

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

May 30, 2023

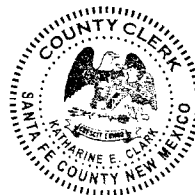
Anna Hansen, Chair - District 2
Hank Hughes, Vice Chair - District 5
Camilla Bustamante - District 3
Justin Greene - District 1
Anna T. Hamilton - District 4

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
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BCC MINUTES
PAGES: 184

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy *Desty Rios* County Clerk, Santa Fe, NM



SFC CLERK RECORDED 07/03/2023

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

May 30, 2023

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:19 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Anna Hansen, Chair
Commissioner Hank Hughes, Vice Chair
Commissioner Anna Hamilton
Commissioner Camilla Bustamante
Commissioner Justin Greene

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

F. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hansen, and the Moment of Reflection by Angela Bordegaray of the Growth Management Department. Chair Hansen who acknowledged that this building and Santa Fe County is the original homeland of the Tewa people also known as Ogha Po'oga Owingeh, "White Shell Watering Place."

G. Approval of Agenda

CHAIR HANSEN: Manager Shaffer.

GREG SHAFFER (County Manager): Thank you, Madam Chair, Commissioners. The initial agenda was posted for this meeting on Tuesday, May 23rd at approximately 5:26 p.m. There weren't, in fact, any substantive changes to the items

SEC CLERK RECORDED 07/03/2023

listed on the agenda, however, there was packet material added to Opening Business, item 1. I, and Public Hearings, item 12. A, and the amended agenda was posted to reflect that fact.

CHAIR HANSEN: Okay. Thank you. Any changes from the Board?
Seeing none, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair, move to approve the agenda as described.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Greene.

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

H. Years of Service, Retirements, and New Hire Recognitions

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. We have several employees who are recognizing significant milestones with the County during the month of May 2023. Three individuals will be marking their five-year anniversary with the County. They are Bobbie Abeyta in our Corrections Department, Phillip Vigil in the County Assessor's Office, John Chavez in the Public Works Department. One individual, Danielle Tennyson, will be making her 10th year anniversary with our Fire Department and then finally, Dale Lucero of the Information Technology Division will be marking 15 years with the County.

In addition, during the month of April, as the Board knows, Anna Bransford War did retire from the County and the Board previously acknowledged her retirement.

Looking at our new hires, we had several during the month of April. In the County Clerk's Office, Christie Brusso, Robert Hedgepeth, Roseangela Ortiz, and Samara Sanchez, all with the County Clerk's Office.

In the County Manager's Office, Hector Delgado, Lucy Felt and Christian Rivera started with the County. In our Health & Human Services Department, Matilda Byers and LeAnne Gomez both joined the County. In the Land Use Department, Camilia Padilla. And then we had five employees with our Public Works Department, including Shane Jones, Andres Lujan, Tawny Baca, Nicholas Dorame, and Larry Gonzalez.

And then finally, in the Sheriff's Department, we have two law enforcement officers, a cadet and a sheriff deputy III, and they are Jared Eldridge and Patrick Hein. So again, we want to welcome our new County employees as well as acknowledge those who are experiencing significant milestones this month. Thank you, Madam Chair and Commissioners.

CHAIR HANSEN: Okay. I'm going to go to Commissioner Bustamante for a moment.

COMMISSIONER BUSTAMANTE: Yes, thank you, Madam Chair. It appears that on Thursday, the 25th of May there was a significant event that included your birthday.

[Happy Birthday was sung to the Chair.]

CHAIR HANSEN: Thank you. It was a workday for me on my birthday and I was honored to have Commissioner Greene and Commissioner Hughes and Sara Smith sing Happy Birthday to me in the stairwell, which has an incredible echo. But it was a complete workday and I want to share that we started it off meeting with Senator Lujan and we had a very productive meeting with him and it was an honor to have him here in our chambers. And then I kind of ended the day with a staff meeting with Senator Heinrich's staff on the Caja del Rio. So all the projects that I really care about – there are many projects I care about but these two, the one with Senator Lujan on the regional water system for the Pojoaque Valley is something very near and dear to my heart. Commissioner Hamilton and myself were among the people who worked to make that happen. So thank you very, very much. I'm honored to have you sing to me. That's really kind. Thank you so much. And let's go on to regular business.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: And this is on regular business, I just wanted to say how happy I am to see that the number of new hires way outweighs the number of people who are retiring. That's a definite move in the right direction and the two people on the new hire list that I know personally and have met with are stellar individuals, and so I think we're gaining some real talent at the County. Thank you.

CHAIR HANSEN: I agree wholeheartedly with that statement. I got a very nice phone call today, actually somebody praising County staff telling me what a pleasure it was to come and get help here, on numerous departments. It's always good to hear and we welcome all of the new hires and how important it is for you to join us and we're grateful for your interest in Santa Fe County.

I. Recognition of Employees for Awards, Accreditations, Recognitions, and Other Accomplishments

MANAGER SHAFFER: Thank you, Madam Chair. We wanted to recognize at this meeting the fact that Santa Fe County was awarded by the National Association of Counties four separate 2023 achievement awards. I'm going to start by saying a few words concerning the 2023 achievement award for the County's La Sala Center, and then I will turn it over to our County Clerk, Katharine Clark to discuss the three separate awards that were awarded by NACo for various programs and initiatives within the Clerk's Office.

So again, beginning with the 2023 achievement award for the La Sala Center. La Sala Center opened its doors approximately two years ago in June of 2021 following years of community outreach and planning as well as approval by the Santa Fe County voters of funding for a crisis center and approval by the Board of County Commissioners for the funding of its construction and operation. The La Sala Center offers a safe and secure place for Santa Fe County adults with behavioral health issues to receive assistance as well as a place where families and caregivers can find information and receive assistance in times of crisis.

Named after the Spanish word for living room, the center houses both the Santa Fe Crisis Triage Center as well as the Santa Fe Detox Recovery Center. Together they

provide wraparound services in a comfortable, non-threatening environment as well as helping to connect people with appropriate community services. So I would ask our Community Services Department Director, Rachel O'Connor if she'd like to say a few words concerning this 2023 achievement award, and then we do have copies of each of the certificates should the Board want to take pictures with representatives of the Clerk's Office and first with representatives from the Community Services Department.

CHAIR HANSEN: We would love to take pictures, of course, and thank you, Manager Shaffer. Welcome, Rachel.

RACHEL O'CONNOR (Community Services Director): I want to thank the County Manager and also to thank Alex Dominguez, who is our Behavioral Health Program Manager and who pulled together and submitted the applications to NACo for La Sala. La Sala has been opened now for a little under two years and has, as I wrote this morning to one of my colleagues, exceeded my expectations in its ability to serve people who are unable to get services anywhere else, to coordinate well with other players including the City, the Sheriff's Office, the hospital and many others, and to provide a really valuable service for people in Santa Fe County.

And we look forward to continued growth and the expansion of services this year through a proposal that we've funded for what's called Assertive Community Treatment, which is an intensive community based program that will also partner with La Sala so that after the crisis is over this person can receive ongoing services. So thank you, and thank you, Alex.

ALEX DOMINGUEZ (Behavioral Health): And thanks to our Board and our leadership of course, for making this possible for the citizens, the residents of Santa Fe County.

CHAIR HANSEN: Thank you, Alex. I think I'll wait and make comments and then have the Clerk make a few comments and then we'll take pictures, one with the Community Services and one with the Clerk's Office, if that's okay with everybody. Thank you. Clerk Clark.

KATHARINE CLARK (County Clerk): Thank you, Madam Chair. I did want to briefly talk about our achievement awards. So my staff is here: Mitchell Cox, Gabriel Schultz and Andrea Tapia. They are my outreach team and each of them has worked very hard on making sure that we set a standard of excellence in Santa Fe County. So for our first award, we won for the "I voted sticker" design contest. That was what we won for last year for the Election Assistance Commission, so we submitted it this year to NACo.

We also won for our Democracy 101 high school outreach program where we go to the high schools and bring a tabulator and walk through what it's like to vote. Not only does that work for educating future voters and encouraging them to vote by saying how easy it is. We also contradict some of the misinformation that's out there.

And lastly, our election worker mentorship and debrief program. Many of our poll workers after 2020 who are older, because of COVID and a variety of reasons were retiring from working elections and we needed a way to get people who had some election experience to be up to speed on becoming a presiding judge, which is a very challenging job, and so we had a mentorship program where those presiding judges could shadow more experience presiding judges, which means that we had a very short

turnaround on election night. You may have noticed that we were the first county to report our early voting and absentee results at 7:01.

Additionally, we won the Election Assistance Commission honorable mention award for our work on disability access, so we are the only county in New Mexico to have been honored twice, not only twice but twice in a row, so I guess in Santa Fe County we're the most decorated Clerk's Office in New Mexico. So thank you, I just wanted to give my staff again a big kudos. They hear my ideas and then they jump in 100 percent. They are really motivated to make sure that voting is easy, fair and we set a standard here in Santa Fe County. Thank you.

CHAIR HANSEN: And we will take some photos in just a moment but I'm going to take the liberty as somebody who is on the leadership team at NACo – many of you have heard me speak about NACo over the years and how important I think it is for the County to participate, and I'm looking forward to Commissioner Greene and Commissioner Bustamante attending NACo with me in Austin, Texas in July.

These kinds of awards help Santa Fe County not only locally to be recognized but it helps us nationally because when they flash our names across the screen and they see Santa Fe County, they know that I'm a big, huge promoter of Santa Fe County and NACo and that I love my county and I love that I live in the Land of Enchantment. And they all know that and I think it's so important to recognize staff and all the work that our Community Services and our Clerk's Office, and I want to encourage other departments to apply to NACo and get this recognition because I think it's really valuable in esteem and in workplace value, that other people see your value. With that is there any other comments from Commissioners? Commissioner Greene.

COMMISSIONER GREENE: I'd like to thank – first off, La Sala has been demonstrating a great resource for our community and thank you for creating and really upholding our ethics through this sort of service. And then for the Clerk's Office, as somebody who got elected in this last round, it's nice to be awarded for an election that I served in and as an elected official, I appreciate what the Clerk does for us, so thank you very much.

CHAIR HANSEN: I'm honored that we have supported and made this huge progress with La Sala because it was a tremendous effort on this Commission's behalf and I'm also really thankful to the citizens of Santa Fe County for voting for the funding. that happened when Commissioner Hamilton and I got elected and we were instrumental in moving that program forward. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: It's really wonderful to hear that our departments are doing such good jobs. So all the kudos to Community Services and La Sala and to the Clerk's Office. When you think about the proud way this adds to other departments of the County that have gotten awards of excellence – the Finance Department, the Assessor's Office and others – it just makes it a wonderful place to work and to participate and speaks to the motivation as well as the expertise of the people who work here to provide our County services and that's an amazing thing. I really hope it adds to all of your job satisfaction because it's a big part of our lives to work every day and know that you're making a difference. But well done, both of you.

COMMISSIONER HAMILTON: Thank you, Commissioner Hamilton.
Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just want to add my congratulations to these people. These programs, we're very proud of them and the awards are very well deserved for both the Community Services and for the Clerk's projects. So congratulations again.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: If I may, I just have to really acknowledge, because these aren't simple tasks by staff and it's acknowledging the absolute effort that staff makes to make things happen. That's what the County is right? Our elected officials come and go and those of us who sit here, and yes, we do good work and we have to make things happen and work with you all, but really, if it wasn't for the consistent, ongoing good work of the staff it's what matters and it's what makes Santa Fe County really exceptional.

So I really want to take my hat off to your good efforts and acknowledge you in what you've done, because both of them – La Sala is something, I've known the difference. Without something like La Sala and what it means to our community, so it's with heartfelt gratitude in what you all do and what you do on a day to day. It's not just about putting in your 20-some years and calling it a day, it's about going at things – maybe it is putting in your 20-some years and calling it a day, but you do it from your heart and you do it well, so I'm grateful for that above-and-beyond effort that you all have obviously demonstrated. Thank you.

CHAIR HANSEN: Okay, so we're going to take some pictures. We've got Daniel in the room.

[Photographs were taken.]

CHAIR HANSEN: Thank you, everybody. Thank you for indulging us in this important recognition of our County employees and the work that they do.

2. APPROVAL OF MEETING MINUTES

A. April 25, 2023 Regular Meeting Minutes

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

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to motion to approve the minutes from the April 25th meeting.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Are there any changes?

COMMISSIONER GREENE: There was one dash instead of a zero instead of a date that I can tell the reporter. A dash should be a zero in there, but I'll point it out and that is a minor issue.

CHAIR HANSEN: Okay, so we have an amendment to the April 25, so Commissioner Bustamante, did you make the motion to approve?

COMMISSIONER BUSTAMANTE: I do and I will take into account the amendment. Thank you.

CHAIR HANSEN: Okay, so we have changes to those meeting minutes.

And you seconded? Commissioner Hughes seconded.

COMMISSIONER HUGHES: That's fine.

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

2. B. May 1, 2023 Special Meeting Minutes

CHAIR HANSEN: I wanted to let you know, I read them all on the plane coming home and they were quite long, and I made a number of corrections and gave them to the stenographer for the May 1st meeting, but there was one section that I missed on page 8. I think there was a slight misunderstanding on my part and possibly on other people's part where William Mee is speaking and he says that in his presentation "would dispel the myth that there is no connection between Area 1B and Agua Fria Village." He is dispelling the myth that there is a connection but he is saying that – he's trying to dispel the myth. It's a little confusing, even myself was a little confused and I questioned him, and I say, There is? And the question mark didn't get put in, so I would like the question mark added to my comment on page 8. And I'm sorry for the explanation but I think it was necessary to make it very clear what he was saying because I think it's being misinterpreted.

With that I submitted a number of other changes so I'd like to know if I could have a motion to approve the minutes.

COMMISSIONER HUGHES: Madam Chair, I move to approve the minutes with your changes.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hughes and a second by Commissioner Bustamante.

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

3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS

A. Request Approval of a Proclamation Declaring May 30, 2023, as "Joseph L. Loewy Day"

CHAIR HANSEN: Commissioner Hank Hughes and Housing Executive Director J. Jordan Barela. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I see Mr. Barela is in the room too, so I'll turn it over to him in a second and then we'll read the proclamation. But I just wanted to say that it's very sad that Mr. Loewy is retiring from our Housing Board but I know he'll still be active in Eldorado and he lives around the corner from me so I expect to see him all the time. I first met Joe Loewy, I think when we got roped into helping Senator Stefanics, now Senator Stefanics run for office. I found out that time what a pleasure it was to work with Joe on a volunteer activity and I've just been so impressed, over the years at all the different things he does in our community.

The Housing Board is a small part of his contribution to everything. Director

Barela, did you want to say a few words?

JORDAN BARELA (Housing Authority Director): Madam Chair, Commissioners, good afternoon. I would like to echo some of those sentiments. As was just announced during today's Housing Board meeting, Mr. Loewy will be stepping down after ten years of service as the community member of the Housing Authority Board. And I first met Mr. Loewy in 2019 when I came to the Housing Authority, and I was immediately struck by his passion and commitment for affordable housing. For the past 4 ½ years Mr. Loewy has been a valued resource for the Housing Authority and has shown his commitment and support for our staff, our programs and the people that we serve.

Whether it was attending staff meetings, discussing policy changes, reaching out to staff members to check on their well being after a personal tragedy, Mr. Loewy has never wavered in his desire to make the Housing Authority a great place to work and a place where those in need can find the quality housing services that they deserve. Mr. Loewy's commitment to the community also extends well beyond his role as a community board member. Any time I ever needed to reach out to Mr. Loewy he was always available to make the time, even though most of the times he was busy volunteering at a local cancer center or addressing community concerns as chairman of the Eldorado Neighborhood Watch, or driving to a meeting at the Eldorado Water & Sanitation District, or engaging in outreach for local political campaigns. Whether it was our needs or the needs of the community at large Mr. Loewy has and continues to exhibit his passion for public service in all that he does.

Though Mr. Loewy's passion, guidance and leadership will be missed at the Housing Authority and missed by me and our staff we know his passion will continue to carry on in other areas, all with the intent of making Santa Fe County a better place for all that call it home.

So with that, on behalf of myself and the Housing Authority, we just want to say thank you, Joe and extend our sincerest gratitude for the last ten years. We wish you all the best.

COMMISSIONER HUGHES: Thank you, Director Barela. Madam Chair, should we read the proclamation now?

CHAIR HANSEN: Sure. Santa Fe County Proclamation proclaiming May 3, 2023 as Joseph L. Loewy Day. Whereas, public housing authorities in the United States are essential in providing decent, safe, and rental housing for eligible workforce families, elderly people and people with disabilities; and

Whereas, there are approximately 1.1 million public housing units owned and managed by more than 3,000 housing authorities in the United States. A majority of public housing agencies are relatively small but provide essential services to low-income constituents; and

Whereas, the Santa Fe County Housing Authority Board is made up of five County Commissioners and two Santa Fe County citizens who are responsible for making policies in tandem with community advocates and local officials who have expertise in developing programs that supply housing for the families and communities of Santa Fe County; and

COMMISSIONER BUSTAMANTE: Whereas, Joseph Loewy, an exemplary public servant with a career in public housing and accounting, announced

his retirement as a Santa Fe County Housing Authority Board Member after ten years of service, effective on May 30, 2023; and

Whereas, Joseph was appointed to the Santa Fe County Housing Authority Board on May 28, 2013 where he has graciously provided his knowledge and expertise to assist in establishing policies and directives to enhance affordable housing services provided by Santa Fe County; and

Whereas, Joseph grew up in New York State and obtained his Bachelor's Degree in Accounting in 1969 from Long Island University; and

COMMISSIONER HAMILTON: Whereas, after graduating, Joseph worked in New York City at KPMG as an accountant and on Wall Street as an internal auditor from 1970-1974; and

Whereas, Joseph worked in major national department store chains as a Finance Executive and in 1989 moved to Connecticut where he later served as the Executive Director for the Housing Authority of the Town of Simsbury from 2002-2012; and

Whereas, Joseph and his wife Carol retired in 2012 and moved to New Mexico so Carol could pursue her master's degree in Archaeology from the University of New Mexico, and they could deepen their passion for collecting New Mexico art, jewelry, and enjoy the cultural traditions of New Mexico; and

COMMISSIONER GREENE: Whereas, in their personal lives, Joseph and Carol are passionate equestrians and have two children: Rachel Loewy, who is a Professor of Psychology in San Francisco; and Alan Loewy who owns and operates a private wealth management firm in Chicago, and they have four grandchildren; and Whereas, Joseph has regularly exhibited his passion for increasing the quality and quantity of housing services for low-income households in the community; and

Whereas, during his time of service with the Housing Authority Board, Joseph has consistently engaged with other Board Members, Housing Authority Staff and Executive Directors to discuss operational challenges and to provide unwavering support for the Housing Authority, the clients it serves and the affordable housing initiatives undertaken by the County; and

COMMISSIONER HUGHES: Whereas, Joseph has served in many volunteer roles during his time in Santa Fe, including Chairman of the Eldorado Neighborhood Watch Program; volunteer with the Cancer Foundation for New Mexico; helper in the Chemotherapy Room and Caregiver's support group; active member of the Eldorado, Santa Fe County and State Democratic Party; volunteer member of several Eldorado Community Improvement Association committees; Eldorado Area Water and Sanitation District Capital Planning and Advisory Committee and Communications and Customer Service Advisory Committee member; and

Whereas, this proclamation recognizes Joseph Loewy for his outstanding contributions to Santa Fe County, and acknowledges his devoted service and commitment to his community on the Santa Fe County Housing Authority Board; and Whereas, Joseph Loewy takes with him the sincere affection of the Board and staff of the Santa Fe County Housing Authority as well as good wishes for his future endeavors.

Now, therefore – as soon as we vote – be it hereby resolved that the Board of County Commissioners of Santa Fe County proclaim the 30th of May Joseph L. Loewy Day.

CHAIR HANSEN: Commissioner Hughes, would you like to make a motion?

COMMISSIONER HUGHES: Yes, I'd like to make a motion to adopt the proclamation.

COMMISSIONER GREENE: And I'd be happy to second that.

CHAIR HANSEN: And so I have a motion from Commissioner Hughes and a second from Commissioner Greene.

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

CHAIR HANSEN: Okay, now it's official. Now we will go to other members of the Board to say a few words before we go to Mr. Loewy. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. There's no way to really thank somebody for doing the kind of public service that Joseph has done, and aside from, or in addition to the incredible service to the community, he's been a real service to those of us who came on knowing lots less about public housing than he did and I'll be forever grateful for that and for the camaraderie and the collegial way he participates in every meeting and between meetings. So, it's a loss but it's a loss with tremendous gratitude and happiness that we had the time working together and were able to contribute together interact. The interactions will continue, but best wishes in all the future crazy stuff you end up doing.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I have to just say with absolute gratitude and wish I could have worked with you longer, because your commitment and your dedication became evident and then as soon as – like ten years in this doing this, it is exemplary. It's an example of something that all of could strive for and you leave so much goodness in your wake. I'm grateful. So thank you sincerely.

CHAIR HANSEN: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you. Joe, thank you. This has been a great – you've been a great example of leadership in an unelected and intellectual pursuit with real world impact so I really appreciate what you brought to the table. That continuity for ten years, that actually provides our Board a lot of – and the Housing Board a lot of great insight on how things were done, how things can be better and you brought it all to the table and I'm sad you're going but congratulations. I look forward to seeing you in other hats around town.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I did say what I meant to say but I'm going to see Joe on Saturday. So if I think of anything else I can communicate to you in private.

CHAIR HANSEN: Okay. I want to express the gratitude I have for the last 6 ½ years of serving on the Housing Board with you and your knowledge and your ability

to help us make a much better Housing Authority. It was a great gift to those of us who have served with you to be able to work with you and to understand your passion and how much – and your knowledge about this issue and what needs to be done for people who are on the lower incomes of our community and how we as a Commission can help them. And there's lots of things that we can do and you have helped lead the way. So I am grateful and I want to offer you an opportunity to say a few words also, and then we will take a picture.

JOSEPH LOEWY: Thank you, Madam Chair, and members of the Board. Ten years ago almost to the day I was honored to be appointed by the Santa Fe Board of County Commissioners as the Community Board Member of Santa Fe County Housing Authority.

Throughout these past ten years I've been privileged to be an advisor, mentor and strategic partner of our Housing Authority Executive Directors and staff. I can proudly say that our Housing Authority is recognized today as one of the most well run, financially secure and strategically positioned to serve the interests of those residents of our county who are most disadvantaged and in need of supportive housing.

I especially want to thank the current BCC and all of the preceding County Commissioners, who reappointed me each year for the last ten years, and I thank you from the bottom of my heart. I wish you all good health, stay safe and god speed.

CHAIR HANSEN: Thank you so much. So with that I would like to take a picture.

[Photographs were taken.]

4. **CONSENT AGENDA**

- A. **Resolution No. 2023-046, a Resolution Authorizing the Disposition of Fixed Assets Worth More Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera)**
- B. **Resolution No. 2023-047, a Resolution Requesting an Increase in the Amount of \$60,000 to the Health Care Assistance Program (HCAP) Fund (223) (Finance Division/Yvonne S. Herrera and Community Services Department/Jennifer Romero)**
- C. **Resolution No. 2023-048, a Resolution Requesting an Increase to the Alcohol Programs Fund (241) in the Amount of \$30,000 (Finance Division/Yvonne S. Herrera and Community Services Department/Elizabeth Peterson)**
- D. **Resolution No. 2023-049, a Resolution Requesting a Net Budget Increase to the Emergency Medical Services Fund (206) in the Amount of \$9,365 (Finance Division/Yvonne S. Herrera and Fire Department/Jacob Black)**
- E. **Resolution No. 2023-050, a Resolution Requesting a Budget Decrease to the Fire Protection Fund (209) for Various Fire Districts in the Amount of \$3,621,131 (Finance Division/Yvonne S. Herrera and Fire Department/Jacob Black)**

- F. Resolution No. 2023-051, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) in the Amount of \$112,500 (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson)**
- G. Resolution No. 2023-052, a Resolution Requesting a Budget Increase to the Corrections Operations Fund (247) in the Amount of \$170,000 (Finance Division/Yvonne S. Herrera and County Manager's Office/Elias Bernardino)**
- H. Resolution No. 2023-053, a Resolution Requesting a Budget Increase to the Section 8 Voucher Fund (227) and the General Fund (101) in the Combined Amount of \$145,635 (Finance Division/Yvonne S. Herrera, Housing Division/J. Jordan Barela)**
- I. Request (1) Approval of Amendment No. 8 to Agreement 2018-0077-IT/IC Between Santa Fe County and Superion, LLC, Extending the Term to June 30, 2024, and Increasing the Compensation by \$189,209.90, for a Total Contract Sum of \$1,196,585.89, Exclusive of NMGRT, and (2) Delegation of Signature Authorization to the County Manager to Sign the Purchase Order (Finance Division/Bill Taylor and IT Division/Daniel Sanchez)**
- J. Request (1) Approval of Amendment No. 2 to Agreement No. 2021-0089 PW/KE Between Santa Fe County and Systemates Inc., Extending the Term an Additional Year and Increasing the Compensation in the Amount of \$73,237.50, for a Total Contract Sum of \$308,777.50, Exclusive of NMGRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Finance Division/Bill Taylor and Public Works Department/Brian K. Snyder)**
- K. Request (1) Approval to Amendment No. 3 to Agreement No. 2020-0133-RECC Between Santa Fe County and CentralSquare for ONESolution Software, Including the Computer Aided Dispatch System at Regional Emergency Communications Center, Extending the Term an Additional Year and Increasing the Compensation by an Amount of \$241,344.22, for a Total Contract Sum of \$669,694.82, Exclusive of NMGRT, and (2) Delegation of Signature Authority to the County Manager to Sign Purchase Order(s) (Finance Division/Bill Taylor and RECC Director/Roberto Lujan)**
- L. Request (1) Approval of Amendment No. 1 to Agreement No. 2023-0096-CORR/KE Between Santa Fe County and the Health Advocates Network, Inc., Increasing Compensation to an Indefinite Quantity, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Finance Division/Bill Taylor and Public Safety Department/Derek Williams)**
- M. Request (1) Approval of Amendment No. 8 to Agreement No. 2020-0128-CSD/MAM Between Santa Fe County and Team Builders, Increasing the Compensation by an Amount of \$87,000 for a Total**

Contract Sum of \$479,500, Inclusive of NMGRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Finance Division/Bill Taylor and Community Services Department/Chanelle Delgado)

N. ISOLATED FOR DISCUSSION

CHAIR HANSEN: Is there anything on the Consent Agenda that anyone would like to pull off? Or what is the pleasure of the Board? Commissioner Greene.

COMMISSIONER GREENE: Madam Chair, I'd like to pull item N off just to discuss for two seconds.

CHAIR HANSEN: Okay. Anything else from anybody? Okay. Can I have a motion to approve the Consent Agenda A through M?

COMMISSIONER GREENE: So moved.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay. I have a motion from Commissioner Greene, a second from Commissioner Hughes.

The motion to approve items A through M passed by unanimous [5-0] voice vote.

6. N. Request (1) Approval to Purchase Four Chevrolet Silverado 3500 4X4 Vehicles for the Amount of \$253,152, Utilizing Statewide Price Agreement No. 00-00000-20-00121 with MCLL, Inc. dba Melloy Chevrolet, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)

CHAIR HANSEN: We need Bill Taylor and Brian Snyder. We have Bill Taylor and Brian Snyder. I know exactly what Commissioner Greene is concerned about, the same thing I'm concerned about. Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you, Bill. Thank you, Brian. Yes, as the Chair mentioned, I know this budget item was put in a year ago prior to my term so I don't want to second guess but I do want to put all forward-thinking vehicle purchases with at least a pilot project in this next year and maybe even more of a commitment for electric vehicles. I'm hearing that people are hemming and hawing because of the wait list. Well, if you don't get on the list you're never going to get a car. So you've got to start the process now.

So four 4 X 4 Chevy Silverados, I bet could be four Ford Lightnings. And there might be a premium in the cost up front but over the time of operation and the time of fuel use I bet you we would make that back pretty quickly. Thank you for hearing this out. If you have thoughts about this in the future that would be great but I understand. I just wanted to say my piece. Thank you.

BILL TAYLOR (Purchasing Director): Madam Chair and Commissioner, we hear you. We will take our initiative to try to get on the list for these. These are one-ton trucks and the list is a little bit longer for those but we will make our best good faith effort to get on the list to try to purchase those vehicles, electric.

COMMISSIONER GREENE: If I may follow up.

CHAIR HANSEN: Go ahead.

COMMISSIONER GREENE: So just as a follow-up, I was in Colorado this weekend and there are incentives. So the waiting list it going down very quickly. So F-150 Lightnings were available with incentives. They're not on a state purchasing agreement of course in Colorado but I bet you if we started to press the local Ford dealers we might be able to get one at a good deal. So thank you.

CHAIR HANSEN: Mr. Taylor and Mr. Snyder, you know how I feel about this. I've consistently encouraged us to buy electric vehicles as much as possible, so if we can get on some agreement, I know the issue is charging stations and we do have a large county and it is a long distance so there are many obstacles but at the same time it would be great if we started having electric vehicles. I think that you should be able to get – it should be on the state purchase agreement. Didn't the Governor put it on there or did she not? Did it not happen this round once again? Do I need to add that to the list with the Governor?

MR. TAYLOR: Madam Chair, the state price agreements do offer some vehicles electric. They are a long time list, two years out for those, and then as you mentioned, the infrastructure we need is set up for charging stations throughout the state, which is happening. But we could even consider putting together our own solicitation for state vehicles. The buying power is, however, at the state level, but we would consider that, take a look at it.

CHAIR HANSEN: That would be great. Any other comments?

COMMISSIONER HUGHES: Yes, Madam Chair.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: I just wanted to agree with both Commissioner Hansen and Commissioner Greene said and I think maybe we need to have a strategy, it sounds like, in order to make this happen. So maybe we can all figure out how the Board can support this and realizing maybe that the time lag, maybe we need to think further ahead. If we know the vehicle is going to arrive in two years, well, that's better than never, sort of thing. Anyway, I think we should work on this. Thank you.

CHAIR HANSEN: Yes, and I want to go to Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. As we discussed during the interim budget process, staff did undertake to bring back to the Board the outline of a pilot project so that a certain amount of our fleet in the upcoming year could be electric, so that bugs could be worked through and challenges identified and addressed before we made a wholesale move to the electrification of the fleet, and we'll deliver on that promise. And I think that's the strategy and the plan that Commissioner Hughes was asking for.

I'd just respectfully suggest that perhaps these purchases not be delayed because I believe the vehicles are available if I'm not mistaken, to move forward with these purchases as they are needed, but I would defer to our Public Works Department Director relative to the need for the vehicles.

CHAIR HANSEN: Mr. Snyder.

BRIAN SNYDER (Public Works Director): Madam Chair, Commissioners, there are – we have four vehicles, as you see in the memo, two of which

are for existing staff to replace existing vehicles that have reached their useful life and two are for staff we hope to hire. We're currently 50 percent vacant right now and making a hard push to hire staff, which will need vehicles when they show up.

My understanding is these vehicles, as Manager Shaffer said, available at this time. We put the request in, I believe, at least a year ago – I'm looking at Bill – through the procurement process just because of the availability of chips and different things they were not available at the time. So these are vehicles that are available now.

Moving forward, the electrification, these are one-ton vehicles. I'm not sure if there's an F – I don't know enough about that, Lightnings, I don't know if they have an F-350 Lightning. We would have to look into that and explore. These are utility vehicles that have anything from air compressors, cranes, those kinds of things on the back of them to service the equipment around the county, but we'll explore that.

CHAIR HANSEN: Colorado has it. When I was up at the City Summit of Americas, the City of Denver has an electric fleet with large vehicles with utility apparatus on it. So I know that they're available. I don't know the manufacturer but I do know that I saw them at the Cities Summit because Mayor Hancock was showing off his electric fleet at the summit that I attended.

COMMISSIONER HUGHES: Madam Chair, I think we're intending to go ahead and approve these vehicles so I would make a motion to approve the current purchase with the understanding that we're going to work on the strategy for electrifying future purchases.

COMMISSIONER HAMILTON: Second.

COMMISSIONER GREENE: I'll second. We can second, either one of us.

CHAIR HANSEN: Okay, so I have a motion from Commissioner Hughes and a second from Commissioner Greene and Hamilton.

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

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

CHAIR HANSEN: So thank you, Mr. Taylor and Mr. Snyder. I know you will work towards getting us some electric vehicles, and I'm sure that I can find you a contact for the City of Denver if you want to talk to somebody in their Sustainability Department.

5. APPOINTMENTS/REAPPOINTMENTS - None were presented.

6. MISCELLANEOUS ACTION ITEMS

A. Resolution No. 2023-054, a Resolution Requesting an Increase to the 2016 GRT Revenue Bond Fund (355) in the Amount of \$315,252 and to Move Funds in the 2021 GOB Series Fund (357) Between Projects

CHAIR HANSEN: Welcome, Yvonne. Good to see you.

YVONNE HERRERA (Finance Director): Thank you, Madam Chair, Commissioners. The final BAR for today's meeting is related to the Public Works Complex. Some addition funding is needed from the 2016 GRT bonds that are uncommitted for the design and construction of a sewer connection, which includes addressing existing drainage issues, as well as constructing a new parking lot which does include electric vehicle parking and hookups, curb, gutter, sidewalks, lighting for the parking lot, a specific area for fleet vehicles, and the removal and relocation of existing trees as well as the design and construction of a new complex sign.

In addition to those funds, Public Works is requesting to move \$125,000 of excess, unspent funds from the Pojoaque Little League field project to the Nambe Park to construct two pickle ball courts. And with that, Madam Chair, I stand for any questions.

CHAIR HANSEN: Okay. Questions from the Board? Okay, what's the pleasure of the Board.

COMMISSIONER BUSTAMANTE: Madam Chair, I motion to approve.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay, I have a motion from Commissioner Bustamante and a second from Commissioner Hamilton.

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

6. **B. Request (1) Approval of Amendment No. 2 to Agreement No. 2021-0158-CSD/CW Between Santa Fe County and Behavioral Healthcare Services, Inc., dba New Mexico Solutions, Increasing the Compensation Payable to the Contractor in the Amount of \$1,440,000, for a Total Contract Sum of \$4,412,806.20, Exclusive of NMGR, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR HANSEN: Now it's yours, Bill.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. Amendment #2 is amending the agreement that we entered into in June of 2021 for the operation and development of the La Sala Center for phasing in the mobile crisis/behavioral health services that, and Amendment #2 will extend the term of the contract. I believe it does, but more importantly it increases the compensation for operational by the amount of \$1,440,000, exclusive of tax. And with that I'll stand for questions.

CHAIR HANSEN: And number two is delegation of signature authority to the County manager.

MR. TAYLOR: That is correct, Madam Chair.

CHAIR HANSEN: Okay. Comments from the Board? Questions?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: Just one comment. I think since this is our award-winning program we should probably continue it, so I will move to improve the budget increase and the delegation of signature authority as outlined in item B.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: So I have a motion from Commissioner Hughes, a second from Commissioner Hamilton.

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

6. C. **Request (1) Approval, Pursuant to County Ordinance 2012-5, Section One, to Utilize Statewide Price Agreement No. 00-00000-20-00093 with APIC Solutions, Inc. to Convert the Existing Security System Located at the 1st District Judicial Court Complex to the Countywide Security System, in the Amount of \$339,763.08, Inclusive of NMGRT, and (2) Delegation of Signature Authority to the County Manager to Negotiate and Sign the Contract and Purchase Order(s)**

CHAIR HANSEN: Okay, Bill.

MR. TAYLOR: Thank you, Madam Chair and Commissioners. This is a request to utilize an outside contract pursuant to our regulations for an amount that exceeds \$250,000. It is a project that's going to upgrade, replace the security system there and the first phase is to replace cameras within the First District Judicial Court Complex. And with that, Madam Chair, I'll stand for questions.

CHAIR HANSEN: Is this part of the remodel of the complex or any of the work that we're doing?

MR. TAYLOR: Madam Chair, it is not from what I understand, but I do have Public Works that can speak on that. I think this is mainly on the security.

CHAIR HANSEN: Okay.

MR. SNYDER: Madam Chair, this is not part of any remodel. This is just looking at the existing security system, getting the existing cameras that are currently failing and the DVR up and running. It's phase 1 of three phases. There's about \$1.5 million intended for additional renovations of the system, but this is just to get the existing system up and running, make sure it's fully secure.

CHAIR HANSEN: Okay. What's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Hughes.

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

6. D. **Request (1) Approval to Utilize an Outside Cooperative Contract for Job Order Contract Project Delivery Method with Jaynes Corporation for Demolition and Site Work at the Abedon Lopez Senior Center, at a Cost of \$999,534.66, and (2) Delegation of Signature Authority to the County Manager to Negotiate and Sign the Contract and Purchase Order(s)**

CHAIR HANSEN: Looks like it's you again, Mr. Taylor. How are you anyhow? I haven't even had a chance to ask you that.

MR. TAYLOR: I'm doing fine, Madam Chair. Thank you for asking. Thank you for hearing this today and letting us present it. This is – and I've talked about it before, Madam Chair and Commissioners, but the job order contracting is a project method that is allowed by the Procurement Code, by 13-1-150 for agreements that are competitively bid. If we have design and specifications we can give that to a contractor that's under job order contract and the prices are by item, by delivery and the procurement unit that that contract's for itemizes each one of those items, so it's a very meticulous, very precise pricing of a contract. So at any rate, that's the boring part of procurement method and project method but more importantly, the Abedon Lopez Community Center is seen for demolition and reconstruction. It is in design phase and we do have pricing through job order contracting in the amount of \$999,534.66. With that – this is the initial phase for demolition of the facility, site work, and I believe the beginning of a stabilization retaining wall at the site. And with that I will stand for questions.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Taylor. A couple questions about this. First, what is the timeline for demolition? When do we request the wrecking ball to strike?

MR. TAYLOR: Madam Chair, Commissioner Greene, upon approval, we will take the next steps to initiate the agreement. It is going to expend grant money so we'll have to do a notice of obligation and draw that down but the contractor is prepared for, once we get their payment bonds, performance bonds, those things in the paperwork together. So it's a long way around the barn on giving you an answer but it could get started as early as July. Probably not that early, Madam Chair and Commissioner Greene. I'm too optimistic. So this summer.

MR. SNYDER: Madam Chair, Commissioner Greene, so as Bill had mentioned, this has timing requirements for the funding. So the goal of this is to minimize disruption at the facility. The existing facility, when it's taken down and it's graded as well as retaining wall is put in will eventually be a parking lot for the new facility. So as Bill mentioned, we're wrapping up design for the new facility and the goal is get this funding encumbered for the demolition so we don't lose the funding, getting under contract for the new facility so we don't tear the building down and have the site sit vacant for a period of time while we wait to build the new facility.

So hopefully the goal is timing wise to come back together, building comes down, site stabilization, and then we will have the contract in place based on the design, go through the procurement process to get a contractor on board to start raising up. So we won't knock everything down so it sits there for a year.

Services will be handled out of two nearby centers when the facility does come down.

COMMISSIONER GREENE: So thank you for that. So just to prepare my constituents that love that facility, when they can be asked to find other solutions?

MR. SNYDER: Madam Chair, I would say late summer, early fall is when we'd be targeting to start doing some work with the contractor, making sure the bond's in

place, everything that Bill said will be happening, going to the mid-part of the summer and I would say we'd proceed towards the fall.

COMMISSIONER GREENE: And where are the other two facilities that they would be directed to?

MS. O'CONNOR: Madam Chair, Commissioner4, we were actually just discussing that this morning with Public Works. Ideally, what we would have is a notification, probably six weeks prior to any changes to the center, and draft a memo that would be distributed offering services at either El Rancho or Chimayo, depending on people's preference.

COMMISSIONER GREENE: And the staff that is doing a great job up at Santa Cruz could be shifted over to El Rancho? Or are we going to fill those positions and use that staff as backup somewhere?

MS. O'CONNOR: Madam Chair, Commissioner Greene, I think at this time – I'm unable to say exactly what the staffing pattern will look like, given our current challenges with hiring but the cook there in Santa Cruz does generally cook at El Rancho so it would be reasonable to think that during that time period she would probably return to the El Rancho area and cook for both her original individuals that she cooked for at El Rancho as well as people that are coming from Santa Cruz.

COMMISSIONER GREENE: Wonderful. Thank you. So is the project fully funded, basically, to not only demo the project but actually build the new facility and it's just a matter of getting design, permitted and out the door?

MR. SNYDER: Madam Chair, Commissioner Greene, my understanding is that construction is fully funded but we won't know until we go out for bid. We've seen other senior centers and community centers go out to bid four times. So we're doing our best to have it designed within the budget.

COMMISSIONER GREENE: Okay. And lastly, have we reached out to the folks that use that center to understand what their desires are, what they love about this current center, what they hate about it, what they wish they had out there and make sure that it suits what they're looking for out there?

MR. SNYDER: Madam Chair, Project Manager Curt Temple is saying yes, we are reaching out and coordinating with what their needs are and wishes are and incorporating that into the project.

COMMISSIONER GREENE: Because there's no better way to buy in than: we're destroying your center but we're going to bring you a newer one if you ask some questions about what they're going to get, as opposed to: you didn't ask. With seniors, you never know if they're going to make it long enough to see the new facility so hurry up and let's do it.

MR. SNYDER: Madam Chair, Commissioner Greene, we are definitely involving the community in that discussion and making sure we deliver – similar with what we recently did with Cerrillos, with the community center in Cerrillos and the senior center there.

COMMISSIONER GREENE: Okay. Wonderful. Thank you.

CHAIR HANSEN: Thank you, Commissioner Greene. What's the pleasure of the Board?

COMMISSIONER GREENE: I move to approve the request for an outside cooperative contract and job order for demo-ing the facility.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I have a motion from Commissioner Greene, a second from Commissioner Hamilton.

6. E. Request Authorization to Publish Title and General Summary of Ordinance No. 2023-___, an Ordinance Repealing and Replacing Ordinance No. 1989-2, and Amending Ordinance No. 2009-011 to Update and Define Property Nuisance Abatement and Provide for a Clean and Lien Enforcement Process

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I'll just give a real brief summary of this. I think everybody on the Board knows that this was coming forward. We have had, as you all know, some very serious problems with properties in both District 5 and District 2 with criminal activity, squatters wrecking properties, disturbing the neighbors by stealing water, environmental concerns when septic systems and toilets are not working correctly but lots of people are living on the property. And so this ordinance basically updates a couple of other ordinances so it incorporates the excess vehicles on the property sort of thing and the more minor nuisances and adds criminal activity as a nuisance. And I think most importantly it give us more options to obey.

Of course we hope for voluntary compliance in every instance but this does give our County Legal Department and the code enforcement officers the ability to come to us and ask that we approve an ordinance basically to clean up a property at our expense, placing a lien on the property, and then if the lien is not able to be paid, gives us the ability to foreclose on the property. So it basically gives us the ability to what used to be called condemnation. We would be able to then take over the property and sell it.

We probably, as we know, would not make any money off of this. We'd be lucky to collect our costs. But I think this is a very important ordinance for people in my part of District 5 that have been affected by the particular property on Arroyo Coyote for several years. Commissioner Hansen, do you want to add to that?

CHAIR HANSEN: Thank you, Commissioner Hughes. This is an important ordinance to me that we start dealing with some of the serious issues, crime, that we have that's being perpetrated onto county residents, so I'm grateful to Commissioner Hughes to be working with him on this for my district, for all of the districts, for all of the county, because I don't think that this is something that is going to go away. I think that we might be facing more of this situation in the future with the high rate of homelessness and the high rate of crime and gang activity that is happening throughout the United States.

With that, is there comments? Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. I'm going to vote for the authorization to publish title and general summary. It provides a tool the County can use in the appropriate circumstances, right? To address nuisances that are clear, that are injurious to public health and safety and welfare. But I'm concerned that

there is some language in the proposed ordinance that goes too far in the way it describes a nuisance, such as those that are concerning inoperable vehicles. So I am going to work with the County Attorney on possible amended language that would address the concerns in areas that I think might be a little too broad.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I forgot to mention that I wanted to thank our assistant attorney Estevan Sanchez for working on this and working very diligently. And I do know that he worked on the part about the abandoned vehicles carefully but I'm sure he's open to improvements as well. I think he found it hard, as did we, to figure out what the right balance was there because we don't want to interfere with somebody who just likes to fix up old cars and drive them around or sell them. And so at what point does it become a nuisance, when you're no longer fixing it up; you're just storing a bunch of junk in your backyard. But I'm happy to hear that you're willing to work with him on that.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, that's exactly right. This is the exact kind of thing where it's difficult to strike that balance. You have the good examples for what it's needed for, and then you see the whole gradation from there down to where it's just not clear where to put that boundary, and if I had real distinct feelings about where to put it maybe it would be an easy thing to address, and it's not. I recognize that. I just really do have concern about it being so far down that it's catching up activities that really aren't the intent of the ordinance.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: I'd like to thank the two Commissioners for bringing this forward. I think this is a necessity in our county. I do also agree that we need to go over with a fine-toothed comb. There's different situations if somebody's on a quarter-acre lot and their thing is all filled with cars and it's all visible from the public area, like from that street, that is a public nuisance in a visual standard. If something is polluting the groundwater, that is also potential damage for our communal good. And so making sure that we have some mechanism that says if you're on a 20-acre lots and everything's screened and protected you can junk your own property as you see fit, as long as it isn't destroying the water, sadly. But it's private property.

But from the public sphere of how it impacts the public and our environment is where we should draw the line. So I look forward to discussing the final ordinance. I'll vote for this when it comes up.

CHAIR HANSEN: So one of the things that Commissioner Hughes and I felt very strongly about was giving Code Enforcement the tools that they needed to be able to do their job. And sometimes they didn't have – our previous ordinances did not have the teeth that it needed. I don't know exactly where that stood on junk vehicles but they are the ones that are out in the county seeing what's happening and I felt that it was important that they have the opportunity to be able to enforce what they think needs to be cleaned up. And so I think that the discussion about junk vehicles should also include Code Enforcement so that they have the ability to explain if that was part of their concerns what would be the right balance. So with that, any other comments or questions? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I think it's important for the record, and we have the same issues in District 3. They are immense. There are issues that we cannot deal with otherwise. Like there aren't other mechanisms to correct some of these unless you can catch someone in an act of doing something. Some of the squalor that we have in certain locations would be addressed by this and at the same time I am completely on board with the concern that when is something just not the big public nuisance and just an irritation to a neighbor, and then we're caught up in that. And that that be very clear and very clearly communicated to the communities, because people will call.

I had someone take me for a drive and point out that a neighbor had destroyed all the native vegetation and – it's not illegal, and I just say, oh, wow. It's terrible, and I hope that person [inaudible] Bottom line is, I digress, it's important, but what is too small? And that needs to be really clear because certain things need to be identifiable in that list and we won't go out for disturbances that are like this. It's not that I believe Code Enforcement would be overreaching, but there are times when it's – when did you get these new sheds? And those are within the square footage that I'm allowed to bring these sheds. Thank you very much.

So I really want us to make sure that we're really giving them a tool and not a mechanism to also just – it could turn into a bully situation of if the neighbor didn't like the way things looked over there, and I think that's a pretty clear point to make. So thank you for that opportunity to disclose that.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I would just want to reiterate that the higher levels of enforcement on this actually require something to be brought to the Board of County Commissioners so we will have the opportunity or the future Board would have the opportunity to decide whether someone filling their lot with junked cars really constituted a nuisance enough for us to clean it up and that. So there are some safety gaps in there that would allow us or the future Board of County Commissioners to prevent overreach in the most serious cases that we would be considering.

But with that, I will make a motion to go ahead and approve publishing title and general summary of the ordinance repealing and replacing Ordinance No. 1989-2, and amending Ordinance No. 2009-011 to update and define property nuisance abatement and provide for a Clean and Lien Enforcement Process.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: Thank you. I have a motion from Commissioner Hughes, a second from Commissioner Greene. Any other discussion?

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

7. **PRESENTATIONS** - None were brought forward.
8. **MATTERS OF PUBLIC CONCERN**

CHAIR HANSEN: Is there anyone who wishes to speak to Matters of

Public Concern in the chambers? Online? Daniel, do I have anybody?

DANIEL FRESQUEZ (Media Coordinator): Madam Chair, I don't see anybody on Webex that is indicating that they'd like to speak.

CHAIR HANSEN: Okay. Thank you very much.

9. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

CHAIR HANSEN: Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners.
No miscellaneous updates of note today. Thank you.

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 HANSEN: I'll go to Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. A couple of things that have gone on in the past few weeks that I've attended. I was part of two broadband meetings. One was a regional meeting up in Hernandez that had folks from as far away as Taos and Rio Arriba County with Santa Fe County and Los Alamos County and the State of New Mexico working on regional broadband solutions that include the REDI-Net network that we are a part of. And then also took part in a statewide meeting that took place at Buffalo Thunder that the Office of Broadband Accessibility and Expansion put on. We have – out of that meeting we came up with about nine different large and small initiatives that can be used to bring better broadband to our community. Some of them are in the land use code. Some of them will be projects that will actually be capital projects. There's a variety of things and I'll be bringing those forward or discussing them at a future date.

We had a meeting regarding the County starting to utilize the REDI-Net network. Currently we use one of the incumbent AT&T or Century Link – actually it's Century Link Lumen Corporation and we should be starting to utilize our own network, which would be great. And we had a meeting with IT to start discussing how to deploy this to our senior centers and to our other County facilities. And so that was a good meeting.

We also started to look at – or we should be looking forward to in the month of June, any time in the month of June BEAD funding, which is a broadband expansion funding from the federal government through the NTIA, the National Telecommunications infrastructure Agency, that is potentially two projects in Santa Fe County that we applied for. We are hopeful and optimistic. One is in Commissioner Hamilton's and Commissioner Hughes' district that would bring broadband to the east side of the state all the way to Glorieta, and the other is mostly in Commissioner Bustamante's district which would be a fiber-optic line down Highway 14 to the Edgewood district and would be good for those communities in between.

And then lastly on the broadband topic, prior to the pandemic we had a broadband working group that was with the school district, the City, the County, the Chamber and the Community College and some other community groups. We're going to be trying to reconvene these groups so that we can start collaborating across these borders and through these organizations. The school district has done some great projects recently but they didn't coordinate with anybody at the time and there were some missed opportunities. The same thing, we're going to have some big projects coming up and we should be coordinating with our partners nearby.

I'm looking forward to going to New Mexico Counties in June with a few of you. I think maybe Commissioner Hughes and maybe somebody else is going. So I look forward to going up to Farmington with you all.

And then we spoke about Project Moxie in the Housing discussion, but Project Moxie has been leading a group, a collaboration that the County is sort of at the edge of but it is for Espanola, the Vista del Rio project up in Espanola was subject to an illegal eviction and we scrambled our community as much as we could to bring – to sort of secure the property and now the City of Espanola is under a contract to purchase it, and is looking for different operators to potentially take over the project and make sure that nobody is displaced in that project. There's 49 units in the project and Project Moxie has been key to facilitating this technical assistance for the City of Espanola and all the community members that are interested in securing this thing. It was graciously offered as a freebie by the Anchorum Foundation. We had an impromptu phone call. Jennifer Romero from Community Services and myself were on the call with the funders and they said, well, how can we help. And we presented the situation there and they said they would graciously offer a Project Moxie's technical service contract extended to this project and it's been pretty amazing what they've been able to do. So it's moving in the right direction. So thank you.

CHAIR HANSEN: Thank you, Commissioner Greene for all that good information, especially on broadband. Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I'll just say about Project Moxie that Jennifer Lopez who started it is a good friend of mine and I've worked with her for many, many years and we're lucky to have her and her team that she's hired working in our community in various capacities.

I also wanted to announce that Gabriel Bustos has agreed to be my new constituent services liaison and I want to thank Penny and everyone in Growth Management for training him so well. He's had a pretty good, long career in Growth Management and I'm sure they'll miss him, but I'm really glad he can continue his service to the County in the County Manager's Office and I'm really looking forward to working with him. He'll bring a lot of really good skills, I think, to our County Manager's Liaisons Office.

I'm having a townhall Hour with Hank on June 22nd. Usually I do them towards the beginning of the month but there's so much going on at the beginning of the month this one's happening at the end of the month.

I also want to mention that people in my Rancho Viejo part of my district are holding up stoically, I think, with the detour. I haven't talked to Manager Shaffer since he lives in the area but perhaps he'll tell me some time how bad it really is getting to work

now that you have to drive all the way around Robin Hood's Barn to get around it. We hope that – everyone has said, well, I just hope they get it done on time, and so I say, yes, let's hope for that.

I wanted to mention that Commissioner Hansen and I will be bringing forth a resolution that we were asked to sponsor by some of the wilderness advocates that would be for the protection of the Upper Pecos Watershed and we will be joining San Miguel County, if we pass the resolution, and asking Interior Secretary Deb Haaland to administratively remove the mineral rights from the Upper Pecos Watershed for – I think she has the ability to do that for 20 years and that would go a long way toward preventing hard rock mining in the very delicate ecosystem up there.

And finally I'm looking forward to going to Farmington with Commissioner Greene and I don't know if anyone else is going but we will represent the County as best we can. Thank you.

CHAIR HANSEN: That sounds fantastic. Thank you, Commissioner Hughes. Next I'll go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. I actually just want to thank Commissioner Greene also for bringing the broadband information forward. I should obviously talk to someone about that but that's really good that some things seem to be moving. I thank the Commissioners who are going to NACo representing the County. I won't be going but thanks for putting out that effort.

CHAIR HANSEN: There's two meetings. There's the New Mexico Counties –

COMMISSIONER HAMILTON: Yes. Which one is Farmington? The New Mexico Counties?

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Well, thank you for doing that.

CHAIR HANSEN: Thank you also. I agree. Okay. Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes. I have to start by thanking staff who showed up on the dime, literally – well, obviously it's not literally, but when the Town of Cerrillos, the Village of Cerrillos had concerns over their new senior and community center, I couldn't say enough how professional, responsive – we literally received a firestorm of emails and one that said stop everything now. Staff got together, had presentations to include P.J., Curt, Brian, Rachel O'Connor from Senior Services. They were prepared to sit down and try to convince people of something in their center there. They used the State Parks Center, but our Public Works team with the senior center folks set up easels and took them around the lot, did a very professional walk-through and people were very much appreciative of just the professional response by our staff, and I'm absolutely grateful for that.

As well, I couldn't say enough about – I think we all know Madrid and it's just a fun place to walk around. We're really lucky to have such a neat place that people like to go and hang out and spend the day. But there aren't public restrooms and the private citizens have been kind enough – we have a County facility on private land and we pay to manage that and it's been through an agreement but it had been an absolute mess. I don't know how I can ever look at our County Manager with a straight face when I think of

how – an it's not a smile; it's an embarrassed face on the picture I sent him that really this needs to be cleaned. And it was one of those, it had been cleaned the day before.

As soon as that happened staff were out and it is absolutely – it's just in great shape and it's much needed. They have a lot of people. This past weekend was shoulder-it's just a really packed little tiny place. It brings in a good amount of money with people visiting that area. That being said, now, because they have really been impressed with that work, they had received funds from a grant to have another toilet placed, some facilities placed next to the baseball field, which do not take the same type of beating as the ones on the main strip do take. They are looking for some support from the County that I will move forward with the County Manager in discussion about what it would take to actually get into some type of agreement to make sure that that's maintained. It doesn't take the same type of beating but it really can stand for some regular upkeep.

As well as the responsiveness for the village, the community in La Cieneguilla. It's not a village on its own at this point. But I think we all know – and this is just work in progress – we all know and we saw in the newspaper that wastewater treatment facility was no longer going to water the soccer fields and the golf courses because of elevated *e. coli* which I will say in plain speak, leaves a very – I don't want to say bad taste in my mouth. That's not the right place, but a bad feeling if you will. So okay, you just continue to send it right through to these people who live there. And that just screams environmental justice. It's not good enough for folks who play soccer and golf on these, but never mind those who live there and I hear from them.

And not only do I hear from them, I don't really need to get the calls. I have to assure them that steps will be taken to help them understand the real and perceived risks and what it really means to have that going through, and I'm going to be very clear on this, I don't always feel that I know, and that is not a good way to live for the people downstream. It's not just the La Cieneguilla residents. It goes to the La Bajada community. It goes to our Native communities just south, and to say something is not clean enough for the city proper, but it's adequate to send downstream to residents, it really wouldn't matter what the analyte is, it's problematic. So those issues are being dealt with and I'm really grateful for the good work that our staff has done and I understand – I'll just say even working with our interim Utility Manager in just making sure that data is available and ask people to contact her, any questions that they may have at this time, but we have to find a better solution and I'm looking forward to how we can have better communication. And I understand that we're working on this.

So that's all I have and those are some just basic updates from our area, District 3. Thank you.

CHAIR HANSEN: Thank you. It's a sobering situation to have a wastewater plant out of commission and I think it is something that – I'm grateful that Ms. Hunter is working on it but at the same time possibly a letter needs to go to the City and to the Utilities Director because it is impacting our residents. The wastewater plant is my district. It's downstream in your district and it is concerning to me. Basically the City may need a new wastewater plant but that's not my decision at the moment. I will go on to something more happy than that.

June 5th is a ribbon-cutting at the Public Works Department and I hope you will all be there. It is for the former wash-bay renovation that we have transformed into office

space and it is an incredibly beautiful building and it really brings together the entire complex that we have been working on to create and I'm very happy that we approved earlier this evening money for the renovation of the front and the landscaping and a new sign out there so people have no problem finding Public Works.

I want to thank Brian Snyder for his work and leadership out there. I really think that you will all enjoy coming to see the wash-bay so that is Monday, June 5th at 11:00 a.m. So I look forward to seeing you all there. And then on June 8th I will be doing townhall with the Santa Fe National Forest Service and I would love you all to be there. The townhall will be with the regional forester also and it will be an opportunity for residents who feel that there are issues during the NEPA process for the Santa Fe Mountain Resiliency Landscape project were not heard and an opportunity to figure out how to work with the Santa Fe National Forest on the Resiliency project because a lot of the residents are very afraid since what has happened with the Hermit's Peak and the Calf Canyon fires. I highly recommend that you read Paula Garcia's story in *Greenfire Times* on her experience with the Hermit Peak's fire and Calf Canyon. It's very concerning and the last thing we want is this side of the mountains burned. And so however we can figure out how to work with our National Forest and with the residents to reassure them and to help make sure that the process of the Resiliency project is done in a way that is harmonious and bears positive results for the environment. So that will be June 8th at 6:30 at the Santa Fe Community College.

This last weekend I had Coffee and Tea under the Trees with Tom Dominguez from the Santa Fe County Extension Service and I highly recommend that you invite him to one of your townhalls or coffee and tea so that he can let people know about what the Extension Service can provide. We house that at the Santa Fe County Fairgrounds and they have a wealth of information and they would love to share that. So that was a really positive event.

Then thank you, Commissioner Bustamante, again, for singing Happy Birthday to me but we also had a little birthday party with cake under the trees before it started raining, about 12:30. We had a great downpour and it was over at noon. So we were luckily out of there and I want to thank Laura for bringing the audio system/microphone, and she got out of there without a drop of rain on her. So that was really good. And my next Coffee and Tea will be July 29th at the Reunity Resources farm.

The Northern Rio Grande National Heritage next quarterly board meeting will be July 22nd. The Agua Fria Village Association will be June 5th at 5:30.

Then I want to bring up something that is quite saddening to me. There was a Supreme Court decision on WOTUS, which eliminated protections for wetlands that don't connect to a navigable body of water. This is really devastating for New Mexico. We do not have any surface water protection here. I immediately wrote Secretary Kenney asking him where we were at on surface water protection. He said he didn't think he would have any rules until 2025. I think that that is not acceptable at the moment. We need to have rules in the 2024 legislative session and I will be working on that with Amigos Bravos and many of the other constituents who really care about WOTUS rules and surface water protection, because this not only affects probably 90 percent of the surface water in New Mexico, but our acequias, our arroyos, are all going to be impacted by this ruling. Even though it applies to wetlands it still applies to surface water from

many different places. So we'll be working on that and I will be working on a letter definitely to Secretary Kenney that I hope that Commissioner Hamilton and I, we have kind of worked on this issue together.

And then also today, down in Albuquerque the BLM rule for protection of our public lands is happening and I sincerely hope that that passes and I'm sorry we didn't have time to write a letter in support of that rule. But it's never too late.

I think that that might cover most of my list. Thank you for allowing me the time and is there anything else that anybody missed? Okay.

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

CHAIR HANSEN: Are there any elected officials? Clerk, Deputy Clerk, do you have anything you would like to share with us?

EVONNE GANZ (Deputy County Clerk): No, Madam Chair. We don't have anything else at this time.

CHAIR HANSEN: Okay. Daniel, is there any elected official online that would like to say anything that you know of?

MR. FRESQUEZ: Madam Chair, I do see Treasurer Manzanares.

CHAIR HANSEN: Treasurer Manzanares is a loyal witness to our meetings. Treasurer Manzanares, would you like to say anything.

JENNIFER MANZANARES (County Treasurer): Yes. Good afternoon, Madam Chair and Commissioners. Thank you for the opportunity to share. We've have completed the second half property tax season for this year and it was successful. I think we had a great collection rate. We're focusing now on delinquent accounts and so we just roll right over into the next part of the office. And so coming up we'll be working closely with the delinquent accounts and again encouraging individuals to apply for the monies that are going to DFA and we've had success with that to help individuals get caught property tax. So we're excited about that and just working with through what the summer's going to bring and already preparing for next tax season.

CHAIR HANSEN: Thank you, Treasurer Manzanares. Any other elected officials? I want to also thank the Sheriff's deputies that are in the chambers. Thank you for being here with us. I want you to know we appreciate you being here.

11. MATTERS FROM THE COUNTY ATTORNEY

- 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. Pending and Threatened Litigation Concerning the Petition Requesting the Board of County Commissioners of Santa Fe County, New Mexico to Adopt an Ordinance Declaring “Area 1B” To Be Part of the Traditional Historic Community of Agua Fria**
- 2. Potential Enforcement Action to Remedy Noncompliance with Discharge Permits for Wastewater Treatment Plant; and (3) The *City of Santa Fe vs. the County of Santa Fe*, First Judicial District Court (No. D-101-CV-2023-00921)**

JEFF YOUNG (County Attorney: Thank you, Madam Chair and Commissioners. I would ask that we go into executive session to discuss 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 specifically including pending and threatened litigation concerning the petition requesting the Board of County Commissioners of Santa Fe County, New Mexico to adopt an ordinance declaring Area 1B to be part of the Traditional Historic Community of Agua Fria Village and potential enforcement action to remedy noncompliance with discharge permits for wastewater treatment plant; and the *City of Santa Fe vs. the County of Santa Fe*, First Judicial District Court. That’s Case No. D-101-CV-2023-00921.

CHAIR HANSEN: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. I’d like to move that we go into executive session for the items that the County Attorney just articulated.

CHAIR HANSEN: Do I have a second?

COMMISSIONER HUGHES: Madam Chair, I’ll second that but I also wondered do we need to add a statement for inclusion in the minutes about the May 9th executive session?

COMMISSIONER HAMILTON: That’s a good point. We do.

CHAIR HANSEN: Would you like to read that statement for inclusion, County Attorney Young?

COMMISSIONER HAMILTON: We have to come back out so we can always do it when we come back out.

MR. YOUNG: Let’s do it at that point. Thank you.

CHAIR HANSEN: That sounds perfect.

COMMISSIONER HUGHES: So I second the motion as it was made.

CHAIR HANSEN: Okay. Could I then have a roll call to go into executive session please?

The motion to go into executive session passed by unanimous roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

[The Commission met in executive session from 4:09 to 5:25.]

CHAIR HANSEN: Welcome, everyone, to the evening session of the Board of County Commissioners. It is now 5:25 and I would like to have a motion to bring us out of executive session please.

COMMISSIONER GREENE: Motion to come out of executive session, specifying that no actions were taken and nothing was discussed other than what we went into session for.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay, I have a motion and a second that is going to bring us out of executive session.

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

11. A. Statement for Inclusion in Meeting Minutes Concerning May 9, 2023, Executive Session

MR. YOUNG: Thank you, Madam Chair, Commissioners. At its May 9, 2023 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 unable to include in the minutes of the May 9th meeting the statement required by the Open Meetings Act, which is matters discussed during the closed meeting were limited only to the those specified in the motion for closure. Therefore we would be seeking a motion to have the minutes of the meeting reflect that the matters discussed during the May 9, 2023 meeting executive session were limited to only those specified in the motion for closure.

COMMISSIONER HUGHES: Madam Chair, I make a motion to accept what Attorney Young said.

COMMISSIONER HAMILTON: Second.

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

11. C. Potential Action on Items Discussed in Executive Session

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, I move to direct the County Manager to send a letter to the City of Santa Fe seeking information regarding the City's apparent non-compliance with discharge permits of their wastewater treatment plant and to further request that knowledgeable City staff attend the Board of County Commissioners meeting on June 13, 2023 to inform the public and the Board of County Commissioners of the extent of the non-compliance with discharge permits and the specific plans and timeline for remediating the non-compliance. And I would like to add as well as for communicating with the public in that area.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I have a motion by Commissioner Bustamante, a second by Commissioner Hamilton.

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

12. PUBLIC HEARINGS

A. Ordinance No. 2023-___, an Ordinance Amending Ordinance Nos. 1996-16, 2004-1, 2006-12, and 2008-18 by Revising the Boundary of the Village of Agua Fria Traditional Historic Community and Declaring "Area 1B" to be Included Within the Village of Agua Fria Traditional Historic Community

[Exhibit 1: Roger Hall five photographs; Exhibit 2: Frank Herdman, email correspondence with County Legal Department; Exhibit 3: Frank Herdman, Public Hearing Presentation Materials dated May 30, 2023; Exhibit 4: City of Santa Fe Historic Preservation Division presentation, dated May 30, 2023; Exhibit 5: Erin McSherry, City of Santa Fe Attorney memo dated May 27, 2023; Exhibit 6: David Carr, memo regarding City of Santa Fe planning information, dated May 30, 2023]

CHAIR HANSEN: This is a continuation of the May 1st public hearing regarding the petition to include Area 1B or the remainder of Area 1 as it is also called within the Village of Agua Fria Traditional Historic Community. Today's hearing is a legislative hearing that is governed by Resolution No. 2009-2, a resolution establishing rules of order for meetings of the Board of County Commissioners, Section V(C). Adoption of Ordinances and Other Matters Requesting Public Hearing. No cross-examination of witnesses will be permitted pursuant to Resolution 2009-2.

Order of presentation: The order of testimony will be as follows: 1) First there will be a presentation from Area 1B petitioner Sid Monroe and his team. 2) Second there will be a presentation from any landowner in Area 1B who opposes the petition. 3) Lastly, any other members of the public testifying for or against the petition.

I understand that the presentation for Area 1B petitions and the landowners in Area 1B who oppose the petition may run about 30 minutes each. Otherwise, please keep your testimony to five minutes. Please be focused and time your presentation accordingly.

General rules of order: I will be enforcing the prohibition on redundant, irrelevant

and harassing testimony and comments. This means that if someone else has already testified to something I'm not going to allow someone else to testify to it as well. If the testimony is not relevant to the specific issues that are the focus of this hearing I will not allow the testimony. If the testimony consists of personal or other improper attacks or is otherwise out of order I will stop it.

Limited purpose: The limited purpose of today's hearing is to hear additional testimony and take evidence concerning whether Area 1B meets criteria set forth in Section 3-7-1.1 (A) NMSA 1978, specifically whether the area: 1) is an unincorporated area of the county; 2) is an identifiable village, community, neighborhood or district that can be documented as having existed for more than 100 years; 3) includes structures or landmarks that are associated with the identity of the specific, village, community neighborhood or district seeking designation as a traditional historic community; 4) has a distinct character or traditional quality that can be distinguished from the surrounding areas or new developments in the vicinity.

If testimony is not related to these items I will consider it extraneous, redundant or irrelevant. I have considered whether it would be necessary to recuse myself from these proceedings as I have been a vocal advocate for the Agua Fria Traditional Historic Village and my constituents in Area 1B. I will not be recusing myself from a vote on the proposed ordinance for the following reasons: 1) This is not an administrative adjudicatory hearing where the BCC sits as a quasi-judicial body. Rather, this is a legislative proceeding where the BCC sits as a legislative body. It would appear that this body historically has proceeded in a legislative manner with respect to the declarations concerning the establishment and boundaries of the Agua Fria Traditional Historic Community.

Second, I will receive no personal benefit, monetary or otherwise from the BCC's action on this legislative matter. For many years I have advocated carving out Area 1B from the presumptive city limits given my constituents' concerns. The City and my constituents are well aware of this fact. I have also sought to educate my constituents about their rights under state law and the settlement agreement to submit the subject petition and to urge to do so. This does not prove bias or personal animus, rather it reflects that I am in tune with my constituents and well informed concerning the state law and the settlement agreement.

Once we have gone through the members of the public wishing to testify we will confirm that there are no additional members of the public in the chambers or on Webex who wish to testify. For the record, before I begin I want to make clear that the petitions have been presented to the BCC.

On March 31st, residents of the Area 1B submitted a petition requesting the Board of County Commissioners adopt an ordinance including the area within the Village of Agua Fria THC, which I will refer to as the initial petition. The initial petition was verified by County staff as well as myself and contained the necessary 25% of the qualified electors of Area 1B. Around the time of the May 1st hearing petitioners supplemented the initial petition with supplemental petitions that contained a heading on each page. Supplemental petition signatures were filed with the County Clerk on April 25th and are included in the Board packet for today's meeting as Exhibit A.

In addition, supplemental petition signatures were filed with the County Clerk on

May 1st and are included in the Board packet for today's meeting as Exhibit B.

I believe that gets up us to speed on the petitions that have been filed with the BCC. Now we will go to the first presentation from petitioner Sid Monroe and his team, then to the landowners in Area 1B who oppose the petition, and then to any other member of the public testifying for or against this petition. I ask everyone to be respectful this evening and to all participants in tonight's hearing. Okay. I think that was pretty clear, so I will request that Sid Monroe give his presentation.

[Duly sworn, Sid Monroe testified as follows:]

SID MONROE: My name is Sidney Monroe. My true address is 710 Coyote Ridge Road in Santa Fe. And I swear to tell the truth, that I'm under oath. Thank you.

Madam Chair and Commissioners, thank you very much for having us here again. We've been working on this as you're well aware for 14 years. Our team was tasked with coming back with basically evidence to address some questions about Area 1B's relationship to Agua Fria and the traditional historic community. It's a tremendous amount of work to undertake in a short period of time. We're going to try to get through this as quickly as possible but we've been waiting 14 years for this so please bear with us. This is literally – not life or death, but this is our last chance here.

The original opposition to being annexed by the City has evolved into a powerful advocacy for preserving our historic connection of the uplands of Area 1B to Agua Fria. The presentation we'll hear and see today and the material in your packets is the result of an extraordinary research and work from many passionate and dedicated residents from across our community. No outside groups were used. No one was paid for any information or work. There is no legalese and no threatening language anywhere in our presentation. The amount of historic and factual material in just around 24 days is truly extraordinary.

Every aspect of what you are about to hear and see is factual, documented, verifiable, authentic and will go directly towards confirming and buttressing Area 1B being traditionally part of Agua Fria and therefore part of the traditional historic community designation.

The legislature of the State of New Mexico has declared that the historical heritage of this state is among its most valued and important assets and has empowered counties and municipalities of this state to preserve, protect and enhance the historic areas and landmarks lying within their jurisdiction under the constitution of the United States and the constitution of New Mexico.

We are here today because the 2008 settlement agreement specifically provides an exception to annexation by the City for Area 1B by petitioning to become part of the Agua Fria Traditional Historic Community. This provision does not state that Area 1B must petition to become a traditional historic community. It plainly states residents of Area 1B shall be permitted to submit a petition or petitions with the Board of County Commissioners to include portions of Area 1B in the Agua Fria Traditional Historic Community prior to annexation. None of the 17 other areas annexed by the City in 2008 were offered this provision.

The settlement agreement signed by District Court Judge Raymond Ortiz, the City Attorney Frank Katz, and County Attorney Steve Ross was as it is named, a settlement

agreement. It settled disagreements and six related lawsuits. It was not designed to cause further litigation, and the traditional historic community statute does not indicate petitions and decisions will be decided in court. Since the establishment of the Agua Fria Village as a traditional historic community in 1995 additional properties have been added into its boundaries. The Board of County Commissioners has approved Ordinances 1995-8, 1996-16, 2004-1, 2006-12, 2008-18, all by simple petition.

Further, in 2006 the Traditional Historic Village Community Plan adopted by the Santa Fe County as Resolution 2006-116 recommends amending the THC boundary to include requests from property owners adjacent of the THC to join the THC. In all of the prior additions the lands were approved by the County to be included in the Agua Fria Traditional Historic Community, again, not to become their own traditional historic community. These examples are an implicit acknowledgement that the large area surrounding the village have historically been part of Agua Fria.

The proposed ordinance before the Commission states declaring Area 1B to be included within the Village of Agua Fria Traditional Historic Community. I again emphasis "included."

Our May 1 presentations supplemented with today's research findings will demonstrate Area 1B has always been a connected part of the Agua Fria community. The modern notion of urban planning and development fails to recognize the dynamics of a traditional village, instead insisting on boundaries that are arbitrarily imposed by modern society. A person's home may have been four or five or more miles away from a village center, but he identified with that center. That person likely was baptized, perhaps married in the church of that village. That person traded in the center of that village. They likely were buried alongside their families in the graveyard of that village.

Modern concepts of boundaries cannot recognize the links that spiral out from the village. Time and time again, in census precincts, Santa Fe County precinto número cinco church and cemetario records, the 1914 acequia and landowners maps of the State Engineer, City planning maps and many other modern documents Area 1B is shown as part of Agua Fria. Just because Area 1B was cleaved off before does not sever or negate its true historical relationship as a de facto part of the Agua Fria community.

I am now honored to introduce our presenters. I'm going to start with William Mee, President of the Agua Fria Traditional Historic Community joining us by Webex, and he will be followed by Hilario Romero and then we have two other guests from our neighborhood, Tamara Wells Banar and Amy Jordan further establishing the historical roots of 1B to Agua Fria. If we can get Mr. Mee on the screen I will turn it over to him and I think I will continue to do the slides for him. I will have very brief closing remarks following our team's presentations. Thank you kindly for your time and attention.

[Duly sworn, William Mee testified as follows:]

WILLIAM MEE (Via Webex): William Mee, I live at 2073 Camino Samuel Montoya, and I am under oath. Madame Chair and Commissioners, I live in the Agua Fria Village Traditional Community and I am appearing before you to affirm our acceptance of Area 1-B to the THC.

There is an inherent right of self-determination for the people in Area 1-B, meaning if they want to become a part of the Traditional Historic Community, and they have this in their 2008 annexation agreement, then the County should see this through. I

have to apologize; I just got out of the hospital for pneumonia on Thursday, so my voice is a little bad.

Is there a state statute that says that only a municipality can expand its boundary and a THC cannot? No, there isn't. Growth for the THC is positive. The City has had 14 years to welcome Area 1-B into its fold and they have not, instead I say: Welcome to Area 1-B.

The City has not constructed a major sewer line since the end of the 1990s. In 2010 they denied the Sol y Lomas area a sewer line when they had just been annexed. In Agua Fria, the County has been in the sewer business for the last six years. Give us a chance to serve the people in Area 1-B.

Go back in a time machine to the 2008-2012 settlement annexation agreement and how the Agua Fria Village argued by letter to the judge and County Attorney Steve Ross that it was the third leg of the stool and a two-legged stool always falls over. But then the settlement annexation agreement was sealed by the judge and the Traditional Historic Community area was just labeled as not in the SAA, despite we using the Joint Powers Agreement between City and County for both sewer and water infrastructure projects, we lost all rights of sovereignty in the process.

Then in 2018, we had the Mayor unilaterally pulling out of the xxx, when the agreement didn't expire until 2020. Then District Court Judge Raymond Ortiz had just retired. So, by all legal precedents we are in a breach of contract situation that can only be remedied by granting Area 1-B's petition.

I appeared before the BCC on November 14, 2017 on Commissioner Hansen's resolution creating a Settlement Annexation Committee, and some times I've talked about how the 2008 xxx has never been finalized on the City's part in providing services. So, I wrote an op-ed in the *New Mexican* on November 2021, to which many citizens responded in the 18 annexed areas said that nothing has been fulfilled to them by the City.

A reasonable person or entity would say we have had a situation that has existed for 14 years, without the City providing services to Area 1-B. When typically, the average municipality or county drafts and/or submits a capital improvement plan for an area like Area 1-B, or say a bond issue, a Community Development Block Grant to the N.M State Legislature or the US Department of Agriculture under a five-year plan. Area 1-B has never been under a City five-year plan. So, the inaction of City of Santa Fe to improve Area 1-B amounts to a de-annexation, a concept offered to the New Mexico State Legislature in 1990 but not adopted in that session. Further, when the Mayor unilaterally pulled out of the settlement annexation agreement in 2018, even though it did not expire until 2020, this voided the annexation, and would kick in the petition method for Area 1-B.

Many modern people think about how much money they can make off of a piece of land when our elders thought about how they could make it more sustainable for themselves and their future progeny. They held the land for their lifetimes because their own elders had done such also for them.

My father-in-law Arthur Montoya, 1936-2020, said that his father Antonio Montoya, 1904-1999, said that his grandfather, Jose Lino Montoya, 1830-1916, would cross the Santa Fe River at Pasada de San Juan in Agua Fria and go on the road known as

present day West Alameda because it was always sandy and their cousins the Rael, Sandovals and Gallegos owned the road, so they were allowed to pass through. El Camino Real de Tierra Adentro, presently known as Agua Fria Street, was horribly rutted by a spring thaw from March through May. Especially in the area of Puente Blanco, the white bridge. Think of the background in the picture of school children getting on a bus in 1978 in Hilario Romero's first presentation. So they associated the crossing of the acequia that ran along the hill.

This is also a part of the problems that made this area impassible. This is all in the area of the present day Las Cieneguitas Street. Then closer to the town of Santa Fe, were the actual cieneguitas, a series of springs and a marshy area. These became the present-day streets of Barrio La Cañada and Camino Porvenir. The present-day bumps in these streets reflected years of putting more and more pavement down as the original pavement sunk into the former marshes.

There were two trails that linked Area 1-B and the Traditional Historic Community of Agua Fria. One ran on the high part of the mesa just by the Arroyo de los Frijoles. The other by the banks of the Arroyo de las Trampas. These were east-west trails and not north-south as a 2023 person might view them. These two trails linked to portions of El Camino Real de Tierra Adentro. On the USGS maps and some of the other maps that will be presented tonight they are indicated as the road to San Ildefonso."

The Santa Fe River crossings at the Pasada San Juan, mentioned earlier, and the crossing by the Emiterio Romero house, across north of the San Isidro Church and the crossing at the Lope Lane, the future Caja del Oro Grant Road linked with these historic trails to San Ildefonso. There were no fences between properties so access was accomplished very easily. Everyone was related to each other so there was no problem with trespass. We must shed the 2023 thinking and return to the 18th and 19th centuries. First off, the land would never be sold because it was given in trust by your elders to be held for your children and grandchildren. This is a thinking directly out of the Spanish common law.

Barbed wire wasn't readily accessible for purchase until the train started bringing it in after 1880. Then it was expensive and most of these farmers had no cash money and purely engaged in a barter system. The two areas that were historically fenced were El Circo and El Circo Grande with cedar posts. These were projects done in common under the direction of the acequia mayordomo and they were just grazing areas.

So instead of an individual family having to do north-south fences which interfered with the acequia cleanups., fences were made on an east-west axis. The topography of Area 1-B made surveying so expensive that it was just never done, fences were very cost-prohibitive. What we called today is coyote fences were done for corrals and family gardens and nothing more mainly to keep the varmints and the livestock out of what you needed to preserve.

When the Cementerio de la Agua Fria was fenced in 1963, people commented on how their common work was like that done by their ancestors for El Circo and El Circo Grande. Those buried in the cemetery are Barela, Gallegos, Jiron, Padilla, Romero and Sandoval from Area 1-B.

The ruins of the Arroyo Pueblo Negro, Pueblo Quemado and Pindi Pueblo were used as birthing corrals for cattle, goats and sheep according to our oral history

project. We have over 36 hours of oral history interviews that can be presented if we need to go to a third round of testimony. Thank you for your time.

CHAIR HANSEN: Thank you, Mr. Mee.

MR. MONROE: Thank you. I'd now like to introduce Dr. Hilario Romero.

[Duly sworn, Hilario Romero testified as follows:]

HILARIO ROMERO: My name is Hilario Romero. I was born in Santa Fe, New Mexico in 1949. I've been a resident for all that time. I have seen many things happen here, and I actually live in the village of Pueblo Quemado, which was annexed by the City. That's what that 1561 La Cieneguita is in the Pueblo Quemado and otherwise known as Agua Fria, El Pino, Las Cieneguitas. They are all part of one compact land grant and village – and I am under oath. 1561 La Cieneguita, 87507.

Members of the Santa Fe County Commission, thank you for allowing me to speak here this evening. My presentation – Pueblo Quemado, Agua Fria, El Pino, Las Cieneguitas – all the same village, the same name from 1300 A.D. to the present. We have always been that way. You can read my history of Agua Fria, you can read other histories of Agua Fria and that's what you're going to read. That's what you're going to see. And it's all been backed up by the Spanish Archives of New Mexico, which are documents that are housed in the New Mexico State Records Center and Archives, and this is where all my presentation comes from, and a few books here and there that refer to other documents in other repositories relating to the history of Santa Fe and New Mexico.

First, Pindi Pueblo. Here are the remains, okay? that you can see in 1974. They're not there anymore. But the Santa Fe River didn't take downstream from them; a bulldozer did in the 1950s, an excavator and a gravel operation took care of the rest. Why do I talk about Pindi Pueblo, even though it's not within Area 1B? It's the Mother Pueblo of all the other pueblos connected to them in the area. It actually goes back to about 400 A.D., but since it's not in the area I'm only using it as reference to the Mother Pueblo, and the others are the smaller pueblos.

This is the turkey pens from that pueblo as they domesticated turkey many, many, many centuries ago. The Area 1B has one, two, three, four major pueblos that are brother and sister pueblos to Pindi Pueblo – and let me get my pointer out here so you can see them on the map. There they are. These four here are major pueblos, large pueblos. And then there's the smaller pueblos up here. All within 1B. Pueblo Quemado is right here, and so it extends from one side of Alameda Street all the way into Area 1B. That's why we call it Pueblo Quemado. That's why the Spanish, they came here and they said it was a burned village when they saw it. It had been abandoned not very long before they came, so that's why they called it.

There are many Pueblo Quemados. Many of the pueblos left the remains of the pueblos and burned them because they were going to come back in times of drought and rebuild and grow their food and sustain themselves as they did so well. So this is a sustainable area of Santa Fe going that far back, 1300 A.D.

When the Spanish arrived there were many expeditions that came through here and described the pueblos when there were people living here prior to 1607. But the 1607 document of Capitan Juan Martinez y Montoya, this Montoya – there's a lot of Montoyas in Agua Fria Village. He established a mini-presidio and placita right there at Pueblo

Quemado, on the remains of that village. This document shows that. The viceroy appointed him governor of New Mexico succeeding Juan de Oñate on the 23 of agosto 1607. Okay? These documents are available at the Museum of New Mexico for anybody to peruse and read if they can, and if they can't I'd be glad to help them transcribe and translate the documents for them, although I think it's already been done.

When the Court of Private Land Claims opened their proceedings sin 1890 a map was created so that they could understand what was in the spurious, fake, false Santa Fe Grant, and I'll talk about the Santa Fe grant in a minute. And so this map was created from the documents that were translated to show the properties of the individuals that had land here, and here's Juan Lucero y Godoy and his son that owned a huge chunk of land. Look at all that. Area 1B is included in this. The Luceros are still here. The Luceros still have land in Pueblo Quemado and then there's the Maes, Luis Maes property here, extends all the way to the river. That's where I live. And then there's Roque Lovato's land, which is right at the cusp there. Right here at the cusp is Lucero y Godoy. And Francisco Madrid. His land was right here. And it extended all the way to where the church is, so all of this area was Francisco Madrid's land.

So in 1890 they created another map. This is the White's map for the Court of Private Land Claims, and it was to really investigate the land grants that were written in 1600s. So once again, here's Juan Lucero y Godoy and his land extends all the way in here to where 1B is, right about here, all the way down here to the river, all of this section. So there it is again. And he had a ranch. His ranch house was located on 1B. It's not there anymore. I don't know whether we'll ever find it, but it was very close to Pueblo Quemado.

Then Governor de Vargas, when they came back in 1693, after the Spanish were expelled in the Pueblo Revolt of 1680, he camped at Pueblo Quemado on the Juan Lucero y Godoy ranch and the Francisco Madrid land located on Area 1B. [inaudible] arrived at Pueblo Quemado, future Agua Fria, and camped in the remains of the abandoned indigenous Pueblo Quemado located in Area 1, today's Coyote Ridge area. It was re-granted to Roque Madrid in 1693, who was born there in 1640, son of Francisco Madrid. In the 1700s, the strips were then sectioned off for all of these families, and what's amazing is we will track that whole history of those names one century at a time.

This is the 1860 census that shows over here Hamlet of Pueblo Quemado, and if you look at the names on that you will see they match all of these. So from the 1600s to the 1700s to the 1800s all in one frame.

Then there's a famous individual. If any of you have ever seen his maps, he was a cartographer. He did at least six maps of New Mexico and he was on horseback, on foot, tracking all of this down as a cartographer. But he was also an engineer and there's a very good possibility that as an engineer he engineered the acequia that is on Area 1B. He was also a santero and you can see his work in the San Miguel Chapel, and he was a rancher/farmer who owned land on the commons, 1B, where he grazed his herds, collected firewood and herbs, etc. Now, he was not around as much to be able to really utilize the land because he was on the go. He was everywhere, and you can read his biography. John Kessell did a great job on his biography.

Here is another detail that was done by J.J. Bouden for his master's thesis and it's a detail of the Pacheco and part of the Agua Fria grant here. It was called Rancho de los

Pinos grant, and it was called the Pino grant, and there is Area 1B right there on the grant. People living there. People living there, people cultivating crops, people ranching, people doing all the things that you do when you live in a village.

Here we are at the Avery map in 1924, going into the 1900s, and as you can see, all these strips here, this is the area. These are all cultivated strips of land on Area 1B. And there's the river down here, and here's the cultivated area on 1B and all the landowners utilizing that land. Here's the 1927 Avery map, once again, you can see the area, all being utilized and the acequias. And there's that acequia that I was talking about. There it is. Acequia on Area 1B.

Acequias are a sacred thing here in this state. In fact, all you have to do is go to the statutes for the state and you can see that they are not to be tampered with. It's still there. It's kind of covered over and buried from all the years of erosion, but it has been utilized and it was utilized for many, many, many centuries.

Here's Avery's map of Pueblo Quemado and Agua Fria and here I'm going to show you a detail here. Here's the fake, spurious, false Santa Fe land grant. So let me talk to you a little bit about that land grant. The Santa Fe Ring, led by Thomas Catron and Gaspar Ortiz y Alarid of Nambe, they took this spurious, false, fake land grant to the Court of Private Land Claims and they got a total No to the grant. They asked them, where are your documents. We have no documents. Of course they don't have any documents. The documents that were available for that all from the families of the square mile area here that we're talking about that is the fake, spurious Santa Fe land grant. Those individuals, lawyers, carpetbaggers, scalawags and all the other individual that were out to get and wrest this land from the native peoples. They succeeded, not in the Court of Private Land Claims but in 1901, before it was over, because it did end in 1904 – it went from 1891 to 1904 – they went with their friends and their colleagues and their territorial delegates who were on their side, they went to the National Congress and they basically created a pirate patent for the land. And if you'd like to read about it that's in the *Greenfire Times*, I think it's the April/May issue. It's in there. It's my article. And the document is in there; you can see it for yourself.

Now, why am I bringing this up? Because if you go to the next portion, this is a detail of that same 1938 map and you look over here, this is the area of 1B, all of this. Look at all this housing and area. It's right there. It's all there. And they're really shorting the amount of houses that are there and the ranches that are all over here. There were small strips of land where people have ranches. There's the arroyos, the Tres Arroyos; they're right here. And in this one they left out the acequia for some reason. But this area was populated. All of this is Agua Fria. All of this. It even goes slightly into the fake, spurious, false Santa Fe land grant. All of this.

So it's always been a history of take, take, take, from the native people. And I've seen that in the history that I've taught for 40 years. I've taught New Mexico history for 40 years, university level history. I've never used a text book; I use the documents. I know how to translate and transcribe them because I was an archivist at the Archives for three years. Then I was the State Historian in 1980-81, the New Mexico State Historian.

So all of this is Agua Fria. It always has been, always will be. Now, this section has been annexed, right here. That's where I live. I live in the annexed section. And if you go there you can see industry. You can see the old sewer plant, that's what they

threw on us. The City of Santa Fe threw the sewer plant and that is now a Werwath apartment building. That's what went on top of one of the cess pools. Okay? So hopefully it won't sink. But we had to deal with that kind of stench and smell as residents from probably the 1950s, 60s, 70s and 80s. That shouldn't have ever happened. But this was the way we get treated.

And that's when the population of Santa Fe was 11,000, 1938. 11,000 people lived in Santa Fe. You can see the population right there: 98 percent Hispanic/Native American.

Here's the Santa Fe I grew up in. this is the way I remember it. I used to ride my horses right from over here in our little neighborhood here. I would go out here, I would go all over this area. Caja del Rio, all of this area. We'd go there and we'd pick piñon, by brother and I, we went out to this area. We did it on foot and even on bike. Those were the days, 1950s.

Here's the area in question, and I just want to talk a little bit about this section here that got taken out because when we were annexed, there as a big fight in 1995. The Extraterrestrial Zoning Commission was formed between the County and the City. I know; it's the Extraterritorial Commission but I call it the Extraterrestrial Zoning Commission. And there they got the idea that they're going to annex Agua Fria, that whole chunk of land, Agua Fria I mentioned on the map. They were going to do that. Well, they managed to carve out this little piece here. Okay? So what did they do with it? Well, the Riveras were living there in that section. That was their section. And if you see right here, the Riveras have been around the block for a long time in New Mexico, since the 1670s, and here's their line – straight down the line. They've always lived in Pueblo Quemado, La Cieneguita, El Pino and Agua Fria. They've always lived there. They went to the church. They were buried in the church. They're all there. This straight line of families. Intermarried with all the other different families in Pueblo Quemado. And here's another that shows the wives, the Valencias, the Lopez, the Gallegos, the Romeros, the Tapias – and this is Tapia land. Tapia and Rivera land.

Here's the Tapia-Rivera family of the 1800s. This is the grandfather, then this is Jose Avelino Rivera. He's the one that built the house on that land, which would have been in Area 1B if it wouldn't have been annexed. And this is the Rivera family that was there in 1946, and these are the two I know of the Rivera family. This is Sefarino and this is Antonio. So I have done their history.

This map is one that I did in 2018 for an article for the Old Santa Fe Association and their *Preservation News*. Here's the Rio Santa Fe. Here's the Acequia Madre. Then over here, in Area 1B, are two acequias – the lower acequia, which is just below Alameda Street, and was totally trashed and carved out by one of the development that they created there, and then there's the other acequia. This is the one that goes through Area 1B, north of Alameda.

So these are the sources that I've used. This one was a study. And this is the journal that features my history, which you can read. I think it's online now. These are the sources for all that I have presented. Here's the Rivera-Tapia residence, built by Jose Avelino Rivera in 1923. Here it is in 2018; this was the last shot of the residence. This is what's there now, 28 two-story condominiums. So thank you for your time, Commissioners and audience.

CHAIR HANSEN: Thank you, Dr. Romero.

MR. MONROE: And to just quickly follow that up I'd like to introduce Bruce Throne for a quick comment.

[Duly sworn, Bruce Throne testified as follows:]

BRUCE THRONE: My name is Bruce Throne. I live at 154 West Zia Road, City of Santa Fe. I'm a resident of the City of Santa Fe for the last 46 years, and I understand I am under oath.

Madam Chair and members of the Commission, I was asked by a resident of Area 1B – I don't live in Area 1B – to appear today to address one issue. It is my understanding from that residents and from reports in the New Mexican that one of the concerns or the issues by the petitioners was a concern about whether or not they wanted to be subject to the City's current land use review process, which they had concerns about. And I am here today to explain to you why I believe those concerns are well founded. My basis for that is two-fold. One, I've practiced law in the city for 45 years and about 42 years of that was involved in quasi-judicial proceedings which are similar in nature to the quasi-judicial land use proceedings that are conducted by the City of Santa Fe, both subdivision and rezoning proceedings.

I personally participated as a resident on behalf of myself from the beginning to the end of the recent Old Pecos Trail rezoning decision by the City that is now pending before the Santa Fe District Court on appeal. I am one of six individuals that appealed that decision as well as two neighborhood associations. The basis for that appeal was that the City at all levels, including its Land Use Division, its Planning Commission, its City Attorney's Office, and the governing body conducted those quasi-judicial proceedings in a manner that was not consistent with established principles of procedural due process and fair to community members. And that's the basis on the appeal.

Just some examples of what happened in that proceeding that are being raised was the fact that during the case the City staff without authorization by the City, the governing body actually changed designations on the City's future land use map regarding the Old Pecos Trail Scenic Corridor that were not consistent with what the City articulated about that corridor in the general plan. Staff withheld some information from the community about the City Council's minutes.

CHAIR HANSEN: I want this to be relevant to what we're here discussing today, please.

MR. THRONE: Okay. In short, in sum, I believe the concerns of the petitioners about being subjected to the City's land use process, if it's annexed, are valid and that's why I appear today.

CHAIR HANSEN: Thank you.

MR. THRONE: Thank you.

MR. THRONE: Okay, we're moving along. I'd like to introduce Tamara Bonar and then I'll take over.

[Duly sworn, Tamar Banar testified as follows:]

TAMARA BANAR: My name is Tamara Banar. I live at 3401 Coyotillo Court I understand I am under oath. I'd like to thank you, Madam Commissioners and all the other members of the Commission for bearing with us. It's been a long haul, as Mr. Monroe mentioned, 15 years or so, that we've been trying to make our case. I'd just like

to preface the section that I will be talking about, which related to the second provision, including structures or landmarks that are associated with the identity of the village. I'd like to just preface that by saying that at the May 1st meeting, sitting in the audience as a retired history and social science educator, the message that I got from opponents to the petition process was that our area, Area 1B, was not historic enough, that it was not rural enough, that there wasn't enough presence of people over time, structures or landmarks that were worthy of putting up against a greater good that is being presented by the opposition.

And I had a very strong, visceral reaction to that as an educator because everything that I know and certainly having listened to an excellent presentation by both Mr. William Mee who has 27 years in state planning, in addition to being the president of the Agua Fria Village Association, but then listening to Hilario Romero, a former State Historian and archivist make the case that this area was integrally part of Agua Fria Village over time, and not just 100 years. We're going back centuries. And if we are allowed to reflect the Native heritage area, over 1,000 years, 1,500 years. We're talking biblical times here.

And so I was offended, and I've only been associated with the area since 1988 as a 23-year old school teacher, but I can only imagine if you were a family that hundreds of years of history with this area how offended you might be to listen to people questioning your family's very heritage, your history, your landownership, and I'm really, really surprised, in 2023 to hear people representing the people take that kind of a stance. And so I'm here as an educator offering my services over the last three weeks to try to complement what Mr. William Mee and Mr. Hilario Romero have said to you tonight and at previous meetings to say that in fact there are definitely historic structures and landmarks.

It took us, after you asked us at the May 1st meeting about five minutes amongst ourselves huddling to figure out which were the best prospects – we didn't want to bore you with dozens and dozens of structures, of which there are and every day I have neighbors saying, oh, did you know, I just heard that there is – a former so and so had an auto shop business, resource, Ortiz told me today off of Don Emilio that she remembers from her childhood and it was already pretty much in ruin at that point or incomplete at that point. So there are definitely structures.

And the four that I'd like to concentrate on today I think reveal very interesting things about the relationships of the people in Area 1B to other people within Agua Fria Village. And so I'm going to – this is not a weapon. It looks like one; it's my husband's flashlight, but I wanted to be able to use it as a pointer and so the first one that we're going to be talking about is an 18th to 19th century dwelling/trading post that's currently owned by Ms. Carol Thomas who is in the audience today and I hope she'll have a chance to speak during public comment. This is not only currently a residence and we believe in the past was a residence; we're going to present evidence to that effect, but the local lore is that it was a trading post in the 18th century, possibly even in the 17th century, and Mr. Romero referenced that at our last meeting. So that's the first structure we're going to present.

The second structure we're calling the Polonita Baca-Borrego compound. It's right – I should have mentioned this – the first structure over here, sorry to jump back and

forth, but it's right where the bridge is out right now, off of West Alameda. So I think everybody should be able to locate themselves there. This one is right where the Siler Road traffic circle is and it's a Borrego compound. It's multiple homes that are occupied by four generations today of the Borrego family and members of the Borrego family are in the audience. They spoke at the last session. I hope that some of them will be able to speak at today's session.

The third site that we're going to look at is an adobe homestead. It's on Paseo Nopal and Peacock Alley and it represents the homesteading era in US and New Mexico history, and as Mr. Romero pointed out, there are many, many homesteads throughout this vast area of Santa Fe National Forest, BLM land, and remnants of them are often on private land being used as stables, outbuildings, garden sheds and so forth today, but they exist, and they represent people who were homesteaders.

And then the last structure that we're going to look at tonight is the remnants of what is reportedly an early 20th century mill. I'm not exactly sure what kind of mill; we suspect it was a sawmill. So these are the four that I'd like to present to you today. I'll try to move as quickly as possible.

This first structure we're calling the Cesario Jiron home and trading post. As I mentioned, it's owned by Carol Thomas and this is how it appeared 20, 30, 40 years ago. Ms. Thomas purchased it in 1991. This is how – on the left is how the structure appears today after Ms. Thomas, who is a contractor and a former journalist. She specializes in historic adobes and she oversaw the remodeling of her own home with a crew of people. You see on the right an image from circa 2002 and this is an image that basically shows us what she and her team discovered as they began the remodeling process. What they discovered was the walls of about a 12 by 22 foot structure that based upon her expertise working with a number of historic adobes in the Santa Fe area, she concluded was an original structure dating from at least the 19th century, possibly even earlier. And this last photo here is what you would see if you drive up to the bridge today and you were forced to turn around. You probably are turning around right in front of her home. It's got this very distinct, from a landmark standpoint, very distinct lilac walls.

So we saw this map earlier but just to put into context, thanks to two of the members of the Area 1B, Ms. Amy Jordan and her husband Mr. Aaron Miller, they're scientists who in the course of their work have specialty in GIS and mapping and geo-referencing, and they were able to overlay a number of maps for us. So what you see in the light green is essentially the outlines of Area 1B today. And what you see highlighted in the yellow-orange is land that was owned by a gentleman, Cesario Romero. And just in terms of our methodology, with each of these structures we went to the current owners. They were very generous one and all about opening up their records, photographs, memories, and helping us work backwards from the current owners to owners at least a century ago.

And we heard Mr. Romero talk about these long vertical plats of land that were presented in the small claims court and what we see here in the orange is a claim for Cesario Jiron in 1895. So the property in question is not only on that strip but it is within Area 1B.

Mr. Romero also mentioned that an important source of information – you might be asking, what's Cesario Jiron's connection to Agua Fria? How do we know he actually

lived in Agua Fria? The US Census records, that's how we know. And it says very clearly, this is the US Census of 1860, highlighted is Cesario Jiron, who at that time was six years old. He was living as were all of the members of his family and neighbors in the Hamlet of Pueblo Quemado. And we've heard from Mr. Romero, same as Agua Fria Village. It was what it called until the 1850s, 1860s or so and then it came more commonly Agua Fria.

We fast forward, previously he was six years old, this is two years before his death in 1932. Cesario Jiron has not moved at all. He is still living in Agua Fria Village. He's the head of household. His wife and his two sons who become important, because then of course they inherit the property. I won't do this with each structure, but you can see, we've had these records for each and every one of our structures. We know who owned them. We have copious deeds and plats and surveys. So the documentary evidence is there.

This particular map is a very, very interesting map and this is just a small section of it. But this is the hydrographic survey from 1914 and – let me use this pointer again – but basically what we're looking at right here, and I'm sorry my hand's shaking, but this what they call the road. This is the proto-West Alameda through here. So everything north of that road is basically Area 1B, and everything to the south is Agua Fria Village, but it's not part of Area 1B. And I want to call out a couple of things. This map has been very important historically because it's the earliest map that's been located that actually identifies structures that were existing at that time related to the acequias, because this is basically a map that is establishing the acequias that Mr. Romero was talking about. And I'm not going to trace all of them but you'll see this is Acequia #31. They changed the Spanish names to numbers. This very definitely was, and its remnants still are in Area 1B.

And this structure right here, this is Carol Thomas' house. Cesario Jiron's house, his family's house. And you'll notice that in that long strip of land you don't see other houses, ergo, my assumption, and as historians we sometimes make assumptions, not only was Cesario Jiron living with his family here in 1914, but in all probability they were living there for some time earlier.

These are other houses and structures, and notice these are not the only structures in 1914 in the immediate vicinity. This is the Arroyo Pueblos Negros and this is where the bride is out right now. This area was occupied. Okay? You can see very easily at least three different structures. My eyesight's not great but there probably are more.

So this is a bit of a close-up here and I won't dwell on that. Same information.

So what's our sequence here? Just to remind you. We've got Cesario Jiron, he's living in Agua Fria in 1860, probably in the same house that Carol Thomas has remodeled and is living in today. It's expanded since then. 1895, he's shown as an owner, recognized by the US Court process as owner of that land or at least as a claimant for that land. When he passes away his two sons inherit the property. His grandson, Anastacio, ultimately inherits it from his widowed mother and from his paternal uncle. After Anastacio dies, his widow sells the property to the Luceros and Tapias, and then ultimately, Carol purchases the property from the Luceros.

This photograph, it's hard, as William Mee has mentioned before, it's hard sometimes to find photographs of the people at these timeframes because it was an

expensive process that many people could not afford or didn't have the opportunity. There weren't photographers around. But this is an image from the Santa Fe New Mexican. It's not dated. It comes from Joey Jiron's scrapbook which she was willing to share with us. Joey Jiron lives across the street Carol Thomas, shares a well with her today. But this is the Jiron family. All of the people that are mentioned over here on the left – and this is on the occasion of the drilling of the very first well for these families in Agua Fria, this well that is still in operation today.

Okay, structural evidence. My background is as a journalist in addition to being an educator, and so when I was talking with Carol Thomas and she was very generous about giving me hours of her time, there are several things that she mentioned that really stood out to me. When she talked about these very dense walls, that are like concrete that they couldn't drill for their electrical conduit, and then she also mentioned that the foundations of the walls were on river stones topped with adobe brick. And those two features in and of themselves are very characteristic of pre-twentieth century Spanish colonial construction. So you know, and she knew; she's an expert, that she was dealing with a very, very old adobe structure.

Additionally, the measurements, and she double-checked these for me yesterday were roughly of this original structure that was added onto over time, 12 X 22 feet. And that says to me something really significant because vigas were not longer than 15 feet. So it really speaks to Spanish colonial construction. The door which you see here in this photo, still remains. It's facing towards Arroyo de los Pueblos Negros and the pitched roof that you see is not typical of Spanish colonial construction. It's obviously a 20th century addition.

This is what it looked like before she began the remodeling, and during the process of her remodeling and during her time living 30 years-plus of so in this area, she had the good fortune to meet a number of people within Agua Fria Village, and there were several of them, the late David Baca for example, who told her this was a former Spanish colonial trading post. And it made perfect sense to her and it makes perfect sense to me that it would be. Because if you look at this map from the National Parks Service on the right, and you look at where Agua Fria is right here, and then you look at the location of the very first Spanish capital of New Mexico before Santa Fe, and you look at the location of the various northern pueblos, Ohkay Owingeh, Santa Clara, San Ildefonso, it's due north. Due north. And that would make tremendous sense to have a trading post there. We've heard William Mee and Hilario talk about riding trails and all of the passage ways.

The late Bob Padilla and his sister Elaine Juarros is in the audience today, he talked about riding horseback on some of these Native trails. I believe he even rode some of these trails with Carol Thomas. The neighbors in the area talk about how after storms the potsherds from the Arroyo Negro, the Lab of Anthropology 114 ruins, would come down. The late Joe Martinez, another neighbor in the area, reported finding an actual pot of white Anasazi beams in a cave above the arroyo. Many people within the area talk about being children and playing in these caves.

This was a nexus I would argue. It makes perfect sense that there would be historic trade, probably over 1,000 years or more, on this route right here. And this coincidentally, or no coincidentally, where our bridge is out right now. So just a

reminder. This is how you can place this particular ruin.

I'm going to move more quickly through the next three ruins because I think you see the methodology that we're using here. I'd like to make one last point. William Mee talked about people who were buried in San Ysidro Cemetery. This is where Cesario Jiron and his descendents are buried. It shows a very clear connection between Agua Fria Village and the people living in Area 1B.

Here we see Cesario, sadly, two weeks earlier in 1932, his daughter Elena also passed away. Perhaps there was some of epidemic or disease running around at that time.

So moving on to structure #2. And as I mentioned, the Borregos are in the audience. What we see here is an aerial photo from the early 90s. It was shared with us by the Borrego family, and the structures that we're going to talk about here very briefly are these structures right here which we have learned, as I'm going to show you here in just a moment, we actually have on a survey from 1952 which is a timeframe when Placido Borrego and his wife Delfina purchases the property, but we also, thanks to the GIS mapping expertise of my colleagues Amy and Aaron, they were able to actually locate these buildings on a 1938 Avery map.

So we know these are old structures that are still in use today. Once again, Polonita Baca actually did have in 1895 a small claim holding so we know basically the survey constraints. You can see that the bulk of her property was within Area 1B. Once again, she appears on the 1860 census. This happens to be a 1900 census after she's widowed. You'll sometimes see, and I won't belabor this point, but in Spanish naming conventions, the father's surname comes first, the mother's second and so you'll see all of these variations of Polonita Baca, who's Maria Apolonia Sandoval de Cabeza de Baca – same person though. And we've done genealogical trees to confirm all of this.

We know that she ultimately posthumously received, her family received a patent signed by Herbert Hoover in 1930 for that same claim. We know from the structural evidence and Placido Borrego is I believe 99 years old and he still is sharp as a whip, and he was able to remind us that when he bought the property that it had a residence, it had barns, it had chicken coops and it had a windmill, and the remains, as Mr. Borrego mentioned, Rick Borrego mentioned at the May 1st meeting, it also had the remains of this 19th century – what I thought was a 19th century acequia, but it sounds like from Mr. Hilario Romero that it might actually have dated back a century earlier and we may even know who the engineer was.

Just a reminder. This is an example of a multi-generational family compound. It was in use in the 1900s. It's in use today. And there are three young children who live within the property and they and their family and friends are actively engaged in ranching activities. They raise goats. They raise cattle. They raise horses. They raise chickens on the property and there are many properties that are like this scattered throughout Area 1B, if you've driven the area.

Okay, our third structure, and this again is representative of the homestead era in history. It's presently owned by Ray and Marie Dee. It's a structure that's visible. You can drive by it, even though it's on private land. And I just want to point out the timeline here. It's a little different from the others in that this represents a part of Santa Fe that at a particular time basically was designated as Bureau of Land Management land, and as such, to encourage homesteading, at a certain point it was divided up and parcels were

sold, particular after World War I. And there are a couple of things that we know for certain. We know that Charlie and Celine Ortega received a deed from the State Tax Commission for 2.49 acres in 1947 for land that was delinquent in its taxes, which tells us that there were previous homeowner or landowners or homesteaders who perhaps had constructed on the property before they acquired it. It went through a whole chain to ultimately end up in Ray and Marie's hands.

We know that the structure actually existed because this particular detail that's been geo-referenced on this 1952 map corresponds with where the homestead is today. Again, it's patented land. We have all of these records.

What's really interesting to me here with the oral history is that we were fortunate to be able to talk with some other residents of Paseo Nopal in their 70s and 80s in particular Peggy Franklin and her sister Bonnie. And they recall playing in this homestead in the 1950s when it was a ruin as children. They also recall that there were other homesteaders. In particular they mentioned Esther and Gerald Spray who were the parents of a friend of theirs, James Spray. So they spoke about other homesteading in the area.

Our suspicion is that this particular atmospheric adobe ruin, landmark that we all know, actually was probably constructed between about 1918 and 1938, which is a time – we don't have the map here but we have that map that seems to show that same structure in a 1938 Avery map. So our suspicion is that this was an early homestead, somehow got delinquent in its taxes or didn't meet requirements for proving, and it ultimately ended up in someone else's hands.

And this last structure that I'm going to present to you today is – we're calling it the old Gallegos-Cassidy mill ruin. It's off of Coyote Ridge Road. Many of us in that particular part of the area remember this as a much taller structure, even ten, fifteen years ago. I would estimate it was about three times the structure that you see here today. Same sort of thing. We can track the small claim holding, we can track deeds. We understand how it's made its sequence. We can geo-reference. It appears to be on the Avery map of 1938. We have records of deeds of sale. We can track the Gallegos family history and the Gallegos family, like all of these other families, they trace their origins back really far, in this case 400 years. In the previous presentation on May 1st William Mee told you of Elfido Gallegos' great grandfather who donated land for the church. His father in turn is listed in the 1930 census.

Interestingly, when we looked at all of the different censuses associated with Elfido's father it always mentions wood. He's a wood dealer, he's a firewood gatherer, he is a carpenter. The local lore, and I first heard this from Doc Smith, the veterinarian from whom my husband and I bought our property, but the local lore is that this is an old mill ruin. Subsequently, and I had a conversation with – a couple of conversations with Ruth Ortiz, who's living over with her family on Camino Don Emilio, which is named for her grandfather, Emilio Sandoval. She said that she had remembered this ruin as a child. It was an area that they would play, and she was the one that clued us into the fact that this particular site was owned by Elfido Gallegos, who was a good friend of her father. At that point, when he purchased the property he purchased it for a sand and gravel operation. However, previous to that, it really makes sense that it would have been some sort of a mill and we actually have – it was Joey Jiron who told me that when he was

growing up as a child he actually remembers a waterwheel. This is sort of how a mill of this type would have been structured across the arroyo which is where the ruins are today.

And I know this has been a very, very long presentation here but I really appreciate your attention and this is what we understood that you wanted was to have some substantiation of structures. We could go on and on. I'm sure we could find more structures for you. In my mind there's no question that these structures and landmarks are associated with the identify of Agua Fria Village and Area 1B. And I think we've triangulated our evidence. We've got the census, the landownership, church records. We've got physical evidence from the structures. We've got all of this tied together with oral history, and I am firmly convinced as a historian, former educator, journalist, that we have made our case here. Thank you very much.

CHAIR HANSEN: Thank you, Tamara.

MR. MONROE: We're almost done. We have one last presentation from Amy Jordan. Thank you. As I said earlier, this is our last shot so we just wanted to give you as much factual information as possible. So thank you.

CHAIR HANSEN: Thank you, Mr. Monroe.

[Duly sworn, Amy Jordan testified as follows:]

AMY JORDAN: My name is Amy Jordan. I live at 496 Camino Don Emilio in Area 1B, and I understand that I am under oath. All right. So we understood the assignment that was set for us at the last meeting by the County Commissioners and we're working our way through these points. We haven't necessarily called them out here explicitly on the statute and what it says but I just wanted to place the information that I'm going to be talking about in the fourth bullet here: that the area have a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity. So that's where we are on our list.

So I'm here to bring together a bunch of things that were submitted by members of the community. We asked for photographs of things that people link to the characteristics of Agua Fria. And some of those characteristics are listed in this 1983 document which was mentioned earlier as one of the sources that Dr. Romero used. And the Whitmore report lists some of the attributes that make the area distinctive. So the way of life is based on a strong attachment to the land, a sense of cultural continuity extending through generations, the importance of water and irrigated land, a simple style of architecture and owner-built homes and a self-sufficient farming economy, a colorful and interesting set of traditions that have bound the community together for years.

So we took the information from the community, the hundreds of photos and we culled them down to just a few. It was very difficult to take such a beautiful testament to the distinctive character of the neighborhood and whittle it down, but we organized it into a couple of categories, and that's what's listed here on this slide is the four categories of photographs, which are ranching and farming and gardening, making productive use of the land in Area 1B. The second category is owner-built houses, community history and traditions. The third category is water and irrigation. We also got a lot of photos of wildlife so we've got those in there as well.

And then the fifth and sixth memes that are on this section about distinctiveness has to do with the landscape, so the geology and ecology of the area and why it is distinctive. And then the sixth point is demographic information.

So I will try to go through this quickly, again, because of the length of this presentation. Since you asked for this material we tried to be comprehensive so here we are being comprehensive.

So here's a small selection of the many, many photos that speak to the multi-generational agricultural traditions in the area. Residents of Area 1B keep cattle, goats, poultry, horses, donkeys, chickens, bees – all kinds of things and are interested in passing those along to their children. As you heard in the last meeting, people spoke passionately about this connection to the land that started many centuries ago and continues today. We have more photos. It's in sort of a looping set of photos which we may have hopefully time for while Sid is concluding, but this is just a teaser or a sample of some of those.

Again, for owner-built houses, community and history and traditions in Area 1B, we have a wall building party, people building with adobes made from dirt on the land. We have artistic and owner build homes and many, many traditions. Tamara talked about the historical structures in the area and this is a continuation of that to the present day.

Water and irrigation is incredibly precious to Area 1B and so we have a lot of information about that, a little bit later about the hydrology that makes Area 1B special and unique and the ways in which residents have dealt with this precious natural resource for centuries.

And then wildlife. I'm well aware that there's wildlife in every single part of the City of Santa Fe and it's not specifically distinctive to Area 1B, but I will see I have seen a bobcat one time in the city limits and it was dead on the road. It was roadkill. So I will show some images that will speak to the nature of Area 1B as a wildlife corridor, and I do believe that that is distinctive.

All right. So those are the teasers of all the photos that we received covering those first four themes. I will try to very quickly go through some of the maps that we have on the landscape, ecology, hydrology, and geology of the area. And the reason why this is germane to the statute or the part of the statute that's listed up there is that the traditional historic community requirement is that it have a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity.

The landscape and the geology is also pertinent because as stated in this quote here, In ancient times, just as today, Santa Fe's environment strongly influenced where and how people lived. What we have here is a topo map from the USGS and Area 1B, the outline is shown. The outline on the left side is the current boundary of Agua Fria Traditional Historic Community and Area 1B is the outline on the right. You can see the four structures that Tamara just mentioned are on the image. You can also see that it is very steep terrain, so the topographic gradients are extremely steep, and the green color in the background there represents the forested nature of the area. I do know that the opponents to the petition will use this information about the steep gradients and the upland nature of this area to say that it was not connected to Agua Fria, that Area 1B could not have been used for the types of community purposes that the people with vast expertise in this – William Mee and Dr. Romero have already attested to, that it was used for grazing and it was used for hunting small game, gathering of piñon nuts and other foraging, but in fact the ecology and the landscape of this area contributed to exactly those kinds of purposes and those kinds of uses.

Again, this is another USGS map showing the relief in the area, and again, you

can see Area 1B is full of these very steep-sided arroyos. It's cut by many, many small arroyos and in this section you can see two sort of major arroyos, the Arroyo de las Trampas is one that's going to appear later, so I just wanted to orient people who aren't familiar with the area where that arroyo is. And these arroyos regularly flash-flood.

So the underlying reason for this special nature of Area 1B here is of course the geology. I'm not going to talk about the geology of this area or belabor this any longer but the pink part of this map where Area 1B resides is much older sediments, so these are millions of years old landscapes that have been in equilibrium with the local hydrology. And that's in contrast to the yellow area of the floodplains of the river and where most of Santa Fe grew and was established.

All right. So this is a very important slide. This is a map showing the organic matter in the soil. This comes from the web soil survey so any one of you can go ahead and look that up. We did not have time to put a very beautiful overlay of Area 1B be on this. As has been mentioned earlier we are all volunteers here who have other full-time jobs and we are just trying to get this information comprehensively to you guys in a pretty short amount of time.

So the approximate Area 1B is shown on here and what I want to tell you this soil health slide – so there's a bunch of different colors on it and the blue color that you can see along the river there is some of the most carbon-rich and organic rich soils in the City of Santa Fe. And the areas where the rest of the city was developed probably would have been similarly colored, right? They would have been very productive soils with a lot of organic matter along the river but the development of the city has taken that aspect of the soil carbon storage away. Now, where Area 1B is is in the green color which is the next color down on the legend. So this is maybe the second most carbon-rich soil in the area, and these maps are from 2009.

The reason why this is extremely important is because this is a storage of carbon, and the best way to keep the carbon in the ground is to keep the landscape intact and to allow the vegetation to be healthy, and that's important for the water, the wildlife and for combating climate change.

So just to wrap up on the soils and ecology is that they are distinct from the river valley and plains. The landscape is in equilibrium with formerly grazed land. It's not grazed across most of it today which has allowed a lot of it to recover. Also, since it was used for firewood for a long time the piñon have also had a chance to recover and the juniper.

So again, how this relates to the history and the development of Area 1B is that the ecology and soil productivity supported all of these activities of course that have been part of the community for centuries. And also it was mentioned in the earlier presentations that this area was kept in common, that there were no fences along the area, and that is also an important aspect of its sort of shared cultural history.

One thing that I think is very distinctive – again, we're talking about the things that make Area 1B distinctive and one of the things that I think is special about it has to do with the way that huge parts of it are cut off by these arroyos that routinely flash-flood. So you have parts of Area 1B that are inaccessible multiple times a year. I'm not sure how many parts of the City of Santa Fe become routinely inaccessible. I'm aware that during flash-flooding events or major events, sometimes areas can be temporarily

inaccessible on an emergency basis but we expect this, right? This is part of living in this area. We expect that our arroyo will flood and that people who have homes on the north side of the arroyo will not be able to get to their homes. And I think that sort of instills a sense of independence. We know that we're living with nature; we're not living contrary to it. We repair our own roads after every storm and in fact sometimes when the arroyo washes out so much of our roads UPS won't deliver to us anymore. And again, these are all things that we're fine with. We have an acceptance about this because it's worth it to live in and with nature and see the awesome, beautiful power of this arroyo flowing.

So water throughout the landscape recharges the aquifer of course and in Area 1B the healthy soil we talked about and plant cover captures and slows down the water as it moves, and that encourages aquifer recharge. Other things that encourage aquifer recharge include dirt roads, building check dams and here's a check dam on Area 1B. Lots of residents have built these along the landscape to help slow the water down and allow it to infiltrate. Preservation of native landscapes, properly designed septic systems, and on the flip side you have things that can negatively affect aquifer recharge, and these include impervious surfaces, hydrologic engineering, of course climate change affects aquifer recharge, but the point here is just that over in Area 1B we have a landscape that is still in its native form and is best able to perform its ecological functions.

So a little bit more on what makes Area 1B distinctive I think is the residents have an intimate connection to their water use. So we're on these drinking water wells. Sometimes the individuals of course share it as are many other parts of the county, with the wells managed by the Office of the State Engineer. So because we live with these wells and we have reporting requirements, we know very, very, very well what our water usage is. I know for example for every single month that I have lived off of the well that has 11 homes on it. We have a quarter-acre foot per year allotment and we typically come in at about half that. And we do that still while growing a giant garden. We put up over 100 pounds of tomatoes each year. We have an orchard and fruit trees and we still use less than half, usually of our allotted quarter acre-foot per year.

Meanwhile, if you're in the city and you're on the city water, you sort of lose that connection to your water supply and your water quantity. You have people who might be using ten times the average Santa Fean's water use and not being aware of it because they're not paying attention to their gallons of water used, and the City has put out a quote which I have in here. It says, City water quantity and quality policies provide greater protections than the County's. I think that quote is pretty interesting when you consider that if you're in the City of Santa Fe and you have no connection to your water, I think the default position that is it's actually better than when you have this intimate connection as the residents of Area 1B do. That it's better for the environment but it's really not necessarily.

And then as far as the City providing better water quality, I think it sounds like you'll hear more about that in a future meeting. But I've also been seeing articles in the paper about the exceedences of the City water system in terms of compliance with bacteria and pathogens. So I think again, the default position that the City is a better place to manage our water and septic is not necessarily true.

One last thing I'll say on this slide. Again, others before me have talked about the acequias north of West Alameda in Area 1B, and there's a water report that came out last

year, Facing New Mexico's Water Challenges, and in that report they said that the expertise of tribes, pueblos and acequia communities with centuries of experience managing slim water supplies is going to be critical to facing climate change and for the city's water future.

All right. Sorry. I'm still trying to go really fast and this slide is pretty important. The colored dots, the squares that you see on this map are showing metrics of change and they're mostly vegetation related. So what we're looking at is how quickly things have changed from about 2000 to 2017. So the last 20 years. Area 1B is outlined there and you can see again some of the features that make it distinctive, because the section is all about Area 1B being distinctive. Compared to new developments in the vicinity, what this means is that the area is in a longer equilibrium, is more likely in native landscape, and has the connectivity that extends to the north all the way through to the Caja del Rio. And I said I would mention wildlife again and why there is something distinctive about the area that relates to wildlife and that is its position as a connected wildlife corridor.

Really what this map shows is the long history of people living lightly on this land has led to it being – looking like this today. And I think if you look at this map and if what you think is we need to make it all look brightly colored, we need to change it like the City of Santa Fe, then you will not leave any distinct pockets and instead of it being the City Different it will be the City All the Same.

All right. So that was the bit about the landscape and the very last thing I have for you is a little bit on demographics. I'm not necessarily the right person to talk about this but we have pulled some maps from the EPA environmental justice screening tool, and this is a tool that was developed in order to ensure that environmental and economic injustice isn't perpetuated into disadvantaged communities. And so I think you'll see the Area 1B demographics are distinct and differentiated from the City of Santa Fe.

So in terms of ethnicity, Area 1B is kind of indicated by the little plus sign. That's the center of Area 1B, and the bright yellow color, these are related to national percentiles and the EPA, it's not distinguished by anything other than – so there's people of color or people who identify that way. And so we have Area 1B in the 80 to 90th percentile, compared to national averages again. And if you look at the developments to the north and to the east and to the southeast, we can see that it is considerably higher than those areas.

And the same holds true for limited English speaking and also low income. Here it's not a bright, so that gray color, the dark gray color that you see in Area 1B though is still low income households that is at a rate that is above the national average or the national median as it is than all around in the rest of the north and in Santa Fe, the light gray color indicates that it is above the median in terms of income.

All right, so that was the demographics. I didn't want to end on just sort of raw data. That didn't seem to capture the spirit of the community to talk about statistics and numbers, so one of the things that didn't mention about the distinctiveness of the area, the many historic trails that pass through our area. We see people come through on horseback all the time. The arroyos are right-of-ways for foot and horse traffic. And before you think that this is all about sort of private playground for this community, the arroyos connect in all directions or in both directions to other communities so residents of the City of Santa Fe and Agua Fria and elsewhere can come and enjoy these beautiful open

spaces as our community does. And even these trails, not just connect through on horseback but they connect through to the La Tierra Trails with a little short stint on Calle Nopal, so bicyclists also love to ride around.

All right. So that was it for my section on distinctiveness. I think the point was sort of raised before but I think the question is whether you will listen to the residents and the historians with a vast knowledge of this area and believe us when we say that the area is distinctive, that it is connected to Agua Fria, with a long history stretching back centuries and before that, 1,000 year. So we have checked this box on item #4 and there are a few sort of final distinctive things in the area, which is that it is agricultural, rural, owner-built, water-wise and the culture and history are in common with Agua Fria.

Others have mentioned it was connected to the survival of Agua Fria for these uses that the land provided and it continues to be stewarded by residents who look to multi-generational traditions of the stewardship of the natural resources. Change happens really fast and I think you saw that in the plot I showed from the satellite data that showed Area 1B was still blue in color compared to the bright metrics of change that were happening all around it. I just want to point out that these changes, they happen fast and they can be extremely irreversible, and so it's really important to preserve whether we want to keep this distinctive. And I had a few things that were maybe worth preserving but I also see them up on that mural behind you. If you look at the words in that box over there you'll see that it says protect, preserve cultural traditions, pristine resources, diverse communities. So I think that also agrees with my summary slide here. So thank you.

MR. MONROE: I'm going to skip through a lot. Again, just to remind you, everybody that worked on these presentations, those in Area 1B, everything has been thoroughly researched in three weeks. This is pretty amazing. Give us more time if you want to have more information but I think we've made our argument here. Those who argue that only buildings and structures are worthy of protection miss the point entirely. In the June 1995 Santa Fe general plan update, on page 18 it is stated, The understanding of historical preservation has developed over the past few decades well beyond the preservation of isolated buildings. To preserve the sense of history it is important to preserve the historic setting, including entire neighborhoods, districts, cultural landscapes, including elements such as acequias, narrow rural roads, natural features, historic vegetation, and agrarian patterns that form a strong link to the past.

The La Cienega Traditional Historic Community designation recognized that "uninhabited lands historically have been considered to the part of the river valley communities, as a resource base, as pastures, and fuel and wood sources."

During the Rancho de Taos Traditional Historic Community designation process the Town of Taos argued that the traditional historic community law did not include the inclusion of open lands within the traditional historic community. However, precisely the opposite was determined, that acequias, farmlands and pastures were essential elements of the community and appropriate components of the traditional historic community.

The Village of Tesuque Traditional Historic Community cited the resistance to annexation has an important motivation for the community when applying for its traditional historic community designation. And the 2021 community plan described the struggle to maintain the rural quality as Santa Fe continues to grow around it.

It is entirely appropriate to designate Area 1B as part of the Agua Fria Traditional Historic Community in recognition of the past and as a means to advance the future we all wish to realize. The single greatest threat to the integrity of the Agua Fria Traditional Historic Community and the cultural and historic resources within Area 1B as it was with La Cienega, Rancho de Taos and Tesuque communities continues to be developers working in unison with the City without regard to culture or history, or respect for the consequences of their failure to mitigate impacts on nearby lands.

The severing of the homestead on Agua Fria from the rest of the land grant does not and will not erase the history of Area 1B and its integral purpose in the history of Agua Fria Traditional Village. I thought I had a slide show but we don't need that. Historically as a society we have never come to regret the preservation of the past, but time and time again, once removed from history we do regret that what once was will never be again. Thank you for your time and we thank you for your consideration. We thank you for listing to the residents of Area 1B.

CHAIR HANSEN: Thank you very much, Mr. Monroe. I will next go to Mr. Herdman.

[Duly sworn, Frank Herdman testified as follows:]

FRANK HERDMAN: I swear to tell the truth, the whole truth and nothing but the truth, even though I'm a lawyer. So I consider myself sworn unless you need to do the formality. Thank you. And also my address is 123 East Marcy Street, Santa Fe, New Mexico.

CHAIR HANSEN: I believe that's a business.

MR. HERDMAN: That is correct.

CHAIR HANSEN: Not your residence.

MR. HERDMAN: That is correct. I am here in my business capacity as an attorney for the Santa Fe –

CHAIR HANSEN: I'm just being clear about that.

MR. HERDMAN: Sure. Madam Chair, I represent Big Sky Santa Fe, LLC, Buckman Development, LLC, and Homewise, Inc. Those three entities own several lots totaling a little bit more than 205 acres within Area 1B, combined, their lots comprise a little over 19% of Area 1B. My presentation today is in addition to the two letters that I have submitted dated May 1st as well as May 26th. The May 26th letter was made a part of the record; it's included in your packet materials, my letter dated May 1st was also included as part of the record at the prior hearing.

My presentation is also in addition to the presentation I made on May 1st. Madam Chair, as a preliminary matter I have two preliminary objections. First, in advance of the hearing today, I asked the County Attorney by email for written confirmation that I would be permitted to question witnesses during this hearing. He responded by email stating that I would not, because he said in his email, this is a legislative proceeding. I disagree. I've made a copy of that email and it has been made a part of the record. Under New Mexico law, participants to a public land use hearing are entitled to question witnesses if the proceeding is quasi-judicial.

CHAIR HANSEN: This is not. This is a legislative hearing.

MR. HERDMAN: With all due respect, Madam Chair, I respectfully disagree for reasons I'm about to explain. The New Mexico Supreme Court has ruled in

the Albuquerque Commons case, which I cited in my prior letter, that a quasi-judicial proceeding is a hearing that involves, and I quote, “a determination of the rights, duties, or obligations of specific individuals on the basis of the application of currently existing legal standards or policy considerations of past or present facts developed at a hearing conducted for the purpose of resolving the particular interest in question.”

This case comes before you on a petition which is the application. It involves the application of legal standards, particularly the statute in question, and it turns on the development of facts for purposes of determining whether the statute is satisfied. In all due respect, Madam Chair, this is unquestionably a quasi-judicial hearing. As a result I am noting and objection for the record that I have not been allowed to question witnesses, that my clients’ due process rights have been violated as a result.

My second objection: I note that the petitioners in the case were provided with an unlimited amount of time at the hearing in May 1st to make their case that Area 1B meets the requirements of Section 3-7-1.1.a of the New Mexico Statutes, Annotated. After they failed to do so the Board went into executive session and then announced that the petitioners would have a second bite at the apple. The petition should have been denied on May 1st and I object that they are being given a do-over.

With that said, let me turn to the substance of my presentation. All the members of the Commission should have before you my presentation materials. The cover page is entitled Public Hearing Presentation Materials. It’s comprised of numerous slides that I’ll be referring to, and those have also been made a part of the record. And I’ve given a copy to the stenographer.

So I’d like to start with slide #1, and by the way, each page has a slide number on it, usually in the upper right hand corner. So I’ll be referring to each slide number as we go through for ease of reference. So slide #1 contains the relevant statute, specifically Section 3-7-1.1.a of the New Mexico Statutes, Annotated. This is the statute that contains the requirements on whether an area will be designated as a traditional historic community or a THC. So part one is comprised of five sub-parts. Sub-part 1 is undisputed. Sub-part 5 talks about the procedure. It’s sub-parts 2, 3, and 4 that contain the factual requirements that must be met, and this particular instance all three of those sub-parts, 2, 3, and 4, must be satisfied.

It is not a matter of discretion and it is not a matter, as Mr. Mee said, of an inherent right of self-determination. This is simply a matter of factual determination as to whether those three sub-parts of the statute have been satisfied. And as I explained during my last presentation, New Mexico law requires that the Board issue a written decision that must include specific findings of fact supported by substantial evidence that each of those three sub-parts have been met.

So let’s take it apart. This is I think maybe the most important document that we look at this evening. It is the one I submit that has been completely ignored. So let’s look at sub-part 2. Sub-part 2 requires that the area in question be an identifiable village, community, neighborhood or district that can be documented as having existed for more than 100 years. Note that the statute requires that the area proposed for designation as a whole must be an identifiable village, community, neighborhood or district, not just some part. It says an area shall be an identifiable village, community, neighborhood or district that can be documented as having existed for more than 100 years. That is really

important. It is a critical part of the statute that has completely been overlooked in these proceedings.

Let's look at – sub-part 2 also requires that the village, community, neighborhood or district be documented as having an age of more than 100 years. Now, this statute will be construed in accordance with the plain meaning of the words in statute. The word “documented” means to furnish documentary evidence. It means that oral histories will not suffice to satisfy the statute. Oral histories that you've been presented with this evening should be completely disregarded as a result. The age must be established by documents.

Let's look at sub-part 3. Sub-part 3 requires that the area in question include structures or landmarks, plural, that are associated with the identity of the specific village, community, neighborhood or district seeking determination. The term “structure” means something such as a building that is constructed. “Landmark” means a structure of unusual historic or unusually aesthetic interest. You see my definitions there from *Webster's Online Dictionary*, which is what the courts typically refer to in construing the plain language of words in a statute. And by the way, this is a statute; this is not an ordinance. So unlike a typical situation where the Board is applying an ordinance in certain circumstances the court will defer to the Board's interpretation. That is not the case here; this is a statute. The law will be construed in accordance with its plain language without any deference.

So going back to sub-part 3, the words used in that sub-part mean that historic uses of land or the history or ownership or the historic shapes of lots, that does not qualify for purposes of a sub-section. We're talking about structures or landmarks, both of which are defined as built objects that have an identifiable, existing presence within the area. In other words, isolated or unrelated older structures, even if they're more than 100 years old do not meet this requirement because they need to be related to the identity of the village and the area as a whole needs to constitute the village, community, neighborhood or district.

Sub-part 4 requires that the area proposed for designation as a THC have a distinctive character or traditional quality that can be distinguished from surrounding areas or new development in the vicinity. I'll point it out now and I may point it out again, every map that Ms. Jordan showed you showed characteristics of Area 1B that were indistinguishable from the surrounding area. She did not satisfy that requirement; in fact she helped demonstrate that this sub-part is not satisfied.

So again, this sub-part 4 applies to the area as a whole, okay? If we look at the statute, an area shall have a distinctive character, not just a part of the area, the area as a whole. Now, keep in mind that Area 1B is more than 1,000 acres in size. As a result, the Board is required to find that all 1,000+ acres exist today as an identifiable village, having a documented existence of more than 100 years that include structures and landmarks related to the identity of that village, and that the area as a whole has a distinctive or traditional character that is different from the surrounding area. I submit to you there's no conceivable basis on which that requirement or those requirements can be met.

And I will point out now that why are we talking about Area 1B? Did someone go forward and examine areas and say what part of this something in Santa Fe might qualify

as a traditional historic community? No. that's not the exercise that's happening today. What happened was Area 1B is one of the last if not the last area designated for annexation into the City of Santa Fe. The boundary of Area 1B proposed for designation as a traditional historic community was not selected because anyone thought that it was a Traditional Historic Community. It was selected because it's Area 1B under the 2008 agreement between the City and County and the other related agreements that contemplate that it will be annexed into the city. Let's keep that in the forefront of our mind.

So let's go on to slide 2. So slide 2 is just a cover page from a report that a lot of people have been referred to including most importantly the petitioners. This is a report – it's a cover page from a report entitled the Traditional Village of Agua Fria that was prepared by Jane Whitmore in 1983. This report in fact does not support the inclusion of Area 1B as a THC. It actually supports the opposite conclusion.

Let's look at slide 3. Slide 3 is a copy of a page from Ms. Whitmore's report. On this particular page in the introduction she explains that her report is the result of a cultural resources inventory survey of the tradition village of Agua Fria. She states on this page that she established a study area or a project area which is four square miles, and she describes the boundary. She also explains the study are or project area is delineated on Map 1 to the report. In the second highlight portion on slide 3 she states in her report, a project area considerably larger than the vaguely recognized boundaries of the village was selected in order to offer contrast between land use activities that would help to delineate the more definite boundaries of the village. In other words, the historic village of Agua Fria is located within the project area that is delineated on Map 1.

So we look at slide 4 we will see Map 1 from her report and you'll see the boundaries of that map. I'm sorry. You'll see the boundaries of the project area, and you'll note that the northern boundary of the project area extends just a little bit beyond the Santa Fe River. It does not extend by any means up to West Alameda.

If we look at slide 5, what we have done is taken the boundary of the project area in which the historic Village of Agua Fria is located and put it on a contemporary map. The eastern boundary is Siler Road and the northern boundary is – does not even extend up to West Alameda. It is Ms. Whitmore's conclusion that the historic Village of Agua Fria is located in that blue box. There is no overlap whatsoever with Area 1B.

Let's go on to slide #6. This is another page from Ms. Whitmore's report. On this particular page she explains the importance that water played in the historic Agua Fria Village, and I've highlighted a paragraph there and I want to read it into the record because I think it's very insightful and extremely relevant. She says, and I quote, "It is not just land that is valued in Agua Fria but land that can be irrigated. It was the ability to bring water to the land so that it could be lived on and used through cultivation that made it possible for the first settlers to meet the requirements of land grants and it was the continued use of the land that enabled settlements such as Agua Fria to survive. The ease with which the flat land covering most of the project area could be irrigated inspired the original settlement and it is significant that this settlement grew up primarily to the south of the Santa Fe River, not to the north where rolling topography made irrigation impossible."

The area of rolling topography where irrigation was impossible is Area 1B. It

does not comprise any part of the tradition historic Agua Fria Village.

Going on to slide 7. So the petitioners have also relied very heavily on the Village of Agua Fria Community Plan. That's a cover sheet from that plan.

Slide 8 is a page from the community plan that explains consistent with what Ms. Whitmore concluded in her report. It says, and I quote, "The traditional community was largely developed adjacent to the Santa Fe River for agricultural purposes from the Pueblo, Spanish Colonial, and Mexican Eras to the present."

So if we go to slide 9, slide 9, there are two maps within the community plan intended to show the traditional irrigated lands comprising the historic Village of Agua Fria. This is one of the two maps, Map 6 and Map 7 on the next page. This map shows the historic irrigated lands. As you can see they're primarily on the south side of the river. The ditches shown on the map are all on the south side of the river. You will see on this particular map there's a reference to ditch #31. Mr. Mee stated in some of the materials presented to you that ditch #31 was north of West Alameda. In fact it's south of the Santa Fe River.

Slide 9 – and the maps that comprise slide 9 and slide 10 from the community plan are based on the 1978 Hydrographic Survey showing locations of irrigated lands in 1914.

So the next slide is another slide from the community plan, also showing the locations of 1914 irrigated lands. Once again, they're all south of the Santa Fe River, and once again, all the acequias are on the south side of the Santa Fe River. This is the Agua Fria Village Community Plan that this Board adopted. You're looking at your document as a recognition of where the historic village was located.

Let's go to slide 11. Slide 11 is a copy of the actual hydrographic map from – that we looked at just moments ago but this is a copy of the actual map and you can see, I've highlighted in blue where the river is. Mr. Mee again refers to ditch #31 and you can see that it's located entirely on the south side of the river, nowhere in remote proximity to Area 1B. And you can see once again that the irrigated lands are located adjacent to the Santa Fe River and predominantly on the south side of the river.

So looking at slide #12, Mr. Romero, Mr. Hilario Romero has cited on more than one occasion to his article. Slide #12 is a copy of a page from that article which he has cited. On that article he recounts various historical events associated with the Village of Agua Fria, but I think that it's highly relevant that on page 33 you find on slide 13, he states, summarizing the historical aspects of the village that he talks about in his article. He state, and I quote, "This history demonstrates that Agua Fria Village was contiguous from its southwest boundary to the edge of the so-called Santa Fe League near today's Frenchy Field."

Now, presumably all of you know that Frenchy's Field is a park in the City of Santa Fe located near the intersection of Osage Avenue and Agua Fria Street. So if you look at slide 14, that's a current map showing the location of Frenchy's Field with a red arrow. Like everything else, it's on the south side of the river. That's where the historic Village of Agua Fria, everybody agrees, is located.

Let's look at slide 15. Slide 15 is an excerpt from the Santa Fe County zoning map. It shows in orange the Agua Fria traditional community zoning district. And as you can see it comports with what has historically and consistently been recognized as the

area of the historical Agua Fria Village.

If we look at the next page, slide 16, what you see on slide 16 this is the map that is attached to the proposed ordinance intended for proposed recognition of Area 1B as a traditional historic community. You can see Area 1B in the lighter cross-hatched color, and you can see the area, which I've outlined in blue is what is consistently recognized as the area of the historic Village of Agua Fria. You can see for yourself there's no overlap, and you can see again that Agua Fria Village is smaller – it's actually smaller than Area 1B, recognizing again that Area 1B has been selected for this exercise not because somebody wanted to go out and ascertain what other area in this surrounding existing THC may qualify as a Traditional Historic Community. Area 1B was selected because it's poised for annexation to the City of Santa Fe. And what's happened is the petitioners are trying to railroad it into being a Traditional Historic Community in compliance with the statute. It's a futile exercise I submit.

So let's turn to slide 17. So we took the data available of the Santa Fe Assessor's Office and did an analysis of the date of construction of every residence in Area 1B. And slide 17 is an accurate compilation of that data. It shows there are 177 residences in Area 1B, and the spreadsheet shows the parcel number. It shows the address. It shows the acreage of the lot and it shows the year built. More than 75 percent of the homes in Area 1B were built in 2000 or later. More than 75 percent. Of the remaining 42, 24 were built between 1980 and 1989. Nine were built between 1970 and 1979. Nine were built between 1950 and 1969. There were two built in 1950 and those are the oldest.

If you look at that list, I challenge anyone to construe that as an identifiable village having a documented existence of more than 100 years. It's not. It's modern, contemporary development with new homes, many of which are listed for close to a million dollars if not more.

So slide 18 is an aerial photograph that was taken in 1967 and the purple outline shows you Area 1B, and I have in front of me a poster board sizes of that, so if anyone questions whether they can see the small size I would encourage you to come up and examine the poster-size versions. Right? And so what you can see from slide 18, the 1967 aerial photograph is an expanse of more than 1,000 acres of essentially undeveloped land.

Let's look at slide #19. Slide #19 is an aerial photograph of Area 1B that was taken in 2019. What do you see? An area comprised of modern development and new homes.

If you look at slide #20, I took the 1967 aerial photograph and I put red dots on every site of residential development and again, if you question the accuracy of my exercise I encourage you to come up and look at the poster-size copy of the photograph. You will see a total of six isolated locations of residential development in 1967 on more than 1,000 acres. Is that – would any reasonable, rational person look at that map and say I can construe that as an identifiable village in that entire area based on six sites of residential development a little over 50 years ago.

Let's look at the next slide. This is the 2019 aerial. I put a red dot on every site of residential development. There's countless. So those two paint a picture: Is this an identifiable village with a documented existence of more than 100 years old? No. It's modern development. And even this development as of 2019 doesn't constitute an identifiable village. There's very discrete areas of residential development. Coyote Ridge

is relatively newer homes. Calle Nopal area is located in the northeast corner; it's totally separate and distinct from these other areas. None of the petitioners have come forward to tie any of this together as an area that constitutes an identifiable village.

So some have pointed to a 1995 ordinance that originally recognized the Agua Fria Village THC. Slide #22 is a copy of a map that was adopted in 1995 by the Board. The reason that the Board cannot rely upon that is at least two-fold. First, I have a complete copy of the ordinance in the materials that I included in the packet and you'll see that the ordinance does not contain any specific factual information demonstrating that the requirements for the statute were satisfied.

Second, the map was very quickly amended, so if you look at slide #23, the 1996 the Board radically reduced the area of the THC to reflect what is shown on slide 23. And what you see, and I've outlined it in red to help highlight the boundary. Looks familiar doesn't it? It's the same more or less – it's comprised within the area of Ms. Whitmore's project area. It's associated more or less with the boundaries described in the community plan. It comports almost precisely with the Agua Fria traditional community zoning district adopted by the Board. No surprise. Right?

So if we look at the next slide, it pretty much outlines again, this is a copy of something we saw a little bit ago, I've outlined in blue that area. The area that has consistently and historically recognized as the area constituting the historic Village of Agua Fria. And you can see, there's no overlap with Area 1B. Not even close.

So if you look at slide #25, in 2004 the THC was expanded a little bit, does not include Area 1B. It was expanded a little bit to the north. But again, the ordinance adopted at that time did not include any specific facts or findings that the statute was satisfied.

Slide #26 is a copy of the map from the 2006 ordinance that expanded it a little bit further, and then we go to – and again, that ordinance also did not contain any specific factual findings that the statute was satisfied.

If you look at slide #27 what's shown in dark brown is now what constitutes the existing THC. As you can see, it has crept to the north outside of the boundary of what is consistently recognized as the area constituting the traditional village. And why is that the case? Well, the reality is – we know this from the last hearing because you heard seven hours of testimony that people within Area 1B don't want to be annexed into the City of Santa Fe. So what has largely attributed to the creeping nature of the boundary? The fact of the matter is the statute has been used as a shield to prevent annexation and also to prevent increased density.

And you don't need to take my word for it. Let's look at slide #28. This is Mr. Mee's letter to Mr. Shaffer, the County Manager in support of the designation of Area 1B. If you look at the second full paragraph – this is written by Mr. Mee on behalf of the Agua Fria Village Association. Look at the second full paragraph. He says the AFVA is recommending approval of the rescission of the annexation of phase 3, Area 1B, as discussed by the settlement annexation agreement committee, and the inclusion of Area 1B into the boundaries of Agua Fria Traditional Historic Community. And look at the last paragraph that I've highlighted, and I quote, "The AFVA requests positive action by the Board of County Commissioners which will preserve the unique interests of the Agua Fria and protect the THC from increased urban density on our east side."

Is this about compliance with the statute? Is this about factual determination as to whether this particular area complies with the very rigorous and narrow requirements of the statute? No. This is about trying to prevent annexation, and I think that needs to be kept in mind, coupled with the fact that Area 1B, the boundaries of what's being proposed happen to correspond, not as a matter of coincidence, but as the area, one of the last proposed for annexation into the city.

So let's look at slide 29, which my summary. So is Area 1B an identifiable village, community, neighborhood or district that can be documented as having existed for more than 100 years? No. Area 1B is a large expansive area of more than 1,000 acres with dispersed, modern development that does not form an identifiable village, community, neighborhood or district. Area 1B is located outside of what has consistently been recognized as the historic Village of Agua Fria located in the flat, irrigated land along and mostly on the south side of the Santa Fe River. Area 1B is located in the hilly terrain north of West Alameda. It has never been a part of the irrigated lands comprising the Village of Agua Fria as Ms. Whitmore has recognized because irrigation there was, to quote here, impossible.

I submitted an unrelated older structures or historical uses of land do not result in an identifiable village, community, neighborhood or district. I'm going to talk about, after we complete the summary, I want to talk about some of the things that you've heard from the petitioners this evening.

Question number two, does Area 1B include structures or landmarks that are associated with the identity of a specific 888 as a whole comprising Area 1B? We don't even have a village within the whole of Area 1B. The answer is still no. The development in Area 1B is modern and bears no relationship to the historic Village of Agua Fria. There must be existing structures or landmarks that are associated with a 888 that has a documented existence of more than 100 years. The history of landownership, the history of family, the size of lots – none of that, none of that constitutes structures or landmarks as required by the statute.

Question number 3, does Area 1B have a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity? The answer is no. I challenge you to go back and look at every map that the petitioners presented to you this evening. You'll see a boundary of Area 1B. To the extent that they say, look at the configuration of the lots. Well, you see they extend beyond Area 1B. Ms. Jordan says look at the particular soil configuration. It extends beyond Area 1B. She says look at the demographics. It extends beyond Area 1B. Virtually every map that you were shown does not show any unique, distinctive characters and characteristics or traditional qualities that are unique and isolated to Area 1B. The requirement has not been satisfied.

So I want to talk a little bit about some of the things that you've heard this evening and why they did not and do not satisfy the statute. And forgive me, this is a bit of a checklist. There's been statements that it has been contemplated that residents within Area 1B could petition to have the area designated a THC. I want to point out that the community plan, the Village of Agua Fria Community Plan, a complete copy of which is in my packet materials, shows – it has a map of possible expansion of the THC. And Area 1B is not part of that map. In fact, to the extent that area shows possible expansion,

that expansion has happened.

There's reference to old trails. There's been no testimony that old trails are unique to Area 1B or that those old trails are somehow unique to Area 1B. And I add, they're not structures or landmarks. There's been discussion about former archaeological sites that no longer exist. To be an identifiable village means you have to have identifiable landmarks or structures, not something that might have existed hundreds or thousands of years ago.

Traditions of landownership don't count. You need an identifiable village with structures or landmarks to have an identity that is related to the identity of the village. Abandoned, non-existent former pueblo sites. The map shown by Mr. Romero I believe it was showed former sites that were not limited to Area 1B. He showed sites that extended beyond Area 1B. If the existence of land use patterns, historic land use patterns, long-lot fields and pueblo sites qualify as an area of Traditional Historic Community, then guess what. Almost all of northern New Mexico probably qualifies. But it doesn't meet the statute. It has to be distinct.

Mr. Romero referred to the J.M. Avery map and he said that – he pointed to it and he said it showed an acequia that he claimed to be located in Area 1B. The map is dated 1927. That's not 100 years. Not only that but the map shows the acequia on the south side of a road which may be West Alameda; you can't tell from the map where that acequia is actually located.

You were presented with family trees and genealogy. It's not relevant to the statute. You were shown photos of the Tapia residence, built in 1923, one home, not more than 100 years old. One home. And Mr. Romero expressed regrettably, that that structure has been in place with a two-story condominium. During Ms. Banar's presentation, she goes up and told you the area has history. Well, what doesn't? The fact that an area has history doesn't satisfy the statute. All of northern New Mexico has history. The land we're standing on today has history. The land where the convention center was built has history. This is northern New Mexico; it all has history. You have to answer to the statute, not just whether an area has history.

She mentioned four structures – the Borrego compound, the old mill, maybe built in the early 20th century or started production in the early 20th century. No clear date when that thing was in existence or built. She mentioned a trading post and an adobe homestead. If you look at a map, the four disparate structures shown on more than 1,000 acres, stop and ask yourself, do four unrelated structures with no discernible relationship as to their use, history, date of construction, do those constitute a village as defined by the statute? No. Not even close.

There are pictures of goats and children. Very nice. Pictures of wildlife. Very nice. The pictures of goats and children were the Borrego compound. She testified that there was agricultural use. She testified about one location, the Borrego compound. Where is it located? In the very southwest corner of Area 1B. Right on West Alameda. Are you going to conclude from that that 1,000+ acres therefore constitutes a village? Based on pictures of goats, children and wildlife at one particular location? No. It does not constitute substantial evidence and does not meet the statute.

Again, Ms. Jordan referred to arroyos. I've seen a few of them in my day. To my knowledge they're all over the place. They're not unique to Area 1B. Trails to La Tierra

Trails, La Tierra Trails was founded approximately 15 years ago. Geology, topography, soils, [inaudible], every map that she showed you did not have any unique characteristics attributable to Area 1B. Every map. You can go back and look, shows the characteristics that she said were contained in Area 1B were also extended beyond that area.

So in short, the statute has not been satisfied, not even remotely close. The petitioners have now been given two opportunities. Their presentations have extended to about three hours by my count. Area 1B is an area proposed for annexation to the City of Santa Fe. It is not a Traditional Historic Community that meets the requirements of NMSA Section 3-7-1.1.a. I stand for questions. Thank you.

CHAIR HANSEN: Mr. Loftin.

MIKE LOFTIN: Thank you, Commissioners. Thank you, Chair, for having us here today. Appreciate your patience. I know this has been an arduous process. I also just want to acknowledge –

[Duly sworn, Mike Loftin testified as follows:]

MIKE LOFTIN: Mike Loftin, 1301 Siler Road, and I'm under oath.

CHAIR HANSEN: Just one other question. 1301, is not a residence.

MR. LOFTIN: That's the work address I always give. 1660 ½ D Cerro Gordo Road is where I live.

CHAIR HANSEN: Okay. Thank you.

MR. LOFTIN: So as I was saying, I appreciate your time and I appreciate you looking at this and I do want to acknowledge that this has been a contentious issue and it's hard and sometimes our emotions get the best of it. I want to apologize to the extent that that's been me, both to the Chair and to entire Commission. I think it's – I really would like to find a way to do this that is a good way to do it to make as many people happy as possible. No one's going to be 100 percent happy but we try to look for solutions. We try to do good things for Santa Fe and the people who live here. We want this to be part of that same effort of ours.

So at the April 5th BCC meeting which we were not at but we watched later, I want to have everyone recall that when this got brought up there was – Commissioner Bustamante mentioned her experience in La Cienega when it became a traditional village and there were some landowners that didn't want to be part of the traditional village and they carved them out of that annexation plan. That's happened here as well, in Agua Fria Village in 1995, it was a bigger thing. It got scaled back when landowners said I don't want to be part of that, or we don't think we meet the standards for that. I want to be very clear, we don't – as Frank Herdman said, this does not meet the standards of a traditional village. We really think that is true, that Area 1B does not do that in any way.

But the other thing I heard at the last BCC meeting on May 5th was that there are very many residents –

CHAIR HANSEN: May 1st.

MR. LOFTIN: What did I say?

CHAIR HANSEN: May 5th.

MR. LOFTIN: Okay. May 1st, that said they didn't want to be annexed into the city and would prefer to stay in the county. And those are the people that submitted the petitions. So I want to recognize that too, that that's part of the community that's stating their desires. Other Commissioners have also mentioned the idea of maybe

a carve out of people's land who do not want to be part of the traditional village is something worth considering. It was brought up several times. Homewise said, well, we'd have to think about how that would work. How does that work from a land use perspective, and we have. We've done a lot of work on this and we do think that it can work and we think it actually is a good option.

So we have studied it; we came up with some ideas. We're not saying this is the only way to do it, but we do think it has a lot of merit. The reason I think it has a lot of merit is it accomplished a lot of goals for a lot of people. For people who want to maintain a rural life style, and you saw lots of slides and there's other slides of people growing 100 pounds of tomatoes and goats and all sorts of stuff on a 2 ½ acre lot watered by wells and stuff. It's like that – we are not here because we are opposed to people having that kind of lifestyle at all. We're only here because we have land that we want to be sure we can master plan in a way that will maximize benefit for everybody.

So allowing people who want to be remain in the county, we think that's an option, and allowing the owners of vacant land who do not want to be absorbed into the traditional village but would be in the presumptive city limits so that they can be annexed and access City water and sewer and road connectivity and master plan the area in a way that we can do something that I think could be very cool and beneficial, not just to the people who would live in that new development but to the people who already live in the area now, like on Coyote Ridge and along Tres Arroyos, Calle Nopal area.

So like I said, we think this has a lot of merit. We think if we did this then – let me point out on the visual up here, this is one way we propose to it. One of the challenges on this, and that's why we wanted time to study it, and the fact that we had some time to study it it allowed us to figure out how you could do it.

So the brown area on that map is people who petitioned that want to be in the traditional village, be absorbed into that. All the other stuff in green is vacant land where there isn't a house, that didn't petition for that, and so what we're saying is like well, what if you let all the brown stuff could be absorbed into the Agua Fria traditional village or remain in the county. The green stuff could remain in the presumptive city limits and be annexed by the City, and what this would do is allow a lot of cool stuff to happen.

So the people who already live there, they get to stay where they're at, the home that they have, the lot that they have. Nothing changes. The green areas could be annexed into the city and what that would that would allow for is road connectivity which you see in the orange on lines which would be roads. What's important here is to have multiple connectivity for roads, right? So when we first met with the leadership of Coyote Ridge a long time ago when we first acquired the land above them, one of the concerns that they expressed was they didn't want all the traffic that would come from where we would develop up there onto Coyote Ridge Road which is labeled B on that map.

We didn't think that was an unreasonable thing. We shouldn't bring that one road. There's another access A on the west side of it that goes between Coyote Ridge and Hansen Lumber. So that's also another way to get to Alameda. So now you have two access points, not just one. Where you see C is another one that gets down to West Alameda, so you have another road connectivity there and then on the right side, right to the east you see another orange one coming down and accessing Alameda there.

Really importantly is the orange line parallel to 599 that would allow that whole

area to access 599 at the Buckman off ramp. So then you have some people that work at the labs, going north, don't have to go to Alameda; there's another way to get out. So this would create traffic patterns there that I think are way better than what we have right now. Mostly what you have now is one way roads hitting Alameda and some of which are private.

So that's the road connectivity. We are really big on making sure we provide alternative transportation to the car, which is the green dotted lines you see are proposed bike trails that would go through open space corridors, which is the light green. Most of the time those follow arroyo corridors and so you have really nice open space with a trail that's not parallel to a street, that is safe to ride on, safe to walk on. You see the lines going under 599 to the north that goes across 599, those go into the bike – the existing trail system and Tessler and Aldea and connects through there. There's an underpass under 599 that allows you don't have to cross 599 and whoever planned 599 they did a really good job of making sure there was pedestrian access underneath the road so you could have that kind of connectivity.

So that – we really want to take advantage of that, and that would allow for people living in Aldea and stuff to ride down to Midtown in 20 minutes on a bike. Get to the river trail and get to downtown, so it really opens up the trail connectivity, not just on the site but off the site, which we think is really important.

A think I want to point out is there is a heavy orange line in the bottom right-hand corner, which is – that shows where there's a bus line. That's Agua Fria. It would not be difficult to jog the bus line on Agua Fria up to Alameda so that that whole area also had bus connectivity, again, so you don't have to get in a car. So if you're going a bigger distance and you want to ride your bike in or the weather's lousy, you can hope on a bus and get downtown.

So that's what we're really committed to creating a way that this is not car-dependent, that is environmentally and helps us reduce the carbon footprint, is walkable with the subdivision and bike-able and without to other parts.

So the trick to all of this, so the thing to the left, the eco-park I want to explain. The owner of that land we've been in conversations with a couple years now about this because we've owned the land adjacent to that for a long time and we've acquired two other parcels on the east end, so a total of 200 acres that Homewise out of the about 600 total there. So that eco-park land is something that the owners would really like to do something nature-oriented and not necessarily do development there, so what we propose and we've been in discussions, what if we create an eco-park that is not just open space, but has trails, which people use trails there now. There's trails across, there's people walking across that, walking their dogs and stuff. I just noticed some the other day that told me the routes that she likes to take through there which cuts across the eco park land and all that and across.

That stuff is good to have. This kind of master plan would allow us to preserve that kind of trail and outdoor recreation access. It would also allow us to create an eco-park that we would help develop, pay for, that would provide educational programs for kids, provide opportunities for what they can nature play. It's a big think in parks right now. I'd really love to demonstrate across the whole arroyo system how you could responsibly maintain arroyos, with check dams and stuff to get the water into the aquifer.

Does it just shoot it off? That's the old Army Corps of Engineers was get rid of the water as fast as you can. What we've learned is that's the wrong way to do it. We should slow it down. It's good for the aquifer. It's also good for the vegetation and the flora and the fauna of the arroyo corridors. It's where wildlife likes to travel. It's like if you slow that water down and you get it into the ground vegetation is way more robust. It becomes a really nice place. You get some shade going on there. This could be really cool. This would be cool for the people that live there already.

Because the thing is if we don't do this kind of thing and we repeat the development pattern that's been there now, which is largely 2 ½ acre lots where all the open space is contained on a private lot, all those trails go away. All that connectivity goes away for the public. But there's still a lot of open space; it's just privately owned. So this way we would cluster where you see the kind of turquoise color stuff is where the development would go. That's where housing would go. That's where you'd cluster it so that you could have open space and corridors and recreation areas and bike trails and create amenities that would benefit everyone.

So that's – I'm not saying this is the right vision for this but it is a kind of vision that I think is worth looking at and worth pursuing and trying to make happen, and including working with existing residents to make sure it works for them. It would be like if there's a trail that people are used to using, let's take advantage of that. We don't have to do away with a development pattern that doesn't allow for that.

So the last thing I want to say about this, one of the challenges to do the carve-out is how do you do – how do you make sure it's all contiguous, right? The traditional village will be contiguous. So those – we see A, B, C, and D. All of those – A, B, and C is land that we own. We own those lands, actually Coyote Ridge Road that goes up to Alameda to B, Coyote Ridge access that. That's an easement on top of land that Homewise owns. So the original challenge of this as we said because our land, those dog-legs block the contiguousness. Then somebody said, well, why does your whole parcel have to be in the presumptive city limits or in the county? You could designate that part to be in the county, to be part of the traditional village, between A and Alameda and B and Alameda and C and Alameda, that those would be in the county. We would just need agreement with the County that we are allowed to use that for utility, bike easements, and roadways.

When you get to D, that follows – because you need a way to get to contiguousness to get over to the Calle Nopal area. And so that is the Arroyo de las Trampas, which is going to be open space and a trail corridor anyway, so it's not – there's no houses that are going to on it. We don't need City water and sewer for that, so that would be part of the county and that is the way we'd connect over there. But again, we would just want to make sure we could put the bike path across it and the road across and the bike path, so those two sections could connect it.

The other things you see in there, like the eco-park symbols, those would also be parks, at least conceptually at this level, that would be active parks, right? Because we also believe, we learned from the project at South Meadows – it's something you may have heard about, it is really important that neighborhoods, and the kind of affordable housing we do, there will be children and we want places that children can actively play. They can kick a ball, get on a swing set, the family can have a picnic. So not just open

space that is undeveloped but we also know that you need active parks. So we also plan on integrating active parks in there which wouldn't just serve the families living there and the homes we develop, it would serve the entire area, just like we learned from South Meadows. Really important to create those kinds of amenities where they don't exist.

So that's our vision that we think – we're going to carve out – this is the vision we think we can accomplish. We'd love to work with you on it and the City on it, and the community on it and the neighborhood on it and come up with something. People can stay in the county if they've chosen they want to do that. The landowners that own the vacant land could choose to be annexed into the county and that would allow us to master plan in this way that we think would maximize benefit to everyone. Thank you.

CHAIR HANSEN: Thank you, Mr. Loftin.

HOMEWISE SPEAKER: Good evening. We have a team member joining by Webex. Kelly O'Donnell. Would it be possible to have her give testimony next?

CHAIR HANSEN: Hello, Kelly.

KELLY O'DONNELL (via Webex): Hi, Madam Chair. Thank you for letting me speak today.

Duly sworn, Kelly O'Donnell testified as follows:]

MS. O'DONNELL: My name is Kelly O'Donnell, address 1301 Siler Road, Santa Fe.

CHAIR HANSEN: Okay. I have an issue with that. That is not a residence. 1301 is not a residence.

MS. O'DONNELL: I can give my home residence, if you'd like.

CHAIR HANSEN: That's what I would like.

MS. O'DONNELL: 1473 West Elmo Drive, Corrales, New Mexico, 87048.

CHAIR HANSEN: Okay. Thank you.

MS. O'DONNELL: Can I speak?

CHAIR HANSEN: You gave your address and you said you're under oath?

MS. O'DONNELL: I did.

CHAIR HANSEN: Okay. Thank you.

MS. O'DONNELL: I'm going to be brief. I had the good fortune of spending a lot of time over the last month looking, reading back over the minutes from the 1995 and 1996 and 2004 – all of the various meetings at which the boundaries of Agua Fria Village were considered, and reading all of the ordinances and so on and so forth. One thing, the chronology emerged that I felt was pretty compelling and actually pretty encouraging. And that chronology was in 1995 the boundaries were drawn very broadly. They were narrowed in in 1996 because some landowners sued, and then over time, in 2004, 2006, and 2008, those boundaries were incrementally increased. And each time, each of those three occasions, in 04, 06, and 08, the boundaries were expanded at the express request of residents.

And it was very clear, especially after the 1996 lawsuit, that the Commission was very interested in meeting the needs of the current residents without jeopardizing or causing damage to other landowners. That seemed to be a pretty consistent logic that was applied in the subsequent meetings, in each of these meetings. And that has proved to be

in fact the way to operate. Certainly, a lot of people who wanted to be in Agua Fria Village have been able to become residents while other landowners who didn't wish to participate and be part of the village were given that right as well.

So, I'm encouraging consideration of a carve-out strategy, simply on the basis of the fact that that is how this Commission has simultaneously met the needs of landowners and residents in the last two decades. And so in considering and adopting a carve-out strategy that once again protects the private landowners and the residents who are currently on the properties there you can arrive at a solution that is equitable and efficient. Thank you for your time.

CHAIR HANSEN: Thank you, Kelly. I appreciate your comments.

Johanna.

JOHANNA GILLIGAN: Madam Chair, would you require me to submit my own personal address? I'd prefer to use my work address.

CHAIR HANSEN: I'd prefer your personal address.

MS. GILLIGAN: Okay.

[Duly sworn, Johanna Gilligan testified as follows:]

MS. GILLIGAN: My home address is 1232 Vitalia Street, Santa Fe, New Mexico, 87505, although I'm speaking in a work capacity, and I understand that I am under oath. Good evening, Dear Chair Hansen and County Commissioners. I am Johanna Gilligan. I'm the Chief External Affairs Officer, Homewise. I'm also a native Santa Fean. My grandparents actually went to church at San Ysidro. I also have roots here that make this a very important place to me and I'm very proud to work for an organization that has helped thousands of people stay in New Mexico and own homes and build wealth through home ownership in New Mexico.

And like you all, I'm a person that cares a lot about making sure that we grow Santa Fe in a way that's a place that everyone can live and not just wealthy residents. So in order to do that I work for an affordable housing organization, because I really believe that that's critical. Although we do not believe that Area 1B meets the definition of a Traditional Historic Community, we would sincerely like to find a compromise that meets the desires of both the residents while allowing for vacant landowners, including Homewise, to join the city through annexation, which has been the stated plan for 14 years.

As demonstrated by Mr. Herdman, this vacant land contains none of the landmarks or attributes of a Traditional Historic Community as defined under the State Statute 3-7-1.1. Area 1B petitioners who have requested inclusion in Agua Fria Village want the land they own to retain its rural characteristics, which include large lots, private septic systems and low densities. These development patterns are antithetical to the creation of affordable housing and to climate sensitive design. We too, as Mike Loftin, our CEO has shared, have a vision for the land we own. Our vision includes well planned, much needed housing that is affordable to working class Santa Fean and is served by City utilities, parks, trails, and plenty of open space.

Our proposal allows both visions to be realized simultaneously. Again, I would like to give Commissioner Bustamante credit for originally bringing this idea into the public realm. While respecting the desires of current area residents is important, allowing those desires to trump the rights of other area landowners and thereby squelch much

needed efforts to increase the supply of affordable housing is a disservice to the broader community. I know as elected officials you're constantly having to weigh and balance the tensions between the small groups that are expressing their needs and the whole, so I really hope that we can work together to find a compromise that strikes the right balance and gets residents what they want and need while not sacrificing the opportunity to really bring much needed, well designed affordable housing to the City of Santa Fe. Thank you.

CHAIR HANSEN: Thank you. Okay, I'm going to go to the public hearing, which we are in. So I will open it up to public hearing. I do have City speakers for public hearing. If you would like to please come forward. Okay, I guess you're going to line up. I know that I have Mayor Allan Webber, City Manager John Blair, the City Land Use Heather Lamboy. I want to get you all sworn in as one, so if you will all please line up and stand up if you're going to speak.

[Those wishing to speak were administered the oath.]

[Duly sworn, Alan Hoffman testified as follows:]

ALAN HOFFMAN: Hi. My name is Alan Hoffman. I live at 340 Urioste Street. I am duly sworn. My family -- my family also owns property on Camino Don Emilio, and I want to just talk for one second about open space. By the way, for full disclosure, I was the original developer of Aldea de Santa Fe, which is right across the bypass.

When we were preparing to develop the master plan for Oshara Village we met with County staff at the site and other things and we looked across what was going to be the future bypass. Please understand the bypass didn't exist at the time. And what we saw was a road that was going to come through and bisect our community. And we looked at the property and realized that it was virtually undevelopable. I'm only talking now about the property across from Aldea de Santa Fe, because I don't know about the other properties that were part of the master plan.

The decision that we made -- or not the decision; the opinion we came is that the land was undevelopable. So what we did is we went to the Highway Department and we requested that they provide to us an equestrian/pedestrian underpass that goes between the Aldea open space and the Tessera open space as well, and connects to this, what we believed to be an undevelopable piece of land. We were successful at getting the underpass and right now, I don't know if there are other connections under the bypass, but this is really the last piece of contiguous land that's on both the north and south of the bypass. And it would be my hope that that land could be dedicated to open space.

So I would just say this: We just heard from a brilliant lawyer, talking about the letters of the law and what that means is that you could have a conflict, and the lawyers could get rich and a wonderful, respected affordable housing company in Santa Fe will end up with a piece of land that would frighteningly expensive. The grade between West Alameda and the level above is 30 percent; that's three times the code in the City and more than the code in the County.

So at any rate, it is my hope that there could be a method, given my respect for the work that's being done by this affordable housing group, to find a way to compensate for the pieces of the old Agua Fria Village that the County could do to avoid making lawyers rich and hurting affordable housing and hurting the County.

One last point I would like to mention is affordable housing.

CHAIR HANSEN: Alan, we're not talking about affordable housing tonight.

MR. HOFFMAN: Well, this had to do with Agua Fria, the use of family transfers. In the past, in Agua Fria, the way that people could afford to buy land was they got it from their parents, and at this time, my family has land on Camino Don Emilio, and for 2 ½ years we have tried to get a family transfer done, and we can't even get a meeting at the City. So it is my hope that the County Commission would look seriously at expanding the family transfer system so that families like mine – my daughter just had a beautiful baby and she wanted to live next to her mother, and she couldn't live next to her mother because she couldn't get a meeting. So that's all I have to say and I hope that we can work this out in a way that is amicable to all.

CHAIR HANSEN: Thank you very much. Next.

[Previously sworn, David Carr testified as follows:]

DAVID CARR: My name is David Carr. I live at 3411 Via Magdalene, and I understand I'm under oath. I just want to point out tonight that the City of Santa Fe's general plan which was adopted in April of 1999 is still in effect, despite the requirement to update the plan every ten years. A fairly – one attempt was made during the Javier Gonzales administration. It was called the City of Santa Fe Draft Land Use and Urban Design Plan and apparently the City Council did not approve that.

Under the 1999 general plan, Chapter 4, Growth Management chapter, identifies Area 1B, an annexation area as the greater Agua Fria urban sub-area. Paragraph 4.4.5 talks about the greater Agua Fria area. The urban plan includes thousands of acres of unincorporated land that surrounds and includes Agua Fria historic community. Plan 83 was a [inaudible] as a prime growth area in the southwest sector and recommended [inaudible] 20,000 housing units. The 1999 plan recommended a less aggressive approach to development in this historic rural area.

Paragraph 4.5, the urban staging area, which Area 1B was stage 3 also refers to the greater Agua Fria area. I have some more information here but I don't want to go into that. I would just like to submit this for the record.

CHAIR HANSEN: You may submit it for the record. Thank you very much. Welcome, Ms. McSherry.

[Previously Erin McSherry sworn, testified as follows:]

ERIN MCSHERRY: Thank you, Chair Hansen, Commissioners, City Manager Shaffer, County Attorney Young. My name is Erin McSherry. I'm the City Attorney for the City of Santa Fe. I'm representing the City this evening. The address for the City is 200 Lincoln Avenue. And my personal address under protest – the new April law does precluded the disclosure of public employees' addresses, so I think this is relatively in appropriate. But my home address, which is in your district, 952 Camino Anasazi.

I'd like to highlight some things from the written comment that I submitted this weekend that has been posted with the packet this evening. At a high level, I raised a number of concerns in that recent letter starting with where is the staff's analysis regarding whether Area 1B meets the required statutory factors? That's something you saw in the most recent expansion to the historic community. And it was a very in-depth and fact-based analysis, reasoned, and with a recommendation to the Commission. We

have not seen that in this case at all. I will return to that.

We have multiple questions about the petitions. I know, Chair, you mentioned that yourself and other staff members have verified petitions. We have not had that in sworn statements.

CHAIR HANSEN: There is a record from the Clerk's Office that they are duly sworn. Deputy Clerk, can you verify that? And that they are in the packet?

EVONNE GANZ (Deputy Clerk): I believe the Clerk submitted a letter –

CHAIR HANSEN: She submitted two letters.

MS. GANZ: I don't have a copy with me though.

MS. MCSHERRY: Madam Chair and Commissioners, I did not see that posted today, so if that exists that would be helpful to see. And it's not clear if all the signatures were verified, some minimum number of a higher number or 100 percent. It's not clear. I haven't seen that. And it's also not clear under what basis additional signatures would be able to be qualified for the initial petition.

The next concern was why the County was acquitting residents' statutory rights, which absolutely exist as a basis to deviate from its agreement with the City. And I'll return to that one as well. And if the Board is going to consider alternative boundaries, such as the Senderos concept that we saw for the Agua Fria Traditional Historic Community, the City would hope that there would be a petition to propose that, that there would be a new publication identifying that proposal to the public so that they could evaluate it and know whether they needed to come and testify or not. They wouldn't have had that type of notice at this point, that it would be republished in the newspaper and that a new caption would be posted in an agenda to identify that area. All notice to the public thus far has said Area 1B very clearly. And the summary in the newspaper is also very clear that it's the same area that's under consideration for annexation.

Then returning to the Code of Conduct, is it permissible for the Chair to consider the petition? Sworn testimony is only required in adjudicatory proceedings under the County Commission's rules. So to say that it's administrative, but then to require sworn testimony seems extremely inconsistent. The Board's rules also talk about fact finding, applying law to facts, petitions. Both of those exist here. Trial-like, very much so, and presentations and petitions by landowners which is very similar to all the land use cases that you consider on a regular basis.

There's a couple of points that were raised earlier that I just wanted to highlight. City improvements are not supposed to occur until annexation occurs, so this idea of improvements having not occurred is really very much a red herring. The settlement agreement is still in place. It's still several years of its term. No one has unilaterally pulled out of it and in fact the City and the County entered a joint resolution towards negotiation and that started last year, so that was 2022, after 2018, which is when the City was supposed to annex, but there are various things under that agreement that have not occurred by both parties that were required to have occurred before now.

Returning to the staff analysis. I think Mr. Herdman did an amazing job going through those statutory factors. It would be very helpful to have a neutral party from the County do that type of analysis and make a recommendation to the Commission. The only staff analysis was in the original staff memo and it's not in the new staff memo anymore at all but the only analysis was that in Ordinance No. 1995-8 Area 1B was

included within the initial boundaries of the Village of Agua Fria Traditional Historic Community, the Board of County Commissioners having determined that that criteria for the traditional historic designation had been met. That analysis was it. That's it.

It omits mention that the Board has had extensive consideration and discussions since 1995 about the appropriate boundaries for the historic community. Of particular note, when you last met on this topic in 2008, when the current boundaries of the Traditional Historic Community were established as they are now, County staff researched and testified regarding the age of structures and regarding extensive engagement in the community to identify an area that "would have a real, clear boundary with the City." Thereafter the City and the County entered our settlement agreement regarding where the City would annex land.

This was Robert Griego, Senior Planner in the Board's December 9, 2008 minutes. County staff reported that at the time that their recommendations were made, which were accepted by the Board at that time, that they were a comprehensive approach, meaning that we have a clear and coherent boundary. And that was based on all the factors that Mr. Herdman described earlier. Likewise, the Village Agua Fria Community Plan, which is the County's document as Mr. Herdman mentioned, describes a similar planning process for establishing the boundaries of the community by the County. That process involved the Agua Fria Development Review Committee Board which recommended boundaries to the historic community at that time, and they were adopted.

The existing staff memo also omits the lawsuit that apparently resulted in the reduction of the original area designated in 1995. The 2008 Board minutes and the 2006 Village of Agua Fria Community Plan describe the lawsuit that resulted in a settlement to decrease the designated area from 4,640 acres to 540 acres. In particular, the community plan reports that "a lawsuit challenged the boundary and was a contentious public meeting – and a contentious public meeting was held in which the community was deeply divided."

The petition seeks to re-add significant amounts of that area.

With regards to the statutory rights. Absolutely there's a right to petition, and what should happen if that petition happens? Well, staff should evaluate it. Is it a petition that meets the statutory factors? And if it does, the County should come to the City and renegotiate the settlement agreement. That did not happen. Rather, the petition was set without any sort of conversation with the City whatsoever, without any County analysis whatsoever.

We've now seen an alternative proposal, designating some areas of Area 1B as an expansion to the Traditional Historic Community rather than to designate Area 1B. An alternative proposal was not the basis for the signatories' support of the petition. An alternative proposal was not the basis for the petition the Board agreed to consider. An alternative proposal was not described in the legal notice in the Albuquerque on April 12th and 19th about the Board's proposed ordinance. An alternative proposal is also not on the Board's agenda tonight for May 30th. Without signatures a petition, a publication, an agenda, and a caption and a hearing regarding an alternative extension to the Traditional Historic Community, with basis is there for considering an alternative proposal?

If the Board were to consider an alternative proposal, how would the Board comply with the provisions of the Open Meetings Act, the statute requiring publication of

County ordinances, and the statute requiring qualified electors petition identify the area that is relevant to their petition?

I had also asked County Attorney Young regarding quasi-judicial versus legislative early in this process and received the same answer that Mr. Herdman did. I will also state my objection to that conclusion. This hearing has met many of the characteristics that are described in the County's Code of Conduct in addition to the legal analysis in Albuquerque comments that a 2008 Supreme Court case from New Mexico. With that I will turn it to my colleagues. Thank you.

CHAIR HANSEN: Thank you.

[Previously sworn, Jason Kluck testified as follows:]

JASON KLUCK: Good evening, Madam Chair and members of the Board of County Commissioners. My name is Jason Kluck. I am the Planning and Land Use Director for the City of Santa Fe. My home address is 2328 Cedros Circle, Santa Fe, New Mexico, 87505 in the heart of midtown. Thank you for entertaining us at this late hour, first of all. I appreciate it.

I'd like to speak today regarding one critical issue in this case which Ms. McSherry has also spoken to and interviewed some of my staff to fill in some of the background on that. So although the applicant and the opposition have presented a terrific amount of information in response to the statutory criteria, to date we have not seen any detailed analysis by the County Growth Management Department and with that we would expect things like: 1) reasonable support of a recommendation for approval; 2) support the necessary legal findings and that 3) provide specific responses to each of the criteria that clearly show that they have been met and would allow designation of Area 1B as part of the Traditional Historic Community of Agua Fria under State Statute 3-7-1.1.

So these are very standard procedures that we conduct with the City and I think it's a very reasonable request that they be documented for the public and be presented before the County Planning Division and this body prior to any decision. I would like to hear from the County Planning staff in much more detail, especially regarding analysis of the potential impacts of the proposal. These are competent, qualified individuals who we respect and we have not heard from them yet and we haven't heard them make a recommendation for approval or denial on this case, now have we seen any of the supporting data from them.

So I'd say otherwise, who is qualified to report and recommend that this is a complete application, number one, that it considers all the facts and relevant data, that it clearly demonstrates compliance with the applicable criteria and does not represent an erroneous and unjust application of those. No offense to the community that's in support of it. I think these are reasonable things to ask for. Without this work being completed and presented to the community, I urge you to please not approve any designation or carve-out, for that matter, that would adversely affect the services to the community.

If the County Planning staff cannot show clear, legally supported analysis of the criteria that demonstrates compliance with the statutory requirements, a lack of adverse impact, and a clear benefit to the whole community, I request that you deny this application and that you please continue negotiations with the City and allow the Extraterritorial Land Use Commission and Authority to convene and consider the matter of annexation.

So now I'd like to turn it over to my staff, if you don't mind. I'd like to introduce our City staff archaeologist Paul Duran, who will speak to some of the land use patterns that call into question the validity of this request and how the criteria for approval have not yet been met. And then Ms. Heather Lamboy will speak to some of the concerns regarding the approval process. Thank you.

[Previously sworn, Paul Duran testified as follows:]

PAUL DURAN: Good evening, Madam Chair, Commissioners. My name is Paul Duran. I live at 999 Calle Vianson, Santa Fe, New Mexico, 87507. I have a power point. Thank you for hearing us out this late evening. Thank you. So we are presenting on the response to the Agua Fria Village proposal to designate Area 1B as a Traditional Historic Community. So I'm going to go on an overview of the historical maps and plats. And first I'd like to introduce myself. My name is Paul Duran. I'm an archaeologist. I'm permitted by the state as a principal investigator. I work as a senior planner with the City of Santa Fe Historic Preservation Division. I've been working in Santa Fe as an archaeologist for quite some time, born and raised here and I love the history that we have seen come before you this evening. And it shows just the wealth of history that we have in this area.

And relatively to the Agua Fria Village area and up and down the Santa Fe River – history we have and how little other history we have. And so it just gives to show how much other history we have there that we're not seeing from others. So I really want to touch on the historical maps and plats and discuss the relationship and separation of these historic parajes. Because originally I'm going to do a comparison of Cieneguilla, Agua Fria and Santa Fe, because they were all collectively established around the same time.

I'm using the 1877 Santa Fe plat map, and although it's relatively small and we don't have a big enough screen to show it, Santa Fe was established as a very small enclave of homes built on pueblos, built on what was already established in the area, built along waterways. And utilize these waterways and acequias – some were already established, and the Santa Fe River as agricultural fields moving in a southwestwardly direction. You won't see agriculture fields too far north, too far east, although they were east as well as south, but you see them moving southwesterly along the Santa Fe River.

Then the 1879 Francisco de Anaya Almazan plat map, this map is – this plat shows the relative from the Village of Agua Fria on the northeast corner of that plat map, and they are also utilizing the same kind of concepts as the City of Santa Fe. They're on the Santa Fe River, south of the Santa Fe River and they're utilizing the landscape agricultural practices and so forth.

The 1889 Cieneguilla plat map, very similar. These parajes were established on the Camino Real moving to their terminus to the City of Santa Fe. They're south of the Santa Fe River. They're a tight-knit community, well established, and the unique things about these parajes, they all have a Catholic church, they all are built around waterways and agriculture. They all have their own traditional practices and they're really unique. We can all say, like Las Golondrinas, right? We've all been there. It's unique. It's established. It's part of Cieneguilla. It's not necessarily part of Agua Fria or part of the greater area. It's unique to its location. Same with Agua Fria on the Camino Real. Also very special. You've got the San Ysidro Crossing, very unique, very established. It has its own architecture, own cultural practices. It's very unique.

When you walk into these communities, into these villages, you know you're in Cieneguilla. You know when you're in the Village of Agua Fria. You know when you walk down –

COMMISSIONER BUSTAMANTE: Madam Chair, I'm sorry. Just for the record, it's not Cieneguilla. Las Golondrinas is in La Cienega. They're not the same. Thank you.

MR. DURAN: Well, that's a good point, ma'am. And that's a good point in which we're trying to show. Cieneguilla, La Cienega is just to the south of it. We know that these villages, they're different. They're uniquely different. And that's what we're trying to present here today. Thank you for sharing that.

So historically, the City of Santa Fe, Agua Fria Village and Cieneguilla and La Cienega, have shared a cohesive and connected relationship. They're all built on the Camino Real. We all know that. They're established by the Spanish as they settled in Santa Fe, but these parajes were unique to themselves. And these – they are also separated. They're separated by distance, community traditions, cultural practices, the landscape, the Santa Fe River – all of these villages are built south of the Santa Fe River. They're built on it, but south. And they move southwestwardly. All these parajes. Why? Because on the Camino Real, when they were coming up from Mexico City, they traveled it, they skirted the Rio Grande all the way until they reached here, their terminus.

And so as these villages settled, they had this unique connection to each other but they were distinctly different from each other. And anybody from these villages they'll tell you that themselves.

So Santa Fe, Agua Fria Village, and the Cieneguilla historic map, which is found on the City of Santa Fe's website on the GIS program. You just go on that program, you can pull up the maps. You can see that in 1935 Santa Fe is a tight-knit enclave onto itself, will end up to the Sangre de Cristos. You see Agua Fria, a tight-knit community, wound up on itself, south of the Santa Fe River. You see Cieneguilla, buttoned up close to the Santa Fe River, tight-knit community.

We also see that the landscape has kind of controlled the growth of these areas. You don't see a lot of infrastructure built up above Santa Fe. You don't see a lot of structures and buildings above the Santa Fe River. The Santa Fe River perennial at best and it would provide – it would be a flood zone in part of the year, and it was a potential hazard. So there was some separation. Plus the acequias that were pulled off of the Santa Fe River all come from the south. They're pulled off south. They're not pulling water up the steep terrain in West Alameda. Anybody driving down West Alameda knows that terrain is steep. There are not any acequias going up the steep terrain. All that water is being pulled southwestwardly and irrigation. And you can see that Santa Fe is using the irrigation. Agua Fria is using irrigation, and Cieneguilla is using irrigation. And they are using it in a very unique and distinctive way. And they had relationships within those acequias utilizing the water as it's coming down. They had to. Because that's their way of life. That's how they survive. That's how they live. That's how we all live.

Now, in 1951, Cieneguilla's not in this one. The map doesn't go that far out. It's only this area. You can see Santa Fe is becoming very dense. It's becoming very – it's growing. And you see it starting to sprawl out southwesterly. You see that with the Bruns Army Hospital, which was Santa Fe School of Art and Design and now its midtown

campus. You see it sprawling all southwestwardly along the river. What you don't see is a bunch of infrastructure being north of the Santa Fe River. And Agua Fria is still maintaining its traditional customs. You can see by the acequias moving southwestwardly. The agricultural fields, but you don't see much established north of the Village of Agua Fria. You see a little bit but you don't see much.

And what you start to see with the Village of Agua Fria is that it's utilizing the natural terrain and it's starting to move southwestwardly. You don't see it start necessarily move northwestwardly, although it did. On Agua Fria Street, that was the Camino Real. I would say that Agua Fria, all the land tenureship in Agua Fria, all probably went to Baca Street, Baca Street southwest to what we consider – but you don't see the homes and the buildings and street names, all of that is really relatively consistent with the Village of Agua Fria, south of the Santa Fe River.

You don't relatively see it northeast of the Santa Fe River from the Village of Agua Fria. You don't see it in the historic maps. The landscape doesn't hold to good agricultural landscape. Did they use it for agriculture? Totally. In the areas that they could. But not all the areas north of the Santa Fe River allowed for that. The terrain is pretty hard to cultivate.

So in the 1996 City of Santa Fe map, we see Santa Fe very densely populated and in the population growth, it's moving south and southwestwardly in the progression of time, as it's growing. What we also see with the Village of Agua Fria, it's also getting denser. It's growing, but it's growing southwestwardly. It's growing sparsely across the river from the San Ysidro Crossing but not in a way to where it's extending out to downtown Santa Fe. We don't see that growth along the north of the Santa Fe River extending to where 1B area is at and other areas along that area. We don't see it all this growth moving northeastwardly. We see the growth of Agua Fria, very dense in the village, but also moving a little bit southeastwardly, a little more southwestwardly.

CHAIR HANSEN: You might not see that but I see it.

MR. DURAN: Where? In the Agua Fria, Madam Chair? And it's growing. It is. Totally. It is. But not into the extent to where the Village of Agua Fria – because the Village of Agua Fria is a unique and amazing village all onto itself. But to consider, and as an archaeologist, I would believe from Baca Street and Agua Fria Street to San Ysidro Crossing and that, I would consider that the Village of Agua Fria.

CHAIR HANSEN: Unfortunately, that got annexed.

MR. DURAN: Right. You can see that historically as the growth of the city. You can see the land tenureship, the land practices, but what you don't see is you don't see that happening northeast to be concentrated, to be considered part of the Traditional Historic Community. We just don't see it. It's – the community, it's doing the Village of Agua Fria a disservice by taking away what makes them unique and spreading it out to other areas that don't have that uniqueness. It is unique. It is special. But to give it out to areas that doesn't have that it doesn't make sense.

But what we do know historically is that the growth of the land and the density population is moving southwestwardly. We see that, we track that, we can see that historically, and we just don't see that in the other areas discussed previously.

So my considerations are each of these villages had their own church, had their own practices, had their own uniqueness, their own agricultural practices, their own

whatever they cultivated – livestock, some were sheep herders. Some had cattle. Some had horses. Some dealt with agriculture specifically. Each community was unique unto itself. And yet they still were collectively one and we see that as we grow, we're becoming more one altogether. Now we're in La Cienega and La Cienega may be part of Santa Fe one day. Who knows? It's just how the growth is taking place in the city. And that's just how we see it historically.

And so the maps, they show settlement patterns. We can see and trace and track settlement patterns in the City of Santa Fe. And so we see the uniqueness but we also see the separation that the landscape provides. As well as the historic maps and plats have also been able to show that these communities practiced and utilized the landscape in the Santa Fe area but as density, growth has – density growth has happened throughout time in the last hundred years, last 150 years, it's all moving southwestwardly, south and southwestwardly. We can see that.

But there is truth to this. We need a lot more additional archaeological investigations and archival research in order to have a better understanding of this area. And that's a true statement. This brief presentation demonstrates that further fact-finding is necessary before any determination can be made on this proposal. I do have to say that there was some archaeological information that was presented that should not have been, and the reason being is when you start putting archaeological sites out to the public, some people like to loot those sites and some people like to go and see and investigate on their own. And so we don't ever want to do that. We want to preserve and protect our archaeological sites, so if you're presenting archaeological material on the big screen for the public to see, you got to be careful about that. That's all I have, ma'am.

CHAIR HANSEN: Thank you. Hi, Heather. Welcome.

[Previously sworn, Heather Lamboy testified as follows:]

HEATHER LAMBOY: Good evening, Madam Chair and members of the Commission. My name is Heather Lamboy. My personal address is 48 Camino Valle. I'm in District 4 Commissioner Hamilton's district. There are many people in the City of Santa Fe that live in the county and hold the county dear as well as the city.

The proposed legislation will amend County Ordinance 2008-18, so in addition to state law, there is a County ordinance that's being amended according to the case caption. So that is the Agua Fria community village boundary. According to Section 2.1.4.7, the status of community plans and their associated boundaries, these plans are considered an amendment to the Sustainable Growth Management Plan and have a rule of law as to how those areas are going to develop. This is from a 2015 presentation that was given to the community. You can see in the orange the traditional village or the traditional community as noted is south of the Santa Fe River and then the brownish-mustard color is actually the area that's designated as residential estate.

So the zoning map is a bit confusing but the important thing to do here is eventually this map will have impact on how the Growth Management Plan operates and how those regulations are implemented.

The amendments, or any amendments – test amendment, map amendment or anything like that to any type of County or City code must consider data and analysis regarding potential impacts and the County's capacity to provide services and infrastructure in Sustainable Development Area 2. And Sustainable Development Area 2

has sort of capital improvements planned for the next ten to twenty years. So it's not even within the near term, but it's longer term infrastructure development that is being discussed, according to the County Growth Management Code.

As this proposed item proposes to amend Ordinance 2008-18 which is the end of a long list of ordinances, the area map indicated the plan must be amended as well, so that would be an amendment to the Growth Management Plan and the County Planning Commission must review and make a recommendation to this governing body in order to make a finding as the County Planning Commission and present that to the County Commission. That process is not taking place.

The proposed amendment for the boundaries of the traditional community district on the zoning map needs to be vetted for whether it meets the criteria for approval and part of the criteria for approval include things such as infrastructure provision, service provision. The utility service area that is on the map ends at the Aldea area. There are no close utilities. So that would be a large financial impact to the County, whereas with the City there is utilities that are immediately adjacent to this area.

So I think it's important that the City and County realize how much we rely on each other and how much we are interrelated, just like the City employees that live in the county like I do.

While the proposed ordinance states that the County Growth Management Department has reviewed the tracts of land proposed for inclusion in the Agua Fria Traditional Historic Community, those standards, those tests were related to state law, not to County code. It's specifically that state Section 3.7 – I'm sorry; I didn't write down the specific criterion. So those tests were is this 100 years old and is it a part of an incorporated county, Santa Fe County, and so on. Those are criteria as they are listed in the Growth Management Plan.

So I would like to work with the County staff and really understand how the City and the County can help each other. I think that's really important and I think that the City has been working since 2018 to identify solutions that are best for the community. The City is in the process of updating its zoning code as well as the general plan. That gentleman read from the general plan earlier, and it's important that we think of ourselves as one region and I would hope you would be active participants in the updating of our zoning code and general plan because we're all one community.

CHAIR HANSEN: Thank you. Mr. Blair.

[Previously sworn, John Blair testified as follows:]

JOHN BLAIR: Madam Chair, County Commissioners, Mr. County Manager Shaffer, nice to see you. I am John Blair. I'm the City Manager and my address is 200 Lincoln Avenue, Santa Fe, 87501. I am here tonight in part to sort of touch on three topics, none of which relate to affordable housing and I know I got your goat last time that we were here. The first relates to the petitions that were submitted. I know there's been some discussion tonight and some inclusion in the packet of what we would refer to as petitions that were submitted after the fact, that included a proper heading and were validated by the County Clerk. What's been left out was that this entire process was started by a number of invalid petitions that were submitted and what's striking to me is that the subsequent petitions that were submitted were put forward before the County Clerk for her approval.

And so for me there's two points here, one of which is, if subsequent petition signatures were needed, that explicitly provide that the initial ones were invalid. At the same time, why was the initial round of petitions not submitted to the County Clerk for her approval in the same manner yet they were deemed valid? Who deemed them valid? I think we all know, and in my experience prior to this job I was the Deputy Secretary of State, petition signatures are a very serious business and you can't go before a judge and say, Your Honor, I promise, I pinky swear, that these are valid. You need to have a third party validate them.

So if we have not validated them and if you have not validated those initial petition signatures this process is invalid. I'm not aware of the law that allows you to subsequently provide additional petition signatures to make up for invalid petition signatures that initiated a process. That is a significant problem of what's happening right now.

My second point really comes down to this is bad public policy. This is bad for everyone who lives in this region. There are roughly 155,000 people who live in Santa Fe County. Of those, almost 90,000 are city residents, so almost 3/5 of the residents of Santa Fe County live within the city limits. Three-fifths of constituents that you represent live within the city limits and it's unclear to me to what extent any outreach has been done on your behalf to those constituents to find out how they feel about this potential action that's being done to benefit a few hundred people.

It is not good public policy to say it's okay for the City of Santa Fe just to continue going south and east. Just let people grow farther and farther down. Any notion tonight that there's some sort of rural fantasy that people that live eight or ten minutes away from where we are now are living in a rural utopia, that is not what the City of Santa Fe or the region is going to be 20 or 30 years from now.

We've seen – I was a child here in high school and in college when the relief route was being built in the first place and it was way outside the city limits. No one could imagine what that would be like. We know now that 599 is one of the busiest, most dangerous roads in New Mexico, and we're only going to continue to see development both on the county side and the city side of this road.

And so what this proposal would do would be to create a little donut inside the city, and as the city continues to grow and grow, that rural donut is going to be more and more isolated from true rural New Mexico. The idea that this policy is good for the vast majority of your constituents is false. We're not talking – there's certain words like Voldemort that we can't say tonight, because it's going to bring bad things, but it is good public policy on a transportation front, on an environmental front, on a good government front, and even on a [inaudible] housing front, that this area be allowed to be negotiated, that the negotiations go forward, and that the City take over this land.

I would want to concur with what the City Attorney said which is any notion of modified plan, of carving out certain streets but not others, will do nothing but cause more chaos and confusion for the region. If we're literally going to have one street with City plumbing, the next without, the next with plumbing. The police of the City of Santa Fe will go down this street and arrest a person but if a criminal crosses the road they can't.

Wastewater, environmental services. There are so many services that we haven't

really even begun to discuss the implications of this rash decision being made, how it's going to affect these people regardless of whether or not they're county residents or city and county residents. And I think the rush to make this happen has really left out some thoughtful analysis on both the County's part, a thoughtful analysis for the City and County negotiating team working together to figure out what would happen from this, and I think it would be an error on the part of the County to approve this anti-annexation effort. Thank you.

CHAIR HANSEN: Thank you. Mr. Mayor.

[Previously sworn, Alan Webber testified as follows:]

ALAN WEBBER: Madam Chair. Thank you, Madam Chair. I'm Alan Webber. I am Mayor of Santa Fe. My address is 1330 Canyon Road. It's good to see everybody again tonight and resume our conversation from earlier. Mr. County Manager, Mr. County Attorney, nice to see you as well.

There's an African proverb that goes something like when elephants fight it's the grass that gets trampled, and that's sadly what we're seeing with this anti-annexation argument. The grass will be trampled. There will be landowners, people who want to develop or not, their property in a sensible-growth managed way, who will find that the inability of the City and the County to resolve differences by using our negotiation and negotiating committee to its benefit will end up hurting everybody.

We've spent, our two City Councilors, you two County Commissioners, a year trying to come to an agreement about how to complete the annexation process. We've heard from the Chair that she has long opposed the annexation. She proudly says that she's said it publicly and therefore doesn't need to recuse herself. I think that's an interesting argument that since you were transparent about your bias you're not biased. How you would serve for a year on a committee designed to arrive at a negotiated settlement while being biased against the work of that committee seems also pretzel logic. I think we should return this issue to that committee with Commissioner Hansen and a different second member from the County Commission to see what can be hammered out and to pursue many of the loose ends that have not been tied up.

We're very proud, and I'm very proud of the presentations made, Mr. County Manager, by our staff tonight. Our staff land use team, our City Archaeologist presented hard information, real data. We would love to see the same from the County and see what the County staff has to say about this proposal. For reasons we can't understand we haven't had the benefit of County staff to take a chance to talk to City staff and arrive at a common set of facts. Because this is supposed to be a decision based on facts, on criteria, on specifics. We haven't had the County staff report. We don't have it tonight. We had the City staff doing their work. We haven't seen the County staff's work. I would request that as part of the negotiation process. We get to see hard facts from the County.

We heard from Mr. Mee who made two very salient points. Number one, he said the City did not improve that area with investments. I would turn that on its head and say if all along, Madam Chair, you never wanted it to be part of the city, why wasn't there a County proposal that would put into place infrastructure and cement that as part of what you've always wanted. There was no investment plan; there was no five-year plan; there was no infrastructure plan. It's the County's job to have provided that, not the City's.

So if your intent was always to prevent it from being annexed, why was there no

County proposal for infrastructure? We still don't have a proposal for County infrastructure or a price tag.

You are all good environmentalists. How does it help our community to leave that area on wells and septic tanks? It makes no sense.

The second thing Mr. Mee said that was really, I think, interesting was he said there's been a breach of contract. I think he's right but I think it was on the part of the County. We've worked very hard for a year to arrive at an amicable agreement. In fact we've agreed to what the County offered as a counterproposal. That is good faith negotiating. In response we find out through IPRA requests and published reports that one of the members – Madam Chair, you – on the negotiating team was always against a settlement and helped organize the proceeding we're dealing with tonight. That is a breach of contract. That is bargaining in bad faith by definition.

I think we need to return to the bargaining table. I think we need to return to the negotiating process, but with people who are committing to arriving at a positive, workable solution, where staff meets with staff, where assessments are made on the investment in capital improvements, where the environmental impacts are taken seriously, and where we come to an agreement about a smart, reasonable growth plan for an important part of our community. Something that shouldn't be done with a backroom political deal, with any other kind of – I've always been opposed to a wave of the hand. This is serious. This will affect the pattern of growth and development for the next 30 or more years in our community at a time when we are all working collaboratively on water policy, on greenhouse gas prevention, on a host of issues that we share in common.

To turn this into an adversarial proceeding where the two elephants trample the grass, seems to me to be not in the interests of the public, of the three-fifths of the county that is the city and the two fifths that is the county. I would suggest we return to the bargaining table. We have a serious good faith negotiation based on facts where the County staff presents findings of fact and proposals for investment and we meet halfway and come up with a solution. Thank you very much.

CHAIR HANSEN: Next.

[Previously sworn, Roger Hall testified as follows:]

ROGER HALL: Roger Hall, 561 Camino Tres Arroyos, right in the middle of Area 1B, and I acknowledge I'm under oath. I want to go over this quickly. A lot of this we've already heard tonight but there's a twist at the end. Camino Tres Arroyos, the west side of the road is the historic Martinez land grant. The east side of the road is the historic Romero land grant. I live on the east side of the road, adjacent to Bobby Romero.

The large tract land bordered by Camino Tres Arroyos, Paseo Nopal, the Veterans Memorial Highway, West Alameda is an assemblage of largely undeveloped property that's currently owned by Homewise, the State Land Office and other speculators, Gallegos, Probnor and [inaudible]

Now, I should point out that 30 years ago I was employed as a geologist for a large international consulting engineering firm and while I no longer work in that profession I haven't forgotten anything. So let's talk about the land. It's largely unconsolidated glacial till, with the usual sandstone outcrops. The land mostly consists of large arroyos, drainage areas which cannot be developed due to the slope issues as state

law. The land which may be suitable for development is along the ridgetops and the higher ground.

Roughly 15,000 years ago Native Americans around New Mexico and the land we're talking about, the ridgetops were used by Native Americans for hunting and village locations for defense. Even today it's easy to find arrowheads and stone knives on the surface while hiking, which I did this afternoon. Before taking any development a full archaeological survey should be done including ground penetrating radar, to see what is actually there on the highlands.

About 400 years Europeans arrived and settled Agua Fria and Santa Fe. About a hundred years ago this area was basically used as an unlicensed, illegal and unregulated dump and landfill by people who didn't want to go to a place where they had to pay to dump. I took some pictures today on my hike which I'll submit to the County as evidence. I only walked a couple acres and there's plenty of junk out there. This is not referred to the Coyote Ridge area because I've never hiked over there.

A few years ago there was some oil drums but my neighbor Andy Sanchez called the County. I believe they removed them but I don't know for sure because he has passed on from cancer, as did his neighbor, Joe Vela, Sr., also from cancer. I myself have already had cancer; I expect to get it again.

To recap, the land was used as a dump. It may have hazardous materials or worse yet, perhaps a toxic waste dump. A full environmental investigation should be undertaken for the characterization of the subsurface sampling and cleanup and long-term monitoring under the direction of the County and State Environment Departments and last but not least, now we know who's going to pay for it because – Homewise and these speculators. Thank you. That's all I've got.

CHAIR HANSEN: Thank you.

[Previously sworn, Aaron Miller testified as follows:]

AARON MILLER: Hello. I'm Aaron Miller. I'm a resident of Area 1B. My address is 496 Camino Don Emilio, 87507. And I recognize that I'm under oath. I think my slide presentation will run. I have some more photos, I don't know if those can be found. Take your time. If you could put those up it would be great.

I want to address a couple issues before you. I think, number one is the presentation of an alternative development plan. I feel like there's been a lot of insincere gestures along this whole path and the annexation discussion. A lot of name-calling, and I don't feel like trust has been earned. There's been no engagement with the – between the developers and the community, and so to show a proposal where they would basically envelop this community with high density housing development and take away the right for the community to have any sense of a rural community or history by being surrounded by a high density urban development and then also not giving that community the opportunity to benefit financially or economically from that same land use change is another insincere gesture and so again, all along they've sort of developed this track record of not really caring about the individuals that live in this community, and I feel like that has been – really the people who are at the biggest risk of all of this discussion of taking the biggest hit, of being driven over by buses, by bulldozers – it's the community. We're here before you because we have everything to lose.

The people who don't live in this community who are just out there with an

opportunity to make a fortune have very little to lose, relative. And I want to dispel also, professionally I'm a soil scientist and a landscape ecologist and I want to dispel the argument that agriculture has to be tied into an irrigated system. Actually over 90 percent of the state is agriculture that has no irrigation. There's a lot of range land in New Mexico and the history of range land goes hundreds of years back and you can tie that type of grazing land directly into this community and those grazing leases, whether it was common space or cut into those strips in different periods of time, were definitely tied to the Agua Fria community, and that is agriculture in New Mexico. So I just wanted to make that very clear. That's all.

CHAIR HANSEN: Thank you very much.

[Previously sworn, Robert Riley testified as follows:]

ROBERT RILEY: My name is Robert Riley. I live at 111-D Paseo Nopal in the area that's under discussion. I think the real issue before you is not that the residents do not feel served in this area. The City makes proclamations about what they're going to do for us maybe. I don't believe it. If you look at the roads that lead to the landfill, Paseo Vista, Paseo de las Vistas and Buckman Road, both of those roads are severely degraded and the City utilizes those roads to run their garbage services to the landfill, to the transfer station. And it's kind of odd that we get repaving in a lot of other places with something that's actually a necessity doesn't get it.

So we're not real clear that the City's going to follow through on any promises they make to the County. And that's why all of a sudden we've got all these people showing up, taking their time, giving presentations, it's because we're concerned that these aren't actually going to be fulfilled. So the lawyers do a great job of bringing up all of the details about what it is that needs to be satisfied to meet the statutes, and that's understandable; laws are laws. We use them to organize our society. But the reality of what's going on here is the residents don't feel heard. And when you brought this to our attention you saw how we reacted. T

This isn't something that's created by anybody but the local residents who organized themselves and said, hey, we want a voice. That's all.

CHAIR HANSEN: Thank you very much. Next.

[Previously sworn, Barbara Hanson testified as follows:]

BARBARA HANSON: My name is Barbara Hanson, H-A-N-S-O-N, so I'm not any relation to our Chairwoman. I feel a little bit over my head with all the very particular remarks that have been made. I just wanted to come and say why I live where I do, which is just off of - I'm sorry. I didn't give my address: 2 Ruta Sin Nombre, which is just off of Paseo Nopal.

CHAIR HANSEN: And you're under oath.

MS. HANSON: And I am under oath. We bought our place in 1986 in Area 1B because we wanted to move out of the City of Santa Fe, for several reasons. We wanted to raise our children in a country setting where we could have our horses and goats. We wanted to be able to see the stars at night and live someplace where it was quiet and there's very little traffic noise.

So it was a special location because we could live there and have those attributes and we still do, even though we were close enough to work and our kids' schools. And soon after we moved there we found out that it had been homesteaded many years ago by

some of our neighbors who were war veterans. I remember our neighbor, Mr. Sanchez, telling me that he was able to get his 2 ½ acres for \$10 because he was a Korean war veteran. It was a special agreement for veterans after World War II. He couldn't have bought land near Santa Fe without that homestead agreement and that made it a really special place for me.

Importantly, the area is really a haven for wildlife. It still is, in a county that is getting more and more built up, which restricts and even destroys some habitat for many species of birds, reptiles and mammals. The land around our house specifically feels like a bird sanctuary. We've been keeping track of all the species we've seen over the years we've been there, and this season we've already counted eight species of birds that are nesting and raising fledglings, just right around our house. And we see scaled quail with a dozen babies running behind, which is a species that needs open, grassy habitat with a wide diversity of plants, and their range is getting smaller and smaller.

Biologists have shown that many animals need sufficiently sized corridors to move around a landscape, not just green spaces around a checkerboard of developments. At a time when the numbers of birds and reptiles in the Southwest are declining drastically, this haven of undisturbed land in the city wildland interface is crucial to the survival of some species, especially in a time of historic drought. And I just want to say I really love where I live and I want to live there the rest of my life, even if there's a carve-out and we're still technically in the county, it won't be dark anymore. It won't be quiet anymore. We won't have the wildlife that we have now and I know that all my neighbors who signed that petition, because I talk to them, feel the same way. We want to stay in the county. Thank you.

CHAIR HANSEN: Thank you. Next, please.

[Previously sworn, Ellen Stone testified as follows:]

ELLEN STONE: Hi. My name is Ellen Stone. I live at 4716 Morning Street, and I understand that I am under oath. I have lived all of the 22 years of my adult life here in Santa Fe and in September 2020 I purchased my home through Homewise. I'm a single mother of two teenage boys and I hadn't really paid attention to how Homewise operates before then. As some people might now, many people might now, around that time was when Homewise started purchasing the south side open space, or South Meadows field, which was protected open space land. It was supposed to be protected forever as open space with learning hubs for the surrounding schools.

Why this is relevant is that I really did not know how Homewise operated before this experience and just knowing how much the community members cared about that field. I'm relatively new to the south side and it wasn't my stomping ground. I lived for 15 years in the Savers/Home Depot area [inaudible] I don't know what they call it anymore.

So just really ten minutes south really changed the demographic and just my involvement in the community. People had worked very hard to get that land protected. It was purchased with bond money and by all means it was public land, [inaudible] protected. And so the reason why I feel like this needs to be discussed today is that following a spectacular presentation by the residents of 1B, the response by Homewise' lawyers, Mr. Loftin, everyone in the City and the entourage that came to support, this land became absorbed into the city.

Nothing's sacred to Homewise. This land is valuable to the people that live there and in a completely different way than it's valuable to Homewise. And it saddens me how much disregard is allocated to these citizens, these community members, and the tactics that are being used on these community members mirror those that residents experienced for the South Meadows, the south side open space. That whole [inaudible] Although Mr. Loftin has a degree in history I wouldn't call him a historian because he doesn't find value in history. And in fact he comes in here and tells you guys how to do it.

I am concerned about what this means for the future of Santa Fe when a private citizen gets to decide what our city looks like and our county looks like, and how that's going to change over time. This is a huge decision and it can impact things for generations, and that needs to be valued as the community members value it. It does not need to be swept away. I'm worried about what the next chunk is, what the next field is, what the next area of land that is purchased without any regard for those who care about it. What's that going to look like? It's not going to be long. February was when the meadow was taken officially.

And now suddenly we can't have the annex happen quick enough. So please, I get of you, truly consider how much effort they've had to put into this to prove what we all know is true, that this is a reasonable acquisition for the historic Village of Agua Fria.

CHAIR HANSEN: Thank you very much. Next.

[Previously sworn, Johnny Gett testified as follows:]

JOHNNY GETT: Good evening. My name is Johnny Gett. I reside at 26 Peacock Alley. And I am under oath. So I am not a native son of Santa Fe. I am a transplant. I grew up in New England and I've lived all around the world out of a duffel bag. I came to New Mexico in 2012 and instantly knew that this was where I was going to spend the rest of my life. I took my time in finding where I was going to live.

In 2016 I acquired the land I currently reside on. How did I find it? I found it because it was in a distinctive community that was easily identifiable, exactly what I was looking for. Like a lot of transplants that come to this area I wasn't looking for a structure; I was looking for land. I had ideas about growing my own food and restoring native grassland and it's hard to find land that I could afford and actually work towards that goal, but I found it in this distinctive community. I found the perfect piece of land. It was a south-facing slope. It had good soil. I had soil tests, workable, not perfect. I had water, an adequate amount of water to do what I wanted to do for a responsible steward of that resource. It had good drainage.

I feel that the lifestyle that I'm working toward will be under threat in the hands of the City. We heard this evening from Mr. Blair that the rural lifestyle was anachronistic and would be gone in 20 years, and that's absolutely true if we don't defend it. So in contrast to that, the traditional historic village has a plan that I want to be a part of. It's responsible to its residents and it's responsible to the land, and it would be a community I would be proud to be a part of. That's all I have to say. Thank you.

CHAIR HANSEN: Thank you, very much. Next, please.

[Previously sworn, Van Leimer testified as follows:]

VAN LEIMER: Van Leimer. I live at 24 Peacock Alley. I'm under oath. I took the oath. I just wanted to start with you can obviously tell how much the City

doesn't care. They said their spiel, they split. They don't care what we have to say. they don't care about anything that happens out there. It's pretty obvious. But kudos to Mr. Loftin. At least he stayed to listen to us. He offered a compromise which obviously the City hasn't done because all they talk about is lawsuit and we're going to do this, and it's going to be legal and this and that.

One of the things that I wanted to talk about was Mr. Romero. He's a Santa Fe native. He's a State Historian. He's a professor. He's an archive specialist, an expert witness who was willing to come testify for us. I know Mr. Loftin had his attorney say whatever he said. He knows and his attorney knows what an expert witness is. I've had to do it for fire investigation cases and I wouldn't talk about anything that I didn't know about.

Area 1B is an specific area that has its own specialized entity. There's an ability to have a rural area, a space to sustain relationship with nature and be part of the land. There's 1,000 acres of occupied area with 800 acres of people that arrived and are living there. Homewise owns 200 acres of that with nobody living on that land. There's homes that have small farms with gardens. There's livestock. That reflects the culture of being part of a village and all these people that are still sitting here from Area 1B, this is all part of a village. Most of these people I didn't even meet until we started this. But guess what. We're a community, and now we're a village because we're defending what we want to do and that's some part of history in that area that's been going on for hundreds and hundreds of years, defending an area – that's a village. That's the definition of a village.

There's no way that the City offers any advantages to the residents of Area 1B. These problems with roads, bridges, infrastructure, lack of fire, police to provide services to the city, much less to a new area that they're going to adopt. The City has had years to annex Area 1B. They negated the contractual annexation in 2018. Maybe the fact that they walked away from it and have asked for multiple extensions while not providing their audits within the last three years show their lack of neglect for the city that they're providing for, much less any area that they might annex. They continue to provide nothing for us. They charge us for permits, which are paying for things that are not in our community.

As long as we live without City representation, with their basic provisions that we don't even need, because we've sustained ourselves, which in and of itself creates a village. We sustain our own selves in Area 1B. We're all on wells. We all have septic. We've all done without for years. We know what it costs. We deal with it. We don't need the City for anything. Collapsing open space and the City continues to throw pavement on the ground and multiple homes do not create a sustainable environment for any wildlife, aquifer replenishment or shaded areas within the city limits.

There are multiple examples of this around town. The City claims to be environmentally friendly while they lay more asphalt and create heating along the mountains, destroy heating and cooling effect, provides moisture from snow and rainfall. Thanks. That's all I have.

CHAIR HANSEN: Thank you very much. Next.

[Previously sworn, Joseph C. Banar testified as follows:]

JOSEPH C. BANAR: I reside at 3401 Coyotillo Court in Area 1B, and I am under oath. I'm not an employee of the City. I'm not an employee of the County, not

an employee of Homewise and I will claim 1301 for any reason. It's seems the loyal opposition to our petition chooses to forget or ignore the fact the City and the County, both, in 2008 and reaffirmed in 2013 our right to petition to be excluded from the annexation. In that paragraph, Paragraph 2, Section D, that is the only wording. There are no extra words, requirements, stipulations or defining of any proof. It is simply the right to join the Village of Agua Fria.

Anything else that you've heard tonight is nothing but smoke and mirrors to try to divert you from the real issue. And the real issue here is whether you will be persuaded by 50% of your registered voting resident constituents of Area 1B, or by three non-resident corporate landholders, one private landowner, who is a non-resident, and one inept City government, all five of which are opposed to our petition and are only interested in making a profit. Basically the question here tonight that you have to answer is one of deciding that either the quality of life of your constituents in Area 1B or corporate profits. Thank you very much.

CHAIR HANSEN: Thank you.

[Previously sworn, Rick Martinez testified as follows:]

RICK MARTINEZ: Rick Martinez, 725 Mesilla Road and I'm under oath. I don't know if anybody up there has read the West Santa Fe River Corridor Plan. It's really [inaudible] it was put together by a good group of people and Justin, I think you were part of that too. And it talks about the whole west river. It talks about Agua Fria. It talks about Alameda especially, and one of the things that I want to bring up is the overview of the whole thing is what we called the semi-rural area, which is basically the Commons all the way to Siler Road.

And the recommendations for future use of that whole area – and this was adopted by the City October 14, 2015. What it says here, it says the future land use is one to three acres of land, that should be the zoning. And that's what the City [inaudible] that's what's happening up here on Unit B, Unit B-1. And it's following the same character that we call the rural area. And I think what the City is misleading us by saying we want to see the growth, but at the same time they fully approved this thing by a unanimous vote by the City Council itself.

So I think this whole thing, this whole West River Corridor displays a lot of the way that part of the town looks, that West Alameda Street floodplain. We hear people talking about the growth and how it's going down south, but now they're not saying that there's going to be growth up north when we turn it over to the City there is going to be a lot of growth up on the north side there, all the way up to 599. We've got to protect that, plus we've got to start thinking about sustainability. Is there people going to [inaudible] in their cars all the time? There is no grocery stores up there. There's no shopping center. You've got to get in your car to go anywhere you want up there. You can't even ride your bike because those hills are too darn steep to go [inaudible]

It's kind of scary on how the City represents it to you guys that they're going to do something good. So I just think we've really got to look back and environmentally and socially think about what the area is. I think this community that's asking for this petition is doing the right thing and I think by you guys even listening to this and taking it on, you are doing the right thing and supporting – the politicians – not the politicians, the people coming up here are doing the right thing by listening to the community and saying we're

the County. We've got to give them a voice to and give them a voice to make sure their voice is heard all the time.

Once again, the City adopted the plan where it's one to three acres, and that's what's happening there. We've had someone earlier that said in 2001 there was 175 houses built up there. Those are all built on R-1s or R-2s. So it hasn't changed. If we give this back to the City, the City's going to change that. I remember years back when Rebecca Wurzbarger, Councilor Wurzbarger went up to that unit and was trying to tell everyone, you've got to go to R-5, she was doing that and they chased her away. So you guys can do the same thing, chase the City away and give this community what they ask for and make sure they get it. Thank you.

CHAIR HANSEN: Thank you, Rick. And just so you know, I worked on the Western Corridor Study too.

MR. MARTINEZ: Oh, yeah. You were there too.

CHAIR HANSEN: Next.

[Previously sworn, Jared Oshell testified as follows:]

JARED OSHELL : I'd like to get this slide show going. I requested it. They said they'd have it ready. Okay, just to point out that the pictures we showed were the Borregos, and that's not true. The pictures we are showing now and showed before were from all over Area 1B. Just to correct that. My name's Jared Oshell. I live at 2674 Buckman Road. I understand that I am under oath and I live in Area 1B.

In the Homewise legal argument, Herdman says everyone in the village had to live near a river or acequias. That's just not historically true. Not everyone in a village was a farmer. There was always hunter, shepherds and non-agrarian types. People living two miles out of the center of a village had a better chance of hunting and could trade with farmers. They had outposts for tending to livestock. They were still part of that village and its ability to sustain itself. Firewood, herbs and food gathering, the notion that there was no one living where there was no acequias is absurd. If you are fed by or help feed a village you are part of that village. For over 8,000 years people have been using pottery to carry water, but I guess not here in Agua Fria. The technology of hauling water or hauling liquid in a barrel has existed longer than Christianity.

In the late 1880s, almost 140 years ago, there was a train that ran out Buckman to Diablo Canyon up the Rio Grande to Denver, but no one lived away from a river.

They also argue that the village has an artificial boundary of a modern highway, 599. 599 was a disruption to the documented area, not the other way around. Searching the County Clerk records and the BLM records you find the original patents of these properties, some of them in Spanish. They have dates of 1865, 1870 and 1875 and so on. Why would the villagers of Agua Fria divide the lands if they were to remain unused? A common description of these parcels were from point X to point Y and then from the Santa Fe River to the Arroyo los Frijoles, well past 599.

When it was constructed, it severed many properties that were still the same long strips as when they were patented and long before that when it was another government. By the maps of ownership that were shown, the area on the other side of this modern highway should be part of the village too, but there are newer developments that do not have the character that distinguishes Area 1B in line for the arbitrary application of the state law that deals with the creation of a new village.

As I pointed out last time, our right to join an established historic village is an unamended legal clause just for Area 1 that if the authors intended to follow these guidelines they would have cited them just as other provisions do on pages before and after this page. When they want to cite state law they do. This clause must have been written with prior knowledge of Area 1's connection to the village or they wouldn't have added it at all.

But since we are here to quash these claims, here it goes. To the wording of the state law in 1989 3-7-1.1, it says a community has to be established as an area for over 100 years. The maps and patents show that clearly. Then it says that an area must contain structures or landmarks associated with the identity of a village or community. It does not state that these structures must be 100 years or it would have said that too. Our area has a very distinctive character from Aldea into [inaudible] developments for an example. Most of the houses are unique and owner-built.

The Herdman argument also goes on to say the County Assessor's map and corresponding info to give structures in Area 1B a construction date. No offense to the County Assessor but that info isn't always the most accurate. I thank Homewise for providing the Whitmore paper in their submission as it has a very long, large section on historic structures that have been added on to. Specifically, for example, on page 36 of the Whitmore paper it describes on a 1914 acequia map of Agua Fria has people living in a house that was later added on to. But our Assessor map says that this house was built in 1937. So there isn't a clear enough record to effectively date every structure in Area 1B as we pointed out with the Carol Thomas home. There is a fireplace ruin on my neighbor's property that doesn't appear on the Assessor's map, nor does the [inaudible] adobe structure we showed either.

Our area is very unique. It has all spectrums of race, wealth. It is a refuge for wildlife and life that wishes to remain overall. It has long-time residents who moved here when it as all dirt roads, quieter and more peaceful and calmer is this area. It's slower paced and that why we decided to be here. Forcing us to do a homogenized urban landscape, devoid of character and nature will alter the health of all of the residents and the health of the environment. Stripping people of their cherished water wells and livestock so a very wealthy company can achieve more wealth isn't right.

You would struggle to fine 20 Area 1B residents who are for this. We are united in our stance that we would much rather remain in the county. We all know that the lion's share of their investments is for high-priced, pack 'em in, sticks and stucco, belligerently disregarding anyone around them. But they knew when they purchased the property here the provision for us to join the village was a risk and they took it. And if they didn't know, well, ignorance of the law is not legal defense.

Lastly, I just wanted to point out I gave my real address today as I made a report to the Sheriff's Office of perjury last time and that's up until now gone unanswered. I also reported it to this body. Thank you.

CHAIR HANSEN: Thank you. Next.

[Duly sworn, Edward Snow testified as follows:]

EDWARD SNOW: My name is Edward Snow. My address is 3421 Via Brisa and I am under oath. Thank you for allowing us to make a comment. I just want to say that we have built infrastructure in our neighborhood to take care of our own needs.

We've built wells, we maintain our roads, and we take care of our septic tanks. It's a significant investment and ongoing expense.

The incompetence that I've witnessed by the City of Santa Fe makes me think that if we were to be annexed by the City that we could not expect the same level of coverage for our needs as we take care of ourselves. Just examples of these things, the deteriorating roads I've seen in the city – I'm driving on Henry Lynch and I'm driving on the County road and it's nice and smooth. I get to a sign that says "end of County maintenance" and then I am on a very bumpy road that hasn't been maintained. The collapsed bridge on West Alameda is just one other example of something that wasn't dealt with and leads me to think that our area would not be able to be absorbed effectively.

So I ask the Board to please allow Area 1B to remain in the county and join the Village of Agua Fria. Thank you.

CHAIR HANSEN: Thank you very much. So you have already testified.

MS. BANAR: I have already testified and I will keep this brief but I'd like to express my own views now as opposed to representing the history of the area. My name is Tamar Banar, 3401 Coyotillo Court, and I remain under oath.

I just want to emphasize one thing in particular. Of all the different areas that were slated to be annexed as far back as 40 years ago – this has been a very, very long, court-negotiated process, this whole annexation. And you know better than I. There's only one area that was granted the right, specifically called out in 2008. It was reiterated again in 2013, to have the right to petition to join Agua Fria historic village. And I keep coming back to why is that the case?

And what I've arrived at is it's because people knew that this particular area was historically part of Agua Fria Village, and that it deserves the right and in fact you'd be denying and opening the door to legal challenges by not allow the villagers to have the right, before any annexation would take place to do what we're doing now, and that is to express our opinions about whether or not we feel the City can help preserve the cultural heritage of an important historic village in New Mexico's history.

We heard the City Archaeologist, Mr. Paul Duran, acknowledge that Agua Fria has a rich history, that it is unique, that it is different along with La Cienega, along with other historic villages. And my father was an architect; my mother was an anthropologist/archaeologist. I feel like I see both ends of this particular view. And what I would say is that if the County's not willing to step up and become a guardian for the cultural heritage of these special places – you in effect are guardians, to my knowledge, of at least three – Tesuque, Agua Fria and La Cienega, if you don't stand up and protect Agua Fria, which has been reduced down to this mere two square miles, 2 ½ square miles of its original boundaries, that that culture is in danger of becoming extinct.

And I think if you look at where El Camino Real Academy is and you see the encroachment of high density housing that the village didn't have any input in. The village is not being sought out by developers in all of this. Obviously, as Mr. Leimer pointed out, the City has left. They're not interested in hearing our input, and I do know from having a father who is an architect that in every single architecture design planning class you have, number one thing that's emphasized is user involvement in design. And again and again, if you don't have that strong component, and a lot of architects and engineers hate it, but if you don't have it you're going to have major, major problems

down the line.

And so I would really appeal to you, please consider when you are hearing the same thing.

CHAIR HANSEN: Thank you very much. Next.

[Previously sworn, Kathryn Davis testified as follows:]

KATHRYN DAVIS: My name is Kathryn Davis and I reside at 3406 Via Brisa and I know I'm under oath. I thank you for allowing me to speak. I'm echoing so many what other speakers have said. My purpose in being here is that I don't want to be part of the city and I think the Mayor made it perfectly clear why I don't want to be part of the city. He attacked the Council. He dismissed Mr. Loftin's attempt at a compromise. He basically came in here with his entourage, attack us all, and said we'd be better off with him and all the things he would do for us, and then the entire group walked out with hearing his constituents' opinions. And we would be his constituents, but he didn't want to hear us because he knows what we have to say.

So my purpose is I don't want to be part of a city that treats me like that. I can't vote for them right now and I don't want to vote for them. I want to be part of at least somebody that gives me an opportunity to speak. He talked about backroom deals in terms of the County. I haven't heard anything about negotiations that have been going on for where I'm going to live, where I do live. Excuse me.

I ask you to consider the fact that we're not asking to be a traditional historic village. We've been given the opportunity and right in 2018 to petition. That is our right. Why was that given to us if it was a foregone conclusion that we are not historic, a pueblo or part of a village? So I ask you to please vote in our favor. Thank you.

CHAIR HANSEN: Thank you very much. Daniel, do we have people online?

MR. FRESQUEZ: Madam Chair, we do have one person raising their hand online.

CHAIR HANSEN: Okay. Please come forward and then I'm going to go to the person online.

[Duly sworn, Josie Rodriguez testified as follows:]

JOSIE RODRIGUEZ: Josie Rodriguez. 909 Camino Tres Arroyos. And I'm under oath. I'm tired, as most of you must be at this point. I hadn't planned to speak, but I felt compelled to simply thank you for giving us the opportunity to speak. Someone mentioned the proverb of elephants and grass. I am a single blade of grass that bought my home in 2015. It was condemned. The local contractor worked with me to make it look beautiful forever home.

So I simply thank you and hope you will take serious our petition to stay within the county. Thank you.

CHAIR HANSEN: Thank you very much. Daniel.

MR. FRESQUEZ: Madam Chair, we have one speaker, Mary Moore. Will you please unmute.

MARY MOORE (Via Webex): I need to be sworn.

[Duly sworn, Mary Moore testified as follows:]

MS. MOORE: I acknowledge I'm under oath. My name is Mary Moore, 690 Camino Don Emilio. Madam Chair and Commissioners, we all know that the 200-

page report that Mr. Herdman put in his packet is actually about culture and history, and not about scientific research. If you accept the Whitmore report, and I photocopied the entire thing, then you should also accept the conclusions of the paper. Differences between the area by the river where the homes were located and the surrounding areas and arroyos are duly noted, but at the end of the day authorities used this very paper to conclude that Area 1B should be included in Agua Fria.

The area was settled with modern geographic boundaries didn't define a community and maps didn't define culture. Yes, a primary settlement and many residents would be near a river because access to water is important. But those who live near a river know they need more. They need firewood and game and space for grazing and growing and land for industry like mills and wells, and supplies for making adobe bricks, healing herbs, and rejuvenating natural and spiritual places.

These resources, like water, were life-sustaining for what became the entire community. If you told the people who lived in those houses by the river that their community was defined in a very limited fashion, they'd have laughed at you. They knew the community covered a much broader surrounding area. Defining Agua Fria solely as homes by a river is like saying Santa Fe is defined only by downtown.

I will agree that our area was less valued by those who lived inside the city core, and it still is. Past land surveyors called it broken land, land that wasn't as valuable. Developers today call it vacant land; they called it that today, as if the land is barren and aches for pavement and buildings. But consider some terms that are more accurate. Original land. Natural land. Native land. This land retains its original spirit. I know the settlers felt it and I know the residents feel it, and I feel it too, every morning when I look out over nature. I see wildlife. I see the horse trail. I see other trails that have been here before written history. I can almost see the spirits of horseback riders coming down from the hills and headed toward cold water. I see native land, historic land, Agua Fria land.

Shirt gears and consider the message that is sent if our petition is denied. If you gathered wood and sold it in the street, that's not history and it doesn't count. If you were a farmer or a rancher living outside the city core, it's not historic. It doesn't count. If the land was a vital resource to support a thriving community, that doesn't count. Your house is less than 100 years? Doesn't count. You didn't speak English? Whoa, that doesn't count.

In short, the historic use of the land and the will of those who live on it today doesn't count. The only thing that counts is the opinion of an official who seemingly wants to destroy an important part of cultural history. Some try to trick you into thinking our petition was about something else but you didn't fall for it. Now we need to call this annexation what is really is. It is a forced annexation, a forced annexation against the will of the majority of registered voters, because the City says our land is broken land and our votes don't count.

But you read the constitution and you know better. And so I thank you for your eventual approval of our petition.

CHAIR HANSEN: Thank you very much. And that was a wonderful way to end the public hearing. I'm going to close the public hearing. I'm looking at my County Attorney. I think that that is the proper thing to do. We have heard a tremendous amount of testimony from everyone, so public hearing is now closed.

So now is the time for us to discuss what we wish to do. I have a question for Homewise.

COMMISSIONER HUGHES: Go ahead. You go first.

CHAIR HANSEN: So if the property Big Sky, Buckman, Bradbury, Gallegos, Crocker, is carved out from the Agua Fria Village designation would that be an acceptable way for Homewise to move forward?

MR. LOFTIN: Madam Chair, Commissioners, that I think is a good direction. I think it's important that other landowners who have not been consulted have a chance to decide whether they want to opt in to the traditional village or not. There's several other landowners there that I think should be consulted.

CHAIR HANSEN: Mr. Martin signed the petition, so that would mean that he might – he most likely –

MR. LOFTIN: He might decide to opt in, but I think they should be asked. I think the principle here is one of common sense fairness, where if people are choosing to opt into the traditional village and remain in the county, not go into the city, I would think that's fair to give them that option and it's also fair to give the landowners a chance to decide whether they want to do that or not.

COMMISSIONER BUSTAMANTE: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER BUSTAMANTE: That is something that probably should have been brought before us prior to making the proposal for the carve-out. At this point, then to do that opens up the process all way to a checkerboard opportunity to go back. The petition has been signed. I've been through this process before and in 19 – whenever it was. Those landowners, with the exception of the largest at the time of the development that could have been, it was determined at that time that that was appropriate but there wasn't a reopening of the conversation to allow for each landowner to opt out. It would create another month or four for a process that has now been under way for several months. Madam Chair, with all due respect, I really don't think it's a good idea.

CHAIR HANSEN: Thank you. I think that we know well enough what needs to be carved out if we're going to do that. If those people didn't want to be in the village I think they would be here. If they wanted to be in the carve-out, they would be here.

MR. LOFTIN: Madam Chair, I think that's up to you and I just think my thing about this I think your process is good. I think that having a chance to let people know that by the next County Commission meeting that you need to let us know whether you want to opt into the traditional village. If they want to do that I'm fine with that. But I don't -

CHAIR HANSEN: I'm only – this is only dealing with the large landowners. This is not a piecemeal option.

MR. LOFTIN: Right.

CHAIR HANSEN: And you are the largest landowner.

MR. LOFTIN: That's correct.

CHAIR HANSEN: Of that particular area on the north side. And you're the one who wants the carve-out.

MR. LOFTIN: So does Brad Gallegos and so does Ed Crocker.

CHAIR HANSEN: I know Brad Gallegos does. He's made that clear to me. I'm aware of that. And so does Mr. Crocker. I've listed him. I've listed all of you right here that have made it very clear. The State of New Mexico, the State Land Office, they're agnostic. They can do whatever they want. That's up to them. The Department of Transportation, it's up to them. We don't have jurisdiction over state land. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I think – I'm not sure how far we'll get tonight, but I just wanted to say a couple things. I think we very definitely want to honor, or at least I would like to honor the request of the people in Area 1B to become part of Agua Fria Village. I think that's something we all heard very clearly. You're not allowed to clap but I know you approve. I also think that Homewise had good plans for affordable housing and if we can make that possible, I think that's also desirable, so I do think moving toward a compromise of some sort is good.

I do have a question about the state land. It seems that if we don't have jurisdiction over the state land perhaps we should not include it within the boundary of Agua Fria Village because they're going to do whatever they want anyway.

CHAIR HANSEN: They could join the village if they want.

COMMISSIONER HUGHES: They could join the village if they want, later, obviously, but I don't know if we want to include that tonight or next week or whenever we vote on this. I guess that's the only question I still have. I know that we feel that since Mr. Martin signed the petition, and if he wants to keep his land vacant anyway we should probably include that in the boundary of the village.

CHAIR HANSEN: There's no reason why, Mr. Loftin, you couldn't work with him, even if it is county land. As I've said to you, I don't understand why you don't want to be in the county. We would treat you so well.

COMMISSIONER HUGHES: Madam Chair, I'd like to point out that 200 people want to be in the county, not the city, but oh well.

MR. LOFTIN: City water and sewer matters.

CHAIR HANSEN: We have County water and sewer.

MR. LOFTIN: But as we've discussed, Chair, I'll be doing – that eco-park thing could work in the city or the county.

CHAIR HANSEN: Right.

MR. LOFTIN: So that has a material effect of what we try to do there. It's just a matter of – it was me, but I'm not the one making decisions. I would ask [inaudible] of what they prefer, but that would – in terms of what we're trying to do, that would work.

CHAIR HANSEN: Okay. I see Commissioner Hamilton has her hand raised.

COMMISSIONER HAMILTON: I don't want to be repetitive so I just wanted to say that in all the specifics I really agree with Commissioner Hughes. I want to honor the petition for the people in 1B as part of the village. I think the offer of the compromise – for the carve-out, I'm sorry – is a good compromise for them. It is – I know I get these favored expressions, but it gives everybody – it gives people what they need but it also leaves everybody a little bit unhappy, because it is a mathematical

optimization, equation where you can achieve – the myth of win-win situations, but I think if leaving things to go on and on for opting in and out, I think that does not seem ideal, and I think we really do know the pieces that do need to be carved out and that which will lead us to a decision I think is worth making, as soon as we can make that decision.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, I would have to stand with both Commissioner Hughes and Commissioner Hamilton on this from the perspective of not just wanting to support the signators but the clear fact that when we left our last meeting our intent was to be aligned with the regulation, with the law that says have we really seen what would be necessary. This allows for a community to petition their interest of where they want to be. And we did not have enough evidence and we heard tonight that we were allowing something that we shouldn't allow, and I think, no, we are allowed to get as much evidence in that particular proposal and request from the community.

To that end I think that in some cases, and I mean no disrespect, but there was an embarrassing situation of history and facts on the part of the City, and frankly, for those who referenced just southern development on what are clearly long, 14th century Law of the Indies lot splits. And when I say that, when we look at those parcels and we say, well, it's obvious nothing happened up north and everything was happening in the south, that's very specific to the historic designation of how land use was done. The water runs from the north to the south. That's why parcels are cut that way. The checkerboard pattern didn't start until we had people who did not comply with that type of historic land use.

And I think that the evidence brought before us by the people from the village and those who opted to support and represent was exemplary. I think there was good history. It was valid. I'm going to say I have a sense of value for that. I sincerely appreciate when someone can back things up with evidence, with documentation, maps, referencing use of the land, that became very apparent. It left absolutely no question in my mind that the evidence for the use and the last box that we needed to understand, that it met the requirements of the law to have the desires of the residents fulfilled.

So to have – and I have to say it out loud – so incredibly insulting, the lack of understanding of the use of the commons, of what it meant to traditionally have open spaces for our Native American brothers and sisters, cousins to come through. This was something that is part of traditional uses of land and it's evident in the maps. And to hear, with all due respect, the City Manager say let the City take over this land. This just as soon be the 1800s or 1700s, it's like, really? I'm sitting here insulted, and I'm thinking, it's not about trying to be insulted, but let us take over? Let's go back to the bargaining table and disregard the people who are residing in that community. Really? I can't believe what I heard.

And yes, it's late, but that's appalling. So with all due respect, it's not in the interest of personally attacking anyone, but a value, a sense of values that have nothing to do with the people who live on the land. That's what I'm attacking. I will say this is not about the individual but the individuals or a mentality that says disregard the will of the people. That I believe I would be willing to attack any time. The will of the people is what needs to be heard. They have met the letter of the law and I am in support of

whatever they have set out to put forward. Thank you.

CHAIR HANSEN: Thank you, Commissioner Bustamante. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, everybody, for sticking this out. Lots of great testimony, really on both sides. I think everybody testified truthfully on a lot of different layers of history and the patterns of the village and the city and the space in between. I'm trying to believe that this is the space in between. I don't think this was part of the city and I don't think it was necessarily part of the village per se. It was just that in between land for a long time.

And so we're here to sort of make a decision and I think that the right decision is this carve-out and this sort of opportunity to be King Solomon, up here. And the good news is that we don't have to divide a baby. We actually get to divide some property and in a way that is fair to the users and the residents and doesn't have to throw the baby out with the bath water as it may be.

The key part of the provision, the same provision that allowed the residents to petition to be a part of the village also has a key work in it, which is portions. Portions. It didn't say you were petitioning for all of it. It wasn't an all or nothing thing. It was you could petition for portions. And that's something that we are trying to figure out what portions – potentially it could be all. It could be none. But portions gives us a chance to be a just and as fair as we can be.

To circle back around to something that I find interesting today is that we had the Mayor here speaking to his intention and the City's intention to annex all of this, but I was, as many of us were, at the Mayor's State of the City address a few months ago now. He talked about his theme for this year was justice. So this is us trying to mete out some level of justice for the folks that live in this neighborhood that have asked for justice for their desires to be met, but at the same time for the landowners and the developers in this area to have justice for their property rights.

And so I appreciate the maps that Homewise has produced. They've been informative and there's a lot of work and thought that's gone into those. I think this is an opportunity to come out with real planning that is needed for this area, and that's not only for the areas that are going to stay potentially or go into the village, but this is the area for the city. The County has already in its interim budget put \$150,000 into the budget for planning for whatever remains in the county. And that's great. That probably goes a long way to actually getting some planning done for this area that is going to need planning for utilities, for roads – you name it. For infrastructure.

I'd love to see the City had actually done the same thing, right? Because that's putting your money where your mouth is, literally. But I didn't see that. I didn't see a pledge by them with a timeline or any of those things. So if you don't want to be in the county or in the village, more power to you. You're at the will of the City and I know you'll do fine. Just patience, right? You'll just need some patience. But we need to do our part if we do take this back and plan it properly, expeditiously, and to make sure that people aren't stuck with the in between land.

And what happens when you want to add on to your house, right? You want to get a building permit and you're a non-conforming property. Something, god forbid, some emergency happens and you can't get a permit. The County can be difficult to get a

permit as we've sort of discovered from up here periodically.

So hopefully we can get this resolved relatively quickly so this in between time and these non-conformities can be figured out very quickly so this limbo doesn't really impact you all. And so I'd like to go for the sort of middle ground. The checkerboard – I do appreciate the idea of announcing this and giving a few weeks for all landowners to opt in or opt out, but I'm not going to let that stand in the way of a resolution. So thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Greene. So what I think we need to do here is – I want to be clear that the Area 1B parcel included within the Agua Fria Village will remain in the county, but within what is called the presumptive city limits until such time the annexation process is complete. So even though you carve out, Mike and your team and other people, you will still be in the county, because nothing will happen until we go through the ELUA, the ELUC and the ELUA. And that's where decisions will be made about the carve-out area. It will not be made by us tonight. The only thing we can make is adding you onto the historic village.

I know that you, the residents want the whole area. I recognize that. I recognize that for the wildlife, for the scenic beauty opens up, but I also know that I'm a politician and the compromise is my responsibility, to the constituents and to the County. So I'm trying to make sure that we have some resolution. So I want to move that we delay the final action on this ordinance until June 13th, which is our next County meeting, and at that County meeting we will have a carve-out. We will have what's going to go to the historic village and hopefully we will vote on that. Does that sound reasonable, Jeff?

MR. YOUNG: Madam Chair, it is a rather complicated issue. I think that does make sense to work through that carve-out proposal.

CHAIR HANSEN: So the public hearing is done, unfortunately. I think I have to ask the County Attorney. The real people who have a decision on the carve-out are these large landowners. Okay. So like Homewise has three large pieces. Okay? State Land is agnostic. I don't know – we don't control state land. We don't have any say on state land. That's true. Correct? They get to choose.

MR. YOUNG: Madam Chair, my understanding is the state land would not necessarily be subject to the Traditional Historic Community. However, when it comes to individuals leasing state land, my understand is state land requires to follow the local jurisdictional rules and regulations, so there is that piece of it. So typically, yes, with respect to annexation, this is a bit different than annexation. This is declaration of a historic traditional community. But I think that is true, Madam Chair.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: Can I ask the Attorney, do we have the ability to put the state land in the Village of Agua Fria or does that need to be left out?

MR. YOUNG: Again, I would recommend that it not be included at this time as part of the traditional village.

COMMISSIONER HUGHES: Okay. Thank you. And it seems to me that what might happen then is if the State Land Office sold its land to somebody else they could then petition to be one or the other. They probably won't develop the land themselves; they'll probably sell it. Thank you.

CHAIR HANSEN: I really – I closed public comment. I can't answer those questions. So what happened in La Cienega is what I'm going to use as precedent. Okay? So what happened in La Cienega is when they became a traditional historic village, they had a hearing just like this. One of the landowners wanted a carve-out. The Board of County Commissioners gave them a carve-out at the moment. It didn't have to be – we didn't ask for this or we asked for that. It was just we up here made that decision.

But what we're going to do is we're going to delay final action on this ordinance until June 13th, if I get a second, and direct staff to prepare a revised ordinance that would carve out or exclude from the Agua Fria tradition historic village a matter of legislative discretion, undeveloped land, land generally described as land owned by or parcel members. We would need to be as descriptive as possible for this record, perhaps include landowners names and parcels for the carve-out and recite the most significant, substantial evidence supporting the Board's finding that the criteria in Section 3-7-1.1.a has been met. We would need guidance from the Board on the supporting evidence for each criterion.

I agree with Commissioner Bustamante that historic documents have shown consistently that this is an area of Agua Fria, the entire area. I also know that from SHPO – SHPO is the State Historic Preservation Office – they consider when they have listed an LA property at the corner of Calle Nopal of Paseo Nopal and near West Alameda as Agua Fria. That is the first words in the LA description of 122, or 125 – I don't have the number right in front of me. So there is historic, complete reference that this has always been associated and considered the Agua Fria area. This is where people went and hunted. This is where people went and gathered wood. This is where people went and collected piñon. This is where people went and kept their sheep and other traditional uses. Collected herbs. There is many things that I could list here, but I do feel that there was a number of landmarks provided, especially the old mill.

Of course things that are 100 years old are deteriorated. It's a fact. I don't really want to respond to what the City said about me, so I am just going to leave it alone, because I think I know who I am and I care and represent my constituents. And that is my job as an elected official. You hired me; I am representing you.

COMMISSIONER BUSTAMANTE: I second your motion.

CHAIR HANSEN: Thank you very much. I was waiting.

COMMISSIONER HUGHES: We all wanted to second it, Madam Chair.

Let me also say, Madam Chair, I have a great deal of respect for the way you represent your constituents and I felt that the City's remarks were unfair and untrue.

CHAIR HANSEN: Thank you very much. I appreciate it.

COMMISSIONER HUGHES: I also would like to know more or less what the motion is. In other words, which areas are we carving out?

CHAIR HANSEN: Okay, so from what I have here is we have Homewise's area, but I would like to take out the George Martin area and leave that in the village unless we hear from him otherwise. Homewise, then there is this strip of land that has a consistency of – it is the Martinez land and from the gentleman back there, he said there's a Martinez land grant and I can see there's a number of Martinezes who own a number of strips of land, and so we would like to hear one way or the other from them. The State Land, Department of Transportation. I think we have to leave that agnostic

unless we can talk to DOT and find out what they want to do. They're in the village already, DOT. We do have land that is DOT over by the Vetrianies that is already in the village. So maybe they're fine with being in the village.

Then there is – I have too many maps here. There is – and the land bridge is incredibly important. There will be a land bridge through the arroyo. And then there will be Homewise, Brad Gallegos, Crockers, State Land will be – hopefully we'll hear from them, and then Homewise has another section, but down at the bottom there's a little area that does not want to be – there's a section along the bottom of C, that those people all want to stay in the village. I don't know where we have this road, if that is State Land or not on this one section. I don't know who owns that section.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: You wanted to know – I'm trying to give you as much information as possible.

COMMISSIONER HUGHES: Thank you.

COMMISSIONER GREENE: Madam Chair, can we do it as a timeline for the next two weeks with the intention, to your motion, that in two weeks we will hear a bill or the ordinance with a map produced by one week from today, so it can be published in time for the ordinance, with an outreach campaign in the next – by the end of Friday, so everybody who's in question in this can be reached out to in time, whether it's the Martin property or the Martinez property, or Homewise may change their mind between now and then. Who knows?

CHAIR HANSEN: They might decide –

COMMISSIONER GREENE: Right, that maybe the County is better. But by the end of this week that we solicit as much input as possible to do that. Then by next Tuesday, GIS can produce a map that is published for our consideration two weeks from now.

CHAIR HANSEN: Yes. And I will work with Laura to get that done.

COMMISSIONER GREENE: Yes.

CHAIR HANSEN: County Manager Shaffer, do you have anything you want to say?

COMMISSIONER HUGHES: Do we need to vote on the motion?

CHAIR HANSEN: Okay, we have a motion and a second.

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

CHAIR HANSEN: No opposition. So I don't have an agenda in front of me. Is there anything else on the agenda?

MANAGER SHAFFER: In all seriousness, Madam Chair, and just to be clear that the motion did include direction to the County Attorney and staff to summarize the substantial evidence supporting the ultimate conclusions relative to the statutory criteria. I just want to make sure that that's clear on the record that those changes would be forthcoming and there may well be others that the County Attorney brings forward, but that will be for the Board's consideration when it takes up final action on the ordinance.

CHAIR HANSEN: Absolutely. Thank you, Manager. That's why I asked

you if there was anything. I appreciate that. So we voted, right? Everyone said aye. So we're good. We had some direction from the County Manager.

13. CONCLUDING BUSINESS

- A. Announcements**
- B. Adjournment**

Upon motion by Commissioner Greene and second by Commissioner Hamilton, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 10:40 p.m.



Approved by:

Anna Hansen
Anna Hansen, 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

EXHIBIT

1

tabbles

SFC CLERK RECORDED 07/03/2023



hall

SFC CLERK RECORDED 07/03/2023



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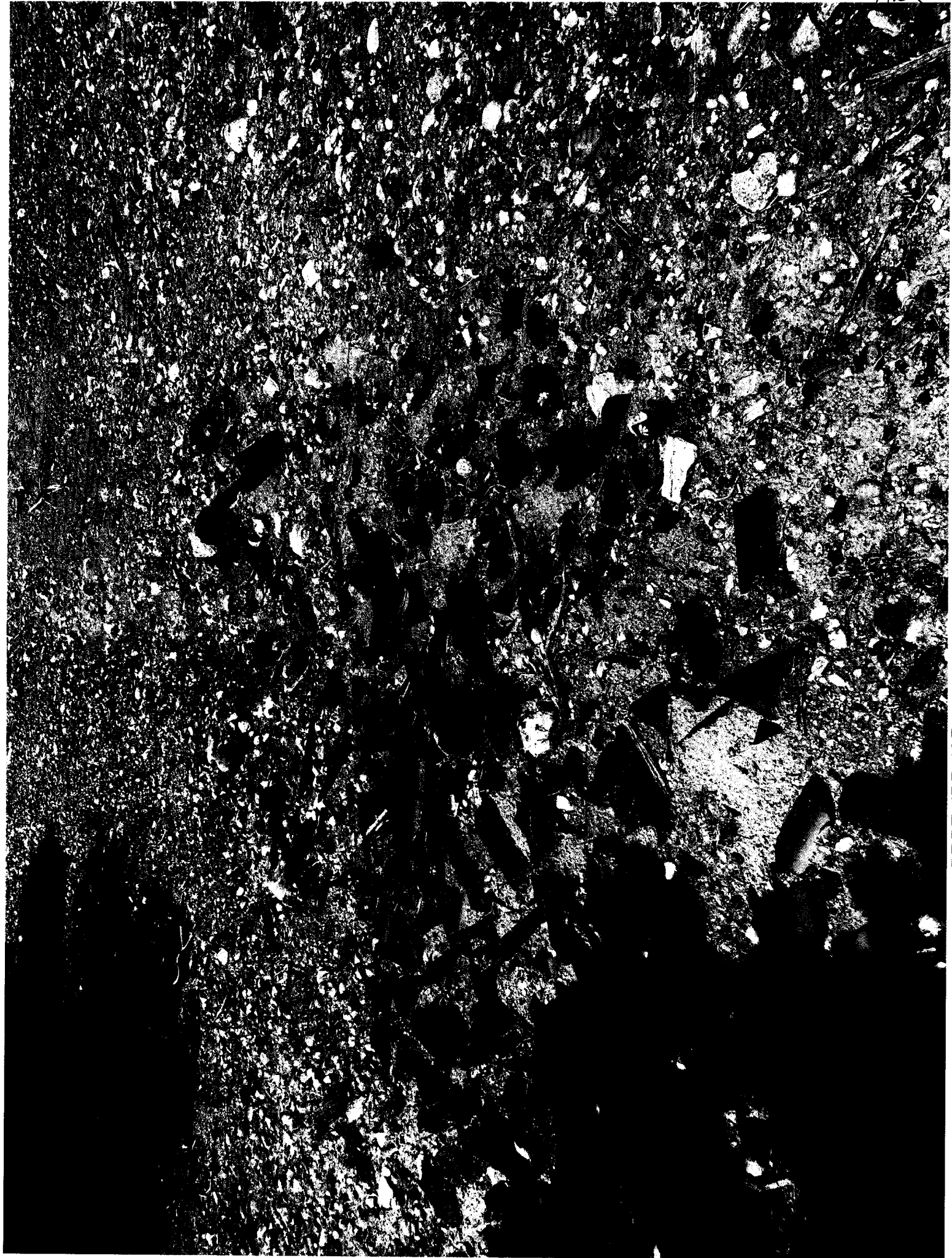


H-2



SFC CLERK RECORDED 07/03/2023

tree



SEC CLERK RECORDED 07/03/2023

Frank Herdman

tabbles

EXHIBIT

2

From: Jeff S. Young <jyoung@santafecountynm.gov>
Sent: Thursday, May 18, 2023 1:13 PM
To: Frank Herdman
Cc: Rachel A. Brown; Jeani Myers; Brandon Huss
Subject: RE: Big Sky, LLC, Buckman Development, LLC and Homewise, Inc. v. The Board of County Commissioners of the County of Santa Fe, NM - Notice of Appeal - Endorsed Case No. D-101-CV-2023-01002

[EXTERNAL SENDER]

Frank,

I have conferred with the Chair of the Board of County Commissioners and the timeframe you have requested will be afforded. However, you will not be permitted to cross-examine witnesses, as this is a legislative hearing, not an administrative adjudicatory proceeding. The procedure for this hearing is set forth in the Board of County Commissioner's Resolution No. 2009-2, A Resolution Establishing Rules of Order for Meetings of the Board of County Commissioners, Section V.C, Adoption of Ordinances and Other Matters Requesting Public Hearings.

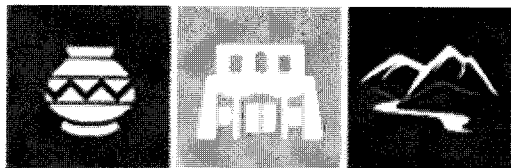
As background, the May 30th public hearing is a continuation of the legislative hearing on May 1st in which the Board of County Commissioners considered public input on the proposed ordinance that would declare Area 1B a part of the Village of Agua Fria Traditional Historic Community. The May 1st hearing lasted well over 6 hours with testimony from many members of the public, including you, your client, and your client's employees. The limited purpose of the May 30th public hearing is to hear additional testimony and take evidence whether Area 1B meets criteria set forth in Section 3-7-1.1, NMSA 1978, specifically whether the area:

- 1) is an unincorporated area of a county;
- 2) is an identifiable village, community, neighborhood or district that can be documented as having existed for more than one hundred years;
- 3) includes structures or landmarks that are associated with the identity of the specific village, community, neighborhood or district seeking designation as a traditional historic community;
- 4) has a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity.

The Chair will "impose reasonable restrictions to limit testimony so as to eliminate extraneous, redundant, irrelevant or harassing testimony" as provided in Section V.C.

Jeff Young

Santa Fe County Attorney
102 Grant Avenue
Santa Fe, NM 87501
jyoung@santafecountynm.gov



SANTA FE COUNTY

SEC CLERK RECORDED 07/03/2023

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From: Frank Herdman [mailto:fth@santafelawgroup.com]

Sent: Tuesday, May 16, 2023 6:08 PM

To: Jeff S. Young <jyoung@santafecountynm.gov>

Cc: Rachel A. Brown <rabrown@santafecountynm.gov>; Jeani Myers <jmyers@santafelawgroup.com>; Brandon Huss <BHuss@nmcounties.org>

Subject: RE: Big Sky, LLC, Buckman Development, LLC and Homewise, Inc. v. The Board of County Commissioners of the County of Santa Fe, NM - Notice of Appeal - Endorsed Case No. D-101-CV-2023-01002

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Jeff, as you know, I represent property owners that own about 19% of the land within Area 1B and oppose the designation of their land as a traditional historic community. I anticipate that I will need 30 minutes to make my presentation to the BCC at the hearing on May 30. I'm writing to request your confirmation that I will be provided with at least that amount of time. Recall that no time limit was imposed on the petitioners at the last hearing. I am also reserving the right to question witnesses during the hearing and request your confirmation that I will be permitted to do so.

Thank you.

Sincerely,
Frank Herdman

From: Jeff S. Young <jyoung@santafecountynm.gov>

Sent: Friday, May 5, 2023 8:07 AM

To: Frank Herdman <fth@santafelawgroup.com>

Cc: Rachel A. Brown <rabrown@santafecountynm.gov>; Jeani Myers <jmyers@santafelawgroup.com>; Brandon Huss <BHuss@nmcounties.org>

Subject: RE: Big Sky, LLC, Buckman Development, LLC and Homewise, Inc. v. The Board of County Commissioners of the County of Santa Fe, NM - Notice of Appeal - Endorsed Case No. D-101-CV-2023-01002

[EXTERNAL SENDER]

Frank,

I am copying counsel assigned to this case, Brandon Huss. Please correspond with Mr. Huss regarding this matter.

Jeff Young

Santa Fe County Attorney

102 Grant Avenue

Santa Fe, NM 87501

jyoung@santafecountynm.gov

SEC CLERK RECORDED 07/03/2023



**PUBLIC HEARING
PRESENTATION MATERIALS**

Submitted by
Frank Herdman

for

**BIG SKY SANTA, LLC
BUCKMAN DEVELOPMENT, LLC AND
HOMEWISE, INC.**

May 30, 2023

SFC CLERK RECORDED 07/03/2023

These materials are in addition to the letters from Frank Herdman dated May 1, 2023 and May 26, 2023 previously submitted and made a part of the record of the proceedings before the Santa Fe Board of County Commissioners.

I. The Relevant Statute, NMSA § 3-7-1.1.A

“To qualify as a traditional historic community, *an area shall*:

- (1) be an unincorporated area of a county;
- (2) be an *identifiable* village, community, neighborhood or district that can be *documented* as having existed for more than one hundred years;
- (3) include *structures or landmarks* that are associated with the identity of the specific village, community, neighborhood or district seeking designation as a traditional historic community;
- (4) have a *distinctive* character or *traditional* quality that can be distinguished from surrounding areas or new developments in the vicinity; and
- (5) be declared a traditional historic community by an ordinance of the board of county commissioners of the county in which the petitioning village, community, neighborhood or district is located.”

II. The Plain Meaning of Important Words in the Statute*

- “Shall” means that which is “mandatory.”
- “Identifiable” means that which is “capable of being identified.”
- “Documented” means to “furnish documentary evidence.”
- “Identity” means “distinguishing characteristics.”
- “Structure” means “something (such as a building) that is constructed.”
- “Landmark” means “a structure (such as a building) of unusual historical and usually aesthetic interest.”
- “Distinctive” means “marking as separate or different.”
- “Traditional” means “following or conforming to tradition.”

*All definitions are from Merriam Webster Online Dictionary.

SLIDE #2

THE TRADITIONAL VILLAGE OF AGUA FRIA

By Jane Whitmore

Illustrations by David G. Battle

Submitted To

The Historic Preservation Division

By Landmarks Preservation Consultants

Santa Fe, New Mexico

May 12, 1983

PART I: BACKGROUND INFORMATION

INTRODUCTION

In May of 1982 Landmarks Preservation Consultants received a grant from the Historic Preservation Division of the New Mexico Office of Cultural Affairs to conduct a cultural resources inventory survey of the Traditional Village of Agua Fria in Santa Fe County, New Mexico. The Village is located approximately 5 miles southwest of the Santa Fe Plaza. The study area which is 4 square miles, extends from Siler Road on the east to the Agua Fria Street turn-off at the Country Club on the west and from Cerrillos and Airport Roads on the south to the first terrace north of the Santa Fe River (Map 1). UTM coordinates for the corners of the study area are provided on Map 1. Specifically the area includes portions or all of T16N, R8E, Sections 1, 12; T16N, R9E, Sections 6, 7, 5, 4; T17N, R8E, Section 36; T17N, R9E, Sections 31, 32, 33.

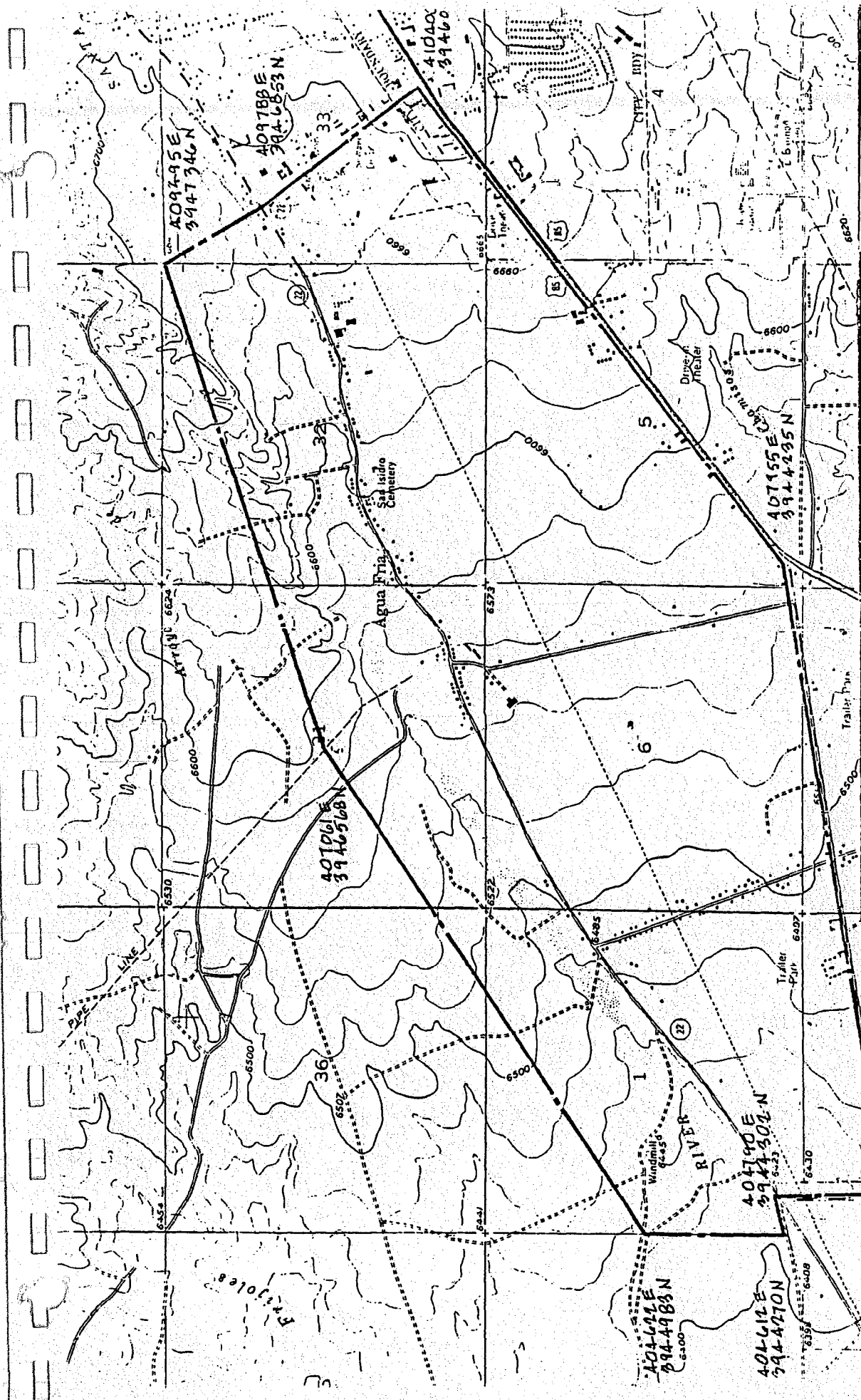
A project area, considerably larger than the vaguely recognized boundaries of the Village, was selected in order to offer contrasts between land use activities that would help to delineate more definite boundaries for the Village.

Agua Fria 7.5

Almost all of the project area is on private land. A review of the Santa Fe County Courthouse records compiled in 1967 revealed that the project area is comprised of 434 individual parcels of private land.

OBJECTIVES

The Village of Agua Fria is located within the unit that has been

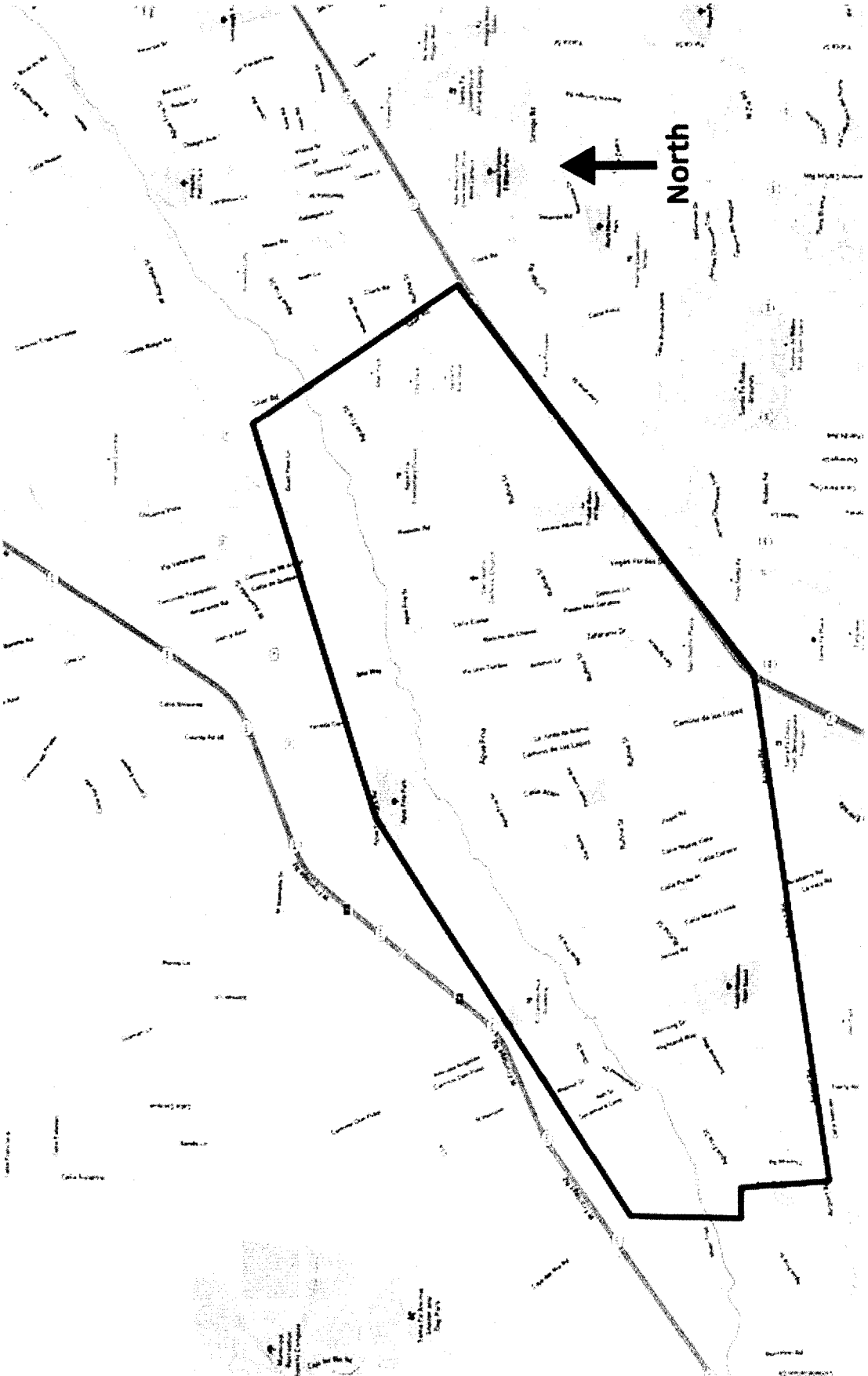


PROPOSED BOUNDARIES MAP 1

cultural resources survey
of the "traditional" village of
Agua Fria, New Mexico

SLIDE #4

SLIDE #5



Several of the names retrieved from the archival records may be related to present residents of Agua Fria. These names would include Montoya, Baca, Garcia, Ortiz, Chavez, Perea, Sandoval, Padilla, Blea, Flores, Ulibarri and Hernandez. See Appendix C for a complete list of residents' names retrieved from Archival records.

Given the fact that Agua Fria daughters often remain in the Village, bringing their husbands to live on the family owned land and the several ways in which the names of married women appear in the pre-American documents, more study is needed before a complete chain of occupation can be laid out.

WATER

It is not just land that is valued in Agua Fria, but land that can be irrigated. It was the ability to bring water to the land so that it could be lived on and used through cultivation that made it possible for the first settlers to meet the requirements of land grants, and it was the continued use of the land that enabled settlements such as Agua Fria to survive. The ease with which the flat land covering most of the project area could be irrigated inspired the original settlement, and it is significant that this settlement grew up primarily to the south of the Santa Fe River, not to the north where rolling topography made irrigation impossible.

Until fairly recently Agua Fria has been a self-sufficient community, living off the yields of productive agricultural lands. In the first historic mention of Agua Fria in 1776, Fray Francisco Atanasio Dominguez refers to Agua Fria (then called Quemado, the old name for Pindi Pueblo) as an agricultural area. He states, "It has farmlands fertilized by the aforesaid river" (1956:41).

Village of Agua Fria Community Plan



Santa Fe County, New Mexico

***Adopted by the Board of County Commissioners
Resolution 2006 - 116
July 11, 2006***

***Prepared by: Village of Agua Fria Planning Committee
and Santa Fe County Planning Division***

2006 JUL 11 10:00 AM

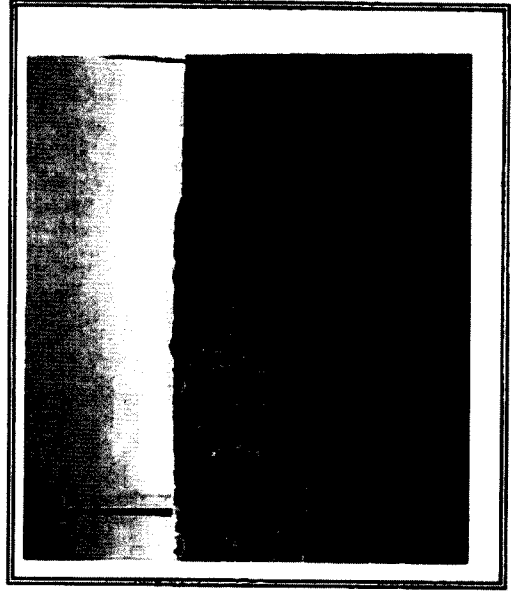
*Village of Agua Fria Community Plan***Land Use Background Issues and Opportunities**

The Village of Agua Fria is an unincorporated community adjacent to the City of Santa Fe. The traditional community was largely developed adjacent to the Santa Fe River for agricultural purposes from the Pueblo, Spanish Colonial and Mexican eras to the present. Agriculture played an important role in the historic development of the area going back at least as far back as the 13th century when pueblo residents used the river to irrigate crops. The traditional rural and agricultural character of the community has shaped local settlement and land use patterns and resulted in long narrow lots from small holding claims which were subsequently subdivided into smaller lots.

Need for Land Use Plan

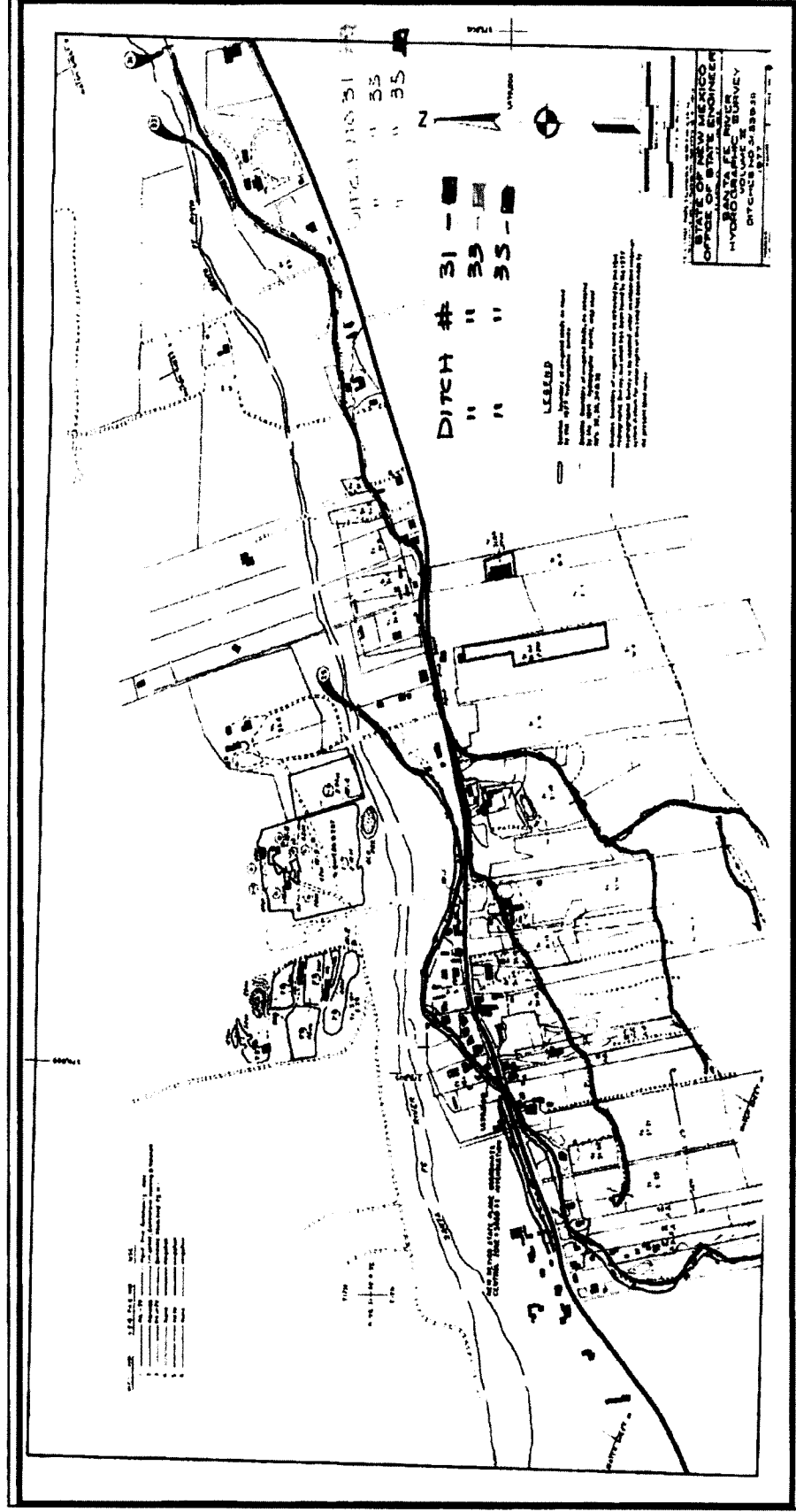
The Planning Committee has developed the land use plan to support the community's vision for a sustainable and thriving future for current and future residents of the Village of Agua Fria. The effects of growth both within and outside of the community have increased the need for the community to both identify and preserve the intrinsic nature for the Village of Agua Fria.

Increased residential and commercial development is clearly seen adjacent to the Village through several recent projects. The City of Santa Fe recently annexed significant land adjacent to the Village of Agua Fria which was previously part of the Traditional Historic Community for development projects. Proposed developments include San Isidro Village, a mixed use development which will include several large commercial development properties and several hundred residential lots. Additional annexation requests surrounding the Village have recently been approved and/or are in the process of approval. Increased development pressures both within and surrounding the Village will increase traffic and population which will further increase the density and development pressures for the Village in the future.



SLIDE #9

Map 6: Office of the State Engineer 1978 Hydrographic Survey Map 9 showing the locations of 1914 irrigated lands.

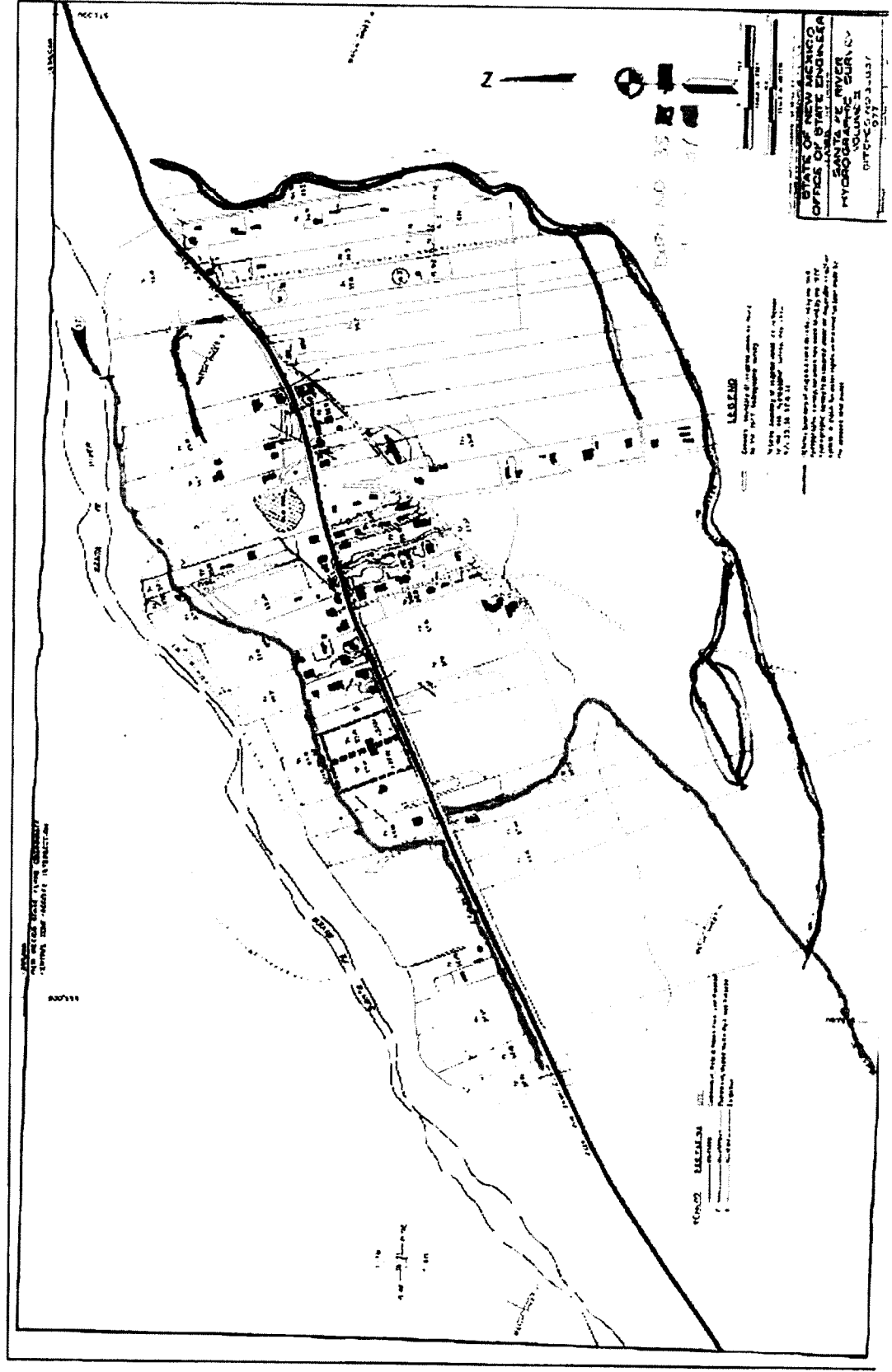


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SFC CLERK RECORDED 07/03/2023

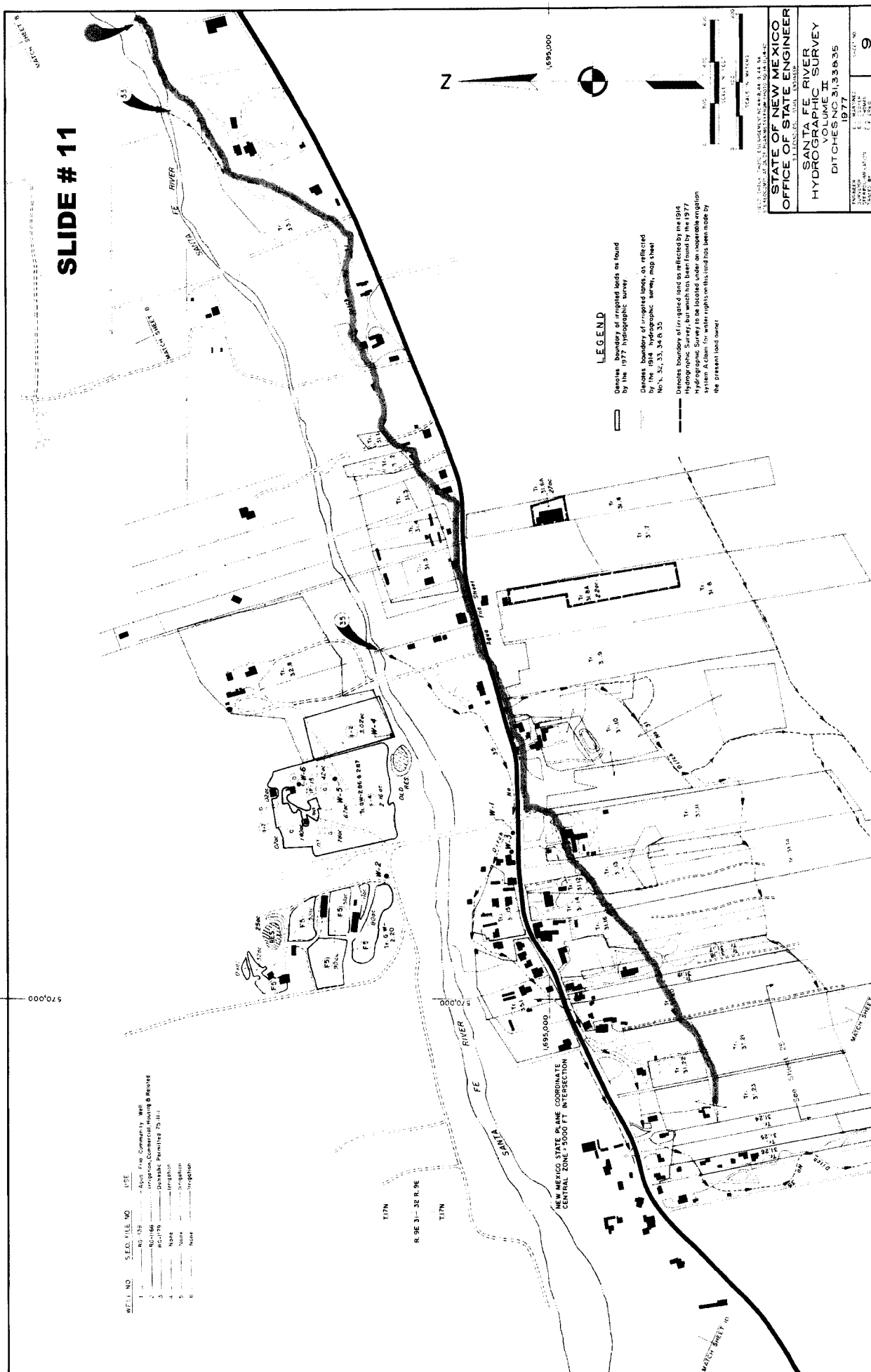
SLIDE #10

Map 7: Office of the State Engineer 1978 Hydrographic Survey Map 10 showing the locations of 1914 irrigated lands.



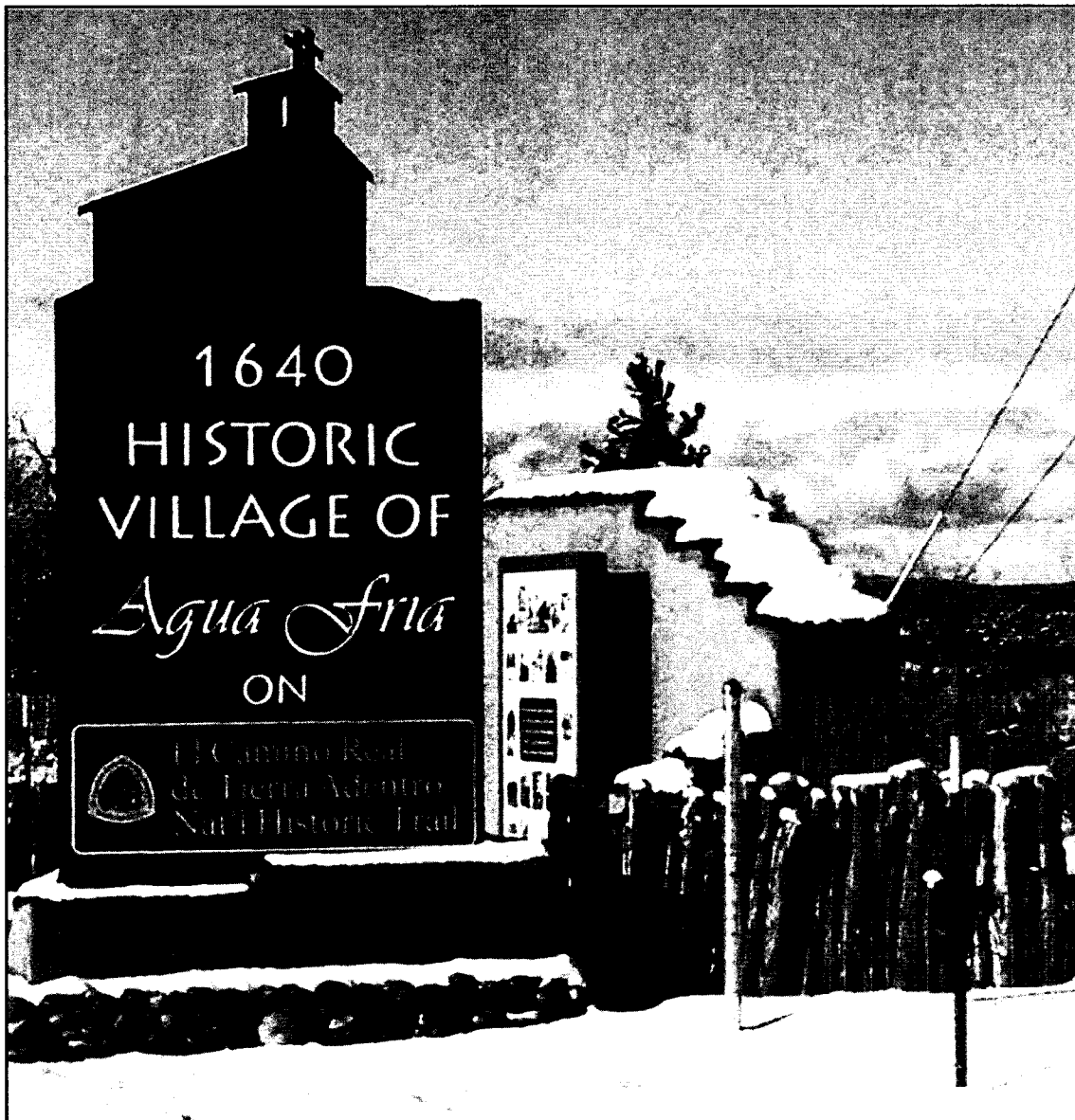
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SFC CLERK RECORDED 07/03/2023



Agua Fría Across the Centuries:
From Pre-contact Trading Center, Locus of Early Spanish
Land Grants, and Agrarian Provider for Santa Fe
to a Twenty-first Century Conundrum:
Urban Spillover or Rural Sustainability?*

Hilario E. Romero, Ph.D., Agua Fría Village



Photograph by Lois B. Mee, 2015; designed by Morrow, Reardon, Wilkinson, Miller, Ltd. 2013.

*Developed from a two-part article that appeared in *Green Fire Times*, May and June of 2015, with permission.

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Agua Fría looking northeast by Jese Nussbaum, 1912; Fray Angélico Chávez Library, New Mexico History Museum, negative #11049.

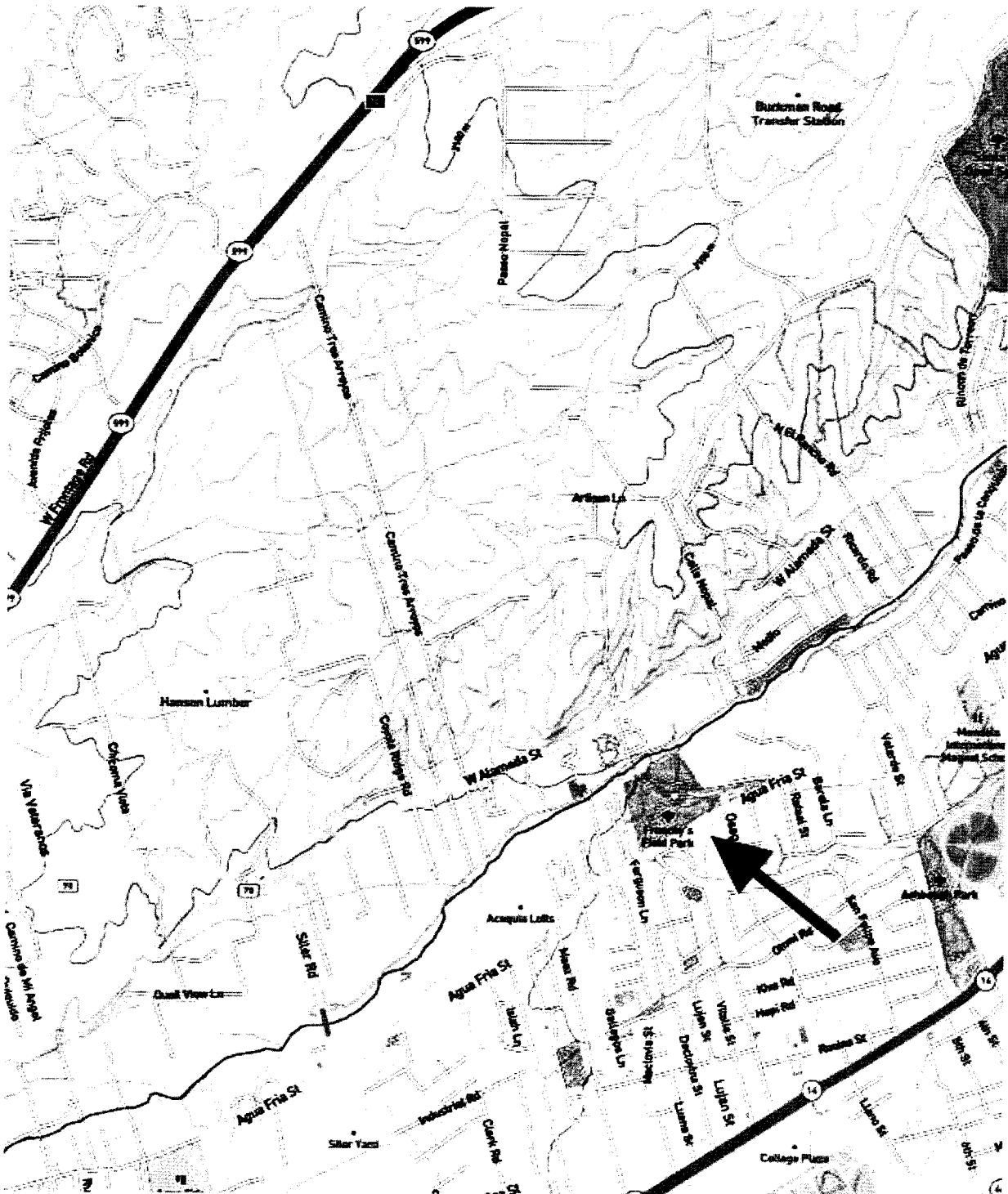
Upper Agua Fría in the 20th Century

On the Official 1896 Topographical Map of Santa Fe County, five years after the Court of Private Land Claims began its adjudications, Rancho El Pino no longer appeared. The 1919 Hydrographic Map of Santa Fe shows Acequia de Los Pinos (aka Acequia Madre), El Ojito, San Antonio and Las Joyas. By 1938, the Santa Fe County map shows a number of small houses along El Camino Real—(aka Agua Fría Road) in the area where Rancho El Pino was located.

Nieto descendants and extended family still live in the Agua Fría area and nearby Santa Fe. This history demonstrates that Agua Fría Village was contiguous from its southwest boundary to the edge of the so-called Santa Fe League (near today's Frenchy's Field). Oral accounts mention goatherds in the area and villagers buying or bartering for *requesón* (cottage cheese made from goats' milk). Keres-speaking Puebloans camped across the river and traded with Agua Fría villagers. Rancho El Pino gradually split into small family plots that were sold to new generations of families who resided in the area. Elders recall *corridas de gallo* (rooster-pulling competitions on horseback) into the 1960s.

Born in 1866, Upper Agua Fría farmer and rancher Sotero Romero wed María Antonia Gallegos on January 7, 1895. Relatively early in their marriage, they both inherited adjacent land in the area, as reflected in the 1870 census. A long strip extending from today's Arroyo de Los Chamisos to the Santa Fe River was a remnant of Rancho El Pino in the area called Las Cieneguitas. Lacking money to build a home on their land, they left the area to seek work. Finding employment with the railroad near Watrous, New Mexico, Sotero deposited his surplus earnings in a *petaca* (chest) that was reportedly the couple's only piece of furniture. As soon as they could save \$500, their plan was to return to Agua Fría and build a house on the land they had inherited.

2000



SLIDE #15

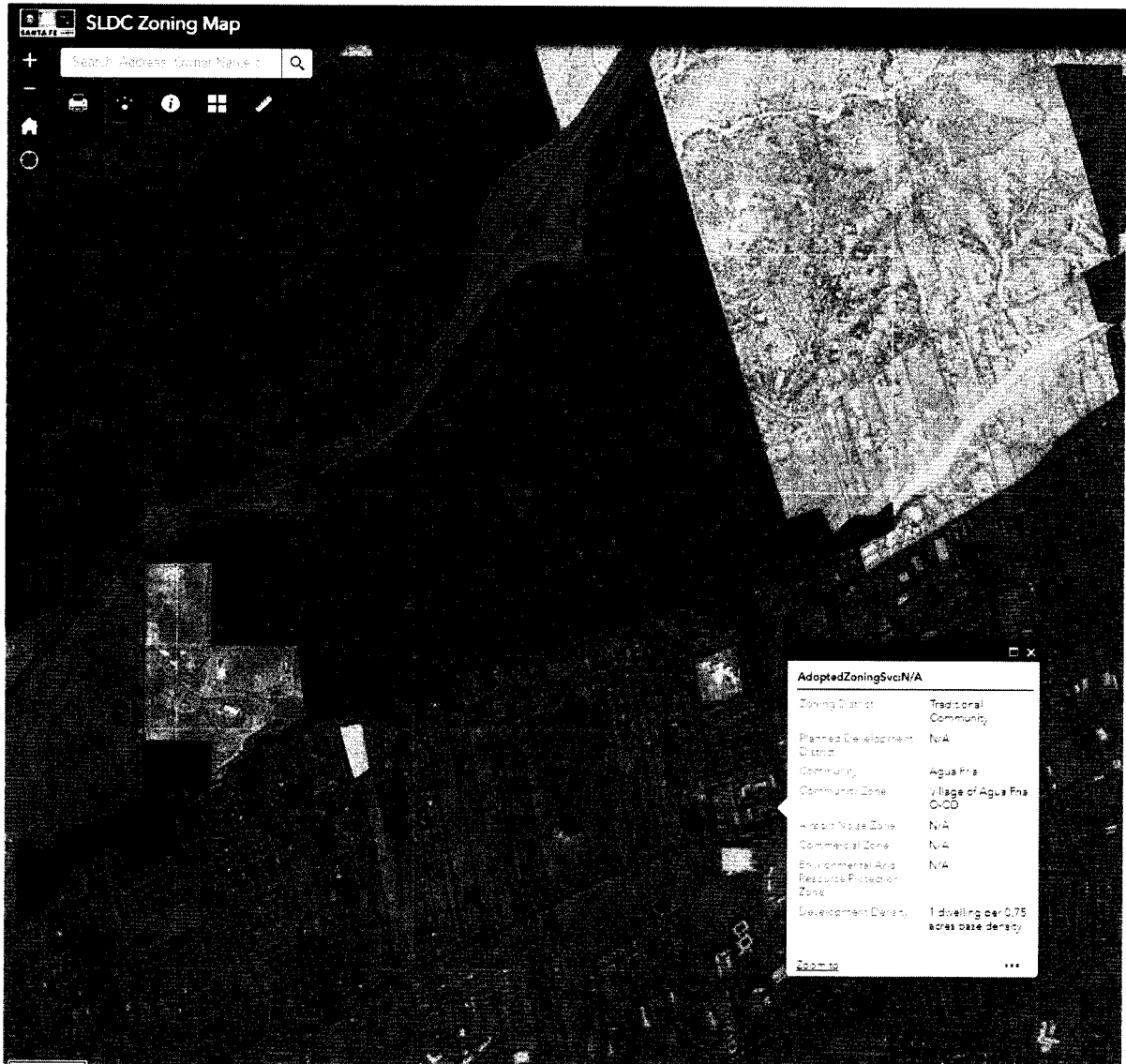





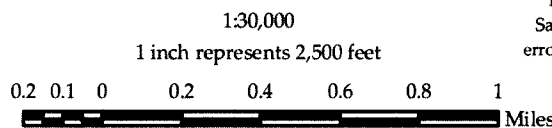


Exhibit A **SLIDE #16**
Amendment of Agua Fria Traditional Historic Community Boundary



-  Annexation Area 1B
-  Agua Fria Village - THC
-  City of Santa Fe - Current
-  Parcels
-  Roads



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 Santa Fe County assumes no liability for
 errors associated with the use of these data.
 Users are solely responsible for
 confirming data accuracy.



April 5, 2023

	A	B	C	D	E
1					
2		Parcel Number	Address	Acreage	Year Built
3					
4	1	960000636	199 Camino Tres Arroyos Santa Fe, NM 87507	2.6	2022
5	2	99305002	20 Paseso Nopal, Santa Fe, NM 87507	1.5	2022
6	3	54092490	21 Ruta Sin Nombre, Santa Fe, NM 87507	2.5	2022
7	4	99309267	3401 C W ALAMEDA ST SANTA FE, NM 87507	2.5	2019
8	5	910007733	474 Camino Tres Arroyos Santa Fe, NM 87507	1.3	2019
9	6	99303621	351 N El Rancho Rd, Santa Fe, NM 87507	2.5	2016
10	7	99306666	58 B Paseo Nopal, Santa Fe, NM 87507	1.3	2013
11	8	910018087	231 Camino Tres Arroyos Santa Fe, NM 87507	1.3	2009
12	9	990003028	496 Camino Tres Arroyos Santa Fe, NM 87507	2.7	2009
13	10	910001819	870 Camino Don Emilio Santa Fe, NM 87507	1.1	2009
14	11	54030208	21 Peacock Alley, Santa Fe, NM 87507	2.4	2009
15	12	910012010	558 Camino Don Emilio Santa Fe, NM 87507	1.5	2008
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18	15	910006004	801 Camino Tres Arroyos Santa Fe, NM 87507	2.0	2007
19	16	910006003	859 Camino Tres Arroyos Santa Fe, NM 87507	2.0	2007
20	17	910014412	8 Artisan Ln Stanta Fe, NM 87507	1.3	2007
21	18	910014411	10 Artisan Ln Santa Fe, NM 87507	1.3	2007
22	19	53988224	15 Peacock Alley, Santa Fe, NM 87507	2.5	2007
23	20	58400745	747 COYOTE RIDGE RD SANTA FE, NM 87507	2.5	2006
24	21	59207825	3424 VIA JANNA SANTA FE, NM 87507	1.2	2006
25	22	910007734	502 Camino Tres Arroyos Santa Fe, NM 87507	1.2	2006
26	23	910001823	690 Camino Don Emilio Santa Fe, NM 87507	1.0	2006
27	24	53992064	8 Calle Nopalitos Santa Fe, NM 87507	2.4	2005
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30	27	910004435	21 Calle Pia Tixier, Santa Fe, NM 87507	1.2	2005
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33	30	910001821	776 Camino Don Emilio Santa Fe, NM 87507	0.9	2004
34	31	54175360	11 Calle Nopalitos Santa Fe, NM 87507	2.4	2004
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43	40	53988480	26 Peacock Alley, Santa Fe, NM 87507	2.4	2003
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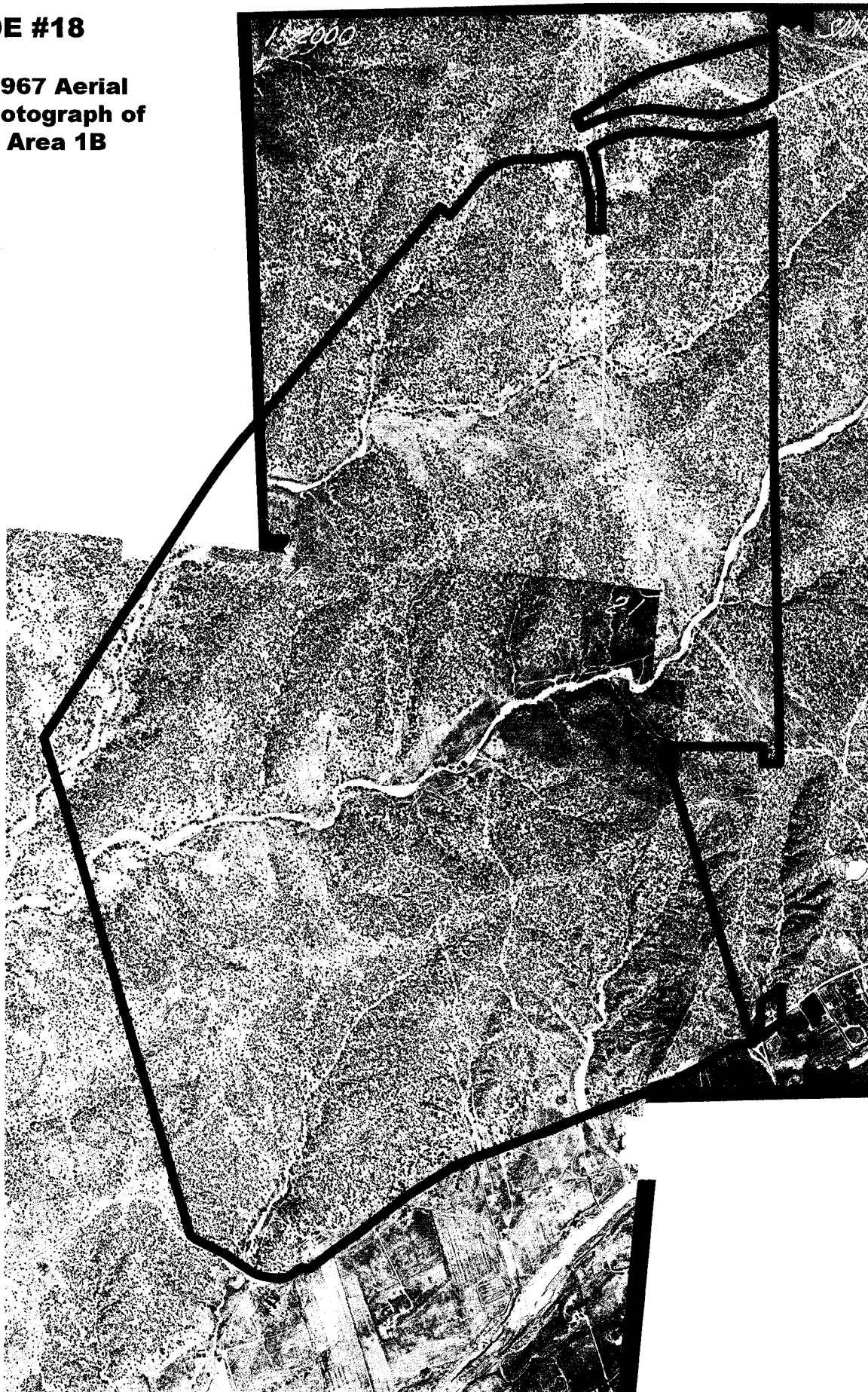
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54	51	910006002	909 Camino Tres Arroyos Santa Fe, NM 87507	2.0	2000
55	52	990003480	12 Paseo Nopal Santa Fe, NM 87507	1.4	2000
56	53	58104219	113 COYOTE RIDGE TRL SANTA FE, NM 87507	2.5	1999
57	54	59001321	3456 VIA MAGDALENE SANTA FE, NM 87507	2.3	1999
58	55	59001332	3486 VIA BRISA SANTA FE, NM 87507	2.0	1999
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171	168	54126208	119 Paseo Nopal, Santa Fe, NM 87507	1.6	1958
172	169	54121600	2921 W Alameda St Santa Fe, NM 87507	1.8	1957
173	170	54196639	34 Paseo Nopal, Santa Fe, NM 87507	2.0	1954
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SLIDE #18

**1967 Aerial
Photograph of
Area 1B**

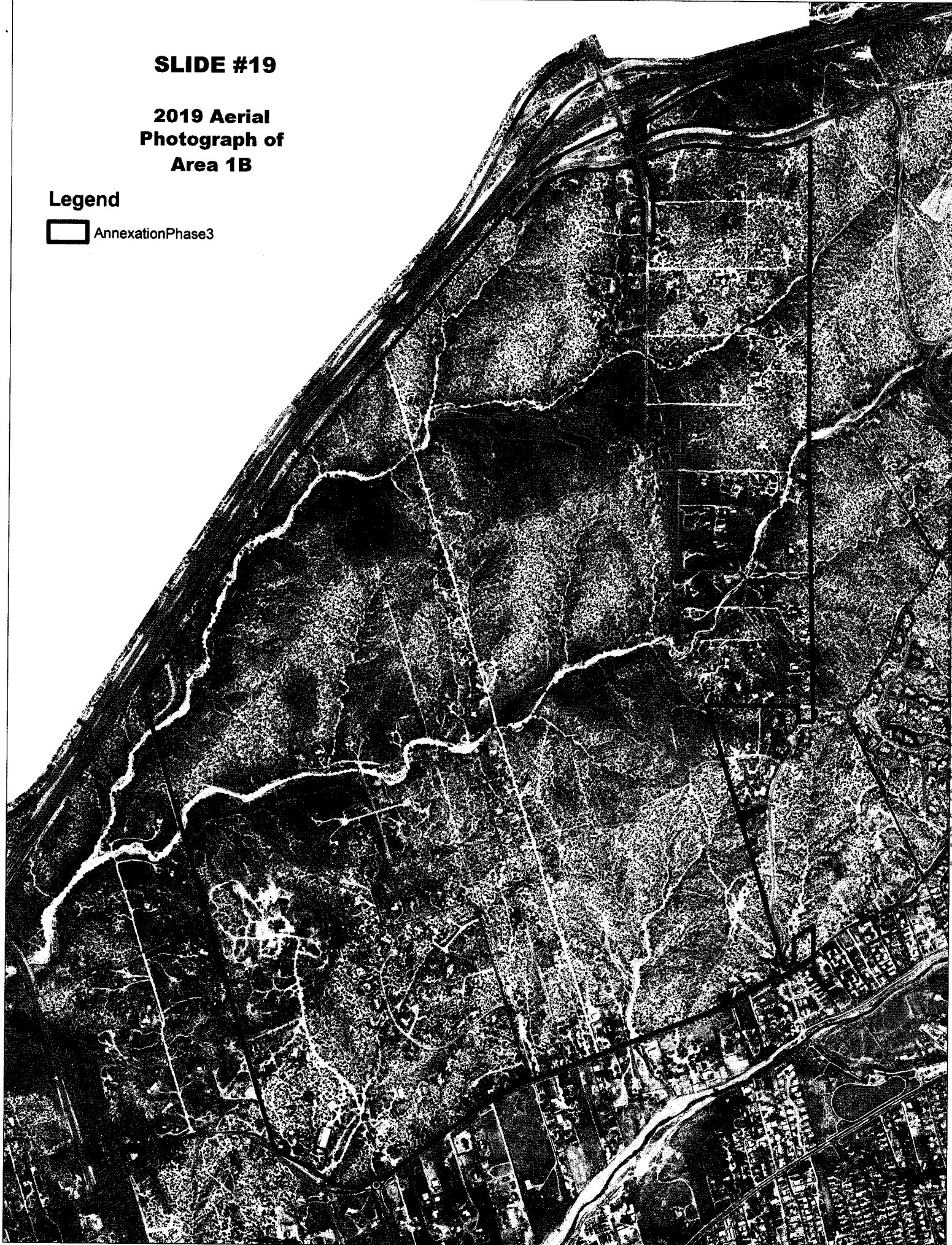


SLIDE #19

**2019 Aerial
Photograph of
Area 1B**

Legend

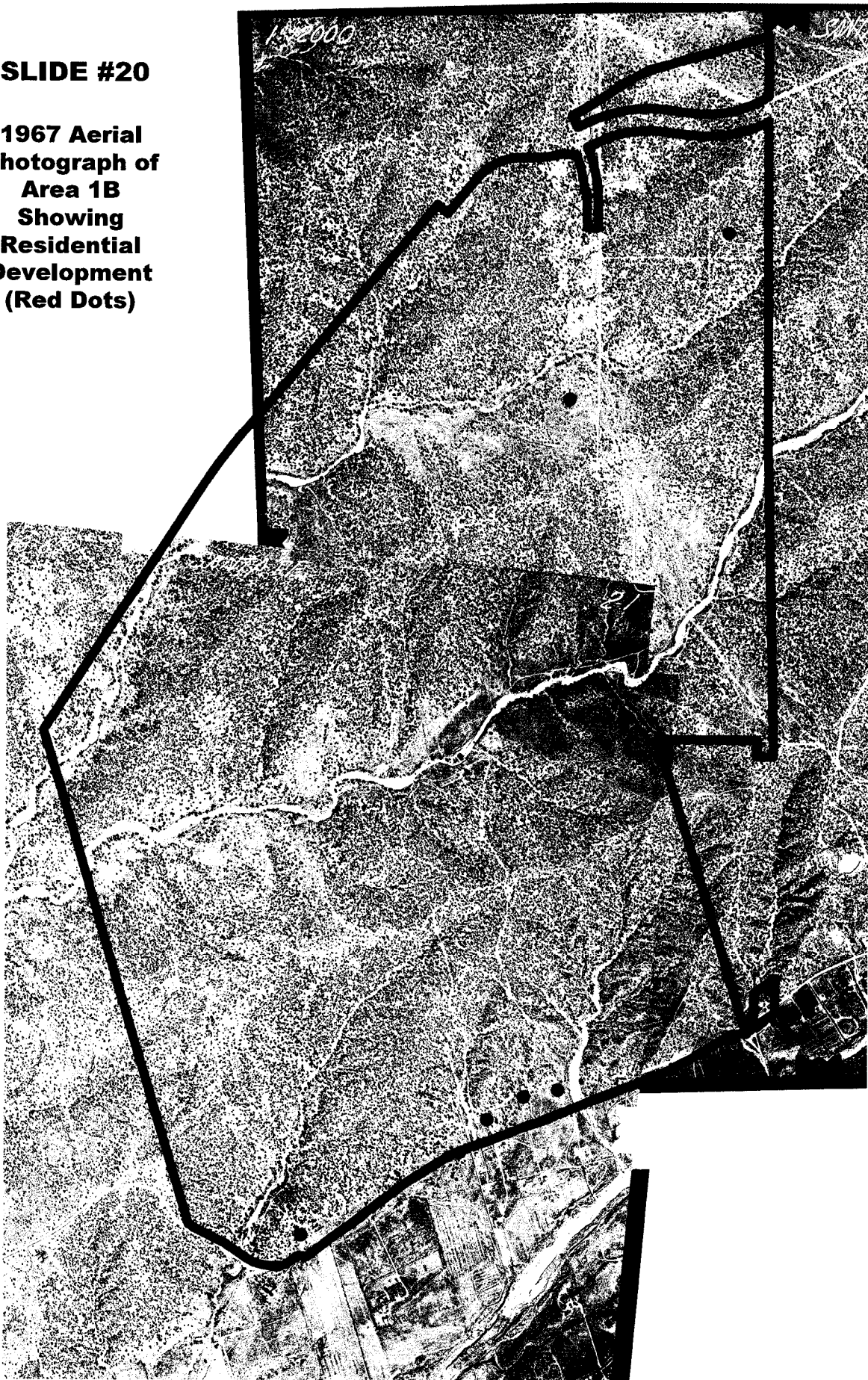
 AnnexationPhase3



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SLIDE #20

**1967 Aerial
Photograph of
Area 1B
Showing
Residential
Development
(Red Dots)**

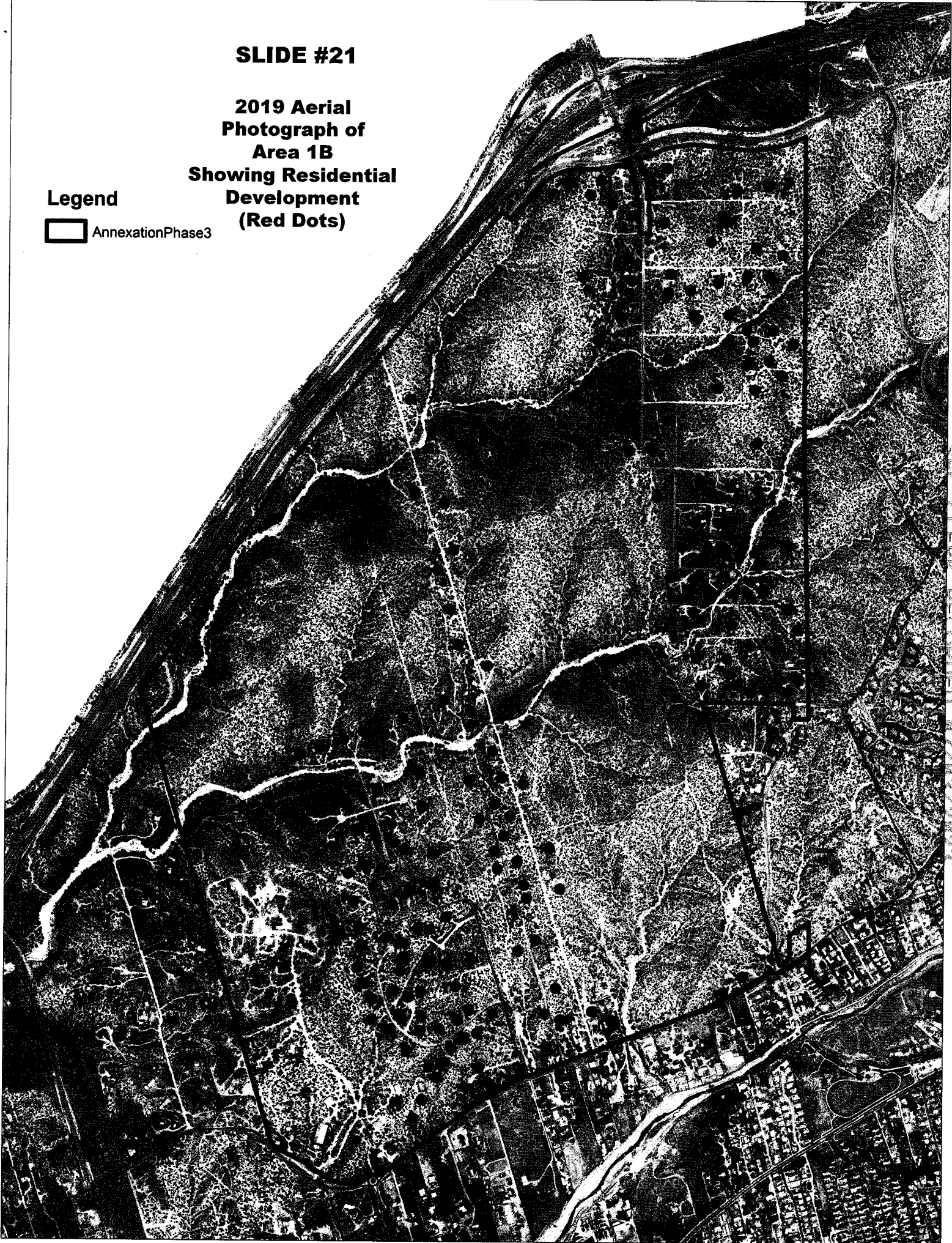


SLIDE #21

2019 Aerial
Photograph of
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Showing Residential
Development
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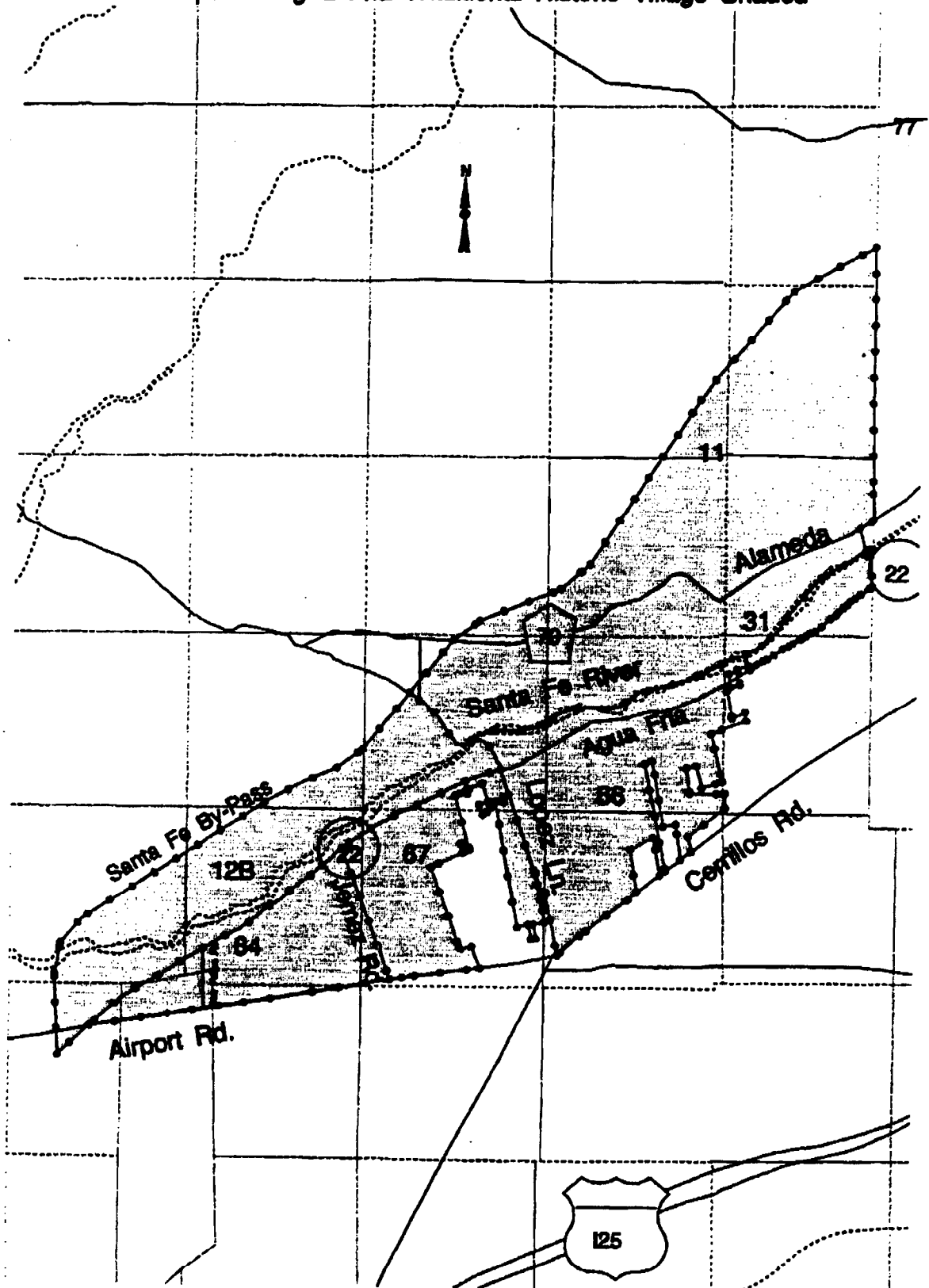
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 AnnexationPhase3



2019 Aerial Photograph of Area 1B Showing Residential Development (Red Dots)

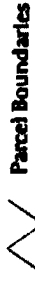
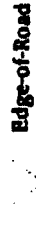
Voter Precincts
Proposed Agua Fria Traditional Historic Village Shaded



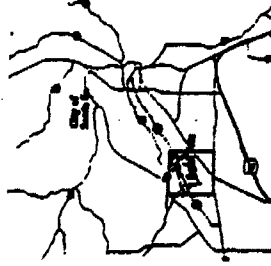
SLIDE #23

**Agua Fria
Traditional Historic Community**
as amended by Ordinance No. 1996-16

LEGEND



(WARNING: Parcel Data
are in DRAFT STATUS and
may be INCOMPLETE.)



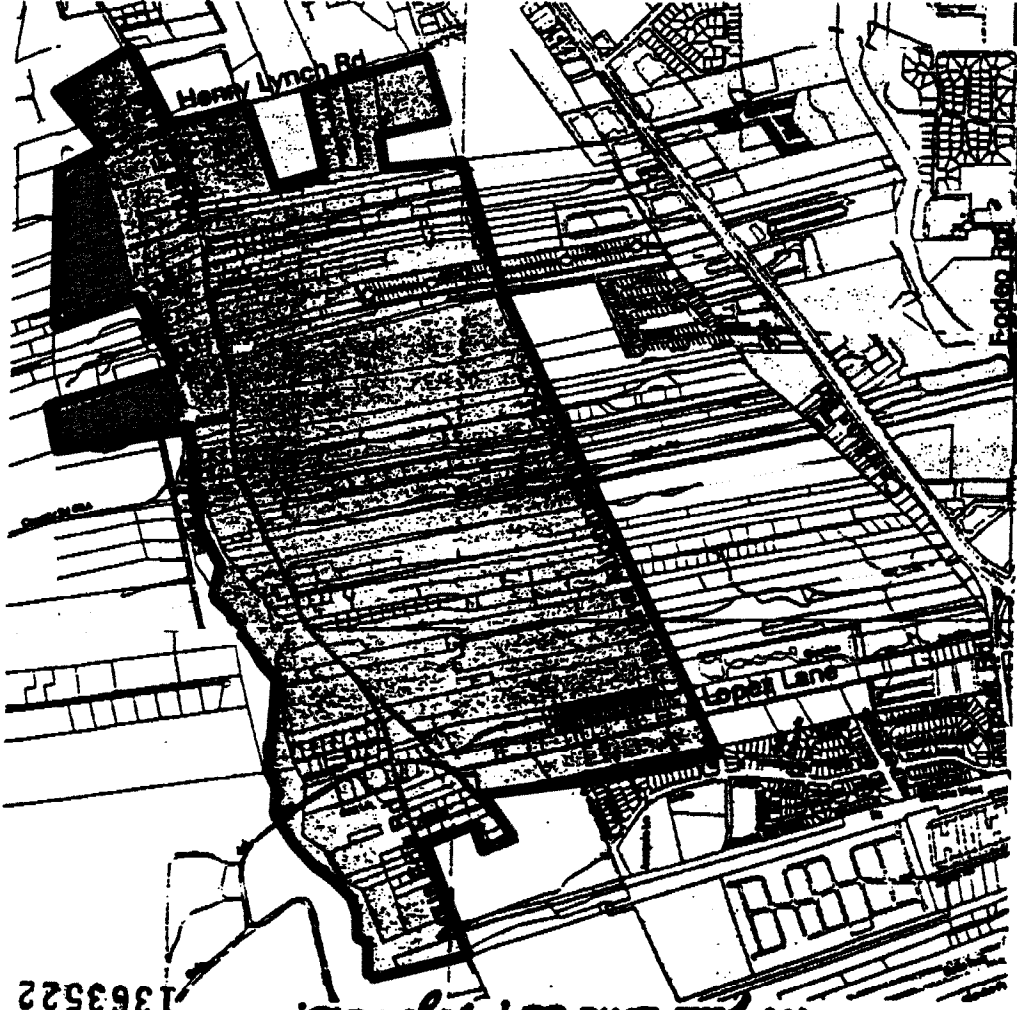
Vicinity Map



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Scale in Feet

Scale in Feet

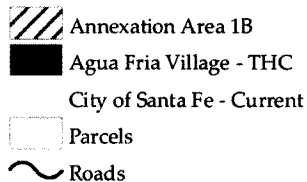


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1363522

Original map prepared by Mr. & Mrs. J. H. 7-1-80
for Santa Fe Co. 354 354 354

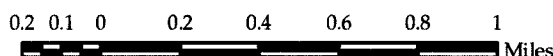
NOT TO SCALE

SLIDE #24



1:30,000

1 inch represents 2,500 feet



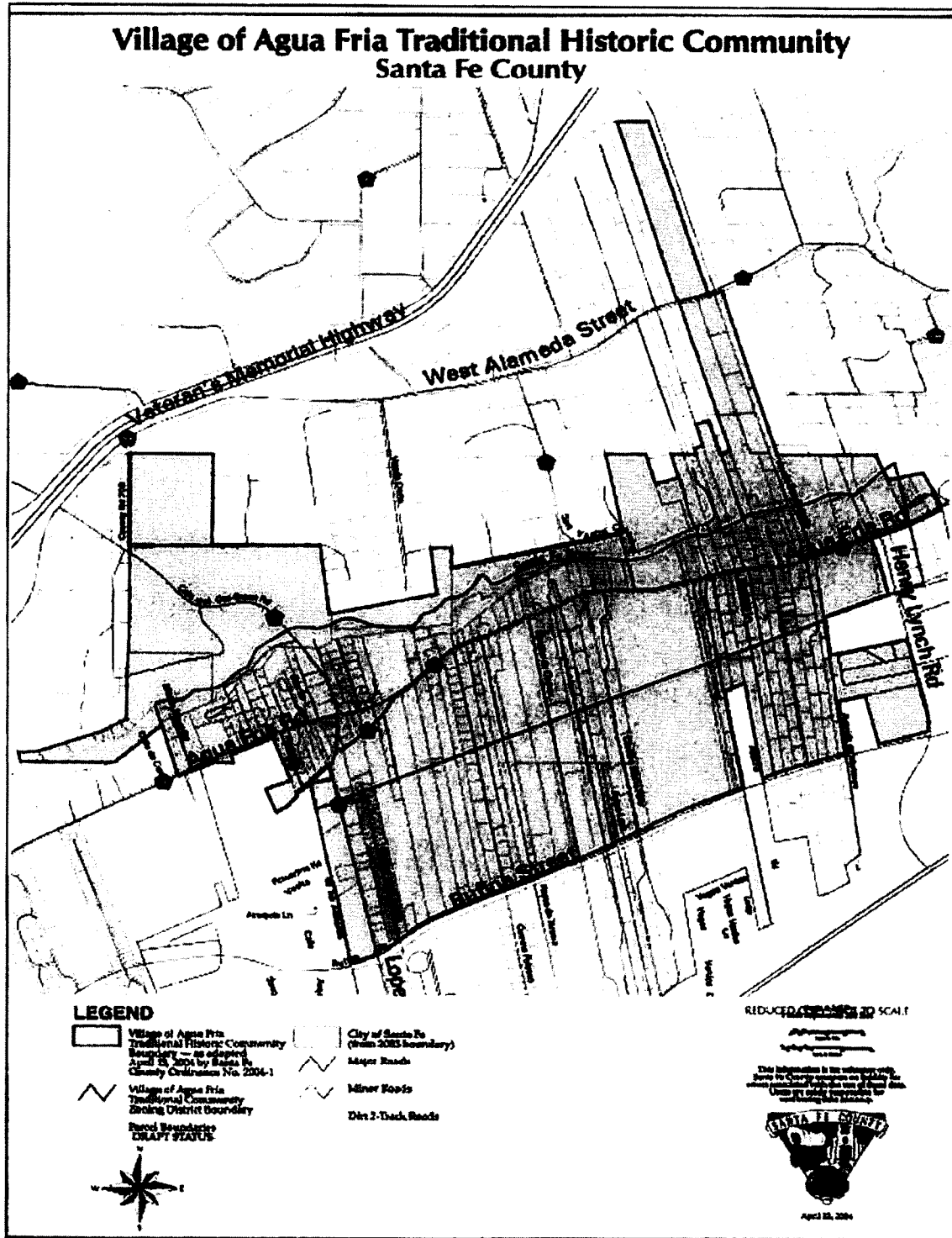
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April 5, 2023

Village of Agua Fria Community Plan

Map 1: Village of Agua Fria Traditional Historic Community Boundary as adopted by the Board of County Commissioners via Ordinance 2004-1.

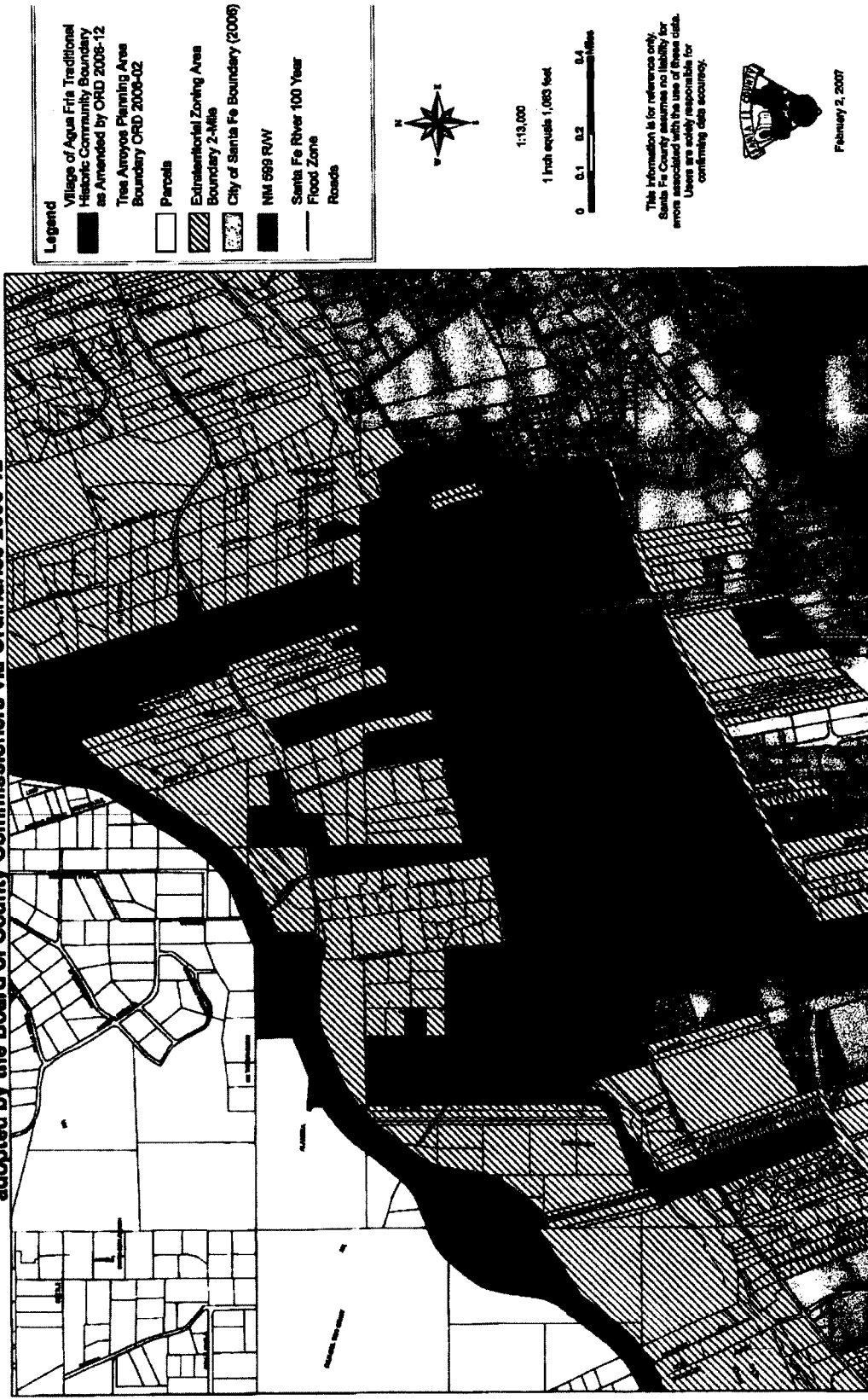


SFC CLERK RECORDED 07/13/2006

SFC CLERK RECORDED 07/03/2023

SFC CLERK RECORDING02/15/2007

Exhibit 1: Village of Agua Fria Traditional Historic Community Boundary adopted by the Board of County Commissioners via Ordinance 2008-12



SLIDE #27



Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507



February 15, 2023

Greg Shaffer, County Manager, on behalf of the Santa Fe County Commission
Santa Fe County
P.O. Box 276
Santa Fe, N.M. 87504-0276

Dear Manager Shaffer, and Honorable County Commissioners:

The Agua Fria Village Association (AFVA), on behalf of the Agua Fria Village Traditional Historic Community (THC), was named as a "Community Organization" by Board of County Commissioners (BCC) Resolution #2017-67 dated June 27, 2017. As a Community Organization we are a "recommending body" to the BCC on Land Use issues.

The AFVA is recommending approval of the rescission of the Annexation of "Phase 3, Area 1-B" as discussed by the Settlement Annexation Agreement Committee and the inclusion of said Area 1-B into the boundaries of the Agua Fria Traditional Historic Community.

The THC boundaries once included Phase 3, Area 1-B in Board of County Commissioners Ordinance #1995-8, so restoring part of the original area is not that out of the ordinary. The case that the Area 1-B is a part of the THC has already been made. Since 1995, the historical research done by THC residents makes an even stronger case.

The AFVA requests positive action by the Board of County Commissioners which will preserve the unique interests of the Agua Fria Village and protect the THC from increased urban density on our east side.

Thank you for your thorough consideration of this matter.

Sincerely,

William Henry Mee, President AFVA
(505) 473-3160, WilliamHenryMee@gmail.com

Email CC:

COUNTY OF SANTA FE:
Santa Fe County
P.O. Box 276

SUMMARY

1. Is Area 1B an *identifiable* village, community, neighborhood or district that can be *documented* as having existed for more than one hundred years?

Answer: No.

- Area 1B is a large expansive area of more than 1,000 acres with dispersed modern development that does not form an identifiable village, community, neighborhood or district.
- Area 1B is located outside of what has consistently been recognized as the historic Village of Agua Fria located in the flat irrigated land along and mostly south of the Santa Fe River.
- Area 1B is located in the hilly terrain north of West Alameda that was never been a part of the irrigated lands comprising the Village of Agua Fria.
- Isolated and unrelated older structures or historical uses of land do not result in an “*identifiable*” village, community, neighborhood or district.

2. Does Area 1B include *structures or landmarks* that are *associated with the identity* of the specific village, community, neighborhood or district seeking designation as a traditional historic community?

Answer: No.

- The development in Area 1B is modern and bears no relationship to the historic Village of Agua Fria.
- There *must be existing* structures or landmarks *that are associated with the identity* of a village, community or neighborhood that has a documented existence of more than 100 years.
- The history of landownership or uses of land, or the shape of lots, are not enough.

3. Does Area 1B have a *distinctive* character or *traditional* quality that can be distinguished from surrounding areas or new developments in the vicinity?

Answer: No.

- Area 1B is comprised of dispersed modern development that does not have either a traditional quality or a character that is distinct from the surrounding area.

City of Santa Fe Historic Preservation Division Staff Presentation to the BCC May 30, 2023



**Response to Agua Fria Village proposal to expand Area 1B as part
of the Traditional Historic Community**

tabbles

EXHIBIT

4

Historical Research and Comparative Study of the City of Santa Fe, Agua Fria Village, and Cieneguilla/La Cienega

Considerations:

- 1) Historic maps and plats have been able to show the settlement pattern of Santa Fe, Agua Fria Village, and Cieneguilla as observed by concentrated communities built along the Camino Real as parajes (campsites), unique cultural tradition and practices as seen in the parroquials (mission churches), and being separated by geographical features including the Santa Fe River and the landscape surrounding the Santa Fe area
- 2) Furthermore, the historic maps and plats have been able to show land tenure practices throughout time in the Santa Fe area and trends that have been taking place as population and associated increase in density have grown moving southwestwardly from the Santa Fe River
- 3) Additional archaeological and archival investigations will provide more information pertaining to land development throughout time in the Santa Fe area

This brief presentation demonstrates that further fact finding is necessary before any determination can be made on this proposal.

Historical Research and Comparative Study of the City of Santa Fe, Agua Fria Village, and Cieneguilla/La Cienega

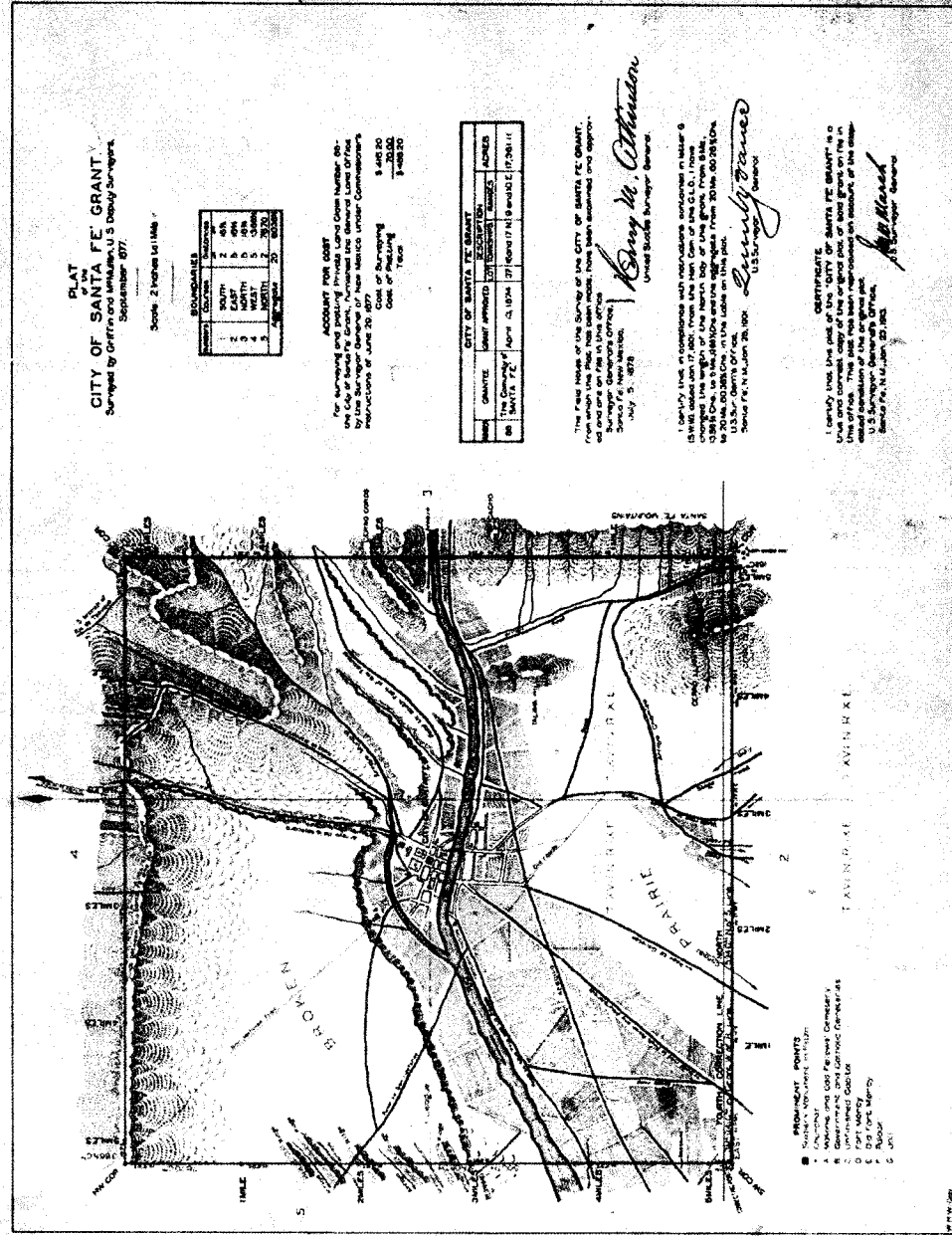
Historical Maps and Plats

Discuss the Relationship and Separation of these Historic Parajes:

- Santa Fe
- Agua Fria
- Cieneguilla

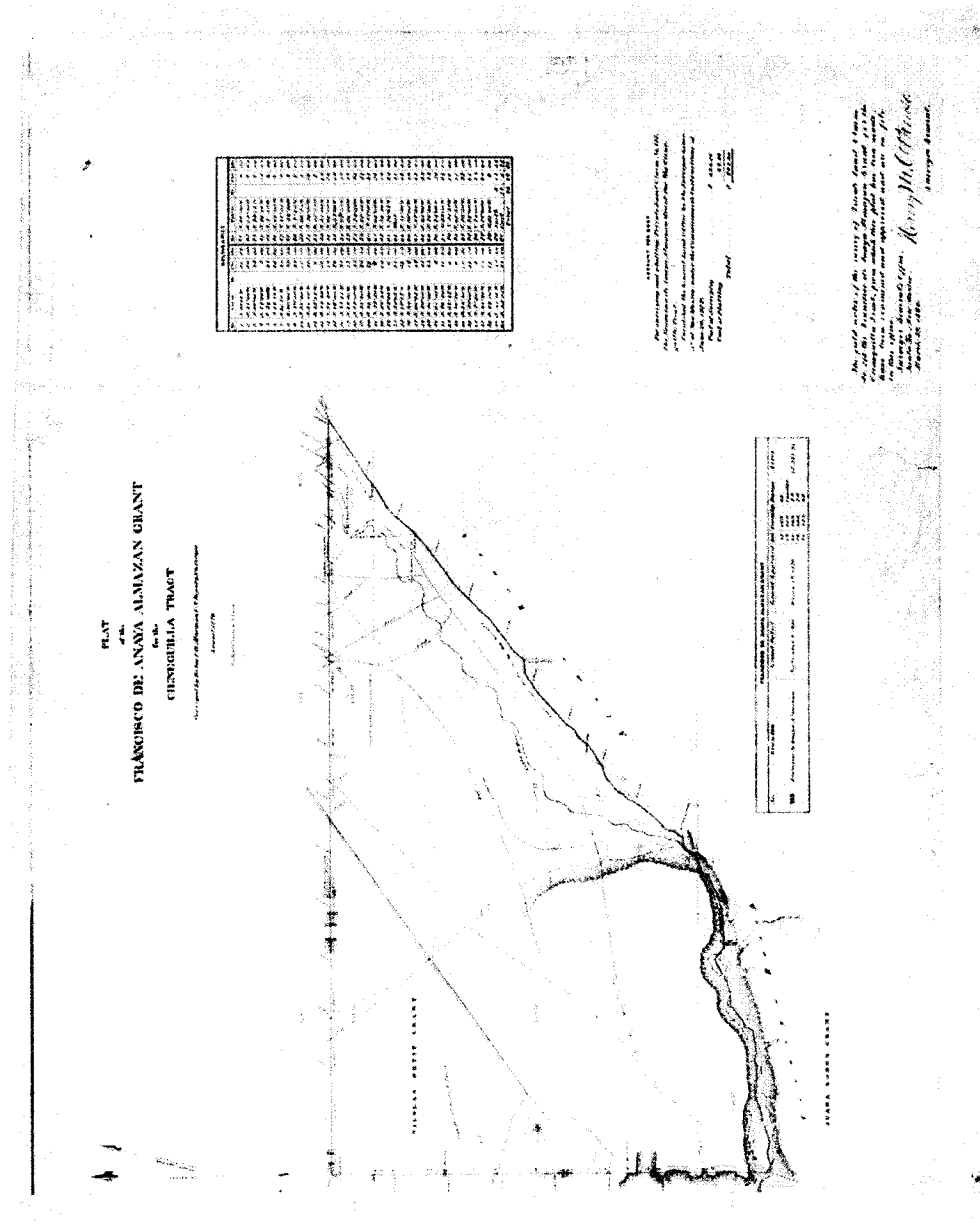
Historical Maps and Plats of Santa Fe:

1877 Santa Fe Plat Map



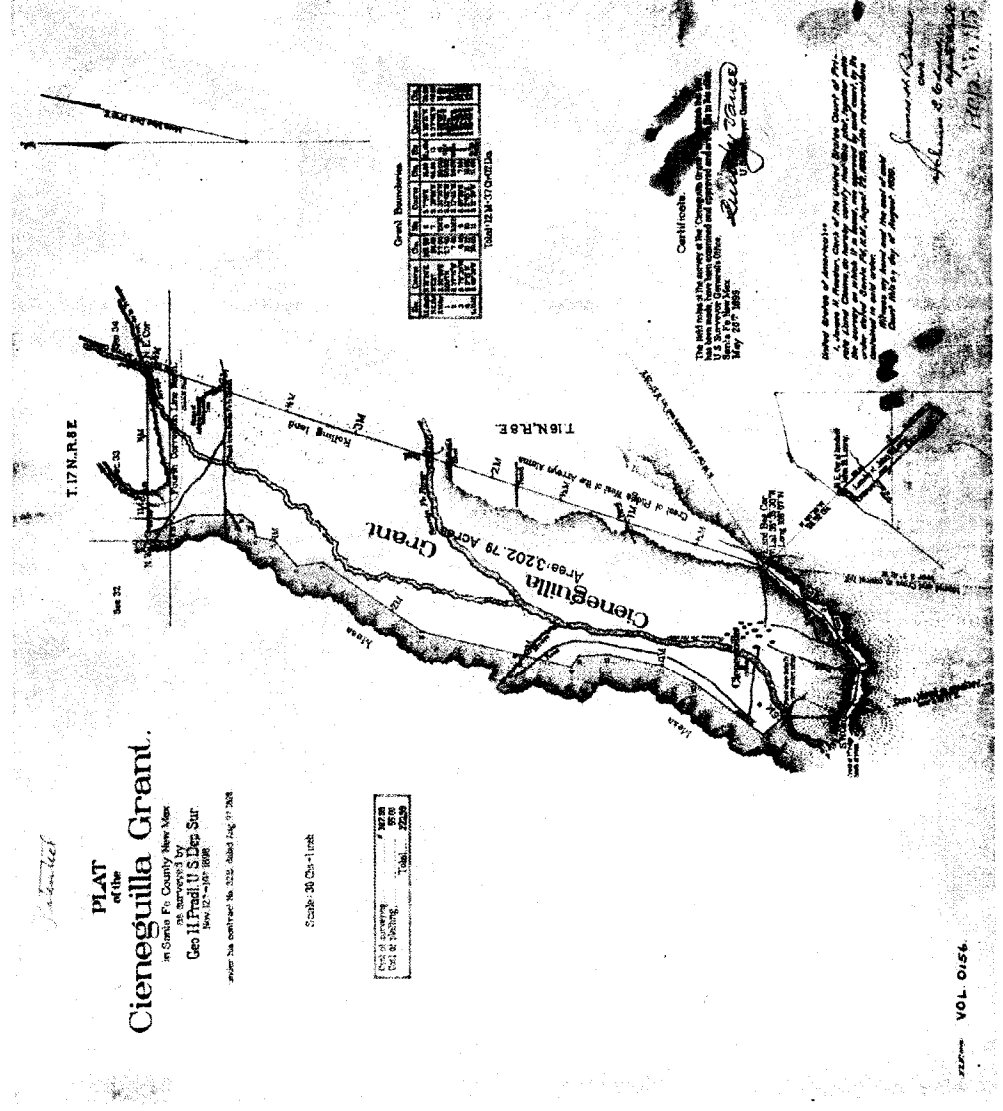
Historical Maps and Plats of the Agua Fria Village:

1879 Francisco De Anaya Almazan Plat Map



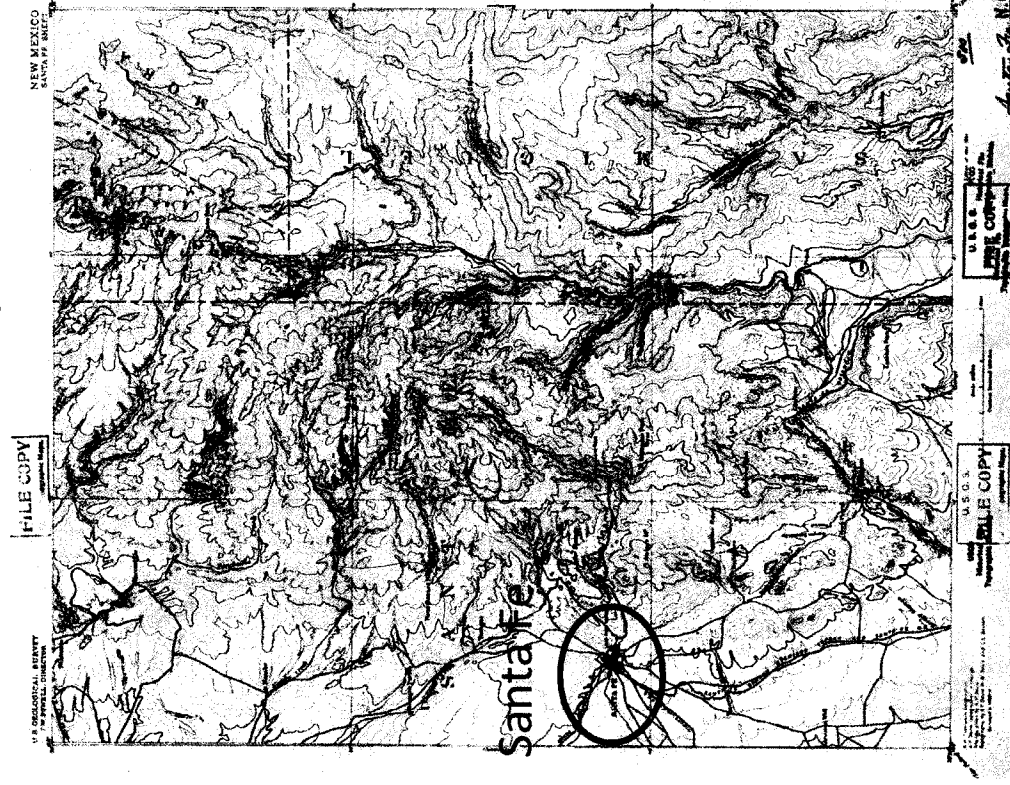
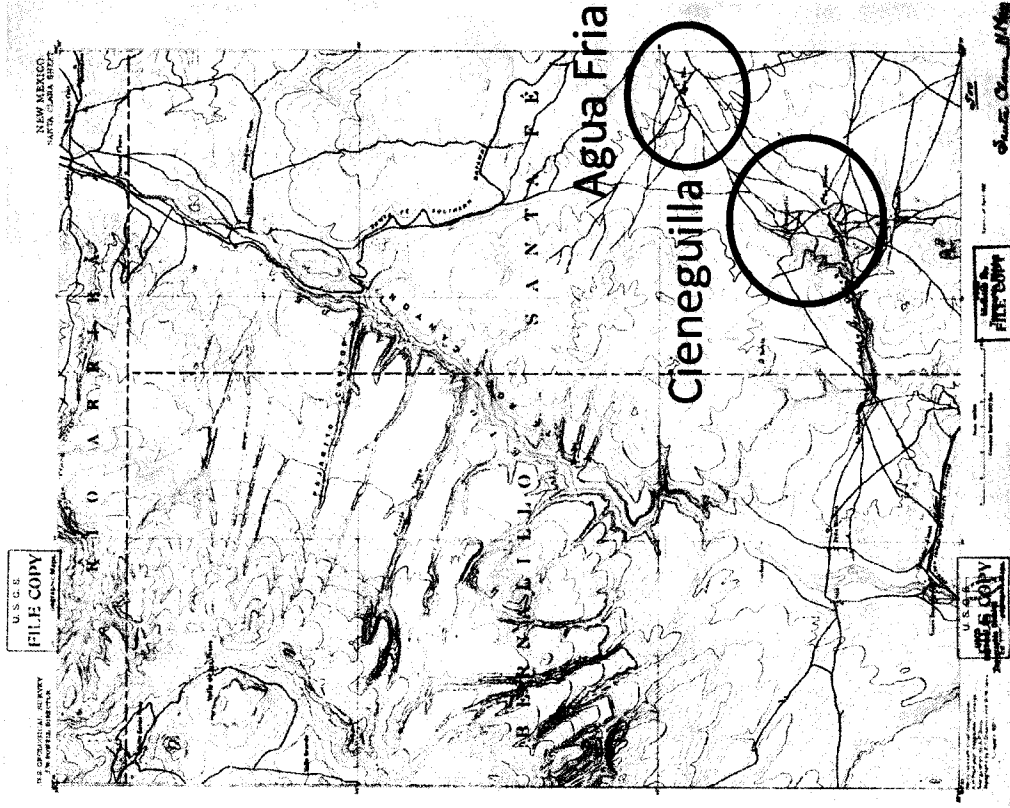
Historical Maps and Plats of Cieneguilla:

1889 Cieneguilla Plat Map



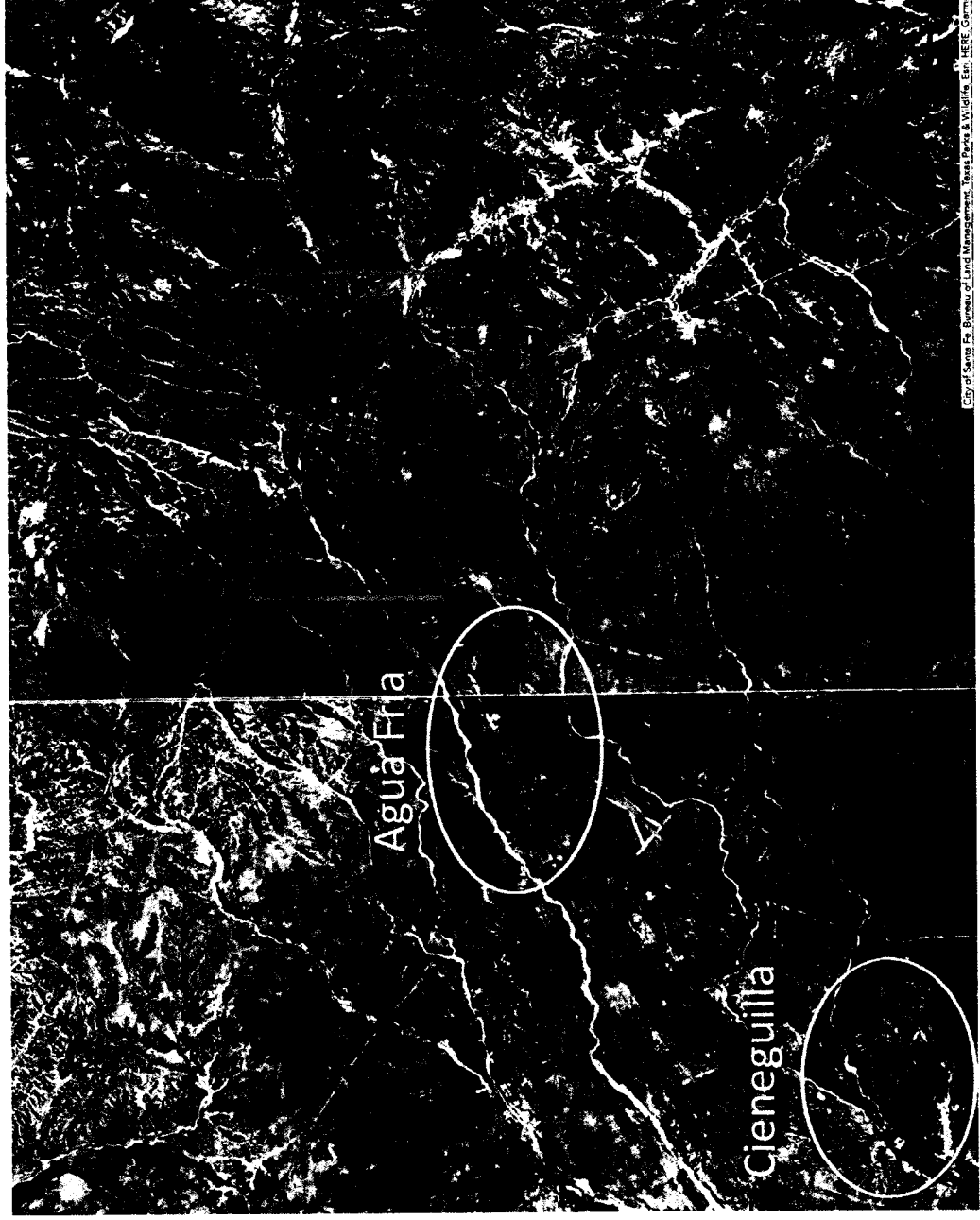
Relationship and Separation of the City of Santa Fe, Agua Fria Village, and Cieneguilla

Historically the City of Santa Fe, Agua Fria Village, and Cieneguilla and La Cienega have shared a cohesive and connected relationship by being settlements (parajes) along the Camino Real. They are also separated by distance, community traditions, and cultural practices.



Santa Fe, Agua Fria Village, and Cieneguilla Historic Aerial Map

1935 City of Santa Fe



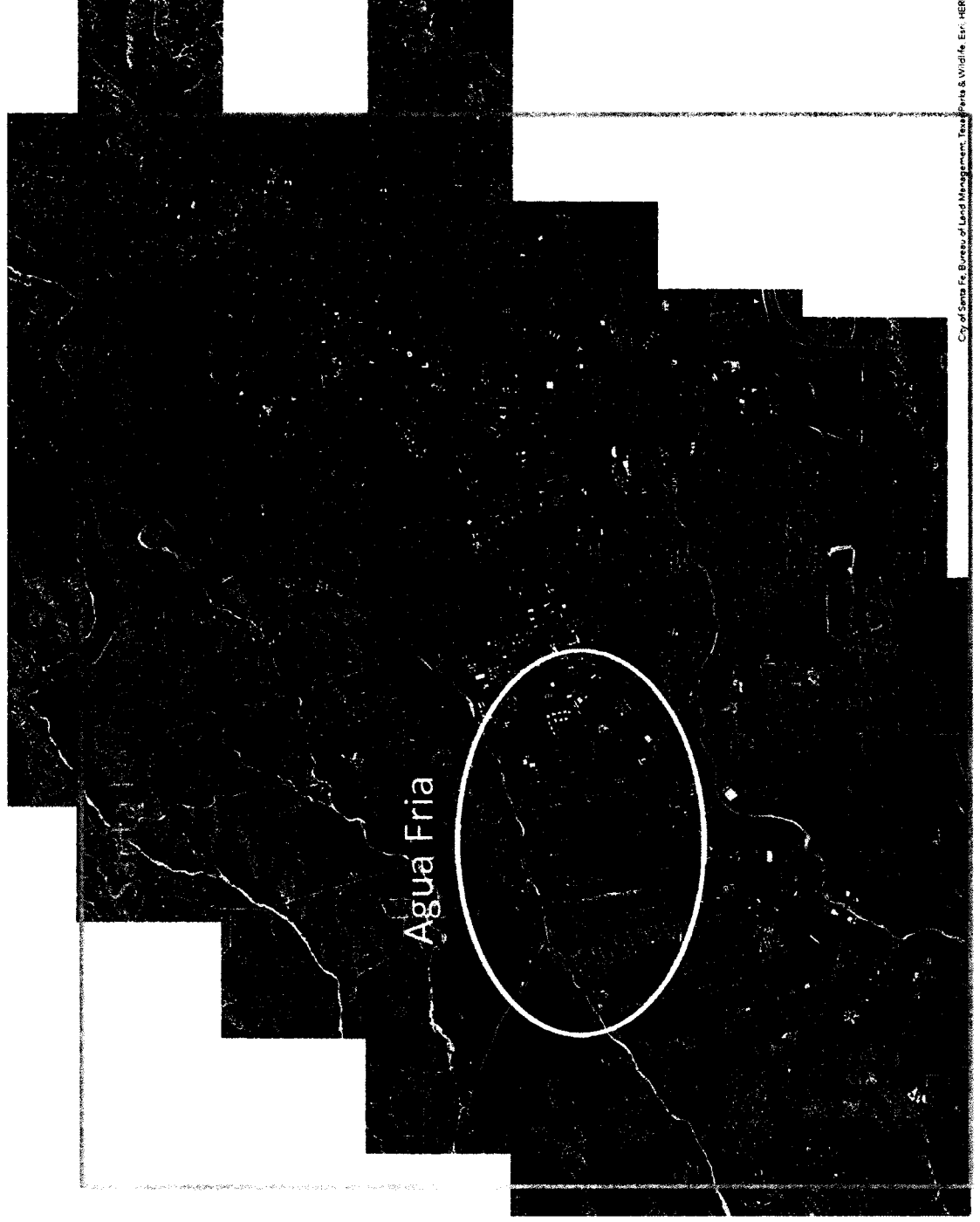
Santa Fe and Agua Fria Village Historic Aerial Map

1951 City of Santa Fe



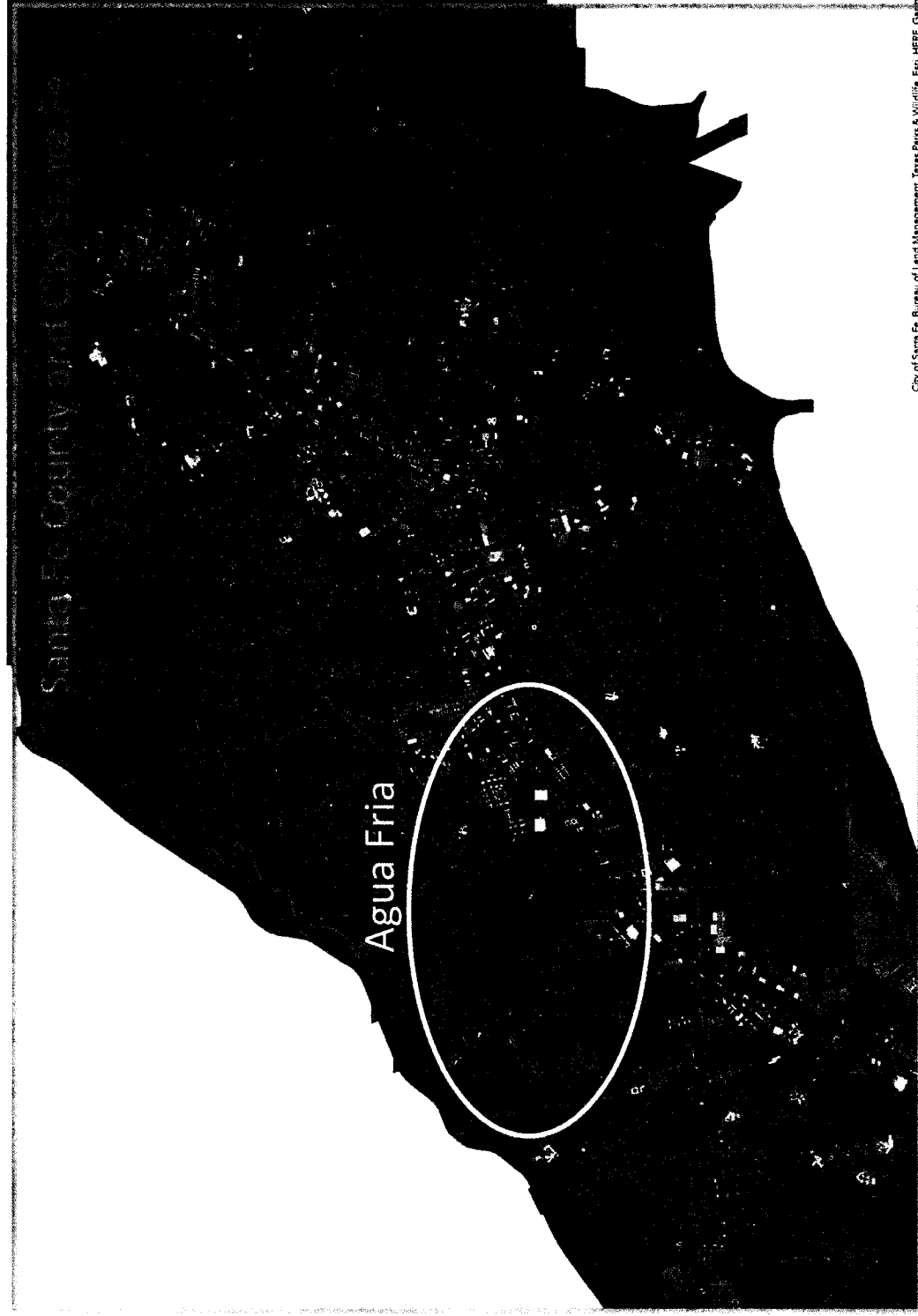
Santa Fe and Agua Fria Village Historic Aerial Map

1996 City of Santa Fe



Santa Fe and Agua Fria Village Current Aerial Map

2019 City of Santa Fe



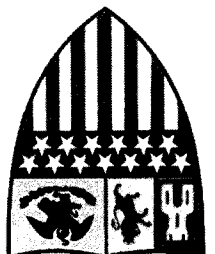
City of Santa Fe, New Mexico

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Councillors:

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Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Lee Garcia, District 3
Chris Rivera, District 3
Jamie Cassutt, District 4
Amanda Chavez, District 4

Alan Webber, Mayor



Item 12A

Date: May 27, 2023

To: Santa Fe County Board of County Commissioners

From: Erin K. McSherry, City Attorney, City of Santa Fe

Re: Proposed Ordinance to include "Area 1B" in the Agua Fria Traditional Historic Community

Cc: Governing Body, City of Santa Fe; Katharine E. Clark, Santa Fe County Clerk; Gregory S.

Shaffer, County Manager; Jeff Young, County Attorney

Previously identified legal questions remain and new concerns have become apparent since the Board's May 1, 2023, meeting regarding the Area 1B Petition. In particular, the following questions merit your consideration:

1. What is the County's staff analysis regarding whether Area 1B meets the required statutory factors?

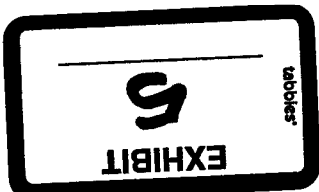
The existing staff memo simply states the Board of County Commissioners (Board) previously determined that the statutory factors were met in 1995:

In Ordinance No. 1995-8, "Area 1B" was included within the initial boundaries of the Village of Agua Fria THC, the BCC having determined that the criteria for THC designation had been met.

This is the extent of staff analysis, which was submitted in the memo from County Attorney Jeff Young, April 25, 2023 ("April 25 Memo") on page 3.

The analysis omits mention that the Board has had extensive consideration and discussions since 1995 about the appropriate boundaries for the historic community. Of particular note, in 2008, when the current boundaries of the traditional historic community were established, County staff researched and testified regarding the age of structures and regarding extensive engagement in the community to identify an area that would "have a real clear boundary" with the City. See statements by Robert Griego, Senior Planner, in the Board's December 9, 2008 Minutes ("2008 Board Minutes"), at page 40. County staff reported at that time that their recommendations, which were accepted by the Board, were "a comprehensive approach, meaning that we have a clear and coherent boundary." *Id.* at 41.

2023/03/07 RECORDED CLERK





City of Santa Fe, New Mexico

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The Village of Agua Fria Community Plan, likewise, describes a similar planning process for establishing the boundaries of the Community. That process involved the Agua Fria Development Review Committee Board, which recommended boundaries to the traditional community in 2004 that were adopted at that time. See Community Plan at page 20.

The existing staff memo also omits the lawsuit that apparently resulted in a reduction of the original area designated in 1995. The 2008 Board minutes and the 2006 Village of Agua Fria Community Plan describe the lawsuit that resulted in a settlement to decrease the designated area from 4,640 acres to 540 acres. See December 9, 2008 Board Minutes at page 41 and the Community Plan at page 20. In particular, the Community Plan reports that "a lawsuit challenged the boundary and a contentious public hearing was held in which the community was deeply divided." The City has sought out the records relevant to that lawsuit from the County and the First Judicial District Court.

2. Were the signatures on the Petition validated as being from qualified electors?

This question could be easily addressed through a statement from the County Clerk's Office. Is there a reason the Board has not addressed this issue?

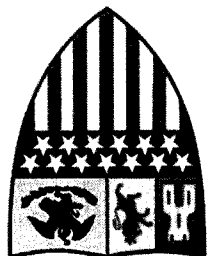
3. Is the Board considering signatures collected after the Petition as supporting the Petition?

Submitting signatures by qualified electors is a pre-condition for the Board's consideration of a petition. Is the Board considering the signatures submitted during the May 1, 2023, accepted and as a basis for its consideration of the Petition? Those signatures are posted as part of the packet as if they were relevant to the Petition. If the signatures submitted on May 1 are substitutes or replacements for the original signatures, shouldn't they, once validated as being from qualified electors, cause the County to initiate a new review process, with a new hearing on the revised petition?

4. Why is the County equating residents' statutory rights as a basis to deviate from its agreement with the City that the City will annex Area 1B?

The April 25 Staff Memo states that

[t]he Settlement Agreement recognizes the statutory right of residents of Area 1B to petition for inclusion in the Village of Agua Fria THC prior to annexation, as follows: "Residents of Area 1 shall be permitted to submit a petition or petitions with the Board of County Commissioners to include portions of Area 1 in the Agua Fria Traditional Historic Community prior to annexation."



See April 25 Memo, page 3 (emphasis added). This part of the memo recognizes that the residents' right to petition is statutory. Because the residents' right to petition is statutory, agreements between the City and County cannot change those rights.

The residents were not parties to the agreements between the City and County and would have had the right to petition regardless whether the agreement restated their statutory right.

If the parties had intended to agree that the County could modify the City's and County's agreements regarding annexation and zoning, then the agreement would have stated that the Board could *accept* a petition to modify the extraterritorial area if it received a valid petition for expanding the existing traditional historic community. Instead, the parties entered both an extraterritorial zoning agreement and settlement agreement that do not mention such an idea.

5. Will the Board consider alternative boundaries for the Agua Fria Traditional Historic Community that were not included in the Petition, were not published in the newspaper, and have not been included in an agenda or published ordinance caption?

Apparently there is an alternative proposal to designate some portion of Area 1B as an expansion to the Agua Fria Traditional Historic Community, rather than to designate Area 1B. An alternative proposal was also not the basis for the Petition the Board agreed to consider. An alternative proposal was not described in the legal notice in the Albuquerque Journal on April 12 and 19 about the Board's proposed Ordinance. An alternative proposal is also not on the Board's agenda for May 30. Without signatures, a petition, a publication, an agenda, a caption, and a hearing regarding an alternative extension to the Traditional Historic Community, what basis is there for considering an alternative proposal?

6. Under the Board's Code of Conduct, is it permissible for Commission Chair Hansen to consider the Petition?

The Board's Code of Conduct states that a county commissioner must recuse themselves in a proceeding brought for a trial-type hearing when "the official has a bias or prejudice concerning a



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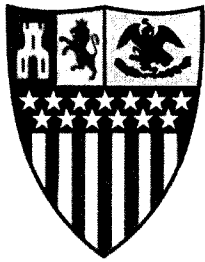
Amanda Chavez, District 4

Party or its representative or has prejudged a disputed evidentiary fact." See Ordinance No. 2022-03, Section 7, A(1). The Code of Conduct also requires that a commissioner avoid transactions and relationships that create a conflict of interest. *Id.*, Section 12(A). Under the Code's definitions, a conflict of interest "means a situation in which a person exercising a duty has an interest, financial or otherwise, that conflicts with or potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the person's duty." *Id.*, Section 4(H) (emphasis added). According to the Code of Conduct, one of the duties of the county commissioners is to "uphold...the Laws of the State of New Mexico" and "to impartially carry out their duties". *Id.*, Section 3.

In the trial-like hearing about the Petition, which will impact the legal rights of the petitioners and the City, the Board has been accepting sworn statements to gather evidence regarding disputed, evidentiary facts, related to the Board's application of New Mexico law to those facts. One of those disputed, evidentiary facts is whether Area 1B and the existing Agua Fria Traditional Historic Community share "a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity". During the Board's May 1 hearing, when Mr. Mee stated that his presentation would dispel the myth that there is no connection between Area 1B and Agua Fria Village, Chair Hansen interjected that "there is." See May 1, 2023, Meeting Recording at 1:19. That statement and other similar statements and conduct both during and before the May 1, 2023, hearing raise the question regarding whether Chair Hansen has prejudged evidentiary facts relevant to the disposition of the Petition.

The Board's packet materials include a letter from Chair Hansen dated January 5, 2023, in which she contacted constituents in Area 1B, stating that "I am writing to ensure that you are aware of your right to petition the Board of County Commissioners to declare the remainder of Area 1 as a 'traditional historic community' under both state law and the Settlement Agreement." The letter goes on to say that "[y]our community is adjacent to the Agua Fria Traditional Historic Community, and Area 1 is generally on land that was once considered part of the village." The letter also attaches the statutes regarding traditional historic community designation and provides contact information for Mr. Sid Monroe, a resident who "has been following this process for the last 14 years." Mr. Monroe is one of the petitioners for the addition of Area 1B to the traditional historic community and he has testified in favor of the petition.

Board Resolution 2017-127 describes a joint meeting of the City's Governing Body and the Board on June 15, 2017, during which "various aspects of annexation were discussed, including Chair Hansen's request to discuss removing the remainder of Area 1 from the Settlement Agreement so



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that it is not annexed into the City” (emphasis added) and resolving to request that the City discuss “*Commissioner Hansen’s* request to remove the remainder of Area 1 from the Settlement Agreement so that it is not annexed into the City (emphasis added).

These facts and circumstances suggest that Chair Hansen has an interest in the outcome of the Petition that is not related to the statutory factors legally required for Board consideration. They also suggest that Chair Hansen has already formed an opinion regarding certain evidentiary facts that are disputed. Given these facts and circumstances, should Chair Hansen recuse herself from these proceedings?

In conclusion, these are some of the significant issues in this matter that remain unaddressed and that are critical to the Board’s consideration of the proposed Ordinance. More could be said regarding the impact the proposed Ordinance has on the negotiations the City and County have been engaged in during the last year regarding annexation, but those issues continue to be subject to Joint Resolution, City No. 2022-1 and County No. 2021-105.

SFC CLERK RECORDED 07/03/2023



**David A. Carr, AIA
3411 VIA MAGDALENE
SANTA FE, NEW MEXICO 87507
(505)-474-3848
(505)-603-0047 (C)
wescargo@aol.com**

Board of County Commissioners
Santa Fe County

Special Meeting May 30, 2023

Ordinance No. 2023-____, An Ordinance Amending Ordinance Nos. 1996-16, 2004-1, 2006-12, and 2008-18 by Revising the Boundary of the Village of Agua Fria Traditional Historic Community and Declaring "Area 1B" to be Included Within the Village of Agua Fria Traditional Historic Community.

The following is detailed City of Santa Fe planning information that addresses 3-7-1.1 Traditional historic community; qualifications; annexation restrictions

1. The City of Santa Fe General Plan adopted April 14, 1999 is still in effect despite the requirement to update the plan every 10 years. One attempt was made during the Javier Gonzales administration.
2. Chapter 4, Growth Management chapter of the 1999 City of Santa Fe General Plan adopted April 14, 1999 identifies the Area 1B Annexation area as part of the Greater Agua Fria Urban Sub-Area per Figure 4-4 (See attached).
3. Per paragraph 4.4.5 Greater Agua Fria Area, the "Urban Area...includes thousands of acres of unincorporated land which surrounds and includes the Agua Fria Historic Community. While Plan 83 viewed this area as a prime growth area (known as the Southwest Sector) and recommended densities allowing buildout of nearly 20,000 dwelling units, the 1999 Plan recommended a less aggressive approach to development in this historically rural area."

"Public water and sanitary sewer infrastructure that belong to the city traverse, by necessity the Traditional Historic Community of Agua Fria. This circumstance adds a complicating factor to the everlasting question regarding the benefits of urban development versus those of maintaining the rural character of the area. While the efficient use of this infrastructure for urban development would require a different pattern of land that exists today (i.e., consolidation of the traditional long and narrow parcels into more conventional urban size lots), the preservation of the existing patterns would not necessarily preclude the implementation of centralized water and sewer systems. The cost of development, however, would be high and in some cases prohibitive."

4. Paragraph 4.5 Urban Staging Plan, Figure 4-5 Urban Staging Areas indicates that Stage 3 is the Greater Agua Fria Area and Industrial Area. Again, the Greater Agua Fria Area includes Area 1B.

Paragraph 4.5.3 Staging Area Three (Years 2010-2020). "The priority growth area is the northern Agua Fria Area."

5. The City of Santa Fe, Draft Land Use & Urban Design Plan was not dated, was apparently done during the Mayor Javier Gonzalez administration and was not approved by the City Council.

The Future Land Use map included in the draft plan indicated Area 1 B zoning as 1 dwelling per acre.

SEC. CLERK RECORDED 07/03/2023

The draft plan included Goals & Policies for Land Use & Growth Management

Guiding Principles: Conserve: Conserve historic areas, parks and designated open spaces

"Policy #2: Protection of Residential Neighborhoods – Consistent with the Santa Fe City Charter, protect established residential neighborhoods from intrusion or encroachment of incompatible uses."

Policy #4: Master Plan Newly Annexed Areas – Study how best to integrate incremental development in rural and semi-rural areas, including areas that have recently been annexed. Develop area plans and/or development regulations that address desirable land use patterns, the appropriate level of infrastructure needed to support new development, and how to fund that infrastructure, identify any existing infrastructure deficiencies, and plan for how those needs can be met and how they are funded.

Policy #5: Land Use Regulations – Modify existing land use regulations to better implement the policies of this plan, including consistency between land use categories on the Future Land Use Map and the zoning districts shown on the zoning map.

City of Santa Fe Future Land Use Map (See attached) adopted by City Council Resolution 1999-45, April 14, 1999, As Amended, Area 1B designated as 1 dwelling unit per acre.

City of Santa Fe Zoning Districts (See Attached), Santa Fe Extraterritorial Land Use Authority, Ordinance 2009-01. Area 1B designated as R1 (PUD) Single Family 1 dwelling unit per acre.

Policy #6: Land use Regulations – Study and amend land use regulations to provide more flexibility in the type of uses permitted, with appropriate safeguards to ensure compatibility with other nearby existing and permitted uses.

6. Land Development Code Update. Contract awarded November 2022 to Clarion Associates
Contract not on city website. To be completed in 2026
7. City of Santa Fe Resolution No. 2023-15, A Resolution Adopting Next Steps to Revise the City of Santa Fe's General Plan dated April 27, 2023. RFP Issued???
8. Cielo Lumbre Subdivision Lot #2: Approved County Development Permit No. 89-03 indicated a house and a barn. (See Attached) The barn was removed and the house remodeled and an addition was constructed sometime in the early 1990's. See attached CLHA Covenants Section 30, Lot 2 Exceptions, paragraph (d) regarding the existing barn. Check county records for history of house and barn on the property prior to 1989.



CITY OF SANTA FE

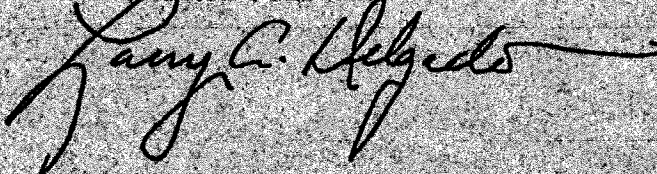
GENERAL PLAN

1999

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 1999-*B*

INTRODUCED BY:



A RESOLUTION

ADOPTING THE SANTA FE GENERAL PLAN UPDATE, PURSUANT TO SECTION 3-19-10 NMSA 1978.

WHEREAS, the City Planning Division staff has prepared and the Planning Commission has recommended approval of the Santa Fe General Plan update; and

WHEREAS, pursuant to Section 3-19-9 NMSA 1978, "the planning commission shall prepare and adopt a master plan for the physical development of the municipality and the area within the planning and platting jurisdiction of the municipality which in the planning commission's judgment bears a relationship to the planning of the municipality . . ."; and

WHEREAS, pursuant to Section 3-19-9 NMSA 1978 the master plan shall include: " . . . careful and comprehensive surveys and studies of existing conditions and probable future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development. . . ."

SFC CLERK RECORDED 07/03/2003

1 and

2 WHEREAS, pursuant to Section 3-21-5 NMSA 1978, the zoning regulations and restrictions of
3 the city are to be "...in accordance with a comprehensive plan..."; and

4 WHEREAS, pursuant to Section 3-21-1 NMSA 1978, "For the purpose of promoting health,
5 safety, morals or the general welfare, a county or municipality is a zoning authority and may regulate and
6 restrict within its jurisdiction the:

- 7 (1) height, number of stories and size of buildings and other structures;
- 8 (2) percentage of a lot that may be occupied;
- 9 (3) size of yards, courts and other open space;
- 10 (4) density of population; and
- 11 (5) location and use of buildings, structures and land for trade, industry, residence or
12 other purposes."; and

13 WHEREAS, the City desires to:

- 14 (1) Enhance the quality of life by ensuring that development is sustainable, and that
15 social equity, physical growth, redevelopment, and natural resource conservation and protection are
16 balanced; and
- 17 (2) Foster a Santa Fe tradition which enriches everyday life by providing urban space
18 conducive to public life, establish an ecological basis for urban design, while continuing to build and
19 preserve in accordance with the history of Santa Fe; and
- 20 (3) Promote a compact urban form that creates affordable housing, reduces
21 automobile dependence, provides a mix of land uses in all areas of the city, diversifies the economy, and
22 enhances the unique personality, sense of place and character of Santa Fe, while maintaining a regional
23 growth management perspective; and

24 WHEREAS, the City of Santa Fe General Plan update shall be kept current so that City policies
25 reflect changing concerns and conditions.

1 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
2 OF SANTA FE that the City of Santa Fe General Plan update, is hereby adopted as the Santa Fe General
3 Plan and that staff is directed to immediately develop the following programs as priorities for the
4 implementation of the General Plan:

5 (1) An implementation program that will guide and manage the growth of the City of Santa
6 Fe.

7 (2) A detailed Capital Improvements Program based on the General Plan.

8 (3) A comprehensive review and update of the Official Zoning Map and the Santa Fe City
9 Code as they relate to the General Plan.

10 PASSED, APPROVED and ADOPTED this 14th day of April, 1999.

11
12
13
14 
15 HARRY A. DELGADO, MAYOR

16 ATTEST

17
18 
19 YOLANDA Y. VIGIL, CITY CLERK
20

21 APPROVED AS TO FORM

22
23 
24 MARK A. BASHAM, CITY ATTORNEY
25

2. **Road Capacity.** Detailed volume-to-capacity studies shall be conducted for identified areas of acute traffic congestion prior to any additional land development approvals being reviewed or considered. Adequate roadway construction and capacity has not kept pace with development in areas throughout the region. Transportation alternatives to the automobile are of primary importance. This promotes higher density development in the Urban Area versus continued low density development outside the Urban Area. Transit should only be extended to those areas outside the Urban Area that have land use plans.
3. **Water Supply.** The majority of the regional growth should occur within the Urban Area, in consideration of a number of factors: (1) the groundwater resources are finite and the consequences of their continued mining could be disastrous; (2) a soundly designed "regional" water system achieved in cooperation with our immediate neighbors is a necessity more than an option and most residents of this "region" should be served by a central water system for the purposes of consistent long-term quality and protection of the groundwater resources that supply their needs; and (3) because the regional approach contributes to securing supply sources for a large number of people, it also helps in reducing the per-capita cost of the necessary infrastructure.
4. **Sanitary Sewer.** High density development should not be allowed based on reliance upon on-site sanitary sewer facilities. The negative effects of septic tank proliferation do not stop at the city limits, and the need for centralized sewer systems in urban areas becomes more evident as the levels of nitrate contamination of the groundwater rises. Urban density development should only occur in specifically designated areas and should be conditional on a high feasibility of installing centralized sewer systems to serve those areas.
5. **Corridor Protection and Open Space.** Visual and aesthetic protection is required for major highways within the region, especially those acting as Urban Area boundaries. The traditional 50-foot and 100-foot setbacks are often ineffective because of the lack of natural screening vegetation and/or screening topography along many of the major roadways. Highway 14, Highway 285, Interstate 25, and the Relief Route should be visually protected and not transformed into commercial arteries. A corridor protection study shall be conducted and a plan developed for the region, and where limited development zones are mapped, a transfer of development rights will allow equivalent development capability within the Urban Area.

Open space must be specifically mapped in a plan which identifies publicly accessible lands, as well as private "reserves" required to enhance the openness of the Santa Fe landscape. Bureau of Land Management (BLM) holdings, as well as state-owned lands should be targeted for open space and conservation, not residential and commercial development.

4.4 GROWTH MANAGEMENT—THE URBAN AREA

Future Land Use (Figure 3-2) represents a possible buildout scenario for the Urban Area. The Urban Area is divided into five subareas (Figure 4-4) as follows:

- Infill Development and Tierra Contenta,

- Approved Development,
- Future Growth,
- Mountain/Corridor Protection, and
- Greater Agua Fria.

The boundaries of the lands comprising these five areas are shown on Figure 4-4. Infill development and Tierra Contenta have the highest priority for residential and commercial construction. Approved development areas include Tano and Santa Fe Estates. Future growth areas with large vacant tracts of land and development potential at urban densities include land south of Villa Linda Mall and land south of Tierra Contenta.

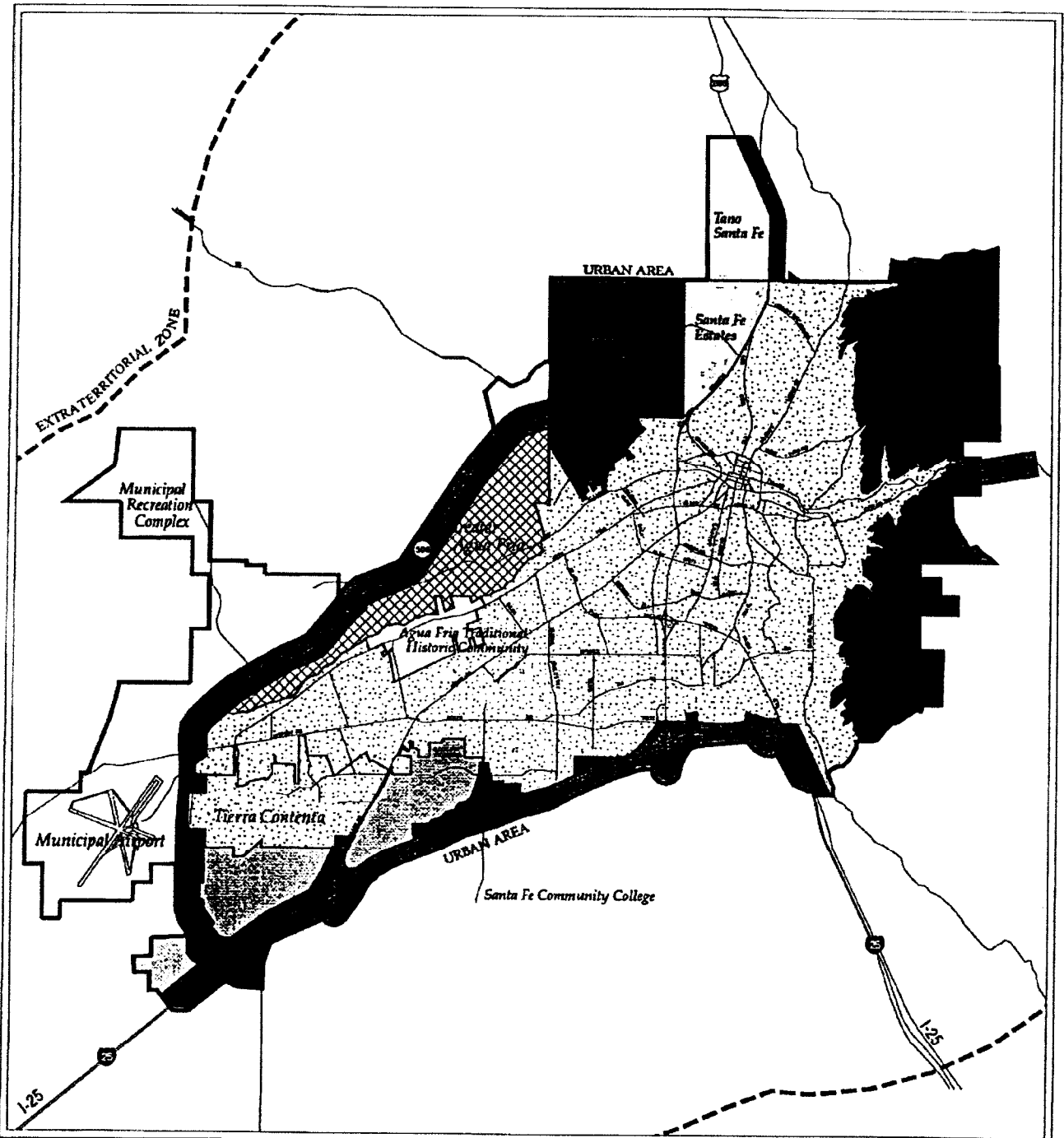
The buildout of the Future Land Use (Figure 3-2) includes approximately 15,000–25,000 more residents than the Urban Area is planned to contain by year 2020. So, while the Urban Area population may range from 91,000–100,000 by 2020, the Urban Area buildout reflects a population of approximately 115,000.

Table 4.5 indicates the total potential dwelling units and populations of the subareas in the Urban Area.








TABLE 4.5 DEVELOPMENT BY SUBAREAS	HOUSING UNITS AT BUILDOUT	POPULATION AT BUILDOUT
Infill Development (sites and subdivisions)	1,000	2,000
Tierra Contenta	5,800	14,000
Santa Fe Estates	1,200	2,400
Tano (Monte Sereno)	300	600
South of Villa Linda Mall	3,000	6,000
South of Tierra Contenta	2,500	5,000
Mountain/Corridor	500	1,000
Greater Agua Fria	1,200	2,400
TOTAL	15,500	33,400

The Urban Area has continued to grow to the south and southwest over the last two decades. Over 80 percent of the city's growth moved into the southern area. Continued development in this part of Santa Fe could cause acute volume-to-capacity road problems. An urban interchange at the Airport/Cerrillos Road intersection may be needed prior to 2020.

Left undirected and unchecked, growth will continue to push south across Interstate 25. The major impact of this growth direction would be on the road system in the southern part of the Urban Area. The geographic balancing of growth is an important consideration for the future of the Urban Area. Growth management in the Urban Area is addressed by the policies in this document. Growth management outside the Urban Area will require more study by the city. Other options related to growth management, such as adoption of a growth rate ordinance will be investigated, with particular attention paid to potential fiscal impacts.



Urban Sub-Areas

-  Proposed Urban Area Boundary
-  Infill Area
-  Approved Development
-  Future Growth
-  Protection Areas
-  Greater Agua Fria Area
-  Major Roads



Scale in Miles

City of Santa Fe
GENERAL PLAN

April 1999

Figure 4-4

**TABLE 4.7
FUTURE GROWTH AREAS**

	TOTAL	ROW	O.S./PARK	RESIDENTIAL	OTHER NONRES.					
	Acres	Acres%	Acres %	Acres %	Acres %	Acres %	No. DU s	POPULATION		
Villa Linda Mall	1,000	200 (20%)	150 (15%)	500 (50%)	150 (15%)		2,500-3,000	5,000-6,000		
Tierra Contenta South	800	160 (20%)	190 (24%)	400 (50%)	50 (6%)		2,000-2,500	4,000-5,000		
TOTAL	1,800	360 (20%)	340 (19%)	900 (50%)	200 (11%)		4,500-5,500	9,000-11,000		

4.4.4 MOUNTAIN PROTECTION

The mountainous area to the east is defined by the 7,400 foot elevation contour line, the same elevation contour used in the Mountain Ordinance for the Extraterritorial Zone (adopted by the Extraterritorial Zoning Authority in 1995).

This Plan recommends that all new subdivisions in this area create lots no smaller than the 10 acre standard as recommended by this plan. Where city water or sewer service is available to serve a new subdivision, any clustering of lots that occurs should still be based on a gross density of 1 dwelling per 10 acres of land (i.e., no density bonus should be granted in calculating total number of dwelling units allowable within the subdivision). All tracts or parcels of land within the mountain area smaller than 10 acres and existing prior to adoption of this Plan, may be developed with one dwelling unit if they meet minimum lot size standards with reference to on-site well and septic use.

Based upon the above recommendation and already existing vacant subdivided lots and parcels in the mountainous area, a potential buildout of 300-400 additional homes in the mountainous area is possible. Recent rates of annual construction in the mountain area suggest 12-15 new homes are built each year. At that rate, approximately 300 new homes may be constructed by 2020.

4.4.5 GREATER AGUA FRIA AREA

The Urban Area also includes thousands of acres of unincorporated land which surrounds and includes the Agua Fria Traditional Historic Community. While Plan 83 viewed this area as a prime growth area (known as the Southwest Sector) and recommended densities allowing a buildout of nearly 20,000 additional dwelling units, this Plan recommends a less aggressive approach to development in this historically rural area.

The 1994 county housing study projects an addition of 800-1,100 housing units in the greater Agua Fria area by 2020. This is an annual average of approximately 35-50 new dwelling units for the entire area generally bounded by the Relief Route, the Santa Fe Land Grant Boundary, Agua Fria Road, Cerrillos Road, and Airport Road.

Public water and sanitary sewer infrastructure that belong to the city traverse, by necessity, the Traditional Historic Community of Agua Fria. This circumstance adds a complicating

factor to the everlasting question regarding the benefits of urban development versus those of maintaining the rural character of the area. The presence of major water and sewer lines is neither a guarantee of service to property nor a prerequisite for urban density development. While efficient use of this infrastructure for urban density development would require a different pattern of land division than what exists today (i.e., consolidation of the traditional long and narrow parcels into more conventional urban size lots), the preservation of the existing patterns would not necessarily preclude the implementation of centralized water and sewer systems. The cost of development, however, would be high and in some cases, prohibitive.

4.5 URBAN AREA STAGING PLAN

The purpose of the Staging Plan is to guide the orderly expansion of urban development within the Urban Area based upon the city's priority growth areas. Locations for future growth are scheduled by sequence and time period. Major planning efforts required to precede infrastructure construction are also identified in sequence. The Staging Plan accommodates the projected demand for urban land as described in Section 4.4 of the General Plan. The Staging Plan is based upon the following:

- Projected demand for urban land for development,
- Suitability of vacant land for the types of development projected,
- Maximizing the efficient use of existing public infrastructure,
- Ability of the city to extend infrastructure to new growth areas,
- Balancing residential and nonresidential growth, and
- Providing a geographic balance to new growth surrounding the historic core of the city.
- Priority areas for development are:
 1. Infill development areas and Tierra Contenta,
 2. Approved development areas, and
 3. Other urban subareas as identified.

The Implementation Plan provides major public infrastructure components and associated cost estimates. The cost estimates are preliminary and highly generalized. More accurate cost estimates will be developed for the city's CIP. The Staging Plan will be updated on an annual basis, along with the CIP. The staging sequence identified may be extended into a longer time frame, if necessary. Staging areas and time frames are shown on Figure 4-5.

4.5.1 STAGING AREA ONE (TO YEAR 2005)

Staging Area One covers the first period following adoption of this Plan. Staging Area One encompasses the highest priorities for urban growth, which are infill (including the Agua Fria area south of the Santa Fe River), approved development, and the future growth area south of Rodeo Road.

Planning

Planning and environmental documentation for the Rio Grande surface water diversion and a regional water supply management system may be continued from Stage One, depending upon the complexity of the issues encountered. A detailed community area plan will be underway for the future growth areas south of Rodeo and Airport Roads.

Planning and Land Use Department priorities:

- Community Area Plans - south of Rodeo Road and south of Airport Road.
- Railyard project,
- Regional area - complete the master plan initiated in Stage One, and
- Community area plans and neighborhood conservation districts - as requested by residents.

Public Utilities Department priorities:

- Rio Grande surface water diversion planning and design (continued from Stage One).

4.5.3 STAGING AREA THREE (YEARS 2010–2020)

The priority growth area is the northern Agua Fria area.

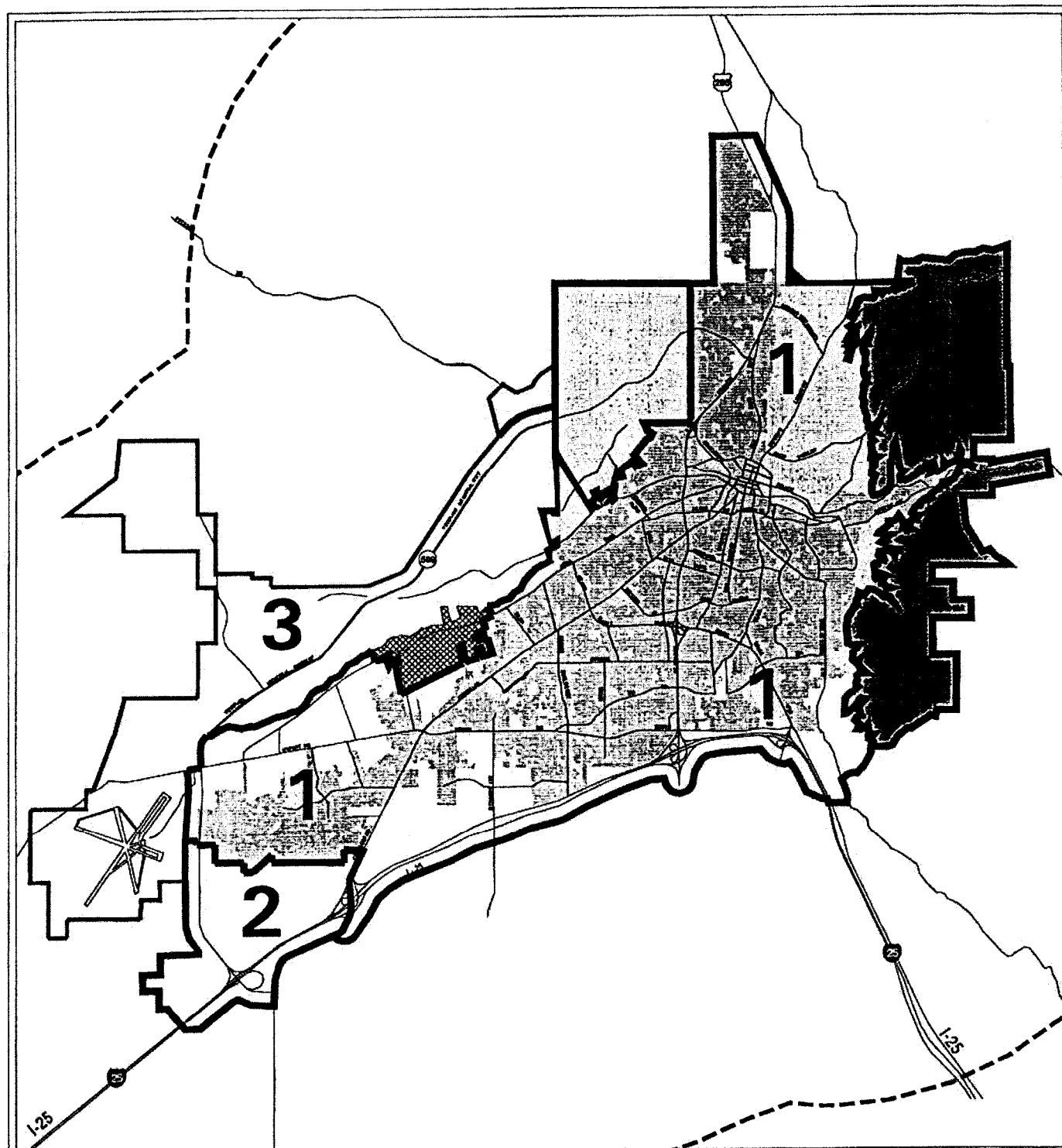
Infrastructure

The primary infrastructure needed to serve Staging Area Three is shown.






Staging Area Three completes the infrastructure construction needed to allow full build-out of the Urban Area. Expansion of the sewage treatment facility and construction of the Interstate 25 frontage roads are the major infrastructure components in Stage Three. Continued development of urban parks and trails and the acquisition of open space along Arroyo Hondo are priorities for Stage Three.

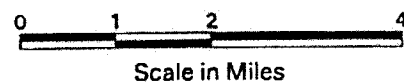
Planning

- Regional and redevelopment planning concentration, and
- Development of a staging plan for the Regional Planning Area.



Urban Staging Areas

-  Current City Limits
-  Agua Fria Traditional Historic Community
-  Mountain Area
-  Staging Areas
 - Stage 1 - Infill & Approved Development
 - Stage 2 - Future Growth Areas & Airport I.P.
 - Stage 3 - Greater Agua Fria Area and Industrial Area
-  Major Roads



City of Santa Fe GENERAL PLAN

April 1999

Figure 4-5

City of Santa Fe



Land Use & Urban Design Plan

FE

Acknowledgments

Javier M. Gonzales, Mayor
Brian K. Snyder, City Manager

City Councilors



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Kim Shanahan

Table of Contents

Land Use & Urban Design Plan

Acknowledgements (i)

Table of Contents (ii)

Santa Fe City Charter (iii)

Public Opinion & Community Goals (iv)

1. Introduction & Community Profile (pages 1-8)

- Introduction
- Planning Area Boundaries
- Demographic & Economic Data
- Population Shift (map)
- Population Density (map)
- Santa Fe's Aging Population (map)
- Age, Income and Ethnicity (map)
- Residential Growth & Median Housing Prices
- Schools, Parks, Trails, Open Space, Recreational, Senior & Youths Centers (map)

2. Natural Setting & Environment (pages 9-12)

- Santa Fe River
- Escarpments
- Ground Water & Surface Water
- Air Quality
- Vegetation
- Wildlife & Plants
- Natural Features (map)

3. History & Preservation (pages 13-15)

- History & Preservation
- The Preservation Movement
- Historic Buildings
- Historic Neighborhoods
- Historic Downtown
- Archaeological Sites
- Historic Districts & Landmarks (map)

4. Land Use & Growth Management (pages 16-27)

- Growth & Water
- Growth Projections
- Annexation
- Growth Management
- Santa Fe's Aging Population
- Centers & Corridors
- Areas to Conserve
- Areas of Focus
- Centers & Corridors (map)
- Planned Communities
- Housing & Affordability
- Transportation & Mobility
- Connections - Transit, Trails & Parks (map)
- Sustainability & Energy
- Future Land Use (map)

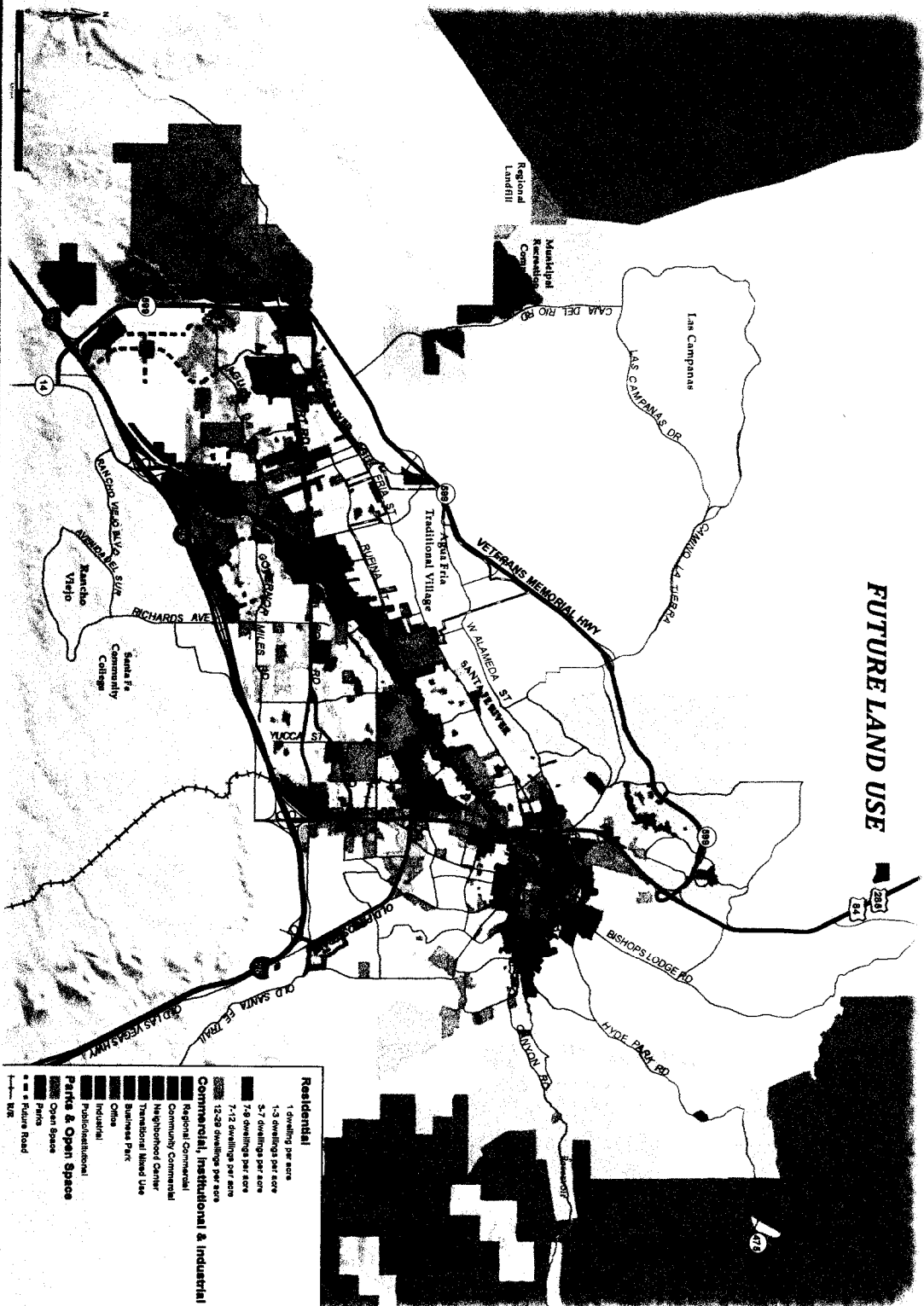
5. Urban Design & City Character (pages 28-35)

- Residential Design
- Community Oriented Downtown
- Corridor Redevelopment
- Employment Centers
- Neighborhood Centers
- Railward Redevelopment
- Urban Design Essentials
- Commercial Design
- Residential Design
- Street Sections
- Other Design Elements

6. Capital Facility Plan (page 36)

7. Goals & Policies (pages 37-42)

Land Use & Growth Management



Goals & Policies

Land Use & Growth Management

Goal: Santa Fe will be a livable city through innovative and efficient land use planning and prudent growth management resulting in a compact urban center.

Guiding Principles

- **Urban Form:** Promote a compact urban form with compatible infill and respect for neighborhoods.
- **Density:** Encourage smaller lots and smaller housing units in growth areas.
- **Development:** Promote future growth in centers, along corridors and other areas of infill opportunity.
- **Conserve:** Conserve historic areas, parks and designated open space.

Policy #1: **Balance Neighborhood and Community Goals** – New development within and adjacent to existing neighborhoods should be done in ways that enhance or minimize disruption of the neighborhood's character, while recognizing that some degree of change will be needed in many neighborhoods to accomplish community-wide goals.

Policy #2: **Protection of Residential Neighborhoods** – Consistent with the Santa Fe City Charter, protect established residential neighborhoods from the intrusion or encroachment of incompatible uses. Wherever possible, allow non-residential uses that are compatible with residential uses, such as low-impact home businesses and small-scale residential care facilities. Where warranted by increased traffic volumes or evolving changes in the types or intensity of land use patterns, support land uses and densities that provide a transition to established residential neighborhoods.

Policy #3: **Coordination of Development with Provision of Infrastructure** – In most cases, development projects will be required to install and/or fund the infrastructure to meet the service needs they generate. City financing and construction of infrastructure will be reserved for meeting the needs of the community as a whole, or where specifically targeted to support major civic projects, affordable housing or economic development projects.

Policy #4: **Master Plan Newly Annexed Areas** – Study how best to integrate incremental development in rural and semi-rural areas, including areas that have recently been annexed. Develop area plans and/or development regulations that address desirable land use patterns, the appropriate level of infrastructure needed to support new development, and how to fund that infrastructure. Identify any existing infrastructure deficiencies, and plan for how those needs can be met and how they can be funded.

Policy #5: **Land Use Regulations** – Modify existing land use regulations to better implement the policies in this plan, including consistency between land use categories on the Future Land Use Map and the zoning districts shown on the zoning map.

Policy #6: **Land Use Regulations** – Study and amend land use regulations to provide more flexibility in the types of uses permitted, with appropriate safeguards to ensure compatibility with other nearby existing and permitted uses. Modernize the land use categories and modify parking requirements to reflect current usage rates and to encourage parking demand management.

Policy #7: **Metro Area Growth** – Work with Santa Fe County to ensure necessary provision of services, administration and infrastructure throughout the larger Santa Fe Metro Area.

Policy #8: **Annexation** – Complete the annexation of the urban area according to the City/County Annexation Agreement (2008) and phasing amendments including the provision of services and infrastructure as set out in the agreement.

Policy #9: **Annexation** – Limit city utility and infrastructure extensions where annexation is not intended nor supported.

Policy #10: **Annexation Areas** – Conduct studies to identify desirable land use patterns and plan for infrastructure and growth in identified annexation areas. (i.e. Mutt Nelson Road Area).

Policy #11: **Centers & Corridors** – Encourage mixed use and residential uses in the redevelopment of existing commercial centers and along major corridors to better utilize existing infrastructure.

Policy #12: **Future Development** – Encourage future development to be built with: greater densities; a mix of uses among and within buildings; interconnected networks of complete streets, tree-lined, pedestrian-oriented streetscapes; and range of housing types.

Policy #13: **Infill** – Promote infill residential development with the same or similar density and character as the surrounding neighborhood, or at slightly higher densities if transitioning to adjacent non-residential development.

Policy #14: **Planned Urbanization** – Support significant increases in residential density where it is part of a plan for a neighborhood or significant part of a neighborhood, including in a semi-rural area when roads and sewer and water become available.

Policy #15: **Mixed Use** – Promote, encourage and allow residential, office and retail uses within the same development, and within the same building, along Mixed Use Corridors, in Planned Communities and in other non-residentially zoned areas.

Policy #16: **Connectivity** – All land development and roadway projects should enhance system connectivity. Discourage cul-de-sacs and gated communities. Encourage connectivity to multi-use trails and pedestrian networks including sidewalks.

Policy #17: **Protect Visual Open Space** – Protect visual open space, hillsides, and ridge tops through adoption of an Escarpments ordinance.

Policy #18: **City Plan Implementation** – Work to implement City Plan's policies through the City's Land Development Law (Chapter 14).

Policy #19: **Residential Density Ranges** – Where city water and wastewater systems are to be used in new development, an overall minimum gross residential density range of 5-7 units per acre should be encouraged.

Policy #20: **Intergovernmental Coordination** – Facilitate intergovernmental cooperation in areas of overlapping jurisdiction (such as roads, utilities, government buildings, etc.)

Goals & Policies

Housing

Goal: Santa Fe will have decent, safe and affordable housing for all residents.

Guiding Principles

- **Healthy Market Mix:** Help create a housing market in which ownership and rental options meet market demand through a range of housing types for all income levels.
- **Focused Incentives:** Support higher housing densities with green technologies on major corridors, in appropriate infill areas and in designated growth areas through reduced development fees and expedited approval processing.
- **Inclusionary Zoning:** Continue to implement the Santa Fe Homes Program which helps support affordability and this plan's goals of greater density, redevelopment, pedestrian access and water and energy efficiency.

- Policy #1:** Santa Fe's Neighborhoods – Preserve the scale and character of the city's existing neighborhoods.
- Policy #2:** Future Housing – Encourage a greater mix of housing types and lots in new developments.
- Policy #3:** Affordable Housing – Support the creation of more affordable housing as defined by the Santa Fe Homes Program.
- Policy #4:** Inclusionary Zoning – Continue to require that all new housing developments provide affordable homes or housing units to help better integrate socio-economic diversity within neighborhoods.
- Policy #5:** Housing Resources – Continue to support financial and management structures that will promote availability of affordable housing in new affordable housing developments for those who could not otherwise afford it, including the homeless population.
- Policy #6:** Homelessness – Prevent homelessness from becoming permanent by connecting families, individuals, veterans and youth to appropriate services and facilities.
- Policy #7:** Aging Population – Accommodate aging in place, residential care facilities, senior daycare in neighborhoods.
- Policy #8:** Apartments/Multi-Family Housing – Encourage multi-family development in appropriate locations in order to meet the needs of seniors and younger more mobile populations.
- Policy #9:** Workforce Housing – Target workforce housing needs and retention as part of strengthening the city's job creation efforts.

Transportation

Goal: Santa Fe will have a complete, well-connected transportation network.

Guiding Principles

- **Reduce Automobile Dependence:** Promote alternative modes and enhance safety.
- **Complete Streets:** Include wide sidewalks, street trees, bike lanes, narrower driving lanes and adequate pedestrian crossings.
- **Multi-Use Trails:** Encourage pedestrian bike & recreational use on a complete trail system.
- **Local & Regional Transit:** Promote and enhance public transit (Santa Fe Trails, RTD system).
- **Connectivity:** Ensure connectivity between and among streets, multi-use trails, pedestrian/bicycle facilities and public transit throughout the city.

- Policy #1:** Road Network – Provide a well-maintained road system of complete streets that is easily shared by different modes, especially bikes and pedestrians.
- Policy #2:** Transit – Integrate transit, including Santa Fe Trails, as a viable and preferred alternative to private automobiles.
- Policy #3:** Commuter Rail – Encourage commuter service and study/consider future local train service within Santa Fe.
- Policy #4:** Bicycles & Pedestrians – Improve bike and pedestrian facilities, while building an interconnected network of paved urban trails throughout the city.
- Policy #5:** Downtown Parking – Enhance Downtown accessibility for residents and visitors by providing transit and other transportation options in addition to parking opportunities.
- Policy #6:** Airport & Aviation – Support the Airport Master Plan for general aviation and encourage appropriate commercial use.
- Policy #7:** Safety – Increase the safety of the transportation system for all users.
- Policy #8:** Maintenance – Adequately maintain the existing transportation system.
- Policy #9:** Upgrade the Road Network – Identify and prioritize projects to correct and prevent safety problems and congestion.
- Policy #10:** Connectivity – All land development and roadway projects should provide for connections within and between neighborhoods and commercial centers. Minimize cul-de-sac road patterns.
- Policy #11:** Metropolitan Transportation Plan (MTP) – Implement those portions of the Santa Fe MPO Metropolitan Transportation Plan that are recommended within the City and urban area.
- Policy #12:** MPO Bicycle Master Plan – Implement the MPO Bicycle Master Plan.
- Policy #13:** Americans with Disabilities Act (ADA) – Ensure that transportation facilities meet ADA requirements.
- Policy #14:** Innovative Road Design – Consider innovative road design (including roundabouts) as an option for all new and reconstructed intersections.
- Policy #15:** Multi-Modal Access – Provide for bicycle and pedestrian access and facilities at transit hubs and centers.
- Policy #16:** Park & Trail Linkages – Provide pedestrian, trail and bikeway linkages, including sidewalks, between parks, open space and recreational facilities. Protect existing trails when possible.
- Policy #17:** Major Arterial Design Standards – Recognize major arterials as commercial corridors and important civic spaces and support their redevelopment with enhanced design standards that include landscaping, public furnishings and public art.
- Policy #18:** Transit Centers – Encourage Transit Centers with enhanced pedestrian and bicycle facilities.
- Policy #19:** Land Use / Transportation Connection – Encourage land use and transportation patterns that promote use of alternatives to the automobile including pedestrian, bicycling, bus transit and carpooling.
- Policy #20:** Public Art & Transit – Continue to incorporate public art into public transit facilities and on buses.
- Policy #21:** Enhanced Design – Encourage enhanced design standards near schools, commercial areas, civic areas and high density residential areas that promote bicycle and pedestrian travel.

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 Prepared By: F01T/GJS
 Coordinate System



Legend

Residential Districts

- [illegible]

Non-Residential and Mixed Use Districts

- | | | | | | | | | | | | | |
|--|-----------------------------|------------------------------|------------------|-------------------------------|---------------------------|-----------------------|-----------------------------|-----------------------------|---------------------------------------|--------------|-------------|-------------------|
| C1 (PUD) Office and Related Commercial | C2 (PUD) General Commercial | C4 Limited Office and Retail | H2 Hospital Zone | BCO Business Capital District | 11 (PUD) Light Industrial | 12 General Industrial | BP Business Industrial Park | PRC, RR/C Planned Community | SC1, SC2, SC3 Planned Shopping Center | Md Mixed Use | City Limits | Zoning Atlas Grid |
|--|-----------------------------|------------------------------|------------------|-------------------------------|---------------------------|-----------------------|-----------------------------|-----------------------------|---------------------------------------|--------------|-------------|-------------------|

THE SANTA FE EXTRATERRITORIAL, LAND USE AUTHORITY

ORDINANCE NO. 2009-21

AN ORDINANCE ESTABLISHING SUBDIVISION, PLATTING, PLANNING AND ZONING RULES WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN UNINCORPORATED AREAS OF THE COUNTY THAT ARE SUBJECT TO THE EXTRAJURISDICTIONAL SUBDIVISION, PLATTING, PLANNING AND ZONING JURISDICTION OF THE CITY OF SANTA FE

Refer to Zoning Atlas pages for more detail of Zoning Boundaries



ASD/ITT/GIS City of Santa Fe
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Santa Fe, NM 87504-0909
955-6490

Prepared By: ASD/ITT/GIS Lpp
File: ZoningMap.mxd
Coordinate System:

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THE UNIVERSITY OF CHICAGO

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2023-15

INTRODUCED BY:

Mayor Alan Webber

Councilor Jamie Cassutt

Councilor Renee Villarreal

A RESOLUTION

ADOPTING NEXT STEPS TO REVISE THE CITY OF SANTA FE'S GENERAL PLAN.

WHEREAS, the City of Santa Fe's (City's) Planning and Land Use Department, in consultation with members of the City's Governing Body, City department directors and members of the Planning Commission seek to update the City's General Plan, as informed by the outcomes of the current General Plan, and the changing needs and priorities of the Santa Fe community ("General Plan Update"); and,

WHEREAS, a General Plan Update should capture the City's vision of its future and guide the advancement of the community; and

WHEREAS, the Governing Body aspires to achieve the following goals in the General Plan Update:

- (1) Protecting resources in a balanced, well-managed, and dynamic manner; and
- (2) Fostering the Santa Fe traditions that enrich everyday life by promoting high-quality urban spaces that support and are consistent with the desired community character, and that reinforce ecological conservation measures for urban design; and

1 (3) Promoting a compact urban form that supports developing affordable housing;
2 provides a mix of housing types and land uses in all areas of the city; diversifies the
3 economy; and enhances the city's unique personality, sense of place, and character, and
4 encourages a regional growth management perspective through cooperative engagement
5 with regional partners; and

6 (4) Becoming a city where essential goods, services, employment, and amenities are
7 available to residents within their neighborhoods, thereby reducing automobile
8 dependence, improving transportation network connectivity, providing equitable access
9 to affordable transportation, and connecting underserved communities to services and
10 employment; and

11 **WHEREAS**, the General Plan Update should create a dynamic growth policy to guide
12 the physical development of the city of Santa Fe and future growth areas and will provide for the
13 creation and enhancement of opportunities for beneficial use of the community's resources; and

14 **WHEREAS**, the General Plan Update should provide for meaningful access to the
15 community's resources and ensure a vibrant sense of place and belonging, opportunities for
16 advancement, and preservation of the City's inclusionary vision and precious resources, including
17 land, water, people, culture, unique places, and economic potential; and

18 **WHEREAS**, the General Plan Update should aggregate goals and objectives from the
19 current General Plan with new needs and priorities under concrete, attainable implementing
20 policies that are accessible, user-friendly, and regularly reviewed to gauge progress and continued
21 relevance; and

22 **WHEREAS**, the planning objectives identified for implementation in the General Plan
23 Update should support assessment and integration of opportunities and support structures needed
24 to increase the general prosperity, quality of life, and functionality of the City and should allow
25 for better understanding of the status, development, and management of the needs of each council

1 district and neighborhoods, the downtown area, placemaking opportunities, initiatives and
2 revitalization efforts, and the nexuses and interdependencies that make Santa Fe more livable and
3 vibrant for its residents and visitors; and

4 **WHEREAS**, the implementation of these objectives should help to refine the approach to
5 accessible, resilient neighborhoods and townscapes of lasting value and integrity, forward
6 equitable and inclusionary practices, enhance quality of life, and identify and integrate
7 opportunities and needed support structures to increase general health, wellness, and prosperity of
8 the community; and

9 **WHEREAS**, through public education and engagement of community members from all
10 walks of life, the General Plan Update should help the city find common threads and shared goals
11 and desires that may be built upon to unify the community of Santa Fe in a common purpose and
12 define best practices and actions that support, preserve, and advance the integrity of Santa Fe; and

13 **WHEREAS**, the General Plan Update should address existing process and
14 implementation challenges with strategies that will positively affect crucial issues such as lack of
15 housing opportunities, affordability, and related services shortages; and missed development
16 opportunities and associated consequences; and

17 **WHEREAS**, periodic revisions to the General Plan Update should be made to help
18 ensure conformance and consistency with current standards, trends, community goals, and
19 community preferences; and create a comprehensive policy instrument that provides the basis for
20 future decisions on regulations, capital expenditures, grant and other funding priorities, open
21 space, and the built environment; and

22 **WHEREAS**, utilizing data and analysis, the General Plan Update should help establish
23 long-range goals and objectives for implementation in a coordinated manner; facilitate and
24 support the City's core planning and development efforts to ensure responsible growth and best
25 use of Santa Fe's precious natural resources and the long-term wellbeing of the community; and

support and inform the City's Land Development Code update implementation; and

WHEREAS, a "general plan" is synonymous with the State-mandated "Comprehensive Plan" or "Master Plan"; and

WHEREAS, the City's General Plan should be kept current through regular and systematic internal review, updates, and reporting so that it reflects the City's policies and changing concerns, conditions, priorities, programs, and demands; and

WHEREAS, a user platform that provides access to staff, the Planning Commission, the Governing Body, and the public, will help those parties to understand the goals and policies set forth by the General Plan Update.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Planning Commission shall oversee the proposed revisions to the City's General Plan consistent with the interests described in this resolution and the statutory duties of the Commission.

BE IT FURTHER RESOLVED that the City Manager shall coordinate the necessary actions for the Planning Commission to proceed with recommendations for a timely update of the General Plan.

BE IT FURTHER RESOLVED that the City shall release a Request for Proposals (RFP) for a qualified consultant and sub-consultants to draft the proposed General Plan Update. The drafting process should include, but not be limited to, the following tasks: assessing the status of City policy initiatives and implementation of the current General Plan and determining needed actions to complete the implementation of current policies, as well as the strengths and deficiencies of the current General Plan; conducting surveys, studies, and other assessments; coordinating and executing community outreach and engagement; conducting scenario planning; ensuring the General Plan Update is consistent with related City policy objectives, capital improvement plans, growth management goals, tools, and implementation strategies; developing

1 a digital user platform for the use of staff, the Governing Body, and the public to understand the
2 policy direction set forth for the General Plan Update; and all other activities necessary for
3 adoption of the General Plan Update.

4 **BE IT FURTHER RESOLVED** that the City Manager shall task the relevant staff
5 and/or the qualified consultant with providing the Governing Body with a quarterly progress
6 report regarding the current status of the planning and development of the General Plan Update
7 and implementing policies.

8 PASSED, APPROVED, and ADOPTED this 27th day of April, 2023.

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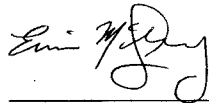
12 ALAN WEBBER, MAYOR

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14 ATTEST:

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17 KRISTINE MIHELICIC, CITY CLERK

18 APPROVED AS TO FORM:

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21 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2023/Resolutions/2023-15 (R) General Plan Update*