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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

SPECIAL ZONING MAP MEETING

September 16, 2014

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

Miguel Chavez - District 2 - Excused

CLERK RECORDED 10/15/2014

SANTA FE COUNTY

SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

September 16, 2014

This special zoning map meeting of the Santa Fe Board of County Commissioners was called to order at approximately 6:11 p.m. by Chair Danny Mayfield at the Pojoaque Valley School Multi-Purpose Building, 1797 State Highway 502, Pojoaque, New Mexico.

Chairman Mayfield welcomed those present and outlined the items to be discussed and procedures. He introduced staff members present, including Land Use Administrator Penny Ellis-Green, County Attorney Greg Shaffer, Planning Manager Robert Griego, Assistant County Attorney Willie Brown, Building & Development Supervisor Vicki Lucero and Planner Tim Cannon.

II. Roll Call

Roll was called and indicated the presence of a quorum as follows:

Members Present:

Commissioner Danny Mayfield, Chair
Commissioner Robert Anaya
Commissioner, Kathy Holian
Commissioner Liz Stefanics

Members Excused:

Commissioner Miguel Chavez

[Sign-n Sheets: Exhibit 1]

V. Approval of Agenda

Following the Pledge of Allegiance and State Pledge, Commissioner Holian moved to approve the agenda. Commissioner Stefanics seconded and the motion passed unanimously.

VI. Public Meeting on An Ordinance Amending Ordinance 2013-6, The Sustainable Land Development Code (SLDC)

ROBERT GRIEGO (Planning Manager): Mr. Chair, Commissioners, I would be happy to provide a brief summary of what got us to this point here. The Sustainable Growth Management Plan was adopted by the Board of County Commissioners in December 2012 by resolution. That is the County's comprehensive

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plan for the entire county. After the 2012 plan was adopted the Board of County Commissioners established the process for the Sustainable Land Development Code. It was a three-year process for approval of the Sustainable Land Development Code. The Board approved that by ordinance in 2013.

I think specifically, Commissioners, I'm not sure if you wanted me to address the traditional community status?

CHAIR MAYFIELD: Sure.

MR. GRIEGO: In the original Santa Fe County general plan in 1980 and the 1980 land development code the County established traditional communities throughout the county. Each of these were identified. They were mapped as traditional communities. There were certain criteria that were established for those communities, for that status of traditional community. One was there was continual settlement since 1925 in a historic pattern of diverse and mixed community land uses which carry through to the present; a presence of historic structures and the existence of a village center.

This designation was devised to recognize areas in the county that have settled and where there was a long history of family settlement, and where the opportunity existed to provide or improve community infrastructure, particularly water and sewer.

The following settlement areas specifically in regard to El Norte area were designated by the 1980 plan: La Puebla, El Rancho, Chimayo, Rio Chiquito, Cundiyo, Nambe, Pojoaque, Jacona, Jaconita, El Rancho, Cuyamungue, Tesuque, Rio en Medio and Chupadero. In 1996 the County amended the land development code and also recognized the traditional community districts. In 1999 the County recognized a couple of additional community districts that were not previously identified including Sombrillo and Cuarteles. So those communities were designated in the 1999 general plan.

The County review process identified these community plans and some of the community plans then created community planning districts and ordinances for those districts. The community planning districts that were created in El Norte included the Pojoaque Community District – there are copies of this in the back. There is also El Valle de Arroyo Seco Highway Corridor Plan. Then there was the Chimayo – the Chimayo Community Plan is in process and the Village of Tesuque Community planning district was created.

So that's a brief background on those community districts.

CHAIR MAYFIELD: Thank you. And just for everybody here, to my right, on the easel, you'll see an outline of the maps on how potential zoning could be imposed [inaudible] but also there should be an overlay or a specific map that shows the outline for the approved community plan pertaining to this valley and from further up north, Arroyo Seco or anywhere else. It should be on one of those easels also. Is that right, Robert?

MR. GRIEGO: Thank you Pojoaque plan is on the easel. The Arroyo Seco is not.

CHAIR MAYFIELD: Okay. So Tim will bring those up if anybody has specific questions. So with that, Penny, I'll go back to you. Thank you for that.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Mr. Chair, Commissioners. We have got – in the packet we have a few amendments proposed to the SLDC. [inaudible] at the last public meeting in chambers, [inaudible] changes were

all highlighted in yellow. Would you like me to address those? Mr. Chair and Commissioners, so the areas have been highlighted start on page 3, Table 7-12, 7-13 have been amended regarding percentage grade and local road standards and driveway standards.

On page 9, the words "or approved" have been added into Section 7.14.2.5. We then move on to page 13, additional sections have been added in Chapter 8, Section 8.4 of default zoning. "Any property to which the SLDC applies that is not depicted on the zoning map within a zoning district established in Chapter 8 shall be deemed to be located in the ag-ranch zoning district unless otherwise specifically provided for herein."

And also, Interpretation of Zoning District Densities has also been added. "Maximum densities that are specified for zoning districts in this chapter are maximum gross densities that apply to the entire area within a development project or subdivision and are not necessarily minimum lot sizes for individual lots." That was added to allow clustering.

On the same page, Section 8,10.11.1, Expansion of Existing PDDs, "Non-residential structures within an existing PDD may be expanded up to 25 percent under a conditional use permit."

On page 17 of the DCI section, the word "sanitary" was added to landfills.

On page 19 there's a definition of commercial solar energy production facility.

On page 20 there's a reference change to replace the reference of 8.5 with 8.4 and those are the changes that are proposed that were different to the first time this document was released. Just to clarify, this entire packet was put on the website and these ordinances are available on our website.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Penny, on page 1, I know it's not part of it but I think number 1, the new section at the bottom, I'd like that to be reviewed one more time. I think there could be some legal conflicts of interest with that statement so I just would like for us to review the language of that. Thank you.

MS. ELLIS-GREEN: Mr. Chair, Commissioner, absolutely.

CHAIR MAYFIELD: Penny, Thank you. Does staff have anything else to add?

MS. ELLIS-GREEN: Mr. Chair, not to that item. If you'd like us to run through the three presentations and then do public comment we could do that.

CHAIR MAYFIELD: Thank you.

MS. ELLIS-GREEN: So the next item is on the zoning map and I'm going to pass that over to Robert.

MR. GRIEGO: Mr. Chair, Commissioners, this item is public meeting on the zoning map for Santa Fe County, specifically focusing on the El Norte growth management area. For this presentation I'll just give the Board a really brief background and to the public as well. I also wanted to recognize the large amount of public that have come out for this. This is a good part of the process.

Again, the Board of County Commissioners adopted the Sustainable Land Development Code, Ordinance 2013-6 in December of 2013. The effective date of the ordinance states that the SLDC shall become effective 30 days after recordation of the SLDC and the accompanying zoning map. So we are in that process right now. The

zoning map adoption process was initiated in March and April of this year with the release of the zoning map adoption draft. Letters were sent out to all property owners in the county identifying the zoning map adoption process and establishing a public review process. The Board held a special meeting on May 28th regarding the zoning map adoption draft and determined that further public review was needed before adoption hearings would be held.

The Board directed staff to schedule additional special Board meetings including this meeting of tonight and another meeting next Tuesday at the County Fairgrounds which will focus on the El Centro and Galisteo growth management areas.

Staff has previously provided the Board with the zoning map background report, the general criteria used to assign the zoning districts on the zoning map adoption draft and the public comment report dated May 2014.

Several broad issues pertaining to the zoning map adoption draft and El North growth management area have been identified through staff analysis. The following is a summary of the existing community planning districts. They include the Pojoaque Valley Community District Ordinance, 2008-5, the Tesuque Community District Ordinance 2000-13, and the El Valle de Arroyo Seco Highway Corridor District Ordinance 2003-7.

There are also some individual petitions. The majority of public comments that we've received pertaining to single properties are generally submitted by either the property owner or their representative. Staff has compiled a database of the comments that we've received to date and we will continue to receive public comment through the County website, the public comment forum in the back table here. You can also contact County staff at the County Administrative Offices to give comments.

Then there have been some concerns regarding property tax assessments related to the zoning district assignments and the Board has identified a need for additional information from the County Assessor's Office to better assess the relationship between the zoning designation and the relationship to property taxes. For tonight's meeting the County Assessor-Elect, Gus Martinez, is here to address questions from the Board regarding property tax assessments.

With that, we do have staff analysis of the issue areas and that information is in your packets. I also want to point out because there's a large number of folks here today that may not have gotten the packet, we do have the entire Board packet on the County website and you can download it from there or you can contact staff if you would like to get additional information on this process.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Robert, I'd like to ask Mr. Martinez, our Assessor-Elect if he could come forward. Assessor Martinez, I appreciate that he's here. We had some questions at the last meeting and if you could just briefly summarize for the public that when there is a zoning on a parcel it doesn't automatically, for example - I'm just going to give one example and then I'm going to turn it over to you because you're the expert. But because a parcel is zoned with multiple lots on, for example, until the actual lots are utilized it could still be assessed as agricultural and ranching, if it's an agricultural and ranching use that those vacant lots are being utilized for. I know I've received a lot of questions myself in the last year. So if you could speak to a few of those items and maybe dispel some of the concern that people might have for

vacant lots that are divided in a certain manner.

GUS MARTINEZ (Assessor-Elect): All right. S if it's agricultural, if it's one large tract there and it has agricultural use, on there and they've applied for that, it will stay agricultural. So it's not really going to affect properties that are existing large tracts there. And also, with the zoning, not necessarily because there's a zoning change, it's going to affect the values of the property. If it has a house on there we're limited to the three percent tax law there, so we can only go three percent a year, unless you add an addition or are you're remodeling your home, that goes on as contributory value to the existing value.

Commercial property will go up to market value, such as vacant land also because there's no cap on commercial property and vacant property. So depending on where you're assessed at in the county there and what values are doing you can see an increase on vacant land as commercial property, depending on what people are buying and selling in the community.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Mr. Martinez.

CHAIR MAYFIELD: Mr. Martinez, I'd just like to follow up. So if an individual potentially could be rezoned and say that their property was zoned private residential. Now it could be zoned to mixed use. Would those individuals fall under the initial assessment under private residential until they came into the County and asked for a permit, say for mixed use? Then would you reassess them? Or would you do that immediately upon any zoning change?

MR. MARTINEZ: No. We would wait until after something's done. If this goes through, then we've got to value what's there, what this [inaudible] and look at the values in the community how it's affecting that type.

CHAIR MAYFIELD: So I'll ask it a different way. So right now, an individual is not assessed taxes based on their zoning.

MR. MARTINEZ: Well, yes they are, based on their zoning, but in that instance that you're talking about, we are going to value based off the existing zoning. So if the existing zoning is residential property and it's a mixed use, until they come in and file a plat showing that it's mixed use, then we relook at the zoning and the value of the property.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes, thank you, Mr. Chair. Robert or Penny. Just so everybody can understand the process, if they don't agree with where they live and the zoning, could you explain what the process is for them to request a change?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, we're in that process now. We've accepted a lot of online comments and hand-written comments submitted to us, either by letter or in a form, as far as the zoning map that was sent out in March. And so this is part of that process as well.

COMMISSIONER STEFANICS: But I'm really speaking, Mr. Chair, at the beginning. If somebody is just coming into the process now, what do they do if they don't agree how they're being zoned in the new zoning?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, at that point they would need to come in and state what they're shown on the zoning map, identify their parcel

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and say – give their reasons as to why they don't believe that zoning is applicable for them and which zoning would be applicable for their parcel.

CHAIR MAYFIELD: Penny, I'm going to ask another question. This is a general concern out there so I just want to ask it now. What impact will any future zoning decisions by Santa Fe County have on current community plans that have been approved? I believe there's 16 and two in the works? I may be wrong on that number. Pojoaque Valley does have one community plan currently approved.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, Chapter 9 of the SLDC is the community districts chapter and it states that the community districts shall remain in effect until such time as the new community plans are adopted in accordance with Chapter 2, and the current corresponding OCD, which is an overlay community district, is established. So throughout this process, throughout out the SGMP and the SLDC process, we have understood that community plans will need to be brought in accordance with the plan that we have, the SGMP and the code, and written in overlay districts. Until that time we have quoted in Chapter 9 the existing ordinance. So those existing ordinances would still apply.

CHAIR MAYFIELD: Thank you. With that, I'm going to open this up to public comment. Just by a show of hands how many care to comment tonight? That's not too many. If more questions come up after – I guess we want to – we have a proposed fee ordinance right now. That's definitely something that's necessary or we could just save that until after public comment. If you don't mind we'll go to public comment first. If you haven't seen a copy of the proposed fee schedule, out there to my right, you can get a copy of that and we'll get comments afforded on that. So whoever cares to come on up please. Mr. Eden.

GUY EDEN: Good evening, Mr. Chair. Thank you for giving me the opportunity to speak. Basically, I don't pretend to know everything that's in all these plans. There's a lot of pages, a lot of paragraphs, but it seems to me like the basic premise of this Sustainable Land Development Code is to increase the density of the housing within the traditional community in Pojoaque and other villages, and to decrease the density in the outlying areas. One of the things that makes me think this is that the Jacona land grant is on the rezoning map to increase the lot size in some areas from 12.5 acres to 40 acre per residence. So to me the plan looks like it's trying to move everybody to the center of their traditional community and pack us in there. That might be too strongly worded.

But we value our quality of life here. We value our tradition and that is small farms with irrigated property and a place to grow vegetables or raise horse or have elbow room so that you're not packed up against your neighbor. And if these plans really do reflect that tendency I personally am opposed to this type of plan. Let us live some room and some space between our neighbors at a time when we're being it seems like assailed from all sides on all kinds of issues like trespassing, electrical service, water. I don't think that this is a good time for the County to be imposing these restrictions on us. It just lays another layer of burdens on us to think about and worry about and wonder what's going to happen in the future.

I know that these plans are also geared so that the utilities and maintenance of these communities will be less expensive but we have properties out here that we cherish

and we want to leave the way they are. There's already places in this community where the density of the housing is already too high. And I personally just don't want to see that problem exacerbated. Thank you very much.

CHAIR MAYFIELD: Mr. Eden, staff requested, you don't have to if you don't want to, but they requested if you could just state your name and if we can't answer a question up here staff can get back with you and make sure the answers are incorporated. Mr. Eden, I just have a question, a general question. Right now, the Pojoaque Valley as I understand it and our surrounding valleys are a traditional community affording development to a minimal of $\frac{3}{4}$ acres. In this plan, the plan does address if there is a central water system and/or a municipal sewer system, any sewer system, it could be – I was going to say down to three dwellings per one acre. And I stand to be corrected at any statement I make tonight.

But based on your statement, your assessment, are you saying that maybe we should go to a larger area than $\frac{3}{4}$ acres of the current traditional community or no?

MR. EDEN: No, but don't reduce it to three houses per acre. One house per $\frac{3}{4}$ acre is a livable number. Going any denser than that is not a livable, comfortable number for I know a lot of people in this community. Thank you.

CHAIR MAYFIELD: Thank you.

DR. FELICIA TRUJILLO: My name is Dr. Felicia Trujillo. You may know my first cousin, Phil Trujillo who long served as County Treasurer. I represent Santa Fe's Doctors WARN, comprised of 95 healthcare professionals. In 2011 we offered City Attorney Kelly Brennan consultation with a cell tower specialist. His name is Attorney Andrew Campanella, in formulating the City's Telecom Ordinance. City Attorney Brennan welcomed three pivotal protective clauses which passed the City Council unanimously.

This is a very specialized legal area and we offer the same assistance to you. We are very concerned that, one, there's no application or guidelines request required. However, the 2012 federal Wireless Facilities Deployment Act, Section 6409, mandates there will be no limit to height or number of antennas added once a cell tower is built. As it reads now your code says well, there's no application necessary for just a 30-foot tall tower.

However, the federal law – there are two that this runs counter, two federal laws. One is in Section 6409 a state or local government may not deny and shall approve any eligible facility's request for a modification of an existing wireless tower or base station. Two, the term eligible facility's request means any request for modification of an existing wireless tower. What this means is that once you put up those 30-foot towers they can go up can go up to 130 feet and higher and you have no right to deny them That's a federal law.

The other part – I'm going to provide you, actually, the full wording of 6409 for your own perusal. But number two, our concern is that there are no setback provisions, or proof required that the proposed antenna's supporting structure is designed so that in the event of structural failure the facility will collapse within the boundaries of the leased lot. And you can see from some of these pictures here, when they fall, the cell tower falls and you certainly in this current code apparently have not provided for a 110 mile an hour winds and other structural deficits. There is a tower falling in this country once a month.

Every three months a tower bursts into flame, like that. And it doesn't care if it's in a nice rural area or an urban area.

And finally, because the FCC regulations specifically limit radiation levels for the general population and the FCC does not test these levels. Only towns and counties can formulate their codes to have them tested. Most cell towers when tested show that they're up to 700 percent higher than the allowed FCC level. We're talking about radiation here. Therefore many US jurisdictions have added to their code these two simple sentences which I would beg of you to add to this code after addressing some of these other questions.

These sentences are as follows: One, that the telecommists pay for periodic, random testing by a third party engineer selected by the County. Two, if the tower is found to be over the FCC limit the telecom must pay to pull it down. I know that you may have followed Attorney Kelly Brennan's battle with Verizon which took years, and most of the time she mentioned to me the greatest problem was that she quite properly filed asking them for papers of various sorts and they refused to fulfill her requests. They were legal requests of a City Attorney and they weren't [inaudible]. So these telecoms that you're inviting in with no regulation, no oversight, just letting them put up a 30-foot tower with anyone who may need the money. A lot of us need the money. Who's going to walk away from that?

The problem is once your neighbor puts up a tower they're not going to put it up near their house, they're going to put it up at the edge of their property near your home. And I again would like to mention that we stand at your service to provide some legal advice from an attorney who deals with this issue every day. It's a very complex and quickly changing one today in the legal system. Thank you.

STEVE CARSON: Good evening, Commissioners, staff and my fellow neighbors. My name is Steve Carson. I'm a resident of El Rancho. I'd like to speak on the effects of urbanization on surface hydrologies and comment on septic systems and acequia systems, both [inaudible] and small home-based businesses. I'm basically opposed to this code primarily on the grounds of increasing lot density. Okay. Here are some of my comments on that.

One is rain on impervious surfaces creates .6 gallons of water, so 1,000 square feet of hard surface creates 600 gallons. The increase in lot density and commercial establishment will increase what we call hardscape in the valley. Okay. That's driveways, roads, sidewalks, things like that. Therefore it accelerates the surface runoff and increases the overall flood-crest in the valley. This increase will accelerate the erosion of road surfaces, natural drainage channels and it will increase the sediments supplied to the Pojoaque river system possibly creating destabilization problems with this natural channel system due to the increase in sediment and discharge.

You can see the effects of urbanization on the Santa Fe River. Only recently we started to invest millions of dollars in that system to stabilize it and we are just getting started. Lot density will increase the need for more septic systems and increase could and most likely could affect groundwater quality. Increase in lot density will draw people to our valley that do not share our cultural roots and agrarianism. As lot sizes are reduced people have less interest in gardening and farming, therefore the need for involvement in membership in our acequia system will dwindle. With less involvement in membership

and the work and funding our acequia systems will fall to the few people who actually use the water. The lack of community involvement in the acequia systems will face an undue and unfair burden to those that really need the water.

Our acequia systems are the base line of our culture. It is what binds us together like no other factor in many other communities and it is the reason I moved to the Pojoaque Valley, for the water, where I could have a garden and have a small plot of pasture for my horses and my animals, and live a rural lifestyle. It is the reason many people that were born here have chosen to stay, and many others like myself have chosen to move here. To urbanize this area would be detrimental to our acequia system and our way of life.

Look at what happened to the acequia systems in Santa Fe from urbanization. Study the acequia systems in Chino Valley, Arizona. A good one is study Phoenix, Arizona. That used to be the bread basket of the United States until they developed it. It was a great farming area. What have they done now? They build houses on old farms. They have a 365-day growing season. Okay.

We need to preserve the agricultural value of this community. Okay. And that needs to be considered over regulation and more density in this community. Local food -- the valley still has hundreds of open acres that easily could be farmed to provide food for the residents of Santa Fe, Los Alamos and surrounding areas. We have land and water and as a culture we need to do more to promote local food and the County needs to do more things in their zoning regulation that promote that. The average food product in Santa Fe has a carbon footprint of about 1,500 miles of transportation to get the food to a store in Santa Fe. By growing food in the Pojoaque Valley we can reduce that to 20 miles.

A comment on running a home business. I've run a home business for over 30 years out of my home in El Rancho. Okay. This isn't visible to my neighbors. There's no big signs, no big buildings, no smokestacks, no big lots, no streetlights. Unless they know what I do they don't know the business is there. This year our business made approximately one million dollars. That business will pay approximately \$63,000 in gross receipts tax. It will pay \$650 in County business tax. We have five staff members, the average wage of those staff member is \$51 an hour and that is run out of a small business operation in El Rancho.

I personally am opposed to codes like this and I'm personally opposed to more regulation in our lives by government. I want to see less regulation, and I think that is something that most people feel throughout the United States. The Americans, the citizens are tired of more regulation, more government involvement, more bureaucratic process to do anything. I don't mind hauling my own garbage, okay and I continue to do so. I don't mind developing and maintaining my own septic system and I will continue to do so. But what I don't like is over-regulation of our community and that's what this code will bring to us. Thank you.

DEVIN BENT: Hi. I'm Devin Bent. I want to thank the members of the Commission for coming out here. I admire your dedication and outreach, sitting in a chair and listening to people astounds me. I would never, never do it. And I'm grateful to them. Grateful for what you do. I'll just mention that in my previous life I was a college professor and policy analyst. People used to pay me hundreds of dollars for my advice

and now I have trouble giving it away. But I can try to give it away tonight.

Now, I was not prepared for the number of people here and the last time I was here we were not allowed to project so I can project my stuff. I'd like to pass out to the Commissioners. [Exhibit 2] Any extras, the audience – and I hope perhaps we could use this to distribute to other people who aren't able to get a copy tonight and I apologize.

I want to depart from my prepared remarks to just briefly respond to something Ms. Penny Elli-Green said. The SLDC is a very long document and can be read several different ways. I do have 58 years experience in policy analysis and I don't read the relationship between our local code and the SLDC the way that she does. I read our local code, it says quite explicitly that we wish to remain rural in character, and you can see that in permitted uses. Our permitted are residential in parts of our community, are entirely residential and agricultural.

On the other hand I understand this is under review but I understand at this point there are 64 permitted uses in traditional communities. And I won't go into the list but a lot of them are, I think, inappropriate, particularly when we consider that the traditional communities, even at $\frac{3}{4}$ of an acre, that's the smallest lot size permitted in residential areas in the county. The impact on our property values of improper use, and a cell tower is only one example, can be devastating. I don't have good statistics on all of these uses but for instance for a cell tower, and there's a lot of research, your property value loss with a cell tower next door is 10 to 20 percent. Now, that's a big hunk of what your property is worth if you sell it. And I hope the Assessor takes this into account and cuts my property tax 10 to 20 percent.

I have a question. As I read it – Ms. Ellis-Green and I will respectfully agree to disagree I hope on this question of interpretation but I think it's certainly a possible interpretation that our code – there's one thing I should say, there's a thing in there that says if there's a conflict, if our code conflicts with the SLDC, the SLDC prevails. So if the SLDC wants to urbanize us and we want to remain rural, that's a conflict – we lose. We want to prevent six uses, all agricultural-residential. The code wants 64. That's a conflict. We lose. I don't see how else to interpret that. But let me move on here.

I did have a question as I read the code again in terms of maximum density. There's a couple of things, a couple of points. The maximum density with water and sewer is three lots per acre, a third of an acre. However, there are all sorts of density bonuses in this code. Okay. The question is what do these density bonuses add up to. If you do all these things, if you, for instance, make a green building and you put in solar and you buy some, transfer some development rights from somewhere else, how many houses per acre are we talking about? Is there some maximum number?

For instance, it says that if you transfer in development rights it's three per acre. Is that number six at this point? It doesn't say how much density bonus you can get for solar. But whatever it is – is it added? Does that make it seven or eight? Can we go up to 12? Twelve people do build twelve townhouses per acre. Are we looking at something like that. And if we're not I would ask the Commission to look at the wording to make sure that it's clear that we're not giving these big numbers in density because I don't think anybody wants that in the Pojoaque Valley.

A second point here, I'm taking this outside of just our area. If you compare the SDA map, the SDA-1, SDA-2, SDA-3, SDA-2, where we are, is we are to be urbanized

in 10 to 20 years. But if you look at that map for the entire county, and you compare it to the map – it's something you should have as your second map – a map that was prepared in 2009 in one of the studies that led up to the SGMP, I believe Tim actually was a major force in the development of this particular map, you will see in fact the green areas of that map identified as irrigated, agricultural areas on the county. You will notice it's not just us. It's almost every last irrigated crop area in the county is slated for urbanization. Do we really want to do that? The previous speaker talked about the need, the desirability of us growing our own food, not importing it from long distances, and yet if you look at that map and where the agriculture currently is, it's north of us along that river. I'm new here, right? The Santa Cruz, it's out area. It's down there at La Cienega, and then that's all acequia agriculture. And just about all of that, as far as I can see, is slated to be urbanized.

And I just hope that the Commission will reconsider that. Okay, two more points. I'm sorry I'm taking up a lot of time but I think they're important. There is some very good things in the Sustainable Growth Management Plan that do not appear in the Sustainable Land Development Code. I do want to speak to some short quotes. One of the things that I see in the Sustainable Growth Management Plan is three pages of goals and strategy to promote agriculture. Three dense pages of goals and strategies to promote agriculture. And they just for the most part disappear in the SLCD. Just to give you an example – I don't want to go through them all and bore you all to death. But the word community supported agriculture, the phrase community supported agriculture is discussed five times in the Sustainable Growth Management Plan; it is not mentioned once in the Sustainable Land Development Code. It seems to me that's just – it goes along with urbanizing agriculture areas. Do we really want to do this? Do we want to downplay – we're looking at the wave of the future. Stuff like buy locally. That's not mentioned in the SLDC.

Anyway, don't let me beat that to death. I'll move on here. The other thing that it changes, an important loss in the SLDC is the SLDC – the Sustainable Growth Management Plan makes quite clear that if there is going to be any urbanization, any further development here that necessary services will be in place. I won't read you the quote but I will read you the quote from the SLDC because it really has to be read to be believed. The SLDC, on page 266, It will be assumed in all cases that adopted LOS – level of service requirements – are presently being met whether or not this in fact true.

I can't blame our current Attorney for this; you're innocent, but it sounds like it's written by an attorney, right? Whether in fact it's true or not. I don't blame you. You're not responsible. So we will be urbanized but the services will not be in place and again, I'm not going to go over all the services we need in an urban area, but we just can't count on any of them being there if we urbanize. The way the [inaudible] go back to what it says in the SGMP, that they're not going to urbanize us until the services are in place, and we can be pretty confident that that will be a long time off.

Now, I'm almost done. I'll just look at one of the services which I think is very important with us, as citizens it's very important to us who farm. And even I, a newcomer, I've planted 24 fruit and nut trees. We're all into agriculture. People up here don't have lawnmowers; they have tractors. But if you look at that third photo I made that's a photo that shows the current status of our groundwater. Both those photos are

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groundwater that has emerged. They emerge in the low points. They emerge in the riverbeds but they emerge in the riverbeds because they are low points. They are not part of the river. And those photographs were taken in the winter. So we have warm water, warm, nutrient-rich water streaming out into our riverbeds even in the winter. So clearly – that’s groundwater. So clearly we have groundwaters. And one of the justifications for Aamodt is the failure of our septic systems, the failure of some septic systems of course. It’s also in the early drafts of the Sustainable Growth Management Plan, the fact that there are high levels of nitrogen in some of the wells. So we have problems.

So the SGMP recognized this and says, I quote from this, about centralized water and sewer. Now we may get centralized water, even if we don’t want it we may get it, but we’re not going to get centralized sewer. What it says here is Certainly centralized service should be required in growth area. Increased density should only be possible where centralized water and sewer are provided. Okay. That’s where we would go to three per acre or maybe more with these density bonuses. I really would like an answer to that. How much density can we get?

But the SLDC abandoned this promise. It allows any developer who builds a subdivision and provides [inaudible] to build their own sewage system, their own sewage treatment system. It’s not centralized. The SLDC also encourages infill. Those people to infill. This is people cutting up lots as infill, they will put in individual septic systems. We’re not going to have a centralized system. We’re going to have a hodgepodge of systems. What’s worse, to my mind, is that with the developer – I’ve lived in a community with covenants. The developer builds it, sets up a number of lots, puts in various systems – okay. And is selling lots, but it’s subsidized. This is actually provided for in the SLDC. The developer through the sale of lots will be subsidized in those things. At a certain point the developer pulls out and then the homeowners become responsible for the maintenance and the repair, even the replacement of the system. They’re – I was in a situation, our assessment, the fees we paid as homeowners, doubled in one year. Doubled as we took over.

Now, a couple problems here. We are [inaudible]. What happens if the homeowners – we’re not talking about Las Campanas here or even Eldorado. We’re talking about people on fairly small lots in a place like Pojoaque. They’re not going to be people with a lot of money. What happens if that system fails and they have to replace it? What happens if maintenance is deferred and they inherit a mess? Well, big problems. The homeowners association tries to get money out of them. The homeowners association is a private organization. You recently got something from your Water Advisory Board –

CHAIR MAYFIELD: Mr. Bent, [inaudible]not HOAs. There’s a lot of people wanting to –

MR. BENT: Okay, well let me just – I just want to say this because the HOAs are responsible for keeping it up. They become responsible for enforcing the code. We have heard a public function over a private organization which very well might be incapable of doing it. At which point the code now, let’s keep on the code, the code provides that the County comes in, takes it over, rebuilds the system, [inaudible] then bills the homeowners association. And you can’t get blood out of turnip. The money may just not be there. So that’s how it ties in. I’m sorry [inaudible]

I think water and sewage systems are a public concern and are relevant here and like I say, your own Water Policy Advisory Board apprised you of this sort of thing where a private organization has no power or eminent domain, no boundary power, no taxing power. It's got nothing if it wants to enforce something it has to foreclose on people, if the County wants to get in the foreclosure business. Thank you very much for your time and patience.

HEATHER NORDQUIST: Thank you, Mr. Chair, Commissioners, and I will be directing some to our Assessor. The SLDC and the rezoning of the Pojoaque Valley asks community members to consider our futures and agree to the terms that our traditional communities developed in a way consistent with [inaudible]. I find this discussion to be disturbing in the context of a Board and legal counsel that have thus far failed to defend and assert the most basic of services necessary to realize these goals, namely the lawful and rightful ingress and egress to our private properties.

I'm here as vice president of the Pojoaque Valley [inaudible] and as a taxpayer and I'm here to remind you of your responsibility and accountability to the residents of this community. You are our closest and most intimate public officials whose job it is to assure that our communities grow in a sustainable manner. How can you expect us to support your development efforts when you cannot manage the will to assert the public nature of our roads and our driveways? How can you have us sign on to the notion that we would invest in our residences and small businesses to grow this community when we cannot count on you to defend access to the very driveways used to access these locations?

The ongoing battle over public roadways has begun to severely impact residents' ability to buy and sell real property in the Pojoaque Valley. Ironically it has presented a hiccup to the County itself, imposing on a private parcel that might give this community some semblance of public services, a ballfield for our young children to play in, free of weeds. There were many community members that were very excited that this funding came through and that we would have a place for our children to play. In a community with few public services this was to be our shining example of the future we wanted for all the residents of the Pojoaque Valley. Instead, the County has become its own latest victim.

We want to remind this body that you work for us, all of us. Allocation of [inaudible] control by our pueblo neighbors defies the standards of sustainable development. As we've recently seen these resources are always subject to later renegotiation and are routinely used to hold the residents of the valley hostage for a handsome ransom at the expense of everyone.

We are very uncomfortable rubberstamping the SLDC until some serious efforts are made by the County to engage with the community in the real and truly public services necessary to support development in the future, without public septic, water, trash service, without recycling facilities, public space for our children to play in, without assurances that our properties will become nothing more than worthless tracts. Under the control and whim of our sovereign neighbors we cannot possibly agree to this plan of sustainably growing the Pojoaque Valley.

If these concerns are not addressed in the near future will have no recourse but to appeal the valuation of our properties for tax purposes to their true value as of the

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moment, which is precisely zero. Until companies will offer title insurance, including ingress and egress to our properties the banks won't touch us. And without that tax base from our homes at least the County will be unable to invest in public works that will add value to the community and only enrich a few of your constituents. At the very least it will not offer this minority more ammunition to extract a few more million dollars from its residents for its own political and personal gain. Thank you very much.

JACK SHELburn: Mr. Chair, Commissioners, my name is Jack Shelburn. I manage a family business in El Rancho. It's the El Rancho mobile home park. I'm having a real hard time with this, believe it or not. I have [inaudible] on our property that I manage. It's a mobile home park. We have approximately seven acres at our disposal, if you subtract an acre for a JMEC power line on the east side, and then you've got another acre on the west side that's a County road, Evergreen Lane, which my father donated to the County, and to JMEC as well. So I have 20 connections on 7 acres. Another connection and I would be three per acre, but they're all crammed together in 60 X 120 lots, which for a mobile home park is a pretty good-sized lot if you check them out.

I charge \$350 a month for rent and we supply water, sewer and gas. I mean water, sewer and trash. And believe me, my people cannot afford to pay more. Many have to go without groceries to pay their light bill.

But let me get to the point. We have a centralized septic system. We have two 2,000-gallon septic tanks and over an acre and a half of field leach lines. That's why the lots are only 60 X 120 instead of a third of an acre. I don't know what you're thinking if we can go a third of an acre and put a well on a lot on each acre. If the water system goes through, which I hope to God it doesn't, believe me, it would save me a lot of money, because I have to treat my wells. If it goes through, which I hope it doesn't, maybe you could pull it off for water but what are going to do about septic?

You have no plans. You haven't even thought about septic or wastewater systems. I have my [inaudible]. The state makes me put in a test well 200 yards away from the septic tanks to make sure I'm not polluting the groundwater. I've got so many restrictions I can't even shake a stick at them. And I'd like to know how you guys are going to do this. I really would. And I've read through this plan; it just doesn't make any sense. I came here – I've been all over the United States. I was born and raised in Missouri. But I came here to live here because I like it here and I really loved it here until just recently.

So that's what I'd like to know. I'd like to know how you're going to pull this off. And it's kind of interesting. I'm going to share this mostly with my neighbors. On Monday, I got an email from the Environment Department, Wastewater Bureau. And I'll just read you the first paragraph, the main paragraph here. It's kind of interesting and I really don't believe in circumstance. Please don't take offense. This is from Mr. Gerald Knutson, State of New Mexico. He says, "The El Rancho Mobile Home Park is prohibited by the New Mexico, NMED, Groundwater Quality Bureau, GWQB, Discharge permit DP 871, recently, there has been changes to the New Mexico Water Quality Control Commission regulations, and it gives the number here, that may allow the mobile home park to be permitted under the Environmental Health Division of Land waste program. This is the program that permits septic tanks, leach field systems for individual homes. And with that [inaudible]. Thank you for your consideration, Mr. Chair.

TOM WEINER: Mr. Chair, Commissioners, I'm Tom Weiner. I live here in Santa Fe. I just have some points I want to make. I wasn't opposed to the SLDC. I wasn't necessarily in favor of it either, but once the zoning map came out I was definitely opposed to it. The zoning map does things that are incredibly arbitrary and capricious.

My first point is that I don't believe that the public has been informed of the changes that you're actually proposing. I didn't pay too much attention until I got the notice in the mail that had something to do with my property. It was a very tiny map on a very small piece of paper and I didn't think it pertained to me. And then I found out from my neighbors that it did pertain to me and I could not figure out how it pertained to me for a long time. I finally was able to get a larger sized map from the County offices and found out that indeed, things are changing in my neighborhood. I didn't know it before, so this was new to me. But I don't believe the public has been properly informed.

With so many changes in zoning in my neighborhood basically all the neighbors are informed is that there's a hearing process and there's a lot of detail people pay attention. I don't believe that this small piece of paper is adequate at informing the public of what's going on. If people were informed the way that a neighbor would have to file for changing the zoning of his property I believe you would see ten times the number of people here tonight that you see now. You're just seeing the tip of the iceberg and I believe if you did inform people properly you would have a lot more people here this evening.

My second point is that the land that's adjacent to me is being zoned at a higher density. I don't – I feel that I bought a piece of property to build a house on it and it is basically part of the neighborhood. Rezoning the land next to me to five times the density changes the value of my property. It may be zero but I still don't appreciate it being driven negative with higher density right next to me. Furthermore, the land right next to me is a large parcel. It has a major arroyo going through it. Why anybody would want to put more homes on a piece of property that has a large arroyo it is beyond me. It makes no sense. It also doesn't make any sense that only half of the property was rezoned. The other half stayed the same. So I do not understand what's going on here. The changes seem to be arbitrary and capricious, taking another look at this particular case.

So I have two points. You should inform the public better about what you're really doing, and secondly, you should re-examine each individual tract and parcel that you're changing, because you are affecting many, many people and the value of their properties.

CARMEN PAYNE: Mr. Chair, members of the Commission, my name is Carmen Payne, and I live at 281 State Road 76 in Cuarteles and I'm here to represent the residents of Cuarteles and Sombrillo that are affected by the zoning map. First of all, I want to thank this Commission for giving us the opportunity to provide comment on the proposed zoning map. The landowners, the residents of Cuarteles have presented a petition letter with over 100 signatures addressed to the Commission via the Planning Division staff and I'm assuming that you have seen that letter and seen those petitions.

MR. GRIEGO: We did provide it.

MS. PAYNE: I hope so. That was turned in when we met with your staff. The petitioners requested that the Commission please return the zoning of Cuarteles to traditional community as it was zoning prior to 1980. Assuming the Planning staff has

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made the petition letter signatures available to the Commission for review I would like to address other issues than what was in that letter.

Several of us also met with the staff to voice our concerns over the proposed zoning map. Mr. Chair, members of the Commission, many of the residents of Cuarteles and a section of Sombrillo that's affected also by the residential estate zoning of this section of Santa Fe County were surprised to learn that these areas were not zoned traditional as are our surrounding neighbors. Since time is limited and perhaps some here tonight may not have had a chance to speak I would like to ask those in support of returning Cuarteles and the affected parts of Sombrillo back to traditional to please stand. [The majority of those in attendance stood.] Thank you so much.

We learned that Cuarteles had been zoned residential estate in 1980 but it was a mystery to us who or why had done such a thing without notifying the residents prior to doing it and allowing input. I believe the mystery may be solved as recently I learned from one of the residents who was around at that time that there was a real estate developer who came to this area back then and had intentions of putting in a residential development in the Cuarteles area. She began the application process through the County and we believe that was about the time that Cuarteles was zoned residential estate under the 1980 general zoning plan. So that kind of answered our question.

For whatever reason the developer never went through with her intentions of developing a contemporary residential community which is what residential estate is, but the residential estate zoning remained, much to the dismay of the current residents who have been adversely affected by this over the years and had no idea why they were being subjected to undue requirements when none of our neighboring communities had to abide by restrictions and seemingly unfair conditions.

As you know, the purpose of residential estate, according to the Santa Fe County Sustainable Land Development Code is to "designate areas suitable for a combination of large lots and suburban-type residential development, ranchettes, and other compatible uses supporting single family-homes on medium size lots consistent with contemporary community development. Generally the residential estate district applies to low to medium density residential development in established neighborhoods, lands that are already committed to residential uses and have been subdivided for a specific developments."

Cuarteles, on the other hand, is a community perfectly and well described on the pages 376 and 377 of the SLDC. Cuarteles has been a continuous settlement long, long before the SLDC requirement of 1925, as stated in the petition letter that we submitted to you. Cuarteles and parts of Sombrillo affected meet the purpose as stated on page 196 of the SLDC. They are not communities suitable for combination of large-lot and suburban-type residential developments. They are not consistent with contemporary community development subdivided for specific development suitability.

These sections of Santa Fe County are primarily populated by descendents of families that have lived there for generations and want to be able to give their children a piece of land and build a home. It's our culture and tradition and we don't want to lose that. Cuarteles is no different than the community of Chimayo, La Puebla, other parts of Sombrillo or even Nambé or Pojoaque, which are all currently zoned traditional.

Another issue that concerns me is that homes left vacant in Cuarteles due to the

death of owners have deteriorated and become eyesores. They cannot be sold. Who would buy property that is left with a decaying, broken down house that sits on less than 2.5 acres? You can't tear it down because you aren't allowed to build on that piece of property because it's not large enough. And so they stay eyesores. And what this is going to lead to as the elderly pass on and leave homes on inadequately sized property lots is segments of the community are ending up looking like a slum. That lowers the value of properties and the homes around them.

A review of the zoning map of Cuarteles showed many lots, the majority of lots that are probably closer to .75 of an acre or less in size. Can we assume that the property is divided into less than 2.5 acres prior to the 1980 zoning will be grandfathered? How will these vacant lots be affected in the future? In actuality there are very few lots left at 2.5 acres or more that do not have houses on them in Cuarteles or even in Sombrillo. So the restrictions imposed by this zoning will be even more onerous to the few left with any vacant land.

These landowners are at severe economic disadvantage as opposed to the surrounding communities. Again, we respectfully request that the Commission change the zoning of Cuarteles and Sombrillo back to the traditional community that they were prior to 1980. Thank you.

ROBIN CHAFFE: My name is Robin Chaffe. I live on Route 76 at number 257. My home, part of my home and part of the home across my driveway have been designated as homes – well, actually it was the administrative headquarters of the jail of the Spanish Colonials who came after the Pueblo Revolt to settle our area. My husband and I bought our home in 1978. We have been driven out of the small towns that we love because this kind of urbanization, expansion of government control. Thought we had found our place in the most beautiful and most wonderful place we have ever lived, and that has been in many places throughout the world because of my husband's job.

I have been a state commissioner so I know what you're going through and therefore because of the disease of wordiness and picking at things that commissions tend to get into I'm going to be very brief. I have two things to say. First of all, Mr. Mayfield, I understand from a couple of people that were at earlier meetings that I was not at that you have not ever been to Cuarteles. You might have gone through it on your way to Chimayo. I would like to invite you to come visit.

CHAIR MAYFIELD: I have been to Cuarteles many times.

MS. CHAFFE: Well, I'm glad to know that because the impression they had was that you had not noticed what an old community it was. That's why I want you to come and pick up some fruit from the road.

CHAIR MAYFIELD: If it's over \$25 I have to disclose.

MS. CHAFFE: Okay. My main point is this. We bought our home in 1978. We were told by our realtor, Al Barrone, a name some of you know and if you know him is to respect him. He's an honorable man. And by surveyors who came in next to us to survey a piece of property for one of my neighbors. They both said that this is a traditionally zoned area. Apparently 1980 came and went and we never received any notification. The only reason I know about this meeting is because a good neighbor went door to door telling us what was happening and that's why I'm here. I got nothing in the mail. I don't have a computer. I prefer to spend time in this beautiful part of the state, our

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little valley to sitting in front of a computer. And so I don't have one; that's my choice.

But it is now zoned residential and very simply, I want my place rezoned back to traditional. Thank you very much.

GILBERT MADRID: Commissioners, staff members, I'm Gilbert Madrid. I do not live in Cuarteles, albeit by marriage I have an interest in the property in Cuarteles. I know from reading information that has been presented to you that the majority of the residents in Cuarteles want to be reclassified as a residential community. Traditional. Sorry. That's how familiar I am with this map. As a traditional community. And they signed it a great number of disadvantages to the existing residents from the present residential estate requirement. So I won't go to the disadvantages. I only ask of you if you've considered the benefits that have come to the community from the residential estate standard? What are the benefits and who has benefitted from this change that's been enacted 34 years ago?

I would think that if you're wanting to maintain that you ought to have a list of benefits that accrue to that community because you have a list of the disadvantages that that regulation has caused the citizens and the landowners in that community. So I leave that with you.

My second point is with respect to rural classification and design standards. There's been a number of pieces of paper that have downloaded from your website and I have difficulty keeping track of what is the actual proposal. But today we were handed a piece of paper, and it's Table 7-13. In taking a look at this table and information that I downloaded from the computer previously, and I wish to be corrected if I'm interpreting this table incorrectly. At the bottom is a driveway, which my understanding can serve two lots or two dwellings. And the minimum of that road is 20 feet. Then we move up to the so-called cul-de-sac. And from a document that I downloaded from the internet, a cul-de-sac is defined as a road that will serve 30 dwellings. I know of no unused land in Cuarteles that could accommodate 30 dwellings. It appears to be that there ought to be some middle ground there. I don't know if it should be 10, 12, or 15 dwellings that should be served under the confines of a driveway.

And let me explain why I feel this is necessary. If you closely look at the map of the existing lots in Cuarteles, you'll find that the majority of them are strips of land that are about 50 feet in width. You define or you specify 38 feet for roadway and easement and you've eaten up 60 percent of that land. State Road 76, I'm sure you're familiar with, the main road from Espanola serving the eastern communities east of Espanola is not 38 feet wide. So we're being served by a road that in some instances is 24 feet wide and is turned into a property we're requiring a potential of 38 feet, including easement. It just doesn't make sense.

Perhaps the solution is a classification of dwellings somewhere between 30 and two. Thank you very much.

LEONARD GARCIA: To all the Commissioners, I'm Leonard Garcia from Cuyamungue. My forefathers owned all of Cuyamungue. We farmed it and what's happening now is development and urban and our neighbor next door built a five-mile golf course and it drained out the water systems and the springs in Cuyamungue are drying out because of the five-mile golf course and they have built five wells. That's wrong, and I'm against urban development because we want to keep the tradition of our

forefathers alive, our heritage and this is – northern New Mexico is not ready for that because the water not available. It's going to hurt our families. Right now, Cuyamungue is dry and everybody lost their crops. It's very, very serious. What happens if the economy crashes how are we going to survive in the future if that happens because we have to go back to farming and there's no water available. So that's my concern is that I think it's wrong what the Commission is trying to do. We want to keep it the way it was and keep it traditional like our forefathers did. We've got to pass that on to our kids and our kids in the future. Thank you.

JOHN MURPHY: Hell. My name is John Murphy. I'm a resident of the county. I just want to speak a little bit about the cell tower issue. I – on my own time I've read several of the scientific papers on cell towers and I think the Commissioners would be wise to take a look at the science on this. There is a definite statistic rise in sickness, cancers and such, for people living within 300 meters of cell towers. The first hundred meters statistics are extremely spiked. There is – like I say statistics show that out to 300 meters there is an increased incidence of cancers. But again, within the first 100 meters, this is a very bad place to be. And a lot of people cannot move; they can't afford to. So I would just encourage the Commission to take a serious look at what sort of setbacks from occupied buildings would be appropriate for these towers. Thank you.

??TRUJILLO: Mr. Chair, Commissioners, my name is [inaudible] Trujillo. I'd like to take you back to the property taxes. I was wondering, how come you guys didn't put on the lights in the back. People our age have problems seeing. Don't you consideration for people [inaudible]

I have commercial property on 285. Last year I got a notice from the Assessor that my taxes went up 46 percent on commercial. So I went back to the Assessors and I talked to a man named King that was in charge of commercial property. Two years before I [inaudible] the taxes on that property. I went to the protest board and they agreed with me that the property taxes were too high and lowered me. But last year they came back and then they raised them again, like 46 percent. I talked to Mr. King, I said, well, what [inaudible] property tax and I proved my case. Why? And he said, well, we don't agree with the board. Then why do we have protests if every year they're going to change the protest and raise up your taxes? They get you on one-one, so who do you complain to? You can't complain to the commission because they're going to do nothing.

So that board of protest, you guys are not controlling your own staff or what they do. Anyway, if you find out what some of these guys are doing behind your back you'll find out that it's an injustice to the people that pay taxes.

WILLIAM MEE: Mr. Chair, Commissioners, County staff, I'm William Mee from Agua Fria Village and I'm with the United Communities of Santa Fe County. And we've been attending some evenings up here in the north, the Northern New Mexicans Protecting Land, Water and Rights, a group that was just formed and they feel they really hadn't been part of the process. They have a lot of concerns and I'm really glad that you're taking time tonight to listen to those concerns.

People are getting angry about a lot of these issues. I know that in Agua Fria, we're a traditional historic community and we got that designation under the state statute and we did a community plan. And we worked with Robert Griego and Penny Ellis in reviewing our plan against the proposed zoning and against the Sustainable Land

Development Code and we found that everything was good. But there are other traditional communities and other communities that have community plans that maybe they didn't have the great access that we did to County staff. We were able to meet with them.

So I encourage you to listen to the concerns of traditional communities and rural areas and maybe afford more meetings for them, that are more specific to their interests. Thank you very much.

BRUCE DURAN: Commissioners, good evening. My name is Bruce Duran. I'm from El Rancho. I've got three points. First of all, I was very involved in 1998 code change. I think you guys did it based on the basins. And ironically back then you were trying to decrease density and decrease lot sizes. I fought hard to get the land grant recognized as a traditional community because it had been and it did happen.

But here we are today, all of a sudden you have a water system and you're telling us apparently that somewhere in the works there is a sewer system. The only place I've heard or the only entity that I've heard about a sewer system is from San Ildefonso Pueblo. So based on the fact that you're doing these new densities, are you trying to create a market for somebody? [inaudible]

My other point is this. Like a lot of people here today, I'm rather upset about the fact that you're here bringing this urban plan before us when you've pretty much acquiesced to the Native Americans. We should be talking about the basic structure. One lady said over there about the roads, the ingress and egress, [inaudible] Why aren't you here tonight telling us that you've been working on addressing this point instead of trying to urbanize us?

To my last and most important point. Go back to Santa Fe, tell your friends and people there that we're not interested. We don't want to be urbanized. [inaudible] we love our acequias, we love our neighbors, we love our way of life. Even when Los Alamos came a lot of people think it was the greatest thing since sliced bread for us. I differ on that. We lost a lot of our traditional culture for it but we want to hang on to what we got. So go back to Santa Fe, give them that message. We don't want to be [inaudible]

MARTHA TRUJILLO: My name's Martha Trujillo. I live in the Pojoaque-Nambe area, and I just wanted to touch on the acequias. In the SLDC plan there's little mention about the acequias and I think it's contrary to what the arm of government. The acequia is recognized as an organization in the form of government and is going against some of the bylaws that are already currently in place by several of the acequias that are part of the state. So I think that that needs to be looked at a little bit more, if you could put some more attention to that we would appreciate that.

We have a love for the acequias. We know that any time that an acequia is covered the life that goes around it will die and does look different. And I don't think that - there's a lot of us, even though water can run easier and it's maybe a better way of not losing evaporation, and there's a lot of pros to having a cemented or tunnel of water, we still want to see that water running through the [inaudible] because that's what we know, that's what we love and that's what we want to hang on to.

On a different subject but they're related. I think some of the issues that have not been addressed are the current flooding issues that we currently experiencing. For example, whenever we have heavy rain those people who are affected by flooding into

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their homes, into their property is largely due to the fact that the runoff from the mountains has no place to go but through a natural flow. And those are the arroyos that a lot of our County roads were established on.

But when we think about the lot coverage and how that will change the natural flow of the water and how we heard from Steve about how it's compounded when you cover dirt with concrete, I think that we need to settle some of the pre-existing issues such as the natural flow of some of these arroyos that are still creating havoc to our community.

The other thing is that I was, thankfully, able to get – both my husband and I, Alex – were able to get a decrease in our property taxes and that was largely due because of the issues that we have such as the Aamodt, which is very much in question in eyes at least of the objectors, and we also have the issue of easement. And because of easement and the lack of title I was able to get a decrease in my property tax. And I think that that would be a trend. I think we know that that is the trend and it's not one I'm looking forward to but I think that we should be cautious on how we proceed further because what happens with that tax money? I believe our Commissioners [inaudible] I thank you for your time and your hard work. I'd just appreciate you looking into a little bit further on some of these concerns. Thank you.

BEVERLY DURAN-CASH: Chair Mayfield, actually, the last meeting that you saw me at was 11:00 am in the County Courthouse. There was two people, David Neal, who is not – who is out of state right now, and myself. And we spoke for our community. And I told you that if you would please consider to have meetings that affected my community in the evening, I promised you that it would not only be two people, but my people and my community have to work. They're small businessmen, they're barely making ends meet, and I think today – thank you for not making me a liar.

I told you the last meeting, I think I mentioned to you, my name is Beverly Duran-Cash. I'm the president of Northern New Mexicans Protecting Land, Water and Rights. We're not for profit, newly organized [inaudible] and we're trying to reach out to our community to educate them and to perhaps fill the gap between some of our representatives, welcome them to come to organized discussions. Our main mission is to decrease the stress in our community which right now is huge.

We have elderly people that are actually getting sick, so worried what's going to happen to them. So this is a very serious and dear thing to my organization and again, having Northern New Mexico Protects, we take it upon ourselves to learn a little bit about you all. Commissioner Stefanics, you and I have something in common. I strove for my education. Worked night, worked days, went to school nights. And my role as president is only to support the people that feel they don't have a voice, can't pay their electric bills, and the elderly and the retired that don't have the money, the means to hire a lawyer to figure out the paperwork that is coming to them in mass quantities from every direction. I've seen your work and you've reached out to people that are disadvantaged and poor and that gives me hope.

Commissioner Holian, I found out you used to live in Jacona? Is that true?

COMMISSIONER HOLIAN: Yes.

MS. DURAN-CASH: That's awesome. So you're familiar with our simple way of life. And although now you live somewhere else off the grid, we too before this

year thought we lived off the grid, even though we couldn't afford the state of the art, but we do respect and take care of our land and cherish it.

Commissioner Anaya, your cowboy hat – you got my vote, because my family are ranchers and farmers.

And Chairman Danny Mayfield, you have three months left, I want to personally thank you for all the hours that you put into your role as County Commissioner. As my role as president, I have so much respect for all of you. I've spent a lot of time away from my family, my friends. I've take many, many days off vacation which takes away from my quality of life as far as going out and doing things for my health, so I tip my hat to all of you.

What I'd like to – my whole list is a summary tonight, and I think it's all been said, and you've seen some very amazing people and spokespersons that talked today and they pretty much have the same claim that they're trying to say. We feel that we are minimally represented. We have fallen through the cracks. And we take ownership because – I have to be honest with you; a lot of us didn't pay attention and we fell asleep. We are no longer asleep.

Now, I want to just give you one example, if you allow me to. This is going to be something that's more of a caution. We were battling the Jemez Co-op issue, as you know, San Ildefonso Rate Rider 4. We didn't have legal counsel; we can't afford it, so we had people who went as interveners and did their best and acted as lawyers. Now, the citizens went several times and tried to talk to the PRC commissioners and their staff, their legal counsel told them not to listen to us, directly. We petitioned to have the hearing examiner recused not because of her ability, because we felt that it was so impactful that they need to hear us directly and they denied us.

And each time we went into the PRC counsel we stood there and waited for our time for comments and it never came. Now I know, Mr. Chair, you told me the last time that the County supported this and I apologize because I remember that you did send an expert from out of state to come and review Rate Rider 4 and the County, Santa Fe County paid for it. But if you read that report, the expert, who had years and years of experience with rate riders said it was the worst way of collecting and distributing or, how do you say? bringing back the money or recovering the money. Your expert told you, as the Commission, that Rate Rider 4 was unheard of in this area and would not work and cause controversy.

But the last day the PRC voted yes to Rate Rider 4 without us commenting. Their counsel told them that the Santa Fe County supported. Afterwards, it was said and done we made arrangements to go speak with the PRC commissioners and asked them if they would give us the time now to be able to address the issue that we were waiting so patiently for two years to talk to them about and we were withheld to from the advise of their staff. Many of the issues and impacts that happened by them altering a rate rider 19 to appease the sovereign nations they were unaware of. And now we have taken it to a different level, and I have to tell, the PRC commissioners don't know what to do with it. They rubber-stamped something without having the full knowledge of the impact, and a lot of that was because information was withheld from them, and we were kept from talking to them. We were told that it would be pro se – am I saying that correctly? – and therefore they could not listen to us.

And one thing that disturbs me, and I'll end with this is that two or three weeks ago we had a meeting here and it was regarding the easement of San Ildefonso Pueblo and the County. And as we sat there we listened to iii telling us as community members that now we were under his jurisdiction. Your staff did not say a word. I personally asked what happened with the 1989 easement that we thought was perpetual and we thought was purchased by Santa Fe County? No one said anything including your staff.

And when I went to the meeting two days later at 11:00 and I asked you if you were aware how it turned very volatile. In fact, they had to shut it down. Chairman, your staff hadn't even told you what had happened, because you asked for a briefing.

Now, Mr. Shaffer, I saw your article in the *New Mexican*. Thank you very much for explaining what executive session is but you don't have to put an article in the paper; you can talk to us. We're intelligent.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to explain that article. I specifically asked our County Attorney to write that article because we went into executive session regarding a land use case and moratorium that we just passed this morning. So that's what that article was related to and I specifically requested our Attorney to do that. Thank you.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I want to acknowledge and say I supported that clarity that was provided so I think it might be frustrating and you're entitled to do so but any time our Legal can try and articulate clarity to make sure there's no question of transparency, then I support that occurring. So I also, I want to be very clear about saying I support what Mr. Shaffer did.

You're absolutely correct. You always talk but we can do both, communicate verbally and will do so but we also need to right things down and provide information. We said earlier – I just wonder if I could, Mr. Chair, comment about the many people that are here. I'm appreciative of the many people that are here. But there's many people that can't come here. They may be physically unable. They may not have access to come here or at any meeting for that matter. So I value what you said about looking out for and trying to speak for those folks because that's what we try and do, that's what I try and do on the Commission. The newspaper some times is a good mechanism to do that. I appreciate, Commissioner Stefanics that you brought that up and also that you have a desire to communicate verbally. Thank you, Mr. Chair.

MS. DURAN-CASH: And thank you for those comments and thank you for doing that but you all agree that if we have a meeting where people are saying that this situation could turn into a Ferguson situation which is quite scary. I have children. I live right next to the pueblo. I have community members that have been escorted off of the reservation unfenced by gunpoint. And do you feel that the communication should have come from Mr. Shaffer and your staff at that time, telling you what happened at that meeting, equally. That's all I'm asking.

So I want to end with one thing and this is a new development. When we spoke to you all about how this is never going to end and we went and said the PRC, this is not going to end. You're setting a precedent. Please, please. Well we just found out that because of Rate Rider 4 they extended El Rancho to be included with San Ildefonso on

the collection of monies for the easements. Governor Terry Aguilar has asked the New Mexico Taxation and Revenue, instead of placing the GRT, gross receipts tax, under the general fund, which are dollars for you, he asked them to place that under the tribal tax and get our money.

This is taxation without representation. We have no say-so in his government. He called Jemez Co-op and told them to collect the money from the gross receipts tax on all our bills and give it to him. We are in Spanish land grants. We are private claims. And those tax dollars should not be directed or diverted. They belong to you to offer us your support, your hard work and services. And that's not enough. A person that just signed on to Verizon also got tribal tax instead of GRT. So now we don't know if it's the wind where the signals coming from or what. But everyone look at your Verizon bill, because if you see tribal tax, that's equivalent to GRT, which is going to be captured by San Ildefonso Pueblo and taken out of our pockets.

This is why I'm asking you, please, please, look at the long-term impacts. Stop allowing this to happen. Balance at least with the pendulum somewhat for us. That's the only way peace will be claimed again is if everyone feels that there's some kind of civil rights. I'm asking straight from us. And although you each have your own districts, in that board, we're all equal. So District 1 is equal. Thank you for your time.

DAVID DOGRUEL: Mr. Chair, Commissioners, as several people have enumerated, thank you for coming out to the community. I'm going to speak specifically about a zoning issue because other speakers have covered those issues much better than I could. But first of all I'd like to thank you specifically Commissioner Mayfield and the entire Commission and County staff for the excellent work on the Nambe Community/Senior Center and the park. People are really enjoying is, so thank you.

In the early 1970s your predecessors and potentially some folks in this audience had the vision and wisdom to clarify and protect the traditional community and what's special about them in the 1980 code. Some historic themes then included rural character, traditional uses, that reflected how people sustainably balanced the uses in this community. Well, fast-forward to about 2002 when our community planning effort began, specifically in Pojoaque. [inaudible] ensured that the land development code remained consistent with the needs and concerns of the traditional communities of which ours is one.

Our plan, the Pojoaque Community Strategic Plan was adopted by Ordinance 2008-5 and then amended in 2009-4 to correct a mapping issue. That was a 101-page plan. It took about six years of hard work by several hundred people in the community and dedicated County staff. So when we calculated out it took on average about 22 days per page to create that plan.

Some historic themes in that plan included the $\frac{3}{4}$ acre lots and here's where there's some controversy tonight require some protest was that there were some exceptions for higher density of $\frac{1}{3}$ of an acre for family transfers in [inaudible] situations. So as we developed the community plan, that type of – and I'll use the term zoning – that $\frac{1}{3}$ acre size, $\frac{1}{3}$ acre density was intended by our community and the people who developed it in rare and special circumstances.

Fast-forwarding to today it appears that some things have been lost in translation. Ms. Ellis-Green earlier stated that in Chapter 9 that existing ordinances will still apply, so

our community plan as adopted by ordinance still stands and Mr. Bent identified some language which indicates now the SLDC prevails where there's a conflict between the community plans, ordinance and the SLDC.

Specifically, the comments are related to the mixed-use districts, and if we could maybe show that on a map. So our traditional community plan, members of the community felt that we needed to focus commercial-type development in some specific areas where their use was most appropriate. Those areas are on Highway 84-285, and Highway 502. Those are indicated in pink on the zoning map and maybe that will come up in a little more detail. However, as the SLDC and zoning map have evolved, for some reason mixed-use districts are now classified as general commercial. I'd like to think that this can be attributed to some overly broad attempt to standardize across the county. I can't fault the County for that, but here I think a serious error has been committed. So specifically to Mr. Griego I'll pose a question. It doesn't require an answer tonight unless some Commissioner would want to hear it, but when did this change? When the mapping meetings were held earlier this year and several of us on the previous Pojoaque Planning Committee attended, those districts were still identified as mixed-use yet now they're classified as general commercial. So what is your pleasure regarding an answer?

That effectively concludes my statement. I can't say anything more on the other issues. As I said other people have very eloquently covered this.

CHAIR MAYFIELD: Mr. Griego or Ms. Ellis-Green, [inaudible] speaking about 84/285 south to north from [inaudible] 502.

MR. DOGRUEL: Specifically, [inaudible] a portion along 84/285 in Cuyamungue, 84/285 effectively north from the 503 intersection, and then along Highway 502. They're identified in the pinkish orange color on the map that's currently displayed.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, it's actually not identified as commercial general; it was identified as commercial neighborhood. When we looked at the existing communities that had existing plans and ordinances what we tried to do is to look at the closest match. And mixed use under our SLDC is a high density residential area. And so we designated as C-N. I do want to address a little for what I stated earlier regarding Chapter 9 is staff has looked at what the intent of Chapter 9 is and the intent of Chapter 9 is that community ordinances will remain in effect until the overlay districts are written.

The fact that the zoning map and the SLDC has different zoning districts and some of the communities, for example, when one Pojoaque Valley did their ordinance we did not have an SLDC. We had not designated what our base zoning districts would be. So that is causing a conflict. That is causing – and it does need to be clarified. So our intention is to be working with our Legal Department as to how we make that language very, very clear to make it clear that the Pojoaque Valley Community District will apply until they write their overlay. That will allow them to only have the uses that they wanted in there. The mixed-use area would now be the C-N area. Again, they could designate which uses they would like in that area.

Until that is done, until the OCD, the overlay community district, is done, the intent is that the community districts would follow the existing ordinances. But staff is aware that we probably do need additional language to make that very, very clear in this

code.

MR. DOGRUEL: Exactly the comments I was looking for, and I'd also encourage the Commission and staff to engage the community as any overlay districts are developed.

COMMISSIONER ANAYA: I have to take off and there's a couple things I want to say before I leave. Three and a half years ago, pushing four years ago, Commissioner Mayfield and I engaged in a process with our colleagues, Commissioner Stefanics, Commissioner Holian and Commissioner Vigil. And before I go any further I'd like staff to do something for the public. I think it would be helpful if we look at the minutes – we have all our minutes that we always publish – I know Commissioner Mayfield worked a lot on transparency and trying to get those on the web, but a lot of times it's hard to go through a packet of information and minutes that could be this thick, two, three inches thick, and pull out information pertinent, especially to the land use code.

So I know have a lot of things on the webpage but one thing that I think would be very helpful to the public is to see over the course of the code, which has been essentially almost four years, what has the County Commission heard? Two things. We've heard many, many public comments and feedback from public in those Commission meetings and public meetings from the public first, but there's also been things articulated by this body, the members sitting here at this table as well as Commissioner Vigil that I mentioned earlier and Commissioner Chavez.

And I think it's going to be real helpful for all of us if people can go to one place and grab that information to see what input has come in and to see what input this Commission provided. Because we would not be sitting in this boardroom or in this school right now had it not been for the feedback we got from the public and the recommendations that came from this body. And I can't say it any more simple than that.

The other thing that you're going to find is that throughout this whole process, this whole Commission and in particular I said Commissioner Mayfield and I in particular because of similar districts have said we got to go have discussions in the whole county. Okay. Not just one, not just two. We got to do as many as we can. So we've gone through this process. So Penny, Mr. Shaffer, if you guys can help us encapsulate those communications from our minutes and put them on a webpage where anybody can click on them and see that I'm not going to be redundant and say things over and over and over again. As you said, you're very smart people and you can – if you get the information in a format that's clean you can get that information, you can go through it quickly and understand where things have progressed.

And so I'm just going to ask that we do that. The last thing I'll say is this. I have never stopped saying, and I'm speaking for myself on this Commission, for no one else. But on this Commission I have never stopped saying from the first day that I sat on this Commission there is no one part of this county, not one part, that is the same. There's not one part. There's very similar cultures and traditions and values, but not one part is the same. And I said it – I asked my colleagues and I appreciate Commissioner Holian and Commissioner Stefanics here with us because they afforded us the opportunity that Commissioner Mayfield as two, and we had to convince our other colleagues that it was a good idea to continue the dialogue. And frankly I appreciate it. Because we've continued

the dialogue and we've come to a point that I really understand and believe that it's real that we're here.

Did I know or did we know that we were going to get to communities that absolutely didn't want certain aspects of the code? Sure we did. And that's what I said from the beginning. We don't have to make one code that fits every segment of the county. We just don't. I don't think we have. I don't think we have.

But I want to close with this thought. As you provide your feedback, your input and begin to look at different things you want us to look at, be clear and straight and simple as you have said and you have suggested always. There may be some areas in the county that don't need any change. That might be part of the thing that comes out of the dialogue. That there might be segments in the county that want no change at all associated with the land use.

Do I think that this Commission and these members sitting on this Board are adverse to that? No, I don't. But we have to figure out a way to be equitable and fair and legal – I'll look at Mr. Shaffer now because we have to, at the end of the day, despite what common sense maybe tells us some times, we have to frame it in legal terms because you have to do those in order to have land use determinations that hold value to you as citizens and hold merit as you progress to try and transfer those properties.

I'm going to stop and I'm just going to say I appreciate the feedback. I don't mind criticism whatsoever. I would just ask that as you look at your community, give deference to other communities and their diversity of need. Because that's the one things that I've been frustrated with at times is how one part of the county might say, no, Commissioner Anaya, we know what's best for you in southern Santa Fe County or Galisteo, we know what's best for you. Or Jacona, we know what's best for you. Leave, and pay deference to those communities is all I ask.

We had to have some things that are similar and common. We have to. But we also have to acknowledge those differences. I appreciate you guys very much. But let's stay in the room. Lyndon B. Johnson said it a little more harsh but let's stay – let's keep each other in the tent talking to each other, because we can't get anywhere if we don't.

MS. DURAN-CASH: Thank you. Two quick comments. We want to take ownership too and criticism for the last four years. We were off living in our world and we were not active and the plan was moving, and here we are today. The only thing I can say is I apologize for all the long hours that you've put in and now, after 3 ½ years you get our input. But we never thought we'd be here today fighting for our land, properties – fighting for our heritage. Fighting for our civil rights. We're so into saying we don't exist because I – I determine how you live now.. This is civil rights. That's what brought us out.

So now we plan to change and that's the beauty of a plan is it always changes and I'm a program manager. And you have to adapt to it. And so we will keep simple, but what we're asking you is to help us. Help us fight for what we truly believe. Our hard earned money and taxes and our heritage. What we fought for. This isn't about neighbor to neighbor; this is about civil rights.

I should not have to worry that someone's going to come in my driveway and tell me with a survey, prove this is your land. Think about that. And the last comment is I do understand the legal responsibility. But you all are very intelligent people. All I ask is

that you think and don't take people's word for it. Think and don't rubberstamp what the PRC commission did. That's all I'm asking. Thank you.

CHAIR MAYFIELD: [inaudible]

JOHN GUTTING: Just one thing. Robert, since you're leaving, thank you.

CHAIR MAYFIELD: But also, and I know a lot of you are leaving now and that's fine, but one thing, for those who are still familiar with the area or with the El Rancho community. One thing that came to me that was in question was the sale of the El Rancho Bar. And the reason I'm bringing this up and I think it pertains to this code [inaudible] any type of agenda script. But under the current code it is not permissible for that to go back into a community center, a bar, or anything else because the individual, as I understand it, never kept up the permits.

So with the new code being developed, that allowed the permissibility of that also for that to go to a conditional use, whereas in front of you all, you could comment on it, you can see whether it would be permissible or not. I'm just asking for people to consider that when they're looking at the current code that we are currently [inaudible]. By, the code that was adopted last year that needs codification from the zoning map, and the impact fees that we haven't even broached tonight. So there's a lot of issues on that.

One thing that I want to bring up and I don't know if Mr. Dogruel is still here or not, but there was a question, okay, let's talk about the zoning changes. Look, I met with many of you collectively and individually, and not on any specificity of this code, so I'm letting the Attorney know that, on your individual properties. But we were talking of leaving the City of Santa Fe off at Tesuque, all the way up to the City of Espanola, if we go up to Truchas or if we go up to Los Alamos, it's all Santa Fe County.

Along those main corridors where people are saying, well, don't urbanize us. Don't do this. On the same comments I'll hear, well, respectfully sovereign nation X can do anything they want on their property, but we can't do anything we want on an adjacent piece of property where we share the same boundary line. So I just ask for you all to take that all into consideration on this zoning map. Either you want it or you don't want it, but I think it's something that you all need to reflect on also.

And going back to the highway that was established on 84/285. For wisdom of the design standards of it, those barrier walls cut off a lot of private claims property and they put a lot of people out of business. Point blank, they put people out of business. So now if we're going to say, well, let's keep this as strictly private residential and don't afford any type of commercial aspect as many – I don't know if I'm going where Mr. Dogruel would or not, respecting the Pojoaque community plan as it was written, I think that needs to be taken into consideration on this plan too, especially along these commercial corridors.

And I'll just bring up a couple shops. El Rancho, there's a drug store. In El Rancho right by the church, there used to be two mom and pop grocery stores back in the day. Today they wouldn't be existing or permissible, unless staff would correct me. So that's something you all have to consider. In Nambe, Pojoaque, where we live, there was Serafina Roybal's store. That wouldn't be permissible today if we say this is strictly private residential.

I'm not trying to by any means say, well, let's urbanize this area, but let's please recognize what business practices were established in the past. Another might be a dairy.

I think – and this is on the code. We need to look at what dairies are permissible. I don't know today or not – I don't know and I want staff to answer this. If the dairy that we're all very familiar with, Rancho Las Gardunas, would be permissible in this code. So that's something that I think we need to look at also for agricultural. And I'm going to ask that of staff, and I know I've asked that question in the past.

When the gentleman brought up, well, my Commissioners have heard me – I don't want to say – debate this, asking for 38 feet of your property to afford two residences. How wide are most of our County roads? They're a lot smaller than 76. That would access that prior residence. But we also have respect when our County Fire Marshal that rolls up to state fire code and federal fire code, that say we need this if you're going to have x-amount of dwellings on the down side of that property.

So I just ask that you all look at that, take that into consideration. Many things in this code, we either go through it point by point, letter by letter or not, I've tried to do my best to do some reading and I'm glad you're hear asking stuff that maybe – I don't want to say catch, but identifying the issues that need to be addressed. One issue that needed to be addressed was, okay, well, Mr. Gutting, you're sitting here in front of me so I'll use you as an example. But Mr. Gutting, right now we're going to say, you've provided a 20-foot apron that's either in concrete or asphalt to access that County road. So that's a condition that's [inaudible]

Another thing that's conditional in this code is saying, well, Mr. Gutting, if you have a backhoe, if you have a grader, you happen to have a bobcat on your property, it's not permissible. I think Commissioner Anaya articulated it best. One code, this code, cannot be applicable for all of Santa Fe County. I don't know, John, maybe you do have a backhoe, a grader and a bobcat. Right now, under Santa Fe County code, it would be not permissible for you.

So I just – again, it's not that anything is totally wrong with this plan. The issues need to be identified as they're written. And that's why I think the community addressing these are very important for us, and keep those comments going in. Respecting Mr. Dogruel in the back, he was heavily involved in the development of the local community plan, which was a great thing. We need to recognize that. One thing I'm going to ask staff and I'll continue to ask staff is if we have to put something forward to say these community plans will be incorporated, not so much as an overlay but how we are not going to unrestrict what the community put their hard work into by saying, well, the code's just going to overlay on top of it and kind of wipe those out.

I know I've heard from staff, we're going to go back and have numerous community meetings with those community plan groups, but all these things that I've heard too, and this is not Mr. Dogruel, say from another community, well, there's one or two people that are in there talking on the community plan, making the decisions for the whole community. Where does the whole community get to weigh in on those plans? You have to attend those meetings. So that's just all I offer also. Mr. Gutting, thanks for hearing me.

MR. GUTTING: Thank you, Dan. I wish that a bunch of the people would have stayed because I'm here to thank some people tonight, and I couldn't not do this, and I wanted to wait until last and I was hoping that the people would stay.

Robert, you've done an excellent job. I don't know how you got it done. We had a

lot of meetings within your council chambers down with the most recent past Planning Director with Jack Kolkmeier, who was there. He came to this community for five years to write the traditional community plan. If he hadn't devoted all that time we wouldn't have a community plan. You, I guess Danny you weren't there when the community plan was approved by the Commission but Liz and Kathy were both there and we appreciate that.

There was a lot of trouble with getting that done. We spent thousands of dollars of the County's money trying to get that community plan done and I thank the County for going forward.

William Mee from Agua Fria, if he hadn't been around to help us we would have never got it done. Dave Dogruel and several other people that worked tirelessly on this plan, if that hadn't been done it wouldn't have been done. And I attended I don't know how many meetings. I took a rough count on it one day and it was over 60. I was going down into Robert's area before Robert knew what was going on. His brother was done there. We had meetings in Edgewood and Stanley and Galisteo. I was going down to those meetings to hear what was happening, hear what those people were wanting to say about the Sustainable Growth Management Plan.

And I agree with what Robert is saying but if you take it all, if you go back to where Dr. Freilich first started and was putting stuff on the board and he was writing notes and would put it all on the board. If you drag all of that back out, Ms. Green, and put that on the board, you'd see where everybody was saying the same thing in different words in every community within the county.

And I think the only thing that everybody is wanting is to have a fair voice in it and I have to commend the Commission for having allowed that. If you all hadn't been as transparent as you have been we wouldn't have had that opportunity.

Mr. Shaffer, I have met you but I haven't had the opportunity to have the camaraderie, I'll say, that I had with your predecessor, Mr. Ross. He was very helpful in me understanding the processes that were going on and I took a bit of exception to your article in the paper the other day because I thought it was covering somebody for stuff that was going on behind the scenes in closed session. I've got an issue with that. I hate to see consent decrees come out and a consent decree that was discussed in the backroom and only the dissent decree is identified and it's passed and nobody get to see –

CHAIR MAYFIELD: Mr. Gutting, it's not on the agenda but let me address this as far as Consent items. As far as I know with my colleagues, we don't have communication on consent. If there's an issue placed on a Consent Calendar, it could be done in a Tuesday pre-meeting to a formal agenda that comes out. If a Commissioner sees something on consent and they read their packet, every Commissioner has the right to pull anything off of Consent for further discussion.

So I just want this for the record. There are no Commissioners behind closed doors – for anything to go onto Consent.

MR. GUTTING: Well, I don't know that. And I'll take your word for that, Danny, but I haven't been attending the meetings as regularly as I used to, but I have been reading it and I appreciate all of the stuff that's on the web. It makes it a lot easier for us people not to have to go to town and spend a late night.

And I do, I follow those meetings and I watch that. And I sometimes feel like you

go into executive session, and you come back and the next thing there's a Consent Calendar item that covered something that was spoken of in the last meeting that you were going to talk about in executive session. And that might be my misunderstanding or misreading of the minutes. And I apologize if I'm falsely accusing you. But that's the way I understood. That is my overview as to what I see has been happening. And I see your expressions from all three of you and I believe that what you're saying is probably true. I probably have misconstrued it.

But because of the uproar that is happening in this community, there is so much, so many things are happening and not everybody is listening. Not everybody knows what's going on. And that is where the road issue in Santa Fe County around the Native American communities, you need to take that on and you need to do something about it. I don't know what it is but you're going to have to do it. Because the way I look at it is the only way to fix the problem that we've got right now, I tried to have a meeting with the New Mexico Title Association. They wouldn't listen. They listened to me but they wouldn't give me – they wouldn't answer any questions because they were afraid of being in a conflict because they are brokers. They are underwriters of the things like title stuff.

I talked to the undersecretary of Insurance Commissioners. He told me more or less the same thing, I needed to talk to my congressional delegation and I needed to talk to the County about getting something done with the roads. Well, I know that you as the County Commission can't afford to buy all of the right-of-ways necessary, and I understand that you're working on that with some of the other pueblos, but it is only a matter of time that it goes to the other three or four. Tesuque gets left out of this but they've got some roads also in the Chupadero area that are within the same type of situations that the roads in El Rancho are in. Not nearly to the degree or the mileage that the roads within the corridor between the three valley tribes are.

I think that those are things that the Commission needs to put a high priority on and you need to start looking forward to it, because I think it's going to come. There could be a day where you would be without any tax base out here and you need to be considering that. If you want sustainability you better be looking to the future because I can tell you the tax base is going to hell in a handbasket. Excuse the language but that's where it's going. If we're unable to sell our properties there's going to be no value in what's going to happen. An old man is going to die on County Road 109 and the tribe will pick it up for the back taxes that are not worth anything because he couldn't afford to pay them before he died. And that's what's going to happen.

There are hundreds of people out here. I don't know – Robert, do you know what the demographic age is now? I think when we were doing the plan it was in the high 60s. I'll bet it's gotten into the 70s by now. And so the people that are here are going to end up being the last people that are going to be able to live on these properties that we can't get in and out of. And we want our traditional communities. And aligned with that we want our traditional communities. I was floored to see what was happening over the hill in the Arroyo Seco area. I didn't even know that community existed. I thought it was part of La Puebla or whatever the many towns that are named over there. I should know that; that's part of Santa Fe County. I thought after you went over the hill you were in Espanola, till I moved out here. Or Rio Arriba County.

And I do appreciate what everybody is doing. I appreciate all of these people that come to these meetings. Because finally, after ten years of dealing with Aamodt and everything, I finally think I've got part of the ostriches out of the sand, and they're coming out and listening. And they're involved. But ten years ago you couldn't get what's here tonight here at 8:00 or at 6:00. So I appreciate all of these people that have been coming, that came tonight. And Tim's done a marvelous job too. If it wasn't for his cartographic skills and on the computer and stuff you guys wouldn't know what you were doing. Because you wouldn't have a map. And thank you all.

CHAIR MAYFIELD: Is there anybody else wishing to provide public comment today? We've drifted a little off our agenda but I think it was very important. I just want to state that. I think it's important. I appreciate, Commissioner Holian, Commissioner Stefanics, Commissioner Anaya for being here tonight. There will be minutes on this meeting tonight, so there's a record of this meeting. I just think it's very important that the Commission do hear what these community concerns are out here. Everything that was stated here tonight pertains to this code, pertains to this zoning map.

There are serious issues right here that we're dealing with with our title companies. I know it for a fact. And it's not regressing off of here. If we have to have a full Commission meeting on it, hopefully the Commission will entertain me on having that. If there needs to be a resolution written, maybe if there needs to be legislation written. I'm not passing the buck but I want to state this also. We have no authority over title companies. I know PRC was mentioned a little earlier. Well, it's not the PRC anymore. The State Insurance Division has authority over title companies. Legislation has authority over title companies. And again, it has to be a cooperative effort from all of our electeds working together to represent the people.

But again, I appreciate all of you being here tonight. I will go back to comment. Anybody else who wishes to provide any public comment tonight. Mr. Bent, make it short please. We're about to lose a quorum.

MR. BENT: Very short. I just wanted to say that when I talk about turning this area into urbanized, I was not talking about those corridors that can be used for commercial or mixed use. I was talking about the urbanization instead in ordinary people's neighborhoods.

CHAIR MAYFIELD: Thank you. So again, there is another Commission meeting and this Commission meeting will be Tuesday, September 23rd at the Santa Fe County Fairgrounds, the 23rd and that's at 6:00 pm. I would encourage you and anybody else who's here tonight to spread the word to go. I think Commissioner Anaya articulated very well. We're hearing your concerns in this part of the district. I think it's important that you all hear concerns from other people in other parts of the district. I should tell you how many letters I have and my Commission tells me, approve this zoning map now. You took too long on the SLDC. I have those letters. And I think it's important that all the communities of interest, all of you, what you have to say. The only way that's going to happen, it takes a lot of time to go to these other meetings.

[Commissioner Holian left the meeting and a quorum was lost.]

CHAIR MAYFIELD: But I think it's important that you all can show up

and voice your concerns also at the Santa Fe County Fairgrounds.

MS. TRUJILLO: Commissioner, do you read emails?

CHAIR MAYFIELD: We all get a lot of emails. We read emails.

MS. TRUJILLO: I was wondering how many emails you feel you've gotten about the cell towers being ungoverned.

CHAIR MAYFIELD: Look, I'll just say this. As far as emails that we've received, as we are advised by the County Attorney, this is an adjudicated case in front of us. So if some of us aren't getting back to you personally, saying, look, we might be able to talk to – no, no. I'm just going to say this. I'll answer your question directly. If you don't get a direct response back from some of us or any of us on something personal, as far as email that I probably receive on the cell towers, I would say that I most likely receive ten to 20 at least. Those still need to be forwarded on to our County Attorney.

Now, have I read them all individually? No, but I'll read the caption. I'll see what they're doing and I'll push them over to our County Attorney.

MS. TRUJILLO: Thank you.

MS. DURAN-CASH: I just want to make a comment. [inaudible] We hope to welcome them to come and see our community, and please come and see us because when I tell people what we're going through, they about choke because they can't believe it. [inaudible] Thank you.

CHAIR MAYFIELD: We're done. [inaudible] I'll stay here until they kick us out of this building.

MR. SHELBURNE: I wanted to thank you for coming. I neglected to in my haste, and I also wanted to express my appreciation for coming out to our community. We have a very volatile situation here and the fact that you came here and showed us your support is very near and dear to us. I think I speak for everyone that was here tonight, even the people who have left. We really appreciate your coming out here and taking to us to explain things because as we said, we've been asleep ourselves and now we're not and now we have a lot of hunger for information and knowledge. And we appreciate the fact that you have addressed the hunger for us. So thank you very much.

- VII. Public Meeting on the Zoning Map of All Land in the Unincorporated Area of Santa Fe County to which the Santa Fe County Sustainable Land Development Code Applies**
- VIII. Public Meeting on an Ordinance to Establish Development Permit and Review Fees for Projects in Santa Fe County, New Mexico**

These items were deferred.

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 8:46 p.m.



Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Approved by:

Daniel W. Mayfield
Board of County Commissioners
Daniel W. Mayfield, Chair

10-14-2014

Respectfully submitted:

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

2014 SEP 16 PM 8:46
SANTA FE COUNTY CLERK
GERALDINE SALAZAR



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PUBLIC COMMENT
SIGN-IN SHEET

Name	E-Mail	Area or Topic of Concern
1. ANNE PETERSON	annepeterson3531@gmail.com	Zoning
2. Felicia N Trujillo, ND	felitru11@gmail.com	Cell towers -
3. MICHAEL LATHROP	mlathrop@lanl.gov	Traditional Village Status
4. Mark Hilge	-	505-469-3981
5. Beverly Duran-Cash	durancash@yahoo.com	All of it! Support your constituents in your County.
6. Tom Wehner	conejo77@g.com	Zoning
7. Mona Valencia	jmonast@aol.com	Zoning + Jacana Grant
8. Frank B. Olivas	FB01234@yahoo.com	Traditional Village Status
9. Gilbert Martinez	gillymtz@gmail.com	Traditional/Community

Name	E-Mail	Area or Topic of Concern
10. Dominic Martinez	dominic.martinez@state-nm.us	Traditional Crafted
11. Brian Patterson	pattbrsrian@gmail.com	Zoning
12. Vicente Roybal	vroybal@hotmail.com	Zoning
13. Jes Archuleta	archuletaj@land.gov	Zoning
14. George Vigil	NONE	Zoning
15. Annabelle Carano	NONE	Zoning
16. Michael Jimenez	NONE	Zoning
17. Patty Sandoval	Patsandoval@hotmail.com	Zoning
18. Sevi Sandoval	Patsandoval@hotmail.com	Zoning
19.		

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PUBLIC COMMENT
SIGN-IN SHEET

Name	E-mail	Area or Topic of Concern
30. Richard G. Rivera	RRivera 857 @ yahoo.com	Zoning
31. S. Brown	Lepaeb@comcast.net	"
32. Frank Medina		
33. Christina D Lopez		Zoning
34. F.M. PATORNI	FMPATORNI @ earthlink.net	"
35. MARGE JOHNSON	anabelleluz@ gmail.com	CELL TOWERS
36. FLO PERKINS		
37. Janet Silva	Janetdsilva@windstream.net	S.Zoning
38. Pauline Cavlee		
39. LEONARDO GARCIA	SHADOW4829@AOL.COM	

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PUBLIC COMMENT
SIGN-IN SHEET

Name	E-mail	Area or Topic of Concern
30. Anthony/Vickie Murtoya	vickie728@gmail.com	
31. Bruce Dorow	bruce_dorow@yahoo.com	
32. Flo PERKINS	Floperke@gmail.com	
33.		
34.		
35.		
36.		
37.		
38.		
39.		

Name	E- mail	Area or Topic of Concern
30. Lee Cass	Simgraphics @ questoffice.net	Development
31. John Nye	johnnyne@yahoo.com.au	Development
32. Marianne Preston	mhornbuck@gmail.com	Development
33. Rachel Moore	rachelbbmoore@gmail.com	Zoning
34. Stella Shelburn	Stella Shelburn@gmail.com	Development DO NOT!
35.		
36.		
37.		
38.		
39.		

Name	E-Mail	Area or Topic of Concern
40. Manuel Martinez	manny@tzeq.com	Zoning Pojoaque
41. CHRIS TRUJILLO	c@cpt45nambe@gmail.com	
42. Martha Trujillo	altrujillo@q.com	SLDC
43. Beth Gonzales	medxpress@netscape.com	Zoning
44. Marquise Gutierrez	xaxgute@aol.com	all
45. Mr Gilbert Madrid	} gilbertmadrid@gmail.com	Zoning Cuartelez, Lumbilla
46. Shirley Madrid		
47. Heather Nordquist	heather.nordquist@gmail.com	SLDC / Public Services
48. Larry Kyzhal		all
49. Carol Espinosa		Cuartelez zoning
William + Lois Mee	williamhenrymee@aol.com COVER	Plan

WARRIENS Joney

John Archibello

Chris Kriss

Dwayne Bachman

ESPERANZA Bachman

John P. Ortiz

Henry R. y...

WARRIENS Joney @ gmail.com

elias @ gmail.com

Chris B. - plan b. com

Ortiz may allen @ gmail.com

hproyhal@yahoo.com

Pasigua

Poyaque

La Puebla

De Puebla

Nambe

El Rancho

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Name	E-Mail	Area or Topic of Concern
1. Jack & Stella Shelburn	jackshelburn@gmail.com	El Rancho SLDC
2. William Barr	willabarr@comcast.net	SLDC
3. Joe R. Romo		Ransomville
4. Joe Rina		Coamange
5. Robert C. Duran	RobertC.Duran56@gmail.com	El Rancho
6. Ronald J. Martinez	ronjmart@yahoo.com	Cuarteles zoning
7. Charlie Esquivel	505-753-9638	Cuarteles Traditional Community Zoning
8. Elot D. Cordova	N/A	Cuarteles zoning
9. GUS ROYBAL		EL RANCHO El Rancho

10. June Roybal

Name	E-Mail	Area or Topic of Concern
10. Gil Ortiz	-	All Topics in regards to my community.
11. Adam Martinez	-	All topics in regards to my community
12. Susan Martinez	-	Topics concerning Cuartelez.
13. John Gattling		
14. Brent Lehman		
15. Nancy Wheeler		All Topics " "
16. Tom & LINDA CHRISMAN	LINDA ^{MSN} CHRISMAN@ CHRISMAN .com	
17. Daniel Montoya		all topics
18. Robert E Rios		All
19. Leonard Ball Carmelita Chavez Amy Samayoa		Cuartelez All

Name	E-Mail	Area or Topic of Concern
20. Karin River	Kriver@gmail.com	Roads, Title, insurance coverage SLDC for new Owners
21. WILL SMOLAK	WILL SMOLAK @GMAIL.COM	REAS, SLDC
22. JOE MARK MARTINEZ		Cuartales
23. JOE ROMERO		SACONITE
24. DIANA BRYER	chimadiana@gmail.com	Cuartales
25. Judith Bent	judiebent@gmail.com	development
26. Virginia Maes	gigi.roybal@hotmail.com	El Rancho CRD
27. C. Loretta Valerio	loretta.valerio@state.nm.us	Jacome
28. Phil Roybal	Pdroybal@gmail.com	EL Rancho.
29. Dianne Roybal	dianne.roybal@gmail.com	El Rancho

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PUBLIC COMMENT
SIGN-IN SHEET

Name	E-Mail	Area or Topic of Concern
30. Robin G. Chaffe	none	zoning of Cuarteles and residential.
31. LEONARD MARTINEZ		CUARTELES
32. Guy Eder		Urbanization
33. James P Barber	jpbabar@hughes.net	Urbanization
34. Velma M. Jenguibal	None	Cuarteles
35. Betruice Wheeler	none	cuarteles
36. Carlo Lopez		Cuarteles
37. TIM HENRY	NONE	Zoning
38. Harry ¹ Christie UICARRI	none	Zoning
39. Asdrubal Gutierrez	-	ZONING

Name	E-Mail	Area or Topic of Concern
40. <i>Lamont Gomez</i>		<i>Re-zoning</i>
41. <i>Nicholas Apodaca</i>	<i>apodaca_niak@yahoo.com</i>	<i>Rezoning</i>
42. <i>Al Trujillo</i>	<i>AL Trujillo@gmail.com</i>	
43. <i>Kelly Richerson</i>	<i>kelly.richerson@state.nm.us</i>	<i>Re-zoning</i>
44. <i>Tina Salazar-Langley</i>	<i>tina.sal.lang@gmail.com</i>	<i> </i>
45. <i>Nancy Grabowski</i>	<i>zunibear61@hotmail.com</i>	<i>Zoning.</i>
46. <i>Michael, Lilix Parizy</i>		<i>Zoning organizations roads water etc</i>
47. <i>Donald + Laverne Martinez</i>	<i>DP MARTINEZ1967@yahoo.com</i>	<i>Zoning</i>
48. <i>Felix Chavez</i>	<i>Kroozingf55@gmail.com</i>	<i>Zoning</i>
49. <i>Gus Vigie</i>	<i>_____</i>	<i>ZONING</i>
<i>John Elliott</i>	<i>johnge9753@gmail.com</i>	<i>Government Intrusion</i>

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PUBLIC COMMENT
SIGN-IN SHEET

NAME

EMAIL

AREA of CONCERN

Michael Shockro
Denise Wilder

michael.shockro@gmail.com
dwilder1@gmail.com

La Tierra 599
Curfew penalty

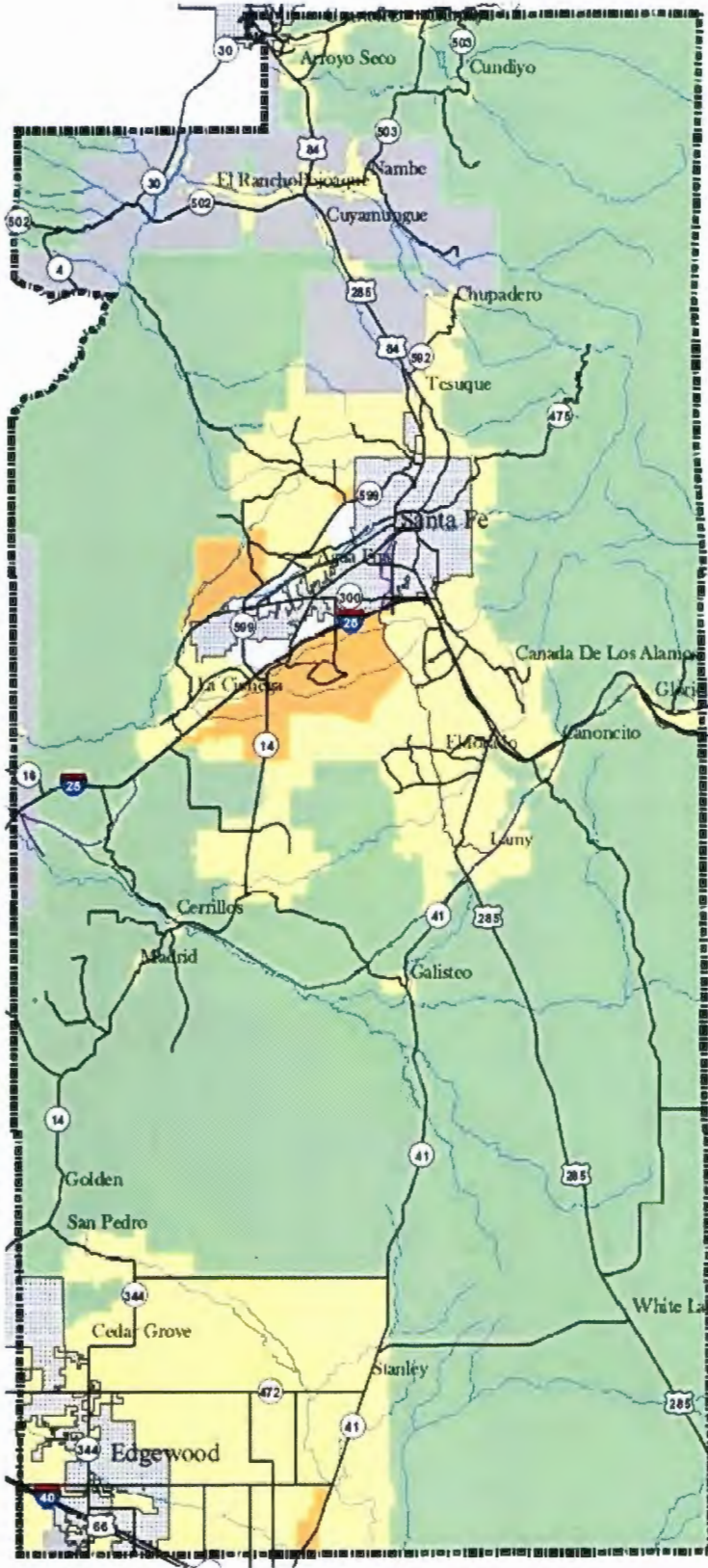
Name	E-Mail	Area or Topic of Concern
1. Anthony SERIWA		
2. Terrence Bednarek		
3. Belle Garate		
4. Ronald K. Martinez	ronaldmtz@yahoo.com	Cuarteles
5. MAX G. ESQUIBEZ	_____	Cuarteles zoning
6. Devin C. Bent	devin.bent@gmail.com	urbanization of agriculture land
7. STEVE CANSON	pawgahands@gmail.com	the effects of urbanization on surface hydrology, porquias, culture
8. Carmen Payne	Carmenepayne@windstream.net	Cuarteles / Sombrello Zoning
9. Michael Garcia	mkgarcia334@gmail.com	Cuarteles

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SIGN-IN SHEET

Name	E-Mail	Area or Topic of Concern
10. JERRY T WOLFF	jla	Basis of your decision & who is improved by them
11. Dolinda Roybal	droybal@santafecounty.nm.gov	All
12. Danny Roybal	dmroybal7@gmail.com	All
13. Billey Roybal	_____	All
14. Cordelia Roybal	_____	All
15. DAVID DOGRUEL	ON FILE	ZONING, CHANGES TO POS. COMM. PLAN
16. Jeff Archuleta	jarchul37@gmail.com	All
17. JP Archuleta		ALL
18. JEBRONES	JBRONESKW@CIVIL.COM	
19. Hari Mandir Khalsa	harimandirsingh@khalsa.com	All



Official Map Series – Map 1

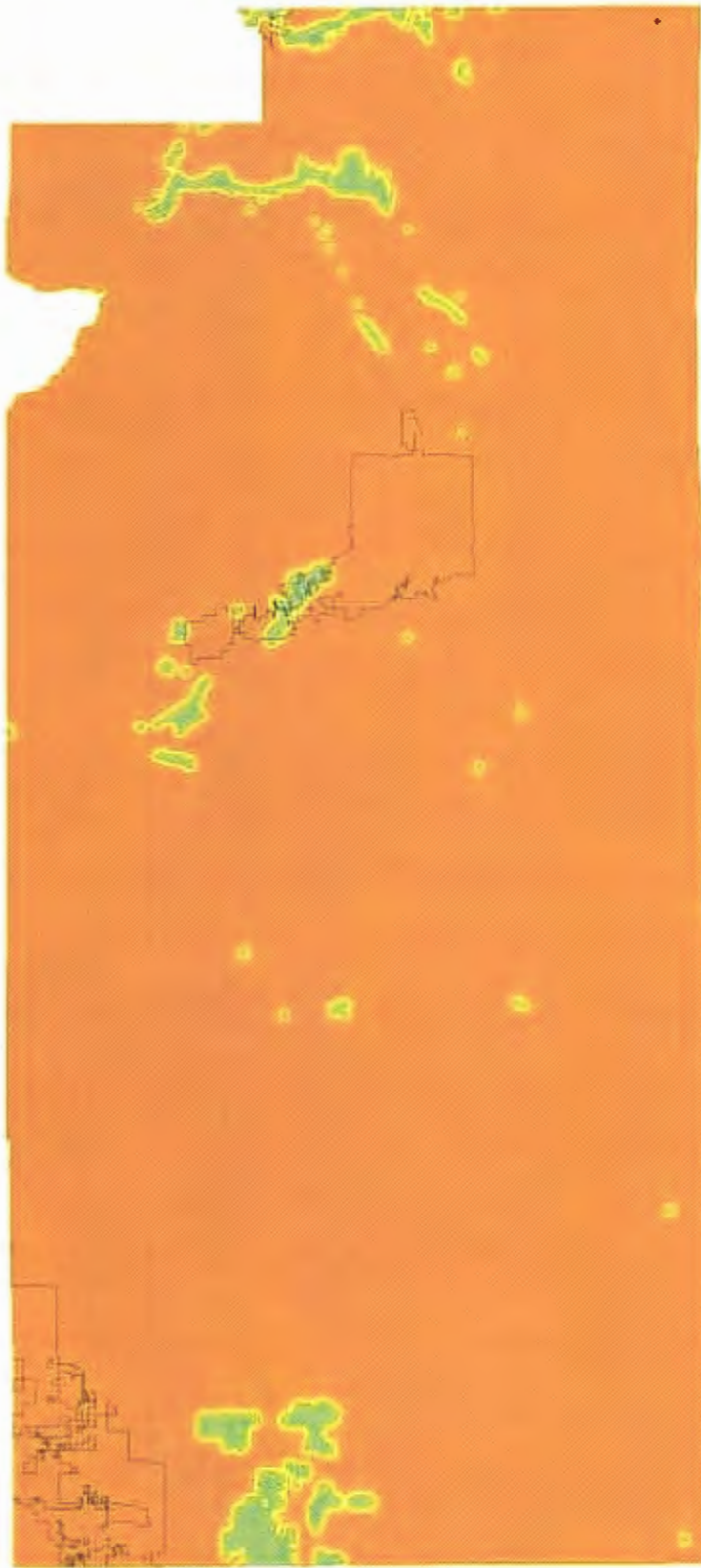
From: Santa Fe County Sustainable Land Development Code:
Official Map Series, Sustainable Development Areas.
December, 2013.

Orange	SDA-1
Yellow	SDA-2
Green	SDA-3

“SDA-2 areas are expected to urbanize over the next ten (10) to twenty (20) years as public infrastructure and services are provided. SDA-2 is a secondary growth area that was targeted for future growth in the SGMP . . .” SLDC, p. 267.

Devin Bent 9/15/2014
devin.bent@gmail.com

2014 09 15 09 15 AM



Factor 1.3 Current Areas of Irrigated Crops

From: Sustainable Land Development Plan, Volume III: Sustainable Land Development Suitability Analysis, Public Review Draft, October 1, 2009, p. 9.

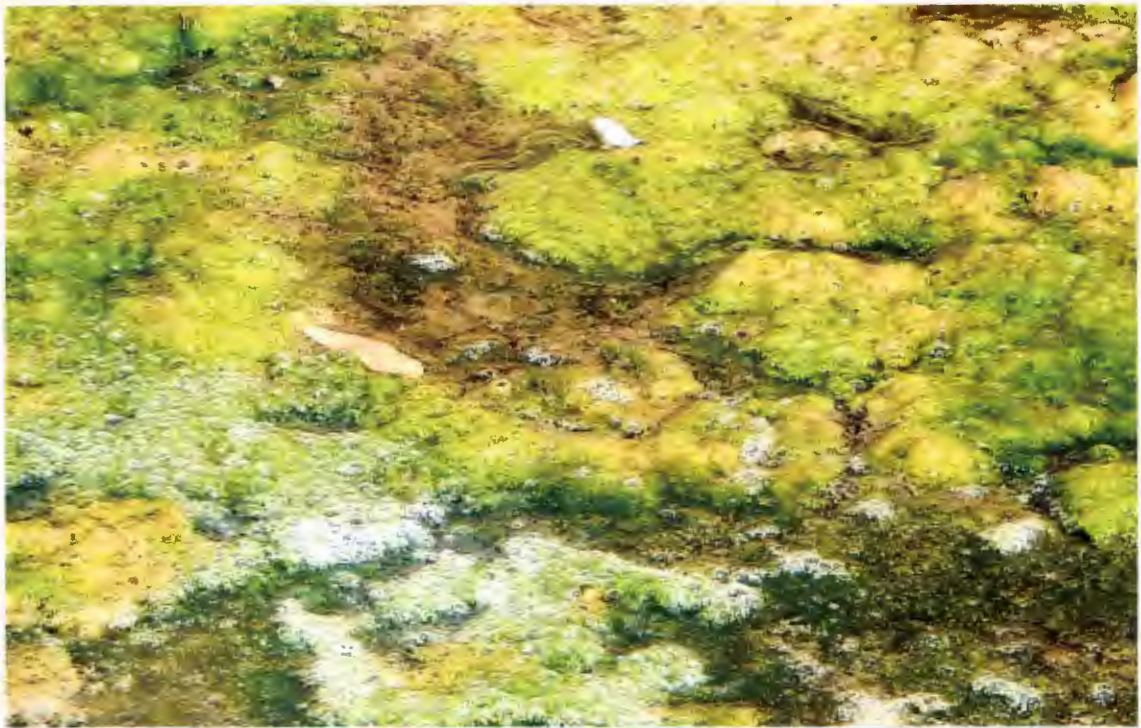
Green	Irrigated crop land
Orange	not

Devin Bent 9/15/2014

devin.bent@gmail.com

SPC OPEN RECORDS REQUEST 088

Top is in streambed of the Nambe, bottom in the streambed of the Tesuque, both photos taken in winter. The top is flowing at an estimated 30 gallons per minute. The bottom at an estimated 10 gallons per minute. Devin Bent, devin.bent@gmail.com.



4/23/21 08:00:00 AM