

**TRANSCRIPT OF THE
SANTA FE COUNTY
SLDC HEARING OFFICER MEETING**

Santa Fe, New Mexico

September 10, 2020

1. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Richard Virtue on the above-cited date at approximately 3:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for audio/video meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

Staff Present:

Vicki Lucero, Building & Development Services Manager
Jose Larrañaga, Case Manager
David Madrid, Project Manager/Public Works
Jaome Blay, Fire Marshal
Roger Prucino, Assistant County Attorney

2. **Approval of Agenda**

A. Amendments

B. Tabled or Withdrawn Items

HEARING OFFICER RICHARD VIRTUE: Hello, everyone. This is Richard Virtue. Let's begin the hearing. This is the monthly meeting of the Sustainable Land Development Code Hearing Officer. My name is Richard Virtue. I'm the Hearing Officer. We have one case scheduled for hearing today. It's Case #20-5090. Are there any changes to the published agenda?

VICKI LUCERO (Building & Development Services Manager): Hearing Officer Virtue, there are no changes to the agenda.

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HEARING OFFICER VIRTUE: Okay. Thank you. With that we will turn to the one case we have on the agenda and that is Case # 5090.

3. **PUBLIC HEARINGS**

- A. **Case # 20-5090 Cañoncito-Eldorado Waterline Project, Hondo II Booster Station & Water Tank Conditional Use Permit.** Santa Fe County, Applicant, David L. Madrid, Project Manager (Public Works Department/Projects Division), request approval to construct a 12" water transmission line from the Rancho Viejo Tank Service Area to the Hondo II Fire Station. The waterline (31,771 linear feet) will traverse through the Community College District, through Eldorado and the U.S. 285 South Highway Corridor District Overlay, within the US 285 R.O.W. and will terminate at the Hondo II Fire Station. The applicant also requests approval to install a Booster Station and Water Tank at the Hondo II Fire Station. The 720 square foot Booster Pump Station Building will be 14 feet in height and will be unmanned. The proposed Water Tank (1,885 square feet in area) will be constructed 23 feet in height and at full capacity will hold 340,000 gallons of water. The proposed Booster Station, Water Tank, and transmission line will ultimately feed distribution lines to serve the Cañoncito at Apache Canyon Mutual Domestic Water Consumers and Sewage Works Association. The proposed development traverses T16N, R9E, Section 20, 21, 22, 23, 27, 34, & 35, & T15N, R9E, Section 2, SDA-1 & 2 (Commission Districts 4 & 5)

HEARING OFFICER VIRTUE: Before we turn to the staff report I will note for the record that we did receive earlier today a letter dated today from Mr. William Mee, president of the Agua Fria Water Association. I understand that letter has been posted on the County's website and we will make it part of the record of this proceeding. With that I will turn to Mr. Larrañaga to present the staff report.

JOSE LARRANAGA (Case Manager): Thank you, Hearing Officer Virtue. One correction on the caption was a typo on my part. On the tank, it says 34,000. It should be 340,000. And also, if you want to follow along with the summary, with Exhibit 1, that's color-coded. It might be easier to follow along.

HEARING OFFICER VIRTUE: Thank you. I'll open it up.

MR. LARRANAGA: Santa Fe County proposes to construct approximately 31,771 linear feet of water transmission line and the proposed Hondo II Fire Station and Water Tank. The waterline will traverse through the Community College District, through Eldorado and the US 285 South Highway Corridor District Overlay, within the US 285 right-of-way and will terminate at the Hondo II Fire Station. Both booster station, water tank, and transmission line will ultimately feed distribution lines to serve the Cañoncito at Apache Canyon Mutual Domestic Water Consumers and Sewage Works Association.

Santa Fe County plans to extend a 12-inch potable waterline from the Rancho Viejo Tank service area south to other nearby water systems. The 12-inch PVC pipeline

will be installed within a 100-foot wide utility easement owned by the Public Service Company of New Mexico. The pipeline will also traverse property owned by the New Mexico State Land Office and leased to Santa Fe County as a right-of-way easement. The line will tie into a master meter vault located within the Eldorado Area Water and Sanitation District easement and will enter the EAWSD Water Infrastructure and provide water to the residents of Eldorado. The approval of the easement agreement will take place once a revised water service agreement has been finalized and approved by the EAWSD and Santa Fe County.

The master meter vault will be located adjacent to Alcalde Road within the Eldorado Subdivision. The master meter vault will connect to the proposed EAWSD booster pump and chlorination building through a 10-inch PVC waterline approximately 80 feet long. From the proposed EAWSD booster pump and chlorination building a new 10-inch water transmission line will connect to an existing 10-inch waterline that provides service to EAWSD Tank No. 4. The EAWSD 10-inch waterline is approximately 6,200 linear feet. The connection from the master meter vault to the EAWSD Tank No. 4 will allow Eldorado to obtain water from the BDD through the Cañoncito Eldorado Waterline, for both potable and fire protection use. An MOU between the EAWSD and the Santa Fe County Board of County Commissioners regarding mutual water services cooperation was adopted on October 9, 2012.

The County intends to construct an 8-inch PVC pipeline length which will tie into the EAWSD Master Meter Vault located on Avenida Amistad. The pipeline will then run parallel to US Highway 84/285 until it reaches the northbound on-ramp of I-25 where it will then pass under Interstate 25 using a directional drilling process to drill below the northbound onramp to I-25, both north and southbound lanes of I-25 and the southbound off-ramp of I-25 terminating at the southwest corner of the Hondo II Fire Station.

The 8-inch waterline will enter the southwest corner of the Hondo II Fire Station property and connect to the proposed Hondo II booster station and water tank. The 720 square foot booster pump station building will be 14 feet in height and will be unmanned. The proposed water tank will be constructed 23 feet in height and at full capacity will hold 340,000 gallons of water.

A 10-inch waterline will be constructed from the Hondo II booster station and water tank site to a point of connection located in front of the Apache Canyon Church. The waterline will serve the existing Cañoncito at Apache Canyon Mutual Domestic Water Consumers and Sewage Works Association Water System Infrastructure. The 10-inch pipeline will be installed within the New Mexico Department of Transportation right-of-way along the Old Las Vegas Highway. The County will install 34 Fire Hydrants within NMDOT Right-of-Way.

The applicant has secured all easements and right-of-way from EAWSD, New Mexico State Land Office and private property owners for the installation of the proposed water transmission line. Santa Fe County does not have zoning jurisdiction on State-owned property and/or NMDOT right-of-way.

The Applicant states, Santa Fe County initiated the waterline extension project as a means of extending the benefits of the City and County's Buckman Direct Diversion project to the Community of Eldorado and the Village of Cañoncito.

The applicant has addressed the conditional use permit criteria per Section 4.9.6.5 and staff has responded to the applicant's response. The applicant conducted a

geotechnical engineering report and a water right and hydrology report. The application for the water tank and booster station meet the requirements set forth in Table 9-10-9, Dimensional Standards of the US 285 South Highway Corridor District Overlay. The applicant addressed the applicable design standards in Chapter 7 of the SLDC. The applicant addressed access, right-of-way and easement acquisition, fire protection, landscape and buffering, lighting, protection of historic and archaeological resources, and terrain management. Staff has determined that the above-mentioned design standards as addressed by the applicant meet the criteria set forth in Chapter 7 of the SLDC.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conditional Use Permit to construct a water transmission line from the Rancho Viejo Tank Service Area to the Hondo II Fire Station and to construct a booster station and water tank at the Hondo II Fire Station: the use is compatible with the current development within the affected zoning districts; the use will not impact adjacent land uses; and the application satisfies the submittal requirements set forth in the SLDC inclusive of the Conditional Use Criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from the State Historic Preservation Office and County staff have established findings that this application to construct a water transmission line from the Rancho Viejo Tank Service Area to the Hondo II Fire Station and to construct a booster station and water tank at the Hondo II Fire Station is in compliance with State requirements and design standards set forth in the SLDC.

Staff recommends approval of a Conditional Use Permit to allow a water transmission line commencing from the Rancho Viejo Tank Service Area to the Hondo II Fire Station meandering through the Community College District, through Eldorado and the U.S. 285 South Highway Corridor District Overlay, within the US 285 right-of-way, and to construct a booster station and water tank at the Hondo II Fire Station, subject to the following conditions. Hearing Officer Virtue, May I enter these conditions into the record?

HEARING OFFICER VIRTUE: Yes, you may.

The conditions are as follows:

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. Prior to recording the CUP the Applicant shall submit, to staff for the record, the documentation of the acquisition of easements, Encroachment Agreement, and Right of Way utilized by the water transmission line.
3. A qualified archaeologist shall monitor all earth disturbance construction activities where the project intersects with the following historic properties that are listed on/or eligible for the National Register of Historic Places: LA 110357 (the Gurule Homestead); SR 49/NR 66000486 (original Santa Fe Trail alignment); and areas of the project that are adjacent to the Glorieta Pass Battlefield National Historic Landmark. All mitigation recommended by the Historic Preservation Division (HPD) shall be documented and the findings submitted to staff for the record.

4. The Applicant shall be subject to all conditions set forth in the Excavation/Restoration Ordinance 2003-1 for any road cuts across and Santa Fe County Maintained Roads.
5. An amended NMDOT access permit, via the Old Las Vegas Highway, shall be submitted for the access to the Hondo II Fire Station.
6. NMDOT approved Utility Crossing Permits shall be submitted for this project prior to construction.
7. All areas of disturbance shall be reclaimed with the requisite stabilization, reseeding and restoration as required by the Engineered Design Specifications.
8. An approved Stormwater Pollution Prevention Plan (SWPP) shall be submitted for this project prior to construction.

MR. LARRANAGA: Thank you. This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on October 15, 2020.

Hearing Officer Virtue, I stand for any questions.

HEARING OFFICER VIRTUE: Okay. Thank you very much, Mr. Larrañaga. I do have one question for you relating to the status of the Cañoncito Mutual Domestic Association. There's a resolution in the packet of the County Commission adopted in 2012 that makes that service area a part of the County's water system service area, subject to the implementation of the resolution through filing of documents and that sort of thing. Can you report as to the status of implementing that resolution? Maybe this is a better question for Mr. Madrid and if it is you can certainly defer it to him.

MR. LARRANAGA: Hearing Officer Virtue, yes, definitely. It would be a question suited for Mr. Madrid.

HEARING OFFICER VIRTUE: Okay. Thank you.

DAVID MADRID: Hearing Officer Virtue, this is David Madrid, Project Manager with the Public Works Department and I am also the project manager for the Cañoncito Region II.

HEARING OFFICER VIRTUE: Mr. Madrid, I'm going to have you sworn in before you testify. And Mr. Madrid, just for the record, is speaking on behalf of the applicant and we'll have the recorder swear you in.

[Duly sworn, David Madrid testified as follows:]

MR. MADRID: I reside at 901 West Alameda, Suite 20-C in Santa Fe, New Mexico, zip code 87504.

HEARING OFFICER VIRTUE: Okay, thank you, Mr. Madrid. Go ahead.

[Mr. Madrid incurred audio issues and returned to the meeting via telephone.]

MR. MADRID: Hearing Officer Virtue, this is David Madrid. I am the project manager assigned to the Cañoncito regional water system improvement phase 2 that you had mentioned. We started construction on that project on June 1st of this year and we're approximately about 40 percent complete. This is a Water Trust Board grant-funded project and the funding will expire on December 14th, so we are making our best efforts to get as much of this work done as possible. So my intent is to have water from this project, the Cañoncito-Eldorado water line, to four points of connection along the

Old Las Vegas Highway to provide water to the Cañoncito phase 2 project that I'm also working on.

HEARING OFFICER VIRTUE: Okay. Is that your presentation, Mr. Madrid?

MR. MADRID: Yes. I've been working on both of these projects for the last six years. The intent of this project was ultimately to provide water service to the Village of Cañoncito but we've also been able to include the community of Eldorado, the Eldorado Area Water and Sanitation District, and also the fact that we're providing fire protection along the Old Las Vegas Highway is a benefit, and the project that I'm working on now, the Cañoncito regional phase 2 water service improvements project has been waiting for this project for the last four years. So it's a huge endeavor but both projects are essentially tied together, and they will benefit both from each other and also the community of Eldorado will realize a significant benefit from this project.

HEARING OFFICER VIRTUE: Okay. Did you hear my question to Mr. Larrañaga about the status of the Cañoncito Water Association?

MR. MADRID: Yes. What will happen is – once the – currently the water system is under the authority of the Cañoncito at Apache Canyon Mutual Domestic Water Consumers Association and that system is still active. We are currently installing a larger pipe along with fire hydrants. Once the lines are installed and service connections are in place, and we have water from the Cañoncito-Eldorado water project we will energize that line and for a very short period there will be two functional water systems in operation.

Once we get our system in operation the Cañoncito at Apache Canyon Mutual Domestic Water System will cease to exist and those customers will be customers of the Santa Fe County Utilities Division.

HEARING OFFICER VIRTUE: Okay. Thank you for that.

MR. MADRID: You're welcome, sir.

HEARING OFFICER VIRTUE: And could you just briefly describe what the nature – as I understand it you're going to use the line that currently serves the Eldorado Water and Sanitation District to transfer water over to the Cañoncito area; is that correct?

MR. MADRID: Not completely, Hearing Officer Virtue. We'll use the existing Eldorado Area Water and Sanitation District infrastructure when we bring water from the Rancho Viejo water tank down the Public Service Company of New Mexico utility easement. We will come into the Eldorado Area Water and Sanitation District and connect to it. At that point the water will become part of the Eldorado Area Water and Sanitation District infrastructure and we will come out at a point on 84/285. We will – the County will run down 84/285, pass underneath Interstate 25, and go into the Hondo II Fire Station area, but that pipe from leaving Eldorado, going under I-25 will be a County operated and maintained waterline, along with the waterline going down the Old Las Vegas Highway, and also the waterline going from the Rancho Viejo tank into Eldorado.

HEARING OFFICER VIRTUE: Okay. And I guess the question I was trying to get at is what's the nature of the right of the Eldorado Area Water and Sanitation District to use water from the line that runs through their district?

MR. MADRID: Well, we're currently working on a water services agreement whereby Eldorado would purchase water from Santa Fe County that would be

provided from the Buckman Direct Diversion line, and then in turn, Eldorado would sell water to the Village of Cañoncito, so they would both buy and sell water. I have spoken with the general manager of the water and sanitation district, Steve King, and their intent is to always provide water to the Village of Cañoncito at whatever level is required, and they are also very interested in obtaining a committed water source from Santa Fe County due to their infrastructure, which is very old and very expensive to operate and maintain.

HEARING OFFICER VIRTUE: Okay. Thank you very much for that. Do you have anything else you'd like to present at this point?

MR. MADRID: No, just to mention the fact that I will be the project manager on both of these projects. I'm working very closely with the Public Service Company of New Mexico and the Department of Transportation. The design engineer for both of these projects is Molzen Corbin. I'm also working with the Rancho Viejo Limited Partnership in order to obtain their approval. I've already obtained a right-of-way agreement from the New Mexico State Land Office, and I've also got an archaeologist under contract when we start construction, NV5, so I believe I have all of the players involved and I will be providing more information as quickly as I can to Mr. Larrañaga who's been invaluable in providing me direction and support on this project.

HEARING OFFICER VIRTUE: Okay. Thank you very much for that. At this point I will turn to public testimony and ask if there are any members of the public in attendance who would like to speak in support of this project. Okay, hearing none, we'll start the public testimony from persons who wish to speak either generally with respect to the project or in opposition to the project. Do we have anybody that wants to testify in that regard?

STEVE KING: This is Steve King, the general manager of the Eldorado Water District. I was going to try to just briefly express my full support on behalf of the water district and our board of this project. As Mr. Madrid had indicated, it's not only a critically important water supply project for the community of Cañoncito but it's a very important supplement and augmentation to the existing water system here at Eldorado. And I wanted to explicitly express my appreciation for David and Jose and the rest of the Eldorado utility employees that have supported us in this process. I just reiterate that we're very optimistic on this. We've been working closely with the County Attorney's Office and the Utility Manager and the Public Works Department and believe that we have gone a long way in framing up the details of the service agreement, and I think we're very close to the point of having a draft document ready for review by both parties. So we're very excited and very much appreciate the County's support and collaboration with us on this project.

MS. LUCERO: Hearing Officer Virtue.

HEARING OFFICER VIRTUE: Yes.

MS. LUCERO: If I could, I don't know that we had Mr. King sworn in.

HEARING OFFICER VIRTUE: Okay. Let's swear him and have him acknowledge that his statement was the truth.

[Steve King was placed under oath and confirmed his previous testimony was truthful.]

MR. KING: My address is 2 North Chamisa Drive, Suite A, Santa Fe, New Mexico, 87508.

HEARING OFFICER VIRTUE: Okay, let's circle back and ask again if there is anyone who wishes to testify either generally with respect to the project or in opposition to the project.

WILLIAM MEE: William Mee, Mr. Hearing Officer Virtue.

HEARING OFFICER VIRTUE: Okay, Mr. Mee. Please state your full name and address and we'll swear you in.

MR. MEE: It's William Mee, 2073 Camino Samuel Montoya, Santa Fe, New Mexico, 87507

[Duly sworn, William Mee testified as follows:]

HEARING OFFICER VIRTUE: Okay, Mr. Mee. Please proceed.

MR. MEE: Thank you, Mr. Hearing Officer Virtue. In my letter of September 9th I sent through email to the County Land Use Administrator and carbon-copied Jose Larrañaga on that. But basically we support the emergency nature of this waterline but I think there's some potential land use considerations that may impact the County and affect other communities on down the line. Even as Mr. Larrañaga was talking about, the Land Office is exempt from the County process. I know the Agua Fria area, under some of the previous State Land Commissioners, they actually wanted to on their sections of land in our area, 640 acres, they wanted to put in multiple family housing similar to what they've done down in Albuquerque. So you can get a couple thousand people in on every section of land and certainly it's not the intent of Santa Fe County to open it up to increased development but we don't have – I would say we would need a Board of County Commissioners' ordinance to limit the service areas to Cañoncito and Eldorado and it doesn't apply to all the 25 communities or subdivisions I guess along the route.

I know I was talking with Roger Taylor and he said that most of them would be opposed to joining the County water plan. But the thing is that as water supplies get tighter, the Agua Fria community, we're looking at some water pollution plumes coming down from the City of Santa Fe. Our community well, that point becomes difficult to operate and we would have to be on County water. There's 36 traditional communities in Santa Fe County and a number of contemporary communities that at any point in time can have some kind of mineral contamination, some kind of cleaning fluid contamination. Our wells could simply go dry and it would be too expensive to drill a deeper well. Even a deeper well might not prove successful.

So we all need to be dependent on Santa Fe County at a future time but if all this vacant land is not able to be developed, we're going to be behind everyone in priority, and that's the thing that we want the BCC to say no to. Existing communities will always be served. Thank you.

HEARING OFFICER VIRTUE: Does anyone have any questions for Mr. Mee? I guess I need to go back and see if anybody had any questions for Mr. Madrid, also. I didn't ask if anybody wanted to ask him questions. Okay, hearing none, is there anybody else who wished to submit testimony at this public hearing? All right. Hearing none, then I will close this public hearing.

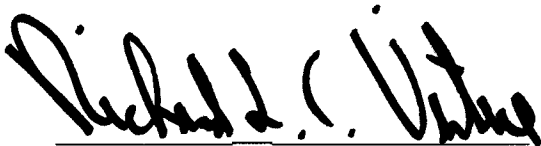
MS. LUCERO: Mr. Virtue, let me make sure everybody was unmuted to double check and make sure that there was no one else that wanted to speak. Okay. I think we're good.

HEARING OFFICER VIRTUE: Okay. So it appears that people who were on mute had the opportunity to become unmuted to speak and we didn't hear anybody. So with that clarification I will go ahead and close the hearing and I will submit a written recommended order within 15 business days of today. Thank you all very much for attending.

4. Adjournment

Hearing Officer Virtue adjourned the hearing at approximately 3:35 p.m.

Approved by:



Richard L.C. Virtue, SLDC
Hearing Officer Santa Fe County

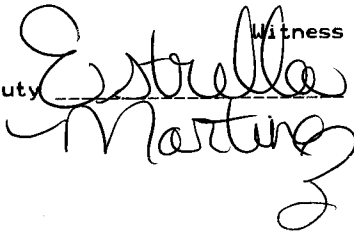


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SLDC HEARING OFFICER
PAGES: 9

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of September, 2020 at 01:04:55 PM
And Was Duly Recorded as Instrument # 1929626
Of The Records Of Santa Fe County

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



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