

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 225

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**SANTA FE COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**September 9, 2008**

- Paul Campos, Chair – District 4
- Virginia Vigil, Vice Chair – District 2
- Michael Anaya – District 3
- Harry Montoya – District 1
- Jack Sullivan – District 5

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

**September 9, 2008**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:00 p.m. by Chairman Paul Campos, 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 Paul Campos, Chair  
 Commissioner Virginia Vigil, Vice Chairman  
 Commissioner Jack Sullivan,  
 Commissioner Harry Montoya [3:05]  
 Commissioner Mike Anaya

**Members Absent:**

[None]

**VI. APPROVAL OF THE AGENDA**

**A. Amendments**

**B. Tabled or Withdrawn Items**

CHAIRMAN CAMPOS: Mr. Abeyta, we're on approval of the agenda. Any comments?

ROMAN ABEYTA (County Manager): Mr. Chair, the only changes that staff has, or one amendment is to X. Matters from the Commission, caption A, we need to add an additional zero so it's \$32,500,000 to the best bidder on the bonds. Mr. Chair, we would ask that item #3, the Santa Fe Canyon Ranch under XIV. Public Hearings, A. Growth Management Department, be the first item under Growth Management Department and heard by 5:00. The hearings start at 5:00.

CHAIRMAN CAMPOS: Okay. Anything else?

MR. ABEYTA: With that, Mr. Chair, we would like an hour of executive

session so if at all possible, if we could get into executive session by 4:00 then that would keep us on schedule to have that hearing at 5:00.

CHAIRMAN CAMPOS: Okay. I'd like to start at 3:00, go to closed at 4:00. At 5:00, be back to hear Santa Fe Canyon Ranch, and limit discussion on Santa Fe Canyon Ranch for about an hour and a half till about 6:30. Our goal would be to end the meeting by 8:00 or 8:30. Does that work for the Commissioners? Okay. Is there a motion to approve the agenda with the changes proposed by our County Manager?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

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

## VII. APPROVAL OF CONSENT CALENDAR

### A. Consent Calendar Withdrawals

CHAIRMAN CAMPOS: Anything that will be tabled or withdrawn from the Consent Calendar, which is item XII? Okay, nothing to be withdrawn.

## XII. CONSENT CALENDAR

### A. Budget Adjustments

1. **Resolution 2008-146. A Resolution Requesting an Increase to the General Fund (101) to Budget a Grant Awarded Through the New Mexico Department of Transportation to Provide Funding to Purchase Radar Systems to Enhance Traffic Safety Enforcement/\$8,431 (County Sheriff's Office)**
2. **Resolution 2008-147. A Resolution Requesting an Increase to the General Fund (101) to Budget a Memorandum of Understanding with the United States Marshals Service for Fugitive Apprehension Task Forces/\$10,000 (County Sheriff's Office)**

### B. Miscellaneous

1. **Request Approval to Enter into Contract #28-01-8-FS/RSM for \$345,083.00, Excluding Applicable New Mexico Gross Receipts Tax, with Construction Technology Specialists, Inc. for Renovations to the La Puebla Volunteer Fire Station (Community Services Department)**
2. **Request Authorization to Enter Into Contract # 28-0123-CORR/RM (\$200,349.00) with Rivercrest Construction, LLC, for the Construction/Renovation of a Bail Bond Window/Electronic**

**Monitoring for the Santa Fe County Adult Detention Facility  
(Corrections Department)**

**C. Findings of Fact**

1. **CDRC CASE # MIS 08-5160 El Vadito de los Cerrillos El Vadito de los Cerrillos Water Association Requested Master Plan, Preliminary and Final Development Plan Approval for a Water Storage Tank 26' in Height within a 0.06 Acre Easement. The Applicant is also Requesting a Variance From Article III, Section 2.3.6b, for the Tank to Exceed the Maximum Permitted Height of 24'. The Project is Located at 51 Goldmine Road, within Section 19, Township 14 North, Range 8 East, (District 3) Approved 4-0**
2. **EZ CASE # DL 08-4140 Lerma Family Transfer Isaac Lerma Requested Plat Approval to Divide 4.73 Acres into Two Lots for the Purpose of a Family Transfer. The Lots Will Be Known as Lot 2-A (1.25 Acres More or Less) and Lot 2-B (3.48 Acres More or Less). The Property is Located at 19 Calle Suzanna, within the Pinon Hills Subdivision, Via County Road 70, within Section 25, Township 17 North, Range 8 East, (5 Mile EZ, District 2) Approved 4-1**

CHAIRMAN CAMPOS: We'll go to approval of the Consent Calendar.

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

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

**VIII. APPROVAL OF MINUTES**

**A. August 12, 2008**

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER SULLIVAN: I have some corrections, Mr. Chair.

COMMISSIONER ANAYA: So moved with Commissioner Sullivan's corrections.

CHAIRMAN CAMPOS: Typographical corrections?

COMMISSIONER SULLIVAN: Correct. Second.

CHAIRMAN CAMPOS: There's a motion and a second.

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



## IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN CAMPOS: Members of the public can come forward at this point and briefly talk about any issue that is not on the agenda today. So anybody who would like to take advantage of this opportunity would you please stand up and sit in the front row. Please state your name and your address.

LESLIE BARNARD: Leslie Barnard, 25 Paseo del Valle, Cañoncito. I'm just going to read my statement. There was an article in the *New Mexican* the other day you may have read about omnibus Bill 3213 sponsored by Senator Bingaman to allow a land exchange between 160 acres of national forest land on the Glorieta Mesa and private land owned by Mr. Harold Zuschlag in Cañoncito to become part of the Pecos National Monument run by the National Park Service.

The National Park Service values it as part of the historic Glorieta Civil War battlefield. This land exchange includes the grant of an easement up the vertical cliff face of the Glorieta Mesa for a pipeline to carry water from existing wells at the bottom next to the Galisteo River. We object to this trade for the following reasons, and the pipeline: This transaction is buried in a huge federal appropriations bill which includes over 105 separate land management bills and by doing it this way it is circumventing all local protective zoning and water ordinances and any opportunity for the public to weigh in on the matter.

Mr. Zuschlag has worked with US Congress to have this legislation passed since 2000, and yet his neighbors were either never contacted or were misinformed by Mr. Zuschlag as to these plans, and the current legislation being proposed. The community in Cañoncito is concerned with the impact on their wells downstream as well as the defacement of a historic and beautiful landmark by running a pipeline and access up the rocky face of the mesa. Mr. Zuschlag is currently in violation of his water permits which he was granted under the condition that he present the State Engineer with a conservation plan, and that he meter and submit his water usage which he has not done for over a year, and is using more than twice the amount of water allocated to him. This in a time and area where water availability is of great concern is alarming to those of us in the area. And I understand it's a state concern that I felt it merited mentioning here.

The community on the mesa is concerned about displacement of current ranchers such as Richard Montoya here with us today, who are grazing cattle on this forage land as their fathers and grandfathers have for generations, and whose livelihoods are impacted by the loss of this grazing land with no compensation at a time when they're fighting to protect and maintain their cultural traditions in the face of abuse and vandalism by off-road vehicle users as well as by the threat of suburban sprawl.

They're also concerned about plans for the use of the land which Mr. Zuschlag wishes to subdivide and develop. We respectfully request that the County Commission send a letter of support for the local community of Glorieta Mesa, Cañoncito residents, and local grazing allotment holders to Senator Bingaman and ask him to strike this portion of the omnibus bill,

title 3, subtitle D, Section 333 until it can be reviewed by all parties. Thank you for your time and consideration.

CHAIRMAN CAMPOS: Commissioners, that would require a resolution. Is there any Commissioner who would like to present such a resolution for consideration by the Commission? Is that in your district?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: It's either my district or Commissioner Sullivan's district.

MS. BARNARD: I believe it's Commissioner Anaya's.

COMMISSIONER ANAYA: Where exactly is the land?

MS. BARNARD: It's in Cañoncito. It's between the Cañoncito exit and the Glorieta Battlefield Museum. It's just past, going from here down I-25, it's just off the Cañoncito exit.

COMMISSIONER ANAYA: I think I need to know a little more about it. This is the first time I've heard about it. And I don't know where the land is, or who's swapping what. Maybe what we could do is sit down and I can get more familiarized with it. That way I know what I'm talking about.

MS. BARNARD: Okay. Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Anybody else? Is there anybody else? Anybody's that's going to speak please come forward now. Come forward, state your name and your address please.

CECELIA ABEYTA: Thank you, Mr. Chair, members of the Commission. My name is Cecilia Abeyta and I represent the New Mexico Farm and Livestock Bureau. I'm here today to represent the Santa Fe County Farm Bureau. Our organization is a grassroots organization and it is composed of 30 county farm bureaus, thus totaling a membership of about 15,000 statewide. So I'm here to represent the Santa Fe County Farm Bureau and my membership for the county. My mailing address is 1835 San Felipe Circle and that's here in Santa Fe, 87505. Our headquarters is in Las Cruces.

But I'd like to thank Commissioner Anaya for taking time to meet with my membership on the issue that was just presented by Richard Stumpf and Leslie Barnard. So I just wanted to thank you for that and I'll be sitting in on those meetings as well. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you very much. Okay. Matters of Public Concern is closed.

**X. MATTERS FROM THE COMMISSION**

**A. Resolution 2008-148, Awarding the Santa Fe County, New Mexico General Obligation Bonds, Series 2008 in an Aggregate Principal Amount of \$32,500,000 to Morgan Stanley as the Best Bidder on the Bonds (Commissioner Campos)**

CHAIRMAN CAMPOS: Mr. Abeyta.

MR. ABEYTA: Thank you, Mr. Chair. I'll turn it over to our financial advisors to make the presentation.

CHAIRMAN CAMPOS: Okay. Please state your name and your address.

PETER FRANKLIN (Bond Counsel): Peter Franklin, Modrell Sperling, 123 E. Marcy Street, Suite 201, Santa Fe. Hello, Commissioners, Mr. Chair, Let me hand out this award resolution. *[Exhibit 1]* This award resolution awards the last installment of the County's general obligation bonds that were authorized back in November 2004 for water, roads and basically fire stations. This installment is a \$32.5 million installment of GO bonds for water projects, and this will complete this voter authorization. And Kevin Powers, the County's financial advisor is here to tell you about the terms of the sale. The bonds were sold today and it was actually an amazingly good sale but I'm going to let him take the glory for that. But basically with this resolution you will be awarding the bonds to the best bidder, which was Morgan Stanley and that will complete the County's existing general obligation bond authorization.

KEVIN POWERS (Financial Advisor): Good afternoon. Kevin Powers, I'm with RBC Capital Markets. Our office is in Albuquerque, and I'm the financial advisor to the County and I have some very good news. We did sell the final installment of the 2004 general obligation bond authorization this morning at 11:00. If you turn to the second page of that handout *[Exhibit 2]* we have an overview of the bond issue. It was for \$32.5 million. The bonds will be paid off between the years of 2009 and 2027. That's an average life of about 9.8 years.

The bonds will carry ratings from Standard & Poors of AA+, and Moody's of Aa1. Those are the second highest ratings that you can possibly get. The highest rating is AAA. So they're very, very, very few AAA ratings in the country. There are very, very few Aa1 and AA+ ratings in the country. So this is a very good accomplishment for the County to be rated this highly, and it's one of the reasons why your bonds sold at such an attractive interest rate. There was no credit enhancement. There's no way to enhance the credit any better than that.

The net interest cost to the taxpayers of this bid is \$12,755,000. The bidder did bid a premium of \$58,500, so the County will get the \$32,500,000 plus the premium of \$58,500. The true interest cost to this bid is a 3.956, so we're borrowing money with an average life of almost ten years and a final maturity in excess of 20 years with an interest rate of less than four percent.

The next page is a listing of the bids that were received. We had seven bids received this morning and quite honestly, this was quite a competitive bidding situation. These were all sealed bids. We use a website to receive them and as of about 15 minutes to 11 we had one bid. And as of about 3 minutes to 11 we had two bids. And all of a sudden the other five came in

within about the last 30 seconds. So everybody was out there trying to jockey for position and trying to sweeten up their bid to the point where they would be successful. Morgan Stanley was the successful bidder at 3.95. The second best bid was Robert Baird at 3.97. Very close, very competitive. The remainder of the bids were in the very low four percent range, 4.02 to 4.05. Seven bids on an issue this size and this market today is a very – is an excellent result.

The next page is the resulting debt service on the bonds. If you turn to the following page there's an interest rate change, and I think there's been a lot of movement in interest rates lately, but if you look at the very right hand side of this chart both the 20-year GO bond index and the 10-year treasury index you can see have both declined in recent weeks and in recent days have declined considerably. The action of the federal government in taking over Fannie Mae and Freddie Mac over the weekend had a very settling effect on the markets and in fact helped to drive rates down early this week and you were the beneficiary of those lower interest rates.

The last couple of pages in the handout are Moody's rating criteria. As I said, the Aa1 from Moody's is the second highest rating they offer and the AA+ by S&P is the second highest rating possible from S&P. We've also provided for your information in this report a reprint of the ratings letters that Moody's and Standard & Poors submitted with their rating actions. For the most part it's very favorable to the County. I think the County should be pleased with the ratings and pleased with the results of the sale.

One other thing I should also add is that these bonds are in fact optionally redeemable or callable at the County's option in ten years from the date of issuance. So these are callable for the purpose of refinancing in the future if the County should decide to do so and the rates should actually drop below where they are today. With that I would stand for any questions you might have of a financial nature before turning it back over to Peter for the resolution.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: We're going to have Mr. Franklin come forward.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Kevin, on the page that has the summary of the competitive bids, on the less premium, let's just take Hutchinson. Their less premium is \$406,000 and could you just explain in terms of the difference between that and the \$58,000?

MR. POWERS: Mr. Chair, Commissioner Montoya, when we put these bid packages together we try to allow for bidding parameters that are broad enough that allow for potential bidders to get creative. The more creative they can be that can sometimes allow for a lower interest cost bid. We allow bidders to bid premiums so that if they need to increase the interest rate, the coupon rate from the bonds, they can, but they can pay you money up front to basically buy down that interest. It's almost like points in a mortgage, but it's the other way around because in this case they're giving you the money. So instead of a borrower you giving them the money and then the interest rate being bought down, in this case the interest rate is higher and the points or the premium reduces the effective rate for the County. So it turns out

that Hutchinson Shockey, the third best bidder, had some buyers out there that they believed were interested more in higher cash flows from the tax-exempt interest rates and in turn they paid you that premium to reduce the effective cost to you. So everybody kind of got to the answer a little differently.

We did have a maximum premium allowable under the bid. We didn't want this number to be in the millions of dollars. We wanted to keep it down to a reasonable number, so we had a maximum in there. But it does allow them to structure their bid to the benefit of the County.

COMMISSIONER MONTOYA: Okay. Thank you.

MR. POWERS: Thank you.

CHAIRMAN CAMPOS: Mr. Franklin, we're ready to proceed. Any special instructions?

MR. FRANKLIN: Mr. Chair, members of the Commission, I would be happy to walk through this resolution with you in full detail but I think it's probably just as good to tell you it awards the bonds to Morgan Stanley as the best bidder. It lays out the maturities and interest rates. You'll see that on page 5. And basically, it's the standard type of bond award resolution that we've been doing for the last several years. The bonds are issued for the purpose of financing water projects in the county, and will not result in an increase to the tax rates of property owners. Other than that, I'd just be happy to answer questions.

CHAIRMAN CAMPOS: Okay. Any questions for Mr. Franklin. Is there a motion to adopt Resolution 2008-148 awarding the Santa Fe County, New Mexico GO bond Series 2008 in the aggregate principal amount of \$32,500,000 to the best bidder? Is there a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

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

**X. B. A Proclamation Designating September as Recovery Month in Santa Fe County (Commissioner Montoya)**

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I just wanted to read this proclamation. September is considered Recovery Month so I just wanted to bring this forward for the Board's approval.

Whereas, Santa Fe County citizens are not immune to the ravages of alcohol and other substance abuse that afflict our state; and

Whereas, alcohol and substance abuse tear apart the basic fabric of daily life of the persons afflicted by it; and

Whereas, the families of those afflicted by alcohol and other substance abuse pay the

highest price for this destructive behavior; and

Whereas, it is in the best interest of all citizens of Santa Fe County to assist our residents who are afflicted with this disease; and

Whereas, Santa Fe County devotes large amounts of resources to help people recognize and recover from alcohol and other substance abuse through its CARE Connection, Sobering Center and contracts with recovery providers; and

Whereas, Santa Fe County encourages persons afflicted with alcohol and/or substance abuse to search out those resources that will help them recover;

Now, therefore, we the Board of Santa Fe County Commissioners hereby proclaim September 2008 as Recovery Month throughout Santa Fe County.

I move for approval, Mr. Chair.

COMMISSIONER VIGIL: Second.

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

CHAIRMAN CAMPOS: The proclamation is approved.

**X. C. A Proclamation in Celebration of the Eighth Annual Family Day - A Day to Eat Dinner with Your Children on September 22, 2008 (Commissioner Montoya)**

COMMISSIONER MONTOYA: Mr. Chair, this proclamation is in celebration of Family Day and I'd like to read this. This is going to be

Whereas, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

Whereas, surveys conducted by the National Center of Addiction and Substance Abuse, CASA, of Columbia University, have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

Whereas, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

Whereas, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

Whereas, the correlation between family dinners and reduced risk for teen substance abuse is well documented; and

Whereas, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

Whereas, family dinners have long constituted a substantial pillar of family life in America;

Now, therefore, we the Board of Santa Fe County Commissioners hereby proclaim

Monday – and this is Monday, September 22, 2008 Family Day, a day to eat dinner with your children throughout Santa Fe County.

And I move for approval, Mr. Chair.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

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

**X. D. ADOBE Award Recognition to Frank Magourilos, as 2008 Addictions Educator of the Year (County Commission and County Manager)**

MR. ABEYTA: Thank you, Mr. Chair. Frank is a senior certified prevention specialist for the Santa Fe County DWI program. He was recently recognized as the 2008 addictions educator of the year by the New Mexico Education Network at their 42<sup>nd</sup> annual conference in Silver City. This award recognizes not only his work in the county but his outstanding leadership on the New Mexico Credentialing Board for behavioral health professionals, New Mexico Prevention Network, Santa Fe Underage Drinking Prevention Alliance, New Mexico OSAP Training and Advisory Committee, and the New Mexico DWI Prevention Affiliate.

Frank consistently seeks opportunities in every situation and really lives his work. He is very passionate about his role in making a difference. Frank, we're proud of your accomplishments. You truly deserve to be recognized for your efforts. Your dedication and success benefits not only the Santa Fe County DWI program and our entire community, but often the entire state, as your work is often looked at as a model by the state and your peers. Congratulations, Frank, on an outstanding job.

COMMISSIONER MONTOYA: Mr. Chair, Frank, before you take off, I also, on behalf of the Board of County Commissioners want to recognize you. This certificate of recognition says, Santa Fe County recognizes Frank Magourilos as the 2008 Addictions Educator of the Year, as presented this 9<sup>th</sup> day of September, 2008.

**X. E. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$5,000 for Recognition of H.O.S.T.S Program (Commissioner Sullivan)**

COMMISSIONER SULLIVAN: Mr. Chair, Santa Fe County has assisted the H.O.S.T.S program in the past. H.O.S.T.S means Helping One Student to Succeed. It's a nationally recognized academic, structured mentoring program that pairs a student who needs help in either reading or math with a volunteer who wants to make a difference in that student's life. In Santa Fe County our H.O.S.T.S program is located at the Cesar Chavez Elementary

School. The funds are used to assist in purchasing instructional materials primarily books, which the children are able to take home, read with their parents and with their siblings to bring them up to, or in many cases exceeding their actual grade levels in elementary school.

And I would move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

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

**X. F. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$5,000 for Recognition of Community Band (Commissioner Sullivan)**

COMMISSIONER SULLIVAN: Mr. Chair, this is also an endeavor that the Commission has assisted in the past. The Santa Fe Community Band provides free concerts throughout the year, including during Fiesta and Fourth of July and monthly concerts in the evening during the summer and a Christmas concert as well, and a historical concert. And it incurs of course expenses in doing that in terms of advertising and a number of other ordinary expenses. I think this is a really great organization that deserves to be supported and I would move for approval.

COMMISSIONER ANAYA: Second.

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

**XI. APPOINTMENTS AND REAPPOINTMENTS**

**A. Appointment of New Member to the County Development Review Committee (Growth Management Department)**

SHELLEY COBAU (Building Development Services Manager): Good afternoon, Mr. Chair, members of the Commission. At the July 17, 2008 meeting of the CDRC Member Ernestine Hagman resigned and subsequently submitted a letter of resignation which is included in your packet as Exhibit A. Staff subsequently placed an advertisement in the local newspaper apprising the public of the vacancy on this development review committee and numerous résumés have been presented for consideration by interested individuals. Those résumés are included in Exhibit C. There are 14 applicants total that have applied for the position.

In the staff report it's included who is currently on the CDRC, along with their term expiration date in parenthesis. Article II, Section 1.2 of the Code gives the BCC the authority to appoint members of the CDRC. Section 1.2 states the Board appoint a County Development



Review Committee consisting of not less than seven members.

Staff recommends that the BCC review the attached résumés of the interested individuals and appoint a new CDRC member from one of the three applicants who resides within the city limits as set forth by Article II, Section 1.2.1 of the Code, which requires that one member of the CDRC reside within the city limits of Santa Fe. The selected applicant should be appointed for a two-year term ending on December 31, 2011. Thank you.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I do believe this is district appointment, correct? For District 2?

MS. COBAU: The last round of appointments that were made weren't made by districts but I have included the Commission District that each of the current members of the CDRC reside. So you can see there's one member in Commission District 4, that's CDRC Member Holian whose term will be expiring on December 31<sup>st</sup>. Jim Salazar, Commission District 3, J.J. Gonzales, Commission District 3, both their terms will expire on December 31<sup>st</sup> of 2010. Don Dayton resides in Commission District 5, his term is up December 31<sup>st</sup> of this year. Charlie Gonzales is in Commission District 2. He was recently appointed. His term ends on December 31<sup>st</sup> of 2010, as does the term of Jon Paul Romero, who resides in Commission District 1.

COMMISSIONER VIGIL: Okay. I think, Mr. Chair, I'm going to propose that we move forward with the recommendation of Susan Martin, who is an attorney, which I think would add a lot of value to this committee. It's a critical appointment. She also is government liaison for Sierra Club, has the environmentalist sensitivity and background that I think might be needed for this committee, and I do believe that Ernestine Hagman was my appointment when she was placed on this committee so I'd like the opportunity to replace her with Susan Fry Martin.

CHAIRMAN CAMPOS: I'll second that. Any discussion? Any further nominations?

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

### **XIII. STAFF AND ELECTED OFFICIALS' ITEMS**

#### **A. Community Services Department**

- 1. Second Public Hearing for Discussion and Adoption of the Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2010-2014 and Approval of Resolution 2008-149 (Community Services Department) [Exhibit 3: Staff Recommendations]**

PAUL OLAFSON (Community Projects Division): Mr. Chair, Commissioners, before you today we have a second hearing on the proposed ICIP list. There's a list of capital

projects to be submitted to the Department of Finance and Administration, which will then be included in the discussions during the legislature upcoming in 2009. We've just handed out to you an updated list. We almost emailed it to you last week. It reflects some five priorities on top as well as some additional projects that can be included for consideration in the ICIP.

As you know, the ICIP – the list is used for listing projects for potential funding. So this list is for 2010-2014. We have the five priorities. We're going to ask you to review the five priorities and make a recommendation of one through five. Those will also be submitted to DFA as the County's top five priorities. Additional projects will be also included and eligible for funding, but they will not be listed on this top five.

I'm going to ask Agnes Lopez to go through some of the projects that's she's helped compile.

AGNES LOPEZ (Community Services Deputy Director): Mr. Chair, Commissioners, in discussion with staff and the community of some of seven to nine meetings that we had, and some discussion with Commissioners we came up with the top five recommended. We also have others that could be considered but the top five are what we considered as project ready. They were projects that staff thought were ready to go, and they include the Agua Fria Phase III project, which includes improvements to water, sewer, and drainage. Road improvements in District 3 in the sum of \$1 million. The Vista Grande Library Addition which has already completed the A&E on the addition. The Media Park, which includes traffic improvements, broadband, water and wastewater. And the Cuatro Villas water system improvements and water service lines.

These are again just recommendations and we stand for discussion.

CHAIRMAN CAMPOS: Discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Agnes, I notice from the recommendations that are in the packet for the top five projects, the only one that has changed – one of those of the top five was the Rancho Viejo transfer station in the amount of \$1.5 million and that's been replaced with the Cuatro Villas water system improvements. Could you elaborate on that?

MS. LOPEZ: Yes, Mr. Chair, Commissioner Sullivan. In discussion with staff, staff felt that being that the library addition is ready to go we've got A&E services complete for that project, and the transfer station has not been designed and there is no funding for that. We thought that this was a more project-ready project that we should go forward for funding.

COMMISSIONER SULLIVAN: Well, the library was on the list before and it's on the list now, the only difference is the Rancho Viejo transfer station has been replaced with the Cuatro Villas water system improvements. I don't think it has anything to do with the library.

MS. LOPEZ: No, Commissioner Sullivan, Cuatro Villas was a water/wastewater system that we thought was ready to go and needed some additional funding and thought that that would be a project that was ready to go.

COMMISSIONER SULLIVAN: What were the changes in your thinking between the time the packet was prepared and this handout that you handed out?

MS. LOPEZ: Commissioner Sullivan, it was mostly just trying to get a

water/wastewater project in there that was ready to go as well as road projects and facility projects.

COMMISSIONER MONTOYA: Mr. Chair, if I might add, I think noticeably absent in that top five initially was a project from District 1, which I certainly would advocate for and the Cuatro Villas was certainly one that's ready to go and I think spreads it out across in terms of project readiness and some sort of equality amongst the districts also.

CHAIRMAN CAMPOS: You're talking about the Pojoaque Valley regional water/wastewater system?

COMMISSIONER MONTOYA: No, the Cuatro Villas.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: Which is now one of the top five recommendations, and previously, there were no District 1 recommendations in the top five.

CHAIRMAN CAMPOS: That's because District 1 usually gets all the top recommendations.

COMMISSIONER VIGIL: Not really.

CHAIRMAN CAMPOS: You're in and you're out, right?

COMMISSIONER SULLIVAN: It's because Commissioner Montoya has been so efficient in responding to his constituents' needs that there's nothing left to do in that district.

COMMISSIONER MONTOYA: That's why I didn't have any.

COMMISSIONER SULLIVAN: Right. Is Cuatro Villas - coes that already have an agreement with the County?

MS. LOPEZ: Commissioner Montoya, I'll defer to James Lujan.

JAMES LUJAN (Growth Management Director): Mr. Chair, Commissioner Sullivan, there's not an agreement in place yet. We're working that out with NMED. That money will go directly to NMED and then they're going to put it for the project with Cuatro Villas. We thought it was an easier instrument to send it to NMED.

COMMISSIONER SULLIVAN: Well, I know in each of these water projects, which I certainly support, we always have this issue of dealing with the anti-donation clause. How do we plan to do that here?

MR. LUJAN: I don't have that answer here with me right now.

COMMISSIONER SULLIVAN: Mr. Ross, have you got some ideas on that?

CHAIRMAN CAMPOS: Very briefly, because we've got to wrap this meeting up at about four p.m.

MR. ROSS: Mr. Chair, Commissioner, of course we use a standard agreement. We've sort of evolved a standard agreement and that, as you recall, is the one that was recently successful with the Chimayo Mutual Domestic. So we avoid the anti-donation clause by taking an ownership interest in the project, just like we did in Chimayo. So I would assume we would follow the same model with Cuatro Villas and any other water system.

COMMISSIONER SULLIVAN: Okay. And then the last question I had Mr. Chair, was then the Rancho Viejo transfer station got moved down to other viable projects.

There it's listed as a \$1 million project cost and in your packet material it's \$1.5 million, which would be the correct amount.

MS. LOPEZ: Commissioner Sullivan, attached – I believe we updated the ICIP plan and split the Jacona and the other one between two. They were \$1.5 million between two transfer stations. We have a million here because staff felt that by the time we had enough funding that the escalated cost might rise to a million. Right now, transfer stations, I think the latest one that we are undergoing is about \$750,000.

COMMISSIONER SULLIVAN: Okay. My question was in the packet it was \$1.5 million. So you feel that that would be more than you would need.

MS. LOPEZ: Yes. A million and a half is more for two transfer stations. So we'll adjust that.

COMMISSIONER SULLIVAN: That's all the questions I had.

CHAIRMAN CAMPOS: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I think these are fair and equitable priorities and they represent projects from each district, all of who may be at different stages of readiness but can be finished if we get the funding for them. I move we adopt.

COMMISSIONER MONTOYA: Second.

MS. LOPEZ: Mr. Chair, could I just mention that we have added from the previous packet at our previous meeting, we've added the Avenida Vista Grande road improvements, Jacona transfer station, San Marcos transfer station, fire training facility on western region fire station, to the ICIP plan that you have in front of you, for the record. And Chimayo water.

CHAIRMAN CAMPOS: Do we need a public hearing, Mr. Ross? I don't think so.

MR. ROSS: It says on the agenda second public hearing. Perhaps one of the staff members – we need a public hearing on these plans, don't we.

CHAIRMAN CAMPOS: Okay, this is the second public hearing. Anybody in the public who would like to come forward and testify about this resolution? Okay, no one having come forward, there's a motion and a second to adopt.

MR. OLAFSON: Mr. Chair, Commissioners, part of the process is we also have to rank one through five. And we can simply go down the list, one, two, three, four, five, but we do need a numerical rank on these as you vote on them.

COMMISSIONER VIGIL: Mr. Chair, my motion would include the rank as is identified: Agua Fria, Santa Fe County District 3, Vista Grande, Media Park and Cuatro Villas and it is my believe that the ranking does not make that much a difference with regard to the funding. Once it's lobbied for at the legislature, it's just a requirement from DFA. So with that, my motion would include the ranking as is identified.

CHAIRMAN CAMPOS: Commissioner Montoya, is that fine with you?

COMMISSIONER MONTOYA: I'm sorry. Would you –

CHAIRMAN CAMPOS: The rankings. Apparently, we have to rank one through five, the projects.

COMMISSIONER MONTOYA: They need them ranked? So you had them –  
 COMMISSIONER VIGIL: As presented.  
 COMMISSIONER MONTOYA: As presented? That's fine, Mr. Chair.

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

COMMISSIONER ANAYA: Mr. Chair.  
 CHAIRMAN CAMPOS: Commissioner Anaya.  
 COMMISSIONER ANAYA: I'd just like to recognize Pablo Sedillo, who's in the audience here, with Bingaman's office.  
 CHAIRMAN CAMPOS: Mr. Sedillo, thank you for being here.

**XIII. B. Growth Management Department**

**1. Consideration and Approval of Ordinance No. 2008-13, an Ordinance Approving a Santa Fe County Economic Development Project and Project Participation Agreement with MW Holdings LLC (Bicycle Technologies International Ltd.) (Final Public Hearing) [Exhibit 4: Revised Participation Agreement]**

ROBERT GRIEGO (Senior Planner): Mr. Chair, Commissioners, Bicycle Technologies, International submitted a local economic development project application in accordance with the Local Economic Development Act. In accordance with the County's Economic Development Ordinance, 1996-7, and the Local Economic Development Act. The Board heard this project and approved Resolution 2008-94, approving this project on June 10<sup>th</sup> of this year.

The proposed ordinance will provide final approval of the project application and the project participation agreement. Staff has met with New Mexico Economic Development Department representatives and the state has committed to funding for this project. This ordinance is required by the state in order to allow funding to come through the County for this project. The County has completed the requirements for the ordinance, including a cost/benefit analysis as part of the economic development application. This project has indicated there will be approximately 40 jobs that will be created as a part of this proposal within five years. They also have indicated that their jobs will be above minimum wage jobs.

This project – the purpose of this ordinance will allow the funding from the state to be used for this project. If the ordinance is approved the County will need to enter into an agreement with the state for funding for the project. The Economic Development Ordinance also requires the County to enter into the project participation agreement, which I believe you have in front of you. That concludes our presentation. If there are questions with regard to the project participation agreement.

CHAIRMAN CAMPOS: Okay. Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Ross, or whoever can answer it, the changes in this project participation agreement indicate language about, in addition to the other industrial revenue bond benefits that there may also be benefits to the project including property tax and/or gross receipts tax relief. Is that something new that was negotiated or is that something's that just a part of the Economic Development Act statute?

MR. ROSS: Mr. Chair, Commissioner Sullivan, that is part and parcel of the Industrial Revenue Bond Act. All those benefits are available under that act. So maybe this sentence isn't as clear as it could be. This Commission has authorized us to negotiate the terms of an industrial revenue bond with BTI when it enacted that inducement resolution. Those discussions are ongoing and being processed pursuant to our 1998 ordinance on that subject. It's not really a subject or this particular agreement but we put it in to provide context for the agreement so that people would know that there's an industrial revenue bond being considered and that the number of benefits that are part and parcel of an industrial revenue bond, including tax relief.

COMMISSIONER SULLIVAN: But it doesn't commit the Commission to that tax relief at this point.

MR. ROSS: Absolutely not. The terms of the industrial revenue bond are in your discretion.

COMMISSIONER SULLIVAN: All right. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, this is a public hearing, anyone who would like to testify or comment about this particular ordinance adoption? Okay, no one having come forward the public hearing is closed. Is there a motion?

COMMISSIONER MONTROYA: So moved, for approval, Mr. Chair.

CHAIRMAN CAMPOS: Move to adopt Ordinance 21008-13.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: There's a second by Commissioner Sullivan. Further discussion?

**The motion passed by unanimous [5-0] roll call vote with Commissioners Anaya, Montoya, Sullivan, Vigil and Campos all voting in the affirmative.**

**XIII. B .2. Request for Approval of a Joint Powers Agreement Between the Board of County Commissioners and the La Cienega Mutual Domestic Water Consumers and Mutual Sewage Works Association Concerning Joint Efforts to Provide a County Water Delivery System to the La Cienega Mutual Domestic Water System, to Provide a Water Delivery System From the La Cienega Mutual Domestic Water System to the County La Cienega Solid Waste Transfer Site, and to Provide for Mutual Assistance to Upgrade the Operation of the County and the La Cienega Water Systems**

DOUG SAYRE (Water/Wastewater Operations): Thank you, Mr. Chair, Commissioners. Before you, members of the Commission, is a JPA with the La Cienega Mutual Domestic, and I won't go through all that terminology. I know it's a rather long term, but it's the water association down in La Cienega. In the past, I'd say three to four months three times they've been out of water due to mechanical problems or system problems. The other time they had some quality problems. They have addressed that they would like to have a connection to the County system so that we can provide back-up supply to their system, which we have considered over the past, I think four to five years without doing.

The other thing is that the County needs to go ahead and extend a water line off of their system to the solid waste transfer site out at La Cienega, and that would help us provide one, fire protection, two, domestic service for the employee that is housed at that location, or employees who are housed at that location.

The third item in this JPA is that the La Cienega Mutual Domestic improved their water system down Los Pinos Road and they built a new eight-inch line from their tank, and they put stub-outs for fire hydrants over to the edge of the road, but they did not put fire hydrants in. And they're requesting that Santa Fe County go ahead and put the fire hydrants in, and that that would be the third part of this project.

The bottom line is we think this is a good way to look at I think supplemental water supply to this mutual domestic and provides, I think, a good relationship with those people of that area so that they do have adequate water, both quantity and quality for sustaining their use down in that area. Maybe I could take questions at this point concerning the JPA.

CHAIRMAN CAMPOS: Fiscal impact?

MR. SAYRE: Fiscal impact? I think I've indicated to you the fiscal impact to you in the back. I indicated about \$217,000 for this. It benefits both the County and both the La Cienega area. So it's kind of a dual mutual financial impact as far as I'm concerned, and as staff was concerned. By the way, all of this system will be owned and operated by Santa Fe County.

CHAIRMAN CAMPOS: Okay. Any questions from the Commission?

COMMISSIONER MONTOYA: So, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: The La Cienega Mutual Domestic is willing

to turn over their system to the County?

MR. SAYRE: Mr. Chair, Commissioner Montoya, no, they would not. All we're doing is providing bulk water to their system, and then they're going to provide bulk water to us back to the solid waste transfer station. They will own and operate their system as they do now. It's just like we're a wholesale provider to them and then they provide some water back to us for the solid waste transfer site at La Cienega. And we would operate and maintain the fire hydrants in the La Cienega area, which we do anyway in almost all areas at all times.

COMMISSIONER MONTOYA: Mr. Chair, Doug, then how does this address the situation that arose when they were having water problems?

MR. SAYRE: Mr. Chair, Commissioner Montoya, they have one well on the upper part of their system that provides water to the tank. When that well does not provide water up there then their system, that portion of their water system cannot supply sufficient water to their users. The place we're connecting will provide water in the upper part of their system so that it will supplement that part of their system, the upper part of La Cienega, as well as into their tank. The way we've got it designed is if their system drops in pressure below a certain point then we automatically feed water to them. It will take care of that specific problem that you're talking about.

COMMISSIONER MONTOYA: So are the two systems hooking up?

MR. SAYRE: Mr. Chair, Commissioner Montoya, yes. We're going to connect in in the vicinity where Las Lagunitas – our water system is in Las Lagunitas on Camino San Jose. We're within 550 feet of their system and we'll run a water line on down Camino San Jose and connect into their system, and provide a meter.

COMMISSIONER MONTOYA: So is there potential contamination of the water that we're supplying and the one from their system?

MR. LUJAN: Mr. Chair, Commissioner Montoya, what it is is there will be a valve. We will only turn on this water when they need it, and you have a back-flow preventer so there's no way that it can contaminate our system. It will be a valve and when they need water we'll turn it on and there will be a meter, and it meters the water that we provide to their system and they'll pay us in bulk.

COMMISSIONER MONTOYA: Oh, all right. So this in essence ensures that they have a quality water supply.

MR. LUJAN: Correct. Quality water and fire protection. And what we need right now is at our transfer station we will tie into their water system because that's what's right next to our transfer station. We'll tie in a line from theirs to our transfer station. So we'll be buying water from them at times. It will be metered.

COMMISSIONER MONTOYA: Okay. Thank you, Mr. Chair.

MR. LUJAN: That's part of our improvements to the transfer station.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I want to thank staff for



bringing this forward. This is definitely needed to help out the La Cienega residents. Thank you. And I'll move for approval.

CHAIRMAN CAMPOS: Okay. Hold on one second. There's a question by Commissioner Vigil.

COMMISSIONER VIGIL: I just need to know who will own the water line that we're constructing. And do we require easements for it?

MR. SAYRE: Commissioner Vigil, we will own all of the water lines that we're putting in. We already have an easement in Camino San Jose. That's our road. We already have an easement in County Road 54, which goes to the transfer site. The other road, Los Pinos, we already own that road too, where the fire hydrants will be placed.

COMMISSIONER VIGIL: With easements and all?

MR. SAYRE: Mr. Chair, Commissioner Vigil, yes.

CHAIRMAN CAMPOS: Okay, Commissioner Anaya has a motion to approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: There's a second. Is there discussion?

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

**XIII. B. 3. Regional Economic Development Initiative (REDI) Implementation Strategy (Robert Griego/Monica Abeita REDI) [Exhibit 5: Presentation]**

CHAIRMAN CAMPOS: Okay, the issue is this. It is 4:00. We're trying to wrap this up by 4:00. Mr. Abeyta, do we need to hear this today? Mr. Chair, I believe we do, but it should only take five minutes.

CHAIRMAN CAMPOS: Okay. Because we're running past our goal time. Okay. Please state your name and your position.

DUNCAN SILL (Planner): Mr. Chair, I'm here today to bring to you Monica Abeita with the Regional Development Corporation to give an update on the Northern New Mexico Regional Economic Development Initiative.

MONICA ABEITA: I'm Monica Abeita with the Regional Economic Development Corporation. I'd like to introduce Barbara Deaux, with the North Central New Mexico Economic Development District and Ed Burckle, executive director of the Regional Development Corporation. I'd like to introduce you to our strategy and invite you to attend the September 29<sup>th</sup> meeting along with the County Manager and staff who have been involved in this project. I think in the interests of time, the economic development assumptions we've been working on with this Regional Economic Development strategic plan is that we're really looking at economic based jobs that grow the economy. In other words, as our economy grows, we're focused on that rather than on local serving businesses

like restaurants and grocery stores and that type of thing that are in the local economy.

And the idea is those economic based jobs and that type of economic development will actually benefit the local businesses that sell locally, but we're doing our work more on that export base level. We're also looking at higher wage jobs.

As we went through this process we initially started talking about how we can work together on regional projects. And our basic assumption was that by seeking more funding for fewer, high priority projects we can complete projects earlier. There are several projects of a regional nature that we are working on currently, and every – the seven jurisdictions in the region are working on individually. If we pool our efforts, our lobbying efforts, and our efforts in terms of raising the funds, both from the legislature and other sources we can get these done more quickly.

So we talked initially about doing regional capital improvement planning, having a regional policy agenda, and getting together annually to have a state of the region conference where we report on the economy of the region, and where we also come to consensus on those capital projects and agenda. And we also talked about having ongoing education activities that would educate elected officials and the general public on economic development.

The next slide shows some of the regional projects that affect Santa Fe County that we have prioritized through the process we've gone through. We really feel like, as I will get to later, we've identified four target industry clusters. Three of those industry clusters depend very heavily on broadband. We feel that a regional broadband initiative is needed, and Santa Fe is kind of in the lead on that project with the work that you're doing on the media district. That's going to be one of our very high priority projects.

A regional workforce assessment, in order to give us good data about our labor force. The regional transit district is another one of our priorities, although it already has its own funding, hopefully, and it does have its own governance structure. And then we've looked at some other projects that are more location-specific. The STC, Santa Fe County regional water project, Buckman Direct Diversion, and some of your highway projects as well are on that longer list. What I want to say is we're trying to get this to a short list so we can get more money for some key priority projects. So we're going through that process right now.

The next slide basically talks about how we expanded from thinking about this just as a way to coordinate on regional projects. We started seeing that every jurisdiction in the region was basically doing their own thing in regard to business retention, expansion and attraction. And we felt that there were a lot of areas where we could capitalize on regional assets. For example, some of the jurisdictions have a lot of land assets. Some have technology assets, and if we can combine some of those we might be more successful. Also we can demonstrate a combined labor force. Some of the smaller communities in the region, like Espanola and Taos, for example, it's hard for them to do business attraction based on such a small labor force, whereas if we work together we would be more successful. And the idea is people really are commuting all over the region currently for work. So it's really not disingenuous to present it that way, and with the regional transit district we can continue that.

We talked about creating a regional, online database of labor force information incentives, real estate inventory, and doing regional marketing together.

Next slide please. This is kind of where we ended up. We had in May prioritized four industry clusters – renewable energy and green industry, technology, entertainment, and value-added agriculture. And we eventually came to the place where we are today, which is recommending that our implementation structure be focused around these four clusters. And the reason we're making that recommendation is because these are really a good fit with other target clusters, projects, in the region and in New Mexico and because there is good synergy among the four.

And if you go to the next slide – I'm not going to explain this in a lot of detail, but this tries to show the synergy between those four clusters, as well as some of the other clusters in the region that exist currently.

On the next slide, this is a diagram of essentially what we're proposing. We're proposing that we have a public-private partnership focused around the four industry clusters that includes regional economic development services as I've described, and coordination around regional projects. And the main benefits of this are strengthening the private sector. We know right now throughout the region we really do not have a strong private sector, and this is one of our goals. It would be a very targeted approach for regional projects and economic development services, and it would be based in market reality and strategic in nature. And one of the things we're proposing is that we start out by doing some cluster strategies for the region around those four clusters. Santa Fe has already thought about this and has already done a lot of this work for Santa Fe, but the rest of the region has not. So we don't want to just say, we're interested in renewable energy, we want to say this is where we need to do attraction for renewable energy. These are the businesses already working in that cluster that we can expand to a higher level, to the next level. We want to be more focused and targeted about the initiatives under all four.

On the next slide, how would we do something like this? There are other regions in the country that cooperate and coordinate for regional economic development, and typically, they form some sort of governing council. Up to this point the only folks on the governing body of this initiative have been the public sector, but we would recommend if we're going into a public-private partnership that private sector members would be included. Also there are contributions typically from the private sector and the public sector. In some cases these efforts are completely private sector driven, but we're really not in that position right now in this region. We may be five or ten years from now.

So what we're proposing is a membership structure similar to what other folks like Phoenix and San Diego have done, where people can buy in at a \$20,000 or above level, \$10,000 level, \$5,000 level, and for that they get a specific set of services. So that's basically what we're proposing. We would expect that private sector memberships would increase over time. Corporate sponsorships would increase over time. But initially we would have a large percentage funded by the public sector as we start this out.

We can consider other things like a flat fee or graduated fee based on population, but

those are some of the options that we have to consider. We would recommend hiring a regional coordinator to do this. Some of the work would be contracted out, and that we would have an annual work plan and metrics.

And if we go to the next slide, the REDI Council, the public and private sector, would oversee certain indicators to determine how the performance of the initiative and the performance of the regional coordinator would go. We would set specific job creation targets and have performance measures for individual projects under this initiative. And so every year the representatives on that council would be setting work plans and evaluating our progress.

The next slide basically shows our project schedule, and the following slide tells you about the meeting on September 29<sup>th</sup>. And I apologize that I did not go into the background detail, which is the first few slides. I did present it to the Commission at the last meeting I presented at, but if you need some details I'd be glad to go into that. And with that, we'd be glad to stand for any questions.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: How does this tie in with other economic development studies that have been done, say, by the lab, other entities? We've done some initial assessment internally in Santa Fe County. How does it all tie in? And then what's the role of the Regional Development Corporation in all this? It seems like they could be doing some of this?

MS. ABEITA: Mr. Chair, Commissioner Montoya, and this is part of the slides that I skipped at the beginning. This is an initiative that was funded by Los Alamos County with the increased gross receipts tax that it started receiving from the laboratory a few years ago. And it was in response to some of the local governments in the region saying that they would actually like to share in that prosperity and be a part of that, and as a result Los Alamos County was generous enough to say that they would fund some regional efforts. And they signed cooperative agreements with the City of Santa Fe, Santa Fe County, Town of Taos, Taos County, City of Espanola, Rio Arriba County, and they were a signator as well, to do this regional economic development strategic plan and several other regional efforts, and I believe the regional transit district is part of what they're funding with this money.

The way that it is different and the way that it incorporates the other plans in the region is that – and I should back up a second. The RDC was actually selected as the contractor for this project back in November 2007, and North Central is a major partner on this project. So we're the project team working through the RDC. Now, in December our contract will come to an end when this plan is completed, and part of the requirements of our plan are to put forth an implementation structure. How can we continue on a regional basis to work on economic development? And that's what we have before you today.

The stakeholders in this, all the local governments that I just mentioned, if you are in favor, if you like the presentation I just made, we could go forward with starting to form a

public-private partnership as we are recommending. The stakeholders may decide we just want to collaborate on regional projects, as was initially I think the idea behind this effort. So we've basically seen other and broader opportunities than were originally defined in the RFP, but the way that it is different from other initiatives is that first of all, it takes a regional look at what's going on throughout this region. In other words, it says what are the gaps that exist? Where are the overlaps? Where can we be stronger by working together regionally?

COMMISSIONER MONTOYA: Isn't that though the mission of the RDC? I used to be on that board and I don't know. Maybe it's changed since I've been off for about five years now.

CHAIRMAN CAMPOS: Harry, we've got to move on.

COMMISSIONER MONTOYA: Okay, Mr. Chair. I guess I'm just raising these as questions and concerns in terms of not duplicating and doing something all over again that's already been done.

ED BURCKLE: We're definitely not duplicating effort, Mr. Montoya. The Regional Development Corporation has for the past four years received no Department of Energy funds whatsoever. It used to be our role was a community reuse organization due to the downsizing at the laboratory in the mid- to late-nineties, and now we've kind of evolved over time and we're more project-oriented, but clearly our core mission area are the three counties of Santa Fe, Rio Arriba and Los Alamos to promote economic development and growth for that tri-county area.

And the RDC is also the contractor to Los Alamos National Laboratory for its economic development commitment of a million dollars a year. So we're really a clearing house or a fiscal agent for the laboratory's investment in the local tri-county areas. And we make sure that there's plenty of synergy between what we're doing with the REDI project for the four-county area, and what Los Alamos National Laboratories \$1 million a year economic development commitment is. So we're an integrator and we've got plenty of experience in ensuring that we try to do what's best for the entire region. So it's part of our core mission, if you will, this REDI project, but it is not duplicating anything that the RDC is presently working on.

COMMISSIONER MONTOYA: Or that has been done before.

MR. BURCKLE: The last time we took a real regional approach in a study was 1999. So –

COMMISSIONER MONTOYA: With the RDC?

MR. BURCKLE: With the RDC.

COMMISSIONER MONTOYA: Okay.

MR. BURCKLE: Correct.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Okay. Thank you very much. Appreciate it.

**XIII. C. Matters From the County Manager**

**1. Update On Various Issues**

None were presented.

CHAIRMAN CAMPOS: Should we go to items D. 2 and 3 before we go to executive session?

MR. ROSS: Mr. Chair, it's at your discretion. It might be a good idea.

CHAIRMAN CAMPOS: Let's do that.

**XIII. D. Matters From the County Attorney**

**2. Approval of Ordinance No. 2008-14, an Ordinance Adopting the Santa Fe County Regional Transit Gross Receipts Tax**

CHAIRMAN CAMPOS: Who's going to present?

MR. ROSS: Mr. Chair, I can do a brief presentation on this.

CHAIRMAN CAMPOS: Very, very brief.

MR. ROSS: This is a continuation of the discussion we've had in recent months about the North Central Regional Transit District. This is the ordinance that this body approved for publication last month. It imposes, subject to voter approval, a 1/8 of one percent gross receipts tax to benefit the North Central Regional Transportation District.

CHAIRMAN CAMPOS: Does it require a public hearing?

MR. ROSS: It does require a public hearing.

CHAIRMAN CAMPOS: Okay. Is that the entirety of your presentation?

MR. ROSS: Unless there's questions, yes.

CHAIRMAN CAMPOS: Questions for Mr. Ross? Okay, this is a public hearing. Anybody who would like to testify on this matter would please come forward at this point. Okay, no one having come forward the public hearing is closed. Is there any questions?

COMMISSIONER SULLIVAN: Discussion.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER SULLIVAN: Mr. Chair, we've talked about this transit tax a great deal and I would recommend that the Commission reject this tax imposition on Santa Fe County voters and continue its earlier effort to establish a more responsive City-County transit program. Should the Commission authorize the placement of this tax on the ballot I would recommend that voters take a pass on this initiative and reject it.

A gross receipts tax is a regressive tax and poor way to fund transit programs. It hurts most those who are least able to pay. Over \$90 million will be collected, all of which will be managed by the North Central Regional Transit District, which has demonstrated a serious lack of management skills on the one and only transit line in manages in Santa Fe County. Half of the tax collected will go to support the operation of the Rail Runner. The Rail Runner

is a state project which will benefit all New Mexicans and as such should be operated and maintained by the state, just as other transportation projects are. It should not be a burden on Santa Fe County taxpayers, or on the taxpayers of just four of our 33 counties.

Local gross receipts tax are needed for local county services. This tax sets an extremely bad precedent. The state has unilaterally authorized a major project and now wants to impose the operation and maintenance costs on Santa Fe and three other counties. In other words, we have to raise and care for the baby even though we weren't there at conception. The Governor and the Secretary of the New Mexico Department of Transportation told the public and the MPO – that's the Metropolitan Planning Organization – that the state would fund the operation of the Rail Runner. MPO approval was needed for the Rail Runner before the federal government would sign off on the project. The MPO approved the Rail Runner and its alignment, and the state and the Secretary then changed their tune

This brings into question the validity of the MPO approval. The other half of the \$90 million in taxes that this would authorize also under control of the NCRTD, the regional transit district, will be split 86 percent to Santa Fe County and 14 percent to the transit district. Having the NCRTD administer any part of Santa Fe County's transit program raises several red flags. First of all, based on Department of Transportation information, the NCRTD's cost per rider per one-way trip for fiscal year 2007 was \$42.80, versus a statewide average of \$9.77. This ranks them 23<sup>rd</sup> out of the 24 rural transit providers in New Mexico. The entity that ranked 24 is actually not applicable because they did not begin service.

The NCRTD's administrative budget to operations budget ratio is 1.09. Now, what that means is they spend more than 100 percent of their operating costs on administrative costs. Also, the NCRTD has not implemented Santa Fe County's prioritized routes in the Community College District and the Route 14 area. They say there are no funds. What has happened to the approximately \$2 million in federal funds the NCRTD gets each year? Santa Fe County gets none of it. A justification given for the County remaining as a member of the NCRTD was that supposedly this would bring us federal funds for transit services, but that hasn't happened, and we have been told that we must rely on our own funds and funds from Los Alamos County to operate Santa Fe County routes.

Notwithstanding the agreement reached with NCRTD, which by the way, only came about as a result of the County withdrawing from the district, future gross receipts taxes can, and I want to emphasize can, be imposed by the NCRTD without the County's approval. At the County Commission meeting of August 12, 2008, the NCRTD executive director told the Commission that this shouldn't be a problem because, and I quote, "Santa Fe County and the City of Santa Fe have the majority on the board. You guys already have the decision to say if you want to go for another increment in the tax or not." End of quote.

This is absolutely false. The City and County have a total of ten of 28 votes on the board. That is not a majority. The NCRTD does not have a voting structure that is proportionate to population. Without it they are not going to change and future gross receipts tax will be imposed without Santa Fe County's approval.

The NCRTD has fashioned itself as a rural transit district, not a regional transit

district despite its name. It is dedicated to funding low-volume, uneconomical rural routes and casino shuttles with a service plan that is not based on demand. This orientation does not meet the transit needs of Santa Fe County and City. Complaints on one of the NCRTD routes in Santa Fe County have been numerous and unresolved. Scheduling and advertising have been poor. This has been documented in testimony to the County Commission by the City's Transit Advisory Board. It has been a year and a half, since March of 2007, since the NCRTD has had a public meeting in Eldorado. They finally decided to hold one tonight.

It is clear that we don't need the NCRTD acting as a middleman to manage our transit program. The City-County transit program, by virtue of the involvement of our elected officials will be far more responsive to rider needs and issues.

Finally, will the taxpayers pass a transit tax with all of these red flags? Many property owners have been hit by sizable property tax increases this year due to reassessments by the County Assessor. It may be too big a tax bite for them to digest at this time. Our constituents rely on us to effectively manage their tax dollars. This is a poor investment of more than \$90 million and should not be recommended or supported. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Roll call please. You made a motion?

COMMISSIONER ANAYA: I seconded it the motion.

CHAIRMAN CAMPOS: And Commissioner Montoya seconded?

**The motion to approve Ordinance 2008-14 passed by majority [3-2] roll call vote, with Commissioners Anaya, Montoya and Vigil voting in favor and Commissioners Campos and Sullivan voting against.**

COMMISSIONER VIGIL: And I adamantly disagree with about 85 percent of Commissioner Sullivan's presentation.

**XIII. D. 3. Approval of Ordinance No. 2008-15, an Ordinance Calling for the Santa Fe County Regional Transit Gross Receipts Tax Election**

CHAIRMAN CAMPOS: Public hearing? No one having come forward, any discussion? Is there a motion?

COMMISSIONER MONTOYA: Move for approval?

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

**The motion to approve Ordinance 2008-15 passed by majority [3-2] roll call vote, with Commissioners Anaya, Montoya and Vigil voting in favor and Commissioners Campos and Sullivan voting against.**



**XIII. D. 1. Executive Session**  
**a. Discussion of Pending or Threatened Litigation**  
**b. Limited Personnel Issues**  
**c. Discussion of the Purchase, Acquisition or Disposal of Water Rights**

MR. ROSS: Mr. Chair, we need a closed executive session to discuss pending or threatened litigation, limited personnel issues, and discussion of the purchase, acquisition or disposal of water rights.

CHAIRMAN CAMPOS: Okay, is there a motion to go into executive session to discuss items a, b, and c only.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

**The motion to go into closed session passed 4-1 roll call vote with 1 Commissioner Montoya voting against.**

CHAIRMAN CAMPOS: We'll be in executive session till about 5:00. We'll be back at public hearing.

[The Commission met in executive session from 4:25 to 5:30.]

CHAIRMAN CAMPOS: Is there a motion to come out of executive session?

COMMISSIONER VIGIL: So moved.

CHAIRMAN CAMPOS: Where we discussed only items A, B, and C?

COMMISSIONER VIGIL: That's my motion.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

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

CHAIRMAN CAMPOS: We're out of executive session. The plan we approved earlier was to move to item XIV. A. 3, which is the Santa Fe Canyon Ranch.

**XIV. PUBLIC HEARINGS**

**A. Growth Management Department**

- 3. LCDRC CASE # MP 06-5212 Santa Fe Canyon Ranch Rosanna Vasquez, Agent for Santa Fe Canyon Ranch, LLC (David Schutz, Jim Borrego). The Applicant is Requesting Master Plan Approval**

**for a Residential Subdivision Consisting of 162 Lots With 174 Residential Units on 1,316 Acres to be Developed in the Three Phases, and a Request for Several Culs-de-Sac to Exceed 500 Feet in Length. The Property is Located off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East And Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3) Joe Catanach, Case Manager [Exhibit 6: Supplementary Packet Materials]**

CHAIRMAN CAMPOS: Who's going to take the lead for staff? Mr. Catanach, the plan today is probably not go past 7:00 on Santa Fe Canyon Ranch, and then try to wrap up the meeting between 8:00 and 8:30. Cases that are not heard by then will be rescheduled to the next agenda. Okay?

JOE CATANACH (Land Use Technical Director): I'll just give a brief summary of the summary.

CHAIRMAN CAMPOS: Let's do that.

MR. CATANACH: Mr. Chair, Commissioners, on March 5, 2008, the La Cienega Committee had a meeting and at that meeting the applicant requested – it was granted tabling regarding the issues of water supply, phasing, other relevant issues to be addressed. And then again on July 2, 2008, the La Cienega Committee continued the public hearing and the meeting concluded with a failed motion for a recommendation of approval with no subsequent action. And I would refer you to the July 2008 La Cienega Committee minutes which are in your packet, Exhibit K. This property is located at I-25/La Entrada interchange within La Cienega, La Cienega/La Cieneguilla traditional community and these proposed lots range from .30 acre to 214 acres. The majority of the proposed development is clustered in an area of about 400 acres. The remainder of the property, about 916 acres will consist of six large lots and those are the lots of about 140 to 214 acres in which this master plan is proposing three homesites within each of the large lots for a total of 18 residential units on the six large tracts, three units per large tract.

Phase I is 80 lots, Phase II is 76 lots and Phase III is the proposal for six lots with three residential units on each lot. Now at this time I'm going to go ahead and give a breakdown of the affordables. Phase I would consist of 57 market-rate lots and 23 affordable lots for a total of 80. Phase II would consist of 54 market lots and 22 affordable lots for a total of 76, and then, like I mentioned, the six large lots would have three residential units and there would not be any affordable housing integrated into that Phase I I.

This proposal comes down to 45 total affordable units dispersed within the two phases and that comes out to about a 32 percent affordable market-rate of about 30 percent, based on 151.

Existing conditions: Like I mentioned, this property lies along Interstate 25 on the south and the north is sparse rural residential development. La Entrada La Cienega is on the

west and undeveloped pueblo land is on the east. There are three residential units presently existing on this property, and there is, as far as natural features, there is a natural wetland area that is existing on this property.

The City of Santa Fe Airport Manager has reviewed this and there would be a disclosure on the plat and the disclosure statement regarding noise impacts and that disclosure language is one of the conditions.

Water supply and availability: This property – the applicant proposed to construct a new community water system with water rights. Included in that would be about an 82,000-gallon water storage tank for domestic and fire protection, and that would be only for the purposes of Phase I. That water storage would have to be larger to support subsequent phases. The proposed water use for Phase I is 14.6 acre-feet per year. The total water budget for full build-out is 31.52 acre-feet per year with a reserve of .80 acre-feet per year for a total water budget of 32.32 acre-feet per year. The applicant's water budget estimates household use to be .18 acre-feet per year, and that includes the cushion for system lots.

The applicant has submitted supporting data to demonstrate their ability to meet this water restriction and certainly they are proposing strict water conservation measures having to do with prohibiting evaporative coolers, requiring front-loading washing machines, strict low-water use landscaping and requiring cisterns for the houses to collect roof drainage to water outdoors.

The applicant will submit a separate request to the BCC for water pursuant to the affordable housing ordinance to serve the affordable units. However, the applicant owns sufficient water rights to serve Phase I including the affordable units, so that's not part of this master plan request at this time, County water for the affordable housing.

I already gave a breakdown on the phasing and the market-rate lots and the affordable lots within each phase. I've mentioned that the total number of affordable units is 45, to be integrated within the first two phases of development.

There was a market analysis submitted, preliminary market analysis, and this analysis was conducted in early 2006 and this was based on conditions existing from the period of 2002-2005. The market analysis is obviously positive towards the development but it's indicating – it's not indicating the economic conditions that are existing now, so really that market analysis needs significant update; that's one of the conditions for if this master plan gets approved. They would have to have an updated market analysis as part of the Phase I development plan.

There was a traffic impact analysis submitted. The project proposes the main subdivision access will be from La Entrada La Cienega, secondary access will be from a frontage road extension to the Thompson overpass. It's an existing bridge that goes over I-25. So they would extend their internal road to connect with that bridge for secondary access. There will have to be some off-site improvements within state right-of-way and those off-site improvements would be submitted and reviewed at the time of Phase I development plan.

There's a request for several cul-de-sacs to achieve 500 feet in length. This is not a variance under the County Code. The BCC may consider this request if public safety factors

can be met. The length requested ranges from 850 to 1000 feet. And there is particularly one road that we do not want to end in a cul-de-sac. It would have been like a three-mile long road ending in a dead end with a cul-de-sac turn around so we have a condition that that road needs to be looped within the development, and not end in a dead-end.

Liquid waste disposal: The developer is proposing a wastewater treatment facility subject to a discharge permit from the State, and they would be – that proposal is obviously very much related to the proposal for return-flow credits, having to do with their water rights and being able to discharge treated wastewater in order to obtain a percentage of return flow credits to support the subsequent phases of Phases 2 and 3 of this master plan.

They have submitted a preliminary environmental assessment. This environmental assessment addresses various issues and recommends mitigation measures having to do with groundwater impact, surface water, soils, vegetation, wildlife, air, noise, archaeological, visual – those kinds of things. I think there has been an effort to notify various state and federal agencies and there's some letters in the packet where we did get a response from a state agency. I'm trying to think which one it was. Probably Forest Service and another state agency. They pretty much defer to the US Fish and Wildlife Service in which a letter was sent and the environmental report was sent to them; we have not gotten a response. Obviously, that's an effort to address any threatened or endangered animal or plant life on this property. There has not been a response regarding that, other than the state agencies, but not from the US Fish and Wildlife.

The master plan is proposing to address terrain management. There would be detention ponds to control post-construction runoff. There has been a slope analysis submitted and it does demonstrate that they have buildable area for building sites and roads in compliance with slope standards. No disturbance of slope over 30 percent.

This master plan is proposing about 400 acres of the site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. Open space – and there is a letter in the packet regarding those discussions which nothing has been finalized but certainly this applicant is trying to address the sensitive nature of this property in trying to have it managed and maintained by a conservation group as opposed to the homeowners association. Open space will include a community park with playground and picnic facilities. Trails will be provided which loop through the subdivision. These trails will be open to the public.

Archaeological: There was an archaeological report done. There are a number of significant sites that will have to be preserved in non-disturbed archaeological easements.

Mr. Chair, school impact: There are letters in the packet from the Public School District and for the most part, it's an ongoing review process with them. The Public School District would like to make recommendations at the time of Phase I development plan. But there are several letters to show ongoing discussions and that the school district considers this to be an ongoing review for them as to what their recommendations would be regarding school impact.

Mr. Chair, as far as the staff recommendation, I've listed the criteria. The proposed

master plan shall be considered based on the following criteria and we're familiar with that criteria – conformance to growth management, La Cienega Plan, suitability to site to accommodate the proposed development, suitability of proposed uses and intensity of the development, impact to schools, adjacent land, viability of proposed phases of the project to function as completed development in the case the subsequent phases of the project are not approved or constructed in conformance to applicable law and County ordinances in effect at the time.

Mr. Chair, the proposed master plan is in accordance with applicant plans and ordinances for La Cienega and the County. Staff recommends master plan approval and approval for the lengths of the cul-de-sacs subject to the following conditions. And Mr. Chair, if I could enter those conditions.

CHAIRMAN CAMPOS: They're so entered.

[The conditions are as follows:]

1. A looped road shall be constructed in Phase III to eliminate the proposed dead-end cul-de-sac.
2. In the event the riparian restoration project will cause an increased depletion on the stream system the applicant shall acquire or retire water rights to satisfy this depletion.
3. The applicant shall demonstrate return-flow as required by the OS $\Xi$  prior to final approval of Phase II, or the applicant will acquire water rights to serve these phases.
4. Any increase in density will require a master plan amendment and platting approval by the BCC.
5. Compliance with comments and conditions presented by the following:
  - a. County Fire Marshal
  - b. County Utility
  - c. County Public Works
  - d. County Open Space and Trails
  - e. County Natural Resources Planning
  - f. County Transportation Planner
  - g. Santa Fe County Public Schools
  - h. Santa Fe County Affordable Housing
  - i. Santa Fe County Planning
  - j. State Historic Preservation Organization (SHPO)
  - k. State Department of Transportation (NMDOT)
  - l. New Mexico Environment Department (NMED)
  - m. Office of the State Engineer (OSE)
  - n. Soil and Water Conservation District
  - o. City of Santa Fe (Airport)
6. The preliminary plat and development plan submittal for Phase I shall include:
  - a. An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to

- the completion of the Rail Runner Express.
- b. A public parking area (Trailhead) adjacent to the trail.
  - c. Proof of discharge permit submittal with NMED.
  - d. Geotechnical (soils) report.
7. The trail along the access road shall be constructed in Phase I. The park shall be platted in Phase I.
  8. The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, the grantor's or user's own personal perceptions of the noise exposure could change, and his or her sensitivity to aircraft noise could increase.
  9. Master plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Article V, Section 5.2.7 of the Santa Fe County Land Use Code. As noted in Article V, Section 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the La Cienega Development Review Committee (LCDRC) and the BCC.
  10. The approved master plan must be recorded in the County Clerk's Office as required by Article V, Section 5.2.5 of the Land Use Code.
  11. Provide lot for future fire sub-station as previously proposed by applicant and recommended by County Fire Dept.

CHAIRMAN CAMPOS: Are you ready for questions, Mr. Catanach?

MR. CATANACH: Yes.

CHAIRMAN CAMPOS: Any questions from the Commission?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a brief one. Joe – and I know there are a number of people that are here this evening that want to comment. In the middle of the third page is the staff report. You give the breakdown of Phase I and II averaging about 2.5 to 2.62 acres per lot. And then Phase III is only 50 acres per lot, covering 912 acres. And you say, or I guess the applicant says that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available, subject to approval of a master plan amendment by the BCC. And my question was this a complete master plan in your view? When we look at a master plan do we, or should we look at all of what may occur on the site, realizing of course that it can be amended any time. But this seems to be a large amount of acreage that has a very vague designation as to what may occur there.

MR. CATANACH: Commissioner Sullivan, I think that my review of that

would certainly be that this applicant should be asked what their future plans are in the event of any master plan amendment for expansion. I think it needs to come from the applicant. This applicant is making this proposal primarily based on infrastructure and water at this time. And that's probably why they're – and certainly marketing. I would think that this applicant does not really know if there's a market for these large ranch lots at this time or not. So I think there's a number of elements in place that really kind of make it unknown, but for the most part I believe it's actually based on water at this time.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER VIGIL: With the chairman gone, I'm going to go ahead and ask a real quick question. Mr. Catanach, this one is just to help me clarify the reports that were given to us. I was concerned about the environmental impact and the lack of response by I guess the US Fish and Wildlife Service, and the environmental impact on staff's summary report says refer to Exhibit F, and I do and it appears that that is strictly about affordable housing. Could you guide me to the area that you're trying to reference with regard to the US Fish and Wildlife Service on the environmental impact report?

MR. CATANACH: I'm sorry, Commissioner Vigil, did I make a wrong reference to environmental impact report that says Exhibit F?

COMMISSIONER VIGIL: Well, unless there are two F's. In my copy I look at Exhibit F, as is referenced under environmental impact and that is about affordable housing. Is that the way your packet reads, or just mine?

MR. CATANACH: It says Exhibit F; that's incorrect. The environmental impact is part of the applicant's development report towards the end, so the applicant's development report is Exhibit B, and that's the beginning of it. So as you page through Exhibit B, which is the applicant's development report, towards the end you're going to come to their preliminary environmental assessment, which is towards the end of Exhibit B.

COMMISSIONER VIGIL: I'm fine with just that question for now, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, is the applicant present? Please state your name and your position.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: My name is Oralynn Guerrerortiz. I'm an engineer with Design Ingenuity.

CHAIRMAN CAMPOS: Before we begin, I'd like to know if Tina Boradiansky is present. Our meeting is short today because she asked for an accommodation and she said that she would be cross-examining folks that testified. I just want to know if she's present at the hearing today. Okay, it doesn't seem that she's present. Okay. Please proceed.

MS. GUERRERORTIZ: Okay. First I'd like to thank you and staff for allowing us to be here today. I am Oralynn Guerrerortiz with Design Ingenuity and with me today is three of the project owners, which is Jim Borrego, his brother, Rick Borrego, and David Schutz, and our counsel, Rosanna Vazquez. We've been working on this project since 2005 and we've been meeting with neighbors, preparing extensive studies, preparing and

revising plans, and we've scaled back the project significantly in response to requirements to not use imported water and to meet the desires of the neighborhood for providing more setbacks.

The land can be divided into three parcels, primarily. This area on the far west side has very thin soils over volcanic rock. The Santa Fe Canyon is here and actually it's got beautiful vistas off this canyon edge. And the middle of the project is the Alamo Creek Valley. Alamo Creek is a FEMA flood zone. It's the home of the Thompson Family's ranch home originally, and there is three homes down in this location. And then the far east side is more gentle, rolling, alluvial areas, covered with grasses and junipers.

There are two gravel mines on the property that were mined in the late fifties and early sixties for the construction of I-25. They sit in here and in this area over here. They cover about, or more than 50 acres. We intend to restore those gravel mines. There are currently nine legal lots of record. We're going to leave six legal lots of record alone, and those are the larger tracts where we're going to have the large ranchettes if you will. And the remaining three tracts will be used for Phases I and II. Road connections are Entrada La Cienega, which is up here, and the Thompson Overpass, which goes to the frontage road.

As we stated we're proposing 174 units on 1316 acre. Eighteen of those units will be located on the six large lots. The 156 will be clustered on the gently rolling terrain located on the eastern side. Forty-five will be meet the County requirements for affordability, and 128 units will be sold at market rate. Most of the lots are half an acre or larger in size, and there will be 175 acres of common open space in Phase I and II. The average lot density is one unit per 2.5 acres, which is pretty consistent with the neighborhood. In Upper La Cienega 2.5-acre lots dominate. In Lower La Cienega, many lots are less than an acre. In the Las Lagunitas Subdivision, which is to our east, which borders our property, has an average density of 2.5 acres per unit. Most of the development is between Alamos Creek and Entrada La Cienega. We have plans for a community water system fed by onsite wells. A water storage tank will be buried on a hill to provide water pressure. All wastewater will be collected and will be treated in an advanced reclamation facility which will discharge to Alamo Creek. Looped pathways will connect neighborhoods. There will be a park with a playground and a picnic facility. Lots of open space surrounds the project in natural arroyos.

The setback from I-25 is about 250 feet to 500 feet to the lots. The setback to Entrada La Cienega is 2100 feet, and the setback to a neighboring lot is a minimum of 150 feet. We set the lots back from I-25. Most of them fall behind a ridgeline, so we're trying to hide the homes and protect the natural gateway that we have.

You should also know that each home will have a defined building envelope and the remainder of the lots will be held as private open space.

We're planning a residential development that's frugal with water. Water softeners, evaporative coolers, and turf will be prohibited. Front-loading washing machines, recirculating hot water systems, xeriscape drip irrigation tied to cisterns of 1000 gallons for all homes over 2,000 square feet or more will be required. Water demand is expected to average .159 acre-feet per year, which is similar to the average County water customer's use



for the last three years. We actually are proposing a water budget of .18 to provide a buffer.

The larger lots will have a water budget of 0.54, a little more than a half an acre. Phase I is 80 lots with 23 affordable and 57 market. The ranch property has all the necessary water rights for Phase I. We have submitted a request for return-flow credits based on piping the discharge from our reclamation facility to Alamo Creek. That request is pending before the OSE.

The project site has a number of cul-de-sacs varying in length from less than 300 feet to the longest which is 1,000 feet. It should be noted that in response to the County's request for a loop road we have land for a loop road on this site so that's not a dead-end anymore, a dead loop.

We have reviewed the plan with Buster Patty and he's okay with our cul-de-sac lengths. Off-site road improvements include adding a right turn decel lane at this intersection along the frontage road for southbound traffic. A TIA which was prepared by Craig Watts found that there's an existing problem there that we're going to solve by adding a right turn decel lane. We'll also be adding a left turn lane going into the project and a right decel lane that goes onto the southbound ramp, onto I-25. The TIA prepared by Craig Watts concluded that all intersections in the present and the future will operate at a level of service A or B.

If we're allowed to proceed forward we expect that people will start to live in Santa Fe Canyon Ranch in 2011. A full build-out will likely take anywhere from 15 to 20 years. We have submitted all the studies required and followed all the Code requirements. Staff agrees we've met Code. We agree to all conditions. I'd like now to turn over the podium to Rosanna Vazquez to cover a few more details. Thank you.

CHAIRMAN CAMPOS: Thank you. Ms. Vazquez, please state your name and your address.

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez, P.O. Box 2435, Santa Fe, New Mexico. Hi. My name's Rosanna and I'm representing Santa Fe Canyon Ranch. I want to address a couple of issues that have been raised by the community concerns that I'd like to address.

First of all, I think it's very difficult for the public and for all of us to come to a decision as to what a master plan is, and over the years, a master plan has gone from a very conceptual bubble design submittal to a very detailed, detailed study. We submit archaeological studies, we submit water budgets, we do analysis on the County utility water to determine that water budget. But I want to focus on the language in the subdivision regulations that apply to master plans, because it is a scope of the project to obtain concept approval without the necessity of expending large amounts of money. The idea is to plan. The master plan is a tool. It's a tool that the County has used to be able to plan infrastructure, plan for the future as to where development will be and where funds will need to be expended to protect such infrastructure.

What we've done with the idea of that master plan is we've looked at the Code, the La Cienega code, and the La Cienega plan, and what that Code and what that plan talk about is very similar. [Exhibit 7] The idea of a submittal that would plan a large area of land. So

we've come in with the full 1316 acres, and we've looked at it and put together a development that we believe meets the Code and staff agrees with us. You'll note that on the development there is – the majority of it is clustered in one area. And there's been a concern with regard to the clustering by the community for a number of reasons and I'd like to address them.

The reason that the lots were put in this area to begin with is two-fold. First of all, the La Cienega Code, and I've got some handouts for you, specifically says that if you are going to protect open space, protect riparian areas, create large tracts of open space, then you are allowed to cluster development. In clustering, you are allowed to transfer density from a different area of the property – let's just say this area here – into this area. What clustering does is it effectively allows for the use of a community water system, which is mandated in the La Cienega code for this size of development, which is what we are doing.

The language that I have given to you, I'd like to specifically read into the record because there is a concern that this development is sprawl, and there's a concern that this development is not the intent of the County Code. If you look at Ordinance – if you look at the plan under density transfers, and I believe it is this one that you've got before you, it states specifically, "When density transfers result in higher site density such development shall be clustered and sited in an organic manner to fit the land features."

So what have we done here? We've created a subdivision with some streets that sort of wind, which is the need for the approval on the long cul-de-sac. We've fit them into the rolling hills in this area, and we've fit them into the topography of the area. And what I want to do for you is a comparison, because these lots aren't one unit for 2.5 acre. They average that, but they are not 2.5-acre lots. But I'd like to show you what this land would look like if we divided it up into 2.5-acre parcels. *[Exhibit 8]* We have handouts for the public as well on this. This would be the same number of units on the same amount of property divided up in 2.5 acres.

Now you'll note it's a schematic. There are no roads that go through there. There is no public open space in these lots, and it would be virtually impossible to put together a community water system for lots that are each 2.5 acres. It would be very costly. I note this comparison for a couple reasons, Commissioners, and that is we could do this individually through small lots and not plan the entire portion. We would not be able to achieve the goals that are set out in the La Cienega plan and the La Cienega ordinance for clustered and preservation of open space.

There's been some concern from the community about the setback from the La Cienega border, and I want to go over a couple of issues with regard to that. The owners of this property have met with the community for the last three years. I can't tell you how many meetings there have been but they have been numerous. In those meetings there have been several requests by the community with regards to what it is that they'd like to see the development look like. One of the big issues that was raised was that they wanted this development to be pushed farther away from the property line right here. And when, in 2005 this development began it was 50 feet from the property line right here. And so what has been

agreed to by the owners behind me was to move that setback. And so it was moved to approximately 120 to 150 feet from the property line here. But I have two schematics for you because another thing that the property owners agreed to was create – put all of the large lots that you see here on the border so that there wouldn't be smaller lots adjacent to La Cienega. The smaller lots, as you'll see, are going to be internal. *[Exhibit 9]*

The requested that the affordable units, because they were on smaller lots, also be internal, and that's what we've done. In addition, we put together building envelopes. And the purpose of the building envelopes was two-fold. One, it was to be able to demonstrate the distance between where the house was actually going to be built to the lot line. And so you'll notice that on this exhibit, the distances from the building envelope to the property line varied from about 170 feet all the way to 315 feet to the property line.

The other reason why the building envelopes were put together, Commissioners, was because there was a concern by the community of protection of open space. So the area that is spotted here is all common open space. The area that is around the building area will be private open space. So virtually, from this building envelope over here will be completely open space. We've agreed to no perimeter fencing so that the land is continuous and the eye cannot see divisions between the homes in the area. And I show this to you because it is an attempt by these owners to try to work with the community on this very important issue. This was a very big issue and it was one of the requests that was made by the community to the developer.

I have here a list of issues that were raised by the community that Santa Fe Canyon Ranch agrees to. *[Exhibit 10]* I believe that you've got a handout because the language is a little small to read. So I'd like to read them into the record. I talked to you about the large lots closer to the existing community. The small lots are internal. We intend to preserve the canyon rim and waterways. The development – the ridge to the Santa Fe Canyon River is right here. It's very pristine and land and it's beautiful. The Alamo Creed and the Bonanza Creek run along this area here. The neighbors in La Cienega, rightly so, were concerned that there was going to be construction there where that area was going to be damaged. In response to that we clustered the development farther away from those areas and we are working with the Trust for Public Land, as Mr. Catanach stated, for protection of this area here and the canyon ridge. We are in negotiations with them now. I'm not sure what form that protection of that land is going to be, whether a conservation easement or an outright sale, but we are working very closely with them to make sure that this concern of protecting that area is taken care of.

As Oralynn stated, there is open space, hiking trails and biking trails that will be through the property that are open to the public. That was a request from La Cienega. There was a request for water catchment systems, which we've agreed to. Xeriscape landscaping and farming – we have allowed for water for each of the lots sufficient for some farming and some gardening as well. The site houses to preserve views. One of the other intentions that was done with these building envelopes was to be able to put them in a place that they were either hidden through rolling hills in this area, hidden by the landscape, and also integrated

into the homes that are located in the back area.

So these building envelopes, there's been a lot of study done at master plan level to put them in an area so that they would harmonize with the existing area. In addition, one of the things that the community was concerned about was being able to site them in a way that they could be used for – solar energy could be used for these homes, and the building envelopes achieve that as well.

They requested the preserving existing vegetation, which the open space corridors do. In Phase I and Phase II approximately 44 percent of the land is common open space. It doesn't include the private open space in each of the individual lots. We have maintained the one unit per 2.5 acres. There was a request to dedicate a fire or police station on the property. We have agreed to do that. It's too early at master plan level to make some more affirmative plans with regards to where that will be but we have made that offer and it has been conveyed to the County.

Advanced waste and treatment/purification you've been told about. No lot line fences. Protective covenants – we're at master plan stage. All we've done at this point, Commissioners, is put together an outline of the covenants that we will put together at preliminary. Single lane roads, we've planted medians. We've agreed to no two-story housing. No commercial development. No tract housing. No access to Paseo C de Baca. We did have an emergency access originally in the master plan that came off in this area over to Paseo C de Baca. There was a concern with regard to it because it would bring traffic into the La Cienega area and they didn't want additional traffic so we took that out of the master plan.

They wanted to maintain the natural skylight and not give any more street lighting. We've agreed to do that and the Code requires certain types of lighting which we will comply with. No medical center. No groceries. No high water consuming plants. No traffic lights. No private wells. No non-native plants. Horse trails, and protection of the wildlife sanctuary, which I've already gone into.

While there are issues that we differ on there is a list of those that demonstrate the intent and the good faith that the developers have taken in conversations with the community to try to reach some consensus.

I want to talk to you a little bit about water now. There's some confusion with regards to water, and I'd like to clarify that. The Ordinance 2005-02 is the ordinance that this Commission put into effect a few years ago to require that master plans at least show water for the first phase of development. Wet water. So what that means is that we had to prove we had water underground through a geo-hydro, but we also had to prove that we had the right to use that water. This development has the water for Phase I. It has a license agreement from the Office of the State Engineer allowing them to divert 29.1 acre-feet of diversionary water and 14.55 of consumptive use. That water, Commissioners, is currently being diverted, 29.1 acre-feet of water is currently being diverted for farming purposes on this property.

Phase I is completely in line with the master plan ordinance Phase II will require 13.68 acre-feet of water, and it is Phase II that we are working on the OSE application for the return-flow credit. If the OSE does not approve our return-flow credit then Phase II will not

go forward at preliminary development. Phase III will require 3.24 acre-feet of water, and that water is also pending application with the Office of the State Engineer. I want to make clear that in our master plan we set out that we had an additional approximately eight acre-feet of water. Santa Fe Canyon Ranch holds that water. There was some concern that La Capilla Ditch raised about that water. I want to make clear to you first of all that that water is not part of this master plan. That water will not be utilized for this master plan. That water was purchased for the sole intent of dealing with the OSE application and if there was a need for any offset purposes that water would be used for that purpose.

This development will bring 45 units of affordable housing. All of the units will be developed in Phases I and II.

I want to talk a little bit about some of the green features, Commissioners. It is master plan, so they aren't fully developed and we have some time to figure out what other green features we can add to this development. But I will tell you that we've made certain commitments. Those commitments are five star rating on all of the washers and dryer and all of the electronic equipment inside the home. We've agreed to locate the homes so they can use solar energy if the owners want to. We've got the return-flow credit application, which will bring water back into the creek. We've got the reclamation plant that will treat the water and turn it back into the creek. I want to make a point about the reclamation plant as well. I read in the paper a few weeks ago about the problems that La Cienega was having and the County insistence or offer to provide water for them because of potential contamination issues. We made an offer a while back that our reclamation plant could be used for connection by La Cienega residents to avoid any more potential problems like you saw a few weeks ago. The reclamation plant is oversized and that offer is available to hopefully deal with the nitrates issues in La Cienega.

Going back to the green features, which is very – I know, Commissioner Campos, is very important to you. The whole point of clustering really is a green feature. It's not a CID building requirement, but it is a green feature because it protects the open space and it allows for more economic use of the infrastructure.

I want to talk a little bit about Santo Domingo. Santo Domingo is our neighbor and they own the land right here in this area. Santo Domingo came to us with a couple of concerns which we've tried to address. Their concern was initially that the road that came down this eastern edge of the property was adjacent to their property line, and they were concerned that there was going to be people trespassing, people were going to be dumping trash over there, they were going to need to do more security out there to avoid some of these problems. What we've offered and what we've shown is that we've moved the road. It will meander through this area at a minimum of 75 feet away from the property line. Some of it, obviously, is much farther away. They made a request to us of 500 feet and this is what we've offered, a meandering road, minimum of 75 feet away from the property line.

The other concern that was raised by the Santo Domingo Pueblo was the cul-de-sac which we've taken out and made a looped road. They are concerned about the archaeological sites and protection of them and we wholeheartedly agree. We need to protect those

archaeological sites. There are 58 sites on the property that we will need to protect and we've agreed to abide by SHPO's standards on those archaeological sites.

The main issue that concerns Santo Domingo Pueblo was an access that the property owners purchased when they bought this land, and it was an access point over to the Waldo exit, approximately in this area here. This little triangle would go right here. And they have – there was some confusion and a lot of it was largely my fault. But I want to make clear on this record that this master plan is not using the Waldo easement for the connections on this development. As Oralynn stated the entrance will be through Camino Entrada. The Thompson overpass will serve as a secondary access. There is not in this master plan any intention of use of the easement through Santo Domingo Pueblo.

I'd like to save some time for questions, Commissioners, and rebuttal after the public hearing is closed. I stand for questions.

CHAIRMAN CAMPOS: Commissioners, any questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Did I understand you – is the cul-de-sac still a request, the length of the cul-de-sac? Or is not that it's been rounded off or whatever, is it still an issue?

MS. VAZQUEZ: This was the longest cul-de-sac; that's gone. But these cul-de-sacs here, in order to fit these homes into the terrain and not make them a grid-like – these are them.

COMMISSIONER MONTOYA: So those are still –

MS. VAZQUEZ: Yes, they are.

COMMISSIONER MONTOYA: And then you're not using the Waldo Canyon exit. Do you have easement and access through that exit?

MS. VAZQUEZ: Mr. Chair, Commissioners, this easement, this Waldo easement was purchased in connection with the purchase of this property. That easement was researched and there is title insurance on that easement that was given when the property was purchased. But there is no intent to use that easement in this master plan.

COMMISSIONER MONTOYA: Would it impede any sort of emergency services by not having that as an access point?

MS. VAZQUEZ: Mr. Chair, Commissioners, it wouldn't. We've got the secondary access that's required, for fire, here off the Thompson overpass, and so it doesn't impede that.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, this is a public hearing. How many people intend to testify tonight? Okay. We're going to hear about 45 minutes of testimony, so are there any group leaders that would like to testify that are selected by the community so that we could go forward in that way? If you're a spokesman for the community I'd like you to come forward at this time. The folks that are here to testify, are they going to testify for or against? All those that would be testifying against, please raise your hand. Okay. Let's swear in the spokespeople for the community.

[Duly sworn, Carl Dickens testified as follows:]

CARL DICKENS: Carl Dickens, 27347-B West Frontage Road.

CHAIRMAN CAMPOS: Mr. Dickens, how much time do you think you need?

MR. DICKENS: We have a series of representatives from the La Cienega Valley Association that have prepared responses and we would ask about 20 to 25 minutes for those six speakers to speak.

CHAIRMAN CAMPOS: Okay. Are they here right now and ready to go?

MR. DICKENS: Yes.

CHAIRMAN CAMPOS: Let's swear in the six person that will testify. There are six people I think you said.

MR. DICKENS: It'll be about eight of us then, eight or nine of us.

CHAIRMAN CAMPOS: Okay, Mr. Dickens, you're going to have to help me with the clock. You've got 25 minutes.

MR. DICKENS: Okay. I'll try and do this as quickly as possible. Thank you for allowing us to respond to the proposed development. As you review this application the LCVA, the La Cienega Valley Associations asks that you carefully consider the propriety of this proposed development for the area and for our community. You have the ability to make your decision based on the appropriateness of the development, an urban density subdivision in a rural, traditional, ranch, grazing area is not appropriate and there are other issues. I can assure you that the 50 or 60 people that spent five years writing our community plan never in their wildest dreams imagined that anyone would make this type of proposal for this ranch property. The LCVA presentation clearly demonstrates that this development is inappropriate for our area, that there are unresolved concerns about water impacts, housing densities, protection of historical and archaeological sites, riparian areas and wetland areas, inaccurate traffic data, and unaddressed noise, light and trash concerns.

Given the number of unresolved concerns, the LCVA respectfully requests that this master plan be denied or tabled until these issues are addressed and resolved. The LCVA has never denied the developers' right to develop their property but require that development be done within the context and intentions of the La Cienega/La Cieneguilla Community Plan and within the property's existing, established water rights. The Santa Fe Canyon Ranch development as proposed does not meet this standard.

At last night La Cienega Valley Association board meeting the board and every resident attending the meeting agreed that because of all the unresolved issues and problems that this master plan application is incomplete and should not be heard by the Commission. This is coupled with serious water issues that remain to be decided by the Office of the State Engineer and form the foundation of this proposal. And don't be fooled by the phases of the development; this is an illusion and a manipulation that gives the appearance that the developers have met the technical requirements of the development. It is a mirage.

As planned now, 90 percent of the development will be on 30 percent of the property. If the developers only have water for Phase I, 95 percent of the development will be on 15

percent of the property. Urban densities right over the hills from families who have lived in our rural community for over 300 years. The developers have repeatedly refused to limit the size of the development. They seek an open-ended master plan to freely develop as intensely as they can the remaining land and that is not acceptable. We must remember this property is located in the Homestead and Basin Fringe Hydrological Zones. Any reduction of the size of the development has not been the result of compromise and negotiation but rather as a result of Code restrictions.

The development plan tonight is little change from the application presented to the La Cienega/La Cieneguilla Development Review Committee in March, a meeting in which the developers admitted they were not prepared and tabled their own presentation. It is hard to see what is actually changed and on what basis the staff analysis has changed since that time. The LCVA finds it unacceptable that the staff report does not indicate the LCDRC voted against the development. Nobody that spent four hours at that meeting thought otherwise and that includes the developers.

You will hear a lot about affordable housing. Some weeks ago I was sitting at the community center looking out the window and wishing our community could find better ways to provide affordable housing. Too many of whom are forced to live in substandard affordable conditions. Down the road in San Jose there's a house being built on rich farmland and we worry about the loss of agricultural capacity.

And then I thought of the newly revised Acequia La Capilla, an acequia that has been dormant for a number of years that has selected a mayordomo, established a commission, written thoughtful bylaws that have been accepted by the Office of the State Engineer. They have it all except water. They have no water. And this is the eight acre-feet of water rights that the developers referred to that they are in some sort of negotiation to acquire that will be used to, I assume to be retired to meet some sort of water requirement.

You see over the years the proliferation of wells, both in the area and throughout Santa Fe County have caused the springs that feed the Acequia La Capilla to dry up. This isn't an isolated situation, and those who think that La Cienega and La Cieneguilla is abundant with water you should talk to the residents of La Bajada, La Cienega, and La Cieneguilla who have witnessed the drying up of their springs, or talk to Ray Romero, mayordomo of the Acequia La Cienega about what it's like to drill a well to provide water for his acequia. Or Jose Varela Lopez in La Cieneguilla who watches his family's traditional irrigation springs dry up every summer.

Now over the hill to the south and east the developers of the remaining 1300 acres of the La Bajada Ranch have chosen to place an urban density development on 400 acres at the north end of the property in a traditional grazing or dryland area while insisting the remaining 900 acres be left open to further development. And this area of proposed development is far, very far from the County's identified strategic growth area. That's something that really needs to be emphasized. Somehow it doesn't make sense.

To demonstrate the intensity of the development I offer this graphic illustration of what this development would represent to our community. And this is a document that was



put together by one of our residents who spent about ten hours or more gathering information. And as you see this, you will notice that the intensity – this is the proposed Santa Fe Canyon Ranch. This is the other area that has been brought down and we would love to have your County staff to check these statistics. We feel that these are very reliable. If you look at this area of proposed development it is more intense than any other part of our community with the exception of two or three trailer parks or trailer courts. So that is something that is of serious concern. So we are definitely seeing – it is definitely urban densities in a rural community.

The second graphic I want to show, this demonstrates how little the development has changed from when it was initially proposed as a 605-home proposed development until what it is now. [Exhibit 12] In our minds, little has changed from three years ago. And with the unwillingness of the developers to limit the number of homes in the development the LCVA sees little difference, or significant difference between now and what was proposed three years ago.

And to demonstrate the LCVA frustration with the developers we would like to reference a visioning information that was used tonight and it was used at the LCDRC meeting. This information is contained in your packet as part of the history that we've provided. That visioning information was something that the La Cienega Development Review Committee – no, the La Cienega Development Advisory Committee shared with the developers after their March meeting. That was a meeting that the La Cienega Development Advisory Committee requested, to sit down with the developers and talk about the proposed development.

During that meeting that visioning information was shared with the developers with the understanding that they would come back to that committee and talk about it. That was never done. In fact we followed it up and made a call to one of the developers to say we'd like to meet and talk about this information and we were told to wait until after the LCDRC meeting. We had no knowledge or understanding that they would use that information – we feel very inappropriately because number one, they never came back to talk to us about those issues that we raised, and it was a draft document that had not been reviewed by the La Cienega Valley Association board. It was really unfortunate they couldn't meet that simple agreement.

Now I want to tell you a story that has blown a new and fresh breeze through our community. This story involved the Gallegos Ranch, 300 acres of beautiful vistas and views, 30 acres of very fertile farmland that adjoins Santa Fe Canyon Ranch. It is a site where the La Cienega and Alamo Creeks join the Santa Fe River as it flows south through the fields of the Village of La Bajada. The Gallegos Ranch is a special place in an area that the LCVA has been most concerned about being developed. Some weeks ago I was asked by a representative of a land preservation organization to contact to Cohiba Group, owners of the ranch, to determine if there was any interest in selling that property. This is just one of many efforts the LCVA has made to preserve these magnificent properties.

I contacted Alonso Gallegos, a farmer-rancher from La Bajada who manages the

ranch. Mr. Gallegos told me that one partner had bought out the other partners and was the sole owners. Alonso suggested that the LCVA meet with the new owners. Last Thursday a small group of LCVA board members met with Alonso and Bob Cochran, the new sole owner of the ranch. As we sat down at that table in our community center, Mr. Cochran asked our small group what we wanted to see happen to the Gallegos Ranch. He asked us what we wanted. To say we were stunned would be an understatement of epic proportions. Mr. Cochran was asking what we envisioned for the ranch.

For the next two hours we proceeded to discuss a wide range of community initiatives and projects: agricultural revitalization, energy conservation and production, water and wastewater issues. It was obvious that Mr. Cochran had a real sense of who we are as a community and our plans for the future. As he left Mr. Cochran took our community plan, said he wanted to study it and would get back to us. This is an example of a large property owner willing to work with the community. Not just work with us but embrace our community vision, goals and objectives. I wish this were the case with the developers of Santa Fe Canyon Ranch. It isn't.

The developers of Santa Fe Canyon Ranch and their various consultants and professionals have looked at our community plan and worked at ways to get around it, and misinterpret it to their advantage. And we as a community have grown tired of defending our community plan and worrying about what the developers are going to do next. I don't know how many times I've heard residents say they are angry and tired of dealing with the developers who have no respect for our rural community, our community plan and who have been and remain unwilling to listen to our community concerns.

This is a hard decision. We understand that. But there are times when hard decisions need to be made. And this is a time when we as residents look to our leaders to make those decisions. It is our well researched and documented opinion that the Santa Fe Canyon Ranch, as proposed, is not appropriate for this rural area. The application is incomplete and there are serious, unresolved water issues. In Santa Fe County decisions about land and water management are the hard decisions but they have to be made and they have to be made by you. Our committee, our community and all the communities in Santa Fe County can no longer afford to allow developer-driven water systems and cannot afford to have land use planning that is not connected to water planning. Thank you.

CHAIRMAN CAMPOS: Mr. Dickens, that was about 12 minutes. Who is your next speaker?

MR. DICKENS: John Herbrand is the next speaker.

CHAIRMAN CAMPOS: Okay. Please state your name and your address please.

[Previously sworn, John Herbrand testified as follows:]

JOHN HERBRAND: My address is 37 Paseo C de Baca, and also, I'll be real quick. And I'm going to ask – obviously we're going to run over that time limit you gave us. I ask that you be reasonable in terms of granting the community additional time. A lot of people have spent time coming for this and that the applicants themselves reserved some time

and spent a good deal of time up here.

CHAIRMAN CAMPOS: I ask you to be direct. If this doesn't comply, in your opinion, with the ordinance, state specifically. It's better than rambling, better than trying to –

MR. HERBRAND: I'm going to try and be real quick. I've got a goal in being up here. I think I've sent you guys a good amount of material and didn't expect you to read it but I was trying to make a point with it. Quite frankly, I was here at the last scheduled meeting where your expert, who you've got drawing plans for future planning of the community was here and he laid out a number of issues and asked you for feedback. And he was really asking you for feedback on preliminary things that he was going to submit to you in a report, and I sent a letter with regard to that. I think the other thing that he was not only trying to get some feedback from you, but he was also feeling you out to see what your commitment was to standing behind a community plan. He was actually asking you for some feedback to him so that he could give you some things to draw a community plan that would be acceptable to everybody so we wouldn't have a good amount of these community fights. So with that, I want to make a couple of comments.

I sent you a number of historical notes with regard to the community. As I said they are fairly significant in terms of the amount of material. The reason I sent you that wasn't because I expected you to read all that material, to take it in, to believe in it, to want it. It was that within those documents there were comments by people and in the comments those people really related to some of the comments that you'll hear over time. And that's that there's an issue of affordable housing, there's a comment by one of the developers that people don't want these things in their backyard, making it seem like it's an isolated spot.

In those historical notes you have comments from Governor Richardson, Senator Domenici, Representative Udall, Senator Binyamin, the BLM, the Conservation Trust, the National Historic Trust for Historic Preservation, the New Mexico Historic Preservation Society, the Old Santa Fe Association, the Trust for Public Lands, all of whom have interest in this land, in this community as a traditional village. And I guess the point is if you walk in this building, on the opposite side of this building, the Planning Department from this County has documents on the wall about the importance of preservation in La Cienega, held with the University of New Mexico.

Those meetings that they had out there, they were funded by a guy by the name of J.D. Jackson, who lived in La Cienega. He left his fortune to the University of New Mexico, to the Santa Fe Community Foundation, to the school district. He was a cultural preservationist. He gave people money in the community. He put people through school. He thought this village was special. He's nationally accepted for those things.

And one of those documents that he wrote, *A Sense of Place, a Sense of Time*, was about the importance of preserving things that the community does. Not just about physical things that God left here, but things that man brought. If you're not going to preserve a traditional community within this county, within this distance of Santa Fe, where will you? And I think that's kind of what your expert was saying the other day that you need to set out some goals. They community has set them; they have a reasonable expectation. The

reasonable expectation that they had when they drew up this plan was not that people would be standing between this mural and those things saying What is rural? What is acceptable? Everybody had a pretty good understanding including the people that own this land that there was a limitation and the limitation was to be a traditional historic village. And with that I'm going to pass it on to somebody else.

CHAIRMAN CAMPOS: Next speaker.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Yes.

COMMISSIONER SULLIVAN: While he's coming up, can I just ask a quick question? And maybe Mr. Dickens might be the quickest one to answer it for me. Is he still – where did he go? This is just real quick. We've heard and I assume will hear a lot of comments about compliance with the community plan, the La Cienega Plan. Could you help me understand specifically what are the deviations in this proposal from the plan, from the written plan? And I understand the concept of rural community and those things, but I mean the precise – being an engineer – numerical type things. Is your next speaker going to do that?

MR. DICKENS: He's going to address that.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Dickens.

[Previously sworn, Tom Dickson testified as follows:]

TOM DICKSON: My name is Tom Dickson. My address is 48-A Paseo C de Baca. I've been sworn. I'm a life-long resident of La Cienega and a second generation of my family to live there. I'm a commissioner on the El Guicu Ditch. I worked on our community plan from the beginning point, which was a committee of the La Cienega Valley Association that was given the task of studying the methods by which a community plan was designed. None of us knew much about that and County staff helped us to draft it. I followed through with that committee and we saw the plan for the La Cienega passed as ordinance.

It's about the Santa Fe Canyon Ranch's non-compliance, for lack of a better word, with our plan, that I will speak. Our vision of a real community causes us to recommend clustering of houses in order to preserve the agricultural uses on the small, one- to five-acre parcels that are traditionally used for farming and ranching in our village. Our ordinance was about clustering in order to preserve agricultural uses. It was never meant to address a development of the size that we're looking at here.

Ms. Vazquez showed you a comparison showing what Phase I would look like with 2.5 acres for each house. Her purpose, I believe, is to demonstrate how inefficient this would be in comparison to what is now the current cluster. The view that I take is that the flaw in each of the plans of Phase I speaks only to a small piece of the 1300 acres. Our community plan in its intention would address the entire 1300 as a whole, and the density for that would be determined by the water associated with the ranch, which I believe is the same as the County's view on that. Specifically, the division of those 1300 acres took place with the posting of public notice on the Thompson Bridge Overpass where nobody would ever see it. And while technically meeting the County Code of posting notice as well, as the County Code for subdividing by administrative approval, the methods that the Canyon Ranch used to

achieve this division of land did not bring the community into the process.

It's only an example of my experience as a community member that's led to distrust stemming from what feels like deception. I sit on a committee that's headed by County staff that addresses possible changes or amendments to our County plan and this work is done biannually. The County staff member had to look hard in the Code to find the regulations that were used by Santa Fe Canyon Ranch to avoid the communication via their posting of the subdivision and the size of those lots that were achieved to make the larger lots that they are now using to go forward with their plan.

The resulting plan shows us 90 percent of the density on 30 percent of the land area and in Section 6.5 of our 2002-9 ordinance the definition of clustering refers to fitting into the existing rural character instead of into an urban grid pattern. The County Code Article V, Section 5.2.4 states the viability of the proposed phases of the project must function as completed units, completed developments in the case that the subsequent phases of the project are not approved or constructed. And I would ask you, Commission members to look at the difference in the plans as they've gone forward. The Phase I that was before this current Phase I and II is essentially a line drawn down the middle of them, and I don't think much consideration has been given to this County Code issue that would ask that each of the phases stand alone if they needed to. That concludes what I had to say. Are there any questions? Thank you.

CHAIRMAN CAMPOS: Okay, who's next? Please state your name, address, and tell us if you've been sworn.

[Previously sworn, J.J. Gonzales testified as follows:]

J.J. GONZALES: I'm J.J. Gonzales, 54 Entrada La Cienega. Thank you, Mr. Chair, Commissioners. The first thing I want to do is, this matter came before the LCDRC in March and at that time they had like a 28-page negative review. They discussed it here for three hours. The thing is at that point they requested a tabling and from March until July they were able to correct some of those problems. And apparently in July the County saw fit that they would recommend approval. They had a meeting at the La Cienega Community Center and at that time there was a vote taken and the committee members voted to deny a motion for approval. There was a problem with that vote because there was not a subsequent motion made in order to deny. So as a result I came forward to the Board of County Commissioners without an approval.

I think that Mr. Trujillo wrote a letter and it was received today saying that he felt that this was a very important community issue and he felt that they should be given another chance to correct this vote. Apparently County staff has ignored that. They haven't answered Mr. Trujillo's question. But I think this is an important thing and something like that should not cloud this most significant development in our community. That was the first thing I wanted to talk about.

The other thing is as far as density. We wrote this plan, when they came down to transfer of densities we felt that in order to protect significant community assets that we would allow density transfers. And this was basically in the traditional community, this was

where a person had an agricultural field, an irrigated field or something, and in order to save that asset, that field, that agriculture they would be allowed to transfer density to one side of that field. It was never intended to deal with large tracts of land. This is the first thing that I think is very important that they take that out of context. Our community plan says in a traditional community, to protect community assets. And this is a very large piece of property. They have a lot of space in order to spread houses out. And it's also very important that the thing is that all their density is basically at one location.

They have Phase I, then they have Phase II. The thing is they claim that they use the basis of .18 acre-feet of water per household. The thing is that is what Rancho Viejo is able to do. The thing is Rancho Viejo is a community – they have high density. They probably have ten units per acre in Rancho Viejo. They reclaim a lot of their water and they have parks, so people don't have to use water in their houses because Rancho Viejo supplies them with many parks and many playgrounds. So there's no need for people really to have any outside use. The houses in Rancho Viejo, there's like five-foot clearance on either side of the houses. From the street to the sidewalk is probably five feet. So they have large houses on very small lots. They have condominiums there. They have townhouses there. They have very small lots. So I don't think that this is a good comparison – Rancho Viejo and Santa Fe Canyon Ranch.

A better comparison would be Las Lagunitas, where they have  $\frac{3}{4}$ -acre lots. They have one-acre lots. They have  $2\frac{1}{4}$ -acre lots and Las Lagunitas is on the County water system and the usage there is closer to .25 acre-feet. The covenants at Las Lagunitas allow residents to use .3 acre-feet of water. And the thing is that as far as their line loss, that is made up by Santa Fe County.

As far as the plan for Santa Fe Canyon, they have 14.55 acre-feet of water per year to use. That amount is taken up by the 80 homes. They have 80 homes times .18 is 14.4 acre-feet of water, so they don't have any provision for any of their other uses like line loss, fire protection, their agricultural, their landscaping. They don't have any provision for that so to be fair to everybody, they should be required to have .25 acre-feet per household. And that would limit their development to maybe 40 or 50 homes. That way they could have 20 percent line loss. They could have water for all their other uses and that way in the future those residents would not be up against somebody using too much water. And that would be probably in compliance with County regulations where everybody is allowed to use .25 acre-feet.

The other thing is that they have a license from the State Engineer. That license was the result of the people on that ranch, Thompson not using the water rights that they had for approximately ten years. They transferred water to that ranch. They never used it. They were up against a deadline with the State Engineer to prove beneficial use. As a result for one year they irrigated a nine-acre tract of land. As far as irrigating land in that area, that same parcel, it hasn't been done for a long, long time. But the State Engineer accepted the usage and it gave them a license.

But in that license, the last page of that license says that these water rights cannot be exercised to the detriment of other water rights in the community, and we're concerned about

their use of the water rights and how it impairs water in La Cienega. The other thing is that they have an application before the State Engineer to transfer water rights, the 14.55 acre-feet, in order to transfer them to subdivision uses, agricultural uses, livestock uses, commercial uses, industrial uses, domestic use. The thing is that application is pending before the State Engineer. There's a hearing at the end of the month, on the 23<sup>rd</sup> there's going to be hearing. It's going to determine the status of those water rights. Whether they're granted that water they're requesting. For that reason I don't think this application should be approved with all these questions.

The other thing is that they have a return-flow credit plan, and that return-flow credit plan is what they're counting to use for Phase II. If the return-flow credit is not granted then everything stops. They have to rely on the 14.55 acres in order to do their subdivision. And then as a result, all the development is going to be on a small parcel of land and the other 80 percent of the land will be open space or have smaller density. So the other problem we have is we don't feel that this development can stand on itself with only Phase I. They need to be able to do something in order to be able to get Phase II and Phase III. The way it is right now is that's not going to be determined until the State Engineer rules on that application. There's going to be a hearing at the end of the month.

So for those reasons I think I would ask the Commission to deny this or table this until the State Engineer makes a decision. Thank you.

CHAIRMAN CAMPOS: Next speaker.

[Previously sworn, Mary Dickson testified as follows:]

MARY DICKSON: Mary Dickson, at 48-A Paseo C de Baca in La Cienega, and yes, I have been sworn in. My husband and I are full-time farmers on the El Guicu Ditch and we are farming three acres that have been in my husband's family for fifty years. La Cienega is a rural, agricultural community that has water rights that date back to the early 1700s. Every year these springs that feed the acequias are producing less and less water and there's even one acequia drying up in the 1980s. And this is due to the surrounding development that has happened over the years. And with the Santa Fe Canyon Ranch added to that, right near us, it's just going to make these springs and acequias produce less and less.

The importance of being able to grow our own food and sell it locally is a really critical part of our future. It's not just us as farmers but us as people. And in order for us farmers to be able to make a living farming our land in La Cienega we need to protect this water. When the springs and the acequias have dried up so will the agriculture of our rural community of La Cienega. It's just farms everywhere too are going by the wayside and we don't want that to happen in La Cienega. Thank you.

[Previously sworn, Ray Romero testified as follows:]

RAY ROMERO: I'm Ray Romero. I reside at 73-A Camino Capilla Vieja, La Cienega. I'm the mayordomo of the acequia. I represent the acequia through the valley association, as a board member there. I won't take too much of your time. I have some handouts here if I may. [Exhibit 13] If you want to look at the last page, these are all readings from the USGS, what we take at La Cienega twice a year. At the last page you'll see in 1971

our water flow on the acequia was 1.7 cps, which amounts to 763 gallons a minute, and if you look the front page – there's other pages that you might want to look at but I don't want to take that much of your time. On the front page you'll see that we're down to 106 gallons a minute, that's at the headwaters of the spring, coming out. We take measurements right there.

So what I'm trying to tell you is that we can't afford to have those springs deplete any more than what they are right now. Even though the water flows downhill from where we're at it still is going to suck the water down from the springs. So what I'd like to say to you is we can't afford any more depletion on those springs. And for your information, you have the readings there and I'm not going to repeat anything else because I think these others guys have done a pretty good job. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. Romero.

[Previously sworn, Charlie C de Baca testified as follows:]

CHARLIE C DE BACA: I'm Charlie C de Baca, and I live on 7 Ya Cállate off of Paseo C de Baca. I'm a life-long resident of La Cienega. I want to thank the Commission, chairman and Mr. Anaya for letting us come and speak here. We've lived in that valley since the 1800s. I'm the mayordomo there of the El Guicu Ditch. I've been the mayordomo for the last 35 years. I grew up there. I roamed all that property, the Canyon Ranch, all over La Cienega as a kid. And I've seen it grow, and it continues to grow. I wish it wouldn't grow as fast as it, but I guess we can't fight development.

But our water is being depleted. We were instructed by previous Commissioners back in the nineties for the communities to get together and come with a community plan, put a community plan together so everybody would understand. And we did that. I was one of the first members in the La Cienega Valley Association and I worked on that community plan for five years. And in that plan, the owner at that time, Mr. Warren Thompson attended those meetings, and he agreed with the rest of the community as to what should happen to that property and how the community should move forward. It went on, it went on. Now it's about eight years later and here we are discussing that property.

According to Mr. Thompson he agreed the property should only have 99 houses on that property. Now the story is 600. Now, it's 300. Now, it's 76. We never get a good answer from the developers. That's all we want. We don't want nothing free from the County or anybody else. We just want our fair shake. We've been there a long time. The community has been there, and development is taking over all over.

What I don't understand, working in the community plan and the Commissioners, the County instructing the community to come up with a plan and we come up with it but then when we come here the plan isn't followed or loopholes or whatever. I just feel that there was a loss of time there to spend five years, meetings every week, to discuss, fight with our neighbors, fight with everybody else and we're still there. I think that the County has to follow up on itself. If you direct a community to write a plan and then it doesn't mean anything, I can't understand that. It's just said that we're losing our water and that. People run for office. People talk about it. Preserve our culture. Preserve our water. Preserve that. But when it comes down to agricultural and communities like that, it doesn't happen. Why, I



don't know. I mean if developers don't see what communities have gone through, agricultural communities like let's say the community of La Cienega, and that it's a lot of work. We've put a lot of effort into our agricultural fields to try to preserve water so we can have water to irrigate the next years or so. Our ditch has been in court since the seventies over our water.

We fought with the racetrack over our water and we're still fighting over that water. Finally, we got a developer that realized what the community was about and he worked with the community in his housing project, which was Las Lagunitas, and as far as I'm concerned, that is the only developer that I've seen in this community that discusses the community with the community members, that, and tries to work with them. That doesn't happen. That's what we'd like to see. I mean, Mr. Schutz over here and Mr. Borrego said that they met with the community and they have. They've met a bunch of times with the community. But nothing has changed. They say they've got their ideas here what we met about but nothing changed.

So I don't know. But here on this paper here that I just got, the water chart, it says here will not be built if OSE application is not approved. Why is the County going to approve the master plan if they don't have all their ducks in a row? The water is a big issue there, and it has to be addressed. Another thing, I understand master plan approval. I was a project manager for a developer in Rio Rancho, the Mariposa Development. Here you have a master plan, here they're coming with 1300 acres, how come the County doesn't say, well, what are you going to do with those 1300 acres? At first they said they were going to put two houses. Now they came back, now we're going to do it in phases, so what are they doing? They haven't explained that to the community.

Mr. J.J. Gonzalez brought a lot of issues about the water so I'm not going to reiterate what he said but I feel that this master plan should be tabled until we get a decision from the State Engineer's Office on what water is allocated and what is not. Like I said, I grew up in that valley and I never saw anybody plant on that property. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. C de Baca.

[Previously sworn, Anna Murphy testified as follows:]

ANNA MURPHY: Hi, Commissioners. My name is Anna Murphy. I live at 24 Camino Loma and I have been sworn in, and I'm aware that the time is running out so I will try to be brief. One quick response I want to make and I thank Charlie C de Baca for everything he said. I think when Warren Thompson said 99 homes he intended those 99 homes to be on 1300 acres, not to be clustered on the northern portion, closest to La Cienega. So that's just a quick clarification.

What I actually looked at was the traffic impact analysis report, prepared by Craig Watts, and I looked at it and I found some problems. In the design of the current master plan the primary access to the development is located at the intersection of the West Frontage Road and Entrada La Cienega. As you know, that places nearly all of the traffic generated by the development onto the existing La Cienega Road. In the master plan there is no design for creating on- and off-ramps at the Thompson overpass that was paid for by tax dollars. That is a viable overpass that could be used to relieve the traffic at that existing intersection that the developers to date have not explored.

In fact, instead of looking into that they offer a plan that includes constructing a frontage road extension to the Thompson Overpass over the westerly side of I-25. Now, tell me, who is going to drive to a bridge that doesn't get them on an interstate? It's a bad plan.

I know the developers will respond that the level of service of traffic at that intersection, Entrada La Cienega and the West Frontage Road, is not of concern and therefore they should not be required to pay an engineer to design on- and off-ramps to the Thompson Overpass. And I know I'm not an expert in the field. I know I'm a resident of La Cienega that has been interested in this project for the past three years, but I did look at the report that Craig Watts submitted. And his traffic impact analysis report was completed in April of 2007. His traffic volume counts were taken in March of 2007. My understanding looking through the report is that many of these counts were actually derived from count data taken in January and February of 2006.

As a resident who uses that intersection, if not daily then with a lot of frequency, the numbers in that report seemed unrealistic to me. But not only to be but to other residents, including former County Commissioner Linda Grill. And Linda Grill was told that their traffic volume counts were conducted on a Sunday morning to determine peak a.m. traffic flow. That doesn't seem very logical to me. So she decided she would perform her own count of traffic at that intersection with the help of another resident, Chris Raywood. They're up against a number of challenges for collecting accurate data. Number one, we have no overpass. As of May the La Cienega Overpass has been torn down for Rail Runner construction. Number two, at the time that we needed to verify numbers schools weren't in session and if school had been in session I know traffic volume would have been higher due to school buses and people in the morning taking their children to school.

However, those challenges aside, in the traffic impact analysis of March 2007, figure 4, page 15, the total number of vehicles at that intersection, the West Frontage Road and Entrada La Cienega was 203 in Craig Watts analysis. Linda and Chris, on Friday, August 8<sup>th</sup> between 5:30 a.m. and 9:00 a.m. counted 253. Okay, it sounds like a small difference, fifty cars. It's a 20, 25 percent increase, and that's without a bridge. That bridge would have brought over traffic from the east side to access Albuquerque. There would have been a higher number of traffic volume. So I believe the developers' data could be outdated or flawed for other reasons, and they should be required to perform an updated traffic impact analysis with new projected level of service figures. It might show that they need to use that Thompson Overpass in a way other than just a bridge to the other frontage road.

If that one small correction from what they presented – and I'm sorry I don't know your name – Oralynn Guerrerortiz presented that even at the 2021 build-out period, the traffic, the level of service, the LOS as they call it, would never exceed a B or a C. Herein, Craig Watts' traffic impact analysis report – I have a sheet. It is page 22 of that intersection, and it states that at build-out it will reach a level C. And that's using his numbers that appeared flawed.

At level C, many vehicles stop. The next steps beyond that become questionable at best in terms of traffic at a particular intersection. Level D and E are not what you wish for a

rural community.

The other thing, and it's connected to traffic, are some of the overlooked environmental impacts – light pollution, noise pollution and increased litter. I think as a resident I speak for many people who feel these haven't been fully addressed in the master plan and as Commissioner Vigil pointed out, we're still waiting for a response or asked the question early from the US Fish and Wildlife about protection of wildlife. I did hear that they have agreed to certain streetlights to prevent some of the light pollution but what covenants are in there to prevent residents from increasing light pollution.

There was an act that was passed, a bill that was passed in 1999 called the New Mexico Night Sky Protection Act. They declared the night sky one of the state's most endangered cultural resources. I think that further research should be done on the light pollution, not only generated by this urban density clustered development but also during the ten years plus or minus build-out period. I think noise will be of equal concern during the build-out period and I hear that in the staff summary there was a condition for some noise abatement. I think it hasn't been explored fully. And I'm concerned about garbage, considering that this will be a ten-year build-out period, 125 to 150 feet from people's homes.

For all these factors, I think it could be unbearable during that build-out period for existing residents if there aren't conditions placed on them, or if the master plan isn't amended. I don't want to take it on faith that the developers are going to hold themselves accountable. I think it's unacceptable as it stands in many ways that have been discussed tonight and I would respectfully asked that it be tabled until some of these major questions are addressed, and I thank you very much for your time.

[Previously sworn, John Paul Gonzales testified as follows:]

JOHN PAUL GONZALES: Mr. Chair, Commissioners, my name is John Paul Gonzales. I'm a resident of 54 Entrada La Cienega, which adjoins the property in question, and I am under oath. I can't say anything legal or technical that has already been said, nor can I make any better suggestion than what has already been made by the La Cienega Development Review Committee, who are neighbors of ours, trusted by you people, the Commission, to make the right decision. I feel their recommendation was proper in this case even if the technicalities do not permit you to use that information.

First and foremost, that decision was made to preserve the rural integrity of La Cienega and it should be evident from the community gathered behind me, and I thank them all for showing up, that there is a lot of question to this plan a great deal of divisiveness. I ask the Commission here why you would approve that animosity. We wonder every day where these seeds of resentment come from that exist within New Mexico and I believe they are sown at places like this where we cannot accurately address the concerns of both parties or all parties concerned.

I personally stand opposed to this development, not only because of this, but also because it holds in contempt the rural character of La Cienega. There's that word, rural. It's not a city, it's not a suburb, it's the country. It's a way. I'm not sure if I can accurately explain it, but it is indeed a way of life, and sticking a development of this magnitude and this size

into a community with this much resistance could only be disastrous. I feel the best the Commission seated here today can do at this point is to table this proposal until the serious and far-reaching disagreements can be addressed, lest another rift be made.

I also stand opposed to this based on the fact that the rural integrity would be compromised, to say nothing of the character of La Cienega. This development is not within the County's strategic growth area, therefore it should not be considered integral to the development of the progress of Santa Fe as a whole within the county. I urge you to please consider the spirit of our community plan before you make any decision. Thank you.

[Previously sworn, Linda C de Baca Grill testified as follows:]

LINDA C DE BACA GRILL: Good evening, Commissioners, Mr. Chair, fellow Commissioners, staff, developers, Mr. Borrego and Mr. Schutz. We're happy to see you again. I wish it was under different circumstances, but here we are again. I'm going to just go through a few things. You already heard a lot of this stuff. I want to let you know that we, the residents of La Cienega, and we are a valley, okay? We do support affordable housing. I am not here to tell you not to approve the development. The development is going to happen whether we want to or not. That's a fact.

My family, the C de Baca family. By the way, my name is Linda C de Baca Grill. I have been sworn in, Mr. Chair. I live on 54 Paseo C de Baca. My family has been there since the late 1700s and 1800s okay and have been using irrigation water since then. I'm a life-long resident of La Cienega. In fact my sister and I donated several acres to the University of New Mexico so it would be preserved on our property that we owned. I started the La Cienega Valley Association when I was on the County Commission because I felt that it was really important for us to have a say-so as a group when we came before the Commission. I have some questions on what the developers have stated here tonight. They talk about hiking, walking trails for the entire community. I would like to know if that also includes the valley of La Cienega. The other one is for fire and police emergency. I'm a member of the La Cienega volunteer fire department, and I want to know, is this something the developer is going to build, or is this something the County is going to build for the valley. Okay? Another thing that I want to ask them at this time, do the developers own the water rights from Acequia Capilla Ditch. I don't know whether they own it or whether they're during the process of purchasing it. Okay? And the return-flow credit is not going to help our valley in any way. So I've got a concern about that. Also, horse trails. We have a lot of horse people in La Cienega. Will we be allowed to use those horse trails? And another thing also that I want to address here, and I want to thank the developers for this part of it, and I also want to thank Commissioner Anaya who helped us out on this one. My brother and I were really concerned about the new Paseo C de Baca access. Okay? The road that was there to begin with was a ranch road that my dad owned on 255 acres of land. That road was never used for any purpose but for our ranch. But I appreciate that they decided to remove Paseo C de Baca from this plan.

I just also want to let you know that you have a petition, several petitions that were signed that were handed to you at the last council meeting. There was 275 petitions, and most of

those were signed by members of the valley, not members from out of Santa Fe. So I just want you to be aware of that. Okay? And I am aware that the State Engineer has not decided how many water rights they have. We'd like to see that happen before you Commissioners go on with this plan, so if you have to table this until we find that out we'd really appreciate that. That's one of our big concerns is the water. We have been in touch with State Engineer personnel and I have been informed that if they use their wells from the property it will have a big impact on our valley. If the County supplies the water, that's a different story. So that's another concern for us. So I hope that whatever you decide on tonight that it will be for the betterment of the valley, not to ruin our valley. It's a beautiful valley. If there's any questions, I'm willing to answer them.

CHAIRMAN CAMPOS: Questions? Thank you, Ms. Grill.

MS. GRILL: Thank you very much for listening to us. We really appreciate it. Thank you for the wonderful job you're doing for us. We appreciate that also. Thank you.

CHAIRMAN CAMPOS: Commissioners, it's getting a little bit late and I'd like to suggest that we limit our considerations to this case tonight, and that we allow all the other applicants to go home and to have their cases heard at the next BCC meeting. I don't want to go beyond 8:00, 8:15, but there still seems to be a lot of people who want to talk, and I'm sure the applicants are going to want to have a response. So it that okay?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I want to know when the next – when it's going to be on the next meeting because I have a schedule in front of me that I'm going to be missing two meetings. And I don't want to miss this.

CHAIRMAN CAMPOS: We're talking about the other cases.

COMMISSIONER ANAYA: Oh, the other cases. Oh, okay.

CHAIRMAN CAMPOS: And seeing how far we can go tonight. Seeing if we can maybe finish, maybe not. We'll do our best. That's what I'm suggesting. Is there any objection to that? Okay. So then this is the only case we're going to hear tonight. Everybody else will be rescheduled to the next BCC meeting if that's possible, and we're going to take a ten-minute break at this time. Thank you very much. We'll be right back.

[The Commission recessed from 7:20 to 7:30.]

CHAIRMAN CAMPOS: How many more speakers to we have? There may be speakers for, there's going to be a lot going on and we've got to expedite. I'd like anybody who makes a comment to be very specific, precise and focused. No rambling. Keep to the issues, and try to avoid repetition. A lot of things have been stated. Who's the next speaker?

[Duly sworn, Marilyn Bane testified as follows:]

MARILYN BANE: My name is Marilyn Bane, 622 ½-B Canyon Road. Thank you very much. Chair Campos, members of the County Commission, my name is Marilyn Bane. I am president of the Old Santa Fe Association. I know that you know me from often our passionate stands in terms of advocating for historic preservation, particularly where it pertains to buildings. In this particular case this evening, I'm going to be advocating for

historic preservation of a way of life.

We find that this development is a bad development, it's a huge development, it's a development that should not be built. It will be a very bad commentary coming into the City of Santa Fe from La Bajada Hill. We know that La Bajada has been named one of the most endangered places in New Mexico by the New Mexico Heritage Preservation Alliance. Many of us in the historic community are very concerned about this and we ask you to please reject the plans for this development. Thank you very much.

WAYNE BLADH: Mr. Chair, my name is Wayne Bladh. I'm the attorney for the Santo Domingo Tribe. I have a written document for you. My business address is 1239 Paseo de Peralta in Santa Fe.

CHAIRMAN CAMPOS: You've given me a document, two copies? Is that right?

MR. BLADH: I should have given you four.

CHAIRMAN CAMPOS: Three copies. Have you provided this to our legal counsel?

MR. BLADH: Yes.

CHAIRMAN CAMPOS: You have? Okay.

MR. BLADH: I'll keep this very focused. What I want to address is an issue that the other speakers have not talked about and it's an issue of great concern to the Santo Domingo Tribe. And that is the protection of the archaeological sites that have been identified. The County's Code requires, in this particular district, which is of high archaeological significance, that there be a report that identifies the archaeological sites and recommendations on what will be done to preserve those sites. There was a report prepared by a Mr. Kludt that identified 53 or 54 sites, 47 of which were new. Nobody knew they existed until he went out and did that study. This is a very pristine area. His recommendations in his report are part of the record before the Commission.

His recommendations included what is essentially the destruction of 25 of 38 sites which he identified as significant. And when I say destruction that's what would be allowed when they call treatment of an archaeological site, as opposed to preserving it or avoiding it. That report was filed as part of the application, but also as part of the application in Sheet 3 of the master plan, there is a notation on Sheet 3 that identifies a condition on any building permits, which says that – again referring to those 38 significant archaeological sites that were identified by Mr. Kludt, that all of those sites would be subject to non-disturbance easements.

That is not what the archaeological report recommended, but it is certainly what the Santo Domingo Tribe thinks is the right approach. All 38 sites identified in the Kludt report as significant should be avoided in any construction that takes place, and should be subject to non-disturbance easements.

The next point though in terms of the record is that that archaeological report was submitted to the state Office of Cultural Affairs for comment, and the comments from that State department are also in the record. That report identified another set of sites that were

deemed to be significant. That report disagreed with the characterization that Mr. Kludt had applied to many of the sites, which Mr. Kludt thought were not significant. The Office of Cultural Affairs said that there were significant, or that the significance had not yet been definitively determined. The list of significant sites from the Office of Cultural Affairs does not match the list that Mr. Kludt put together. There's some overlap. There's some that are not on Kludt's list and there are others that are not on the Department of Cultural Affairs' list.

At this stage of this development, at the master plan stage, the tribe very much urges the Commission to be very clear in any approval that you may give to the master plan, either tonight or at some later date, on what is required for those archaeological sites. All of the sites that have been identified as significant, either by Mr. Kludt or by the Office of Cultural Affairs, or the sites that the Office of Cultural Affairs says there has not yet been a determination on significance, and that will require more study, all of those sites should be avoided in any construction. They should be subject to non-disturbance easements, and if there is a development plan submitted at a later stage of this proceeding the development plan should avoid all of those sites. They should be preserved and not destroyed.

It's an issue that's of great significance to the tribe, and it's also given great weight in the County's own Land Use Code. That's the main point I wanted to make unless there are any other questions.

CHAIRMAN CAMPOS: Questions? Thank you, Mr. Bladh.

MR. BLADH: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, next. Name, address and let us know if you've been sworn.

[Previously sworn, Mitra Lujan testified as follows:]

MITRA LUJAN: Mitra Lujan. I live at 05 Los Gatos Lane in La Cienega. My concern is economics. I don't have to tell everybody how bad the economy is right now. And there were homes in Santa Fe that were put for auction, didn't sell. There's 200 and something homes there that haven't sold. There's a new development. What happens, what plan does this Canyon Ranch have if no one buys their houses? We know what happens to them. People trash them. Things get stolen and the economy is bad right now. We can't fool ourselves. We don't think that we're going to build houses and they're going to sell and we're going to have people living in them right away. So what plan is there for them? The houses that are built and don't get sold, if the community is there and becomes a ghost town. That's my question.

I'd also like to know if all the developments that Mr. Borrego has built have been sold. Thank you.

CHAIRMAN CAMPOS: Thank you very much. Next speaker. This will be the last speaker against and then we're going to shift to for. We've got to – it's already 15 till 8:00. We're running out of time.

[Previously sworn, Peter Cooke testified as follows:]

PETER COOKE: Peter Cooke, 69 Camino San Jose, La Cienega. This regards the Capilla Ditch. And I'd first like to thank Commissioner Mike Anaya and Virginia Vigil

for showing their interest in the Capilla Ditch and showing up there and looking at it. First of all, the Capilla Ditch has all its papers in order. It has it's law, so it is a commenting agent. Because it is mentioned specifically in this master plan it is a commenting agent and it must be properly asked to comment. There's a protective law.

The second thing is that the 8.5 acres that is being claimed to be owned or going to be used in this master plan, the contract is in the hydrological report of the master plan, and the mayordomo of the Capilla Ditch has a meeting with the State Engineer. There's a problem with water stacking. There's a letter in the Capilla Ditch's folders from the State Engineer to the seller of these water rights. There's a problem of water stacking. There's a problem of these 8.5 acres.

The second thing is this. That in the water laws of the Capilla Ditch, because it's an ancient acequia, what was written in the water laws is that there is no instrument that can consider or entertain water being sold out of the Capilla Ditch. That's in the laws. So that the contract is not a warranty deed. It is a contract between the developers here and somebody who owns water rights in the Capilla Ditch. It must be warranty deeded by the State Engineer, and within this meeting, having looked at this contract of water, the State Engineer has told us that they will not warranty deed these 8.5 acres. So what you have in this document is an illegal statement, because the 8.5 acres cannot be mentioned or used. And that's all I have to say. Thank you very much.

CHAIRMAN CAMPOS: Thank you, sir. Okay, I understand there are some speakers that would like to speak in favor of this project. Who – would you raise your hands? I'm not talking about the applicants; the applicants are different. I'm talking about the public. Okay, members of the public stand up, sit up here in the front, we're going to swear you all in. Just be very brief and focused. Okay, there's three. Sir, are you going to speak?

[Duly sworn, Bob Martinez testified as follows:]

BOB MARTINEZ: My name is Bob Martinez. My address is 1324 Grandpa's Ranch, Santa Fe. I have three areas that I want to touch upon, and that is a father, a grandfather and a realtor. As a father I have three girls. Today they have to live in Albuquerque because there's not a place for them to live here. As a grandfather, I have four grandchildren and if you have grandchildren and you miss them and you want to go drive an hour to go see them, it's hard, and that's part of my life.

I am a realtor. I started in 1980. I got 28 years in the business. Fortunately, I can define that I've sold the largest mobile home park in La Cienega, for Mr. C de Baca. I'm also at the other end of the spectrum. I've sold 3/4-acre lots for people that we keep on talking about that are historical people that have been here all their lives. I've seen the La Cienega develop out in the 28 years that I've been in real estate and I hear the intent. I hear the ruralness, but I can tell you that the amount of listings and the amount of people that are the original people that have had to develop their lots out to 3/4-acre lots to sell them, and I've actually sold water rights in the La Cienega area, so I understand the end of the spectrum.

So as a realtor, when I first – or let me back up. As a human being, when I first moved into Santa Fe, Camino Carlos Rey was the end of Santa Fe, and rural living was Rodeo Road,



was Airport Road. Currently I live on West Alameda and we have been to meetings where a bridge is going to come across Siler Road and the ruralness of what we have – there's an acequia that's running in front of my property. I raise horses. I know what rural is. I know what irrigation is. But unfortunately, the thing that everybody keeps on defining is Santa Fe has evolved. In a lot of organizations that I can take you back to the 1700s, 1800s, 1900s, to today. And do you know what it is? One of the original people that talked about here that grew up in La Cienega, he says development is a reality. It is. What I would love to do is I'd love to find my daughters being able to afford to come back and move in. I'd love to see my children and grandchildren growing up in a community where because of the Governor and because of evolving growth, we can get to Albuquerque through the Rail Runner system, but with respect and responsibility. And I think that the developers have done more than their share to do what they've done, to try to amend and agree with and work with the community. And I thank you for your time.

[Previously sworn, Joe Ortiz testified as follows:]

JOE ORTIZ: Mr. Chair, members of the committee, my name is Joe Ortiz. I live at 99 San Marcos Loop, Santa Fe, New Mexico. I wanted to speak to the design of the overall master plan and planning as a whole. The question is that this plan proposes is exactly what the national building codes talk about when sustainability is involved and water and less roads. And I believe that it embraces the spirit of where we want to be. We spent a great deal of time with the south Community College District in clustering and planning for those things.

If you don't take the initiative to do these grand-scale, futuristic plans, then you get hodge-podge. And you get things going on like family transfers over here and traffic problems. By embracing it as a master plan, which it is, you're allowing the tools that you as a body and staff has to plan our futures. Not this generation, not this Board, but years and years from now. These homes aren't going to be sold in the next five years. It will go to two, three, four market cycles if we're real lucky, and the ups and downs and the ebb and flow. But what's really important that you need to understand from a marketing standpoint is that by creating this type of consistent, sustainable supply of housing product you stabilize our real estate market, and we're not going to run through these run-ups in the real estate so that we have these disparity gaps of affordability versus [inaudible] It levels the field and by adding supply to the marketplace you are doing exactly what you need to promote affordable housing. Not just the 45 homes that they're instructed to build, but the overall environment of the marketplace.

We take huge risks in the development business. And sometimes we're rewarded hugely and sometimes we take it in the teeth, and that's what's going on right now. For them to stay here and bring this proposal forward in a market condition that we currently have is admirable. I wouldn't have the stomach for that. I'd let it sit for another ten years and those 45 people wouldn't have homes and our market would continue to be unstable. It's quality projects like this and the other large projects that are there, they sound large but they come off in pieces. And they in fact react to the market better than small, individual projects,

because they can withstand the economic up and down that goes into our development business. And I applaud them for it and I ask for you to support them. Thank you.

CHAIRMAN CAMPOS: Next.

[Duly sworn, Wayne Sowell testified as follows:]

WAYNE SOWELL: Mr. Chair, County Commissioners, my name is Wayne Sowell. I live at 12 Calle Verado, Santa Fe. I'm the manager of engineering for Public Service Company of New Mexico. This gentleman took 90 percent of my speech. I'll just bring up one point. Commissioner Sullivan, about an hour ago asked a question. What part of this master plan does it not meet either La Cienega master plan or the County's master plan? Commissioner, you didn't get an answer and I think it's evident why you didn't get an answer because after three years this master plan, going through the iterations, going through the focus groups, over and over and over again, there is consensus and the definition of consensus is nobody gets 100 percent of what they want.

The reason you didn't get an answer is because this meets the spirit, the intent and the letter of the law. It also meets the intent that the County wants to reduce the number of septic tanks, the nitrate levels that La Cienega is experiencing. Through master planning you're going to reduce nitrate levels. You're going to reduce individual septic tanks. You're going to reduce the individual water wells, and I think that's the overall where we want to be in ten, twenty, thirty, forty years down the road in our county. The folks from La Cienega spoke very passionately. They spoke with love for their community which should be respected. At the same time we need to look at the bigger picture where we want our master planning for the County to be in the next 15 to 20, 30 years. Thanks very much.

[Previously sworn, Kurt Young testified as follows:]

KURT YOUNG: My name is Kurt Young and I have property adjoining the property that they're proposing to develop. What I'd like to say is I'm one of the owners of the adjacent ranch next to the property and I've been following this project with a lot of care for a lot of years and it's been subjected to a lot of administrative hurdles that the applicants have overcome and they've scaled down the project tremendously from its original vision to help appease some of the neighbors and I've think they've in earnest tried to work with just about everybody. I know they've gone and talked to everybody person to person and they've spent tens of thousands of dollars trying to perfect this development.

It's been held up to the highest standard and they've risen to that standard and what they're trying to do and what they're proposing I believe to be a very workable, sustainable development that has the ability to create open space and a clustered development. It creates a sustainable living community while allowing for a country lifestyle. The only problem of course is water and I certainly wish that they had a connection to the County and I think a lot of the folks here aren't opposed to building, just the water.

That being the case I think that the water they have is suitable for the project that they're proposing in the initial phases and I know the Borregos to be very upstanding citizens and good people and they've done their best to comply with just about everything that they've been asked to comply with. And I think that there's another phase to this project that

a lot of folks overlook and that is the ability to create some good affordable housing in the county for folks that need it, and that will allow for some of the folks that can't afford to live here to be able to stay here.

It will create jobs and it will perhaps put a development in that part of town, that part of the county that would look very good and attractive and increase the values of people's homes. And I think that in years to come, the decision that's made tonight is very important for a lot of people and a lot of reasons. But I stand behind these folks here making this development and I certainly hope that you all can do the same.

[Duly sworn, Javier Gonzales testified as follows:]

JAVIER GONZALES: Mr. Chair, members of the Commission, I'll be brief. My name is Javier Gonzales. I live at 1109 Don Gaspar Avenue. I wasn't really intending on speaking tonight. Two reasons. One Commissioner Sullivan, Commissioner Campos, just a couple of months left so I had to try and grab some time in front of you one last time. And two, while I don't have a financial interest in this subdivision I do have a profound respect and affection for the Borrego family who's done a great job in many of the other subdivisions they've done. I think that they'll do a great job here.

But I wanted to give you just, Mr. Chair, a couple of some historical background. I'll keep it very brief, because members of La Cienega spoke tonight and those are individuals who advised me during the eight years when I was on the Commission when I represented that area. When I came into office one of the biggest arguments that were going on in that community was the proposed development of Las Lagunitas. At the time the developer had proposed building an 18-hole golf course. There was going to be large homes that were going to be in the area and they were going to use ground wells to basically support that subdivision. And through a lot of our efforts we were able to work with the developer to get them to not use those wells and to use County water and to use that money to bring water lines into Las Lagunitas. And tonight we hear that many members of the community believe that that was the right thing and the right way to go.

When I came into office in 1995, in many respects it had already been too late in what we saw going on there in La Cienega. There was a lot of illegal subdivisions that were taking place. People were finding loopholes in how to use family transfers to create 2.5-acre lots and what we saw happen is what you see when you drive in: lots of sprawl taking place in that area and lots of straws going into the aquifers. At the time the Commission gave Ms. Guerrerortiz strict instructions when she was the development committee to put a stop to these illegal subdivisions that were taking place. To her credit, she was able to do it, and what it did is it forced more subdivisions to come in under the normal course of the County's Code.

The problem was, however, we didn't have the proper infrastructure to take place for those subdivisions, so they were coming in, continuing to propose individual wells. Mr. Romero and Mr. C de Baca were here continuously saying this is going to hurt our aquifers. They complied with the Code. It was difficult. But what we were able to do is we were able to make sure that on all these subdivisions that people agreed that if County water came

within a certain amount of their property that they would be required to hook up to the County water.

Well, here we are this far into the future, into today's present time and we still have the same members of the community coming before the Commission and saying these straws are going to affect our aquifers. They're going to hurt our aquifers. We're seeing this happen over and over. It seems to me, Mr. Chair, members of the Commission, it would be great if the County could in some way be able to see how to take imported water or County water up to this property and through that make an investment in infrastructure so that we can get all these subdivisions that were approved during the end of the nineties who agreed to hook up to County water to cap their wells and to hook up to water so that we can continue to see, or hopefully begin to see the refurbishment of those aquifers.

I don't think that anyone believes that denying the subdivision tonight is going to preserve the aquifers over there in La Cienega. It may help just a little bit. Who knows? But what they really -- I think what I heard was they needed to cap a lot of wells there in La Cienega so that they wouldn't further see the diminishment of their water resources. To Mr. C de Baca's credit, one of the last things we worked on was that people along C de Baca Lane agreed to cap their wells. People within the community who weren't subject to this were going to cap their wells if the County brought County water into their area. I think the community has demonstrated over and over that they wanted to preserve their water. They got involved in the planning process. They helped develop it. One of the things that I watched during that planning process was Mr. Gonzales' family and Mr. Thompson's family, Mr. Gonzales and his family, what a great credit to an individual who as even through his heirs has instilled the importance of preserving their property.

Quite honestly, we never got that from Mr. Thompson so we were always watching to see what was going to happen with this large tract of land. And all we could do was hope that during the planning process that somehow that was going to be taken into account. So now you have from what I believe is basically a subdivision that complies with the County Code, which to me says it complies with the County plan that was adopted. It's complied with -- one of the things that we also tried to do to protect the La Cienega area was not only in the area trying to bring in infrastructure and water, but to be able to preserve some of the corridors by adopting the Gateway Ordinance, which addressed design standards as you were coming into the Santa Fe area. And of course, least but not least we did pass the open space program.

So clearly there are ways and tools and benefits that this Commission has to be able to address some of the things that the people of La Cienega tonight have said, not only to you tonight, but they've been saying it for the last -- since Commissioner Grill's time and before, the help that they need.

So my hope is that somehow we can renew the commitment that we had made to take infrastructure into that area, cap the wells, help them replenish some of the aquifers in the area. Tonight you have a family that's before you that I think has followed the process and hopefully this Commission will through its authority be able to represent to this application that if you follow the process you're going to be supported. Thank you, Mr. Chair. I

appreciate it.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A question for Mr. Gonzales.

CHAIRMAN CAMPOS: The public hearing is now – do you want to continue the public hearing?

COMMISSIONER SULLIVAN: Just a question for Mr. Gonzalez.

Commissioner, given your long background with the run-up to this project, I'm wondering that if we don't have a Catch-22 here. Your testimony is that we should solve the water problem by providing County water to this project, and the applicant has requested that and the neighbors objected to that and the Commission turned down I believe twice the request to extend the service area of the County water system to encompass this property.

If County water were to be provided then there would not be an issue with the State Engineer of wells and impairment in the other properties, and the 900 acres that's remaining could be developed theoretically to the same density as we see here, as low as .3-acre lots. Now, that, I would think would certainly be against what the community wants in terms of rural character. So how would you – I'm a little concerned that you feel the answer is bringing water in. How would you address that concern of balancing those two issues?

MR. GONZALES: Mr. Chair, tonight you have a plan in front of you that I believe, from what I've been told by the developers, asks for 170 lots – 174 lots. You have the prerogative as the Commission. One thing that you have done really well is you've made sure that water does not drive what density is going to be. You've used it as a means to assure health and safety of communities and to preserve the water in the area. You've used your zoning powers to minimize the amount of density that's going to go forward. So very easily, tonight or into the future, if there is imported water taken in there the Commission, as they do in other areas, can clearly say this is going to be the maximum density, period. And the spirit of the La Cienega plan, and in fact what was in the plan was to preserve a rural way of life.

We've had several plans that were going on during that time period and what we learned consistently, part of a rural way of life, when you look at everywhere from Santa Cruz to La Cienega is that people lived along major roadways. Their homes were next to each other, and then they had their agriculture lands behind them. And one of the things that our planners told us continuously, that clustering is an important way to preserve open lands. I would think that in this particular one, the applicant has requested 174 lots, that seems to me that it's in your prerogative to keep them at that density or not. And that's the way you would be able to control it so it's just not let loose and unlimited water could come in and unlimited density could come in because clearly, that's not what this community wants. I don't think it's what this Commission wants.

It clearly wasn't my intent when I supported the community planning process out there. So I would encourage the Commission to use your zoning authority and your zoning powers to regulate and minimize how much density could go out there if in fact you took imported water. And I think that's a classic example in La Cieneguita. I'm not sure what the

minimum density is over there but they clearly could if they wanted to potentially come in and ask for smaller densities, ask for guesthouses to go in. Ask to have more lots created. But clearly the Commission would say no. It doesn't meet the spirit. It doesn't meet the intent. Even if you have the water, we're not going to allow for that kind of density. And I think the same could be said here.

COMMISSIONER SULLIVAN: Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: It seems to me we're ready to close the public hearing with the exception of the testimony of Tina Boradiansky who did file a lawsuit a couple of days ago against the County. I think the court ordered that she be allowed to submit some testimony. Is that right, Mr. Ross?

MR. ROSS: Mr. Chair, I think what the court intended was that we keep the record open in case she wants to supplement the record with comments that she might direct to this application.

CHAIRMAN CAMPOS: Okay. So to that extent the public hearing is still open. So at this point, it's 8:00. I think there have been a lot of questions raised by the community. I think we should – I would suggest maybe tabling this to the next meeting. Any discussion?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER VIGIL: Is that what your understanding of the court order was? To allow for the tabling? Would that satisfy the request of the judge?

MR. ROSS: I'm just looking for that order. Hold on a second.

COMMISSIONER VIGIL: Okay, while he's looking for that, Mr. Chair, I just wanted to respond to Mr. Gonzales. Javier and the remainder of the La Cienega community who may or may not have been here earlier, that we did take action earlier this evening to provide 1300 feet of 8" water line north on County Road 54-B, so a lot of the vision that you addressed, Javier, it's taken a while; we're still working towards. So hopefully that will assist in the future for – this is for potable water delivery. Do you have a response?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I would just to say we've got a few heavy hitters in the audience. We have our past Commissioner Linda Grill. We have our past Commissioner Javier Gonzales, and we have our former Mayor of Santa Fe, George Gonzales is here.

COMMISSIONER VIGIL: And also past Commissioner.

COMMISSIONER ANAYA: And also past.

COMMISSIONER VIGIL: Do you have an answer?

MR. ROSS: Mr. Chair, Commissioner Vigil, of course the purpose of this morning's hearing was to address the claim that the plaintiff's disability would preclude here from meaningfully participating in this hearing, and of course she's not here. So some of the things that were identified as remedies which, Mr. Chair, you and I have been discussing in

connection with that specific issue included limiting the time, the length of the hearing, which because she's not here we've continued to almost three hours, and we fully expected that the case would be continued, because she would participate and then at the next hearing it would have additional participation by her and it would be limited in scope, and particularly limited to the amount of time when we would have the hearing at night, which was the specific complaint.

So it's hard really to know how to view what the court said today because she's not here participating. But one of the things that the court observed was that we – you and I – had identified remedies for addressing her particular situation, including making a record of this hearing, which we do routinely, and providing that to her so that she could review it at her convenience in preparation for a subsequent hearing. That's number one.

Two, allowing her to make written submissions, which is what I was talking about a little bit earlier. And three, allowing her to submit questions through a representative acting on her behalf. She's not here so I'm not sure how that applies at this point. And four, reconvening the hearing at a later date to elicit further public comment and/or cross examination if the proceedings become unduly lengthy or burdensome.

So my suggestion would be to provide her the transcript of tonight's hearing and allow her to comment prior to you making any decision. So we make sure that what the court intended, given what she knew this morning, what you and I assumed would be the situation, can take place. Therefore schedule this for the next land use meeting for either – open the record at that point for additional comments on her part, or don't reopen the record if she provides nothing and just make a decision at that time.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: If we did that, and perhaps reopened the hearing on a limited basis, then I think it might be a good idea to allow the applicant a rebuttal time so that the hearing record is complete, and then that record can be made available and then it's your discretion. She can be given an opportunity to further testify before we make a decision but we wouldn't necessarily have to open up the entire hearing all over again. It's just a thought. Would that work, Mr. Ross?

MR. ROSS: That makes sense, Commissioner Sullivan.

COMMISSIONER SULLIVAN: So I think – I know it's late but we've done later and probably we should, since we have everybody here we should complete the record and get the rebuttal and then I would support a tabling motion.

CHAIRMAN CAMPOS: Okay. Ms. Vazquez, rebuttal, how long do you think that would take?

MS. VAZQUEZ: Mr. Chair, I've got about five minutes. We've got a couple TIA answers that will take about two, and then we've got our hydrologist here to discuss some of the questions on the impact to the acequias. I'm thinking about 20 minutes.

CHAIRMAN CAMPOS: Okay. By 8:35, then let's wrap it up.

MS. VAZQUEZ: Quickly, I just want to say, Mr. Chair, Commissioners, there are a lot of people in the audience that are here who came to support this project and in the interests of time they decided not to get up to speak, but I would request that they be able to stand up and show their support by standing up on this project, if that would be okay with you.

CHAIRMAN CAMPOS: Sure. All those who came that are in favor of this project please stand up. [Thirteen people in the audience stood.]

MS. VAZQUEZ: Thank you, Mr. Chair. I want to clarify a couple points. First, I believe it was Mr. J.J. Gonzales who was talking about the water budget. I want to put into the record some of the facts with regard to the water budget. The homes that were analyzed for purposes of figuring out what the average water use was in the county was all of the homes that were on the County utility, which included Las Lagunitas. It included the northwest quadrant and it included the entire Community College District, not just Rancho Viejo.

The average water use on the entire County utility for 2005 was a .16 acre-feet. For 2006, a .174 acre-feet, and for 2007, the average use for water in the entire county on the system was a .157. Las Lagunitas in particular averaged a .18. He's correct that the restrictive covenant is a .25, but the average use in that area was a .18. Our water budget does include line loss. It does include water for outdoor irrigation as well, and that's taken into consideration with the number that we've got. And lastly, it has been reviewed by the County utility and the hydrologist and has been approved for those numbers.

I want to answer some of the questions raised by Ms. Grill. Yes, the trails are open to La Cienega community. They are public trails, and that was the reason why we clustered and put the open space together was for the protection of it and use by everybody. The land that we discussed was a dedication of land to the fire department. We had not discussed construction of that land. I will point out, however, that this development will bring impact fees, and those impact fees that are generated as a result of this subdivision have to be used in this fire district. So that money will be limited to this fire district.

With regards to the issues raised by the acequia, the La Capilla Acequia, the purchase agreement that was done by Santa Fe Canyon Ranch for those water rights was done in 2005. In 2005 there were no bylaws that were submitted that were signed that were in record at the Office of the State Engineer. And that was the reason why this purchase went forward. The bylaws that are being referred to – I believe it was Mr. Dickens, are bylaws that were recorded and signed in July of 2008, just a month and a half ago.

The OSE license: The OSE license is a right to use that water, and it is a recognition from the Office of the State Engineer that that water has been used. And there is 29.1 acre-feet that the OSE determined had been used and that was why the license was given to Santa Fe Canyon Ranch. That 29.1 acre-feet is currently being pumped. It's currently being used onsite, and it's a point that everyone keeps missing that it's not going to be used in the future; it's currently being used and the impacts of – whether or not there are any impacts are being



evaluated now and there are not significant impacts. I'm going to have Mr. Lazarus discuss those issues.

Lastly, Commission, Mr. Dickens said, Well, we have the vision for La Cienega. Our vision for La Cienega is rural character. The Code and the ordinance, Commissioners, does not limit density transfers for traditional communities. It does not limit – it does not define rural character the way La Cienega is now. It defines density transfers to be used for, and it says, quote, protecting community assets including but not limited to wetlands, open spaces, springs, watercourses, riparian areas, agricultural land, acequias. It includes traditional community centers, archaeological sites, historical and cultural sites. It includes everything. It was not limited to the traditional community. It was not limited by the vision that Mr. Dickens had. It applies to the entire planning area and this piece of property was located within the entire – it was in the planning area.

The vision of La Cienega, according to this plan, is density transfers, is protection of open space, is community water systems, is – and that is what defines maintaining the rural character. And this development, Commissioners, has been found to meet Code by County staff and we've done everything that we can to meet every intent of this plan, and we believe we meet Code. And with that, I will go ahead and allow Mr. Lazarus to get up and answer some questions with regard to the acequias, the impact on the acequias, and then we've got a couple points on the traffic impact analysis that were raised by Ms. Murphy.

COMMISSIONER VIGIL: Mr. Chair and Ms. Vazquez, I have a real quick question as I look forward towards seeing what this development will mean to the community, sort of visualizing what you're proposing here and I think one of the things that has come to mind that I know you and your clients have been before us. Initially for a water service delivery agreement and at the time when we took action on that what was really apparent to me was the density was humongous at that time. It seems to me that there's been some conservations and there's been some negotiations and we're at the place we are now.

But the issue of water is really critical to this community, and I know that we'll be hearing a little bit more about the acequia impact and the aquifer impact hopefully. But one of the things that I would like for you to discuss with your client and seriously consider is whether or not a condition of approval of hooking up to the County water utility system, if in fact this project does go forward would be a part of that, to include the current density proposal. It's seeming to me that what we're being advised to do tonight is to take in as much testimony as possible, allow Ms. Boradiansky to respond to the hearing as such and then take full action at a future date. I hope, Mr. Chair, that we do decide to do this at a future date when the entire Commission is here. So if that's the direction we're moving I would request that.

But if there's going to be limited testimony at our next hearing, I'd like to hear what might be proposed.

CHAIRMAN CAMPOS: We're trying to wrap this hearing up and they've got about 20 minutes, and let's try to do that.

COMMISSIONER VIGIL: Could I [inaudible]

MS. VAZQUEZ: Yes, you can. And just for purposes of clarification, Mr. Chair and Commissioner Vigil, there is a condition already on this development that we would tie into the County utility system if it came within – I believe it's 200 feet of the development already. And so that is a condition that is required of this master plan at this point.

I'm sorry. I've got one other point. With regards to the archaeological. Mr. Bladh was correct that the recommendation was to redesign if the development did affect archaeological studies. The date of the archaeological report was done prior to the submission of the master plan in 2005, and so we did redesign. And one of the purposes of the redesign, one of the purposes of course was to protect the archaeological sites. And so we have complied with the recommendations that were set forth in our archaeological report. That can be found on page 52 of the report.

[Duly sworn, Jay Lazarus testified as follows:]

JAY LAZARUS: Mr. Chair, Commission, my name's Jay Lazarus, Glorieta Geoscience, 1723 Second Street, Santa Fe, New Mexico. I'd like to address only those water-related issues that were addressed by the people protesting the project. I'll try and keep my comments brief and limit them to what's in the public record and not discuss our water rights case.

First of all, the geohydrology report that we prepared was approved by the County Hydrologist, which states there's sufficient water for Phase I, and that Phase II will be based on the return-flow credits granted by the State Engineer. So for the return flow credits that we're applying for bring us to a total diversion of approximately 32.33 acre-feet. If we don't achieve what the State Engineer wants us to with the return-flow credits, and let's say we only prove up 28 acre-feet, that's 4.3 acre feet that the developers won't get and that's approximately 20 less houses.

There were some comments earlier about the history of the water rights on the former Thompson Ranch. In the pre-hearing conference on the water rights, the State Engineer hearing officer specifically stated that there will not be any comments or any acknowledgement of any attempts to go behind the license or go after the license. The State Engineer is standing behind the license and will not be accepting any testimony challenging the license.

The third thing, and former Commissioner Javier Gonzales alluded to this, in one of the exhibits of the water rights hearing submitted by the Guicu Ditch, specifically states that spring flows into Cienega area are declining because of the proliferation of domestic wells along I-25 and the frontage road near the racetrack, and working themselves down towards Cienega and Guicu. The continued development there has been taking water directly from the recharge area above the springs and diminishing those springs and the Guicu Ditch put this in evidence in the water rights hearing.

Regarding the Acequia de la Cienega, both the groundwater models prepared by my company and by the State Engineer show zero impacts on the Acequia de la Cienega. I don't enjoy the State Engineer being so close or agreeing with us this often, but they're showing

that there are zero impacts on the Acequia de la Cienega, plus the Acequia de la Cienega has a supplemental well that even if there were impacts on there, the ditch could provide sufficient water to take care of their irrigation needs.

There were comments about depletions on the Guicu Ditch. The depletions that we're discussing on the Guicu Ditch with the State Engineer right now max out at .3 acre-foot. Okay? It's a very small amount of water. It's within the error of margin [sic] in groundwater models. These are very small depletions. Additionally, in deposition, members of the Guicu Ditch have testified that they have a supplemental well with the same priority date as their surface water and their source spring, and that supplemental well is capable of pumping more than 100 percent of the supply that the Guicu Ditch needs to supply all the water to their parciales.

There were some comments by the gentleman from the Capilla Ditch. The Capilla Ditch is not a protestant, did not file a protest against this water rights transfer at the State Engineer, and once again, both the State Engineer model and our model show no impacts to the Acequia de la Capilla.

And lastly, I want to make this very clear and very direct. Even if this subdivision is not approved, Santa Fe Canyon Ranch has the license to divert 29.1 acre-feet, consume 14.55 acre-feet, and we're still going to be pumping that same amount of water. So whether it's going to be for subdivision purposes or for continued irrigation purposes, the consumptive use will remain at 14.55 acre-feet, and the only – the license allows us and recognizes our existing pumping impacts on the ditches in the area and the ranch will continue to pump that same amount of water under their license and there will be effectively no change in the depletions, other than maybe a couple tenths of an acre-foot between what we're pumping now and our new pumping configuration. And I'll be willing to take any questions.

CHAIRMAN CAMPOS: Questions? Thank you, Mr. Lazarus. Okay, you've got about five minutes, six minutes.

MS. GUERRERORTIZ: Less than that. On the TIA issues, again a TIA was prepared in accordance with the ITE, AASHTO and New Mexico DOT standards. Traffic counts are required to be done Tuesday, Wednesday or Thursdays. There is at full build-out a difference between no-build and build of four seconds at one intersection. That was there was a C. I did find it. It is buried in there, and that's the difference. It's four seconds if we don't build the project versus building it, four-second delay on one intersection and one direction. Thank you.

Oh, and one other thing. We have a letter in your packet I believe from the New Mexico DOT approving our traffic impact analysis.

CHAIRMAN CAMPOS: Ms. Guerrerortiz, does that complete your rebuttal presentation?

MS. GUERRERORTIZ: It does, except Rosanna is going to say one more statement.

MS. VAZQUEZ: I'm not going to say anything more, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Okay. This meeting, unless there's anything further

from the staff –

COMMISSIONER SULLIVAN: Move to table, Mr. Chair. What – Mr. Ross, would it be appropriate to table this to our administrative meeting at the end of the month? I'm thinking because of the request from this individual that they be able to provide testifying during the daylight hours as opposed to at night?

MR. ROSS: Mr. Chair, Commissioner Sullivan, we certainly could do that to accommodate her. That meeting is on the 30<sup>th</sup> of September.

COMMISSIONER SULLIVAN: Thirtieth.

MR. ROSS: At 10:00.

COMMISSIONER SULLIVAN: I guess that would depend if our recorder could get the minutes done at least a week or so in advance for that. So if that's appropriate I'd move to table to the meeting of September 30, 2008.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

**The motion to table passed by 4-1 voice vote with Commissioner Montoya casting the nay vote.**

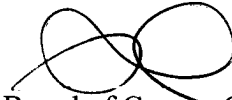
COMMISSIONER MONTOYA: Mr. Chair, the reason being I am not going to be here on September 30<sup>th</sup>, nor will I be here for the next meeting in October either.

CHAIRMAN CAMPOS: Okay. Thank you very much.

**XV. ADJOURNMENT**

Chairman Campos declared this meeting adjourned at 8:30 p.m.

Approved by:



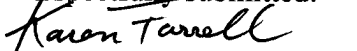
Board of County Commissioners  
Paul Campos, Chairman

ATTEST TO:



VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:



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





FEC CLERK RECORDED 11/25/2008

Board Final - 9/9/08

EXCERPT FROM A REGULAR MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY

The Board of County Commissioners (the "Board"), as the governing body of Santa Fe County, New Mexico (the "County"), met in regular session in full conformity with law and the rules and regulations of the Board in the Commission Chambers at the County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on Tuesday, September 9, 2008, at the hour of 3:00 p.m. Upon roll call, the following members were found to be present:

PRESENT:

Chairperson:

Members:

ABSENT:

ALSO PRESENT:

The Chairperson announced that the Board would take action awarding the Santa Fe County, New Mexico General Obligation Bonds, Series 2008, in the amount of \$32,500,000 (the "Bonds") in conformity with the Notice of Bond Sale published by the Board on August 26, 2008.

Board Member thereupon moved that the Board accept the bid of Morgan Stanley for the purchase of the Bonds, being the best bid received for the Bonds.

The bid is as follows:

Maturity Date (July 1)	Principal Amount	Interest Rate
2009	\$2,000,000	3.000%
2010	1,600,000	3.000%
2011	1,000,000	3.000%
2012	1,000,000	3.000%
2013	1,000,000	3.000%
2014	1,000,000	3.000%
2015	1,000,000	3.500%
2016	1,000,000	3.500%
2017	2,000,000	4.000%
2018	2,500,000	4.000%
2019	3,250,000	4.000%
2020	3,250,000	4.000%
2021	3,000,000	4.000%
2022	3,000,000	4.125%
2023	3,000,000	4.250%
2024	2,900,000	4.250%

The motion was duly seconded by Board Member and unanimously carried.

Board Member thereupon introduced and Board Member moved the adoption of the following resolution:

SANTA FE COUNTY, NEW MEXICO  
RESOLUTION NO. 2008-\_\_\_

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SANTA FE COUNTY, NEW MEXICO GENERAL OBLIGATION BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT OF \$32,500,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE COUNTY; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION AND THE METHOD OF, AND SECURITY FOR, PAYMENT; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

WHEREAS, at a general obligation bond election duly called and held for Santa Fe County, New Mexico, (the "County") on the day of November 2, 2004, the electors of the County authorized the Board of County Commissioners of the County (the "Board") to contract bonded indebtedness on behalf of the County and upon the credit thereof by issuing general obligation bonds of the County to secure funds for the following purposes in the following amounts:

Purpose	Amount Authorized At Election	Amount Previous y <u>Issued</u>	Amount to be <u>Issued</u>
acquisition, construction, design, equipping, and improvement of roads within the County and related public works facilities to house, maintain and service road improvement equipment	\$20,000,000	\$20,000,000*	\$-0-
acquisition of real property for, and construction, design, equipping, rehabilitation and improvement of water improvement projects within the County	\$51,000,000	\$18,500,000	\$32,500,000
acquisition, construction, design, equipping and improvement of necessary public buildings within the County to house, maintain and service fire protection equipment	\$1,500,000	\$1,500,000*	\$-0-

\* Proceeds of the 2005A Bonds were allocated on the date of issuance as follows: \$10,000,000 in proceeds was allocated for water projects and \$10,000,000 in proceeds was allocated to road projects. \$1,500,000 in proceeds of the Series 2005A Bonds were subsequently reallocated to the improvement of fire stations by Resolution No. 2006-142 adopted by the Board of County Commissioners on August 22, 2006.

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WHEREAS, the Board has received and publicly opened sealed bids for the purchase of the Bonds and the Board has accepted the bid and awarded the Bonds to Morgan Stanley, the best bidder for the Bonds; and

WHEREAS, the Board has determined and does hereby determine that the Bonds shall be issued at this time under the authority of the New Mexico Constitution and applicable law as hereinafter set forth, and desires to fix the form and details of the Bonds and to provide for the levy of taxes for the payment of the principal of and interest on the Bonds; and

WHEREAS, the net effective interest rate on the Bonds is not more than ten percent (10%); and

WHEREAS, no action or suit has been commenced by any person or corporation contesting the validity of any of the proceedings directed toward the issuance and sale of the Bonds heretofore taken by the Board and the officers of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO AS FOLLOWS:

Section 1. All actions heretofore taken by the Board and the officers and employees of the County directed toward the issuance and sale of the Bonds to secure funds for the purposes stated above be, and the same hereby are, ratified, approved and confirmed, including revisions to certain principal amounts and maturities, the date of the sale and optional redemption features of the Bonds, as set forth in the Notice of Bond Sale published on behalf of the Board on August 26, 2008, and the Bonds in the amount of \$32,500,000 are awarded to Morgan Stanley (the "Purchaser").

Section 2.

A. In order to provide funds for the purposes stated above, the Board, on behalf of the County and upon the full faith and credit thereof, shall issue the County's general obligation bonds maturing and bearing interest as follows:

Maturity Date (July 1)	Principal Amount	Interest Rate
2009	\$2,000,000	3.000%
2010	1,600,000	3.000%
2011	1,000,000	3.000%
2012	1,000,000	3.000%
2013	1,000,000	3.000%
2014	1,000,000	3.000%
2015	1,000,000	3.500%
2016	1,000,000	3.500%
2017	2,000,000	4.000%
2018	2,500,000	4.000%
2019	3,250,000	4.000%
2020	3,250,000	4.000%
2021	3,000,000	4.000%
2022	3,000,000	4.125%
2023	3,000,000	4.250%
2024	2,900,000	4.250%

B. The Bonds shall be dated the date of their delivery (herein the "Series Date"), will be issued in one series and shall consist of bonds numbered consecutively from R-1 upward, issuable in the denomination of \$5,000 each or integral multiples thereof (provided that no individual bond will be issued for more than one maturity); shall bear interest from the Series Date to maturity at the rates per annum set forth above for the Bonds, payable to the registered owner thereof, or registered assigns, on July 1, 2009, and semiannually thereafter on January 1 and July 1 in each year in which the Bonds are outstanding and shall mature on July 1 of each year set forth above.

C. Bonds which are reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been fully paid or provided for in full or, if no interest has been paid, from the Series Date.

D. The principal of and interest on the Bonds due at maturity shall be payable to the registered owner thereof, as shown on the registration books kept by the Santa Fe County Treasurer as the registrar/paying agent (the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such

presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by the Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at the address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any interest payment date shall mean the 15th day of the month preceding the interest payment date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any interest payment date shall be entitled to receive the interest payable thereon on such interest payment date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such interest payment date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

E. The Bonds maturing on and after July 1, 2019, are subject to prior redemption at the County's option in one or more units of principal of \$5,000 on and after July 1, 2018 in whole or in part at any time, in such order of maturities as the County may determine, for the principal amount of each \$5,000 unit of principal so redeemed plus accrued interest to the redemption date. Redemption shall be made upon prior notice

mailed to each registered owner of each bond selected for redemption as shown on the registration books kept by the Registrar.

F. Notice of redemption of the Bonds will be given by the Registrar/Paying Agent by sending a copy of such notice by first-class, postage prepaid mail not less than 30 days prior to the redemption date to the address shown as of the fifth day prior to the mailing of notice on the registration books by the Registrar/Paying Agent. The County shall give the Registrar/Paying Agent notice of the Bonds to be called for redemption at least 15 days prior to the date that the Registrar/Paying Agent is required to give owners notice of redemption, which notice shall specify the Bonds and the principal amount to be called for redemption and the applicable redemption dates. The Registrar/Paying Agent's failure to give such notice to the registered owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. The notice will specify the number or numbers and maturity date or dates of the Bonds to be redeemed (if less than all are to be redeemed) the principal amount of any Bond to be redeemed in part, the date fixed for redemption, and that on such redemption date there will become and be due and payable upon each Bond or part thereof to be redeemed, at the office of the Registrar/Paying Agent, the principal amount thereof to be redeemed plus accrued interest, if any, to the redemption date; and that from and after such date interest will cease to accrue on the principal amount redeemed. Such notice may be a conditional notice of redemption and the amount of money required to redeem the Bonds called for redemption need not be on deposit with the Registrar/Paying Agent at the time notice of redemption is given. If notice is given in the manner provided above, the Bond or Bonds or part thereof called for redemption will become due and payable on the redemption date designated and, if an amount of money sufficient to redeem all Bonds called for redemption is on deposit with the Registrar/Paying Agent on the redemption date, the Bonds or part thereof to be redeemed shall be deemed to be not outstanding and will cease to bear or accrue interest from and after such redemption date. Upon presentation of a Bond to be redeemed at the office of the Registrar/Paying Agent on or after the

redemption date, the Registrar/Paying Agent will pay such Bond, or portion thereof called for redemption.

Section 3. The Bonds were authorized at a general obligation bond election duly called and held within the County on November 2, 2004. The Bonds shall constitute the general obligation bonds of the County, payable from general ad valorem taxes in amounts sufficient to meet the semi-annual payments of interest and annual payments of principal on the Bonds maturing in each year. The full faith and credit of the County shall be, and hereby is, irrevocably pledged to the payment of the principal of and interest on the Bonds.

Section 4. The Bonds shall bear the manual or facsimile signature of the Chairperson of the Board and shall be attested by the manual or facsimile signature of the Santa Fe County Clerk. The Bonds shall be authenticated by the manual signature of an authorized officer of the Registrar/Paying Agent. The Bonds bearing the signatures or facsimile signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the County, notwithstanding that, before the delivery of the Bonds and payment therefor, or before the issuance thereof upon transfer or exchange, any or all of the persons whose signatures appear on the Bonds shall have ceased to fill their respective offices. The Chairperson of the Board and the County Clerk shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures the facsimiles thereof appearing on the Bonds; and, at the time of the execution of the signature certificate, the Chairperson of the Board and County Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds. If required for execution of the Bonds, the Chairperson of the Board and the County Clerk, pursuant to Sections 6-9-1 through 6-9-6, NMSA 1978, shall each forthwith file his or her manual signature, certified by him or her under oath, with the Secretary of State of New Mexico, provided that such filing shall not be necessary for any officer where any previous filing shall have application to the Bonds.

No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed

by the Registrar/Paying Agent. The Registrar/Paying Agent's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer of the Registrar/Paying Agent, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 5.

A. Books for the registration and transfer of the Bonds shall be kept by the Registrar/Paying Agent, which is hereby appointed by the County as registrar and as paying agent for the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be transferred, in the name of the transferee or transferees, a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be exchanged, a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment by the owner of any Bond requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

B. The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of overdue interest as is provided in Section 2 hereof; and payment of or on account of either

principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

D. The officers of the County are authorized to deliver to the Registrar/Paying Agent fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar/Paying Agent pending use as herein provided.

E. Whenever any Bond shall be surrendered to the Registrar/Paying Agent upon payment thereof, or to the Registrar/Paying Agent for transfer, exchange or replacement as provided herein, such Bond shall be promptly cancelled by the Registrar/Paying Agent, and counterparts of a certificate of such cancellation shall be furnished by the Registrar/Paying Agent to the County.

F. Notwithstanding the above provisions of this Section, the Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with the Depository Trust Company of New York, New York (the "Depository"), acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the Depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized

denominations, with transfer of ownership effected on the books of the Depository and its participants (the "Participants"). As a condition to delivery of the Bonds in book-entry form, the Purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the Depository, registered in the name of the Depository or its nominee. Principal, premium, if any, and interest will be paid to the Depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the Depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Depository, Participants or Indirect Participants.

If (i) the Bonds are not eligible for the services of the Depository, (ii) the Depository determines to discontinue providing its services with respect to the Bonds, or (iii) the County determines that a continuation of the system of book-entry transfers through the Depository ceases to be beneficial to the County or the Beneficial Owners, the County will either identify another similar depository to perform such functions or certificates for the Bonds will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the County shall mail an appropriate notice to the Depository for notification to Participants, Indirect Participants and Beneficial Owners of the substitute Depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Officers of the County are authorized to sign agreements with the Depository relating to the matters set forth in this Section.

Notwithstanding any other provision of this Resolution, so long as all of the Bonds are registered in the name of the Depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to



the Bonds, shall be made and given by the Registrar/Paying Agent to the Depository as provided in this Resolution and by the Depository to its Participants or Indirect Participants and notices to the Beneficial Owners of the Bonds in the manner provided in an agreement or letter of the County to the Depository.

Section 6. If the Registrar/Paying Agent initially appointed hereunder shall resign, or if the County shall reasonably determine that the Registrar/Paying Agent has become incapable of fulfilling its duties hereunder, the County may, upon notice mailed to each registered owner of the Bonds at the address last shown on the registration books, appoint a successor Registrar/Paying Agent. Every such successor Registrar/Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholders equity (e.g., capital stock, surplus and undivided profits), however denominated, of not less than \$10,000,000.

Section 7. Subject to the registration provisions hereof, the Bonds hereby authorized shall be fully negotiable and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code.

Section 8. The Bonds shall be in substantially the following form:

[Form of Bond]

REGISTERED  
NO.

REGISTERED  
\$

UNITED STATES OF AMERICA  
STATE OF NEW MEXICO  
SANTA FE COUNTY, NEW MEXICO  
GENERAL OBLIGATION BONDS  
SERIES 2008

Registered Owner: CEDE & CO.

Principal Amount:

DOLLARS

Interest Rate	Maturity Date	Series Date	<u>CUSIP</u>
_____% per annum	July 1, 20__	, 2008	

The Board of County Commissioners (the "Board") on the faith, credit and behalf of Santa Fe County, New Mexico (the "County"), for value received, hereby promises to pay to the registered owner named above, or registered assigns, the principal amount hereof on the Maturity Date and to pay interest on the principal amount at the Interest Rate on July 1, 2009, and thereafter on January 1 and July 1 of each year (the "Interest Payment Date") from the Series Date to its maturity. The principal of the bonds of the series of which this is one (the "Bonds") and interest due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by the Santa Fe County Treasurer as registrar/paying agent (the County Treasurer and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by the Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each Interest Payment Date (or, if such Interest Payment Date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at his or her address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any Interest Payment Date shall mean the 15th day of the month preceding the Interest Payment Date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable thereon on such Interest Payment Date notwithstanding any transfer or exchange thereof subsequent to such

Record Date and prior to such Interest Payment Date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest. If the Bonds are issued in book-entry only form, an authorized officer of the County and the applicable securities depository may make other arrangements for the payments on the Bonds.

The Bonds are fully registered and are issuable in denominations of \$5,000 and any integral multiple thereof (provided that no individual bond may be issued for more than one maturity).

The series of Bonds of which this bond is one is limited to the total principal amount of \$32,500,000 of like tenor except as to number, denomination, maturity date, and interest rate, issued by Santa Fe County, New Mexico for the purpose of securing funds for acquisition of real property for, and construction, design, equipping, rehabilitation and improvement of water improvement projects within the County.

The Bonds are issued under the authority of and in full conformity with the Constitution and laws of the State of New Mexico (particularly Sections 4-49-1 *et seq.*, NMSA 1978, and acts amendatory and supplemental thereto), and pursuant to the resolution of the Board authorizing the publication of a notice of sale of the Bonds and duly adopted on July 8, 2008 (the "Notice of Sale Resolution") and the resolution of the Board awarding the Bonds to the best bidder therefore and duly adopted on September 9, 2008 (the "Award Resolution" and, together with the Notice of Sale Resolution, the "Bond Resolution").

The Bonds maturing on and after July 1, 2019, are subject to prior redemption at the County's option in one or more units of principal of \$5,000 on and after July 1, 2018 in whole or in part at any time, in such order of maturities as the County may determine, for the principal amount of each \$5,000 unit of principal so redeemed plus accrued interest to the redemption date. Redemption shall be made upon prior notice mailed to each registered owner of each bond selected for redemption as shown on the registration books kept by the Registrar.

The Registrar/Paying Agent will maintain the books of the County for the registration of ownership of the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be transferred, in the name of

the transferee or transferees, a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be exchanged, a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment by the owner of any Bond requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of overdue interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as the Registrar/Paying Agent may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

For the punctual payment of the principal of and interest on this bond as aforesaid and for the levy and collection of taxes in accordance with the statutes authorizing the issuance of this bond, the full faith and credit of the County is hereby irrevocably pledged. The Board has, by the Bond Resolution, ordered the creation of an interest and sinking fund for the payment of the Bonds. Such fund is to be held in trust for the benefit of the owner or owners of the Bonds.

It is hereby certified, recited and warranted that all the requirements of law have been complied with by the proper officials of the County in the issuance of this bond; that the total indebtedness of the County, including that of this bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State of New Mexico; that issuance of this bond was duly authorized by the legally qualified voters of the

County at an election held on November 2, 2004; that provision has been made for the levy and collection of annual taxes sufficient to pay the principal of and the interest on this bond when the same become due. This bond shall not be valid or obligatory for any purpose until the Registrar/Paying Agent shall have manually signed the certificate of authentication hereon.

IN TESTIMONY WHEREOF, the Board of County Commissioners of Santa Fe County, New Mexico constituting the governing board of the County, has caused this bond to be signed and executed with the manual or facsimile signature of the Chairperson of the Board and subscribed and attested with the manual or facsimile signature of the Santa Fe County Clerk, all as of the Series Date.

Paul Campos, Chairperson  
Board of County Commissioners  
Santa Fe County, New Mexico

Attest:

Valerie Espinoza, Clerk  
Santa Fe County, New Mexico

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the Bond Resolution and has been duly registered on the registration books kept by the undersigned as Registrar/Paying Agent for the Bonds.

Date of Authentication  
and Registration:

Santa Fe County Treasurer,  
as Registrar/Paying Agent

By:  
Victor A. Montoya

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto  
whose social security or tax identification number is  
the within bond and irrevocably constitutes and appoints  
attorney to transfer such bond on the books kept for  
registration thereof, with full power of substitution in the premises.

Dated:

Address:

Signature Guaranteed:

NOTE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Bond]

Section 9. When the Bonds have been duly executed and authenticated, they shall be delivered to the lawful purchaser thereof named in Section 1 of this Resolution. The funds realized from the sale of the Bonds shall be applied solely to the specified purpose for the Bonds (provided that any accrued interest shall be used to pay principal of and interest on the Bonds), but the purchaser of the Bonds shall in no manner be responsible for the application of or disposal by the County, or any of its officers, of any of the funds derived from the sale thereof.

Section 10. There shall be levied on all taxable property within the County, at the time and in the manner provided by law, in addition to all other taxes, direct annual



ad valorem taxes sufficient to pay the principal of and interest accruing on the Bonds promptly as the same shall become due. This Resolution is hereby declared to be the certificate of the Board, as to the amount of taxes necessary to be levied for the purposes herein stated and said taxes shall be certified, levied and extended upon the tax rolls and collected in the same manner, at the same time and subject to the same penalties as general state and county taxes are certified, levied and collected. The taxes, when collected, shall be kept by the County in the County's interest and sinking fund for the County's general obligation bonds to be used solely for the purpose of paying the principal of and interest on the County's general obligation bonds as the same become due or mature; provided that nothing herein contained shall be so construed as to prevent the application of any other funds belonging to the County and available for that purpose, to the payment of the Bonds or the interest thereon, as the same become due and upon such payment the levy or levies of tax provided for in this Section may thereupon to that extent be diminished. If the taxes herein provided for shall not be levied or collected in time to pay the interest on or principal of the Bonds as the same become due or mature, then such interest or principal shall be paid from any other funds belonging to the County, which funds may be reimbursed from the taxes herein provided for when the same are collected.

Section 11. The Chairperson of the Board, County Clerk and other officers of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including without limiting the generality of the foregoing, the printing of the Bonds and the execution of such certificates as may be required by the Purchaser relating to the signing of the Bonds, the tenure and identity of County officials, the receipt of the purchase price of the Bonds from the Purchaser and the absence of litigation, pending or threatened, if in accordance with the facts, affecting the validity thereof and the absence and existence of factors affecting the exclusion of interest on the Bonds from gross income for federal income tax purposes.

In order to assist the Purchaser in complying with Securities and Exchange Commission Rule 15c2-12(b)(5), at the time of delivery of the Bonds, the

County will undertake, pursuant to a written continuing disclosure agreement, to provide annual financial information and notices of certain material events.

Section 12. The County covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Chairperson of the Board, the Santa Fe County Treasurer and any other officer of the County having responsibility for the issuance of the Bonds shall give an appropriate certificate of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The County covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield, as required, on investment property acquired with those proceeds, (iii) make timely rebate payments, if required, to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Chairperson of the Board, Treasurer and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

Section 13. Any Bond and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Bond") hereunder when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity, upon redemption, or other) either (a) shall have been made or caused

to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (b) shall have been provided for on or before such due date by irrevocably depositing with or making available to a qualified depository for such payment (i) lawful money of the United States of America sufficient to make such payment or (ii) Government Obligations which mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment (as verified by a certified or registered public accountant), and when proper arrangements have been made by the County with a qualified depository for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of the ad valorem taxes herein levied and pledged as provided in this ordinance, and such principal and interest shall be payable solely from such money or Government Obligations.

Any moneys so deposited with the qualified depository may, at the written direction of the County, also be invested and re-invested in Government Obligations, maturing in the amounts and times required to make payments when due on the Defeased Bonds, and all income from such Government Obligations received by the qualified depository which is not required for the payment of the Defeased Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the County for use in accordance with law. The term "Government Obligations" means direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America which may be United States Treasury Obligations such as its State and Local Government Series, which may be in book-entry form.

Section 14. Moneys in any fund not immediately needed may be invested as provided by state law and applicable federal statutes and regulations, provided that the Board and the County hereby covenant to the purchasers and the holders of the Bonds from time to time that the County will make no use of the proceeds of the Bonds or any funds reasonably expected to be used to pay the principal of or interest on the Bonds

which will cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Code, as amended, or which would adversely affect the tax status of interest on the Bonds under the Code. This covenant is for the benefit of the purchasers and the holders of the Bonds from time to time.

Section 15. After any of the Bonds have been issued, this Resolution shall constitute a contract between the County and the holder or holders of the Bonds and shall be and remain irrevocable and unalterable until the Bonds and the interest thereon shall have been fully paid, satisfied and discharged, defeased or until such payment has been duly provided for.

Section 16. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 17. The following notice shall be published one time in a newspaper having general circulation in the County as soon as is practicable following the adoption hereof:

[Form of Notice]

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Santa Fe County, New Mexico did, on the 9<sup>th</sup> day of September, 2008, adopt a resolution entitled:

SANTA FE COUNTY, NEW MEXICO

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SANTA FE COUNTY, NEW MEXICO GENERAL OBLIGATION BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT OF \$32,500,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE COUNTY; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION AND THE METHOD OF, AND SECURITY FOR, PAYMENT; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

The Resolution directs and authorizes the issuance of Santa Fe County, New Mexico, General Obligation Bonds, Series 2008 in the aggregate principal amount of \$32,500,000; awards the sale of the bonds to the best bidder therefor and provides for the delivery thereof; provides for the form of the bonds; provides for the levy of ad valorem property taxes without limitation as to rate or amount to pay the principal of and interest on the bonds; makes certain covenants with the bond purchaser; and provides other details concerning the bonds. Complete copies of the Resolution are available for public inspection during normal and regular business hours at the office of the Santa Fe County Clerk, 102 Grant Avenue, Santa Fe, New Mexico. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

DATED this 9<sup>th</sup> day of September, 2008.

/s/

Paul Campos, Chairperson  
Board of County Commissioners  
Santa Fe County, New Mexico

[End Form of Notice]

Section 18. All acts and resolutions in conflict or inconsistent with this Resolution are hereby rescinded, annulled and repealed, but only to the extent of such conflict or inconsistency, including, without limitation, the provisions of the Resolution of the Board adopted on July 8, 2008 (i) directing that the sale of the Bonds be held on August 12, 2008, and (ii) setting forth proposed principal amounts and maturities of the Bonds.

(Signature page follows)

PASSED, ADOPTED AND APPROVED this 9<sup>th</sup> day of September, 2008.

BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

By:  
Paul Campos, Chairperson

ATTEST:

By:  
Valerie Espinoza, County Clerk

SFC CLERK RECORDED 11/25/2008

Board Member \_\_\_\_\_ then seconded the adoption of the foregoing resolution introduced by Board Member \_\_\_\_\_.

The motion to adopt the resolution upon being put to a vote was passed and adopted on the following recorded vote:

Those Voting Aye:

Those Voting Nay:

\_\_\_\_\_ ( ) members of the Board having voted in favor of the motion, the presiding officer declared the motion carried and the resolution adopted, whereupon the Chairperson of the Board and County Clerk signed the foregoing proceedings and resolution upon the records of the minutes of the Board.

After transaction of other business not related to the bond issue, the Board, upon motion duly made, seconded and carried, adjourned the meeting.

BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

By: Paul Campos, Chairperson

ATTEST:

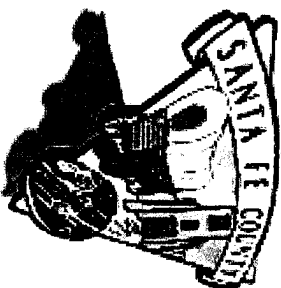
By: Valerie Espinoza, County Clerk



**EXHIBIT "A"**

Affidavit of Publication of  
Notice of Sale and Meeting  
Published on August 26, 2008

**Pricing Book  
For  
Santa Fe County, New Mexico  
General Obligation Bonds  
Series 2008**



*Prepared by:*



6301 Uptown Boulevard NE, Suite 110  
Albuquerque, New Mexico 87110  
(505) 872-5999

# Overview

Issue Size:	\$32,500,000
Maturity Dates:	2009-2027
Average Life:	9.817 Years
Ratings - Moody's:	Aa1
SBP:	AA+
Credit Enhancement:	None
Net Interest Cost to Taxpayers:	\$12,755,368.06
Premium:	\$58,500.00
True Interest Cost:	3.956179%
Estimated Tax Rate Increase:	None



# Recap of Bids

*Summary of Competitive Bids*

9-Sep-08

Rating: Moody's: Aa1

Maturity Date	Principal Amount	Bid No. 1 Morgan Stanley	Bid No. 2 Robert W. Baird & Co.	Bid No. 3 Hutchinson Shockey	Bid No. 4 KeyBanc Capital Markets	Bid No. 5 BB&T Capital Markets	Bid No. 6 Merrill Lynch	Bid No. 7 Wachovia Bank
10/14/2008								
7/1/2009	\$ 2,000,000	3.000%	4.000%	3.250%	3.500%	4.000%	3.000%	3.500%
7/1/2010	1,600,000	3.000%	3.000%	3.250%	3.500%	3.500%	3.000%	3.500%
7/1/2011	1,000,000	3.000%	3.125%	3.250%	3.500%	3.500%	3.000%	3.500%
7/1/2012	1,000,000	3.000%	3.125%	3.250%	5.000%	3.500%	3.000%	4.000%
7/1/2013	1,000,000	3.000%	3.250%	3.250%	3.500%	3.500%	3.000%	3.500%
7/1/2014	1,000,000	3.000%	3.250%	3.250%	3.500%	5.000%	3.000%	3.500%
7/1/2015	1,000,000	3.500%	3.250%	3.500%	3.500%	5.000%	3.500%	4.000%
7/1/2016	1,000,000	3.500%	3.500%	3.500%	3.500%	5.000%	3.500%	3.500%
7/1/2017	2,000,000	4.000%	4.000%	3.750%	4.000%	5.000%	4.000%	3.500%
7/1/2018	2,500,000	4.000%	4.000%	4.000%	4.000%	4.000%	4.000%	4.000%
7/1/2019	3,250,000	4.000%	4.000%	4.125%	4.000%	4.000%	4.000%	4.000%
7/1/2020	3,250,000	4.000%	4.000%	4.500%	4.000%	4.000%	4.500%	5.000%
7/1/2021	3,000,000	4.000%	4.000%	4.500%	4.000%	4.125%	4.500%	4.125%
7/1/2022	3,000,000	4.125%	4.125%	4.750%	4.125%	4.250%	4.500%	4.375%
7/1/2023	3,000,000	4.250%	4.200%	4.100%	5.000%	4.250%	4.500%	4.500%
7/1/2024	2,900,000	4.250%	4.250%	4.200%	4.250%	4.375%	4.500%	4.500%

Gross Interest Cost:	\$12,755,368.06	\$12,764,894.44	\$13,357,084.48	\$13,247,266.67	\$13,500,104.51	\$13,514,988.19	\$13,581,008.33
Less Premium:	\$58,500.00	\$29,392.00	\$406,014.00	\$281,803.99	\$487,500.00	\$432,585.01	\$461,354.49
Net Interest Cost:	\$12,696,868.06	\$12,735,502.44	\$12,951,070.48	\$12,965,462.68	\$13,012,604.51	\$13,082,403.18	\$13,119,653.84
True Interest Cost:	3.9562%	3.9729%	4.0204%	4.0241%	4.0350%	4.2664%	4.0545%
Credit Enhancement:	None						



# Debt Service Schedule

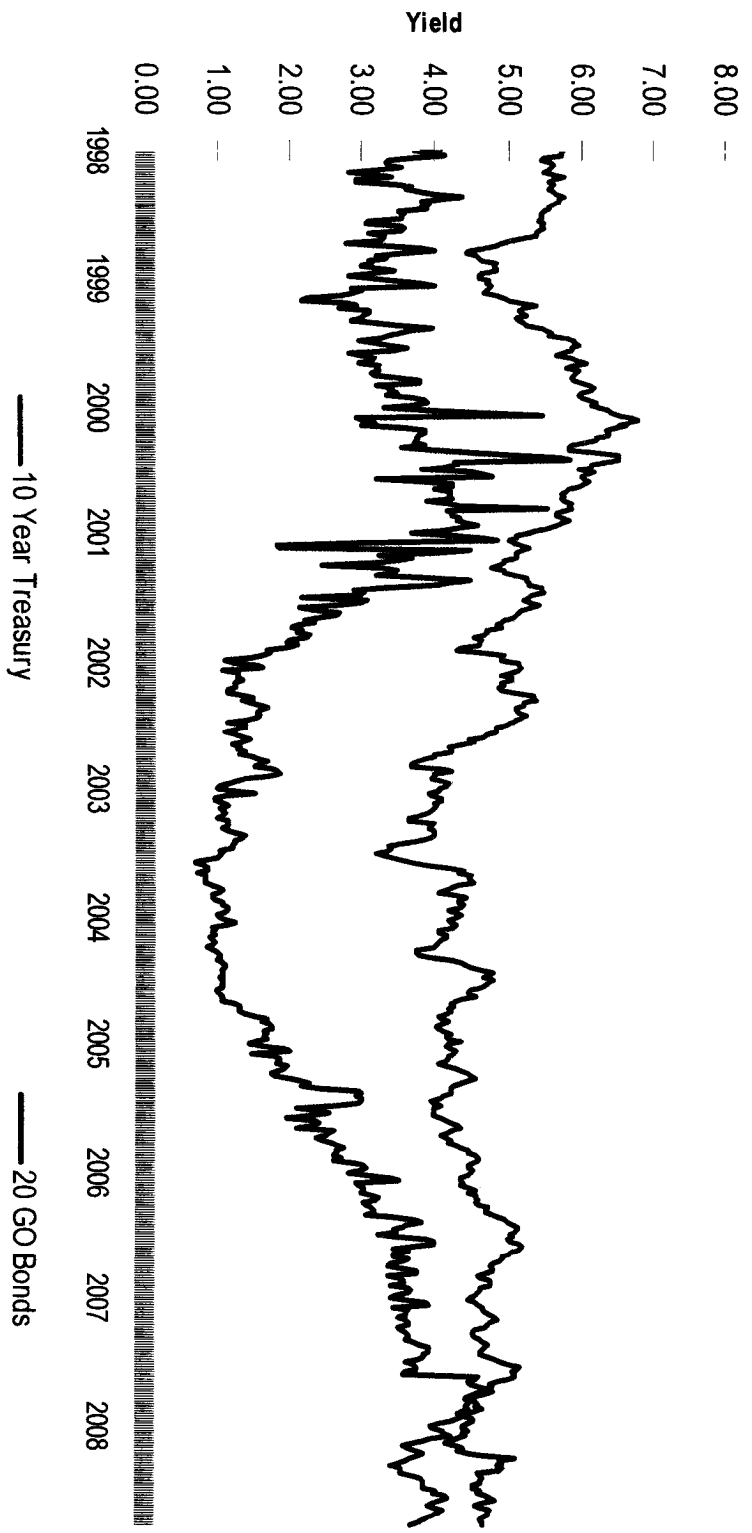
## General Obligation Bonds, Series 2008

Dated Date	10/14/2008							
Delivery Date	10/14/2008							
Maturity	Principal	Coupon	Interest	Debt Service	Annual Debt Service			
7/1/2009	\$2,000,000	3.000%	\$879,868.06	\$2,879,868.06	\$2,879,868.06			
1/1/2010			586,250.00	586,250.00				
7/1/2010	1,600,000	3.000%	586,250.00	2,186,250.00	2,772,500.00			
1/1/2011			562,250.00	562,250.00				
7/1/2011	1,000,000	3.000%	562,250.00	1,562,250.00	2,124,500.00			
1/1/2012			547,250.00	547,250.00				
7/1/2012	1,000,000	3.000%	547,250.00	1,547,250.00	2,094,500.00			
1/1/2013			532,250.00	532,250.00				
7/1/2013	1,000,000	3.000%	532,250.00	1,532,250.00	2,064,500.00			
1/1/2014			517,250.00	517,250.00				
7/1/2014	1,000,000	3.000%	517,250.00	1,517,250.00	2,034,500.00			
1/1/2015			502,250.00	502,250.00				
7/1/2015	1,000,000	3.500%	502,250.00	1,502,250.00	2,004,500.00			
1/1/2016			484,750.00	484,750.00				
7/1/2016	1,000,000	3.500%	484,750.00	1,484,750.00	1,969,500.00			
1/1/2017			467,250.00	467,250.00				
7/1/2017	2,000,000	4.000%	467,250.00	2,467,250.00	2,934,500.00			
1/1/2018			427,250.00	427,250.00				
7/1/2018	2,500,000	4.000%	427,250.00	2,927,250.00	3,354,500.00			
1/1/2019			377,250.00	377,250.00				
7/1/2019	3,250,000	4.000%	377,250.00	3,627,250.00	4,004,500.00			
1/1/2020			312,250.00	312,250.00				
7/1/2020	3,250,000	4.000%	312,250.00	3,562,250.00	3,874,500.00			
1/1/2021			247,250.00	247,250.00				
7/1/2021	3,000,000	4.000%	247,250.00	3,247,250.00	3,494,500.00			
1/1/2022			187,250.00	187,250.00				
7/1/2022	3,000,000	4.125%	187,250.00	3,187,250.00	3,374,500.00			
1/1/2023			125,375.00	125,375.00				
7/1/2023	3,000,000	4.250%	125,375.00	3,125,375.00	3,250,750.00			
1/1/2024			61,625.00	61,625.00				
7/1/2024	2,900,000	4.250%	61,625.00	2,961,625.00	3,023,250.00			
	\$32,500,000		\$12,755,368.06	\$45,255,368.06	\$45,255,368.06			\$45,255,368.06



# Historical Interest Rate Chart

Bond Buyer's Index  
January 1, 1997 to Present (September 4, 2008)  
20 GO Bond Index vs. 10-Year Treasury



# Moody's Rating Criteria

## INVESTMENT GRADE

Aaa

Highest possible rating - principal and interest payments considered very secure.

**Aa1/Aa2/Aa3**

High quality - differs from highest rating only in the degree of protection provided bondholders.

**A1/A2/A3**

Good ability to pay principal and interest although more susceptible to adverse effects due to changing conditions.

**Baa1/Baa2/Baa3**

Adequate ability to make principal and interest payments -- adverse changes are more likely to affect the ability to service debt.



# Standard and Poor's Rating Criteria

## INVESTMENT GRADE

AAA

Highest possible rating - principal and interest payments considered very secure.

AA+/AA/AA-

High quality - differs from highest rating only in the degree of protection provided bondholders.

A+/A/A-

Good ability to pay principal and interest although more susceptible to adverse effects due to changing conditions.

BBB+/BBB/BBB-

Adequate ability to make principal and interest payments -- adverse changes are more likely to affect the ability to service debt.





# Rating Reports

-



Santa Fe County maintains ample financial flexibility in a historically well-above average General Fund reserve. At FYE 2007 the County had a nearly \$11 million surplus making the General Fund balance \$38.6 million, or a favorable 75.1% of General Fund revenues. Officials plan to utilize approximately \$8 million of the reserve for capital projects over the medium term. Planned projects include to purchase equipment.

**HISTORICALLY HEALTHY FINANCIAL PERFORMANCE RESULTS IN FAVORABLE RESERVE LEVEL**

New development and healthy reappraisal of existing properties has boosted the County's assessed valuation a significant 9.9% annually over the past five years to \$6.1 billion in fiscal 2008, resulting from a sizable full value of \$18.4 billion. The growth in fiscal 2008 represents a notable 12.4% increase over the prior year. Officials indicate that of the \$661 million added to the tax roll in fiscal 2008, approximately 59% resulted from new construction – primarily from ongoing home construction and retail expansion. However officials report high-end residential construction has experienced a slow down. The average home value in 2000 was \$189,000, equivalent to 158% of the national median. In addition, expansion of large retail establishments and restaurants is underway to serve a growing population (10% growth since 2000). Going forward, officials project the assessed valuation will grow annually at 5% for the next five years. Moody's Economy.com April 2008 report indicates Santa Fe's economy will contract in the near term because of lower consumption and decrease in residential investment. However, the area's diverse economy and high standard of living will foster above average growth over the long run. Education, health care, and the tourism industries, along with a rising concentration of retirees, will be the growth drivers. Albeit a slowed pace of expansion, the County reports a fiscal 2009 certified assessed value of \$19.85 billion. Moody's believes the County's tax base will continue to expand at favorable rates.

Located in north central New Mexico, Santa Fe County encompasses 1,909 square miles. Officials believe only 60% of the County's land is developed, leaving ample availability for future growth. The City of Santa Fe is home to the state capital and federal government jobs, offering stability in the economy. In addition, Santa Fe has historically served as an upscale, resort community and second-home destination for individuals all over the southwestern portion of the United States. The 2000 Census per capita income is 137% of the state's and 109% of the nation's medians.

**LARGE TAX BASE WITH SLOWER GROWTH PROJECTED**

NEW YORK, Sep 9, 2008 – Moody's Investors Service has assigned an Aa1 underlying rating to Santa Fe County's (NM) \$32.5 million General Obligation Bonds, Series 2008. Additionally, Moody's affirmed the Aa1 underlying rating for the County's \$80.8 million in outstanding party debt obligations. The rating actions reflect the County's ongoing tax base expansions, ample General Fund reserve which is well above similar rated Counties, and a low debt profile. Bond proceeds will be used to acquire land, and to design, construct, equip and rehabilitate water projects. The Bonds are secured by the County's ad valorem taxes levied, without limitation as to rate or amount, against all taxable property within the County.

**Opinion**

Moody's Rating	ISSUE	RATING	General Obligation Bonds, Series 2008	Aa1	Sale Amount	Expected Sale Date	Rating Description
			General Obligation		\$32,500,000	09/09/08	General Obligation

County  
NM

**SALE**

**Aa1 AFFECTS \$113.3 MILLION IN OUTSTANDING DEBT OBLIGATIONS INCLUDING THE CURRENT**

**MOODY'S ASSIGNS Aa1 UNDERLYING RATING TO SANTA FE COUNTY'S [NM] \$32.5 MILLION GENERAL OBLIGATION BONDS, SERIES 2008**

New Issue: Santa Fe (County of) NM

Moody's Investors Service



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Post Sale Party Debt Outstanding: \$113.3 million

FY 2007 General Fund Balance: \$38.56 million (75.1% of General Fund revenues)

Payout of Principal (10 years): 51.3%

Overall Debt Ratio: 1.2%

Direct Debt Ratio: 0.8%

2000 Census Per Capita Income: 137% of state; 109% of the nation

Full Value per Capita: \$135,040

2009 Full Value: \$19.85 billion

2008 Estimated Population: 147,000

**KEY STATISTICS:**

Inclusive of the current issue, the County's direct and overall debt ratios are modest at 0.8% and 1.2%, respectively, both expressed as a percent of the County's full valuation. The current sale is the final installment of the \$72.5 million bond authorization approved by voters in November 2004 for roads, water projects and fire safety. The County anticipates asking voters for an additional \$35 million of bond authorization in November 2008 to be sold in two installments in fiscal 2009 and 2010. Subsequent bond authorization requests are expected to be structured so as to not require a debt service tax rate above the current \$1.87 per \$1,000 of assessed valuation. Principal retirement is considered satisfactory as it is below the national median with 51.3% retired in ten years. Given the healthy tax base growth within the County, the unlimited nature of the pledge, and scheduled amortization, Moody's expects the debt burden to remain manageable.

**MODEST DEBT BURDEN; SATISFACTORY AMORTIZATION SCHEDULE; ADDITIONAL BORROWING EXPECTED**

land, and other one-time capital projects throughout the County. The reserve level far exceeds the state requirement that County's maintain three months of operating expenditures in reserve. Officials attribute the increases to conservative budgeting practices and growing operating resources derived from assessed valuation growth. Preliminary figures for fiscal 2008 indicate another year of strong operating results, boosting the General Fund balance to \$42 million. Officials indicated the County plans to reserve about \$20 million for future capital expenditures. The General Fund continues to subsidize the jail facility. For fiscal 2007, this transfer equaled \$6.4 million (about 15% of General Fund expenditures). Officials anticipate similar transfers to the jail facility in future years as they have recently (2006) taken over operations of the facility. Operating revenues in fiscal 2007 were primarily derived from property taxes (67.9%) and gross receipt taxes (16%). Despite the considerable transfer to the jail facility, Moody's anticipates the County to continue maintenance of ample financial flexibility as current levels affords officials the opportunity to cash fund certain capital projects.

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September 8, 2008

# Summary: Santa Fe County, New Mexico; General Obligation

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# Summary: Santa Fe County, New Mexico; General Obligation

Credit Profile

US\$32.5 mil GO bonds Ser 2008 dtf 08/29/2008 due 07/01/2024

Long Term Rating

AA+/Stable

New

## Rationale

Standard & Poor's Ratings Services assigned its 'AA+' rating to Santa Fe County, N.M.'s series 2008 general obligation (GO) bonds.

The rating reflects:

- Large economic base of the county, including the state capital;
- Very strong finances, including high cash reserve levels in recent years; and
- A low level of overlapping debt.

The bonds are secured by the county's general obligation pledge.

Santa Fe County is located in north-central New Mexico (state rating 'AA+'), about 60 miles northeast of Albuquerque (AAA), the state's largest metropolitan area. The City of Santa Fe, the county seat, is also the state capitol and one of the Southwest's premier tourist and resort destinations. The county's population, approximately 130,000, has increased steadily and compares with the statewide population of 1.8 million.

With a high concentration of government-related jobs, income levels are well above the state average. The median household estimated buying income (EBI) is 114% of the New Mexico state average, while per capita EBI is 143% of the state average, although in both categories the levels are average when compared to the national median. Also due to the stability of its job market, the unemployment rate is favorable compared to state and national levels: it was 2.9% in 2007 compared to 4.5% in the U.S. The services sector is also a leading component of the Santa Fe economy, with its historic downtown and proximity to the mountain resort Taos, 70 miles northeast. Of the 61,000 non-agricultural jobs in the area, the state of New Mexico provides 15%, or 9,443 jobs, followed by the Santa Fe School District, and the U.S. federal government. Only three of the leading 10 employers are non-governmental, and they include the Santa Fe Opera, Cities of Gold Casino, and St. Vincent's, a regional hospital and medical center. The county has experienced strong average annual growth of more than 60% since 2002, to \$6.1 billion in 2007. The tax base is diverse, with no concentration among larger properties. The county maintains substantial unreserved fund balances in the general fund, with about \$38 million in fiscal 2007, or more than a year's worth of expenditures.

Following the issuance of the series 2008 GO bonds, the county will have \$113.3 million in general obligation debt outstanding. An additional \$60 million in debt is secured by the county's gross receipts tax. Annual debt service costs for the gross receipts tax revenue bonds total \$7.9 million annually; debt service on the county's general

obligation bonds is \$7.8 million annually. Additional bonding plans include a gross receipts tax revenue bond issuance in 2010. Debt is moderate: 14% of government expenditures went for debt service in 2007, and overall debt levels were \$790 per capita and .6% of market value of property.

Standard & Poor's has assigned the county a Financial Management Assessment of 'standard'. This assessment reflects, for example, the lack of a formalized policy to support the county's high reserve levels or the use of debt. Financial forecasting is limited to a two-year time frame. Budget adjustments, if necessary, occur at mid-year and assumptions that shape the budget are based on an analysis of historic trends in revenues and expenditures. For investment management, there is a more formalized process, including quarterly reporting to the board. Capital planning is multi-year, and the plan is updated annually.

### Outlook

The stable outlook reflects our expectation that the Santa Fe County economy will retain its current strengths and that its financial reserves will remain at high levels.

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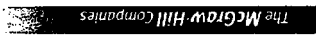
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## ICIP Staff Top 5 Recommendations

*Agua Fria Road Phase III* \$3,500,000

The Agua Fria Road Phase III includes improvements to water, sewer, drainage and paving.

*Santa Fe County District III Road Improvements* \$1,000,000

Staff will prioritize and schedule the most critical road improvements with the funds.

*Vista Grande Library Addition* \$1,500,000

The architectural plans for the addition to the library have been completed and the project is ready to start.

*Media Park* \$3,300,000

Infrastructure improvements for the development of the Media Park including \$1,000,000 for broadband, \$1,300,000 for road improvements and \$1,000,000 for water/waste water improvements.

*Cuatro Villas Water System Improvements & Water Service Lines* \$1,500,000

Design for the water system should be complete in October and the current budget for the project is \$2,500,000. Staff anticipates requiring additional funds to complete the project and construct water service lines.

### Other Viable Projects on the ICIP Plan

Sombrillo Waste Water System	\$4,500,000
Pojoaque Waste Water	\$1,500,000
Rancho Viejo Recycling Center	\$50,000
Agua Fria Community Center and Park	\$800,000
Pojoaque Valley Multipurpose Center	\$750,000
Chimayo Water System	\$2,500,000
Rancho Viejo Transfer Station	\$1,000,000

**SANTA FE COUNTY ICIP - FY 2010 - 20014**

- Box Indicates on the 2010-2014 ICIP
- Box Indicates on the 2009-2013 ICIP
- Box Indicates 2008 Community Meetings Requests
- Box Indicates County Requests

<b>PROJECT TYPE &amp; NAME</b>	<b>FY '10 Request</b>	<b>Project Total</b>
<b>County Facilities &amp; Infrastructure</b>		
<input type="checkbox"/> Santa Fe County Corrections Facilities Improvements	\$2,535,000	\$55,000,000
<input type="checkbox"/> Santa Fe County Fair Grounds/Extension Building	\$1,500,000	\$1,500,000
<input type="checkbox"/> Youth Shelters & Family Services	\$695,000	\$995,000
<input type="checkbox"/> SF County Housing Site-Community Center	\$650,000	\$650,000
<input type="checkbox"/> SF County Media Park - Broadband Connectivity Infrastructure	\$1,000,000	\$1,000,000
<input type="checkbox"/> SF County Media Park - Road Improvements	\$1,350,000	\$13,500,000
<input type="checkbox"/> SF County Media Park	\$3,300,000	\$3,300,000
<input type="checkbox"/> SF County Public Housing Site	\$200,000	\$500,000
<input type="checkbox"/> SF County Water System - South Sector Improvements	\$1,000,000	\$6,000,000
<input type="checkbox"/> Southern SF County Administration Complex	\$500,000	\$1,500,000
<input type="checkbox"/> Update County Orthophotography	\$250,000	\$750,000
<input type="checkbox"/> Judicial Complex	\$3,800,000	\$29,504,000
<input type="checkbox"/> Agua Fria Community Center & Park	\$800,000	\$1,200,000
<input type="checkbox"/> Cundiyo Community Center Addition	\$400,000	\$750,000
<input type="checkbox"/> Esperanza Shelter Completion	\$400,000	\$400,000
<input type="checkbox"/> Marcos Trujillo Teen Center Phase III	\$750,000	\$1,200,000
<input type="checkbox"/> Renovations to RECC	\$300,000	\$630,000
<input type="checkbox"/> Southern SF County Administration Complex	\$500,000	\$1,000,000
<input type="checkbox"/> Western Regional Fire Station (Rancho Viejo)	\$3,500,000	\$3,500,000
subtotal	\$23,430,000	\$122,879,000

<b>PROJECT TYPE &amp; NAME</b>	<b>FY '10 Request</b>	<b>Project Total</b>
<b>New Community Centers</b>		
<input type="checkbox"/> Arroyo Seco Community Center	\$120,000	\$1,200,000
<input type="checkbox"/> Chimayo Museum - Renovations and Improvements	\$350,000	\$1,000,000
<input type="checkbox"/> Chimayo Wellness Center	\$120,000	\$1,200,000
<input type="checkbox"/> La Cienega Community Center Land Acquisition	\$1,000,000	\$1,500,000
<input type="checkbox"/> La Puebla Community Center	\$550,000	\$550,000
<input type="checkbox"/> Madrid Community Center/Cultural Museum	\$120,000	\$1,750,000
<input type="checkbox"/> Nambe Community Center	\$120,000	\$1,200,000
<input type="checkbox"/> North County Community Library	\$120,000	\$1,200,000
<input type="checkbox"/> Pojoaque Valley Multipurpose Community Center	\$750,000	\$1,500,000
<input type="checkbox"/> Rancho Viejo Community Center	\$300,000	\$1,200,000
<input type="checkbox"/> Stanley Community Center/Fairgrounds	\$850,000	\$1,200,000
<input type="checkbox"/> Tesuque Community Center	\$120,000	\$1,200,000
subtotal:	\$4,520,000	\$14,700,000

**SANTA FE COUNTY ICIP - FY 2010 - 20014**

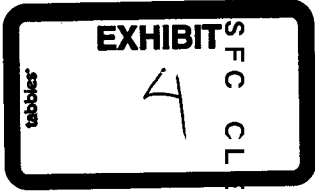
<b>PROJECT TYPE &amp; NAME</b>	<b>FY '10 Request</b>	<b>Project Total</b>
<b><u>Roads</u></b>		
Agua Fria Road - Phase II	\$500,000	\$3,000,000
Agua Fria Road - Phase III (sewer, water, drainage & paving)	\$3,000,000	\$5,000,000
Agua Fria Road - Roundabout	\$150,000	\$150,000
Agua Fria Road - Safety Improvements	\$150,000	\$300,000
Apache Plum Road - Traffic Calming Devices	\$75,000	\$75,000
Arroyo Alamo West - Grade Control Structure	\$75,000	\$75,000
Caja Del Rio Road	\$3,000,000	\$3,000,000
Camino Torcido Loop	\$250,000	\$250,000
County Road 12B	\$750,000	\$750,000
CR 42 - Paving and Drainage	\$3,000,000	\$3,000,000
CR 55A (General Goodwin Ranch Road) - Paving and Drainage	\$2,800,000	\$2,800,000
CR 56 - Drainage Improvements	\$50,000	\$50,000
CR 60 (Nine Mile Road) - Repaving	\$250,000	\$250,000
CR 67A (Canada Village Road) - Paving and Drainage	\$300,000	\$300,000
CR 84 Low Water Crossing Phase II	\$800,000	\$800,000
CR33 - Improvements	\$400,000	\$400,000
CR84D - Improvements	\$490,000	\$490,000
CR 88 A & 88 D - Install Gutters to Re-Direct Water Flow	\$150,000	\$150,000
CR 115 - Low Water Crossing	\$250,000	\$250,000
El Dorado Road Improvements	\$350,000	\$650,000
Eldorado Avenida Amistad Repaving	\$150,000	\$150,000
Eldorado Avenida Buena Ventura Drainage & Paving	\$70,000	\$70,000
Eldorado Balsa Road Chip Seal	\$100,000	\$100,000
Eldorado Verano Loop Reclaim & Chip Seal	\$200,000	\$200,000
Eldorado Avenida Vista Grande Paving	\$900,000	\$900,000
Eldorado Herrera Road Paving	\$570,000	\$570,000
Eldorado Encantado Road Chip Seal	\$220,000	\$220,000
Glorieta Estates Avenida Ponderosa Re-Chip Seal	\$75,000	\$75,000
Jacona Transfer Station	\$750,000	\$750,000
Jemez Road - Sealing	\$60,000	\$60,000
La Barbaria Road - Improvements	\$250,000	\$250,000
La Puebla Road Realignment Feasibility Study	\$75,000	\$75,000
La Tierra Subdivision - Paving and Drainage	\$50,000	\$50,000
Mutt-Nelson Road - Paving and Drainage	\$200,000	\$200,000
Paseo de Angel - Low Water Crossing	\$350,000	\$500,000
Pedestrian crossing at Nancy Rodriguez Community Center	\$75,000	\$75,000
Plaza de Santa Cruz/El Llano - Road Improvements	\$135,000	\$1,350,000
Rancho Viejo Blvd - Chip Seal	\$350,000	\$350,000
Rancho Viejo/ Widen Richards Avenue to Four Lanes	State project	
Rancho Viejo/ Construct Interchange at Richards & I-25	State project	
Rancho Viejo/ Construct Rail Runner Station at Richards & I-25	State project	
Rancho Viejo/Trail System Connectivity from College to Rodeo Road	\$350,000	\$350,000
Rancho Viejo/Construct Road Between A-Van-Nuu-Po to Hwy 14/59 private property		
Ravens Ridge Road Improvements/County Rd 67-G	\$200,000	\$200,000
San Marcos Transfer Station	\$750,000	\$750,000
Santa Fe County District 3 Road Improvements	\$1,000,000	\$13,000,000
South Meadows Road Extension	\$3,000,000	\$4,500,000
Valle Vista Subdivision - Mill and Overlay	\$500,000	\$500,000
subtotal:	\$27,170,000	\$46,985,000

## SANTA FE COUNTY ICIP - FY 2010 - 2014

PROJECT TYPE & NAME	FY '09 Request	Project Total
<b>Water/Wastewater</b>		
☐ Acequia Improvement Study - La Cienega	\$90,000	\$90,000
☐ Acequia Improvements - Pojoaque Valley	\$500,000	\$2,500,000
☐ Agua Fria Community Sewer System	\$200,000	\$200,000
☐ Agua Fria Sewer Line - Phase III - Lateral Connections	\$200,000	\$200,000
☐ Agua Fria Water System Improvements/Water Rights	\$1,000,000	\$3,000,000
☐ Aamodt Settlement Project	\$7,500,000	\$15,000,000
☐ Buckman Direct Diversion Project	\$30,000,000	\$210,000,000
☐ Canoncito MDWA - Water System Improvements	\$250,000	\$400,000
☐ Canoncito/EI Dorado Water Project	\$2,060,000	\$2,200,000
☐ County Water System Extension - Frontage Rd to CR 54 - La Cienega	\$800,000	\$2,000,000
☐ Cuatro Villa Water System Improvements	\$1,000,000	\$3,000,000
☐ Cuatro Villa Water & Sewer Lines Rough- In	\$750,000	\$750,000
☐ Galisteo Community Water System Improvements	\$50,000	\$50,000
☐ Glorieta Estates - Water System Improvements	\$450,000	\$975,000
☐ La Cienega MD Water System Improvements	\$400,000	\$400,000
☐ La Cienega Water & Waste Water Study of Water Depletion	\$150,000	\$450,000
☐ La Cienega Wastewater Treatment Facility	\$0	\$1,225,000
☐ La Cienega Wastewater Treatment Study	\$150,000	\$450,000
☐ Lopez Lane Sewer Project from Agua Fria to Airport Road	\$350,000	\$600,000
☐ Madrid Water System Upgrades	\$50,000	\$475,000
☐ Northern SF County Regional Water Project	\$3,000,000	\$7,800,000
☐ Pojoaque Valley Wastewater System	\$1,500,000	\$9,500,000
☐ SFC Water/Waste Water System Improvements for Adult Correctio	\$1,800,000	\$3,000,000
☐ Santa Fe County Media Park Water/Waste Water	\$1,000,000	\$1,000,000
☐ Santa Fe County Well Program	\$2,750,000	\$2,750,000
☐ Sombrillo/Arroyo Seco Waste Water System	\$4,500,000	\$4,500,000
☐ Santa Fe County Water System Improvements	\$850,000	\$85,000,000
☐ Southern SF County Regional Water System	\$3,000,000	\$7,200,000
☐ Upgrades to Valle Vista Water System	\$1,200,000	\$1,200,000
☐ Villa Vista Waste Water System	\$1,500,000	\$7,400,000
☐ Waterline Extension from CR 54 to CR 56 - La Cienega	\$762,000	\$762,000
subtotal:	\$67,812,000	\$374,077,000

## SANTA FE COUNTY ICIP - FY 2010-14

PROJECT TYPE & NAME	FY '09 Request	Project Total
<b>Parks and Trails</b>		
Agua Fria Community Center & Park	\$800,000	\$1,000,000
La Cienega Community Park and Trails	\$425,000	\$425,000
La Cienega Camino Real Trail Feasibility Study	\$25,000	\$25,000
La Cieneguilla Park Site and Recreational Equipment	\$100,000	\$100,000
La Junta del Alamo Trail	\$10,000	\$100,000
Galisteo Area Open Space Land Acquisitions	\$200,000	\$200,000
Madrid Ballpark	\$500,000	\$1,000,000
Old Santa Fe Trail-Bikeway Improvements	\$500,000	\$1,000,000
Pojoaque Valley Outdoor Recreation Area	\$250,000	\$475,000
Pojoaque Valley Trail Network	\$100,000	\$500,000
Richards Avenue Bike Trail	\$10,000	\$100,000
Santa Cruz River Recreational Areas	\$300,000	\$300,000
Santa Fe River Corridor	\$3,300,000	\$3,300,000
Santa Fe River Trail-Alire to 599	\$1,000,000	\$10,000,000
Trail/Walking Path-Paseo C de Baca - La Cienega	\$75,000	\$150,000
Walking Path-Entrada de La Cienega	\$100,000	\$100,000
subtotal:	\$7,695,000	\$18,775,000
<b>MISC. PROJECTS</b>		
Arroyo Seco Watershed Flood Control Study	\$75,000	\$75,000
Agua Fria Children's Zone	\$500,000	\$3,500,000
Agua Fria Utility Corridor Study	\$150,000	\$150,000
Cerrillos Restroom Facility	\$75,000	\$75,000
Chupadero Community Center Renovations	\$150,000	\$150,000
Eldorado Outdoor Theater	\$100,000	\$800,000
Eldorado (Ken & Patty Adams) Senior Center Expansion Design	\$60,000	\$60,000
Eldorado (Ken & Patty Adams) Senior Center Parking Area	\$350,000	\$350,000
Eldorado (Vista Grande) Library Addition	\$1,500,000	\$1,500,000
Eldorado Senior Center Passenger Van	\$30,000	\$30,000
Fencing at Agua Fria Park Maintenance Yard	\$10,000	\$10,000
Fencing for Illegal Dumping Mitigation - La Cienega	\$50,000	\$50,000
Fire Protection Area Feasibility Study - La Cienega	\$75,000	\$75,000
Galisteo Plaza	\$100,000	\$500,000
Health Care Van	\$250,000	\$250,000
Industrial Wood Chipper for Fire mitigation - Pojoaque	\$100,000	\$100,000
Kitchen Equipment for Chupadero, Chimayo & Santa Cruz Centers	\$35,000	\$35,000
Lamy Church Renovation	\$500,000	\$500,000
Nambe Community Center Renovations	\$1,000,000	\$1,000,000
Northern Rio Grande Sportsmen's Club - Training Facility	\$25,000	\$150,000
Pojoaque Valley Cultural Center/Farmer Market	\$250,000	\$675,000
Pojoaque Valley Traffic Study (impact of Buffalo Thunder Resort)	\$100,000	\$100,000
Rancho Viejo Recycling Center	\$50,000	\$500,000
Rancho Viejo Transfer Station	\$1,500,000	\$1,500,000
Regional Animal Control Facility	\$150,000	\$1,500,000
Santa Cruz Acequia Repairs	\$250,000	\$250,000
Zona del Sol Youth Center	\$1,500,000	\$1,500,000
subtotal:	\$8,935,000	\$15,385,000
<b>Total:</b>	<b>\$139,562,000</b>	<b>\$592,801,000</b>



**PROJECT PARTICIPATION AGREEMENT**

**THIS PROJECT PARTICIPATION AGREEMENT** ("the Agreement" or "this Agreement"), is made and entered into by and between the Board of County Commissioners of Santa Fe County, a political subdivision of the State of New Mexico (hereinafter referred to as "the County"), Bicycle Technologies International Ltd., a corporation organized and existing under the Laws of the State of New Mexico (hereinafter referred to as "the Qualifying Entity"), and MW Holdings LLC, a limited liability company organized and existing under the Laws of the State of New Mexico (hereinafter referred to as "the Owner").

**RECITALS**

**WHEREAS**, pursuant to the Local Economic Development Act, NMSA 1978, Sections 5-10-1 through 5-10-13 (1993)(as amended), the County enacted Santa Fe County Ordinance No. 1996-7 ("Ordinance No. 1996-7"), which provides for economic development projects within the County;

**WHEREAS**, the County is authorized under the Act to provide direct or indirect assistance to a qualifying entity in the form of, among other things, the purchase, lease, grant, construction, improvement of land, buildings or other infrastructure, public works improvements essential to the location or expansion of a qualifying entity;

**WHEREAS**, the New Mexico Legislature has or is in the process of appropriating funds to support local economic development projects within the County pursuant to the Act and Ordinance No. 1996-7;

**WHEREAS**, the Qualifying Entity, a bicycle parts and clothing distributor, supplies services to a specific industry or customer, has made application for assistance pursuant to the Act and the Ordinance, and is a "qualifying entity" under the Act and Ordinance No. 1996-7;

**WHEREAS**, the Owner has under contract property more particularly described on Exhibit A to this Agreement which it intends to lease to the Qualifying Entity for purposes of constructing thereon an economic development project;

**WHEREAS**, the County has reviewed and approved a business plan submitted by the Qualifying Entity which, among other things, provides a construction schedule, implementation plan, and a projection of jobs anticipated to be created in the County by the Project;

**WHEREAS**, the Board of County Commissioners has issued its Resolution No. 2008-126, which indicates the County's intent to issue Industrial Revenue Bonds to benefit the Project, which may include, in addition to a financing mechanism for the Project, other benefits to the Project including property tax and/or gross receipts tax relief;

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**WHEREAS**, the County has determined that it is in the best interest of the welfare of the citizens of Santa Fe County to provide assistance pursuant to the Act and Ordinance No. 1996-7, and to enter into this Agreement with the Qualifying Entity;

**WHEREAS**, Section 5-10-10(B) of the Act provides that, in order to receive assistance with an economic development project, a Qualifying Entity shall be required to provide a substantive contribution, which shall be of value and may be paid in money, in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy; and in Section 5-10-10(C), requires that a Qualifying Entity and local government providing assistance under the Act enter into an agreement providing, at a minimum, (1) the contributions to be made by the Qualifying Entity and the County; (2) the security provided to the County by the Qualifying Entity in the form of a lien, mortgage or other indenture and the pledge of the Qualifying Entity's financial or material participation and cooperation to guarantee its performance pursuant to this Agreement; (3) a schedule for LEDA Project development and completion, including measurable goals and time limits for those goals; and (4) provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory;

**WHEREAS**, as provided in this Agreement, the parties intend that this Agreement will specify the contributions made by the Qualifying Entity and the County, the security provided to the County by the Qualifying Entity and the Owner to secure performance of the Qualifying Entity pursuant to this Agreement, provide a schedule for project development and completion, and provide provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory, all pursuant to the Act; and

**WHEREAS**, the parties desire to enter into this Agreement and agree that the Agreement will be approved by Ordinance of the Board of County Commissioners, pursuant to the Act.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants and conditions hereinafter set forth, the parties agree as follows:

**1. DEFINITIONS.** As used in this Agreement and any exhibits annexed hereto, unless the context otherwise requires or is otherwise herein expressly provided, the following terms shall have the following meanings.

1.1 "Above Minimum Wage" or "Minimum Wage" means the minimum "living wage" then in effect in the City of Santa Fe, New Mexico pursuant to the City's Living Wage Ordinance, No. 28-1, Section 28-1.12, Santa Fe City Code 1987, as amended.

1.2 "Act" shall refer to the Local Economic Development Act, NMSA 1978, Sections 5-10-1 through 5-10-13 (1993)(as amended)

1.3 "Agreement" or "this Agreement" refers to this Projection Participation Agreement.

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1.4 "Economic Development Goals" mean those goals set forth in Section 2 of this Agreement;

1.5 "Effective Date": The date that this Agreement is signed by the last of the County or the Qualifying Entity and the Owner.

1.6 "Obligations" means those obligations and duties of the Qualifying Entity and the Owner under this Agreement and the LEDA Parcel Mortgage;

1.7 "Owner" means the owner of the property upon which the economic development Project will be located, in this case MW Holdings LLC. The "Owner" is not the Qualifying Entity.

1.8 "Party" or "the Parties" shall refer to the signatories of this Agreement.

1.9 "Person" shall mean an individual, a corporation, an association, a joint venture, a partnership, a limited liability company, an organization, a business, an individual, a trust or a government or political subdivision thereof or any government agency or any other legal entity.

1.10 "Project" or "LEDA Project" shall refer to the construction of a 64,500 square foot distribution, warehouse and office facility located on approximately 492,665 square feet of land to be used for the distribution of bicycle parts and accessories.

1.11 "Property" shall refer to the property subject to this Agreement, located within the County of Santa Fe and described on Exhibit A.

1.12 "Qualifying Entity" shall refer to a person who has made application pursuant to Santa Fe County Ordinance No. 1996-7 for an economic development project, and whose application has been accepted. Bicycle Technologies International Ltd., a corporation organized and existing under the Laws of the State of New Mexico, is the Qualifying Entity for purposes of this Agreement.

1.13 "Term" shall mean the period from the Closing Date until the Qualifying Entity and the Owner have performed the Obligations or release of the LEDA Parcel Mortgage has been secured in accordance with the terms of this Agreement.

**2. ECONOMIC DEVELOPMENT GOALS OF THE PROJECT;  
CONTRIBUTIONS OF THE QUALIFYING ENTITY**

2.1 The Qualifying Entity will encourage local economic development through construction and operation of a new facility for the distribution of bicycle parts and accessories on the Property, and in the growth and expansion of the economy within the County by recruiting labor for the Project from within the County.

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2.2 The Qualifying Entity will encourage local economic development by constructing on the Property a 64,500 square foot distribution, warehouse and office facility. From the proposed facility, bicycle parts and accessories will arrive and be shipped by common carrier.

2.3 The Qualifying Entity will directly or indirectly provide 83,200 hours of Above-Minimum Wage jobs in connection with the Project within five (5) years after the Effective Date. Such jobs may be located at the Property or elsewhere within the County. The Qualifying Entity shall begin creating jobs as soon as is practicably possible after the Effective Date. Notwithstanding the time periods set forth in this Section, if construction of the Project is delayed and the time for completion is extended as provided in Subsection 6.2 of this Agreement, the period during which jobs are to be created shall be extended by the amount of additional time provided for completion of construction.

2.4 The Qualifying Entity or, as appropriate, the Owner, as its contribution to the Project, shall pay all costs of constructing all buildings and appurtenances and infrastructure in, on, or under the Property, less the contributions made by the County and described in Section 3. below.

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**3. CONTRIBUTIONS OF THE COUNTY TO THE PROJECT**

3.1 The County shall provide the Qualifying Entity with a contribution of up to \$500,000 to assist the Qualifying Entity to provide the Economic Development Goals set forth in this Section, so long as funds are available for this purpose from a grant of the State of New Mexico, Economic Development Department. If funds are not available as described, the County shall have no obligations pursuant to this paragraph.

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3.2 The County may, as an additional contribution to the Qualifying Entity, provide appropriate financing of public infrastructure through an Industrial Revenue Bond.

**4. PERFORMANCE REVIEW.**

4.1 The Qualifying Entity shall provide annual reports to the County concerning its performance of the Economic Development Goals and the other obligations described in Section 2, herein. To verify the number of hours of Above-Minimum Wage Jobs created by the Qualifying Entity, the Qualifying Entity will, as a part of its annual reporting, provide detailed reports on this topic.

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4.2 The first report shall be provided within fifteen calendar days after the end of the first year following the Effective Date of this Agreement, and shall cover the year following the Effective Date.

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4.3 Upon receipt of the annual report, the County Manager and County staff shall conduct a review of the Project. The review shall determine whether the Project is in compliance with this Agreement and is substantially achieving the goals and objectives herein.

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4.4 The County's annual review shall determine whether the Qualifying Entity has substantially achieved the job creation goals as specified in subsection 2.3 herein. The annual review shall consider both direct and indirect job creation. If, in the opinion of the County, the job creation goals are not met, the annual review shall determine whether the actual job creation nevertheless achieves a positive benefit-cost ratio, and shall make conclusions and appropriate recommendations.

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**5. SECURITY**

The obligations of the Qualifying Entity to meet its Economic Development Goals set forth in Section 2 of this Agreement, and the other covenants and agreements set forth herein, shall be secured by delivery of a mortgage in substantially the form attached hereto as Exhibit B (the "LEDA Parcel Mortgage") to be recorded against the Property.

**6. SCHEDULE FOR PROJECT DEVELOPMENT**

6.1 The Project shall commence no later than twelve months after the Effective Date and shall be completed no later than twenty-four months after the Effective Date.

Comment [A1]: Section 6.1 and 6.2 may not be consistent. Section 6.2 states that the project completion period is 24 months. BTI plans to have the project completed within 24 months.

6.2 In the event that the development or construction of the Project is delayed by appeals of governmental actions such as issuance of a building permit, approval of a development plan or subdivision plat or similar approvals/actions, or by reason of strikes, inability to procure materials, riot, insurrection, war or other matters which are beyond the reasonable control of the Qualifying Party or the Owner, then the performance of the construction and completion of the Project shall be excused for the period of the resulting delay, and the twenty-four month period for the completion of the Project shall be extended for a period equivalent to the period of the delay.

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6.3 The maximum extension permitted pursuant to the previous paragraph shall not exceed two (2) years.

**7. RELEASE OF LEDA PARCEL MORTGAGE**

7.1 Upon the satisfaction of the Economic Development Goals at the times and in the manner required by this Agreement, Ordinance No. 1997-06, and the Act, the LEDA Parcel Mortgage shall be released by the County. In such event, the Qualifying Entity and/or the Owner shall transmit a letter to the County by overnight courier in accordance with the provisions of Section 11 stating that it has satisfied the Economic Development Goals and is requesting a full release of the LEDA Parcel Mortgage.

7.2 The County shall have forty-five (45) days from receipt of the request for the Full Release to verify that the Economic Development Goals have been satisfied in compliance with this Agreement, Ordinance No. 1997-6, and the Act. Upon verification, the County shall execute and deliver to the Qualifying Entity and the Owner via overnight courier an executed Full

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Release. Upon recording the Full Release, the Qualifying Entity and the Owner shall immediately transmit to the County a conformed copy of the recorded Full Release. All such transmittals shall be made in accordance with Section 11 herein. In the event that the County determines that the Economic Development Goals have not been fully satisfied, the County shall not execute and deliver the Full Release, but may execute a partial release corresponding to the partial satisfaction of the Economic Development Goals.

7.3 During the Term of this Agreement, the Qualifying Entity and/or the Owner may request a full or partial release of the Parcel from the LEDA Parcel Mortgage by substituting collateral as provided herein. The Qualifying Party and/or the Owner may secure a full release of the LEDA Parcel from the LEDA Parcel Mortgage by delivering to the County one or more letters of credit (each a "Letter of Credit") in the amount of the public funding contributed by the State and/or the County for the Project during the term of this Agreement, the sum of which amounts shall be adjusted to reflect the extent to which the Economic Development Goals have been performed at the time the release of the LEDA Parcel Mortgage is requested. For illustration purposes, if 50% of the hours required to be provided pursuant to the Economic Development Goals have been documented at the time that the release of the LEDA Parcel Mortgage is requested, the Letter(s) of Credit shall, in the aggregate, secure 50% of the sum of the amounts calculated. The Letter(s) of Credit shall be issued by a provider and in a form that the County, in its sole discretion, finds acceptable and shall not contain any conditions on draws under such Letter(s) of Credit that are unacceptable to the parties hereto. Each Letter of Credit provided to the County pursuant to this Agreement shall have an initial expiration date of not less than one (1) year and with automatic renewals of one (1) year periods unless the issuing lender gives ninety (90) days advance written notice of non-renewal to the County. In the event that a notice of non-renewal is given, and if the Qualifying Party and/or the Owner do not provide an commitment for a replacement Letter of Credit acceptable to the County on the terms set forth herein at least thirty (30) days prior to the expiration of the then existing Letter of Credit, the County shall be entitled to draw upon the Letter of Credit at any time prior to its expiration without further notice.

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7.4 In the event that either the Qualifying Party or the Owner (or both) desires to substitute collateral, it shall transmit a letter to the County by overnight courier in accordance with the provisions of Section 11 herein requesting a full release or partial release of the LEDA Parcel Mortgage.

7.5 The County shall have forty-five (45) days from receipt of a request for a full release to review the submittals, object thereto, or to approve the same and execute and deliver to the Qualifying Party and/or the Owner via overnight courier a full release. Upon recording the full release, the Qualifying Party and/or the Owner shall immediately transmit to the County a conformed copy. All such transmittals shall be made in accordance with Section 11 below.

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7.6 The County shall have ten (10) business days from actual receipt, by the County Attorney, of a request for a partial release of the LEDA Parcel Mortgage to make specific written objection to (1) the issuer or form of the Letter of Credit, or (2) the calculation of the amount of the Letter of Credit derived therefrom. Any such objection shall specify the manner in which the

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objection can be remedied and shall be transmitted by written notice in accordance with this Agreement. If no objection is made within the time and in the manner allowed, the County shall execute the Partial Release and record the Partial Release in the records of Santa Fe County, New Mexico.

**8. TAXES**

The Qualifying Party and/or the Owner shall pay all ad valorem taxes, assessments, charges, fines, and other impositions attributable to the Property when due and before delinquent. At the County's request, the Qualifying Party and/or the Owner shall furnish proof of such payments. In the event the Qualifying Party and/or the Owner fails to so pay and discharge any such taxes, the County may elect to pay in lieu of the Qualifying Party and/or the Owner, with such payments to be charged immediately and without further notice to the Qualifying Party and/or the Owner as amounts due under the LEDA Parcel Mortgage and to accrue interest at the rate of eight percent (8%) per year. Any failure to immediately repay such payments made by the County, upon written notice and demand, shall be deemed a material default of this Agreement and the LEDA Parcel Mortgage. The Owner may delegate the payment of taxes and notices to the Qualifying Party under the Lease.

It is understood between the parties that property tax relief may be provided in connection with the issuance of Industrial Revenue Bonds by the Board of County Commissioners to benefit the project.

**9. DEFAULT**

The occurrence of any one or more of the following events or omissions shall constitute an event of default under the LEDA Parcel Mortgage:

(a) the Qualifying Party fails to fulfill the Economic Development Goals and the other obligations described in Section 2 of this Agreement.

**10. REMEDIES FOR DEFAULT**

In the event the Qualifying Entity fails to fulfill the Economic Development Goals and the other obligations set forth in Section 2 of this Agreement, it shall be in default hereunder. In the event of such default, the Qualifying Entity shall reimburse all amounts contributed by the County or the State in support of the Project pursuant to the Act, adjusted to reflect the extent to which the economic development goals have been performed at the time the partial release of the LEDA Parcel Mortgage is requested (e.g. if 50% of the hourly requirements required as economic development goals are satisfied, the Qualifying Entity shall be obligated to reimburse 50% of the aggregate amount of public funding contributed by the County and the State). The Qualifying Entity shall reimburse the County and State according to the respective contributions by each within ninety (90) days after notice of such default is given. In the event the Qualifying Entity fails to make such payment on a timely basis, the County may pursue its rights under the LEDA Parcel Mortgage securing, among other things, performance of this Agreement.

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11. NOTICES.

All notices, requests, demands and other communications given, or required to be given, hereunder shall be in writing and shall be given (a) by personal delivery with a receipted copy of such delivery, (b) by certified or registered United States mail, return receipt requested, postage prepaid, or (c) by facsimile transmission with an original mailed by first class mail, postage prepaid, to the following addresses:

To the County: Santa Fe County, New Mexico  
Attn: Stephen C. Ross, County Attorney  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276  
Telephone: (505) 986-6279  
Facsimile: (505) 986-6362

With a copy to:

Roman Abeyta, County Manager  
102 Grant Avenue  
P.O. Box 276  
Santa Fe, New Mexico 87504-0276  
Telephone: (505) 986-6279  
Facsimile: (505) 986-6362

To the Owner: MW Holdings LLC  
Attn: Andrew Wright, President  
1216 Mercantile Road  
Santa Fe, New Mexico 87507  
(800) 558-8324  
bti-usa.com  
awright@bti-usa.com

To the Qualifying Entity: Bicycle Technologies International, Ltd.  
Attn: Andrew Wright, President  
1216 Mercantile Road  
Santa Fe, New Mexico 87507  
(800) 558-8324  
bti-usa.com  
awright@bti-usa.com

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Telephone: 505. ¶  
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Any such notice sent by registered or certified mail, return receipt requested, shall be deemed to have been duly given and received seventy-two (72) hours after the same is so addressed and mailed with postage prepaid. Notice sent by recognized overnight delivery service shall be effective only upon actual receipt thereof at the office of the addressee set forth above, and any such notice delivered at a time outside of normal business hours shall be deemed effective at the opening of business on the next day. Notice sent by facsimile shall be effective only upon actual receipt of the original unless written confirmation is sent by the recipient of the facsimile stating that the notice has been received, in which case the notice shall be deemed effective as of the date specified in the confirmation. Any party may change its address for purposes of this Section 10 by giving notice to the other party as set forth in this Section. Delivery of any copies as provided herein shall not constitute delivery of notice hereunder.

**12. TRANSFER TO THE QUALIFYING ENTITY**

Transfer or conveyance of all or a portion of the Property to the Qualifying Entity by the Owner shall not be default under the terms of this Agreement or the LEDA Parcel Mortgage, and no payment or partial release shall be required as between the County, the Qualifying Entity or the Owner with respect to such transfer or conveyance; provided, however, that such a transfer shall not operate to relieve the Qualifying Entity or the Owner of its obligations under this Agreement or the LEDA Parcel Mortgage.

**13. REPRESENTATIONS**

The Parties make the following representations relative to this Agreement:

13.1 Each party is duly authorized under law to enter into and perform this Agreement and to make the representations and warranties contained in this Agreement and any related documents that they may sign.

13.2 No party has knowledge of any existing violations of applicable law or any pending or threatened litigation that would challenge or effect their ability or authority to perform under this Agreement.

13.3 The Qualifying Entity (i) is duly formed and validly existing; (ii) is fully qualified to do business in the states where it is doing business; (iii) has the power, authority and legal right to carry on the business conducted by it and to engage in the transactions contemplated by this Agreement. The execution and delivery by the Qualifying Entity of this Agreement and the LEDA Parcel Mortgage have all been authorized by all necessary actions of its directors, as applicable.

13.4 The Owner (i) is duly formed and validly existing; (ii) is fully qualified to do business in the states where it is doing business; (iii) has the power, authority and legal right to carry on the business conducted by it and to engage in the transactions contemplated by this Agreement. The execution and delivery by the Owner of this Agreement and the LEDA Parcel Mortgage have all been authorized by all necessary actions of its directors, as applicable.

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**14. THIRD PARTIES NOT BENEFITED**

This Agreement is made and entered into for the sole protection and benefit of the Owner, the Qualifying Entity, and the County and their respective permitted successors and assigns. All obligations of the Owner, the Qualifying Entity, and the County hereunder are imposed solely and exclusively for the benefit of the Owner, the Qualifying Entity and the County, and no other Person shall have standing to enforce on behalf of either of said Parties, the other Party's obligations.

**15. NO AGENCY**

The County is not the agent or representative of the Owner or the Qualifying Entity, and the Owner and the Qualifying Entity are not the agents or representatives of the County. Nothing in this Agreement shall be construed to make the County liable to anyone for goods delivered to or labor or services performed upon the LEDA Parcel or for debts or claims accruing against the Owner or the Qualifying Party. Nothing herein shall be construed to create a relationship *ex contractu* or *ex delicto* between the County and anyone supplying labor or materials or services for or to the Owner or the Qualifying Party.

**16. NO PARTNERSHIP OR JOINT VENTURE**

Nothing herein or the acts of the parties hereto shall be construed to create a partnership or joint venture between the Owner or the Qualifying Entity and the County.

**17. EXECUTION IN COUNTERPARTS**

This Agreement may be executed in one or more identical counterparts which, when assembled together, shall constitute one agreement which shall be binding on all of the Parties, their successors and assigns.

**18. GOVERNING LAW; ADMINISTRATIVE REMEDY; VENUE**

This Agreement is subject to, and shall be interpreted in accordance with, the Laws of the State of New Mexico, without giving effect to its choice of law provisions. Venue for any litigation that might arise in connection with this Agreement shall be in Santa Fe County in the District Court for the First Judicial District.

**19. ENTIRE AGREEMENT, MERGER, AMENDMENT, AND WAIVER**

This Agreement, the LEDA Parcel Mortgage and the application submitted by the Qualifying Party pursuant to Ordinance No. 1996-7, contain all of the agreements of the parties hereto with respect to the matters contained herein and all prior or contemporaneous agreements or understandings, oral or written, pertaining to any such matters are merged herein and shall not be effective for any purpose. No provision of this Agreement may be amended or added to

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except by an agreement in writing signed by the parties hereto or their respective successors in interest and expressly stating that it is an amendment of this Agreement. Failure of either party at any time or times to require performance of any of the provisions of this Agreement shall in no way affect its right to enforce the same, and a waiver by either party of any breach of any of the provisions of this Agreement shall not be construed to be a waiver by such party of any prior or succeeding breach of such provision or a waiver by such party of any breach of any other provision.

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**20. INTERPRETATION**

The headings of this Agreement are for purposes of reference only and shall not limit or define the meaning of the provisions of this Agreement. This Agreement has been negotiated at arm's length and between persons (or their representatives) sophisticated and knowledgeable in the matters dealt with herein. Accordingly, any rule of law or legal decision that requires interpretation of any ambiguities contained herein against the party that has drafted it is not applicable and is waived. The provisions of this Agreement shall be interpreted in a reasonable manner to affect the purpose of the parties and this document.

**21. CALCULATION OF TIME**

All time periods referenced in this Agreement shall be calculated as provided in Section 12-2A-7 NMSA 1978.

**22. EXHIBITS**

All exhibits attached hereto and referred to herein are incorporated in this Agreement as though fully set forth herein.

**23. SEVERABILITY**

Nothing contained herein shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provision contained herein and any present or future statute, law, ordinance or regulation contrary to which the parties have no legal right to contract, the latter shall prevail but the provision hereof which is affected shall be curtailed and limited only to the extent necessary to bring it within the requirements of the law and all other provisions hereof shall remain in full force and effect.

**24. BINDING EFFECT**

This Agreement shall be binding upon the parties hereto and their respective heirs, successors or representatives; provided that this Agreement may not be assigned by either party without the prior express written consent of the other party.

**25. TERM**

This Agreement shall remain in force from the Effective Date until it is performed in full. In the event the Qualifying Entity performs or exceeds the required performance levels contained in this Agreement, the County may, in its sole discretion, elect to release the Qualifying Entity.

**26. STATUS OF QUALIFYING ENTITY AND OWNER**

The Qualifying Entity, the Owner, and their agents and employees, are not employees of the County. The Qualifying Entity, the Owner, and their agents and employee shall not accrue

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leave, retirement, insurance, bonding, use of County vehicles, or any other benefits afforded to employees of the County as a result of this Agreement.

## 27. ASSIGNMENT

Neither the Qualifying Entity nor the Owner shall not assign or transfer any interest in this Participation Agreement or assign any claims for money due or to become due under this Participation Agreement without the prior written approval of the County.

## 28. INDEMNITY, INSURANCE

28.1 It is expressly understood and agreed by and among the Qualifying Entity, the Owner and the County, that the Qualifying Entity and the Owner shall defend, indemnify and hold harmless the County for all losses, damages, claims or judgments on account of any suit, judgment, execution, claims actions or demands whatsoever resulting from the actions or inaction of the Qualifying Entity or Owner as a result of this Agreement.

28.2 The Qualifying Entity and the Owner shall maintain adequate insurance as set forth in this paragraph and shall name the County as an additional insured on any such insurance policy. The Qualifying Entity and the Owner shall procure and maintain in force at all times during its performance of its obligations under this Agreement a commercial general liability insurance policy with per claim and aggregate policy limits of not less than \$1,000,000. The Qualifying Entity and the Owner shall provide proof of such insurance coverage to the County, including copies of policies.

**Deleted:** The policy shall include an automobile liability insurance (owned, non-owned and hired vehicles) policy with policy limits of not less than \$500,000 per occurrence (bodily injury, property damage and medical payments).

## 29. RECORDS AND AUDITS

The Qualifying Entity shall maintain detailed employment and work force development efforts records. Upon thirty (30) days advanced written notice provided by the County to the Qualifying Entity, these records shall be subject to inspection by the County.

## 30. APPROPRIATIONS

30.1 This Agreement is contingent upon sufficient appropriations and authorizations being made for performance of this Agreement by the Board of County Commissioners of the County and/or, if state funds are involved, the Legislature of the State of New Mexico. If sufficient appropriations and authorizations are not made in this or future fiscal years, the County shall give notice thereof to the Qualifying Entity and the Owner. Each shall have fifteen (15) days after such notice to give notice whether the Qualifying Entity or Owner will waive the requirement for the anticipated \$500,000 State appropriation for the Project and construct the Project without such grant(s), or to terminate this Agreement. Such termination shall be without penalty to the County, and the County shall have no duty to reimburse the Qualifying Entity or the Owner for expenditures made in the performance of this Agreement. The County is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for expenditure by the County. The County's decision as to

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whether sufficient appropriations and authorizations have been made for the fulfillment of this Agreement shall be final and not subject to challenge by the Qualifying Entity or Owner in any way or forum, including a lawsuit.

30.2 Subject to the right of waiver in Subsection 30.1, above, for purposes of grants and other aid provided by the State of New Mexico, the terms of this Agreement are contingent upon the funds for such grant being made by the Legislature of the State of New Mexico and any such grant being delivered to the County and authorization being made by the County for the use of such grant to support the Project specified in this Agreement. If sufficient appropriations for such grant are not made to the County, this Agreement shall terminate upon written notice being given by the County to the Qualifying Entity and the Owner.

**31. RELEASE**

Upon satisfaction of the County's obligations pursuant to this Agreement, the Qualifying Entity and the Owner shall release the County, its Elected Officials, employees, agents, insurers and attorneys, from and against all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Qualifying Entity and the Owner agree not to purport to bind the County to any obligations not assumed herein, except those that are assumed under the Sublease by the County, unless the Qualifying Entity or Owner has express written authority to do so, and then only within the strict limits of that authority.

**32. CONFLICT OF INTEREST**

The Qualifying Entity and the Owner warrant that neither have an interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement.

**33. HEADINGS AND CONSTRUCTION**

The headings of this Agreement are for purposes of reference only and shall not limit or define the meaning of the provisions of this Agreement. This Agreement has been negotiated at arm's length and between persons (or their representatives) sophisticated and knowledgeable in the matters dealt with herein, and represented by counsel. Accordingly, any rule of law or legal decision that requires interpretation of any ambiguities contained herein against the party that has drafted it is not applicable and is waived. The provisions of this Agreement shall be interpreted in a reasonable manner to affect the purpose of the parties and this document.

**34. FURTHER DOCUMENTS**

Each of the parties hereto shall, on and after the Closing Date, execute and deliver any and all additional papers, documents, instructions, assignments and other instruments, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder and to carry out the intent of the parties hereto.

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**THE COUNTY:**

**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY**

By: Paul Campos, Chair Date

**ATTEST:**

Valerie Espinoza, County Clerk Date

**APPROVED AS TO FORM:**

Stephen C. Ross Date  
Santa Fe County Attorney

( Deleted: August \_\_\_\_\_ )

**THE QUALIFYING ENTITY**

**Bicycle Technologies International Ltd.**

By: Andrew Wright, President Date

**ATTEST:**

Secretary Date

Employer ID Number:

County of Santa Fe Business ID Number:

( Deleted: August \_\_\_\_ )

**THE OWNER**

**MW HOLDINGS LLC**

By:  
Andrew Wright, President

**ATTEST:**

Secretary

Date

Employer ID Number:

County of Santa Fe Business ID Number:

Deleted: August \_\_\_\_\_

**EXHIBIT LIST**

**Exhibit A: Legal Description, Survey, the Property**

**Exhibit B: Form of LEDA Mortgage**

**Deleted:** Release of  
**Deleted:** - LEDA Parcel  
**Exhibit C:**  
**Deleted:** Partial Release of  
Mortgage - LEDA Parcel

**Deleted:** August \_\_\_\_

**EXHIBIT A**

**Legal Description of Property**

Tract LE – D2 Within the La Entrada Subdivision, Phase 1, Recorded in the Office of the County Clerk, Plat Book 685, Pages 30-31.

**Deleted: August** \_\_\_\_\_ )



**EXHIBIT B**

**Form of LEDA Parcel Mortgage**

MW HOLDINGS LLC, a New Mexico limited liability company (hereinafter referred to as "the Owner" or "the Mortgagor") for good and valuable consideration, grants to Santa Fe County, New Mexico, a political subdivision of the State of New Mexico (hereinafter referred to as "the County") whose address is: The County of Santa Fe, Attention: County Manager and County Attorney, 102 Grant Avenue, P.O. Box 276, Santa Fe, New Mexico 87504-0276, the following described land in Santa Fe County, New Mexico (the "Mortgaged Premises"), with mortgage covenants:

Tract LE – D2 Within the La Entrada Subdivision, Phase 1, Recorded in the Office of the County Clerk, Plat Book 685. Pages 30-31.

**Deleted:** - Insert legal Description of Property -¶  
¶  
Said parcel contains \_\_\_\_ acres, more or less.

1. **Obligations Secured.** This Mortgage secures the performance of the obligations of Mortgagor to provide the defined economic development goals of the Project as specified in Section 2 of the Project Participation Agreement (entered into by the County, Mortgagor and the Qualifying Entity on or about September 9, 2008 ("the PPA")) and to perform the goals of the Project Participation Agreement generally, and is upon the statutory mortgage condition for the breach of which it is subject to foreclosure as provided by law. The terms and conditions of the Agreement are incorporated herein by this reference.

**Deleted:** perform under (i)

**Deleted:** entered into by the County, Mortgagor and the Qualifying Entity on \_\_\_\_\_, 2008 ("the PPA"), and (ii) and that certain Project Participation Agreement of the same date between the County and Mortgagor (hereinafter referred to as "the **Deleted:** Agreement"),

2. **Default.** This Mortgage is upon the following conditions, the occurrence or breach of any one or more of the following shall be deemed a default hereunder and shall subject this Mortgage to foreclosure as provided by law:

**Deleted:** August \_\_\_\_

(a) in the event a default by Mortgagor occurs under the Agreement and the County and the State of New Mexico are not reimbursed in the amount and at the time provided in Section 10 of the Agreement.

{ Deleted: <#> }

Deleted: , and such default is not timely cured; or  
&#167;  
<#> . in the event of a default under this Mortgage.

3. Waiver. No waiver of any obligation hereunder or of any obligation secured hereby shall at any time hereafter be held to be a waiver of the terms hereof or of the Agreement secured hereby. No waiver shall be implied or inferred from the acts of the County, all such waivers to be in writing signed by the County.

4. Captions. The captions and paragraph headings of this Mortgage are not necessarily descriptive, or intended or represented to be descriptive of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Mortgage.

5. Numbers and Genders. Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular and the use of any gender shall include all genders.

6. Survival. The provisions of this Mortgage shall not be merged, extinguished or superseded by the execution or delivery of any document required hereunder including any conveyance or assignment; provided, however, that upon the delivery of a release or partial release of this Mortgage by the County to the Mortgagor, the terms and conditions of this Mortgage shall terminate as to the Mortgaged Premises or portion thereof so released, and the Mortgaged Premises or portion thereof, as the case may be, shall be released and discharged from the effect hereof.

7. Severability. If any provision of this Mortgage, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Mortgage, or the application of such provisions to persons or circumstances other than

{ Deleted: August \_\_\_\_ }

those to which it is held invalid, shall not be affected thereby.

8. Applicable Law and Venue. This Mortgage shall, in all respects, be governed by and construed according to the laws of the State of New Mexico. Venue shall be proper in the First Judicial District Court of the State of New Mexico.

9. Modification. Any modification of this Mortgage must be made in writing and must be executed by the parties.

10. Binding Effect. This Mortgage shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

11. Entire Mortgage. This Mortgage constitutes the entire mortgage agreement between the parties and any other prior agreements between the parties, written or oral, are merged herein.

Witness its hand and seal this \_\_\_\_\_ day of September 2008.

{ Deleted: }

**MW HOLDINGS LLC**

By:

Andrew Wright, President

{ Deleted: August \_\_\_\_ }

**ACKNOWLEDGMENT**

STATE OF NEW MEXICO

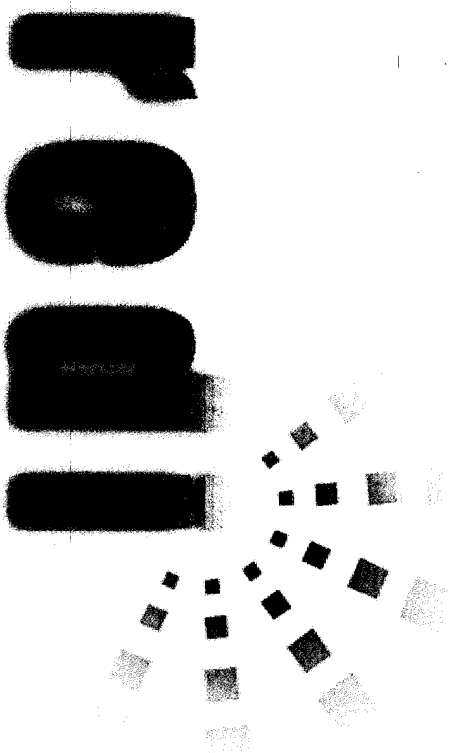
COUNTY OF SANTA FE

This instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2008 by Andrew Wright, President, of MW Holdings LLC, a New Mexico limited liability company.

Notary Public

My Commission Expires:

{ Deleted: August \_\_\_\_ }



# Northern NM Regional Economic Development Initiative

Presentation to the Santa Fe County Commission, September 9, 2008



REGIONAL  
DEVELOPMENT  
CORPORATION

2209 Miguel Chavez Road, Suite C, Santa Fe, NM 87505, 505-820-1226, [www.rdcnm.org](http://www.rdcnm.org)

# Background

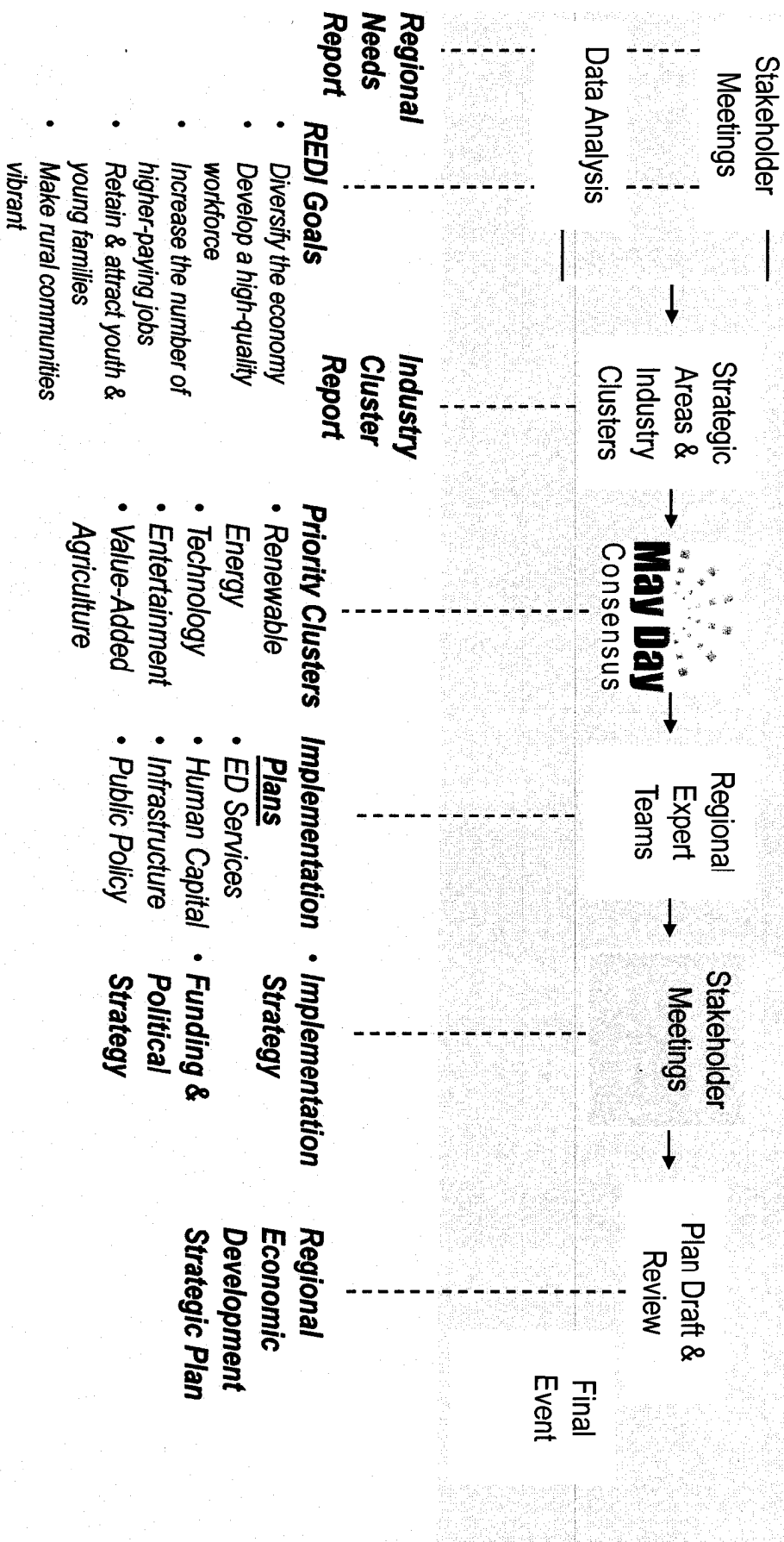
- Los Alamos County began its *Progress through Partnering* initiatives in 2007, as a result of increased GRT from the change in LANL contractor status.
- Los Alamos County signed cooperative agreements with local governments in the four-county region of Santa Fe, Los Alamos, Rio Arriba and Taos counties.
- The *Regional Economic Development Strategic Plan* is one of the *Progress through Partnering* projects.

# Background

- RDC was selected as the primary contractor for the *Regional Economic Strategic Plan* in October 2007.
- NCNMEDD is primary subcontractor to the RDC.
- Planning horizons are 1-5 years, 6-10 years and 11-25 years.
- Purpose is to identify and begin implementation of economic development projects for the region.

# REDI PROCESS

Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov





# Economic Development Assumptions

## 1. Economic Base Jobs

Local businesses that are dependent upon external factors *grow* the economy. Example: Firms that sell goods or services out of state.

Local-serving businesses are limited by the size of the local market. Example: Local grocery stores, drycleaners, restaurants, and drug stores.

## 2. Higher-Wage Jobs

# Implementation Strategy Background

## 1. Regional Projects

- Regional Capital Improvements
- Regional Policy Agenda
- Annual State of the Region Conference
- Ongoing Education

### Benefits:

- By seeking more funding for fewer projects, high-priority projects are completed earlier.
- Economies of scale reduce costs for each jurisdiction.

## Regional Projects Include:

- Regional Broadband with SF County Media District as Phase I
- Regional Workforce Assessment
- North Central Regional Transit District
- Santa Fe Community College Sustainable Technologies Center
- Santa Fe County Regional Water Project
- Buckman Direct Diversion Regional Project
- Several highway projects in Santa Fe County

# Implementation Strategy Background

## 2. Regional ED Services

- Business Retention, Expansion & Attraction
- Regional On-Line Database
- Regional Marketing

### Benefits:

- Would complement existing ED services.
- Demonstrate a combined labor force.
- Capitalize on combined regional assets.

# Implementation Strategy Background

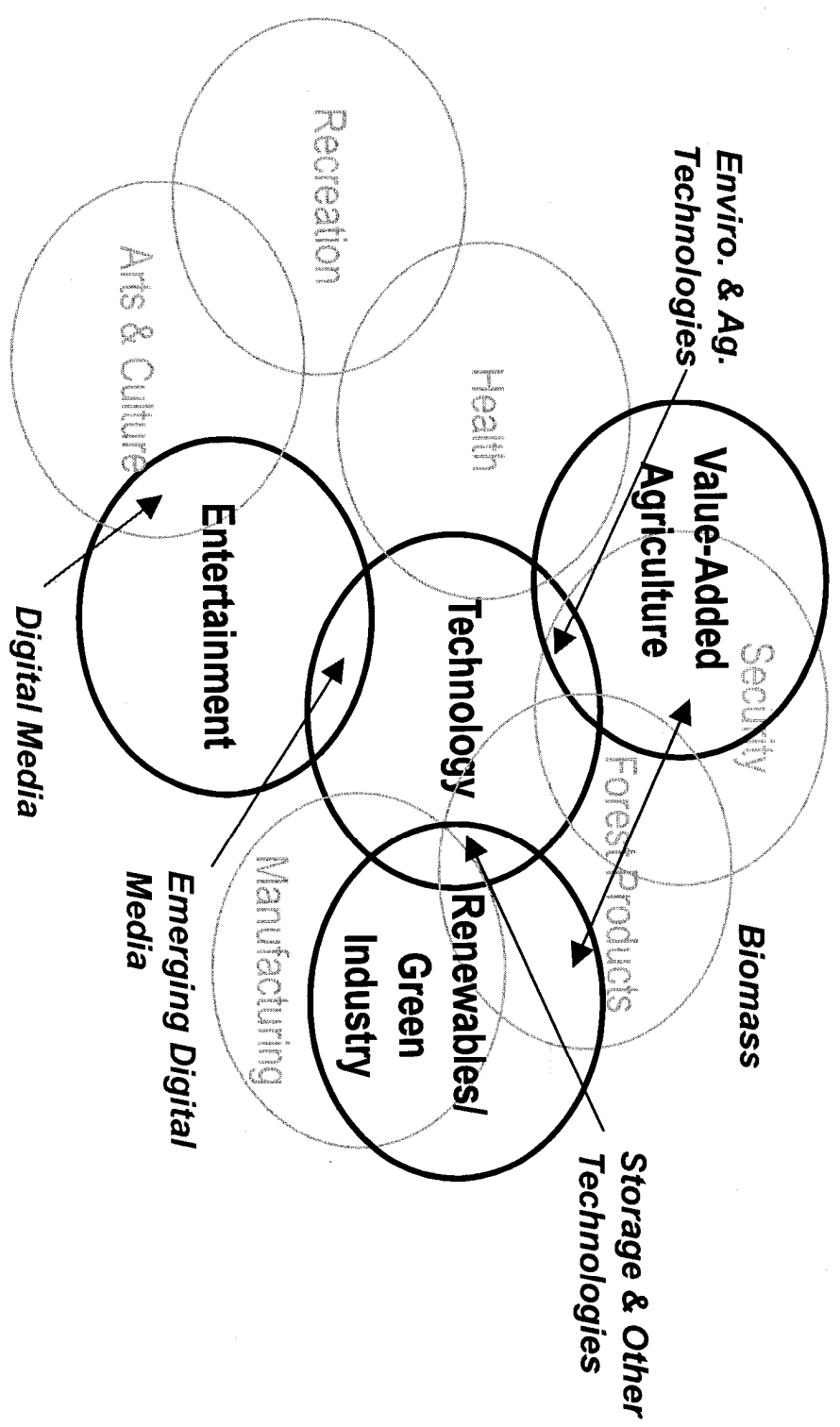
## 3. Industry Clusters

- Renewable Energy and Green Industry
- Technology
- Entertainment
- Value-Added Agriculture

### **Benefits:**

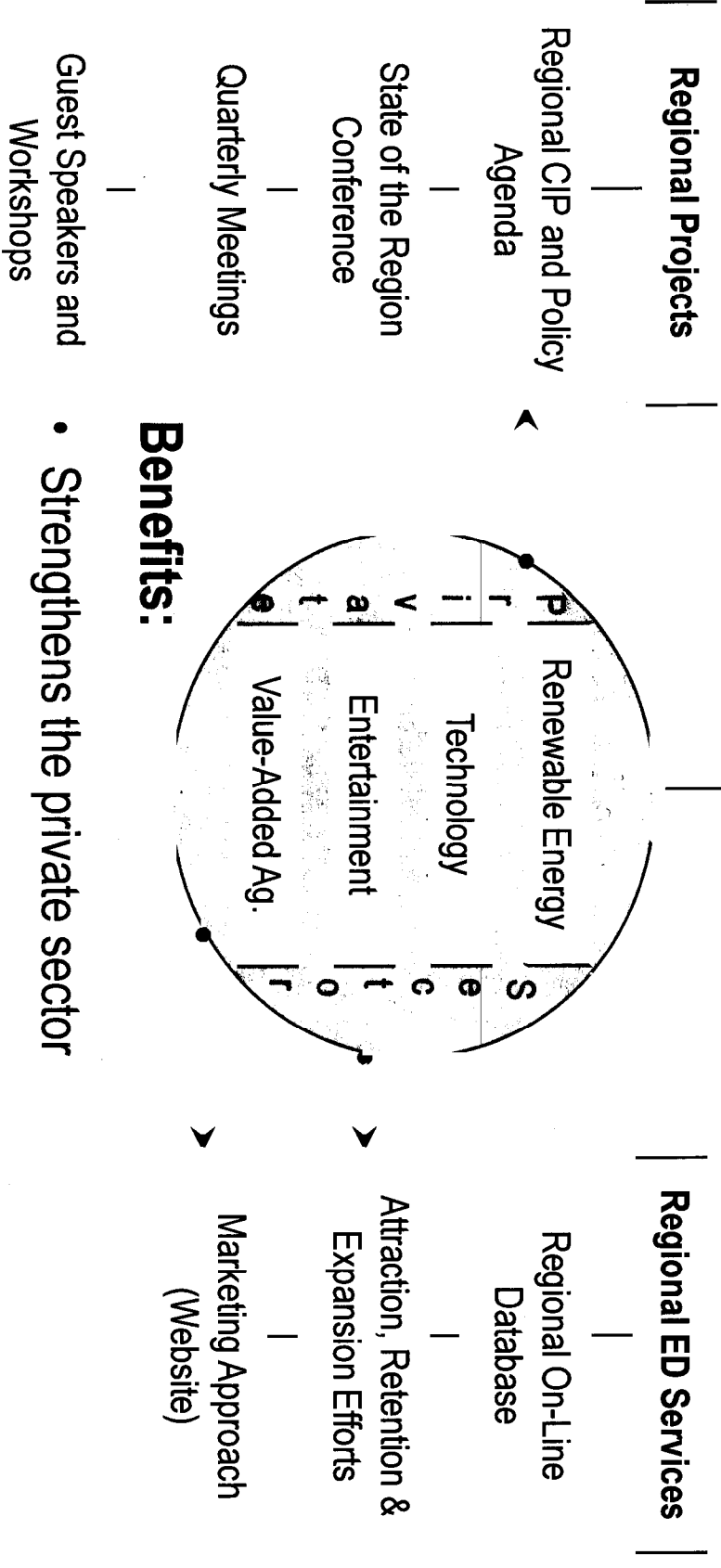
- Good fit with other target clusters, projects in the region & NIM
- Synergy among clusters = greater opportunities

# Target Industry Clusters



# Proposed Implementation Structure

## PUBLIC-PRIVATE PARTNERSHIP



- Strengthens the private sector
- Targeted approach for regional projects and ED services
- Based in market reality; strategic in nature

# Initial Governance Structure

## 1. REDI Council

- Regional Partners + Private Sector
- Set annual work plans, metrics for evaluation

## 2. Funding Strategy

- Flat fee
- Graduated fee
- Seamless public/private membership structure

## 3. How does it get done?

- Regional coordinator
- Contracts
- Annual work plan and metrics

### Funding Sources:

- Grants (Start-Up Phase)
- Regional Partner Contributions (roughly \$20k/year each)
- Private Sector Memberships (increase over time)
- Corporate Sponsorships (increase over time)
- Revenue-Generating Activities



# Metrics

## **1. General Economic Indicators**

- Annual monitoring
- Not used to assess REDI's progress or regional coordinator's performance

## **2. Job Creation Targets**

- Economic base jobs in target clusters, at varying income levels throughout the region
- Set by cluster strategies
- Used to assess REDI's progress and regional coordinator's performance

## **3. Project Performance Measures**

- Developed for each regional project
- Used to assess REDI's progress and regional coordinator's performance

# Next Steps in the REDI Process

REDI Schedule	AUGUST				SEPTEMBER				OCTOBER				NOVEMBER				DECEMBER	
	2	3	4		2	3	4		2	3	4		2	3	4		2	
Implementation Plans Finalized																		
Funding/Legislative Strategy																		
Individual Stakeholder Meetings																		
Council/Commission Presentations																		
Primary Stakeholders Meeting																		
Plan Drafting																		
Final Stakeholder Event																		
Plan Review/Comment Period																		
Plan Revisions																		

Primary Stakeholder Involvement Shown in Red.

# Next Steps in the REDI Process

## **Regional Partners Meeting**

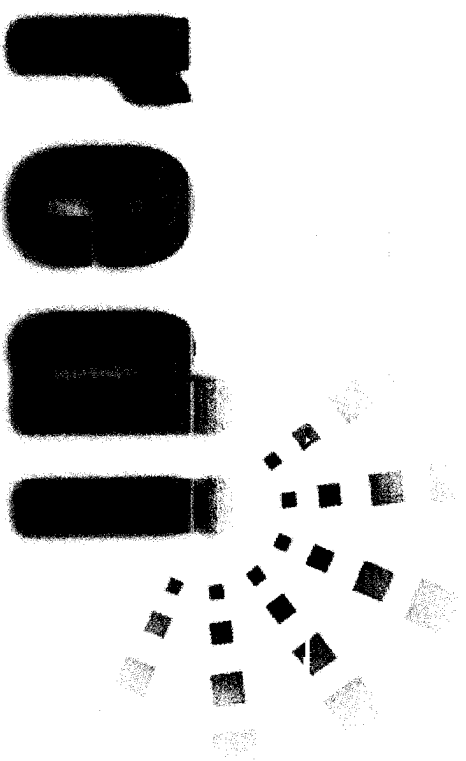
**Monday, September 29, 2008**

**10 am to 12 pm**

**Los Alamos National Bank, 301 Griffin Street, Santa Fe**

- Important meeting to decide on implementation strategy for REDI
- Councilors and Commissioners welcome (not currently advertised)
- RSVP to Tara Conley—820-1226 or [tara@rdcnm.org](mailto:tara@rdcnm.org)

We appreciate  
your feedback on  
this proposal.

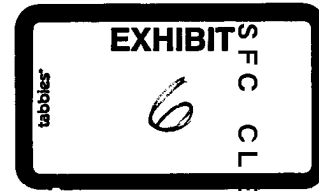


[www.nmredi.org](http://www.nmredi.org)

Monica Abeita, REDI Program Manager

505-241-9196

[mabeita@rdcnm.org](mailto:mabeita@rdcnm.org)



September 8, 2008

Joe Catanach  
Santa Fe County  
Growth Management - Land Use Department  
102 Grant Avenue  
Santa Fe, NM 87501

*RE: LCDRC CASE # MP 06-5212 - SANTA FE CANYON RANCH SUBDIVISION*

Dear Mr. Catanach,

It has been brought to my attention by members of my community that the above referenced case is on the Agenda for the regularly scheduled meeting of the Board of County Commission (BCC) for Tuesday, September 9, 2008. It is also my understanding that your report to the BCC states that this case has been sent to them from the La Cienega Development Review Committee (LCDRC) "WITHOUT RECOMMENDATION".

The following is intended to provide clarity to what I and the members of the LCDRC believe transpired at a special meeting of the La Cienega / La Cieneguilla Development Review Committee held on July 2, 2008. The special meeting was organized specifically to hear this case and was held during the evening hours at the Community Center in La Cienega. The special time and place for the meeting was requested by the LCDRC in order to provide a greater opportunity for residents of our community to attend. The meeting was well attended by citizens who voiced their opinions for and against this Master Plan. After hearing nearly 3 1/2 hours of applicant and public testimony a motion was made to "APPROVE" the application. Being that six members of the LCDRC were present, I abstained from voting in order to protect the vote from a tie. The motion "FAILED" by a vote of 3 to 2. At the conclusion of the vote it was the mutual belief of all the members of the LCDRC that we had voted to "DENY" the request for Master Plan approval by Santa Fe Canyon Ranch. It is also my opinion that the applicants believed the same to be true.

A few days later you informed me that the vote taken at the special meeting did not deny the application it merely denied the motion made. Therefore the LCDRC did not formally make a recommendation to the BCC. I did not hear any more on this issue, so when it came to my attention that this application was moving forward without a recommendation I felt it was necessary that the LCDRC respond on behalf of our community.

This application has significant bearing to our village and I hope that the BCC takes the decision of the LCDRC to "DENY" into consideration as it makes its' own judgment towards this application. Our unfamiliarity with the Rules of Order should not cloud the ruling made by the LCDRC on the evening of July 2, 2008. Our community is grateful to Santa Fe Canyon Ranch for its willingness to listen to our concerns. However our community feels that there is more work to be done to the Master Plan before it can fully support the project.

Sincerely,

Ivan P. Trujillo  
Chair - La Cienega / La Cieneguilla Development Review Committee

SFC CLERK RECORDED 11/25/2008

To: The Santa Fe County Commission and Santa Fe County Staff

From: Residents and Property Owners of the La Cienega Traditional Historic Community (includes La Cienega and La Cieneguilla) and concerned citizens of Santa Fe County.

We, the undersigned, oppose County approval of the proposed Santa Fe Canyon Ranch development due to the following:

SANTA FE COUNTY

1. The La Cienega/La Cieneguilla community plan prohibits this type of intense urban density in our rural community, an area that is not included in the Santa Fe County Strategic Growth Plan,
2. High traffic congestion at Entrada La Cienega and at the Frontage Road caused by dense development,
3. Damage to domestic wells, traditional springs, significant archaeological sites, and cultural landscape,
4. Additional light, noise, and water pollution,
5. An overwhelming increase in the demand on fire, police, and emergency medical services in an area already under-served,
6. Environmental damage to wetlands, riparian corridors, and arroyo flows which provide critical habitat for birds and wildlife including endangered species,
7. "Spill-over" growth of the development on to adjacent properties creating urban sprawl in areas of beautiful vistas and landscapes.

NAME [PRINTED] ADDRESS SIGNATURE

- |                       |                         |                            |
|-----------------------|-------------------------|----------------------------|
| 1. Catherine Kirkwood | 173A Las Estrellas      | Catherine Kirkwood         |
| 2. Spencer Stair      | 173 B Las Estrellas     | Spencer Stair              |
| 3. Lisa Corradino     | 173 B Las Estrellas     | Lisa Corradino             |
| 4. William Stengel    | 175 Las Estrellas       | <del>William Stengel</del> |
| 5. Cynthia Jones      | 175 Las Estrellas       | Cynthia Jones              |
| 6. Fran Cole          | 34 Sendero del Oso      | Fran Cole                  |
| 7. Janice W. Tucker   | 20 Goodnight J. Way     | Janice W. Tucker           |
| 8. KAY Burdette       | 28 Quedo Rd.            | K. Burdette                |
| 9. Juan Lozoya        | 31A Sierrita del Arroyo | Juan Lozoya                |
| 10.                   |                         |                            |

To: The Santa Fe County Commission and Santa Fe County Staff

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4. Additional light, noise, and water pollution,
5. An overwhelming increase in the demand on fire, police, and emergency medical services in an area already under-served,
6. Environmental damage to wetlands, riparian corridors, and arroyo flows which provide critical habitat for birds and wildlife including endangered species,
7. "Spill-over" growth of the development on to adjacent properties creating urban sprawl in areas of beautiful vistas and landscapes.

NAME [PRINTED]	ADDRESS	SIGNATURE
1. Arline Goldberg	29 Paseo C De BACA	<i>Arline Goldberg</i>
2. Anna Dorian	29 Paseo C De Baca	<i>Anna Dorian</i>
3. LELAND CHAPIN	29 Paseo C De BACA	<i>Leland Chapin</i>
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

To: The Santa Fe County Commission and Santa Fe County Staff

From: <sup>SANTA COUNTY</sup> Residents and Property Owners of the La Cienega Traditional Historic Community (includes La Cienega and La Cieneguilla) and concerned citizens of Santa Fe County.

We, the undersigned, oppose County approval of the proposed Santa Fe Canyon Ranch development due to the following:

1. The La Cienega/La Cieneguilla community plan prohibits this type of intense urban density in our rural community, an area that is not included in the Santa Fe County Strategic Growth Plan,
2. High traffic congestion at Entrada La Cienega and at the East Frontage Road caused by dense development,
3. Damage to domestic wells, traditional springs, significant archaeological sites, and cultural landscape,
4. Additional light, noise, and water pollution,
5. An overwhelming increase in the demand on fire, police, and emergency medical services in an area already under-served,
6. Environmental damage to wetlands, riparian corridors, and arroyo flows which provide critical habitat for birds and wildlife including endangered species,
7. "Spill-over" growth of the development on to adjacent properties creating urban sprawl in areas of beautiful vistas and landscapes.

NAME [PRINTED]	ADDRESS	SIGNATURE
1. Lori Colt	6 Fortuna Rd SF 87508	Lori Colt
2. Bryan Bird	38 Sidney Rd 87508	Bryan Bird
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		



To: The Santa Fe County Commission and Santa Fe County Staff

From: Residents and Property Owners of the La Cienega Traditional Historic Community (includes La Cienega and La Cieneguilla) and concerned citizens of Santa Fe County.

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3. Damage to domestic wells, traditional springs, significant archaeological sites, and cultural landscape,
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5. An overwhelming increase in the demand on fire, police, and emergency medical services in an area already under-served,
6. Environmental damage to wetlands, riparian corridors, and arroyo flows which provide critical habitat for birds and wildlife including endangered species,
7. "Spill-over" growth of the development on to adjacent properties creating urban sprawl in areas of beautiful vistas and landscapes.

NAME [PRINTED]	ADDRESS	SIGNATURE
1. Carol W. Johnson	33 Tetilla Rd SF 87508	<i>Carol W. Johnson</i>
2. Ilona Klein	2412 Camino de Vida SF NM 87505	<i>Ilona Klein</i>
3. BARBARA SINKULA	6 CALLE ABETA, SANTA FE 87506	<i>Barbara Sinkula</i>
4.		
5.		
6.		
7.		
8.		
9.		
10.		

*John J. Herbrand*

September 7, 2008

To the County Commissions:

I have forwarded a couple of letters to the Commission regarding the application of Santa Fe Canyon Ranch and am sending this letter to supplement the record.

The County has hired an expert to assist it in reformulating its' land use policies for the benefit of all members of the community. At the most recent time scheduled for a hearing on the Santa Fe Canyon Ranch, the developers pulled their request from the agenda. However, the Commission received a preliminary report from the land-use expert and county staff on recommended changes. The nature of this report set forth a summary of problems to be addressed by the Commission as follows:

1. Too many approved building lots resulting in present approvals equaling a consumption rate to 50 years by the building community . At a present rate of approvals, the county could develop a 100 year supply of approved building lots and could create resource problems for the taxpayers when the lots are developed.
2. The Commission has approved building of residences with less than the required .25 acre feet of water and needed to stand by its' requirement while demanding conservation measures of all builder developers.
3. The Commission should limit development approvals to areas where it has designated resources and allow area development when and where resources were available, i.e. within urban growth boundaries.
4. The County has allowed development to be driven by accessibility of water and has failed to set to designate policies to preserve natural, historic, cultural and agricultural areas.
5. They further recommended restrictions on family transfers which have been used to avoid subdivision rules.

The expert went on to explain that the Commission would need to adopt and stand strong on these changes to make the overall benefits to the community effective. He promised a draft for the Commissioners this month.

These recommendations reflect the nature of the disputes with the application for the development of Santa Fe Canyon Ranch wherein the applicants are asking the community to invest the resources of the community to enhance the value of their property at the expense of the community. With a movement further into the County to avoid city- county planning restrictions , the developers are using an argument for affordable housing in an area which has been supplying affordable housing to the greater benefit of the entire community for a significant time period, resulting in movement to the area to avoid costs of other areas. They are seeking to bust the community plan on an argument that they will supply some affordable housing. Their argument is available to every developer of the 50,000 approved lots within the County and public expenditure to enhance the value of their property is not a public right. The County has made plans to devote resources to other areas and this development was a reach on the developers' part to avoid rules and restrictions within the planned areas for development.

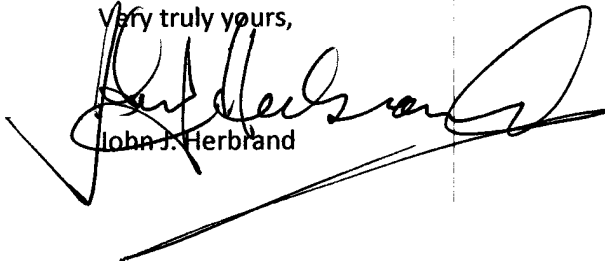
As a result, it is placing the County in breach of faith with a community which spent significant time planning to preserve the nature of the area and with the community's right to rely on the plan

adopted by the community. The concept of private property is really derived from an understanding that aggressive people should not be able push community members from the enjoyment of their land, more than from the concept of being free to do whatever you want. This is why the planning process is called a police power and authority. It is also why the La Cienega community has reasonable expectation of the support of the County in pursuing the intent of the community plan.

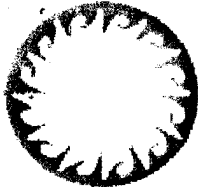
In one of the most recent meetings with County water staff and in relation to their plan, one member of the community asked why the plan did not address preservation or agricultural uses. The response of the staff member was that he had not been charged with addressing such issues. The obvious implication to everyone was that water plan for the area was development driven. Yet, the community had made efforts to plan for additional values in the adoption of a community plan of a traditional historic village(which hopefully will prove important for the future generations of the area as well).

In previous letters, I forwarded a serious of documents for consideration and have attached a few additional such documents for your consideration. Mostly, these documents relate to the historical and cultural importance of the area. Their ultimate purpose is to further a better understanding of the importance of the value of this community's *Plan*.

Very truly yours,



John J. Herbrand



# NEW MEXICO HERITAGE PRESERVATION ALLIANCE

SFC CLERK RECORDED 11/25/2008

*"How will we know it's us without our past?" John Steinbeck, Grapes of Wrath*

Founded in 1995, the **New Mexico Heritage Preservation Alliance** exists to protect, preserve, advocate, and promote awareness and respect for all that is culturally significant and distinctive about New Mexico.

## Board of Directors 2007

**Susan Krueger**, President  
Mesilla

**Rick Tavelli**, Vice-President  
Albuquerque

**Bill Lynn, CPA**, Treasurer  
Corrales

**Vicky Jacobson, AIA**, Secretary  
Santa Fe

**Dr. Thomas Chávez**  
Albuquerque

**Tuda Libby Crews**  
Bueyeros

**Lou Gallegos**  
Rio Rancho

**Patty Guggino**  
Los Lunas

**Gary King, Ph.D., J.D.**  
Moriarty

**Kendyl Monroe**  
Seneca

**Dr. John Montgomery**  
Portales

**Shane Ortega**  
Santa Fe

**Buddy Ritter**  
Las Cruces

**Jerry Rogers**  
Santa Fe

**Michael Romero Taylor**  
Santa Fe

**Stephen Zimmer**  
Cimarron

## Ex-Officio

Historical Society of NM  
State Historic Preservation Division  
State Monuments Division  
New Mexico Mainstreet  
Rural Economic Development  
Through Tourism

## PROGRAMS

### Most Endangered Places

Launched in 1999, the New Mexico Heritage Preservation Alliance has administered annually the Most Endangered Places program. The purpose of this statewide program is to raise awareness about threatened historic, archeological, and cultural resources, which include buildings, structures, districts, cultural landscapes, and archeological sites. Some 80 places have been recognized throughout the state. Each of the endangered places holds a special place in our collective memory and helps to define who we are as a people, a culture and a state. Threats have included neglect, abandonment, urban sprawl, inappropriate zoning, and natural weathering. As a result of the program, 40% of the previously designated endangered places have experienced positive changes that have reduced once-significant threats.

### Annual Statewide Preservation Conference

The annual statewide preservation conference, held in different locations each year, is the state's largest historic and environmental preservation event. At the March 12-14, 2008 conference to be held at Taos Convention Center, 30 sessions and tours will focus on initiatives and programs for neighborhood revitalization, acequias, Night Sky program, Endangered Places, historic cemeteries, and scenic byways, to name a few. Keynote presenters include state and national leaders and 100 professionals from the Southwest who lead educational sessions. The annual conference offers a rich educational experience that is an unparalleled opportunity to share issues and tactics with colleagues from across the State and a chance to bring back to one's own community new knowledge, tools, contacts and inspiration.

### Night Sky Program

The Night Sky program is an educational outreach program to inform individuals and organizations about the threat of light pollution and the necessity of preserving New Mexico's beautiful night sky. Activities include statewide public awareness programs to reduce light pollution; industry awareness programs for organizations such as the Association of Architects, Home Builders Association, CID, and Association of Counties; recognition programs for 'night sky friendly lighting' practices; and, support of municipalities working on compliance with the New Mexico Night Sky Protection Act. With counsel from the statewide Night Sky Advisory Board, the program collaborates with various partners such as New Mexico State Parks, the National Park Service and the International Dark Sky Association.

### Information Clearinghouse

Utilizing mass emails and newsletters, the Alliance disseminates preservation announcements and alerts to individuals statewide.

Gary Wolff, Executive Director, gwolff@nmheritage.org, 505-989-7745  
Peter Lipscomb, Director, Night Sky Program, plipscomb@nmheritage.org, 505-989-3696  
FAX 505-988-5591 ❖ PO Box 2490, Santa Fe, NM 87504 ❖ [www.nmheritage.org](http://www.nmheritage.org)

## 2007 New Mexico Dozen 'Most Endangered Places' Announced

Every year, many historic properties and landscapes across the state of New Mexico are threatened by demolition, neglect, lack of maintenance, inappropriate development, insufficient funds, or by other forces.

'Collectively, these historic assets contribute to the quality of life we enjoy and shape the daily experiences of living in small towns, cities, and rural high desert across the state. It is an understatement to say that our historic resources help to paint a distinct New Mexico portrait, and it is certainly no understatement to conclude that their loss would leave large gaps in that canvas', according to New Mexico Heritage Preservation Alliance executive director Gary Wolff.

The New Mexico Heritage Preservation Alliance, since 1999, has maintained a statewide Most Endangered Places list. Bringing attention to threatened buildings, sites, and places has raised awareness in communities statewide and assisted in protecting the state's heritage.

Places named to this year's list include five historic buildings, three historic communities, two historic routes merging diverse cultures, and two natural and cultural waterways.

## Community Historic Structures

### I. Sierra County Courthouse and Jail Site, Hillsboro, Sierra County

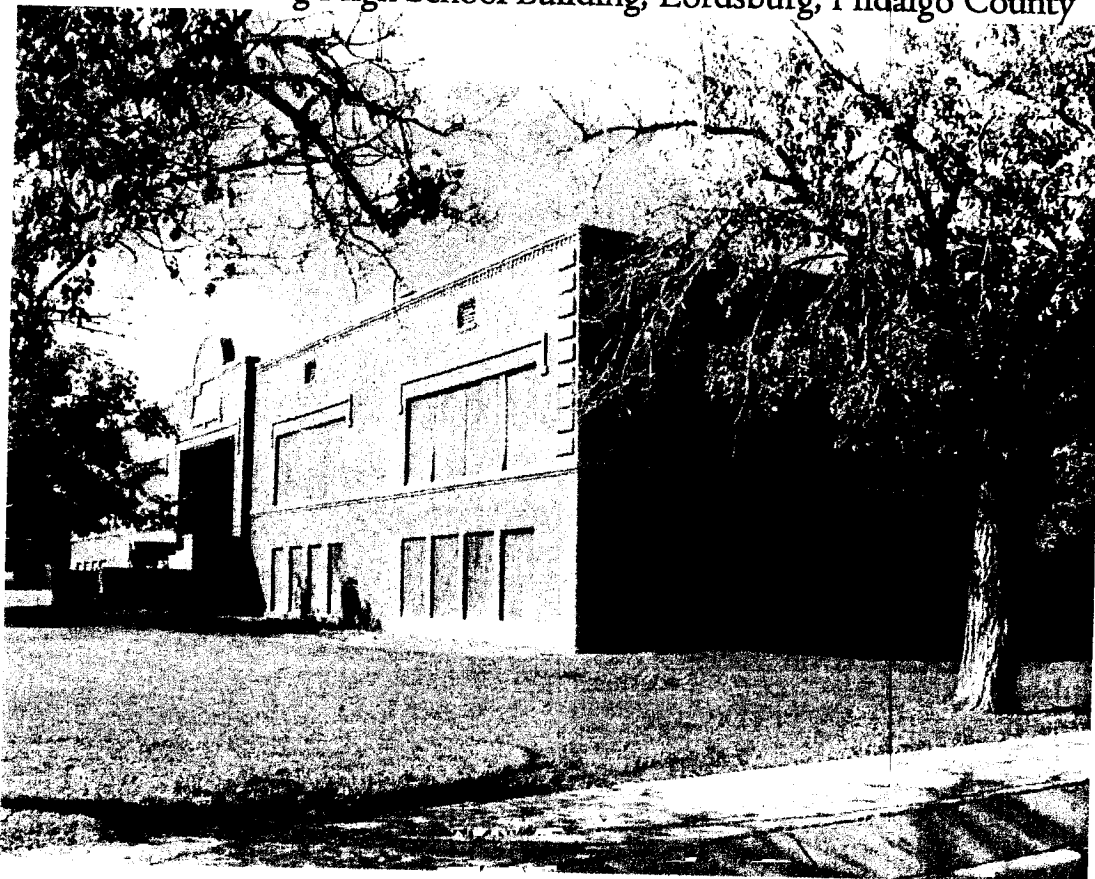


This historic area includes brick ruins of Sierra County Courthouse and the rock masonry remains of the jail. The original courthouse and jail served Sierra County from 1894 to 1930, when the county seat was transferred to Hot Springs, current day Truth or Consequences. The most famous event relating to New Mexico History was the 1899 murder trial of cattleman Oliver Lee (1865-1941), who was accused of murdering prominent lawyer Albert Fountain and his eight-year old son, Henry.

#### **Threat**

Shortly after the county seat was moved from Hillsboro, the courthouse was razed and material salvaged. At present only a scenic brick arch remains. The jail remains largely intact, but needs protection and preservation. The owner favors protection of the site and is willing to sell it to an appropriate entity—community, non-profit, or governmental—to assure its preservation. The citizens of Hillsboro have been given the first opportunity to purchase the site in anticipation that the owner will have to place it on the general market in the future. A definite opportunity exists to get the site into some kind of protected status.

## 2. Old Lordsburg High School Building, Lordsburg, Hidalgo County



This impressive two-story red brick building with chimney, designed by architect Henry J. Trost, was built in the 1920s. It is one of a very few historically significant buildings still standing in Lordsburg. Former U.S. Supreme Court Justice Sandra Day O'Connor attended classes in the building that holds sentimental value for thousands of current and former Lordsburg and Hidalgo County residents who received their education there. A restored building could provide the community with a building to be used for offices, cultural and entertainment center, museum, or meeting rooms.

### **Threat**

The High School suffers interior damage as a result of a leaking roof for many years. An additional threat to the building is the potential for demolition by those who oppose renovation and preservation. Further deterioration will undoubtedly lead to the eventual demolition of the building. Concerned citizens are encouraged to explore 'reuse' of the historic site and ways to make saving the brick schoolhouse economically feasible.

### 3. Amador Hotel, Las Cruces, Dona Ana County



This Spanish Pueblo Revival style two story stuccoed adobe structure has 28 inch thick adobe walls on the ground floor and 17 inch thick adobe walls on the second level. It was built in the 1860's and began as a rooming house that evolved into a luxury hotel. The building also served as the County Court House on two separate occasions, the City's post office, a jail and the Citizen's Bank of Las Cruces until 1985 when the County bought the building and used it as the Dona Ana County Manager's Complex. Since July 2006, the hotel, listed on the new Mexico State Register of Cultural Properties, has remained vacant.

The Amador Hotel building is described as one of the most important historic buildings in Dona Ana County and it was well known throughout the southwest for its hospitality as a hotel through the late 1960's. It is rumored among locals that Benito Juarez, president of Mexico from 1857-72, stayed in room 24. Citizens have recognized that it is one of the most significant historic places in the City of Las Cruces.

#### **Threat**

A significant threat to the structure is the need for funds to restore the structure to a public use. Present opportunities to eliminate the threat rest with the Dona Ana County Historical Society under the guidance of Board member C. W. Ritter who has formed the Amador Foundation. Its mandate is to raise funds to restore and renovate the building and to work with government officials and the public on determining an appropriate public use for the building.

4. Ulibarri General Store in Tierra Amarilla, Rio Arriba County  
a/k/a Rosina T. Archuleta store



The structure, built in 1880, is part of the Tierra Amarilla Historic District. It is known to the locals as the old Ulibarri Store (mercantile), and in earlier days was a brothel, a restaurant and a hotel. It is located directly across Rio Arriba County Courthouse on the main street. The building is listed on the New Mexico State Register of Cultural Properties.

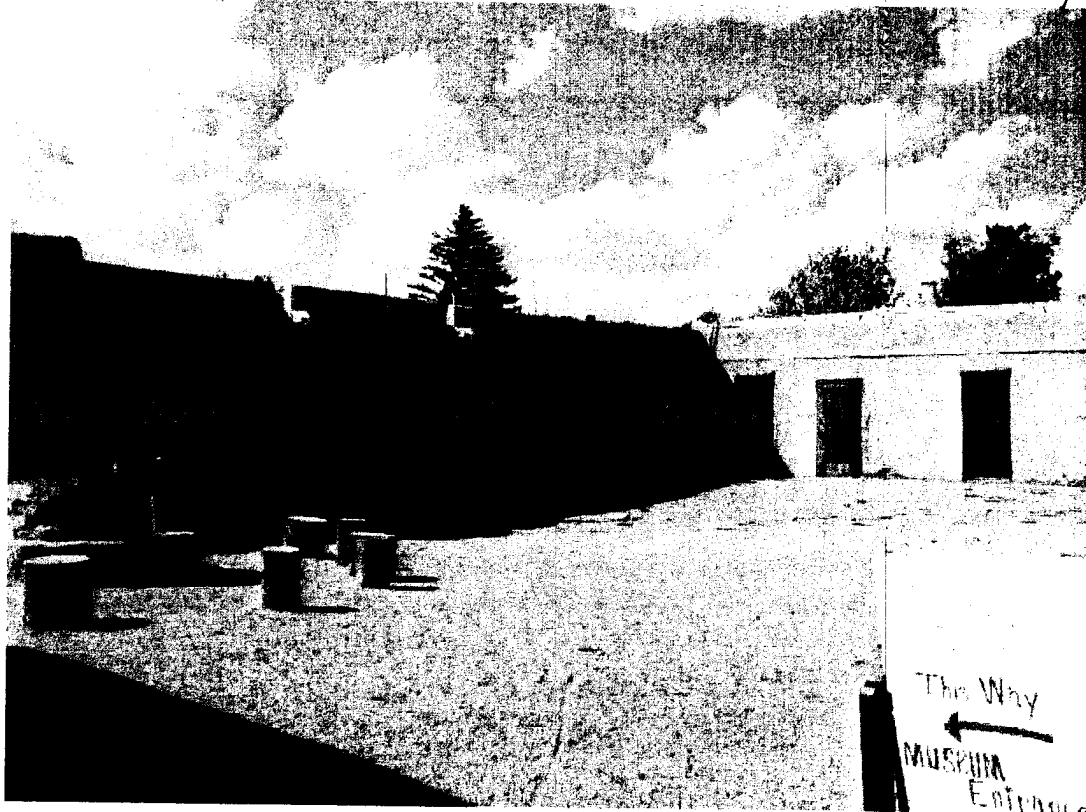
Today the store and adjacent house is under ownership by the grandsons who were reared by the original occupying family. The 12 inch thick adobe walls and upstairs' rooms remain as designed over a century ago, as does the foundation, then constructed of rocks four feet and larger.

**Threat**

Damage to the adobe buildings has resulted from the piling of plowed winter snow 10 feet high on the north side and causing the snow melt to run into the structure and adjacent city buildings. Likewise, snow removal to the ditch running south between the store and house has caused walls to buckle. Demolition of the historic buildings has been suggested by officials. The need for adobe restoration and the implementation of historic preservation guidelines is essential.



### 5. Kit Carson House National Historic Landmark, Taos, Taos County



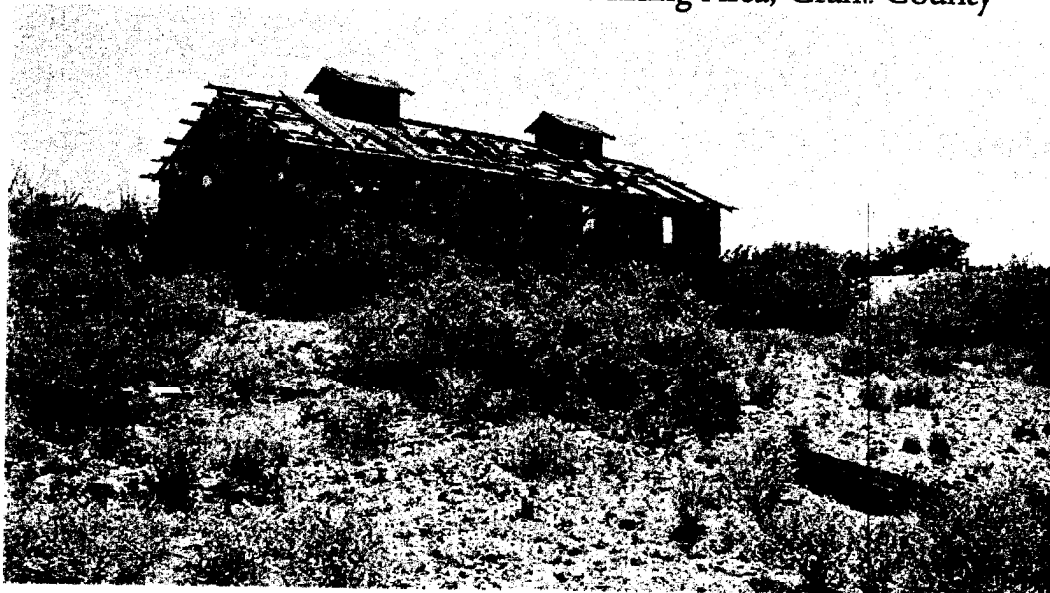
The home/museum is located just off the Taos Downtown Historic Plaza. Owned by Kit Carson Home and Museum, Inc., the site is listed on the National Register, State Register, and the Town Register of Historic Sites. Since 1904, the museum has been a mainstay in Taos as thousands of visitors have passed through its doors. Kit Carson and his family lived in the house for 25 years.

#### **Threat**

Located on the property is the Romero House, constructed in 1845. This building is experiencing a deteriorated roof which has resulted in the closure of the building. Of critical importance is the need to generate the necessary funds to restore the failing roof system.

## Historic Communities

### 6. "Old Hachita" Ghost Town & Mining Area, Grant County



The Old Hachita ghost town and historic mining area is located approximately 2 miles south and seven miles west of Hachita, with an elevation 4800'. Old Hachita is distinguished by an abandoned settlement within the Eureka Mining District that includes the ruins of three saloons, two general stores and several residential buildings along with a steam smelting works, head frames and mine shafts. It is located on private, BLM, and state land. The "Old Hachet Mine" is listed on the New Mexico Register of Cultural Properties.

The history and heritage of the nearby community of Hachita is inextricably linked to that of Old Hachita, and has a rich history itself as detailed in the book "Adios Hachita - Stories of a New Mexico Town" by George Hilliard (High Lonesome Books, 1998).

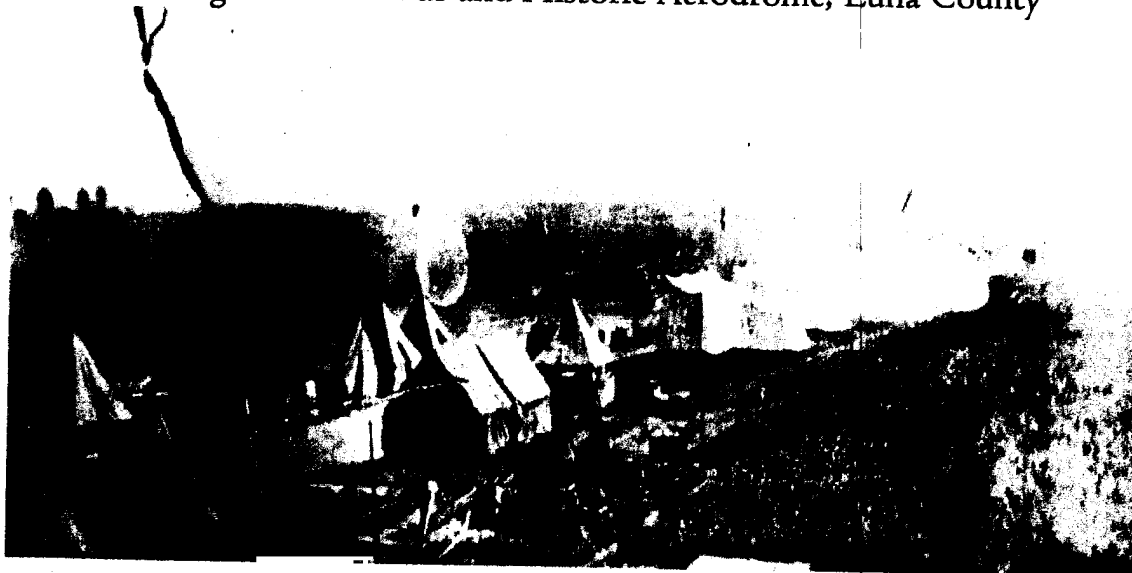
New Mexico has a rich mining heritage and Old Hachita has a multi-layered story to tell: including the pre-historic mining of turquoise by Native Americans; the 1882 establishment of a post office under the name of Hachita from the Spanish word for hatchet; the economic spurt to the mines from the construction of the nearby El Paso and Southwestern railroad in 1902 that spelled doom for the residential community as the "New" Hachita came into existence around a watering stop for the train seven miles east of now "Old Hachita"; and the demise of mining activity in the 1920's, with the gradual abandonment of the mine. The site is the most significant heritage feature on the southern portion of the Continental Divide and is easily accessible from State Highway 9.

#### **Threats**

Threats include neglect, vandalism, and weathering. The main opportunity for the elimination of the threats may lie with the Bureau of Land Management, in cooperation with the main private property owner, as they developed a similar project for the ghost town and mining area of Lake Valley where they maintain resident volunteers to oversee the site.

The greater relative isolation of Old Hachita, the lack of resources available to the BLM and the fact that the main property owner lives in England may preclude something similar to the Lake Valley development in the near future. Private development of the area, as is the case with Shakespeare and Steins, could also reduce the threats. Potential opportunities also exist under the New Mexico Site Stewards program for site monitoring.

## 7. The Village of Columbus and Historic Aerodrome, Luna County



The Village of Columbus achieved its moment of fame early in the morning of March 9, 1916, when approximately 485 Mexican revolutionaries led by General Francisco "Pancho" Villa crossed into the United States. Before the town was fully awakened by his attack, ten civilians and eight soldiers had been killed. President Woodrow Wilson ordered General John J. Pershing to lead a punitive expedition into Mexico to capture Villa and to prevent further raids. Many buildings and sites survive to convey the story of this incident.

During the activity led by Pershing, the first 'Aero Squadron Landing Field' became the site of the first operational use of airpower by the US Military. Experience gained here proved invaluable to US Expeditionary Force in France. Properly titled the "Birthplace of Military Aviation," the site is important to the history of the Army and the present-day Air Force.

The Village of Columbus, including Pancho Villa State Park, is a National Historic Landmark and is listed on both the National Register of Historic Places and the New Mexico Register of Cultural Properties.

### **Threat**

The surviving historic buildings are vulnerable to deterioration and loss. The Village of Columbus is encouraged to seek adequate financial resources to properly preserve this nationally significant place and to prevent improper development.

8. Fort Bayard National Historic Landmark



Adjacent to the Village of Santa Clara and between Silver City and the town of Bayard, the State of NM owns and manages the expansive property. Fort Bayard is on the National Scenic Byways Trail of Mountain Spirits.

Fort Bayard encompasses southwestern history of many eras into one setting. The Mimbres culture and Apaches made their homes on the site. Tents provided shelter until adobe officer's quarters were built in the 1870s. The majority of remaining buildings were constructed between 1890 and 1930. Fort Bayard was established to protect the miners and ranchers from Apache raiding parties. With the arrival of the Atchison, Topeka and Santa Fe Railroad, a depot was build in nearby Bayard in 1891. During the early 1900s, the fort was converted from a military post to an army medical center to fight tuberculosis. After 1965, the state became owners of the site. Maintenance of the residences, offices and grounds has been inconsistent Adjacent to the fort is a National Cemetery. The current Veteran's Hospital will be moving into a new facility within two years, leaving the fort vacant.

**Threat**

Without security, inhabitants, and maintenance, the fort faces an unknown future. The majority of water and sewer pipes are over 95 years old. Funding and thoughtful, comprehensive 'reuse' planning by local leaders and organizations is critical to restore and preserve the multi-cultural heritage of the fort.

## Historic Waterways

### 9. Santa Fe River, Santa Fe County



This river starts in the Sangre de Cristo Mountains at an elevation of 12,000' and flows through a narrow valley until exiting the mountains in a wider alluvial valley just east of the city. From there, the river flows in a Westerly direction with a gentle slope and a broad, shallow valley within which the river has recently (past few decades) cut a channel of some 5 to 25 feet. West of Santa Fe, the river enters the Santa Fe Canyon upstream of La Bajada. From La Bajada to the Rio Grande, the river channel slopes gradually down to the Rio Grande.

The Santa Fe River is the reason that the city of Santa Fe was established. The river has supported the agricultural base through more than 30 acequias, which once operated and irrigated at least 1000 acres of crop land.

#### **Threat**

For the past 20 years, the river has been dry for most of the year. The river is completely impounded by twin reservoirs upstream of the city, which retain the drinking water supply for the city and nearby portions of Santa Fe County. Water is released only for purposes of reservoir management (maintaining some spare capacity as insurance against sudden precipitation). There is an unprecedented opportunity to revive the river through mobilizing public opinion and the will of the City and County governments. Water to support an environmental flow in the river is available in the storage reservoirs, but the political will to release the water has been lacking. Simultaneous to this designation, American Rivers designated the Santa Fe River on its 'at-risk' list.

## 10. Historic Ditches and Canals of Bernalillo County



This 300-mile ditch and drain network is located in the North and South Valleys of Bernalillo County within the administrative boundaries of the Middle Rio Grande Conservancy District. Many of the irrigation ditches in the valley date from the eighteenth and nineteenth centuries. The drains date from the 1930s.

Distinguishing characteristics of the irrigation ditches include narrow right-of-ways, with banks typically wide enough to accommodate only a single-file walker or single maintenance vehicle. They are typically dirt-packed, with large cottonwood trees, willows, and other vegetation growing in abundance in many places. Where ditches are vegetated, a wide variety of birds and other wildlife can often be seen. Adjacent land uses are largely residential and agricultural.

The system is inextricably linked with the cultural and economic history of the region. The history of constructed waterways in the middle Rio Grande Valley goes back hundreds of years. Ditches were first developed to irrigate farms and orchards by Puebloan people and, later, by Spanish colonists and other peoples of European descent. In 1923, the Middle Rio Grande Conservancy District (MRGCD) was formed to consolidate, manage and maintain the irrigation system and develop a supportive network of flood control levees and drainage canals.

### **Threat**

Like most metropolitan areas in the western United States, Albuquerque has experienced tremendous growth and development over the past 60 years. The development has increasingly stressed and threatened the ditches and the adjacent semi-rural landscapes and activities they support. In the last two decades especially, many hundreds of farmland acres have been developed for roadways and suburban land uses. Portions of the waterway network have been abandoned and sold to adjacent landowners. Old and distinctive cottonwoods, and other trees along ditch banks, are increasingly viewed and treated by landowners as hazards or impediments, rather than assets. And, concerns over water use and water rights have put the future of the ditch system and irrigated agriculture into question.

The North Valley Coalition recognizes that it is critically important to take action to preserve the historic look, feel, and function of the ditch and drain system before it is lost. For this reason, project "Ditches-with-Trails" was initiated. Participants in this project are studying how a formalized trails system could be established along at least a portion of the ditch and drain network, with trail management and maintenance programs also put into place.

## Historic Routes

### II. El Camino Real de Tierra Adentro National Historic Trail



Approximately 400 miles of the El Camino Real de Tierra Adentro National Historic Trail (hereinafter referred to as 'the Trail') is located within the State of New Mexico. This trail corridor runs through the counties of Dona Ana, Sierra, Socorro, Valencia, Bernalillo, and Santa Fe in New Mexico and El Paso County in Texas. The Trail corridor within New Mexico traverses federal, state, tribal, county, municipal and private lands.

The entire El Camino Real de Tierra Adentro corridor extends 1,600 miles from Mexico City to El Paso, Texas, then north into New Mexico through Las Cruces, Socorro, Belen, Albuquerque and Santa Fe to Ohkay Owingeh (San Juan Pueblo). As the "Royal Road of the Interior" the Trail was the earliest Euro-American trade route in the United States, linking Spain's colonial capital in Mexico City to its northern frontier in what is now the State of New Mexico. From 1598, when the first Spanish colonizers made their way up the Rio Grande, until the early 1880's, this wagon road connected the ancient cultures of Mexico with the equally ancient cultures of the interior lands of the West. The distinguishing characteristics of the Trail within New Mexico are based on its historic use and the role it played in immigration, trade and commerce, settlement patterns, war and the transmission of cultures. The rut marks, bare swaths and vegetation changes that delineate the length of the Trail are documented through photographs and maps.

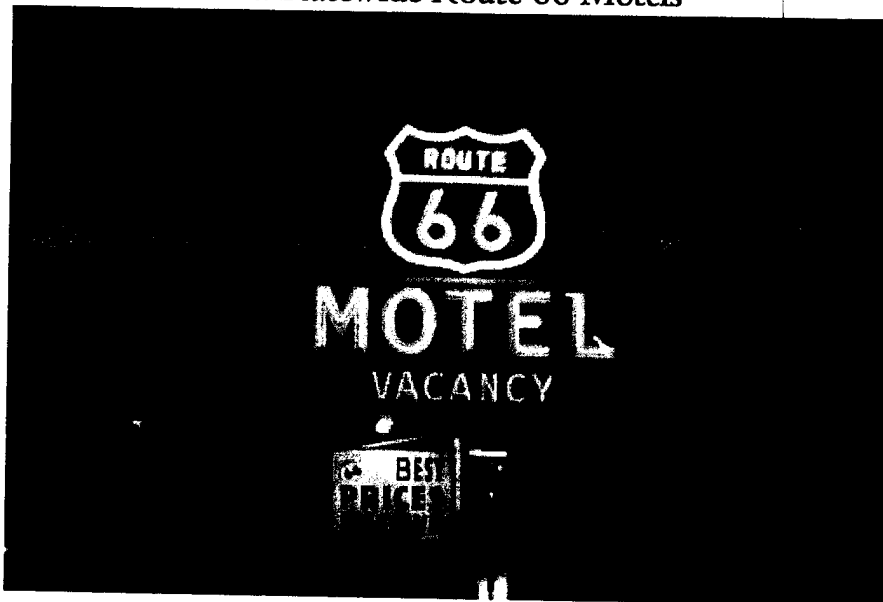
The section of the Trail in the Jornada del Muerto, which is under potential threat by the proposed Spaceport America and is the focus of this nomination, is owned by the State of New Mexico.

While standing on this section of the Trail, looking at the unchanged historic landscape, one is able to re-live a part of what it was like for a Spanish colonist surviving in this harsh yet beautiful setting, to feel its silence, to smell the clear air, to view the long, flat expanse with traces of the original wagon road made by the caravans still visible. Today's Trail visitors continue to be inspired by the pure beauty and unique ecosystems offered by this historic resource as yet untouched by modern-day encroachment. For New Mexico, what remains of this unique corridor provides a tangible link to more than 300 years of travel from 1598 during the Spanish colonial period until the 1880's when the coming of the railroad eclipsed commercial use of the wagon road. Its historic use fostered the spread of Catholicism, mining and an extensive network of commerce; it spread ethnic and cultural traditions, including music, folklore, architecture, language, irrigation systems and Spanish law. El Camino Real is considered by many to be the single largest and most important Spanish Colonial artifact in both New Mexico and the United States and to be one of the most valuable single markers of the Hispanic experience in the Southwest.

**Threat**

The State of New Mexico is currently working with private interests to develop a commercial spaceport. It is proposed to be located on a 27 square mile site 45 miles northeast of Las Cruces on state lands in the Jornada del Muerto. El Camino Real de Tierra Adentro runs through the proposed project area. Historic resources in the vicinity of the proposed spaceport facilities include some of the best-preserved sections of the Trail still extant in the United States. The proposed improvements to the local infrastructure and the spaceport traffic will damage the physical trail imprint and impose visual and auditory blights on the landscape. The immediate goal is to avoid adverse effects to the Trail in the Jornada del Muerto. While this is just a section of the Trail, it is right now a most important section of the Trail both because of its pristine state and its status as an endangered historic resource. The outcome of the collaborative efforts is to accommodate both the spaceport and El Camino Real without negative impact to a most important historic and cultural resource.

## 12. Statewide Route 66 Motels

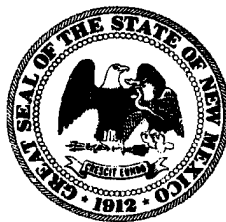


Historic mom-and-pop motels are one of the prime roadside attractions of the Route 66 (1926-1985) experience and contribute to the cultural, historic and economic fabric of the communities that host them. Several endangered motels, including the Horn Oil Lodge and El Vado Motor Court, are listed on the State and National Registers.

**Threat**

In 1950, Albuquerque's Central Avenue boasted over 100 motels — today that number is closer to 25. Pressure from accelerating property values, soaring insurance rates and a push for higher density development, is encouraging mom-and-pop motel owners to sell. Add to that aggressive city nuisance programs that target "problem" motels with stiff fines and demolition, and the prospects of operating a vintage Route 66 motel dims quickly. This summer, despite a loud outcry from preservationists, Route 66 associations and neighborhood associations, the City of Albuquerque approved the demolition of the National Register-listed Horn Oil Lodge motel — a rare gas-food-and-lodging business — to make way for luxury condominiums. This problem is not unique to Albuquerque and is impacting Route 66 motels across New Mexico. Gallup's National Register-listed Log Cabin Motel sat for years vacant, as its owner rejected offers to sell the property. After a suspicious fire burned a small portion of the motel in 2004, the City of Gallup — in spite of efforts from the Route 66 community to find a new use for the building — forced the owner to demolish the motel. In more rural areas that have had their businesses by-passed by the interstate decades ago, the number of solvent motels is dwindling through attrition and the lack of maintenance and building improvement funds.





## State of New Mexico *Office of the Governor*

**Bill Richardson**  
Governor

For immediate release  
July 12, 2007

Contact: Jodi McGinnis Porter  
(Santa Fe) 505-476-3226

### **Governor Bill Richardson Announces \$3.5 Million in Funding For Land, Wildlife and Clean Energy**

*Funding includes \$2,314,000 for land and wildlife projects, and \$1,200,000 for clean energy projects*

SANTA FE – Governor Bill Richardson today announced he will distribute a total of \$3,514,000 to 17 projects throughout the state designed to promote land, wildlife and clean energy.

“We must protect our state’s extraordinary landscape – including working farms and ranches – and our abundant wildlife, and promote clean energy development,” said Governor Richardson. “A concentrated effort to fund these types of programs creates an important legacy for future generations to enjoy, while positioning our state to build a more vibrant economy for a cleaner, more secure energy future.”

*Farm/Ranch Land Protection and Natural Lands and Wildlife Projects include:*

#### **Circle A Ranch Conservation Easement \$500,000**

Conservation easement on 300 acres in the Los Pinos Valley of the Nacimiento Mountains above Cuba in Sandoval County. The property is surrounded by the Santa Fe National Forest and is near the San Pedro Wilderness Area and the National Continental Divide Trail. This is a priority watershed that provides agricultural and domestic surface water and this project will help ensure the quality and quantity of surface water for the future. The conservation easement will tie the high priority water rights to the land and protect the acequia from divided ownerships.

**Socorro Bosque Project Conservation Easement \$294,000**

Socorro Bosque project provides for flood plain and wildlife habitat enhancement and restoration, watershed health and control of exotic species, plus a limit on future development.

**Ranchland Conservation Easement in Southeastern New Mexico \$180,000**

This project will protect approximately 10,000 acres of prime rangeland for ongoing livestock production from subdivision and development. The easement will also preserve high-quality habitat for a variety of wildlife, including mule deer, elk, and pronghorn antelope, as well as scenic, open space.

**Conservation Easement in Tome, Valencia County \$125,000**

A conservation easement that is located on traditional farmland on one of the middle Rio Grande's most historic farming areas.

**Bioresearch Ranch Conservation Easement in Hidalgo County \$75,000**

This project will protect 1,700 acres of pristine, natural habitat in the Peloncillo Mountains for a variety of flora and fauna, including several state and federally listed threatened and endangered species. The property is adjacent to the Central Peloncillos Wilderness Study Area, administered by the U.S. Bureau of Land Management, and is part of a larger landscape that has been federally designated as both an Area of Critical Environmental Concern and a Research Natural Area.

***Forests, Watersheds, Natural Areas and Wildlife Habitat Protection Projects include:***

**Rio Grande/Tonuco \$300,000**

These funds will be used for protection and enhancement for the first phase of 784 acre project straddling Rio Grande in Selden Canyon for wildlife habitat, recreation, agricultural preservation, and research.

**La Cienega/Rael \$200,000**

This is a fee purchase of 180 acres on the Santa Fe River in BLM's La Cienega Area of Critical Environmental Concern. El Camino Real National Historic Trail runs through the area.

**La Joya, Bernardo Ladd Gordon Waterfowl Management Area \$75,000**

La Joya, Bernardo Ladd Gordon Waterfowl Management Area, owned and managed by the State Game Commission, provides wildlife habitat for hunting and viewing. This project will upgrade outdated water infrastructure for 1,000 acres of wetland ponds.

**Black River Watershed \$6,000**

Black River Watershed contains over 25 species of great conservation value occurring in the Black River drainage, including 13 listed species. This project will inhibit trespassing that poses a threat to the critical habitat by providing protective fencing.

**Black River Learning Center \$2,500**

This project will provide watershed education and outreach in an outdoor educational display focusing on ecological diversity of the ecology of the Black River Watershed (the main tributary of the Pecos River).

**Pecos River Aquatic Species \$4,500**

This is an outreach and education project about the introduction of nuisance species.

***Outdoor Recreation and Trails:*****Bottomless Lake State Park \$252,000**

This is a wetlands restoration project on 43 acres that will restore and enhance native aquatic habitat for 150 species (including several rare species), help restore ecosystem function within a tributary watershed to the Pecos River, and expand wildlife-related outdoor recreation and education opportunities.

**Turquoise Trail; Gutierrez Canyon \$300,000**

This is a fee purchase of 420 acres that stretches from NM highway 14 National Scenic Byways to the existing Gutierrez Canyon Open Space. This project would double the size of this widely used recreational area and create a trailhead right off NM highway 14.

***Clean energy projects include:*****Northern Recycling \$200,000**

Funding will enhance recycling opportunities in Northern Counties above Santa Fe.

**The Renewable Energy Transmission Authority - \$500,000**

This is an authority designed to develop electric transmission infrastructure with an emphasis on renewable energy development.

**Energy Efficiency and Renewable Energy Act Audits \$350,000**

This program will conduct certified energy audits and provide certification to the New Mexico Finance Authority, which can issue up to \$20 million in bonds to fund energy efficient and renewable energy renovations at state government, university and public school facilities.

**Sustainable Building Professional Infrastructure Development \$150,000**

This program is designed to advance and expand the energy efficient green building professional infrastructure, provide for training workshops and develop promotional material.

In all, the \$3.4 million will enable these projects to move forward with other matching funds that are valued at more than \$30 million. These projects cover the state and specifically focus on rural areas in Sandoval, Hidalgo, Santa Fe, Valencia, Lincoln, Chaves, Eddy, Dona Ana, Bernalillo, Socorro, Rio Arriba, San Miguel, Guadalupe and Quay Counties.

#30#

**NM Registered Cultural Properties By County: Santa Fe**

<b>HPD ID #</b>	<b>County</b>	<b>City</b>	<b>Name Of Cultural Property</b>	<b>SR List Date</b>	<b>NR List Date</b>
1256	Santa Fe	Canoncito	Nuestra Senora de Luz Church and Cemetery  I-25 Frontage Road	5/9/1986	12/14/1995
			<i>Not For Publication</i> <input type="checkbox"/>		
316	Santa Fe	Cerrillos	Cerrillos Opera House	3/29/1974	
			<i>Not For Publication</i> <input type="checkbox"/>		
273	Santa Fe	Cerrillos	Los Cerrillos Mining District	2/9/1973	
			<i>Not For Publication</i> <input type="checkbox"/>		
566	Santa Fe	Cerrillos	Mount Chalchihuitl Turquoise Mine	1/20/1978	
			<i>Not For Publication</i> <input type="checkbox"/>		
114	Santa Fe	Cerrillos	San Marcos, Pueblo of  State Road 14	9/12/1969	3/26/1982
			<i>Not For Publication</i> <input type="checkbox"/>		
746	Santa Fe	Cerrillos	Waldo Coke Ovens	8/24/1979	
			<i>Not For Publication</i> <input type="checkbox"/>		
188	Santa Fe	Chimayo	El Santuario de Chimayo NHL  El Potrero de Chimayo	5/22/1970	4/15/1970
			<i>Not For Publication</i> <input type="checkbox"/>		
71	Santa Fe	Chimayo	Oratorio de San Buenaventura  Plaza	5/23/1969	
			<i>Not For Publication</i> <input type="checkbox"/>		
75	Santa Fe	Chimayo	Plaza del Cerro  Plaza	5/23/1969	7/17/1972
			<i>Not For Publication</i> <input type="checkbox"/>		
576	Santa Fe	Chimayo	Santa Cruz Dam	1/20/1978	
			<i>Not For Publication</i> <input type="checkbox"/>		
195	Santa Fe	Cundiyo	Cundiyo  Old State Road 4	6/25/1970	
			<i>Not For Publication</i> <input type="checkbox"/>		
271	Santa Fe	Espanola	La Iglesia y la Plaza de Santa Cruz de la Canada  100 Blk, Santa Cruz Plaza	2/9/1973	8/17/1973
			<i>Not For Publication</i> <input type="checkbox"/>		

Wednesday, February 23, 2005

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<i>HPD ID #</i>	<i>County</i>	<i>City</i>	<i>Name Of Cultural Property</i>	<i>SR List Date</i>	<i>NR List Date</i>
129	Santa Fe	Galisteo	Galisteo Historic District	10/17/1969	
			<i>Not For Publication</i> <input type="checkbox"/>		
801	Santa Fe	Galisteo	Pueblo Blanco (LA 40)	4/3/1981	
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
107	Santa Fe	Galisteo	Pueblo Colorado (North)	9/12/1969	
			<i>Not For Publication</i> <input type="checkbox"/>		
113	Santa Fe	Galisteo	San Lazaro Pueblo NHL	9/12/1969	10/15/1966
			<i>Not For Publication</i> <input type="checkbox"/>		
49	Santa Fe	Glorieta	Glorieta Pass Battlefield NHL	3/21/1969	10/15/1966
			US Highway 84-85		
			<i>Not For Publication</i> <input type="checkbox"/>		
192	Santa Fe	Glorieta	Pigeon's Ranch	5/22/1970	
			<i>Not For Publication</i> <input type="checkbox"/>		
535	Santa Fe	Jacona Plaza	Roybal, Ignacio, House	11/4/1977	2/13/1986
			County Road 84		
			<i>Not For Publication</i> <input type="checkbox"/>		
1776	Santa Fe	Jaconita	Lujan/Ortiz House	3/26/1999	1/14/2000
			Route 4, Box 243-B		
			<i>Not For Publication</i> <input type="checkbox"/>		
914	Santa Fe	La Bajada	La Bajada Mesa Agricultural Site	1/14/1983	1/15/1984
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
384	Santa Fe	La Bajada	La Bajada Ruin (LA 7)	6/20/1975	
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
387	Santa Fe	La Cienega	Cienega Village Museum, Old	8/24/1979	
			State Road 22		
			<i>Not For Publication</i> <input type="checkbox"/>		
199	Santa Fe	La Cienega	Cieneguilla Pueblo (LA 16) (aka Tzeguma)	8/10/1970	
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
1778	Santa Fe	La Cienega	Jackson, J. B., House	3/26/1999	6/4/1999
			268 Los Pinos Road		
			<i>Not For Publication</i> <input type="checkbox"/>		

<b>HPD ID #</b>	<b>County</b>	<b>City</b>	<b>Name Of Cultural Property</b>	<b>SR List Date</b>	<b>NR List Date</b>
219	Santa Fe	La Cienega	Las Golondrinas Ranch Site and Acequia System	8/6/1971	2/1/1980
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
541	Santa Fe	Lamy	Apache Canyon Railroad Bridge	12/9/1977	4/27/1979
			<i>Not For Publication</i> <input type="checkbox"/>		
97	Santa Fe	Lamy	Colina Verde Ruin	9/12/1969	
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
111	Santa Fe	Lamy	Galisteo, Pueblo of	9/12/1969	
			<i>Not For Publication</i> <input type="checkbox"/>		
1230	Santa Fe	Lamy	Pfueger, John General Merchandise & Annex Saloon Main St.	2/28/1986	6/23/1987
			<i>Not For Publication</i> <input type="checkbox"/>		
110	Santa Fe	Lamy	Pueblo Largo	9/12/1969	
			<i>Not For Publication</i> <input type="checkbox"/>		
112	Santa Fe	Lamy	San Cristobal, Pueblo of, Archeological District	9/12/1969	
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
115	Santa Fe	Lamy	She, Pueblo of	9/12/1969	
			<i>Not For Publication</i> <input type="checkbox"/>		
56	Santa Fe	Los Alamos	Bandelier National Monument (2 portions) NHL and CCC National Register Historic District	5/21/1971	10/15/1966
			<i>Not For Publication</i> <input type="checkbox"/>		
56	Santa Fe	Los Alamos	Bandelier National Monument (2 portions) NHL and CCC National Register Historic District	5/21/1971	5/28/1987
			<i>Not For Publication</i> <input type="checkbox"/>		
1871	Santa Fe	Los Alamos	Coalition and Classic Period Cultural Properties of the Pajarito Plateau, AD 1200-1600	9/13/2004	
			<i>Not For Publication</i> <input checked="" type="checkbox"/>		
454	Santa Fe	Madrid	Madrid Boarding House	7/30/1976	
			<i>Not For Publication</i> <input type="checkbox"/>		

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## Regional Planning Authority

The Regional Planning Authority (RPA) was created to deliberate on matters of land use planning in the concurrent five mile extraterritorial jurisdiction of the City of Santa Fe and Santa Fe County. The RPA investigates and assembles data; establishes principals and policies to guide development of a regional growth management plan; and incorporates existing planning for the urban area, traditional historic villages and contemporary communities. The RPA has joint interests in Land Use Planning and Mapping, annexations issues, zoning issues such as rural protection, family transfer development, buffer zones, coordination of city, county and RPA Capital Improvement Plans.

In addition, the RPA confers on affordable housing, management of water resources, integrated transportation, infrastructure financing, waste management, energy, economic development, coordination of emergency and health services, public safety and pueblo relations. The City and County designate four members of each of their governing bodies to serve as members of the RPA. The RPA meets once each month in either the City Council Chambers or County Commission Chambers.

### RPA Members

#### City Councilors

Rosemary Romero  
Email

Patti Bushee  
Email

Matthew Ortiz  
Email

Rebecca Wurzberger  
Email

#### RPA Staff

Mary Helen Follingstad  
Executive Director  
Email

#### City Staff

Frank Katz  
City Attorney  
Email

Reed Liming  
Long Range Planning Director  
Email

#### County Commissioners

Paul Campos  
Email

Harry Montoya  
Email

Jack Sullivan  
Chairman  
Email

Virginia Vigil  
Email

#### County Staff

Judy McGowan  
County Planning Manager  
Email

Rachel Brown  
Assistant County Attorney  
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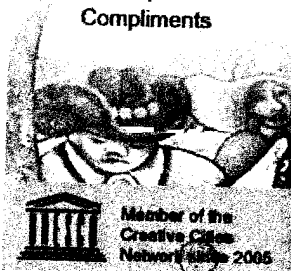


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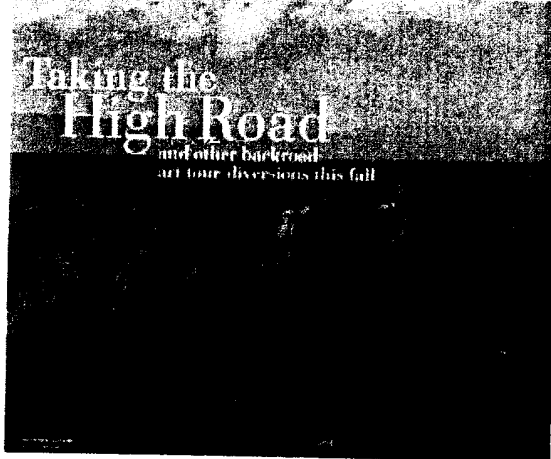
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### Features

## Taking the High Road

BY NANCY ZIMMERMAN

Hit the highways and byways this autumn and enjoy our spectacular studio-tour season. Great art. Good community. Natural beauty. Isn't that what Northern New Mexico is all about?



Hit the highways and byways this autumn and enjoy our spectacular studio-tour season. Great art. Good community. Natural beauty. Isn't that what Northern New Mexico is all about?



Want to escape our 21st-century speed-living? Come to Santa Fe. Want to step back in time on another level? Visit the rustic villages lining the country roads just beyond our city limits. These tight-knit communities, from Embudo to El Rito, exude a feeling of bucolic timelessness as well as a sense of mystery: Who lives in these sleepy byways, and how do they manage to eke out a living in today's overly hyped urban-centric world? Each fall, we have the chance to find out. From early September through winter's first chill, artists, boutique wineries, organic farmers, and myriad others open their homes and workshops for the annual studio-tour season, inviting visitors in for a behind-the-scenes look at their rural reality. While many of the residents are descendants of indigenous Pueblo Indians and the early Hispanic settlers, in recent decades they've been joined by artists who find that Northern New Mexico's stark beauty and seclusion inspire their creativity and connect them with the landscape in ways that a New York City loft or a San Francisco atelier just can't.

But don't assume those living here are the artists and entrepreneurs who couldn't make it in a major metropolis. "When we were living in Europe at the end of the 1980s, we had a clear vision of what we wanted when we returned to the United States," says writer and artist Terry Ensenat Mulert, who with his wife, contemporary sculptor and painter Paula Castillo, built their home, studio, and full-time gallery in a historic, 100-year-old building in Cordova, once home to the city's grocery store and post office. Twenty years later, the town's population still hovers around 600, with many of its residents taking part in this month's annual High Road tour. Although Castillo grew up in Belen before attending Yale and receiving a National Endowment for the Arts fellowship for her work, she's still amazed by "the incredible amount of people who appreciate the visual language of art, and come to New Mexico specifically for it," she says. "We don't want to romanticize it," says Mulert, "but this is a romantic experience. You're not in New York. You're looking out your window at the Jemez Mountains, the acequia, a horse walking up the street. It's something that you don't experience if you don't live here."

Autumn provides the ideal time to head out into the countryside to partake in the magic. The landscape's palette shifts to shades of rust and yellow, and the legendary New Mexico light warms everything with a golden cast. Chillier evenings presage the winter to come, while characteristic autumn aromas—piñon smoke and roasting chile—fill the air like an earthy incense. "It's a community open house," says Castillo, "and the nicest way to see this part of the state."

IN 1973, LA CIENEGA launched the region's first official studio tour in this small village of some 3,000-plus citizens south of Santa Fe, surrounded by rolling hills and orchards—once a pueblo, then settled by the Spanish in the early 18th century. "[The tours] started when a handful of artists got together to hold a joint open house," says Bob Brodsky, an internationally known ceramic artist and glassblower whose studio, Rabbit Artworks, is still a favorite stop here each year. Who knew that open house 34 years ago would change our region's history. "As the community grew, the open house spread to include new artists, and it's become a tradition," Brodsky recalls. "The artists who come to small towns like La Cienega love the beauty, the light, and the New Mexico lifestyle—most of us just wanted to get away

### ONLINE EXCLUSIVES

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### VACATION PLANNER

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- SANTA FE DESIGN

somewhere secluded to make our art. These villages have a strong sense of community, which is supportive of our lifestyle."

By the 1990s, Northern New Mexico's fall calendar was full, the studio tour season getting under way in early autumn to capitalize on what locals consider the best weather of the year. While the concept is essentially the same wherever you go—you pick up a hand-drawn map to the studios, drop in to visit the artists and discuss their work, shop, and snack—the villages themselves are surprisingly different from one another, as are the artists, and each tour has a distinct appeal.

This year, the art crawl starts September 8–9 in Pilar, a little-known gem tucked so discreetly below NM 68 between Embudo and Taos that most people barely know it's there. An all-but-hidden turn off the highway by the Pilar Cafe takes you down a country lane that meanders through a patchwork of small farms, homes, and studios on the willowy banks of the Rio Grande. The town's 11th annual tour showcases the natural beauty of the surrounding mountains, vividly represented by Inger Jirby's colorful oil and watercolor paintings, Kit Lynch's vibrant pastels, and Stephen Kilborn's fanciful, functional pottery. "This place is a big source of inspiration for me," says Jirby, whose rambling adobe home and studio she's dubbed her "Riviera by the Rio Grande." Says the Sweden-born painter who traveled the world before settling down in Northern New Mexico in the 1980s, enchanted by the quality of life: "It's my sanctuary, my paradise." Both her home and studio will be open during the tour.

The following weekend gives you Art Along El Camino Real Norte, featuring artists hidden in quaint spots north of Pilar such as Pot Creek, Talpa, and Ranchos de Taos. The tour offers historic sites like San Francisco de Asís church, built in the late 1770s in Ranchos de Taos, the community just south of Taos proper, and San Juan de los Lagos church, in Talpa. En route, hit the truly multicultural Pojoaque River Art Tour, slated for the same weekend, which collects the work of artists from Pojoaque, Jacona, Jacanita, and El Rancho, along with the contemporary Native American artists of Pojoaque Pueblo and the more traditional artists at San Ildefonso Pueblo.

One of Santa Fe's largest and most popular tours is the High Road to Taos, with its soaring vistas and historic churches linking mountain villages that seem virtually unchanged from their early days as the farthest outposts of New Spain. These communities, some with only a handful of residents, have banded together to offer their ninth annual tour over two weekends, September 22–23 and 29–30, with about 70 participating artists. "You can see everything from abstract painting that could be right out of New York City to a guy sitting and whittling on an aspen branch," says Alberto Castagna, a painter and stone sculptor in Peñasco. "It's a great opportunity to meet some of those 'off-the-grid' types, the hermits who don't usually have much contact with the public."

Geographically speaking, the High Road festivities start in the bundle of communities including Chimayó, Cordova, and Nambe. Here you'll find traditional Hispanic wood carving along with the work of landscape photographer Charles Sargent, Terry Ensenat Mulert's distinctive wood figures, and Paula Castillo's found-metal sculptures. Going north toward Truchas brings an unexpected cluster of galleries—Hand Artes, Cardona-Hine Gallery, and Galería de Amor—as well as studio-galleries of well-known fixtures like surrealist-folk artist Eric Luplow and writer-painter Pierre Delattre. The tour, funded in part by the National Endowment for the Arts, continues through the villages of Ojo Sarco, Las Trampas, and Chamisal, then heads for Peñasco, Picuris Pueblo, and Vadito, where residents display stone sculpture, quilts, jewelry, painting, and wood carving—both traditional and non-traditional forms that celebrate the diversity of art and craft still robust throughout the region. A number of demonstrations and workshops, held during the week prior to the first tour weekend, share techniques for encaustic painting, stonework, watercolor, and weaving.

And if that's not enough, there's also the option of going east that weekend: The Celebrate Pecos Studio Tour, September 29–30, winds through the historic mountain pass of Pecos Valley, on the edge of the Santa Fe

National Forest, the area home to such celebrities as Val Kilmer and Jane Fonda. Some 10 artists are on the tour, from the Japanese-inspired porcelain work of artist Ann Trott to the sculptures of Greg Robertson.

LONG BEFORE THE LEGENDARY arrival of Georgia O'Keeffe in the stirring red-rock landscape of Abiquí, this village of 1,200 people and the surrounding Chama River Valley hosted generations of Native American and Hispanic settlers who pursued traditional arts. Today, in the self-guided driving tour over Columbus Day weekend, October 6–7, you'll find Rio Grande-style weavings by Barbara Manzanares as well as traditional crafts like Leopoldo Garcia's woodcarvings and retablos and tinwork by María Dolores Maestas. There's also contemporary painting, including the whimsical animal imagery of Lori Faye Bock, who lives on a farm with her husband, Richard, a stockbroker; the two having opted out of California for a life of art and agriculture. (They also raise sheep for wool production on their historic Von Bock farms, just north of Abiquí.) The couple are in good company: Actress Marsha Mason's ranch, Resting in the River, is just down the road and offers natural skincare and herbal health products. Oils and bath and body products are available at the Purple Adobe Lavender Farm. Both open their doors for the studio tour, too.

Two weekends later, you can step back into Old Mexico in Galisteo, a community south of Santa Fe established by Spanish settlers around 1588 that grew into a ranching center anchored by the legendary Ortiz y Pino family. Over the years, the town has become a gathering place for artists, writers, and other creative types—Santa Fe native and mega fashion designer Tom Ford owns a ranch here. "Pretty much all of the studios and homes are in the original old buildings—there's very little new construction here," says Priscilla Hoback, whose distinctive clay murals and ink-on-paper drawings combine a sense of history with a contemporary aesthetic. She welcomes visitors to her hacienda-style compound, which

encompasses her studio, pottery shop, garden, and barn, where "people can wander about the grounds, visit my five Arabian horses, and enjoy freshly pressed cider."

The Galisteo artists, some 25 of them, are a diverse bunch. Arthur Lynn, a third-generation metal-worker, forges heirloom-quality steel knives by hand. Photographer Nicholas Trofimuk, whose home and studio occupy the former school-house, displays his stunning black-and-white NewMexico landscapes. María Ortiz y Pino, a descendant of the leading local family, fashions crosses from cholla and chamisa adorned with healing herbs, according to traditional lore taught her by her father, a curandero, or healer. This year's tour, October 20-21, will be its 20th.

"When we began, we were uncertain as to how it would play out," says Stanley Crawford, an acclaimed writer and garlic farmer who's been a part of Dixon's studio tour since the beginning—way back in 1981. "But we were successful enough to keep doing it." This town of 16,000 residents about 50 miles north of Santa Fe in Embudo Valley, showcases some 40 participants on its tour. At Crawford's farm, you can purchase wreaths and garlic arrangements as well as copies of his books; at two local wineries, La Chiripada and Vivac, you can visit tasting rooms.

But as entertaining as these studio visits are for the day-trippers, they also serve as an invaluable economic tool. In 2004, some 15,000 visitors made the High Road tour, according to a report by the Western States Arts Federation. That's not too shabby for a 30-mile event that winds through small towns and supports cottage industries along the backroads to Taos. The tours "bring some of these artists a market for the first time," says stone sculptor Alberto Castagna. They also offer the rare opportunity for broadening your artistic horizons, finding common ground within communities, and remembering Northern NewMexico's beauty really is best when it's shared. And what better time than a lovely autumn day?

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**F.2 PREHISTORIC SITES WITHIN THE STUDY  
AREA/AREA OF POTENTIAL EFFECT (APE)**

Various archeological sites are located within the Study Area/APE for the Proposed Action. These sites have been designated as prehistoric by the New Mexico Historic Preservation Division and are largely rock art sites. In general, the prehistoric time range runs from 9500 B.C. to A.D. 1550.<sup>81</sup> A map of these sites is included as **Exhibit F.1.**

<sup>81</sup> State of New Mexico Historic Preservation Division, ARMS. GIS data provided to L&B, September 2007.

# APPENDIX F

## SUPPORTING INFORMATION FOR ANALYSIS OF HISTORIC, ARCHITECTURAL, ARCHEOLOGICAL, AND CULTURAL RESOURCES

### F.1 HISTORIC PROPERTIES

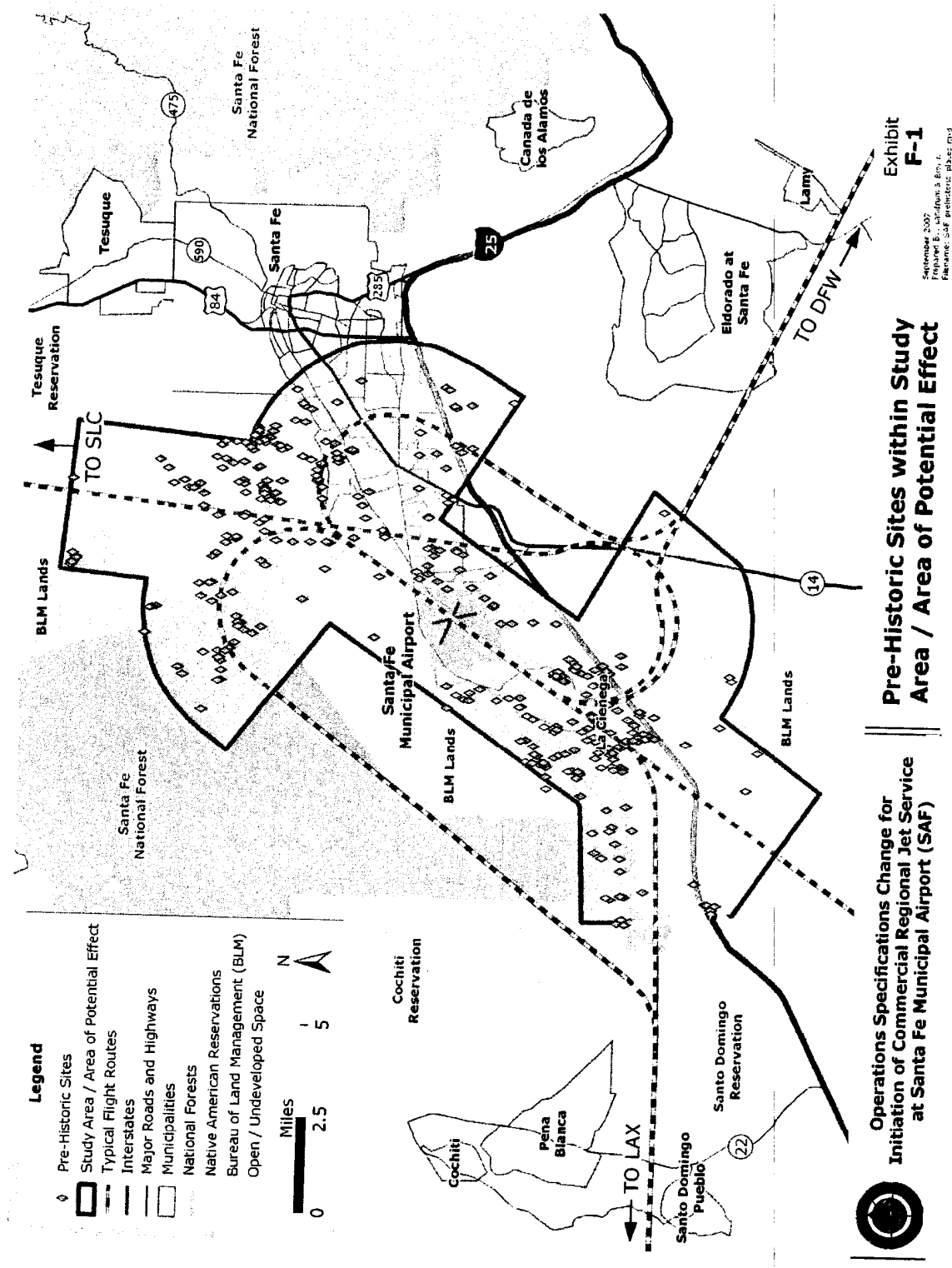
**Table F.1** lists all Nationally and State-listed historic properties located within Santa Fe County, New Mexico.

**Table F.1**  
**Properties Listed on the State and/or National Registers of Historic Places**  
**Santa Fe County, New Mexico**

City	Name & Address	Located Within Study Area/APE
Galisteo	Galisteo Historic District	
Galisteo	Pueblo Blanco (LA 40)	
Galisteo	Pueblo Colorado (North)	
Galisteo	San Lazaro Pueblo NHL	
Glorieta	Glorieta Pass Battlefield NHL US	
Glorieta	Highway 84-85	
Glorieta	Pigeon's Ranch	
Jacona Plaza	Roybal, Ignacio, House County Road 84	
Jaconita	Lujan/Ortiz House Route 4, Box 243-B	
La Bajada	La Bajada Mesa Agricultural Site	
La Bajada	La Bajada Ruin (LA 7)	
La Cienega	Cienega Village Museum, Old State Road 22	Yes
La Cienega	Cieneguilla Pueblo (LA 16) (aka Tzeguma)	Yes
La Cienega	Jackson, J. B., House 268 Los Pinos Road	Yes
La Cienega	Las Golondrinas Ranch Site and Acequia System	Yes
Lamy	Apache Canyon Railroad Bridge	
Lamy	Colina Verde Ruin	

**SANTA FE MUNICIPAL AIRPORT**

**DRAFT ENVIRONMENTAL ASSESSMENT**



**Operations Specifications Change for  
Initiation of Commercial Regional Jet Service  
at Santa Fe Municipal Airport (SAF)**

**Pre-Historic Sites within Study  
Area / Area of Potential Effect**

**Exhibit  
F-1**

September 2007  
Prepared by: Landrum & Brown, Inc.  
Filename: SAF prehistoric sites.mxd

Landrum & Brown  
March 2008

Appendix F

# Maps

# Galisteo Basin Archaeology

[News](#)



[Partners](#)



[History](#)



[Nature](#)



[Visitors](#)



[Map/Sites](#)



[Readings](#)



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## Galisteo Basin Archaeological Sites

Read about the Galisteo Basin Archaeological sites on this page. To get the most out of this website, you may want to make sure you have the current Flash player loaded, and visit our Interactive Galisteo Map.

- ▶ [visit our Interactive Map](#)
- ▶ [get Flash player](#)



Site Type: **Petroglyphs**

### Comanche Gap Petroglyphs

Also known as Creston or Puertacito de los Salados.

Rock-art scholar Polly Schaafsma called this a "magical place bristling with protective powers." War imagery dominates the rock art here, created by the Galisteo Basin Tano between AD 1350-1680. Petroglyphs here include Shalako kachinas; star motifs; predatory animals and birds; and warriors with shields and clubs.

The Comanche Gap Petroglyphs are not open to the public, although the Laboratory of Anthropology occasionally offers guided tours.



Site Type: **Petroglyphs**

### La Cieneguilla Petroglyphs/Camino Real Site

Hundreds of petroglyphs, dating from pre-contact time and from the Spanish colonial era, can be found along this escarpment above the Santa Fe River. This site is also of interest to those tracing the route of El Camino Real de Tierra Adentro, as the ancient road passed along here as well.



La Cieneguilla Petroglyphs. Photo courtesy Queenellen.com



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La Cieneguilla Petroglyphs. Photo courtesy Queenellen.com



La Cieneguilla Petroglyphs. Photo courtesy Queenellen.com

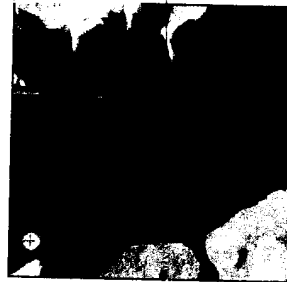


Site Type: Petroglyphs

**Petroglyph Hill**

A large hill covered with black volcanic rock on which hundreds of petroglyphs are carved, and offering views of the entire Galisteo Basin. The land surrounding this area was acquired by Santa Fe County in 2001 and is being considered for state park status.

Pueblo She is not open to the public, although the Laboratory of Anthropology occasionally offers guided tours.



Site Type: Pithouse village

**La Cienega Pithouse Village**

First excavated by Nels Nelson in 1914. La Cieneguilla Pithouse is not open to the public.



Site Type: Pithouse village



Chamisa Locita Pueblo is not open to the public.


 Site Type: Pueblo

### Espinoso Ridge Pueblo

Also called the Espinosa Hill Ruin.

This small site consists of one masonry roomblock, dating from the Pueblo IV period, between 1300 AD - 1600 AD.

Espinoso Ridge Pueblo is not open to the public.

 Site Type: Pueblo

### La Cienega Pueblo & Petroglyphs

140 room site, also known as Tzi-gu-ma or Pueblo La Mesita. Over 1000 petroglyphs can be found in this area. This pueblo was first mentioned by Castano de Sosa who wrote of a small pueblo two leagues from San Marcos. This pueblo may have had a church in the early 17th century. This pueblo was abandoned after the 1680 revolt.

► [More information on La Cienega Pueblo](#)



 Site Type: Pueblo

### La Cieneguilla Pueblo

The Pueblo of "Cieneguilla" that Nels Nelson excavated in 1915 (LA 16) is a prehistoric Pueblo with a "Mexican" (probably Spanish and Mexican) village built over the top of it, including a church. It is located at what is called Cieneguilla just west of Santa Fe. Mera (1940, p. 29) found some Period 5 Glaze at LA 16 (La Cieneguilla Pueblo), indicating it was reoccupied in the 1650-1700 period after having been abandoned since about 1490.

La Cieneguilla Pueblo is not open to the public.



 Site Type: Pueblo

### Lamy Pueblo

## A SELECTED BIBLIOGRAPHY

- Architectural Research Consultants, Inc.  
 1994 "El Viaje: A Planning Study for El Camino Real Interpretive Center." Report prepared for Museum of New Mexico State Monuments.
- 2001 "El Camino Real Historic Corridor Management Plan for the Rio Abajo." Museum of New Mexico State Monuments Division. May 2001.
- Cather, Willa  
 1999 *Death Comes for the Archbishop*. Lincoln, Nebraska: University of Nebraska Press.
- D'Azedeo, Warren L., Ed.  
 1986 *Handbook of North American Indians, Volume II. Great Basin*. Washington, D.C.: Smithsonian Institution.
- Emory, Lieut. Col. William Hensley  
 1848 *Notes of a Military Reconnaissance from Fort Leavenworth in Missouri, to San Diego, California, including part of the Arkansas, Del Norte, and Gila Rivers*. Senate Document No. 7, 30th Congress, 1st Session, Ex. Doc. No. 41, Washington, D.C.
- Fowler, John M.  
 n.d. *Historic Range Livestock Industry in New Mexico*. NP.
- Hammond, George Peter and Agapito Rey, Eds.  
 1953 *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*. Coronado Cuarto Centennial Publications, 1540-1940, Vols. v and vi. Albuquerque, NM: University of New Mexico Press.
- 1966 *The Rediscovery of New Mexico, 1580-1594: The Explorations of Chamuscado, Espejo, Castaño de Sosa, Morlete, and Leyva de Bonilla and Humaña*. Coronado Cuarto Centennial Publications, 1540-1940, Vol. III. Albuquerque, NM: University of New Mexico Press, 1966.
- Jefferson, Jim  
 2001 *Nunt'z: The Ute People*. Southern Ute Tribe Cultural Series.
- Jemison, Roy, Carol Raish, C. Raish, Eds.  
 2000 *Livestock Management in the American Southwest: Ecology, Society, and Economics*. Amsterdam, The Netherlands: Elsevier Science, 2000.
- Marshall, Michael P.  
 1991 "El Camino Real de Tierra Adentro: An Archeological Investigation. The 1990 New Mexico Historic Preservation Division Survey." Prepared by El Camino Real Project and Cibola Research Consultants for the New Mexico Historic Preservation Division.
- Moorhead, Max L.  
 1958 *New Mexico's Royal Road: Trade and Travel on the Chihuahua Trail*. University of Oklahoma Press, Norman.
- Ortiz, Alfonso, Ed.  
 1979 *Southwest. Handbook of American Indians*, Vol. 9. General Editor, William C. Sturtevant. Washington, D.C.: Smithsonian Institution, 1979.

- 1983 *Southwest. Handbook of American Indians*, Vol. 10. General Editor, William C. Sturtevant. Washington, D.C.: Smithsonian Institution, 1983.
- Palmer, Gabrielle G., Comp., June- el Piper and LouAnn Jacobson, Eds.  
1993 *El Camino Real de Tierra Adentro, (Volume One)*. Santa Fe: Bureau of Land management, Cultural Resources Series No. 11.
- Palmer, Gabrielle G. and Stephen L. Fosberg, Comps., June- el Piper, Ed.  
1999 *El Camino Real de Tierra Adentro, Volume Two*. Santa Fe: Bureau of Land management, Cultural Resources Series No. 13.
- Pacheco, José De La Cruz and Sánchez, Joseph P, Coordinators.  
2000 "Memorias del Coloquio Internacional El Camino Real de Tierra Adentro." Instituto Nacional de Antropología e Historia (Mexico D.F.: 2000)
- Sando, Joe S.  
1992 *Pueblo Nations: Eight Centuries of Pueblo Indian History*. Santa Fe: clear Light Publishers, 1992.  
1998 *Pueblo Profiles: Cultural Identity Through Centuries of Change*. Santa Fe: Clear Light Publishers, 1998.
- Simmons, Marc  
1991 *The Last Conquistador: Juan de Oñate and the Settling of the Far Southwest*. Norman: University of Oklahoma Press.  
1983 "Carros y Carretas: Vehicular Traffic on the Camino Real." In *Hispanic Arts and Ethnohistory in the Southwest*, edited by Martha Weigle, pp. 325- 334. Ancient City Press, Santa Fe.
- U.S. Department of Agriculture, National Resource Conservation Service  
2002 ([http://plants.usda.gov/cgi\\_bin/topics.cgi](http://plants.usda.gov/cgi_bin/topics.cgi))
- U.S. Department of the Interior, Bureau of Land Management.  
1985 Draft Resource Management Plan, Albuquerque District, Río Puerco Resource Area, March 1985.  
1985 Draft Resource Management Plan, Las Cruces District, White Sands Resource Area, March 1985.  
1988 Draft Resource Management Plan, Las Cruces District, Socorro Resource Area, January 1988.  
1993 Resource Management Plan, Las Cruces District, Mimbres Resource Area, December 1993.  
1995 *La Cienega Area of Critical Environmental Concern: Coordinated Resource Management Plan*. Prepared by Taos Resource Area and Albuquerque District Office. [Albuquerque].
- U. S. Department of the Interior, National Park Service.  
1985 *Trail of Tears: National Historic Trail Feasibility Study and Environmental Assessment*. Denver.  
1987 *California and Pony Express Trails: Eligibility/Feasibility Study and Environmental Assessment for National Historic Trail Authorization*. Denver.  
1990 *Santa Fe National Historic Trail Comprehensive Management and Use Plan*. Denver.  
1995 "Historical Dictionary of Place Names Associated with *El Camino Real de Tierra Adentro*." Project Director, Joseph P. Sánchez; Researchers, Bruce A. Erickson and Angélica Sanchez- Clark; Assistant Researchers, Chantal Cramaussel and Salvador Alvarez; Cartographical Consultant, Carolyn Finnance, Spanish Colonial Research Center. On file at NPS offices in Albuquerque and Santa Fe, New Mexico.

- 1996a "Toward a Definition of the Spanish *Camino Real: Cabañas, Villas, Armies, and the Spanish Crown*", Joseph P. Sánchez, Maria Luisa Pérez González, and Bruce A. Erickson, that is on file at the Spanish Colonial Research Center and the Long Distance Trails Group Office - Santa Fe.
- 1996b El Paso Missions Special Resource Study, Texas.
- 1996c *Juan Bautista de Anza National Historic Trail Comprehensive Management and Use Plan / Final Environmental Impact Statement*. Pacific West Field Area, San Francisco, CA.
- 2000 "International Collaboration on Research, Conservation, and Dissemination of the Shared Cultural and Natural Heritage United States- Mexico Accomplishments 1994- 2000" National Park Service and Instituto Nacional de Antropología e Historia, 2000.
- 1991 National Park Service and Santa Fe Trail Association Certification Guide, Santa Fe National Historic Trail. Santa Fe, NM.

# *La Cienega and La Cieneguilla Community Plan*



Adopted by the Santa Fe County Board of County Commissioners  
Via Resolution 2001-117 on August 14<sup>th</sup>, 2001

*Prepared By The*

*La Cienega and La Cieneguilla Community Planning Committee*

*1997 - 2001*

EXHIBIT  
7

**Density Transfers:**

- A. Density transfer(s) should be used to protect community assets including but not limited to wetlands, open spaces, springs, watercourses, riparian areas, agricultural lands, acequias, traditional community centers, archeological sites, historical and cultural sites and multi-generational family housing compounds. This will allow developments to transfer minimum lot size densities from an entire piece of property to a specific area of the property in order to protect important community resources such as those listed above. For example if a developer chooses to develop a 10 acre tract in the Traditional Community Zoning District under permitted .75 acre lot size zoning, the county code would allow the developer to divide the land into 13 individual parcels with one dwelling unit per .75 acre parcel. Under density transfers, the developer would be able to cluster the gross density of 13 units on a portion of the property, leaving the rest of the property open and undeveloped.

- 1) When density transfers result in higher site densities, such development shall be clustered and sited in an organic manner to fit the land features and existing rural character of La Cienega and La Cieneguilla, instead of in an urban grid pattern.

**Residential Uses:**

- A. Residential uses shall be permitted in the entire Planning Area.

**Commercial Uses:**

- A. The La Cienega and La Cieneguilla Community Plan supports existing and planned commercial development areas in the Highway Corridor Plan along with all requirements therein. No new commercial nodes or other commercial developments shall be permitted in the Planning Area.
- B. All new commercial establishments shall submit a water resources plan as part of the master plan review process. The water resources plan must demonstrate secured access to a 100 year supply of water as well as secured water rights to meet all current and projected demands for the business operation.
- C. The Plan recognizes that the long-term well-being of the community will require a sustainable economic base and local services which are provided by allowing the existing commercial development areas to continue to meet the needs of the community and the County.

hardship, that the request is a minimum easing of the Ordinance requirements, making possible the reasonable use of the land and that it will have no adverse impact to neighboring properties, the community or the environment. Such requests for exemption must be heard before the La Cienega and La Cieneguilla Development Review Committee.

**Land Protection:**

- A. Open spaces set aside for density transfer or other easements for the protection of community assets, as described above, should interconnect to similar sites or potential sites on adjacent properties whenever possible.
- B. Developments shall design narrow roads and driveways that follow the natural terrain without creating large cut and fill areas; roads shall be designed with more natural edges, using shoulders, ditches and grassy swales rather than curb and gutter. Roads and driveways must meet all Land Development Code requirements, for example fire access and width.
- C. Native vegetation should be preserved, when possible, on development sites and local native plants used for landscape buffers and screening.

**Accequia Protection:**

- A. All development shall be set back from the six foot (6') maintenance right of way of the traditional accequias.
- B. Prior to issuance of development permits, applications for development within twenty-five feet (25') of an accequia must be reviewed by the affected Accequia Association. Such review will require a recommendation of approval or denial and/or any suggested conditions for approval. This will be a non-binding review and recommendation to help protect the local accequias' integrity and function. The review period will be no longer than 30 days and if no response is received from the Accequia Association by that time, the application shall proceed through the normal procedures. The County shall work with the Accequia Associations to develop a contact list for review of proposals.

**Lot Coverage:**

- A. For residential uses, the total roofed area of principal and accessory structures shall be no more than twenty percent (20%) of the total lot area. For example, a ¼ acre lot would accommodate approximately 6,500 square feet of structures and a 2.5 acre lot would accommodate approximately 21,700 square feet of structures.
- B. For non-residential uses, the total roofed area of principal structures, accessory structures, roadways/driveways and parking facilities shall be no more than sixty percent (60%) the total lot area. For example, a one acre lot would accommodate approximately 25,200 square feet of commercial lot area.

SANTA FE COUNTY  
Ordinance No. 2002 - 9

2155704

AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, TO ADD A NEW SECTION 6, LA CIENEGA AND LA CIENEGUILLA TRADITIONAL COMMUNITY PLANNING AREA AND LA CIENEGA TRADITIONAL COMMUNITY ZONING DISTRICT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, IS AMENDED TO ADD A NEW SECTION 6 AS FOLLOWS:

SECTION 6 - LA CIENEGA AND LA CIENEGUILLA TRADITIONAL COMMUNITY PLANNING AREA AND LA CIENEGA TRADITIONAL COMMUNITY ZONING DISTRICT

6.1 Applicability of Ordinances and the Land Development Code

All regulations, policies and conditions established via the Santa Fe County Land Development Code (herein referred to as the "Code") shall be applicable to all property within the La Cienega and La Cieneguilla Traditional Community Planning Area and the La Cienega Traditional Community Zoning District except those specifically modified by this Ordinance.

6.2 Location of Planning Area and Traditional Community Zoning District Boundaries

The La Cienega and La Cieneguilla Traditional Community Planning Area and Traditional Community Zoning District consists of all property designated by County Resolution 2001-117, as amended. The following maps depicting these areas are hereby adopted and incorporated into this section.

- a.) La Cienega and La Cieneguilla Traditional Community Planning Area Map
  - i. Written description of La Cienega and La Cieneguilla Traditional Community Planning Area Boundary
- b.) La Cienega Traditional Community Zoning District Map (Recorded in Santa Fe County Plat Book 490, pages 46-47)

6.3 Intent of La Cienega and La Cieneguilla Community Plan:

The standards and regulations set forth for this Planning Area are intended to implement the purposes, intent, planned land use goals and strategies of the La Cienega and La Cieneguilla Community Plan, adopted and approved by the Board of County Commissioners on August 14<sup>th</sup>, 2001 via Resolution 2001-117, as amended, pursuant to the Community Planning Process set forth in Article XIII of the Code (Ordinance 1998-5, as amended). This Ordinance shall apply to all development occurring after the adoption of this Ordinance and development not legally in existence at the time of adoption of this Ordinance. Any development that does not have final



2155706

1 dwelling unit. Density adjustments above one dwelling unit per 160 acres must follow  
 2 requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code  
 3 as amended, along with all requirements outlined in this ordinance. The maximum  
 4 density shall not be increased when community water and sewer systems are provided  
 5 except where density transfer is used to protect sensitive lands or preserve community  
 6 assets as described in Section 6.6 and gross density is maintained.

7 6.4.5 Density Requirements on Lots with Multiple Zoning Designations:

8 If a single land parcel and/or subdivision lies within two separate hydrologic or zoning  
 9 districts, the density of dwelling units per acre shall reflect the exact proportion of each  
 10 district in which the parcels lies.

11 6.4.6 Documentation of Wastewater System Compliance for Zoning and Land Division  
 12 Applications:

13 When property in the Planning Area is divided, subject to a family transfer or re-zoned  
 14 the landowner must furnish complete and accurate documentation to the County which  
 15 demonstrates that all facilities on-site are in compliance with all applicable New Mexico  
 16 Environment Department regulations and that all necessary permits have been obtained  
 17 for any and all septic and waste disposal facilities on the property. This section shall not  
 18 be interpreted so as to exempt existing development from all applicable requirements.

19  
 20 6.5 Density Transfers to Protect Community Assets:

21 Density transfer(s) should be used to protect community assets including but not limited to  
 22 wetlands, open spaces, springs, watercourses, riparian areas, agricultural lands, acequias,  
 23 traditional community centers, archeological sites, historical and cultural sites and multi-  
 24 generational family housing compounds. When density transfers result in higher site densities,  
 25 such development shall be clustered and sited in a manner to fit the topography, and existing rural  
 26 character of La Cienega and La Cieneguilla, instead of in an urban grid pattern.

27  
 28 6.6 Open Space Land Protection through Density Transfers or other types of Easements:

29 Open spaces set aside for density transfer or other easements for the protection of community  
 30 assets, as described above, should interconnect to similar sites or potential sites on adjacent  
 31 properties whenever possible. Easements shall clearly delineate the open space areas and no build  
 32 areas as well as document any permitted uses in such areas.

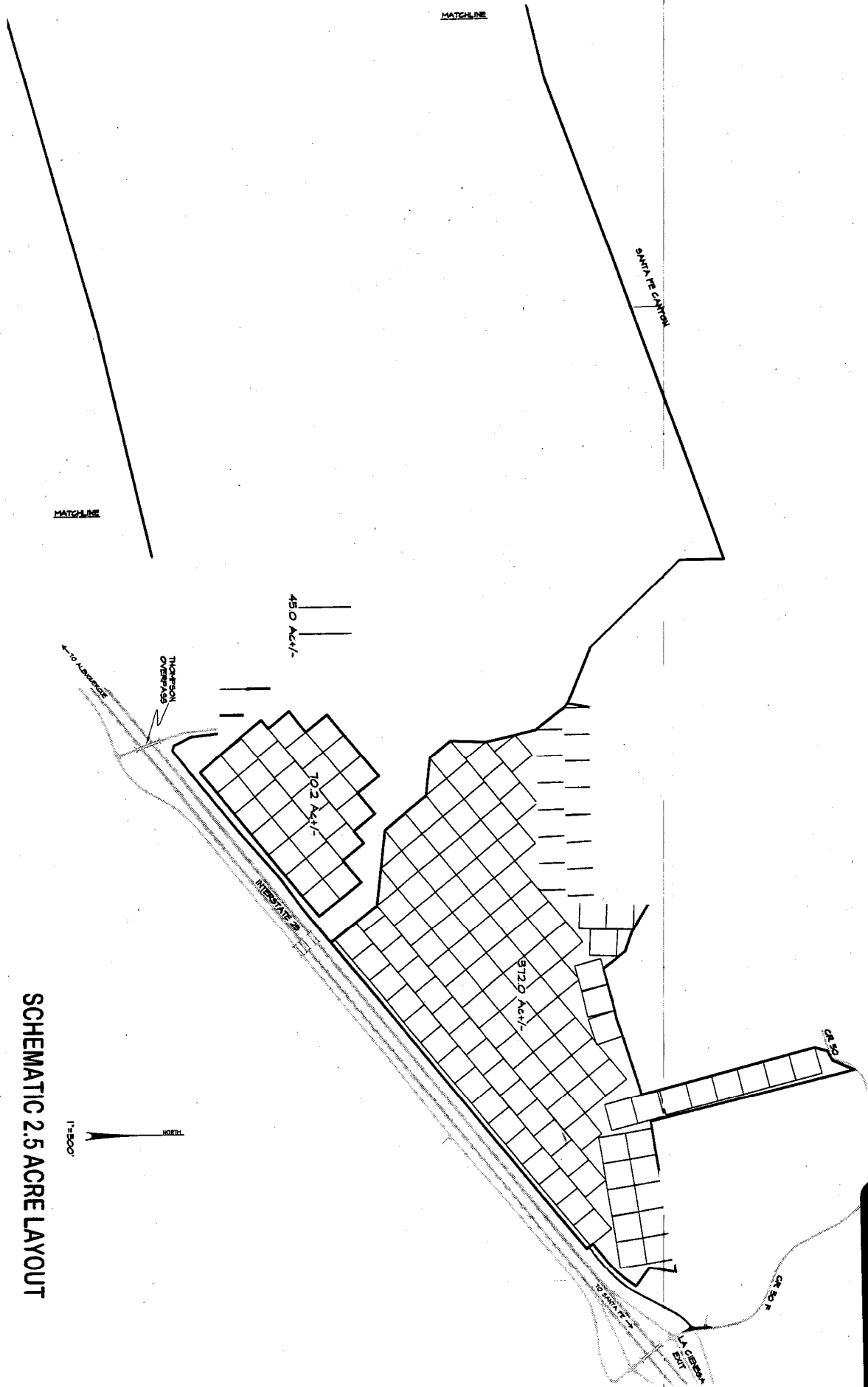
33  
 34 ~~6.7 Acequia Protection~~

35 6.7.1 Acequia Setback Requirements:

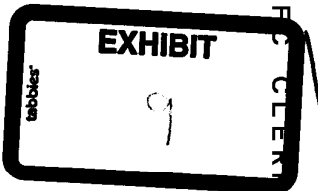
36 No new structures or permanent fences or walls that will impair or obstruct normal  
 37 operations of an acequia shall be permitted within six (6) feet of community acequia  
 38 associations registered with the Office of the State Engineer. This will not apply to  
 39 private acequia associations.

40 6.7.2 Acequia Association Review of New Development:

41 Prior to issuance of development permits for activities that may interfere with acequia  
 42 operations including fences, walls, grading, drainage and septic systems, applications for  
 43 development within twenty-five feet (25') of an acequia must be reviewed by the affected  
 44 acequia association. Such review will include a recommendation of approval or denial  
 45 and/or any suggested conditions for approval and will be non-binding. Applicants shall



tabbler  
**EXHIBIT**  
8



APPROXIMATE  
DISTANCE FROM NEW LOT LINE TO  
EXISTING NORTH PROPERTY LINE

140.86'	GALLEGOS RANCH
150.88'	THORNDUP
122.00'	LAKE
150.00'	LAKE



APPROXIMATE  
DISTANCE FROM NEW LOT LINE TO  
EXISTING NORTH PROPERTY LINE

159.20'	GONZALES
151.50'	GONZALES
152.03'	GONZALES

APPROXIMATE  
DISTANCE FROM NEW HOUSE ENVELOPE  
TO EXISTING PROPERTY LINE

34	35	36
218.96'	166.15'	254.26'



APPROXIMATE  
DISTANCE FROM NEW HOUSE ENVELOPE  
TO EXISTING PROPERTY LINE

256.59'	281.17'	315.20'
---------	---------	---------

GALLEGOS RANCH

GALLEGOS RANCH

THONDUP

LAKE

GONZALES

GONZALES

C.O.S.

C.O.S.

C.O.S.

C.O.S.

168  
54.8



**SFCR AGREES TO THE FOLLOWING REQUESTS  
FROM LA CIENEGA**

- |  |   |
|--|---|
| <b>Large lots closer to existing community</b>                                       | <b>No tract housing or manufactured housing</b>   |
| <b>Small lots (if any) away from community</b>                                       | <b>No access to Paseo C de Baca</b>               |
| <b>Preserve canyon rim and water ways</b>  | <b>No street lighting</b>                         |
| <b>Hiking/walking trails for entire community</b>                                    | <b>No medical center/grocery</b>                  |
| <b>Water catchment systems on all houses</b>   | <b>No high-water consuming plants, lawns, etc</b> |
| <b>Xeric landscaping and farming</b>   | <b>No traffic lights</b>                          |
| <b>Site houses to preserve views</b>   | <b>No private wells</b>                           |
| <b>Improve existing roads used by development</b>                                    | <b>No non-native plants</b>                       |
| <b>Permanent wildlife/archeological management</b>                                   | <b>No lot line fences</b>                         |
| <b>Preserve existing vegetation</b>  | <b>Horse Trails</b>                               |
| <b>Underground utilities</b>   | <b>Wildlife sanctuary/stopover for migration</b>  |
| <b>Low density to preserve rural community (1 per 2.5 acres with 44% open space)</b> |   |
| <b>Dedicate site for fire/police Emergency Response</b>                              |   |
| <b>Advanced waste treatment-purification</b>   |   |
| <b>No fences, lot line fences to allow free movement of wildlife</b>                 |   |
| <b>Extensive protective covenants</b>  |   |
| <b>Paved roads-single lanes w/planted medians</b>                                    |   |
| <b>No two-story housing</b>  |   |
| <b>No commercial development</b>   |   |

## **Santa Fe Canyon Ranch Master Plan Water Chart**

Code Requirements: Ordinance 2005-02 - Development must prove Wet Water for the first phase of development.

Phase 1 Budget: 14.6 acre feet of water

OSE License RG – 29242 and RG-29242-S

**Phase 2 Budget:** 13.68 acre feet of water

OSE application pending for return flow credits.

\*\*\*\* Will not be built if OSE application is not approved.

Phase 3 Budget: 3.24 acre feet of water

OSE application pending for return flow credits.

\*\*\*\* Will not be built if OSE application is not approved.



### SFCR Overall Water Budget

The SFCR project water budget is as follows and also set forth as Attachment D:

Phase	Use Type	Number	AFY/Type	Total AFY
Phase 1	Residential	80	0.18	14.4
	Open Space	114 acres	0	0
	WWTP	1	0.20	0.20
	Total			14.6
Phase 2	Residential	76	0.18	13.68
	Open Space	62 acres	0	0
	Total			13.68
Phase 3	Residential	6	0.54	3.24
<b>Project Total Water Use</b>				<b>31.52 AFY</b>
<b>Reserve Water</b>				<b>.8 AFY</b>

(Total Project water 32.32 – Total Water Use 31.52)

#### Assumptions used for Water Budget:

8. Water will serve all units including the affordable units. This water budget does not negate SFCR's request for water for the affordable units as required in the Affordable Housing Ordinance, which totals approximately 8 AFY.
9. Common Area will be left in natural state.
10. 70% of the homes in Phases 1 and 2 and all the homes in Phase 3 would be 2000 square feet or larger and would have a minimum of a 1000 gallon cistern.
11. Low Flow Toilets and Front Loading Washers required. Energy Saving devices required.
12. Hot water re-circulating pumps required.
13. Any Water needed for improved common open space will be trucked in.
14. For Calculation on Raincatchment System, rainwater amounts would be calculated at the 10-year drought condition (74% of average rainfall).
15. Any park landscaping will be watered by truck for the first two years only. As Phase 1 and 2 build out is a minimum of approximately 5 years per phase, park watering will cease before half of the homes are occupied, and therefore, will not affect the overall water budget for each Phase.
16. No potable water for Riparian Area or common open space. There is no potable water budget for the Riparian area because it will need a confirmed supply. As such the return flow to La Cienega will sustain existing Riparian area in its current condition.

STATE OF NEW MEXICO )  
 )  
OFFICE OF THE STATE ENGINEER )

SANTA FE  
CANYON RANCH

LICENSE TO APPROPRIATE

License No. RG-29242 and RG-29242-S

Refers to Files No. 0568, 01662,  
RG-36982, and RG-29242

WHEREAS, on September 3, 1981, Frank J. Gammache, Jr., filed Application No. RG-36982 and RG-36982-S for Permit to Appropriate Underground Waters of the State of New Mexico; and

WHEREAS, on April 8, 1982, after notice pursuant to statute, the State Engineer did approve Application No. RG-36982 and RG-36982-S for Permit to Appropriate the Underground Waters of the State of New Mexico, by discontinuing the diversion of 29.1 acre-feet of water per annum for irrigation of 9.7 acres under State Engineer Files Number 0568 and 01662, Santa Fe River Hydrographic Survey Subfile 1.1, with a priority date of prior to January 31, 1876, and commencing the diversion of 14.55 acre-feet of water per annum from wells RG-36982 and RG-36982-S, both located within the SW ¼ NW ¼ of Section 8, Township 15 North, Range 7 East, New Mexico Principal Meridian, for residential and commercial purposes on sixty-four (64) acres within the NW ¼ of Section 8, Township 15 North, Range 7 East, excepting that the diversion may be increased to a maximum of 29.1 acre-feet per annum provided the permittee proposes a method acceptable to the State Engineer for determining the actual amount and disposition of the return flow to the Santa Fe River.

WHEREAS, on May 5, 1982, the State Engineer did receive for filing a Change of Ownership of Water Right for 29.1 acre-feet of water per annum as set forth under State Engineer file number 0568, 01662, RG-36982 and RG-36982-S from Frank J. Gammache, Jr. to Los Atrevidos Partnership; and



WHEREAS, on March 16, 1988, after notice pursuant to statute, the State Engineer did approve Application No. RG-36982 and RG-36982-S, for Permit to Change Location of Well by discontinuing the diversion of 14.55 acre-feet of water per annum from existing well RG-36982 and proposed well RG-36982-S and commencing the use of well RG-29242, located within the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 12, Township 15 North, Range 7 East, for diversion of 3.0 acre-feet of water per acre per annum for irrigation of 9.7 acres located within the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  (8.988 acres) and the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  (0.712 acres) of Section 12, Township 15 North, Range 7 East, with consumptive use not to exceed 14.55 acre-feet per annum; and

WHEREAS, on December 19, 1994, after notice pursuant to statute, the State Engineer did approve Application No. RG-29242-S for Permit to Use an Existing Well to Supplement the Appropriation of Underground Waters, thereby allowing use of existing well RG-41222 (renumbered RG-29242-S), located within the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 12, Township 15 North, Range 7 East, as a supplemental point for diversion of 3.0 acre-feet of water per acre per annum, inclusive of 14.55 acre-feet per annum of consumptive use, for irrigation of the described 9.7 acres; and

WHEREAS, on May 22, 1995, Los Atrevidos Partnership and Leland Thompson Jr., on behalf of Los Atrevidos Partnership, submitted Proof of Completion of Well(s) for wells RG-29242 and RG-29242-S; and

WHEREAS, on November 12, 2004, Los Atrevidos Partnership filed Final Inspection and Report of Beneficial Use under File No. RG-29242 and RG-29242-S and accompanying filing map prepared by Gary Dawson, a surveyor registered under New Mexico License No. 7014, stating that wells RG-29242 and RG-29242-S had been used between September 1, 2003, and August 31, 2004, for diversion of 29.1 acre-feet of water for irrigation of 9.7 acres of land as surveyed and located within (projected) Section 12, Township 15 North, Range 7 East; and

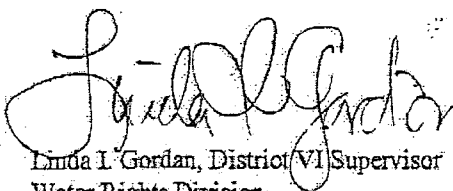
WHEREAS, on December 22, 2004, staff from the Office of the State Engineer did verify the beneficial use of water and the extent of irrigated land and established the irrigated land's center point with respect to the New Mexico State Plane Coordinate System (NAD 27) of X=529,526 feet and Y=1,653,723 feet; and

WHEREAS, on July 5, 2005, the State Engineer did receive for filing a Change of Ownership of Water Right for 29.1 acre-feet of water per annum as set forth under State Engineer file number RG-29242 and RG-29242-S from Los Atrevidos Limited Partnership to Santa Fe Canyon Ranch, L.L.C.

NOW THEREFORE, I, John R. D'Antonio Jr., State Engineer of the State of New Mexico, by virtue of the authority vested in me by the laws of the State, do hereby grant to Santa Fe Canyon Ranch, L.L.C., 1925 Aspen Drive, Suite 900-A, Santa Fe, NM 87505, this License No. RG-29242 and RG-29242-S, with a priority of prior to January 31, 1876, as specified in Santa Fe Stream System Adjudication Order for Sub-File 1.1, to appropriate 29.1 acre-feet of water per annum, with consumptive use not to exceed 14.55 acre-feet per annum, from wells RG-29242 and RG-29242-S for irrigation of 9.7 acres of land as described above, and can be changed only as provided by law, and further provided that this License shall not be exercised to the detriment or impairment of anyone having prior valid and existing rights to the use of waters of the Rio Grande Underground Water Basin.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 6<sup>th</sup> day of November, A.D. 2006.

John R. D'Antonio, Jr., P.E.  
State Engineer

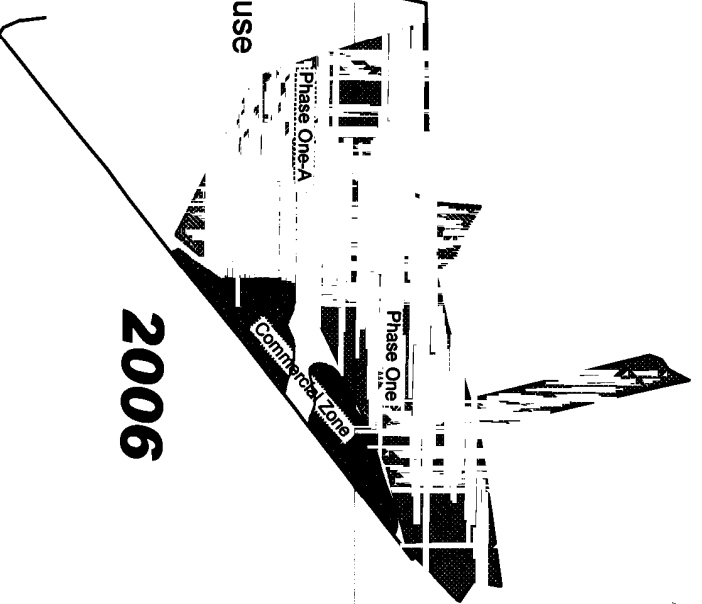
By:   
Linda I. Gordan, District VI Supervisor  
Water Rights Division

# SANTA FE CANYON RANCH PROPOSED MASTER PLANS

Mar, 2006 to July 2008

Santa Fe Canyon Ranch  
Phases 1 and 1-A, March, 2006  
160 units on 364 acres including  
approx. 45 acres of non-residential use

Santa Fe Canyon Ranch  
Phases 1 and 2, July, 2008  
156 units on 404 acres, including  
approx. 42 acres of non-residential use



2006



2008

tabbles

**EXHIBIT**

12

EXHIBIT  
13

SEC CL RK RECORDED 11/25/2008

USGS Water Resources Division  
NM District/ Albuquerque Field Office  
5338 Montgomery Blvd., NE Suite 400  
Albuquerque, NM 87109-1311

July 10, 2008

Mr. Rey Romero  
73A Camino Capilla Vieja  
Santa Fe, NM 87507

Discharge measurements and related hydrologic information at Ditch #2 (above small pond), the Head gate, and the Sorghum diversions gate, (both on Simon Quinn's ranch) collected on July 8<sup>th</sup> are provided for your information:

<u>Site</u>	<u>Date</u>	<u>Time</u>	<u>Discharge (CFS)</u>	<u>Discharge (GPM)</u>
La Cienega Ditch #2 (Pump Off)	07/08	1115	.235	106
Head gate (Quinn ranch)	07/08	1010	.430	193
Sorghum Diversions Gate (Quinn ranch)	07/08	1040	.420	188

On July 8, 09:30, our first attempt to measure the La Cienega Ditch #2 directly above the pond with the pump off yielded inconclusive results, therefore we measured discharge at two locations on Simon Quinn's ranch and our following attempt at reading the Ditch #2 was successful, it is the one listed here.

If you have any questions or comments concerning the measurements I can be reached at (505) 830-7910.

Sincerely,

Bruce R. Goddard  
Hydrologic Technician

USGS Water Resources Division  
 NM District/Albuquerque Field Office  
 5338 Montgomery Blvd., NE, Suite 400  
 Albuquerque, NM 87109-1311

May 1, 2007

Mr. Ray Romero  
 73A Camino Capilla Vieja  
 Santa Fe, NM 87507

Mr. Romero,

Discharge measurements and related hydrologic information at Ditch #1 (9" Parshall Flume) and Ditch #2 (above small pond) collected March 27 and May 1 are provided for your information.

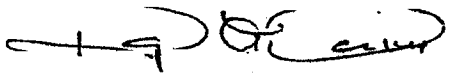
<u>Site</u>	<u>Date</u>	<u>Time</u>	<u>Discharge (CFS)</u>	<u>Discharge (GPM)</u>
La Cienega Ditch 1	03/27	1038	.548	245.9
	05/01	1044	.620	278.3
La Cienega Ditch 2	03/27	1215	est. < .010*	4.49
	05/01	0926	.422	189.4

\*Discharge at Ditch 2 estimated due to minimal flow (seepage only).

At 0957 we also made an additional open channel measurement at La Cienega Ditch #2, approximately 1/2 mile upstream. Discharge (CFS) was .429 and discharge (GPM) was 192.5.

If you have any questions or comments concerning the measurements I can be reached at (505) 830-7987 (office) or 259-1934 (cell).

Sincerely,



Raymond Y. Ochoa  
 Hydrologic Technician

*28.5 with well on*  
*16.7 without pump*

118

USGS Water Resources Division  
 NM District/Albuquerque Field Office  
 5338 Montgomery Blvd., NE, Suite 400  
 Albuquerque, NM 87109-1311

September 5, 2007

Mr. Ray Romero  
 73A Camino Capilla Vieja  
 Santa Fe, NM 87507

Mr. Romero,

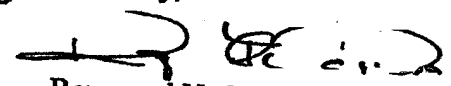
Discharge measurements and related hydrologic information at Ditch #1 (9' Parshall Flume) and Ditch #2 (above small pond) collected on September 4 are provided for your information.

<u>Site</u>	<u>Date</u>	<u>Time</u>	<u>Discharge (CFS)</u>	<u>Discharge (GPM)</u>
La Cienega Ditch 1	09/04	1225	.496	223
La Cienega Ditch 2	09/04	1115	.635	285 (Pump On)
	09/04	1538	.372	167 (Pump Off)

At 1142 I also made an open channel measurement at La Cienega Ditch #2 approximately 1/2 mile upstream. Discharge (CFS) was .658 and discharge (GPM) was 295.

If you have any questions or comments concerning the measurements I can be reached at (505) 830-7987 (office) or 259-1934 (cell).

Sincerely,



Raymond Y. Ochoa  
 Hydrologic Technician

Water Resources Division  
5338 Montgomery Blvd NE, Suite 400  
Albuquerque, NM 87109-1311

April 4, 2003

Mr. Ray Romero  
73A Camino Capilla Vieja  
Santa Fe, NM 87507

Mr. Romero:

Discharge measurements and related hydrologic information at ditch #1 and #2 collected in March and April are provided for your information. In summary, the calculation of discharge resulted as follows:

site	time & date	discharge in cfs	discharge in gal/min
La Cienega ditch #1	10:00, March 26, 2003	0.54	242
La Cienega ditch #2	10:27, April 1, 2003	0.60	269

If you have any questions or comments concerning the measurements, I can be reached at 505-830-7931 or my cell phone at 505-980-8856.

Your participation in our cooperative program and assistance in locating the measuring sites is appreciated.

Sincerely,

Benjamin J. Carr  
Hydrologic Technician



# United States Department of the Interior

## U.S. GEOLOGICAL SURVEY

Water Resources Division  
5338 Montgomery Blvd NE, Suite 400  
Albuquerque, NM 87109-1311

July 31, 2002

Mr. Ray Romero  
73A Camino Capilla Vieja  
Santa Fe, NM 87507

Mr. Romero:

Discharge measurements and related hydrologic information at ditch #1 and #2 collected in July are provided for your information. In summary, the calculation of discharge resulted as follows:

site	time & date	discharge in cfs	discharge in gal/min
La Cienega ditch #1	12:30, July 19, 2002	0.38	170
<i>pp well on</i> La Cienega ditch #2	11:57, July 19, 2002	0.65	292

If you have any questions or comments concerning the measurements, I can be reached at 505-830-7931 or my cell phone at 505-980-8856.

Your participation in our cooperative program and assistance in locating the measuring sites is appreciated.

Sincerely  
  
Benjamin J. Carr  
Hydrologic Technician





# United States Department of the Interior

U.S. GEOLOGICAL SURVEY

Water Resources Division  
5338 Montgomery Blvd NE, Suite 400  
Albuquerque, NM 87109-1311

May 9, 2002

Mr. Ray Romero  
73A Camino Capilla Vieja  
Santa Fe, NM 87507

Mr. Romero:

Discharge measurements and related hydrologic information at ditch #1 and #2 collected in March are provided for your information. Enclosed with this letter are photocopies of discharge measurements for La Cienega area ditch #1 and #2, table for Free-flow discharge through 9-inch Parshal measuring flume in gallons/min, and an explanation of standard staff gage. In summary, the calculation of discharge resulted as follows:

site	time & date	discharge in cfs	discharge in gal/min
La Cienega ditch #1	09:32, Mar. 26, 2002	0.53	238
La Cienega ditch #2	11:09, Mar. 26, 2002	0.57	256

If you have any questions or comments concerning the measurements, I can be reached at 505-830-7931 or my cell phone at 505-980-8856.

Your participation in our cooperative program and assistance in locating the measuring sites is appreciated.

Sincerely,

Benjamin J. Carr  
Hydrologic Technician

Enclosure

*July 31 - 1990*

Acequia de la Cienega - discharge measurements by the U.S. Geological Survey.

1 cfs (cubic feet per second) = 448.8 gpm (gallons per minute)  
 1 cfs for 1 day = 1.98 acre-feet

Measuring location	Discharge	
	cfs	gpm
<b>July 19, 1990</b>		
1. below headgate	0.48	215
2. near road crossing (Arroyo Hondo)	0.37	166
3. at Rancho de los Golondrinas	0.30	135
4. just above pond	0.35	157
<b>May 19, 1989</b>		
1. below headgate	0.65	292
2. just above pond	0.60	269
<b>June 19, 1986</b>		
1. below headgate	0.47	211
2. above lined section	0.51	229
3. below lined section	0.60	269
4. above Arroyo Hondo	0.60	269
5. near road crossing Arroyo Hondo	0.55	247
6. halfway between #5 and #7	0.51	229
7. at Rancho de los Golondrinas	0.42	188
8. near where ditch crosses main road	0.48	215
9. halfway between #8 and #10	0.50	224
10. above pond	0.56	251

*Rained day before*

Note: Some of the gains or losses between measuring sections may be due to measurement error that is unavoidable. For the velocity meter used and the small flows measured, the measurement error possible is plus or minus 8 percent of the measured discharge. For the above discharge range of 0.30 cfs to 0.65 cfs, the measurement error could range from 0.02 cfs ( 9 gpm) to 0.05 cfs ( 22 gpm).

WATER RESOURCES DIVISION  
 DISCHARGE MEASUREMENT NOTES Checked by WJG  
 EQUA DE CIENEGA DITCH # 7  
 6-19-1986 Party Kwick, Gorrabran  
 1-40 Area: 296 Vel. 1.72 C.H. Disch. 421  
 1-6 No. secs. 8 C.H. change in hrs. Susp. ROD  
 1 coef. / Hor. angle coef. / Susp. coef. / Meter No. 8009015  
 f meter Pxy Date rated Tag checked  
 ft. above bottom of wt. Spin before meas. after  
 slots. % diff. from. rating. Levels obtained.

WATER QUALITY MEASUREMENTS  
 Inside ADR Graphic Outside No Yes Time P  
 Samples Collected  
 Yes Time  
 Method Used  
 EDI EDI Other  
 SEDIMENT SAMPLES  
 No Yes Time  
 Method Used  
 EDI EDI Other  
 BIOLOGICAL SAMPLES  
 Yes Time  
 Type

bar. chain found changed to at  
 B. cable, ice, boat, upstr., downstr., side bridge. 50 ft. above, below gage.  
 element rated excellent (2%), good (5%), fair (8%), poor (over 8%); based on the following cond:  
 uniform  
 section EUEN  
 operating Weather Cloudy, Warm  
 /Office cleaned Air 79.0 °C 130.5 Water 17.5 °C 130.5  
 removed Extreme Indicator: Max. Min.  
 meter N<sub>2</sub> Pressure Tank Feed Bbl rate per min.  
 checked Stick reading  
 ver  
 rks 5'-55' GH UP. SIDE. CULVERT. BY ROAD outside, in well  
 2ND. = 270  
 1. RANCHO de las Golondrinas - NEAR ROAD  
 of zero flow ft. Sheet No. of sheets

Initial point	Wench	Length	Flow	At point	mean in vertical	Area	Remarks
LEW 40	.10	.20	.6	43	1.39	.020	.028
.60	.20	.20	.60	46	1.30	.040	.052
.80	.20	.20	80	52	1.53	.040	.061
1.00	.20	.24	60	44	1.36	.048	.065
1.20	.20	.24	60	40	1.49	.048	.072
1.40	.20	.24	80	44	1.80	.048	.086
1.60	.20	.26	50	46	1.09	.052	.057
1.80	.10	0				.296	.421
1.40	1.40						189
		1302					

La Cienega Ditch

5/13/78  
BHK

1. Work done in 1966 had design

$Q = 2.3 \text{ CFS}$

2. Some sections of ditch apparently leak, but they are in a high water table area. Perhaps install subsurface drainage first.

Bruce Kidman and C. Mantelli measured flows on La Cienega Ditch at 4 points with a Sparling Flow Meter - 6" dia.

1. Approx 1/8 mi below bedding at beginning of small vega. - 343 gpm

2. At exit of flume & pipe - 334 gpm

3. At exit of road culvert upstream from pond - 300 gpm

4. Approx. 150' upstream from pond between two rock bluffs - 240 gpm

1939 ~~measured~~ 2 cft per sec  
100 acres

file

### La Cienega Community Ditch

4/20/71 BAK

March  
Measurements of ditch flow  
were taken on 3/17/66. The  
range was from 1.4 cfs to  
1.7 cfs.

Heading w/ Sec trap  
1 Check  
2 turns out

Summary on Curves

1.4 = 7.48 gals sec  
448 gal min

748  
160  
4508

1.7 = 12.716 sec  
763 gal min