were not qualifying transactions since the maximum target price exceeded the amount set pursuant to County ordinance and regulations. In other words, while the buyer was income eligible, the sales price was too high.

Moreover, although most of the Trust Houses were apparently already constructed at the time the parties signed the existing AH Agreement, the Developer did not propose and the Administrator did not approve any of the liens or other instruments used by the Trust. In addition, no lot substitution forms were ever filed or approved for 9 units built on lots that were not identified in the AH Agreement.

The Developer proposes that the County accept the Trust Houses as satisfying Affordable Housing Ordinance No. 2006-2, as amended by Ordinance No. 2012-1. Specifically, the developer reasons that its proposal is an acceptable "Alternate Means of Compliance" under Ordinance No. 2012-1, which allows developers to provide "Affordable Units in a manner that is consistent with the goals and objectives of this Ordinance." However, any "alternate means of compliance" must be approved by the Board and incorporated into an AH Agreement. Accordingly, the Developer proposes amending its AH Agreement with the County.

DISCUSSION:

The Trust Houses do not comply with the AH Agreement, first, because the Administrator never approved the Trust instruments or lot substitutions. However, assuming the Trust Houses are appropriately distributed and the instruments are consistent with the AH Agreement and "the goals and objectives of" the County Affordable Housing Ordinance," the Board could amend the AH Agreement to ratify the instruments and lot substitutions for 9 units after-the-fact.

Although staff has not had sufficient time to locate and analyze each of the Trust instruments, those that have been analyzed appear to meet the general requirements of Section 12 of the AH Agreement quoted above. The distribution of the Trust Houses also appears appropriate, and the Trust actually built and sold 25 affordable houses, which is 10 more than required under the AH Agreement.

The distribution of Trust Houses among the income tiers, however, does not comply with the Agreement, as shown on Table 1:

Table 1:

AH Income Tiers	Remaining AH Agreement Units for La Pradera	Trust Houses Sold to Eligible Buyers	Trust Houses Sold At Required Maximum Target Prices
Tier 1	7	7	1
Tier 2	3	11	10
Tier 3	4	5	5
Tier 4	1	2	2
Total	15	25	18

Table 1 shows that the Trust sold more homes at or below the maximum target prices for income Tiers 2, 3, and 4. However, the prices of six houses sold to the lowest-income range buyers (Tier 1) exceeded the maximum target price.³ These exceedances ranged from around 10% to over 30%. Accordingly, the Trust Houses do not meet the specific goal of placing Tier 1 buyers into truly affordable houses. On the other hand, the number of Trust Houses exceeds that goal regarding eligible buyers in the higher income tiers.

Analysis and Recommendation:

The AH Agreement is a binding contract that is incorporated by reference into La Pradera’s master plan, final plat, and development plan, and the Trust Houses clearly do not conform to these instruments. Staff’s primary concern regarding the Trust Houses is that they were not priced appropriately for six Tier 1 buyers, meaning that these houses were not actually affordable. On the other hand, the Trust did provide 9 more appropriately-priced affordable houses in other tiers than required under the AH Agreement.

Staff’s secondary concern regards the precedent set by amending the AH Agreement to conform to a developer’s disregard of its contractual obligations. Allowing the amendment in this case may encourage other developers to ignore their contractual obligations to the County. Accordingly, such amendments should be allowed, if at all, only where exceptional circumstances exist.

After the fact approvals are of least concern. In other words, assuming the County received the benefit of the bargain, an amendment that ratifies the Trust instruments and lot substitutions after the fact does not carry with it the same level of concerns associated with changes to a Developer’s substantive obligations.

Change in distribution of affordable homes among income ranges is a more significant issue. Staff recommends that the Board determine, in the first instance, whether the provision of 9 additional affordable houses in other income ranges justifies amending the AH Agreement to reduce the number of required Tier 1 houses from 7 to as few as 1. If the AH Agreement were amended to

³ The price of one Tier-2 home also exceeded the maximum target price, but the Trust sold a total of 10 homes that met the price in this Tier.

require only one Tier 1 house, for example, then no additional affordable housing would be required at La Pradera. On the other end of the spectrum, the Board could decide to hold the Developer to the AH Agreement and require 6 additional Tier 1 houses to be constructed and sold at or below the maximum target price.

If the Board decides that the 9 additional houses justifies amending the AH Agreement, staff recommends that the Board identify the scope of the amendment regarding the Tier 1 housing requirement and that it authorize staff to review the Trust instruments and lot locations. If staff determines that they substantially comply with the AH Agreement and Ordinance, an amendment would be prepared approving the instruments and lot locations after-the-fact.

If the Board agrees to amend the AH Agreement, it should authorize the County Manager to execute the amendment. The amended Agreement should identify the specific lots on which the Trust Houses now exist as County-approved affordable housing lots. The Board should further require the Developer to amend its master plan, final plat and development plan to conform to the amended AH Agreement, as necessary, and authorize the Land Use Administrator to review and approve these amendments administratively.

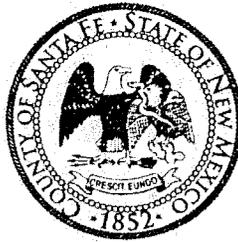
Attachments:

- Exhibit A: Ordinance 2012-1 and 2006-2
- Exhibit B: Existing Amended and Restated Santa Fe County Affordable Housing Agreement for La Pradera
- Exhibit C: Plat showing Affordable Housing units built in La Pradera

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

VII.A.1.

MEMORANDUM

DATE: November 30, 2015
TO: Board of County Commissioners
FROM: Carole Jaramillo, Finance Division Director
VIA: Katherine Miller, County Manager



SUBJECT: Ordinance No. 2015 - An Ordinance Authorizing the Issuance and Sale of the Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, in an Aggregate Principal Amount of \$25,000,000 for Purposes of Defraying the Costs of Planning, Designing, Constructing, Reconstructing, Renovating, Rehabilitating, Equipping, and Furnishing Necessary County Buildings and Facilities, Including, Without Limitation, County Facilities Located at the County Administration Building and at the Old Judicial Complex, and to Pay Costs of Issuance of the Bonds; Approving the Principal Amounts, Maturities, Prices, Redemption Features, and Other Details of the Bonds; Ratifying the Distribution of a Preliminary Official Statement in Connection With the Sale of the Bonds; Providing that the Bonds Shall Be Special, Limited Obligations, and for the Payment of the Principal of and Interest on the Bonds from the Revenues of the Hold Harmless Gross Receipts Tax Which are Distributed to the County By the New Mexico Taxation and Revenue Department Pursuant to Section 7-1-6.13 NMSA 1978; Providing for the Pledge of Such Revenues By the County; Ratifying Action Previously Taken in Connection With the Bonds and Repealing All Ordinances in Conflict With This Ordinance. (Finance Division/Carole Jaramillo)

SFC CLERK RECORDED 01/14/2016

ISSUE

At its November 10, 2015, meeting the Board of County Commissioners (BCC) approved Resolution 2015- 159, a resolution declaring the intent of the BCC to consider the adoption of an ordinance authorizing issuance of revenue bonds pledged with revenue from the Hold Harmless Gross Receipts Tax (GRT). The proposed ordinance will authorize the issuance and sale of the

Santa Fe County, Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015 in an aggregate principal amount not to exceed \$25,000,000. The purpose of the bonds is to defray the costs of planning, designing, constructing, reconstructing, renovating, rehabilitating, equipping and furnishing necessary County buildings and facilities, including the County Administrative Building and the Old Judicial Complex.

BACKGROUND

At the February 24, 2015 meeting, the BCC approved an allocation for the County Administrative Complex project in the amount of \$32.0 million. The proposed bonds will be used, in conjunction with other funding sources, to finance construction of a new administrative building at the location of the former District Court building located on Catron Street as well as to renovate the current County Administrative Building.

The proposed ordinance details all of the legal requirements for the issuance of the proposed bond series and authorizes the sale as well as the means by which the bonds will be sold. Further, the ordinance describes the County's special limited obligation for principal and interest, and all requirements related to the pledged revenue. Other requirements of the ordinance and bond issuance including those related to any refunding of the bonds, protective covenants, remedies and duties in the event of default are also described. Once the bonds are issued the Ordinance will be "irrepealable" until the bond's principal and the interest are fully paid, canceled and discharged or the bonds have been defeased.

Although the proposed ordinance authorizes the issuance and sale of the Santa Fe County, Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, the actual marketing of the bonds including the issuance of a preliminary official statement and official notice of sale, would not proceed until pending litigation related to the Hold Harmless GRT is resolved with finality.

RECOMMENDATION

The Finance Division recommends approval of the proposed ordinance to authorize issuance and sale of the Santa Fe County, Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015.

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The Board of County Commissioners (the "Board") of Santa Fe County in the State of New Mexico, met in regular session in full conformity with law and the rules and regulations of the County at the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board on the 8th day of December, 2015, at the hour of 2:00 p.m. Upon roll call, the following members were found to be present:

Present:

Absent:

Also Present:

Thereupon, there was officially filed with the County Clerk, the Chairman and each Commissioner a copy of a proposed ordinance in final form.

SFC CLERK RECORDED 01/14/2016

ORDINANCE NO. 2015-___

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015, IN AN AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000 FOR PURPOSES OF DEFRAYING THE COSTS OF PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING, AND FURNISHING NECESSARY COUNTY BUILDINGS AND FACILITIES, INCLUDING, WITHOUT LIMITATION, COUNTY FACILITIES LOCATED AT THE COUNTY ADMINISTRATION BUILDING AND AT THE OLD JUDICIAL COMPLEX, AND TO PAY COSTS OF ISSUANCE OF THE BONDS; APPROVING THE PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE BONDS; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; PROVIDING THAT THE BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS FROM THE REVENUES OF THE HOLD HARMLESS GROSS RECEIPTS TAX WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Capitalized terms used in the following preambles have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the County is a legally and regularly created, established, organized and existing county under the general laws of the State of New Mexico; and

WHEREAS, pursuant to Section 7-20E-28 NMSA 1978 and County Ordinance No. 2015-3, adopted on March 24, 2015 (the "Tax Ordinance"), the County authorized the county hold harmless gross receipts tax, imposed at a rate of one-eighth of one percent (0.125%) on any person engaging in business in the County for the privilege of engaging in business in the County and distributed monthly from the Revenue Division of the New Mexico Taxation and Revenue Department to the County, effective July 1, 2015 (the "Pledged Revenues"); and

WHEREAS, the Pledged Revenues are not pledged to the payment of any bonds or other obligations which are presently outstanding and unpaid; and

WHEREAS, the Board hereby determines that there is a need for the Project as herein defined, and that the Bonds shall be issued for the Project; and

WHEREAS, the Bonds will be sold competitively pursuant to an Official Notice of Bond Sale, following which the Board will approve the final principal amounts, maturity dates, interest rates, prices, redemption features and other terms of the Bonds in the Award Resolution, which shall supplement this Bond Ordinance; and

WHEREAS, the Board has determined and hereby determines that it is in the best interest of the County and its residents that the Bonds be issued with a first lien, but not an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Bonds; and

WHEREAS, the Board hereby determines that there is an urgent need for the Project and that the Bonds shall be issued for the Project which consequently will provide for the public health, peace and safety of the County and its residents; and

WHEREAS, the Board hereby determines that the Project to be financed by the Bonds is for governmental purposes and is not a project which would cause the Bonds to be "private activity bonds" as defined by the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD:

Section 1. Definitions. As used in this Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

"Acquisition Fund" means the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Acquisition Fund" created in Section 16 of this Ordinance.

"Act" means the general laws of the State, including Sections 4-62-1 through 4-62-10 and Section 7-20E-28 NMSA 1978, as amended, and enactments of the Board relating to the issuance of the Bonds, including this Ordinance and the Tax Ordinance.

"Award Resolution" means the resolution of the Board supplementing this Bond Ordinance with the exact principal amounts, maturity dates, interest rates, prices, redemption features and other final terms of the Bonds.

"Board" means the Board of County Commissioners of the County or any future successor governing body of the County.

"Bond Insurance Commitment" means, if applicable, the Municipal Bond Insurance Commitment issued to the County by the Bond Insurer.

"Bond Insurer" means, if applicable, the issuer of the Policy.

"Bondholder," "holder," "owner" or "Owner" means the registered owner of any Bond as shown on the registration books of the County for the Bonds, from time to time, maintained by the Registrar. Any reference to a majority or a particular percentage or proportion

of the Bondholders shall mean the holders at the particular time of a majority or of the specified percentage or proportion in aggregate principal amount of all Bonds then outstanding.

"Bonds" mean the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015" authorized by this Ordinance.

"Business Day" means a day on which commercial banks in the city in which the principal office of the Paying Agent and Registrar is located are open for conduct of substantially all of their business operations.

"Chairperson" means the Chairperson of the Board.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations whether proposed, temporary or final, including regulations issued and proposed pursuant to the statutory predecessor of the Code, and, in addition, all official rulings and judicial determinations applicable to the Bonds, and under the statutory predecessor of the Code and any successor provisions to those sections or regulations.

"Continuing Disclosure Undertaking" means the continuing disclosure undertaking with respect to the Bonds to be executed by the County on the day of issuance and delivery of the Bonds to the Purchaser.

"County" means Santa Fe County in the State of New Mexico.

"County Local Option Gross Receipts Tax Act" means Sections 7-20E-1 through 7-20E-28 NMSA 1978, as amended.

"Debt Service Fund" means the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Debt Service Fund" established by Section 16 of this Ordinance.

"Depository" means The Depository Trust Company, New York, New York, or such other securities depository as may be designated by an officer of the County.

"Event of default" means any of the events stated in Section 25 of this Ordinance.

"Expenses" means the reasonable and necessary fees, costs and expenses incurred by the County with respect to the issuance of the Bonds, including the fees, compensation, costs and expenses paid or to be paid to the Bond Insurer, Paying Agent, Registrar, Purchaser, attorney's fees and financial advisor's fees.

"Federal Securities" as used in this Ordinance shall include only direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America.

"Fiscal Year" means the period commencing on July 1 in each calendar year and ending on June 30 of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the County as its fiscal year.

"Herein," "hereby," "hereunder," "hereof," "hereinabove" and "hereafter" refer to the entire Ordinance and not solely to the particular section or paragraph of this Ordinance in which such word is used.

"Independent Accountant" means (A) an accountant employed by the State and under supervision of the State Auditor, or (B) any certified public accountant, registered accountant, or firm of such accountants duly licensed to practice and practicing as such under the laws of the State, appointed and paid by the County who (i) is, in fact, independent and not under the domination of the County, (ii) does not have any substantial interest, direct or indirect, with the County, and (iii) is not connected with the County as an officer or employee of the County, but who may be regularly retained to make annual or similar audits of the books or records of the County.

"Insured Bank" means a bank or savings and loan association insured by an agency of the United States.

"Interest Payment Date" means each June 1 and December 1, commencing on June 1, 2016.

"NMSA" means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

"Obligations" means bonds, notes or any other instrument which evidence a borrowing or other obligation of the County secured by Pledged Revenues issued or incurred for any purpose permitted by the Act.

"Official Notice of Bond Sale" means the notice of competitive sale of the Bonds which shall be included in the Preliminary Official Statement for the Bonds.

"Ordinance" or "Bond Ordinance" means this Bond Ordinance as amended or supplemented from time to time.

"Outstanding" or "outstanding" when used in reference to the Bonds means, on any particular date, the aggregate of all Bonds delivered under this Ordinance except:

- A. those cancelled at or prior to such date or delivered or acquired by the County at or prior to such date for cancellation;
- B. those otherwise deemed to be paid in accordance with Section 31 of this Ordinance;
- C. those in lieu of or in exchange or substitution for which other Bonds shall have been delivered, unless proof satisfactory to the County and the Paying Agent is

presented that any Bond for which a new Bond was issued or exchanged is held by a bona fide holder or in due course; and

D. those Bonds which have been refunded in accordance with this Ordinance or other ordinance of the County authorizing the issuance of the applicable bonds.

"Parity Bonds" or "Parity Obligations" means the Bonds and any other Obligations hereafter issued or incurred payable from the Pledged Revenues and issued with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds.

"Paying Agent" means the County COUNTY TREASURER Finance Director and any successor paying agent.

"Pledged Revenues" means the amounts of money derived from all of the revenue attributable to the one-eighth of one percent (0.125%) county hold harmless gross receipts tax transferred to the County pursuant to Section 7-1-6.13 NMSA 1978, which county hold harmless gross receipts tax is imposed on all persons engaging in business in the County pursuant to the Tax Ordinance, and as authorized by the County Local Option Gross Receipts Tax Act, (1) which tax equals, subject to the exemptions specified in Sections 7-20E-4(A) and 7-20E-5 NMSA 1978, and the deductions referenced in Section 7-20E-7 NMSA 1978, one-eighth of one percent (0.125%) of the gross receipts of all persons engaging in business in the County for the privilege of engaging in business in the County, and (2) which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County's gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978.

"Policy" means the Municipal Bond Insurance Policy issued by BAM that guarantees the scheduled payment of principal of and interest on the Insured Obligations when due.

"Preliminary Official Statement" and "Official Statement" mean the disclosure documents used by the Purchaser in connection with the sale of the Bonds to the public.

"Principal Payment Date" means June 1 in each year beginning June 1, 2017.

"Project" means (1) the planning, designing, construction, reconstruction, rehabilitation, renovation, equipping, and furnishing of necessary County buildings and facilities, including, without limitation, County facilities located at the County Administration Building located at 102 Grant Avenue Santa Fe NM and at the Old Judicial Complex located at 100 Catron Street Santa Fe NM, and (2) paying Expenses.

"Rebate Fund" means the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Rebate Fund" established by Section 24(N) of this Ordinance.

"Registrar" means the County Treasurer, as registrar and transfer agent for the Bonds, and any successor.

"Related Documents" means the Bond Purchase Agreement, the Continuing Disclosure Undertaking, the Bond Insurance Commitment, the Reserve Insurance Commitment, the Tax Compliance Certificate and any other document or agreement containing an obligation of the County as may be required in connection with the issuance of the Bonds.

"Reserve Fund" means the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Reserve Fund" established by Section 16 of this Ordinance, and to be maintained by the County.

"Reserve Fund Insurance Policy" or "Reserve Insurance Policy" means any insurance policy, surety bond or letter of credit deposited in or credited to the Reserve Fund as provided in Section 18 hereof in lieu of or in partial substitution for cash or allowable investments on deposit in the Reserve Fund. Any such insurance policy, surety bond or letter of credit must be issued by an entity having a rating in one of the two highest rating categories assigned by any nationally recognized rating agency at the time such policy, bond or letter of credit is initially deposited in or credited to the Reserve Fund.

"Reserve Requirement" means an amount which is equal to the least of (i) ten percent (10%) of the proceeds of the Bonds as the term proceeds is used in Section 148(d)(1) of the Code, (ii) the maximum annual debt service on the Bonds, or (iii) one hundred twenty-five percent (125%) of the average annual debt service on the Bonds.

"Revenue Fund" means the "Santa Fe County, New Mexico County Hold Harmless Gross Receipts Tax Revenue Fund" established by Section 16 of this Ordinance into which the County shall deposit the Pledged Revenues.

"State" means the State of New Mexico.

"Tax Compliance Certificate" means the Tax Compliance Certificate to be delivered by the County at the time of issuance of the Bonds, as the same may be supplemented in accordance with its terms.

"Tax Ordinance" means County Ordinance No. 2015-3, adopted on March 24, 2015, imposing the County Hold Harmless Gross Receipt Tax.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Board and the officers of the County, directed toward the Project, the issuance of the Bonds for the Project and the sale of the Bonds to the Purchaser be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project. The Project and the method of financing the Project are hereby authorized and ordered at a total cost not to exceed \$25,000,000, and the

necessity thereof is hereby so declared, excluding any such cost defrayed or to be defrayed by any source other than Bond proceeds.

Section 4. Findings. The Board hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. Moneys available for the Project from all sources other than the issuance of revenue bonds are not sufficient to defray the cost of the Project.

B. The Pledged Revenues may lawfully be pledged to secure the payment of the Bonds.

C. It is economically feasible to defray, in part, the cost of the Project by the issuance of the Bonds.

D. The issuance of the Bonds pursuant to the Act to provide funds for the financing of the Project is necessary and in the interest of the public health, safety and welfare of the residents of the County.

E. The net effective interest rate on the Bonds shall not exceed the statutory maximum of twelve percent (12%).

Section 5. Bonds - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of a two-thirds majority of all of the members of the Board. For the purpose of protecting the public health, safety and welfare of the residents of the County, it is hereby declared necessary that the County, pursuant to the Act, issue its negotiable, fully registered, revenue bonds to be designated "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015," in an aggregate principal amount not to exceed \$25,000,000 and the issuance, sale and delivery of the Bonds are hereby authorized. The Bonds shall be sold in a competitive sale to the best bidder for the Bonds pursuant to an Official Notice of Bond Sale, the form of which shall be as approved by the County Manager or County Treasurer in consultation with the Financial Advisor and Bond Counsel to the County.

B. Details of Bonds. The Bonds shall be dated the date of their issuance and delivery to the Purchaser (herein "Series Date"), and are issuable in the denomination of \$5,000 each or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date and no individual Bond will be issued for more than one maturity). The Bonds shall be numbered consecutively from 1 upwards.

The Bonds shall bear interest from the Series Date, payable semi-annually on June 1 and December 1 each year, commencing on June 1, 2016, until their respective maturity dates. The exact principal amounts, maturity dates, interest rates, prices, redemption features and other terms of the Bonds shall be determined by the Board and specified in the Award Resolution.

Section 6. Prior Redemption. The optional redemption features of the Bonds and mandatory sinking fund provisions, if any, shall be established in the Award Resolution.

Section 7. Filing of Signatures. Prior to the execution of any Bond, the Chairperson and County Clerk may each file, pursuant to Sections 6-9-1 to 6-9-6 NMSA 1978, as amended, with the New Mexico Secretary of State his or her manual signature certified by him or her under oath; provided that filing shall not be necessary for any officer where any previous filing may have legal application to the Bonds.

Section 8. Execution and Authentication of Bonds.

A. Execution. The Bonds shall be signed with the engraved, imprinted, stamped or otherwise reproduced facsimile of the signature, or the manual signature, of the Chairperson and shall be attested with the facsimile or manual signature of the County Clerk. There shall be affixed to each Bond the printed, engraved, stamped or otherwise placed facsimile of, or imprint of, the County's corporate seal. The Bonds shall be authenticated by the manual signature of the Registrar. The Bonds when authenticated and bearing the manual or facsimile signatures of the officers in office at the time of signing thereof shall be valid and binding special obligations of the County, notwithstanding that before delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The Chairperson and County Clerk, at the time of the execution of the Bonds and the signature certificate, each may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds or certificates pertaining to the Bonds.

B. Authentication. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication has been duly executed by the Registrar.

Section 9. Negotiability. The Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Bondholders shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code-Investment Securities. Except as set forth herein, the Bonds outstanding shall in all respects be equally and ratably secured, without preference, priority or distinction on account of the date or dates or the actual time or times of the issuance or maturity of the Bonds.

Section 10. Payment and Presentation of Bonds for Payment. Principal and interest on the Bonds shall be payable in lawful money of the United States of America, without deduction for exchange or collection charges. Principal shall be payable in immediately available funds at maturity thereof upon presentation and surrender of such Bond at the principal office of the Paying Agent or at the designated office of any successor Paying Agent. Interest on the Bonds shall be payable by check or draft mailed to the registered owner thereof (or in such other manner as may be agreed upon by the Paying Agent and the registered owner), as shown on the registration books maintained by the Registrar at the address appearing therein on the 15th day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or provided for shall cease to be payable to the owner thereof (or of one

or more predecessor Bonds) as of the Record Date, but shall be payable to the owner thereof (or of one or more predecessor Bonds) at the close of business on a special record date for the payment of that overdue interest. The special record date shall be fixed by the Paying Agent whenever moneys become available for payment of the overdue interest, and notice of the special record date shall be given to Bond owners not less than ten days prior thereto. If any Bond presented for payment remains unpaid at maturity, it shall continue to bear interest at the rate or rates designated in, and applicable to, such Bond from time to time. If any Bond is not presented for payment at maturity when funds available therefor have been deposited with the Paying Agent, it shall cease bearing interest on and from the date of maturity.

Section 11. Registration, Transfer, Exchange and Ownership of Bonds.

A. Registration, Transfer and Exchange. The County shall cause books for registration, transfer, and exchange of the Bonds as provided herein to be kept at the principal office of the Registrar. Upon surrender for transfer or exchange of any fully registered Bond at the principal office of the Registrar duly endorsed by the registered owner or his attorney duly authorized in writing, or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Registrar and duly executed, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or registered owner, as appropriate, a new Bond or Bonds in authorized denominations, in fully registered form of the same aggregate principal amount, maturity and interest rate.

B. Limitations. The Registrar shall close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

C. Owner of the Bonds. The person in whose name any Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either the principal or interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative as stated herein, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. Replacement Bonds. If any Bonds shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such Bond, if mutilated, and such evidence, information or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If any such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may request the Paying Agent to pay such bond in lieu of replacement.

E. Additional Bonds. Executed but unauthenticated Bonds are hereby authorized to be delivered to the Registrar in such quantities as may be convenient to be held in custody by the Registrar pending delivery as herein provided.

F. Charges. For each new Bond issued in connection with a transfer or exchange, the Registrar may make a charge to the owner of the Bond requesting such exchange or transfer sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

G. Successor Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign or is prohibited by law from continuing as Registrar or Paying Agent, or if the County shall reasonably determine that said Registrar or Paying Agent has become incapable of fulfilling its duties hereunder, the County may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. Every such successor Registrar or Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, not less than \$50,000,000. It shall not be required that the same institution serves as both Registrar and Paying Agent hereunder, but the County shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

H. Book Entry. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with a Depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the Depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership affected on the books of the Depository and its participants ("Participants"). As a condition to delivery of the Bonds in book-entry form, the Purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the Depository, registered in the name of the Depository or its nominee. Principal, premium, if any, and interest will be paid to the Depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the Depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Depository, Participants or Indirect Participants.

If (i) the Bonds are not eligible for the services of the Depository, (ii) the Depository determines to discontinue providing its services with respect to the Bonds or (iii) the County determines that a continuation of the system of book-entry transfers through the Depository ceases to be beneficial to the County or the Beneficial Owners, the County will either identify another Depository or Bonds certificates will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the County shall mail an appropriate notice to the Depository for notification to Participants, Indirect Participants and Beneficial Owners of

the substitute Depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Officers of the County are authorized to sign agreements with the Depository relating to the matters set forth in this Section.

Notwithstanding any other provision of this Ordinance, so long as all of the Bonds are registered in the name of the Depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Paying Agent, Registrar or the County to the Depository as provided in this Ordinance and by the Depository to its Participants or Indirect Participants and notices to the Beneficial Owners of the Bonds in the manner provided in an agreement or letter of the County to the Depository.

Section 12. Special Limited Obligations. All of the Bonds and all payments of principal, premium, if any, and interest thereon at maturity, together with any interest accruing thereon, shall be special limited obligations of the County and shall be payable and collectible solely from the Pledged Revenues, which revenues are so pledged and are payable as set forth in Section 18 of this Ordinance. The owner or owners of the Bonds may not look to any general or other fund for the payment of the principal of or interest on such obligations, except the designated special funds pledged therefor. The Bonds shall not constitute an indebtedness or a debt of the County within the meaning of any constitutional, charter or statutory provision or limitation, nor shall they be considered or held to be general obligations of the County, and each of the Bonds shall recite that it is payable and collectible solely out of the Pledged Revenues, pledged as set forth in this Ordinance, and that the holders thereof may not look to any general or other municipal fund for the payment of the principal of and interest on the Bonds. Nothing herein shall prevent the County from applying other funds of the County legally available therefor to the payment of the Bonds, in its sole discretion.

Section 13. Form of Bonds. The forms, terms and provisions of the Bonds shall be substantially in the form set forth below, with such changes therein as are not inconsistent with this Ordinance.

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

COUNTY OF SANTA FE

SANTA FE COUNTY, NEW MEXICO
HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS
SERIES 2015

Bond No. _____ \$ _____

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
_____% per annum	June 1, 20__	January __, 2016	80189_____

PRINCIPAL AMOUNT: _____ DOLLARS

REGISTERED OWNER: CEDE & CO.

The Santa Fe County (the "County"), in the State of New Mexico (the "State"), a political subdivision duly organized and existing under the Constitution and laws of the State, for value received, promises to pay, solely from the special funds available for the purpose set forth below, to the Registered Owner stated above, or registered assigns, on the Maturity Date stated above (unless this bond may be and is called for prior redemption, in whole or in part, in which case on such redemption date), upon presentation and surrender of this bond to the County Finance Director, or any successor (as such, the "Paying Agent"), the Principal Amount stated above and premium, if any, and to pay interest on the unpaid Principal Amount at the Interest Rate stated above on June 1 and December 1 of each year beginning on June 1, 2016 (each, an "Interest Payment Date") to the Maturity Date stated above, or until redeemed if called for redemption prior to maturity. If, upon presentation and surrender at maturity or for prior redemption, payment of this bond is not made, interest shall continue at the Interest Rate stated above until the Principal Amount is paid in full. This bond will bear interest from the most recent date to which interest has been paid or provided for or if no interest has been paid or provided for, from the Date of Bond stated above. Interest on this bond is payable by check or draft mailed to the registered owner hereof (or by such other arrangement as may be mutually agreed to by the Paying Agent and the registered owner) as shown on the registration books for this issue maintained by the County Treasurer or any successor (as such, the "Registrar"), at the address appearing therein at the close of business on the fifteenth day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or duly provided for shall cease to be payable to the owner hereof (or of one or more predecessor Bonds, defined below) as of the Record Date, but shall be payable to the owner hereof (or of one or more predecessor Bonds) at the close of business on a special record date to be fixed by the Paying Agent for the payment of interest. Notice of the special record date shall be given to owners of Bonds as then shown on the Registrar's registration books not less than ten days prior to the special record date. The principal of, premium, if any, and interest on this bond are

payable in lawful money of the United States of America, without deduction for exchange or collection charges.

This bond is one of a duly authorized series of fully registered bonds of the County in the aggregate principal amount of \$_____ issued in denominations of \$5,000 or integral multiples thereof, designated as Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015 (the "Bonds"), issued under and pursuant to County Ordinance No. 2015-___, as supplemented by County Resolution No. ___ (together, the "Bond Ordinance").

The Bonds maturing on and after June 1, 20___, are subject to prior redemption at the option of the County, in one or more units of principal of \$5,000 on and after June 1, 20___, in whole or in part on any date. If the Bonds are optionally redeemed in part, the Bonds to be so redeemed shall be selected by lot by the Registrar in such manner as the Registrar shall consider appropriate and fair.

Notice of redemption shall be given by the Registrar by sending a copy of such notice by electronic means or by first-class, postage prepaid mail at least thirty (30) days prior to the redemption date to the registered owner of each Bond, or portion thereof, to be redeemed at the address shown as of the close of business of the Registrar on the fifth day prior to the mailing of notice on the registration books kept by the Registrar. Neither the County's failure to give such notice nor the Registrar's failure to give such notice to the registered owner of any Bond, or any defect therein, shall affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. Notices of redemption shall specify the maturity dates and the number or numbers of the Bonds to be redeemed (if less than all are to be redeemed) and if less than the full amount of any Bond is to be redeemed, the amount of such Bonds to be redeemed, the date fixed for redemption, and that on such redemption date there will become and be due and payable upon each Bond to be redeemed at the office of the Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount. Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated and if an amount of money sufficient to redeem all Bonds called for redemption shall on the redemption date be on deposit with the Paying Agent, the bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Bonds to be redeemed at the office of the Paying Agent, the Paying Agent will pay the Bond or Bonds so called for redemption with funds deposited with the Paying Agent by the County.

Books for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer or exchange of a Bond at the principal office of the Registrar, duly endorsed or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or owner a new Bond or Bonds in fully registered form of the same aggregate principal amount, maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds shall be without charge to the owner or any transferee, but the Registrar may require the payment by the owner of any Bond of any tax or other similar

governmental charge required to be paid with respect to such exchange or transfer. The Registrar will close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

The person in whose name any Bond is registered on the registration books kept by the Registrar shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of interest in the Bond Ordinance; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar will, upon receipt of such Bond, if mutilated, and such evidence, information or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

This bond does not constitute an indebtedness of the County within the meaning of any constitutional or statutory provision or limitation, shall not be considered or held to be a general obligation of the County, and is payable and collectible solely out of the Pledged Revenues pursuant to the pledge made by and as defined in the Bond Ordinance. Payment of the bonds of the series of which this bond is one and the interest thereon shall be made solely from, and as security for such payment, there are pledged pursuant to the Bond Ordinance the amounts of money derived from all of the revenue attributable to the one-eighth of one percent (0.125%) county hold harmless gross receipts tax transferred to the County pursuant to Section 7-1-6.13 NMSA 1978, which county hold harmless gross receipts tax is imposed on all persons engaging in business in the County pursuant to County Ordinance No. 2015-3, adopted on March 24, 2015, and as authorized by the County Local Option Gross Receipts Tax Act, (1) which tax equals, subject to the exemptions specified in Sections 7-20E-4(A) and 7-20E-5 NMSA 1978, and the deductions referenced in Section 7-20E-7 NMSA 1978, one-eighth of one percent (0.125%) of the gross receipts of all persons engaging in business in the County for the privilege of engaging in business in the County, and (2) which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County's gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978.

The registered owner may not look to any general or other fund for the payment of the principal of, interest upon, and any prior redemption premium in connection with this obligation except the special funds (i.e., the Pledged Revenues) pledged therefor. Payment of this bond and

the interest thereon shall be made solely from, and as security for such payment there are pledged, pursuant to the Bond Ordinance, two special funds identified as the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Debt Service Fund" and the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Reserve Fund" into which the County covenants to pay from the Pledged Revenues sums sufficient to pay when due the principal of and interest on the bonds of the series of which this is one and sufficient to create and maintain a reasonable and specified reserve for the payment of principal of and interest on such bonds. Reference is made to the Bond Ordinance for a description of said funds and the nature and extent of the security afforded thereby for the payment of the principal of and the interest on the bonds. The bonds are equitably and ratably secured by a lien on the Pledged Revenues, and the bonds constitute an irrevocable and first lien (but not necessarily an exclusive first lien) upon the Pledged Revenues and on a parity with the lien thereon of any Parity Obligations. Additional bonds may be issued and made payable from the Pledged Revenues, upon satisfaction of the conditions set forth in the Bond Ordinance, having a lien thereon either on a parity with, or subordinate and junior to, the lien on the Pledged Revenues of the Bonds, but additional bonds may not be issued with a lien thereon superior to the lien thereon of the Bonds.

The Bonds are issued to provide funds for the purposes of (1) the planning, designing, construction, reconstruction, rehabilitation, renovation, equipping, and furnishing of necessary County buildings and facilities, including, without limitation, County facilities located at the County Administration Building located at 102 Grant Avenue Santa Fe NM and at the Old Judicial Complex located at 100 Catron Street Santa Fe NM, and (2) paying the Expenses .

The County covenants and agrees with the owner of this bond and with each and every person who may become the owner hereof that it will keep and perform all of the covenants of the Bond Ordinance.

This bond is subject to the condition, and every owner hereof by accepting the same agrees with the obligor and every subsequent owner hereof, that the principal of and interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities, set-offs or crossclaims between the obligor and the original purchaser or any other owner hereof.

It is hereby certified that all acts and conditions necessary to be done or performed by the County or to have happened precedent to and in the issuance of the Bonds to make them legal, valid and binding special obligations of the County have been performed and have happened as required by law, and that the Bonds do not exceed or violate any constitutional or statutory limitation of or pertaining to the County.

This bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the Certificate of Authentication.

IN WITNESS WHEREOF, Santa Fe County, New Mexico, has caused this bond to be signed and executed on the County's behalf with the facsimile or manual signature of the Chairperson and the facsimile or manual signature of the County Clerk and has caused the

corporate seal or a facsimile thereof of the County to be affixed hereon, all as of the Date of Bond.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Chairperson, Board of County Commissioners

By: _____
County Clerk

[Form of Registrar's Certificate of Authentication]

Certificate of Authentication

This is one of the Bonds described in the Bond Ordinance, and this bond has been registered on the registration books kept by the undersigned as Registrar for the Bonds.

Date of Authentication: _____

Santa Fe County Treasurer

By: _____
Authorized Officer

[End of Form of Registrar's Certificate of Authentication]

[Form of Assignment]

Assignment

For value received, _____ hereby sells, assigns and transfer unto _____ the within bond and hereby irrevocably constitutes and

appoints _____ attorney, to transfer the same on the books of the Registrar, with full power of substitution in the premises.

Social Security or Tax Identification No. of Assignee _____

Dated: _____

NOTE: The assignor's signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

[End of Form of Bond]

Section 14. Period of Project's Usefulness. It is hereby determined and recited that the period of usefulness of the Project financed with the proceeds of the Bonds is not less than the final maturity date of the Bonds.

Section 15. Disposition of Proceeds. Except as herein otherwise specifically provided, the proceeds derived from the sale of the Bonds, shall be used and paid solely for the valid costs of the Project.

A. Accrued Interest. Upon the sale of the Bonds, all moneys received as accrued interest shall be deposited into the Debt Service Fund to apply on the payment of interest next due on the Bonds.

B. Expenses. Upon the sale and delivery of the Bonds, an amount necessary to pay Expenses shall be used for payment of the Expenses in compliance with applicable law.

C. Acquisition Fund Deposit. Upon the sale and delivery of the Bonds, any remaining Bond proceeds after payment of Expenses shall be deposited promptly upon receipt thereof in the Acquisition Fund.

D. Purchaser Not Responsible. The Purchaser of the Bonds shall in no manner be responsible for the application or disposal by the County or by its officers of the proceeds derived from the sale thereof or of any other funds herein designated.

Section 16. Funds and Accounts. The County hereby creates the following special and separate funds, which shall be under the control of the County:

A. Revenue Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Fund" maintained by the County into which the County shall deposit the Pledged Revenues.

B. Debt Service Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Debt Service Fund" to be maintained by the County.

C. Reserve Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Reserve Fund" to be maintained by the County.

D. Acquisition Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Acquisition Fund" to be maintained by the County.

Section 17. Deposit of Pledged Revenues. So long as any Bonds are outstanding, the Pledged Revenues shall, immediately upon receipt thereof by the County, be set aside and deposited into the Revenue Fund. All money deposited into the Revenue Fund shall be held separate and apart from the County's general fund and applied only in accordance with the

provisions of this Ordinance and any other County ordinance authorizing the issuance of Parity Obligations.

Section 18. Administration of Pledged Revenue Fund.

A. Debt Service Fund. As a first charge on the Pledged Revenues, the following amounts shall be withdrawn from the Revenue Fund and shall be concurrently credited to the Debt Service Fund:

(1) To the Debt Service Fund, the following:

(a) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of interest on the Bonds, and monthly thereafter, commencing on each Interest Payment Date, one-sixth (1/6) of the amount necessary to pay the next maturing installment of interest on the Bonds then outstanding.

(b) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of principal of the outstanding Bonds and monthly thereafter, commencing on each Principal Payment Date, one-twelfth (1/12) of the amount necessary to pay the next maturing installment of principal on the Bonds then outstanding.

B. Credit. In making the deposits required to be made into the Debt Service Fund, if there are any amounts then on deposit in the Debt Service Fund available for the purpose for which such deposit is to be made, the amount of the deposit to be made pursuant to paragraph A above shall be reduced by the amount available in such fund and available for such purpose.

C. Transfer of Money out of Debt Service Fund. Each payment of principal and interest becoming due on the Bonds shall be transferred from the Debt Service Fund to the Paying Agent on or before four Business Days prior to the due date of such payment.

D. Payment of Parity Obligations. Concurrently with the payment of the Pledged Revenues required by paragraphs A, E and G of this Section, any amounts on deposit in the Pledged Revenue Fund shall be used by the County for the payment of principal of, interest on and debt service reserve fund deposits relating to Parity Obligations, if any, hereafter authorized to be issued and payable from the Pledged Revenues, as applicable, as the same accrue. If funds on deposit in the Pledged Revenue Fund are not sufficient to pay when due the required payments of principal of, interest on and debt service reserve fund deposits relating to the Bonds and any outstanding Parity Obligations, then the available funds in the Pledged Revenue Fund will be used, first, on a pro rata basis, based on the amount of principal and interest then due with respect to each series of outstanding Parity Obligations, for the payment of principal of and interest on all series of outstanding Parity Obligations and, second, to the extent of remaining available funds in the Pledged Revenue Fund on a pro rata basis, based on the

amount of debt service reserve fund deposits then required with respect to each series of outstanding Parity Obligations, for the required debt service reserve fund deposits for all series of outstanding Parity Obligations.

E. Reserve Fund. Immediately upon delivery of the Bonds, a Reserve Fund Insurance Policy or a cash amount of not less than the Reserve Requirement shall be deposited into and credited to the Reserve Fund so that the Reserve Fund Requirement is accumulated upon delivery of the Bonds. Any moneys and investments thereof or, in lieu thereof, a Reserve Fund Insurance Policy deposited in the Reserve Fund are irrevocably and exclusively pledged to payment of the Bonds.(1) Thereafter, subordinate to the payments required by Subsection A of this Section, and subject to the terms of Subsection D of this Section and concurrently with and on parity with the payments required for any monthly reserve fund payments for Parity Obligations, there shall be credited monthly to the Reserve Fund, from the moneys in the Revenue Fund, such cash amount or amounts, if any, as are necessary, taking into account the amount of any Reserve Fund Insurance Policy which may then be applicable, to maintain the Reserve Fund as a continuing reserve in an amount not less than the Reserve Requirement to meet possible deficiencies in the Debt Service Fund. The moneys, if any, and the amount of any Reserve Fund Insurance Policy which hereafter may be acquired in the Reserve Fund shall be accumulated and maintained as a continuing reserve to be used, except as hereinafter provided in Subsections F and G of this Section, only to prevent deficiencies in the payment of the principal of and interest on the Bonds hereby authorized resulting from the failure to credit to the Debt Service Fund sufficient funds to pay the principal and interest as the same become due and payable. Cash amounts in the Reserve Fund which together with the amount of any Reserve Fund Insurance Policy are in excess of the Reserve Fund Requirement shall be withdrawn from the Reserve Fund and transferred to the Debt Service Fund.

(2) The County may at any time substitute (i) one or more Reserve Fund Insurance Policies for cash or investments therein or (ii) cash or investments thereof for a Reserve Fund Insurance Policy, so long as the amount on deposit in the Reserve Fund after such substitution is at least equal to the Reserve Requirement. In the event the County shall substitute a Reserve Fund Insurance Policy for cash or investments in the Reserve Fund, the amount on deposit in the Reserve Fund shall be that amount available to be drawn or otherwise paid pursuant to such policy at the time of calculation and such cash or investments so withdrawn may be used by the County for any legal purpose.

(3) The Reserve Fund Insurance Policy, if acquired by the County, shall be held by the Paying Agent. In the event of a draw upon any Reserve Fund Insurance Policy, the Paying Agent shall deliver a demand for payment in substantially the form required by the Bond Insurer to be delivered to (and to be received by) the Bond Insurer not later than the business day prior to the business day on which the funds are required. In the event there is cash in the Reserve Fund at the time of a draw from any Reserve Fund Insurance Policy, such cash (including any investments) shall be drawn down completely before any demand is made on any Reserve Fund Insurance Policy. If the Reserve Fund contains any Reserve Fund Insurance Policy from more than one provider, any draw shall be on a pro-rata basis from both. After such a draw, any available moneys in the Revenue Fund, concurrently and on parity with the payments in subparagraph (1) of this Subsection E and the payments required to replenish the reserve fund for any additional Parity Obligations, shall be used first to reimburse each such

issuer of any Reserve Fund Insurance Policy for such payment of principal of and interest on the Bonds pursuant to the terms of the any agreement relating to such Reserve Fund Insurance Policy so as to reinstate each Reserve Fund Insurance Policy and thereafter to replenish any cash in the Reserve Fund.

F. Termination Upon Deposits to Maturity. No payment need be made into the Debt Service Fund, the Reserve Fund, or both, if the amount in such funds (excluding the amount of any Reserve Fund Insurance Policy) totals a sum at least equal to the entire amount of Bonds then outstanding, both as to principal and interest to their respective maturities, and both accrued and unaccrued, in which case, moneys in the Debt Service Fund and Reserve Fund in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue and any moneys in excess thereof in the Debt Service Fund and Reserve Fund and any other moneys derived from the Pledged Revenues may be used in any lawful manner determined by the County.

G. Defraying Delinquencies in Debt Service Fund and Reserve Fund. If, in any month the County shall, for any reason fail to pay into the Debt Service Fund the full amount above stipulated from the Pledged Revenues then an amount shall be paid into the Debt Service Fund in such month from the moneys, if any, in the Reserve Fund (including the amount of any Reserve Fund Insurance Policy except that there shall be no draw on any Reserve Fund Insurance Policy except immediately prior to an interest or principal payment date) equal to the difference between the amount paid from Pledged Revenues and the full amount so stipulated. Moneys used in that manner shall be replaced in the Reserve Fund and any Reserve Fund Insurance Policy Issuer shall be reimbursed for any draw as provided in Subsection E(3) of this Section from the first revenues thereafter received from Pledged Revenues not required to be otherwise applied. If the County shall, for any reason, fail to pay into the Reserve Fund the full amount above stipulated from the Pledged Revenues (or to reinstate the Reserve Fund Insurance Policy as provided in Subsection E(3) of this Section), the difference between the amount paid and the amount so stipulated shall in like manner be paid into the Reserve Fund from the first revenues thereafter received from Pledged Revenues not required to be otherwise applied. The moneys in the Debt Service Fund and the Reserve Fund (including the amount represented by the Reserve Fund Insurance Policy) shall be used solely and only for the purpose of paying the principal of and the interest on the Bonds issued hereunder; provided, however, that any moneys in the Debt Service Fund and the Reserve Fund (excluding the amount represented by any Reserve Fund Insurance Policy) in excess of accrued and unaccrued principal and interest requirements to the maturities of the outstanding Bonds may be withdrawn and used for any lawful purpose.

H. Interest on and Expenses relating to any Reserve Fund Insurance Policy Draws. Subordinate and subsequent to the payments required by Subsection A, and subject to the terms of Subsections D and E of this Section, Pledged Revenues shall be used to pay interest on amounts advanced under any Reserve Insurance Policy and reasonable expenses relating thereto under, and in accordance with, any agreement relating to any Reserve Fund Insurance Policy.

I. Use of Surplus Pledged Revenues. After making all the payments hereinabove required to be made by this Section, the remaining Pledged Revenues, if any, may be applied to any other lawful purpose, as the County may from time to time determine.

Section 19. General Administration of Funds. The funds designated in Section 16 shall be administered and invested as follows:

A. Places and Times of Deposits. The funds shall be separately maintained as a trust fund or funds for the purposes established and shall be deposited in one or more bank accounts in an Insured Bank or Bank. Each account shall be continuously secured to the extent required by law and shall be irrevocable and not withdrawable by anyone for any purpose other than the designated purpose. Payments shall be made into the proper account on the first day of the month except when the first day shall not be a Business Day, then payment shall be made on the next succeeding Business Day. No later than four Business Days prior to each Interest Payment Date, moneys sufficient to pay interest and principal then due on the Bonds shall be transferred to the Paying Agent. Nothing in this Ordinance shall prevent the County from establishing one or more bank accounts in an Insured Bank or Banks for all the funds required by this Ordinance or shall prevent the combination of such funds and accounts with any other bank account or accounts for other funds and accounts of the County.

B. Investment of Moneys. Moneys in any fund or account not immediately needed may be invested in any investment permitted by law. Investments of amounts in the Reserve Fund shall have maturities not exceeding five years from their date of acquisition and their value shall be determined annually at the end of each Fiscal Year or more frequently if required by accounting standards applicable to the County. The obligations so purchased as an investment of moneys in any fund or account shall be deemed to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting from such investment shall be charged to such fund or account. The County Treasurer shall present for redemption or sale on the prevailing market any obligations so purchased as an investment of moneys in the fund or account whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such fund.

Section 20. Lien on Pledged Revenues. The Pledged Revenues and the amounts and securities on deposit in the Debt Service Fund, and the proceeds thereof, are hereby authorized to be pledged to, and are hereby pledged, and the County grants a security interest therein for, the payment of the principal of, premium, if any, and interest on the Bonds, subject to the uses thereof permitted by, and the priorities set forth in, this Ordinance. The Bonds constitute an irrevocable first lien, but not necessarily an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Obligations.

Section 21. Additional Bonds Payable from Pledged Revenues.

A. Parity Bonds Test. This Ordinance shall not prevent the issuance of additional Parity Obligations payable from and constituting a lien upon the Pledged Revenues on parity with the lien of the Bonds. Before any additional Parity Obligations are actually issued, it must be determined that:

(1) The County is then current in the accumulation of all amounts which are required to have then been accumulated in the Debt Service Fund as required by Section 18 of this Ordinance; and

(2) The requirements of either of the following subparagraphs (a) or (b) of this Section are met and a certificate or opinion as provided for in paragraph B of this Section has been obtained:

(a) The annual Pledged Revenues for the Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of any Parity Bonds shall have been sufficient to pay an amount representing at least one hundred twenty-five percent (125%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor; or

(b) If, during the period beginning on the first day of the completed Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of the Parity Obligations proposed to be issued and ending on the date of such ordinance, a change in the rate of Pledged Revenues has been adopted by law, the estimate of the Pledged Revenues (sometimes herein the "Estimated Revenues"), determined by changing the actual Pledged Revenues for the preceding Fiscal Year by the percentage of rate increase or decrease in the gross receipts tax rate, shall have been sufficient to pay an amount representing at least one hundred twenty-five percent (125%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor. The preceding Fiscal Year shall be determined as aforesaid from the date of adoption of the ordinance authorizing the issuance of additional Parity Obligations and shall not be determined from the date of publication of such ordinance or adoption of any ordinance which amends or supplements such ordinance.

B. Certification or Opinion Regarding Revenues. A written certificate or opinion by an Independent Accountant or the County Treasurer that the Pledged Revenues or the Estimated Revenues, when determined as provided in Paragraph A of this Section, are sufficient to pay the required amounts under the applicable test in Paragraph A of this Section, shall conclusively determine the right of the County to issue additional Parity Obligations. The Independent Accountant or the County Treasurer may utilize the results of any annual audit to the extent it covers the applicable period.

C. Subordinate Obligations Permitted. Nothing in this Ordinance shall prevent the County from issuing bonds or other obligations payable from the Pledged Revenues and having a lien on the Pledged Revenues subordinate to the lien of the Bonds.

D. Superior Obligations Prohibited. The County shall not issue any obligation having a lien on the Pledged Revenues which is prior and superior to the Bonds.

Section 22. Refunding Bonds. The provisions of Section 21 of this Ordinance are subject to the following exceptions:

A. Privilege of Issuing Refunding Obligations. If at any time the County shall find it desirable to refund any Parity Obligations or other outstanding obligations constituting a lien upon the Pledged Revenues, the Bonds or other Obligations, or any part thereof, may be refunded, but only with the consent of the holders, unless the obligations shall then mature or be callable for redemption, or the plan of refunding calls for payment of the obligations at maturity or at a redemption date, regardless of whether the lien priority is changed by the refunding, except as provided in Paragraphs B and C of this Section.

B. Limitation Upon Issuance of Parity Refunding Obligations. No refunding obligations shall be issued with a lien on the Pledged Revenues on parity with the lien of the Bonds, unless:

(1) The lien on the Pledged Revenues of the outstanding obligations so refunded is on a parity with the lien on the Pledged Revenues of the Bonds; or

(2) The refunding obligations are issued in compliance with Paragraph B of Section 21 of this Ordinance.

C. Refunding Part of an Issue. The refunding bonds or other refunding obligations issued shall enjoy complete equality of lien with the portion of any bonds or other obligations of the same issue which is not refunded, if any; and the holder or holders of such refunding bonds or other refunding obligations shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the same issue refunded thereby. If only a part of any issue or issues is refunded, then there may be no refunding without the consent of the holders of the unrefunded portion of such obligations, unless:

(1) The refunding obligations do not increase the aggregate principal and interest requirements for any Fiscal Year commencing prior to the last maturity date of such unrefunded obligations; or

(2) The refunding bonds or other refunding obligations are issued in compliance with Paragraph A of Section 21 of this Ordinance.

D. Limitation Upon Issuance of any Refunding Obligations. Any refunding obligations payable from Pledged Revenues shall be issued with such details as the County may by ordinance provide, subject to the inclusion of any such rights and privileges designated in Paragraph C of this Section but without impairing any contractual obligation imposed by any proceedings authorizing any unrefunded portion of any issue or issues, including the Bonds.

Section 23. Equality of Parity Bonds. The Parity Bonds, for any source of the Pledged Revenues, from time to time outstanding shall not be entitled to any priority one over the other in the application of the Pledged Revenues, as applicable, regardless of the time or times of their

issuance or the date incurred, it being the intention of the Board that, except as set forth herein, there shall be no priority among Parity Bonds regardless of whether they are actually issued and delivered or incurred at different times.

Section 24. Protective Covenants. The County hereby covenants and agrees with each and every holder of the Bonds issued hereunder:

A. Use of Bond Proceeds. The County will proceed without delay to apply the proceeds of the Bonds as set forth in Section 15 of this Ordinance.

B. Payment of Bonds Herein Authorized. The County will promptly pay the principal of and the interest on every Bond at the place, on the date and in the manner specified herein and in the Bonds according to the true intent and meaning hereof.

C. County's Existence. The County will maintain its corporate identity and existence so long as any of the Bonds remain outstanding, unless another political subdivision by operation of law succeeds to the liabilities and rights of the County, without adversely affecting to any material degree the privileges and rights of any owner of the Bonds.

D. Extension of Interest Payments. In order to prevent any accumulation of claims for interest after maturity, the County will not directly or indirectly extend or assent to the extension of time for the payment of any claim for interest on any of the Bonds, and the County will not directly or indirectly be a party to or approve any arrangements for any such extension. If the time for payment of any such interest shall be extended, such installment or installments of interest, after such extension or arrangement, shall not be entitled in case of default hereunder to the benefit or security hereof, except subject to the prior payment in full of the principal of all Bonds hereunder and then outstanding and of the matured interest on such Bonds, the payment of which has not been extended.

E. Records. So long as any of the Bonds remain outstanding, proper books of record and account will be kept by the County separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues.

F. Audits and Budgets. The County will, within two hundred and seventy (270) days following the close of each Fiscal Year, cause an audit of its books and accounts relating to the Pledged Revenues to be commenced by an Independent Accountant showing the receipts and disbursements in connection with such revenues. The County agrees to furnish forthwith a copy of each of such audits and reports to the Purchaser and the holder of any of the Bonds at its written request.

G. Other Liens. Other than as described and identified by this Ordinance, there are no liens or encumbrances of any nature whatsoever on or against the Pledged Revenues. This Ordinance does not prohibit the issuance of Parity Obligations with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds consistent with the requirements herein.

H. Duty to Impose Hold Harmless County Gross Receipts Tax. If State law or any County ordinance or part thereof, which in any manner affects the Pledged Revenues shall ever be held to be invalid or unenforceable, it shall be the duty of the County to take any legally permissible action necessary to produce sufficient Pledged Revenues to comply with the contracted obligations of this Ordinance, except as is provided in Paragraph I of this Section.

I. Impairment of Contract. The County agrees that any law, ordinance or resolution of the County that in any manner affects the Pledged Revenues or the Bonds shall not be repealed or otherwise directly or indirectly modified, in such a manner as to impair adversely any Bonds outstanding, unless such Bonds have been discharged in full or provision has been fully made therefor or unless the required consents of the holders of the then outstanding Bonds are obtained pursuant to Section 30 of this Ordinance.

J. Debt Service Fund and Reserve Fund. The Debt Service Fund and Reserve Fund shall be used solely and only, and those funds are hereby pledged, for the purposes set forth in this Ordinance.

K. Surety Bonds. Each County official and employee being responsible for receiving Pledged Revenues shall be bonded at all times, which bond shall be conditioned upon the proper application of Pledged Revenues.

L. Performing Duties. The County will faithfully and punctually perform all duties with respect to the Bonds required by the Constitution and laws of the State of New Mexico and the ordinances and resolutions of the County relating to the Bonds.

M. Tax Covenants. The County covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The Chairperson and other officers of the County having responsibility for the issuance of the Bonds shall give an appropriate certificate of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The County covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, if required, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Chairperson and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, if any, as may be required or appropriate to assure such exclusion of that interest.

N. Rebate Fund. In furtherance of the covenants set forth in the preceding paragraph, the County hereby establishes a fund separate from any other funds established and maintained hereunder designated as the Rebate Fund. Money and investments in the Rebate Fund shall not be used for the payment of the Bonds and amounts credited to the Rebate Fund shall be free and clear under any pledge under this Ordinance. Money in the Rebate Fund shall be invested pursuant to the procedures in the manner provided in Section 19(B) for investment of money, and all amounts on deposit in the Rebate Fund shall be held by the County, or a designated trustee, in trust, to the extent required to pay rebatable arbitrage to the United States of America. The County shall unconditionally be entitled to accept and rely upon the recommendation, advice, calculation and opinion of an accounting firm or other person or firm with knowledge of or experience in advising with respect to the provisions of the Code relating to rebatable arbitrage. The County shall remit all rebate installments and the final rebate payment to the United States of America as required by the provisions of the Code. Any moneys remaining in the Rebate Fund after redemption and payment of all the Bonds and payment and satisfaction of any rebatable arbitrage shall be withdrawn and remitted to the County.

O. Continuing Disclosure Obligations. The officers of the County are authorized to sign such documents and to take such actions in the future with respect to the County's continuing disclosure obligations as are necessary or desirable to comply with the Continuing Disclosure Undertaking and the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended. Notwithstanding any other provisions of this Ordinance, failure of the County to comply with the Continuing Disclosure Undertaking shall not be considered an "event of default" under Section 25 hereof, and holders and beneficial owners of Bonds shall be entitled to exercise only such rights with respect thereto as are provided in the Continuing Disclosure Undertaking.

Section 25. Events of Default. Each of the following events is hereby declared an "event of default":

A. Nonpayment of Principal. Failure to pay the principal of any of the Bonds when the same becomes due and payable, either at maturity or otherwise.

B. Nonpayment of Interest. Failure to pay any installment of interest when the same becomes due and payable.

C. Default of any Provision. Default by the County in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the Bonds or in this Ordinance on its part to be performed, and the continuance of such default (other than a default set forth in subparagraphs A and B of this Section) for sixty (60) days after written notice specifying such default and requiring the same to be remedied has been given to the County by the holders of twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding.

D. Bankruptcy. The County (i) files a petition or application seeking reorganization, arrangement under Federal bankruptcy law, or other debtor relief under the laws

of any jurisdiction, or (ii) is the subject of such petition or application which the County does not contest or is not dismissed or discharged with sixty (60) days.

Section 26. Remedies Upon Default. Upon the happening and continuance of any of the events of default as provided in Section 25 of this Ordinance, then in every case the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, including, but not limited to, a trustee or trustees therefor, may proceed against the County, the Board and its agents, officers and employees to protect and enforce the rights of any holder of Bonds under this Ordinance by mandamus or other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein or in an award relating to the execution of any power herein granted for the enforcement of any legal or equitable remedy as such holder or holders may deem most effectual to protect and enforce the rights provided above, or to enjoin any act or thing which may be unlawful or in violation of any right of any Bondholder, or to require the Board to act as if it were the trustee of an express trust, or any combination of such remedies. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of the Bonds then outstanding. The failure of any Bondholder so to proceed shall not relieve the County or any of its officers, agents or employees of any liability for failure to perform any duty. Each right or privilege of such holder (or trustee thereof) is in addition and cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any holder shall not be deemed a waiver of any other right or privilege.

Section 27. Duties Upon Default. Upon the happening of any of the events of default provided in Section 25 of this Ordinance, the County, in addition, will do and perform all proper acts on behalf of and for the owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on the Bonds promptly as the same become due. All proceeds derived therefrom, so long as any of the Bonds, either as to principal or interest, are outstanding and unpaid, shall be applied as set forth in Section 18 of this Ordinance. In the event the County fails or refuses to proceed as provided in this Section, the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, after demand in writing, may proceed to protect and enforce the rights of the owners of the Bonds as hereinabove provided.

Section 28. Bonds Not Presented When Due. If any Bonds shall not be duly presented for payment when due at maturity, and if moneys sufficient to pay such Bonds are on deposit with the Paying Agent for the benefit of the owners of such Bonds, all liability of the County to such owners for the payments of such Bonds shall be completely discharged, such Bonds shall not be deemed to be outstanding and it shall be the duty of the Paying Agent to segregate and to hold such moneys in trust, without liability for interest thereon, for the benefit of the owners of such Bonds as may be provided in any agreement hereafter entered into between the Paying Agent and an officer of the County.

Section 29. Approval of Documents; Delegated Powers. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the

foregoing, the publication of the summary of this Ordinance set out in Section 38 (with such changes, additions and deletions as they may determine). The Chairperson is authorized and directed to execute and the County Clerk is authorized and directed to affix the seal of the County to and attest, where applicable, the Related Documents and the final Official Statement, in substantially the form as hereby approved or with such changes therein as are not inconsistent with this Ordinance and as shall be approved by the Chairperson, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions thereof from the form presented to the Board. From and after adoption of this Ordinance and the execution and delivery of the Related Documents and the final Official Statement, the officers, agents and employees of the County are hereby authorized, empowered and directed to do all such acts and to execute all such documents as may be necessary to carry out and comply with the provisions of the Related Documents and the final Official Statement as executed.

Section 30. Amendment of Ordinance. This Ordinance may be amended without the consent of the holder of any Bond to cure any ambiguity or to cure, correct or supplement any defect or inconsistent provision contained herein. Prior to the date of the initial delivery of the Bonds to the Purchaser, the provisions of this Ordinance may be supplemented with the written consent of the Purchaser with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance. Except as provided above, this Ordinance may be amended without receipt by the County of any additional consideration, but with the written consent of the holders of three-fourths (3/4ths) of the Bonds then outstanding (not including Bonds which may be held for the account of the County); but no ordinance adopted without the written consent of the holders of all outstanding Bonds shall have the effect of permitting:

- A. An extension of the maturity of any Bond; or
- B. A reduction of the principal amount or interest rate of any Bond; or
- C. A reduction of the principal amount of Bonds required for consent to such amendatory ordinance; or
- E. The establishment of priorities as between Bonds issued and outstanding under the provisions of this Ordinance; or
- F. The modification of or otherwise affecting the rights of the holders of less than all the outstanding Bonds.

Section 31. Defeasance. When all principal and interest in connection with the Bonds hereby authorized have been duly paid, the pledge and lien for the payment of the Bonds shall thereby be discharged and the Bonds shall no longer be deemed to be outstanding within the meaning of this Ordinance. Payment shall be deemed made with respect to any Bond or Bonds when the County has placed in escrow with a commercial bank exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities) to meet all requirements of principal and interest as the same become due to their final maturities. Any Federal Securities shall become due when needed in accordance with a schedule agreed upon between the County and such bank at the time of the creation of the escrow.

Section 32. Preparation of Preliminary Official Statement and Official Notice of Bond Sale. The County Manager and County Treasurer are hereby authorized to coordinate with the County's bond counsel and financial advisor in the preparation of the Preliminary Official Statement and the Official Notice of Bond Sale.

Section 33. Bond Insurance Provisions. If applicable, the Bond Insurer's provisions relating to the Bond Insurance Policy and the Reserve Insurance Policy shall be as set forth in the Award Resolution, which requirements and procedures set forth therein shall control and supersede any conflicting or inconsistent provision in this Bond Ordinance. Any and all financial obligations of the County described in this Section 33 are limited to available Pledged Revenues.

Section 34. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall be fully paid, canceled and discharged, as herein provided, or there has been defeasance as herein provided.

Section 35. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 36. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 37. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of ordinances of the County kept for that purpose, authenticated by the signatures of the Chairperson and County Clerk, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 38 below) shall be published in a newspaper which maintains an office and is of general circulation in the County, or posted in accordance with law, and said Ordinance shall be in full force and effect thirty days after recording.

Section 38. Limitation of Action Period. After the passage of the thirty (30) days from the publication required by Section 39 hereof, any action attacking the validity of any proceedings had or taken by the County preliminary to and in the authorization and issuance of the Bonds shall be perpetually barred.

Section 39. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

[Form of Summary of Ordinance for Publication]

Santa Fe County, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in County Ordinance No. 2015-___, duly adopted and approved by the Board of County Commissioners of Santa Fe County, New Mexico, on December 8, 2015, relating to the authorization and issuance of the County's Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015. Complete copies of the Ordinance are available for public inspection during the normal and regular business hours of the County Clerk, 102 Grant Avenue, Santa Fe, New Mexico.

The title of the Ordinance is:

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015, IN AN AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000 FOR PURPOSES OF DEFRAYING THE COSTS OF PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING, AND FURNISHING NECESSARY COUNTY BUILDINGS AND FACILITIES, INCLUDING, WITHOUT LIMITATION, COUNTY FACILITIES LOCATED AT THE COUNTY ADMINISTRATION BUILDING AND AT THE OLD JUDICIAL COMPLEX, AND TO PAY COSTS OF ISSUANCE OF THE BONDS; APPROVING THE PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE BONDS; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; PROVIDING THAT THE BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS FROM THE REVENUES OF THE HOLD HARMLESS GROSS RECEIPTS TAX WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

The title sets forth a general summary of the subject matter contained in the Ordinance. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

[End of Form of Summary for Publication]

SFC CLERK RECORDED 01/14/2016

PASSED, APPROVED AND ADOPTED THIS 8TH DAY OF DECEMBER, 2015.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Chairperson, Board of County Commissioners

ATTEST:

By: _____
County Clerk

Commissioner _____ moved adoption of the foregoing ordinance, duly seconded by Commissioner _____.

The motion to adopt said ordinance, as amended, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye:

Those Voting Nay:

Those Absent:

____ () Commissioners having voted in favor of said motion, the Chairperson declared said motion carried and said ordinance adopted, whereupon the Chairperson and County Clerk signed the ordinance upon the records of the minutes of the Board.

After consideration of the matters not relating to the ordinance, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Robert A. Anaya, Chairperson
Board of County Commissioners

ATTEST:

By: _____
Geraldine Salazar, County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.
as Bond Counsel to Santa Fe County

By: _____
Peter Franklin, Shareholder

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

I, Geraldine Salazar, the duly elected, qualified, and acting County Clerk of Santa Fe County, New Mexico (the "County"), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the Board of County Commissioners of Santa Fe County, New Mexico (the "Board"), constituting the governing board of the County, had and taken at a duly called regular, open meeting held in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on the 8th day of December, 2015, at the hour of 2:00 p.m. insofar as the same relate to the proposed bond issue, a copy of which is set forth in the official records of the proceedings of the County kept in my office.

2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

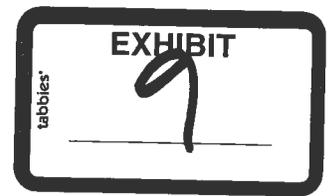
3. Notice of said meeting was given in accordance with the open meetings standards of the Board presently in effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of December, 2015.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
County Clerk



S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The Board of County Commissioners (the "Board") of Santa Fe County in the State of New Mexico, met in regular session in full conformity with law and the rules and regulations of the County at the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board on the 8th day of December, 2015, at the hour of 2:00 p.m. Upon roll call, the following members were found to be present:

Present: _____

Absent: _____

Also Present: _____

Thereupon, there was officially filed with the County Clerk, the Chairman and each Commissioner a copy of a proposed ordinance in final form.

ORDINANCE NO. 2015-__

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015, IN AN AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000 FOR PURPOSES OF DEFRAYING THE COSTS OF PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING, AND FURNISHING NECESSARY COUNTY BUILDINGS AND FACILITIES, INCLUDING, WITHOUT LIMITATION, COUNTY FACILITIES LOCATED AT THE COUNTY ADMINISTRATION BUILDING AND AT THE OLD JUDICIAL COMPLEX, AND TO PAY COSTS OF ISSUANCE OF THE BONDS; ~~APPROVING THE PROVIDING FOR THE APPROVAL OF THE EXACT~~ PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE BONDS; ~~RATIFYING IN AN AWARD RESOLUTION; APPROVING~~ THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; PROVIDING THAT THE BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS FROM THE REVENUES OF THE HOLD HARMLESS GROSS RECEIPTS TAX WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Capitalized terms used in the following preambles have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the County is a legally and regularly created, established, organized and existing county under the general laws of the State of New Mexico; and

WHEREAS, pursuant to Section 7-20E-28 NMSA 1978 and County Ordinance No. 2015-3, adopted on March 24, 2015 (the "Tax Ordinance"), the County authorized the county hold harmless gross receipts tax, imposed at a rate of one-eighth of one percent (0.125%) on any person engaging in business in the County for the privilege of engaging in business in the County and distributed monthly from the Revenue Division of the New Mexico Taxation and Revenue Department to the County, effective July 1, 2015 (the "Pledged Revenues"); and

WHEREAS, the Pledged Revenues are not pledged to the payment of any bonds or other obligations which are presently outstanding and unpaid; and

WHEREAS, the Board hereby determines that there is a need for the Project as herein defined, and that the Bonds shall be issued for the Project; and

WHEREAS, the Bonds will be sold competitively pursuant to an Official Notice of Bond Sale, following which the Board will approve the final principal amounts, maturity dates, interest rates, prices, redemption features and other terms of the Bonds in the Award Resolution, which shall supplement this Bond Ordinance; and

WHEREAS, the Board has determined and hereby determines that it is in the best interest of the County and its residents that the Bonds be issued with a first lien, but not an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Bonds; and

WHEREAS, the Board hereby determines that there is an urgent need for the Project and that the Bonds shall be issued for the Project which consequently will provide for the public health, peace and safety of the County and its residents; and

WHEREAS, the Board hereby determines that the Project to be financed by the Bonds is for governmental purposes and is not a project which would cause the Bonds to be "private activity bonds" as defined by the Internal Revenue Code of 1986, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD:

Section 1. Definitions. As used in this Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

"Acquisition Fund" means the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Acquisition Fund" created in Section 16 of this Ordinance, as such fund may otherwise be entitled in the Award Resolution.

"Act" means the general laws of the State, including Sections 4-62-1 through 4-62-10 and Section 7-20E-28 NMSA 1978, as amended, and enactments of the Board relating to the issuance of the Bonds, including this Ordinance and the Tax Ordinance.

"Award Resolution" means the resolution of the Board supplementing this Bond Ordinance with the exact principal amounts, maturity dates, interest rates, prices, redemption features, Series designation and other final terms of the Bonds.

"Board" means the Board of County Commissioners of the County or any future successor governing body of the County.

"Bond Insurance Commitment" means, if applicable, the Municipal Bond Insurance Commitment issued to the County by the Bond Insurer.

"Bond Insurer" means, if applicable, the issuer of the Policy.

"Bondholder," "holder," "owner" or "Owner" means the registered owner of any Bond as shown on the registration books of the County for the Bonds, from time to time, maintained by the Registrar. Any reference to a majority or a particular percentage or proportion of the Bondholders shall mean the holders at the particular time of a majority or of the specified percentage or proportion in aggregate principal amount of all Bonds then outstanding.

"Bonds" mean the "Santa Fe County, New Mexico *Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015*" authorized by this Ordinance, as such Bonds may otherwise be entitled in the Award Resolution.

"Business Day" means a day on which commercial banks in the city in which the principal office of the Paying Agent and Registrar is located are open for conduct of substantially all of their business operations.

"Chairperson" means the Chairperson of the Board.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations whether proposed, temporary or final, including regulations issued and proposed pursuant to the statutory predecessor of the Code, and, in addition, all official rulings and judicial determinations applicable to the Bonds, and under the statutory predecessor of the Code and any successor provisions to those sections or regulations.

"Continuing Disclosure Undertaking" means the continuing disclosure undertaking with respect to the Bonds to be executed by the County on the day of issuance and delivery of the Bonds to the Purchaser.

"County" means Santa Fe County in the State of New Mexico.

"County Local Option Gross Receipts Tax Act" means Sections 7-20E-1 through 7-20E-28 NMSA 1978, as amended.

"Debt Service Fund" means the "Santa Fe County, New Mexico *Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Debt Service Fund*" established by Section 16 of this Ordinance, as such fund may otherwise be entitled in the Award Resolution.

"Depository" means The Depository Trust Company, New York, New York, or such other securities depository as may be designated by an officer of the County.

"Event of default" means any of the events stated in Section 25 of this Ordinance.

"Expenses" means the reasonable and necessary fees, costs and expenses incurred by the County with respect to the issuance of the Bonds, including the fees, compensation, costs and expenses paid or to be paid to the Bond Insurer, Paying Agent, Registrar, Purchaser, attorney's fees and financial advisor's fees.

"Federal Securities" as used in this Ordinance shall include only direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America.

"Fiscal Year" means the period commencing on July 1 in each calendar year and ending on June 30 of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the County as its fiscal year.

"Herein," "hereby," "hereunder," "hereof," "hereinabove" and "hereafter" refer to the entire Ordinance and not solely to the particular section or paragraph of this Ordinance in which such word is used.

"Independent Accountant" means (A) an accountant employed by the State and under supervision of the State Auditor, or (B) any certified public accountant, registered accountant, or firm of such accountants duly licensed to practice and practicing as such under the laws of the State, appointed and paid by the County who (i) is, in fact, independent and not under the domination of the County, (ii) does not have any substantial interest, direct or indirect, with the County, and (iii) is not connected with the County as an officer or employee of the County, but who may be regularly retained to make annual or similar audits of the books or records of the County.

"Insured Bank" means a bank or savings and loan association insured by an agency of the United States.

"Interest Payment Date" means each June 1 and December 1, commencing on June 1, 2016.

"NMSA" means the New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

"Obligations" means bonds, notes or any other instrument which evidence a borrowing or other obligation of the County secured by Pledged Revenues issued or incurred for any purpose permitted by the Act.

"Official Notice of Bond Sale" means the notice of competitive sale of the Bonds which shall be included in the Preliminary Official Statement for the Bonds.

"Ordinance" or "Bond Ordinance" means this Bond Ordinance as amended or supplemented from time to time.

"Outstanding" or "outstanding" when used in reference to the Bonds means, on any particular date, the aggregate of all Bonds delivered under this Ordinance except:

A. those cancelled at or prior to such date or delivered or acquired by the County at or prior to such date for cancellation;

B. those otherwise deemed to be paid in accordance with Section 31 of this Ordinance;

C. those in lieu of or in exchange or substitution for which other Bonds shall have been delivered, unless proof satisfactory to the County and the Paying Agent is presented that any Bond for which a new Bond was issued or exchanged is held by a bona fide holder or in due course; and

D. those Bonds which have been refunded in accordance with this Ordinance or other ordinance of the County authorizing the issuance of the applicable bonds.

"Parity Bonds" or "Parity Obligations" means the Bonds and any other Obligations hereafter issued or incurred payable from the Pledged Revenues and issued with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds.

"Paying Agent" means the County ~~COUNTY—TREASURER~~ ~~Director of Treasurer~~ Finance and any successor paying agent.

"Pledged Revenues" means the amounts of money derived from all of the revenue attributable to the one-eighth of one percent (0.125%) county hold harmless gross receipts tax transferred to the County pursuant to Section 7-1-6.13 NMSA 1978, which county hold harmless gross receipts tax is imposed on all persons engaging in business in the County pursuant to the Tax Ordinance, and as authorized by the County Local Option Gross Receipts Tax Act, (1) which tax equals, subject to the exemptions specified in Sections 7-20E-4(A) and 7-20E-5 NMSA 1978, and the deductions referenced in Section 7-20E-7 NMSA 1978, one-eighth of one percent (0.125%) of the gross receipts of all persons engaging in business in the County for the privilege of engaging in business in the County, and (2) which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County's gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978.

"Policy" means the Municipal Bond Insurance Policy issued by BAM that guarantees the scheduled payment of principal of and interest on the Insured Obligations when due.

"Preliminary Official Statement" and "Official Statement" mean the disclosure documents used by the Purchaser in connection with the sale of the Bonds to the public.

"Principal Payment Date" means June 1 in each year beginning June 1, 2017, or on such other date as set forth in the Award Resolution.

"Project" means (1) the planning, designing, construction, reconstruction, rehabilitation, renovation, equipping, and furnishing of necessary County buildings and facilities, including, without limitation, County facilities located at the County Administration Building

located at 102 Grant Avenue Santa Fe NM and at the Old Judicial Complex located at 100 Catron Street Santa Fe NM, and (2) paying Expenses.

"Rebate Fund" means the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Rebate Fund" established by Section 24(N) of this Ordinance, as such fund may otherwise be entitled in the Award Resolution.

"Registrar" means the County Treasurer, as registrar and transfer agent for the Bonds, and any successor.

"Related Documents" means the Bond Purchase Agreement, the Continuing Disclosure Undertaking, the Bond Insurance Commitment, the Reserve Insurance Commitment, the Tax Compliance Certificate and any other document or agreement containing an obligation of the County as may be required in connection with the issuance of the Bonds.

"Reserve Fund" means the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Reserve Fund" established by Section 16 of this Ordinance, and to as such fund may otherwise be entitled in the Award Resolution, which shall be maintained by the County.

"Reserve Fund Insurance Policy" or "Reserve Insurance Policy" means any insurance policy, surety bond or letter of credit deposited in or credited to the Reserve Fund as provided in Section 18 hereof in lieu of or in partial substitution for cash or allowable investments on deposit in the Reserve Fund. Any such insurance policy, surety bond or letter of credit must be issued by an entity having a rating in one of the two highest rating categories assigned by any nationally recognized rating agency at the time such policy, bond or letter of credit is initially deposited in or credited to the Reserve Fund.

"Reserve Requirement" means an amount which is equal to the least of (i) ten percent (10%) of the proceeds of the Bonds as the term proceeds is used in Section 148(d)(1) of the Code, (ii) the maximum annual debt service on the Bonds, or (iii) one hundred twenty-five percent (125%) of the average annual debt service on the Bonds.

"Revenue Fund" means the "Santa Fe County, New Mexico County Hold Harmless Gross Receipts Tax Revenue Fund" established by Section 16 of this Ordinance into which the County shall deposit the Pledged Revenues.

"State" means the State of New Mexico.

"Tax Compliance Certificate" means the Tax Compliance Certificate to be delivered by the County at the time of issuance of the Bonds, as the same may be supplemented in accordance with its terms.

"Tax Ordinance" means County Ordinance No. 2015-3, adopted on March 24, 2015, imposing the County Hold Harmless Gross Receipt Tax.

Section 2. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Board and the officers of the County, directed toward the Project, the issuance of the Bonds for the Project and the sale of the Bonds to the Purchaser be, and the same hereby is, ratified, approved and confirmed.

Section 3. Authorization of the Project. The Project and the method of financing the Project are hereby authorized and ordered at a total cost not to exceed \$25,000,000, and the necessity thereof is hereby so declared, excluding any such cost defrayed or to be defrayed by any source other than Bond proceeds.

Section 4. Findings. The Board hereby declares that it has considered all relevant information and data and hereby makes the following findings:

A. Moneys available for the Project from all sources other than the issuance of revenue bonds are not sufficient to defray the cost of the Project.

B. The Pledged Revenues may lawfully be pledged to secure the payment of the Bonds.

C. It is economically feasible to defray, in part, the cost of the Project by the issuance of the Bonds.

D. The issuance of the Bonds pursuant to the Act to provide funds for the financing of the Project is necessary and in the interest of the public health, safety and welfare of the residents of the County.

E. The net effective interest rate on the Bonds shall not exceed the statutory maximum of twelve percent (12%).

Section 5. Bonds - Authorization and Detail.

A. Authorization. This Ordinance has been adopted by the affirmative vote of a two-thirds majority of all of the members of the Board. For the purpose of protecting the public health, safety and welfare of the residents of the County, it is hereby declared necessary that the County, pursuant to the Act, issue its negotiable, fully registered, revenue bonds to be designated "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015-²⁰¹" or as such Bonds may otherwise be entitled in Award Resolution, in an aggregate principal amount not to exceed \$25,000,000 and the issuance, sale and delivery of the Bonds are hereby authorized. The Bonds shall be sold in a competitive sale to the best bidder for the Bonds pursuant to an Official Notice of Bond Sale, the form of which shall be as approved by the County Manager or County Treasurer in consultation with the Financial Advisor and Bond Counsel to the County.

B. Details of Bonds. The Bonds shall be dated the date of their issuance and delivery to the Purchaser (herein "Series Date"), and are issuable in the denomination of \$5,000 each or any integral multiple thereof (provided that no Bond may be in a denomination which

exceeds the principal coming due on any maturity date and no individual Bond will be issued for more than one maturity). The Bonds shall be numbered consecutively from 1 upwards.

The Bonds shall bear interest from the Series Date, payable semi-annually on June 1 and December 1 each year, commencing on June 1, 2016 or on such other date as specified in the Award Resolution, until their respective maturity dates. The exact principal amounts, maturity dates, interest rates, prices, redemption features and other terms of the Bonds shall be determined by the Board and specified in the Award Resolution.

Section 6. Prior Redemption. The optional redemption features of the Bonds and mandatory sinking fund provisions, if any, shall be established in the Award Resolution.

Section 7. Filing of Signatures. Prior to the execution of any Bond, the Chairperson and County Clerk may each file, pursuant to Sections 6-9-1 to 6-9-6 NMSA 1978, as amended, with the New Mexico Secretary of State his or her manual signature certified by him or her under oath; provided that filing shall not be necessary for any officer where any previous filing may have legal application to the Bonds.

Section 8. Execution and Authentication of Bonds.

A. Execution. The Bonds shall be signed with the engraved, imprinted, stamped or otherwise reproduced facsimile of the signature, or the manual signature, of the Chairperson and shall be attested with the facsimile or manual signature of the County Clerk. There shall be affixed to each Bond the printed, engraved, stamped or otherwise placed facsimile of, or imprint of, the County's corporate seal. The Bonds shall be authenticated by the manual signature of the Registrar. The Bonds when authenticated and bearing the manual or facsimile signatures of the officers in office at the time of signing thereof shall be valid and binding special obligations of the County, notwithstanding that before delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The Chairperson and County Clerk, at the time of the execution of the Bonds and the signature certificate, each may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds or certificates pertaining to the Bonds.

B. Authentication. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication has been duly executed by the Registrar.

Section 9. Negotiability. The Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Bondholders shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code—Investment Securities. Except as set forth herein, the Bonds outstanding shall in all respects be equally and ratably secured, without preference, priority or distinction on account of the date or dates or the actual time or times of the issuance or maturity of the Bonds.

Section 10. Payment and Presentation of Bonds for Payment. Principal and interest on the Bonds shall be payable in lawful money of the United States of America, without deduction

for exchange or collection charges. Principal shall be payable in immediately available funds at maturity thereof upon presentation and surrender of such Bond at the principal office of the Paying Agent or at the designated office of any successor Paying Agent. Interest on the Bonds shall be payable by check or draft mailed to the registered owner thereof (or in such other manner as may be agreed upon by the Paying Agent and the registered owner), as shown on the registration books maintained by the Registrar at the address appearing therein on the 15th day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or provided for shall cease to be payable to the owner thereof (or of one or more predecessor Bonds) as of the Record Date, but shall be payable to the owner thereof (or of one or more predecessor Bonds) at the close of business on a special record date for the payment of that overdue interest. The special record date shall be fixed by the Paying Agent whenever moneys become available for payment of the overdue interest, and notice of the special record date shall be given to Bond owners not less than ten days prior thereto. If any Bond presented for payment remains unpaid at maturity, it shall continue to bear interest at the rate or rates designated in, and applicable to, such Bond from time to time. If any Bond is not presented for payment at maturity when funds available therefor have been deposited with the Paying Agent, it shall cease bearing interest on and from the date of maturity.

Section 11. Registration, Transfer, Exchange and Ownership of Bonds.

A. Registration, Transfer and Exchange. The County shall cause books for registration, transfer, and exchange of the Bonds as provided herein to be kept at the principal office of the Registrar. Upon surrender for transfer or exchange of any fully registered Bond at the principal office of the Registrar duly endorsed by the registered owner or his attorney duly authorized in writing, or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Registrar and duly executed, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or registered owner, as appropriate, a new Bond or Bonds in authorized denominations, in fully registered form of the same aggregate principal amount, maturity and interest rate.

B. Limitations. The Registrar shall close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

C. Owner of the Bonds. The person in whose name any Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of either the principal of or interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative as stated herein, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. Replacement Bonds. If any Bonds shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such Bond, if mutilated, and such evidence, information or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen

or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If any such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may request the Paying Agent to pay such bond in lieu of replacement.

E. Additional Bonds. Executed but unauthenticated Bonds are hereby authorized to be delivered to the Registrar in such quantities as may be convenient to be held in custody by the Registrar pending delivery as herein provided.

F. Charges. For each new Bond issued in connection with a transfer or exchange, the Registrar may make a charge to the owner of the Bond requesting such exchange or transfer sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

G. Successor Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign or is prohibited by law from continuing as Registrar or Paying Agent, or if the County shall reasonably determine that said Registrar or Paying Agent has become incapable of fulfilling its duties hereunder, the County may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. Every such successor Registrar or Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, not less than \$50,000,000. It shall not be required that the same institution serves as both Registrar and Paying Agent hereunder, but the County shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

H. Book Entry. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with a Depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the Depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership affected on the books of the Depository and its participants ("Participants"). As a condition to delivery of the Bonds in book-entry form, the Purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the Depository, registered in the name of the Depository or its nominee. Principal, premium, if any, and interest will be paid to the Depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the Depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Depository, Participants or Indirect Participants.

If (i) the Bonds are not eligible for the services of the Depository, (ii) the Depository determines to discontinue providing its services with respect to the Bonds or (iii) the

County determines that a continuation of the system of book-entry transfers through the Depository ceases to be beneficial to the County or the Beneficial Owners, the County will either identify another Depository or Bonds certificates will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the County shall mail an appropriate notice to the Depository for notification to Participants, Indirect Participants and Beneficial Owners of the substitute Depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Officers of the County are authorized to sign agreements with the Depository relating to the matters set forth in this Section.

Notwithstanding any other provision of this Ordinance, so long as all of the Bonds are registered in the name of the Depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Paying Agent, Registrar or the County to the Depository as provided in this Ordinance and by the Depository to its Participants or Indirect Participants and notices to the Beneficial Owners of the Bonds in the manner provided in an agreement or letter of the County to the Depository.

Section 12. Special Limited Obligations. All of the Bonds and all payments of principal, premium, if any, and interest thereon at maturity, together with any interest accruing thereon, shall be special limited obligations of the County and shall be payable and collectible solely from the Pledged Revenues, which revenues are so pledged and are payable as set forth in Section 18 of this Ordinance. The owner or owners of the Bonds may not look to any general or other fund for the payment of the principal of or interest on such obligations, except the designated special funds pledged therefor. The Bonds shall not constitute an indebtedness or a debt of the County within the meaning of any constitutional, charter or statutory provision or limitation, nor shall they be considered or held to be general obligations of the County, and each of the Bonds shall recite that it is payable and collectible solely out of the Pledged Revenues, pledged as set forth in this Ordinance, and that the holders thereof may not look to any general or other municipal fund for the payment of the principal of and interest on the Bonds. Nothing herein shall prevent the County from applying other funds of the County legally available therefor to the payment of the Bonds, in its sole discretion.

Section 13. Form of Bonds. The forms, terms and provisions of the Bonds shall be substantially in the form set forth below, with such changes therein as are not inconsistent with this Ordinance.

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

COUNTY OF SANTA FE

SANTA FE COUNTY, NEW MEXICO
HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS
SERIES 201520

Bond No. _____ \$ _____

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
_____% per annum	June 1, 20__	January __, <u>201620</u>	<u>80189</u> _____

PRINCIPAL AMOUNT: _____ DOLLARS

REGISTERED OWNER: CEDE & CO.

The Santa Fe County (the "County"), in the State of New Mexico (the "State"), a political subdivision duly organized and existing under the Constitution and laws of the State, for value received, promises to pay, solely from the special funds available for the purpose set forth below, to the Registered Owner stated above, or registered assigns, on the Maturity Date stated above (unless this bond may be and is called for prior redemption, in whole or in part, in which case on such redemption date), upon presentation and surrender of this bond to the County ~~Finance Director~~ Treasurer, or any successor (as such, the "Paying Agent"), the Principal Amount stated above and premium, if any, and to pay interest on the unpaid Principal Amount at the Interest Rate stated above on June 1 and December 1 of each year beginning on June 1, 201620 (each, an "Interest Payment Date") to the Maturity Date stated above, or until redeemed if called for redemption prior to maturity. If, upon presentation and surrender at maturity or for prior redemption, payment of this bond is not made, interest shall continue at the Interest Rate stated above until the Principal Amount is paid in full. This bond will bear interest from the most recent date to which interest has been paid or provided for or if no interest has been paid or provided for, from the Date of Bond stated above. Interest on this bond is payable by check or draft mailed to the registered owner hereof (or by such other arrangement as may be mutually agreed to by the Paying Agent and the registered owner) as shown on the registration books for this issue maintained by the County Treasurer -or any successor (as such, the "Registrar"), at the address appearing therein at the close of business on the fifteenth day of the calendar month next preceding the Interest Payment Date (the "Record Date"). Any interest which is not timely paid or duly provided for shall cease to be payable to the owner hereof (or of one or more predecessor Bonds, defined below) as of the Record Date, but shall be payable to the owner hereof (or of one or more predecessor Bonds) at the close of business on a special record date to be fixed by the Paying Agent for the payment of interest. Notice of the special record date shall be given to owners of Bonds as then shown on the Registrar's registration books not less than ten days prior

to the special record date. The principal of, premium, if any, and interest on this bond are payable in lawful money of the United States of America, without deduction for exchange or collection charges.

This bond is one of a duly authorized series of fully registered bonds of the County in the aggregate principal amount of \$_____ issued in denominations of \$5,000 or integral multiples thereof, designated as Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series ~~201520~~ (the "Bonds"), issued under and pursuant to County Ordinance No. 2015-__, as supplemented by County Resolution No. __ (together, the "Bond Ordinance").

The Bonds maturing on and after June 1, 20__, are subject to prior redemption at the option of the County, in one or more units of principal of \$5,000 on and after June 1, 20__, in whole or in part on any date. If the Bonds are optionally redeemed in part, the Bonds to be so redeemed shall be selected by lot by the Registrar in such manner as the Registrar shall consider appropriate and fair.

Notice of redemption shall be given by the Registrar by sending a copy of such notice by electronic means or by first-class, postage prepaid mail at least thirty (30) days prior to the redemption date to the registered owner of each Bond, or portion thereof, to be redeemed at the address shown as of the close of business of the Registrar on the fifth day prior to the mailing of notice on the registration books kept by the Registrar. Neither the County's failure to give such notice nor the Registrar's failure to give such notice to the registered owner of any Bond, or any defect therein, shall affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. Notices of redemption shall specify the maturity dates and the number or numbers of the Bonds to be redeemed (if less than all are to be redeemed) and if less than the full amount of any Bond is to be redeemed, the amount of such Bonds to be redeemed, the date fixed for redemption, and that on such redemption date there will become due and payable upon each Bond to be redeemed at the office of the Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount. Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated and if an amount of money sufficient to redeem all Bonds called for redemption shall on the redemption date be on deposit with the Paying Agent, the bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Bonds to be redeemed at the office of the Paying Agent, the Paying Agent will pay the Bond or Bonds so called for redemption with funds deposited with the Paying Agent by the County.

Books for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer or exchange of a Bond at the principal office of the Registrar, duly endorsed or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver, not more than three (3) business days after receipt of the Bond or Bonds to be transferred, in the name of the transferee or owner a new Bond or Bonds in fully registered form of the same aggregate principal amount, maturity and interest rate, bearing a number or numbers not contemporaneously outstanding.

Exchanges and transfers of Bonds shall be without charge to the owner or any transferee, but the Registrar may require the payment by the owner of any Bond of any tax or other similar governmental charge required to be paid with respect to such exchange or transfer. The Registrar will close books for change of registered owners' addresses on each Record Date; transfers will be permitted within the period from each Record Date to each Interest Payment Date, but such transfers shall not include a transfer of accrued interest payable.

The person in whose name any Bond is registered on the registration books kept by the Registrar shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of interest in the Bond Ordinance; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar will, upon receipt of such Bond, if mutilated, and such evidence, information or indemnity relating thereto as the Registrar may reasonably require, if lost, stolen or destroyed, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

This bond does not constitute an indebtedness of the County within the meaning of any constitutional or statutory provision or limitation, shall not be considered or held to be a general obligation of the County, and is payable and collectible solely out of the Pledged Revenues pursuant to the pledge made by and as defined in the Bond Ordinance. Payment of the bonds of the series of which this bond is one and the interest thereon shall be made solely from, and as security for such payment, there are pledged pursuant to the Bond Ordinance the amounts of money derived from all of the revenue attributable to the one-eighth of one percent (0.125%) county hold harmless gross receipts tax transferred to the County pursuant to Section 7-1-6.13 NMSA 1978, which county hold harmless gross receipts tax is imposed on all persons engaging in business in the County pursuant to County Ordinance No. 2015-3, adopted on March 24, 2015, and as authorized by the County Local Option Gross Receipts Tax Act, (1) which tax equals, subject to the exemptions specified in Sections 7-20E-4(A) and 7-20E-5 NMSA 1978, and the deductions referenced in Section 7-20E-7 NMSA 1978, one-eighth of one percent (0.125%) of the gross receipts of all persons engaging in business in the County for the privilege of engaging in business in the County, and (2) which amounts are collected and, after any deductions for administrative costs and any disbursements for tax credits, refunds and the payment of interest applicable to such gross receipts tax and subject to any increase or decrease pursuant to Section 7-1-6.15 NMSA 1978, are distributed monthly (together with the balance of the County's gross receipt tax) by the Revenue Division of the Taxation and Revenue Department of the State of New Mexico to the County pursuant to Section 7-1-6.13 NMSA 1978.

The registered owner may not look to any general or other fund for the payment of the principal of, interest upon, and any prior redemption premium in connection with this obligation except the special funds (i.e., the Pledged Revenues) pledged therefor. Payment of this bond and the interest thereon shall be made solely from, and as security for such payment there are pledged, pursuant to the Bond Ordinance, two special funds identified as the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015,20 Debt Service Fund" and the "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015,20 Reserve Fund" into which the County covenants to pay from the Pledged Revenues sums sufficient to pay when due the principal of and interest on the bonds of the series of which this is one and sufficient to create and maintain a reasonable and specified reserve for the payment of principal of and interest on such bonds. Reference is made to the Bond Ordinance for a description of said funds and the nature and extent of the security afforded thereby for the payment of the principal of and the interest on the bonds. The bonds are equitably and ratably secured by a lien on the Pledged Revenues, and the bonds constitute an irrevocable and first lien (but not necessarily an exclusive first lien) upon the Pledged Revenues and on a parity with the lien thereon of any Parity Obligations. Additional bonds may be issued and made payable from the Pledged Revenues, upon satisfaction of the conditions set forth in the Bond Ordinance, having a lien thereon either on a parity with, or subordinate and junior to, the lien on the Pledged Revenues of the Bonds, but additional bonds may not be issued with a lien thereon superior to the lien thereon of the Bonds.

The Bonds are issued to provide funds for the purposes of (1) the planning, designing, construction, reconstruction, rehabilitation, renovation, equipping, and furnishing of necessary County buildings and facilities, including, without limitation, County facilities located at the County Administration Building located at 102 Grant Avenue Santa Fe NM and at the Old Judicial Complex located at 100 Catron Street Santa Fe NM, and (2) paying the Expenses .

The County covenants and agrees with the owner of this bond and with each and every person who may become the owner hereof that it will keep and perform all of the covenants of the Bond Ordinance.

This bond is subject to the condition, and every owner hereof by accepting the same agrees with the obligor and every subsequent owner hereof, that the principal of and interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities, set-offs or crossclaims between the obligor and the original purchaser or any other owner hereof.

It is hereby certified that all acts and conditions necessary to be done or performed by the County or to have happened precedent to and in the issuance of the Bonds to make them legal, valid and binding special obligations of the County have been performed and have happened as required by law, and that the Bonds do not exceed or violate any constitutional or statutory limitation of or pertaining to the County.

This bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the Certificate of Authentication.

IN WITNESS WHEREOF, Santa Fe County, New Mexico, has caused this bond to be signed and executed on the County's behalf with the facsimile or manual signature of the Chairperson and the facsimile or manual signature of the County Clerk and has caused the corporate seal or a facsimile thereof of the County to be affixed hereon, all as of the Date of Bond.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Chairperson, Board of County Commissioners

By: _____
County Clerk

[Form of Registrar's Certificate of Authentication]

Certificate of Authentication

This is one of the Bonds described in the Bond Ordinance, and this bond has been registered on the registration books kept by the undersigned as Registrar for the Bonds.

Date of Authentication: _____

Santa Fe County Treasurer

By: _____
Authorized Officer

[End of Form of Registrar's Certificate of Authentication]

[Form of Assignment]

Assignment

SFC CLERK RECORDED 01/14/2016

For value received, _____ hereby sells, assigns and transfer unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books of the Registrar, with full power of substitution in the premises.

Social Security or Tax Identification No. of Assignee _____

Dated: _____

NOTE: The assignor's signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

[End of Form of Bond]

Section 14. Period of Project's Usefulness. It is hereby determined and recited that the period of usefulness of the Project financed with the proceeds of the Bonds is not less than the final maturity date of the Bonds.

Section 15. Disposition of Proceeds. Except as herein otherwise specifically provided, the proceeds derived from the sale of the Bonds, shall be used and paid solely for the valid costs of the Project.

A. Accrued Interest. Upon the sale of the Bonds, all moneys received as accrued interest shall be deposited into the Debt Service Fund to apply on the payment of interest next due on the Bonds.

B. Expenses. Upon the sale and delivery of the Bonds, an amount necessary to pay Expenses shall be used for payment of the Expenses in compliance with applicable law.

C. Acquisition Fund Deposit. Upon the sale and delivery of the Bonds, any remaining Bond proceeds after payment of Expenses shall be deposited promptly upon receipt thereof in the Acquisition Fund.

D. Purchaser Not Responsible. The Purchaser of the Bonds shall in no manner be responsible for the application or disposal by the County or by its officers of the proceeds derived from the sale thereof or of any other funds herein designated.

Section 16. Funds and Accounts. The County hereby creates the following special and separate funds, which shall be under the control of the County:

A. Revenue Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Fund", to be maintained by the County, into which the County shall deposit the Pledged Revenues.

B. Debt Service Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Debt Service Fund", as such fund may otherwise be entitled in the Award Resolution, to be maintained by the County.

C. Reserve Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Reserve Fund", as such fund may otherwise be entitled in the Award Resolution, to be maintained by the County.

D. Acquisition Fund. The "Santa Fe County, New Mexico Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015, Acquisition Fund", as such fund may otherwise be entitled in the Award Resolution, to be maintained by the County.

Section 17. Deposit of Pledged Revenues. So long as any Bonds are outstanding, the Pledged Revenues shall, immediately upon receipt thereof by the County, be set aside and deposited into the Revenue Fund. All money deposited into the Revenue Fund shall be held separate and apart from the County's general fund and applied only in accordance with the

provisions of this Ordinance and any other County ordinance authorizing the issuance of Parity Obligations.

Section 18. Administration of Pledged Revenue Fund.

A. Debt Service Fund. As a first charge on the Pledged Revenues, the following amounts shall be withdrawn from the Revenue Fund and shall be concurrently credited to the Debt Service Fund:

(1) To the Debt Service Fund, the following:

(a) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of interest on the Bonds, and monthly thereafter, commencing on each Interest Payment Date, one-sixth (1/6) of the amount necessary to pay the next maturing installment of interest on the Bonds then outstanding.

(b) Monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys therein and available therefor, to pay the first maturing installment of principal of the outstanding Bonds and monthly thereafter, commencing on each Principal Payment Date, one-twelfth (1/12) of the amount necessary to pay the next maturing installment of principal on the Bonds then outstanding.

B. Credit. In making the deposits required to be made into the Debt Service Fund, if there are any amounts then on deposit in the Debt Service Fund available for the purpose for which such deposit is to be made, the amount of the deposit to be made pursuant to paragraph A above shall be reduced by the amount available in such fund and available for such purpose.

C. Transfer of Money out of Debt Service Fund. Each payment of principal and interest becoming due on the Bonds shall be transferred from the Debt Service Fund to the Paying Agent on or before four Business Days prior to the due date of such payment.

D. Payment of Parity Obligations. Concurrently with the payment of the Pledged Revenues required by paragraphs A, E and G of this Section, any amounts on deposit in the Pledged Revenue Fund shall be used by the County for the payment of principal of, interest on and debt service reserve fund deposits relating to Parity Obligations, if any, hereafter authorized to be issued and payable from the Pledged Revenues, as applicable, as the same accrue. If funds on deposit in the Pledged Revenue Fund are not sufficient to pay when due the required payments of principal of, interest on and debt service reserve fund deposits relating to the Bonds and any outstanding Parity Obligations, then the available funds in the Pledged Revenue Fund will be used, first, on a pro rata basis, based on the amount of principal and interest then due with respect to each series of outstanding Parity Obligations, for the payment of principal of and interest on all series of outstanding Parity Obligations and, second, to the extent of remaining available funds in the Pledged Revenue Fund on a pro rata basis, based on the

amount of debt service reserve fund deposits then required with respect to each series of outstanding Parity Obligations, for the required debt service reserve fund deposits for all series of outstanding Parity Obligations.

E. Reserve Fund. Immediately upon delivery of the Bonds, a Reserve Fund Insurance Policy or a cash amount of not less than the Reserve Requirement shall be deposited into and credited to the Reserve Fund so that the Reserve Fund Requirement is accumulated upon delivery of the Bonds. Any moneys and investments thereof or, in lieu thereof, a Reserve Fund Insurance Policy deposited in the Reserve Fund are irrevocably and exclusively pledged to payment of the Bonds.(1) Thereafter, subordinate to the payments required by Subsection A of this Section, and subject to the terms of Subsection D of this Section and concurrently with and on parity with the payments required for any monthly reserve fund payments for Parity Obligations, there shall be credited monthly to the Reserve Fund, from the moneys in the Revenue Fund, such cash amount or amounts, if any, as are necessary, taking into account the amount of any Reserve Fund Insurance Policy which may then be applicable, to maintain the Reserve Fund as a continuing reserve in an amount not less than the Reserve Requirement to meet possible deficiencies in the Debt Service Fund. The moneys, if any, and the amount of any Reserve Fund Insurance Policy which hereafter may be acquired in the Reserve Fund shall be accumulated and maintained as a continuing reserve to be used, except as hereinafter provided in Subsections F and G of this Section, only to prevent deficiencies in the payment of the principal of and interest on the Bonds hereby authorized resulting from the failure to credit to the Debt Service Fund sufficient funds to pay the principal and interest as the same become due and payable. Cash amounts in the Reserve Fund which together with the amount of any Reserve Fund Insurance Policy are in excess of the Reserve Fund Requirement shall be withdrawn from the Reserve Fund and transferred to the Debt Service Fund.

(2) The County may at any time substitute (i) one or more Reserve Fund Insurance Policies for cash or investments therein or (ii) cash or investments thereof for a Reserve Fund Insurance Policy, so long as the amount on deposit in the Reserve Fund after such substitution is at least equal to the Reserve Requirement. In the event the County shall substitute a Reserve Fund Insurance Policy for cash or investments in the Reserve Fund, the amount on deposit in the Reserve Fund shall be that amount available to be drawn or otherwise paid pursuant to such policy at the time of calculation and such cash or investments so withdrawn may be used by the County for any legal purpose.

(3) The Reserve Fund Insurance Policy, if acquired by the County, shall be held by the Paying Agent. In the event of a draw upon any Reserve Fund Insurance Policy, the Paying Agent shall deliver a demand for payment in substantially the form required by the Bond Insurer to be delivered to (and to be received by) the Bond Insurer not later than the business day prior to the business day on which the funds are required. In the event there is cash in the Reserve Fund at the time of a draw from any Reserve Fund Insurance Policy, such cash (including any investments) shall be drawn down completely before any demand is made on any Reserve Fund Insurance Policy. If the Reserve Fund contains any Reserve Fund Insurance Policy from more than one provider, any draw shall be on a pro-rata basis from both. After such a draw, any available moneys in the Revenue Fund, concurrently and on parity with the payments in subparagraph (1) of this Subsection E and the payments required to replenish the reserve fund for any additional Parity Obligations, shall be used first to reimburse each such

issuer of any Reserve Fund Insurance Policy for such payment of principal of and interest on the Bonds pursuant to the terms of the any agreement relating to such Reserve Fund Insurance Policy so as to reinstate each Reserve Fund Insurance Policy and thereafter to replenish any cash in the Reserve Fund.

F. Termination Upon Deposits to Maturity. No payment need be made into the Debt Service Fund, the Reserve Fund, or both, if the amount in such funds (excluding the amount of any Reserve Fund Insurance Policy) totals a sum at least equal to the entire amount of Bonds then outstanding, both as to principal and interest to their respective maturities, and both accrued and unaccrued, in which case, moneys in the Debt Service Fund and Reserve Fund in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue and any moneys in excess thereof in the Debt Service Fund and Reserve Fund and any other moneys derived from the Pledged Revenues may be used in any lawful manner determined by the County.

G. Defraying Delinquencies in Debt Service Fund and Reserve Fund. If, in any month the County shall, for any reason fail to pay into the Debt Service Fund the full amount above stipulated from the Pledged Revenues then an amount shall be paid into the Debt Service Fund in such month from the moneys, if any, in the Reserve Fund (including the amount of any Reserve Fund Insurance Policy except that there shall be no draw on any Reserve Fund Insurance Policy except immediately prior to an interest or principal payment date) equal to the difference between the amount paid from Pledged Revenues and the full amount so stipulated. Moneys used in that manner shall be replaced in the Reserve Fund and any Reserve Fund Insurance Policy Issuer shall be reimbursed for any draw as provided in Subsection E(3) of this Section from the first revenues thereafter received from Pledged Revenues not required to be otherwise applied. If the County shall, for any reason, fail to pay into the Reserve Fund the full amount above stipulated from the Pledged Revenues (or to reinstate the Reserve Fund Insurance Policy as provided in Subsection E(3) of this Section), the difference between the amount paid and the amount so stipulated shall in like manner be paid into the Reserve Fund from the first revenues thereafter received from Pledged Revenues not required to be otherwise applied. The moneys in the Debt Service Fund and the Reserve Fund (including the amount represented by the Reserve Fund Insurance Policy) shall be used solely and only for the purpose of paying the principal of and the interest on the Bonds issued hereunder; provided, however, that any moneys in the Debt Service Fund and the Reserve Fund (excluding the amount represented by any Reserve Fund Insurance Policy) in excess of accrued and unaccrued principal and interest requirements to the maturities of the outstanding Bonds may be withdrawn and used for any lawful purpose.

H. Interest on and Expenses relating to any Reserve Fund Insurance Policy Draws. Subordinate and subsequent to the payments required by Subsection A, and subject to the terms of Subsections D and E of this Section, Pledged Revenues shall be used to pay interest on amounts advanced under any Reserve Insurance Policy and reasonable expenses relating thereto under, and in accordance with, any agreement relating to any Reserve Fund Insurance Policy.

I. Use of Surplus Pledged Revenues. After making all the payments hereinabove required to be made by this Section, the remaining Pledged Revenues, if any, may be applied to any other lawful purpose, as the County may from time to time determine.

Section 19. General Administration of Funds. The funds designated in Section 16 shall be administered and invested as follows:

A. Places and Times of Deposits. The funds shall be separately maintained as a trust fund or funds for the purposes established and shall be deposited in one or more bank accounts in an Insured Bank or Bank. Each account shall be continuously secured to the extent required by law and shall be irrevocable and not withdrawable by anyone for any purpose other than the designated purpose. Payments shall be made into the proper account on the first day of the month except when the first day shall not be a Business Day, then payment shall be made on the next succeeding Business Day. No later than four Business Days prior to each Interest Payment Date, moneys sufficient to pay interest and principal then due on the Bonds shall be transferred to the Paying Agent. Nothing in this Ordinance shall prevent the County from establishing one or more bank accounts in an Insured Bank or Banks for all the funds required by this Ordinance or shall prevent the combination of such funds and accounts with any other bank account or accounts for other funds and accounts of the County.

B. Investment of Moneys. Moneys in any fund or account not immediately needed may be invested in any investment permitted by law. Investments of amounts in the Reserve Fund shall have maturities not exceeding five years from their date of acquisition and their value shall be determined annually at the end of each Fiscal Year or more frequently if required by accounting standards applicable to the County. The obligations so purchased as an investment of moneys in any fund or account shall be deemed to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting from such investment shall be charged to such fund or account. The County Treasurer shall present for redemption or sale on the prevailing market any obligations so purchased as an investment of moneys in the fund or account whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such fund.

Section 20. Lien on Pledged Revenues. The Pledged Revenues and the amounts and securities on deposit in the Debt Service Fund, and the proceeds thereof, are hereby authorized to be pledged to, and are hereby pledged, and the County grants a security interest therein for, the payment of the principal of, premium, if any, and interest on the Bonds, subject to the uses thereof permitted by, and the priorities set forth in, this Ordinance. The Bonds constitute an irrevocable first lien, but not necessarily an exclusive first lien, on the Pledged Revenues on parity with the lien thereon of Parity Obligations.

Section 21. Additional Bonds Payable from Pledged Revenues.

A. Parity Bonds Test. This Ordinance shall not prevent the issuance of additional Parity Obligations payable from and constituting a lien upon the Pledged Revenues on parity with the lien of the Bonds. Before any additional Parity Obligations are actually issued, it must be determined that:

(1) The County is then current in the accumulation of all amounts which are required to have then been accumulated in the Debt Service Fund as required by Section 18 of this Ordinance; and

(2) The requirements of either of the following subparagraphs (a) or (b) of this Section are met and a certificate or opinion as provided for in paragraph B of this Section has been obtained:

(a) The annual Pledged Revenues for the Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of any Parity Bonds shall have been sufficient to pay an amount representing at least one hundred twenty-five percent (125%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor; or

(b) If, during the period beginning on the first day of the completed Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of the Parity Obligations proposed to be issued and ending on the date of such ordinance, a change in the rate of Pledged Revenues has been adopted by law, the estimate of the Pledged Revenues (sometimes herein the "Estimated Revenues"), determined by changing the actual Pledged Revenues for the preceding Fiscal Year by the percentage of rate increase or decrease in the gross receipts tax rate, shall have been sufficient to pay an amount representing at least one hundred twenty-five percent (125%) of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Obligations payable from and constituting a lien upon the Pledged Revenues, and (3) the Parity Obligations proposed to be issued, excluding reserves therefor. The preceding Fiscal Year shall be determined as aforesaid from the date of adoption of the ordinance authorizing the issuance of additional Parity Obligations and shall not be determined from the date of publication of such ordinance or adoption of any ordinance which amends or supplements such ordinance.

B. Certification or Opinion Regarding Revenues. A written certificate or opinion by an Independent Accountant or the County Treasurer that the Pledged Revenues or the Estimated Revenues, when determined as provided in Paragraph A of this Section, are sufficient to pay the required amounts under the applicable test in Paragraph A of this Section, shall conclusively determine the right of the County to issue additional Parity Obligations. The Independent Accountant or the County Treasurer may utilize the results of any annual audit to the extent it covers the applicable period.

C. Subordinate Obligations Permitted. Nothing in this Ordinance shall prevent the County from issuing bonds or other obligations payable from the Pledged Revenues and having a lien on the Pledged Revenues subordinate to the lien of the Bonds.

D. Superior Obligations Prohibited. The County shall not issue any obligation having a lien on the Pledged Revenues which is prior and superior to the Bonds.

Section 22. Refunding Bonds. The provisions of Section 21 of this Ordinance are subject to the following exceptions:

A. Privilege of Issuing Refunding Obligations. If at any time the County shall find it desirable to refund any Parity Obligations or other outstanding obligations constituting a lien upon the Pledged Revenues, the Bonds or other Obligations, or any part thereof, may be refunded, but only with the consent of the holders, unless the obligations shall then mature or be callable for redemption, or the plan of refunding calls for payment of the obligations at maturity or at a redemption date, regardless of whether the lien priority is changed by the refunding, except as provided in Paragraphs B and C of this Section.

B. Limitation Upon Issuance of Parity Refunding Obligations. No refunding obligations shall be issued with a lien on the Pledged Revenues on parity with the lien of the Bonds, unless:

(1) The lien on the Pledged Revenues of the outstanding obligations so refunded is on a parity with the lien on the Pledged Revenues of the Bonds; or

(2) The refunding obligations are issued in compliance with Paragraph B of Section 21 of this Ordinance.

C. Refunding Part of an Issue. The refunding bonds or other refunding obligations issued shall enjoy complete equality of lien with the portion of any bonds or other obligations of the same issue which is not refunded, if any; and the holder or holders of such refunding bonds or other refunding obligations shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the same issue refunded thereby. If only a part of any issue or issues is refunded, then there may be no refunding without the consent of the holders of the unrefunded portion of such obligations, unless:

(1) The refunding obligations do not increase the aggregate principal and interest requirements for any Fiscal Year commencing prior to the last maturity date of such unrefunded obligations; or

(2) The refunding bonds or other refunding obligations are issued in compliance with Paragraph A of Section 21 of this Ordinance.

D. Limitation Upon Issuance of any Refunding Obligations. Any refunding obligations payable from Pledged Revenues shall be issued with such details as the County may by ordinance provide, subject to the inclusion of any such rights and privileges designated in Paragraph C of this Section but without impairing any contractual obligation imposed by any proceedings authorizing any unrefunded portion of any issue or issues, including the Bonds.

Section 23. Equality of Parity Bonds. The Parity Bonds, for any source of the Pledged Revenues, from time to time outstanding shall not be entitled to any priority one over the other in the application of the Pledged Revenues, as applicable, regardless of the time or times of their

issuance or the date incurred, it being the intention of the Board that, except as set forth herein, there shall be no priority among Parity Bonds regardless of whether they are actually issued and delivered or incurred at different times.

Section 24. Protective Covenants. The County hereby covenants and agrees with each and every holder of the Bonds issued hereunder:

A. Use of Bond Proceeds. The County will proceed without delay to apply the proceeds of the Bonds as set forth in Section 15 of this Ordinance.

B. Payment of Bonds Herein Authorized. The County will promptly pay the principal of and the interest on every Bond at the place, on the date and in the manner specified herein and in the Bonds according to the true intent and meaning hereof.

C. County's Existence. The County will maintain its corporate identity and existence so long as any of the Bonds remain outstanding, unless another political subdivision by operation of law succeeds to the liabilities and rights of the County, without adversely affecting to any material degree the privileges and rights of any owner of the Bonds.

D. Extension of Interest Payments. In order to prevent any accumulation of claims for interest after maturity, the County will not directly or indirectly extend or assent to the extension of time for the payment of any claim for interest on any of the Bonds, and the County will not directly or indirectly be a party to or approve any arrangements for any such extension. If the time for payment of any such interest shall be extended, such installment or installments of interest, after such extension or arrangement, shall not be entitled in case of default hereunder to the benefit or security hereof, except subject to the prior payment in full of the principal of all Bonds hereunder and then outstanding and of the matured interest on such Bonds, the payment of which has not been extended.

E. Records. So long as any of the Bonds remain outstanding, proper books of record and account will be kept by the County separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues.

F. Audits and Budgets. The County will, within two hundred and seventy (270) days following the close of each Fiscal Year, cause an audit of its books and accounts relating to the Pledged Revenues to be commenced by an Independent Accountant showing the receipts and disbursements in connection with such revenues. The County agrees to furnish forthwith a copy of each of such audits and reports to the Purchaser and the holder of any of the Bonds at its written request.

G. Other Liens. Other than as described and identified by this Ordinance, there are no liens or encumbrances of any nature whatsoever on or against the Pledged Revenues. This Ordinance does not prohibit the issuance of Parity Obligations with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds consistent with the requirements herein.

H. Duty to Impose Hold Harmless County Gross Receipts Tax. If State law or any County ordinance or part thereof, which in any manner affects the Pledged Revenues shall ever be held to be invalid or unenforceable, it shall be the duty of the County to take any legally permissible action necessary to produce sufficient Pledged Revenues to comply with the contracted obligations of this Ordinance, except as is provided in Paragraph I of this Section.

I. Impairment of Contract. The County agrees that any law, ordinance or resolution of the County that in any manner affects the Pledged Revenues or the Bonds shall not be repealed or otherwise directly or indirectly modified, in such a manner as to impair adversely any Bonds outstanding, unless such Bonds have been discharged in full or provision has been fully made therefor or unless the required consents of the holders of the then outstanding Bonds are obtained pursuant to Section 30 of this Ordinance.

J. Debt Service Fund and Reserve Fund. The Debt Service Fund and Reserve Fund shall be used solely and only, and those funds are hereby pledged, for the purposes set forth in this Ordinance.

K. Surety Bonds. Each County official and employee being responsible for receiving Pledged Revenues shall be bonded at all times, which bond shall be conditioned upon the proper application of Pledged Revenues.

L. Performing Duties. The County will faithfully and punctually perform all duties with respect to the Bonds required by the Constitution and laws of the State of New Mexico and the ordinances and resolutions of the County relating to the Bonds.

M. Tax Covenants. The County covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The Chairperson and other officers of the County having responsibility for the issuance of the Bonds shall give an appropriate certificate of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The County covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, if required, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Chairperson and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, if any, as may be required or appropriate to assure such exclusion of that interest.

N. Rebate Fund. In furtherance of the covenants set forth in the preceding paragraph, the County hereby establishes a fund separate from any other funds established and maintained hereunder designated as the Rebate Fund. Money and investments in the Rebate Fund shall not be used for the payment of the Bonds and amounts credited to the Rebate Fund shall be free and clear under any pledge under this Ordinance. Money in the Rebate Fund shall be invested pursuant to the procedures in the manner provided in Section 19(B) for investment of money, and all amounts on deposit in the Rebate Fund shall be held by the County, or a designated trustee, in trust, to the extent required to pay rebatable arbitrage to the United States of America. The County shall unconditionally be entitled to accept and rely upon the recommendation, advice, calculation and opinion of an accounting firm or other person or firm with knowledge of or experience in advising with respect to the provisions of the Code relating to rebatable arbitrage. The County shall remit all rebate installments and the final rebate payment to the United States of America as required by the provisions of the Code. Any moneys remaining in the Rebate Fund after redemption and payment of all the Bonds and payment and satisfaction of any rebatable arbitrage shall be withdrawn and remitted to the County.

O. Continuing Disclosure Obligations. The officers of the County are authorized to sign such documents and to take such actions in the future with respect to the County's continuing disclosure obligations as are necessary or desirable to comply with the Continuing Disclosure Undertaking and the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended. Notwithstanding any other provisions of this Ordinance, failure of the County to comply with the Continuing Disclosure Undertaking shall not be considered an "event of default" under Section 25 hereof, and holders and beneficial owners of Bonds shall be entitled to exercise only such rights with respect thereto as are provided in the Continuing Disclosure Undertaking.

Section 25. Events of Default. Each of the following events is hereby declared an "event of default":

A. Nonpayment of Principal. Failure to pay the principal of any of the Bonds when the same becomes due and payable, either at maturity or otherwise.

B. Nonpayment of Interest. Failure to pay any installment of interest when the same becomes due and payable.

C. Default of any Provision. Default by the County in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the Bonds or in this Ordinance on its part to be performed, and the continuance of such default (other than a default set forth in subparagraphs A and B of this Section) for sixty (60) days after written notice specifying such default and requiring the same to be remedied has been given to the County by the holders of twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding.

D. Bankruptcy. The County (i) files a petition or application seeking reorganization, arrangement under Federal bankruptcy law, or other debtor relief under the laws

of any jurisdiction, or (ii) is the subject of such petition or application which the County does not contest or is not dismissed or discharged with sixty (60) days.

Section 26. Remedies Upon Default. Upon the happening and continuance of any of the events of default as provided in Section 25 of this Ordinance, then in every case the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, including, but not limited to, a trustee or trustees therefor, may proceed against the County, the Board and its agents, officers and employees to protect and enforce the rights of any holder of Bonds under this Ordinance by mandamus or other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein or in an award relating to the execution of any power herein granted for the enforcement of any legal or equitable remedy as such holder or holders may deem most effectual to protect and enforce the rights provided above, or to enjoin any act or thing which may be unlawful or in violation of any right of any Bondholder, or to require the Board to act as if it were the trustee of an express trust, or any combination of such remedies. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of the Bonds then outstanding. The failure of any Bondholder so to proceed shall not relieve the County or any of its officers, agents or employees of any liability for failure to perform any duty. Each right or privilege of such holder (or trustee thereof) is in addition and cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any holder shall not be deemed a waiver of any other right or privilege.

Section 27. Duties Upon Default. Upon the happening of any of the events of default provided in Section 25 of this Ordinance, the County, in addition, will do and perform all proper acts on behalf of and for the owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on the Bonds promptly as the same become due. All proceeds derived therefrom, so long as any of the Bonds, either as to principal or interest, are outstanding and unpaid, shall be applied as set forth in Section 18 of this Ordinance. In the event the County fails or refuses to proceed as provided in this Section, the holder or holders of not less than twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, after demand in writing, may proceed to protect and enforce the rights of the owners of the Bonds as hereinabove provided.

Section 28. Bonds Not Presented When Due. If any Bonds shall not be duly presented for payment when due at maturity, and if moneys sufficient to pay such Bonds are on deposit with the Paying Agent for the benefit of the owners of such Bonds, all liability of the County to such owners for the payments of such Bonds shall be completely discharged, such Bonds shall not be deemed to be outstanding and it shall be the duty of the Paying Agent to segregate and to hold such moneys in trust, without liability for interest thereon, for the benefit of the owners of such Bonds as may be provided in any agreement hereafter entered into between the Paying Agent and an officer of the County.

Section 29. Approval of Documents; Delegated Powers. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the

foregoing, the publication of the summary of this Ordinance set out in Section 38 (with such changes, additions and deletions as they may determine). The Chairperson is authorized and directed to execute and the County Clerk is authorized and directed to affix the seal of the County to and attest, where applicable, the Related Documents and the final Official Statement, in substantially the form as hereby approved or with such changes therein as are not inconsistent with this Ordinance and as shall be approved by the Chairperson, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions thereof from the form presented to the Board. From and after adoption of this Ordinance and the execution and delivery of the Related Documents and the final Official Statement, the officers, agents and employees of the County are hereby authorized, empowered and directed to do all such acts and to execute all such documents as may be necessary to carry out and comply with the provisions of the Related Documents and the final Official Statement as executed.

Section 30. Amendment of Ordinance. This Ordinance may be amended without the consent of the holder of any Bond to cure any ambiguity or to cure, correct or supplement any defect or inconsistent provision contained herein. Prior to the date of the initial delivery of the Bonds to the Purchaser, the provisions of this Ordinance may be supplemented with the written consent of the Purchaser with respect to any changes which are not inconsistent with the substantive provisions of this Ordinance. Except as provided above, this Ordinance may be amended without receipt by the County of any additional consideration, but with the written consent of the holders of three-fourths (3/4ths) of the Bonds then outstanding (not including Bonds which may be held for the account of the County); but no ordinance adopted without the written consent of the holders of all outstanding Bonds shall have the effect of permitting:

- A. An extension of the maturity of any Bond; or
- B. A reduction of the principal amount or interest rate of any Bond; or
- C. A reduction of the principal amount of Bonds required for consent to such amendatory ordinance; or
- E. The establishment of priorities as between Bonds issued and outstanding under the provisions of this Ordinance; or
- F. The modification of or otherwise affecting the rights of the holders of less than all the outstanding Bonds.

Section 31. Defeasance. When all principal and interest in connection with the Bonds hereby authorized have been duly paid, the pledge and lien for the payment of the Bonds shall thereby be discharged and the Bonds shall no longer be deemed to be outstanding within the meaning of this Ordinance. Payment shall be deemed made with respect to any Bond or Bonds when the County has placed in escrow with a commercial bank exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities) to meet all requirements of principal and interest as the same become due to their final maturities. Any Federal Securities shall become due when needed in accordance with a schedule agreed upon between the County and such bank at the time of the creation of the escrow.

Section 32. Preparation of Preliminary Official Statement and Official Notice of Bond Sale. The County Manager and County Treasurer are hereby authorized to coordinate with the County's bond counsel and financial advisor in the preparation of the Preliminary Official Statement and the Official Notice of Bond Sale.

Section 33. Bond Insurance Provisions. If applicable, the Bond Insurer's provisions relating to the Bond Insurance Policy and the Reserve Insurance Policy shall be as set forth in the Award Resolution, which requirements and procedures set forth therein shall control and supersede any conflicting or inconsistent provision in this Bond Ordinance. Any and all financial obligations of the County described in this Section 33 are limited to available Pledged Revenues.

Section 34. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall be fully paid, canceled and discharged, as herein provided, or there has been defeasance as herein provided.

Section 35. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 36. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 37. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of ordinances of the County kept for that purpose, authenticated by the signatures of the Chairperson and County Clerk, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 38 below) shall be published in a newspaper which maintains an office and is of general circulation in the County, or posted in accordance with law, and said Ordinance shall be in full force and effect thirty days after recording.

Section 38. Limitation of Action Period. After the passage of the thirty (30) days from the publication required by Section 39 hereof, any action attacking the validity of any proceedings had or taken by the County preliminary to and in the authorization and issuance of the Bonds shall be perpetually barred.

Section 39. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

[Form of Summary of Ordinance for Publication]

Santa Fe County, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in County Ordinance No. 2015-___, duly adopted and approved by the Board of County Commissioners of Santa Fe County, New Mexico, on December 8, 2015, relating to the authorization and issuance of the County's Hold Harmless Gross Receipts Tax Revenue Bonds, Series 2015. Complete copies of the Ordinance are available for public inspection during the normal and regular business hours of the County Clerk, 102 Grant Avenue, Santa Fe, New Mexico.

The title of the Ordinance is:

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE SANTA FE COUNTY, NEW MEXICO HOLD HARMLESS GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2015, IN AN AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000 FOR PURPOSES OF DEFRAYING THE COSTS OF PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, RENOVATING, REHABILITATING, EQUIPPING, AND FURNISHING NECESSARY COUNTY BUILDINGS AND FACILITIES, INCLUDING, WITHOUT LIMITATION, COUNTY FACILITIES LOCATED AT THE COUNTY ADMINISTRATION BUILDING AND AT THE OLD JUDICIAL COMPLEX, AND TO PAY COSTS OF ISSUANCE OF THE BONDS; ~~APPROVING THE PROVIDING FOR THE APPROVAL OF THE EXACT~~ PRINCIPAL AMOUNTS, MATURITIES, PRICES, REDEMPTION FEATURES, AND OTHER DETAILS OF THE BONDS; ~~RATIFYING IN AN AWARD RESOLUTION; APPROVING~~ THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; PROVIDING THAT THE BONDS SHALL BE SPECIAL, LIMITED OBLIGATIONS, AND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS FROM THE REVENUES OF THE HOLD HARMLESS GROSS RECEIPTS TAX WHICH ARE DISTRIBUTED TO THE COUNTY BY THE NEW MEXICO TAXATION AND REVENUE DEPARTMENT PURSUANT TO SECTION 7-1-6.13 NMSA 1978; PROVIDING FOR THE PLEDGE OF SUCH REVENUES BY THE COUNTY; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

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The title sets forth a general summary of the subject matter contained in the Ordinance.
This notice constitutes compliance with Section 6-14-6 NMSA 1978.

[End of Form of Summary for Publication]

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

PASSED, APPROVED AND ADOPTED THIS 8TH DAY OF DECEMBER, 2015.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Chairperson, Board of County Commissioners

ATTEST:

By: _____
County Clerk

Commissioner _____ moved adoption of the foregoing ordinance, duly seconded by Commissioner _____.

The motion to adopt said ordinance, as amended, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye:

Those Voting Nay:

Those Absent:

____ (___) Commissioners having voted in favor of said motion, the Chairperson declared said motion carried and said ordinance adopted, whereupon the Chairperson and County Clerk signed the ordinance upon the records of the minutes of the Board.

After consideration of the matters not relating to the ordinance, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
Robert A. Anaya, Chairperson
Board of County Commissioners

ATTEST:

By: _____
Geraldine Salazar, County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.
as Bond Counsel to Santa Fe County

By: _____
Peter Franklin, Shareholder

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STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

I, Geraldine Salazar, the duly elected, qualified, and acting County Clerk of Santa Fe County, New Mexico (the "County"), do hereby certify:

1. The foregoing pages are a true, perfect, and complete copy of the record of the proceedings of the Board of County Commissioners of Santa Fe County, New Mexico (the "Board"), constituting the governing board of the County, had and taken at a duly called regular, open meeting held in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on the 8th day of December, 2015, at the hour of 2:00 p.m. insofar as the same relate to the proposed bond issue, a copy of which is set forth in the official records of the proceedings of the County kept in my office.

2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of said meeting was given in accordance with the open meetings standards of the Board presently in effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of December, 2015.

SANTA FE COUNTY, NEW MEXICO

[SEAL]

By: _____
County Clerk

**SANTA FE COUNTY
GROWTH MANAGEMENT DEPARTMENT
DEVELOPMENT REVIEW FEES**

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Permits		
<u>Agricultural, Grazing and Ranching</u>		
<u>Accessory Structures where the principal use is Agriculture, Grazing or Ranching</u>	<u>No Fee</u>	
Development Permit		
Residential*, <u>residential accessory Structures over 400 600 sq. ft.* & Agricultural Uses & Community Service Facilities</u>	\$200	Valuation Fee
Development Permit		
Residential Accessory Structures of <u>400 600 sq. ft. or Less* & Agricultural Non-Habitable</u>	\$25	
<u>Residential Accessory Structures that are 120 sq. ft. or less and used only for storage</u>	<u>No permit or fee required</u>	
<u>Residential additions with a valuation of less than \$10,000*</u>	<u>\$50</u>	
<u>* Seniors over 62 years of age and Veterans will receive a 25% reduction in fees for residential permits, with a valuation for new construction of \$150,000 or less or a remodel valuation of \$75,000 or less. (A reduced fee shall be available only to an applicant of a residential development permit who owns and/or resides on the residential property requiring a fee.)</u>		
Project Valuation		
\$0 - \$25,000		\$75
\$25,001 - \$50,000		\$150
\$50,001 - \$100,000		\$350
\$100,001 - \$200,000		\$550
\$200,001 - \$250,000		\$950
\$250,001 - \$300,000		\$1,150
Each Additional \$100,000 in construction value or part thereof:		\$500
Development Permit		
Non-Residential, Mixed Use & Multi Family	\$700	Valuation Fee
Project Valuation		
\$0 - \$999		\$175
\$1,000-\$4,999		\$600
\$5,000-\$49,999		\$1,100
\$50,000-\$149,999		\$1,500
\$150,000-\$499,999		\$2,500
\$500,00-\$749,999		\$3,500
\$750,000-\$999,999		\$5,000
\$1,000,000-\$1,999,999		\$7,000
\$2,000,000 and above		\$10,000 for first \$2 Million
Each Additional \$1,000,000 in construction value or part thereof:		\$1,000 (\$20,000 max)

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Conditional Use Permit	\$1,000	
Medium Impact Home Occupation	\$500	
Site Development Plan for Permitted Uses	\$200	
Sign Permit	\$245	
Burial Permit (For Human Burial)	\$150	
Film Permit		
Small Scale Production	\$25	\$10 per day
Major Production	\$500	\$10 per day
Episodic Television Production	\$100	\$70 per week
Demolition Permit	\$100	
Demolition Permit Due to Natural Disaster	\$15	
Blasting Permit	\$1,000	
Grading & Clearing Permit-Single Family Residential or Community Service Facility (Not Required if part of a Development Permit)	\$100	
Grading & Clearing Permit-Subdivision/ Non-Residential/Mixed Use/Multi Family	\$750	
Road or Driveway Cut Permit	\$200	
PV Solar-Private Residential	\$100	
Temporary Use Permit	\$125	
Itinerate Vendor Permit	\$150	
After the Fact Permit	2X the base permit fee	

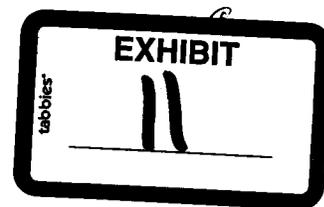
Subdivisions and Other Plat Reviews		
Minor Subdivision	\$350	\$25 per lot
Major Subdivision	\$1000 Prelim \$500 Final	\$100 per lot \$50 per lot
Exempt Land Divisions & Other Plat Reviews	\$200	
Plat for creation of a TDR sending area	\$25	
Non-Residential/Mixed Use Subdivision	\$1,000 Prelim/\$1,500 Final	\$100 per lot
Vacation of Plat or Easement	\$300	
Plat Amendment/Replat	\$300	
Boundary Survey	\$250	
Time Extension	\$300	
Zoning/Re-Zoning/Text Amendments		
Planned Development District	\$3,000	\$10 per acre
Zoning Map Amendment	\$3,000	
Overlay Zone	\$200	
SLDC Text Amendment	\$3,000	
Zoning Statement or Residential Condominium Confirmation Statement (No charge for confirmation of Zoning District)	\$150	

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Conceptual Site Development Plan	\$3,000	
Supplemental Uses/Other		
Home Occupation/Registration:		
No Impact	\$50	
Low Impact	\$100	
Wind Energy Facilities		
Large Scale	\$1,500	
Single Parcel Use	\$100	
Wireless Communication Facilities		
Substantial Modification/ New Facilities	\$3,000	
Non-Substantial Modification, Roof/Surface Mounted, or Stealth Amateur Radio Antennae	\$1,000 \$100	
Sexually Oriented Businesses	Initial - \$5,000/Renewal - \$1,500	
Beneficial Use		
Determination	\$500	
Development of County Wide Impact		
Overlay District	\$7,500	
Conditional Use Permit	\$3,000	
Inspection	\$250	
Business Registration (When Site DP not req'd)	\$225	
Swimming Pool	\$545	
Utility Authorization		
Residential/Agricultural/ Community Service Facility (Not req'd if part of a Development Permit)	\$200	
Non-Residential/Mixed Use Multi Family (Not req'd if part of a Development Permit)	\$300	
Well Only	\$100	
Franchise Review /Expansion/ Renewal	\$600	
Inspections during construction (incl. SWPP and grading)/Final Inspections for release of Financial Guarantee	\$250 Per Inspection	
Courtesy Inspection (Will be credited at time of Development Permit)	\$100	
Floodplain Determination Letter (No Application Fee Required)	\$50	
Variance	\$300	
Appeal	\$200	
Review of Special Reports (ie. Traffic Impact Analysis, Geohydrologic Report)	\$500	
Liquor License Transfer	\$220	

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
3rd Party Reviews		
County Reviewed SRAs (TIA, APFSA, WSAR, FIA, EIR)	Full Cost of Review by Outside Consultant In An Amount Not To Exceed \$10,000	
Specialized Review if Needed	Full Cost of Review by Outside Consultant In An Amount Not To Exceed \$10,000	

* See Section 6.2 of the SLDC

SLDC Addendum Comments



The following comments are in addition to the December 8, 2015 BCC Packet Material:

A.1 Ross Lockridge and RCA Comments

A.2 Roger Taylor

A.3 Susan Selbin

A.4 Thor Sigstedt

A.5 Karen Yank and RCA Comments

A.6 Craig Eaves, movie ranch definition letter and San Marcos zoning letter

A.7 Devin Bent

A.8 Patricia Brown

A.9 Walt Wait email and San Marcos Letter

A.10 Steven Davis

A.11 Donna Smith email and letter

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

From: [Ross Lockridge](#)
To: [Robert A. Anaya](#); [Liz Stefanics](#); [Kathy S. Holian](#); [Miguel Chavez](#); [Henry P. Roybal](#)
Cc: [Penny Ellis-Green](#); [Robert Griego](#); [Chris Graeser](#); [karen yank](#); [Senior.Diane](#); [Kim Sorvig](#); [dvandoren@unicommconsulting.com](#) Doren; [Roger Taylor](#); [Walter Wait](#); [William Mee](#)
Subject: SLDC Input for Section 10.19. Proposed Amendment
Date: Friday, December 04, 2015 6:42:26 AM
Attachments: [10.19 RCA comments.docx](#)
[ATT00001.htm](#)
[10.19 RCA comments.pdf](#)
[ATT00002.htm](#)

Dear Commissioners and Staff,

Re: RCA input on Section 10.19. Small Scale Sand and Gravel Extraction; proposed amendment by our attorney, Chris Graeser.

Yesterday we submitted a critique by Mr. Graeser of this referenced section. That document contains his thoughts, comments, rationales for what we are now forwarding from him: the promised proposed amendment that addresses our largest concerns.

Best regards,

Ross Lockridge, for the Rural Conservation Alliance
C/o POB 245
Cerrillos, NM 87010
Encl. proposed amendment by Chris Graeser of Graeser & McQueen, Attorneys at Law

10.19. SMALL SCALE SAND AND GRAVEL EXTRACTION

10.19.1. Applicability. This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials that ~~affects-disturbs~~ less than 10 acres of land and extracts less than 20,000 tons of construction material and does not use blasting. Such activity ~~shall may~~ be allowed where permitted by the Use Table, Exhibit B, subject to approval of a conditional use permit (§ 4.9.6.) and the additional requirements of this section. If the extraction activity requires blasting, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11. If mineral extraction activity will disturb a total of 10 acres or more of land and extract a total of 20,000 tons or more of construction materials, including prior mineral extraction activity on the site, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11.

10.19.2. Related Uses. ~~Related o~~Office and material processing uses related to mineral extraction activity may be permitted at ~~the sand and gravel~~mineral extraction sites where approved as part of the conditional use permit and constructed and operated in compliance with the SLDC and so long as the use is consistent with other uses in the vicinity.

10.19.3. Application. In addition to the submittal requirements for a conditional use permit (§4.9.6.), including any studies, reports and assessments required by Table 6-1, an application for approval of a ~~small-scale sand and gravel~~mineral extraction ~~facility~~ operation shall include the following:

10.19.3.1. Operations Plan. An operations plan for the ~~facility~~mineral extraction activity consisting of the following:

1. Maps, plans, graphics, descriptions, timetables, and reports ~~which correlate and~~ specifying:

- a. a detailed description of the method(s) or technique(s) to be employed in each stage of the ~~operation~~mineral extraction activity where any surface disturbance will occur;
 - b. the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - c. pursuant to the standards of §7.17 (Terrain Management), a description of all earthmoving activities, including backfilling of cuts and leveling or compaction of overburden;
 - d. if applicable, the location and size of all water diversions and impoundments or discharge of water used in mineral extraction ~~operations~~activities;
 - 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.
- J. an estimate of the amount of water to be used and a description of the source of that water.
- k. impacts to properties and other uses in the vicinity.

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 mineral extraction activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.

8. A description of the projected noise to be generated and an explanation of how the operator will comply with the requirements of §7.21.4 (Noise).

9. A statement concerning compliance, as applicable, with regulations of the Federal Aviation Administration (FAA).

10.19.3.2 Operational Standards and Requirements.

1. State Permits. All ~~small scale sand and gravel~~mineral extraction operations shall submit all required federal and state permits, including FEMA and/or Army Corps of Engineers permits, with the conditional use permit application.

2. Hours of Operation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday.

3. Water Supply. Extraction of water from and filling of a reservoir shall not infringe on a downstream appropriator's rights. Potable water shall not be used for dust control.

4. Project Traffic Impacts:

a. All roads carrying sand and gravelmineral extraction activity related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.

b. **Transportation Facility Improvements.** An analysis of all roads used to accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to maintain adequate levels of service and adequately support the projected traffic, including the potential weight of vehicles for 20 years or the proposed life of the sand and gravelmineral extraction operation, whichever is longer. ~~The~~ cost of all improvements required, on and off-site, shall be borne entirely by the applicant.

c. **Trip Generation.** ~~The Planning Commission may establish a~~ maximum number of truck trips allowed to enter and exit ~~a processing location~~the site based on the capacity of roads used to access the site and the impacts of traffic on affected properties and uses.

d. **Traffic Counts.** Traffic counts at the entrance of the mineral extraction operation may be required if necessary to ensure compliance with any conditions of approval.

e. **Designation of construction and haul routes.** The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the Planning Commission, which proposal shall:

i. identify the primary haul route including existing road conditions;
 ii. identify residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings along the haul route,
 iii. identify alternative routes;
 iv. identify the timing of truck haul traffic; and
 v. include a fugitive dust plan for designated routes to prevent loss of loads and fugitive dust during transportation.

5. Project Description. The applicant shall provide a detailed statement describing the ~~project~~ proposed mineral extraction activity including:
 a. The amount and type of *materials to be excavated*;
 b. Duration of the excavation and extraction activity and reclamation activity;
 c. The proposed method of excavation;
 d. The amount of fill to remain on site; and
 e. A statement from a New Mexico professional engineer indicating the type of material(s) to be excavated and their suitability for road and structural fill construction or other proposed uses.

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

7. Visual Screening Measures. Visual screening, which shall include all phases, is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards:

a. **General.** The view from all public roads, rivers, parks, open space and adjoining residential areas shall be screened.

b. **Buildings.** All buildings ~~shall be~~ designed, scale, and location to minimize views from off site, and their size shall be minimized.

c. **Surrounding Vegetation.** Any vegetation on site that can act as screening of the mineral extraction area shall be preserved, including vegetation existing in the required setbacks.

8. Lighting. All ~~small scale sand and gravel operations~~ mineral extraction operations must comply with Section 7.8 (Lighting) of the SLDC.

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

10. Parking and Loading. All small scale sand and gravel operations must comply with Section 7.10 (Parking and Loading) of the SLDC.

11. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an approved impoundment structure.

12. Wildlife. Protection is required for critical environmental resources including wetlands, riparian areas, and important wildlife habitats.

a. Any modification of the terrain within a floodplain area shall be

environmentally sound and not result in net loss of wildlife habitat.

b. All ~~small scale sand and gravel~~ mineral extraction operations shall be limited to locations and times of year that ensure no significant negative impacts to federally listed endangered species.

c. No ~~sand and gravel development~~ mineral extraction activity shall interrupt a wildlife corridor.

13. Protection of Historic and Archaeological Resources. Any application for ~~small scale sand and gravel~~ mineral extraction activity shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC, and shall comply with the requirements of Section 7.16.3.1.

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

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

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

c. **Topsoil, Stripping, Stockpiling, and Redistribution.** The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

d. **Cut and Fill Slopes.** Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County based on an approved engineered design. The County may require the submission of a ~~detailed engineering report and analysis prepared~~ by a professional engineer or landscape architect relative to the safety and stability of such cuts and fills, if necessary ~~considering~~ soil type, soil stability, and any proposed structures.

15. Sediment and Erosion Control. Practices for sediment and erosion control shall be designed, constructed and ~~maintained~~ to mitigate ~~further entry of~~ sediment to streams, lakes, ponds, or any land within and outside the permit area site. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of utilization of proper reclamation methods and sediment control practices including, but not limited to:

a. grading material to reduce the rate and volume of run-off;

b. retaining sediment within the pit and disturbed area; and,

c. establishing temporary vegetation or mulch on short term erosion, sedimentation or windblown dust.

16. Air Quality and Noise.

a. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met; however, only a preliminary air quality report is required for submittal with the application. Once approved, a final air quality permit is required prior to commencement of

any activity on the site.

b. Noise Study. A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application. Such noise study shall provide a baseline of three consecutive weekdays representative of ~~non-excavation activities existing conditions.~~

c. Fugitive Dust Control. Dust control is required for all ~~active sand and gravel mineral~~ extraction operations.

i. The presence of ~~fugitive~~ dust at a ~~sand and gravel mineral~~ extraction operation is attributable to earth moving, soil or surface disturbance, construction or demolition, movement of motorized vehicles ~~on any paved or unpaved roadway or surface, right-of-way, lot or parking area,~~ and the tracking out or transport of bulk material (i.e., sand, gravel, soil, aggregate, or any other inorganic or organic material capable of creating fugitive dust related to ~~mineral~~ extraction activities) onto any ~~paved or unpaved roadway in Santa Fe County.~~

ii. Fugitive dust consists of airborne ~~particulate matter from a source, resulting in~~ particulate matter emissions ~~from the mineral extraction activity~~ that can be detected by the human eye.

iii. Dust control measures include but are not limited to the use of wet suppression through manual or ~~mechanical-automatic~~ application; the use of fabric fencing material or equivalent that shall be a minimum of 24 inches in height and anchored 6 inches below the surface on the bottom edge installed around the perimeter of the disturbed surface area; the use of dump truck tarps; and the use of chemical dust suppressant applied in amounts, frequency, and rates recommended by the manufacturer.

iv. In no circumstances shall ~~a small scale sand and gravel operator mineral extraction activity~~ continue ~~extraction operations~~ during a high wind event, ~~meaning sustained wind speeds of at least 40 miles per hour or gusts of 58 miles per hour or more.~~

v. All ~~small scale sand and gravel mineral extraction~~ operations shall incorporate an entry/exit apron, steel grates, or other equivalent devices capable of removing bulk material from the tires of vehicle traffic.

vi. An applicant for ~~a small scale sand and gravel mineral extraction activity~~ conditional use permit shall submit a fugitive dust control plan as part of the application. The fugitive dust plan must detail the control measures the operator intends to use to reduce the quantity of visible fugitive dust, transported material, temporary cessation of activity during a high wind event and track-out leaving the ~~property or area under the control of the operator site.~~

17. Setbacks.

a. ~~21000~~ feet from all property lines.

b. ~~21000~~ feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

c. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the ~~entire operation~~ site shall be preserved to the maximum extent possible.

18. Protection From Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC, for health and safety protection.

19. Height. Any equipment used for ~~small scale sand and gravel~~mineral extraction ~~operation~~ must meet the height standards for the zoning district in which it is located. Height shall be measured from existing grade prior to commencement of any grading activity on the site, and shall also conform to the height measurement requirements of Section 7.17.9.3.

20. Activities In or Near Water Bodies.

a. Uncontrolled/Natural Watercourses. When working near uncontrolled, or naturally flowing, watercourses, the proposed mineral extraction operation shall be conducted in a manner that improves fisheries and waterfowl habitat. This requirement shall apply to any water body, which shall include: naturally occurring rivers, streams, ponds, lakes, seasonal streams and seasonal lakes.

b. Minimum Buffer. A minimum 100 foot buffer of natural vegetation between the water's edge and any ~~small scale sand and gravel operation~~mineral extraction site is required.

c. No Negative Impact. No mineral extraction activity shall be permitted that ~~is~~ deemed by the County to have a negative impact on ~~the~~ water body ~~or neighbors~~.

21. Solid Waste. All ~~small scale sand and gravel~~mineral extraction operations must comply with Section 7.20 (Solid Waste) of the SLDC.

22. Liquid Waste. All ~~small scale sand and gravel~~mineral extraction operations must comply with the wastewater requirements of Section 7.13 (Water Supply, Wastewater and Water Conservation) of the SLDC.

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

a. Only one phase of the ~~development~~mineral extraction operation shall be excavated at a time.

24. Siting. In addition to meeting those standards required for approval of a conditional use permit, the applicant must demonstrate each of the following with respect to the proposed mineral extraction operation:

- a. The existence of significant mineral resources at the site;
- b. 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;
- c. That the site is suited for mineral extraction activity, in comparison with other reasonably available areas of the County;
- d. That the operations plan and reclamation plan are feasible and adequately protective and the application can be conditioned upon carrying out both plans; and
- e. A history of significant mining activity in the area, if mining has been conducted in the area.

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10.19.3.3. Reclamation Plan and Bonding/Financial Guarantee. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.19.3.4. The plan shall restrict mineral extraction operations/activities to areas of workable size so that no area is left inactive and un-reclaimed for more than 60 days, unless approved by the conditional use permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A bond/financial guarantee shall be posted to implement the reclamation plan at 125% of expected cost of the reclamation, as certified by a professional engineer and accepted by the county. The reclamation plan does not replace a landscape plan that may be required for any subsequent development of the gravel processing and mineral extraction site.

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

1. General. Reclamation shall restore land areas to a condition suitable for new *land uses. Wildlife habitat shall be restored in a manner comparable or better, to the habitat conditions that existed prior to the gravel/mineral extraction operation.* In general, all slopes shall be graded to 3:1 or flatter to promote revegetation unless certified by a professional engineer and accepted by the county.

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

3. Revegetation of all disturbed areas is required. The reclamation plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original, or better vegetated condition.

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

5. Prior to Approval of Reclamation Study/Species and Habitat Preservation. In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat.

10.19.3.5. Annual Operating Plan and Monitoring Report. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, the area mined, quantities mined in tonnage and cubic yards, *the amount of area undergoing reclamation,* and the success of reclamation including any notices of violations issued and their outcome.

10.19.3.6. Existing small scale sand and gravel extraction uses. Any ~~small scale sand and gravel~~mineral extraction ~~use~~operation existing prior to January 1, 1981 and having been in continuous operation, may continue operations and may expand up to 25% beyond the area currently and formerly mined ~~on that parcel as of the effective date of this ordinance~~. Any ~~small scale sand and gravel~~mineral extraction ~~use~~activity ~~approved by the County prior to the adoption of this SLDC may continue operations in accordance with their~~its final County approvals. Any new phase or further expansion proposed, but not previously approved, shall comply with this SLDC. Any existing mineral extraction operation shall fully reclaim the site, in accordance with this Section 10.19, within 60 days of cessation of mineral extraction activity.

From: [Roger Taylor](#)
To: [Penny Ellis-Green](#); [Robert Griego](#)
Cc: [Robert A. Anaya](#); [Liz Stefanics](#); [Miguel Chavez](#); [Kathy S. Holian](#); [Henry P. Roybal](#)
Subject: Section 10.19. "Small" Scale Sand and Gravel Extraction
Date: Thursday, December 03, 2015 6:25:16 PM

I would like to suggest amended language to Section 10.19 that would:

- require minimum 1,000 foot setbacks from property lines, public road rights-of-way, public recreational easements, and environmentally sensitive lands; (comment: it might seem sensible that a smaller operation might need a smaller setback - but the disruption of heavy equipment access & operation is still the same as for a larger operation)
- reinstate mine siting approval standards whereby an applicant must demonstrate the existence of significant sand & gravel resources at the site; 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; that the site is suited for sand and gravel extraction, in comparison with other reasonably available areas of the County; and that it includes the protection of State Cultural Properties. (comment: such language supports the intent and process of Zoning designations).

Roger Taylor, Board of Turquoise Trail Preservation Trust

From: [susan_selbin](#)
To: [Robert A. Anaya](#); [Liz Stefanics](#); [Kathy S. Holian](#); [Miguel Chavez](#); [Henry P. Roybal](#); [Penny Ellis-Green](#); [Robert Griego](#)
Subject: SLDC-changes needed to Section 10.19. Small Scale Sand & Gravel Extraction
Date: Thursday, December 03, 2015 11:07:20 PM

Dear Commissioners:

I oppose the new regulations as proposed for Section 10.19. Small Scale Sand and Gravel Extraction.

I will support adoption of the SLDC if amendments are made to Section 10.19 as following:

- require a minimum 1,000 foot setbacks from property lines, public road rights-of-way, public recreational easements, and environmentally sensitive lands;

- reinstate mine siting approval standards such that an applicant must demonstrate the existence of significant sand & gravel resources at the site; 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; that the site is suited for sand and gravel extraction, in comparison with other reasonably available areas of the County.

- meet the State minimum impact standards that include the protection of State Cultural Properties by shifting such proposed siting to DCI standards.

Sincerely,
Susan Selbin
The Reserve at Santa Fe #1316
941 Calle Mejia
Santa Fe 87501

From: adventuretrails@earthlink.net
To: [Robert A. Anaya](#); [Liz Stefanics](#); [Kathy S. Holian](#); [Miguel Chavez](#); [Henry P. Roybal](#); [Penny Ellis-Green](#); [Robert Griego](#)
Subject: gravel mining; my opinion from Thor Sigstedt
Date: Thursday, December 03, 2015 6:18:04 PM
Attachments: [Thor Sigstedt.vcf](#)

Dear Commissioners:

I will support adoption of the SLDC if amendments are made to Section 10.19. Small Scale Sand and Gravel Extraction. The amendments should:

-- require a minimum 1,000 foot setbacks from property lines, public road rights-of-way, public recreational easements, and environmentally sensitive lands;

-- reinstate mine siting approval standards such that an applicant must demonstrate the existence of significant sand & gravel resources at the site; 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; that the site is suited for sand and gravel extraction, in comparison with other reasonably available areas of the County.

-- meet the State minimum impact standards that include the protection of State Cultural Properties by shifting such proposed siting to DCI standards.

Sincerely,

Thor V Sigstedt
82 Spirit Valley
Santa Fe, NM 87508

<http://thor-sigstedt.blogspot.com>

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Subject: FW: Support for RCA & Chris Graeser's SLDC Input for Section 10.19. Proposed Amendment
Date: Friday, December 04, 2015 11:17:55 AM
Attachments: [10.19 RCA comments.pdf](#)
[ATT00001.htm](#)
[image001.png](#)

*Robert Griego, AICP
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87504
Phone: 986-6215*



From: karen yank [mailto:hamonyank@cybermesa.com]
Sent: Friday, December 04, 2015 10:41 AM
To: Robert A. Anaya; Liz Stefanics; Kathy S. Holian; Miguel Chavez; Henry P. Roybal
Cc: Penny Ellis-Green; Robert Griego; Chris Graeser; Ross Lockridge
Subject: Support for RCA & Chris Graeser's SLDC Input for Section 10.19. Proposed Amendment

Dear Commissioners and Staff,

Re: RCA input on Section 10.19. Small Scale Sand and Gravel Extraction; proposed amendment by attorney, Chris Graeser.

We the Turquoise Trail Preservation Trust support the efforts of the RCA and their attorney, Chris Graeser in their proposed amendment to Section 10.19 on Small Scale Sand and Gravel Extraction. We are very concerned with the possible impacts of this ordinance locally on the Turquoise Trail Communities and the greater Galisteo Basin. Chris Graeser's amendments addresses our largest concerns, which are required minimum 1,000 foot setbacks, reinstate mine siting approval standards, and meet the State minimum impact standards to include protection for State Cultural Properties. We hope that you will implement his suggestions into Section 10.19 before the Tuesday BCC meeting, so that we can all be in support of Section 10.19 together and be able to move forward.

Best regards,

Karen Yank
Turquoise Trail Preservation Trust
vicepresident@ttpt.org
505-281-0243/505-269-9959
ttpt.org

Encl. proposed amendment by Chris Graeser of Graeser & McQueen, Attorneys at Law

10.19. SMALL SCALE SAND AND GRAVEL EXTRACTION

10.19.1. Applicability. This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials that ~~affects-disturbs~~ less than 10 acres of land and extracts less than 20,000 tons of construction material and does not use blasting. Such activity ~~shall~~ may be allowed where permitted by the Use Table, Exhibit B, subject to approval of a conditional use permit (§ 4.9.6.) and the additional requirements of this section. If the extraction activity requires blasting, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11. If mineral extraction activity will disturb a total of 10 acres or more of land and extract a total of 20,000 tons or more of construction materials, including prior mineral extraction activity on the site, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11.

10.19.2. Related Uses. ~~Related to~~ office and material processing uses related to mineral extraction activity may be permitted at ~~the sand and gravel~~ mineral extraction sites where approved as part of the conditional use permit and constructed and operated in compliance with the SLDC and so long as the use is consistent with other uses in the vicinity.

10.19.3. Application. In addition to the submittal requirements for a conditional use permit (§4.9.6.), including any studies, reports and assessments required by Table 6-1, an application for approval of a ~~small scale sand and gravel~~ mineral extraction facility operation shall include the following:

10.19.3.1. Operations Plan. An operations plan for the ~~facility~~ mineral extraction activity consisting of the following:

1. Maps, plans, graphics, descriptions, timetables, and reports ~~which correlate and specify~~ ing:
 - a. a detailed description of the method(s) or technique(s) to be employed in each stage of the ~~operation~~ mineral extraction activity where any surface disturbance will occur;
 - b. the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - c. pursuant to the standards of §7.17 (Terrain Management), a description of all earthmoving activities, including backfilling of cuts and leveling or compaction of overburden;
 - d. if applicable, the location and size of all water diversions and impoundments or discharge of water used in mineral extraction operations ~~activities~~;
 - 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.
 - J. an estimate of the amount of water to be used and a description of the source of that water.
 - k. impacts to properties and other uses in the vicinity.
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 mineral extraction activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
8. A description of the projected noise to be generated and an explanation of how the operator will comply with the requirements of §7.21.4 (Noise).
9. A statement concerning compliance, as applicable, with regulations of the Federal Aviation Administration (FAA).

10.19.3.2 Operational Standards and Requirements.

1. State Permits. All ~~small-scale sand and gravel~~mineral extraction operations shall submit all required federal and state permits, including FEMA and/or Army Corps of Engineers permits, with the conditional use permit application.

2. Hours of Operation. Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday.

3. Water Supply. Extraction of water from and filling of a reservoir shall not infringe on a downstream appropriator's rights. Potable water shall not be used for dust control.

4. Project Traffic Impacts:

a. All roads carrying ~~sand and gravel~~mineral extraction activity related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.

b. **Transportation Facility Improvements.** An analysis of all roads used to accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to maintain adequate levels of service and adequately support the projected traffic, including the potential weight of vehicles for 20 years or the proposed life of the ~~sand and gravel~~mineral extraction operation, whichever is longer. ~~The~~ cost of all improvements required, on and off-site, shall be borne entirely by the applicant.

c. **Trip Generation.** The Planning Commission may establish a maximum number of truck trips allowed to enter and exit ~~a processing location~~the site based on the capacity of roads used to access the site and the impacts of traffic on affected properties and uses.

d. **Traffic Counts.** Traffic counts at the entrance of the mineral extraction operation may be required if necessary to ensure compliance with any conditions of approval.

e. **Designation of construction and haul routes.** The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the Planning Commission, which proposal shall:

- i. identify the primary haul route including existing road conditions;
- ii. identify residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings along the haul route,
- iii. identify alternative routes;
- iv. identify the timing of truck haul traffic; and
- v. include a fugitive dust plan for designated routes to prevent loss of loads and fugitive dust during transportation.

5. Project Description. The applicant shall provide a detailed statement describing the project proposed mineral extraction activity including:

- a. The amount and type of materials to be excavated;
- b. Duration of the excavation and extraction activity and reclamation activity;
- c. The proposed method of excavation;
- d. The amount of fill to remain on site; and
- e. A statement from a New Mexico professional engineer indicating the type of material(s) to be excavated and their suitability for road and structural fill construction or other proposed uses.

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

7. Visual Screening Measures. Visual screening, which shall include all phases, is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards:

- a. **General.** The view from all public roads, rivers, parks, open space and adjoining residential areas shall be screened.
- b. **Buildings.** All buildings shall be 'designed, scale, and located to minimize views from off site, and their size shall be minimized.
- c. **Surrounding Vegetation.** Any vegetation on site that can act as screening of the mineral extraction area shall be preserved, including vegetation existing in the required setbacks.

8. Lighting. All small-scale sand and gravel operations mineral extraction operations must comply with Section 7.8 (Lighting) of the SLDC.

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

10. Parking and Loading. All small scale sand and gravel operations must comply with Section 7.10 (Parking and Loading) of the SLDC.

11. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an approved impoundment structure.

12. Wildlife. Protection is required for critical environmental resources including wetlands, riparian areas, and important wildlife habitats.

- a. Any modification of the terrain within a floodplain area shall be

environmentally sound and not result in net loss of wildlife habitat.

b. All ~~small scale sand and gravel~~ mineral extraction operations shall be limited to locations and times of year that ensure no significant negative impacts to federally listed endangered species.

c. No ~~sand and gravel development~~ mineral extraction activity shall interrupt a wildlife corridor.

13. Protection of Historic and Archaeological Resources. Any application for ~~small scale sand and gravel~~ mineral extraction activity shall submit an archaeological report conforming to the requirements of Section 7.16 (Protection of Historic and Archaeological Resources) of the SLDC, and shall comply with the requirements of Section 7.16.3.1.

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

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

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

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a. grading material to reduce the rate and volume of run-off;

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ii. Fugitive dust consists of airborne ~~particulate matter from a source, resulting in~~ particulate matter emissions ~~from the mineral extraction activity~~ that can be detected by the human eye.

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iv. In no circumstances shall ~~a small scale sand and gravel operator mineral extraction activity~~ continue ~~extraction operations~~ during a high wind event, ~~meaning sustained wind speeds of at least 40 miles per hour or gusts of 58 miles per hour or more.~~

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a. ~~21000~~ feet from all property lines.

b. ~~21000~~ feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

c. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the ~~entire operation~~ site shall be preserved to the maximum extent possible.

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a. Only one phase of the ~~development~~mineral extraction operation shall be excavated at a time.

24. Siting. In addition to meeting those standards required for approval of a conditional use permit, the applicant must demonstrate each of the following with respect to the proposed mineral extraction operation:

- a.** The existence of significant mineral resources at the site;
- b.** 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;
- c.** That the site is suited for mineral extraction activity, in comparison with other reasonably available areas of the County;
- d.** That the operations plan and reclamation plan are feasible and adequately protective and the application can be conditioned upon carrying out both plans; and
- e.** A history of significant mining activity in the area, if mining has been conducted in the area.

10.19.3.3. Reclamation Plan and ~~Bonding~~Financial Guarantee. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.19.3.4. The plan shall restrict ~~mineral~~ extraction ~~operations-activities~~ to areas of workable size so that no area is left inactive and un-reclaimed for more than 60 days, unless approved by the conditional use permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A ~~bond-financial guarantee~~ shall be posted to implement the reclamation plan at 125% of expected cost of the reclamation, ~~as certified by a professional engineer and accepted by the county~~. The reclamation plan does not replace a landscape plan that may be required for any subsequent development of the ~~gravel processing and mineral~~ extraction site.

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

1. General. Reclamation shall restore land areas to a condition suitable for new land uses. Wildlife habitat shall be restored in a manner comparable or better, to the habitat conditions that existed prior to the ~~gravel-mineral extraction~~ operation. ~~In general, a~~All slopes shall be graded to 3:1 or flatter to promote revegetation ~~unless certified by a professional engineer and accepted by the county~~.

2. Grading. Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. ~~In general, a~~All slopes (cut or fill) shall be graded to 3:1 or flatter ~~unless certified by a professional engineer and accepted by the county~~. Such methods must be approved as part of the ~~R~~reclamation ~~P~~plan.

3. Revegetation of all disturbed areas is required. The ~~reclamation~~ plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original, or better vegetated condition.

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

5. ~~Prior to Approval of Reclamation Study~~Species and Habitat Preservation. In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat.

10.19.3.5. Annual Operating Plan and Monitoring Report. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, the area mined, quantities mined in tonnage and cubic yards, the amount of area undergoing reclamation, and the success of reclamation including any ~~notices of violations~~ issued and their outcome.

10.19.3.6. Existing small scale sand and gravel extraction uses. Any ~~small scale sand and gravel mineral~~ extraction ~~use operation~~ existing prior to January 1, 1981 and having been in continuous operation, may continue operations and may expand up to 25% beyond the area currently and formerly mined ~~on that parcels of the effective date of this ordinance~~. Any ~~small scale sand and gravel mineral~~ extraction ~~use activity~~ approved by the County prior to the adoption of this SLDC may continue operations in accordance with ~~their its~~ final County approvals. Any new phase or further expansion proposed, but not previously approved, shall comply with this SLDC. ~~Any existing mineral extraction operation shall fully reclaim the site, in accordance with this Section 10.19, within 60 days of cessation of mineral extraction activity.~~

From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Cc: [Paul Olafson](#)
Subject: FW: Eaves Movie Ranch letters regarding concerns with zoning issues
Date: Friday, December 04, 2015 11:48:19 AM
Attachments: [EMR San Marcos zoning letter.pdf](#)
[ATT00001.htm](#)
[EMR movie ranch def letter.pdf](#)
[ATT00002.htm](#)
[image001.png](#)

Please add to addendum. Thanks.

*Robert Griego, AICP
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87504
Phone: 986-6215*



From: Craig Eaves [mailto:craig.eaves@eavesmovieranch.com]
Sent: Thursday, December 03, 2015 2:33 PM
To: Robert Griego; Penny Ellis-Green; Katherine Miller; Henry P. Roybal; Miguel Chavez; Kathy S. Holian; Liz Stefanics; Robert A. Anaya
Cc: Kyle Harwood; Jessica Eaves Mathews
Subject: Eaves Movie Ranch letters regarding concerns with zoning issues

Greetings -

Attached are two letters, the first raising concerns with the San Marcos District zoning designation for the Eaves Movie Ranch and the second raising concerns with the county's proposed zoning definition of "Movie Ranch" and our proposed alternative language.

Sincerely,



Craig Eaves / Managing Member
craig.eaves@eavesmovieranch.com
Eaves Movie Ranch, LLC
505-474-3045
PO Box 3097
Albuquerque, NM 87190
www.eavesmovieranch.com





Mailing Address:
P.O. Box 3097
Albuquerque, NM 87190
Phone: 505-474-3045
Fax: 505-843-8758

Santa Fe County Commissioners

c/o Katherine Miller, County Manager
Penny Ellis-Green
Robert Griego

December 3, 2015

Re: Eaves Movie Ranch
Movie Ranch Definition in the proposed SLDC

Dear Commissioners and Mrs. Miller,

Thank you for the opportunity to discuss the language of the Movie Ranch use definition. As owners, my sister Jessica Eaves Matthews and I, very much want a workable definition of "Movie Ranch". Toward that goal, I would appreciate knowing what you consider to be too broad about the alternative definition proposed by Richard Hughes. I hope that we can agree that the definition should be focused and based on established uses. We also have serious concerns with the residential zoning designation assigned by the San Marcos District overlay, but I'

Dating from the late 1960's, the Eaves Movie Ranch is the original New Mexico movie ranch, with our grandfather JW Eaves being the first set owner to call his property a "Movie Ranch". As such, we appear to be the namesake of the SMCD use designation. This is ironic, since the new use designation severely restricts the well established uses of our Movie Ranch, and leaves us wondering why.

We are aware of no party or individual that objects to our property's uses, which, since the early 1970's, include film and TV production, commercial and amateur photo shoots, county and state political fund raisers, tours, special events, music festivals, weddings, and private parties. The individuals that live at neighboring properties, which my grandparents subdivided in the mid 1970's, peacefully coexist with these uses. To our knowledge, the county has no desire to limit our established business and use of the property.

Yet, the county's proposed definition of Movie Ranch clearly limits the use to film production only.

The Eaves Movie Ranch's is not, nor has it ever been, only a film production set. People and organizations are attracted to a film set and want to use it for many purposes, and this generates other lines of business that benefit local businesses

and individuals like caterers, photo schools, tour operators, the community college, commercial photographers, liquor dispensers, ad agencies, local performers, musicians, event rentals, etc. Some of the larger corporate events and festivals have five and six digit budgets, and this revenue flows directly to the community.

The most important point to us, and the thousands of people that care about our Movie Ranch, is that we rely on rental fees for these activities because film production is periodic and there are years when most or all revenue comes from *non-film production* business and it funds repairs, maintenance, utilities, and on-site security / supervision, all of which, put bluntly, keep the set from falling down. To limit our activities to film production would make our operation unsustainable and this would lead to the neglect and destruction of this historic film set.

We propose the following focused definition of Movie Ranch which allows the continuation of established uses:

Movie Ranch: Is primarily a facility for sets and scenery for the production of motion pictures whose use may include commercial photography, film and photography classes and workshops, public and private special events, music events, and tours, and whose supporting structures may include movie sets, sound stages, recording studios, distribution facilities, set construction facilities, backlots, temporary special effects facilities, dining facilities, mobile living and dressing quarters. Movie ranches are most appropriate for large parcels where the activities and uses of the movie ranch will not impact neighboring residential areas. All standards of the underlying zoning district where the movie ranch is located shall apply.

(the underlined text is the requested addition to this definition, page A-28 of the 10.28.05 draft SLDC Appendix A).

I am available to discuss this issue at my cell: 505-948-4077.

Sincerely,



Craig Eaves, Managing Member
Eaves Movie Ranch

cc: Kyle Harwood
Richard Hughes, Bonanza Creek Ranch
Jessica Eaves Mathews



Mailing Address:
P.O. Box 3097
Albuquerque, NM 87190
Phone: 505-474-3045
Fax: 505-843-8758

Santa Fe County Commissioners
c/o Katherine Miller, County Manager
Penny Ellis-Green
Robert Griego

Re: Eaves Movie Ranch
Zoning and Non Conforming Use Abandonment issues in proposed SLDC

December 3, 2015

Dear Commissioners and Mrs. Miller;

The Eaves Movie Ranch has been a significant cultural and economic facility in Santa Fe County for many decades, supporting the film and production industries that have become a major priority for local businesses and this County government.

I am writing today to express serious concern about the aggregate impact of the County's proposed zoning for the Eaves Movie Ranch property in conjunction with the permitted uses within the San Marcos Community District Overlay, and the nonconforming use definition and provisions for the abandonment of nonconforming uses.

As an initial matter, the San Marcos Community District Overlay has proposed Rural Residential (SMCD RUR-R) for the Eaves Movie Ranch, and the Movie Ranch use is prohibited within this proposed zone (page 9-210 of Chapter 9). While we know there is great support for the Eaves Movie Ranch in the community, this combination of the proposed zoning for our property and the prohibited Movie Ranch use within this zone is a great concern and we hope it will be remedied by the County Commission before adoption of the SLDC.

One proposal to address this concern is to zone the Eaves Movie Ranch property with Commercial Neighborhood (SMCD CN), within which the Movie Ranch use is Conditional. Another proposal that could address this concern is to modify the Movie Ranch use within SMD RUR-R with an asterisk (as has been done other places in the draft code) that states that the use is changed from Prohibited to Permitted if the property has a history of functioning as a Movie Ranch.

There is tremendous risk to the future viability of the Eaves Movie Ranch if the combination of zoning and permitted uses is not consistent with how the Eaves Movie Ranch has functioned in the past and intends to function in the future.

Although 'grandfathered' uses are intended to be protected under the proposed SLDC, the nonconforming use language contains very little guidance on how to maintain nonconforming uses into the future. Of particular concern is the abandonment provision which states that "if a nonconforming use ceases for any reason for a period of more than one (1) year, the use shall be considered abandoned" and cannot be re-established. (14.10.7.4.1) It is not clear how the County will monitor the cessation of nonconforming uses, what standards will apply and whether, for example, episodic uses of a Movie Ranch for major motion picture productions will be reviewed by County staff against the abandonment provision in 14.10.7.4.1. I strongly recommend and request that the County add clarifying language to this section of the proposed code that will inform how the often invoked 'nonconforming uses will be grandfathered in under the code' will in fact be implemented on properties such as the Eaves Movie Ranch for episodic uses and events that may reasonably occur less frequently than on twelve month intervals.

The sum total of the proposed zoning, prohibited Movie Ranch use and the uncertainty of how the nonconforming use and abandonment provisions will be applied to this property threatens the viability and value of the Eaves Movie Ranch under the proposed code. I urge you to consider the issues that have been raised by my letter and make changes to the draft SLDC before adoption.

Sincerely,



Craig Eaves, Managing Member
Eaves Movie Ranch

- cc: Kyle Harwood
- Jessica Eaves Mathews

From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Subject: FW: [SMA-board 1367] Fwd: SLDC, Tuesday's hearing and 2.2.3. Registered Organizations: an overreach?
Date: Friday, December 04, 2015 1:16:57 PM
Attachments: [ATT00001.txt](#)

Please add to addendum.

----- Original message -----

From: walter wait <waltwait@q.com>
Date: 12/04/2015 10:20 AM (GMT-07:00)
To: sma-board <sma-board@lists.quinbus.net>
Subject: [SMA-board 1367] Fwd: SLDC, Tuesday's hearing and 2.2.3. Registered Organizations: an overreach?

again... another bit that really needs to be altered on Tuesday!

From: "devin bent" <devin.bent@gmail.com>
To: "Ross Lockridge" <murlock@raintreecounty.com>
Cc: "William Mee" <WilliamHenryMee@aol.com>, "Paul White" <paulwhitesf@gmail.com>, "Frank Hirsch" <EFHirsch@gmail.com>, "Carl Dickens" <cedickens2@yahoo.com>, "Vicente Roybal" <vicente.roybal@gmail.com>, "WALTER ISOLDE WAIT" <WaltWait@q.com>, "Toni Olson" <r.n.olson@att.net>, "karen yank" <hamonyank@cybermesa.com>, "David Bacon" <tocino8@cnsf.com>, "eduardo" <tortuga@cnsf.com>, "Lynne Velasco" <LynneNambe@cybermesa.com>, "Sue Barnum" <spontasue@gmail.com>, "Bill Baker" <bill.baker@prodigy.net>, "Cam D" <duncancam@comcast.net>, "Roger Taylor" <clearskynm@gmail.com>
Sent: Friday, December 4, 2015 8:52:49 AM
Subject: Re: SLDC, Tuesday's hearing and 2.2.3. Registered Organizations: an overreach?

Frankly, this whole business is a flagrant violation of 1st Amendment freedom of speech and association with a chilling impact. Take Northern New Mexico Protects for example. (I am a board member) We have more than 500 members. With respect to Aamodt we are opposing four pueblos (including Pojoaque Pueblo, the largest employer in the Pojoaque Valley), Santa Fe County, Santa Fe City, the State Engineer, the US Department of Justice. With respect to access and title issues we are taking on San I Pueblo and the US Department of Interior. With respect to electrical rates we are taking on the PRC and the pueblos. With respect to irrigation we are opposed by the law firm headed by a leading Democratic politician (Egolf).

Is it right to ask us to make available the numbers and contact information of all our members? Might not some or their spouses be employees or contractors of an organization which we are currently opposing? Or is this a tactic borrowed from racist southern states during the civil rights movement to use against organizations such as the NAACP which was also exercising its right to work for fair treatment?

Note also that there is a specific list of types of organizations that qualify as ROs. Does this mean that only these organizations qualify? I would change that to "may include, but are not limited to."

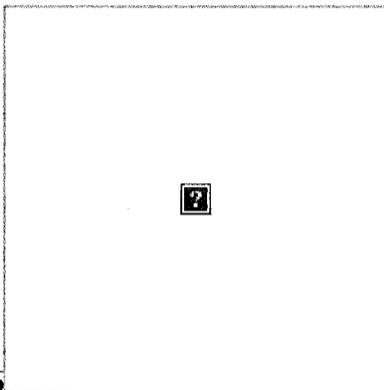
Also, a requirement that we apply to be an RO, implies the possibility of rejection. Yet no basis for rejection/acceptance is specified.

In some ways it is all very silly. The BCC will judge organizations by our ability to turn out people at hearings.

If you tell me when, I will turn out to testify against these provisions.

Devin

Devin Bent, PhD
193 County Road 113



Santa Fe (Nambe), NM 87506
devin.bent@gmail.com
505-699-9042

On Thu, Dec 3, 2015 at 5:35 PM, Ross Lockridge <murlock@raintreecounty.com> wrote:
Hi all,

There is an overreach in the SLDC for information gathering on members of organizations. They are demanding the phone numbers of all members of Registered Organizations and this would of course be public record. See 2.2.3. No. 4. in the ps. When compared to what is requested of applicants and corporations, this seems out of balance. We think contact information for board members would be fine.

Here are the relevant items required of an applicant:

4.6.8. Contents of Notice. Published, posted and mailed notice shall include a minimum of the following:

- 4.6.8.1.** The name of the applicant and the name of the person(s) who the applicant is agent for or otherwise representing in the application;
- 4.6.8.7.** A phone number to contact the County;

The SLDC claims that 2.2. COMMUNITY PARTICIPATION is "designed to maximize public input" but I think the county is going overboard in requesting the phone numbers of all the members. And they are going beyond the State regulations. See attached opinion from attorney Mary Humphrey.

Of course, this information about the public would become public information, for example, one would think accessible to applicants. But It's also just a pain to deliver yearly and I think would have the opposite effect from maximizing public input. I suppose the county's rationale is asking for some proof of the number of members claimed. But the state regs don't even bother to ask. Some members may be hesitant to list their phones into a county database or even with the registered organization itself.

In the name of maximizing public input, I think this is one thing that should be written on and spoken against at Tuesday's hearing.

The last time Staff included this kind of request it was for all the emails of members. Public opposition got that removed but it's back in a new form.

See details below.

Best regards,

Ross

ps.

From the SLDC Redlined:

<http://www.santafecountynm.gov/media/files/SLDCCCombined10-28-2015withredlines.pdf>

Excerpts:

2.2.2. Community Organizations.

2.2.2.2. A CO is a new or pre-existing association or organization that is recognized by resolution of the Board to represent a specified geographical area within the County.

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 person, who will be designated by the CO to receive notice from the County and to represent the CO in dealings with County staff,
2. A map or written description of the organization's geographical boundaries or geographical interests;
3. A list of the officers of the organization; [This seems OK]

=====

2.2.3. Registered Organizations.

2.2.3.2. A Registered Organization ("RO") is any organization (unincorporated association, partnership, limited liability company, corporation) interested in development projects or other County activities. An RO may include an acequia or land grant association, assessment and public improvement districts, public or private utility, school district, homeowner association, or neighborhood association.

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:

4. A list of the officers **and members of the organization, including specifically phone numbers of officers and members** of the RO; [This is not ok]

From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Subject: FW: SLDC amendment
Date: Monday, December 07, 2015 8:06:45 AM
Attachments: [image001.png](#)

Please add to addendum

*Robert Griego, AICP
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87504
Phone: 986-6215*



From: P. Brown [mailto:brownp52@yahoo.com]
Sent: Saturday, December 05, 2015 10:53 PM
To: Robert A. Anaya; Liz Stefanics; Kathy S. Holian; Miguel Chavez; Henry P. Roybal; Penny Ellis-Green; Robert Griego
Subject: SLDC amendment

Santa Fe County Commissioners;

As a resident of Santa Fe County, I would like to see several amendments made to Section 10.19. in the County Code/Small Scale Sand and Gravel Extraction. The amendments need to be:

- 1. Please require** a minimum 1,000 foot setbacks from property lines, public road rights-of-way, public recreational easements, and environmentally sensitive lands; ie: Cerrillos Hills State Park & The Turquoise Trail scenic byway and the beautiful La Bajada Mesa.

2. **Reinstate** mine site approval standards so that an applicant must show the existence of significant sand & gravel resources at the site and that their proposed use is reasonably compatible with other uses in the area. Including but not limited to traditional uses of the land, compatible with recreational uses, and present or planned homes and communities. We need standards that require the proposed site be suited for sand and gravel extraction, in comparison with other reasonably available areas of the County.

3. **Require** the applicant to meet the State minimum impact standards that include the protection of State Cultural Properties by shifting such proposed siting to DCI standards.

Sincerely,
Patricia Brown, Cerrillos, NM

From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Subject: FW: Sand and Gravel
Date: Monday, December 07, 2015 8:05:08 AM
Attachments: [2015 Sand and Gravel Dec.pdf](#)

Please add to database

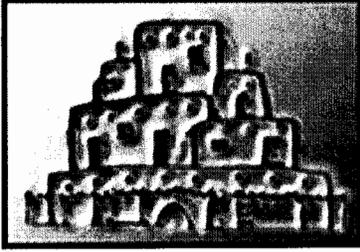
From: walter wait [mailto:waltwait@q.com]
Sent: Sunday, December 06, 2015 1:06 PM
To: Kathy S. Holian; Istepfanics; Robert A. Anaya
Cc: Robert Griego; Penny Ellis-Green; Senior, Diane
Subject: Sand and Gravel

attached is a letter from the San Marcos Association in support of suggested changes the Code.
Please consider these alterations for the final document.

Many Thanks,

Walt

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6



THE SAN MARCOS ASSOCIATION

December 5, 2015

**THE SAN MARCOS ASSOCIATION
P. O. Box 722
Cerrillos, NM 87010**

Dear Commissioners and Staff,

Re: RCA input on Section 10.19. Small Scale Sand and Gravel Extraction;
proposed amendment by attorney, Chris Graeser.

The San Marcos Association Board of Directors supports the efforts of the RCA and their attorney, Chris Graeser in their proposed amendment to Section 10.19 on Small Scale Sand and Gravel Extraction. We are very concerned with the possible impacts of this ordinance locally on the Turquoise Trail Communities and the greater Galisteo Basin. Chris Graeser's amendments addresses our largest concerns, which are required minimum 1,000 foot setbacks, reinstate mine siting approval standards, and meet the State minimum impact standards to include protection for State Cultural Properties. We hope that you will implement his suggestions into Section 10.19 before the Tuesday BCC meeting, so that we can all be in support of Section 10.19 together and be able to move forward.

Best regards,

Walter Wait
President, SMA

2015 SLDC Comment Documentation

NOTE: Please complete the following items. Please send typed comment forms to Amy Rincon at amrincon@santafecountynm.gov

Date: 12/7/2015

Staff:

Comment Subject (mark one):

SLDC (Section and Page):

Zoning Map (Property ID):

Fees Ordinance (Section and Page):

Property of concern:

Growth Management Area where property is located (circle one):

El Norte El Centro Galisteo Estancia

Name of commenter: Steven Davis

Address of commenter:
1025 APACHE PLUME DR

How was the comment received (mark one)? Letter Email Phone Walk-in

Comment:
I support the adoption of the new SLDC and zoning map and encourage that the county commissioners to adopt the plan and map. Thank you for your time and consideration to move the planning process forward.


SFC CLERK RECORDED 01/14/2016

From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Cc: [Paul Olafson](#); [Penny Ellis-Green](#)
Subject: FW: SLDC Public Comment (Dec. 8, 2015 Hearing)
Date: Monday, December 07, 2015 4:47:04 PM
Attachments: [20151207 LTR Santa Fe County re SLDC and Zoning Map Comment.pdf](#)
[image001.png](#)

Please add to SLDC and zoning map public comments addendums.

*Robert Griego, AICP
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87504
Phone: 986-6215*



From: Donna Smith [mailto:DSmith@atb-law.com]
Sent: Monday, December 07, 2015 4:23 PM
To: Penny Ellis-Green; Robin Gurule; Henry P. Roybal; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Robert Griego; Paul Olafson; Liz Stefanics
Cc: Clifford Atkinson; Justin Rodriguez
Subject: Re: SLDC Public Comment (Dec. 8, 2015 Hearing)

Please see the attached Objections and Comments concerning the December 8, 2015 Hearing on adoption of the SLDC and 2015 Zoning Map.

Donna Smith

Donna Smith, Legal Assistant
ATKINSON, THAL & BAKER, P.C.
201 Third Street NW, Suite 1850
Albuquerque, NM 87102
(505) 764-8111 main
(505) 764-8374 fax
DSmith@atb-law.com

LAW OFFICES
ATKINSON, THAL & BAKER, P.C.
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 1850
ALBUQUERQUE, NEW MEXICO 87102

CLIFFORD K. ATKINSON*
JOHN S. THAL*
DOUGLAS A. BAKER
JUSTIN D. RODRIGUEZ†

TELEPHONE (505) 764-8111
FACSIMILE (505) 764-8374
WWW.ATB-LAW.COM

December 7, 2015

*ALSO ADMITTED TO PRACTICE IN COLORADO
†ALSO ADMITTED TO PRACTICE IN ARIZONA

VIA HAND DELIVERY ONLY (Dec. 8, 2015)

Santa Fe County
Planning Division - Sustainable Land Development Code
102 Grant Avenue
Santa Fe, NM 87501

VIA EMAIL ONLY (Dec. 7, 2015)

Penny Ellis-Green, Director
Santa Fe County Growth Management
Administration
pengreen@santafecountynm.gov

Robin Gurule, Administration
Santa Fe County Attorney Department
rgurule@santafecountynm.gov

Henry Roybal, Commissioner
Board of County Commissioners
District 1
hproybal@santafecountynm.gov

Miguel M. Chavez, Vice-Chair
Board of County Commissioners
District 2
mchavez@santafecountynm.gov

Robert A. Anaya, Chair
Board of County Commissioners
District 3
ranaya@santafecountynm.gov

Kathy Holian, Commissioner
Board of County Commissioners
District 4
kholian@santafecountynm.gov

Liz Stefanics, Commissioner
Board of County Commissioners
District 5
lstefanics@santafecountynm.gov

Robert Griego, Planning Manager
Santa Fe County Growth Management /
Land Use
rgriego@santafecountynm.gov

Paul Olafson, Planning Project Manager
Santa Fe County Community Planning
polafson@santafecountynm.gov

Re: **Type:** SLDC and Zoning Map Comment
Comment Type: Specific Parcels
Parcel IDs/Legal Descriptions: 78402816 (Ortiz Grant), Exception No. 2 &
Exception No. 3 (see attached deeds)
Property Owners: Potter/Ortiz LLC; Exception No. 2, LLC; PC No. 1 LLC;
PC No. 2 LLC
Zoning Classification on Adoption Draft Zoning Map: Ag/Ranch (A/R) &
Rural (RUR)
Requested Zoning Classification: Industrial General (I)

SLDC 2015 Public Comments Addendum

Comment A.11

SFC CLERK RECORDED 01/14/2016

Dear Commissioners and Santa Fe County Representatives:

On behalf of the above identified property owners and parcels (commonly known as the Ortiz Mine Grant, Exception No. 2 and Exception No. 3) (collectively the "Properties"), we submit written comments and objections to Santa Fe County's proposed adoption of the Sustainable Land Development Code (SLDC) and 2015 Zoning Map. The above entities standing to object and be heard in this matter is evidenced by the attached deeds which are duly recorded in the Clerk's records for and in the County of Santa Fe, New Mexico. These comments and objections are submitted on behalf of each the Grantees identified therein and on behalf of each of the Properties and delivered in advance of our clients' participation at the December 8, 2015 public hearing. All rights, objections and comments are expressly reserved, whether stated herein or not. This first set of written comments and objections is not intended to be exhaustive of the above identified property owners' comments, objections, claims, arguments or rights with regard to this administrative adoption or in any other proceeding in any other venue to challenge or contest the County's actions, zoning or adoption of the SLDC. Additionally, the above property owners expressly reserve and do not waive any and all available relief or damages now or in the future.

FIRST OBJECTION AND COMMENT

The above identified parcels have long standing historical mining significance and development.¹ The properties are part of what is known broadly as the Ortiz Grant and Exception No. 2. Roughly, the Grant is centered on the Santa Rosalia or Ortiz Mine a little north of the center of Ortiz Mountains. It has no prominent east west boundaries, but crudely lies from the Galisteo River on the north to the north side of the San Pedro Mountains on the south. Minerals, mining, exploration, development, extraction and related activities on the properties have been ongoing, consistent and engaged in since the Spanish Colonial Period (1598-1821). Mexican Period records from as early as 1831 recognize the gold mining resources and value of the properties. The existence, rights and estate in the Grant were confirmed by the United States Government in The Treaty of Guadalupe Hidalgo in 1848. In Article VIII of the Treaty, the United States guarantees the property rights of Mexican citizens in areas transferred to the United States, including in and to the Grant. On March 1, 1861, the U.S Congress approved and recognized the Ortiz Mine Grant. On May 20, 1876, the U.S. Government issued a patent of the entire fee of the Ortiz Grant to the New Mexico Mining Company. Hard rock mineral development of the Grant has been systematic and continuous since the U.S. Government's recognition of the Grant (as well as previously), including most recently between 1980-1989 when a large open pit mine operated on the Cunningham Deposit situated within the exterior boundaries of the Grant. Because the properties include and their owners hold vested rights to mine, including those recognized by Treaty and the New Mexico Constitution and as reserved in a certain February 28, 1947 warranty deed and mineral reservation, the adoption of the SLDC, including without limitation, the requirements of Chapter 11- Developments of Countywide

¹ The "minerals" include, without limitation oil and gas, though to our clients' understanding the contemplated Ordinance does not explicitly regulate oil and gas development.

Impact, cannot lawfully, constitutionally or legally be imposed on the owners or the above identified estates in land.

SECOND OBJECTION AND COMMENT

Without waiver and reserving all rights, in accordance with Chapter 11- Developments of Countywide Impact, a DCI Overlay Zoning District and DCI Conditional Use Permit for purposes of mining and resource extraction must apply at the onset and without application to all estates in land contained within the exterior boundaries of the Ortiz Grant, Exception Nos. 2 and 3.

THIRD OBJECTION AND COMMENT

The properties cannot be lawfully encumbered by a Community District Overlay, including without limitation, the Galisteo Community District Overlay or any other related overlay which would prohibit, affect or otherwise limit the fee owners vested rights to mine.

FOURTH OBJECTION AND COMMENT

Without waiver and reserving all rights, all estates in land contained within the exterior boundaries of the Ortiz Grant and Exception Nos. 2 and 3 should be classified in the SLDC 2015 Zoning Map as Industrial General (I) in accordance with the properties' historic mining uses and purposes.

FIFTH OBJECTION AND COMMENT

Subsurface mineral estates are not subject to County zoning authority.

SIXTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map would be unconstitutionally in violation of the protections and rights afforded the owners under the United States Constitution, the ratification of the Treaty of Guadalupe Hidalgo, the New Mexico Constitution (including without limitation, N.M. Const. Art. II, § 20), and other rights and protections (including without limitation, NMSA 1978, § 42A-1-29).

SEVENTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map is an invalid application of the police power of the County and such enactment is preempted by State and Federal law and Treaty.

EIGHTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map is arbitrary and capricious.

NINTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map would constitute an unlawful deprivation of property rights without due process of law, in violation of the Fifth Amendment of the Constitution and other rights, privileges and immunities.

TENTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map would violate the above owners' rights to equal protection under the law.

ELEVENTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map to prohibit or limit the rights of the owners to mine is pre-empted by state and federal statutes and state and federal constitution. *Swepi, LP v. Mora Cty., N.M.*, 81 F. Supp. 3d 1075, 1167-73, 1198 (D.N.M. 2015) (ruling ordinance pre-empted by the Supremacy clause, and applying the "conflict preemption test" to conclude that "[b]y banning hydrocarbon exploration-and-extraction activities, the Ordinance is antagonistic to state law, because it prohibits activities that New Mexico state law permits"); N.M. Const. Art. II, § 5 ("The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.").

TWELTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map to prohibit or limit the rights of the owners to mine would violate the owners' rights to continue with a vested, pre-existing use (e.g. mining) and deny such owners the rights guaranteed to the people of New Mexico subject to Treaty. See N.M. Const. art. II, § 5 ("The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate."). Mining and mining related activities on the Grant and Exception Nos. 2 and 3 have been consistent, ongoing and pre-existing for over 400 years and continue to present.

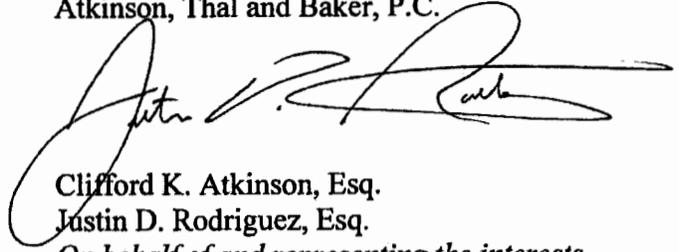
THIRTEENTH OBJECTION AND COMMENT

On or more of the above identified entities and owners of record has not received actual notice of this matter nor actual notice of the County's proposed 2015 Zoning Map initial zoning classification of the impacted Properties.

For each of the reasons set forth above and reserving all rights, the above identified fee owners object to and oppose Santa Fe County's proposed adoption of the Sustainable Land Development Code (SLDC) and 2015 Zoning Map. To the extent such SLDC or Zoning Map is

adopted over objection, the vested rights to mine the Properties, including within the entire exterior boundaries of the Grant, must not be infringed or limited.

Atkinson, Thal and Baker, P.C.



Clifford K. Atkinson, Esq.
Justin D. Rodriguez, Esq.

*On behalf of and representing the interests
of the Ortiz Mine Grant, Exception Nos. 2
and 3.*

SFC CLERK RECORDED 01/14/2016



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

QUITCLAIM DEED
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 31ST Day Of January, A.D., 2008 at 11:21
And Was Duly Recorded as Instrument # 1513957
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy Valerie Espinoza County Clerk, Santa Fe, NM

QUITCLAIM DEED

Grantor, George W. Potter, Jr., a single person, quitclaims to Grantee, Potter/Ortiz, ██████████
LLC, a New Mexico LLC, whose address is c/o Anne P. Russ, 14103 Pembroke, Leawood,
Kansas, 66224, all of his right, title, and interest in and to all minerals, mineral rights, and rights
pertaining thereto in and to the following described real property (the Property) located in Santa
Fe County, New Mexico:

The Property is described more specifically in Exhibit A hereto,
but generally is known as the Ortiz Mine Grant consisting of
approximately 57,267 acres of rights in minerals, mineral rights,
and related rights.

Witness my hand and seal this 18th day of December, 2007.

Grantor:

George W. Potter, Jr.
George W. Potter, Jr.

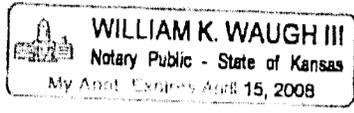
REC'D
CLERK
SFC
RECORDED
31/2008

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on the 18 day of December, 2007, by George W. Potter, Jr. known to me to be a single person.

William K. Waugh III
Notary Public

My commission expires:
4/15/08



SFC CLERK RECORDED 01/14/2016
SFC CLERK RECORDED 01/31/2008

**EXHIBIT "A" TO QUITCLAIM DEED
FROM GEORGE W. POTTER, JR. TO
POTTER/ORTIZ [REDACTED], LLC**

21,604 ACRE TRACT:

Beginning at the southwest corner of the Ortiz Mine Grant located in Section 18, T. 12 N., R. 7 E., NMPM, Santa Fe County, New Mexico, proceeding east along the south boundary of the Ortiz Mine Grant for approximately 26,000 feet to the northeast corner of partial Section 14, T. 12 N., R. 7 E.; thence due North approximately 38,000 feet to the present North boundary line of the Ortiz Mine Grant; thence due west along said north boundary line approximately 26,000 feet to the northwest corner of the Ortiz Mine Grant in Section 18, T. 13 N., R. 7 E.; thence South along the west line of the Ortiz Mine Grant approximately 38,000 feet to the southwest corner of the Ortiz Mine Grant, the point of beginning, consisting of approximately 22,681 acres, less a portion of Exception No. 1 amounting to approximately 33 acres more or less and Exception No. 2 amounting to 1,044.34 acres more or less. The aforesaid tract contains approximately 21,604 acres, more or less, all of said land lying within Santa Fe County, New Mexico.

35,663 ACRE TRACT:

Beginning at the Northeast corner of partial Section 14, T. 12 N., R. 7 E., N.M.P.M., said corner being on the south surveyed boundary line of the Ortiz Mine Grant, proceeding north approximately 38,000 feet to a point on the North line of the Ortiz Mine Grant, which is the South line of Exception No. 4; thence East 8,800 feet, more or less; thence North 18,500 feet more or less to the Northwest corner of the Ortiz Mine Grant, said point being 183 feet west of the Southwest corner of Section 29, T. 14 N., R. 8 E., N.M.P.M.; thence East along the surveyed North line of the Ortiz Mine Grant approximately 23,200 feet to the Northeast corner of the Ortiz Mine Grant, located in Section 25, T. 14 N., R. 8 E., N.M.P.M.; thence generally southward along the surveyed East boundary of the Ortiz Mine Grant approximately 56,800 feet to the Southeast corner of the Ortiz Mine Grant located in Section 14, T. 12 N., R. 8 E., N.M.P.M.; thence westerly along the surveyed south boundary of the Ortiz Mine Grant approximately 30,500 feet to the point of beginning, excepting however, so much of the United States Mineral Survey No. 1361 as may be in conflict with the Ortiz Mine Grant Surveys, (referred to as EXCEPTION NUMBER 1, as applied to the Ortiz Mine Grant, and covering 48.55 acres, more or less). And excepting such areas as are occupied by rights-of-ways of Public Highways and railroads, (referred to as EXCEPTION NUMBER 5, as applied to the Ortiz Mine Grant) and excepting so much of the New Live Oak Claim (referred to as EXCEPTION NUMBER 6, as applied to the Ortiz Mine Grant), as Lessor may not be entitled to lease hereunder, but not excepting and including herein any and all right, title and interest Lessor or George W. Potter, Jr., now have or may hereafter acquire in and to the aforesaid "New Live Oak Claim," or any other property within the exterior boundaries of the aforesaid tract. The aforesaid tract contains approximately 35,663 acres more or less, all of said land lying within Santa Fe County, New Mexico.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SPECIAL WARRANTY DEED
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of December, 2013 at 10:51:16 AM
And Was Duly Recorded as Instrument # 1726042
Of The Records Of Santa Fe County

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

(Space above this line for Recorder's use)

**SPECIAL WARRANTY DEED
(Santa Fe County, New Mexico)**

THIS SPECIAL WARRANTY DEED is made as of December 19, 2013, between ANNE POTTER RUSS and NORBERT RUSS, husband and wife ("Grantor"), whose address is 14103 Pembroke Street, Leawood, Kansas 66224, FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, hereby GRANTS, SELLS AND CONVEYS to PC NO. 2, LLC, a Kansas limited liability company ("Grantee"), the address of which is 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210 with SPECIAL WARRANTY COVENANTS, all right, title, interest and claim to the following real estate in the County of Santa Fe, State of New Mexico:

A certain parcel of land situate within the Ortiz Mine Grant as filed by warranty deed from New Mexico Mining Company to James M. Lucas as recorded in Book K-M Page 602, Book of Deeds and warranty deed from George Potter to Gage, Young, McDonald, et.al., as recorded in Book 30 Page 519, Miscellaneous Deeds, records of Santa Fe County, New Mexico, being more particularly described as follows:

Beginning at a G.L.O. brass cap, being the northeast corner of the Canon del Agua Grant and an angle corner of the south boundary of the Ortiz Mine Grant;

Thence N21-25-19E a distance of 7432.37 feet to a rock inscribed "NW Cor. L.M.S.", said rock being the northwest corner of the Lukas Mill Site and true point of beginning;

Thence S89-41-40E a distance of 325.23 feet to a rock inscribed "NE Cor. L.M.S.", said rock being the northeast corner;

Thence S00-18-20W a distance of 425.00 feet to the southeast corner; Thence N89-41-40W a distance of 325.23 feet to the southwest corner;

Thence N00-18-20E a distance of 425.00 feet to the northwest corner and true [point of beginning.

Subject, however, to 2014 and future years taxes and any and all recorded easements, reservations and restrictions to which the property may be put.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns forever IN FEE SIMPLE; so that neither Grantor nor Grantor's successors and/or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

Grantor further WARRANTS and agrees to FOREVER DEFEND all and singular the said property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

Norbert Russ joins in the conveyance for the purpose of conveying any marital, community property or other right, title or interest which he may have in the above described property.

IN WITNESS WHEREOF, Grantor has hereunto set its hand the day and year first above written.

GRANTOR:


ANNE POTTER RUSS


NORBERT RUSS

SFC CLERK RECORDED 12/23/2013

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 19 day of December, 2013, before me, the undersigned, a Notary Public in and for said County and State aforesaid, came Anne Potter Russ and Norbert Russ, who are personally known to me to be such persons, and such persons duly acknowledged the execution of the same to be the act and deed of said persons and that they are married to each other.

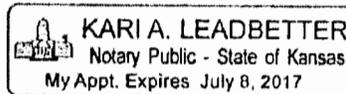
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Karia A. Leadbetter
Signature of Notary Public

Karia A. Leadbetter
Printed Name of Notary

My commission expires:

7-8-2017



Recording Requested By and
When Recorded Mail To:

Lathrop & Gage LLP
10851 Mastin Boulevard, Suite 1000
Overland Park, Kansas 66210
Attn: Harry E. Wigner, Jr.

SFC CLERK RECORDED 01/14/2016
SFC CLERK RECORDED 12/23/2013

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SPECIAL WARRANTY DEED
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of December, 2013 at 11:01:03 AM
And Was Duly Recorded as Instrument # 1726053
Of The Records Of Santa Fe County



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

(Space above this line for Recorder's use)

**SPECIAL WARRANTY DEED
(Santa Fe County, New Mexico)**

THIS SPECIAL WARRANTY DEED is made as of December 19, 2013, between ANNE POTTER RUSS and NORBERT RUSS, husband and wife ("Grantor"), whose address is 14103 Pembroke Street, Leawood, Kansas 66224, FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, hereby GRANTS, SELLS AND CONVEYS to PC NO. 1, LLC, a Kansas limited liability company ("Grantee"), the address of which is 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210 with SPECIAL WARRANTY COVENANTS, all right, title, interest and claim to the following real estate in the County of Santa Fe, State of New Mexico:

A certain parcel of land situated within the Ortiz Mine Grant as filed by warranty deed from New Mexico Mining Company to James M. Lucas as recorded in Book J-I page 314, Book of Deeds and warranty deed from George Potter to Gage, Young, McDonald et.al., as recorded in Book 30 page 519, Miscellaneous Deeds, records of Santa Fe County, New Mexico, being more particularly described as follows:

Beginning at a G.L.O. brass cap, being the northeast corner of the Canon del Agua Grant and an angle corner of the south boundary of the Ortiz Mine Grant;

Thence N26-54-28E a distance of 15,924.71 feet to the southwest corner of the Black Prince Lode, and true point of beginning, whence the northwest corner of the Lukas Mill Site bears S31-40-54W a distance of 8556.06 feet;

Thence N06-29-30W a distance of 644.30 feet to a scribed rock, being the northwest corner of said Black Prince Lode and southwest corner of the Ohio Lode;

Thence N07-05-30W a distance of 634.10 feet to the northwest corner of said Ohio Lode;

Thence S77-57-30E along the northerly boundary of said Ohio Lode a distance of 549.40 feet to a scribed rock, being the southwest corner of the Illinois Lode;

Thence N12-34-20W a distance of 614.50 feet to a scribed rock, being the northwest corner of said Illinois Lode;

REC'D CLERK RECORDS 12/23/13

Thence S77-23-50E a distance of 743.50 feet to a scribed rock, being the northeast corner of said Illinois Lode;

Thence S12-20-00W a distance of 614.20 feet to a scribed rock, being on the said northerly boundary of the Ohio Lode and southeast corner of said Illinois Lode;

Thence S76-47-1 IE along said northerly boundary a distance of 198.40 feet to a scribed rock, being the northeast corner of said Ohio Lode;

Thence S07-05-30E a distance of 634.10 feet to a scribed rock, being the southeast corner of said Ohio Lode and northeast corner of said Black Prince Lode;

Thence S06-29-30E a distance of 644.30 feet to a scribed rock, being the southwest corner of said Black Prince Lode;

Thence N77-32-20W a distance of 1493,90 feet to the said southwest corner of the Black Prince Lode and true point of beginning.

Subject, however, to 2014 and future years taxes and any and all recorded easements, reservations and restrictions to which the property may be put.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns forever IN FEE SIMPLE; so that neither Grantor nor Grantor's successors and/or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

Grantor further WARRANTS and agrees to FOREVER DEFEND all and singular the said property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

Norbert Russ joins in the conveyance for the purpose of conveying any marital, community property or other right, title or interest which he may have in the above described property.

IN WITNESS WHEREOF, Grantor has hereunto set its hand the day and year first above written.

GRANTOR:

Anne P. Russ
ANNE POTTER RUSS

Norbert Russ
NORBERT RUSS

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 19 day of December, 2013, before me, the undersigned, a Notary Public in and for said County and State aforesaid, came Anne Potter Russ and Norbert Russ, who are personally known to me to be such persons, and such persons duly acknowledged the execution of the same to be the act and deed of said persons and that they are married to each other.

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

Kari A. Leadbetter
Signature of Notary Public

Kari A. Leadbetter
Printed Name of Notary

My commission expires:

7-8-2017



Recording Requested By and
When Recorded Mail To:

Lathrop & Gage LLP
10851 Mastin Boulevard, Suite 1000
Overland Park, Kansas 66210
Attn: Harry E. Wigner, Jr.

SFC CLERK RECORDED 12/23/2013



COUNTY OF SANTA FE) QUITCLAIM DEED
STATE OF NEW MEXICO) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 31ST Day Of January, A D., 2008 at 11:21 and Was Duly Recorded as Instrument # 1513956 of The Records Of Santa Fe County

Deputy *Valerie Espinoza* → Witness My Hand And Seal Of Office Valerie Espinoza County Clerk, Santa Fe, NM

QUITCLAIM DEED

Grantor, George W. Potter, Jr. a single person, quitclaims to Grantee, Exception No. 2, LLC, a New Mexico LLC, whose address is c/o Anne P. Russ, 14103 Pembroke, Leawood, Kansas 66224, all of his right, title, and interest in and to the following described real property (the Property) located in Santa Fe County, New Mexico, sometimes known as "Exception No. 2", more specifically described as follows:

A tract of land in the southwesterly portion of said grant described upon a blueprint plat filed in the office of the County Clerk of Santa Fe County, New Mexico, surveyed by J.D. Sena, Jr., in August and September, 1941, and more particularly described as follows: Beginning at a point on the South Boundary of the Ortiz Mine Grant, whence the closing corner of Sections 14 and 15 Twp. 12 N., R. 7 E., N.M.P.M., bears S. 89 deg. 42 Min. W. 159.2 feet distant; thence from said beginning point S. 89 deg. 42' W., 16,278.2 feet along the South Boundary of said Grant to a point whence the closing corner of Sections 17 and 18, Twp. 12 N., R. 7 E., bears N. 89 deg. 42' E., 246.7 feet distant; thence N. 12 deg. 00' W., 233.0 feet to a point; thence N. 34 deg. 02' E., 268.5 feet to a point; thence S. 70 deg. 00' E., 669.8 feet to a point; thence N. 35 deg. 21' E., 552.0 feet to a point; thence N. 76 deg. 40' E., 272.4 feet to a point on the West Boundary of the Canon del Agua Grant; thence N. 00 deg. 09' E., along the West Boundary of the Canon del Agua Grant to its N.W. cor., thence S. 89 deg. 55' E., 2,303.19 feet along the North Boundary of said Canon del Agua Grant to a point; thence N. 25 deg. 03' W., 425.3 feet to a point; thence N. 8 deg. 21' E., 3390.6 feet to a point; thence S. 77 deg. 00' E., 599.6 feet to a point; thence N. 06 deg. 51' E., 200.0 feet to a point; thence N. 89 deg. 57' E., 5360 feet to a point; thence S. 00 deg. 03' E., 3548 feet to a point; thence S. 83 deg. 22' E., 6400 feet to a point; thence S. 941.3 feet to the point and place of beginning; containing 1044.34 acres, more or less.

SFC CLERK RECORDED 01/14/2016

Witness my hand and seal this 18th day of December, 2007.

Grantor:

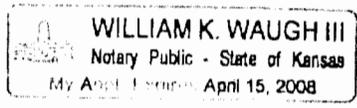
George W. Potter, Jr.
George W. Potter, Jr.

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on this 18 day of December, 2007, by George W. Potter, Jr. known to me to be a single person.

William K. Waugh III
Notary Public

My commission expires:
4/15/08



SFC CLERK RECORDED 01/31/2008



December 8, 2015 BCC meeting

SLDC - Additional staff proposed changes

SFC CLERK RECORDED 01/14/2016

CHAPTER ONE – GENERAL PROVISIONS

1.1. SHORT TITLE. This Ordinance, as amended from time to time, shall be cited as “The Santa Fe County Sustainable Land Development Code” and shall be referred to as “the SLDC.”

1.2. AUTHORITY. The SLDC is promulgated pursuant to the authority set forth in Art. IX, X and XIII of the New Mexico Constitution (1912); NMSA 1978 § 4-37-1 (1975), NMSA 1978 § § 3-21-1 *et seq.* (1965), NMSA 1978 § § 3-19-1 *et seq.* (1965), NMSA 1978 § § 3-18-1 *et seq.* (1965), NMSA 1978 § § 19-10-4.1, 4.2 and 4.3 (1985), NMSA 1978, § 3-20-1 *et seq.* (1973), NMSA 1978, § 3-33-1 *et seq.* (1965), NMSA 1978, § 3-35-1 *et seq.* (1965), NMSA 1978, § 3-45-1 *et seq.* (1965), NMSA 1978, § 4-37-1 *et seq.* (1975), NMSA 1978, § 5-11-1 *et seq.* (2001), NMSA 1978, § 6-27-1 *et seq.* (2004), NMSA 1978, § 7-91-1 *et seq.* (2005), NMSA 1978, § 11-3A-1 *et seq.* (1994), NMSA 1978, § 47-5-1 (1963), NMSA 1978 § § 47-6-1 *et seq.* (1973), NMSA 1978, § 58-18-1 *et seq.* (1975), NMSA 1978 §60-13-1; and Federal Insurance Regulation 1910. The SLDC constitutes an exercise of the County’s independent and separate but related law enforcement, zoning, planning, environmental, fiscal and public nuisance powers for the health, safety and general welfare of the County and its residents.

2.2.3. Registered Organizations.

2.2.3.1. Registered Organizations (ROs) are hereby established.

2.2.3.2. A Registered Organization (“RO”) is any organization (unincorporated association, partnership, limited liability company, corporation) interested in development projects or other County activities. An RO may include an acequia or land grant association, assessment and public improvement districts, public or private utility, school district, homeowner association, or neighborhood association.

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 person, who will be designated by the RO to receive notice from the County and to represent the RO in dealings with County staff;
2. A map or written description of the organization’s geographical boundaries or geographical interests as appropriate;
3. A list of the organization's topic(s) of interest;
4. A list of the officers ~~and members~~ of the organization, including **specifically** phone numbers and/or email addresses of officers ~~and members of the RO~~;
5. A signed copy of the relevant organizing documents of the RO;
6. Information concerning the organization's regular meeting location and date;
7. The date the organization was founded; and
8. The number of organization members.

Chapter 7 – Sustainable Design Standards

7.16. PROTECTION OF HISTORIC AND ARCHAEOLOGICAL RESOURCES.

7.16.1. Purpose. This section is intended to preserve and enhance the historic, archeological and cultural heritage of Santa Fe County. The section defers to the protections established in state and federal law and in particular the Cultural Properties Act and the Historic Districts and Landmarks Act. It also intends to use established statutory tools available to local governments to provide additional protection beyond that which is provided by the State and federal governments. In particular, this section intends to utilize, to the greatest extent possible, the County's inherent police power and zoning authority to provide effective protection for historic and cultural sites that would otherwise go unprotected. This section also is intended to provide for additional investigation on property proposed for development to determine whether undiscovered historic or cultural properties exist, and if properties are discovered, to provide protection of those properties from development.

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 of 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 of Cultural Affairs.

7.16.3. Development Affecting a Registered Cultural Property – Required Report.

7.16.3.1. Development that proposes to remove, demolish or adversely affect a property listed on the new Mexico Register 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; a copy of an excavation permit issued pursuant to 4.10.14 New Mexico Administrative Code by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer is also required for any mechanical excavation of an archaeological site on private land.

7.16.3.2. Development that affects in any way a Registered Cultural Property (including any removal or demolishing pursuant to the previous paragraph) is not permitted unless the applicant first submits a report concerning the proposed development for review of the Historic Preservation Office, Historic Preservation Officer. The report shall describe in detail the proposed changes to the Registered Cultural Property. Such a report shall be prepared by a professional qualified under § 7.16.8 of this subsection. The report shall include a complete treatment plan for protection and preservation of the Registered Cultural Property, shall contain at least as much information as is listed in Section 4.10.16.14 New Mexico Administrative Code ("Preliminary Reports"), and shall meet the requirements of Section 4.10.7 New Mexico Administrative Code imposing general standards. The treatment plan shall be reviewed by the New Mexico State Historic Preservation Office, Historic Preservation Officer and conditions on the development

proposed by the State Historic Preservation Officer may, as appropriate, be incorporated into the development permit.

7.16.3.3. Any development affecting in any way a Registered Cultural Property requires a conditional use permit.

7.16.4. Designation of Archeological Districts. The County is hereby divided into three districts for purposes of determining the level of investigation, mitigation and treatment required for archeological resources for persons engaging in development within those districts. The three archeological districts are created in Appendix D. Each district corresponds to areas of high," "medium," and "low" potential for discovery of heretofore undiscovered archeological resources.

7.16.4.1. On March 19, 2004, Congress enacted Public Law 108-208 as the Galisteo Basin Archaeological Sites Protection Act ("the Act"), Section 2 of which stated that its purpose was "to provide for the preservation, protection, and interpretation of the nationally significant archeological resources in the Galisteo Basin in New Mexico." The Act found the Galisteo Basin to be "the location of many well preserved prehistoric and historic archeological resources of Native American and Spanish colonial cultures." Further, that "these resources included the largest ruins of Pueblo Indian settlement in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements...[all of which] are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations."

7.16.4.2. The Act designated some 24 specific sites, comprising 4,591 total acres, as constituting the Galisteo Basin Archaeological Protection Sites. The 24 designated sites are subject to change. Those current sites consist of: Arroyo Hondo Pueblo, Burn Corn Pueblo, Chamisa Locita Pueblo, Comanche Gap Petroglyphs, Espinosa Ridge Site, La Cienega Pueblo & Petroglyphs, La Cienega Pithouse Village, La Cieneguilla Petroglyphs/Camino Real Site, La Cieneguilla Pueblo, Lamy Pueblo, Lamy Junction Site, Las Huertas, Pa'ako Pueblo, Petroglyph Hill, Pueblo Blanco, Pueblo Colorado, Pueblo Galisteo/Las Madres, Pueblo Largo, Pueblo She, Rote Chert Quarry, San Cristobal Pueblo, San Lazaro Pueblo, San Marcos Pueblo, and Upper Arroyo Hondo Pueblo. Section 3 of the Act permits any private property owner included within the boundary of the designated site upon written request to the Secretary of the Interior, to have their property immediately removed from within that boundary. Section 4 of the Act prohibits additions to or deletions from the listed sites except by an act of Congress.

7.16.4.3. Section 2 of the Act protects the archeological protection sites by restricting activity on any Federal lands within the sites including but not limited to disposal of lands, mining activity and mineral/geothermal leasing. The Act authorizes the Secretary of the Interior to enter into cooperative agreements with owners of non-Federal lands as to an archeological protection site located on their property. Such an agreement would enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archeological resources and associated lands. Section 5 of the Act prohibits the Secretary from administering archeological protection sites which are on non-Federal lands unless the landowner consents in a cooperative agreement.

7.16.4.4. The Act specifically prohibits the regulation of privately owned lands located within archeological protection sites and permits the Department of Interior to only acquire lands or interests within the protected sites with the consent of the owner. Similarly, Section 18-6-10 of the Cultural Properties Act deems it "an act of trespass and

a misdemeanor for any person to remove, injure or destroy registered cultural properties situated on private lands or controlled by a private owner without the owner's prior permission." Also, under the state law, if a cultural property is on private land and the State Cultural Properties Review Committee determines that cultural property to be worthy of preservation and inclusion on the official register of cultural property, "the Committee may recommend the procedure best calculated to ensure preservation." The procedures include providing technical assistance to the owner to preserve the cultural property, acquiring the property outright or acquiring an easement, advising the County to consider zoning the property as an historic area/district under the Historic District Act, advising the County of the tools available to obtain control of the cultural property under the Historic District Act, and acquiring the property for the State by use of eminent domain.

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 traditional community, ~~and (iv)~~ any application for small scale sand and gravel extraction, ~~or~~ **and (v)** a DCI 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.

7.16.5.2. The investigation referred to in the previous paragraph shall include documentary research through the Archeological Records Management Section (ARMS) 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.

7.16.5.3. The investigation referred to in the previous paragraphs shall have as its goal to determine in a definitive manner whether known archeological resources exist. If known archeological resources exist on the site, they shall be confirmed through direct field investigation conducted by a qualified professional under § 7.16.8.

7.16.5.4. If, as a result of the documentary investigation and any follow-up field investigation, archeological resources are verified to exist on the property, a treatment and mitigation plan shall be developed whose primary goal is preservation of the archeological resources. If preservation is not practicable, then a treatment and mitigation plan shall be prepared and incorporated into the report as described in the following paragraphs.

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"). If the qualified professional determines that archeological resources may be present, shovel tests or other subsurface testing shall be performed.

7.16.5.6. The investigation referred to in the previous paragraphs shall culminate in the preparation of a detailed report concerning the investigation which shall, at a minimum, contain all of the following. The report shall be forwarded to SHPO for review and comment:

- 1.** a map of the proposed development that includes the buildable area and all areas proposed to be disturbed and that also shows the location of any archeological resources or sites investigated as a result of the documentary and pedestrian survey and any property listed on the Register of Cultural Properties;
- 2.** a description of all archeological resources that were found during the investigation;
- 3.** a brief description of human occupation and land use in the vicinity of the proposed development;
- 4.** a complete list of sources consulted during the investigation;
- 5.** a site map of the proposed development and environs that includes depiction of the archeological sites found and that depicts all the field work completed;
- 6.** photographs of all archeological resources investigated;
- 7.** copies of each site inventory and activity form completed on the site;
- 8.** an overview of previous work and findings from the site of the proposed development and nearby sites;
- 9.** an assessment of the impact of the proposed development on the archeological remains found at the site;
- 10.** any archeological resources identified in the report, categorized as either (a) not significant and no treatment is necessary, (b) significant, but that the proposed development will not affect the resources or can avoid the resources with careful placement, (c) significant, but that the resources can be effectively treated, or (d) that the archeological or cultural resources are significant, cannot be avoided, and treatment is not feasible;
- 11.** a proposed treatment and mitigation plan that, if prepared, provides details concerning the means to undertake recovery and preservation of the archeological resources.

7.16.5.7. If the report referred in the previous paragraph proposes a treatment plan, the treatment plan shall be carried out as a condition precedent to obtaining a development permit. The treatment of the archeological resources shall continue until no archeological resources are encountered. As an alternative to carrying out a treatment plan prior to issuance of a development permit, the Administrator may accept financial assurance for the completion of the treatment plan and issue a development permit conditioned upon completion of the treatment plan.

7.16.5.8. If archeological resources are found, the resources shall be tested and analyzed

during the field investigation, and quantitative and qualitative summaries of the archeological remains shall be provided in the report.

7.16.5.9. Archeological resources which are identified as significant as a result of the investigation shall be avoided and permanently protected by a non-disturbance easement, or mitigated and treated. The property on which archeological resources are located may be voluntarily transferred or sold to a federal, State or County government for further protection as an alternative to protection by a non-disturbance easement.

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 Section 4.10.16 NMAC ("Standards for Excavation and Test Excavation").

7.16.5.11. In consultation with the State Historic Preservation Officer, the Administrator may determine that an investigation is not required for areas where cultural resources have been destroyed by previous development.

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 total development costs, then development of future phases consistent with the applied-for development shall be assumed. Where the cost of treatment exceeds ten percent of development costs, treatment shall be completed up to the ten percent limit. If treatment is incomplete, the applicant shall contact the State Historic Preservation Officer and the County's Open Space and Trails Division for additional funds, if available, 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 opinion of the State Historic Officer shall be final.

7.16.6. Development Within Areas of Medium Potential for Discovery of Archeological Resources, Required Investigation; Treatment and Mitigation.

7.16.6.1. Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 10.0 acres or more, ~~and (iv)~~ any application for small scale sand and gravel extraction, ~~or~~ **(v)** a DCI, within an area of "medium" 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.

7.16.6.2. The investigation, treatment and mitigation required in the previous paragraph shall encompass all the items described in subsections 7.16.5.2. through 7.16.5.13.

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, ~~and~~ **(iv)** any application for small scale sand and gravel extraction, ~~or~~ **(v)** a DCI, within an area of “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.

7.16.7.2. The investigation, treatment and mitigation required in the previous paragraph shall encompass all the items described in subsections 7.16.5.2. through 7.16.5.13.

7.16.8. Professional Qualifications. Where an investigation called for in this subsection requires a qualified professional, that investigation shall be conducted by a professional archeologist, anthropologist or historian qualified and approved by the State of New Mexico Cultural Affairs Division, Historic Preservation Officer and the Administrator.

7.16.9. Unexpected Discoveries. Any unexpected discoveries of archeological or cultural resources during construction, whether investigated or not pursuant to the SLDC, shall be immediately reported to the Administrator. Absent further instructions from the Administrator, construction activities shall immediately cease. The Applicant shall be responsible for having a person qualified pursuant to this section conduct an investigation of the site within forty-eight (48) hours to investigate, prepare a report, treat and mitigate the site as necessary and as described in subsection 7.16.5. The Administrator may only issue a permit authorizing construction to continue when all the items set forth in subsections 7.16.5.2. through 7.16.5.13 have been accomplished and approved by the Administrator,

7.16.10. Unexpected Discoveries of Human Remains. An unexpected discovery of human remains invokes duties under Section 18-6-11.2 of the Cultural Properties Act. Any such discovery shall be immediately reported to local law enforcement and the Administrator. All construction activities shall cease until the Medical Investigator has cleared further work.

7.16.11. Tribal Notification. Each investigation completed pursuant to this section shall be treated as a public record except as provided in NMSA 1978, Section 18-6-11.1, and mailed to any Tribal government within Santa Fe County that has made a written request of the Administrator for such information.

7.16.12. Excavating an Archaeological Site on Private Land Using Mechanical Excavation Equipment. Pursuant to Section 18-6-11 of the Cultural Properties Act, no person shall excavate an archaeological site located on private land in the State with the use of mechanical earthmoving equipment unless the person obtains a permit issued by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer. This requirement shall not apply to the private landowner unless the landowner transfers the property with the intent to excavate an archaeological site.

10.19. SMALL SCALE SAND AND GRAVEL EXTRACTION.

10.19.1. Applicability. This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials that affects less than 10 acres of land and extracts less than 20,000 tons of construction material and does not use blasting. Such activity shall be allowed where permitted by the Use Table, Exhibit B, subject to approval of a conditional use permit (§14.9.6.) and the additional requirements of this section. If the extraction activity requires blasting, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11.

10.19.2. Related Uses. Related office and material processing uses-activity may be permitted at the sand and gravel extraction sites where approved as part of the conditional use permit and constructed and operated in compliance with the SLDC and so long as the use is consistent.

10.19.3. Application. In addition to the submittal requirements for a conditional use permit (§14.9.6.), including any studies, reports and assessments required by Table 6-1, an application for approval of a small scale sand and gravel extraction facility-activity shall include the following:

10.19.3.1. Operations Plan. An operations plan for the small scale sand and gravel activity 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-activity where any surface disturbance will occur;
 - b. the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - c. pursuant to the standards of §7.17 (Terrain Management), a description of all earthmoving activities, including backfilling of cuts and leveling or compaction of overburden;
 - d. if applicable, the location and size of all water diversions and impoundments or discharge of water used in extraction operationsactivity;
 - e. areas to be used for storage of equipment and vehicles;
 - f. location and size of any structures;
 - g. areas designated to be reclaimed;
 - h. hours of operation and, if applicable, a description of outdoor lighting; and
 - i. fire protection plans.

2. A description of how construction materials will be processed on and/or removed from the site.
3. A description of how each phase of exploration or extraction correlates to the reclamation plan.
4. A timetable for each phase of extraction operations and reclamation.
5. A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
6. A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the site.
7. A description of all hazardous materials to be used and transported in connection with the small scale sand and gravel extraction activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
8. A description of the projected noise to be generated and an explanation of how the operator will comply with the requirements of §7.21.4 (Noise).
9. A statement concerning compliance, as applicable, with regulations of the Federal Aviation Administration (FAA).

10.19.3.2 Operational Standards and Requirements.

1. **State Permits.** All small scale sand and gravel extraction operations activities shall submit all required state permits, FEMA and/or Army Corps of Engineers permits with the conditional use permit application.
2. **Hours of Operation.** Hours of operation are limited to the period between sunrise or 7:00 a.m. whichever is latest, and sunset or 6:00 p.m., whichever is earliest, Monday through Saturday.
3. **Water Supply.** Extraction and filling of a reservoir shall not infringe on a downstream appropriator's rights.
4. **Project Traffic Impacts:**
 - a. All roads carrying small scale sand and gravel extraction related traffic shall conform to the requirements of Section 7.11 (Road Design Standards) of the SLDC.
 - b. **Transportation Facility Improvements.** An analysis of all roads accessing the site shall be submitted to the County with detailed information concerning the ability of the roads to adequately support the projected traffic, including potential-projected weight of vehicles for 20 years or the life of the small scale sand and gravel extraction

activityoperation. Cost of all improvements required, on and off-site, shall be borne entirely by the applicant.

c. Trip Generation. The Planning Commission may establish a maximum number of truck trips allowed to enter and exit a processing location.

d. Traffic Counts. Traffic counts at the entrance of the operation may be required.

e. Designation of construction and haul routes. The application shall designate proposed truck haul and traffic routes that shall be subject to limitation by the Planning Commission, which proposal shall:

- i.** identify the primary haul route including existing road conditions;
- ii.** identify residential areas, commercial areas, environmentally and visually sensitive areas, schools and other civic buildings along the haul route,
- iii.** identify alternative routes;
- iv.** identify the timing of truck haul traffic; and
- v.** include a fugitive dust plan for designated routes to prevent loss of loads and fugitive dust during transportation.

5. Project Description. The applicant shall provide a detailed statement describing the **proposed small scale sand and gravel extraction activity project** including:

- a.** The amount and type of materials to be excavated;
- b.** Duration of the excavation activity and reclamation activity;
- c.** The proposed method of excavation;
- d.** The amount of fill to remain on site; and
- e.** A statement from a New Mexico professional engineer indicating the type of material(s) to be excavated and their suitability for road and structural fill construction.

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

7. Visual Screening Measures. Visual screening, which shall include all phases, is required per Section 7.6 (Landscaping and Buffering) of the SLDC plus the following standards:

a. General. The view from all public roads, rivers, parks, open space and adjoining residential areas shall be screened.

b. Buildings. All buildings' design, scale, and location shall be minimized.

c. Surrounding Vegetation. Any vegetation on site that can act as screening of the extraction area shall be preserved, including vegetation existing in the required setbacks.

8. Lighting. All small scale sand and gravel ~~operations-extraction activity~~ must comply with Section 7.8 (Lighting) of the SLDC.

9. Signs. All small scale sand and gravel ~~operations-extraction activity~~ must comply with Section 7.9 (Signs) of the SLDC, but are limited to two signs of 4 square feet each.

10. Parking and Loading. All small scale sand and gravel ~~extraction activityoperations~~ must comply with Section 7.10 (Parking and Loading) of the SLDC.

11. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment structure.

12. Wildlife. Protection is required for critical environmental resources including wetlands, riparian areas, and important wildlife habitats.

a. Any modification of the terrain within a floodplain area shall be environmentally sound and not result in net loss of wildlife habitat.

b. All small scale sand and gravel ~~extraction operations-activity~~ shall be limited to locations and times of year that ensure no significant negative impacts to federally listed endangered species.

c. No ~~small scale~~ sand and gravel ~~extraction activity-development~~ shall interrupt a wildlife corridor.

13. Protection of Historic and Archaeological Resources. Any application for small scale sand and gravel extraction ~~activity~~ shall submit an archaeological report conforming to the requirements of Section 7.16.3 (Protection of Historic and Archaeological Resources) of the SLDC.

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

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

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

c. Topsoil, Stripping, Stockpiling, and Redistribution. The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

d. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County. The County may require the submission of a detailed engineering report and analysis prepared by a professional engineer or landscape architect relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

15. Sediment and Erosion Control. Practices for sediment and erosion control shall be designed, constructed and maintained to mitigate further entry of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall be instituted and consist of utilization of proper reclamation methods and sediment control practices including, but not limited to:

- a. grading material to reduce the rate and volume of run-off;
- b. retaining sediment within the pit and disturbed area; and,
- c. establishing temporary vegetation or mulch on short term erosion, sedimentation or windblown dust.

16. Air Quality and Noise.

- a. The requirements of Section 7.21 (Air Quality and Noise) of the SLDC shall be met; however, only a preliminary air quality report is required for submittal with the application. Once approved, a final air quality permit is required prior to commencement of any activity on the site.
- b. **Noise Study.** A noise study showing the projected noise from the specific equipment to be used is required to be submitted with the application. Such noise study shall provide a baseline of three consecutive weekdays representative of ~~non-exeavation activities~~existing conditions.
- c. **Fugitive Dust Control.** Dust control is required for all active small scale sand and gravel extraction activity~~operations~~.

- i. The presence of fugitive dust at a small scale sand and gravel extraction activity -operation is attributable to earth moving, soil or surface disturbance, construction or demolition; movement of motorized vehicles on any paved or unpaved roadway or surface, right-of-way, lot or parking area; and the tracking out or transport of bulk material (i.e., sand, gravel, soil, aggregate, or any other inorganic or organic material capable of creating fugitive dust related to extraction activities) onto any paved or unpaved roadway in Santa Fe County.
- ii. Fugitive dust consists of airborne particulate matter from a source, resulting in particulate matter emissions that can be detected by the human eye.
- iii. Dust control measures include but are not limited to the use of wet suppression through manual or mechanical application; the use of fabric fencing material or equivalent that shall be a minimum of 24 inches in height and anchored 6 inches below the surface on the bottom edge installed around the perimeter of the disturbed surface area; the use of dump truck tarps; and the use of chemical dust suppressant applied in amounts, frequency, and rates recommended by the manufacturer.
- iv. In no circumstances shall a small scale sand and gravel extraction operator continue extraction operations-activity during a high wind event.
- v. All small scale sand and gravel operations-extraction activity shall incorporate an entry/exit apron, steel grates, or other equivalent devices capable of removing bulk material from the tires of vehicle traffic.
- vi. An applicant for a small scale sand and gravel extraction activity conditional use permit shall submit a fugitive dust control plan as part of the application. The fugitive dust plan must detail the control measures the operator intends to use to reduce the quantity of visible fugitive dust, transported material, temporary cessation of activity during a high wind event and track-out leaving the property or area under the control of the operator.

17. Setbacks.

- a. 200 feet from all property lines.
- b. 200 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.

- c. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

18. Protection ~~F~~from Trespassing. The proposed use shall be fenced in accordance with the standards in Section 7.7. (Fences and walls) of the SLDC, for health and safety protection.

19. Height. Any equipment used for small scale sand and gravel extraction ~~activity~~ must meet the height standards for the zoning district in which it is located. Height shall be measured from existing grade prior to commencement of any grading activity on the site, and shall also conform to the height measurement requirements of Section 7.17.9.3.

20. Activities In or Near Water Bodies.

- a. **Uncontrolled/Natural Watercourses.** When working near uncontrolled, or naturally flowing, watercourses, the proposed ~~operation-activity~~ shall be conducted in a manner that improves fisheries and waterfowl habitat. This requirement shall apply to any water body, which shall include: naturally occurring rivers, streams, ponds, lakes, seasonal streams and seasonal lakes.
- b. **Minimum Buffer.** A minimum 100 foot buffer of natural vegetation between the water's edge and any small scale sand and gravel ~~extraction activity~~~~operation~~ site is required.
- c. **No Negative Impact.** No extraction ~~activity~~ shall be permitted that is deemed by the County to have a negative impact on the water body or neighbors.

21. Solid Waste. All small scale sand and gravel ~~operations-extraction activity~~ must comply with Section 7.20 (Solid Waste) of the SLDC.

22. Water Supply and Liquid Waste. All small scale sand and gravel ~~operations-extraction activity~~ must comply with the ~~wastewater~~ requirements of Section 7.13 (Water Supply, Wastewater and Water Conservation) of the SLDC.

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

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

10.19.3.3. Reclamation Plan, ~~and~~ Bonding and Financial Guarantee. A reclamation plan shall be provided that is designed and certified by a New Mexico registered professional engineer or landscape architect, and meets the reclamation standards specified below in Section 10.19.3.4. The plan shall restrict extraction ~~operations-activity~~ to areas of workable size so that no area is left inactive and un-reclaimed for more than

60 days, unless approved by the conditional use permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A bond financial guarantee shall be posted to implement the reclamation plan at 125% of expected cost of the reclamation. The reclamation plan does not replace a landscape plan that may be required for any subsequent development of the gravel processing and extraction site.

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

1. **General.** Reclamation shall restore land areas to a condition suitable for new land uses. Wildlife habitat shall be restored in a manner comparable or better, to the habitat conditions that existed prior to ~~the~~ the small scale sand and gravel activityoperation. In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.
2. **Grading.** Disturbed areas shall be re-graded to blend into and conform to the general natural form and contours of the adjacent areas. In general, all slopes (cut or fill) shall be graded to 3:1 or flatter. Such methods must be approved as part of the Reclamation-reclamation Planplan.
3. **Revegetation of all disturbed areas is required.** The reclamation plan shall describe the vegetation prior to any grading of the site and shall demonstrate how the site will be returned to its original, or better vegetated condition.
4. ~~Mining-operations~~ Small scale sand and gravel extraction activity shall be allowed to progress so long as the disturbed areas within previous phases have been reclaimed within 6 months after the commencement of the new phase; provided that, the County will consider extensions due to weather conditions and taking into account seasonal changes. Reclamation shall commence within 30 days of the commencement of a new phase of extraction.
5. **Prior to Approval of Reclamation Study.** In no case shall a location and time of excavation be approved that may have negative impacts on any state or federally designated endangered or threatened species, or critical habitat.

10.19.3.5. Annual Operating Plan and Monitoring Report. An annual operating plan and monitoring report, capable of audit, shall be prepared and submitted to the Land Use Administrator by January 31st each year. The report shall summarize the operations of the previous year including number of truck trips and sizes of trucks, the area mined, quantities mined in tonnage and cubic yards, the amount of area undergoing reclamation, and the success of reclamation including any notices of violations issued and their outcome.

10.19.3.6. Existing small scale sand and gravel extraction uses. Any small scale sand and gravel extraction activityuse existing prior to January 1, 1981 and having been in continuous operation, may continue operations and may expand up to 25% beyond the area currently and formerly mined on that parcel. Any small scale sand and gravel extraction use-activity approved by the County prior to the adoption of this SLDC may

continue operations in accordance with their final County approvals. Any new phase or further expansion proposed, ~~but~~ not previously approved, shall comply with this SLDC.

Appendix A – Definitions

Movie Ranch: is primarily a facility for sets and scenery for the production of motion pictures, but with a secondary ~~whose~~ use which may include commercial photography, film and photography classes and workshops, public and private special events, music events and tours. Movie ranch ~~and~~ supporting structures may include movie sets, sound stages, recording studios, distribution facilities, set construction facilities, backlots, temporary special effects facilities, dining facilities, mobile living and dressing quarters. Movie ranches are most appropriate for large parcels where the activities and uses of the movie ranch will not impact neighboring residential areas. All standards of the underlying zoning district where the movie ranch is located shall apply.

Trade contractor, plumbing, electrical, roofing, painting, landscaping. The Use under Traditional Community District has been changed from Prohibited (X) to Conditional (C). The Use under Commercial Neighborhood has been changed from Prohibited (X) to Permitted (P). The Use under Mixed Use has been changed from Prohibited (X) to Permitted (P). The Use under Commercial General has been changed from Prohibited (X) to Permitted (P). The Use under Public Institutional has been changed from Prohibited (X) to Conditional (C).



December 8, 2015 BCC meeting

SLDC – Proposed Change from Commissioner Anaya

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

8.12. DENSITY BONUS.

8.12.1. Purpose. The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, that are not already protected, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district.

8.12.2. A Density Bonus project may be approved on land zoned AR, RUR, RUR-F, RUR-R, RES-F, RES-E, and TC and containing the minimum lot size within each residential zone in accordance with the SLDC. If a property is governed by an adopted Community Overlay District, the respective provisions and regulations apply.

8.12.3. The Area required for a Density Bonus project within the RES-F and RES-E zones shall be 10 acres.

8.12.4. Density calculations by zone are outlined in Table 8-22.

Table 8-22: Density Bonus Calculations, Requirements and Criteria by Zoning District

Zoning District	Base Density	Density with Bonus	Bonus Calculation	Open Space Easement Required	Criteria
A/R	1 du/160 acres	1 du/80 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR	1 du/40 acres	1 du/20 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR-F	1 du/20 acres	1 du/10 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR-R	1 du/10 acres	1 du/5 acres	Base Density x 2 = Total Bonus Density	One half (.5) of the Total Site Area	Plat, Easement/Deed Restriction/Community Water
RES-F	1 du/5 acres	1 du/3.75 acres	Base Density x 1.33 = Total Bonus Density	One half (.5) of the Total Area	Minimum area of 10 acres, Plat, Easement/Deed Restriction, Community Water and Sewer
RES-E	1 du/2.5 acres	1 du/1.875 acres	Base Density x 1.33 = Total Bonus Density	One half (.5) of the Total Site Area	Minimum area of 10 acres, Plat, Easement/Deed Restriction, Community Water and Sewer
RES-C	1 du/1 acre	1 du/1 acre	Not Applicable	Not Applicable	Density bonus not available in this zone

TC	1 du' .75 ac.	3 du/acre	Base Density x 2.25 = Total Bonus Density	Not Applicable	Community Water and Sewer
MU	1 du/Acre	2 du/acre	Base Density x 2 = Total Bonus Density	Not Applicable	Only for areas identified as Environmental Resource Protection Overlay; Historic Preservation Overlay or Agricultural Overlay Districts; cannot be used for required open space
PD	1 du/Acre	2 du/acre	Base Density x 2 = Total Bonus Density	Not Applicable	Only for areas identified as Environmental Resource Protection Overlay; Historic Preservation Overlay or Agricultural Overlay Districts; cannot be used for required open space

8.12.5. A density bonus in the A/R district for a family transfer shall be allowed a density bonus to create lots that are a minimum of 40 acres in size, provided that:

8.12.5.1 the application complies with all other requirements for the A/R district set forth in Table 8-22; and

8.12.5.2. there is proof that the property has been in the ownership of the applicant for no less than five (5) years.

8.12.56. All plats with approved density bonus shall comply with the provisions of Chapter 5 (Subdivision and Land Division) and Chapter 4 (Procedures) for total number of lots created.

8.12.67. The open space easement shall be used exclusively for agriculture, landscaping, recreation, open space or any combination thereof and any accessory structures needed to support these uses.

8.12.78. The area of land covered by the open space easement shall be a contiguous area unless otherwise approved. Considerations for approval on non-contiguous open space areas include:

8.12.78.1. Irrigated lands that are separate.

8.12.78.2. Special features to be protected such as rock outcroppings, arroyos, archaeological sites, scenic features and environmental sensitive areas that are separate.

8.12.89. For the purposes of preserving areas to include open space, scenic features and environmentally sensitive areas the open space easement areas shall be visible from a public right-of-way, except where impractical.

8.12.910. Land used for streets, driveways, parking, sidewalks and private yards may not be counted as part of an open space easement. No buildings or structures are permitted in an open space easement except those necessary to support the operation and maintenance of the easement. An open space easement may include underground utility easements.

8.12.1011. Refer to Section 7.15.3.5 for covenants governing the restriction of the open space easement.

8.12.1112. A density bonus shall be utilized within the same parcel of land.

8.12.1213. A density bonus shall be utilized within the same zoning district on the parcel.



Table 7-4
Quarry, Sand, and Gravel Excavation and
Land Alteration Separation Distances

Required Minimum Distance from Adjacent Property Zoned	(A) Separation Distance (Without Buffer) (Feet)			(B) Separation Distance (With Buffer) (Feet)			(C) Sand and Gravel Excavation When the Proposed Activity Will Not Exceed 24 Months (Feet)			(D) Temporary Excavation or Land Alteration With Buffer (Feet)		
	Residential	Commercial	Industrial	Residential	Commercial	Industrial	Residential	Commercial	Industrial	Residential	Commercial	Industrial
Excavation area with an elevation change of greater than 10 feet	500	100	50	250	50	50	200	50	50	100	50	50
To vegetated stockpiles	500	100	50	250	50	50	200	50	50	100	50	50
To any nonvegetated stockpiles or loading points	750	200	50	300	100	50	400	100	50	200	100	50
To any crushing or processing												
• Quarries	1,000	500	100	1,000	500	100						
• Sand and gravel excavation/land alteration	1,000	500	100	1,000	200	100	750	250	100	300	100	100
To any blasting—from a developed property	1,000	500	400									
• Quarries, sand, and gravel excavation				1,000	500	400						
• Land alteration				1,000	400	400	750	400	400	750	250	400

tract with detailed site and grading plans pursuant to this section and Table 7-4.

7.20.1.4 Sand or Gravel Excavation

Sand or gravel excavation is a development activity constituting excavation of unconsolidated sediments that constitutes a substantial land alteration and includes any of the following characteristics:

- (A) Activities principally designed to mine, extract, or remove unconsolidated sediments for commercial purposes;
- (B) Removal from the site of more than 1,000 cubic yards of unconsolidated sediments per acre of land being excavated or more than 2,500 cubic yards from a single site; or
- (C) A substantial land alteration designed to occur for more than three months.

Sand or gravel excavation activities shall be permitted only in an "EU" (Extractive Use) overlay zoning district. Sand or gravel excavation shall obtain a rezoning to a sand or gravel overlay zoning district with a detailed site and grading plan pursuant to a CUP process and standards and the site location criteria, exterior storage regulations, and reclamation standards as set forth in Table 7-4.

7.20.1.5 Definitions

For purposes of this section, "site" means all contiguous or noncontiguous land holdings in the same ownership.

7.20.1.6 Exempt Activities

Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any development approval or development order, this section does not apply to the following activities:

- (A) The land area included within 15 feet or as reasonably defined by the [PLANNING OFFICIAL] to allow soil stabilization of the identified boundaries of a building submitted for a development approval;
- (B) Stormwater management facilities or other public infrastructure approved by the [LOCAL GOVERNMENT];
- (C) Excavations or blasting for wells, tunnels, or utilities that have received all necessary governmental approvals;
- (D) Refuse disposal sites controlled by other applicable [LOCAL GOVERNMENT], state, or federal regulations;
- (E) Ongoing cemetery (burial) operations; and
- (F) Development activity pursuant to this section for which a development approval has been issued by the [LOCAL GOVERNMENT], has resulted in the review of the proposed cut-and-fill work, and has made the

From: e. <trevoroch@com>

To: stacang <stacang@com>; trevoroch <trevoroch@com>

Subject: Madrid Water Catchment and Storage Pilot Project

Date: Tue, Dec 8, 2015 12:28 am



Introduction:

I respectfully request that the BCC put a community-based roof water catchment initiative on the agenda for possible inclusion in the new land use code, or at least allow for me to address the issue at a future meeting. Should the BCC recommend it, Madrid is willing and has a need and ability to take the lead in testing and making real that initiative.

Roof water storage and catchment is beneficial in light of the ongoing drought and general water shortage in Santa Fe county. As but one example of the need for catchment, severe pressure on water supply is noted in north county communities that are adversely affected by antiquated and inconsistent laws (including Aamodt case legal issues). The older communities are correctly grandfathered into non compliance with the water catchment and storage requirements mandated for new construction, so compliance for them must be a voluntary community-wide effort which benefits from county support. Among possible kinds of county support would be a calculation of roof catchment capacity within the county. Another suggestion from the Pojoaque area was roof water catchment on county buildings.

It is also wondered whether this request for county support of water catchment and storage can still be referred to the state legislative session for financial and other kinds of state assistance.

SFC CLERK RECORDED 01/14/2016

Madrid Water Catchment and Storage Pilot Project

I serve on the board of the Madrid Water Coop. The people there say that Madrid, through its only public well, is mining water. It is using water at a rate beyond its supplying aquifer's ability to be recharged. With New Mexico's ongoing, open ended drought, it is hard to conceive that we won't run out of water eventually. Yet, Madrid has no community wide roof water storage program. When I suggest that the county might see good reason to help us with that, the idea is ridiculed. But county government is the most important level of government. In an emergency, we all have to turn to county government first and foremost. And if Madrid has no water, water would need to be brought in from elsewhere, creating water shortage there. Furthermore, what starts in Madrid won't end in Madrid; it will spread to the other county communities too. I see a water catchment proposal as a sustainability issue for the entire county. Madrid, cut off from centralized water supply, could be ideal for initiating a pilot program. The BCC has already demonstrated foresight by mandating gray water outlet and roof water catchment for new construction. I hope that the county will also work with Madrid to bring the older communities into compliance with this progressive initiative. I am requesting that the BCC put a Madrid roof water catchment initiative on an upcoming BCC agenda.

Thank you.

Trevor Burrowes

2836 State Highway 14 N
Madrid, NM 87010
trevoroche@aol.com
505-455-7926

SFC CLERK RECORDED 01/14/2016

Harry B. Montoya
Commissioner, District 1
Virginia Vigil
Commissioner, District 2
Michael D. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4
Liz Stefanics
Commissioner, District 5
Roman Abeyta
County Manager

May 26, 2010

**Properties within Santa Fe County
Formerly within the Extraterritorial Zoning District**

**RE: Final Development Plans approved under the Extraterritorial Zoning Ordinance
now under jurisdiction of the Santa Fe County Land Development Code**

Dear Property Owners:

In response to inquiries regarding the expiration of Final Development Plans on projects approved under the Extraterritorial Zoning Ordinance, the information contained herein will serve to clarify owner/developer questions regarding project entitlements.

The Extraterritorial Zoning Ordinance, under Section 3.4.D.1.e states, "If any work described in a final development plan is not begun within eighteen (18) months from the date of the approval of the final development plan by the EZC and EZA, then the approval shall expire."

As you may be aware, the City and County of Santa Fe have recently adopted an ordinance (Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01, effective date of October 4, 2009) which establishes subdivision, platting, planning, and zoning regulations within an area known as the "Presumptive City Limits." All property within the "Presumptive City Limits" will be governed by the City of Santa Fe and all property formerly in the Extraterritorial Zoning District but not within the "Presumptive City Limits" will be governed by Santa Fe County under the Santa Fe County Land Development Code. (NOTE: The Extraterritorial Zoning Ordinance and Subdivision Regulations will no longer be in effect.)

The Santa Fe Land Development Code does not address the expiration of Final Development Plans, therefore, as of October 4, 2009, previously approved Final Development Plans for projects within Santa Fe County will not expire.

Please note, however, that the County is in the process of re-writing our current Land Development Code which is estimated to be adopted in the Spring of 2010. Under the new code there may be different regulations regarding expirations of Final Development Plans which could affect your project.

If you have any questions regarding this matter please contact my office at 986-6225.



Terri Nikole Baca 505-301-5009
Director of External Affairs tb0754@att.com
AT&T New Mexico
111 3rd St. NW
Albuquerque, NM 87102



**Submittal for Record of Santa Fe County Commission Second Public Hearing
SLDC Ordinance 2013-6**

December 8, 2015

AT&T New Mexico requests that the following statement be entered into the record for the above referenced hearing:

Good evening Commissioners, my name is Terri Nikole Baca, Director of External Affairs for AT&T New Mexico. Thank you for the opportunity to comment on the proposed ordinance. In the last four years, AT&T has invested nearly 200 million dollars in its wireless and wired networks in New Mexico, including nearly 8 million dollars in the county of Santa Fe. AT&T is concerned that requirements pertaining to wireless communication facilities contained in this ordinance will severely hinder the company's infrastructure investment in Santa Fe County, which means less upgrades to reliability, coverage, speed and performance for Santa Fe County residents.

The proposed wireless section of the ordinance will unnecessarily burden the wireless industry with code requirements. AT&T has a stellar record working with our communities to ensure that coverage and state of the art wireless communications networks are deployed with minimal impact to the community. However, several of the proposed requirements are unreasonable and surpass what is generally required of the wireless industry in other local jurisdictions. The ordinance in its current form will inhibit AT&T's ability to ensure the most reliable coverage and speed for our customers and businesses in Santa Fe County. Our customers rely on their wireless communications networks for everything from managing online banking and healthcare to calling first responders in cases of an emergency. I encourage you and your staff to work with AT&T and others in the wireless industry to address some of our specific concerns, which we are happy to review with you in detail at your convenience.

Thank you for your consideration, and for your work to support the residents and community in Santa Fe County.

SFC CLERK RECORDED 01/14/2016



Terri Nikole Baca 505-301-5009
Director of External Affairs tb0754@att.com
AT&T New Mexico
111 3rd St. NW
Albuquerque, NM 87102

Sincerely,

Terri Nikole Baca

Director of External Affairs
AT&T New Mexico



Zoning Map Addendum Comments

The following comments are in addition to the December 8, 2015 BCC packet:

- A.1 Shawn Anderson Lee (Comment 10)
- A.2 Marie Armijo (New comment)
- A.3 Maria Hidalgo (Comment 10)
- A.4 Virgil Vigil (New comment)
- A.5 Cynthia and Marc Scullin (Comment 10)
- A.6 Jan Kovach (Comment 10)
- A.7 Steven Davis (Comment 50)
- A.8 Donna Smith (New Comment)
- A.9 William Eklund (29, 33, 34, 35, 36, 37, 38 and 40)
- A.10 Linda Durham (Comment 10)
- A.11 Joe Ptacek (Comment 10)
- A.12 David Rogers (New comment)

From: [Santa Fe County](#)
To: [Amy M. Rincon](#)
Subject: SLDC Public Comments Form Submission
Date: Wednesday, December 02, 2015 8:56:12 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance
SLDC Comment

Comment Type
Specific Parcel

Comments

I am writing to express my opposition to the designated zoning of 12 acre parcel number 990003334. My understanding is that it has been spot zoned for commercial use and this is entirely inappropriate for the character of the residential neighborhood it resides in. I have spoken to numerous individuals in the surrounding neighborhoods who oppose the designation and we are prepared to do whatever we can to prevent the commercialization of our rural neighborhood, including any legal recourse we have available. This commercial zoning was granted by the EZA many years ago despite hundreds of signatures on petitions and vocal opposition from the residents of surrounding neighborhoods and does not reflect responsible planning.

Parcel ID (You can find the parcel ID on the letter you received)
990003334

Property Owner (First Name)
Town Center

Property Owner (Last Name)
At Las Campanas

Physical Address of Property
Intersection of Camino La Tiera and Arroyo Calabas

Email address:
Shawnandersonlee@yahoo.com

Zoning Classification on Adoption Draft Zoning Map
CN - Commercial Neighborhood

Requested Zoning Classification
RES-E - Residential Estate

Additional Comments
(No value)

2015 SLDC Comment Documentation

NOTE: Please complete the following items. Please send typed comment forms to Amy Rincon at amrincon@santafecountynm.gov

Date: 12/3/15

Staff: John F. Lovato

Comment Subject (mark one):

SLDC (Section and Page): 238500974

Zoning Map (Property ID):

Fees Ordinance (Section and Page):

Property of concern: Listed below

Growth Management Area where property is located (circle one):

El Norte

El Centro

Galisteo

Estancia

Name of commenter: Marie Armijo

Address of commenter:

State Rd. 50 #238

Glorieta, NM 87535

How was the comment received (mark one)? Letter Email Phone Walk-in

Comment:

Change zoning from Residential Fringe to Traditional - been property owner for lots of years - would like to divide property for my two sons

From: [Santa Fe County](#)
To: [Amy M. Rincon](#)
Subject: SLDC Public Comments Form Submission
Date: Sunday, December 06, 2015 11:11:58 AM

Comment on SLDC Comment, Zoning Map or Fee Ordinance
SLDC Comment

Comment Type
Specific Parcel

Comments

My name is Maria Hidalgo and I live at 7 Lilac Circle (Salva Tierra) in San Santa Fe County. I am dismayed again to learn the Planning Department has again allows parcel number 990003334, owned by Town Center of Las Campanas is zoned AGAIN, as Commercial Neighborhood. For years now many of the single home residents have protested and contested the Commercial Neighborhood zoning of the parcel (across from the Las Campanas Sales office and adjacent to the Fire Station. As a NATIVE New Mexican who returned to Santa Fe (in 20002), my husband and I were in search for a quality of life that included, open spaces, dark skies (free of light pollution), a quite neighborhood (free of traffic noise and devoid high density). For these primary reasons we choose to purchase our home in Santa Fe County and in Salva Tierra in particular. With ALL the commercial conveniences (grocery stores, dry cleaners, gas stations, restaurants, etc.) only 8 minutes away (via 599 North to 285 South) ! living in Salva Tierra was perfect for us. If we had wanted to live across the street from a commercial center (strip mall) we would have purchased a home in the City of Santa Fe. For the best of my knowledge, I and many of my fellow neighbors for years have protested the COMMERCIALIZATION this part of Santa Fe County, which is 98% zoned as Residential Estates. For the County Commissions to consider let alone approve the zoning of parcel 990003334 as Commercial Neighborhood will negatively impact the real estate value of our 2 acre Residential Estate home. It is troubling to me to what appears to be the COMMERCIALIZATION of the Santa Fe County Commissioners. Surely those of us who are lone term residents of the County should have a higher priority than the needs of land developers who do not leave in our neighborhood. To my Commissioner Miguel Chavez and to the ALL other Commissioners I beseech you to change the zoning of Parcel 990003334, owned by Town Center at Las Campa!
nas from Commercial Neighborhood to RESIDENTIAL ESTATES. Thank!
you.

Parcel ID (You can find the parcel ID on the letter you received)
990003334

Property Owner (First Name)
Town Center

Property Owner (Last Name)
at Las Campanas

Physical Address of Property
(No value)

Email address:
santafepaz@yahoo.com

Zoning Classification on Adoption Draft Zoning Map
CN - Commercial Neighborhood

Requested Zoning Classification
RES-E - Residential Estate

Additional Comments
(No value)

SFC CLERK RECORDED 01/14/2016

2015 SLDC Comment Documentation

NOTE: Please complete the following Items. Please send typed comment forms to Amy Rincon at amrincon@santafecountynm.gov

Date: 7 Dec 2015

Staff: 960001428

Comment Subject (mark one): Account # 980000293

SLDC (Section and Page):

Zoning Map (Property ID):

Fees Ordinance (Section and Page):

Property of concern:

Growth Management Area where property is located (circle one):

- El Norte
- El Centro
- Galisteo
- Estancia

Name of commenter: VIRGA J VIRGA

Address of commenter:
2 Paseo De la Cruz
Santa Fe, NM 87505

How was the comment received (mark one)? Letter Email Phone Walk-in

Comment:
 I full support the proposal to divide the parcels
 to 2.5 acres. This helps middle income families
 the opportunity to have a home in this area.
 Your support is appreciated.
 Thank you

From: [Santa Fe County](#)
To: [Amy M. Rincon](#)
Subject: SLDC Public Comments Form Submission
Date: Sunday, December 06, 2015 4:14:04 PM

Comment on SLDC Comment, Zoning Map or Fee Ordinance
Zoning Map Comment

Comment Type
Specific Parcel

Comments

Nearly 1,000 residents/property owners, as far back as 2006, have been requesting with fervor that the County reassign the ARROYO CALABASAS/LA TIERRA area to RES - E residentially zoning with one dwelling per 2.5 acres. You have a stack of petitions with 800 signatures to this effect. There is absolutely no need for additional commercial activity in this area. Aldea's commercial intentions and plans by all accounts has been a huge failure. We are very close to town and Cerrillos road and wish to support the many local establishments, care facilities etc., there. Please in December 2016 - (ten years later!) - change the zoning to: Residential Estate or \"RES-E\" (one dwelling per 2.5 acres base density)

Parcel ID (You can find the parcel ID on the letter you received)
58901022

Property Owner (First Name)
Cynthia & Marc

Property Owner (Last Name)
Scullin

Physical Address of Property
136 and 144 Arroyo Calabasas

Email address:
imaginejoy@comcast.net

Zoning Classification on Adoption Draft Zoning Map
CN - Commercial Neighborhood

Requested Zoning Classification
RES-E - Residential Estate

Additional Comments

From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Subject: FW: Santa Fe County Public Comment Form
Date: Monday, December 07, 2015 1:22:23 PM
Attachments: [image001.png](#)

Please add to addendum for zoning map..

*Robert Griego, AICP
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87504
Phone: 986-6215*



From: Penny Ellis-Green
Sent: Monday, December 07, 2015 12:13 PM
To: Robert Griego
Subject: Fwd: Santa Fe County Public Comment Form

Sent from my Verizon Wireless 4G LTE DROID

----- Original message -----

Subject: RE: Santa Fe County Public Comment Form
From: Jennifer LaBar <jlabar@santafecountynm.gov>
To: Jan Kovach <jankovach@msn.com>
CC:

Ms. Kovach,
Thank you for taking the time to contact us. I have forwarded your comments to our Growth Management Department to add to the record. They will be contacting you to confirm receipt. If I can help with anything else, please contact me.
Thank you,
Jennifer

Jennifer LaBar
Office Manager
Santa Fe County Manager's Office
(505) 986-6293
www.santafecountynm.gov

-----Original Message-----

From: Jan Kovach [mailto:jankovach@msn.com]
Sent: Sunday, December 06, 2015 2:32 PM
To: Kristine Mihelcic; Jennifer LaBar
Subject: Santa Fe County Public Comment Form

Web form results:

Jan Kovach
4 Dandelion Circle
Santa Fe, NM 87506
Email: jankovach@msn.com
Phone: 505-982-0394

Comments:

I am writing to express my opposition to the proposed zoning change that classifies the 12 acre parcel at Arroyo Calabasas as CN or commercial neighborhood. When we purchased our property in 2005, the main appeal was the lack of commercial property nearby. Unwanted commercial property in our quiet residential area irrevocably destroys the rural character that makes our neighborhood unique. Please reclassify this parcel as solely residential with a density no greater than 1 dwelling per 2.5 acres. Thank you.

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

2015 SLDC Comment Documentation

NOTE: Please complete the following Items. Please send typed comment forms to Amy Rincon at amrincon@santafecountynm.gov

Date: 12/7/2015

Staff:

Comment Subject (mark one):

SLDC (Section and Page):

Zoning Map (Property ID):

Fees Ordinance (Section and Page):

Property of concern:

Growth Management Area where property is located (circle one):

El Norte El Centro Galisteo Estancia

Name of commenter: Steven Davis

Address of commenter:
1025 APACHE PLUME DR

How was the comment received (mark one)? Letter Email Phone Walk-in

Comment:
I support the adoption of the new SLDC and zoning map and encourage that the county commissioners to adopt the plan and map. Thank you for your time and consideration to move the planning process forward.


From: [Robert Griego](#)
To: [Amy M. Rincon](#)
Cc: [Paul Olafson](#); [Penny Ellis-Green](#)
Subject: FW: SLDC Public Comment (Dec. 8, 2015 Hearing)
Date: Monday, December 07, 2015 4:47:04 PM
Attachments: [20151207 LTR Santa Fe County re SLDC and Zoning Map Comment.pdf](#)
[image001.png](#)

Please add to SLDC and zoning map public comments addendums.

*Robert Griego, AICP
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87504
Phone: 986-6215*



From: Donna Smith [<mailto:DSmith@atb-law.com>]
Sent: Monday, December 07, 2015 4:23 PM
To: Penny Ellis-Green; Robin Gurule; Henry P. Roybal; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Robert Griego; Paul Olafson; Liz Stefanics
Cc: Clifford Atkinson; Justin Rodriguez
Subject: Re: SLDC Public Comment (Dec. 8, 2015 Hearing)

Please see the attached Objections and Comments concerning the December 8, 2015 Hearing on adoption of the SLDC and 2015 Zoning Map.

Donna Smith

Donna Smith, Legal Assistant
ATKINSON, THAL & BAKER, P.C.
201 Third Street NW, Suite 1850
Albuquerque, NM 87102
(505) 764-8111 main
(505) 764-8374 fax
DSmith@atb-law.com

LAW OFFICES

ATKINSON, THAL & BAKER, P.C.

ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 1850
ALBUQUERQUE, NEW MEXICO 87102

CLIFFORD K. ATKINSON*
JOHN S. THAL*
DOUGLAS A. BAKER
JUSTIN D. RODRIGUEZ†

TELEPHONE (505) 764-8111
FACSIMILE (505) 764-8374
WWW.ATB-LAW.COM

December 7, 2015

*ALSO ADMITTED TO PRACTICE IN COLORADO
†ALSO ADMITTED TO PRACTICE IN ARIZONA

VIA HAND DELIVERY ONLY (Dec. 8, 2015)

Santa Fe County
Planning Division - Sustainable Land Development Code
102 Grant Avenue
Santa Fe, NM 87501

VIA EMAIL ONLY (Dec. 7, 2015)

Penny Ellis-Green, Director
Santa Fe County Growth Management
Administration
pengreen@santafecountynm.gov

Robin Gurule, Administration
Santa Fe County Attorney Department
rgurule@santafecountynm.gov

Henry Roybal, Commissioner
Board of County Commissioners
District 1
hproybal@santafecountynm.gov

Miguel M. Chavez, Vice-Chair
Board of County Commissioners
District 2
mchavez@santafecountynm.gov

Robert A. Anaya, Chair
Board of County Commissioners
District 3
ranaya@santafecountynm.gov

Kathy Holian, Commissioner
Board of County Commissioners
District 4
kholian@santafecountynm.gov

Liz Stefanics, Commissioner
Board of County Commissioners
District 5
lstefanics@santafecountynm.gov

Robert Griego, Planning Manager
Santa Fe County Growth Management /
Land Use
rgriego@santafecountynm.gov

Paul Olafson, Planning Project Manager
Santa Fe County Community Planning
polafson@santafecountynm.gov

Re: **Type:** SLDC and Zoning Map Comment
Comment Type: Specific Parcels
Parcel IDs/Legal Descriptions: 78402816 (Ortiz Grant), Exception No. 2 &
Exception No. 3 (*see attached deeds*)
Property Owners: Potter/Ortiz LLC; Exception No. 2, LLC; PC No. 1 LLC;
PC No. 2 LLC
Zoning Classification on Adoption Draft Zoning Map: Ag/Ranch (A/R) &
Rural (RUR)
Requested Zoning Classification: Industrial General (I)

Zoning Map 2015 Public Comments Addendum

Comment A.8

Dear Commissioners and Santa Fe County Representatives:

On behalf of the above identified property owners and parcels (commonly known as the Ortiz Mine Grant, Exception No. 2 and Exception No. 3) (collectively the "Properties"), we submit written comments and objections to Santa Fe County's proposed adoption of the Sustainable Land Development Code (SLDC) and 2015 Zoning Map. The above entities standing to object and be heard in this matter is evidenced by the attached deeds which are duly recorded in the Clerk's records for and in the County of Santa Fe, New Mexico. These comments and objections are submitted on behalf of each the Grantees identified therein and on behalf of each of the Properties and delivered in advance of our clients' participation at the December 8, 2015 public hearing. All rights, objections and comments are expressly reserved, whether stated herein or not. This first set of written comments and objections is not intended to be exhaustive of the above identified property owners' comments, objections, claims, arguments or rights with regard to this administrative adoption or in any other proceeding in any other venue to challenge or contest the County's actions, zoning or adoption of the SLDC. Additionally, the above property owners expressly reserve and do not waive any and all available relief or damages now or in the future.

FIRST OBJECTION AND COMMENT

The above identified parcels have long standing historical mining significance and development.¹ The properties are part of what is known broadly as the Ortiz Grant and Exception No. 2. Roughly, the Grant is centered on the Santa Rosalia or Ortiz Mine a little north of the center of Ortiz Mountains. It has no prominent east west boundaries, but crudely lies from the Galisteo River on the north to the north side of the San Pedro Mountains on the south. Minerals, mining, exploration, development, extraction and related activities on the properties have been ongoing, consistent and engaged in since the Spanish Colonial Period (1598-1821). Mexican Period records from as early as 1831 recognize the gold mining resources and value of the properties. The existence, rights and estate in the Grant were confirmed by the United States Government in The Treaty of Guadalupe Hidalgo in 1848. In Article VIII of the Treaty, the United States guarantees the property rights of Mexican citizens in areas transferred to the United States, including in and to the Grant. On March 1, 1861, the U.S Congress approved and recognized the Ortiz Mine Grant. On May 20, 1876, the U.S. Government issued a patent of the entire fee of the Ortiz Grant to the New Mexico Mining Company. Hard rock mineral development of the Grant has been systematic and continuous since the U.S. Government's recognition of the Grant (as well as previously), including most recently between 1980-1989 when a large open pit mine operated on the Cunningham Deposit situated within the exterior boundaries of the Grant. Because the properties include and their owners hold vested rights to mine, including those recognized by Treaty and the New Mexico Constitution and as reserved in a certain February 28, 1947 warranty deed and mineral reservation, the adoption of the SLDC, including without limitation, the requirements of Chapter 11- Developments of Countywide

¹ The "minerals" include, without limitation oil and gas, though to our clients' understanding the contemplated Ordinance does not explicitly regulate oil and gas development.

Impact, cannot lawfully, constitutionally or legally be imposed on the owners or the above identified estates in land.

SECOND OBJECTION AND COMMENT

Without waiver and reserving all rights, in accordance with Chapter 11- Developments of Countywide Impact, a DCI Overlay Zoning District and DCI Conditional Use Permit for purposes of mining and resource extraction must apply at the onset and without application to all estates in land contained within the exterior boundaries of the Ortiz Grant, Exception Nos. 2 and 3.

THIRD OBJECTION AND COMMENT

The properties cannot be lawfully encumbered by a Community District Overlay, including without limitation, the Galisteo Community District Overlay or any other related overlay which would prohibit, affect or otherwise limit the fee owners vested rights to mine.

FOURTH OBJECTION AND COMMENT

Without waiver and reserving all rights, all estates in land contained within the exterior boundaries of the Ortiz Grant and Exception Nos. 2 and 3 should be classified in the SLDC 2015 Zoning Map as Industrial General (I) in accordance with the properties' historic mining uses and purposes.

FIFTH OBJECTION AND COMMENT

Subsurface mineral estates are not subject to County zoning authority.

SIXTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map would be unconstitutionally in violation of the protections and rights afforded the owners under the United States Constitution, the ratification of the Treaty of Guadalupe Hidalgo, the New Mexico Constitution (including without limitation, N.M. Const. Art. II, § 20), and other rights and protections (including without limitation, NMSA 1978, § 42A-1-29).

SEVENTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map is an invalid application of the police power of the County and such enactment is preempted by State and Federal law and Treaty.

EIGHTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map is arbitrary and capricious.

NINTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map would constitute an unlawful deprivation of property rights without due process of law, in violation of the Fifth Amendment of the Constitution and other rights, privileges and immunities.

TENTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map would violate the above owners' rights to equal protection under the law.

ELEVENTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map to prohibit or limit the rights of the owners to mine is pre-empted by state and federal statutes and state and federal constitution. *Swepi, LP v. Mora Cty., N.M.*, 81 F. Supp. 3d 1075, 1167-73, 1198 (D.N.M. 2015) (ruling ordinance pre-empted by the Supremacy clause, and applying the "conflict preemption test" to conclude that "[b]y banning hydrocarbon exploration-and-extraction activities, the Ordinance is antagonistic to state law, because it prohibits activities that New Mexico state law permits"); N.M. Const. Art. II, § 5 ("The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.").

TWELTH OBJECTION AND COMMENT

Adoption of the SLDC and SLDC 2015 Zoning Map to prohibit or limit the rights of the owners to mine would violate the owners' rights to continue with a vested, pre-existing use (e.g. mining) and deny such owners the rights guaranteed to the people of New Mexico subject to Treaty. See N.M. Const. art. II, § 5 ("The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate."). Mining and mining related activities on the Grant and Exception Nos. 2 and 3 have been consistent, ongoing and pre-existing for over 400 years and continue to present.

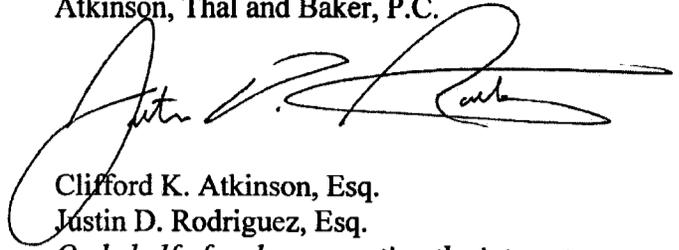
THIRTEENTH OBJECTION AND COMMENT

On or more of the above identified entities and owners of record has not received actual notice of this matter nor actual notice of the County's proposed 2015 Zoning Map initial zoning classification of the impacted Properties.

For each of the reasons set forth above and reserving all rights, the above identified fee owners object to and oppose Santa Fe County's proposed adoption of the Sustainable Land Development Code (SLDC) and 2015 Zoning Map. To the extent such SLDC or Zoning Map is

adopted over objection, the vested rights to mine the Properties, including within the entire exterior boundaries of the Grant, must not be infringed or limited.

Atkinson, Thal and Baker, P.C.

Handwritten signatures of Clifford K. Atkinson and Justin D. Rodriguez. The signature of Clifford K. Atkinson is on the left, and the signature of Justin D. Rodriguez is on the right. Both signatures are in black ink and are stylized.

Clifford K. Atkinson, Esq.

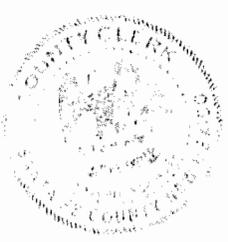
Justin D. Rodriguez, Esq.

*On behalf of and representing the interests
of the Ortiz Mine Grant, Exception Nos. 2
and 3.*

SFC CLERK RECORDED 01/14/2016
SFC CLERK RECORDED 01/14/2016

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

QUITCLAIM DEED
PAGES: 3



I Hereby Certify That This Instrument Was Filed for
Record On The 31ST Day Of January, A.D., 2008 at 11:21
And Was Duly Recorded as Instrument # 1513957
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy Valerie Espinoza County Clerk, Santa Fe, NM

QUITCLAIM DEED

Grantor, George W. Potter, Jr., a single person, quitclaims to Grantee, Potter/Ortiz, ██████████
LLC, a New Mexico LLC, whose address is c/o Anne P. Russ, 14103 Pembroke, Leawood,
Kansas, 66224, all of his right, title, and interest in and to all minerals, mineral rights, and rights
pertaining thereto in and to the following described real property (the Property) located in Santa
Fe County, New Mexico:

The Property is described more specifically in Exhibit A hereto,
but generally is known as the Ortiz Mine Grant consisting of
approximately 57,267 acres of rights in minerals, mineral rights,
and related rights.

Witness my hand and seal this 18th day of December, 2007.

Grantor:

George W. Potter, Jr.
George W. Potter, Jr.

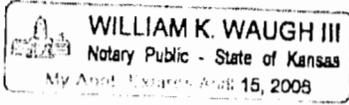
STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on the 18 day of December, 2007, by George W. Potter, Jr. known to me to be a single person.

William K. Waugh III
Notary Public

My commission expires:

4/15/08



SFC CLERK RECORDED 01/31/2008

**EXHIBIT "A" TO QUITCLAIM DEED
FROM GEORGE W. POTTER, JR. TO
POTTER/ORTIZ [REDACTED], LLC**

21,604 ACRE TRACT:

Beginning at the southwest corner of the Ortiz Mine Grant located in Section 18, T. 12 N., R. 7 E., NMPM, Santa Fe County, New Mexico, proceeding east along the south boundary of the Ortiz Mine Grant for approximately 26,000 feet to the northeast corner of partial Section 14, T. 12 N., R. 7 E.; thence due North approximately 38,000 feet to the present North boundary line of the Ortiz Mine Grant; thence due west along said north boundary line approximately 26,000 feet to the northwest corner of the Ortiz Mine Grant in Section 18, T. 13 N., R. 7 E.; thence South along the west line of the Ortiz Mine Grant approximately 38,000 feet to the southwest corner of the Ortiz Mine Grant, the point of beginning, consisting of approximately 22,681 acres, less a portion of Exception No. 1 amounting to approximately 33 acres more or less and Exception No. 2 amounting to 1,044.34 acres more or less. The aforesaid tract contains approximately 21,604 acres, more or less, all of said land lying within Santa Fe County, New Mexico.

35,663 ACRE TRACT:

Beginning at the Northeast corner of partial Section 14, T. 12 N., R. 7 E., N.M.P.M., said corner being on the south surveyed boundary line of the Ortiz Mine Grant, proceeding north approximately 38,000 feet to a point on the North line of the Ortiz Mine Grant, which is the South line of Exception No. 4; thence East 8,800 feet, more or less; thence North 18,500 feet more or less to the Northwest corner of the Ortiz Mine Grant, said point being 183 feet west of the Southwest corner of Section 29, T. 14 N., R. 8 E., N.M.P.M.; thence East along the surveyed North line of the Ortiz Mine Grant approximately 23,200 feet to the Northeast corner of the Ortiz Mine Grant, located in Section 25, T. 14 N., R. 8 E., N.M.P.M.; thence generally southward along the surveyed East boundary of the Ortiz Mine Grant approximately 56,800 feet to the Southeast corner of the Ortiz Mine Grant located in Section 14, T. 12 N., R. 8 E., N.M.P.M.; thence westerly along the surveyed south boundary of the Ortiz Mine Grant approximately 30,500 feet to the point of beginning, excepting however, so much of the United States Mineral Survey No. 1361 as may be in conflict with the Ortiz Mine Grant Surveys, (referred to as EXCEPTION NUMBER 1, as applied to the Ortiz Mine Grant, and covering 48.55 acres, more or less). And excepting such areas as are occupied by rights-of-ways of Public Highways and railroads, (referred to as EXCEPTION NUMBER 5, as applied to the Ortiz Mine Grant) and excepting so much of the New Live Oak Claim (referred to as EXCEPTION NUMBER 6, as applied to the Ortiz Mine Grant), as Lessor may not be entitled to lease hereunder, but not excepting and including herein any and all right, title and interest Lessor or George W. Potter, Jr., now have or may hereafter acquire in and to the aforesaid "New Live Oak Claim," or any other property within the exterior boundaries of the aforesaid tract. The aforesaid tract contains approximately 35,663 acres more or less, all of said land lying within Santa Fe County, New Mexico.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SPECIAL WARRANTY DEED
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of December, 2013 at 10:51:16 AM
And Was Duly Recorded as Instrument # 1726042
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar

Deputy Dina Bandy County Clerk, Santa Fe, NM

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**SPECIAL WARRANTY DEED
(Santa Fe County, New Mexico)**

THIS SPECIAL WARRANTY DEED is made as of December 19, 2013, between ANNE POTTER RUSS and NORBERT RUSS, husband and wife ("Grantor"), whose address is 14103 Pembroke Street, Leawood, Kansas 66224, FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, hereby GRANTS, SELLS AND CONVEYS to PC NO. 2, LLC, a Kansas limited liability company ("Grantee"), the address of which is 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210 with SPECIAL WARRANTY COVENANTS, all right, title, interest and claim to the following real estate in the County of Santa Fe, State of New Mexico:

A certain parcel of land situate within the Ortiz Mine Grant as filed by warranty deed from New Mexico Mining Company to James M. Lucas as recorded in Book K-M Page 602, Book of Deeds and warranty deed from George Potter to Gage, Young, McDonald, et.al., as recorded in Book 30 Page 519, Miscellaneous Deeds, records of Santa Fe County, New Mexico, being more particularly described as follows:

Beginning at a G.L.O. brass cap, being the northeast corner of the Canon del Agua Grant and an angle corner of the south boundary of the Ortiz Mine Grant;

Thence N21-25-19E a distance of 7432.37 feet to a rock inscribed "NW Cor. L.M.S.", said rock being the northwest corner of the Lukas Mill Site and true point of beginning;

Thence S89-41-40E a distance of 325.23 feet to a rock inscribed "NE Cor. L.M.S.", said rock being the northeast corner;

Thence S00-18-20W a distance of 425.00 feet to the southeast corner; Thence N89-41-40W a distance of 325.23 feet to the southwest corner;

Thence N00-18-20E a distance of 425.00 feet to the northwest corner and true [point of beginning.

Subject, however, to 2014 and future years taxes and any and all recorded easements, reservations and restrictions to which the property may be put.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns forever IN FEE SIMPLE; so that neither Grantor nor Grantor's successors and/or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

Grantor further WARRANTS and agrees to FOREVER DEFEND all and singular the said property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

Norbert Russ joins in the conveyance for the purpose of conveying any marital, community property or other right, title or interest which he may have in the above described property.

IN WITNESS WHEREOF, Grantor has hereunto set its hand the day and year first above written.

GRANTOR:


ANNE POTTER RUSS


NORBERT RUSS

SFC CLERK RECORDED 01/14/2016
SFC CLERK RECORDED 12/23/2013

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 19 day of December, 2013, before me, the undersigned, a Notary Public in and for said County and State aforesaid, came Anne Potter Russ and Norbert Russ, who are personally known to me to be such persons, and such persons duly acknowledged the execution of the same to be the act and deed of said persons and that they are married to each other.

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

Kari A. Leadbetter
Signature of Notary Public

Kari A. Leadbetter
Printed Name of Notary

My commission expires:

7 8 2017



Recording Requested By and
When Recorded Mail To:

Lathrop & Gage LLP
10851 Mastin Boulevard, Suite 1000
Overland Park, Kansas 66210
Attn: Harry E. Wigner, Jr.

SFC CLERK RECORDED 12/23/2013

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SPECIAL WARRANTY DEED
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of December, 2013 at 11:01:03 AM
And Was Duly Recorded as Instrument # 1726053
Of The Records Of Santa Fe County



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

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**SPECIAL WARRANTY DEED
(Santa Fe County, New Mexico)**

THIS SPECIAL WARRANTY DEED is made as of December 19, 2013, between ANNE POTTER RUSS and NORBERT RUSS, husband and wife ("Grantor"), whose address is 14103 Pembroke Street, Leawood, Kansas 66224, FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, hereby GRANTS, SELLS AND CONVEYS to PC NO. 1, LLC, a Kansas limited liability company ("Grantee"), the address of which is 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210 with SPECIAL WARRANTY COVENANTS, all right, title, interest and claim to the following real estate in the County of Santa Fe, State of New Mexico:

A certain parcel of land situated within the Ortiz Mine Grant as filed by warranty deed from New Mexico Mining Company to James M. Lucas as recorded in Book J-I page 314, Book of Deeds and warranty deed from George Potter to Gage, Young, McDonald et.al., as recorded in Book 30 page 519, Miscellaneous Deeds, records of Santa Fe County, New Mexico, being more particularly described as follows:

Beginning at a G.L.O. brass cap, being the northeast corner of the Canon del Agua Grant and an angle corner of the south boundary of the Ortiz Mine Grant;

Thence N26-54-28E a distance of 15,924.71 feet to the southwest corner of the Black Prince Lode, and true point of beginning, whence the northwest corner of the Lukas Mill Site bears S31-40-54W a distance of 8556.06 feet;

Thence N06-29-30W a distance of 644.30 feet to a scribed rock, being the northwest corner of said Black Prince Lode and southwest corner of the Ohio Lode;

Thence N07-05-30W a distance of 634.10 feet to the northwest corner of said Ohio Lode;

Thence S77-57-30E along the northerly boundary of said Ohio Lode a distance of 549.40 feet to a scribed rock, being the southwest corner of the Illinois Lode;

Thence N12-34-20W a distance of 614.50 feet to a scribed rock, being the northwest corner of said Illinois Lode;

SFC CLERK RECORDED 01/14/2016

Thence S77-23-50E a distance of 743.50 feet to a scribed rock, being the northeast corner of said Illinois Lode;

Thence S12-20-00W a distance of 614.20 feet to a scribed rock, being on the said northerly boundary of the Ohio Lode and southeast corner of said Illinois Lode;

Thence S76-47-1 IE along said northerly boundary a distance of 198.40 feet to a scribed rock, being the northeast corner of said Ohio Lode;

Thence S07-05-30E a distance of 634.10 feet to a scribed rock, being the southeast corner of said Ohio Lode and northeast corner of said Black Prince Lode;

Thence S06-29-30E a distance of 644.30 feet to a scribed rock, being the southwest corner of said Black Prince Lode;

Thence N77-32-20W a distance of 1493.90 feet to the said southwest corner of the Black Prince Lode and true point of beginning.

Subject, however, to 2014 and future years taxes and any and all recorded easements, reservations and restrictions to which the property may be put.

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns forever IN FEE SIMPLE; so that neither Grantor nor Grantor's successors and/or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

Grantor further WARRANTS and agrees to FOREVER DEFEND all and singular the said property unto the said Grantee, Grantee's heirs, administrators, executors, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

Norbert Russ joins in the conveyance for the purpose of conveying any marital, community property or other right, title or interest which he may have in the above described property.

IN WITNESS WHEREOF, Grantor has hereunto set its hand the day and year first above written.

GRANTOR:

Anne P. Russ
ANNE POTTER RUSS

Norbert Russ
NORBERT RUSS

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 19 day of December, 2013, before me, the undersigned, a Notary Public in and for said County and State aforesaid, came Anne Potter Russ and Norbert Russ, who are personally known to me to be such persons, and such persons duly acknowledged the execution of the same to be the act and deed of said persons and that they are married to each other.

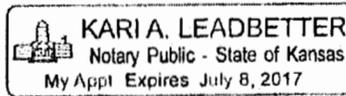
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Kari A. Leadbetter
Signature of Notary Public

Kari A. Leadbetter
Printed Name of Notary

My commission expires:

7-8-2017



Recording Requested By and
When Recorded Mail To:

Lathrop & Gage LLP
10851 Mastin Boulevard, Suite 1000
Overland Park, Kansas 66210
Attn: Harry E. Wigner, Jr.

SFC CLERK RECORDED 01/14/2016
SFC CLERK RECORDED 12/23/2013



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

QUITCLAIM DEED
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 31ST Day Of January, A D., 2008 at 11:21
And Was Duly Recorded as Instrument # 1513956
Of The Records Of Santa Fe County

Deputy *Valerie Espinoza* Witness My Hand And Seal Of Office
County Clerk, Santa Fe, NM Valerie Espinoza

QUITCLAIM DEED

Grantor, George W. Potter, Jr. a single person, quitclaims to Grantee, Exception No. 2, LLC, a New Mexico LLC, whose address is c/o Anne P. Russ, 14103 Pembroke, Leawood, Kansas 66224, all of his right, title, and interest in and to the following described real property (the Property) located in Santa Fe County, New Mexico, sometimes known as "Exception No. 2", more specifically described as follows:

A tract of land in the southwesterly portion of said grant described upon a blueprint plat filed in the office of the County Clerk of Santa Fe County, New Mexico, surveyed by J.D. Sena, Jr., in August and September, 1941, and more particularly described as follows: Beginning at a point on the South Boundary of the Ortiz Mine Grant, whence the closing corner of Sections 14 and 15 Twp. 12 N., R. 7 E., N.M.P.M., bears S. 89 deg. 42 Min. W. 159.2 feet distant; thence from said beginning point S. 89 deg. 42' W., 16,278.2 feet along the South Boundary of said Grant to a point whence the closing corner of Sections 17 and 18, Twp. 12 N., R. 7 E., bears N. 89 deg. 42' E., 246.7 feet distant; thence N. 12 deg. 00' W., 233.0 feet to a point; thence N. 34 deg. 02' E., 268.5 feet to a point; thence S. 70 deg. 00' E., 669.8 feet to a point; thence N. 35 deg. 21' E., 552.0 feet to a point; thence N. 76 deg. 40' E., 272.4 feet to a point on the West Boundary of the Canon del Agua Grant; thence N. 00 deg. 09' E., along the West Boundary of the Canon del Agua Grant to its N.W. cor., thence S. 89 deg. 55' E., 2,303.19 feet along the North Boundary of said Canon del Agua Grant to a point; thence N. 25 deg. 03' W., 425.3 feet to a point; thence N. 8 deg. 21' E., 3390.6 feet to a point; thence S. 77 deg. 00' E., 599.6 feet to a point; thence N. 06 deg. 51' E., 200.0 feet to a point; thence N. 89 deg. 57' E., 5360 feet to a point; thence S. 00 deg. 03' E., 3548 feet to a point; thence S. 83 deg. 22' E., 6400 feet to a point; thence S. 941.3 feet to the point and place of beginning; containing 1044.34 acres, more or less.

RECORDED 01/31/2008
CLERK
SFC

SFC CLERK RECORDED 01/14/2016
8002/18/1023003R KR370 CFS

Witness my hand and seal this 18th day of December, 2007.

Grantor:

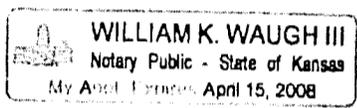
George W. Potter, Jr.
George W. Potter, Jr.

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on this 18 day of December, 2007, by George W. Potter, Jr. known to me to be a single person.

William K. Waugh III
Notary Public

My commission expires:
4/15/08



William A. Eklund
48 Paseo De La Tierra
Santa Fe, NM 87506

December 7, 2015

TO: Santa Fe Board of County Commissioners,
County Planning Department
102 Grant Ave.
Santa Fe, NM 87501

Subject: SDLC and Proposed Zoning Map – La Tierra and Tierra Preciosa Area;
Our Previous Recommendation Submitted Nov 16, 2015

The following comments are related to our previous comments and recommendations submitted to the Planning Division on November 16, 2015; and also to the Staff Recommendations issued by the Planning Division partly in response to our previous recommendations. Those Staff Recommendations were published online following the November 24 Commission meeting on the proposed Zoning Map of October 27.

With its Staff Recommendations, the Planning Division has made a step in the right direction, by proposing a strip of Residential Fringe (5 acres/dwelling unit) zoning between the more extensive proposed Rural Residential (10 acre/DU) zoning to the west and the more extensive proposed Residential Estate (2.5 acre/DU) zoning to the east.

The current Staff Recommendations are welcome, as far they go. However, in our view they do not go quite far enough, because they propose only a small and narrow strip of Residential Fringe zoning, which would exist between the two very much larger Residential Estate and Rural Residential areas to the east and west, respectively. In places that strip is no more than approximately 1,000 feet wide.

Consistent with sound planning practices, and consistent with the objective of preserving the underlying aquifer to the maximum extent possible, we urge the Planning Division and the Commission to expand the proposed Residential Fringe area slightly, by including Parcel Number 54063744 in the proposed Residential Fringe area. This Parcel covers approximately 114 acres and is contiguous to the presently proposed Residential Fringe area on its east side. This Parcel is the only remaining undeveloped parcel of any size in the area. The extensive area to the east of this Parcel has already been subdivided by Administrative Adjustments into hundreds of lots, mostly ranging in size from 2.5 to 10 acres; and the area to the

north and west (La Tierra) has been subdivided into lots larger than 10 acres for many years.

Thus, as a practical matter, this is the only remaining parcel in this area that the Commission can incorporate into the Residential Fringe zone so as to make the Residential Fringe zone a true zoning district, as opposed to just a narrow buffer strip between two much larger zoning districts.

Finally, we urge the Commission to keep in mind that its zoning decisions should be made conservatively, with the goal of ensuring an adequate supply of groundwater for future generations. Any mistakes made now, by establishing residential zoning densities that may prove to be too high, will be nearly impossible to correct in the future. Aquifers all over the world are being exhausted by inadvertent mistakes of this kind.

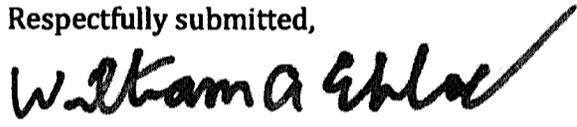
Conversely, zoning decisions that limit residential densities now, in the interest of preserving the aquifer, can always be changed in the future, if hydrologic data supports such decisions.

We urge the County to begin working more closely with the City of Santa Fe and the Office of the State Engineer to begin acquiring sound, updated County-wide hydrologic data that can be a basis for zoning decisions in the future. Only actual monitoring of the condition of the aquifer can serve this purpose.

More hydrologic monitoring wells in Santa Fe County would be sound step forward in this direction.

We thank you for your consideration and look forward to discussing this further with Planning Division staff as soon as possible.

Respectfully submitted,



William A. Eklund
48 Paseo De La Tierra
Santa Fe, NM 87506

From: [Chrisann N. Romero](#)
To: [Amy M. Rincon](#); [Robert Griego](#)
Subject: FW: Santa Fe County Public Comment Form
Date: Tuesday, December 08, 2015 11:28:42 AM

Here's a comment that came in from Jen upstairs.

-----Original Message-----

From: Jennifer LaBar
Sent: Tuesday, December 08, 2015 11:13 AM
To: Linda Durham
Subject: RE: Santa Fe County Public Comment Form

Linda,
Thank you for taking the time to contact us. I have forwarded your comments to our Growth Management Department, you should hear back from a staff member within 24 hours. Please contact me if I can be of any assistance.
Jennifer

Jennifer LaBar
Office Manager
Santa Fe County Manager's Office
(505) 986-6293
www.santafecountynm.gov

-----Original Message-----

From: Linda Durham [<mailto:lindalavega@gmail.com>]
Sent: Tuesday, December 08, 2015 8:34 AM
To: Kristine Mihelcic; Jennifer LaBar
Subject: Santa Fe County Public Comment Form

Web form results:

Linda Durham
28 Arroyo Calabasas
Santa Fe, NM 87506
Email: lindalavega@gmail.com
Phone: 5054664001

Comments:

I am concerned about the spot zoning issue on Camino La Tierra and Arroyo Calabasas that is being considered/re-considered. The negative impact on this quiet, residential, dark sky area would far outweigh any positive aspects of a commercial project in that spot. There comes a time---and I think that time is now---when the financial benefits of the few (Builders/Investors/part time Residents) must not impede so egregiously on the lives of the many and on the pocketbook of the County. Thank you,
Linda Durham 28 Arroyo Calabasas

From: [Chrisann N. Romero](#)
To: [Amy M. Rincon](#); [Robert Griego](#)
Subject: FW: Santa Fe County Public Comment Form
Date: Tuesday, December 08, 2015 11:31:04 AM

And yet another one from Jen.

-----Original Message-----

From: Jennifer LaBar
Sent: Tuesday, December 08, 2015 11:16 AM
To: Joseph Ptacek
Subject: RE: Santa Fe County Public Comment Form

Joseph,
Thank you for taking the time to contact us. I have forwarded your comments to our Growth Management Department, you should hear back from a staff member within 24 hours. Please contact me if I can be of any assistance.
Jennifer

-----Original Message-----

From: Joseph Ptacek [<mailto:ptckjj@gmail.com>]
Sent: Tuesday, December 08, 2015 7:53 AM
To: Kristine Mihelcic; Jennifer LaBar
Subject: Santa Fe County Public Comment Form

Web form results:

Joseph Ptacek
2 Finch Circle
Santa Fe, NM 87506
Email: ptckjj@gmail.com
Phone: 505-629-5728

Comments:

We live in the Salva Tierra neighborhood and are NOT in favor of commercial development in our neighborhood.
Thank you for your consideration.

Joe Ptacek

SFC CLERK RECORDED 01/14/2016

From: [Chrisann N. Romero](#)
To: [Amy M. Rincon](#); [Robert Griego](#)
Subject: FW: Santa Fe County Public Comment Form
Date: Tuesday, December 08, 2015 1:19:37 PM

Here's another one from Jen.

-----Original Message-----

From: Jennifer LaBar
Sent: Tuesday, December 08, 2015 12:28 PM
To: DAVID ROGERS
Subject: RE: Santa Fe County Public Comment Form

David,

Thank you for taking the time to contact us. I have forwarded your comments to our Growth Management Department to add to the record. You should hear back from staff with confirmation they have received. Please contact me if I can be of any assistance.

Jennifer

-----Original Message-----

From: DAVID ROGERS [<mailto:1nuggetfinder@gmail.com>]
Sent: Tuesday, December 08, 2015 12:26 PM
To: Kristine Mihelcic; Jennifer LaBar
Subject: Santa Fe County Public Comment Form

Web form results:

DAVID ROGERS
34 Rincon Loop
TIJERAS, NM 87059
Email: 1nuggetfinder@gmail.com
Phone: 5055043613

Comments:

I do not agree with the new county zoning map I recieved a letter this past week and this is the first I've heard about this. Myself and some friends purchased property in the San Pedro area of the county and now according to your map we can never do anything with it seeing you have it as one house per 160 acres. This is wrong you did not purchase the land or pay the taxes on it... the US Constitution provides for private property rights and neither you or the few left wing zealots who think that the "collective" are the true owners of everything they want to control an have the right to redefine the constitution or my private property I won't be at tonight meeting with such short notice but please see that this comment makes it into the Sustainable land Development Code commit section That Tuerto Mountain Minerals LLC votes no on this zoning map (ppid #98011261)

2015 Zoning Map Adoption Process: Supplemental Materials for the December 8, 2015 BCC Meeting

This document provides staff responses to public comments not previously addressed in BCC packet material that are included with Zoning Map Addendum Comments Presented to the Board of County Commissioners at the Public Hearing on December 8, 2015

Staff Responses:

- A.2 Marie Armijo: Request zoning change from Residential Fringe (RES-F, one dwelling unit per 5 acres) to Traditional Community (TC, one dwelling unit per 0.75 acres) for parcel 238500974.

Staff response: The parcel identified is adjacent to Residential Fringe to the south and west, Rural Fringe (RUR-F) to the north and Traditional Community (TC) to the east. Staff does not recommend a change in zoning as the parcel is predominantly surrounded by zoning districts of equal or lesser density and expansion of the Traditional Community boundary is not recommended without a formal planning process for the area. The proposed zoning meets the established zoning criteria.

- A.4 Virgil Vigil: Request zoning change from Residential Fringe (RES-F, one dwelling unit per 5 acres) to Residential Estate (RES-E, one dwelling unit per 2.5 acres) for parcels 960001428 and 980000293.

Staff response: Parcel 960001428 is adjacent to Residential Fringe to the north, west and east, while to the south, across Old Lass Vegas Hwy, parcels are Residential Estate. Staff does not recommend a change in zoning as the parcel is predominantly surrounded by the RES-F zoning district. The proposed zoning meets the established zoning criteria.

- A.8 Donna Smith submitted this comment on behalf of Atkinson, Thal, and Baker PC regarding parcel 78402816. The letter and attached documents refer to an approximately 57,000 acre area. County Assessors' records indicate that the reference parcel is a series of approximately 4 non-producing mining claims totaling approximately either 55 acres or 551 acres. The proposed zoning for this parcel is Ag/Ranch (A/R one dwelling unit per 160 acres). The letter questions the validity of the County's ability to zone the area and states that the appropriate zoning should be Industrial General (I).

Staff response: The authority for the County to provide zoning is identified in the SLDC, Section 1.2. The identity of the actual area in discussion and the scope of the request is not clear following review of available documents. Under the SLDC and proposed zoning, mining is allowed pursuant to Chapter 11 of the SLDC.

Based on land use suitability, location, and need factors, and inconsistency with the SGMP and the intent of the "Industrial General" zoning district, the proposed "Ag/Ranch" and "Rural" zoning districts are the most reasonable and appropriate zoning for the area in question. "Industrial General" zoning would not be reasonable and appropriate due to the potential intensity and scale of industrial activities in the largely rural surrounding areas. The zoning for this area proposed on the 2015 Zoning Map meets the established zoning criteria and no change is recommended.

- A.12 David Rogers: Mr. Rogers states that the zoning for parcel 98011261, Ag/Ranch (A/R one dwelling unit per 160 acres) restricts private property rights. Mr. Rogers on behalf of the Tuerto Mountain Minerals, LLC votes no on this zoning map.

Staff response: The authority for the County to provide zoning is identified in the SLDC, Section 1.2. The proposed zoning does allow for residential development on the property. The proposed zoning would allow for accessory dwelling units and the density bonus process identified in the SLDC would provide additional development options. Staff does not recommend a change in zoning as the parcel is predominantly surrounded by the same size parcels. The proposed zoning meets the established zoning criteria.

Chrisann N. Romero



From: Jennifer LaBar
Sent: Tuesday, December 08, 2015 3:10 PM
To: Chrisann N. Romero
Cc: Katherine Miller; Tony T. Flores; Penny Ellis-Green; Kristine Mihelcic
Subject: FW: Santa Fe County Public Comment Form

Chrisann,
I know this is past the 3:00 deadline, but here is one more.
Jen

-----Original Message-----

From: Anonymous [mailto:kbustos@santafecountynm.gov]
Sent: Tuesday, December 08, 2015 3:08 PM
To: Kristine Mihelcic; Jennifer LaBar
Subject: Santa Fe County Public Comment Form

Web form results:

[Anonymous submission]

Comments:

To the Board of County Commissioners, Santa Fe County, NM:

Regarding the proposed ".Ordinance Adopting the Zoning Map of Santa Fe County Applicable to Lands to which the Santa Fe County Sustainable Land Development Code Applies," we are writing concerning the 12-acre parcel at the intersection of Camino La Tierra and Arroyo Calabasas.

We are opposed to designation of this parcel as Commercial Neighborhood (CN) and request that the parcel be re-zoned as Residential Estate (RES-E).

We are opposed to the current designation for several reasons, including (1) the expressed opposition of the majority of the residents that would be affected by commercial development; (2) the location of the parcel in a rural neighborhood makes it unlikely that any business located there would be unsuccessful; and (3) that commercial development will unalterably damage the character of the neighborhood. Re-zoning the parcel as RES-E will allow the owners to recoup their investment yet preserve our neighborhood.

Thank you for your consideration.

John B. Mott & Letitia A. Krakowski
24A Vista Calabasas, Santa Fe NM 87506

SFC CLERK RECORDED 01/14/2016

Chrisann N. Romero

From: Jennifer LaBar
Sent: Tuesday, December 08, 2015 4:31 PM
To: Chrisann N. Romero
Cc: Penny Ellis-Green; Katherine Miller; Tony T. Flores; Kristine Mihelcic
Subject: FW: Santa Fe County Public Comment Form

...another one

-----Original Message-----

From: Melinda Tidwell [<mailto:melindatidwell@gmail.com>]
Sent: Tuesday, December 08, 2015 4:02 PM
To: Kristine Mihelcic; Jennifer LaBar
Subject: Santa Fe County Public Comment Form

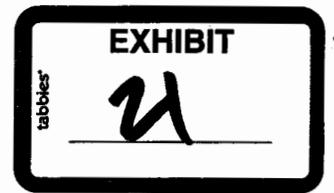
Web form results:

Melinda Tidwell
20 Vista Calabasas
Santa Fe, NM 87506
Email: melindatidwell@gmail.com
Phone: 5059921992

Comments:

We strongly oppose the 12 acre parcel at Arroyo calabasas and Camino La Tierra which is currently zoned as CN. This sort of commercial spot zoning would be a both completely unnecessary for the residents of the area and also introduce a serious eye sore to an otherwise beautiful rural neighborhood. We propose the parcel be returned to a RES-E status, like the surrounding area. We are quite happy to come into town for any shopping needs and stridently oppose commercial development in our area.

respectfully yours,
Jonathan Keeton and Melinda Tidwell



**County Commissioners
Santa Fe County**

Who we are

Dr. C. Grant Luckhardt and Arabelle D. Luckhardt moved to Salva Tierra in 2004 to retire from teaching positions. We moved here from Atlanta, GA, which is collapsing under the strain and stress of unbridled growth. We moved here for the quiet, the light traffic, the beautiful natural world, the fascinating archeological and historical history, and the dark night skies.

Our request: To return the 12 acre parcel on Camino la Tierra (# 990003334), currently zoned CN, to its original zoning of Residential Estate (RES-E).

This Commercial Neighborhood Zoning is not needed

The spot zoning of this parcel was established in 1997. At that time it was anticipated that this NW area would develop fairly quickly and having a neighborhood shopping area nearby would cut down on car traffic to Santa Fe. The model of providing close shopping and dining to neighborhoods is a valid model. What is an absolute necessity, however, is that there is a sufficient population to support a neighborhood shopping center. This is NOT the case here. The area has developed much more slowly than anticipated. Indeed the Las Campanas ownership has been sold and resold because of its failure to develop quickly enough to make it a desirable investment. Unlike the rest of NM, the Santa Fe area is growing, but at a very slow rate. This is bad news for the tax base but good news for the water supply.

A nearby area which tried to implement neighborhood shopping has been a failure. Aldea, which has a densely populated neighborhood, has a commercial zone which has languished for years. Empty store fronts and a few struggling businesses are all that you see. Even in that neighborhood there is not a dense enough population to sustain a commercial area.

This Commercial Neighborhood Zoning is detrimental to the neighborhoods surrounding it

For a neighborhood shopping district to be successful and an advantage to the neighborhoods it serves, it needs to be located away from the immediate homeowners who will frequent it. This parcel is IMMEDIATELY adjacent to private homes and close to other neighborhoods. All of the traffic, noise, and lights that a commercial area generates will directly and negatively impact its

neighbors. This would be true of both a shopping center and a retirement/nursing facility. The quality of life for those near this parcel will be seriously diminished if it is developed.

If the CN zoning stands and a commercial venture is built, it is extremely likely to fail, in the same way that the Aldea ventures have failed. In this case, the homes surrounding this development will lose significant value. The County Commissioners will have turned these homeowners' prime investment into losses.

The County Commissioners owe their primary loyalty to all the residents of Santa Fe County, not to a few developers

The County Commissioners have varied and weighty responsibilities. These responsibilities do not include protecting wealthy developers from making foolish financial investments. The group of investors that planned to develop the 12 acres in 2008 had plans for a shopping center that included a dry cleaners, a bank, a hardware store, 387 parking places, dumpsters, and a 150-seat restaurant. A 150-seat restaurant? Is there a restaurant seating 150 people in all of Santa Fe? These developers had not done their homework. They didn't have a clue. If they had succeeded in building this strip mall of some 45,000 square feet, it would have failed and all of us in nearby homes would have suffered irreversible losses. Fortunately they did not go forward with these plans, but keeping the zoning as CN will certainly allow for similar projects.

We have been told that there is a possibility of a retirement/nursing home being put on the site. This would cause the same deleterious effects for the neighbors – noise (think ambulances), traffic, lights. This may be another case of not doing proper homework. A quick survey of several retirement homes in Santa Fe revealed that all of those contacted currently have beds available in independent living and assisted living. An additional retirement home is not needed, either in downtown Santa Fe and certainly not here, miles away from a hospital. But if one is built, and fails, the neighborhoods will experience the same harmful effects.

What does it take to make our voices heard?

The County Commissioners were given 800 signatures of residents of the area who opposed any commercial development on the 12 acre parcel. EIGHT HUNDRED SIGNATURES. How many signatures are needed to get our voices heard? Would 1,000 have done it? 2,000? Why do the interests of a few wealthy individuals carry more weight than the voices of hundreds of local residents who have invested in their homes and communities? Many neighbors are so discouraged by what happened 8 years ago that they feel there is no point in protesting again. They felt

ignored then and think that they will be ignored again. Please, don't let your constituents and neighbors down. I implore you to return the 12 acre parcel to Residential Estate.



MATERIALS SUBMITTED BY
TIERRA DE ORO HOMEOWNERS' ASSOCIATION

to the Santa Fe County
Board of County Commissioners
on December 8, 2015

In connection with the
Ordinance Adopting the Zoning Map of
Santa Fe County Applicable to Lands to Which
the Santa Fe County Sustainable Land Development Code Applies

SFC CLERK RECORDED 01/14/2016

Katz
Ahern
Herdman &
MacGillivray PC

Janice M. Ahern
Frank T. Herdman
Leonard S. Katz
Melanie E. MacGillivray

Colin T. Cameron
Jenny F. Kaufman

A Professional Corporation | ATTORNEYS AT LAW

April 23, 2014

By Electronic Mail

Ms. Penny Ellis-Green, Director
Growth Management Department
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Proposed Zoning for 330 Acres formerly known as "Santa Fe Center"

Dear Penny:

As previously mentioned, I represent the Tierra de Oro Homeowner's Association (the "Association"), which is comprised of approximately 170 members. This letter pertains to two parcels of undeveloped land, totaling approximately 330 acres, located northwest of the Camino La Tierra exit off of Highway 599. The Tierra de Oro subdivision, which has 96 homes, is located immediately to the northwest of this property. For the reasons stated below, the Association objects to the designation of the 330 acres as "Mixed Use" on the proposed zoning map that is to be adopted as part of Santa Fe County's Sustainable Land Use Code.

My review of the County's files relating to the 330 acres confirms that any master plan or approvals permitting commercial development that may have been adopted for this property expired long ago and that the property should be zoned as "Residential Estate" as a result. In 1999, the owner of the 330 acres submitted an application to Santa Fe County for a master plan amendment for what the owner referred to at the time as the "Santa Fe Center." In response to this application, County staff correctly determined that approvals previously granted for the property in 1986 had expired and that the owner's application would have to be recharacterized as an application for a new master plan. A copy of a letter from Diana Lucero to Al Lilly, dated July 30, 1999, is attached as Exhibit A. In that letter, Ms. Lucero stated that "the zoning approval for the Santa Fe Center 'sunsetted' in November of 1996." Ms. Lucero stated further that because the prior approvals had expired, Mr. Lilly, as agent for the owner of the 330 acres, could "restructure your request as a new master plan subject to the zoning criteria and standards for large scale mixed use development" (emphasis added). The application proceeded on that basis, i.e., as a

Ms. Penny Ellis-Green
April 23, 2014
Page 2

request for a new master plan, but was met with substantial opposition from members of the Association as well as other surrounding homeowners' associations and residential property owners, as confirmed by the extensive correspondence that is contained in the County's file for this matter.

The application for master plan approval was placed on the December 9, 1999 agenda for the Extraterritorial Zoning Commission. County staff's memorandum to the EZC of the same date further confirms the County's determination that all prior approvals had expired. Specifically, the memorandum from staff to the EZC states: "Please note that this property was previously granted zoning approval by the EZA on January 27, 1986, however the applicant has been advised that *the approval expired*" (emphasis added).

At the request of the applicant, the December 9, 1999 hearing before the EZC was tabled. A copy of Mr. Lilly's letter dated December 9, 1999, in which he requested the postponement, is attached as Exhibit B. In his letter, Mr. Lilly advised that additional time was requested "to give us time to meet with neighbors...." The applicant's hope to accomplish consensus with neighbors was not attained, as confirmed by the extensive correspondence in the County's file in which neighboring property owners expressed their strong opposition to the proposed master plan, which called for large scale commercial development, including a resort hotel on 22 acres, a spa and wellness center on 16 acres, a "corporate center" on 27 acres, a "learning center" on 20 acres and unspecified "future development."

The application was placed on the agenda for the EZC's meeting of January 13, 2000 agenda, and staff's memorandum for that meeting reiterated the County's determination that the prior approval for the property "has expired." The hearing on the application was postponed again.

On March 2, 2000, Mr. Lilly submitted a letter to the County, a copy of which is attached as Exhibit C, in which he informed the County that "it has become apparent that more time is required to resolve long range planning issues and to hold the necessary meetings with the area neighborhood associations" and, further, that the applicant "requests the EZC to 'withdraw without prejudice' its application *for master plan approval* for the Santa Fe Center" (emphasis added). The letter states further that "Las Campanas will notify the La Tierra neighborhood associations of any future plans prior to formal submittal to the City or County." Note that Mr. Lilly's letter refers to the withdrawn application as a request for "master plan approval," not a request for master plan amendment, thereby confirming the owner's agreement with the County's determination that all prior approvals had expired. Because the application was withdrawn, no action was taken on it, and no further approvals have been requested. As a result, there are no existing approvals for any commercial use or development of the 330 acres.

Ms. Penny Ellis-Green
April 23, 2014
Page 3

The foregoing history confirms that any prior approvals for commercial development of the 330 acres expired nearly twenty years ago and that the owner's intentions to request approval for an entirely new master plan in 1999 were abandoned as a result of neighborhood opposition, the need to "resolve long range planning issues and [the need] to hold the necessary meetings with the area neighborhood associations," as stated in Mr. Lilly's letter of March 2, 2000.

According to the County's Sustainable Growth Management Plan, the Future Land Use Map that was adopted as part of the plan "will guide the establishment of zoning districts, including uses, densities, and intensities." The Future Land Use Map properly designates the 330 acres as "Residential Estate," defined as "single family large lot residential development" and is consistent with the foregoing history and the fact that all approvals for commercial development expired long ago. The area surrounding the 330 acres is similarly shown as "Residential Estate," reflecting the recognition in the plan, and the community opposition to the master plan that was proposed in 1999, that development on the 330 acres should be compatible with the residential development that surrounds it.

However, the current draft of the proposed zoning map shows the 330 acres as "Mixed Use," which is inconsistent with the fact that all approvals for commercial development on the property have expired. Rezoning the property as "Mixed Use" would result in an improper rezoning of the property in a manner that does not comply with the approval process mandated by the County's Sustainable Land Use Code, including the application and notice requirements that would apply to a request to rezone the property. Moreover, a rezoning of the property to "Mixed Use" would disregard the substantial community opposition that resulted in the withdrawal of the application for master plan approval in 2000 and would contravene the owner's commitment, as stated in Mr. Lilly's letter, that the owner of the 330 acres would "notify the La Tierra neighborhood associations of any future plans prior to formal submittal to the City or County."

I suspect that when the property was designated as "Mixed Use" on the proposed zoning map that County staff was not fully apprised of the foregoing history, including the expiration of the prior approvals, and the owner's proposed but abandoned request for master plan approval in 1999 and 2000 due to the strong community opposition that it received.

On the basis for the foregoing, the Tierra de Oro Homeowner's Association requests that the proposed zoning map be amended immediately to correctly reflect that the 330 acres should be zoned "Residential Estate," as reflected in the Sustainable Growth Management Plan, which makes it compatible and consistent with the residential

Katz
Ahern
Herdman &
MacGillivray PC

Ms. Penny Ellis-Green
April 23, 2014
Page 4

development that surrounds it. The Association further request that the zoning map, as adopted, designate the 330 acres as "Residential Estate."

Thank you. I've also sent Robert Griego a copy of this letter. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

FRANK T. HERDMAN

attachments

cc: Robert Griego
Tierra de Oro Homeowners' Association

SFC CLERK RECORDED 01/14/2016

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3



Richard D. Anaya
Commissioner, District 4

Joe S. Grifé, Jr.
Commissioner, District 5

David Wolf
County Manager

July 30, 1999

Las Campanas Limited Partnership
c/o Mr. Al Lilly
Lilly Planning Associates
PO Box 1761
Santa Fe, NM 87504

Re: Santa Fe Center (amended master plan)

Dear Mr. Lilly:

Based upon discussion of your submittal with the County Attorney, it has been determined that your request cannot be accepted in its present form as an amended master plan.

Your submittal references the approval granted by the Extraterritorial Zoning Authority (EZA) in 1986 and the subsequent design changes that occurred for State Road 599, which caused a modification to the original development layout. Therefore your submittal indicates that you are relying on the 1986 approval as being legally binding after 13 years.

The decision that your submittal cannot be accepted as an amended master plan is based on the Extraterritorial Zoning Ordinance regarding time limits for master plan approvals. Section 3.5-D(7) of the Zoning Ordinance stipulates that a master plan approval shall be valid for a period of 5 years from the date of approval by the EZA. Master plan approvals may be extended or renewed for additional two year periods by the EZA at the request of the developer.

It is staff's evaluation that the approval granted by the EZA on January 27, 1986 for a special exception was the equivalent of a master plan. The zoning ordinance stipulating the expiration of master plans became effective on November 28, 1991. The interpretation that has been made with support of the County Attorney, is that old zoning approvals do not exist indefinitely, but would be subject to the same 5 year time limit as master plan approvals granted after November 28, 1991. Therefore, the zoning approval for the Santa Fe Center "sunsetting" in November of 1996. This decision is consistent with the position taken on other properties with old zoning approvals.

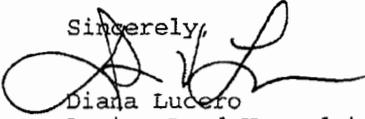
The alternative option that is available to you is to restructure your request as a new master plan subject to the current zoning criteria and standards for a large scale mixed use development, or you have the right to appeal this administrative decision to the Extraterritorial Zoning Commission. Petitions for appeal which allege an error in any requirement, decision or determination by an administrative official in the application of the ordinance must be submitted to the Administrator within five days from the date of this letter. A petition to appeal an administrative decision shall be submitted in writing stating the grounds for the appeal. The petition shall consist of specific statements of facts, specifying the sections of the ordinance which the appeal is based, and cause for appeal.

If you have any questions, contact Joe Catanach at 986-6227.



July 30, 1999
Santa Fe Center
Page Two

Sincerely,



Diana Lucero
Acting Land Use Administrator

xc: Denice Brown
County Attorney

Oralynn Guerrerortiz
Development Review Division Director

Joe Catanach
Development Review Specialist III

Greg Smith
City Planner

Ann Condon
City Planning Director

Lilly
PLANNING ASSOCIATES

LAND PLANNING • DEVELOPMENT CONSULTING
(505) 983-1134 • P.O. Box 1761, Santa Fe, New Mexico 87504

December 9, 1999

FAX MEMORANDUM

To: Joe Catanach
Santa Fe County Land Use Dept.

From: Al Lilly

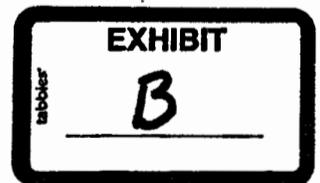
Re: Santa Fe Center (EZ Case MP 99-4970)

We are in receipt of your memorandum to the Extraterritorial Zoning Commission, dated December 9, 1999. Consistent with your recommendations, the applicant agrees to table this application until the January 13, 2000 meeting of the EZC and the subsequent January 25, 2000 meeting of the EZA. This will give us time to meet with neighbors and to establish a consensus with SNAC, in order to assure County staff that this application is in conformance with the SNAC sector plan.

Please publicly announce the continuance of these public hearings to the EZC and EZA meeting dates stated above.

Thank you.

cc. Nancy Long, Chair for EZC



Lilly PLANNING ASSOCIATES

LAND PLANNING • DEVELOPMENT CONSULTING
(505) 983-1134 • P.O. Box 1761, Santa Fe, New Mexico 87504

March 2, 2000

FAX MEMORANDUM

To: Joe Catanach
Santa Fe County Land Use Department

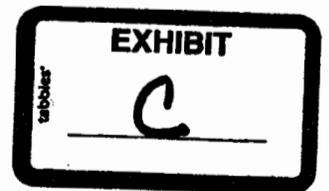
From: Al Lilly

Re: Santa Fe Center

After detailed review, it has become apparent that more time is required to resolve long range planning issues and to hold the necessary meetings with the area neighborhood associations. Therefore, after careful consideration, Las Campanas requests the EZC to "withdraw without prejudice" its application for master plan approval for the Santa Fe Center tract. Las Campanas will notify the La Tierra neighborhood associations of any future plans prior to formal submittal to the City or County.

Thank you for your assistance to date.

cc. Lance Tyson, City of Santa Fe



SFC CLERK RECORDED - 01/14/2016

SANTA FE COUNTY

Resolution No. 2000-113

1811143

A RESOLUTION ADOPTING THE SANTA FE METRO AREA HIGHWAY CORRIDOR PLAN FOR PORTIONS OUTSIDE THE TWO MILE EXTRATERRITORIAL ZONE, INCLUDING AN AMENDMENT TO ALLOW THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM FOR THE CORRIDOR DISTRICT AND TO ADJUST THE RE-DEVELOPMENT DISTRICT BOUNDARY.

WHEREAS, the Santa Fe County Growth Management Plan and City of Santa Fe General Plan both share planning issues of mutual concern, including the management of development in the extraterritorial area, joint corridor and gateway opportunities along the I-25/State Road 599-Relief Route; and

WHEREAS, Santa Fe County passed Resolution No. 1999-137 adopting the Santa Fe County Growth Management Plan which recommended creation of Highway Corridor Districts, especially the Santa Fe Metro Area Highway Corridor District; and

WHEREAS, Santa Fe County passed Resolution No. 1998-32 on March 31, 1998 to establish an advisory committee and the purpose for the Highway Corridor Plan; and

WHEREAS, the City of Santa Fe passed a supporting Resolution No. 1998-30 on May 13, 1998; and

WHEREAS, the Highway Corridor Committee completed its Plan draft in April 1999; and

WHEREAS, the County Development Review Committee reviewed the draft plan in a joint session with the Extraterritorial Zoning Commission and the City Planning Commission on April 10, 2000 and recommended approval of the plan with amendments; and

WHEREAS, the Extraterritorial Zoning Authority adopted the plan with amendments on May 30, 2000; and

WHEREAS, the City Council adopted the Plan with amendments on July 26, 2000; and

SFC CLERK RECORDED 01/14/2016

WHEREAS, the policies of the Santa Fe Metro Area Highway Corridor Plan conform to the overall goals and policies of the Santa Fe County Growth Management Plan for highway corridors; and

WHEREAS, it is intended that this Plan will be the basis for highway corridor land use and design standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Santa Fe County hereby approves and adopts the attached Santa Fe Metro Highway Corridor Plan subject to the following amendments:

- The Highway Corridor Plan include a provision to allow the creation of a Transfer of Development Rights (TDR) Program;
 - 2 Amend the boundaries of the Redevelopment District to include portions of property owned by Mr. John McIntosh, as the original boundary bisects the McIntosh tract.
 - 3 Exclude two properties owned by the Baca family from the Santa Fe Metro Area Highway Corridor to comply with a 1996 settlement agreement.
 - 4 Remove current land use designations in the Redevelopment District and show the District as non-residential with uses to be determined in the future plan as the ordinance is adopted.
- Allow for Pojoaque Pueblo property (Santa Fe Downs) to be zoned recreational/non-residential.
- 6 Resolve the Las Campanas issue.

PASSED APPROVED and ADOPTED this 29th day of August, 2000.

BOARD OF COUNTY COMMISSIONERS

Richard D. Anaya
Richard D. Anaya, Chairman

ATTEST:

Rebecca Bustamante
Rebecca Bustamante, Santa Fe County Clerk



1131.008

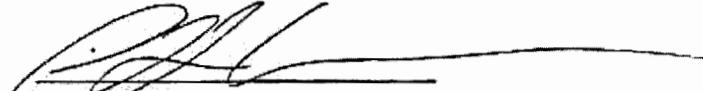
I hereby certify that this instrument was filed for record on the 29 day of Sept A.D. 20 00 at 8:08 o'clock PM and was duly recorded in book 1811 page 143-188 of the records of Santa Fe County, New Mexico.

Witness my Hand and Seal of Office
Rebecca Bustamante
 County Clerk, Santa Fe County, N.M.
Therella Salazar
 Deputy

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

APPROVED AS TO FORM:

1811145



Office of County Attorney

SFC CLERK RECORDED 01/14/2016

Santa Fe Metro Area

HIGHWAY CORRIDOR PLAN

For Portions of Interstate 25,
Cerrillos Road and the
Veteran's Memorial Highway

Santa Fe County and the City of Santa Fe
Proposed by
The Highway Corridor Committee

Municipal April 23, 1999

784665

A C K N O W L E D G M E N T S

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Paul Duran, County Commissioner District 2
Patti Bushee, City Councilor, District 1
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INTRODUCTION

ISSUES AND CONCERNS

The City of Santa Fe and Santa Fe County share many regional planning issues of mutual concern, including managing development in the extraterritorial area and preserving the gateway image along Interstate-25 ("I-25"), Veterans Memorial Highway ("NM 599") and parts of Cerrillos and Airport Roads (see Map 1: Study Area). These corridors are considered critical planning areas because of the pressure for commercial development and desire to protect the scenic quality. I-25 and NM 599 are also designated routes for the transport of radioactive waste to New Mexico's Waste Isolation Pilot Plant (WIPP) site.

Residents and neighborhoods express concern over the proliferation of new development strung along roadways in rural areas of the county and along the "gateways" into and out of the City. They are concerned that there are too many non-residential districts, or "nodes," unrelated to the neighborhoods and that the standards for acceptable land uses and use design standards are too broad to fit the specific locations. They are especially concerned about the safety on the new NM 599 road and some existing unsafe intersections in the corridor.

Property owners express concern over the seemingly restrictive and highly complicated zoning of the Extraterritorial Ordinance and the County Code which exclude highway frontages, outside of the non-residential districts, from non-residential uses.

PURPOSE OF PLAN

This plan designates an overlay zone for the "Highway Corridor District" with appropriate land use zoning and design standards. It provides recommendations to redefine the location and boundaries of non-residential districts ("nodes") and the location for potential commercial land uses. It recommends a solution to prevent further strip commercial development in most areas. It provides recommendations for parks, natural areas and buffers and methods for noise abatement. In appropriate areas the plan also describes opportunities for the use of Transfer of Development Rights (TDRs).

PLANNING PROCESS

Joint Resolutions

Santa Fe County passed a Resolution (No. 1998-32) on March 31, 1998 to establish an advisory committee. The City of Santa Fe also passed a supporting Resolution (No. 1998-30) on May 13, 1998. After the first committee meeting, the Board of County Commissioners (BCC) amended the Resolution on June 30, 1998 to allow for three additional City appointments to represent adjacent City neighborhoods (No. 1998-62). On November 25, 1998, the BCC passed an additional Resolution to extend the planning time line until April, 1999 (No. 1998-133).

Committee members

The Resolutions specify how the committee members were appointed. Committee members included three City Councilors, two County Commissioners, three neighborhood representatives from the City, five property owners and five community representatives, for a total of 18. Two members resigned before the end of the process.

Meetings and Planning Process

City and County planning staff began meeting prior to the first committee meeting to discuss an appropriate study area and compile inventory data. Planning staff participated in all the Committee meetings and worked with the Committee to recommend solutions. The Committee held meetings twice a month beginning in June, 1998 through March, 1999. The Committee approved the study area, district boundary and proposed the land use and design recommendations herein.

Public Input

The public was invited to attend all meetings and to comment for the last 20 minutes of each meeting. Meetings were noticed in the *Santa Fe New Mexican* newspaper and the County and City buildings. The public was also provided the opportunity to submit written letters for the record. All information from the meetings and public input has been combined under separate cover, ("Background Documentation") and is available for review at the County Land Use Department.

JURISDICTIONS AND POLICIES

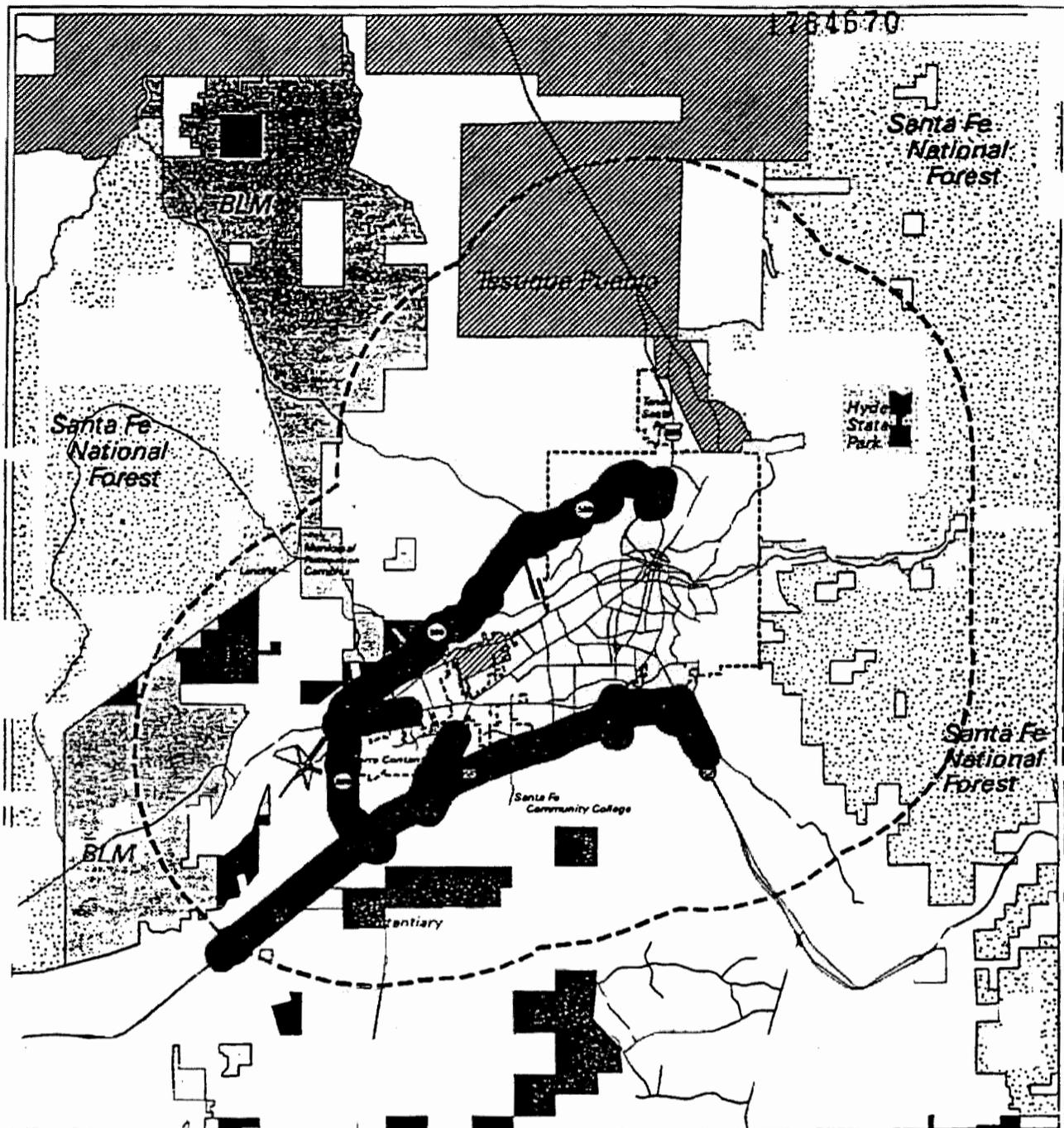
The district encompasses land within the City of Santa Fe, the Extraterritorial Zoning District and the County. Some lands are governed by the City's Code, some by the EZ Ordinance and some by the County Code.

IMPLEMENTATION STEPS

For this plan to be implemented the following actions must occur:

- 1. The Highway Corridor Committee recommends this Plan to the City Council, Santa Fe County Board of County Commissioners (BCC) and the Extraterritorial Commission, Extraterritorial Zoning Authority (EZA). Public hearings must take place. These entities must then adopt the plan as an element of the County Growth Management Plan and Comprehensive Extraterritorial Plan and the City General Plan.
- 2. The City and County staff prepare ordinances to amend the relevant Codes, and the BCC, EZC, EZA and City Council must adopt these ordinances.
- 3. The Committee recommends that a separate review committee be formed to carry out the intent of this plan. It may be effective to assign particular development review staff at the County and City for the District to review cases and monitor design standards.
- 4. Once the new standards are in place, City and County staff will need to enforce them.

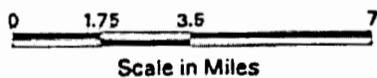
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Highway Corridor Study Area



-  Highway Corridor Study Area
-  National Forest
-  Bureau of Land Management
-  State Lands
-  Native American Lands and Traditional Communities
-  Extraterritorial Boundary (5 Mile)
-  City Limits



Scale in Miles

City of Santa Fe
Santa Fe County

March 1999

Map 1

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GOALS AND OBJECTIVES

Goal 1: Provide for the safe functioning of the highways and safety of those traveling, including pedestrian, bicycle, and equestrian users within Santa Fe.

Objective: Establish a land use plan that minimizes the number of access points (intersections or interchanges) designated for traffic-intensive non-residential uses.

Goal 2: Protect those who may live or work near the highways from excessive noise, visual blight, noxious odors, and other environmental hazards created by highway traffic.

Objective: Establish greater separation between the highways and adjacent land development than required along other roadways.

Goal 3: Protect the scenic vistas and natural landscape of the Santa Fe area as viewed from the highways.

Objective: Establish standards that minimize the visual distractions of buildings and signs along the highways, while assuring an attractive built environment with adequate opportunities for economic development in the corridors.

Objective: Prevent additional strip commercial development along the highway; locate commercial development as part of neighborhood centers.

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CORRIDOR COMMITTEE RESOLUTION NO. 1998-1

WHEREAS, Sec. 67-3-62 NMSA 1978 directs that the New Mexico State Highway and Transportation Department require that the construction of highways along new alignments of those highways that are substantially widened make provision for pedestrian, bicycle and equestrian traffic along and across such highway; and

WHEREAS, Sec. 67-3-62 NMSA 1978 further provides that the only way the New Mexico State Highway and Transportation Department can be relieved of the requirement to make provision for pedestrian, bicycle and equestrian traffic is, after notice and a public hearing, wherein it is determined that to do so would be contrary to public safety or the cost of such provision would be disproportionate to the need or probable usage; and

WHEREAS, the New Mexico State Highway and Transportation Department and the City and County of Santa Fe have recently entered into negotiations to make provision for equestrian traffic and recreational walkers or hikers at several points along the relief route, but that these negotiations are extremely limited in scope and fall far short of meeting the intent of Sec. 67-3-62; and

WHEREAS, the New Mexico State Highway and Transportation Department appears to have sufficient funding to construct five interchanges during the first phase of construction at a cost of \$5.5 to \$7 million each, but has budgeted nothing to acquire the necessary right-of-way, design plans and prepare bid specifications that call for the construction of safe sidewalks, walkways and designated bicycle paths along the entire relief route, and make safe provision for pedestrians, bicyclists and equestrian traffic across all segments of the relief route.

WHEREAS, compliance with the mandates of Sec. 67-3-62 NMSA 1978 will directly impact a substantial portion of the highway corridors under consideration by the Corridor Committee; and it is of paramount importance that immediate action be taken to ensure that compliance takes place before final road construction begins—particularly in the northeastern most portion of the relief route where final construction is soon to take place; and

WHEREAS, the City of Santa Fe, as the "Lead Agency" is responsible for the "design" and the "accuracy of design" of the relief route; and the New Mexico State Highway and Transportation Department has authority over final design plan; it appears that either or both of these governmental entities have the authority to ensure compliance with the mandates of Sec. 67-3-62.

NOW, THEREFORE, BE IT RESOLVED that the SANTA FE CORRIDOR COMMITTEE, recommends to the City and County of Santa Fe that, because time is of the essence, that immediate action be taken to ensure that provision is made for bicycle, pedestrian and equestrian traffic along and across all segments of the Santa Fe Relief Route as required by Sec. 67-3-62 NMSA 1978, particularly in those areas where there will be heavy pedestrian, bicycle and equestrian traffic from existing and approved developments that are in close proximity to the relief route.

BE IT FURTHER RESOLVED that the SANTA FE CORRIDOR COMMITTEE recommends that the City and County of Santa Fe undertake legal research to determine the extent to which our local governments would be liable for injury or death of a bicyclist, pedestrian or horse and rider due to the failure of providing for this traffic in the relief route design and construction plans.



HIGHWAY CORRIDOR LAND USE PLAN

The highway corridor study area includes approximately 15 miles of I-25 and 15 miles of NM 599, or 30 miles of total highway length. Most of the study area includes unincorporated land. Both highway corridors contain a mix of well-designed and poorly-designed subdivisions and buildings. A primary reason for the formation of the Highway Corridor Planning Committee was a concern about the amount, scale, and quality of development, especially non-residential development, occurring or proposed along I-25 and the new state highway NM 599.

As the Santa Fe metro area continues to grow around these highways, the development in the highway corridors will provide key first impressions to visitors. More importantly, development in the highway corridor will be a reflection of who we are as a community and how we value our land and its natural beauty.

EXISTING LAND USE

Interstate 25 Corridor

This highway, begun in the 1960s and completed in the 1970s, has experienced increased development within the corridor during the past 10-15 years. City subdivisions in the corridor include Sol y Lomas, Quail Run, Las Estancias, and Pueblos del Sol – all of which are located along the north side of the highway. County subdivisions with larger lots are scattered along I-25 from the La Cienega interchange to portions of the Sunlit Hills/Seton Village subdivisions near the southeast extent of the corridor study area.

Non-residential development in the I-25 corridor includes a mix of retail and business park uses on the north side of the St. Francis interchange, and an increased mix of non-residential uses between the Cerrillos Road interchange and the NM 599 interchange. The New Mexico National Guard building and the Santa Fe Downs racetrack pavilion are prominent structures in the I-25 corridor to the southwest. Non-residential uses, limited in size and scale, are located near the La Cienega interchange to the southwest and along Old Las Vegas Highway to the southeast.

Veterans Memorial Highway - NM 599 Corridor

One of the primary purposes for the construction of this highway is to allow trucks carrying radioactive waste to travel around the City of Santa Fe on a route that ends at the Waste Isolation Pilot Plant (WIPP) storage facility south of Carlsbad, New Mexico. While a 2-lane frontage road connecting Highway 84/285 to Airport Road makes the highway operational, a separate 4-lane main highway remains to be constructed between those points.

Existing residential subdivisions in the NM 599 corridor are also scattered as they are along I-25. With the exception of the Vista Primera subdivision near the Airport Road intersection and the Cottonwood Mobile Home Park further north along NM 599, the residential areas are large-lot county subdivisions.

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Existing non-residential development along NM 599 is limited to the concentration of industrial warehouse and wholesale businesses located around the NM 599/Airport Road intersection. Some noticeable gravel operations exist near the Highway north of the Santa Fe River.

Both highway corridors contain large vacant tracts and broad expanses of open, undeveloped land on each side of the highway. These vacant, open lands are interspersed with residential subdivisions and commercial development. Vacant land ownership patterns allow the opportunity for well-planned, clustered development with setbacks along both highways. Narrow land strips emanating from the Village of Agua Fria are a constraint to land planning for portions of NM 599. Some consolidation of parcels has occurred. Others could be encouraged to pursue joint planning

PROPOSED LAND USE

The land use plan for the highway corridors seeks to address safety, noise, scenic beauty, and quality of life for residents along the corridor. An opportunity exists to limit commercial development along NM 599 and portions of I-25 to maintain these areas as parkways. The corridors are primarily designated for residential development with setbacks from the highways. Both corridors currently contain examples of homes built too close to the roadways for protection from traffic noise. Therefore, while setbacks and height requirements are included in the design standards of this plan, they are also considered a vital part of the proposed land use plan.

The highway corridor is divided into five districts for purposes of land use and design standards. These five districts are:

1. Scenic Corridor District
2. La Cienega Corridor District
3. Commercial Gateway District
4. Redevelopment District
5. Airport Road Planning Area

Two of these districts, the Commercial Gateway District and the Redevelopment District, are designated for non-residential development. The Scenic Corridor District and the La Cienega District are designated for no new non-residential development.

Future non-residential development outside of the Commercial Gateway and Redevelopment Districts should occur in clustered neighborhood-scale centers (village centers) and should not be built along the highways or at highway intersections or interchanges. This will ensure that neighborhood centers serve surrounding residents rather than highway motorists.

Non-residential Land Uses and the "Nodes"

This plan replaces the following non-residential nodes at highway intersections and interchanges as indicated in the Extraterritorial Zoning Ordinance and County Land Development Code with specific non-residential locations in the Commercial Gateway and Redevelopment

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SCENIC CORRIDOR LAND USE

Both highways have long stretches designated as scenic corridors. The scenic corridor portion of I-25 starts just east of the Cerrillos Road interchange and extends all the way to the eastern end of the I-25 corridor study area near the County Road 58 bridge. The scenic corridor portion of NM 599 includes all of that highway corridor not included in either the Commercial Gateway District or the Redevelopment District.

Scenic Corridor Goals

- Maintain a rural landscape with expanses of open land along the highways;
- Minimize the visual impacts of new development in the district;
- Allow only small-scale residential buildings (less than 5,000 square feet) in the district corridor.

Scenic Corridor Proposed Land Use

Proposed land use within the Scenic Corridor is limited to residential development. While this plan does not specifically address residential densities, it is anticipated that urban densities may occur in Santa Fe Estates at the northern end of NM 599 and in the western section of Tierra Contenta on the east side of NM 599 south of Airport Road. Urban residential densities may also occur north of I-25 between Cerrillos Road and Richards Avenue. Maximum size for new buildings is 5,000 square feet in the district and maximum height for new buildings is 17 feet with some extensions (see Design Standards).

However, this plan sets out substantial "required" and "desired" setbacks for all residential development in the highway corridors regardless of residential densities. The "required" setback in the scenic corridor district ranges from approximately 150 to 375 feet, with an aver-

age of approximately 250 feet, while the "desired" setback ranges between 400 and 1,000 feet. The rationale for the setbacks is further described in the Design Standards section.

LA CIENEGA CORRIDOR LAND USE

This district extends along I-25 from La Cienega to the NM 599 interchange and the Commercial Gateway District boundary. The district has a mix of large scale buildings, such as the National Guard building and the Santa Fe Downs race track as well as residential areas with mobile homes.

District Goals

- Maintain a rural landscape with large expanses of open land along the highways;
- Minimize the visual impacts of new development in the district;
- Allow only small-scale buildings (less than 5,000 square feet) in the district corridor;
- Mitigate the visual impacts of existing development with walls and/or landscaped screening.
- Allow existing non-residential uses to continue with mitigation and improved design quality.

Proposed Land Use

The proposed land use within the La Cienega Corridor District is limited to residential use and existing non-residential use. The plan recognizes that non-residential uses are scattered throughout this district. The intent of this plan is that no new non-residential development be approved in this district.

Minimum required setback in this district is 275 feet from the highway right-of-way (which includes the frontage roads). Desired setbacks in

the La Cienega District range from 500 to 800 feet. Maximum size for new buildings in the district is 5,000 square feet and maximum height for new buildings is 24 feet.

COMMERCIAL GATEWAY LAND USE

1784680 This district includes that portion of I-25 between the NM 599 interchange and the Cerrillos Road interchange. The district also includes that part of Cerrillos Road north of I-25 to the Jaguar Road intersection. It is the gateway into and out of the City of Santa Fe as well as the gateway for Turquoise Trail and the Community College area. It is characterized by a mix of residential and commercial land use. The mix of development in some areas could be improved with mitigation measures such as landscaping and appropriate design standards.

The traffic circulation patterns are complex in this area. The intersection at the NM 599 frontage road from La Cienega is unsafe. Many accidents have occurred here. Cerrillos Road has recently been widened and the city built a new trails under pass under it at Arroyo Chamiso.

District Goals

- Improve the "gateway" image of the area through landscaping.
- Work with the State Highway Department to design and implement a landscape program within the I-25/NM 599 interchange right-of-way;
- Work with the State Highway Department to improve the safety of the NM 599/Frontage Road intersections;
- Limit access points (ingress/egress) along the frontage roads;
- Conserve open lands in strategic view areas;
- Encourage trail crossings that are consistent with an adopted regional trails plan.

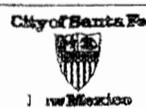
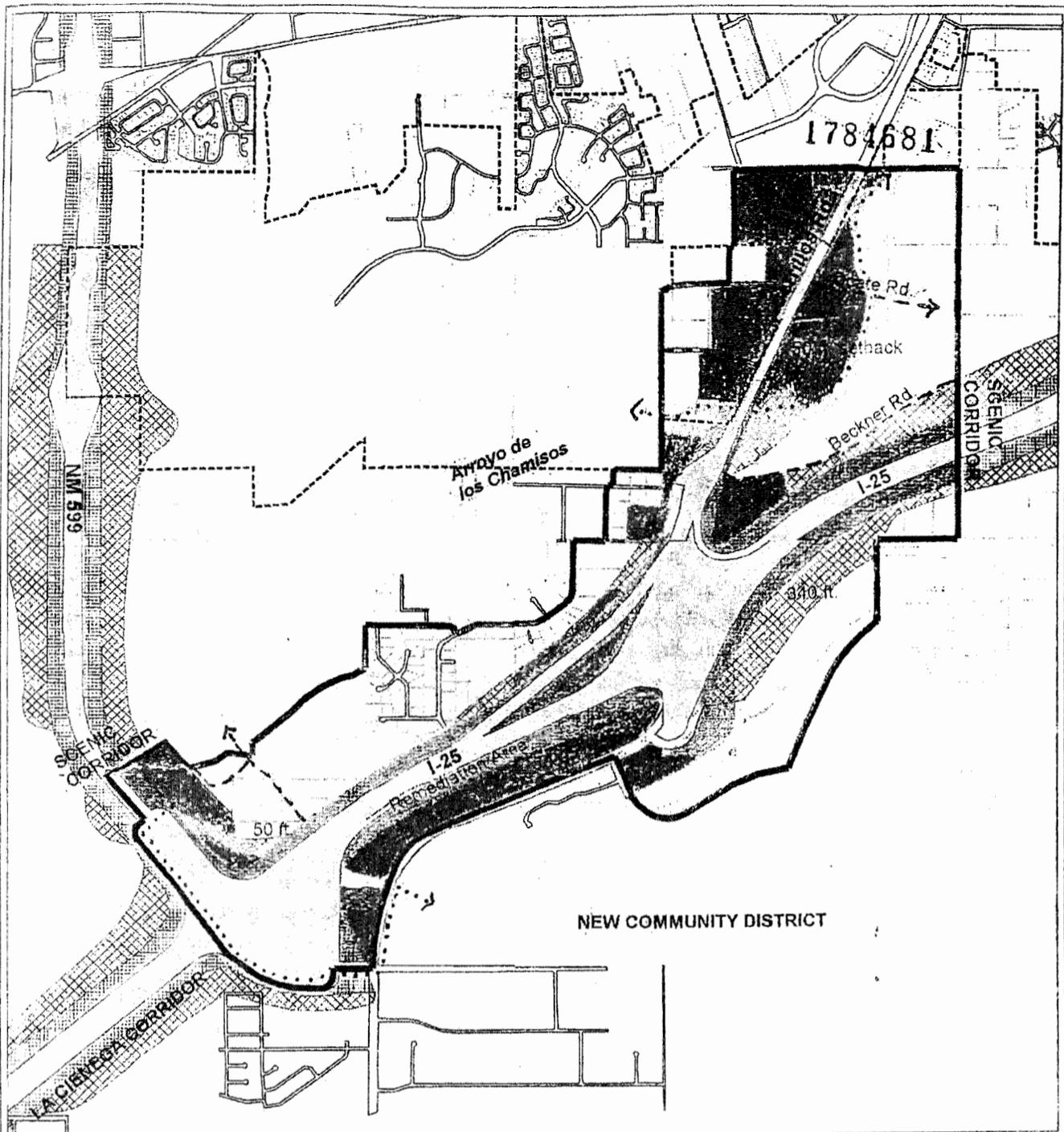
Proposed Land Use

This district is proposed to contain a mix of residential and non-residential land development. Most of the land proposed for non-residential uses is already approved for development. The Commercial Gateway District area map shows greater detail of types of non-residential uses proposed and their locations. These uses include retail, office, and business park.

Setbacks in this district include 150 feet from I-25 for those lots or tracts double-fronted between I-25 and the frontage road or NM 14. The Setback from the frontage road and NM 14 is 25-50 feet on double-fronted lots only. This encourages new non-residential development to locate closer to these roads which provide access, rather than I-25 where no direct access is allowed. Along the I-25 frontage road where double-fronting does not occur, the required setback is 50 feet. Maximum building height in this district is 36 feet, or 24 feet if the undisturbed building site elevation is higher than the adjoining right-of-way elevation.

Additional Recommendations:

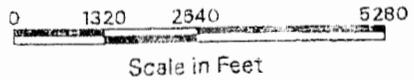
- The city and county with public input should:
- Develop a landscaping, wall and sign theme for the corridor.
- Establish a color palate and material finish standard for walls and buildings.
- Work with the State Highway Department to create an entry identity in public right-of-way. Design concepts should reflect the cultural heritage and landscape.



Commercial Gateway District Proposed Land Use



- | | | | |
|--|----------------------|--|------------------------------------|
| | Residential | | Highway Corridor District Boundary |
| | Office | | City Limits Boundary |
| | Commercial | | Roads - Proposed |
| | Business Park | | Trails - Proposed |
| | Light Industrial | | Parcel Lines |
| | Public/Institutional | | |
| | Recreational | | |
| | Required Setback | | |
| | Desired Setback | | |
| | 100-Year Flood Zone | | |



Scale in Feet

City of Santa Fe
Santa Fe County

March 1999

Map 4

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REDEVELOPMENT DISTRICT LAND USE

This district generally includes land surrounding the NM 599/Airport Road intersection and extends along NM 599 a short distance north of the Santa Fe River. The district contains a mix of industrial, warehouse, and wholesale businesses.

Redevelopment District Goals

- Create an attractive image and minimize impact of industrial uses on NM 599 in the Airport Rd. interchange area;
- Relocate heavy industrial uses;
- Improve the visual image of the area with strictly enforced design standards;
- Work with the State Highway Department to design and implement a landscape program in the NM 599/Airport Road intersection right-of-way;
- Provide an opportunity in this district for affordable start-up businesses;
- Develop a park along the Santa Fe River extending on both sides of NM 599 and restore the river;
- "Recommend" retail and office buildings and uses on land parcels fronting Airport Road and NM 599 in the northeast quadrant to screen existing industrial buildings;
- "Recommend" the State Highway Department to construct a grade-separated interchange at NM 599 and Airport Road prior to construction of other interchanges.

Proposed Land Use

Only non-residential land use is proposed for this district. This differentiates the district from the Commercial Gateway District, which includes large areas of existing and proposed residential use. Because of airport noise contours, land along the west side of NM 599 in the district is limited to industrial uses. However, the plan proposes a mix of retail and office uses on the northeast corner of NM 599 and Airport Road. This provides visual enhancement of the industrial area already located on the northeast corner of the interchange, and it also provides traveler's services for motorists using NM 599.

The required setback is 50 feet from the right-of-way south of the Santa Fe river. North of the river, setbacks should meet the noise contour setback. Maximum height of new buildings is 24 feet on the east side of NM 54 and 36 feet on the west side of NM 54, with some exceptions (see Design Standards).

Additional Recommendations:

The Highway Corridor Committee recommends that the City Council and the Board of County Commissioners direct staff to complete the following activities with public input:

1. Develop a landscaping, wall and sign design theme for the Airport Rd. Redevelopment Area to create a cohesive image.
2. Work with the State Highway Department and other governmental agencies to create an identity in public right-of-way at the intersection.
3. Public Art
4. Painting and graphic designs on bridge structures

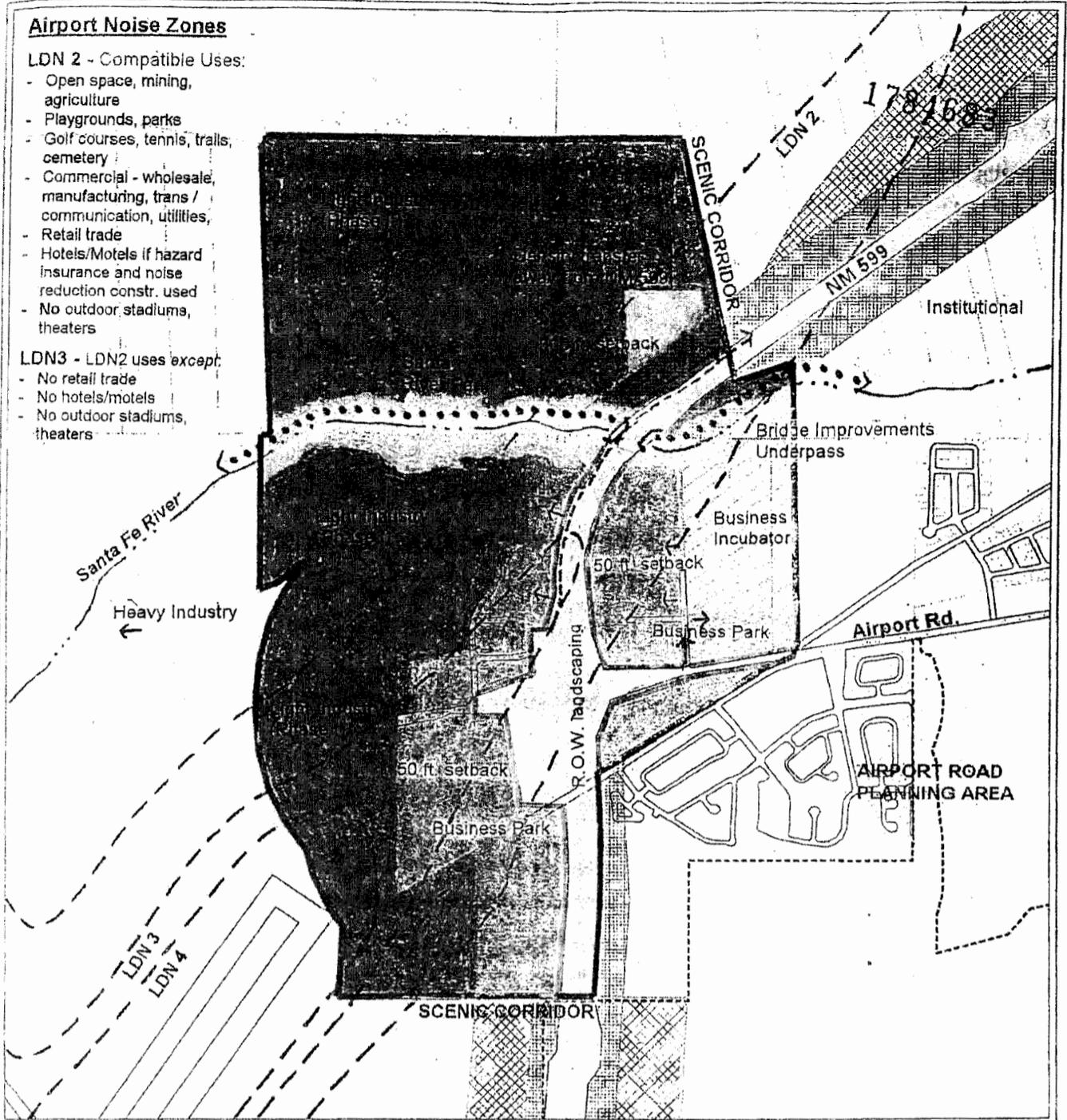
Airport Noise Zones

LDN 2 - Compatible Uses:

- Open space, mining, agriculture
- Playgrounds, parks
- Golf courses, tennis, trails, cemetery
- Commercial - wholesale, manufacturing, trans / communication, utilities,
- Retail trade
- Hotels/Motels if hazard insurance and noise reduction constr. used
- No outdoor stadiums, theaters

LDN3 - LDN2 uses except:

- No retail trade
- No hotels/motels
- No outdoor stadiums, theaters



City of Santa Fe



New Mexico

**Redevelopment District
Proposed Land Use**



- Residential
- Office
- Commercial
- Business Park
- Light Industrial
- Public/Institutional
- Recreational
- Required Setback
- Desired Setback
- 100-Year Flood Zone

- Highway Corridor District Boundary
- City Limits Boundary
- Roads - Proposed
- Trails - Proposed
- Parcel Lines



City of Santa Fe
Santa Fe County

March 1999

Map 5

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AIRPORT ROAD PLANNING AREA

The area along Airport Road is viewed as needing extensive collaborative planning between the city and county. However, the issues and concerns identified along Airport Road were too numerous and detailed to address in this document. Important issues in the Airport Road Planning Area that the Committee identified as part of this planning process included:

- Major streetscape improvements are needed including: landscaped medians, continuous sidewalks on both sides of the roadway, well-protected and signalized pedestrian crosswalks with median islands at critical locations to make Airport Road more appropriate and inviting to pedestrians;
- Landscape plan should be developed for both sides of Airport Road for its entire length between NM 599 and Cerrillos Road; Given the existing residential densities, institutional uses such as schools are needed in this area (some of these could potential be developed on the State Land along NM 599;
- parks are needed as well as access to a safe future river park;
- limit further commercialization of Airport Road, with commercial uses limited to north side of Jaguar Road and some neighborhood commercial limited in the parcels between Agua Fria and Camino Juliana;
- inventory open spaces.

The Committee proposes that a Neighborhood/Sector Plan be developed for this area which includes participation from the residents. The land immediately adjoining Airport Road on each side of the roadway as well as the area further north of Airport Road is in critical need of a joint city/county plan for future development.

LAND USE DEFINITIONS

The maps illustrate the proposed land use zoning in the Highway Corridor District. In the Scenic Corridor District, residential land use is the only type permitted. Other land uses are permitted in the Commercial Gateway and Redevelopment District according to the following list.

Residential

Residential density in the planning area will vary and is to be determined based on the underlying zoning, utility commitments, and annexation plans.

Non-residential

Commercial

Regional Commercial

large retail services, including traveler services - oriented to travelers or city-wide residents. May include buildings with footprints larger than 5,000 square feet. (Buildings larger than 25,000 square feet have additional design standards which apply).

Neighborhood Services

retail services oriented to nearby neighborhoods, small restaurants, groceries, etc. Includes commercial buildings that are less than 5,000 square feet.

Business Park

campus setting - coordinated design of structures and landscaping and traffic. May contain light industrial, small retail and offices.

Office

contains only office buildings; no retail or manufacturing.

Light Industrial

light industrial or manufacturing. No extractive uses to be permitted in the highway corridor.

Public/Institutional

schools, churches, public offices, libraries

1784685 **Natural Areas and Setback**
Recreation
Recreation
public land for recreation
Natural areas (private land or public land)
flood zone
Setbacks (generally private land)
setback areas, land where density has been transferred or
TDR "sending zones"

Outside Storage

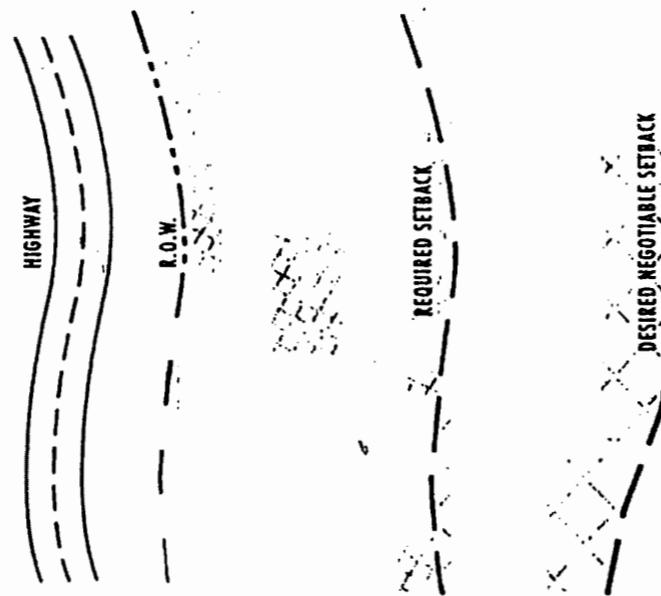
Outside Storage refers to any goods, equipment, materials sold or used by the business or residence not enclosed in a roofed building).

Ridgetop (from County Code):

The uppermost elevations, between the shoulder and crest of any hill or ridge with a slope of thirty percent (30%) or greater. For purposes of these regulations, a ridgetop means the area measured horizontally from the shoulder across the crest to the parallel shoulder. (see definition in the County Code).

IV HIGHWAY CORRIDOR DESIGN STANDARDS

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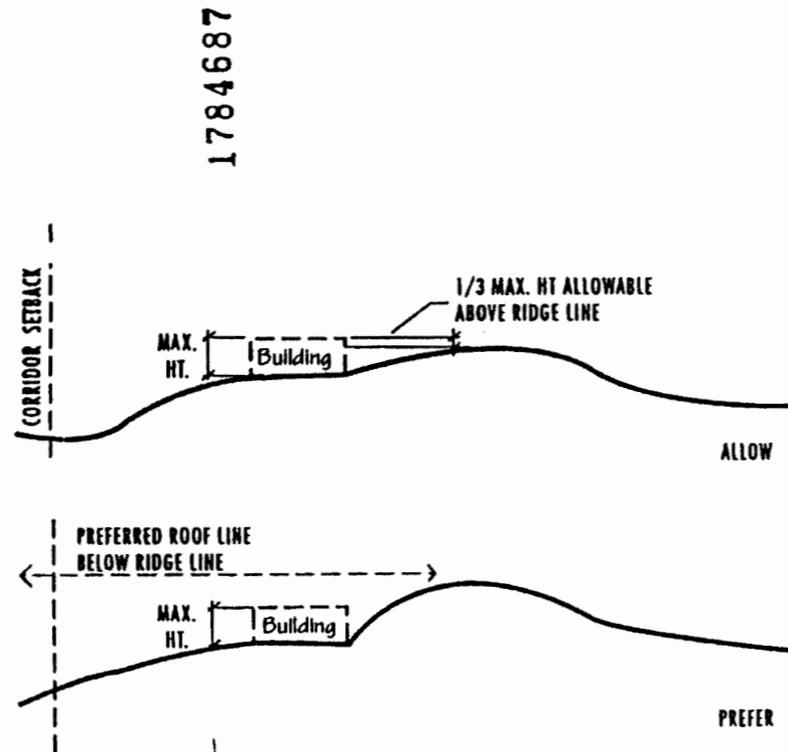
The design standards in the following sections address how structures are sited and how they look along the corridor. The scenic corridor standards are most restrictive, whereas the Commercial Gateway standards allow more flexibility for structures. The standards address setbacks, height, lot coverage, outside storage, landscaping, lighting, signs, parking, architectural standards, site planning and non-residential building setbacks from residential neighbors.

SCENIC CORRIDOR DESIGN STANDARDS

1. Minimum Setback From the Highway R.O.W.:

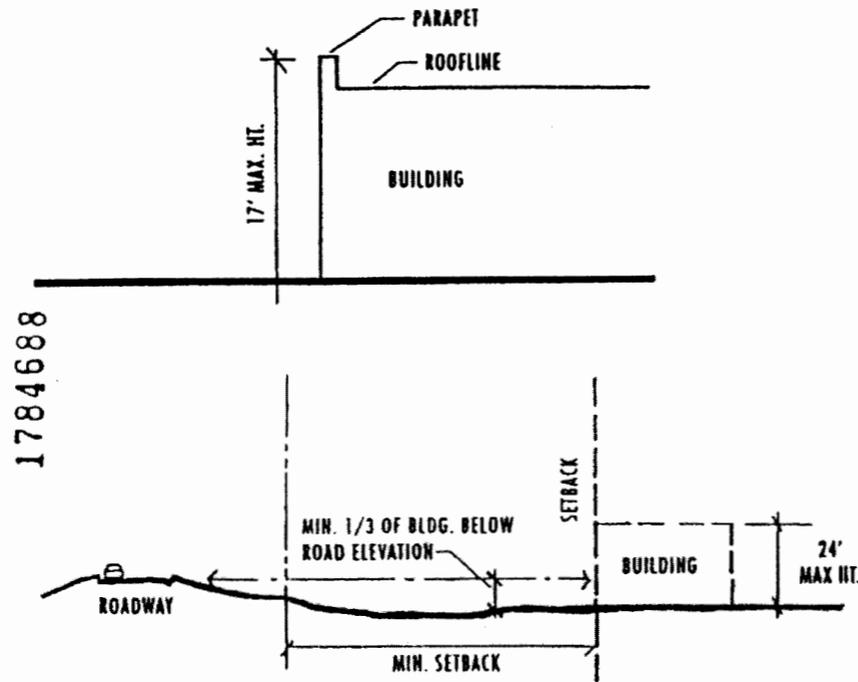
Setbacks are based on the following (see Map 3):

- A. Critical - "Required": Based on the noise contour setback. This is the minimum setback for development. Most Federal agencies consider noise levels greater than 65 Leq dBA (or a-weighted, equivalent noise levels measured in decibels) to be unacceptable for residential land use. A 1998 noise study which used both field measurements and computer modeling for I-25 and NM 599 establishes the 65 Leq dBA contour for the year 2020. The contour is based on traffic projections for that horizon year. The contour varies based on road placement within the right-of-way, terrain and traffic levels during peak hours—(Interstate 25 Noise Contour Study and NM 599 Noise Contour Study, Tashak Environmental Consulting, 1998). Small lots that are unable to meet these requirements may be exempt, but must provide noise mitigation.



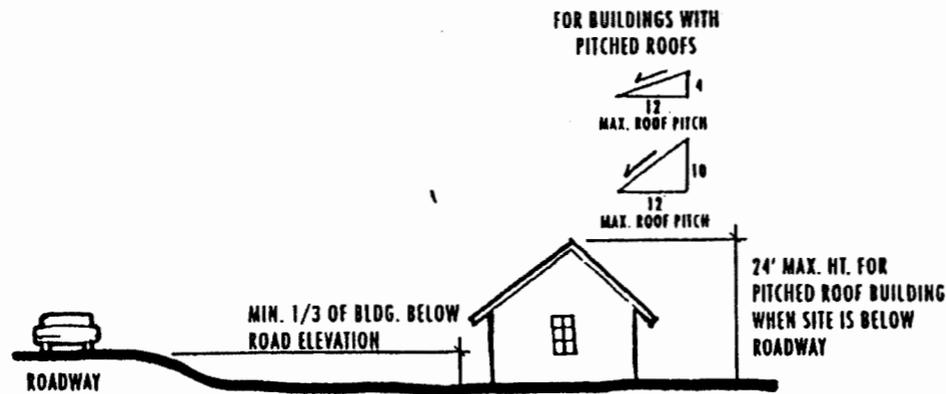
B. **Desired - "Negotiated"**: In many cases a wider setback than the "required" setback is achievable, but is not mandated. In these areas landowners or developers may have several voluntary options or incentives to create a larger setback. The City and County would make every effort to negotiate and work with landowners to achieve this "negotiated" wider setback. Options may include Transfer of Development Rights, conservation easements, trades, density bonus incentives, acquisitions and others. The underlying zoning remains as the existing residential density.

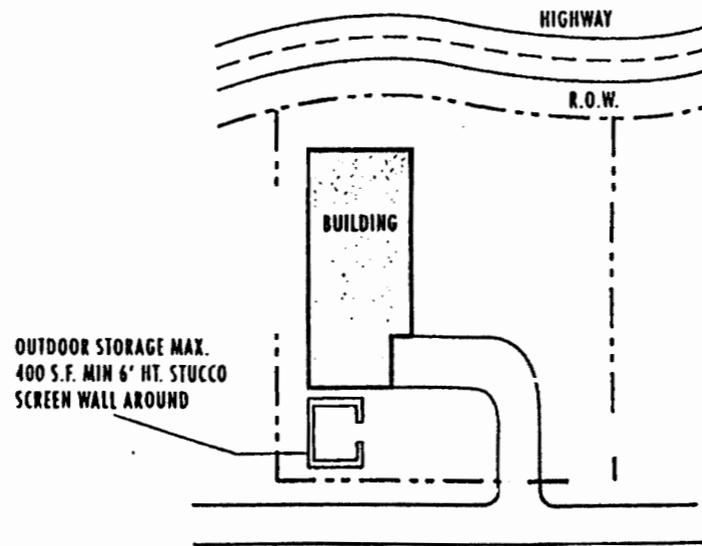
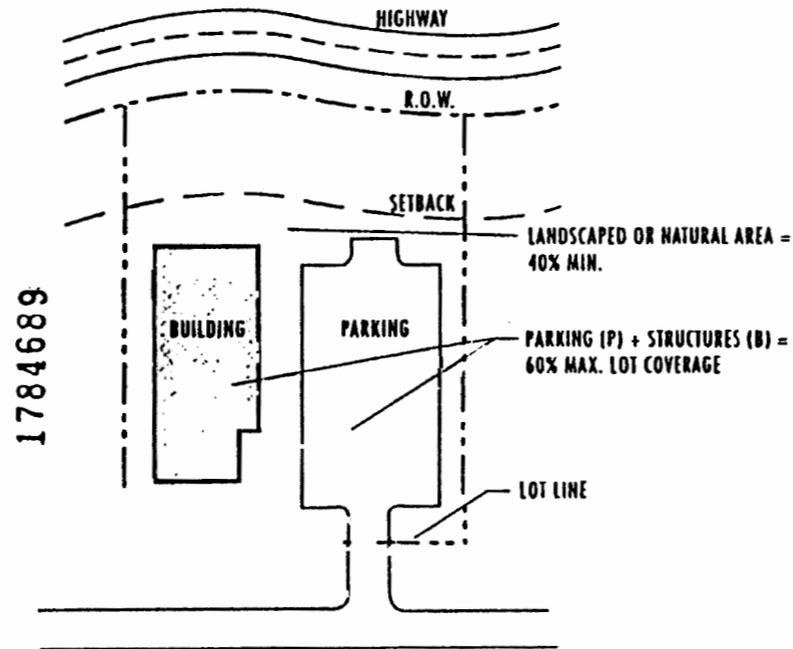
- Site structures behind required corridor setback line (see map). (↑)
- Two-thirds of a structure's height should be sited below a ridgetop whenever possible (see glossary definition for "ridgetop").
- *Incentive for Increased Setback* - The City and County staff will further investigate the possibility for density incentives for landowners who leave land in the "negotiated" setback area undeveloped. In these instances, landowner may increase the density provided that infrastructure and environmental requirements can be met for increased density for cluster housing.



2. Maximum Height:

- One story structures with a maximum building height of 17 feet to top of parapet. (↑)
- *Special Exemption (based on topography):* For building sites with elevation below the roadway right-of-way (R.O.W.), two story structures may be permitted provided that one-third of the structure is sited below the road elevation (maximum height of 24 feet). Pitched roof structures also allowed in this situation (minimum roof pitch 4/12, maximum pitch: 10/12; maximum 30% reflectivity of roof). (↑)



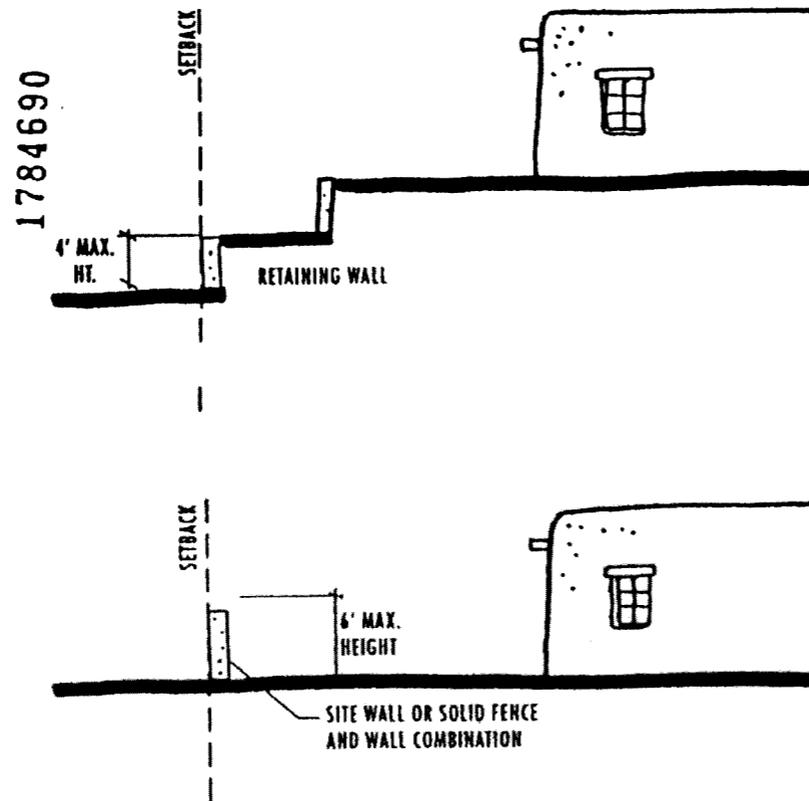


3. Maximum Lot Coverage:

- 60% maximum lot coverage including parking and structures (40% minimum undisturbed area). (↑)

4. Outside Storage and Service Areas:

- Outdoor storage area not to exceed 400 square feet. (↑ - size of outdoor storage is unlimited now)
- No outdoor storage is to be visible from the public R.O.W. or adjacent properties. (↑)
- All outdoor storage areas are to be enclosed by a stucco wall with a minimum height of 6 feet and a maximum height of 8 feet. (↑)



5. Landscaping:

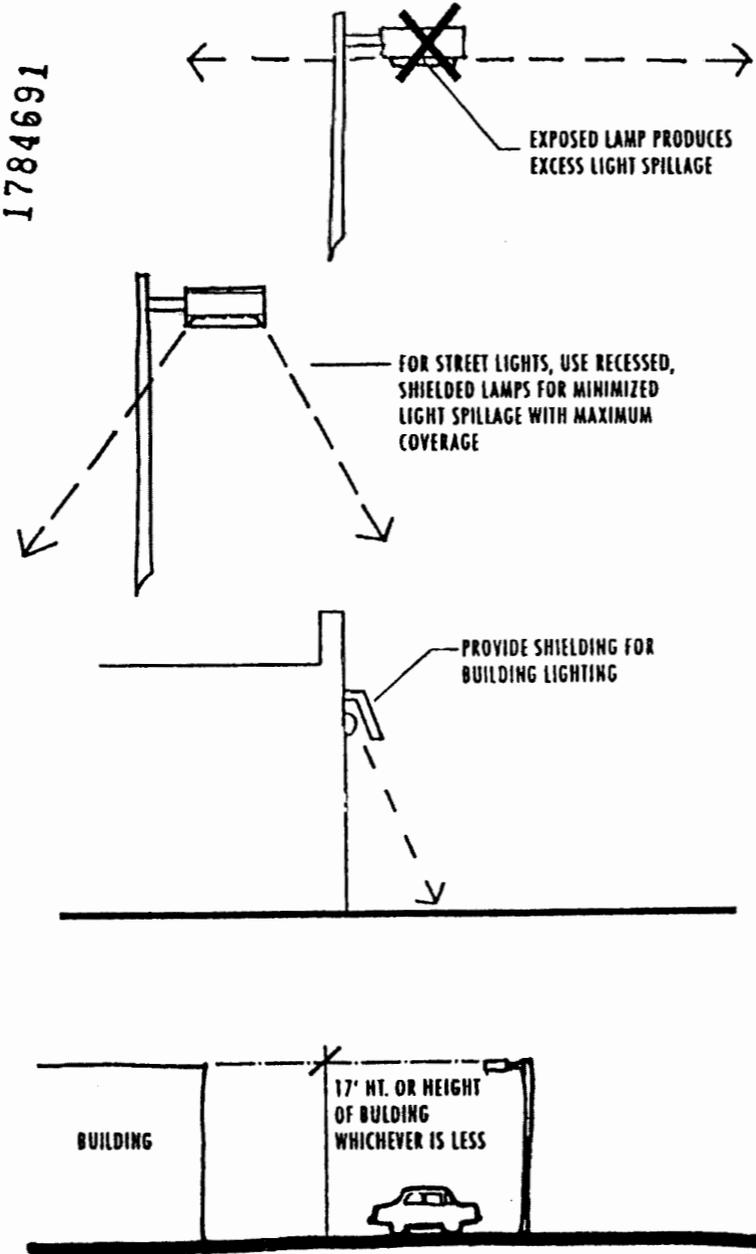
Maintain existing standards in Section F, Landscaping (Ill-29 of County Code). (✓)

- Plant drought-tolerant species outside of protected courtyards (as per County Code definition).
- Preserve native species and topography in setback areas and other undeveloped areas of property.
- For screening of buildings from adjacent roadways, 50% of the new trees to be evergreen, minimum 6 feet height at planting. Acceptable species include: Rocky Mountain juniper (*Juniperus scopulorum* cultivars), One-seed juniper (*Juniperus monosperma*), Bristlecone pine (*Pinus aristata*), Piñon (*Pinus edulis*), Austrian black pine (*Pinus nigra*), Ponderosa (*Pinus ponderosa*) and Scotch Pines (*Pinus sylvestris*), and Japanese black pine (*Pinus thunbergiana*). (↑)
- Replace piñon that are over 4 inch caliper with minimum 8 feet tall piñons. Piñons shall be planted, irrigated and maintained at a density commensurate with the existing natural landscape.

Site walls:

- Maximum height for retaining walls on site is 4 feet. (↑) Walls may be stepped back a minimum of 3 feet if additional height is necessary.
- Maximum height for site walls (stone, stucco or combination with solid wood fence) is to be 6 feet, except for screening outdoor storage (8 feet height permitted). (↑)

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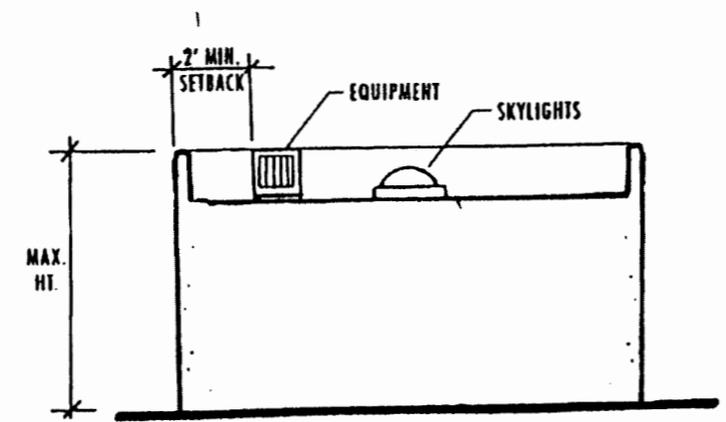
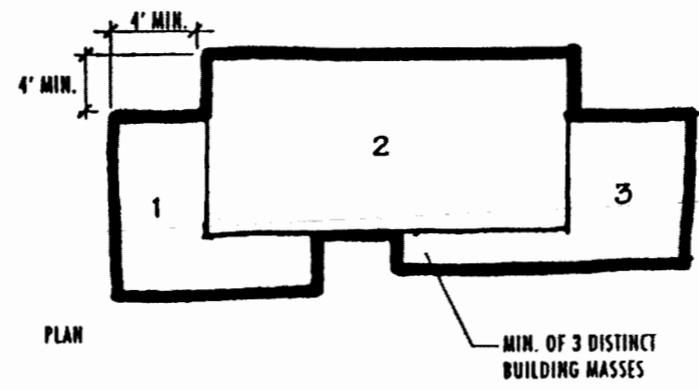
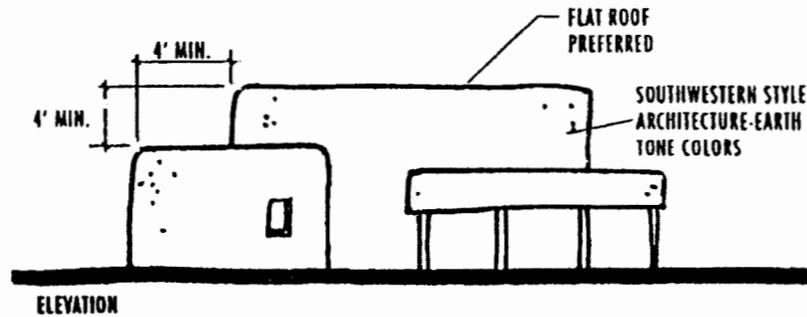


6. Lighting:

All lighting must meet current County standards.

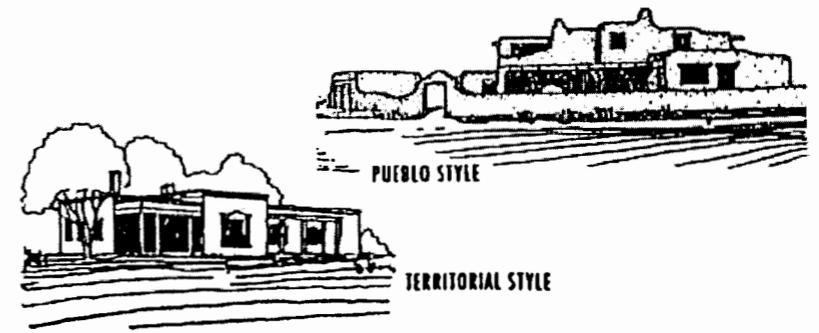
- Outdoor lighting shall be minimized in the scenic corridor.
- No overhead utilities, including streetlights, within the required setback area.
- Light design and installation shall emphasize low-level uniform lighting to avoid the nuisance and hazardous conditions caused by abrupt changes from bright lights to darkness.
- All lighting, including signs, shall be fully shielded and directed down.
- A maximum of 0.5 average horizontal foot-candles shall be permitted for all uses.
- Parking and security lights shall not be taller than buildings (maximum of 17 feet).
- Landscape lighting: low level lighting only (maximum 4 feet; no pole lights).
- No facade lighting.
- Streetlights are prohibited except where necessary for vehicle and pedestrian safety at busy intersections. At intersections safety lighting shall consist of approach lighting only, set back far enough from the intersection to give motorists at least 2 seconds of warning of the coming intersection and consisting of a series of uniform lights.
- Design and install all street lights to meet residential or rural freeway lighting levels, (0.4 to 0.6 average horizontal foot-candles). No streetlights may exceed 24 feet in height.

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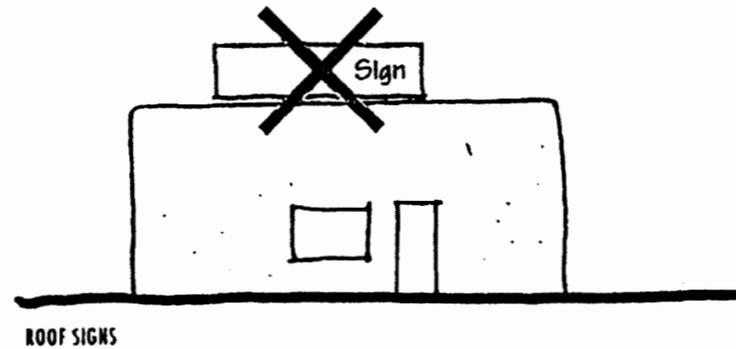
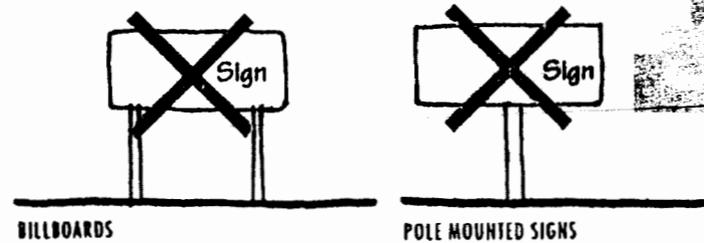


7. Other Architectural Standards:

- Buildings to be designed with a minimum of 3 distinct masses to be defined by 4 feet change in both vertical and horizontal direction. (↑)
- Building exteriors to be finished predominantly with earthtone colors with 5% of frontage in brighter highlight and trim colors permitted. (↑)
- 30% maximum Light Reflective Value of building roofs. (↑)
- 40% maximum Light Reflective Value of building exteriors. (↑)
- Southwestern Architectural Styles; (↑)
- Stucco exteriors as predominant material. (↑)
- Setback skylights and other rooftop structures and mechanical equipment a minimum of 2 feet from edge of building face and screen as part of the building design. (↑)
- Buildings roofs shall be flat with non-reflective surfaces and parapets (except for "Special Exemption"). (↑)



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SCENIC CORRIDOR/NON-RESIDENTIAL

The following standards are to be used only for non-conforming, non-residential land uses in the Scenic Corridor to protect the visual quality of the corridor and health, safety for residents.

1. Setbacks:

SAME AS SCENIC CORRIDOR RESIDENTIAL STANDARDS

3. Maximum Lot Coverage:

SAME AS SCENIC CORRIDOR RESIDENTIAL STANDARDS

4. Outside Storage and Service Areas:

SAME AS SCENIC CORRIDOR RESIDENTIAL STANDARDS

5. Landscaping:

SAME AS SCENIC CORRIDOR RESIDENTIAL STANDARDS with additional standard:

- Minimum 1 1/2 inch caliper deciduous trees at time of planting.

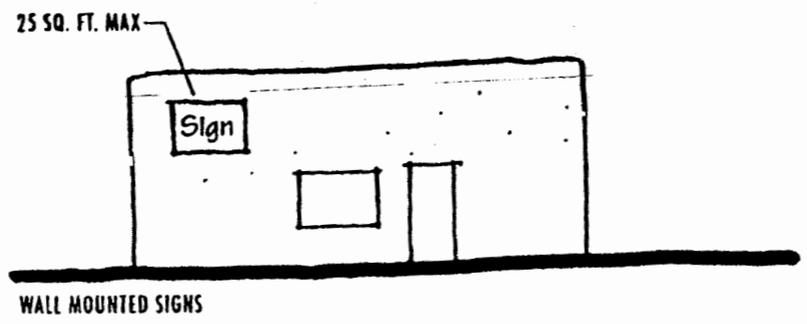
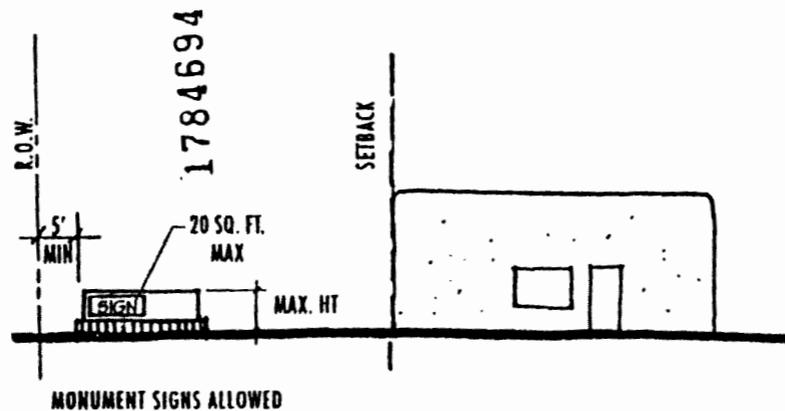
6. Lighting:

SAME AS SCENIC CORRIDOR RESIDENTIAL STANDARDS with the following additional standards:

- Design and install all necessary street lights to meet residential or rural freeway lighting levels, even where commercial or other uses may be adjacent to arterials and highways (0.4 to 0.6 average horizontal foot-candles). No streetlights may exceed 24 feet in height.

7. Exterior Signs:

- No off-site advertising or billboards. (✓)
- No pole mounted signs. (↑)
- No roof signs. (✓)
- No internally lit signs. (↑)

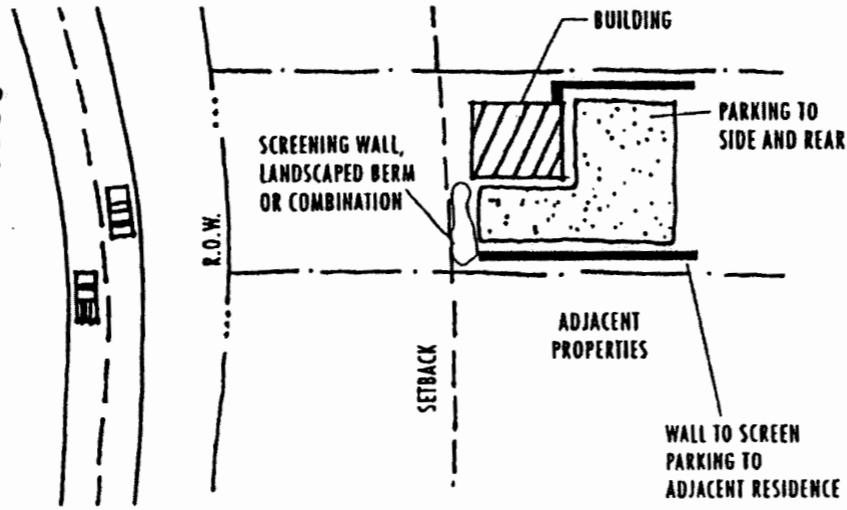


- One five foot high monument sign only per building. Maximum of 20 square feet. (↑) 5 feet minimum setback from property line. (✓)
- One flush wall mounted sign only per building. Maximum of 25 square feet. (↑)

8. Parking:
Non-residential:

SFC CLERK RECORDED 01/14/2016

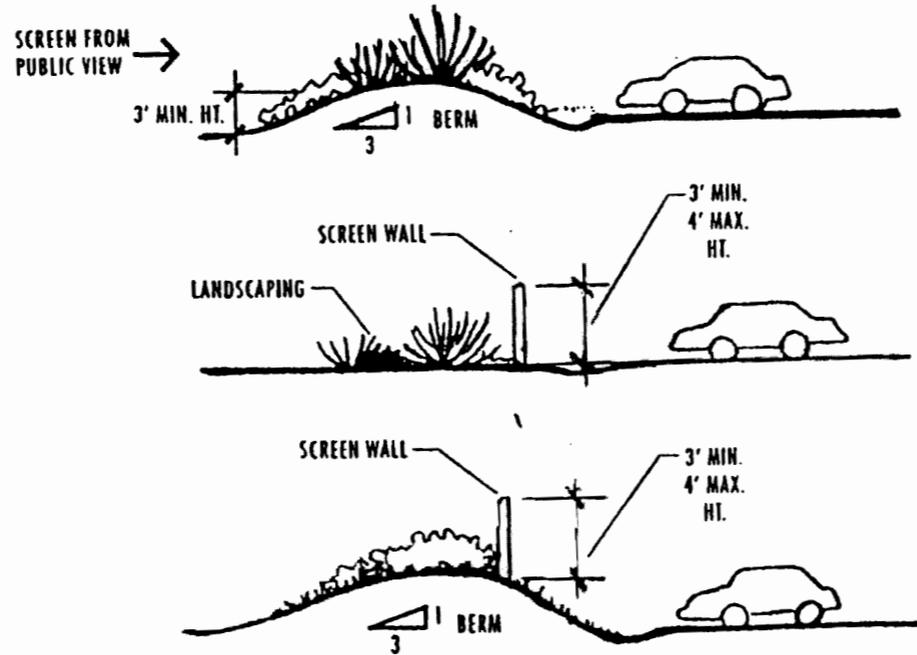
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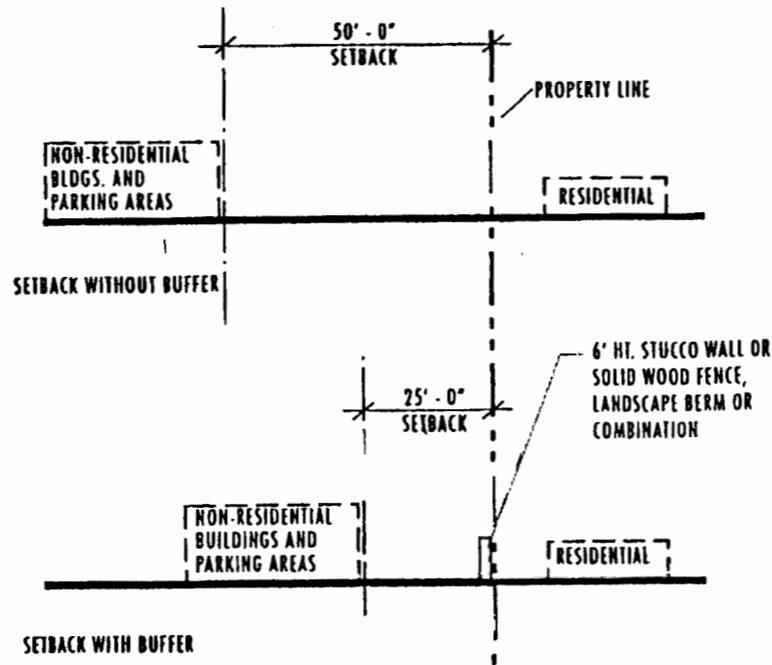
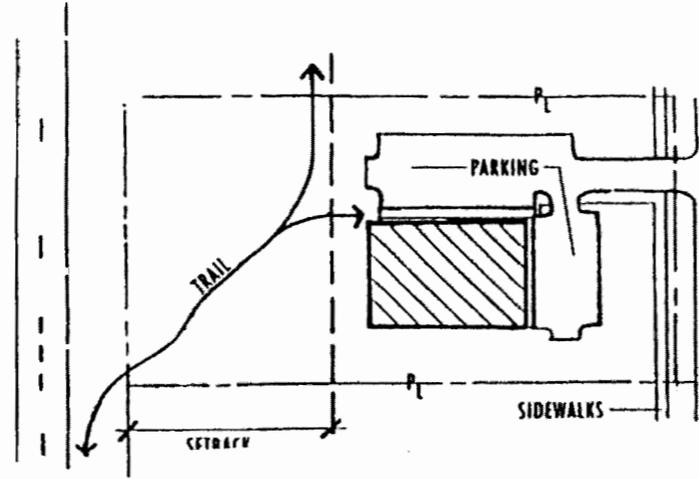
- Place parking to the sides and rear of the proposed buildings to minimize the visual impact from the highway and adjacent residential neighbors. (↑)
- Screen parking from the public R.O.W. by landscape berm (minimum 3 feet, 3:1 maximum side slopes) or wall with landscaping (minimum 3 feet, maximum 4 feet). Berms may be combined with walls to provide screening. (↑)
- Screen parking from adjacent residential property by a stucco wall (minimum 4 feet; maximum 6 feet) and landscaping or naturalistic berm (minimum 3 feet; 3:1 maximum side slopes). (↑)

9. Other Architectural Standards

—SAME AS SCENIC CORRIDOR RESIDENTIAL STANDARDS



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10. Site Planning:

For non-residential and subdivisions:

- Maximum width roads - two lane access and internal roads.
- Pedestrian and bicycle trails (and equestrian where possible) should be provided and shall be linked, when possible, to a master plan trail system and to trails in the R.O.W. and shall be granted for public use.
- Trails and sidewalks shall be connected to non-residential services.
- Provide pedestrian walkways within parking lots.
- Preserve distinctive natural features such as arroyos, ridgetops, large trees, wherever possible.

11. Non-residential Building Setbacks from Residential Neighbors:

- 50 feet from property line for buildings and parking areas. (↑ - 25 feet is existing for small commercial)
- Building and parking setback may be reduced to 25 feet if buffered by 6 foot perimeter stucco, site wall or solid wood fence, or combination landscape berm (minimum 3 feet, 3:1 maximum side slopes). Berm should be naturalistic in style. (↑)

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LA CIENEGA CORRIDOR DESIGN STANDARDS

- 1. **Minimum Setback**
SAME AS SCENIC CORRIDOR
- 2. **Maximum Height**
Residential and non-residential: 24 feet

Note: All other standards are the same as the Scenic Corridor

- 3. **Maximum Lot Coverage**
SAME AS SCENIC CORRIDOR
- 4. **Outside Storage and Service Areas**
SAME AS SCENIC CORRIDOR
- 5. **Landscaping**
SAME AS SCENIC CORRIDOR

- 6. **Lighting**
SAME AS SCENIC CORRIDOR
- 7. **Exterior Signs**
SAME AS SCENIC CORRIDOR
- 8. **Parking**
SAME AS SCENIC CORRIDOR
- 9. **Other Architectural Standards**
SAME AS SCENIC CORRIDOR
- 10. **Site Planning**
SAME AS SCENIC CORRIDOR
- 11. **Non-residential Building Setbacks from Residential Neighbors**
SAME AS SCENIC CORRIDOR

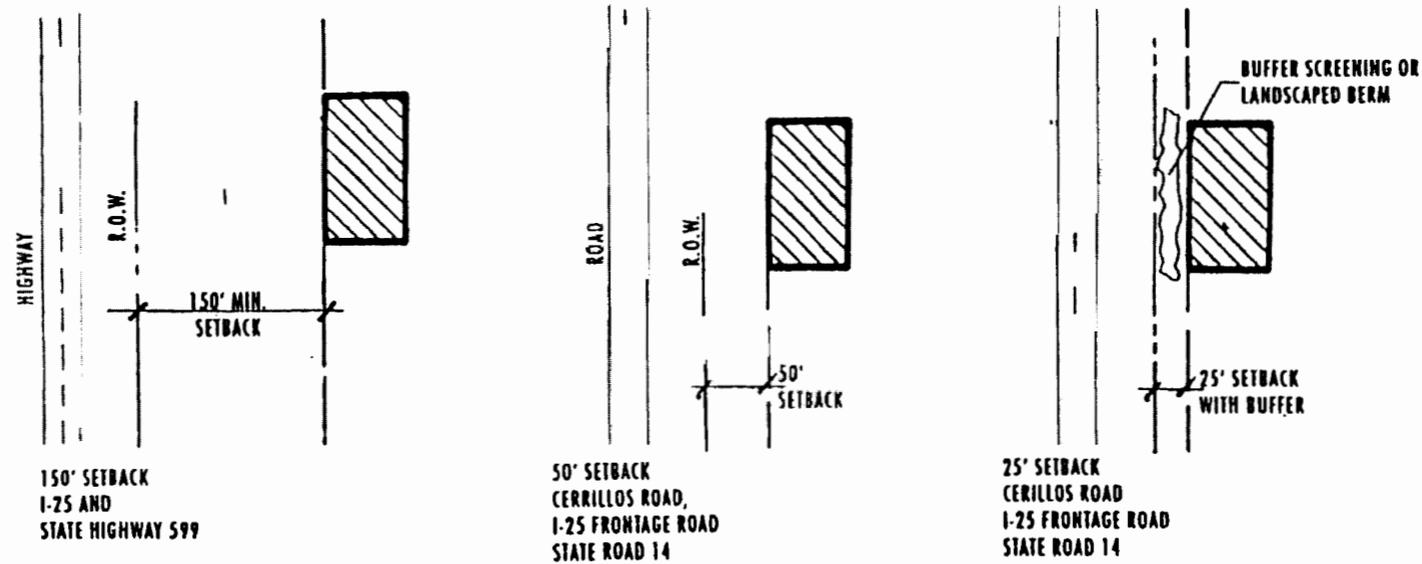
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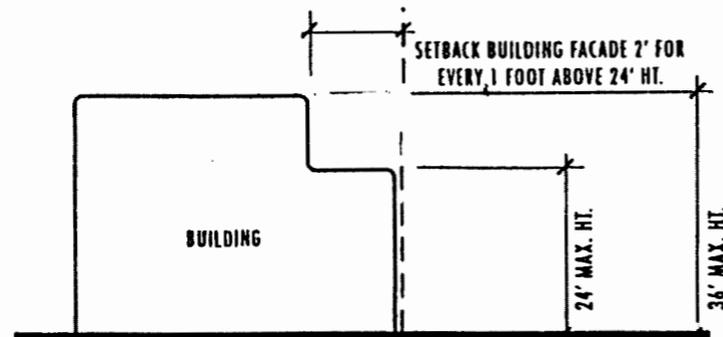
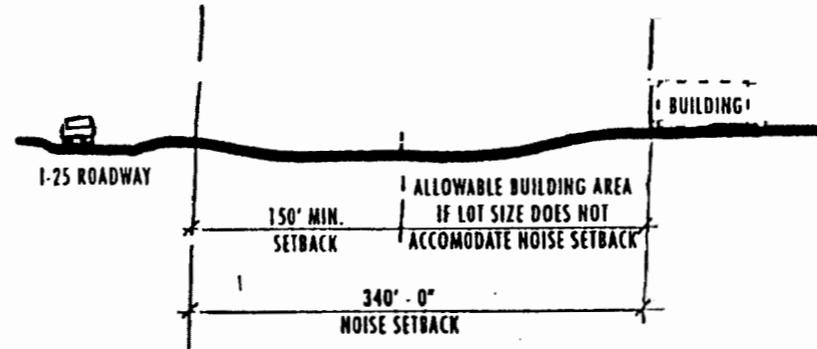
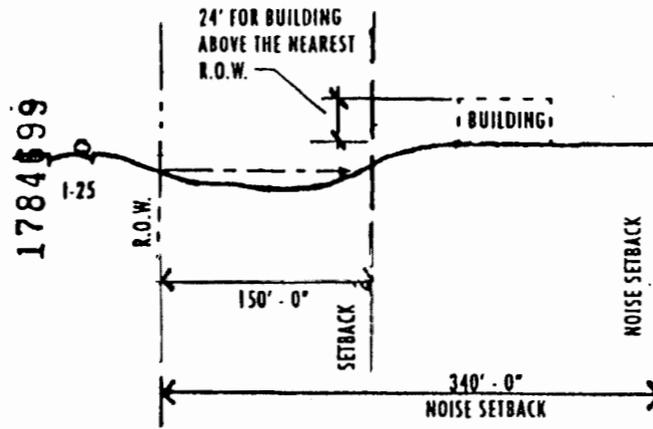
COMMERCIAL GATEWAY DESIGN STANDARDS

Minimum Setback from the Highway R.O.W.

Non-residential (see Map 4):

- 150 feet from I-25 R.O.W. and NM 599 R.O.W., as per Map 3. (↑ - EZO, City Code, County Code)
- 50 feet from I-25 Frontage Road R.O.W., Cerrillos Rd. R.O.W., or SR-14 R.O.W. (↑)
- 50 feet from Frontage Road R.O.W., Cerrillos Road. R.O.W. or SR-14 may be reduced to 25 feet with landscaped buffer, berm and 4 feet masonry wall to screen parking in situations where there is double-frontage. (↑)





Residential (see Map 4):

- Setback based on noise contour (340 feet) from I-25 R.O.W. (↑)
For land that cannot accommodate the setback, noise mitigation may be provided. (Acceptable noise mitigation measures include: landscaping, berms, architectural improvements to residential structure or walls.)

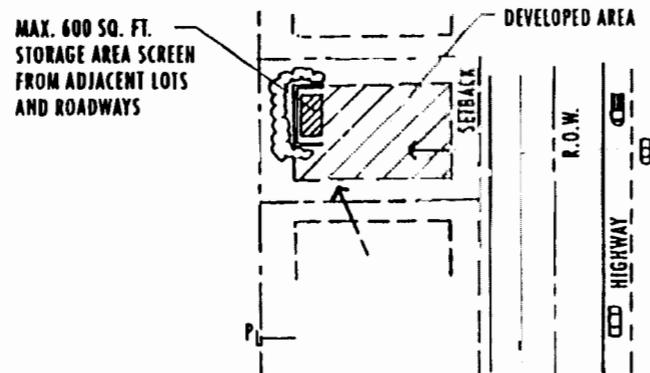
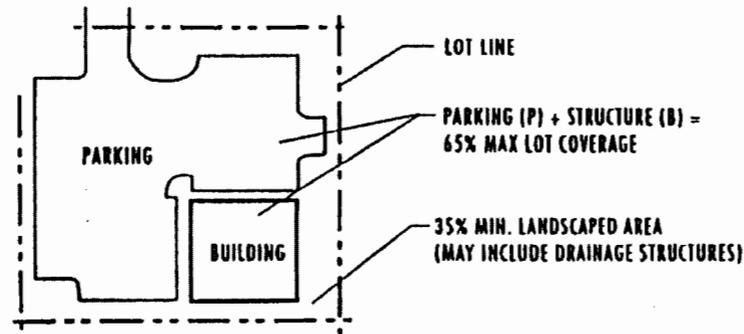
2. Maximum Height:

Non-residential:

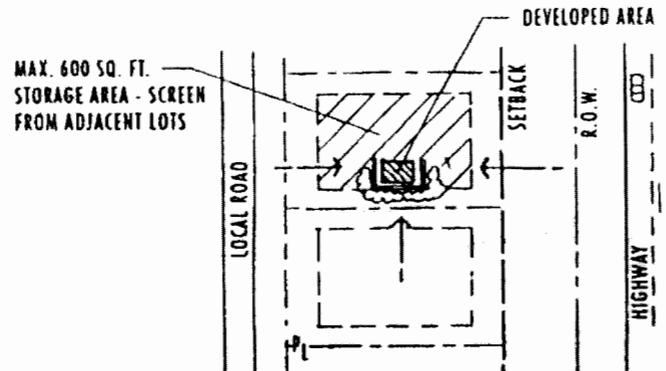
- Buildings should not exceed 36 feet (✓) provided that any commercial building height above 24 feet is stepped back 2 feet for each foot of additional height. (↑)
- If the building site elevation is higher than the nearest R.O.W. line of the highway, total building height may not exceed 24 feet. (↑)

Residential:

- 24 feet. (✓)



STANDARD OUTDOOR STORAGE LOCATION



OUTDOOR STORAGE DOUBLE FRONTAGE

3. Maximum Lot Coverage:

- 65% maximum lot coverage for all structures including parking lots. Drainage structures may be in remaining 35%. (↑ currently 30% building coverage)

4. Outside Storage and Service Areas:

(new definition: "Outside Storage" refers to any goods, equipment, materials sold or used by the business or residence not enclosed in a roofed building.)

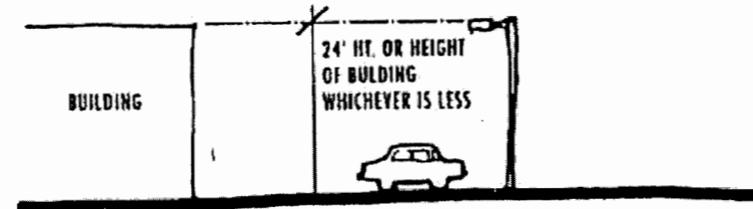
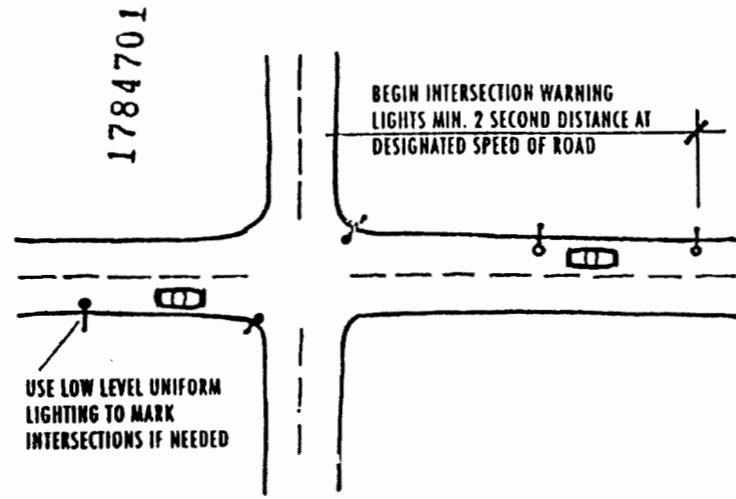
- Maximum coverage for outside storage is 600 square feet. (↑)
- Outside storage and service areas must be located behind buildings, except for double-frontage lots. (↑)
- Outside storage and service areas must be located at side of building and screened by a masonry wall minimum 6 feet, maximum 8 feet when a lot has double-frontage. (↑)

5. Landscaping:

SAME AS SCENIC CORRIDOR

Additional Requirement for Non-residential:

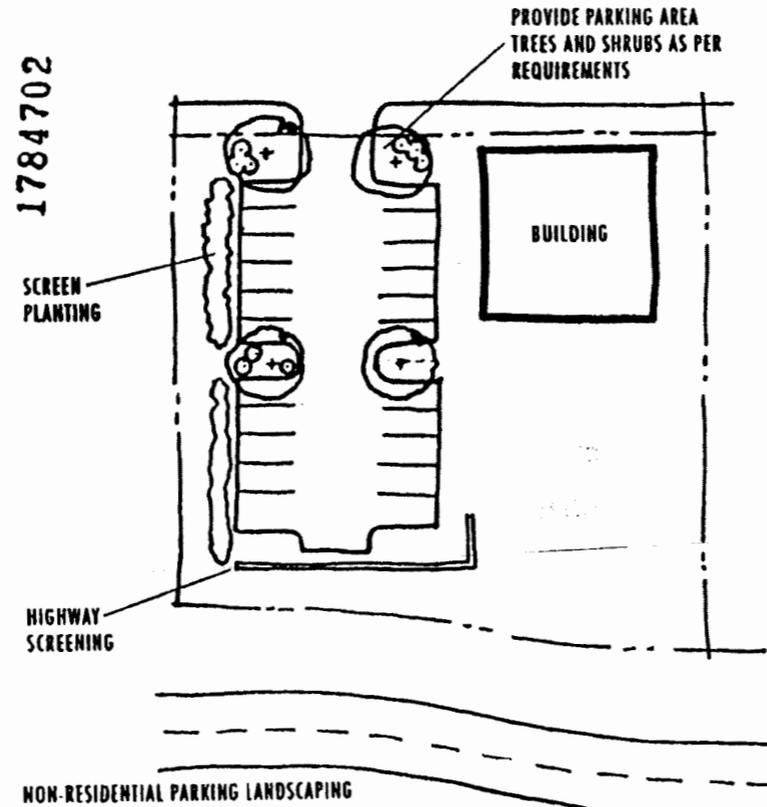
- Minimum 1 1/2 in. caliper deciduous trees at time of planting.



6. Lighting:

All lighting must meet current County standards.

- No overhead utilities, including streetlights, within the setback area (see Map 4).
- Light design and installation shall emphasize low-level uniform lighting to avoid the nuisance and hazardous conditions caused by abrupt changes from bright lights to darkness
- Minimum commercial lighting levels may be designed into commercial projects outside of the critical buffer areas; screen walls are recommended where necessary to block the spill of parking lot and security lights onto adjacent properties.
- All lighting, including signs and facade lighting, shall be fully shielded and directed down
- Parking and security lights should not be taller than buildings or a maximum of 24 feet, whichever is less.
- Streetlights are discouraged except where necessary for vehicle and pedestrian safety at busy intersections. At intersections safety lighting shall consist of approach lighting only, set back far enough from the intersection to give motorists at least 2 seconds of warning of the coming intersection and consisting of a series of uniform lights.
- Driveway access onto frontage roads shall be designed to minimize the need for accel/decel lanes and the increased lighting for safety that these entail.
- No streetlights may exceed 24 feet in height.



7. Exterior Signs:

- No billboards, (✓) no pole mounted signs, (↑) and no roof signs. (✓)
- One monument sign at each entrance, not to exceed a total of 2 signs. Maximum height is 5 feet. (↑) Maximum surface area is 50 square feet. 5 feet setback.
- One flush wall mounted sign over main entrance of each building. Maximum of 10% of surface area or 60 square feet, whichever is less. (↑)
- Each business should be permitted one 10 square foot sign at their entrance or outside of the building (see City ordinance).
- Internally lit signs may not exceed 10 square feet.
- No reflective or flashing signs.
- Size of temporary construction signs should be limited to 10 square feet.

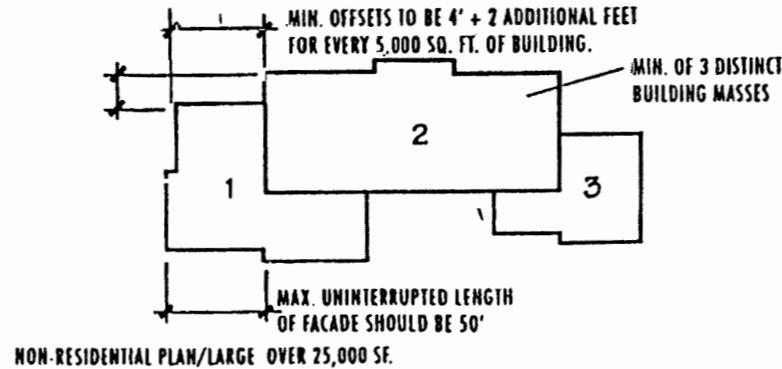
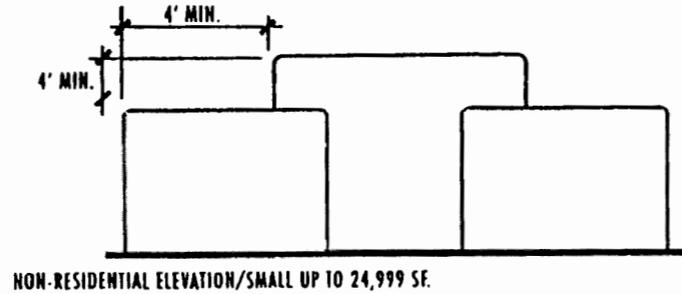
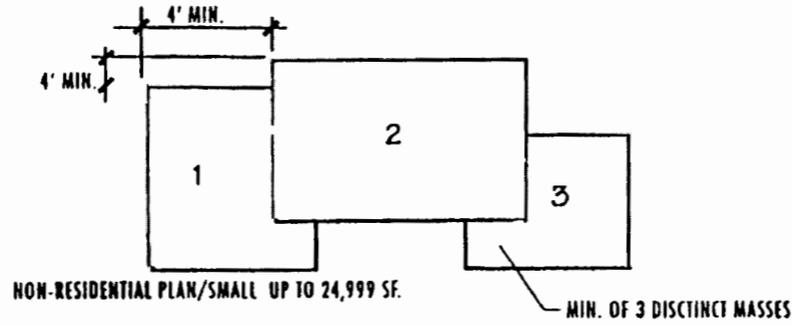
8. Parking:

Non residential:

(Note: Parking Lot Landscaping: maintain existing EZO standards - 1 tree & 3 shrubs per 10 spaces (lots with less than 39 spaces) or 1 tree and 2 shrubs per 5 spaces for large lots and buildings (40+ spaces). (✓)

- Screen parking from public view by landscaped berm (minimum 3 feet, 3:1 maximum side slopes), or wall with landscaping (minimum 3 feet, maximum 4 feet). (↑) Berms may be combined with walls to provide screening.
- Screen parking from adjacent residential property by wall (minimum 4 feet, maximum 6 feet), or naturalistic berm (minimum 4 feet, 3:1 maximum side slopes).
- Walls should complement building stucco.

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9. Other Architectural Standards:

- Light Reflective Value of roofs to be 30% maximum. (↑)
- Light Reflective Value of building exteriors to be 40% maximum (↑)

Small Non-residential buildings (up to 24,999 square feet):

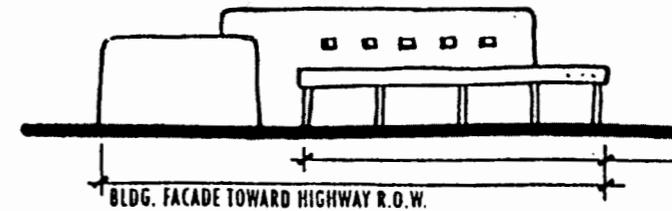
- Buildings 15,000 to 24,999 square feet to be designed with a minimum of 3 distinct masses with 4 feet vertical and horizontal offsets. (↑)

Large Non-residential (over 25,000 square feet):

- Buildings should have additional 2 feet vertical and horizontal offsets for every 5,000 square feet of footprint.
- Maximum uninterrupted length of any facade should be 50 feet. (↑)

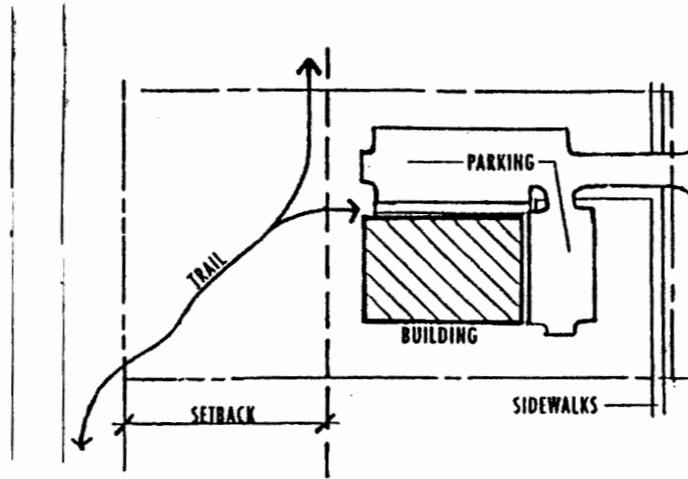
All Non-residential:

- Buildings should feature portals, varied window sizes and other techniques to reduce scale and break up long facades. 60% of the horizontal lengths facing roadways should include these elements. (↑)
- Metal buildings shall be stuccoed on all sides.
- Skylights and other rooftop structures and mechanical equipment shall be set back from edge of building face by 2 feet and screened as part of the building design.



60% OF FACADE ARTICULATED WITH WINDOWS, PORTALS, OR OTHER FACADE CHANGES

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10. Site Planning:

Non-residential and Subdivisions:

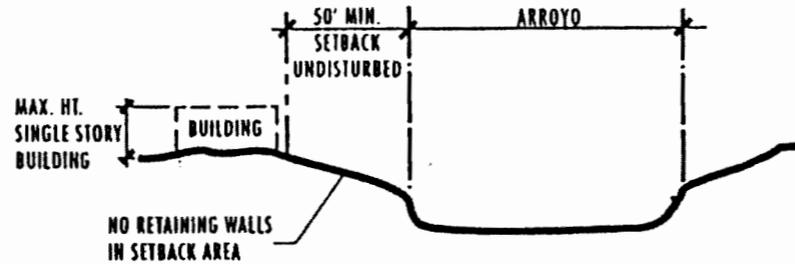
- Pedestrian and bike trails (and equestrian where possible) should be provided, and shall be linked, when possible, to a master plan trail system and to trails in the R.O.W. and shall be granted for public use. (↑)
- Trails and sidewalks shall be connected to non-residential services.

Non-residential:

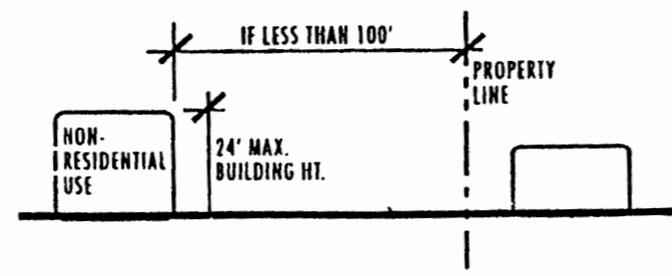
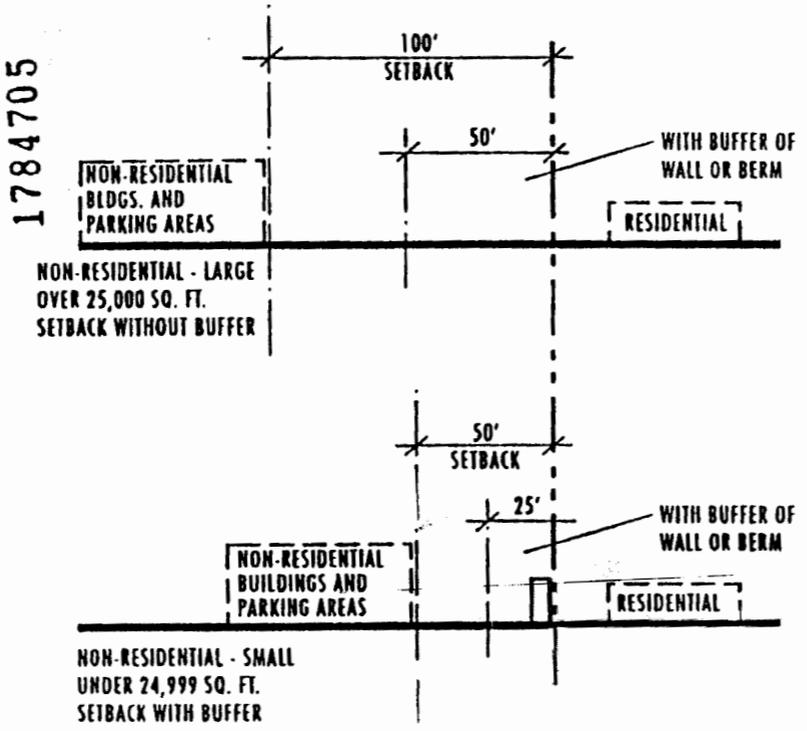
- Pedestrian walkway should be provided within parking lots.

Building Setback from Bank of Arroyos:

- 50 foot non-disturbed setbacks, with the exception of storm water management structures.
- Single story building height at setbacks.
- No retaining walls in setback area.



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11. Non-residential Building Setbacks from Residential Neighbors:

Large non-residential (25,000 square feet or larger):

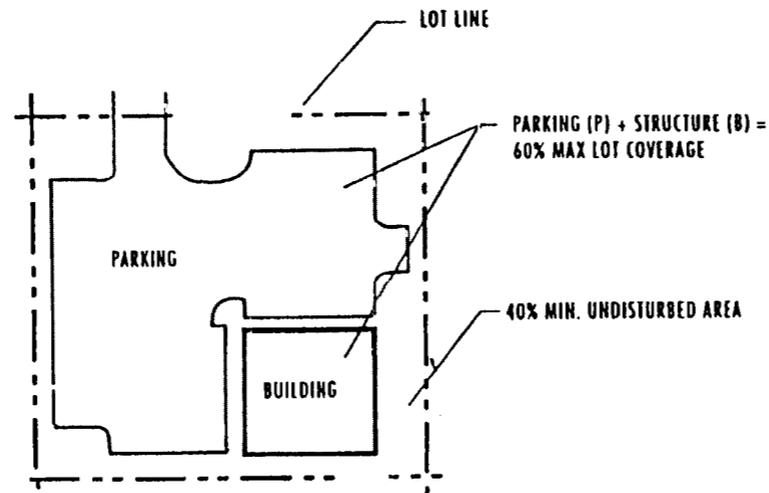
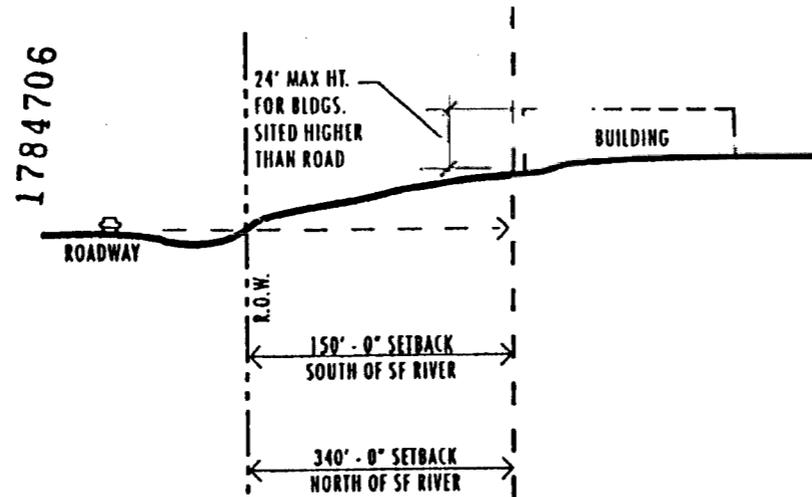
- 100 foot setback. (✓ - 100 feet is existing, or 25 feet for small non-residential)
- 100 foot setback may be reduced to 50 feet with landscaped buffer with masonry wall or solid wood fence. No parking within 50 feet

Small non-residential (up to 24,999 square feet):

- 50 foot setback. (↑)
- 50 foot setback may be reduced to 25 feet with landscaped buffer with masonry wall or solid wood fence. No parking within 25 feet of property line.

Any non-residential:

- Less than 100 feet away from residential property line may not exceed 24 feet in height.
- For buildings above 24 feet the building shall be stepped back 2 feet for each 1 foot of additional height. Buildings not to exceed 36 feet in height.



REDEVELOPMENT DISTRICT DESIGN STANDARDS

(see Map 5):

1. Minimum Setbacks:

- South of the Santa Fe River setback is 50 feet from R.O.W. for structures.
- North of the river the setback should conform to the noise contour.

2. Maximum Height:

- Buildings not to exceed 24 feet on the east side of NM 599.
- Buildings should not exceed 36 feet on the west side of NM 599, (✓) provided that any commercial building height above 24 feet (↑) is stepped back 2 feet for each 1 foot of additional height.
- Buildings to be sited on land higher than the road should not exceed 24 feet. (↑)

3. Maximum Lot Coverage:

- 60% maximum lot coverage for all structures including parking lots. Drainage structures may be sited in remaining 40%. (↑ currently 30% building coverage)

4. Outside Storage and Service Areas:

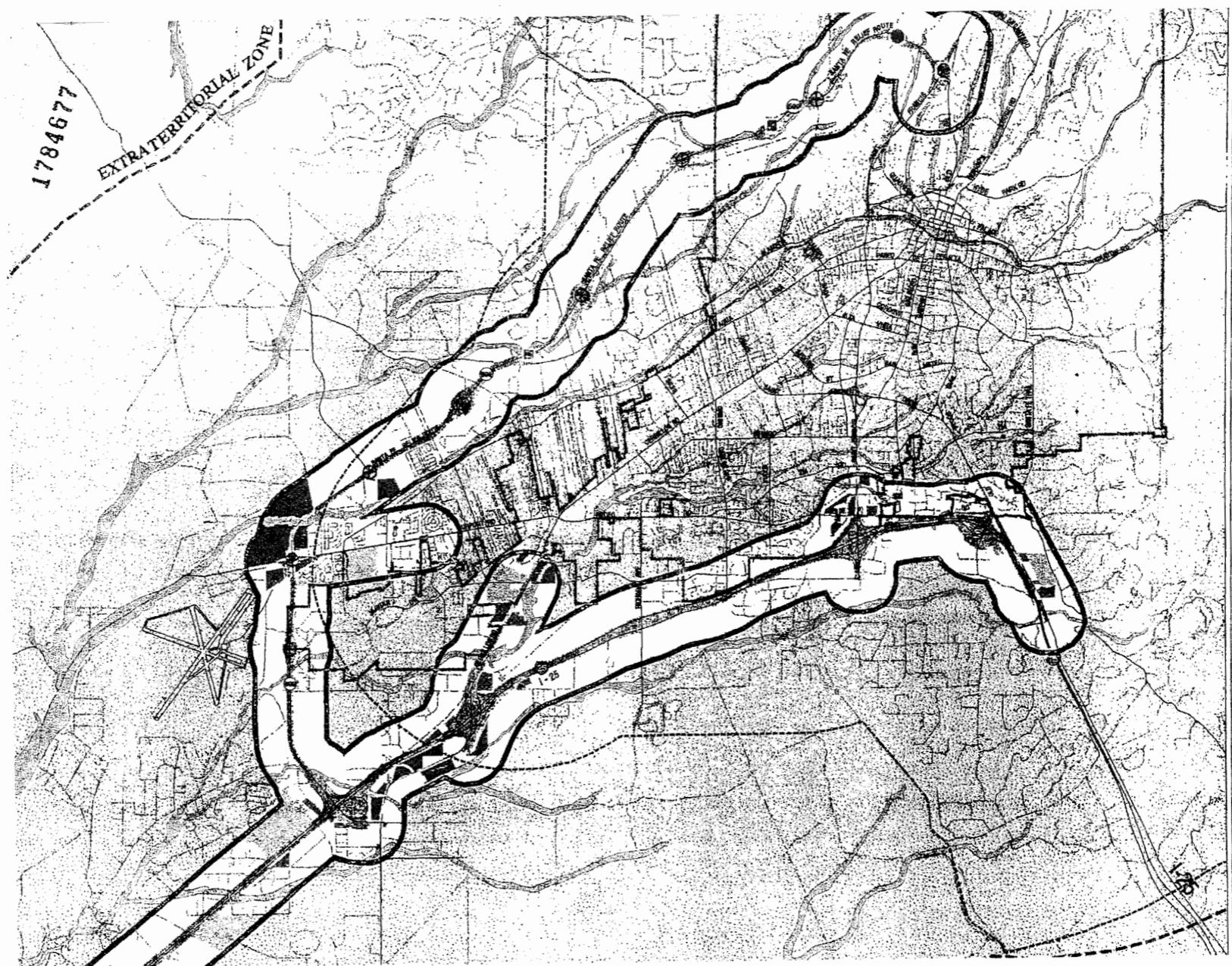
(new definition: "Outside Storage" refers to any goods, equipment, materials sold or used by the business or residence not enclosed in a roofed building).

- Outside storage is not permitted within the "business park" and "business incubator" designated zoning areas abutting the R.O.W.
- Other outdoor storage must be screened by a wall (stone or stucco) minimum 6 feet, maximum 8 feet (↑).

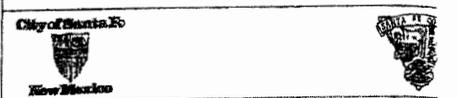
5. **Landscaping:**
SAME AS SCENIC CORRIDOR
Additional Requirements for Non-residential:
- Minimum 1 1/2 in. caliper deciduous trees at time of planting.
6. **Lighting:**
SAME AS COMMERCIAL GATEWAY
7. **Exterior Signs:**
SAME AS COMMERCIAL GATEWAY
8. **Parking:**
SAME AS COMMERCIAL GATEWAY

9. **Other Architectural Standards:**
LIGHT REFLECTIVE VALUE AND BUILDING MASSING - SAME AS COMMERCIAL GATEWAY
For metal buildings:
- Metal buildings are permitted only with masonry architectural facades.
10. **Site Planning:**
SAME AS COMMERCIAL GATEWAY
11. **Non-residential Setbacks from Residential Neighbors:**
SAME AS COMMERCIAL GATEWAY

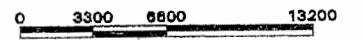
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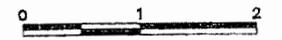
Highway Corridor Study Area Existing Land Use



- Highway Corridor Study Area
- Residential
- Non-Residential
- Institutional
- Recreational
- Vacant
- 100 Year Flood Zone
- Highway Corridor ROW
- Major Roads
- Santa Fe City Limits
- Extraterritorial Boundary (5 mile)
- Extraterritorial Boundary (2 mile)
- Interchange Locations
- Intersection Locations
- Over/Underpass Locations

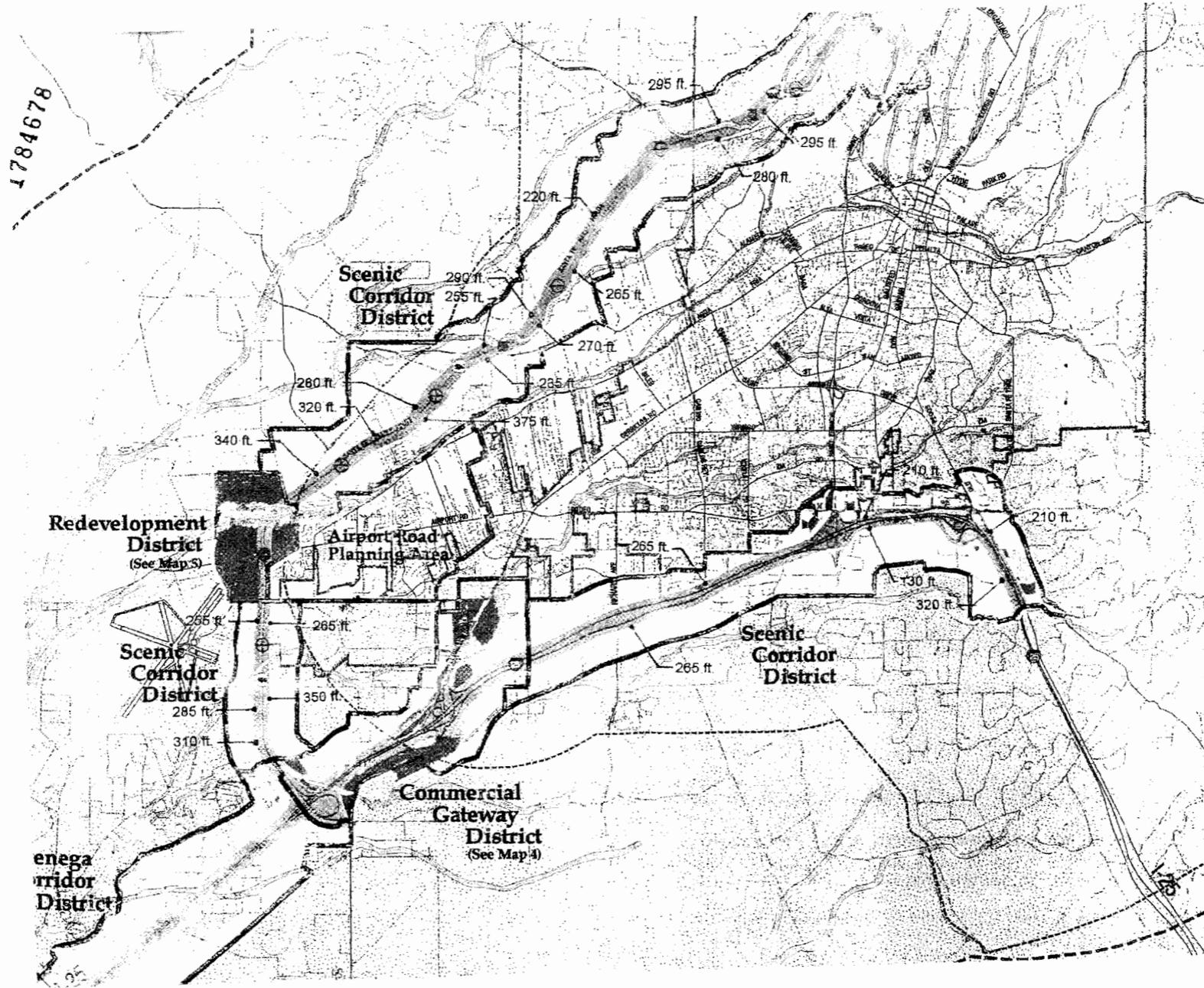


Scale in Feet

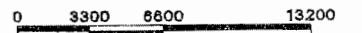


Scale in Miles

Highway Corridor District Proposed Land Use



- Highway Corridor District Boundary
- Residential
- Non-Residential
- Institutional
- Recreational
- Required Setback
- Desired Setback
- 100 Year Flood Zone
- Major Roads
- Santa Fe City Limits
- Extraterritorial Boundary (5 mile)
- Extraterritorial Boundary (2 mile)
- Interchange Locations
- Intersection Locations
- Over/Underpass Locations



Scale in Feet



Scale in Miles

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**SANTA FE EXTRATERRITORIAL
ZONING AUTHORITY**

Ordinance No. 2002- 1

AN ORDINANCE AMENDING ORDINANCE 1997-4, THE SANTA FE EXTRATERRITORIAL ZONING ORDINANCE, AS AMENDED, AND ADDING A NEW SECTION 9.9, AMENDING SECTION 6.B.4, AND REPLACING MAP 5 TO PROVIDE FOR LAND USE AND ZONING REGULATIONS FOR THE SANTA FE METRO AREA HIGHWAY CORRIDOR

WHEREAS, the Santa Fe Comprehensive Extraterritorial Plan (EZA Ordinance 1988-1, as amended) provides goals and objectives regarding the Highway Corridor with the intent of protecting the open quality of the corridor and guiding the "gateway" areas; and

WHEREAS, the Santa Fe County Growth Management Plan (Board of County Commissioners Resolution 1999-137) promotes detailed planning to establish standards for development in the Highway Corridor; and

WHEREAS, the City of Santa Fe General Plan (City Council Resolution 1999-45) promotes treatment of the Highway Corridor as a protection area along edges of the Urban Area Boundary; and

WHEREAS, both the City Council of the City of Santa Fe and Board of County Commissioners of Santa Fe County passed resolutions to establish a committee to prepare the Santa Fe Metro Area Highway Corridor Plan; and

WHEREAS, the Highway Corridor Committee developed the Highway Corridor Plan through an extensive process which included public input at all meetings; and

WHEREAS, the Board of the County Commissioners, City Council and the Extraterritorial Zoning Authority each approved somewhat different versions of the Highway Corridor Plan; and the Regional Planning Authority approved a unified version of the Plan, which provides direction to the Highway Corridor Ordinance; and

WHEREAS, the Extraterritorial Zoning Authority, Board of County Commissioners, and City Council are each considering for adoption the unified version of the Santa Fe Metro Highway Corridor Plan at the same time as they are considering the Highway Corridor Ordinance

1 NOW, THEREFORE, BE IT ORDAINED BY THE EXTRATERRITORIAL ZONING
 2 AUTHORITY (EZA) OF THE CITY AND COUNTY OF SANTA FE THAT THE SANTA FE
 3 EXTRATERRITORIAL ZONING ORDINANCE (EZO) IS HEREBY AMENDED AS
 4 FOLLOWS:

5

6 SECTION 1

7 Section 9, Special Review Districts, of the Extraterritorial Zoning Ordinance is amended to add the
 8 following language:

9

10 9.9 SANTA FE METRO HIGHWAY CORRIDOR SPECIAL REVIEW DISTRICT

11

12 A. REFERENCES AND PURPOSES

- 13 1. This EZA Ordinance 2002-1 as amended from time to time, may be cited as the "Highway
 14 Corridor Ordinance"
- 15 2. Section 9.9 is adopted to implement the land use and design standards goals of County and
 16 City land use plans that support a consistent regional approach to managing growth along this
 17 corridor. These plans include but are not limited to the Santa Fe Metro Area Highway
 18 Corridor Plan, Santa Fe County Growth Management Plan, the City of Santa Fe General Plan,
 19 and the Santa Fe Comprehensive Extraterritorial Plan.
- 20 3. This EZA Ordinance repeals and replaces Section 6 of the Extraterritorial Zoning Ordinance
 21 to delete non-residential nodes at selected highway intersections and interchanges and replace
 22 them with designated non-residential areas.
- 23 4. This EZA Ordinance repeals and replaces Map 5 of the Extraterritorial Zoning Ordinance to
 24 remove established or planned non-residential districts within the Highway Corridor portion
 25 of the 2-Mile Extraterritorial Zone which have been replaced by the designated non-
 26 residential districts shown on Map 18.
- 27 5. Purposes of the Santa Fe Metro Highway Corridor Special Review District are to:
- 28 a. promote the health and safety of citizens, including the exposure of residents to high
 29 levels of traffic-induced noise;
- 30 b. protect scenic vistas and natural landscape of the area as viewed from the highways,
- 31 c. guide the location and type of non-residential uses in proximity to the Highway Corridor,
- 32 d. limit the need for additional access points along limited-access highways,
- 33 e. establish open lands and parks,
- 34 f. determine the location of required and desired development restrictions,
- 35 g. prohibit strip commercial development along the highways, while locating well-designed
 36 commercial development in the commercial gateway subdistrict
- 37 h. encourage the location of commercial development only as part of neighborhood and
 38 community centers in the scenic corridor subdistrict,
- 39 i. encourage regional industrial and non-residential/recreational development in specified
 40 highly accessible areas,

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- j. provide for the use of Transfer of Development Rights to preclude development of those properties in the required and desired setbacks from which development rights have been transferred in perpetuity, and
- k. provide more stringent design standards for all development within proximity to the highway corridor
- 6. Section 9.9 shall apply to all properties in the Highway Corridor Special Review District with the exception of the area that falls within the Community College District. Section 13 shall govern and control all development within this area where the Highway Corridor Special Review District and the Community College District overlap. Section 9.9 shall apply to all properties in other areas in the Highway Corridor Special Review District for which community or district plans and zoning ordinances have been prepared until such time as this ordinance is amended.
- 7. Any contradiction, inconsistency or ambiguity between the requirements of this Section 9.9 and any other provision of the Extraterritorial Zoning Ordinance shall be governed and controlled by the requirements of this Section 9.9. If not specifically covered in Section 9.9, the provisions of the Extraterritorial Zoning Ordinance shall apply.
- 8. Severability: If any part of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and its application to other persons or circumstances shall not be affected thereby.

B. DEFINITIONS:

- 1. Commercial Gateway Subdistrict - means land within the Highway Corridor Special Review District as designated on Map 18 along Interstate 25 between New Mexico 599 and Cerrillos Road and land along Cerrillos Road north of Interstate 25 to the Jaguar Road Intersection.
- 2. Desired Setback means the area within the Highway Corridor Special Review District that may be voluntarily restricted from development and subject to other voluntary incentives. Where applicable, the desired setback may have had transferable development rights conveyed in accordance with Section 14 of this code and is precluded from development.
- 3. Floor area means the total area contained in a covered structure measured for each story or level of the structure under roofing, including but not limited to living space, garage, carport and porches.
- 4. I-25 means Interstate 25.
- 5. Lot Coverage means for purposes of Section 9.9 the land area occupied by structures, included but not limited to building facilities, sidewalks, driveways, access roads, and parking areas.
- 6. NM 599 means the Veterans Memorial Highway - New Mexico State Highway 599.
- 7. Outside Storage means any goods, equipment, and materials sold, used or stored by a business, institution or residence not enclosed in a roofed building.
- 8. Required Setback- means the minimum setback from the edge of rights-of-way from Interstate 25 and New Mexico Highway 599 from which buildings shall be located as established in the official Highway Corridor Ordinance Map
- 9. R.O.W. line means the edge of the right-of-way in the Highway Corridor Special Review District nearest to property subject to this ordinance.
- 10. Scenic Corridor Subdistrict - means portions of land within the Highway Corridor Special Review District as designated on Map 18 within proximity of (a) Interstate 25 starting just east of

1 the Cerrillos Road Interchange and extending to the eastern end of the Highway Corridor Special
2 Review District near the County Road 58 bridge and (b) New Mexico 599, not including the
3 Commercial Gateway Subdistrict or the Redevelopment District.

- 4 11. Site wall - means a wall or fence that is integral to, or physically connected to the buildings or
5 development on the site for the purpose of screening or stabilizing the development area, such as
6 walls for screening of parking and walls for screening outdoor storage, privacy walls or fences,
7 and retaining walls.

8 C. BOUNDARIES AND PLANNING AREAS
9

10 The electronic file for EZ Map 18, Santa Fe Highway Corridor Special Review District Zoning Map,
11 created at the date of adoption of this ordinance and maintained by and available from the Santa Fe
12 County Geographic Information Systems Coordinator is hereby adopted as the official zoning map for
13 purposes of delineating the Highway Corridor Special Review District boundaries, subdistrict areas,
14 residential zones, non-residential zones, and setbacks. Hard copy EZO Map 18, included in this
15 ordinance, generally describes the locations of the boundaries for visual reference purposes.

16 1. Subdistrict areas are established as follows:

- 17 a. Commercial Gateway, and
18 b. Scenic Corridor.

19 2. Within the Highway Corridor Special Review District, setbacks are established as
20 follows:

- 21 a. Required Setback, and
22 b. Desired Setback
23

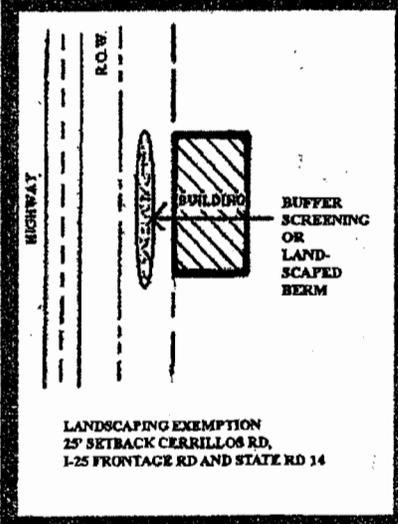
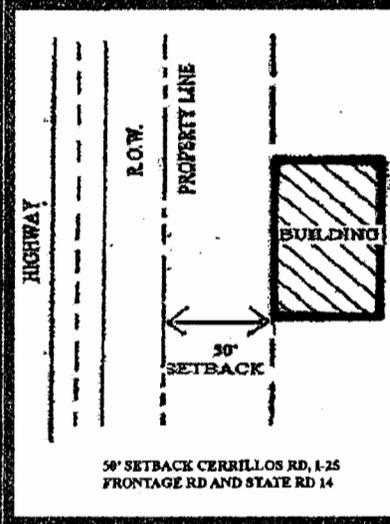
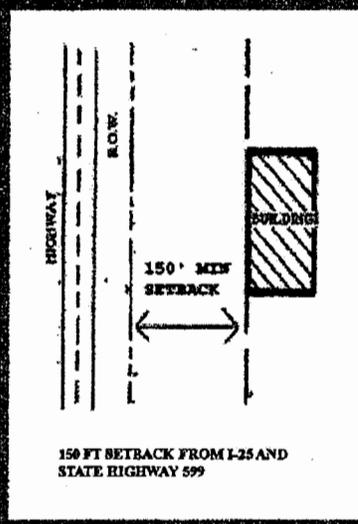
24 General dimensions of setbacks and special circumstances for setback adjustments are described
25 by subdistrict as follows for non-residential and residential uses respectively. Institutional and
26 Community Uses shall be subject to the setback provisions established for areas designated for
27 non-residential uses.
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Commercial Gateway Subdistrict Setbacks

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Subdistrict	Required Setback	Desired Setback
Commercial Gateway: Non-residential Uses	- 150 feet from I-25 R.O.W. line and NM 599 R.O.W. line as depicted in the official zoning map <u>except where a frontage road exists</u> (Figure C-2-1). - 50 feet from I-25 Frontage Road R.O.W. Cerrillos Road R.O.W. line or State Road-14 R.O.W. line as depicted in the official zoning map. (Figure C-2-2). The <u>50 foot</u> setback can be reduced to 25 feet with landscaped buffer, berm and 4 feet masonry wall to screen parking in situations where there is double-frontage. (Figure C-2-3)	No additional standards.



Commercial Gateway Subdistrict Setbacks (Continued)

Subdistrict	Required Setback	Desired Setback
Residential uses	340 feet from I-25 R.O.W. line as depicted in the official zoning map. (Figure C-2-4) - For land that cannot accommodate the <u>full setback</u> , a <u>reduced setback (no less than 100 feet)</u> and noise mitigation may be provided including landscaped berms, <u>masonry</u> walls and other means acceptable to Land Use Administrator (Figure C-2-5)	NA

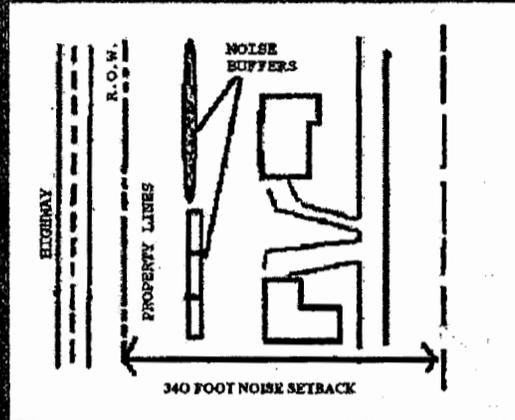


FIGURE C-2-4

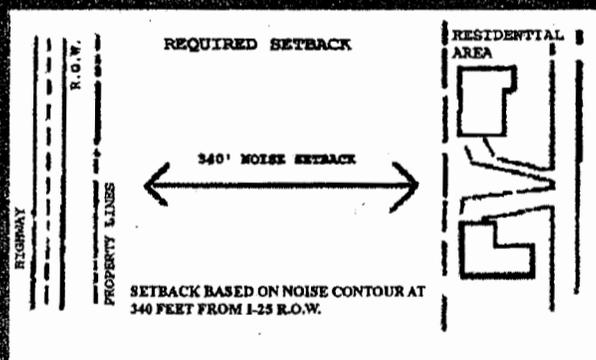


FIGURE C-2-5

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Scenic Corridor Subdistrict Setbacks (Continued)

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Subdistrict	Required Setback	Desired Setback
Residential and Non-residential	- 150 to 375 feet from R.O.W. line as depicted in the official zoning map. (Figure C-2-6)	- 400 to 1000 feet from R.O.W. line of NM 599 and NM 14 as depicted in the official zoning map. - 275 feet from I-25 Frontage Roads R.O.W. line. (FigureC-2-6)

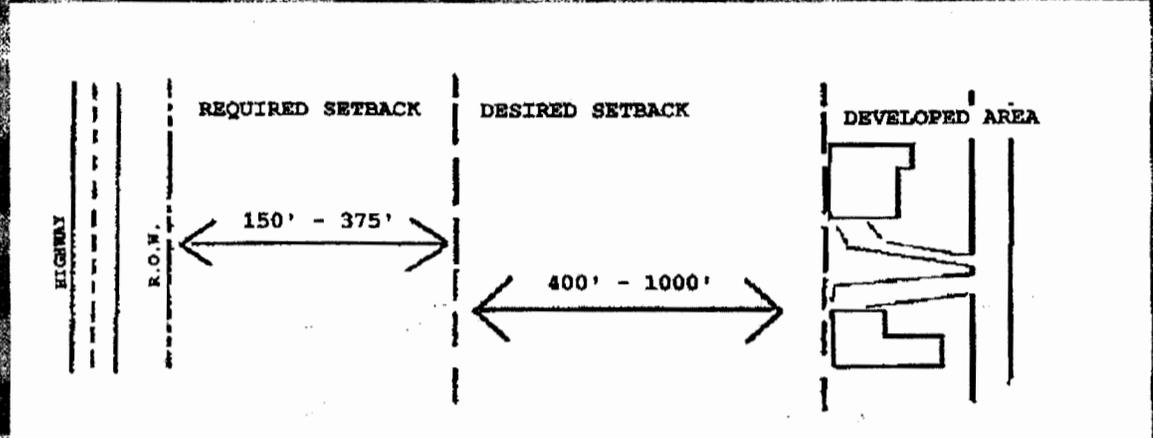


FIGURE C-2-6

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1 D. DEVELOPMENT AND DESIGN STANDARDS

2 1. Uses and development of land in the Highway Corridor Special Review District shall be
3 governed by the following standards:

4 a. Uses and densities shall be established through Section 5 and Section 6 of this
5 Ordinance except as stated in this Sub-section 9.9.D.1.

6 b. Non-residential development shall be prohibited in areas designated Residential
7 in the Scenic Corridor Subdistrict and shall only be allowed within the areas
8 designated Non-Residential on EZO Map 18, with the following exceptions:

9 1. Institutional uses including public and private schools, day care centers,
10 government offices, botanical gardens, churches and other religious
11 institutions, and retirement homes shall be permitted in areas designated
12 Institutional. Development and design standards set for Non-Residential
13 shall apply to Institutional Uses, except that the maximum overall floor area
14 shall be calculated to not exceed a ratio of floor area to lot area of 0.2. New
15 locations for such uses may be proposed as Special Exceptions pursuant to
16 subsection g, below.

17 2. A residential component shall be developed in the area designated as Mixed
18 Use Village.

19 b. If a parcel in existence at the time of the adoption of this ordinance does not contain a
20 building site outside of the required setback, building of a single family residence may be
21 permitted subject to meeting mitigation measures buffering the residence and all design
22 standards that can practically be adhered to as determined to the satisfaction of the Land
23 Use Administrator. The Land Use Administrator determination shall be in writing,
24 including findings.

25 c. No new parcels shall be created that are located entirely within the required setback.

26 d. On-site density transfers shall not be permitted in cases where building sites are proposed
27 within the desired setback or to be moved from a less sensitive area to a more sensitive
28 area in consideration of the purposes, development standards and design criteria set forth
29 in sub-section 9.9 A.

30 e. A non-conforming structure may be structurally altered, repaired, replaced or enlarged
31 provided that no alterations, repairs or enlargements would increase the intensity of the
32 non-conformity.

33 f. Projects in this District that received preliminary or final development plan or master
34 plan approvals in accordance with the rules and regulations of the Extraterritorial Zoning
35 Ordinance and Extraterritorial Subdivision Regulations prior to the adoption of this
36 ordinance shall not be required to adhere to the uses set for this District where other
37 specific uses were established through such approvals. Development in such pre-
38 approved projects will not be required to comply with the design standards set for this
39 District where specific design standards were established through such approvals.

40 g. Special exceptions may be permitted subject to the procedures set forth in Section 3 of
41 the Extraterritorial Zoning Ordinance for the following:

42 1. Community uses in the Scenic Corridor including public and private schools,
43 parks, day care centers, retirement homes and churches and other religious
44 institutions meeting residential development and design standards with the
45 exception that total floor area shall not exceed 24,999 square feet.

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2. A non-residential use in the Scenic Corridor may be extended or expanded by up to one half of the land area developed and in structures occupied at the effective date of adoption of this Ordinance.
 - a. For purposes of calculating the developed land area to utilize this special exception, existing floor area in non-residential buildings and non-residential structures as defined in Section 2 of the Ordinance that are not enclosed in buildings shall be counted. However, sidewalks, driveways, and parking lots shall be excluded from the calculation.
 - b. In addition to the developed land area calculated in subsection 2.a. above, sidewalks, driveways and parking lots may be built subject to the maximum lot coverage set in the Scenic Corridor Subdistrict design standards Section D.2.B.
 - c. The new development created through this provision for extension or expansion shall be consistent and compatible with the existing use and in compliance with the non-residential development standards established for the Scenic Corridor Subdistrict with the exception that height shall not exceed 24 feet.
 - d. Expansion of uses shall be permitted within the Required Setback if no other building sites exist on the parcel or if the site for expansion is not visible from NM 599 or I-25 because of natural terrain conditions.
 - e. Zoning approval accomplished in accordance with Section 3.5 of the Ordinance in conjunction with development plan approvals through master plan, master plat or subdivision approvals shall constitute an amendment to Map 18, the Santa Fe Metro Area Highway Corridor Special Review District.
 - f. Any non-residential extension or expansion that exceeds the extension or expansion defined in subsections 2.a through 2.d above shall require an amendment of the Santa Fe Metro Highway Corridor Plan prior to permitting of a special exception.
 - h. Exceptions to the Scenic Corridor residential design standards for roof pitch, building massing and building materials may be approved for residential uses that are not visible from NM 599 or I-25 because of natural terrain conditions. Applicants shall demonstrate that the proposed use will not be visible from I-25 or NM 599 to the satisfaction of the Land Use Administrator and shall be subject to Administrative Review Procedures.
 2. Additional Submittal Requirements for Development Applications Within the Highway Corridor Special Review District
 - a. In addition to all other requirements for submittal of development applications, applicants for any development action shall demark on site maps the boundaries of the Highway Corridor Special Review District, subdistricts, required setback, and desired setback.
 - b. A landscape plan shall be submitted containing information required in Section 11.10.B.3 of this code.
 - c. Written requests for building on any parcel in existence at the time of the adoption of this ordinance not containing a building site outside of the required setback shall be submitted to the Land Use Administrator. Included in this request shall be a description and maps describing circumstances of the parcel, proposed mitigation measures buffering the building and proposed design standards.

- 1 3. Design Standards are set forth in the following tables and figures by subdistricts for:
2 - Maximum Height, Roof Pitch and Floor Area,
3 - Maximum Lot Coverage, **2142544**
4 - Outside Storage Areas,
5 - Landscaping,
6 - Walls,
7 - Lighting and Utilities,
8 - Exterior Signage,
9 - Parking,
10 - Other Architectural Features,
11 - Site Planning,
12 - Non-Residential Building Setbacks From Residential Neighborhoods, and
13 - Building Setbacks from Arroyos.
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SCENIC CORRIDOR SUBDISTRICT

A. Maximum Floor Area, Height, and Roof Pitch	B. Maximum Lot Coverage	C. Outside Storage and Service Areas
<p><i>Residential</i></p> <p>1. Residential structures shall not exceed five thousand (5,000) square feet in floor area.</p> <p>2. Two-thirds of a structure's height shall be sited below a ridge top. <i>(Figure A-1)</i></p> <p>3. Buildings shall have a maximum height of 17 feet to top of parapet when at grade with adjoining roadway right-of-way. <i>(Figure A-2)</i></p> <p>4. For building sites with elevations below the roadway right-of-way two-story structures and pitched roofs shall be permitted. One-third of the structure shall be sited below the road elevation and the maximum height of the structure shall not exceed 24 feet. <i>(Figures A-3 and A-4)</i> Pitched roof structures shall have a minimum roof pitch of 4/12 and a maximum pitch: 10/12. The light reflective value of the roof shall not exceed 30%. <i>(Figure A-3)</i></p>	<p><i>Residential</i></p> <p>1. The maximum lot coverage shall not exceed sixty percent (60%).</p> <p>2. A minimum of forty percent (40%) of the lot shall remain undisturbed, within which a drainage structure, trails and septic system may be sited. <i>(Figure B-1)</i></p>	<p><i>Residential</i></p> <p>1. The maximum outdoor storage area shall not exceed four hundred (400) square feet.</p> <p>2. Outdoor storage shall not be visible from the public right-of-way or adjacent property.</p> <p>3. Outdoor storage areas shall be enclosed by a site wall. See Section 3.E., Walls, for standards. <i>(Figure C-1)</i></p>
<p><i>Non-residential</i></p>	<p><i>Non-residential</i></p>	<p><i>Non-residential</i></p>
<p>Follow Residential Scenic Corridor Height Standards.</p>	<p>Follow Residential Scenic Corridor Maximum Lot Coverage Standards</p> <p>See Section B, above.</p>	<p>1. Follow residential Scenic Corridor Outside Storage Standards.</p> <p>2. Outdoor storage areas shall be enclosed by a stucco wall with a maximum height of 6 feet. The maximum height may be increased to 8 feet when the lot has a double frontage. <i>(Figure C-1)</i></p>

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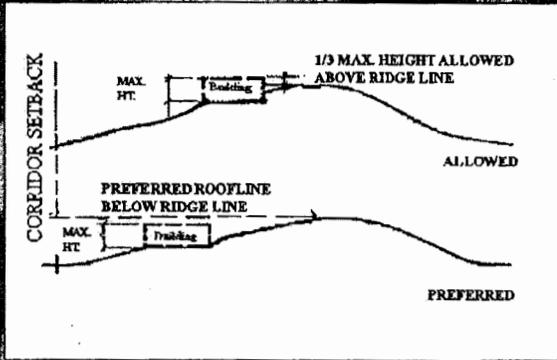


FIGURE A

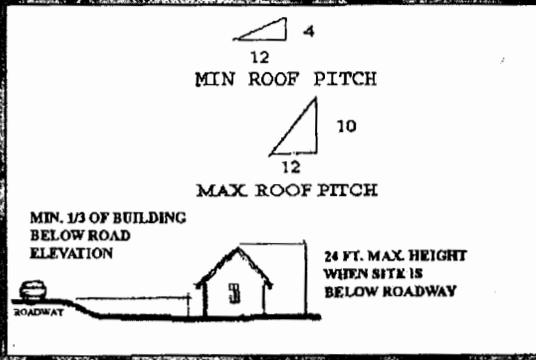


FIGURE B

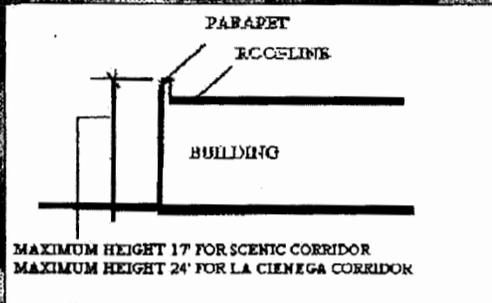


FIGURE C

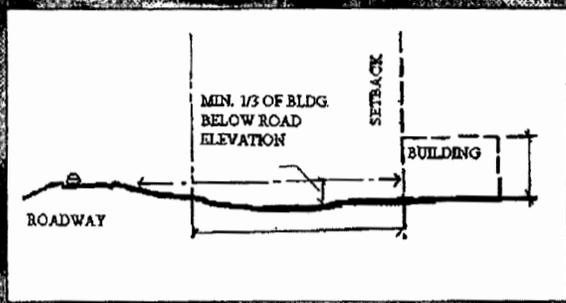


FIGURE D

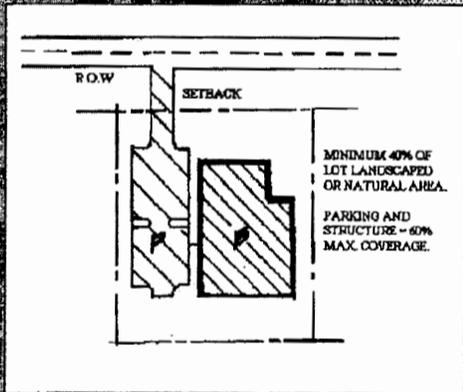


FIGURE E

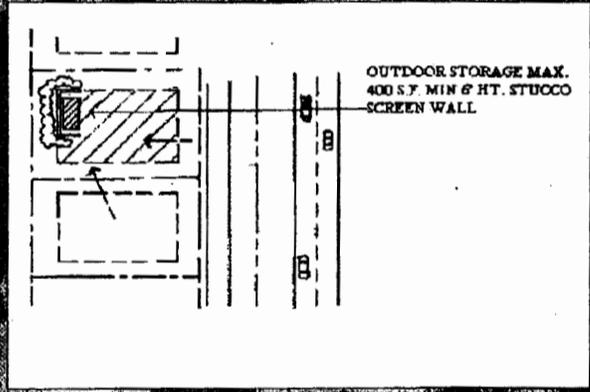


FIGURE F

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SCENIC CORRIDOR SUBDISTRICT

D. Landscaping	E. Walls	F. Lighting and Utilities
<i>Residential</i>	<i>Residential</i>	<i>Residential</i>
<p>1. Landscaping and buffering shall be designed and maintained to the standards established in Section 11-10 of the Santa Fe Extraterritorial Zoning Ordinance in addition to standards set herein. The Highway Corridor Special Review District shall not be exempted from Section 11-10.4 through Section 11-10.4.a which exempts areas designated as Urban Growth Areas.</p> <p>2. Outside of protected courtyards only drought tolerant species shall be planted.</p> <p>3. For screening buildings from adjacent roadways, 50% of new trees shall be evergreens that are a minimum 6 feet high at planting. Acceptable species include: Rocky Mountain Juniper (<i>Juniperus scopulorum</i> cultivars), One Seeded Juniper (<i>Juniperus monosperma</i>), Bristlecone Pine (<i>Pinus aristata</i>), Pinon (<i>Pinus edulis</i>), Austrian black pine (<i>Pinus nigra</i>), Ponderosa (<i>Pinus ponderosa</i>), Scotch Pine (<i>Pinus sylvestris</i>) and Japanese Black Pine (<i>Pinus thunbergiana</i>).</p>	<p>1. Maximum height for retaining walls on site is 4 feet. Walls may be stepped back a minimum of 3 feet if additional height is necessary. (Figure E-1)</p> <p>2. Site walls shall be constructed of stone, stucco or combination of stone and/or stucco with solid wood, including coyote fences with stone or stucco posts. Maximum height for site walls and screening for outside storage shall be 6 feet, except the maximum height of screening for outside storage on lots with double frontage shall be eight feet. Light reflective values of site walls shall not exceed 40%. (Figure E-2)</p> <p>3. Where screening is not required, other fencing materials, such as post and wire, may be used. Chain link or wire mesh fencing shall not be allowed.</p>	<p>1. Lighting shall meet standards established in Section 11-7 of the Santa Fe Extraterritorial Zoning Ordinance in addition to standards set herein.</p> <p>2. All lighting, including signs, shall be fully shielded. A maximum of 0.5 horizontal foot-candles measured at any point ten feet (10') beyond a property line shall be permitted for all uses.</p> <p>3. Parking and security lights shall be no higher than adjacent buildings or have a maximum height of 17 feet whichever is less. (Figure F-1)</p> <p>4. Landscape bollard lights shall have a maximum height of 4 feet.</p> <p>5. Façade mounted wall packs and general lighting shining on a building shall be prohibited. Cutoff façade luminaire lighting for illumination of pedestrian walkways shall be permitted.</p> <p>6. Pole mounted parking and security lights shall be prohibited in residential areas.</p> <p>7. Streetlights shall be allowed only for vehicle and pedestrian safety at busy intersections and shall not exceed 24 ft in height or residential or rural freeway lighting levels (0.4 to 0.6 average horizontal footcandles). At intersections, safety lighting shall consist of approach lighting only setback at least 2 seconds driving time of the coming intersection and consisting of a series of uniform lights.</p> <p>8. New and replacement overhead utilities are prohibited in the required setback.</p>
<i>Non-residential</i>	<i>Non-residential</i>	<i>Non-residential</i>
<p>1. Follow Residential Scenic Corridor Regulations.</p>	<p>Follow Residential Scenic Corridor Regulations.</p> <p>See also Section C. Outdoor Storage and Service Areas.</p>	<p>1. Follow Residential Scenic Corridor Regulations.</p> <p>2. Streetlights shall not exceed 0.6 average horizontal footcandles, rural freeway standards.</p>

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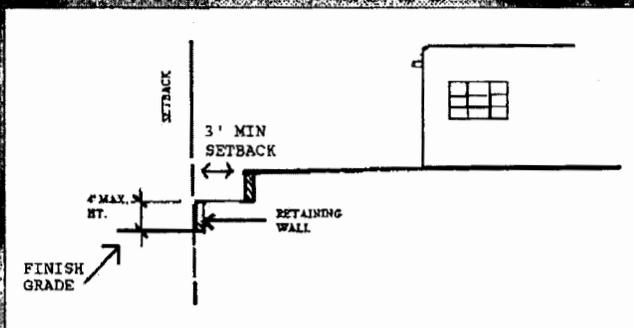


FIGURE 1

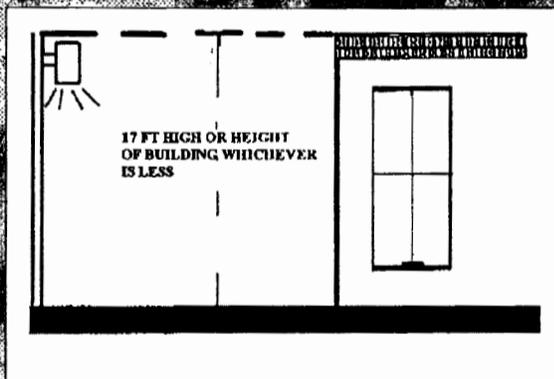
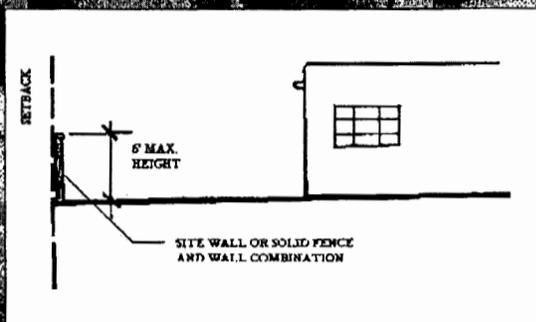


FIGURE 2

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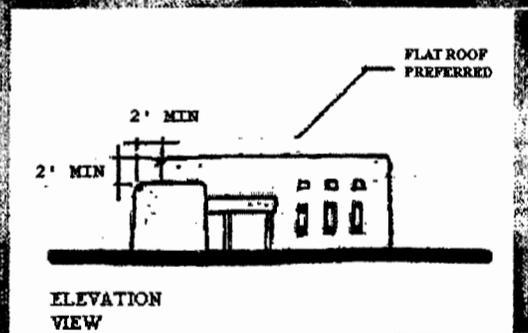
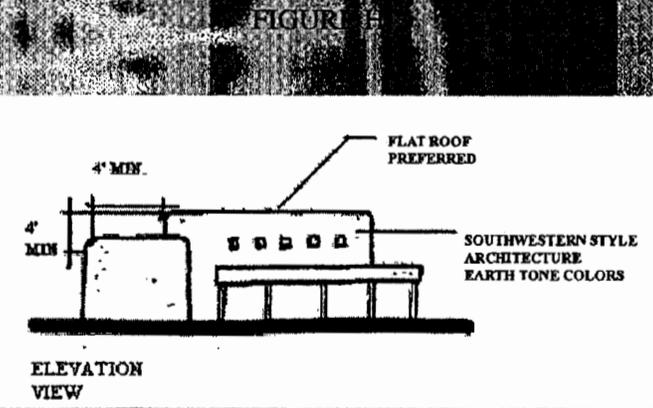
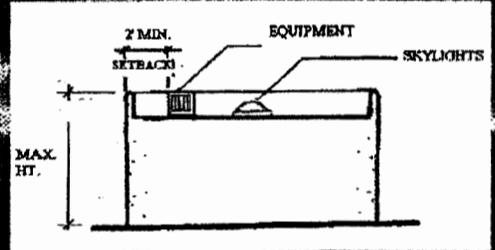
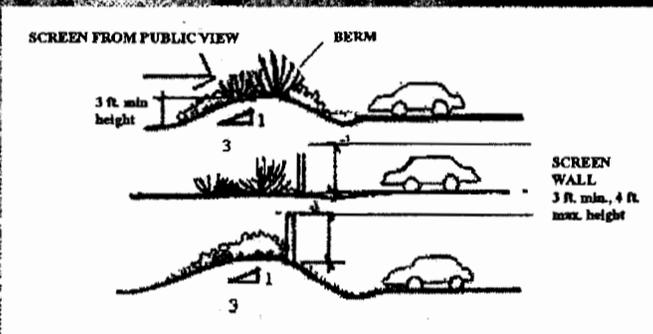
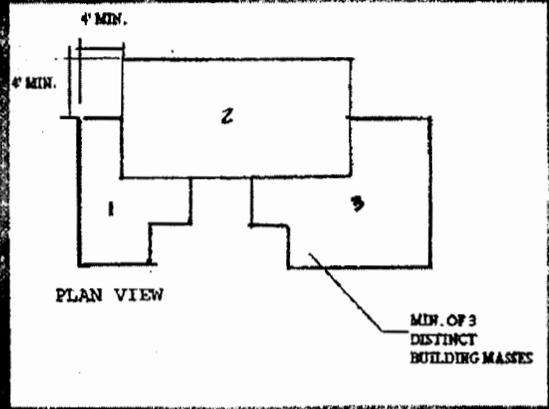
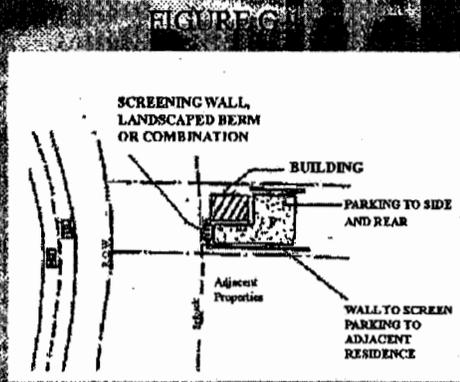
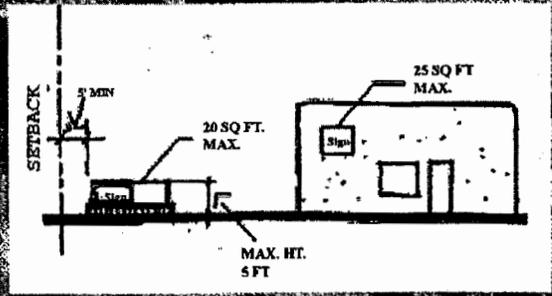
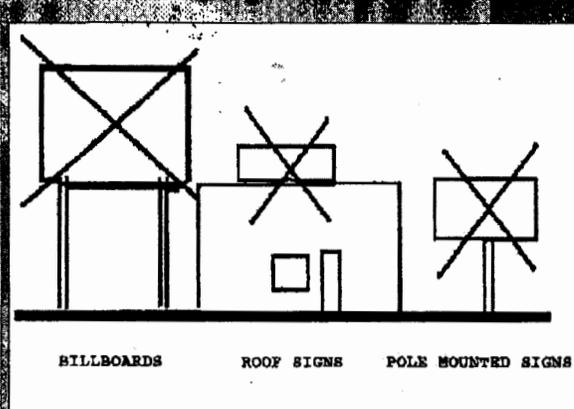
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G. Exterior Signs	H. Parking	I. Other Architectural Features
<p><i>Non-residential</i></p> <p>1. Exterior signage must meet the standards set forth in Section 11.8 of the Santa Fe Extraterritorial Zoning Ordinance in addition to the standards set herein.</p> <p>2. Off-site advertising signs, billboard signs, pole mounted signs; roof signs and internally lighted signs are prohibited. <i>(Figure G-1)</i></p> <p>3. A maximum of one monument sign shall be allowed per building and shall be located outside the required setback. The sign shall not exceed a height of five feet nor shall the maximum surface area exceed 20 square feet. <i>(Figure G-2)</i></p> <p>4. One flush wall mounted sign only per building shall be allowed. The size of this sign shall not exceed 25 square feet.</p>	<p><i>Non-residential</i></p> <p>1. On-site parking must meet the standards set forth in Section 11.8 of the Santa Fe Extraterritorial Zoning Ordinance in addition to the standards set herein.</p> <p>2. Place parking to the sides and rear of the proposed buildings. <i>(Figure H-1)</i></p> <p>3. Screen parking from the public Right of Way with landscape berms (minimum 3 feet, maximum 4 feet, and maximum of 3:1 side slopes). Berms may be combined with walls to provide screening. Wall façade should be a stucco material. <i>(Figure H-2)</i></p>	<p><i>Residential</i></p> <p>1. Buildings shall be designed with a minimum of 2 distinct masses to be defined by 2 feet change in both vertical and horizontal direction <i>(Figure I-4)</i></p> <p>2. Building exteriors shall be finished predominantly with earth tone colors with 5% of frontage in brighter highlight and trim colors permitted.</p> <p>3. Light reflective values for building roofs shall not exceed 30% and for building exteriors shall not exceed 40%.</p> <p>4. Buildings shall be designed to generally follow southwestern architectural styles.</p> <p>5. Stucco exteriors shall be the predominant façade material.</p> <p>6. Skylights and other rooftop structures and mechanical equipment shall be setback a minimum of 2 feet from the edge of building face and screened as part of the building design. <i>(Figure I-2)</i></p> <p>7. Building roofs shall be flat with non-reflective surfaces and parapets except as allowed by the Land Use Administrator.</p>
		<p><i>Non-residential</i></p>
		<p>Buildings shall be designed with a minimum of 3 distinct masses to be defined by 4 feet change in both vertical and horizontal direction. <i>(Fig. I-1 and Fig.I-3)</i></p> <p>Follow all other Residential Scenic Corridor Regulations.</p>

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<p>J. Internal Roads, Trails and Sidewalks</p>	<p>K. Non-residential Building Setbacks from Residential Neighborhood</p>
<p><i>Residential and Non-residential</i></p>	<p><i>Non-residential</i></p>
<p>1. Access and internal roads shall have a maximum width of two (2) lanes.</p> <p>2. Pedestrian, bicycle and, where possible, equestrian trails shall be provided.</p> <p>3. Dedication of easement for the construction, extension or maintenance of recreational trails for public use, or payment in lieu of such dedication to defray the owner/developer's proportional share of the cost of the trail system may be required.</p> <p>4. Trails shall be linked to master plan trail system and to trails in the Public Right of Way where such trails exist. <i>(Figure J-1)</i></p> <p>5. Trails and sidewalks shall be connected to non-residential services.</p> <p>6. Trails shall be located to preserve distinctive natural features including arroyos, ridge tops, and large trees.</p>	<p>1. Non-residential buildings and parking areas shall be set back a minimum of 50 feet from the property line abutting residential subdivisions. <i>(Figure K-1)</i></p> <p>2. The setback requirement may be reduced to 25 feet from the property line abutting residential subdivisions if buffered by a 6-foot perimeter stucco site wall or solid wood fence, or combination landscape berm (minimum 3 feet height with 3:1 maximum side slopes). Any berms should be naturalistic in style. <i>(Figure K-2)</i></p>

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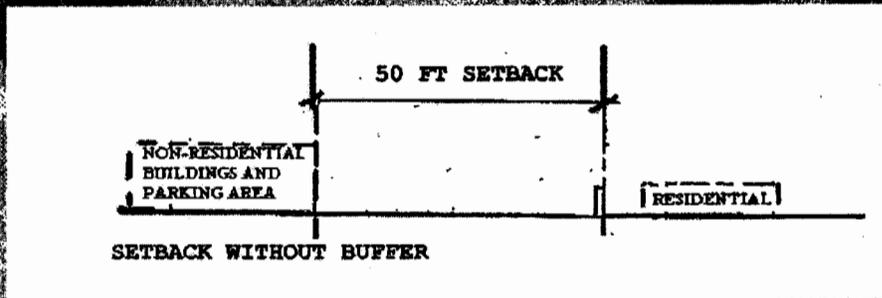
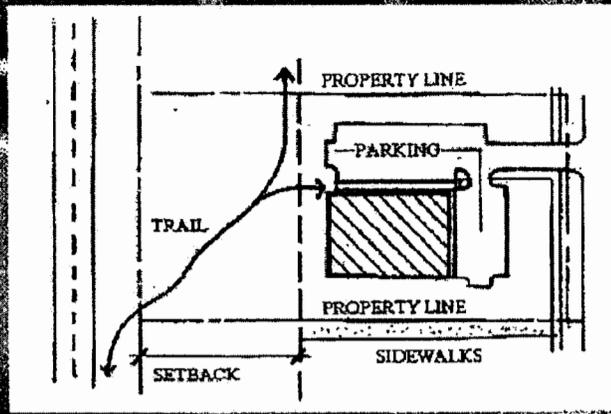


FIGURE 2

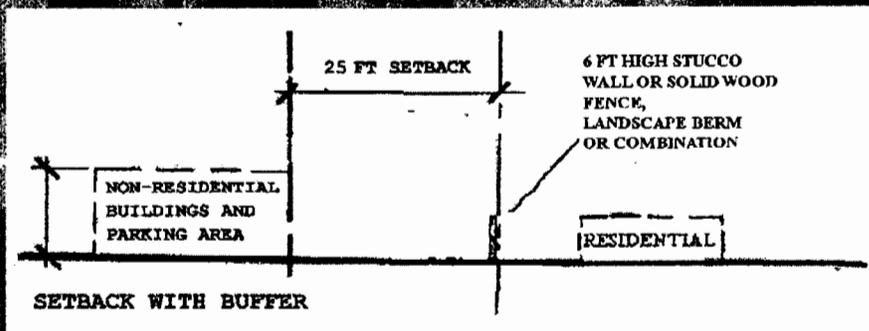


FIGURE 3

COMMERCIAL GATEWAY SUBDISTRICT

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L. Maximum Height, Roof Pitch and Floor Area	M. Maximum Lot Coverage	N. Outside Storage and Service Areas
<i>Residential</i>	<i>Residential</i>	<i>Residential</i>
1. Buildings at grade with adjoining roadway right of way shall have a maximum height of 24 feet to top of parapet. (Figure L-1)	No additional standards.	No additional standards.
<i>Non-residential</i>	<i>Non-residential</i>	<i>Non-residential</i>
1. Buildings at grade with or below the adjoining roadway right of way shall have a maximum height of 36 feet to top of parapet provided that the building is stepped back 2 feet for each foot of additional height above 24 feet. (Figures L-1 and L-2) 2. On building sites with elevations higher than the nearest highway R.O.W. line, the building height shall not exceed 24 feet. (Figure L-1)	1. The maximum lot coverage shall not exceed sixty-five percent (65%). 2. A minimum of thirty-five percent (35%) of the lot shall remain undisturbed, within which a drainage facility, trails and septic system may be sited. (Figure M-1)	1. The maximum outdoor storage area shall not exceed 600 square feet. (Figure N-1) 2. Outdoor storage must be located behind buildings on lots that do not have double frontage. Outdoor storage on double frontage lots must be located at the side of the building. 3. Outdoor storage areas shall be enclosed by a masonry wall. Minimum height of the wall shall be 6 feet and maximum height 8. (Figure N-1)

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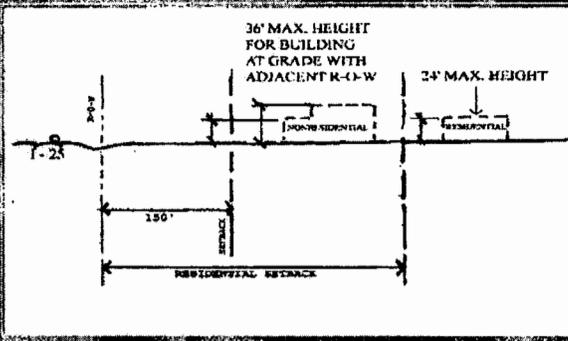


FIGURE L-1

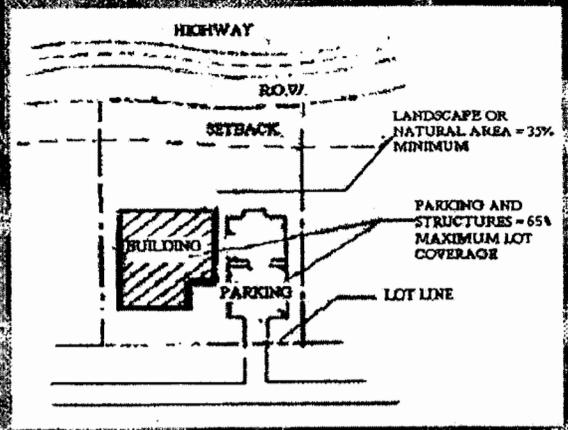


FIGURE L-2

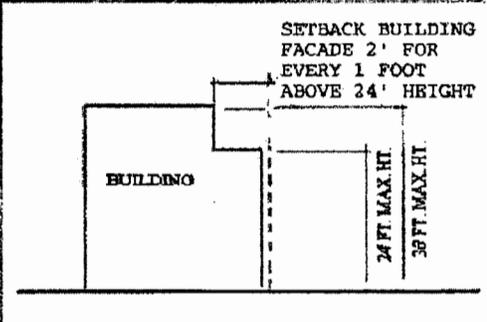


FIGURE L-3

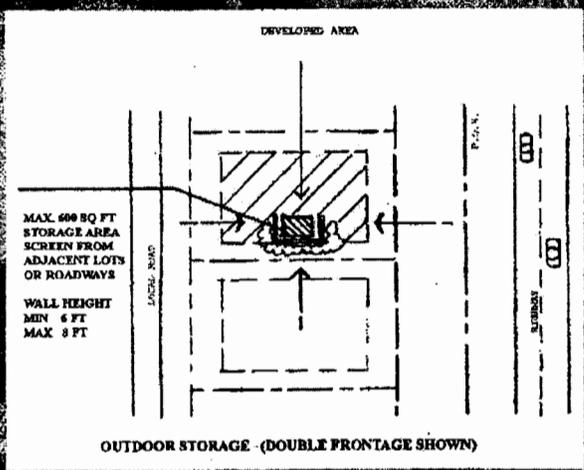


FIGURE L-4

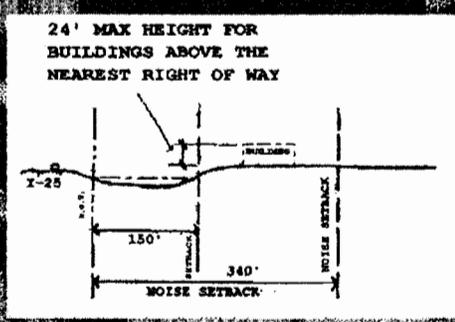


FIGURE L-5

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O. Landscaping	P. Walls	Q. Lighting and Utilities
<i>Residential</i>	<i>Residential</i>	<i>Non-residential</i>
Follow Residential Scenic Corridor Regulations.	Follow Residential Scenic Corridor Regulations.	<ol style="list-style-type: none"> 1. Lighting shall meet the standards set forth in Section 11-7 of the Santa Fe Extraterritorial Zoning Ordinance except where herein established. 2. Lighting design and installation shall emphasize low-level uniform lighting to avoid the nuisance and hazardous conditions caused by abrupt changes from bright lights to darkness. 3. Minimum commercial lighting levels may be designed into commercial projects outside the require setback; screen walls are recommended where necessary to block the spill of parking lot and security lights onto adjacent properties. 4. A maximum of 0.5 horizontal foot-candles measured at any point ten feet (10') beyond a property line shall be permitted for all uses. 5. Parking and security lights shall be no higher than adjacent buildings or 24 feet, whichever is less (<i>Figure Q-1</i>). 6. Landscape bollard lights shall have a maximum height of 4 feet 7. All lighting, including signs lighting and façade lighting, shall be fully shielded and directed down. 8. Streetlights shall be allowed only for vehicle and pedestrian safety at busy intersections and shall not exceed 24 ft in height. At intersections, safety lighting if needed shall consist of approach lighting only, setback at least 2 seconds driving time of the coming intersection and consisting of a series of uniform lights 9. New and replacement overhead utilities are prohibited in the required and desired setback.
<i>Non-residential</i>	<i>Non-residential</i>	
1. Follow Scenic Corridor Residential Regulations.	Follow Residential Scenic Corridor Regulations.	

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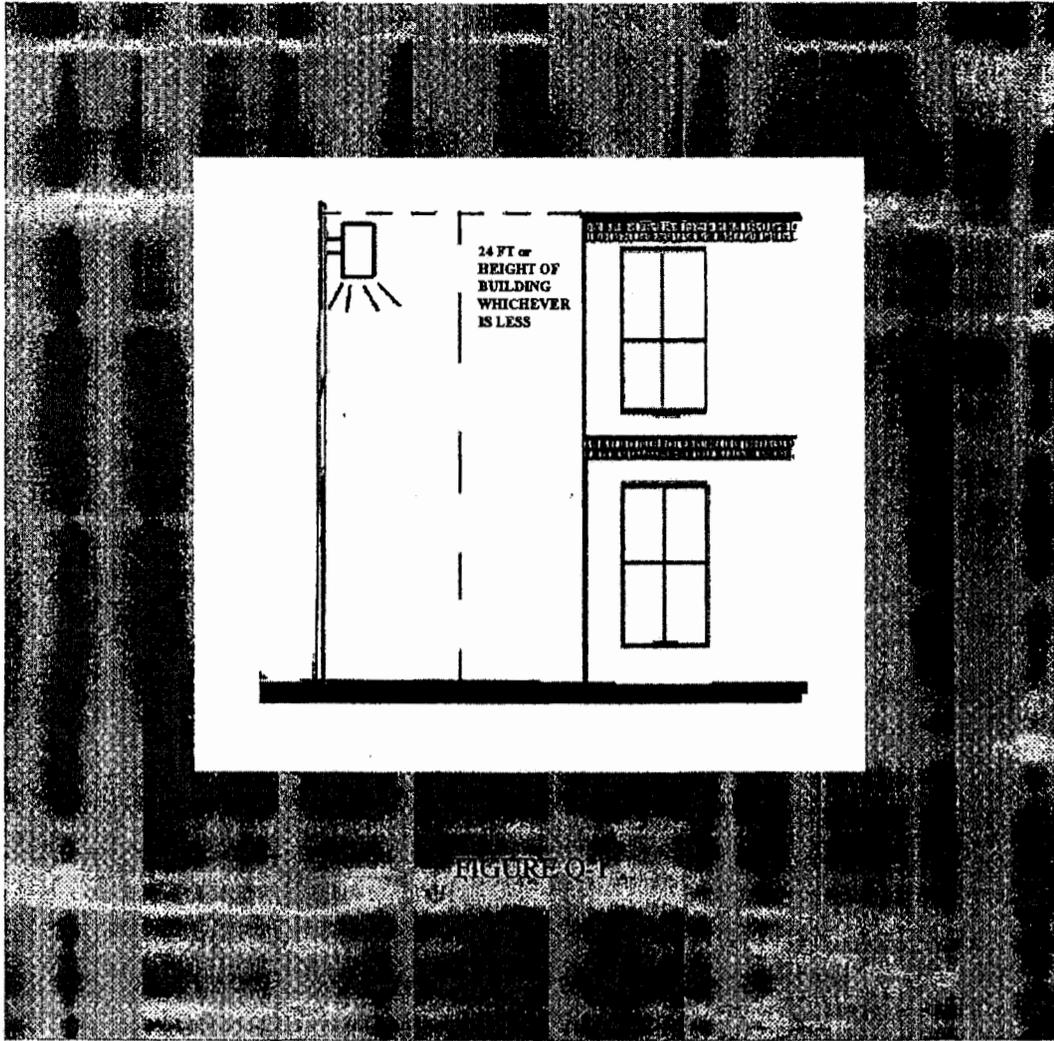


FIGURE 0-1

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R. Exterior Signs	S. Parking	T. Other Architectural Features
<i>Non-residential</i>	<i>Non-residential</i>	<i>Non-residential</i>
<p>1. Exterior signage shall meet the standards set forth in Section 11.8 of the Santa Fe Extraterritorial Zoning Ordinance in addition to the standards set herein.</p> <p>2. One monument sign may be located at each entrance, not to exceed a total of two (2) signs. The height of these signs shall not exceed a height of five feet nor shall the maximum surface exceed 50 square feet. Monument signs shall be set back a minimum of 5 feet from the property line and located outside of the required setback. (Figure R-2)</p> <p>3. Billboard signs, pole mounted signs, roof signs, flashing signs, reflective signs and off-site advertising signs shall be prohibited. (Figure R-1).</p> <p>4. Each business shall be permitted one 10 square foot sign at its entrance or outside the building.</p> <p>5. One flush wall mounted sign only shall be allowed over the main entrance of a building. The surface area shall not exceed 60 square feet or 10% of surface area whichever is less. (Figure R-2)</p> <p>6. Internally lit signs shall be allowed with a maximum surface area of 10 square feet.</p> <p>7. The surface area of temporary construction signs shall be limited to 10 square feet.</p> <p>8. Banners and inflatable advertisements shall be prohibited.</p>	<p>1. Parking must meet the standards set forth in Section 11.8 of the Santa Fe Extraterritorial Zoning Ordinance in addition to the standards set herein.</p> <p>2. Parking shall be screened from the public Right of Way with landscape berms (minimum 3 feet, 3:1 maximum side slopes). Berms may be combined with walls to provide screening. The walls may be a minimum of 3 feet and a maximum of 4 feet high. (Figure H-2)</p> <p>3. Parking shall be screened from adjacent residential property by a wall with a minimum height of 4 feet and maximum height of 6 feet, or a naturalistic berm with a minimum height of 4 feet and 3:1 side slopes.</p> <p>5. Walls should complement building stucco.</p>	<p>1. Buildings 24,999 square feet or less shall be designed with a minimum of 3 distinct masses to be defined by 4 feet change in both vertical and horizontal direction. (Figures I-1&2). Buildings over 25,000 square feet shall have additional 2 feet vertical and horizontal offsets for every 5,000 square feet of the building footprint. (Figures T-1 & T-3)</p> <p>2. The maximum uninterrupted length of any façade of buildings over 25,000 square feet shall be 50 feet. (Figure T-2)</p> <p>3. Sixty percent of the horizontal length of a façade must have features that reduce the scale and break up the uniform appearance of the façade.</p> <p>4. Light reflective values for building roofs shall not exceed 30% and for building exteriors shall not exceed 40%.</p> <p>5. All buildings shall have stucco exteriors in earth tone colors and generally follow southwestern architectural styles. (Fig. T-3).</p> <p>6. Buildings should feature portals, varied window sizes and other techniques to reduce scale and break up long facades. 60% of the horizontal lengths facing roadways should include these elements. (Figure T-2)</p> <p>7. Skylights and other rooftop structures and mechanical equipment shall be set back a minimum of 2 feet from the edge of building face and screened as part of the building design. (Figure -I-3)</p> <p>8. Building roofs shall be flat with non-reflective surfaces and parapets (Figure T-3) unless the building site is below the adjacent roadway (See Design Standard A.4)</p>

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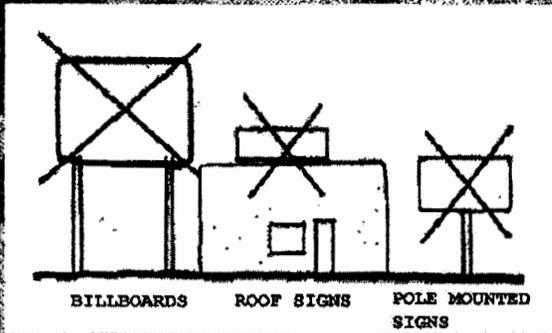


FIGURE R

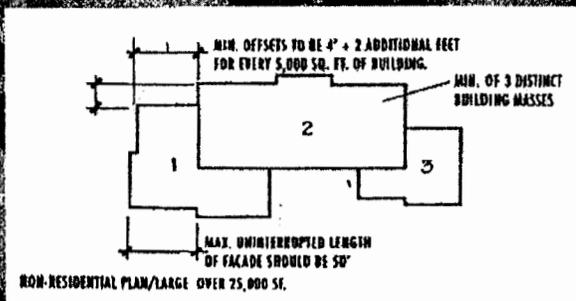


FIGURE T

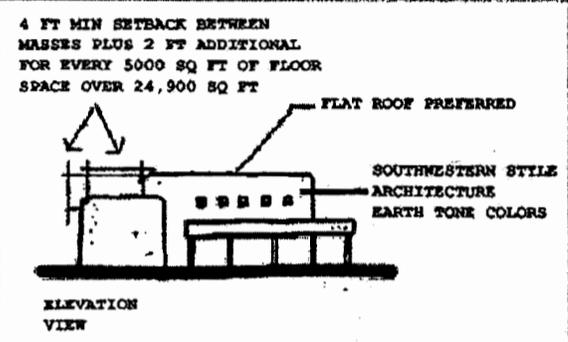


FIGURE T-1

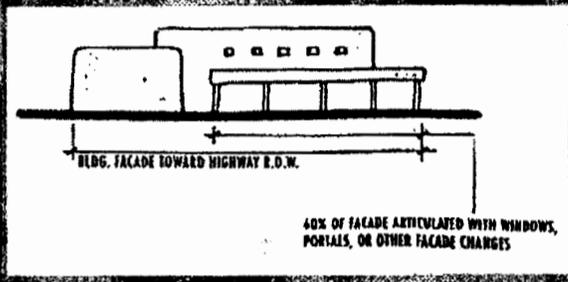


FIGURE T-2

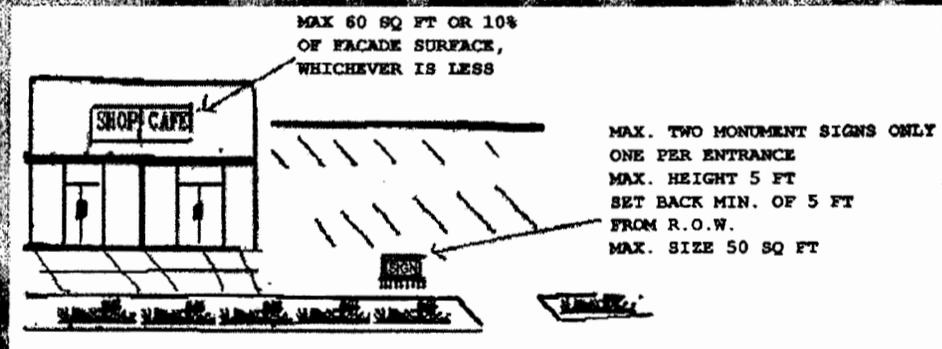


FIGURE R-2

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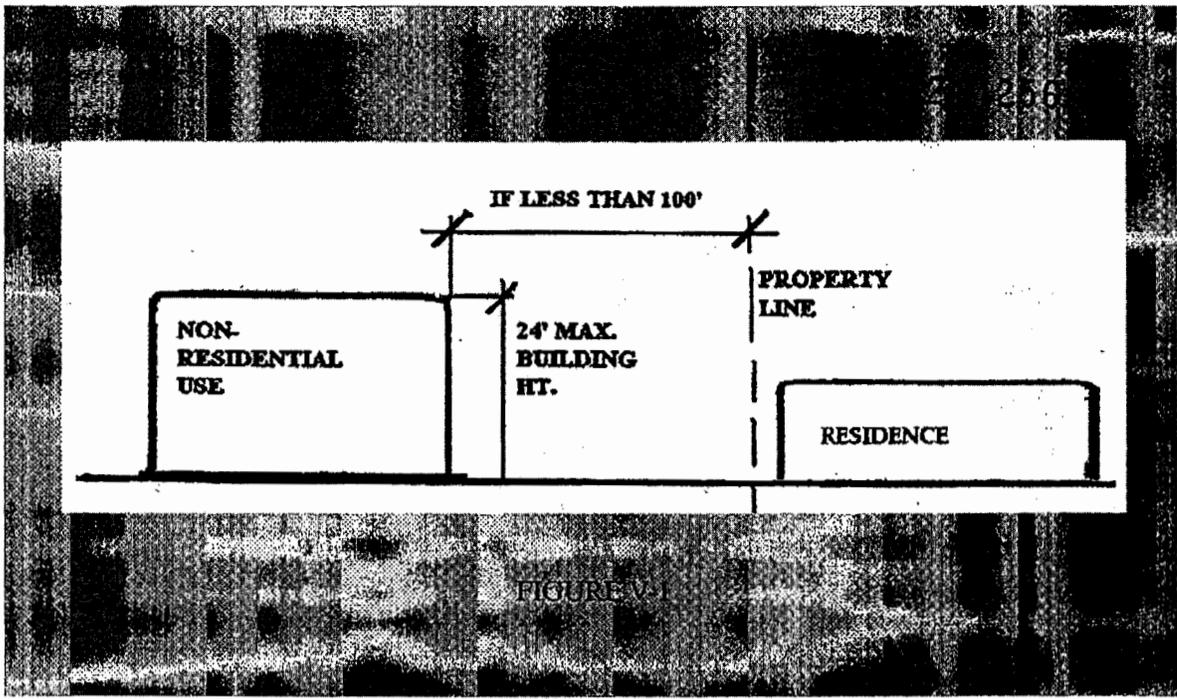
U. Site Planning	V. Building Setbacks from Arroyos	W. Non-residential Building Setbacks from Residential Neighborhoods and Height
<p><i>Non-residential</i></p> <ol style="list-style-type: none"> 1. Access and internal roads shall have a maximum width of two (2) lanes 2. Provide pedestrian, bicycle and, where possible, equestrian trails. 3. Trail shall be granted for public use. 4. Link trails, when possible, to a master plan trail system and trails in the Public Right of Way. 5. Trails and sidewalks shall be connected to non-residential services. Natural features such as arroyos, ridgetops and large trees shall be preserved. 6. Pedestrian walkways shall be provided within parking lots. 	<p><i>Non-residential</i></p> <ol style="list-style-type: none"> 1. 50-foot setbacks from the natural edges of arroyos shall be established. The area within the setback shall remain undisturbed with the exception of storm water management structures and trails. 2. Buildings at the arroyo setback line shall be no higher than a single story. 3. Retaining walls are prohibited in the arroyo setback area. 	<p><i>Non-residential</i></p> <ol style="list-style-type: none"> 1. Structures larger than 25,000 square feet in size shall be setback a minimum of 100 feet from residential property lines. This setback may be reduced to 50 feet if a landscaped buffer with a masonry wall or solid wood fence is installed between the residential property line and the commercial structure. Parking lots shall be set back a minimum of 50 feet from the residential property line. 2. Structures less than 25,000 square feet shall be setback a minimum of 50 feet from residential property lines. This setback may be reduced to 25 feet if a landscaped buffer with a masonry wall or solid wood fence is installed between the residential property line and the commercial structure. 3. The height of the structure shall not exceed 24 feet within 100 feet from the residential property line. <i>(Figure V-1)</i> 4. Structures beyond 100 feet from the residential property line and higher than 24 feet shall not exceed 36 feet and shall step back 2 feet for each additional foot above 24 feet.

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1 SECTION II: REPEAL AND REPLACE FUTURE LAND USE MAP 5

2
3 Repeal Map 5 entitled "Future Land Use Amended" and replace with Map 5 entitled "Eligible Locations for
4 Non-Residential Districts."

5
6 SECTION III: ADD SANTA FE METRO HIGHWAY CORRIDOR SPECIAL REVIEW
7 DISTRICT TO LIST OF SPECIAL REVIEW DISTRICTS IN SECTION 3.6.D

8 Repeal and Replace Section 3.6.D as follows

9
10 D. SPECIAL REVIEW DISTRICTS

11 Additional submittals and review may be required for applications located within or requesting uses for
12 a Special Review District, as follows:

- 13 Airport Noise and Height Zones
- 14 Historic and Archeological Districts
- 15 Flood Hazard Zones
- 16 Traditional Communities
- 17 Mining Zones
- 18 Village and Neighborhood Districts
- 19 Neighborhood Plan Districts
- 20 Mountain Special Review District
- 21 Santa Fe Metro Highway Corridor District

22 Requirements are set forth in Section 9 of the Ordinance.

23

SECTION IV: REPEAL AND REPLACE SECTION 6.B.4, TYPES AND LOCATIONS OF COMMERCIAL AND INDUSTRIAL DISTRICTS

Repeal and replace Section 6.B.4 of the Extraterritorial Zoning Ordinance as follows:

The following Districts are established or planned for the Extraterritorial Zoning District. See also Map 5, Eligible Locations for Non-Residential Districts.

<u>District Description</u>	<u>Type of District</u>
South Meadows/Airport Road	Village
San Felipe/Airport Rd.	Village
Agua Fria Village	Neighborhood
Agua Fria/Siler Rd.	Community



SFC CLERK RECORDED 01/14/2016

1 PASSED, ADOPTED AND APPROVED this 30th day of April, 2002, by the Santa Fe Extraterritorial
2 Zoning Authority.



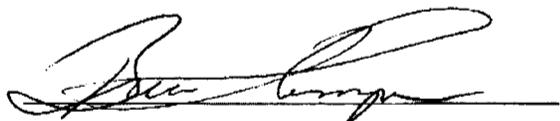
3
4
5
6
7 
8 PAUL DURAN, CHAIRMAN

9
10 ATTEST:

11
12
13 
14 REBECCA BUSTAMANTE
15 COUNTY CLERK
16

17
18
19
20
21 APPROVED AS TO FORM:

22
23
24 
25 STEVEN KOPELMAN, COUNTY ATTORNEY
26

27
28
29
30 
31 BRUCE THOMPSON, CITY ATTORNEY
32

SFC CLERK RECORDED 01/14/2016

CERTIFICATE OF FILING

I, Yolanda Y. Vigil, City Clerk, do hereby certify that the foregoing ordinance, designated as EZ Ordinance, No. 2002 - L, was filed in my office on the 3rd day of JUNE, 2002.

SANTA FE CITY CLERK



Yolanda Y. Vigil
Yolanda Y. Vigil

CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as EZ Ordinance, No. 2002 - 1, was filed in my office on the 5 day of JUNE, 2002, in Book Number 2142 at Page 535-564B.

SANTA FE COUNTY CLERK

Rebecca Bustamante
Rebecca Bustamante



1209.431
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 5 DAY OF JUNE A.D.
2002 AT 1:21 O'CLOCK P.M.
AND WAS DULY RECORDED IN BOOK 2142
PAGE 535-564 OF THE RECORDS OF
SANTA FE COUNTY

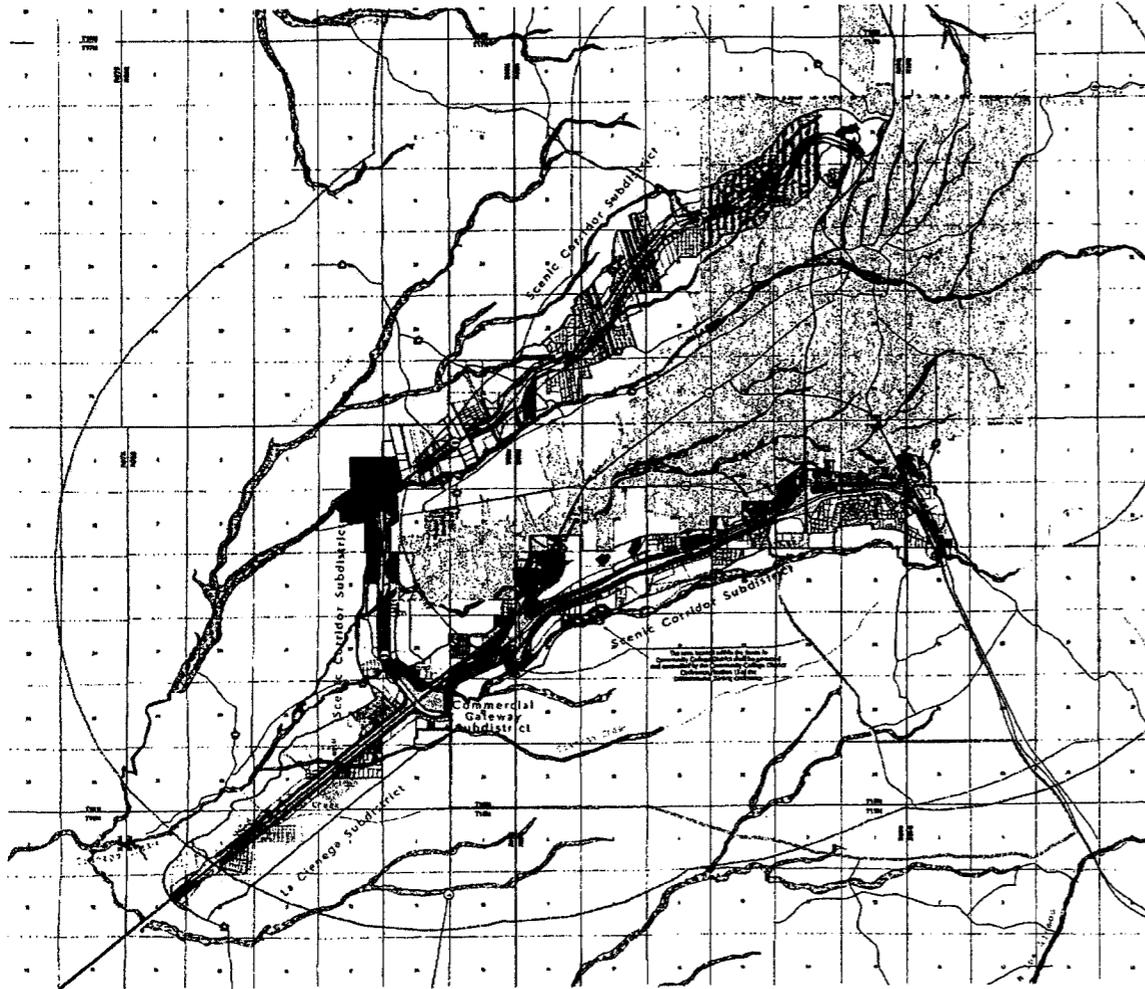


Marcella Salazar
MARCELLA SALAZAR
DEPUTY
31

SFC CLERK RECORDED 01/14/2016

2142564 A

Santa Fe Metro Area Highway Corridor Special Review District Zoning Map 18



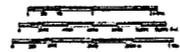
LEGEND

- Dashed Setback from ROW
- Required Setback from ROW
- Residential
- Non-Residential
- Mixed Use Village
- Institutional
- Recreational-Non-Residential
- Recreational
- 100 Year Flood Zone (from FEMA data)
- Incorporated City Boundaries
- Highway Corridor District Boundaries
- Santa Fe Community College District
- Parcel Boundaries - DRAFT STATUS
- Major Streets and Arteries
- Minor Streets and Arteries
- Extraterrestrial Zoning District Boundary (EZ-2)
- 1 Mile Extraterrestrial Boundary (EZ-5)

Zoning applicable within the Extraterrestrial Zoning District



REDUCED TO SCALE



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for conducting data accuracy when necessary.

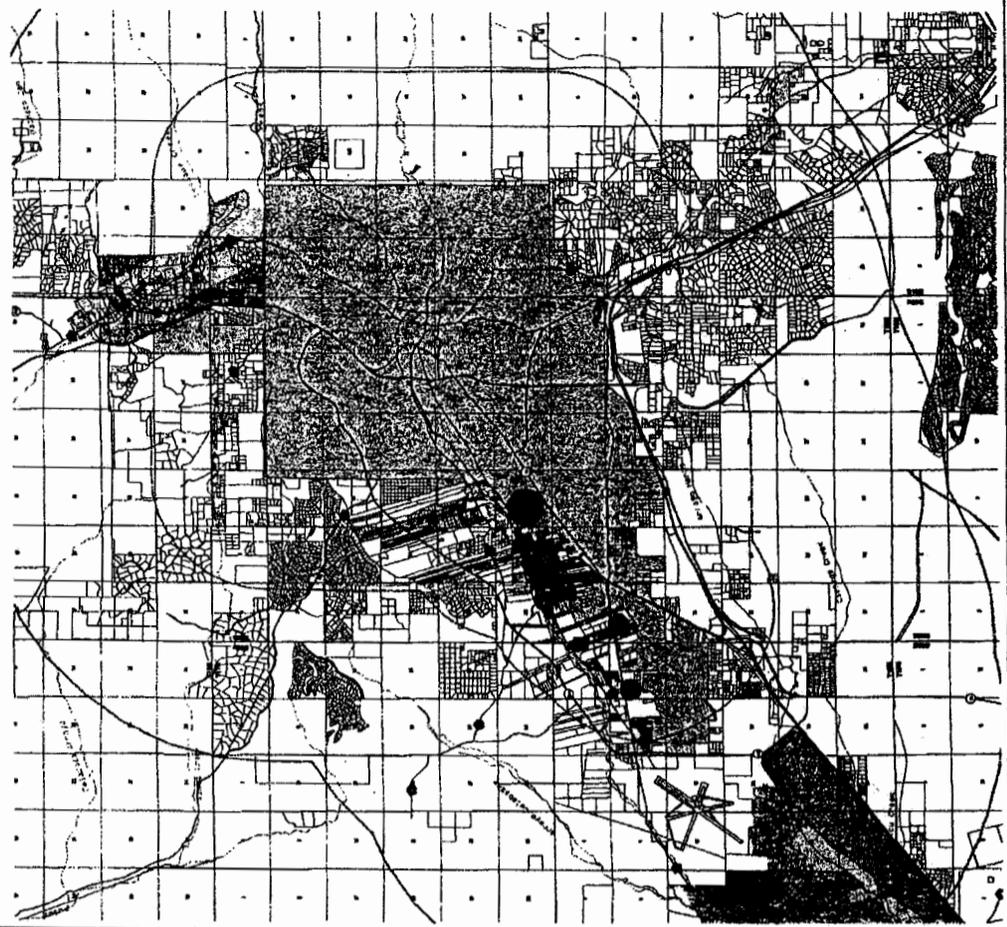


March 11, 2015

Map 18

Eligible Locations for Non-Residential Districts
 Extraterritorial Zoning Ordinance - Map 5

- LEGEND**
- Neighborhood or Suburban Center
 - Local or Village Center
 - Community Center
 - ▭ County Planning Commission (Countywide Planning)
 - ▭ Municipal (Metropolitan Area) Planning Commission (Metropolitan Area)
 - ▭ City of Santa Fe
 - ▭ CFS Study
 - ▭ Major Streets and Arterials
 - ▭ Minor Streets and Arterials
 - ▭ Road Frontages
 - ▭ ROAD FRONTAGE



REDUCED (AS SHOWN) TO SCALE



This information is for reference only. Santa Fe County assumes no liability for errors or omissions. The user should verify the accuracy of this information before using it.



2142564 B
 Map 5
 ERO

September 13, 2001



SOMMER KARNES & ASSOCIATES LLP

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Santa Fe, New Mexico 87504-2476

Street Address
200 West Marcy Street, Suite 133
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
Facsimile: (505) 982.1745
Penny Ellis-Green, Land Use Director
123 Grant Avenue
Santa Fe, New Mexico 87501

June 23, 2014

Karl H. Sommer, Attorney at Law
khs@sommer-assoc.com
Joseph M. Karnes, Attorney at Law
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal
mld@sommer-assoc.com

James R. Hawley, Attorney at Law
Of Counsel
Licensed in New Mexico and California
jrh@sommer-assoc.com

Re: 330 Acres formerly known as Santa Fe Center

Dear Ms. Green:

I am writing on behalf of the owner of the 330 acres at the intersection of Camino La Tierra and SR 599, formerly known as the Santa Fe Center (the "Property"). The purpose of this letter is to request your confirmation that the 1986 EZ Special Exception approval (the "Special Exception," Exhibit A) remains valid and in effect as to the Property and that the Property is zoned accordingly on the new zoning map. The property owner intends to submit an application for a master plan and preliminary development plan for the Property. Before doing so, the property owner desires to ensure that the County recognizes the continued validity of the Special Exception.

1. Background and Current Zoning of the Property

On January 30, 1986 the Extraterritorial Zoning Authority ("EZA") granted approval of a request for a Special Exception to allow residential and non-residential uses on the Property - then comprised of 390 acres. Under the Extraterritorial Zoning Ordinance (EZO, Ordinance 1997-4), Special Exception approval established zoning of the property for the specified uses and "approval of rezoning approvals and Special Exceptions by the EZA pursuant this Section 3 **shall be final.**" (EZO §1.7.D., 3.5.A.2, emphasis added)

In reliance on the Special Exception approval, the applicant entered into a Development Agreement with the City securing the extension of water and sewer to the 390 acres and committing to the dedication of the land for the SR 599 right of way. (Exhibit B) As you know, SR 599 was built and the Property owner dedicated, without charge and in further reliance on the Special Exception approval and the Development Agreement, 60 acres of land, which today is part of SR 599.

The 2009 ELUA Ordinance, which repealed the EZO, directed that "properties outside the Presumptive City limits shall be zoned as established by the ECA and EZC prior to the enactment of this Ordinance. Rezoning of such properties, as deemed necessary by the County may be accomplished subsequent to the effective date of this ordinance

SEC CLERK RECORDED 01/14/2016

SOMMER KARNES & ASSOCIATES LLP

Penny Ellis-Green

June 23, 2014

pursuant to the County Land Development Code.” (ELUA Ordinance 2009-1, §9.C) No such rezoning has occurred and on that basis, we request your confirmation that the Special Exception remains in effect and that an application may be submitted based on the provisions of the Special Exception approval.

2. The Frank Herdman Letter Dated April 23, 2014 does not affect the foregoing

The letter from Frank Herdman claims that “any master plan or approvals permitting commercial development that may have existed for this property expired long ago.” (Exhibit C, p. 1) Mr. Herdman’s position is premised solely on a 1999 letter from then-Acting Land Use Administrator Diana Lucero stating that “it is staff’s evaluation that the approval granted by the EZA on January 27, 1986 for a Special Exception was the equivalent of a master plan” – and therefore the Special Exception expired 5 years following its approval as provided in the EZO for master plans. The positions expressed by Mr. Herdman and Ms. Lucero are without merit because they ignore the fact that the EZO expressly identified a Special Exception as a *final* zoning action rather than a development approval, which is subject to expiration.

Ms. Lucero’s opinion does not reference any EZO provision or legal authority other than the “support of the County Attorney” for the proposition that “old zoning approvals do not exist indefinitely” but are subject to the same 5 year time limit as Master Plan approvals. To the contrary, the EZO defined special exceptions as zoning actions rather than development applications. The EZO distinguished between applications for zoning, which specify what uses may be carried out within a particular area and applications for development approvals, which allow for development.

The EZO required that the following types of applications be approved by the EZA:

1. Rezoning;
2. **Special Exceptions;**
3. Development plans for subdivisions of 5 lots or more;
4. Expansion of particular types of non-conforming uses;
5. Large scale proposals
6. Density transfers in the MSRD; and
7. Multiple dwelling units on one lot. (EZO §3.5.A.1)

The EZO stated “approval of rezoning proposals and Special Exceptions pursuant to this Section 3 shall be final.” (EZO §3.5.A.2) In addition, the EZO included special exceptions in the section addressing zoning districts and uses within the extraterritorial zone. (EZO §1.7.D)

SOMMER KARNES & ASSOCIATES LLP

Penny Ellis-Green
June 23, 2014

In contrast, the EZO required that the following types of development applications be approved by the EZC:

1. **Master Plans;**
2. Preliminary development plans for special exceptions, rezonings and subdivisions;
3. Development in the Mountain Special Review District;
4. Preliminary plats;
5. Variances;
6. Appeals of administrative actions; and
7. Final development plans and final subdivision plats. (EZO §3.2.A)

Contrary to special exception approvals, which are final, approval of a Master Plan was considered valid for a period of 5 years from the date of approval. (EZO §3.5.D.7) Ms. Lucero's determination that a special exception is "equivalent to" a master plan is not only unsupported by the EZO, but is expressly contradicted by the structure of the Code and the provisions stating that a special exception approval is final, while a master plan approval is valid for five years. Given the EZO provision that special exception approvals are final, they do not expire and can only be altered by a subsequent decision by the applicable decision-making body. Since no such decision has been made, the Special Exception remains in full force and effect.

Mr. Herdman also notes that in 1999, an application was submitted for a new master plan, which was eventually withdrawn. That application had no effect on the validity of the underlying Special Exception. The applicant did not request that the EZA rescind the Special Exception approval, which as addressed above, was final. Rather, the applicant determined that given Ms. Lucero's position, it would be more expedient to submit an application for a master plan than to litigate the issue. Since no County action was taken on the application, the continued validity of underlying Special Exception was unaffected.

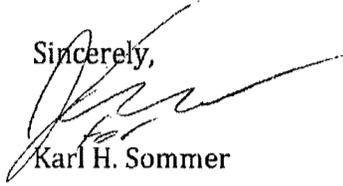
I also understand that during the recent BCC hearing on the zoning map, Mr. Herdman claimed that EZO Ordinance 2002-1, which amended the EZO (Ordinance 1997-4), and created of the Santa Fe Metro Area Highway Corridor Special Review District, somehow affects the current validity of the Special Exception and zoning for the property. While the Special Review District applied while the EZO was in effect, as you know, Ordinance 2009-1 repealed the EZO and thereby repealed Ordinance 2002-01. Since the EZO and the Special Review District no longer exist, they have no effect on the Special Exception.

SOMMER KARNES & ASSOCIATES LLP

Penny Ellis-Green
June 23, 2014

Please confirm that the County continues to recognize the Special Exception as being in force and include the Property in the Mixed Use zoning district on the new zoning map. Should the County consider the Special Exception to have expired, please identify the grounds on which such determination is made so that the property owner may take appropriate action to preserve their rights.

Sincerely,



Karl H. Sommer

Cc: Greg Shaffer, County Counsel

Exhibits

- A 1986 EZA Special Exception Approval dated 1/30/86
- B La Tierra Development Agreement
- C Letter from Frank Herdman dated April 23, 2014



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James R. Hawley, Attorney at Law
jrh@sommer-assoc.com
Of Counsel
Licensed in New Mexico and California

November 20, 2015

Board of County Commissioners
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

**Re: Request for Recognition of Mixed Use Zoning
330 Acres at the intersection of Camino La Tierra and SR 599
Formerly Known as Santa Fe Center (the "Property")**

Dear Chair Anaya and Commissioners:

We are writing on behalf of the Property owner to request that the BCC recognize in its zoning map the mixed use zoning established for the Property by the Special Exception approved by the Extraterritorial Zoning Authority (EZA) in 1986. County's staff's position that the Special Exception expired in 1996 is incorrect as a matter of law and no subsequent County action affected the mixed use zoning designation. Should the mixed use zoning not be recognized in the adopted zoning map, the Property owner will file suit against the County in Santa Fe District Court and will pursue all available legal remedies against the County including recovery of damages.

In reliance on the Special Exception approval, the owner of the Property entered into a Development Agreement with the City securing the extension of water and sewer to the Property and committing to the dedication of the land for the SR 599 right of way. SR 599 was built and the Property owner dedicated, without charge and in further reliance on the Special Exception approval and the Development Agreement, 60 acres of land, which today is the Route 599/Camino La Tierra interchange (the "Interchange"). The Special Exception and Development Agreement remain in full force and effect and the Project entitlements vested as of the road dedication. Downzoning the Property as proposed by County Staff would be inequitable and would violate well established state law.

A. The 1986 Special Exception Remains in Force

The EZA approved a Special Exception for the Property on January 30, 1986. The Special Exception approved mixed uses on the Property and constituted the final zoning decision for the

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

November 20, 2015

Page 2 of 4

Property. The Special Exception was subject to conditions of approval, including completion of a Development Agreement (which was executed in 1986), dedication of land for the Interchange (which has been done) and submittal of a development plan for approval of a development permit in accord with the zoning.

County staff, in its letter dated October 9, 2015, without any citation to authority, takes the position that “the implied reasonable period of time for meeting the EZA imposed conditions has passed” and therefore the Special Exception has expired. This position is facially incorrect and contradicts the express provisions of the applicable Code, which recognizes zoning of the Property as a mixed use district, for which there is no expiration date. Furthermore, the position stated in the letter directly contradicts staff’s previous position set forth on the 2014 Draft Zoning Map showing the Property as Mixed Use.

The Santa Fe Extraterritorial Zoning Authority Ordinance 1997-4 (the “EZO”) distinguished between applications for zoning, which specify what uses may be carried out within a particular area and applications for development approvals, which allow for development. The EZO further defined Special Exceptions as zoning actions rather than development applications.

The EZO required that the following types of applications be approved by the EZA:

1. Rezoning;
2. **Special Exceptions;**
3. Development plans for subdivisions of 5 lots or more;
4. Expansion of particular types of non-conforming uses;
5. Large scale proposals
6. Density transfers in the MSRDC; and
7. Multiple dwelling units on one lot. (EZO §3.5.A.1)

The EZO stated “approval of rezoning proposals and Special Exceptions pursuant to this Section 3 shall be final.” (EZO §3.5.A.2) In addition, the EZO included special exceptions in the section addressing zoning districts and uses within the extraterritorial zone. (EZO §1.7.D)

In contrast, the EZO required that the following types of development applications be approved by the EZC:

1. **Master Plans;**
2. Preliminary development plans for special exceptions, rezonings and subdivisions;
3. Development in the Mountain Special Review District;
4. Preliminary plats;
5. Variances;
6. Appeals of administrative actions; and
7. Final development plans and final subdivision plats. (EZO §3.2.A)

November 20, 2015

Page 3 of 4

The EZO contained a time limit only for Master Plan approvals. "Approval of a Master Plan shall be considered valid for a period of five (5) years from the date of approval by the EZA." (EZO §3.5.D.7.a) However, the EZO did not contain any provision limiting the validity of a Special Exception. This is because approval of a Special Exception constitutes a zoning decision. EZO Section 3.5.A.2, title "Actions Affecting Zonings" states "Approvals of rezoning proposals and Special Exceptions by the EZA pursuant to this Section 3 **shall be final.**" Staff did not recognize or address this provision in its letter.

Furthermore, the EZO provided that "commercial, industrial and other non-residential land uses are permitted only in zoned Districts of various sizes and locations in the Extraterritorial Zoning District," (EZO §6.A) In particular, "[T]he following Districts are established or planned for the Extraterritorial Zoning District. ... Relief Route/Camino La Tierra – Community District." (EZO §6.B.4)

The EZA adopted the EZO in 1997 – a year *after* County Staff claims that the Special Exception expired. The EZA expressly recognized the Property as being within a Community Center Zoning District, as defined in the EZO. The EZA further provided that Districts "will constitute amendments to any applicable zoning map atlas" and "the zoning map shall also depict both legal non-conforming uses and zoning approvals." (EZO §6.D.2)

Critically, "zoning approvals obtained prior to the enactment of this 1990 Amendment to the Ordinance (EZA 1990-1) shall not constitute Districts or be the precedence for the creation of a District, where such approvals do not meet the location criteria for a District as set forth by Section 6B, types and Location of Commercial or Industrial Districts." In this case, the Special Exception was approved for the Property in 1996 and was included in the list of established or planned districts. The zoning for the Property as a mixed use district was established and recognized in the EZO. No further zoning action was necessary and the EZO contained no provision for expiration of either a Special Exception or a Zoning District. Staff's claim that there was an "implied reasonable time for meeting EZA imposed conditions" is expressly contradicted by the foregoing EZO provisions, which established the mixed use zoning for the Property.

Furthermore, once the Property was zoned in 1986, the only way the Property could be rezoned was by a legal zoning action taken by the governing body. County Staff has no power to take a zoning action and Staff's claim that the 1999 letter from Acting Land Use Administrator Diana Lucero and Staff's position since that time that the Special Exception expired is of no force or effect.

B. EZA Ordinance 2002-1 Had No Effect on the Property

Staff claims in its letter that EZA Ordinance 2002-1 (the "2002 Ordinance") reflected the Property as being residential rather than mixed use. Staff's assertion is based on the false assumption that the Special Exception had expired prior to that time, which as addressed above, is incorrect as a matter of law. The EZA's adoption of the 2002 Ordinance assumed that the Special

November 20, 2015

Page 4 of 4

Exception had expired and as a result did not constitute an action to rezone the Property. Further, in adopting the 2002 Ordinance, the County acted in a legislative capacity and did not provide any notice to the Property owner of its action and did not adopt any findings addressing such downzoning. Had the EZA purported to rezone the Property from Mixed use to Residential, which it did not, the action would have violated the Property owner's right to due process and would have constituted an illegal downzoning of the Property, as the Property would have been singled out for such action. *Albuquerque Commons Partnership v. City of Albuquerque*, 144 NM 99 (N.M. Sup. Ct. 2008). Regardless, given the County's incorrect assumption that the Special Exception had expired, the 2002 Ordinance had no effect on the Property's zoning.

C. The 2009 ELUA Ordinance Reaffirmed the Mixed Use Zoning of the Property

The 2009 ELUA Ordinance, which repealed the EZO, directed that "properties outside the Presumptive City limits shall be zoned as established by the EZA and EZC prior to the enactment of this Ordinance." (ELUA Ordinance 2009-01, §9.B.2) The mixed use zoning established by the Special Exception approval was in effect at that time and remains in effect to this day.

D. Conclusion – Adoption of Residential Estate Zoning for the Property Would Constitute a Downzoning and Would Violate the Owner's Vested Rights

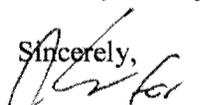
Should you follow Staff's recommendation with respect to the Property, your action would constitute a downzoning of the Property and be governed by the procedural and substantive requirements set forth in *Albuquerque Commons*. Such action would have to be justified under the "change or mistake" rule or "more advantageous to the community" analysis, and would require specific factual findings relating to the Property.

Further, such action would violate the Owner's longstanding vested rights in the Special Exception and Development Agreement approvals. In order to establish a vested right, a developer must prove two elements: (1) "approval by the regulatory body" and (2) a substantial change in position in reliance on that approval. *Brazos Land v. Bd. of Cty. Comm'rs.*, 115 N.M. 168 (1993). In this case, the Owner acted in reliance on the approvals by dedicating over 60 acres of land for the Interchange and thereby vested its rights in the approvals. The Owner is prepared to litigate the vested rights issue if necessary.

We request that you follow Staff's initial recommendation set forth in the 2014 Draft Zoning Map that the Mixed Use zoning of the Property be maintained. Should you not do so, the Property owner is prepared to file suit to protect its investment in the Property.

Thank you for your consideration.

Sincerely,


Karl H. Sommer

Philip M. Baca
Baca Ranch
6209 Acacia NW, Albuquerque, NM 87120
575-639-3197



Memorandum

To: Robert Griego, Land Use and Planning, Santa Fe County
Don Britt, Assistant Commissioner for Commercial Resources, SLO
Warren Jarrett, Assistant Director for Commercial Resources, SLO
From: Philip M. Baca, Baca Ranch *Philip M. Baca*
Date: August 3, 2014
RE: Designation of Industrial Land Zoning

Gentlemen, I want to thank you both for meeting with my son, Matthew, and me to discuss possible industrial zoning and SLO industrial leasing on the subject properties we are familiar with. Per our discussions, we believe that the properties provide one of Santa Fe's most scenic jewels, with panoramic views of the Sangre de Christos, Jemez Mountains and La Bajada escarpment. We believe the properties and the community will suffer permanent damages if the area is designated for industrial use. You are aware of the condition of the lands that are being used for that purpose now. There are huge piles of dirt, heavy equipment, fugitive dust, mounds of concrete, re-bar and asphalt, and heavy trucks on the properties.

The amount of land that is being considered for the same zoning or SLO leasing would add approximately 900 acres, which is about a mile and half square, to the same use. At the present time I estimate there is already 150 acres in the condition described, not including the Santa Fe Landfill. Increasing it by 600% would be a travesty of immense proportions.

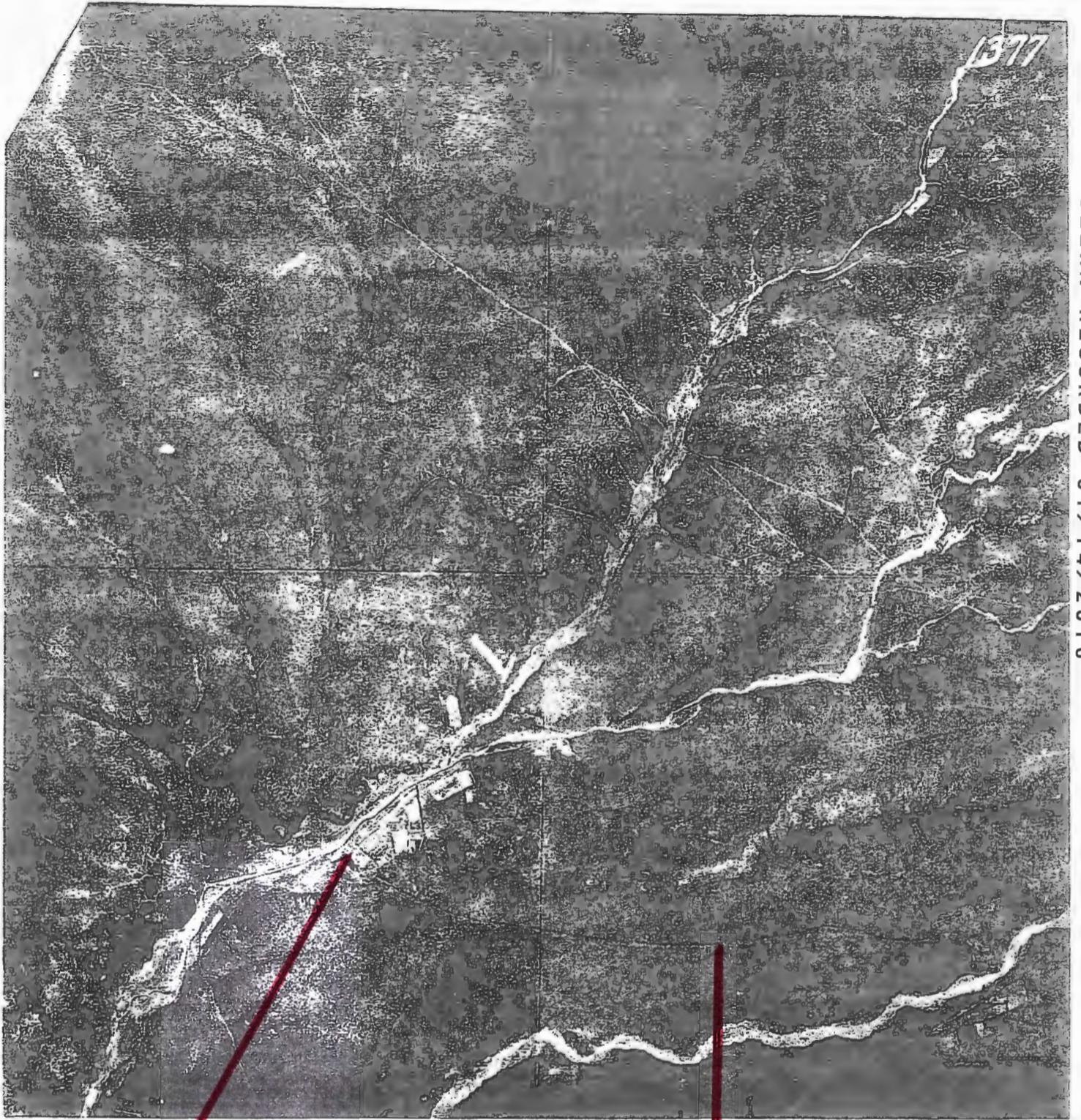
But we also understand the need for such zoning in order to accommodate the regional needs, and the SLO mission to earn income from the trust lands. What we propose is that there be a demarcation that provides a boundary for the industrial uses to the south, and mixed uses to the north. We believe that demarcation should be the historic Acequia de Merced Cieneguilla, which traverses the properties. The Acequia flowed from the Santa Fe River east of where the river enters state property, and fed water to the farmers' crops along the Arroyo Calabasas to the west. Much of the Acequia was lost due to the mining on the trust lands south of State Road 599, but is clearly seen on the properties we are discussing. I am attaching with this memorandum a photograph, circa 1934, which shows the Acequia and the farms it kept alive. The use of the Acequia pre-dates the photograph, but by how many years, or centuries, I am not *said.*

We believe the Acequia itself should be preserved, perhaps with a fifty or one hundred foot wide boundary, and that the industrial uses should end at the south boundary of that designation.

I should also note that the Department of Transportation did recognize our family's use of the Acequia to fill a cattle pond when they constructed State Road 599, and provided a culvert under the by-pass to our property. The culvert is located immediately to the east of the Santa County Public Works Department and terminates at the large dirt tank that is seen very close to the fence line on our property. Unfortunately, the dropping river elevation, due to the mining by most accounts, has made it unworkable. Finally, a national company offering nursing home and assisted living services, has purchased land to the east of Caja del Rio Road. They are planning a 500 unit facility. If approved and built, the facility will be in close proximity and downwind from the area we are discussing.

We invite you to join us in a site visit to view the Acequia de Merced Cieneguilla. I am also copying Commissioner Powell and Assistant Commissioner for Grazing, Mike Anaya so they may join us if their busy schedules allow.

Cc: Thomas Leatherwood, Director for Commercial Resources, SLO
Warren Jarrett, Assistant Director for Commercial Resources, SLO



Farms

Santa Fe
River

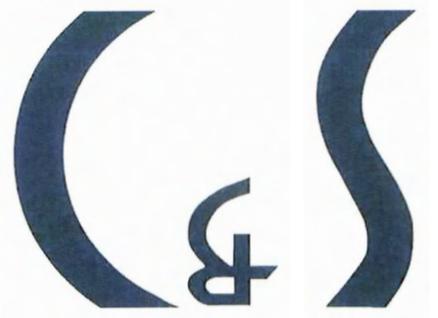
Acequia de Merced
Cieneguilla



Vulcan Hot Mix Plant Near SR 599 and Santa Fe River



Reverse Angle Vulcan Hot Mix taken approximately 2 miles to the North of the Plant



Cauwels & Stuve
Realty & Development Advisors, L.L.C.



SFC CLERK RECORDED 01/14/2016

Submittal for Record of Second Public Hearing

SLDC Ordinance 2013-6, 12-8-15

Dear Ms. Green and Mr. Griego:

Cauwels & Stuve request that the following statement be entered into the record for the above referenced public hearing:

Cauwels & Stuve is an Albuquerque base realty and development company that has received approval from the County of Santa Fe to construct The Place at Caja del Rio, a continuum of care campus at the northeast corner of the State Road 599 (Santa Fe By-Pass) and Caja Del Rio Road intersection. The development will include Recuperative Therapy, Independent Living, Assisted Living and Memory Care facilities.

The purpose of this correspondence is to put into the record our opposition to the SLDC proposed general and light industrial zoning on the south half of Section 3, Township 16 North, Range 8 East. This property is located to the west of the development, with the prevailing winds from the southwest. The proposed zoning would allow operations that will include air discharges that will negatively affect the susceptible population that will occupy our establishment. This may include air emission discharges from asphalt plants, as well as migratory particulate from earth-moving activities. We request that the zoning for the above referenced land be changed to reflect the impacts proposed zoning would have on the future occupants of the future campus.

Sincerely,


Mark W. Haley

Project Manager, Caja del Rio Holdings LLC

8814 Horizon Blvd NE
Suite 400
Albuquerque, NM 87113
505.266.5711 phone
505.255.9922 facsimile
www.cauwels-stuve.com



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BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 - PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL



SFC CLERK RECORDED 01/14/2016

AFFIDAVIT OF DOUGLAS M. REID

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Douglas M. Reid being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 112 ARROYO CALABASAS RD. I have lived at that address since 1986
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. ~~I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.~~

Further affiant sayeth naught.

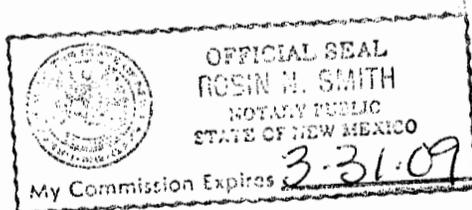
Date: 1-31-08

Douglas M. Reid

Subscribed and sworn to before me this 31st day of January 2008, by Douglas M. Reid

Kate Hill
Notary Public

My commission expires: 3-31-09



- Inbox
- Junk
- Drafts
- Sent
- Deleted
- airstream
- bert
- d.morsman
- e bay
- forrest scott
- go daddy
- hotel job
- I. Wolk
- julia
- lasersoft
- les libo
- michelson
- neighborho...
- paul taylor
- photo orders
- Rangefinder
- shearburn
- sonny lewis
- tim best
- town center
- vanguard
- verve
- Manage folders
- Today
- Mall
- Contacts
- Calendar

Placita de la tierra

From: **Jane Deignan** (jane.deignan@gmail.com)
Sent: Sun 1/27/08 2:35 PM
To: WILLIS F LEE (willisflee@msn.com)

Statement and Concerns about the proposed Placitas de la Tierra, Phase 2

My husband and I have lived at 40 Arroyo Calabasas for exactly 11/2 years and what we liked about the area was the quiet and commercial free atmosphere. At no time before or after we bought the house were we informed by the two realtors that there was a pending commercial center in the planning in the area.

There were over 750 signatures opposing the Placitas de la Tierra, which makes it obvious to me that a vast majority of the people living up here are oppose to this commercial center. These people said "no". Do you have a problem hearing?

I've lived in No. Californai where they have built and situated buildings in inappropriated areas but NEVER a commercial center in the middle of a residential area. Even Eldorado's shopping center is closed to the Interstate and not situated in the middle of the Eldorado residential area. Tesuque Market is not miles in off of 285 but close to the exit. Building a market or whatever is commercially and financially viable off of 599 makes a lot more sense than placing a commercial center in the middle of a residentail community. The people that live in Las Campanas don't want want this center in their area and we don't either. It seems to me you're not paying attention to the facts; excessive traffic noise, visual impact, night lights will all have a big impact on my family and many others in the area.

It appears that by allowing the center to be built you are keeping the builders happy but when they find out the community is not supporting the various businesses, they may have wished you hadn't given them the "go ahead" Look at Aldea!!!! Also, what about the 740 plus voter against you in the future.

Statements by

Jane Deignan
40 Arroyo Calabasas
Santa Fe, NM 87506

--
Jane

SEC CLERK RECORDED 01/14/2016



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Honorable Members of the EZA

My name is Van Baehr and I have lived at 102 Arroyo Calabasas Rd. since 1978, before there was even a road! Thank you for listening to my thoughts on the proposed commercial development on our road. Like virtually all my neighbors, I am steadfastly opposed to such a large and intrusive project. I've witnessed a tremendous amount of development in the past thirty years but it has all been residential and, though widespread, it is quite livable and not unexpected. I am not opposed to lots and lots of neighbors and actually welcome good neighbors. However, if I need the services of a commercial development, I just drive to DeVargas Mall. That's what town is for. This part of the county is for quiet neighborhoods, in a rural setting. Please do not let this Mall go through as it will foreverafter grossly degrade the rural feel of the place where my neighbors and I live happily. In addition, I don't think that the proposed development will ever attract many businesses and that it will sit largely vacant and forlorn for many years as a monument to poor planning. Thank you for considering my heartfelt views.

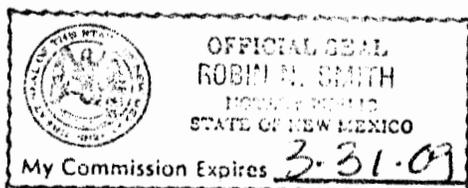
Sincerely,

Van Baehr

Van Baehr
103 Arroyo Calabasas Rd.

*Sworn + deposed before me on this
28th day of January, 2008 by
Van Baehr, personally known
to me.*

Robin N. Smith
ROBIN N. SMITH
NOTARY PUBLIC OF
THE STATE OF NEW MEXICO
COUNTY OF SANTA FE
My Commission Expires:
3-31-2009



SFC CLERK RECORDED 01/14/2016

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY

EZ CASE #DP97/4524 PLACITAS DE LA TIERRA

APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF Elizabeth (Lisa) Reid

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Lisa Reid, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 36 Camino Cielo, Santa Fe, NM. I have lived at that address since May, 1992.
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Further affiant sayeth naught.

Date: 1/29/08

Elizabeth Reid

Subscribed and sworn to before me this 29th day of JANUARY, 2008, by
FRANCES J. ELLIOTT

Frances J. Elliott

Notary Public

SFC CLERK RECORDED 01/14/2016

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY

EZ CASE #DP97/4524 PLACITAS DE LA TIERRA

APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF ROBIN N. SMITH

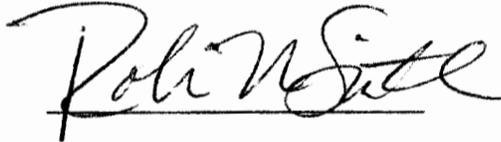
SFC CLERK RECORDED 01/14/2016

STATE OF NEW MEXICO)
) ss
COUNTY OF SANTA FE)

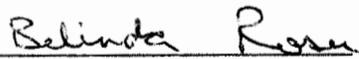
I, Robin N. Smith, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 121A Arroyo Calabasas, Santa Fe, NM 87506. I have lived at that address since 1994.
 2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
 3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
 4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
 5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.
- Further affiant sayeth naught.

Date: 1.21.08



Subscribed and sworn to before me this 21 day of January, 2008, by Robin N. Smith.



Notary Public

My commission expires: 6/2011



BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 - PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF Courtney C. Lee

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Courtney C. Lee being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 4 Camino Calabasas. I have lived at that address since 2005.
2. I am an adjacent property owner to the proposed Placitas de la Tierra development, and I have not received any notification regarding the January 31, 2008 EZA Meeting.
3. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
4. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
5. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
6. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Further affiant sayeth naught.

Date: 26 Jan '08

Courtney C. Lee

Subscribed and sworn to before me this 26th day of January, 2008, by Courtney C. Lee

Robin N. Smith
Notary Public

My commission expires: 3.31.09



SFC CLERK RECORDED 01/14/2016

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 - PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF Shawn Lee

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, SHAWN LEE being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is #4 Camino Calabasas. I have lived at that address since 2005. *
2. I am an adjacent property owner to the proposed Placitas de la Tierra development, and I have not received any notification regarding the January 31, 2008 EZA Meeting.
3. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
4. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
5. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
6. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

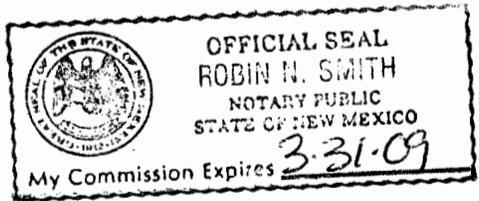
Further affiant sayeth naught. * Additionally, I ^{worked} lived on this road from mid-1998 to mid-1999 and lived from during the year of 2000. Shawn Lee

Date: 1/26/08

Subscribed and sworn to before me this 26th day of January, 2008, by Shawn Lee

Robin N. Smith
Notary Public

My commission expires: 3-31-09



SFC CLERK RECORDED 01/14/2016

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY

EZ CASE #DP97/452 PLACITAS DE LA TIERRA

APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF F. Houston Davis and Alice M. Davis

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

We, F. Houston Davis and Alice M. Davis, being duly sworn, do hereby state and affirm of our personal knowledge:

1. We are residents of Santa Fe County, New Mexico. Our residence address is 10 Camino Montuoso. We have lived at that address since June, 2004.
2. We regularly travel past the intersection of Camino la Tierra and Arroyo Calabazas roads, and have done so since we have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to us, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. We are opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. We are, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Further affiant sayeth naught.

Date: 1-26-08

F. Houston Davis Alice M. Davis

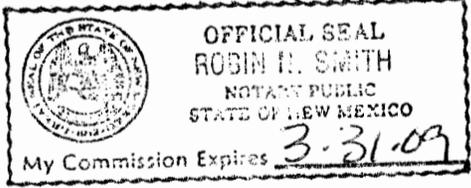
F. Houston Davis Alice M. Davis

Subscribed and sworn to before me this 26th day of January, 2008, by Houston Davis & Alice M. Davis

Robin Smith

Notary Public

My commission expires: 3-31-09



S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 - PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF Roberta Lee

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Roberta Lee being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 20 Arroyo Calabasas. I have lived at that address since 1998.
 2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
 3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
 4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
 5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.
- Further affiant sayeth naught.

Date: 1-26-08

Roberta Lee

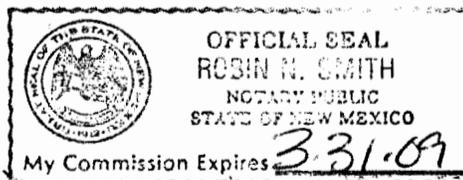
Subscribed and sworn to before me this 26th day of January 2008, by

Roberta Lee

Keli Witt

Notary Public

My commission expires: 3.31.09



SFC CLERK RECORDED 01/14/2016

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY

EZ CASE #DP97/4524 - PLACITAS DE LA TIERRA

APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF WILLIS LEE

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Willis Lee being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 20 Arroyo Calabasas. I have lived at that address since 1998.
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Date: 1-26-08

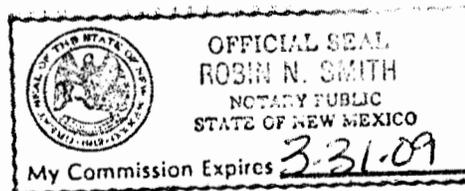
Willis Lee

Subscribed and sworn to before me this 26th day of January 2008, by WILLIS LEE

Robin N. Smith

Notary Public

My commission expires: 3-31-09



SFC CLERK RECORDED 01/14/2016

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 - PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL
AFFIDAVIT OF SANDRA DECKER

STATE OF NEW MEXICO)
) ss
COUNTY OF SANTA FE)

I, Sandra Decker, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 24 Camino Cielo. I have lived at that address since July, 1991.
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Further affiant sayeth naught.

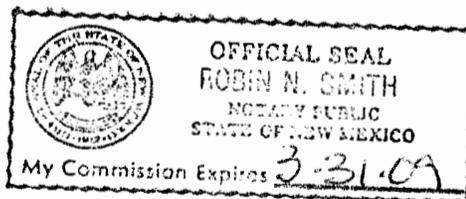
Date: 1/28/08

Sandra Decker

Subscribed and sworn to before me this 28th day of January, 2008, by Sandra Decker

Koli Witt
Notary Public

My commission expires: 3-31-09



S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY

EZ CASE #DP97/4524 PLACITAS DE LA TIERRA

APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF ZACH FORTNER

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

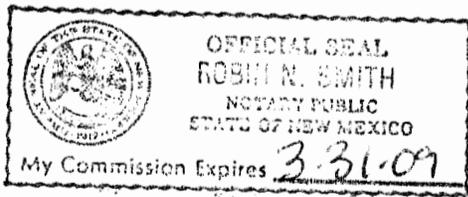
I, Zacch Fortner, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is: 105 Arroyo Calabasas Rd., Santa Fe, NM, 87506. I have lived at that address since February 06, 1996.
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Further affiant sayeth naught.

Date: January 25, 2008

Zacch Fortner
ZACCH FORTNER



SFC CLERK RECORDED 01/14/2016

Subscribed and sworn to before me this 25th day of January, 2008, by
Zach Fortner



Roli White

Notary Public

My commission expires: 3.31.09

SFC CLERK RECORDED 01/14/2016

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL
AFFIDAVIT OF ELISABETH OBERTEUFFER

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Elisabeth Oberteuffer, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 123 Arroyo Calabasas. I have lived at that address since October, 1999.
 2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
 3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
 4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
 5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.
- Further affiant sayeth naught.

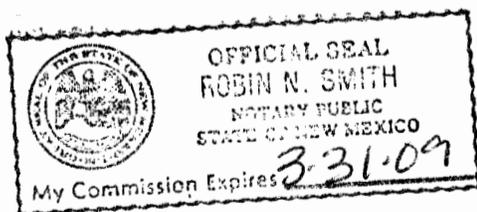
Date: 29 January 2008

in out

Subscribed and sworn to before me this 29th day of January, 2008, by
Elisabeth Oberteuffer

Robin N. Smith
Notary Public

My commission expires: 3-31-09



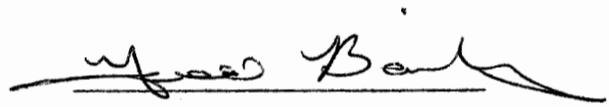
BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL
AFFIDAVIT OF TODD BAILEY

STATE OF NEW MEXICO)
) ss
COUNTY OF SANTA FE)

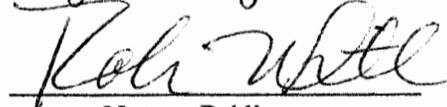
I, Todd Bailey, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 123 Arroyo Calabasas. I have lived at that address since April, 1996.
 2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
 3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
 4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
 5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.
- Further affiant sayeth naught.

Date: 1/29/08

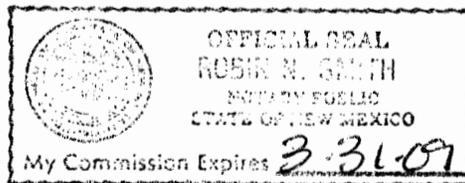


Subscribed and sworn to before me this 29th day of January 2008, by
Todd Bailey



Notary Public

My commission expires: 3-31-09



BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY

EZ CASE #DP97/4524 PLACITAS DE LA TIERRA

APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF PLACITAS DE LA TIERRA

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Jack W. Powell, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is _2 Camino Cielo. I have lived at that address since 2005.
2. I live down the road on the corner of Arroyo Calabasa & Camino Cielo and regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Further affiant sayeth naught.

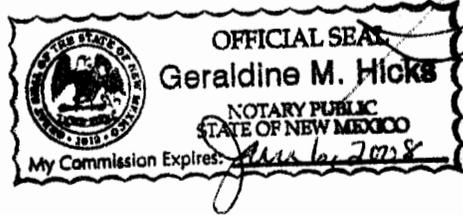
Date: January 29, 2008

Jack W. Powell

Subscribed and sworn to before me this 29 day of JANUARY, 2008, by

Jack W Powell

Geraldine M. Hicks



BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF John B. Mott

STATE OF NEW MEXICO)

) ss

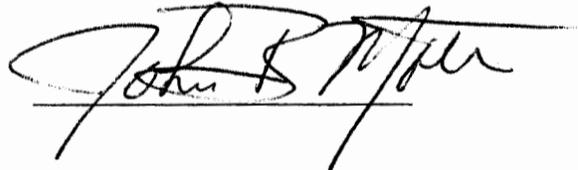
COUNTY OF SANTA FE)

I, John B. Mott, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 24A Vista Calabasas. I have lived at that address since July 2003.
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
5. I am opposed to the proposed commercial development on the south side of Camino la Tierra. It is inappropriate in scale and density for a residential neighborhood. I am, however, not opposed to development of a smaller commercial center on the north side of Camino la Tierra, as was originally planned and proposed.

Further affiant sayeth naught.

Date: January 29, 2008

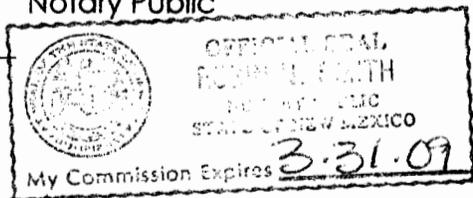


Subscribed and sworn to before me this 29th day of January 2008, by
John B. Mott



Notary Public

My commission expires: 3.31.09



BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY
EZ CASE #DP97/4524 PLACITAS DE LA TIERRA
APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF Letitia A. Krakowski

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Letitia A. Krakowski, being duly sworn, do hereby state and affirm of my personal knowledge:

1. I am a resident of Santa Fe County, New Mexico. My residence address is 24A Vista Calabasas. I have lived at that address since July 2003.
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
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Further affiant sayeth naught.

Date: January 29, 2008

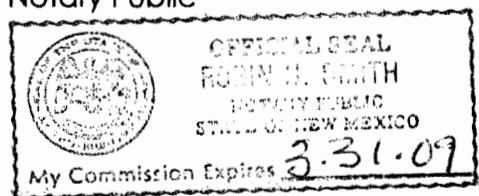
Flulaschi

Subscribed and sworn to before me this 29th day of January, 2008, by
Letitia A. Krakowski

Kohi White

Notary Public

My commission expires: 3.31.09



Testimony by Karolyn Eisenstein, 115 East Sunrise Drive, to the EZA, 1/31/08

I live in Salva Tierra, a neighborhood directly abutting the Las Campanas sales offices on the east.

It is only because I believe deeply in my responsibilities as a citizen that I bother to come here tonight. I learned in March of last year, when this proposal for a shopping center in my neighborhood, came before the EZA for preliminary design approval, that the thoughtfully considered opposition by many hundreds of neighbors made little impression on the EZA.

But I am here tonight because you must be told that the opposition is still strong and thoughtful. The concerns of neighbors for their safety and quality of life are intense—particularly among those who use Camino la Tierra, a divided roadway with one-lane-in-each-direction. It is our only exit to 599 in case of fire or other disaster.

Speaking of fire, this past year a house in Las Campanas near us burned to the ground. The first fire engine reached the site 25 minutes after being called. Yes, county residents have voted a new tax for fire protection. But I am not particularly comforted that, in 2009, the fire station in Aqua Fria should be manned, cutting a few minutes off the response time.

Does the county understand what adding a large commercial center with gas pumps and many cars and trucks with drivers who have had public access to alcohol might mean for the fire hazard and road hazard in our neighborhood? What kind of sales job is it going to take for this proposed shopping center to get fire and casualty insurance? Have they addressed that issue?

If the EZA approves this shopping center, we neighbors fully expect that it will fail as a commercial venture. Aldea, just a few miles away, is failing as a commercial destination. This, even though there is now a road from Las Campanas through Aldea to 599. What happens to our neighborhood when shops sit empty and deteriorate?

The market study provided by the developers for this Las Campanas shopping center was a sham – a count of roof tops, not of desire by people for shopping sites. Please remember that over 700 people signed petitions opposing this commercial development, and these are people who live here, work here, vote here -- not simply own a second home here.

You may be asking yourself as an EZA member, what basis do I have for denying these developers? Consider this: in 2001 when they asked for final development approval for

the north-side of Camino la Tierra – for a Tesuque-style café and market, 2 gas pumps, and an office building – the documents show that they argued that they wanted to test whether commercial development in this neighborhood was viable. They never did that test.

Instead, in August of 2006 they popped on the neighbors a proposal for large commercial development on the south-side of Camino la Tierra, at Arroyo Calabasas.

They have as much as admitted that they did not post notice of commercial development on the south-side in 2001 when the north-side was the issue. But they argue now after-the-fact that the two parcels are one parcel, so no posting was required. They reference some antiquated master plan.

The fire safety issues, the superficial market study, the lack of posting concerning development on the south-side are all reasons for the EZA to deny final development approval and call for a real Master Plan serving neighborhoods in the Northwest.

I would also like to think that the opposition of many hundreds of neighbors to commercial development in their backyards, along their only major thoroughfare – all-be-it only one lane in each direction – that this opposition would also weigh on the EZA. The proposed shopping center will degrade our community.

BEFORE THE EXTRATERRITORIAL ZONING AUTHORITY

EZ CASE #DP97/4524 PLACITAS DE LA TIERRA

APPLICATION FOR FINAL DEVELOPMENT PLAN APPROVAL

AFFIDAVIT OF

Sally S Bennett

STATE OF NEW MEXICO)

) ss

COUNTY OF SANTA FE)

I, Sally S Bennett, being duly sworn, do hereby state and affirm of my personal knowledge:

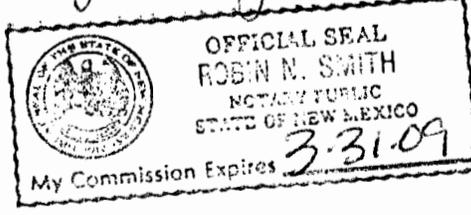
1. I am a resident of Santa Fe County, New Mexico. My residence address is 89 Arroyo Calabasas Rd. I have lived at that address since 1989.
2. I regularly travel past the intersection of Camino la Tierra and Arroyo Calabasas roads, and have done so since I have lived at the address provided above.
3. At no time prior to 2006 was notice ever posted on the south side of Camino la Tierra indicating that master plan approval was being sought or had been granted to rezone land on the south side of Camino la Tierra for commercial development.
4. Prior to 2006, representatives of Las Campanas had repeatedly represented to me, by means of plats and area maps, that commercial development in the area would be limited to a small tract of land on the north side of Camino la Tierra, at the current location of the Las Campanas sales and information offices.
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Further affiant sayeth naught.

Date: *1/28/08*

Sally S Bennett

Subscribed and sworn to before me this *28th* day of *January*, 2008, by *Sally S. Bennett*



SFC CLERK RECORDED 01/14/2016

Jonathan Keeton & Melinda Tidwell
20 Vista Calabasas
Santa Fe, NM 87506

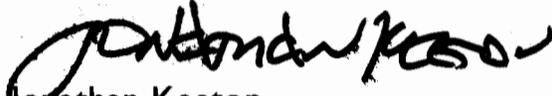
12-18-15

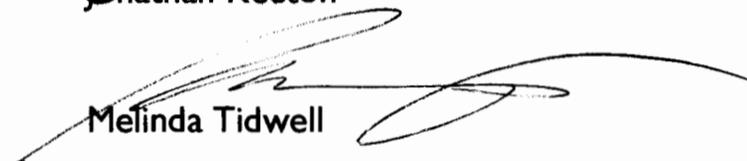
Penny Ellis Green
Director of Growth Management Department,
P.O. Box 276, Santa Fe, NM
87504-0276



We are writing to strongly suggest that the 12 acre parcel at the intersection of Arroyo Calabasas and Camino La Tierra be rezoned as RES-E to match the surrounding area. Any commercial development here would greatly disturb the area and be forcefully opposed by all the residents, just as it was in 2006.

Thank you for your consideration


Jonathan Keeton


Melinda Tidwell

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

We the undersigned residents of the greater Camino La Tierra area stand OPPOSED to the proposed commercial development formerly known as "Plazuela de la Tierra", now being referred to as the "The Town Center at Las Campanas"

As a residential/rural community, we have NO NEED or DESIRE for the traffic, noise/light pollution, litter, crime potential and disruption this commercial invasion would force upon our neighborhoods

We know and have confirmed with the Santa Fe County Land Use Department that this is far from an approved project and in no way a "done deal"

We respectfully request that the EZC and EZA - REJECT this development which will have a significant negative impact on the quality of our lives forever.

Please print NAME, ADDRESS and DATE		2006
Sherry Lammert	59 Paseo del Cond	10/22/06
Sherry Lammert	"	10/22/06
CHRIS HARRIS	13 Paseo del Cond	10/22/06
JOCK HARRIS	"	10/22/06
WYME SCHMIDT	59 Paseo del Cond	10/22/06
WIDE SCHMIDT	"	"
RICHARD HARDING	9 E. SAND SAGE	10/22/06
KARITA E. HILLS	9 SAND SAGE E	10/22/06
LORNA DYER	52 PASEO DEL COND	10/22/06
Becky Gerwin	4 Casmos Circe	10-22-06
Ann Gerwin	4 Casmos Circe	10-22-06
Ann Gerwin	52 Vista Circe	10-22-06
ROBERT SIEBERT	29 AN DEL SENDERO	10-22-06
Fanela Lucas	15 Los Prudus	10-22-06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
SARAH HAMMOND	10 COPPERMALLOW ROAD	10/22/06
D. WAYNE COOKE	5 DANDELION CIR.	10/22/06
Edwyna L. Bueckle	38 Sunflower Dr.	10/22/06
Susan J Bueckle	38 Sunflower Dr.	10/22/06
Ezra Schidkraut	3 Vista Valle Grande	10/22/06
Kenee Schidkraut	3 Vista Valle Grande	10/22/06
DONALD HATTON	12 COLUMBINE LN	10/22/06
KAY HATTON	" " "	" " "
KAREN HATTON	" " "	" " "
Tommy Atkin	29 Tierra Grande	10/22/06
Tom Beyer	29 TIERRA GRANDE	10/22/06
Ken Whitmore	16 Uvilla Linda	10/22/06
Heather Jones	14 N SPARROW LANE	10/22/06
Heather Jones	" " "	10/22/06

SFC CLERK RECORDED 01/14/2016



To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Patsy S Nelson	23 Avenida de Mercedes	22 Oct 06
PAUL NELSON	23 Avenida de Mercedes	22 Oct 06
CARLIE LINES	44 VALLECITO RD	22 OCT 06
CAROL MOORE	21 BLUEJAY	10/22/06
Troy Moore	21 Bluejay	10/22/06
MICHAEL MCNEIGH	6 MINT CIRCLE	10/22/06
DE SCHAFFER	5 BLANKET FLOWER	10/22/06
BARBARA YIGLI	65 VUELTA MARIA	10/22/06
BARBARA E. SHIRES	4 VIA DE ESTRELLAS	10/22/06
DONALD L. SHIRES	4 Via de Estrellas	10-22-06
ALENA MARCINSON	101 TANO NORTE	10-22-06
Patrick F. Roubal	REG 1 H# 49 Espanola N.M.	10-22-06
Clorinda L. TORRES	1020 Cinti Cirujana Vista	10-22-06
Yveta Montoya	30 Piedras Negras	10/22/06

SF

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Melanie Barbee	67 Sunflower Dr.	10-22-06
Elizabeth Rodgers	7 Delilah Lane	10-22-06
Kathy Alvarez	109 A Fin del Sendero	10-22-06
Marc Alvarez	109A Fin del Sendero	10-22-06
Vincent Stenerson	40B Calle Josephina	10/22/06
Caroline Eden Stenerson	40B Calle Josephina	10/22/06
Justine Stenerson	40B Calle Josephina	10/22/06
Mary E. Hassard	1921 Arroyo de las Cienas	10/22/06
John M. Hassard	1921 Arroyo de las Cienas	10/22/06
Mario Stenerson	16 Camino Ladera	10/22/06
Kyra Hidalgo	4 HIGH RIDGE	10/22/06
John Rodgers	7 Delilah Ln	10/22/06
John & Tom Collett	3 DAISSY CIRCLE	10-22-06
Anthony M. Sauer	3177 VISTA SHADON	10/22/06

3177

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE	2006
Jamie F. Revell & Frevel @ 901 4thistle lane	10/4/06
Deborah Blahoski 111 E SUNRISE DR	10/4/06
Myra Womack 111 E SUNRISE DR	10/4/06
J. Alan... 21 (E. St.) Ln. Trail	10/5/06
Cliff 1553 KACHIBEST	10/8/06
Peter Grandspreed 2 Thyme Court	10/21/06
Antonia Grandspreed 2 Thyme Court	10/21/06
Charles Anthony 2 Thyme Court	10/21/06
Roland & Melissa Kimball 19 MIDLAND	10/21/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE	2006
DAN KOFFMAN 8 COLUMBINE SPNM 87505	October 20, 2006
BETH COHEN 8 COLUMBINE SPNM 87505	October 20, 2006
AVREE KOFFMAN 8 COLUMBINE SPNM 87505	October 20, 2006
Jayna Saterndary 11 Vista del Arroyo #1526	Oct 20 06
Teri Hedack 16 Delilah Lane	Oct 21, 06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
BUSTER ROSS	12 Vuelta Tomas	10/21/06
MICHAEL M THACKER	3161 VISTA SANDIA	10/21/06
BOB A FORTHMAN	15 W. WILDFLOWER DR.	10/21/06
GEORGE W COX	108 Vuelta Maria	10/21/06
Allen S Mason	3241 Coll. Celestial	10/21/06
Patricia Cox	98 Vuelta Maria	10/21/06
Sandra Summers	13 PISCANO PK.	10/21/06
DAVID C NELSON	19 VUELTA SABLO	10/21/06
ANTHONY RODDE	62 STRA DUNGEN TRAIL	10/21/06
CAROLYN RODDE	60 STRA DUNGEN TR	10/21/06
Jane McGovern	58 Vallecito Rd	10/21/06
MICHAEL CASTELLANO	7718 ALCOVE AVE N.H. CA	10/21/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

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Please print NAME, ADDRESS and DATE		2006
CATHERINE KURLAND	19 Camino Montoso	Oct 21
DAIRLA COX	108 VUELTA MARIA	Oct 21
Charles Morahan	16 South Stargazer	Oct 21
Bruce Tim Willson	11 Columbine	Oct 21
Doris ALLEN	11 Columbine	Oct 21
Fern Finley	5 Camino Delilah	Oct 21
Robert L Finley	5 Camino Delilah	Oct 21

To: Santa Fe EZC/EZA Boards; Joe Catanach

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Please print NAME, ADDRESS and DATE	2006
JAMES ROSS 474 E WILLOW	10/21/06
JANA ROSS	10/21/06
Betty Jackson 23 Hawthorne	10/21/06
Maura McKenna 6 Shortland St. SF.	10/21/06
Bruce C McKenna 6 Shortland St. SF.	10/21/06
RICHARD GRHAM 13 Vuelta Solis	10/21/06
Spencer L. Garr 51 Vuelta Maria	10-21-06
George Panagos #15 Pecos Canyon	10-21-06
Carolyn Panagos 57 Pecos Canyon	10-21-06
Gina Gillman 7 E. Sunflower Circle	10/21/06
Mary Kraai 119 Quiparus St	10/21/06
John Cook 74 Arroyo de las Cuevas	10/21/06
Frederick Diehl 12 Paseo de Aquila	10/21/06
Candice Turbaldson 82 Paseo de la Tierra	10/21/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

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Please print NAME, ADDRESS and DATE	2006
JOHN + LYNNE ARNOED 17 Stonegate Circle	10/21/06
Lynne Washburn 17 Stonegate Circle	10/21/06
Alice Kitzelman 70 Vuelta Maria	10/21/06
Robert Waddell Lot 84 - Via Pampa	10/21/06
Tom & Margaret Lopez 21 Hawthorne Circle	10/21/06
DAVID NELSON 17A Pecos Dr. Ojo	10/21/06
BONNIE DEUTEL 20 Blue Jay Drive	10/21/06
Norman C. Bicket " " "	10/21/06
SEYMOUR BERLIN 125 PASEO LA TIERRA	10-21-06
Jo Dattilo PO Box 8420 SF	10-21-06
GRAHAM JONES 19 TANO NORTE	10/21/06
Russ A. Jones 19 Tano Norte	10/21/06
Lisa Kellen 12 Vuelta Tierra	10/21/06
Paul Keller 12 Vuelta Tierra	10/21/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE	2006
Alice A. Wright	5 Dandelion Circle SFNM 10-21
DIANNE BROOMIS	17 Mint Circle, SFMM 10-21
J. Vallet	8 Vallejo Terrace 10/21
Henry M. Lewis	19 Sonrisa Trail 10/21
Catherine NH Lewis	19 Sonrisa Trail 10/21
LARRY BARON	7 Sierra Dr. Alt. NW 10/21
GEORGE PRICE	15 Vallejo Avenue 10/21
CAROL PRICE	15 Vallejo Avenue 10/21
Jan Fennell	2 Camino Circle 10/21
CAROL Rich	67 Vallecito Road 10/21
Robert Rich	67 Vallecito Road 10/21
CAROL OLMSTEAD	18 Paseo DE AGUILA 10/21
Thomas Olmstead	18 Paseo de Aguila 10/21
Arne Valiquin	11 Vista Conchita 10/21

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE	2006
Randy Weher	32 Cam HASTAMANA, SF OCT 21, 06
CHARLES SAMP	6 Vista de la Vista 8796 OCT 21, 06
HAROLD PAUL	2 NORAD BRISA PRFJ 10 OCT 21, 06
Andrea Paul	2 N. Brisa Fresca 10/21/06
Dwight Larson	114 E. Sunnie Dr 10-21-06
RICHARD STROTZ	#17 PASTO DEL UTMADG 10-21-06
JAMES W. TOEVS	15 CAMINO DELLAH 10/21/06
PAULIANE TOEVS	15 CAMINO DELLAH 10/21/06
ANNA M. MONTAÑOS	6 Blanket Flower 10/21/06
CHAS CAMP NO	6 Blanket Flower 10/21/06
JAY REDDEN	16 DELAH LANE 10/21/06
Bernard Marks	81 Bluestem Tr 10/21/06
MARLENE MONTAÑOS	503 BALIA LANE 10-21-06
Edwina Montanos	503 Balia Lane 10-21-06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Steven Salem	81 Paseo La Tierra 4	10/22/06
Suzanne Stone	39 Wildflower R	10/22/06
Tom Keelock	3100 VISTA SANDIA	10/22/06
Liz Kellogg	" "	10/22/06
Victoria M. Purstao	3177 VISTA SANDIA	10/22/06
Steve Pollock	86 EGRET ST	10-22-06
Bob Rook	3 Sand Sage E	10-22-06
Victoria Carr	3 Sand Sage E	10-22-06
Conrad DeJong	24 Shaman	10-22-06
JAMIE OAKES	34 CAMINO LADERA	10-22-06
Eileen Hutchinson	54 La Serena Trl	10-22-06
WALLACE HUTCHINGS	54 LA SERENA TRL	10-22-06
JOHN SERKIN	19 CAM MONTRESOR	10/22/06
Jack Hartzell	2 PACCINCO (1900)	10/22/06
Joellen Towell	2 PACCINCO (1900)	10/22/06

REC 5 2006

To: Santa Fe EZC/EZA Boards; Joe Catanach Date 28-Sep-06

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Please print NAME, ADDRESS and DATE

JOHN AKSTED 4 COLUMBINE 10/22/06

[Signature]

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Please print NAME, ADDRESS and DATE		2006
SHERY HILL	4 EAST SANDS SAGE	10/21/06
Gordon Hill	4 EAST SANDS SAGE	10/21/06
SUSAN SUSSMAN	42 Lluvia de Oro	10/21/06
Jim Sussman	42 Lluvia de Oro	10/21/06
Alice Davis	10 Camino Montuoso	10/21/06
Houston Davis	10 Camino Montuoso	10/21/06
William Kissell	12 East Sunflower Circle	10/21/06
PAUL GLICKMAN	272 Camino Viejo Arroyo	10/21/06
Laura Reinbold	45 Paseo del Coyote	10/21/06
Jay Reinbold	45 Paseo del Coyote	10/21/06
Thompson Jordan	19 Camino Calabazas	10/21/06
Joe Prinsivelli	171A Camino Calabazas	
Bruce J. Granger	@ Vista Coyote	10/21/06
DONNA F. MURPHY	4 MORNING GLORY CIR.	10/21/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

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Please print NAME, ADDRESS and DATE		2006
ALICE ZLATKOFF	8 BLANKET FLOWER CR.	10/17/06
CHARLES ZLATKOFF	8 BLANKET FLOWER CR.	10/17/06
Simon Mostert	113 E Sunrise Dr.	10/21/06
Nel Mostert	113 E Sunrise Dr.	10/21/06
LORRAIN LANMON	114 E. SUNRISE DR	10/21/06
DWIGHT LANMON	114 E. SUNRISE DR	10/21/06
LOIS MANDROS	18 Camino Montuoso	10/21/06
JAMES MANDROS	18 Camino Montuoso	10/21/06
YUKI MURATA	2240 W. Alameda #1 SF	10/21/06
Chris Long	2240 W. Alameda #1 SF	10/21/06
Maya Springer	32 Paseo del Coyote SF	10/21/06
TOBY HERBST	196 Paseo de la Tierra	10/21/06
Uli Herbst	196 Paseo de la Tierra	10/21/06
Zelly Herbst	196 Paseo de la Tierra	10/21/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

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Please print NAME, ADDRESS and DATE		2006
Thany A. Nuehl	12 Paseo de Aquila	10-21-2006
Lindsey Smith	25 Sangre de Toros Dr.	10-21-2006
Radice Smith	25 Sangre de Toros Dr.	10-21-2006
Stephanie Toussaint	27305 Delington	10-21-2006
Paula Williams	4 Palentine Rd.	10/21/2006
THE OTT	4 PALENTINE RD	10/21/2006
ANTARA FISCHER	17 SONRISA TRAIL	10/21/2006
Kurt Fischer	17 Sonrisa Trail	10/21/06
YOLANDA FORTH MANN	15 W. WILDFLOWER	10/21/06
Inge van den Broek	24 Cam. Los Sueños	10/21/06
SANDRA GRAHAM	13 VUELTA Sabino	10/21/06
LEE STECK	1380 VISTA CORDADO	10/21/06
JOHN D. RICE JR	4 E WILDFLOWER DR	10/21/06
Gloria R. Rice	4E Wildflower Dr.	"

Clabey A. W. 22 Koshan 10/21/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Claire Romero	59 Sonrisa Trail	10/21/06
Martha Marks	81 Bluestem Dr.	10/21/06
Patricia Pfost	12 Sky Show	10/21/06
* SARA J. VACHA	43B WILDFLOWER WAY	10/21/06
Robyn Berry	25 Honey Suckle Cir.	10/21/06
Richard Berry	25 Honey Suckle	10-21-06
KATRIEU DEYLEGAT	3715 CANYON CELESTIAL	10/21/06
Jane Hare	Boston, MA	10/21/06
W. H.	Boston	10/21/06
Christy J. G.	32 Paseo del Coyote	10/21/2006
James J. G.	#9 Paseo del Paisano	10/21/06
Deanna A. Chester	67 Camino Calabran	10/21/06
Diane M. Johnson	11 Clover Court	10/21/06
Bruce M. Johnson	11 Clover Ct	10/21/06

pls return to Cyndi 231-1618

To: Santa Fe EZC/EZA Boards; Joe Catanach Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Virginia Boulls	1 Dandelion Circle	Oct. 14, 2006
Jan Kovach	4 Dandelion Circle SF	10/9/2006
J. PATRICK KELLEY	4 Dandelion Circle	10/9/2006
Lloyd & Kathy Foster	2 Columbine Lane	10/9/2006
Kathy Foster	2 Columbine Lane	11/1/2006
Jan Shire	18 Columbine Lane	10/14/2006
Peter Giacchini	18 Columbine Lane	10/14/06
Michael Giacchini	21 Peseo del Halcon	Oct 21/06
	michag51@aol.com	

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Please print NAME, ADDRESS and DATE		2006
Jill Baker	10/23/06 137 Michulla Rd Santa Fe 87501	
MARINDY MILLS	27 PASADENA CABALLOE SF 87508	
Jill Baker	29 RABBIT DR 87506	
Carol Ann King	63 MOXA ROAD 87508	
Dal Deammi	24 Ventura Trail SF NM 87506	
Colleen Deammi	24 Ventura Trail Santa Fe 87506	

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Please print NAME, ADDRESS and DATE		2006
PETER MACCORAVOZALE	2945 CALLE ADELINA LAS DOS	Oct 12, 2006
Ken Secis	29 AB Cella Hoblin Las Dos	Oct. 12, 2006
Pam & Michael MacCavozale	120 Ucelta Camino La Tierra	10/12/06
EMILY & WALTER MEAD	29 CALLE ADELINA	10/19/06
STEFANY FERREI	2 E. SUNRISE DR	11/4/06
MARILYN GORDON HEARST	42 Wildflower Way	Nov. 4, 2006
MICHAEL OLIVERA	35 LA SERENA TRAIL	11/4/06
William Fieresen (Jim) Jim	327 Cella Coladachul	11/4/06
FRANK WILSON	4 Paseo del Coyote	11/4/06
Jim Spacy	24 Cella P. Pixey	11/4/06
John Lumb	28 Paseo del Coyote	11/4/06
Glen Robling	12 Palentine Rd	11/4/06
DANIEL GASCON	12 Palentine Rd	11/4/06
Stephanie H. Johnson	3422 Del Monte	11/4/06

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Please print NAME, ADDRESS and DATE		2006
LETITIA KRAKOWSKI	24 Vista Calabazas	04 Oct 06
Sandra Dale	24B Vista Calabazas	08 Oct 06
Janet A. Di...	24B Vista Calabazas	09 Oct 06
Christy Lee	4 Camino Calabazas	14 Oct. 06
Neverly Johnson	7 W Wildflower Dr	Nov 17 2006
Barbara Goodman	52 Paseo del Coyote	10/27/06
Michael Krogan	6 Salako Way	11/4/06
Bridney Wolkebrunel	6 Salako Way	11/4/06
Alma Teeterbach	6 Salako Way	11/4/06
MARC DUFMAN	1360 VISTA MORAZA	11/4/06
Arabelle Luckhardt	105 E Sunrise Dr	11/4/06
C. Gail Luckhardt	105 E Sunrise Dr	11/4/06
Joshua J. Fortmann	15 W. W. 1st Flower Drive	11/4/06
JULIE C. BERMAN	1301 VISTA MORAZA	11/4/06

ms. return only

To: Santa Fe EZC/EZA Boards; Joe Catanach Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Tracy Reiter	1147 Del Rio Santa Fe	Nov 4, 2006
Walter Nunez	155 Cloudcroft Rd	Nov. 4 2006
Pat Bellans	109 Moya Rd. 87508	NOV. 4 2006
CINDY KIRBY	1380 Vista Colorado 87506	NOV 4 2006
Richard Barela	15 Paseo de Aguilas	11/4/06
Diane Barela	15 Paseo de Aguilas	11-4-06
Donald Sandstrom	112 E. Sunrise Dr.	11-4-06
Mindy Holland	28 PASEO DEL CONEJO	11-4-06
RAEL SCHREINER	143 Calle Ventoso W.	11-4-06
Don Lissa	3 Estrada Calabasa W.	11/4/06
Rita Lissa	5 Estrada Calabasa W.	11/4/06
Don Lissa	59 Arroyo Calabasa W.	11/4/06
Don Lissa	28 Paseo Del Coyote	11/4/06
Leonel Pascual	20 PAINTBRUSH CIRCLE	11/4/06

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Please print NAME, ADDRESS and DATE		2006
Beth Cohen	8 Columbine SF NM 87506	
Carola Cliff	9 Vuelta Yucca SF NM 87506	
NED HANNAH	PRINCETON AVENUE NM 87506	
Marilyn Sheldon	11 Dream Catcher 87506	11/4/06
Lois Klezmer	13 Dream Catcher 87506	11/4/06
Michael Klezmer	13 Dream Catcher 87506	11/4/06
Kim Knauth	51 Fin del Sendero 87501	11/4/06
Jane Knauth	"	"
Jean Scully	103 Estrella Dr.	11/4/06
HALB SCULLY	103 Estrella Dr.	11/4/06
Jan Belknap	54 Bluebird Dr	11/4/06
Queen Christine	20 Fairbairn Cr	11/4/06
Richard Martin	31 Thistle Ln	11/4/06
Alan Kone	2200 Rosina	11/4/06

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Please print NAME, ADDRESS and DATE		2006
Cathy Liante	100 Las Praderas SF	11/07/06
JOSE C. PASCUAL	20 FAIRMOUNT CIR	11/07/06
Melanie Rich Hinfert	12 Star Splash, SF	11/07/06
Traciela Thurg Powers	14 Columbia Dr Lane	11/04/06
Ruben + TAKAR	45 Valiente Rd	11/04/06
Olga Choinin	20 Sand Sage West	11/04/06
NICOLAS BURMAN	59 Bivester DR	11/04/06
George M. Cohen	38 Calle Nevada	11/4/06
Vanna Klyper	412 Estrada Colibriosa	11/4/06
Edward Klyper		
Bill THURMANN	144 CHISHAM TR	11/4/06
KEVIN WAIDMANN	7 STAR SPLASH	11/4/06
Jane Freeman	39 E Wildflower Dr SF	11/4/06
Mariys Plomquist	88 Cam Montuoso	11/4/06

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Please print NAME, ADDRESS and DATE		2006
Charles de Sillan	25 Wildflower Way Santa Fe	Nov. 4, 2006
Hannet Schreiner	143 Calle Verdosa SF 87506	11/4/06
DANNY PILONA	4 PARRA DEL COYOTE 87506	11-4-06
BARBARA VADURRO	60 VUELTA HACIENDA 87506	11/4/06
Robert M. Marisa	60 VUELTA HACIENDA 87506	11/4/06
DANNA FRENCH	49 W. COLDEN EAGLE RD.	11-4-06
Melissa B. Brown	21 VUELTA VILCA	11-4-06
Shirley M. Colgate	2 VUELTA YUCCA	11-4-06

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Please print NAME, ADDRESS and DATE		2006
Arcid S. Lundy	27 Blue Jay Drive	Oct. 4
Mary Jo Lundy	27 Blue Jay Dr.	Oct 4
Sarah Valasek	107 E. Sunrise	Oct 4
Ray Kersting	3 First Light	10/4
Aleanna Rando	1 Blanket Flower Cir.	10/4
Debra Prestigiacchi	3 First Light	10/4
Catherine Adams	4 Cholla Circle	10/4
Linda Kellner	28 La Serena	10/4/2006
Karee Kohn	28 La Serena	10/4/2006
GAULE MONAHAN	62 Starry	10/4/2006
Chuck Morata	62 Starry	10/4
Simon Rodis	5 South Starry	10/4/2006
Mindy Rodis	5 South Starry	10/4/2006
Doris Allen	11 Columbine	10/4/06

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Please print NAME, ADDRESS and DATE		2006
LISA COERTUEFFER Li SM	123 Arroyo Calabasas SF NM	87506 9/29/06
Marion Bailey	124 Arroyo Calabasas SF NM	87506 9/29/06
Todd Bailey	123 Arroyo Calabasas	87506 9/30/06
Joan Bae	124 Arroyo Calabasas	87506 9/30/06
Julius Sullin	144 Arroyo Calabasas	87506 10/01/06
Madame Russell	16 Thistle Lane	87506 "
Paul B. Schmitt	22 Uvelin Sabio	87506 10/4/06
JOAN GENTRY	8 SONRIST COURT	87506 10/9/06
Inge van den Berg	24 Camino Los Suenos SF	87506 "
Pattie Freeman	15 Columbine Lane SE	87506 10/4/06
Mr. WILLIAMS	1 MARIANA GOREY CIR SE	87506 10/4/06
MARILYN WALLACE	1 MARIANA GOREY CIR SE	87506 10/4/06
Richard Graham	13 Vuelta Sabio SF	87506 10/4/06

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Please print NAME, ADDRESS and DATE		2006
Ronald Christy	40 Camino Cielo, SF	1 Oct 06
Jenna S. Johnson	40 Camino Cielo SF	1 Oct 06
Andrea Becken	24 Camino Cielo SE	10-1-06
JAMES REID	36 Camino Cielo	10/1/06
Frank Reich	36 Camino Cielo	10/1/06
Nancy McCarthy	16 Sand Sage W	10/4/06
Jay McCarthy	16 Sand Sage W	10/4/06
Chris Ryden	4 Cholla	10/4/06
Barbara Van Audale	20 Thistle	10-4-06
Whelan S. Keen	20 Thistle Ln	10-4-06
Willie Wilson	12 West Wilkerson	10-4-06
INDA VERNON	38 ARROYO CALABASAS	10-4-06
Daniel MARBURG	SF TIERRA GRANOSA	10-7-06

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SHAWN LEE	#4 Camino Calabajas, SF	10/1/06
Robert Lee	20 Arroyo Calabajas	10-1-06
Willis Lee	20 Arroyo Calabajas	10-1-06
Dave Schneider	16A Camino Calabajas	10-3-06
John B. Mori	24 A Vista Calabajas	10-4-06
JAT CONDIER	9 Blended Flower	10-4-06
Bill Conder	9 " "	10-4-06
Elizabeth Hinds	38 Paseo La Tierra	10/4/06
DON BALICK	13 ELK CIRCLE	10/4/06
FRED WILLIAMSON	1 CHOLLA CIRCLE	10/4/06
MAUREEN WILLIAMSON	1 CHOLLA CIRCLE	10/4/06
Ann Teitelbaum	3 Columbine Lane	10/4/06
Greg Deringer	1 Finch Circle	10/4/06
Red [unclear]	3 Columbine Lane	10/6/06

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Date 28-Sep-06

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As a residential/rural community, we have NO NEED or DESIRE for the traffic, noise/light pollution, litter, crime potential and disruption this commercial invasion would force upon our neighborhoods.

We know and have confirmed with the Santa Fe County Land Use Department that this is far from an approved project and in no way a "done deal".

We respectfully request that the EZC and EZA - REJECT this development which will have a significant negative impact on the quality of our lives forever.

Please print NAME, ADDRESS and DATE		2006
DON KIRBY	8 SONRISA CT	10/4/06
Van Baehr	103 Arroyo Calabasas	10/4/06
William Conner	49 Hunter Flower Cir.	10/4/06
Augusta Spward	47 Morning Glory	10/4/06
Mary Elliott	12 Dogwood Circle	10/4/06
LAURENCE JACOBS	60 LA SERENA TRAIL	10/04/06
RON FITZGEN	71 BRANTHORN DR	10/04/06
Pat Taylor	71 Branthorn Dr	
KATE JACOBS	100 LA SERENA TRAIL	10/24/06
Elaine M. Schmidt	22 Vuelta Sebia	10/4/06
William Lima	17 Las Pradas	10/4/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Owen Kouse	35 Camino Cielo	Oct 1
VAW BAEHR	103 ARROYO CALABASAS	10/1/06
ESTHER BAEHR	103 ARROYO CALABASAS	10/1/06
Gary M. Kramer	6 Rising Moon	10/3/06
Roba Kramer	" "	" "
Michael Estep	955502nd Drive	10/4/06
SUEY ESTEP	" "	" "

To: Santa Fe EZC/EZA Boards; Joe Catanach

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Please print NAME, ADDRESS and DATE		2006
<i>E. Walker</i>	1213 Arroyo Calabasas	9/30/06
DANIEL O'NEIL	121A Arroyo Calabasas	9/30/06
DONALD REID	117 Arroyo Calabasas	10/7/06
ZACH FORTNER	105 Arroyo Calabasas	10/01/06
<i>R. B. ...</i>	" " "	10/01/06
<i>A. J. ...</i>	105 Arroyo Calabasas	10/01/06
PEGGY G. CHESTER	67 Arroyo Calabasas	10/01/06
<i>Tracey Fox</i>	60 Arroyo Calabasas Rd	10/1/06
David J. Zerbst	60 Arroyo Calabasas Rd. SF	10/1/06
VINCENT NICOLISI	50 Arroyo Calabasas SF	10/1/06

To: Santa Fe EZC/EZA Boards; Joe Catanach

Date 28-Sep-06

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Please print NAME, ADDRESS and DATE		2006
Tim Willson	11 Columbine	10/4/06
EVE KASINOWE	116 E. SUNRISE	10/4/06
STEVEN KEMPER	4 CLOUD MARCH E	10/4/06
JOANNE KEMPER	4 CLOUD MARCH E	10/4/06



NEW MEXICO
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

2540 Camino Edward Ortiz
Santa Fe, NM 87507
Phone (505) 827-1840 Fax (505) 827-1839
www.env.nm.gov

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

November 30, 2015

Jose Larrañaga, Development Review Team Leader
Planning and Development Division
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276



RE: CDRC CASE # MP/DP Amma Center

Dear Mr. Larrañaga:

I have reviewed the correspondence you provided concerning the referenced development and have only one comment relating to the on-site treatment and disposal of liquid waste.

Although the facility has a valid NMED liquid waste permit (SF940733), that permit was issued for a 6-bedroom residence. My concern is that the "two larger gatherings per year" that average 100 people may overtax the liquid waste system. There is no discussion in the application regarding providing restroom facilities for event participants. These facilities could be temporary in nature, such as "port-o-potties."

Please contact me with any questions or if you need additional information.

Sincerely,

Bill Brown
Liquid Waste Specialist
New Mexico Environment Department

SFC CLERK RECORDED 01/14/2016



December 8, 2015

Board of County Commissioners of Santa Fe County

Re: CDC Case No. MP/DP 13-5000 Amma Center of New Mexico

Dear Commissioners,

This letter is primarily in response to the objections from the "Preserve the Trail Association" in this matter.

Initially, it is critical to realize that the petitions and the bulk of the opposition letters in the file refer to a withdrawn 2013 plan to construct a large meeting center. Given the crowds turning out for Amma's event in recent years even that building was not going to be large enough and Amma herself directed that the application be withdrawn.

Moreover, all three individuals who spoke in opposition at the CDRC meeting are board members of the Preserve the Trail Association, whose membership is unclear and almost certainly overstated.

Amma Center of New Mexico has Peacefully Existed on the Site for Over 20 years (TAB 1)

Amma Center is a small organization with a modest budget. It is a group of people interested in feeding and clothing the poor, meditating for peace and engaging in group worship together to uplift humanity. The overheated rhetoric of "danger" "threats" "tragic results" "traffic jams" "large unpermitted events" that need to be "policed" and "flouting the county code" is misleading, hurtful and upsetting to members of the community. Some objections are understandable and come from fear or ignorance. More are birthed from cultivated fear and intentional misunderstanding.

The Schmidt family has lived in the area since the 1980's, and Amma first came to visit their home in 1987. Her visit was inspiring and she was welcomed back yearly until about a decade ago, when the crowds attendant with her visit simply became too big and that event was relocated off site.¹ During that 18-year period, each year Mr. Schmidt would talk with County staff to determine if any sort of permit was needed. Each year he was told that one was not. The residential ashram and meditation hall were constructed in the mid-1990's and the Amma Center has made peaceful use of them ever since.

There have been no Notices of Violation (NOV's) for unpermitted development, safety violations, noise, etc. and up until the recent activism no code enforcement complaints at all. The opponents repeatedly and disingenuously point to a June, 2014 NOV issued to Amma Center and attempt to use that NOV as evidence that the use is incompatible. In fact, the NOV was for operating a business without a license. Amma Center responded, explaining that it is not a business and is not required to

¹ Amma's visit attracts thousands of visitors to Santa Fe County for several days each summer.

Christopher Graeser ▪ Matthew McQueen

316 E. Marcy Street ▪ PO Box 220 Santa Fe, NM 87504 ▪ 505-982-9074 ▪ chris@tierralaw.com

obtain a business license. Santa Fe County then determined that it would take no further action, and there is neither a requirement to obtain a business license nor any outstanding code enforcement action at this time (despite the opponents' "request for prosecution" requesting fines and imprisonment, submitted to County staff last year). **(TAB 2)**. The opponents seriously and intentionally misrepresent the purpose and effect of that withdrawn NOV.

The opponents testified, under oath, that they have been "deceived," that "many agreements have been broken," that Amma Center hosts a "vast amount of activities" and that well use limitations have been "relaxed" for Amma Center, which is a "multimillion dollar commercial enterprise." There is no real evidence of any of this in the record. Referring to the "burrito project" as if it were a commercial food service operation is sophistry. Cooking a large pot of beans once a week and then having 5 or 6 people wash their hands is an immeasurable impact on water use.

The most important point is that Amma Center is not asking for any new uses, new buildings or increased intensity. **It only seeks approval for the existing use.** Although the Amma Center could ask for more uses, as Mr. Schmidt explained to his neighbors when they were pushing for him to obtain county approvals, it has no intention to do so. County staff asked Amma Center to voluntarily submit an application and it did so.

The Application Complies with the Code and Meets the Objectives of the SLDC (TAB 3)

Staff recommends approval of the application. That recommendation comes only after significant time and expense in addressing staff concerns, and only with conditions that will be expensive to implement.

One of the opponents' fundamental objections is to location of the Amma Center in a residential area. That objection is not borne out by the Code. Community Service Facilities, like residential and agricultural uses, are allowed "**anywhere in the County.**" Ordinance 2010-003. If the two were presumptively incompatible, they would not be permitted to be located in the same area.

The County's existing zoning allows public, institutional, and utilities in a broad range of zoning districts, mainly designated as "community service facilities", so the adequacy of the supply of land for such uses is not a concern. SLDC 2.2.3.4,

All zoning must be in accordance with a plan, and the locational liberality of Ordinance 2010-13 is in accordance with the SLDC's goal of:

Encouraging the location of schools, community centers, government offices, places of worship, and other institutional uses within communities, to serve as a focal point for the community and afford easy access to residents. SLDC 2.2.3.4,

The SLDC similarly permits places of worship in all zoning districts and review is **not discretionary**, with **administrative approval**. SGMP Table 4-1, Appendix B (Use Matrix). Were the current

application under the SLDC, approval as conditioned would be mandated. Amma Center has submitted an application under the current code and prefers to complete the process under that code rather than start anew. However, the County's current policy regarding land use compatibility of churches is clear.

Amma Center's Water Budget is Realistic and Supported (TAB 4)

One of the opponents' primary avenues of attack is a claim that the water budget is unrealistic. Amma Center's proposed budget is .50 acre-feet per year. That budget is developed by a hydrologist and accepted by the County hydrologist. Over the course of 18 years Amma Center used an average of .59 acre feet per year. This was including the large annual Amma visit events, and without recent water conservation measures put in place.

Annual well meter readings are required, and monthly readings are requested by the hydrologist. If the readings indicate excessive water usage, the onus will be on Amma Center to reduce usage or, if necessary, seek donation of additional land to add to the master plan area. The most recent water meter readings show usage at ~.35 afy. The anticipated residency load of the ashram has decreased as its actual occupancy has decreased.

In short, long history puts Amma Center's usage right in the ballpark of its allowable supplies and it should have no trouble staying within the proposed budget.

Concerns Over Fire Danger are Unfounded

The application received a full review from the Fire Prevention Division, which recommended approval. Development features required to obtain fire approval include:

- All access roads (over ½ mile) must comply with fire access road requirements
- Dedicated looped secondary access road required
- Compliance with all urban wildland interface regulations
- Vegetation management plan
- Required signage
- Knox locks
- Fire extinguishers

The upgraded roads, fire prevention and defensible space requirements and significant on-site water storage ensure that the Amma Center property will be significantly safer than unregulated residential properties in the area.

The bottom line is that the County's own professional fire prevention experts have accepted the application as conforming to stringent modern fire safety codes.

Traffic Impacts are Safe and Acceptable

Amma Center's uses do not result in lowering levels of service to unacceptable levels. Nor will they result in "traffic jams" or "traffic results" due to an inability to "escape" as claimed by the opponents. Amma Center has retained a professional engineer to study traffic impacts, and his determination that there are no adverse impacts was accepted by County staff.

Staff has suggested a condition requiring an updated traffic impact analysis if traffic exceeds 25 peak hour vehicles. This condition, accepted by Amma Center, functions as a limit on expansion just as the water budget does.

In the past during larger events there was some traffic slowdown on Stone Cabin Road. There is only a single resident on Stone Cabin Road not affiliated with the Amma Center, but in any event the road and parking infrastructure that are conditions of this approval will help ensure all roads remain clear. Moreover, County staff has informed us that should traffic become an issue during one of the larger events, a special use permit with a traffic management plan will be required.

The Opponents' Religious Animus is Clear (TAB 5)

The opponents recently wrote an email to the San Ramon, California M.A. Center (a different organization from the Amma Center of New Mexico) stating, "the Preserve the Trail Association which represents this opposition, **was also able to get a 'no' vote by the County's CDRC opposing the Center's proposal to have the Schmidt's² land, at 43 Stone Cabin Road, be designated as religious.**" Fire danger, water use, etc. is a smokescreen for not wanting the community service facility designation for the Amma Center's property.

Amma Center's entire CDRC presentation was focused on its ongoing compatibility with the existing and permitted development in the area, despite the opponents' statement that Amma Center "has once again wielded RLUIPA as a sword rather than the shield it was created to provide and **threatens the county with litigation.**" My March 12, 2015 letter contains **no** express or implied threat. To the contrary, it states that Amma Center agrees to go through the County's development review process, informs the CDRC about the required analysis under RLUIPA and offers to discuss furthering any compelling government interest the CDRC may have.³

Unfortunately the CDRC disregarded both the offer and the required analysis. CDRC member Booth, in making the motion to recommend denial, stated "**I'd like to move this discussion from this is about religious freedom. We have been challenged to just look at the legalities of this...**" This path,

² The land in question is wholly owned by the Amma Center of New Mexico. A deed is attached.

³ Mr. Ives' December 3, 2015 letter similarly informs the County of its obligations and offers to work cooperatively to ensure that compelling governmental interests are met while protecting Amma Center's rights. **TAB 6.**

of focusing on the code requirements and ignoring federal law, was exactly where the opponents were leading the CDRC⁴, and where they are attempting to lead the BCC.

Amma Center fully trusts the Commission to engage in the required federal law analysis as well as the code-required analysis.

The Opponents' Proposed Conditions of Approval are Unnecessary, Unfair and Discriminatory

Recognizing that they have no valid land use controls to achieve their goal of having Amma Center relocate, the opponents focus on a nonexistent water use, fire and traffic concerns to achieve those goals.

They assert that they live with the current "danger" of Old Santa Fe Trail, and state that Amma Center would "make an already bad situation worse" (once again, Amma Center plans no increase in use) while at the same time testifying to an 83% increase in residential traffic over recent years. The opponents seem to have no intention to try to stop that growth, which is an order of magnitude greater than Amma Center's total usage.

A number of numerous conditions of approval not applicable to other similarly situated users are requested. Those include draft hydrants, alerts, notices, advanced treatment septic systems, required photographic monthly water meter submittals, a fire substation (!), random traffic counts, and increased penalties for violations. None of these apply to any other use in the area and there is no basis to apply them to the Amma Center.

The opponents ask you to impose a limit on the number of residents in the ashram. As described above, the combination of water and traffic limits will ensure impacts are limited without micromanaging what Amma Center residents do in their own home. In any event, such a limit on a single family residence is prohibited by our Supreme Court's decision in the case *Hill v. Community of Damien of Molokai*.

The opponents did not, and do not, make similar demands regarding other community service facilities in the area, including Camp Stoney, Desert Academy or the Canada church, all of which produce significantly more impact.

Finally, although the opponents complain that Amma Center has been existing "in blatant violation of the Code and continue[s] to be conducted as if the Code did not exist" their own track record does not support their newfound zealotry for code compliance. In fact, the County has no record that principle opponent and neighbor Annie Sahlin obtained any permits to construct her home on Stone Cabin Road. Moreover, in contrast to the opponents' demands that Amma Center photographically document weekly well readings, the County has no record that any of the three opponents who

⁴ The CDRC recommended denial by a 3-2 vote, and did not explain the basis of its decision that the current use is incompatible.

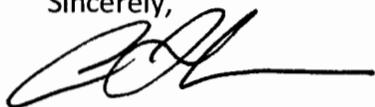
spoke at CDRC have ever submitted their own required well readings. (TAB 7). We say this not because we want to see enforcement action taken against them but only to point out that their requests are inequitable.

The reality is that the conditions requested serve only as an entrée to the opponents substituting their own judgment for the County's otherwise evenhanded compliance efforts.

As to federal religious land use issues, I have attached a recent letter from Zach Ives explaining the required analysis under federal law. Please don't let the opponents bully you into ignoring the required analysis and denying or condition the approval in a way that violates Amma Center's rights under federal law.

The bottom line is that this is a beneficial, legal, less impactful use of the land that by all measures should be permitted to continue. Securing county approvals protects Amma Center, the County and the neighbors. **The Amma Center accepts the proposed staff conditions of approval and requests the Commission allow it to continue to peacefully and beneficially occupy its space.**

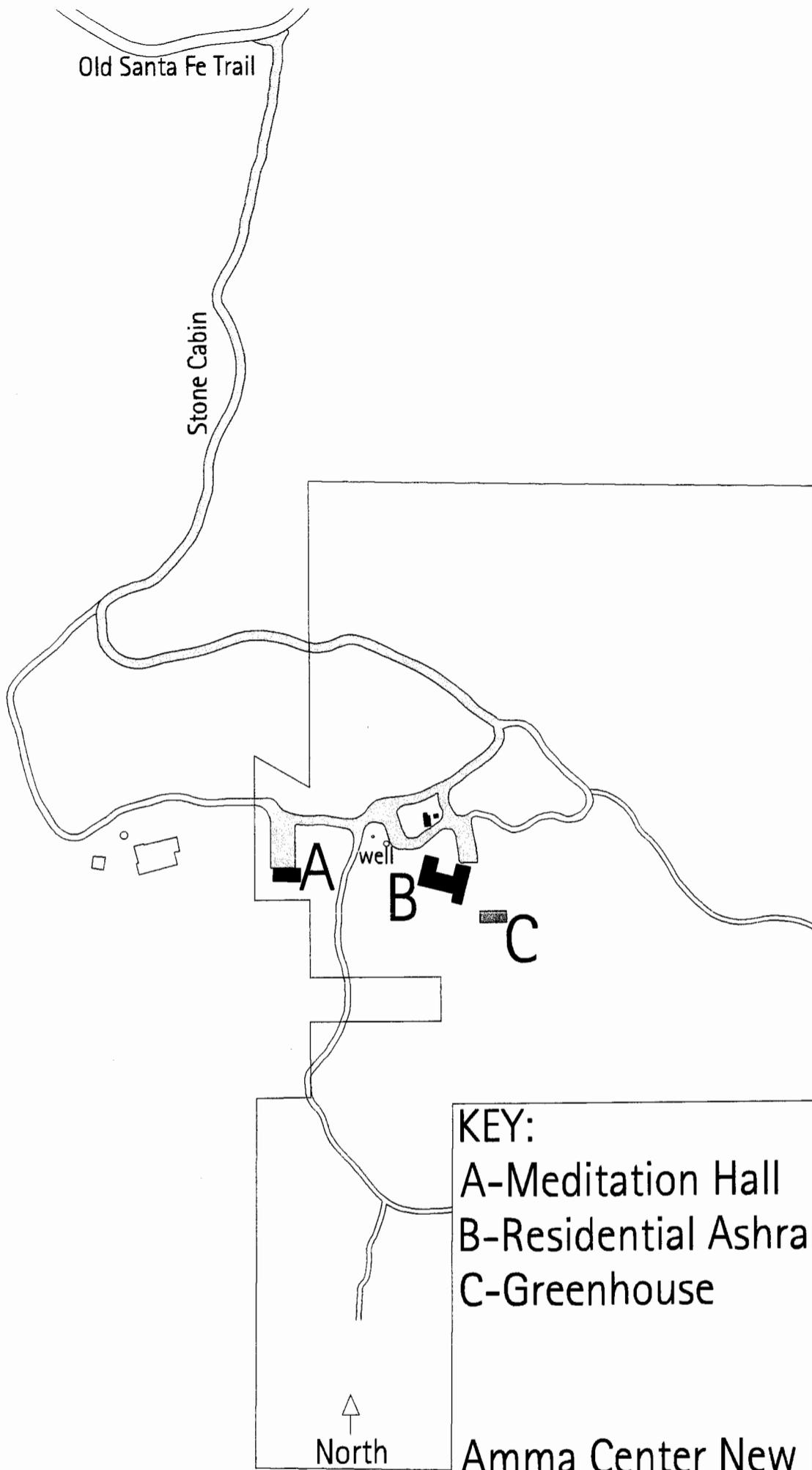
Sincerely,



Christopher L Graeser

enc: tabbed materials as referenced

additional County and demographic information contained at TAB 8

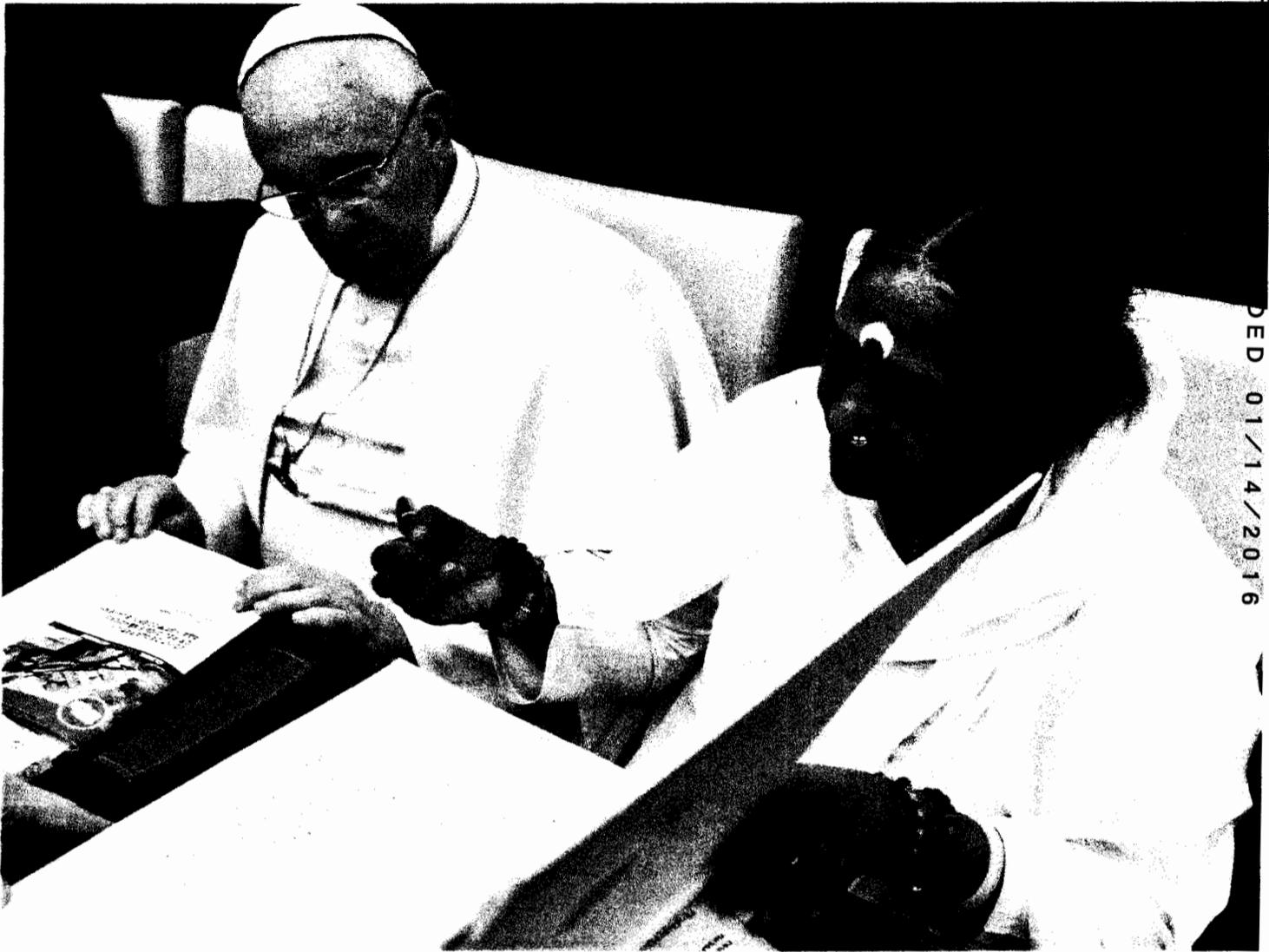


My commission expires: 17 MAY 2011

Photographs



His Holiness Pope Francis greeting Amma at the Vatican, December 2014.



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Amma joining Pope Francis in signing the Faith Leaders' Universal Declaration against Slavery, signed by representatives of over half the world's population. Vatican, December 2014.

Letters of Support

STATEMENT OF STEVE SCHMIDT

Much of the opposition against the Amma Center has been directed at me personally. Cathi and I donated land for the center, but we have no control over its membership, activities or programs. The Amma Center has a life and character of its own.

People come from the Santa Fe area and other parts of New Mexico to pray, sing, meditate, prepare meals for the homeless and other activities. Over 100 volunteers are organized every year to host Amma, her entourage, and a couple thousand attendees at her program in June at the Buffalo Thunder. My role is very small in all of this.

There are no plans for expansion of the Amma Center facilities. By granting this request, our spiritual community will continue to operate with minimal impact on the land and resources.

Having been involved with the Amma Center since its beginning, I would like to explain why this land and this location means so much to us:

1) Amma held annual programs on the property for 18 years, starting in our living room in 1987.

2) Amma held the very special event Devi Bhava in the Amma Center temple, which makes the temple most holy. Moving to another site could never recapture that history or the blessings the property has received from Amma.

For many years we had the large annual events around Amma's visit on the site. We no longer do that, and will not in the future. Every year I would meet with county staff, first Carlos Martinez and then Greg Al-Yassin, to see if I needed any type of special approval. Every year they told me that if the event resulted in code enforcement complaints then Amma

Center would have to get a permit, but no complaints were ever registered and we were never asked to get a permit.

I am frustrated because it was the opponents who insisted that we get approvals, and now they are fighting that very request. It's like they were for it before they were against it, and we are suffering the fallout.

There are many troubling claims and misrepresentations. As an example, it is said that we have a burrito project that impacts the neighborhood and will exceed our water budget. Although we are joyful to have served over 100,000 burritos to the homeless over the years, the reality is that the "project" is five people in the kitchen and the only water used is to cook a pot of beans and wash our hands when we are done.

Other claims are that I am a developer and that we have a hidden agenda to expand beyond what we are requesting. That is simply not true, and as a practical matter why wouldn't we ask for approvals for any expansion plans now, as opposed to having to go through this entire process again? We have no plans to do anything other than what we have been doing, peacefully, for almost 30 years.

What the opponents called a "large, unpermitted event" in September of last year was in fact a visit by Swami. If it disturbed any neighbors at all it was the opponents, who decided to stand on the road with a video camera where I met them on my way back from picking up chile.

At that time they invited me into a conversation, essentially two neighbors sitting in a car talking, and then Ms. Sahlin began video recording our conversation and they are now attempting to exaggerate my comments to seem nefarious and threatening. I was simply explaining to them what Amma Center could possibly ask for if it went through a rezoning process,

not what it plans to do or is asking for. In fact, in the end Amma Center decided not to ask for anything more than what they currently do. We understand any such expanded uses would require subsequent approvals.

Finally, as I said, we donated the land to the Amma Center. It does not have the resources to relocate elsewhere, and any fundraising it does do is put right into its community service efforts for the poor. Nor would it want to be relocated due to the consecrated nature of the existing site.

In the end, I ask you to approve our permit request to keep doing the peaceful, beneficial and very small scale works we have been doing all along.



Stephen G. Schmidt

Dear Board of County Commissioners,

December 8th, 2015

My name is Cathryn Schmidt residing at 25 Stone Cabin Rd, Santa Fe.

These days – in every direction we turn or listen we are stalked by fear. It invades every print and broadcast outlet – hounding our minds despite our efforts to resist falling victim to its power.

I believe this explains why some, in our neighborhood of good and caring people, have come under the spell of fears that stretch beyond common sense and lead to distrust and painful accusations. It is not hard to understand why people become paralyzed over what the future may bring, but I cannot stand idly by while this mindset threatens to turn our beloved Santa Fe from the city of Holy Faith – to the city of Holy Fear.

Our children and grandchildren will soon live on this land as neighbors to Amma Center. The future is as paramount to us as to anyone.

There is no group of people more safety conscious, prevention oriented or who understand emergencies better than our fire department. As they are entrusted with the job of overseeing county matters relating to fire - we ask that the Board of County Commissioners employ reasonable standards and follow their recommendations rather than fall prey to excessive fears.

It has never been suggested to stop monthly services at the Canada de Los Alamos Church because a fire might break out nearby during the 2 hours people gather there to worship or to ask Camp Stoney to close their camp due to the larger numbers there on arrival and departure day.

Since 1974, we have hosted weekly group meditation and music evenings. It is now 42 years and in all those years – never did anyone – anywhere - in any capacity give us the slightest hint that anything was wrong with hosting such gatherings. Thus, recent allegations of improper use of Amma Center land came as a shock.

In 1987 Amma began her world tours and came to Santa Fe in person each summer. 1988 was the first year the programs were held in what was revered as an inspiring natural setting – now Amma Center property. We contacted officials to obtain permits for these events – however were told that the number of days of the event put us in the private party category and we should not try to seek any permits. Each year from 1988 to 2004 we again contacted the County and received instructions which we followed.

These are the facts. Implying that Amma Center gatherings both the small regular meetings and once a year large events with Amma, have somehow been occurring outside of the law is unfair and projects an image of the congregation that is inaccurate.

Amma Center represents to those who come – whether occasionally or regularly –an oasis in a world fraught with stress. The people who come are dedicated servants of high ideals - doctors, scientists, teachers, families, nurses, artists, clerks, students, and more. The facilities provide necessary storage, and a launching point for

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activities integral to the teachings of service to others. Because Amma Center land has been sanctified by the presence of our founder for so many years – it carries a spiritual and religious significance impossible to replace. In all religious traditions – there are places considered to be particularly holy and sacred and those places are revered for centuries and beyond. For many people—Amma Center holds that place.

Thank you sincerely for your service,

A handwritten signature in cursive script, appearing to read 'Cathi Schmidt', written in black ink.

Cathi Schmidt 25 Stone Cabin Rd.

My name is Jonathan Crews, MBA. I am a life coach and counselor and have lived in Santa Fe for the last 27 years. In fact, it was the first year of living in Santa Fe that I first met Amma. Since then, I have become so inspired by Amma's mission of compassionate service to humanity that I have become involved both locally and internationally to support her many humanitarian projects.

For the last 10 years or so, I have served as one of the coordinators of the Amma Center Satsang (weekly worship) and one of the organizers of her yearly visit to Northern New Mexico. In regards to the people who attend on a weekly basis, I only have good things to say about them. They are generally professional people from the community and are well-behaved, quiet and respectful of the beautiful land the Amma Center is situated on.

Our weekly get-togethers have no impact on the neighborhood. Our attendees are non-smokers so there is little fire-danger that normally comes from those who carelessly discard their cigarettes or matches. The majority of people that attend use no water. In fact, the Amma Center uses less water than what is allotted to us by the County.

There are no traffic problems since only about 20 cars that use the road on any given Saturday evening, and the road is more than wide enough to allow for two-way traffic. Even when we have an event once or twice a year where more people are in attendance, we have never had a traffic problem. Even during those events, there is no noise generated by people other than the sound of their cars entering or leaving the property at a speed limit of 10 -15 mph.

We probably have less impact on the neighborhood than the Church in Canada de los Alamos and Camp Stoney, (owned by the Episcopal Church). It is my sincere feeling that a few neighbors in

the area have so misrepresented the effects of our presence that it bears no semblance to the reality of who we are and what we do

The Amma Center is essential as a staging area for organizational meetings in preparation for Amma's program in June at the Buffalo Thunder. Much of our supplies and equipment used in the program are stored here.

I have many friends and acquaintances that live in this neighborhood that value the presence of the Amma Center. In fact, the vast majority of people in Santa Fe who know about Amma and who have been touched by her loving, compassionate presence only have the highest praise and respect for her and the Amma Center.

The Amma Center has been here for the last 29 years. Nothing has changed except we no longer host Amma on the land because she has become so popular that we have had to move her yearly visits to a much larger venue. So there is absolutely no reason to deny our request, especially since we are in compliance with all county regulations. Thanks you for considering what I have had to say on this matter.

Sincerely,

Jonathan Crews, MBA

Statement By Ronald Boyd

I live on Old Santa Fe Trail near Camp Stoney. I drive past the entrance to the Amma Center, Stone Cabin Road, twice a day. There are fewer than 100 homes beyond this junction. The speed limit is 20 MPH. There has never been any congestion or accidents in this stretch of road. The only problems relate to snow and ice on the road some days in the winter. On Saturday evenings when the services are held, there is never any delay on the road due to Amma Center attendees.

The Amma Center property has no large signs or bright lights. It's buildings are barely visible from Old Santa Fe Trail. No smoking, fireworks, trash burning or camp fires are allowed on the property. There is zero chance a fire will start on the Amma Center property, except by lightening. No alcoholic beverages are allowed on the property. There will never be a drunk driver existing on the property.

At this time there are only three permanent residents on the property, though up to six are possible. The cloths washing machine is water conserving. The toilets are low flow. The dishwasher is run only when it is full, about twice a week. The septic system has never backed up or smelled bad. All of the work for the various projects and programs is volunteer, no one gets paid. We are good stewards of the land and good neighbors. Our contribution to the community is great, while impact on the land is minimal.

Santa Fe County Commissioners
102 Grant Ave
Santa Fe, NM 87501

December 7, 2015

Dear Commissioners,

As a resident of Canada de Los Alamos and a neighbor of the Amma Center of New Mexico, I wholeheartedly support their zoning request. I have lived in Canada de Los Alamos for the past 20 years and not only have I never had a problem with the Amma Center or its activities, I wish there were more neighbors like them. The Amma Center is extremely quiet and low profile and has exhibited an admirable respect for the earth and the environment. Indeed, there are very few full time residents and their weekly meditation sessions seldom draw more than 40 people. On the rare occasion when they hold events of upwards to 100 people, except for the brief increase in traffic, from County Road 67 you would not even know anything was happening there.

I have attended some of these events and I can assure you that for the most part, all activities are held indoors with very low impact of the environment. There is no alcohol or drug consumption and even tobacco smoking is extremely rare. They have exhibited an acute concern for fire issues, as exhibited by a team that patrols the parking areas when there are larger crowds, and they are very conscious of water use.

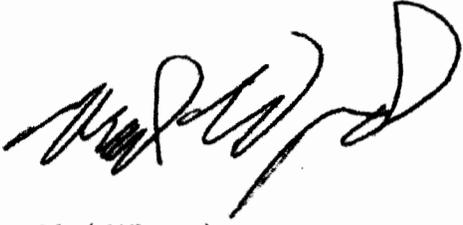
Living in Canada de Los Alamos as I do I am much more concerned about the unregulated and unmonitored use of the National Forest on Forest Road 79 as a destination for large parties where alcohol is freely used and bonfires are commonplace. I have come across many illegal camp fires on my walks, but no one seems to complain about that sort of dangerous activity.

I also find it curious that there are other spiritually oriented centers along the Old Santa Fe Trail that are being ignored which the Amma Center is under the microscope. For example, the church in Canada de Los Alamos holds regular services that draw many cars, and even burns a number of fires outside around the church on the upcoming Lady of Guadalupe Feast Day. Bishop's Ridge Stoney Camp & Recreation Center hosts many activities including wedding parties of up to 200 people which also include bonfires. I do not know how much water they use, but I will note they have a swimming pool! The Mountain Cloud Zen Center is another spiritual group on Old Santa Fe Trail that draws much more traffic than the Amma Center ever will. While I realize that much of the scrutiny stems from the zoning request, the Amma Center has a much better environmental and traffic related track record than these other spiritual communities along Old Santa Fe Trail (and they never have bonfires)!

One more thing to note, Steve Schmidt has decided to preserve the many acres of his property rather than subdividing it and selling up to 20 or more parcels as is his right. A subdivision would have a far greater environmental impact on the community and the road than the Amma Center does.

Finally, The Amma Center seems to do a lot more good for the community than it creates problems. With a focus on meditation, concern for the environment as is evidenced by their Green Friends project

(<http://www.greenfriendsna.org>) and their weekly feeding of the homeless, burrito project, I welcome their presence in the greater Canada de Los Alamos area and view them as a strong asset rather than a liability.



Mark Wingard
47 Quartz Trail
Santa Fe, NM 87505

Patricia "Patty" Smith
18 Calle San Acacia
Santa Fe, New Mexico 87506

November 30, 2015

Santa Fe County
Board of County Commissioners

Re: The Burrito Project

To Whom It May Concern:

I came to the Amma Center by way of a community service opportunity referred to as "the Burrito Project." The burrito project has been in effect for 15 years. Like other volunteer-based organizations in the Santa Fe Community, the Burrito Project efforts to feed the homeless population or populations unable to fully meet their basic needs.

The Burrito Project prepares 108 nutritional sack lunches once per week (every Sunday) which are distributed at Pete's Place, "The Interfaith Community Shelter", located at 2801 Cerrillos Road, Santa Fe, NM. In some cases, it is the only meal some homeless people receive on Sunday.

Typically four to eight people will volunteer in the kitchen from 8:30 a.m. to 10:30 a.m. on Sundays. At times, the number of volunteers will increase to 10 people. One volunteer transports and distributes the lunches at Pete's Place. This translates to from four to eight additional vehicles on Sunday at which time traffic is minimal on Old Santa Fe Trail.

All of food items are donated by local vendors and/or purchased through donations.

Three 8-quart pressure cookers are used. A total of seven to eight gallons of water is used for pre-soaking and cooking the beans, and for clean up afterwards.

The burrito project also serves as a network to meet other community needs as they arise. For example, the burrito project gathers "new" warm clothes (especially hats, gloves, coats) to distribute during Christmas with the burrito lunches to the populations at Pete's Place.

I would be happy to address any questions you have relative to the particulars of the burrito project. My email address is padi39@yahoo.com.

Thank you.

Patricia M. Smith

Dear Mr. chair and commissioners,

>

> Thank you for hearing our case in joining the two parcels of land and giving the Amma Center the designation of religious center.

> By granting us this petition it will allow all of us to have our rightful legal standing as a religious

> Designation

> The existing site of the Amma Center has for the past 20 years created and consecrated a spiritual temple and sanctuary of weekly prayer and meditation. We want this acknowledgement with designation in our location of continued existence and spiritual participation of prayers for the land and our fellows and for our humanitarian efforts in supporting the people in our community with food and clothing. As a community we strive for the ideals of Amma herself to modestly use our earths resources and aspire to selfless service for our fellows. I believe it is in the heart of all of us who participate in the Amma community to fulfill the highest good and support the common good of all beings.

> Having personally reviewed your packets I realized that the 2013 petitions against the development of a larger site to house the once a year Amma program have been included. Unfortunately this is misleading because That request is no longer being asked for . Today we ask only to be given the rightful use designation for the center as it has been in existence for the last 20 years. Having contacted a couple of the 2013 petitioners I was clear that they opposition was to our very large program for the property and that the existing Amma center is supported.

>

> Having served as a public official for the City of Santa Fe on the Historic Design Review Board for 5 years I am aware of finding the balance of the greater community and the passion of a few disgruntled individuals. I believe we are supported by the community to continue our Amma Centers use and that our impact is positive and will continue to be so. We have met the County requirements and have staffs approval. Please give us your approval for our proposal!

> Thank you. Jane Farrar

>

The Things Not Said

Three years ago I left Albuquerque and moved to the Amma Center, looking for a life of stillness and contemplation. I found a loving home for my two dogs, sold my house, and left full-time teaching in Catholic school, which I loved. I have found that stillness, as well as a loving and lively family to be part of.

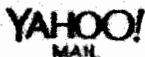
Listening to the concerns expressed by our neighbors, I have been deeply puzzled and bewildered. I know that the Center has been in existence for twenty years, and has never been responsible for a wildfire, even in our desert climate. When I drive into town, as I pause at the end of Stone Cabin Road and check traffic, it is rare that I encounter even one car going in either direction. And as for water, no one who lives in New Mexico can be unaware of how sacred it is here - and on days when the rain comes, I simply sit and listen to its music. Without reverence for water, there is no life here.

Every day I walk up to the mailboxes and back, and it is quiet - I hear a small dog barking in the distance, and it reminds me of the Shih Tzus I loved dearly. I hear crows having a conversation and a soft breeze in the trees. Most days I hear a plane overhead, and look up and wonder where it is going. Even when the community gathers, the deep stillness of this place is undisturbed.

So I am puzzled by the vehemence of the objections, and wonder what fears are truly behind the expressed concerns, as it is difficult to respond eloquently to things not said. Whether it is a question of painting or prayer, I have always believed that here in New Mexico there was light and space enough for all.

St. Francis of Assisi said: "Differences exist, but not in the city of love." I hope these differences, spoken and unspoken, can be resolved.

Diane Beaurage
Resident / Amma Center of NM
48 Stone Cabin Rd.



All Search

Search Mail

Search Web



Compose

Delete Move Spam More

Collapse All

- Inbox
- Drafts (860)
- Sent
- Spam (6)
- Trash
- Smart Views
 - Important
 - Unread
 - Starred
 - People
 - Social
 - Travel
 - Shopping
 - Finance
- Folders (9)
 - a
 - A V LLC
 - Agnes Craig
 - agreement forms
 - agreements signed
 - Amma
 - Amma Center of NM
 - aparna
 - apple computers
 - Blue Lion
 - Boston ashram
 - cathi
 - Chicago ashram
 - children IAM
 - claude
 - corp. maintenance
 - crown capital
 - dad sundry
 - DC ashram
 - Devi domestic
 - devi house
 - devi house stateme...
 - devi prenuptial
 - dominic
 - eastside houses
 - echinacea related
 - Elco MLP
 - Elco Select Fund
 - electronic documents
 - ETW

letter to County Commissioners (2)

People

steve schmidt *My name is David Ginsberg and I operate a consulting business in the county that employs a number of County residents. I'm also the board chairperson for SW. Care Center which as you know is a major safety net provider for persons at risk with in Santa Fe County* Today at 5:41 PM

steve schmidt <iamsteve108@yahoo.com> Today at 5:41 PM
To: Steve Schmidt

My name is David Ginsberg and I operate a consulting business in the county that employs a number of County residents. I'm also the board chairperson for SW. Care Center which as you know is a major safety net provider for persons at risk with in Santa Fe County

I have been associated with the Amma center New Mexico since 1990 and I am chairman of their finance committee as well as the national fundraising Cordinator for embracing the world, the international charitable and humanitarian organization that we are part.

Since 1990 I have participated and observed in many events that have taken place at the Amma Center. The positive impact that we have on our community is dramatic and includes weekly homeless feeding program, and beginning September of this year of this year providing clothing for over 300 at risk children at start of their school year. The neighbor impact of our programs at the center is minimal. This includes a weekly gathering that might have 12 to 15 automobiles and 20 or so people attending and then several programs a year with perhaps twice that many attendees. All told this is even less than that of some of the surrounding properties on old Santa Fe Trail that hold various parties or gatherings. We are an environmentally conscious group and take special care to protect and preserve the environment. I urge the county to consider our request and to preserve our religious rights and freedom to worship.

Reply, Reply All or Forward | More

Reply Reply All or Forward

SFC CLERK RECORDED 01/14/2016

Santa Fe County
To: Board of County Commissioners,

December 7th, 2015

We, the undersigned, wish to convey our full and complete support for the re-zoning of the Amma Center property located at 48 Stone Cabin Rd as a community service facility.

By signing this letter we affirm that the significance of this consecrated land cannot be overstated. We further affirm that the uses mentioned in our application are complete and truthful. It is our gravest concern that as the Amma Center community, we protect and are good stewards of this sacred land to the highest degree possible now and in the future.

I would be happy to have you use my name in support of zoning of the ashram as a community service area.

Bill Belzner
8 Saddle Road
Santa Fe, NM 87508
505-508-8700

Although I am not an Amma devotee, I appreciate the work that you all do to help the community and to support those who need spiritual sustenance, who resonate with Amma and her work. Please let the Santa Fe County Commissioners know that the community at large, of which I am a member, appreciate your work and that we support the Amma Center continuing the activities that they have been engaged in for the last 29 years. This support of spiritual and philanthropic centers, feeding those hungry for both the spiritual and bodily sustenance is essential to the well being of our city. I ask the Board of County Commissioners to approve the continuing work of the Amma Center.

Sincerely,
Diane MacInnes
1000 Cordova Place #418
Santa Fe, NM 87505

Judith Stevens

Please include my name as a supporter of your zoning

Please add my name to the list of supporters for Amma Center.
Sharon Spencer

Please put our names down in support of the Amma center hearing coming up.
Tracie Sipple
Nick Medina

SFC CLERK RECORDED 01/14/2016

Please list me as in support re zoning.
Helen Roberta Moore

Jodie Franco
31 Paseo Vista
Santa Fe, NM 87508

John Godwin
Please add my name to the list for support for the ashram.
John Godwin
6324 Zimmerman Ave NE
ABQ, NM

Please add my name to the list for the county rezoning, in favor of.
Kathy Christianson
31 Paseo Vista
Santa Fe, NM 87508
D.O.M., L.Ac., Dipl.Ac.

I, Brigitte Barbara Elerick ,herewith give permission to add my name to the list of supporters for the zoning of the Amma Center in Santa Fe as a community service center.
Sincerely,
Brigitte Barbara Elerick

Christopher Bentley
2491 Sawmill road #514
Santa Fe NM 87505

Our names are Billie Bolton and Scott Pitzer. We have been participants at the Amma Center for 15+ years. We support the Amma Center as an important community service center, and request that the City of Santa Fe re-zone it as such because it serves the community in many ways, including feeding the homeless on a weekly basis.
Billie Bolton
Scott Pitzer

Diana H Paegle
702 1/2 Los Lovatos
Santa Fe NM 87501

Bill Dam

Rita Reyes
Joni Good
Sylvie Eyrat

Please add my name to any petitions to keep your zoning as a Community Service so that you can continue your work.

Sincerely,
Arlene Griffin
Lamy, NM

Paula Kim

To Whom it May Concern:

We support the Amma Center to be able to continue its activities. You have our permission to list our names as supporters of the Center for receiving zoning as a community service area.

Warm regards,
Vincent Daczynski
Melinda Daczynski

We are Sudhansu and Gitanjali Dash. We just moved to Santa Fe from Iowa in October and found the Amma Center while looking for a spiritual place of our interest. When we heard about the community services the center offers, it was an added bonus and we have recently started participating in the 108 Burritos project. My teenage son has also shown interest in the volunteering activities at the center. We came to Santa Fe to make a home here and it is hard to express the feeling when we found the Amma center.

We will be happy to have our names included in the list to show support towards zoning of the center as a community service area.

With our regards and appreciation for the efforts you have been putting towards the success and existence of the center.

Sudhansu and Gitanjali Dash

Sarah Richardson

Sandra Seldin
4 Mariposa Road
Santa Fe, NM 87508

Please use my name as a supporter to keep Amma Center open as it is. I have been attending the worship services over the past 19 years. I'm so grateful to have had a place to come and worship and deepen my spiritual practice over all these years. I have also helped in making many, many burrito sack lunches for many hundreds of residence in Santa Fe who have been in need of food. The Ashram has also been a support for many residents here in Santa Fe in need, helping to collect jackets, hats and gloves in the winter, as well as raising money to buy school uniforms for families that don't have the funds to buy them for their childre

There would be a great loss to our community if the Santa Fe Ashram was closed. Please help us keep the Ashram open and running as it has been over the past 29 years.

Thank you for your consideration.

Suzanne Maheshi Shakespeare-Jones

I am a supporter of Amma's ashram for community activities
Bruce Warren

Please list our names in support of zoning for Amma Center as community service area.

Michael Mariano and Janet Mandell Mariano.

Janet Padma Mandell, D.O.M.

www.acupunctureandhomeopathy.com

Names supporting the zoning for Amma Center:

Ann Harvey

Katherine Lage

Judie Rosner

Virginia Hall

Douglas Smith

Susan Anderson

Susan Blair

Cynthia Modivah and Isaac Modivah

Victoria Sosaya

Gretchen Venkatesh

Aimee Lowe

Barbara Kailash

Chandelle

Cynthia Fulreader
Alva Morrison

You certainly can use our names as supporters of the zoning.
Stephen and Margaret Levine

To County Commissioners,
I Nancy M. Altman fully support The Amma Center in receiving zoning as a
Community Service Area.

Please add our names for the hearing.
Rayna Dineen
Brian Dineen
Arin Dineen

Please add my name to the list.
Lura Janis Crays.

I fully support the Amma Center being able to continue its same activities, as it
has for the last 29 years, and understand that there are no plans whatsoever for
expansion.

Please add my name to the list supporting the Amma Center's zoning as a
community service area.

Thanks,
Kimberly Gargi Shakespeare-Jones

Please add my name to the list of supporters.
Nina Twombly

Please add my name to your list of persons who wish that Amma Center be
zoned to continue their work of the last 29 years. Thanks so much for all your
efforts on behalf of Amma Center staying open and
Available.

Best,
Nancy Wasser

Dear Commissioners ,

I am writing to voice my support for the present location and use of the land and
facility that the Amma Center has had in the past and encourage you to grant this
permit to them so that they can continue to serve the community of the south

west region . I feel it is an asset to the Santa Fe area and would like to see it remain in service to all of us that consider it a place of peace and sanctuary. It serves the communities in many ways . Thank you for you time and consideration on this permit .
Sincerely Anjillee Schwarz

Please list my name as a supporter of the Amma Center receiving zoning as a community service area:
Sarah K McGrath

Please feel free to add my name to the list.
Judith Paiz, 2254 Via Manzana, Santa Fe. NM 87507
Early Childhood Project Support
Children, Youth and Families Department
P O Drawer 5160 Room 111
Santa Fe, NM 87502
Judith.paiz@state.nm.us

Hello, please add my name and deep heart felt support for the Amma center being able to continue activities.
I am a native 3rd generation Santa Fean. I am a civil engineer and as such have worked with the Amma center for road maintenance. Every decision was made with thoughtful consideration for the land and the surrounding community.
Your truly,
Lars Strong
Permission granted! Please use my name.

George Wright

Hello, I am writing in support of the request to configure the Amma Center of New Mexico as a community center.

I am a weekly participant in the small group of people gathering at the Center site for devotional and spiritual practice. I have participated in fundraising and organizational aspects of the projects initiated therein.

It is my understanding that the change in status was initiated in response to requests from neighbors. In doing so, the Center has been proactive in positioning itself within a framework that is workable.

I have not seen any growth in the community since I began participating regularly in the last 3 1/2 years. At this time there is no discussion of expansion

of any kind. The Center continues to have a modest and core group of attendees, with a larger group of people who stay in contact by email and attend the yearly visits by Amma to venues in either Albuquerque or for the last two years, in Pojaque at the Buffalo Thunder. These larger events do not converge with the immediate land occupied by the Center. In some ways the Center serves as a base for organizing the yearly larger event held off site.

The Center also operates many local charitable projects which have been documented.

With recommendations for approval endorsed by all the governmental agencies in review of this case, I hope that their expertise is acknowledged in making the decision to grant this request.

Furthermore, it is my understanding that the Center has always operated in a proactive way to anticipate and respond to the needs and issues that have arisen with respect to water usage, making the roads on site serviceable, and other practicalities.

We hope to continue with these activities into the future as they have been for many years with no incident.

Sincerely,
Archana Lee, LPCC
Santa Fe
512-694-4375

Yes please include my name in supporting the Amma Center in Santa Fe where I first met Her 21 years ago.
Bill Dam

You have my permission to list my name as a supporter of receiving zoning as a community service area for The Amma Center of New Mexico.
Patricia Mann
1 Verano Place
Santa Fe, New Mexico 87508

I give permission to be counted as a supporter of the petition for receiving zoning as a community service area
Rebecca Jeffs

Please list us as people who support the Amma center.

Rachael Gilman

Nathan Gilman

Marsha Emmerton

I have been going to the Amma Ashram for many years and have found it to be a place of refuge and support..I know them to be people of utmost integrity who have a real commitment to community outreach especially the homeless. I feel it would be a great disservice to the greater community to not allow them to continue offering the services that the do. I know from experience that it reaches a lot of people who benefit greatly from its presence Thank you.

yours sincerely Sita Jamieson Caddle

Patricia "Patty" Smith, 18 Calle San Acacia, Santa Fe, NM 87506.

I would like you add my name as a supporter for the Amma Center to receive zoning as a community service center.

Virginia Hall

You are welcome to use my name on the list.

Allison Hedberg

I support Amma Center being able to continue its same activities as the last 29 years.

You have my permission to list my name as a supporter of your request to receive zoning as a community service area.

Dianne H Carrell

Santa Fe, NM

Dear Board of County Commissioners,

I am writing this letter on behalf of the Amma Center in New Mexico. Although I am a resident of Denver, CO, this location has been valuable to me a source of learning and support for my spiritual practice. Please consider allowing this to be a continuing resource for me and many other people in and outside of the Santa Fe area.

Sincerely,

Jan Tomski

Jan Tomski, MA LMFT

464 Inca Street

Denver, CO 80204

Please use my name in support of the great Santa Fe ashram and the satsang there.
Kelly A. Williamson

I give permission for you to list my name as a supporter of the Amma Center of New Mexico receiving zoning as a community service area.

Thank you.
Love,
Sylvia Bailey

Yes you may use my name as a supporter for zoning as a community service area. Thank you.

Debbie Midgette
222 Spruce Street
Santa Fe NM 87501

Please put my name on the list as a supporter of Amma Center for receiving zoning as a community service area. It is deeply troubling to think that our Amma Center could be taken away.

Patricia Fraser

I support Amma Center so that it can continue its community service activities.
Thanks, Ram Narasagoudar

You have my 108% approval to list my name.
Sarah Michelle Cutler, resident of Santa Fe County, 87507, in support of the Amma Center continuing as it is.

Absolutely you may list my name for support. Glee E. Briggs

Yes, please add my name to the list of supporters!
Sarah Komalam

You can use my name as a supporter of Amma. Caitlin Townsend 505-603-9217.

I Nancy M. Altman fully support The Amma Center in receiving zoning as a Community Service Area.

Maureen Eich VanWalleghan
mo.vanwallo@gmail.com • 928.499.2273

December 6, 201

Santa Fe County Commissioners

102 Grant Ave
Santa Fe, NM 87501

Re: The Amma Center of New Mexico

Dear County Commissioners:

I am writing to express my support for the zoning application for the Amma Center of New Mexico.

As a new resident of Santa Fe—having moved to the area just one year ago so that my daughter can attend the Santa Fe Waldorf School—the Amma Center is a vital part of my family's life.

I found out about the Center this past year and was attracted to the many community programs that the Center oversees. As a parent I was looking for a place where I could volunteer and set an example for my daughter about what it means to be a part of a community that takes care of each other. While we are very active with the Santa Fe Waldorf School, I believe directly helping those in need is a fundamental value that must be modeled during childhood.

To that end, we have connected on a mostly monthly basis with the burrito project at the Amma Center, which has been making burrito lunches (for an easy "to go" meal for the homeless) for more than 20 years. Going to the Amma Center and working with other volunteers is something that my daughter loves. Assembling the lunches in a relaxed atmosphere with the many adults—some of whom for ten years or more have been making burritos every Sunday—has been a wonderful experience and has allowed us to contribute to the greater good of our fellow human beings here in Santa Fe. And for that I am very grateful to the Amma Center.

This winter we are giving coats to the Center which will be given to the homeless and I look forward to other opportunities to volunteer through the Amma Center like supporting the project that makes new school clothes accessible for the children of struggling families.

The Amma Center of New Mexico—beyond being a vital contributor to the less fortunate of Santa Fe—is also a contributor to Santa Fe's economy. Regularly during her North American visits, Amma comes to Santa Fe—one of 12 stops on her annual summer tour. Many of her followers come here to see her and stay at local hotels and enjoy all the amenities that so are wonderful here in Santa Fe. It is impossible to measure how many people return annually for Amma's visits and then return again, making other visits after having experienced Santa Fe's charm and beauty.

I hope you'll reconsider your position and hold in your mind and heart the many ways that the Amma Center of New Mexico directly contributes Santa Fe's

economy and to the well being of its residents.

Warmly,

A handwritten signature in black ink, appearing to read 'M. Eich', written in a cursive style.

Maureen Eich VanWalleghan

STATEMENT OF STEVE SCHMIDT

Much of the opposition against the Amma Center has been directed at me personally. Cathi and I donated land for the center, but we have no control over its membership, activities or programs. The Amma Center has a life and character of its own.

People come from the Santa Fe area and other parts of New Mexico to pray, sing, meditate, prepare meals for the homeless and other activities. Over 100 volunteers are organized every year to host Amma, her entourage, and a couple thousand attendees at her program in June at the Buffalo Thunder. My role is very small in all of this.

There are no plans for expansion of the Amma Center facilities. By granting this request, our spiritual community will continue to operate with minimal impact on the land and resources.

Having been involved with the Amma Center since its beginning, I would like to explain why this land and this location means so much to us:

1) Amma held annual programs on the property for 18 years, starting in our living room in 1987.

2) Amma held the very special event Devi Bhava in the Amma Center temple, which makes the temple most holy. Moving to another site could never recapture that history or the blessings the property has received from Amma.

For many years we had the large annual events around Amma's visit on the site. We no longer do that, and will not in the future. Every year I would meet with county staff, first Carlos Martinez and then Greg Al-Yassin, to see if I needed any type of special approval. Every year they told me that if the event resulted in code enforcement complaints then Amma

Center would have to get a permit, but no complaints were ever registered and we were never asked to get a permit.

I am frustrated because it was the opponents who insisted that we get approvals, and now they are fighting that very request. It's like they were for it before they were against it, and we are suffering the fallout.

There are many troubling claims and misrepresentations. As an example, it is said that we have a burrito project that impacts the neighborhood and will exceed our water budget. Although we are joyful to have served over 100,000 burritos to the homeless over the years, the reality is that the "project" is five people in the kitchen and the only water used is to cook a pot of beans and wash our hands when we are done.

Other claims are that I am a developer and that we have a hidden agenda to expand beyond what we are requesting. That is simply not true, and as a practical matter why wouldn't we ask for approvals for any expansion plans now, as opposed to having to go through this entire process again? We have no plans to do anything other than what we have been doing, peacefully, for almost 30 years.

What the opponents called a "large, unpermitted event" in September of last year was in fact a visit by Swami. If it disturbed any neighbors at all it was the opponents, who decided to stand on the road with a video camera where I met them on my way back from picking up chile.

At that time they invited me into a conversation, essentially two neighbors sitting in a car talking, and then Ms. Sahlin began video recording our conversation and they are now attempting to exaggerate my comments to seem nefarious and threatening. I was simply explaining to them what Amma Center could possibly ask for if it went through a rezoning process,

not what it plans to do or is asking for. In fact, in the end Amma Center decided not to ask for anything more than what they currently do. We understand any such expanded uses would require subsequent approvals.

Finally, as I said, we donated the land to the Amma Center. It does not have the resources to relocate elsewhere, and any fundraising it does do is put right into its community service efforts for the poor. Nor would it want to be relocated due to the consecrated nature of the existing site.

In the end, I ask you to approve our permit request to keep doing the peaceful, beneficial and very small scale works we have been doing all along.



Stephen G. Schmidt

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

December 11, 2014

Chris Graeser
Graeser & McQueen
Post Office Box 220
Santa Fe, New Mexico 87504

Re: Notice of Violation at 48 Stone Cabin Road, Santa Fe

Dear Mr. Graeser;

This is to notify you that we will take no further action on the Notice Of Violation pertaining to the property located at 48 Stone Cabin Road and issued to Amma Center of New Mexico on June 26, 2014 which addresses violations of Santa Fe County's business license ordinance. It appears that there is still a possible violation of the Land Development Code related to the use of the property. As we discussed on November 21, 2014, I look forward to working with you on your master plan/development plan submittal to ensure the property has the correct zoning for the uses that are occurring on the property.

If you have any questions regarding this matter, please feel free to contact me at (505) 986 6221.

Sincerely,

Penny Ellis-Green, Growth Management Director

cc. Vicki Lucero, Building and Development Services Manager
Rachel Brown, Deputy County Attorney

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
1100 COMMERCE STREET
DALLAS, TX 75242-0000

DEPARTMENT OF THE TREASURY

Date: JUN 01 1995

AMMA CENTER OF NEW MEXICO
C/O STEPHEN G SCHMIDT
ROUTE 19 BOX 121 S
SANTA FE, NM 87505

Employer Identification Number:
85-0428465
Case Number:
755082022
Contact Person:
ANNETTE SMITH
Contact Telephone Number:
(214) 767-6023
Accounting Period Ending:
December 31
Form 990 Required:
No
Addendum Applies:
Yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(i).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. This does not apply, however, if you make or have made a timely election under section 3121(w) of the Code to be exempt from such tax. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Letter 947 (DO/CG)

SFC CLERK RECORDED 01/14/2016

AMMA CENTER OF NEW MEXICO

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your continued exemption, you should maintain records to show that funds are expended only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under

Letter 947 (DO/CG)

AMMA CENTER OF NEW MEXICO

section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), there should be evidence that the funds will remain dedicated to the required purposes and that they will be used for those purposes by the recipient.

If distributions are made to individuals, case histories regarding the recipients should be kept showing names, addresses, purposes of awards, manner of selection, relationship (if any) to members, officers, trustees or donors of funds to you, so that any and all distributions made to individuals can be substantiated upon request by the Internal Revenue Service. (Revenue Ruling 56-304, C.B. 1956-2, page 306.)

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



Bobby E. Scott
District Director

Enclosure(s):
Addendum

Letter 947 (DO/CG)



Santa Fe County Assessor's Office

(http://www.santafecountynm.gov/assessor)

SELECT SEARCH TYPE:

Owner Name



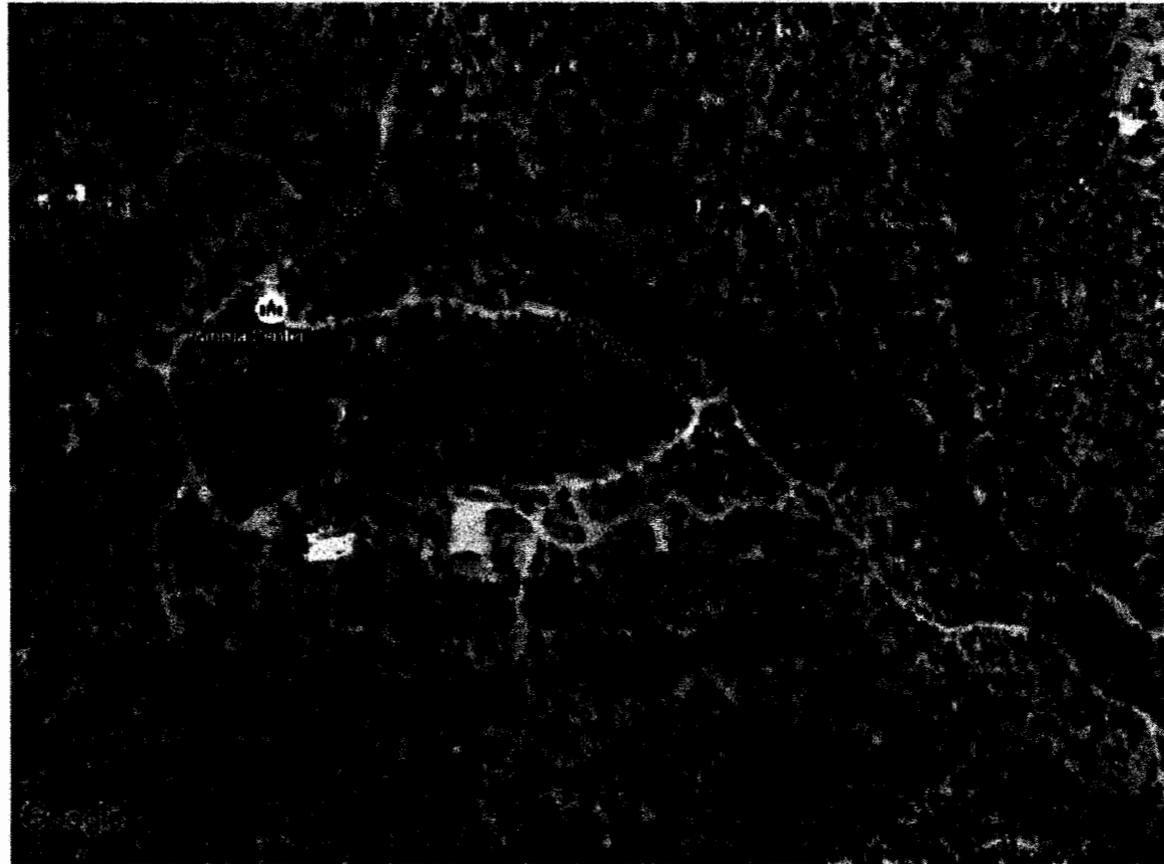
ENTER SEARCH VALUE:

amma

Go

PROPERTY INFORMATION

Parcel Number: 840001416
 UPC: 1058092050420000000
 Physical Address:
 48 STONE CABIN RD
 SANTA FE, NM 87505
 Owner Name:
 AMMA CENTER OF NM & ETAL
 Owner Mailing Address:
 2905 RODEO PARK DR E BLDG 2
 SANTA FE, NM 87505
 TCA (Tax Code Area): CO-N
 Section Township Range: S27 T16N R10E
 Legal Description:
 T16N R10E S27,28 20.017 AC PLAT BK 759, PG. 018,
 LOT 1-A
 Plat Book:
 759/018
 Most Recent Deed:
 1709844 REC 06/24/2013 KM
 Neighborhood: (for Assessor's use only)
 CANONCITO (3210006)
 Assessed Value:
 See Notice of Value on Document Manager Page
 (http://assdocs.santafecountynm.gov/AXPortal)
 Property Class: EXEM



GARCIA IVES NOWARA

Zachary A. Ives
201 Third Street NW, Suite 480
Albuquerque, NM 87102
505.899.1030
zach@ginlawfirm.com
www.ginlawfirm.com

September 24, 2014

— BY E-MAIL AND FIRST-CLASS MAIL —

Penny Ellis-Green
pengreen@santafecounty.org
Santa Fe County Land Use Administrator
102 Grant Ave
Santa Fe, New Mexico 87501

Re: Amma Center of New Mexico

Dear Ms. Ellis-Green:

I write on behalf of Amma Center to request that the County cancel the notice of violation it issued to Amma Center alleging that it is operating a business without a license in violation of Santa Fe County Ordinance 1992-3 (the Ordinance). By taking any further action against Amma Center based on the notice of violation, the County would violate the rights of Amma Center and its members under the due process clauses of the Constitution of the United States and the Constitution of New Mexico; the Religious Land Use and Institutionalized Persons Act (RLUIPA); and the New Mexico Religious Freedom Restoration Act (NMRFRA).

1. Due process: void for vagueness.

As Chris Graeser has explained in detail in his letter of September 3, Amma Center is not “engaging in business,” as defined in § 2(E) of the Ordinance, and it therefore need not obtain a business registration. If the County attempts to stretch the Ordinance’s definition of “engaging in business” in the hopes of encompassing Amma Center’s residential and religious uses and litigation ensues, we are confident that our courts would conclude that the ordinance is unconstitutionally vague and therefore void.

Our Supreme Court has affirmed that government entities have “a duty of clarity” in drafting legislation. *State v. Chavez*, 2009-NMSC-035, ¶ 18, 146 N.M. 434, 440 (internal quotation marks and quoted authorities omitted). “We cannot ask our citizens . . . to guess at the meaning of a criminal statute.” *Id.* “To satisfy the constitutional requirements of due process, a criminal statute must, with sufficient certainty, alert a person of ordinary intelligence that his conduct is prohibited.” *Id.* In addition, “due process requires that a statute be drafted . . . so it does not encourage arbitrary or discriminatory enforcement.” *State ex rel. Children, Youth & Families Dep’t v. Shawna C.*, 2005-NMCA-66, ¶ 32, 137 N.M. 687.¹

¹ These precedents would govern any criminal prosecution or civil action against Amma Center for allegedly violating the Ordinance. The New Mexico Supreme Court has applied the vagueness doctrine in voiding civil

The Ordinance fails this test in two ways.² First, the Ordinance fails to give adequate notice to the residents of Santa Fe County that residential and attendant religious uses of property constitute “engaging in business.” A person of ordinary intelligence would not understand from the language of the Ordinance that the County requires a non-profit religious organization, a family, or people who simply share a residence to have “a business registration” in order to maintain a residence in which the occupants practice their religion, including by sometimes hosting religious gatherings. Nothing in the ordinance states or even suggests that such conduct is prohibited without a business registration.

Second, broadening the scope of the Ordinance in the manner the County is considering would encourage discriminatory and arbitrary enforcement. The notice of violation suggests that the County interprets the Ordinance to mean that Amma Center’s residential and attendant religious uses constitute “engaging in business.” This surprising interpretation would fail to give clear guidance to County inspectors, emboldening them to enforce the Ordinance unevenly. We ask that you consider, for example, the potential enforcement of the Ordinance against group homes whose residents have disabilities and who occasionally include guests in their celebrations of special events, such as birthdays and holidays. Consider also families who host groups of people in their homes for religious purposes, such as Bible study or meditation practice, or who host groups for occasions like weddings or Bar Mitzvahs. If the Ordinance were construed in the manner that the County’s notice of violation suggests, it would encourage a County inspector to issue a notice of violation to any group home or family the inspector disliked or disfavored for any reason whatsoever. The potential for discriminatory enforcement would be tremendous.

The potential for arbitrary enforcement would be at least as great. The Ordinance, of course, does not define the frequency or intensity of use that would transform ordinary residential use into business use (because the Ordinance does not address residential or religious use at all). The absence of any standard whatsoever, coupled with a decision that Amma Center is “engaging in business,” would give County inspectors unfettered discretion to arbitrarily draw the line between residential use that does not require a business license and residential use that does require a business license. Each inspector would be left to make an individual judgment about whether the number of events and the size of such events at any particular residence would be sufficient to constitute “engaging in business.” Is a family “engaging in business” if it hosts religious study gatherings of approximately 25 people per week? What if it also hosts holiday gatherings for about 100 fellow church members once or twice a year? The Ordinance does not include any standards. Nor does it provide any other type of guidance. As construed by the County thus far, the

regulations. See *Bokum Res. Corp. v. N.M. Water Quality Control Comm'n*, 1979-NMSC-090, 93 N.M. 546 (voiding regulations governing discharge of toxic pollutants).

² Because the County’s Ordinance impacts the rights to free exercise of religion and to freely associate, Amma Center may challenge the Ordinance as unconstitutionally vague on its face or as applied to the particular circumstances. See *State v. Luckie*, 1995-NMCA-075, ¶ 6, 120 N.M. 274, 276 (citation omitted) (“A challenge asserting that a statute is unconstitutional based on a claim of vagueness ordinarily is analyzed in light of the facts of each particular case. Under traditional analysis it is only when First Amendment freedoms are involved that a statute may be challenged on the ground that it is facially invalid.”). A successful facial challenge would render the Ordinance void as to every person and entity in Santa Fe County.

Ordinance would leave the decision about what constitutes “engaging in business” entirely to the discretion of the inspector or other County agents.

The due process clauses of our federal and state constitutions forbid the County from enforcing the Ordinance in the manner the County proposes because the Ordinance is unconstitutionally vague. The Ordinance fails to give County residents adequate notice of what sorts of residential and attendant religious uses require a business registration. The Ordinance also fails to provide inspectors adequate guidance, instead encouraging discriminatory and arbitrary enforcement.

2. RLUIPA and NMRFRA: discrimination between religions and discrimination against religion.

The County’s attempt to enforce the Ordinance against Amma Center appears to be the sort of discrimination that Congress sought to prohibit when it enacted RLUIPA. The co-sponsors of RLUIPA, Senators Orrin Hatch and Edward Kennedy, observed,

Churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against . . . in the highly individualized and discretionary processes of land use regulation. . . . [O]ften, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or “not consistent with the city’s land use plan.”

146 Cong. Rec. S774–01 (daily ed. July 27, 2000).

With the goal of ending such discrimination, Congress enacted RLUIPA, which prohibits (1) discrimination between religious and nonreligious organizations and (2) discrimination between different religions. The pertinent provisions of RLUIPA provide:

- (1) Equal terms. No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.
- (2) Nondiscrimination. No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

42 U.S.C. § 2000cc(b).³

It appears the County has singled Amma Center out—that the County is implementing the Ordinance in a discriminatory way. The fact that Amma Center is clearly not “engaging in business” but is instead using its property for residential and attendant religious purposes strongly suggests discriminatory implementation. In addition, we are not aware of the County enforcing the Ordinance in a similar fashion against any other religious group or any nonreligious group.

³ NMRFRA also prohibits restrictions on religious exercise that “directly discriminate against religion or among religions.” NMSA 1978, § 28-22-3 (2000).

For example, we doubt that the County has issued notices of violation to group homes for operating without a business registration. Nor do we believe that the County enforces the Ordinance against homeowners who repeatedly host political fundraisers of various sizes or those who hold weddings on their property. If the County is not enforcing the Ordinance under such circumstances, it is discriminating against religious use by enforcing the Ordinance against Amma Center.

We would also be surprised to find that the County has issued notices of violation to residents who regularly host guests for religious purposes, such as Christians who host Bible study groups or Buddhists who host meditation practice sessions. The absence of such enforcement would demonstrate prohibited discrimination between religious groups.

If you are aware of enforcement actions similar to the action the County is currently taking against Amma Center, please let us know. As part of our own effort to determine whether the County is imposing or implementing the Ordinance in a discriminatory fashion in violation of RLUIPA and NMRFRA, Amma Center is submitting, by separate letter, a request pursuant to the Inspection of Public Records Act for all notices of violation of the Ordinance that have been issued in the past two years and for other relevant documents.

Conclusion

The Ordinance does not require Amma Center to obtain a business registration for residential and attendant religious use, as Mr. Graeser has explained. Even if the Ordinance was construed contrary to its plain language to require registration under these circumstances, enforcement of the Ordinance against Amma Center would fail for the reasons described above.

We ask that the County cancel its notice of violation. The pressure certain neighbors are exerting does not justify the notice of violation or any further enforcement action. Having been involved in the UDV land use matter, I am aware of the hazards of misusing regulations to satisfy opponents who strenuously voice legally invalid Not In My Back Yard objections to religious uses of property. I hope the County will choose a more reasonable, evenhanded, and practical approach in its interactions with Amma Center.

Thank you very much.

Sincerely,

Zachary A. Ives

cc: Greg Shaffer, County Attorney (email and first-class mail)
 Rachel Brown, Deputy County Attorney (email and first-class mail)
 Jose Larranaga, Case Manager (email and first-class mail)
 Daniel Diaz, Code Enforcement Officer (first-class mail)

The amount of industrial land that is typically needed in a jurisdiction ranges from 10 to 20 acres per 1,000 residents, with an average of 12.5 acres of industrial development per 1,000 residents. Santa Fe County has only minimal industrialization. The Albuquerque area is expected to be a center for the growth of high-tech industry in the next 20 years, which may impact Santa Fe County. In addition, Santa Fe County is emerging as a center for movie production, which will also increase the demand for supporting industrial uses. Since the existing industrial development of 4.1 acres per 1,000 residents is relatively low in terms of providing adequate employment opportunities for new residents, the average of 12.5 acres per 1,000 residents is used in this analysis. The current Countywide industrial zoning could accommodate a population of 213,047, whereas the projected 2030 population for the entire County is 200,876. Therefore, the supply and future demand for industrial land appears to be only slightly less than adequate. The current industrial zoning in unincorporated the County can accommodate a population of 79,116, at rate of 12.5 acres per 1,000 residents, whereas the projected 2030 population for the unincorporated County is 99,738. An additional 257.8 acres industrially-zoned land would therefore be needed in the unincorporated County, based on the ratio of 12.5 acres/1,000 residents.

Figure 2-6: Industrial Zoned Land (Countywide)

Jurisdiction	Industrial Zoned Acres Available (6/16/09)
Unincorporated Santa Fe County	989.0
City of Santa Fe*	1,674.1
City of Española**	0.0
Town of Edgewood**	0.0
Pueblos	0.0
TOTAL	2,663.1 acres

*Including proposed City of Santa Fe annexation area. **Portion in Santa Fe County only.

2.2.3.4 EXISTING PUBLIC AND INSTITUTIONAL LAND USE AND ZONING

There are approximately 4,948.3 acres of land in the unincorporated County that are developed for public, institutional, and utilities uses. Land uses in this category consist mainly of federal, state, and county offices, community centers, schools, and places of worship. The largest developed sites in this category include:

The State prison (650.6 acres) and the National Guard Amory (349.5 acres) located on State Road 14, south of the Interstate 25 interchange. The Glorieta Conference Center operated by a religious organization and located on 2,172.6 acres along Interstate 25, east of Glorieta Pass. The landfill managed by the Solid Waste Management Authority (SWAMA), located on about 160 acres, to the west of the Tres Arroyos planning area and adjacent to the Caja del Rio unit of Santa Fe National Forest. Other major public/institutional land uses in the unincorporated County include: the Santa Fe Opera, which occupies about 122 acres to the west of Tesuque; the Santa Fe Community College campus, which occupies about 160 acres in the southern suburbs of the City of Santa Fe; and the Institute of American Indian Arts, which occupies about 135 acres near the Santa Fe Community College.

The County's existing zoning allows public, institutional, and utilities in a broad range of zoning districts, mainly designated as "community service facilities", so the adequacy of the supply of land for such uses is not a concern. The main challenges with the location of these uses are:

- Encouraging the location of schools, community centers, government offices, places of worship, and other institutional uses within communities, to serve as a focal point for the community and afford easy access to residents, and encourage development of joint agreements to provide access to school land and recreational facilities after hours; and

Table 4-1: Procedural Requirements by Application Type

Application Type	Discretionary Review?	Application Requirements			Review/Approval Process				
		Pre-application TAC meeting	Pre-application neighborhood meeting	Studies, reports, assessments	Agency review	Approval by Administrator	Hearing Required?		
							Hearing Officer	Planning Commission	BCC
Development permit: Residential	no	no	no	no	as needed	yes	no	no	no
Development permit: non-residential, mixed use & multi-family	no	yes	as needed	see Table 6-1	as needed	yes	no	no	no
Land divisions, subdivision exemptions and other plat reviews	no	no	no	no	as needed	yes	no	no	no
Family transfer	no	no	no	no	as needed	yes	no	no	no
Temporary use permit	no	no	no	no	as needed	yes	no	no	no
Minor subdivision - final plat, 5 or fewer lots	no	yes	no	see Table 6-1	as needed	yes	no	no	no
Minor subdivision - final plat, more than 5 lots	yes	yes	no	See Table 6-1	As needed	no	no	no	yes
Major subdivision - preliminary plat	yes	yes	yes	see Table 6-1	yes	no	no	no	yes
Major subdivision final plat	yes	yes	No	no	no	no	no	no	yes
Conceptual plan for subdivision - phased or over 24 lots, phased MU, I, IL, CG, CN	yes	yes	Subdivision - yes Others - no	See Table 6-1	As needed	no	no	no	yes
Conceptual plan PDD, CCD	yes	yes	yes	See Table 6-1	yes	no	yes	yes	yes
Vacation of subdivision plat	yes	no	no	no	as needed	no	no	no	yes
Conditional use permit	yes	yes	as needed	see Table 6-1	as needed	no	yes	yes	no
DCI Conditional use permit	yes	yes	yes	yes	yes	no	yes	yes	no
Variance	yes	yes	as needed	no	as needed	no	yes	yes	no
Time Extension	yes	no	no	As needed	As needed	No	No	No	yes
Planned development district	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Overlay zones	yes	yes	yes	no	as needed	no	yes	yes	yes
DCI overlay zones	yes	yes	yes	yes	yes	no	yes	yes	yes
Zoning map amendment (rezoning)	yes	yes	yes	see Table 6-1	as needed	no	yes	yes	yes
Text amendment	yes	yes	no	no	as needed	no	no	yes	yes
Area, District Community Plan, or Plan Amendment	yes	yes	yes	no	as needed	no	no	yes	yes
Beneficial use determination	yes	yes	no	no	no	no	yes	no	yes
Appeals	See Sec. 4.5	no	no	no	no	no	no	See Sec. 4.5	See Sec. 4.5

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Carrying Capacity: a measure to determine environmental infrastructure or fiscal criteria upon which to ground discretionary development approval. Refers to the extent to which land in its natural or current state can be developed without degrading the environment's infrastructure, level of service, or fiscal impact.

Cemetery: a site containing at least one grave or tomb, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries.

Centerline: the center line of a road right-of-way for a stream, river or waterway. If not readily discernible, the centerline shall be determined by the "low flow line" whenever possible; otherwise, it shall be determined by the centerline of the two-year floodplain.

Certificate of Completion/Occupancy: a certificate indicating that the premises comply with a specific provision of the SLDC.

Certify: whenever the SLDC requires that an agency or official certify the existence of some fact or circumstance, such certification shall be made in a written document.

Church: a place of worship, including any church, synagogue, temple, mosque, or other building or facility, primarily engaged in religious worship. The term "church" includes ancillary uses, such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories, or other facilities, for temporary or permanent residences.

CIP: see Capital Improvements Plan

Cluster Development: a development or subdivision that concentrates lots and structures on a portion of a parcel so as to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of environmentally sensitive areas.

Code: the Santa Fe County Sustainable Land Development Code ("SLDC") and any subsequent amendments.

Collector Road: a road that serves as a connection between local roads and one or more arterial roads. Also see Road, Collector.

Collocation (Telecommunications): means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Combined Antenna: an antenna designed and utilized to provide services by more than one provider. Also see Antenna, Combined.

Commercial Sign: a sign designed to advertise a product or service.

Commercial Solar Energy Production Facility: is a renewable energy production facility that uses sunlight to generate energy for sale or profit.

Common Area: a parcel or parcels of land and/or developed facilities and complementary structures and improvements, including, but not limited to, areas for vehicular and pedestrian access, parks, trails, open space, civic and community buildings, plazas, environmentally sensitive lands and mitigation areas and recreational facilities within the site.

Appendix B: Use Matrix

(fold-out pages after Acronyms)

Use Matrix. Uses permitted in each zoning districts are shown in the Use matrix in Appendix B. All uses are designated as permitted, accessory, or conditional, or prohibited as further explained in Table 8-4. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

Table 8-4: Use Matrix Labels.

P	Permitted Use: The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	Accessory Use: The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	Conditional Use: The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
DCI	Development Of Countywide Impact: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development Of Countywide Impact.
X	Prohibited Use: The letter "X" indicates that the use is not permitted within the district.

Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if:

The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA).

If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). The proposed use shall be considered materially similar if it falls within the same industry classification of the NAICS manual.

The Use Matrix also includes Function, Activity and Structure Codes in accordance with the Land Based Classification System.

SLDC

Appendix

A-54

Use	Function	Structure	Activity	Rural Fringe	Rural Residential	Industrial Fringe	Industrial General	Industrial Light	Special Conditions
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	*
Covered or partially covered atriums and public enclosure		3700		A	X	X	P	P	
Passenger terminal, mixed mode		3810		P	P	P	P	P	*
Active open space/ athletic fields/golf courses	6340			P	C	C	P	P	*
Passive open space	6340			P	P	P	P	P	
Arts, entertainment, and recreation									
Active leisure sports and related activities			7100	P	C	C	C	C	
Movie Ranch				P	P	P	P	P	
Camps, camping, and related establishments	5400			P	C	C	X	C	
Exhibitions and art galleries		4410		X	X	X	P	P	
Performing arts or supporting establishment	5100			C	X	X	P	P	
Theater, dance, or music establishment	5101			C	X	X	C	P	
Institutional or community facilities									
Community center		2200		P	C	C	X	C	
Hospitals		4110		X	X	X	X	P	
Medical clinics		4120		P	P	P	C	P	

Common Element: the portion of condominium property that lies outside all owners' units and is owned, maintained, and operated by the condominium association.

Common Ownership: ownership by the same person, corporation, business, sole proprietorship, firm, trust, entity, partnership, or unincorporated association, or ownership by different persons, corporations, businesses, sole proprietorships, firms, trusts, partnerships, entities, or unincorporated associations, in which a person, stockholder, partner, associate, beneficiary, trustee, or a member of the family owns an interest in each corporation, business, sole proprietorship, firm, trust, partnership, entity, or unincorporated association that has an interest in the land, buildings or structures.

Community Garden: places where neighbors and/or community members gather to grow food and plants together in a common community space.

Community Plan: means 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.

Community Service Facility: is a facility which provides service to a local community organization. Such facilities may include governmental services such as police and fire stations; elementary and secondary day care centers; schools and community centers; and churches and other places of worship.

Community Swimming Pool: a pool that is regularly used by more than the members of a single household and invited guests, and may be open to the public or private.

Community Water System: a water supply system or community well that is under central or common ownership and/or management that serves fifteen (15) or more service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents or commercial units, including a Water and Sanitation District, that uses permitted water rights rather than domestic wells licensed by the State Engineer under § 72-12-1.1 NMSA 1978.

Compatible or Compatibility: characteristics of different uses, activities, or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean "the same as;" rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development. The fact that development is not within the same zoning district, or has different area and use characteristics does not make it incompatible.

Complete Application: an application for development approval that has been submitted to the Administrator in required format and has been deemed complete by the Administrator.

Comprehensive Plan: the long-range general plan, authorized by Section 5-11-3 NMSA 1978, consisting of the adopted Santa Fe County Sustainable Growth Management Plan (SGMP) including any adopted Area or Community Plans, the Capital Improvements Plan and the Official Map, intended to guide the growth and development of the County. Also see Sustainable Growth Management Plan.

Conceptual plan: a scaled drawing of a project that shows general layout of the project including existing development on the parcel, location, adjacent properties, acreage, phasing, lot coverage, density, square footage of non-residential uses, access, roads, traffic impacts, terrain management, soils,



GLORIETA GEOSCIENCE, INC.

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Fax (505) 983-6482
ggi@glorietageo.com
www.glorietageo.com

November 6, 2015

Steve Schmidt
VIA EMAIL: iamsteve108@yahoo.com

Dear Steve:

I am writing to inform you that I contacted Chris Cudia, Northern Region Compliance Program Manager of the New Mexico Environmental Department Drinking Water Bureau, today by phone to discuss the Amma Center water system status in regards to the water system definitions in 40 CFR Part 141.

Mr. Cudia stated that the Amma Center is not defined as a public water system.

Please contact me with any questions.

Sincerely,

Meghan Hodgins
Geologist/Project Manager

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

Water Budget for Amma Center of New Mexico

Residence

The anticipated occupancy of the residence is 6 people. Using The City of Santa Fe water conservation web page reported estimate of average per capita indoor water use (City of Santa Fe, 2013), water use per person per day is assumed to be 58 gallons. This use includes all indoor sanitary, drinking and cooking uses plus evaporative cooling and water filtration and softening. Therefore, indoor use is calculated as follows:

58 gpd/person x 6 people

348	gpd
0.39	afy

Outdoor/Greenhouse

The outdoor water use is a combination of rain catchment, gray water and well water. The water is used on xeric landscaping, fruit trees and vegetable garden with the following areas:

Type	Area ft ²	Water Requirement Irr. (drip)(gal/ft ² per yr.)	gal/yr	AFY
turfgrass	0	-	0	0
trees and shrubs	1200	9.49	11388	0.035
herb and vegetable gardens	1200	8.89	10668	0.033
xeric (assume tree req.)	1200	9.49	11388	0.035
Greenhouse	900	8.89	8001	0.025
TOTAL			41445	0.13

The building is equipped with rain catchment systems that fill cisterns for outdoor water use. The roof size is approximately 5,256 square feet, which is calculated to be capable of capturing a total of 44,819 gallons over the course of a year. The cistern storage volume total for the property is currently 10,800 gallons. Amma Center calculates that the rain catchment will be sufficient for the outdoor and greenhouse water use. For the purpose of calculating a water budget for well water, 65% of the landscaping and garden is counted as well water use at **0.085 acre-feet per year**.

Meditation Meetings – Weekly

The Amma Center hosts weekly meditation meetings that last approximately 2 hours and are attended by an average of 40 people. The meetings are held at the meditation hall, which does not have water facilities. It is estimated that each of the meditation attendees will require toilet use at the residence once during their time at the Amma Center. A water conserving toilet has a flush volume of 1.6 gallons. A water conserving aerator on a faucet has a rate of 2.2 gal /minute. Hand washing is assumed to take

15 second, and water may also be consumed. Therefore, a miscellaneous water use per meditation meeting attendee is assumed to be 1 gallon.

40 people x 1 toilet flush (1.6 gal) and 1 gal misc. water use = 104 gal x 52 weeks per year = 5408 gal/yr.
= **0.02 acre-feet per year**

Large Gatherings – 2 per year

The Amma Center hosts 2 larger gatherings per year that are attended by an average of 100 people. The gatherings are held at the meditation hall, which does not have water facilities. These gatherings last approximately 4 hours. It is estimated that each of the attendees will require toilet use at the residence twice during their time at the Amma Center. A water conserving toilet has a flush volume of 1.6 gallons. A water conserving aerator on a faucet has a rate of 2.2 gal /minute. Hand washing is assumed to take 15 second, and water may also be consumed. Therefore, a miscellaneous water use per event attendee is assumed to be 1.5 gallons per event.

100 people x 2 toilet flushes (1.6 gallons each) and 1.5 gal misc. water use = 470 gal x 2 events = 940 gal/yr. = **0.003 acre-feet per year**

Occasionally some of the guests will stay at the residence overnight. Therefore, additional water use for toilet, personal hygiene, shower and food preparation are included for 6 people.

6 people overnight stay (58 gpd) = 348 gal x 2 events = 696 gal/yr. = **0.002 acre-feet per year**

Total water use = 0.39 + 0.085 + 0.02 + 0.003 + 0.002 = 0.5 acre-feet per year

Opponents' arguments relating to water:

- 1) Multiple water budgets submitted; Water budget does not address large gatherings or burrito project.

RESPONSE: a water budget is required as part of the SFCo approval process. Amma Center changed their development plan in response to discussions with SFCo and a new water budget was created to match the changed development plan. Water budgets are not an "attempt to meet the allotted water," but a plan for how water will be used in a development.

The final water budget submitted to SFCo prior to the CDRC meeting (attached) addresses the water use for the large gathering and the weekly meditation gatherings. The water budget is an estimate of water requirements for the residential water use (e.g. drinking water, cooking, personal hygiene, laundry), outdoor (garden) water use, and water use for the scheduled gatherings at the property and is used as a planning tool for allocating water use on the property. Any additional activities that are not specifically mentioned, such as the burrito project, are still subject to the overall water budget limit, and all uses of water have to be adjusted to compensate for any additional uses to maintain the overall limit. The water budget is for a total use of 0.5 acre-feet per year, which will not be exceeded.

- 2) Limited underground water supply; "use is too intense" and "too dense for rural residential area" [Member Booth].

RESPONSE: In general, the amount of water approved by SFCo for residential lots in a subdivision is 0.25 afy per lot. The proposed Amma Center development is a consolidation of two, 20-acre lots, each with a use of 0.25 afy, for a total use of 0.5 afy on the 40 acre lot. This lot consolidation is a reduction in density. The attached map shows the lot lines for the area surrounding the Amma Center property. The pink rectangle is 40 acres and the red rectangle is 10 acres for comparison. Most of the lots surrounding the Amma Center are less than 10 acres in size. Therefore, the proposed lot consolidation is a reduction in land use density for the area. For comparison, the property to the north of Amma Center has four lots in the area of approximately 40 acres. Each of those residential lots is allowed a use of 0.25 afy, for a total over the ~40 acre area of 1.0 afy. This is a more dense land use than Amma Center. The area to the east and west of Amma Center have the same density of approximately 1 afy for 40 acre area. Therefore, the average residential water use per acre of land in the general area is higher than that proposed at Amma Center.



Amma Center water meter readings

3/26/14 3,439,919

3/22/15 3,555,549 =.35 afy

8/29/15 3,600,225 =.33 afy

9/28/15 3,610,000 =.36 afy

11/29/15 3,621,600 \approx 0.25 afy / month

----- Forwarded message -----

From: "Preserve the Trail PTTA" <preservethetrail@gmail.com>

Date: Dec 4, 2015 4:11 PM

Subject: NM Amma Center Controversy

To: <sanramonevents@macenters.org>, <media@amma.org>

Cc:

Attached please find a letter which has this week been presented to Santa Fe County Land Use Dept. concerning the New Mexico Amma Center's ongoing controversy with its neighbors. It will be read by the members of Santa Fe County Board of County Commissioners. A meeting and decision on the controversy will be reached next Tuesday December 8.

Working hard over the last 3 years, the neighborhood surrounding the NM Amma Center collected over 200 local signatures opposing the Schimdt's/Amma proposal to build a 17,000 + sq ft building. We were successful in having it finally withdrawn.

Two weeks ago, the Preserve the Trail Association which represents this opposition, was also able to get a "no" vote by the County's CDRC opposing the Center's proposal to have the Schmidt's land, at 43 Stone Cabin Road, be designated as religious.

The detail in the attached letter will make clearer the continued opposition the Schimdt's/Center face at next weeks Santa Fe County meeting.

We find it hard to believe that with such ongoing controversy more pressure by the larger Amma organization is not put upon the people involved in New Mexico to sensibly move the Center to a more appropriate place in Santa Fe or the region.

Attachments area

Preview attachment Karnes Letter to BCC - Amma Center.pdf



Karnes Letter to BCC - Amma Center.pdf

Fw: Fwd: Amma Center Asks for Religious Zoning

Tue, Nov 3, 2015 at 9:53 AM

SFC CLERK RECORDED 01/14/2016

From: Preserve the Trail PTTA <preservethetrail@gmail.com>
Date: November 3, 2015 at 8:47:56 AM MST
To:
Subject: Amma Center Asks for Religious Zoning

A Message from the Preserve The Trail Association:

[View this email in your browser](#)



AMMA CENTER ASKS FOR RELIGIOUS ZONING

Dear neighbors,

If you live past Stone Cabin Road you have, no doubt, seen the yellow Public Notice posted on the entrance to the road. For neighbors to the north, this email is to inform you that there will be a public hearing for the CDRC (County Development Review Committee) to vote on the Schmidt's proposal to deem 40 acres of their land and its structures as a religious institution for their guru Amma. The date of the meeting is November 19, held at the County Court House.

Our neighborhood was successful in stopping the Schmidt's proposal to build an 18,000 square foot building to hold thousands of devotees. Now Preserve the Trail wants to halt what is basically a permanent rezoning of rural residential property.

At this juncture, if you would like to help us, **please write to the County voicing your concerns** about the large continuing and increasing numbers of people visiting the Amma Center. The reasons are the same as before : fire, water, traffic and, preserving the character of our rural, residential land.

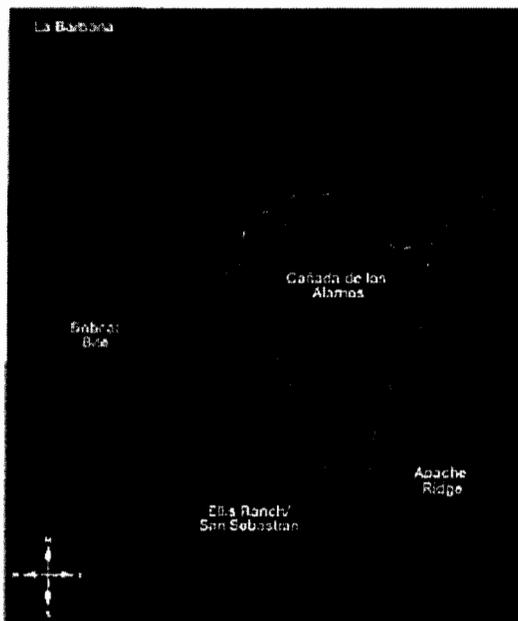
email or mail letters to:
Jose Larranaga
Land Use Department
PO Box 276
Santa Fe NM 87504-0276

NEIGHBORHOOD ALERT !!!

THE **PRESERVE THE TRAIL ASSOCIATION** WOULD LIKE TO INFORM YOU ABOUT A FRIGHTENING POTENTIAL FIRE DANGER AND A RADICAL CHANGE TO ONE OF OUR HISTORICAL, MULTI-GENERATIONAL COMMUNITIES.

Currently, there is a proposal before Santa Fe County to erect an almost 16,000 square foot, 27 foot high building on Stone Cabin Road in historical Cañada de los Alamos. The building will be convention-sized with expansive parking lots to accommodate a large volume of automobiles and buses. In addition, Stone Cabin Road will have to be widened to 20 feet. The developers expect an attendance of 2000 people a day to attend during a week each summer, but there is no prohibition against having multiple events throughout the year.

SFC CLERK RECORDED 01/14/2016



- This intensive use significantly threatens our rural, residential community.
- There will be a substantial increase in traffic and noise, as well as a strain on our water supply.
- FIRE, however, is the most terrifying possibility. Forest fires are so easy to start and spread quickly. It's something we've all witnessed these past few summers. We are now experiencing the worst fire danger in history and one that is not expected to end soon. The evacuation for the community of Cañada de los Alamos is a potential disaster. The Old Santa Fe Trail area has 2000 folks, 1500 or so who would, in the event of fire, be trapped on the dozens of dead end roads east of Two Trails. The large attendance numbers outlined in Steve and Cath Schmidt's building proposal for their Amma Center increases these severe evacuation problems. Imagine 2000 cars (1000 household and 1000 visitors) trying to get through that intersection with emergency vehicles flooding in the other way.

PLEASE JOIN US IN OPPOSING THEIR PLAN!!! WE NEED YOUR HELP!!!
 Donations are needed! These funds will be used for legal fees and educating the community with informational literature.

The Preserve the Trail Association is a group of concerned Santa Feans, New Mexicans and other concerned citizens whose objective is to conserve and protect the fragile and historical Santa Fe Trail.

Please visit our website for updates and to learn about other ways you can help!

WWW.PRESERVETHETRAIL.COM

DONATE ONLINE OR MAIL CHECKS TO:
 PRESERVE THE TRAIL ASSOCIATION
 1000 W. SANTA FE TRAIL
 SANTA FE, NM 87505

FOR MORE INFORMATION
 CONTACT: LINDA J. SCHMIDT
 PRESERVE THE TRAIL ASSOCIATION
 TEL: 505.968.2017

NBH-140



Corporation is not in Good Standing

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<p>Name In New Mexico, DBA Type Good Standing Status:</p> <p>Filing Information</p> <p>Corp # 4803337 Status Active Corporation Date of Incorporation May-24-2013 State of Incorporation NM Fiscal Year Date Dec-31-2014 Report Duedate May-15-2015 Character of Affairs</p> <p>Agent Information</p> <p>LYNN F. LEE 7628 OLD SANTA FE TRL., SANTA FE, NM - 87505</p> <p>Officers/Organizer Information</p> <p>1. Incorporator - JAMES B. ALLEY JR.</p> <p>Instrument History</p> <p>1. Instrument Number 4803337 Filing Date May-24-2013 Type Certificate Of Incorporation Text PRESERVE THE TRAIL ASSOCIATION</p>	<p>PRESERVE THE TRAIL ASSOCIATION</p> <p>Domestic Nonprofit The above corporation is not in Good Standing</p> <p>Address Information</p> <p>1. Corp Mailing Address 7628 OLD SANTA FE TRL. SANTA FE, NM - 87505</p> <p>Directors Information</p> <p>1. ANNIE SAHLIN 2. LYNN F LEE 3. DAVID BIRNBAUM</p>
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PRESERVE THE TRAIL ASSOCIATION

The Preserve the Trail Association is a group of Santa Feans, New Mexicans and other concerned citizens whose objective is to conserve and protect the fragile and historical Santa Fe Trail.

About Us

The Preserve the Trail Association is a group of Santa Feans, New Mexicans and other concerned citizens whose objective is to conserve and protect the fragile and historical Santa Fe Trail. We aim to preserve and improve the existing natural, rural-residential environment of the area on both sides of the Old Santa Fe Trail between the Old Las Vegas Highway on the West, the boundary of the Santa Fe National Forest and La Canada de Los Alamos traditional community on the East, between the Arroyo Hondo drainage on the North and San Sebastian on the South.

Over the years the community in the area surrounding the village of Cañada de Los Alamos and the Historic Old Santa Fe Trail has come together many times to oppose developments which threatened our beautiful, unique way of life, and to work to improve the county codes and regulations to protect the land and our rights. The Preserve the Trail Association has been formed with the intention of establishing a permanent organization to oppose inappropriate development and to work to create a network of communication in the area. The Preserve the Trail Association is working to develop and enact safety plans and awareness, putting into place a comprehensive fire evacuation plan, monitoring water use issues and promoting water conservation. We also contribute to public discourse whenever county regulations which affect our area are being proposed. It is our hope that this organization can eliminate the need in the future to organize each time we are threatened, and provide a platform to promote the well being of this wonderful community!

We are a non-profit organization pursuant to the laws of the State of New Mexico.

PTTA Board Members:

President – David Birnbaum, burnbridge727@aol.com
(<https://mail.google.com/mail/?view=cm&fs=1&tf=1&to=burnbridge727@aol.com>) Vice
President – Therese Martinez, TMTZ2@msn.com (<https://mail.google.com/mail/?view=cm&fs=1&tf=1&to=TMTZ2@msn.com>), 505-984-5071
Secretary – Jim Alley
Treasurer – Lynn Lee

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GARCIA IVES NOWARA



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December 3, 2015

-hand delivered-

Gregory G. Shaffer
Santa Fe County Attorney
Rachel A. Brown
Deputy Santa Fe County Attorney

Re: Amma Center land use application; CDRC Case #MP/DP 13-5000

Dear Ms. Brown and Ms. Shaffer:

I write on behalf of Amma Center regarding its pending land use application. As you know, the County Development Review Committee (CDRC) recently recommended denial of the application by a vote of three to two. Unfortunately, the CDRC's recommendation is not based on the pertinent evidence; it rests instead on the unfounded objections of certain area residents. As explained below, accepting the CDRC's recommendation would trample Amma Center's constitutional and statutory rights. Amma Center requests that the County Commission approve its application subject to the conditions that County staff have recommended, as the Religious Land Use and Institutionalized Persons Act (RLUIPA) and other provisions of law require.

The CDRC's recommendation raises the specter of just the sort of discrimination that Congress sought to prohibit when it enacted RLUIPA. As the legislation's co-sponsors observed,

Churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against . . . in the highly individualized and discretionary processes of land use regulation. . . . [O]ften, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or "not consistent with the city's land use plan."

146 Cong. Rec. S774-01 (daily ed. July 27, 2000). With the goal of ending such discrimination, Congress enacted RLUIPA. See *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 651 F.3d 1163, 1170 (9th Cir. 2011) ("RLUIPA's purpose was to address what Congress perceived as inappropriate restrictions on religious land uses, especially by 'unwanted' and 'newcomer' religious groups.").

RLUIPA provides in part:

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

- (A) is in furtherance of a compelling governmental interest; and
- (B) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C. § 2000cc(a)(1).¹

Denial of Amma Center's application would be arbitrary, capricious, and contrary to the Land Use Code, and courts have recognized such denials as substantially burdensome. For example, in *Westchester Day Sch. v. Village of Mamaroneck*, 504 F.3d 338, 349 (2d Cir. 2007), the court concluded that the church was substantially burdened in part because the zoning board's findings were not supported by substantial evidence and were "unsupported by its own experts." The Court determined that "the zoning decision . . . was characterized . . . by an arbitrary blindness to the facts." *Id.* at 352. In fact, "the application was denied not because of a compelling governmental interest that would adversely impact public health, safety or welfare, but was denied because of undue deference to the opposition of a small group of neighbors." *Id.* at 353 (emphasis added); see also *Guru Nanak Sikh Soc'y v. County of Sutter*, 456 F. 3d 978, 989-91 (9th Cir. 2006) (concluding substantial burden existed because government "inconsistently applied" policies and disregarded relevant findings "without explanation"); *Fortress Bible Church v. Feiner*, 734 F. Supp. 2d 409, 503 (S.D.N.Y. 2010) ("find[ing] that the Church's religious exercise was substantially burdened by . . . arbitrary and unlawful denial of its application").

Denying the application would be contrary to the conclusions of the County's own staff and would lack credible evidentiary support. After studying the application and the pertinent evidence, County staff recommended approval subject to several conditions designed to address a variety of

¹ RLUIPA also explicitly prohibits discrimination between religious and nonreligious organizations and discrimination between different religions:

- (1) Equal terms. No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.
- (2) Nondiscrimination. No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

42 U.S.C. § 2000cc(b). Similarly, the New Mexico Religious Freedom Restoration Act (NMRFRA) prohibits restrictions on religious exercise that "directly discriminate against religion or among religions." NMSA 1978, § 28-22-3 (2000). In addition, in the First Amendment context, the Supreme Court has held, "The fullest realization of true religious liberty requires that government . . . effect no favoritism among sects[.]" *School Dist. Of Abington Tp. v. Schempp*, 374 U.S. 203, 305 (1963). Denial of Amma Center's application based on an uneven implementation of the Land Use Code would run afoul of these authorities.

concerns, including traffic, fire safety, and water use. With these conditions in place, the purported justifications for outright denial of the application are mere pretext for deference to the unfounded NIMBY objections of Amma Center's opponents.

Denying the application would also impose the substantial burden of unnecessary and unreasonable delay and expense. Courts have repeatedly held that the denial of permission to use land may be substantially burdensome when it causes "delay, uncertainty, and expense." *Sts. Constantine and Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895, 901 (7th Cir. 2005); *Reaching Hearts International, Inc. v. Prince George's County*, 584 F. Supp. 2d 766, 786 (D. Md. 2008) *aff'd* 368 Fed. Appx. 370 (4th Cir. 2010) (holding that "expenditure of substantial funds" and "delay and uncertainty" resulting from defendant's actions in processing church's application "also qualify as a substantial burden under RLUIPA"); *Grace Church of North County v. City of San Diego*, 555 F. Supp. 2d 1126, 1136-38 (S.D. Cal. 2008) (holding that expenditure of significant money in application process and uncertainty with respect to future use of property were substantially burdensome). If the County were to deny the pending application, Amma Center would be forced to choose between submitting a new application and filing a lawsuit to challenge the denial. The considerable delay and expense inherent in either course would be substantially burdensome.

To justify denial of the application under RLUIPA, the County would have to prove that its imposition of the burden on Amma Center is the least restrictive means of furthering a compelling interest. This is "the most demanding test known to constitutional law," *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997), in part because only "interests of the highest order" are compelling, *Wisconsin v. Yoder*, 406 U.S. 205, 215 (1972). The least restrictive means requirement is especially significant given the posture of Amma Center's application and the recommendations of County staff. To meet this requirement, the County would have to show "show that it considered and rejected less restrictive measures because the less restrictive measures were not effective to serve the compelling interest at issue." *Rocky Mountain Christian Church v. Board of County Com'rs of Boulder County*, 612 F. Supp. 2d 1163, 1175-1176 (D. Colo. 2009), *aff'd* 613 F.3d 1229 (10th Cir. 2010).

Means less restrictive than outright denial of Amma Center's application can serve every arguably compelling County interest.² The opponents' objections to the application do not establish any compelling interest in denying the application outright.³ There is no evidence that approving the application subject to staff's recommended conditions would jeopardize any interest related to fire safety, traffic, water use, liquid waste disposal, or neighborhood compatibility. County staff recommended approval subject to reasonable conditions that more than adequately protect every interest the opponents have raised. For example, staff recommend approval on the condition that Amma Center monitor traffic to determine if the development generated more than 25 vehicles per peak hour, in which case Amma Center would have to provide a revised traffic impact analysis. As for water use, staff recommends a restrictive covenant and monitoring to ensure that Amma Center does not exceed its allotted .5 acre-feet per year. Approving the application subject to these conditions

² We assume solely for the sake of argument that interests such as traffic could qualify as compelling as a matter of law. It is far from clear that a court would reach this conclusion.

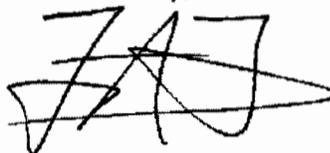
³ Many of the objections do not apply to the current application because they were made in 2013, when Amma Center was proposing to construct a new facility that could accommodate the people who attend Amma's annual visit. Amma Center has withdrawn that plan. Amma Center seeks approval only for existing uses.

and the others staff have recommended would be less restrictive than denying the application outright. That is the least restrictive means approach RLUIPA requires.⁴ See, e.g., *Westchester Day School v. Village of Mamaronek*, 417 F. Supp. 2d 477, 551-52 (S.D.N.Y. 2006) (finding that zoning authority that had rejected religious school's land use application failed to satisfy least restrictive means requirement because record demonstrated that traffic conditions could be mitigated; zoning authority's own consultants recommended approving the application subject to conditions).

Throughout the application process Amma Center has attempted to work cooperatively with the County to address legitimate concerns about its proposed use and to avoid unnecessary litigation. Indeed, Amma Center has accepted the conditions County staff have recommended. Rejecting the staff recommendation of conditional approval and denying the application would violate the fundamental rights of Amma Center and those who wish to make religious use of the proposed religious facility. The law forbids the County from denying Amma Center's application in response to the opponents' baseless NIMBY objections.

Thank you very much for considering these matters.

Sincerely,



Zachary A. Ives

⁴ NMRFRA also requires this. See N.M. Stat. Ann. § 28-22-3 (2000) (prohibiting government from "restrict[ing]" religious exercise unless (1) "the restriction is in the form of a rule of general applicability and does not directly discriminate against religion or among religions" and "the application of the restriction to the person is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest").

Graeser & McQueen, LLC
— ATTORNEYS AT LAW —

Thursday, March 12, 2015

Santa Fe County Development Review Committee
102 Grant Ave.
Santa Fe, NM 87501-2061

Re: Amma Center of New Mexico MP/DP for Community Service Facility

Dear Committee Members,

I am pleased to represent Amma Center of New Mexico in its request for master plan/development plan, you will find a complete application, in full compliance with the Land Development Code, and we request your recommendation of approval.

It is important to understand that Amma Center plans no changes to the use of the subject property. The Growth Management Department Director requested that Amma Center submit an application to formally obtain approval for the existing uses and Amma Center consented, reserving all rights.

As a religious land use, the application is covered by the federal Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §2000cc *et. seq.*, the New Mexico Religious Freedom Restoration Act, NMSA 1978 Section 28-22-1 *et. seq.*, and the U.S. and New Mexico constitutions in addition to the Santa Fe County Land Use Code.

I do not foresee a problem approving the application, as it is in full compliance with the Code and thus RLUIPA should not become an issue. However, for your reference, RLUIPA provides in relevant part:

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

Christopher Graeser ▪ Matthew McQueen ▪ Joshua Schwartz

316 E. Marcy Street ▪ PO Box 220 Santa Fe, NM 87504 ▪ 505-982-9074 ▪ chris@tierralaw.com

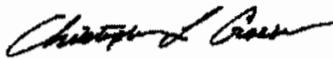
SFC CLERK RECORDED 01/14/2016

In accordance with RLUIPA, NMRFRA and the U.S. and New Mexico constitutions, the applicant is willing to discuss and consider any proposed means for furthering any compelling government interest of Santa Fe County in order to avoid imposition of a substantial burden on the applicant's religious exercise.

We are happy to address any questions or concerns you may have. I believe that once you review the land use application, and have a chance to learn about Amma's good works and amazing influence, you will recognize this application as a wholly positive contribution to Santa Fe County.

Thank you for your consideration of our application.

Sincerely,



Christopher L. Graeser

SFC CLERK RECORDED 01/14/2016

Christopher Graeser • Matthew McQueen • Joshua Schwartz

316 E. Marcy Street • PO Box 220 Santa Fe, NM 87504 • 505-982-9074 • chris@tierralaw.com

IPRA

Robin Gurule <rsaiz@santafecountynm.gov>

Fri, Dec 4, 2015 at 3:34 PM

To: "Christopher Graeser (chris@tierralaw.com)" <chris@tierralaw.com>

Mr. Graeser,

Santa Fe County has no documents responsive to this request.

Sincerely,

Robin Gurule

Administrator

County Attorney's Office

P.O. Box 276 - 102 Grant Avenue

Santa Fe, NM 87504-0276

505.986.6212

From: Robin Gurule

Sent: Friday, November 20, 2015 8:48 AM

To: 'Chris Graeser'

Cc: Penny Ellis-Green; Vicki Lucero; Wayne Dalton; Amanda L. Romero; Michael K. Kelley; Claudia I. Borchert; Jeanette J. Duran

Subject: RE: IPRA

IPRA

Chris Graeser <chris@tierralaw.com>

Thu, Nov 19, 2015 at 10:11 PM

To: Robin Gurule <rsaiz@santafecountynm.gov>

Bcc: Dolores Vigil <liaisonplanning@gmail.com>, Steve Schmidt
<iamsteve108@yahoo.com>

Robin,

I would like to make the following public records requests:

1. All well meter readings submitted for the following properties:

- A. Anne Sahlin, 21 Stone Cabin Road
- B. David Birnbaum, 7727 Old Santa Fe Trail
- C. Therese Martinez, 30 Little Island Road

2. All building permits issued for the following property:

- A. Anne Sahlin, 21 Stone Cabin Road

Thank you.

-Chris

Graeser &
McQueen, LLC
ATTORNEYS AT LAW

Christopher L. Graeser
316 East Marcy Street
Post Office Box 220
Santa Fe, New Mexico 87504-0220
(505) 982-9074
www.tierralaw.com

2.2.5 GROWTH MANAGEMENT STRATEGY

The overall growth management strategy for the County is to direct growth to areas most efficiently served by adequate facilities and services using a wide range of techniques. The growth management strategy includes:

1. Designated Sustainable Development Areas (SDAs) and the SDA Map which establish future service areas and prioritize planning, budgeting and provision of infrastructure and services.
2. The Future Land Use (FLU) Categories and FLU Map identify anticipated development patterns and establish the guidelines for the County's future development and a framework for the zoning map.
3. The Official Map is a series of maps identified as the preliminary official maps which identify private and public lands for which the public may have a future need.

2.2.5.1 SUSTAINABLE DEVELOPMENT AREAS

The fundamental premise of SDAs is that the County can be divided into geographical sub-areas based upon functional distinctions within the growth management system. The Sustainable Development Area (SDA) concept is for the County to establish future service areas, target and leverage public and private funding and investment to priority growth areas and direct and phase future growth. SDAs serve as an incentive for compact development in priority growth areas. The SDA concept recognizes that different areas of the County face different needs and solutions related to growth and development. While individual geographical areas may need specialized strategies for dealing with growth, they must still be viewed in terms of their interrelationships with other areas and with the County as a whole. The delineations of the SDA system relate strongly to the goals necessary to achieve the desired outcomes for the County through the growth management system.

SDA-1. SDA 1 identifies the County's primary growth areas where new development is likely and reasonable to occur within the next 10 years. Infrastructure is planned, budgeted or reasonably available. New infrastructure may be installed provided that there is required participation by new development to fund. These primary growth areas are the primary location targeted for new growth. Adequate facilities and services will be required for any development in SDA-1, including approved public or private water and wastewater systems, urban road improvements, and urban service levels for public safety, fire and emergency medical assistance. Service providers should plan and construct facilities in these areas to meet the needs of development at these urban intensities.

SDA-2. In SDA 2 areas, new development is likely and reasonable to occur over the next 10 to 20 years and in some cases, as infill within existing communities within the next 10 years. Infrastructure may not be currently available, but may be included for future funding through the proposed Capital Improvement Plan. Infrastructure may be reasonably available (it may be close, in time or location) and funding alternatives may be identified, but participation by new development would be required. These secondary growth areas are not expected to develop at urban intensities until public or private facilities, primarily water, sewer and improved roads, are installed, which is not intended to occur until years 10 to 20 of the SGMP planning term, although infrastructure may be provided to serve existing developed areas and infill areas within the initial 10-year period, including necessary infrastructure warranted by public health and safety concerns.

SDA-3. In SDA 3 areas, there are no plans to provide urban or suburban facilities and services. Infrastructure is not available or budgeted and any use that requires infrastructure to be provided solely at the expense of new development. Urban and suburban development is not likely and reasonable to occur in more than 20 years, if at all. The SDA 3 areas may contain agricultural and equestrian development, natural resources, wetlands, hillsides, archaeological areas and areas identified as environmentally sensitive.

In SDA-1 and SDA-2 areas, the County can work cooperatively with the municipalities, communities and service providers to provide facilities and services necessary for development.

The Sustainable Development Area Map identifies the three SDA's that plan for appropriate future development through 2030, as shown on **Map 2-3**.

The overall character and economy of the County is defined by its communities, population growth, historical and contemporary development patterns and land preservation. There is a critical connection between available developable land and the need for adequate facilities and water resources to sustain future land use. Sustainable development and building practices have evolved out of land use and community planning movements and concepts for the past twenty years. Proactive sustainable growth management planning is essential to balance population growth with adequate levels of service.

2.2.1 GROWTH TRENDS AND GROWTH PROJECTIONS

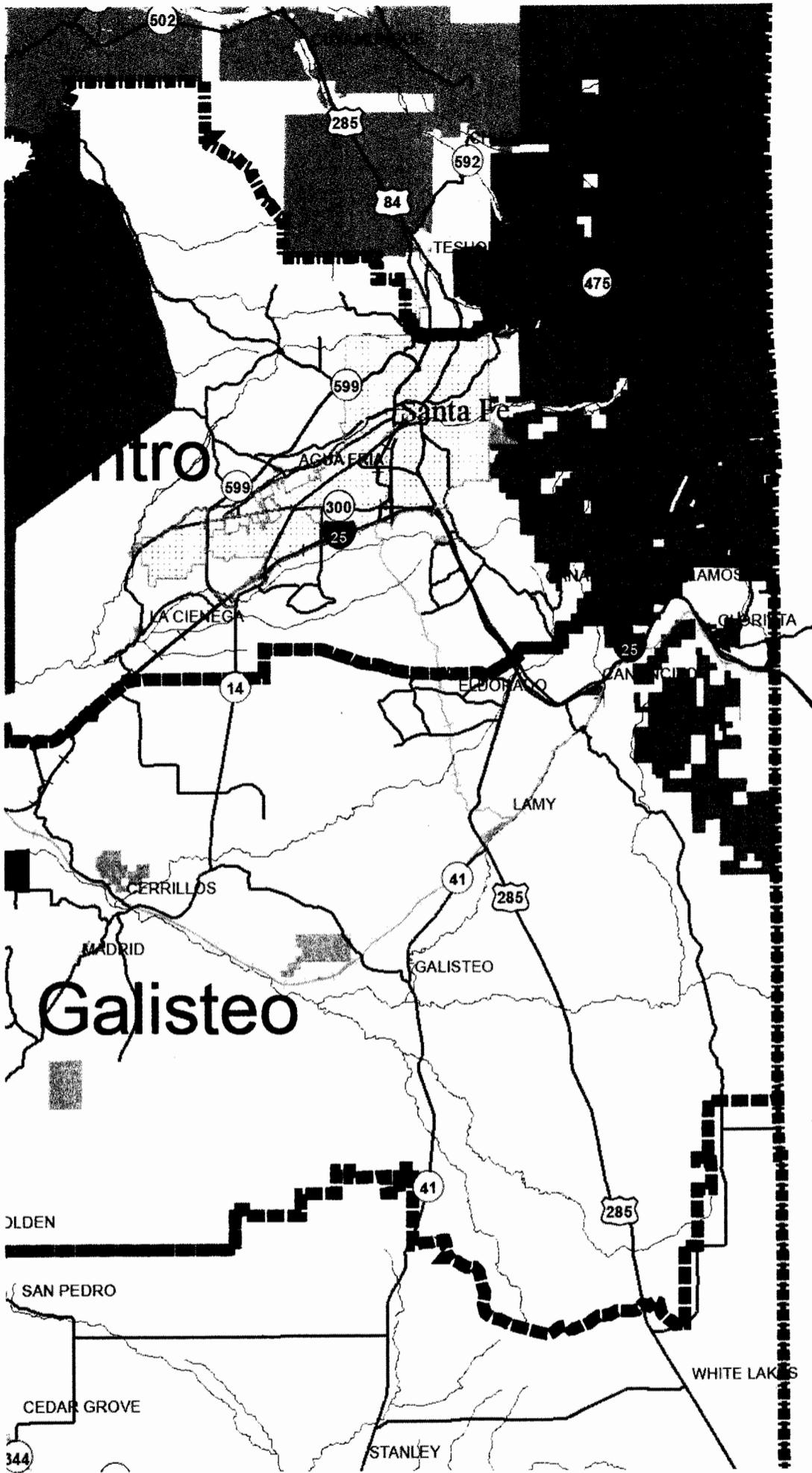
Santa Fe County commissioned a study, "Population and Housing Trends in Santa Fe County" as part of the process to create the SGMP to determine future population and housing projections for the County. This study was based on data and studies from the Bureau of Business and Economic Research at the University of New Mexico (BBER) that were analyzed for reliability and applicability.

The Population and Housing study projects growth for the County for the period 2010-2030. Regional population and Housing projections are broken down for the four Growth Management Areas (GMAs), El Norte, El Centro, Galisteo and Estancia, as defined in this Plan (see Map 2-1).

These projections reveal little change in recent County growth rates through 2020. This is in line with the relatively stable growth rates the County has experienced for the last decade (approximately 2.0% in the unincorporated County; 1.7% in the total County). The incorporated areas include the cities of Santa Fe, Española, and the Town of Edgewood.

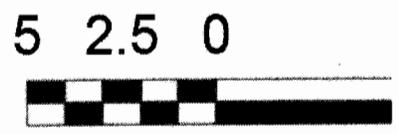
The growth rate is projected to gradually decline after 2020. The largest period of growth predicted for the unincorporated County occurs from 2010 to 2015, with a total increase in population of 10.2%. Over the period 2010 to 2030 there will be development in Santa Fe County of about 24,000 dwelling units and 11,333 employees. Of the above dwelling-unit growth, 12,195 units will be in the Unincorporated Area and 11,715 will be in the incorporated areas. Of the 11,333 jobs, 3,534 will be in the Unincorporated Area and 7,799 will be in the incorporated areas. Thus, 51 percent of the projected dwelling units and 31 percent of the projected employment will be in the Unincorporated Area of the county; 49 percent of the dwelling units and 69 percent of the jobs will be in the incorporated areas. Figures 2-1, 2-2 and 2-3 show projected population, dwelling units and employment by growth management area.

- El Centro is growing the fastest among the County's four regions, experiencing an annual growth rate of 7.68% from 2010 to 2030; El Norte is projected to be the slowest growing region, experiencing an annual growth rate of 1.78%.
- The percentage of residents in the unincorporated areas of the County is expected to increase slowly from 2010 to 2030, increasing from 42.3% to 45.2%.
- The number of persons per household is projected to decline slightly from 2010-2030 (2.61 to 2.58), reflecting the increase of singles, married persons without children, partners and seniors.
- The number of dwelling units in the unincorporated County is projected to increase by 45.1% from 2010 to 2030.
- Employment in the unincorporated areas of the County is expected to experience a greater proportionate increase in the period between 2010-2030 than, increasing 34.9% compared to 17.6% for the Total County.



-  Municipalities
-  Major Roads
-  New Mexico Railroads
-  Railroad Lines
-  Major Streams and Arroyos
-  Pueblo Lands (2008)
-  County Open Space
-  State Park Lands
- Federal Conservation Lands**
-  U.S. National Park Service
-  U.S. Forest Service
-  Federal Dam and Reservoirs

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This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of the information. Users are solely responsible for the accuracy of the data when necessary.

1.7 SANTA FE COUNTY OVERVIEW

This section presents basic information on the County as a foundation for economic development analysis. For planning and management purposes, the County is divided into four Growth Management Areas (GMAs), based on geographic, political and land use boundaries: El Norte, El Centro, Galisteo, and Estancia. A GMA map and summary table of demographic data follow:

Table 1 Demographic Data

Population, 2012 (estimate)	146,375	69,204	2,085,538
Land area in square miles, 2010	1,909	46	121,298
Population density (persons per square mile)	76	1,478	17
Total Households, 2007-2011	60,594	31,266	762,002
No. of families	36,012	16,276	501,798
Homeownership rate, 2007-2011	70.6%	61.2%	69.6%
Total employment (estimate), 2007-2011	71,194	34,687	886,857
Per capita annual income (2011 dollars), 2007-2011	\$32,680	\$34,443	\$23,537
Unemployment	7.90%	7.50%	8.20%

Source: United States Census Bureau

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Figure 2-2: Dwelling Unit Projections by Growth Management Area

Unincorporated County by Area	Dwelling Units					Total Change 2010-2030	Percent Change 2010-2030
	2010	2015	2020	2025	2030		
El Norte	7,977	8,304	8,881	9,472	9,747	1,770	22.20%
El Centro	8,571	10,950	12,883	14,606	15,645	7,074	82.50%
Gallisteo	6,640	7,328	7,930	8,512	8,991	2,351	35.40%
Estancia	3,839	4,053	4,368	4,684	4,838	999	26.00%

Figure 2-3: Employment Projections by Growth Management Area

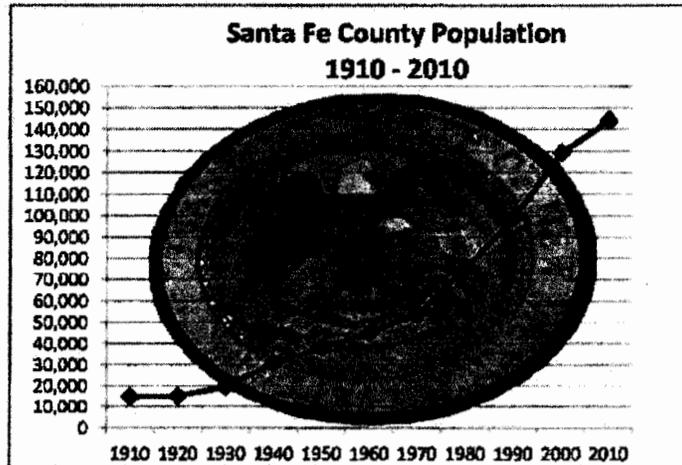
Unincorporated County by Area	Employment					Total Change 2010-2030	Percent Change 2010-2030
	2010	2015	2020	2025	2030		
El Norte	2,666	2,849	3,036	3,229	3,428	762	28.60%
El Centro	4,904	5,341	5,797	6,272	6,766	1,862	38.00%
Gallisteo	1,341	1,450	1,563	1,680	1,802	461	34.40%
Estancia	741	808	877	950	1,025	283	38.20%



Santa Fe County Fiscal Year 2014 Budget



Introduction to Santa Fe County



SCHOOLS

There are three public school districts in Santa Fe County. These are the Santa Fe Public Schools, Edgewood Public Schools and the Pojoaque Valley Public Schools. The three districts combined have two pre-k to kindergarten schools, 25 elementary-only schools, seven middle schools, five community schools ranging from pre-k to 8th grades, four charter schools, and four high schools. There are also 28 private schools ranging from pre-k to 12th grades. The Santa Fe Community College is a major educational institution providing two-year degrees and certificate programs. There are currently approximately 23 colleges and vocational schools in Santa Fe, including the Santa Fe University of Art and Design (formerly the College of Santa Fe), St. John's College, Institute of American Indian Arts, Southwestern College and the University of Phoenix.

HOUSING

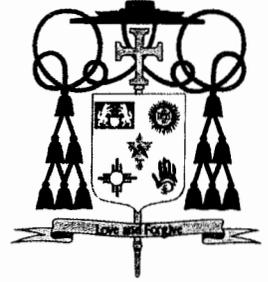
According to the 2010 decennial census, Santa Fe County had 71,267 housing units. Of these units, 61,963 were occupied, or 86.9%. Housing units in the County increased by 13,566 units between 2000 and 2010. This represents a 23.5% growth during that period of time, the 4th highest growth rate in the State behind Sandoval, Dona Ana and Catron counties. Occupancy rates did not keep pace with the overall growth rate of housing units with the growth rate of units that are occupied lagging at 18.1%, while the number of vacant units grew by 78.3% from 5,219 in 2000 to 9,304 in 2010.

The average density of housing units is 37.3 units per square mile in unincorporated areas of Santa Fe County. However, in the City of Santa Fe there were 30,488 housing units at an average density of 815.2 per square mile. According to ACS 1-year estimates for 2011, the total housing units increased to 72,231 of which 60,935 were occupied, or 84.4%. These estimates carry a margin of error +/- 2.8%.



The Church of Antioch At Santa Fe

Bishop Douglas L. Walker
P.O. BOX 32596 Santa Fe, NM 87594-2596
505 983-9003 doug@blessings.be



December 8, 2015

Board of County Commissioners
County Administrative Building,
102 Grant Avenue
Santa Fe NM 87501

Dear Robert A. Anaya, Miguel M. Chavez, Kathy Holian, Henry Roybal, and Liz Stefanics,

I am the Pastor of the Catholic Church of Antioch at Santa Fe, and Bishop of the Ordinariate of Holy Faith, which is centered in Santa Fe.

I am writing this letter of support for the Amma Community here in Santa Fe, which has met together at Stone Cabin Road since 1988. It is my firm belief that restricting their use from what it has been for 28 years would irreparably harm the community and restrict the religious freedom. Their use is similar to our Carmelite Monastery here in Santa Fe and granting them less freedom than our beloved Carmelite Sisters would surely be seen as an act of discrimination on the part of this honorable Commission.

Further, the local Amma community has distinguished themselves within our county and in the City of Santa Fe through their charitable works and their involvement with assisting the needy. They are beloved among thousands of people in our community for their kindness and involvement with the interfaith community in outreach to those in need.

It is my sincere request that you grant them your consideration by approving their zoning request. I congratulate them for the hard work they provide for those in need and their efforts to make our world a better place. We need more citizens like them.

Sincerely,

Bishop Douglas Walker



I support the Amma Center's application MP/DP 13-5000

I did not speak at the public hearing out of courtesy for the Commission's time, but I would like my presence and support noted.

Name

Address

Cynthia Fulreader	2844 Vereda de Pueblo, SF, NM 87507
Astrid DeAngelis	7757 C Old Santa Fe Tr., SF, NM 87505
Arhana Lee	P.O. Box 33013, 4738 Aquatica, 87507
NICOLAAS BOLLEN	11 CALLE SUZANNA, SF, NM, 87507
Mike Palama	25 A Line Kilm Road, Lamy, NM 87540
Barbara Kolisch	452 Acequia Madre #1 Santa Fe NM 87505
Shen Robinson	100 Del Rio DR: SANTA Fe N.M
Jack " " "	" " " 87501
Susan Anderson	12 Sagrada Family Lane Rowe, NM.
Janet M. Mariano	14A Cam. Estrellas Santa Fe 87508
Ellen Verkerke	P.O. Box 9760 Santa Fe 87504
Sarah McGrath	2127 Avenida de Las Alturas Santa Fe, 87505
Susana Leite	1578 Corte la Couada SF 87501
Jayshree BHARTA	601 W Sam Mateo Rd #45 S.F. 87505
Alexis Girard	532 Camino Militar SF 87501
Patricia "Patty" Smith	18 Calle San Acacia SF 87506
Alex E Bays	501 W. 2a Rd, SF 87505

SFC CLERK RECORDED 01/14/2016

I support the Amma Center's application MP/DP 13-5000

I did not speak at the public hearing out of courtesy for the Commission's time, but I would like my presence and support noted.

<u>Name</u>	<u>Address</u>
Diane Beaucage	48 Stone Cabin Rd.
Rebecca S. Victoria Sosaya	1621 Canyon Road
Linda FOWLER	51 Craftsman Rd. Santa Fe
Bia Thompkins	262 Vuelta Loble
Nate Thompkins	
Brenda Wittner (I may speak)	3603 St Hwy 14, Santa Fe, NM 87505
Lisa Levine	4 Cielo Rosado B.
Jodie Franco	31 Paseo Vista SF NM 87508
ANTOINE KHOURY	31 PASEO VISTA SF NM 87508
Rita Reyes	48 Stone Cabin Rd. SF NM 87505
ADAM SCHWARTZ	18 CALLE SAN ACACIA SF NM 87506
DAVID GINSBERG	3 MONTE ALTO WAY SF NM 87508
GEORGE VINCENT WRIGHT	3456 CALLE P' O A E PI, UNIT #1 SANTA FE NM 87507
Douglas SMITH	134 Principe de Paz, Santa Fe, NM 87508
Anne Smith	134 Principe de Paz Santa Fe NM 87508
MARK WINGARD	47 QUARTZ TRAIL SANTA FE, NM 87505
Bishop Douglas L. Walker	27 CRAFTSMAN RD. SANTA FE 87508

I support the Amma Center's application MP/DP 13-5000

I did not speak at the public hearing out of courtesy for the Commission's time, but I would like my presence and support noted.

<u>Name</u>	<u>Address</u>
Matthew Fowler	51 Craftsman Rd., Santa Fe, NM 87508
Helen MOORE	3373 AVE San Marcos 87507
Carwyn Schmidt	25 STONE CABIN RD 87505
Sharon Spencer	2416 San Patricio Plaza 87505
Adam Smolen	PO Box 32981 Santa Fe, NM 87594

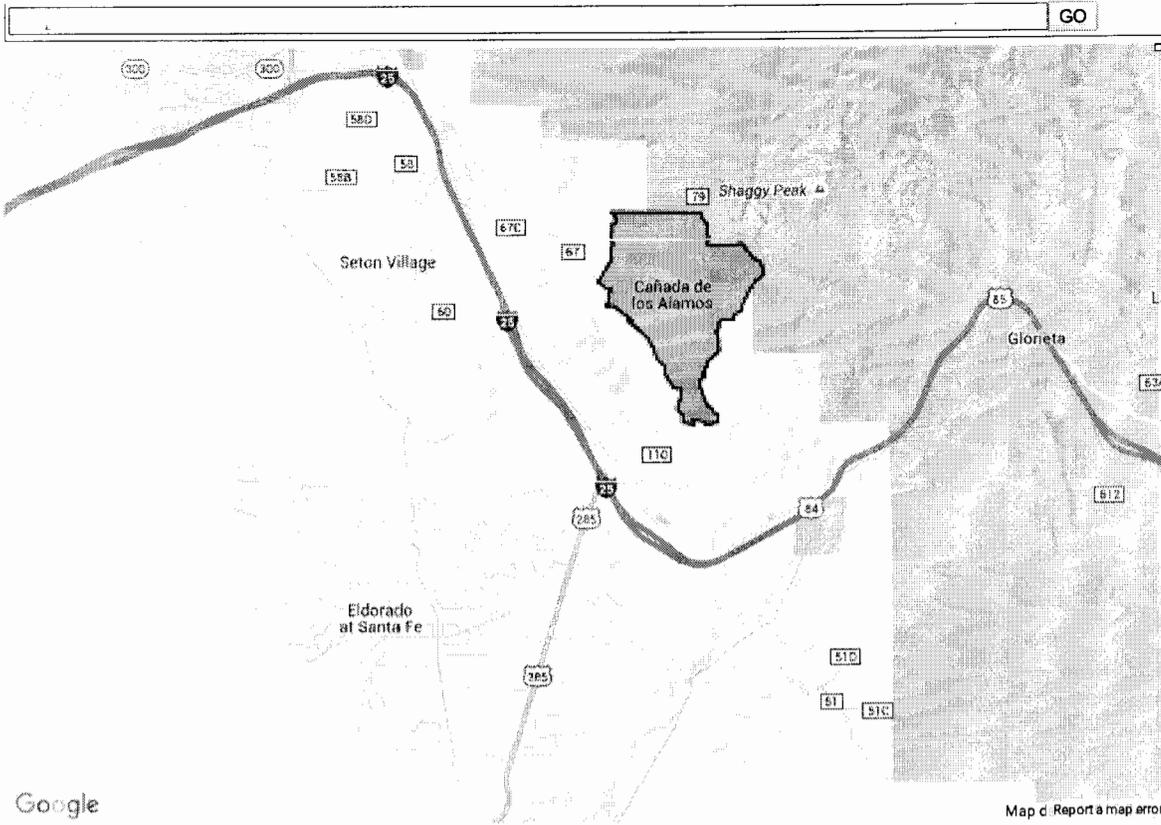
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Table 1. Place of Birth, Residence in 1995, and Language: 2000—Con.

Based on a sample (except Tables 65-68). For information on confidentiality protection, coverage, sampling error, and nonsampling error, see Appendix 2. For information on definitions, see "How to Use This Census Report."

State County County Subdivision Place	Total population	Native population— Percent born in state of residence	Foreign born population			Population 5 years and over		Speak a language other than English at home			
			Number	Percent of total population	Percent naturalized citizens	Number	Percent living in different house in 1995	Population 5 to 17 years	Percent who speak English less than "very well"	Population 18 years and over	Percent who speak English less than "very well"
Santa Fe County	129,292	54.7	13,075	10.1	27.4	121,557	46.6	6,683	33.9	8,218	24.7
Santa Fe CCD	70,747	54.3	10,237	12.9	24.8	74,886	51.1	4,950	48.4	25,861	31.7
Alamosa CDP	1,456	81.5	306	20.2	15.9	1,853	43.4	216	44.4	745	44.1
Santa Fe city (part)	61,730	50.8	7,196	11.5	24.8	58,378	52.3	2,444	38.8	15,859	24.4
Tesuque CDP (part)	-	(X)	-	(X)	(X)	-	(X)	-	(X)	-	(X)
Santa Fe North CCD	17,140	74.7	1,075	6.3	27.4	16,099	30.5	1,456	23.5	1,291	14.7
Chimayo CDP (part)	597	71.2	-	(X)	(X)	579	31.1	53	51.4	463	14.4
Chupadero CDP	289	67.8	-	(X)	(X)	276	49.6	16	16	173	12.4
Ganemuel CDP	477	85.9	85	13.6	-	449	74.9	65	58.8	151	25.3
Gundavo CDP	120	95.0	-	(X)	(X)	120	14.2	-	(X)	46	11.6
Guyanungue CDP	467	81.4	27	5.8	-	453	27.2	28	21.1	215	12.8
El Ranche CDP	820	72.7	39	4.8	35.9	752	27.3	60	22.1	175	14.9
El Valle de Arroyo Seco CDP	854	74.7	35	4.1	74.3	826	22.4	117	25.5	146	43.5
Española city (part)	2,668	78.8	272	10.2	12.9	2,507	36.0	209	32.0	386	18.8
Española CDP	565	75.8	27	4.8	-	535	33.3	25	-	304	17.4
La Puñilla CDP	1,320	76.2	129	9.8	11.6	1,252	32.7	198	-	677	15.3
Pecosque CDP	1,164	75.4	150	12.9	34.0	1,050	33.0	115	30.4	482	23.3
Rio Chiquito CDP	138	100.0	-	(X)	(X)	138	-	7	100.0	14	87.4
Rural Medio CDP	103	97.1	-	(X)	(X)	100	-	4	-	49	-
San Ildefonso Pueblo CDP	398	81.3	3	0.8	100.0	389	14.1	29	10.3	150	16.2
Santa Cruz CDP	393	94.2	29	7.4	24.1	367	18.6	53	89.8	249	17.6
Santa Fe city (part)	75	-	-	(X)	(X)	75	-	-	(X)	36	-
Socorro CDP	420	64.7	12	2.9	25.0	376	31.1	17	-	77	12.2
Tesuque CDP (part)	845	42.5	45	5.3	57.8	820	34.3	11	-	199	12.2
Santa Fe South CCD	32,406	46.9	1,763	5.4	42.9	30,592	44.2	1,447	24.1	5,941	19.4
Camada de los Alamos CDP	319	85.2	37	11.9	64.9	296	21.3	9	-	116	12.4
Cedar Grove CDP	683	61.4	19	1.9	100.0	610	42.3	-	(X)	48	-
Edgewood town	2,024	44.1	53	2.6	86.8	1,894	47.0	46	37.0	45	14.1
Hollorado at Santa Fe CDP	5,722	26.2	270	4.7	35.6	5,519	53.4	108	13.0	411	11.6
Quintero CDP	333	66.1	-	(X)	(X)	333	25.2	4	-	15	11.9
Sloan CDP	711	68.6	10	1.4	-	679	14.2	43	14.9	274	20.8
La Griega CDP	3,023	65.7	298	9.9	8.1	2,701	46.5	125	60.8	199	21.5
Lamy CDP	161	43.5	-	(X)	(X)	145	46.3	-	(X)	52	25.5
Los Cerros CDP	136	54.3	7	5.1	100.0	124	34.7	-	(X)	61	15.8
Madrid CDP	106	32.1	-	(X)	(X)	96	69.6	-	(X)	9	-
Santa Fe city (part)	-	(X)	-	(X)	(X)	-	(X)	-	(X)	-	(X)
Santa Fe County	13,270	40.5	672	6.6	32.3	12,668	49.4	562	30.2	2,775	19.4
Truth or Consequences East CCD	10,219	38.9	459	4.5	47.5	9,786	52.5	332	19.6	1,496	20.7
Eschscholtz Butte city	1,440	24.1	32	2.2	78.1	1,420	53.5	9	22.2	115	13.6
Truth or Consequences city	7,287	40.8	395	5.4	41.8	6,943	53.7	298	18.1	1,741	12.5
Wintombing village	490	28.3	18	2.0	80.0	470	38.9	1	-	40	12.2
Truth or Consequences West CCD	3,051	46.4	413	13.5	15.5	2,882	36.9	230	45.7	722	48.4
Socorro County	16,076	67.9	1,165	6.4	24.8	16,654	41.5	1,198	40.7	5,924	21.7
Claunch CCD	124	60.5	-	(X)	(X)	115	58.3	4	-	17	-
Magdalena CCD	13,531	68.3	730	5.4	28.9	12,621	42.5	907	45.8	4,500	12.8
Alamo CDP	1,301	97.5	-	(X)	(X)	1,184	25.8	319	83.5	731	60.3
Magdalena village	940	69.8	15	1.6	40.0	888	35.8	43	20.9	282	27.3
Socorro city (part)	8,986	64.1	674	7.5	28.0	8,365	46.1	412	18.0	2,847	20.8
Rio Grande CCD	4,423	67.0	435	9.8	17.9	4,118	37.8	287	25.4	1,407	14.4
Socorro city (part)	-	(X)	-	(X)	(X)	-	(X)	-	(X)	-	(X)
Taos County	29,979	61.2	1,243	4.1	33.5	28,347	35.6	2,175	28.3	12,667	24.9
Arroyo Hondo CCD	3,971	52.1	112	2.8	40.2	3,704	42.6	197	37.5	1,351	22.3
Galesta village (part)	15	48.7	-	(X)	(X)	15	48.7	-	(X)	4	-
Taos Ski Valley village (part)	90	17.3	9	10.0	77.8	80	53.3	-	(X)	11	16.1
Penasco CCD	1,380	73.5	20	1.4	85.0	1,297	19.7	150	48.0	739	35.2
Pecos CCD	1,801	84.9	27	1.5	44.4	1,686	24.6	189	16.4	1,104	21.1
Chamamul CDP	325	81.8	-	(X)	(X)	308	21.4	35	-	222	16.2
Penasco CDP	601	85.8	11	1.8	27.3	562	26.0	81	24.7	310	21.7
Pecos Pueblo CDP	87	84.7	2	2.3	-	80	26.8	-	(X)	61	23.1
Rio Lucio CDP	341	85.6	-	(X)	(X)	313	25.9	25	8.0	237	12.4
Vadito CDP	201	90.6	10	5.0	70.0	185	20.0	28	32.1	130	41.8
Quemada CCD	3,959	55.4	41	1.0	26.8	3,707	36.8	319	24.8	1,716	22.7
Guevora village (part)	1,865	86.9	24	1.3	29.2	1,721	37.0	181	18.6	963	19.8
Red River town	517	19.1	7	1.4	57.1	500	84.6	7	57.1	27	17.1
Taos Ski Valley village (part)	-	(X)	-	(X)	(X)	-	(X)	-	(X)	-	(X)
Taos CCD	15,513	69.9	968	5.9	29.6	14,696	37.9	997	27.3	6,233	24.7
Ranchos de Taos CDP	2,229	88.8	70	3.1	35.7	2,118	32.8	149	19.5	1,149	26.4
Taos town (part)	4,785	56.8	347	7.3	22.5	4,598	45.5	389	27.6	1,837	41.5
Taos Pueblo CCD	2,366	81.3	89	3.8	42.7	2,236	25.4	295	15.6	1,291	16.2
Taos town (part)	25	44.0	-	(X)	(X)	21	33.3	4	-	12	-
Taos Pueblo CDP	1,304	91.0	10	0.8	30.0	1,227	15.1	180	24.4	811	14.5
Tres Piedras CCD	989	31.3	46	4.7	54.3	931	32.9	73	-	234	15.5
Torrance County	16,911	56.0	715	4.2	38.6	15,725	46.4	693	20.9	3,434	26.7
Estancia CCD	14,694	53.7	644	4.4	37.7	13,655	47.5	584	19.2	2,769	26.0
Estancia town	1,572	82.7	206	13.2	19.2	1,475	57.5	39	17.9	483	45.4
Manzano CDP	77	96.1	-	(X)	(X)	73	49.3	-	(X)	35	11.4
Monterey city	1,738	61.7	45	2.6	53.3	1,597	51.3	59	39.0	347	11.0
Tajique CDP	239	79.5	15	6.3	-	216	44.0	41	-	92	22.0
Torrance CDP	267	76.8	-	(X)	(X)	257	30.7	20	15.0	100	25.0
Mountainview Estancia CCD	2,217	70.9	71	3.2	26.6	2,070	39.2	109	30.3	885	26.5
Enchino village	90	85.1	3	3.3	-	81	6.2	6	-	44	47.1
Mountainview town	1,136	86.9	22	1.9	27.3	1,063	42.9	73	32.9	340	23.8
Willard village	239	87.3	18	7.5	-	221	42.5	12	25.0	122	27.0
Union County	4,174	54.2	90	2.2	37.8	3,945	39.6	161	20.9	740	11.5
Clayton North CCD	754	57.7	9	1.2	-	727	35.8	16	-	132	9.6
Clayton town (part)	-	(X)	-	(X)	(X)	-	(X)	-	(X)	-	(X)
Deer Money village	253	60.5	-	(X)	(X)	230	45.2	3	-	12	2.9
Frazar village	98	56.7	6	6.3	-	98	14.6	9	-	6	-

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Canada de los Alamos, NM Data & Demographics (As of July 1, 2015)

POPULATION		HOUSING	
Total Population	438	Total Housing Units	228 (100%)
Population in Households	438	Owner Occupied HU	163 (71.5%)
Population in Families	316	Renter Occupied HU	43 (18.9%)
Population in Group Qtrs	0	Vacant Housing Units	21 (9.2%)
Population Density ¹	119	Median Home Value	\$371,951
Diversity Index ²	60	Average Home Value	\$440,337
HOUSEHOLDS		INCOME	
Total Households	207	Median Household Income	\$59,099
Average Household Size	2.12	Average Household Income	\$77,246
Family Households	115	Per Capita Income	\$36,955
Average Family Size	3		

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(Compound Annual Growth Rates)

GROWTH RATES	2010-2015	2015-2020
Population	0.17%	0.14%
Households	0.47%	0.29%

New Reply Delete Archive Junk Sweep Move to Categories

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- Drafts2
- Dropbox
- facebook
- father 2
- final divorce papers
- Flagstar
- GED 12
- gina
- Home School 4
- Hotelscom

Traffic Count Information



Johnny P. Baca 11/17/15
To: tmartinez@ci-santafe.nm.us Cc: tm22@msn.com

Be carefull This sender failed our fraud detection checks.

Ms. Martinez,

Good afternoon. Please review the information below, per your request. Thank you.

Location of Count	Route #	Date	Post Speed	85%	Volume	Ave. Speed	Road Surface Type	Comments/Crossroad
Old Santa Fe Trail	CR 67	4/1/2003	35MPH	50MPH	1235PD	44MPH	Asphalt	200' Southeast of Two Trails
Old Santa Fe Trail	CR 67	3/8/2013	25MPH	28MPH	214PD	20MPH	Chipseal	400' E.E. of Caronde Village Road
Old Santa Fe Trail	CR-67	9/1/2015	25MPH	34mph	2,262PD	29mph	Asphalt	400' S. of Ridge Road

Respectfully,

Johnny P. Baca, CPS
 Traffic Manager
 Santa Fe County Public Works Department
 424 NM State Road 599
 Santa Fe, New Mexico 87507
 Office (505) 992.3020
 Fax (505) 992.3028
jbaca@santafecountynm.gov

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Of Counsel
Licensed in New Mexico and California

December 2, 2015

Santa Fe County Board of County Commissioners
c/o Robert Anaya, Chair
102 Grant Avenue
Santa Fe, NM 87501

Re: CDRC Case # MP/DP 13-5000 Amma Center (the "Application")
Amma Center of New Mexico (the "Applicant")
48 Stone Cabin Road (the "Property")

Dear Chair Anaya and Commissioners:

On behalf of the Preserve the Trail Association (PTT), this letter requests that you deny the Application, as the CDRC recommended in its decision of November 19, 2015, on the basis that it does not comply with the County Code requirement that the proposed use be compatible with existing development in the area.

The Applicant represents that it has used the property for community service uses for the past 28 years without the County approvals required for such use. The Applicant's unregulated use has led to issuance of a Notice of Code Violation by the County and confrontations involving neighbors and Applicant representative Steve Schmidt spanning decades.

On June 14, 2014, a large unpermitted event was held at the Property following Amma's annual week-long visit (which was held at Buffalo Thunder). Santa Fe County Code Enforcement Officer Daniel Diaz witnessed the event and issued a Notice of Violation (NOV) to the Applicant for operating a business without a license. (Exhibit A) He did not also cite the Applicant for the ongoing unpermitted development, which the 2013 Application requests be approved decades after its initiation.

On September 6, 2014, while the NOV was pending, another large unpermitted event was held at the Property, this one celebrating Amma's birthday. During that event, Mr. Schmidt explicitly threatened Cañada de los Alamos residents regarding the Application: **"and if we go forward and became a community service facility, the problems will really start ... the danger for you is if we become a community service facility...it's a danger for people who live here because then we become public and we don't want to do that. ... Then we'd be able to have camps, have programs, invite the public, we'd be like a public church and like we could have**

S F C C L E R K R E C O R D E D 0 1 / 1 4 / 2 0 1 6

December 2, 2015

Page 2 of 4

programs here, you know, held for the public **and it'll be a completely different situation than we have right now.**" This threat, which Mr. Schmidt made while the Application was pending, is documented in a video that is part of the record in this case.

In sum, Mr. Schmidt warned that if the Application is approved, the ensuing use will expand and **will constitute a danger** to residents in the area. A more direct admission of incompatibility would be hard to imagine. After being subjected to almost three decades of unpermitted use including large gatherings that disturb neighbors, increase risk of fire and generate negative impacts to the community, Mr. Schmidt now promises that "the problems will really start" if this Board approves the Application.

Taking the Application at face value, it requests that the County issue after-the-fact approvals to legalize the *existing use* under the County Code. In contrast to Mr. Schmidt's threats, Applicant counsel Chris Graeser advised the CDRC "[i]t is important to understand that Amma Center plans no changes to the use of the subject property." (Letter dated March 12, 2015) The balance of this letter addresses the Application as submitted. However, the Board should keep in mind Mr. Schmidt's promise to intensify the use beyond its historical level.

With respect to the compatibility requirement, the Applicant claims that "community service facility uses are *necessarily* considered compatible with residential uses." (Master Plan/Preliminary Development Plan Report, p. 5, emphasis added) That is simply not the case. The Applicant has the burden of persuasion that the Application meets this and all applicable Code sections and the Board is responsible for determining whether there is substantial evidence that the proposed use is compatible with existing development in the area. Based on the evidence presented, the CDRC concluded that the use is **not compatible** with the surrounding rural residential development in Cañada de los Alamos.

Typically, the evaluation of compatibility is carried out based on a *proposed* use and its anticipated impacts on existing development in the area. Here however, decades of unpermitted actual use provides a basis for assessing the effects on the surrounding area. The record in this case contains abundant evidence and correspondence from Cañada de los Alamos residents describing how the actual use of the Property is incompatible with the existing uses. In particular:

1. Use of the Property for Large Events in a High Wildland Urban Hazard Area Presents a Substantial Risk of Harm

East of Two Trails Road, the community of Cañada de los Alamos is served by a single narrow and winding road. There is only one way in and one way out of this rural residential community. Any blockage of Old Santa Fe Trail (CR 67/67A) east of Two Trails Road could result in disaster in the event of a wildfire. The Hondo Fire Department has estimated that as many as 2,000 residents in 1,000 cars would have to exit from Cañada de los Alamos in a very short period of time in the event of a wildfire.

December 2, 2015

Page 3 of 4

The large events held on the Property result in traffic jams along Stone Cabin Road and the presence of large numbers of people increases the already high risk of fire. (See Exhibit B – photo of September 6, 2014 event) A wildfire occurring during one of the large events could lead to tragic results, with emergency vehicles attempting to access Cañada de los Alamos at the same time as residents and event attendees are attempting to escape.

The fact is that a large community served by a single access road is an undesirable situation. While the residents live with this danger and to date a viable secondary access route has not been achieved, the question before this Board is whether a proposed use that exacerbates the existing danger is compatible with existing development in the area. Would the proposal make an already bad situation worse? The answer to this question is clearly yes, and for this reason alone the Application should be denied, as the CDRC recommended.

The fact that the use occurs today cannot be a factor in deciding whether the Application should be approved. The question before this Board is whether the *proposed* use meets the applicable Code criteria. The existence of the use only provides evidence that can be applied to the test. It is not justification for allowing the use to continue if it does not meet the Code criteria.

2. The Applicant Has Not Demonstrated that the Proposed Use has an Adequate Water Supply

County Hydrologist determined that the amount of water available to the Property is 0.5 acre feet per year (afy). According to the Applicant, the uses consist of a residential component ranging from 2-13 residents and a non-residential community service facility component, for which the Application was submitted.

Inexplicably, the Applicant submitted a water budget stating that the residential component would consume the entire water budget, leaving no water for the proposed community service facility uses. (May 2015 Glorieta Geoscience Report) The report also cited a 2013 City of Santa Fe study reporting that per capita indoor water use is 58 gallons per person per day and relied on four months of water meter readings from 2013 as the basis for its conclusions regarding the residential water use.

When the County hydrologist pointed out that the water budget would not allow any water at all for the proposed community service facility, the Applicant revised the water budget to reduce the number of “proposed” residents, thereby leaving water available for the proposed non-residential uses. At the CDRC meeting, the Applicant’s counsel claimed that his client would have “no problem” operating the uses within the water use limit and refused to accept any conditions holding the Applicant to its proposed number of residents or other proposed water use restrictions, set forth in a letter submitted on behalf of PTT dated November 18, 2015. (Exhibit C) Applicant’s Counsel claimed that such restrictions would be “unfair” because they are not required of other uses.

December 2, 2015

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The Applicant's counsel did not acknowledge the County practice of imposing conditions on applications to ensure compliance with the County Code. It is the Applicant that is requesting County approval and comparison to existing land uses is misplaced. There is nothing unfair about holding the Applicant to its representations, for example, that no more than 6 people will live at the residence.

Particularly given the various representations the Applicant has made concerning its water use in an effort to achieve a viable water budget, the requested conditions would absolutely be appropriate to provide assurance that the proposed use will comply with the water use limitation. This is particularly true given the City of Santa Fe's recent revelation that its new more accurate "Badger" water meters have determined that per capita water use has been substantially underreported in recent years.

In any event, the Applicant has failed to submit evidence to the County demonstrating that it will be able to comply with the water use limitation going forward and Mr. Schmidt's threats to have camps and programs and more events open to the public are evidence that the Applicant's manipulation of its water budget figures are nothing more than a shell game and that future water use would exceed the 0.50 gpcd limit.

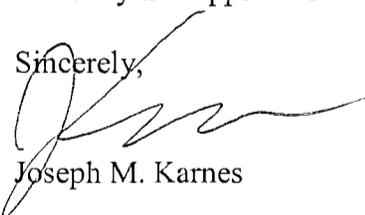
3. The Board Should Ratify the CDRC Recommendation to Deny the Application

After some 28 years of flouting the County Code and still refusing to acknowledge the County's jurisdiction, the Applicant requests approval of the Application while at the same time threatening to increase its intensity of use. Worse, the Applicant's counsel has once again wielded RLUIPA as a sword rather than the shield it was created to provide and threatens the County with litigation if it applies its Code requirements to the Application.

The Applicant cannot evade the Code requirement that *all* proposed community service facilities be compatible with existing development in the area. The CDRC is designated as the County's zoning commission and, after a thorough review and public hearing, concluded that the uses proposed in the Application are not compatible with existing development in the area. Evenhanded application of a land use requirement that is applicable to all proposed community service facilities to the Application is not discriminatory and in no way violates RLUIPA.

Based on the foregoing, we urge you to arrive at the same conclusion as did the CDRC and deny the Application.

Sincerely,



Joseph M. Karnes

Cc: Chris Graeser

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September 2, 2014

Jose Larranaga, Case Planner
Growth Management Department
102 Grant Avenue
Santa Fe, NM 87508

**Re: Request for Prosecution of Ongoing Code Violation
Amma Center, 48 Stone Cabin Road (the "Subject Property")**

Dear Mr. Larranaga:

On behalf of the Preserve the Trail Association, the purpose of this letter is to request that Santa Fe County immediately require discontinuance of the ongoing illegal use of the above-referenced property and file an action in District Court for injunctive and other appropriate relief pursuant to Santa FE County Land Development Code Article II, §§5.3 and 5.6.4.

Since the early 1990's residents of Cañada de los Alamos have faced disturbance and adverse impacts resulting from unpermitted use of the Subject Property. The property owners never obtained required permits for the annual week-long use of the Subject Property for gatherings involving thousands of people. As a result, Code provisions addressing public safety, sanitation, water use, erosion control and other issues went unaddressed, to the detriment of the community.

For the past several years, the annual gathering has been held at other locations – this year at the Buffalo Thunder Resort & Casino. However, as you know, in June of this year during the week-long gathering, dozens if not hundreds of people assembled on the Subject Property for multiple days. The property owners failed to apply for the required Special Use Permit for this use.

On June 26, 2014, Code Enforcement Officer Daniel Diaz issued a Notice of Violation for operating a business on the Subject Property without a Business License (the "NOV"). (Exhibit A)

In addition, as you also know, for the past several years the Amma Center of New Mexico has operated an institutional use on the Subject Property that is open to the public that involves multiple meetings each month. This use is also

SOMMER KARNES & ASSOCIATES LLP

unpermitted and it appears that the property owners have ignored the NOV, as according to the Amma Center website (www.amma.org), upcoming events at the Subject Property are scheduled for September 3, September 6 and September 10. (Exhibit B)

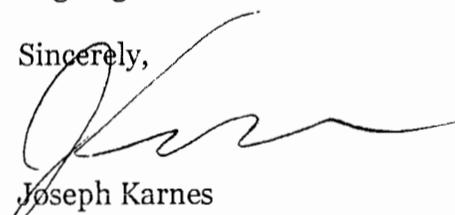
These actions are consistent with the property owner's pattern of ignoring the Code for the past 20+ years. We understand that the County Growth Management Department decided to refrain from enforcing the Code while the property owner's 2012 application for a 17,000+ SF building was being processed. However, per the attached letter from the applicant's planning consultant, Dolores Vigil, the application has been "on hold" since July 15 of 2013. (Exhibit C)

The Code authorizes the County to punish Code violators with a fine of up to \$300 or imprisonment up to six month or both and states that each day on which the Code is violated shall constitute a separate violation of the Code. (Article II, §5.6) The property owner's regular operations of the Amma Center of New Mexico alone have been carried out for the past several years in blatant violation of the Code and continue to be conducted as if the Code did not exist.

Given that the application has been "on hold" for more than a year and given the June 26, 2014 Notice of Violation, the time has come for the County to act on its obligations and responsibilities by prosecuting the ongoing violations. Each day that the unpermitted uses are carried out, the risks of groundwater depletion and contamination, fire hazards and other issues detrimental to the neighbors and public continue to adversely affect the community.

Please advise what specific actions the County is carrying out to remedy the ongoing violations.

Sincerely,



Joseph Karnes

Cc: Penny Ellis Green, Growth Management Director
Greg Shaffer, County Counsel



NOTICE OF VIOLATION

THIS BUILDING AND OR PROPERTY HAS BEEN INSPECTED AND IS IN VIOLATION OF SANTA FE COUNTY ORDINANCE:

LAND DEVELOPMENT CODE

- UNPERMITTED DEVELOPMENT
1996-10 ART. 2 SEC. 2
- JUNK VEHICLES
1993-6 ART. 2 SEC 2
- ANTI-LITTER
1993-11
- TERRAIN MANAGEMENT
1996-10 ART. 7 SEC. 3
- OTHER _____

- BUSINESS REGISTRATION
1992-3
- LIGHTING ORDINANCE
1996-10 ART. 3 SEC. 4
- RV ORDINANCE
1996-11
- PUBLIC NUISANCE
2009-11
- OTHER _____

YOU HAVE (5) FIVE WORKING DAYS TO CONTACT THE COUNTY AND MAKE ARRANGEMENTS TO CORRECT THE VIOLATION OR LEGAL ACTION WILL BE NECESSARY. STOP WORK ORDER

PERSON/LOCATION: Stephen's Cathryn Schmidt, Amma Center 45 Stone Cabin Rd.

COMMENTS: Operating a Business without a Business License from Santa Fe County. W. II need to contact Jose. (505) 986-6296

DATE: 6-26-14

INSPECTOR: T. Daniel Diaz (505) 995-2725

Exhibit A - B



Amma Center of New Mexico

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The Santa Fe Satsang offers many ways to serve. [learn more >>](#)

<http://amma.org/groups/north-america/amma-center-new-mexico-0/projects/integrated-amrita-meditation-technique>

Upcoming Events

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AUGUST Saturday 30 Santa Fe Satsang at the Amma Center	SEPTEMBER Wednesday 03 Spiritual Dialogue w/Steve & Chandra	SEPTEMBER Saturday 06 Original IAM Refresher	SEPTEMBER Saturday 06 Santa Fe Satsang at the Amma Center	SEPTEMBER Wednesday 10 Spiritual Dialogue w/Steve & Chandra
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Silver City, Taos, Dixon

LIAISON Planning Services Inc.

July 15, 2013

Mr. Jose Larranaga, Development Review Specialist
Building and Development Services Division
102 Grant Ave.
Santa Fe, NM 87501-2061

Re: Master/ Development Plan Approval for Amma Center of New Mexico
Lot 1-A Section 27, T16N, R10E N.M.P.M Santa Fe County, New Mexico

Dear Jose,

I am writing this note on behalf of the Amma Center of New Mexico and Stephen and Cathryn Schmidt, requesting you place the application on hold temporarily.

Sincerely,

Dolores I. Vigil
Liaison Planning Services Inc.

Exhibit B

Stone Cabin Road

Amma Birthday Party – September 6, 2014



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Of Counsel
Licensed in New Mexico and California

November 18, 2015

County Development Review Committee
c/o Jose Larranaga
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

**Re: Amma Center Master Plan/Preliminary and Final Development Plan
CDRC Case #MP/DP 13-5000 (the "Application")**

Dear CDRC Member:

On behalf of the Preserve The Trail organization (PTT), this letter addresses the Application, which proposes to bring longstanding unpermitted activities into compliance with the County Code. As you will hear at your November 19 meeting, PTT members and residents of the Cañada de los Alamos community have had serious public health safety and welfare concerns regarding use of the Amma Center property for the past several decades including fire protection, water supply, traffic and noise.

As addressed in letters submitted by PTT members and others, we believe that bringing large numbers of people on a regular basis into a rural area that is served by a single two-lane road with limited water supplies is not an appropriate use. We request that the Application be denied.

One of the challenges neighbors have faced with respect to use of the Amma Center is not knowing the extent and intensity of uses or the resulting impacts on the environment, quality of life and public safety issues. The Application is a positive step in ensuring that Code provisions are applied to the proposed use of the property and we request that the CDRC evaluate the Application and imposed conditions regulating use of the property to ensure compliance in the future if it decides to recommend approval of the Application.

The focus of this letter is on the water budget proposed by the applicant and the amount of water available for the 40 acre property. Given the lack of effective enforcement of water use limitations by the Office of the State Engineer, should the County decide to approve the application, it is imperative that clear, effective and enforceable conditions be imposed on the project. The surrounding area supports low density residential land uses that rely on domestic wells. Particularly given the variation in the applicant's description of the proposed uses, if such

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conditions are not imposed, the actual water use may substantially exceed the allowed use, to the detriment of residents in the vicinity.

The County utilities division concludes that the total allowed water use is 0.5 acre feet per year (afy). Over the past two years, the applicant's hydrologist has submitted three separate water budgets (dated 9/13, 5/15 and 11/15), each with varying water use estimates. The estimates were obviously made in an effort to demonstrate compliance with the allowed water use. However, without effective conditions and monitoring, the estimates are meaningless.

The following addresses representations made by the applicant, followed by requested conditions should the CDRC decide to recommend approval of the Application. For ease of reference, the requested conditions are listed together in Exhibit A.

1. Number of residents

The May 2015 groundwater report states that the number of residents on the property has ranged between 2 and 13 residents since 1996. The "anticipated occupancy of the residence" has been reduced from 8 people (9/13) to 7 people (5/15) to 6 people (11/15). The applicant clearly reduced the number of occupants in an effort to demonstrate the ability to comply with the allowed water use and they must be held to its representation.

Requested Condition – We request any recommendation for approval include a condition that occupancy of the residence be limited to no more than 6 people.

2 Non-residential Water Use

The 5/15 groundwater report estimated the total annual water use for residential and landscaping to be 0.50 afy – **leaving no water** for the non-residential uses proposed in the Application (one meeting per week, preparation of burritos every Sunday and "several larger gatherings per year").

In an effort to correct this oversight, the 11/15 water budget includes water use calculations for one weekly meeting and two larger gatherings per year. As addressed above, the 11/15 water budget also reduces the number of permanent residents from 7 to 6 in order to accommodate the non-residential uses that consume water.

The 11/15 water budget excludes the "burrito project" which meets every Sunday morning and makes over 100 burritos (Exhibit A) and any other regular use of the Amma Center.

Requested Condition – We request any recommendation for approval include a condition that use of the Amma Center be limited to one weekly meeting and that the burrito project either be carried out off site or that the applicant incorporate water use associated with that use into a revised water budget demonstrating compliance with the 0.50 afy limitation.

3. Larger Gatherings

The 11/15 water budget states that the Amma Center “hosts 2 larger gatherings per year that are attended by an average of 100 people” and last approximately 4 hours. Also, the water budget states that 6 people may stay overnight during those events.

Requested Condition – We request any recommendation for approval include a condition limiting the number of larger gatherings to two per year, with a maximum attendance of 125 people, a maximum duration of 5 hours and a maximum of 10 overnight guests per event.

4. Landscape Irrigation

The estimates of the percentage of landscaping and garden used for calculation of water use vary as well. The 9/13 water budget states that 80% of these areas are counted as well water use, while the 5/15 water budget uses 50% and the 11/15 water budget uses 65%. None of the budgets include any explanation for these discrepancies or explanation for why a lower factor is appropriate other than the applicant’s desire to create a water budget that fits the allowed water use.

Absent such explanation, the most conservative of the applicant’s figures should be used for the water budget calculation. Applying an 80% factor to the 11/15 estimate of 0.13 afy for landscape irrigation yields a water use of 0.10 afy versus the 0.085 afy estimate used in the 11/15 budget.

Requested Condition – We request any recommendation for approval include a condition that the applicant submits a revised water budget that justifies the assumptions for landscape irrigation that is reviewed and approved by County staff prior to final approval.

5. Meter Readings

The groundwater report represents that meter readings collected over a four month period in 2013 show that overall water use has decreased from 0.6 afy to 0.48 afy and attributes the decline to conservation measures. (5/15 report p. 2) The report asserts that “this reduction shows that they are capable of water conservation to keep the use below the water availability of the property.” The applicant has not provided any meter readings since 2013 as part of its application. As a result, there is no information as to the project’s water use for the past two and a half years.

Meter readings are the only way to verify whether the applicant complies with its representations and the Code requirement that no more than 0.5 afy is used.

Requested Condition – We request any recommendation for approval include a condition that the applicant submits to the County hydrologist an initial meter reading and annual meter readings

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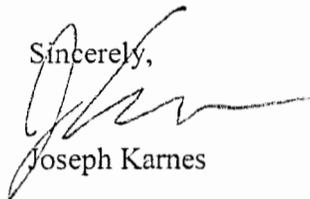
thereafter.

6. Public Water Supply

The Memorandum from Santa Fe County Utilities states that the water supply for the Amma Center could be considered a public water supply and recommends that the applicant provide documentation that they have contacted the New Mexico Environment Department's Drinking Water Bureau for a determination. This should be carried out prior to a final decision on the project.

Requested Condition – We request any recommendation for approval include a condition that the applicant submits documentation from the New Mexico Environment Department's Drinking Water Bureau as to whether the proposed use and water supply constitutes a public water supply and that if so, all requirements be met prior to issuance of a final approval.

Sincerely,



Joseph Karnes

Exhibit ~~A~~ C-A

Requested Conditions of Approval Regarding Water Use

1. Occupancy of the residence shall be limited to no more than 6 people.
2. Use of the property shall be limited to one weekly meeting. The weekly burrito project shall either be carried out off site or the applicant incorporate water use associated with that use into a revised water budget demonstrating compliance with the 0.50 afy limitation.
3. The number of larger gatherings is limited to two per year, with a maximum attendance of 125 people, a maximum duration of 5 hours and a maximum of 10 overnight guests per event.
4. The applicant shall submit a revised water budget that justifies the assumptions for landscape irrigation.
5. The revised water budget shall be reviewed and approved by County staff prior to final approval.
6. The applicant shall submit to the County hydrologist an initial meter reading upon issuance of final approval and annual meter readings thereafter.
7. The applicant shall submit documentation from the New Mexico Environment Department's Drinking Water Bureau as to whether the proposed use and water supply constitutes a public water supply and that if so, all requirements shall be met prior to issuance of a final approval.



Amma New Mexico - Amritapriya Schmidt

The Burrito Project crew at the Amma Center in Santa Fe ~ Every Sunday morning these volunteers (and more) pack delicious Burrito lunches and then distribute them to an average of 108 homeless individuals. With Amma's divine grace, this wonderful seva has been going on since 1996 ~ that's almost 20 years! Jai Ma! ♡



Amma New Mexico

The Burrito Project crew at the Amma Center in Santa Fe ~ Every Sunday morning these volunteers (and more) pack delicious Burrito lunches and then distribute

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