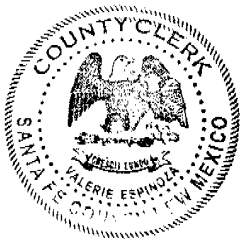


**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**June 12, 2007**

Virginia Vigil, Chairman  
Jack Sullivan, Vice Chair  
Paul Campos  
Michael Anaya  
Harry Montoya



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss. BCC MINUTES  
PAGES: 92

I Hereby Certify That This Instrument Was Filed for  
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Valerie Espinoza  
County Clerk, Santa Fe, NM

**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**June 12, 2007**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:10 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Virginia Vigil, Chair  
Commissioner Jack Sullivan, Vice Chairman  
Commissioner Paul Campos  
Commissioner Mike Anaya  
Commissioner Harry Montoya

**Members Absent:**

[None]

**V. INVOCATION**

An invocation was given by Chaplain Jose Villegas.

**VI. APPROVAL OF THE AGENDA**

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

CHAIR VIGIL: Mr. Abeyta, are there any amendments or tabled or withdrawn items?

ROMAN ABEYTA (County Manager): Yes, Madam Chair. The first, under IX. Matters from the Commission, we added a C. which is discussion of transfer station employees. Under Staff and Elected Official Items, XI. A. Matters from the County Manager, we added 1. which is Request approval of a grant of easement between the City of Santa Fe and

the County of Santa Fe. And finally, Madam Chair, under Public Hearings, XII. A. Growth Management, item #6 EZ Case 15-4841, Suerte del Sur Subdivision, Phases 1-5 is to remain tabled until the July land use meeting. Other than that there are no more changes from staff.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to pull from the Consent Calendar item X. B. 1 and X. B. 4.

CHAIR VIGIL: Are there any other items? Commissioner Sullivan.

COMMISSIONER SULLIVAN: B. 3.

CHAIR VIGIL: Any others?

COMMISSIONER MONTOYA: Madam Chair, the reason I pulled B. 1 and 4 is there's no information on either one of those.

COMMISSIONER SULLIVAN: There's nothing in the packet.

COMMISSIONER MONTOYA: In the packet, right.

CHAIR VIGIL: Okay. We'll proceed hearing those independently. Any other withdrawals? Hearing none, what is the wish of the Commission?

COMMISSIONER MONTOYA: Motion to approve as amended.

COMMISSIONER SULLIVAN: Second.

**The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.**

**VII. APPROVAL OF THE MINUTES:**

**A. May 8, 2007**

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have some typographical corrections.

CHAIR VIGIL: There are typographical corrections for May 8<sup>th</sup>. Could I have a motion on that?

COMMISSIONER SULLIVAN: Move for approval with corrections.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to approve the May 8<sup>th</sup> minutes as corrected passed by unanimous [5-0] voice vote.**

**VII. B. May 16, 2007 – Special Budget Session**

CHAIR VIGIL: Are there any changes? Seeing none, what is the wish of the

Commission?

COMMISSIONER MONTOYA: Move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER CAMPOS: Second.

**The motion to approve the Budget Session minutes of May 16<sup>th</sup> passed by unanimous [5-0] voice vote.**

**VII. C. May 16, 2007 – Special Presentation Meeting**

CHAIR VIGIL: Any changes to those minutes? Seeing none, what is the wish of the Commission?

COMMISSIONER MONTOYA: Move for approval.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to approve the Special Presentation meeting minutes of May 16, 2007 passed by 4-0 voice vote with Commissioner Campos abstaining.**

**VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS**

CHAIR VIGIL: This is Matters of Public Concern; these are non-action items. These items allow for anyone from the audience who would like to address the Commission on any items that are not a part of the agenda, this is your opportunity. If so you may step forward and state your name.

FRANK HERSCH: Thank you, Madam Chair. My name is Frank Hersch. I live a mile and a half out of Galisteo on Route 42, now appropriately named Camino Los Abuelos. Since I'm a grandfather of six, it works.

Very briefly, I didn't realize the public meeting was going to be at 5:00. I wanted to add my voice to the concerned citizens of Galisteo regarding the Commonweal development. As an individual I'm highly in favor of it as are many people in our community, most, I would say. Our main concern of course is that the water problem be ameliorated as much as possible, either through guarantees, through some kind of monitoring system. We are concerned, naturally, that this will affect the aquifer and in turn our accessibility to water, and I'm only adding my voice to that concern. Thank you.

CHAIR VIGIL: Thank you, Mr. Hersch. Is there anyone else out there that would like to address the Commission on any items? This is your opportunity to address the Commission.

**IX. MATTERS FROM THE COMMISSION**

**A. Resolution No. 2007-90. A Resolution Designating Harry Montoya to Serve as a Corporate Member of Jemez Mountains Electric Cooperative, Inc. for the Purpose of the June District Meeting (Commissioner Montoya)**

COMMISSIONER MONTOYA: Madam Chair, this would allow me to, on behalf of Santa Fe County, represent us at the election meeting that they're having on June 25<sup>th</sup> and this is by bylaws from the Jemez Mountain Electric Cooperative. So this is a requirement. This is something that former Commissioner Trujillo was designated as for any Jemez Mountain Cooperative election and this would allow Santa Fe County through my participation to be able to vote.

CHAIR VIGIL: Any questions or comments?

COMMISSIONER CAMPOS: Yes, I have a question, Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner, their bylaws say that it is a requirement that a member of Santa Fe County – what does that mean? Does it mean a Board of Commissioner serve as a member? And if so, why?

COMMISSIONER MONTOYA: Steve, is that what it says? My recollection is that it just has to be someone designated by the Board of County Commissioners. It doesn't have to be a Commissioner.

COMMISSIONER CAMPOS: What's the reasoning behind that?

COMMISSIONER MONTOYA: To allow us to vote at the annual meeting for their annual election.

COMMISSIONER CAMPOS: But why would they designate Santa Fe County as someone to appoint?

COMMISSIONER MONTOYA: We have a El Rancho Community Center. We have the Nambe Headstart – what are the other ones? We have five different facilities in Santa Fe County that allow us to participate.

COMMISSIONER CAMPOS: We're customers?

COMMISSIONER MONTOYA: We're customers.

COMMISSIONER CAMPOS: And because we're customers, they want Santa Fe County to appoint someone.

COMMISSIONER MONTOYA: Exactly. Exactly.

CHAIR VIGIL: Any further questions?

COMMISSIONER ANAYA: So moved.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Any further discussion?

**The motion to appoint Commissioner Montoya corporate member to the Jemez Mountain Electric Cooperative passed by unanimous [5-0] voice vote.**

**IX. B. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$2,530.60 (FY 2006-2007) to pay the Balance on Portable Toilets in the Town of Madrid and the Village of Cerrillos (Commissioner Anaya)**

COMMISSIONER ANAYA: Thank you, Madam Chair, members of the Commission. This money is to go towards the balance of the portable toilets in the Town of Madrid and the Village of Cerrillos. I don't know if Teresa could – if the Commission has any questions maybe you could respond to it because I thought this was taken care of. I believe maybe some monies were moved around or something.

CHAIR VIGIL: Teresa, do you just want to summarize this?

TERESA MARTINEZ (Finance Director): I think what it is is to take care of it for the remainder of the fiscal year. So it was something that was previously approved by the Board, but I think it was a term approval. So we're just trying to get it through the current fiscal year-end.

COMMISSIONER ANAYA: Thank you, Teresa.

COMMISSIONER MONTOYA: So, Madam Chair, this isn't an additional amount. It's the amount we already approved at the last meeting?

MS. MARTINEZ: Commissioner Montoya, Madam Chair, it is an additional amount, if I'm not mistaken.

COMMISSIONER MONTOYA: Oh, okay. I move for approval.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to approve discretionary funding for portable toilets for Madrid and Cerrillos passed by unanimous [5-0] voice vote.**

**IX. C. Discussion of Transfer Station Employees (Commissioner Anaya)**

COMMISSIONER ANAYA: Thank you, Madam Chair, members of the Commission. I received several phone calls from residents in Santa Fe County that are very disturbed with the way they've been treated at transfer stations. The calls that I have received are from the Eldorado transfer station, the Jacona transfer station and the San Marcos transfer station. And apparently, people are driving up and they're getting harassed by the caretakers at the transfer stations. I just wanted to bring this up to the Commission. I talked to Roman Abeyta about it and we thought that it would be a good time to bring it forward since we are receiving the calls.

I think that – I don't know what to do about it but I want to bring it up for discussion and get some input from the Commissioners and staff on what we should do to

make it a little more friendly at the transfer station. So I bring it up to the Commission.

MR. ABEYTA: Madam Chair, I spoke with our employee development coordinator, Gigi Gonzales, regarding this matter. We're going to conduct a series of interviews out at the transfer station with the employees along with some training. But I think what we need to do is also interview them employees and see if there are maybe policies or procedures or something that we could correct and make sure that we're providing them with the tools also, because there could be - a lot of the frustration could be something that we might be able to assist them with. And then in addition to that, provide some intense customer service training that's geared specifically to that type of service that we provide.

So it is something that we're taking a look at and we're going to get in there and start meeting with the employees and talking to them about it. But like I said, in addition to just providing training there might be something that we're not doing as management, tools we may not be providing them that they need to assist in their jobs. So there could be frustrations on that side also. So it's going to be a little more than just customer service training. We're going to hear from them also and get kind of their side to it and try to get to the bottom of it and see how we can improve the service out at those transfer stations. So I'll keep the Commission posted on our progress, but I will start with that training.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. That was my next question. Would you keep it posted on how it goes. I think we should get on that right away. I apologize to the public out there for the misbehavior that has happened, and hopefully, that that won't happen again. Thank you, Roman. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, do we have a procedure for complaints from citizens? I know we have our representatives and constituent liaisons who handle questions about potholes and scheduling of meetings and so forth, but I mean where an individual is making complaints against a specific person and if that complaint is proved to be true then some action should be taken in their personnel file or some formal action or hearing or something should be conducted. Is there a procedure for that?

MR. ABEYTA: We do have a disciplinary procedure that we follow. What we don't have though is another way for the public to file a complaint, other than to contact our constituent liaison or maybe the main line. So I think we need to work on that. Maybe there's a hotline we could set up or something we set up where we make it easier for the residents to file a complaint and then we can monitor and track the complaints. But we do currently - if we receive those complaints we will talk to the individual that's involved and we will take the appropriate disciplinary action.

COMMISSIONER SULLIVAN: But a lot of times I can envision that the person says, Well, it wasn't me. I don't know what happened. I don't know what they're talking about and if we receive a complaint that deals with a County employee, we should be able to say, I'll check into it for you, but also, I'm going to send you or e-mail you a

complaint form and I want you to fill it out and I want you to put the name of the person or the license plate number if you someone driving recklessly in a County vehicle, or whatever the circumstances are. I think that's what we should have. That goes to you, you then take the corrective action.

Now if people don't feel strong enough about it to file a complaint and they just kind of want to gripe about the general grumpiness of the transfer station employees – it may have been a Monday and maybe they were grumpy. But if it's a serious and bona fide complaint we want to hear about it. We want to follow it up and we want to have a paper trail to do that. I think.

MR. ABEYTA: Madam Chair, Commissioner Sullivan, I agree. We'll look into developing a complaint form that we could have an official complaint form that all the County departments use, and then that way we can keep better track. And then you're right. After one or two complaint forms being filed, then there's a little more to it than just somebody has an axe to grind or something.

COMMISSIONER SULLIVAN: Yes. Or as a general axe to grind against government in general or something. But if it's really somebody who's specifically abusive, verbally or otherwise, we have to know about it and we should follow up and at worst, that would keep us out of potential future lawsuits.

MR. ABEYTA: We'll work on that.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. I think the suggestions by Commissioner Sullivan and Roman are good. I have received complaints in the Jacona station, or at least a call about an individual who they felt was being picked on and – I don't know if they felt they were being picked on. I think I should say that they felt that they deliberately ran the tractor fast back and forth and created a lot of dust while an individual was dumping their waste. But I think that was resolved, but I'm not sure. I talked to James about it and as far as I know that was resolved with that individual. The employee apologized for running the tractor too fast and creating dust. But that's the only call that I've gotten. I don't know what other situations are coming about in Jacona. But I think it's good we do what we can for the employees also.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Commissioner Montoya, was that call last week?

COMMISSIONER MONTOYA: No.

COMMISSIONER ANAYA: Okay. This one that I got was last week and he left me a message. I never talked to the individual that complained but he left me a message. I tried to call him back. So I don't know exactly. I think it was something about rudeness. That's at both stations that I got the call about. Rudeness to the public.

COMMISSIONER MONTOYA: Okay.

CHAIR VIGIL: I'm liking the suggestions. I think the complaint procedure



needs to be put in place. I haven't received any recent complaints but I have in the past, and I think probably some of the complaints are about behavior but some of them also have to do with some of our county residents going out to take some of their recyclables to perhaps a station and the station is telling them we don't accept recyclables. That kind of thing. When I hear those kinds of complaints I'm thinking about maybe we need to look at revamping our Solid Waste Management Division because certainly we want to promote recyclable programs and it's very discouraging for residents who are taking the time to collect and deliver those recyclables to go to a station and be denied acceptance of them.

So I'd like to see more about what we're doing to encourage recyclables and the policies and procedures in place for the transfer stations. I just suggest that when you do have that when you do have that interview with employees this will be more opportunistic when we get complaints but when you do have the interview with employees it might be good to also talk to users there and that will give you a balanced picture. Anyway, thank you for bringing that up, Commissioner Anaya.

## **IX. OTHER MATTERS FROM THE COMMISSION**

COMMISSIONER MONTROYA: Madam Chair, over the last week, the negotiations with the Aamodt settlement have been making significant progress. We probably will know a little bit more about actually getting legislation introduced later on today, so I just want to let people know that things are moving along. I expect there will be opposition as there always has been in the past from a certain group but I think for the most part, what has been discussed and negotiated to this point is certainly in the best interest of all residents of the Pojoaque Valley, so that was a significant accomplishment and thanks to our attorney, John Utton, who has worked diligently on this for a few years who's gotten us to this point as well. So I just wanted to report on that, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner. Commissioner Campos.

COMMISSIONER CAMPOS: I'll pass right now.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Madam Chair. Two things. One, last month I reported on the Water Trust Board meeting for annual funding, \$38 million in grant funds and I reported that the Buckman Direct Diversion got nothing out of that and suggested that we get the Buckman staff and the County staff moving to do some arm-twisting at the executive branch, and I wondered whether anything's been done. The next meeting is June 27<sup>th</sup> and that's where they're going to finalize the year's funding.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Sullivan, I raised the issue at the Buckman Board and there was no new information but Chair Wurzburger said that she was going to have their lobbyist, Mark Duran, present on that issue at the next meeting as

to what happened. She suggested that we probably needed to get our own lobbyist, our own Buckman Board lobbyist. That's all she said.

COMMISSIONER SULLIVAN: Well, I think, Madam Chair, that's good except I think the next Buckman meeting is probably after June 27<sup>th</sup>, isn't it? So the deal will already be done. I think there was a lot of confusion as to what was City funding. The City was funded for \$2 million for its water treatment plant and that was tied by the staff to Buckman as part of the same system and therefore they thought they would be giving too much to one applicant by granting \$2 million to the City and \$2 million to the Buckman Board. There was a confusion I think as to the fact that they are totally different managed entities. And I think we need to clarify that and I thought the Buckman staff was going to do that and it sounds like they haven't. At the meeting they told me they were.

COMMISSIONER CAMPOS: Commissioner Sullivan, it's my impression they hadn't done much of anything.

COMMISSIONER SULLIVAN: Well, I guess it's up to us then. What do you think, Roman? Can we perhaps make some contacts with Bill Hume at the Governor's office? I think there's a total misunderstanding of what the Buckman's doing, the Board's doing. As I mentioned before, they were the top-ranked project in all the projects that were submitted and they got nothing. So that doesn't compute.

MR. ABEYTA: Madam Chair, Commissioner Sullivan, I'll contact Bill Hume's office. I'll do that tomorrow. And then if we need to meet with them we will and if we can - I'll discuss possibly even our representation at that 27<sup>th</sup> meeting. But I'll then - I thought the BDD staff was going to take care of it also.

COMMISSIONER SULLIVAN: I did too.

MR. ABEYTA: I don't mind calling him myself and following up on behalf of the County.

COMMISSIONER SULLIVAN: The second thing I had, Madam Chair, was I discussed a little bit with Steve Shepherd a week or two ago the idea of us putting an ad in the newspaper to explain to the public what Santa Fe County does in terms of health services to the community. And what prompted me to inquire about that was multiple full-page ads being run by St. Vincent Hospital, extolling their community services and health support, which of course comes from the sole community provider program and no mention in those ads of the fact that 28 percent of that comes from Santa Fe County. So we can't tell St. Vincent Hospital what to write in their ads but I think there needs to be some understanding in the public about how much money we spend and where the money goes and the benefits that we provide out of our general fund to the community, in terms of health services for a variety of people, not just indigent people but a variety of people.

So I don't know if Roman or Steve has talked to you about that.

MR. ABEYTA: Madam Chair, Commissioner Sullivan, yes, we discussed this, and we're going to talk to St. Vincent's about their whole PR campaign and what role if any, or how they're willing to acknowledge Santa Fe County and what we do, and we started putting together kind of our own fact sheet and bullet points as to the benefits that

we provide and how we participate in what they are doing, how we contribute, and hopefully we'll be acknowledged in some of their upcoming ads that they do.

COMMISSIONER SULLIVAN: I was thinking – that would be good, although in the past I've seen little asterisks at the bottom saying supported by Santa Fe County, and it's hard to read, but I really think that we should do it ourselves. We bought a full-page ad to tell people to look at our website so I think we can afford an ad to explain to them, not in gory detail, but plain and simply what we do. And I think that will help in our MOA negotiations too. We have those coming up and those are in progress now. Am I correct? Are we in the middle of that right now?

MR. ABEYTA: Yes. In fact we're wrapping it up. They've done really well. But we can talk about that now that we do –

COMMISSIONER SULLIVAN: And I think the legislature too gets the feeling that all of this is a function of the management at St. Vincent Hospital, which is of course not true at all. I think we need to clarify their role and our role. We seem to be getting just one side. So I would really suggest something that we do independently. Thank you, Madam Chair.

MR. ABEYTA: We can do that.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, in other words, Commissioner Sullivan, let's give credit where credit is due.

COMMISSIONER SULLIVAN: Exactly.

COMMISSIONER ANAYA: Santa Fe County. I've got one issue and that's – I don't know if all of you received a resolution from the Santa Fe Public Schools about no child left behind. Do we want to put that on our next agenda?

CHAIR VIGIL: Actually, Commissioner Anaya, I was planning on doing that. I did get a call from Dr. Carpenter and we have made contact with Udall's office on the time line and that resolution should be drafted and available for consideration at our next meeting.

COMMISSIONER ANAYA: That's all I have. Thank you.

CHAIR VIGIL: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Just a couple of responses to what's been discussed. As far as the Buckman and the dollars from the Trust Board, could you keep us in the loop via e-mail?

MR. ABEYTA: Yes. I will.

COMMISSIONER CAMPOS: What develops. As far as the hospital, I support staff's position that they should talk to the hospital and make sure that the hospital keeps things in context and accurate, but I don't favor an ad that would expend County money to explain how much we're doing on this at this point in time.

CHAIR VIGIL: Thank you, Commissioner. I have just a couple of items. One of them regards the public improvement district. We had a case that had been tabled some time back that was requesting action on the public improvement district. I think for

all of us up here it's been an educational process to go through that. I have always maintained the position that we need to look at other sources for infrastructure and continued development, but I think I've come to the position that it really should be County-driven and that might be a huge undertaking. I do believe our growth area is in the Community College District that we should look into the possibility of what a public improvement district would do for that entire area, rather than identifying it per development. I'm throwing that out just for comment from the other Commissioners and comment from our County Manager with regard to that. I don't know what's going to the case that got tabled before us but there was a lot of work that was put into identifying that and we received a lot of response with regard to – the most response was that the levy on this was quite high in comparison to other PIDs and in fact I wonder if we're thinking globally, less globally, by just moving forward with PIDs per development versus per area. So do we have an update on what may be happening with that request at all?

MR. ABEYTA: Madam Chair, this request is being driven by the applicant and we have had this discussion with Jack Kolkmeyer, the Land Use Director, and I believe he also favors looking at it more globally instead of just project-specific. Our problem though is it was a request that was made by an applicant and they have been scheduled to be heard at the end of the month, but it's my understanding that not all of the Commissioners are going to be available. So in regards to this specific request we have been discussing as to whether or not the Board wants to hear that request at the end of the month as it's been scheduled.

The other thing about the end of the month is it's not a land use meeting; it's an administrative meeting, so there's been some discussion with staff about maybe it's more appropriate that this is heard during the regular public land use meeting in an evening, which would push it off to the July – I believe it's the 10<sup>th</sup> that we meet in July. So there's still question as to whether or not the Commission wants to hear that at the end of the month. The attorney is telling me that the 10<sup>th</sup> would be too late. We'd have to notice it for either a special meeting in July or possibly even August.

So there's still that discussion. It is developer-driven. They filed an application so we need to talk about what authority we have as staff to not hear it or not process it.

CHAIR VIGIL: When is our June meeting?

MR. ABEYTA: Our June meeting is the 27<sup>th</sup>.

CHAIR VIGIL: Okay. So all Commissioners will be here for that, as far as I know. Unless there are Commissioners who are going to be away. Oh, Commissioner Sullivan won't be here.

MR. ABEYTA: It is scheduled for that.

CHAIR VIGIL: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: I have a question, Mr. Manager. This matter was withdrawn?

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: Now, it seems to me the question has to be

whether – I think it probably has to be reinstated. They can't just withdraw and just say it's going to be put back on the agenda without any authorization for reinstatement by this Board.

MR. ABEYTA: The question is does the Board have to reauthorize them to reapply. They did reapply. They filed what they had to file. I don't know if the rules are specific that the Board has to authorize the resubmittal of an application. I don't know that we have that much authority.

COMMISSIONER CAMPOS: We had an application that went on for months and months. Then they withdrew it. Now they've reapplied?

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: This is to me nothing more than a move not to be considered at a certain meeting because they didn't like the Commissioner make-up. That raises a lot of issues to me. I think we need to discuss whether we want to hear this case at all. I'd like some input some time in the future from our legal staff.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that it's pretty clear to me why they withdrew the application. It doesn't take a rocket scientist to figure that out. I think what we have now is a new application. I think we would place the County in a lot of jeopardy by not hearing that at a public hearing. This is not the same application that we did hear at a public hearing and a work session. This is a new application. I don't know what the changes are. Even if they're minor, the public is entitled to have some say, particularly those who are going to be impacted by the district and the way we do that is at public hearings. So I think we're putting ourselves in some legal jeopardy here by doing that at 3:00 in the afternoon when everyone's at work, in passing a \$10.5 million public improvement district that provides a \$7.5 million subsidy to a developer and a 100 percent tax increase. I think at a minimum we need to consider that at a land use meeting.

The other questions that Commissioner Campos raises I think are good ones and certainly I don't have an answer to that but we need to look into the issue of once you withdraw an application it seems to me it's withdrawn. You're finished. That was the end of that. And then suddenly it appears in the same mantra 30 days later. Who's running the train here? I'm not at all convinced that this is in the public interest, even the process, let alone the public improvement district itself. At a minimum I think it needs to be at a land use whenever it can be properly noticed for the land use meeting.

CHAIR VIGIL: Anything else, Commissioner Sullivan?

COMMISSIONER SULLIVAN: That's all. Thank you.

CHAIR VIGIL: I'm not as concerned about that as I am what is in the best interest of the County and the future of the County, because I think we do need to listen to the applicant. I think we have to provide due process. I don't want to hold this out legally in any way. But I am concerned that if we take action on this particular request we will be setting a precedent, and is this the appropriate way to go. I would like an analysis, partial

legal, partial land use, with regard to the County being the leader in a public improvement district, considering the alternative of assessment districts, those kinds of things.

I think it's necessary for us to make decisions because this is one of other projects that will be coming to us and most of those projects are in that Community College District and wherever developments actually occur, if this project sets a precedent it's really going to define the scope of the decisions that are made by future Commissioners. So I think we need a really in-depth analysis about how we should move forward with this. I'm of the position that we if we start piecemealing these assessment districts and identifying them per development it's going to create a lot of disparity. So I'd like some analysis with regard to that. And perhaps that can be done at the time that the applicant comes before us or whatever appropriate time. If it could be done before that I'd appreciate it. Okay.  
Responses?

COMMISSIONER SULLIVAN: Madam Chair, on that same issue. I think we have a general policy that Commissioners can place items on the agenda as they see fit, and I wonder what our policy is if any about Commissioners taking items off the agenda. In general we've been fairly cooperative about that and items of Commissioners that have been absent or been unable to vote on an issue in their district. This issue is in District 5, and I think if we have people who are being impacted and they can't be represented and they can't attend the public hearing about that taxation, I just don't see anything good about that scenario at all. And I think if I were a resident and that district were approved, those are some of the first issues that I would bring out in a lawsuit, would be the public process or lack thereof. Thank you.

CHAIR VIGIL: Thank you, Commissioner Sullivan. Any further comment on this subject? Seeing none, there's only one other sort of I think direction I'd like to make, and I'd like to inform the other Commissioners. I received a letter from the Mayor of Española and he is requesting that the County participate by allocating \$200,000 to refurbish the jail and I believe that he's made requests to other counties throughout the surrounding areas of Rio Arriba. I have forwarded the letter to Roman and I think at this point in time what I would like to do is have you contact the City Manager and perhaps - I didn't receive a resolution. This is just a specific request from the Mayor and I'd like to be able to respond but I'd like to be able to respond comprehensively and learn more about the issue. Has the City Council there actually taken action on this request and on the project itself? They have also invited us to participate in a Department of Corrections meeting and I think we will have representatives there. They're looking to pursue a regional jail. I'm grateful that we've been a part of the communications there. I think we have a lot of input with regard to that, and while they're dealing with their jail issues, I think to keep the lines of communication going we can create a better understanding and cooperation with each other. So Roman, I would just kind of give you a sense - I would like for you to bring more information about this so that we can appropriately respond to that letter.

MR. ABEYTA: Okay.

CHAIR VIGIL: And that is it. Are there any other items to be brought up since we've spoken?

**X. CONSENT CALENDAR**

**A. Findings of Fact**

1. **CDRC Case # 06-5290 Colinas Del Sol Subdivision**
2. **AFDRC Case # 06-5540 PNM State Pen 12 Feeder**
3. **AFDRC Case # 05-5431 PNM Lujan Tap**

**B. Miscellaneous**

1. **Request Approval of a Memorandum of Understanding Between the County and the Santa Fe Public School District for the Installation of an Artificial Turf Soccer Field in El Dorado \$100,000 (Community Services Department/Community Projects Division) ISOLATED FOR DISCUSSION**
2. **Consideration and Approval of the Second Amendment to the First Amended Customer Contract for Commitment of Water Service (Legal Department)**
3. **Request for Approval for Award of Contract to AUI, Inc. to Construct Sewer Lines in Valle Vista \$1,693,858.99 (Growth Management) ISOLATED FOR DISCUSSION**
4. **Request Approval of Amended Lease Agreement Between Santa Fe County and the Vista Grande Library (Community Services) ISOLATED FOR DISCUSSION**

COMMISSIONER ANAYA: Move for approval.

CHAIR VIGIL: Is there a second?

COMMISSIONER SULLIVAN: Second.

The motion to approve Consent Calendar items A. 1, 2, and 3, and B. 2 passed by unanimous [5-0] voice vote.

- X. B. 1. Request Approval of a Memorandum of Understanding Between the County and the Santa Fe Public School District for the Installation of an Artificial Turf Soccer Field in El Dorado \$100,000 (Community Services Department/Community Projects Division)**

COMMISSIONER MONTOYA: Madam Chair, I guess my question specifically was where was the contract or the attached MOU that wasn't attached on my

document?

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, Commissioner Montoya, we actually didn't receive those until I believe yesterday. I know staff was working on that with the schools and with the contract attorney so we weren't able to put this in the packet. The reason that we moved forward on this so quickly was that it is time-sensitive. This is three appropriations, two for \$25,000, one for \$50,000 from the state to the County for the soccer field at the school. Because they're severance tax dollars, these dollars need to be committed this month, so that's why we worked quickly and we weren't able to get this information into the packet when it was due. I apologize for that, and that's the other reason why we put this on the Calendar today instead of the administrative meeting. We didn't want to jeopardize losing these dollars for this school, actually because they're severance tax bonds and for the selling of these bonds for this purpose.

COMMISSIONER MONTOYA: So are these funds that we're serving as the flow-through?

MR. GUTIERREZ: They're grants that we accepted. They're again, two \$25,000 grants and one \$50,000 grant in the 2006 and 2007 fiscal year. And the school administers the implementation of the turf to soccer fields and after it's completed the MOU states that the school retain ownership of that, since they're another public body.

COMMISSIONER MONTOYA: So we don't have any other responsibility, other than to get them the money?

MR. GUTIERREZ: Pretty much, Commissioner Montoya, that's where it is.

COMMISSIONER MONTOYA: Oh, okay. And then as far as legal goes, you're okay with the MOU as it has been drafted or are we at a – is there a final draft?

STEVE ROSS (County Attorney): Madam Chair, Commissioner Montoya, I don't believe so. I just saw it this morning but we'll look at it before anyone signs it to make sure it's okay.

COMMISSIONER MONTOYA: Okay. Madam Chair, then I would move for approval with a condition that legal approve the final MOU.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Any further discussion?

**The motion to approve the MOU with the Santa Fe Public Schools passed by unanimous [5-0] voice vote.**

- X. B. 3. Request for Approval for Award of Contract to AUI, Inc. to Construct Sewer Lines in Valle Vista \$1,693,858.99 (Growth Management)**

COMMISSIONER SULLIVAN: Madam Chair, I wanted – and this was in



our packets last month and it was withdrawn due to some contract questions or changes, but there's no comment in this month's packet about what those issues were, so my first question is what were those issues and how were they resolved. And then my second question is I would like to get some general idea of how this ties into our sewer study that's going on that the Water Department is currently doing for that entire area, and how the two coordinate or intermingle to be sure that we have a coordinated program for regional sewer in that area. Perhaps Dr. Wust could address those questions for me.

STEPHEN WUST (Water Resources Director): Madam Chair, Commissioner Sullivan, I'll address the second question first because the first question, staff worked on that and I'll let them go to the specifics. The feasibility study for the new Valle Vista wastewater treatment plant is currently ongoing. We received a draft a couple weeks ago of the first deliverable, which is current conditions and predictions of future customer base. Staff has commented on that document and it will be finalized in the next week or two. What we adjusted in the approach over the last month or so, we're trying to concentrate more on feasibility of different technologies and what we could do with the effluent, treat it with those different technologies, because actually the customer base is still in flux even as recently as our conversation with the state and the state pen wastewater treatment plant, it means there's some uncertainty with exactly how big the thing will be, or how many customers were going to have, but that all can be accommodated. We're really trying to concentrate more on seeing the feasibility of the different technologies and the different effluent qualities and what we can do with those things.

We've also asked to look at staffing levels for the various treatment types of technologies. But that's in the middle of it right now. The contract for that goes through, I believe September 21<sup>st</sup> and so we will have the final product by then. We've actually talked to them and tried to get the final deliverable in August. That way we'd have some time to comment on it and get a final final product by the time the contract runs out. So that's the status of that right now. We are actually looking at Valle Vista to be the County regional wastewater treatment facility for that whole area, including the existing customers on Valle Vista, customers that have expressed an interest in hooking up to a new plant when we get it on line. The current one can't handle any more, so it's pretty much at it's limit, both in terms of quantity and quality. And also looking at potential customers such as the state pen, depending on how those things go, possibly the jail, depending on how the state pen goes. Things like that.

So some of those are in flux and are uncertain at this time but we're using the feasibility study to be able to address those variabilities as we go along. The key will really be after the feasibility study when we put out the RFP for the engineering design of the plant, when we'll be picking a technology and picking a size and things like that. I'll add in that between those two times, we're going to do some public meetings so we can inform the public, the folks who live there and who may be affected by, for example, discharges, and any potential customers, what we looked at in our feasibility study and the options we have available.

So we're going to do presentations to the Commission and also have public meetings involved with that too. Now, for your first question –

COMMISSIONER SULLIVAN: Before you move on, Dr. Wust, Madam Chair, will that study look at service areas? Because there's a lot of areas along Route 14, some of which are proposing to continue to use septic tanks. Will this study look at if they can be served by this plant?

DR. WUST: Madam Chair, Commissioner Sullivan, it is looking at those things, and they've worked with staff, so we've been able to describe not only subdivisions and planned subdivisions, but areas – places like septic tanks, so we'll be able to see what reasonable service areas are. One of the things they're looking at in the feasibility study is in some of those areas, it's actually more feasible to hook up to another existing wastewater treatment plant, such as the state pen, but they're looking at those things in terms of the feasibility to Valle Vista also.

COMMISSIONER SULLIVAN: And then again, in terms of coordinating it with our sewer work in Valle Vista, I'm concerned that we get at least a regional layout or a spinal system of interceptor lines planned, so that as these developments come forward they know, just as we do with roads, that we want a collector road here, we want an inceptor sewer there, and that those developments participate financially in their share of the interceptors. I'd like to see that. Is that a part of the study?

DR. WUST: Madam Chair, Commissioner Sullivan, that's not part of this sewer line project, but as each of these developments discuss with Utilities about the potential for hooking up to Valle Vista in the future, the near future or the farther future, they work with Doug Sayre, our utilities engineer and he's very clear with them, to do that you have to have a line here, etc., etc. And we usually take the approach that they're going to have to build it if they want to hook up to us, and that includes any kind of main lines. But at the same time, we are looking at – and it will be part of the feasibility study. I don't know if they're going to do it, but we certainly are looking at it, that if we're looking to hook in all these customers from these various places, what does that mean about main lines and things like that, and our engineering staff is keeping an eye on that.

COMMISSIONER SULLIVAN: See, I think that's a policy that we may need to rethink, particularly in this fast growing area. Because I don't think any one developer is going to financially either be able to connect, to build a system and the time that's involved in the planning and going through the easement, acquisition, and then environmental approvals and so forth. What we get is here's some septic tanks and when you're within 200 feet we'll connect in. Well, of course they're not even there by the time we're within 200 feet. They're gone and the lot owners now have a house there and they have no financial ability to do those connections.

So I am thinking that we have to have, when we're talking about a regional sewer system, is we need to have a plan that shows where our trunk sewers are going, where our lift stations are going to be, and then we need to go front-end and purchase the easements and build key components of the system, at our expense initially. We then have the

backbone in place and we go to, when a development comes in, we say, your share of this backbone is X. And we can deliver service to you within so many days or so many months, once you pay that fee. I think we're never going to make much progress on regional wastewater just by waiting for the developers to come forward and say, okay, now build a line from here to our new treatment plant, because there's no coordination with the other developers.

I think we're going to have to be the banker until we collect from each of the developers along the way, and I think the Valle Vista idea will work, but it won't work if we're relying on just any one developer to do that. We've got to lay out where we want the lines, how big they should be, what easements there are, and if we have to go through environmental approvals to get those easements. If we have to purchase those easements, we have a better chance of purchasing them as County we have eminent domain ability, than a private developer does. They just come to us and say, hey, Mr. So-and-so wouldn't sell me an easement. There's nothing I can do. And they're right, because they don't have eminent domain.

So I would like to see this study include that. If that's necessary to amend it, I think that we should talk about that and bring it forward to the Commission, because I think that's the way we're going to commit and use this water and recycle this water usefully, rather than the proposals we've had to date. That's my feeling. I appreciate your update on it.

CHAIR VIGIL: Any further questions?

COMMISSIONER SULLIVAN: He's going to answer a question.

DR. WUST: Madam Chair, I can address the first one. This AUI contract was originally tabled at the request of the County Manager because legal had some edits that they wanted to do to the contract. The main one that I'll just simplify because the details were worked out by our engineering staff and legal and procurement, was the withdrawal of a couple of the appendices in the original contract, specifically general conditions and additional conditions. It's more of an engineering contract thing, so I'll let our engineers address that. But legal had some edits they wanted to do to the contract and that's why it was tabled. And so what you have in your packet is the final version. The reason my memo didn't have details of the changes that were made was because the day the packet was due, staff were still finalizing the final contract. It got in, basically at the deadline, along with the cover memo. So I made my cover memo ready to go.

But staff are here, Doug Sayre and Dorothy Martinez, our engineering staff, Carolyn Glick from legal and Richard Martinez from procurement, and they can address the specifics of any particular phrases or language and the changes that were made.

COMMISSIONER SULLIVAN: Madam Chair, we don't need to go into all the details. There's no contract in our packet. There was a contract in our packet last month, which I looked at.

DR. WUST: Madam Chair, I believe we put the contract in the packet for this time.

COMMISSIONER MONTOYA: No, it wasn't.

MR. ABEYTA: Madam Chair, Commissioner Sullivan, my direction to staff was to provide the contract in the packet but not – in the sleeve of the packet, and they told me they did that, so I apologize if you didn't have that but that should have been delivered to you with the packet.

COMMISSIONER MONTOYA: I just got it today for the first time.

MR. ABEYTA: You should have gotten in when you got the packet. I apologize for that. That was something we didn't do in the Manager's office that we should have.

COMMISSIONER SULLIVAN: Okay. This just appeared today. A little light reading.

MR. ABEYTA: No, you should have gotten it with the packet. I'll see what happened.

DR. WUST: I'm sorry, Madam Chair. Our staff turned it in on packet due day. I'm not sure what happened either.

COMMISSIONER SULLIVAN: Well, we don't have it. We don't want to hold up the contract, obviously, so if somebody can succinctly tell us what's gotten dropped out here and what's going on.

MR. ROSS: Madam Chair, Commissioner Sullivan, if you take a look at page 5 of your light reading, you'll see a new paragraph 17 called contract documents. What happened was that the IFB went out with a large packet of engineering boilerplate that's normally used when you have an outside engineer engineering the project. We have an in-house engineer engineering this project and we also sent out a form contract for an inside engineer as opposed to an outside engineer and the two documents conflicted. So in the new paragraph 17, contract documents, we made it clear that, first of all, what documents constitute the contract, and second of all what documents do not constitute the contract, and identified specifically those items that were in the bid documents that shouldn't have been in there. So those are clearly not part of the contract. That's I think the only change from the version you looked at earlier.

COMMISSIONER SULLIVAN: Okay. So there's no problem – apparently there were items in the bid document that the contractor had as a part of their bid documents that we are now taking out.

MR. ROSS: That's correct.

COMMISSIONER SULLIVAN: And there's no problem with the contractor or the bidder in doing that?

MR. ROSS: My recommendation to Purchasing is to wait 15 days before proceeding further on this, to give other bidders an opportunity to protest these changes, because these are fairly major changes.

COMMISSIONER SULLIVAN: They're major but they're removing some basically boilerplate provisions, right?

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: Basically to say that it's an in-house design and construction observation versus a contracted engineer situation.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Anything further? What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Madam Chair, I would move for approval for the award of contract to AUI, Incorporated.

COMMISSIONER CAMPOS: Second.

**The motion to approve the contract with AUI, Inc. passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]**

**X. B. 4. Request Approval of Amended Lease Agreement Between Santa Fe County and the Vista Grande Library (Community Services)**

CHAIR VIGIL: Commissioner Montoya requested that we look at item X.

B. 4.

COMMISSIONER CAMPOS: He'll be right back.

COMMISSIONER SULLIVAN: Madam Chair, I think the reason he requested it was the same reason for item B. 1 and that was that there's no documents in the packet. This item refers to a lease agreement between Santa Fe County and the Vista Grande Library, but there's no lease in the packet.

MR. ABEYTA: And Madam Chair, it's the same situation. The only reason why I permitted this to be on the agenda was because we risk losing the funding. Otherwise I wouldn't have put it on there, but I didn't want Vista Grande to lose the funding by the 15<sup>th</sup>. We need to do a better job in Community Services when it comes to monitoring these legislative appropriations and when they expire. We were barely finalizing the legal documents today also, but again, we ran into a deadline that we weren't prepared for and rather than lose the funding, I authorized it to be added to the packet at the last minute.

CHAIR VIGIL: Commissioner Montoya, we were just hearing the item that you requested be removed from the Consent Calendar, item 4, and our County Manager explained that it was for the same reason that item 1 did not have the agreement in there, and that it was time-sensitive. Did you have any particular questions on it?

COMMISSIONER MONTOYA: I guess, again, just in terms of not getting the document and not reviewing it, what are the modifications in the lease?

MR. GUTIERREZ: Madam Chair, Commissioner Montoya, the reason for the amendment is that DFA is asking us to amend all our lease agreements where we lease to non-profits. And again, this is to collect on a grant that will expire here in a few weeks. we currently lease the Vista Grande Library at a dollar a year to the non-profit group, and

that's no longer acceptable to DFA for terms. What we do is we have Nancy Long who is on contract with the legal office and she has drafted several of these agreements now. The current agreement reads basically that we will lease the Eldorado Library. The fair market value of the rent on an annual basis is about \$64,000, and what they will do as a non-profit, they will provide a statement that shows the services that they provide the community that are equal to that number or exceed that number, and it's going to be a very similar situation in a lot of leases that we bring to you in the future when we're working with non-profits and they occupy public facilities. We couldn't collect on the grant because they were making us abide by the new terms that DFA is regulating now.

COMMISSIONER MONTOYA: So okay. A couple of questions now. So we have – how much is the grant that we're talking about?

MR. GUTIERREZ: It's a legislative appropriation of capital outlay. It's \$50,000, and that was to construct the Vista Grande Library which has already taken place. So we're actually seeking reimbursement for that.

COMMISSIONER MONTOYA: Okay. So we're reimbursing ourselves to some extent, what we spent out of the general fund or wherever.

MR. GUTIERREZ: Right. But they will no longer abide by the terms of the new lease. They want a new lease in place.

COMMISSIONER MONTOYA: Okay. Now you're saying that DFA with any leases that they have with non-profits, that we obtain full market value in terms of reimbursement.

MR. GUTIERREZ: Madam Chair, Commissioner Montoya, what we have to determine is when we have a non-profit occupying the building and basically running a public facility or a County facility, we need to determine what the fair market value of the rent would be for that building. For instance, Women's Health, this case, Esperanza. What the non-profit has to determine is a way to determine the service they provide and what the value of that service is. As long as the value of that service is equal to or exceeds that fair market value of the rent, then there is no subsidy to the County. If it falls short, they have to provide actual dollars to the County for the part that they fall short on. So far we don't have an agreement that falls short but that's also a possibility.

COMMISSIONER MONTOYA: Okay. And as far as legal staff, Nancy Long is the one that's worked on it for us.

MR. GUTIERREZ: Nancy Long, Commissioner, has worked on it and she's worked on a few others. We just received this I believe yesterday. And again, it was time-sensitive to get the \$50,000 back.

COMMISSIONER MONTOYA: Madam Chair, move for approval.

CHAIR VIGIL: Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Any further discussion?

**The motion to approve the amended lease agreement with Vista Grande**

**Library passed by unanimous [5-0] voice vote.**

**XI. STAFF AND ELECTED OFFICIALS' ITEMS**

**A. Matters from the County Manager**

**1. Request Approval of a Grant of Easement between the City of Santa Fe and the County of Santa Fe**

MR. ABEYTA: Thank you, Madam Chair. The City of Santa Fe is going to launch now in July a government channel. They received – they have access to a channel per their franchise agreement with Comcast Cable and when they were getting ready to extend the fiber optic lines to the City for the channel, they discovered that the nearest line or location of a line is at the southwest corner of our property up the street, the District Courthouse. So they have requested that we grant them an easement across the southern boundary of that property that is literally six inches wide and 36 inches deep, just so they could bury a fiber optic line.

In exchange they have offered us, for the easement, they have offered us access to the channel so our BCC meetings on Tuesdays will now, could now be on their government channel, which is a digital channel. So the quality would be much higher quality than what we currently get on the public access channel. They have also agreed to negotiate with us through a separate MOU additional programming that we may want to use the channel for, such as the County Clerk's show that she produces twice a month, press conferences we may want to have, and other programming we may want to do on that channel. They have offered this free of charge in exchange for the easement. The easement document is literally one page. Legal has reviewed it, and I believe it's scheduled for their Council approval tomorrow evening.

COMMISSIONER MONTROYA: Madam Chair.

CHAIR VIGIL: Comments.

COMMISSIONER MONTROYA: So digital, that means that Commissioner Campos would look even better on TV?

MR. ABEYTA: Ideally, if we get the right cameras we could have in it high definition. So yes.

CHAIR VIGIL: We need airbrushing, makeup artists, all kinds of stuff. Digital won't do it. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Roman, would that expand our viewers? Do we expand our viewers?

MR. ABEYTA: It may. It will still be under the same Comcast, so it would be the same cable. You'd have to have Comcast cable, but really the main difference it going to be the quality of picture, because the Community College is still analog; this is going to be digital. So the sound and the visual is going to be much better than what we currently have.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: When it says the south end of the property, does that mean right at the property boundary line? What I'm getting at is in the future we're going to be doing other improvements to the old district court building once we've built the new district court. So does this preclude us from building over this line, for example?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, it would only preclude us if we were to go to zero lot line, which is very unlikely, because it is going to be right up against the south boundary line. I believe there's already a telephone line in that location. So it's out of our way. It's not going through the middle of our property or anything. It's going to be right along the southern boundary.

CHAIR VIGIL: Further questions? Comments? I have a couple. I think this is a good exchange with the City. This is a good way or working cooperatively with them, and I'm glad we will be a part of their government channel. I do not believe that it will extend the viewer audience. I think that actually needs to happen through Comcast. So I assume Comcast will remain the provider and I have a couple of issues with that, and this is aside from what we're going to take action on, and that is we do have a franchise agreement with them that is for an enormous amount of time, but I think we shortchanged the County with.

We actually probably need to relook at that franchise agreement and I think there are some fees that the County needs to look at that we're entitled to, and I think we need to continue communications with Comcast to extend service to more County residents. This is aside from, as I said, what we're taking action on tonight. But I really want that to be on our radar screen. I know we took action - I don't know. Steve Ross may remember, for either a 25 or a 30-year franchise agreement. It was a lengthy one. And I'm not sure that we really looked at it comprehensively. Teresa, do you recall that? Okay. I'd like us to look into that. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, as far as Comcast, how much coverage do they have outside of the city limits?

MR. ABEYTA: Madam Chair, Commissioner Campos, we don't have an updated map but we could track that down. I couldn't say with certainty how far out they go.

COMMISSIONER CAMPOS: Right now, any BCC meeting that's broadcast, does it stay mostly in the city?

MR. ABEYTA: It's mostly in the city because right now we're limited to the Comcast service area. So it's however far out they go.

COMMISSIONER CAMPOS: We're on Comcast now.

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: And we'll continue to be on Comcast.

MR. ABEYTA: Yes. We'll be on a different channel though. It won't be 16. I believe it's going to be like 23 or something like that.



COMMISSIONER CAMPOS: Okay.

CHAIR VIGIL: Do we know through your discussions with them that the additional MOA for other kinds of televised services, is that going to cost us anything? Because I think currently, our arrangement with the Community College is a public access channel and I don't think they charged us. Will they charge us?

MR. ABEYTA: Madam Chair, for sure they have committed thus far to the BCC meetings, the County Clerk's program – the existing programs we have and any press releases we want to do. So what we would have to do if we expand and do our own programming, we'd probably have to negotiate with them. I don't know if they would charge us though. That's something that we will have to –

CHAIR VIGIL: What about the RPA and the EZA?

MR. ABEYTA: Since those are joint City-County boards, we've discussed that. It's unlikely they'd charge us at all.

CHAIR VIGIL: Are those going to be viewed?

MR. ABEYTA: Yes. Those will be part of the government channel also.

CHAIR VIGIL: Okay. I have nothing further.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER CAMPOS: Second.

**The motion to grant the easement to the City of Santa Fe passed by unanimous [5-0] voice vote.**

**XI. A. 2. Update on Various Issues**

MR. ABEYTA: Madam Chair, the only thing I have is I would like to inform the Board that Denise Sanchez with our office has accepted a position in Growth Management as an administrator. While we're losing a really good staff member in our office, this is a promotion for her and so I understand why she's taken the position. So we're going to be handing those duties off to Tina Salazar and then we're going to have to replace – we'll have to look for a receptionist for the front desk. So we'll be advertising that. I just want to say thank you to Denise for all of the hard work she did. Public Works is going to be benefiting tremendously by having her and again, just thank her and wish her luck in her new position. She'll start July 1<sup>st</sup> with Growth Management and working directly for James Lujan.

COMMISSIONER CAMPOS: Mr. Abeyta, you said Growth Management, or Public Works?

MR. ABEYTA: Growth Management, but she'll be in the Public Works Division.

COMMISSIONER CAMPOS: Oh, the Public Works Division. Okay.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I'm sorry, Roman. Who is she?

MR. ABEYTA: Denise, in our office, will be working with James Lujan now. So Tina will take over those duties and we'll have to find a replacement for Tina at the front desk. So we'll be advertising that soon. That's all I have, Madam Chair.

CHAIR VIGIL: Would you please express to Denise our gratitude for all the work that she provided for the County Manager and the County Commissioners. I found her an exemplary employee, task-oriented and effective, and work product oriented. Tell her we appreciate that and wish her well.

MR. ABEYTA: Thank you.

CHAIR VIGIL: Anything further?

MR. ABEYTA: That's all I have, Madam Chair.

**XI. B. Matters from the County Attorney**

**1. Executive Session**

- a. Discussion of Pending or Threatened Litigation**
- c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

MR. ROSS: Madam Chair, we need to go into closed executive session to discuss pending or threatened litigation and the purchase, acquisition or disposal of water rights.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER MONTOYA: Second.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 & 8) passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Montoya, Sullivan and Vigil all voting in the affirmative.**

CHAIR VIGIL: How long will it take us, Steve?

MR. ROSS: Madam Chair, I think we could be done in an hour.

CHAIR VIGIL: Okay. It is not 4:30, so between 5:30 and 6:00.

[The Commission recessed from 4:30 to 6:15.]

CHAIR VIGIL: We need a motion.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: I move that we come out of executive session where we I think only discussed purchase, acquisition or disposal of real property or water rights.

CHAIR VIGIL: Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to come out of executive session passed by unanimous [5-0] voice vote.**

## **XII. Public Hearings**

### **A. Growth Management**

- 1. EZ Case # DL 07-4120 Rudy Fernandez Land Division. Rudy Fernandez, Applicant, Request Plat Approval to Divide 4.96 acres More or Less Into Two Lots. The Lot is Located in Block 4 and will be Known as Block 4, Lot 2-A, (2.48 acres More or Less) And Block 4, Lot 2-B, (2.48 acres More or Less). The Property is Located in the Piñon Hills/ Alameda Ranchettes Subdivision at 27 Calle Francisca, Which is Accessed off of Sloman Lane (Santa Fe County Road 70), Within Section 25, Township 17 North, Range 8 East, Santa Fe County (5-Mile EZ, District 2). Vicente Archuleta, Case Planner**

VICENTE ARCHULETA (Review Specialist): Thank you, Madam Chair. On April 12, 2007, the EZC met and recommended approval of this case subject to staff conditions. The applicant is requesting plat approval to divide 4.96 acres into two lots. The subject property is currently vacant. The property is located at 27 Calle Francisca within the Basin Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 10 acres. Lot size may be reduced to 2.5 acres with water restrictions.

The property is located within a subdivision that was approved by the BCC in 1964. This subdivision is legal non-conforming, as it does not meet current subdivision standards for fire protection, roads, water and liquid waste.

The following lot sizes are proposed: Lot 2-A, 2.48 acres, more or less, Lot 2-B, 2.48 acres, more or less. The application was reviewed for the following: access, water supply, liquid waste, solid waste, fire protection, terrain management, archeological review, environmental review.

Recommendation: All existing infrastructure such as fire protection and roads within Piñon Hills/Alameda Ranchettes have been constructed in accordance with the subdivision standards that were in place in 1964 at the time of approval. Infrastructure requirements in 1964 were not as comprehensive as today's standards. Thus the Piñon Hills/Alameda Ranchettes Subdivision is legal non-conforming. Access to the property crosses over a 100-year flood zone that does not have an all-weather crossing. Staff does not support increasing density in areas that do not have adequate access for emergency vehicles. Therefore, staff recommends denial. If this request is approved, staff recommends the following conditions be imposed:

[The conditions are as follows:]

1. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25 acre-feet per year per lot. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31<sup>st</sup> of each year.
2. A shared well agreement shall be approved by the County and executed prior to plat recordation. The plat shall indicate shared well easements.
3. On-site road shall be in compliance with minimum road standards prior to recording plat or submit a financial surety. Access roads shall have a minimum 50-foot road easement.
4. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts.
5. The applicant shall submit access permit as approved by Public Works Department.
6. ESR requires a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$43 per lot.
7. The applicant must obtain approval from the NMED for the proposed liquid waste disposal plan.
8. Submit a school impact report per County Code prior to plat recordation.
9. Submit a disclosure statement as per County Code.
10. Fire Department Affidavit shall be signed and recorded with the plat.
11. A retention pond in accordance with the Santa Fe County Regulations will be required for both lots.
12. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIR VIGIL: Are there any questions of staff?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Vicente, so the main thing in terms of staff recommendation is access for emergency vehicles?

MR. ARCHULETA: Madam Chair, Commissioner Montoya, that's correct. At this point the subdivision - Piñon Hills has an access. It's a paved access but it's not an all-weather crossing at this point.

COMMISSIONER MONTOYA: It's dirt?

MR. ARCHULETA: Madam Chair, Commissioner Montoya, it's paved.

COMMISSIONER MONTOYA: Oh, it's paved. Then in terms of the other fire protection, what other types of fire protection are there in this area?

MR. ARCHULETA: Madam Chair, Commissioner Montoya, there is none. The Agua Fria Volunteer Fire Department is approximately two miles away from the location.

COMMISSIONER MONTOYA: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Montoya. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Vicente, does the applicant agree with all the conditions?

MR. ARCHULETA: Madam Chair, Commissioner Anaya, I believe he does.

CHAIR VIGIL: Okay, we'll get that on the record when he comes forward. Any other questions from the Commissioners for staff? Is the applicant or his agent here? Mr. Fernandez, welcome, Commissioner Fernandez.

[Previously sworn, Rudy Fernandez testified as follows:]

RUDY FERNANDEZ: My name is Rudy Fernandez and my son, Ronnie Fernandez.

CHAIR VIGIL: Mr. Fernandez, you do agree with all the conditions that have been identified for you?

MR. FERNANDEZ: Yes, I agree with them.

CHAIR VIGIL: Please proceed with your request.

MR. FERNANDEZ: Madam Chair, Commissioners, my son and I bought this property out in Piñon Hills with the homes of subdividing it so we could build our homes out there and that's what we're hoping to do, bottom line. Any questions?

CHAIR VIGIL: Are there any questions of Mr. Fernandez?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner, staff has raised an objection to the split because of conditions in that area, inadequate infrastructure, inadequate crossings, within a 100-year floodplain. How do you respond or address those issues?

MR. FERNANDEZ: Well, Commissioner, I know that the road that they're talking about, that road has been serving that subdivision since 1964, I believe and there's never really been a major problem with it. I know that the new conditions that are required nowadays, that it doesn't meet those particular standards. However, I know there's been other lots that have been approved for subdividing back in Piñon Hills just recently.

COMMISSIONER CAMPOS: There's been a number and they've always been over the objection of staff. Staff has raised this issue for years, that this subdivision cannot take all these additional lots. It just doesn't have the infrastructure. It doesn't work right because of the flood crossing and access issue for emergency vehicles, etc. I'm just curious if you were concerned about those of if you wanted to address them.

MR. FERNANDEZ: I'm a little hard of hearing. I didn't quite understand what your question was.

COMMISSIONER CAMPOS: Staff has over the years objected to allowing

subdivisions in this area because it has inadequate infrastructure for emergency vehicles, access issues. In fact the main entrance is through a 100-year floodplain which raises issues of safety. And I was wondering if you wanted to address those issues that were raised by staff, which I think are legitimate concerns, not only by staff, but by people who live there. And as this subdivision continues to be divided, the traffic issues are just being exacerbated. The lack of infrastructure is just being made worse. There's really no fire protection out there for example. So I was just curious about your comments as a former County Commissioner and as an applicant.

MR. FERNANDEZ: I understand the question, but again, I understand exactly the situation and the direction. In order to be able to make that crossing a viable crossing it would take I don't know how much money, because the area is flat all the way across. I don't know what it would take to create a viable crossing. I think it would just be beyond the reach of the people that live in that area or anyone trying to subdivide any of their property to make that crossing a viable crossing.

COMMISSIONER CAMPOS: Question for Mr. Archuleta. Is there anything in the future that seems that it would ameliorate or resolve some of these issues as far as crossings and infrastructure and safety. These are all very – I guess staff has raised these for years if I remember correctly.

MR. ARCHULETA: Madam Chair, Commissioner Campos, at this point they're proposing to do Hager Road, which is Los Sueños Trail north and south connector, and one of the roads off of Sloman, which is Penny Lane will be connecting to Hager Road or Los Sueños Trail. That's going to be considered a secondary access for the Piñon Hills Subdivision. At that point it will bring it more into compliance as far as emergency access goes. Some of those subdivisions there that they're creating in that area will have storage tanks for fire protection. So actually when these subdivisions come for zoning they will be bringing this area into some sort of compliance as far as fire protection, roads and emergency access.

COMMISSIONER CAMPOS: When do you think this road access will occur and when do you think some of these tanks will be constructed?

MR. ARCHULETA: Madam Chair, Commissioner Campos, I believe one 30,000-gallon tank has already been installed. The Hager Road proposal is probably coming in within the next – we have an application for another subdivision which will be doing the Hager Road, which will probably be done within I would say the next 12 months.

COMMISSIONER CAMPOS: And once that Hager Road is constructed, would staff still have the same objections that you're raising today about the Piñon, about further subdividing within the Piñon Hills Subdivision?

MR. ARCHULETA: Madam Chair, Commissioner Campos, I don't believe so. I think that will bring up the Piñon Hills into more of a compliance which will give them emergency access and once, I believe, Suerte del Sur comes in, that's going to bring it more into compliance.

COMMISSIONER CAMPOS: What will Suerte del Sur do to make this more in compliance?

MR. ARCHULETA: I believe that they're going to have an additional access point from Piñon Hills into Suerte, which is going to be an emergency access.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Archuleta. Thank you, Madam Chair.

CHAIR VIGIL: Further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I guess this is for the applicant and for the staff. We have in our packets County conditions and also City conditions that were brought forward in the EZ, the Extraterritorial Zoning Commission. So are you in agreement with those conditions?

MR. FERNANDEZ: Yes, I am.

COMMISSIONER SULLIVAN: With the City and the County conditions?

MR. FERNANDEZ: Yes.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIR VIGIL: Any further questions? Mr. Fernandez, would your son like to address the Commission? Did you want to make any statement, younger Mr. Fernandez?

[Previously sworn, Ronnie Fernandez testified as follows:]

RONNIE FERNANDEZ: Madam Chair, I believe my father has addressed everything and I don't have anything for the Commissioners. Thank you.

CHAIR VIGIL: Thank you very much. This is a public hearing. Is there anyone out there that would like to address the Commission, either in favor or in opposition to this request? Seeing, hearing none, the public hearing is closed.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval with City and County conditions.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion and second. Is there any further discussion?

COMMISSIONER CAMPOS: Is that with all conditions?

CHAIR VIGIL: With all conditions.

**The motion to approve EZ Case #DL 07-4120 with all conditions passed by unanimous [5-0] voice vote.**

**XII. A. 2. EZ Case # S 03-4383 Valle Serena Reconsideration of Condition. Valle Serena Subdivision (Zena Boylan), Applicant, Siebert and Associates (James Siebert), Agent, Request Consideration of a Condition Imposed by the BCC to Connect to a Community Sewer System. The Property is Located Approximately One Mile East of NM 14, on Vista del Monte, Within Section 25, Township 16 North, Range 8 East and Section 30, Township 16 North, Range 8 East, NMPM, Santa Fe County (5-Mile EZ, District 5)**

MR. ARCHULETA: Thank you, Madam Chair. On February 13, 2007 the Board of County Commissioners met and approved the final subdivision plat and development plan for Phase 2 of the Valle Serena Subdivision with staff conditions, plus an additional condition imposed by the BCC to connect to either the Rancho Viejo community sewer system or the private Turquoise Trail Subdivision, formerly Thornburg sewer system.

The applicant requests reconsideration of the condition imposed by the BCC to require the connection to community sewer service. The applicant states, in my initial discussions with Rancho Viejo it was possible from an engineering standpoint to connect to the Rancho Viejo sewer system. I have since been informed by Isaac Pino that such a connection could only be approved in conjunction with a rate hearing before the Public Regulation Commission requesting an extension of the current Rancho Viejo sewer service area.

The Valle Serena Subdivision is not contiguous with the Rancho Viejo boundary and additional properties would have to be included in the request for a modification to the Rancho Viejo sewer service area. While Rancho Viejo does not have a problem providing sewer service to Valle Serena with a maximum of 14 lots, Rancho Viejo is not willing to commit to sewer service for the other vacant properties that would have to be included in the extension of sewer service request to the PRC. The addition to the Rancho Viejo sewer treatment plant was designed to principally accommodate the future growth of Rancho Viejo. Connection to the Rancho Viejo sewer system is not feasible given the expansion of the service area through the PRC and the concerns that Rancho Viejo would have regarding the obligations that would be inherent in an expanded service area.

Connection to the Turquoise Trail (Thornburg) sewer system would require the approval of the City Council in addition to approval from Thornburg Enterprises, LLC. There was a concern regarding the deferral of the wastewater cost to the buyer of the lot. The applicant will agree to bond for the cost of the individual wastewater systems and will be responsible for the installation of the systems and a maintenance contract will be required between the buyer of the lot and the installer of the advanced wastewater system to guarantee the proper maintenance of the systems.

Recommendation: The applicant requests the reconsideration of the condition to connect to the Rancho Viejo or Turquoise Trail sewer systems and instead has proposed an



interim solution and proposed to ultimately connect to County sewer. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Mr. Archuleta. Any questions for Mr. Archuleta? Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, you said he's agreed to connect to the County sewer?

CHAIR VIGIL: Future connection.

COMMISSIONER MONTOYA: Oh, future connection.

MR. ARCHULETA: Madam Chair, Commissioner Montoya, that's correct. It's the future.

COMMISSIONER MONTOYA: Oh, okay.

CHAIR VIGIL: Any other questions for staff? Mr. Siebert, are you here on behalf of the applicant?

JIM SIEBERT: Yes, I am.

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name is Jim Siebert. My address is 915 Mercer, Santa Fe. Commissioners, the direction that we received when got approval for Valle Serena was to connect either to the Rancho Viejo wastewater system or the Turquoise Trail wastewater system, and it's become apparent to us that connections to both of those systems are problematic and only recently have we found out that there is a very distinct possibility of connecting to the County sewer system.

In discussions we've had with the County Water Resources Department would be that - and this is what we're offering to you tonight so we can get some policy direction on this is that we would like to put in individual conventional septic tanks. We would also install within the subdivision a gravity flow sewer system which at some point in time would connect into the County sewer system. There's been some investigation and it appears that gravity flow can actually be accomplished, at least all the way down to State Road 14.

I think beside the issue of being a bit problematic, tying into two existing community sewer systems, it seems like if we have County water it's only reasonable that that effluent should also go back to the County as well. So what we're seeking from you is direction I think on two points. One, we would like to offer to connect to the County sewer system and we would continue to work out the details of that with the County Resources Department. And in the interim, and it could be a year or two or three years would be the interim, that as people came in they would put in conventional wastewater systems, conventional septic systems, and then part of all the documents we would have there would be disclosure that as such time as the County sewer system is there, they would have to - and I don't know how we'd do that from a plumbing standpoint, whether it would be a valve or you'd just simply cut off one end of the line and then connect into the County sewer system.

So we would like you to consider that tonight, provide us some direction and then,

if that's an acceptable proposal we will work out the details with the County Resources Department.

CHAIR VIGIL: Okay. Thank you, Mr. Siebert. Questions for the agent? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Jim, so what you're saying is you'd want approval to put in regular septic systems and then when the wastewater treatment plant that the County owns can accept more then you'd transfer it over.

MR. SIEBERT: Well, we would even go beyond that. We would have two systems in the subdivision. We would have the conventional septic systems and in addition we'd actually have a conventional, gravity-flow wastewater system that would eventually connect into the County system. So when the County system got there it would be a matter of turning the valve to connect into it.

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

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. So Jim, what you're saying is the recommendation or the request that we have in front of you is null and void.

MR. SIEBERT: Yes. It's only approximately a few days ago that I learned that the County sewer system was a viable option. Up until that point I thought that the only option we had if we couldn't tie into the two existing community sewer systems was to do an advanced onsite system. It seems to me that if we tie into the County system it's really more in line with the original decision by the County Commission.

COMMISSIONER MONTOYA: Madam Chair, Jim, how far are you from a County hookup?

MR. SIEBERT: Well, at this time, the current line is down at State Road 14 and that would be - oh, I'm guessing it's probably a half mile away.

COMMISSIONER MONTOYA: Who'd you talk to from staff?

MR. SIEBERT: I've been talking to Doug Sayre on this. One of the reasons this came up in fact was John Brown called me, who is one of the owners of the Blue Sky Recreational Vehicle Park and they said, Look, I'd just as soon you not do this because I want to get off our current community wastewater system and connect to the County, and I'd like to do this in conjunction with you. So it was really John Brown that brought it to my attention that it was a feasible option.

COMMISSIONER MONTOYA: Madam Chair, quickly for staff or Doug - Doug, what would be an estimated time frame that we would be able to run a half-mile of line to this particular subdivision's request?

DOUG SAYRE (Engineering Division, Water Resources Department): Thank you, Madam Chair, Commissioner Montoya. The time frame on the feasibility study is to get it completed by September of this year. Then we would present it to the Commission and say these are the options and this is what we see we can go forward with.

At that point I'd say probably towards the end of the year, we could look at getting into design of a wastewater treatment plant adequate to handle the wastewater from this whole area, which is under consideration, which includes the Valle Serena, the RV park, as well as Sonterra and some other entities, such as San Cristobal and even Las Soleras is a consideration here.

So if we could look at that, I guess we're saying we'd like to see a plant operational probably by sometime in 2009. The system – if it's feasible that we could build an interceptor system, which we think it is, up to this area, and there would be participation by the various developers, then probably sometime in 2009 we think that this could be accomplished. That's my estimate.

COMMISSIONER MONTOYA: So about two years down the road.

MR. SAYRE: Two and a half years, yes sir.

COMMISSIONER MONTOYA: So if we get the feasibility study – were we talking September of this year or 08?

MR. SAYRE: Madam Chair, Commissioner Montoya, September of this year.

COMMISSIONER MONTOYA: So then what's happening between that time and 2009 that we wouldn't be able to do this a little bit sooner?

MR. SAYRE: I guess, Madam Chair, Commissioner Montoya, we're willing to push it as fast as we can. I think like any project we figure, okay, the decision is made that this is probably the most feasible way to go, we need to make sure that environmentally, we've met all the requirements and we would put a contract out for design, and then as soon as that was completed we would try to get into construction.

COMMISSIONER MONTOYA: Of a treatment facility.

MR. SAYRE: A treatment facility and interceptor lines, as well as probably lift stations to serve some of these entities that we're talking about. And they would pump their wastewater over. So probably Commissioner Sullivan could look at what's a feasible time schedule on this but I think we would try to push this as fast as possible. We have a discharge permit presently at the Valle Vista plant that I believe is up in 2008, so we'd want to expand that to include what we think is a reasonable time frame for what is a plant of I guess proportioned size to what we think will connect in there in the next ten year and then go from there. Because a lot of this development we're not sure how and what stage it's going to come on line, and I think that's one of the big considerations that we're having.

COMMISSIONER MONTOYA: And then what would be the estimated cost of that half-mile?

MR. SAYRE: I'd like to defer that question until probably into September so we could give you more facts, or I could try to advise you at the next meeting. We're going to get those details for you, but I don't like to estimate at this point, just off the top of my head. The costs for materials plus labor have taken a big increase and I don't have any – I do have something that we could try to estimate from but I don't have those

readily here in front of me.

COMMISSIONER MONTOYA: Okay. Thank you, Madam Chair. Question for the applicant again. Jim, are you going to be, between now and this time frame of 2009, moving and building and -

MR. SIEBERT: Commissioner Montoya, they've actually signed a contract to do the improvements and a contractor is on the site now doing the initial grading work for the roads.

COMMISSIONER MONTOYA: And in terms of the cost that Doug alluded to possible cost-sharing, is that a possibility in terms of that half-mile?

MR. SIEBERT: Those are the details that we would work out with the County Water Resources Department.

COMMISSIONER MONTOYA: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I guess starting with Doug, in talking about developer participation my concern would be here that once we have sold the 14 lots - well, let me back up. First of all, we're talking now about septic tanks and when the master plan was approved it was approved with a community sewer system, so the anticipation was all along we'd see a community sewer system. Now, a community sewer system for 14 or 20 lots is marginally effective and you need a supervisor, an operator for it and it's not the kind of things we want to see popping up around the county, these little systems. So we want to do what we can to make this work, but I also don't want to plop a bunch of septic tanks into the ground either.

So in terms of developer participation, once the lots are sold the developer is gone. If we have a sewer out in the street, a gravity sewer that may hook up to the County system, we don't have any real mechanism to pay for connecting people up to that sewer and we don't have any mechanism for getting equitable participation on costs of getting out, whether it's a half-mile or whatever it is we have to get to. I see that as a little bit more than details to be worked out. I see it as a pretty important component to the project. So what's your thinking? How would we go about that?

MR. SAYRE: Madam Chair, Commissioner Sullivan, I guess we could look at individual contracts, similar to what we did for water service in this area, concerning this. I guess that would be one idea. I defer to legal on this about what's the mechanism. We can have them build the infrastructure as he's talked about that he could do, and that he would also consider participation in an interceptor sewer, and that could probably be done by a letter of credit or something like that that obligates him for a certain amount, based on an estimate that we provide in the next few months. Other than that, I'm saying that it has been - our ordinance says that people within 200 feet of a County sewer must connect, but enforcement, I agree with you, is definitely a problem in some cases.

It's one of those things that we have to constantly kind of look into. I think I would pursue consideration with legal about how best to accomplish this because I would defer to their expertise on it.

COMMISSIONER SULLIVAN: Would one alternative be bonding? Suppose we have the developer bond \$500,000 or whatever number was considered to be the appropriate pro rata cost. Some portion of that would be the cost of off-site improvements and some portion of that would be the cost of physically hooking in the property. I just see as a property owner once they move in there they say, oh, my real estate agent told me – bla bla bla, they have a septic tank and here we go with that. My real estate agent didn't tell me, and then, oh boy.

So there needs to be a mechanism in place, a financial mechanism, in addition to our ordinance, which, you're right, is there anyway, to facilitate those connections. So my question I guess is would a bonding mechanism work?

MR. SAYRE: Madam Chair, Commissioner Sullivan, I think that would work well. I think, as I say, a letter of credit, I've always considered somewhat similar to bonding if it obligates him for tying up money for a future consideration. As I say, I would defer to legal, to Land Use, on how we have dealt with this with other developers and also with legal about what kind of mechanism could we put in place, and if that's acceptable to the developer, which I take he's saying it seems to be acceptable at this point. So I still would defer to that, but I think both of these mechanisms are a possibility. Certainly a bond – we do bonding that's in place until they complete certain improvements and that accomplishes what you're talking about.

COMMISSIONER SULLIVAN: Because I think we need some mechanism that continues the commitment beyond the sale of the lots to individual homeowners. And the option – of course the applicant has another option and that is to go back and revise the master plan and say we don't want to do a community sewer system; we want to do septic tanks and that option's available to them. But it seems that they've made a commitment, which makes sense, to have wastewater treatment and so we're looking at the best way to do it. Right now, that's the only way I see.

I think your time period is probably realistic on getting the plant enlarged and getting lines in place, two to two and a half years I think is probably the shortest period that we could deal with, particularly if we're dealing with a new NPDES permit, which has new requirements, will have new requirements and there will be public hearings on that. It may go quickly but that's probably a reasonable time period to plan for. Okay, thanks.

Then I have a question for Mr. Siebert. Thank you, Mr. Sayre. What, Mr. Siebert then would be your comments on those alternatives?

MR. SIEBERT: Well, I think we always anticipated there would have to be some form of financial guarantee to share on the pro rata costs of the off-site improvements. I think that's the kind of details we were saying could be worked out in terms of what the amount would actually be.

COMMISSIONER SULLIVAN: So in conjunction with the proposal that was in our packets, in that proposal you proposed to use individual advanced, or somewhat advanced sewage treatment systems, kind of fancy septic tanks as it were. Is that still your

proposal or is your proposal now to just use conventional septic tanks and wait for the connection to the County sewer?

MR. SIEBERT: No, the proposal is use conventional septic tanks with all the measures put in place that I discussed previously.

COMMISSIONER SULLIVAN: But not the ones shown in our packets?

MR. SIEBERT: No.

COMMISSIONER SULLIVAN: Okay. So you would be trading off the cost of these more expensive, advanced systems with some letter of credit or bonding for off-site and hookup costs.

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: The only other problem I would see then in doing that is we don't know what those costs are. How do we in terms of making an approval, a final development plan approval, how do we quantify that?

MR. SIEBERT: It would seem to me that we know more or less how long the sewer line has to be, the number of manholes in the sewer line, I think we can come up with a reasonable engineering cost estimate, and then there has to be – I think that's the easy part. The more difficult part is how many people are likely to participate in the costs of the wastewater line. We know we have one person that's very desirous of connecting their line and that's the Blue Sky Recreational Park. The other possible participants, I don't know. We'll have to try to pin that down a little.

COMMISSIONER SULLIVAN: And I guess my concern is opening the gates on the development and not having that pinned down. How would you structure the condition for that, this condition in the development plan approval?

MR. SIEBERT: Well, I think the condition would be that permission to use individual septic tanks only until such time that the County sewer system is there, to put in the dry wastewater system within – a gravity-flow system within the development, which would connect in the future, and then pay a reasonable pro-rata share of the off-site sewer system.

COMMISSIONER SULLIVAN: Okay. All of that sounds fine. Then what would be our backup if we couldn't come to an agreement with your client as to what that reasonable share would be?

MR. SIEBERT: Well, why don't we do this? It seems to me that we can come up with an estimate in one month. If you desire, we can do that and come back to the Commission if you feel that's appropriate. What the cost would be for the off-site line – it's not going to be definitive. There's not going to be a detailed plan and profile, but we can come up with a reasonable cost, I think. And then make an estimate of the number of participants and come up with a cost that would be the allocation to the Valle Serena Subdivision.

COMMISSIONER SULLIVAN: You would come back and by that point in time, you would have agreed that that was acceptable to your client.

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: That sounds fairly reasonable to me, Madam Chair. I think we do have an opportunity here to begin to get these small subdivisions off septic systems, including, as Mr. Siebert said, the RV park, which has a small package plant of unknown effluent capabilities. I'm not sure what that plant can do. And I'd like to see us - we're very close to getting something working on this. I'd like to - I know we need to have a public hearing but still I think the applicant's on the right track here at least.

CHAIR VIGIL: On that subject, Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, I think based on some of the information that we received or didn't receive, I would suggest that we table this until the next meeting until we can get some of those details that you're talking about, Jim, and that Commissioner Sullivan is talking about and see if we can iron those out and get them done, rather than trying to make a decision without that information in front of us tonight. Madam Chair, shall I make a motion to table?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Well, you've got a second. I need to comment here. I wasn't going to call for a second until I got this. I'm not going to take a vote on this until I have an opportunity to make a statement here. And that statement is I think it isn't, from my perspective, to really make a commitment to a future dollar amount for something that is market-driven, is probably not in our best interest. It doesn't seem to me that we need to tied this down to a particular dollar; what we need to do is identify the language that allows a pro rata market share value. I think if we're going out to get a specific dollar but in fact we're tying everyone in to a particular amount and that doesn't seem reasonable to me. But there is a motion to table and a second.

**The motion to table EZ Case #S 03-4383 passed by 4-1 voice vote with Commissioner Vigil dissenting.**

CHAIR VIGIL: So we're not going to continue the public hearing on that. We will have that at the next land use meeting.

**XII. A. 3. CDRC CASE # MIS 02-5071 Ricardo Cordova Master Plan Extension. Ricardo Cordova, Applicant, is Requesting a Two-Year Master Plan Extension of the Previously Approved Blue Sky Builders Master Plan Which Consisted of 8,000 Square Feet of Office and Retail on 1.3 acres. The Property is Located at 18635 US Highway 84/285 Two Miles South of Española on the West Side of US 84/285, Within Section 13, Township 20 North, Range 8 East (Commission District 1)**

JOHN M. SALAZAR (Review Specialist): Thank you, Madam Chair. On September 18, 2002, the Board of County Commissioners granted master plan zoning approval for a commercial development consisting of 8,000 square feet of office and retail space on a 1.35-acre tract located on the west site of US 84/285, two miles south of Española. The applicant is requesting a two-year extension of the master plan. The applicant has demonstrated that progress is being made supplying staff with drawings sufficient for preliminary and final development plan. However, the applicant would like to wait for the completion of the US 84/285 frontage road construction project in order to have a clearer idea as to how design and set the project.

Article 5.2.7.b of the Code states: Master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

Recommendation: Staff recommends approval of the two-year master plan extension.

CHAIR VIGIL: Thank you. Any questions for staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Is this parcel within the area being studied now for the Pojoaque Community Plan?

MR. SALAZAR: Madam Chair, Commissioner Sullivan, it is not. It's in the Arroyo Seco Community - where there's the Arroyo Seco ordinance.

COMMISSIONER SULLIVAN: Okay. But this started before the Arroyo Seco ordinance was approved. Right?

MR. SALAZAR: That's correct.

COMMISSIONER SULLIVAN: So what has been approved so far to date is master plan, correct?

MR. SALAZAR: Yes.

COMMISSIONER SULLIVAN: So are they now required to comply with the provisions of the Arroyo Seco plan?

MR. SALAZAR: Commissioner Sullivan, yes, they would. The agent has stated that they will have a public meeting when they come forward for preliminary and final development plan.

COMMISSIONER SULLIVAN: Well, aside from having a public meeting, let me check with legal. What would be your thoughts on that?

CAROLYN GLICK (Assistant County Attorney): Madam Chair, Commissioner Sullivan, could you repeat the question please?



COMMISSIONER SULLIVAN: The question is this now – this development, this applicant – come under the provisions of the recently approved Arroyo Seco – I think it was called community plan. And I think it's an ordinance now too. Is it an ordinance? Yes, Commissioner Montoya is shaking his head yes. It's also an ordinance.

MS. GLICK: Madam Chair, Commissioner Sullivan, I'm not able to answer that question right now. I'm not familiar with that ordinance.

COMMISSIONER SULLIVAN: How about Mr. Kolkmeier? Let's get him in.

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commissioner Sullivan, I guess it would be my opinion that you're correct, that this project originally came forward before the plan and ordinance were adopted. This is the legal question that's being asked. So does a master plan that was approved prior to the adoption of the ordinance now coming back for an extension, does it have to comply with the ordinance? Is that your question, Commissioner?

COMMISSIONER SULLIVAN: Yes.

MR. KOLKMEYER: From what I understand how we have dealt with these kinds of things in the past, again, absent a direct legal question, I think the answer would be yes, that it would have to comply with the ordinance.

COMMISSIONER SULLIVAN: But I guess to be belt and suspenders safe we could always include it as a condition.

MR. KOLKMEYER: Yes, we could.

COMMISSIONER SULLIVAN: In the extension. I think I read something about, in the earlier CDRC hearings where there was some testimony to the effect that that –

MR. KOLKMEYER: That it had to comply.

COMMISSIONER SULLIVAN: That it did have to comply with it, but I want to be absolutely sure of that, that we don't grandfather in poor design.

MR. KOLKMEYER: Commissioner Sullivan, I think that to be absolutely correct we'd have to get a definitive legal opinion on that, but the other side of that would be the question of do we want it to comply to the ordinance or not, and I think the answer to that would be we would. So making it a condition of extending the master plan might be an appropriate way to handle that at the moment.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

CHAIR VIGIL: Any further questions for staff? Seeing, hearing none, is the applicant or his agent here?

[Duly sworn, Jon Paul Romero testified as follows:]

JON PAUL ROMERO: Thank you, Madam Chair. My name is Jon Paul Romero. I reside at 28 Guaymas Drive, Santa Fe, New Mexico. Madam Chair, Commissioners, I'd like to stand for any questions that you might have and address Commissioner Sullivan's concerns.

CHAIR VIGIL: Are you, first of all, in agreement with all the conditions that have been previously improved? Are you in agreement with the condition that would require you to comply with the Arroyo Seco Ordinance?

MR. ROMERO: The owner is aware of the new Arroyo Seco Ordinance and he is going to comply with those conditions.

CHAIR VIGIL: Okay. Further questions for the applicant? This is a public hearing. Is there anyone else out there who would like to address the Commission on this item on the agenda, either for or against this extension? Seeing, hearing none, I will close the public hearing and request what are the wishes of the Commission?

COMMISSIONER MONTOYA: Madam Chair, this is in my district and I believe that this is a reasonable request. I think to begin expanding or moving forward with anything at this point, without knowing what the 84/285 Corridor is going to look like would be premature, especially if they're going to have knocking down stuff, so with that I would move for approval.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Does that motion include all the conditions, inclusive of the one complying with the Arroyo Seco Ordinance?

COMMISSIONER MONTOYA: Yes.

CHAIR VIGIL: Secunder agrees? Okay. Any further discussion?

**The motion to extend the master plan for CDRC Case #MIS 02-5071 passed by unanimous [5-0] voice vote.**

- XII. A. 4. BCC CASE # MIS 07-5220 Vista Ltd. Master Plan Extension. Robert Pearson, Applicant, Scott Hoeft, Agent, Request a Two-Year Master Plan Extension of the Previously Approved Vista Ltd. Commercial Master Plan, Which Consisted of 60,000 sq. ft. of Office Space and 60, 000 sq. ft. of Warehouse Space on 25 acres. The Property is Located at the Intersection of I-25 and State Road 599, Within Section 26, Township 16 North, Range 8 East (Commission District 5)**

MR. SALAZAR: Thank you. On November 10, 1998, the Board of County Commissioners granted master plan zoning approval for a commercial development consisting of 60,000 square feet of office space and 60,000 square feet of warehouse space on a 25-acre tract located at the intersection of I-25 and State Road 599.

On April 23, 2003, the BCC granted a two-year extension on the master plan. On April 12, 2005, the BCC granted another two-year extension on the master plan. This is the applicant's third two-year extension that they're requesting. The applicant acquired a water service agreement in October 2005 and has been working with the Santa Fe County utility to engineer and lay a water line along the west frontage road to the project site. The applicant has also been actively completing the water rights transfer process with the County Resources Department.

Recommendation: Staff recommends approval of this two-year master plan extension.

CHAIR VIGIL: Thank you. Questions for staff? Commissioner Sullivan, questions for staff.

COMMISSIONER SULLIVAN: A similar question here. When this plan first came before the County Commission there was no Highway Corridor Ordinance. Since then we've adopted a Highway Corridor Ordinance, and I was looking – and if you want to know where I'm looking it's in Exhibit C, which is minutes of the 2003 County Commission meeting. At that time Mr. Abeyta was the Land Use Administrator. Down at the bottom of the page I was discussing at that time this same issue, which was their first two-year extension of this six-year extension. Mr. Abeyta said we're going to develop the Highway Corridor Ordinance and once we adopt that ordinance we would create a non-conforming parcel.

So my question is, is this non-conforming under our Highway Corridor Ordinance, or is this conforming in terms of the uses, the use list, and the setbacks and the design standards of the Highway Corridor Ordinance? And whoever would like to – Mr. Kolkmeier.

MR. KOLKMEYER: Madam Chair, Commissioner Sullivan, the Highway Corridor Ordinance has only up to this point been adopted for the EZ. We have not adopted the Highway Corridor Ordinance for this area. We've adopted the plan, but not the ordinance.

COMMISSIONER SULLIVAN: Okay.

MR. KOLKMEYER: So those ordinance stipulations for design standards – I believe – let me make sure. This is not within the EZ, correct? From staff? Yes. So anything outside of the EZ in the Highway Corridor there is not an adopted ordinance at this time.

COMMISSIONER SULLIVAN: Okay. So we have a situation where we have a Highway Corridor Plan, so again, I guess we could discuss with the applicant the condition that it conform to the currently published Highway Corridor Plan. Does that seem reasonable?

MR. KOLKMEYER: Commissioner Sullivan, it seems reasonable. I'm not sure what kind of legal situation we might be in there, whether a plan is enforceable in the same manner that an ordinance is. But to answer your question if it seems reasonable, yes, because those design standards were worked out fairly carefully as you remember, and I suppose that would be something that would have to be discussed with the applicant.

COMMISSIONER SULLIVAN: Well, we could make that a condition if the applicant agrees with it. Thank you, Madam Chair.

CHAIR VIGIL: Any further questions for staff? Is the applicant here?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 North St. Francis.

CHAIR VIGIL: Mr. Hoeft, do you agree with the conditions as have been stated by staff?

MR. HOEFT: Yes, I do, and to address Commissioner Sullivan's question right off the bat, I can say that back in '98 when this was approved, we do have architectural design standards that are recorded right on the master plan. And those are addressing building height, the three masses, color range, architectural styles, stucco, outdoor storage, so I would say that there's a lot of the issues that I think were taken into account in advance. The only thing I don't know for sure, Commissioner Sullivan, is the setback. I know that in the Highway Corridor Plan there are areas of required setback so I'm uncertain to say yes, I would be in compliance with the Highway Corridor Plan or Ordinance without knowing that setback.

I would say that it seems as though staff and Al Lilly took into account the Highway Corridor when this was going through at the time. So that's the best way I can address your question, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I guess the follow-up would be that I don't have that plan here in the packet so I don't know what those design conditions are on that master plan, but are you comfortable with including that as a condition of the extension, that you will comply with the Highway Corridor Plan?

MR. HOEFT: Again, you can obviously understand my concern, Commissioner Sullivan. If we have a required setback it could make the entire developable area of the project null. I don't know what the setback is. I know that on this plan that's recorded it shows from the 150-foot minimum setback from the pavement of the highway, and so -

COMMISSIONER SULLIVAN: Maybe somebody from the staff can make a quick review of the plan.

MR. HOEFT: If that is consistent with the Highway Corridor, Commissioner Sullivan.

COMMISSIONER SULLIVAN: It does vary. I don't know what it is in this area. I know up near Richards Avenue it's 210 feet, so I don't know what it is in this area. But I think it's important because that Highway Corridor Plan, as Mr. Kolkmeier said, was the subject of a great deal of design effort and public effort and we would like to see folks comply with that.

MR. HOEFT: It would seem as though the plan is consistent with the design elements if the Highway Corridor. That's the best way I can explain.

CHAIR VIGIL: Why don't we let staff sort of have some time to research it and Scott, go ahead and do your presentation and we'll continue with questions. Staff, just indicate to me when you're ready to respond to what the setback would be for this area.

MR. HOEFT: Thank you, Commissioner. Bob received his master plan in 1998. I think that's the first milestone. In 2003, he received his first extension, and for all intents and purposes that first extension was moot and the reason is because Bob didn't have water. At that time there was a requirement to hook up to County water and the

County wasn't providing service at that time. In 2005 Bob did get a second extension right about the same time that he got his water service agreement. For all intents and purposes, I guess the way I look at this, if you want to come along with me on this, is that Bob's project really started its life in 2005, because that's when he had water and a valid master plan to be able to be pursued.

So if you think about it, a master plan is valid for five years. Bob started his project in 2005. He can theoretically go to 2010. We're asking for another two-year extension. And it doesn't seem as that egregious of a request when you consider that the first two extensions were in an area to where water was questionable.

Now, since that time I know you're wondering what's Bob been up to? In 2005 the first thing he did is he started his water rights transfer, pursuant to his water service agreement, and the second thing he did is he chose to start the water line construction with Mr. Sayre at the County utility, the design process, that is. Bob pretty much had two choices at that stage. One is to spend the funds, proceeding with the water line and the second was to submit a development plan. Both propositions are extremely costly, north of \$100,000. Bob chose the water line approach, given that water was questionable the previous seven years of this project's life.

So what we've actively been doing, on Bob's nickel, and on Peter Komis' nickel, designing this water line that essentially goes from Santa Fe Tobacco, or another landmark is the New Mexican on the frontage road, down the frontage road to the subject site, and it's about a mile length. Mr. Pearson and Mr. Komis aren't the only two properties that are going to be served by this water line. There are several other users along the way. This line is being oversized to 12 inches when in fact the only thing that they require is an 8-inch line. So I just wanted to tell you that they've been actively working with Mr. Sayre to get this line, that's underway, and it's anticipated that the line can be constructed in 2007.

The last thing I'd just like to talk about is speculation. You can make an argument that this is his third master plan extension. Bob's just a speculator. The last thing Mr. and Mrs. Pearson are is speculators. A lot of this project came about by de facto. 599 came into play. Mr. Pearson's house is on the subject site, of which he had to move to the other side of the highway. The site is in a commercial node so Bob at the time, in 1998, zone the property for commercial zoning. And at that time he has since been waiting for the project to come to fruition. At this stage he's trying to get the project cued up for development and again, as I stated earlier, he chose the water line approach.

So at this stage we request a two-year extension to allow him to get the water line in place. That would create the security for him to spend another \$100,000 getting this constructed. By the way, the water line is about a \$300,000 to \$400,000 proposition. With that, I stand for questions.

CHAIR VIGIL: Are there any questions of Mr. Hoefft? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Hoefft, you're asking for a third extension. How much time do you really need? Are you going to do it within this two

years, or are you going to be coming back in two years asking for more time?

MR. HOEFT: We anticipate, according to what my client has informed me of is that he feels that he can get things done on this project in the next year or so, and at that stage he really has to stop working on it. He's at a point in his life that he and his wife just don't want to be involved in the project too much more. It's just age and fatigue and it's just time to move on.

COMMISSIONER CAMPOS: Thank you.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, staff, is there a limitation on these times of extensions?

MR. SALAZAR: Madam Chair, Commissioner Montoya, the Code is silent on it. There is no -

COMMISSIONER MONTOYA: It could go on in perpetuity.

MR. SALAZAR: It could.

COMMISSIONER MONTOYA: Okay.

CHAIR VIGIL: Any further questions? Seeing, hearing none, does staff have a statement on the issue of -

SHELLEY COBAU (Review Staff Director); Madam Chair, members of the Commission, if the Highway Corridor Ordinance had been adopted for this area it appears this site would have been in a commercial gateway. The commercial gateway subdistrict's setbacks from I-25 frontage road, which there's a frontage road adjacent to this property between this property and I-25 would be 50 feet. It would be a 50-foot required setback. However, it could be reduced to 25 feet if they were willing to place a landscape buffer berm and a four-foot masonry wall to screen any parking area that would be visible from I-25.

CHAIR VIGIL: Your response, Mr. Hoeft?

MR. HOEFT: According to our plans, Commissioner, we have 150 feet from the highway and onsite we've got the 25-foot setback.

CHAIR VIGIL: So that would not require any variance. That is in compliance with this.

MS. COBAU: It appears that that's the case.

CHAIR VIGIL: Okay. Any further questions of the applicant?  
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, again, not having the benefit of the plan, it sounds like we're in congruity here, but I would still ask that the applicant agree to a condition to comply with the Highway Corridor Plan conditions. And I don't know what your color schemes are and heights and internal design criteria are on that plan. If we set aside the set aside the setback issues, are you in agreement with that?

MR. HOEFT: Commissioner, without going through the Highway Corridor Plan to see if there's something there that somehow penalizes the site, I don't think that would be prudent of me on behalf of my client to agree to that because I could be severely

limiting the development opportunity of the site on a site that already has Arroyo Hondo running through it. So I'm a little concerned. All I can say, Commissioner, I understand your concern, but it seems as though the [inaudible] of the Highway Corridor Plan were incorporated right onto the plan, at least the design standards. I can tell you that for sure. Landscape standards, signs, lighting, architecture design standards, covenants, all that is listed right on the plan, sir.

COMMISSIONER SULLIVAN: But I just again, don't want to see this pop up right here at that gateway, and it is a gateway to 599 and I-25, and suddenly be confronted with a 300 square foot sign or something that may not be addressed on that master plan that we've worked on diligently to make sure that the gateway to Santa Fe is an appropriate gateway. If you want some time to look at that, I'm sure we could table this and bring it back next meeting.

MR. HOEFT: I'd hate to table it, Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is really important. It's the heart of Santa Fe.

MR. HOEFT: What I would agree to, Commissioner Sullivan, is a condition that says that the applicant agrees to work with staff to go through the Highway Corridor to make sure that the project will abide the best it can.

COMMISSIONER SULLIVAN: That doesn't mean anything. That's gobbledygook. Thank you, Madam Chair.

CHAIR VIGIL: Perhaps let me make a recommendation where the applicant might be willing to agree to work with staff to go through the Highway Corridor Ordinance to address any issues and compliance. If none are in compliance, the applicant agrees to come before the Board of County Commission to address the non-compliance issues.

MR. HOEFT: I think I understand what you said. You're largely saying that we agree to sit down with staff, go through the Highway Corridor Plan to see if there's any issues. If there's something there that really stands out that's going to affect Mr. Pearson's project we would need to then bring that back to the Board. Is that correct?

CHAIR VIGIL: Yes.

MR. HOEFT: I'd agree to that.

CHAIR VIGIL: Did you have a comment?

MS. COBAU: Madam Chair, Commissioner Sullivan, I would like to point out that this would have to come back for final development plan approval and we could address compliance with the Highway Corridor issues at that time. At master plan, in master plans they have had approved in the past the Highway Corridor Plan primarily addresses building masses and it looks like they've got pretty small buildings and are not going to be big boxes, according to what they got shown in the master plan. So in order for them substantially deviate from that master plan they'd have to come back with a master plan amendment anyway, and they will have to be coming to you for development plan approval.

COMMISSIONER SULLIVAN: Thank you, Shelley, Madam Chair, I appreciate that. What we've seen, by the time they get to the final development plan it's oh, I've spent so much money on this, I can't afford to change it now. So the time to make a change, if one's needed after this consultation, is when we're still doing magic markers and not when we're working with serious surveying costs and engineering costs and water rights costs and all the other costs that Mr. and Mrs. Pearson are going to have to deal with here. So I think these are important issues. If the Commission feels that Commissioner Vigil's solution is a good one I'm supportive of that as well. I just want to see that what we see in the gateway of Santa Fe is something that's not offensive. Thank you, Madam Chair.

MR. HOEFT: I concur, Commissioner.

CHAIR VIGIL: Okay. It seems to me like at least from testimony I've heard, Mr. Hoeft, that according to the preliminary, the preliminary design, most of the Highway Corridor requirements have been met. You have a sense of insecurity about issues that you may not be familiar with and you don't want to represent your clients or put them in a position that would create any conflicts with those. So it makes sense to me that if we're just approving an extension here that we're giving you the opportunity to work with staff to comply with the Highway Corridor Ordinance and if in fact there is an issue, you can certainly come back to us with it. And if there isn't, which we're hoping there isn't, you can certainly move forward with final development plan.

MR. HOEFT: I concur.

CHAIR VIGIL: Okay. Any further questions? This is a public hearing. Is there anyone out there who's in favor or against this item on the agenda, please come forward. Seeing none, the public hearing is closed. What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Madam Chair, I would move for approval of the two-year extension with the additional condition – let's see if I can state your direction properly. With the additional condition that the applicant consult with the staff regarding any differences between the master plan and the Highway Corridor Plan, and if any exist, which the applicant cannot live with, that the applicant then return to the Commission for a variance from those issues.

CHAIR VIGIL: A consideration for a variance request.

COMMISSIONER SULLIVAN: A consideration of a variance request for those particular issues. Does that put it right?

CHAIR VIGIL: It does. Shelley, did you want to address that?

MS. COBAU: Madam Chair, Commissioner Sullivan, if the property is zoned it would go directly just to the CDRC for final development plan approval, once you've granted master plan approval. I would just suggest if you're concerned with the corridor that you ask us to bring it back to the Commission for final development plan approval.

CHAIR VIGIL: Would that be a part of your motion, Commissioner



Sullivan?

COMMISSIONER SULLIVAN: Yes.

CHAIR VIGIL: Okay. There's a motion. Is there a second? I second that.  
Any further discussion?

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

- XII. A. 5. CDRC Case # Z 06-5030 Village at Galisteo Basin Preserve Master Plan. Commonweal Conservancy, Inc., Applicant, Ted Harrison, Agent, Request Master Plan Zoning Approval for a Mixed Use Development Consisting of 965 Residential Units, up to 150,000 sq. ft. of Commercial, Institutional, Educational and Recreational Space as well as Open Space, Parks, and Trails on 10,316 Acres. The Property is Located South of Eldorado, West off of US 285, Within Sections 1, 3-5, 7-15, 17, 20-24, and 27 Within Township 14 North, Range 9 East; Sections 5-7, and 18 Within Township 14 North, Range 10 East; and Sections 30 and 31, Within Township 15 North, Range 10 East (Commission District 3)**

VICKI LUCERO (Zoning Director): Thank you, Madam Chair. On March 15, 2007, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request. The applicant is requesting master plan zoning approval for a mixed-use development consisting of 965 residential units and 150,000 square feet of commercial, institutional, educational, and recreational land uses as well as open space, parks, and trails on 10,316 acres.

The proposal is to transfer the density and cluster the development on approximately 300 acres of the property. The gross density for residential use is approximately 10.69 acres per dwelling unit. The development will be constructed in five phases over a period of approximately 13 years. The property is located south of Eldorado on the west side of US 285.

A small portion of the proposed site is within the US 84/285 Corridor District. That portion within the corridor will consist only of residential development, which is a permitted use.

The development consists of three designated development intensity zones: Village residential, Neighborhood residential, and Basin residential. The Village residential zone is intended to accommodate a mixture of residential building types, which would allow densities of 10-25 dwelling units per acre and will include private or public utilities and infrastructure, as well as parks and open space. The Neighborhood residential zone is intended to accommodate a range of more closely matched residential building types. Densities will range from 5-15

units per acre and will include private or public utilities and infrastructure as well as parks and open space. The Basin residential zone is intended to accommodate a narrower band of lower density residential building types. Densities will range from 1-10 units per acre and will consist of private or public utilities and infrastructure as well as parks and open space.

A mixed-use overlay zone is also proposed, which is intended to delineate residential development zones where the introduction of commercial, retail or institutional uses are both compatible and desirable. The proposed use list for this zone is attached in Exhibit E.

Special use zones are also designated on distinct parcels of land that are located outside of the village center. Uses allowed in a special use zone include but are not limited to greenhouses, plant nurseries, storage units, RV and recreational equipment storage, gas stations, and memorial landscape/green cemetery.

This application was reviewed for existing conditions, adjacent properties, access, water, fire protection, liquid and solid waste, terrain management, landscaping, archeology, open space and affordable housing.

Recommendation: The applicant is requesting master plan zoning approval for a mixed-use development consisting of 965 residential units, and up to 150,000 square feet of commercial, institutional educational and recreational space as well as open space, parks, and trails on 10,316 acres. This application is in accordance with Article V, Section 5.2 (Master Plan Requirements) of the County Land Development Code. Staff recommendation and the decision of the CDRC was to recommend master plan zoning approval subject to the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. All redlines comments must be addressed.
2. Master plan with appropriate signatures must be recorded with the County Clerk.
3. Compliance with applicable review comments from the following:
  - a) State Engineer
  - b) State Environment Department
  - c) Soil & Water District
  - d) State Department of Transportation
  - e) County Hydrologist/Water Resources Dept.
  - f) Development Review Director
  - g) County Fire Marshal (Site Plans & Building Plans)
  - h) County Public Works
  - i) State Historic Preservation Division
  - j) Technical Review Division
  - k) County Open Space, Parks and Trails Division
  - l) Public Schools District
  - m) County Housing Division
  - n) County Planning Division
4. The developer shall address compliance with the County road standards with the

- preliminary plat/development application.
5. US 84/285 Highway Corridor boundary must be shown on the master plan. Commercial development will not be allowed within this area. This shall be noted on the master plan.
  6. Development within the US 84/285 Highway Corridor shall comply with the district standards of the US 285 South Highway Corridor ordinance (Ordinance No. 2005-08).
  7. This development shall conform to the County's Affordable Housing Ordinance. An affordable housing agreement will be required with Phase I plat/development plan application.
  8. All archeological sites shall be identified on the master plan.
  9. A detailed signage and lighting plan will be required with the Phase I plat/development plan submittal.
  10. Maximum building height shall not exceed 24 feet.
  11. Commonweal conservancy shall join with the Village of Galisteo in a well monitoring program.
  12. The affordable housing plan must be approved by the affordable housing administrator prior to master plan recordation and prior to preliminary plat/development plan submittal.

CHAIR VIGIL: Thank you, Vicki. Any questions for staff? Seeing none, is the applicant here?

[Duly sworn, Ted Harrison testified as follows:]

TED HARRISON: Ted Harrison, 2112 Paseo del Monte, Santa Fe.

CHAIR VIGIL: Pleased to see you, Mr. Harrison. Is there any presentation you'd like to give to the Commission?

MR. HARRISON: There is, Madam Chair and members of the Commission. We have a power point here that's going to pop up here.

CHAIR VIGIL: Is it only available in video? Are you going to show it?

MR. HARRISON: Is it not showing up on your screen?

CHAIR VIGIL: Give us a chance.

MR. HARRISON: This was my one concern that we were going to high-tech it a little bit too much. Madam Chair, members of the Commission, thank you so much for the opportunity to speak with you this evening. I appreciate the daunting task that each of you endured trying to go through hundreds of pages of background documentation on a master plan proposal that we call the Galisteo Basin Preserve. My presentation this evening is intended to share with you a little bit of the journey that we've traveled over the past in fact six years to come forward with this proposal to you tonight. Also I want to share with you the values and principles that underlie the vision of this community and conservation area that surrounds it. I want to share with you the principles, planning process and community framework that distinguishes this plan. And finally, share with you some of the public policy ambitions that

have been driving us over the course of the last four years.

My background as some of you know is with the Trust for Public Lands where I spent 18 years, 14 of which as regional director for TPL here in Santa Fe. My introduction to a property known as the Thornton Ranch came in fact seven years ago when the County open space program and members and representatives of the family identified a small corner, a 1500-acre corner of this large, at that time almost 15,000-acre ranch as provisionally suitable for acquisition by the County COLTPAC program. In two phases the County COLTPAC program ended up acquiring 1500 acres, making an investment of over \$3.5 million, an amount that represents almost 20 percent of the total budget of the COLTPAC program. At the time that the County made this acquisition, I give credit where hopefully credit is due. Jack Kolkmeier and others challenged me in my role at the Trust for Public Land saying this is a significant land protection, cultural resource protection victory, however, we may look back on it as fairly short-lived.

By that he meant, and others shared his concerns, by acquiring 1500 acres of this 15,000-acre ranch, the northern most edge of the Galisteo Basin, an area of about 150,000 acres, was considered perhaps an internationally acclaimed cultural resource and scenic resource, but this larger property was left vulnerable to development. By hydrological zoning as many as 800 homes and to service those homes, easily 40 miles of road, hundreds of wells and septic tanks, a situation that would have left then the County's acquisition a jewel surrounded perhaps by a setting that was not quite deserving of its spectacular qualities.

So taking up the challenge as to how we might pursue a different paradigm in land conservation, four years ago I founded a new, non-profit organization we call Commonweal Conservancy. This is our flagship initiative. Our effort here is really to try to champion a model of conservation development in which the County's investment and acquisition as a 1500-acre corner of the Thornton Ranch might be leveraged to preserve now over 12,000 acres of publicly accessible land, valued by current appraisals at least at \$35 million. To do that leveraging we would be using the tool of what we believe is a publicly serving community development initiative, one that has affordable housing, education and economic development as primary purposes of the project.

Jack Kolkmeier and others' perspective on how land changes and the unintended consequences of business-as-usual development are borne out, I think, in this series of slides that draws from a set of aerial photographs that run from 1950 to the present. What this illustrates is that over that period, beginning in the early sixties when Interstate 25 was developed, what became known as the 285 Corridor, this area of large ranches and a very few number of people was opened up regionally by 25 and then ultimately by improvements on US 285 to Santa Fe and the surrounding regional markets, Albuquerque and Las Vegas. It's an area that has seen tremendous transformation, significant transformation. In the seventies of course Eldorado was platted and the AMREP Corporation began to sell lots. A well-intentioned project I think, in its founding, and well-intentioned probably in its execution. A solar village I think was its original plan. Over the course of the next ten years, from the original platting of Eldorado, this area of large ranches, very few landowners saw a considerable number of

additional lots platted and roads built.

In the time sequence, over the eighties those plats were filled in, the roads were developed, and this again, once very open landscape saw an increasingly suburban development pattern. In fact over the nineties, the development plat saw a fairly radical filling in, the urban infill, suburban infill of Eldorado and then some of the surrounding neighborhoods largely connected to Eldorado. In 20 years, a 291 percent increase in population, almost 6,000 people now make Eldorado their home. From the 1980s, the number of homes in Eldorado, I think was somewhere in the order of about 581 as opposed to the 2700 units that are now developed there.

In 2000 and now to the present day, again the platting continued, the homes filled in, and suddenly this area that just by the current plats has this development allowance, and this is the 285 Corridor in the center part of your screen, some modest development coming up in the Galisteo area, but then a very significant amount of new development coming in from the west. Also County Road 42 and State Highway 14. So in the course of this now 50-year period, the area dismissed as the middle of nowhere is now very much seen as being surrounded.

We are looking at a development plan of largely suburban large lots, neighborhoods serviced on the 285 Corridor by the Agora Center. That's principally the commercial service area for this community. Looking ahead on the business-as-usual scenario for the Thornton Ranch. By the hydrological zoning, the property would see this kind of development pattern. Forty-acre lots in the southern part of the ranch, 12.5-acre lots in the northern area. In total, about 600 lots would be the development potential of this property if it were left to that business-as-usual approach.

The surrounding properties, ranches, such as Salivac where the zoning is 40-acre lots, Spur Ranch, South Lamy, 12.5-acre, 40-acre lots, as you move through up to the north, this is moving a little more quickly than I had it going on my McIntosh, forgive me, you end up with a non-worst case scenario over the course of the next 37 years. Large lots, suburban development, for the most part with very little commercial services and very little plans for educational or other civic services. So our future, by this zoning presents us with this scenario as you look to the area below the Community College District. We've been delicate, actually, in creating this map because the Community College District has been left blank, but in fact if that were built out in accordance with the Community College District plan, that northern white space or blue space as the case might be would also see a very intense pattern of more clustered developments but in the scale and even tighter than what you see from Eldorado.

The alternatives for rethinking the future as to what our options are, and really the core of our proposal here tonight is to strip away that hydrological zoning as Vicki mentioned in her comments, to approach this as a density transfer where in fact the vast majority of this, when we entered into the picture a 13,000-acre ranch, the majority of those development rights would be clustered in a 300-acre envelope that we call the Village at the Galisteo Basin Preserve.

At a minimum, in terms of the lands that we control via a purchase agreement with the Thornton family, this is a very real possibility, to at least claim this much additional open space as a complement to the open space acquisition that the County made, and then also further west

of the County lands, create a 100-acre parcel that the Bureau of Land Management owns and land that the State Land Office owns within the ranch.

Looking at it in a more regional capacity though [inaudible] it's a very interesting opportunity and one that we're pursuing very seriously, and that is to acquire or facilitate trades of lands between some of the adjoining owners. The Rancho Viejo Partnership has actually secured recently, a conservation easement on a 300-acre parcel immediately north of the preserve owned by the Rudis family that was granted to Commonweal just at the end of the calendar year. As leveraging, the relatively few number of owners with property interests work with the proposed preserve tying those conservation easements or trades into a larger public protection or open space protection program using lands of the State Land Office, which are immediately north of our property, and then working with Rancho Viejo Partnerships and Warren Thompson, though he has made no commitments to this vision, is deeply interested in trying to work with Commonweal and with the other conservation organizations in the county and with County to staff to try to effect this larger regional vision.

In this expression of the open space opportunity for southern Santa Fe City, let's call it just south of the Community College District, and then the northern edge of the Galisteo Basin. There's an opportunity to preserve over 30,000 acres and create over 60 miles of trails. We're being a bit artistic-licensy in giving a clustered development in the northern part of this map, which would be a way to offset some of the expense otherwise of trying to acquire through a finance initiative or through trades, through the open space lands that Rancho Viejo Partnership currently controls. This is all east of State Highway 14.

Some of the principles and values that have guided our work in our planning process over the past three years, a very significant aspect of our practice has involved, and I hope the public testimony will affirm this, a very active, engaged and responsive community dialogue process. Our plan has evolved over the course of these past three years. Our discussions, one-on-one, small groups and in town meetings with Lamy and Galisteo, in front of the Agora Center for weekends with boards up featuring questions that folks had, coming to our table to learn more about the project, a day on the land which invited folks from all over Santa Fe to come learn about the project and be on the property so they see what this place is about, what's its potential is as a community, and what the open space resources are. So that community dialogue process has been something that's deeply informed the plan that you have before you.

My background with the Trust for Public Lands of course brings with it environmental stewardship, knowledge and commitment. This is a landscape largely of grasslands. It has piñon and juniper but it is grasslands, is its most significant habitat value. So in our planning process we've taken great care to ensure that the grasslands and the riparian corridors have opportunity for not only protection but regeneration. Viewshed protection – we'll look at some slides, some CDIS work that we pursued to really understand how we could pursue this development in a way that would not have a negative effect on the quality of the night skies and the wide open spaces that the folks that currently make this place their home so celebrate.

The cultural resource stewardship also goes without saying. This is a landscape, although the development area does not include significant sites that would be impacted, this is

largely an area with tremendous cultural resource history.

I'm going to talk about water and energy conservation. We'll talk more about recreation and public access as part of that environmental stewardship plan. The land-sensitive site planning concentrates the development footprint. Let's not have a development pattern that plays out in the way that the business-as-usual scenario was presented to you in the earlier slides. By that, minimize disturbance to soils, plants and water, and be aggressive in the buffering of the riparian corridors to ensure that they serve their hydrological functions, we minimize erosion in the development and we also continue to support the habitat values that these riparian corridors support.

In the development process it's of critical important to me and my team that the geology and landforms, the topography, the knolls and knobs that distinguish this 300-acre area left intact. Granted, the development process is inherently a violent one and the land will change in those areas that see houses, schools, businesses and other civic land uses. But to the degree that we can site in very specific development envelopes how those land uses occur, we think we can actually leverage tremendous value by distinguishing one neighborhood from the next, by honoring the small ridges, knobs and canyons that make this such a special part of a fantastically beautiful property.

The slope conditions are ones that this area where we propose the development are quite advantageous for solar access. The slope averages six to eight percent so there's the opportunity to step up the development as you move 200 to 300 acres south to north, leveraging very powerfully the solar resources of the site and our landscape and skyline, and then respecting also the habitat corridors and grasslands.

Using GIS we mapped the soils and drainages, the public viewsheds. The skyline conditions, how to ensure that where development occurs doesn't change your experience of the ridge, the Lamy Hill, the Lamy Escarpment, so that the folks when they look back from County Road 41 from Galisteo or if they look west from Lamy, see forever the rough-edged, tree-lined escarpment that helps define the northern part of their world. Through that GSI process we crafted then a development envelope that then is the subject of our plan tonight, a 300-acre area.

In the master plan framework it's a plan that includes a planning envelope that's just over 10,000 acres. The building envelope, as I mentioned is 300 acres. The residential program as Vicki mentioned in comprised of a number of different residential land use types, but in the aggregate what we're proposing is 655 market rate homes. There is a broad product mix: single-family detached, compounds, courtyards, lofts, live/work, cottages, and condominiums.

As to affordable housing, attached and detached, mirroring the same product typologies as what we're proposing in the retail, market rate homes.

In the civic and commercial program, 100,000 square feet of educational land uses. This is principally to serve three purposes, charter high school 37, which is an up-and-running charter school. It is leasing space right now out of the School for the Deaf. It's a dual-language environmental curriculum charter high school that anticipates having a student population of about 400 students. An elementary school that anticipates a population of about 350 students,

and then a pre-school that is also up and running in Eldorado, called Wee Wonders.

The commercial uses are proposed, including 30,000 square feet, a café, a village market, a pub, galleries in the live/work space, and offices also count towards that land use. And then 20,000 square feet of civic facilities, a fire station, post office, environmental center, chapel, and library, among others.

In terms of organizing principles for the master plan, pedestrian-oriented design. A five-minute walk from the village center will support about 2/3 of the population. People are known to walk about a quarter mile, that's their comfortable distance, to be able to access the commercial center. So the majority of the density for the red zone -- we'll go through those different land use types in just a second -- are all within a five-minute, quarter-mile radius of the village core.

In the village in its entirety it stands just a mile across that basin. It's a ten-minute walk to the village center. The underlying principle here -- pedestrian-oriented, but it's about connecting neighborhoods to the village center. An experience of place-making and an experience of being in community that a number of us grew up with.

Connectivity and accessibility, the great gift of this land in terms of its accessibility to regional transportation network is in two parts. One, its proximity to US 285. This is a highway that's currently operating at about 23 percent of capacity. At full build-out our transportation consultants estimate that the US 285 will continue to operate in a Class A service level. As you know, Class B is still considered an acceptable level of service by the New Mexico DOT. We anticipate on transportation impacts on the highway that as many as 9,000 trips could be coming on to US 285, although our effort to mitigate that is to work in partnership with Santa Fe Southern Railway, which has a rail line that comes through the northeast corner of this property.

And I know that Santa Fe County and DOT have been working, some might say struggling, with the opportunity to make that rail line a meaningful part of the regional transportation system.

In terms of the specific zoning, in the village core, it's a combination of residential, commercial, civic and educational uses, with densities that are without precedent in this part of the county. Granted, at the high end, 25 units to the acre, would conjure up perhaps an image of the El Corazon project that's just been built over near the post office. I think it's on Grant Street. That's a project that has 30 units to the acre. El Zocalo has similar densities. We're talking about a relatively small area within the village core that might have that sort of density. The majority of the residential density in the village core would be in the 10 to 15 units to the acre.

Also west of the village core is an overlay district that also applies to the village core that would allow for this mix of uses of commercial and civic. You've heard, as I mentioned earlier, the kinds of the landforms that define this place, this special part of the ranch, this special part of the Galisteo Basin. These two zoning categories, neighborhood residential, five to 15 units to the acre, and then in the far western reach of the property, located about 2/3 of a mile from the village center, a half-mile from the village center, residential densities of one to



five units to the acre.

Other principles, recreation and agriculture. There's a lot of discussion in Santa Fe and around the country, around the world about how do we support programs of local agriculture, noting the vulnerability that we all suffer being reliant on food that generally comes 1500 miles to our grocery store. So how do we continue to create an opportunity for this landscape to serve at least some food-making capability. It's had a 100-year history as a ranch and the good stewardship of the Thornton family I think can be leveraged in the years to come to continue to support some level of grazing and the meat that comes from that grazing. Also working with folks out of Dixon, Linda Prim, who's a local market specialist and small farmer, to look at what we can do about growing crops in greenhouses on a limited scale, and also supporting farmers market activity on the property – orchards, community gardens, the community gardens serving both a food purpose but also a recreation and social development purpose if you will.

Parks and playfields within the larger village core of ten acres that will include a central green, small pocket parks, playfields, and then trails, 30 miles of trails that extend through the village core and then out to the adjoining 12,000 acres of open space.

Another core principle is this notion of reverence and celebration. Having places of contemplation, places for memorials, places for weddings and other celebrations, key moments in life, making place for that in this village seems an important task and responsibility to ensure that this can be a place of wholeness, a place of real engagement. Similarly, although it is highly unusual, we're embracing the concept of incorporating a green cemetery or memorial landscape in the plan that would allow not just the folks that live and celebrate their lives this small community, but really a space that's available to folks from around Santa Fe and arguably from around the world, that if they have an interest in their process of being buried to support the conservation purposes of this project, that there would be the opportunity to be interred in this green cemetery, an emerging conservation financing strategy, as well as just honoring of place-making.

Clearly, the geo-hydrology and water supply are fundamental concerns and questions as we bring this project forward, and for most of the past 16 months we've spent a considerable amount of money, time and energy working with County staff and working with our geo-hydro consultants, John Shomaker and Associates – John is here tonight to answer that you might have – to really understand what are the water resources of this large property. And our focus has been primarily in a 475-acre portion of the ranch that is labeled here Zone A, that was the site of our test well. It is a test well that was drilled last summer. It is framed by two fault zones, which are admittedly a mixed blessing.

On the one hand the faults serve to create a boundary to landowners and users of water, owners of wells, to the west of this property. On the other hand, it does confine the aquifer. In our testing and analysis we had to evaluate whether in that 475-acre area, from the results of test well and pump test, and then in combination with the larger open space and water development resources that could be available beyond Zone A, whether we had the 100-year supply that was required in order for us to come before you tonight.

Through that process, a tremendous amount a dialogue, a tremendous amount of study, I believe the County staff, and certainly our geo-hydro team feels extremely confident that the water resources of this ranch are quite sufficient to supply the 195 acre-feet water demand, water budget that's associated with this project. The test well was drilled to just under 600 feet. It produced on the pump test at a rate of – I think we pump-tested it at 35 gallons a minute although its step test was 45 gallons a minute. Water quality was excellent. Low GDS. None of the scary stuff that can often find itself coming through the water tests that are from wells that are drilled in this part of the county or further south.

We eventually drilled another well, since the County hydrology staff made their review of our geo-hydro report, just west of Zone A. On this map, if you see into the blue triangle area, as you move just past into the center of the blue triangle. I'm not sure if this has a pointer or if I can show that to you, laser. That is the Lot 18 well, which was the test well. We since – it's right in the center, so it's coming to a zone as the Upper Galisteo Formation, the most productive geology that's available to us for water resources. Located 1500 feet west of the Lot 18 well we drilled another 900-foot well that corroborated the Lizenby studies that this map is presenting to you in terms of the geological formations. That well was drilled about three months ago and we don't have that as part of our presentation tonight, but would provide that to you and the hydrology division as we come forward with our next round of review.

But it proved up a very productive water source. In fact, 100 gallons a minute flow, it was pump tested at 85 gallons a minute over the course of the 96 hours. Again, water quality, quite acceptable.

In terms of the water development strategy, three to four wells, again, 60 to 100 gallons a minute is our estimate on each of those wells, drilled 800 to 1100 feet to supply the 195 acre-feet of water that's required for the project.

In terms of affordable housing, I know the Commission has been presented with a number of proposals that have struggled with this new requirement. In fact it was one of the founding principles and part of the approval of our non-profit status that Commonweal Conservancy would advance a combination of conservation, affordable housing, public health and educational purposes. So rather than shy away from it, we actually celebrated the Commission's decision and staff's encouragement to move in this direction, and we have included the 30 percent – our housing program includes in each phase an allocation of 30 percent of our homes to serve all four of the target income categories.

In fact, in the highest income category, because of our financing with the New Mexico Mortgage Financial Agency, and with Enterprise Community Loan Fund, we've agreed to reduce the highest level from 120 percent of AMI to 115 percent of AMI, to better serve that particular segment of great housing need. Also, of primarily interest for us in terms of the community-making goals of the project, to distribute that affordable housing throughout each phase of the project. This map is illustrating in a conceptual form what we are proposing to be the first phase of the project, an area of about 50 acres that includes about 161 homes. So therefore approximately 54 or so of these homes would be serving those different income categories.

In addition to providing affordable shelter, we also have a very strong commitment to green building, environmentally responsible planning and design. This would carry through in the affordable housing construction as well. We feel like it is not enough to create a low cost of entry, but rather true affordability and true quality of life can be achieved by ensuring that the integrity, design, livability of the homes that we create, not only for those that are fortunate enough to buy market rate homes, but those that are buying affordable homes can live without the fear of \$200 a month utility bills that many of us face in less well constructed homes.

Perhaps one of the most controversial aspects of our affordable housing proposal, and maybe that's too strong a word, but it's a twist on the existing ordinance that the County has put forward and that is to allow us to allocate a portion of our affordable housing to a community land trust, and that would be structured where a non-profit organization would own the underlying fee-title to the homes that folks would buy, and those homes would be appreciation capped, and the community land trust would have the opportunity to repurchase those homes on a first right of repurchase as they come up to market. Then the non-profit land trust would have the opportunity to put those homes back onto the market, serving the same affordability thresholds or targets that they'd originally been allocated for and by doing this ensure that the affordable homes in this community stay affordable forever, as opposed to the ten-year window, that as I understand it the County program has where the equity sharing runs for that ten-year period, after which the homeowner can go forward with a market rate sale and the County's benefit beyond that ten years is lost. If I'm confusing that, forgive me. I'm getting some of the ordinances a little bit twisted in my brain. But the goal here, by allocating a portion of the homes is to ensure a wide range of income groups that will populate this community forever.

Just a few more slides, in terms of our green building strategy, environmentally responsible design approach, low-impact design engineering in which the community wastewater system we would be reclaiming, according to the NSI, the Natural Systems, Inc. folks that Michael Ogden leads here in Santa Fe, 85 percent of the wastewater, 165 acre-feet out of the 195 acre-feet of the overall water budget could be reclaimed to a Class A water quality that would then be suitable for outdoor irrigation and for indoor toilet flushing. I think we're just seeing the early part, the early stages of this wastewater treatment technology. I would feel confident that over the course of the development cycle of this project, which is anticipated to run 12 years, that we'll see improvements in that technology such that toilet flushing, which I know has some constraints right now and some market fears, will be considered a quaint artifact of an earlier day where in fact reused wastewater will be perhaps brought into the home for other purposes beside toilet flushing and irrigation.

Rainwater catchment on a community scale – I think maybe that's a big move that we need to consider as a County and we have an opportunity here on a project that has such intimacy, density or compactness. You choose the word. But given the proximity of the homes, to be able to do catchment on a community scale in a large scale either reservoir or for aquifer recharge. That's probably the most exciting opportunity for us right now is how we might bring that catchment water back into the aquifer, actually use the geology as a source of storage.

It seems a no-brainer but it's not often done – contour-based road design, and of course xeric landscaping, it's pretty much a central part of any of the projects that you're looking at. Bio-swailes and riparian restoration, we have about five folks that are currently working with us on the restoration of the arroyos and head-cuts that are in and around the village site, much less out into the larger open space.

Finally, just one more slide on the environmental green building strategy. Requiring in the in the development guidelines a construction material standard that ensures high thermal mass and insulation values, window treatment and building systems that minimize the energy demands from gas and electricity for the housing, schools and commercial buildings that are part of this community. First and foremost, just in the land plan itself, ensuring that passive solar design is available to not all but a good majority of the lots and homes and businesses and civic facilities that are a part of this project.

Other strategies, for summer, sun-shading and roof overhangs, cross ventilation for cooling, so as to minimize the refrigerated air demands that are seemingly an increasing component of many new projects in town. Material recycling, in terms of how we manage the construction process, and then also a very aggressive initiative that we're looking at very seriously is how we can actually generate a significant portion of the community's power on site through technologies such as what some people call CSP, or concentrated solar power, wind and bio-mass.

The marketing focus is intended to be 30 percent, as you know, on income-qualified households. Young families, coining the term Rio Ranch return, folks that have been pushed out to markets that are outside of Santa Fe that by all the recent housing studies, the large number of households that want to return back to where they grew up but have been priced out of this market. We see that as a main client for our affordable housing. A 20-minute drive from this site into town is far better than an hour drive from Rio Rancho or other points in the Albuquerque metro area.

With a particular focus on artists, this is an area of the county that has a very high population of folks in the arts, visual artists, literary artists and the like, teachers, healthcare professionals, public service professionals. In Santa Fe we've actually had quite a bit of inquiry from folks in Eldorado who are looking to, some would say downsize off their one-acre, 2.5-acre lot into a much more easy to maintain quality of home. So call them the suburban refugees, 20 to 25 percent of the housing stock serving that market. Non-traditional households, single sex households, single female headed households, a lot of the housing product that's brought forward not only in Santa Fe but around the country doesn't serve these non-traditional households very effectively. We see a real market in bringing forward a different program and a different scale of homes for those folks.

Boomer immigrants. I think it's inevitable that this is a community that will draw from outside of our community, although it's not a prime point of attention or focus, we think it's inevitable that the green building values for the project will attract folks from around the country, and then elders.

A few more slides. Economic and development impacts, by the work that Bruce Poster

has done for us, his estimates are that over the construction cycle of the project, \$8.4 million in gross receipts tax for Santa Fe County, \$34 million in gross receipts tax to the state, \$800,000 – I think that’s a low number – in terms of property taxes per year for the County. Over the course of the 12-year construction cycle 4600 construction jobs, 500 permanent jobs per year, 283 permanent jobs that would primarily be associated with the businesses and school activities of the community, which has a jobs/housing balance of .45. I think that’s about six or seven times greater than the current US 285 jobs/housing balance. So it’s a substantial increase over that. I know it’s a very important metric in how we’re creating communities in the future.

Transportation/Accessibility – a mixed-use program so you minimize the number of trips outside the community, making meaningful the retail and then educational civic purposes that connect to the residential. The trolley service that I’ve mentioned, taking at least some, hopefully meaningful number of trips off the highway into downtown Santa Fe and if the Railrunner comes forward, into that regional rail network. Regional van pools, commuter trails, bikeways, ridesharing and an initiative that has been championed in communities like Portland and Berkeley, zip cars, where you don’t have to maintain a car but you rather just rent one, so that it reduces also your cost of living and allows you maybe a little bit more money for other parts of your life.

Public policy objectives – in our review of the various plans that guide your work day in and day out, the growth management plan, the general plan, the Land Development Code update, affordable housing policies and regulations, the open space plans, the 285 Corridor Plan, and the emerging strategic plan, which has I know, a core focus on the Galisteo Basin, I think our project attends to the vast majority of the goals, principles and vision that are associated with these different plans.

So in conclusion, what we are trying to accomplish here, in the community building side and in the conservation side is a village that inspires and challenges not only you and the members of the community that are a part of this place, a part of this village and surround it, but also the larger development community in Santa Fe and perhaps in other areas of the American West, create a community that lives deeply, productively and creatively, and a landscape that through our restoration and regenerative work grows more healthy and more diverse as the community develops over time. Thank you for your patience in this fairly elaborate presentation. I’m available to answer any questions or the consultants in the audience here also.

CHAIR VIGIL: We’re going to take a five-minute break here, and then we’ll come back.

[The Commission recessed for five minutes.]

CHAIR VIGIL: We’re going to take public comment before we go into questions. I need to allocate our time this evening so can I have a show of hands of those people who want to speak in favor of this project? Okay, let me take a count. Ten. Would two minutes for each one of you be enough? And those of you – it will have to be two minutes. It will have to be equitably distributed and those of you have heard a statement that you were going to say, please don’t repeat it. Just make a new statement or if you’ve heard what you wanted to say,

please allow the two minutes to be allocated elsewhere.

Can I see a show of hands of those people who are opposed to this project? Okay. I think the twenty-minute interval will move forward. All of you who would like to speak, would you please form a line to my left between the pews and we'll have you generally sworn in so that you don't have to all be sworn in independently.

[Duly sworn, Richard Griscom testified as follows:]

RICHARD GRISCOM: Richard Griscom, 22 Via la Puente, Galisteo. Madam Chair, with your permission, I'd like to distribute some documents. *[Exhibit 1]* Madam Chair, my name is Richard Griscom. I've been a resident of Galisteo for 37 years. Speaking as a representative of the Galisteo Planning Committee, which is working on a village development plan under the auspices of the County, many of our planning committee members are present today and I'll ask them to stand and be recognized. Steve and Amy Tremper, Ted Fleming, and Barbara Pfeiffer. We had three others who were here but they had to leave because of the lateness.

Please note that the submission I just handed you was prepared prior to the additional water testing that Commonweal carried out in the last few months and therefore does not reflect the results of any additional testing. We compliment Ted Harrison and Commonweal for the transparency of the planning process and spirit of involving neighboring communities and neighboring individuals in that process. We strongly support the cluster/open space approach that this development embodies. Overall, the planning committee supports this project, but with conditions.

Our overriding concern is water. The Galisteo Basin is known for the fragility of its water table. At least three properties, two ranches and a small subdivision upstream from the village in the general direction of the Basin Preserve has recently experienced severe problem with dropping levels of well water. Given this fragility and given that virtually all climate models predict the drought of the past few years will continue, we feel that the County should require that the assumptions about water availability be as conservative as possible and the testing be as thorough as possible.

Along the same lines, in order to assess the total hydrological impact of the project, the County should look at the water requirements of all three phases of the project before final approval is granted to any portion of the project. Moreover, given that Commonweal's [inaudible] it should have the burden of showing beyond a reasonable doubt that there will be no impairment to wells in our village. Commonweal should be required to post a performance or surety bond or letter of credit to assure accountability in this regard. If our wells are impaired by the development, Commonweal should be required to return us to the situation we were in before. John Bennett of the Kelly Agency has offered to work with us in crafting a bond or other instrument that would accomplish this.

When the CDRC recommended approval of this project on March 15<sup>th</sup> they stipulated that Commonweal work with us to carryout a joint monitoring program of nearby wells, including in Galisteo and Lamy, to gauge the impact of the proposed development on our wells. We welcome this opportunity to carry out such a joint well monitoring program with

Commonweal.

If the proposed development in its later phases ties in with the Eldorado Area Water and Sanitation District for some or all of its water requirements, the EAWSD's Lamy wells should not be used to supply water to the Galisteo Basin Preserve. These wells tap directly into the shallow alluvium from which Galisteo gets its water and have a history of going dry during periods of drought.

On July 29<sup>th</sup> of last year we presented to the Board of County Commissioners a petition from the Galisteo Community Association prepared by a –

CHAIR VIGIL: Mr. Griscom, could you wrap it up?

MR. GRISCOM: I am, yes. Thank you.

CHAIR VIGIL: Actually, all of your statements are in this for the record, aren't they? That you just made?

MR. GRISCOM: Almost. The one I'm about to make is not, I'm afraid.

CHAIR VIGIL: Okay. And we'll make this part of the record.

MR. GRISCOM: But I'm wrapping it up. The petition is the second of the two documents I just distributed. The petition is signed by approximately 160 residents of Galisteo, roughly 2/3 of our village, and it urges that the Board approve only developments that can demonstrate no more than a negligible impact upon water quantity and quality in the Galisteo Creek, and that the Board make it a condition of approval of any future development that in the case the quantity of water in either the creek or the wells of Galisteo suffer as a result of the development, the developer will immediately take any action necessary to restore the creek's and the village's water supply.

The petition notes the dramatic reduction in the extent of perennial flow of the Galisteo Creek over the last 50 years. The Galisteo Creek still flows through the village itself, but is only about two to three inches deep. It would take only a small drop in the water table for the flow to disappear entirely. This would be tragic not only for the village but also for the entire Galisteo Watershed, and in my opinion, for all of Santa Fe County.

We have two additional concerns I would like to mention. The first is traffic. US 285 is a WIPP route and therefore extra precautions are necessary. Is it realistic that one access road from the proposed development to US 285, without either a traffic signal or an over or underpass can accommodate this traffic load. The second additional concern has to do with light pollution. We support Commonweal's proposals to keep the night sky dark and we will be vigilant in working with Commonweal to see that these policies are implemented. Both of these concerns, although critical, are not nearly as important to us as our concerns over water. The Galisteo Basin Preserve would ultimately have 965 homes, making the population at least six times the population of our village. The implications of this for our water supply are frightening to say the least. I'd be happy to entertain any questions. Thank you.

CHAIR VIGIL: Thank you. Now, your petition – do you have signatures associated with it, that we could make a part of the record?

MR. GRISCOM: That was submitted in July. The signatures, the actual signatures were submitted in July of last year. [inaudible]

CHAIR VIGIL: Okay, what we can do actually is maybe research that in a previous packet and see if it's available that way and make it a part of the record. Thank you very much, Mr. Griscom.

[Previously sworn, Mike Loftin testified as follows:]

MIKE LOFTIN: Hi. My name's Mike Loftin. I'm with Homewise, 1590 Pacheco Street. Thank you for having the hearing and hearing all this testimony. I'll try to be very brief. It's been a real pleasure to learn about the Commonweal Conservancy's plan here. As Ted said, not only have they put up with affordable housing, they've actually embraced affordable housing as a core component and a core objective for what they're trying to accomplish. I think they recognize that affordable housing is not something you put up with, it's something that all communities need to be vital and healthy. If we don't have our police officers and teachers living in our communities we have other problems.

So I really want to commend the Conservancy and this priority and the Commission for creating the ordinance that is helping provide the 30 percent affordable housing in this project. The other thing I wanted to commend the Commonweal Conservancy for is not only are they providing a lot of affordable housing that's very much needed for our community, but they've done it in a way that's very integrated with many different housing types and many different areas of the community, throughout the community, but very interesting housing types. It's a very creative plan that I think we saw here tonight and I think it's a place that everybody, lots of people are going to be proud to live there.

The other thing I'd like to just mention is that I think I'd also like to commend them for is that they have recognized that the cost of affordable housing isn't just the cost of the house, that it's also the cost of how you finance the house, and it's also the cost of operating the home. So the fact that they're taking energy and water conservation measures that will reduce the operating costs of the home over the long term will be very good for long-term affordability. So I like this project and I appreciate you guys doing it.

CHAIR VIGIL: Thank you, Mr. Loftin.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: You have a question for Mr. Loftin? Mr. Loftin, question.

COMMISSIONER SULLIVAN: Just a quick question, Mike, on the affordable housing. In reading the affordable housing plan or draft plan, it says rather than force a strict allocation of housing types across income groups in accordance with the County's affordable housing ordinance, the village is expected to include a relatively high proportion of the small and moderate size configuration homes. I'd like to get your thoughts on that. Of course it's always better to build the cheaper homes, but in point of fact for families and those who need the larger homes, that's really where my feeling that some of the affordable housing needs are. So are we just going to come in for a variance on this to get small, little bitty homes?

MR. LOFTIN: I should let the applicant address that because they wrote that, I didn't. My understanding of it, and my understanding of that reading there is the intention here is that they're distributing affordable housing throughout almost all housing types, including single-family homes and courtyard homes and townhomes and the only place where they're not,



which I think is completely reasonable is in the custom home, the bigger lots, where you sell lots and build custom homes. I think that's right. I think that they still accomplish the idea of integrating it in all parts of the development and recognize that you don't need a custom home to provide affordable housing, in fact that wouldn't make sense to me either.

COMMISSIONER SULLIVAN: Thank you.

CHAIR VIGIL: Thank you, Mr. Loftin. Next speaker please.

[Previously sworn, Janie Bosser testified as follows:]

JANIE BOSSER: My name is Janie Bosser. I'm at 1803 Otawi here in Santa Fe. I stand before you as the owner's representative of Charter School 37, which is the proposed high school that Commonweal Conservancy has generously donated the land to. I also stand here as someone experienced with non-profit housing development, affordable housing, as an architect who is extremely interested in social and environmental responsibility and of course as a citizen of Santa Fe, I just want to say that I highly commend the breadth and scope of the vision of Commonweal and I also think it's incredibly feasible project, even though it's very progressive. Quite frankly, even if they only do a fraction of what they intend to do it would be quite a boon for the vision and growth of Santa Fe and I think that we need these kinds of very progressive and thoughtful planning policies and projects to move the City and County forward and to ensure that it continues to be a vibrant place. I only hope that all new development coming forward to this group comes forward with the kind of integrity and thank you very much.

CHAIR VIGIL: Thank you, Ms. Bossner. Next.

[Previously sworn, Rici Peterson testified as follows:]

RICI PETERSON: Good evening. My name is Rici Peterson. I reside at 2521 Calle de Rincon Bonito in Santa Fe. Madam Chair, Commissioners, I'm here on behalf of the Santa Fe Conservation Trust. We're a non-profit organization in the community. Been here for 14 years. As you may know, our mission involves preserving the quality of life for all Santa Fe residents, Santa Fe County residents, by helping to protect the land that preserves that quality of life. We are about open space and protected natural lands and our vision is for an interconnected, permanently protected of green infrastructure or open space throughout the county, serving its residents as well as its ecological processes that support us all.

In our entire 14-year history we have never come out in support of any development project. It is not our practice. But I'm here to tell you that our board has voted unanimously to support the conservation values and planning of this project and they enthusiastically endorse what the vision of Commonweal Conservancy, how it's being expressed in the conservation provisions of this plan. And we will be happy also to support any other plan that comes out with this level of integrity, the thoughtfulness, the community involvement and the commitment to conservation. And we hope that this plan is taken up as a template for a new approach to conservation in the American West. Thank you very much.

CHAIR VIGIL: Rici, we did receive a letter that was drafted to Mr. Harrison on behalf of you. [Exhibit 2] Did you want that to be a part of the record?

MS. PETERSON: Madam Chair, yes. Thank you.

CHAIR VIGIL: Do you have a copy of it?

MS. PETERSON: I have a copy of it. It's not a signed copy, but I have faxed a signed copy to you all, but I'm happy to leave this one behind as well.

CHAIR VIGIL: You do have a copy? Okay. Thank you. It is part of the record. Thank you, Rici. Next, please.

[Previously sworn, Paula Baker-LaPorte testified as follows:]

PAULA BAKER-LAPORTE: Paula Baker-LaPorte, 25 Arroyo Pequeno, Tesuque, New Mexico. I'm an architect and an author and my specialty is in green and environmental building. I agree with everything said so I just want to add two quick points. Development is going to happen in this area and this is one way for it to happen in a conscious and exemplary way, and we're not just a county or a city in need of good examples, we're a country in need of good examples. I believe that this project is worthy of national recognition and I really from my heart hope to see it come into fruition with your help. Thank you.

CHAIR VIGIL: Thank you, Paula. Next speaker.

[Previously sworn, Suby Bowden testified as follows:]

SUBY BOWDEN: Hello, my name is Suby Bowden. Address, 333 Montezuma Avenue in Santa Fe. Madam Chair and Commissioners, thank you so much for the hearing tonight. I'm here speaking with two different roles. My first is a historical one. Ten years ago the County and the City were developing almost simultaneously the general plans for the next 20 years. And we heard hundreds and thousands of citizens come out speaking for protection of land and clustering of communities. This is the very first new model we've seen in those ten years and I think that such an exemplary and phenomenal model, I'm thrilled that your guidance and the City's guidance has led us in this direction.

My second role here today is an advisor to this project for the last six years and one of the most astonishing things I can say to you today that has not really been emphasized is that this is a non-profit organization developing this project. When was the last time you had a developer come forward as a non-profit. Most developers are trying to make a profit, but instead, this group is taking the funds that it raises and it's investing them back into the land, back into trails, protections of the arroyos, things of that sort. And I've witnessed in the last six years not only this great, great vision, but tremendous follow-through. And I'm confident that they will remain dedicated to implementing the strongest legal means to protecting this open space with access for all, and I'm also confident that they will develop an incredibly beautiful village that you and our community will be very proud of.

The health of our community is truly determined by the direct access to our land and I believe that in your voting for this project you will provide our community with a very healthy model for the future, that the Galisteo Basin Preserve will protect our rural character and therefore most importantly will protect our land's history and our land's future. Thank you very much.

CHAIR VIGIL: Thank you, Suby. Next.

[Previously sworn, William Baxter testified as follows:]

WILLIAM BAXTER : My name is William Baxter. My address is 32 South

Fork Extended, Santa Fe. I have three things. I live in Santa Fe but I really live in the San Marcos neighborhood. I'm a neighbor to this project, and I am thrilled. This is one of the best things that I have seen on many levels. My other neighbors here, the ones that are aware of it, are also quite supportive of this, and kind of wish that our community had had the advantages to develop along this scheme.

The second point that I make is of a participant in the Santa Fe County Open Lands and Trails Planning and Advisory Committee, of which I'm a member, we, with the Thornton Ranch Petroglyph acquisition, that has pointed out earlier, got it with, as we always look for leverage, for Santa Fe bond monies to be invested, we look for what can we get if we buy this property. And part of the quid pro quo for this was that if this project goes forward we have a major component in the Santa Fe County trails system as a connector between the Galisteo River and the existent rail trail. And this comes, assuming that the Commonweal commons is developed as planned at no cost to Santa Fe County and enormous benefit to the citizens of Santa Fe County.

My last hat is that I'm also a participant in Charter School 37, and this is meant to be the anchor of the village – bi-lingual, expeditionary high school, ecologically sensitive but part of the activity of this high school is going to effectively provide steward who learn by doing to maintain, develop the trails, the natural resources and the considerable cultural resources in the area. So we have a synergy, a way that different organization outside of this project will benefit by the presence of this project. I strongly support it. Thank you for your attention.

CHAIR VIGIL: Thank you, Mr. Baxter. Are you involved in the San Marcos planning process?

MR. BAXTER: I was the chair of that series of meetings. Yes.

CHAIR VIGIL: Okay. And I appreciate your service to COLTPAC. Thank you very much.

MR. BAXTER: Thank you.

CHAIR VIGIL: Next speaker.

[Previously sworn, Jody Drew testified as follows:]

JODY DREW: I'm Jody Drew. I live at 73 Los Hornos Road in Lamy. Lamy is the first reason I want to stand before you. I'm the president of the community association there and I want to just sort of echo what several other people have said about Commonweal's participation with us, coming to explain what the plan would be, responding to our concerns and problems in a very prompt and friendly and open kind of way that we don't often experience.

I think that if people in Lamy had their choice there would be no development at all, which I guess many people in the county would prefer. But we know that development will come to this particular parcel of land into our little slice of heaven. And because that's the case, then I have to say that what we say in Lamy is this is the best possible future for our neighborhood, for the place that we live and the place that we love. So that's the thing I want to say, and for some reason we're on a string of people that are here with dual purposes. I'm also the founder and principal of Charter School 37 and wanted to share with you that our school

opened this year with 9<sup>th</sup> and 10<sup>th</sup> graders. We ended the year with about 100 students. Every single one of those students spent at least one full day in the Basin, trying to understand the geology of the place, the history of the place, the plants and the animals, and began to feel like this would be a very cool place to have our school. In fact this is a place that my family would like to live. So there is already a kind of energy developing and with your permission, you don't need to put this into the record but I would like to give you a first edition copy of a brief field guide for the northern Galisteo Basin, which was prepared by the students at Charter School 37.

If you haven't spent very much time on this land, we'd invite you to come as our guests and this field guide will give you sort of a beginning place to understand the rocks, the animals, the plants and the landscape that's out there. We want to, both of us - me the charter school founder, and me the Lamy resident and president, want to urge you to support this project and give it all the love you can.

CHAIR VIGIL: Thank you, Ms. Drew. If you want to approach with that, feel free to. Thank you. Next speaker.

[Previously sworn, Frank Bond testified as follows:]

FRANK BOND: Good evening. I'm Frank Bond, a lifelong resident of Santa Fe County, and I live at 325 Camino Los Abuelos, Santa Fe, which is County Road 42. The property I own was formerly part of the Thornton Ranch and is to the immediate west of there. I stand before you as a citizen and a resident.

First I have to commend the heirs of the Blueford Thornton estate for actually magnificently handling and preserving that property so it could be used in terms of a vision that we see before you, and I ask only this, is that you had a very sophisticated presentation brought to you, a lot of detail, all the information probably is there that you're going to need to make a decision on that hard part of it. But I ask you to take into consideration the larger vision of a trade of a concentration development for the preservation of a large open space. I've lived in northern Santa Fe County, here in town, out in the southeast and now in southern Santa Fe County. I've lived here, been registered to vote here all of my life. And it takes a vision of this kind to kind of break the mold of what we've known in the past, and what could have been done. Mr. Harrison aptly described that with his overlays of what the development could have looked like.

So as we look at that, it's the vision that counts for the preservation of the open space and the interlinking of that with Rancho Viejo that really is a magnificent legacy that this could leave to all of us and particularly to posterity by the actions that you might take here this evening. Thank you.

CHAIR VIGIL: Thank you, Mr. Bond. Next.

[Previously sworn, Jan-Willem Jansens testified as follows:]

JAN-WILLEM JANSENS: Thank you, Madam Chair, Commissioners. My name is Jan-Willem Jansens. I live 2416 Calle Loma Bonita in Santa Fe, New Mexico. I'm here tonight as a resident of Santa Fe County, an avid environmentalist in the area and as executive director of the Earthworks Institute and a member of COLTPAC. Earthworks

Institute has been active in the Galisteo Watershed as an environmental steward for ten years. At least, actually 14 years. We've been running the Galisteo Watershed restoration program for ten years, are currently involved in wetland restoration, including on sites on the Galisteo Basin Preserve. We know that quite well, the dynamics and it's fragility.

I want to speak in favor of this project and give you some details that might be important for your consideration. The Galisteo Water shed lies in the transition zone between four eco-regions, actually four of the eight eco-regions in New Mexico come together there. The southern Rockies to the north, the New Mexico-Arizona mountains to the south, and the Arizona-New Mexico plateau on the west side, and the southern tablelands, southwestern tablelands to the east. And the Galisteo Watershed is a transition zone therefore, and exhibits high ecological diversity and hydrological activity. Historically, it has generated opportunities for human settlement as well as ranching and farming, as you all know.

As a result the area has developed an enormous richness of culture in the historical resources and is of stunning visual quality. Currently, this offers our community important recreation and educational opportunities, besides very attractive locations for rural living, and as a transition zone the Galisteo Watershed also connects two wildlife migration networks of national importance. The southern Rockies wildland network and the north and the New Mexico highlands to the south. The Galisteo Basin Preserve lies just between those on the nexus of those four eco-regions in the connection zone of those two national green infrastructure networks.

The way that the land is being preserved leads to this open space of 12,000 acres that is now available for the preservation of this huge ecological reserve and archeological treasure that we have in the Galisteo Watershed.

CHAIR VIGIL: Could you wrap up, Jan.

MR. JANSENS: Yes. And besides that, the way the village is structured leads to opportunities for stewardship with schools and surrounding communities and land ownership that is really unprecedented, as I think as previous speakers have mentioned, an enormous opportunity for making these treasures in the Galisteo Watershed more celebrated in a way. So therefore I really want to urge you to support this project because actually, it is the only way to protect and enhance those cultural, ecological, historical and social treasures that we have in the Galisteo Watershed.

CHAIR VIGIL: Thank you, Jan and thank you for your service on COLTPAC.

MR. JANSENS: You're welcome.

CHAIR VIGIL: Next.

[Previously sworn, Ted Fleming testified as follows:]

TED FLEMING: Madam Chair, Commissioners, my name is Ted Fleming. My address is 5-C La Otra Banda in Galisteo. Thank you for the opportunity to speak. I'm a relative newcomer, having living in the Village of Galisteo for just a decade now. I'm an active member of the Galisteo community, having served on the volunteer fire department for seven years, the community association, the community planning committee and the water board. I've been a registered architect for 25 years. I'm also a stone sculptor. I've also been a general

contractor and construction managers for many years, so I'm well versed in everything that's being talked about here.

I've grown deep roots in Galisteo and hope to see my future grandchildren enjoying life here as I have. Development is unquestionably coming to the Galisteo Basin and this area is already dramatically changed in the ten years I've been here. The question is whether future development will be destructive or sustainable. My firm belief is that this project, the Village at the Galisteo Basin Preserve, is a model for any future development in this region, and is our brightest and best hope for the sustainability of the Galisteo Basin.

I've had the privilege to work with the Commonwealth Conservancy and have learned that their vision and their integrity is unparalleled and above reproach. I look with responsibility towards the generations to come. I see that this is how we need to build our future. I strongly encourage you to support this project. Thank you.

CHAIR VIGIL: Thank you, Mr. Fleming. Next.

[Previously sworn, Barbara Pfeiffer testified as follows:]

BARBARA PFEIFFER: Good evening. I'm Barbara Pfeiffer. I live at 85 McKee Road in Galisteo. I come only as a citizen. I support this concept and have supported this idea for many, many years. We're newcomers to the area, but I do want to speak to you as a personal citizen. It just so happens that we live at the foot of the very arroyo that the village center is being built on and if I can't say it once I could say it a million times, that our biggest concern in Galisteo is water and it appears that Mr. Harrison has continued with more and more investigation into water resources. We are still not totally convinced. We would love to see something that could assure us that we will have continuing water in Galisteo for – we're talking about 100-year possibility. I would like to see that maybe be extended even more. Our well is right in the middle of the Los Angeles Arroyo and that goes right down to the aquifer. So the five residents that are there are all impacted if something happens. Three others were with us today earlier who live in this same area, Frank Hersch, Wendy Chase and Barbara or Bobby Hilliard, and they all had the same concerns. They asked me to pass that on to you. [Audio difficulties were experienced during Fran Hardy's testimony and the following synopsis of her remarks is taken from the recorder's notes: Fran Hardy of Lamy stated the proposal was the best solution and will protect the water resources. ]  
... be space without a project like this. This is the kind of project that will protect our water resources in the best way possible.

CHAIR VIGIL: Thank you, Ms. Hardy. And also for some members who have had a lot of patience. Thank you for your patience. Would those of you who did not speak but are here in favor of this proposal, please raise your hands. Thank you very much for your patience and for being here and expressing your statements of support. Those who have and those who haven't, thank you for sitting through the hearing.

Anyone again opposed to this project, please indicate by raising your hand. Seeing none, I would just ask the applicant to come forth for further questions from the Commission. And I'll ask the Commissioners if there's any follow-up questions. Commissioner Montoya, then Commissioner Anaya.

COMMISSIONER MONTROYA: Thank you, Madam Chair. The question I have is there's a couple of pieces of state land in there. What's the plan that they've got for those parcels?

MR. HARRISON: Madam Chair, Commissioner Montoya, the state lands that are within the preserve currently are held under a grazing lease. We've been in fairly active conversations with Jerry King about the opportunity to move the two sections, just under 1300 acres into a long-term open space lease. So that would become then part of the larger open space resources of the preserve proper. In the larger regional vision that I laid out that connects the preserve north into the Community College, with that 60-mile trail initiative, we actually have a letter from the State Land Office that I received about three days ago that was associated with a request I'd made for a trail and access easement across their 4200 acres north of the preserve.

The letter – it's a little bit confusing, it says we've granted your permit for 35 years and please pay us the \$55,000 now that give you that right to create this trail system, so we're looking forward to your money but we're a little bit confused because we have as another part of our record that you already control the grazing lease over this land – which is not true. In fact Rancho Viejo Partnership has that 4200 acres. I think it's that five miles north and south.

COMMISSIONER MONTROYA: Is it shown on this map?

MR. HARRISON: It actually – no, it is not. It's in the master plan itself.

COMMISSIONER MONTROYA: But these two parcels I'm talking about.

MR. HARRISON: Yes, the two parcels within the preserve are under a grazing lease and we're in negotiations with the State Land Office for those moving to a long-term open space lease.

COMMISSIONER MONTROYA: Okay. And then in terms of the charter school, there's talk about an elementary school and high school. What about a middle school? Those will be transported into town, or there's not a need for a middle school?

MR. HARRISON: Madam Chair, Commissioner Montoya, there actually – in our conversations with the Santa Fe School District there's a strong interest in making the elementary school K through 8. So we came forward with our plan as an elementary school, not really knowing what the options were and responsibilities would be to have a middle school. In our conversations with Bobbie Gutierrez she urged us forward and mirroring the kind of curriculum that the folks from Charter School 37 have described where Spanish and English are taught in classes from elementary school on through high school so you don't suddenly have that kind of responsibility as you enter high school, if you've otherwise not had it learning in Spanish if you're Anglo or English if you're Spanish/Hispanic.

So to move to a full-spectrum educational program with a pre-school support, then children moving into the elementary school, middle school, on into the high school. That would be the ideal. There is concern that I think you need to be aware of that generally the Santa Fe School District is not wildly enthusiastic about the economics of small schools.

We've seen that in a debate of the Acequia Madre School here in town. But those are just hard schools for them to figure out their numbers on.

That said, a countervailing force is that there's a strong national interest in small schools. A lot of studies have found that is a much more productive learning environment than the kind of warehousing of our children that often otherwise happens. So it's a bit schizophrenic I have to say. Bobbie, I think, shared with me, maybe with humor and as a chiding or kidding, but she said in fact, when I retire from my position as assistant superintendent my ambition would be to become the principal of that elementary-middle school. That's where I want to end up my career. So if she can bring that forward, I've had some beginning discussions about how the elementary school, K through 8, however it evolves, could actually move into the bond schedule for [inaudible] so that monies would be available.

COMMISSIONER MONTOYA: So essentially you're saying it's K through 8. That would delineate – at least the part that I read it just said elementary and then high school. So at least you've clarified that for me.

MR. HARRISON: And I'll say it has evolved in the course of presenting the master plan and then getting comments from the school district.

COMMISSIONER MONTOYA: Okay. And then a question for staff, in terms of the hydrological reports, what do we have right now that proves what is available in terms of water?

KAREN TORRES (County Hydrologist): Good evening, Madam Chair, Commissioner Montoya. My review of what they have submitted hasn't changed since November. They've demonstrated enough water for phase 1 for this project and additional data would be necessary to assess whether or not there is enough water to serve the entire project. It gets to be interesting what exactly the Code requires at master plan for water availability, and I do defer to Land Use for their expertise in what the Code requires for that. I notice in the packet my November 9<sup>th</sup> memorandum was not there. I do have a copy of that if you'd like that.

COMMISSIONER MONTOYA: Okay.

CHAIR VIGIL: Karen, would you get someone to make copies of that so we can review it and it will be a part of the record.

COMMISSIONER MONTOYA: We didn't get that memo. So Jack, could you just clarify, or Vicki, could you clarify what's needed for master plan?

MS. LUCERO: Madam Chair, Commissioner Montoya, at master plan level the applicants are required to provide or to show that there's water availability for the first sustainable phase of the development, which the applicant has done. They're also required to show that there are water rights available for the first phase of the development and they've also provided documentation on that as well.

COMMISSIONER MONTOYA: Okay. So that will cover for phase 1 then.

MS. LUCERO: Yes, that's correct.

COMMISSIONER MONTOYA: Okay. Thanks, Madam Chair.



CHAIR VIGIL: Could I just get for the record – Karen, can you summarize this memo? I didn't realize it was going to be as long as it is.

MS. TORRES: Madam Chair, I'd be happy to. Sorry, I'm long-winded when I write. The well that they drilled, it's only a test well, it's not a well that's going to be used for a production well. They did drill another well which I have not seen the data for yet, but they will be submitting it according to their presentation for preliminary. The aquifer in the area is not an excellent aquifer, that I would say. The well was pumped at 42 gpm, but that's really not a sustainable rate for this well, the way that it's constructed. But again, this is a test well. This is not their production well.

The transmissivity is fairly low, which means that the rate at which the water can move through the material in the aquifer is at a lower rate. So basically it tends to, when you look at long-term modeling of the aquifer it has more impacts far away, when you have low transmissivity in the aquifer. That was a concern. But again, I did feel that with the data presented from this well, and if they were perhaps to drill another well they would have enough water availability for phase 1. The water rights that they included in their package were enough for 30 acre-feet which they have under contract. Two and a half acre-feet of those water rights are McKee water rights which are local which will probably be very transferable. The other ones will be dependent on of course the OSE process, to figure out whether or not they are a typical offset in this area.

As far as water rights go in this area, it's a tough area for transfers. There are not a lot of water rights that are available locally, and there is a huge issue of impacts on San Marcos Springs. That is a limiting factor in this area. But I know that this plan, they are seeking other sources for water supply as well, perhaps entertaining, if something were to happen with the County having a line going down, or the Eldorado system. But it's a tough area.

COMMISSIONER MONTROYA: So Madam Chair, so then Karen, you're saying that some of the water rights transfers that go from OSE and are requested in this area have a difficult time getting through that process?

MS. TORRES: Madam Chair, Commissioner Montoya, yes. It is a very difficult process. Again, the limiting factor are impacts on San Marcos Springs. So the water rights have to be in line and actually offset those impacts. This project is very large and very near the San Marcos Springs and so that's an issue. But again, this is master plan. They will hopefully have the opportunity to find the water rights necessary and will be able to guide this through future County oversight.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I remember, oh, about four or five years ago. Maybe two or three. The first meeting they had in the Village of Galisteo, the Village that was proposed now was way over there on County Road 42. So we've come a long way and I was very impressed with the presentation you gave before the Commission today. It was thorough. But I do have some questions, and if you could, just answer them very briefly. You don't have to be long-winded. It's late.

In terms of the solid waste for this particular area, are you going to take it to our transfer stations or what is the plan? I know that we have County resources but we're stretching those resources. How can you – in terms of the solid waste, how are you going to be able to deal with that part?

MR. HARRISON: Madam Chair, Commissioner Anaya, you mean the garbage, not wastewater and effluent.

COMMISSIONER ANAYA: Garbage.

MR. HARRISON: Honestly, I've not done a thorough study of what the County's capabilities are to absorb the solid waste. I think maybe the way to consider that question is if it's true that approximately 1000 lots are created in the county every year, a thousand to 1200 lots, and if this is a property that's likely to see development in some form, that problem remains, regardless of what form the development takes. I don't know what our responsibilities would be, whether there's an assessment or some sort of impact fee that comes on a project like this to help support the County's waste management process. I assume probably there are property taxes that are generated or the GRT is certainly part of that offset. But I guess I have to admit that I just have not studied that. I don't know what the County's constraints are right now.

COMMISSIONER ANAYA: Well, a lot of the things that I wrote down, and maybe you don't have to comment on them now, but maybe these are some things that you could look into. Animal control, Sheriff's Department, fire protection, senior programs, youth programs. Who is in charge of the open space and the maintenance and who is in charge of the – who's going to go out and patrol illegal dumping. These are the concerns that we deal with on a day-to-day basis in Santa Fe County, and they're just going to move right into this. So that's why I'm bringing them up.

MR. HARRISON: Could I respond?

COMMISSIONER ANAYA: Sure.

MR. HARRISON: Just very quickly. Madam Chair, Commissioner Anaya, I think one of the real benefits of pursuing a community-building process in the way that we're attempting here is that you have the opportunity to lay on a number of governance structures. So for the community property, there's a model that we've looked at very carefully and it's in the master plan proposal, essentially, rather than a homeowners association you have a non-profit entity that becomes the governing body. And it may have representatives from the Village. It may have representatives from some of the surrounding communities to ensure that the collateral impacts of this project are paid attention to and that the folks from Lamy or Galisteo or Eldorado can actually have a seat at the table. Or elected officials could have a seat at the table and how this community is functioning.

So matters of vandalism, crime – certainly the Sheriff's Department takes primary responsibility but community patrols are certainly another option that could be manifest, could be cultivated in a community that lives as closely and hopefully actively as this one is intended. In terms of the larger open space, a community stewardship organization is a proposal for ongoing management, restoration, interpretation and ranger services. One of

the real challenges for the County open space program right now is it doesn't have operating resources sufficient to put people on the ground, to make sure that folks are not mistreating the resources.

One of the challenges of the Petroglyph Hill acquisition has been that some of the petroglyphs have been vandalized or stolen. It's no one's fault; it's just the truth of what the resources are of the County. When the Thorntons owned that property there's all sorts of wonderful stories of how they managed any kind of trespass and it wasn't pretty. But it did the trick. It kept people off. I think it involved people in the back of fast-moving pickup trucks bouncing along through the rutty roads. But in any case, having patrols of a community stewardship organization becomes that responsible entity where the financing comes to support that non-profit organization is through a real estate assessment or a real estate transfer tax. With each sale of a lot or a home in perpetuity. What we're proposing is a one percent assessment goes into a fund that goes to underwrite the activities and the responsibilities of that CSL.

COMMISSIONER ANAYA: Okay. And then I have down here ATV use, and they have this problem on public lands. Then I have down here, equestrian. What's the 20 acres for? Is that for boarding horses? Just strictly boarding? What is that?

MR. HARRISON: Madam Chair, Commissioner Anaya, it is intended to be an equestrian facility for western riding that would be available for folks who live in the Village or from surrounding communities, that they could board horses and then use that as their point of departure for the equestrian trails that would run through the 12,000 acres for the open space.

COMMISSIONER ANAYA: And you mentioned ranching, saying that you would continue the use of the 2,500 acres for ranching, or is there more acreage?

MR. HARRISON: It could end up being more acreage. We sort of put a number to it to at least say grazing is one of the stewardship strategies for a landscape like this. I didn't want to be so ambitious. We've had all sorts of competing recommendations from the ecologists on the team as to whether ranching over the entire property is appropriate. But there are certainly some very productive pastures that could be used for grazing, so we wanted to allocate at least a portion of the open space to that.

COMMISSIONER ANAYA: So would you keep the Thornton headquarters intact? Is that where they would operate that ranching out of?

MR. HARRISON: Actually, the headquarters is going to continue to be owned by one of the family members. Yes.

COMMISSIONER ANAYA: And that is which piece there?

MR. HARRISON: The light green.

COMMISSIONER ANAYA: Okay. That stays out of it.

MR. HARRISON: That does.

COMMISSIONER ANAYA: Okay. I'm glad to see you have cemeteries, and I noticed in the picture you had churches. Places for churches or one church?

MR. HARRISON: We've called it a non-denominational place of worship,

or reverence, trying to be very inclusive in thinking about creating a space where people can go to celebrate and pay homage to the important experiences, events and people in their lives. So what we're anticipating is a small chapel, essentially, that would be that space.

COMMISSIONER ANAYA: And then, you heard testimony from the residents of the Village of Galisteo about water. I was born and raised in the Village of Galisteo and without water, we have nothing. There was a paper that was passed out by Richard Grisscom and it has a summary, and I was wondering if you could include those five items in your – as part of the conditions. And if you don't have it, I've got it right here.

MR. HARRISON: Yes, I do have it.

COMMISSIONER ANAYA: They talked about the creek. I grew up in the creek and if I were to see that creek run dry it would devastate many people. That's one thing that I have close to my heart is that village and that creek. So if there's some way that we can assure the residents of the Village of Galisteo that we will not impair the water in that area I would appreciate it.

MR. HARRISON: Madam Chair, Commissioner Anaya, John Shomaker is here. He may be able to speak with more authority than I can as to the possible impacts from the wellfield that would be developed 4.5 miles north of Galisteo on the creek. But generally it is our intention to be very respectful. If there was a Hippocratic Oath for the real estate community, I hereby pledge my allegiance to the Hippocratic Oath of the real estate development world – that sounds like some oxymoron. But to do no harm. And the Galisteo Creek is clearly the life blood, and as Jan-Willem mentioned, it's one of the most important wildlife corridors in this part of New Mexico if not a critical link in the larger southwest habitat corridor system. If John could speak to your question as to what his findings are.

COMMISSIONER ANAYA: Commissioner Anaya, would you like –

COMMISSIONER ANAYA: No, I think I just wanted to let you know that that is a big concern of mine and I know that you guys are going to address it. Madam Chair, that's I have and thank you for the presentation.

MR. HARRISON: You're welcome. Although as to your question of including the recommendations, what I've told Richard and what I've assured the folks in Galisteo and would assure yourself and other members of the Commission is that what was committed to from the CDRC is we'll enter into a joint well monitoring program and I think that's very easy to do, to post a bond or a letter of credit – I think it goes back to a discussion you had earlier tonight – it's difficult, especially at this stage, for us to make that commitment because I'm not sure what I'm signing up for. It's a little bit of a blank check. I think the State Engineer, and Karen would be able to speak to this with some authority, in their process of approving the water transfers they'll take a very close watch or keen eye, put a keen eye on what the well impacts are on any adjoining property owners or well owners. And I think we can look to the State Engineer as the ultimate arbiter and

then in combination with the County hydrology staff.

Now, I may be giving more credit than is appropriate but I thought that was really the state's function, was to really monitor very carefully any impacts. And so therefore if there are, then we have the responsibility to mitigate. But I'm not sure what form that takes.

CHAIR VIGIL: Karen, do you have a quick response to that, since you worked at the State Engineer's Office?

MS. TORRES: Madam Chair, through the water rights transfer process, they will not be allowed to impact any springs that have water rights owners on it. Sadly, springs that don't have water rights attached to it are not protected by the OSE. So basically, they're charged with protecting water that has an actual water user and what they consider to be beneficial use. Sadly, riparian areas that are fed by springs aren't considered to be a beneficial use. So there will be some oversight but not on every single little spring in the area.

In the La Cienega zoning ordinance they do have language in there for calculating impacts to the riparian areas but really there's not any notion of what is done if an impact is calculated to it. So we don't really have criteria to know at what point is the impact – if a calculated impact is going to affect a spring to the point where the riparian area may be impacted or flow to the river. Galisteo Creek is primarily spring fed after the spring runoff, so those springs are very important in that area.

CHAIR VIGIL: Okay. And I have a follow-up question. I know Commissioner Sullivan has a question too, but on the real estate transfer tax, is that something that you as a non-profit, independent, homeowner, neighborhood association is planning to implement, and do you have that authority and does your non-profit status – I always thought taxes of that nature required statutory language.

MR. HARRISON: Madam Chair, actually, it's not a tax.

CHAIR VIGIL: It would be a neighborhood association fee?

MR. HARRISON: It's an assessment. Yes. It's part of the covenants of the community. And essentially all kinds of other conservation developments around the country have instituted.

CHAIR VIGIL: And that particular fee would only be – I guess it would kick in to provide for the open space and trails upon the sale of a home. Is this going to apply to the affordable housing units too?

MR. HARRISON: Madam Chair, it is anticipated to apply to all of the properties. Yes.

CHAIR VIGIL: Okay. Thank you. I needed to clear that up. Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, the water issue of course is still – anyone that tinkers with the Galisteo Basin has got water issues to deal with of course. I guess a couple questions for Karen. Karen, I see in this report and this packet material, one well having been drilled and I hear tonight that another test well was drilled

but I understand you don't have the information on that yet to evaluate. On that one well, I recall seeing 45 gallons a minute up there. What was your evaluation of the sustainable yield of that well?

MS. TORRES: Madam Chair, Commissioner Sullivan, the sustainable rate for that well is probably around 15 to 20 gpm, just because when the well was pumped at 42 the water level declined pretty rapidly, almost 200 feet, and you generally want lower pumping levels. The well ought not to go down that much after pumping for 96 hours. So you pump it at a lower rate so the well will probably have a longer life.

COMMISSIONER SULLIVAN: Okay. So 15 to 20. I believe Mr. Harrison presented some analysis that if we had business as usual with the lot sizes as the developed naturally out there, there would be 600 lots. We, I think, want to encourage compact development and we don't like sprawl. It's not popular right now in our planning lexology. But none the less, from purely a water standpoint, if 600 lots were developed and sold and residential water uses were developed, would that be worse than 965 families in the same area? From purely a hydrological -leave the sociology out of it for right now.

MS. TORRES: Commissioner Sullivan, if you're speaking just to a pumping center, how that impacts the aquifer -

COMMISSIONER SULLIVAN: Whatever the nature of the aquifer is that we're dealing with here, if we took that horrible business as usual scenario that was put out there and we had 600 wells - let's say worst case. Let's say nobody shared wells. And of course the County requires shared wells, so obviously some would be shared. Maybe we would have 200 wells instead of 600 wells. But regardless, in terms of impact on the aquifer, is it fair to say that this 965 units would have less impact on the aquifer than 600 scattered units would?

MS. TORRES: Well, I believe there would definitely be a localized impact that was felt near the pumping wells. One of the concerns about this area is because where they're pulling the water from is sort of one distinct area and if it does dewater quickly then we hope for the area surrounding it aren't necessarily as good as here so there's really no place to go to. So as far as where they're planning on pulling it now they're pretty much dewatering the aquifer in that area to serve this development. But if it were - if there were wells all around, the aquifer probably wouldn't even be as good as where they're drilling at so they may not be able to actually get water out of the wells to even have a development, even the standard one. But probably, the impacts would be a little more spread out over that area.

What I might add though, with a community water system, they are required to bring in water rights and hopefully have a balance to that where they're going to stop irrigating or stop using water in one place and start using here.

COMMISSIONER SULLIVAN: Yes, I definitely support a community water system where water rights are required, and of course that's part of our ordinance here. That's nothing that Commonweal is giving the County. There's an ordinance that requires a community water system and the transfer of water rights. But if I were a resident

of Galisteo and were concerned about the effect on my wells or the Galisteo community water system, which would be better?

MS. TORRES: Well, when you model pumping centers, the larger amount of water that comes from one place shows the larger impacts, because you have a notion of storage in the aquifer, which acts as a buffer to that. So looking at modeling, when you pull it all out of one place, the impacts are going to be greater than if you pull it out from multiple places at lower levels all over.

COMMISSIONER SULLIVAN: Okay. So I guess that leads to a question for Mr. Harrison. You're certainly not unaware that we have water issues in the area. I think you've referred to that this evening as have some of your supporters. In reading a part of your community plan it says based on a series of pump tests and water quality studies, potential impacts to offsite wells and water rights will need to be carefully monitored and mitigated. So my question is to you, how will you mitigate impacts that that monitoring might come up with?

MR. HARRISON: Madam Chair, Commissioner Sullivan, I understand that if we have a drawdown, if there's an impact, if there's impairment, that we will be responsible for mitigating that impairment.

COMMISSIONER SULLIVAN: Not necessarily. Not necessarily. Once you receive OSE approval for a water right transfer, that's pretty much the end of the deal as far as the state's concerned, to the best of my knowledge. Now, if they try to model and determine impairment in that process then they may cut you back in terms of the amount of water you can transfer from a particular water right because of that impairment. I think what the people in Galisteo are looking at is what is the long-term impact. The first phase may not hit them but the second phase might and the third phase might and so forth.

I'm trying to get a feel for – let's say we set up a monitoring system, which you've indicated that you will participate in – I assume financially – and we show the water levels dropping, more than they've been naturally dropping, let's say, so we could designate these as being impacts as a result of this development. What would you do? What mitigation would you do? Houses are going up, the roads are being built, charter school 37 is moving in with its moving vans? What are you going to do?

MR. HARRISON: Madam Chair, Commissioner Sullivan, I can only speculate a little bit here as to what our options are, and I spoke a few weeks ago with Commissioner Anaya about this. If it can be demonstrated clearly, convincingly, to all sides that our pumping activity is impacting the wells and water resources of Galisteo Creek and the private wells downstream then I think we do have a responsibility to make right their lost water. Now how does that manifest? In fact as intermediate to marginal the aquifer resources maybe beyond the Zone A in our property we still have middle Galisteo Formation geology that has meaningful water resources. Frank Bond, who spoke to you earlier drilled into that middle Galisteo Formation 300 feet. He had a meager amount of water. By the time he drilled to 1000 feet he was pumping about 100 gallons a minute.

I think the truth is we don't really know enough about the aquifer resources of this

larger landscape because it's been operated as a ranch for 100 years. There's only a few ranch wells, stock wells, that are out there. Most of these are very shallow, 50 to 80 feet deep. Amazingly, most of those continued to operate just in their fragile, windmill fashion, even during the four years of the drought. So there's a fairly shallow water resource that may not be substantial for serving a home or a group of homes but there are water resources all through this property.

I could image, and this is what I mentioned to Commissioner Anaya, is that if we had to look at a regional solution for Galisteo's reduced water supplies, and frankly, the work of John Shomaker and his associates has argued quite adamantly that there's no relationship between the aquifer resources of our pumping area and the Galisteo wellfields. As we've heard tonight, Galisteo and I think Karen has affirmed, Galisteo is really drawing water from the alluvium that's coming through the Galisteo Creek. It's not deep water. Deep water is bad water. It's horrible, nasty stuff. So they have to rely on the shallow water and that's primarily snowmelt and rainwater flows.

So that's where their water comes from. If we go into an extended drought cycle, if climate change plays out the way we're anticipating, not recently. But if it plays out in the longer term the way it's projected, Galisteo is in trouble. It may not be in trouble because of what we're doing but it's in trouble because there's just not much rain or snow, and they need a solution. And I think the solution is to look regionally as to what the aquifer resources are in this area, and I would say that Galisteo would be well served to tie into the aquifer resources of the open space that are part of this preserve, and feed their water lines with water from that aquifer.

Now, should it be Commonweal Conservancy's expense to develop that wellfield? Not if climate change is really the culprit.

COMMISSIONER SULLIVAN: That's not my question. My question is not – you're going to maximize, I'm sure, all the water resources that you can find out there, but I'm just reading what you're committing in your master plan where you say if there's impacts to offsite wells, could be Galisteo, could be Lamy. You're closer to Lamy.

MR. HARRISON: Yes.

COMMISSIONER SULLIVAN: It certainly could be Lamy. Lamy has a fairly fragile community water system there. It needs to be mitigated. My question is – and maybe your answer is I don't know.

MR. HARRISON: Yes, I think that's probably right.

COMMISSIONER SULLIVAN: The answer is I don't know.

MR. HARRISON: There's a commitment –

COMMISSIONER SULLIVAN: You agree it has to be mitigated but you're not sure how it would be mitigated.

MR. HARRISON: If there's a direct correlation between our activity and their wells.

COMMISSIONER SULLIVAN: Okay. Let me switch gears for a minute about commercial. You indicated a plaza center and some commercial potentials. Every



new development that we see shows how we're going to have a community center and we're going to have commercial and we're going to have a philosophy that limits the need for automobile travel to go to a grocery store. Rancho Viejo was that way. Rancho Viejo didn't have its first commercial structure until a year ago, and that was a coffee shop. And they've got hundreds of homes out there already, and they're very close to downtown Santa Fe.

So have you done a market study on what the – and by the way, the second commercial center there, I understand in Eldorado is struggling. There's a lot of vacant space still there. So have you done a market study on what kind of commercial you can anticipate would locate here?

MR. HARRISON: Madam Chair, Commissioner Sullivan, we have. Bruce Poster did that market study. I thought that was actually a requirement of our master plan submittal. He felt confident that we could support all of those commercial uses in terms of the square footage which we've set out over the course of the project's development. Now, a major difference, and I know there's been a lot of disappointment in how the commercial has played out in Aldea and the Community College District. Both of those projects, I know made great promises and I believe those promises were quite sincere. But the economics of those corporations or the partnership didn't allow for those facilities to come on until a later stage in their development or the first stages of those developments in the Community College District.

In our case, whereas your looking at some basic elements of retail. A village market that may be, with all due respect, something like a Vermont country store. The Anaya store that served Galisteo, there's no economic reason why that store should have functioned given the population of Galisteo. But it was a place to go, it was a place to be, it was a place to see your neighbors that created a social fabric or shroud or whatever around that.

COMMISSIONER SULLIVAN: Let me ask you about that. Is this something you're hoping for or is this something that Commonweal is going to participate in to create.

MR. HARRISON: The latter.

COMMISSIONER SULLIVAN: So financially, you're going to somehow encourage – wishing won't get it.

MR. HARRISON: No, we're actually proposing to build those buildings and heavily subsidize the rent over the course of probably the first five to six years for those facilities. We see that as a marketing cost.

COMMISSIONER SULLIVAN: Okay. Because Rancho Viejo says we can't get any commercial. Well, in downtown Rancho Viejo, if you want to charge \$14 a square foot you're not going to get any commercial.

MR. HARRISON: Exactly.

COMMISSIONER SULLIVAN: So you've got to put some money where your plans are.

MR. HARRISON: Indeed. And also we see the school as an opportunity, that that creates a daytime population that some of these other communities don't have.

CHAIR VIGIL: Next question, Commissioner Sullivan.

COMMISSIONER SULLIVAN: The next question, and this is for staff. Is Vicki around. Vicki, there's a memo with five conditions from Andrew that reviewed the master plan.

CHAIR VIGIL: What page are you on?

COMMISSIONER SULLIVAN: Unfortunately, it's not numbered. It's like page 600. It's two inches plus. I don't know. It's back in the back there and there's no number.

MR. HARRISON: All of the conditions that Andrew has required we're accepting.

COMMISSIONER SULLIVAN: Okay. I don't see those in the staff conditions, and maybe you can help me with that, Vicki. Maybe they're summarized differently than they were in Andrew's memo.

MS. LUCERO: Madam Chair, Commissioner Sullivan, you're referring to the letter from Andrew -

COMMISSIONER SULLIVAN: Dated March 7, 2007.

MS. LUCERO: There is a condition number 3 of the staff report, letter n, Compliance with the County Planning Division. That memo was written through the County Planning Division.

COMMISSIONER SULLIVAN: Right. Okay. So 3. n when we talk about conditions for this, 3. n would include the five conditions in Andrew's March 7, 2007 letter.

MS. LUCERO: Yes. That's correct.

COMMISSIONER SULLIVAN: Okay. That takes care of that. That's good. There's agreement with that. And then, back to you, Mr. Harrison. The New Mexico DOT indicates that you submitted a traffic warrant analysis but you did not submit a traffic impact analysis. It says it's possible that maybe it was submitted earlier and they have some concerns with your traffic submittal. What's the status of that?

MR. HARRISON: Madam Chair, Commissioner Sullivan, we've actually just received, I think as of yesterday, the draft traffic impact analysis. That's a study that's not required, as I understand it at master plan submittal but rather is a requirement at preliminary plat. The findings of our traffic engineers disputes the need for an underpass coming out of the project and heading into the northbound lane of 285, given a very low traffic volume coming south from Eldorado. I think the max daily rate right now is 250 cars at the pick hours. 250 cars going by the intersection. As I mentioned in the presentation, the level of service even at full build-out is anticipated to still be Class A and Class B is considered acceptable by the DOT.

For safety reasons, again sort of in the Hippocratic Oath spirit, we want to make sure that the interface with US 285 is safe and efficient, so as we go through our process in

the preliminary plat submittal our traffic engineers will present their findings to County staff as well as to the DOT and we'll work through what they feel comfortable with at the different stages of the development. I think they felt comfortable at the first phase where there's 161 homes proposed, but there's really no change other than perhaps a decel lane.

COMMISSIONER SULLIVAN: I would rebel at a Class B intersection, along 285, with speeds of 65 miles an hour. You're cruising for a bruising if you do that.

MR. HARRISON: Again, our traffic engineer said we'd have a Class A even at full build-out.

COMMISSIONER SULLIVAN: Our staff will take a look. And then the last question I had, Madam Chair, and I brought it up before to Mike Loftin. I'm concerned in your plan for affordable housing, which I understand the staff has not had a chance to review because they were out on vacation and will be reviewing, that you're focusing, you say, on small and moderate sized homes. Is it your intent to come in for a variance on the affordable housing ordinance?

MR. HARRISON: Madam Chair, Commissioner Sullivan, what I was describing there in the affordable housing plan is that we would track in the affordable housing we produce the same size homes that we're building in the market rate. So if we're building condominiums or townhomes or live/work or whatever the product type might be, we're actually going to be pushing towards smaller homes in general for the project. So in turn we have talked with Duncan about in the larger environmental sustainability goals, if we're reducing the material demands for constructing homes by using good design to make homes livable, wonderful, healthy places, rather than just creating big boxes, that we would make the affordable homes perhaps smaller than what the current ordinance is setting our or required. So if that's going to require a variance then we may be coming in for a variance.

COMMISSIONER SULLIVAN: Certainly. Those are not large areas. When you look at 900 square foot three-bedroom homes, you're not looking at a very big house. It's pretty minimal at best for a family of four or five. I would have some concerns about varying or deviating from our affordable housing requirements because, well, for one thing, when we passed the ordinance more than a year ago the square footage went down considerably for each of the housing types and that was a concession to the building community to get them on board with this ordinance and try to make it more compatible with their profit motive. So I would raise a red flag on that and certainly say that I would not personally be in support of that. Those are the questions I had. Thank you, Madam Chair.

CHAIR VIGIL: Further questions? No further questions. I do recognize there are other staff people here inclusive of our affordable housing. Do you have anything to address, Duncan, with regard to this project?

DUNCAN SILL (Affordable Housing Coordinator): Madam Chair, Commissioners, I just wanted to say that I've had an opportunity to briefly read through for the first time the information that the applicant submitted. At this point I just want to

say there's a lot of potential to work through a lot of creativity in there and in regards to Commissioner Sullivan's concern I would address that thoroughly with the applicant concerning the intent and how it would actually conform or not conform with the requirements of square footage in the affordable units. I think we'll have many opportunities to do so.

CHAIR VIGIL: Thank you, Duncan.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding the water quality, what was that like in terms of your test well? Either Karen or Ted.

MS. TORRES: Madam Chair, Commissioner Montoya, the water quality from the test well met all of the current EPA standards for drinking water. Actually we were surprised to see that because there were nearby wells that had high total dissolved solids that make it salty and really undrinkable, so it was surprising to see that.

COMMISSIONER MONTOYA: Okay.

MS. TORRES: A benefit of the faults in the area, I believe.

COMMISSIONER MONTOYA: Then Madam Chair, just a question for Richard Griscom. If you could address on number 4, the one that talks about that Commonwealth will post a performance bond to guarantee Galisteo's water. Could you just summarize what the intent of that is?

MR. GRISCOM: Madam Chair, Commissioner Montoya, the intent would be to set up a mechanism and that mechanism has yet to be worked out, but I'm sure it can be, whereby if money would be put in perhaps something like an escrow or a letter of credit or an insurance policy that Commonwealth would have to purchase, so that if there is impairment of our wells that money could be used to make us whole in terms of the wells.

COMMISSIONER MONTOYA: So that could mean drilling other wells?

MR. GRISCOM: It could be drilling other wells, deepening our wells in the village. However, I should point out and I think Commissioner Anaya mentioned this or somebody mentioned this earlier that going deeper with our current wells in our situation in the alluvium has generally not proved beneficial. We usually hit bad water if we go much deeper, through the alluvium. Or it could be tying in with a regional system, as Ted Harrison suggested. That's one possible mitigation.

COMMISSIONER MONTOYA: Okay. Thank you. And then for legal then I guess, can we impose that condition?

MS. GLICK: Madam Chair and Commissioner Montoya, I'd like some more time to think about that. I apologize, I don't know the answer off the top of my head.

COMMISSIONER MONTOYA: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Karen, do you have any comment with regard to Commissioner Montoya's question, if we can impose an impairment bond requirement? Would the State Engineer's process assist us with that?

MS. TORRES: Madam Chair, it's going to be fact-dependent, whether or

not there is going to be calculated impacts onto a certain area. If there – the OSE process, if a large water user or municipality has a calculated impact that is going to take the water level down to a point where the well is unusable, typically they look at 70 percent of the water column can be taken away, but it's going to depend of course case by case, the nature of the aquifer. Their wells are shallow so I would imagine not too much of the water table can be taken down before they're impacted.

But at any rate, in that event, there are a couple options at that point. The OSE can deny the application due to impairment. They can state that the water right owner, the person that's going to be pumping the water can do what's called a plan of replacement, which is drilling a replacement well, which may not be a suitable option here, and then the third option especially for a municipality is to hook that entity up to that water supply and so deliver the water to them. I don't know if that's an option either for this development just due to the distance away and then just the need of their own development. As far as the Village of Galisteo's water supply, it would probably be the first one from the State Engineer, that they would deny the application.

CHAIR VIGIL: Okay. And I have a question for Vicki. Did we hear from the Eldorado Water and Sanitation District with regard to this proposed project, or in fact for that matter, from any of the Eldorado residents. I recognize there is Galisteo and Lamy residents but another community that would be impacted by this would be Eldorado.

MS. LUCERO: Madam Chair, we have not heard from the Eldorado Area Water and Sanitation District and to my knowledge, I haven't received any phone calls from any of the Eldorado residents and from the letters that are in the packet it doesn't appear that anyone from Eldorado has responded.

CHAIR VIGIL: Okay. Do you want to address that?

MR. HARRISON: Madam Chair, I actually have a letter from Eldorado Water and Sanitation District that was a letter of commitment to serve the project if the moratorium notwithstanding. I know that there's a bit of turmoil over there on the board but on March 12<sup>th</sup> they provided me with a letter saying that they are ready, willing and able to provide water to the project in its entirety. How they manifest that commitment I don't know but I've actually had many interactions and made a number of presentations to the district board over the course of the last three years and at least the outgoing board has been very favorable to the project. So I could provide that letter to you as documentation on at least the current board's impressions of the project.

CHAIR VIGIL: We'll trust your testimony.

MR. HARRISON: Thank you.

CHAIR VIGIL: Any further questions?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Harrison, I think I saw that letter and the letter said that we'll provide you the water if you will provide us the water rights plus 20 percent and you will build the line and connections to the Eldorado water system, in

accordance with our standards. So is that an option? Are you in agreement to do that?

MR. HARRISON: Madam Chair, Commissioner Sullivan, we put it out as one of the options. As you know from the master plan submittal, we're looking at a sort of three-pronged approach -- self-supply, which has been the more significant challenge or concern for folks in Galisteo, primarily, or tying into the Eldorado Water and Sanitation District facility, or tying into the County's facility. So really all of those options are open.

COMMISSIONER SULLIVAN: There is no County facility out there in case you hadn't noticed.

MR. HARRISON: I know. I know.

COMMISSIONER SULLIVAN: It's five miles away.

MR. HARRISON: That's true, but it's not impossible, and Steve Wust has been eager to bring the line down or have us participate in the construction of that line if we would be willing participant in the County system. That's not a near-term strategy. We're anticipating a phase approach, self-supply in the first few years and then moving into a regional connection that ideally would be the Eldorado Water and Sanitation District. So can we meet their requirements in terms of delivering water rights? Actually there's an easier way to deliver water rights to the Eldorado Sanitation District than providing water rights for our self-supply strategy, because at least by Mary Raynard's description, there would be the opportunity to bring water rights from other basins instead of just the Galisteo Basin.

And plus if Eldorado connects into the County system -- there are a lot of things coming forward that may create an opportunity to have that connectivity. That's what we see as the optimal strategy, a regional connective system.

COMMISSIONER SULLIVAN: The problem with self-supply is that once you've created a well system and well connections then those people aren't going to change. So you've eliminated that market group from your users. And if you want an example of that, all you need to do is go to Eldorado Subdivision. The early, older stages of Eldorado Subdivision, the ones to the west and southwest are all on wells. Then the Eldorado water system was built, none of those are on wells. As closely clustered as they are, no one has ever said, I want to get on the Eldorado water system because they don't want to pay the cost.

So as soon as you set up a well-based water system you've made that commitment irretrievably. No one is going to assess themselves to get on another water system or to pay the cost because they're already on a well system and they have their investment already structured into that system. So I think that you need to think not just for phase 1 but you need to think in the whole subdivision or the whole proposed subdivision when you think about water.

MR. HARRISON: Madam Chair, Commissioner Sullivan, since, when we talked about the governance layers that would be a part of this community, you're right. Maybe in a traditional homeowners association there would be a sense that, well, we've covered our needs so we don't really need to worry about -- maybe the homeowners

association doesn't really matter. But if you have a non-profit, more professional governance structure that's looking at the needs and interests of the whole of the community, I wonder whether, and I would anticipate that we'd have a better opportunity to look at those regional connections than maybe what the experience of Eldorado.

And I think what you're describing, at least as I understand it, is that those were individual wells. So once you've made your investment in an individual well, that's a very different situation than if you've already signed up to be part of a community well system, community water system, and then you're supplementing that community water system by regional connections to the Eldorado District or to the County.

COMMISSIONER SULLIVAN: Thank you, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd like to make a motion and move for approval from the testimony that I've heard today, with the conditions, and include the five conditions that were brought by Richard Griscom. And if there's any other condition that you'd like to add, Commissioners, I would entertain it right now.

CHAIR VIGIL: Was there a second to that motion?

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: There's a motion and a second. Commissioner Sullivan, are you ready raising your hand or drinking water?

COMMISSIONER SULLIVAN: I'm drinking water.

CHAIR VIGIL: Are there any other further comments from staff or questions from Commissioners?

COMMISSIONER MONTOYA: Madam Chair, I would just say that I think this is certainly a project that merits a lot of positive consideration on our part and I think you hear from this Board, the concern that we have about the water, because a great idea without water, it will never come to fruition and this great idea needs the water to make sure that it's supported. I think the impairment - we're dealing with that with an impairment fund with the Aamodt lawsuit that we're working through right now and I see the value of needing to have that sort of insurance, if you will, that if there's going to be impairment on a water supply that there's some sort of mechanism to replenish or make that water whole again, if you will. But I certainly do support the concept and hopefully the water issue can be worked through. Thanks, Madam Chair.

CHAIR VIGIL: Okay. Any further comments, discussion? Ready to take a vote?

**The motion passed by 4-1 voice vote.**


CHAIR VIGIL: Mr. Harrison, it looks like you have four votes in favor and I am going to be probably the single dissenting vote, and I guess my difficulty is very zeroed in on an area where we've had a moratorium and now approving a new

development. Your development sounds wonderful and I agree with the testimony that in fact this place will be developed and we should probably look at developing it in this fashion. I think you're going to have some difficulty with the Office of the State Engineer on this. I hope you don't, but it's going to be strictly dependent on that water issue. I wish you well despite my dissent because I really like what you're trying to do here. So the motion does pass with a 4-1 vote. Thank you.

### XIII. ADJOURNMENT

Chair Vigil declared this meeting adjourned at approximately 10:10 p.m.


Approved by:

  
Board of County Commissioners  
Virginia Vigil, Chair

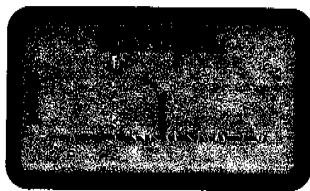


  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

  
Karen Farrell, Wordswork  
227 E. Palace Avenue  
Santa Fe, NM 87501





June 12, 2007

THE GALISTEO COMMUNITY PLANNING COMMITTEE'S SUBMISSION TO  
THE BOARD OF COUNTY COMMISSIONERS REGARDING THE PROPOSED  
GALISTEO BASIN PRESERVE

I. Introduction

The Galisteo Community Planning Committee would like to compliment Commonweal Conservancy and Ted Harrison on the transparency of their planning process in proposing to develop the Thornton Ranch. The Planning Committee has had several meetings with Ted, and he has consistently been responsive to our questions and requests.

We feel the cluster/open space model proposed by Commonweal for the Thornton Ranch is a good one for the development of large land holdings, and we recommend that Santa Fe County consider requiring it for future development of large ranches. The large amount of proposed open space is the main attraction that the project has for us. We also applaud the water-conservation measures that are proposed for the development.

For almost two years members of the traditional community of Galisteo have earnestly attempted to acquire the best information available on the water situation in the Galisteo Basin. Our concerns about the Galisteo Basin Preserve, proposed to be developed just six miles north of our village, are listed below. They are based on what we have been able to discern from County, State and Federal agencies, from two hydrologists and from Commonweal Conservancy. Some of our comments are specifically based on the Sept. 20, 2006 report of Hydrosience Associates, a copy of which is attached.

\*The amount of **testing for water availability**, although meeting the County's requirements, **is minimal**; only one new well has been drilled and thoroughly tested.

\*Some of the **assumptions regarding water availability appear to be overly optimistic.**

\*To be able to gauge the total hydrological impact of the project, the County should insist that both the **water and the water rights needed for all 3 phases of the project be established and proven before final approval is granted.**

\*There should be **mandatory monitoring of wells** in areas surrounding the development, including in the villages of Galisteo and Lamy.

\* The County should require the developer to post a **Performance Bond to ensure accountability** in case there is impairment of wells in surrounding areas.

\*If the project ties in with the Eldorado Area Water and Sanitation District for its long-term water needs, **the project should not draw on EAWSD's Lamy wells.**

## II. Water

The preservation of Galisteo's water supply is the primary concern of the Galisteo Planning Committee. Despite recent rains, virtually all climate models predict that the drought of the past few years will continue. This is a strong argument for using conservative estimates in projecting water availability. Some estimates in the Shomaker hydrology report (specifically, the factors used for transmissivity, specific yield, recovery and reliability) reflect optimistic assumptions, rather than conservative ones.

Moreover, the Galisteo Basin is known for having a fragile water supply, and recent experience bears that out. We are informed that at least three properties upstream from Galisteo have recently had significant problems with their well-water levels dropping. Two of these, Goose Downs and Haciendas Tranquilas, lie directly between Galisteo and the Thornton Ranch. The third, Saddleback Ranch, is 5 miles north of the village and sits on the same shallow alluvium that supports Galisteo's community well and most of its private wells. We don't want the same problem with our wells.

Galisteo residents have been relying on the water in the Galisteo Creek and its alluvium since the Tano Indians settled the Galisteo Basin in the 13<sup>th</sup> Century. One of the reasons several of their pueblos failed was drought, compounded by possible overpopulation. We don't want to repeat their experience.

Since Commonweal Conservancy is the party requesting a change in the status quo, the burden of proof should be on it to show that there will be no more than a negligible impact on our water. Therefore we urge the Board of County Commissioners to require Commonweal to show beyond a reasonable doubt that our wells will not be impaired. We further propose that Commonweal be required to post a Performance Bond so that it would be accountable to us if our water is impaired and be responsible for returning to us the level and quality of water existing before the development started.

According to a hydrologist with whom we have consulted informally, this could not be accomplished by merely deepening our wells, since our water source is the shallow alluvium beneath the Galisteo Creek. Drilling below that alluvium probably would take us into geological formations containing only small amounts of bad water. Wells with unpalatable water are common on the eastern side of the village.

If the development is approved, we propose a joint program with Commonweal of monitoring Galisteo wells to measure as accurately as possible any impact of the new development. Current water levels would be measured at the outset to establish baselines.

We note from the planning documents that in the long term the proposed development may tie in with a regional water system. If this were to be the Eldorado Area Water and Sanitation District (EAWSD), it is imperative that the Lamy wells of EAWSD be isolated so that the Galisteo Basin Preserve would not be drawing water from them. They tap directly into the alluvium from which the village of Galisteo gets its water and have a history of going dry during droughts and when the spring run-off is slight.

### III. Other concerns

We are also concerned about the amount of traffic that this proposed development would occasion on Rte. 285. Rte. 285 is a WIPP route, and therefore requires extra precautions. Commonweal proposes to have only one access to US 285 from its Village at Galisteo Basin Preserve, which seems inadequate for 965 homes and related services--especially if there is neither a traffic light nor an over- or underpass.

We note in the Master Plan Commonweal's "dark skies" policy. Not seeing a night glow from nearby housing clusters is important to us, and we intend to be vigilant in working with Commonweal to see that the "dark skies" policy is carried out.

Another concern is the possibility of Commonweal completing only part of its plan to purchase the whole Thornton Ranch. We hope that in that case the County would protect from development the entire Open Space contemplated in Commonweal's Master Plan.

### IV. SUMMARY

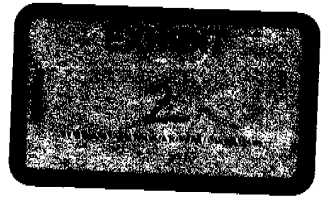
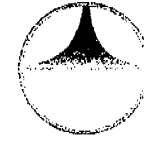
Our principal concerns with the proposed development are about protection of the Galisteo water supply. We support the development provided the following conditions are met:

- 1) that the County require that the hydrological assumptions used, and the testing carried out, to estimate water availability for the project be as conservative and thorough as possible;
- 2) that the total hydrological impact of the project be evaluated, by examining the water and water rights requirements of all 3 phases of the project, before final approval;
- 3) that Commonweal be required to show beyond a reasonable doubt that its Galisteo Basin Preserve will not cause an impairment of Galisteo's wells;
- 4) that Commonweal post a Performance Bond to guarantee that Galisteo's water supply be restored to its condition prior to the development if the water supply is impaired due to this development, as established by a joint monitoring program; and
- 5) that, in case the Galisteo Basin Preserve ties in with EAWSD for its water supply, the EAWSD's Lamy wells not be drawn upon for the project's water needs.

Members of the Galisteo Community Planning Committee: Anna and Freddie Cardenas, Wendy Chase, Antonio Chavez, Leslie Dilworth, Rebecca Fitzgerald, Ted Fleming, Richard Griscom, Nancy Helle, Barbara Hilliard, Frank Hirsch, Lucy Lippard, Will Mares, Maria Ortiz y Pino, Denise Pruett, Linda Rice, Amy Tremper, and Dorothy Victor.

May 24, 2007

Ted Harrison  
Commonweal Conservancy



*Santa Fe Conservation Trust*

Dear Ted,

The Board of Directors of the Santa Fe Conservation Trust has voted to express our support for the land conservation initiatives you have developed for the Galisteo Basin Preserve.

By permanently protecting more than 12,000 acres of undeveloped, publicly accessible land, the Galisteo Basin Preserve will be a vital centerpiece in the ongoing efforts to preserve the regional and national conservation values of the Galisteo Watershed. The planning for the Village at Galisteo Preserve sets a new standard for master planned development in New Mexico by protecting natural and cultural resources on an unprecedented scale, striving for an environmentally sensitive development design within the context of a healthy, functional, and sustainable community, and engaging surrounding communities in an open participatory process that welcomes diverse perspectives and objectives.

The Santa Fe Conservation Trust hopes that you will engage us as an active partner in the future stewardship of the Galisteo Basin Preserve and a broader regional network of open lands and trails. As you know, our strongest roles would include monitoring conservation easements and engaging residents and others in trails and land stewardship programs. Whether or not the Santa Fe Conservation Trust is involved in the future of the Galisteo Basin Preserve, we strongly recommend that the open lands that Commonweal Conservancy protects under conservation easement be monitored in perpetuity by a well-qualified, independent land trust organization.

Our Board of Directors has authorized me to endorse the commitments to land conservation expressed in your Master Plan for the Village at Galisteo Basin Preserve when it is considered for approval by the Santa Fe Board of County Commissioners. Please let us know if there are other ways we can be of assistance. We look forward to working together on creating a partnership that will protect one of our region's most special places and serve as an example for similar conservation initiatives.

Terry Smith

cc: Santa Fe County BCC  
Pat Lyons