SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING

July 8, 2014

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



COUNTY OF SANTA FE STATE OF NEW MEXICO

)) ss BCC MINUTES PAGES: 186

I Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of August, 2014 at 02:17:31 PM And Was Duly Recorded as Instrument # 1743777 Of The Records Of Santa Fe County

eputy / / wll/

My Hand And Seal Of Office

Geraldine Salazar

Unty Clerk, Santa Fe No

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

July 8, 2014

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Danny Mayfield, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

I. B. Roll Call

Members Present:

Members Excused: [None]

Commissioner Danny Mayfield, Chair Commissioner Robert Anaya, Vice Chair Commissioner, Kathy Holian Commissioner Miguel Chavez Commissioner Liz Stefanics

I. C. Pledge of Allegiance

The Pledge of Allegiance was led by Justin Salazar of the Human Resources Department.

I. D. State Pledge

The State Pledge was led by Audrey Esquivel.

I. E. Moment of Reflection

The Moment of Reflection was led by Andria Duran of the HR Department.

I. F. Approval of Agenda (Action Item)

- 1. Amendments
- 2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Mr. Chair, we have a couple of tabled items and one amendment under item V. B. 1. We do have an update on the City-County master meters. Then under Public Hearings, the land use cases, the first two cases have been tabled. Oh, I'm sorry. I missed a the very beginning of the agenda the case for Rockology that was scheduled this morning at 10:00 am was tabled to August, and that was

posted on our web and we did send out notices on that and then for this afternoon's meeting, the first two land use cases, Cases 1 and 2 have been tabled and we'll only have the first case on the Vedura residential.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I defer to Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would like to request that item III. B. 3, which is the resolution regarding the Endangered Species Act be for discussion only and not for a vote. I have not gotten all the information that I wanted to present lined up but there are some people here now, including Esther Garcia, the former mayor of Cuesta who drove all the way from Cuesta to be able to speak about this item. I would like for us to discuss it and for the public to be able to comment on it, if possible.

CHAIR MAYFIELD: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anava.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Holian, did you want to move that up until after approval of the minutes?

COMMISSIONER HOLIAN: That would be great.

COMMISSIONER ANAYA: I would request that, Mr. Chair. For the

discussion.

CHAIR MAYFIELD: Okay.

COMMISSIONER ANAYA: And I would move for approval as amended.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Ms. Miller, on the item that I requested to be on, V. B.

1. a, I wanted that update to be from staff. I just asked for it based on an article that I read in the newspaper, and also I wanted it to be – when did this receive posting? Today or when was this amended agenda put out?

MS. MILLER: Mr. Chair, I believe that it was posted as un update. I was going to do it under miscellaneous updates but I added it as a specific item. I was going to do it under the Manager, miscellaneous updates and I believe that it was added sometime since your email. I don't know the specific time it was added.

CHAIR MAYFIELD: I was just hoping it would be posted so that individuals, or maybe you could do some outreach to Mr. Schiavo at the City if he has ample time to come over here. Because again, based on what I read in the paper I think there was some back and forth between communications between the City of Santa Fe and Santa Fe County, at least as what has been stated to me in the past. I don't know if there's been other prior discussions or other individual discussions with Commissioners. So I would like to see if we could do a quick invite to the City of Santa Fe also to discuss this.

MS. MILLER: Mr. Chair, I can do that. I have requested a meeting on this issue because actually, a week before the City's meeting I had a meeting with the City Manager and Nick Schiavo on various water issues and it was never mentioned that their recommendation was going to be denial of that particular item. So I actually called and said I would like a meeting about this, because I was concerned that where did that come from?

So we have also asked for a specific meeting on this issue because the annexation and

that master meter are actually quite separate. As a matter of fact, at the City's request that particular one was left out of the annexation agreement.

CHAIR MAYFIELD: Fair enough. So we'll just save that for discussion a little later. So Commissioners, with that we have an amended agenda in front of us as Commissioner Holian and Commissioner Anaya requested.

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

- I. G. Approval of Minutes (Action Item)
 - 1. Approval of June 11, 2014 BCC Meeting Minutes

CHAIR MAYFIELD: Are there any changes or requests?

COMMISSIONER ANAYA: Mr. Chair, I'd move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

I. H. Additional Notice That Continued Public Hearing on CDRC Case #
ZMXT 13-5360, Buena Vista Estates, Inc. & Rockology LLC, Will Take
Place on Tuesday, August 12, 2014, at 10:00 am

CHAIR MAYFIELD: That was at the request of our applicant who I believe has up to three opportunities to request this. Are we aware that they're indicating to table this one more time?

MS. MILLER: Mr. Chair, if you're speaking of Rockology – I'm sorry. I just stepped out for a second to get someone to call the City. But there's actually only been one tabling request of the applicant. They had their application in but had not noticed for the June meeting or I'm sorry – the May meeting, so it wasn't a tabling. Then we had the meeting in June, on June 11th, and at that time the Commission asked to table it to today to finish the public hearing, but the applicant was not available today, so it was their request to table it then to the 12th of August when they were available.

CHAIR MAYFIELD: Thank you. Let me just ask a quick question of Mr. Shaffer. At the big meeting that we had at the downtown Santa Fe at the convention center, did we not close that portion of the public hearing? Do we still have to leave it as a – of course the public's welcome to come to any deliberation this Commission has but on that – if you could check into that for later, Mr. Shaffer. You may not have that answer right now, and if not, just so I can make an announcement to afford there will be opportunity for the public still to comment but I do believe we closed that portion of the public hearing that evening. If so it could have been well into 11:00 pm at night or close to there. So if we could just check those minutes please. Thank you.

III. B. 3. A Resolution Supporting Continued Enforcement and Funding of the Federal Endangered Species Act [Exhibit 1: MOU on Cutthroat Trout]

COMMISSIONER ANAYA: Mr. Chair, we had moved up item III. B. 3, and this is just for discussion.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is a proposed resolution recognizing the importance of the federal Endangered Species Act, both providing funding for that as well continued enforcement of the Endangered Species Act. This was an act that was signed into law by President Nixon in 1973, which is over 40 years now, and fortunately, I can actually remember that, and the purpose of this particular act ostensibly was to save plants and animals that are on the verge of disappearing in the country, that is animals that are endanger of going extinct.

But I think that there's really an important point to make about this particular act and that is it's not just about the fate of a particular endangered species, like the Mexican gray wolf or the silvery minnow or the Jemez Mountain salamander in New Mexico, but it's really more in a way one thing that it does is even more important is it looks at saving a whole landscape. Landscapes that nurture all of us, that keep all of us healthy, and I won't go into the details because we're probably going to talk about this in more detail later. We have a lot of people who are here in support of this particular resolution.

But also, landscapes that are part of our culture and our heritage. So now, actually, I would like to ask for people who are here to speak about this particular resolution to come forward and I would like to particularly welcome Esther Garcia, former mayor of Cuesta, New Mexico. I will also note that Eugene, her husband is retired now from the molybdenum mines as of nine years ago. He's here as well. And her family has been in northern New Mexico for 11 generations. And her love of the land and all of the resources that it provides comes from an understanding of the importance that our natural history provides. So, Esther, would you please come to address us? Welcome, and thank you for driving all the way from Cuesta for this very important -

ESTHER GARCIA: Thank you. Mr. Chair, members of the council, thank you for having me this afternoon. I'm here to speak on behalf of the land, the water, and our wildlife. I used to sit with my grandfather, wrapping apples to store for the winter, and I'd say, why is he telling me these things? I'd sit there, and I was too young to understand what he was trying to tell me. But as I got older I understood what he was trying to tell me. He'd tell me, you have to remember, they're not making any more land. You have to remember that water that flows through those acequias, your ancestors worked very hard to make those acequias so that you can irrigate your land and live off of it. And it's someday going to be worth more than gold and there will be fights over it. And I think we're starting to see that.

He'd tell me the wildlife that lives in our forest, it protects our forest. It eats all the underbrush that is there and it's very important for our health and our well-being. Our people have always hunted and they've fished and that's how they survived. They survived off of what was provided for us. So to me, fighting what my grandfather taught me is very important, to protect that land, that water and the wildlife that's out there.

I would like to see all of this protected for our younger generation. Maybe now they don't understand but eventually they will understand how important it is for all the things that our ancestors worked so hard for, to protect. And I have to tell you that I think my grandfather was a conservationist in his own rights. He saw what was out there and when I went to Washington, DC there was a congressman that asked me and I said, you know, I'm an 11^{th} generation and my roots – you see those trees in the forest, how deep their roots are, that's how deep the roots are in my community for me and for me people so that we can protect what is really, really important to northern New Mexico and anywhere else in the state. Thank you.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER ANAYA: Go ahead, Commissioner Holian. Thank you, Mr. Chair. Would anybody else like to comment on this resolution?

CAROL BAUMGARTEL: Good afternoon, Commissioners. My name is Carol Baumgartel and I'm actually with Defenders of Wildlife, a 67-year-old organization that existed – exists in order to protect wildlife and habitat so that we continue what is rich and valuable, not only in the country but in Santa Fe County. Santa Fe County is rare in its resources for providing for not only for our hunters and our fishermen. I'm a fisherman and I've been a hunter most of my life and I know that in order to continue to provide these resources we need to make sure that the balance exists and that the balance exists for, as Esther spoke so eloquently, for the future generations of this county.

Our county is vast. Our county is invaluable and the richness of its grasslands and its ranches and its mountains and its rivers must be preserved and protected and the wildlife that contributes to that must also be protected. So I encourage you to support this resolution.

COMMISSIONER HOLIAN: Thank you, Carol.

COMMISSIONER CHAVEZ: Mr. Chair.

COMMISSIONER ANAYA: I just want to thank Commissioner Holian for bringing this forward and what I like about it is not only the notion that we would continue to support the Endangered Species Act but that we're asking our congressional delegation to do everything they can to fund the act, because the concept is good. The concept needs to stay in place, but without funding I don't think we're going to realize the goals we want to accomplish. So I'm hoping, Commissioner Holian, that our congressional delegation gets the message both in the conceptual side of things and the financial side of this equation. So I don't know how we would send that message.

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Commissioner Chavez, and what I propose doing is to add another sentence to the Be it further resolved that directs this resolution to go to our congressional delegation as well.

COMMISSIONER CHAVEZ: Good. And it does mention in the Now, therefore be it resolved that the Santa Fe County fully supports the landmark Endangered Species Act and strongly urges its continued application with adequate funding. So we're sending that message but I think we're going to have to try to speak to that and encourage our congressional delegation that that be on their list of priorities.

COMMISSIONER HOLIAN: Thank you, Commissioner Chavez. Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to also note that there is a typo here in one of the whereas clauses it references the Rocky Mountain cutthroat trout. I think that's actually the Rio Grande cutthroat trout. So that will be corrected by the time we have the next version of this. And with that, Mr. Chair, I would like to make a motion that we bring this back to our early September meeting for further consideration and vote and I should have all of he information I would like to present at that time.

COMMISSIONER ANAYA: Thank you, Commissioner Holian. There's a motion to table. Is there a second?

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: There's a motion and a second. Just a comment under discussion. I appreciate the comments from the audience relative to striking a balance. There are many in recent days, especially in southeastern New Mexico that have concerns with some of the species being proposed for the Endangered Species Act and that effect that it could have on their way of life that they've been doing for many, many generations. I look forward to attaining additional information and hearing the discussion as we move forward. Thank you, Commissioner Holian. Is there any further discussion?

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

II. CONSENT CALENDAR (Public Comment)

- A. Appointments/Reappointments/Reappointments
 - 1. Appointment of Bonnie Keene (District 4) to Health Policy and Planning Commission (Community Services Department/Rachel O'Connor)
 - 2. Appointment of Carolyn Roberts to Health Policy and Planning Commission (Community Services Department/Rachel O'Connor)

B. Resolutions

- 1. Resolution No. 2014-53, a Resolution Authorizing the Donation of Fixed Assets in Accordance with State Statute. (Finance/Teresa Martinez)
- 2. Resolution No. 2014-54, a Resolution Authorizing the Surplus of Fixed Assets in Accordance with State Statute. (Finance/Teresa Martinez)

CHAIR MAYFIELD: Commissioners, before we go, does anyone have a request to pull any consent item off that that may take discussion longer than five minutes? COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics, please.

COMMISSIONER STEFANICS: On A. 1 and A. 2 I just want to thank the people that are offering to serve on the Health Policy and Planning Commission and that's my only comment.

CHAIR MAYFIELD: Thank you. Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a quick question on the donation of fixed assets. Who are we donating those assets to? That's II. B. 1.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Anaya, it's going to McKinley County.

COMMISSIONER ANAYA: Mr. Chair, Ms. Martinez, thank you very much for letting us know that. This County has historically done many, many donations to many, many counties and I just want to acknowledge that all the counties, we help each other and this is yet another example of we have some surplus property that's still in good use. What are we actually providing to McKinley County?

MS. MARTINEZ: Mr. Chair, Commissioner Anaya, it's actually two Cisco routers, so it's IT equipment.

COMMISSIONER ANAYA: Excellent. I just wanted to say that on the record and like I said, we help each other. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Ms. Martinez, a quick follow-up on that. So can all of our counties, it goes out for information to all counties. If a county has an interest they can request that from us? Is that how that works?

MS. MARTINEZ: Mr. Chair, sometimes it's word of mouth but what we do with our annual surplus each year is we send a copy of our list to the Association of Counties and it's made public for all of the counties and that way if there's something that we have that they can utilize they can contact us.

CHAIR MAYFIELD: Thank you. And then B. 2, any questions on that, Commissioner Anaya? Commissioners?

COMMISSIONER ANAYA: No, sir, Mr. Chair. If there's no more questions I'd move for approval of the Consent Calendar.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second for approval of our Consent Calendar.

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

COMMISSIONER CHAVEZ: And then, Mr. Chair, just for clarification on the appointments, I know that Commissioner Stefanics did want to highlight those appointments but maybe for the record and for the public and those that are willing to serve we could just mention them by name.

CHAIR MAYFIELD: Sure. So Commissioners, let me do this. I'm just going to read everything that we've just done on Consent. So on Consent we did an appointment of Bonnie Keene, District 4, to the Health Policy and Planning Commission, and we also did an appointment of Carolyn Roberts to the Health Policy and Planning Commission and that was, I guess, an at-large appointment. Correct?

PATRICIA BOIES (Health Department): Mr. Chair, Commissioners, yes. Carolyn Roberts is for countywide, one of the Countywide appointments on the HPPC.

CHAIR MAYFIELD: Thank you. We also passed Resolution No. 2014-53, a resolution authorizing the donation of fixed assets in accordance with state statute, and we

passed Resolution No. 2014-54, a resolution authorizing the surplus of fixed assets in accordance with state statute.

III. ACTION ITEMS

A. Items From Consent Calendar Requiring Extensive Discussion / Consideration (Public Comment)

There were no items requiring extensive discussion.

III. B. Resolutions

1. Presentation of NCRTD Service Program and Resolution No. 2014-55, a Resolution to Submit Santa Fe County's Recommended FY 2015 Service Plan to the North Central Regional Transit District

ROBERT GRIEGO (Planning Manager): Good afternoon, Mr. Chair, Commissioners. Included in your packet is a resolution for Santa Fe County's recommended 2015 service plan to be submitted to the North Central Regional Transit District. Santa Fe County is a member of the NCRTD and in previous years the County has submitted a transit service plan to NCRTD. Approval of this resolution will be submitted and in your packet in Exhibit A is the existing service plan for the routes funded by NCRTD, funded and/or operated by NCRTD.

Also included in your packet is the NCRTD five-year update which was recently submitted as part of the – as an update to their service plan. There are a few items that I want to bring the Board's attention to in regard to the proposed new services for Santa Fe County. These recommendations would be part of the recommendations for submittal to NCRTD, which would be a Golden extension to the 599-Rail Runner -Turquoise Trail route on a sixmonth trial basis, and an additional route for La Cienega, La Cieneguilla and Las Golondrinas.

There's also enhanced – an additional mid-day stop for the Edgewood route. Mr. Mortillaro is here to answer any questions from the Board in regard to these proposed routes. I also want to bring your attention to the – in the existing routes that we have identified in Exhibit A of the resolution it shows an increase ridership from the previous fiscal year for the routes funded in Santa Fe County. With that, Commissioners, I stand for questions and also Mr. Mortillaro can provide his presentation.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, before we go into this I had asked a few months ago to have a report from our Commissioner who sits on the RTD because I had some general questions, and I really would like for Commissioner Chavez to just fill us in as to activities on the board to date before we vote on this, because I do have some very specific questions. Is that acceptable?

COMMISSIONER CHAVEZ: Sure. I'll do the best I can. I think the board has spent quite a bit of time on the five-year plan, to update the five-year plan and to get that approved by the board. I know that we're trying to get to all the members to do a regular update and it's been a little bit of a challenge. Our chair, Dan Barrone, has also been elected to mayor of Taos so he's trying to finish his commission term, try to deal with RTD stuff and then transition into his new mayor's position.

As a consequence, he's asked me to attend in his absence the presentations to the other RTD members and there's the challenge because at our last two Commission meetings I was expected to be somewhere else to do a presentation, which competes with our time here. So I think Tony and I are going to have to figure out a different way to get that information to all of our members. I'm thinking it may have to fall on the individual members, giving a report to their respective governing bodies instead of the chair or vice chair and Tony going around to all of the different council meetings or commission meetings. So it's not an excuse but Santa Fe County is on the list. We're just trying to get to all the members and then back to our commission for a full report. So that's where I think we've dropped the ball a little bit in having the presentation before out County Commission in a more timely fashion. So that's the best I can respond to right now.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: This is in no way critical of Commissioner Chavez. This really has to do with the process. We all sit on different entities but we don't sit on all of them. And so I really think that at some point in time we all should be updated. Like, I'd love to know what's going on with the LANL Coalition, and SWMA, and some of the others as well as telling you all about BDD and so on. So I am talking about some regular reports which we have not had, and we're not six months through the year on this.

The last thing, and I would like Commissioner Chavez to comment on this before we go into this, the last thing that we all publicly read about in the newspapers was about funding issues, and then we're looking at expanding routes. So I just would like for you to comment on how the board dealt with that. Because the newspapers ran two or three days some articles about this.

COMMISSIONER CHAVEZ: I think I'll let Tony answer that question. I think he can answer that better than I, because I think there's the overall funding for the routes that we have in place and then there's funding for expansion of routes or new service that we have not been able to address in this five-year plan. So I think what's been reported obviously has not been an accurate representation of what the board is doing relative to the five-year plan and requests that are coming in that are not part of that five-year plan at this time. Am I sort of close on that, Tony?

TONY MORTILLARO (Executive Director NCRTD): Yes, you are.

COMMISSIONER CHAVEZ: So if you could expand on that a little bit more.

CHAIR MAYFIELD: Let me ask a question. When were planning on coming in front of the Santa Fe County Commission I guess to give a general overview of the

NCRTD?

MR. MORTILLARO: I was here a couple months ago, if you recall, and gave an overview of the prior year activities and upcoming FY14 activities as well, and FY 15. And I'm willing also to come back at any time the Commission would like to see me. We try to get to all of our members once a year and in fact this year we've got everybody in except the City of Santa Fe and we're scheduled to meet with the City Council there at the end of this month.

CHAIR MAYFIELD: Thank you. And Commissioner Stefanics' questions, if you could just answer a couple of those, please.

MR. MORTILLARO: Yes. Can I ask a question? Was it in relation to the article on the Finance Committee review? At that time I think the LFC had done a program review of the RTD and then the Santa Fe New Mexican had reported on that and it was referenced –

COMMISSIONER STEFANICS: That was a part of it, Mr. Chair, but also there were some comments made about the amount of money that was available that had to be divided to the Rail Runner and the NCRTD. It had to do with the number of passengers, the cost per passenger per trip, etc. So some of it was LFC but some of it was current.

MR. MORTILLARO: Let me address the allocation of GRT. First of all, the GRT, the Santa Fe GRT is collected –

COMMISSIONER STEFANICS: I think almost all of us, Mr. Chair, have sat on the NCRTD at some time, so we got how it's divided.

MR. MORTILLARO: Yes. So anyway, it's now imbedded in our financial policies as board policy. So the City of Santa Fe gets 14 percent of the GRT. Los Alamos County received 20 percent. The Rail Runner gets 50 percent of the Santa Fe GRT and then the balance is retained by the RTD to provide those services that it does a contract for. And both Los Alamos County and the City of Santa Fe go through the same process you're going through right now in terms of submitting a service plan that is then submitted to our board and then approved by our board by resolution, and the funding allocations are then determined by those percentages and put into that board-adopted resolution.

As far as the LFC report went, they were taking a snapshot of prior financing allocations and when they reported about our reserves, they were reporting on reserve levels that were probably two years old. And our current reserves are at over \$6 million, which is roughly about eight months worth of reserves. And the board recently – and I say recently, probably three or four months ago – revised our reserve policy, so that now those reserve funds are put into several buckets of reserves. One is a reserve for operations, and there's benchmarks that have to be hit in order to utilize those operational reserves. There's a reserve for capital replacement and there's a reserve for new services. And likewise there's a benchmark for utilizing those funds for any new services. And then there's undesignated reserve that is utilized to refill those buckets when the need is there, and what have you.

For FY 15, all the routes that have been provided by the district and the – they're not necessarily new routes but their increased service levels are also funded under the FY 15 budget. And the reason we're able to do that is because there's some other routes where it's proposed to reduce the service on them, and a good example of that is the Taos-Klauer route

where it's a duplication of a route that is already being provided by the Taos Chile Line, except for about 1 ½ miles of that route.

We've engaged with the Taos Chile Line to have them take over the last mile and a half of that route and we compensate them for that. By us eliminating that duplication there's a savings of about \$100,00+ and what we've done is we're reallocated those savings to some of the new services that have been adopted by the board for fiscal year 15 through the service plan. For example, Tres Piedras, it's a one day a week service. Golden, it's a one day a week service. The Eldorado mid-day route is part of a redesign of the mid-day run on the – I'm sorry. The Edgewood mid-day service is a redesign of the Eldorado route on the mid-day portion of it. So that's how we're able to add these additional service enhancements without increasing the overall budgetary costs.

Now, you notice there are some new routes that are requested, such as Las Golondrinas, which would be full-day service, five days a week. That's not funded in the FY 15 budget but it's one that we have interest in in implementing once we can find the resources for it. In fact, just last week, we submitted a letter to New Mexico DOT where 53-11 funding comes from, asking them to amend our FY 15 allocation if there's additional resources they have to actually fund that Las Golondrinas route. We have not heard back from them at this point in time, but that's a request that's gone into them.

So financially, the district is in a very good position. It's got enviable levels of reserves but we continue to be conservative in what we do and how we do it and what new routes we bring in at any point in time. So that's – I hope that answers your questions, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So in the description – I'm looking at Exhibit B, and I'm looking at additional routes recommended as well as the route descriptions, I want to specifically talk about Highway 14. Is everything on Highway 14 mid-day? Or is there any work times scheduled?

MR. MORTILLARO: Highway 14, that's the 599 – yes. There's routes both in the morning and the evening that are geared towards the Rail Runner and basically the commuting worker.

COMMISSIONER STEFANICS: But nothing up 14 to the Rail Runner at work time?

MR. MORTILLARO: No, it starts at 599. It doesn't go from Santa Fe to 599 but it's point of origin is 599 and the complexes there, such as the National Guard and the detention center and those areas is where it's main focus is during the morning and then during the evening, and then the mid-day service is where we were able to sandwich in some service to Madrid and back and into Santa Fe.

COMMISSIONER STEFANICS: So if you were to break out – and I looked at the numbers, but if you were to break out the 599 Rail Runner Turquoise Trail ridership for just those people who are mid-day, coming up Turquoise Trail – and the reason I'm asking this is because people are wondering at my townhall meetings why there isn't one coming up to the Rail Runner for work. And I realize that we set this up to get people up to the National Guard, Corrections, etc. I totally remember the initiation of this. But now people are wondering why they don't have an opportunity to get up to a Rail Runner to go to work.

MR. MORTILLARO: From specific – oh, from Madrid and what have you. COMMISSIONER STEFANICS: Or Cerrillos. But what I'm asking is is out of that number, almost 5,900, do you have any concept of what the ridership is coming up mid-day?

MR. MORTILLARO: I don't have those numbers with me, Commissioner, but it's something that we can get to you.

COMMISSIONER STEFANICS: Well, do you think it's 1,000? A couple hundred?

MR. MORTILLARO: I couldn't even venture to guess what it is because as I recall, it's a fairly new service, that Madrid extension that we put in there, so I couldn't venture at this point to give you a number. It's something that we can do some research on and pull those numbers that are originating from Madrid at mid-day but I'd be guessing to give you a number. I don't feel comfortable doing that.

COMMISSIONER STEFANICS: So, Mr. Chair, Commissioner Anaya, the reason I'm bringing this up is people hitchhike to work in the morning and having a way to get to the Rail Runner or to a bus would be helpful. And I understand that it's not a jobreverse commute.

MR. MORTILLARO: Yes, it's not a JARC route.

COMMISSIONER STEFANICS: Right. But, it's a need. So I just want to kind of keep that on the table here, versus the mid-day. And that's why I'm really interested in if there is a mid-day need, because I think that when they started talking about – they, the newspaper – started talking about \$45 or \$75 a ride they might have been talking about those mid-day rides, and that's what I think [inaudible]

MR. MORTILLARO: Mr. Chair, Commissioner, when that was reported, basically we have routes that range from \$15 a rider all the way to \$75. Those high-cost routes are real long distance routes and low ridership and what have you. When the LFC did that study they picked one, two or three points and then just made generalizations or what have you on the data and what have you. What I would suggest here is that we just completed the short-term five-year plan, and the district has never had a long-range 20-year plan that looks forward and looks at what are the services going to be provided, what are the needs, where's all the growth going and what have you. And we're in the process of undertaking that long-range service plan. We'll be awarding it some time in August and then we'll get started on that. We plan on having public meetings in Santa Fe again, one public meeting because we had 16 other meetings when we did the short-term plan, so the budget will only handle one meeting in Santa Fe.

That, and I'll be glad work with the Commission so we can get the word out to people so we can get people to attend that meeting to make sure that their concerns and their issues and needs regarding ridership and transit are addressed in that much longer long-term plan. It doesn't inhibit our ability to continue looking at what the needs are on a short-term basis and specifically, as you've mentioned, Madrid, because I think I might have encountered an individual that — I don't know if it's the same individual that might have talked to you but he was here at a public meeting when I was here presenting to the Commission several months

ago and he said that he had written, he had tooken the blue bus to the meeting. He says, but I can't take it home; I'm going to have to hitchhike and what have you. So it kind of sounds like maybe the same individual.

And I said, we'll continue to look at how we can address more of the transit needs in the area but at this point in time this is the resources we have and as these resources grow and those needs are prioritized by the board we can start addressing those.

Ck: Thank you very much.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, Mr. Chair, I just wanted to expand a little bit, and Commissioner Stefanics, Tony's right on. That article picked on the more rural routes, the routes where we're traveling a further distance to transport that passenger. But it doesn't reflect the routes that are in our more urban areas where we have fewer miles traveled per passenger. But on page 21 and 22 it gives us a good synopsis of operating performance. And there's one bullet point that I'll read. The increase in ridership, coupled with only a slight increase in operating cost resulted in an almost 20 percent decrease in cost per passenger trip. So I think the RTD is trying to balance the cost per passenger trip in all of our routes and trying to balance that out so that we have service in the rural communities and in those urban centers where it works best. So I think that's the challenge that we also face.

And then on page 22 it has a breakdown of each of the routes, the trips per revenue-hour. These are one-way trips per revenue-hour and one way trips per revenue mile, so it breaks it down by hour and by the mile, and I think that gives you a lot of information. I think, Tony, the one big financial piece that we'll be facing in the next couple of years will be to convince the voters to keep the GRT revenue source as a funding source in place so that the RTD can continue to operate and hopefully expand its services. I forget when that expires.

MR. MORTILLARO: Mr. Chair, Commissioner Chavez, I believe the date is 2023 when we have to go back and ask the voters to renew the transit GRT. But that whole issue of transit GRT is – I think there's other issues that are going to come into play. As some of you know, the Santa Fe MPO has currently undertaken a transit plan study as well and in fact, KFH, who did our short-term transit plan is working on the MPO's transit plan and as more is known about the needs of transit service within the MPO area, and I sit on the technical committee and I've suggested that we can't just stop at the MPO boundaries; we have to look farther beyond that and look at how Santa Fe Trails and the NCRTD integrate with each other in terms of transit.

And how do you fund those future transit needs? And it may be that that transit GRT is going to be the tool that is going to help us meet those needs in the future, but obviously, subject to voter approval.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: So, Tony, if you could then, just expand on the cost performance. There's a short paragraph on page 22 that talks about the cost per hour and

puts that in comparison with other transit authorities. It's on the bottom of page 22, Table 1-13.

MR. MORTILLARO: Well, what our consultant added, he felt that our cost per hour – and again, \$73 is within the normal range for transit peers and the same is said for cost per mile. When you look at our performance measures that we report to the board every month, we benchmark our costs per mile and our cost per trip and in those cases we are either below or equal to the cost per mile or cost per trip of our benchmark peers. So that – it's very difficult defining apples to apples comparison with the type of system we have. The LFC analyst found that out very quickly when she went and googled transit systems, rural transit systems and tried to find peer matches and what have you.

COMMISSIONER CHAVEZ: So who would our peer match be that would be closer to what we're doing in the region.

MR. MORTILLARO: There really isn't one that's similar to us that also has tribal entities as members and provides service on tribal lands. We use Rio Metro RTD but only their Valencia portion as one of our peers, because that's a bus service there that they provide. And then we use FTA Region 6 data for rural transit providers, but that data is probably three years old. We haven't seen an update of that data, and it's not based on an apples to apples comparison. They just lump everyone in there that's a rural transit agency within those areas and just generate the data.

So as it is it's real hard to find exact comparisons but you can look at some similarities but you can't say everybody is the same.

COMMISSIONER CHAVEZ: Thank you, Tony. Thank you, Mr. Chair. CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Just a couple comments to piggyback off of Commissioner Stefanics' remarks. And I will just ask staff, if you would, we passed a resolution several years back, probably six months, maybe eight months into my term in office, but for three years and 6.1 months I've consistently advocated, based on the feedback I've received from the residents in District 3 in particular, but also District 5, that there's only two areas that don't have access for communities to get into Santa Fe with a commuter route. Two communities left in the entire Santa Fe County. Every other community has some form of access to a commuter system, whether that be the blue bus system though RTD, whether it be Santa Fe Trails or whether it be New Mexico Park 'n' Ride. Every single other segment and other community has that access. Golden to Santa Fe I'm not going to say Cerrillos, I'm not going to say Madrid, I'm going to say Golden to Santa Fe, and our legislators, Sue Wilson Befford in the Golden area, Representative Trujillo, south side of Santa Fe, La Cienega, Representative Stephanie Garcia Richards, La Cienega, Senator Griego and Representative Egolf have all been supportive of expanding commuter service in this segment, in the La Cienega area is one and in the Golden to Santa Fe commuter aspect.

And the County of Santa Fe, by resolution, this Board of County Commissioners, provided support for that. So consistently, I will say Commissioner Stefanics in particular, myself and Commissioner Mayfield have set forth that this is an item that we would like continually evaluated to get to that service. I say that, Tony, on the record again. Also, to our representative. I'm the alternate, but to our representative, Commissioner Chavez, that those

resolutions are still in place and our interest is still to see that commuter service. We had an interim step that was discussed here at length, associated with mid-day, but I would concur with Commissioner Stefanics and others in the community that the idea was we would try and do an interim, mid-day route and then evolve into a route that brings commuters in to work and then back home.

Whereas Commissioner Stefanics articulated, not just into Santa Fe but into our Rail Runner station where they potentially might take the Rail Runner into Santa Fe or pick up the Park 'n' Ride to go to Los Alamos.

So I say that again on the record, and I would ask Mr. Flores, if you would, in our upcoming legislative endeavors and Ms. Miller, if you would do a little research internally with the support we receive from our legislative delegation and bring this back for us to consider as one of our legislative priorities for discussion with our legislators. And so with that, Mr. Chair, I'll stop there, but I did want to articulate that we haven't changed with the intent that we had. I don't recall any resolutions passed that took that off as a priority as a Commission and fully appreciate that the board at the NCRTD has to evaluate all routes in all parts of the region, not just Santa Fe County. So, Mr. Chair, and Tony and Commissioner Chavez, I'm hopeful that we can continue to work through the routes and in particular get this handful of communities that don't have any access whatsoever to commuter service, commuter service access. And think about it, there's none. Glorieta has access through Park 'n' Ride. The entire northern New Mexico has access. Glorieta has access through the Rowe site, associated with getting to a Park 'n' Ride point where they could come into Santa Fe. And if we can get it closer let's get it closer or if we can expand Park 'n' Ride to pull off in Glorieta that would be good as well, but you guys don't deal with that. That would be something we'd have to push with the state. So at any rate, those are my comments. Thank you, Mr. Chair.

MR. MORTILLARO: Mr. Chair, Commissioner Anaya – CHAIR MAYFIELD: Mr. Mortillaro, hang on one second. Commissioner

Holian, first. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Tony, thank you and I did read the plan and one thing that I did note that there is a part of Santa Fe County that really is not served that well by public transport and that is the unincorporated area in District 4 and that would include Glorieta and Cañoncito and Old Las Vegas Highway. And I know that there are buses that pass through there but as was noted in the plan, it's not just a matter of buses passing through an area, they have to have convenient stops at convenient stops for it to really be serving in a transit-oriented way.

I hope that when you look at the long-term planning that possibly you will consider that particular area of the county as well. And maybe even partnering. I recognize that in that particular area there's low population density. It's near San Miguel County and San Miguel County is not part of the NCRTD. And I recognize that we do have some transport out there because there's transportation for seniors through the senior services, and so on. But the really – I really know of nobody living in that area who actually uses public transport at all, as far as I can tell. And I would use it if I could, but it just isn't convenient. So hopefully, it will be on the radar screen as you go forward with the long-term planning. Thank you.

COMMISSIONER ANAYA: Mr. Chair, CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and I would apologize to Commissioner Holian. We have opportunities I think with the RTD blue bus as well as the state bus to figure out access points and I am all in on trying to help in the Glorieta area to work on Park 'n' Ride stop but also potentially expansion of the loop that is the blue bus. So I misspoke associated with the stops. There's location and they go through it, but having a stop is imperative to people being able to utilize public transit. So I'm fully supportive of figuring how to figure out stops through the state as well as assisting and trying to maybe expand maybe the Eldorado route or to be able to encompass people that are in the Glorieta and Cañoncito Rowe Mesa region which is part of District 3 as well, Ojo de la Vaca. Thank you, Mr. Chair. Thank you, Commissioner Holian.

CHAIR MAYFIELD: Tony, could we then just move on with your presentation please?

MR. MORTILLARO: Mr. Chair, Commissioner Holian and Commissioner Anaya, just one quick comment. We've had interest from Pecos regarding service and as you noted, they're in San Miguel County and it's been several years that a representative from that area has requested it and we would love to provide that service and then pick up all those other areas, Glorieta and Cañoncito and all that, but obviously Pecos isn't in the taxpaying district. We'd be willing to contract with them, because we can do that, but it all comes down to the funding source as well for that area. But as I told Commissioner Holian before the meeting started, when we're out here and we're working on our long-range service plan and getting public input I'll contact you and see how you can help us get the word out to your constituents to come and be part of those meetings and we will definitely ensure that our consultant keeps these comments today in mind as they're developing that long-range service plan as well.

I think we've been really responsive to the wishes of the Santa Fe County Commission in that you saw we added Madrid and Cerrillos and we're extending out to Golden. Granted, it's on a six-month trial basis but if the ridership's there it will stay and as I indicated earlier, we've also asked New Mexico DOT to look at amending our fiscal year 15 budget allocation to incorporate additional funding for Las Golondrinas and that area. We haven't had word back from them if they're willing to do that or not but we're hoping that there are additional resources that if they can allocate those funds then the board can consider adding that route. And I think that's probably going to cover quite a bit of the board's wishes short of the Glorieta area, but I think you could attest that we have definitely kept your needs in mind and have made a strong effort to try to fund those needs as well.

That's it. If there's any other questions about the transit service plan or your resolution I'd be glad to respond to those.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'd defer to our member on the RTD.

COMMISSIONER CHAVEZ: Well, I'd be ready to make a motion. I know there's a lot of questions. I know there's a lot of need. The board is not ignoring any future

expansion or need that's out there. We're trying to fill whatever gaps we can but we're very cautious but we don't want to unravel the service that we have in place now. So that's the reason we're trying the six-month trial basis. We're trying to be careful and cautious in how we're doing this because we know that the funding is somewhat limited. We have requests from Sipapu, we have requests from Ski Santa Fe. Are we going to put their requests ahead of other requests? I hope not.

I'm just saying that because there are people who want service in different parts of the county for different reasons. They're not getting it now. I hope that we can provide service to everyone in time, but we can't do it all now. And so we're open to your concerns. We're open to expanding the services in those areas where we have gaps, but we can only do it with a service plan. And so we have the five-year plan in front of us now for consideration. But, Mr. Chair, would you want to have a public – would you want to open this up to the public first before we take a motion on this?

CHAIR MAYFIELD: Sure. Is there anybody here from the public wishing to comment on this matter before us today? Seeing none, do we have a motion, Commissioner Chavez?

COMMISSIONER CHAVEZ: Thank you. Then I'll make a motion to approve the resolution which would – it's a resolution to submit Santa Fe County's recommended fiscal year 2015 service plan to the North Central Regional Transit District. It's the resolution and Exhibit A, that includes Exhibit A. So my motion would be to recommend – to approve the resolution.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: Motion and a second. Any further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a couple closing comments. I just want to emphasize that from my perspective as a Commissioner that our priority with service for transportation should always be commuter service first. We should always look at people needing to get to and from work and try and move as many vehicles as we can off the highways to achieve that. And I'll say that relative to timeframes that we provide as samples or pilot time periods are important but marketing has to be essential to the success of that, and along with that, we also have to be cognizant there's places like Edgewood and that route that didn't happen over night. That route has become a very successful route. From an area that was a very rural and in many ways very conservative area, everybody wanted to drive their vehicles into town every day, that route has become one of the best routes in the NCRTD district. I think we're going to get to the point at some point where we're going to have to look at another bus to achieve its expansion. But somebody told me the other day they rode it and it's a club out there. Those people, they work together and I think that's probably the case in all the NCRTD routes, those people that ride public transportation, but it's really been a culture shift associated with its use and it's a cost saving measure that goes without saving. So I just want to acknowledge and say that there's a lot of good things that have happened in the district and I appreciate that of Tony, yourself and the board, but we should always keep the priority as a commuter service. Thank you, Mr. Chair.

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

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

III. B. 2. Resolution No. 2014-56, a Resolution Requesting Congress to Require the US Department of Health and Human Services Centers for Medicare and Medicaid Services to Allow an Otherwise Eligible Person Who is in Custody Pending Disposition of Charges, to Continue Receiving Federal Health Benefits Until a Judgment and Sentence is Imposed to Enable Santa Fe County to Provide Better Health Care to Pretrial Inmates at a Lower Cost to Local Property Taxpayers

COMMISSIONER STEFANICS: Thank you, Mr. Chair and members of the Commission. NACo Health Steering Committee has suggested or requested that all counties across the country pass a resolution to this effect so they can go to members of Congress saying that 3,300 counties across the country are concerned about this. In meeting or in talking with our Public Safety Director today and his staff, estimates were that we spent about \$350,000 last year and we budgeted over \$450,000 for the next year. Those are taxpayer dollars that could be averted somewhat if individuals who are not sentenced – they are still not guilty – could be covered under Medicaid, Medicare or their private insurance. So that is the purpose of this resolution.

CHAIR MAYFIELD: Thank you. Commissioners?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I appreciate Commissioner Stefanics' continued efforts on this particular resolution. This is something that we've supported and had discussions on at great length over the years, so I stand in support of the resolution. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Stefanics.

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER HOLIAN: Second.

COMMISSIONER CHAVEZ: Just for discussion.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Stefanics, do you have those numbers? So this would be saving our taxpayer dollars so we could use on other things. What was that dollar amount again?

COMMISSIONER STEFANICS: Well, according to Mr. Sedillo it was probably about \$350,000 last year and over \$450,000 will be budgeted this next year.

COMMISSIONER CHAVEZ: This is only for medical to provide medical -

COMMISSIONER STEFANICS: Those are medical services but not every dollar of that would be Medicaid or Medicare. We could reduce those numbers by allowing people to stay on. When people are picked up under the influence of alcohol or drugs, if they need some other care while they're waiting disposition in the courts, like cancer, or they have a heart attack or a stroke, we carry the burden of those costs and this would assist in that.

COMMISSIONER CHAVEZ: So at least it would reduce that cost significantly.

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

CHAIR MAYFIELD: Commissioner Stefanics, our detention center, because we do provide medical services through a physician and through nursing care, are we eligible for that federal match money?

COMMISSIONER STEFANICS: Currently, the way the federal law reads is it leaves it to the discretion of Centers of Medicaid and Medicare to establish the rules with the state. Many states, or many counties have approached their state agencies to try to change the rules and regulations and CMS has said we have not been given direction by Congress. So at this point it is NACo's attempt to let Congress know that counties across the entire country are interested in that so that they will give some direction to CMS to allow this to happen. Did I answer your question?

CHAIR MAYFIELD: Yes. We have to advocate for a [inaudible] COMMISSIONER STEFANICS: That's right. CHAIR MAYFIELD: Okay. We have a motion and a second.

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

III. B. 4. Resolution No. 2014-57, a Resolution Recognizing July 14 Through 18, 2014 in Support of "New Mexico Hunger Week"

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is a resolution that is recognizing July 14th through 18th as New Mexico Hunger Week. We have talked a lot about hunger in New Mexico before. In fact we've talked a lot about hunger in Santa Fe County on this Board a number of times. And unfortunately, this is another one of those areas in which New Mexico is a leader. In fact they have made estimates that New Mexico has the highest rate of food insecurity in the entire nation. And in Santa Fe County alone it's estimated that 21,000 people are food-insecure. That is, they don't know where their next meal is coming from, or they don't know whether they're going to be able to pay for their next meal. And unfortunately, of those 21,000 people a lot of them are children, seniors, veterans and the homeless. I think I will read this resolution because it has a lot of compelling points in it.

A resolution recognizing July 14 through 18, 2014 in support of New Mexico Hunger Week.

Whereas, nationwide, New Mexico has one of the highest rates of overall food insecurity of all residents, including children, veterans, the homeless and seniors;

Whereas, annual Feeding America statistics ranked New Mexico as the most foodinsecure state for children in the nation;

Whereas, 40,000 New Mexicans seek food assistance each week;

Whereas, 40 percent of New Mexicans who receive food assistance are children under the age of 18, while seven percent of those children are under the age of five;

Whereas, 13 percent of people who seek food assistance are senior citizens;

Whereas, it is a myth that people who need food assistance are homeless or out of work, when in reality only eight percent of people seeking assistance are homeless and 32 percent of households seeking emergency food assistance include at least one employed adult;

Whereas, while thousands of New Mexicans receive assistance through the Supplemental Nutrition Assistance Program, that funding only provides for less than three weeks of groceries;

Whereas, New Mexicans face difficult choices between paying for food and paying for utilities, rent or mortgage, medical care, and transportation;

Whereas, there is an urgent need to address New Mexico's foot insecurity and to eliminate hunger in New Mexico;

Whereas, a hunger summit coordinated and sponsored by the North Central New Mexico Economic Development District and the Non-Metro Area Agency on Aging will be held on July 17-18, 2014 at the Isleta Resort and Casino in Albuquerque to address these issues;

Whereas, statewide participation is expected to include federal and state agencies, local governments, non-profit agencies, food banks, faith-based organizations, and other entities that address hunger issues in New Mexico.

Now, therefore be it resolved by the Board of County Commissioners of Santa Fe County that it supports any and all recognition in the state, that July 14 through 18, 2014 is New Mexico Hunger Week; and

Be it further resolved that a copy of this resolution be transmitted to the North Central New Mexico Economic Development District and the Non-Metro Area Agency on Aging.

Approved, adopted and passed this 8th day of July 2014.

I will move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Motion and second. Any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Commissioner Holian, I appreciate your efforts in bringing this resolution forward. Thank you, Mr. Chair.

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

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Actually, I have a question for staff. Does anybody here know how to sign up for this conference and whether we as County Commissioners can attend it? Erik?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I do have some emails regarding the conference with a link to registration and there are still scholarships available.

COMMISSIONER HOLIAN: Thank you. Thank you, Commissioner.

COMMISSIONER STEFANICS: I can forward it to all of you if you haven't

received it.

CHAIR MAYFIELD: Thank you, Commissioner.

III. B. 5. Resolution No. 2014-58, a Resolution Determining Reasonable
Notice for Public Meetings 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 Resolution Nos.
2013-54 and 2013-129 and Parts of Resolution No. 2009-205

GREG SHAFFER (County Attorney): Mr. Chair, the genesis for this amended resolution or new resolution, which I'm just going to call for shorthand an Open Meetings Act Resolution, arose from the Board of County Commissioners' decision to start its second regular meeting in the month earlier due to the fact that it would no longer be meeting as an Indigent Care Board, Indigent Hospital and County Healthcare Board to consider matters arising under the Indigent Hospital and County Healthcare Act.

And so to kind of set the stage, annually, the Board establishes an Open Meetings Act Resolution and lists its regular scheduled meeting times as well as their start times. And so given that direction from the Board it seemed prudent to update the Open Meetings Act Resolution to identify the earlier start time directed by the Board. That's one part of what the proposed resolution does. In doing that staff felt it appropriate to critically review the existing Open Meetings Act Resolution to see if there were areas in which it could potentially be improved upon as well as made internally consistent in certain places and again update it so that it reflected actual practices and hopefully was not confusing to the public.

So with that, by way of general overview, the proposed substantive changes, for lack of a better word that we are recommending as staff is that first, the existing Open Meetings Act Resolution contains a reference to "administrative meetings" and that those would happen at the second meeting each month. The existing resolution does not define what an administrative meeting is and in my limited experience here as well as in speaking to the County Manager there is some flexibility that the Board sometimes deploys in deciding what should be on the various agendas. So to use a term, "administrative meeting" that's not defined and is not something that is strictly honored it seemed a little confusing to have in a resolution that establishes policy for the Board.

Second, given that we know that there will be an earlier start date for the August 12, 2014 Board meeting in light of the Rockology matter, we suggest that we just state that in this notice so that again, it's not confusing to the public, so that everybody that looks at the schedule for the remainder of the year sees every change that we're aware of in one place.

Third, the existing resolution states that there will be a Board meeting on November 11th. That's a holiday. It's Veteran's Day holiday, so the County will be closed down as well as many other governmental institutions. So the suggestion from staff was to delete that meeting as opposed to purporting to meet on a holiday.

The next suggested change concerns the current practice of the County of posting preliminary agendas for meetings at least a week before the meeting date. The proposed changes in the draft resolution keep that as a goal but it makes clear that if there's some reason that that's not met that doesn't invalidate the meeting or require the meeting to be canceled since again, that is a requirement of the Board that's over and above what's required in the Open Meetings Act. And so staff didn't want to see or create a situation that through inadvertence or factors beyond staff's control – power outage, what have you – that preliminary agenda couldn't be posted and we would then be looking to cancel a meeting. So again, it just makes clear that if that doesn't happen that preliminary agenda the meeting can still go forward so long as we comply with what is required under the Open Meetings Act.

In addition, we thought that since this deals with the subject of Board meetings and notice it would make sense to reference the state law that establishes permissible locations for Board meetings. Generally, that would be the City of Santa Fe unless the matter concerns local interests only, as well as permissible buildings in which Board meetings can occur.

In addition, we thought it would be useful to specify, and this would probably have limited applicability but for those meetings or for those boards and committees under the Board's purview who could properly go into executive session, such as the CDRC where it's making a land use matter, it could go into deliberations on that matter, to make clear that they would be able to do so, so long as it's allowed under the Open Meetings Act.

In addition, in reviewing the Board's current policy concerning webcasting and broadcasting of its meetings, there were some issues that were brought to light by the public information officer within the County Manager's Office, and so we suggest that we make clear that there may be times when we cannot webcast a meeting and that that doesn't mean that the meeting has to stop. Again, if our equipment were to fail or if for some other reason broadcasting didn't occur we wanted to make it clear that that would not invalidate the meeting or require it to stop.

In addition, the current practice is to webcast only those meetings that occur within this chambers, and that's really Board meetings as well as CDRC meetings, but the proposed revisions would make clear that the requirement to try and do so is limited to Board meetings that wouldn't preclude other meetings from being webcast if feasible.

And then finally, as I understand it, the reference to podcast was in error and in fact the actual practice is to make video recordings of Board meetings available on the County's internet site.

And then finally, there was an intervening resolution concerning notice to the public, which was rescinded by implication under the Board's current resolution but we think, just to clean up so there's no doubt in our paper trail, we recommend that Resolution No. 2013-54 be formally rescinded. So with that I'd stand for any questions.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a couple things, and I think I'm going to work my way backwards and I'd like to get some feedback from my colleagues on

the bench. Under webcasting and broadcasting, our webcasting is one thing and that's easy enough to do because everybody can access webcasting in the whole county, but I think broadcasting is only limited to the region in and around Santa Fe and I think that's bias. And so I'd like some feedback from my colleagues as to whether or not we might be able to manipulate the language so it's may broadcast, because I'm going to go backwards to the next item, on meeting locations, it it prohibited that a County Commission can meet anywhere, if it's a public building in Santa Fe County? Why wouldn't we want to be able to meet in a public building anywhere in Santa Fe County? Is it strictly prohibited by law?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, the law, and I'm paraphrasing it but certain regular meetings that are not all that frequent have to be held at the County seat, which is the City of Santa Fe. Other meetings have to be held within the most populous municipality which for Santa Fe County is the City of Santa Fe. The proviso is except for matters of local interest only, they can be held – again, we're talking about formal Board meetings in the community affected. So whether that's good policy or not I can't speak to but that is what state law currently provides as to permissible meeting locations. And then with respect to the buildings, again, there's a specific list of permissible buildings in which meetings can be held in proper locations.

COMMISSIONER ANAYA: Mr. Chair, Mr. Shaffer, isn't every action we take as a policy making Board of local interest?

MR. SHAFFER: Depends upon how you define locality and whether it's local meaning Santa Fe County or whether it's a more discrete and local impact to a particular community within Santa Fe County.

COMMISSIONER ANAYA: Well, Mr. Chair, this is something that I want to — maybe today's not the day for additional feedback but my point is that every part of Santa Fe County should have access to the Board of County Commissioners without necessarily having to travel to the City of Santa Fe all of the time, and if a board so choosed, because all of our decisions have impact, typically most all of them, not every single one, but may of the major policy decisions impact every stretch of the county, from the east to the west to the south to the north. So maybe that's something for further discussion and understanding at the state level on the state statute that I'd like feedback on.

So going to the broadcast piece, we're saying that we're going to make every intent. Do we have to say unless it is impracticable or impossible on the broadcasting side? Not on the webcasting. I always thing, because of transparency we can do the webcasting, because that's accessible to everyone countywide, but on the broadcasting, are we tying our hands a little too much with that particular language, if we had to have a meeting on a shorter notice or had to use a different building that didn't have as easy accessible tools for broadcasting? Keeping in mind that the broadcasting audience is only – what is the radius of the broadcast audience? Do we know? I think it's just the city, right?

MS. MILLER: Mr. Chair, Commissioner Anaya, it just depends. For instance, the broadcast, it's wherever Comcast is available because you can get satellite but you can't get that TV station, and then it also depends on where you can pick up different radio stations. We have – just kind of a reminder – we used to have contracts with different radio stations but when we did the budget cuts we actually took out ones that didn't broadcast the whole meeting and only broadcast portions of it. We've tried, when we're in different areas

to find ways to broadcast. So for instance, when we did the Aamodt meetings up north we tried to find ways to broadcast. The best we could do was to hire someone to tape it and then we would put it on the internet, so it wasn't live. And that's part of why were trying to give ourselves an out because we do have trouble. Even when we were over at the convention center, sometimes the City will pre-empt our broadcasting, because that was on a Wednesday and that's their City Council meeting. So they pre-empt us on the Comcast. But they will play our stuff later, but it's not live. Same with some of the radio stations. They would tape it but they wouldn't do it live. The only one that would do it live through the duration of the meeting was KSWV.

COMMISSIONER ANAYA: So if I could, Mr. Chair, let's break up broadcast. We have radio broadcast that has a broader reach with KSWV that's a good thing, but we don't necessarily hit the entire Santa Fe County, associated with that broadcast. But on the TV broadcast, which is more specifically I guess what I'm focusing on, we only get an audience for the television broadcast in and around the City of Santa Fe, Comcast area. And I guess that's the piece that's concerning is that we're saying we're hard and fast on it, but the reality is we don't have people that can access that television broadcast component.

So I think – it's not something I'm going to hold us back and not vote on but I do think it's essential that we analyze it and should we be so hard on the language with the television broadcast aspect, or put that we may broadcast, given that we webcast all of the meetings.

MS. MILLER: Mr. Chair, Commissioner Anaya, you bring up a good point and actually I think Greg and I actually discussed that, being specific about channels. Maybe it should be left in there as the Comcast because that is the only one that we currently have access to and that is just wherever the Comcast goes. So you're correct that it does not cover the whole county; it's only where Comcast is. We don't have access. There isn't another public access channel that's picked up by satellite.

COMMISSIONER ANAYA: Actually, there is. Actually, the stream of channels that's on regular TV, you have some faith-based TV channels but there's some other regular access channels that do have a broader reach around the state. Those are separate from satellite, but if somebody wanted to, and you had one of those access stations you could utilize it. This is coming from somebody that doesn't have satellite right now.

The other thing is I think Direct TV and Dish utilize Portales, their public television stations is one of the access stations on I know Direct. I'm not sure about Dish. I guess what I'm getting at is I don't know that we want to nail ourselves down so much on the broadcast of television piece in his resolution when in essence we provide webcasts and we have an intent to continue – our intent is yes, to continue broadcasting on television but I think we should look for other venues if we're going to be so hard and fast in this language and not just rely on Comcast television for the City of Santa Fe area. If our intent is to get as broad of audience as we possibly can. So those are my comments there.

My last comment and question, we had an extensive discussion as a Commission, and I even brought forward a resolution, I believe, when Mr. Ross was here, that spoke to easing of the requirements associated with being more parallel with the state, not having our hands as much tied to the legal print requirements that were in my estimation archaic and maybe outdated, given technology and the access to web. Did we do that in this resolution? Did we

go in there and clean that up so we don't tie our hands to some of the archaic methods we used before that were pretty costly.

MS. MILLER: Mr. Chair, Commissioner Anaya, yes. I don't know which resolution number but Greg and I discussed that at length. I said I want to make sure that the cleanup that we did in order to not say that we had to have noticing in all three in order to make it properly noticed flows through this, which is that we will still do that, but having one notice for our regular meetings actually meets that requirement that we've properly noticed our regular meetings so that they wouldn't get cancelled, because we were having that issue with our committee meetings, a lot of them getting cancelled because the newspaper would drop the ad. So that does flow through this to capture that. And I think Greg probably knows the specific reference to that.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Ms. Miller and Mr. Shaffer. Do you have any suggestions for us on the television piece, based on just some of the feedback? Do we want to be this rigid on the television piece?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, in fact the proposed language was to try and make it less rigid than what is currently in the Board resolution, which is that the Board will do certain things and in practice that has not always been possible for the reasons that the County Manager disclosed in terms of being bumped by a competing City Council meeting. So addition of the language unless it's impracticable, which is fairly flexible. That could be cost, that could be technical limitations, that could be because of contract issues, was meant to build in some of those unknown contingencies. So we could leave that language as is with respect to the webcasting and say unless it's impracticable or impossible to do so the County will webcast Board meetings, and then I believe what I understood you to be requesting is could we provide something to the effect of the County will endeavor or will try to make arrangements to provide for live broadcasting on radio and television.

COMMISSIONER ANAYA: Mr. Chair, Mr. Shaffer, I think my concern primarily is the television piece. That's the piece because it doesn't have an audience beyond the city limits. It just doesn't. I don't know if it even goes into La Cienega or not. It may. But it doesn't go that far out of the metroplex. So that's my primary concern. I don't know how my colleagues feel. I appreciate the language modifications but I think maybe that's another item we could look at in the future as we progress, just given how readily available internet service and webcasting is.

CHAIR MAYFIELD: Commissioners? Mr. Shaffer, a couple questions on page 4 of 5, there's just a small typo on A under closed meetings. You have board twice on A and B. Then as far as application to County boards and committees, can we have a list of all our County boards and committees? I just think that this might – we may need to include some additional boards and committees that some of us sit on, and/or just recognize that there are different boards and committees that have their own by-laws and their rules. New Mexico Economic Development is one. Regional Coalition is another, and if we had a full listing of all the boards and committees that the County has membership on or that we have designated membership to I think we should recognize those, because then we're putting ourselves in a position to be in compliance with these requirements on any other board we sit on.

MS. MILLER: So, Mr. Chair, on page 4 of 5, paragraph 9, you were just mentioning there's some additional ones that are not listed there?

CHAIR MAYFIELD: I just want to add that for discussion. I'm bringing up two. One is the Northern New Mexico Economic Development Committee. The second is the Regional Coalition of Los Alamos Communities. I don't know if there's any other boards or if we had that whole list of all the boards or committees that we appoint to. And the reason I'm bringing that up, Ms. Miller, is under both of those boards they do comply with the Open Meetings Act but they have their own internal by-laws that they were voted on. And I just feel again that we might be, kind of what Commissioner Anaya brought up. They're not complying with radio. They're not doing television.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: On that same paragraph, paragraph 9, it doesn't seem that the Regional Planning Authority – I don't think they're funded anymore. I don't think they're functioning anymore, the Regional Planning Authority. So I think that could be stricken from paragraph 9.

MS. MILLER: Mr. Chair, Commissioner Chavez, I thought of that except that the joint powers agreement still exists.

COMMISSIONER CHAVEZ: It does?

MS. MILLER: It does, even though the board -

COMMISSIONER CHAVEZ: Is not functioning and not meeting.

MS. MILLER: It's not met but nobody has actually terminated the agreement so I thought about striking it out of there but then I thought, well, we haven't actually done that.

COMMISSIONER CHAVEZ: Well, I guess it can be a placeholder but it just raised a question in my mind in reading it a second time. So I think that if we could add other committees I think maybe we could start with committees that are the more critical committees, ones that are meeting on a regular basis and then go down the list from there. And if anything needs to be added I think now would be the time to do that. That's all I have, Mr. Chair.

MS. MILLER: Mr. Chair, Commissioners, we probably would need to go back and look at any of the other boards that that might apply to. Greg said he just took that paragraph from the existing resolution but I think that, Mr. Chair, you're correct. There are a couple others that we may need to add to that list.

CHAIR MAYFIELD: Or, Ms. Miller, as Commissioner Anaya suggested, just a statement that says, look, if there's already rules, if there's already by-laws in compliance with the Open Meetings Act, based on multiple governments sitting on those boards, maybe we could just have a general exception.

MS. MILLER: Or those that Commissioners sit on that have other Open Meetings Act by-laws or rules or whatever.

CHAIR MAYFIELD: Because, again, they won't be doing television broadcasting or radio broadcasting.

COMMISSIONER ANAYA: Or simply state that this only applies to the Board of County Commissioners for their regular meetings and not get into the discussion on any of them at all. That each of those are individual and respective that don't apply.

MS. MILLER: Mr. Chair, Commissioner Anaya, it does actually apply to some of your committees, because we were trying to get to that issue of if we know the regular meetings. So that portion and some of the things do apply. The only —so it's a little tricky there, but maybe in paragraph 9 we could just add a sentence for once that there's no separate Open Meetings Act Resolution for. Because all those other committees would have to have had that, if they're like joint City-County or other authorities, I think they have to have their own resolutions anyway. I don't know, Greg, if that would work.

MR. SHAFFER: Mr. Chair, Commissioner Anaya, with respect to applicability, I believe that the intent of the resolution, which we're modifying a resolution that is already on the books, so to speak, was to create a uniform standard resolution and noticing process for the various boards and committees that operate directly under the authority of the Board. So the CDRC might be one of them. COLTPAC might be another. The La Bajada Steering Committee, even though it's advisory again might be another, so that we have one standardized uniform process and we did not have a proliferation of Open Meetings Act Resolutions. And I think that this is what this language is meant to accomplish. And the except language, in listing those specific boards I think was to get at those entities that the Board does not control and that level of oversight and manner in terms of appointments and that their authority derives specifically from the Board, that you would expect them to have their own Open Meetings Act Resolution. So I think that was the intent of the overall structure of this provision and it doesn't mean we're bound by it but I wanted to give that context.

And so if there are additional bodies that should fall into the camp of they should have their own resolution and do have their own resolution that is not included in the current Open Meetings Act Resolution of the Board then we could add those here. But again, I think the overall structure was to have one uniform process for all of those boards and committees that derive their authority specifically from this body.

And then secondly, I would want to just respond to the idea of imposing webcasting requirements on any other board or committee is that was one of the cleanup items was to make clear that the webcasting and broadcasting was just a Board – capital B – Board meetings, and not other boards and committees that act under authority granted by this Board.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, if we have some that we can add let's add them but I think we have a lot of progress that we have made that we could revisit if we need to add others. So I think we've put ourselves in a position to provide cleanup language as well as a standardized noticing process for our boards and committees. So I think it's a work in progress, so we'll just go from there. I'm prepared to make a motion, Mr. Chair.

CHAIR MAYFIELD: I have some questions, please. So, Mr. Shaffer, Ms. Miller, as far as just general social function that maybe more than three or more Commissioners may be invited to, is that addressed in here? I know sometimes we have to kind of send you all an email saying, look, we're going to this. You need to put out a special notice. Is there any way we could just do a general statement in our Open Meetings Act?

We're not going to be taking any official business. Three of us may run into each other at a grocery store on any given day.

MS. MILLER: Mr. Chair, what we do whenever there is a chance that a social event that three of you may be at we do the posting on the board, just to make sure that it's noted that you may be there but you're not taking any official action or acting in the capacity of the Board, but just a notice that if you were seen as three of you in the same room at the same event we have actually noticed it that that was possible.

So whenever we do know of a social event or something that you may be attending we put a notice on our website and on the board.

CHAIR MAYFIELD: That's sufficient, I guess. I think that's all I have except for as far as committees and task forces, I'll ask for this. I would still like a breakdown of all our taskforces and/or committees. Because if we have meetings or if they're going to have any impact on recommendations of policy, I still believe that those — again, maybe they don't have to go through the whole noticing through a newspaper, but if we could just get some general noticing on our County website saying, look, this task force is meeting on such and such a date, should be open to the public and public participation should be warranted and welcomed, especially if they're going to be making any policy recommendations.

One thing, Ms. Miller, I've asked and maybe it's out there. I just haven't noticed it, and granted, we're rolling up right now our Indigent Fund Policy Committee; that no longer exists, but even on our Housing Committee. Because we always close that door to the legal room, and we just have to make sure that people understand that that's a public meeting and the public is welcome to attend and address it. I know that I asked maybe one of our shops to create a sign that this is a – we may have to close the doors just for audio reasons and I guess there's nothing wrong with that. These doors are closed right here in front of us today but the public's welcome to walk in these doors at any time. So maybe we should just have some general notice of that. Not in this policy but just notice. Commissioner, I believe you wanted to make a motion.

COMMISSIONER ANAYA: Mr. Chair, just a comment or a question. If we couldn't add a line that deals with what Commissioner Mayfield, the chair just asked. I think any board that we sit on, board or committee, whether it's internal or external, that it would be a good idea to have it at least on our webpage when those meet. So I don't know. I was thinking something along the lines of any Commissioner that formally serves on a board or committee appointed by the Board of County Commissioners shall have notice to their meetings posted on the website. Is that reasonable? Something like that?

MS. MILLER: Mr. Chair, Commissioner Anaya, I need to check with Kristine but I think we notice every one of our meetings on the web. So we have about I think 30 to 35 committees or other boards but it's hard. You can't fit everything on the front page, so you do have to know the board that you are interested in and go to that part of the website, because we can't fit everything on the front page. But we usually try to do a calendar of events at least on the home page that says what meetings are happening that week. But every single committee that we have, if it's considered a public meeting, committee, where it's not just staff meeting, then it is noticed and we do agendas and all that.

The issue we had and why we had to change our resolution back when was the resolution used to say that we had to do all three: that it had to be on the web, it had to be on

the board and it had to be in the paper. And if the newspaper dropped it or if for some reason it wasn't on the board seven days in advance, it was considered in violation of our noticing. So what we said is, okay. We're still going to do all that, but if one is only up for six days and the other two are up for seven, we can still have the meeting. We'll have met the primary noticing requirement that's required by law. And then we'll add to that by still making sure we do the web, the board and the newspaper.

So we do do that on all of them. It's just that if for instance the newspaper – what we were struggling with was sometimes the newspaper wouldn't place the add, and by the time we'd see it it was out of our noticing requirement and we were having to cancel some of our task forces. The two that come to mind are the La Bajada Committee and the Open Space, COLTPAC, that we ended up canceling those twice because the ads were dropped.

The way the resolution is written now we would not have to cancel the meeting. We say our regularly scheduled meeting, here's what they all are, and we post that once. And then we still do all the posting as the date gets closer to it no the web and then in the newspaper and on our board.

COMMISSIONER ANAYA: So, Mr. Chair, Ms. Miller, I agree with everything you just said and concur that this cleans that up. I think what Commissioner Mayfield was talking about was posting RTD meetings, posting just – not as a mandatory but all of the meetings we sit on. MPO, all those are on there?

KRISTINE MIHELCIC (Public Information Officer): Commissioner Mayfield, Commissioner Anaya, we do do that for all boards that you sit on. I work with all of the different committees and we post the meeting dates as well as their agendas. If they have packet material that they sent to me I also post that and then in addition to the event calendar noticing, we also have separate pages for all of them, and then we have information. Like, say for the MPO, that says here's the agendas we have on file, minutes or whatever, packet material, and then in addition to here that, here is their website and we link directly to them. So we are doing a lot of cross information with all of the committees that the Commissioners sit on.

COMMISSIONER ANAYA: Excellent, Mr. Chair. I'd move for approval. CHAIR MAYFIELD: Second. Just a little more discussion though. Kristine, thank you for providing us that. One question though is just on the task forces again, if we have task force meetings out there. Maybe they're posted, Kristine. If they are, great. We can just get them in the general —

MS. MIHELCIC: Yes, Commissioner Mayfield. We do post our task forces in addition too.

CHAIR MAYFIELD: Thank you. Ms. Miller, I don't know who has an answer for this or even if an answer is needed, but on a public meeting that we had regarding the Aamodt, public participation was pretty critical that was posted in the Albuquerque *Journal*. That's not going back to what Commissioner Anaya stated a little earlier, that that may not be the most circulated newspaper in the area that is primarily affecting the Aamodt agreement. So I guess – I don't know what our rules are. Does it have to be one specific paper that we post in? Do we choose between – I k now we have at least three if not more newspapers, privately owned newspapers. We have the *New Mexican*, the Albuquerque *Journal*, *Santa Fe Reporter*, I just don't know when or why that choice is made of what people are posting in.

For all I know it was posted in the *New Mexican* but I think staff did state that it wasn't posted in the *New Mexican*, it was stated the *Journal*. I'm just bringing that up, Katherine.

MS. MIHELCIC: Commission chair, it was posted in various newspapers. I know – I don't know if it was posted in the Albuquerque *Journal*. I think the *Journal North* was one of the places we chose to notice, but it was also in the *New Mexican*. And we do run an ad twice a month in the Sunday paper with all upcoming meetings and events as well. So the Aamodts were covered by both of those.

CHAIR MAYFIELD: And what about the Santa Fe Reporter. I know they're a weekly publication but they seem to be very well circulated through both rural and incorporated areas. Do you ever post meetings in there or they just don't provide that as a service.

MS. MIHELCIC: I think the resolution and Greg, you might have to clarify is that a daily circulation is the requirement on that and so that is why we go with the *Journal* and the *New Mexican* to meet that daily requirement. But I think in some cases we have posted things like ICIP meetings in the *Santa Fe Reporter*, as well as the Edgewood *Independent*.

CHAIR MAYFIELD: And I don't think *Journal North* is any longer a daily publication. I could be wrong but I think it's weekly now. I could stand to be corrected on that.

MS. MIHELCIC: Okay. I can look into that.

CHAIR MAYFIELD: That's all I had. So we have a motion. Thank you, Kristine. And a second in front of us.

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

CHAIR MAYFIELD: And really quick, is there anybody from the public wishing to comment on this, that we just voted for unanimously? Seeing none, this does pass unanimously.

III. C. Purchasing

1. Request Approval of Agreement No. 2014-0256-PW/PL with Southwest CM, LLC for the Construction of the Ken & Patty Adam Senior and Community Center Addition and Renovations in the Amount of \$1,275,605 Exclusive of GRT

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. It's a pleasure to be here. We're here before you to request approval of the renovation improvements of the Ken and Patty Adam Senior Center that's located in the community of Eldorado. It's an expansion of an additional 3,363 square feet, replacement of the HVAC system, electrical upgrade, expansion of the dining rooms, parking area, those sort of things. We received four bids from the contractors that are listed on your report here. The Southwest CM, LLC was determined to be the lowest and most responsive bidder and with that, Mr. Chair, we're requesting approval of that contract but along with that we would respectfully ask that along

with approval of the contract that the Commission grant authorization for the County Manager to sign the purchase order for the contract. I'll stand for questions.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Pending of course, questions and discussion, I'd move for approval,

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: We have a motion and a second. Any other discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, congratulations to all the residents that access the Ken and Patty Adam Senior Center. It's a facility that has continued to grow and expand and be utilized in the region of Eldorado, but also serves residents in District 3 as well as both District 3, District 5 and District 4. And so I think it's a good continuation of services and programs to help that greater area there. So I just wanted to make that comment on the record. Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics, it's great to know you're getting this work down out in your district. Just a quick question, Mr. Taylor. With our vendors that bid on this project, so they all are aware now they need to be in compliance with our minimum wage requirements of \$10.66 an hour?

MR. TAYLOR: Mr. Chair, that's correct, and it's included in the invitation for bid and in the contract.

CHAIR MAYFIELD: And then we also included a veteran and a local preference?

MR. TAYLOR: Mr. Chair, it's the instate preference on construction contracts and both veteran and New Mexico state preference were included.

CHAIR MAYFIELD: Thank you, Mr. Taylor. We have a motion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a note on the wage rates. The wages paid on this job will be even substantially higher than the \$10.66. Is this state, little Davis Bacon as well as the federal Davis Bacon or what is the wage structure on this?

MR. TAYLOR: Mr. Chair and Commissioner Anaya, it's the prevailing wage rates. There's no federal funding so the Davis Bacon does not kick in on this but it will be New Mexico prevailing wage rates.

COMMISSIONER ANAYA: So this will create quite a few jobs and well above the minimum wage.

MR. TAYLOR: Mr. Chair, Commissioner, that's correct.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Just to alert the Commission that this does not include the solar, so next year we'll be coming back to ask for the money for the solar

over the parking lot that will be connected to both the library and senior center and service both facilities. But we didn't have enough funds for that. Thank you.

CHAIR MAYFIELD: Thanks, but on that note though, Commissioner, Mr. Taylor, was solar included in the bid when it was submitted on the expansion? I believe this Commission passed a resolution in the past asking for any solar and/or water catchment systems to be included in a bid.

MR. TAYLOR: Mr. Chair, as far as I know it was not in the scope of work. We do require that they meet all energy efficient savings at the facility. The HVAC replacement, electrical upgrades, but the solar panels were not included in the scope of work.

CHAIR MAYFIELD: It may not have to be solar but I'm going to defer to Mr. Hogan. Mr. Hogan, I think this Commission passed a prior resolution that asked that any new construction, remodel construction needed to be in compliance with different renewable energy components to it. So why wouldn't this have been included in the scope of bid if it wasn't?

MARK HOGAN (Projects): Mr. Chair, this project was initiated under the quick-start projects, which preceded the initiation of that. But to honor sort of the intention of it, we did introduce the planning for the solar carports that Commissioner Stefanics spoke of, so we have preparations made to solarize the facility at a later date.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I just want to point out that the concept of solarizing as many buildings as possible or retrofitting buildings is good but we did sort of shift priorities just a little bit, because we decided that we would focus on our fire stations first, and that's a higher priority, that we'll attach funding to it so we can do our fire stations.

CHAIR MAYFIELD: Commissioner Chavez, the resolution that was passed was not to move or shift funding around. It was just a component provision in there that asked that anybody bidding on this was included in the scope of work if funds were available or not they could give us that breakout but we just asked for that to be included in the scope of work when those projects were built.

COMMISSIONER CHAVEZ: Okay. Well, just so that — we can't be competing for funds. I think we have limited funds and so we have to understand that we can design it into the building but we may not be able to do the actual system at this point in time. I just wanted to point that out because I don't want to mislead the public by saying we're going to solarize all of our buildings but we have a priority to do our fire stations first. I don't think you can do both. I just wanted to point that out.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I don't agree that we have a priority for our fire stations, and I think we had a request from the public for us to identify fire stations but we have fire stations that are barely used by volunteers and to solarize them might not be the most cost-effective, whereas our County facilities, including the fire stations that are used 24/7 is a totally different situation. So I think it misspeaks for me to say that I have prioritized fire stations for the entire county because that is not true.

COMMISSIONER CHAVEZ: Well, maybe I misunderstood then, because that's where I thought we were going and if it's not where we're going I can shift gears also, but that's where I thought we were, so I can stand corrected.

CHAIR MAYFIELD: Thank you.

MS. MILLER: Mr. Chair, could I interject?

CHAIR MAYFIELD: Let's do this real quick. We have a motion and a second on the request for the RFP that you can sign so if we can take a vote on that right now then we'll have a little discussion after.

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

MS. MILLER: Thank you, Mr. Chair, Commissioners. Just to clarify a couple things. So we do have a state appropriation and that appropriation is for fire stations.

COMMISSIONER CHAVEZ: Only.

MS. MILLER: Yes. However, Commissioner Stefanics is correct in the question or the statement about other facilities because one of the – some time back last year when we were talking about this Craig O'Hare brought a report at the request, I believe of Commissioner Stefanics of how do we prioritize what we – which buildings we solarize, and he brought a report and recommendation based upon load and usage and the cost to solarize those. So there are two. You're kind of both right. We have a state appropriation that is just for fire stations and then we have a recommendation by Craig O'Hare on which of all of our facilities use the greatest load and would be good to prioritize that way.

COMMISSIONER CHAVEZ: So do we have that list of other County facilities that might be eligibility for solar applications?

MS. MILLER: Mr. Chair, I'll get Craig's recommendation that he had. It was some time last year that he brought that forward, I think when we were talking about this issue. So I'll get a copy of that to all of you.

COMMISSIONER CHAVEZ: Okay. So I guess that was an oversight on my part and I thought that since we had set our legislative priorities that kind of fixed everything else so maybe I can go back and revisit that and look at other facilities that might be eligible for solar projects if we have funding available, because again, I don't think we're going to have funding for all that we want to do. And so we're going to have to phase that in as we move forward. Mr. Chair, Tony, did you want to respond to any of our comments or questions?

TONY FLORES (County Manager's Office): Mr. Chair, Commissioner Chavez, on the point of Craig's, he did bring up a report outlining certain facilities that may be eligible at the chairman's request. There was some discussion of whether that list was accurate or not so Katherine is correct. He brought it forward but that was to be brought back when we looked or reprioritized our solar projects based upon load. Because he had only identified a few fire stations within that report. At the chairman's request if I'm correct, and Commissioner Anaya's we had to look at whether or not those facilities actually could or could not sustain solar improvements.

COMMISSIONER CHAVEZ: Mr. Chair, in addition to that, if we're considering Building A for a solar retrofit I think that Building A should go through an

energy audit first, because if that building is using more electricity than it needs to be is solar really going to solve our problems? It might reduce the demand or the cost but it's not getting to our energy efficiency. And so if staff could consider if that's not already being done, Mark, maybe we could consider that. Is that something that Craig is doing on an ongoing basis?

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Chavez, if I could help out. We actually passed a resolution that spoke directly to this point. We had Mr. O'Hare who came before the Commission and spoke about the various fire stations in particular and other buildings and that before — we had a resolution that before they would come forward there would be that evaluation of the electricity and the usage and as Commissioner Stefanics suggested earlier, number of people utilizing it and energy. I had a fire station that I was ready to move forward on and we still might at a lower proportion that makes more sense for partial usage, but I've held back on that because of the resolution and the discussion that staff had. So I think maybe we can pull up that information and that discussion we had at the Commission meeting and that would help us all. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Staff, let me just do this, because it wasn't noticed. Let's ask that this report from Mr. O'Hare come back to the Commission. Also, I'd like to revisit the resolution that was passed in lieu of what Mr. Taylor just stated, that this project was done with quick-start dollars prior to – I don't believe the RFP was let out prior to that quick-start. Maybe it was, maybe it wasn't. I don't know. So I'd still like to revisit that resolution in conjunction with this RFP. And then I also would like a status report on our quick-start money and our projects. I would ask for that. Because I believe \$1 million was allocated for quick-start, or was there more money than that allocated for quick-start projects? Again, that can wait till that report comes out. Maybe well over that or significantly a lot more than that or maybe not, but I'd like to get a status on all the quick-start projects. And in lieu of what Mr. Taylor also stated, that if those quick-start projects were initially in concept before an RFP went out then we could scrap a resolution that this Commission approved which I necessarily don't agree with but I'll just wait for that report to come back at the next Commission meeting, please.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, just to expand. I appreciate Commissioner Anaya refreshing my memory for an energy audit on these buildings, and I have a similar request that I've been resisting and that is to solarize the Nancy Rodriguez Community Center. I've been a little resistant because I didn't feel we had the money right now to do it and I didn't feel, until now, that that was really part of the discussion, because I had been focusing only on the fire stations, and so I can again shift gears a little bit. But I think that if that resolution is in place, that's good. Energy audits before we do the solar applications would be good, and so it's encouraging to know that the resolution is in place and that staff is working on that. So again, I stand corrected. Thank you, Commissioner Anaya. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. And Commissioner Chavez, I'll just state, Commissioners, capital GRT money could be allocated for these projects. I know that that's where I was fortunate enough to do two volunteer fire stations that I believe the math shows the return is there even if they are limitedly used but I don't believe the volunteer stations are really that limitation of use. And also — well, I'll have a discussion with you because I know there was a fundraiser going out there for solarization but —

COMMISSIONER CHAVEZ: No, they're out there and they have a website and that's the dilemma I find myself in because they've raised the money, but I don't know. I can't commit by myself.

CHAIR MAYFIELD: Capital GRT could be used for it.

COMMISSIONER CHAVEZ: I wasn't ready to commit that because I don't know if the building is in fact ready for that solar project. So I'm asked to do something that I'm not really comfortable doing. I don't think we've done all the research yet but they're ready to go. So I think it needs to be all – it has to go through the process and it has to be done at the right time. So I just wanted to bring that to our attention as well because there are a lot of requests for solar applications but again, I think we're going to have some limited funding to do that, whether it's GRT, capital outlay or whatever. So I just – I think it's good that we're having this discussion and that staff knows where we want to. Because I do not want to mislead the public in any way, shape or form. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioners.

III. D. Miscellaneous

1. Request Approval of 2016-2020 State of New Mexico
Infrastructure Capital Improvements Plan (ICIP) Pubic Outreach
Schedule

MR. FLORES: Thank you, Mr. Chair. Mr. Chair, members of the Commission, as we discussed at the June 25th meeting, the transition of the legislative project coordinator into the County Manager's Office, the County Manager's Office, in coordination with the Public Works Department is taking the lead on development of the state's infrastructure capital improvement plan starting this calendar year. As such, the state has brought back their deadline by 30 days to September 1st for submission of the ICIP plan to Department of Finance and Administration.

The ICIP plan in its most basic sense is used to attract and possibly garner legislative support during the session. And it's a very critical document. It's not to be confused with the County's capital improvement plan which is a subset of this document at a much smaller, more concise and well thought-out process. What we've done is we've developed a pretty aggressive schedule based upon the state's requirements and deadlines to have various community meetings, both through the lunch hour, which the Public Works Department initiated last year, and also evening community input meetings to garner and solicit input for potential capital outlay projects. And that's the presentation or the schedule that's before you.

In addition to that, we'll be meeting with individual Commissioners to garner the support and identify your priorities for this upcoming session, as well as the initiation of discussions with our delegation members to ensure that the Commission's priorities and the delegation's priorities and the community's priorities are somewhat aligned, although never aligned, but somewhat aligned so that we can understand what the communities are requesting from our delegation members that would have an impact on Santa Fe County if support is received by or through the session.

So that's the gist of the schedule. It is very aggressive. We are combining this with the strategic planning that we're undertaking with the fire departments during the month of July, as well as some other community meetings. So with that, Mr. Chair, I stand for any questions and we are requesting approval of the schedule as submitted. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Thank you, Mr. Flores. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, this has been a progression of work that's gone on for many years at Santa Fe County. I appreciate the efforts of staff. The only comment that I would make is that as we go to public comment and feedback throughout the county that we clearly show the public the entire ICIP list that we've always done that's very extensive and a huge list of projects, and that we also couple it with what the County's historically done, so that the communities have an understanding as to the realities of funding and available resources and how we have pared down – I think you said it best in our process, a more refined project list.

And so I appreciate those efforts and moving forward to fulfill this requirement. We have to do it and that's all I have. But I would – I understand we'll have comments. So I'll move for approval of the schedule.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second. Any further discussion? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, so along Commissioner Anaya's line of thinking, Tony, and I may be wrong in this so you can correct me, but are there any projects on the ICIP list that have been designed or partially – or are in partial construction?

MR. FLORES: Mr. Chair, Commissioner Chavez, if I can go back to the June meeting – to answer the question, to go back to the June meeting, the chairman asked for an analysis and a matrix per se of all the state funding that we received since 09, and we're currently developing that list. There are projects that are on that list that we still have funding on the books that we have either initiated, designed for, or don't have enough funding to initiate design. We will have certain project in there – to say that they're under construction and have funding necessary, that's an absolutely bad way of doing business. So it would be more of the design and planning, that upfront work, rather than actually something that's under construction. Because you have to understand, the state's grant awards, we received funding in the 14 session in March. We do not anticipate receiving those grant awards until – Mr. Garcia – I think it's September, the end of September. So it would be difficult to say that

we're under construction and waiting for those dollars. So it's more of a planning, design and acquisition of projects.

COMMISSIONER CHAVEZ: Okay. And if there is any money attached to the ICIP it would be for design only.

MR. FLORES: Mr. Chair, Commissioner Chavez, for existing projects, there may be funding in there that includes construction of projects, but those have not been initiated while a the upfront works. So a typical state appropriation language would say something like plan, design, construct and equip a new community center for the community of El Rancho in Santa Fe County. And it would have all those different segments or components of a project that then we would identify what those funding sources are. So an allocation or a grant may exist on the books today that has a construction component but we would not be under construction if we did not have the full funding.

COMMISSIONER CHAVEZ: Got it. But the list that you're working on would explain that.

MR. FLORES: Yes, Mr. Chair, Commissioner Chavez, that's correct. COMMISSIONER CHAVEZ: Okay. Thank you, Mr. Chair.

CHAIR MAYFIELD: Mr. Flores, thank you for this. On your last bullet on page 2, when these meetings are scheduled, would you just let, I guess myself know with what delegation members you've scheduled it with? I don't know if maybe the Commissioners want that or not but I think that could be beneficial. And just to maybe elaborate on that a little more, I would be interested in also communicating with our local governments such as the City of Santa Fe, City of Espanola, Township of Edgewood, they may have projects in the hopper that we could work on jointly and if we're going after one funding source, working with our local delegation I think it makes it easier, especially on you and Mr. Garcia in the back when you're at that legislative body. For one, I know I've been hit with doing some work on I think the MRC center now and I'm like, well, okay. What's the City planning on doing on this and how much money are they planning on putting into it. And I've been told by a legislator they might commit x-amount of money. I think that would just be good for us to know what also other local governments are doing.

MR. FLORES: Mr. Chair, that's an excellent point and that's something we've kind of planned for in this process. Coming back to the County and picking up where I left nine years ago, one of the things I think we need to have a little more interaction with is our joint regional projects. With Mr. Miller in the office working on tribal issues we have had those discussions preliminarily on possible joint projects and we're working on joint city or town projects that may require some support. Now, that doesn't necessarily mean that we would support them financially, but we would support them with our efforts. So absolutely.

CHAIR MAYFIELD: Actually what money where they're thinking and if it is something we could do it. Thank you, Mr. Flores. Commissioners, anything else? Thank you.

MR. FLORES: Thank you.

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

III. D. 2. Request Approval of Quitclaim Deed to Susan B. Schneider Pursuant to the Purchase Agreement

ROBERT MARTINEZ (Public Works): Mr. Chair, the BCC approved a purchase agreement with Ms. Schneider at the April 29th BCC meeting to purchase a total of 932.3 square feet of County right-of-way on Waldo and Third streets in the Village of Cerrillos to cure some encroachments. This deed will complete the conveyance of County property to Ms. Schneider. Public Works requests the approval of the quitclaim deed conveying the property to Ms. Susan B. Schneider. I stand for questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Motion and a second. Any further discussion,

Commissioners?

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

[The Commission recessed from 4:25 to 4:40.]

IV. MATTERS OF PUBLIC CONCERN

CHAIR MAYFIELD: We are now onto Matters of Public Concern. Is there anybody from the public wishing to comment on any matters that are not in front of this Commission tonight? Seeing none, then we will be moving on.

V. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Presentations

No presentations were scheduled.

V. B. Matters From the Commission

1. Commissioner Issues and Comments

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, if Tony Flores could come forward and help me out a little. Just wanted to acknowledge the New Mexico Brigade Building and I know that Commissioner Holian and Mr. Chair, you were unable to be there. I did let them know that you sent your regards on the resolution and did vote to pass it. I want to thank Commissioner Stefanics and Commissioner Chavez for being able to be present. It was an excellent ceremony in honor of the New Mexico Brigade and in honor of our veterans. We

have Margie Romero and many others that helped from the County, but if you could, Tony, I'd you to acknowledge the work of the County staff that helped with it. I'm going to name off a few and then I want you to help me fill in the blanks, because many, many people helped make it happen: Ms. Miller, yourself, Mr. Flores, Chris Barela, P.J. from Public Works, Lisa Roybal, Jennifer LeBar, Kristine Mihelcic, Rudy Garcia, Antonio, Sam – help me fill in the blanks. There's many others that helped us out. Director Sedillo, Chief Sperling.

MR. FLORES: Mr. Chair, we have Terry Lees from Public Works, the Open Space staff including Albert Lucero. We have Chappie Jose Villegas was there and very instrumental in bringing in the color guards to the ceremony, numerous other employees, Johnny Roybal from Public Works assisted in the traffic control, as did Undersheriff Ron Madrid, very instrumental in getting that. Those were probably the highlights of the staff that contributed.

COMMISSIONER ANAYA: Sheriff Garcia and the color guard of the Santa Fe County Sheriff's Department.

MR. FLORES: City of Santa Fe, New Mexico Army National Guard, the Corrections Department color guard. We had six color guards there, including the Vietnam Veterans of America.

COMMISSIONER ANAYA: We had the Vietnam – one of the motorcycle – MR. FLORES: We had the Legion Riders that were also present.

COMMISSIONER ANAYA: Well, I really want to thank all of those people for attending and a special thank you to you, Tony and to all the staff, Ms. Miller and everybody that helped make it a reality. The Ojinaga family and the many, many other families that are represented. There's a wall at the Public Works Facility that highlights all of the members of the Santa Fe Brigade that were part of the Bataan Death March, and it also lists the communities where they're from – Cerrillos, Glorieta, Galisteo.

MR. FLORES: Santa Fe.

COMMISSIONER ANAYA: Up north in Chimayo. Just throughout the entire county. So it's quite a sight and it does convey the appreciation and support that we afforded in our proclamation

MR. FLORES: Mr. Chair, Commissioner Anaya, one other on that was very special and dear was Paul Armijo from Public Works who actually takes care of the facilities. His uncle was actually one of the members that was listed on the wall, that actually was one of the prisoners of war from the Bataan Death March.

COMMISSIONER ANAYA: Well, special gratitude to all our veterans and all of the armed services, past, present and even future people that will serve our country. Thank you, Mr. Chair. Thank you, Mr. Flores.

CHAIR MAYFIELD: Thank you. Commissioner Anaya, anything else under Communications? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just wanted to let everybody know that Glorieta Camps hosted their first community day this last Saturday. Glorieta Camps is the entity that now runs what was formerly known as the Glorieta Baptist Center. And they've really made a lot of improvements to it, and they've turned it into sort of a children's camp so that children from all over the United States will be coming there to

participate in the activities and it's really a lot of outdoor activities. They don't intend for kids to be inside doing stuff on their computers. They intend for them to be outside in the — they actually have a lake out there. Well, it's sort of between a lake and a pond. It's not quite as big as a lake and it's not quite as little as a pond, but it is — I really have to give them credit because they re-engineered that body of water so that it uses a lot less water than was used when the Glorieta Baptist Center had this particular lake onsite. Which is, by the way, fed by their wells. They have wells. So they are using groundwater to put into the lake.

But in any event, they had all kinds of great activities on the lake including these really big slides and these big puffy things that you can jump onto from the wharf and all kinds of fun stuff to do even including swimming and so on. And they have a lot of other fun outdoor activities for kids like zip lines and so on.

The other great thing is that they are opening this up to the community every now and then and letting – these were all people from the Glorieta area, from all over Santa Fe County who were coming out this last Saturday participating in the activities and I think it's really nice that they want to bring the community in on this.

Another important thing to note is that they are employing local young people. They have hired over 60 locals, young people, for summer jobs. I assume that they're paying the minimum wage, since they're in the county. So this is actually going to be a great employment opportunity for a lot of the young people in our area. So I just wanted to let everybody know about that particular event. It was fun, it was a sunny day. It was a perfect day for swimming and I did not go down that slide. Maybe next time.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: I have nothing.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, members of the Commission. I'd like to recognize two people that we will send certificates of appreciation to. The Eldorado 285 Recycles provided award winners Matthew Narvaiz and Art Bratt. Matthew Narvaiz is the chef at the Ken and Patty Adam Senior Center. He stepped in for volunteer Sally Connelly, last year's award winner, to keep the senior center recycling program afloat. He makes sure that plastics, cans, aluminum and cardboard used in the kitchen are set aside for volunteer transport to the Eldorado transfer station. He also makes sure that greenwaste, coffee and tea bags are saved for composting.

Art Bratt received his award for amazing reuse and repair. He is a volunteer at Kindred Spirits Animal Sanctuary. He makes weekly trips to Smith's grocery store and the Eldorado Market to collect greenwaste from their fresh vegetable departments. After chopping all the material at this home he separates the greens, which he feeds to the sanctuary's chickens. The rest is cooked into a stew to feed the dogs at the sanctuary. Many of the dogs wear coats to keep them warm. Art repairs the jackets or adjusts them to fit the animals better. He also distributes the sanctuary's horse manure to his garden for composting. When he is not busy with these activities, Art assists Matthew at the senior center making sure reusable kitchen waste is indeed diverted to composting.

I'd like to congratulate the two of them and thank you all for signing their certificates. I hope everybody had a safe Fourth of July, and Commissioner Anaya, the presentation was

very nice, and I think all of our veterans in our community appreciated being recognized on that day.

Lastly, and I'll have more information for you at the – not the next meeting. Well, maybe the next meeting. The executive committee of the New Mexico Association of Counties will be doing a first acceptance or resolutions from all of the affiliates. They will either send some back to the drawing board to be rewritten, or accept them to be passed on to the full board. And that meeting is July 23rd, I believe. And it's in August in McKinley County that there will be voting on the resolutions. Thank you very much.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Commissioners, I also have nothing from my communications, but there is a presentation that I asked, based on an article I read in the newspaper and it was talking about our water master agreements that we have in place or that we don't have with the City of Santa Fe so I'm going to defer to Ms. Miller.

MS. MILLER: Mr. Chair, I'm going to have Claudia to address you to start. Adam is on vacation this week but Claudia has the answers to questions that you had asked and then I probably have some of the additional information related to annexation. But Claudia has answers to the specific questions you had asked in the email.

CHAIR MAYFIELD: So everybody in the public, just so you know, we will go to – we have our land use cases that start at 5:00; that's when they're noticed. We still probably have about ten minutes. It will be at the pleasure of the Commission. We still have executive agenda items that we need to go into. I did look at our agenda. Two items were tabled. There was just one case. I think that's what all of you are here for. I could stand to be corrected. If that's the case I'll defer to the Commission if that's their pleasure to take that matter post 5:00 once we get done with this or to move into executive session. Just so everybody knows that. Commissioner Stefanics.

COMMISSIONER STEFANICS: If the Commissioners are amenable, I would like to have this case, this land use case heard before the executive session.

CHAIR MAYFIELD: I'm fine with that, Commissioner Stefanics. Commissioners? I think we're fine with that. So everybody, you're welcome to listen to this presentation. Otherwise, about ten minutes.

COMMISSIONER STEFANICS: Did Ms. Miller have a comment? CHAIR MAYFIELD: I'm sorry. Ms. Miller.

MS. MILLER: Mr. Chair, Commissioners, executive session is really short, maybe ten minutes of informational items or we don't need to have one.

CHAIR MAYFIELD: Well, I do want to have some stuff on executive. I spoke with Mr. Shaffer about it. To me it could be post. It doesn't matter at this land use hearing for me. But just so you all know. If you – you're welcome to listen to this presentation or if you need to grab a quick cup of coffee, we'll probably be starting 5:10 with that matter. Thank you.

V. B. 1. a. County Water Master Meters

CLAUDIA BORCHERT (Utilities Director): Good afternoon, Commissioners. I believe Commissioner Mayfield, that you had some questions about the

nature of the contract that we have to provide raw water to the Club at Las Campanas, which is the golf course.

CHAIR MAYFIELD: It wasn't so much that. There was an article reported in the newspaper that I read that was reported to us by our PIO, talking about our master meter, so that was more about – it was not so much the contract with the clubs, I just asked for that to be provided to me. Thank you. But it was more on what was going on and what was stated to the newspaper with our master meters for water throughout the city as they tried to tie it in the article to annexation, was held up because of annexation. I don't know if you're familiar with that article. That's what I forwarded to Ms. Miller and Mr. Leigland. I just wanted an update on that based on what I read in the paper.

MS. BORCHERT: All right, Mr. Chair, members of the Commission. So the County went before the Public Utilities Committee last Wednesday. We had a request to have what's called Meter House #4, which is the place where backup water has been supplied to the golf course in the past to have that become a master meter per the 2005 water resources agreement. The memo that was attached to our request from staff was recommending denial. When it came before the Public Utilities Committee the committee decided to hear that matter again, to table it until October, and part of the rationale for that action that they gave was that they were concerned that the County had not put in the master meters per the 2013 annexation agreement between the City and the County.

And the update on those master meters is that my budget for fiscal year 15 has money to put in somewhere between two and three of those master meters. There's only five needed to actually – to meter all the water that we currently get from the City through the various locations that we get the water. We don't really know how much it's going to cost so we don't really know if the \$150,000 will cover two or three. The other part about the other two that would not be our priority are in Agua Fria where the lines serve just a street of houses and we're really looking at other options to not necessarily have to install a master meter for very few customers on the downstream side of the master meters.

So I guess the good news is that we are, I think, on track to being able to put those master meters in expeditiously.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, for bringing this question forward. A couple of issues. I recently had a meeting with Adam Leigland and Joseph Gutierrez regarding some capital projects and we talked about the master meters, and the funding – we only have funding for some of the meters that we need for annexation, not all of them, and we had talked about this master meter issue for a couple of years now from the BDD. My suggestion – there's really two separate issues. One is funding and the other is this metering purpose relationship with the City. But my recommendation around the funding was that if we had an influx of funding from anything, like a sale or extra tax dollars or whatever, that perhaps it would be for us to get those meters taken care of. Because that is something we've made a commitment to but we just don't have all the funding in place for it.

The second issue is that in a non-formal conversation with a member of the BDD, not at the BDD public, I and another member from the City had a conversation that it was in everybody's best interest to work the situation out. We didn't go much further than that

because it seemed like the discussion had been postponed for a while to really enter into any heavy negotiations. And that's all I wanted to add to the conversation. Thank you.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Claudia, let me ask this. Based on what was stated and what you just stated, and anybody I guess could be – I don't want to say misquoted or misinterpreted by a newspaper reporter at any given time but Adam stated he did not have any funding for any of these master meters and this article states right here to my left. So my question to you is now you're saying there is for some. Why we haven't done it and why, if it wasn't requested in the budget – maybe it was requested in the budget. It just never made it to this Commission's table as far as a budget request item.

MS. MILLER: Mr. Chair, can I interject? There is money within the Utility budget for what they had available for capital, and that was approved to do the master meters. The capital budget also has a request at the GRT, the capital outlay GRT, that's on the list of one of the things in addition to what's in the Utilities budget. Utilities itself does not have enough money to do it within their operating budget. So they'd have to get an outside source which we have not presented the capital budget request to the Commission for the next chunk of FY 15, funding for capital, because we had been requested to meet with you individually but we have not been able to schedule meetings with everybody individually before we bring a recommendation to the Board.

CHAIR MAYFIELD: Thank you. Let me ask one other question, please. So, Ms. Miller, what you're stating or what this article stated or the discussion Mr. Leigland had, and that's what I wanted to know was the discussion Mr. Leigland had with the *New Mexican*, but then what is the City at odds with right now and what are we not able to provide by not having these master meters in place and what are we able to provide? I know this Commission entertained an agreement with Las Campanas to their golf courses. How is that going to be accounted for? Are we just turning on the spigot, letting it run? So I'd like answers to that, please.

MS. MILLER: Mr. Chair, actually, and I had a conversation with Mr. Leigland about this, we didn't even know that the City was going to recommend denial. This has nothing to do with annexation. As a matter of fact, when we had the annexation discussions it was at the City's request where we listed in the annexation agreement, it was at their request when we tried to put that master meter into the whole annexation agreement they stated and asked us to keep it out, that it has nothing to do with annexation.

So it's interesting that all of a sudden in their recommendation to deny it that staff says it's because of annexation, because it's those same staff members that said, please don't put it in the annexation agreement, please handle it separately because it has nothing to do with annexation.

So as soon as I saw the recommendation from the City I asked the City Manager, why didn't you bring this up? This was something we had a specific discussion about a year ago, plus I had just met with the City Manager and their Utilities Director a couple of days before they put the recommendation out. So I'm really — we were surprised by that recommendation. They specifically asked us to keep it out of annexation agreement, they specifically asked us to put in a request separate, and then when we had a meeting a couple days ahead of time they didn't tell us they were going to recommend denial due to annexation.

So I've requested a meeting with the City Manager and the Mayor and the Utilities Director to understand why all of a sudden this is now turned around to be an annexation issue, because that was – and they've agreed to meet on it; we just haven't set a date yet. But that's the best I can say is that there's clearly some lack of communication on the City's side with us about this. I also asked Adam had they ever said this was an issue, the speed that we were doing the annexation master meters and he said the first he had heard of it as well was in their recommendation of denial.

So I'm not really sure why that's all of a sudden an issue. I think additionally, the meters that we do have in the budget would take care of about 85 percent of the customers, correct?

MS. BORCHERT: I believe even more, 95 percent.

MS. MILLER: So we do account to them every month for what we are using so that they can bill us properly. The issue with master meter #4 is we're trying to access our water; it's not the City's water. That's another item that is misstated in the article that we want to use the City's water. We don't want to use the City's water. We want access to our water that we have through the water resources agreement. So there's some real misinformation out there about this issue relative to annexation, relative to our water and as only a backup in an emergency if BDD and if the ponds are unavailable.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I think the Manager answered or clarified the question that I had and separated the issue between new meters that are required as part of the annexation agreement and the request from Las Campanas to use a meter that's already in place to deliver water for their needs. So those are the two separate issues, I think that are before us. But the underlying question, really the issue is, for me anyway, is the fact that we really are not having a broad discussion collectively what our water priorities are. Where and when we want to use the limited water resource that we have. The question arises at almost every land use case and I think it's a valid question – where is the water coming from?

We have water budgets for these projects but does that correlate with the water that we have in the bank, so to speak, the water available. And I don't know that — have we passed the threshold where we're allocating — we're approving more development than we have water for? I don't know that we've had that discussion or if we know that we're there yet. And so I think the discussion about Las Campanas and their use of water, the question about water use in general, I think the discussions that we're having now maybe will lead to broader discussions, because every time Las Campanas requests water allocation the question comes up. When we're approving land use cases, the question comes up. But I don't think we've fully had the discussion to know what that answer is.

So again, I think that these discussions – I'm hoping that these discussions will lead us to a broader discussion about water availability and a real water budget. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I'm going to keep my comments brief tonight but I would ask that staff go back to numerous County Commission meetings that we've had over the last three-plus years specifically pertaining to water availability and

water budgeting, because Santa Fe County has a lot of water resources that we have not allocated that are very clear as to the ownership that weave. I think that we have an opportunity, as you suggested, to have an open discussion with the new Mayor as well as other pertinent individuals at the City to clarify the parameters by which we operate. The operate a public utility for water; we operate a public utility for water. We allocate our water; they allocate their water. The same statement that was put forth in this article that you provided, Mr. Chair, the second page, was stated, and I'll just read it. That the City of Santa Fe has not provided County access to the master meter because the potential exists for the water to be ultimately derived from City sources. The same could be said for County water.

The reality is that we have available unallocated water budget so that's why I think before we go further with a broader discussion that we rearticulate the facts associated with what this Commission has discussed, and how we've arrived at water allocation decisions in the past before we speak to any more detail than that. Because we've had very detailed discussions. So Claudia, it would be helpful if you could help us recap that but I think ultimately that the Manager is going to meet with the Mayor and others and yourself, Claudia, to discuss the item and make sure that the facts are presented clearly when we come back to the Commission as to what water we have and how it's been allocated.

The last point I'll make – I'll make it again. We have water policy for the County. The City has their policy for the City. And I respect their policy and I would add that I've advocated to the City on their water and their graywater that they utilize that they used to provide to this golf course but now provide it to other facilities that we've strongly advocated that they send water down to La Bajada, La Cienega and other areas, but that ultimately, that's not my decision or this Commission's decision. That is a decision left up to the City Council for the use of that water, that graywater that's used to – it's not graywater. What is it, Commissioner Chavez? Effluent. That effluent water and those determinations are made through the City and through their governing process and I'm hopeful and I feel confident that the Mayor and the Council will respect our own responsibilities as we have them for policy of this nature.

But to your comment, Commissioner Chavez, I would hope that we have a fairly large share of unallocated, unbudgeted water, and I think we have decisions that we'll have to make in the coming years but I don't know how much water availability that the City has right now. I know we have quite a bit. Does the City have any, Claudia? Do we even know if they have water availability to allocate?

MS. BORCHERT: Commissioner, they think of it in a little bit different way because they have – all new uses are offset either by conservation or by people bringing water rights. And so, since I would say 75 percent of that water that new development takes comes out of conserved water, yes, they have that water and for that portion that comes out of water rights, I would also say that yes, they think they have the water to back up somebody who brings water rights to the table.

COMMISSIONER ANAYA: So that's a good point. So they allocate water based on the conservation of water. So that's even an additional component that we have above and beyond water that's unallocated, correct? The County.

MS. BORCHERT: Commissioner, I believe if – we don't allocate water right now based on conservation but we certainly could.

COMMISSIONER ANAYA: Right. But we have unallocated water, but we could also utilize conservation methods to have water rights to allocate. Not water rights, but water, correct?

MS. BORCHERT: Commissioner Anaya, yes, that is right.

COMMISSIONER ANAYA: Excellent. Thank you, Mr. Chair. Thank you, Commissioners.

CHAIR MAYFIELD: So Claudia, a couple questions I still have. One based on a couple comments that were brought up. I'd like a report brought back to this County Commission of what our portfolio is. Push the Aamodt, Top of the World water in a side category for us. Let's look at the BDD right now with what was just stated please. So how is water being shared right there? Turbid times, I think the City's biggest bulk of that water comes from San Juan/Chama. Santa Fe County is native flow. Please correct me anytime if I'm wrong. So what's the percentage right now broken out on that BDD?

がいっている かないできない

MS. BORCHERT: At the BDD, the County's share of San Juan/Chama water is 375 acre-feet and the difference between 1,700, so what is that? 1,325 I believe. Taking 375 from 1,700, the remainder of that is native Rio Grande water the County has.

CHAIR MAYFIELD: That's not inclusive of -

MS. BORCHERT: That's not inclusive of the City's.

CHAIR MAYFIELD: [inaudible] Top of the World.

MS. BORCHERT: No. And then the City's share at the BDD is 5,230 acrefeet of San Juan/Chama water rights. I don't know if you want me to mention –

CHAIR MAYFIELD: No, that's fine. You don't have to give the numbers. But 5,230, and 30's native?

MS. BORCHERT: No. 5,230 entire – the City's BDD water is all San Juan/Chama.

CHAIR MAYFIELD: Oh, it's all – MS. BORCHERT: 5.230. Yes.

CHAIR MAYFIELD: Okay. So let me ask this question based on this article too. So do we have a pooling agreement with them on the BDD? If turbidity prevails and the San Juan's shut off by the time it gets to the BDD, whose water are they using, ours or there's, if there's not a meter installed. Are they accounting for that?

MS. BORCHERT: Commissioner, yes. There is an extensive accounting process that happens at the BDD and last year the three parties, the three partners at the BDD entered into what's called the optimized accounting method. It used to be that every month we would make sure the people would use their sources according to their water rights but now it gets trued up on an annual basis. But yes, all the different partners provide the water rights necessary to divert the water that they're calling for and on an annual basis it gets trued up according to their water rights portfolios.

CHAIR MAYFIELD: So I have to ask this I guess as simply as I can ask it, Katherine. So then why are they reluctant to release our water to us, if you just provided us with acreage-feet, knowing that theirs is all San Juan and ours is probably for the substantial flow that goes through that BDD being native – that's just I guess my presumption, and yet we're being told no to them, that we can't access our own water? Am I misunderstanding how I read this article?

MS. BORCHERT: Commissioner, I think we're talking about the County water in two different places. I'm talking about the diversion of water at the BDD, and what they're concerned about is the ability to track the water once the BDD treats it and puts it into the system that both the City and the County have and are joined at the hip on, the ability to track what gets used by the County customers.

CHAIR MAYFIELD: We have a meter at the distribution of the refinement of the water once it's – all the sediments removed, filtration, chlorine, whatever they're putting into it. Is there a meter right there?

STATES OF THE ST

MS. BORCHERT: There are two meters that leave the Buckman Direct Diversion plant facility, at Booster Stations 4-A and 5-A. They send water to two different locations into the water utility system overall.

CHAIR MAYFIELD: [inaudible]

MS. BORCHERT: But at that point it gets put into both the City and the County systems. So that's part of the location where the accounting takes place, but it's the entry point, as you said, it's not necessarily the exit point at which the County uses water for their customers that may first travel through the City system and then end up in the County customer's tap.

CHAIR MAYFIELD: Do we pay a premium to the City to use their system or no?

MS. BORCHERT: Right now the County does not pay what we would call a wheeling fee to wheel water through the City system. I know that the latest cost of service study that the City has done does contemplate what that cost would be to the County.

CHAIR MAYFIELD: I guess this is to the Commissioners and for Ms. Miller, what would our reluctance then be to not spend the money on these water master meters? If we know we have – I believe we have the greater allocation of water through every resource that we have, I don't understand why we don't install, if it's 8, 10, 12 or 4 meters on the City's system, if there's going to be a wheeling agreement later that comes along and just say, look, there's clear delineation of whose water we're using and we're using the water that's entitled to us.

MS. BORCHERT: Commissioner, I would not say that we have any reluctance to put in those meters. We are as anxious as the City is to put in those meters. I think the situation was that when I came to this position there was no money in the budget. When I came to put those meters in. Now we've allocated the money; now we're going forward with it and we're putting those meters in.

CHAIR MAYFIELD: Thank you, Commissioners. So again, reading the article, Mr. Leigland said there were two. What is your timeline to do this and if not I'd like something to come back in front of this Commission where we can make a policy decision on this to just execute it and get it done.

MS. BORCHERT: We have a draft scope for design that I'm reviewing right now. We're meeting with the City – the City's offered to let us use their engineers, if it works out, to do the design of the master meters. We're meeting with them on Thursday. And then, depending on whether they are fully capable of doing all the design or whether we need to do some design, then we'll use our on-call engineers to do some of the design, then we'll have to go out to bid, and then we'll construct them. So that's – without knowing exactly how long

all the steps will take I would suspect a minimum of six months before the meters are in place.

CHAIR MAYFIELD: We have adequate funding. We just talked about ICIP a little earlier tonight.

MS. MILLER: Mr. Chair, Commissioners, we have our County capital outlay GRT for next year, there is part of that. There's a request, but there's clearly more requests for those funds than we have money so I think some of that will be a decision as to whether – where you want to allocate those resources, but there is a request in there for some additional funding. I would like to note that when we did the annexation agreement as well, it wasn't determined who was going to pay for meters and how much they were going to cost. As we went forward looking for those costs they were more expensive than anticipated and that's when Claudia did bring into her budget what she could get from the utilities but then we'll have to look either for GRT, bond money, or general fund to finish it. And it's just a matter of trying to determine those resources.

In the actual request or in the outline of the budget for the GRT, it's noted to be about \$950,000 to \$1 million for all 12 meters. But as I said, that is not this meter the article was about either.

CHAIR MAYFIELD: This article was about Las Campanas' meter, if they need the water or if they don't. I don't know if that's at issue.

MS. MILLER: Correct. And that meter does exist I think. Commissioner Anaya said it's there – I'm sorry. Commissioner Chavez did. It's a matter of you turn it on. And they don't want to turn it on.

CHAIR MAYFIELD: We've already paid for it, correct? Jointly.

MS. MILLER: I asked the question as well. Do you want to move that meter somewhere else?

CHAIR MAYFIELD: Well, on that note, Katherine, do we have, excuse me, Ms. Miller, do we then have a meter allocated for the agreement that we've done with the State of New Mexico at the state penitentiary?

MS. MILLER: Mr. Chair, where?

CHAIR MAYFIELD: At the state penitentiary. I believe we're now as a County utility going to supply water out there, based on two legislative sessions ago. So is our master meter out there?

MS. MILLER: Mr. Chair, I don't think it's a master meter there. We have a master meter further up the line. They're a customer and we can account for their usage within the system. So we do have master meters at points already. The annexation required us to have more meters. But we have some master meters already where the County system connects to the City system, leaving the City system. It's just that these developments that are noted in the annexation agreement that would still need them, because we were taking those customers over. Those are the 12 that I think are being referenced.

CHAIR MAYFIELD: Fair enough. And I won't belabor this anymore, but if you could just – the email that I sent to you, Ms. Miller and to Mr. Leigland, just written responses to me on all these questions I'd appreciate it. Thank you for the update, Claudia. Commissioners, any other – Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm sorry, Mr. Chair, I forgot earlier. There is a letter here I'd like to hand out. This is the League of Women Voters is doing a letter to our Senators regarding PILT, SRS and Land and Water Conservation Fund. They're asking for individual names. They intend to send a large group of names. This was not noticed for action so I'm not asking for action, but if you're interested in having your name put on it you can either let the League of Women Voters know or Julia and she'll transmit that. Thank you.

CHAIR MAYFIELD: Thank you. Commissioners, we're back on Communications. Anything else anybody left out? Seeing none, we are adjourned from that.

V. C. Matters From the County Manager 1. Miscellaneous Updates

CHAIR MAYFIELD: Any miscellaneous updates?

MS. MILLER: Mr. Chair, I don't have a whole lot of items except that I do want to just kind of give you some information on our day reporting program. The City did an RFP – I don't know if you're familiar with how the day reporting actually works, but the City, through the Juvenile Justice Board gets a grant from CYFD. It's about – well, I think the whole grant is a couple hundred thousand, but they allocate about \$75,000 to day reporting. Our day reporting is at our juvenile facility. One of the things that's come up is that it's behind one of the secure doors. It's not all the way in the secured facility but it's behind one of the secured doors. And they stated it couldn't be in a secured facility. Well, we don't have – we use our juvenile detention staff, we use teachers from the public schools and we don't really have another location to put it.

So we responded to the RFP. We said the program costs us about \$150,000 a year and they provide 160 and they provide us about \$75,000. So we put in the rest. We also need a teacher year-round. The schools at one point indicated they may not provide a teacher year-round but I think they are going to provide a teacher. We'd like to move forward with it but I wanted to just kind of give you the – I think that they may say that we're happy to award this to you even though we don't like your response, meaning the \$150,000 that it costs us was what we said we needed to run the program, and also that it needed to stay in the facility where it is.

We haven't heard for sure whether they're – I don't think they're going to give us the \$150,000. It might still be the \$75,000, which we have the rest in our budget, to still run the program like we do, but I did just want to kind of give you the heads-up because I know this is one of those programs that if it gets miscommunicated where we are on it it would be seen that we're not being cooperative. We're actually being quite cooperative. We did respond and we just need to keep it where it is or we'll have to come up with leasing a place and also come up with different staff, because we use staff from the juvenile facility. So it could potentially cost us more.

At the moment we're trying to get CYFD to provide us a waiver that that facility is fine and hopefully we'd go ahead with that. We even looked at trying to use the electronic monitoring area but it's not large enough, the old area where we had electronic monitoring, but it's not large enough because we have sometimes up to 15 juveniles in the day reporting and that area would not at all fit a teacher and case managers and the students.

So I just wanted to let you know because there's been some dialogue with the Juvenile Justice Board on this and with some of the judges but we did respond to the RFP but we did state we need to keep it at the same location or we'd need additional funding.

And that's actually all I have.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would just chime in that it's an important program, obviously, for the community and we've I think done good work and the best we could with the resources we have within the facility now. Going forward, if there's other players, CYFD, the City of Santa Fe, other non-profits in the communities, other schools that are willing to help us re-engage this and work together for an alternate side with assistance, I think that might make sense but as it stands now we're basically funding it, the majority of it with our internal staff and working programmatic people. Is that correct?

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

COMMISSIONER ANAYA: So just give those parameters, but that if the right players would join us and come to the table and be willing to help offset the expenses and work through additional locations, well, I think it's not that we wouldn't consider it I think that just given our constraints and the available resources that's why we've utilized this facility. Correct?

MS. MILLER: Mr. Chair, Commissioner Anaya, that's correct, as well as the juveniles in that program are also ones that aren't allowed in the schools, but they're not — it's an alternative to the detention. So they do need to have some oversight that is probably a little bit more than just a regular classroom. So that's one of the reasons this program is successful is that it does have good oversight of our staff to make sure that the kids are well monitored.

COMMISSIONER ANAYA: Thank you, Mr. Chair. CHAIR MAYFIELD: Thank you, Commissioner. Ms. Miller, thank you.

VI. MATTERS FROM COUNTY ATTORNEY

- A. Executive Session
 - 1. Discussion of Pending or Threatened Litigation
 - 2. Limited Personnel Issues
 - 3. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
 - 4. Discussions Preliminary to Collective Bargaining Negotiations
 - 5. Contract Negotiations Under the Procurement Code

CHAIR MAYFIELD: So, Commissioners, we are going to postpone Matters from our County Attorney until after our land use case.

VII. PUBLIC HEARINGS

- A. Land Use Cases
 - 1. CDRC Case #V14-5080 Jason Mohamed Variance (TABLED)
 - 2. CDRC Case # V/FDP 14-5090 Stanley Cyclone Center (TABLED)

VII. 3. CDRC CASE # Z 13-5380 Elevation. Vedura Residential A. Operating, LLC, Applicants, JenkinsGavin, Agents, Request a Master Plan in Conformance with the Community College District Ordinance to Allow a Multi-Family Residential Community Consisting of 214 Residential Units on 22+ Acres. The Site is Located on the North Side of College Drive and East of Burnt Water Road within the Community College District, within Section 21, Township 16 North, Range 9 East (Commission **District 5)** [Exhibit 2: Land Use Table; Exhibit 3: Letters in Opposition and NMED Reports; Exhibit 4: Land Use Zoning Map; Exhibit 5: Elevation Presentation; Exhibit 6: Graeser Material; Exhibit 7: Page 15 from the Growth Management Plan; Exhibit 8: Letter from Bruce Keller; Exhibit 9: Excerpt from Vedura Website; Exhibit 10: Letter from Teri Buhl; Exhibit 11: Letter from Glenn Smerage]

JOSE E. LARRAÑAGA (Case Manager): Thank you, Mr. Chair. I'd just like to clarify, the Vedura Residential Operating is the applicant and Rancho Viejo Univest is the owner of the property. On May 15, 2014 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial of the applicant request. This case was on the March 20, 2014 CDRC agenda as a master plan amendment to the College North master plan. This case was tabled from the agenda at the request of the applicant.

During the review process staff determined that the College North master plan had expired. The College North master plan allowed for 73 single family lots on 90.75 acres, was approved by the Extraterritorial Zoning Authority in 1997, and phase 1 of the master plan was developed in 1999 as a 20-lot subdivision known as the College Heights Subdivision on 33.84 acres.

The applicant is requesting master plan approval in conformance with the Community College District Ordinance. The CCDO was adopted on December 11, 2000. The CCDO land use zoning map designates this site as a village zone within a new community center which allows for multifamily residential use. The master plan would allow a 214-unit multifamily residential apartment community on a 22-acre site, which is defined as an eligible use in the CCDO land use table. Density allowed in this area is a minimum of 3.5 dwelling units per acre. The applicant is proposing approximately 9.7 dwelling units per acre and is in conformance with the CCDO.

The applicant has refined their plans to relocate the proposed site of the apartments in accordance with the alignment of the proposed southeast connector. The exact alignment of the southeast connector has not been established therefore the actual building site of the apartments may change to coincide with the alignment once it is finalized by the County.

Building and Development Services staff have reviewed this project for compliance with the pertinent code requirements and have found that the facts presented support this request: the application is comprehensive in establishing the scope of the project; the master

plan conforms to the eligible use and density allowed under a new community center; the application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from state agencies and County staff have established findings that this application is in compliance with state requirements, County Ordinance No. 2000-12, Community College District, and Article V, Section 5, Master Plan Procedures of the Land Development Code. Under this section, under this page under zone, it is a village zone. It's not within a community center district, it's just the zone is the village zone.

Staff recommendation: Staff recommendation is conditional approval for a master plan in conformance with the Community College District Ordinance to allow a multi-family residential community consisting of 214 residential units on 22 acres subject to the following staff conditions:

- 1. The applicants shall comply with all review agency comments and conditions, as per Article V, § 7.1.3.c. Conditions shall be noted on the recorded master plan.
- 2. Master plan with appropriate signatures shall be recorded with the County Clerk, as per Article V, § 5.2.5.
- 3. A revised Traffic Impact Analysis, showing current road conditions, shall be submitted based on the southeast connector at Preliminary Development Plan. Article III, § 4.4.1.5.c.

Mr. Chair, I stand for any questions.

CHAIR MAYFIELD: Are there any questions? Commissioner Chavez, please. COMMISSIONER CHAVEZ: yes, Mr. Larrañaga, having to do with density.

You stated and the memo states that the density allowed in this area is a minimum of 3.5 dwelling units per acre. The applicant is proposing approximately 9.7 dwelling units per acre. Would that be the maximum density allowed or is there a different number that would be the maximum allowable density?

MR. LARRAÑAGA: Mr. Chair, Commissioner Chavez, there is no maximum on this, on the multi-family.

COMMISSIONER CHAVEZ: So then how did the applicant arrive at the 9.7 dwelling units per acre that they're requesting?

MR. LARRAÑAGA: That would be the density that they're requesting through the apartments. The size of the lot and how many apartments they're putting on the 22 acres, would be at that.

COMMISSIONER CHAVEZ: So then they could ask for ten units per acre or 12 units per acre?

MR. LARRAÑAGA: That's correct.

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

CHAIR MAYFIELD: Thank you. Let me ask a question. Why don't we have a cap? Is there a reason?

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, Commissioners, the Community College District is our major growth area in the county and so unlike other areas where you've got a maximum density of maybe one unit per 2.5 acres, in the village zone areas, which are the yellow areas on the zoning map there, we had that approved at being at least three dwelling units per acre to be able to preserve the area that's a

fringe and in the arroyos and to allow higher density in the village zones. It also would be one of the only areas so far in the county that would be allowed to have multi-family, just due to the existing density throughout the county, that really, when you're looking at a multi-family apartment complex it's not going to be feasible if you need to have one dwelling unit per 2.5 acres or per 12.5 acres.

And so that's really the reason, when we wrote the Community College District Ordinance it was to allow for some of that protection, the open space at 50 percent, which hadn't been required anywhere else in the county, and then to allow higher density in those village zones.

CHAIR MAYFIELD: Thank you. And Ms. Ellis-Green, what's the height maximum?

MS. ELLIS-GREEN: I believe it's 36 feet.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, just on your point and it's the more general question. Did I just hear you say that nowhere else in the county do we allow multi-family units?

MS. ELLIS-GREEN: We don't not allow them, it's just when you start looking at the density requirements throughout the county, if you needed to have one dwelling unit for every 2.5 acres, it's not really feasible. Then you would need hundreds of acres in order to get a 100-unit apartment complex. Whereas in the Community College District, because the density is so much higher, then what you look at is the area of land you've got, you've got enough land for your parking, for your retention ponding, your landscaping and any of the other requirements.

COMMISSIONER STEFANICS: Mr. Chair, I'm asking – you made a general comment. So if somewhere else in the county wanted to do a multi-family, once we would pass the new zoning. They would have to come in or request a variance?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, no. Once we've passed the new zoning, the new zoning has multi-family zoning allowed in certain districts.

COMMISSIONER STEFANICS: So currently, you're saying that the Community College District is the only area that has in their plan ordinance a multi-family component?

MS. ELLIS-GREEN: The Community College District does allow multi-family and I guess if I clarify my statement it's the area that it's feasible to do multi-family at the moment, until the Sustainable Land Development Code comes into effect. And then there are other areas that have a multi-family density.

COMMISSIONER STEFANICS: So, Mr. Chair, Penny, the Community College District is what area to what area? Does it start further up? Is Mission Viejo in the Community College District?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, I believe it's in your Exhibit 12, is the land use zoning map, and it is up on the screen. So from I-25 to State Road 14 to just south of where the Santa Fe Studios is, and it runs all the way over to the northern area of Eldorado.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thank you. On that, I'm just going to ask a general question. So based on this map that we have, how does – if you can't do it visually that's fine. But where would the SDA-1 overlay fall within this?

MS. ELLIS-GREEN: Mr. Chair, I don't actually have the SDA boundary here, but I believe the Community College District is within SDA-1.

CHAIR MAYFIELD: So that whole area.

MS. ELLIS-GREEN: That whole area.

CHAIR MAYFIELD: SDA-1.

MS. ELLIS-GREEN: Correct.

CHAIR MAYFIELD: And again, could you just cite for everybody here in the audience listening what an SDA-1 area is please.

MS. ELLIS-GREEN: That is under our growth management plan. Our Sustainable Growth Management Plan identified sustainable development areas, and SDA-1 is the primary growth area.

CHAIR MAYFIELD: We're talking about infrastructure, transportation, resources there.

MS. ELLIS-GREEN: Correct. And it's kind of a timing element that – where we would see infrastructure come forth.

CHAIR MAYFIELD: Okay. Thank you, Ms. Ellis-Green. Any other questions for staff, Commissioners? Seeing none, Mr. Larrañaga, do you have anything else to add?

MR. LARRAÑAGA: No, Mr. Chair. Thank you.

CHAIR MAYFIELD: Thank you. Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I did realize – the southeast connector is planned right now east or west of this request?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, it would be on the west side of this 22 acres, and there is –

COMMISSIONER STEFANICS: A diagram?

MR. LARRAÑAGA: Yes, it should be – oh, it's up on the screen actually. So the white dotted line – 14, I believe.

COMMISSIONER STEFANICS: So my question is, it's on the west side, so is it actually a dividing line between the houses that are there and the proposed development?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, yes.

COMMISSIONER STEFANICS: Okay.

CHAIR MAYFIELD: Mr. Larrañaga, and I'll get to it a little later, but who's providing water out to this proposed master plan area?

MR. LARRAÑAGA: Mr. Chair, the County.

CHAIR MAYFIELD: Based on that discussion we just had with the master meter a little earlier, so we already have a master meter out to that area, correct?

MR. LARRAÑAGA: Yes. And this was reviewed by the County Utilities Department for water.

CHAIR MAYFIELD: Thank you. I'm just going to really quick, I'll go to the applicants, but just by a show of hands, who is here to comment on this case tonight? Okay. Great. And we will now — we'll go to the public hearing in one second but we'll go to our

applicant first please. And I'm going to be here. I just have to go down and sign some documents.

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Chairman and Commissioners. My name is Jennifer Jenkins and this is Colleen Gavin and we are JenkinsGavin Design and Development here this evening on behalf of Vedura Residential in request for master plan approval for a 214-unit multi-family community in the Community College District. I have a couple of brief introductions and then we will proceed with our presentation.

Sitting behind Colleen is Oralynn Guerrerortiz with Design Enginuity who is a civil engineering consultant on the project who is here to stand for any questions, and also sitting next to Oralynn is Jason O'Clare and Bruce Hart of Vedura Residential.

So as Jose mentioned in the staff report and if you turn to the first page, we passed out the slide show for you so you could reference it easily at your seat. We have the location of the subject property, which is Tract 1-B, which is 22 acres, and you can see its location there, just northeast of the Santa Fe Community College. And what you have there too on the left-hand side of the image there is Richards Avenue, and then coming east down College Drive on the north side of the Community College Campus you have the College Heights neighborhood, the 20-lot neighborhood there, then there's a 19-acre vacant parcel that is being created, and then we have the subject property.

So this is the Community College District zoning map, and this is the entire area, and let's go to the next slide and we are zoomed in on the subject property there. It's right in the middle, kind of above the Santa Fe where it says Community College. The yellow is the village zone. The village zone, per the Community College District is a mixed-use zoning designation that contemplates a variety of types of residential and non-residential uses as well as multi-family as evidenced by the following land use table.

So the village zone is highlighted there at the top and you can show that multi-family is a permissible and permitted use. And this is an important element I want to address on the next slide is this is language taken straight out of the Community College District. It states this property is already zoned. We already have zoning that permits multi-family. It was done in 2000. The master plan process that is before you today is a little different than what you might see master plans as they occur in other parts of Santa Fe County. In other parts of Santa Fe County master plans have historically been used as vehicles to establish zoning. With the adoption of the new SLDC and the zoning map that process is going to go away.

But the Community College District is also different. They established zoning and the master plan is just intended, as it says here, to just provide specific information about the project itself prior to moving forward through the development plan stage.

So this, going back in history even a little further than the Community College District Ordinance, this is the Rancho Viejo – this is an excerpt. We kind of wanted to zoom in on the project area, and I you look at the upper right-hand corner there you can see at the top of the page there's the intersection of Richards Avenue and College Drive. You can see the Community College and then our subject property there just to the northeast of the campus.

The Rancho Viejo master plan was adopted in 1989. The Rancho Viejo master plan contemplated 570 multi-family units on 55 acres, which works out to a density of around 10

dwelling units per acre. As you can see, up at the northeast corner of College Drive and Richards Avenue it was contemplating multi-family in that location. Across the street, you can see directly across the street from the Community College was another location identified for multi-family, and then as you move further south down Richards along the future extension of Avenida del Sur, south of the Community College, more sites identified for potential multi-family development.

It's very clear that in 1989, 25 years ago, there was an understanding that with the proximity to the business park that you see identified here, the proximity to the Santa Fe Community College that multi-family development was appropriate and likely necessary, and should be encouraged. This project is, as was discussed previously regarding the density, we're at about 9.7 dwelling units per acre, 50 percent open space provided on site. We're completely consistent with what was contemplated when the Rancho Viejo master plan was approved by the Board of County Commissioners in 1989.

This is the first opportunity for a multi-family project in the Community College District and in Rancho Viejo. It's the first one. It's very clear that the Community College District Ordinance, the intent was to encourage a variety of housing types, mixed uses and a variety of densities so we can serve all the people in this community of ours.

So this is the site plan overlaid on an aerial of the vicinity. And we have been working closely with Santa Fe County Public Works Department as they've been engaged in the location study for the new southeast connector. The southeast connector will come off Rabbit Road prior to Rabbit Road moving into Oshara and it will move south, kind of running parallel to Richards Avenue, with the intent to provide relief to Richards Avenue. We have worked closely with Santa Fe County on the current preferred alignment which is reflected here. The County is engaged in surveys and topographical mapping and archeological analysis of this alignment and so the project has morphed a little bit over the last year and a half as we have been engaging with the County on this very important public improvement.

Originally, when we first reached out to our neighboring community the project was slated to be on the other side of the southeast connector, on that parcel, and through the process again it has been moved significantly east to be on the east side of the southeast connector. With this project the necessary right-of-way for this facility is donated to Santa Fe County to facilitate the construction of the southeast connector.

So there have been questions. Well, what is the project going to look like? What is it going to be? And that's an important question because Santa Fe County is less accustomed to multi-family communities than potentially projects that have been built in the City of Santa Fe. So we are fortunate that we have a very high quality development organization who has come to Santa Fe and is interested in providing this in this market.

This is just an image that shows the entire length of the southeast connector. I think move of you have probably seen this before. We can go back to that if necessary. So this is the site plan. Again, 50 percent open space, all of the access is via College Drive and on this site plan again, the southeast connector would be right there on the west boundary. There are significant amenities with respect to swimming pool, workout facilities and pedestrian pathways through the landscaped areas, and multiple buildings so we don't have just a few very large buildings. We break them up so we have more smaller buildings which creates a more attractive experience of the property.

So these are pictures of actual projects that Vedura has developed in other municipalities. They focus on very high quality, high amenity projects. And we can go ahead and just scroll through these and they're in your packet as well. These are the interiors of some units. Again, spacious, attractive and one thing that I think is important to recognize is not everyone is a homeowner. Not everyone wants to be a homeowner. So we're talking about providing a diverse selection of housing opportunities in Santa Fe County. And that is a critical element to any economic development effort.

Santa Fe County, you just adopted your economic development plan and in your economic development plan it's interesting because if you look at the next slide on the next page there, so why here? Why this location? Santa Fe Community College is the largest employer in Santa Fe County. Santa Fe Community College is the 19th largest employer in the state of New Mexico. It is a key economic driver for this community. Across the street from the Community College we have a designated employment center which is the La Entrada Commerce Park. The very first facility in that commerce park is Bicycle Technologies International, BTI, something everybody is very proud of. It is specifically mentioned in your economic development plan as something that is a recent success, and the hope is that BTI as the first user in this key economic area will attract more users.

I can speak about economic development with some authority because I am the current chair of the Regional Economic Development Corporation which is an economic development non-profit focusing on northern New Mexico. And I can tell you that housing in proximity to employment is key, and it is critical. As a matter of fact, when the County did their housing needs assessment they surveyed employers about what were the concerns that some of the more significant employers had. Sixty percent of them said housing was one of the most critical issues. So it's about providing a diverse opportunity for different types of housing, not just one type in Santa Fe County, proximate to, within walking distance or biking distance I dare say, to the significant — do you know how many institutions are in this area? We have Amy Biehl School, we have the ATC Charter School, we have IAIA, there are people working there. There are people studying there, and this is really, frankly, a golden opportunity to serve those institutions with a mix of housing that is currently unavailable in Santa Fe County.

And lastly, I want to mention also some interesting statistics that came out of the County housing needs assessment that of all the people in Santa Fe County that rent housing, that is their preference. They are renters; they are not homeowners, 40 percent of them, their income puts them in that market rate category. As far as area median income, they are market rate renters. But of all the rental housing that's available in Santa Fe County only 13 percent of those units are market rate. So what that does is it creates competition for the less expensive housing. So the people that really need it are competing against people who don't, but they have no choice because there's not as much supply in the market rate housing. And so that's what this project hopes to address. And with that, I would be happy to stand for any questions. Thank you for your time.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Could you review for us any of the community meetings or negotiations that you've had over this project?

MS. JENKINS: Sure. Absolutely. Chairman, Commissioners, we've had a series of three community meetings. Our first community meeting was in November of 2012, which was our first kind of kickoff. We had a follow-up meeting in the following January. And then with the southeast connector coming on line and everything we kind of put the brakes on at that point and that's when we really started engaging with the County as far as the alignment and how that was all going to work. And then we went back to the community in March of this year. And one piece of feedback that we received early on was moving the project further east. Moving it further down College Drive. And that is something that has occurred in order to provide more separation and more buffer. Next to College Heights there's a 19-acre undeveloped piece of property, and then there'll be the southeast connector, and then there will be us.

You'll probably hear some of these same comments this evening about concern that it would just be student housing and it would be a party palace. We have no commitment or relationship with the Community College as far as providing student housing. Of course some students may choose to live there, which would be actually wonderful so people could walk to school. Of even people that are working people that maybe attend classes there in the evening and it's convenient for them. And so those were some of the comments that we received. But again, we made a concerted effort to move the project further east to provide a more significant buffer.

COMMISSIONER STEFANICS: So, Mr. Chair, some of the letters of concern that have come in identify issues in surrounding communities with the sewer lines and they're concerned about the impact of a large number of people and how it will interface. So could you address some of that concern?

MS. JENKINS: Yes. Absolutely. I'm actually going to have Oralynn from Design Enginuity, she designed the conceptual sewer plant, so I'm going to have her address that if that's all right.

[Previously sworn, Oralynn Guerrortiz testified as follows:]

ORALYNN GUERRERORTIZ: Good evening, Commissioner Stefanics. The sewer line in this area is a low pressure sewer line. It's a three-inch line that actually goes from College Hills Drive to Richards Avenue, down Richards Avenue to – I forget the name of it. Avenida del Sur? Avenida del Sur, and then goes into a manhole and flows on to the Rancho Viejo treatment plant. A three-inch line has capacity of more than 400 units, so I don't believe there's any kind of concern. It's a three-inch low pressure sewer line. There's no concern for capacity in that main line going towards the treatment plant.

COMMISSIONER STEFANICS: Mr. Chair, do we have staff here who can address the sewer plant? Do we have anybody from our water utility? I can wait.

COMMISSIONER ANAYA: Mr. Chair, Ms. Guerrerortiz, clarify for me—I've been doing a little bit of research in more detail on sewer systems lately. But the state of New Mexico through the Environment Department provides for standards associated with the general outcome for lack of a better word, for what a sewer system has to meet.

MS. GUERRERORTIZ: That's correct.

COMMISSIONER ANAYA: But ultimately the responsibility for design does not fall with the state of New Mexico EID it falls within each respective development. Is that correct?

MS. GUERRERORTIZ: That's correct. ED does review plans and sets standards. The PUC also is involved because Rancho Viejo is regulated by the PUC, so there are standards set by them with regards to capacity and capabilities of the plant and their facilities.

COMMISSIONER ANAYA: Mr. Chair, Ms. Guerrerortiz, if I could, Commissioner Stefanics, the sizing of piping is based on the number of facilities within, the number of apartments, houses, water flow, those types of things.

MS. GUERRERORTIZ: That's correct. And also in the case of this situation where it's a low pressure system you get into statistics also, because it's assumed that not every low pressure grinder pump is operating at the same time. So there's a lot of different things that we have to look at and we always, as engineers, are incredibly conservative. Now, frankly, this kind of system could probably handle 600, maybe 800 homes. We cut it off much lower than that to provide a safety margin that gives us the confidence and we can all sleep at night, night after night for 40 years or whatever this will be in operation before they replace that line with a newer one.

I think there has been some confusion in the past. I've heard it at another public hearing that they thought that the lift station further to the west of this property was involved and that's a lift station that's on the Santo Nino property. And that lift station is not involved at all in this line. Our line goes along Richards Avenue, due south. So it's another issue all together.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Commissioner Stefanics.

CHAIR MAYFIELD: Claudia, will you come up for Commissioner Stefanics and then we'll go to Commissioner Chavez, please.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Claudia, who actually reviewed the plans for this project?

MS. BORCHERT: Chair, Commissioner Stefanics, we -I was just handed by Jose a letter that was written by our department, Rich Silva at the time, January 2013, so the answer is yes, we did review those plans a year and a half ago.

COMMISSIONER STEFANICS: Have you reviewed the plans?

MS. BORCHERT: Me personally? No, I have not, Commissioner.

COMMISSIONER STEFANICS: Okay. Thank you very much.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. So Oralynn, on the sewer system, you mention that it's a low pressure sewer system. Is it gravity fed?

MS. GUERRERORTIZ: There are parts of it that could certainly operate by gravity but actually Richards Avenue goes up and down a little bit so for the bulk of it it is all under pressure. And when I say low pressure, it's about 60 psi is the operating pressure.

COMMISSIONER CHAVEZ: But then you also mentioned lift stations and lift stations usually involve grinder pumps.

MS. GUERRERORTIZ: Every home in College Heights has an individual grinder pump. Usually it's an E-1 system and those individual pumps take wastewater from individual homes and pump it into the system. The project that we're building will have a series of grinder pumps. They'll be duplex stations and I can't remember the number. I think

there are ten total, and so we'll have some of the units draining to a combined system, a larger system that is typically used in a house and those will go and connect into the line that's in College Drive itself.

We originally designed it so it would connect at a location now that has a stub in the existing subdivision but what we've heard at the last public hearing is that that made some people nervous and it is no more additional expense to go ahead and bring it to College Drive. So we're going to run our lines to College Drive and not connect to where originally it had been designed to have a future connection.

COMMISSIONER CHAVEZ: So the grinder pumps are going to require maintenance and replacement in the future. Who is responsible for that?

MS. GUERRERORTIZ: In the case of our project it would be the owners of the apartment complex, of Vedura, or the Vedura organization.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

COMMISSIONER ANAYA: I'm going to wait on my comments. I'm going to make them later. Thank you, Mr. Chair.

CHAIR MAYFIELD: [inaudible]

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just had some questions for Jennifer. Are pools allowed in the Community College District?

MS. JENKINS: You know it – I don't know if there's a specific prohibition in the Community College District. I can tell you that in the Santa Fe County rules these types of community type pools, that are not individual pools are permitted with certain limitations. They have to be covered during the off-season and there are certain rules about that but community type pools are permitted. But I don't believe the Community College District specifically address it. Land Use staff may be able to speak to that better than I.

COMMISSIONER HOLIAN: And what is the water budget for this development?

MS. JENKINS: The water budget is – I did look that up, so I'd have it on the top of my head from the last discussion. Mr. Chair, Commissioner Holian, the water budget is going to be around 30 to 34 acre-feet per year for the entire project.

COMMISSIONER HOLIAN: Which amounts to how much per unit? MS. JENKINS: It's going to be between .14 to .16 acre-feet per year.

COMMISSIONER HOLIAN: Great. Another question I have is on covenants. Would this development actually be part of any residents association or would it be its own?

MS. JENKINS: That is a really good question. I'm glad you brought that up. The property – when the College North master plan was originally approved for this whole kind of area north of College Drive back in 1997, that property was annexed in to the Rancho Viejo Association, annexed into the covenants. And when that master plan expired many, many years later – that master plan at this point is 17 years old, the Rancho Viejo covenants permit for adding property to the covenants and for removing property to the covenants. It's very explicit. And so with the expiration of that master plan the vacant property, of which this is a part was de-annexed from those covenants. And one of the things that is still to be worked out – this is just master plan so as we move forward through the master plan process one element that we will be working directly with Rancho Viejo on is how does this community participate – whether it be trail maintenance, open space, those kinds of shared

amenities – so that is yet to be worked out but we will definitely be engaging in that and we will be able to – there will be documentation generated to address that.

COMMISSIONER HOLIAN: And in fact that was my next question, which was whether this development would make any contributions to open space and trails.

MS. JENKINS: Sure. There's obviously important contributions to that. Yes. COMMISSIONER HOLIAN: And another thing is would the construction be built to HERS 70 home energy rating system?

MS. JENKINS: You know, that's a good question. If I may, Mr. Chair, Commissioner Holian, Commissioners, I would like to confer with my client and maybe - I have a feeling I might be up here again I would be happy to answer that again.

COMMISSIONER HOLIAN: Maybe it's too early to even answer that if they haven't actually done the design.

MS. JENKINS: It is, but they build and operate these projects so I think they're pretty knowledgeable about what the intent is, so I can definitely speak to them about that.

COMMISSIONER HOLIAN: I would be interested. And finally, has the developer actually done a real market study as to what the demand is?

MS. JENKINS: Yes, they have. This is the market analysis that the developer had done. It's very, very thorough, and in a nutshell it determined that there is significant pent-up demand for this type of housing in Santa Fe County. And we see this within the city but we definitely also see it in the county. There's actually great information here about employment growth that has occurred and this is – yes, so they would not be here without this. Definitely.

COMMISSIONER HOLIAN: Thank you. Thank you, Mr. Chair. MS. JENKINS: Yes, sir.

CHAIR MAYFIELD: As far as – it says luxury apartments. It looks really nice what you provided to us, but what would we be looking at? I guess it's easier to say now than later, price per square foot? For rental. Would there be any homes for sale in any of these?

MS. JENKINS: The unit mix here – these homes would be all for rent. This is 100 percent rental. The sizes of the units – there's probably going to be three: one bedroom/one bath, two bedroom/two bath, and then some three-bedroom units as well. And the price points are going to range from high eights, low nines, up to like \$1,300 a month for the large three-bedroom units.

CHAIR MAYFIELD: Okay. And no studios. You stated that.

MS. JENKINS: No studios. All just one bedroom/one bath would be the smallest.

CHAIR MAYFIELD: And then, I think Commissioner Holian asked this but would there be any association fees? Clubhouse fees?

MS. JENKINS: No, it's all in the rent. All those amenities and everything are part of the monthly rent so the residents here don't have to pay extra for the fitness center or the pool or those types of amenities that are onsite.

CHAIR MAYFIELD: Would you be using electrical? Gas? Natural gas on these?

MS. JENKINS: Yes. Natural gas as well as electric. But the heat and the cooking would be natural gas.

CHAIR MAYFIELD: Thank you, and I'm going to defer to staff really quick, a couple of questions and I don't know if it's our Utility staff or Public Works staff, and I'm going to go to my County Attorney if I'm going somewhere where I shouldn't, please tell me. But we had a similar area, Oshara Village, that was built and Commissioner Stefanics asked this question. Does Utility staff look at the design and the follow-up of design of construction that's going into the ground. I believe that there might have been an issue with their sewer system where it wasn't sized appropriately? Or that it wasn't monitored? That it wasn't constructed properly? I could be wrong, but I'm just trying to recall from memory of what came in front of us. So how do we assure that this would never happen in the future? Is it CID that takes care of this? Is it our County staff who takes care of this?

MS. BORCHERT: Mr. Chair, members of the Commission, I would have to confess that I do not know. I've seen plans come through that we have reviewed, even if we are not responsible for the wastewater or the water, we review the system to make sure it's being built to County standards. But your question really is going to the question of how do we know that after we approve the design standards that it's being put in the ground according to the designs that we reviewed, and I'm afraid – I will be happy to get back to you but I don't know the answer to that question.

CHAIR MAYFIELD: Fair enough, Claudia. I think one thing I brought up in the past code approval and I don't know if it's there or not. I just asked our County Attorney on the side bar. What are our bonding requirements on something like this? Let's say the facility is not completely sold out? It's 20 years down the line. Somebody says, look, County bail us out. Take over the system for us?

MS. ELLIS-GREEN: Mr. Chair, in this case I believe that the liquid waste is going to an existing community sewer system, but certainly for the line that's being built and any other improvements they need to do they will need to bond for that. And then it's a case of bonding for that and that bond not being released until all those improvements are in place.

CHAIR MAYFIELD: And Penny, if you know right now, how long do we hold onto those bonds? That may have been an issue in the past.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I believe the bonds are usually for 18 months but they can be removed. We as staff would not release those bonds, or should not release the bonds until the improvements have taken place. One exception to that is we would keep the landscaping or reseeding bond until the landscaping has actually taken. We wouldn't release it immediately.

CHAIR MAYFIELD: Thank you, Ms. Ellis-Green. And aside from maybe impact fees and knowing that we would receive some GRT and property tax dollars out of this that provides for public safety protection out there, is it going to be the County that is going to provide local law enforcement, fire protection? Would it be the developer?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, this would be in Santa Fe County so it would be the Sheriff's Office and the County Fire Department. There is a requirement when you're developing that you provide not only a water supply but a fire protection supply, so I imagine there would be fire hydrants on the property.

CHAIR MAYFIELD: On that, and again knowing that we receive future dollars, but does this analysis ever need to go through our Sheriff's Department, saying, look, we may need to have x-amount more patrol cars out in this area if we're looking at bringing in 400 additional people, 400 families? Same thing with fire protection? Is there any review that goes through our Sheriff's Department as such?

MS. ELLIS-GREEN: Mr. Chair, on individual subdivisions and individual developments we don't usually send those to the Sheriff's Department, though I do know that when we wrote the Community College District Ordinance and the Sustainable Growth Management Plan, both of which show this as a growth area, there were discussions with the Sheriff's Department.

CHAIR MAYFIELD: And then, Ms. Ellis-Green, you may or may not have the answer to this, but I think La Pradera, and I may be pronouncing that wrong, there was an issue with the sewer system out there. I believe there were complaints that came to us. Is this the same sewer system? Is it a different sewer system that would be —

MS. ELLIS-GREEN: Mr. Chair, I believe La Pradera is on a different sewer system though I believe Oralynn may be better –

CHAIR MAYFIELD: No, I see a lot of heads nodding back there so I'm okay with that.

MS. ELLIS-GREEN: This is on the Rancho Viejo system.

CHAIR MAYFIELD: And there's no issue with the Rancho Viejo sewer system as far as staff knows?

MS. ELLIS-GREEN: I believe there's a letter in your packet. Page 37 in your packet is from the underground – the Environment Department Groundwater Quality Bureau and they do state that the current conditions for Rancho Viejo groundwater discharge permit, that this application is in accordance with that.

CHAIR MAYFIELD: Thank you, Ms. Ellis-Green. Commissioners, any other questions of staff? Applicant, do you have anything else at this time to add? Okay, then we are going to move on to our public hearing. And I see that we may have counsel representing the public so that's okay. So let me do this again. A show of hands who counsel is not here for providing testimony for. Who would like to still comment? Okay. Great. I will just ask that when you all come up – well, why don't we just do this? Unless it's already been done. Everybody stand up and be sworn in at one time, those that need to be. We've got a lot of speakers.

[Those wishing to speak were administered the oath.]

CHAIR MAYFIELD: So if I could just ask this also for those who will be coming up. If you hear something already addressed or presented to this Commission, if you could just bring up new thoughts or new positions that something that somebody previously went and stated. Please.

CHRISTOPHER GRAESER: Thank you, Mr. Chair. Christopher Graeser. I'm an attorney under oath. My address is 316 East Marcy. This case is very different from other zoning approvals you get. What makes it different is this property was already master planned. It was master planned for 73 single-family residences. It was partially built out with 20, 22, single-family residences and the homeowner who live there now bought in with the understanding that it had been approved at 73 single-family residences. So this isn't a

stereotypical vacant field that somebody buys in and there's a vacant field next to them and they're just shocked when someone wants to develop it, and they just made an assumption that was an erroneous assumption.

Here folks made an assumption that was a reasonable fact-based assumption that the rest of their subdivision would be built out the same way as where they bought in. And the developer made these commitments. The developer made commitments to build a 73-lot subdivision and the folks who bought in relied on those commitments when they bought it. So now we're going from .8 to 9.7 DU per acre. So from under one unit to almost ten units per acre.

Up front, because I know this is always an issue, this Commission does have the discretion to deny this application. You're under no obligation to approve it. It's a master plan request, discretionary master plan request. The code, the plan, has you review it for impacts, for both conformance to Santa Fe County growth management plan and for impact to schools as well as adjacent lands, as my clients are, and the county in general. And please listen when all the homeowners and residents nearby stand up and talk about those impacts, because that's the substantial evidence that supports the denial by this Commission. Please listen to what they have to say. Please listen to what the Rancho Viejo Homeowners Association leadership has to say when it sends you a letter asking you to deny it, and while there certainly was a representation, and I'm sure the developers have all intent to work with Rancho Viejo on trails, this is what the homeowners association is saying. And please listen to what the CDRC says when they recommend denial after a full hearing.

As far as your discretion, I know I've cited this to you all before, but when you look at the case law, what the courts look at is does your code impose significant substantive restrictions on your power of review? And the answer is no, it does not. In fact it grants you discretion in your power of review. Does the developer have a legitimate expectation of approval and the answer is again, no. Under the code the developer understands, should understand that you are going to look at the impacts on the neighbors, the impacts on the community as a whole.

The bottom line really is what's the point of having a code that says you can review it for impacts on the adjacent properties, impacts on the community if you don't have any discretion to deny it based on substantial evidence of those impacts.

As I cited the Community College District Ordinance requires an analysis of schools, adjacent lands, the county in general, and the applicant offers no analysis whatsoever. Doesn't even talk about the impacts on adjacent properties and there will be impacts. This is a ten-fold increase in density. It's going to be a more transient, less ownership-focused population. There's going to be more traffic. It's going to be more visually intrusive. It's going to destabilize property values because at this point now no one can buy a house in reliance of what things look like now because that can change.

And I want to be clear. There's nothing wrong with living in an apartment, whether by choice or by necessity but it's a very different mode of living than single-family residential and living in that mode should be by choice, not forced on you. It doesn't have to happen here. You were shown the map you have in your packet. All the yellow in the Community College District is where you can put multi-family residential and there will be more when we adopt the SLDC. There are any number of places Vedura can find to build multi-family

residential that don't require pulling a switcharoo on the neighbors who have already bought houses on reliance that that's what was going to go in in the future.

And it's – to have a code requirement that you analyze impacts on adjacent properties and then completely ignore those adjacent properties is really kind of a slap in the face of those neighbors.

There's a lot of concern with this project. There's also a lot of concern with what was termed a 19-acre vacant lot in the middle. And the code unambiguously requires you to plan out all your property, master plan all your property. The minimum area, which must be included within a master plan shall be an entire village zone, employment zone or institutional campus zone or that portion of such zone owned by the applicant. Now we're looking at a 19-acre vacant lot. I'm pretty sure the applicant is not going to stand here and commit to not doing anything with that vacant lot. My guess is they're not going to stand here and commit to just building out that 19 acres as originally master planned, single-family residential, so there's a big elephant on the room there, and that's why the code requires you to plan out, master plan all your property so we can look at it as a whole and know what the impact is going to be as a whole and try to get back to some sort of settled expectations of land use. But that's not what they're doing.

Just yesterday, Judge Singleton ruled in a case that's been kicking around for a number of years at this point, and her language is this: To allow a developer to divide land so as to engage in a perfunctory count and slide in under a number that would otherwise require the developer to provide a big picture via master plan would thwart the act's objective. That is to ignore the retained land over ten acres in size and not count it as a parcel would allow piecemeal development without submission and scrutiny of a master plan that was envisioned for larger developments. And that was Judge Singleton looking at Santa Fe County development. So this is a live issue and this is piecemeal development.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Graeser, where is that parcel you just cited from Judge Singleton?

MR. GRAESER: That was with regard to the Saddleback Ranch down in Galisteo.

COMMISSIONER ANAYA: Saddleback Ranch.

MR. GRAESER: Yes.

COMMISSIONER ANAYA: Not the Community College District.

MR. GRAESER: No, Mr. Chair, Commissioner Anaya. I was simply pointing to Judge Singleton's analysis of not only the benefits but the necessity for master planning.

In sum, just homeowners who bought in, who had a concept of what this neighborhood and this development was going to look like, the County planners did too. The Community College development plan was adopted assuming there would be 73 homes. I give you information in there. And subsequently I was reading the Community College District plan, after I made my submittal and I gave you this handout too, and there was a very clear commitment. Existing subdivisions will be respected. Page 15, Community College District plan. So it's County staff who was also assuming that this issue had been settled.

As far as the de-annexation, when this went in front of the CDRC, we pointed out that the developer was bound by their covenants that prohibited this very development that they're

proposing so their response is we'll file a declaration of de-annexation. Okay. No longer have anything to do with Rancho Viejo in an attempt to get out from under those commitments. But that process – and this isn't something you have to decide. If that de-annexation process is legal unsound it's subject to challenge in a different forum and that's a little bit for another day but relevant to the Commission is again – we had settled expectations; we had covenants; we're just going to ignore them now.

The Community College District plan requires a transition zone. This is tab 4 if you want to follow along with me, but for land use compatibility – I'm sorry. This is the SGMP – land use compatibility. Factors must include transitioning between land uses intensity and densities using buffer areas and floor ratios. So when this came in front of the then EZA in 1996 the planner on the project at that time, Mr. Siebert said the College North is a transitional area between the rural densities and the Community College, and the maps you've shown show that. What the developer originally represented both to the community and to the zoning authority to get approval was you've got a dense institutional use, you have rural beyond that, we're a single-family residential transition zone. That's no longer true if this gets approved.

There are several structural issues with the application. First, the recommendation is for approval subject to correcting the traffic impact analysis. My question is shouldn't a correct traffic analysis be in place for you to rely on in making a decision to adopt the proposal? And a TIA isn't just helpful for determining improvements and looking at levels of service. A TIA is also helpful for looking at impacts on a community, impacts on adjacent lands. And you don't have that.

The State Engineer says the water supply doesn't comply. This is Exhibit 3 in your packet. It should be noted that this analysis does not fulfill the ready and willing letter that is required by Section 6.4.4.A of the code. So if the State Engineer is saying it doesn't comply that's at least a question.

The project has new planners now. It has new owners, but they're still obligated by the original commitments. There's a document in your packet which is the acceptance of the declarant status. The current owner accepted all rights and obligations from Rancho Viejo. So if they have declarant status they have the right to de-annex because they've stepped into the original developer's shoes then they have the obligation to meet the original developer's commitments as well.

Under tab 8 of my materials I've given you a copy of the disclosure statement which says it's intended to provide the buyer with enough information to permit them to make an informed decision and they should carefully read all the information beside deciding to buy. And it says there's going to be 73 lots. I've also given you a handout from the Rancho Viejo master association at the time it was controlled by the developer and they say rest assured the design and feel of the community will remain the same as what initially prompted you to purchase there. A 214-unit apartment complex next door is not what initially prompted the residents of College Heights to purchase there and you're going to hear a lot from them about that tonight.

The bottom line, houses were sold with certain representations. Owners reasonably expected and relied on the development of single-family homes. What they're being offered now – I include a picture. You saw other pictures. I don't have a better word other than

Phoenixification of Santa Fe. The Phoenixification of the neighborhood. This looks very, very different than what was previously approved, and again, this is not we're just coming in for a new master plan on a property that really had no uses before. There was an approved master plan, partially built out and sold.

As far as the Rancho Viejo master plan from 25 years ago, I think the more relevant one is the one from 14 years ago that all the folks who bought houses in Rancho Viejo relied on when they bought houses. As far as economic development, again, there's lots of yellow places. There will be more under the new code where multi-family residential can go and will go that doesn't require unsettling settled expectations. No one's arguing against economic development. Mr. Krasnow, one of my clients here, he's the business beat columnist for the *New Mexican*. Who better understands economic development in this community?

He was a little – there was a question – I feel like I just need to bring this up. There was a question about the sewer treatment plant. They say they're ready, willing and able to serve. I know you all should have in your packet the most recent formal inspection review that called it unsatisfactory and marginal. And I would stand for questions with that.

CHAIR MAYFIELD: Thank you. Who are you all representing tonight?
MR. GRAESER: It might be easier for me to submit a list. A dozen or 15 folks. I probably can't give you all the names correct off the top of my head, Mr. Chair. All individuals, Mr. Chair. Individual residents of College Heights.

CHAIR MAYFIELD: Is there anybody here tonight you're representing? MR. GRAESER: Yes.

CHAIR MAYFIELD: Okay, so we're going to allow everybody else Mr. Graeser doesn't represent to speak first, please, then I'm going to ask people to limit themselves to three minutes. However, if you need to provide additional comment you can go back to the end of everybody who has something to state, come back up and present.

MR. GRAESER: Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya, please.

COMMISSIONER ANAYA: I just have a question. Mr. Graeser, at the end you made a comment about somebody stating the system was marginal. Who did you say said that it was marginal? The State of New Mexico? Who was it exactly?

MR. GRAESER: Mr. Chair, I'm sure there's folks here that could better speak to this because this is certainly not my forte. I'm looking at a compliance evaluation inspection of Ranchland Utilities Water Reclamation Facility, dated February 25, 2014.

COMMISSIONER ANAYA: Slow down. Slow down. Are you speaking of a facility that's similar to this? Are you speaking of this facility and these plans for this particular apartment complex? That's what I'm asking?

MR. GRAESER: Mr. Chair, Commissioner Anaya, I think someone else could better speak to it. This is the Ranchland Utilities Water Reclamation Facility, which I understand this project will be using. The cover letter is from the New Mexico Environment Department.

COMMISSIONER ANAYA: You're talking about the Ranchland facility that this project will access and utilize, and the State of New Mexico said it was inadequate? Is that what you're saying?

MR. GRAESER: Mr. Chair, I could just simply submit this letter, Commissioner Anaya, if you want that.

COMMISSIONER ANAYA: I just want to make sure I'm hearing the facts right, so I just want to clarify, is that what you're saying?

MR. GRAESER: Mr. Chair, Commissioner Anaya, I'm simply reading from this letter dated March 6, 2014.

COMMISSIONER ANAYA: Marks, and who was that letter addressed to?
MR. GRAESER: Mr. Warren Thompson, president, Ranchland Water Utility, and it's discussing an inspection by Raquel Douglas of the US Environmental Protection

Agency and Bruce Yurdon of the New Mexico Environment Department.

COMMISSIONER ANAYA: Okay. Thank you.

MR. GRAESER: Thank you, Mr. Chair, Commissioner Anaya.

CHAIR MAYFIELD: I have a question of staff. Was staff apprised of that letter? Are they aware of that letter? Do they have any comments to that letter?

MR. LARRAÑAGA: Mr. Chair, I believe the letter Mr. Graeser is referring to was part of your handout that Vicki handed out. We got this letter and I did send it to the Utilities Department and back to Environmental but we just got this. I just got it last Thursday and I did get an email from Environmental just saying that they had reviewed this already and have this letter from Groundwater in the packet.

CHAIR MAYFIELD: Do you have anything you'd like to add, staff's response from Utility?

MS. BORCHERT: Mr. Chair, members of the Commission, I need to have some time to look at this. I can say that when the Environment Department and EPA comes out to inspect a facility we have had that experience with our own wastewater treatment plant, they usually tell you in what ways you're inadequate and they give you time to fix it. So that's just the usual process that any regulator would go through inspecting your facility. So I'd have to see what kinds of concerns they had with the facilities before I'd be prepared to make a comment.

CHAIR MAYFIELD: Could you find that out and get back to the Commission please?

MS. BORCHERT: Sure. And what form would you like that? Would you like that as an email or would you like that –

CHAIR MAYFIELD: I'd like it for the record [inaudible]

MS. BORCHERT: Are you saying you want for me to just look at this right now and then come back later tonight?

CHAIR MAYFIELD: You're going to have to consult with some folks from Environment and they're not –

MS. BORCHERT: And with my own staff, so just in a few days get back to you via email? Is that your preference, Mr. Chair?

CHAIR MAYFIELD: I'd like you to go through Mr. Shaffer for it to go to the record and the others push that off, probably cc it would probably be sufficient, Mr. Shaffer?

MS. BORCHERT: All right. Will do. MR. SHAFFER: We can discuss that and get back to you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just want to make a comment, a general comment. Santa Fe County, when they approve a development or a subdivision of land, we do not provide the construction standards nor the permitting associated with those projects. The State of New Mexico is responsible for permitting the construction on the construction aspect. The Environment Department is responsible for the permitting and oversight on water and wastewater facilities. We do not provide approvals of those facilities. We forego those responsibilities to the experts at the State Construction Industries Division as well as the Environment Department. So I just want to make that clear, not just for this potential project but any project that the County approves, any division of land.

There have been proposals and discussions to ask the County to take on construction standard inspection review and other reviews but we do not do those reviews. We do the land use approvals. Those construction approvals move on to the appropriate state agencies; they are responsible for reviewing overall plan sets. They're responsible for construction inspections and compliance therein. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. So now we're going to go to this portion of public comment. Again, as previously stated, anybody who was represented by Mr. Graeser, I hope I have that right, please wait to provide comment after everyone else comes up. Mr. Padilla.

[Previously sworn, Al Padilla testified as follows:]

AL PADILLA: Mr. Chair, my name is Al Padilla. I live at 8 Dean's Court in College Heights. Good evening. Buenas tardes. We've been involved with this proposal for almost a year and a half, first as a plan for over 440 apartment units by Rancho Viejo developer Warren Thompson, and now as a 200 unit-plus complex on a parcel recently deannexed by Rancho Viejo and being sold to an Arizona company, which has no knowledge of the promises and commitments made to the adjacent homeowners via the covenants that run with the land in Rancho Viejo.

If you approve this project you might as well close down your long-range planning department. The covenants not only call for this property to be part of Rancho Viejo North but for it to pay dues into the homeowners association and to support the trails and open space. Warren Thompson and his Arizona partners are now trying to pull a fast one, to endrun all this history and all these promises. Please don't let them. Imagine if the developer of Eldorado or Casa Solana decided unilaterally to withdraw property from the chartered association and build high-density apartments. Promises made must be promises kept.

If you look at a list of those who were involved in creating the Community College District plan years ago you will see that the Rancho Viejo developers were well represented. Our neighborhood remembers talking with them and others helped forge the planning document. This planning process led to a plan with College Heights being designated a single-family subdivision with a legal plat filed with the County Clerk for 73 single-family homes. Not only did the Rancho Viejo owners and developers sign off on that plan but the County signed off as well, and not only did the County sign off, the County has required that the College Heights plan showing single-family homes be included in all disclosure documents for each and every property owner who purchases homes at College Heights, and that was still true when two homes recently changed hands in 2013. The disclosure makes it clear to everyone what kind of community new buyers can and should expect.

The state and the County have long held the position that these disclosures do matter and courts and communities across the United States have held the same thing. These disclosures do matter. Promises made must be promises kept.

CHAIR MAYFIELD: Mr. Padilla. You've gone a little over three minutes, but you can come back and restate –

MR. PADILLA: One last statement. This project does not do that. We can do better. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Padilla. Please, whoever would like to come up. If you all haven't been sworn in when we asked to do it earlier just let us know. Thank you.

[Previously sworn, Evelyn Spiker testified as follows:]

EVELYN SPIKER: My name is Evelyn Spiker and I am under oath. I live at 7-A Dean's Court, College Heights, Phase 1. I am very concerned about the impact on our community that this proposed complex will have. I'm an 11-year homeowner in Rancho Viejo and have served on the architectural review committee for ten years. I believe in the importance of enforcing covenants and restrictions. What we are faced with here is an egregious deviation from any adherence to the CC&Rs that are part of our community. I'm also a realtor.

All homeowners were presented with and agreed to the CC&Rs when they purchased their property and each of us made a conscious decision to live in a community where there are extensive covenants and restrictions. The developer's declaration of de-annexation filed in March of this year states the property is no longer subject to any covenants and restrictions but it's not that simple and it should not be that simple. According to the declaration of covenants and restrictions filed in 1999 these covenants shall run with the land upon sale or transfer. You have a copy of that. I'll just read the one paragraph.

Now therefore declare and hereby declares that the real property described in Exhibit A and attached hereto, known as College Heights shall be held, sold, transferred, conveyed, occupied, and used subject to the covenants. And the declarant shall hereafter record a separate and individual tract declaration concerning the development of the lots within College Heights. The proposed development is in College Heights. College Heights is more than the homes that exist currently.

We have hundreds of homeowner signatures protesting the proposed complex and the support of our homeowners association. In closing I would like to read a letter from our homeowners association board, which you also have a copy of.

The Rancho Viejo North Community Association board of directors submits this letter on behalf of the homeowners of Rancho Viejo North, particularly those in College Heights. The board strongly opposes the requested master plan amendment to allow the construction of 214 apartment units. The proposed apartments are inconsistent with the existing residential neighborhood at College Heights. At the time the residents of College Heights bought their homes there were representations made that future development phases would continue the single-family residential character. Residents are now concerned that an apartment complex will negatively impact current home values in this area. The Rancho Viejo North Community Association board requests that this master plan amendment be denied.

We have the support or our entire community. Thank you.

CHAIR MAYFIELD: Thank you, ma'am. Whoever's next please. DAVID VIGIL: I have not been sworn. I was a little tardy tonight.

CHAIR MAYFIELD: Whoever would like to present please come up and sit on the front bench please. Please sir

[Duly sworn, David Vigil testified as follows:]

MR. VIGIL: Mr. Chair and members of the County Commission and staff. My name is David Vigil and I live at 6-A Dean's Court. I first of all want to say that I live Santa Fe. It's my home. It's where I was born and raised, actually on the border of Commissioner Stefanics and Commissioner Anaya's districts. So as you know, I'm used to open space and I'm used to seeing great lights, stars at night. I really didn't come prepared with a speech tonight but what I did want to really point out is me personally, I'm not completely opposed to the idea of an apartment complex. I'm just strongly opposed to the proposed location of the apartment complex.

When we recently purchased our home there in the community, I remember reading specifically in my closing documents that this was going to be slated for single-family homes. So I want you all to just take a moment and imagine a point in your life or a time in your life when you were sold something or you bought something, and it really wasn't what you were sold or what you expected. And I want you all to just take a moment and think about how that made you feel.

Now I realize life is tough and complicated and it throws you a lot of curve balls and sometimes as a human race we're tough and we're resilient and we get through that, but I really think tonight you have a really good opportunity to do what's right. The people in this room – I love my neighbors. I love my community. I love the fact that I have been given the opportunity to come back to Santa Fe. I left for ten years. I left to go to college and work for a big corporation but that was not me. I wanted to move back. I'm proud to say that I own a business that employs 17 New Mexicans, three veterans, that we do projects all over Santa Fe that benefit our community. And the reason I say this is because I just want you to know who we are and what we're about. We're not radical, stick 'em up here and protest, we just want and deserve a quality of life in which we were sold, in which we are currently living right now. And we just want that to be sustained. We want the opportunity for that to just continue to grow in the vision that was originally sold to us and that was originally sold to the County. Thank you, Commissioner Mayfield.

CHAIR MAYFIELD: Again, anybody can come back after everybody's made their statements.

[Previously sworn, Jerry Wells testified as follows:]

JERRY WELLS: My name is Jerry Wells. I live at 14-A Dean's Court. Mr. Chair, Commissioners, I'm here to address our concerns over the traffic impact of this apartment complex upon the neighborhood, Santa Fe Community College and Rancho Viejo proper. This complex will consist of an estimated population of between 500 and 600 individuals. While this project was presented to the residents of the area as a resort level luxury apartment complex it is not located in a resort setting, but is rather better suited for student housing at Santa Fe Community College. If this is in fact the outcome of these apartments, the population of the apartment complex will be more realistically estimated at

650 to 750 residents. The project will add an additional volume of traffic to the already failing College Drive roundabout off of Richards Avenue. If College Drive is tied into the southeast connector as planned the traffic on College Drive will also increase from the east and it will create traffic congestion on College Drive as students enter and exit the north entrance to Santa Fe Community College,

We have traffic issues daily from cars failing to stop for oncoming traffic at the north entrance. Drivers on Richards drive above posted limits and tailgate so as to block merging traffic from College Drive. As currently proposed the southeast connector does not provide an east side entrance to Santa Fe Community College. This defeats the entire purpose of the southeast connector as initially proposed to alleviate congestion on Richards Avenue. Santa Fe Community College has stated they have no objection to an east side entrance. We have met with Santa Fe Community College board who have expressed their opposition to the current proposed alignment of the southeast connector as it would require students to cross the southeast connector to access their rope course used by local elementary, middle school and high school students.

Any construction prior to the completion of the southeast connector adds substantial amount of construction equipment into the traffic mix on Richards, College Drive and the College Drive roundabout which will create additional safety issues. As currently planned the College Heights neighborhood has one exit for all of the houses on Dean's Court and Meter Lane, and that exist is on College Drive. It will be very difficult for the families living in the area to evacuate onto College Drive if the apartment complex is built before the southeast connector is completed. The connection to the southeast connector from Meter Lane would provide a secondary exit for this neighborhood.

If this project is approved it must not be allowed until the southeast connector is completed and an east entrance into Santa Fe Community College has been built.

CHAIR MAYFIELD: Thank you. You've gone a little over three minutes. Thank you.

[Previously sworn, Charles O'Donnell testified as follows:]
CHARLES O'DONNELL: Good evening, Commissioners. My name is
Charles O'Donnell. I live at 2-B Dean's Court in College Heights. I'm an original
homeowner there. I'm going to talk about the morphing that Ms. Jenkins talked about earlier.
Yes, we did have some neighborhood meetings. The initial meeting was in November of
2012. At that point it was discussed that there was going to be a 400-apartment unit complex
there and actually took the whole parcel. At that meeting Mr. Thompson actually said that he
knew that there was going to be issues with the College Height and Rancho Viejo
community.

Then in early 2013 there was the second meeting that was announced in November. At that meeting there was over 200 Rancho Viejo community members that showed up at that meeting. They had changed the plan. At that point the plan was ten houses and then a transition period to where the apartment complex would be. Then our County Commissioner had heard wind of issues with the community out there and set up a meeting and everybody came out. It was not just the apartment complex but there were concerns about the commercial properties that were going to go into place. Mr. Thompson, at his credit, actually went and got a mediator to come in and talk to the community on that. Unfortunately, when I

received that letter it said the apartment complex was not part of the mediation. I don't know if you know that or not.

Then further, they finally put in a formal development application in late 2013. Again, a new neighborhood meeting was set up and we learned that Vedura was the sole developer and not a partner. Then in April, the CDRC meeting we learned that Univest still owns the land and that they had de-annexed it to conform with some legality issues. Again, Mr. Thompson and Vedura have control over the entire parcel of land, all which is adjacent to our neighborhood. Will there be 214 apartments? We know that there is 19 acres that aren't in the plan. In my opinion, after they get the apartment complex approved there's no reason they can't come back and put another apartment complex in that parcel.

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Chris Furlanetto testified as follows:]

CHRIS FURLANETTO: Mr. Chair, Commissioners, my name is Chris Furlanetto. I'm speaking tonight as a resident of Rancho Viejo South. I live at 6 Redondo Peak, which is probably as far as you can get from the proposed development and still be in Rancho Viejo. I am opposed to this proposal. As a resident of the community of Rancho Viejo I think that allowing a high-density complex such as this in our community will adversely affect the quality of life of everyone who lives in Rancho Viejo.

The proposed development will provide absolutely no benefit to the hundreds of residents who are already in Rancho Viejo and the possibility of it becoming even larger with additional apartments at a later date would only exacerbate the negative effects in this current application.

So I ask that the board act in the spirit of the Sustainable Land Development Code that you adopted in December of 2013. I know the code doesn't actually take effect until the zoning map is approved and we wait 30 days but I would ask you to make any development decisions of this scope, keeping in mind the principles of the new code and also the principles of the Sustainable Growth Management Plan. That said, should you decide to approve this application, I strongly believe that first, no development should be allowed until the southeast connector is built. Proceeding with construction with no additional access roadways will result in a traffic nightmare for everyone who lives in Rancho Viejo, who commutes to the Community College, or who attends any of the schools or churches in our neighborhood.

And second, an outdoor pool should not be permitted under any circumstances given the severe water issues here in Santa Fe County. Thank you for your consideration of my views.

CHAIR MAYFIELD: Whoever's next please.

[Previously sworn, Nancy Armstrong testified as follows:] NANCY ARMSTRONG: My name is Nancy Armstrong. I live at 2

Pincushion Place. I do not live in College Heights but I'm here to support the people in College Heights and also to let you know that I've been a resident of Rancho Viejo since 2003 and I love our community. When I purchased my home, similar to may of the folks here, I was shown maps of the future of the master plan and never once was anybody told that they were planning at some point to build an apartment complex in our covenanted community. When they did the de-annexation I think I felt bamboozled and shocked, probably like everybody else. We got no notification and we'd gone to a year and a half of

meetings, thinking that maybe we were making some progress and then suddenly we were told that it was de-annexed and they were going to go in a completely – same direction but without the developer involved.

For a year and a half we were told this was going to be high-end apartments. The people building the apartment complex have changed the – what they've told us about the development of the apartment complex so many times. First it was going to be a high-end apartment complex. Now it's going to be housing for students and also, in Rancho Viejo we are very concerned about water and all of our homes, when we do our landscaping we do low-water landscaping and every time I see the picture of the pool for the apartment complex it goes against all of the things, reasons that many people bought out there. We wanted to be very conscious of the community.

Again, thank you so much. I'm speaking from my heart. I'm standing in for a friend of mine who lives in College Heights who couldn't be here this evening because of an illness. So thank you very much for your time. Thank you.

CHAIR MAYFIELD: Whoever's next.

[Previously sworn, Susan McGrew testified as follows:]

SUSAN MCGREW: Susan McGrew, 3-B Dean's Court. Tonight and at one of the three CDRC meetings on this issue that we've attended the developer's representative praised the high quality of the Elevation apartment complex, that its occupants will be checked to determine if they have a job and can pay the high rents and that the complex will be maintained at the highest level. However, the Vedura website states, and I quote, "Our company strategy is simple. Never pay more than replacement cost. We buy below replacement cost when markets dip, build and markets improve and sell at the peaks." Therefore, they will eventually sell this complex to someone else whose level of maintenance and upkeep is unknown. We also do not know the level of conduct they will require of the residents but it certainly will not align with our covenants.

The great unknown of who will eventually own this property puts the stability, security and property values of our neighborhood at risk.

Another concern is Vedura's practice to use the same architectural plan for every complex. We don't want a cloned Phoenix in Santa Fe. That is not part of the Rancho Viejo architecture and style. And should we be allowing out of state corporations to build here when we have many local developers? Wouldn't our developers be more likely to use local employees?

Mr. Thompson and Vedura can still build their apartments and make their profits but in more appropriate areas of Rancho Viejo. The area by the fire station is undeveloped, has plenty of space and has better access to major roads like Route 14 and I-25 without adding density and traffic to already developed areas. The commercially zoned area on Richards next to the Santa Maria de la Paz Church is another possible site and would provide access to cafes and businesses for the apartment residents in addition to access to the Community College. And as we see tonight there are other areas where apartment complexes could be built.

So we therefore respectfully ask you to send this project back to Univest and Vedura and ask them to relocate it and redesign it. Thank you.

[Previously sworn, Pat Parent testified as follows:]

PAT PARENT: Honorable Commissioners, if the Elevation is built near Rancho Viejo what will it be like? Pat Parent, 10 Dean's Court. On my vacation in June I visited Arizona Elevations in Chandler and Flagstaff. Big bars. Lots of mirrors. Bright paint. Lots of offices for leasing agents and big swimming pools with no one in them, even though the days were hot. Exercise room, no covered parking. No elevators in the Elevation, and thus seniors would have to be frisky to live on the second floor. The average age of a Rancho Viejo resident is 55. Could Community College students or the college teachers, most of whom only work part time afford this? Not really.

No one around no weekdays when I was there because these units are really designed for young professionals. Perfect for Arizona or Texas. Lots of superficial glitter but no soul. Shall we follow the money? Lots of charges. There's charges for admission fees, charges for pets, charges for views. Charges, charges, charges. I sent you all this in the mail and Mr. Anaya, I also sent you a complete package on the Ranchland Utility inspection so you either – you probably aren't getting your mail. Okay?

The development is all about bilking the tenant. Vedura is a pump and dump operation. Money goes to Scottsdale. Gray Star leasing was doing the leasing for both developments. Bunch of good old boys from Houston now headquartered in South Carolina. So if you want to build the Elevation you can be sure that it's going to procreate to 415 units on that buffer piece of land right next to us and the money is gone.

[Previously sworn, Gayle Evezich testified as follows:]

GAYLE EVEZICH: Good evening. My name is Gayle Evezich. I live at 6-B Dean's Court and I have been sworn in. So, Dear County Commissioners. Thank you for the opportunity to be here and share our opinion with you. I am here to respectfully urge you to deny this application. As you've heard, the proposed development places 214 apartments on the eastern end of 22 acres that was originally planned and platted for 50 single-family homes. When Rancho Viejo and Warren Thompson first proposed apartments they promised an extended Dean's Court with 10 single-family homes as a buffer zone. However, the current proposal places the apartment complex a quarter mile east of Burnt Water without any plans for the buffer zone. Contrary to the assertion that the neighbors requested this move east we actually did not and we are unequivocally opposed to this apartment complex in this location.

The specific concern I'm talking about tonight is the lack of planning for that transition space, the 19 acres that are vacant at this time. The County's grown management plan, on page 42 to be specific, does state that requires transitioning between land use types, intensities and densities using buffer zones and floor area ratios. Property value protection is actually listed as part of the rationale for these buffer zones. The current proposal indicates that this 19-acre vacant space is slated for future development and does not leave us a buffer zone, which puts our property values at risk. The developer has not revealed their plans for this space, resulting in further piecemeal development, which does go against the general plan of the County.

The developer's representative stated at an April CDRC meeting that the required buffer space is not the responsibility of the developer but of the County, so we are asking you to not allow this piecemeal development but to send this back with the developers with a plan for the entire space. Thank you very much.

[Previously sworn, Bruce Krasnow testified as follows:]

BRUCE KRASNOW: Bruce Krasnow, 3 Dean's Court. I know these meeting packets can be voluminous and neighbor groups don't always appreciate the time you put into preparations so I want to thank you for your hard work and your preparation for this meeting. But perhaps indicative of the flaws of this project is that the CDRC vote was 5-1 against this development. Even the one CDRC member who voted to approve the master plan change for Vedura had concerns about the sewer infrastructure. He was prepared to make an amendment on the issue but the motion he put forward to approve that change did not receive a second. The five CDRC members that voted against the master plan change were not shy about publicly stating their objects.

Susan Frye Martin commented on the lack of adequate transition zone and proper infrastructure and said the proposed apartment project was not compatible with Rancho Viejo neighborhoods. In response to testimony from the HOA president of Oshara Village, Ms. Martin said it's not just the traffic issue; it's a traffic crisis out there. Bette Booth cited some of the same promises made to property owners in College Heights and raised questions about whether the de-annexation and spot zoning of this project could be legally justified, and Louis Gonzales, who volunteered he was a contractor and developer himself had concerns about how this process had moved forward, saying it reflects poorly on all developers.

These are members of the community you appointed so please listen to their concerns.

The other issue I wanted to touch on is the one on diversity of housing raised by Ms. Jenkins. I am willing to bet that Rancho Viejo is not just the most diverse single-family community in Santa Fe County but in all of New Mexico. I know of college students renting rooms for \$300 a month. I know of a family renting a townhome for \$900 a month. As of this morning there was a three-bedroom, two-bath house, 1,440 square feet listed for sale at \$177,000. We already have a diversity of housing.

Even during the recession, and all of you know because you were serving in public office, building permits continued to be issued for construction in Rancho Viejo. And that's because it is a desirable community with a variety of housing choices, a place where all types of people want to live.

My HOA has a million dollar reserve fund to pay for roads, landscaping, maintenance services. The County spends zero on roads within Rancho Viejo. They spend zero on snow plowing, zero on graffiti, zero on weed removal and illegal dumping. We pay for this. The residents pay for it with monthly dues. You want a sustainable community? You want sustainable land use? Here we are. We're Rancho Viejo. Don't kill the goose that lays the golden egg. If it's not broke don't fix it. Thank you.

[Previously sworn, Lance Tunick testified as follows:]

LANCE TUNICK: My name is Lance Tunick. 14-B Dean's Court. I've been sworn in. Good evening. I'm here to briefly sum up what my neighbors have said. What are the issues here? First is no piecemeal zoning. There's a big empty lot in between the proposed complex and where we live. You've got to do it all at one time.

Number two. Good faith matters. Promises and covenants and declarations matter, and you have the discretion by your decision tonight to say that, that they do matter. That developers just can't bamboozle people and tell them one thing and then de-annex – great word.

Number three. Infrastructure. Infrastructure first, then development. We've all lived through the debacle of Richards Avenue. Let's not repeat that. Let's not make it worse.

Lastly, the word that comes to mind is ramrod. If I understand things correctly, we have a new zoning ordinance coming into effect this July and we're trying to squeeze this decision into what we have now and that new ordinance? That doesn't make sense. Please, exercise your discretion. Don't approve this. Thank you.

[Previously sworn, Chris Schatzman testified as follows:]

CHRIS SCHATZMAN: My name's Chris Schatzman. I live at 13 Withers Peak in Rancho Viejo South. I have been sworn in. The gentleman immediately preceding me mentioning the debacle of Richards Road has addressed most of what I wanted to say. The issues of the zoning, the community development plan, have all been well discussed. The traffic has been discussed but only insofar as the failed traffic circle at College Drive and all the problems coming from all the directions there. The traffic circle at the Community College in times of heavy traffic is frankly not much better and Oshara Drive is not much better either. There's only three ways in and out of Rancho Viejo and they're all two-lane roads. And unless you can increase the capacity of those roads, particularly Rabbit Road and Richards Road you can't handle the people that are being dumped in there.

If this project is developed exactly as planned, meets the demographics as planned, it's still going to add several hundred cars to those roads and the southeast connector will not alleviate that problem. I just retired as an attorney. Before I did that I was in real estate finance – commercial projects, financing large commercial projects including apartments. One of the things I learned is over the years of doing that, before becoming a lawyer is the projections oftentimes vary considerably from what happens and traffic inevitably is heavier than people project, whether it's apartment projects or office projects. If they're successful there's more traffic than planned. You have two-lane roads. Just this evening, driving in here up Rabbit Road a winding, rolling two-lane road, I watched somebody on the winding, rolling part pass somebody illegally. That's not the first time I've seen that. You will have more and more of that.

The County ultimately, if there is a bad accident, will find out what the lawsuit is like, not just for the bad driver but for the County permitting inadequately designed transportation facilities like the traffic circles. Some lawyer will attempt to find liability for an inadequately designed facility and burden the County with that. The people who have spoken before me have given very good reasons why the project should not be developed. Infrastructure is yet one more. You're just adding more problems to a community that has no other way out and somehow magically, we're supposed to believe if you build it no one will come and there will be no more traffic problems. That's not accurate.

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Glenn Smerage testified as follows:]

GLENN SMERAGE: Ladies and gentlemen, I'm Glenn Smerage, 187 East Chili Line Road. I'm here tonight to speak, perhaps as a representative, a voice, from the bulk of Rancho Viejo, the non-College Heights part, and to try to indicate to you that what happens in this small portion of Rancho Viejo is of concern to what will happen elsewhere in the community. I implore you to do three things as you resolve this issue. First, reject the proposed apartments on the specified land in Rancho Viejo. Second, require Univest to have

a more true utilization of the Community College District and the Sustainable Land Development Code. And three, suggest to Univest that it return to you in the future with a plan for approving reinstallation of the College North master plan.

Considering the unacceptable and disingenuous behavior of Univest over the past two years it is time for Univest to be given a resounding no. Residents for over a year have been telling Univest no, we do not want the apartment complex in your proposal. It is time now for you, our representatives as County Commissioners to tell Univest no, what you're trying to do is in conflict with what we want to do in the Community College District and the Sustainable Land Use Plan.

Let me try to mention a few of these unsuitable and even disingenuous activities or behaviors of Univest. Going back to the late 90s we had the owners of 2,500 acres had a great vision that over the next 12 years was realized as the wonderful community, Rancho Viejo, consisting now of over 1,300 residential units with diverse and interesting, pleasing architecture.

CHAIR MAYFIELD: Mr. Smerage, you've run longer than three minutes so we're going to allow you to speak after everybody else has an opportunity. Sir, we'll let everybody else speak first and then Mr. Smerage can come back after. Thank you, Mr. Smerage.

MR. SMERAGE: Will do that then. There are –

CHAIR MAYFIELD: We'll allow the lady behind you to present now.

MR. SMERAGE: I can't tell what you're saying. Would you use your microphone too?

CHAIR MAYFIELD: Mr. Smerage, we're going to allow the lady to present now behind you. Then you can come back up in a while.

MR. SMERAGE: That was a fast three minutes.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Vicki Schneider testified as follows:]

VICKI SCHNEIDER: Commissioners, Mr. Chair, thank you for the opportunity to address you. My name is Vicki Schneider and I live in the newest part of Rancho Viejo, La Entrada, under construction big time right now and I am foregoing all prepared remarks because you've gotten a very good overall picture. I think our residents and homeowners have more than adequately said everything that I might have said in my prepared remarks. I do want to just put in a word for the fact that there's a huge group of people who are considering themselves Concerned Residents for Smart Development, and as Glenn just mentioned, we have already – we have a high growth area. We buy into the high growth area. We want development in our area, but we want appropriate placement of the appropriate growth. You're going to hear more from us overall about the commercial zoning and the zoning issues that are coming up for us too.

We have a huge big picture. You're being asked to make a decision on a very small, piecemeal part. I would really like you to know that we all look at a very big picture. We will look at a bigger picture as homeowners in Rancho Viejo. And we know it's a high growth area but we already have a grown area. Our area has grown. We live in it. As Glenn mentioned, 1,300 homes. I think it's even more than that. So we are a very big part of the consideration, hopefully for you that the impacts of all the new development, including I

believe it's 100 acres – someone can correct me. They have just leveled 100 acres near us in La Entrada. Absolutely bare bones, flat earth. It's going to have an awful lot of building there. A lot of homes. A lot more people, so those people are buying into a vision and I guarantee has to do, the same as with us. Fifty percent open space.

I have to personally tell you I think that overall, Rancho Viejo is getting awfully close to that 50 percent open space. I know that they're going to put 50 percent open space in the 214 apartment – 214 units, but that really and truly, I think the open space issue is going to come up as a very big item for us. We need to look at the overall, completed Rancho Viejo that's already grown, and make sure that we are in fact having real open space there. It's starting to get beyond dense in some ways.

And I haven't said nearly all the things that you could consider and hopefully you'll do the right thing and thank you for giving us time.

[Previously sworn, Eunice Vellon testified as follows:]

EUNICE VELLON: My name is Eunice Vellon. I live at 85 Villa Orilla Dorada in Rancho Viejo. Mr. Chair, Commissioners, thank you very much for letting us speak tonight. During the presentation there was slide that the applicant's agent did not show the Board, and that's the one that designates the acreage east of the projected development. That is already designated as reserved for future multi-family development. So in addition to the space that is now designated the buffer zone there is also another space on the other side of the proposed development that is already designated for multi-family development. So in lieu of the 214 apartments that you're asking to be approved tonight, we're probably looking at 600 apartments when the developer is through.

There's another project at St. Francis and Rabbit Road that's being proposed that will include 650 dwelling units and 760,000 square feet of non-residential space. We were told that the traffic issues were being addressed. Even if you could limit the number of cars to two per residential unit and one car to each 500 square feet of non-residential space, which you cannot, you're still talking about another 2,820 cars. The so-called employment center within Rancho Viejo and the build-out of the rest of the residential units within Rancho Viejo will add even more density and traffic congestion. I wish I could give you a number but that seems to be an ever-changing target as well. And these are just two developments that we're aware of.

None of these concerns are being adequately addressed because the whole picture is never presented. The developers are attempting to break the various projects into small increments so that the total impact is not apparent. But somebody needs to look at all the projects, not only in Rancho Viejo but nearby in the county, and evaluate each project within the context of that whole. That's the idea behind a master plan, whether it's a single development or a whole district.

The Community College District may be the area that the County represented as designated for development but that development has to be done responsibly and with a view to maximizing not only tax revenues but the benefits accrued by the residents of the county, present and future. We have great respect and appreciation for all the people that work with and for the County, paid and unpaid. You represent all of is in trying to ensure that our best interests are served and that the codes are adhered to. When new applications for development are presented to the County there are requirements like traffic and

environmental impact studies, archeological evaluations, etc. How can you adequately evaluate a project unless the environmental impact studies include other proposed and approved projects within the environment?

CHAIR MAYFIELD: Ma'am, you've gone a little longer than three minutes, but we'll allow you to come back.

MS. FALLON: Thank you. CHAIR MAYFIELD: Thank you.

[Previously sworn, Beth Detwiler testified as follows:]

BETH DETWILER: My name is Beth Detwiler. I live at 11 Craftsman Road in Oshara Village in Santa Fe County. I have been sworn. We've heard so many insightful comments from my Rancho Viejo neighbors I would just like to add that the community of Oshara Village is asking you to reject this proposal because of the traffic issues involved and not to give your approval for a project like this until the northeast and southeast connectors have been completed, and there's been enough time to evaluate how their completion affects the traffic patterns to make sure that the infrastructure that we're looking at really does have the desired effect of relieving the traffic problems on Rabbit Road and Richards Avenue, and of course through Oshara Village.

I shudder to think of the effect of hundreds and hundreds more cars going through our narrow and fragile roads, not to mention the construction traffic, which would include a huge number of land-moving equipment, dump trucks, construction equipment coming in, construction vans of two by fours and cinder blocks, and not to mention the hundreds of trucks coming through carrying concrete that it's going to take to build that swimming pool. So thank you very much for your patience and we rely on your good judgment. Thank you.

[Previously sworn, Robert Carson testified as follows:]

ROBERT CARSON: Mr. Chair, Commissioners, my name is Robert Carson. I live at 175 East Chili Line Road in Rancho Viejo. I've been there seven years now after 35 years in central Florida. So I came to the wonderful city of Santa Fe and acquired a property. This is a one-acre lot, which has a setback I discovered later, which helps provide 50 percent of the 50 percent that we have of open space. I cannot build on 60 percent of my land. I follow the covenants. I cannot build a swimming pool. Okay? I cannot build a casita for a mother-in-law. I cannot do any of those things.

Now, I'm a retire physics professor so I could perhaps really dazzle you with a lot of things about hydrodynamics of sewer effluent. I could also maybe run a Monte Carlo computer analysis of traffic. All these things. There's a lot of things we could do on that. So if I don't have that, what do I have? I have a heart. I know you do too. There are some things in life which can be done but should they be done? I think that's very important.

One of the reasons I came to Santa Fe was this whole feeling, which I've been very satisfied with, of community. These are people. These are neighbors. I live like one of the other people that just talked earlier here, I live fairly far away from this apartment building if it were to be built. So why should I worry about it? Because they're my neighbors. This is part of it. This is part of actually having a home and being a homeowner and having responsibility.

I've lived in apartments before. Oh, by the way, you've probably heard of a small, fledgling university back, started around 1970 in Central Florida. It's called the University of

Central Florida. It is now the second largest university in Florida after the University of Florida. I had personal friends that lived near that rather small place at first and of course, as it grew and grew and grew, they had to have housing. And the housing did appear. And my friends had to leave; it was just too much. It was just too much.

So what I would leave you with is please remember besides statistics, numbers and all these other things that are involved, that what it really comes down to is the people that make up a community, and those people that will be staying in a community and providing things. Thank you very much.

言語が必ずが記述

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Lisa Rawlings testified as follows:]

LISA RAWLINGS: Hello, my name is Lisa Rawlings. I've been sworn in. I'm a resident of Rancho Viejo South on Johnson Mesa and I appreciate all the people that have kept us abreast of this, those of us that are very busy with children. I appreciate all of you listening to us. That's not a given everywhere.

Because I have children, when I first moved to Rancho Viejo in 2005 my instincts worried about Richards Avenue, the limited ways out in case of an emergency. The things that have come up, the way that the street has been changed, it's working now, but I just want to say, I'm a single mother, my children's father is involved and I work very hard. I bust butt to work very hard to afford that home and the association fees. My children's father does too. When it is my time with the children, which is the majority of the time, I work 30 minutes from my home in another corner of Santa Fe. I run a legitimate, licensed business in Rancho Viejo also, in the typical Santa Fe way, some of us have two jobs.

Because I work hard I don't qualify for certain assistance and that's fine, but it's not anyone here's problem or responsibility that I run things so tightly time-wise but my children attend school in Rancho Viejo and I wonder, with this development if it will impede me, if I had to rush from work to come for my children, and being able to arrive. It's just a concern. I appreciate seeing two women being innovative and strong and I think that apartments are fine. I worry about growth in Santa Fe in general, without being an expert about it, especially explosive growth. If that's too strong of a word I apologize, but in general in life with most of us if we do things incrementally it's better able to be handled or assimilated.

This type of thing, I don't know. I worry about the water. We have cisterns under our homes to collect water. My children and I conserve water at the sink. I'm not a teetotaler but a swimming pool just doesn't mesh with that. I had lots of other things to say but I can't remember and thank you again for your time.

CHAIR MAYFIELD: Whoever's next, please.

[Previously sworn, Paul Wren testified as follows:]

PAUL WREN: My name is Paul Wren. I live in Rancho Viejo South. I've been sworn in. I've been a resident for nine years. I'd just like to kind of put my take on summarizing a situation. Starting with the initial attorney, you've seen overwhelming evidence that what has been proposed here has perhaps left out a lot of the facts, a lot of the legal requirements, and brushed over a lot of the involvement of various people. We know now that the original single-family commitment has been kind of like skated over. The deannexation was an attempt to avoid having to hold those commitments and obviously is not what the law says.

One of the things I'd like to comment on is there was also very little comment from the developer about the way the residents feel about this, and not only the College Park residents but everyone throughout Rancho Viejo is concerned about there being apartments in Rancho Viejo. I personally, along with several dozen individuals have met at times with the developer where he said he wanted to talk to us about alternatives, but the only alternatives that he offered were the same proposal. We said to him we would accept at other locations, just not here, and he would just repeat the same proposal.

So that you will know, the board, you may remember had some concern about his interaction with the residents and he did hire a well respected mediator. However, the residents weren't consulted on the mediator. The mediator is paid by the developer. The developer sets the wording of the topics that are being discussed and they're not open-ended. Fortunately, so far there hasn't been a whole lot of interest from residents because I think they see that there really isn't any interest in them listening to us. Therefore, what I would like for you to do is not to table this, as this has been through many postponements before, reject it. And keep in mind that the residents of Rancho Viejo don't want it in College Park. They certainly don't want the developer to try to slip it in somewhere in the existing Rancho Viejo South, La Entrada or North, but we don't have any objection to it being somewhere else, because we're trying to live up to our responsibilities as citizens; we want the developer to live up to his. Thank you.

CHAIR MAYFIELD: Anybody next? Mr. Smerage, do you want to come back up to finish what you were stating?

MR. SMERAGE: Glenn Smerage again. I was trying to list a few of those unacceptable behaviors of Univest the last couple years, and one is that its original fine vision as it is now a re-incorporated unit, Univest, as opposed to the original corporation. It now has a new vision of chaotic development for taking care of its self-interest. A particular thing it has done, objectionably, is to do the classic bait and switch on the residents of College Heights as it has abandoned the College North master plan.

Univest is snubbing its nose and attempting to ride roughshod on you, our Commissioners, on residents of Rancho Viejo and on the Community College District and Sustainable Land Development Codes by several things. First was the de-annexation of the land in question right here, which doesn't seem quite a right thing to do as good citizen or person or institution in the community. That de-annexation shows that Univest can break and in the future will try to break again the integrity of Rancho Viejo as a community and the integrity of planned unit development, and of course the CCD and SLD Codes.

It is in the project pursuing piecemeal development on a relatively small piece of land where the total land, roughly 57 acres should receive a total planned development and not just piecemeal.

In adding more commercial property to Rancho Viejo it is pursuing unrestricted, unorganized development under a property owner's association. So this isn't right either, compared to three homeowner associations existing in Rancho Viejo. And you have my letter there, a couple other things there. I guess I'll quit. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Is there anybody that hasn't commented that would still like to comment. Ma'am. Mr. Smerage, this other lady is going to come up and comment. We have copies of your letter. Thank you.

LINDA WESTON: I got here late so I'm not sworn in. Can I speak? CHAIR MAYFIELD: You can be sworn in please.

[Duly sworn, Linda Weston testified as follows:]

MS. WESTON: Linda Weston. Hi. I've lived in Rancho Viejo for 5 ½ years. I purchased my home through Homewise. At the time I was purchasing I had two options. One was Tierra Contenta. The other one was Rancho Viejo. So I went to speak with Patrick in the office and I looked at the master plan. I studied it with my children and it was very appealing because of the way that it was planned as a planned community, and I feel that it is not right to have this de-annexed and changed so substantially from what the original plan, that I ask you all to please reject this and to listen to the community of Rancho Viejo, that it is not what we want. It is not what we signed up for. I don't think that any of the thousands of households that purchased a home many – throughout the past. I'm not sure how long the development has been going on, envisioned that this would be what our community would become. So thank you for your consideration.

CHAIR MAYFIELD: Thank you, ma'am. Anybody who I limited to time, would they need to finish any of their statements. Seeing none, anybody else wishing to provide public comment? Seeing none, this portion of our public hearing is closed. I'll go back to the applicant, please.

MS. JENKINS: Thank you, Mr. Chair and Commissioners. I'll be as brief as possible but there are a few really key points that bear addressing. I would like to refer you to the beginning of you packet, I forget what page it is, but to the Rancho Viejo master plan. The Rancho Viejo master plan is the initial, original, guiding document for development on this particular piece of property. The Rancho Viejo master plan contemplates, projected, 570 multi-family units on 55 acres. This is the first project to come forward asking for master plan approval in accordance with that. This is a public record. This is available to everyone who chooses to avail themselves of this information.

What's the next guiding document? The next guiding document that is currently still valid if the Community College District Ordinance which zoned this property in 2000 as a village zone contemplating –

CHAIR MAYFIELD: A Commissioner has a question on your latest point. MS. JENKINS: Yes, please sir.

COMMISSIONER ANAYA: If I could, on your previous comment relative to the initial master plan, you're stating revealed all of the potential uses? Is that what you said?

MS. JENKINS: It does. The master plan, it's a very big-picture document, and so it talks about clustered development, single-family development, commercial development, industrial development, multi-family development, institutional. It talks about all those uses that we see examples of now in Rancho Viejo except for the multi-family component.

COMMISSIONER ANAYA: Just a specific question. It was referenced throughout the public hearing to some people said closing documents and referenced master plans. If you could just speak to that point.

MS. JENKINS: I'd be happy to.

COMMISSIONER ANAYA: Were there vacant parcels on those closing documents and what's your feedback to that?

MS. JENKINS: Colleen, let's go to the aerial with the site plan. Let's just go to – this is good enough. So in 1997 a master plan was approved by the County for what was called College North, and it's all of the real estate that is north of College Drive within Rancho Viejo. All of that real estate was master-planned as College North. And you've heard mention contemplating 73 single-family dwellings on the 59 acres there. And that was approved in 1997. That's a 17-year-old master plan. They did develop the initial phase of that master plan which is the College Heights neighborhood, which you see there, north of College Drive just east of Richards Avenue.

That master plan has since expired. It is no longer valid and so now there is a request before you for a fresh master plan. Santa Fe County has evolved a lot in the last – I would say the last 30 years. A lot has changed. Some evolution has just been organic and some evolution has been very deliberate. I would offer you that the Community College District Ordinance was a very aggressive, very smart planning tool that this County worked very, very hard on and created. And they have created out of that their primary growth area and the key economic driver in Santa Fe County. That has what has come out of that. Huge economic development, wonderful neighborhood and communities for Santa Fe County residents. It's evolution.

And the County now is embarking on kind of a next phase of evolution in terms of the Sustainable Land Development Code and actually creating zoning for Santa Fe County. And so that's where we are not. Evolution is hard. It's not always easy. It's not always comfortable. And so we are – and I completely empathize with – change is hard. I completely get that. But we are faced with guiding documents. The Sustainable Growth Management Plan is the other guiding document that is still valid today. There are only three. Rancho Viejo master plan, Community College District Ordinance and the Sustainable Growth Management Plan, which identifies this area not only as Sustainable Development Area-1 in the priority growth area, but also as mixed-use residential. The entire Community College District is designated as mixed use residential, which talks about a mix of land uses, a mix of densities, and making sure that there is appropriate densities near services, near employment. Where alternative means of transportation are available – walking and biking. Bus route at the Community College. That is why this location makes so much sense.

This is not haphazard. This was very carefully thought out in terms of what is ideal for creating a vibrant community and creating a vibrant addition to an existing community. And let's go ahead – a couple other points I want to address then I'll wrap up. I want to direct you to the last sheet in your packet which is the subdivision plat, and I want to talk a little bit about the master-planning process and questions that arose about that. So this is the property that – so we have lots 1-A, 1-B and 1-C. This plat has already moved through the County review process. So how it typically works with master plan is you identify the real estate you wish to master plan. Sometimes that real estate is already its own separate parcel, but sometimes it's not.

So Vedura Residential said this is the area where we're interested in. We only need about 20 acres, 22 acres for the project, and of course the site location has been a moving target a little bit, based upon discussions regarding the future southeast connector and all of that. So now, for the moment, we've settled on this Tract 1-B. Typically, what happens is you create the parcel, but that parcel, that plat is recorded commensurate with the master plan. It

doesn't make any sense to do it in advance but as you can see, the subdivision plat has already been created, it's already moved through the process, so prior to that master plan actually becoming valid and effective, the subdivision plat will be recorded first. And so we are master planning the Vedura property that they are in the process of acquiring, which is Lot 1-B, which is the 22 acres. So I think I just wanted to clarify that.

With respect to the transitional zone that is called out for in the Sustainable Growth Management Plan, we absolutely recognize that, and when Lot 1-A, which is the 19 acres that sits between the existing College Heights neighborhood and the southeast connector, when that project is developed than the transitional nature of that is going to have to be taken into account, depending on what that proposed land use is there, obviously. But currently, until that's developed, I think it's safe to say there's a really big transition, but when a proposal comes forward then, yes, appropriate transitional zone from different land use types is going to have to be addressed as part of that project.

And lastly, I would like to just clarify with respect to the traffic impact analysis that was conducted for the project, that the traffic impact analysis has been reviewed by the Santa Fe County Public Works Department. We've worked closely with them. As the location study process for the southeast connector winds down this year they will be making their modeling data available to us and to the public in general. Because we have not had that data available to us to inform our own traffic impact analysis. So prior to moving forward with the development plan stage we just all have to remember this is just master plan right now. And prior to moving forward with the development plan the Public Works Department said, you know, we're going to make this data available, then we want you to rerun your analysis based upon that information, and we thought that was a great idea.

Because right now we have some parallel paths that are happening right now. We're a portion of that parallel path and the southeast connector is the other portion of that. So I just wanted to clarify that. There's no corrections that need to be done but there is going to be more information that's going to become available that we can use to inform that analysis as we move forward. So with that, I would be happy to stand for any questions. Thank you very much.

CHAIR MAYFIELD: [inaudible] Mr. Shaffer, so based on a lot of statements that were made tonight, even the applicant now, help me to understand. We have an initial master plan on file with the County even if it was approved back in 1997 and there was some build-out done? I'm assuming or presuming under that master plan that was approved by a former, by a prior Board, and now time's out because they have not completed that development under that master plan? Because I've heard that now they've tried to de-annex, or we have a whole new master plan in front of us today, a request for a new master plan. So could just help me with some understanding of that, on the time-out of a prior approved master plan and/or a new master plan in front of us.

MR. SHAFFER: Mr. Chair, I think I heard two different ideas in your question. With respect to the master plans themselves, the current existing County code imposes an automatic expiration period on the master plans if steps aren't taken to implement and further them by going through the preliminary plat, final plat process, and then there's I believe a provision – I'm paraphrasing – that allows the applicant to request certain extensions. So the master plans under the existing code are in fact – have an express

expiration period on them and that's stated in the code.

Secondly I think you asked for questions about the de-annexation. That's not the Board's jurisdiction over that process and whether it's valid, whether it complies with legal restrictions in the document itself, that's a matter between the declarant and the individual property owners. That's not the Board's domain. If there are challenges to that that would be resolved through a judicial process.

CHAIR MAYFIELD: Thank you for that. So going back to the master plan that was approved in 97 – I don't believe you were here in 97, but was there preliminary approval given to that and final approval for the build-out, or am I just hearing something different from what I've been hearing from the community tonight? Or was it just a master plan that timed out over so many years?

MR. LARRAÑAGA: Mr. Chair, I believe in your packet, in my report it kind of outlined the steps in the master plan, but it was created in 1997 and they got platting for the first phase. Phase 2 and 3 eventually, there's a five-year period when it expires and there wasn't any further platting or an application for a two-year extension for that master plan, so therefore it expires.

CHAIR MAYFIELD: And I recall reading that and I guess that's what I want to get at. So at a certain time it can expire and then I guess the applicant or a new applicant, they can sell the parcels, can come back and ask for a whole new preliminary? Because I heard bait and switch a little bit tonight. And I also heard economic conditions, the need for different changes, for over 20 years almost. But it does seem like a lot of these individuals, when they purchased this land, based on some statements were stated this on a conceptual drawing of what would happen. That's just what I'm trying to understand now, because that timed out. We just totally forego with that prior master plan, preliminary approval and just look at a whole new master plan tonight.

MR. LARRAÑAGA: Mr. Chair, the master plan, again, expired, and that was prior to the Community College District Ordinance. Now we have the Community College District Ordinance that falls under the village zone. And so they're asking for the master plan under the village zone for multi-family residential.

CHAIR MAYFIELD: Okay. I think that answers it. Thank you. Ms. Jenkins, let me ask a question, because this came up also tonight. So you provided us with a letter of March 26, 2014, and in that letter – I don't know where I read it but I'd like to read it in here. There were community meetings. As a matter of fact what I read in this letter, but again, I don't want to say it's contrary to what I heard but I believe it is, that – and you've made concessions to move this location but I think I heard a statement tonight that that wasn't afforded discussing the – I'm just going to call it the apartment complex. But I believe I read that in your letter.

MS. JENKINS: Yes. There was never what I would say a clear consensus in terms of we're asking for A, B, and C. There were obviously a lot of discussions, a lot of different concerns addressed, but we absolutely heard from quite a few homeowners that, well, if you could slide it further east.

CHAIR MAYFIELD: Come on. She has the floor. I'm asking her right now please.

MS. JENKINS: So was there ever a clear consensus where we got

communication from everybody that, yes, this is what we want? No. But we did hear that feedback and we took that to heart and we moved it, and then we moved it even further in response to the southeast connector alignment.

CHAIR MAYFIELD: So then where was the initial proposal development planned for?

MS. JENKINS: Right at the corner of Burnt Water and College Drive.

CHAIR MAYFIELD: Okay. And then looking at the map that's on the screen, Lot 1-A, why was that not a proposed site?

MS. JENKINS: That was – Lot 1-A was the initial proposal and we slid it down, and then through the process of engaging with Santa Fe County on the southeast connector alignment, it got moved even further in response to that.

CHAIR MAYFIELD: Thank you. And I'm just going to jump to staff and ask maybe a question. Has there ever been – I believe there was a long time ago, a proposed on or off ramp off of I-25 to Richards Avenue? Are you guys familiar with that or not familiar with that? I don't know if the Highway Department has ever had that conceptually? I don't know if there are Commissioners that are on the MPO, that they were thinking of an off ramp or an on ramp off of I-25 to Richards Avenue. Is that still in the works or not in the works?

COMMISSIONER STEFANICS: Mr. Chair, that was something that the Department of Transportation and the Transportation Commission considered many years ago and thought they had the funding for it. It's when Senator Roman Maes went from being in the Senate to being on the Transportation Commission, and the community was totally divided on that, so the Transportation Commission decided not to invest any state or federal dollars in that project. It is on the MPO wish list at this time to the tune of about \$14 million and it would require a separate congressional appropriation so it's not prioritize.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. That's all I have, Commissioners. Any other questions of staff? Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I move that we go into executive session to deliberate on this administrative adjudicatory preceding as allowed by Section 10-15-1-H (3) of the Open Meetings Act. This is separate from the Matters of the County Attorney agenda item. This session will be limited to this application.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: So we have a motion and a second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (3) passed upon unanimous roll call vote:

Commissioner Mayfield	Aye
Commissioner Anaya	Aye
Commissioner Stefanics	Aye
Commissioner Holian	Aye
Commissioner Chavez	Ave

CHAIR MAYFIELD: I have a procedural question of staff before we break though. Can we go into, still, knowing that we're going in on this matter and coming out, can

we still go into executive – I believe we needed 20 minutes, 30 minutes to discuss other executive matters. We'd have to break, come out, and then go back in if approved.

MR. SHAFFER: Mr. Chair, that's correct. This session would be limited to this specific administrative adjudicatory matter. We'd break from that and then at that point in time the Board could consider whether it wants to move forward with that agenda item, Matters from the County Attorney.

CHAIR MAYFIELD: So we can't take all of our executive matters today. So how much time are we looking at, Commissioners? A half hour? Ten minutes? You all are welcome to wait. You're welcome to go get a cup of coffee. You'd be safe.

[The Commission met in closed session from 7:55 to 9:10.]

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we come out of executive session where we only discussed the land use case in front of us. Present were our County Attorney, our Deputy County Attorney, our Land Use Administrator and the five Commissioners.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

CHAIR MAYFIELD: We are now back to the case that we were deliberating, CDRC Case #Z 13-5380, Elevation. Commissioners.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, first and foremost, thank you to the many members of the audience that came to provide input this evening. I'm going to go ahead and make a motion to table this item for three specific areas of consideration, to the September land use meetings. So we would table and continue this process and this hearing at the September land use meeting. And three specific things, based on information we've reviewed in our packets and some input we've taken from the public.

I'd like to ask for staff to contact and receive some additional information from the New Mexico Environment Department relative to sewer concerns that were raised and items disclosed to us in our packets, via information that we've received at the County. I'd request that we have staff communicate with our Public Works Department relative to the status of the design, including survey and easements and design and construction timeline associated with the southeast connector. And also several of the Commissioners brought up water and the availability of water. What does the County have available? With it, I think I brought that up as a request for follow-up information.

So I would table with those three specific items to be addressed, between now and that September land use meeting.

COMMISSIONER HOLIAN: I'll second that.

CHAIR MAYFIELD: Commissioners, there's a motion to table and a second.

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

CHAIR MAYFIELD: Commissioners, we are not on to a need for executive session from our County Attorney. Mr. Shaffer it's late. Is there a need to go into executive session?

MR. SHAFFER: Mr. Chair, Commissioners, I don't believe that there was anything of critical urgency that couldn't be discussed and direction given at the next Board meeting.

VIII. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned at 9:15 p.m.

Approved by:

Board of County Commissioners

Daniel W. Mayfield, Chair

ATZEST TO:

GERALDINE SALAZAR

SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork

453 Cerrillos Road

Santa Fe, NM 87501

Katherine Miller

From:

Joy Esparsen < jesparsen@nmcounties.org>

Sent:

Wednesday, July 02, 2014 9:19 AM

To:

Katherine Miller, Katherine Miller

Subject:

Rio Grand Cutthroad Trout MOU - Commission Consideration Requested

Attachments:

RGCT County Coalition MOU.rtf

Dear Katherine,

The New Mexico Association of Counties has been approached by the Colorado Counties, Inc. for assistance on the proposed listing of the Rio Grande Cutthroat Trout. Attached is a copy of a Memorandum of Understanding (MOU) established by the Colorado Rio Grande Cutthroat Trout (RGCT) County Coalition. As a New Mexico county with a significant historic or current RGCT habitat, we have been asked to reach out and see if your county is willing to sign on to the MOU. A decision on the proposed listing is quickly approaching. Please let me know at your earliest convenience if your county will be able to consider joining the MOU.

This MOU is an effort to demonstrate cohesive support for the long-term conservation of RGCT and of the Conservation Strategy and efforts of the RGCT Conservation Team. The County Coalition would work with the RGCT Conservation Team in the development of an amended Conservation Strategy to address land use jurisdictional authority of the counties and Candidate Conservation Agreement with Assurances (CCAAs) for private land habitat conservation and protection as well as with the Federal and State Agencies via CCA's for similar, public land habitat protections. Further, it is the intention of the RGCT County Coalition to work with the various water districts, land managers, private landowners and non-governmental organizations that have been actively involved in RGCT conservation actions, to develop a subsequent and similar RGCT MOU that will serve to support the attached. It is the belief of the Boards of County Commissioners that are signatory to the RGCT MOU that while this instrument does not contain additional substantive conservation "teeth", it does represent significant, landscape-scale political will and horsepower that is fully in support of the RGCT Conservation Team's effort and the RGCT Conservation Strategy.

It is the intention of the RGCT County Coalition that submittal of the RGCT MOU to the USFWS, will meet the guidelines established in the *Policy for Evaluation of Conservation Efforts (PECE)* standards regarding demonstration of commitment to long-term conservation of a species prior to the "Proposed Listing" decision being published. As noted in earlier correspondence, the RGCT County Coalition and the signatories to the MOU strongly support that the long-term conservation of RGCT as a species is best served by retaining local government and state control of land and species management. Further, that the decade-long conservation actions that have been implemented as well as future conservation efforts of the Conservation Team and the Conservation Strategy will provide the most beneficial protections for the RGCT and that a decision of "not warranted" for listing under the ESA is appropriate.

Please let me know if you have any questions or comments regarding the MOU or this correspondence. If approved, a copy of the signed MOU should be returned to Joy Esparsen at jesparsen@nmcounties.org.

Sincerely,

Joy Esparsen Intergovernmental Relations Director New Mexico Association of Counties

MEMORANDUM OF UNDERSTANDING

AMONG THE BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY,
COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY,
COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MINERAL
COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF RIO GRANDE
COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA
COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF CONEJOS
COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF COSTILLA
COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF LAS ANIMAS
COUNTY, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA
COUNTY, COLORADO

AND

THE BOARD OF COUNTY COMMISSIONERS OF COLFAX COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF OTERO COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SIERRA, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SIERRA, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL TAOS, NEW MEXICO

This MEMORANDUM OF UNDERSTANDING ("MOU") is hereby made and entered into by and among THE BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MINERAL COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF RIO GRANDE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF CONEJOS COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF COSTILLA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF LAS ANIMAS COUNTY, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO

AND THE BOARD OF COUNTY COMMISSIONERS OF COLFAX COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF MORA COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF OTERO COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SIERRA, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SIERRA, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SIERRA, NEW MEXICO, THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL TAOS, NEW MEXICO, together referred to as the "Parties".

A. Introduction.

The Parties, individually and collectively, intend to ensure that reasonable and adequate work is being conducted, and shall continue to be conducted, to reach the goal of increasing the current abundance, viability and vitality of the Rio Grande Cutthroat Trout and its habitat. The purpose of this MOU is to identify measures and strategies to achieve this goal. This will be accomplished by sharing data, strategies, plans and tools, engaging in dialogue, providing among the Parties and to others recommendations and critique and fostering a range- wide perspective on Rio Grande Cutthroat Trout and its habitat in the State of NEW MEXICO. This MOU may also serve as a framework for the Parties in the event that the conservation of other species becomes necessary, as determined by and among the Parties.

B. Activities.

The Parties are engaging in working relationships among themselves and with other entities and individuals regarding the Rio Grande Cutthroat Trout ("RGCT") and its habitat, and expect those relationships to continue. The Parties enter into this MOU to memorialize:

- The intent of the Parties to recognize and support the efforts of the Rio Grande Cutthroat Trout Conservation Team, the Conservation Agreement for RGCT (2009) and the RGCT Conservation Strategy (2013) as the best available science and methodology for achieving the long-term population viability and conservation of the Rio Grande Cutthroat Trout.
- 2. The intent of the Parties is to support a position that recognizes the efforts delineated in #1 above as the most effective means for achieving the long- term conservation of the RGCT and additionally support a recommendation and ultimate decision by the USFWS of "Not Warranted" for listing the species under the Endangered Species Act of 1973.
- 3. The intent of the Parties to continue informally their joint discussions to reach the goal of increasing the current abundance, viability and vitality of the Rio Grande Cutthroat Trout and its habitat:
- 4. The intent of the Parties formally to schedule and conduct regular coordination meetings;
- 5. The intent of the Parties to take specific coordinated actions and to support those of the RGCT Conservation Team to reach the goal of increasing the current abundance, viability and vitality of Rio Grande Cutthroat Trout and its habitat;
- 6. The intent of the Parties, when reasonable, to enter into formal intergovernmental agreements to implement actions that result from this MOU;
- 7. If and when species, other than the Rio Grande Cutthroat Trout, are determined to require conservation efforts, as determined by and among the Parties, this MOU may serve as a framework and guide to such future species' conservation efforts.

C. Authorities.

The authority of the Parties to enter into this MOU includes, but is not limited to, the NEW MEXICO Constitution, Article XIV, Section 18.

D. Reservations.

This MOU is entered into without prejudice to, and without waiving, any jurisdiction or other rights, powers and privileges of any of the Parties.

This MOU is not a final agency action by any of the Parties, and is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, between the Parties, or by any non-party.

This MOU is not intended to supersede existing state or federal law, rule, regulation, or preexisting MOU(s), if any. Nothing in this MOU shall be construed as affecting the authorities of the Parties or as binding beyond their respective authorities.

E. Coordination Meetings

The Parties shall initially hold coordination meetings, at least monthly, in person or by joint telephone call, to discuss implementation of this MOU.

F. Similar Activities.

This MOU in no way restricts the Parties from participating in similar activities with other public or private agencies, organizations, or individuals.

G. Effective Date, Duration, and Amendment.

This MOU takes effect among any signatory party upon the signature of that party hereto.

H. Separate Activities and Resources.

Each of the Parties will conduct its own activities and utilize its own resources, including expenditure of its own funds, in implementing this MOU. Each Party will carry out its separate activities as expeditiously as possible in a coordinated and mutually beneficial manner.

I. Obligation of Funds.

Nothing in this MOU shall commit any Party to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property between the Parties shall require separate agreements and be contingent upon the availability of appropriated funds.

J. <u>Authorized Representatives</u>.

By signature below, each of the Parties certifies that its representatives are authorized, pursuant to the authority of the Parties' Commissions, to act in their respective areas for matters related to this agreement.

K. Counterparts: Facsimile or Scanned Electronic Transmission.

This Agreement may be executed by facsimile or scanned electronic transmission and/or in any number of counterparts, any or all of which may contain the signatures of less than all the parties, and all of which shall be construed together as but a single instrument and shall be binding on the parties as though originally executed on one originally executed document. All facsimile or scanned electronic counterparts shall be promptly followed with delivery of original executed counterparts.

L. Any Party may join or withdraw from this Mi	OU at any time.
Board of County Commissioners Colfax County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Lincoln County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Los Alamos County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Mora County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Otero County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Rio Arriba County, New Mexico	
, Chairperson	Date:
Board of County Commissioners San Miguel County, New Mexico	

Chairperson

Date:

Sandoval County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Santa Fe County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Sierra County, New Mexico	
, Chairperson	Date:
Board of County Commissioners Taos County, New Mexico	
, Chairperson	Date:

LAND USE TABLE

OTHER ZONES

Village

Separators

18460874

Neighborhood Neighborhoods Fringe Rural Employment Institutional Open Community Center Center (optional)** Zone Zone Center Zone Campus Zone Space * **USE CATEGORY** ELIGIBLE USES Residential and Residential Accessory

VILLAGE ZONES

New

x= uses eliġible in zone

S= special use

Residential and nesideritial Accessory	A STATE OF THE STA	MATERIAL STATE OF THE RESERVE AND ASSESSED.	THE PROPERTY OF THE PARTY OF TH	PASSAG	(1977年)	THE PROPERTY OF THE PARTY OF TH	THE PERSON NAMED IN THE PE	White the state of	一个人的大型,不是是一个一个人	445
Bed and Breakfast (6 units max.)	х	x	x	×	×					
Group Homes and Shelters	Х	X	×		×	×	X),
Guest Houses and secondary dwellings	Х	X	×	Х	Х	X	X			
Home Day Care (12 or fewer children)	X	X	×	х	X	X	×			
Home Occupations	×	X	X	Х	Х	Х	X			-
Live / Work Dwellings	×	X	X	х	×	X	X			\neg
Residenitlal, dormitories	X	X			Х		X			
Residential, Limited Multifamily (4units max.)	X	X	X	х	Х	X	X			
Residential, Mulitfamily (over 4 units)	X	X	X			X	X			
Residential, Single family	Y.	Y.	Υ.	Х	Х	X	X			
Retirement Homes/Assisted Living	×	Х		S			X			\neg
Studios	X	X	X	X	X	X	X			\neg
Clvic/Public/Institutional	22			認認經	型開鍵		经通过到			靈
Auditoria, Community Theatres, Museums	X	Х				S	X			
Cemeteries			x	х	X			S	S	
Churches/Religious Institutions	X	X	×	×	X	X	×			\neg
Day Care (more than 12 children)	×	X	S	Х	X	X	×			
Lospitals						S	S			\neg
Jursing Homes	×	X		S			X			\neg
rivate Club/Lodges	X	X		S			S			-
ublic Buildings	X	X			1	x	X			
lecreational areas, play fields & facilities, including	1								-	
chool fields	×	X	×		×	s	×	S	S	- 1
chool fields lecreational buildings, public indoor schools: Colleges, Univerities, Vocational	X	X	S	S			×			\neg
Schools: Colleges, Univerties, Vocational	X .	X			 		X			\neg
Schools: K-6, Public	X X	x	×	S			×			\neg
Schools: Middle or High, Public ***	X	X	S				×	ļ		\neg
Schools: Private	X	X	X	S	S	S	X			-
commercial/Industrial									巴拉克思特的	1
Automotive sales/Auto, truck or RV dealerships	S		the second of the same of the	DECEMBER OF THE PERSON OF THE	1400年1400年	S	CANADA MINISTRA		GEORGE PROCESS OF SERVICE	200
Automotive services/ Car Washes	S S	S				X			ļ	\dashv
Automotive services/ Gas stations	S	S				S			 	\dashv
	5	S		ļ	 	X		ļ		\dashv
Automotive services/ repair shops Banks/Financial institutions	S					X		ļ		\dashv
		X		ļ	 		X			\dashv
Business & Personal Services	X	 ^	<u> </u>			X	X			
Campgrounds, RV parks	ļ	<u> </u>		X	X					
Construction supplies & yards	×	x		ļ	ļ	X	1			_
Distribution facilities	S					S				_
Greenhouses/Plant nurseries		X		X	Х	X				_
Guest Ranches, Resorts	×	х		S	X					
Health Clubs	×	X				×	X			
Hotel, motel, inns, Bed & Breakfast (over 6 units)	×	S				X				_]
Indoor Recreational Centers	X	S					S			
Industrial, Light & crafts manufacture	S	S			S	x				



TO PARAPHRASE POGO.

Mr. Chairman and Committee Members

I sat here last month while Ms Jenkins of Jenkins Gavin acting as agent for Univest Rancho Viejo and Vedura Residential presented the proposal for the multifamily development in College Heights/Rancho Viejo (case # MPA 13-5380). I'm not sure how many times during her presentation Ms Jenkins referred to "THE COUNTY" but it was a lot. She told us what the county wanted and needed. She explained how this development was going to benefit the county and provide something that was not otherwise available in the county.

But the county is not an abstract entity, it is the men, women and children who live, shop, own businesses and homes, employ our citizens, attend our schools, play in our parks and pay taxes in and to the county of Santa Fe. It's the people who are sitting here tonight and those who have come to be heard at the last two monthly meetings of this committee, and to the numerous other meetings regarding this and other related issues. It's the homeowners, and renters who have signed petitions, sent e-mails, and written letters. To paraphrase POGO "we have met the county and they is us", and Mister Chairman and committee members,

The county wants to be heard—not just politely listened to, but actually heard. The applicant and their agents do not speak for us.

- The applicant is in Arizona.
- The applicant according to their own website is only interested in maximizing their return on investment. "Buy low and sell high" is their motto.
- The applicant does not always maintain ownership and manage the projects they develop contrary to what their agent told you.
- The applicant makes decisions based only on their bottom line.

We, on the other hand, are interested in investing in our community and making it the best living and working environment that we can because it is "OUR COMMUNITY—OUR HOME—OUR COUNTY."

It has been intimated that the developer has addressed the concerns of the residents by moving the site ¼ mile east of the current College Heights development to the eastern side of the yet to be built SE Connector and allowing for a buffer zone of indeterminate description to be built between the existing homes and the apartments.

NOTHING COULD BE FURTHER FROM THE TRUTH. The residents of Rancho Viejo have been consistently and unequivocally opposed to this project in all its changing forms. There are much better locations for apartments in terms of public transportation, local shopping, employment, and wider roads AND with good access to trails, bike paths and the Community College. Contrary to the intimations presented here, our objections are not because they are apartments, but because these apartments are not consistent with the planned development that the residents bought into and will result in a devaluation of our environment. This devaluation will be real regardless of whether or not it results in a devaluation of our house values which is a questionable assumption at best.

Ms Jenkins took a fair amount of time discussing her neighborhood (which incidentally is in the city not the county) and postulated that the existence of two apartment complexes, which she drives by every day, have no impact on the value of her home and others in her neighborhood because those homes sell The Community College District may be the area that the county representatives have designated for development, but that development has to be done responsibly and with a view to maximizing not only tax revenues, but the benefits accrued by the residents of the county—present and future.

We have great respect and appreciation for all of the people who work with and for the county--paid and unpaid. You represent all of us in trying to insure that our best interests are served and that the codes are adhered to. When new applications for development are presented to the county there are requirements like traffic and environmental impact studies, archeological evaluations, etc. But many of those occur after the approval process. How can you adequately evaluate a project unless the environmental impact study includes other proposed and approved projects within that environment? There will always be unknowns, but we should at least require that the knowns be acknowledged and considered.

We have been told that we are not "the applicant" who is granted time and great latitude in presenting their proposal to the committee. But we are the ones who will have to live with the consequences of your recommendations. It is our homes and our neighborhoods that will be irrevocably changed and negatively impacted. It is the vision that we were sold that will be tossed out to be replaced by something totally different and significantly inferior. You are our voice, and we ask that you act as our voice by rejecting this application.

Thank you Eunice Vellon 95 Via Orilla Dorado Rancho Viejo Santa Fe, NM 87508 Ranchland Utility Company March 6, 2014 Page 2

If you have any questions about this inspection report, please contact Sandra Gabaldon at (505) 827-1041 or at sandra.gabaldon@state.mn.us.

Sincerely,

/s/ Bruce J. Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail Racquel Douglas, USEPA (6EN-WM) by e-mail Gladys Gooden-Jackson (6EN-WC) by e-mail NMED District II, by e-mail

RANCHLAND UTILITIES	PERMIT NO. NM0030368
SECTION A - PERMIT VERIFICATION	
PERMIT SATISFACTORILY ADDRESSES OBSERVATIONS SOLD IN U IN NA (FURTHE DETAILS Typographical error has been found in Part I, Effluent Limitations of the permit FPA has been notified	N.
1. CORRECT NAME AND MAILING ADDRESS OF PERMITTEE	■ Y □ N □ NA □ Y □ N □ NA ■ Y □ N □ NA
2. NOTIFICATION GIVEN TO EPA/STATE OF NEW DIFFERENT OR INCREASED DISCHARGES	□ y □ N ⊠ NA
3. NUMBER AND LOCATION OF DISCHARGE POINTS AS DESCRIBED IN PERMIT	⊠ y □ n □ na
4. ALL DISCHARGES ARE PERMITTED	⊠ y □ n □ na
SECTION B - RECORDKEEPING AND REPORTING EVALUATION	
RECORDS AND REPORTS MAINTAINED AS REQUIRED BY PERMIT. □ S ☑ M □ U □ NA (FURTHER DETAILS)	SR EXPLANATION ATTACHED YES)
1. ANALYTICAL RESULTS CONSISTENT WITH DATA REPORTED ON DMRs.	□Y ⊠ N □ NA
2. SAMPLING AND ANALYSES DATA ADEQUATE AND INCLUDE.	⊠s □ M □ U □ NA
a) DATES, TIME(S) AND LOCATION(S) OF SAMPLING	⊠y□n □na
b) NAME OF INDIVIDUAL PERFORMING SAMPLING	MATHNTAM
c) ANALYTICAL METHODS AND TECHNIQUES.	MY ON ONA
d) RESULTS OF ANALYSES AND CALIBRATIONS.	MY ON ONA
e) DATES AND TIMES OF ANALYSES.	XY ON ONA
f) NAME OF PERSON(S) PERFORMING ANALYSES.	MY ON ONA
3. LABORATORY EQUIPMENT CALIBRATION AND MAINTENANCE RECORDS ADEQUATE.	OS OM WU ONA *
4. PLANT RECORDS INCLUDE SCHEDULES, DATES OF EQUIPMENT MAINTENANCE AND REPAIR.	⊠ s □ m □ u □ na
5. EFFLUENT LOADINGS CALCULATED USING DAILY EFFLUENT FLOW AND DAILY ANALYTICAL DATA.	⊠ y □ n □ na
SECTION C - OPERATIONS AND MAINTENANCE	
TREATMENT FACILITY PROPERLY OPERATED AND MAINTAINED.	R EXPLANATION ATTACHED <u>YES)</u>
1. TREATMENT UNITS PROPERLY OPERATED.	⊠s □ M □ U □ NA
2. TREATMENT UNITS PROPERLY MAINTAINED.	□s⊠m □u □na
3. STANDBY POWER OR OTHER EQUIVALENT PROVIDED .	□ s ⊠ M □ U □ NA
4. ADEQUATE ALARM SYSTEM FOR POWER OR EQUIPMENT FAILURES AVAILABLE.	OS DM ZU DNA * NOU O
5. ALL NEEDED TREATMENT UNITS IN SERVICE	
6. ADEQUATE NUMBER OF QUALIFIED OPERATORS PROVIDED.	□s □m ⊠u □na 🗶
7. SPARE PARTS AND SUPPLIES INVENTORY MAINTAINED.	□s⊠m□u□na
8. OPERATION AND MAINTENANCE MANUAL AVAILABLE. STANDARD OPERATING PROCEDURES AND SCHEDULES ESTABLISHED. PROCEDURES FOR EMERGENCY TREATMENT CONTROL ESTABLISHED.	⊠Y□N□NA ⊠Y□N□NA ⊠Y□N□NA

RANCIILANI) UTILITIES					PERMIT N	O. NM0030368
SECTION F - LA	BORATORY (CONT	"D)					
2. IF ALTERNATIVE	ANALYTICAL PROCE	DURES ARE USED, PRO	PER APPROVAL HAS	BEEN OBTAINED		ПүПи	X NA
3 SATISFACTORY (CALIBRATION AND M.	AINTENANCE OF INSTE	RUMENTS AND EQUIP	MENT. (pH)		□ s □ m ⊠ t:	□ NA *
4. QUALITY CONTR	OL PROCEDURES ADE	EQUATE.				⊠s□м□υ	□na
5. DUPLICATE SAM	PLES ARE ANALYZED	0 % OF THE TIME.				□ y 🗵 N	□ NA
6. SPIKED SAMPLES	S ARE ANALYZED	% OF THE TIME.				□т□м	⊠ NA
7. COMMERCIAL LA	ABORATORY USED.					X Y D N	□ NA
LAB NAME	SUMMIT ENVIR	ONMENTAL TECHNOLO	OGIES, INC.		BIO AQUATIC TE	STING, INC.	
LAB ADDRESS	3310 Win Street, C	uvahoga Falls, OH 44223			2501 Mayes Road,	Suite 100; Carrollton, T.	X 75006
PARAMETERS PER	REORMED <u>BOD, TSS.</u>	E. Coli			Biomonitoring		
SECTION G - EF	FLUENT/RECEIVIN	G WATERS OBSER	VATIONS.	s 🗆 M 🗆 U 🗆 NA	FURTHER EXPLANATION	N ATTACHED <u>YES</u>).	
OUTFALL NO.	OIL SHEEN	GREASE	TURBIDITY	VISIBLE FOAM	FLOAT SOL.	COLOR	OTHER
001	NONE	NONE	NONE	NONE	NONE	CLEAR	
RECEIVING WATER	OBSERVATIONS			L			<u></u>
SECTION H - SLU	DGE DISPOSAL		,				
SLUDGE DISPOSAL DETAILS:	MEETS PERMIT REQU	IREMENTS.	Œ	ls 🗆 м 🗆 и 🗆 м	A (FURTHER EXPLANATIO	ON ATTACHED <u>NO</u> .).	
1. SLUDGE MANAGI	EMENT ADEQUATE TO) MAINTAIN EFFLUENT	QUALITY.			⊠s□м□u	□ NA
2. SLUDGE RECORD	S MAINTAINED AS RE	QUIRED BY 40 CFR 503).			⊠s □ M □ U	□ NA
3. FOR LAND APPLI	ED SLUDGE, TYPE OF	LAND APPLIED TO: N	A (e.g., FOREST,	AGRICULTURAL, PUBI	LIC CONTACT SITE)		
SECTION I - SAM	MI ING INSPECTIO	N PROCEDURES	מודוובי ביבו אנודמי	u ittichen)			
1. SAMPLES OBTAINED THIS INSPECTION. □ Y □ N ☒ NA							⊠ NA
2. TYPE OF SAMPLE	OBTAINED						
GRAB	COM	POSITE SAMPLE N	METHOD FR	IFQLENCY			
3. SAMPLES PRESERVED.						乙 NA	
4. FLOW PROPORTIONED SAMPLES OBTAINED.						X NA	
5. SAMPLE OBTAINED FROM FACILITY'S SAMPLING DEVICE.							
6. SAMPLE REPRESENTATIVE OF VOLUME AND MATURE OF DISCHARGE.							XI NA
7. SAMPLE SPLIT WI	THI PERMITTEE.					□т□н	X NA
8. CHAIN-OF-CUSTO	DDY PROCEDURES EMI	PLOYED.				□ү□и∣	X NA
D. SAMPLES COLLECTED IN ACCORDANCE WITH PERMIT.						□ y □ n i	X NA

9. SAMPLES COLLECTED IN ACCORDANCE WITH PERMIT.

pond where it is later used for irrigation on land application sites located within the Rancho Vieio development area or is directly discharged. On this day, the facility was discharging its effluent.

Sludge:

The aerobic sludge digestor has a capacity of 85,000 gallons. The digester receives WAS from the clarifier and is digested and gravity thickened. Supernatant from the sludge digestor is returned to the influent wet well.

A private contractor hauls digested sludge to a septage/sludge receiving station operated by the City of Santa Fe Wastewater Treatment Facility. The city completes additional treatment of the sludge prior to final surface disposal/composting.

similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

b. The permittee shall provide adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

Findings for Section C - Operation and Maintenance:

The biolac system has floating solids as well as noticeable grease. Three of the fine bubble diffusers were malfunctioning.

The automatic dial alarm system was not functioning properly during this inspection. The inspector requested the operator to manually trigger the alarm and it did not call the operator's cell telephone nor did the beacon light function. The operator did notify the inspector a few days later stating that the wires were checked and tightened and the alarm system was now functional.

Mr. Quintana, level IV operator, is the only certified operator on site. The operator stated that he is currently training Marcus Ortiz, who has no certification. The operator did state that they are contracted with Magnum Environmental to help with operational duties. However, the operator from Magnum Environmental is certified at a Level II. A certified Level III operator is required for this facility.

The facility has a generator on site. However, this generator does not provide power to the entire facility if there is a power failure. The generator provides power to one lift station (there are two lift stations), the blowers and barscreen.

The operator stated that there are limited spare parts. There is no inventory list of spare parts available.

The totalizer is placed in an improper location; the totalizer is located in the wrong position relative to the primary device. It is placed close to the discharge point in an area of turbulence.

Section D - Self-Monitoring - Overall Rating "Marginal"

Permit requires in Part III, C.5 Monitoring Procedures:

- a. Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified or approved by the Regional Administrator.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurement and shall maintain appropriate records of such activities.

DISCHARGE MONITORING REPORT CALCULATION CHECK

NOVEMBER 2013 (FACILITY STARTED DISCHARGING SECOND WEEK IN NOVEMBER)

E. Coli

Sample Dates:	11/13/2013	11/20/2013	11/26/2013	Data reported on DMR
E. coli (#100ml)	<1.0 MPN	<1.0 MPN	<1.0 MPN	
Daily Max				<1.0
30-day Average:	Log(1.0) + log(1.0) + log(1.0) = 0			10.0
Log of colonies per 100 mL				<i> </i> —
Add all logs and divide by	0 + 0 + 0 = 0/3 = 0			
number of samples.				
Geometric Mean is antilog.	Antilog $0 = 1*$			

^{*}Does not match what was reported on DMR (10 MPN/100 ml)

BOD

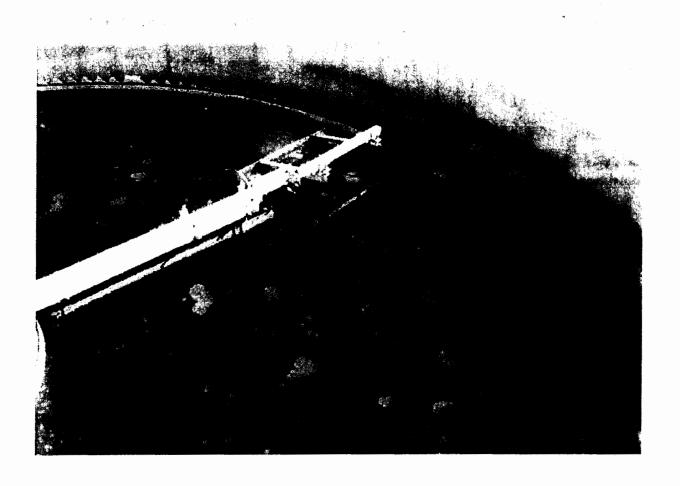
Sample Date:	Daily Flow (MGD)	BOD (mg/l)	Calculated Daily Load			
11/12/2013	0.1372	8.1	(0.1372)(8.34)(8.1) = 9.268			
11/19/2013	0.0506	18	(0.0506)(8.34)(18) = 7.596			
11/25/2013	0.1458	13	(0.1458)(8.34)(13) = 15.808			
Calculated Monthly Average	9.268 + 7.596 + 15.808 = 32.672 / 3 = 10.891 lbs/day					
(Londing):						
Calculated Monthly Average	8.1 : 18 : 13 - 39.10 / 3 - 13.03 mg/L					
(Conc.):						
Reported on DMR	10.9 lbs/d 30-D Avg.; 18.6 lbs/d 7-D Avg.					
	13.0 mg/L 30-D Avg.; 18 mg/L 7-D Avg.					

TSS

Sample Date:	Daily Flow (MGD)	TSS (mg/l)	Calculated Daily Load		
11/12/2013	0.1372	9.0	(0.1372)(8.34)(9.0) = 10.298		
11/19/2013	0.0506	12.0	(0.0506)(8.34)(12.0) = 5.064		
11/25/2013	0.1458	6.0	(0.1458)(8.34)(6.0) = 7.296		
Calculated Monthly Average (Loading):	10.298 + 5.064 + 7.296 = 22.658 / 3 = 7.553 lbs/day				
Calculated Monthly Average (Conc.)	9.0 + 12.0 + 6.0 = 27/3 = 9 mg/L				
Reported on DMR	7.6 lbs/d 30-D avg.; 12.4 lbs/d 7-D avg. 9.0 mg/L 30 D avg., 12.0 mg/L 7 D avg.				

NMED/SWQB Official Photograph Log Photo # 2

Photographer: Daniel Valenta	Date: February 25, 2014	Time: 0950 Hours
City/County: Santa Fe / Santa Fe		State: New Mexico
Location: Ranchland Utilities		
Subject: East clarifier		



- (2) thereby Univest breaks and sets precedent for future breaking the integrity of RV, the concept of planned development, and CCDC & SLDC,
- (3) pursuing piecemeal development of apartments on only 22 of the 57 acres,
- (4) adding more commercial property to RV incongruously and without membership in and oversight by a property owners association.
- (5) falsely construing the apartment land as a Village Zone within the CCDC.
- Univest has clearly demonstrated by the placement and construction of BTI and Easter Seals El Mirador during the past two years, that it and no other entity intend to exercise oversight of architectural, organizational, and operational features of the apartments— a bad precedent and situation for future wellbeing of the RV Community.
- In the past month, Univest has hid behind Vedura Residential Operating, LLC, letting it be the Applicant on Case 13-5380. The BCC must not fall for that deception—Univest remains the land owner and thereby the prime applicant.

In conclusion, I implore the BCC to:

- (1) reject Univest's application 13-5380 to develop apartments of specified land in RV,
- (2) require URV to live faithfully by CCDC & SLDC,
- (3) suggest that URV return to you with a proposal to reinstate the College North Master Plan.

Sincerely,

Glen Smerage

and factories - developments that failed through false economic promises, poor planning, lack of infrastructure and funding, or other reasons. Most of these projects promised "jobs and a higher standard of living", but did not deliver on these claims for anyone but the developers.

Please put yourself into the moccasins of a resident of this community and consider the following:

1. Conservation: This area was marketed to residents as a sustainable place to live, with 50% open space for recreation and conservation. I paid a premium for a "conservation lot" and am limited on what I can do with my property. The covenants of this Association do not allow me to have a swimming pool, so I use the SFCC pool. I also have to ask my Association for permission to put in a hot tub. Why should an Arizona developer be allowed to build a multi-unit building that is not subject to the covenants of this community? And why do we need another pool next door to SFCC when we are supposed to be conserving water in a desert environment?

- 2. Covenants and Maintenance Costs: Residents' Association dues pay for the privilege of using our trails and streets and of paving and maintaining them. The Architects would have you believe that the proposed apartments will help pay for upkeep of our trails and open areas, but this is not true. Since they will not belong to any of the three Associations in RV, the apartments will have no obligation to pay for anything, but will most certainly use our infrastructure, trails, streets, and parks for free.
- 3. **Sustainability**: I attended the County Commissioners meeting last December when the <u>new SLDC</u> was passed along with a HERS requirement of 70. <u>I doubt that the apartment buildings will be subject to this requirement</u>. So, while new single-family homes will have to meet a <u>HERS=70</u>, two apartment blocks that will <u>not</u> have to meet any energy efficiency standards will be right in the midst of this community, leaking energy and using more than their share of water for decades.
- 4. **Job Growth**: As a HERS Rater, I have the opportunity to compete for energy audits on single-family homes and on low income multi-unit housing developments requiring energy efficiency; that is not true on this apartment complex. In addition, most developers from Arizona do not hire New Mexico labor and talent to build their projects they usually bring their own contractors and subs. In other words, I will not gain any business opportunities or business growth from this developer's plans, nor will most of my colleagues in the building industry. Perhaps some low wage jobs will be created for a property manager, lifeguard, janitors, and security people, but these will be minimal.
- 5. Infrastructure and Safety: As you know, the Northeast/Southeast Connector and its configuration is still being planned. Two apartment blocks with 214 units = 428 units. If two people move into each of these apartments, this could put another 856 vehicles on streets around SFCC. Even the Fire Marshall has expressed concerns about ingress and egress out of the area north of the college especially for emergency vehicles. We simply do not yet have the capability to handle the traffic increase that this project will generate. Imagine living on College Heights Drive during construction ... then trying to get to work in the morning once the units are open ... etc.
- 6. **Build-It-And-They-Will-Come**: How many times have you driven south along I-25 wondered about the defunct shopping mall? How often have you visited our own Outlet Mall and wondered why it's partially empty? Can this market really support "luxury apartments"? Who's going to live there? No one has been able to provide a good answer to this question. At the CDRC meeting, the Architect changed position, now supporting college students as tenants a very different business model than originally presented.

You've heard from many residents and you are both supporters of sustainability, so I may be "preaching to the choir". Please feel free to share my email with the other commissioners. Thank you for your time and consideration.

Respectfully yours

Teri Buhl 505-920-7041

Jose Larranaga

From:

Penny Ellis-Green

Sent:

Monday, July 07, 2014 8:37 AM

To:

Jose Larranaga

Subject:

FW: Arizona developers on de-annexed Rancho Viejo land.

----Original Message----

From: Liz Stefanics

Sent: Sunday, July 06, 2014 2:27 PM

To: Penny Ellis-Green

Subject: Fw: Arizona developers on de-annexed Rancho Viejo land.

Thanks, Liz Stefanics
Julia Valdez, Liaison. 505-986-6202

Sent from my BlackBerry 10.

Original Message

From: Rae Lunden < drsrae@earthlink.net >

Sent: Sunday, July 6, 2014 1:05 PM

To: Liz Stefanics

Subject: Arizona developers on de-annexed Rancho Viejo land.

Dear Ms. Stefanics,

I am emailing to express my opposition to this development. This area simply does not have the infrastructure nor the water to support a development of this magnitude. The volume of people and traffic the project would bring far surpasses what this area and its roads can bear.

Please do not allow these developers to profit from a loss to New Mexico's land and its people.

Thank you for your consideration, S. Rae Lunden, D.C. 96 Meador Lane Santa Fe, NM 87508

Sent from my iPad

Jose Larranaga

From:

Penny Ellis-Green

Sent:

Tuesday, July 08, 2014 8:01 AM

To:

Jose Larranaga

Subject:

FW: CDRC CASE # Z 13 5380 Elevation.

From: T Buhl [mailto:beaconsultingllc@gmail.com]

Sent: Monday, July 07, 2014 5:48 PM

To: Penny Ellis-Green

Subject: Fwd: CDRC CASE # Z 13 5380 Elevation.

Dear Penny,

Please accept my apologies for the late notice on this email. This morning, I was made aware of tomorrow evening's agenda for the County Commissioners, but have a meeting conflict. Because of this, I sent the attached email to two of the commissioners at the request of some fellow Rancho Viejo residents. A few minutes ago, I was told that this might create an issue of "ex parte" communications. Please accept my apologies if I have created problems for anyone. I thought it would be too late for you to include my comments in the Commissioners' packages for the meeting. If my email can be included for the meeting, I would appreciate it; it is basically a restatement of comments that I (and other residents) made during the public comments period of the last CDRC meeting. I did not intend to provide undue influence or cause problems for any commissioners when making a decision on this important community issue.

----- Forwarded message -----

From: T Buhl < beaconsultingllc@gmail.com >

Date: Mon, Jul 7, 2014 at 4:55 PM

Subject: CDRC CASE # Z 13 5380 Elevation.

To: kholian@santafecountynm.gov, lstefanics@santafecountynm.gov

Cc: Julia Valdez < iavaldez@santafecounty.org>

Dear Commissioners Stefanics and Holian,

I am one of Stephen Onstad's business colleagues and a fellow HERS Rater. I live in Rancho Viejo and have attended many meetings regarding Vedura's request through JenkinsGavin to build two 214-unit apartment blocks next to SFCC. I'm sure you are aware that the original master plan was marketed to homeowners with plans for 60 single-family homes in the College Heights area - not "luxury" apartments with a swimming pool. Please adopt the CDRC's recommendation to NOT approve the construction of these apartment complexes.

As a HERS Rater and small business owner, I am pro-development and believe in sustainability. Why? I moved here from Michigan and can provide you with numerous examples of derelict developments full of empty strip malls, abandoned condos/homes, and boarded up businesses and factories - developments that failed through false economic promises, poor planning, lack of infrastructure and funding, or other reasons. Most of these projects promised "jobs and a higher standard of living", but did not deliver on these claims for anyone but the developers.

Please put yourself into the moccasins of a resident of this community and consider the following:

Teri Buhl

505-920-7041 SFAHBA BOD & Green Building Council Chair HERS Rater and Home Innovations/NGBS Green Verifier Affiliate of EverGreen Building Solutions

Quote of the Week: The greatness of a nation and its moral progress can be judged by the way its animlas are treated. Mahatma Gandhi, Indian Attorney and Leader

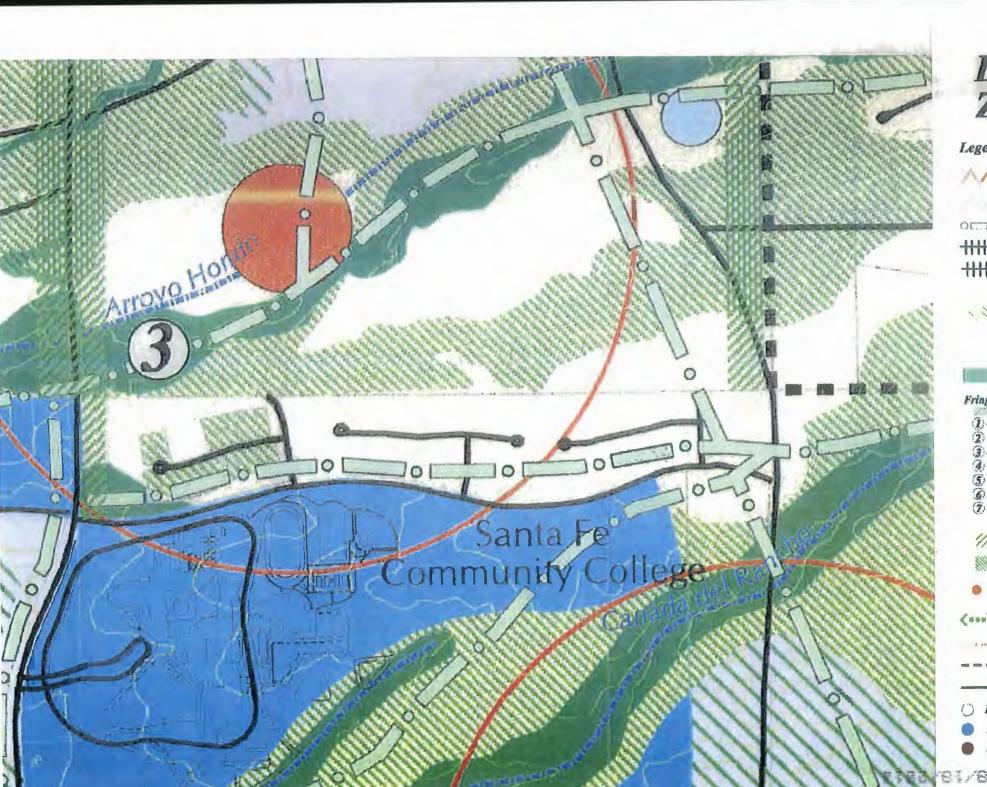


EXHIBIT Land Us _________Zoning Map

Legend

Community College District Boundary

Major Drainages

OLDO District Trails Proposed Alignments

HH Existing Rail Road

++++ Proposed Rall Road

Village Zones

Flatland Pinon/Juniper

Employment Compuses and Centers

Institutional Campuses

Arreyo Corridors and Open Space

Fringe Zones

Buffer Areas

1) - Highway 14 buffer

2 - Vista Ocasa buffer

3 - Richard's Ave/ 200 ft. both sides

4: - Arroyo Hondo West buffer

5 - Nine Mile buffer

6 - El Dorado buffer

7) - 150'-350' Highway Corridor Refer to Highway Corridor Plan

//// Hillsides/ Grasslands

Ilillside/ Pinon Juniper

New Community Centers & Walking Radii

<*** Village Separators

... Rural Zones

-- - Existing Neighborhood Zones

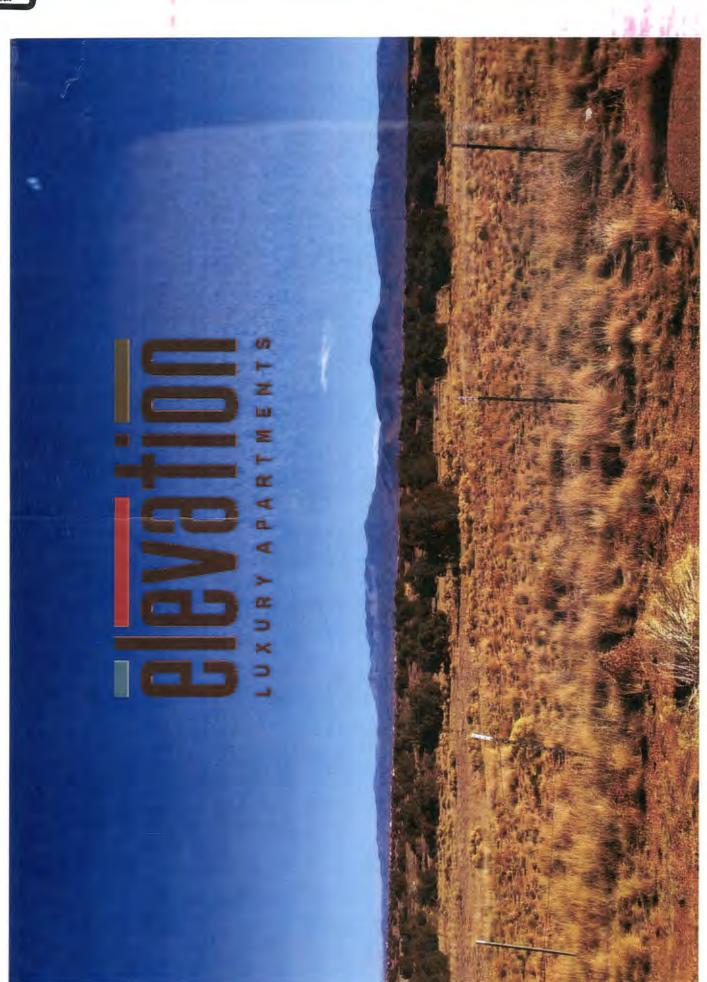
- Roads - Proposed & Existing

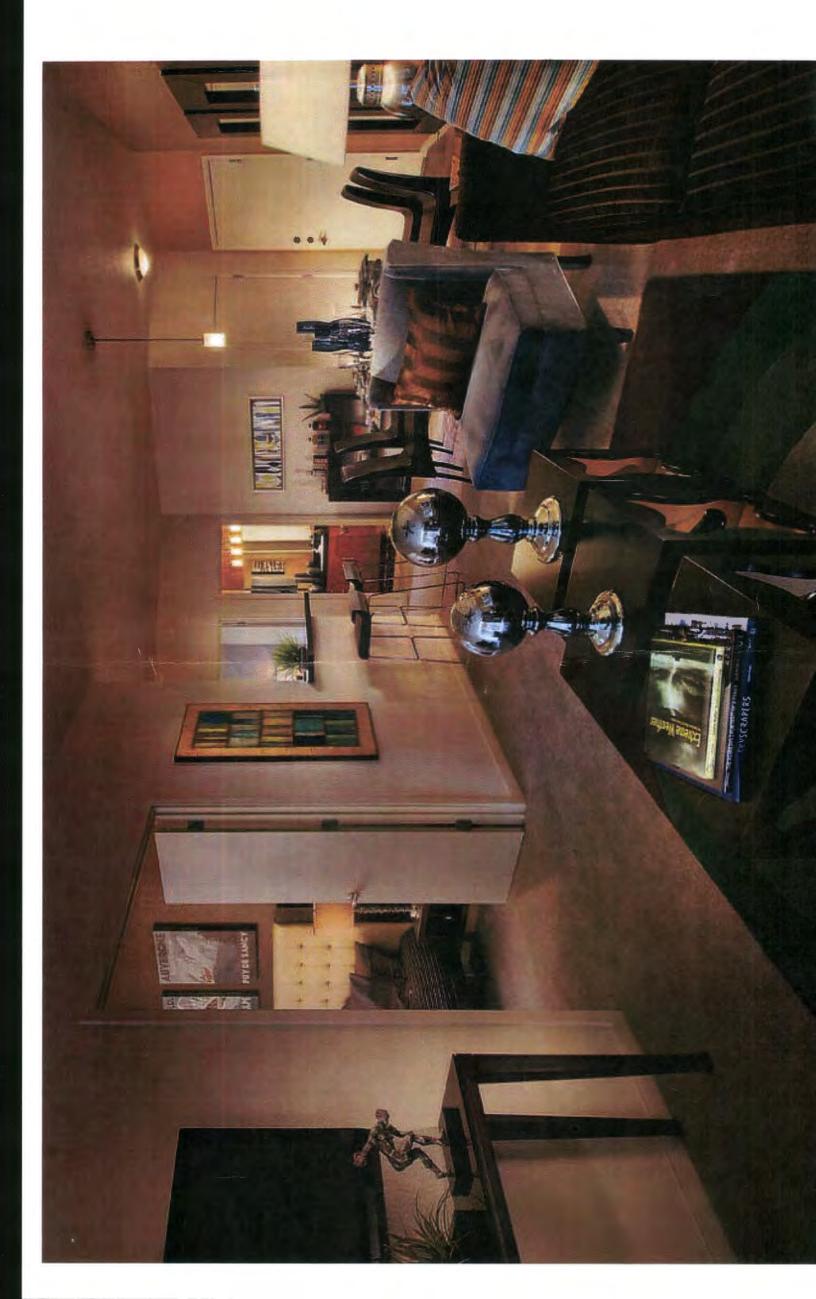
Elementary Schools

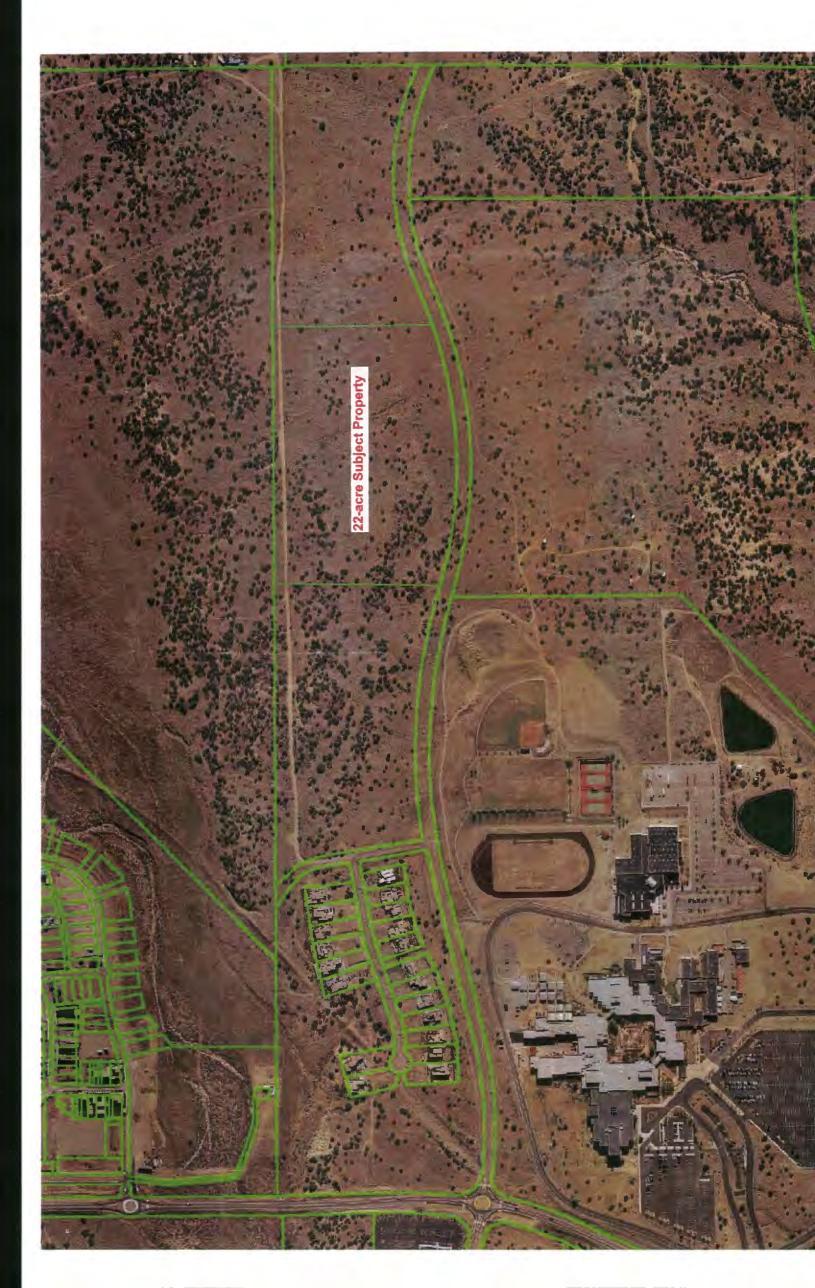
Middle Schools

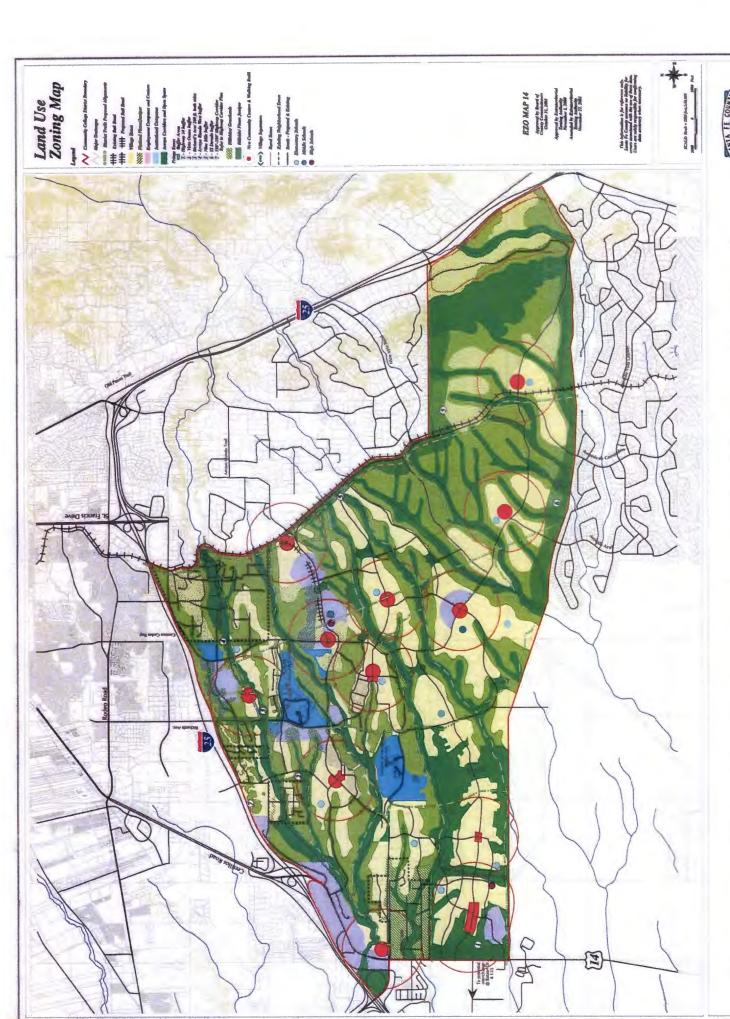
High Schools











Santa Fe Community College District



		VILLAGE ZONES OTHER ZONES							
USE CATEGORY	New Community Center	Neighborhood Center	Neighborhoods (optional)**	Fringe Zone	Rural Zone	Employment Center Zone	Institutional Campus Zone	Open	Village Separators *
ELIGIBLE USES									
Residential and Residential Accessory	用品牌品牌	SELECTION OF THE SELECT	局理解基础遗憾期	能到地區	SERVICE	经定货的证据	世世 的 一	Section 1	Production of
Bed and Breakfast (6 units max.)	х	X	Х.,	×	X	- Aller and a second	E SIL SIL SIL SIL	3,310,000	Musicania Carrier San La
Group Homes and Shellers	х	X	X		×	×	X		
Guest Houses and secondary dwellings	X	X	X	Х	х	X	X		
Home Day Care (12 or fewer children)	X	X	X	X	X	X	x		
Home Occupations	х	X	X	X	х	X	x		-
Live / Work Dwellings	×	X	X	X	X	X	X		
Residenitial, dormitories	×	х			X		×		
Residential, Limited Multifamily (4units max.)	x	X	X	X	X	X	х		
Residential, Mulitfamily (over 4 units)	×	×	×			×	×		
Residential, Single family	×	X	X	Х	X	X	×	-	
Retirement Homes/Assisted Living	х	X		S			×		
Studios	x	X	×	×	X	×	×		
Civic/Public/Institutional			三月 的 10 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日			建筑		建筑建设	Salar Ball
Auditoria, Community Theatres, Museums	×	X	- Application of the party of t	2-300-1371-15	TO PERSON	S	X	17.20.50	ATTION STATES
Cemeteries			X	X	X		1	S	S
Churches/Fleligious Institutions	×	х	X	×	X	х	×	-	-
Day Care (more than 12 children)	Ж	×	S	X	×	×	x		
Hospitals					-	S	S	-	
Nursing Homes	×	×		S			×		-
Private Club/Lodges	×	X		S			S	1	
Public Buildings	X	×		1		×	X		-
Recreational areas, play fields & facilities, including			***************************************	1	-				
school fields	×	×	X	1	×	S	X	S	S
Recreational buildings, public indoor	×	X	S	S			×	1	
Schools: Colleges, Univerities, Vocational	к	×		-	-		×	1	-
Schools: K-6, Public	×	×	×	S	-		×		
Schools: Middle or High, Public ***	×	×	S	-			х		
Schools: Private	×	X	X	S	S	° S	×	-	
Commercial/Industrial	Alexander and	地区 国际	3.4 地名美国西西西		SHEWE:	THE CHIEF STREET		**************************************	BANGO TE
Automotive sales/Auto, truck or RV dealerships	S	-Sap-Auto-en-Cheque			C Proceeding Plan High	S	and State of the State of State	STREET, STATE OF STREET	TA CONTRACTOR FOR SE
Automotive services/ Car Washes	S	S		-		X		-	
Automotive services/ Gas stations	S	S		-	-	S	·		
Automotive services/ repair shops	S	S				×		1	
Banks/Financial institutions	X	X		-	-	X	х		-
Business & Personal Services	×	×		-	-	×	X		-
Campgrounds, RV parks		^		-	v	_ ^		-	
Construction supplies & yards	J	x		×	X				
Distribution facilities	X S	X		-	-	X			
	3	×			-	S		-	
Greenhouses/Plant nurseries Guest Ranches, Resorts	X	X		S	X	X	-		
				5	X				
Health Clubs	X	S			-	Х	Х	-	
Hotel, motel, inns, Bed & Breakfast (over 6 units)	X	S		-	-	X	C		1
Indoor Recreational Centers	S	S		-	-		S	-	-
Industrial, Light & crafts manufacture)	5	1		S	X			

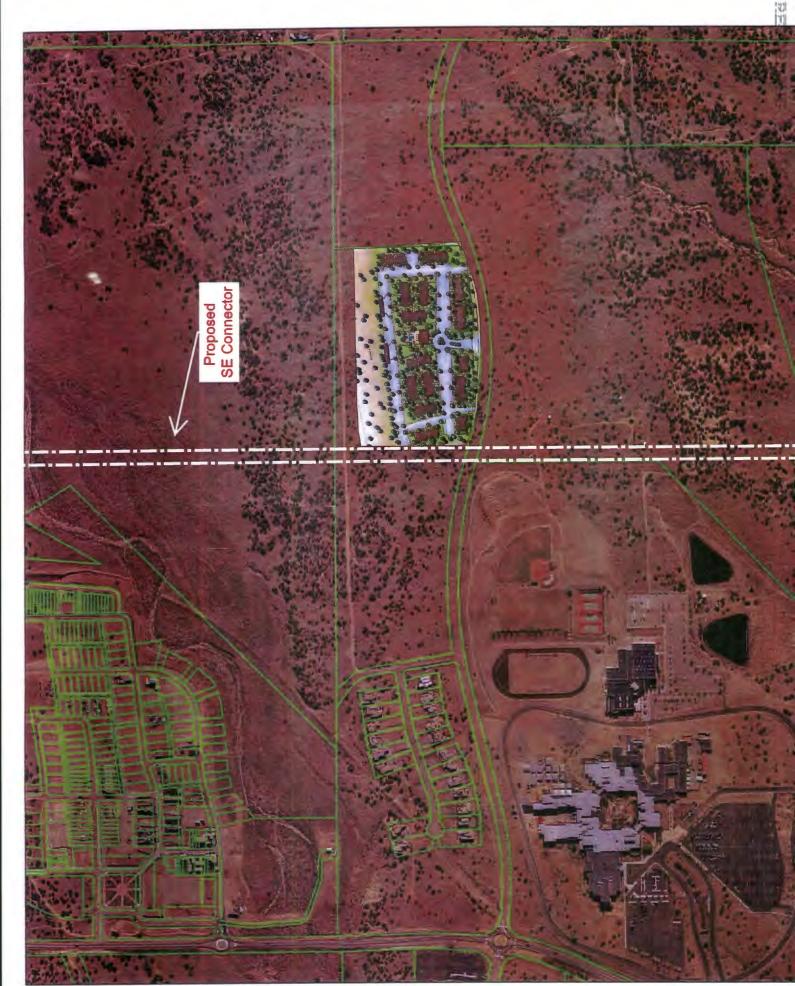
= uses eligible n zone

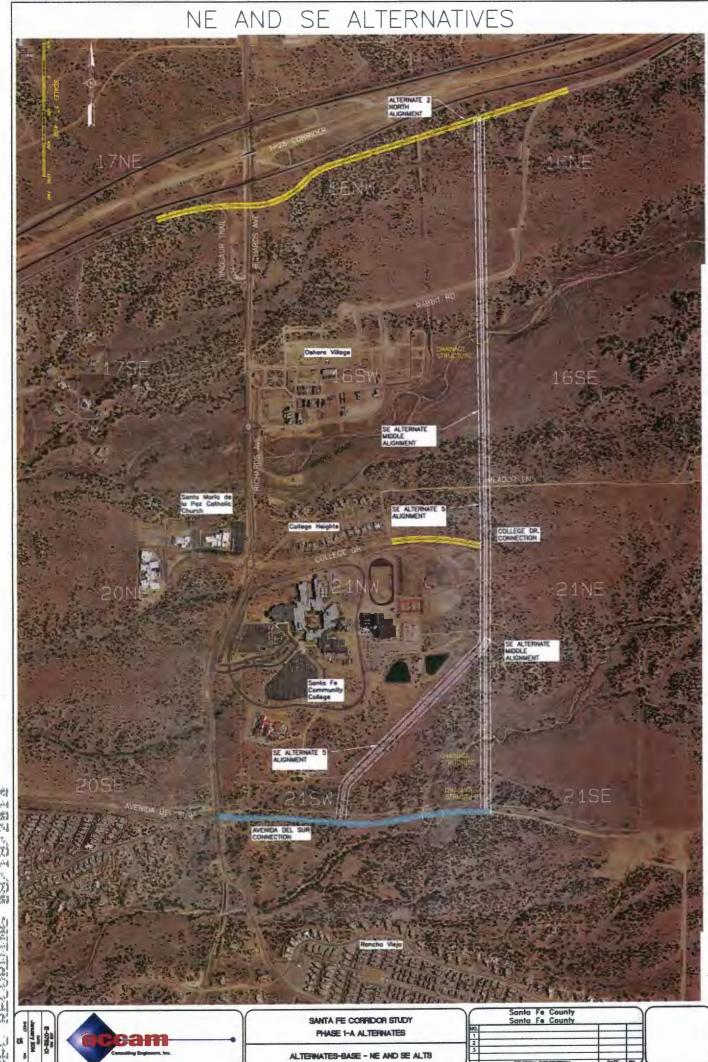
= special use

1845776

Community College District Ordinance, Section 4.B.1.(b)

All lands within the Community College District are zoned for the uses allowed in the Land Use Table. The purpose of the Master Plan is to establish the extent and scope of the project including, without limitation, the uses for the project, the site specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with the adjacent environment and with its overall needs for services and infrastructure.





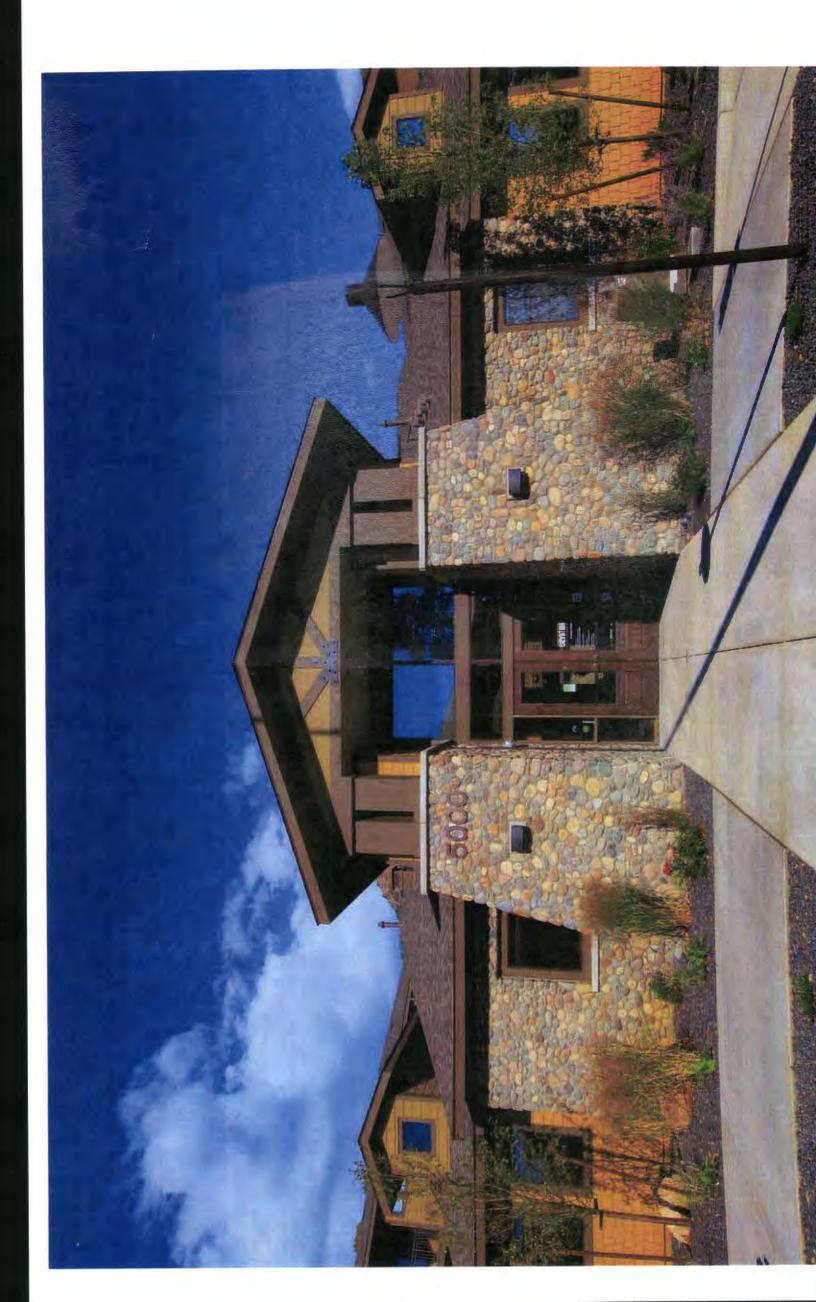
神田のこのでこの ひにはならられる



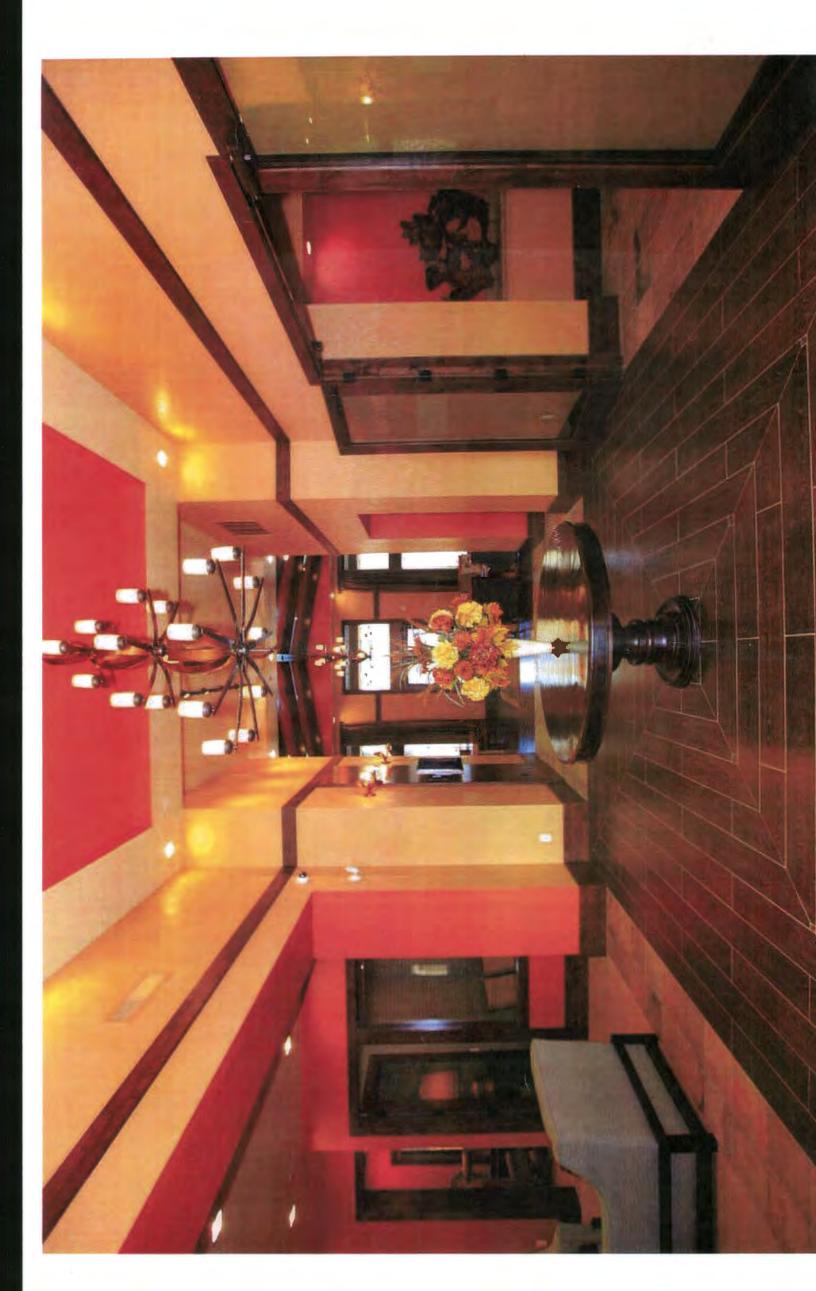




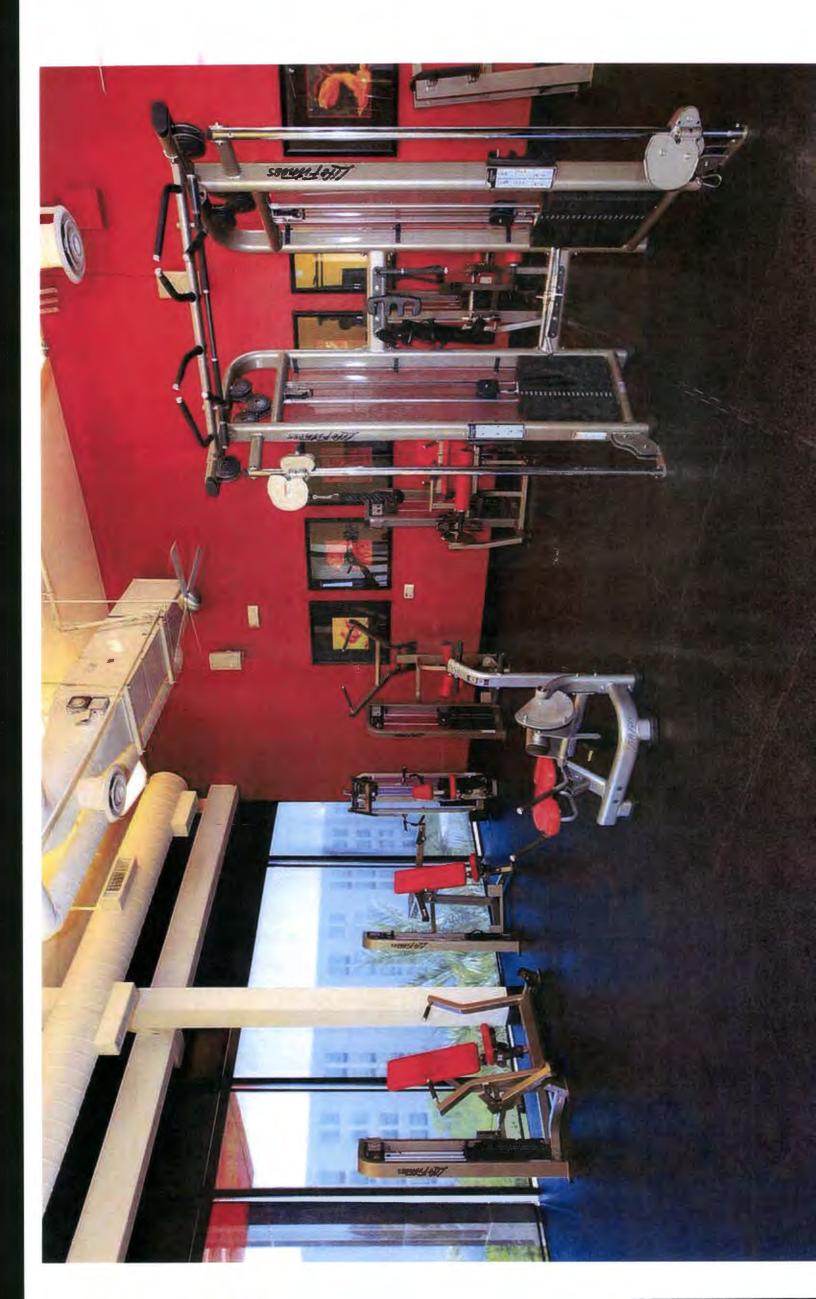


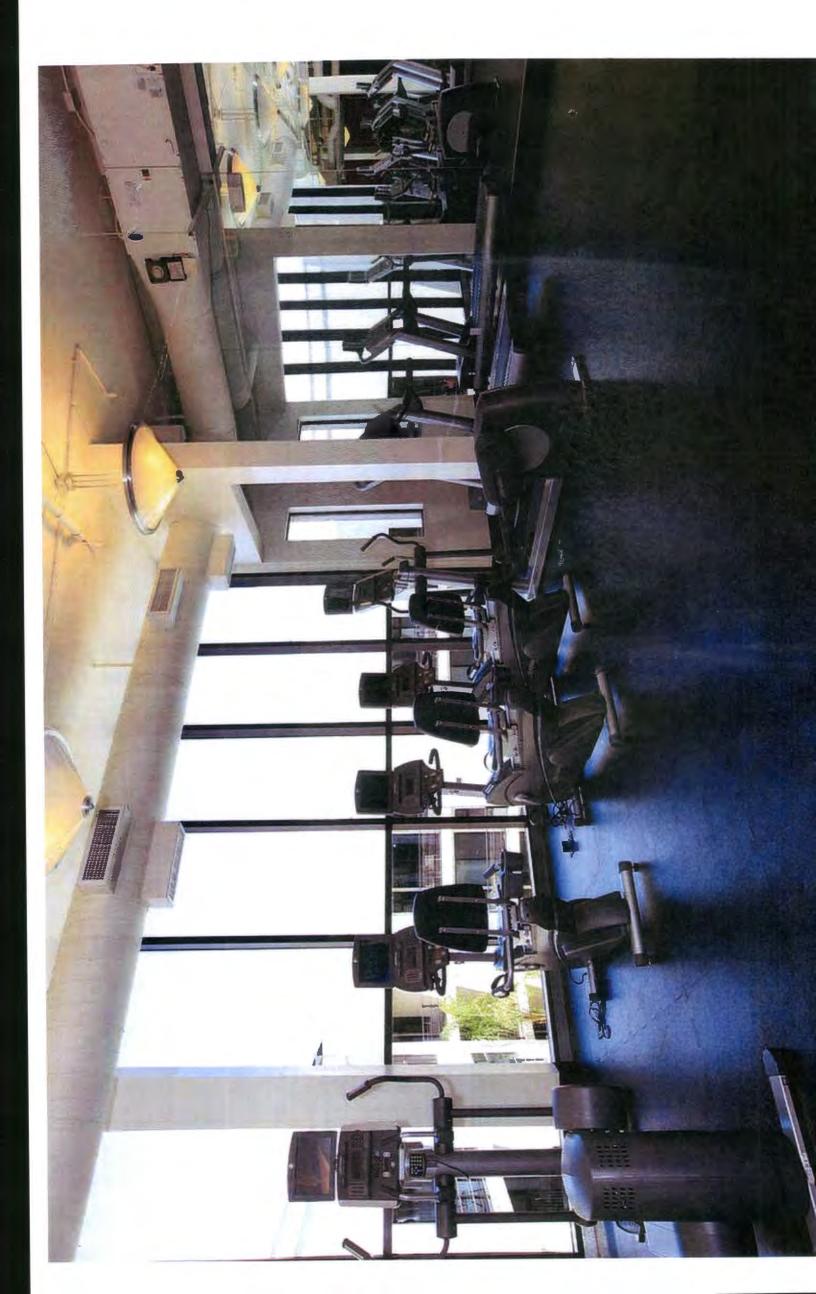


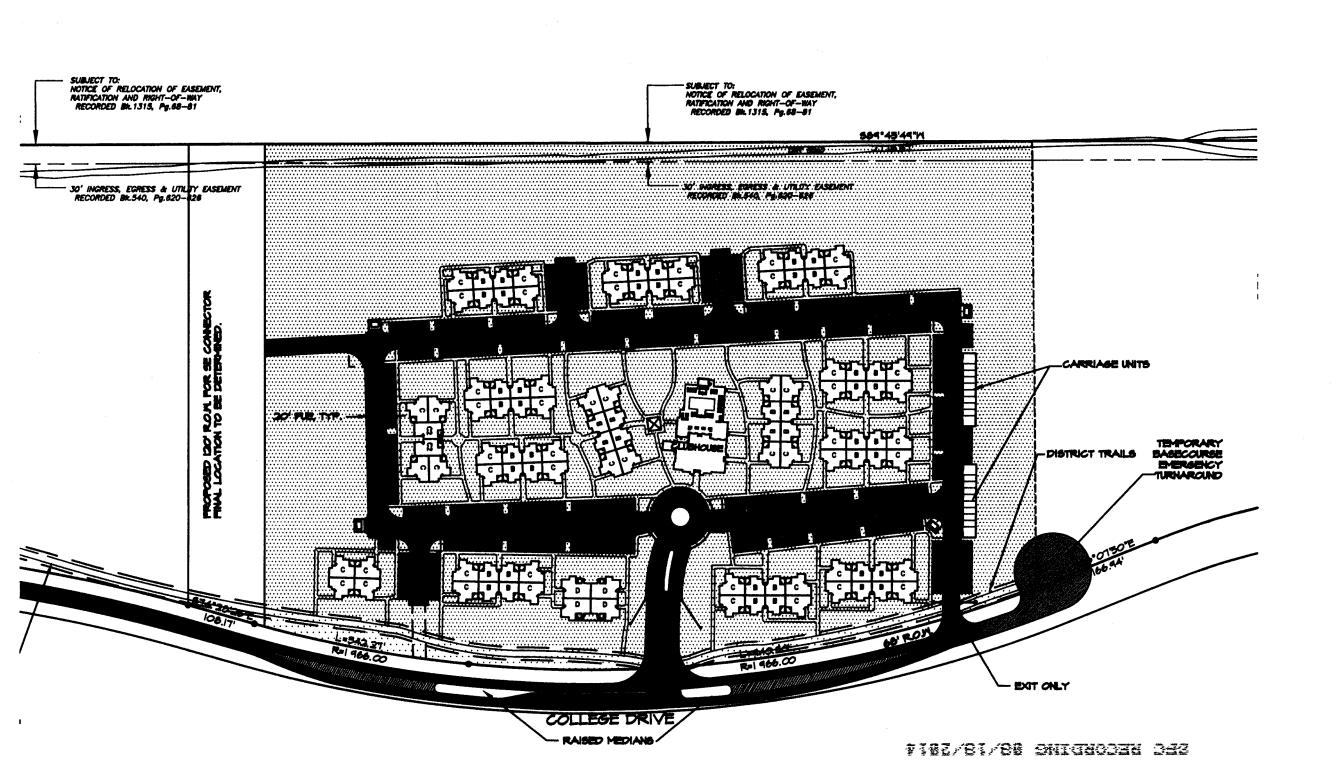


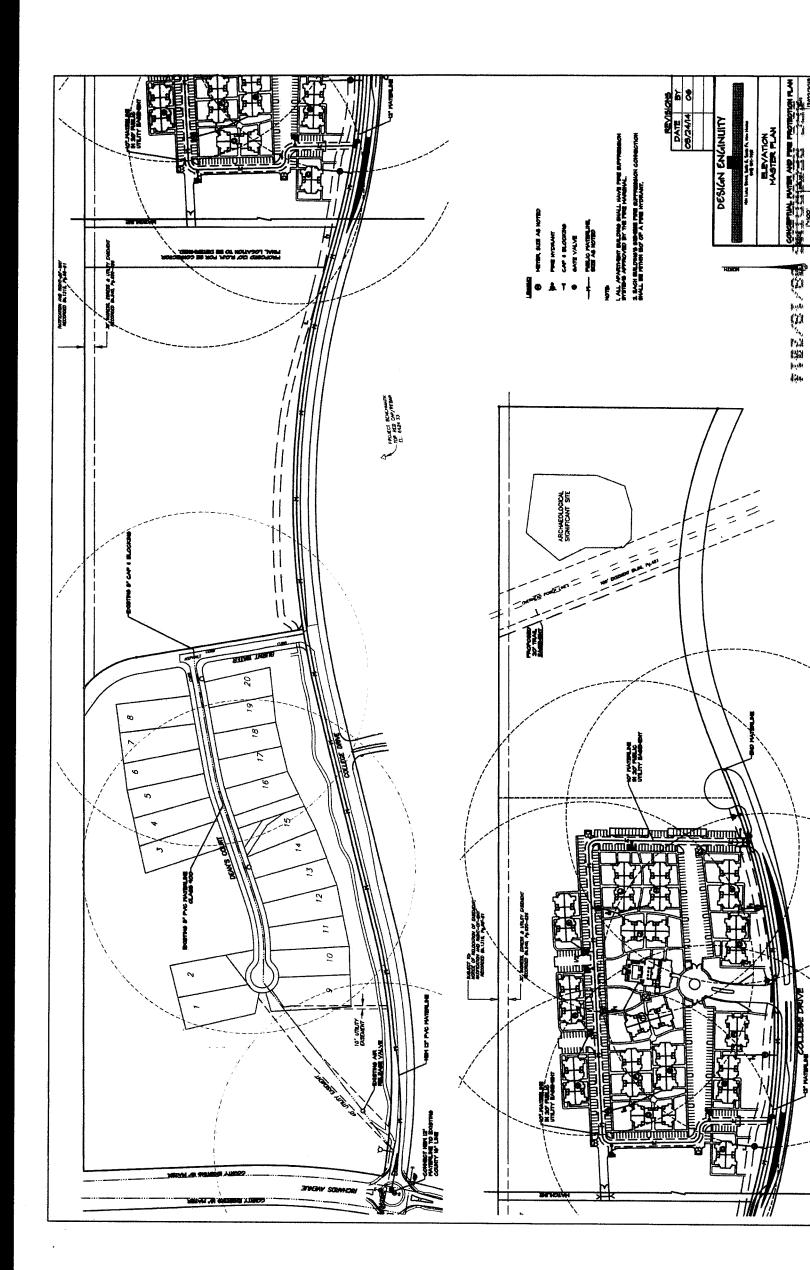


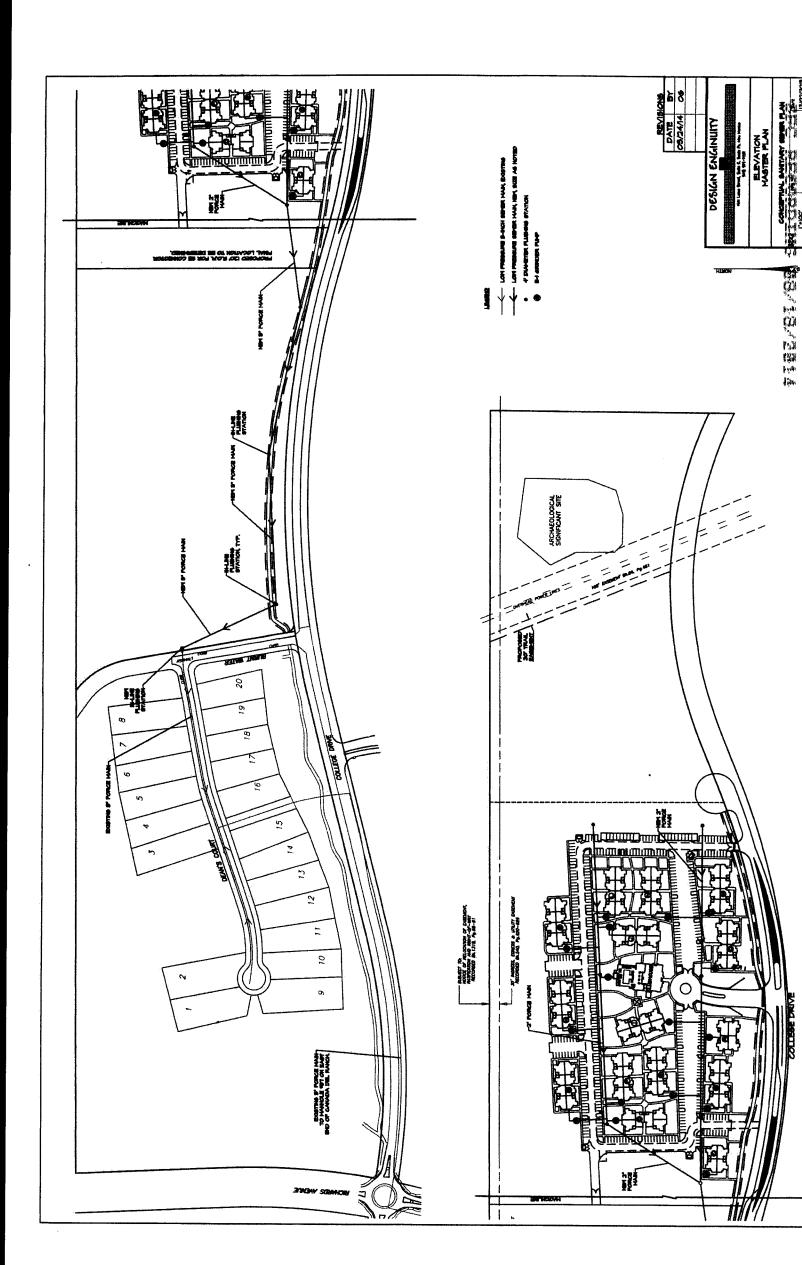


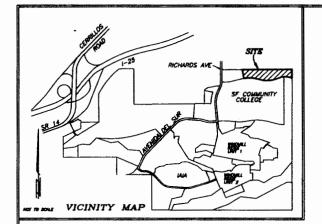












LEGENO:

BEATHOR ARE MEN MEDICO STATE PLANT, CENTRAL ZONE, DISTANCES ARE GROUND AT 8800'ASL. GROUND TO GRID SCALE PACTOR = 0.89958

OF ORIGINE DWISON CAPPER REINA, OF ALL BYOMA, TOURGE 9 DROTTES CAPPER DEVELOR (DWISON EUROPTS), OR AS BYOMA, SET PROPERTIES DRUGHET OF LANGE DEALT WITH HET THE PLAT PROPERTIES DEVELOPED OF THE BEAUTION OF THE PLAT.

HET THE PLAT. NOT VERTICE FOR ACCURACY AND IS NOT ANY OF THE PLAT.

THE PLAT BUBLECT TO ANY RESTRICTIONS, COMMINIS AND CUBBINDITS OF RECORD.

THE PROPERTY DATA IN PARENTHESIS IS FROM PRIOR PLATS OR DOCUMENTS.

CURVE TABLE						
CUME	D (1,73)	AADILA	AAG	CHORD	CHO MIG	
C1	A8781'21"	25.00	34.77	35,00	MEN DE OF Y	
	423131				NEGATION	
2	45.30'08"	1234.00	1001.50	174.24	ME 37 10 W	
C4	3723'45"	1966.00	1263.17	1200.62	A, Ch, Ch. Jack	
8	24'02'37"	2654.00	1071.76	1043.01	Maran Ala	
a	01'04'31"	1986.00	36.80	36.00	SHE SHE'Y	
C7	34.30,M.	1986.00"	1229.82	1200.86	\$67.07'40'V	
a	00'28'36"	1966.00"	16.35	14.35	K7642'43'W	

SANTA FE COUNTY APPROVAL NOTES AND CONDITIONS

COUNTY LAND USE ADMINISTRATOR - DATE RURAL ADDRESSING - DATE

COUNTY FINE WARRIALL - DATE

COUNTY DEVELOPMENT PERMIT No.

THE LANDS SHOWN HEREON LIE WITHIN THE PLATTING AND PLANNING JURISDICTION OF SANTA PE COUNTY.

MANTENANCE OF PRIMITE ACCESS EASEMENTS, UTLITY EASEMENTS AND/OR PRIMITE ROMBINS IS NOT THE RESPONSIBILITY OF SANTA FE COUNTY, UNLESS DEDICATED AND ACCEPTED FOR MANTENINCE BY THE SANTA FE COUNTY FUBLIC MOTORS DETINITION AND THE BOAND OF COUNTY COMMISSIONERS.

THE APPROVAL OF THE PLAT DOES NOT CONSTITUTE THE APPRICAL OF ANY PARTIES DEVELOPMENT SIZELDING BELLENG PREMITS, ALL STANDAND COUNTY PREMITS AND PERS MASS SE IN PLACE PRIOR TO COMMENCEDENT OF CONSTRUCTION ACTIVITY OF ANY KIND, DEVELOPMENT PREMITS FOR BULDING CONSTRUCTION WELL NOT SE SELSE LIVINE TROUBLED SEPTOMBERS FOR READING FIRE PROTECTION, TERMAN MANAGEMENT, AND DRAWING ARE COMPLETED AND APPROVED.

THE TRACTIS, PARCILS AND/OR LOTS SHOWN HETERIN LE CUTSICE THE URBAN WILLAMD INTERFACE ZONE OFFRED BY THE SAMTA PE COUNTY FRE DEPARTMENT, FIRE SPRENELEIS AND/OR FIRE STORME MY BE REQUIRED.

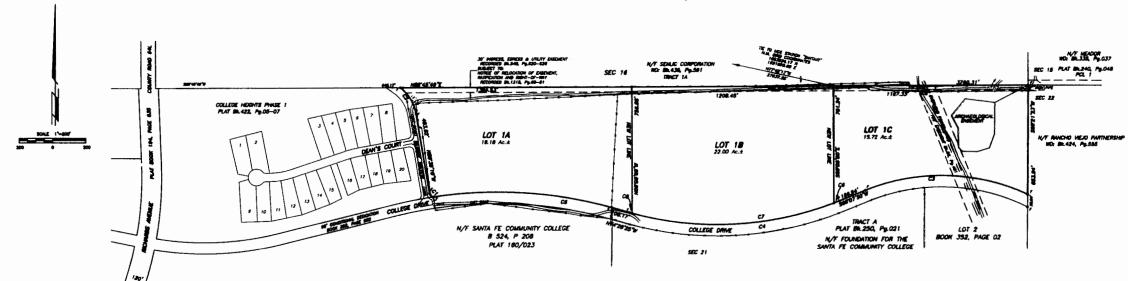
AFFIDAVIT

MONEY ALL LIGHT OF TREATS PRESENTED THAT THE UNDERSTOOM CHARGE(S) HAVE COLUMN TO AND THE PROPERTY SHOWN HE WISTON. HE AND ANGENES HAVE WHITE THE PRESENTED AND IN ACCORDANCE WITH THE DESIRES OF SHOW CHARGE AND ANGEL SHOWN THE ORDERSTOOM CONTAINS SALES AND ACRES, LIGHT OF LIGHT THE AND ACRES, LIGHT OF LIGHT THAT THE AND ACRES, THE THE THAT THE LIGHT THAT THE AND ACRES, THE THE THAT THE LIGHT THAT THE AND ACRES, THE THAT THE AND ACRES, THE AND ACRES, THE AND ACRES, THE LIGHT THAT THE AND ACRES, THE ACRES, TH

THE DIRECT LESS WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF BUTTA FE, ILLI. CHINGE, REMAINDER TRACT 1

MARKET THOMPSON
STATE OF MER MEDICO
DISTRICT MER MEDICO
DISTRICT MEDICON METALMENT HAS SHOWN, ACHOMILDOED AND
SUBSCRIEGO METALMENT HAS SHOWN, ACHOMILDOED AND
SUBSCRIEGO METALMENT HE BY MARKET THOMPSON
THAT
DAY OF THE METALMENT THOMPSON
THE METALMENT METALMENT THO

NOTARY PUBLIC MY COMMISSION EXPIRES



REFERENCE DOCUMENTS

1) COLLEGE PHASE 1, PLAT PREPARED FOR RANCHO WELFO DE SANTA FE, INC. RECORDED ALFOLIST 13, 1899, IN PLAT IN.422, Pg.03-07, SANTA FE COUNTY, NEW MEDICO.

2) IMPRIVATY DEED FROM THE ESTATE OF BEHINGE AMPROTE LONG, TO: MANCHO MALO MATHRESSHEP, RECORDED SALY SL. 1861, NR. 444, Pa.558, SANTA TE COUNTY NEW MEDICA.

3) LAND DIMISION AND CONDITIONAL ROAD DEDICATION, RANCHO VIEW DE SANTA PE, RECORDED DESCENSER 18, 1864, NR PLAT BE. 358, PLOS

COUNTY OF SWITA FT \$5
STATE of Nett ALEXCO \$5
I hardly certify that this hetrument
was fleet for record on the
south of the record on the
south of the record on the
south of the record of the
south of the record of the
south of the record of the
State of the record of the
County Clark

The south of the record of the
State of the record of th

SURVEYORS CERTIFICATION:

I MUNICIPY CONTRY THAT THE MAY IS A TRUE REPRESENTATION OF A SURVEY COMMETTED UNDER MY PERSONN SURPRISED ON THE 18th DAY OF AMAINST SOILS TO THE GEST OF MY FORWARD THE SURPRY MY DIAL ARE CORRECT, TRUE MO MO MEET THE MEMBERS FOR LAND SURVEYS IN HER MEDICO.

PRELIMINATION OF THE MEDICAL PROPERTY OF THE MEDICO.

EDWARD M. TRUMLLO.

NHP.LS. #12352

"TITLE AND INDEXING INFORMATION FOR COUNTY CLERK"

DIVISION PLAT OF COLLEGE HEIGHTS REMAINDER LOT 1, RECORDED IN PLAT BOOK 422, PAGE 05-07 PREPARED FOR

VEDURA RESIDENTIAL WITHIN

RANCHO VIEJO DE SANTA FE PLAT BOOK 352, PAGE 02. SECTIONS 21, T16N, R9E, NMPM COUNTY OF SANTA FE, NM

THE PURPOSE OF THIS PLAT IS TO CREATE 3 LOTS

DANSON SURVEYS INC.
MOTISSIONAL LIAB SURVEYS
SOCIAL CARROLL LIAB SURVEYS
SOCIAL LIABOR
SURVEYS ALVALL LIBOR
SURVEY





Tuesday, July 8, 2014

Santa Fe County Board of County Commissioners

re: Elevation at Rancho Viejo, #MPA 13-5380

Dear Commissioners,

Due to several changes in the Applicant's submittal, this letter will supplement and summarize my April 2, 2014 letter. Many neighbors of the proposed project object to the request to allow at least 214 rental apartments where 53 homes were previously approved and expected when the nearby residents purchased their homes. Please keep the following points in mind during your consideration of the application.

The Commission has the discretion to deny the request (Tab 1)

Section §4(B)(3)of the Community College District Ordinance requires review for "Impacts to schools, adjacent lands or the County in general" as well as "Conformance to the Santa Fe County Growth Management Plan as amended by the Community College District Plan."

County staff review recommends approval only with respect to <u>prescriptive</u> Code requirements. The BCCC may still reject the project under its <u>discretionary</u> authority. **If you find that the impact on the adjacent community and neighborhood is unreasonable, as shown by substantial evidence in the record, you may reject the application on that basis.**

Community College District Plan (Tab 2)

The CCDP was adopted in anticipation of College Heights buildout as initially approved and expected. For instance, the Future Road Network Study assumes only 53 additional dwelling units for College Heights Subdivision.

This application amends the CCDP itself, and it does so without consideration of the needs, expectations or health of the surrounding community.

Master Plan Area (Tab 3)

Under CCDO §4(B)(2), "The minimum area which must be included within a master plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant."

Applicant has numerous landholdings in Rancho Viejo, including the portion marked "Future Development" located between College Heights Phase 1 and the current project. Given the applicants' intention to substantially modify the expected land uses and interfere with the community's settled expectations, the Applicants must master plan <u>all</u> of their holdings in the area that may impact the residents of College Heights.

Zoning Limitations

Applicants seek a new master plan. It is not legally permissible to do so in such a limited context. In *Albuquerque Commons Partnership v. City of Albuquerque* the New Mexico Supreme Court said: "A targeted rezoning action is also called a piecemeal rezoning and stands in contrast to a comprehensive rezoning, which affects a substantial portion of land within the zoning jurisdiction belonging to many landowners." A piecemeal rezoning results in "specific properties or small groups of properties within an otherwise similarly situated class, restricting or allowing uses in ways that do not apply to the surrounding area or similar areas within the [zoning district]." **Piecemeal rezonings must be justified by 1) a change in conditions in the community or 2) a mistake in the original zoning.** There is no evidence in the record, nor do the applicants submit any information, regarding any change in the community or mistake in the original zoning. Their zoning request completely fails under this rule.

Albuquerque Commons does open up one other avenue to new zoning, if it is "more advantageous to the community, as articulated in the Comprehensive Plan or other [zoning district] master plan." In the case of a "more advantageous" zoning, there must be a public need for the change and proof that "that need will be best served by changing the classification of the particular piece of property in question as compared with other available property." There is also no evidence in the record of any particular public need or site-specific appropriateness. In this respect, the zoning is not only contrary to law, but also unsupported by substantial evidence.

In *Miller* the Supreme Court noted the "desirable stability of zoning classifications upon which the property owner has a right to rely, since property may be purchased or sold or uses of the property undertaken in reliance on existing classifications." Here, the community has come to expect continuation of the quiet, low intensity single-family use that as represented to them when they purchased their homes, and as has become an essential part of the community's identity.

Compliance with General Plan (Tab 4)

The Code requires conformance to the SGMP, which requires "transitioning between land use types, intensities, and densities using buffers and floor area ratios..." Here, **there is no transition zone** between the single-family residences and the 214 unit complex. When the original developer was seeking approval for the 1997 master plan, its land use planner stated that "College North is a transitional area between the rural densities and the Community College." **The developer should be held to that commitment**.

Adjacent Lands Impact Analysis (Tab 5)

The CCDO requires analysis of impacts to adjacent lands. **The application contains no such analysis.**

Deannexation

After the community pointed out that the Applicant's proposal violated the restrictive covenants, the Applicant simply removed itself from Rancho Viejo covenants altogether. However, that was not a permissible solution.

The County does not enforce restrictive covenants, however the covenants are relevant for the County's discretionary review as to whether amendment of the master plan is appropriate and honors the developers commitments and residents' established expectations. Several important cases were summarized in my prior letter.

Here, the developer¹ consistently represented in numerous ways, at numerous times that the subject property would contain only 73 single-family homes. This character of the subdivision was a significant part of how the properties were represented in marketing materials and sales pitches. Buyers who chose to live at College Heights made their choice based on the character of the neighborhood and their understanding that it would not change. The applicants cannot now attempt to amend the covenants or de-annex the property in order to fundamentally change the neighborhood character, density and form.

As an example, in *Cree Meadows, Inc. v. Palmer*,² the question presented was "whether or not any rights are created to other areas owned by the dedicators when a plat of the subdivision is used in making sales of lots." Noting that "defendants had sold lots to purchasers in some of the subdivisions by references to the then-existing plat and the restrictive covenants, and that some persons had purchased lots at higher prices than ordinarily would have been paid after having examined the plat, the covenants, and heard the representations of the owners or their agents" the Court held that the developers were prohibited from changing covenants, and thus changing the use, on land adjoining land that had been sold to individual purchasers through use of plats noting the originally contemplated uses. **The applicant's proposal completely destroys the image they presented in their marketing materials.**

For these reasons, my clients object to the proposed master plan and urge you to reject the application, allowing the applicants to move forward with the project as originally planned and platted.

Sincerely

Christopher L. Graeser

Chier of Grown

Applicant has assumed all rights and obligations of the developer. Tab 6.

² Similar cases include *Appel v. Presley Companies* and *Moore v. Megginson*, discussed in my prior letter

TAB 1

ССДО	(Community	College	District	Ordinance,	2000-12)
	•				

1846024 To the extent required by this Ordinance, applicants who have received d) Master Plan approval prior to the adoption of the Community College District Ordinance, shall show the location of open space, required parks, 3 plazas and trails on subsequent development plans and subdivision plats. Criteria for Approval 5 3. The criteria for approval of master plan applications in the CCD are as follows: 6 Conformance to the Santa Fe County Growth Management Plan as 7 amended by the Community College District Plan; 8

- Viability of the proposed phases of the project to function as completed b) developments in the case that subsequent phases of the project are not
- Conformance to the CCDO and other applicable law and ordinances in c) effect at the time of consideration, including required improvements, proposed roads and trails, community facilities, design and or construction standards, and open space standards; and
- d) Impacts to schools, adjacent lands or the County in general.

4. Master Plan Denial

If a master plan is denied, the applicant shall be apprised of the reasons for denial.

C. Preliminary Development Plan

1. **Procedures**

9

10

11

12

13

14 15

18

19 20

21

22

23

24 25

26

27

28

29 30

32

Article V, Section 7.1.3 shall apply.

approved or completed;

2. Submittals

Article V, Section 7.1 and the Design Standards as set forth in this Article XV shall apply to all submittals. In addition, the following submittals are required:

- a) A Stormwater Management Plan which demonstrates the standards set forth in Article VII, Section 1 and 3, and Article XV;
- b) A trail construction and maintenance plan; and
- c) A survey prepared by a licensed New Mexico surveyor which, at a minimum, provides a metes and bounds description of the development, including zone and landscape type boundaries.

3. Criteria for Approval

The criteria for approval of Preliminary Plan applications are as follows:

TAB 2

Al Pitts

Phone: 471-2082 (voice) / 438-7136 (fax) E-Mail: ampitts@uswest.net

Tigges Planning Consultants

Phone: 982-1986 (voice) / 988-9698 (fax) E-Mail: tiggesl@aol.com

FUTURE ROAD NETWORK STUDY FOR THE SANTA FE COMMUNITY COLLEGE DISTRICT

Working Paper 2

SANTA FE COMMUNITY COLLEGE DISTRICT Summary of Existing Conditions

PREPARED FOR

The Division of Land Use Planning County of Santa Fe, New Mexico Mr. Jack Kolkmeyer, Director

(Revised 9/22/2000)

III. OVERVIEW OF EXISTING CONDITIONS

LOCATION AND DEVELOPMENT STATUS

The Santa Fe Community College District is located generally north of El Dorado and the San Marcos Land Grant, south of U.S. Interstate Highway 25, generally east of State Road 14, and generally west of the right-of-way of the Atchison, Topeka, and Santa Fe Railroad. The District encompasses approximately 17,100 acres (roughly, 26.7 square miles), of which approximately 14,700 acres remain undeveloped at this time.

CURRENT LAND USAGE

By year-end 1999, the District had experienced the following degrees of development:

2,924 acres	Existing and approved development
260	Approved projects as-yet-unbuilt
198	Proposed projects currently under review
700	Existing density transfer reserves (currently undeveloped)
13,976 acres	Undeveloped land not subject to existing development plats, agreements, or proposals

Characterized by use, existing and approved development within the District at year-end 1999 was distributed as follows:

1,477 acres	Residential uses
141	Commercial uses
534	Institutional uses
351	Dedicated open space
700 acres	Density transfer reserves (currently undeveloped)

The District's present population is approximately 1200 (465 households). Employment within the District numbers approximately 916 workers. The Santa Fe Community College currently has an enrollment of 13.494 (4850, on a full-time equivalent basis).

CURRENT RESIDENTIAL DEVELOPMENT

At year-end 1999, the locations of existing and approved residential development within the District, and their principal characteristics, included the following:

DEVELOPMENT	APPROVED DWELLING UNITS	EXISTING DWELLING UNITS	AVERAGE LOT SIZE (ACRES)	TOTAL Residential Acres	DEDICATED OPEN SPACE (ACRES)
Village at Rancho Viejo Subdivision	314	140	0.4	120	180
Arroyo Hondo West Neighborhood	240	157	2.9	706	0
Windmill Ridge Village Subdivision, Unit 1	224	0	0.3	58	106
Valle Lindo Subdivision	152	117	1.8	276	4
College Heights Subdivision	73	0	0.5	36	54
Vista Ocasa Subdivision	46	35	3.5	160	0
Churchill Road Neighborhood	10	2	4.8	48	3
Other Residential Parcels	18	14	4.1	73	0
Total	1077	465	1.5	1477	347

TAB 3

CCDO (Community College District Ordinance)

shall comply with all applicable design standards.

- a) Master Plans will require public hearings as set forth in the Land 1846021 Development Code, Article V, Section 5.2.
- All lands within the Community College District are zoned for the uses allowed in the Land Use Table. The purpose of the Master Plan is to establish the extent and scope of the project including, without limitation, the uses for the project, the site specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with the adjacent environment and with its overall needs for services and infrastructure.

2. Submittals

Article V, Section 5.2.2 and the Design Standards set forth in this Article XV shall apply to all submittals. In addition, the following submittals are required:

- a) The minimum area which must be included within a master plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant. If an applicant does not own adequate land to include a New Community Center or a Neighborhood Center or if the submittal does not include a Center, then the submittal must provide a map of the area that shows the Master Plan's relationship to an existing or future Center. The submittal shall also show the road, walking and open space connections that will ultimately connect to the Center. The applicant shall be required to address off-site infrastructure improvements necessary to support the development being proposed.
- b) The Master Plan shall:
 - Define the boundaries of the landscape types and the resulting configuration of Village, Employment Center, Institutional Campus, and Fringe Zones and Open Space;
 - ii. Calculate the zoning allowances and requirements including the minimum and maximum number of residential units, the minimum and maximum range of commercial square footage, FAR and the open space and park requirements;

TAB 4

reduce household transportation costs, reduce pollution and traffic congestion and increase interaction between neighbors.

Increasing congestion and escalating energy costs will likely serve as an incentive to use modes of transportation other than single occupancy vehicles. It is important to avoid development patterns that preclude transit options. Transit is neither cost effective nor convenient in very low-density neighborhoods.

2.2.4.3 JOBS / HOUSING BALANCE

The jobs/housing balance within a community or development has implications for residents and employers as well as for service providers. A balanced community has employment options for residents so that they can live and work in the same community; and an educated workforce for employers so that they are able to hire employees who are vested in their community and in their job. Communities with an imbalanced ratio of jobs to housing are unsustainable for both residents and employers. Commercial uses generate more revenues for the County than residential uses, and an imbalanced land use mix negatively impacts the ability of service providers to maintain levels of service.

The SGMP creates the opportunity for planned growth areas to develop with a balanced jobs to housing ratio from the outset to reduce traffic congestion, support revenue generation and provide a high quality of life for residents. While the future land use mix is ultimately important, it is also important to encourage jobs / housing balance during the initial phase of development in growth areas. Critical to the achievement of jobs / housing balance is the designation of appropriate sites for nonresidential development on the Future Land Use Map (Map 2-4).

2.2.4.4 FLEXIBILITY / CERTAINTY

The factors that influence development of growth areas continually evolve. From rapid technology advances to natural resource limitations to lifestyle preferences, innumerable factors will contribute to public and private decision-making over the planning period. The SGMP creates the framework to ensure economic, environmental and renewable energy sustainability while providing flexibility for the County to respond to changing conditions.

The balance between flexibility and certainty is a key aspect of the SGMP. The public, developers, County staff and decision-makers perform their roles more effectively when there is certainty in the Plan policies and development review process. The knowledge that the process will occur in a predictable manner helps participants remain focused on creating quality development rather than navigating a confusing and unpredictable process, while flexibility allows them to create the best possible development without the burden of excessive regulation that stifles the ability to create a high quality product.

2.2.4.5 LAND USE COMPATIBILITY

One of the primary goals of the SGMP is to ensure compatibility among various land uses in order to preserve and protect the health, safety and general welfare of the County. Ensuring compatibility provides predictability and security by protecting property values and public and private investments in property improvements. Land use compatibility provides buffers between communities, ensures adequate transportation network capacity and establishes connectivity between existing communities and new development. A significant policy of the SGMP provides that when a use is authorized in a base or planned district zone, the use itself is deemed compatible with the adjoining area. The remaining compatibility issues relate to the availability of adequate facilities to serve the proposed use; the studies, reports and assessments on environmental impact, traffic, adequate public facilities, fiscal impact, water availability and quality and plan consistency; and protection of residential areas through open space and buffering site design. Site design plays the most significant role in assuring land use compatibility. Factors must include transitioning between land use types, intensities, and densities using buffers and floor area ratios: conserving environmental assets using standards to preserve open space and to limit impervious surfaces; providing adequate vehicular and pedestrian traffic circulation and connectivity; mitigating potential nuisances,

- 3. A landscaping water use budget with schedule and cost estimate must be submitted.
- 4. Submit detailed lighting design plan in accordance with Section 11.7 of the EZO.
- 5. Submit a detailed sign plan in compliance with Section 11.8 of the EZO.
- 6. Submit driveway plan from the State Highway Dept.
- 7. Submit an archaeological survey to SHPO for review and comment.
- 8. The applicant must comply with all applicable review agencies comments.
- 9. Submit and record the master plan which reflects the driveway configuration.
- 10. The final development plan is subject to BZC review and approval.

Ms. Tippett said that she was informed that there would only be one well at the site but she did want to apprise the Authority of a move to limit domestic well permits by the both the State Engineer and the City. She said she understand the project will be limited to the 3 acre feet it currently has but in the event it is not able to do so there will be a limitation on the domestic well.

Councilor Moore asked if the property is within the City's existing service area boundary for water. Ms. Tippett said the City was meeting with County staff to consider a map that will directly address the councilor's question.

Duly sworn the applicant's agent Richard Gorman, PO Box 8841, Santa Fe, said that the property is located in the southwest sector urban area state one. Currently it is defined as part of the boundary area but the boundary is under re-examination. He said a water report and budget was reviewed and determined that the on-site well could service the proposal. He asked to put at a minimum two fire hydrants on the city line if only to provide good fire protection.

He said he was in agreement with all conditions.

Mr. Heaton requested an additional condition:

11. That for a period of five years the development submit quarterly water reports and annual reports thereafter.

Mr. Gorman accepted the condition.

There was no one from the public wishing to address this item.

Councilor Moore moved for approval with all staff conditions including 11 above. Commissioner Trujillo seconded the motion which passed by majority voice vote.

EZ CASE S 96-1220. College North. Jim Slebert, agent for Rancho Viejo Partnership, request master plan approval for a 73 lot residential subdivision on 91 acres. The property is located off Richards Avenue, Section 21, Township 16 North, Range 9 East within the two-mile EZ District.

Mr. Catanach presented the starr report as follows:

"The lots range in size from .35 to .69 acres, including 54 acres of open space which constitute a gross density of one residential unit per 1.2 acres. The

Under discussion, Councilor Moore asked staff whether there was an agreement to let Rancho Viejo tap into a water line. Mr. Heaton apologized and said he did not know. Commissioner Gonzales said the County had designated that as a service area.

Noting that this was the first chunk of Rancho Viejo to come before the Authority and he has deep concerns about it extending water that far south and especially with the low-density it will lack any affordability. He asked the Authority to deny the case.

Chairman Montaño asked the applicant if there was any affordability within the project. Mr. Siebert responded that the applicant has offered \$500 per lot to the affordable housing trust. He said the price range for this project were between \$225,000 to \$280,000.

Chairman Montaño asked why the developer did not plan for more affordable housing. Mr. Siebert explained that College North is a transitional area between the rural densities and the Community College.

The motion passed by majority [3-1] voice vote with Councilor Moore voting "nay."

PETITIONS FROM THE FLOOR

There was no one present wishing to address the Authority.

COMMUNICATIONS FROM THE AUTHORITY

None were presented.

ADJOURNMENT

At approximately 12:40 a.m. this meeting was declared adjourned.

Respectfully submitted:

Karen Farrell

Marthe O.Ch

My commision expires:

EXTRATERRITORIAL ZONING AUTHORITY: April 30, 1996

day of

1896 TAN ANA

TAB 5

1			d)	To the extent required by this Ordinance, applicants who have received
				Master Plan approval prior to the adoption of the Community College
3				District Ordinance, shall show the location of open space, required parks,
4 -				plazas and trails on subsequent development plans and subdivision plats.
5		3.	Criteri	a for Approval
6			The cr	iteria for approval of master plan applications in the CCD are as follows:
7			a)	Conformance to the Santa Fe County Growth Management Plan as
8				amended by the Community College District Plan;
9			b)	Viability of the proposed phases of the project to function as completed
10				developments in the case that subsequent phases of the project are not
11				approved or completed;
12			c)	Conformance to the CCDO and other applicable law and ordinances in
13				effect at the time of consideration, including required improvements,
14				proposed roads and trails, community facilities, design and or construction
15				standards, and open space standards; and
16			d)	Impacts to schools, adjacent lands or the County in general.
15.		4.	Master	r Plan Denial
18			If a ma	aster plan is denied, the applicant shall be apprised of the reasons for denial.
19	C.	Prelim	inary D	evelopment Plan
20		1.	Proced	<u>lures</u>
21			Article	V, Section 7.1.3 shall apply.
22		2.	Submi	<u>ttals</u>
23			Article	e V, Section 7.1 and the Design Standards as set forth in this Article XV
24			shall a	pply to all submittals. In addition, the following submittals are required:
25			a)	A Stormwater Management Plan which demonstrates the standards set
26				forth in Article VII, Section 1 and 3, and Article XV;
27			b)	A trail construction and maintenance plan; and
28 ·			c)	A survey prepared by a licensed New Mexico surveyor which, at a
29				minimum, provides a metes and bounds description of the development,
30 ·				including zone and landscape type boundaries.
31		3.	Criteri	ia for Approval
32			The cr	riteria for approval of Preliminary Plan applications are as follows:

TAB 6

ようじくしょうしょうしょ

ナタノ チント チンチン

When recorded, return to:

Univest-Rancho Viejo, LLC PO Box 236 Santa Fe, NM 87504-0236 Attn: Warren Thompson

ASSIGNMENT AND ASSUMPTION OF DECLARANT'S RIGHTS AND OBLIGATIONS

FIRST AMENDED AND RESTATED DECLARATION AND COVENANTS CONDITIONS AND RESTRICTIONS FOR THE VILLAGE AT RANCHO VIEJO

THIS ASSIGNMENT AND ASSUMPTION OF DECLARANT'S RIGHTS AND OBLIGATIONS (the "Assignment") is made effective as of the 23 day of December, 2010 (the "Effective Date"), by and between, Rancho Viejo de Santa Fe, Inc., a New Mexico corporation ("Assignor"), and Univest-Rancho Viejo, LLC, a New Mexico limited liability company ("Assignee").

RECITALS

- A. Assignor and Assignee are among the parties to that certain Settlement and Asset Purchase and Sale Agreement dated December 17, 2010 (as amended from time to time, the "Purchase Agreement"), whereby Assignor has agreed to sell to Assignee, and Assignee has agreed to purchase from Assignor, the assets of Assignor related to the master-planned community known as Rancho Viejo, including but not limited to all of Assignor's rights and obligations as the Declarant or Founder under the Community Documents (as defined in the Purchase Agreement) related to Rancho Viejo.
- B. Assignor is the Declarant under that certain First Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Village at Rancho Viejo dated September, 1998, and recorded in the Official Records of Santa Fe County, New Mexico, on November 2, 1998, in Misc. Book 1560, Pages 354-391, under Document No. 1560354, (the "Declaration") with respect to the planned community known as the Village at Rancho Viejo.
- C. In furtherance of the commitments set forth in the Purchase Agreement, Assignor desires to assign, transfer and convey to Assignee and Assignee desires to assume from Assignor all of Assignor's right, title, interest and obligations under and in the Declaration upon the terms and conditions set forth herein.

FOR VALUABLE CONSIDERATION, it is agreed as follows:

1. <u>Assignment.</u> Effective as of the Effective Date, Assignor hereby assigns, transfers and conveys unto Assignee, all of Assignor's right, title, and interest, and all benefits, reservations and privileges that Assignor has and may have as the Declarant under the Declaration.

12086530.4

STOREGISTED BOARDER

2. <u>Assumption</u>. Effective as of the Effective Date, Assignee hereby assumes all of Assignor's agreements, responsibilities, duties, liabilities, and obligations set forth in the Declaration, and agrees to perform and observe all of Assignor's covenants and conditions contained in the Declaration.

Indemnities.

- (a) Assignor shall indemnify, defend and hold Assignee harmless from any and all actions, suits, proceedings and claims, and all costs and expenses incurred in connection therewith (including without limitation reasonable attorney's fees), arising from or relating to the Declaration, and which occurred or are alleged to have occurred prior to the Effective Date.
- (b) Assignee shall indemnify, defend and hold Assignor harmless for, from, and against any and all actions, suits, proceedings and claims, and all costs and expenses incurred in connection therewith (including without limitation reasonable attorney's fees), arising from or relating to the Declaration, and which occurred or are alleged to have occurred on or after the Effective Date.
- 4. <u>Payments</u>. Assignee hereby agrees to pay, when due, all amounts due and payable by Declarant under the Declaration. Assignee further agrees to indemnify and hold Assignor harmless from any and all amounts due or to become due under the Declaration from and after the Effective Date.
- 5. <u>Binding Effect.</u> This Assignment shall inure to the benefit of, and shall be binding upon, the parties hereto and their respective successors and assigns.
- Choice of Law. This Assignment shall be construed in accordance with the laws of the State of New Mexico, without giving effect to choice of law principles.
- Attorneys' Fees. If either party to this Assignment initiates or defends any legal action or proceeding with the other party in any way connected with this Assignment, the prevailing party in any such legal action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to recover from the losing party in any such legal action or proceeding its reasonable costs and expenses of suit, including reasonable attorneys' fees and costs and expert witness fees. Further, if Assignor is the subject of any legal action or proceeding in its capacity as Declarant under the Declaration, then Assignor shall be entitled to recover from Assignee, Assignor's reasonable costs and expenses of defending such suit, including reasonable attorneys' fees and costs and expert witness fees, except to the extent that Assignor is obligated to indemnify Assignee in connection with such suit as provided in Section 3(a) hereof. All such costs and attorneys' fees shall be deemed to have accrued on commencement of any such legal action or proceeding and shall be enforceable whether or not such legal action or proceeding is prosecuted to judgment. Attorneys' fees and costs under this Section include attorneys' fees and costs on any appeal and in any bankruptcy or similar or related proceeding in federal or state courts. Any dispute as to the amounts payable pursuant to this Section shall be resolved by the court and not by a jury.

12086530.4

מבר רחביטט צבררצתבה דא/ פין פרור

8. <u>Counterparts</u>. This Assignment may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

EXECUTED as of the date set first forth above.

Assignor:	Assignee:
RANCHO VIEJO DE SANTA FE, INC. a	UNIVEST-RANCHO VIEJO, LLC, a New
New Mexico corporation	Mexico limited liability company
By: Joseph 7 - Xapinsky	Bv:
Name. Joseph F. Lapinsky	Name:
Its: President	Its:

12086530.4

ů f
CF232
シモハシルモル
מבר רחבשט צבררטצתבת דפ/ פס/ פרדר

STATE OF ARIZONA)			
County of Maricopa) ss.)			
The foregoing instrume by Joseph F. Lapinsky, the corporation, on behalf of the co	President of 1	vledged before me thi Rancho Viejo de Sa Notary Public	s Zaday of Decemb nta Fe, Inc., a New	er 2010, Mexico
My commission expires:			OFFICIAL SEAL C. A. DARBY Notiny Public-State of Adexin MARICOPA COUNTY My Comm. Expires March 2, 20	
THE STATE OF NEW MEXIC	co)			
COUNTY OF SANTA FE)			
The foregoing instrume 2010, by, limited liability company, on be		of Univertainment	no Vieio IIC a Name	cember, Mexico
Commission expiration:			for State of New Mexi	_ co

12086530.4

4

THE REPORT OF THE PROPERTY OF

かすく くいはない かたくしなしたし エタノタシノタしてい

8. <u>Counterparts</u>. This Assignment may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

EXECUTED as of the date set first forth above.

Assignor:	Assignee:		
RANCHO VIEJO DE SANTA FE, INC. a New Mexico corporation	UNIVEST-RANCHO VIEJO, LLC, a New Mexico limited liability company		
By:	By: Wir Tongsu - Its: Manage		

THE PROPERTY OF THE PROPERTY O

STATE OF ARIZONA)) ss.
County of Maricopa)
The foregoing instru by Joseph F. Lapinsky, the corporation, on behalf of the	
	Notary Public
My commission expires:	
THE STATE OF NEW ME	XICO)
)
COUNTY OF SANTA FE	, 2
The foregoing instr	ament was acknowledged before me this day of December,
20 (0, by llatter / /	Jun Son Maraner of Univest-Rancho Vicio, LLC, a New Mexico
Similar marking company, or	n behalf of said limited liability company
HOTAR	
* * * * * * * * * * * * * * * * * * * *	Notary Public for State of New Mexico
Configuration expiration.	Printed name of Notary Public
NEW REAL	
	COUNTY OF SANTA FE) ASSIGNMENT & ASSUMPTIO PAGES: 6
TY CLEAN TY CLEAN	STATE OF NEW MEXICO) as I Hereby Certify That This Instrument Was Filed for
	Record On The 23RD Day Of December, 2010 at 04:88:18 PM
g 2005 g	Ind lias Duly Recorded as Instrument # 1621127 Of The Records Of Santa Fe County
MEES	Witness My Hand And Seal Of Office
COUNTY WELL	Valerie Espinoza Deputy County Clerk, Santa Fe, NM

12086530.4

4

TAB 7

About (http://veduraresidential.com/home/about-vedura)

Contact (http://vecluraresidential.com/home/contacts)

News (http://veduraresidential.com/homa/news)



Vedura is a residential development company with the vision to develop and manage refined residential rental communities that promote value, vitality and a healthy lifestyle.



Elevation Central

(http://veduraresidential.com/home/elevation-central/)



Elevation Chandler

(http://veduraresidential.com/home/elevation-chandler/)



(http://veduraresidential.com/home/elevation-flags)

Elevation Flagstaff

(http://veduraresidential.com/home/elevation-flags)

CONTRACTOR OF THE PROPERTY OF

TAB 8

Of S

Museu

COLLEGE HEIGHTS SUBDIVISION

1767468

FIRST AMENDED AND RESTATED DISCLOSURE STATEMENT FOR ALL SUBDIVISIONS CONTAINING FIVE (5) OR MORE PARCELS

PLEASE READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING

This disclosure statement is intended to provide you with enough information to permit you to make an informed decision on the purchase or lease of property described in this statement. You should read carefully all of the information contained in this statement before you decide to buy or lease or otherwise acquire the described property.

Various public agencies may have issued opinions, on both the subdivision proposal and the information contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can satisfy what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the City, the County or the State. It is informative only.

The Board of County Commissioners recommends that you see the property before buying or leasing it or otherwise acquiring it. If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days from the date of inspection to rescind the transaction and receive all of your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction, you must give the subdivider notice of intent to rescind within three (3) days of your inspection of the property.

County regulations require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the Santa Fe County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits <u>before</u> you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are required for construction of addition improvements before you occupy the property.

COUNTY OF SANTA FE /

STATE OF NEW MEXICO nerety centry that the instrument was fill served of the conditions of the conditi

mily second in book page page of the records of Santa Fe County.

Whoese my Hand and Seal of Office 1.

Aebecca Bustamante by Clerk, Santa Fe County, Clark Disclosure Statemen
Page 1

NAME OF SUBDIVISION I.

1767469

College Heights Subdivision

NAME AND ADDRESS OF SUBDIVIDER 2.

> Rancho Viejo de Santa Fe, Inc. 1590-B Pacheco Santa Fe, NM 87505 (505) 983-6921

NAME AND ADDRESS OF PERSON IN CHARGE OF SALES OR LEASING IN 3. **NEW MEXICO**

Robert Taunton, Vice President and Real Estate Broker Rancho Viejo de Santa Fe, Inc. 1590-B Pacheco Santa Fe, NM 87505 (505) 983-6921

SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED 4.

Present

Number of Parcels:

Number of acres in

Subdivision:

90.75

Anticipated

Number of parcels: 73 Humber of acres in

Subdivision:

90.75

NOTE: There are approximately 2,500 additional acres owned by the Developer in the vicinity of College Heights. The undeveloped property will be developed by the Developer, and there is no implication or representation that it will remain undeveloped. Presently, 655 additional dwelling units have been approved by the Rancho Viejo Master Plan recorded in the County Clerk's records in Book 358, Page 012-014.

SIZE OF THE LARGEST PARCEL OR UNIT OFFERED FOR SALE OR LEASE 5. WITHIN THE SUBDIVISION

The size of the largest lot is:

.702 acres

Disclosure Statement Page 2



Dear Homeowner,

Welcome to the Rancho Viejo Master Association! Whether a condominium, single-family or Master Planned development, community associations are the fastest growing non-profit corporate entities in the United States. Many of you may have lived in some sort of neighborhood association in the past. Those of you who have not, will be pleased to know that the primary benefit of living in the community association is the protection, preservation, and enhancement of your asset, i.e. the value of your home.

All members of the Rancho Viejo Master Association ("RVMA") can rest assured that the design and feel of community will remain the same as what initially prompted you to purchase here. This is accomplished through the effective application of the recorded use restrictions and architectural provisions.

Capital Consultants Management Corporation, a nationally recognized community management firm, has been hired by the Board of Directors to handle all the financial aspects and even some of the day to day operations of Rancho Viejo. Most of you have received an invoice for your community association assessment recently. These are the "dues" that each member, including Rancho Viejo de Santa Fe, Inc. ("the Developer") remits to take care of the "common areas" of Rancho Viejo, and includes expenses ranging from landscape maintenance, security, water, and power invoices, to property insurance, postage and stationary. A major portion of the assessments is used to fund the reserve accounts for future repairs to roads, drainage improvements, and other major items.

One of the most important facets to community association living, is the philosophy that ultimately, the residents of the community govern themselves. As most of you realize, the Developer will be involved and will make decisions on behalf of the RVMA until a certain number of residents live within the community. The residents will then elect their own Board of Directors to set the policies and continue the vision for RVMA. Until that time, residents will be asked to volunteer to serve in an advisory or "steering" capacity to assist the Developer in its decision making. Ultimately, committees will be formed to bring valuable information to the Board for their consideration in decisions.

Once again, welcome to the Rancho Viejo Master Association. We look forward to seeing you at a community meeting soon!

THE DISTRICT PLAN



1.THE LAND USE PLAN

A. SUMMARY DESCRIPTION

The proposed Land Use Plan is the heart of the Community College District Plan. It answers the basic question posed by the entire plan: If we want to change from the sprawling conditions developing in the central County, what is it that we want to change to? What choices do we really have? There is, of course, the "no growth" option but in a place as dynamic and beautiful as Santa Fe County, this is a most unrealistic effort. The forces of growth will always be bearing down on such a place. A more realistic approach is to acknowledge what it is that we truly value, understand it and then both protect it and integrate it into new developments. The District provides the opportunity to include 8,000 new dwelling units in the next twenty years into a new land use structure specifically designed to mitigate and avoid the negative effects of sprawl. In this regard, the proposed Community College District Plan is capable of achieving sufficient open space and compatible densities and mixed uses that will allow for the development of significant affordable housing and the design and implementation of transit-oriented communities.

There are four fundamental premises of the Land Use Plan: compact forms, designated centers, connections and community structure. The City of Santa Fe was at one time very compact. The traditional communities of Santa Fe County are compact settlements centered on some unique community quality whether it was agriculture, commerce, religion, government, art or all of those aspects combined. Modern residential subdivisions do not exhibit these qualities. Traditional communities throughout the County also exhibit multiple connections: roads, arroyos, trails, vistas, open space and, historically even rail lines. But perhaps most importantly, the special places of Santa Fe County express community - real community - offering opportunities to live, work, play and interact together. Modern subdivisions rarely, if ever, offer these multiple opportunities. When you take these conditions, place them on a resplendent landscape and separate them with large amounts of open area, you have Santa Fe County in all of its intrinsic beauty. The District Land Use Plan is, therefore, an effort to bring the best development aspects of the past into the dynamic and demanding trends of the present and the future.

The District Land Use Plan proposes three distinct compact development forms: Village Zones, Institutional Campuses and Employment Centers. Each of these is mixed use in nature but proposed to accommodate different social and economic needs within the District. Each of these forms will be required to have a center, focusing on both diversity and density. All of these forms will be located in village areas which will be separated and remain separated with well-defined edges and buffers. Existing subdivisions will be respected but connected to new development through transitional areas and road, transit and open space connections. Rural, low-density areas will also be provided although they, too, would be clustered where possible around rural activities. The District will be supplied by imported water and by groundwater in order to provide a diversified, and thus more dependable, long range supply. The Plan limits development on individual wells in order to protect the quality of the aquifer and its use for storage and recharge for the future. This protects an





Rancho Viejo North Community Association, Inc.

55 Canada del Rancho, Suite B, Santa Fe, NM 87508 (505) 473-3516 www.ranchoviejonorth.com

April 16, 2014

Santa Fe County Board of County Commissioners c/o Jose Larranaga, Commercial Development Case Manager

via: email to joselarra@santafecountynm.gov

RE: Elevation at Rancho Viejo, #MPA 13-5380

Dear Mr. Larranaga,

The Rancho Viejo North Community Association Board of Directors submits this letter on behalf of the homeowners of Rancho Viejo North, particularly those in College Heights. The Board strongly opposes the requested master plan amendment to allow the construction of 214 apartment units. The proposed apartments are inconsistent with the existing residential neighborhood at College Heights. At the time the residents of College Heights bought their homes, there were representations made that future development phases would continue the single family residential character. Residents are now concerned that an apartment complex will negatively impact current home values in this area.

The Rancho Viejo North Community Association Board requests that this master plan amendment be denied.

Sincerely,

On behalf of the Rancho Viejo North Community Association Board of Directors

Bruno Keller, President

Rancho Viejo North Community Association

Muno leece

bkeller@ranchoviejonorth.com

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration of Covenants and Restrictions is made this 18th day of May, 1999, by Rancho Viejo de Santa Fe, Inc., a New Mexico Corporation.

1674777

RECITALS

WHEREAS, Rancho Virijo de Santa Fe, Inc., a New Mexico corporation (hereinafter referred to as the "Declarant") is the owner of the real property described in Exhibit A attached hereto (hereinafter referred to as College Heights);

WHEREAS, Declarant is also the owner of The Village at Rancho Viejo as shown on the certain subdivision plat and lot line adjustment plat recorded in the records of Santa Fe County Clerk at Plat Book 389-390, Pages ()49-008, as Document No. 1031147, and at Plat Book 389, Page 010-011, as Document No. 1029907 (hereinafter referred to as "Units 1 and 2 of the Village");

WHEREAS, Declarant has subjected Units 1 and 2 of the Village to that certain Declaration of Restrictive Covenants as recorded in Book 1560, Pages 354-391, as Document No.1560354 (the "Covenants"); and

WHEREAS, Declarant wishes to subject College Heights to the Covenants by this

Declaration and include College Heights within the jurisdiction of the Rancho Viejo Master

Association.

DECLARATION

Now, therefore, Declarant hereby declares that the real property described in Exhibit A attached hereto known as Corlege Heights shall be held, sold, transferred, conveyed, occupied and used subject to the covenants, and Declarant shall hereafter record a separate and individual tract declaration concerning the development of the lots within College Heights.

Declaration of Covenants and Restrictions Page 1

CERTIFICATION

All microphotographic images of records on this film strip following or preceding this certificate are of authorized records in the possession of this agency as noted in the Statement of Intent and Purpose. These documents are routinely microfilmed as a necessary operation in the generatrion of an inviolate document file.

RANCHO VIEJO DE SANTA FE, INC

Parbert 6. telluston

Robert Taunton, Vice President

ACKNOWLEDGMENT

1674778

STATE OF NEW MEXICO

SANTA FE COUNTY)ss

The foregoing instrument was acknowledged before me by Robert Taunton, Vice President, Rancho Viejo de Santa Fe, Inc., a New Mexico corporation on this ______day of May, 1999.

OFFICIAL SEAL
JOYCE M. Martinez
NOTARY PUBLIC
STATE OF NEW MEXICO
MY Commission Expires: 1/2/0/

My commission expires:

august 3. 2001

Joseph Mr. Martine

Declaration of Covenants and Restriction Page 2

CERTIFICATION

All microphotographic images of records on this film strip following or preceding this certificate are of authorized records in the possession of this agency as noted in the Statement of Intent and Purpose. These documents are routinely microfilmed as a necessary operation in the generatrion of an inviolate document file.

The state of the s

鐵龍 一時報 一點難以 那種語 一時報 一時報 一時報 一時報 一門報用表

From Vedura Residential website

Vedura Residential is a multifamily real estate company founded in 2010 by Bruce Hart and Paul Fannin. Our company's strategy is simple: never pay more than replacement cost. We buy, below replacement cost, when markets dip; build as markets improve; and sell at the peaks. Vedura Residential remains nimble at all times, ready to respond to market changes. It is geographically focused. Vedura Residential will be successful in high beta markets like Phoenix, which offer high profit opportunities, because it is a disciplined buyer and seller. Vedura Residential uses its expertise and experience to minimize risk while maximizing returns to our investors.

-www.veduraresidential.com

From: T Buhl [mailto:beaconsultingllc@gmail.com]

Sent: Monday, July 07, 2014 4:55 PM **To:** Kathy S. Holian; Liz Stefanics

Cc: Julia Valdez

Subject: CDRC CASE # Z 13 5380 Elevation.

Dear Commissioners Stefanics and Holian,

I am one of Stephen Onstad's business colleagues and a fellow HERS Rater. I live in Rancho Viejo and have attended many meetings regarding Vedura's request through JenkinsGavin to build two 214-unit apartment blocks next to SFCC. I'm sure you are aware that the original master plan was marketed to homeowners with plans for 60 single-family homes in the College Heights area - not "luxury" apartments with a swimming pool. Please adopt the CDRC's recommendation to NOT approve the construction of these apartment complexes.

As a HERS Rater and small business owner, <u>I am pro-development and believe in sustainability</u>. Why? I moved here from Michigan and can provide you with numerous examples of derelict developments full of empty strip malls, abandoned condos/homes, and boarded up businesses and factories - developments that failed through false economic promises, poor planning, lack of infrastructure and funding, or other reasons. Most of these projects promised "jobs and a higher standard of living", but did not deliver on these claims for anyone but the developers.

Please put yourself into the moccasins of a resident of this community and consider the following:

- 1. **Conservation**: This area was marketed to residents as a sustainable place to live, with 50% open space for recreation and conservation. I paid a premium for a "conservation lot" and am limited on what I can do with my property. The covenants of this Association do not allow me to have a swimming pool, so I use the SFCC pool. I also have to ask my Association for permission to put in a hot tub. Why should an Arizona developer be allowed to build a multi-unit building that is not subject to the covenants of this community? And why do we need another pool next door to SFCC when we are supposed to be conserving water in a desert environment?
- 2. Covenants and Maintenance Costs: Residents' Association dues pay for the privilege of using our trails and streets and of paving and maintaining them. The Architects would have you believe that the proposed apartments will help pay for upkeep of our trails and open areas, but this is not true. Since they will not belong to any of the three Associations in RV, the apartments will have no obligation to pay for anything, but will most certainly use our infrastructure, trails, streets, and parks for free.
- 3. Sustainability: I attended the County Commissioners meeting last December when the <u>new SLDC</u> was passed along with a HERS requirement of 70. <u>I doubt that the apartment buildings will be subject to this requirement</u>. So, while new single-family homes will have to meet a HERS=70, two apartment blocks that will <u>not</u> have to meet

any energy efficiency standards will be right in the midst of this community, leaking energy and using more than their share of water for decades.

- 4. **Job Growth**: As a HERS Rater, I have the opportunity to compete for energy audits on single-family homes and on low income multi-unit housing developments requiring energy efficiency; that is not true on this apartment complex. In addition, most developers from Arizona do not hire New Mexico labor and talent to build their projects they usually bring their own contractors and subs. In other words, <u>I will not gain any business opportunities or business growth from this developer's plans, nor will most of my colleagues in the building industry</u>. Perhaps some low wage jobs will be created for a property manager, lifeguard, janitors, and security people, but these will be minimal.
- 5. Infrastructure and Safety: As you know, the Northeast/Southeast Connector and its configuration is still being planned. Two apartment blocks with 214 units = 428 units. If two people move into each of these apartments, this could put another 856 vehicles on streets around SFCC. Even the Fire Marshall has expressed concerns about ingress and egress out of the area north of the college especially for emergency vehicles. We simply do not yet have the capability to handle the traffic increase that this project will generate. Imagine living on College Heights Drive during construction ... then trying to get to work in the morning once the units are open ... etc.
- 6. **Build-It-And-They-Will-Come**: How many times have you driven south along I-25 wondered about the defunct shopping mall? How often have you visited our own Outlet Mall and wondered why it's partially empty? Can this market really support "luxury apartments"? Who's going to live there? No one has been able to provide a good answer to this question. At the CDRC meeting, the Architect changed position, now supporting college students as tenants a very different business model than originally presented.

You've heard from many residents and you are both supporters of sustainability, so I may be "preaching to the choir". Please feel free to share my email with the other commissioners. Thank you for your time and consideration.

Respectfully yours

--

Teri Buhl

505-920-7041

SFAHBA BOD & Green Building Council Chair HERS Rater and Home Innovations/NGBS Green Verifier Affiliate of EverGreen Building Solutions

T. L. Buhl

This document has been electronically signed by Teri Buhl of Beacon Consulting, LLC. Please contact the signer at beaconsultingllc@gmail.com, if you have any questions regarding its authenticity.

Quote of the Week:

The greatness of a nation and its moral progress can be judged by the way its animlas are treated.

Mahaima Gandhi, Indian Attorney and Leader

EXHIBIT

Action

187 E Chili Line Road Santa Fe, NM 87508 505-471-2026 glens@ufl.edu

8 July 2014

Santa Fe County Commission Daniel Mayfield, Chair 102 Grant Ave Santa Fe, NM 87501-2061

Dear Commissioners:

Re: Case 13-5380. Elevation. Vedura Residential Operating, LLC, Applicant; Request Master Plan Approval

Considering the unacceptable and disingenuous behavior of Univest Rancho Viejo (URV) over the past two years, it is time for URV to be told a resounding, "NO"! Residents of Rancho Viejo (RV) for over one year have told URV "NO!" to its apartments proposal. Now URV must be told an authoritative, legal "NO" to the apartments by you, our County Commission.

I refer to at least the following unacceptable behavior by URV.

- In the late 1990s, original owners had a vision for 2500 acres, which over twelve years became the wonderful community of RV: 1300 residences with pleasing architecture, trails, parks, open spaces, vistas, two churches, three schools, and two colleges. Now, the land owners, reincorporated as Univest, have abandoned that vision for a new vision of chaotic development maximizing self-interest.
- In particular, Univest has abandoned the College North Master Plan (CNMP) of single family houses on 87 acres, a vision it sold to twenty home owners on one third of that Plan. Univest sold those home owners a big lie!
- Univest is thumbing its nose at and attempting to ride roughshod over you, our BCC, residents of RV, and the Community College District and Sustainable Land Development Codes (CCDC & SLDC) by
 - (1) de-annexing the remaining 2/3 of land (mere 57 Acres) in the original CNMP,
 - (2) thereby Univest breaks and sets precedent for future breaking the integrity of

RV, the concept of planned development, and CCDC & SLDC,

- (3) pursuing piecemeal development of apartments on only 22 of the 57 acres,
- (4) adding more commercial property to RV incongruously and without membership in and oversight by a property owners association.
- (5) falsely construing the apartment land as a Village Zone within the CCDC.
- Univest has clearly demonstrated by the placement and construction of BTI and Easter Seals El Mirador during the past two years, that it and no other entity intend to exercise oversight of architectural, organizational, and operational features of the apartments— a bad precedent and situation for future wellbeing of the RV Community.
- In the past month, Univest has hid behind Vedura Residential Operating, LLC, letting it be the Applicant on Case 13-5380. Do not fall for that deception—Univest remains the land owner and thereby the prime applicant.

In conclusion, I implore you, our representatives, to:

- (1) reject Univest's application 13-5380 to develop apartments of specified land in RV,
- (2) require URV to live faithfully by CCDC & SLDC,
- (3) suggest that URV return to you with a proposal to reinstate the College North Master Plan.

Sincerely,

Glen Smerage