

September 12, 2023

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

September 12, 2023

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:04 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 Aryana Quintana of Assessor's Office Department. Chair Hansen acknowledged that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place."

Chair Hansen and Commissioner Hughes requested a moment of silence for former Governor Bill Richardson.

G. Approval of Agenda

GREG SHAFFER (County Manager): Thank you, Madam Chair and

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Commissioners. The initial agenda for today's meeting was posted on Tuesday, September 5th at approximately 5:50 p.m., and the amended agenda was posted on Friday at approximately 5:32 p.m. which was more than 72 hours in advance of today's meeting as required by the Open Meetings Act.

In terms of substantive changes to the agenda, the following items were added to the amended agenda. Item numbers 3. B. and C., Request approval of a letter from the Santa Fe Board of County Commissioners to congressional delegation in support of the Pecos Watershed Protection Act and Thompson Park Wilderness Designation; a resolution directing staff to engage with expert consultants regarding commercial renewable energy projects in Santa Fe County, and post information concerning conditional use permit applications for such projects on the County's website introduced for discussion.

Consent Agenda item 4. C., which would request a waiver of any potential conflict of interest was added as well as Miscellaneous Action Item 6. B., which is a solid waste transfer station permit with the Pueblo of Tesuque. And then finally under executive session, Matters from the County Attorney, item 11. A., pending or threatened litigation was added to discuss the case listed. I'd be pleased to answer any questions. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Manager. Any changes or requests from the Commission? Okay, what's the pleasure of the Board?

COMMISSIONER BUSTAMANTE: Move to approve the agenda as written.

COMMISSIONER HAMILTON: Second.

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

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

2. Approval of Meeting Minutes: August 14, 2023 Special Meeting

CHAIR HANSEN: 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.

3. Consideration Proclamations, Resolutions, and/or Recognitions

A. Request Approval of a Proclamation Proclaiming September 15th to October 15th as "National Hispanic Heritage Month". This Agenda Item Contains an Attachment.

CHAIR HANSEN: Commissioner Camilla Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. Thank

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you, fellow Commissioners and public. I want to also point out that we have the same – we’re going to hear a reading of this but we have the same *Proclamación del Condado de Santa Fe en español, todo está aquí. Es muy importante que todos comprendan y hablen en español*, but I will say that in my family we were very much discouraged to speak Spanish because our parents had been punished in school for doing so. And that’s why my grammar – *porque mi gramática es muy mala* and I don’t openly and regularly speak Spanish comfortably, but I think that what has been brought before us and I say a lot of the discussion, a lot of the words, and the opportunity to address Hispanic Heritage Month, from what we’ve just come off of and hearing our school board having to address removal of the cuadrilla from the schools and what our culture means to us in Santa Fe.

How do we recapture and live within a pride that has sort of been diminished by discussions of the battles, the wars and those who fought, etc., etc. And I think there is a way to do that because we would not be here if not for *comunidad, familia y todas las otras cosas* – all the other things that bring us as family in a multi-cultural way.

There are two people who are going to read this on behalf of the Commission, and I am grateful for both of them. I have to first thank Olivia Romo, our very own, who asked that we move forward in acknowledgement of our unique nature in northern New Mexico. There are many things about where we are that is different than other Hispano communities in all of the Americas, including Europe. I’ll say that too. As well as our other co-reader, who you may remember or start to recall when you hear his voice, he is the voice of Santa Fe Community College. He is also the voice for the Hispano Chamber of Commerce. You’ll understand why he is the voice for numerous podcasts and commercials, and I’m grateful for both of them being willing to read this side by side. This would be Marcos Maez. So thank you both. If you will please read the proclamation for us, we’re grateful and looking forward to hearing your words.

MARCOS MAEZ: Thank you so much, Madam Chair, members of the committee. Santa Fe County Proclamation, proclaiming September 15th to October 15th as National Hispanic Heritage Month.

Whereas, Americans observe National Hispanic Heritage Month from September 15th to October 15th, by celebrating the histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America; and

Whereas, the term Hispanic generally includes the terms Latino/a, Chicano/a or Mexicano/a which refer to a person’s culture or origin – regardless of race and ethnicity; and

OLIVIA ROMO (Public Information Officer): Whereas, many Americans refer to themselves as Chicano/Chicana to acknowledge their indigenous and mixed ancestry and to express solidarity with the civil rights movements of Mexican-Americans that combat institutional racism, encourage cultural revitalization, and achieve community empowerment by rejecting assimilation and violations of human rights; and

Whereas, Hispanic Heritage Month began as a commemorative week when it was first introduced in June of 1968 by California Congressman George E. Brown; and

MR. MAEZ: Whereas, Hispanic Heritage Week was expanded by

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President Ronald Reagan in 1988 to cover a 30-day period starting on September 15th and ending on October 15th and was enacted into law on August 17, 1988, with Congressional passage of Public Law 100-402; and

Whereas, the timing of National Hispanic Heritage Month coincides with the Independence Day celebrations of several Latin American nations including Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua – September 15, 1821 – and Mexico – September 27, 1821, which symbolize a rejection of oppressive colonialism; and

MS. ROMO: Whereas, each year National Hispanic Heritage Month has a theme and, in 2023, the theme is *Latinos: Driving Prosperity, Power, and Progress in America*; and

Whereas, the Chicano/Hispano/Mexicano people of New Mexico acknowledge their existence as neighbors within the Greater Tewa Basin and honor generational relationships and continue to build a shared culture of love and respect with their Pueblo relatives; and

MR. MAEZ: Whereas, the self-identified Hispanic populations of Santa Fe, New Mexico, is 54.3 percent according to the United States Census of 2022; and

Whereas, Santa Fe County is home to several traditional communities including Land Grants and Acequias that take great pride in their Hispanic heritage and that embody the indigenous definition of sustainability: “Healthy Environment, Healthy Culture, Healthy People” through their traditional agricultural practices and sustainable natural resource management; and

MS. ROMO: Whereas, Santa Fe County includes numerous cultural heritage communities such as the traditional community of Agua Fria, Chimayo, Pojoaque, Tesuque, La Cieneguilla, La Cienega and Galisteo that reveal peaceful coexistence for generations and are open for all people to appreciate and learn from; and

Whereas, *familia* and *querencia* (keep a deep sense of belonging to and care of a place, community or culture) is a shared value at the core of Hispanic culture; and

MR. MAEZ: Whereas, cultural resilience is not supported by battles, war, and conflict but rather forging through such adversity by developing nurturing relationships with family, neighbors, community, water and land; and

Whereas, there is opportunity to address the realities of conflict and communion between Hispano and Native cultures through education and dialog; and

MS. ROMO: Whereas, the protection of land and water through *querencia* is a trait of Hispanic cultural resilience to support life for future generations; and

Whereas, generations of mothers, grandmothers, farmers, and clergy fostered culture and community in times of conflict; and

MR. MAEZ: Whereas, *las abuelas* – grandmothers’ traditions of seed saving, planting, and harvesting crosses generations in New Mexico and have nurtured its prosperity; and

Whereas, the mother tongue has a significant impact on a child’s personality and psychological development of an individual in shaping a distinct identity that, if not nurtured, may result in problems with self-esteem and mental health; and

MS. ROMO: Whereas, generations of youth have been raised in the same household or by their grandmother or *abuela* and are at risk of losing their mother tongue

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given the loss of social context, thus social cultural identity; and

Whereas, the *New York Times* reported that the New Mexico Spanish dialect that is unique to this region is continuing to disappear; and

MR. MAEZ: Whereas, the number of migrants from Spanish-speaking countries continue to increase, and it is imperative that the Spanish language be reclaimed and integrated in the arenas of government, business, education, healthcare, and art; and

Whereas, Santa Fe County encourages residents to celebrate, grow, share, educate, and evolve their Hispanic – Hispano/a, Latino/a, Chicano/a or Mexicano/a – identity in Santa Fe County.

MS. ROMO: Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim September 15 to October 15, 2023, as Hispanic Heritage Month – honoring the nurturers guiding prosperity in Santa Fe County.

COMMISSIONER BUSTAMANTE: Thank you sincerely. Madam Chair.

CHAIR HANSEN: Thank you very much, Commissioner Bustamante.

Thank you very much. It was a pleasure to hear both of you read that. It was very moving and as it was being read, I couldn't help but think about the Northern Rio Grande National Heritage Area, which is here to protect and preserve the culture of Hispano and Hispana and indigenous people throughout the region. And so I will be sure to share this with the Board of the Northern Rio Grande National Heritage Area because that is their mission, to protect this important culture that we have here.

One thing I have to say, when I heard Commissioner Bustamante mention that she wasn't encouraged to learn Spanish in her home, I was also not encouraged to learn my mother tongue of Danish in my home for the same exact reason that you in our community were not encouraged to learn your own native language or home traditional language. It is unfortunate that that was perpetuated during our childhood, but hopefully times have changed and the languages of our ancestors and of our grandparents are being taught in all of our schools throughout the country for all languages. I just wanted to make those few statements because I think it's so important. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to say that this sets a whole new standard for proclamations that we're all going to have to live up to now. This was really impressive and inspiring. And of course – maybe I shouldn't say of course, but I too believe that our Hispanic heritage in this area is so important to what makes Santa Fe special and it's not just the culture and the style of the buildings but it's the people that we need to treasure. So thank you both, and thank you, Commissioner Bustamante, for bringing this forward.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair and thank you, Commissioner Bustamante. Thank you, Olivia and Marcos. Thank you. Muchísimas gracias. Thank you so much. That was like commanding and really, as Commissioner Hughes said, raises the bars for proclamations and reading of things. So I'm going to have to dig deep into my bench of people to have – anyway, when I have something of such importance. So thank you. Culturally, this is a really special place and the fact that we have an opportunity to accept that, accentuate it, lift it up is an honor on my part to be a part of that. So thank you very much, and thank you, Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I move that we accept both the English and the Spanish version of the *Proclamación del Condado de Santa Fe*, the proclamation to have September 15th through October 15th as National Heritage Month in Santa Fe, New Mexico, and Santa Fe County.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: Okay, so I have a motion from Commissioner Bustamante and a second from Commissioner Greene. Under discussion, is there any other discussion anyone wants to say? I personally am so thrilled that we have this proclamation. It is so beautiful and I'm grateful for our unique culture here. I moved to New Mexico because there was still culture intact, 50 years ago and it is great to see that it is still intact today and for centuries to come and I just want to once again recognize Commissioner Greene for coming – Commissioner Greene and I went to the opening of Fiesta and he said his opening remarks in Spanish and I was very proud to be standing on the stage with him, so thank you, once again.

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

CHAIR HANSEN: No opposition here. The proclamation is passed, and Commissioner Bustamante, if I could please ask you to pass that around so everyone can sign it before we leave today.

COMMISSIONER BUSTAMANTE: Madam Chair, this is the one that I have that is in Spanish. There is one that's in English, and I also need to make sure that we acknowledge Estevan from Legal who contributed to the proclamation as well. So thank you.

CHAIR HANSEN: Thank you, Estevan always.

3. B. Request Approval of Letter from Santa Fe Board of County Commissioners to Congressional Delegation in Support of the Pecos Watershed Protection Act and Thompson Park Wilderness Designation

CHAIR HANSEN: We have consistently over the years since I have been in office – in 2020 we brought forward a resolution to repeal the 1874 Mining Act and earlier this year, which was Resolution 2023-16, a resolution recommending reform of the 1872 Mining Law to protect public lands and local economies and supporting the Hard Rock Leasing and Reclamation Act of 2019. I think that we need to continue to protect our wilderness. They are some of the most important areas of our state. The health and wellbeing of these watersheds protect all of us, especially the wildlife. They're the foundation to the health of the community.

So I felt like this letter was really important because as County Commissioners we have a unique relationship to federal agencies that many municipalities do not have. We as County Commissioners throughout the state of New Mexico and the United States have federal land in our districts. And so therefore it's really important that we engage with our federal agencies such as BLM, the Forest Service, to make sure that they know how we feel about the designations and the concerns and so this is another way to do this

with this letter to our federal delegation supporting this designation and I want to recognize that from New Mexico Wild, Garrett VeneKlasen is on the Zoom and I know he would like to say a few words and I would like to give him that opportunity.

GARRETT VENEKLASEN (via Webex): Good afternoon, Madam Chair, Commissioners. Garrett VeneKlasen with New Mexico Wild. Again, I think that Commissioner Hansen really articulated the intent of the letter. There really are two components to the letter itself. One is there is both an administrative and legislative mineral withdrawal within sort of the headwaters of the Santa Fe Watershed and the headwaters of the Pecos. And then there is a wilderness component in and around Thompson Peak, which is, if you're facing Santa Fe from the west and you're looking up the Santa Fe River Canyon, Thompson Peak is the peak on the south side of the Santa Fe Watershed.

And so the idea is to designate Thompson Peak and the surrounding area as a wilderness area. That is a legislative designation which will require congressional approval and the Biden administration's approval. It's a long road, but it is the highest level of landscape protection. It does allow things like hunting and grazing, but it does not allow mineral development and additional road building.

So again, I think the take-away here is our watersheds and water quality are paramount to the wellbeing and longevity of this community, this amazing community. It's paramount to the preservation of cultural uses and I was so moved by that amazing proclamation. The health and wellbeing of our acequias and our indigenous communities are based on water and wildlife and land. And we have a big coalition. It involves stakeholders from both those communities in this initiative and obviously our congressional delegates are looking for the guidance of County Commissioners like you all to tell them that this is something that you and your constituents are open to.

So I really appreciate your time and consideration and am happy to answer any questions you might have.

CHAIR HANSEN: Thank you so much, Garrett, for joining us. I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I'm so happy that you brought this forward and I'm glad that New Mexico Wild is working on making this area part of the wilderness. When I first moved to Santa Fe my wife and I decided we'd go on a hike in this area called the Pecos Wilderness. We had no idea what it was. We found ourselves trudging up the side of a mountain toward Hamilton Mesa and at one point – I hadn't done anything but look at my feet for about an hour – I turned around and saw the snow-capped mountains and I practically fell over.

This is such a sacred place for all of us, the mountains that adjoin Santa Fe, not just in the Pecos Wilderness but the whole area and the more that we can protect the better, and protecting the watershed and all that. So thank you again for bringing this forward.

CHAIR HANSEN: Thank you for your continued support, Commissioner Hughes. Commissioner Greene.

COMMISSIONER GREENE: I'm in support of this measure and this letter. We should do everything we can to protect the Pecos. I think there are a lot of people – we at the top of the Pecos and there are a lot of people downstream and we have

the responsibility to take care of everybody from here to Texas. So let's protect our Pecos.

CHAIR HANSEN: Thank you. Commissioner Hamilton, I believe this is in your district.

COMMISSIONER HAMILTON: Yes, and I can walk about of my house and can look across the way to the Pecos Wilderness, so I'm very, very glad you brought this forward.

COMMISSIONER BUSTAMANTE: Madam Chair, I'm honored and I feel privileged to support this. Not to go back to the issue of cultural heritage, but my father grew up in the Pecos and is buried in Pecos. And the stories of him on his small horse – the snow was so high in the Pecos and the story was told that he was crying that the snow would be so deep that the snow on his horse's belly, he was concerned that the horse was going to freeze. And those were the days when the Pecos used to get a lot of snow. But he grew up like a nature boy. If you know the song by Nat King Cole, he was very much a nature boy in the Pecos. So I am so grateful that this was brought forward and it is so important to protect that absolutely beautiful area of the Pecos Wilderness. Thank you.

CHAIR HANSEN: Yes, we are incredibly fortunate in New Mexico to have such beautiful federal land and that we have the ability to have a federal delegation that supports us and we support them in this kind of protection. And so I feel that it is important that we always continue to let them know how much these issues concern us. And so with that, could I please have a motion to approve this letter.

COMMISSIONER HUGHES: I move to approve the letter.

COMMISSIONER HAMILTON: Second.

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

CHAIR HANSEN: We will get this letter sent out immediately, and I also want to mention for people that if you are wanting to look at where the Thompson Peak area is, there are two maps that were placed on Board Docs today so that you can take a look. I find them very helpful for people to be able to see this Santa Fe Municipal Watershed, the Upper Pecos Watershed and how they're all connected. Thank you, Garrett, once again, for being here.

3. C. Resolution Directing Staff to Engage with Expert Consultants Regarding Commercial Renewable Energy Projects in Santa Fe County and Post Information Concerning Conditional Use Permit Applications for Such Projects on the County's Website

CHAIR HANSEN: It appears by reading this resolution that it is a draft and that this is being brought forward so that we could all have discussion, but I'm going to let the two sponsors, Commissioner Hughes and Commissioner Hamilton, take it from there. Who wants to go first? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. And just for anybody listening, I think the Chair did indicate that if a few people wanted to say

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something for a couple minutes after we discuss that would be allowed. We won't be voting on it today. We put it up for discussion because I believe there are probably some changes from other Commissioners. Only two of us are allowed to discuss things before hand so the other three, this is their first chance to make any changes and that also allows the community to suggest any changes to this resolution.

Our purpose in bringing this forward is really a couple-fold and this draft that you see before you is really a collaboration between Commissioner Hamilton and I and the staff here at the County. It lays out and provides a way for people to really see openly what our process is going to be for approving renewable energy projects or disapproving them. I think we all know that climate change is a huge problem. We just experienced one of the hottest and driest summers ever. Certainly the hottest and driest one since I moved here over 30 years ago. The fire danger – I think we were rescued by the rains just in time, basically this year. That may not always be what happens.

Last year, as you remember we had huge fires near us, and so we really do need to move to renewable energy but we want to do it in a way that is safe. Back in – I came from Pennsylvania and two of my great grandfathers were involved in the oil industry at the very, very beginning. Back in those days we just said, oh, look. This stuff burns. Let's use it. We didn't worry about the consequences. But now we know that everything we do has consequences. And so as we move into the renewable energy economy we can do things much better. We can make things safe as well as getting away from carbon.

So I think this is just put forward for discussion today and I'll let Commissioner Hamilton add whatever she wants to add next.

COMMISSIONER HAMILTON: Yes. All of those points were really important and I fully agree with them. We worked so hard to get support for renewable energy activities to be able to move toward a more sustainable energy environment beyond just the energy sector, right? But there's nothing that we do, whether they're good project or come from the evil empire that doesn't have impacts. What constitutes the evil empire is often a matter of opinion, but in the case of this specifically, wanting to move toward renewable energy, those projects have potential environmental impacts as well. The question is what the trade-offs are, how they can be managed, how predictable the impacts might be so that they can be mitigated and how we plan on managing those things.

So it's never a case where you can just say, well, these are the good projects to go to and let's just approve them, and that's never been our intention, the County's intention. And so that is largely why we brought this forward. The County actually has a process and many of you know if you've listened over the last month that we've just adopted international fire regulations, and I was just having a small chat with our Fire Marshal. The good timing of that. As fast as he was trying to move to get those as we needed them, they've come at a very good time because they give us additional means for evaluating these projects and having some teeth to ensure that they're done in a good way.

I think that if nothing else this resolution really helps to illustrate what that project is and makes sure everybody is aware of how it is we're going to go about doing these evaluations and I think that's the value of this resolution. I really appreciate having worked with Commissioner Hughes on this, who is incredibly motivated to do the right thing at the right time as needed by the community.

CHAIR HANSEN: Thank you, Commissioner Hamilton. Any other comments? I want to go to Commissioners, especially also if you have suggestions or ideas for how to make this resolution better. This is an opportunity that we have here to do that. I think we can also always submit comments to Jeff and I think Estevan worked on this? Not Estevan? Somebody else? Jeff? Okay, just you this time. Okay, thank you to our County Attorney. So I'll go Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you to the advocates for this. This is an emergent issue for both climate change and a solution to climate change, and in a world where sometimes we can have a knee-jerk reaction to do all things sustainable, this is not necessarily sometimes a sustainable solution. And so as Commissioner Hughes said, there were unintended consequences early on. Now we have unintended consequences and we don't understand all of those out front. And so having an expert that can explain these things to us, teach us, and potentially put some updates or recommendations into the SLDC or the way that we do business here is always a great practice to get the best practices out in front of us so that can adopt it. So I appreciate that this is being brought forward and thank you very much for letting us discuss this.

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

COMMISSIONER BUSTAMANTE: Yes, Madam Chair and sponsors of this solution. I am so grateful for this and as much as the conversation has been now for a while, in the interest of going to renewables, this is still getting ahead of the game and I really appreciate the foresight in making sure that the County is doing everything in its best effort to get ahead of these issues, knowing that the sad fact is we're behind nationally, internationally, in getting to those renewables. And the other thing that we have in this state is the opportunity to work with quite exceptional resources with our national labs that do, as well as the ones that are outside of the state with NREL, the National Renewable Energies Lab, as a strong resource in helping because the good work is being done. We're getting ahead of the game in how we're accepting these proposals for this renewable energy. I'm hoping a big surge that's going to come up and we're ahead of the game in making sure that it's safe.

So I hope that we do make sure that we take advantage of all of those international resources because other people have already kind of stepped in and then stepped in it, unfortunately, that found that there were these drawbacks, and this is really a wonderful effort in making sure that we don't do something that will be ultimately detrimental. So thank you.

CHAIR HANSEN: Thank you. I know that Commissioner Hughes said that there were some people online who would like to speak and so I am going to allow public comment of two minutes at this time. So I will open the floor up for matters of public concern. I will do this again later, but to allow people to have comments on this resolution only. And I will – the list I have here, I'll start at the beginning. I have Lee Zlotoff. You don't have him online?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, we have a few people on line raising their hands.

CHAIR HANSEN: Okay. Just start.

MR. FRESQUEZ: Our first speaker is Carol Beidleman?

CHAIR HANSEN: Okay. Thank you.

CAROL BEIDLEMAN (via Webex): Thank you so much, and apologies for – I've been dropping in and out here with internet here in Eldorado. Thank you for this opportunity. Thank you for the effort that went into this resolution. I greatly appreciate the fact that the Commissioners are listening and hearing the concerns of constituents, both about communications with the County and the conditional use permit process as it relates to utility scale.

I have a couple comments too that I think would strengthen this resolution, if I might, that would allow for greater clarification or safeguards for residents. One concern I have is that as written, this resolution allows for-profit energy companies to choose their own expert consultants, at least as I interpret how it's written, and I think that would be detrimental as it would allow the developer to choose somebody who will provide a result that they want.

Also I think DCIs are still more appropriate for utility scale. There's no mention of utility scale or that siting of a project matters, which is really important. They shouldn't be sited for the profitability of companies and private landowners. Also BES systems are not necessary or a required feature. So I would submit that you include something that says programs smart from the start approaches, which advocate for siting to protect the environment and avoid conflicts with communities would be a more progressive approach in keeping with current conservation organizations, and that you would resolve to add this into your resolution to develop a strategic plan to identify industrial brownfield sites within Santa Fe County that are more appropriate. And lastly to place a moratorium on all applications until this strategic plan has been completed. Thank you.

CHAIR HANSEN: Thank you, Carol. Next.

MR. FRESQUEZ: Madam Chair, our next speaker is Carol Culver.

CAROL CULVER (via Webex): Hi. I'm Carol Culver. I live in Eldorado. Thank you for the opportunity. I just want to comment briefly on the proposed resolution. In my view the resolution is fine as far as it goes, but that it doesn't go far enough to do what obviously needs to be done, which is to draft an ordinance or resolution creating guidelines and regulations for a commercial solar project with battery storage systems.

The Commission did a good job responding to the New Mexico Community Solar Act by amending the SLDC, creating guidelines for community solar in Santa Fe County. It's great. But now the Commission is moving full steam ahead with an application for a large commercial solar power plant, with battery storage, without creating any guidelines for those and I think it's a glaring omission. The County shouldn't move ahead any further with their Rancho Viejo project application until it can adopt some regulations and guidelines. If this means enacting a moratorium until the amendment can be done then so be it. There's a precedent for that.

My statement is not anti-solar. We all want to see renewables in New Mexico. Facing a battery storage fire hazard in dry, windy grassland among thousands of homes would be irresponsible and it's unnecessary. Battery storage projects don't need to be co-located with power generation facilities. They can be sited remotely away from the solar panels in safer locations.

After the fire in the Arizona battery storage facility in 2019 PNM's one expert

witness testified in a PRC hearing of the history of fires at battery storage facilities and at that time PNM was opposing large battery facilities based in part on the record of accidents in the industry. Since that time there's been a second fire in an Arizona battery facility just last year in 2022.

The people of northern New Mexico are weary of governments authorizing unnecessary fire hazards in our dry, windy environment, so I'm asking you to do the right thing. You've created guidelines for community solar, now please create guidelines for commercial solar, especially addressing Commissioner Hughes. Please do the right thing and support the safety of your constituents. Thank you very much.

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

MR. FRESQUEZ: Madam Chair, our next speaker is Naomi Harrison.

NAOMI HARRISON (via Webex): Hi. I also live in Eldorado and I want to thank Commissioners Hughes and Hamilton very much for their proposed resolution. While the fire hazard of a vast number of lithium ion storage batteries is a primary concern about commercial solar generally, and the AES proposal in particular, I'm also very concerned about the anticipated water usage and the source of the water, and the potential of noise pollution from an enormous number of inverters and chillers used to cool the battery containers. These two items must also be thoroughly investigated and reviewed by the Planning Commission as they are also important quality of life issues from nearby properties and residents. Again, thank you for this resolution as far as it goes, and I agree with the other speakers that some expansion would be optimum. Thank you.

CHAIR HANSEN: Thank you, Naomi. Next.

MR. FRESQUEZ: Madam Chair, our next speaker is Victoria Clark.

CHAIR HANSEN: Hi, Victoria.

VICTORIA CLARK (via Webex): My name is Victoria Clark and I'm a resident of Eldorado and I represent no less than 200 members of that community through an informal group called Keep Eldorado Safe. We feel that this proposed resolution is a positive step forward in getting the Land Use staff the tools that should be the bare minimum required when reviewing any renewable solar voltaic project that might include significant batter storage facilities.

In the brief time since the resolution was introduced we have identified several key deficiencies in the draft. The first is that the resolution still works within the framework of the SLDC and the use of a conditional use permit. This deficiency is driven by the misunderstanding of the framework around community solar and commercial solar projects. It is well understood that the intent of community and commercial solar projects is to encourage the proliferation of 50 megawatt solar generation projects across the country. This is demonstrated by the many 50 megawatt or less solar projects that are planned, under construction, or already up and running across the country and state.

You can see this when you go to globalenergymonitor.org. Community is so that groups of closely located citizens can supplement their energy sources that are normally provided by the grid. Similarly, the intent of commercial is so that commercial entities can supplement their energy provider. The intent of the term commercial is not to represent or include the utility-scale projects that are intended to monetize the generation of energy from any renewable source. And so the resolution should be drafted to exclude

such products.

And the resolution should therefore state that any such renewable energy products demonstrate a direct and specific benefit to the county and its citizens above and beyond whatever the tax revenue that might be generated. It's my informed opinion that the community that solar voltaic projects beyond 50 megawatts, either in generation or battery storage operate under the development of countywide impact review process. This process would ensure that all appropriate controls are placed on the applicant to ensure that the potential project will be both beneficial to the county and its citizen.

It's supported by the fact that on the globalenergymonitor.org website, no existing solar projects in New Mexico above 50 megawatts are located anywhere near sizable residential communities such as –

CHAIR HANSEN: Victoria, your time is up.

MS. CLARK: Okay. Thank you for your time.

CHAIR HANSEN: Thank you. Next.

MR. FRESQUEZ: Madam Chair, our next speaker is Dayna Matlin.

DAYNA MATLIN (via Webex): Both Vicki and I are trying to read for two people who couldn't attend today because they are at other meetings in town, so I will do my best.

My name is Dayna Matlin. I am also a resident of Eldorado, and a representative of Keep Eldorado Safe. As such we believe the resolution should be explicit to the fact that any solar voltaic projects submitted to the County that includes a significant battery storage facility beyond the need for its uninterrupted power for the SCADA systems that control it, be considered as two separate projects, namely the solar power generation system and the battery storage system.

For an authoritative source to support this distinction you need only to refer to the 2021 International Fire Regulation as currently referenced in the resolution. The IFR makes a clear delineation between solar voltaic systems in Section 1205 and energy storage systems in Section 27. We are insistent that when reviewing those projects the Land Use staff and the BCC assess and review and make their decision on each of these projects separately.

Also, when select subject matter experts provide technical opinions and reports, those should be independent of the applicant and willing to certify themselves to that fact. Land Use staff should not utilize guidance from the applicant in any other form, even through the SMAs may be contracted at the applicant's expense.

Lastly, all data and documents concerning the application should remain available to the community. This should include anything from the applicant associated with the application and put in the applicant's technical opinions and the products produced by the SMAs. Thank you for your time and consideration. If possible, would I be able to read for somebody else?

CHAIR HANSEN: No, but thank you very much.

MS. MATLIN: Thank you for your time.

CHAIR HANSEN: Okay. Next.

MR. FRESQUEZ: Madam Chair, there are no more speakers online.

CHAIR HANSEN: Okay. Thank you very much. This was about the resolution and that is what we are discussing, so I'm going to go back to Commissioner

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Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and thank you to my constituents in Eldorado who spoke up. I tried to catch all of your comments and I know there were other people who wanted to comment who weren't able to be there, but even better than commenting today is probably sending an email to Commissioner Hamilton and I so that we can make the changes or suggest the changes working with the County Attorney and the County Manager. And so the person whose statement you weren't able to read, Dayna, just send that to us and we will read it.

But again, thank you all and I think at a future meeting, either the next one or the one after that we're going to bring this forward for a vote. We'll bring in any revisions that have been suggested, and also my understanding is at that time the staff will present in detail the current process for conditional use permits and how it would be applied using experts for these types of projects. And I don't know if I left anything out. Commissioner Hamilton?

COMMISSIONER HAMILTON: No, I was going to add that you did just great, so yes. I think those are all the points for people to be aware of so it's an ongoing process here.

CHAIR HANSEN: Thank you, Commissioner Hamilton and Commissioner Hughes for bringing this forward. I think it is very important. If any of us have any changes I think that they need to go through Jeff and not to be discussed among ourselves. So I'm just making that clear. The two of you can still work together but if Commissioner Greene or Commissioner Bustamante or myself have any we should work on those changes with the County Attorney, just to keep everything transparent.

4. Consent Agenda

- A. Request (1) Approval of Agreement No. 2024-0045-ATT/JL Between Santa Fe County and the Northern Rio Grande National Heritage Area, Inc. in the Amount of \$10,000 for Legal, Bookkeeping, and Auditing Services Necessary for NRGHA to Discharge its Responsibilities as the Management Entity of the Heritage Area (County Manager's Office/Gregory S. Shaffer) This Agenda Item Contains an Attachment.**
- B. Request (1) Approval of Amendment No. 1 to Agreement No. 2023-0090-PW/BT with Precision Survey, Inc., Modifying the Scope of Services, Increasing the Compensation by \$62,410 for a Total Contract Sum of \$272,861.16, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Public Works Department/Johnny Baca) This Agenda Item Contains an Attachment.**
- C. Request Waiver of Any Potential Conflict Interest That May Arise from New Mexico Local Government Law, LLC's Representation of the City of Española Relative to Any Assignment of the Purchase Agreement Between City of Española and La Vista del Rio Apartments, a Limited Partnership, to Santa Fe County (County Attorney's Office/Jeff Young) (Item Added)**

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

COMMISSIONER HUGHES: Madam Chair, I move to approve the Consent Agenda.

COMMISSIONER HAMILTON: Second.

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

5. Appointments/Reappointments

A. Request Appointment of Members to the Santa Fe County Ethics Board

CHAIR HANSEN: I want to thank the few members that I do see that have submitted their names in the audience. I am grateful for you being here. I'm going to go to Gabriel Bustos.

GABRIEL BUSTOS (Manager's Office): Good afternoon, Madam Chair, Commissioners. The Santa Fe County Ethics Board has five positions which expired in June of 2023. Staff is requesting appointment of three new members and reappointment of two previous members to serve a two-year term from September 12, 2023 through September 12, 2025. The Santa Fe County Ethics Board is a five-member body, appointed by the Board of County Commissioners to provide advisory opinions regarding the applicability of the Santa Fe County Code of Conduct. The Santa Fe County Code of Conduct authorizes the Ethics Board to hold public hearings and make findings of fact and conclusions of law with regard to sworn complaints alleging violations of the Santa Fe County Code of Conduct by elected officials, appointed officials, or volunteers. The Ethics Board is authorized to recommend periodic amendments to the Santa Fe Code of Conduct.

At least one member shall not be affiliated with County government in any capacity, including, but not limited to, employment, appointment, election, or serving as a volunteer. Members of the Ethics Board may not hold elected public office or office with any political party within the county. Each member shall serve a two-year term, subject to reappointment thereafter. The Ethics Board meets at the call of the Ethics Board Chair which is not more frequently than monthly and not necessarily every month. All five Ethics Board members' terms expired on June 29, 2023. Santa Fe County issued a press release on July 10, 2023, advertising for the recruitment of volunteers to the Ethics Board. Staff received letters of interest and resumes and conducted interviews with the following individuals seeking appointment to The Ethics Board: Marty Gerber, Frances Carlson, Jesse Guillen, Clifford Reese, Peter Glankoff, and Susan Lyons.

Staff received confirmation of interest and résumés from the following individuals seeking reappointment to the Ethics Board: Thomas Quaid and Jonelle Maison. Staff recommends the appointment of Clifford Rees, Frances Carlson, and Jesse Guillen and the re-appointment of Thomas Quaid and Jonelle Maison. All applicants, if appointed, will have a term of September 12, 2023 through September 12, 2025. The five recommended applicants have applicable experience, interest in government ethics, and skills useful for the position. I now stand for any questions. Thank you.

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CHAIR HANSEN: So I would like to know if the members are here in the chambers or online who have applied for this position. I see at least I think four. So if they could please just come forward and introduce themselves and their names, and the position they hold presently or what their employment is.

CLIFFORD REES: Clifford Rees, retired state government public health attorney.

CHAIR HANSEN: Thank you.

JESSE GUILLEN: Good afternoon. Jesse Guillen. I'm deputy director of Boards and Commissions for the Office of the Governor.

CHAIR HANSEN: Thank you, Jesse.

FRANCES CARLSON: My name is Frances Carlson. I'm retired King County Sheriff's sergeant. I held that position for 37 years. I'm originally from Albuquerque, New Mexico. I was born and raised here and lived in Washington State for almost 50 years. I came home.

CHAIR HANSEN: Welcome home. Thank you. I really appreciate you – the three new members who have been recommended, being here, because I consider this board incredibly important to the County and I think it's important that the Commissioners know who they are that serve on this board. I'm sorry that Thomas and Jonelle are not here. I personally – this is my own personal feeling – is that we possibly need a brand new board completely and not have carryover from the last board. But I will allow the rest of my Commissioners to make comments on that. So if there's comments from the rest of the Board – Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I think you said it very well. We really appreciate that there is such great talent. I only know one of you but I assume the other two have similar talents. I think it's great to have you serving on this commission, which is really important. I think when we see the kind of ethical violations that take place in government and other places and that used to take place in Santa Fe County I'm really glad that we have a strong ethical ordinance and ethical group of elected officials at the moment, and we need to keep it that way.

The Ethics Board, the last one which Commissioner Hansen referred to spent probably about ten years revising the ordinance. We finally did get a revised ordinance and so I would encourage you to not revise it but just enforce it and educate us about it. Make sure everybody knows what their responsibilities are and I think that will go a long way. One of the improvements that was made in the last revision was making it a little clearer on how to report violations and what to do when violations occurred, and I think that's what people need to know about.

I know that one of the previous board members who I think is not continuing was very disappointed that there were no ethical violations during her term. I would hope that if no ethical violations occur during your terms that you'll be happy about that. Thank you very much, Madam Chair.

CHAIR HANSEN: Yes, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you for that insight on the previous board. First off, I want to give a shout out to Carol Thompson who passed this past year and was a previous chair of the commission. I had the honor of working with her on the Buckaroo Ball Committee and at the Chamber of Commerce for

many years. She will be missed, but we have some great candidates here to replace her and to continue on here.

Frances, I've never met you, but I'm sure – I read your résumé and that looks great, and Jesse and Cliff, it's great to see you apply to this and I'm really happy to learn the favor of your ascension to the throne as it may be. The Ethics Ordinance is not perfect. I think I've heard that it is modeled after some parts of the way that the legislature works with the Ethics Ordinance so I would hope that there's some ways that we can work on refining it over the next few years when we look at it, when you guys have a few months to sort of understand it and maybe have your recommendations. I'd be happy to work with you on this.

With that, congratulations, I welcome, most likely in a few minutes. You've got a lot of work in front of you so thank you.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I am grateful, Madam Chair, and for those of you who have put your name in. I'm grateful for the existence of this board and the importance because it's one of those overarching sort of societal things where someone just expects it. So to hear that someone was actually disappointed that there was nothing, it's like, yes, I'll be on that board. I'm grateful for your willingness to step forward and frankly assist, because some of those issues are fine lines that are, well, how do we really look at this? No one is intentionally trying to do anything that would be offline, I think. I can say that speaking for myself, and to have a board and individuals with the stature of yourselves. I'm so grateful that you're willing to step forward and support our ability to best serve the people of Santa Fe County. So thank you sincerely.

CHAIR HANSEN: Thank you, Commissioner Bustamante. I believe that Thomas Quaid is online and I would like to let him be able to introduce himself also.

THOMAS QUAID (via Webex): Thank you. So I was appointed to the Ethics Board last year. I think I went to three meetings and then we didn't have any meetings after November for various reasons. I appreciate being recommended to serve two years. I believe the Ethics Board needs to meet monthly or close to that and I think there are a lot of things the Ethics Board hasn't done that they need to do. I am a 22-year resident of Eldorado, in La Paz, south of Eldorado and I have my own company, national recognition products of New Mexico. So I'm happy to serve and I appreciate the chance to introduce myself.

CHAIR HANSEN: Thank you, Thomas, for making the effort to be here with us. I don't think the Ethics Ordinance is completely perfect but I'm sure you can all look at it and we can have a discussion about that. With that, what's the pleasure of the Board?

COMMISSIONER GREENE: I move to approve the slate of nominees in its entirety.

CHAIR HANSEN: That was recommended by staff?

COMMISSIONER GREENE: Correct.

COMMISSIONER HUGHES: I'll second it.

CHAIR HANSEN: Okay. So we have a motion from Commissioner Greene and a second from Commissioner Hughes.

COMMISSIONER HUGHES: One more comment.

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CHAIR HANSEN: Under discussion.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to point out that the people who weren't selected also had great qualifications and I think we were really lucky to get such a good group. I know that Gabe and Estevan had to really think about who they wanted to appoint. I just wanted to appreciate everyone who applied.

CHAIR HANSEN: I completely agree with you. I want to recognize Susan Lyons who I believe is one of my constituents and I think she would have been an excellent choice. I am a little disappointed that Joelle Maison is not here for us to meet her, but hopefully we will meet her sometime in the future. So with that, I have a motion and a second.

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

CHAIR HANSEN: And also thank you very, very much, Jesse, Frances and Cliff for being here. I really appreciate it. Tell the Governor I'm grateful she let you off work to come over here. So thank you. Congratulations, all of you, for being on the Ethics Board.

6. Miscellaneous Action Items

- A. Request (1) Approval to Utilize an Outside Cooperative Contract for Job Order Contract Project Delivery Method with Sweep Construction for Installation of Food Pass Ports and Window Replacement at the Adult Detention Facility and (2) Delegation of Signature Authority to the County Manager to Sign the Contract and Purchase Order(s) This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Welcome, Mr. Bill Taylor.

BILL TAYLOR (Procurement Manager): Thank you, Madam Chair, Commissioners. Pleasure to be here. The Adult Detention Facility had two projects that they needed to get done, which is the food port assemblies in 62 of their pods, and also window glazing and replacement. We made a determination to utilize the job order contracting project delivery method which allows us to get quotes from contractors that are under existing contract with Gordian Group through the Omni Procurement Unit.

And so before you is approval to utilize that pursuant to our Ordinance 2012-5, using outside contracts. We feel that that ordinance requires that the Board approve any amount over \$250,000 being awarded that is not competed. In discussion in making that determination, job order job contracting contracts are competed through Gordian Group where a price book is developed and these contractors bid on these prices in a price book. It's not competed project scope specific for food ports, things like that, but the work that is in those price books for welding, for carpentry work and all that is completed.

We also have the opportunity to negotiate those quotes with the contractor, specifically meet with them on the side and go through everything that's needed so that they can develop a good quote. I did want to make note that in the BCC memo we are stating that a definitive amount has not been determined. At the time of that draft we

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were not – we did obtain two quotes for both projects that are within the budget of the department to do the work. The quotes actually came in 30 percent below the budgeted amount. And with that, Madam Chair, I'll stand for any questions.

CHAIR HANSEN: Any questions from the Board? I want to thank you, Bill, for the good work that you do in Purchasing. I know that it is not easy. I know that staff doesn't always fill out the forms properly and get everything correct, but I know that you do your best to help them and that is a great gift that we have because you have been doing this for years and years and years, at least as long as I have been here. And so I am grateful to that. Maybe we need to have a little class for staff for sometimes about how important Purchasing is and help them to be able to really understand the process that it takes to be accountable to the taxpayers and for the taxpayers' money. So thank you once again.

COMMISSIONER HUGHES: Madam Chair, I'll move to approve item 6.

A.

COMMISSIONER BUSTAMANTE: Second.

COMMISSIONER GREENE: And I'll second.

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

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

CHAIR HANSEN: I see no opposition. Thank you, Mr. Taylor. It's always a pleasure to see you and thank you for your good hard work for the Santa Fe County.

6. B. Request Approval of a Solid Waste Transfer Permit with the Pueblo of Tesuque for the Purpose of Operating a Santa Fe County Solid Waste Convenience Center on Real Property Owned by the Pueblo of Tesuque

CHAIR HANSEN: Welcome, Public Works Director Brian Snyder and County Manager, Greg Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair, Commissioners. Brian and I will tag-team this. This concerns a convenience center, the location of a convenience center located at 50 New Mexico 592. As most of you are aware, the convenience center was operated by the County from at least 1998 to June 30 of last calendar year when it was closed pursuant to agreement with the Pueblo of Tesuque. Beginning in April of 2023, after a majority of the Board indicated a willingness to revisit the reopening of the convenience center, County officials and the pueblo have had discussions about what that reopening could look like.

What you have in front of you today is the permit that resulted from those discussions and negotiations. It would allow for the convenience center to be reopened through June 30, 2027. The consideration that the County would pay for the use of the area would include the County paying the pueblo a nominal \$500 annual permit administrative fee. The County would make relatively minor drainage improvements and

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fix the fence along New Mexico 592, as well as improve the entrance road/turnaround area and area used for the convenience center using recycled asphalt pavement.

County staff believes that those improvements are consistent with the types of improvements that the County has made to the Jacona Convenience Center located on Pueblo of Pojoaque property. Pueblo members living on the pueblo would be allowed to use the reopened convenience center at no cost for the disposal of household waste. That too is consistent with our agreement with the Pueblo of Pojoaque for the Jacona convenience center, and in addition, the County would commit to provide containers for mixed recyclables and glass as is our practice at all convenience centers. And then finally, the County agreed to assist the pueblo with community cleanup by providing up to 30-yard roll-off containers for up to four non-hazardous community cleanup special events per year at the pueblo. Those sorts of cleanup events are again, consistent with general County practice relative to encouraging community cleanup.

I would note that from County staff's perspective that this convenience center is not part of the County's long-term plan for solid waste service, and certainly my perspective in discussions with the pueblo is it was recognized that this permit is a means to bridge the gap between the current state and a future one in which the County has a modern convenience center that can serve the San Ildefonso, Pojoaque, and Tesuque areas.

In terms of timeframe and expectations for reopening the center, conditions precedent are that we spell out what the improvements would be and then make them before we reopen the convenience center and County staff anticipates that that would take approximately one to two months to complete. As the crews that would be doing the work are County staff, and they are working very hard on County road maintenance and construction projects they will be trying to work this additional work in while they make the most of the ongoing construction season.

So with that, Brian and I will stand for any questions.

CHAIR HANSEN: Questions from the Board? I'm going to go to Commissioner Greene first.

COMMISSIONER GREENE: Thank you, Madam Chair. And first off, thank you to Greg, Brian, and Michelle Hunter for stepping up and helping with these negotiations. This was a priority even before I took office. I had been approached by members of the pueblo and members of the Tesuque Valley community to help negotiate a solution to this and I appreciate that the Board allowed us to enter into these negotiations and that we were able to get to this.

Also, a big thank you to the Tesuque Tribal Council, led by Governor Milton Herrera, and Lt. Governor Floyd Samuel for their patience and follow-through on this issue. Also the County Attorney probably worked on this. Thank you, Jeff, as well. The tribal attorney, Jim Jaynes also worked on this. Thank you to Barbara Coulter and the Tribal Utility Board for discussing this issue early in the negotiations and trying to work through some of the details. Their expertise and guidance helped immensely.

So in terms of what the benefits are to this, this will help neighbors cut down on travel. If you needed to lug trash to the centers, in some cases people were traveling an extra ten miles to take their trash out to Jacona or to Caja del Rio. So people are pretty frustrated by this and this will solve that issue. This will also cut down on illegal trash

dumping that was on the rise since the closure of this facility last year. In this collaboration with the pueblo the County and the pueblo can work together to help clean up a ten-acre legacy dump site that will help protect the groundwater and potentially create a new economic development area for the pueblo.

All of these benefits are win-win-win for the community, for the County, and for the pueblo, and I encourage your vote in support of this. So thank you very much.

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

COMMISSIONER HUGHES: Thank you. Yes, I think kudos to everybody who worked on this and especially you, Commissioner Greene. I know that you worked really hard to make this happen for your constituents in Tesuque who were so upset when it closed. This looks like a good solution. I guess the question I had is it expires on June 30, 2027 which is four years from now. Is there any chance of extending that beyond that if we don't have a regional solution or was the pueblo pretty concerned that that be the drop dead date and will never go beyond that time?

COMMISSIONER GREENE: I'm happy to answer that, Commissioner. This was a, Commissioner, this was sort of a mutually decided date that was far enough out there that covered the span of time that it seemed the County would need to get the new facility up. Maybe a little bit of extra time just because things slip as well as just it seemed like a good amount of time out there.

COMMISSIONER HUGHES: Okay. Good. I hope we can get the regional solution done in that time and then everybody can stay happy. Thank you, Madam Chair.

CHAIR HANSEN: Okay, so from what I read, even though this area, this ten-acre area, this is not included in the agreement for us to clean that up. That is not our responsibility.

COMMISSIONER GREENE: That is correct.

CHAIR HANSEN: And I want to be very clear about that. I think that possibly we could work with the pueblo of course in helping them find money. Is that the idea?

COMMISSIONER GREENE: Correct. Technical expertise and helping them source money. Michelle Hunter has experience in working with NMED to fund these sorts of programs and so she is being a guiding support, technical assistance from our side and ultimately the congressional delegation has also said that there is EPA money and money through the infrastructure bill that would help clean this up. And so part of the preliminary work would be done at the state level, through state grants to the pueblo and then future big cleanup stuff would be done through federal grants.

CHAIR HANSEN: Okay. And then I think it's really important for you, Commissioner Greene, to be very clear with your constituents that this is a temporary solution, that in four years they cannot expect that we're going to be able to continue to keep this transfer station open.

COMMISSIONER GREENE: I will explain as much as I can and see if it's receptive. They can lobby me any way they choose.

CHAIR HANSEN: Public Works Director Snyder, do you have anything you would like to say?

BRIAN SNYDER (Public Works Director): Madam Chair and

Commissioners, I do not. I think Greg summarized it well and the conversation is due to, I understand the permit, and staff will work with the pueblo staff, the Public Utilities Director specifically on the work in and around the site prior to completing the work as agreed to in the permit. I don't have any other items to add.

CHAIR HANSEN: Okay. Any other comments from the –

COMMISSIONER BUSTAMANTE: Madam Chair, Commissioner Greene, congratulations. Good work moving forward. At the same time we were having this conversation about the solid waste at the area we were having a similar conversation about the liquid waste and I hope that we can work with staff as expeditiously across governmental entities as you have with the tribal authorities and the County as we would need to work with Santa Fe County and the City of Santa Fe on the liquid waste issues.

So I have to be honest, I've got a little bit of jealousy going on. It's like, wow, and if we were dealing with the wastewater treatment issue on the same timeline it would be wonderful. And I recognize that it is a little bit more complicated and not as easy to resolve. But I have to say, good work to the staff. Good work, Commissioner Greene, and for the work that's been done between the entities to make sure that there is management of the waste there, and just to make sure that the conversation of the wastewater treatment facility stays top of mind as well, feeling a little down about it. Thank you.

COMMISSIONER GREENE: Thank you, Commissioner. I look forward to working with everybody involved in the wastewater treatment plant with the City if necessary.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: I think I've been quoted saying this before and by no means do I mean any offense to anybody, but I have found it easier to work with our pueblo brothers and sisters than it has been to work with our municipal partners. So just FYI. But anything's possible. I'm always open to better working relationships with all of our partners. So with that –

COMMISSIONER GREENE: I'd be happy to make a motion to approve the Solid Waste Transfer Permit with the Pueblo of Tesuque for the purpose of operating a Santa Fe County Solid Waste Convenience Center on real property owned by the Pueblo of Tesuque.

COMMISSIONER BUSTAMANTE: Second.

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

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

CHAIR HANSEN: Congratulations. I think this is a good solution for the time being.

7. **Presentations** - None were brought forward.

8. **Matters of Public Concern**

CHAIR HANSEN: Do we have anybody in the audience who would like

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to make public comment? Please come up to the microphone and state your name and where you live, the vicinity.

GEOFF WEBB: [inaudible] the reason, the immediate reason to come here was I heard that Commissioner Hughes was introducing that process change item. Has that discussion already happened?

CHAIR HANSEN: That discussion has already happened. We had a discussion on a resolution that is directed to engage staff with expert consultants regarding the commercial renewable energy project in Santa Fe County, and it is a draft resolution. So if you've read the resolution and you have comments about it, but comments only about the resolution, I'm hoping –

MR. WEBB: Yes. I do not come here today with any technical comments or knowledge about the project or anything like that. What I really wanted to talk about was process, so I gather that's the subject. I will tell you that I've only recently heard about this and there's lots of concerned people. I think, to me, it's an indicated that there hasn't been the necessary outreach or necessary full awareness of the affected communities to participate however they wish to. And so I would just say that I would favor the topic before you which you haven't acted on, evidently. But for more outreach, more confirmation, more study.

And I will say this. I respect the positions of the Commissioners. However, I think there needs to be ways for people not to feel besieged and scared that their time is just – they don't know what's going on, feel they can trust what's going on and I believe that there are some legitimate issues to be raised. So I'm trying to encourage the process to really be aware. Because this is precedential. We're going to have a whole administration's energy policy affecting us and our county and everybody else's as well, throughout the Mountain West. So it's important to think through it.

And if I could say just one last thing which is in my opinion, and I have served in state and federal government, I have not served at the county level, but in my opinion, there needs to be – what we tend to do in government is have our application offices open, but not think forward about what it is we're trying to do, and it's my understanding and I've heard some – without being aware of any of you or having worked with any of you, I've gotten the sense that something like Commissioner Hughes' idea, whatever, there's some ideas in play about how to think further ahead into the future.

And we have limited natural resources, water, open space in exurban areas and so on. I don't want to take up more of the Commission's time other than to say that I think that I could probably help a little bit if anybody wants because I've worked in land management, land planning, rule making, national, federal, state. Perhaps I'll be seeing some of you tomorrow – one of my old bosses. Thank you.

CHAIR HANSEN: Thank you very much. I would just suggest you reach out to your own County Commissioner and engage with him directly. This is not a dialogue I'm just giving some suggestion. I'm going to go on to – is there anybody else online? Okay.

9. Matters from the County Manager
A. Miscellaneous Updates

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. The only update that I have for the Board is that the Fire Marshal has issued, pursuant to the Santa Fe County Fire Code an order that would allow for the resumption of open burning, pursuant to duly issued permits in the county. Open burning permits were suspended in July during the driest months of the summer but due to more favorable conditions, both with regard to cooling temperatures and moisture in the vicinity the Fire Marshal has lifted those restrictions. Permits are still required, but this should facilitate folks being able to undertake field maintenance as well as the maintenance of defensible space around homes and structures.

That's my only update for the Board. Thank you.

CHAIR HANSEN: Thank you, Manager.

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 start with Commissioner Hughes.

COMMISSIONER HUGHES: Surprise. You never pick me first.

CHAIR HANSEN: I know. I thought I would shake it up.

COMMISSIONER HUGHES: Well, I just had a couple things also. I was so disappointed last year that we didn't get to go to the grand opening of the Jicarilla Apache direct solar project that when I met one of the employees of the Jicarilla Apache Nation I asked him if I could arrange for a tour and he said yes. He's put me in touch with that person. So if any of the other – I think I can take one other Commissioner with me as well as any staff members like from Sustainability or elsewhere who want to go. So if anybody is interested please let me know after the meeting and then later this week I'll suggest some dates for us to go up to the Jicarilla Apache Nation and see what they're doing. I think it could be very valuable. I've heard all about it but sometimes when you see things, particularly if we're going to have some of those in Santa Fe County, similar type operations, I think it'd be great for some of us to see what it actually looks like and how it operates. So that as one thing.

The other thing is last week we had an evacuation planning presentation by Assistant Chief Martin Vigil in Eldorado. We did not pick a big enough room and so some people had to sit outside. Fortunately, it was a nice night and people were still able to hear, I think, although they didn't get the full impact of Martin's nice slide show. I think we will do that again. Well, we will do that again in the Rancho Viejo area on October 5th. Martin will do that again. He likes to do it in person but I think given the amount of interest in this and the relevance in our current situation with the fire season lasting a lot longer than it used to I think I may also ask him – I did ask him if he was willing to do a Zoom one which could be countywide and we could record it and that way

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people could have access to it after the – if they weren't able to make the original one. So those are coming up and that's it for me, Madam Chair. Thank you.

CHAIR HANSEN: Okay. Commissioner Greene.

COMMISSIONER GREENE: Thank you. Two little bits of information. One, I was happy to see a survey on the County's website covering STRs, short-term rentals, and putting that out there but I was a little disappointed in some of the push poll sort of techniques of the comments of the ways some of the questions were put out there. So cautioned staff to make sure that impacts are not only negative; impacts can be positive. Impacts were only made to be negative in this situation, so we will probably only get negative and detrimental impacts reported to us as well as the ability – it is only for "county residents outside of jurisdictions" and there are people who live adjacent to jurisdictions but live inside jurisdictions and are members of Santa Fe County but live literally just right next door to county property and should have been included in this and should have had a way to participate in this survey regardless.

So a good first step. I don't know if it will give us as comprehensive or as accurate a survey as we might have wanted but that was nonetheless a good first step.

Also, thanking the Board and staff for all the hard work of getting the measure, the approval, to go ahead and get the reassignment of the purchase of the Vista del Rio project in Española. We have some news that we will be working on shortly. At this point it is not very positive news but we are going to work on this in the next few hours to see where this is and see if we have to take other steps I will bring it before the Commission to address it as appropriately necessary. So thank you very much.

CHAIR HANSEN: Okay. Thank you, Commissioner Greene.
Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. It's good that Commissioner Hughes brought up the fire issue and having Martin to discuss emergency evacuation plans and other related topics. That topic has always been very important in my district and in addition, what has come up for several years now and that we've been trying to work with is the issue of ingress and egress in areas – I think I've commented before that my district has some of the most notorious urban wildland interface areas. And there are several of them that have literally one way in, one way out or are considered more hazardous. Some of those areas, people, probably for a combination of reasons, have trouble with insurance already at this point because of the risk of wildland fire.

So we have – we're actually going to have this as a topic for Coffee with the Commish next Wednesday, the 20th. It will be at Hondo Fire Station #2 from 5:30 to 6:30 and we will have representatives, staff, from both Public Works and the Fire Department attending this Coffee with the Commish to discuss a project that we already have in the works for planning, one an ingress and egress project and two, to discuss other needed projects and other related concerns. So I hope everybody in the district who's interested in this can make it to Hondo Fire Station #2 next Wednesday evening. And by the way, we truly appreciate the staff willing to give their time to do this sort of thing. They've always been incredibly responsive to being able to interact with the public and discuss issues like this, particularly the Fire Department and frankly, Public Works. They're just fabulous at that.

CHAIR HANSEN: Thank you, Commissioner Hamilton. Commissioner

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Bustamante.

COMMISSIONER BUSTAMANTE: Yes, Madam Chair. I want to take the opportunity as we're approaching strategic planning season, which is a critical and important process for how projects are identified, priorities are established, and entities are funded. The person in the audience that I would like to acknowledge is Dr. Lauren Goldstein from New Mexico State University who is here. As we work towards our strategic planning processes I had mentioned a couple of months ago the strategic doing process, so Lauren, if it's not evident to the numbers of people in the audience at this point if you can let us know who you are.

And I think there is an opportunity – Lauren is a strategic doing expert supported through New Mexico State University. I have done a number now in the effort of strategic doing projects where I've had people who – it's just not as easy as it sounds. Oh, yes, we do strategic doing. It's like saying you're doing it, making sure it's done, in a way that is both – well, not both, but replicable, sustainable and scalable is a whole different avenue and something that a group of people, in setting a priority for something that needs to get done.

And there are things that do warrant strategic planning but then there are those things that in a strategic doing method would actually establish a timeline that's held accountable to getting to a point where we can call those things having been established. I have worked very – for a number of years, going back into the early nineties, mostly with the City but also with the County, and we did a lot of strategic planning, La Cienega planning, and there were a lot of what I would call sidewalks where you have the sidewalks in a plan that are up on a shelf and some day you might go across that sidewalk because we laid the pavement for it, but we didn't necessarily opt to go down that path to get what needed to get done, and then some things just never got done.

Or for those of us who have worked in any kind of governmental entity, with any governmental entity is to say, well, yeah, that's a good reason to do it. It's in the strategic plan, right? Oh, absolutely. So we're using the plan to justify an idea that comes up a little bit later. Strategic doing actually says, what is it that we need to get done? Who's going to do it? And how are we going to do it within a planned amount of time and hold people accountable for doing so.

Dr. Goldstein is in the audience and if the Commission had any questions, I'd leave it to the Chair if the Chair is amenable for anyone who had a question about strategic doing. It comes out of Purdue. It is another academic institution now as a constant academically informed process, but it is simple enough that I could walk my family members through it, because my mom wouldn't otherwise want to get too engaged in something that was problematic. But we could actually do a strategic doing process and come out with some satisfactory if not better effort than if we just planned for it.

So I'm grateful for your presence. I'm glad that you're able to help us with Santa Fe County. I know that you have some things to get done. It is out of the Agile Systems Lab. It's worthy. It is documented. There are books and now research and work continues, but I am grateful for your presence. Thank you, Lauren.

CHAIR HANSEN: Thank you. Is she working with Cindy?

COMMISSIONER BUSTAMANTE: You are working with Cindy, I understand. I don't know the depths of it. I did understand when I mentioned it, so if you

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had any questions I don't know the details but I know that she is working with Cindy in the planning of our strategic doing. So they're strategically planning a strategic doing.

CHAIR HANSEN: Okay. So we will get to know her through our strategic planning and doing effort. And thank you for being here.

I'm going to go on to a few things. I think this evacuation planning is really important. One of my constituents wrote an email to me about making a roadway where there are a bunch of trees and I thought of Commissioner Bustamante and all the trees being knocked down, and I thought we need to probably do an evacuation planning in Las Campanas. And in La Tierra Nueva. Because there is two ways out and in of that area, but people don't always recognize that Caja del Rio is an exit for Las Campanas. And so I think that Laura and I are working with the Las Campanas HOA and the La Tierra Nueva HOA, to see what we can set up because we have done a ready, set, go demonstration there where people understand the process of the ready, set, go, but it wasn't a large community meeting, and so I'm trying to find a place, which would be the Las Campanas Club to do something like this, but that's one of the larger places. But finding a place out there to hold such a meeting might be challenging but I'm willing to start working on it.

So that's something that I am also working on because I think that this is something – and this came about also because for the last couple of Sundays, one Sunday in August and then the first Sunday in September there have been fires out on the Caja del Rio, both started on a Sunday and people are getting very concerned about what is happening out there. And then there was also a fire at the landfill. As Commissioner Bustamante has mentioned before, maybe the landfill needs a new name, since it's called the Caja del Rio Landfill. It doesn't encourage people to recognize that there is a beautiful plateau out there that needs to be protected and people thinking the landfill is anywhere out there on the plateau. So I think there's some work there.

My next Coffee and Tea, which is September 30th, Jennifer LeBar from the Film Office will be speaking, and then we'll also be talking about strategic planning and the results of our first couple of days of strategic planning.

I wanted to mention that in regards to the short-term rental survey, which I also agree more positive items is always good. The Old Santa Fe Association sent out the link, so maybe that will help bring in a lot more different people than just the people it was sent to.

And then on September 19th, as a member of the City of Santa Fe River Commission, Councilor Romero Wirth is going to hold a discussion on the Two Mile Pond, which is actually in Commissioner Hamilton's district but I sit on the River Commission and so I'm quite aware of those issues. September 19th from 5:30 to 7:00 at the Santa Fe Convention Center. I think it's an important discussion of what's happening in the upper reaches of the river.

And then I wanted to say a few more words about Governor Richardson because I think there are a lot of things that have not been said, but I wanted to say things that are in relationship to Santa Fe County. I got to know Governor Richardson in the eighties and one of the first things – he was our congressman so he was a larger than life personality in New Mexico. So many of us and I think it's one of the great things about New Mexico is that we do have access to our federal senators and our federal delegation and

representatives, and he was available.

So through that time I got to know him and I'm just going to mention a few of the things that I feel he was very instrumental in when he was Secretary of Energy. After the Cerro Grande Fire I was the Chair of the Concerned Citizens for Nuclear Safety and he was always very supportive of that organization. And I contacted him and asked him to send people from the Department of Energy to that conference. It was a conference of over 450 people, it was Cerro Grande and the aftermath. And Governor Richardson – well, he was Secretary Richardson at that point, was very engaged and really wanted to make sure that constituents of Santa Fe County knew what was happening with that fire and what they could do and how the Department of Energy could be of help. I was incredibly grateful. I feel like it's one of the things that made that conference successful because he sent high level representation to the conference.

The other item that pertains to Santa Fe County is that when I was Community Development Director of Oshara Village and the County directed the developers of Oshara Village to build the northeast connector – that was kind of a poison pill for the Oshara Village, and Alan Hoffman, who I worked for, said, you're in charge of getting this federal highway right-of-way. And so we went to DOT a number of times and they were so kind to say you're never, ever going to get this right-of-way, so you might as well just leave. Well, I think any of you who know me up here that's not a good thing to say to me, that it's never going to happen, because it just makes me work harder. So fortunately, I had been appointed by Governor Richardson as the Chair of the Acupuncture Board for the State of New Mexico and I had a meeting with him and I took all of our information about the northeast connector and I presented it to him, and I said I really need your help. We need this federal highway right-of-way. And he said, however I can help. And he signed off. He made an appointment with Rhonda Faught, and next week we were in her office and we had the federal highway right-of-way. And that is a direct result of what we are facing today. We are finally building the northeast-southeast connector. But in essence, without Governor Richardson's help at that moment in time – this was 2006 or 2007, we wouldn't have the northeast-southeast connector because nobody at DOT was willing to help us.

So those are just a few of the examples. His willingness to care about all of New Mexico and I just think we are all so fortunate to know somebody like him. Of course, we all have our good and bad points but I think his good points way outweighed the bad and all the great things he gave to the State of New Mexico and to Santa Fe County, I will be eternally grateful. So I just wanted to say a few really positive things that he has done for Santa Fe County, for us, and how much I respect him and how much I learned from him, and I was so grateful I got to see him at Eric Witt's memorial and have a short interaction with him and be able to talk to him and the fact that he always knew me by my first name and always called me Anna. I am honored that I had that kind of relationship with him.

And I also know that we had a previous County Manager, Katherine Miller, who worked for Governor Richardson who I know is really shocked by his leaving us so soon, and what a good relationship that she also had with him. He also always loved smart, beautiful women. And I don't think he would ever deny that. He was always like that. One of my favorite remembrances of him is that when he was running for governor in 2003 I think it is, I was working at the campaign headquarters and all of a sudden I was at

one end of the building. It was over in the La Montanita area, that building that we own, and he said, where's Anna Hansen? And luckily I was there and I was working, so he found me. I'll always remember that, that he came and was looking for me. And I was there working so I got brownie points for sure.

But I just felt like we should take a few minutes here to really respect him and pay attention to the great things that he did for Santa Fe County. And I want to open up the floor for any of us to also say a few more words.

COMMISSIONER BUSTAMANTE: Madam Chair, I appreciate that, and there is something that has been just heavy on my mind and this is a great forum to share one thing that he said to me and there were a number of issues. One of them was solid waste back in the day when he was the Secretary of the Department of Energy and it was the New Mexico Recycling Coalition, and we were trying to work establishing the Caja del Rio Landfill at that time and I guy named Justin Stockdale was around. But the next time, and I have to say this is Santa Fe County direct, a big major thank you at that time, at the 599 and West Frontage Road, right before La Cienega, there was one accident after another. Nine fatalities in a two-year period. It was absurd. And Senator Stefanics and I sat down – she was Representative at the time – sat down, at the time Senator Bill Richardson, he looked square at us and said, what do you want? Just be bold. Be bold. No, no, no. Be bold. In other words, no putt-ing around. You've got to go for it. Like, tell us exactly what you want. We said we want that money that's been approved for the Highway 14. Nobody on Highway 14 wants it. Take that money, put it at the 599 and fix that intersection. That's all I needed to know. Be bold. And it's been on my mind.

I ran into [inaudible] the airport this summer and everything I think of when I think of Bill Richardson is be bold. And I think it's a great thing to take away in this conversation. So thank you for the opportunity to share that with my fellow Commissioners, because Bill Richardson said, be bold and don't waffle.

CHAIR HANSEN: No messing around.

COMMISSIONER BUSTAMANTE: No messing around. Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I have a Bill Richardson that I always used to tell because it's funny, but the context is – this is back at first when they used to have earmarks and now they have them again, but he was considering a \$1.5 million to Santa Fe for affordable housing and I had one of my first projects that I was working on – it's when he was a congressman, and I definitely needed about half a million dollars for that, so I went to this fundraiser for some other group and I was one of the few people who hung around to the end of their auction.

So for \$25 I bought lunch with Bill Richardson. So I got to eat with him at a very fancy restaurant and the first thing he asked me of course was, well, how much did you pay for me. I said 25 bucks. He's like – but anyway, we did get the money. He asked me about it and we got it, but at the end of the meal – I had fish and I never eat the skin. And so at the end of the meal he looks at mine and says, are you going to eat that? I said, no. Mind if I have it? So he pulls the trout skin off my plate and ate it.

CHAIR HANSEN: He's a real New Mexican.

COMMISSIONER HUGHES: It was a very worthwhile lunch and I only paid \$25. The lunch itself was worth at least \$50. So, anyway, he was a lot of fun and like

I said, I was shocked when he passed away.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: And we did get the money, yes.

CHAIR HANSEN: The thing about Bill Richardson, when you asked, and if you were bold, he most likely said yes. Once in a while he's say no, but if you asked and pushed he was going to go along. So anybody else have any comments before we go on?

COMMISSIONER GREENE: Thank you, Madam Chair. Just in that spirit, I usually – I've got a few stories I won't tell here about Governor Richardson but I will keep the spirit and first off say when we lose somebody, use that spirit to empower you and double-down on what they teach you. They can't be here to do what they do best, but we can pick that up. And so by the five of us here recognizing what Governor Richardson did best or Eric Witt before him, if we double-down on what they taught us we will be five times more powerful potentially.

Governor Richardson also took New Mexico on a global stage and that is the challenge that all of us should recognize is that when we have an opportunity to be greater than what our small county and our small state has we should take those opportunities to shine and to be brighter than anybody would ever expect us to be. And so the governor of one of the small states, one of the smallest, one of the poorest, one that many people can't find on a map, he put us on the map. And we are poorer for the loss of him but we were richer for his service. So I appreciate all of that and be bold, as Commissioner Bustamante said, and demand to be heard and be bigger, punch above our weight and be bigger than we are. So, thank you.

CHAIR HANSEN: Thank you. I just wanted to have an opportunity for us to remember him, because I think we all are influenced by him and his boldness and bigness and him living large in New Mexico. With that, unless the County Manager or anyone else – elected officials.

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

CHAIR HANSEN: I'm going to go to elected officials.

DEPUTY CLERK GANZ: If possible, Madam Chair, I'd just like to mention that we are coming up on the regular local election this fall and information about the election can be found on the County Clerk's website as we finalize the ballot and get the whole list of questions and everything that will be on the ballot. There will be information, more information on the website. Thank you.

CHAIR HANSEN: Thank you. Is there any other elected official online, Daniel?

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

CHAIR HANSEN: Thank you very much.

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11. Matters from the County Attorney

- A. 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. *Patrick Hall, Individually and as Parent and Next Friend of Kenai Hall, and Cassius Hall v. County of Santa Fe, ex rel, Santa Fe County Sheriff's Office and State of New Mexico Department of Public Safety, D-101-CV-2021-02379***

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, and this is specifically including *Patrick Hall, Individually and as Parent and Next Friend of Kenai Hall, and Cassius Hall v. County of Santa Fe Office and State of New Mexico Department of Public Safety*, Case #D-101-CV-2021-02379.

CHAIR HANSEN: Can I please have a motion to go into executive session?

COMMISSIONER HAMILTON: Madam Chair, I move to go into executive session to discuss the item just described.

COMMISSIONER GREENE: I'll second that.

CHAIR HANSEN: Okay, I have a motion from Commissioner Hamilton. I have a second from Commissioner Greene. Roll call vote, 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 5:02.]

CHAIR HANSEN: Can I please have a motion to come out of executive session?

COMMISSIONER GREENE: I motion we come out of executive session, making a note that no decisions were made, no items were discussed other than what was on the agenda and decision was made pursuant to recommendations and guidance for the Attorney.

CHAIR HANSEN: But no decision was made.

COMMISSIONER GREENE: No decision was made. Okay. Thank you. Specifically, no decision was made.

COMMISSIONER BUSTAMANTE: Second.

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

12. PUBLIC HEARINGS

- A. Case # 23-5150 Tierra Pintada Conceptual Plan Approval. D.R. Horton, Applicant, NM Land Solutions LLC, Agent, Request Approval of a Conceptual Plan for a 138-Lot Mixed-Use Major Subdivision Known as Tierra Pintada with a Total of 32.143+ Acres. The Subject Property is Located at 4475 NM 14, Parcel # 64256256, Which is within the Mixed-Use Zoning District (MU) (Commission District 5) This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Kenneth Quintana, Case Manager.

KENNETH QUINTANA (Growth Management): Good afternoon, Madam Chair, Commissioners. Thank you for having me today, this afternoon. [Mr. Quintana read the case caption.]

The applicant is requesting Conceptual Plan approval for a 138-lot Mixed Use Major subdivision known as Tierra Pintada to be completed in two phases on a total of 32.16 acres. The Conceptual Plan contemplates a minimum of 137 single-family lots and one nonresidential lot to be developed in two phases. The minimum proposed overall net density is four dwellings/acre as shown in Exhibit 2. The final lot/dwelling count will be established at the subdivision platting stage for each phase; however, the maximum number of lots for each phase is as follows: Phase 1, 78 lots and 1.5 acres of non-residential use; Phase 2, 60 lots.

The applicant is not proposing accessory dwellings, as studies and reports provided to staff only address one dwelling per lot. The applicant will need to provide Transfers of Development Rights to obtain the 138 lots proposed for the development.

The TDR certificates must be fully executed by the Santa Fe County Planning Department prior to receiving future Final Plat approval associated with each phase proposed for the Tierra Pintada Development. A total of 22 TDRs are required for this development at the current rate in Chapter 12. Due to the fact that the TDR section of the SLDC is under review, staff will review the total TDRs required with the preliminary and final plat submittal.

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The application that is before the BCC at this time is a request for Conceptual Plan approval for a 138 lot subdivision with 137 residential lots and one lot at 1.58 acres of non-residential uses, to be completed in two phases on a total of 32.16 acres.

The applicant has addressed the Conceptual Plan approval criteria identified in Section 4.9.9.6 of the SLDC as stated below. The applicant has provided the required studies, reports and assessments for this application.

This application has been reviewed for the following applicable design standards as per Chapter 7, Sustainable Design Standards of the SLDC: fire protection, landscape and buffering, lighting, signs, road design standards, access and traffic, utilities, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, operation and maintenance of common improvements, and affordable housing.

Staff's recommendation: Staff finds that all facts presented support the request for Conceptual Plan approval; review agency comments conditionally support the request for Conceptual Plan approval; and the application meets the submittal requirements and the design standards as set forth in the SLDC. Therefore, staff recommends approval of the Conceptual Plan request for a mixed-use subdivisions with 138 residential lots and 1.58 acres of non-residential development subject to the following conditions. Madam Chair, may I enter the conditions into the record?

CHAIR HANSEN: You may.

The conditions are as follows:

1. The Applicant will be responsible for building out internal roads and connections to NM 14 in accordance with NMDOT standards and Santa Fe County.
2. Access from NM 14 shall comply with NMDOT approval and permitting.
3. The Affordable Housing Plan shall be updated with the application for Subdivision Plat for each phase, reflecting the final lot count and affordable unit distribution for that phase.
4. An Affordable Housing Agreement must be submitted and approved by the BCC at the time of Final Plat approval for Phase 1. Affordable units in all phases shall be integrated throughout the development and not clustered into one area, and shall fully comply with the Affordable Housing Agreement, Chapter 13 of the SLDC, and all applicable County Regulations. These requirements shall be identified in the preliminary plat submittal.
5. The Applicant shall comply with Chapter 7, Section 7.17.6 grading and clearing and grubbing.
7. The 2 monument signs shall not exceed 32 sq. ft. per section 7.9.10.4.1 of the SLDC. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) and fencing or construction barriers to be approved by Staff prior to any grading or clearing and before starting construction in accordance with submitted engineered Grading & Drainage Plan.
8. Applicant must provide an approved Storm Water Pollution Prevention Plan (SWPPP) with the permit application for infrastructure construction.

9. The Applicant shall comply with all Santa Fe County and State Agency conditions of approval.
10. A Water Service Agreement and a Sewer Connection Agreement must be approved by the BCC prior to Final Plat approval of Phase 1.
11. Applicant shall address all redline comments from Staff.
12. A final grading and drainage plan and report for each phase of the project and the project as a whole, shall be submitted with the preliminary plat application. A revegetation and seeding plan shall be submitted with each phase of the development.
13. Roads shall not be gated.
14. A Geotechnical Report will be required with the Preliminary Plat application covering each phase of the development.
15. All on site drainage structures/ponds shall require bi-annual inspections by a New Mexico Professional Engineer. A bi-annual report on the findings shall be submitted to Santa Fe County to insure adequate storage of storm water.
16. This development currently requires 22 TDRs to be provided. The applicant shall update the number of TDRs required with the preliminary and final plat for each phase. TDR certificates must be acquired and presented prior to the recordation of a final plat.

MR. QUINTANA: Thank you. I stand for any questions.

CHAIR HANSEN: Questions from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: So at this point there's just one detail question. Is it 137 lots and one lot of non-residential, or 138 lots and one lot of non-residential?

MR. QUINTANA: Madam Chair, Commissioner, it is a total of 138 total, with one of those lots being one non-residential.

COMMISSIONER HAMILTON: Thank you. In fact it says 138 lots and one area of 1.58, so it makes it sound like – "which includes" would have been a little more clear. Small point. Thank you very much.

CHAIR HANSEN: I appreciate that. Other questions from the Board? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. First I just wanted to say that I'm glad to see that we'd be using transfer of development rights in this project. It's probably the biggest and first one that would use those and I know we're probably going to change the rules next week but they should make it easier to use, not harder, so that's all good. I did have a question. I notice that there's a plan for streetlights. Is that required in a subdivision like this? I live in a subdivision with no streetlights and I kind of enjoy the dark sky.

MR. QUINTANA: Madam Chair, Commissioner, the streetlights are not a requirement as part of the subdivision.

COMMISSIONER HUGHES: So I guess my suggestion might be that the development might save money by doing what other subdivisions do and not have any streetlights and let people put lights on the outside of their house if they feel like they

need housing outside. And also just one other question. I assume this is true that all the roads would be paved in this subdivision?

MR. QUINTANA: Madam Chair, Commissioner, that is correct.

COMMISSIONER HUGHES: Okay. Because I'm tired of hearing about people living on dirt roads who don't like dirt after the first month. And then my final question is what does the open space consist of? I assume it's the green area on page – the map on page 6, the green, and maybe part of whatever's behind the one commercial lot. Is there any plan for that open space? Maybe that's a question for the applicant later on. I don't know.

MR. QUINTANA: Madam Chair, Commissioner, the open space will also consist of the trail network that they are also providing, proposing, within the conceptual plan, and to further elaborate, the agent will express move in detail where that open space will be at this time.

COMMISSIONER HUGHES: Okay. Those are my questions for now, Madam Chair.

CHAIR HANSEN: Okay. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I think maybe my questions go later in this process as this is the first of the preliminary hearings, but I'll start with the questions and you can defer and say they will be answered by the applicant later. But a question about the possibility of accessory dwelling units. The fact that there are none proposed now, will that restrict it, or will that be something they can change this in between the preliminary and the final?

MR. QUINTANA: Madam Chair, Commissioner, at present it is not present in this proposal, however, they may change in the future. However, they will need to update their studies, reports and assessments to reflect the addition of accessory dwelling units.

COMMISSIONER GREENE: And what would be the issues? Like traffic and water and wastewater?

MR. QUINTANA: Correct.

COMMISSIONER GREENE: And in this case, traffic, it is at a very high traffic intersection, so it probably passes that standard. No guarantee of that, but of course they would have to do an assessment of that. Water – this is on County water, correct?

MR. QUINTANA: Madam Chair, Commissioner, that's correct.

COMMISSIONER GREENE: And then it's on sewer lines so it has ample sewer as well, correct?

MR. QUINTANA: Correct.

COMMISSIONER GREENE: Are there any other restrictions that would preclude them from potentially having an ADU on a high percentage of units?

MR. QUINTANA: Madam Chair, Commissioner, not at this time.

COMMISSIONER GREENE: Not at this time. Okay. That's great. And then are there any amenities that are required to be declared at this point, such as a playground for kids? A dog park for dogs and their people? Are there other things like that that are in the open space plan? Or does that come later? Or is that –

MR. QUINTANA: Madam Chair, Commissioner, when the applicant does a presentation I believe that will answer the questions.

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COMMISSIONER GREENE: Okay. Wonderful. I'll save that for then. And then in the case of the commercial lots, I saw in the drawing it kind of looks like it was three spaces in one commercial lot. Is that three commercial condos on one lot? Or did that just happen to be three squares stacked next to each other and it could end up becoming one larger pad?

MR. QUINTANA: Madam Chair, Commissioner, at this time there are no final designs for this, so it could just be a simple pad at this time. However, I will let the applicant or the agent address that further in their presentation.

COMMISSIONER GREENE: Okay. Wonderful. And I just have some design questions that I'll let the applicant sort of explain and then we'll come back to that later if I may. Thank you.

CHAIR HANSEN: That sounds fine. Okay, the applicant, would you like to give your presentation. I saw that you gave a jump drive to Matt, so I'm assuming that you have something to show us.

[Duly sworn, Nathan Manzanares testified as follows:]

NATHAN MANZANARES: Madam Chair, Commissioners, that is correct. My name is Nathan Manzanares. I'm New Mexico Land Solutions, LLC, located at 915 Mercer, Santa Fe, New Mexico, and I am representing D.R. Horton of New Mexico. And I am under oath.

Madam Chair, Commissioners, thank you for your time. I do have a brief presentation to give, I believe you can see that on your screen here. I'd like to thank Kenny. I think he did a really good job of explaining the key points of the application, and hopefully this presentation will answer some more questions that you may have.

So this project is a mixed-use community, and right now we are going through the conceptual plan process. Next steps will be preliminary and final plat applications for each phase. Kenny already kind of went through this. This is in the mixed-use zoning district, just outside of the CCD area, but within the SDA growth area of Santa Fe County. This Highway 14 area is experiencing a lot of growth right now and this development is adjacent to the Valle Vista development, which was one of the first developments out there on Highway 14 actually.

As you can see, these are the existing conditions of the site. It's a 32-acre vacant piece of land in between the NM 599 Frontage Road and Highway 14. Kenny already kind of went through this but we are proposing 137 single-family residential lots and one 1.5-acre non-residential lot. We are also providing 21 affordable housing lots and this will be developed in two phases. So right here you can see the phase line, which contains Phase 1 will be the southern portion of the site which includes the non-residential tract.

Right now, that is outlined as 7,500 square foot retail, but the whole 1.5 acres will be eligible for development and will be site-specific to whatever developer decides to come in and develop that commercial tract. That will be contingent upon a site development plan application submitted through the Land Use Department and have its own separate SRAs that are reviewed. We did include that in Phase 1 of the development. As stated earlier, this area is experiencing a lot of growth right now and we feel like the commercial could really be supported by our development and future developments in the area and those uses will be contingent on what's allowed in the mixed-use zoning district in the SLDC use matrix.

Commissioner Greene, you had some questions in regard to accessory dwelling units. Right now, with the lot sizes being what they are, that could be challenging. It also would in essence require us to double our water budget, and also double the roads that we're working with. Right now, the type of road that we're using requires a 50-foot right-of-way. If we were to increase that it could go up to 80 feet of right-of-way which could be problematic. It still would require the same driving surface but the right-of-way would increase significantly. They're also providing sidewalks throughout the development as well as on-street parking for extra parking. Right now, I believe we're over-parked and we're providing a pretty substantial amount. I think it's almost 3 ½ spaces per lot throughout the development.

As Kenny stated, the green area is going to be open space. There's also an internal trail network that will be on the perimeter of the development that can basically be accessed through all of the sidewalks within the development. We're also doing a substantial amount of landscaping and a six-foot high wall throughout the development to help screen and buffer the 599 frontage road as well as New Mexico 14 and the existing Valle Vista Subdivision.

Another key factor in this is that we're building the main stem of the road and we're going to pave Pueblo Garcia Road as part of this development. Right now it's a dirt road, and that leads to the development to the west of this site. They'll get a brand new road as part of Phase 1 and as a part of this development as well.

And with that I stand for any questions and thank you all for your time.

CHAIR HANSEN: Thank you, Nathan. I have a few questions also. So what exactly is the lot size? How many square feet?

MR. MANZANARES: So the typical lot size is 40 by 110. And you can see that on the bottom right-hand corner of the project breakdown diagram. There are some lots that are a little bigger than that but the typical rectangular lot is going to be that 40 by 110 dimension, and the typical home size in this development will be 2,400 square feet.

CHAIR HANSEN: And the homes, are they all going to be identical?

MR. MANZANARES: Madam Chair, the homes will be – we're not quite there yet but they will be similar to the homes that D.R. Horton has developed in the City of Santa Fe. When we move forward with our preliminary and final plat application we will provide some conceptual renderings to the Board if you'd like, but I believe they have four or five different product types that will be dispersed throughout the development and will all fit under that 2,400 square foot footprint.

CHAIR HANSEN: So, just so you know, after driving through Oshara recently I realized how incredibly beautiful that village was and the last thing I want to see is a bunch of cookie cutter developments with houses that all look the same. I see this continually happening and it's really unappealing. And are these also going to be New Mexico style houses?

MR. MANZANARES: Madam Chair, yes. D.R. Horton does provide a Santa Fe, New Mexico style product, and I'm not sure on the exact number but I know it's four or five different housing types. It won't be one housing type; it will be multiple housing types that are used.

CHAIR HANSEN: And then are you planning to have a park?

MR. MANZANARES: Madam Chair, Commissioners, a park is not required of this. There is an extensive trail system throughout and there is some green space that is in the area. There is a pretty significant amount of ponding that's going to have to be done. There's not going to be onsite ponding. It will be centralized ponding throughout. There are areas that could potentially have a pocket park, but that's not a requirement for this application.

CHAIR HANSEN: So what are these green – like the two ovals and the odd-shaped –

MR. MANZANARES: Those are ponding areas.

CHAIR HANSEN: Okay. So those are both ponding areas.

MR. MANZANARES: Yes.

CHAIR HANSEN: And then the commercial is the pink.

MR. MANZANARES: That is correct. To the southeast of the development.

CHAIR HANSEN: And are you going to put a Dollar General there?

MR. MANZANARES: That is up to whoever buys it. I will not be a part of that, but, yeah, that will abide by the allowable uses under the mixed-use use table.

CHAIR HANSEN: And what about solar?

MR. MANZANARES: I believe they're in talks of looking at solar. They do provide solar in some of their other developments throughout New Mexico. Right now, we were really just focusing on lot count, lot layout, circulation. When we go forward for the Phase 1 preliminary and final development plan I think we'll have more of those questions answered.

CHAIR HANSEN: And how many trees do you plan to plant? Like I realize that one of the things that made Oshara so beautiful was the amount of foliage and treescape that it had.

MR. MANZANARES: Madam Chair, right now this is very conceptual but this is a – if you look at the perimeter of the site there will be a pretty substantial amount and there's some conceptual cross-sections of what landscape would look like alongside the perimeter of the development as well as within the trail system. There is going to be a pretty good amount of foliage to reduce the required setback from Highway 14 and 599 frontage. So when we come forward for final plat we will have a full landscaping plan with a full breakdown of the number of trees. But based off of what we're trying to achieve and trying to create a buffer between our development and other developments there's going to be a pretty significant amount of trees incorporated into the development.

CHAIR HANSEN: So I live in an old Stamm house in Casa Alegre, and one of the nicest things that Stamm did was he made sure that everyone planted trees in front of their house. It looks like if these houses are 2,400 square feet and you have a 4,000 square foot lot you would have room for trees.

MR. MANZANARES: ms, that is correct, yes. You would have – there would be a backyard, some backyard space within front and backyard space within each lot that could accommodate trees and we could incorporate that it into the restricted covenants that each homeowner is allowed to plant trees within their yard. That's pretty standard.

CHAIR HANSEN: Okay. I think that's all the questions I have right now. I'll go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Could you give more details on the ponding? I assume that it's originally being put there as construction runoff management. Is it going to be preserved? Is it going to be recontoured?

MR. MANZANARES: Madam Chair, Commissioner Hamilton, I actually have our civil engineer online that may be able to better field that question. We have done some preliminary grading and drainage plans for the ponds. I believe the intent is to have curb and gutter throughout, capture both roof runoff and street runoff in those centralize ponding areas but Justin Simenson from Isaacson and Arfman and Associates is online on Webex and can answer that in more detail if you'd like.

COMMISSIONER HAMILTON: Whether it's answered now or I assume this is a conceptual plan design. I don't know whether this is the time to try to get the plans or whether drainage or the consideration of – you mention having to capture roof runoff and what not. The idea of keeping that water in the development and infiltrated so the idea of replacing some of those three ponds with like rain gardens that can accommodate infiltration of that quantity of water might be worth considering for the trees that should be planted and for mitigation of future flooding.

MR. MANZANARES: Absolutely. Yeah, Madam Chair and Commissioner Hamilton, it's hard to see but if you look at the ponding you can see a skinny – next to Phase 1 on the south end, that's where it will be piped into that bigger pond next to the commercial area, and along there there's passive opportunities to water some of the trees and landscape that we have in that area. I believe that the site slopes downward towards those ponds and that's why we located the ponds in the areas that we did. Like I said, Justin can – feel free to join in if you –

COMMISSIONER HAMILTON: I'd welcome if he has comments. I would just strongly recommend considering the alternatives because lots of developments over time, including in this area, have done what used to be just the simple requirement of having ponds to capture initial runoff and the County, as you well remember, experiences flooding so if they're inadequate to the future with climate change which is upon us – it's no longer the future, and there are a lot of other co-benefits to consider things that encourage infiltration from those rooftops, which you could do just as cheaply as the ponding.

MR. MANZANARES: Madam Chair, absolutely, and right now there still is time. We're at the conceptual phase, so absolutely, those are great comments and we will definitely take those into consideration moving forward.

COMMISSIONER HAMILTON: Thank you, Madam Chair. Oh, and just one thought. Forty by a hundred is more or less a tenth of an acre, which is probably problematic for considering having ADUs on. If you don't think so, that's great. Push the question. It's just –

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, thank you. I recognize that this is just the conceptual plan. I do – I just have to. The Aldo Leopold land ethic and species that are threatened, and this is just a conceptual plan but I have to sit here honestly and say this is just absolutely breaking my heart knowing that in the

sixties we had horned toads everywhere, and in the seventies they were on the endangered species list. And I'm all too aware of turtles in this area. There are turtles from there to Colibri, when I saw that getting torn up and knowing that I had pulled over and put turtles, tried to relocate them, but they go back to where they came from and there's no habitat for them.

I feel like I'm as far woke, like I could get arrested for what I'm saying right now, but I hope that as we move forward, and I'm saying this understanding where we are in this planning phase, but I literally relocated a turtle going that direction to Santa Fe Community College within the last five years. Well, that's not true. We lost three with COVID. Ten. That's a heartbreak.

So onward ho. Human development. We've got to exist. We've got to make homes. It's a conceptual plan. But let's look around before we start taking in the bulldozers. I'm literally gulping here. I've seen animals get destroyed and habitat consistently get destroyed. It's our life. Here we are. That's all I have to say, but I hope I say it to everyone who knows that species that have existed and then become extinct matter. And I'm not the only one who understands Aldo Leopold's land ethic. It became something people looked back on when we start destroying wildlife habitat. That's all I have.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I just had a couple more questions for Nathan. I think we've already talked about climate change a few times here and solar panels would be a great idea, but along with that would be not putting natural gas into the homes. I'm trying to save the developer money here on lighting and on utilities but sometime in the next ten to twenty years we're going to have to stop using natural gas for good because it creates such greenhouse gas effects in its production and its use. And so I don't know if you've given – I mean I think that's probably coming at a later stage. Is that right? Or have you given any thought to just providing electrical heat pumps for heating and cooling?

MR. MANZANARES: Madam Chair, Commissioner Hughes, unfortunately, I don't think we're quite there yet, but I do think there's some good discussion going on right now and we'll go back and consider some of these requests as we move forward with preliminary and final plat and I will definitely let our client know your concerns.

COMMISSIONER HUGHES: Thank you. And then does the trail system have the ability to connect to the Arroyo Hondo Trail that goes to the 599 station? Is that part of the plan?

MR. MANZANARES: Right now, you can see to the north that intersection on 599. There is a potential connection point to the 599 and I-25 Rail Runner station. There's also some other projects within the area that are looking to do a pretty substantial trail expansion and improvement to that area as well as the Arroyo Chamiso. As things develop and occur, I ultimately think that's going to be the case, but right now we'd have to go and work with DOT because that is their right-of-way and there are some access control constraints in that area that may become problematic, but that intersection on 599 would be a good connection point, and is a signalized intersection, and if any connections were to occur it would definitely be in that area.

COMMISSIONER HUGHES: Yeah, because I think this is so close to the Rail Runner station that for someone who wanted to ride their bike or just walk even, to get to downtown Santa Fe or downtown Albuquerque on public transit, that could be a real selling point for this neighborhood.

MR. MANZANARES: Absolutely, there's really exiting trail improvements, expansions that are coming to that area that are being worked on in other projects in the vicinity. So we're excited for that too.

COMMISSIONER HUGHES: And I guess I would just add to what others have said that I think some of this open space, if it could be made into some kind of a park or a playground or even a dog park, people like those kinds of amenities and I know in the neighborhoods I've lived in, even if people don't use it very much they like to look at it and see a nice public space.

MR. MANZANARES: Absolutely, Madam Chair, Commissioner Hughes, we are in talks with, engaging with a landscape architect. We have looked at seating areas. I don't know if we've looked pocket parks but we have looked at some seating areas, that would allow for covered seating areas. That would be a nice amenity as well for the area.

COMMISSIONER HUGHES: Okay. Thank you. Those are my questions. Thank you, Madam Chair.

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

COMMISSIONER GREENE: Thank you very much, Madam Chair. Thank you, Nathan. So I appreciate all the added detail that was provide on top of what Kenny did here, so now I'm kind of ready to dig into this. And first actually, let me digress for a second to Commissioner Bustamante. We had a moose within six blocks of this building this morning. Marty the Moose came down from the mountains and was over here by Fort Marcy part this morning and sadly was relocated to the north, so we won't be seeing Marty the Moose anymore.

CHAIR HANSEN: I'm sad.

COMMISSIONER GREENE: Yeah, I am sad, actually. We should have adopted him. That's all right. So questions about the trails. I see – I appreciate the trails being in here and I appreciate the sidewalks in here. But two details or three details that I see here that I wish the trails extended around the entire loop of the project. So you've got it along the corner of 599 and half the frontage road and half of Highway 14 but you don't have it continuing, so it's like a dead-end. A trail system should be a loop or should connect to your neighbors or both, actually. So if you have the opportunity to connect this south on 14, further west on the I-25 frontage road, along your buffer there, that would be wonderful. I would also recommend trying to get to the Valle Vista and at least offering a pedestrian connection to the Valle Vista neighborhood. I think there is a way to do that, where that strange shaped pond is.

Anyway, just to think about that. I'll remember that when you come for final so I'd like to see that in there. The second thing along that is the idea of different types of open space amenities, like open space as just dry field is okay, but not as good as when you have a pond it's a great opportunity to put a little wetland in there and to have either a playground or shady area or both. And so I look at that connection where the Garcia

neighborhood is over there. I knew families way back. They raised their kids in there and hopefully you're going to have an area that you're going to be encouraging families to move into this neighborhood as well. And so a playground would be wonderful, right? And to encourage those families to be there, as opposed to second homes for a bunch of retired Texans that probably might have grandchildren but really are not looking for homes to raise families.

So there's types of parks. There's dog parks. There's pickleball courts or active parks. There are playgrounds, and then just passive green space where you really accentuate it with tall cottonwood native trees that can help suck up some of this water that you've got in the ponds. So maybe surrounding all of your ponds to taller trees that really make that happen, including along that buffer, along that south and western side where you've got that channeled water underneath. And so a rain garden that allows those areas to have taller trees that harvest that.

Keep going to the sort of sustainability aspect of this. And so we've talked about the idea of water harvesting. We've talked about solar. We've talked about all electric facilities, and we've talked about ADUs. And so water harvesting is using less water. We're using water. Solar is using renewable energy. Electrification is using less carbon-based energy, and the ADU allows you to have more units and a mixed product for folks to rent, right? So to Commissioner Hamilton's point, concern, about having – is it big enough? So, yes, it's possible. Right? An ADU does not have to be more than 500 square foot, more than 400 square feet. And the ADU makes an affordability factor and multi-generational home factor that might allow somebody to say, I'm going to buy this house and I'm going to – it's expensive, right? I don't think these are going to be cheap. But by being able to rent an ADU it makes it more affordable and it solves our problem in the community. We need rentals. And it makes a mixed community. So you have renters living alongside people that are primary owners.

So when I look at these four types of sustainability factors – water harvesting, solar use, the ADU, and an all-electric footprint, I would almost hope that every single house would have at least one factor, one of these things so it's an all-sustainable at least one thing. So if 25 percent of your houses had water harvesting, great. If 25 percent had solar, keep going. If 25 percent – and each one had something that made it special and made it different to Commissioner Hansen's sort of changing the variety of the housing stock in there, there would be an opportunity to say that we built a sustainable community, each with its own impact-mitigation as part of the solution to that.

I also really want to encourage the idea of building the ADU at time of construction. You guys are mass homebuilders, right? D.R. Horton is like, we'll build a thousand homes at a time. The cost of adding a 400 or 500 square foot ADU at time of construction is probably close to 50 cents on the dollar for an additional unit. No additional cost of utilities or marginal, very little cost of mobilization and all those extra costs. So the more you could put into this, the more I will be happy and I bet you my other Commissioners will be happier that you were listening to us and said we did 20 percent at time of construction and that would – I don't know if I'm willing to put it in as a condition of approval right now, but it's a very heavy encouragement.

MR. MANZANARES: Madam Chair, Commissioner Greene, I think those are all great ideas. The key is doing that within the parameters of the SLDC, and

the improvements that would be required if we were to do that. Like I said, there's certain thresholds once you exceed, for example, if we go above 2,500 square feet of heated area we need to put a cistern. These lots are not that big to accommodate a cistern. That also adds a pretty significant cost to the overall home price to add that kind of system. So there's certain things that we would have to overcome within the SLDC and may even trigger some potential variances to the code if some of those changes were incorporated with the preliminary and final plat.

So I think collectively, that's going to be an effort where they may have to be some code changes that allow for more flexibility with the ADUs. I agree; multi-family, generational family housing is huge right now. There's a lot of people that can't afford a home and live with their parents. So having that separate space would be nice. But there's a lot of challenges. But I see where you're – I see the idea. I see the train of thought.

COMMISSIONER GREENE: If we put this as a condition of approval, does that mitigate the need for a variance because it then sort of makes you have to figure it out, and it might direct staff to work with you to figure out how to make it work? If it's not a condition then you can –

CHAIR HANSEN: That's not possible.

COMMISSIONER GREENE: Okay. There's a test case here, right. A cistern is the water harvesting, so we're talking about maybe that's the sustainability aspect that you overcome having the footprint size issue for those lots. And I'm not talking about doing it for all of them. But the concept of being able to do, say – that you deliver ten percent of these units, 14 units, or whatever that number is, with an ADU, and you come back to us and say, at the end of the day here, a) we delivered this, and b) the incremental cost to us was this. Look, it works. We will all feel like we were moving in that right direction as opposed to wait till the next project and wait till you update this thing. You guys as a mass builder have the opportunity to do that in a way that I know that it doesn't impact you so much and you solve our problem here of this multi-generational housing issue, and if you don't have people, family, to rent it to, rent it to a doctor, nurse, teacher or whoever.

So anyway, I highly encourage you to bring a percentage that is significant and figure that out if you can.

MR. MANZANARES: Madam Chair, Commissioner Greene, we'll – I'll talk to our client and I'll also work with staff to see if those changes were incorporated, if it could be done without any variances and wouldn't prolong the process of moving forward with the preliminary and final plat.

COMMISSIONER GREENE: Wonderful. Thank you. So also those connections to the trails, and those park/outdoor amenities would be great to see incorporated into this.

CHAIR HANSEN: Thank you, Commissioner Greene. So I think that all those things are important to think about because you are getting TDRs, and you are able to increase the density that you might not have been able to do otherwise. So just another point of reference. I want to go to the public hearing. I want to open up the public hearing. Is there anybody in the public here who wished to speak for or against this project? Is there anybody online?

MR. FRESQUEZ: Madam Chair, we have one speaker online.

CHAIR HANSEN: Okay.

MR. FRESQUEZ: The speaker's name is Justin Simenson.

CHAIR HANSEN: I think he's the landscape – he might want to say something I think possibly in regards to Commissioner Hamilton's question.

JUSTIN SIMENSON (via Webex): Yes. My name is Justin Simenson and I did want to just speak to that. I'm with the civil engineering firm that's working on this project and I wanted to just speak a little bit about those ponding areas.

[Duly sworn, Justin Simenson testified as follows:]

MR. SIMENSON: Yes. Justin Simenson, 128 Monroe Street, Albuquerque, New Mexico, 87108. Yes, and I am under oath to tell the truth. So I just did want to speak to that, the ponding. We do intend to have those blue areas as the stormwater ponding areas and we've placed them in those landscape areas with the intent to have that water harvesting and recharging as you were mentioning. They will be utilizing a storm drain system within the road to direct it to that. Once they get into that area we do hope that the landscape plan, once we get to that level does include those trees and further landscaping of those to blend them in, but also allow for that water recharging. I stand for other questions on that, but I just wanted to make that statement.

CHAIR HANSEN: Okay, so is there anybody else? Justin, please stay online. There will be a question but I want to continue with public hearing. Is there anybody else in the audience, in the chamber who wishes to speak for or against this project? Okay, please come forward.

[Duly sworn, Albert and Jennifer Martinez testified as follows:]

ALBERT MARTINEZ: My name is Albert Martinez, and I live in the area, and my address is 1915 Pueblo Garcia Road. And our question is how is it going to affect our area, with all that's going on?

JENNIFER MARTINEZ: My name is Jennifer Martinez, address 1915 Pueblo Garcia Road, Santa Fe, New Mexico, 87508. And something about being under oath. This is our first time.

CHAIR HANSEN: So what's your comments?

MS. MARTINEZ: So our concern is we live in the area, coming in on Pueblo Garcia Road, so we're already in a housing development that's already built and stabilized there. Our concern is having so many more property and construction coming up with the amount of water in the area, potentially, the amount of traffic build-up, the amount of the school district. Lots of concerns with crime and available police and units able to monitor the area. Those are our biggest concerns when it comes to how is it going to impact the people who are already living in that area with the building and then once it's built, all the people and all the extra coming in. That's what our main concern is for being here today. Is there anything else you'd like to add?

CHAIR HANSEN: Okay. Thank you very much. Thank you for coming. Is there anybody else who has public comment? Okay, I'm going to close public comment and go back first to Justin, and I'm going to let Commissioner Hamilton, she has a question for him and then I will go to Commissioner Hughes. Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: Okay, this is sort of a response with regard to stormwater runoff ponds, are not what I'm recommending at all for

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consideration here. I know they're the classic approach for containing runoff during construction but they don't do anything in the long term for infiltration to groundwater or for retaining water on site. I actually am quite in favor of the idea against development in selected area and of including a use which increases impervious surface, right? So the question is what are the impacts of that impervious surface in areas where you get lots of development, specifically the areas we identify for encouraging dense development. You get more and more runoff during heavy rainstorms. We have climate change and know that we are getting bigger rainstorms at any one time so you end up with flooding because all of the developments tend to run to the same drainage areas, right? And it's a cumulative effect.

But it's predictable. You don't know when it's going to happen but you know it's going to happen, so what we're going to get is more and more flooding. And one thing you can do is different variations on the rain garden concept where instead of just ponding on the surface you actually build structures that help the water infiltrate and it has lots of side benefits, including keeping water, increasing groundwater recharge, having water that stays on site so all your plantings do better, so that the whole area is much nicer. In general, the more we have of that in the county the more water we would keep within the county and mitigate climate change effects that include dust bowl type generation of soil problems, and it would be very, very logical to think of using that kind of mitigation.

I've had preliminary conversations with Penny Ellis-Green and other staff so it's something that isn't currently considered but I think would be a good idea to consider for allowing denser development. You can have denser development if you mitigate some of the negative impacts. And frankly, there are a lot of places lots of times when doing putting in rain gardens and encouraging – is cheaper than doing and maintaining stormwater ponds.

So it's a horrible expression, but it can be a win-win if you have better code benefits of doing this kind of rain garden engineering and to actually accommodate higher density, more impervious roof area without the negative impacts that to with it, so that's what I'm suggesting and I think it would be a really good idea to consider that and maybe do some negotiations on using it for mitigating higher density development. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Hamilton. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you. I was wondering if someone on our staff could address the traffic and water use aspects of the project. I think they were addressed briefly in the material we were given but I know there was some sort of traffic study and also a ready, willing and able letter for water, but if the case manager or one of the other Growth Management people I see sitting there – thank you, Kenneth.

MR. QUINTANA: Madam Chair, Commissioners, there will be two points of access to the proposed Tierra Pintada Mixed-Use subdivision. The primary access/entrance to the subdivision will be accessed via NM14 to southeast of the property, and the secondary access will be accessed via the East I-25 Frontage Road to the northwest portion of the property. Both proposed access points are regulated by the NMDOT.

The applicant provided an engineered traffic impact analysis prepared by the firm Civil Transformations. The prepared TIA studied the subdivisions primary entrances located at both NM14 and the East I-25 Frontage Road as well as the increased traffic associated with the proposed development. The findings of the report conclude that improvements to both NM State Road 14 and the East I-25 Frontage Road will be significant and support applicable levels of services.

There is the proposed extension as Nathan did mention as well, the connectivity upgrade to Pueblo Garcia Road to the internal road network of the subdivision and that also accesses off of the NMDOT right-of-way.

CHAIR HANSEN: Commissioner Hughes, how far into Pueblo Garcia are you paving?

MR. QUINTANA: Madam Chair, I'll defer to the applicant.

MR. MANZANARES: Madam Chair, I don't know if I can pull up the site plan again, but it's basically to the boundary of Pueblo Garcia Road.

CHAIR HANSEN: So once it leaves the –

MR. MANZANARES: There are already areas of that paved. So if you look at –

CHAIR HANSEN: So Pueblo Garcia goes in to your property already?

MR. MANZANARES: Well, the internal road network of Pueblo Garcia is paved, but they share an easement with our property to get back on to the I-25 Frontage Road. Matt, can you pull the side plan back up?

CHAIR HANSEN: I have the site plan.

MR. MANZANARES: If you look at that purple hatched line.

CHAIR HANSEN: Yes.

MR. MANZANARES: That's basically the existing layout of Pueblo Garcia, and we're going to realign that with the proposed road network that we are proposing. But that hatched purple line is the existing – and that's dirt; that's not paved.

CHAIR HANSEN: Okay. So that's going to be paved, and then once it goes into their subdivision –

MR. MANZANARES: That's already paved.

CHAIR HANSEN: That's already paved. So the neighbors are concerned about your impact, so I have one other question if you don't mind.

COMMISSIONER HUGHES: As long as I get my other question after you.

CHAIR HANSEN: Of course. When you do the infrastructure are you going to do all of the infrastructure at one time or are you going to do it in phases and I hope there will not be mass grading.

MR. MANZANARES: Madam Chair, Commissioners, the main stem, the two connection points, because we're proposing more than 31 homes, will require the access from 14 and the frontage road to be done in Phase 1. And the extension of pavement to Pueblo Garcia Road. So Phase 2, we have to look and see. We could theoretically – we're definitely going to do all of the road infrastructure, the two access points and paving within Phase 1. Depending on how things sell and how quickly things happen, we may run Phase 2 parallel, but at this point we're just focusing on getting the main stem of the development to have proper circulation.

CHAIR HANSEN: Yes. So what I'm saying is the neighbors are concerned about the impacts, so what are you going to do to mitigate impact?

MR. MANZANARES: So during construction we will work with the neighbors and establish a traffic control plan. We can maybe do that extension of Pueblo Garcia last and focus on the extension for 14 first. That way it gives them an alternative out as we finish the connection point back to the frontage road. So it may be a temporary inconvenience for them to use 14 but –

CHAIR HANSEN: But how would they even get to 14?

MR. MANZANARES: They would go south along the new road by the commercial lot.

CHAIR HANSEN: Okay. They'd loop down.

MR. MANZANARES: Yes. Correct. So build that section of roadway out first. That way they have access in and out of their property, and then finish the Pueblo Garcia Road extension after, but the plan is to definitely have the roads fully built out and have that construction as minimal as possible and least impactful on the neighbors as possible.

CHAIR HANSEN: And the buffer along the open space there? What are you going to do for that? I see there's some kind of thin line.

MR. MANZANARES: That, I believe, is our trail, Madam Chair. Are you talking about the –

CHAIR HANSEN: Yes. So are you going to fence this?

MR. MANZANARES: Okay. So the next diagram here – so if you look, the purple line there is, I believe the proposed sidewalk. So there will be an extension of the sidewalk and they can utilize our sidewalk for walkability and the trails. That's an additional amenity in addition to getting that paved road back out to 599. Currently it's dirt.

CHAIR HANSEN: Okay. I'll yield back to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. My other question was about the water. I saw a few sentences about that. Do we – I think there's been a water budget done for the project, right? And do we have water rights owned by the County that we're going to sell to this project or how is that going to work?

MR. QUINTANA: Madam Chair, Commissioner Hughes, prior to them submitting or being heard at the BCC for final plat approval they will enter into a ULEDA, a utility line extension delivery agreement with our County Utilities Department, and it will be addressed at that time.

COMMISSIONER HUGHES: Okay. So we haven't computed whether or not we have enough water to supply them? I think we probably do but –

MR. QUINTANA: Madam Chair, Commissioner, we have received the ready, willing and able letter from the Utilities Department at this time.

COMMISSIONER HUGHES: So that would mean that they think we do have enough water.

MR. QUINTANA: Correct.

COMMISSIONER HUGHES: Okay. Thank you. And this – I think to be clear, this would be water from the County water system that basically comes from the Rio Grande and not from groundwater sources.

CHAIR HANSEN: Are they bringing in water rights to the table?

MR. MANZANARES: Madam Chair, Commissioner Hughes, D.R.

Horton does have water rights available and as Kenny stated, as we move forward with that ULEDA and preliminary and final plat application they will go through that process of transferring some of those water rights to the County. If the County's not able to provide all of it they will make up the difference with water right transfers that D.R. Horton has.

COMMISSIONER HUGHES: Do you happen to know what kind of water rights those are? Are they native Rio Grande water rights or Chama water rights or –

MR. MANZANARES: Madam Chair, Commissioner Hughes, unfortunately I don't have that information.

COMMISSIONER HUGHES: Commissioner Hansen knows the answer.

CHAIR HANSEN: They're not Chama.

COMMISSIONER HUGHES: No, they're not Chama. Okay. Thank you. I just wanted to get the conversation started about the water.

CHAIR HANSEN: But it is important to know what kind of water rights it is, and it is important to know what they're bringing to the table. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. So hearing my fellow Commissioners, I kind of want to wrap some of these ideas into what I would say are conditions of approval, and I have four of them and we can debate them and vote on them individually, but I'd like to put them out here for us to discuss.

First one would be a condition of approval that all homes would have to have one feature of sustainability incorporated into it, being either: a) onsite water harvesting and a cistern; b) solar incorporated on rooftop solar; or c) an all electric utility plan with no natural gas built into the house. That would be my first one. That would be a condition that all of those houses be built to those specifications. They could decide which one works out better for them as that may be.

CHAIR HANSEN: So those are not in the SLDC.

COMMISSIONER GREENE: We can make any condition we want in theory.

CHAIR HANSEN: Not quite. Because there's such a thing called a taking. I don't know whether –

COMMISSIONER GREENE: I'll defer to the attorneys for this.

CHAIR HANSEN: Yes. I'll defer to Mr. Young.

MR. YOUNG: Madam Chair and Commissioner Greene, it is true that the SLDC sets out certain requirements at this time and any variance from that would require a variance through the process. So setting forth requirements at this stage, it would be advisable I think to not do that at this point without further SLDC changes.

COMMISSIONER GREENE: Well, let's get ready for SLDC changes. Okay. So I'm going to keep going just because maybe these won't bump against this. Second condition would be to wrap the trails around the entire neighborhood and to include connecting to adjacencies along the frontage road and on Highway 14, the Valle Vista neighborhood as well. That's probably not a taking, but we can argue whether the first one was a taking as well.

I'll keep going. Include ten percent of the units to have an ADU built at time of

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development. And then lastly, limiting the commercial to be not a single use but to have at least two uses, two commercial condos in there. That might preclude having a Dollar General sort of thing.

CHAIR HANSEN: I'm going to defer to the County Attorney on these issues. I think we're outside the SLDC.

MR. YOUNG: Madam Chair and Commissioner Greene, again, these are I think sort of policy decisions that should be factored into the SLDC in a fair, transparent way. But yes, the conditional uses, it is true the Commission could impose conditional uses but those are typically more health and safety focused type conditional uses. So I would just caution against sort of the policy side of that without further SLDC changes. And if Land Use staff – I don't know whether the Land Use Administrator might have some thoughts on that as well. It might be helpful.

PENNY ELLIS-GREEN (Growth Management Director): I was just talking to Roger and we thought that some kind of incorporation between the sidewalks and the trails could be something that we could look at at this stage, and the requirement of the ADU and the solar or whatever else, I think we don't have a requirement for a percentage of subdivisions doing that at the moment, so I think maybe we'd want to hear from the applicant as to whether or not they were willing to do that. And you had one other – what was your last one -- oh, I think for that you could maybe put a square footage minimum on there.

COMMISSIONER GREENE: Or a maximum.

MS. ELLIS-GREEN: A maximum. Sorry. This is a neighborhood commercial unit and to have some kind of square footage maximum per structure. -- obviously, on 1.58 acres they could get several structures on there rather than one large one.

COMMISSIONER GREENE: Or a strip with three units in it so it's not a Dollar General at 7,500 square foot, but three doctors' office or a doctor, whatever – a coffee shop, a whatever. A daycare facility.

MS. ELLIS-GREEN: I don't know the square footage of the recent Dollar General that we had come in. Jose, do you know that? The one in Eldorado? I would just throw out a number and many communities have actually limited commercial size to about 5,000 square foot.

COMMISSIONER GREENE: Sort of like a big box ordinance or things like that.

MS. ELLIS-GREEN: Right. Many have done that.

COMMISSIONER GREENE: It's not a big box, but it's a small big box.

MS. ELLIS-GREEN: It's a small box. And some of our rural commercial overlay have a 5,000 square foot limit.

COMMISSIONER GREENE: Sure.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I like Commissioner Greene's ideas. I do think it's time – it will take us a while, but we should probably look at the SLDC and see what additional climate-friendly sort of things we want to put in there to continue – I think it was developed a few years ago and it was really good at the time and now we know even more, so I think there are some opportunities there. My comment on

the commercial space is that one of the things this part of town lacks is a nice large supermarket/grocery store. So I'm not sure we want to forbid that because right on Route 14 might be the perfect spot for a grocery store that served Rancho Viejo and Valle Vista and everybody else. So I think we'd want to think about that a little bit. Obviously, we don't want a Dollar General but maybe an Albertson's would be acceptable. I don't know.

COMMISSIONER GREENE: To the point, I think it's too small for that. I think a Dollar General serves an unserved market, but if there's a feeling that Dollar General is the wrong type of vendor for that then – it's not big enough for that.

COMMISSIONER HUGHES: Well, the grocery store in Eldorado is much smaller than a typical Albertson's, so a neighborhood grocery. I don't know. I could envision a lot of things and I don't know that we want to restrain them.

COMMISSIONER GREENE: I'm okay with either way. This is debate and we need three votes to get there and I just want ADUs and sustainability.

CHAIR HANSEN: I think what we need to actually really do, Commissioner Greene, is we need to work on the SLDC so that these things that you are talking about, which we all support in many different ways, are included in the SLDC because when it comes to a taking it's specializing – we're asking somebody to give up something that nobody else is doing.

COMMISSIONER GREENE: I think we're actually giving them a right and the sustainability goals of the County are very clear in our plans, but I will defer on this one. We can debate it offline as to whether this actually would have been a taking.

CHAIR HANSEN: But I do think that the sidewalks and the trails around the entire subdivision is a possibility, and Nathan, what do you think?

MR. MANZANARES: Madam Chair, Commissioners, I apologize. Can you repeat that question?

CHAIR HANSEN: I want to know – one of the things that Commissioner Greene was requesting was sidewalks and trails around the entire perimeter.

MR. MANZANARES: I think that we could look at that and incorporate, like I said, those seating areas, pocket park areas. I think those are definitely easier to achieve than some of the other items that were listed which I think are good ideas but will require some significant code changes to achieve. But right now, I believe we're – Matt, can you pull up the site plan one more time? But I think right now with the design that we have we could incorporate the sidewalks on both sides of the street.

COMMISSIONER GREENE: Not specifically both sides of the street although that would be wonderful. I think it's more of the trail that you now have on the north and east corner could extend to the south and west.

MR. MANZANARES: Keep in mind that would be contingent upon DOT approval, because that is their right-of-way, where you look at 14 and I-25, and it would require discussions with the DOT. I think it makes sense with the trail improvements that are planned for the 14 Corridor, but I hate to agree to something that's not within our control.

COMMISSIONER GREENE: So most of these details are within your property, so along your southern boundary and along your western boundary.

MR. MANZANARES: Well, it's pretty tight down there by the pond where you have the existing Valle Vista, that red line down there. That gets a little tight. I feel like the neighbors would actually prefer if we put that trail more along the road than right up against their property line. Does that make sense?

COMMISSIONER GREENE: I understand that you're looking out for the neighbors. I'm sure that they would say they wish this was open space forever. So there's a whole give and take in that.

MR. MANZANARES: I mean, we could definitely look at adding more trails to the southern portion of the development. I can't agree to a definite location right now, but I agree; there could be more trail opportunities to the south.

COMMISSIONER GREENE: A complete loop, so somebody could go walk their dog in a loop and not leave the property, per se.

MR. MANZANARES: Absolutely. Yes. I think that we would definitely be able to do that.

COMMISSIONER GREENE: Thank you.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: I think we're going to see this again in much more detail and we'll have a chance to really scrutinize it one more time. So if people are okay I can make a motion to go ahead at this stage. So I would move that we approve the conceptual plan request for a mixed-use subdivision with 138 residential lots [sic] and 1.58 acres of non-residential development, subject to all the conditions listed by staff, with the suggestion that the developers consider all of our brilliant ideas in the next stage.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay. I have a motion from Commissioner Hughes, a second from Commissioner Hamilton. I agree that there have been many good suggestions and I hope the developer will take them into consideration, and so that we can move forward or not.

The motion passed without opposition. [Following the vote, Commissioner Bustamante advised the recording secretary that she abstained].

CHAIR HANSEN: Okay. Congratulations.

MR. MANZANARES: Madam Chair, Commissioners, thank you.

CHAIR HANSEN: You still have a lot of work to do to make this Board happy.

MR. MANZANARES: Absolutely. And as you progress forward with those code changes and code amendments, feel free to reach out. We think you're on the right track and thank you for your approval.

- 12. B. Case # 21-5070 Sierra Vista Subdivision Preliminary and Final Plat (TABLED)
- C. Case # 23-5140 Cresta Ranch Preliminary and Final Plat (TABLED)

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13. Concluding Business

A. Announcements

CHAIR HANSEN: Are there any announcements from Commissioners? So I think what we really need to start thinking about when we're doing the strategic planning, that we're doing at the end of this month that we start thinking about what we want in the way of changes to the SLDC because that is what I hear over and over again. So I think that that is something that we have to start having that discussion on and I think possibly the strategic planning is the place to start that process. Commissioner Greene

COMMISSIONER GREENE: If I may do that response. There's two points to that. One, I did see in the strategic plan as I was reviewing it last night that updating the SLDC was part of that a year and a half ago. So we're overdue. Good news, and we're overdue because this was supposed to happen after a few years of the SLDC anyway. The good news is we put it in the budget. Now we just have to make time and prioritization and solicit the ideas from not just staff but from the community, so the sustainability community should be engaged, the architects, the engineers, the land/civil engineers, the expeditors such as Jim Siebert, your predecessor, has approached us to say he's got some great ideas, so rather than just us and staff, we need to go out to all of these communities that may have some wonderful ideas and I've been doing that to try to get that started.

CHAIR HANSEN: And with that, part of the problem is capacity, and so if we're going to do this we need to be able to hire people to help us in Land Use, in Growth Management, and make sure we have the required staff available to make these changes because we can say we want something but if we don't have the employment and the employees to do it it's not going to happen. So I think those are other things that have to be discussed at the strategic planning.

B. Adjournment

Commissioner Bustamante moved to adjourn and Commissioner Hughes seconded. Chair Hansen declared this meeting adjourned at 6:23 p.m.

Approved by:


Anna Hansen, Chair
Board of County Commissioners

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ATTEST TO:



KATHARINE E. CLARK
SANTA FE COUNTY CLERK



Respectfully submitted:


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

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