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BCC MINUTES
PAGES: 266

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County Clerk, Santa Fe, NM



SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 13, 2022

Anna T. Hamilton, Chair - District 4

Rudy Garcia, Vice Chair - District 3

Anna Hansen - District 2

Hank Hughes - District 5

Henry Roybal - District 1

SFC CLERK RECORDED 02/09/2023

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SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

December 13, 2022

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:12 p.m. by Chair Anna Hamilton in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

This meeting was conducted as a hybrid with in person as well as Webex participation.

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

B. Roll Call

Roll was called by Deputy County Evonne Gantz and indicated the presence of a quorum as follows:

Members Present:

Commissioner Anna Hamilton, Chair
Commissioner Rudy Garcia, Vice Chair
Commissioner Anna Hansen
Commissioner Hank Hughes
Commissioner Henry Roybal

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hamilton and the Moment of Reflection by Victor Vigil of the Treasurer's Office.

CHAIR HAMILTON: Before we go any further, I just want to acknowledge that this is the last regular meeting that we will have with Commissioners Roybal and Garcia and we want to extend our appreciation for all of their service to the

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community and commend them for everything that they have done and express how much we will miss them from this Board.

F. Approval of Agenda

CHAIR HAMILTON: Manager Shaffer, are there changes?

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners, yes. As this is the last meeting of the year, as you mentioned, there were a variety of items that were items so as to ensure that they received attention before the year end.

First, item 3A, a resolution supporting legislation that will provide a process to remove racially restrictive covenants from property titles and require gender neutral language on community property documentation was added.

We removed item 4E, concerning the Santa Fe County road map. That will be presented to the Board of County Commissioners on January 10th. We also removed a duplicate item, item 4K from the agenda as a housekeeping item.

We added several amendments to existing collective bargaining agreements. Those are items 6F, 6G, 6H, 6I and those are to ensure that all County employees receive the benefit of the new insurance tiers that the Board of County Commissioners adopted as part of the fiscal year 2023 budget. We added item 6J and 6K, those items concern the regional emergency communication centers migration to the statewide digital trunked radio system. We've also added item 6L which relates to Santa Fe Studio and would authorize me to sign releases of mortgage and accept a letter of credit – really to wrap up the initial LEDA project for Santa Fe Studio and allow the studios to go forward with the refinancing of its debt and the closing of its industrial revenue bond project.

For presentations, item 7A, we updated the caption to reflect the presenters who will be here with us today. Additional packet material was added for public hearing, both public hearing, both 12A and 12B.

Finally, I would respectfully ask due to the late generation of packet material for item 4L, I would respectfully ask that that be removed from the Consent Agenda and be taken up by the Board of County Commissioners as Miscellaneous Action item 6M.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: That sounds great, thank you so much.

Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, we have some individuals here from across the roadway there from the City of Santa Fe. Chief Moya, we welcome you to our meeting. The Assistant Chief for the Fire Department as well as our City Police Chief, welcome. Welcome to you all. I do know that they have some work to do across the way there and I was wondering if we could actually move up item 6K right after item number 5.

CHAIR HAMILTON: If nobody objects, I think that would be a good.

COMMISSIONER GARCIA: Thank you, Madam Chair. I move for a motion of the amended agenda.

COMMISSIONER ROYBAL: Madam Chair, I'll go ahead and second but I had a request as well. The County Clerk, Ms. Katharine Clark, she asked that item

number 3A not come up until after 5 o'clock as she is going to join virtually through Webex and she had a trip that she had to go on for a meeting. So I think if we move it to Matters from County Commissioners that should probably be after 5. I think that would probably be best to move that.

CHAIR HAMILTON: I have no objections to moving it. I imagine, we have enough presentations that it could probably go there as well. So whichever it works out for is fine with me.

COMMISSIONER ROYBAL: Okay, thank you.

MANAGER SHAFFER: Madam Chair, if I could just to clarify. I believe that our guests from the City are here for both items 6J and 6K; was the motion to move both of them? I only heard K and I just wanted to make sure that we're all on the same page.

COMMISSIONER GARCIA: Madam Chair, thank you, Manager Shaffer, yes, that would be my request as well. Thank you for catching that.

CHAIR HAMILTON: So I assume the motion includes all those revisions then and the second? Okay, great.

The motion to approve the amended agenda passed by [4-0] voice vote.
Commissioner Roybal was not present for this action.

2. Approval of Meeting Minutes

A. Request Approval of the November 15, 2022, Board of County Commissioners Meeting Minutes

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the November 15, 2022 Board of County Commissioner minutes.

COMMISSIONER HUGHES: Second.

The motion to approve the amended agenda passed by [4-0] voice vote.
Commissioner Roybal was not present for this action.

2. B. Request Approval of the November 18, 2022, Board of County Commissioners Canvassing Board Special Meeting Minutes

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the November 18, 2022 Board of County Commissioner Special Canvassing Board minutes.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: I have a motion and a second and just for the record, I am abstaining because I was absent from that meeting.

The motion to approve the amended agenda passed by [3-0] voice vote.

Commissioner Roybal was not present for this action and Chair Hamilton abstained.

4. Consent Agenda

- A. Request Authorization for the County Manager to Apply for and Accept on Behalf of the County Approximately \$976,795.42 in Local Assistance and Tribal Consistency Fund (LATCF) Payments from the U.S. Treasury Pursuant to the American Rescue Plan Act (Finance Division/Yvonne S. Herrera)**
- B. Request Approval of Inmate Confinement Agreement No. 2023-0099-CORR/BT Between the Board of County Commissioners of Santa Fe County and the Board of County Commissioners of Lincoln County to House Inmates at the Lincoln County Detention Center (Purchasing Division/Bill Taylor and Public Safety Department Adult Detention Facility/Derek J. Williams)**
- C. Request (1) Approval of Amendment No. 1 to Six Agreements for Navigation Services in Connection with the CONNECT Program, Increasing the Compensation by \$89,625 (Contract No. 2022-0150-CSD/TVR with Interfaith Community Shelter); \$59,750 (Contract No. 2022-0151-CSD/TVR with St. Elizabeth Shelter); \$ 67,375 (Contract No. 2022-0152-CSD/TVR with Communities In Schools New Mexico); \$107,800 (Contract No. 2022-0153-CSD/TVR with Las Cumbres Community Services); \$107,800 (Contract No. 2022-0154-CSD/TVR with Growing Up New Mexico); \$75,000 (Contract No. 2022-0155-CSD/TVR with YouthWorks), for a Cumulative Compensation Increase in the Amount of \$507,350.00; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Orders (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)**
- D. Resolution No. 2022-110, a Resolution Determining Reasonable Notice for Calendar Year 2023 in Accordance With the New Mexico Open Meetings Act, Applicable to All Meetings of the Board of County Commissioners (BCC) and to the Meetings of County Boards and Committees Created and Appointed by the BCC (Appointed County Committees); Establishing Permissible Meeting Locations and a Webcast and Broadcast Policy; and Requiring Meeting Agendas to Include Instructions on How the Public Can Participate in Meetings Remotely During COVID-19 Public Health Emergency (County Attorney's Office/Jeff Young)**
- E. Item Removed**
- F. Request Approval of County Utility Line Extension and Delivery Agreement Between Santa Fe County and Tierra Antigua, LLC (Public Works Department/Michelle Hunter)**
- G. Resolution No. 2022-111, a Resolution Requesting Budget Increase to the General Fund (101) in the Amount of \$227,000 to Budget the Second Amendment to JPA No. 2016-0223-PW/BT with the Greater**

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- Glorieta Community Regional Mutual Domestic Water Consumers and Sewer Works Association (Finance Division/Yvonne S. Herrera and Growth Management Department/Maxx PL Hendren)**
- H. **Resolution No. 2022-112, a Resolution Requesting a Decrease in the Amount of \$4,261 to the Alcohol Programs Fund (241) to Correct Grant Funding (Finance Division/Yvonne S. Herrera and Community Services Department/Sebastian Adamczyk)**
 - I. **Resolution No. 2022-113, a Resolution Requesting Budget Adjustments for a Net Decrease Amount of \$491,204.00 in Various Funds to Account for Prior Year Transactions Affecting Capital Outlay Amounts Included in the FY2023 Budget and Accounts Payable Accruals (Finance Division/Yvonne S. Herrera)**
 - J. **Request Approval of Report of April 1, 2022, Inspection of the Santa Fe County Adult Detention Facility Pursuant to Section 33-3-4 NMSA 1978 (County Manager's Office/Gregory S. Shaffer)**
 - K. Duplicate Item Removed
 - L. Moved to 6M

CHAIR HAMILTON: Are there any items aside from 4L which has already been pulled, are there items that people have questions on or what is the pleasure of the Board?

COMMISSIONER GARCIA: Madam Chair, I don't have any questions of staff but I would just like to make some comments regarding item C and item G. I can do that really quick.

CHAIR HAMILTON: Okay, sure.

COMMISSIONER GARCIA: Thank you, Madam Chair. Item C is request approval of amendment no. 1 to six different agreements and this is for navigation services. It's our Community Services Department who oversees these providers and how they go about helping out our community. One of them is actually with the Interfaith Community Shelter, as Commissioner Hughes knows and has worked with them, that's a great provider. St. Elizabeth Shelter another great provider for this community. Communities in Schools, as a former school board member, Communities in Schools is an organization, a provider who does an excellent job for the schools and provides an excellent service for the children in the Santa Fe Public School District. Growing Up New Mexico and Youthworks a provider that actually helps our youth look at what their career path is going to be throughout the future of their lives. But I just want to bring that up for item C.

And I just wanted to bring that up and thank my colleagues up here as well as the Community Services Department for working with those great providers in navigation services because not a lot of the individuals in our community know how to go about navigating to get help. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you.

COMMISSIONER GARCIA: And with that, I'd like to make a motion to approve the consent agenda.

COMMISSIONER HANSEN: Second.

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

[The Deputy Clerk provided resolution numbers throughout the meeting.]

5. Appointments/Reappointments

None were presented.

[Chair Hamilton read the agenda captions of each item throughout the meeting.]

6. Miscellaneous Action Items

- J. Request (1) Approval of Memorandum of Agreement Between the City of Santa Fe, Santa Fe County, and Town of Edgewood Regarding the Regional Emergency Communications Center's Migration to the Statewide Digital Trunked Radio System (DTRS) Cores and (2) Delegation of Authority to the County Manager to Negotiate and Execute on Behalf of the County, as Fiscal Agent for the RECC, a System Upgrade Agreement II and Advanced Plus Services Agreement with Motorola Solutions, Inc.**

CHAIR HAMILTON: Okay, we'll be starting with 6J and K and Manager Shaffer.

MANAGER SHAFFER: Yes, and thank you Madam Chair and Commissioners. I'll do my poor best to present both the technical and financial information associated with these items. I've got some lifelines that I can potentially call upon if I need some technical support.

At the highest level, all of these items address the migration by the Regional Emergency Communication Center from its own core to the cores that are owned and operated by the Department of Information Technology as part of its statewide digital trunked radio system.

I'll provide just a brief bit of background as to how we got where we are and what the impetus is for this migration and we'll then get to the economics as negotiated by the City and the County and down the road the Town of Edgewood will be brought into that loop as well.

In or about 2019, the County and City agreed to jointly undertake the public safety communication system solutions project, which I'm just going to refer to as the 2019 PSR project because that is what it is called in the memorandum of agreement. That involved capital expenditures for both the RECC as well as for the City of Santa Fe. And on the City side specifically, the expenditures, as I understand them were related to its separate public safety radio system that it maintains – was maintaining and continues to maintain on to this day. As part of the 2019 PSR project, the RECC purchased a variety of hardware and software including what is known as the Motorola Astro 25 Core. The core has been described to me in different ways but as I understand it, it is the piece of hardware and associated software that manages communications, radio

communications, from the RECC to field personnel at the City of Santa Fe, Santa Fe County and Town of Edgewood and vice a versa. So the communications, as I understand it, flow through the core and are translated so that all the respective recipients are able to understand them. Again, that's a very non-technical description of a very technical process. But it's called a core for a reason and it sits at the center of those communications.

Move forward through time and I understand that the City of Santa Fe has experienced and continues to experience significant issues relative to the overall performance of its public safety radio system and those issues caused the City of Santa Fe to determine that it was better served or would be better served by participating in the New Mexico statewide digital trunked radio system. That's the public safety radio system managed again by the state and is available to governmental entities to participate through primarily a prescription model.

In order to facilitate that move, it was recommended that the RECC decommission its core and instead utilize the cores that are owned, operated and maintained by the Department of Information Technology. So for several months now the parties have been working on good faith to coordinate on what that move might look like. What the cost might be that are associated with it. How those costs could be allocated as well as whether or not this move would have any negative implications for the County of Santa Fe should it in the future decide to continue to maintain its own public safety radio system.

So I'll start there first. We asked Federal Engineering, an independent third-party expert in this area whether they foresaw any adverse consequences to the County in terms of future public safety radio system decisions and they reported that they did not. We received proposals from Motorola as to what would be necessary in order for the RECC to migrate to the State Public Safety Radio System cores both in the short term and in the long term. Those proposals were received. One in the early part of November and they were evaluated and recommended by the RECC Board of Directors subject to the cost being worked out and now they are moving forward through the respective governing bodies of the City and the County. [Light bantering as the Manager loads his computer.]

The proposals that were received from Motorola you can divide them into two. The first was a proposal called the DoIT Migration proposal and what this entails, as I understand it, the DoIT move proposal was both hardware as well as services necessary to actually accomplish the communication through the State core. It is far too technical for me to describe what is involved but suffice it to say, it involved some new hardware as well as implementation services and reprogramming of RECC equipment to allow all of the communications to flow through the State cores. Under the MOU that is in front of you, the City of Santa Fe agreed to cover 100 percent of those costs which are approximately \$194,102 as those proposals may be updated or replaced. In addition under the MOU, the City of Santa Fe, unless otherwise agreed by the City and County manager, agree to actually contract with Motorola for those services so that they will be contracting directly with Motorola and overseeing the implementation of the necessary hardware upgrades and services.

The second proposal necessary for the migration and utilization of the state cores has multiple components and those components are treated differently. First, as a

condition of utilizing the state cores it is necessary that the system software that is being utilized at the RECC match the system software that is being utilized at the state. That has happen initially when the transition occurs and it has to happen on a go-forward basis. Anytime the state basically upgrades its system version, the RECC has to do the same. In order to ensure that that happens on schedule on a condition of using the state cores, the RECC has to maintain an active subscription to Motorola's System Upgrade Assurance Two Plan. It's called an SUA2 Plan and remote security upgrade service plan. That in essence it allows you to pay for capital expenditures overtime rather than all in one go when you make them. So the cost associated with the upgrades are spread out over a period of years. There are variables that go into the pricing. In essence the proposal that we received allows for up to two upgrades. We're going to take the first one in year one. So the upgrade is going to happen in year one. That's going to be an upgrade to the system that is used at the RECC and that will also entail additional replacements of hardware, dispatch consoles and the like that are necessary to actually take and operate the new system. Thereafter the costs are more level as you basically pay for over time the second upgrade that will likely happen at the end of the four-year cycle.

Those the parties have agreed are capital expenditures and in the spirit of compromise and in recognition of the City's agreement to pay for the DoIT move proposal, County staff is recommending that we split the cost of the SUA2 over its entire cycle. So in year one the cost is \$128,420.78 and the MOU in front of you would have the City and the County splitting that 50-50 and then as you look forward to future years, the cost would be split between all of the partners, that includes the Town of Edgewood. Again, this ultimately would be presented to the Town for approval and the City and the County. The cost as you move forward to years two, three and four or 2023, 2024 and 2025, are about \$13,200 to the City and the County and about \$6,600 to the Town plus or minus dollars. So that's the SUA2 capital expenditure component of the Motorola proposal.

The final component is a services agreement with Motorola for all four years and as that is an operational expense the County in the draft MOU agrees to be solely responsible for it. And that would be consistent with the RECC JPA. County staff recommends the MOA. We believe it is a fair compromise between the parties as to the initial cost necessary to make the move. We obviously support the City of Santa Fe and its Fire Department and its Police Department in achieving better public safety radio communications for their first responders and the citizens that they serve. In the long run there are some operational savings that the County realize and capital expenditures that the parties will realize since we no longer have to either operate or replace core specific to the RECC.

With that I would stand for any questions and I would look to Deputy County Manager Bernardino if I got anything materially wrong, he can correct me. And I believe that the RECC director is available as well for questions. Thank you.

CHAIR HAMILTON: Thank you, as are our City guests as well. Commissioners are there any questions? Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Do the City officials have anything to add to this you are welcome to come up to the podium to speak. Manager Shaffer thank you for the information: one of the questions that I have is that it

is my understanding that the Town of Edgewood, the police department and fire department and police department – whenever they call – an individual calls 911 in the Town of Edgewood that calls goes to Bernalillo County and then Bernalillo County actually sends it over to the RECC. The RECC, for the many people who are listening out there is our 911 center; will it still remain that way? Will it still go Bernalillo and then Bernalillo dispatch it over to RECC?

MANAGER SHAFFER: I'd ask Deputy County Manager Bernardino to address that if he knows the answer relative to the call on direction that you're referencing. The honest answer is that I do not know the exact path calls from the Town of Edgewood take so I would defer to the Deputy County Manager, if he knows the answer and if not, we'll get it for you.

ELIAS BERNARDINO (Deputy Manager): Madam Chair, Commissioner Garcia, the rationale or the logic of why some of those calls go to Bernalillo is due to cell phone calls and based on the cell phone tower. This core moving over to the state, it doesn't change the diagram of that network. Those calls will still go to Bernalillo if it is pinging a cell phone tower that is within Bernalillo.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you. Another question I have is by the regional emergency communication center interconnecting with the state – right now, correct me if I am wrong, the RECC when an individual calls 911 and if it's a State Police call that call gets dispatched to the State Police; is that correct? So I am just wondering and Manager Shaffer mentioned that we're going to be integrated with the state. So when I call 911 and it's actually a call interstate who gets that call? State Police or the Sheriff's Department or --

MR. BERNARDINO: Madam Chair, Commissioner Garcia, all 911 calls will go to RECC regardless whether the core is moving to the state or is within our four-walls. The purpose of the core moving to the state is to enhance the radio communication of the first responders. For example, and it's my understanding that the City of Santa Fe PD they have some, what I'm calling dead zones, where it's very difficult for PD to really communicate in these areas specifically where Ft. Marcy is located. They can probably elaborate more than I can. But the core does not affect the 911 calls. They all are received at our office. The core movement is more to augment and help not have dead zones and have more coverage when it comes to the radio towers and that's for first responders to have quality radio service.

COMMISSIONER GARCIA: Thank you. And so in regards to the possibility of dead zones that different agencies may or may not have, will this not allow it to happen anymore?

MANAGER SHAFFER: If I could just jump in on that note. Public safety radio coverage and I think this is fair to say, it's not really an RECC function. That's a function of who actually owns the public safety radio system over which the communications are traveling in the field. So currently the City of Santa Fe owns its own public safety radio system. It's determined that moving to the statewide public safety radio system will offer even better coverage and again our City partners can speak to that in greater detail but that's how I understand it based upon the presentations that we've been privy to.

Separately, the County of Santa Fe has its own public safety radio system and the

coverage related to that system, again, is determined by the robustness of that system, that technology that is utilized in that system, the placement of towers, the terrain involved, what have you. So, again, I just want to draw that distinction that in RECC does not own or operate public safety radio systems. Others do that. This is really – I don't want to say it's a back office it's not. But it's the technology utilized in order for the RECC to communicate to those different public safety radio systems. I hope that helps.

CHAIR HAMILTON: We have the City Fire Chief and Police Chief – and they apparently have some information.

CITY FIRE CHIEF MOYA: Yes, Madam Chair, Commissioner Garcia, yes. We have our own system right now. It's up on Buckman Road and that is only one tower. So if went to this system we would have access to the three towers within the city that the state owns. So that is where we are at getting dead zones. If you were in my office right now, we don't have communication at this time. If you're in my office you have to go outside to talk on my radio to dispatch.

The County has a different system than we have and so that is what our biggest problem is that this system we went to that we tried to solve with Chief Babcock, it didn't work for us and so we didn't know it was going to happen. So now we inherited, me and Chief Joye, and now we have to get our people protected and our people taken care of and that is why we are here today to try and fix this problem that was created when we took over.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Chief Moya. Just individuals out there when they call the emergency communications center – just technology stuff that they do – if they just want first responders there right away. Thank you for what you all do. I appreciate that, Chief Moya.

In regards to the first and second upgrade to the RECC, so when does the third, fourth or fifth upgrade come into play? Is that something that Motorola is going to put out there with RECC and we'd need to go bid on that new proposal that Motorola has? How does that work?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, that would be the subject of a future proposal. I believe and I'm not sure what all of the options were but there was pricing that was offered in the proposal that was given was for a four-year cycle which would encompass two upgrades.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you.

CHAIR HAMILTON: Thank you, Commissioner Garcia. Are there other questions? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you Chief Moya for being here. It is good to see you, always. So my questions may be a little bit off but it fell on the same subject. I understand how important it is to protect our community and the citizens and make sure that they're getting adequate service. But I also am concerned about the JPA for the RECC. And so I would like to know what the plan is for us to move forward and make that a better JPA because at the moment I don't think it was really serving our constituents.

MANAGER SHAFFER: I can address that. Madam Chair, Commissioner Hansen, we have begun substantive discussions with representatives of the

City of Santa Fe. Those conversations include the City manager as well as representatives from the legal department and public safety department. Obviously, I would describe them as being in good faith and also I think some good ideas have been brought to the table but there's a lot of work to be done. And I think it's fair to say that the City understands and appreciates that it is a priority for the County. And I believe that they also recognize that it benefits the City as well to at least engage in those discussions candidly as this critical path issue came forward a lot of the attention was shifted from those discussions to get this item done because this does have a real impact in the field right now. And I anticipate that once we move past these items that we'll re-engage on those discussions. I hope that answers your question.

COMMISSIONER HANSEN: Yes, thank you, Manager. Madam Chair, I think this idea to move forward with a new radio system is really important. This has been an ongoing discussion for quite some time to really move to this system. And I know that we have had a lot of questions in the past of how this is going to really benefit everyone and so I just want to make sure that this is the best that we can do for all of our constituents because they are the ones who we are serving. It seems like a reasonable way to move forward. I think including the Town of Edgewood is really important. I don't know where that leaves part of the City of Española and how their system works since they are still part of Santa Fe County, a good part of it.

Those are my concerns. But in general I think this is a path forward that we need to really seriously consider. So thank you very much.

CHAIR HAMILTON: Thank you. Commissioner Hughes, do you have questions?

COMMISSIONER HUGHES: No, Madam Chair. I was going to move approval of this item.

COMMISSIONER GARCIA: Madam Chair, I'll second that. And just as kind of information, I don't know if the power is off in La Cienega area and part of State Road 14, but if they were out at our correctional facility as well as our 911 center – we didn't get calls on it but our staff did a good job if they need to utilize the generators that are out there – but once again I'll second the motion by Commissioner Hughes, thank you.

CHAIR HAMILTON: We have a motion and a second. Under discussion, I have a couple of questions. One is that – oh, yes.

MANAGER SHAFFER: I was just going to note that the motion was made before I could address the second part of this. There is an ask that I be delegated the authority to finalize negotiations with Motorola relative to the agreements. Primarily it would be the SUA2 that needs my signature authority over four years and also that we can get that executed as quickly as possible being that we won't have another board meeting this year. So that is the second component.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: That was intended to be included in my motion.

CHAIR HAMILTON: And the second? [Commissioner Garcia nods in the affirmative] Okay, great. Thank you and thank you for bringing that up. I have a question about the coverage. I understand how it fixes some of your dead zones. The

County has a bunch of dead zones. I know several of them really well. Is there a possibility that some of those are possibly addressed because of the placement of towers that the state then uses?

MANAGER SHAFFER: Madam Chair, Commissioners, the County's own public safety radio system is much different and much larger conversation which we'll be having with the Board as we move through the mid-year and the fiscal year 24 budget cycle. Whatever option the Board chooses will come with a significant price tag. And that could be to continue to own and operate our own public safety radio system or it could be as the City of Santa Fe has decided to utilize the statewide public safety radio system. Both of those options will be presented to the Board for consideration in the future.

The immediate answer is that the move to the state cores doesn't affect our radio coverage at all. The longer answer is that the move to the state radio core, however, does not tie our hands in terms of making a future decision as to what is in the best interest of the County either to also utilize the statewide public safety radio system or to build out and continue to own and operate our own separate public safety radio system. That's a separate conversation that we will be having in the upcoming months. But I do want to assure the Board that we did at least consult with our independent engineer to ensure that the decision that we're making today doesn't tie your hands in the future as to what's in the best interest of the County. I hope that answers your question.

CHAIR HAMILTON: It does and I appreciate it. Is there anything else under discussion? If not, we have a motion and a second.

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

6. K. Resolution No. 2022-114, a Resolution Requesting Authorization to Make the Budget Adjustment Detailed on this Form (Related to Capital and Operating Expenditures Necessary for the Regional Emergency Communications Center's Migration to the Statewide Digital Emergency Communications Center's Migration to the Statewide Digital Trunked Radio System

YVONNE HERRERA (Finance Director): Madam Chair, Commissioners, everything that County Manager Shaffer said describes this BAR. We're requesting a budget increase in the amount of \$169,105 as described in the previous item and with that I stand for any questions.

COMMISSIONER GARCIA: Madam Chair, I move for approval.

COMMISSIONER HUGHES: Second and I have a question.

COMMISSIONER HANSEN: Okay. A motion and a second. Under discussion, Commissioner Hughes.

COMMISSIONER HUGHES: I just wanted to know, is this coming from our General Fund?

MS. HERRERA: Madam Chair, Commissioner Hughes, no, this is coming from the RECC fund available cash balances.

COMMISSIONER HUGHES: Oh, good. Thank you very much.
CHAIR HAMILTON: Anything else under discussion?

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

CHAIR HAMILTON: Thank you. And once again thank you, Chief Moya and Chief Joye and Assistant Chief Johnson for being here.
I assume that cycles us back to 6A; anybody think differently?

[The meeting was momentarily suspended pending a quorum]

6. MISCELLANEOUS ACTION ITEMS

A. Approval of Santa Fe County Lodgers' Tax Grant Awards

LISA KATONAK (Marketing Coordinator, Community Development Department): In front of you, you have the agenda item for Santa Fe County Lodgers' Tax Grant recommendations.

On September 28, 2022, the Santa Fe County Lodgers' Tax Advisory Board and the Santa Fe County Community Development Department released a Notice of Funding Availability, known as a NOFA, for the Santa Fe County Lodgers' Tax Grant Program seeking applications for the advertising, publicizing, or promoting of tourist attractions and tourism-related events in Santa Fe County.

Grant program funding would be available from January 2023 through June 30, 2023. It is a reimbursable grant with the authorized program areas being limited to advertising, publicizing, or promoting tourist attractions/events in Santa Fe County. Applicants should clearly delineate how their activities are intended to increase tourism activities and visitors to the County.

Eligible Applicants are limited to government entities and non-profits that have the required qualifying documents for advertising, publicizing, and promoting tourist attractions in Santa Fe County. Applications were due to the Community Development Department staff by Thursday, November 10, 2022, at 2:00 p.m. in order to be considered as an eligible application.

Grant Award Levels were established within the grant program on four tiered levels of \$5,000 awards; \$3,500; \$2,500; and \$1,500. The highest grant award that can be provided to an organization is \$5,000. As previously mentioned, it is a reimbursable grant. Therefore, the organizations select their grant funding level that they wish to be considered for.

The Community Development Department understands that organizations could utilize more funds to advertise, publicize, and promote tourist attractions and tourism-related events. Therefore, as we go through the budget process for the new fiscal year, we will look to increase the grant program funds for distribution of a NOFA twice a calendar year.

The Santa Fe County Lodgers' Tax Advisory Board held a special meeting on Tuesday, November 29th to review and score applications and provide recommendations

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for grant funding. The Total Funding for this Lodgers' Tax Grant Program cycle for Fiscal Year 2023 is \$100,000. Seventeen organizations submitted their grant application for review and consideration along with their requested grant funding requests. No applications were rejected and none of the accepted applications' funding request amounts were reduced from the original request amount.

Enclosed is a list of the 17 organizations that submitted their applications in the particular order that they were received.

- New Mexico Wildlife Association dba Wildlife West Nature Park down in Edgewood for year round Programming of the Wildlife West Nature Park; Requesting \$5,000
- Santa Fe Century for the 2023 Santa Fe Century Bike Race, May 2023; Requesting \$5,000
- El Rancho de las Golondrinas out in La Cienega for the 2023 Season of their museum programming; Requesting \$5,000
- Parallel Studios for 2023 Currents New Media Festival, June 2023; Requesting \$5,000
- Santa Fe Desert Chorale for Santa Fe Desert Chorale Summer Concert Festival, June 16- August 5, 2023; Requesting \$5,000
- Human Rights Alliance for Pride Santa Fe 2023- 30th Anniversary in June; Requesting \$3,500
- Mountain and Valley Wool Association for the Mountain and Valley Wool Festival, October 5-8, 2023; Requesting \$5,000
- The Santa Fe Opera, 2023 Santa Fe Opera Season, June 30- August 26, 2023; Requesting \$5,000
- Santa Fe Downtown Kiwanis Foundation for the Burning of Zozobra, September 1, 2023; Requesting \$5,000
- Center for Contemporary Arts for Meredith Monk: Songs of Ascension, June - September 2023; Requesting \$5,000
- Santa Fe Wine & Chile Fiesta for Santa Fe Wine and Chile Fiesta 2023; Requesting \$5,000
- Inaugural event called the Art + Sol Santa Fe Winter Arts Festival which is a collaborative between three entities, Santa Fe Pro Musica, Santa Fe Symphony Orchestra; and Performance Santa Fe for their Winter Arts Festival in February; Requesting \$5,000
- Northern Rio Grande National Heritage Area for National Heritage Area Road Signage- to be placed in nine locations along roads in Santa Fe County; Requesting \$5,000
- Santa Fe Fiesta Inc. for Santa Fe Fiestas-Mariachi Extravaganza de Santa Fe, typically held at the Santa Fe Opera, September 2023; Requesting \$5,000
- International Folk Art Alliance dba International Folk Art Market for IFAM Night Market, July 9, 2023; Requesting \$5,000
- Santa Fe Children's Museum for Santa Fe Children's Museum Year Round Programming; Requesting \$5,000; and

- Santa Fe Concert Association dba as Performance Santa Fe for Spanish guitarist That is the total of 17 organizations.

The recommended action by staff is to provide all 17 Lodgers' Tax Grant Awards to the 17 organizations that are listed at the funding amount each organization requested for a total of \$83,500. I stand for questions.

CHAIR HAMILTON: Thank you. And I just want to say for the record that Commissioner Hansen has indicated that she has recused herself from this item because of her association on the Board of the Northern Rio Grande National Heritage -- Are there questions?

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wondered if you had considered or why the top level is \$5,000 since you didn't give out all of the money. It seems to me that \$5,000 is probably great for some of these groups and some of them could probably use a lot more. I wonder if it might just be easier to raise the amount that they can apply for rather than having to do the whole things twice a year.

MS. KATONAK: Thank you so much, Commissioner, for you question. We are anticipating that it is something for the Lodgers' Tax Advisory Board along with the department to discuss further but we are looking at increasing the funding levels and perhaps looking at subsidizing for events or tourist attractions that might be considered off season in order to create more of an impact throughout the whole year. So of course, we would be considering an increase. At the current time, based on the advertising for the grants and the funding awards that was subject to the \$5,000 as the cap.

COMMISSIONER HUGHES: Then the \$5,000 cap was something that we set within the County?

MS. KATONAK: That was established, yes.

COMMISSIONER HUGHES: Okay, thank you.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Lisa, how did we advertise to the different organizations for these grants?

MS. KATONAK: Thank you so much, Commissioner Garcia. We advertised via a press release that is released out to the media. We send out through different communications through the County, through the gov delivery system, through neighborhood associations and different mail lists. And then I also contact numerous non-profit organizations and inform them of this grant funding availability either by telephone or by email.

COMMISSIONER GARCIA: Thank you. So, Madam Chair, so the remaining money that is left in the grant, what are we going to do with it?

MS. KATONAK: That has not been discussed at this current present time. I'd like to possibly consider increasing our funding capacity right before the new fiscal year ends that we would be able to roll that money over into the new fiscal year and be able to award more grants within say the June/July timeframe.

COMMISSIONER GARCIA: Thank you, Madam Chair. What is the duration of the grant because this is a grant from the State of New Mexico how long is this grant for?

MS. KATONAK: So for the Lodgers' Tax Grant Program, what it is is

January through June. So they need to spend their marketing, advertising and promotional dollars from January through June in order to be covered for this grant. Because it is reimbursable, we want to make sure that the grant is closed by the end of fiscal year so that there's no carryover or rollover into the new fiscal year.

COMMISSIONER GARCIA: Thank you, Madam Chair. So those grant recipients are actually up to \$5,000 and that \$5,000 has to be utilized for advertisement of that non-profit – all \$5,000 of it?

MS. KATONAK: Yes, all \$5,000. So what they provide us in the grant application is they provide us with a marketing plan as to how they would like to spend their ask/the money that they are seeking. Typically, it's either through radio advertising, print advertising. It may be that they are also working on a brochure or a tri-fold that will be printed and distributed amongst certified – or funding games or digital advertising.

COMMISSIONER GARCIA: Thank you. Are they limited to where they can advertise?

MS. KATONAK: No. We typically do not delineate – it's usually 50 miles from outside of their event so that could be Albuquerque. But understanding that some of these events do bring in locals alike, we do not discriminate against local advertising.

COMMISSIONER GARCIA: Thank you, Madam Chair. The reason why I was asking is that I was in a flight a while back and I saw a great advertisement for a happening event in Santa Fe. And people fly all around the world and if these individuals are not limited to where they can advertise, I think that is actually good that they can advertise wherever they would like, right? Because the objective is to actually bring people to the community.

MS. KATONAK: Correct, thank you.

COMMISSIONER GARCIA: Regarding the \$100,000 is this the most that the County can apply for through the State of New Mexico?

MS. KATONAK: These funds are strictly out of the Lodger's Tax and AARPA funds. These funds do not come from the Bureau of New Mexico Tourism Department. The New Mexico Tourism Department funds co-op advertising which in turn the County applies for that advertising subject to specific media outlets and publications and based on what is offered during that time it can vary between digital advertising, *Texas Monthly*, Southwest Airlines, a variety of different media outlets and then the County applies through my program, we apply for funds to the Tourism Department and it's also on a reimbursable grant basis or subject to a match, I believe it was this year, 67 percent was covered through New Mexico Tourism Department. That is a completely separate program from the program that I am speaking of right now.

COMMISSIONER GARCIA: Thank you. And, Madam Chair, the budget for the Lodgers Tax is what?

MS. KATONAK: The budget for the Lodgers Tax currently we have a contract with our marketing and advertising contractor, that is – now I believe it is close to \$400,000 that we provide as far as lodgers tax funds. Then we provide for the grant program so that is what we have budgeted. So we have a very conservative flat budget based on past fiscal year and being informed that we should be conservative with our numbers as we are still uncertain as to Covid and supply and demand. I can inform you

as of today, Santa Fe County lodgers tax is doing very well. Our demand continues to grow within our lodging properties. Our ADR and RevPAR continue to increase and four month along into our fiscal year, we have hit over a 28 percent increase in growth as compared to last fiscal year at the same time.

COMMISSIONER GARCIA: Thank you, Madam Chair. Am I correct that that portion of the County utilizes lodgers' tax to operate the County Fair?

MS. KATONAK: So as far as lodgers' tax, a percentage of lodgers' tax goes to advertising, marketing and promotion. Another percentage goes toward supporting Santa Fe County owned facilities. The Santa Fe County owned facilities that we have identified that are within our resolution are the County Fairgrounds, the Stanley Cyclone Center, and our open space and trails.

COMMISSIONER GARCIA: Thank you. Lisa, I can remember when you moved over to this section of the County. Great job.

MS. KATONAK: Thank you.

CHAIR HAMILTON: Thank you very much. Is there more discussion or questions for Lisa? What's the pleasure of the Board?

COMMISSIONER GARCIA: Move for approval.

COMMISSIONER HUGHES: Second.

The motion passed by [3-0] voice vote. Commissioner Hansen abstained and Commissioner Roybal was not present for this action.

B. Resolution No. 2022-115, a Resolution Adopting the Strategic Plan for Santa Fe County

CHAIR HAMILTON: Welcome Cindy.

CINDY MCKEE (County Manager's Office): Thank you. Good afternoon, Madam Chair and Commissioners. I'm Cindy McKee, director of strategic and operational planning here at Santa Fe County. Before you today is a resolution to adopt the Santa Fe County Strategic Plan. As you know, the Board of County Commissioners and County leadership developed the strategic plan beginning in April 2018. The Commissioners and County leadership have convened annually to refine and revise the plan except for 2020 in Covid.

The foundational elements of the Santa Fe County Strategic Plan are its population goals and those goals directly reflect our mission to provide a safe, sustainable, healthy community through a proficient, transparent and accessible government. These objectives and strategies within the plan outline how we meet our mission.

The strategic plan will continue to be reviewed annually by the County Commissioners and by County leadership and we will begin sharing our strategic plan publicly on our website in 2023 through our new strategic plan management software.

The resolution before you is to adopt this plan and with that, I stand for questions.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, thank you Cindy for bringing this forward. These are new thinking outside the boxes and new strategies as to

where Santa Fe County is going. This will actually be great. The Commissioners, department directors, individuals from the general public to see where different projects are and in order to track progress of the project because it will be great to see that.

If there's no other questions, move for approval, thank you.

COMMISSIONER HANSEN: I have more questions.

CHAIR HAMILTON: Yes, of course. I have a motion. So I either need a second or we need to kill the motion.

COMMISSIONER HUGHES: I'll second.

CHAIR HAMILTON: Okay. A motion and a second. Under discussion, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Cindy, for your work on this. I did briefly look over what we have on our agenda today and I find a number of things missing. So that concerns me. I also feel very strongly that we have a new Commission coming on and I want them to be able to have some input into the strategic plan. And, you know, like one of the main things that I am missing that is very near and dear to my heart is the shooting range. And it is nowhere on this plan and I looked through it at least a couple of times. And so that – I'm wondering what else is missing. So can you tell me what else is missing?

MS. MCKEE: Madam Chair, Commissioner, the shooting range is in the plan. It is at the strategic level and I would be happy to meet with you and show you where that is.

COMMISSIONER HANSEN: So what you're telling me is that what I got for the exhibit of the strategic plan is not what I'm going to see because I went through this a couple of times and I have to click on everything; is that what is happening and how this works?

MS. MCKEE: Madam Chair, Commissioner that is correct. The printed out strategic plan is a higher level visual but in fact, the log in that you received will allow you to click through and find that as it is organized within the hierarchical strategic plan.

COMMISSIONER HANSEN: Okay, so when I click on things nothing happens.

CHAIR HAMILTON: This is just a printed version. It's the online version you need to look at.

MS. MCKEE: That's correct.

COMMISSIONER HANSEN: So are people still going to have access to this online version or is it only that we have access to this online version?

MS. MCKEE: Madam Chair, Commissioner, as we grow this all of the departments and staff that departments choose to assign to this will have access to not only view the whole plan but to add to their part of the plan. Commissioners will be able to see the entire plan.

COMMISSIONER HANSEN: Okay.

MS. MCKEE: I would be happy to meet with you and show you where that is.

COMMISSIONER HANSEN: Okay. It is just frustrating to me that I'm approving something that I can't see. There seem to be a lot of things that I have on this

printed version that I couldn't find in this new version. And then our old version is also – so you know, I want it to be transparent. I want it to be accessible for everyone to be able to use this so that they can see what we are doing and it's not just – the printed version doesn't really, isn't really appealing.

MS. MCKEE: Absolutely. Madam Chair, Commissioner, certainly I believe this software will make the plan much more transparent and I am happy to help you find those things that you are looking for. The plan as it exists in the software was uploaded from those written documents that we created together. So certainly there may have been a mistake in the upload but I have looked at the shooting range recently, so I am certain that that's there.

COMMISSIONER HANSEN: Okay, that makes me feel a little bit better. And then I also do want to make sure that the new Commissioners have an opportunity that we have another meeting sometime in the spring that we have another meeting and that they have an opportunity to give their input.

MS. MCKEE: Madam Chair, Commissioner, certainly. I will take my direction from you on that.

CHAIR HAMILTON: Is there other discussion?

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: As it is mentioned it is a strategic plan. Plans are made to fluctuate to add and subtract things. So as new Commissioners come in, definitely they'll have a lot of ideas and items that need to be added to the plan. So it's a plan and things can be added as you all move forward. So it's not set in stone. So the new Commissioners elect come in they can review it again. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. And just to add my 3 cents, this is the way we've done strategic planning. This plan is independent of the future. It is tied to our past plans and will have input from the new Commissioners when they're Commissioners and every year this will get a review. That concept is embedded in what's presented here. Are there other questions? There is a motion and a second.

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

C. Resolution No. 2022-116, a Resolution Establishing Santa Fe County 2023 State Legislative Priorities for Affordable Housing

CHAIR HAMILTON: Welcome, Joseph. And Commissioner Hughes, do you want me to go to you first?

COMMISSIONER HUGHES: Yes, thank you. Just to say that Joseph discussed this and we've included the priorities of the Mortgage Finance Authority as well as the New Mexico Coalition to End Homelessness and the County to have a complete set of all the good things that the state could be doing for affordable housing. And I'll let Director Montoya go ahead and say whatever else he wants to say.

JOSEPH MONTOYA (Director Community Development Department): Thank you, Commissioners. Commissioner, I think you just about said it all. So this is a

consensus document of three different organizations both internal and external to the Santa Fe County. In generally just so you know –

COMMISSIONER HANSEN: Madam Chair. Can you just speak a little louder.

MR. MONTOYA: Oh, I am sorry. And generally we also coordinate these kinds of issues with the City of Santa Fe. So this is really a regional kind of a document that assists us in terms of helping provide direction for affordable housing.

I was very excited to hear yesterday as you might have imagined in terms of the efforts that are going towards affordable housing and I think we just want to continue to provide some assistance and direction in that area in order to meet our specific needs here in Santa Fe.

This is a little later than we had hoped. As you know we wanted to present this the last County Commission meeting, however, the Mortgage Finance Authority hadn't quite approved their list. So generally speaking we include the list of the Mortgage Finance Authority so we can assist them in areas that can help the County of Santa Fe specifically. And with that, I would be happy to answer any questions.

CHAIR HAMILTON: Excellent, thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Joseph. Thank you, Commissioner Hughes for bringing this forward. Will this be included in the affordable housing plan; this part of the idea behind this?

MR. MONTOYA: Madam Chair, Commissioners, yes. The affordable housing plan has very specific program related idea and very specific project related ideas and then very specific policy related ideas. All of these aspects – one of these fits in one of these areas. So what kind of policies do we need to be able to assist in the production of affordable housing. What particular projects so Las Acequias would be an example of a project that we're supporting. We also have projects that are external. In terms of internal operations we have two possible multi-family projects coming onboard now with us being – with the possibility of us financing it or through County bond issuance for them. So that's a project related issue. And then we have programs such as advanced down payment assistance program, we have a new loan fund that will be becoming available with the approval of the new plan. We have a whole new rehabilitation plan being created in terms of new affordable housing plan.

So there's different aspects to the affordable housing plan. Everything in here through supports any aspect of both in the future housing plan and progress as it would relate to those particular programs.

COMMISSIONER HANSEN: So I guess my question is kind of specific and something that Speaker Egolf spoke about last night which is grinder pumps and I just want to make sure that they are covered in our affordable housing plan. I don't see them listed here. That's okay, because meters are not listed here also – water meters, so people understand. So I'm just trying to make sure that this resolution is broad enough to make sure that we're bringing the ability to give people grinder pumps and apply for them when needed.

MR. MONTOYA: Madam Chair, Commissioners, that's nothing actually specifically to do with this particular resolution. That has something to do with specifically a program that will be offered after the affordable housing plan is approved

which is a loan program. And not only grinder pumps but you can also do solar arrays. You can do anything that provides energy efficiencies in terms of purchasing. You don't have to rehab your whole house. You can actually purchase things within particular guidelines for particular income people to be able to achieve that.

COMMISSIONER HANSEN: Okay. I understand and I think this is a good resolution to bring forward because we need all of the help that we can get.

CHAIR HAMILTON: Thank you. Any other questions?

COMMISSIONER HUGHES: Madam Chair, I'll make a motion to approve the resolution establishing the Santa Fe County 2023 State Legislative Priorities for Affordable Housing.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second. All of those in favor.

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

6. D. Request Approval of First Amendment to Joint Powers Agreement for the Creation of the North Central New Mexico Economic Development District By and Among the Incorporated County of Los Alamos, Santa Fe County, Rio Arriba County, Colfax County, Taos County, Sandoval County, Mora County, San Miguel County and the City of Santa Fe

CHAIR HAMILTON: And we have Chris Hyer.

CHRIS HYER (Community Development Department): Yes, Madam Chair. Thank you, Madam Chair, Commissioners. My name is Chris Hyer and I am the Economic Development Division Director of the Community Development Department. I'm here today as a board member of the North Central New Mexico Economic Development District. And we'd like to present a request from our executive director, Monica Abeita, and I understand she is listening and will stand for any questions. But first I want to present what this amendment is about.

This amendment is to prove the amendment in the JPA, it's to approve an amendment to the JPA created by the North Central Board in 1967. This amendment will provide the option of owning real property. No other changes to the JPA are requested at this time. There are two important issues that were asked of the executive director – neither acknowledged as being true. There is no funding requested of Santa Fe County for the purchase of a building for North Central's use. It is the intent to use reserve funds and EDA grant and possibly ask the legislature for capital outlay money. Our dues will remain at the same level with no additional request. The second point is that North Central JPA will further be revised starting January 2023 to comply with state law.

This amendment today is only to allow the ownership of real property. As there are nine other entities – excuse me, there are nine entities that make up the North Central Council of Governments, there are eight others that are approving the same set of amendments. I have been requested to mention that time is of the essence as the North Central Board is looking to purchase a new office building and would like to make an

offer. I'll stand for any questions and Monica is on line if you have any questions for her.

CHAIR HAMILTON: All right. Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much Chris. As someone else who also sits in attends this board and has voted for this already because I think that this is a really important issue for North Central. They are our cog and they have provided, under Monica's leadership, a tremendous amount of leadership to all of our communities especially the Agency for Aging and they do a lot of really good work. I'm also happy to attend their board meetings and I was heartened by the chairman's comments to me that he appreciated that I was willing to make motions and move things along on that board. And I agreed with that because they were usually quite long board meetings, as Chris well knows.

With that, I would like to make a motion to approve this first amendment to the joint powers agreement. I also feel very strongly about bringing this JPA into compliance with state law. This JPA has not been rewritten since 1967 making it over 50 years old. So it needs some attention. So with that I make a motion.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Under further discussion are there any further questions?

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Hyer, where is this building located at?

MR. HYER: I defer to Monica Abeita; can you answer that please.

MONICA ABEITA (North Central New Mexico Economic Development District Manager): Thank you, Madam Chair, members of the Commission and Commissioner Garcia. At this point, we are looking at a property. But this is simply an amendment to allow us to consider owning real property. The actual purchase would have to be taken before the board of directors and voted on by the board of directors. So currently we are looking at a property that is downtown, closer the capitol, closer to the legislature and the state agencies. As you know, we are pretty far from those offices currently and we are renting. We have been renting for a very, very long time and so this would be an investment for the future and it would also enable our members who are in the more remote communities to have a home when they come to Santa Fe and to office with us. So it's something that we're looking into but it is require consideration by the full board if we move forward with this particular opportunity. But there could be other opportunities in the future and this will just enable us to entertain them.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Monica. Great job for what you do for North Central. What is the budget that you all have for the acquisition of property?

MS. ABEITA: So Madam Chair and Commissioner Garcia, we have right now probably around \$400,000 in reserves so that obviously isn't going to pay for a property. But we would be seeking some capital outlay and potentially some other grant funding and then we would look to probably finance the remainder of the purchase. So it would probably have numerous grants and potentially a loan included in it. And, again, this isn't something that will be happening next month, in January or February in terms of

purchasing a property. But we need to start – if we’re serious about his, start negotiating with a broker and the owner. That is going to take a little bit of time.

COMMISSIONER GARCIA: Thank you, Madam Chair. Is there a reason for being in the downtown area?

MS. ABEITA: Madam Chair, Commissioner Garcia, as I mentioned we do a lot of work with the legislature and the state agencies and so currently we’re not close to the downtown area so it does take some time to go back and forth. The other reason is, as you know, we serve eight counties – we actually, Sandoval is actually a part of our original JPA as well, and so a lot of time our legislators who come from further away have asked, Can we be at your office during the legislature? Can we set up shop there? And we’re nowhere close to the legislature currently. So we hope that this will be like a home base for our more remote and rural communities when they come in to Santa Fe.

COMMISSIONER GARCIA: Thank you and in regards to the amendment or to add this to the JPA is this for the one time real property acquisition or is this for the future of North Central to go and purchase additional properties if they wish?

MS. ABEITA: Madam Chair, Commissioner Garcia, right now there is a prohibition in the JPA and it states that we cannot own real assets. That is the statement in the JPA. So this would essentially allow us to own real assets with approval of the Board. It doesn’t call out any specific property or any specific – for example, we could own real assets for another reason beyond purchasing an office space. This would simply open up that possibility instead of prohibit us from doing it.

COMMISSIONER GARCIA: Thank you, Madam Chair. So whenever the North Central purchases or acquires a piece of property who is in charge of maintenance, building additions, light bill, etc. for that piece of property?

MS. ABEITA: Madam Chair, Commissioner Garcia, that would be us. We would be responsible for those expenses. We currently pay a lease on our existing building. We are leasing currently. So we already have a budget and we would basically be repurposing some of our operating expenses now. So we do have operating expenses now in that same vein and we would be using them essentially to purchase or to have a mortgage rather than to rent. We do pay those expenses currently.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Monica. One last question. Since you all are a legislative branch of the government does this require the State Board of Finance to approve this?

MS. ABEITA: Madam Chair, Commissioner Garcia, my understanding – I have talked to DFA pretty extensively about this and they have reviewed our JPA and kind of advised us on how to do this including the fact of getting the whole thing revised next year. But it doesn’t need to go to State Board of Finance but we will need to work closely with DFA to make sure that any acquisition that we do is in line with state law. So we’ve already opened up that discussion with them.

The first step is obviously removing the prohibition because I can’t take any steps forward without this prohibition being removed from the JPA. This is our first step and as we start considering this option, I will be working closely with DFA to make sure we’re in compliance with everything we do. And we have our attorneys involved in this as well so we do have a lot of oversight which is very helpful.

COMMISSIONER GARCIA: Thank you and some of the questions is that our projects department is very much overloaded and I don't want to see if your project actually comes to Santa Fe County to oversee repairs, alterations, additions to the project. Thank you for what you do, Monica.

MS. ABEITA: I want to thank you, Commissioner Garcia, and thank Commissioner Hansen and Chris and Joseph for all the great work that we've done together over the past year. I really enjoyed being your partner and I think we've worked on a lot of really meaningful projects. So thank you for having me on the agenda today. I know you have a long agenda and I want to wish you all a Merry Christmas.

CHAIR HAMILTON: Thank you very much. Any other questions? We do have a motion and a second, if there's no further discussion, all those in favor.

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

6. E. **Resolution 2022-117, a Resolution Requesting an Increase to the Utilities Enterprise Fund (505) in the Amount of \$586,520 and a Transfer Within the General Obligation Bond 2021 Series in the Amount of \$659,480**

CHAIR HAMILTON: And I'll have Yvonne Herrera give the details.

MS. HERRERA: Madam Chair, Commissioners, the resolution before is to budget two separate amounts. The first one is related in light of Santa Fe County's Dig Once Policy, the Utilities Division is requesting to budget cash from the Utilities Enterprise Fund/505 in the amount of \$300,000 to fund the unfunded portion of Bid Alternative 3 of the Contract awarded in November of this year for the Northeast/Southeast Connector Road and Infrastructure Project. Bid Alternative 3 includes the section of waterline construction within the project alignment that extends to the development known as Arroyo Hondo.

In addition to that, we are requesting to budget Federal Grant from the Bureau of Reclamation for the Aquifer Storage and Recovery in Rancho Viejo. The federal grant portion is \$286,520. For Santa Fe County's portion, which is \$659,480, we are requesting to move the funds that were budgeted from the 2021 General Obligation Bonds for the Romero Park Water Line.

Since the funding is not needed at this time, we would request that the funding for Romero Park be replenished from the next time that we sell GO Bonds. And with that Madam Chair and Commissioners, I will stand for any questions.

CHAIR HAMILTON: Thank you. Any questions? Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, thank you. So I see from this something that I do care about it's the northeast/southeast connector moving forward. I also find that district 2 has been very generous to district 5 in allowing you to borrow our money and I just want to make it clear for the record that I want it in writing that this money will be returned to district 2 for the water line and that the water line will be worked on next year. I don't want this putting the water line off. I've been waiting for it for quite some time and it is an important part of the infrastructure development in

district 2.

MANAGER SHAFFER: Madam Chair, Commissioner, I'll let Mr. Dupuis address the timeline for the project. I think the memo that came with this item is at least from my perspective is clear that the budget for the water line for Nancy Rodriguez will be restored, if you will, based upon bond proceeds that are available when the bonds that were approved by the voters last November are sold which we anticipate happening in the first half of the year. So that's my understanding of what the action is that the Board is approving is making that future commitment for those future bond proceeds to be budgeted for that project. And I'll let Mr. Dupuis talk to the timeline.

JOHN DUPUIS (Water Utility Director): Thank you, Madam Chair, Commissioner Hansen, the timeline that is expected in early March for some engineering to begin on the Romero Park waterline through a partnership with one of our developments. And similarly we partner with Arroyo Hondo de Santa Fe to provide some reimbursement potential into the future. And we're working with other developers – to extend the capabilities of the County and what projects we can undertake given our limited project manager staffing. And I would just add that the funds for the Romero Park waterline that are being allocated towards this project in the interim are necessary so we would have to sub – or move those funds once they are sold from the current bonds.

COMMISSIONER HANSEN: Okay. I accept that. But it is really important to me to make sure that Juan Romero Park begins construction. I have been waiting for six year. Also, phase 2 of Romero Park and this waterline which is essential to do a number of these infrastructure improvements at Romero Park. I just want to make sure that this is happening on an expedited timeline also.

CHAIR HAMILTON: Thank you. Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just wanted to make it clear that district 5 very much appreciates the loan from district 2. And we will try not to be so needy next year and perhaps we can even return the favor at some point before you leave office.

COMMISSIONER GARCIA: Madam Chair.

COMMISSIONER HANSEN: Thank you, Commissioner. I will make a motion to approve the request and the increase to the utility fund in the amount of \$586,520 and a transfer within the General Obligation Bond 2021 series in the amount of \$659,480.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. Motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. And thank you, John. Can you explain to me, let me know the waterline at the northeast southeast connector for developers, are the developers going to pay for this cost?

MR. DUPUIS: Madam Chair, Commissioner Garcia, that is the intent. We are currently working with the developer for that to be reimbursed to us given the timeline for the northeast southeast connector construction. We are making this provision and there is some risk whether we can recoup funds – but we think it is relatively low and not very probable that we would not be able to do that.

MANAGER SHAFFER: If I could, Madam Chair and Commissioner

Garcia, on that score and Mr. Giron may be able to speak to this as well. There are other benefits to moving forward now including locking in a cost. A portion of the cost as I understand would be ours in the future so that prevents those future price escalations and in addition as I understand it and Director Giron can speak to this, if it was installed in the future it would involve disturbance on two of our newly constructed road and that would potentially undermine the integrity of the road. So there are benefits to the actual transportation side of things by doing it all at once. And by us fronting the money and accepting that potential risk of not being able to reimburse the cost from the developer in the short to midterm we are still buying something, if you will, when moving forward in that way which is the maintenance of the integrity of our roadway. Director Giron, if you want to add to that.

GARY GIRON (Public Works Director) Madam Chair, Commissioner and Manager Shaffer, yes, that is correct. It is very important to us – this is a multi-modal road for Santa Fe County that we’ve spent 20 years developing and it’s going to cost us a lot and it is important that after we put that road down that it is not going to be disturbed in the future to run a waterline. So it was our recommendation that that water line be installed at this point and then in the future when a developer comes forward to hookup into the line that we will recover the cost at that time. And we are confident that that parcel of property, not 100 percent but substantially confident, that that parcel of property will be developed and that there will be a need to hookup to that waterline.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you. Very well. What I would like to see when I stand down at Santa Fe factory stores and look south, there’s Rancho Viejo, we have Eldorado and this Commissioner district 5. We have the waterline that actually goes down to the Turquoise Trail Elementary School. We also have individuals in the rural part of the County, north south – North Fork, South Fork, Lone Butte area that the wells are not very good. In the larger picture it’s great to see our community water system which we received our the water rights for the Rio Grande but individuals that are having well problems I would like to see, somehow, in the future Commissioner if you can follow through with this, connecting those individuals in the rural area that need water. That is a challenging project. But it needs to be done. Thank you.

Romero Park, what is the Romero Park waterline?

COMMISSIONER HANSEN: Romero Park waterline goes from over off of Caja del Rio and comes across over to the Romero Park from the water meter that we have over on Caja del Rio.

COMMISSIONER GARCIA: Thank you. Thank you, Commissioner. So is Romero Park served by the County water system or is that a well that is located on the meter of the concession stand of the park?

MR. DUPUIS: Madam Chair, Commissioner Garcia, yes to both. There is a well there. The utility operates the well and charges the County user at the park via a meter and a typical account for water service.

COMMISSIONER GARCIA: Thank you. So this is a new waterline that is going to come off of Caja del Rio to Romero Park and so it will be off the well? Good.

I have no further questions, Madam Chair, thank you.

CHAIR HAMILTON: Thank you. So is there any further discussion.

There is a motion and second. All those in favor say aye.

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

COMMISSIONER HANSEN: Madam Chair, I am wondering if at point we could move up the presentation from the Santa Fe Mountain Landscape Resiliency Project since we have everyone here in the audience, I believe.

CHAIR HAMILTON: We only have a few more action items.

COMMISSIONER HANSEN: Okay.

CHAIR HAMILTON: Let me know if take a lot of time on these and there's a real time crunch, please ask again.

6. F. Request Approval of Amendment No. 3 to Collective Bargaining Agreement Between Santa Fe County and the New Mexico Coalition of Public Safety Officers Representing the Santa Fe County Deputy Sheriffs

CHAIR HAMILTON: We have Attorney Brown and also Ms. Quintana.

RACHEL BROWN (Deputy County Attorney): Madam Chair, we have before you today an amendment to the bargaining agreement with the Sheriffs union which seeks to implement improvements to the tiers which dictate how we contribute the insurance premiums for this bargaining unit.

The Commissioners has already elected to implement these tiers for non-bargaining unit employees and we're seeking to give the same benefit to this bargaining unit. The tiers are moving from 80 percent, 20 percent for those earning \$30,000 or less, 75 and 25 for those earning \$30,000.01 or more; 70 percent and 30 percent for those earning \$50,001 to \$70,000; and 65 percent and 35 percent for those earning \$70,000 and more and changing those tiers so that now those earning \$35,000 and less will get the benefit of the 80 percent contribution from the County. Those earning \$35,000.01 to \$75,000 would get the 75 percent contribution from the County and those earning more than \$75,000 would get 70 percent contributions. And the bargaining unit has agreed that this would be a positive change for their bargaining unit.

CHAIR HAMILTON: Excellent.

MS. BROWN: And I stand for questions.

CHAIR HAMILTON: Thank you. Do we have questions.

COMMISSIONER GARCIA: Yes Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Can you explain to me again why the non-bargaining employees have moved ahead of the bargaining employees?

MS. BROWN: Madam Chair, Commissioner Garcia, no one has actually received this benefit yet. This is a benefit that will go into effect on December 31st. So to the extent that these amendments that are before you today are implemented, everyone will receive the benefit at the same time. We simply couldn't grant the benefit to the bargaining unit without their representatives agreeing to it and these agreements that are before you today reflect that they have agreed to receive the benefit.

COMMISSIONER GARCIA: Thank you, Madam Chair. Just a shout out to the bargaining unit from the Sheriff's Department. Thank you for what you do. Also, Sonya and Rachel, thank you for working with the bargaining unit. Eighty percent that the County is contributing, that's great. Seventy-five percent, that's great. Seventy percent, that's actually very good that the County is contributing to those individual salaries or their paychecks or biweekly but thank you all for what you do. Thank you for the public safety officers in the Sheriff's Department.

Thank you, Madam Chair. If there's no other question, move for approval.

COMMISSIONER HANSEN: Second.

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

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

6. G. Request Approval of Amendment No. 2 to Collective Bargaining Agreement Between Santa Fe County, New Mexico and the American Federation of State, County, and Municipal Employees; New Mexico Council 18 (Local 1413-M)

CHAIR HAMILTON: We'll go back to you.

MS. BROWN: Madam Chair, Commissioners, this is similar to item you just acted on. It pertains to our medical bargaining unit at the Corrections Department and would provide again the same tiers of insurance premium contributions that we just discussed. And I would stand for questions.

CHAIR HAMILTON: Thank you. Are there any questions on this one. Commissioner Hughes.

COMMISSIONER HUGHES: I'll move for approval.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: We have a motion and a second. Is there any further discussion? Oh, yes.

COMMISSIONER GARCIA: Just once again, Madam Chair, thank you for ditto to everyone who worked on this.

CHAIR HAMILTON: Thank you. All in favor.

The motion passed by unanimous 5-0 voice vote. Commissioner Hansen was not present for this action and requested that her vote be shown in the affirmative.

6. H. Request Approval of Amendment No. 2 to Collective Bargaining Agreement Between Santa Fe County and the New Mexico Coalition of Public Safety Officers (Regional Emergency Communication Center – RECC)

CHAIR HAMILTON: And back to Attorney Brown.

MS. BROWN: Madam Chair, Commissioners, again, this is an amendment to a collective bargaining agreement for employees within the RECC. And, it again, implements the same improved tiers' contributions for that bargaining unit.

CHAIR HAMILTON: Any questions

COMMISSIONER GARCIA: Madam Chair , if there's no questions, I would like to know if Director Sonya would like to say anything about the negotiations.

SONYA QUINTANA (HR Director): Madam Chair, Commissioners, they were in agreement that this is a positive move from the Commission and from the County. So we appreciate always making County benefits better for employees, thank you.

CHAIR HAMILTON: Thank you.

COMMISSIONER GARCIA: Thank you. Move for approval, Madam Chair.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. Motion and a second.

The motion passed by unanimous 5-0 voice vote. Commissioner Hansen was not present for this action and requested that her vote be shown in the affirmative.

CHAIR HAMILTON: Thank you for your work on this and the presentation.

6. I. Request Approval of Amendment No. 6 to Collective Bargaining Agreement Between Santa Fe County and the American Federation of State, County, and Municipal Employees; New Mexico Council 18, Local 1782 AFL-CIO

CHAIR HAMILTON: Thank you.

MS. BROWN: Madam Chair, this final amendment is for our AFSCME 1782 bargaining unit. And it again, as the prior three, implements the new improved insurance tiers for that bargaining unit effective December 31st.

CHAIR HAMILTON: Great, thank you.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: I did get a lot of concerns for what was happening for the individuals that were part of the union. But thank you for fast tracking this and working with the union representatives. I know that they did have some individuals that were possibly out there for awhile. Move for approval, Madam Chair.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. Motion and a second. Any further discussion?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to relay to the last of these request for approvals, I just want to express my gratitude to the bargaining units and the HR Director, Ms. Sonya Quintana and also our County Attorney, Ms. Rachel Brown for your hard work. I know it is not an easy task but you guys do a great job. Since I've been a Commissioner you all have been awesome, so thank you so much for that hard

work.

COMMISSIONER HANSEN: Madam Chair, would you please ask the stenographer for my yes vote on the last two items.

CHAIR HAMILTON: I think you just did and we appreciate it, Karen. We're on I which is the same series. We have a motion and a second. Is there further discussion?

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

CHAIR HAMILTON: And now I can thank you for all of your hard work on this.

6. L. **Resolution No. 2022118, a Resolution Delegating to the County Manger the Authority to Execute on Behalf of the County a Release of All Mortgages Under the LEDA Performance and Right of Repurchase Agreement, Override Parcel Agreement, and Other Existing Agreements between the County and Santa Fe Film and Media Studios, Inc. and La Luz Holdings, LLC, to Accept a Letter of Credit from Santa Fe Film and Media Studios, Inc. and/or La Luz Holdings, LLC to Secure Their Obligations Under the Override Parcel Agreement, and to Execute Other Documents Necessary or Proper to Effect the Releases, Letter of Credit, and Termination of the Pledge of Deposit Account Agreement between Santa Fe County and Los Alamos National Bank's Successor-in-Interest**

MANAGER SHAFFER: Thank you, Madam Chair, Commissioners. If this resolution is adopted and if the transaction contemplated thereby are effectuated, this would effectually end the LEDA project between Santa Fe County and Santa Fe Studios and its real estate holding company related entity, La Luz Holdings, LLC. Those agreements were entered into in 2010. They had many different parts to them. The two that are outstanding are the County's interest in what the parties describe as "override sales" and that is if a specific lot was sold in whole or in part, the County has the right to share in 2 percent of those proceeds. Secondly, there was outstanding the County's guarantee of the original loan that was made by Los Alamos National Bank to Santa Fe Studios for development of the existing studios space, what is called Phase 1A. In other words, what exist today was built using a combination of legislative appropriations from the state and a loan from Los Alamos National Bank.

As part of the deal, the County guaranteed that loan for those of you who sit on Investment Committee; you see it reported each month by our Treasurer. There is money, \$4.748 million, I believe, more or less, on deposit with Los Alamos National Bank's successor in interest, Enterprise Bank and Trust. And that money exist to guarantee the principal repayment of the loan from the bank to Santa Fe Studios.

Both the County's right to override sale proceeds as well as the County's right to clawback money in the event the bank were actually to call on the loan guarantee the County has mortgages on the Santa Fe Studios' properties in order to secure that. In

essence what would happen, if Santa Fe Studios were to default, the bank would take money from the lockbox to pay the principal payments that weren't being made and the County would have the right to foreclose on the property in order to pay itself back. That's the economic substance of it. Put that to the side for a second.

Separately, as you know, the Board of County Commissioners approved of the issuance of industrial revenue bonds in order to help finance an upgrade to the existing facilities and an expansion of the facilities. Enterprise Bank and Trust is the bank that is actually providing the funding for that. The County is not providing any funding for the expansion or upgrade project. And long story short, as part of its underwriting and processing, Enterprise Bank and Trust, I believe has made the determination that it would rather have a first security lean position on the entire enchilada, if you will, all of the property. And in order to obtain that, it is willing to release the lockbox account and give us back our \$4.748 million.

In sum, the \$4.748 million will come back to the County. We will no longer guarantee the original loan and separately we will receive a relatively small letter of credit as provided for in the underlying documents as substitute on the override partial sales which, again, there's no certainty that they will ever happen or that they will happen within the period in which we have that right. The letter of credit began as a small amount, \$13,179.91 so assuming that we get the letter of credit, that is in the form that is called for in the override parcel agreement, and we get our \$4.748 million back and our pledge of deposit of account agreement is cancelled, this resolution will authorize me to release the property from our mortgages and allow the refinancing of the existing debt and the new financing for the IRB project to go forward. That's it in a nutshell and I'd be happy to answer any questions.

CHAIR HAMILTON: Great, that was a big nutshell. Okay, questions. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Greg. I think it is really important that we support the film industry and their expansion of the studios out on Highway 14. This is something that I have advocated for since I was elected because I see them as an employment, as a real employment center and providing good jobs for our youth which is really important to me. I want to see our youth being employed in Santa Fe County and staying here.

And so with that I will make a motion to approve this resolution delegating the County Manager the authority to execute on behalf of the County.

COMMISSIONER HUGHES: I'll second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there further discussion?

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you. Manager Shaffer, this property back in 2010 was actually State Land Office property. We leased it I believe – did we purchase it? Also in regards to the \$4.78 million when the County receives that does that actually relinquish any rights/ownership to that property? Does it go to the Santa Fe Studios? Am I kind of not following the enchilada?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, the release

of the mortgages will not in and of itself change the ownership of the property. The property is currently owned by La Luz Holding, LLC. We have a security interest in that property in order to secure the repayment of any monies that are taken from our deposit account or any other obligations that are not met. So we will release the mortgage. That will simply remove the encumbrance from the property. That's the answer to that question in terms of what this does.

When the IRB transaction closes the property actually will be transferred to Santa Fe County and Santa Fe County will lease that property back to Santa Fe Studios and La Luz Holding as part of the separate IRB transaction which the Board approved months ago at this point in time. But that's a separate transaction meant to effectuate the Industrial Revenue Bonds transaction and to provide a mechanism whereby Santa Fe Studios would provide a partial property tax abatement for the value of the upgrade and expansion project. I hope that answers your question.

COMMISSIONER GARCIA: Madam Chair. Manager Shaffer, yes, it does. So does the State Land Office still have ownership to the dirt or did we actually purchase it back in 2010 or 2015?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, I don't know when we purchased the property from the State Land Office. But my understanding is that we did in fact purchase that property and we ultimately sold it to La Luz Holdings, LLC, the current owner.

COMMISSIONER GARCIA: Thank you. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Is there any further discussion? We have a motion and a second. All those in favor please say aye.

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

[A discussion ensued on the arrangement of the amended agenda and item 4L moved to 6M was heard next.]

M. Resolution No. 2022-119, a Resolution Authorizing the County Manager to Secure Multi-Line, Law Enforcement, and Other Insurance Coverages for Calendar Year 2023; to Finalize Negotiations for Such Coverages; and to Execute All Documents Necessary to Effectuate Such Coverages (Human Resources and Risk Management Division/Sonya M. Quintana)

MANAGER SHAFFER: Actually, Madam Chair, Commissioners, I'm going to go ahead and take this one because a lot of the information is provided within the memo, in fact, almost all of it, comes from me and relates to my service on behalf of the County on the New Mexico County Insurance Authority Board of Directors.

We renew several significant law enforcement coverages on a calendar year basis, in fact, most of our coverages are on a calendar year rather than a fiscal year basis. Those include third-party liability both law enforcement claims and general liability claims. They also include property claims as well as cyber risk and miscellaneous smattering of other things. But the two biggest ones fall under the branch of law enforcement liability

claims. This includes the operations of our adult detention facility as well as our Sheriff's Department and then our multi-line claims, again, are general third party liability as well as first party property coverages.

We occasionally solicit quotes both from the New Mexico County Insurance Authority as well as private insurance companies. This year we opted only to solicit coverage options from the New Mexico County Insurance Authority. That was a judgment decision based upon the fact that we did not believe we would receive favorable quotes because the law enforcement liability market, frankly, is extremely hard. Which is a shorthand way of saying the costs keep going up and the coverage keeps getting worse. That I guess is the technical definition of a hard insurance market, you're asked to pay more and more for less and less. So we didn't think that we would receive favorable quotes and in addition, NMCIA, the New Mexico County Insurance Authority had indicated that it was actually going to offer medical malpractice coverage to the County for the first time. So as you know, historically, Santa Fe County had independently procured medical malpractice insurance for its medical professionals working in the adult detention facility. The price of that coverage in a hardening market kept getting worse and worse and worse and the cost kept going higher and the coverage kept getting worse. So much so, that the Board of County Commissioners ultimately decided it would prefer to self-insure those risks. While the New Mexico County Insurance Authority indicated over the last several months that it was willing to quote coverage for that and we believed that that would likely be a reasonable offering and so for both of those reasons we felt confident that going with NMCIA would be in the best interest of the County.

Unfortunately, NMCIA has not yet prepared its final quotes for calendar year 2023. We actually have a board meeting tomorrow at which we will do so. So we are asking for approval of this resolution in advance of those numbers being provided to the County. Preliminarily, I think that the renewal is going to be reasonable. We could receive up to a 5 percent decrease or a flat premium on our law enforcement claims that generally reflects on a positive claims history in recent times. We would anticipate an increase up to 6 percent in the multi-line portfolio, which again, we believe is within the realm of the reasonable and likely those might come close to netting each other out depending upon if we do get a decrease on our law enforcement premium. But I think that the real potential get is with regard to medical malpractice coverage so we're no longer self-insuring those risks. As I understand it from NMCIA staff their recommendation to the board will be to quote that at a premium of \$12,000 per employee based upon a one-time census at the beginning of the year although there could be a premium charged if we have a significant change in our level of personnel. Should that come to pass, you would be looking at a premium in the range of \$168,000 for medical malpractice coverage. To put that in perspective, the last time we got a quote from the private market it was in excess of, I want to say, \$570,000 with a \$250,000 deductible per claim.

So again, we think the medical malpractice quote is likely to be reasonable enough that we may be better off fiscally if we decide to take that coverage rather than continue to self-insure that risk and finally that would do again with associated burdens with being self-insured.

To sum up, what we will do when we get the quotes is we will look at the deductibles that are offered and we will choose the deductible level that we predict will give us the lowest cost of insurance in an average claim year unless for some reason I determine that it will require us to take on too much risk given us our overall risk portfolio. What we will provide to the Board in January what the final negotiated contributions and premiums and coverage elections are. And I would be happy to stand for any questions.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Excellent. Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. When was the last time we went out for bids in the private market on these insurances?

MANAGER SHAFFER: Madam Chair, Commissioner Hughes, if I am not mistaken it was last year and NMCI at that time was determined to be the proposal that was most advantageous to the County and I believe that was the case the year before as well.

COMMISSIONER HUGHES: Okay. I was thinking that even though you think the market is hard sometimes it is good to go out to bid at least every few years to make sure that that perception is correct. But this makes sense if we did it last year just continuing this year makes sense. What was the amount of the premium for the medical malpractice insurance if we did go with this proposal?

MANAGER SHAFFER: Madam Chair and Commissioner Hughes, assuming that the NMCI Board adopts tomorrow staff's recommendation, I believe that the recommendation from staff is to quote that at \$12,000 per employee. So the ultimate premium would depend upon our employee count. I think they were going to do that at policy inception assuming our numbers don't change, we have 14 employees and so my estimate was, I believe, \$168,000. But again, that would change based upon our employee count.

COMMISSIONER HUGHES: Okay, but \$168,000 is a lot better than \$500,000.

MANAGER SHAFFER: I would agree with that assessment.

COMMISSIONER HUGHES: Yes, thank you very much. No more questions, Madam Chair.

COMMISSIONER HANSEN: Madam Chair.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion to approve a resolution authorizing the County Manager to secure multi-line, Law Enforcement, and other insurance coverages for Calendar Year 2023.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. We have a motion and a second. Was there any further discussion?

COMMISSIONER GARCIA: Yes, Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Manager Shaffer, for what you do sitting on the board for the New Mexico Counties and looking at the statewide

malpractice coverages that all correction facilities do throughout every single county in the state. At one time we had went on our own because of the mishap that happened down in Dona Ana County. So that was one of the reasons I believe why we went on our own. But you feel comfortable now that the quotes that New Mexico counties are receiving will be a lot lower than they have been in the past?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, I don't know that I am predicting rate decreases from New Mexico County Insurance Authority will be much lower. I told you what I think the estimated range would be for the upcoming renewal. I believe that their pricing – that they endeavor to keep it relatively stable and from my work on the underwriting committee and watching the premiums be developed, they try to keep it within a range that they believe that their numbers can tolerate. So I do believe that we will be predicting relative stability which doesn't mean that we won't get increases or potentially decreases. I am just suggesting that they try to bound those so that you're not subject to wild fluctuations. If that answers your question.

COMMISSIONER GARCIA: Yes. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Is there any further discussion? If not, I have a motion and a second.

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

7. Presentations

A. Presentation on Santa Fe Mountains Landscape Resiliency Project (SFMLRP)

CHAIR HAMILTON: I'd like to welcome James Duran who is the Acting Forest Supervisor and Beth Ihle the Deputy Forest Supervisor. If you would care to make any further introductions that would be great. Welcome.

JAMES DURAN (Acting Forest Supervisor): Madam Chair and members of the Board, thank you so much for the opportunity to engage in some conversation. My name is James Duran and I am the Acting Forest Supervisor on the Santa Fe National Forest and the Forest Supervisor on the Carson National Forest.

Our intent was to be able to continue the engagement we've started. I know that after a resolution was issued by the Board, we were asked to really think about the future of our prescribed fire program as well as the future of some of our projects, specifically, the Santa Fe Mountain Landscape Resiliency Project. We wanted to provide you some updates today. I brought some key staff, as you motioned, our Deputy Forest Supervisor, Beth Ihle, will be providing a little bit of the mechanics of where we're at with the project and then we'll be able to answer questions and share more information. Beth, do you want to come on up and share some information?

BETH IHLE (Deputy Forest Supervisor): Thank you, James and thank you Santa Fe County Board. Madam Chairperson and Board of County Commissioners, we have a couple of slides for our project. We'll go through them relatively quickly but for your recollection we issued this project in March of 2022 and at that time we did not have a large fire season going and we ended up pulling the project back in July when we were busy. So if we could work on public awareness. We had gotten word that the Chief

of the Forest Service was doing a review of the overall national prescribed fire program and we were pretty busy with fire. So that brought us to – some of the things that changed: we released the draft Decision Notice and Final Environmental Assessment on Friday, December 9th for a 45-day objection period which starts on December 10th. What changed between the time we released this decision in March and today was we signed our Forest Plan this past summer and so our Forest Plan had to be recognized in the new analysis and decision. We had to consider the environment we were in with two escaped prescribed burns that were fires that we were dealing with, the chief's review of our program and then there was a requirement to include some language on environmental justice and climate change that came in. The Environmental Assessment is largely the same but there are differences.

This project, why here and why now? The project is an important – well, it's a high-hazard area that was identified in the 2020 County Wildfire Protection Plan. We've treated 16,000 acres in the same vicinity already with a handful of different projects that we already have decisions on. The area is considered high-hazard associated with vegetation conditions on the federal lands that are also near residential development and other high value such as the Santa Fe municipal watershed. This project also addresses habitats and a couple of riparian systems.

As we said, this is also a priority landscape area for the State of New Mexico's Forest Action Plan. The Santa Fe Fireshed Coalition was actually formed in response to the fire situation in the forested areas adjacent to the City of Santa Fe including the Las Conchas fire which occurred on untreated lands. And so the purpose of the Santa Fe Fireshed Coalition was to take an all lands approach to treating the vegetation conditions that are resulting in these high hazard fires.

This project aligns with achieving our desired vegetation conditions that we identified in our Forest Plan and EIS for the Forest Plan which was a multi-year planning and public engagement effort. The project is consistent with our Forest Service national direction and it's part of our chief's number one priority which is to protect lands and communities from wildfire.

I'll go through this quickly because we're already past December 10th is when the objection period started for 45 days and it ends on January 23rd and then we begin our review of the objections and our response to the objections is complete on April 30th. So that's our schedule.

MR. DURAN: Before we go to questions, Madam Chair and members of the Board, I just wanted to kind of highlight – it was in your resolution, obviously, there was concerns about just the status of events with the Las Dispenas prescribed fire turning into the Hermits Peak and that becoming one of the most catastrophic wildfires we know and truly an unintended outcome; right? Our prescribed fire program is not designed nor is it intended to bring forward unintended outcomes like the Hermits Peak and Calf Canyon. But what we're finding is that, you know, the Chief's review really required a hard look at the agency-wide prescribed fire program and also required each individual forest to reflect on their programs.

So as we've engaged with leaders included Commissioner Hansen, Commissioner Hamilton, we started to kind of explore where can we do better. Where can we kind of modify our process. So there's some immediate things that we know that we're going to

be investing in and one of those key things is transparency and coordination. As Beth mentioned earlier, our forest plan was really designed in the spirit of collaboration and cooperation and with local government and local leaders we see a role for the local governments working side-by-side in a shared stewardship format with the Forest Service as well as with our state partners because, as you heard earlier, these are shared priorities. There is a National Forest component in the upper watershed but it is very much a shared priority area to mitigate wildfire risk to communities and values at risk.

The other thing that I wanted to share is that we also asked to take a hard look at our prescribed fire program and moving forward I was willing to send a letter to every county that the Santa Fe and Carson falls within and to commit to a continued pause of our prescribed fire program. So what that means is essentially, even though there's prescribed burns in New Mexico on the National Forest, we're not there yet. And one of the reasons why is that we need to go through some additional final steps through our internal process but we also want to make sure that we're coordinating and communicating with the local jurisdictions that are within that prescribed burn area. As we've engaged with partners across northern New Mexico, many communities are anxiously awaiting prescribed fire activity because they see the value in that tool. They know that there are inherent risks. You know, when we use the word fire-shed what we're recognizing is without treatment, without some type of manipulation what we have with this drying climate is we have a high potential for natural ignitions and obviously wildfires that can impact communities. And so we stay committed to that. We do not intend to put any fire on the ground within Santa Fe County until we have some form of coordination. So with the Santa Fe Mountain Project and what you were briefed on today, we're talking about the NEPA process, which is the National Environmental Policy Act procedure which is simply planning. As we move forward into the future into implementation we want to continue to offer the collaborative environment as well as maybe even going forward and offering cooperating agency status which would allow the Forest Service and the Santa Fe County to work very differently as we think about communicating to constituents everything from prescribed fire activity, you know, weather, smoke – all of the things that we normally do, kind of, as the lead agency we're very interested to explore how that looks. So I know that the question we continue to get is Forest Service, how are you going to pull off this burn? And our answer continues to be, Well, we're going to pull it off – we're going to look at opportunities to work with local communities to determine what's the best way to put fire back on the landscape. What's the best way to communicate and that is one of the intents of this engagement is to continue to build an ongoing format for communication and engagement with the County leadership as we navigate into the future managing the National Forest.

With that I will pause and ask if there's any questions or anything else that you would want information on.

CHAIR HAMILTON: That's great. Thank you so much. I appreciate the presentation. I'll go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, James and Beth for being here. It's really rather disappointing to see the EA come out and that there's basically no changes to it except for the Environmental Justice section. I mean climate change might be mentioned but it doesn't say how you're going to mitigate it or how you're going to

work with it. As a County Commissioner I am interesting in us being a cooperating agency because I do feel that you need some oversight and if that's the way that we can create oversight then I'm for that. Because what I've seen in the last number of years, the huge fires that we have had in New Mexico have been started by the Forest Service or BLM or one of the other federal agencies. So it concerns me that you call the forest a fireshed. The forest is a watershed. The real issue is that the water needs to stay in the forest because that's how we're going to stop it from drying out. Putting fire on the landscape dries out the forest. I don't think I'm creating rocket science here or anything. I'm just laying out basic principles of what I feel very strongly about. It's risky. And one of the things that we asked in our resolution, we asked for an EIS which I see is not happening, which I think is unfortunate. But also we asked for alternatives and different ways to approach, like goats on the WLUI, approaching the WLUI in a different way because that is where people are feeling really threatened. And when I say WLUI, I mean the wildlife urban interface. I think it is important to understand that we talk in acronyms and I apologize.

But we had a listening session and I really appreciate Beth that you were there but your answers were what we're getting right now and it wasn't really heartening to hear what you had to say at the listening session because I think that a large group of those people who were at the listening session, over 100, really care about the forest and care about the wildlife and care about the nature of our forest and you might have been there to listen but there's no result. You came out and you've released this draft again. It's the same as before, basically. And the Chief's report directed different items throughout it to actually direct and work and understand how climate change is affecting the landscape. Nobody is saying that you can't – that there is not going to be some fire in the forest. But what we don't want is these large prescribed burns like what happened on the east side of the Sangre de Cristos. People are incredibly fearful of what you did. And to whitewash is, which I just feel like you just did, makes me feel like are you really trying to listen to us? Are you really trying to work with us?

If you really want to work with us there are so many of these people who have ideas and plans and who are scientists and who are complexity scientists -- Commissioner Hamilton is a scientist – and who have really different approaches and ideas. We all recognize that the forest needs some work but you know, you didn't evaluate the environment of the area that you're going to destroy. And that's how people feel. They feel that you are going to destroy their forest. And they have every reason to believe that for what you did on the east side of the Sangre de Cristos because you have destroyed that forest over there. And it is now going to be a rangeland and shrubs. And what kind of restoration practices have you thought about? How are you going to increase the biodiversity?

I spoke last night at a legislative meeting and I talked about thinking out of the box and coming up with different ideas and having a more expansive view. And I really feel that that is what the Forest Service needs. In 2020 – I'm only give this as an example – I went to Washington, DC, met with DOE and believe it or not, I told DOE I wanted somebody I could work with at LANL to do a strategic plan and to get the waste off of the hill. And lo and behold DOE actually listened. They sent me a manager who I can work with. I'm not going to agree with him on everything. But we are working on a

strategic plan. We are trying to make a difference in getting the waste off of the hill at Los Alamos and I guess what my next move is, I go to Washington and meet with USDA and say, Hey, we're in a unique situation here. We have an opportunity to actually restore our forest and make it magnificent and make it a real watershed. And your idea of just burning as the only solution is not the answer that my constituents are looking for. That's clear from the meeting that Commissioner Hamilton and I and forest advocates and the Wild Earth Guardians held, that's clear that people want to participate. They want to be involved. They care deeply about the forest here. You don't have that everywhere. You don't have that level of engagement that we have here. You probably don't have county commissioners like myself and Commissioner Hamilton and Commissioner Hughes who really want to challenge your thought process; challenge your ideas and challenge your way of thinking and come up with new solutions. Like, where is the plan for rehabilitating the forest that you have destroyed. I mentioned that before.

I could probably go on for quite some time but I do feel very strongly that our forest – we don't want deforestation. We want the forest restored to its natural environmental and you cannot, cannot use an 1880's idea of what the forest should look like because we are in a whole new ecosystem and climate regime. We are in a climate crisis and so 1880 equate to where we are today. And so I really need you to engage with us and think about it. I am more than willing to work as a cooperating partner and try and come up with solutions – permaculture instead of having miles of road why not restore the hydrography and create more massive water in the forest because the forest holds the water. Every time you put fire on the forest you're decreasing the water. It's just 1 + 1 is 2. It's not that difficult.

Also, one of the other problems with the report is that there is no date on it. A number of us have tried to read the report and there's not a date of December 9th. And you say there is hard copies, I would like you to deliver 20 hard copies to me so that I can hand them out to constituents so that they can actually read what the latest forest plan is because it's not really clear on your website. You've made it very difficult. And so I'm just – I haven't even had time to read the entire plan but I have scanned it and I have looked through it and I want you to work with us. We all care deeply about the forest so it is my plea to you to work with the constituents here and I know that we're going to have a new director and so I'm asking that you return as soon as the new director is here and give another presentation and let me know if you heard anything I said tonight. Are you listening? Did you listen at the listening session? I'm in contact with Ms. Rivera and I will go and meet with her and request, explain to here that this is a unique situation and we have an opportunity to restore this forest not burn it down. Thank you, Commissioner Hamilton.

CHAIR HAMILTON: Thank you. Commissioner Hughes and then Commissioner Garcia.

COMMISSIONER HUGHES: Thank you, Madam Chair. I too am disappointed that we didn't get a full Environmental Impact Statement but I just had a couple of questions and I apologize I haven't read the whole thing.

Have you considered – at least from my very limited understanding most fires are caused by humans and not so much, I mean some by lightning but mostly humans – have you considered ways to reduce human caused fires, such as, closing the forest more often

when there's windy, dry conditions or not allowing people to burn campfires but make us all bring those little stoves into the woods when we want to cook stuff and other regulations that would – even if you go through with your plan, it's going to be many, many years until you've thinned out the forest and so there is going to be this huge danger going forward. And I just wonder if you've considered other measures besides just controlled burns?

MR. DURAN: Madam Chair, Commissioner Hughes, I guess – that's a great question. What I wanted to share is we've explored a variety of different ways of managing the National Forest and also kind of implementing our mission in a way that balances those multiple uses, right. Because we know that access in northern New Mexico, people getting in to the National Forest and enjoying the National Forest, accessing the products that, you know, many, many communities depend on is super important. As well as the water. These are the watersheds, the head waters to a lot of our communities. So, yes, we've explored many of those options. What we know is that with the drying climate and what we're experiencing just the immediate closure of the National Forest probably isn't going to meet the needs of the communities; right? To meet the needs of those that want access to the National Forest.

What I want to make sure we're clear on is when we talk about the Santa Fe Mountain Landscape Resiliency in this project it includes a variety of different treatments and tools, right, that are really standard in the world of land management whether it's federal, whether it's state – this is the world of restoration. And within our EIS which is our Forest Plan we refer to it as the Forest Plan but it was an EIS, we addressed climate change in one way and it was really about resiliency because what we know is with our drying climate there are different vegetative types that are at risk because of the drying climate, because of the disease that comes with these drying conditions. So part of our effort to treat the National Forest is to do exactly what I think have a common interest in doing, is protecting the watersheds, enhancing the watersheds, and ensuring that we're building that resiliency in the National Forest so that we're reducing the risk of wildfire. We know that fire has a place in the landscape. It always has. The agency is really looking hard and we're very thankful that we continue to engage with some of our partners that bring a lot of knowledge to the table. A lot of traditional cultural knowledge. We have other landscape adjacent to us. We believe our partners like the Pueblo of Tesuque have used similar treatments and had a lot of success at improving their watershed and mitigating some of those risks. So the Watershed Coalition that has been formed as a result of Las Conchas is really interested in this work and really interested in problem solving together with the Forest Service.

And although we speak of this as a project on federal land, that yes we have jurisdiction and procedures we must go through to authorize and to start the project, it is very much a community-based proposal. Now I understand that there are members of the community that see mitigation work very differently or would like the Forest Service to really not use prescribed fire as a tool. What we're saying with this project is that we have a lot of tools in the toolbox and we're very open to working with partners to figure out how do we think outside the box? How do we create creative collaborative energy in implementing it in a way that is smart, whether it's the management or even the access as you speak to.

COMMISSIONER HUGHES: Thank you. Could you just give me a quick list of some of the other tools besides prescribed burns that you would use to make the forest more resilient?

MR. DURAN: That's a great question, Madam Chair, Commissioner Hughes, let me address that. So we have a lot of mechanical treatment. As you heard in the initial brief, we're talking a large landscape that is multi-jurisdiction. There's been a variety of treatments over the years that we have brought forward for reduced fuel loads. At the end of the day, reduced fuel loads is what we're looking for to mitigate that fire risk. So we have thinning, we have fuel wood projects, we have a variety of timber sales

MS. IHLE: -- masticating.

MR. DURAN: -- mastication which is mechanical treatments. So it's a variety of tools and many of these treatments have to interact with one another, right, you may have to go put in a mechanical treatment to allow for a prescribed fire to be effective. So it's a very complex site by site kind of determination but we have specialists that are obviously experienced in this. And we also bring in partners. I want to highlight the fact that the State Action Plan as well as the County Wildfire Protection Plan really speaks to the similar tools and similar treatments in the form of restoration and resiliency work in New Mexico.

COMMISSIONER HUGHES: Okay, thank you. Just to finish up my section, I just would encourage you to, as Commissioner Hansen suggestion, really engage with the community and people who know the community and people who know it gets windy in April, for example. Be willing to address all of the concerns as you go forward because otherwise I think it's going to be a very difficult job for you if you don't listen to the community. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Now it's my turn.

CHAIR HAMILTON: It is your turn.

COMMISSIONER GARCIA: First of all, thank you for the presentation. Good presentation. You all have a hard job especially with the things that have happened in the last year, the last couple of years, the Jemez fire. I know you're not there just to burn the forest. You know that, you're not going to just go burn the forest down. I realize that. And I hope other people out there realize that. Let's just go burn down the forest; no, it doesn't work like that. I actually think that one of the things that we need to probably start with as policy makers here is talk to our federal delegation because you all are doing what is needed in your realm of things as into what the requirements are at a federal level. Maybe we need as I just mentioned, we need to go talk to our federal delegation and change the law, change the rules. So [inaudible] different forest in different areas, many are from Montana all the way down to New Mexico, you understand what I'm saying. So maybe we should look at that.

I like the goat idea. Let's put some goats in the area and let's thin out the forest. Some of those areas need to be thinned out. [inaudible] in our community that definitely need to be thinned out. I would love to put goats in there but that's another topic for another day.

One of the other issues is this billions of dollars that we have from the federal government for the fires that happened up north in the Las Vegas area. Great. Now how

do we get that money to those individuals, to Mr. Garcia who has lived there all his life and doesn't have insurance. The federal government is not going to go right him a check, no way. So I'm interested and I know it may or may not be but whatever help you can help those individuals out there please do so. Because here's a check New Mexico, go help all these individuals. It doesn't work that way when it comes to federal dollars. I know that. I've dealt with little grants and that's a challenge that New Mexico is going have and I feel very sorry for those individuals looking at that check. It's going to take a little while to do so. And the Attorney General Hector Balderas some credit for moving forward and – what are you going to federal government?

But like I mentioned, it needs to start at the top as it does throughout our local level with us policymakers for local government our federal delegation, you know, this is a great start what you're all doing. As Commissioner Hansen and Commissioner Hughes mentioned, please keep in communication with your communities as well as my colleagues up here. But thank you for what you do. Thank you the presentation.

CHAIR HAMILTON: Thank you. Commissioner Roybal, did you have something?

COMMISSIONER ROYBAL: Sure, Madam Chair, thank you. First I want to thank you for the presentation and update. I know that coming forward with the path forward to mitigate this type of terrible event or fire in our state and nation, I know that it is not going to be solved overnight and I know that you guys are coming up with a lot of great ideas and paths forward to mitigate this issue from every happening again.

I guess my biggest ask is just to keep the local governments engaged and in the loop and make sure that we're updated so we can help contribute and work with you guys to figure out a way that we can mitigate this issue for the future. We're here of course to advocate for our constituents and bring their concerns and frustrations forward but at the same time we want to be here as a tool to help you guys succeed in whatever way that we can. So we just to keep those open lines of communication with you guys. So please reach out to us and keep in the loop and updated and we would appreciate it.

CHAIR HAMILTON: Thank you. I thank you for the presentation. It takes a lot of courage to try to engage especially for a controversial topic. So I really appreciate that you're here. It's very much in good faith. On the other hand, having listening and a plea to continue to engage the public and local government is preemptive if nothing changes and nothing changes. It's difficult because one of the prime management principles when you work in climate change, which is where I do all of my professional work, is that business as usual, doing things the way we did 20, 50 years ago, is not appropriate. It is not an appropriate response to a changing climate.

So first thing I would like to ask is what your definition of resilience is as we throw the word around a lot and that – I just spent two days facilitating federal, state and local agencies who all are practitioners in wetland resilience management what their definition of resilience is. And it's not easy to come by and it's not defined in the EA so what do you guys think – what is your management definition of resilience?

MR. DURAN: Madam Chair, members of the Board, so it's a really good question. So really resiliency is just the ability to manage the national forest to provide for that resiliency to withstand some of the climate and disease. Now within our plan what you're going to find it you're going to find is desired future conditions that really

speaking to ecosystem as a whole as well as species and different habitats and so resiliency is all based and really defined by the different sites, the different vegetative sites and I think it is something that has to be assessed sight by sight. But when you speak of resiliency we know that our forests are at risk and we know that we have to manage in a way that provides the opportunity for the risks to be reduced as we go into the future.

CHAIR HAMILTON: So you are suggesting that resilience includes persistence of the forest, a forest ecosystem, like acre by acre?

MS. IHLE: I would say, we absolutely want persistence of the forest. But we also know that fires that non-characteristic are going to make changes that in some places, and we've seen it in southwestern New Mexico and Arizona, where the fires will change those ecosystems for a long time. And that's what we're trying to prevent. That's what reducing – and I realize fuel load is a tough word for people who are looking at restoration but fuel load equals heat and heat builds the fires to higher levels so reducing the amount of fuels is what treatment often looks like. But Ponderosa Pine will have its own treatment type. Mixed conifer forest will have their own treatment type. Even in the pinon juniper will have their own treatment types and they're described in the EA. So resilience is different for different types.

CHAIR HAMILTON: Is it?

MS. IHLE: There's a book answer in the forest plan.

CHAIR HAMILTON: Is it, really?

MS. IHLE: Yeah, pretty sure.

CHAIR HAMILTON: -- for different forest types? I mean – the condition might be different --

MS. IHLE: It would be a desired --

CHAIR HAMILTON: -- but is resilience, is the way if you're managing for resilience what are you managing for?

MS. IHLE: It's built into the desired conditions because desired conditions have a long term perspective. Our plans end up going for decades and that's our horizon that we look at so for us resilience is really important.

CHAIR HAMILTON: I'm glad it's important but it is not a trivial question.

MS. IHLE: No, it's not.

CHAIR HAMILTON: Because defining resilience, which hasn't been done, is part of what will drive what you do to manage resilience. And if you're actually managing for resilience in the face of climate change and you want to do things differently, you might consider changing what you burn, when you burn and how you burn. For example, our stewards' guild is doing a managing project as you will know because we've been together talking about it at the Glorieta Conference Center, multiple acres and they burn completely differently. They do smaller treatments. They do smaller burns so that the burns don't get out of control. They do a different procedure for removal and for monitoring and it addresses some of the difference in conditions that are driven by climate change, temperatures for arid conditions, different seasons of wind. The way they apply the associated mechanical treatments that prepare for those respond to those differences and part of the linkage between the objective of managing for resilience and the way you apply the burning reflects those different conditions. It reflects that

resilience objective of maintaining the ecosystem functions. Guaranteed in the current climate conditions from every bit of work that has been done that Commissioner Hansen is right, once you burn that forest down it's not going to recover. One hundred years ago it might have recovered; it will never recover now. It will go to an altered – it crosses a threshold, an ecological threshold. It will come back as a different ecosystem, savannah or whatever.

So personally, I really agreed with our resolution asking for the EIS because what it drives us to do, the intent of NEPA, I would have been very happy to see an EA that was updated and included differences in the way darning was applied and the size of the burns that reflected both climate change conditions and the fact – like you have to use all the facts and if you have a fact that large fires, the way that they're done now are out of control, you can't do it the exact same way the next fire and expect a different outcome; right The level of risk is just as big.

I am making the point because there are a range of options in terms of response that aren't well, we're doing it right and we're doing it the way we have to. It's not an argument for fire or no fire. It is not a binary choice. There are people who would want to see absolutely no fire. But up at the Glorieta Camps the way that it is applied is appropriate for that situation. I'm willing to bet within the tens of thousands of acres that are within this project site there are places that you don't want to burn and places that it would be appropriate. Not in the big burns that the Forest Service has done in the past because 20 years ago is not today.

I don't really care if you stay in touch if it is gratuitous I want a continued interaction if there's going to be some changes that come from it.

The other thing, and I have made this point before and it seems like a simple point, but you justify just wanting to just get past NEPA so that we can start this project which is really important because the EA is just a planning document. There is not a management system in the world that doesn't do the circles and the arrows that go planning arrow implementation. What's in the planning document is what tells you what you're going to do and if that planning document hasn't changed and it's like, trust us with the federal government here to help, we're going to do the burns differently because our Chief said we have to do the burns differently – that's not the way it's supposed to go. Just write it down in the damn planning document. That's kind of my feeling about what's going on here. What you're going to do should be reflecting in the EA. It's fine to reference the forest plan but it's not fine to say the EA doesn't need to change.
Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair. There are a number of people online who would like to make a public comment and Chair Hamilton has agreed that they could do that. So I would respectfully request that you stay to listen to the people online so that you can hear their concerns also.

CHAIR HAMILTON: Is that possible? We appreciate your time coming. And we appreciate this interaction. We're trying to achieve something and that's what this is all about. We really appreciate you being here. Is it possible to stay for that?

MR. DURAN: Madam Chair, that's not a problem. We'd be willing to stay and listen. In parting we just appreciate the opportunity and we look forward to continue to work and learn and problem solve together and also share a little bit more

about how we approach this work and some of the other context that we're unfortunately not able to provide in a briefing like this. But thank you, and we will stay.

CHAIR HAMILTON: Thank you so so much. We really do appreciate it. If nobody, County Manager, Attorney Young, or any of the Commissioners, if nobody objects to that slight change in agenda, I was hoping to move up the public comment that has to do with this topic to now before the other two presentations; is that acceptable?

I assume there are people here in the audience and online. Is there anybody here in the chambers who wants to speak to this particular topic? If you could come up one at a time and introduce yourself. This is just public comment, so if you'd just introduce yourself and give your name and your – we don't need addresses for this do we? Okay, just come up and introduce yourself and we'll do a three-minute public comment. Daniel, if you're running this can we do our three-minute timer?

DANIEL FRESQUEZ (Media Coordinator): Madam Chair, yes.

8. Matters of Public Concern [See page 74 - Additional matter of public concern]

JAN BOYER: First of all, Madam Chairman and Commissioners, I can't tell you how grateful I am for your work. I am Jan Boyer. I live on Rio Vista Street. I've followed this issue for 20 years and I would like to share with you a few things that I have learned over these years.

One of the things that I am concerned about is when I used to go to the Forest Service meetings their main interest was in telling me that I should grow to learn to love meadows. Well, frankly, I always did like meadows but I don't want meadows to be replacing our forests. So I did not like it when they kept telling me I should get to know and like meadows because they were saying that was an excuse for getting rid of the forest, I should like meadows. I don't like that point of view.

Another issue for me is that sooner or later we're all going to be paying an awful lot for the health of these forest firefighters because as several of them has said to me, Well, you know, we all die within five years of our retirement because our lungs are totally bad from all the chemicals that we've been breathing in these fires. Who is going to pay for the extended medical care for all of those firefighter?

Okay, another thing is that I asked them about the birds and the animals and they said, Oh, Jan, they'll be enough in the next acreage, in the next county that some of them will live and repopulate the area. Well, that's not a very good view when you think about how many millions of animals that they're talking about killing. Okay, because apparently and okay, here's another piece, you cannot find out what percentage of trees they are going to remove. But having done a ton of research and read an awful lot of their documents, I know that from all the work that they have done in the past 20 years, all the thinning projects thin more than 90 percent of the trees. And that's from the La Cueva work order, the Hyde Park scoping letter and the URL when Sandy Hurlocker was here and admitted to you that he didn't like to think of it that way but, yes, they would be getting rid of more than 90 percent of the trees and at that point it was 18,000 acres but it's changed a few times. Does anybody realize that they're going to get rid of 90 + percent of the trees on 18,000 acres and then they're going to burn 67 square miles. And if you call them and ask them, how much are you going to burn? How many trees are

you going to remove? They will not give you a straight answer because I have asked and other people have as well and they have reported to me as well, that they can't get a straight answer. Ninety percent – how many people, I mean every week I see somebody in the grocery store and I say, Do you know about this resiliency project? Nobody has ever heard of it.

And yet at the same time there are 5,000 who wrote in comments in the first comment period. Now I don't understand why they are able to redo the EA which is basically the same and yet they refuse to accept the 5,000 comments that were sent in saying – 95 percent of them said we want an EIS. And I said well why are you throwing out all of those comments that we sent in and people learned so much to have to write those comments and they said, well some of them were form letters so we threw them out. Is that a really good reason for throwing out 5,000 comments? And now we have to start over and learn everything all over again and figure out what we said a year ago and all of that. That's not easy. I know this issue and it's intimidating even for me.

CHAIR HAMILTON: Thank you so much.

MS. BOYER: Is my time up?

CHAIR HAMILTON: It is.

MS. BOYER: Can I say one more thing? They keep saying they're proud of their work and they say we can burn it because we can. We know it's just about the money. Please help us continue helping us and thank you so much, again. Thank you.

CHAIR HAMILTON: Thank you. Is there anybody in the chambers that wants to speak to this? Come on up.

CARLOS SAIZ: Thank you, Madam Chair and members of the Commission. I just kind mosed on up here. My name is Carlos Saiz and I've been a wildland firefighter for a decade now. My time is going to be short. I just want to express my support towards this project. Speaking from a wildland firefighter standpoint, we talk about going home safely to our families after every assignment, every deployment, that's our main goal. And this type of resiliency project actually produces that type of safety for our fellow firefighters. We look for opportunities to manage forest, like treated areas of these forests so that way we can be in a safer area where there's already naturally an unsafe type of environment. This kind of resiliency project can help support not only the local firefighters here in New Mexico but also the incoming firefighters from out of state that also look to help in our times of needs.

My statement was just short. Thank you, Madam Chair, Commissioners. Thank you very much.

CHAIR HAMILTON: Thank you and thank you for what you do. Is there anybody else here in the chambers? Daniel can you help me out with people online.

[As the host, Daniel Fresquez introduced each of the online speakers and enabled their presence.]

SARAH HYDEN: Hi, I want to thank the County Commission for all that they have done. It's just incredible for the public and I hope that [inaudible] but what I wanted to say is that the Forest Service, has we know, has reinitiated the same EA despite the disastrous Hermit's Peak/Calf Canyon fire and despite the public controversy and the

scientific controversy. You haven't listened to the public clearly or the conservation organizations. Nothing matters but what is in the project analysis and decision. After that, the Forest Service can essentially do whatever it wants.

It's amazing to me that the Hermit's Peak/Calf Canyon fire [inaudible]

CHAIR HAMILTON: Sorry, we're unable to –

MS. HYDEN: [audio difficulties] -- burns were not addressed in the project analysis. This project is essentially being steamrolled onto the public. In both sets of comments the public strongly opposed the project that is currently proposed and the vast majority asked for an EIS. There are conservation organizations eager to help develop a much better project that genuinely restores the forest ecosystem and moderates fire by increasing the amount of moisture that the forest can retain. Cutting so many trees that the sun bakes the soil and the wind whips through drying out the forest floor is not restoration. Burning off new growth almost as soon as it starts to get established is not restoration. It's not at all clear that these types of treatments do anything to moderate fire behavior. The science is certainly contextual. We do know for certain that fire proofing structures in the surrounding 100 feet does protect homes.

If you go far enough into this project without letting conservation organizations and the public genuinely engage it will leave an angry and divided community. Enough harm has been done by the Hermit's Peak/Calf Canyon fire and the Forest Service did not listen to locals who were saying the obviously, Don't burn during a period of high spring winds. They have not listened as we've been saying, We don't want our hills further burned like you do on a prescribed burn. They have not considered any other science other than the science that supports your goals treatment agenda. And now again we're seeing what is obvious, don't go forward with business as usual for this project when so much is at stake and our forests are so much drier.

In the process of completing an Environmental Impact Statement , more up to date alternatives could be considered that actually conserves and supports our forest and protects our communities and our homes. There is no other reasonable or acceptable option for this project other than to complete an Environmental Impact Statement. There is still time to make that decision. We're in the objection period now and you can finally listen to us and decide to do an Environmental Impact Statement. Nothing else is acceptable.

CHAIR HAMILTON: Thank you very much, Sarah. Next speaker.

SANDY HURLOCKER: Sandy Hurlocker, I mistyped my name. Can you hear me okay?

CHAIR HAMILTON: Yes.

MR. HURLOCKER: I'm going to read off something because I want to make sure I make my time. My name is Sandy Hurlocker. For 15 years I was district ranger in Española. One of my most rewarding parts of my job was solving problems with communities like we're doing tonight and their elected leaders. I learned that as leaders we all face a number of problems that seen impossible to solve and then along comes a partnership that brings solutions. I believe that the Greater Santa Fe Fireshed Coalition is just such a partnership and so even though I retired from the Forest Service about a year ago, I have remained active with the Coalition and the work it has to do. Today I would like to focus on one of the Coalition's success stories.

In August 2020, the Medio fire threatened to establish in the Tesuque Basin. Except a 2019 prescribed burn at Pacheco Canyon allowed the incident management team to stop its progress. During the planning for Pacheco, the project, an array of concerns were raised and considered. An almost identical array of concerns that I am hearing tonight and that have come up in past projects including a call for an EIS. If the Forest had decided back them to do an EIS, even though all the evidence said one was not necessary, and had the prescribed burn not occurred because of that delay, I have no doubt our conversation today about Santa Fe Mountains Project would be about fire recovery not landscape resilience.

When we conducted Pacheco Canyon prescribed burn Forest Service personnel were pleased with the help from the City, the County, Tesuque and a number of other agencies and organizations. We worked together to make that prescribed burn work both safely and effectively. It was a spring burn, by the way. Its success came because of that cooperation.

So I want to acknowledge that Hermits Peak fire definitely changes how we see the risk of prescribed burning but I would like to say that an EIS won't change that, in my opinion. And that is why I come today to request the Commission's support for the decision, [inaudible] and the implementation of the Santa Fe Mountains project while there is still time to act. Thank you.

CHAIR HAMILTON: Thank you, Sandy.

DAVID RASCH: Thank you, Madam Chair and Commissioners. My name is David Rasch. I live in the County of Santa Fe and I want to also support what Commissioner Hansen has said which is the Forest Service is not listening to us. They have had numerous requests from certain members of our community to help preserve a tree that will soon be in danger across our country. The white pines are suffering from white pine blister rust and almost climate change and fire will destroy this tree which will become endangered. And here in central New Mexico, the white pines of North America overlap in their ranges. The limber pine is a high elevation white pine and the southwestern white pine is a mid-elevation white pine. And not only are they both going to be threatened by white pine blister rust but these two species can hibernize and help each other content with the climate changes that they are going to see.

The Forest Service has refused to acknowledge that the southwestern white pine needs to be preserved and not thinned whenever there is forest thinning going on. I would recommend that not only Commissioner Hansen go to DC to talk to people about the Santa Fe Forest Service but also talk to other forest managers in the southwest. For example, the Apache Sitgreaves forest in Arizona, they have a plan to never remove southwestern white pine when doing thinning for forest management. I would beg you to make sure that the Forest Service hears us once and for all, because we've made this request way too many times without finding any evidence that they have heard us, that they understand the situation that we could lose white pines in our forest. And we are really concerned. So help us make sure they hear us. Go to Washington, talk to other forest service managers and save the southwestern white pine and the limber pine from extension which could happen in our lifetime. Thank you.

CHAIR HAMILTON: Thank you. And can we have the next speaker. Welcome, Sam.

SAM HITT: Thank you so much, Madam Chair and Commissioners. [poor connectivity] I just want to speak to a couple of things. The first [inaudible] is to provide for public safety. And then the second, equally important is ensuring that the public has a voice in managing the lands that they own.

CHAIR HAMILTON: You're cutting out.

MR. HITT: [inaudible] first in this environmental assessment there's no discussion of the most cost effective way to protect the public from [inaudible] wildfires. There is not an alternative in the ea that priorities working from the home outwards by making fire safety home improvements and reducing fuels immediately surrounding structures and communities. It's very good science [inaudible] that is effective. Second, instead of doing the comprehensive analysis of impacts that would include mandatory mitigation measures like protecting the rare white pines and some of the bird habitat; they have once again declared that the impacts are insignificant. And the public is once again assumed to be misinformed.

And just a few words on the Santa Fe Fireshed Coalition and this is where they come into play. They are funded and staff by the Forest Service. Their job is not necessarily to listen to the public concerns but to educate those who they assume are misinformed. And this is because as an independent group the Forest Service has definitely sidestepped an important federal law, the Federal Advisory Committee Act or FACA, which mandates openness and representative participation. So FACA groups make change happen. In fact, I was on a FACA group many years ago and we eliminated that spraying of insecticides on the Santa Fe National Forest. So hundreds of homes in the rural communities could have been saved this summer if [inaudible] and low interest loans could have been made available to at-risk communities. So, instead what the Forest Service is doing instead of learning these lessons is doubling down on what doesn't work. It is not that they don't listen. They don't know how to listen. This is what must change.

So thank you for your help I making this happen.

CHAIR HAMILTON: Thank you very much, Sam. Next speaker.

DAVID BIRNBAUM: Hello, this is David Birnbaum. I was really pleased and thank you, Madam Chairman and thank you Commissioners because I participated in the meeting where you passed the resolution 2022-50 and that document is really exciting to read today. It spoke the truth and what you said was important and you got completely ignored and there is no indication that any change was made. And when the Forest Service came out with the plan to hold back on any further burns and to take another look at this whole project there was great excitement among those of us who think it is a terrible idea but they have just given us back the same exact thing. They are totally ignoring the lesson of the Hermit's Peak/Calf Canyon fire.

They take comments and objections only from people who have previously been part of that process so they are now in May when they last took comments and objections less than 20 people were listened to and the listening was very slight because [inaudible] telling us on the night of the November 10th zoom meeting there was a real intent on the part of the Forest Service representative to make us believe that they were going to have meeting to inform the public about this project and they were going to open up the objection process. They listened to only 100 out of 5,000 people who requested an

Environmental Impact Statement and they also ignored your passionate and well-documented – it wasn't a plea, it was a demand for an Environmental Impact Statement. This project is something that is exactly what the Environmental Impact Statement was designed for. And the fact that they are still saying that it's a [inaudible] of finding of no significant impact is a slap in the face to all those people who lost their homes in the Hermit's Peak/Calf Canyon fires. Right there you have an answer. That is just a bold-face lie and it's ignorant to say that there's no significant impact on what they are planning to do and we saw it. We have the proof. It's history now and they cannot continue – they should not be allowed -- I'm counting on you and the federal government and state will help us. We cannot allow them to do what they are planning to do. They'll tell us that they're listening but they won't change their ways.

CHAIR HAMILTON: Thank you very much. Daniel, can we have the next speaker.

MR. FRESQUEZ: The next speaker is Valeria Gremillion. I do not see Ms. Gremillion. If you are on a phone call please hit star 6 to unmute.

ZANDER EVANS: Hello. My name is Zander Evans and I signed up to speak. I am here on the phone. I wonder if I can have my three minutes?

CHAIR HAMILTON: Yes. Can you give me your name.

MR. EVAN: Alexander Evans, Doctor Alexander Evans. I am the executive director at the Forest Stewards Guild. I have a doctorate in forest ecology and I have been studying forest ecology for the last 25 years and I have to say that it's very difficult because there is a lot of misinformation: both tonight and in the previous listening session.

The science that the Forest Service is using to drive the resiliency plan is really the best available and I know this because it's my business. I study it day to day and whether it's at Northern Arizona University or – I hear someone in the background being very disrespectful. Please give me my time.

So I am really proud of the Forest Service for stepping up and working on this project and that's why the Forest Guild and myself are part of the Santa Fe Fireshed Coalition. Even more important than my experience on forest is the fact that I'm a parent. I have two young sons that grew up in Santa Fe and it's really important to me that they experience the forest the way I have been able to.

And in order to do that we need to implement this kind of restoration project that brings the keystone ecological process back to our forest. We need to have fire. We have fire adaptive forest that adapted with fire over millennium and so without bringing that fire back they're not going to be healthy in the way we need them to be.

And so the partnerships and the collaboration that has come together over really decades to set the stage for the Mountain Resiliency Project has been crucial and I just wanted to speak up momentarily here this evening. Thank you for taking the time. I know there are a lot of other people, I know a colleague of mine, Matt Piccarello, from Nature Conservancy is also waiting on the phone to speak. And I think that there are a number of people who haven't been included in some of these public dialogues that are supportive of this plan. So thank you for taking the time and I appreciate the conversation. It's a really important conversation. We all care a lot about the forest and I think that looking into the existing Mountain Resiliency Project is a good idea. But I

think when we do that we'll find it is the best foot forward and it is what's going to allow our forest to continue into the future. So thank you very much.

CHAIR HAMILTON: Thank you very much, Dr. Evans. Are there other people online either by Webex or by phone who would like to speak to this matter?

VALERIE GREMILLION: Hello, sorry am I on?

CHAIR HAMILTON: You are now.

MS. GREMILLION: Thank you. Greetings Madam Chair and Board members. My name is Valerie Gremillion. I'm a complexity scientist working on climate change impacts on forest ecosystems. Just a big aside, I think we need to have a scientific meeting about this because I completely disagree with the previous scientist and that means it is time for the scientists to have a discussion about this. And I would strongly request the Forest Service to participate because in my readings and I have been reading extensively for at least 10 years now, to the Forest Service resilience does not mean resilience as we think of it certainly not on an ecological sense and forest health doesn't even mean the health of trees or even of the forest itself. It means something else – it means that the Santa Fe National Forest as an entity them is healthy and their multi-use program is healthy. And moving trees doesn't bring resilience. Destroying the forest metrics won't do that either. Moving things won't do that. That's just deforestation and exactly what we need not to do right now.

The forest plan currently doesn't address the real dangers of phasing in the forest and that's the entire loss of the forest as an ecosystem as it degrades to rangeland and grassland when the forest trees heat up and the soil loses moisture. There are two specific easy ways to do this; one is through fire and that's what they're trying to avoid, thank you. However, drying it out by management practices will equally kill all the trees and thinning and burning are exactly those kind of [inaudible] practices. So both of your main approaches drive the ecological conditions of the forest toward tree mortality. Both do nothing to ameliorate climate change impacts on the forest. Both are negative treatments and those are negative – destroying and removing. Why aren't we using any positive treatments instead of just deforestation as the only technique. Because these will burn for – this just leads to death of the trees and eventually the death of the forest.

So given that we have changing climate conditions, severe drought, extremely stressed forest, we really discuss this with a new plan that should start with climate change. The current plan only refers to it is existing. It doesn't account for climate change or address it. It doesn't mitigate it. It doesn't plan in any way to support the forest – could we make real plans for the future of this forest in ecological support terms, please. Because our survival here in northern New Mexico depends on the health of this forest as a forest. It provides us with 10 degrees of cooling, with water and air, the ecological services it provides us – it is stabilizing the ground underneath our feet literally.

So we need a strategic plan for the Santa Fe National Forest one that understands that this is a strategic forest in terms of climate, in terms of life here, even in terms of our national security. It can't just be used of timber extraction and simplistic multi-use of purpose – it's vital to our ecological and economic survival. So please upgrade your science and understanding of the future that we actually face not the one that you've been planning for and work with us rather than dismissing our concerns. We would so

appreciate it and we have a lot of ideas and a lot of science too. Thank you.

CHAIR HAMILTON: Excellent, thanks so very much. Are there other people who maybe have not signed up so you will not be on the list which is fine, who are online who wish to speak to this.

MATT PICCARELLO: Matt Piccarello, may I have three minutes?

CHAIR HAMILTON: Excellent. Thank you, Matt, go right ahead.

MR. PICCARELLO: Thank you, Commissioners, thank you for this opportunity to speak. My name is Matt Piccarello and I'm the Forest and Watershed Health Manager for the Nature Conservancy. While I've been working on forest and watershed restoration projects for over a decade in New Mexico as well as providing hundreds of hours in prescribed fires, I would rather speak today representing myself as a Santa Fe County resident as well as a constituent and I know you are interested in hearing constituent concerns.

There is already enough evidence of the effectiveness of the kind of activities that are being proposed by this project and stacks of scientific research and data to support it. Data that was collected from the Sangre de Cristo Mountains and nearby mountain ranges and results from recent fires such as the Midnight fire and the Medio fire where treatments did mitigate wildfire spreads and impacts. However, in the very simple in just referencing those studies and results I wouldn't feel compelled to need to voice my support today.

I am concerned about the future of the Sangre de Cristo Mountains. I'm concerned about the combined factors – past land use and forestry practices and climate change that will result in a landscape scale uncharacteristically severe wildfire that will destroy hills, wildlife habitat, homes, and infrastructure and will deliver and bring ash flowing downhill into town. I am concerned that there are calls to delay the work that we know to be effective to conduct further analysis that will not change any of the conclusions. I will be frustrated and angry as a resident of Santa Fe County if such a fire does occur on the west slope of the Sangres and we had not done everything that we can to prevent the worst effects that we're seeing on the east slope of the Sangres that I've seen elsewhere in the state. Nobody wants another Cerro Grande or Hermit's Peak/Calf Canyon fire and the real suffering that those communities are facing should not be minimized in any way.

There are valid questions and concerns about prescribed fire and changes to policy and practices must be made. Changes that must be made outside of the NEPA process and changes that need to be made in burn planning and operations. But delaying an action does not convey safety. It will only add a little fuel to the fire and we can be both outraged at what happened on east slope on the Sangres and still call for action on the west slope. Lastly, there is no future without fire in our mountains and I just hope that we can act fast enough to have a say in what that fire looks like when it does come, Thank you.

CHAIR HAMILTON: Excellent. Thank you very much. Is there anybody else on Webex or a caller – please unmute yourself and let us know. Oh, I have someone in the chambers, yes please.

MICHAEL MARTINEZ: Hello Commissioners. My name is Michael Martinez. I work with the Pueblo of Tesuque, Department of Wildland Natural

Resources. I am the Reserve Treaty Rights Lands Coordinator and I'm also an Okhay Owingeh tribal official. Listening and hearing this stuff, there is a lot of misinformation going on. The utilization of some of this vocabulary is just misconstrued. I've been in this project since day one, the Santa Fe Mountains Landscape Resiliency Project but I am also part of the Pacheco Canyon Project that we're in collaboration with the Forest Service. Walking these grounds you know, you can do whatever research you want from behind your computer, but if you're not walking these grounds, walking the canyons and seeing what needs to be done then watch what you say because I've been there. I did it and I walked hand in hand with these scientists doing all of this work and implementing the prescribed fire.

It seems like everyone is taking it too far. What we want to do is we want to do what needs to get done. And that's not deforestation. That's not thinning. It's taking a conditional approach to certain areas and all areas. Not every area needs to get fire but there's no way to get this biomass out of these canyon. And then in these canyons, the forest floor looks as brown as what you're looking right here and I can take you guys to our projects and what we've done and I will show you the green. The green that has come out because of these projects that we have done.

And as Sandy Hurlocker said, we worked hand in hand with the Pacheco Canyon Project. If that project wasn't in there, we would be having a different discussion right now about what's going to be going on in our forest. You won't have a ski basin. You won't have a watershed and we'd all be dealing with what's going on in the Hermit's Peak/Calf Canyon.

I don't speak on behalf of the Pueblo. I can't do that. I can speak on behalf of Okhay Owingeh and say that we need to go with these projects but the Pueblo of Tesuque is in support of the Santa Fe Mountains Landscape Resiliency Project. Just – the forest does need work. We all know that. Prescribed fire – we want to create the resiliency so that when a fire does happen we can use that fire as a tool and just let the fire do its thing instead of having a catastrophic fire, we'll have a beneficial fire. My time is up. Thank you.

CHAIR HAMILTON: Thank you very much. I'd like to go back to whoever is on the phone. Are you available?

AMY CAPPONI: Yes, I am. Hello, Chairperson. My name is Amy Capponi and I haven't prepared anything. However, just the mention of the Medio fire brought back a memory to me. I thankfully backpacked that the year before the fire. And I know that our forest is going through transition but that does not mean that the prescribed burns or thinning should not be right at the source. The only reason I can say [inaudible] or some other purpose. Let the fire burn. Those wildfires unlike a prescribed burn, it burns hot and it burns fast, it travels. What you were seeing a lot in the woods is burning down and believe me I used to sell wood and nobody wants to buy rotten wood. It does not burn well. It's worthless. Let it be the groundcover. Let the wildfire just whip through the weeds as long as we protect the houses. Firefighters should work near home bases and not go out in these canyons. The summer before the Hermit's Peak fire I went out quite a bit. I have a friend who lives on San Ignacio above tragically [inaudible] and there was a huge prescribed fire. I don't know if it was 1,500 acres or – and these prescribed burns used to – I remember when they were 20 acres. I don't – I know that

we're in a changing climate time but that forest has taken so long to make itself. It does not need to be smothered with chemicals as some person said. And you know, all the people that went to school – a college degree actually teaches people to think, which is what I have, and that's debatable but I think I do think and I just object to the narrative of going ahead and this is the best way to do it. I'm sorry I don't trust authority anymore at all. I object.

That's all I really wanted to say. That was just tragic that Viejo Trail was one of the prettiest trails I have ever seen in my life. And the Medio fire could have been gotten on earlier. I heard from some people that were residents who wanted to go out and wanted to support the Forest Service or Forest Coalition – I don't know who it was – but they would not let them get on it early and that's when you put a fire out right I the beginning. And if it's a big wildfire, let it burn. That's what it is supposed to do and protect the houses. Protect the perimeters. So that's really all I had to say. Thank you.

CHAIR HAMILTON: Thank you very much. Final double-check. Is there anybody present or online who wishes to speak during matters of public concern? I'm going to close matters of public concern. Commissioner Hansen.

COMMISSIONER HANSEN: I just want to thank everybody who spoke. I especially want to thank the Forest Service for coming and engaging with us and making an effort to work with us. I think that that is the most important thing that can come out of this, that we have some deep sincere engagement and understanding of how people feel and how they see things in the education and thinking outside the box. You know, create flexibility. Create different ideas and help our community understand what you want to do and you listen to the community and understand what they also want you to do. I think those two things are what's going to solve our problems or at least allow us to move forward. And once again, I want to thank everybody who came to speak. I want to thank the Commission for hearing this and supporting this important dialogue. So thank you everybody.

CHAIR HAMILTON: Thank you. And thank you very much to James Duran and Beth Ihle and all of your support staff who came and spent the time with us. I look forward to talking again.

**7. B. Presentation on Workforce Training Re-Entry Program by
Entrepreneurial Institute of Northern NM (EINNM)
Innovate+Educate**

CHAIR HAMILTON: We have Jamia Blivin. And if you could do any other introductions it would be very much appreciated.

JAMIA BLIVIN: Thank you. Okay, thank you, Madam Chairman and members of the Board for allowing us to do this presentation. I'm going – you should have the handout and I'm going to go through it pretty quickly in case you want to talk to my team and ask questions. Thank you, Commissioner Roybal, for meeting with us not long ago and providing this opportunity to speak

I'm speaking on the Entrepreneurial Institution of Northern New Mexico which is the initiative that we want to speak to you about is workforce training and community building for re-entry.

I am the founder and CEO of Innovate Educate, an organization I founded in 2008 when I moved back to Santa Fe. I grew up here and went to all the public schools, elementary, middle, high school in Santa Fe and I've spent the 13 year, 14 years focusing on skills. Skills based hiring, skills based training and how do we really help people who don't have college degrees specifically get employed in high wage jobs. That's not what this is about but that is my expertise and my experience. I've worked all over the country and the globe in this work. We're now very very focused on one big initiative which is the entrepreneurial Institute of Northern New Mexico.

I'm just going to have Ryan speak about the training that is embedded in this program that we are presenting on. We are funded by the County and have been since 2020 for the Pro-Skills Program which is skills training. We receive referrals from the County and have an MOU and work with Santa Fe Public School and we work to provide skills to youth and young adults to become immediately employed as soon as they need to. That's 15, 16 or 23. I want to introduce Ryan Dimas who works for Innovate Educate Now and helps lead this training and have Ryan just speak quickly about the Pro-Skills.

RYAN DIMAS: Thank you, Commissioners. My name is Ryan Dimas I spent a total of 13 year in the prison system here in New Mexico. I gave my life to Christ about three years prior to my release and when I got out I had already spent part of my teens and all of my 20s and I went to post-skills training. There I learned how to build a resume, learned how to function in the workforce and also learned the skill set that I already had and applied just to a different lifestyle. And it was there that I became a crane operator. Became a certified peer support specialist and learned how to interact with any employer; it didn't matter the setting. And I go on to teach the kids in the school system how they can ready themselves not just for a job but a career. That's one of the big holes in our system is that when I got out I was offered Suboxone, Methadone, Narcan, food stamps and Medicaid and a job that paid \$14 an hour. In this economy we all know that that is not a sustainable life and it's not a quality life.

The skills I learned gave me – it helped paint a picture of a better life than the one I had already lived. I got used to that life. So the reason I believe in this initiative is because this will not only give people that career readiness but a career follow through.

MS. BLIVIN: I'll introduce the team in a minute. I just want to mention the stakeholders. We've spent the last nine months really beating the pavement in building the stakeholders we all knew but really trying to be collaborative not repetitive not competitive. This is just a list of some of the stakeholders. I had a wonderful conversation with Life Link, she's incredibly interested, does not feel it's competitive and wants to meet with us as soon as possible. We're also working with the Northern New Mexico Economic Development and a Win contract – lots of key partners here and we know that this can work.

So EINNM – the main thing I want to say here is that we know that we can reduce recidivism. We have experts across the country and we'll talk about two of those, but more than anything we have these experts that have lived experience. The reason that we call it an entrepreneurial institute is that we know the re-entry is entrepreneurial. We know that people learn skills in prison and become entrepreneurs. These guys can tell you all about it. And it is an entrepreneurial opportunity for all of northern New Mexico whether you're operating a crane or becoming an artist or a welder or whatever. We do

believe that entrepreneurship and the training is at the heart of owning your future.

Our team: Ralph Martinez, here I believe his bio is in the packet. If not, we can follow up with bios. If we have time we'd love for each one to speak but only if you all want to do that because we're trying to keep to the time. Chef Fernando Ruiz, who maybe all of you know. He is a famous chef, beat Bobby Flay. He's been on the *Today Show* and he's opening up Escondido Restaurant. Ryan Dimas and artist Toby Morfin. We've got the tres amigos right here. They're on a wine bottle, they're everywhere. I am proud to be in the group, let's just say that.

We believe that it's going to take a lot of partnership. We believe that it's not going to training but having a community. The community requires behavioral health. It requires all of the things that we know re-entry requires and we know how to leverage that through the partnership across the communities of northern New Mexico. It starts with Escondido which is the restaurant that Chef Fernando Ruiz will be opening in May. And a new establishment on Agua Fria and Harrison. Super excited. A great restaurant. This will be the training institution and we'll run through that really quickly but that's where it starts with eight weeks of training. We're leveraging an Innovate Educate purchase of plan from EDWINS Restaurant one of the leading restaurant and leadership institutions out of Cleveland, Ohio. *The Washington Post* has featured Edwin's extremely successful lifeskills, work place skills, culinary skills and we adopted their curriculum and we're making it northern New Mexico style. We're currently working on [inaudible] which will be 12 to 15 students. They'll be training 6 to 8 hours a day five days a week and they will be paid. We have referral resources already there. This is Brendon Chrostowski, the tall guy with the grey hair. He is the founder and leader of EDWINS and you can google him and learn a lot about it. He's been on the *CNBC*, *Today Show*, *Forbes* and more.

The other model that we're leveraging is the Last Mile. Org which is now in six states. They are doing pre-training in prison which we believe they can develop at a later date. We are talking to Corrections and Corrections Industries, they have 100 percent training within seven days of release. Ninety percent continue training, 86 percent get a job after training and the Last Mile, I talked to the founder, zero percent recidivism after seven years of her doing this. Incredible. Now they are coding. They are learning how to code in California and the bigger states, Texas, have a lot of coding jobs. But really incredible expertise we can lean on.

We know that based on the EDWINS only one-third of the participants will stay in the hospitality and food industry. We have 12 restaurants in northern New Mexico that have already verbally committed to hire these people immediately post-training they'll go to work. What about the other 67 percent that don't want to go into the restaurant industry?

That's where we're leveraging the WIN Project, Artsmart [inaudible] Union 12 in northern New Mexico, union jobs, other training that can get people into welding, plumbing, fabrication, metal – anything they want. It is not a dead-end road for anybody that will go to the institute.

Finally, the need for re-entry needs real world job ready skills – we have found a huge void here. They get all the – Ryan is a perfect example of what they get and what they don't get. They are not getting workforce training and they aren't getting high paying jobs. The barriers are there and our whole purpose is workforce training to take

down those barriers and provide a community for them beyond the training. It's not six weeks and you're out. It's six weeks and you are part of a northern New Mexico community for the rest of your life. Obviously, we have a lot of support together. We are also working on legislative funding. But those are our critical needs. We are planning MOUs. I think we have six meetings in the next 10 days and we're just trying to get the word out on what we're trying to do. Thank you for this opportunity, Madam Chairman and Commissioners. We are open for discussion or further introduction and knowledge of the team.

CHAIR HAMILTON: Excellent. Thank you so much. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you so much for your presentation. I spoke at Keep Hope Alive with Life Link the other day and, you know, one of the most important things to me is reducing recidivism, providing job opportunities, providing a pathway for a new life basically.

CHEF RUIZ: They just need a chance.

COMMISSIONER HANSEN: Right.

CHEF RUIZ: Or a second chance or a third chance.

COMMISSIONER HANSEN: And so I'm looking forward to coming to your restaurant. I live in mid-town and I've read about it already and I think it sounds like a wonderful plan. And I just want to thank you all for being here and providing us with the knowledge of what you're trying to do so thank you so much.

CHAIR HAMILTON: Excellent. Commissioner Hughes and then Commissioner Garcia.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to echo what Commissioner Hansen said. It sounds like a great project and I know that if Ralph Martinez is involved then it's got to be really good because everything you've been involved in, Ralph, has come forward really well. And thanks also for your work on the next thing that we're going to hear about which is the Española Pathway Shelter. Thank you all for coming to present and the good work.

CHAIR HAMILTON: That's excellent. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you for all being here and listening to what I'm sure is an interesting meeting to you. Thank you all for what you're doing and thank you for stepping up and coming to the local government bodies and speaking. Mr. Dimas, Ryan Dimas, you probably don't remember me.

MR. DIMAS: I do.

COMMISSIONER GARCIA: You do?

MR. DIMAS: Yeah, yeah.

COMMISSIONER GARCIA: You give the chills. I actually remember you when you were 14 years old. My condolences to you for your father.

MR. DIMAS: Thank you, Commissioner.

COMMISSIONER GARCIA: Those of you who don't know, Ryan's mom works for Santa Fe County. Ryan, you are giving me chills up here talking. I am proud of you. Talking to Jennifer back there, I am proud of you.

MR. DIMAS: Thank you.

COMMISSIONER GARCIA: I would like to hear if any of you

individuals would like to get up here and speak and say how this program has helped you. Please get up and speak. Because we listened to the forest individuals on a presentation and I would love to hear from you guys. A few minutes of your time if you all want to speak that would be great.

CHEF RUIZ: I am Chef Fernando Ruiz, some of you already know me. I'm a three-time Food Network champion, etc. I did four and a half years of prison time in Arizona mostly in Maricopa County wearing stripes and pink underwear under Joe Arpaio. Got my GED in prison. Came out, went straight to culinary school.

We just want to help. We just want to give other people a chances the way we've gotten chances. I was also a drug dealer. A drug user. People gave me chances. People are helping me. I want to help people. Thank you.

COMMISSIONER GARCIA: Thank you, Chef. I also want to mention that you're the Iron Chef recipient as well. Congratulations on that.

MR. DIMAS: The one thing that this program did for me personally, is that I've went through, just like all my brothers here, we went through almost every institution established in New Mexico that rehabilitates and the one thing that this program did for me was it didn't just check my name off. It didn't just say, Well, he showed up. Because I've went to so many institutions that – I mean, the old me was just like, man, I can play this program like a fiddle. And it wasn't hard and it's not for lack of sincerity. It's just these institutions are overwhelmed with every single population with at-risk. This program would focus on the justice system and hopefully be a domino effect. But this program, that was the biggest thing. Jamai didn't just check me off. They followed through with me. I went, that program lasted a few weeks. Almost three years later I am working with her. I am the program manager for the pro-skills but that was the biggest thing, they followed through with me. And whenever I decided – and I changed my mind about careers at times. I said operating a crane that looks awesome. And Jamai would sit down with me and her team and discuss the options and how to get there. And so the biggest thing is that I learned the habit and the steps of what it took to get to that point. So anytime I had a different goal I would start using that same formula that I had used from the beginning. And that was the biggest effect on me. That's what we want to do with others. It not only teach them how to become chefs but teach them a formula that they know the steps to take to accomplish a goal. We talk about helping people's drug addition, I mean, you give somebody a career and a sense of worth, worth that they already have and skills that they already have – that's the biggest rehab. Giving somebody a quality of life. That was the biggest effect for me.

RALPH MARTINEZ: Madam Chair Commissioner and fellow Commissioners, my name is Ralph Martinez and I work at Los Alamos National Laboratory. I'm a government affairs specialist and I've been there for seven years. Prior to that I was born and raised in Española Valley, graduated in 1996. And immediately after graduation I settled down with my high school sweetheart and we started a family. Me and her have three children together. She was a paralegal and I was a CVL driver back in the late 90s early 2000s. In 2001 I became addicted to drugs, cocaine and heroin. I was addicted for 11 years from 2001 to 2012. In 2006 I lost everything because of that addiction. I ended up homeless in Española. I lost my family. I lost my home. I lost my self-identity. I lived under many different bridges and

abandoned buildings in the bosque area in tents. Places where I could find warmth in the cold of winter and that was my way of life for six years. During those six years I picked up five different felonies because of the things that addiction led me to do. I went to rehab in San Diego. I went to rehab in South Florida. I went to rehab twice in Farmington. I went to rehab in Hernandez. And my last rehab was in 2012 at Hoy Recovery. There was a lot of trial and error in-between that time.

In 2012 I was able to plant my feet back on the ground and re-establish my life and move forward. And it was only because of opportunities that individuals gave me, right. I had burnt a lot of bridges during my time of addiction. And if it wasn't for somebody giving me a chance, I wouldn't be here right now speaking with you guys.

I've done time in Rio Arriba County. I've done time in Santa Fe County. I've done time in McKinley County. I've done time in Bernalillo County. I've done time in West Palm Beach County. And so I know the effects of falling into the system and how hard it can be to get out, just like addiction. In 2017, I started doing community activism because of learning from my past and wanting others to be able to see that there is light at the end of the tunnel. In 2018, I helped to co-find the Española Pathway Shelter. In 2019, I applied for an expungement through the Santa Fe District Court of my five felonies that I held here in New Mexico and I was granted expungement. In 2020, I applied for a pardon through the Governor's Office and was granted that pardon. And so I know the processes. I know how easy it can be to fall into situations that are so hard to get out of. And I also know the healing that comes along with putting your life back together. And that's what we want to do as a team is help those individuals through our lived experience and to show them that anything is possible as long as you have the support, the will and the drive. Thank you.

TOBY MORFIN: Thank you, Ralph. Commissioners, my name is Toby Morfin and I'm an artist from Espanola and I graduated in 1992 and continued my education. I never been to prison or jail. I'm part of the team. I believe in these guys and we've all worked together for many years doing community service. I'm a big big community – I work with youth in the public schools. I do murals with kids and I do a lot of community work and I joined this team because I believe in this re-entry program. And I feel that it's going to work and it's important to give people a chance, you know. And we all need a chance in life sometimes. I just believe in it and I strongly support my brothers here and have their back and I love with all my heart and to me for believing in us to all be a team and I thank you guys for giving us the chance to come up here and speak to you and I appreciate all you guys work that you guys do and thank you for having us.

CHAIR HAMILTON: Thank you so much. Yes, Commissioner.

COMMISSIONER GARCIA: Thank you for being here and standing up for what you feel is right because nobody in that audience is perfect. Nobody in this community is perfect. But thank you for standing up and hanging in there and coming out and speaking for what you feel is right and to help other community members. It's a great deal.

It's my last meeting here sitting up here on this dais. What a presentation. Appreciate you guys. Mr. Ryan, I'm proud of you. Keep up the good work.

MS. BLIVIN: Thank you.

CHEF RUIZ: We're just getting started.

COMMISSIONER GARCIA: You're just getting started, right.

Congratulations guys. I know you're all going to go through the legislative session. I'll get in contact with you and I'm willing to help you out. I can talk to – and the different programs at the County and you know Jennifer, and the different programs that the County may assist you all with. It's really needed in this community, thank you guys.

MS. BLIVIN: That would be very helpful. Thank you.

COMMISSIONER GARCIA: Thank you, Madam Chair.

MS. BLIVIN: Thank you, Madam Chair and Commission.

CHAIR HAMILTON: Thank you very much. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I want to thank all of you for reaching out to me and meeting with me probably about a month now. And just connecting and sharing your success stories and community involvement and volunteering. Thank you for allowing me to connect you with our staff, Jennifer Romero and our director Rachel O'Connor. They are awesome and very passionate about our communities. I appreciate the presentation it was really well done. It really gives a lot of hope for some of the issues that we have. It is always awesome to see these types of programs to make a difference and combat the situation of the revolving door that we do have in our correctional facilities.

This is how to make a difference. I believe it is an opportunity for Santa Fe County and we need to partner with these types of programs and this program in order to break the problem that we have with the revolving door at our facilities. It is something that we can provide a great opportunity to help all of our people that in the corrections facility to succeed. I mean, you guys are here as testimony to that type of programs. And I think that this is a great and awesome opportunity and I just want to thank you guys, once again, for coming and working with the staff and presenting to the Commission. Thank you all very much.

CHAIR HAMILTON: Thank you. I can only agree with my fellow Commissioners. It is really motivational to have you come and talk about what's going on. I have to admit, I have never heard the word entrepreneurialism associated with this kind of program so something new makes you think. So it was very worthwhile to have learned something and hopefully connections with our staff that Commissioner Roybal has initiated will help but thank you all for what you're doing in the community.

MS. BLIVIN: Thank you, Madam Chairman and Commissioners. Have a good evening.

CHAIR HAMILTON: You too. Thanks.

7. C. Presentation on the Espanola Pathways Shelter's Services at Pathways Village

CHAIR HAMILTON: We have multiple people but we have Yvonne Maestas and I assume that you can do the additional introductions. Welcome.

YVONNE MAESTAS: Good evening, Madam Chairman and respected Commissioners. Before I forget, I really want to thank Commissioner Hughes and Commissioner Roybal for coming out and visiting with us and being so supportive. I

think I first met Commissioner Hughes probably before we even had a board of directors four and a half years ago or so. And Commissioner Roybal a couple of years ago when you visited with us.

I am the chairperson of the board of directors for Española Pathways Shelter. I have brought with me Cristian Madrid who is our CEO or executive director. We also have Mateo, and I can't pronounce his last name, Peixinho, he also was at one time on our board and is currently operating as our property manager and is very involved with the village which we are mainly going to be focused tonight. We also have Mr. Rob Vigil with us who is the senior case manager at the village. Thank you.

So we really are grateful for the support that you all have given to Española Pathways Shelter. You probably know that we have not ever had a homeless shelter in the City of Española itself but certainly a shelter that would serve folks on the very northern end of the Santa Fe County basically. The shelter does sit in Santa Fe County.

I want to share with you our mission statement which is to prevent homelessness and to provide our homeless community with access to viable pathways and shelter and essential services that they need towards meeting their personal goals. And everybody has a personal goal that is different, right. And we are not positioning ourselves to tell them what that is. We our case managers, our team sit with folks, our homeless community; we call them our guests when they spend the night with us at the shelter. And they help them assess what their goal is in life. What do they want to achieve? What can we do to help them get there? I'm now going to hand this to Cristian Madrid since he definitely has the best handle on all of our statistics and a lot of the wonderful things that we've been able to accomplish.

CRISTIAN MADRID: Thank you. Commissioners, Madam Chair, thank you for having us here today. Yeah, as Yvonne was saying, we actually have a very long history with Santa Fe County and you have made a huge impact in the services that we can provide and the extent of our program. Initially, it started with just identifying the need for a shelter. Historically, there had been decades where they tried to uplift a shelter and get it going. It was just never something that was able to find a foothold in the community. We dealt with a lot of nimbyism. Through a convening of invested community members as well as visiting various shelters and different enteritis that provide services to those experiencing chronic homelessness we were able to eventually get the Española Pathways Shelter founded and incorporated in 2019. When we originally established we were under the fiscal sponsorship of the New Mexico Coalition to End Homelessness which was amazing because that allowed us to kind of get up on our feet and get going, learn the ropes and get established.

Over the last few years, it has changed a lot. As the shelter was getting developed we had to deal with the pandemic. As soon as that hit there was an opportunity for us to receive some funds through the CARES Act that came through Santa Fe County that allowed us to purchase the motel which is now Pathways Village which is our transitional housing facility that uses the recovery housing model for individuals.

A little bit about our services. Just specific to the shelter, we do offer overnight shelter, showers, laundry services, all PPEs and essentials that individuals might need. Everything from hygiene, feminine hygiene products, baby formula, diapers, things like that to individuals in need. Comprehensive case manager that has had really great

success over this last year. And referral services that not only are just a one handoff but there's a follow-up, there's a continuum of care to ensure that they are comprehensive in their nature and to ensure that those individuals that we are serving are being served at an individual level prescriptively to their needs. There is no one size fits all for the clients that we serve because homelessness is so intricate and so complex depending on the individuals that are experiencing it.

A little bit about our accomplishments in 2022. So this has actually been our most successful year in our history. We have served over 17,000 meals by the end of this year. We'll have served 750 individual guests at the shelter. About 3,590 including repeats. We have worked with all of our local recovery program, like Santa Fe Recovery, Hoy Recovery, Darrin's Place and the Department of Correction to ensure that when individuals are coming out of programs where they have at least six months of verifiable recovery, they are able to land at our transitional housing. And through that we were able to employ six individuals that came directly out of those programs, directly at the shelter, as staff, as well as, we did a pilot project on landscaping and beautification of our community where we had 12 clients that are still in the shelter setting that participated and we saw great success with that as well. We were able to get 65 clients into rehab programs throughout the state and in the surrounding southwestern U.S. states as well as 85 clients into detox. And one of the things that is a huge success of our transitional housing is from June of last year to June of this year, we had 10 clients that completely transitioned and graduated out which is a huge success.

Talking a little bit about Pathways Village, and if you guys have any additional questions you can refer them to myself or to Rob afterwards cause he's the moving and shaker there at our transitional housing. But when it was acquired and the perfect fit for it, and what seemed like the best idea at the time was transitional housing because there are no provisions for transitional housing. So not only do we service as the only shelter in the area. We are the only transitional housing that is going on that uses the recovery housing model. And we've always been at capacity since we started. There has been a lot of trial and error to kind of fine tune the program to where it is now. But as we kind of continue to develop it, and as Rob has seen throughout the duration because he's been with us since the beginning of it, it has now become a program that is successful where 100 percent of our clients are not only maintaining their employment but they have good positions in terms of managerial positions where they are employed. They all have their own transportation and they all have maintained their sobriety whether that is through AA or NA or through counseling and other case management services.

One of the things that we have really been dealing with that is tough, dealing with anything that has to do with being a front-line health worker and dealing with this population is that there is a lot of second-hand trauma. Some of it is very difficult to deal with. It's hard to find people who are willing to work with the population in general especially in the hours that we work which is overnights. And Covid was really something that we had to struggle through -- just to see how we could continue to provide those services in an appropriate and safe way. I'm going to go ahead and turn it over to Mateo as we transition into more of the Pathways' goals.

MATEO PEIXINHO: Thank you, Madam Chair and Commissioners. It's a great privilege to be in front of you. And I just can't help but comment how coming

after the group that was just here, you know Ralph and the team, this process of healing and getting our community on its feet as was said, is so vital. I was first brought in with Ralph and another funder, Representative Montoya, to assess building. I'm in construction and that's my thing. Once I got involved, I got more and more involved as the community organizer and just I'm so wholeheartedly behind this effort and I was just thinking as folks come through transitional housing and they're getting jobs. When I take my kids to Burger King it is run really well now compared to a few months ago because one of the residents at transitional housing is the manager there now. So success is what it is about.

In our list of challenges here, the part that I am most concerned with is the house safety and renovations at the Pathways Village. The motel was built in the '60s and Santa Fe County was gracious enough to purchase it and it served a great purpose during Covid especially. And now we're faced with some challenges. Our goal is to take the old motel that is not so beautiful as you drive by – it's right across from Okhay Owingeh; I'm sorry, from Santa Claran, the casino there – and take the existing building which is the greenish way to build by utilizing the existing building and repurpose it so that we can enhance the services. That will include a community area because the residents there congregate and support one another and it's just a great opportunity to take this, somewhat of a little eyesore as you come into town and make it beautiful.

I'm very interested in how we can work together to make this dream a reality. So far we've got a great design team and we have an advisory committee to support the board so we're ready to go. We have our budgets done and on Thursday we'll be meeting with the City of Española planning and zoning department. We've already been reviewed by Construction Industries Division and the Fire Marshals state and local so our project ready to happen and it's desperately needed. So thank you so much.

CHAIR HAMILTON: Thank you.

MS. MAESTAS: If I could Madam Chairman and Commissioners, allow Rob to speak for just a moment about maybe one or two of the most successful or his fondest stories of some of the guests that we've had at the village and their success; Rob. And then after that we'd love to take your questions or concerns, comments.

ROB VIGIL: Thank you, Yvonne. Madam Commissioner and Commissioners, my name is Rob Vigil and I've been with Española Pathways Shelter a little over two years now. I was there from the inception of when we started housing people at Pathways Village which was initially during Covid so we were simply trying to get people off the street and keep them safe. And eventually as things wore on we started moving towards a model of recovery housing which is currently what we do right now. And in that time, there were obviously clients who were not fitting that model and they were not partnering with the community. They were not really doing a whole lot of successful things in the community so it took a lot of hard work to try and get those clients to move on and also to start getting clients from the local treatment facilities. As Yvonne mentioned and Cristian mentioned from Hoy and Darrin's Place facilities and now that we've done that over the last close to a year, we've seen a decrease in incidents there. There has been zero recidivism which is important. All of the clients that are currently there now are all clean in their sobriety, committed to the community because basically they police themselves. We built such a strong and incredibly cohesive

community at Pathways Village that I believe it could stand as a model for other programs in the state. That's how strongly I feel about it personally.

We've had clients who came with the clothes on their back out of treatment and now they're managers at department stores in Española. They're actually hiring people. We have all of our clients are contributing because they're all working so they are not an economic drain. We're not draining first responder resources any more the way we used to. I mean, there's zero 911 calls over there and that's just attributed to the strength of the clients and the support that they get from all of us at Pathways Shelter.

As you can see, I am very passionate about it because I've seen it. I myself am in recovery. I am a CPSW, certified peer support worker, and I have over four years in recovery and that allows me to really connect with the clients that we serve. But the proof is that you just look at our figures and we're doing an amazing job there. Thank you for your time.

CHAIR HAMILTON: Thank you so much. Are we at the point where you can take questions and input?

MS. MAESTAS: Absolutely, yes. I wanted to say something that I am excited about and I find really amazing is that we are able to let folks that are un-housed pop in and get a hot shower and something to eat and be on their way. That's amazing because I think that people go weeks, maybe even months without that. It probably feels like a luxury to them but it's something that we all take for granted for sure. It's been an amazing program and we really are about four years old so to even have these numbers and to be able to say that everybody is 100 percent sober and working and they've got vehicles at the Village – it's just amazing, it really is. We are grateful for the support. The Village started -- you know, it was a hotel and as a person that was signing checks and having some oversight on our financial functions, I know there was a few times I would see a check or an invoice for a scholarship for somebody and I was like, What the heck is this, we don't give out scholarships. And we have sent people out of state and to different recovery programs whatever seemed to be the best fit for that person, it's just been an amazing experience and I'm just so grateful.

The hotel functioned for us as emergency housing for some of the folks that already had jobs and needed more stability in order to maintain their jobs. They came into our shelter as overnight guests. So we were able to get them into that hotel and we were paying for them to be able to stay there. So when Santa Fe County blessed us with the purchase of that funky old hotel, as Mateo would attest to – Mateo's a contractor who was kind of kicking and screaming about it – but we knew that it was housing people and we desperately needed it. So you all put us in a position where we no longer had to pay another business basically to house our people. We are now able to do that. We are now able to create this program at the Village where we really are helping people transition their lives into something that is really amazing. Something like Ralph here is able to do. Really give them the tools, the support and the warmth and comfort of a roof so that they really can just prosper and flourish. It's amazing. It's a beautiful thing. And any of you are welcome to visit with us at any time, if you'd like to. Happy to take questions. Did I miss anything –

CHAIR HAMILTON: Excellent, thank you. Commissioner Garcia then Commissioner Hughes.

COMMISSIONER GARCIA: Thank you for your presentation. Something that I guess the community needs and somebody needs to tackle it. You drive down the road and they turn their head. Here in Santa Fe people drive over the situation off of Siler Road. If anybody has been under the Siler Road bridge there's a major camp under there. Everybody sees it. People just drive over it. People turn their heads. Thank you for taking this problem head on. You've got funding for this community – and they turn heads, they don't want to – it's not their priority; right? Which is kind of sad.

Commissioner Roybal, when you first brought this forward and asked me about it and said what do you think about it. I said, that sounds like a great idea. Thank you, Commissioner Roybal for bringing this forward, helping out the northern part of Santa Fe County, as you mentioned, that is Santa Fe County.

Commissioner Hughes, thank you for going out there and visiting them and seeing how it works.

We actually had our legislative reception yesterday and some of the individuals who helped you all participated with you all – Representative Joseph Sanchez who actually is from the northern part of the state up there, Rio Arriba County. And then Senator Richard Martinez helped out as well and I believe that Senator Carlos Cisneros helped out with this as well, and they participated in allocating some funding for this project.

Like I mentioned, we had our legislative dinner and reception last night. As you all – anybody read in the paper there is a large amount of money that is going to be coming in. So you need to see those legislators and ask them for some capital outlay money to help an organization that is helping out the community. I am sure they will help you. Representative Joseph Sanchez definitely will.

MR. MADRID: Thank you, Commissioner Garcia.

COMMISSIONER GARCIA: And in regards to that, all that stuff, thank you for what you're doing. Very good presentation. I'll give a shout-out to Jennifer back there, our County staff, Chanelle and our County staff – two individuals who have passion for their job and hanging out and listening to these presentations. Thank you. Thank you for your presentation. Thank you, Madam Chair.

MS. MAESTAS: Thank you.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. It is really great to see you all. Who would have thought that when it was four or five years ago when we got together that you would have come this far. I'm really proud of you and I'm actually going to tell Lucy and Raquel at the Coalition how well you're doing because they put a lot of work into your finances and trying to keep track of every penny so we can report it back to the Mortgage Finance Authority and I know that there were days that everybody was tearing their hair out because during the pandemic we were all spending money so fast it was hard to keep track of it. But it really good to see this.

And I just wondered, my question is do you have an estimate for the repairs needed to the village and what is that and do you have a plan?

MS. MAESTAS: We know what that big number is too.

MR. PEIXINHO: Thank you, Commissioner. We've broken this project up into four phases. We are three-quarters of the way through phase 1 which is

schematic design which you got a taste of in our presentation. And then we have some emergency needs. We have four rooms right now that are exterior sewer lines have failed. We had a firm come and camera them all out and the whole system has to be replaced and we've worked with the city on how to do that and it's all the stuff that you guys are familiar with. They've got to move a main line and we have to be prepared to connect to the new main line and so on. All that being said, our first phase was right around \$65,000 and that's for the design work and there emergency sewer line repairs that we have to do and while we have trenches open, we're going to put in main water lines so we can have fire suppression system upgrades as well.

And then the second phase is just the design, doing all the construction documents that we need to do. We have an architect and civil engineer onboard. It's a fairly simple project. We just based it on our construction costs and so on and then of course getting permits and planning and zoning and CID and all of that stuff. That's about \$120,000. And phase 3, we're going to do six units, because we're trying our best not to disrupt services completely. So phase 3 is renovations of six units and that's around \$350,000 for those six and then phase 4 is the whooper because we're going to renovate and add on to the other eight units. We're going to allow for a lot for those rooms to be dividable so that we can roommates. We are going to increase the capacity of the shelter by about eight beds. We're going to renovate the laundry room and we have to tie-in the fire suppression, renovate the offices, put in our security gate and have all of these plans in the schematic design and that's right around \$1.37 million for that aspect.

And, again, this is a design-build project so we're going to be working to see what funds become available, what's realistic. We've met with NMFA about some loan programs that Dr. Bolin's office can help us with. We have some private foundations. One meeting tonight – Christus St. Vincent's Coleman Foundation. So we're trying to find the foundations that do capital outlay type projects. And some of these have already been supporters. So we are just hopeful. And NMFA is kind of our backup and they have some great program.

Working with the state legislators is what we need to do. We need to get capital outlay funds coming and because of the relationship and the history, it seems like perhaps coming through Santa Fe County would be the vehicle for getting this project done.

The design team that we have, Anchor Engineering is very familiar with tribal contracting. My company, we do mainly tribal, HUD funded and NMFA-type projects so they're familiar with procurement guidelines and so on.

I'm sorry I have given you such a long response to the question but it's – I would be more than happy to share our budget and the budget details. The last thing I'll say is that that budget does not include the in-kind services. Our design team is working on a much reduced rate. We have a drafts person who is semi-retired and he's basically donating all of time. So the budget does not include all of us volunteers but we'll also help keep the budget down. So I'll be happy to email anything that you would like.

COMMISSIONER HUGHES: Thank you for answering my question plus several others that I didn't realize I had. I would just reiterate what Commissioner Garcia said, I know that Representative Joseph Sanchez is a great fan of yours. I just wanted to say in the first year he funded you, I was used to going and having to chase down legislators and follow them into the bathroom and everything to try and talk to them, he

would chase me down. Every time he saw me in the hall he would come to me and he would say if I give all my junior money to the Española Pathways people are you going to make sure that they succeed. And I would say, yes, I'm going to do everything I can to make sure they succeed. He'd say, okay. And then two days later he would come up to me in the hall, same question; I am really going to give them all of this money. You're going to make sure that they spent it right. Yes, yes. So I know that he is a big fan and you know that too.

I think that we can find the right people at the County to work with so that we can – I think that you're right, passing it through the County is probably the only way that you can get it so we should work on that. And thank you very much for the presentation.

MR. MADRID: Thank you, Commissioner Hughes. I did want to add that one of the things that when you guys were giving a shout-out to Jennifer and to everyone from the County that we work with, your support specifically through the navigation support that we get is what allows our staff, like Rob, to provide that case management and those services at the village which makes sure that we can continue to provide those services and that care and that quality of care to those clients so thank you guys for that as well.

COMMISSIONER HUGHES: Thank you.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. And once again I just want to thank you guys for calling and reaching out to me and giving me a tour of the facility. It was really awesome the way some of the individuals who are in the transition living space there. They were pretty open in saying, come on in and see my – I guess, their home at this point. And listening to what they're working on and how you guys are helping them. These are the types of programs that we need to help in our homeless situation and also to help them succeed by giving them the tools they need. I just look forward to seeing you work with our staff and as Commissioner Garcia said, Chanelle, Jennifer, Rachel, thank you guys so much. Please continue – let's keep working with them and build these partnerships and get things moving forward as Commissioner Hughes mentioned I think it's a great opportunity for our constituents and Santa Fe County and throughout Santa Fe County it's needed as some of our residents in the area also need that type of services. I just want to say thank you again for all you guys hard work. I think that the times that I saw that you guys were working on it, funny because the architect or draftsman has donated their time was actually one of my teachers at Northern College, Mr. Jeff Tome. It's funny how some of these circles are so small. He has a great love for the community and wants to see how we can all succeed.

Thank you all for your hard work. Ralph, always great to see you. Great to see all you guys again, appreciate it.

MR. VIGIL: Thank you, Commissioner Roybal.

CHAIR HAMILTON: Excellent. And I'll just add my voice. Thank you so much for what you're doing. It is so great to see how well it is happening and that something that we did actually contributed. We really hope it keeps moving forward and that you get all the great benefits from the programs that have capital money in the legislature and we can continue to partner. So thanks very much for coming and spending the time to tell us about what is going on.

MS. MAESTAS: Thank you, Madam Chair and Commissioners I just want to say one little closing. You mentioned Jeff Tome and it does take a village. We all work together tightly. I happen to be – my paid job is executive director of Habitat for Humanity up north for 24 years and Mr. Jeff Tome used to bring his classrooms out to the habitat sites and he would use sort of a live example to teach them how to measure and survey and they actually would draw up our house plans for us. So when we embarked on the shelter and everything and the modifications that were needed to our actual overnight shelter, I called on Jeff and connected him with Mateo and then Mateo brought him in for the renovations that are needed at the village.

We live in a beautiful world. We really do. We just have to stay positive and keep reaching out and giving opportunity to folks, always. Thank you so much for allowing us to come this evening and listening to us. Thank you.

CHAIR HAMILTON: Thank you.

9. Matters From the County Manager
A. Miscellaneous and COVID-19 Updates

CHAIR HAMILTON: Manager Shaffer.

COMMISSIONER GARCIA: What about the public?

CHAIR HAMILTON: We did that. We heard everybody that was listed.

CHAIR HAMILTON: Manager Shaffer.

MANAGER SHAFFER: I do have one Covid related update and that is that the Governor has I understand it, has extended the Statewide Public Health Emergency through January 6th. In addition, I would just remind everyone to continue to be safe and try and do your best to protect yourself and your loved ones from all the respiratory illnesses that are floating around. You read the paper you see that regardless of what the virus is, it is bad times. Again, our hospitals are at near capacity and exploring the possibility of rationing care again. So please do be careful.

The only other miscellaneous update that I have actually dovetails with the presentation that was just made from Pathways Shelter as well as the information that we received last evening from legislators during our dinner related to the amount of money available through the state. As you know, we adopted the ICIP earlier this year and our typical cycle is to evaluate the projects all at one go – or that would be the hope. That said, there is precedent for opening the ICIP after it was initially adopted and to do so in the December/January timeframe. We have been approached by entities who may wish to appear on our ICIP. Pathways Shelter was one of them as they indicated this evening. Our own Clerk has asked to have a project put on the ICIP, and, again there are other requests.

So I would like some feedback from the Board as to whether or not you would like us to reconvene the Capital Review Committee so that we can actually evaluate the projects and take them through our process and come forward with that on a future meeting to the Board with recommendations for you to consider. But before we would start going down that path and giving false hope, we would like to at least know that there's some appetite for us to do that. I'd appreciate any feedback that you have on that score by telling me to reconvene the Capital Review Committee and evaluate the requests

that have been submitted. You are not committing yourselves to do anything relative to those requests once they have been scored, once they've been evaluated and once they have been brought forward to the Board. You're just telling me that you're not going to say, no, for the sake of process.

CHAIR HAMILTON: Excellent, thank you. So I would – Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. My feedback would be, yes, to go ahead and open the ICIP process and some of us have already expressed our support for the Española Pathways group and the very logical thought that they should go for capital outlay. So I would just support that idea of evaluating anybody who has come forward and put them on a list as appropriate.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: So I would like to follow up from what Senator Rodriguez suggested was asking for \$10 million for the Agua Fria sewer project. So if we're going to open it up, I want to have that listed. And otherwise, I know that we have tried to keep things in a vein of what we have done so far. And I've heard that there are some other projects and that there is this extremely high amount of money and so I don't think we should miss the opportunity if we have the ability to add some things that we can actually take under our belt and that we have the resources to do. That is always a concern of mine.

CHAIR HAMILTON: Yes and that certainly makes sense to me. To be honest, it's like an optimization challenge to want the rules but not have the rules become the tail that wags the dog. Especially under current circumstances of additional opportunity that you have to be nimble enough to jump on. So my perception of this question is also that it is like opening the evaluation process it's not saying everything gets on the priority list. It gets it on the ICIP and then there's a process for looking at what the priorities are. Given that, I would say it certainly makes sense to me to reconvene the committee and being judicious but there are opportunities that would fill some real needs that we don't want to just ignore.

MANAGER SHAFFER: Thank you, Commissioners. We will proceed accordingly. That's all I have.

CHAIR HAMILTON: Okay.

10. Matters From County Commissioners and Other Elected Officials

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Commissioner. I have a couple of requests. Greg, I would like a presentation on the regional Pojoaque Nambe water system sometime in January. It does not have to be the first meeting.

And then I had the great honor of speaking at the Life Link Gala and my colleague Commissioner Hughes was with me. And I want to thank Patricia Boies for giving me a great list of projects that we are working on with Life Link to support them

and it was a really great event to see the level of, once again recidivism going down through these programs that Life Link has created.

I also have been involved, as I said earlier, with DOE Environmental Management Strategic Planning with a group up in – with Mr. Mikolanis who was here a couple of weeks ago and I am honored to serve on that committee because I do believe that getting the waste, the legacy waste from Los Alamos off of the hill is a priority for the Buckman Direct Diversion.

And last but not least, I attended the Electric Light Parade in Española where the Northern Rio Grande National Heritage new executive director, Eric Vasquez and our board members, received a grant for \$49,000 to help restore the Española plaza fountains and it's a grant from T-mobile to help smaller cities improve their environment. It was the new mayor of Española is also on the board with me. As all of you know, I serve as president of that organization and I am thrilled to have Eric Vasquez as our new executive director and have the mayor of Española as one of our board members and also secretary of Cultural Affairs, Debra Garcia y Griego. And it's an exciting project that we're beginning to grow. And I am grateful to the County for the \$5,000 that we will be able to put signs throughout Santa Fe County that says you are entering the National Heritage Area and that is really exciting to me so thank you, Commissioners for your support.

CHAIR HAMILTON: Excellent, thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just have a couple of things. One is that you probably all read in the paper how a house in my district on Arroyo Coyote Road there was a dead body found and it is a house that Olivia and I have been aware of, and the Sheriff, for many years. It's basically a house where the owner has allowed people to squat. The house has deteriorating. Water and electrical service was cut off a long time ago and then people were parking RVs there. Several of the people residing there have been arrested in various ways and end up getting the charges dropped and back out. So I'm thinking and I don't know if this happens very often, I hope not, in the County but we may need to look at having an ordinance that allows us to take over whether through condemnation or a different process. I think there are other counties in New Mexico who have a way for that. Because if we could have taken this property over a couple of years ago we could have avoided a lot of heartache on the part of the neighbors who are now completely not only upset but really freaked out by what's going on there.

Another thing I want to mention is that we're working on trying to see if we can have a joint project between the Eldorado Community Improvement Association and the County to map all of the culverts in Eldorado. Volunteers would be willing to do this as long as we can figure out a way for their information – if they map the coordinates of a culvert and a condition that they can enter it into the County system to help us figure out which ones need to be fixed. And I know that the one on my property is property at the top of the list because I can't even hardly see it any more after all the rains last year filled it up with mud.

And then just two little things; one is that I am glad you mentioned the Light Parade because I want to go next year. I understand that the Regional Transit District put its new bus, they have redone the busses. They are still blue but they are much prettier

than they used to be and we almost won first prize for the bus. Maybe you saw the bus, I am sure you did.

Last on my list and I was just wondering and I don't know if anybody has heard this but I know at some public meetings there's agendas provided for the public and I thought if we put a few agendas out people might be able to follow along and see where they are so the people know how long they'll have to wait until it's their turn.

Last but not least, happy and safe holidays to everybody this being our last meeting of the year. And thank you, Madam Chair.

CHAIR HAMILTON: Thank you very much. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. This is my last meeting here. My tenure here in Santa Fe County has been great. Excellent. Thirty-one years of service to this community. I've met many individuals, many people have assisted – tons of people in this community. I have a lot of friends here. I learned a lot working for Santa Fe County. And in my next career there are many opportunities coming my way, it's great. But I will miss Santa Fe County. I was raised in this building for 31 years; I grew up here. As I mentioned early. But I will miss the County. Please staff out there remember you are here to help the public. Please do not forget that that is what we're here for is to help the general public. My colleagues, you all have some great challenges ahead of you for this community. I wish you luck. Thank you Manager Shaffer as well as your entire team, all of the employees for Santa Fe County. Thank you and have a good holiday season.

CHAIR HAMILTON: Thank you very much. Commissioner Roybal, matters from Commissioners.

COMMISSIONER ROYBAL: Thank you –

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Oh, yes.

COMMISSIONER GARCIA: I apologize. One thing that I did need to mention is that on Saturday, this Saturday, we will be naming the Edgewood Fire Station for the former gentleman Chief Stan Holden. That's at the Edgewood Fire Department at 2 o'clock on Saturday. It will be great so if anybody can attend, please attend. Chief Holden was a great fire chief for this county. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent, thank you for remembering that. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I wanted to just say that this is and I don't know if Commissioner Garcia mentioned this, this will be his and my last BCC meeting unless we have a special meeting called for some reason before the end of the year. But it's been my honor and my pleasure to serve the people as a County Commissioner for District 1. Since first elected I've had the pleasure to serve with 18 Santa Fe County elected officials during my eight years as a County Commissioner. All those – our Assessor Gus Martinez has been here the entire eight years. Also, for our Treasurer we had Pat Varela and Jennifer Manzanares is now the Treasurer. For our Clerk's department we had Geraldine Salazar, and now Katherine Clark. Sheriff's, Robert Garcia and now Adan Mendoza. Probate Judge we had Shannon Bulman when I first started and now Cordelia Montoya has now been the elected Probate Judge. Past Commissioners, I want to recognize Liz Stafanics, Kathy Holian, Robert

Anaya, Miguel Chavez, and Ed Moreno. And then of course, my current County Commissioners, Anna Hansen, Anna Hamilton, Hank Hughes and Rudy Garcia. I just want to say thank you to all of you for your service and just the guidance and the time that you spent working with the Commission. It was an honor.

I also want to say that it has been extremely rewarding and sometimes an extremely stressed position. But I wouldn't trade the experience for anything. I wholeheartedly appreciate the hard work of all of our County staff who I have had the distinct pleasure of serving with. I want to thank you all and god bless you and keep up the good work for our constituents. Thank you.

CHAIR HAMILTON: Thank you very much. I, for one, as we said earlier during our lunch, really expressed what a pleasure it has been to work with both of you and wish you both all the best in the future. Thank you.

I don't know if we have our Clerk online and we do have to go back to item 3.

DEPUTY CLERK GANTZ: Madam Chair, she is going to try and get on now to be able to address item number 3A.

B. Elected Officials' Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HAMILTON: In terms of items from elected officials, did you have anything?

DEPUTY CLERK GANTZ: I don't, Thank you.

CHAIR HAMILTON: Are there any other elected officials present or online? I don't see anybody present. Daniel, is there anybody online?

MR. FRESQUEZ: Madam Chair, I do not see any elected officials online.

CHAIR HAMILTON: Great, thanks so much. Before we go to Matters from the Attorney we have item 3A.

3. Consideration Proclamations, Resolutions, And/Or Recognitions

A. Resolution No. 2022-120, a Resolution Supporting Legislation that will Provide a Process to Remove Racially Restrictive Covenants from Property Titles and Require Gender Neutral Language on Community Property Documentation

CHAIR HAMILTON: This is by Commissioner Roybal and our County Clerk. Commissioner Roybal, can you start us out on this.

COMMISSIONER ROYBAL: Sure. Thank you, Madam Chair. This is a resolution supporting legislation that would provide a process to remove racially restrictive covenants from property titles and require gender neutral language on community property documentation. This was a resolution that was brought forward by our County Clerk because she does see a lot of documents that come through, mostly deed and mortgages that have language that is just not appropriate in some cases. This is basically working with the title companies and mortgage lenders to change some of the verbiage on these documents to make sure that they no longer have this type of verbiage

on it. I'm not sure if the County Clerk is on – she could speak to this a little bit more. Madam Clerk, are you on?

COUNTY CLERK CLARK: Yes, Commissioner and Madam Chair, I am online. The idea around this resolution was because – and this is a problem all over the country and not just in New Mexico, that after the Fair Housing Act and several Supreme Court decisions, we didn't change the historical language that was included in the original deeds. So essentially the redlining language was left in descriptions of the titles. And we would like to acknowledge that these are no longer enforceable. Many states and many counties just leave them as is, saying that they are unenforceable. But I think it's important that we just not continue to perpetuate going forward this problematic language. This is asking the Legislature to work with the title companies and come up with a procedural change so that we do not include racially discriminatory covenants in the descriptions of property moving forward. And then the secondary issue is that we see a lot of mortgages being recorded and the mortgage form has gender language in that it asks women about their marital status but it does not ask men. And there are studies to show this is discrimination against women with the same credit scores and the same kind of borrower qualification that are less likely to get a loan.

And so we would like to make sure that we are doing our part in Santa Fe County to ensure that we're not unintentionally creating differential treatment and differential outcome but also note that we're letting the world know that this kind of language is no longer acceptable. Commissioner Roybal graciously agreed to help me carry this resolution. I know that a bill will drop in this legislative session which will attempt to do a very narrow thing which is just change the title descriptions and change the mortgage forms to be gender neutral in what they ask borrowers.

I am asking for the Commission's support on this initiative for the legislative session because we know this bill will come up and it's something that I'm sure the other clerks will be supportive of.

CHAIR HAMILTON: Excellent. Thank you for bringing this forward. Do Commissioners have comments, input, questions?

COMMISSIONER HANSEN: Madam Chair, I move to approve.

CHAIR HAMILTON: That's cutting right to the point.

COMMISSIONER HUGHES: I second.

CHAIR HAMILTON: Okay, I have a motion and second. Under discussion, Commissioner Hughes?

COMMISSIONER HUGHES: This seems long overdue and it's time to bring us all into the 21st century or even the 20th century. Thank you, Commissioner Roybal and Clerk Clark for bringing this forward.

CHAIR HAMILTON: Fabulous. Anybody else.

COMMISSIONER GARCIA: Madam Chair. Discussion. I understand where you're going and I'm glad we're putting this is the state legislature to determine what somebody's opinion is on what anybody would want to record on their warranty deed or their document. This is just another form to me as into government getting involved in the individual's personal, private restrictions whatnot. But it will be interesting to see what the state legislature does with this proposal because the gentlemen from Colfax County, Lincoln County, from Rio Arriba County, through Santa Fe County

all the way through the entire state, all 33 counties can have a different opinion on what a definition is. But and I don't really know that the county clerks would actually want to do or title companies; why would you want to determine a title company – who does that the CEO, the group a board? My opinion on it and I'm glad to see that we're actually moving forward to the state legislature because this is just interesting but that's my comment on it. Thank you, Madam Chair.

CHAIR HAMILTON: I like to say that I am very grateful that Commissioner Roybal and Clerk Clark brought this forward. There are a lot of things that fly under the radar for quite a period of time and you never realize it. It would have never occurred to me that we have that kind of redlining language that just persist over a period of time and that kind of discriminatory gender questions. So sometimes what you don't know really does hurt you.

What's the pleasure of the Board?

COMMISSIONER ROYBAL: Madam Chair, we have a motion and a second and I just want to –

CHAIR HAMILTON: Oh, we do. Thank you.

COMMISSIONER ROYBAL: I just want to thank the Commission for this. You know it's a good resolution when you bring it forward and you don't even have to make the motion or the second. I appreciate this from the Commission.

CHAIR HAMILTON: Thank you. And thank you for keeping me on track. Motion and a second.

The motion passed by majority [4-0] voice vote with Commissioner Garcia abstaining.

COMMISSIONER GARCIA: Madam Chair, I abstain from this. This is just too – I haven't had time to review it. Thank you.

CHAIR HAMILTON: Thank you.

8. Matters of Public Concern

JEFF YOUNG (County Attorney): Yes, thank you, Madam Chair. So we do have a few items tonight. I just want to make sure that we did cover item 8 which was matters of public concerns. We went through the Forest Service comments extensively but I just wanted to make sure that we also got general public matters as well.

CHAIR HAMILTON: In principle, I thought we had. But I am happy to reopen matters of public concern because we went through everybody who was listed plus other people. But it is entirely possible that there were people who just didn't speak up because it was on a different topic.

So is there anybody present in the chambers who wishes to make any comments in matters of public concern? Please come forward. And Daniel can you put up the three-minute timer again.

FREMONT ELLIS: Hello, Commissioners. I am Fremont Ellis and I have a series of packets for each one of you and for the Clerk's Office. Can I bring them to you? [*Exhibit 1: Packet of materials provided by Fremont Ellis, cover page dated July,*

2004]

CHAIR HAMILTON: Certainly, if we can get some help bringing those forward because the three-minute timer has started. If you could please start.

MR. ELLIS: Yes, before we actually start my time, I'd like to make a comment about the forest issues and control burns. Do I do that afterwards or what?

CHAIR HAMILTON: You have three minutes and you can spend it anyway you want. We are through the first minute of it.

MR. ELLIS: Okay. Madam Chair and Commissioners, as you know, I sent through email the analytical memo that Tim Cannon from the Land Use Department put together in June and unfortunately he has since passed and hopefully you got those emails and are familiar with what I am trying to present. This is in regards to our property that is in the original 2005 Corridor Plan that has been somehow overlooked or ignored in the recommendations and the zoning that was proposed in 2005 with that corridor plan. And I am critically speaking right now, if you look at the third to the last map in the packet that you have you'll see a map from 2014, a County map, that actually includes our acreage. We have 4 acres in front – 5 acres as commercial use along with Alan Yaeger's at the fire station. So I'm not sure how the recommendations when the zoning in 2005 plan for our property suddenly disappeared in 2015 but it's legible and visible in your County map of 2014.

My request is basically to see if you could re-establish the correct zoning for our property without a lot of hassle [inaudible]. If you have any questions, I would be happy to answer them.

CHAIR HAMILTON: That's not typically the procedure but I appreciate your bringing the matter to everyone's attention. We can only assume that Land Use will

MR. ELLIS: I brought this up according to my understanding of rule .15.2.3, and my understanding of that language is that the Commissioner have the capacity to correct errors and mistakes and that's why I came forward with this.

CHAIR HAMILTON: And, yes, I suspect that the best thing for you to do is to speak specifically to your Commissioner and ask them to bring it forward to us. So thank you for bringing this forward.

MR. ELLIS: Okay, Madam Chair, I did send you an email about this.

CHAIR HAMILTON: I am sure that we will all check on that.

MR. ELLIS: Okay.

CHAIR HAMILTON: Is there anybody else present or online that would like to speak to any matters? Daniel, do you see anybody else online that would like to make comments during matters of public concern?

MR. FRESQUEZ: Madam Chair, I do not see anybody that would like to speak during matters of public concern.

CHAIR HAMILTON: Thank you. I'm going to close matters of public concern. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, just a quick comment. I spoke to the gentleman in regards to your zoning, sir. We cannot just sit up here and change the zoning of a piece of property. Penny Ellis-Green is sitting in the back there in the back and your first initial stages are to meet with staff which is Penny or her staff and

then determine how to go about getting the zoning changed. So that's just some advice.

CHAIR HAMILTON: Okay. Thank you.

COMMISSIONER GARCIA: And there are many consultants out there as well.

MR. ELLIS: This has been very difficult because of the Covid situation and everything.

CHAIR HAMILTON: Yes, of course.

MR. ELLIS: I understand what you're getting at and I am proceeding with that but I just don't understand how the zoning for our property suddenly disappeared in 2015 but it was already established in 2005 and it's clearly indicated in the County map of 2014. I'll be bringing these issues up once again with the County Land Use, etc.

CHAIR HAMILTON: Thank you and like I said it would be good to bring it up with your Commissioner as well. I have closed public comment and thank you so much for coming forward. I think that takes us back to matters from the County Attorney and thank you very much for getting me back on track. I really didn't realize I had missed people.

I'm sorry, first of all I can't hear you and second of all, we have kind of closed matters of public concern.

11. Matters From the County Attorney

A. Statement for Inclusion in Meeting Minutes Concerning November 29, 2022 Executive Session

ATTORNEY YOUNG: Thank you, Madam Chair. We do have some more housekeeping business. Item A on County Attorney's list is the executive session that we did not close out last time. It is that the November 29, 2022 meeting the Board of County Commissioners went into Executive Session at the end of the meeting and did not reconvene in open meeting. Consequently, the Board was able to include in the minutes of its November 29th meeting the statement required by the Open Meetings Act which is matters discussed during the closed meeting were limited only to those specified in the motion for closure.

Therefore, we would be seeking a motion to have the minutes of this meeting reflect that the matters discussed during the November 29, 2022 meeting executive session were limited to only those specified in the motion for closure.

CHAIR HAMILTON: I would entertain such a motion.

COMMISSIONER HANSEN: So moved.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

B. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight

for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:

- 1. Executive Management Personnel Issues**
- 2. *BCC v. Leo Trujillo, et al*, First Judicial District Court, Santa Fe County, D-101-CV-2019-00697**

ATTORNEY YOUNG: And Madam Chair, the second item is executive session. I would ask that the Board go into closed session to discuss limited personnel matters, as allowed by Section 10-15-1(H)(2) NMSA 1978; to discuss pending or threatened litigation which Santa Fe County is or may become a participant, as allowed by Section 10-15-1 (H)(7) NMSA 1978; and, those specifically including #1, executive management personnel issues and #2, *Board of County Commissioners v. Leo Trujillo, et al*, that's in the First Judicial District Court, Santa Fe County, D-101-CV-2019-00697

CHAIR HAMILTON: Excellent, thank you. So I would entertain a motion to go into executive session.

COMMISSIONER GARCIA: Madam Chair, so moved with the County Attorney's recommendations.

COMMISSIONER HANSEN: Second.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: I have a motion and two seconds.

A roll call vote was conducted by Deputy Clerk Gantz and the motion passed by unanimous roll call vote as follows:

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 7:20 p.m. - 8:50 p.m.]

CHAIR HAMILTON: Okay, thanks everybody very much for all your patience. We are back and I would enter a motion to come out of executive session.

COMMISSIONER HANSEN: Madam Chair, I move that we come out of

executive session and the only things that were discussed were the items that were on the agenda.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: And I assume that no decisions were made was part of that motion.

COMMISSIONER HANSEN: Yes and no decisions were made.

CHAIR HAMILTON: Excellent, thank you. I have a motion and a second. All in favor please says aye.

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

12. Public Hearings

- A. Case # 21-5010-5054 Suerte del Sur LLC/Rancho Cielo Grande Subdivision Preliminary and Final Plat Approval. Suerte del Sur LLC, Applicant, NM Land Solutions, (Victoria Dalton) Agent, Request (1) Approval of an Affordable Housing Agreement for Rancho del Cielo Grande Subdivision and (2) Preliminary and Final Subdivision Plat Approval for Rancho del Cielo Grande Subdivision (12 Lots) on a Total of 127.94-Acres. The Proposed Development is Accessed via Las Campanas Drive, Los Sueños Trail, and La Vida Trail, within T17N, R9E, Section 24, (Commission District 2) [Exhibit 2: Five letters of concern regarding proposal distributed by County staff; Exhibit 3: Applicant provided packet of information; Exhibit 4: Frank Herdman, 12-page packet; Exhibit 5: Applicant slide presentation]**

CHAIR HAMILTON: I'll go straight to John Lovato. Thank you, John.

JOHN LOVATO (Case Manager): Suerte del Sur LLC, Applicant, New Mexico Land Solutions, Agent, request 1, Approval of an Affordable Housing Agreement for Rancho del Cielo Grande Subdivision and 2, Preliminary and Final Subdivision Plat Approval for Rancho del Cielo Grande Subdivision, 12 lots, on a total of 127.94-acres. The proposed development is accessed via Las Campanas Drive, Los Sueños Trail, and La Vida Trail, within Township 17 North, Range 9 East, Section 24, in Commission District 2.

The proposed subdivision is located is within the Residential Estates Zoning District where the permissible density is one dwelling per 2.5 acres. The proposed lot sizes range from 7.27 acres to 17.39 acres and will provide 11 lots developed for market rate purposes and one lot for affordable housing. The affordable housing lot will be 2.5 acres in size and subject to the Affordable Housing Agreement. All studies, reports and assessments have not been submitted allowing accessory dwellings so the subdivision will be limited to a single home on each lot.

The Applicants primary proposed access is off of Los Sueños Trail. Los Sueños Trail connects north to Las Campanas Drive and connects south and continues as La Vida Trail and is a two-lane roadway. The proposed Rancho Cielo Grande Subdivision Application identifies a 66-foot road easement for Los Sueños Trail, from the northern

property boundary of the Rancho Cielo Grande Subdivision to Sky Ranch Road and does not meet the SLDC amended Ordinance 2017-7, Section 7.11 Road Design Standards. Ordinance 2017-7 amended the roads section of the SLDC Section 7.11 Road Design Standards, Section 7.11.2 Applicability, identifies Table 7.13 for Rural Road Classification and Design standards SDA 2 and SDA 3. Collector Roads in SDA- 2 areas are required an 80-foot right-of-way with two paved lanes, each 11-feet wide. Los Sueños Trail is required to be improved. The required roadway improvements to Los Sueños Trail should extend along the project to the southern property boundary and from Los Sueños Trails to La Vida Trail at the western property boundary of the subdivision serving the affordable lot 2-A and the remainder lots.

Therefore, the Rancho Cielo Grande's 12-lot Subdivision request for Preliminary Plat and Final Plat does not meet the requirements of the SLDC Section 7.11 Road Design Standards as amended by Ordinance 2017-7.

On March 3, 2021, a review memo from Santa Fe County Planning was submitted to the Applicant with the road required improvements. On April 22, 2022, Santa Fe County staff met and discussed the deficiencies associated with the road standards and informed the Applicant's agent that the road would need to be improved to meet code standards. On April 28, 2022, the Applicant wrote a memo to staff indicating their concerns and disagreements with the road improvements and indicated the traffic impact analysis illustrated a total of 217 average daily trips. The Applicant stated, "It is our assessment based on the Professional Engineer's study that Land Use staff position is incorrect since the traffic generation from the proposed subdivision including background traffic does not warrant Las Sueños Trail be paved at this time. The remaining lots served by Los Sueños Trail are large tracts that may or may not be developed in the future. This seems highly unlikely due to the multi-million dollar bridges that would need to be constructed across two major arroyos in order to connect to County road 70 or a NM 599 Frontage road."

On the May 19, 2022 memo, staff described the basis for the position relative to the standards of the SLDC, Table 7-13 of the SLDC for Collector Road Standards which requires an 80-foot ROW.

Chapter 7.11.11.3.2, Access to Subdivisions, Non-Residential Development, and Multi-Family Development. staff identified that there are more than 40 lots currently accessing off of Los Sueños Trail, which doesn't include the 12 lots proposed with this development and the remainder nine lots which have the potential for a minimum of 42 dwelling units with and an average daily trip of 420 trips per day, ten trips per day per dwelling unit, in addition to what is already existing. This would require that Los Sueños Trail be built out to Collector Road Standards as identified on the Official Map.

Furthermore, the Official Map identifies the major roads to the proposed development as 'Minor Collectors'. The SLDC defines the Official Map as, "the map adopted by the Board that represents the location, width and extent of public roads and highways, storm water and drainage basins and ways, floodway control basins or areas, parks, trails and recreation areas, whether or not such roads, highways, storm water and drainage basins and ways, flood control basins and areas, parks, trails and recreation areas are improved or unimproved, in actual physical existence in the County or proposed for future establishment."

Therefore, the Applicant shall improve the roads to comply with the standards set forth in Chapter 7.11.11.3.2., Access to Subdivisions, Non-Residential Development and Multi-Family Development. The Applicants were given the opportunity to develop the roads or apply for a variance. The Applicants have argued that they do not need to do road improvements and will not apply for a variance.

As a history of this property, on October 21, 2004, the County Development Review Committee recommended master plan approval for 264 residential lots on 660 acres and on July 12, 2005, the BCC granted master plan approval.

On February 9, 2006, the Extraterritorial Zoning Commission recommended preliminary plat and development plan approval, and on April 11, 2006, the BCC granted preliminary plat and development approval in accordance with the approved master plan.

On April 10, 2007, the Board of County Commissioners granted and amendment for preliminary for a 304 lots on 660 acres. One of the conditions of approval was that the offsite road of Los Sueños Trail that extends north from the proposed subdivision to Las Campanas Drive be upgraded. On July 10, 2007, the BCC granted Preliminary Plat and Development Plan approval for a residential subdivision consisting of 304 lots on 660 acres to be developed in five phases.

On March 13, 2008, the Extraterritorial Zoning Commission recommended Final Plat and Development Plan approval for Phases 1 through 4 consisting of 241 residential lots on 660 acres. At the April 8, 2008, hearing before the BCC, Staff stated that the proposed subdivision is in accordance with the approved Master Plan and the Preliminary Plat and Development Plan and conforms with the Extraterritorial Subdivision Regulations. Staff recommends final approval subject to applicable conditions previously imposed and final conditions including modifications of condition #15 regarding a road maintenance agreement for Los Sueños Trail and condition #12 regarding the Applicant paying 50 percent towards maintenance of La Vida Trail.

Sustainable Design Standards, the Application was reviewed for compliance with the applicable standards set forth in the SLDC as follows: Fire Protection, landscaping and buffering, lighting, signage, solid waste, parking/loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management , operation and maintenance of common improved areas, affordable housing. Agency review: NMED, Approval, Office of the State Engineer – there's a typo there, it should read as Approval; SHPO, Approval; County Public Works, Approval; Santa Fe County Planning – another typo, it should say Denial; County Fire Marshal, Approval with Conditions –

COMMISSIONER HANSEN: Madam Chair. What page are you on. I was following you on the memo.

MR. LOVATO: Madam Chair, I am on page 11.

COMMISSIONER HANSEN: Okay, you jumped a page, okay.

MR. LOVATO: County Utilities, Approval with Conditions; Soil and Water, Approval with Conditions; Santa Fe Public Schools, No Opinion and; County Affordable Housing, approval.

Recommendation: The Affordable Housing Agreement has been reviewed and approved by the Affordable Housing Administrator and the Legal Department. Therefore, Staff recommends approval of the Affordable Housing Agreement attached as Exhibit 11.

Building and Development Services staff reviewed this project for compliance with pertinent SLDC requirements, and find that the facts presented do not support the Applicant's request for preliminary and final plat approval for a 12-lot residential subdivision on a total of 127.94 acres for the following reasons: 1) Chapter SLDC Section 7.11 Road Design Standards, Section 7.11.2 Applicability, which identifies Table 7.13 for Rural Road Classification and Design standards. Collector Roads in SDA- 2 areas are required an 80-foot right of way with two paved lanes, each 11-feet in width. Los Sueños Trail are required to be improved. The required roadway improvements to Los Sueños Trail should extend along the project area to the southern property and from Los Sueños Trails to La Vida Trail at the western property boundary of the subdivision serving the affordable lot 2-A and the remainder lots. Therefore, the Rancho Cielo Grande 12-lot Subdivision request for Preliminary Plat and Final Plat does not meet the requirements of the SLDC Section 7.11 Road Design Standards as amended by Ordinance 2017-7. 2) In addition, no environmental Impact report has been submitted for this project.

Therefore, Staff recommends denial of the Applicant's request for Preliminary and Final Plat and requests that the applicant be required to resubmit the project to include the required EIR and road improvements.

If the decision of the BCC is to approve the 12-lot residential subdivision, staff recommends imposition of the following conditions. Madam Chair, may I enter those conditions into the record with some amendments and additional conditions to be read?

CHAIR HAMILTON: Yes, thank you.

Conditions as presented in the staff report:

1. The applicant shall submit the required environmental impact report (EIR) within 60 days, to be approved by the Administrator prior to plat recordation.
2. The project shall incorporate the required open space, this shall be identified on the final plat.
3. La Vida Trail and Los Sueños Trail shall be constructed to standards of Chapter 7.11.11.3.2, Table 7-13 of the SLDC Collector Road Standards, which include two paved 11-foot driving surfaces with 80 foot of Right-of-Way. The design plans shall be submitted for Public Works and Administrator for approval. Construction shall be completed prior to any home permitting.
4. An 80 foot right-of-way shall be platted for Los Sueños Trail on the side of the property, from Cloud March to the end of the property, approximately 2,791ft.
5. The final plat shall expire 24 months after the final order is filed. Any time extensions shall be in conformance with the SLDC.
6. Compliance with applicable review comments from the following:
 - a. County Public Works
 - b. County Fire Marshal
 - c. County Utilities
 - d. County Open Space and Trails
 - e. County Affordable Housing
 - f. OSE
 - g. NMED

7. Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
8. All staff redlines and comments shall be addressed prior to plat recordation. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat. Water restrictions and conservation covenants shall be filed in the County Clerk's office and referenced on the plat.
9. A financial guarantee shall be submitted for all off-site and on-site improvements, prior to Final Plat recordation..
10. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
11. All utilities shall be installed underground.

MR. LOVATO: Condition #3 Los Sueños Trail shall be constructed to the Collector Road Standards of the SLDC, Section 7.11.2.1, Table 7-13 Rural Road classification and design standards which requires two paved 11-foot wide driving surfaces with an 80-foot minimum right-of-way. The road improvements shall extend from the intersection of Los Sueños Trail and Cloud Marks. The terminus of the paved portion of Los Sueños Trail below Las Campanas Drive and approximately 600 feet north of the northeast corner of the property to the southern property of the affordable lot identified as Lot 2-A on the subdivision plat and as Lot 12 on the Traffic Impact Report. The right-of-way shall extend from the northern boundary of the property to the southern boundary of the affordable lot. The design plan shall be submitted to the Public Works and Administrator for the approval. Construction shall be completed prior to any home being permitted or the Applicant must provide trails and trails connections as show on the roads and trails map pursuant to SLDC Section 9 11.22.12 and 7.15.3.4

The conditions to be added are:

12. Accessory dwelling units are prohibited within this subdivision. This shall be noted on the final plat and in the disclosure statement.
13. No further divisions shall be allows.

Thank you, Madam Chair, and I stand for any questions you might have.

CHAIR HAMILTON: May I ask a quick clarification. The first two modifications, you read condition 3 and 4 and they are being replaced with what is here in our packet?

MR. LOVATO: Those were the amended, Madam Chair, those were the amended conditions.

CHAIR HAMILTON: Okay, I was just confirming that. Thank you. So people I go to questions – yes, go ahead.

MR. LOVATO: Madam Chair, I have a staff member who is going to be handing out some information to you guys.

CHAIR HAMILTON: Okay, thank you. I assume the applicant is here. Is there any applicant presentation?

MR. LOVATO: Madam Chair, there is.

CHAIR HAMILTON: Thank you. Let's go to that.

NATHAN MANZANARES: Good evening, Commissioners.
[Deputy Clerk Gantz administered the oath to all those who testified.]

[Duly sworn, Nathan Manzanares, testified as follows:]

MR. MANZANARES: My name is Nathan Manzanares. I am part of Jim Siebert and Associates and my address is 915 Mercer Street, Santa Fe, New Mexico.

Good evening, Commissioners. There's a handout that was handed out to you with the header on the right corner says Rancho Cielo Grande, applicant Opening Statement and staff report corrections [*Exhibit 3*]. I just want to verify that you have that. If you could follow along with that I would really appreciate it. I'm going to do a quick rundown on some errors that were in the staff report before I give my presentation. Thank you.

There's some errors that need to be addressed. On page 7 of the staff report, it states that under water supply, wastewater and water conservation, the applicant needs to require a water delivery agreement. If you go to the back, the last page of that handout, under Exhibit 10, that water delivery agreement has already been approved by the Board and was recorded February 2, 2023 so that's incorrect.

On page 3, there's a very lengthy description, and I think John just read that just now for prior Suerte del Sur development approvals that were done under the County Land Development Code prior to the SLDC adoption. Those improvements were for a 64-lot subdivision. That subdivision did not proceed forward due to the 2008 economic crash. Therefore, those prior approvals have no bearing on tonight's 12-lot subdivision that is being considered. That master plan was never acted upon. It has expired and the property was not designated as a PDD. So that is invalid information.

On page 11 of the staff report under review agency comments, John did address this. The OSE did provide a positive opinion and that's in exhibit 4, page 160.

Therefore, all applicable review agencies have provided approvals for the project other than the Santa Fe Planning Department. On page 6, there's a statement that EIR from staff was not required and then there's an additional letter from staff dated November 30th after this application was submitted and reviewed by staff, it says that the EIR is not applicable. Therefore, we are finding out about this EIR within days of the hearing. We are willing to do, in lieu of an EIR conduct some additional archaeological analysis on the previously studied that was Suerte del Sur development that consisted of about 660 acres. And, if need be, we will designate applicable archaeological easements. So therefore we request that approval condition one be deleted.

Thank you. And with that, I'm just going to give a brief presentation. John, already, touched on a lot of this and I don't want to be redundant. As John stated earlier, this is in the Residential Estate Zoning District, also in the Tres Arroyos Community District and Sustainability Development area 2. The project is accessed via Las Campanas Drive and La Vida Trail through Los Sueños Trail. The subject site, as you can see, is located along Los Sueños Trail. It is 127+ acres. The minimum lot size is 2.5 acres and the average lot sizes range from 7.27 acres to 17.3 acres. We are proposing one affordable lot that meets the requirement. And we do have the Affordable Agreement Plan in exhibit 11. We do meet the open space requirements of 30 percent. This is a rendering of the proposed plat, and as you can see it is 12-lot subdivision.

And with that, I'd like to pass the presentation to our legal counselor, Frank

Herdman and he's going to discuss some of the road issues that were brought up during the staff report. Thank you, Commissioners.

FRANK HERDMAN: Madam Chair, members of the Commission, my name is Frank Herdman. I am legal counsel for the applicant. You should all have before you this set of paper, it's 12 pages long and 11x17. [Exhibit 4] Forgive me, I'm old fashion and I still believe in paper. So I'm going to be referring to each of these papers as I go through my presentation and you'll want to follow along.

I want to talk about the issue involving the offsite road improvements that staff has raised in its memorandum. I want to begin on page 1 of my handout. Page 1 is intended to orient you as to the project site and some of the surrounding road network. You see the exterior boundary of the proposed subdivision is highlighted in red – and by the way the base map here is the Santa Fe County Assessor's Map and for each of these pages I've put a little helpful key up at the top to help you follow along. But the project site and proposed exterior boundary of the proposed subdivision is shown in red. You can see the two boxes there. The blue line that goes north to south is Los Sueños Trail. As you can see, Los Sueños Trail starts at Las Campanas Drive and goes south to where it ends at La Vida Trail. Los Sueños Trail runs along the eastern boundary of the larger subdivision parcel as you can see and then along the western boundary of proposed lot 12. The proportion of Los Sueños Trail that abuts the subdivisions is that portion from the top of the red line to the lower red line, that's approximately 2,500 feet. Now, Los Sueños Trail continues in a southerly direction south of the subdivision to where it intersects with La Vida Trail which is shown in green. La Vida Trail runs east to west, more or less, and eventually connects to Aldea to the east. The orange line is Wildflower Way that connects to La Vida Trail and makes its way eventually over to Camino la Tierra, to the northeast. The yellow line is La Serena Trail which runs between Los Sueños Trail and La Vida.

And I want to make a very important point, all of these roads are contained within private road right-of-ways that vary from 66 feet to 50 feet wide. The entire private easement for Los Sueños Trail and La Vida are 66 feet wide. The easement for La Serena Trail is only 50-feet wide and the easement for Wildflower Way varies from 66 to 50 feet in width. That will become relevant as we talk about some of these road standards.

Let's look at page 2 now. Page 2 shows the existing condition of the two roads the staff has referred to in its memo. So starting with Los Sueños Trail, Los Sueños Trail again goes from Las Campanas Drive in a southerly direction and it abuts the subdivision. The light blue area line, that part is paved. When you hit that yellow line, that is Cloud March and then south where it is darker blue, that portion is unpaved. Okay. And then when you hit La Vida Trail, the dark green portion of La Vida Trail is unpaved and then the light green portion where it intersects with La Serena Trail, that is paved. Okay?

So staff's memo very confusingly contains three different mutually exclusive conflicting and inconsistent positions as to what it is recommending to you to be done with these roads. Starting on page 3, and I have direct quotes from staff, staff's memo, together with a diagram intended to depict that I understand it to be proposing and recommending. Staff's position #1 and I'm quoting from the memo, it says, the required

roadway improvements to La Serena Trail should extend along the project area to the southern boundary from Los Sueños Trails to La Vida Trail at the western property boundary of the subdivision serving the affordable lot 2A and the remainder lots, end quote. At staff memo page 11, this equates to approximately 3,850 feet, we're missing a zero there, or approximately $\frac{3}{4}$ of a mile. As I understand it, it is the portion of Los Sueños that runs from the northern most boundary of the subdivision and runs down to La Vida Trail. That's staff's position number 1.

Let's flip the page to page 4. This is staff's position number 2. Again, direct quote from the memo, quote, Approximately 2,580 feet will need to be ready to provide an 80-foot right-of-way with two 11-foot paved lanes. This is the entire portion of Los Sueños Trail that abuts the proposed subdivision, including the affordable lot owned by Suerte del Sur, unquote. So this equates to approximately 2,500-linear feet of a half-mile and it is shown in the diagram running from the northern most boundary of the subdivision to the southernmost boundary of the subdivision. As you can see that's different from staff's position number 1.

Let's go to staff's position number 3. This is staff's proposed conditions 3 and 4 that's contained in this memo. Now you probably didn't know that staff kind of read to you yet a fourth position that we received at 2 p.m. today. That's when they said, I would like to read some additional conditions into the record. Now that's a totally different condition that is now staff's fourth position which I'll explain in a moment. Confused? Understandably; we are too. Okay, so staff's position number 3 as stated in this memo and this is on page 12, it states, La Vida Trail and Los Sueños Trail will be constructed to the standards, stated in the chapter stated there, Table 7-13 of the SLDC Collector Road Standards which include two paved 11-foot driving surfaces with an 11-foot right-of-way. There is no indication as to where that begins and ends so I am taking it to be the entirety of this road, of those two roads, which is in excess of 3 miles. And then it says an 80-foot right-of-way shall be platted for Los Sueños Trail on the side of the property. From Cloud March to the end of the property. As we know, Cloud March is north of the property. So it doesn't make sense that we would plat an 80-foot right-of-way on the side of the property from Cloud March which is outside the bounds of the subdivision. So that's not even on the table.

But in any event, this is now a third position stated in the staff's memo. What staff read to you in the record is yet a fourth position. This is what we received at 2 p.m. And I don't know whether you received a copy of this but I'm going to guess when this was read to you by staff moments ago it probably didn't sink in because of all the detail, understandably. So let me tell you what this says. So this is what was read to you moments ago. It says, and I'll paraphrase it a little bit, Los Sueños Trail will be constructed in accordance with the collector road standards, and they say, that requires two 11-foot wide driving surfaces and an 80-foot minimum roadway. They say the road improvements will extend from the intersection of Los Sueños Trail and Cloud March. So now, unlike the prior three that we've seen, we're now going up to Cloud March. Okay, the southern terminus of the paved portion and to the southern boundary of the affordable lot identified as lot 2A on the subdivision plat and lot 12 on the Traffic Impact Report. That is confusing because the little square lot down there, that's lot 12. The larger lot from which that is subdivided is 2A. So I don't even understand what that

means but suffice it to say, it's now different from the three that were read to you before. And it says, that the right-of-way shall extend from the north boundary of the property to the southern boundary of the affordable lots. So I guess they mean, if we go back and we look at, I think this is, I think and staff might want to clarify, I think this is a modification of staff's position number 2 which we saw on page 4 and now that they're proposing as I understand it, is that that unpaved portion north of the subdivision that is up to Cloud March also needs to be paved. There is also, as I understand it, I think requiring that that right-of-way be increased to 80 feet which is impossible because that is private property. The applicant has absolutely no control and obviously cannot grant easements over private property that it doesn't own.

So we have three conflicting different positions from staff. We attempted to obtain clarification from this on this issue, this application has been pending with the County for over a year. We have been working on this issue and haven't yet got it sorted out.

So you might ask which of these mutually exclusive and conflicting recommendations is correct? The short answer is, none of them. And allow me to explain why. On page 6 of my presentation – my materials, you will find an excerpt from what the SLDC refers to as, the Official Map. Staff states that the roads in question, specifically Los Sueños and La Vida are shown on this official map as collectors. So this is an excerpt on the official map, it's kind of blurry but that's the way it appears in the code. If you see the big blue arrow to the left, that points to what is Los Sueños Trail and you can see that it goes down and makes a right turn, that's La Vida and then you can see that there's that orange line going up in a north easterly direction, that's Wildflower. So staff's position is that all of these roads need to be constructed in accordance with the standards for a collector road. So if we look at the official map we see down in the key that I have to the right, orange indicates minor collector. Not collector: minor collector and it says maximum 80-foot right-of-way. It doesn't say minimum. It says maximum.

Now let's look at page , sorry, page 7. Page 7 is an excerpt from the SLDC which contains that particular road classifications and design standards for rural roads. The ten standards in question are collector and local. Okay. So staff's position is, by virtue of the designation of these roads as a minor collector they necessarily need to be a collector, okay. So you see, that the right-of-way, the minimum right-of-way width for a collector is 80 feet. As I explained to you at the very beginning none of the roads shown in orange is 80-feet wide. They have private easements. They will never be 80-feet wide, okay? So it is the compliance with what staff is recommending for all of these roads including that portion of Los Sueños Trail that abuts the property is unattainable. It will never happen. In addition, as I pointed out, the official map doesn't say a minimum of 80 feet, it says a maximum of 80 feet. All right? So the – I want to just find my place here.

If we go back to and just look at page 1 for a moment, I want to point out the trails – the roads in question that we're talking about. La Serena Trail is not one of the three roads shown on the official map but as you can see, a lot of these roads are abutted by developed existing residential lots. So the likelihood of increasing that roadway of probably more than 4 to 5 miles 80 feet is unattainable. It's never going to happen. It is unfair for staff to impose upon this particular applicant the expectation for this portion of Los Sueños Trail to be built in accordance with that standard.

There are other reasons why an 80-foot right-of-way makes no sense for these roads. Let's look again at page 7 of my materials. You'll see that for a collector road, a collector road requires two lanes 11-feet wide. So a driving surface of 22 feet. The minimum right-of-way says 80 feet; okay? For a local road, which is the next smallest type of road, it's two lanes of 10 and 50 feet. So let's look at page 8 of my materials. This is the real world implications of what staff is asking. So these are three sample road profiles. The first road profile going from left to right, the first one shows a 66-foot right-of-way with a driving surface, two driving lanes of 11-feet wide. So what you have is 22 feet of driving surface, you have 22 feet on both sides. So when you go to what staff is proposing for this portion of Los Sueños Trail only, you would have a right-of-way that 80 feet, you would have a driving surface of 22 feet which means you would have dead space of 29 feet on both sides of the driving surface, a dead space on both sides would be wider than the road itself: it makes no sense. So the right most example is a road profile from St. Francis Drive it's 80-feet wide. It has three lanes in opposite directions and a turning lane for a total of seven lanes. Staff is proposing that you convert Los Sueños Trail to St. Francis Drive.

To the extent that there are neighbors concerned about speed, they should be concerned about staff's proposal to turn this into a super highway. We don't want that. The applicant doesn't want it and the neighbors don't either. So let's look at page 9. There's another reason it makes no sense to do an 80-foot right-of-way through this portion of Los Sueños Trail. As I explained, all of the right-of-ways out there are 6-feet wide. So staff is saying, Hey, make the right-of-way through the subdivision or at least that portion of the road that abuts the subdivision, 80-feet wide. But if we go to page 1, look at where the subdivision is, the red box, on the right or the east side you can see that all of that land is developed. That's private property. The developer cannot grant an easement over that property. So if we go to page 9, in order to grant an 80-foot right-of-way through this parcel of land, it would have to include 14 feet on one side to get it to 80. Now the road, if it is ever paved, is going to remain in the center of the 66-foot wide existing right-of-way. At 13 feet to the left side is just wasted. You can't disconnect the road and push it over to the center of the 80-foot driving surface. It just, again, makes absolutely no sense.

Going on, I'm going to address the next position that is in staff memo as to why we believe that this portion of Los Sueños Trail or maybe La Vida – should be designed to the collector road standards. So staff says, that when you add the 12 lots that are going to be created from this subdivision, it pushes you over a total of 40 lots – they came up with a total of 42 or 45 lots that are going to be served by Los Sueños Trail. So forgive me for flipping around here, but if we go back to the profile standards that are on page 7, you see where it says collector and local average daily traffic. For collector, 401 to 1,999 daily trips. So staff's logic goes something like this, well, when you add these 12 lots you're going to tip the scale so there's going to be more than 40 lots served. And staff assumes 10 daily trips per day and therefore this is the straw that breaks the camel's back and tips you into that – the average daily trips that exceed 401 because we've gone, we've crossed the line into 40 lots. And then assume 10 daily trips per day. That is not based on any traffic study. That is an assumption.

So let's look at page 10. Page 10 is my, I think, realistic approximation of the

number of lots that use Los Sueños Trail today by my count is well over 200 lots. So the line that staff purports was crossed by adding 12 lots, the number of lots that use Los Sueños Trail, if that was the straw that broke the camel's back, that camel was crushed years ago and it is patently unfair for staff to day, Uh-un, you're crossing, you crossed that line today and so this applicant bears the burden of improving this road. And the logic of staff's analysis is especially faulty when you look at the lots on the right side or the east side of Los Sueños Trail directly across from the subdivision. There's over 20 lots immediately across the street. Why wasn't that applicant required to pave Los Sueños Trail at that time? Good question. It should have been but it wasn't according to staff's logic. So now this applicant comes along and presto-changeo it bears the entire burden of paving that road when, in fact, this road network has been serving countless lots for many years.

The next page, page 11, is the results of a real traffic study that was performed by the applicant and by a licensed traffic engineer. And what it demonstrates is if you take the total number of daily trips that are added with this subdivision, the total number of daily trips that are actually happening, you get 255, which falls well below that 400 standard for a collector road. So for that additional reason this does not fall within the collector road standards. It actually falls within the local road standards which requires only a 50-foot wide easement together with a gravel base course road which is what is there today. That is all that is required of the applicant.

But if you look at page 12, this is what the applicant is willing to do, okay, over and above what it is required to do. So the applicant is willing to pave that portion of Los Sueños Trail that abuts the subdivision as shown in the blue line and that would be improved to two 11-foot driving lanes which is essentially the real rural driving surface of a collector road. It is what you see and drive on when you're in a car. We don't notice how much dead space is with the right-of-way –

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: Where are you saying that you're going to pave from and to?

MR. HERDMAN: Commissioner Hansen, do you see the blue line?

COMMISSIONER HANSEN: I see the blue line. Which page are we on?

MR. HERDMAN: Page 12. So let me just make sure that everybody understands. The northern most portion of the subdivision is where that blue line ends.

COMMISSIONER HANSEN: Okay.

MR. HERDMAN: And then it goes to the southern boundary of lot 12. Okay? That's what the applicant is proposing and I have more to offer as well. So that would be two 11-foot driving surfaces. Again, that complies with what really counts from the collector standards which is what you're driving on within a 60 existing -- 66-foot easement. And in addition, although not required, the applicant is willing to pave that portion of the unpaved portion of Los Sueños Trail from Cloud March down to the northern boundary of the subdivision. So that's approximately 600 feet. That is the missing gap that this applicant is just undoubtedly not responsible for but is willing to put on the table – just that missing gap, the cost of doing that is likely to exceed \$100,000. But in the interest of, you know, the community and wanting to be a good neighbor the

applicant is willing to throw that in. That would be within the existing 66-foot wide easement. The result would be a continuous – if we go all the way back to page 2, the result would be – actually, forgive me, if we go to page 4, staff’s position number 2, it would be more or less that paved area together with that part of Los Sueños Trail that is currently unpaved north up to Cloud March, again, two paved 11-foot driving surfaces within the 66-foot easement. The applicant is not required to do that but as a compromise to win your support as well as support of staff that is what it is prepared to do.

I also want to address one additional condition, actually three. We received this at 2 o’clock today. And, this again, I think was read to you. It includes an entirely new condition. Condition number 4, that says the applicant must provide trails and trail connections as shown on the roads and trails map pursuant to SLDC Sections 9, 11, 2.2. 12 and Section 7.15.3.4. This application has been pending before the County for over a year. We got this at 2 p.m. It was the first time this issue was ever raised and is patently unfair. In an effort to try and understand this prior to the hearing today we looked at the trails map on line. It is incomprehensible. It doesn’t show you anything that is meaningful. It doesn’t show you wear a trail out here might be, etc. So we don’t have any opportunity to make any sense of this and I submit you don’t either. It’s unfair to you and it’s unfair to the applicant. We request that that proposed condition be stricken and done away.

Oh, and by the way, when we were reading the additional conditions, in addition to the list of 10 items that we received at 2 p.m. they say in 12 and 13 and I don’t even know what they are and I doubt you do either. That is what we have been dealing with and it is patently unfair to the application. In the interest of implementing real public policy, this is not how this should happen. We request that proposed conditions 12 and 13, whatever they are, also be stricken. And I stand for questions.

CHAIR HAMILTON: Before we go to questions. I’m actually going to open the public hearing. Vicki, are you coming up to –

VICKI LUCERO (Building & Development Services Manager): Yes, Madam Chair, I would like to address some of the issues that Mr. Herdman brought up.

CHAIR HAMILTON: Yes, please. That would be helpful.

MS. LUCERO: In regards to the traffic and requirement for an 80-foot right-of-way, the requirement that County staff uses is within Table 11, Chapter 7.11, the table that goes over the types of roadways and the requirements which says that an 80-foot right-of-way is the minimum that is required for a collector road. The number of lots that are currently being served by Los Sueños Trail is already over 40 lots and the calculation that we use to figure out the average daily trips is actually under the adequate public facilities section of the SLDC and it says, for purposes of the adequate public facilities we assume that each lot generates 10 trips per day. So that’s a standard that we use from the code. It is not something that we just recently developed.

One thing that I wanted to mention also is that had told the applicant for months now that paving would be needed. And we offered to have discussions with them and they never approached us to come to the table and have discussions regarding the paving.

Other portions of the road were under the old code and some of the other developments that were approved and developed along Los Sueños Trail were done under the old code. So the requirements were different at that time. An example – so based on

that, based on the 80-foot requirement for the right-of-way, they would need to request a variance and some of the comments that Mr. Herdman made would maybe be grounds for, you know, addressing the variance criteria but it would require a variance because the code does require a minimum of 80 feet. An example would be and I don't know if you all remember the St. Francis South Project. They knew their internal road would never meet the width of the 50 feet that would be required for that type of road so they did request a variance. And I believe the variance had been granted. As I mentioned, a lot of the statements that Mr. Herdman made would be valid grounds or part of the variance criteria that would need to be submitted as part of the variance request for the right-of-way. Thank you, Madam Chair.

CHAIR HAMILTON: Okay, and I appreciate that. I am sure there will be more questions when we go to questions. I just wonder – hang on one second – we have public works people; is this to provide potential information if there are any more questions about this public hearing or for the next one? Either one, the next one, thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Before we have public hearing, I think it would be helpful to understand what 12 and 13 of the conditions are again and which page they are on and what document.

MR. LOVATO: Madam Chair, Commissioner Hansen, can you please repeat that. I'm sorry.

COMMISSIONER HANSEN: Tell me what 12 and 13 are and where they are in the documents that we have online.

MR. LOVATO: Madam Chair, Commissioner Hansen, these are conditions that need to be imposed because they did not address the SRAs that were submitted within the document. And that is that they needed to – they did it for the average daily trips for the subdivision and itself and for 23 units. But what they did not address is the water standards and they do have a water agreement. However, the water agreement says, 0.25 acre-feet per lot. We could, had they adjusted this water agreement with Utilities and with County staff, they could have come up with a water budget to address this. And that was not done so these conditions were added and yes they are not on your current staff memo.

PENNY ELLIS-GREEN (Land Use Administrator): Madam Chair, just to address that. The accessory dwelling unit section of the code actually states that major subdivisions cannot have accessory dwelling units unless they're SRAs address the fact that they would have a main house and an accessory house. The code also requires each house to prove when you're doing a subdivision .25 acre-foot of water. So our base point for each lot to have a house and an accessory unit would be .50 acre-foot per lot per the code. The code does allow you to say how you would buy that water down, maybe a smaller second house or whatever else. We have seen those water budget numbers come lower but we have seen them come lower in the Community College District on very small lots with just very small patios and even those are not below .18 acre-foot per year. So even if that was utilized for both of the homes, we'd still be at .36. So I don't believe that they have addressed all of the SRAs to cover them for accessory dwelling units.

CHAIR HAMILTON: Would you remind everybody what an SRA is?

MS. ELLIS-GREEN: A Study Report and Assessment. So part of that

would be a water study, traffic, environmental all of those are our study reports and assessments.

COMMISSIONER HANSEN: That, Madam Chair, I thought they were not having any accessory dwelling units.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, as we reviewed this project, it was not consistent in their application because the Water Utility Agreement that they've got does not address enough water for an accessory dwelling unit. That is why we were going to add a condition stating no accessory dwelling units.

COMMISSIONER HANSEN: Okay, and what number is that?

MS. ELLIS-GREEN: So that was condition number 12, accessory dwelling units are prohibited within this subdivision. And then 13 was no further division is allowed. This is a major subdivision. But you'll see that the minimum lot size I believe is 2.5 acres and the lots run much larger than that. So you don't want to see further divisions within that because, again, a major subdivision should be addressing all of their impacts when they come in front of the Board through their studies, reports and assessments not creating lots that can be further divided and further create impact. Thank you.

CHAIR HAMILTON: Thank you very much.

COMMISSIONER HANSEN: Okay. Thank you, Madam Chair.

CHAIR HAMILTON: Are you finished?

COMMISSIONER HANSEN: For the moment.

CHAIR HAMILTON: I'll entertain clarification but we'll have a whole question period. I just thought it would be useful for us to hear if there are any public comments. But if you have a clarification, please go ahead.

COMMISSIONER GARCIA: Thank you, Madam Chair. Can staff read me what condition 12 actually reads and condition 13 for the record.

CHAIR HAMILTON: Thank you.

COMMISSIONER GARCIA: And why did we not receive that?

MR. LOVATO: Madam Chair, Commissioner Garcia:

12. Accessory dwelling units are prohibited within this subdivision. This shall be noted on the final plat and in the disclosure statement.

And condition 13 reads as follows: No further divisions shall be allowed.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: Mr. Manzanares, did you have something?

MR. MANZANARES: Madam Chair, I just want to address this while it's fresh in the Commission's mind, if you don't mind. As stated, we're finding out this just at the same time as you are. The issue here is that in the past you can submit a water budget to have an accessory dwelling unit. You are allowed one accessory dwelling unit per lot if you meet your water allocation. We intend to do and we should be allowed to do that. And, if need be, we can amend our water. Not every lot is anticipated to have a guest house but if they want to, they should have that option. Some of these lots have the density for multiple units. So they should be allowed one extra accessory dwelling unit. And the max would be one accessory dwelling unit.

Also, our covenants allow for no further subdivision of land. So that's not an issue. But by eliminating the allowance for, we have the density for a guest house. We

addressed it in traffic and we will provide water budgets to show that we are that allocation and if not they'll take the proper courses to buy more water to have the accessory dwelling if need be.

CHAIR HAMILTON: But it is not there in the current application.

MR. MANZANARES: That is typical. Any application that comes in for an accessory dwelling needs to submit a water budget to prove that you're not over your water allocation. That's just standard practice. So the fact that we're doing lots that are above the minimum lot size, you're just shifting our density. We're not asking for anymore land divisions. We're asking for 12 lots but they do have the density for multiple homes. So we should be allowed one home that is half the size of the primary residence because they meet the density requirements. Thank you.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Hang on. John, then I'll come right back to you.

MR. LOVATO: Madam Chair, just for clarification. I did have a lengthy conversation with Mr. Manzanares last week about not meeting all the SRAs in terms of the water. I never got a formal response from him stating that he was going to amend those. I never received any of that.

And, Commissioners, just to clarify, for whatever reason the memo was not uploaded correctly and that is why you do not have those conditions into staff memo you all have in your packets.

CHAIR HAMILTON: Okay, thank you. Commissioner Hansen.

COMMISSIONER HANSEN: So if you built a 10,000 square-foot house that means that you could have a 5,000 square-foot accessory dwelling unit.

MR. MANZANARES: Madam Chair, Commissioner Hansen, no, we would still meet the requirements of an accessory dwelling of which the maximum size 1,400 square-feet.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, what the accessory dwelling section says is that it can be 50 percent the size of the heated area of the house up to 1,400 square-feet. So you can't go above that.

And I do want to just point hat what's in front of you is not an accessory dwelling unit. What is in front of you is a major subdivision that has code requirements and either variances need to be requested for them or they need to follow the code to either bring in .50 acre-foot per lot if they're going to have a house and an accessory or follow the code and show us how they would reduce that amount as part of their application. And that is why staff is recommending denial of this, thank you.

CHAIR HAMILTON: More clarifications that you need before we go to public hearing?

COMMISSIONER HANSEN: I want to know why the applicant didn't request a variance.

COMMISSIONER GARCIA: What, we can't hear you Commissioner.

COMMISSIONER HANSEN: I said, I want to know why the applicant didn't request a variance.

CHAIR HAMILTON: I don't think we --is the green light on?

MR. HERDMAN: Very simply because it is not required. In addition, so staff's position is, request a variance. So when they say that, are they saying request a

variance to their position that an 80-foot right-of-way is required beyond the subdivision? Or are they request a variance from within the subdivision? It is not even clear as to what they're saying their position is.

But fundamentally, the collector road standards on which they are relying do not apply. It's very simply that. The local road standard is what applies because our traffic counts demonstrate conclusively that the maximum amount of daily trips is going to be 255. And if you look at the daily trip standard you only get to collector status when you have averaged daily trips of 401 or more. Okay. We did actual traffic counts. Staff says you tipped the scales because now you're over 40 and therefore – and they assumed 10 trips per day which is an assumption. Our analysis is based on actual traffic counts from a licensed traffic engineer. So for all the other reasons the collector road standards do not apply. The official map says a maximum of 80. It does not say a minimum of 80 feet in width, right. So a variance is not required. I can't tell a client, a variance is not required so go ask for something that you're not required to do which requires going to a hearing officer and going to the Planning Commission. It's added expense. It's added time and I can tell you in 30 years of doing this, have I ever received staff's support on a variance request, no. So what would I do? Staff says go ask for variance and we'll invite you to our regular buzz saw and tell you you're not entitled to it. It makes no sense. Thank you.

MS. ELLIS-GREEN: Madam Chair, just to clarify. The section 6.4.2.1 of the code states, for the purposes of adequate public facilities assessments, which is something you have to do when you're doing a major subdivision, average daily traffic assumes 10 trips per day. So it says 10 trips per day. And I believe that the project that Vicki mentioned within was South St. Francis requested the variance for the width of the road and staff supported that because of the actual use that that road was going to be. Staff many times comes in front of the Board and doesn't recommend a variance but the Board then has the right to approve a variance.

CHAIR HAMILTON: Okay, thank you. I'm going to go ahead and open public comment. Is there anybody here in chambers who is here to speak to this matter? Yes, please. If you could come forward and get sworn in.

[Duly sworn, Page Kelleher, testified as follows:]

PAGE KELLEHER: My name is Page Kelleher. I live at 21 Cloud March West and what else do I need to tell you?

DEPUTY CLERK: Name, address and that you're under oath.

MS. KELLEHER: I'm under oath, yes. My concern is that I drive on Los Sueños Trail and I'm in the Los Sueños Homeowners Association – I live within that subdivision and we take care of maintenance for Los Sueños Trail. We pay it out of our annual dues. We are just concerned about more traffic on Los Sueños Trail from Las Campanas Drive to Cloud March. We have sent many letter to Peters' organization asking to, you know, that we're concerned about this and we want to have a shared road maintenance agreement, to split to cost, because we split it with all five of those subdivisions that use all those roads. Unfortunately, there's only two subdivisions, mine and El Prado.

So there is going to be a lot of increased traffic on Los Sueños Trail from Las Campanas to Cloud March down to the new subdivision, so we are basically requesting or wanting – let's see – Los Sueños respectfully request that the County impose the

following requirements on the new development which are similar to those the County imposed on Gerald Peters prior development with regarding Los Sueños Trail and one of them was require the paving which them seem to be willing to do, which is great. And we want to just have an executed written agreement of a shared responsibility for maintaining Los Sueños Trail, is basically what we're asking. Thank you.

CHAIR HAMILTON: Thank you. Is there anybody else here in chambers, please come forward and get sworn in.

[Duly sworn, Ray Willison, testified as follows:]

RAY WILLISON: My name is Ray Willison. I live at 4 Terary Court here in Santa Fe. I live in the La Prada subdivision which borders on Los Sueños Trail. And as the Los Sueños representative stated, we share in the maintenance of the trail. Now, it was interesting listening to the opposition to staff's report and some of the numbers that they gave – that were given out, which to tell you the truth, I pay the bills for La Prada and I don't recognize some of those. But the critical thing is that you have a few units, houses, properties along that road maintain it. Okay? And we maintain it to the County standards when it was built. We've done slurry spill, we've striped it, we've done crack sealing, we've done drainage upgrades. We've done landscaping, cutting grass. Now, what's being proposed is another subdivision at the end of Los Sueños Trail that is just going to run traffic up and down it, more wear and tear, and nowhere, nowhere in the presentation did I hear anybody say how they were going to help share in the maintenance of that road and make sure it is a safe road to drive with limited liability.

Now I walk that road all the time with my dog. And I'll tell you, you increase traffic on that road without considering the safety issue and the liability that that presents, it is going to be a problem. Because people walk that road all the time. They walk it up all the way to Las Campanas and use the fitness trail. So they're along that road and that road has curves. So now you're going to increase the traffic and, you know, we weren't privy to the reports so it is hard for us to say anything about the staff's presentation or what the applicant wants. But the applicant has never met with the homeowners along Los Sueños Trail and said how they were going to be a good neighbor and help us maintain it because they were going to get more wear and tear on that trail and we, the few homeowners who are along that trail, have to foot the bill for them. That's what it amounts to.

So when they come to us and tell us how they're going to help us maintain that then we'll listen. We don't dispute their right to develop the property. We ask that they be good neighbors. And if they're going to use that that's a private road. The real solution is for the County to take over the road which they are not going to do. So we need everybody that is along that road to contribute to that maintenance. And that's all I have to say.

CHAIR HAMILTON: Excellent, thank you very much. Is there anybody else here in chambers who is here to speak to this matter? Okay, so I'm going to go to anybody online on either Webex or on the phone who is present to speak to this issue? Daniel, is there anybody on Webex that you see?

MR. FRESQUEZ: Madam Chair, I don't see anybody on Webex indicating that they would like to speak.

CHAIR HAMILTON: Okay. So I will ask once more, if there is anybody

on Webex who wants to speak to this public hearing, please unmute yourself and make yourself know. It's like a séance – knock three times.

Okay, I'm going to go ahead and close public hearing on this. Commissioners, are there questions or discussion that anybody would like. Commissioner Hughes.

COMMISSIONER HUGHES: Yeah, I just have a couple of questions. It seems like the road issue is the main problem here and it seems to me that what the applicant is willing to do still doesn't pave the road the whole way up to where the pavement ends?

[Disturbance on the line]

CHAIR HAMILTON: Is that somebody online who is trying to speak? Okay, I'm sorry Commissioner Hughes.

COMMISSIONER HUGHES: I was just asking if you're not offering to pave up so there would still be dirt parts on both ends of Los Sueños where you would pave it; is that correct?

MR. HERDMAN: Commissioner, there may be a misunderstanding. If we look at my materials, on page 12 and maybe we need to look also at –

CHAIR HAMILTON: So page 2 looks like where the paving ends with the yellow strip?

MR. HERDMAN: It would – so if we look at my page 2, the light blue is the currently paved section and it stops at Cloud March which I highlighted in yellow. So currently the pavement for some inexplicable reason stops short of the subdivision even though all of those surrounding lots were improved. So there is a gap there that is north of the subdivision and outside of the subdivision. And then from there Los Sueños Trail is unpaved all the way down to La Vida which is green. What the applicant is proposing is, you see that we have two red boxes, there's the big one on the left side of the road and there's the other one on the right side, that one on the right side is lot 12. What the applicant is proposing is to pave from Cloud March all the way down to that point. So that would provide a continuous pavements from Las Campanas Drive along Los Sueños all the way to southern boundary of the subdivision.

COMMISSIONER HUGHES: Okay, that makes sense. Because it didn't make sense to me that you would leave a dirt patch of like 100 feet or something.

MR. HERDMAN: We are proposing to do that. That's a pre-existing gap and that applicant is willing to do that. Two 11-foot driving lanes within the 66-foot wide easement.

COMMISSIONER HUGHES: So my other question is if the applicant paves that stretch of road, is the County then able to adopt the whole of Los Sueños that is paved because then it would be up to almost collector standards except perhaps for the width of the right-of-way.

MR. HERDMAN: I can't speak for the County.

COMMISSIONER HUGHES: No, I am asking the County to answer that question.

BRETT CLAVIO (Transportation Planner): Good evening, Madam Chair, Commissioners. My name is Brett Clavio. I'm the transportation planner with Santa Fe County. I believe the question is, can the County assume the maintenance of Los Sueños Trail once this project has been done. We have a process with the Transportation

Advisory Committee to review applications as such. If the road meets the County standards then we will evaluate that for road acceptance. So there is a good possibility that that could be achieved but the road has to be – currently, the policy says that road has to be built to County standards.

COMMISSIONER HUGHES: Does that include the right-of-way of 80 feet?

MR. CLAVIO: I'm not sure about that particular aspect of it. I'm not sure but I do know that the road itself needs to be up to County standards.

COMMISSIONER HUGHES: Right and the reason that I'm asking the question is that I thought there was something that we were read earlier that said the idea was to build the road up to County standards or that the staff is asking that the road be built up to County standards so that it could be adopted.

CHAIR HAMILTON: That applicant is denying doing that.

COMMISSIONER HUGHES: Well, right, I know the applicant didn't agree to do that. But I just wondered if that wasn't the idea to build this road up to – because that would take care of the maintenance issues for the neighbors as well. I'm going to stop asking questions.

MS. ELLIS-GREEN: Madam Chair, Commissioners, after it has been done, I think that the applicant or the neighborhood could file a petition as Brett said, and go through that application, but we would have to review the entire width of the road at that point.

COMMISSIONER HUGHES: Right, it wouldn't make sense to just adopt a small part. You'd have to adopt the whole road.

MS. ELLIS-GREEN: Right. I would assume that Public Works would want to look at the entire road.

COMMISSIONER HUGHES: Okay, thank you.

CHAIR HAMILTON: If nobody else has questions –

COMMISSIONER HANSEN: Oh, I have questions.

CHAIR HAMILTON: Okay, I was just going to ask a question –

COMMISSIONER HANSEN: But I was going to let –

CHAIR HAMILTON: Yes, I get it. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you. First of all, I don't think it is good for the applicant or staff to have us up here deciding what the code says or shouldn't say. I understand that you guys actually did give a recommendation but bringing it to us, this is something that should be worked out with you all before it comes up here, in my opinion. I understand, Mr. Herdman, your argument is very noted as into what you said. And I understand the whole getting the memo at 2 o'clock today and you didn't receive the conditions. I get it. I understand that. It should never even got to this point in my opinion at 2 o'clock with two conditions added. I understand.

CHAIR HAMILTON: Can we, okay.

MR. HERDMAN: So staff's original position was that Los Sueños Trail from Cloud March needed to be improved and all La Vida Trail all the way to La Serena, okay. I think staff abandoned that position. Now, we tried to work with staff. Staff actually refused to schedule this hearing unless the applicant conceded to that position. I can't tell you how many emails I sent to Mr. Prucino saying, that's not anything that is

supported by the code, right? And they continued to refuse to schedule it. So finally we said, regrettably if that's your position, we'll have to let the BCC decide. I didn't get the staff memo on Friday and the position was changed –

CHAIR HAMILTON: My Commissioner was actually in the middle of asking question and I don't think he actually finished the question when you started to answer.

MR. HERDMAN: I'll be happy to address that, Commissioner.

COMMISSIONER GARCIA: Thank you, just my point it, you know, I spent all weekend reading this packet so again we still have to just hours before the meeting – it doesn't make sense. In regards to the – somebody mentioned the organization that is actually developing not replying to individuals who are their new neighbors, I don't think that's good practice at all either.

The road adoption question that Commissioner Hughes brought, that's a very good point. If somebody builds a road up to County standards what stops them from petitioning the Public Works Department in accepting a new County road. Good point.

In regards to the 10 traffics – 10 trips average daily traffic, where does that come from? Was that in the code? I don't even go to my house 10 times a day. So I'm just wondering; is that just a standard procedure that we adopted in the code or where does the number 10 come from? I'm just – was that adopted in the SDLC?

MS. LUCERO: Madam Chair, Commissioner Garcia, yes, it is actually under the Adequate Public Facilities Section of the code and I believe that standard was taken from AASHTO. So it's 10 trips per day per lot.

COMMISSIONER GARCIA: And I definitely understand that this is the SDLC and this is a fairly new code and these are different types of situations for different developments that we actually need to work out. If the code needs to be changed, then we need to bring the changes forward for the code. Possibly maybe meeting out there with the consultants and figure out what's working and what's not working because in my area of the county sometimes the new code, the new SDLC doesn't make any sense at all for different particular developments.

The 80-foot right-of-way, those variances – those three different scenarios as into what you presented to us, Mr. Herdman. So the 80-foot right-of-way where does that come from? If St. Francis Drive is literally 80-foot right-of-way not driving surfaces, right-of-way, that seems like a lot of right-of-way for the applicant to actually provide. I understand right-of-ways, driving surface is this.

MR. LOVATO: Madam Chair, Commissioner Garcia, this is in the code, it's under the collector road standards. This is classified as a minor road collector and so that's why that is in there. It's also identified in the official map which was adopted by the Board, you guys.

COMMISSIONER GARCIA: I'll pause for a little bit for someone else to.

CHAIR HAMILTON: I have one question or do you want to go?

COMMISSIONER HANSEN: No, go ahead.

CHAIR HAMILTON: Land use, the issue about maintenance, how would that be handled in this case?

MR. LOVATO: Madam Chair, Commissioners, this is handled within the

HOA within their internal HOA that they will create and also included in the subdivision disclosure statements. So the HOA will be formulated and they may hire a managing property, such as Westgate for example.

CHAIR HAMILTON: I think what I'm asking you is when a new group comes in and there's already two divisions there, subdivisions that already handle maintenance, what is typical for a third group to come in?

MR. LOVATO: Madam Chair, I would believe that they would have to enter an agreement within the road maintenance between the three parties.

CHAIR HAMILTON: So that's not something that is typically done as a condition or anything like that?

MR. LOVATO: Typically, it is done within the two parties, such as, I'll use Tessera and Aldea as an example. They have connecting road connectivity and they did an agreement to maintain those roads and to bring them up to par.

CHAIR HAMILTON: It's not bringing them up to par. I'm just thinking about the maintenance. The ongoing maintenance. So in those cases when the second subdivision was, whatever, up for approval it was not put in as a condition that they had any responsibility for maintenance.

MR. LOVATO: Madam Chair and Commissioners, I don't believe so. I think it was part of their agreements that they made with each other.

CHAIR HAMILTON: It seems odd that maintenance is an issue, right. And that it is a responsibility. Commissioner Hansen.

COMMISSIONER HANSEN: So I have a number of issues at the moment. One is that most of this road, the 66-foot width easement was there before. So is that true? Did I miss something?

MR. HERDMAN: Correct. The private easement for Los Sueños Trail is 66-feet in width and is true also for La Vida and again Wildflower which I guess is not in play here, but varies from 66 to 50.

And I am also willing to talk about that maintenance issue as well and provide some input on it.

COMMISSIONER HANSEN: Okay, let's hear it.

MR. HERDMAN: So we have this extensive road network in this area and it is unfortunate that there is not an overarching road maintenance agreement in place. It's a big issue to tackle because in order to measure cost per a road you have to identify the stakeholders, right. And if you look at my page 11, you might say there are in excess of 200 stakeholders out there. But I can represent on behalf of the applicant, that the applicant is willing to meet with the stakeholders to discuss that issue and to try and try and work out something that is fair and equitable. It can get complicated when you have this private road network and it's just been allowed to evolve for many many years before this application was submitted before addressing that. But maybe it is possible to get that genie back in the bottle, so we are willing to try.

CHAIR HAMILTON: What is the stakeholder? Is that like each home owner, that's how many homeowners are there or the associations?

MR. HERDMAN: It could be a situation like this where I don't know the full picture. So if we look for example, on my page 1, what I don't know – what I understand from some of the comments that have been submitted is that there's already

existing homeowners associations that may already have a regiment to impose and collect assessments for maintenance of a portion of the road. And those assessments might be built into their annual assessments; it might be on a pro-rata basis based on those lots. And then, maybe, there's other lots that are using this road that are participating in a different homeowners associations and maybe they're picking up a pro-rata portion of the road that cuts through theirs. There may be free roaming lots that aren't participating in a homeowners association that aren't picking up any costs. We just don't know. And so a comprehensive assessment would have to be made as to the existing state of affairs to say, Hey, who is doing what now? If you have a handful of free roving lots, I mean a handful of lots and there's no overarching HOAs, you may be starting from the ground up to try and get everybody involved and say, Hey, what's an equitable share? And I can tell you having done this for years, it can get complicated because you might have someone who is at the end of the road who uses all of the road and you have someone who is the first lot at Las Campanas Drive, who says, I don't want to pay an equal share for the maintenance of the road because I only use 100 feet.

So the conversations can get complicated. But as I said, on behalf of the application we are willing to at least embark on that journey.

CHAIR HAMILTON: Okay.

COMMISSIONER HANSEN: On that issue, this seems to be one of the issues that is upsetting the previous homeowners because there is two homeowners that are now paying for that road and there's two homeowners associations that are not paying for the road. And so that seems to be an issue from what I have read in these documents.

But the other issue that I have is that if you are going to be building at the end of this road, when are you going to pave the road and what are you going to do about the traffic for the construction. That seems to be a very big issue in Las Campanas. I continually here about traffic from construction as being an issue. So you're going to – are each of these lots once you subdivision them are they going to be sold to a builder and then they're going to build the house or are you building houses yourself? How is this going to work and when are you going to pave the road?

MR. HERDMAN: Commissioner, in response to that last question. As part of staff's condition they stated that the road must be paved prior to the issuance of any building permits for any of the lots. We are okay with that.

COMMISSIONER HANSEN: Okay, okay.

MR. HERDMAN: So there would be as far as construction that's part of the conversation that we're willing to have with other individuals.

I want to reiterate that we're not like the first, you know, person through this. The extent to which there are problems being complained about maintenance, these are pre-existing problems by virtue of the lack of what's happened over the years. It's not a byproduct of this application.

I also want to emphasize that the permitted zoning for this lot permits 50 lots. We're purposing 12. I want the neighbors to hear that. Because the number of lots that are possible are four times what's being proposed. And so this is a windfall to prevent the type of traffic that could be permitted if this were to fall into the hands of another developer or another owner.

COMMISSIONER HANSEN: Basically what you're saying that they

could build 42 lots out there.

MR. HERDMAN: Fifty, they could build 50 on this 127 acres. It's one lot – one residence for every 2.5 acres and it's 127 acres. By my math that's approximately 50 lots.

CHAIR HAMILTON: But if that were the case, then both the nature of the road development/improvement and the water budget would have to support that application at the time; right?

MR. HERDMAN: Yeah, there's no question. I just wanted to emphasize that the permitted density and that this applicant is coming forward with an application that is far, far, far below the permitted intensity of what is allowed.

CHAIR HAMILTON: But, you know, one of the things that I do feel, Frank, is you're to quite ready for prime time. I understand your frustration with Land Use. You kind of push forward and Land Use wasn't quite ready, you know, and so you pushed forward and I'm just – I'm trying to assess how we can make this equitable for everyone including Land Use and you. Because I try to support Land Use in many of these ways but at the same time I feel like, you know, part of the reason that some of these later conditions came up was because it was pushed forward by the applicant.

MR. HERDMAN: Madam Chair, this application was submitted in – two years. This has been before staff for two years.

MS. ELLIS-GREEN: Madam Chair, I did want to let you know that Mr. Herdman actually stated that we said, you need to pave the entire road or we won't take it forward. That is not what was said. We said either you show us paving plans or you request a variance: one of the other. And we said that for months and months and months. We still don't have paving plans. We still don't know how this is going to work.

To answer Commissioner Hansen's point about what will happen during construction: when you submit your paving plans we would also require a traffic control plan to address exactly what you asked, what will happen to traffic during construction. We haven't seen those. We requested those. We stated either you do that or you ask for a variance. This was pushed forward.

Our recommendation is that we get the required information in before the Board makes a determination and then staff's recommendation may well be very different.

CHAIR HAMILTON: I also would like to express an opinion about condition 12. Getting a road paving and alternate road paving condition at 2 o'clock, that doesn't seem like a good procedure to me. I think that's a problem. But condition 12 was put in to disallow accessory dwellings because the water budget doesn't support accessory dwellings. So they either need to submit a water budget that supports accessory dwellings with this application or that condition should go in. So that I think is not a last minute condition. That's just consistent with what was submitted in the application.

COMMISSIONER HANSEN: So, Frank, I don't think this is ready, you know, and I'm being as direct and honest as I can be. And so what I would like, and because I think what you're trying to do is good. I don't have issues with thee development per se. But there's too many little pieces that are not all in place. And so I am wondering if you can work with Land Use and bring this back in six weeks, two months, you know, mid-February and get all these minor – these details, give them a

paving plan. Give them the water budget, You know, I don't know why you don't want to apply for a variance. This Board has granted many variances. If not this particular Commission has – we have not been shy about giving variances. I think that people are agreeing with me.

So I would like to – I don't want to be negative or opposed but I want a little more work done on both sides. You know, I want Land Use to work with you to get the paving plan, the traffic control plan. I want the water budget. You know, I don't like staff feeling like they're put under pressure like this. We're all put under pressure. We don't have enough staff. We are struggling to keep everything moving forward and if I thought this was a bad plan, I would tell you right up. But I don't. I just think there are a few details that need to be done. And so is tabling the right thing, Jeff?

CHAIR HAMILTON: I have a few more questions; is that okay?

COMMISSIONER HANSEN: Sure.

COMMISSIONER HUGHES: Thank you, Madam Chair, and Commissioner Hansen was asking if we should table it and I was thinking that that might not be the best course because I think we have to go along with staff that this is a collector road. I understand the argument both ways but if our staff says it's a collector then it is probably a collector. And so I think if it's a collector then they have to apply for the variance and that might take what two months – I don't know. So I think we might need to deny it and then bring it back again.

COMMISSIONER HANSEN: Okay, well –

COMMISSIONER HUGHES: I just wanted to say, I think they need time.

COMMISSIONER HANSEN: Right and I'm trying to give you as much help as possible, Frank and – I want you to do the right thing so that we can move this project forward.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, I mean if you table the notice is still good for three meetings. If they then need to renotece, we can renotece. But we're happy to meet as early as possible to talk about what we would need for the paving plan, the traffic control plan, whether or not they want to amend the water budget and how to do that, the request for the variance for the easement and that would also allow them time to discuss with the neighbors maintenance of Los Sueños Trail. At this point we would be happy to work with the applicant if this was tabled and we would bring it back as quickly as possible.

COMMISSIONER HANSEN: Great, so we can.

COMMISSIONER GARCIA: I have a question. Madam Chair, I have a question for Mr. Trujillo. Ivan, can you come up here real quick, please. I just need to – for this committee, congressional committee hearing.

Ivan, what is the right-of-way width for the northeast-southeast connector?

IVAN TRUJILLO (Public Works): Madam Chair, Commissioner Garcia, that's a variable width but on average it's about 100 feet. To add a little more clarification on right-of-way width, the medium width of right-of-way is typically depending on where the road is built. So if you were to build a newer road in Hyde Park, you'd need a lot more right-of-way because you'd have to accommodate ditches, slopes that would connect to the road, to the natural ground somewhere else. Whereas, the same

width of road built on a very level area would need less right-of-way. So the right-of-way is really a function of where the road resides. I think the code covers the width of the right-of-way for a lot of different reasons and a lot of different locations. So I think that there is latitude in right-of-way but it would have to be analyzed in a little bit more detail of where the road is being proposed.

COMMISSIONER GARCIA: Thank you.

COMMISSIONER HANSEN: Thank you, Ivan.

MS. ELLIS-GREEN: Madam Chair, Commissioners, if I could just address one other additional thing. Once we see the paving plan, we'll know how much right-of-way is needed. Is there a lot of cut and fill, etcetera, etcetera. So it all kind of comes together in the package.

CHAIR HAMILTON: Commissioner Garcia, you still have the floor, if you need it.

MR. MANZANARES: Madam Chair, I have been very patient. I just want to read one comment. My whole issue with this comes down to who is going to maintain this road. If you have that 80 foot gap of right-of-way it will never be eligible to go up for County maintenance. And this issue will continue. It needs to be 66 feet throughout. That way it can be eligible to be maintained by the County once it's built out and as other developments continue to build out in this area they will continue the paving on it.

We're not resolving anything by moving this 80-foot right-of-way situation. And I don't believe we're going to go through a variance. It's already been two years. The slides that Mr. Herdman showed you shows that there's 28 feet of dead space on both sides of the road that will never be utilized. The aim is that two 11-foot paved lanes along Los Sueños. That way the County can take over Los Sueños and maintain it and all of these maintenance issues go away.

COMMISSIONER HANSEN: That's not going to happen. So what needs to happen is you need to submit a paving plan so then we can see how much right-of-way you need and we can easily adjust it and most likely it will be 66 feet because that is what's there on the rest of the road. But – I don't think you have been listening to me.

MR. HERDMAN: Commission, we support a tabling so that we can confer with staff. We would like a date certain. I want to be clear that we maintain our position that a variance is not required. But I am intrigued by the Land Use Administrator's statement that it appears that staff has flexibility on the right-of-way based on a paving plan. We think we can put that together quickly in hopes of trying to find a path forward on this.

I want to say that in the correspondence somewhere back in July regarding this matter asking that this be put on, I specifically state that it is my understanding that the application is complete and I asked that it be scheduled. I did not receive any contrary indication. So this is news to me but be that as it may. Let's see if we can work something out with staff and come to an appropriate path forward.

COMMISSIONER HANSEN: Okay, thank you, Frank. I'm going to make a motion to table.

COMMISSIONER HUGHES: Second.

COMMISSIONER GARCIA: Discussion.

CHAIR HAMILTON: Hold on.

MR. HERDMAN: Date certain.

CHAIR HAMILTON: If you want a date, do we need to have a discussion now with both of you up here on what needs to be turned in and what is a realistic date is, knowing that we can table it for three months before –

COMMISSIONER GARCIA: Madam Chair, I think we --

CHAIR HAMILTON: Please.

COMMISSIONER GARCIA: -- till the end of February.

CHAIR HAMILTON: Commissioner, I actually have the floor.

MS. ELLIS-GREEN: Madam Chair, I just want to clarify that I didn't make a statement that staff themselves could make a recommendation on what the easement width would be and vary the code themselves.

CHAIR HAMILTON: No.

MS. ELLIS-GREEN: That would probably require a variance request. We can work with the applicant to get this done as quickly as possible. I would recommend that we table at this point until February and if everything has been submitted probably, and I can't guarantee whether we're going to get a paving plan next week or in 45 days. But we do want to see the paving plans. We do want to see traffic control plan with that. If the water budget – if we need to amend the water budget related to the accessory dwelling then that needs to be taken care of. The easement width needs to be taken care and it may be appropriate for the applicant to talk to the neighbors to talk about maintenance.

But for us, it's really the paving, traffic control, water and easement. And we can work with the applicant to go through the process as quickly as possible. If we table it now for two months we will let you know if that does or doesn't work at that time. If it goes, we will keep it on the agenda as tabled so we keep their notice through January and through February and either we're ready to go in February or we would renote if we're still going through the process.

CHAIR HAMILTON: And I would respectfully suggest the second meeting in February.

COMMISSIONER HANSEN: Yes, the second meeting in February.

MR. HERDMAN: We support it.

COMMISSIONER HANSEN: So the second meeting in February is the last Tuesday of the month. I don't have a calendar.

CHAIR HAMILTON: I think that's specific enough.

COMMISSIONER HANSEN: Is that specific enough for you, Frank?
The last meeting in February, the last Tuesday of the month.

MR. HERDMAN: Yes.

COMMISSIONER HANSEN: Okay.

CHAIR HAMILTON: I do have a motion and a second. And I assume the second is okay with the comment as well.

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

CHAIR HAMILTON: Thank everybody for all their inputs and their

patience and this is tabled until the second, the last meeting in February.

That takes us – I would like to make sure that we can re-convene within five minutes.

12. B. **Case # 22-5170 Tierra Antigua Subdivision. Santa Fe West Investments, LLC/ Arete Cole Development, LLC, Applicant, JenkinsGavin, Agent, Request a Preliminary Subdivision Plat and Final Subdivision Plat to Create 23 Residential Lots Within a 44.51-Acre Tract. Table 5-1 Identifies this Type of Subdivision as a Type Three Major Subdivision. The Site is Zoned Residential Estate (RES-E). The Base Density for RES-E Zoning is 1 Dwelling per 2.5-Acres as per Table 8-10, Which Allows for 17 Dwelling Units on the 44.51-Acre Tract. The Applicant Proposes to Utilize the Density Bonus Illustrated in Table 8-44 Which Allows 23 Dwelling Units with 50% Open Space (17.8 Units x 1.33 = 23 Units (Density with Bonus = 1 du/1.875 Acres). The Applicant Also Proposes to Provide 8.0% Affordable Housing in Accordance with SLDC §13.2.1.1. Resulting in One Affordable Home (17 base units x 8.0% = 1.36 units). The Property is Accessed via Camino La Tierra Within Township 17 N, Range 9 E, Section 7 (Commission District 2) NMPM, Santa Fe County**
[Exhibit 6: Staff provided packet of resident comments regarding development]

KENNY QUINTANA (Case Manager): Santa Fe West Investments, LLC/ Arete Cole Development, LLC, Applicant, JenkinsGavin, Agent, requesting Preliminary Subdivision Plat and Final Subdivision Plat to create a 23-lot residential subdivision on a 44.5-acre tract.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: You need to speak a little louder and closer to the microphone.

MR. QUINTANA: Table 5-1 identifies this type of subdivision as a Type Three Major Subdivision. The site is zoned within the Residential Estate. The base density for Residential Estate Zoning is one dwelling per 2.5 acres as per Table 8-10, which allows for 17 dwelling units on the 44.51-acre tract.

The applicant proposes to utilize the density bonus illustrated in Table 8-44 which allows 23 dwelling units with 50 percent open space. The applicant also proposes to provide 8 percent affordable housing in accordance with SLDC Section 13.2.1.1. resulting in one affordable home. The property is accessed via Camino La Tierra. Commission District 2.

A summary of this application. The historic project is as follows: The history of the Project is as follows: On January 8, 1999 Las Campanas Santa Fe Division Plat approval included Tracts D and E which created two lots on 56.61 acres more or less. That is recorded in Plat Book 403, Pages 35-36. Recorded in the Santa Fe County Clerk's Office.

The applicant is requesting a Preliminary Subdivision Plat and Final Subdivision Plat to create 23 residential lots within a 44.5-acre tract. Table 5-1 identifies this type of subdivision as a Type Three Major Subdivision. The site is zoned Residential Estate. The base density for RES-E zoning is one dwelling per 2.5-acres as per Table 8-10, which allows for 17 dwelling units on the 44.51-acre tract.

The applicant proposes to utilize the density bonus illustrated in Table 8-44 which allows 23 dwelling units with 50 percent open space. The applicant also proposes to provide 8.0 percent affordable housing in accordance with SLDC Section 13.2.1.1. resulting in one affordable home for a total of 23 lots.

Sustainable Design Standards are as follows: The Application has been reviewed for compliance with the applicable standards as set forth in Chapter 7 of the Sustainable Land Development Code and Ordinance 2017-7, Road Design Standards, as follows: Access and roads, fire protection, Madam Chair and Commissioners, I would like to bring to your attention that that paragraph three has been entered in error and should be removed. Landscape and buffering, lighting, signs, parking and loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste and affordable housing

Staff's recommendation: Staff has determined that this Application for Preliminary and Final Plat to allow a 23-lot residential subdivision know as Tierra Antigua to be developed in a single phase is in compliance with the subdivision and design standards as set forth in the SLDC and therefore recommends approval of the Applicant's request for preliminary and final plat approval, subject to the following conditions. And Madam Chair, may I enter those conditions into the record?

CHAIR HAMILTON: Yes, thank you.

The conditions are as follows:

1. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) and fencing or construction barriers to be approved by Staff prior to any grading or clearing and before starting construction in accordance with submitted engineered Grading & Drainage Plan.
2. Applicant must provide an approved Storm Water Pollution Prevention Plan (SWPPP) with the permit application for infrastructure construction.
3. Mass grading of the site will be prohibited and noted as "Special Building Condition" on recorded Final Plat and transferred to any other plats associated with Tierra Antigua.
4. Limits of grading shall be shown on Final Grading & Drainage Plan.
5. All residences built on Lots 5, 6, 7, 8, 14, 15, 16, 19 and 20 shall be served by grinder pumps and low pressure sewer service connections.
6. Applicant must comply with all Review Agency's Comments and Approval Conditions.
7. Applicant must build all roads within Tierra Antigua to a SDA-2 "Cul-de-sac" standard.
8. Final Plat shall be recorded within twenty-four (24) months after its approval or conditional approval or the Plat shall expire. Prior to the expiration of the Final

- Plat, the subdivider may request, from the Board. An extension of the Final Plat for a period of time not exceeding thirty-six (36) months.
9. Applicant must submit a cost estimate to be approved by staff and a Financial Guarantee prior to Final Plat recordation.
 10. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat. Water restrictions and conservation covenants shall be filed in the County Clerk's office and referenced on the plat.
 11. Accessory dwelling units are prohibited within this subdivision. This shall be noted on the Final Plat and in the disclosure statement.
 12. All staff redlines and comments shall be addressed prior to plat recordation.
 13. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
 14. If the impervious area on any lot exceeds 10,000 square feet, then on lot ponding for the excess will be required
 15. Affordable housing requirements shall be in accordance with the Affordable Housing Agreement.
 16. All dwellings shall conform to the energy efficiency standards of the SLDC, including all affordable homes.
 17. Applicant shall treat the archaeological site to the standards specified in the plan provided and approved by SHPO.
 18. The applicant shall provide adequate shielding for the NM Gas Company above ground gas regulator station from vehicular impact.
 19. Concrete slope blankets and safety grates shall be provided at the inlet/outlet of the drainage structure at the intersection of Camino La Tierra, if within the roadway clear zone.
 20. The applicant shall ensure that upstream median runoff is managed with the inclusion of a westbound turn lane.

MR. QUINTANA: Madam Chair, Commissioners, staff would also like to bring to your attention that there was a staff oversight on the noticing as we did not specify the Affordable Housing Agreement is needing BCC approval. It is included in your packet. It is signed by legal and the affordable housing administrator is in agreement. It is ready to be approved but as it is not noticed on today's agenda, it will need to come back to the BCC for approval.

CHAIR HAMILTON: So to be clear, we can do all of the rest of the application except for the affordable housing piece.

MR. QUINTANA: Madam Chair, Commissioner Hamilton, that is correct for preliminary and final.

CHAIR HAMILTON: Okay.

MR. QUINTANA: Therefore, staff would recommend an additional comment to read as condition number 21: The Affordable Housing Agreement shall be approved by the BCC within 90 days of preliminary and final plat approval and prior to plat recordation.

Madam Chair, I stand for any comments or questions.

CHAIR HAMILTON: Okay, I think this is the appropriate time to have the applicant's presentation. Jennifer.

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Madam Chair and Commissioners. I'm Jennifer Jenkins with JenkinsGavin. My address is 130 Grant Avenue, Suite 101, in Santa Fe. I am here this evening on behalf of Rob Gibbs, who is sitting right back there talking to Oralynn with Arete Home Development and request for final subdivision plat for the Tierra Antigua Subdivision. I'm going to be as brief as I can. I'm going to share a presentation.

A few quick introductions. As I mentioned, I am here this evening on behalf of Rob Gibbs, a long-time Santa Fe home building here in our community. We are the planning consultants also joined this evening by Oralynn Guerrerortiz with Design Ingenuity providing civil engineering services and our traffic engineering consultant, Carl Vermillion with Bohannon and Huston is also here and our archaeologist with EcoSphere Environmental Service should you have any questions.

The 44.5-acre subject parcel is located directly off of Camino la Tierra. It is just west of the County fire station at the corner of Camino la Tierra and Arroyo Calabasas. And it is across the street from the commercial development where the Arroyo Vino Restaurant and Las Campanas real estate offices are located. This project is not part of the Las Campanas master plan. It is directly adjacent to that but it is not part of technically part of Las Campanas. This is a map of Las Campanas and you can see the subject property on the right just above the legend. So you can see how this 44-acre tract relates to the overall Las Campanas area.

We are in SDA2, Sustainable Development Area 2, as established by the SLDC and SDA2, as I believe you know, is considered a secondary growth area in Santa Fe County, where development is likely to occur.

The property is zones and you can see it right there in the middle of the residential estate of one dwelling per 2.5 acres. The property directly to the east is zoned commercial neighborhood and that parcel is undeveloped by does have an approved development plan for commercial development and then you can see the red commercial neighborhood goes across the street across Camino la Tierra to the commercial project I mentioned. And what you see there in the blue is institutional zoning for the County fire station and then everything in kind of the pink color is the planned development district of the Las Campanas master plan.

Zooming in the on the property, as I mentioned it is 44.5 acres and you can see Camino la Tierra along the north boundary. You can also see the FEMA Floodplain that is the Arroyo Calabasas. And then kind of what looks like a dirt road kind of – running across, kind of parallel to Camino la Tierra there, that is a utility easement and so it does have utility infrastructure there and is accessed for maintenance purposes and that is what that is representing there. But the rest of the property has very gentle terrain and is quite developable. There is a small tributary drainage that you can see kind of simmered in the property that does flow to the Arroyo Calabasas.

This is our proposed site plan and we are proposing a 23-lot subdivision on 44.5 acres. We have one access point going directly off of Camino la Tierra. Everything you

see in green is 22.5 acres of open space. The SLDC incentivizes the preservation of open space and the Sustainable Growth Management Plan speaks to the importance of moving away from that traditional large-lot County development and moving toward more clustered-type development so we can preserve open space. One of the ways the SLDC incentivizes that is through a modest density bonus. So that is how the base density at one dwelling per 2.5 acres is 17 lots but with the preservation of 50 percent open space that is where we achieved the 23-lot count.

There are some existing footpaths on the property that are utilized quite a lot by the neighboring residents and you can see them outlined. They are shown in the dash lines. So the area along that floodplain is actually kind of a beautiful meadow-like area. It is not a deep arroyo and so it is quite usable and traversable. And so there is one segment of trail kind along the southeast portion of the property that will be relocated, but it is our intent to preserve the existing footpaths and dedicate them in public trail easements so they will continue to be accessible to the neighboring residents.

And as you can, coming off Camino la Tierra and then the road bisects into two cul-de-sac roads. The property will be served by Santa Fe County Water Utility and we are within the Las Campanas service area for wastewater, for sewer service. So we have executed sewer service agreement with Las Campanas Co-op and also earlier today you approved our Utility Line Extension Agreement for water service. And we are also providing one affordable home in accordance with the County's affordable housing requirements.

CHAIR HAMILTON: Madam Chair, where is the affordable home?

MS. JENKINS: The affordable home is as you drive in it is lot #23, so as you drive in and turn right it will be your first home on your right.

CHAIR HAMILTON: Thank you.

MS. JENKINS: This outlines the program as I has just described. Again, we have just a little over 50 percent of protected open space. And this is the code section that speaks to that density bonus provision and how we arrive at the 23 lots that are permitted and that we are proposing. The affordable housing calculation is at the bottom. So 8 percent of 23 lots would be 1.84 so you would round that up to provide two lots. The code incentivizes so typically if we were to do two lots, we would be looking at homes in an income range 2 and income range 3. There are four income ranges that the code contemplates. Income range 1 which is 50 percent of the area median income all the way through income range 4 which is 120 percent of area median income. So homes in income range 1 are not automatically required. But if you do provide a home in income range 1, you get credit for two because they really want to incentivize that deeper level of affordability. So we are providing, we elected to provide one home in that income range 1 which will be affordable to a family earning only 50 percent of the area median income or \$2,688 a month. And that is a three bedroom, two bath home for \$185,000. This is an extremely affordable residence for one of Santa Fe families.

Open space, the code is very, very clear in what is allowable open space. It's very explicit. It may include land that is unsuitable for development, offers natural resource benefits, such as steep slopes, conservation areas, natural vegetation, drainage ways, surface water management areas, wildlife habitat, geologic features – all kinds of things count and are permissible as dedicated open space. So the open space that we are

proposing, what is it compromised of: it is comprised of over 13 acres of prime developable real estate. It is compromised of 6.5 acres of FEMA floodplain that also includes trail corridors. It includes 2.2 acre of trail and utility corridors. Where we have utility easements, we are putting trails on top of them. Where we have that existing utility scar that runs across the north, we're developing that with a trail. We will vegetate it as well in order to reclaim some of that area because it is a scar and so we are going to be doing some revegetation there while still assuring that it needs to be accessible for utility maintenance but it also needs to be reclaimed and we will improving that with a formal footpath as well. And then we have about 3/4 of an acre of arroyos that are not developable. So that is how we arrived at the 22.5 acres of open space.

It's very important to point out here that if we wanted to do 17 2.5-acre lots, all of these areas could absolutely legally be incorporated into each lot. There are lots all of town that have floodplains in the backyard. Doesn't mean you can put your house on it but it can be part of your private property. There are people with arroyos crossing their private property all the time. All of this area could absolutely be encompassed within private property with no public access, none. There is no open space requirement for a 23-lot subdivision. Zero. Open space requirements don't kick in till you do a 24-lot subdivision. For a community that is required to do zero instead we are protecting half of the property and creating public access to an existing network of neighborhood footpaths.

So these are just some of the generally environmental protection measures that we are employing in addition to the open space and the public trail easements. This is a terrain based model of development. There will be absolutely no mass grading. When the infrastructure is built here that's the only thing that you're going to see is the roads. Nothing else will be touched until it is time to build each individual home. Revegetating existing disturbed areas that need to be reclaimed. We have agreed to all homes will be limited to a single story.

The archaeological site, as you might have noticed in your staff report, there is a previously identified archaeological site that our archaeological consultant recommended be placed in a non-disturbance easement. The State Historic Preservation Office said they were concerned because of the proximity of the road and housing to the archaeological site so they said, we don't want an easement. We want you to actually test the site, mitigate whatever artifacts may be there. So we can document those materials and move on without the need for creating an easement. So we have submitted a testing plan and that was approved by the State Historic Preservation Office so following the approval of the project then we will mobilize, we already have a permit, to go out and do that requisite testing of the archaeological site. So there will be no chance of any potential damage or anything to that area because we are going to document all the materials.

And there is some – on the arroyo that is on site, there is a little bit of erosion and headcutting that is happening so we have some engineered solutions that are going to be installed as well as part of the development.

The Sustainable Growth Management Plan, as I know you're aware, was adopted prior to adopting the SLDC and it was the planning document that then became codified in the SLDC. And there are some really key policies and guidelines in the SGMP that I think are really important to point out here. The SGMP talked about minimizing unsustainable residential development patterns which are defined as large lot, low density

residential development, protect archaeological sites, which we are doing by testing and mitigating that site. And we are connecting to the County water system, obviously, so we are not doing any groundwater pumping. Diversity of housing options: not just one type of house, not just one size of lot. Diversity of housing options throughout the county: it says, While rural large lot development was a popular lifestyle option, the private and public cost of such development can be excessive. And we want to position the County and its residents to attain sustainability. Number 5, conserving environmental assets using standards to preserve open space. And number 6, support clustering provisions for development and conservation subdivisions. Encourage alternative compact development patterns such as cluster development and density bonus provisions. So the SGMP set the stage for this and created the incentives in the SLDC in order to implement these policies that this body adopted and this body agreed were important and were there the right direction for Santa Fe County.

So we obviously, conducted a traffic study and we studied the intersection of Camino la Tierra and Wildflower Drive which is the four-way stop that I am sure everybody is familiar with. And then of course, we studied our proposed access point to Camino la Tierra. Traffic studies are based upon how intersections function. And it's kind of a grading system; it's called a level of service, which I think you are all familiar with. And so we're dealing with un-signalized intersection so it's basically the column to the right. And the level of service is based upon how much delay is there for vehicles in moving through a particular intersection. The less the delay, the higher the grade; right? So the top chart is the existing conditions. These are the levels of service based upon traffic counts that were conducted today. And if you look, if you see the LOS under the a.m. peak hour/ the morning rush hour and then on the far right you see what's happening in the afternoon or early evening rush hour. We have fantastic levels of service, if I do venture, of A and B, which means really minor delays. So now we go into the next table and take the proposed traffic generation from this community and we add it on top of the existing traffic and we have the exact same levels of service. It didn't even move the needle. What this demonstrates is that there is not a traffic problem that is being created by this project. This is probably one of the best traffic studies I've ever seen to be perfectly honest. So we worked really closely with Transportation Planning as well as Public Works with respect to our access point and we were asked to – since whenever you're creating a new intersection people aren't accustomed that there is an intersection right there. So we're going to do some additional safety measures. We're going to add, you know, you see the signal there basically as you approach the intersection – the new access point from east and west there will be a sign so that people know they're approaching an intersection. We are building a dedicated left-hand turn lane in Camino la Tierra so there will be no cars stopping in the through lane in order to turn left into the neighborhood. And then as people are exiting the project there's going to be a sign posted on the stop sign that will just notify people that the people on La Tierra are not stopping. And there was also identified a little bit of vegetation in the median on Camino la Tierra that we need to trim just to make sure we don't have any visibility challenges. So we worked really closely and devised these additional measures that we're happy to implement.

And one item I did want to bring up. There's a comment in the staff report that

we are not proposing any street lighting, which is correct. We are very focused on preserving night skies in this community. And the Transportation Planning Model does ask for a street light at our access point with Camino la Tierra. That is very inconsistent with the development pattern in the La Tierra and Las Campanas area and the night skies are incredibly beautiful and important to preserve in this area so we would prefer not to install a street light at our access point on Camino la Tierra so we would respectfully request that that requirement be removed. I wanted to bring that to your attention.

We are in agreement with all other staff recommendations/conditions of approval. And that concludes my presentation. I really appreciate your time and attention, thank you.

CHAIR HAMILTON: Thanks so much, Jennifer. Unless there are some clarification questions, I am going to go ahead and open the public comment and then we can get around to questions. So I am opening the public comment. Is there anybody here in the chambers that wishes to speak to this matter? Come up one at a time to get sworn in. And, Daniel, can you tell me how many people are online who want to make public comment?

MR. FRESQUEZ: Madam Chair, currently there are four hands raised.

CHAIR HAMILTON: Okay, could you set up a three-minute timer for me, please.

MR. FRESQUEZ: Absolutely.

[Duly sworn, Willis Lee, testified as follows:]

WILLIS LEE: My name is Willis Lee. I live at 20 Arroyo Calabasas. Okay, we've been through this before two years ago and here we are again. I've waited six hours to ask this one question: Why? Why do you have to pillage our neighborhood? The entire neighborhood is made up of 2.5-acre lots – we went through this two years ago. We won. Why are we having to do this again? Every two to three years they come up with a new plan. They narrow it down hoping to get this passed quickly and easily. Our neighborhood does not want this. The adjoining neighborhoods do not. We have had a hard time – we weren't even notified, several on our road. There are a few people that adjoin the proposed property development were only notified. Their signs were misplaced. I had to go down and photograph the County signs and print my own signs to alert our neighborhood.

We've been fighting this off and on for 20 years. We are the ones that take care of the trail. Keep it clean. Put the signs up for pet waste. We are a close knit neighborhood to drop a mini-village in the middle of our neighborhood it's not going to benefit anybody but this out of state developer. Second time in two years they have tried this and now we're supposed to have sympathy for a local developer. What about the neighbors? What about the 40 some odd people on Arroyo Calabasas? This is totally unfair. Why does it have to be this way? Is this the new spirit of Santa Fe? It's happening all over town.

I waited six hours for this. You're going to hear a lot of technical advice from people that know this case well. I just wanted to mention that the people are the important thing here and not the out-of-state developer. We know what he paid for it. We know the profits that are involved. There are 2.5 –

CHAIR HAMILTON: Thank you, sir.

MR. LEE: Yeah, I'm out of time. There's 2.5 acres and there's plenty of money to be made. The rest is strictly greed. I've made my point. Listen to the people on the Webex if they're still maybe awake.

CHAIR HAMILTON: Thank you, sir.

MR. LEE: Thank you for your attention.

CHAIR HAMILTON: Could the next person that would like to speak please –

[Duly sworn, Nancy Hammack, testified as follows:]

NANCY HAMMACK: My name is Nancy Hammack. I live at 40 Arroyo Calabasas and I am under oath.

We own the most land, 7.5 acres adjoining the south border of this property. We live on 5 acres. We bought 2.5 acres in order to preserve it from development. All I want to remind the committee, you people, is that you put a very nice article in the paper a little while ago about how you were going to preserve the local ambience and the way of life of places like Tesuque. Why are we not as important? To put a housing development and that's what it is, I'm sorry, you look at that plat and it looks like something from the '50s, although, you know, you call this open space, which all of which is not usable anyway. It's very nice but not usable. And nothing around it. Everybody is on 2.5 or 5 acres all around it and then you have this concentration which is totally against everything that is around it. That 80 acres next door that she's always touted as, you know, well, it's zoned one house per acre, well it can't be more than 16 houses on it because it has a – what do you call it, that thing where you can't build more than 16 houses on 80 acres. So that's one house per 5 acres.

Nothing is as concentrated as that in this whole area and it will change our whole tenor of the neighborhood. It will not be the same. So thank you although I guess you're probably –

CHAIR HAMILTON: Thank you. The next person please; is there anybody else in the chambers who wants to speak to this matter? Yes, please come up and get sworn in.

[Previously sworn, Ray Willison, testified as follows:]

RAY WILLISON: My name is Ray Willison. I live at 4 Terary Court, Santa Fe and I was sworn in earlier. There's – when I look at this – I used to live in Arroyo Calabasas before I moved over onto Los Sueños Trail so I know the neighborhood. The one thing when I looked at this plan and maybe somebody could explain it is that they request a density bonus. Now, I'm not a developer or anything. I'm not an expert in development codes, but I looked at this one and it said, Section 8.12.1 purpose of the density bonus is for continued farming and ranching activities, conserve open space, protect scenic features, environmentally sensitive areas that are not already protected. Well, I don't see how applying this density bonus applies to that development, you know. And I wish somebody could tell me what the benefit is because other than more houses on the site which the developer would want, what is the benefit to the neighborhood and the community and how does it satisfy the conditions of the density bonus? I'd appreciate that answer and thank you for your time.

CHAIR HAMILTON: Vicki, do you want to actually give that response. Okay, we'll get to that answer after the public hearing. Is there anybody else here in the

chambers who is speaking to this? Daniel, can you please help navigate through the people on Webex who would like to speak to this matter.

MR. FRESQUEZ: Madam Chair, our first speak is Cathy Thomas.

[Duly sworn, Cathy Thomas, testified as follows:]

CATHY THOMAS: My name is Cathy Thomas. I live at 109 Thunder Cloud in Las Campanas and I understand that I am under oath.

My issue is with the traffic study as we've read it in the neighborhood and that is that the County staff is asking for a roundabout with lighting at the entrance instead of the left-turn lane. As the developer has pointed out, it is a neighborhood that respects night sky. In Las Campanas we have very strict night sky regulations. The lights have to be out by a certain hour. We do not have street lights. The whole reason for moving out there is to see the night sky and to preserve that. I would be opposed to anything that would include lighting.

The second issue is the maintenance. As you probably know, I know some of the Commissioners know this, that section of Camino la Tierra is maintained by Las Campanas as is all of Las Campanas Drive. In other words, the residents of Las Campanas pay for maintenance for all of these communities that drive along Las Campanas and we will have to maintain and probably repair roads that we just fixed and maintained after these new developments are built. Nobody – the developer is not offering us any money. It would be nice if they would talk to us about it and help out. We would love to hear from them.

So my issue is two things: we would appreciate it if somebody from the County would please call Las Campanas and talk about what is going to be done about maintenance and if there's a roundabout and we hoped that's not approved and we hope there's no lighting, if it is approved by the County Commissioners, we would hope that that would work with Las Campanas because we're the ones that are going to have to maintain it. And on the lighting issue, surely there can be something worked out where we do not have regular street lighting. Again, it's a very important concern to the neighborhood.

So I am hoping that the County can work with us on this and, again, I personally am opposed to the roundabout and light. And I appreciate your time.

CHAIR HAMILTON: Excellent. Daniel, the next speaker.

[Duly sworn, Roberta Lee, testified as follow:]

ROBERTA LEE: My name is Roberta Lee. I live at 20 Arroyo Calabasas and I understand that I am under oath. Thank you, Commissioners, I appreciate the time to speak tonight.

My husband and I purchased our property in 1998. We've been residents of Santa Fe since 1988. Our house was a 12-stall horse barn on 2.5 acres. The rural feel, the wide-open spaces and the night skies really appeal to us. In 2015, our son purchased 2.5 acres next door that had been a riding arena and built his home and he and his family still live there. The 44 acres was acquired in 2018 by the applicant at a cost of about \$900,000 we think. The applicant was aware of the property's RES-E zoning at the time it acquired the property. We knew that there might be houses across the street from us at some point in time. But since it was zoned RES-E we weren't really concerned this cluster type development. A large number of houses is now being proposed with lot sizes

that range from .48 acres to 1.35 acres, totally inconsistent and out of character with the surrounding area.

The purported open space doesn't really represent a decision to conserve otherwise developable land, in my opinion, in as much as it is a recognition that parts of the development are not capable of development. This merely represents an attempt to substantially increase the density and get more value from the property.

The southern border as previously stated are lots of 2.5 to 7.5 acres. And also as previously mentioned, the land to the west is really only going to be 16 lots on 80 acres. The subject property is in SDA2 which is, in my understanding, a secondary growth area rather than primary growth area. The roadways weren't developed with this in mind. And I hope you've read the County transportation report that instead of just measuring the wait times at the four-way stop, they really take safety into consideration.

If the County is really interested in preserving open space and safety, it will deny this subdivision or ask for it to be a subdivision of 2.5-acre lots and implement the traffic recommendations. The developers still make a generous profit while preserving the character of our area. Thank you very much.

CHAIR HAMILTON: Thank you. Daniel, can we have our next speaker.

[Duly sworn, Dan Kaufman, testified as follows:]

DAN KAUFMAN: My name is Dan Kaufman. I live at 8 Columbine Lane. And I am under oath. I live in Salva Tierra which is about a quarter of a mile away from the proposed project. I can see it from my windows. I have opposed the previous proposed developments and I support this one. I think it's fantastic because there is a need for it. First off, there are other developments in Las Campanas of similar density. And the reason I support it is because we need more houses out here. This development isn't commercial. It isn't industrial. The impact will be minimal, it's 23 houses.

The reason I support it is because there are residents who want to stay in the area after their spouses pass away but they need to downsize to more manageable single-level homes. I see it all the time. Presently, there are very few properties available that are suitable. This project would allow them to stay in the area. Stay with their doctors and their friends and not have to manage large properties. That would also free up their large homes for young families. So there is a need for something like this for those who don't want to be in senior living. Don't want to move away to be with their kids and want to stay close by.

I don't believe the impact will be very big and I support it entirely. I think it is a fantastic idea.

CHAIR HAMILTON: Thank you very much, Dan.

[Duly sworn, Alan Rogers, testified as follows:]

ALAN ROGERS: My name Alan Rogers. I live at 22 Vista Calabasas and I'm under oath. My property is the west or just southwest of this development, just across that arroyo. I don't think I actually abut it but there may be a small strip of land between me. But I certainly can see it. And I'm not opposed to the development of the land but I am opposed to this development of the land. I've lived in Santa Fe for 35 years. I'm a fulltime resident, recently retired and I've lived in this particular area for about six years. I moved out here because of the night skies and I'm very concerned

about losing the character of the area.

I just want to second and not repeat what Mr. Lee, Ms. Lee and Mr. Hammack and Ms. Thomas said about the changes to the neighborhood that would result if this development was allowed to proceed, particularly as far as lighting and other concerns. You know, when I look out at night towards the mountains which is the view that I have across from where this development is I see houses here and there but I don't see a cluster of 23 houses. And again I'm not opposed to them having the 17 houses, I knew it was going to be developed at some point.

I am concerned about house lighting and that hasn't discussed and the street light which I also oppose in the roundabout which I don't think there is any need for.

I didn't hear anything about guest houses and I'm a bit concerned as to whether or not the density truly will be either 17 or 23 houses or is it going to be one house and one guest house for each of those particular properties. And I think that is everything that I have to say. I just want to go on record as saying I oppose the development as it is currently being proposed. Thank you very much.

CHAIR HAMILTON: Thank you very much. Daniel, are there further speakers?

MR. FRESQUEZ: Madam Chair, we have one more speaker, Kristina Nethaway.

[Duly sworn, Kristina Nethaway, testified as follows:]

KRISTINA NETHAWAY: My name is Kristina Nethaway. I live at 49 Arroyo Calabasas. And, yes, I am under oath.

First of all, I would like to state that I am so impressed with my County Commissioners and staff for your stamina.

I am opposed to this development but I can't find any way in which it violates the codes. So I think it's going to happen. I do like the idea of clustering the homes and buildings and having open space. I wish the density weren't so big but it is what it is.

But I do have another concern. Arroyo Calabasas Road will be a shortcut for the construction workers. [connectivity issues] We would have to live with that dust, noise and road damage. There is also a service road on the south side of the property which could be accessed from Arroyo Calabasas. Arroyo Calabasas is a private road and we want to know how they can guarantee that their workers will not use our road or the service road [inaudible] -- our road is fragile and we pay for it and we really don't want construction trucks and the noise and dust and traffic. Thanks, that's all.

CHAIR HAMILTON: Thank you very much, Kristina. So, Daniel, just double-checking, is there anybody else on line that wants to speak?

MR. FRESQUEZ: Madam Chair, we do have one more speaker, Suzy Eskridge.

[Duly sworn, Suzy Eskridge, testified as follows:]

SUZY ESKRIDGE: My name is Suzy Eskridge. I live at 95 Estates Drive and I am under oath.

All right. Thank you for letting me in at the last minute. I hadn't fully prepared any comments but basically I am opposed to this development as it is applied for. The SLDC years ago had studied the whole area and determined that this particular lot and the ones around it will be concerned as residential E which is 2.5 acres per residence/per unit.

So also the developable area should not include anything that is not developable. Therefore, the density bonus calculations that the applicant has submitted are not really as they should be. According to calculations, other than theirs, if you subtract the archaeological area, the arroyos, the easements and all the other stuff and then you divide that by 2.5 acres you get approximately eight lots. So that's what the development should be: eight lots because the rest of it is not developable. And it's wonderful that it's going to be open space but that's the way it is.

So I would submit that this density bonus calculation be revised. The other thing that is very important is the traffic. The traffic study that the applicant has submitted was done from stats and computers and things like that. We did not see anybody on the roads really looking at what's going on. So that's – and the road is very, very dangerous. It's very narrow. We cannot afford another 230 trips a day and the 230 trips a day comes from the staff saying in the previous comments that you consider 10 trips per day per lot. So if they want 23 lots that's 23 additional trips and that's too much traffic for the area. Thank you for your consideration and I hope the applicant can come back with a different proposal.

CHAIR HAMILTON: Thank you. Is there anybody else that wants to speak to this matter?

MR. FRESQUEZ: Madam Chair, we do have one person raising their hand; however, they have already spoke.

CHAIR HAMILTON: No, I'm not going to have repeat speakers. Thank you very much. I am going to go ahead and close public comment. I really appreciate everybody's input. I'll go to Commissioner Hansen first because this is her district.

COMMISSIONER HANSEN: Thank you. There were a couple of things that were brought up during the public comment. How are you going to ensure the night skies? That to me is I know an incredibly important issue in the La Tierra/Las Campanas neighborhood. So, you know, it's one thing to have a traffic light down facing if that's necessary but then there are the people's homes.

MS. JENKINS: Madam Chair, Commissioner Hansen, Commissioners. So Santa Fe County SLDC has very strict lighting regulations with respect to any lighting that would be mounted on the exterior of the home. Everything has to be full-cutoff which means a bulb cannot extend below the plane of the actual fixture. So it has to be completely contained within the fixture because it has to be fully shielded. And so just compliance with the County Code really gets you there because the code has addressed this very, very thoroughly.

It is very common within restrictive covenants for the homeowners association for this little neighborhood, no motion detector lights, you can't have one of those spotlights mounted on your garage door so every time a cat goes by, you know, all of a sudden the place is lit up like a Christmas tree. So those are very common restrictions that are often included in those restrictive covenants in order to protect the night skies for that neighborhood and for the neighboring residents.

COMMISSIONER HANSEN: So, there would be no street lights?

MS. JENKINS: We do not want to build a street light but that is going to be up to this body to determine if that's necessary. There was a request from Transportation Planner that we construct a street light at our entrance.

CHAIR HAMILTON: Street light?

MS. JENKINS: Street light, not a signal.

COMMISSIONER HANSEN: One street light –

MS. JENKINS: On Camino la Tierra at our access.

CHAIR HAMILTON: There was a turning request.

COMMISSIONER HANSEN: Yeah, I'm asking also inside the development.

MS. JENKINS: Yes, no street lights internal to the development; correct.

COMMISSIONER HANSEN: Okay. Then somebody mentioned a roundabout; I didn't see you mention that.

MS. JENKINS: There were earlier discussions about that possibility but we worked closely with Public Works and with Transportation Planning and with some additional analysis from our traffic engineer and they determined that that was not warranted. So there were earlier discussions about that but that is not the current recommendation from staff.

COMMISSIONER HANSEN: What I saw from your plans is that there is one way in and one way out. So there are not going to be any traffic on anybody else's street?

MS. JENKINS: That is correct.

COMMISSIONER HANSEN: That seemed to be a concern. If we do have this one street light where will it be?

MS. JENKINS: We haven't identified a location but it would be where our access road connects with Camino la Tierra.

COMMISSIONER HANSEN: On Camino la Tierra it's just going to be kind of like a driveway, I mean a road. It's not going to have turn lanes or –

MS. JENKINS: We are constructing a left turn lane for westbound traffic in Camino la Tierra where there's that existing median – Camino la Tierra is a split road so we're going to be constructing within that existing median for cars to turn left into the project but that is it. It's a pretty simple connection to the left.

COMMISSIONER HANSEN: Okay, so it's straight across no –

MS. JENKINS: Yes.

COMMISSIONER HANSEN: Oh, what about guesthouses?

MS. JENKINS: We are not proposing any guesthouses and there is a condition of approval that they would be prohibited.

COMMISSIONER HANSEN: And you have access to a sewer plant?

MS. JENKINS: Yes, we already have an executed service agreement with the Las Campanas Co-op.

COMMISSIONER HANSEN: And then you're getting water from us.

MS. JENKINS: Yes, we're getting water from the County.

COMMISSIONER HANSEN: Okay. That's it for right now.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. This is just interesting to me as into that this is a 23- lot subdivision and the traffic study rating was an A and B. The previous subdivision was a 12-lot subdivision and that took it over the 401 traffic count – just interesting to me how that works out.

In regards to this development, this is a well thought out plan. Somebody and really thought out this – this is a great development. This is a good example of infill. There's a lot of stuff that is happening on the south side. If you can fill in that part of the County it's great, it's needed out there.

Just some comments as into what two individuals said, Las Campanas is paying for la Tierra and Las Campanas Drive – Santa Fe County maintains that road or those roads; correct?

MS. JENKINS: Yes.

COMMISSIONER GARCIA: Thank you. To the out-of-state developers, out-of-state developers created that entire area out there. When I first started working here there was nothing out there. So developers, developments may be coming to this community – is coming to this community. In regards to construction traffic. I understand the concern to construction traffic. Somebody builds their house and there is traffic up and down the road; that's okay. But whenever there is new development comes into town we have to live with construction traffic. Trucks, some buildings come on a truck, but nevertheless it's just a temporary build – it's not permanent that trucks will go up and down those roads.

But once again, this is a very well thought out plan, Ms. Jenkins. Very good.

And one last think I have for staff. Were the entire neighbors notified in accordance with the code?

CHAIR HAMILTON: We what?

COMMISSIONER GARCIA: Were the entire neighborhood neighbors notified?

MR. QUINTANA: Madam Chair, Commissioner Garcia, the SLDC requires that neighbors within 500 feet be notified, excluding right-of-ways, and those neighbors were notified. I'd also like to add that staff provided a secondary public notice board to be posted near Arroyo Calabasas for the benefit of the constituents in that area.

COMMISSIONER GARCIA: Tell me again.

MR. QUINTANA: Santa Fe County staff provided a secondary public notice board to be posted near Arroyo Calabasas for the benefit of the constituents in that area.

COMMISSIONER GARCIA: Thank you. And one last thing, thank you for staying up with us. I really appreciate that. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just have two comments. One of the public commenters noted that the developer very cleverly followed all the rules and that doesn't give us any reason to deny it. I don't have an opinion, personally, one way or the other about this but when you do follow the rules, generally, we approve the development. My only suggestion would be that it sounds like nobody really wants that street light so maybe we take away that requirement for the street light.

CHAIR HAMILTON: It's not a variance so Vicki, do you have a comment on that because that's my question?

MS. LUCERO: Madam Chair, the SLDC actually does request street lights at intersection with arterial roads. So a light will be required there but we could

work with as far as the lighting level and maybe do some kind of a lower level light that is not quite as bright.

CHAIR HAMILTON: Is it possible to shield it?

MS. LUCERO: Yes, absolutely we can require that the light be shielded.

CHAIR HAMILTON: Is that all you had?

COMMISSIONER HUGHES: Yes, that's all I had and I will defer to Commissioner Hansen on the lighting.

CHAIR HAMILTON: Hang on, but I just wanted to express the opinion and was going to ask if there – that just seems to be something that nobody really wants and to the extent that it's a safety issue in the code, I guess we have to address it but it seems that we could do an accommodation.

COMMISSIONER HANSEN: That road is really dark.

CHAIR HAMILTON: Yeah.

COMMISSIONER HANSEN: And, you know, I think that Brett as the traffic engineer, do you want to come up and address this? I know that road. I know how dark it can be which is great but at the same time for somebody coming home late at night, like us soon -- I think we can shield it adequately to make it comply with the night sky.

MR. CLAVIO: Yes, Madam Chair, Commissioner Hansen, I didn't come up with this rule. This rule is in the Sustainable Land Development Code so it's already a rule. Coincidentally, the gentleman who came up with that rule for New Mexico happens to sit on the Transportation Advisory Committee and he's talked about the New Mexico Night Sky Ordinance. Having safety improvements does not necessarily negate the night sky ordinance. We can definitely shield that lamp to make it less intrusive into the neighborhood. Considering all of the public feedback that I received about this project, safety was the number one concern. I street light is required by the code so if they want to not have one, I would recommend a variance. Thank you.

CHAIR HAMILTON: I think it's in complete compliance and does the 50 percent open space and just is consistent and a good design.

COMMISSIONER HANSEN: Madam Chair, I want to move to approve Tierra Antigua Subdivision and with all of staff conditions. And is there anything else that anybody needs?

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Thank you. So I have a motion and a second.

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

CONCLUDING BUSINESS

A. Announcements

CHAIR HAMILTON: Vicki, we understand that this is your last BCC meeting. OMG, OMG, OMG but congratulations. Who gave you the right to retire? Come on you didn't ask us. [laughter] Congratulations, Vicki. Thank you for all of your service here. Do you want to come up and say something to us --

MS. LUCERO: Absolutely. Thank you, Madam Chair and

Commissioners. It's really been an honor to work for Santa Fe County. We have a really great team here and we work so well together. I'm really going to miss the people and I just appreciate all of the support that Santa Fe County gives to one another.

COMMISSIONER HANSEN: I'm hoping that, Madam Chair, I'm hoping that you'll start coming to our Agua Fria Village meetings now.

CHAIR HAMILTON: We really appreciate the incredible work you've done.

MS. LUCERO: Thank you so much.

[Ms. Lucero received a round of applause.]

B. Adjournment

Having completed the agenda and with no further business to come before this body, Commissioner Hansen moved to adjourn, Commissioner Roybal seconded and Chair Hamilton declared this meeting adjourned at 11:55 p.m.



Approved by:

Anna Hansen

Anna Hamilton
Anna Hamilton, Chair

Board of County Commissioners

ATTEST TO:

Katharine E. Clark

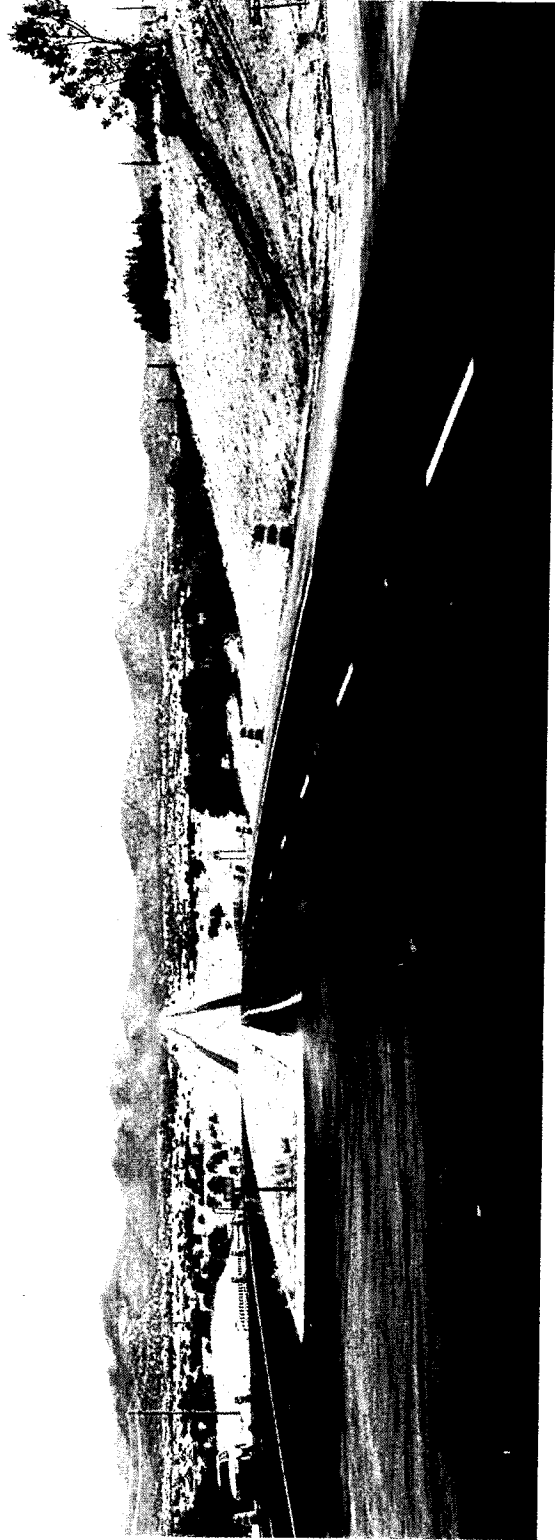
KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:

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

SFC CLERK RECORDED 02/09/2023

US 285 SOUTH HIGHWAY CORRIDOR PLAN



Handwritten signature or initials



JULY 2004

SANTA FE COUNTY, NEW MEXICO

SFC CLERK RECORDED 02/09/2023

Use - Existing Commercial Non-Residential Land Use & Zoning

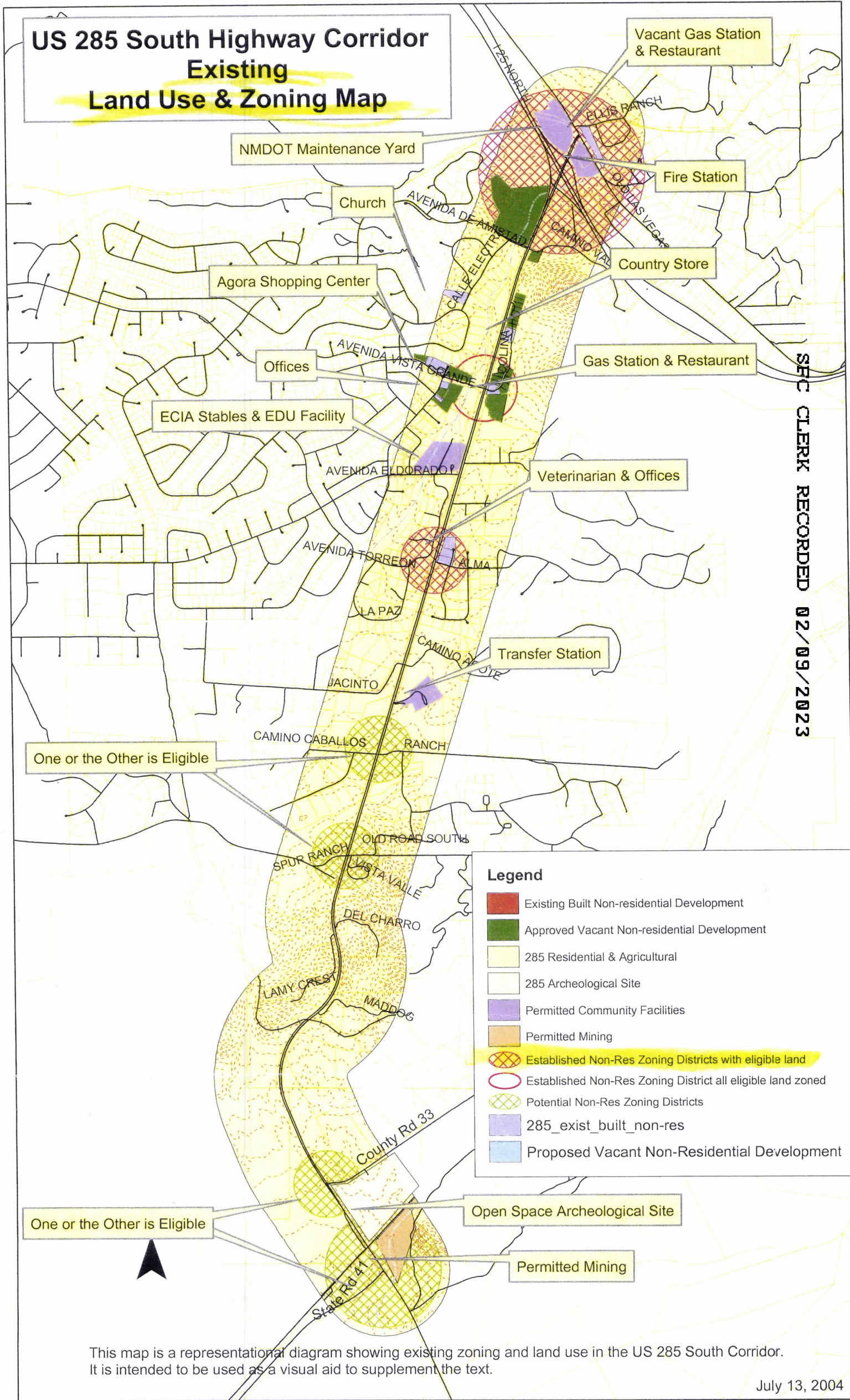
The County Land Development Code, Article III, Section 4, regulates existing, approved and potential uses in the Corridor Plan Area. For development in Major or Community Center Non-residential Zoning Districts it lists guidelines for permitted uses and structures found in most major regional commercial centers. For development in Local and Village and Neighborhood Non-residential Zoning Districts, the guidelines for limit permitted uses to services, both retail and office, that are intended to meet neighborhood civic and commercial needs.

Community Facilities and Services

The development of community facilities and services is not limited to non-residential districts or nodes. In the Corridor Plan Area there are several community facilities on an estimated 41 acres. With the exception of County or State owned property, community facilities are either permitted uses such as the stables and EDU maintenance yard or zoned through a master plan as part of a larger commercial development. Development on County or State owned property does not require a permit or zoning process.

- Hondo Volunteer Fire Dept and proposed replacement
- Combined NMDOT and Santa Fe County Materials and Maintenance Yard
- El Dorado Utilities Maintenance Yard
- EICA Horse Stables
- Transfer station
- The Eldorado Fire & Rescue Service Fire Substation

US 285 South Highway Corridor Existing Land Use & Zoning Map



SFC CLERK RECORDED 02/09/2023

Legend

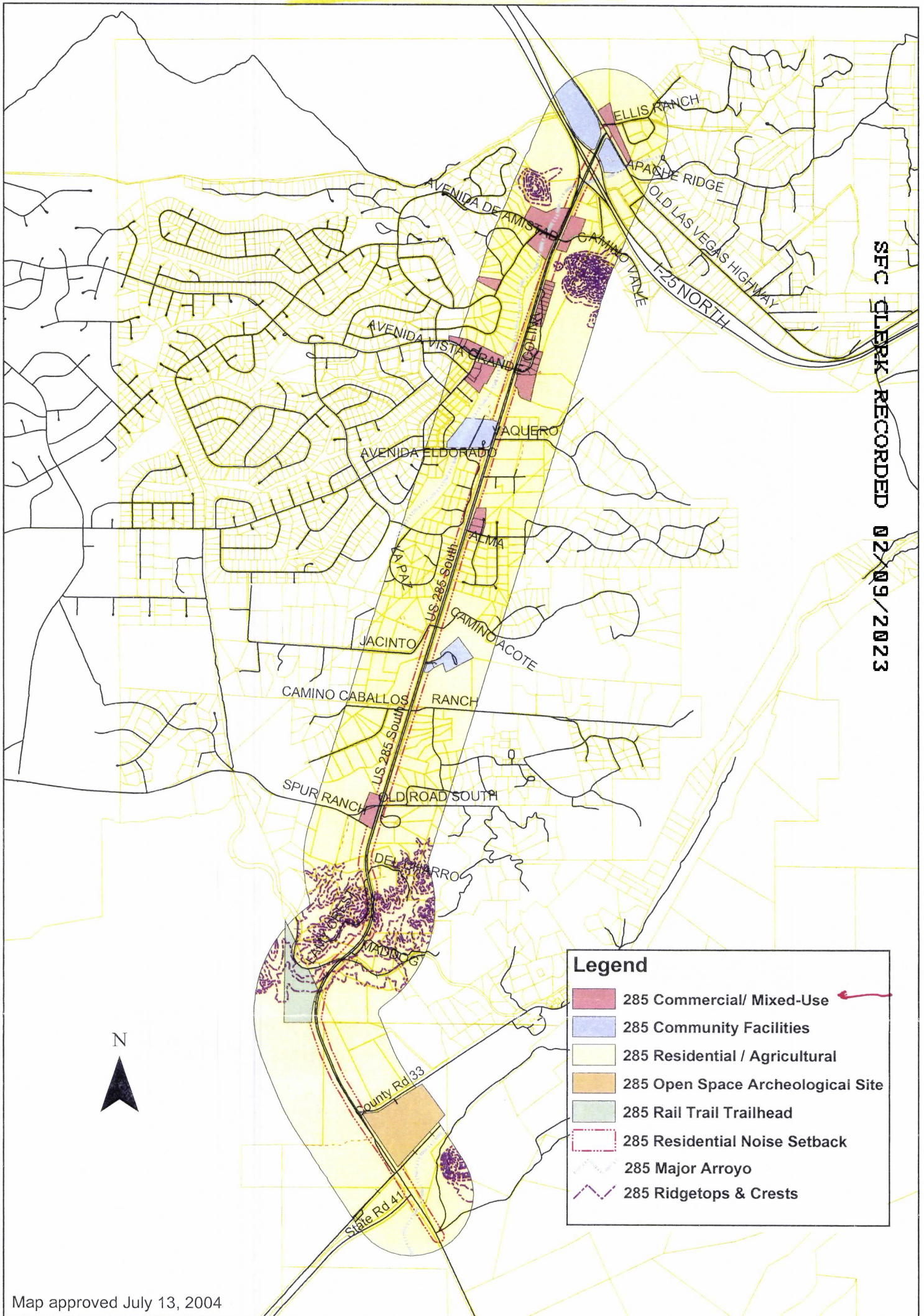
- Existing Built Non-residential Development
- Approved Vacant Non-residential Development
- 285 Residential & Agricultural
- 285 Archeological Site
- Permitted Community Facilities
- Permitted Mining
- Established Non-Res Zoning Districts with eligible land
- Established Non-Res Zoning District all eligible land zoned
- Potential Non-Res Zoning Districts
- 285_exist_built_non-res
- Proposed Vacant Non-Residential Development

One or the Other is Eligible

One or the Other is Eligible

This map is a representational diagram showing existing zoning and land use in the US 285 South Corridor. It is intended to be used as a visual aid to supplement the text.

US 285 South Highway Corridor Recommended Land Use and Zoning Map



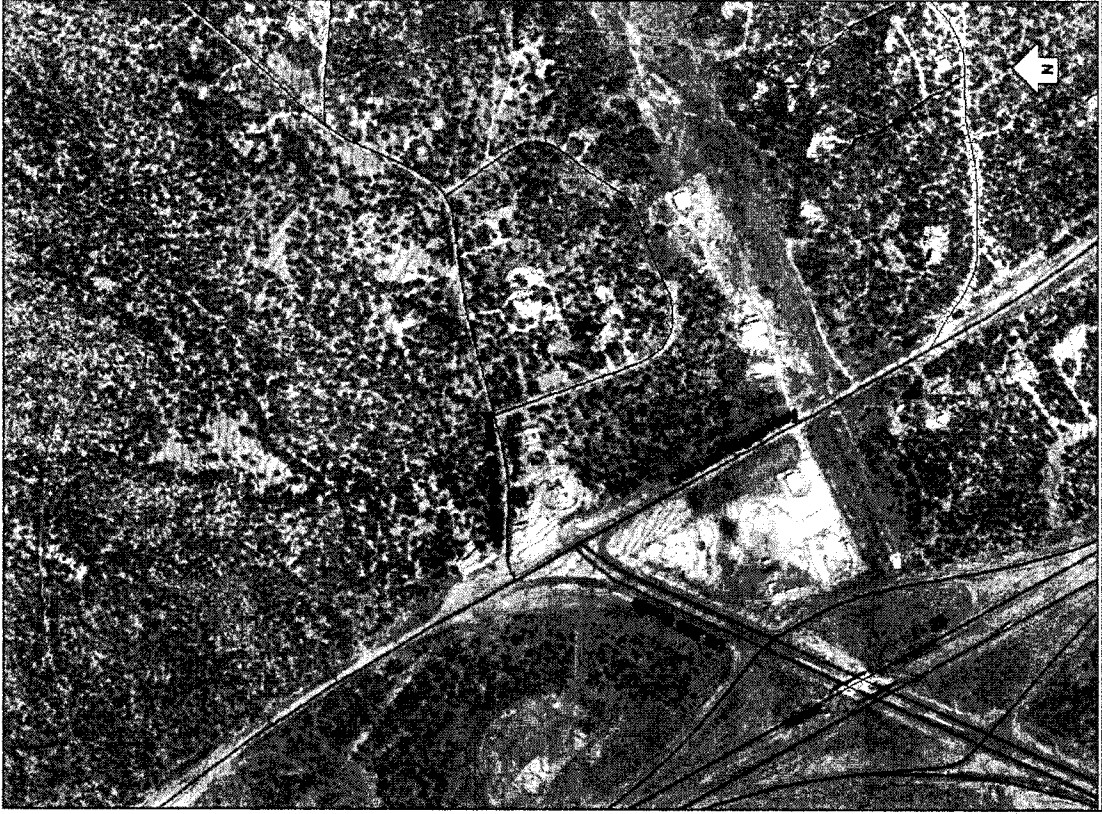
This map is a representational diagram showing major zoning and land use recommendations from the US 285 South Highway Corridor Plan. It is intended to be used as a visual aid to supplement the text.

Community Crossroads

Community Crossroads

Section III, Community Crossroads describes the history, existing land use and zoning, planning issues and opportunities and plan recommendations for the following community crossroads and corresponding commercial/mixed-use districts:

1. **San Sebastian/ Old Las Vegas Highway Crossroads** - Intersection of Old Las Vegas Highway and US 285 South/Ellis Ranch Rd. Neighborhood Commercial/ Mixed-use District.
2. **Entryway Crossroads** - Intersection of Amistad/ Camino Valle and US 285 South. Neighborhood Commercial/ Mixed-use District.
3. **Village Crossroads** – Intersection of Vista Grande/ Colina and US 285 South. Village Commercial/Mixed-use District.
4. **Alma Drive Crossroads**- Intersection of Alma Dr. and US 285 South. Neighborhood Commercial/ Mixed-use District.
5. **Rural Crossroads**- Intersections of Ave Eldorado, Amansador, Vaquero, Jacinto, Acote, Ranch Road, Caballos and US 285 South.
6. **Community Facilities Crossroads**- Transfer Station Area.
7. **Spur Ranch Crossroads**- Intersection of Spur Ranch and US 285 South. Future Neighborhood Commercial/ Mixed-use District.
8. **Rail Trail Crossroads**- Intersection of US 285 South and the Santa Fe Southern Railroad Tracks.
9. **Cultural Crossroads**- Intersections of US 285 South and County Rd. 33 (Recently renamed "Old Lamy Trail") and State Route 41.



San Sebastian/ Old Las Vegas Crossroads

“There’s an easy camaraderie in our neighborhood... children playing, and annual parties celebrating the holidays”

Plan Intent

The Old Las Vegas / San Sebastian Crossroads is an evolving neighborhood-gathering place with small scale mixed-use development oriented to the Old Las Vegas Highway but serving primarily local needs. It should continue to serve the neighborhoods and not be developed as a regional or highway traveler’s commercial location.

Description and History

This northern segment and terminus of the US 285 South Corridor includes the Interstate 25 interchange, a segment of the Old Las Vegas Highway that preceded the Interstate and lands north of I-25. The most important natural feature of this node is the Arroyo Cañada de los Alamos, which drains from the northeast down to the interchange and then continues beyond the interchange on the west side of US 285 South.

Pre-Columbian Indian trails ran through the area and connected the various pueblos between Pecos and Arroyo Hondo (including the large Pueblo Alamo which sat right in the middle of the current I-25/US 285 South interchange).

SECTION III HOW

Goals and Recommendations:
Community Crossroads

Old Las Vegas/San Sebastian Crossroads



Arroyo Cañada de Los Alamos was frequently used as a cut-off of the Santa Fe Trail, offering a shortcut to the city. There is evidence of an old way station or rest stop about half a mile north up the arroyo from Old Las Vegas Hwy. The area was also part of the Sebastian de Vargas land grant that ran up to where Quail Run is now and which was broken up in the adjudication of land grants in 1895. It went through several hands until Fremont Ellis, one of the famous "Los Cinco Pintores", purchased it in 1923. Ellis agreed to sell or trade parcels of his property and soon without conscious design, an informal artists colony and neighborhood sprang up.

Surrounding Community Character

There are now approximately 100 properties in the immediate neighborhood, including El Rancho de San Sebastian (the original Ellis Ranch) and San Sebastian de la Luz (1980's), which is accessed solely through El Rancho de San Sebastian. At one time this neighborhood seems to have been considered a village. Indeed, until about five years ago residents could receive mail addressed to San Sebastian, New Mexico without problems. In its own words the neighborhood "remains home to a thriving community of painters, poets, sculptors, photographers, writers, academics, lawyers, financiers, and others drawn by its quiet, still-rural atmosphere. There's an easy camaraderie in the neighborhood, with dogs wandering from house to house, children playing, and annual parties celebrating the holidays. The Ellis family still lives here. It's a community with a 81-year heritage and a sense of "casually diverse unity".

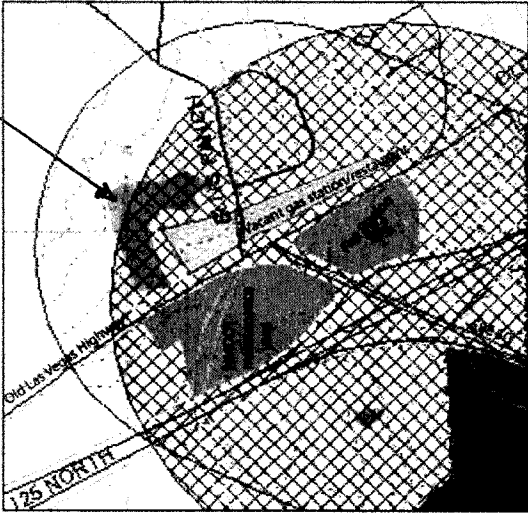
Residential Architectural Styles are regulated under covenants created by Fremont Ellis. They include Hacienda/ Pueblo Revival, Territorial Style and Ranch.

Existing Land Use

Currently the I-25 interchange dominates the area, splitting the pre-existing Rancho Esconditos subdivision and physically separating San Sebastian from the remainder of

SECTION III HOW
Goals and Recommendations:
Community Crossroads

Old Las Vegas/San Sebastian Crossroads



the Corridor. The focus of this node is at the intersection of US 285 South and the Old Las Vegas Highway. Most commercial development is orientated to the Las Vegas Highway and is small in scale. The following properties and uses are within the Corridor Plan Area:

East of Old Las Vegas Highway:

- Gas station (not currently operating),
- Restaurant (not currently operating),
- Portions of the Ellis family property,
- Several residences, and
- Al's Body Shop.

West of Old Las Vegas Highway:

- A fire station owned by the Hondo Volunteer Fire Dept.,
- Some home occupations,
- Small non-conforming businesses in the Rancho Esconditos subdivision,
- A NMSHTD maintenance yard and
- A shop that makes sweaters.

Current Zoning

Under current zoning this is a Major Center District, centered on the intersection of I-25/Old Las Vegas Hwy & US 285 South, established by the zoning of 34 acres for the

SECTION III HOW
Goals and Recommendations:
Community Crossroads

Old Las Vegas/San Sebastian Crossroads

Plaza de Amistad Project South of 1-25 and 4.5 acres for Los Padillas for large-scale non-residential commercial development. The following Old Las Vegas/ San Sebastian Crossroads area properties have non-residential zoning or approved non-conforming uses:

~~_____~~
~~_____~~
~~_____~~

Legal non-conforming uses:

- Al's Body Shop -approximately 2,500 sq ft.
- Yaegars Sweater Shop with a residence - approximately 2,500 sq ft.

Approved commercial non-residential zoning:

- 4.5 acres for Los Padillas Development - Restaurant and gas station, approximately 3,800 sq ft approved and built but not currently operating

Eligible commercial non-residential zoning:

- Properties in 1/2 of the Major Center Non-Residential District, a total of 125 acres.

Proposed neighborhood scale commercial/ mixed-use zoning:

- Approximately 5.5 acres of the El Rancho de San Sebastian property in the north east quadrant of the intersection of Old Las Vegas Highway and Ellis Ranch Rd.

SECTION III HOW
Goals and Recommendations:
Community Crossroads

Old Las Vegas/San Sebastian Crossroads



Plan Recommendations

Old Las Vegas / San Sebastian Crossroads area has changed remarkably little since the I-25 interchange was built and extensive residential development has occurred around it. It has served local residents in the past and is situated to serve them in the future. There is an opportunity to recreate a small-scale neighborhood center in the Rancho San Sebastian Style with a community focus.

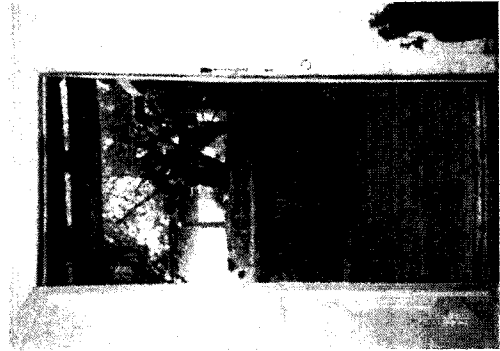
In addition to overall planning goals and recommendations for the corridor, future development should comply with the following **Old Las Vegas/ San Sebastian Crossroads Concept Plan** recommendations and development guidelines.

Maintain neighborhood scale commercial/ mixed-use development.

Commercial / Mixed-Use and Community Facilities Development

All new development should comply with recommendations, standards and guidelines for **Neighborhood Commercial/Mixed-Use Zoning Districts** found in Sections III, Commercial /Mixed-Use Development and Zoning (page105).

Old Las Vegas/San Sebastian Crossroads



©2000 Ellis Beyer: "Hacienda Style"
Courtesy of the artist

Scale

Support change from **Major Regional Center District** designation to a **Neighborhood Commercial/ Mixed-Use Zoning District**.

Uses

Commercial/Mixed-Use Development

- Neighborhood shops and services
 - **Preferred uses:**
 - A restaurant or café
 - A plant nursery
 - A bed and breakfast
 - **Retail operations**, such as an art gallery, bookstore, or offices
 - **Inappropriate uses:**
 - Truck Stops
 - Self or outside storage
 - Large hotels or motels

Old Las Vegas/San Sebastian Crossroads



©2000 Ellis Beyer: "Hacienda Style"
Courtesy of the artist

Community facilities

- Limited to planned **expansion** for the Hondo Fire Station and shared maintenance yard for Santa Fe County and NMDOT

Amount

The plan supports neighborhood commercial/ mixed-use zoning for the following:

- Approved commercial zoning at established intensities for the Los Padillas restaurant and gas station, 4.5 acres with approx 3,800 sq ft. floor area.
- Proposed **5.5 acres** of the Ellis Property with maximum of intensity of 20%.

Potential build-out in the Old Las Vegas/San Sebastian Crossroads Neighborhood Commercial / Mixed-Use Zoning District:

- **10 acres** with approx **51,000 sq. ft.** floor area

The plan also supports the following permitted uses:

- **Existing non-conforming legal small businesses and home occupations**
- Existing and Planned Community Facilities limited to the planned expansion and replacement for the Hondo Fire Station and the shared maintenance yard for Santa Fe County and NMDOT

Old Las Vegas/San Sebastian Crossroads

Orientation

- Buildings, Commercial Lighting and Signage should be oriented to Old Las Vegas Highway.
- Commercial/mixed-use development and expansion or replacement of Community Facilities should comply with **Old Las Vegas/ San Sebastian Crossroads Concept Plan.**

Improve driver awareness and pedestrian safety

Avoid Strip Development

- Commercial/ mixed-use development should be compact and limited to fronting Old Las Vegas Highway and emanating a maximum of **500 ft.** from the intersection of Old Las Vegas Highway & US 285 South. This may be adjusted to accommodate terrain.
- Primary access to commercial/ mixed use development should be restricted to Old Las Vegas Highway.

Safety and Convenience

Support an evolving neighborhood-gathering place.

- Any commercial operation that increases traffic should include analysis of the US 285 South and Ellis Ranch Road intersections with Old Las Vegas Highway.
- Any commercial development fronting on Old Las Vegas Highway should provide clear separation between pedestrian and auto traffic.
- Roadside vending should not be allowed.

SECTION III HOW

Goals and Recommendations:
Community Crossroads

Old Las Vegas/San Sebastian Crossroads



©2000 Bettina Von Haase: "Pueblo Revival Style"
Courtesy of the artist

Community Focus

- Reinforce surrounding Hacienda/ Pueblo Revival or Territorial Style architecture.
- New commercial /mixed-use development should comply with the Old Las Vegas/ San Sebastian Crossroads Concept Plan.
- New commercial /mixed-use development should contribute to the development of a "main street" along Old Las Vegas Highway to meet usable public space requirements. This includes all elements described in Section III Commercial/Mixed-Use Development And Zoning under Public Spaces.

Natural Environment

Identify and clean up any contamination in the area.

- AI's Body Shop and the junkyard associated with it sit in the arroyo drainage. Environmental regulations should be enforced for wreckage removal and potentially hazardous conditions such as contaminants and flooding. Uses and development that might replace the existing uses should be located outside of the floodplain and the arroyo.
 - The County Junk Vehicle Ordinance should be enforced.
- The Fina Station's underground fuel tanks may have caused contamination. Environmental regulations should be enforced.

MEMORANDUM

TO: Penny Ellis-Green, Growth Management Director
Robert Griego, Planning Manager

FROM: Timothy Cannon, Senior Planner

DATE: June 3, 2022

RE: Zoning on Property Owned by Fremont Ellis

The following is summary of the history and issues related to an area of approximately 4.65 acres owned by Mr. Fremont Ellis, located at the northwest corner of Old Las Vegas Highway and U.S. 285. The parcel is located in the U.S. 285 South Highway Corridor District, which is one of the Community overlay zoning districts on the County's Zoning Map.

The Planning Division staff has had several conversations with Mr. Ellis about the history of the land use plan and zoning on his property, and the process for changing the zoning to commercial.

There are six documents that are essential to understanding the history of the community plan and the zoning on the property owned by Mr. Ellis:

- Attachment 1 is a map on p. 138 of the original US 285 South Corridor Plan (adopted by Resolution No. 2004-73 on July 13, 2004), which depicts the property owned by Mr. Ellis as "Building or Open Space" on the "Old Las Vegas/San Sebastian Crossroads Concept Plan". An arrow drawn on this map points to the property in question that is owned by Mr. Ellis.
- Attachment 2, which is p. 141 of the original US 285 South Corridor Plan (adopted by Resolution No. 2004-73 on July 13, 2004), which states "The plan supports neighborhood commercial mixed-use zoning for the following: Proposed 5.5 acres of the Ellis Property, with a maximum intensity of 20%".
- Attachment 3; which is the "US 285 South Highway Corridor Recommended Land Use and Zoning Map" (adopted by Resolution No. 2004-73 on July 13, 2004), which depicts the property owned by Mr. Ellis as "285 Commercial Mixed/Mixed Use". An arrow is drawn on this map points to the property in question that is owned by Mr. Ellis. This area contains about 5.85 acres based on GIS software measurements. This map shows a total of 12.08 acres of "285 Commercial Mixed/Mixed Use" at the Old Las Vegas Highway/US 285 intersection, in a compact configuration.
- Attachment 4, which is the original US 285 South Highway Corridor Zoning District Map, adopted by Ordinance No 2005-8 on September 13, 2005. An arrow is drawn on this map points to the property in question that is owned by Mr. Ellis. The property owned by Mr. Ellis is shown as

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"Eligible for NMU" (Neighborhood Mixed Use). "Eligible for NMU" parcels have the faint orange outline on this map. The area of "NMU Neighborhood Mixed Use" zoning in the vicinity of the Old Las Vegas Highway/US 285 intersection is 9.35 acres (the orange-colored parcels).

- Attachment 5, which is the Land Use Map from US 285 South Highway Corridor Plan Update, which was adopted by Resolution No. 2015-129 on September 8, 2015. This map has been zoomed into the area surrounding the property owned by Mr. Ellis with the area of the property in question highlighted. The acreage owned by Mr. Ellis in the various land use map categories is also shown. About 1.2 acres are shown as "Commercial Neighborhood" and 4.65 acres are shown as "Potential Commercial Neighborhood" on this land use map. The 1.2 acres is a At-Conf. separate parcel and has been developed; the 4.65 acres is part of a larger parcel owned by Mr. Ellis and is vacant.
- Attachment 6, which is the County's SLDC Zoning Map, which was adopted by Ordinance No. 2015-12 on December 8, 2015. This map has been zoomed into the area surrounding the property owned by Mr. Ellis, and the area in question has been highlighted. This SLDC Zoning Map shows a total of 20.5 acres of "Commercial Neighborhood" in the vicinity of the Old Las Vegas Highway/US 285 intersection.

The following are arguments for and against the rezoning of the 4.65 acres that Mr. Ellis owns from "Residential Estate" to "Commercial Neighborhood":

- (for) Mr. Ellis maintains that the entirety of the 5.85 +/- acres he owns that were shown as "285 Commercial/Mixed Use" should have been zoned "Neighborhood Mixed Use" on the U.S. 285 South Highway Corridor Zoning District Map that was adopted in 2005. The basis for this argument is the specific recommendations contained on pages 138 and 141 of the US 285 South Highway Corridor Plan adopted in 2004 (Attachments 1 and 2), as well as the Land Use and Zoning Map contained in this same plan (Attachment 3).
- (for) The resolution adopting the 2015 land use map was adopted as an amendment to the 2004 US 284 South Corridor Plan. Therefore, the map on page 138 and the language on 141 of the US 284 South Highway Corridor Plan are still relevant to the property owned by Mr. Ellis.
- (against) The updated Land Use Map adopted in 2015 (Attachment 5) revised the categories shown on the property owned by Mr. Ellis. This 2015 land use map supersedes the map that was adopted in 2004 (Attachment 3).
- (against) The "Eligible for NMU" category that was shown on the 2005 zoning map has some basis in the 2004 plan: Page 141 of the 2004 plan states "Potential build-out in the Old Las Vega/San Sebastian Crossroads Neighborhood Commercial / Mixed-Use Zoning District: 10 acres with approx. 51,000 sq. ft. floor area". Furthermore, the 2005 zoning ordinance states (Section 8.12.C.3. on p. 24), "The total area to be devoted to the mixed-use crossroads shall not exceed 13 acres" [for the San Sebastian/Old Las Vegas Highway Crossroads]. The parcels zoned

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contradicted + cancelled by Addition of Total Yaeger here in current zone
"NMU Neighborhood Mixed Use" totaled 9.35 acres on the 2005 zoning map; if the parcels owned by Mr. Ellis were to be added in, the total would come to 15.0 acres.

- (for) The adopted 2005 zoning map shows about 6.3 acres of land in the "NMU Neighborhood Mixed Use" zoning district at this crossroads. Another 3.05 acres of "NMU Neighborhood Mixed Use" further down Old Las Vegas Highway which are not at the crossroads and are not indicated in any way for commercial/mixed use in the 2004 plan. *Yaeger + Boag Shape*
- (for) Three additional parcels, totaling about 10.8 acres, that are less proximate to the Old Las Vegas Highway/U.S. 285 intersection than the land owned by Mr. Ellis, were rezoned "Commercial Neighborhood" in 2015.
- (for) The adopted SLDC zoning map shows about 20.5 acres of "Commercial Neighborhood" zoning in the general vicinity (meaning within 1/3 mile) of the Old Las Vegas Highway/U.S. 285 intersection. So neither the 10 acre or 13 acre maximums appear to have much relevance anymore – these maximums have already been exceeded by a factor of about two.
- (for) The 4.65 acres would not be out of scale with respect to the demand for commercial land in the area or create an intrusion into existing residential neighborhoods. This 4.65 acres would be consistent with the neighborhood-scale commercial center that is envisioned at this location.
- (for) Discrepancies between the future land use map and the zoning map usually have some well-founded rationale, which is largely missing in this case. For example, rezoning may be contingent on meeting public facility standards such as water and sewer availability or the adequacy of roads. In other cases, it may be desirable to zone land so that an existing use is not made non-conforming, but the future land use map shows the land in a less intensive category, in order to avoid setting a precedent for higher-intensity zoning in the vicinity.
- (against) Growth management plans not uncommonly specify a maximum commercial acreage that is allowed within the radius of an intersection, which are sometimes coupled with requirements for a progression of contiguity. If 10-acre maximum on page 141 of the US 285 South Highway Corridor Plan is still considered to be relevant, then this is the most compelling rationale for the "Potential Commercial Neighborhood" (as opposed to "Commercial Neighborhood") designation of the 4.65 acres owned by Mr. Ellis on the 2015 land use map.
- (for) The property owned by Mr. Ellis (and also, the Los Padillas restaurant site) are specifically recommended for "neighborhood commercial/mixed use" zoning on page 141 of the 2004 highway corridor plan. This recommendation was not deleted in the 2015 highway corridor plan update. Therefore, commercial zoning for the property owned by Mr. Ellis as well as the Los Padillas restaurant should have priority over commercial zoning on other parcels in vicinity.

Current Z Map

not set done see

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not done; see Yaeger + Boag Shape

The following are the potential actions that the property owner or the County could take, with regard to commercial zoning on the 4.65 acres of "Potential Commercial Neighborhood" land owned by Mr. Ellis:

- Mr. Ellis could apply for rezoning; however the documentation and analysis requirements for owner-initiated rezonings are considerable.

Alternatively, the County could take it upon itself to rezone the property. Section 1.15.2.1 of the SLDC allows the land use administrator to initiate zoning map amendments, in addition to the property owner.

- Section 1.15.6.3 of the SLDC, Item 1, states "The provisions of this Section do not apply to any SLDC text or map amendment that is initiated by the County". Assuming that this section exempts rezonings initiated by the County from the extensive documentation and analysis that are required for owner-initiated rezonings, then the time an effort involved in rezoning the property would be substantially reduced.

The following are questions related to the interpretation of the exemption in Section 1.15.6.3 – Item 1, in the SLDC:

- Section 1.15.6.3. is titled "Subsequent Applications"; however, Item 3. ("Scope of Approval") and Item 4. ("Recording and Publication") under Section 1.15.6.3. would logically apply to all SLDC text and zoning map amendments and not just "Subsequent Applications".

"Section 10.04 Captions" of the County's Code of Ordinances states "Headings and captions used in the code other than the title, chapter, subchapter and section number are employed for reference purposes only and shall not be deemed a part of the text of any section. (Ordinance 2013-02, sec. 4, adopted 5/28/13)".

- The County's legal staff might need to be consulted as to whether Item 1 under Section 1.15.6.3 exempts the County from the considerable amount of documentation and analysis in Section 1.15 that would generally apply for Zoning Map amendments.

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see 1.15.2.3 in case of "error"

Conclusions/Recommendations:

- The overriding issue is whether there are substantial reasons for or against the 4.65 acres of "Potential Commercial Neighborhood" shown on the land use map to "Commercial Neighborhood" on the zoning map, and how these the weight of evidence supporting these reasons balance out.

There is no apparent rationale as to why 4.65 acres in question was not rezoned to commercial in 2005, and this same reasoning carries through to the present.

2015

IT WAS PROPOSED BY

- Commercial zoning on the 4.65 acres owned by Mr. Ellis would be consistent with intent of creating a compact neighborhood-scale commercial center at Old Las Vegas Highway and U.S. 285. Furthermore, commercial zoning for the property owned by Mr. Ellis is prioritized on page 141 of the 2004 highway corridor plan.

2005 PLAN
P. 134

- Regardless or whether County or property owner initiates the rezoning, changing the zoning on the 4.65 acres in question to "Commercial Neighborhood" is recommended.

Zobing

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Attachment 1

SECTION III HOW
Goals and Recommendations:
Community Crossroads

Old Las Vegas/San Sebastian Crossroads Concept Plan



Attachment 2

SECTION III HOW
Goals and Recommendations:
Community Crossroads

Old Las Vegas/San Sebastian Crossroads



©2009 Ellis Beyer. "Hacienda Style"
Courtesy of the artist

Community facilities

- Limited to planned expansion for the Hondo Fire Station and shared maintenance yard for Santa Fe County and NMDOT

Amount

The plan supports neighborhood commercial/ mixed-use zoning for the following:

- Approved commercial zoning at established intensities for the Los Padillas restaurant and gas station. 4.5 acres with approx 3,800 sq ft. floor area.
- Proposed 5.5 acres of the Ellis Property with maximum of intensity of 20%.

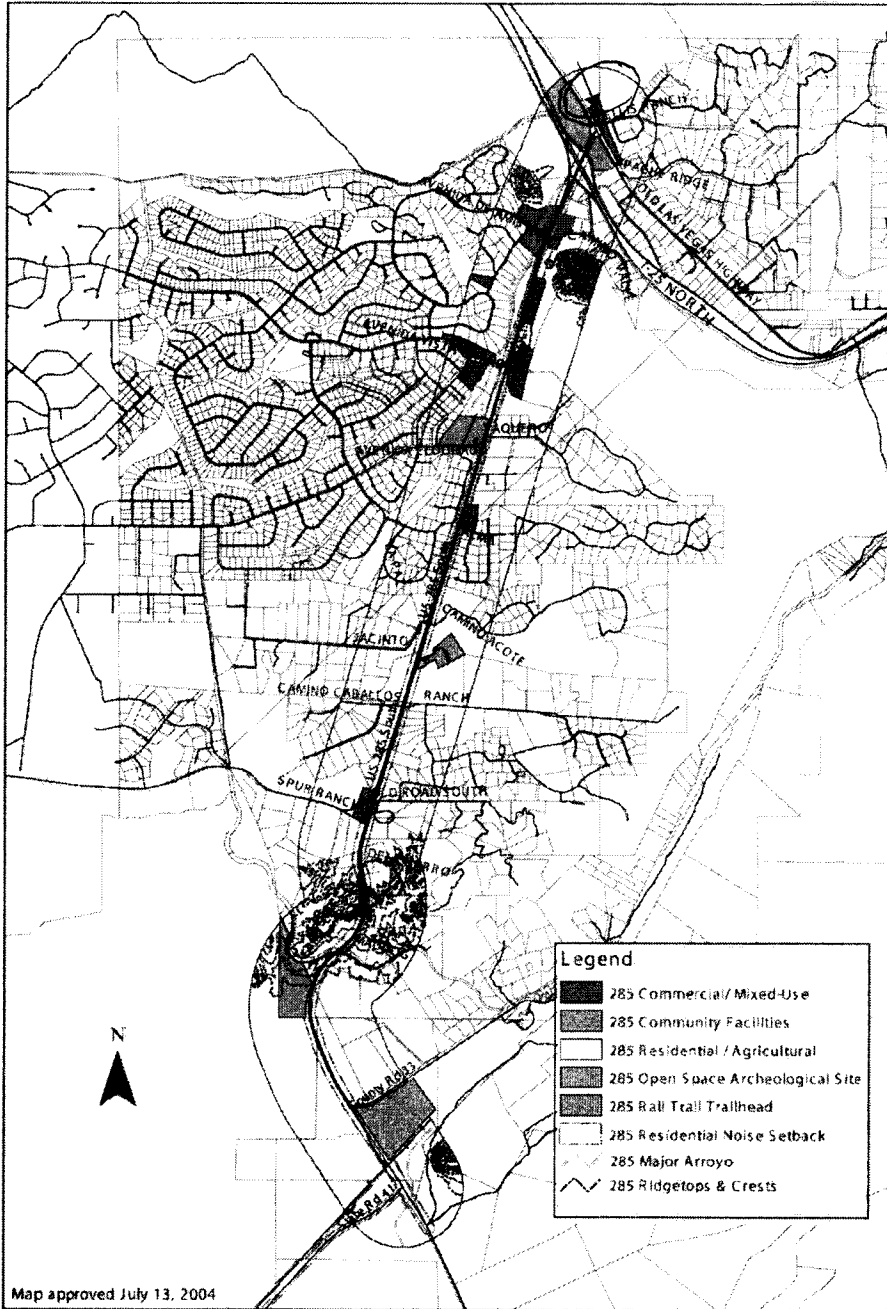
Potential build-out in the Old Las Vegas/San Sebastian Crossroads Neighborhood Commercial / Mixed-Use Zoning District:

- 10 acres with approx 51,000 sq. ft. floor area

The plan also supports the following permitted uses:

- Existing non-conforming legal small businesses and home occupations
- Existing and Planned Community Facilities limited to the planned expansion and replacement for the Hondo Fire Station and the shared maintenance yard for Santa Fe County and NMDOT

US 285 South Highway Corridor
Recommended
Land Use and Zoning Map

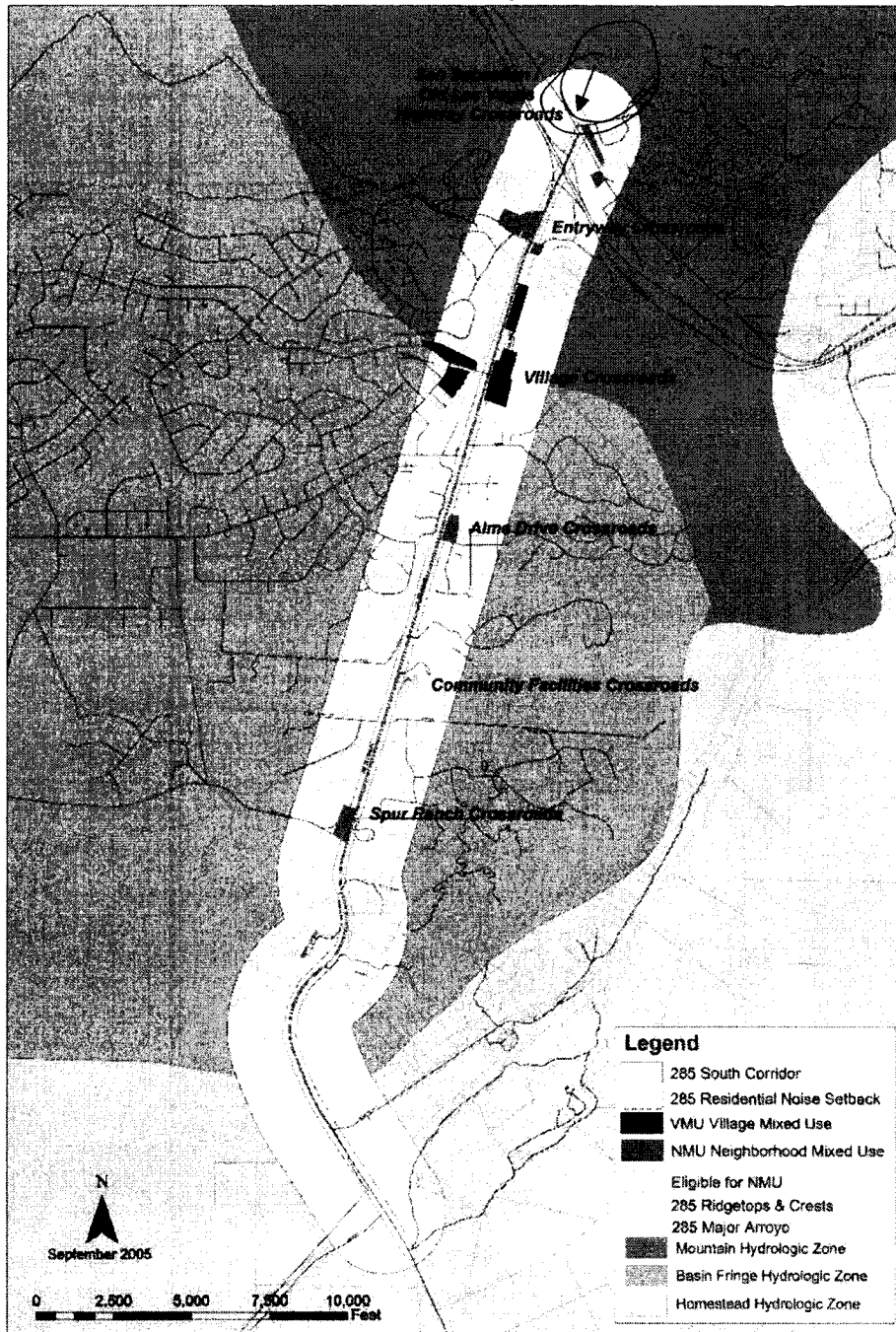


Map approved July 13, 2004

This map is a representational diagram showing major zoning and land use recommendations from the US 285 South Highway Corridor Plan. It is intended to be used as a visual aid to supplement the text.

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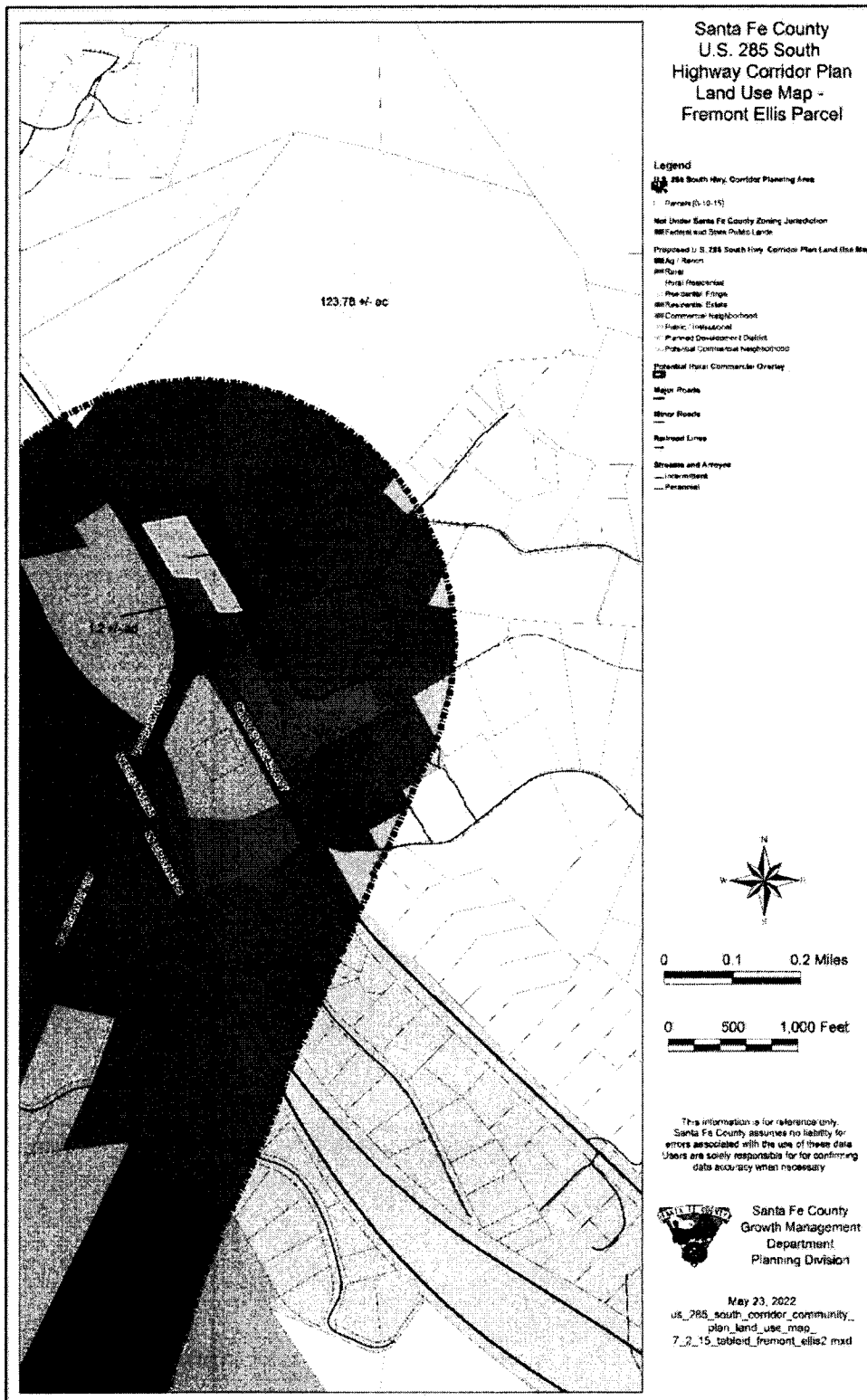
US 285 South Highway Corridor District
County Zoning Map (partial)



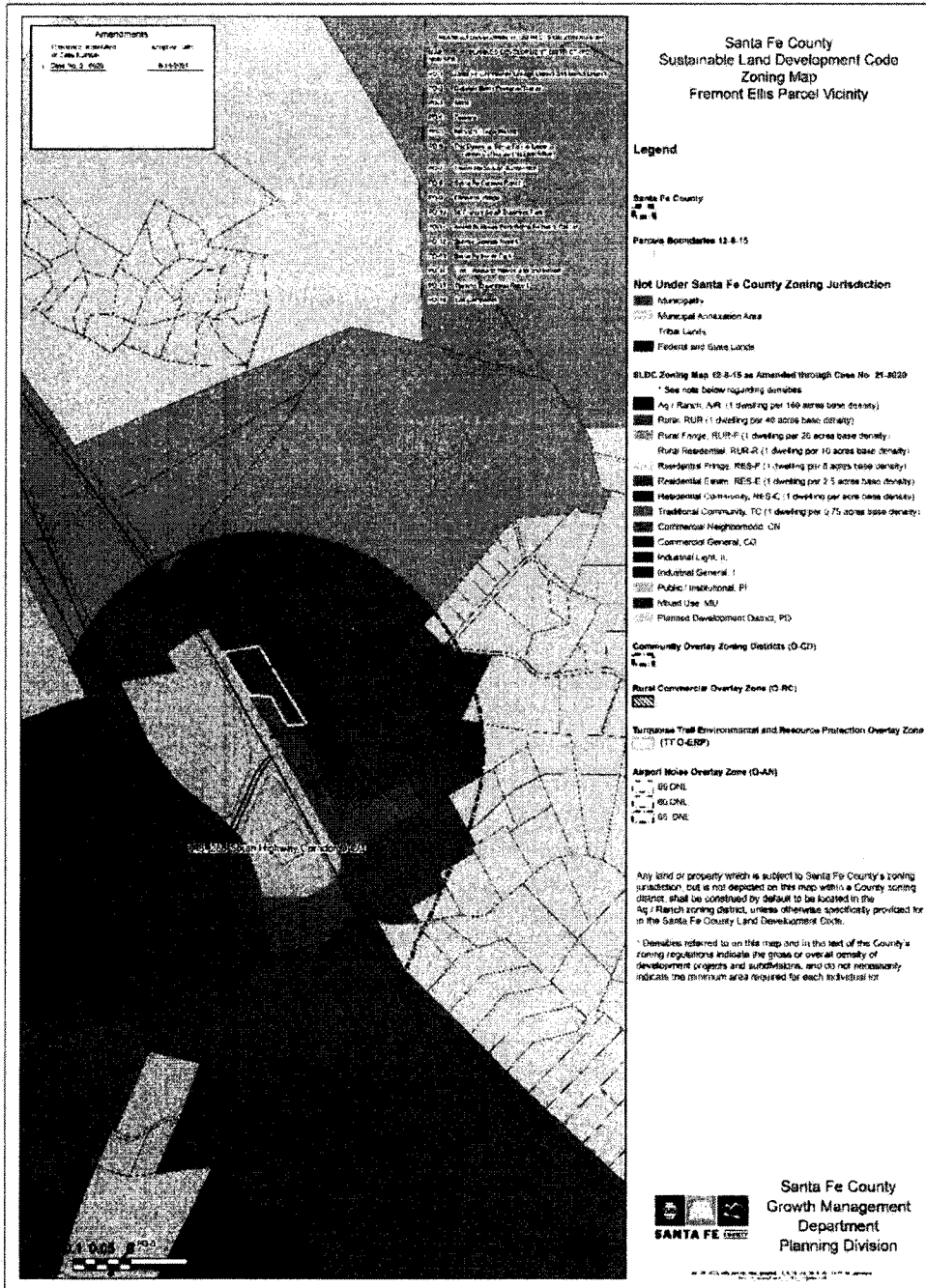
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This map is a representational diagram showing zoning for the US 285 South Corridor Ordinance. It is intended to be used as a visual aid to supplement the text.

Attachment 5



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any provision of the SLDC cannot be applied to any particular property, building, structure or use, that determination shall not affect the application of the SLDC to any other property, building, structure or use not specifically included in the order or judgment.

1.15. **SLDC TEXT AMENDMENTS OR ZONING MAP AMENDMENTS.** This Section provides uniform procedures for amendments to the SLDC text or the zoning map.

1.15.1. **Applicability.** The provisions of this section shall apply to any application to:

1.15.1.1. Amend the text of the SLDC;

1.15.1.2. Amend the zoning map by reclassifying the zoning district of a tract, parcel or lot from one zoning district to another; or by reclassifying the zoning districts for areas, communities or countywide.

1.15.2. **Initiation.**

1.15.2.1. SLDC text or map amendments may be initiated by the Board, the Planning Commission, an owner/applicant, or the Administrator for specific tracts, parcels or lots requiring quasi-judicial hearings; or for the SGMP, an area, district, community plan or countywide zoning map or SLDC text changes requiring legislative hearings.

1.15.2.2. No text or map amendments to the SLDC may be proposed by an owner/applicant unless accompanied by a complete application in a form established by the Administrator, which application may require a request by the owner/applicant for discretionary development approval on the same land meeting all requirements of the SLDC for such discretionary development approval.

1.15.2.3. No amendment to the SLDC text or zoning map requiring a quasi-judicial hearing that concerns a single tract, parcel or lot under common ownership, or where the affected land by is predominantly owned by a single person or entity under common ownership, shall be granted unless the Board makes a finding that there has been a substantial change in the conditions of the area surrounding the owner's property or an error or mistake in the SLDC text or zoning map, or the amendment is consistent with the SGMP and any applicable area, district or community plans for the property.

1.15.3. **Legislative Hearings.** The Planning Commission and Board shall consider amendments to the SLDC during a public hearing. The hearing shall be conducted as a legislative hearing where the SLDC text or map amendment does not concern a single tract, parcel or lot under common ownership, or the land affected by the text or map amendment is not predominantly owned by a single person or entity under common ownership.

1.15.4. **Quasi-Judicial Hearings.** The public hearing before the Planning Commission and Board shall be quasi-judicial where the proposed SLDC text or map amendment has been filed by an owner/applicant; the text or map amendment concerns a single tract, parcel or lot under common ownership; or the land affected by the text or map amendment is predominantly owned by a single person or entity under common ownership.

1.15.5. **Decision.** After receipt of the Planning Commission's recommendation, the Board shall approve, conditionally approve or deny the map or text amendment. If the proposed map or text amendment is inconsistent with the General, area, district, or community plan, the proposed amendment shall be denied unless a concurrent application for an amendment to the SGMP, area, district or community plan has been submitted by the owner/applicant, the Board, the Planning

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equestrian and boarding facilities and farmers markets. This designation also intends to direct development that provides for the protection of cultural and environmental resources.

This designation allows for a combination of estate-type residential development, smaller-scale agricultural uses, ranchettes and other compatible uses. The Residential Fringe area may be comprised of a variety of residential lot sizes, clustered housing and community open space and can include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas. This designation also intends to direct development that provides for the protection of cultural and environmental resources.

This designation allows for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The Residential Estate supports single-family homes on medium sized lots consistent with contemporary community development. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas. This designation also intends to direct development that provides for the protection of cultural and environmental resources.

This designation allows for low-rise low-intensity convenience retail and personal services, as well as office uses that are intended to serve and are in close proximity to individual residential neighborhoods. Generally, the desired location of these commercial areas is at the periphery, focal point, or a major entrance to one or more neighborhoods, along a minor or subdivision collector or higher roadway classification, or along a major access road at the entrance to or in a focal point of a neighborhood. This designation also intends to direct development that provides for the protection of cultural and environmental resources.

This designation accommodates governmental, educational and non-profit or institutional uses, including public or community parks, recreation facilities and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character. Development in this area should be multi-use and designed with community input in order to meet community goals and objectives. This designation also intends to direct development that provides for the protection of cultural and environmental resources.

PDD is included as a land use category in order to recognize existing Master Plan approvals for properties that do not fit a single land use category properties which may be built out in accordance with their approved master plans.

Nonresidential uses to support the needs of the community and to retain the predominately residential character of the highway corridor may be allowed in the potential commercial area of the US 285 South Highway Corridor as identified on the Land Use Map. The Spur Ranch Road area will provide future access to potential residential development that may occur to the west of US 285 South. Properties to the north and southwest of the crossroads have the potential to support small-scale neighborhood commercial needs to serve the southern end of the corridor and future growth to the west. There is a preference for mixed use that is more residential in nature to include live/work units, small retail, offices and restaurants. This designation also intends to direct development that provides for the protection of cultural and environmental resources.

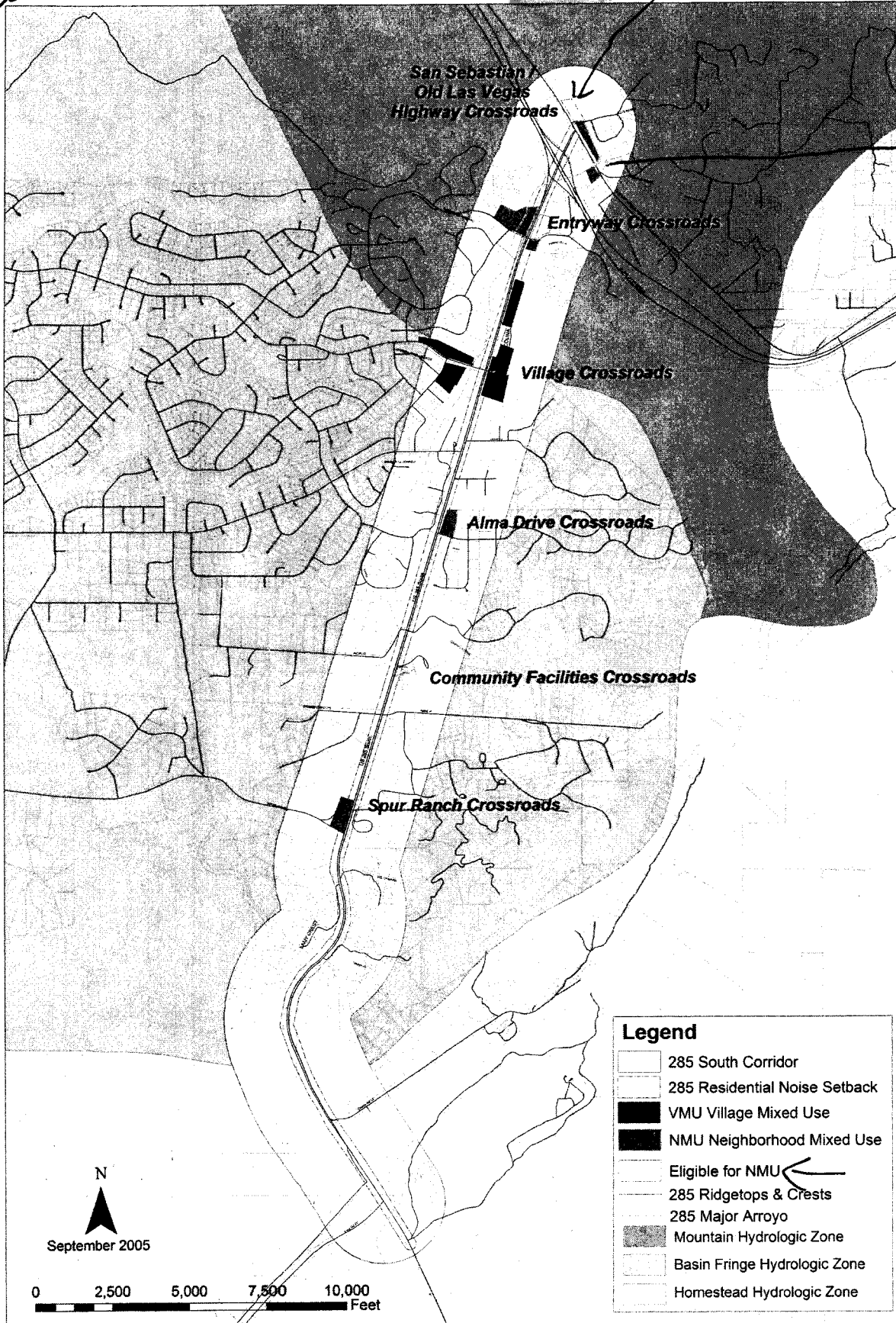
SFC CLERK RECORDED 02/09/2023

rel. 6-26-20
3 p.m.

Ord 2005-08

US 285 South Highway Corridor District
County Zoning Map (partial)

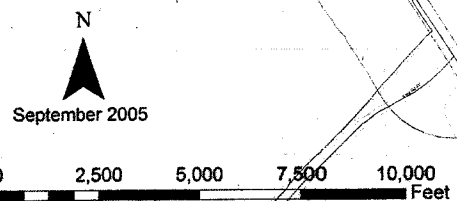
ELLIS



YAEGER
4AC

OTHERS?

SFC CLERK RECORDED 02/09/2023



Legend	
[White Box]	285 South Corridor
[Light Grey Box]	285 Residential Noise Setback
[Black Box]	VMU Village Mixed Use
[Dark Grey Box]	NMU Neighborhood Mixed Use
[Dotted Box]	Eligible for NMU
[Dashed Box]	285 Ridgetops & Crests
[Dotted Box]	285 Major Arroyo
[Dark Grey Box]	Mountain Hydrologic Zone
[Light Grey Box]	Basin Fringe Hydrologic Zone
[White Box]	Homestead Hydrologic Zone

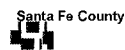
This map is a representational diagram showing zoning for the US 285 South Corridor Ordinance. It is intended to be used as a visual aid to supplement the text.

9/13/2005

Santa Fe County
Sustainable Land Development Code
Zoning Map
Adopted December 8, 2015
Ordinance No. 2015-13
U.S. 285 South Highway Corridor Area

- PLANNED DEVELOPMENT DISTRICTS ON ZONING MAP
- | MAP NUMBER | PLANNED DEVELOPMENT DISTRICT (PD) |
|------------|--|
| PD-1 | Santa Fe Community College District and Media District |
| PD-2 | Galisteo Basin Preserve/Trenca |
| PD-3 | Aldea |
| PD-4 | Tessera |
| PD-5 | Bishop's Lodge Resort |
| PD-6 | The Downs at Santa Fe |
| PD-7 | Tavelle Mixed-Use Subdivision |
| PD-8 | Santa Fe Canyon Ranch |
| PD-9 | Cimarron Village |
| PD-10 | St. Francis South Business Park |
| PD-11 | Avanti Business Park/Santa Fe Metro Center |
| PD-12 | Sunrise Springs Resort |
| PD-13 | Santa Fe Horse Park |
| PD-14 | Ten Thousand Waves Spa and Resort |
| PD-15 | Rancho Encantado Resort |
| PD-16 | Las Campanas |

Legend



Not Under Santa Fe County Zoning Jurisdiction

- Municipality
- Municipal Annexation Area
- Tribal Lands
- Federal and State Lands

12
2015

SLDC Zoning Map 12/8/15

- * See note below regarding densities
- Ag / Ranch, A/R (1 dwelling per 160 acres base density)
 - Rural, RUR (1 dwelling per 40 acres base density)
 - Rural Fringe, RUR-F (1 dwelling per 20 acres base density)
 - Rural Residential, RUR-R (1 dwelling per 10 acres base density)
 - Residential Fringe, RES-F (1 dwelling per 5 acres base density)
 - Residential Estate, RES-E (1 dwelling per 2.5 acres base density)
 - Residential Community, RES-C (1 dwelling per acre base density)
 - Traditional Community, TC (1 dwelling per 0.75 acres base density)
 - Commercial Neighborhood, CN
 - Commercial General, CG
 - Industrial Light, IL
 - Industrial General, I
 - Public / Institutional, PI
 - Mixed Use, MU
 - Planned Development District, PD

Community Overlay Zoning Districts (O-CD)



Rural Commercial Overlay Zone (O-RC)



Turquoise Trail Environmental and Resource Protection Overlay Zone (TT O-ERP)



Airport Noise Overlay Zone (O-AN)

- 55 DNL
- 60 DNL
- 65 DNL

Any land or property which is subject to Santa Fe County's zoning jurisdiction, but is not depicted on this map within a County zoning district, shall be construed by default to be located in the Ag / Ranch zoning district, unless otherwise specifically provided for in the Santa Fe County Land Development Code.

* Densities referred to on this map and in the text of the County's zoning regulations indicate the gross or overall density of development projects and subdivisions, and do not necessarily indicate the minimum area required for each individual lot.



0.5 0.25 0 0.5 Miles



Santa Fe County
Growth Management
Department
Planning Division

SFC CLERK RECORDED 02/09/2023

**SUMMARY APPRAISAL REPORT
MARKET VALUE
THE FREDERICK F. ELLIS ESTATE
21 ELLIS RANCH ROAD
SAN SEBASTIAN, SOUTHEAST OF SANTA FE
SANTA FE COUNTY, NEW MEXICO**

SFC CLERK RECORDED 02/09/2023

**PREPARED FOR
MRS. BONITA B. ELLIS**

**DONNELL
APPRAISAL, P.C.**

DONNELL APPRAISAL, P.C.

September 27, 2011

Mrs. Bonita B. Ellis
P.O. Box 342
Santa Fe, New Mexico 87504-0342

REFERENCE: Summary Appraisal Report
The Frederick F. Ellis Estate
21 Ellis Ranch Road, San Sebastian, Southeast of Santa Fe
Santa Fe County, New Mexico

Dear Mrs. Ellis:

Attached is a summary appraisal report containing my conclusion of market value from the inspection of the above referenced property. My analysis indicated the market value of the fee simple estate held in the property is:

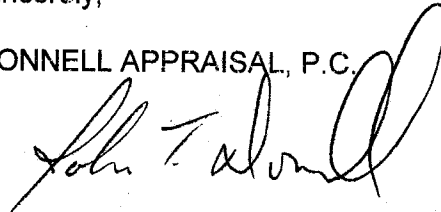
EFFECTIVE DATE:	March 5, 2011
MARKET VALUE:	\$3,420,000

The report provides you with my method of study as well as the limitations placed on the work product by the undersigned. Please read these limitations carefully so you may understand my conclusions clearly. In preparing this study, my conduct has been governed by the Code of Ethics of the Appraisal Institute. Jane P. Trusty participated in data collection and the valuation of the residential and related improvements to the property.

I appreciate the opportunity to serve you and trust this report will be satisfactory. If you should require additional details, please do not hesitate to call me.

Sincerely,

DONNELL APPRAISAL, P.C.


John T. Donnell, MAI

SFC CLERK RECORDED 02/09/2023

For purposes of valuation, I have estimated that the residential compound, which I have identified as the Ranch House compound, comprises approximately five acres out of the total larger parcel. For further description of the Ranch House section of the property, please refer to the residential form appraisal prepared by Jane P. Trusty in the addenda to the report.

The trading post and modular residence are in the 5.7813± acre corner tract. The trading post building is of good quality adobe and other masonry construction, and is in fair to average condition. The building contains approximately 1,709 square feet, and has an attached garage containing approximately 498 square feet, for a total of 2,207± square feet. The adjacent modular home is an older World War Two era government housing building that was transported to the property from Los Alamos. The building, containing 709± square feet, is of fair quality construction and is in poor condition. Please refer to the addenda to the report for floor plans and photographs.

Water Rights

There are two water wells on the property. The owners have made Declarations of Owner of Water Right of both wells with the New Mexico State Engineer. The well in the Ranch House area has Declaration No. RG-27169 and is dated 4/27/76. The well in the trading post quadrant has Declaration No. RG-27168 and is also dated 4/27/76. The quantity of water declared for beneficial use on well RG-27169 is 4.60 acre feet per year for domestic, stock and garden irrigation. The quantity of water declared for beneficial use on well RG-27168 is 6.72 acre feet per year for commercial (service station, restaurant, trading post & domestic) use. The total declared beneficial use is therefore 11.32 acre feet per year. The wells are in the Galisteo water basin, and the declared water rights have not been adjudicated by the State Engineer.

Adjudicated water rights, if transferable, could have significant market demand and can be marketed in conjunction with the property or can be sold independently. For the water rights to be adjudicated, the beneficial use must be proved. According to local water right consultant James E. Corbin, P.E., the adjudication process is burdensome, and can be costly and time consuming. Any attempt to move the rights off-property can be expected to meet significant opposition, with the resultant risk and potentially excessive consultant fees. Adjudication for on-site use, although still potentially costly and time consuming, carries less risk. The adjudication process had not been initiated as of the effective date of valuation. It is significant to note that on-site water will contribute significantly to the development potential of the 5.78± corner tract in the US Highway 285 Corridor zoning district.

The property has retained an easement to nearby Canada de los Alamos, a seasonal stream, as a potential water source. Development of an off-site source of water would require transfer or acquisition of water rights.

SFC CLERK RECORDED 02/09/2023

3/5/2011

The total value of the non-residential corner tract is therefore:

Land Value
Trading Post Building
Well and Accessory Improvements
Total

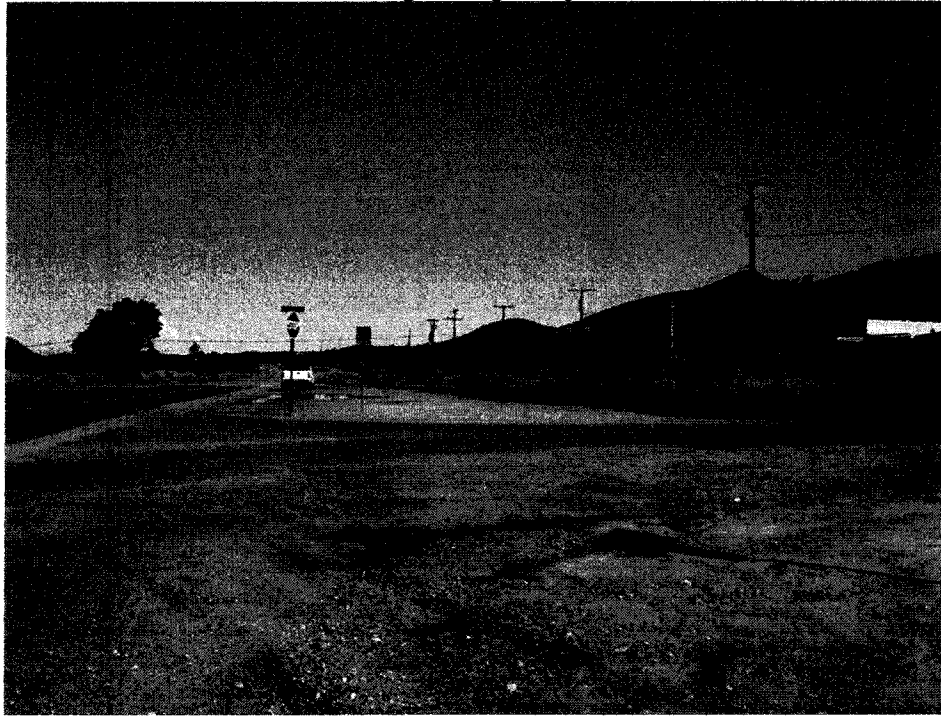
Total Value

The total property value is, consequently:

Single Family Residential Compound
Non-Residential Tract
Excess Land
Total

SFC CLERK RECORDED 02/09/2023

**Frederick Ellis Estate, 21 Ellis Ranch Road, San Sebastian
Santa Fe County, Southeast of Santa Fe, New Mexico
View West on Old Las Vegas Highway from Ellis Ranch Road**



**Frederick Ellis Estate, 21 Ellis Ranch Road, San Sebastian
Santa Fe County, Southeast of Santa Fe, New Mexico
View West on Old Las Vegas Highway from Southwest Property Corner**



SFC CLERK RECORDED 02/09/2023

Your PO Box fee is due by the LAST DAY OF THIS MONTH.

Your PO Box will be closed if the fee is not paid by the due date. If the fee is not paid within 10 days after the due date, a **late payment charge will apply**. You may make payment by any of the convenient options noted on the inside top portion of this envelope.

Make checks or money orders payable to **"U.S. Postal Service."** If the bank returns your check, or if payment is not received by the due date, your PO Box service will be suspended **until all associated charges** are paid.

Please disregard this notice if payment has been made.

Thank you.

Post Office Box Service Fee Due

Notice 32-B, September 2010 | PSN 7610-03-000-8332

Annual

Semiannual

\$ _____
Amount

Box # 342

87504

FOUR FLAGS

6 Months: \$83.00 12 Months: \$166.00

Due Date: 12/31/2022

SFC CLERK RECORDED 02/09/2023

For information or assistance, visit samsclub.com or call 1.888.744.7726

FREMONT ELLIS

FOUR FLAGS

19 0420 404065641

SFC CLERK RECORDED 02/09/2023

Santa Fe County
 Draft SLDC Zoning Map for
 U.S. 285 South Corridor

Legend

U.S. 285 SOUTH CORRIDOR
 COMMUNITY PLANNING AREA

PROPOSED SLDC ZONING DISTRICTS

- Federal and State Public Lands
- Public/Institutional
- Ag/Ranch (1 dwelling per 160 ac.)
- Rural (1 dwelling per 40 ac.)
- Rural Residential (1 dwelling per 10 ac.)
- Residential Fringe (1 dwelling per 5 ac.)
- Residential Estate (1 dwelling per 2.5 ac.)
- Neighborhood Commercial
- Planned Development District

Parcels

Major Roads

Minor Roads

Streams and Arroyos

Intermittent

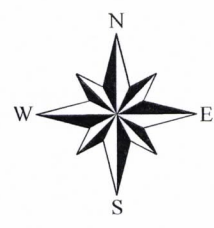
Perennial

YAEGER
OTHERS?

3-2014

RECORDED 02/09/2023

2014



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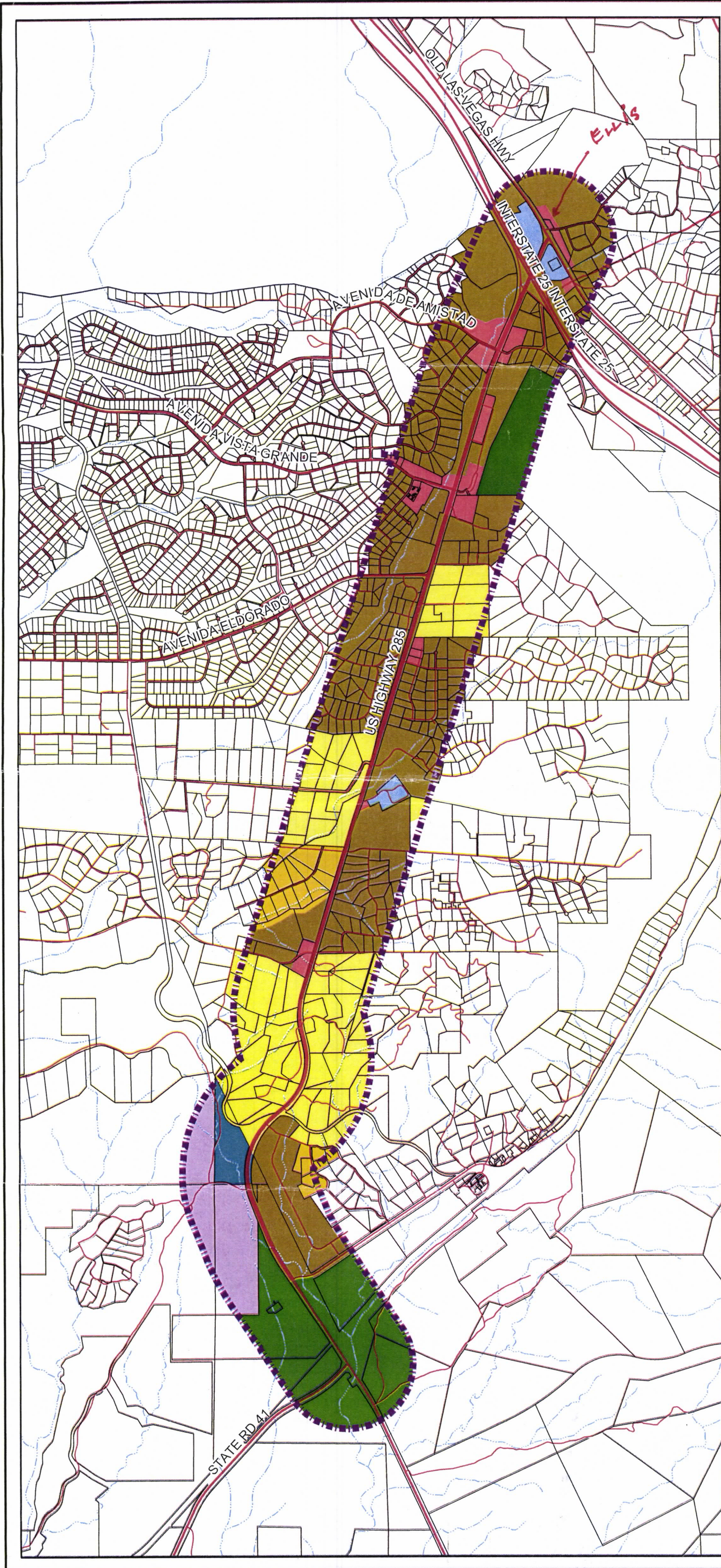


This information is for reference only.
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 errors associated with the use of these data.
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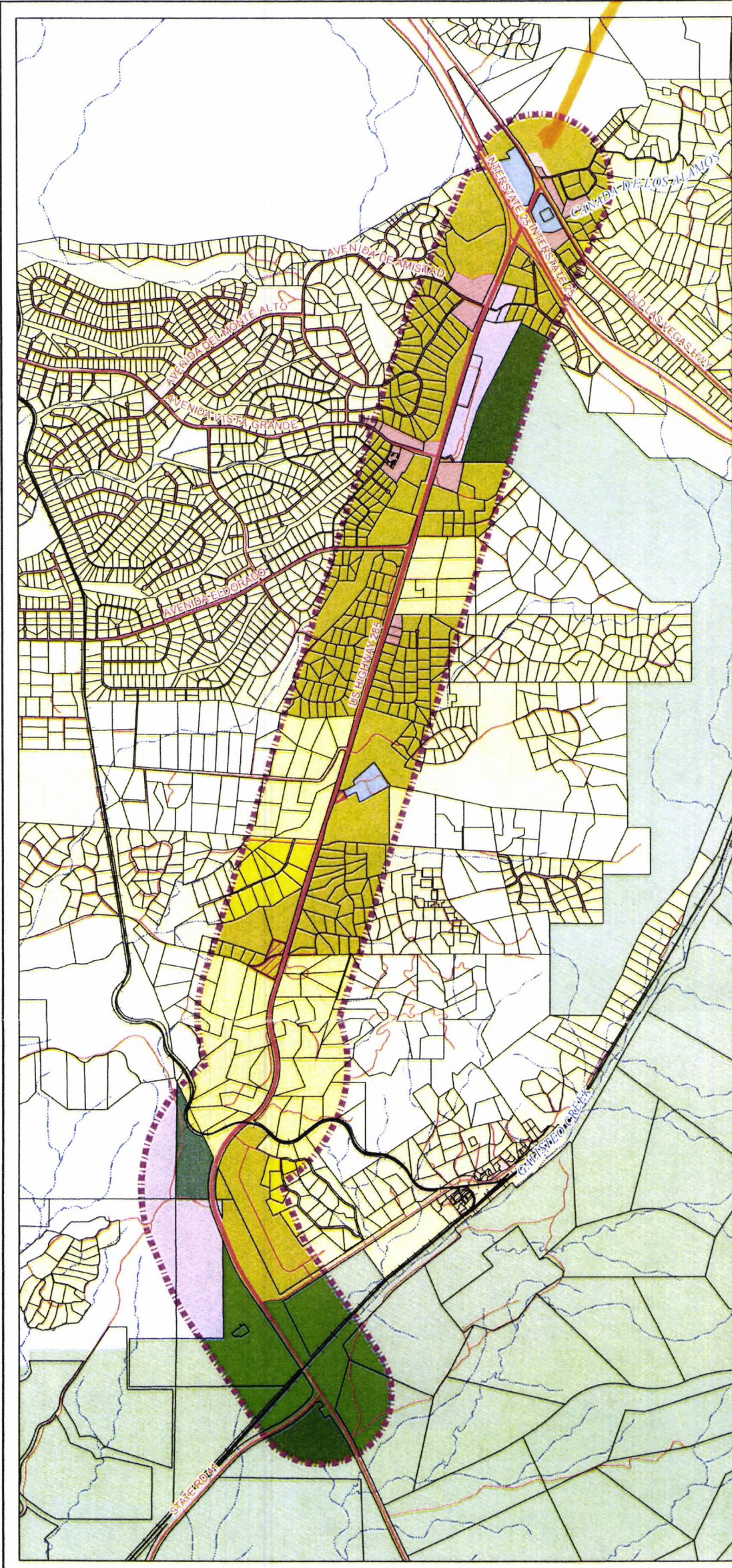
Santa Fe County
 Growth Management
 Department
 Planning Division

March 6, 2014
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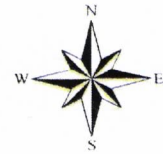
Santa Fe County
U.S. 285 South
Highway Corridor Plan
Land Use Map

- Legend**
- U.S. 285 South Hwy. Corridor Planning Area
 - Parcels
 - Not Under Santa Fe County Zoning Jurisdiction
 - Federal and State Public Lands
 - Proposed U.S. 285 South Hwy. Corridor Plan Land Use Map
 - Ag / Ranch
 - Rural
 - Rural Residential
 - Residential Fringe
 - Residential Estate
 - Commercial Neighborhood
 - Public / Institutional
 - Planned Development District
 - Potential Commercial Neighborhood
 - Potential Rural Commercial Overlay
 - Major Roads
 - Minor Roads
 - Railroad Lines
 - Streams and Arroyos
 - Intermittent
 - Perennial



SFC CLERK RECORDED 02/09/2023

SFC CLERK RECORDED 09/18/2015



0 0.5 1 Miles

0 2,500 5,000 Feet

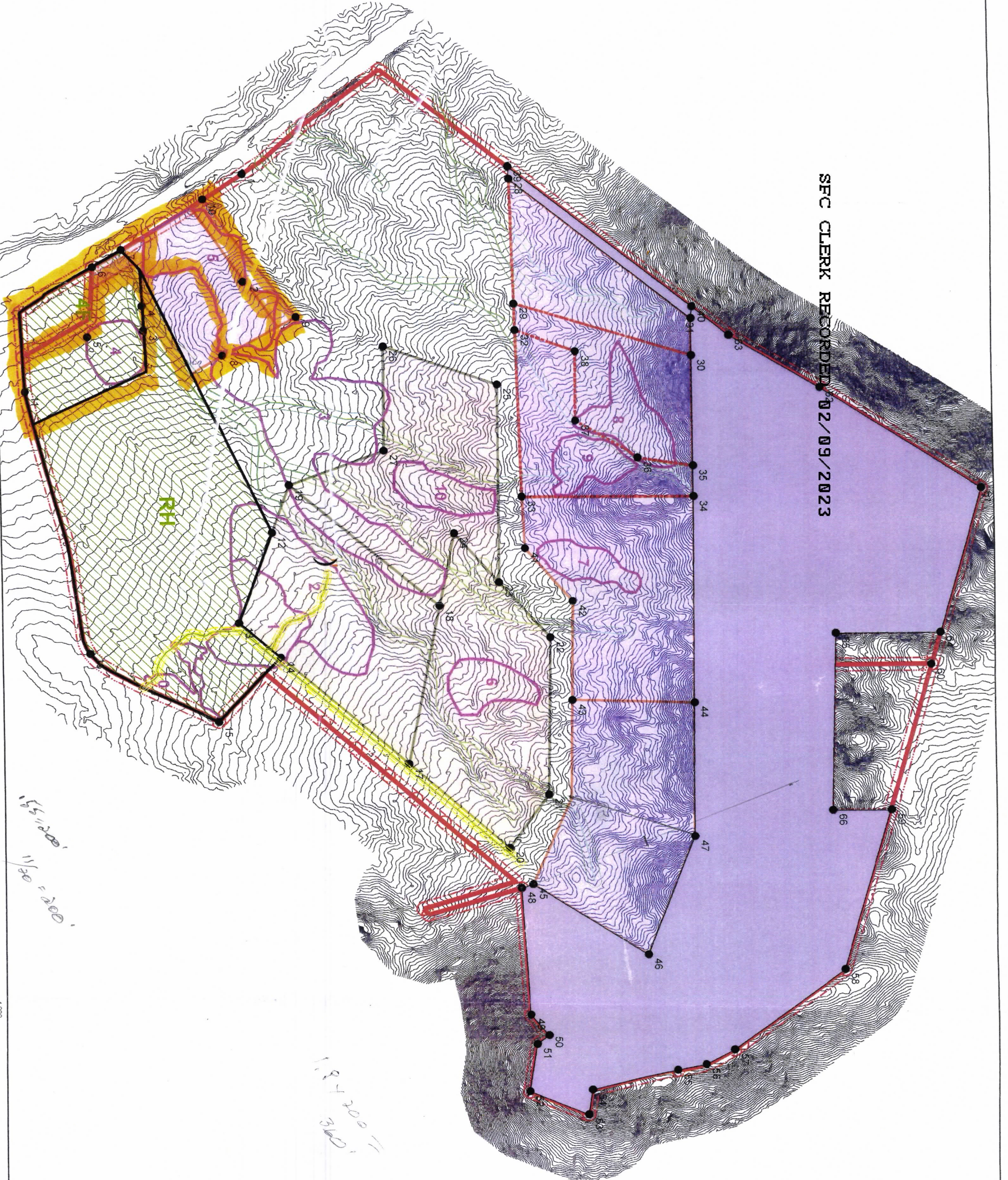
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data accuracy when necessary.



Santa Fe County
Growth Management
Department
Planning Division

July 24, 2015
us_285_south_corridor_community_
plan_land_use_map_7_2_15_tabloid.mxd

SFC CLERK RECORDED 02/09/2023



RH1

0 200 400 600 800 1,000 2,000 3,000 4,000 5,000 Feet

11/25 = 200'
11/20 = 200'

11/20 = 200'

Table 4-1: Procedural Requirements by Application Type

Application Type	Application Requirements				Review/Approval Process				
	Discretionary review?	Pre-application TAC meeting	Pre-application neighborhood meeting	Studies, reports, assessments	Agency review	Approval by Administrator	Hearing required?		
							Hearing Officer	Planning Commission	BCC
Development permit: residential	no	no	no	no	as needed	yes	no	no	no
Development permit: non-residential, mixed use & multi-family	no	yes	as needed	see Table 6-1	as needed	yes	no	no	no
Land divisions, subdivision exemptions and other plat reviews	no	no	no	no	as needed	yes	no	no	no
Family transfer	no	no	no	no	as needed	yes	no	no	no
Temporary use permit	no	no	no	no	as needed	yes	no	no	no
Minor subdivision - final plat, 5 or fewer lots	no	yes	no	see Table 6-1	as needed	yes	no	no	no
Minor subdivision - final plat, more than 5 lots	yes	yes	no	see Table 6-1	as needed	no	no	no	yes
Major subdivision - preliminary plat	yes	yes	yes	see Table 6-1	yes	no	no	no	yes
Major subdivision final plat	yes	yes	No	no	no	no	no	no	yes
Conceptual plan for subdivision - phased or over 24 lots, phased MU, I, IL, CG, CN	yes	yes	Subdivision - yes Others - no	see Table 6-1	as needed	no	no	no	yes
Conceptual plan PDD, CCD	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Vacation of subdivision plat	yes	no	no	no	as needed	no	no	no	yes
Conditional use permit	yes	yes	as needed	see Table 6-1	as needed	no	yes	yes	no
DCI Conditional use permit	yes	yes	yes	yes	yes	no	yes	yes	no
Variance	yes	yes	as needed	no	as needed	no	yes	yes	no
Time extension	yes	no	no	as needed	as needed	no	no	no	yes
Planned development district	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Overlay zones	yes	yes	yes	no	as needed	no	yes	yes	yes
DCI overlay zones	yes	yes	yes	yes	yes	no	yes	yes	yes
Zoning map amendment (rezoning)	yes	yes	yes	see Table 6-1	as needed	no	yes	yes	yes
Text amendment	yes	yes	no	no	as needed	no	no	yes	yes
Area, district community plan, or plan amendment	yes	yes	yes	no	as needed	no	no	yes	yes
Beneficial use determination	yes	yes	no	no	no	no	yes	no	yes
Appeals	See Sec. 4.5	no	no	no	no	no	no	See Sec. 4.5	See Sec. 4.5

SFC CLERK RECORDED 02/09/2023



Rick and Debra Geddes
11 Camino Los Sueños
Santa Fe, NM 87506

11 December 2022

Mr. John Lovato
Santa Fe County, NM
Development Review Team Leader
Growth Management/Land Use
Building and Development Services Division

RE: Case #21-5010
Rancho Cielo Grande Subdivision

Dear Mr. Lovato,

We would like to express our concerns regarding the above-referenced development, the entry to which is approximately 900 feet from the entry to our subdivision (Northwest Ranches).

While the proposed development is comprised of large lots for low density, which is in keeping with the contiguous communities, the following are concerns.

1. The developer has not committed to the paving of the unpaved portion of Los Sueños Trail, which we believe would degrade with the increase in traffic and construction equipment.
2. The proposed placement of the affordable housing unit is unusual, in that it is not part of the overall development, but rather, adjacent to our community (Northwest Ranches).
3. We have not been presented with any guidelines for the proposed homes in the community, such as water source, maximum building heights, etc., so it is difficult to even know what our potential objections might be.

We appreciate the opportunity to express our concerns.

Best regards,

Rick and Debra Geddes

SFC CLERK RECORDED 02/09/2023

Mr. John Lovato
Santa Fe County
Development Review Team Leader
Growth Management/Land Use
Building and Development Services Division

RE: Case# 21-5010
Rancho Cielo Grande Subdivision

Dear Mr. Lovato,

Thank you for the opportunity to comment on the proposed development. I am writing on behalf of the Board of Directors of the Northwest Ranches Homeowners Association (NWRHOA). Our HOA includes 23 - 2.5 acre lots, and the entry to our subdivision is within about 900 feet of the proposed entry to the Rancho Cielo subdivision. Also, the southern boundary of our subdivision abuts the proposed Affordable Housing Unit (affordable unit).

We welcome the proposed Cielo Grande subdivision with its large lots and low density of homes. At the same time we agree with the County's determination to require the developer to pave the roadway, and object to the odd placement of the affordable unit.

Regarding the roadway, it is our understanding that Los Suenos Trail is included in the County's transportation plan as a rural collector and needs to be paved. We support continuing efforts to allow the County to take over maintenance of Los Suenos Trail as well, ensuring professional management and equitable cost sharing.

Placing the affordable unit at a fair distance from the rest of the large lots is odd. It appears there is an intention to overly concentrate affordable units at one location as additional properties are developed. Not having seen a plan for utility services, the separation of the affordable unit seems contrary to sustainable development. Separation of the affordable unit also does not appear to provide a greater public benefit than if included in the main subdivision.

There has been only scanty information provided about this project, and that was seemingly long ago. So we expect that we may have some additional comments following the public hearing. Also, this project will be discussed at our HOA meeting on December 9. We have asked our membership to respond to you directly with their individual comments.

Thank you again for this opportunity.

Sincerely,

Kirby Vahle, President NWRHOA

Xc: Jim Bossert, Vice President NWRHOA
Helen Hathaway, Secretary/Treasurer NWRHOA
Gary Brett Clavio, Transportation Planner, Team Leader, Santa Fe County

SFC CLERK RECORDED 02/09/2023

John F. Lovato

From: Penny Ellis-Green
Sent: Friday, December 2, 2022 7:52 AM
To: Kenneth J. Quintana; John F. Lovato
Subject: FW: Santa Fe west investments subdivision at Camino la Tierra and Arroyo Calabasas

Importance: High

I think this is Kenny's case, but Johns is off of Los Suenos too. Can someone confirm which one and then make sure it gets into the packet?

Kenny - I don't see any public comments have been submitted under your case yet as there are no comments in the exhibits. So please save any that come in and make sure we upload them as additional packet material next week.

John, if you get any more we will do the same and upload next week.

Once the packet material has been approved by me I cannot add, so please gather these and get me the additional comments (split into support and opposition) in pdf on Thursday morning.

Anything received after that, do the same and we will upload on Monday of the following week.

Thanks

-----Original Message-----

From: Page Kelleher [mailto:pagekelleher@gmail.com]
Sent: Thursday, December 1, 2022 8:00 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Santa Fe west investments subdivision at Camino la Tierra and Arroyo Calabasas

WARNING:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

I'm a resident of Los Suenos subdivision.

I'm writing in regards to the Santa Fe investments proposed submission near Camino La Tierra and Arroyo Calabasas. The Las Campanas, La Tierra, Los Suenos area of the northwest corridor are remarkably beautiful for their dark night skies, lack of traffic, and quiet neighborhoods of 2.5 acres. Do we really need a traffic circle with lights to impact or neighborhood? Do we really need higher density housing in these neighborhoods? Why not keep within the current zoning of 2.5 acre lots? It seems to work quite well out in these areas. Can't the developer be happy with just following the existing guidelines? Is there just not enough profit in it to fill his pockets?

Please do not change this zoning.

Thank you for your consideration.

Page Kelleher
21 Cloud March West
Santa Fe NM

Sent from my iPad

SFC CLERK RECORDED 02/09/2023

John F. Lovato

From: Sarah Green <green.tx@gmail.com>
Sent: Thursday, December 1, 2022 9:19 PM
To: John F. Lovato
Subject: Los Suenos Trail development

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Lovato,

We, the homeowners at 28 Coppermallow Road, are concerned about the potential Peters' project as a section of Los Suenos Trail runs across our property. Adding a development at Los Suenos Trail and Cloud March will cause increased traffic and additional wear to our road both during the construction phase and continuing through final completion and occupancy. Based on the developer's lack of communication and refusal to enter a maintenance agreement, we believe the road will become degraded. The additional noise and light pollution are significant concerns as Los Suenos Trail is part of our property, and the development itself will be highly visible from our home. Water is always a concern as growth will increase the demand on our already dwindling supply.

Thank you for your time,
Brian and Sarah Green
28 Coppermallow Road

SECRET
CLERK RECORDED 02/09/2023

John F. Lovato

From: Whitney Sunderland <wpsunderland@icloud.com>
Sent: Thursday, December 1, 2022 3:18 PM
To: John F. Lovato
Subject: Case# 21-5010 Rancho Cielo Grande project along Los Sueños Trail

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

John Lovato
Santa Fe County

Mr. Lovato

I am writing to express my concerns about the above referenced project along Los Sueños Trail that is under consideration. This endeavor has a long history of unsuitable proposals and the current project does not meet the concerns of neighborhood property owners. We highly value our privacy and quiet in this lovely part of Santa Fe County and are concerned that additional traffic will adversely affect our environment. However, our greatest concern is that, like previously proposals for this property, there have been no guarantees included that will address the potential damage to and wear on Los Sueños Trail, which is a private road that will be used by construction equipment and eventually additional residents.

Maintaining this road is quite expensive and paid for by fees are primarily assessed to our property owners through HOA dues and special assessments. If any support is to be found by our neighbors, this must be addressed in a fair and reasonable commitment to sharing this financial responsibility. Until this issue is addressed appropriately, we are strongly opposed to the project,

Thank you for responding to citizens of the affected neighborhoods of Santa Fe and hope that your recommendation to the County Board is to reject the current proposal for the Rancho Cielo project along Los Sueños Trail.

Sincerely

Whitney and Kate Sunderland
9 Lupine Court
El Prado Subdivision (along Los Sueños Trail)
Santa Fe, NM 87506
wpsunderland@icloud.com

SFC CLERK RECORDED 02/09/2023

11/27/2022

Santa Fe County Board of County Commissioners

Re: Case # 21-5010 Rancho Cielo Grande Subdivision

I am a resident of the Los Suenos HOA and as such I am directly impacted by the proposed subdivision.

My concern relates to the private road Los Suenos Trail, which is maintained by the HOA's which abut the road, and which Rancho Cielo will use.

My concerns include:

1. There will be considerable wear and tear on Los Suenos Trail during construction. How will Ranch Cielo repair and maintain the road during the construction period? This should not be a cost borne by the current home owners.

Ranch Cielo must be required to provide a bond of sufficient size, held in a US bank, to repair any damage to Los Suenos Trail should it occur.

2. Rancho Cielo must commit to participating in ongoing maintenance of Los Suenos Trail with the other HOA's of Los Suenos Trail Alliance.

To date we have not been able to obtain any information from Rancho Cielo regarding these issues.

I do not believe that the County should approve this subdivision until the above issues are satisfactorily resolved.

Sincerely yours,



Bruce Woda
Treasurer, Los Suenos HOA
10 Cloud March West
Santa Fe, NM 87506

SFC CLERK RECORDED 02/09/2023



Good evening Commissioners,

Before I proceed forward with the presentation for the proposed 12 lot Rancho Cielo Grande Subdivision, there are some errors in the staff report that need to be addressed and corrected as listed below:

- 1.) On page 7 of the staff report under “Water supply, wastewater and water conservation” the report reads: “The applicant is required to obtain a water delivery agreement approval from the BCC prior to a final plat being approved per Section 5.8.4.5.2. of the SLDC. At this point staff has not received this document so this application is not in conformance with the SLDC.” You will note under Exhibit 10 an “Approved and Recorded” Water Delivery Agreement approved by the BCC is included in the packet under pages 193-206.
- 2.) On page 3 of the staff report there is a lengthy description of the prior approval of the Suerte del Sur development that was approved under the prior County Land Development Code. The 264 lot Suerte del sur development did not proceed forward due to the 2008 economic crash, therefore the prior approvals granted have no bearing on the 12-lot subdivision request being considered by the BCC tonight.
- 3.) On page 11 of the staff report under Section F: Agency Review Comments the Office of the State Engineer is shown as “Negative Opinion”. However, under Exhibit 4 page 160 a “Positive Opinion” is given by the Office of the State Engineer. Therefore, all required review agencies have provided positive opinions of approval of the project.
- 4.) On page 6 of the report there is a statement that: “At the November 7, 2019, Technical Advisory Meeting the applicant was informed that all SRA’s were needed for this proposal.” The letter from TAC stated that the following SRA’s were required: Adequate Public Facilities and Service Assessment, Traffic Impact Report, & Water Service Report.

An additional letter was sent by staff on November 30, 2020, that states an EIR is not applicable to the project.

In lieu of conducting an EIR, the applicant will provide an additional archaeological analysis of the previously studied areas referenced by prior arch studies done for the Suerte Del Sur Area that studied approximately 660 acres within the vicinity of the subject 12 lot subdivision, therefore we request that approval condition #1 be deleted

SFC CLERK RECORDED 02/09/2023

SANTA FE COUNTY
TECHNICAL ADVISORY COMMITTEE

November 12, 2019

James W. Siebert and Associates
915 Mercer St.
Santa Fe, NM 87505

Re: 13-Lot Major Subdivision for Gerald Peters (formerly Suerte Del Sur)

Thank you for presenting the above mentioned project at the pre-application Technical Advisory Committee (TAC) meeting on November 7, 2019. Below is a summary of relevant issues that were discussed at the TAC meeting:

- The Applicant is requesting to consolidate 3 lots (Lots 8, 9 and 10) and Preliminary and Final Plat approval for a Major Subdivision to create a 13-lot residential subdivision (2.5-acre lots) on a parcel of land consisting of a total of 222.79 acres per Chapter 5, Section 5.7 (Preliminary Plats Major Subdivisions) and Chapter 5, Section 5.8 (Final Plat) of the Sustainable Land Development Code (SLDC).
- The 222.79-acre parcel is located at 109 Sky Ranch Road, which is off of Los Suenos Trail, within the Residential Estate Zoning District, within the Tres Arroyos de Poniente Overlay Zoning District. This project must comply with the Tres Arroyos de Poniente (TAP) Overlay Zoning District Ordinance.
- **Reports, Studies and Assessments must include** the potential for all dwelling units and accessory dwelling units. The Water Service Availability Report (WSAR), the Fiscal Impact Assessment (FIA) and **the Environmental Impact Report (EIR) may be required based on the scope and impact of the proposed project.**
- An Adequate Public Facilities and Services Assessment (APFA) report must be submitted with the Preliminary Plat.
- A Traffic Impact Assessment (TIA) report must be submitted with the Preliminary Plat.
- A Ready, Willing and Able letter from Santa Fe County Utilities must be submitted with the Preliminary Plat addressing all dwelling and accessory dwelling units.
- The proposed development falls within a Medium Potential Area for discovery of Archaeological Resources. An Archaeological Survey will be required as per Chapter 7, Section 7.16.6 (Development Within Areas of Medium Potential for Discovery of Archaeological Resources, Required Investigation: Treatment and Mitigation).
- Off-site and onsite roads must meet current County road requirements.
- An emergency turn-around will be required if driveways are longer than 150 feet and must be shown on plat. If a cul-de-sac is proposed, the cul-de-sac must have a minimum diameter of 96 feet.
- Fire Protection will need to be addressed at time of submittal.

SFC CLERK RECORDED 02/09/2023

SFC CLERK RECORDED 02/09/2023

- A pre-application neighborhood meeting must be held in accordance with Chapter 4, Section 4.4.4. of the SLDC (see attached). The following Registered Organizations must be notified:
 - Sonrisa Homeowners Association (Curtis Canada)
7 Cloud March E Santa Fe, NM 87506
Email: curtisvcanada@mac.com
 - Los Suenos Trail Alliance (Steven Schwartz)
10 Coppermallow Road Santa Fe, NM 87506
Email: sjs123sjs@gmail.com
 - Salva Tierra Homeowners Association (Gary Jacobs)
18 Columbine Lane, Santa Fe, NM 87506
Email: garywjacobs@gmail.com
 - Northwest Residents United (Mona Shoup)
7 Tecolote Circle, Santa Fe, NM 87506
Email: monashoup@icloud.com
 - Las Campanas Master Association (Chip Munday)
366 Las Campanas Dr. Santa Fe, NM 87506
Email: cmunday@lascampanasowners.com
 - Santa Fe Association of Realtors (Donna Reynolds)
510 N Guadalupe St.
Suite E Santa Fe, NM 87501
Email: donna@sfar.com

Enclosed are the Submittal checklist and Applications. Once you have collected all the required submittal information, give me a call to set an appointment to submit.

If you have any questions, please do not hesitate to contact this office at 995-2726.

Sincerely,

Vicente Archuleta
Development Review Team Leader
[\(505\)995-2726](tel:5059952726)

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Katherine Miller
County Manager

November 30, 2020

BY ELECTRONIC MAIL

James W. Siebert & Associates, Inc.
Attn: Wayne Dalton
915 Mercer Street
Santa Fe, NM 87501

Re: Rancho Cielo Grande Subdivision Preliminary Plat and Final Plat

This letter is to inform you that Staff has determined the submittal for the Rancho Cielo Grande Subdivision Preliminary Plat and Final Plat has been deemed **incomplete** per the following:

Preliminary Plat

Missing Documentation (Required Submittal Information)

- Rural Addressing Assigned 911 Documentation not included
- Proof of Taxes
- Notarized Letter of Consent from Property Owner

Development Report Inclusive of, but not limited to (see checklist):

- Proposal (addressed)
- Acreage (addressed)
- Location (addressed)
- Existing Development and future use of remaining existing adjacent lots (summarize in Development Report)
- Adjacent Property (addressed)
- Description of project (more detail)
- Use List (if applicable)
- Phasing Schedule (address even if single Phase)
- Lot Coverage (if applicable)
- Access (address in Development Report)
- Traffic Impacts Summary and Recommendation (address in Development Report)
- Terrain Management (addressed in Development Report)
- Landscaping (not applicable)

- Exterior Lighting (if applicable)
- Parking (not applicable)
- Signage (if applicable)
- Water Supply (address in Development Report)
- Preliminary Water Budget (address in Development Report)
- Liquid Waste (address in Development Report)
- Soils (addressed)
- Solid Waste (address in Development Report)
- Archaeology Summary (addressed) need 2-copies of Archaeology Report
- Fire Protection (address in Development Report)
- Proposed Water Harvesting Measures (if applicable)

The above must be addressed in the Development Report

The following Reports are supplemental to the Development Report:

- Affordable Housing Agreement (plan and agreement)
- Geotechnical Report (if applicable)
- Water Service Availability Report Traffic Impact Analysis (addressed under separate cover)
- Adequate Public Facility (addressed)
- Fiscal Impact Analysis (not applicable)
- **Environmental Impact Report (not applicable)**
- Archaeological Report (need 2-copies)
- Water Covenants (comply with Standard Covenants and Restrictions)
- Ready, Willing and Able Letter of commitment from County Utilities to serve for domestic and fire protection purposes (new Ready, Willing and Able Letter, current will expire on January 23, 2021.
- Water Allocation approval from the Board of County Commissioners in the form of a resolution prior to Preliminary Plat approval. (Utilities will need to get that)

Plans Applicant to Provide:

- Existing Site Plan (addressed)
- Traffic Circulation Plan (missing)
- Road Design Plan (Need signage plan)
- Lighting Plan (address)
- Landscaping and Buffering (addressed)
- Terrain Management Plan – Grading and Drainage (addressed)
- Utility Design Plan 90% Complete (address)
- Open space Plan (address)
- Signage Plan (Subdivision - if applicable)
- Fire Protection Plan (address)
- Lot 2-A needs to be addressed on all applicable plan sheets

Final Plat

Appropriate instruments of conveyance granting fee title or easement rights for all:

- Roads
- Public Infrastructure
- Easements
- Affordable Housing Sites (as applicable)
- Parks and Recreation Land (if applicable)
- School and Library Sites (if applicable)
- Open Space
- Transfer of Development Rights (if applicable)
- Archaeological, Cultural and Historic Sites (addressed with Preliminary Plat submittal)
- Wetlands, Floodways, Streams, Hillsides and Environmentally Sensitive Areas (if applicable)
- Agricultural Preservation and Protection Areas (if applicable)
- Bicycle and Pedestrian trails and lands to be set aside for other improvements and services

Affidavit stating whether or not the proposed subdivision lies within the subdivision regulation jurisdiction of Santa Fe County.

Certificate stating that the Board accepted, accepted subject to improvement or rejected, on behalf of the public, any land offered for dedication for public use in conformity of the offer of dedication.

Subdivision Improvement Agreement (need to address)

Development Agreement

Preliminary Plat Approval

Executed Water Delivery Agreement and/or Wastewater Collection Agreement from County Utility, a public or publicly regulated water or waste water system prior to Final Plat approval.

Information on Plat Applicant provides

- Define the subdivision and all roads by reference to permanent markers
- Accurately describe legal access to, roads and utility easements for each parcel
- Recording Data of the access or easements are based on an agreement
- Number each parcel in progression with dimensions and dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land
- Delineate portions of the subdivision located in a floodplain
- Delineate buildable areas and no-build areas
- Statement that the land is subdivided in accordance with the final plat
- Statement indicating the Zoning District the subdivision is located in

- Proposed Subdivision Statement
- Covenants, Conditions and Restrictions (CC&R's)
- HOA documents
- A notation indicating formal offers of dedication

Once the issues above have been addressed, contact me at (505)995-2726 if you have any questions or concerns.

Sincerely,

Vicente Archuleta

Vicente Archuleta
Development Review Team Leader
Santa Fe County Growth Management Department

Cc: Vicki Lucero
Building and Development Services Manager
Santa Fe County Growth Management Department



**STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER**
CONCHA ORTIZ Y PINO BUILDING, 130 SOUTH CAPITOL, SANTA FE, NM 87501
TELEPHONE: (505) 827-6091 FAX: (505) 827-3806

JOHN R. D'ANTONIO JR., P.E.
STATE ENGINEER

Mailing Address:
P.O. Box 25102
Santa Fe, NM 87504-5102

October 8, 2021

Nathan Manzanares
Development Review Team Leader
Santa Fe County
PO Box 276
Santa Fe, NM 87504

VIA EMAIL

Re: Rancho Cielo Grande Subdivision

Dear Mr. Manzanares:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Santa Fe County Land Development Code and the New Mexico Subdivision Act.

Based on the information provided, this office has determined that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. Accordingly, a **positive opinion** is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Matt Nelson at 505-827-6755.

Sincerely,

Julie Valdez
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.

cc: **OSE Water Rights Division, Santa Fe Office**

SFC CLERK RECORDED 02/09/2023

SFC CLERK RECORDED 02/09/2023

COUNTY UTILITY LINE EXTENSION AND DELIVERY AGREEMENT

This Utility Line Extension and Delivery Agreement ("Agreement") is between Santa Fe County ("County"), a political subdivision of the State of New Mexico, and Suerte del Sur, LLC, a New Mexico limited liability company whose address is P.O. Box 908, Santa Fe, NM 87501 ("Suerte"). Suerte is referred to in this Agreement as "Developer." The County and Developer are collectively referred to as the "Parties."

RECITALS

A. This Agreement governs the terms and conditions under which the County Utility ("Utility") will make water service available to Rancho Cielo Grande Subdivision comprising 130.34 acres located in Santa Fe County, New Mexico, in Section 19, T.17N, R.9E and Section 24, T.17N, R.8E N.M.P.M., (the "Property"). The Property will be developed as a single phase, ("Development"). The Development will occupy approximately 130.34 acres. The Development will have a total of 11 market rate dwelling units, one affordable dwelling unit and no commercial development.

B. Suerte is the owner of the Property and has written authority to apply for development approvals and utility service from the County within the meaning of the County Sustainable Land Development Code ("SLDC").

C. The Board of County Commissioners ("Board") will consider whether to approve the preliminary and final subdivision plat.

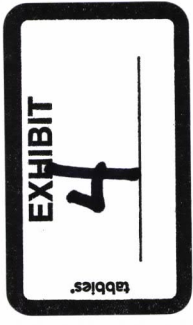
D. The total water budget of the Development is 3.3 acre-feet per year ("AFY"), inclusive of the additional 20% required under Resolution 2006-057, and is hereinafter referred to as the "Development Water Budget."

E. The Santa Fe County Utility ("Utility") has agreed to provide water service to the Development in accordance with the terms and conditions set out in this Agreement, which shall among other things govern the dedication of any necessary utility easements, improvements, and water rights to the County and the design, construction, and approval of any water line extension.

F. Incorporated into and made a part of this Agreement by reference are all Utility Customer Service Policies ("Utility Policies") adopted by the County, including but not limited to those established by Resolution Nos. 2012-88, 2006-57, 2011-79, and Ordinances 1998-16, 2010-16, 2014-11 and 2018-12, as amended and as the same may be hereafter amended, superseded, or replaced from time to time; *provided*, however, that in the event of a conflict between Sections 1 through 5 of this Agreement and any change in the Utility Policies after execution of this Agreement, this Agreement will prevail; and *provided* further that in the event of a direct and irreconcilable conflict between this Agreement and a requirement of the SLDC in effect on the

SFC CLERK RECORDED 82/23/2822

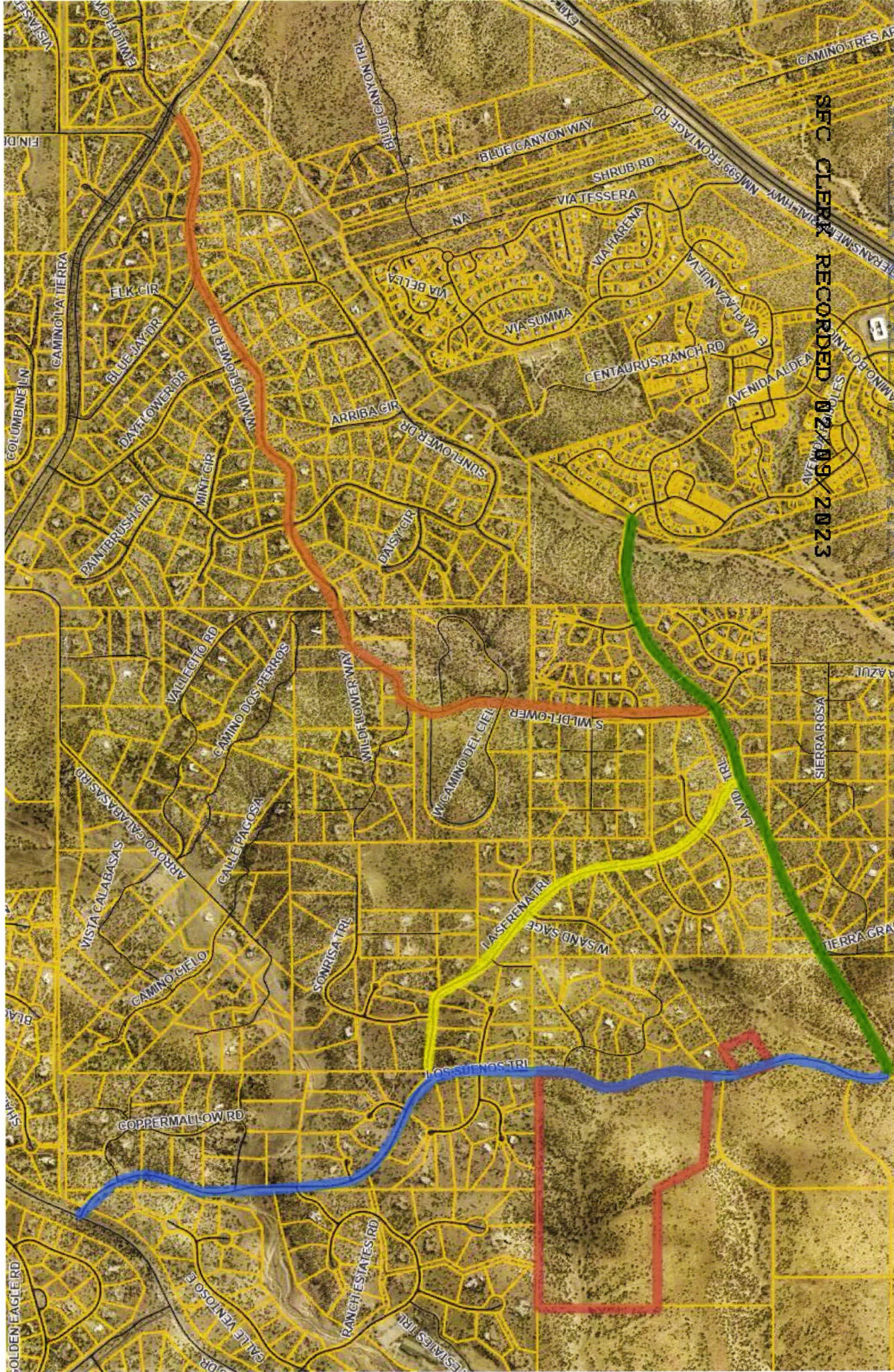




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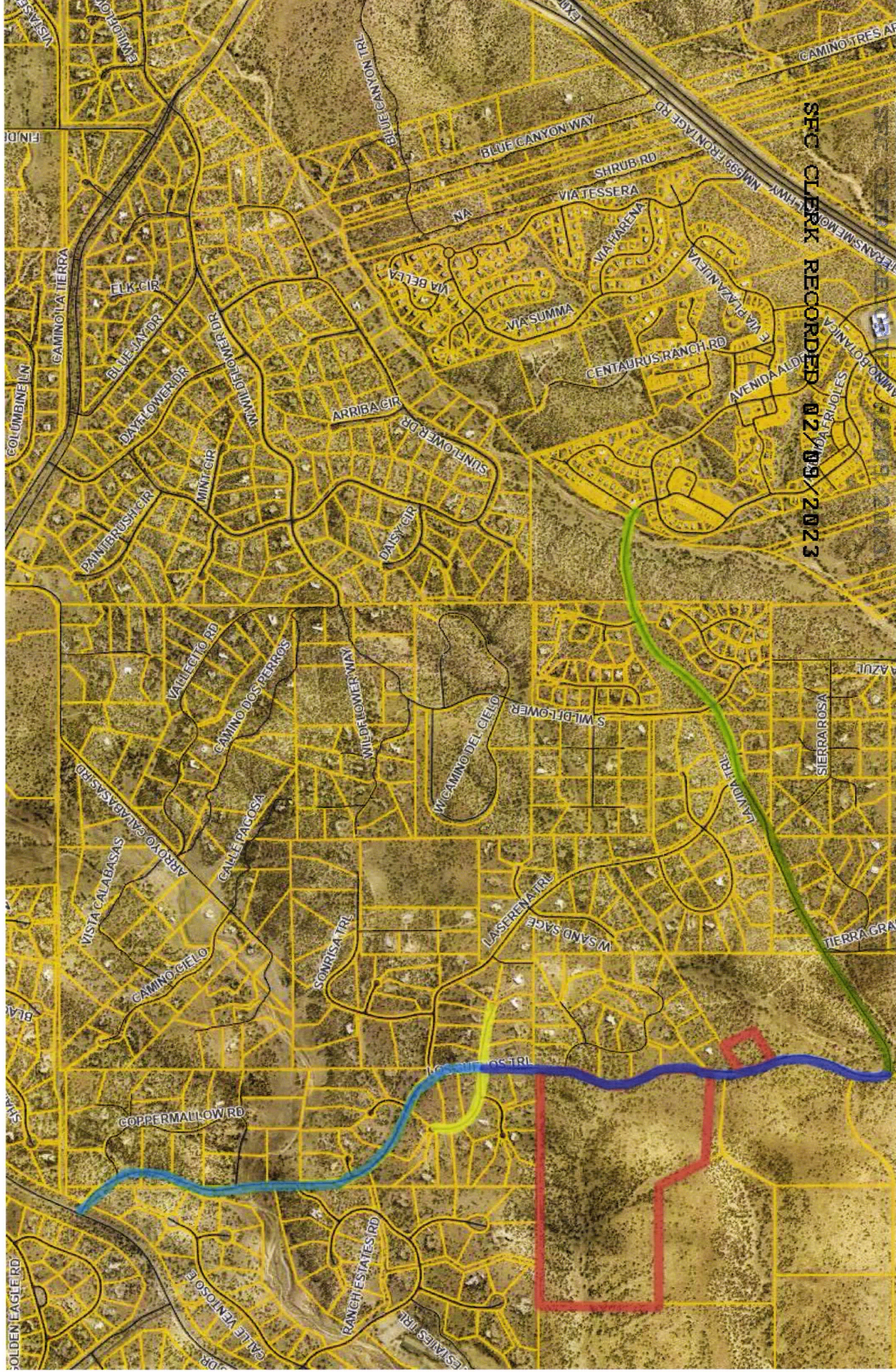
Key:

- Red: Boundary of proposed subdivision
- Blue: Los Suenos Trail (66 ft wide private easement right of way)
- Yellow: La Serena Trail (50 ft wide private easement right of way)
- Green: La Vida Trail (66 ft wide private easement right of way)
- Orange: Wildflower Way (50 to 66 ft wide private easement right of way)



Key:

- Red: Boundary of proposed subdivision (12 lots)
- Light Blue: Paved portion of Los Suenos Trail (66 ft wide private easement right of way)
- Dark Blue: Unpaved portion of Los Suenos Trail (66 ft wide private easement right of way)
- Dark Green: Unpaved portion of La Vida Trail (66 ft wide private easement right of way)
- Light Green: Paved portion of La Vida Trail (66 ft wide private easement right of way)



Staff's Position No. 1: "The required roadway improvements to Los Suenos Trail should extend along the project area to the southern boundary and from Los Suenos Trails [sic] to La Vida Trail at the western property boundary of the subdivision serving the affordable lot 2-A and the remainder lots." *Staff Memo, p. 11.* This equates to approximately 3,850 feet or three quarters (3/4) of a mile.



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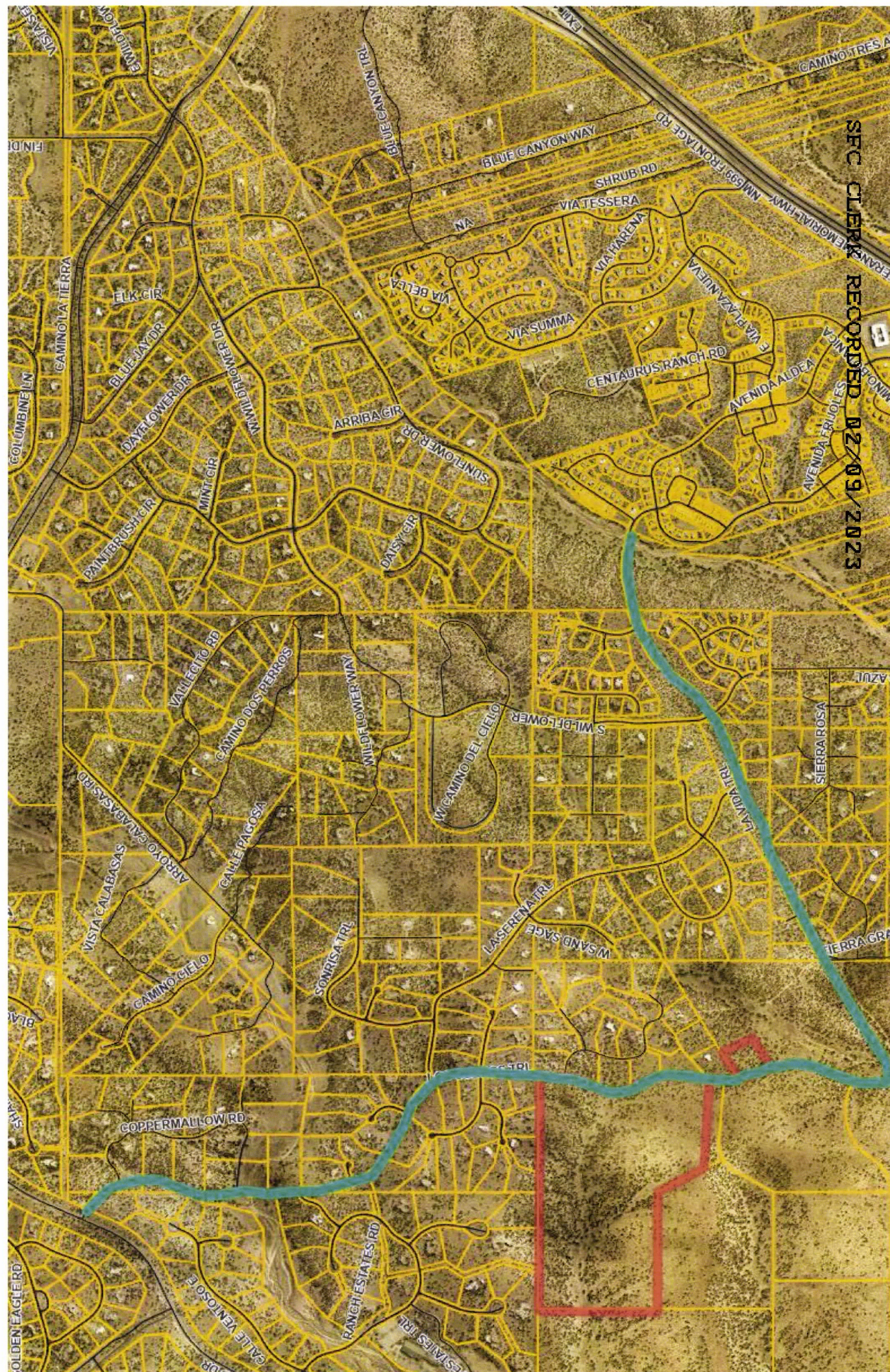
SFC CLERK RECORDED 02/09/2023

Staff's Position No. 2: "Approximately 2,588 feet will need to be provide 80' of Right of Way with two 11 foot paved lanes. This is the entire portion of Los Suenos Trail that abuts the proposed subdivision including the Affordable Lot owned by Suerte Del Sur." *Staff Memo, pp. 7-8.* This equates to approximately 2,500 feet or one-half (1/2) of a mile.



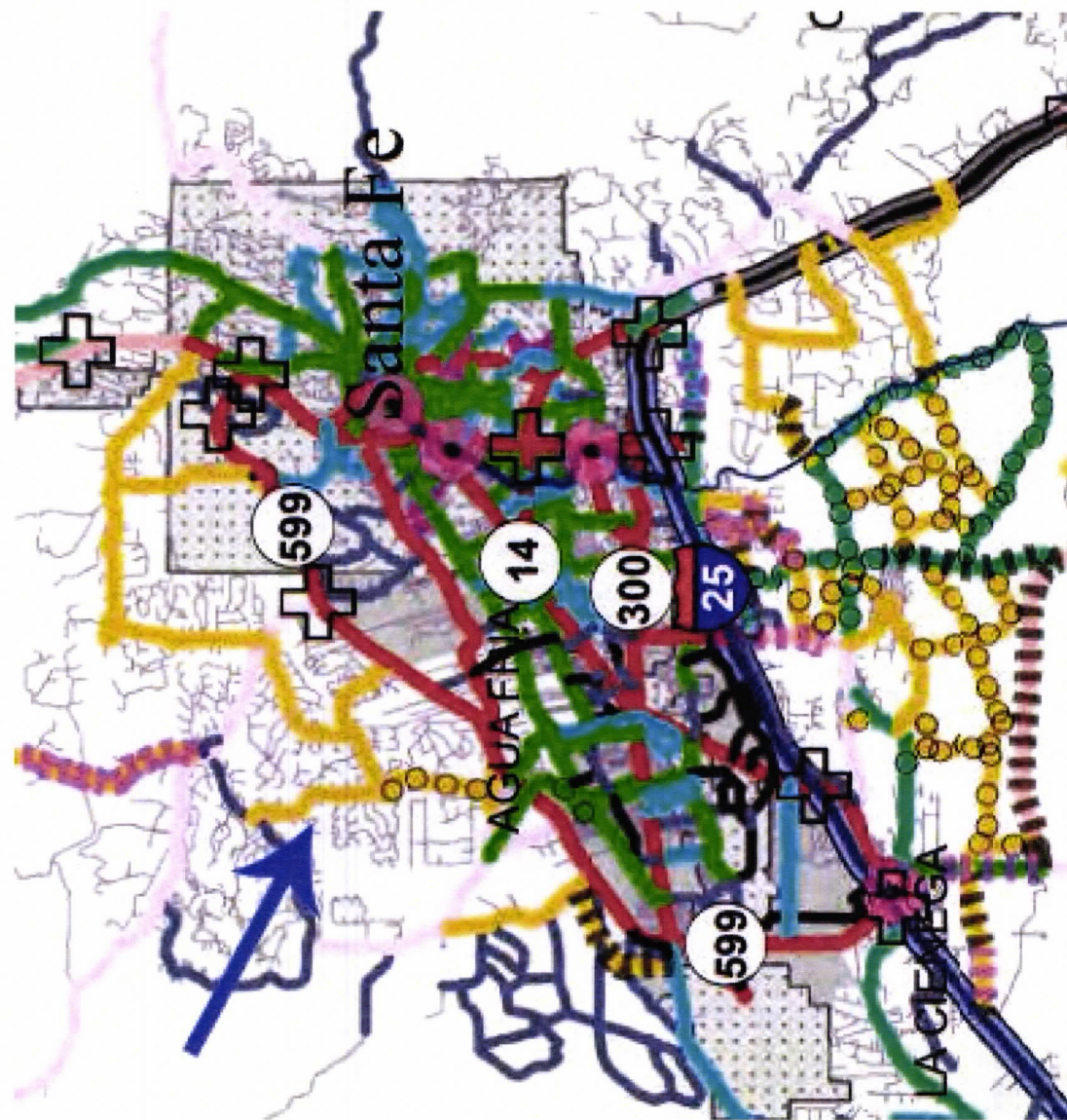
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Staff's Position No. 3: "La Vida Trail and Los Suenos trail shall be constructed to the standards of Chapter 7.11.1.1.3.3, Table 7-13 of the SLDC Collector Road Standards, which include two paved 11 foot driving surfaces with 80 foot of Right-of-Way....An 80FT right of way shall be platted for Los Suenos Trail on the side of the property, from Cloud March to the end of the property, approximately, 2588.ft." *Staff's Memo, p. 12.* This equates to more than three miles.



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“Official Map”



- Future Road Network and Right-of-Way (R.O.W) Dedication Required *
- Interstate Freeway - Rural
 - Interstate Freeway - Urban
 - Principal Arterial - Rural (Max. 150 ft. R.O.W. Dedication Required*)
 - Principal Arterial - Urban (Max. 100 ft. R.O.W. Dedication Required*)
 - Minor Arterial - Rural (Max. 100 ft. R.O.W. Dedication Required*)
 - Minor Arterial - Urban (Max. 100 ft. R.O.W. Dedication Required*)
 - Arterial - Designated by City of Edgewood (Max. 100 ft. R.O.W. Dedication Required*)
 - Collector - Urban (Max. 72 ft. R.O.W. Dedication Required*)
 - Collector - Designated by City of Edgewood (Max. 80 ft. R.O.W. Dedication Required*)
 - Major Collector - Rural (Max. 80 ft. R.O.W. Dedication Required*)
 - Minor Collector - Rural (Max. 80 ft. R.O.W. Dedication Required*)
 - Local Road Designated by MPO or NMDOT Functional Classification
 - Other Major Road, on MPO 2035 Plan, Not Classified
 - Other Major Local or Collector Road, Not Officially Classified

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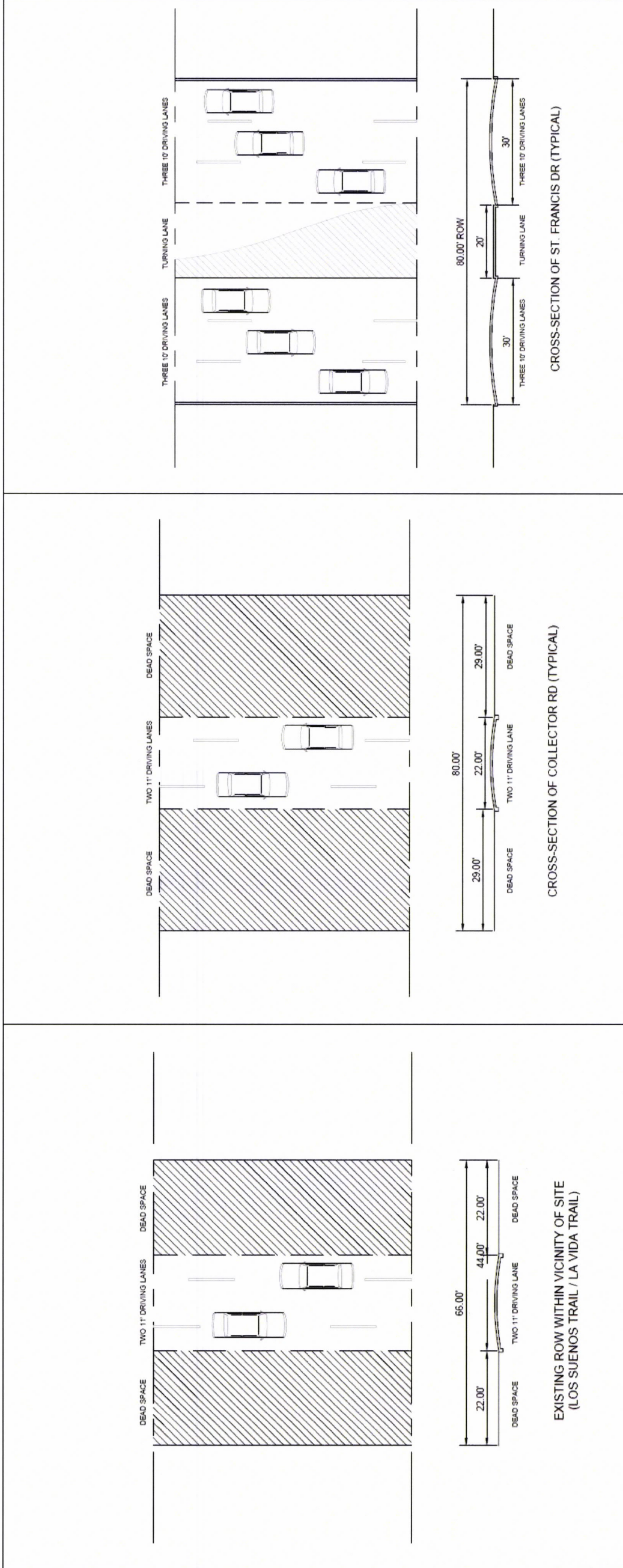
SFC CLERK RECORDED 02/09/2023

Table 7-13: Rural Road Classification and Design Standards (SDA-2 and SDA-3).

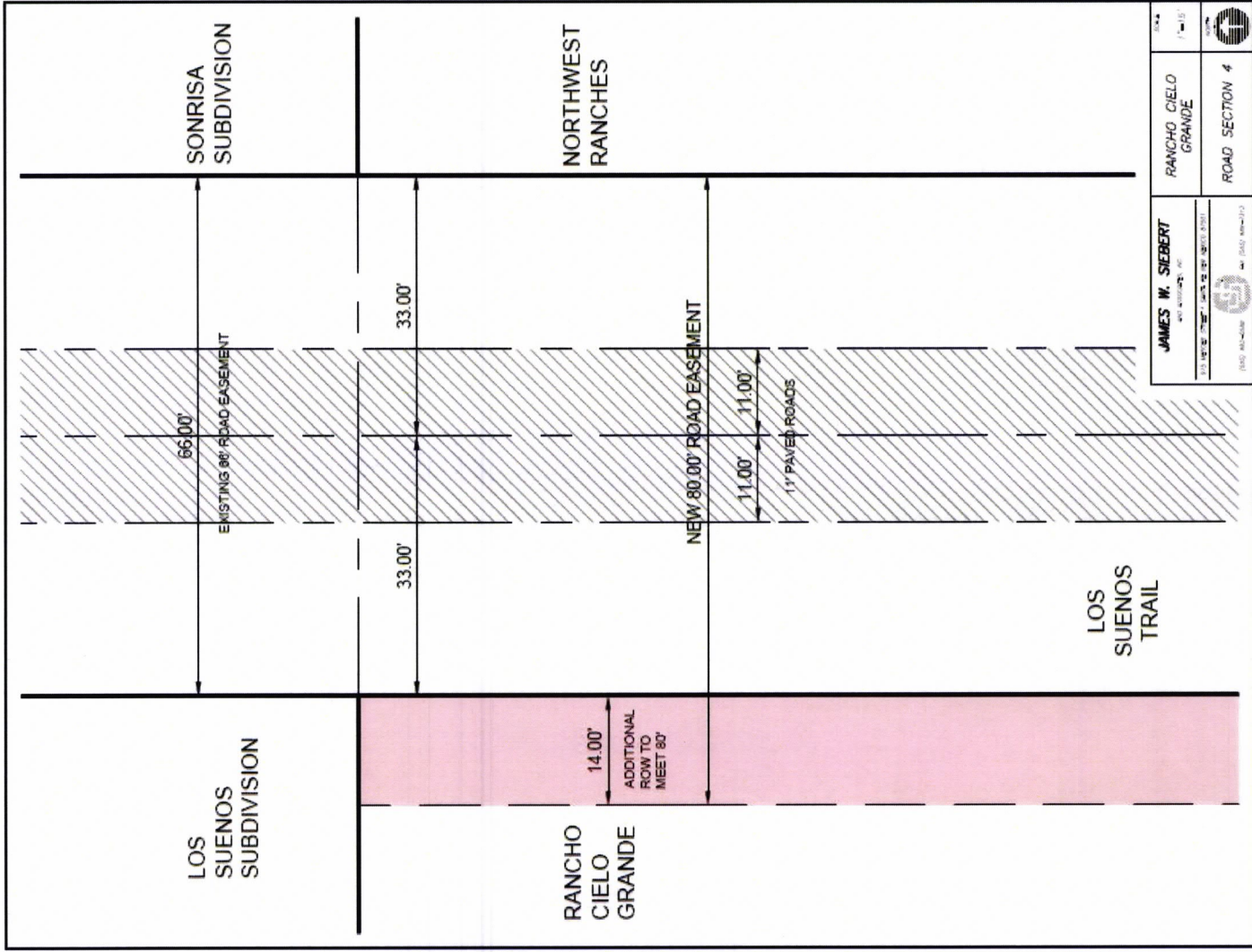
	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non-vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Major arterial or highway	5000 +	2-4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	6"	8%
Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	120	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	5"	8%
Collector	401-1999	2	11	n/a	n/a	80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	4"	8%
Local	0-400	2	10	n/a	n/a	50	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	3"	n/a	8%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	3"	n/a	n/a
Residential Driveway	n/a	1	14	n/a	n/a	16	n/a	12%	n/a	n/a	n/a

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SFC CLERK RECORDED 02/09/2023



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SFC CLERK RECORDED 02/09/2023



JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * F (505) 989-7313
jim@jwsiebert.com

April 28, 2022

Vicki Lucero
Building and Development Services Manager
100 Catron St.
Santa Fe, NM 87501

Re: Rancho Cielo Grande Subdivision

Dear Mrs. Lucero:

Thank you and staff for meeting with our office on Friday April 22, 2022, regarding the proposed Cielo Grande Subdivision. This letter is a response to the outcome of that meeting. Our office still disagrees that the proposed twelve (12) lots from the Rancho Cielo Grande Subdivision that access Los Suenos Trail raises to a level that requires Collector Road standards.

As stated at the meeting Morey Walker, PE, has prepared a traffic study for the proposed subdivision. Below is a description of peak hour traffic and Average Daily Traffic (ADT) for Los Suenos Trail, south of Cloud March. The eleven (11) market rate lots are assumed to have one main residence and an accessory dwelling unit on each lot. The affordable lot will have only one residence (Total of twenty-three (23) dwelling units). The summary of subdivision generated traffic and background traffic is provided below.

Traffic Volumes	AM Total	PM Total	ADT Total
11 Market Rate lots & one Affordable Lot	17	23	217
Existing south of Cloud March	3 (assume)	4	38
Total	20	27	255

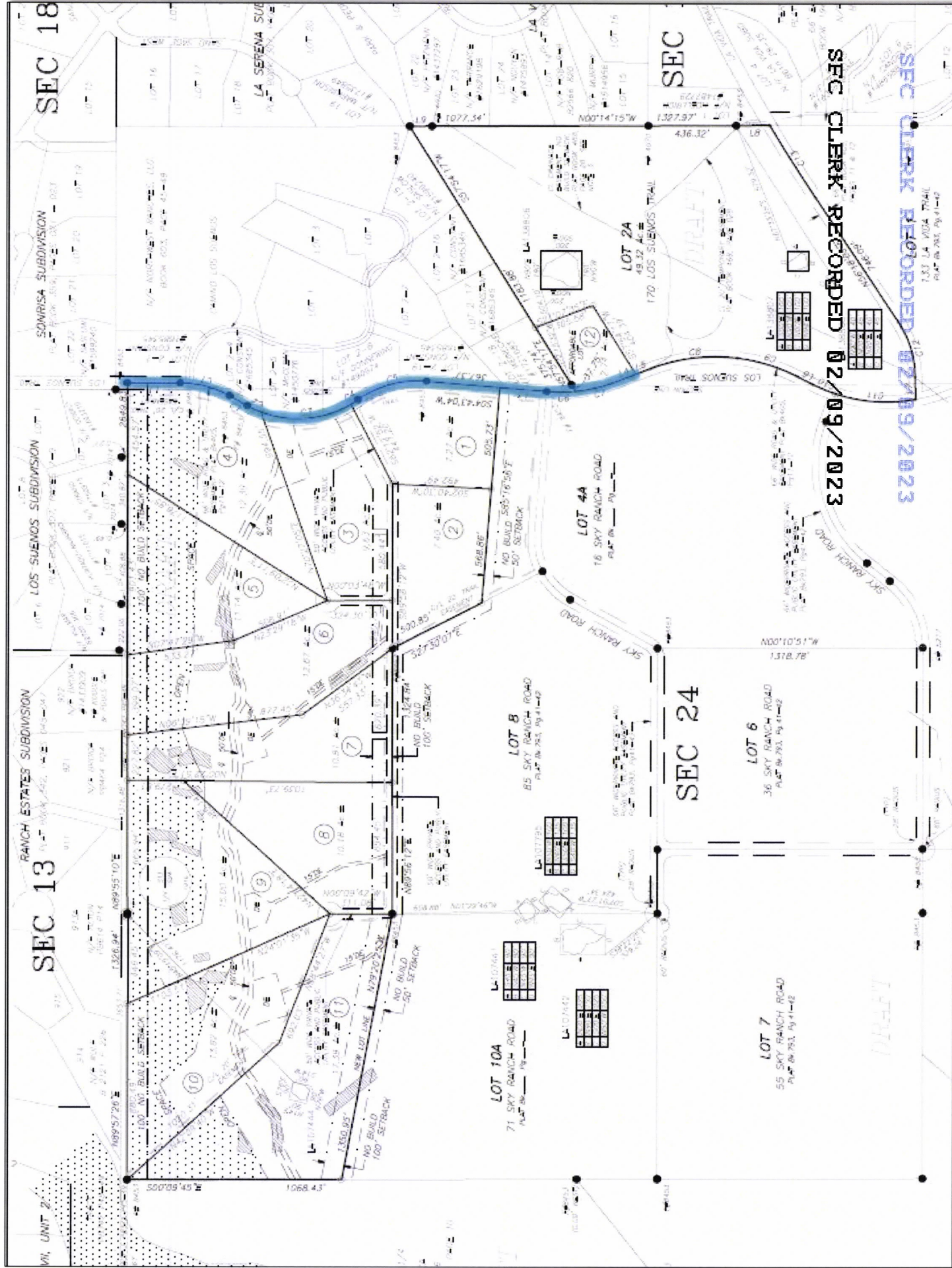
This ADT is well below the 401-1999 ADT which is the standard for a Collector Road.

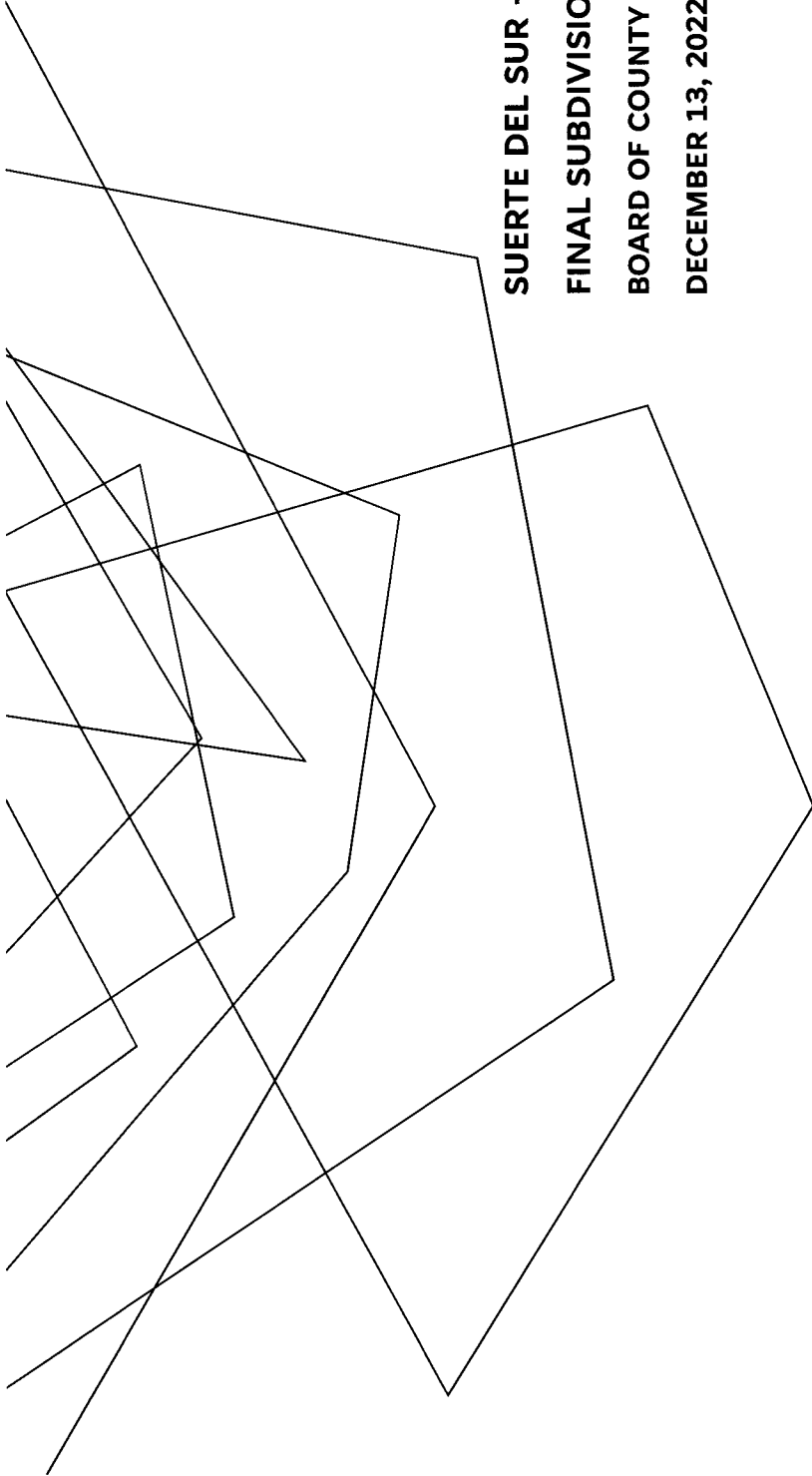


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SFC CLERK RECORDED 02/09/2023

Applicant's Proposal: That portion of Los Suenos Trail abutting the subdivision (approximately 2,500 feet shown in blue below) will be improved to include two 11-foot paved lanes within the existing 66 feet right-of-way. Same is Staff's Position No. 2 without 80 foot ROW.

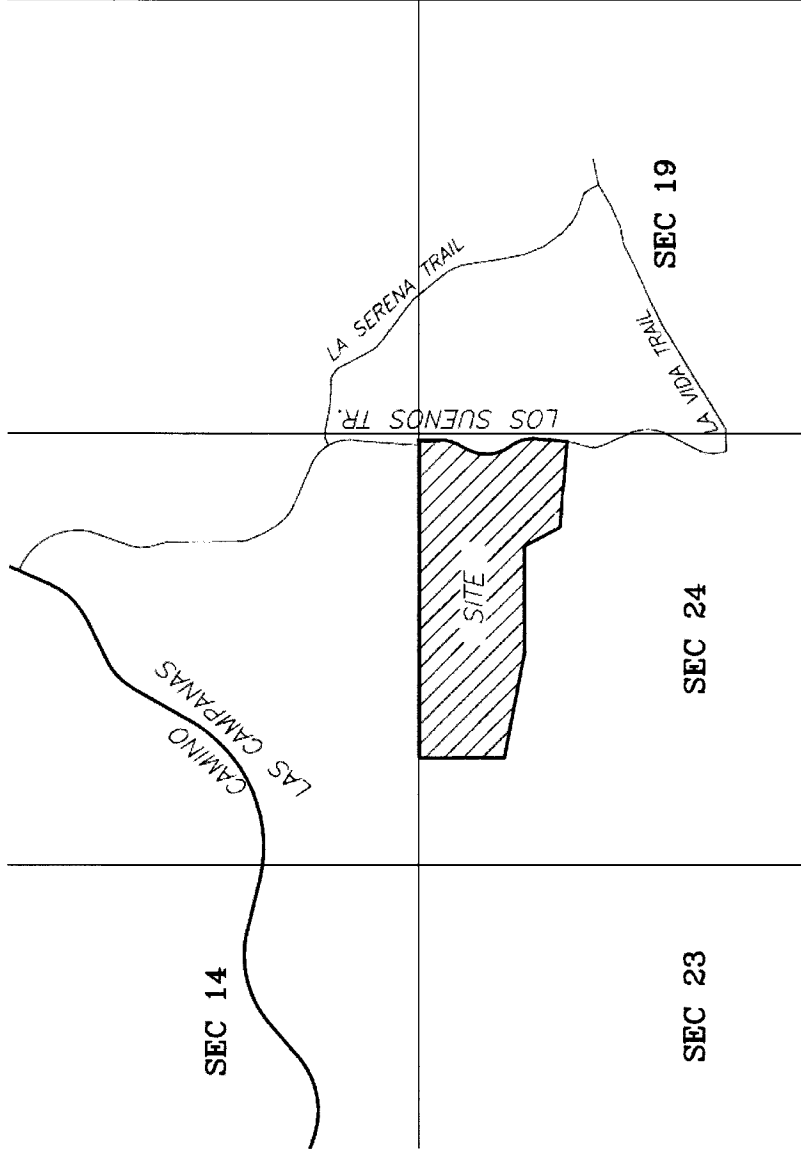




**SUERTE DEL SUR - RANCHO CIELO GRANDE
FINAL SUBDIVISION PLAT
BOARD OF COUNTY COMMISSIONERS' PRESENTATION
DECEMBER 13, 2022**

SFC CLERK RECORDED 02/09/2023





PROJECT LOCATION / ZONING DESIGNATION

The Suerte del Sur - Rancho Cielo Grande proposed development is located off Sky Ranch Road is accessed via Los Suenos Trail and La Vida Trail.

Designated Zoning:

- Residential Estate (RES-E)

Designated Community Overlay District:

- Tres Arroyos Del Poniente (TAP)

Sustainable Development Area:

- SDA-2

RANCHO CIELO GRANDE SUBDIVISION

PREPARED FOR

SUERTE DEL SUR LLC.

WITHIN

LOTS 2, 4A, 8, 9A, & 10A,

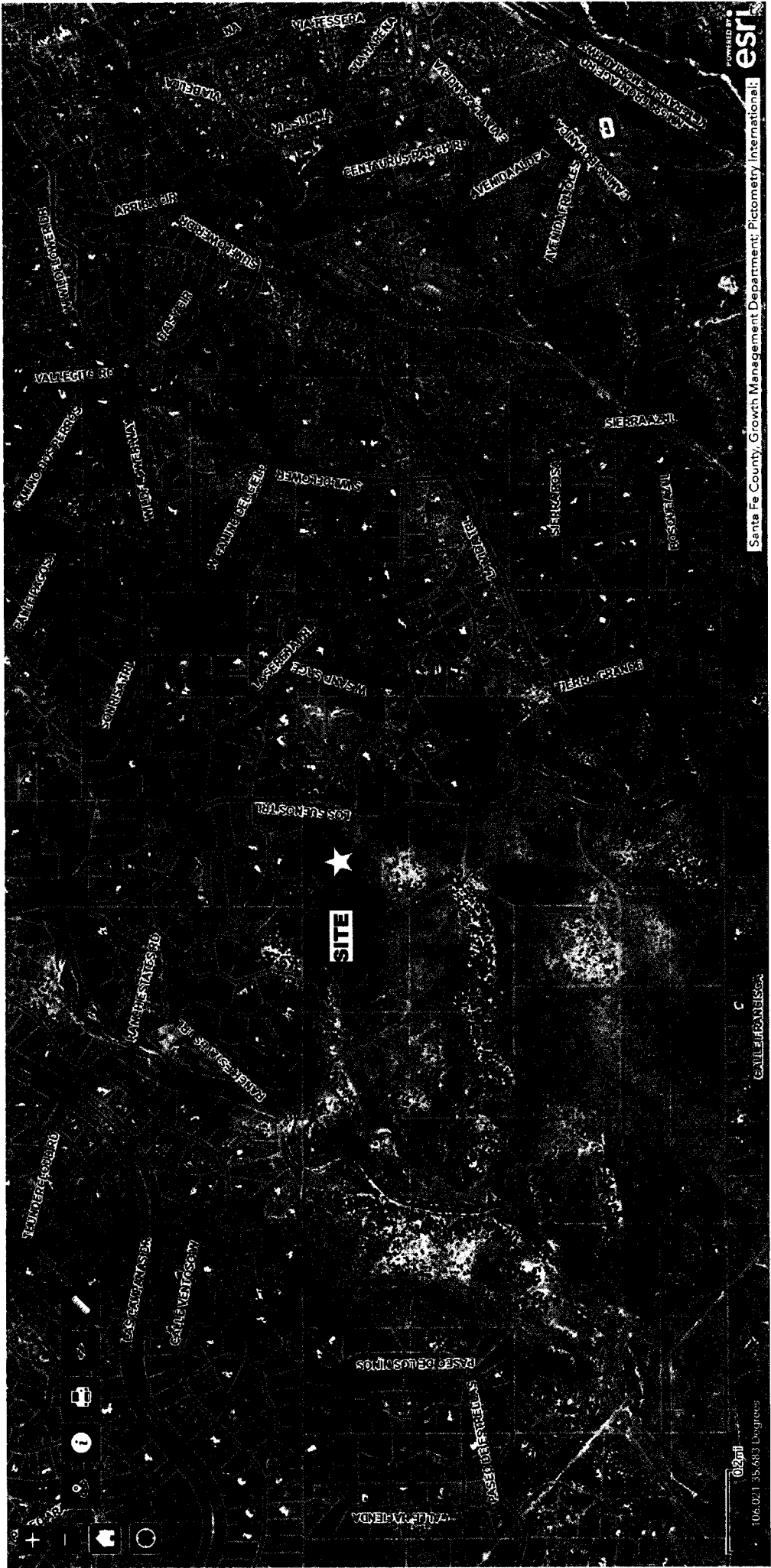
SEC.19, T.17N., R.9E., & SEC.24, T.17N., R.8E. N.M.P.M.

PLAT TITLED "LOT LINE ADJUSTMENT"

PREPARED FOR SUERTE DEL SUR LLC.,

RECORDED IN PLAT BOOK 793, PAGE 42. SANTA FE

COUNTY NEW MEXICO.



POWERED BY **esri**

Santa Fe County, Growth Management Department: Pictometry International

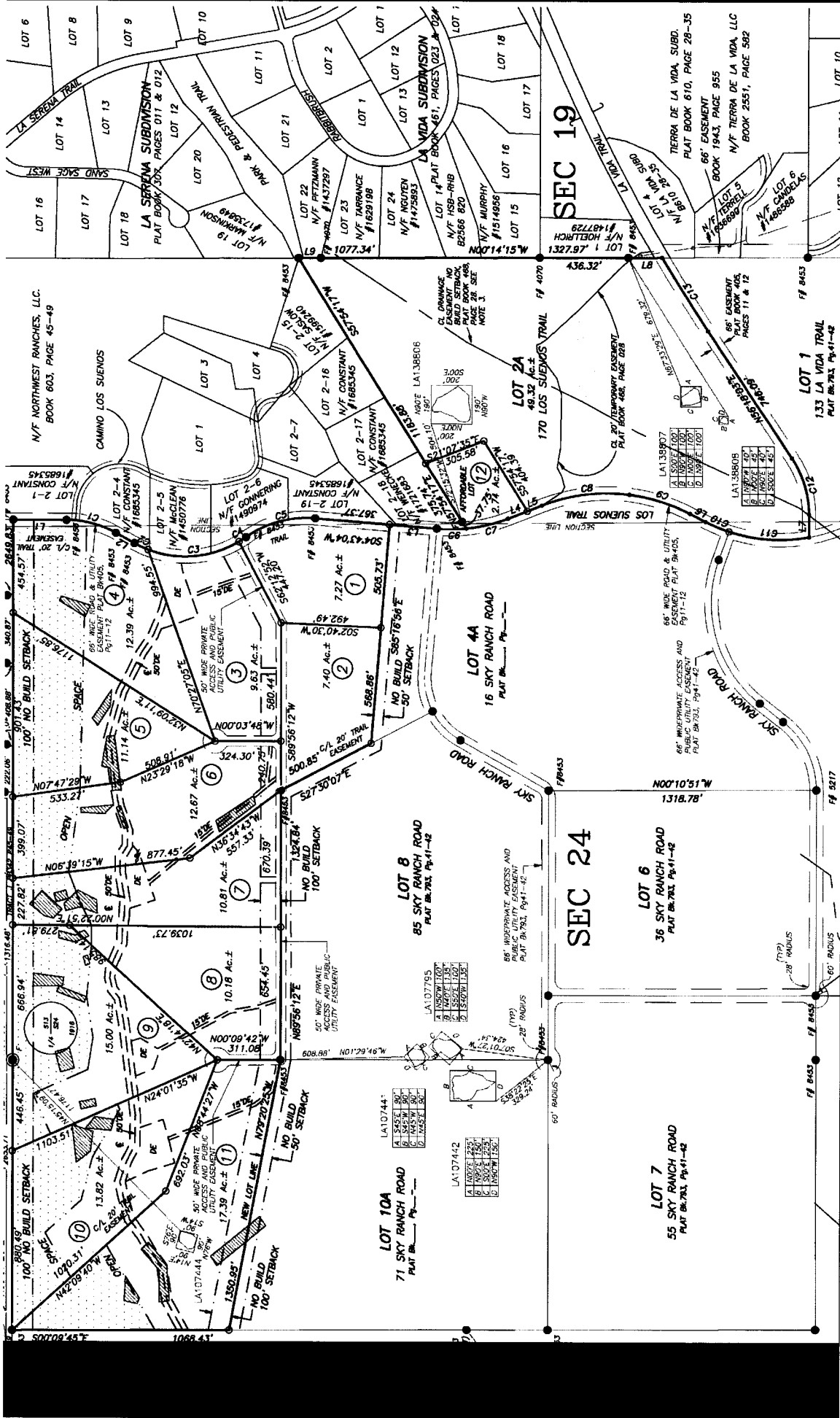
GAULEHERANISEA

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SFC CLERK RECORDED 02/09/2023

PROJECT SUMMARY

SITE DATA:	
Total Acreage of Site:	127.94 (±) Acres
Minimum Lot Size:	2.5 Acres
Average Lot Size:	7.27 - 17.39 Acres
Affordable Lots:	One (1) Affordable Lot meets 20% requirement
Proposed Lots:	12 Lots (11 Market Rate / 1 Affordable)
Open Space:	39.223 (±) Acres or 30% of Total Site



SFC CLERK RECORDED 02/09/2023

Penny Ellis-Green



From: P Schmidt <order347@cybermesa.com>
Sent: Wednesday, September 7, 2022 6:58 PM
To: Penny Ellis-Green
Cc: Anna Hansen, Commissioner
Subject: Tierra Antigua Application

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Ellis-Green:

As a resident of La Tierra, I am writing to request that the County of Santa Fe reject the application of Tierra Antigua for a change of density variance for its project on Camino La Tierra.

Application of the density bonus provision of the Sustainable Land Development Code is inappropriate in this instance. The developer knew on purchase of the property what density was allowed and had to have know of the open space and other restrictions existed on site development. The code anticipates a developer setting aside open space which could otherwise be developed. In this case the the land to be set aside was already designated as non-usable for development.

It is unfair for a developer to acquire restricted land and then twist the SLDC to obtain approval for more density than is allowable.

Most importantly, approval of this application would set a terrible precedent for future development requests in the County.

For the reasons stated above, I respectfully request that the County reject the application.

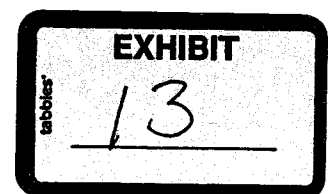
Sincerely,

Paul B. Schmidt

--
Paul B. Schmidt
Attorney & Counselor at Law
P.O. Box 2023
Santa Fe, NM 87504
505-984-8944
order347@cybermesa.com

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SFC CLERK RECORDED 02/09/2023



Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, July 26, 2022 8:56 AM
To: Jose Larranaga
Subject: FW: Objection to the Tierra Antigua development

From: Kellie Brown [mailto:kmobro@hotmail.com]
Sent: Monday, July 25, 2022 9:54 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Objection to the Tierra Antigua development

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

SFD CLERK RECORDED 02/09/2023

Ms. Green-Ellis:

I urge the County to suspend or reject the *Tierra Antigua* application, as proposed, for the following reasons.

1. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

"The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, **that are not already protected**, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district."

The intended meaning of this language is that a developer may be eligible for a "density bonus" in return for setting aside, as open space, land that is not already protected from development. Conversely, it follows that a developer should not be eligible for a density bonus in return for 'setting aside' open space that is already protected from development.

In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, in this case, is "land which cannot be developed". At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a "density bonus" in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

2. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking and household water from all sources in its management of the growth of Santa Fe.

3. Fire Safety

With the increase in temperatures, severe drought and more severe storm systems comes an increase in fire risk. With houses clustered closer together than the 2.5 acre/ dwelling, fire can spread more easily from house to house and therefore nearby communities.

4. Traffic Concerns

A major concern with the proposed Tierra Antigua development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

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- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;
- Aldea, Tessera, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599.

The residents of the above communities are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

Each lane of Camino La Tierra has only a very narrow paved shoulder on each side, less than a foot wide. A driver can move no more than about a foot to the left while passing a cyclist; and cyclists can move no more than about a foot to the right. Consequently, a driver cannot pass a cyclist safely. Tempers flare as impatient drivers speed by cyclists with only inches to spare.

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for cyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and cyclists has been improved.

Thank you for your consideration,

Kellie Brown
22 Camino Montuoso
Santa Fe, NM 87506

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, August 2, 2022 4:32 PM
To: Jose Larranaga
Subject: FW: Proposed Tierra Antigua Subdivision - Please reject

From: Melanie Maxon [mailto:melanie.maxon@gmail.com]
Sent: Tuesday, August 2, 2022 2:34 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Proposed Tierra Antigua Subdivision - Please reject

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Green,

As a resident of La Tierra, I urge the County to suspend or reject the *Tierra Antigua* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed Tierra Antigua development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;
- Aldea, Tessera, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and
- Others that we have not yet had time to identify.

That is already A LOT of people who are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

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Each lane of Camino La Tierra has only a very narrow paved shoulder on each side, less than a foot wide. A driver can move no more than about a foot to the left while passing a bicyclist; and bicyclists can move no more than about a foot to the right. Consequently, a driver cannot pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

This safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

“The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, **that are not already protected**, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district.” (emphasis added)

The intended meaning of this language is that a developer may be eligible for a "density bonus" in return for setting aside, as open space, land that is not already protected from development. Conversely, it follows that a developer should not be eligible for a density bonus in return for 'setting aside' open space that is already protected from development.

In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, “in this case,” is “land which cannot be developed ...” (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a “density bonus” in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange

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for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully,

Melanie Maxon
85 Estrada Maya
Santa Fe, NM 87506
505-982-4367

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, July 26, 2022 8:55 AM
To: Jose Larranaga
Subject: FW: The Tierra Antigua application

From: Karim Teresa Rochelle [mailto:karimrochelle@aol.com]
Sent: Tuesday, July 26, 2022 8:38 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: The Tierra Antigua application

Warning:

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Karim Teresa Rochelle
231 Paseo de la Tierra
Santa Fe, NM 87506
July 27, 202

Ms. Penny Ellis-Green
Director
Santa Fe County Department of Growth Management
102 Grant Avenue
Santa Fe, NM 87501

Dear Ms. Green-Ellis:

I own a home in La Tierra and am writing to urge Santa Fe County to reject the Tierra Antigua development application.

The Density Bonus is a deal breaker for me: The developers are asking you to approve their plan for higher density in exchange for leaving alone protected land that they were not allowed to develop anyway. There's no charm in that. You would be rewarding them for doing something they were supposed to do anyway: that land was already protected from development.

Water is becoming more precious. For the first time in 40 years, the Rio Grande went dry this past month. Santa Fe's recent record high temperatures and severe drought compel that Santa Fe County take into account the future availability of water when you make decisions on growth.

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Finally, Camino de la Tierra (CR 77) already experiences heavy traffic from cyclists, pedestrians, and vehicles. It is a heavily used thoroughfare that already has safety concerns for pedestrians, cyclists, and vehicles. Higher residential density will further exacerbate these conditions.

Yours truly,

Karim Teresa Rochelle

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Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Monday, July 25, 2022 11:21 AM
To: Vicki Lucero; Jose Larranaga; John F. Lovato; Gabriel C. Bustos; Kenneth J. Quintana
Subject: FW: Tierra Antigua

Do any of you have this case? It was not on our spreadsheet so I am not sure who has this.
Please add to file and address the concerns.
Thanks
Penny

From: Carol L Couch [mailto:clc.couch@me.com]
Sent: Monday, July 25, 2022 8:14 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Tierra Antigua

Warning:

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July 25, 2022

Subject: Proposed *Tierra Antigua* Subdivision

To: Ms. Penny Ellis-Green, Director
Santa Fe County Department of Growth Management
102 Grant Avenue
Santa Fe, NM 87501

Dear Ms. Green-Ellis,

We urge the County to suspend or reject the *Tierra Antigua* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Tierra Antigua* development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the *Tierra Antigua* site, between highway NM highway #599 and Las Campanas.

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Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;
- Aldea, Tessler, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and
- Others that we have not yet had time to identify.

Most residents of the above communities are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

Each lane of Camino La Tierra has only a very narrow paved shoulder on each side, less than a foot wide. A driver can move no more than about a foot to the left while passing a bicyclist; and bicyclists can move no more than about a foot to the right. Consequently, a driver cannot pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

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The intended meaning of this language is that a developer may be eligible for a "density bonus" in return for setting aside, as open space, land that is not already protected from development. Conversely, it follows that a developer should not be eligible for a density bonus in return for 'setting aside' open space that is already protected from development.

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In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, "in this case," is "land which cannot be developed" (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a "density bonus" in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully,

Carol and Rick Couch
17 Vuelta Rosal
Santa Fe, NM 87506
clc.couch@me.com

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Friday, July 29, 2022 5:56 PM
To: Jose Larranaga
Subject: FW: Proposed development on Camino La Tierra, submitted by Arete Homes of Santa Fe

-----Original Message-----

From: Caren Prothro [mailto:cprothro@prothro.net]
Sent: Friday, July 29, 2022 1:17 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Cc: Nita Clark <nclark@prothroclark.com>; Vincent & Dara Prothro <dvprothro@gmail.com>
Subject: Proposed development on Camino La Tierra, submitted by Arete Homes of Santa Fe

WARNING:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

To:
Ms. Penny Ellis-Green
Director of Santa Fe County Department of Growth Management

Dear Ms. Ellis-Green,

As a long time property owner in La Tierra, I strongly oppose the application to build 23 homes, called "Tierra Antigua," submitted by developer and builder, Arete Homes of Santa Fe.

Over the past few years the traffic on Camino La Tierra has noticeably increased, and more bicyclists and runners use the roadway with very little space between them and the increased flow of cars and trucks. If more development is allowed to occur, there will be even more danger of accidents occurring.

Additionally, water issues should be of great concern to every community and neighborhood association in the surrounding area. I need not tell you the importance of water conservation during these challenging times of forecasted drought conditions and limits to our water sources in Santa Fe County and beyond.

Subdivisions to the north, south, east and west of Camino La Tierra are all negatively impacted by greater density, so I respectfully ask you to deny the application submitted by Arete Homes of Santa Fe.

Thank you for your management and planning in meeting the County's goals for sustainable growth of this truly unique environment surrounding Camino La Tierra. I trust you will save it from over-development.

Sincerely,

Caren Prothro
24 Vuelta Susana
Santa Fe, NM 87506

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Sunday, July 31, 2022 9:20 PM
To: Jose Larranaga
Subject: FW: Proposed Tierra Antigua Subdivision

From: Adam [mailto:albaturkee@aol.com]
Sent: Sunday, July 31, 2022 2:29 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Proposed Tierra Antigua Subdivision

Warning:

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Director Ellis-Green,

No doubt you are receiving a large number of correspondence from homeowners against this proposed development. I would like to add my opposition to the proposal.

I oppose it for the following reasons-

1. Traffic
2. Misapplication of the SLDC Density Bonus Provision
3. Water

Thank you,
Adam Diamond
150 Estrada Redonda
Santa Fe, New Mexico 87506

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Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, July 26, 2022 8:56 AM
To: Jose Larranaga
Subject: FW: Tierra Antigua development

-----Original Message-----

From: Mike Jones [mailto:monsterdobie74@gmail.com]
Sent: Monday, July 25, 2022 5:30 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Tierra Antigua development

WARNING:

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Dear Ms. Ellis Green,

The current traffic patterns with the bicyclist situation in and around La Tierra is untenable and dangerous. This is a very simple math equation. Someone will die on a bicycle with increased traffic.

We either:

A- Recognize this danger and will do everything possible to avoid exacerbating it.

or

B- Don't care about the potential human loss because there is so much money to be made from the project.

I live in La Tierra. I'm an ultramarathoner who won't ride or run on these roads because it's too dangerous as it is. How will it be with 17-23 more homes?

Sincerely,

Michael I. Jones
12 Estrada Redonda
Santa Fe, NM 86506
(808) 798-7503

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, July 26, 2022 1:02 PM
To: Jose Larranaga
Subject: FW: Tierra Antigua proposed development

-----Original Message-----

From: Lee Schmidt [mailto:leewschmidt@gmail.com]
Sent: Tuesday, July 26, 2022 1:01 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Tierra Antigua proposed development

WARNING:

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Dear Ms. Ellis-Green, I have lived in La Tierra for 31 years and have seen many changes to the area. My experience with zoning over time has informed me that changes to higher density residential developments, multi-family developments or commercial use of land might be appropriate only if surrounding or contiguous property has undergone the same kind of changes. In the case of the Tierra Antigua proposal, the sole motivation for a zoning change is profits for an out of town developer. There will be no positive effect on the existing neighborhoods. Those of us who have invested in our homes and maintained our properties for decades will be adversely impacted by such a high density out of character addition to our surroundings. The result will be more traffic than the roads were built to handle, an increased risk to anyone daring to ride a bike or walk on Camino La Tierra, more noise, and light pollution. It seems grossly unfair to the existing property owners to allow such a radical change in our midst. I urge the county to reject the proposal for Tierra Antigua without delay. Thank you for your consideration.

Sincerely, Elise [Lee] W. Schmidt
22 Vuelta Sabio
Santa Fe, NM, 87506
505 986-0130
Leewschmidt@gmail.com

Sent from my iPad

SFC CLERK RECORDED 02/09/2023

STELLA & OLLI RITA
531 ESTRADA REDONDA
SANTA FE, NM

July 25, 2022

Subject: Proposed *Tierra Antigua* Subdivision

To: Ms. Penny Ellis-Green, Director
Santa Fe County Department of Growth Management
102 Grant Avenue
Santa Fe, NM 87501

pengreen@santafecountynm.gov

Ms. Green-Ellis:

We urge the County to **suspend or reject** the *Tierra Antigua* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Tierra Antigua* development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the *Tierra Antigua* site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

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Most residents of the above communities are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

SFC CLERK RECORDED 02/09/2023

Each lane of Camino La Tierra has only a very narrow paved shoulder on each side, less than a foot wide. A driver can move no more than about a foot to the left while passing a bicyclist; and bicyclists can move no more than about a foot to the right. Consequently, a driver cannot pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. **We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.**

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

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In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, "in this case," is "land which cannot be developed ..." (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a "density bonus" in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. **Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.**

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted,
La Tierra Association Board of Directors
Ryan Bailey
Karen Childers
Carol L Couch
Ward Hendon
Stelio Kitrilakis
Paul Schmidt
John Warden

July 25, 2022

Subject: Proposed Tierra Antigua Subdivision

To: Ms. Penny Ellis-Green, Director
Santa Fe County Department of Growth Management
102 Grant Avenue
Santa Fe, NM 87501
pengreen@santafecountynm.gov

Dear Ms. Green-Ellis:

We strongly oppose the *Tierra Antigua* development application for the following reasons.

1. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk as water becomes an increasingly precious commodity. The county can ill afford to over-burden an already stressed natural resource. Although issues two and three below may be more persuasive in terms of immediate impact, ***a lack of water is the most dangerous inhibitor to responsible and sustainable growth for the region.***

2. Misapplication of the SLDC Density Bonus Provision

As proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC), which provides that:

"The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, that are not already protected, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district."

In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, "in this case," is "land which cannot be developed". The proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

The County should not grant a developer a "density bonus" in exchange for setting aside land that is already undevelopable or otherwise protected from development. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus. In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code. ***As a result of the current property owners in the area bought their properties with the understanding that the SLDC would prevent exactly what the Tierra Antigua development will do in terms of population density.***

3. Traffic Concerns

Increased traffic will greatly exacerbate existing bicycle and pedestrian safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site (between highway NM highway #599 and Las Campanas).

Camino La Tierra (County Road 77) is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe for the populations of, at the very least, the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Sueños, Vallecitos, Arroyo Calabasas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;
- Aldea, Tessler, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and

Camino La Tierra is a divided road that consists of a single lane in each direction, with a very narrow (less than a foot wide) paved shoulder on each side. There is no bike lane, sidewalk, or pedestrian path along either lane. A driver can move no more than about a foot to the left while passing a bicyclist; and bicyclists can move no more than about a foot to the right. Consequently, a driver cannot pass a bicyclist safely.

Tempers flare as impatient drivers speed by bicyclists with only inches to spare. Camino La Tierra has become dangerous for bicyclists and pedestrians.

Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

Summary: Please don't allow Santa Fe to become yet another example of a city seduced into over-development with visions of dollar signs and/or in deference to local power politics. Please respect the reasons many of us have decided to make Santa Fe our home in the first place. When cities and counties don't attend to the management piece of the "growth management" equation, a city quickly loses what makes it special and unique. We are counting on you to make the best decisions on behalf of your residents. Thank you most sincerely for your dedication, time, and attention.

Respectfully,
Frances & Paul Robertson, 60C Estrada Maya, 87501 (Frances cell: 713-705-4737)

SFC CLERK RECORDED 02/09/2023

**William J. Rochelle, III
231 Paseo de la Tierra
Santa Fe, N.M.**

Ms. Penny Ellis-Green, Director
Santa Fe County Department of Growth Management
102 Grant Avenue
Santa Fe, NM 87501

Re: Proposed Tierra Antigua Subdivision

Dear Ms. Ellis-Green:

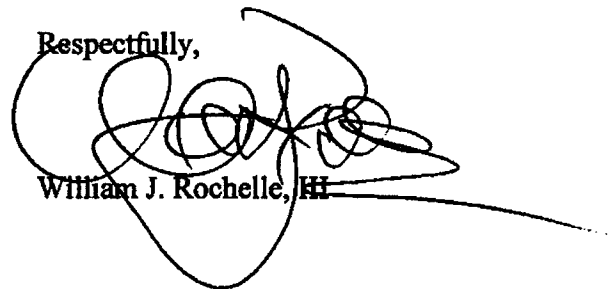
We have a home in La Tierra. One of the strong points about living in La Tierra and the surrounding communities is the large size of the lots.

When the Tierra Antigua developers purchased the property, they knew the zoning rules requiring large lots. Now, they want to reduce the lot size and thereby earn a profit just by obtaining a zoning variance. The profit they make will be at the expense of everyone in nearby neighborhoods.

The Tierra Antigua developers also knew the terrain and how some of the acreage would be unbuildable. They purchased the property with their eyes wide open. The price paid by the developers reflected the unbuildable nature of some of the property. They should not be given a bonus on account of existing conditions they surely took into account when negotiating the price.

As a homeowner who will be directly affected by your decisions, I urge you not to permit greater density in the Tierra Antigua development.

Respectfully,



William J. Rochelle, III

Via Email and Regular Mail

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, December 6, 2022 9:07 AM
To: Kenneth J. Quintana
Subject: FW: Arete Cole Development

From: Peggy Klaus [mailto:peggy@peggyklaus.com]
Sent: Tuesday, December 6, 2022 8:35 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Arete Cole Development

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

To: County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

SFC CLERK RECORDED 02/09/2023

We urge the County to suspend or reject the *Arete Cole Development, LLC* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Arete Cole Development* development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;
- Aldea, Tessera, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and
- Others that we have not yet had time to identify.

Most residents of the above communities are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted,

Peggy Klaus

La Tierra Association Resident

Peggy Klaus
Excellence in Leadership and Communication
510-548-8828
www.peggyklaus.com

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, December 6, 2022 9:32 AM
To: Kenneth J. Quintana
Subject: FW: Arete Cole project

-----Original Message-----

From: Jean Viallet [mailto:akabigj7@gmail.com]
Sent: Tuesday, December 6, 2022 9:30 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Arete Cole project

WARNING:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

To The County Land Use Administrator ,

Please reject this project, which will only aggravate already heavy traffic on Camino la Tierra and alter the character of this area drastically.

People move to La Tierra and the other local communities for peace and nature. We are willing to go a distance for goods and services. It is the scenic features which bring us here.

Increasing the area's density , cluster development, etc, would put a real strain on water systems.

The current zoning, I believe, does not allow for greater density.

Also, the heated up real estate market that existed during the height of the Covid epidemic is waning considerably. This is not the moment for this kind of development.

Thank you for your attention,

J. Viallet
La Tierra

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, December 6, 2022 9:33 AM
To: Kenneth J. Quintana
Subject: FW: Proposed Arete Col Subdivision
Attachments: smime.p7s; ATT00001.txt; ATT00002.htm

From: Thomas Faucher [mailto:tomfaucher@me.com]
Sent: Tuesday, December 6, 2022 9:24 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Proposed Arete Col Subdivision

December 5, 2022

County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

Subject: Proposed Arete Col Subdivision

As a resident of La Tierra and avid bicyclist, I am concerned with the safety along the 3-mile section of Camino La Tierra adjacent to the proposed Crete Cole Development between highway NM highway #599 and Las Campanas.

Please consider delaying approval of this development until a suitable bike path is constructed and all bike safety issues are resolved.

La Tierra Association Resident

Thomas Faucher
20 South Vuelta Herradura
Santa Fe, NM

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Friday, December 2, 2022 1:35 PM
To: Kenneth J. Quintana
Subject: FW: CASE # 22-5170 - OBJECTION, for the case file and hearing information packet

I think this is yours.
Please gather all from today on and we will upload next week.
Thanks

From: Steve Schwartz [mailto:sjs123sjs@gmail.com]
Sent: Friday, December 2, 2022 1:04 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: CASE # 22-5170 - OBJECTION, for the case file and hearing information packet

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I am writing as both the President of the El Prado HOA, located on Los Suenos Trail, and as the Chair of the Los Suenos Trail Alliance, a registered RO in SFC.

I am writing to object to the proposal to be heard on DEC 13, 2022, Case # 22-5170 Santa Fe West Investments.

I am objecting to this proposal for several reasons, to wit:

- 1) Inadequate Notice - As has been documented to the Land Use office, developer failed to give proper notice by a) Not sending written notice to those affected by the proposal, and, b) Failing to legal place the physical yellow 'Public Notice' board on the property so that it could be read by anyone. Actually placed on site backwards, away from viewing. Further, neighbors on Arroyo Calabasas had no view whatsoever from their homes or egress. This was all done intentionally.
- 2) I object to the 'bonus' density requested as the 'open space' referenced is, as all know' has always been unbuildable acreage in arroyos, flood plains, and archaeological prohibited areas. You can't be given a bonus for not doing what you are not allowed.
- 3) The added traffic burden will require, as suggested by the County Transportation Planning Team Leader, the construction of a traffic circle to allow for safe use of the property
- 4) I see no secondary egress from property on the final plat
- 5) Finally, the wear and tear on Camino la Tierra, with construction traffic, trucks, deliveries, etc should require a Surety Bond of 2 million dollars to ensure that roadway is returned to the original condition.

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Monday, December 5, 2022 7:35 AM
To: Kenneth J. Quintana
Subject: FW: NOT in favor of proposed development on Camino La Tierra

Is this yours

-----Original Message-----

From: lisao [mailto:lisao@cybermesa.com]
Sent: Saturday, December 3, 2022 4:51 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Cc: Bruce Hamme <hammbone80@aol.com>; Cyndi <imaginejoy@comcast.net>
Subject: NOT in favor of proposed development on Camino La Tierra

WARNING:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Green,

I want to write in protest (again) of the latest proposed over-development of the 44 acre tract on Camino La Tierra.

The plan should be rejected by the county for the following reasons:

—the plan proposes 23 units on a 44 acre tract, with lot sizes between .48 and 1.35 acres, all much smaller than the existing zoning —the entire tract is on a slope, with numerous existing drainages and small arroyos; many of the proposed lots are situated on steep slopes—building on these will create considerable additional erosion —the plan has next to no open space: what is shown is an archeological area that is off limits for building; the “trails” proposed are basically walkways next to streets —the number of additional vehicles this development will add to what the County acknowledges is an already dangerous road (Camino la Tierra) will increase the noise, pollution, and accident level in the area

I have lived in the La Tierra area for over twenty years; the area is cherished by its residents for the open space, dark night skies, and rural character. The area is used by cyclists, equestrians, and dog walkers, as well as numerous bird species, coyotes, and even the occasional elk.

Please reject this proposal and insist that future proposals respect the existing zoning of no more than one dwelling per 2.5 acres. Tightly-packed subdivisions may be appropriate for some locations, but they are not appropriate for this part of the county. Infill in the city, not in this semi-rural area.

Thank you for your consideration; I will be attending the meeting on Monday evening with a number of other people from the neighborhood.

Lisa Oberteuffer
123 Arroyo Calabasas Road
Santa Fe NM 87506

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Friday, December 2, 2022 7:52 AM
To: Kenneth J. Quintana
Subject: FW: Case #22-5170 Proposed Tierra Antigua development

From: Randy Grant [mailto:rhg1954@aol.com]
Sent: Friday, December 2, 2022 6:44 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Cc: sjs123sjs@gmail.com
Subject: Case #22-5170 Proposed Tierra Antigua development

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello Ms. Ellis-Green,

It has come to our attention that the Arete group is proposing a variance at the Tierra Antigua development off Camino La Tierra. At 44 + acres that area is now zoned for 17 homes. Why does this area need an increase of over 30% more homes? That increase would create more traffic, more light pollution, and more drain on already taxed resources.

We moved to the Las Campanas area for its rural beauty and dark skies. Camino La Tierra was designed for the existing neighborhood as envisioned by the original developers. If the county continues to chip away at the number of homes being built on land that already has a sustainable zoning plan, they will destroy the quality of life we moved to that area for. The additional homes being requested is just the beginning of an avalanche of developers that will be trying to change the rules for their own self-interests and greed. The county commissioners and our government need to protect our community from overdevelopment and deny this and all future requests to change existing zoning already in place.

The proposed addition of homes in this development, as well as others being requested in parts of the Las Campanas area, will ultimately lead to more traffic and wear and tear on our streets. Roundabouts in other parts of the city only exacerbate already difficult driving conditions. Installing traffic lights turns the neighborhood into a commercial area. We are in agreement that Camino La Tierra should be widened enough to support bike lanes. As it is now, the areas biking community has to worry about rude and neglectful drivers.

We would also like to caution the county on over development. Every time we visit an overcrowded metropolitan area, we are so thankful to return to beautiful Santa Fe, and our Las Campanas areas. The last thing you need to do is approve new zoning variances that will spoil what makes this area so desirable.

Best Regards,

Randy Grant
Bruno Trambusti
48 Los Suenos Trail
Santa Fe, NM 87506
954-240-1845
727-460-0683

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, December 6, 2022 5:02 PM
To: Kenneth J. Quintana
Subject: FW: Arete Cole Development (Santa Fe West Investments) development application

From: Karim Teresa Rochelle [mailto:karimrochelle@aol.com]
Sent: Tuesday, December 6, 2022 12:45 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Arete Cole Development (Santa Fe West Investments) development application

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

***Karim Teresa Rochelle
231 Paseo de la Tierra
Santa Fe, NM 87506***

December 6, 2022

Ms. Penny Ellis-Green
Director
Santa Fe County Department of Growth Management
102 Grant Avenue
Santa Fe, NM 87501

Dear Ms. Ellis-Green,

I own a home in La Tierra and am writing to urge Santa Fe County to reject the Arete Cole Development (Santa Fe West Investments) development application.

Santa Fe County must take into account the future availability of water when making decisions on growth. Water has become scarce in New Mexico. The Rio Grande went dry this year for the first time in 40 years. Santa Fe's record high temperatures and severe drought compel you to say "no" to this proposal.

Furthermore, Arete Cole Development has incorrectly applied for the SLDC Density Bonus Provision. They ask you to approve their plan for higher density in exchange for leaving alone protected land that they were never permitted to develop anyway. You would be rewarding them for doing something they were required

SFC CLERK RECORDED 02/09/2023

to do by law: that land was already protected from development.

Say "no" to their proposal.

Yours truly,

Karim Teresa Rochelle

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, December 6, 2022 5:22 PM
To: Kenneth J. Quintana
Subject: FW: No to the development

From: Lisa V Werenko [mailto:bottlerd@gmail.com]
Sent: Tuesday, December 6, 2022 12:39 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Fwd: No to the development

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

SFC CLERK RECORDED 02/09/2023

Sent from my iPhone

Begin forwarded message:

From: Lisa V Werenko <bottlerd@gmail.com>
Date: December 6, 2022 at 2:36:42 PM EST
To: bottlerd@icloud.com
Subject: No to the development

We are out of Town (with Covid) and can't attend the meeting that these developers snuck in during the holidays.
We don't want it and it fir reasons stated below.
Please tell them no!!!

**Letter to SF County Department of Growth Management,
re Arete Cole Development, LLC**

December , 2022

Subject: Proposed *Arete Col* Subdivision

To:County Land Use Administrator

PO Box 276
Santa Fe, NM 87504-0276

We urge the County to suspend or reject the *Arete Cole Development, LLC* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Arete Cole Development* development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa; Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north; Aldea, Tessera, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and Others that we have not yet had time to identify.

Most residents of the above communities are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

Each lane of Camino La Tierra has only a very narrow paved shoulder on each side, less than a foot wide. A driver can move no more than about a foot to the left while passing a bicyclist; and bicyclists can move no more than about a foot to the right. Consequently, a driver cannot pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

SFC CLERK RECORDED 02/09/2023

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

“The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, **that are not already protected**, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district.” (emphasis added)

The intended meaning of this language is that a developer may be eligible for a "density bonus" in return for setting aside, as open space, land that is not already protected from development. Conversely, it follows that a developer should not be eligible for a density bonus in return for 'setting aside' open space that is already protected from development.

In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, “in this case,” is “land which cannot be developed ...” (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a “density bonus” in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

SFC CLERK RECORDED 02/09/2023

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted,
Homeowners

Lisa and Carl keller
12 Vuelta Tomas
Santa Fe NM
86506

La Tierra Association Resident

SFC CLERK RECORDED 02/09/2023

Sent from my iPhone

December 5, 2022

To Whom It May Concern:

We are opposed to the proposed "Arete Cole" development project along Camino la Tierra.

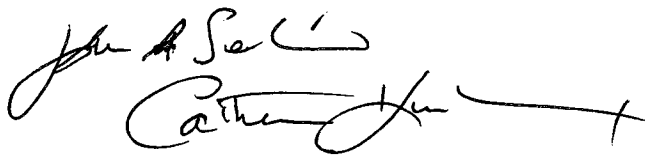
Traffic on Camino la Tierra has greatly increased in the past few years, and the road is dangerous to bicyclists and pedestrians. Many bicyclists use the road, and there's practically no shoulder, to say nothing of a bike lane! We've seen many close calls as drivers try to pass cyclists and pedestrians; there's very little room!

Also, the "density bonus" granted to the development is, we believe, incorrectly applied. It's for land that's otherwise unprotected. Much of the Arete Cole property is undevelopable for various reasons, and shouldn't be factored into the density bonus. We believe the 2.5 acre/dwelling provision should not be waived in this case, which means the maximum number of homes would be 17, not 23.

Camino la Tierra can't support the extra traffic from the 23 new homes without exacerbating an already unsafe situation. We feel that the County should not approve any further residential development along Camino La Tierra until the safety issues have been improved.

We urge you to oppose the development, or at least take steps to mitigate its serious negative impact on those of us who live out here.

Respectfully,



John Serkin
Catherine Kurland

SFC CLERK RECORDED 02/09/2023

Duncan & Nancy DuBroff

115 Paseo de la Tierra
Santa Fe, NM 87506

December 5, 2022

Subject: Proposed *Arete Col* Subdivision

To: County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

We urge the County to suspend or reject the *Arete Cole Development, LLC* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Arete Cole Development* development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;
- Aldea, Tessler, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and
- Others that we have not yet had time to identify.

Most residents of the above communities are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

Each lane of Camino La Tierra has only a very narrow paved shoulder on each side, less than a foot wide. A driver can move no more than about a foot to the left while passing a bicyclist; and bicyclists can move no more than about a foot to the right. Consequently, a driver cannot pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

SFC CLERK RECORDED 02/09/2023

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

“The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, **that are not already protected**, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district.” (emphasis added)

The intended meaning of this language is that a developer may be eligible for a "density bonus" in return for setting aside, as open space, land that is not already protected from development. Conversely, it follows that a developer should not be eligible for a density bonus in return for 'setting aside' open space that is already protected from development.

In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, “in this case,” is “land which cannot be developed ...” (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a “density bonus” in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

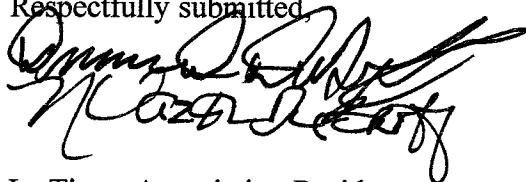
To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted



La Tierra Association Resident

SFC CLERK RECORDED 02/09/2023

Letter to SF County Department of Growth Management,
re Arete Cole Development, LLC

December 6 , 2022

Subject: Proposed *Arete Col* Subdivision

To: County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

We urge the County to suspend or reject the *Arete Cole Development, LLC* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Arete Cole Development* development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
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SFC CLERK RECORDED 02/09/2023

pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

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In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, "in this case," is "land which cannot be developed" (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a "density bonus" in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from

development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

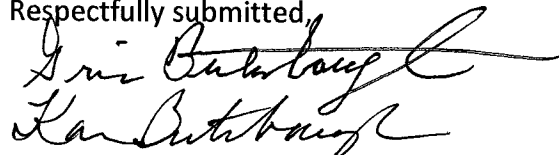
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In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted,



Grier and Karen Buterbaugh

13 Vuelta Sabio, Santa Fe, NM 87506-8562

La Tierra Association Resident

Letter to SF County Department of Growth Management, re Santa Fe West Investments/Arete Cole Development, LLC

December 5, 2022

**Subject: Proposed Santa Fe West Investments/Arete Cole Development, LLC
Subdivision (Tierra Antigua)
Case No. 22-5170**

To: County Land Use Administrative Office
P.O. Box 276
Santa Fe, NM 87504-0276

Dear County Land Use Administrator,

We urge the County to suspend or reject the Santa Fe West Investments/Arete Cole Development, LLC application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed Tierra Antigua development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
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SFC CLERK RECORDED 02/09/2023

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To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

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In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, "in this case," is "land which cannot be developed" (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a “density bonus” in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought in 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted,

La Tierra Association Board of Directors

Ryan Bailey

Karen Childers

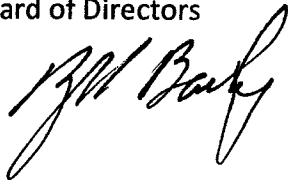
Carol L Couch

Ward Hendon

Stelio Kitrilakis

Paul Schmidt

John Warden



**Letter to SF County Department of Growth Management,
re Arete Cole Development, LLC**

December 5, 2022

**Subject: Proposed Santa Fe West Investments/Arete Cole Subdivision
Case No. 22-5170**

To: County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

We urge the County to suspend or reject the *Santa Fe West Investments/Arete Cole Development, LLC* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Arete Cole Development* development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

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SFC CLERK RECORDED 02/09/2023

pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

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Respectfully submitted,


85 Estrada Maya
La Tierra Association Resident

SFC CLERK RECORDED 02/09/2023

**Letter to SF County Department of Growth Management,
re Arete Cole Development, LLC**

December 5, 2022

**Subject: Proposed Santa Fe West Investments/Arete Cole Subdivision
Case No. 22-5170**

To: County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

We urge the County to suspend or reject the *Santa Fe West Investments/Arete Cole Development, LLC* application, as proposed, for the following reasons.

1. Traffic Concerns

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In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought throughout 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted,


85 Estrada Maya
La Tierra Association Resident

SFC CLERK RECORDED 02/09/2023

December 5, 2022

County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

Subject: Proposed Arete Col Subdivision

As a resident of La Tierra and avid bicyclist, I am concerned with the safety along the 3-mile section of Camino La Tierra adjacent to the proposed Crete Cole Development between highway NM highway #599 and Las Campanas.

Please consider delaying approval of this development until a suitable bike path is constructed and all bike safety issues are resolved.

La Tierra Association Resident

Thomas Faucher
20 South Vuelta Herradura
Santa Fe, NM

SFC CLERK RECORDED 02/09/2023

December 5, 2022

Santa Fe County Land Use Administrator
P.O. Box 276
Santa Fe, New Mexico 87504-0276

RE: Case NO: 22-5170

Dear Administrator and Board:

I hereby object to the request made by Santa Fe West Investments, LLC/Arete Cole Development, LLC to rezone 17 - 2.5 acre residential lots to convert them to 23 - 1.8 residential lots.

The developer claims that he is providing 50% open space in the proposed development of 44.5 acres. And, hence, can use the density with bonus to lessen the size of the dwelling lots and build more dwellings than is allowed under the current zoning.

The fact of the matter is that the developer is not "giving up" 50%. Part of the 50% he is claiming to give up for open space has already been deemed unbuildable because of an existing water line easement passing through the property. Also, part of the proposed development covers an area in the Arroyo Calabasas that is already designated as a FEMA flood zone.

Therefore, I think it is improper to grant them the density bonus since they are not actually giving up buildable land for the so-called open/green space. The dwelling lots for the development should remain at 2.5 acres.

I am a resident of Las Campanas at 14 Rising Moon, and my house is directly due west of the proposed development.

Sincerely,

A handwritten signature in black ink, appearing to be 'T.H. Reynolds', written over a horizontal line.

T.H. Reynolds
913-226-1154

SFC CLERK RECORDED 02/09/2023

To be mailed on: **November 22, 2022**

CASE NO. 22-5170

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Santa Fe West Investments, LLC/Arete Cole Development, LLC, Applicant, JenkinsGavin, Agent, request a Preliminary Subdivision Plat and Final Subdivision Plat to create 23 residential lots within a 44.51-acre tract. Table 5-1 identifies this type of subdivision as a Type Three Major Subdivision. The site is zoned Residential Estate (RES-E). The base density for RES-E zoning is 1 dwelling per 2.5-acres as per Table 8-10, which allows for 17.8 dwelling units on the 44.51-acre tract. The applicant proposes to utilize the density bonus illustrated in Table 8-44 which allows 23 dwelling units with 50% open space (17.8 units x 1.33 = 23 units (density with bonus = 1 du/1.875 acres). The applicant also proposes to provide 8.0% affordable housing in accordance with SLDC §13.2.1.1. resulting in one affordable home (17 base units x 8.0% = 1.36 units). The property is accessed via Camino La Tierra (Commission District 2) NMPM, Santa Fe County.

A public hearing will be held at the County Administrative Building, located at 102 Grant Avenue, in the main Conference room, on the 2nd Floor, on the 13th day of December, 2022, after 5 p.m. on a petition to the Santa Fe County Board of County Commissioners. Members of the public have the choice of listening and participating in this meeting in person or virtually. Members of the public can listen and participate in the meeting via WebEx. To participate by phone call 1-408-418-9388. The code to access the meeting will be available on the meeting agenda which will be posted on the County's website (<https://www.santafecountynm.gov/>) one week before the meeting. In addition, people may watch the meeting at <https://www.youtube.com/channel/UCKGV2GEBC1Qv38Pn61083xg>

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

SFC CLERK RECORDED 02/09/2023

December 5, 2022

To: Santa Fe County Land Use Administrator
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: Proposed Arete Cole Subdivision

We urge the County to suspend or reject the Arete Cole Development project—a project that, in an alternate form, has already been rejected by the county earlier this year. We note that the effort to revisit this ill-conceived project has been shrouded in such strategies as displaying the public comment notice facing away from traffic, and scheduling public comment for a time during the holiday period when many people are busy and might be traveling. This hardly speaks to openly embracing community support.

A major concern with regard to the proposed Arete Cole Development is the increased traffic load and bicycle safety issues along Camino La Tierra. Camino La Tierra has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all destinations north and south of the city, for the residents of Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, Horcado Ranch, Los Suenos, Vellecitos, Arroyo Calabazas, La Mariposa, and neighborhoods along East and West Wildflower, and Fin del Sendero. The residents of these communities are dependent on Camino La Tierra—a divided road that consists of only one lane in both directions, with no paths for bikes or pedestrians—every day. Each lane of the road has only a very narrow paved shoulder; consequently, drivers already cannot pass bicyclists or pedestrians safely. This issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. It is also unclear as to whether the TIA data is current, given the substantial growth of the entire area in recent years. Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

We are also concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC), which states:

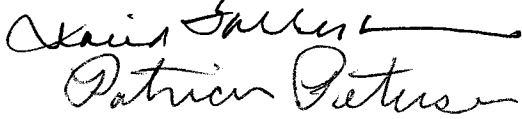
“The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, **that are not already protected**, by clustering development to allow the remaining land to be protected.”

The proposed density bonus to Arete Cole Development is based on open space that includes a major pipeline easement, a restricted archeological area, and a recognized flood plain—land already undevelopable. The County should not grant a developer a density bonus in exchange for such land. The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not have to bear that risk and should not authorize density bonuses that are based on undeveloped land that is already subject to legitimate limitations. To allow such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

SFC CLERK RECORDED 02/09/2023

Lastly, given the record high temperatures and ongoing drought facing the area, availability of water from the Rio Grande, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe. Approving high density residential development hardly seems like a prudent approach to the issue.

Respectfully submitted,

Handwritten signatures of David Garrison and Patricia Peterson in cursive script.

David Garrison/Patricia Peterson
La Tierra Residents
138 Estrada Redonda
Santa Fe, New Mexico 87506

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Monday, December 12, 2022 9:44 AM
To: Kenneth J. Quintana
Subject: FW: Proposed Tierra Antigua Subdivision on Camino La Tierra

-----Original Message-----

From: Tom Epperson [mailto:tom@tomepperson.com]
Sent: Monday, December 12, 2022 9:43 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Proposed Tierra Antigua Subdivision on Camino La Tierra

WARNING:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

My wife, Stefani Ames, and I live at 31 Vista Calabasas, near the proposed subdivision on Camino Lo Tierra. The 44 acre tract is zoned for 2.5 acre lots, which would allow 17 dwelling units to be built there. The developers, however, want to put 23 dwelling units on the tract, which they claim they should be allowed to do under the rules if they preserve 50% of the tract as open space. The problem is they want to count as "open space" areas that can't be built on anyway because they're in a flood plain or on archeological sites. This is just an obvious ploy to circumvent the zoning regulations that were enacted for a reason. We who live in the area do not want a dense development in our midst foisted upon us by slick developers who are not interested in our community but are strictly focussed on making a buck. Thank you.

Sincerely,

Tom Epperson and Stefani Ames

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Saturday, December 10, 2022 11:49 AM
To: Kenneth J. Quintana
Subject: FW: Opposition to Arete Cole Development

From: Karen Childers [mailto:karen@karenchilders.com]
Sent: Friday, December 9, 2022 1:22 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Opposition to Arete Cole Development

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Green,
I am writing to urge Santa Fe County to suspend or reject the *Arete Cole Development, LLC* application, as proposed, for the following reasons.

1. Traffic Concerns

A major concern with the proposed *Arete Cole Development* is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabazas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;
- Aldea, Tessler, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and
- Others that we have not yet had time to identify.

Most residents of the above communities are dependent on Camino La Tierra every day.

Camino La Tierra is a divided road that consists of only a single lane in each direction. There is no bike lane, sidewalk, or pedestrian path along either lane.

Each lane of Camino La Tierra has only a very narrow paved shoulder on each side, less than a foot wide. A driver can move no more than about a foot to the left while passing a bicyclist; and bicyclists

SEC. CLERK RECORDED 02/09/2023

can move no more than about a foot to the right. Consequently, a driver cannot pass a bicyclist safely. Tempers flare as impatient drivers speed by bicyclists with only inches to spare.

To our knowledge, this safety issue is not addressed in the Traffic Impact Assessment (TIA) cited by the developer's agent, Jenkins Gavin. We also question whether the TIA data is current, in view of the substantial growth of the entire area in recent years.

Camino La Tierra has become dangerous for bicyclists and pedestrians.

We submit that Santa Fe County would be remiss in approving any further residential development on Camino La Tierra until the safety of pedestrians and bicyclists has been improved.

2. Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

“The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, **that are not already protected**, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district.” (emphasis added)

The intended meaning of this language is that a developer may be eligible for a "density bonus" in return for setting aside, as open space, land that is not already protected from development. Conversely, it follows that a developer should not be eligible for a density bonus in return for 'setting aside' open space that is already protected from development.

In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, "in this case," is "land which cannot be developed ..." (emphasis added). At the July 11 Zoom conference, Ms. Jennifer Jenkins informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a "density bonus" in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is already undevelopable. Giving up a development "right" that does not really exist should not justify receipt of a Density Bonus.

SFC CLERK RECORDED 02/09/2023

The County should hold developers responsible for bearing the risk that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not bear this risk. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

To adopt such an approach as a matter of policy constitutes a substantial dilution of the County's Sustainable Land Development Code.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable. It appears that a reduction in the proposed Density Bonus is in order.

3. Water

Santa Fe has experienced record high temperatures and severe drought over the first half of 2022, a phenomenon now being observed worldwide. Availability of water from each of the Rio Grande River, regional aquifers, and surface water reservoirs is increasingly at risk. The County should take into account current forecasts of the future availability of drinking water from all sources in its management of the growth of Santa Fe.

Respectfully submitted,

Karen Childers
La Tierra Association Resident

38 N Vuelta Herradura
Santa Fe, NM 87506
505-470-3399

SFC CLERK RECORDED 02/09/2023

Kirby Vahle
7 Los Suenos Court
Santa Fe, NM
87506

Ms. Penny Ellis-Green
Director
Growth Management/Land Use
Santa Fe County, NM

RE: Proposed Santa Fe West Development on Camino La Tierra

Dear Ms. Ellis-Green:

This letter is in objection to the referenced development. My objections are threefold.

- 1) The process to arrive at the current zoning density took considerable time and thought, and there does not appear to be any changes in the makeup of the community to warrant a change in the zoning.
- 2) The current zoning in the areas adjacent and peripheral to the proposed development provides for a peaceful, bucolic, and safe living environment.
- 3) The proposed increase in density will require a lighted "round-about" which seems to be inappropriate for the area.

Sincerely,

Kirby Vahle
Current President,
Northwest Ranches Home Owners Association

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Sunday, December 11, 2022 11:58 AM
To: Kenneth J. Quintana
Subject: FW: Santa Fe West Development on Camino La Tierra

From: John Kusiak [mailto:johnwaku12@gmail.com]
Sent: Sunday, December 11, 2022 10:31 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Santa Fe West Development on Camino La Tierra

Warning:

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SFC CLERK RECORDED 02/09/2023

Ms. Penny Ellis-Green

Director

Growth Management/Land Use

Santa Fe County, NM

RE: Proposed Santa Fe West Development on Camino La Tierra

Dear Ms. Ellis-Green:

My wife and I are residents of the Northwest Ranches subdivision located east of Los Suenos Trail.

This letter is in objection to the proposed Santa Fe West Development. We have the following objections.

- 1) The process to arrive at the current zoning density took considerable time and thought, and there do not appear to be any changes in the makeup of the community to warrant a change to a more dense zoning in this area.
- 2) The current zoning in the areas adjacent to the proposed development provides for a peaceful, bucolic, and safe living environment. The proposed higher density zoning will disrupt that environment.
- 3) The proposed increase in density will require a lighted "round-about" which is inappropriate for traffic flow on Camino La Tierra.

Sincerely,

John and Audrey Kusiak

8 Los Suenos Ct
Santa Fe NM 87506

SFC CLERK RECORDED 02/09/2023

December 6, 2022

**To: County Land Use Administrator
Santa Fe County Department of Growth Management
PO Box 276
Santa Fe, NM 87504-0276**

RE: Arete Cole Development, LLC Subdivision Opposition

We urge the County to reject the current Arete Cole Development, LLC application, as proposed, for the following reasons.

Misapplication of the SLDC Density Bonus Provision

We are especially concerned that, as proposed, the County would be granting a density bonus that is not consistent with Section 8.12 of the Sustainable Land Development Code (SLDC).

Section 8.12.1 of the SLDC provides that:

“The purpose of the Density Bonus section is to support continued farming and/or ranching activities, conserve open space, and protect scenic features and environmentally sensitive areas, that are not already protected, by clustering development to allow the remaining land to be protected. The density bonus provisions will be scaled based on the size of the tracts and the underlying zoning. Cluster development may be tied to community water and sewer services with minimum lot sizes in higher density area and zoning district.

It would seem, that the intended meaning of this language is that a developer may be eligible for a density bonus in return for setting aside, as open space, land that is not already protected from development. Conversely, it follows that a developer should not be eligible for a density bonus in return for setting aside open space that is already protected from development.

In its notice of the pre-application neighborhood meeting on July 11, 2022, the County is cited as stating that the density bonus is proposed to be granted in exchange for the developer agreeing to preserve a 22-acre open space which, in this case, is land which cannot be developed. At the July 11, 2022, Zoom conference, Ms. Jennifer Jenkins

SFC CLERK RECORDED 02/09/2023

informed us that the proposed open space includes a major pipeline easement, a restricted archeological area, and a recognized floodplain.

We submit that the County should not grant a developer a density bonus in exchange for setting aside land that is already undevelopable or otherwise protected from development.

Land can be undevelopable for various reasons. Geographic obstacles such as arroyos, floodplains, or steep hills can preclude construction. Land can also be protected from development due to the presence of archeological sites, habitats of endangered species, certain easements, and other legitimate land use restrictions. As stated in the Code language quoted above, the existence of such protected areas should not be a basis for departing from the applicable 2.5 acre/dwelling density limit that is applicable to areas zoned as Residential Estate (RES-E). To do so would result in granting a developer a valuable density bonus in exchange for not developing land that is undevelopable.

The County should hold developers responsible for knowing that some part of property they purchase may be undevelopable, due to various legitimate land use limitations. The County should not authorize proposed Density Bonuses to the extent they are based on undeveloped land that is already subject to legitimate limitations on its development.

In granting any Density Bonus, the County should carefully examine the legal and factual aspects of the proposed development, to arrive at an application of the SLDC that excludes consideration of land that is already undevelopable.

Traffic Concerns:

A major concern with the proposed Arete Cole Development is the increased traffic load and specific bicycle safety issues along the 3-mile section of Camino La Tierra adjacent to the Tierra Antigua site, between highway NM highway #599 and Las Campanas.

Camino La Tierra (County Road 77) has become a heavily used thoroughfare, as most residents of the above communities are dependent on Camino La Tierra every day. It is the only practical route to Santa Fe, and to all New Mexico destinations north and south of Santa Fe, for the populations of the following communities:

- Las Campanas, Colinas Verdes, La Tierra, La Tierra Nueva, Salva Tierra, Tierra de Oro, Las Dos, and Horcado Ranch, Los Suenos, Vallecitos, Arroyo Calabasas, La Mariposa;
- Subdivisions and neighborhood associations to both the north and south of Camino La Tierra along E. and W. Wildflower, and along Fin Del Sendero to the north;

- Aldea, Tessera, La Mirada and other communities just to the west of #599, which are accessible from the NM-599 Frontage Road and Blue Canyon Trail, both of which connect to Camino La Tierra just west of NM #599; and

Camino La Tierra is a divided road that consists of only a single lane in each direction and due to the current high volume of traffic many or most vehicles are travelling in an unsafe manner at speeds in excess of the posted speed limit. The additional density as proposed in the Arte Cole Development only makes the above matters worse. It likely was never the intention of any planning efforts for the existing infrastructure to safely and adequately support the additional density associated with any density bonus being proposed in the application.

Respectfully submitted,

La Tierra Association Resident

Donald and Tina Love
19 Horcado Ranch Rd.
Santa Fe, NM

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Jose Larranaga
Sent: Monday, December 12, 2022 12:59 PM
To: Kenneth J. Quintana
Subject: FW: Proposed Tierra Antigua Subdivision on Camino La Tierra

FYI

-----Original Message-----

From: Tom Epperson [mailto:tom@tomepperson.com]
Sent: Monday, December 12, 2022 9:42 AM
To: Jose Larranaga <joselarra@santafecountynm.gov>
Subject: Proposed Tierra Antigua Subdivision on Camino La Tierra

WARNING:

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Dear Mr. Larra—

My wife, Stefani Ames, and I live at 31 Vista Calabasas, near the proposed subdivision on Camino Lo Tierra. The 44 acre tract is zoned for 2.5 acre lots, which would allow 17 dwelling units to be built there. The developers, however, want to put 23 dwelling units on the tract, which they claim they should be allowed to do under the rules if they preserve 50% of the tract as open space. The problem is they want to count as “open space” areas that can’t be built on anyway because they’re in a flood plain or on archeological sites. This is just an obvious ploy to circumvent the zoning regulations that were enacted for a reason. We who live in the area do not want a dense development in our midst foisted upon us by slick developers who are not interested in our community but are strictly focussed on making a buck. Thank you.

Sincerely,

Tom Epperson and Stefani Ames

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Roberta Lee <robertacyruslee@gmail.com>
Sent: Monday, December 12, 2022 12:19 PM
To: Kenneth J. Quintana
Subject: Fwd: Proposed Tierra Antigua Subdivision
Attachments: Albin Spectra Parcel U Declaration.pdf

Warning:

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----- Forwarded message -----

From: **Roberta Lee** <robertacyruslee@gmail.com>
Date: Mon, Dec 12, 2022 at 12:17 PM
Subject: Proposed Tierra Antigua Subdivision
To: <kenquintana@santafecounty.nm.gov>
Cc: <joselarra@santafecountynm.gov>, <pengreen@santafecountynm.gov>, willis lee <willisflee@msn.com>

SFC CLERK RECORDED 02/09/2023

Hello,

My husband and I purchased our property at 20 Arroyo Calabasas in 1998. It was a 12 stall horse barn on 2.5 acres. The rural feel, wide open spaces and night skies really appealed to us. In 2015, our son purchased the 2.5 acres next door that had been a riding area and built his home and he and his family still live there.

The 44 acres across from us sold a few years ago for about 900k. We always knew there might someday be homes over there, but it is zoned Res-E and much of the land is unbuildable so we were not overly concerned. There might be six or eight homes in the land areas suitable for building.

Now for the second time, a large number of homes are being proposed, this time claiming a density bonus instead of asking for rezoning. Lots would range from .48 acres to 1.35 acres. This is totally out of character with the surrounding areas and if you look at the maps attached to the proposal you really don't see much open space.

The southern border of the proposed subdivision lies along Arroyo Calabasas where lot sizes range from 2.5 acres to 5 and 7.5 acres. Although Jenkins Gavins states in the application: " The Property abuts the Las Campanas Planned Development District to the west (one dwelling/acre per the Las Campanas Master Plan", formal covenants exist that limit the land to the west to 16 lots on 80 acres. She (Jennifer Jenkins) has also stated this in multiple neighborhood meetings. I have attached a copy of the covenants for your review.

The subject property is in SDA-2 which is designated as a secondary growth area, rather than a primary growth area. The existing roadways were not developed with high-density infrastructure in mind. The county transportation report submitted by Brett Calvio in September finally addresses safety concerns on Camino La Tierra instead of just measuring the wait times at the four way stop at Camino La Tierra and Wildflower.

If the county is truly interested in preserving open space and safety, it will deny this subdivision application or ask for a modification of lots sizes to a minimum of 1.5 or 2.5 acres (as zoned) and implement the traffic recommendations. The developers will still make a generous profit while preserving the character of our area.

Sincerely,
Roberta Lee
20 Arroyo Calabasas

SFC CLERK RECORDED 02/09/2023

Chad Frost & Anna George

—
28 Arroyo Calabasas Road
Santa Fe, New Mexico 87506

12 December 2022

Santa Fe County Board of County Commissioners
P.O. Box 276
Santa Fe NM, 87504-0276

Madam Chair and honorable Members of the Board:

We are immediate neighbors of the Tierra Antigua development proposed in Case # 22-5170. We attended the neighborhood meeting of July 11, 2022, and note that there were several shared concerns expressed by many attendees in that meeting. The principal issues for us, as neighbors, are:

- 1) The proposed development density (23 units in ~22 acres) is significantly different from the surrounding neighborhood, and we believe this inconsistency would negatively impact the long-standing rural character of the area. The proposed density is inconsistent with Residential Estate (RES-E) base zoning of 2.5 acres.
- 2) The developer asserts that the open space density bonus applies to the entire tract acreage; we contend that the bonus, if applied, should properly be based on developable acres. This tract has considerable areas of unbuildable land, due to slope, drainage, easements, and archeological considerations; these areas would have to remain as open space regardless of the developer's desire to obtain a greater number of dwellings through the density bonus. The resulting Major Subdivision is inherently mismatched to the surrounding neighborhoods, and is not at all in keeping with the philosophy or the letter of the density bonus.
- 3) Impacts to traffic on Camino La Tierra have not been adequately addressed. In particular, provisions are required to ensure bicyclist and pedestrian safety on the narrow, shoulderless road for which there are no travel route alternatives. We are active cyclists, using Camino La Tierra to access both downtown Santa Fe and beyond, and the La Tierra trail system; we therefore have frequent personal experience of the challenges presented to drivers and cyclists along Camino La Tierra. The proposed development would add significantly to the traffic load, both during and after construction, and no mitigations have been identified or proposed by the developer.
- 4) An allowed building height of 28 ft, as proposed, is inconsistent with other dwellings in the immediate neighborhood, and would potentially impact our viewshed with respect to proposed lots 4 and 5. We suggest that a single-story height would be more appropriate and in keeping with the neighborhood character.
- 5) Given the issues outstanding with the proposed development, we believe it would be premature to approve the extension of county utility lines as requested in Consent Agenda Item F

SFC CLERK RECORDED 02/09/2023

before the Board. The proposed agreement is based on the expectations of the developer's Major Subdivision proposal, which we and many others in the local community oppose in its present form.

We request that the Board deny the developer's requests for Extension of County Utilities and Plat Approval. There are too many concerns that are not yet addressed; the County should obtain answers to the questions raised by the community, and seek an equitable solution to the challenges of integrating a new Major Subdivision into the surrounding community, in particular the much older and more established tracts to the south.

Respectfully,

Chad Frost

Anna George

CC by email: Ms. Penny Ellis-Green, Director, Santa Fe County
Department of Growth Management pengreen@santafecountynm.gov

SFC CLERK RECORDED 02/09/2023

Kenneth J. Quintana

From: Penny Ellis-Green
Sent: Tuesday, December 13, 2022 1:35 PM
To: Kenneth J. Quintana
Subject: FW: Proposed Tierra Antigua Subdivision

From: Yahne McLemore [mailto:yahnem@gmail.com]
Sent: Tuesday, December 13, 2022 12:35 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Proposed Tierra Antigua Subdivision

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I am writing to express my objections to the proposed Terra Antigua Subdivision. The present rules in our area mandate lots no smaller than 2 1/2 acres. This requirement creates a livable, spacious neighborhood that honors the environment, keeps down crime, And conserves water. The proposed subdivision will stress the values of our area. It will definitely increase crime and put a major stress on our water supply. It will definitely lower the home values that the present rules enhance. Please do not change our present requirements. You are welcome to contact me if you have any questions or concerns.

Regards
Yahne McLemore
29 Camino Cielo
Santa Fe NM 77596
505-231-1222

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Kenneth J. Quintana

From: Tom and Laura <bleakelawne@gmail.com>
Sent: Tuesday, December 13, 2022 12:13 PM
To: Kenneth J. Quintana; Jose Larranaga; Penny Ellis-Green
Subject: Opposition to Proposed Tierra Antigua Subdivision on Camino La Tierra

Warning:

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We wish to express our opposition to the approval of the Tierra Antigua Subdivision, Case # 22-5170, as it is currently presented.

The reasons are:

1. Developer using a loop hole in the zoning regulations. Claiming unbuildable land and archeological land and "common use land" and thus allowing them to skirt the current zoning of 2.5 acre minimum lots, and plat a much higher-density housing area.
2. Density completely inharmonious with surrounding subdivisions. All current subdivisions such as Las Campanas and Rancho Calabasas within sight of the proposed subdivision are of dramatically lower density. Allowing the proposed high-density development will put a property-value-lowering blot on the landscape for all of the existing homeowners.
3. Traffic on Camino La Tierra. As noted by the professional reviewer, traffic on La Tierra moves at a pretty good rate - really too fast and with much too much self-absorbed determination. Adding a turn-off for a 23 home subdivision makes that traffic situation more hazardous, particularly given the proximity to the turn-offs for the Santa Fe County Fire Station and the small business area containing Arroyo Vino and other businesses. Adding a roundabout in the middle of all that as suggested will likely make the traffic situation more dangerous, not less.
4. Increased Lighting Nuisance. Even if the roundabout and the proposed development were extremely compliant with the Dark Sky ordinances, there will be vastly increased surface lighting in the immediate and surrounding area - which can be nothing but another night-time property-value-lowering negative for properties near the subdivision

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To be clear, we have no opposition at all to a responsible developer building a harmonious subdivision on that plot of land. But this proposal is neither responsible nor harmonious with the surrounding area, and only reflects the greed of the developer above all other considerations.

We implore that the proposed subdivision not be approved.

Thomas R Hoyt
Laura L Tucker
15 Camino Calabasas
Santa Fe, NM 87506