

SFC CLERK RECORDED 04/13/2022

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

March 8, 2022

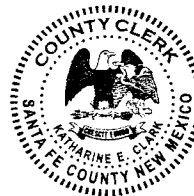
Anna T. Hamilton, Chair - District 4
Rudy Garcia, Vice Chair - District 3
Anna Hansen - District 2
Hank Hughes - District 5
Henry Roybal - District 1

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 97

I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of April, 2022 at 08:23:32 AM
And Was Duly Recorded as Instrument # **1985767**
Of The Records Of Santa Fe County

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



SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

March 8, 2022

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:11 p.m. by Chair Anna Hamilton in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

The meeting was conducted in a hybrid format with both in-person and virtual participation.

B. Roll Call

Roll was called by County Clerk Katharine Clark and indicated the presence of a quorum as follows:

Members Present:

Commissioner Anna Hamilton, Chair
Commissioner Rudy Garcia, Vice Chair [2:45 arrival]
Commissioner Anna Hansen
Commissioner Hank Hughes
Commissioner Henry Roybal

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hamilton. The Moment of Reflection by Olivia Romo of the County Manager's Office, remembering the tragic loss of Police Officer Robert Duran and former firefighter Frank Lovato and honoring them with a moment of silence.

Commissioner Hansen requested a moment of silence for Agua Fria resident Major Mark Gonzales. Stan "Rosebud" Rosen, and Tom Law.

1. **F. Approval of Agenda**

CHAIR HAMILTON: Manager Miller, are there things we need to make note of?

SFC CLERK RECORDED 04/13/2022

KATHERINE MILLER (County Manager): Yes, Madam Chair. the original agenda was posted on Tuesday, March 1st at 3:00 and then the amended agenda with the following amendments was posted on Friday, March 8th at 4:55 pm. That is under section 2, item C, the Canvass Board packet materials were updated. Under section 7, item C, that also, the caption stayed the same but packet materials were updated. Also under Matters from the County Attorney, item 12. A, items 2 and 3 were added, and under Matters from the County Attorney, item 12. C the packet materials were updated. And those were the amendments to the agenda posted on Friday.

CHAIR HAMILTON: Excellent. Thanks so much, Manager Miller. So Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I would like to ask if under Public Hearings we could move item 13. B to be the first item to be heard under Public Hearings, since it seems to be of a short duration.

CHAIR HAMILTON: Does anybody have any problem with that?

COMMISSIONER ROYBAL: It's your call, Madam Chair.

CHAIR HAMILTON: I have no problem with that. I just wanted to know if there were any procedural, or other people that were scheduled. So we can do that.

COMMISSIONER ROYBAL: Okay.

CHAIR HAMILTON: Thank you. And then I will make a motion to approve the agenda with changes.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. So I have a motion on the amended agenda and a second.

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

COMMISSIONER HANSEN: Madam Chair, I move that temporarily recess and convene as the County Canvassing Board.

COMMISSIONER ROYBAL: I'll second.

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

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

2. County Canvassing Board Meeting – The Board of County Commissioners Temporarily Recessed at 2:20 and Convened as the County Canvassing Board

A. Roll Call

County Clerk Clark called roll and a quorum was achieved as follows:

Members Present:

Commissioner Anna Hamilton, Chair

Members Excused:

Commissioner Rudy Garcia

SFC CLERK RECORDED 04/13/2022

Commissioner Anna Hansen
Commissioner Hank Hughes
Commissioner Henry Roybal

B. Approval of Agenda

Commissioner Hughes moved to approve the agenda and Commissioner Hansen seconded.

The motion passed by unanimous [4-0] voice vote.

2. C. Request Approval of March 1, 2022, Espanola Municipal Election Report of the Canvass, Pursuant to NMSA 1978, Section 1-13-13(A)

CHAIR HAMILTON: Madam Clerk, do we go to you?

KATHARINE CLARK (County Clerk): Thank you, Madam Chair. We actually have the City Clerk, Angelica Serrano, on Zoom. She's going to present her final results and answer any questions you might have about this election.

CHAIR HAMILTON: Appreciate it. Angelica, are you on?

ANGELICA SERRANO (via Webex): Yes, ma'am.

CHAIR HAMILTON: Welcome.

MS. SERRANO: Thank you. Good afternoon, honorable Commissioners. My name is Angelica Serrano. I am the City Clerk for the City of Espanola. I have with me my Deputy Clerk, and Tyler Dominguez, our Records Clerk. We had a successful 2022 municipal officer election and today I'm here to present you the unofficial results for the mayoral candidates, Mr. Javier Sanchez during early voting received 294 votes. John Ramon Vigil, 405, District 1 Councilor Erin Salazar, 131, John L. Richie, 51. District 2 councilors Richard R. Martinez, 48, Nannette D. Smith Rodriguez, 172. District 3 councilor candidate, Denise Benavidez, 105. District 4 Councilor candidate, Justin J. Salazar Torres, 129.

Our absentee ballots, mayoral candidate Javier Sanchez, 25; John Ramon Vigil, 43. District 1 council candidate, Erin J. Salazar, 12, John L. Richie, 7. District 2 candidates, Richard R. Martinez, 5, Nannette D. Smith Rodriguez, 19. District 3 candidate, Denise D. Benavidez, 8. District 4 candidate, Justin Salazar Torres, 11.

Full Adult Ministries, this was during election day: mayor candidates, Mr. Javier Sanchez, 164; John Ramon Vigil, 111. District 1 candidates, Erin J. Salazar, 9, John L. Richie, 4. District 2 candidates Richard R. Martinez, 8, Nannette D. Smith Rodriguez, 7. District 3 candidate, Denise D. Benavidez, 126. District 4 candidate, Justin J. Salazar Torres, 73.

Lucero Center election day voter convenience center: mayoral candidates, Javier Sanchez, 253; John Ramon Vigil, 241. District 1 candidates, Erin J. Salazar, 106, John L. Richie, 46. District 2 candidates Richard R. Martinez, 62, Nannette D. Smith Rodriguez, 111. District 3 candidate, Denise D. Benavidez, 54. District 4 candidate, Justin J. Salazar Torres – and I sincerely apologize, I did not include the municipal judges in any of those. I can go back and review those. I apologize.

SFC CLERK RECORDED 04/13/2022

Early voting of municipal judge candidates: Jose Pedro Trujillo, 333; Joseph W. Madrid, 342. Absentee ballots, municipal judge candidates, Jose Pedro Trujillo, 30; Joseph W. Madrid, 39.

Full Adult Ministries Community Center: municipal judge candidates, Jose Pedro Trujillo, 119; Joseph W. Madrid, 153.

And I'll start with Lucero Center again: mayoral candidate Javier Sanchez, 253; John Ramon Vigil, 241. District 1 candidates, Erin J. Salazar, 106; John L. Richie, 46. District 2 candidates Richard R. Martinez, 62, Nannette D. Smith Rodriguez, 111. District 3 candidate, Denise D. Benavidez, 54. District 4 candidate, Justin J. Salazar Torres.

Municipal judge candidates: Jose Pedro Trujillo, 230; Joseph W. Madrid, 256.

And we had a total votes cast of 1,546, with a voter turnout of 26.4 percent. I do have one provisional ballot which is considered to be qualified and with your permission would like to open the provisional ballot and count the votes within at this time. The provisional ballot is from Mr. Eliberto Gurule, address is 1811 Calle Redondo, Espanola, New Mexico. It has been signed. Everything was filled out properly and we did qualify based off of the information that was provided. So do I have your permission to open the ballot?

CHAIR HAMILTON: Yes, thank you.

MS. SERRANO: Thank you. Deputy Clerk Velasquez will be hand-tallying these votes.

For Mayor, we have John Ramon Vigil – should we read it out loud?

CHAIR HAMILTON: No. Is it appropriate to be reading when you already read somebody's name what their votes are? I don't think you want to read us the votes. I think you want to tally them and tell us the final additional results.

MS. SERRANO: Okay. Thank you. Okay, so that changes the total –

CHAIR HAMILTON: With the provisional?

MS. SERRANO: Yes, ma'am.

CHAIR HAMILTON: Okay. Thank you.

MS. SERRANO: [inaudible] Do you have any further questions for us?

CHAIR HAMILTON: Commissioners, are there any questions?

Commissioner Hansen.

COMMISSIONER HANSEN: I apologize. I've been having computer problems. Can you just give me the total votes for the Mayor and the City Councilors because I couldn't follow those.

CHAIR HAMILTON: It is attached.

COMMISSIONER HANSEN: It is attached? Okay. I'm sorry. I couldn't even get to my computer.

CHAIR HAMILTON: I thought I looked at them, and our Clerk has them if you want to take a quick look. Has them printed.

COMMISSIONER HUGHES: And these are just the votes within Santa Fe County that we're getting, correct?

CHAIR HAMILTON: I assume the votes, the tallies that we're approving are only the votes from the Santa Fe County portion of Espanola. Correct?

SFC CLERK RECORDED 04/13/2022

MS. SERRANO: No, ma'am. Because of the fact that we still – on the two counties, I have to canvass within Rio Arriba and Santa Fe County and it's the total vote. It's a total vote for both counties.

CHAIR HAMILTON: Okay. Thank you.

MELISSA VELASQUEZ: We do have the breakdown, however.

CHAIR HAMILTON: Do you formally present these to the other canvassing board as well?

MS. SERRANO: Yes, ma'am. We presented them yesterday, without the provisional ballot because the provisional ballot was within Santa Fe County and we needed to open it for your canvass.

CHAIR HAMILTON: Of course. And so, if I'm not mistaken – Attorney Shaffer, maybe you can clarify. I think technically we approve the Santa Fe County portion of the vote. Is that not correct? Or maybe I should ask the Clerk.

GREG SHAFFER (County Attorney): Madam Chair, that's something I would have to look into, which I'm happy to do in few minutes if you would allow.

CHAIR HAMILTON: Okay. Yes.

MR. SHAFFER: I don't necessarily see any harm in approving the canvass as presented but perhaps the County Clerk has some insights there.

CHAIR HAMILTON: Okay. I'll ask Madam Clerk. Do you know technically whether we approve the votes that were from Santa Fe County residents, even though this is in two counties, or is there any problem with us approving the total votes.

CLERK CLARK: The certificate I downloaded from the Secretary of State has us as the canvassers of Santa Fe County, not as the election. So I think the idea is that we are approving the votes that were cast in our county and then forwarding that on to the Secretary of State.

CHAIR HAMILTON: Okay. That's what would make sense to me, and basically because I think what we've done in the past. And so what I wonder is if the votes aren't separated by county, we can – I'm just questioning how to proceed. Because I don't want to be presumptuous and say we're approving the entire thing when in fact we're here to approve the Santa Fe County votes.

CLERK CLARK: So in the handout there was the Santa Fe County – it's multi-colored and it has the votes cast for each race by the four precincts that are within Espanola city limits.

CHAIR HAMILTON: As long as it's listed correctly.

CLERK CLARK: So if the City Clerk then adds to the totals using this table then we could approve those results specifically.

CHAIR HAMILTON: And that's what it seems like. That's great. Thank you so much, Madam Clerk. So we're good. So are there further questions? Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move to approve Santa Fe County precincts 101, 058, 059, 079, for the Canvassing Board.

COMMISSIONER ROYBAL: Second.

CLERK CLARK: Madam Chair and Commissioners, the precincts are 1, 58, 59, and 79 from within Santa Fe County.

SFC CLERK RECORDED 04/13/2022

COMMISSIONER HANSEN: Okay. I just have a zero in front of them.
Okay. I accept that.

CLERK CLARK: Okay.

CHAIR HAMILTON: Okay, and is the second good with that? Okay.
Excellent. So I have a motion and a second. Is there any further discussion?

COMMISSIONER HANSEN: Do we need to state the number of total
ballots?

CHAIR HAMILTON: No. It was presented and it's in the log.

CLERK CLARK: Well, I don't think I heard from the Clerk specifically
how these numbers were updated from the provisional ballot, so it would be helpful if she
would tell us the new tally for each of the precincts for each of the races so we can record
it.

CHAIR HAMILTON: Thank you. Can you do that?

MS. SERRANO: Yes, ma'am.

CHAIR HAMILTON: Excellent.

MS. SERRANO: I'm going to yield the floor to Ms. Velasquez.

MS. VELASQUEZ: Good afternoon, honorable Commission. My name is
Melissa Velasquez, Deputy Clerk for the City of Espanola. I will be going over the
provisional ballot that was added and this was exclusively for the service center on
election day, the only provisional ballot which we received. So the totals for each
candidate are: for mayoral, Javier Sanchez 736. For John Ramon Vigil, 801. District 1, no
change. District 2, no change. District 3, for Denise Benavidez, we had 294 and for
District 4, no change. And lastly, for municipal judge, we have Jose Pedro Trujillo at 712.
And for Joseph W. Madrid we have 791.

CHAIR HAMILTON: Excellent. Thank you. So for the first and the
second, does your motion stand with the corrected totals?

COMMISSIONER ROYBAL: Yes.

COMMISSIONER HANSEN: Okay. Yes.

CHAIR HAMILTON: Is there any further discussion? So I have a motion
and a second.

The motion passed by unanimous [4-0] voice vote.

CHAIR HAMILTON: Thank you very much and thank you for your
presentation.

2. D. Adjourn and Reconvene as Board of County Commissioners

At 2:40 Commissioner Hughes moved to adjourn as the Canvassing Board and
reconvene as the Board of County Commissioners. Commissioner Hansen seconded and
the motion carried by 4-0 voice vote. [Commissioner Garcia was not present.]

3. APPROVAL OF MEETING MINUTES

A. Request Approval of the February 8, 2022 Meeting Minutes

SFC CLERK RECORDED 04/13/2022

CHAIR HAMILTON: Are there any changes or what's the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I provided my changes to the stenographer and I move to approve with changes.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: So I have a motion and a second.

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

4. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS

A. Request Approval of a Proclamation Proclaiming March 10, 2022, as "Tibetan Freedom Day"

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much. I am honored to bring forward this proclamation. Santa Fe County has recognized the rich cultural history and heritage of Tibet and the Tibetan people, and specifically honors the depth and richness that the local Tibetan community adds to Santa Fe County. Many of our Tibetan residents came to Santa Fe in the 1980s and 1990s as part of a resettlement program. During that time many local businesses including Jackalope and Wild Oats gave these refugees employment opportunities and today, after a generation these families are employed in all different aspects of local government and small business, and they contribute greatly to the economic and cultural diversity.

As of March 10, 2022 marks the 63rd anniversary of the People's Republic of China's hostile takeover of Tibet through genocide and the exodus of more than 80,000 Tibetans across the Himalayas. This proclamation honors the Tibetan experience and proclaims March 10, 2022 as Tibetan Freedom Day. I would like to read the proclamation into the record.

CHAIR HAMILTON: Yes, please.

COMMISSIONER HANSEN: Whereas, Santa Fe County recognizes the rich cultural history and heritage of Tibet and the Tibetan people, and the depth and the richness of the local Tibetan community in Santa Fe; and

Whereas, March 10th marks the anniversary of the Tibetan uprising with the country or Tibet was occupied by the People's Republic of China, resulting in more than half a century of occupation and exile, and the exodus of about 80,000 Tibetans across the Himalayas; and

Whereas, Santa Fe County supports the conclusion of the United States Congress, that under the established principles of international law Tibet is an occupied country whose true representative is exiled Tibetan government based in Indian headed by Sekian Penpa Tsering; and

SFC CLERK RECORDED 04/13/2022

Whereas, the Tibetan people acknowledge and honor his holiness the Dalai Lama, recipient of numerous awards from many governments and institutions, including the Nobel Peace Prize, the United States Congressional Gold Medal, as the spiritual and temporal leader of Tibet, and Santa Fe County encourages the People's Republic of China to enter into discussions with his holiness the Dalai Lama and the Tibetan government to solve the questions of Tibet based on the will of the Tibetan people and to ensure respect for the fundamental rights of the Tibetan people.

Now, therefore be it resolved that we, the Board of County Commissioners of Santa Fe County do hereby proclaim the 10th of March 2022 as Tibetan Freedom Day.

I believe that Pemsy from the Tibet Center is with us online. I can't go to that screen on my computer at the moment.

CHAIR HAMILTON: I did, but I don't see him, but if he comes up to speak – Pemsy, are you available? And if so, can you unmute yourself and would you care to address us? We'd be honored. Daniel, can you let us know if Pemsy is available to speak with us?

DANIEL FRESQUEZ (IT): Madam Chair, I do see him online and I sent a request to unmute.

CHAIR HAMILTON: Okay. We'll wait for a moment. If you can handle that that's fabulous. Really appreciate it.

COMMISSIONER HANSEN: In the meantime, I would like to draw a parallel. I believe that what is happening in Ukraine is the same thing that has happened to Tibet. It is being invaded by a hostile takeover as happened in Tibet and I think that it is really important that we recognize that when imperialism and autocrats and dictators think that they can rule the world, that they are willing to slaughter and kill people throughout the world. And it is up to us as a free loving nation to respect these countries and do everything that we possibly can to help them. My heart goes out to the Ukrainian people and the suffering that is being inflicted on them by the evil autocrat in Russia. And my heart also goes out to the Russian people who are in complete separation and have no knowledge of what is being done by their leader, Mr. Putin.

So I wanted to take that moment because I believe that it is the same thing that happened to the Tibetan people in Tibet by the Chinese government and it is the kind of thing we must stand up for as Americans. So hopefully Pemsy has been able to unmute.

MR. FRESQUEZ: Madam Chair, Commissioner Hansen, I have been unsuccessful in being able to unmute. Sara Smith is trying to contact him by other means and I'll continue to try.

COMMISSIONER HANSEN: I would like to make a motion to approve this proclamation.

CHAIR HAMILTON: I would love to second it if that's legit.

COMMISSIONER HANSEN: Yes, of course.

CHAIR HAMILTON: So is there any further discussion? Yes, Commissioner Hughes.

COMMISSIONER HUGHES: I just wanted to say that I agree with everything Commissioner Hansen said about the freedom of Tibet being very important. The parallel with Ukraine is certainly a tragic reminder of what happens when autocratic leaders think that they can get away with anything. And I certainly agree that we should

stand up at least with our words as much as we can for people who need our help around the world. Thank you.

CHAIR HAMILTON: Excellent. Other discussion?

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Just for the record, I want you to know that I am here.

CHAIR HAMILTON: Yes, I was going to mention that. Thank you very much.

COMMISSIONER GARCIA: Commissioner, thank you for bringing that up, because as we see in the news media every day and every night when I don't sleep as into what's happening in that area it's unfortunate what's going on and where it's going. And I think our president and his administration are doing the best they can do. It's just unfortunate, but Commissioner, thank you for bringing this forward because this is something that we need to look into and support what's happening in that part of the world. Thank you.

COMMISSIONER HANSEN: Thank you, Commissioner Garcia, and thank you, Commissioner Hughes and Commissioner Hamilton and Commissioner Roybal. I think it's important that this isn't directly affecting our county but at the same time we have a really strong Tibetan community here. It was the Tibetan New Year on March 3rd. Hello, Pems!

PEMSI TSERING: Thank you.

COMMISSIONER HANSEN: If you would like to say something, we have a motion and a second to pass the proclamation and we just wanted to know if you wanted to say a few words.

PEMSI TSERING: Well, first of all, thank you so much, Commissioner Anna Hansen for giving us this opportunity and to express our feelings and to observe our 63rd National Uprising Day. It's been 63 years since we lost our country to the Chinese. -- And thank you so much for allowing us to do this. We really appreciate everyone's support for this opportunity to receive the proclamation from Santa Fe County. So I want to say thank you to everyone. Thank you.

CHAIR HAMILTON: Thank you.

COMMISSIONER HANSEN: Thank you, and I'll let people know that there will be a march starting at the Tibetan Center at the corner of Hickox and St. Francis starting at 9:30 am and they will march to the Roundhouse where there will be a few speeches, and then they will march onto the plaza where there will also be a few speeches. This is March 10th, Thursday. So if anyone out there would like to join us please feel free to join us either at the Roundhouse or at the plaza or march with us on March 10th from the Tibetan Center. So thank you very, very much. I do think we have to vote though.

CHAIR HAMILTON: Yes, we do and thanks for the heads-up. Thank you so much for being here. We have a motion and a second to pass this proclamation.

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

SFC CLERK RECORDED 04/13/2022

CHAIR HAMILTON: Thank you very much for coming, Pensi.

Pensi: Thank you for having me. Have a wonderful rest of the day.

CHAIR HAMILTON: Thank you.

COMMISSIONER HANSEN: Also, Madam Chair, if I may.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I did check with the County Attorney before I said this, but I wanted to just also proclaim this as International Women's Day.

CHAIR HAMILTON: It is.

COMMISSIONER HANSEN: And it is, and I thought we as a Board could just proclaim it. It's not a motion or anything, but I believe as the Chair you can proclaim this as International Women's Day, and I would like to request that you do that.

CHAIR HAMILTON: I would be happy to, if there are no objections. I'm proud to proclaim this on the part of the Board of County Commissioners as International Women's Day and thank Commissioner Hansen for bringing that forward and hope that the idea of paying attention to the contribution as well as the needs of women all over the globe will lead to better things in the future for all of us.

COMMISSIONER HANSEN: Absolutely. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you so much.

4. B. **Request Approval of a Proclamation Proclaiming the Year 2022, as "El Rancho de las Golondrinas Year" in celebration of their 50th Anniversary [See page 15.]**

CHAIR HAMILTON: Commissioner Garcia, are you ready to share this, seeing as you have some computer issues as well. If nobody objects I will skip this temporarily because Commissioner Garcia is having his computer give him troubles

5. **CONSENT AGENDA**

- A. **Final Order in the Matter of Case # 20-5112 Vista de Sangres Request for 2nd Time Extension. El Llano Company Inc., Applicant, Requested a Second Time Extension on a Previously Imposed Condition by the Board of County Commissioners on the Final Plat Approval for the Vista de Sangres Subdivision, Which Required the Final Plat for Phase 1 to be Recorded Within 60 Days After the BCC's Approval. The Applicant was Already Granted a 90-Day Time Extension from the BCC But Requested an Additional 90 Days to Record the Final Plat for Phase 1. The Site is Located North of the NM 599 Frontage Road at the Intersection of Caja del Oro Grant Road within Section 31, Township 17 North, Range 9 East (Commission District 2) (APPROVED 3-0) (Growth Management/Vicki Lucero, Case Manager)**
- B. **Resolution No. 2022-013, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Department of Justice Grant in the Amount of \$8,000 (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson)**

- C. County Utility Line Extension and Delivery Agreement Between Santa Fe County and Copacabana Development Company, LLC (Utilities Division/John Dupuis)**
- D. Request for Ratification and Approval of Letter/Comments from the Board of County Commissioners to the Department of the Interior re: The American Conservation and Stewardship Atlas Docket ID No. DOI-2021-0016 (Commissioner Anna Hansen and Commissioner Hank Hughes)**

CHAIR HAMILTON: Do any Commissioners have anything they want to ask questions on or take off or what's the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would just like to mention that the last item on the Consent Agenda is the approval of the letters and comments for the Board of County Commissioners to the Department of the Interior for America the Beautiful, the 30 by 30 proclamation and I want to note that there is an organization that is actually spreading misinformation and promoting nationally information about the 30 by 30 that is completely untrue. I have heard their presentation and it is unfortunate that this type of information is being spread by this group called American Stewards of Liberty.

They unfortunately gave this presentation at the New Mexico County Commission meeting and it is filled with non-truths and disinformation about the 30 by 30 intention, and this is the same group that was in the nineties did a protest in Nevada and they didn't have a lease for roaming their cattle. It was another one of these situations where they were breaking the law and I feel very strongly that I must stand up and point out that these people are trying to spread misinformation throughout the United States and through the counties. It is really depressing that such a thing is happening because we are in a climate crisis and for us not to acknowledge that is really disheartening.

So I am grateful that we have been able to submit comments to the department of Interior in support of the 30 by 30, and that also Amigos Bravos in Taos also wrote comments in support of the 30 by 30, along with the Western Leadership Network that I am a member of and I believe Commissioner Hughes is also a member of, and I just want to point that out that misinformation is being spread.

So I hope that we can pass the Consent Agenda and that we can go back to Commissioner Garcia.

CHAIR HAMILTON: Thank you for that. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I just want to add that I think it's very important that we are supporting the 30 by 30 effort to preserve 30 percent of our land and our waters for the environment. We are in a climate crisis and I'm glad that we can be submitting a letter that is truthful and helpful rather than spreading misinformation. Thank you.

CHAIR HAMILTON: Thank you, Commissioner Hughes. So are there any other questions or items that people have about the Consent Agenda or what is the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair, I would like to move to

SFC CLERK RECORDED 04/13/2022

approve the Consent Agenda.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: And I'll second that.

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

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

[Clerk Clark provided the resolution numbers throughout the meeting.]

6. APPOINTMENTS AND REAPPOINTMENTS

A. Appointments to the Transportation Advisory Committee (TAC), Districts 2 and 3

CHAIR HAMILTON: Who is covering this?

BRET CLAVIO (Traffic Planner): Hi. Good afternoon, Chair Hamilton and members of the Commission. The item before you is appointments to the Transportation Advisory Committee for District 2 and District 3. So just a little background, the Resolution 2015-13 established the Transportation Advisory Committee. The committee meets quarterly and looks over matters regarding transportation from the Planning Division and the Public Works Department.

Currently, per the resolution, the TAC is comprised of 13 members and we currently have seven representatives on the TAC. So we have four vacancies and we are proposing to fill two of them today. In January and February of this year the Planning Division advertised a recruitment for serving on the Transportation Advisory Committee in the *Santa Fe New Mexican* newspaper and with community organizations and registered organizations within the County. And we did receive two letters of interest, one from a gentleman in District 2 named David Martin and one from Commission District 3 named Mr. Steven McLaughlin.

Staff submitted the résumés and letters of interest along with this packet and we did an interview with both of those candidates over Zoom and found that they have good experience and they have the time and commitment to serve. So staff does recommend the Board consider appointing Mr. David Martin to serve on the District 2 TAC seat, and Mr. Steven McLaughlin to serve in the District 3 TAC seat. And with that I stand for any questions.

CHAIR HAMILTON: Thank you so much. Are there any questions?
Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Clavio. It's nice to see you in person. Anyhow, I'm grateful for these people joining the TAC board. I think it's really important that you're able to have a quorum, and I know that has been a difficult issue. So I want to, if I may, I hope that the Commissioner from District 3 will – I would like to support my appointment in District 2 and make a motion to support that, but I would like to allow Commissioner Garcia to make a motion to support the appointee in District 3.

CHAIR HAMILTON: Commissioner Garcia.

SFC CLERK RECORDED 04/13/2022

COMMISSIONER GARCIA: Yes, Madam Chair. Thank you. Thank you, staff for interviewing these individuals and also for going out and trying to get people involved in our community. I did read the résumé for the individual. Very extensive résumé, where he comes from back East. He does live off the frontage road and this résumé is excellent. So yes, I will support staff's recommendation for the gentleman in District 3. So can we unify this into one motion or shall we do two votes.

COMMISSIONER HANSEN: If it's okay with Commissioner Garcia, I will make a motion to approve the candidate David Martin for District 2 and Steven McLaughlin for District 3.

COMMISSIONER GARCIA: Second. I have a motion and a second. Is there any further discussion? Seeing none.

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

7. MISCELLANEOUS ACTION ITEMS

A. Request (1) Approval of Amendment No. 7 to Agreement No. 2018-0047-B-CSD/MM with La Familia Medical Center, Increasing the Compensation an Additional Amount of \$368,025 for a Total Contract Sum of \$3,512,125, Inclusive of NM GRT; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order

CHAIR HAMILTON: Are you on line, Jennifer?

JENNIFER ROMERO (Community Services -via Webex): Good afternoon, Madam Chair and Commissioners.

CHAIR HAMILTON: Welcome.

MS. ROMERO: And I believe Bill Taylor is on as well. This agreement will increase the La Familia contract bringing the total dollar amount to \$3,512,125, which requires BCC approval.

CHAIR HAMILTON: Mr. Taylor, I just of course skipped to the very end to look at who's approving so my apologies for skipping over your name. Do you have stuff to add to this?

BILL TAYLOR (Purchasing Director -via Webex): Madam Chair, Commissioners, I'm just here to support the amendment that increases the compensation and delegates the signature authority. This is the agreement with La Familia that provides navigation and primary services to county residents utilizing the Santa Fe CONNECT process. I'll stand for any questions.

CHAIR HAMILTON: Thank you. Thanks to both of you. Commissioners, any questions? Seeing none, what is the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, Commissioners, I just wanted to mention that La Familia is in District 2 and in the recent past I have gotten a request from one of the doctors there who works there to possibly have solar installed on the La Familia building, since it is a County-owned building. So I wanted to just mention that. I certainly support this amount of money, additional amount of money for everything that we do at La Familia and I will make a motion but I also wanted to let the

SFC CLERK RECORDED 04/13/2022

Board know that they are very interested in having solar on their facility. And this was just brought to me recently.

So with that, I would make a motion to approve amendment #7 to agreement number 2018-0047, with La Familia Medical Center increasing the compensation an additional amount.

CHAIR HAMILTON: Excellent.

COMMISSIONER HUGHES: Second.

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

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just want to say I'm really glad we're doing this. I've seen in my other work the good that comes from the CONNECT program and the navigation services and the flexibility of providing people what they need right now to make their lives better and continue on and make their health better, and in terms of La Familia it's very important. So I'm happy to second this.

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

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

7. B. Request (1) Approval of Amendment No. 1 to Agreement No. 2018-0241-CLK/KE Between Santa Fe County and Wordswork Extending the Term for an Additional Four-Year Term; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)

CHAIR HAMILTON: Bill Taylor.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. This amendment #1, we entered into an agreement with Wordswork in 2018 for a straight four-year contract and it's been requested and we support amendment #1 that will extend the contract with Wordswork for an additional four years. Of course they provide us with the services for stenography and transcription services. With that I'll stand for any questions.

CHAIR HAMILTON: Excellent. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I certainly appreciate the good stenography and also I move to approve this item.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Excellent. So I have a motion and a second. Any further discussion?

COMMISSIONER HANSEN: Yes, I just want to say I want to thank Wordswork for all their great contribution to keeping records for us and doing our minutes.

CHAIR HAMILTON: Yes, I would definitely agree with that. I really

appreciate the accurate wonderful work, even if their name is a tongue-twister. So I have a motion and a second. Is there further discussion?

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

4. B. Request Approval of a Proclamation Proclaiming the Year 2022, as “El Rancho de las Golondrinas Year” in Celebration of their 50th Anniversary

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you to my colleagues. A proclamation 2022 as the El Rancho de las Golondrinas Year, which is their 50th anniversary. And can we make sure that Mr. J.J. Gonzales is on –

CHAIR HAMILTON: I believe that he is. Daniel can check but I got a message from Tina.

COMMISSIONER GARCIA: So I’m going to introduce this resolution.

MR. FRESQUEZ: Madam Chair, Commissioner Garcia, it does look like they are online. They’re both under Daniel Goodman’s account.

COMMISSIONER GARCIA: Good afternoon. Thank you, Thank you, Madam Chair. Thank you, my colleagues.

Whereas, El Rancho de las Golondrinas, New Mexico’s Premier Living History Museum was an important Paraje – which means a stopping place, a stopping place along El Camino Real, the Royal Road that extended from Mexico City to Santa Fe; and

Whereas, the museum was established in 1972 by Leonora Curtin and Y. A. Paloheimo, who had the vision to both donate the land and establish a Living History Museum and whose family remains involved with its operations today; and

Whereas, El Rancho de las Golondrinas welcomes more than 50,000 visitors a year from all fifty states and from around the world, including 20,000 New Mexico school children through its programs each year, instilling pride in their history and heritage and an understanding of their place in the American story; and

Whereas, El Rancho de las Golondrinas is dedicated to preserving the history, heritage and cultures of New Mexico; and

Whereas, El Rancho de las Golondrinas is celebrating its 50th anniversary of dedication to the history, heritage and cultures of New Mexico with 50 events for 50 years including festivals, volunteer work, a 5K run and more, and we can see Exhibit A for the full list of events;

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County do hereby proclaim the year of 2022 as El Rancho de las Golondrinas Year.

Approved and adopted and passed on this 8th day of March 2022. Thank you, Madam Chair. One of the things I would just like to say about this, and maybe Mr. Gonzales, as people may or may not realize, El Rancho is – when you look down La Cieneguilla, and Commissioner Hansen and I share this district, when you look way down that canyon, people came up from Mexico and they actually stopped at this place and this was the last stopping point so you could actually refuel your wagons – there was no gas back then, your wagons and lamps. The gas prices were not what they are today but anyhow, this was the last stop that you actually came to before you went through the Agua Fria Village. You came into

SFC CLERK RECORDED 04/13/2022

Santa Fe where people came from the Oregon Trail as well as La Cienega area, like I said, through the Agua Fria community. This was a safe place where they actually stopped and filled up their wagons with not unleaded gas but nonetheless, the museum actually is still a living museum and when you go there, like it says right here, they actually do and they did, they've done a lot for the community of school kids and they teach you what was going on back in those days. I'm actually proud to actually present this proclamation proclaiming 2022 as El Rancho de las Golondrinas Year. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you. I know we have Daniel Goodman and J.J. Gonzales on. Do you guys care to say anything in relationship to this?

J.J. GONZALES: Yes, Madam Chair. Thank you very much, and thank Rudy Garcia and thank the Commissioners for proclaiming the year of 2022 as Rancho de las Golondrinas Year. And here with me is Daniel Goodman, the executive director of El Rancho de las Golondrinas who would like to say a few words. Thank you.

CHAIR HAMILTON: Thank you.

DANIEL GOODMAN (via Webex): Thank you. Madam Chair, Commissioners, Commissioner Garcia, and thank you so much for this proclamation recognizing our 50th anniversary. As New Mexico's only living history museum, people come to not only see the real thing but also to experience the real thing. We specialize in taking history out of locked cases, putting it in the hands of our guests and getting them hands-on with history.

And that history is severely under-represented on a national scale and it's something that we are proud to be a part of. For our 50th anniversary we have 50 events planned in celebration of 50 years. We hope to see all of you there to celebrate with us. This proclamation is an honor. It is a great way to kick off the celebration of one of Santa Fe's cultural institutions. So thank you all.

CHAIR HAMILTON: Excellent. Thank you so much. Do the Commissioners have things to say? Commissioner Hansen.

COMMISSIONER HANSEN: Yes, thank you, Commissioner Garcia, and nice to see you J.J. and everyone. I love El Rancho de las Golondrinas and I think that these kinds of historic monuments that we have in our community which are really living historic monuments. They are still in operation today. And that is what is really important about having the celebration. We might be celebrating 50 years of this but this place has been in existence for a very long, long time, as Commissioner Garcia said. And then not too long ago Senator Heinrich and I visited the Martinez Hacienda in Taos which was kind of the next stop up from El Rancho de las Golondrinas.

It is a connection that we have to realize existed here many hundreds and hundreds of years ago and how important those connections were for the people who were coming to live here, and the services that they provided. It was a place where you got food and supplies and you got your horses shod and you had the blacksmith. It was the center of activities. I think most of you know what a history buff I am and how much I believe in the history of northern New Mexico. So I think this is such an important proclamation. So thank you, Commissioner Garcia, for bringing this forward and thank you everybody for supporting it. Thank you.

CHAIR HAMILTON: Thank you very much. Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Mr. Goodman, as well as Mr. Gonzales, we've talked about this. We had a lengthy meeting last night in the La Cienega community and I will be talking to Manager Miller as well as our Public Works Department as well as our local Sheriff as into what we can do to help out, whether it's traffic

control or what we actually need to do to assist in the different events that are happening. But we will talk with our Sheriff, Mr. Mendoza as well as our Public Works Department. But the County Commission will work with you guys as into what we need to do. Thank you all.

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

Commissioner Hughes.

COMMISSIONER HUGHES: I'll just add very quickly that I've been to many events at Las Golondrinas and have enjoyed every one. I'm so glad we're able to celebrate their 50th anniversary.

CHAIR HAMILTON: Absolutely. I would definitely second that. Would you like to make the motion?

COMMISSIONER GARCIA: Sure, Madam Chair. Motion for approval of the proclamation.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Excellent. So I have a motion and a second. Is there further discussion? Commissioner Roybal.

COMMISSIONER ROYBAL: I just wanted to thank Commissioner Garcia for bringing this forward. I can't believe it's 50 years already. It's a long time but it's great to be able to recognize our forefathers and our ancestors that have been here for many generations. So thank you, Commissioner Garcia, for bringing this forward.

CHAIR HAMILTON: Thank you. I have a motion and a second. If there's no further discussion.

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

7. C. Resolution No. 2022-014, a Notice of Sale Resolution for General Obligation Refunding Bonds, Series 2022 in a Principal Amount of Up to \$13,500,000, Including Approval of Forms of a Preliminary Official Statement and Escrow Agreement

CHAIR HAMILTON: We're going to Yvonne Herrera.

YVONNE HERRERA (Finance Director): Madam Chair, Commissioners, the resolution before you is for a notice of sale resolution for general obligation refunding bonds, Series 2022 in a principal amount of \$13,500,000, including approval of forms of preliminary official statement and escrow agreement. The subject resolution would authorize the competitive sale and issuance of the general obligation refunding bond Series 2022, also known as refunding bonds. The refunding bonds would be issued for the purpose of refunding, refinancing, paying and redeeming on July 1, 2022 the County's general obligation improvement bond series 2013, which are on and after July 1, 2023. Outstanding in amount of \$13,500,000.

By accelerating the redemption of the Series 2013 bonds the County will increase its debt capacity to meeting rising costs of construction and other capital projects while managing and maintaining consistent tax rates within the county. It is also possible that the refunding bonds will yield net present value savings though that possibility is not a motivating factor behind the refunding bonds, and the likelihood of net present value savings is impossible to predict given the market volatility.

The subject resolution authorizes various officers to take action to sell the bonds

via competitive bids on a day that the County Manager shall determine in consultation with the County's municipal advisory. In particular, the resolution would authorize the County Manager to select the winning bidder and finalize the details of the bonds pursuant to the parameters and conditions contained in the resolution, which are the following: the bonds shall be issued in an aggregate principal amount not to exceed \$13,500,000 for the purposes set forth above; the net effective interest rate on the bonds shall not exceed 10 percent per annum; the final maturity of the bonds shall not be later than July 1, 2030; the bonds shall be sold for not less than par, and not more than 115 percent of par; the underwriters' discount on the bond shall not exceed three percent of the par amount of the bonds.

The resolution would approve the preliminary official statement and authorize it to be provided to prospective bidders. The preliminary official statement is the most significant part of the resolution since federal securities law places responsibility on the contents of the preliminary statement on the BCC.

In addition, Section 13 of the resolution would also authorize the execution of an escrow agreement with an escrow agent for services related to the refunding bonds. The escrow agent is Bank of Oklahoma for the refunding bonds. An escrow agreement is necessary because proceeds of the refunding bonds will be held in escrow until it's time to refund or refinance, pay and redeem the Series 2013 bonds. This is done for the benefit of the holders of the Series 2013 bonds who are granted a security interest in the escrow funds.

I wanted to make note that when the preliminary official statement was drafted the equipment lease agreement between Integrated Water Services, Inc. was omitted because at the time we didn't believe that that liability had existed quite yet. The generator – at the time we believed the generator was not fully installed. We've discovered, I believe that the generator has now been installed and we have received the first invoice to be paid and therefore the statement that we issue for the bonds will include that lease liability. And with that, Madam Chair, I stand for any questions.

CHAIR HAMILTON: Excellent. Thank you. Thank you for that special note. Are there any questions from the Board? Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Ms. Herrera. Explain to me about this generator thing. Tell me about that again. What is it and what's going on?

GARY GIRON (Public Works Director): Madam Chair, Commissioner, I think about 18 months ago in the renovation of the Quill, in building the new facility there was a decision made to do a lease-purchase for the generator that will provide backup for energy for that. And that's been just brought up line I think in November of this past year. And that actually was processed with the help of the County Attorney, and there was an ordinance passed with regard to that.

COMMISSIONER GARCIA: Thank you, Madam Chair, Ms. Herrera. So as we talked early as what's happening in the country, so do we know what the rates are going to be whenever we go out to hire an individual. You mentioned the Bank of Oklahoma, which I guess is our escrow agent, but do we have any idea what the interest rates are, where we're at these days?

MS. HERRERA: Madam Chair, Commissioner Garcia, the County's

SFC CLERK RECORDED 04/13/2022

financial advisor believes – well, at the last meeting he thought that the rates had kind of leveled off, but because of what's happening with Ukraine we decided to kind of wait to see what would happen with the rates, thereby giving the County Manager the authority with the advisement of RBC Capital I believe, to determine when to do the bond sale based upon those rates. But right now, because of the market fluctuations we just don't know what's going to happen yet. However, we do believe that issuing the bonds is still in the best benefit of the County because it helps us with our debt capacity and to help with our tax rates to keep them level so that they don't rise or lower with the valuations.

COMMISSIONER GARCIA: Thank you, Ms. Herrera. So as you know, we were at an Investment Committee meeting last week and we talked about all this stuff, the County's investment, how we're investing our funds, basically. And so yes, we're going to give Manager Miller – she knows this better than probably any of us actually sitting up here. So we're actually going to give her the authority to, depending on when the market is going up and down, when she feels it's comfortable to refund these bonds, then we're giving her the authority by approving this. Correct?

MS. HERRERA: Madam Chair, Commissioner Garcia, yes. So based upon – we also have a time limit in regards to the bond rating that we'll have with Standard & Poors. We'll have 60 days, I believe, from that to do the bond sale to keep that same rating and not have to pay for it again. So there is a set timeframe, but yes.

COMMISSIONER GARCIA: Thank you, Madam Chair. If there's no other further questions I move for approval.

COMMISSIONER ROYBAL: I'll second.

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

COMMISSIONER HUGHES: Yes, I just was wondering if you could explain to me again exactly what the advantage to the County of reselling these bonds is. Is it because we don't want the tax rate to go up or down, we want to keep it level? Is that the – what's the main reason?

CHAIR HAMILTON: Manager Miller.

MANAGER MILLER: Madam Chair, Commissioner Hughes, so we have a goal of keeping our property tax mill for debt service. So we have two. We have the operating mill and we have the debt service mill, and this Board consciously made a decision a few years ago to issue a little bit more, or actually ask questions of the voters, in particular an addition question for \$5 million for health facilities, which was the behavioral health crisis triage center here in Santa Fe, and the health facility in Edgewood, knowing that we could potentially have an increase in our debt service rate 2.12 mills.

But then, once all those questions were passed we always target our debt service payments in conjunction with our estimated valuation to stay at 2.12 mills. By doing this refunding – so one thing the state tries to make sure that we target at least a three percent net present value savings over the reissuance. We still, and our financial advisor, even with rates kind of doing the strange thing they're doing right now, still thinks that we'll get that two to three percent.

When we started this we thought we'd get about five percent, but he said it's probably more likely to be two to three percent. But in addition, you can go below the

three percent that's the targeted amount of that present value savings by DFA if you are doing debt management, and that is managing your tax rate and your debt payments. And so this refunding helps level out our payments, gives us more capacity in a new question, so when we go in November it could give us anywhere from \$1 million to \$3 million additional capacity, and still keep our rate at 2.12 mills per thousand.

So it's a combination of yes, we always try to get a savings by doing it, but also by managing the debt payments, by paying some off early and having a flatter debt service payment it will keep our rate at 2.12, and allow us for the estimated capacity that we had anticipated having in November of 2022 of at least \$20 million if not a little bit more.

COMMISSIONER HUGHES: Okay. Thank you.

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

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

7. **D. A Request to Enter into an MOA with New Mexico State University to Establish a Partnership for Preparing and Submitting a Grant Application to Fund Small Businesses in Performing an Energy Efficiency Assessment/Auditing Program, an Energy Efficiency Revolving Loan Program, and an Energy Efficiency Workforce Development Program**

CHAIR HAMILTON: Do we have Alex Fitzgerald on the line?

ALEX FITZGERALD (Community Development - via Webex): Yes, thank you very much. As indicated as before you is a request to enter into a memorandum of agreement with New Mexico State University. This will really formalize the partnership between Santa Fe County and NMSU for the purposes of preparing and submitting the grant application for funding, a small business energy assessment and auditing program, energy efficiency revolving loan fund program, and energy efficiency work force development program.

Santa Fe County will be the lead applicant for this funding. New Mexico State will be a collaborating partner in the review and final preparation of the grant proposal, and upon funding, Santa Fe County will be fiscal agent of the funding and New Mexico State University Office of Pollution Prevention will serve as a contractor for conducting energy efficiency assessments for Santa Fe County businesses, hosting internship opportunities and providing final reporting on the program. So with that I'll stand for any questions.

CHAIR HAMILTON: Excellent. Thank you so much. Are there questions?

COMMISSIONER HANSEN: Hi, Alex. This looks great. Thank you for working on this. I think that any time we can engage our local businesses and our local educational facilities in creating energy efficiency and sustainability that is really important. So I want to thank you for working on this and bringing this forward, and I'll make a motion to approve. For sure let there be discussion but I think this is a great

project. So thank you.

COMMISSIONER HUGHES: I'll second.

CHAIR HAMILTON: Excellent. So I have a motion and a second. Is there further discussion, including questions for Alex? Commissioner Hughes.

COMMISSIONER HUGHES: I'll just say it sounds like a very nice project.

CHAIR HAMILTON: Excellent. Yes, it sounds very timely as well.

COMMISSIONER GARCIA: Madam Chair, just one of the things that in a partnership with New Mexico State University, as we may or may not know, but we actually do have a partnership as into when we run our County Fair. And there is a state statute, correct me if I'm wrong, Attorney Shaffer or Manager Miller, but all 33 counties actually have a partnership with New Mexico State University when it comes to funding the County Fair and agricultural items in every county. But this is actually like you said, another great agreement that we have that's working with New Mexico State University. Thank you, Madam Chair.

CHAIR HAMILTON: That's interesting. Thank you. Further discussion? Seeing none, I have a motion and a second.

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

8. PRESENTATIONS

A. Presentation from the Public Works Department Team Regarding the NE/SE Connector Road(s) Project

CHAIR HAMILTON: We have a presentation from Public Works on the northeast/southeast connector. Everybody's probably noticed that they've already distributed printed maps for us to use during the presentation. Thank you, Mr. Giron.

MR. GIRON: You're welcome. Madam Chair, Commissioners, we have about a 15 minute presentation for you. I will start it and then Ivan is going to run a power point for you. We ask that you hold your questions till the end so that we can get through the presentation.

I'll start with an overall summary of the northeast/southeast connector. The proposed northeast/southeast connectors have been planned by Santa Fe County and approved by the Santa Fe MPO to relieve traffic congestion on Richards Avenue and to provide additional roadway connections to and from the Santa Fe Community College District.

The northeast/southeast connectors are proposed as limited access controlled facilities designated as future arterial connector roadways and lying within an area of Santa Fe County which has experienced tremendous growth within the last 20 years and will experience a lot more when this road is completed. The total project length is 3.88 miles of new infrastructure developed consistent with context-sensitive solution principles, which are principles that are based on community input and community involvement.

This is identified in the Community College District plan to de-emphasize high volume arterial streets to include the following: bike lanes, multi-use trails, six new

SFC CLERK RECORDED 04/13/2022

intersections, four with roundabouts and two others to be determined, 26 new drainage structures including three concrete box structures, a storm drain system, intersection lighting, and permanent signing and striping. It also includes broadband conduit infrastructure, 3.88 miles of conduit and pull boxes will be installed at the time of construction. This is consistent with Santa Fe County's planned Dig Once policy.

With regard to utilities, water utilities – there will be approximately 4,000 feet of waterline installed at the same time that we are building the road. We are now working with Procurement and the process is underway. The RFQ is out and that process is proceeding favorably. With that I'll turn it over to Ivan.

IVAN TRUJILLO (Engineering Services Manager): Madam Chair, Commissioners, I have to say it's kind of nice to be working in the same setting. I think for the year I've been with the County this is the first time I've seen most of you face to face. We have a power point that we've presented on behalf of the Public Works team, and I mean a team. There's a lot of people in the background that have been making this happen. And our consultant team, I'd just like to again introduce Public Works Director, Gary Giron, Brian Snyder, our Roads Division Director, myself, Engineering Services Manager, and the Project Manager that's doing most of the legwork is Daniel Scott Smith.

Our design team, I can introduce them. Our prime consultant is Souder Miller and Associates. You may all have heard the SMA acronym. They are our lead engineering firm. Supporting them is T-2 utility engineers. They have done the subsurface utility engineering. That's the engineering required to identify any utility conflicts in the area. Ecosphere Environmental Services is doing the environmental follow-up and supporting our public involvement activities. Geo-Test Inc. is a local geotechnical engineering firm who's done a lot of borings and they have provided the surface and the thickness of the asphalt, etc., basecourse recommendations.

Mike Henderson Consulting was the group that did the traffic data collection. They set traffic counters in multiple areas within the area and ERMSI is our traffic core forecasting and modeling subcontractor. They took the data that was provided by Mike Henderson. They incorporated it into the Santa Fe MPO model and they forecasted what the traffic might be in the year 2040, and that helps us determine the intersection design.

Just to give everybody an idea of where the project resides, on map up, the orange roadway that goes left to right is I-25, and it's in the Santa Fe Community College District where it's highlighted with the red boundary. Some of these are drone photos that we wanted to share with you. These were drone flights that we took when we started design of the project. The view looking to the horizon is the City of Albuquerque. The main roadways to the right of the photo are I-25 northbound, and then the kind of curvy road is the existing Rabbit Road heading into Oshara.

Similarly, this is another drone photo that's loading. This is just another vantage point. It's a little bit further south. It's looking again towards Albuquerque on the horizon, and it's showing the Arroyo Hondo. In the middle of that photo you might be able to see a large overhead power line. That's the PNM easement where the southeast connector portion of the project parallels. This is the largest drainage crossing of the project.

And this is the last of our aerial photos. This one is further south. What you're

seeing to the left is the access road to the booster station and the spur trail is the lighter gray road or trail. Both of these will be in the alignment of the Avenida del Sur extension. So those would be replaced; the spur trail will be replaced as part of the project.

In terms of roadway, the map to the left will be consistent through the number of slides as we show you but in terms of the roadway design we want to kind of identify what we call the northeast, southeast, and Avenida del Sur segments of the project. The first is the northeast connector. That's the route that parallels I-25, goes west to east, east to west. It will connect the existing Dinosaur Trail on the west to Rabbit Road on the east, and it will include two intersection points which we'll describe a little bit later.

The southeast connector is the route to the right of the map and it goes north-south. It's approximately 1.5 miles in length. The portion that looks really straight is paralleling that PNM easement that I spoke to earlier, and where it starts to turn a little bit and come further south is where it will parallel the spur trail.

Then Avenida del Sur, we call this the Avenida del Sur extension, it starts at Richards Avenue where it currently is a three-way intersection and there's a trailhead parking lot to the east. Avenida del Sur will then just move east for almost approximately a mile in length. So those are the way we call northeast, southeast, Avenida del Sur so you can get used to it during the presentation here.

Again, in terms of traffic design, we'll try and give you an idea of the modeling portion of the project. Like I said, traffic counts were taken in numerous areas along Richards Avenue, Rabbit Road, Dinosaur Trail, Avenida del Sur, to give us an idea of what we can expect in terms of volume, not only when the project is constructed but overall in terms of its life. They call it a design year, and in this case the design year is 20 years from when we started. The design plus or minus, so it's the year 2040.

Once the traffic counts, the data is gathered, then we forecast, like I said, into the year 2040. And that's all based upon zoning, on what's assumed in terms of development in the area, and that kind of stuff. And then the big part of the picture is to take those forecasted volumes and integrate it with the MPO traffic volume for the area. So it's not only looking at the area specifically, it's looking for the whole network in general, the street network on the south side of I-25.

And then in terms of intersection design, as Director Giron had mentioned earlier, there's six intersection points along all three segments of this project, four of which are proposed as roundabouts. The project is being bid with a base bid and bid alternates. The four intersection locations that we're showing in the presentation are part of the base bid. They are designed as roundabouts, and they will be lit.

Two other intersection points that are further south on the southeast connector are designed in two fashions. One is a T-intersection and an L-intersection, and then both as roundabout intersections. Depending on bid amounts and budget our hope is that we'll be able to award roundabouts at all six locations, but that's why these are broken out separately just to give us a – the two that are not part of the base bid are at College Heights, and the other is at the intersection of Avenida del Sur and the southeast connector.

Some of the things that we look at and this is kind of getting into the weeds but I thought it was interesting to share is the graph shows what the parameters are of the design of the roundabout itself. The guidelines we used are typically developed by

FHWA and the design vehicles are a bus and a larger vehicle. This is a bus kind of like the City Trails bus that we're showing here. These roundabouts are designed to allow that vehicle to maneuver through the roundabouts in the travel lane, so they wouldn't be leaving the asphalt portion of the roundabout. The larger vehicles like a freight or whatever might be commercially delivering goods to the area, that would also be able to maneuver the roundabout but it would need to utilize the concrete apron of these roundabouts. That's normally towards the inside of the circle, outside of the pavement, so their tires will track onto it, but they'll be able to maneuver through the roundabouts.

This is a diagram that typically is included in the report for somebody who's reviewing the design parameters of roundabouts. The red dashed lines represent the fastest path a vehicle may take to maneuver through the roundabout, and speeds are calculated to determine how fast they would maneuver through the roundabout. The goal is to get those movements balanced within the roundabout itself. In this case the average speed that a person trying to travel through the roundabout quickly is averaging about 22 miles an hour. The goal, like I said, is to make sure that those movements are balanced, meaning that everybody can maneuver about the same speed.

Drainage design – we have, this being an area that has not ever been developed there's quite a bit of drainage infrastructure that's required as part of the project. There is a storm drain, we call it mini-storm drain, that's required at the intersection of the northeast connector at Richards Avenue near Dinosaur Trail. The reason being is that there's runoff that comes from the north side of I-25 down Richards currently and it's intercepted by the roundabout so we needed to capture that and convey it offsite.

There are three large concrete box culvert locations which are again identified in the blue, the largest being the crossing of the Arroyo Hondo which is the furthest north on the southeast connector. And then there's 23 additional culvert pipe crossings that are scattered throughout all three segments of the project.

Geo-technical design, this is an area that has had some experience of settling soils, so the geo-technical explorations were quite extensive. We ordered 18 borehole locations. These are holes that are drilled probably between zero and 20 feet to determine what the strata is below what would be supporting the roadway. And this picture delineates where those boreholes were located. The different color of tacks represent the quality of material in the project areas. So the dark green are good, orange are okay, and red are somewhat poor. So part of the project is the amount of earth being moved in this area will be utilized on the project but it will have to be blended. So what we want to do is be mixing some of the soils in the green areas with some of the soils in the red areas, ultimately just averaging the quality of the stability of the embankment of the road itself. So this was a pretty big effort. Typically you wouldn't see this level of effort geo-technically. Also, this information provides us with what the thickness of the roadway should be in terms of basecourse, asphalt, etc.

Right-of-way. We have four property owners that owned all of the right-of-way needed for the project. All of the right-of-way was donated, therefore, as I mentioned, four property owners. There were ten parcels. Some owners owned multiple parcels, and it's a total of almost 55 acres that were donated for the project.

Lighting design. There will be overhead street lighting and it will be centralized, like we mentioned earlier, at the intersection locations. So the four roundabout locations

that are part of the base bid will be lit and then the other two that are bid alternates, if they are awarded as roundabouts will also be lit. So the six major intersections will have overhead street lighting.

As Director Giron had mentioned, there are some utility improvements proposed as part of the project. There is a 12-inch waterline that will be constructed from the southern portion of the southeast connector northward, and it will terminate just north of the College Heights intersection. I believe there's discussion to carry that even further north but as of today that hasn't been moved forward. This just identifies where that waterline will go.

Again as Director Giron had mentioned, there is broadband infrastructure that's proposed as well and that will parallel all three roads for the total length of 3.8 miles. So that will be there for the use of internet providers to utilize.

There's walking trails and we're going to be reconstructing the spur trail along the southeast connector. It will be on the northern side of the Avenida del Sur extension, and Avenida del Sur will also have a secondary trail to the north, which is a little bit more narrow. The walking paths will be paralleling the southeast connector on the west side and the northeast connector on the south side. All three segments, all full length will have walking trails associated with the project.

Now there is a trailhead that's impacted – I think I mentioned it earlier – at the intersection of Richards Avenue and Avenida del Sur. It's on the lower left currently, and that will be relocated to the right center, which is the new location, new where the spur trail will cross the southeast connector. So the spur trail will be crossing the southeast connector at grade. That's a new parking lot location. It accommodates nearly 28 parking spaces.

As we mentioned earlier there was some subsurface utility engineering. This was very important for us to understand that existing utilities may be impacted by the infrastructure of the project. There are four levels of subsurface utility engineering. We did levels C and A. C is where you coordinate with the utility owners, receive all their paper records, then you try to cross reference that with anything you see visible on the surface. That's called level C. That's the most common level of subsurface utility engineering.

We identified major impacts at both intersections on Richards Avenue that do impact almost every – it's a utility-rich corridor along Richards Avenue so there are going to be multiple utilities impacted and relocated as part of the project. The bulk of them will be relocated prior to construction, we are working towards that, and some that will need to be coordinated with construction. The concern we have with construction is that typically is not scheduled by the contractor and may have timeline implications, so we're trying to do our best to coordinate with the utilities to get them moved prior to construction.

And again, these are the two areas of major concerns, the two roundabouts along Richards. And if Daniel can help us, we have a three-dimensional model that we've prepared for the project. And this will be driving you through. To orient you, we'll be driving from Dinosaur Trail and Richards Avenue, we'll be heading west towards Rabbit Road. And these show virtually all the improvements proposed in the project three-dimensionally.

It's a pretty large file so it take a little while to load. Again, just to orient you, we'll be starting at the Dinosaur Trail location and we'll be driving – this is the proposed roundabout at Richards Avenue and Dinosaur Trail. As mentioned earlier, this will accommodate the bus system within the lane and a larger vehicle using the apron. The trail you can see is the lighter gray shade on the south side of the northeast connector. I-25 is to your left. There are multiple developments that are being proposed on the southern side of this that we are aware of and we've been coordinating with. And again, this is two lanes, 11-foot. Along the northeast connector we have six-foot wide bike lanes. That's the only six-foot wide bike lane we have on the project. The other segments incorporate five-foot wide bike lanes.

This is the intersection of Rabbit Road, northeast connector and southeast connector. It doesn't have a northern lane because the northern side of that roundabout is I-25. So now we're traveling south towards Avenida del Sur. You can kind of see that the roadway will be perched up quite a bit higher than the natural ground. In that location it's because of the major drainage issues that we'll be accommodating.

This is the roundabout proposed at Oshara. This is the road that goes into Oshara currently, so that's the fourth leg.

And just to give you scale, these are about the same size of roundabouts as what we currently see at the Santa Fe Community College.

Again, you'll see the trail system. We're heading south so it's on the west but it's on the right-hand side. These will all have ADA improvements along the intersections, sidewalk and curb and gutter, but only around the intersections. Everything else will not have curb and gutter.

The shade that you see, kind of the shadow, is showing that the road will be kind of cut into the terrain. This is our largest drainage crossing at Arroyo Hondo. This is a six or seven cell CBC. It's substantial. It requires some upstream and downstream grading, some erosion control and downstream. We are currently coordinating with FEMA to receive the permit of impact. There is an impact to the water surface elevation at this area based upon this construction so that permit is forthcoming but it's underway.

Those white lines on the right and left of the roads that have those dots in them, that represents the proposed right-of-way that was donated. Not proposed; it is right-of-way.

Again, you're seeing that trail on the right, bike lanes and driving lanes on the roadway itself. We're almost at College Heights. I believe the video shows a roundabout in this location but as I mentioned earlier, as a base bid it's designed as a T-intersection.

This is also where the proposed waterline will terminate as of now and potentially would be extended further north. These roundabouts were designed for the fourth leg to be accounted for or accommodated later in the future if there's ever development to the east. It also shows the overhead streetlights that we discussed earlier and they're centralized right around the intersections.

Now we're heading south to the Avenida del Sur extension. Soon you'll be able to see the proposed parking lot that is part of the project as well. And again, the trail is only to the west, right side of the project. The parking lot was designed specifically here because there's alternative ways to cross the southeast connector if you'd like to utilize the arroyo crossing, or there'll be a mid-block??? Crossing here for people who are

parking and want to go east along the spur trail.

This location was in negotiation and coordination with the landowner of the area, so we didn't have all the choices but the landowner was very helpful in partnering with us as we developed the project. If you look really closely some of these little green lines that you see crossing are the culvert crossings that we had identified earlier. Hopefully you will not see these as you're traveling on the roadway itself but they'll definitely be there.

Again this shows the waterline. The waterlines are in an area between the road and the trail. It's identified as being a utility corridor so in the future as utilities come into the area, this is the area that we proposed that they be placed so there's little or no impact to either the trails or the roadways as they're constructed.

And again, this one is shown also as a roundabout but in the base bid or bid alternate it's an L-shaped intersection – no roundabout.

We're making the last leg of the journey. We're heading west along what we call the Avenida del Sur extension. This is different because it has two trails. It has one on the north and one on the south. The one on the north is replacement of the spur trail, so the project did impact the spur trail and as part of that we'll be reconstructing it. And the one to the south is a pedestrian trail and it's a little more narrow.

The spur trail will also be crossing over these drainage structures so you will not have to, if you're familiar with the spur trail, now they currently go down into the arroyos and up and down. In this case the spur trail will be carried nearly at grade with the roadway and you will not have to contend with the drainage features of the area anymore.

This is also, we're just passing another CBC structure. We're coming – to your right would be the Community College property and we'll be tying into Richards here pretty soon. And as Director Giron had said, this is 3.89 miles of brand new roadway, six new intersections, 26 drainage crossings, walking trails, bike lanes. It's a substantial size project for anybody. I'm proud to be part of it and I know our team is.

This is the intersection of Richards proposed. It does have the impact to the existing trailhead. It's tying into the trail system of Rancho Viejo. It does have a lot of impacts to the existing utilities within Richards, so there's a lot of coordination. There's still a lot of permitting to complete. We're currently in procurement of a request for qualifications. It's a two-phased procurement for construction. One is to make sure that the contractors that are planning to bid are qualified for a project of this scale, and the second, once they are qualified, they will be preparing a bid.

MR. GIRON: And with that, I think if you have any questions we'll be glad to answer those.

CHAIR HAMILTON: Excellent. Thank you so much. It was a great presentation. Very, very interesting. So any questions? Commissioner Hansen

COMMISSIONER HANSEN: Thank you very much for the great presentation. So we're only putting conduit in for broadband. Is that correct?

MR. GIRON: Madam Chair, Commissioner, yes. That was the request in conversations with Joseph and his team is that that was the approach we were going to take. Conduit and pull boxes. And then they'll just have to pull the line.

COMMISSIONER HANSEN: And so will REDI-Net be willing to pull line in there?

MR. GIRON: Madam Chair, Commissioner, that is the way I understand it

is they are prepared for that and this is a great opportunity for that stretch of the community.

CHAIR HAMILTON: And when will they do that?

MR. GIRON: Madam Chair, Commissioner, I don't have any information about that. We're more concerned about getting the road in, getting the conduit. So I understand your question.

COMMISSIONER HANSEN: I love the road. As somebody who has worked on this for over 18 years, I am very, very happy to see it look so amazing. So I have a few more questions. What kind of vertical element will you be putting in the roundabouts? Because according to federal highway, vertical elements are a really important part and this is something where I would really like to see art in the roundabouts. I happen to have placed the art that is in the roundabout at Oshara at Willowback, and I think that it is the Community College District and I think that having art there is a really important part of that community. So I hope that we can figure out how to do that. Maybe we can work with the Community College or come up with ideas of how to get art in the roundabouts. Do you want to respond to that?

MR. TRUJILLO: Sure, Madam Chair, Commissioner Hansen. Great question by the way. Currently part of the design doesn't include any artwork or esthetic features within the roundabouts themselves, but it presents a great opportunity. And I think that we're anticipating nearly a two-season construction period to complete the project so there is a timeline that with this opportunity maybe we can converge that interest with the project.

COMMISSIONER HANSEN: So maybe thinking about putting a pad in the center for the ability to have a piece of art in the roundabout would be something that we could think about. And then on the two roundabouts that we don't have – I'm assuming we don't have the money for right now, but do we have the complete right-of-way to do that in the future?

MR. TRUJILLO: Madam Chair, Commissioner Hansen, yes. We did acquire the needed right-of-way for roundabouts.

COMMISSIONER HANSEN: Okay. Then one of the things that I think is important in this area is horse trails. So when we're raising up the trails, will horses be able to use this or have we thought about that? There's a lot of people out here who use the Arroyo Hondo as a horse trail and making sure people have access to cross over. One of the ideas we had was a button on Richards or a button where people could use their horses, especially when Jane Petchesky who donated most of her land to a land conservancy, she was very concerned about being able to have horses cross the roadway. So has there been any thought about horse trails and horses on these trails?

MR. TRUJILLO: Madam Chair, Commissioner Hansen, there has been discussion. The spur trail is an equestrian use trail currently and is designed similarly with the same type of surfacing as well. It's surfaced differently than the other trails, but only the spur trail was a discussion that would accommodate equestrian activity. And there will be an at-grade crossing of the spur trail on the southeast connector.

COMMISSIONER HANSEN: Okay. More would be good. So how many culverts will there be at the Arroyo Hondo crossing?

MR. TRUJILLO: Madam Chair, Commissioner Hansen, I believe there's

six barrels, meaning that there's six openings side by side at the Arroyo Hondo. They're six-foot tall eight-foot wide, I believe. But I need to confirm that.

COMMISSIONER HANSEN: Okay. I know that that's in a floodplain, so you're working with FEMA on that?

MR. TRUJILLO: Madam Chair, Commissioner Hansen, yes. That's one of the permits we're awaiting, and there was an effect with the drainage crossing to the areas upstream, so that's what we're working on.

COMMISSIONER HANSEN: And then where is this archaeological site that's on this piece of property? I know that it's somewhere but I don't think you're crossing it for sure but I know there is an archeological site somewhere on this Oshara property.

MR. TRUJILLO: Madam Chair, Commissioner Hansen, there is one, and they typically don't divulge that, but I can share you with that in private, but it has been avoided. There were design modification necessary to accommodate that.

COMMISSIONER HANSEN: Okay. I want to thank the right-of-way donors for all the land. I think that is a really huge contribution to this project. And the waterline – so we're only going up to College Heights. What will that waterline serve at the moment?

BRIAN SNYDER (Public Works): Madam Chair, Commissioner Hansen, right now it's intended to service that area, get it into the Rancho Viejo tank service area and for future developments. As Ivan mentioned, during the presentation, there are future developments. I think there's a future development on the Commission agenda later tonight along this corridor that would do any future extensions into their property to service that area as well as extend it to the end of their property.

COMMISSIONER HANSEN: So they would extend it?

MR. SNYDER: Yes. That's correct.

COMMISSIONER HANSEN: So we'll take it to College Heights and then any further development on the Oshara property, they'll have access to that waterline.

MR. SNYDER: Madam Chair, Commissioner Hansen, that is correct.

COMMISSIONER HANSEN: Okay. Oh, one more question. The utilities that you have by Richards Avenue, what utilities? Water? Sewer? Etc.

MR. TRUJILLO: All of that, Commissioner. All of that. It's a utility-rich corridor. Put it that way. There's everything in Richards Avenue.

MR. GIRON: Madam Chair, Commissioners I also wanted to let you know that we have provided each one of you one of these maps plus the Manager and Greg and the Clerk, which shows the overview of the northeast/southeast connector and it shows you the paths so that you have that for your reference. It's at your desk.

COMMISSIONER HANSEN: My last question is what is the name, what are we going to name the southeast connector?

MR. GIRON: Madam Chair, Commissioners, we're in the middle of that process now of bringing names forward and starting to have that discussion. There are very good options out there and we're excited about some of them.

COMMISSIONER HANSEN: Okay. Just so you know, I named all the roads in Oshara Village. So I care about road names. I think they're important and I'm interested to hear what is being proposed. So I think I've taken up a fair amount of your

time and I will let my other Commissioners have some questions. Thank you.

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

COMMISSIONER GARCIA: Thank you, Madam Chair. First of all, Gary and your team, Ivan, what a great presentation. And I'll give you some credit because people up here don't know – they may or may not know – that you are actually the one that designed the under St. Francis and Cerrillos Road, back there by that railcar. You actually did all that. Whenever the City moving money around this stand you actually came and you worked for an engineering firm, you designed that. But good job and great presentation, you and your team.

A couple questions that I have is, the spur trail, me and Ron that actually built the spur trail, at least for now connecting all these angles that what's happening there in the Community College District. Thank you for that. One of the things that happens regarding the budget, is the DOT going to help us out with some funding? Or we're no longer with the DOT anymore?

MR. GIRON: Madam Chair, Commissioner, we have received a grant from the DOT of approximately \$2.5 million that will be applied to this project.

COMMISSIONER GARCIA: Thank you. And then also, in regards to – I'm not an engineer but this was brought up at our community meeting last night in La Cienega, the southeast/northeast connector, that straightaway, I know we have roundabouts but that just seems like a huge Airport Road drag strip. So if you can just please look at that because all of us Commissioners get questions about speeding, speeding, speeding, speeding, speeding, and you know we're the County Commission; we're not the actual law enforcement out there with the radar gun. But if you could just –

MR. GIRON: Madam Chair, Commissioner, we're hoping that we get favorable bids and that we'll be able to do all the roundabouts. That's our priority. Obviously, those are add alternates only for that reason, not because of importance. It's just a funding issue at this point.

COMMISSIONER GARCIA: And then, once again, the Commission brought up Jane Petchesky's property. That's a piece of property that she actually donated to a preserve, an open space area. So how are we going to make everything work together? You guys are working on it, but like I said, a great presentation, because that's very important in that area.

MR. TRUJILLO: Madam Chair, Commissioner Garcia, that's a good question and I don't think I touched on it in the presentation is the intersection of Dinosaur Trail, the jug handle on the traffic signal, that traffic signal will be decommissioned. It will be removed when the roundabout at Richards and Dinosaur is opened. There will be a right-in/right-out entry for the conservancy and it will be disconnected from the northeast. So there will be access at that location but it will not be signalized. So thank you for the question, Commissioner.

COMMISSIONER GARCIA: Thank you. Because as we, like you said, the 2044 traffic study is that whole corridor from the arroyo, which is a 500-year floodplain, as you know, there's going to be traffic all the way east and west, right? And north and south. And one of the larger projects that – I'll be upfront – is going to be regarding the on and off-ramp at I-25 and Richards Avenue. Because that is something

that in my opinion needs to happen and we need to go through the MPO and figure out if we can, how that will happen. Mr. Giron, you know, and Mr. Secretary there, he knows how all that worked back in the days as well as when the Secretary will be here as well.

MR. GIRON: Madam Chair and Commissioner, we tried very hard, back in the day, and so I agree with you that that probably needs to happen in the future.

COMMISSIONER GARCIA: So those are just things – I'm just thinking – I know there are camps here, but nonetheless, a very great presentation. Thank you. Ivan, thank you. Mr. Giron and your team. Brian, thank you, guys.

CHAIR HAMILTON: Thank you, Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, and I'm so glad to see this project moving forward. When I was running for office in 2020 and talked to people in that area, one of the questions that people would ask me is, when are you going to build that road? When are we going to get all this traffic off of Richards Avenue and onto this other road? There in Oshara, when are we going to have it so people don't have to drive through our village to get to the college? So I'm really glad to see this moving forward.

Along that line, when you said two construction seasons, you mean you would start in 2022 and finish in 2023? Is that what you're looking at?

MR. SNYDER: Madam Chair, Commissioner, yes. That is what we're intending.

COMMISSIONER HUGHES: Okay. Great. And the other thing everybody asks me about now is dark skies. So I was going to ask how you're planning to address our dark skies preservation with the lighting at the roundabouts.

MR. TRUJILLO: Madam Chair, Commissioner Hughes, that's a good question. The lenses that are used on these overhead streetlights are called cut-off and they direct light directly downward, so there is no illumination that goes outward, and they are night sky favorable.

COMMISSIONER HUGHES: Okay, well, people will be glad to hear that. Thank you. And then the last question is when you show the road going into Oshara Village, is that going to become a County road, or is that a County road? You sort of show partial construction I think into Oshara?

MR. TRUJILLO: Madam Chair, Commissioner Hughes, I believe all the infrastructure proposed for this project, completion of construction will be maintained by the County. You could confirm that with Director Giron though first.

MR. GIRON: Madam Chair, Commissioner, we'll get back to you with the answer to that specific question.

COMMISSIONER HUGHES: Okay. Well, thank you very much. Good presentation. I appreciate it. And I really liked the 3-D. It gives us a good sense of what's going to be there.

MR. GIRON: And Madam Chair, Commissioner, if I could add something as well, as that as we move forward and get the design complete that there will be a planned community meeting that will be virtual and we're planning on hosting up to 200 folks so that we can have this conversation with the community and share these plans that you've seen today with them, probably in a little more detail.

CHAIR HAMILTON: That's a great idea. And we really appreciate your

presentation. Are there further questions? Commissioner Roybal.

COMMISSIONER ROYBAL: I just really want to just express my gratitude for the presentation. Great job and just also thank you for the monthly updates that we get on the projects in our districts. I know there's quite a few that we've talked about in the area. There's Feather Catcher that we're looking at. It's a pretty major project that we do have funding for. So there's quite a few projects. So I appreciate that and we can discuss those a little more for those updates. So thank you, guys.

CHAIR HAMILTON: Thank you very much. Thank you for the presentation. It was really excellent.

MR. GIRON: Thank you.

9. MATTERS OF PUBLIC CONCERN

CHAIR HAMILTON: Daniel, do you know if we have anybody who has signed up to speak to the Commission on Matters of Public Concern?

MR. FRESQUEZ: Madam Chair, yes. Barbara Torrez.

CHAIR HAMILTON: Thank you. Ms. Torrez, do you want to unmute yourself and speak to the Commission? And we'll impose a three-minute time limit on speakers. Welcome, Ms. Torrez. Go ahead.

MANAGER MILLER: Madam Chair, I believe she was asking if this was the place for a comment relative to the South Meadows property. There is no planned public comment on the South Meadows property. It is in the City's land use process and under contract with Homewise. So obviously, people have a right to make a public comment but there was no – I think there may have been some misdirection that we were having some kind of public comment period relative to the South Meadows property but we are not.

CHAIR HAMILTON: Ms. Torrez, did you catch all of that? You're welcome to make any comment.

[The audio quality of Ms. Torrez' remarks did not allow for verbatim transcription. She stated she believed proper procedures were not followed in how it was handled, being part of COLTPAC.]

CHAIR HAMILTON: Okay, thank you very much, Ms. Torrez, for your comments. Is there anybody else on the line who cares to speak to the Commission during Matters of Public Concern? Introduce yourself and make your comments, sir.

VICTOR LIOCE: My name is Victor Lioce. I'm the former chief of appraiser for Santa Fe County. I worked for Santa Fe County back in the eighties and early nineties, and I've been following the fiasco with Santa Fe County and Homewise quite closely, and I reiterate what Ms. Torrez said about why was the meeting published and held that were agreed upon and the contractual purchase, and what can we do to get you to stop what you're doing because it's not in agreement with the vast majority of the constituency. We paid for it. We all who live in this district were part of the sub-taxing district that used to be referred to as the Lower Agua Fria Taxing District. I don't know how it's structured anymore because I've been gone for too long.

SFC CLERK RECORDED 04/13/2022

When the bond was issued we were told, one, that the land would be ours in perpetuity, and I don't understand the difference between the taxpayers' understanding of the word "perpetuity" and what apparently seems to be the new definition of the words "in perpetuity" by the County. Perpetuity to me means forever. So is it something that was posted on a bond issue that was going to be held as open space in perpetuity is now available to be offered under contract without even speaking to the people who paid for it? I am one of those people. I've lived in the sub-taxing district for 40 years. And I would like an answer to that question.

CHAIR HAMILTON: Okay. Thank you very much, sir, and I hate to trouble you, but I didn't catch your name and just for the record, could you please tell us your name again?

MR. LIOCE My name is Victor Lioce.

CHAIR HAMILTON: Victor Lioce I really appreciate it.

MR. LIOCE: Yes, ma'am. I spent ten years in Santa Fe County as the chief appraiser on the Assessor's Office. So I understand mill levies. I understand sub-taxing districts, and I understand that you were obligated to have meetings with us before offering this property for sale to see if the constituents who paid for it were in agreement with it or not, and those meetings have not been held.

CHAIR HAMILTON: Okay. Thank you very much, sir.

MR. LIOCE: I want you to know that people have turned requests over to the State Auditor and the State Attorney General to investigate the situation because we are completely dissatisfied with the way it's being handled. And by the way, it has nothing to with the availability of affordable housing. It has to do with offering par??? For sale which were paid for by taxpayers, and then being offered to private constituency without even giving proper notification.

CHAIR HAMILTON: Okay. I really appreciate your comments in the timeframe that was allotted. So thank you very much and I want to move on to anybody else who might be on line to make a comment to the Commission.

RACHEL THOMPSON: I do. My name is Rachel Thompson.

CHAIR HAMILTON: Hi. Welcome. Please go ahead and make your comment. We're doing three minutes.

MS. THOMPSON: Thank you. I also want to address South Meadows, and what I want to say is that we spent a lot of time sort of trying to understand exactly what occurred before the sale agreement was entered into between the County and Homewise. And one of the things that has remained unclear is the question of whether or not the County ever made a full offer to give this land to the City. Taking this issue up as was written by Rachel Brown, who I understand was or is on this meeting now and County Deputy Attorney and that is in a memo of June 14, 2017 that is addressed to participants in a meeting between the County and the City. It doesn't list who was there. It just says a joint City-County meeting of June 14 and the title is the History of Annexation Tasks Remaining.

I gather there were a number of issues that were taken up and some of them reached resolution, and then there were outstanding issues and one of them is the Santa Fe County open space in the city limits. Santa Fe County is prepared to turn over that part to the City and there's money allocated for park improvements which could be turned

over to the City along with a park. Somehow nobody either on behalf of the County or on behalf of the City seems to be able to determine whether – I don't know what constitutes a formal offer, but whether a formal offer was ever made and therefore rejected by the City. And this has achieved some importance in the current proceedings and it would be extremely helpful if somebody at the County could make that clear or produce documents that make that clear, because it seems to be a matter of fact and one that should not have to kind of hang indefinitely, and something that may or may not ever has happened. I just don't imagine that these things happen without some sort of a documentation. So it would be really helpful to the current proceeding if someone at the County could do that.

I also just want to say that it would be wonderful if we could show you the presentation that we made to the Planning Commission last week which I think they found rather persuasive, and one of the things that was shown is how the area that this park is in is the densest in the city. It has the most children 14 and under. It has the greatest overcrowding. It has the largest household sizes. It has been identified by the Trust for Public Land as very, very much in need of outdoor space and the Trust for Public Land has issued a handful of reports since the start of COVID outlining the critical nature of an equitable recovery. So thank you for giving me an opportunity to speak.

CHAIR HAMILTON: Thank you. Thank you very much for your comments. Is there anybody else on line who cares to address the Board during Matters of Public Concern?

MR. FRESQUEZ: Madam Chair, Marlow Morrison and JoAnne Garcia.

CHAIR HAMILTON: Okay. Thank you very much. Marlow, do you want to unmute yourself and address the Board?

MARLOW MORRISON: My name is Marlow and I am the Tiempos Lindos Homeowners Association president and I am also calling in with concerns about the South Meadows open space property. And one of the things I'd like to request is that if there is an opportunity that the sales agreement terminates that the County does not go back into agreement with any applicant until at very least they speak to the community and the residents and really ideally not at all, and that they speak to the City about donating this property to the City and work out the relationship that needs to happen for it to stay public land.

So I'm requesting on behalf of my association that no other further agreements happen that involved any type of private entities in purchasing this land, or extension of purchasing this land, meaning that I would not be favorable of seeing Homewise get a further extension for the ownership of this property. And again, thank you for your time and thank you for letting me speak this afternoon.

CHAIR HAMILTON: Thank you very much, Marlow. Daniel, can you re-introduce the other speaker you mentioned? I'm sorry. I didn't catch your name.

MR. FRESQUEZ: Yes, Madam Chair. JoAnna Garcia.

CHAIR HAMILTON: JoAnna, if you unmute yourself and address the Commission.

JOANNA GARCIA: Thank you, Commissioners. Thank you very much for having me here today. My whole concern – I am talking about the South Meadows open space. I'm a homeowner in the subdivision that Marlow is the homeowners president of. This open space was dedicated and by some technicality the lot being paid

off, the Open Space Department decided that they were going to sell it because it was disposable but we never received any notice, so we couldn't speak at any meeting, Board of County Commissioners meeting that was had to sell the property.

We did receive an awful lot of notices from the Open Space Division telling us, setting up the events that they were going to develop an open space for the open space – putting in trails. We had an awful lot of events where this took place, but this one in particular Board of County Commissioners meeting where they decided that they were going to sell this property was never – the people were never notified. ‘

And so I'm asking that the Board of County Commissioners put this on the agenda and bring it back so you can hear what the people have to say about this open space. We were under the impression that it was dedicated open space parkland and that's what we want to keep it. This business with the Homewise purchasing it should have been brought forth before all the people so they can let the Board of County Commissioners know how they felt about it.

We've been taking care of this property for well over 20 years now. To come to this end is very devastating. It is so heartbreaking, you couldn't even believe what we've been through. We have been grasping at straws. We have been putting our minds together. We have been fighting the City Planning, the Homewise development, the [inaudible] we've been going to all of those and it didn't ever have to happen if you'd have just had a meeting bringing the people forth so they could speak and let you know how they feel about this property. And I know that the County Commissioner of our division didn't have a chance or didn't have the knowledge to ask of those T's were crossed and I's were dotted in order to let the people know how we feel. Thank you.

CHAIR HAMILTON: Thank you very much, Ms. Garcia. Is there anybody else on the line who wishes to make a comment during Matters of Public Concern.

MR. FRESQUEZ: Madam Chair, we have Alba Blondis.

CHAIR HAMILTON: Thank you. If you could unmute yourself and make your comments.

ALBA BLONDIS: Yes, good afternoon, Madam Chair, Commissioners. My name is Alba Blondis. I'm in Tierra Contenta, and I was first contacted by our District 3 Councilors and introduced to JoAnna Garcia who at that time explained that there had been a radical change in the status of this open space on South Meadows, that it had suddenly come up to be sold, and as the chair of the Southwest Santa Fe Advocates, a neighborhood group who is trying to improve the quality of life in the southwest area of Santa Fe I've had an opportunity over a period of four-plus years with this group to see changes come. But what I have not seen is the development of parkland for this very densely populated area.

And I think there has been an unfortunate labeling of this push and pull among the residents versus Homewise who wants to purchase it, that the residents of this area are opposed to affordable housing and the residents are basing their objections on what is often referred to in middle and upper class areas as NIMBYs – not in my back yard. And that could not be further from the truth. When one looks at the map of development in this southwest area of the city it's very difficult to put your finger on a place that does not have some development happening and as we know, in the city proper when one

develops property, a minimum of 20 percent – and many people commit to 40 percent affordable housing. So there is affordable housing being constructed and more to come.

This is not about that. No one is against that. In fact I wouldn't be living where I'm living if the housing in the area of Tierra Contenta weren't affordable. What this is about is providing families, children in particular, a place for field trips for education, a place to go and learn about nature. For adults to walk and to have time in quiet. And I'm particularly perplexed as to why nobody seems to own this property. Of course the City doesn't and the County did but now it doesn't because it's in the city. So I hope that this issue can be resolved to the greater good of the residents of the southwest area of Santa Fe. Thank you so much for your time.

CHAIR HAMILTON: Thank you very much, Ms. Blondis. Is there anybody else on the line who would like to speak to the Commission?

MR. LIOCE: Yes, ma'am.

CHAIR HAMILTON: If you would introduce yourself and make your comment. Welcome.

MR. LIOCE: Yes, this is Victor Lioce again. I want to point out the fact that the County is setting a very dangerous precedent in allowing for the possibility of [inaudible] land to be sold for developments of any kind. It sets the kind of precedent that says why them and not us in the future? I think it's very critical that the County hold back on selling this property till they hear what the residents of the area really have to say about it, that they oblige us with the meetings that were required, and that they consider the possibility if any other existing park or open space land had been considered for development the answer resoundingly would be no. And that's the answer that keeps coming back from the people who live in this area who have the least amount of park space of any of the districts that have been annexed into the city. We have the least amount of park space and yet we have the highest density of population per square mile and that's all being ignored. Why in the world would we sell open space land that could become a park other than the fact that maybe someone forgot about us in the past –

CHAIR HAMILTON: Mr. Lioce, I really appreciate your comments but this is a second round of your three minutes, which is really not fair to everybody else. So I very much appreciate your comments and we hear what you're saying. Is there anybody else who is present who hasn't had a change to comment who wishes to speak to the Commission? Daniel, do you know if there's anybody else on who is present to speak to the Commission in Matters of Public Concern who has not spoken yet?

MR. FRESQUEZ: Madam Chair, I'm not seeing anything indicating that anyone else to speak.

CHAIR HAMILTON: Thank you so much, Daniel. So at this point I will close Matters of Public Concern and thank everybody for attending and for making comments to the Commission.

10. MATTERS FROM THE COUNTY MANAGER

A. COVID-19 Updates

B. Miscellaneous Updates

MANAGER MILLER: Thank you, Madam Chair. I don't have a lot of

SFC CLERK RECORDED 04/13/2022

updates. Since the public comment was predominantly focused around the South Meadows property I did want to let the Board know Homewise does have their application into the Planning Commission at the City of Santa Fe. It was heard. Apparently the case went well into the evening so they did not finish. They finished the public hearing portion of it but they did not finish the case itself and they still have it on their agenda at the Planning Commission to continue that land use case and their zoning application.

Also, relative to COVID, or just general updates, we have on March 16th and 17th of next week our plan to do our strategic planning summit, if you would like to call it that, for Commissioners and staff. These are public meetings, open to the public, relative to what we'll be talking about are goals for a safer community, sustainable community, healthy community and proficient, accessible and transparent government.

We're currently trying to have those at Santa Fe High School but we do have some scheduling conflicts so we may have those at Capitol High School and hopefully we'll have a specific location and times tomorrow afternoon.

Also, today is International Women's Day and I would like, in the spirit and tradition of acknowledging the achievements of women on this day I would like to recognize the two women on the County Commission, Commissioner Anna Hansen and Commissioner Anna Hamilton, for all of your public service and your stepping forward and being elected and serving on the County Commission and all that you do for this community as women leaders in this community. I would also like to recognize all of the woman who work at Santa Fe County. And just a note, we have 34 percent of our work force that are female and I think in my 40-some years of working in predominantly public service I just see more and more women stepping into leadership roles, into roles of responsibility. I'd also like to recognize, although our Clerk is not currently in the room and our Treasurer, two other women leaders who have stepped forward to run for public office in Santa Fe County, and our Probate Judge. So I'd like to thank them as well for their leadership roles in our community and as women who answered the call to service in Santa Fe County.

CHAIR HAMILTON: I hate to interrupt, but we're also led by a woman as County Manager which is no small thing. Thank you for that as well.

MANAGER MILLER: Thank you. Then I had just a couple COVID updates. As you can see, many of us are not wearing masks and that's because the CDC did change the risk category or community level of spread and the risk level for the community was reduced from high to low on Friday. Our policies, as I said at our last Board meeting are tied to what the state has ordered and CDC guidelines are, and the CDC guidelines allow for vaccinated individuals to no longer require masks indoors except in particular settings. So we did send out a reminder to staff as to those particular cases in which masks are required for unvaccinated and vaccinated individuals indoors in Santa Fe County and in Santa Fe County facilities.

But that means our community risk level is low, according to CDC and we are adjusting not just our mask policies but also our work hours and work conditions in the way that we work with each other and with the public, and you'll start to see throughout the month differences in our hours as well as in the way we're providing services. One of those areas that we're addressing, and it came up also at the last Commission meeting is

our senior service centers. We have received new guidelines from the state and we are going to start re-opening our senior centers by the end of the month. They won't be open five days a week. We're working on the schedule of how we can transition into that though, and so we'll be sending out notices to all of the Board and to the community on how we'll be able to start re-opening senior centers for congregate meals and activities.

One of our limiting factors, aside from not wanting to overdo it right away and open everything all at once is staffing. We do want to make sure, because we still will be required to screen everybody, and ensure that everybody either is vaccinated or has – for our employees all of them will be vaccinated, but also for those individuals who will be attending the senior centers, they don't have to be vaccinated but they do need to be screened when they come into the facility, and if not, they will still have indoor mask requirements. So it's going to require that we have a little more staffing at the centers when they are open, so we'll have to spread the staff out at all the different senior centers and make sure that we can appropriately serve seniors as they come back into the facilities. So we'll be getting you a schedule on those specific hours and our planned re-opening for the centers.

Also, the numbers that were published yesterday from this weekend on the COVID cases. New Mexico had 694, or an average of about 231 cases per day, and 16 new deaths, and a 5.6 percent test positivity rate. Santa Fe County averaged about 13 cases per day, or 39 for the three days. And we've had a total of 27,829 reported positive COVID cases in the county with 26,313 of those deemed as recovered and 250 deaths.

The current vaccination rate for those 18 years and older, New Mexico-wide, one dose of 91.9 percent, and fully vaccinated of 78.1 percent. In Santa Fe County, still with one dose, 99 percent but fully vaccinated has ticked up slightly to 87 percent. And then those with boosters, in New Mexico, 44.5 percent.

Also, we are still working – our Community Services staff is still working with FireStik Studios on our COVID public awareness campaigns, focusing on mental health and coping with stress, and we do have – this campaign will include enhancing awareness of the value of our CONNECT program and other resources to the community in dealing with stress of COVID.

And then our food deliveries, we still have continued our food deliveries with 2,724 meals delivered last week, and we are still distributing about 110 bags of produce and 110 food boxes from the Food Depot every week and have about five medical transportation trips average per day. Those are my updates, and then I believe we have Hvtce on line. No, I do not have any more legislative updates.

I think – I don't have a formal one but if there's anything that is still pending on legislative updates we've been sending emails. We sent around an email with bills that have been signed. We've also sent those capital projects that were included in four different bills, and we're watching to make sure – and we'll be following up on all of those bills when they're assigned and executed, following up and making sure we get those agreements executed as quickly as possible with the state. That's all I have and I stand for any questions.

CHAIR HAMILTON: Thank you so much, Manager Miller. Are there any questions for Manager Miller at this point? Thank you. That was great.

SFC CLERK RECORDED 04/13/2022

11. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

CHAIR HAMILTON: There must be Commissioners who have updates. Shall I start with Commissioner Hansen and work around? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. There's been a sort time in between the last two meetings. I don't have a lot of updates. We had a really good meeting last night, the Agua Fria Village meeting that meets the first Monday of every month, and if any of you want to join us who are in the village it's always good to see you. We are working on a MainStreet application and a history resolution in the village and also preserving homes.

Reunity Resources has their farm card available. So if you're wanting to get your farm card it's available at their site at Reunity Resources.

Then I also spoke at a press conference where over 1,000 signatures were delivered to the Governor on the transportation of plutonium on our highways, 599, 502, I-25, and I-40 from Pantex to Los Alamos and Los Alamos to Savannah River. And it was very well attended. The petitions were delivered to the Governor. I think that that is all I have at the moment so thank you, Madam Chair.

CHAIR HAMILTON: Fabulous. Thank you, Commissioner Hansen. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a couple things. My constituents are still talking to me about dark skies and banning plastic bags as well as metering of private wells as issues that are important to them. Particularly on the dark skies, there is an environmental group to monitor dark skies on the outskirts of the city in the county and they're interested in finding locations where they can put dark sky monitors, and one of the things they thought of was that fire stations in the county might make a good location. So I'm going to talk to them more about that and put them in touch with the Fire Department to see if that's a possibility, but I think that's a very interesting project and might help us monitor, other than using our own eyes to see how bright the Milky Way is we would have some actual data to work with. So that might be interesting.

Like Commissioner Hansen said, there's not much that's happened since the last meeting so that's it for me.

CHAIR HAMILTON: Excellent. Thank you, Commissioner Hughes. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Just a little bit on condolences. A bit of a sad note. Chris Abeyta who actually was a long-time resident of Santa Fe, was on the Community College Board for many, many years. He actually played for Lumbre de Sol, the band, and he passed away this morning. That was actually Councilor Roman Abeyta's dad, and I just want to give a little bit of condolences to the Abeyta family, as well as the Gonzales family because they all knew Chris Abeyta. I just

SFC CLERK RECORDED 04/13/2022

wanted to say that. Thank you, Madam Chair. That's all I have.

CHAIR HAMILTON: Thank you very much, clearly for the sad news. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I didn't have any updates right now. I do want to – it seems like there's some confusion at the South Meadows issues to have public comment. It seemed a little bit odd for people to talk today. I just wanted to see if Manager Miller could keep us abreast of how that develops. It's a concern to see all of them coming to address the Commission when right now it's not really in our ball court at this point. So I appreciate that. I think that's it for me.

CHAIR HAMILTON: Thank you. And from District 4, I think at the last meeting Manager Miller had actually mentioned there was going to be an emergency evacuation exercise. That was called Smokey's Campfire. It was the evacuation exercise that was done a week ago in the La Barbaria area and that's in my district. I just wanted to take the opportunity to thank everybody who participated in that. It was an amazing and I think very successful and informative exercise. There were an amazing number of participating agencies; the level of cooperation is very heartening. It included the Santa Fe County Office of Emergency Management, which includes Assistant Chief Vigil and Ignacio Dominguez, the Santa Fe County Fire Department, including the Station 80 career staff, our Chief, Jackie Lindsey, BC Carroll, BC Velario and Captain Fuelner, representatives of members of the RECC to do the dispatching separately from regular dispatch, including our director and two dispatchers, Santa Fe County Public Works, including Director Gary Giron, who is here with us, Santa Fe County Sheriff's Office, Lt. Delgado, who is the new representative, Santa Fe County Fire Department Black Canyon hand crew including Walter Dasheno and Jerome Tafoya, who are their leads, the Santa Fe County Regional Communication Center, Buster Brown, who is the director there. Under volunteer districts, Chief Terry Protheroe, Glorieta Pass volunteer District Chief Jane McSweeney, Galisteo volunteer District Chief Jean Moya, Eldorado volunteer District Chief Glenn Saums, Santa Fe City Fire Department, Fire Chief Freddie Martinez, Santa Fe City Fire Department Atalaya hand crew, Nate Miller, and the American Red Cross. And then there were also citizen players including 60 citizens of the La Barbaria area who evacuated as part of the exercise. Overlook Road was managed by Jesse Law who contributed a huge amount to this exercise. La Barbaria's Steffie Grow, Happy Trails, Mike and Pam Ryan, the New Mexico Department of Health Access and Functional Needs Coordinator Lauren Diaz Acevedo, Santa Fe County Communications Director, Carmelina Hart, and incredible support in communications and documentation from Daniel Fresquez, Tina Salazar and Sara Smith. And then finally, our Santa Fe Fire Department fleet, Dennis Patty and Phil Sanchez.

So it was successful and I think sets a great precedent for doing more of this kind of work where we can evaluate and establish our emergency needs and improve our operations from that. So thank you for that, and that's my updates. Longer than usual.

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

CHAIR HAMILTON: I know our Clerk isn't here, but does our Deputy Clerk have anything in communications?

EVONNE GANZ (Deputy Clerk): Yes, thank you, Madam Chair. So as noted, today is candidate filing day, and that is pretty much wrapping up right now. We are now preparing for the primary election and we are recruiting election workers for the primary and just to peak anybody's interest, we've raised a little of the pay, so that might help. So thank you, Madam Chair.

CHAIR HAMILTON: Excellent. That's good to hear. Thank you. Are there any other elected officials online who have any communications they want to share? Daniel, do you know if we have on our Treasurer, or Sheriff, or Assessor or anybody on line who wished to make comments at this point?

MR. FRESQUEZ: Madam Chair, I am not seeing any other elected officials online.

CHAIR HAMILTON: Okay. Great. Thanks so much. So we can close Matters from Other Elected Officials.

So it is one minute after 5:00. I wonder if we should skip Matters from the County Attorney and go to Public Hearings first. Is that acceptable to everybody?

MR. SHAFFER: It's at the prerogative of the Chair.

CHAIR HAMILTON: And partly I want to make sure we have people online, prepared to do that. I will start that out and if we run into any problems with people not present we can make adjustments accordingly. So per request, we're going to go to item 13. B first.

MR. SHAFFER: Madam Chair, if I could, it may be worthwhile to just take a few minute break so everyone can stretch but also allow everyone to get set up.

CHAIR HAMILTON: Oh, what a great idea. Thank you very much. Does ten minutes do it for everybody? A ten-minute break and we'll be back at 12 minutes after 5:00.

[The Commission recessed from 5:02 to 5:25.]

13. PUBLIC HEARINGS

- B. Case # 22-5040 Arete Cole Development Company (Valverde) Easement Vacation/Relocation and Approval of Landowner's Acknowledgement Statement. Valverde Development, LLC, Acting Through its Member, Arete Cole Development Company (Rob Gibbs), Applicant, Design Enginuity, Oralynn Guerrerortiz, Agent, Requests Approval to Vacate, Relocate, and Resize a Platted 15-foot Wide Private Drainage Easement on Two Parcels Totaling 0.90 acres and Approval of an Acknowledged Statement Vacating this Easement. The Property is Zoned as Planned Development District (PDD) within the**

SFC CLERK RECORDED 04/13/2022

Valverde at Las Campanas Subdivision. The Property is Located at 16 Valverde Court and 30 Valverde Lane, Within Sections 14 & 15, Township 17 North, Range 8 East (Commission District 2)

CHAIR HAMILTON: So we are now back from recess and I apologize to everybody who is waiting for taking longer than we indicated we would. Thank you for being so patient. So we're back from recess and starting with the Public Hearing 13. B. Do we have John Lovato available, I assume potentially on line to start us out here?

JOHN LOVATO (Case Manager -via Webex): Thank you, Madam Chair, I am available and I'm available for the Building and Development Services. The subject lots, 15 and 16, were created on September 18, 2019 through Valverde at Las Campanas residential subdivision as indicated in Plat Book 854, pages 050 and 050B. Lots 15 and 16 are currently vacant and recognized as legal lots of record.

The applicant has submitted an application requesting to vacate a plat of a 15-foot wide drainage easement that runs from the west property boundary of Lot 15 through the southeastern property boundary of Lot 15. The applicant also seeks to create a new 10-foot wide drainage easement that runs from the north central portion of Lot 15 of the southwestern portion property of Lot 15. Finally, applicant seeks to widen existing easements located in the north central portion of Lot 15 and the southwest portion of Lot 16. All proposed revisions are intended to accurately reflect the actual location of drainages on the lots.

The applicant states we respectfully request modification of the Valverde at Las Campanas plat to relocate a drainage easement along the path in which we placed a drainage culvert. Thus, we wish to vacate an existing drainage easement and create a new drainage easement matching as-built locations.

The applicant's agent/engineer states: During the process of the Valverde project I examined a tight S bend in the existing small arroyo. This bend was very unstable and severe erosion was occurring in the arroyo bank walls. Working with Paul Kavanaugh of County staff we decided it was best to culvert the flow in the area and straighten out the water path. I applied for a project change order, which Paul approved and we had a culvert installed. The work was examined by Paul and we have received final approval on the Valverde project construction.

The project owner, Roy Gibbs, pointed out that we had not updated the plat to reflect this field change. We are therefore now going through the process of creating an easement where the culvert was installed and eliminating the portions of the drainage that will no longer carry the flows.

Oralynn Guerrerortiz, a licensed professional engineer, designed the drainage and culvert to adequately pass the flow associated with the drainage. The permit was submitted and approved to align the drainage correctly. Therefore the applicant requests to vacate the existing easement and relocate it to realign with the drainage and the new proposed easement.

Staff has verified the location of the culvert by field visit and supports the request to amend the location of the drainage easement.

Recommendation: Based upon staff's review of aerial photographs, the applicant's engineer letter, permit approval and observations during the site visit, staff

SFC CLERK RECORDED 04/13/2022

supports the vacation of the plat vacation of the platted 15-foot wide drainage easement; the creation of a new realigned 10-foot wide drainage easement; and the expansion of existing drainage easements on two lots totaling 0.90 acres, subject to the following condition. Madam Chair, may I enter that condition into the record?

CHAIR HAMILTON: Yes, please.

[The condition is as follows:]

1. Immediately following recordation of the Acknowledgment Statement, the property owner shall record a new plat illustrating the new realigned easement conforming to the actual location of the flow path of the drainage.

MR. LOVATO: Thank you, Madam Chair and I stand for any questions the Commission may have.

CHAIR HAMILTON: Thank you. Before we go to questions, is the applicant present and do they care to make any statement at this point?

[Duly sworn, Oralynn Guerrerortiz testified as follows]

ORALYNN GUERRERORTIZ (via Webex): I'm Oralynn Guerrerortiz. I'm the applicant's agent and I'm here to answer any questions you might have, but we agree to all conditions.

CHAIR HAMILTON: Excellent. Thank you very much. I'm going to recommend that we go to public hearing and then get questions and comments from the Commissioners. So at this point I will open public hearing. Is there anybody present on the Webex that would care to speak to this matter? Daniel, do you see anybody on line who may care to speak to this matter? Do we have whoever is monitoring the Webex, Daniel or Tina, do we know whether we have any public here who wishes to make a public comment during this public hearing? I will close public hearing at this point, although if there is a problem and we simply had a connectivity problem I will certainly reopen it. But at this point I will go to the Commissioners and see if anybody has questions.

COMMISSIONER GARCIA: Madam Chair, I have a question.

CHAIR HAMILTON: Commissioner Garcia, and then Commissioner Hansen.

COMMISSIONER GARCIA: Thank you, Madam Chair. So this is actually vacating just a drainage easement and access? Is this actually vacating a utility easement as well? Gas lines, waterlines?

MR. LOVATO: Madam Chair, Commissioner Garcia, this is just the drainage easement.

COMMISSIONER GARCIA: Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, John, for an excellent presentation. Since this is in my district I would like to make a recommendation to approve the vacation and the easement with all staff conditions if there are any and move forward.

CHAIR HAMILTON: Thank you. Is that a motion?

COMMISSIONER HANSEN: Yes.

CHAIR HAMILTON: Okay. Thank you.

SFC CLERK RECORDED 04/13/2022

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: So I have a motion and a second. I know this is a little unorthodox, we'll have discussion in a minute, but I'm just double-checking, do we have anybody from the public, or Daniel or Tina, do you see anybody who was unable to connect earlier?

MR. FRESQUEZ: Madam Chair, we did receive an online request on the website for Karen Bergh Hall to speak.

CHAIR HAMILTON: Okay, so I'm officially reopening public comment, and Karen, if you're present can you unmute and make your comment?

KAREN BERGH HALL: I'm sorry. I signed up for another case. I thought it was – I gave it the name of 16-5281. Sorry.

CHAIR HAMILTON: That's okay. We will get there next and there's no apologies necessary. Sorry for the confusion. So I'm closing public comment again. I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Yes, Madam Chair. Thank you. I have a question for Attorney Shaffer. Why is the Board of County Commissioners being involved in the vacation of an easement, if it can actually be done on a survey plat?

MR. SHAFFER: Madam Chair, Commissioner Garcia, it's because the easement, as I understand it, was part of the final plat for the development, and so state law and the SLDC both provide for the Board of County Commissioners to approve the partial or a complete vacation of a final plat that was approved by the Board. So that is why this came back to the Board.

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

CHAIR HAMILTON: Thank you, Commissioner Garcia. Are there any other questions? So I have a motion and a second.

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

13. A. **CASE # 16-5281 Arroyo Hondo de Santa Fe (Oshara Village Phase 2) Preliminary Subdivision Plat and Development Plan. G.E. Richards Property, LLC, Applicant, JenkinsGavin, Inc., Agent, Request Approval of a Preliminary Subdivision Plat for 250 Residential Lots on 111.12 acres. The Property is Located in the Community College District, within a Planned Development District, East of Richards Avenue and South of Rabbit Road, within Section 16, Township 16 North, Range 9 East (Commission Districts 4 and 5)**

CHAIR HAMILTON: Welcome, Jose.

JOSE LARRAÑAGA (Case Manager -via Webex): The Oshara Village master plan was approved Thank you the BCC in 2002 and amended in 2004. The first phase of Oshara received BCC approval in 2004 and has been developed. Due to modification or roads, trails, open space, phasing and dwelling configuration this Oshara conceptual plan was amended by the BCC on April 13, 2021. The conditions of approval for the Oshara conceptual plan amendment was amended on September 14, 2021, along with a text amendment to the SLDC to alter the Community College District Plan.

SFC CLERK RECORDED 04/13/2022

The applicant submitted an application for preliminary subdivision plat and site development plan for Phase 2 of Oshara which is referred to herein as Arroyo Hondo de Santa Fe. The applicant is requesting approval of a preliminary subdivision plat for 250 residential lots on 111.12 acres. The 111.1-acre parcel that comprises the project area will be created by the proposed subdivision plan from the existing 327-acre tract 1-A.

The Oshara Subdivision is within the Santa Fe Community College, which is a planned development district. The applicant states the project is designed as a series of compounds with clusters of residential lots. A mixture of housing types will be spread throughout, including detached single-family homes, attached single-family homes, patio homes, townhomes, and stacked condominium units. In order to accommodate this range of housing types, residential lots will range in size from 1,400 square feet to over 12,000 square feet. The project includes a community center on the south end of the proposed 0.36-acre plaza in the southern portion of the project area. The community center will include an approximately 5,000 square foot building to house resident fitness facilities, lounge areas, meeting space, and an outdoor pool.

The applicant submitted and staff has reviewed the following studies, reports and assessments: environmental impact report, adequate public facilities and services assessment, water service availability report, traffic impact assessment, and a fiscal impact assessment.

The applicant addressed and staff has reviewed the following applicable SLDC design standards: access, fire protection, landscaping and buffering, lighting, signs, road design standards, utilities, water supply and wastewater, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, and operation and maintenance of common improvements.

Building and Development Services staff has reviewed the application for preliminary subdivision plat for compliance with pertinent Sustainable Land Development Code requirements and found that the facts presented support the request; review agency comments conditionally support the request; the application meets the submittal requirements illustrated in the SLDC; the submittal meets the requirements outlined in the approved Conceptual Plan.

Staff has established findings that this Application for Preliminary Subdivision Plat is in compliance with criteria set forth in the SLDC.

Recommendation: Staff recommends approval of the request for a preliminary subdivision plat and site development plan for 250 residential lots on 111.12 acres with the following conditions and the following amended conditions. Condition # 1 shall read... and Condition # 4 shall read: From the Rail Trail west up to the County's Northeast Connector project and subject to the approval of the NM Department of Transportation, the applicant shall be responsible for (1) constructing the trail along Rabbit Road; and (2) striping, signing, and if necessary and there is available right-of-way, widening the existing bike lanes per AASHTO standards. Final trail design and striping and signage plan must be approved by County staff and the New Mexico Department of Transportation.

And condition #4 shall read: The Applicant shall comply with all SHPO requirements pertaining to LA 191 prior to issuance of a Development Permit for this

SFC CLERK RECORDED 04/13/2022

phase. Any required cultural resource protection easement dedications or vacations shall be identified on the Final Plat.

The Agent for this project has concerns with condition # 20, which reads: The intersection of Rabbit Road and the project's north access road shall be designed and constructed as a roundabout as shown on the conceptual plan. The design of the roundabout shall be submitted for review and approval prior to final plat approval.

Staff would also like to elaborate on the reasoning for Condition # 20. The County had completed traffic counts along Rabbit Road back in 2015. Per the traffic counts, it was documented that an 85 percentile were traveling Rabbit Road at 52 MPH. Section 8.10.3.7.5.b.i of the SLDC states, "Road networks shall be designed in such a way as to discourage high speed traffic." Our recommendation for a roundabout was based on this code section as it would considerably reduce the speed of traffic traveling on Rabbit Road.

MR. LARRAÑAGA: Madam Chair, may I enter the conditions and amended conditions into the record?

CHAIR HAMILTON: Yes. Thank you.

[The conditions are as follows:]

1. The Applicant shall be responsible for all construction costs associated with the construction of the Northeast Connector (including bike lanes and trail) from the Rail Trail west up to the County Northeast Connector project in accordance with the Northeast Connector layout and cross section. Design plans must be submitted for review with the Phase 2 final plat application. *From the Rail Trail west up to the County's Northeast Connector project and subject to the approval of the NM Department of Transportation, the Applicant shall be responsible for (1) constructing the trail along Rabbit Road and (2) striping, signing, and, if necessary and there is available right-of-way, widening the existing bike lanes per AASHTO standards. Final trail design and striping and signage plan must be approved by County staff and the NM Department of Transportation.*
2. The Applicant shall be responsible for all design and construction costs associated with the construction of all roundabouts and intersections along the Northeast and Southeast Connectors connecting to the subject property which the State and County are not designing and constructing.
3. Construction of all roundabouts along the Northeast and Southeast Connectors must be to edge of R-O-W. Applicant must also designate/dedicate applicable access easements, and R-O-W easements required to ensure accurate build-out of the Northeast and Southeast Connectors.
4. The Applicant shall comply with all SHPO requirements, prior to final plat submittal. All proposed treatment of archeological sites and the creation of easements of these sites shall be approved by SHPO prior to requesting Final Plat approval. All easements shall be identified on the Final Plat submittal. *The Applicant shall comply with all SHPO requirements pertaining to LA 191 prior to issuance of a Development Permit for this phase. Any required cultural resource protection easement dedications or vacations shall be identified on the Final Plat.*

5. An updated Water Service Agreement and a Sewer Connection Agreement showing the new Conceptual Plan layout must be approved by the BCC prior to Final Plat approval.
6. The Applicant may submit an application for Final Plat but may not record a Final Plat until final design of the NE and SE Connectors have been finalized and required easement dedications to Santa Fe County have been satisfied.
7. No development shall take place within the designated 100-year floodplain, and residences in the subdivision must be set back at least 75 feet from the floodplain boundary otherwise, streambed and Bank Stabilization designed by a New Mexico Professional Engineer in order to reduce the required 75-foot setback set forth in the SLDC must be submitted with the Final Plat submittal. Required setbacks must be shown on the plat and noted in the disclosure statement.
8. The Applicant shall identify and maintain a 100-foot no build buffer area adjacent to the Arroyo Hondo West subdivision. An additional 100 foot (200 feet total) buffer area between the development and Arroyo Hondo West shall be limited to one-dwelling per-acre within the western 100-foot buffer of the 200-foot buffer. The 200-foot buffer area shall be identified and recorded on the Final Plat.
9. No vertical construction for Single Family Residences will be permitted until the NE and SE Connectors are approved and open for public use.
10. The Applicant shall comply with all Santa Fe County and State conditions of approval.
11. An updated Water Service Agreement and a Sewer Connection Agreement must be approved by the BCC prior to Final Plat approval.
12. The Applicant must correct the current intersection design within the proposed subdivision to eliminate any offset intersections prior to Final Plat approval.
13. The Applicant shall provide an easement and build-out for an emergency access connection for Arroyo de Hondo, which will terminate at their eastern property line.
14. An Affordable Housing Agreement must be submitted and approved by the BCC with the Final Plat, affordable units in all phases shall be integrated throughout the development and not clustered into one area.
15. Applicant shall address all redline comments from Staff and Review Agencies, redlines must be returned and approved by Staff.
16. All associated utilities serving the development must be underground.
17. Applicant shall dedicate required Right-of-Way (ROW) easements designated by Santa Fe County Public Works for NE and SE connector prior to Final Plat approval of Arroyo Hondo de Santa Fe (Oshara Phase 2).
18. A final drainage report for the project shall be submitted prior to Final Plat approval.
19. All on site drainage structures/ponds shall require bi-annual inspections by a New Mexico Professional Engineer. A bi-annual report on the findings shall be submitted to Santa Fe County to insure adequate storage of storm water.
20. The intersection of Rabbit Road and the project's north access road shall be designed and constructed as a roundabout as shown on the Conceptual Plan. The

SFC CLERK RECORDED 04/13/2022

design of the roundabout shall be submitted for review and approval prior to Final Plat approval.

MR. LARRAÑAGA: This report and the exhibits listed below are hereby submitted as part of the hearing record. Madam Chair, I stand for any questions.

CHAIR HAMILTON: Thank you very much, and I'm sure there'll be questions, but first is the applicant's representative here to make any presentation? Or any comments on the amended conditions or the condition 20 that they have concern about?

JENNIFER JENKINS (via Webex): Good evening, Madam Chair, Commissioners. Yes, I'm Jennifer Jenkins with JenkinsGavin, and I'm here on behalf of the applicant, and I do have a brief presentation I would like to share.

CHAIR HAMILTON: That would be good. Thank you so much.

[Duly sworn, Jennifer Jenkins testified as follows:]

MS. JENKINS: My name is Jennifer Jenkins. My address is 130 Grant Avenue, Suite 1010, Santa Fe, New Mexico, and I can confirm that I am under oath.

I'm going to go ahead and share my screen.

CHAIR HAMILTON: Yes, thank you.

MS. JENKINS: So as Jose said, I am here this evening on behalf of Arroyo Hondo de Santa Fe, which is Phase 2 of the Oshara Village master plan. So the owner of the property is G.E. Richards Property, LLC. I am JenkinsGavin as the owner's representative. Land planning services provided by Lorn Tryk, architects. Engineering by Souder Miller and Associates. And traffic engineering by Civil Transformations.

So Oshara village, I think everybody is aware, is within the Community College District, which is identified as a Sustainable Development Area-1. It is the majority of Sustainable Development Area-1 per the Sustainable Growth Management Plan. And you can see everything in orange here on the map excerpt is the Community College District, and you can see the subject property right here located just off of I-25.

And again, this is the Community College District zoning map and you can see the subject property here. This is the Oshara Village master plan and we are discussing Phase 2 this evening, which is located here in the northeast corner of Oshara Village.

So with the conceptual plan amendment that this body approved back in April of 2021 some of the subdistricts were modified and so what you can see here in the yellow is we are primarily a village neighborhood, and then what you see in the green are all of the open spaces and arroyo corridors.

So this is our vicinity. So here in the southwest corner of the Oshara Village master plan is Phase 1, and now we're leaping across to the northeast corner for the development of Phase 2. This is Rabbit Road that comes down and serves Oshara Village Phase 1, and then out to Richards Avenue. And this is going to be the alignment of the new southeast connector that is the County project that is I believe going out to bid this month, which is very exciting. And of course we have the Santa Fe Community College here a little bit further to the south.

So this is the conceptual plan amendment that was approved back in April that relates to the adjustments for the subdistricts within this phase, and the preliminary plat application that we have before you this evening aligns very closely with what was presented at that time. And these are the overall phases for Oshara. As I mentioned, we

SFC CLERK RECORDED 04/13/2022

have Phase 1 down in the southwest corner. Phase 2 is up here in the northeast corner, and then phases 3, 4, and 5 will kind of continue in a clockwise fashion as the project continues to develop into the future.

So here is the existing condition. You can see Rabbit Road coming across the north boundary and then working its way south into Phase 1 here, and this is I-25 and of course the City jurisdiction, city neighborhoods on the other side of I-25, and this is the Arroyo Hondo that traverses the southern portion of the phase.

So this is our proposed site plan. As you can see, it really comports very much with the conceptual plan that was approved back in April. So we have two points of access. This is the future southeast connector. This is the northeast connector here. So at this roundabout, this is really what we consider our front door, if you will, into the project. And then we have a main roadway that kind of snakes through the project. And then we have a secondary access that we are proposing as a T-intersection at Rabbit Road at this location.

The lots themselves are developed as independent compounds. And so you can see the beauty of this is that it really creates a really nice intimate sense of community and it's a great way to cluster the homes in order to maximize access to trails and access to open space. So we really have worked very hard to make sure that open space and trails are accessible from practically every single lot. And so we have these lovely little intimate residential compounds and then we have our open spaces and our trail system, and the trails connecting out to the future Arroyo Hondo Trail as well.

Here along the main access drive into the project we have our plaza/park area and our community building that is going to have community amenities for the neighborhood, and then again, really highlighting the trail connections and the open space.

So as we come in with our subdivision plats we are going to be platting this phase in independent subphases. So that is what is being reflected here. So our next step following preliminary plat approval for the entire phase is we will be preparing a final plat application for our sub-phase 1 located in this area with all the associated infrastructure improvements, and then we will segue from there into the future sub-phases. So we're taking down the final plats in smaller chunks.

So our gross acreage is almost 113 acres. We have a total of 252 lots. Of course 15 percent of them will be developed with affordable housing in accordance with County regulations for a total of 38 affordable homes. We have a variety of housing types, including single-family detached, patio homes, zero lot line attached homes and townhomes. We've actually achieved 60 percent open space in this phase when the minimum requirement is 50 percent, and our net density is 5.6 dwellings per acre.

So as part of this phase there is really important public improvement that the applicant is funding and that is the construction of a new sewer line that is going to run cross country here along the south side of La Pradera, and then it's going to work its way down kind of following I-25, connecting along the south side of the Bisbee Court, Turquoise Trail Business Park, connecting into the public sewer system in Colibri. This is a really critical piece of infrastructure to build out an important portion of the County's wastewater collection system in the Community College District, which again, is the County's primary growth area.

So we have been working on the right-of-way acquisitions which is moving

forward really well, so as part of our initial sub-phase we will be constructing this important sewer extension, which is also going to allow Phase 1 of Oshara to decommission their private wastewater treatment plant and connect Phase 1 into the County system. And this also will enable potentially for La Pradera to do the same thing, for them to decommission their private plant and to connect into the County system. So from a health, safety and welfare standpoint this improvement is really critical. And we've been working closely with County Utilities on the layout and the design and on the rights-of-way acquisition and it is all moving forward quite well.

So as Jose mentioned, this is our access to Rabbit Road that we are proposing as a T-intersection with a dedicated left turn lane for westbound cars. And as staff pointed out, on the conceptual plan it was depicted as a roundabout conceptually, but at that time the traffic study had not even addressed this connection, because originally, with the initial conceptual plan when that was submitted, we were actually showing two connections to the southeast connector and we weren't even showing a connection to Rabbit Road. And so our traffic study that was submitted at that time didn't address it.

And as part of the review process the County Fire Marshal said that our second access point actually needed to be a little further away from the primary access point in order to meet emergency access considerations. So the plan was modified to show this connection to Rabbit Road and the County asked us at that time to depict it as a roundabout. So as part of this preliminary subdivision plat application we had to update the traffic study and we had to study this intersection. So we understood what type of intersection control would be warranted and required. This is an incredibly important point.

In studying this, and our traffic engineer, Tim Simmons, is with us this evening, and I am going to ask him to speak to this directly. But the only improvement that the traffic study is calling for is the construction of a left turn lane. This is a minor arterial, Rabbit Road and what will become the northeast connector is a minor arterial. Minor arterials are intended to move vehicles, and to move a lot of them, from one part of town to another part of town. That is the intent. And so the left turn lane gets left turn movements out of the lane of travel and so we can maintain the free flow of vehicles.

The traffic study didn't even warrant a right turn lane. There's such a modest impact at this intersection that the only thing the traffic study calls for is a left turn lane. And it's very important if Santa Fe County is going to require applicants to do traffic studies in order to determine what is the impact of a particular project on a roadway network and what improvements are warranted and called for to ensure adequate levels of service, that is what traffic studies are for. So the traffic study has to inform this discussion and this conversation. I would offer to you that investing a quarter of a million dollars in a roundabout that the traffic study says is not warranted is the antithesis of sustainable land development. There is nothing sustainable about wasting resources that the traffic study says is not necessary.

As a matter of fact, in terms of levels of service- I think the Commission is familiar with that term with respect to how intersections operate. In the build condition, based upon the design that we're looking at right now, with our new dedicated left turn lane, in the morning rush hour, the level of service at this intersection is A. It doesn't get any better. In the afternoon rush hour the level of service is B. Anything above a level of

service of E is considered acceptable.

And I heard Jose mention that the County staff is asking for this roundabout in order to slow down traffic. The SLDC says specifically that the County is supposed to refer to AASHTO, which is the federal guide for designing roadway improvements for design guidance. And it specifically states that a modern roundabout – this is not a little neighborhood traffic circle that you’re going to put in the middle of small neighborhood streets in order to slow down traffic; this is a modern roundabout. It says specifically modern roundabouts are not there to calm traffic; they are there for intersection control only. That’s a very important point.

So with that I would ask Tim Simmons to go ahead and unmute himself and if he would just like to add anything to what I shared regarding this matter. And Tim, you’re going to have to be sworn in.

TIM SIMMONS (via Webex): Good afternoon. My name is Tim Simmons. I’m employed by Civil Transformations incorporated. The address is 2929 Coors Boulevard NW, Albuquerque, 87120, and I swear to tell the truth.

[Duly sworn, Tim Simmons testified as follows:]

MR. SIMMONS: Timothy Simmons. Address is 2929 Coors Boulevard NW, 87120. So Jennifer did a wonderful job making this presentation and I really have nothing to add to it, but our analysis for the full build-out year, plus what we call the horizon year, so that’s even ten years beyond build-out, still have a very good level of service, the main measure that we use for our traffic analysis for this intersection. The purpose of adding a left turn lane is to remove the conflicting turning traffic from the through traffic so that the through traffic can continue unimpeded. So other than that, I really have nothing further to add to Jennifer’s presentation but would be happy to entertain any questions of a technical nature.

CHAIR HAMILTON: Thank you. Thank you for being available for questions.

MS. JENKINS: So also, I just wanted to put this information – I know that Jose did share this with respect to the revised condition #1 that I believe has already been read into the record and we are in agreement with this revision. That is acceptable to the applicant. And with respect to the archaeology, I believe that Jose also amended this condition with respect to – there’s only one archaeological site actually within the project area so we just need to make sure that condition #4 references LA 191 only, and that the mitigation of this site and the data recovery, which we are moving forward with, that the deadline for having that completion is prior to the issuance of the development permit. So I just wanted to make those two points clear.

And then we had received some communications from some of our neighbors to the east of this project and this body may recall this discussion that we had back in April regarding this 200-foot buffer area along our east boundary. Concerns have been raised by the fact that we’re showing a couple of small segments of roadway within the buffer, which has always been the case. If you look on the left here, this is the conceptual plan that was approved. So the first 100 feet that you see here, just off our east boundary, that’s the no-build area. And then we have a second 100-foot area, which is of limited density within the buffer. And you can see here, there’s a little bit of a piece of roadway here and a piece of roadway here; it was always depicted.

So the no-build was never about roads. It was about houses. So you can see the lots that were depicted here within this 100 feet have been removed. And so what you see on the right is the plan that is before you this evening. You can see the 200-foot no-build area; there are no homes. We have a little piece of roadway here. We actually have to be able to access our lots, so the roads are important. And then we have a little piece of roadway here. And Santa Fe County has asked us to extend a road – this is the County's request – through the buffer to create a gated emergency access at our east boundary.

So nothing has changed. So we devised a compromise around the buffer. It's important to remember that nothing in the SLDC requires this buffer, but we compromised; we wanted to work with the neighborhood so we established this 100-foot no-build area, reduced the density within the 200-foot buffer. But what was approved by this body as part of the conceptual plan and what we are showing you tonight are virtually identical. There was never any offer or guarantee or approval that there could not be modest pieces of roadway within that buffer.

So with that, that concludes our presentation. I really appreciate your attention and we're happy to stand for any questions, and I have my consultant team here as well should you have any questions for them. Thank you very much.

CHAIR HAMILTON: Thank you very much and I actually appreciate your being so specific about some of the things that were in question. That was incredibly helpful. So at this point I think we'll go to public comment. So I'm going to open public comment, and is there anybody on line who wishes to address this issue? I know we had at least one person. Daniel, if you're still one, could you perhaps manage people who want to speak?

MR. FRESQUEZ: Madam Chair, we do have Karen Bergh Hall and Christopher Mitchell.

CHAIR HAMILTON: Excellent. Karen, are you available? You can unmute and make your comment. We're going to limit public comment to three minutes, four minutes. Karen, before you make your comment if you could get sworn in.

[Duly sworn, Karen Bergh Hall testified as follows:]

KAREN BERGH HALL (via Webex): My name is Karen Bergh Hall. I live at 8 Calle Jacinta, Santa Fe, New Mexico, 87508. I am under oath for my testimony. So Madam Chair and Commissioners, I am a neighbor on the east side in the Santiago Subdivision and I am representing the other members. We're 22 households, property owners, to the east of Oshara Village. We have been watching closely for years now, the development, the plans of Rabbit Road and also Ms. Jenkins' plans.

I don't know, maybe just because I'm a lay person, I didn't understand that it was just housing that was discussed in what we are concerned about – the buffer zone. Because to me and to the rest of us, a buffer zone is to be free of all of these things so that we have some space between our development, which is 37 years old, and we have 22 households but we have lived here a long time and we love this area for its rural feel.

Now this development of 250 households is going to change the landscape totally. I can't even imagine it. But we have been concerned about the buffer zone and the traffic on Rabbit Road that will increase. I would like to know when they measured that last on Rabbit Road, the traffic, because now it is not so bad as we have had COVID for two years. But when school opens up again it is really bad. So I just don't know when this last

measurement was done.

We also are concerned that there's no divider between our subdivisions and we would like for you to consider having a fence or a wall. This construction is going to be going on for many years and it will be a lot of noise, and now that I see that there are roads, there will be lights at night. There will be sounds of cars in the morning and at night, all day. So these are our two concerns, the buffer wall and the border wall. We would like the buffer zone to remain. We first heard that it was, years ago, 200 feet. Now it's been reduced to 100 feet and that it not very wide, especially when you have roads and then houses that are tall.

So we won't be able to see the Jemez any longer. We'll just be locked in by this. Anyway, those are our two concerns, that we keep the 100-foot buffer zone clear of roads, and buildings, and that we get some kind of divider, a border wall of some kind. So thank you for considering our worries and perhaps helping us with that.

CHAIR HAMILTON: Thank you very much for your comments, Ms. Hall. Daniel, who's our next speaker?

MR. FRESQUEZ: We have Christopher Mitchell and then we have Lisa Armijo.

CHAIR HAMILTON: Okay. Great. Christopher, if you could unmute yourself and get sworn in.

[Duly sworn, Christopher Mitchell testified as follows:]

CHRISTOPHER MITCHELL: I am under oath for my testimony to be valid. My name is Christopher Mitchell. My address is 14 Calle Jacinta, Santa Fe, New Mexico 87608.

CHAIR HAMILTON: Please proceed.

MR. MITCHELL: The developer has continuously tried to reduce or eliminate the buffer zone between Oshara Phase 2 and Santiago Subdivision. Originally it was 200 feet wide and this was approved by the committee in 2017. Suddenly it was changed to 100 feet wide at the meeting in 2021 when even the staff did not appear to know about this development, which came as a bit of a shock to all concerned.

And now there are roads in the buffer zone that will disturb our subdivision due to traffic movement, headlights, noise, and fumes. There will be little space left in the buffer zone for promised trees that would form a real landscape barrier. We need these trees to screen the houses in the buffer zone. One house per acre for the whole length of the buffer zone is being what's being proposed, but in fact all the houses from Lot 144 to Lot 81 form a solid wall which will be our view to the west from our subdivision. The rest of the 100-foot to 200-foot wide part of the zone will be building areas, you might call it, is empty because it's unable to be used because it goes down into the arroyo. So all the houses have been crammed into the buffer zone at the top and our view will be a solid wall of houses.

During construction there will be noise and traffic at our boundary and dust and trash blowing from the work sites. My property has a 430-foot long boundary with Oshara Phase 2 and there's only a barbed wire fence between me and my property and 250 houses under construction or being occupied. This will be both an access to the subdivision, especially now as there's a trail down in the buffer zone, all the way down the side of the property. It will leave us no privacy and security. The 100-foot buffer zone

must be clear except for trees and at least a seven-foot high wall should be built on the boundary to shield us from the houses from our property. They unfortunately will have a wonderful view of my property and my neighbors and will be able to see all over our subdivision which is very beautiful. And their subdivision will be very much tied up with blocks of houses, cheek by jowl across the view that we once had across to the Jemez Mountains and the beautiful sunsets. That's all I have to say and I hope the committee will force the development to honor their previous agreements and have a proper buffer zone full of trees and some new landscaping. Thank you.

CHAIR HAMILTON: Thank you very much, Mr. Mitchell. Daniel, could you introduce our next speaker?

MR. FRESQUEZ: Yes, Madam Chair. Next we have Lisa Armijo and then Beth Detwiler.

CHAIR HAMILTON: Lisa, can you unmute yourself and be sworn in before you proceed.

LISA ARMIJO (via Webex): Yes, Madam Chair. I do not have video.

CHAIR HAMILTON: That's fine.

[Duly sworn, Lisa Armijo testified as follows:]

MS. ARMIJO: My name is Lisa Armijo, 12 Calle Jacinta, Santa Fe, New Mexico, and yes, I am under oath. So I just want to add to what my neighbors had said. My property line is adjacent to the Oshara conceptual development plan. My concern also is the 100-foot buffer zone. After the last meeting last year I personally called Ms. Jenkins and discussed it with her and she also confirmed that within that 100-foot buffer zone no roads or houses would be built. So it was west of the 100-foot buffer zone where they would start building the roads. Now that seems to have changed. It was agreed upon last time, and I would ask that the County Commissioners adhere to what was agreed upon.

And another concern of mine is the traffic. For them to say that it is not a problem is incorrect, and I think it was 2018 or 2019 turning into the subdivision my father and I were hit from behind with a truck going 60 miles per hour. To this day I suffer with chronic back and neck pain. We've always had problems turning in. Two years before that my nephew was almost killed coming into the subdivision also from Rabbit Road. So it is a very big problem. Now they're going to be adding another what? 1,000 cars coming through there and say it not a problem? Rabbit Road is no longer a frontage road which it used to be with artists painting pictures and the kids taking walks with their parents. Now it's a high speed road.

It's full of trash. That's another concern about the roads that they're going to build adjacent to our property. Who's going to be picking up all the trash? Right now the County doesn't even pick up the trash on Rabbit Road. And that trash is going to eventually blow into our yards and we're going to have to be responsible for it. So those are my main concerns. Yes, it breaks my heart to know we're going to lose our beautiful views that we moved out here for. I guess that's all I have to say.

CHAIR HAMILTON: Thank you so much, Ms. Armijo. Daniel, can you please introduce our next speaker?

MR. FRESQUEZ: Yes, Madam Chair. Next we have Beth Detwiler.

[Duly sworn, Beth Detwiler testified as follows:]

SFC CLERK RECORDED 04/13/2022

BETH DETWILER: My name is Beth Detwiler. I live at 11 Craftsman Road in Santa Fe County, in Oshara Village, and I do so swear. Thank you very much for hearing us and we appreciate the opportunity to give this public testimony. I have lived in Oshara Village since its inception about 13 years ago and am solidly in favor of the development of this Arroyo Hondo of Santa Fe, Oshara Phase 2 as it is presented. I think that it is of great benefit to the Community College District to have a well designed, sustainable, multi-generational and mixed community development that will be an asset, and it will for Oshara Phase 1 stimulate commercial development, and also give us an opportunity to join Santa Fe County for our sewer services which will create a more economically feasible, sustainable and environmentally correct beneficial sewer plant system for us in joining Santa Fe County.

We're very happy to have new neighbors who also want to live in a sustainable community. We're very happy to share our community development with our neighbors on the east of Rabbit Road who have very honestly shared their feelings, and I hope you know I'm honestly sharing mine, that I think this development will be an asset to the Community College District. Thank you very much.

CHAIR HAMILTON: Thank you very much, Beth. Daniel, do we have more speakers?

MR. FRESQUEZ: Yes, Madam Chair. We have John Leroux

CHAIR HAMILTON: Thank you. John, if you could unmute yourself and get sworn in.

JOHN LEROUX I'm sorry. I had no intention of speaking on this. I could not figure out how to lower my hand.

CHAIR HAMILTON: That's the way these virtual meetings go. Daniel is there anybody else?

MR. FRESQUEZ: Madam Chair, we have Jennifer Jenkins raising her hand.

CHAIR HAMILTON: Okay. Jennifer, we'll get back to you.

MS. JENKINS: I'm happy to wait, Madam Chair. I just wanted to be the last speaker, so if there are no other speakers then I'd be happy to wait.

CHAIR HAMILTON: Yes. Let me just check on that. So is there anybody else on line who cares to speak to this issue? If you do, please unmute yourself and make yourself known. Okay, hearing none, I'm going to close public comment and I'll go to Jennifer Jenkins.

MS. JENKINS: Thank you, Madam Chair and Commissioners. I just wanted to reiterate that the buffer as was approved by this body in April, nothing has changed. We are going to be planting trees within that first 100-foot buffer per our condition of approval. I would venture to say that 100 feet is plenty of room for planting trees. We also discussed the neighbors' request for a fence or a wall along the property line at the last hearing. That is not one of our conditions of approval, and the reason being is that our individual compounds are all going to be served with yard walls, which is a much better application than a long, straight wall that could be an invitation for tagging or something of that nature. So this was discussed and we moved forward with our preliminary plat application in accordance with this body's approval that we received in April for the conceptual plan. So it felt important just to reiterate that, and with that I'd

be happy to stand for any additional questions. Thank you.

CHAIR HAMILTON: That's great, Jennifer. Thanks so much. So at this point I'm going to go to the Commissioners. Do people have questions for Jennifer? Commissioner Hansen.

COMMISSIONER HANSEN: Okay, so I want to know – hi, Jennifer and everyone on the team. Nice to see Beth and everyone. So when was the traffic study done for this roundabout and your view that it's not needed?

MS. JENKINS: So the counts were originally done, I believe in 2017 and as part of that, at that time this was not analyzed because the intersection wasn't proposed at that time. So as part of this submittal, we took that background traffic, which is all pre-COVID. I would venture that the traffic that was happening in 2017 was quite a bit higher than is happening today, but that was the basis for the update for the traffic study in order to analyze this intersection. Tim Simmons, if I'm getting of that wrong, please just unmute yourself and jump in if I am getting any of that wrong, but that is my understanding.

MR. SIMMONS: Thank you, Jennifer, Madam Chair and Commissioners. As Jennifer said there were counts done back at that time but also an update was done to the baseline, what is called the baseline, in 2019. And then this study used the County's travel demand forecast model, which projects out to year 2040 and anticipates development of that entire community. So the analysis was based on those forecast traffic volumes.

COMMISSIONER HANSEN: One of the things we have all experienced in the city, the county, is a tremendous amount of speeding on roadways and that really has created a huge problem in traffic. I support staff in the fact of their request for a roundabout here. I think anything we can do to slow down traffic on Rabbit Road is a good thing, even though you're saying that it's not for slowing down traffic. But I'm thinking about these people trying to get in and out of this subdivision and I can't really see – I know how busy Rabbit Road is and I don't see that slowing down; I only see it increasing. So I have to support staff on this issue of the roundabout at this T-intersection.

What I am also concerned about is on a couple of these plans, I see where the roads are going in and out of the buffer zone, and so what I am concerned about is the trail that is now also going along the buffer zone that I don't remember seeing before. And it's not on some of these drawings that I'm looking at. And I'm just wondering why you couldn't quite like move the roads back a little bit out of the buffer zone, give these people a little bit of space. But I would also like to see a landscaping plan of how many trees and what kind of trees and what you are going to do to really give these people some protection. It's hard when people have lived in an area for such a long time and there haven't been anybody there, and then all of a sudden they're going to be faced with a tremendous amount of dust and I hope that you will be very conscious about when you're doing the infrastructure.

And then I'm also wondering – I know you're doing this in phases, so on Phase 1 are you only doing the infrastructure for Phase 1 the first time? Or are you doing all the infrastructure for the entire subdivision at this time?

MS. JENKINS: Thank you, Commissioner Hansen, Madam Chair and

Commissioners. So with the initial phase we will be constructing the backbone infrastructure in terms of water, sewer and the primary roadway that will connect to the southeast connector and to Rabbit Road. And then we will have the infrastructure for each little compound in terms of that sub-phase. So the initial phase will be the primary backbone infrastructure and then the platting and infrastructure for the compounds in the first sub-phase.

CHAIR HAMILTON: Jennifer, would you mind sharing your screen again and showing the development to show the trail that Commissioner Hansen referred to? I'm sorry I didn't remember seeing that.

MS. JENKINS: Sure. Absolutely. So what you see here in the dark light way here is our proposed trail, and the trail does snake through the buffer area. It was my understanding this was always the intent, and then yes, we did submit landscape plans with the application and we are looking at evergreens, primarily, to support the buffering in this 100-foot area in support of the neighborhood to the east.

COMMISSIONER HANSEN: It's concerning to me that I see the trail going right along their fence line, and then you're putting trees and a road into the buffer zone. I think that since we gave you an extra hundred feet it would have been respective –

MS. JENKINS: The trail could easily be pulled away and brought a little further west, so there can be trees between the trail and the east property boundary. That would not be a problem at all. We'd be happy to do that.

COMMISSIONER HANSEN: It just – I'm trying to visualize the trees and the neighborhood. And then this connection that you have with this one roadway, does that connect to another road in the Santiago Subdivision?

MS. JENKINS: No. This connects just to the east property boundary and what it connects to is actually undeveloped property at this time. This was just intended to allow for something potentially in the future as an additional emergency access point.

COMMISSIONER HANSEN: So you're putting a road that goes nowhere.

MS. JENKINS: At the moment, it goes – yes. We worked with staff to identify this was the general area that we were directed by staff to place the road, and the Arroyo Hondo moves through here, and so there is some very significant terrain. And these are just lots here, so none of the Santiago Subdivision roadways actually join with our west boundary, and so this seemed to be the most optimal location relative to terrain to provide that future connection point.

COMMISSIONER HANSEN: Okay. So it just seems to me that it would be a good idea to move the trail into the 200-foot buffer zone, or at least at the very edge of the 100-foot buffer zone next to the subdivision. Couldn't you just move these houses and roads over? It looks like there's room on the plan. I see there's open space and I see there's areas where you could move these a little closer in. I'm just trying to be sympathetic and understand, because in general, I think this is a good plan. I'm just concerned for these neighbors in the Santiago. As I've said, I support the roundabout on Rabbit Road.

The conduit for the broadband – are you putting in broadband? Are you putting in – is that part of your dig once policy, that you'll be putting broadband in the ground?

MS. JENKINS: Thank you, Commissioners, Commissioner Hansen and Madam Chair. You know, honestly, I do not know. We have not gotten that far in terms

of our reaching out to the telecom providers here in Santa Fe to determine what is available. We obviously want the most optimal and the best service and the highest speeds that we can offer the neighborhood, and all of our dry utilities – power, gas, telecom – will all be in a joint trench. So it's definitely a dig once situation. But we will be pursuing the best service we can in terms of the telecom providers.

COMMISSIONER HANSEN: So I'd like a little more reassurance about the broadband, that that conduit and services will be in the dig once policy. I'm sorry to hear that you're using gas. I was hoping this would be more of an electric subdivision. Senator Heinrich is really hugely supportive of electric and electrification. So do you have plans to solarize these houses? I know that we have met with the state and we meet the state code of energy efficiency of 61 in energy efficiency, so I know you will be building to that. But what is your plan for solar and have you thought about community solar as a possibility, especially since you will have 38 low income households?

MS. JENKINS: Thank you, Madam Chair, Commissioners and Commissioner Hansen. At this point we are not considering community solar, but as far as the design of the homes, the plan is to design the homes so they are kind of solar-ready. So any individual homeowners that would elect to put solar panels on their home, that the home is designed in terms of how the electrical network within the home is designed to accommodate that. And we do have Lorn Tryk who is our planner and designer with respect to the site and the homes. He is on the call and I would invite Lorn if he wanted to offer any additional commentary on this line of questioning. I'd be happy to invite him to unmute himself to chime in.

LORN TRYK (via Webex): I think that you summarized it very well. The houses are designed to be solar-ready. It's likely that as part of achieving the ERI rating of 61 many houses will incorporate photovoltaic systems right from the start. It is not our intention to create common area photovoltaics but rather to use our roofs from the individual homes for the location of those systems. Otherwise I think you summarized it very well.

MS. JENKINS: And Lorn – I have a question for Lorn actually, so does Lorn need to be sworn in real quick?

CHAIR HAMILTON: Yes. I'm sorry. Thank you for asking, Jennifer.
[Duly sworn, Lorn Tryk testified as follows:]

MR. TRYK: This is Lorn Tryk, 115 High Road, Santa Fe, 87507. And yes, I swear to tell the truth.

MS. JENKINS: So Lorn, can you speak to a little bit – Commissioner Hansen asked a question about the roadways in the compounds that are along our east boundary, and I know we have some fairly significant terrain constraints in that area. Can you just speak to that a little bit with respect to that design?

MR. TRYK: Could you put up your –

MS. JENKINS: Absolutely.

MR. TRYK: So the buildable terrain is the ridge that runs along the length of our center road. And as the terrain goes further north from that ridge it drops into an open space, which is a drainage area and the same to the south. So I know Commissioner Hansen said there's plenty of room; we can push things over. That's, in fact not true. The land that is highly developable is what we're building on. What we're trying to do is stay

off of the fragile sloping land, the fringe land, as it's called in our Community College District Ordinance. We limit our density to those areas. So we're actually, by taking that second strip of 100 feet out, taking some of the most developable land out of the plan.

I think that we've always tried in this amendment to keep the roads to a minimum in that first 100 feet. I think it's a very good point to talk about moving the trail closer to our street and have it meander but stay away from the neighbors' fence line. That's a very good comment.

COMMISSIONER HANSEN: Thank you, Lorn. It's nice to see you always. So then I want to ask about the playground. Are there any parks in this area and are you going to put a playground in somewhere? Is there going to be something near the community center?

MR. TRYK: So we have a variety of open space amenities. The community center itself, which is swimming pool and play area and trails, of course. And then the open space in the drainages is meant to be more passive open space. The space between the compounds, and this is the reason that this trail system is so important is that the space between the compounds is interconnected, some residual open space. It's a continuous system meant so that people can take loops when they're walking and not walk to dead ends and back. So that's a very prime component of our open space infrastructure.

COMMISSIONER HANSEN: Is there more than one plaza, or is there only one plaza?

MR. TRYK: There's meant to be a plaza in each phase. So there's one plaza in this plan, and as you saw from Jennifer's overview of the conceptual plan of Oshara, each one of 1 2, 3, 4, and 5 phases there is a plaza.

COMMISSIONER HANSEN: So on those plazas, what's going to be there? Grass, open space, trees? Any playground equipment, etc.?

MR. TRYK: Well, they're meant to be more urban spaces, as opposed to playgrounds, which we're trying to locate that sort of open space closer to the broader open space system. The plazas are meant to be open, so yes, as you said, grass, trees, park benches, that sort of thing, as an anchor to the center of each neighborhood.

COMMISSIONER HANSEN: And so like picnic benches will be part of the plazas?

MR. TRYK: Exactly.

COMMISSIONER HANSEN: Okay. I'll let somebody ask questions. Thank you very much, Madam Chair.

COMMISSIONER HANSEN: Thank you, Commissioner Hansen. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Just a quick question for Attorney Shaffer. This is preliminary plat approval, so with the County Commission still look at final plat approval?

MR. SHAFFER: Madam Chair, Commissioner Garcia, yes.

COMMISSIONER GARCIA: Thank you. Madam Chair, I guess just a couple of quick comments. We still have to review this at another time. This is just challenging for me because the Community College District is where the County Commission five, seven years ago has actually approved growth in that area, and thanks

to our Public Works Department that we're working on the northeast/southeast connector, which we had a presentation tonight on that which is going to hopefully alleviate some traffic issues in that area, and 250 more lots. That's just one little area of this Community College District. And Ms. Jenkins, thank you for doing a great presentation as into the wastewater, how that's going to operate because we need to get that sewer line going for the betterment of the area, as well as decommissioning of the existing treatment plant that we have there for Aldea.

And some of the things I'm going to be questioning that I have questions for staff is the impact fees. I know we may or may not have impact fees but we talked about how is the developer going to affect the northeast/southeast connector. Also in regards to the Sheriff's Department, we talked about, in your presentation they talked about vehicles. How is all this stuff working? Also public facilities as the Commissioner brought up. Open space. We're at 67 percent. I know you guys are giving this subdivision a lot more open space than actually that's required by the code.

So just, Madam Chair, we're here just at the preliminary phase. I actually – I'll save my questions for staff at a later date, but those are just some of the things I'd just like to see how the development is actually going to – development fees and how that affects the developer in that area for, like I said, our Sheriff's Department, public safety facilities, and so on and so forth. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you, Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Like Commissioner Hansen and the neighbors, I am concerned about the 100-foot buffer having a road in it. I think a road would be just as annoying as a house if I were looking at a buffer and it doesn't seem to me that it would meet the common sense definition of a buffer for a road to be there. The trail, I think that could be. That would be fine. I do agree it should be probably a little bit away from the lot line.

I do have one question though. I want to say this development has a lot of really nice elements to it. I think it's got a nice design. I like all the open space and the affordable housing of course. So I think it's an important development. But I did have a question about the sewer line, because I had a similar situation with a development I worked on many years ago. But are you going to be able to collect some of the cost of the sewer line from all the people who will benefit from it? From Arroyo Hondo on down to where it connects? Are the other subdivisions going to contribute?

MS. JENKINS: Thank you, Commissioner Hughes, Madam Chair, and Commissioners. So, yes. We are working closely with Santa Fe County Utilities. I'm not sure if John Dupuis is on the call this afternoon.

CHAIR HAMILTON: He's here.

MS. JENKINS: But yes. In terms of some potential cost sharing on that extension as other projects hook into the sewer line. But yes, we are working with Santa Fe County to make that happen. And I'm sure John could speak to that as well. But that's a great question. Thank you.

COMMISSIONER HUGHES: Could John Dupuis explain to me just how that's going to work? As long as we made you stay this late I wanted to give you something to say.

JOHN DUPUIS (Utilities Director): Sure. Thank you. Madam Chair, Commissioner Hughes, we have a provision in our ordinances that allow for recovery of those expenses for up to ten years, and it prescribes a formula on how to calculate the amount that anyone connecting to the sewer line after it's constructed would have to contribute funds. Additionally, it was requested that it be extended to 20 years, so the contract that is with the developer allows for that pro rata sharing of expenses to be extended out through 20 years.

COMMISSIONER HUGHES: Okay. And that applies to the existing developments that might hook in right away as well?

MR. DUPUIS: Madam Chair, Commissioner Hughes, that is correct.

COMMISSIONER HUGHES: Right. Okay. Thank you.

COMMISSIONER HUGHES: That's good. I'm still not sure what to do about the 100-foot buffer, I must say.

CHAIR HAMILTON: Commissioner Roybal, did you have – okay. Jennifer, you showed us the map that was presented to the Commission in April and it showed the same roads in that buffer. So I just want to point out that we saw that before and that was approved that way. What was the map before that? Was there one before that that didn't have a road in the buffer?

MS. JENKINS: No. The discussion around the buffer came down to the fact that with respect to the Community College District Ordinance, there's actually no requirement for any sort of no-build zone. So we worked with staff, because I think there was an impression that ended up being not accurate in terms of an interpretation of the Community College District Ordinance. So the buffer was a limitation of density of a maximum of four dwellings per acre. That is the definition of a buffer.

CHAIR HAMILTON: Okay.

MS. JENKINS: And so we presented at the BCC hearing in April, we presented a compromise in order to work with the neighbors to the east of creating 100 feet that there would be no homes built in that 100 feet and we would plant trees in that 100 feet, and that the density would be limited to one dwelling per acre. And so only homes would be permitted in that second 100-foot of the total 200-foot area.

CHAIR HAMILTON: If you have more about the buffer though, I was taking that as the complete answer, but –

MS. JENKINS: Let me show you – I actually have what we actually presented that night was this. And so you can see here this was our visual that we presented that evening. It shows the most adjacent homes and their distance, and it talks about how buffers are defined – areas of open space or land use and density transition that separate or transition between existing residential neighborhoods and future development areas. So how are these areas – what are the development limitations per the SLDC? You can put no new community center subdistricts, no neighborhood centers, and density for clustered development is limited to four DUs per acre. That's it. That's all the SLDC calls for in these "buffer areas."

So we've gone far beyond what the code requires that was presented and agreed to at the last hearing in April. We have a 100-foot no-build zone, and as you can see here we're showing pieces of roadway that were there previously. And that we would limit the density in this area to one dwelling per acre. So it's sort of a déjà vu all over again type of

thing, because we spent a fair amount of time discussing this at the last hearing. We have developed our preliminary plat submittal in accordance with that approval.

CHAIR HAMILTON: Great. And so I wanted to emphasize that we had that – I remember that map. I wanted to emphasize that we had that fairly extensive discussion and with the plantings and the layout and the distance to the existing homes, there was general agreement that that was an adequate buffer. And I have a problem with approving that concept and then asking for it to change when a development is made consistent with the concept that was approved. And consistent with that, the idea of the SLDC in the first place was to define areas 1, 2, and 3 where you're encouraging development in SDA-1, in area 1, because it not only has the utilities available but that you're concentrating development so that you're not developing other more fragile areas and having to get water every place. It's an encouragement of an environmentally sound development plan.

So the other thing I wanted to ask was about the roundabout. The other roundabout on Rabbit Road. You said something very interesting. Traffic is always an emotional issue but to counter that we require traffic studies, so that if anybody has questions that address the validity of the traffic study now is the time to bring them up. And I guess I should ask County staff, did you review the data and the data quality in the traffic study?

MR. LARRAÑAGA: Madam Chair, so the TIA was reviewed by NMDOT. Their comments are in the staff report where they had no comments. The TIA was also reviewed by the Public Works Department and they didn't have any comments on the – I don't know exactly what their comments were but in the packet material, in there it mostly talked about the turn lane [inaudible] by Jennifer.

MS. JENKINS: Yes. We received commentary from John Baca in Public Works that just referenced construction of the turn lane, that that needed to be done as part of this initial phase of construction, but no mention of a roundabout.

CHAIR HAMILTON: So the traffic study that was reviewed by DOT and I presume both DOT and County staff had appropriate opportunity to question when the counts were made, whether they were projected in the future appropriately, based on expected growth rates and the full development of this development and also to look at the different rationale for using small roundabouts on smaller roads for traffic calming compared to an arterial road of this nature. Is that true, Jose?

MR. LARRAÑAGA: Madam Chair, I could assume that that's what they looked at. Again, I didn't get a review stating that when I got one.

CHAIR HAMILTON: So could you explain why staff is recommending a traffic circle here at a quarter of a million dollars when the standards that are laid out don't suggest the need for it? That's what it looks like to me and I just want to get some clarification.

VICKI LUCERO (Building & Development Services -via Webex): If I could just jump in here. So the recommendation for the roundabout kind of started with the conceptual plan and some of the drawings that were shown there. It was anticipated that there would be roundabout located at that intersection. Jennifer is correct that a traffic impact analysis was not conducted at that time and didn't actually show that it was warranted, but in the submittal for the preliminary plat approval the Growth Management

Department looked at that and saw that it was a T-intersection, analyzed it, and determined that based on the traffic counts that Public Works did in 2015, which as was mentioned, showed that the 85 percentile of the traffic coming down Rabbit Road was going 52 miles an hour, they determined that it would be more appropriate to have a roundabout at that intersection to slow down the traffic. And then also it's in accordance with the Sustainable Growth Management Plan, which does encourage or does recommend an alternative of roundabouts rather than signalized intersections.

MS. JENKINS: And if I may, Madam Chair, I think it's also important to point out that with respect to the northeast/southeast connector project which you guys heard about, had an update on a little earlier this afternoon, that there are already two roundabouts being constructed as part of that project west of Arroyo Hondo de Santa Fe. So where the northeast and southeast connectors intersection, and then again, Richards Avenue. So there is no shortage of roundabouts at this point.

CHAIR HAMILTON: Thank you. Vicki, is it County policy then? Are you telling me it's County policy that every new intersection that's going to be developed needs to be a roundabout? Is that the criterion?

MS. LUCERO: Madam Chair, no. Like I said, this was kind of analyzed and it was based on traffic counts that Public Works had gotten back in 2015.

CHAIR HAMILTON: And who did that analysis?

MS. LUCERO: I'm not sure who from Public Works was present when that analysis was done, but it did show that, like I said, 85 percentile was traveling at 52 miles an hour down that road so in order to mitigate the speed of the traffic it was determined or recommended that a roundabout be constructed.

CHAIR HAMILTON: Does Public Works have any input on this? Nobody was there at the time. And I'm asking also in the context of the other roundabouts that are present, planned for that road. How many do you need to slow traffic? Because in 2015 there were no roundabouts so that traffic velocity was measured without any roundabouts any place.

MR. TRUJILLO: Madam Chair, I have not had an opportunity to review the TIA or any of the traffic data for the development in question or subject to development. But roundabouts are not intended to slow traffic, but operationally they do, because you have to maneuver through the intersection. Like I said, I don't think I can provide data-backed opinion, because I haven't seen the TIA.

CHAIR HAMILTON: I know I was putting you on the spot so that's a good response.

MR. TRUJILLO: Right. A question that might be posed is – I'm assuming that based on the recommendation from the TIA that the T-intersection works. I'm just curious as to why maybe the roundabout wasn't the preferred option and a T-intersection was. It looks like there's a left turn lane proposed, so we're assuming that there is enough traffic to warrant it, which means there's going to be people stacked in the left turn lane trying to turn into the development. So I'm assuming, just based upon what was presented today that there's substantial traffic that may be utilizing that intersection in its full build-out. So I think it would be beneficial maybe that we would review the TIA again with the intersection being proposed and how it works operationally with what's proposed in the northeast connector. But again, without seeing the original TIA or the

information that was provided I really couldn't give better information.

CHAIR HAMILTON: Jennifer or Tim, do you have thoughts? In particular, Jennifer mentioned the cost of a roundabout, but what's the differential cost between doing the roundabout and doing the cost of the turn lane? Because it's the differential that's really the issue.

MS. JENKINS: Tim, do you want to speak to that? I would be happy to speak to that, Madam Chair, as well. I can tell you the cost differential is substantial. A left turn lane is simply a matter of some additional asphalt and striping. From an order of magnitude there's really no comparison. But Tim, did you want to chime in on that?

MR. SIMMONS: Yes. Thank you, Madam Chair and Commissioners. From a traffic operational standpoint, a roundabout of course has been more widely accepted in the community. In the early days people were a bit resistant to roundabouts but having experienced them for a number of years they've become more preferable. But to Jennifer's point, during the presentation, a roundabout is a form of intersection control, as is an unsignalized intersection, and based on the traffic volumes that we used on the traffic study, both will operate acceptably. That is they will both have high levels of service.

The underlying principle, however, is that an intersection constitutes what we call interrupted flow. And so by introducing a roundabout then the through traffic will experience some delay. It won't be a whole lot because the projections are not huge as far as traffic volumes, but when you add it up over the course of the day and multiply it over ten, fifteen years, it can be substantial.

And then the other consideration that it does add slight delay for emergency response times. Again, it's not a lot but as the gentleman mentioned earlier, roundabouts do have some inherent controls that do slow traffic through them and that's why they are such good safety measures. So that's another important consideration that by introducing a series of roundabouts sometimes what happens is through traffic, certain drivers of a certain nature will tend to accelerate in between those because they're experiencing delays at the roundabout.

So when I conducted the traffic study I found that the intersection as a T would operate satisfactorily at level of service A and B and once again, that's based on the projected traffic volumes. So therefore no further mitigation measures were required. The westbound left turn lane did meet the state access management manual threshold for the addition of that lane, and once again, the purpose of that westbound left turn lane is to remove turning traffic so that it does not impede the through traffic and it provides them safe storage to make the left turn into the subdivision. I hope this helps.

MS. JENKINS: Thank you, Tim. So just to – as I mentioned, it seems when we're making these types of decisions, and these are significant decisions for the deployment of significant resources, and if we're talking about what's sustainable, we need to make data-driven decisions here. And we provided the data at the County's request. So it needs to be the basis for how we determine how intersections are constructed. Thank you.

CHAIR HAMILTON: Thank you. As a lot of people here know, being a scientist in my other life, I kind of agree with the data-driven point that you're making. And if we request having traffic studies and other data submitted and then we don't use

that data, we're making what become arbitrary decisions. If the data suggests that the left turn lane is adequate, there are at least two other traffic circles that are going to be on that road from the northeast/southeast connector development, and it seems to me that that is going to contribute substantially to speed control. Are there other questions at this point? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wondered if someone on staff could explain what is allowed in a buffer zone, especially in terms of roads. I know it's like one house per acre, but does it say anything about roads in our code on buffer zones?

MS. LUCERO: Madam Chair, Commissioner Hughes, buffer zone can mean a couple of different things. In this case, as you mentioned, it can be the transition zone, which is what Jennifer was proposing as far as lower densities within that adjacent area close to the Santiago Subdivision. There's only one section of the SLDC that talks about no-build areas and it's in relation to the terrain management section. But it does seem to afford some relief to access easements. So I know this kind of came about based on what the applicant was proposing at the time and the condition was imposed by the Board.

COMMISSIONER HUGHES: Okay. So we don't really address roads in transition zones in our code in any way. This is more something we decided for this subdivision?

MS. LUCERO: Madam Chair, Commissioner Hughes, yes. That is correct. That was something that the Board imposed. I believe that we have allowed roadways within open space areas before. I don't know if that's relevant or that helps but it might give you a better sense of what's been allowed.

COMMISSIONER HUGHES: We have allowed roads in open space areas?

MS. LUCERO: Yes. That's correct.

COMMISSIONER HUGHES: Okay. Thank you. I was just curious about that so that we could -- because this is only Phase 2; we've got three more to go I think. So I want to make sure I understand what's permitted and what we're talking about. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

MS. LUCERO: Madam Chair, I just wanted to share an aerial of the site, just to kind of show, just to give the Board a sense of what the Santiago Subdivision, how that's built out. So it shows the property boundary here between Oshara and the Santiago Subdivision. So it looks like there's four houses adjacent to that property line, and it appears that they are set back quite a ways from the property line, so there aren't houses right up along that boundary. I just wanted to point that out.

CHAIR HAMILTON: That's appreciated, and we actually got a sense of that from the slide that Jennifer showed.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: I'd like to actually make a motion. This is actually -- we had some very good questions of the applicant as well as staff and thank you, Vicki, as well as your staff as well as our Public Works team sitting out there. If we

need to look at the TIA as Mr. Trujillo brought up then we can have staff look at the TIA because that TIA was done in 2017. This is preliminary plat approval. We're still going to see final plat approval. So if we have any questions of staff we can still have the right to go ask staff to look and do whatever the Commission would like. So with that I'd like to make a motion for approval of the Oshara Village Phase 2 for preliminary subdivision plat approval.

CHAIR HAMILTON: Is that with or without the amendments for 1 and 4, and the roundabout, which is 20?

COMMISSIONER GARCIA: Yes.

CHAIR HAMILTON: So you're making the motion with the roundabout.

COMMISSIONER GARCIA: Yes.

COMMISSIONER HUGHES: And I second that, with the roundabout and all the staff conditions.

CHAIR HAMILTON: Is there any further discussion?

The motion passed by majority [4-1] voice vote with Chair Hamilton voting against.

CHAIR HAMILTON: I disagree with the roundabout requirement so I'm voting against this. But otherwise I'm very happy with all the other aspects of it.

13. **C. Case # 20-5050 Western Ridge Subdivision Conceptual Plan and Preliminary and Final Plat for Phase 1. Western Ridge Investments LLC, Applicant, JenkinsGavin Inc. Agent, Request (1) Approval of an Affordable Housing Agreement and (2) Approval for Conceptual Plan Approval for a Two-Phase Residential 15-Lot Subdivision and Preliminary and Final Subdivision Plat Approval for Phase 1 on a Total of 128.24 acres. The Property has Split Zoning with 82 Acres Designated Rural Residential and 46.24 Acres Designated Residential Fringe. Phase One Consists of 10 Lots in Total with 9 Residential Lots on 100.14 Acres, and a 28.10-acre Remainder Tract (Lot) 10 for Phase 2 of the Development. The 82-acre Rural Residential Portion of the Property Will Be Divided into Seven Lots in Compliance with the Permissible Density of One Lot per Ten Acres. The 46.24-acre Residential Fringe Portion of the Property Will Be Divided Into Eight Lots in Compliance with the Permissible Density of One Lot per Five Acres. The Proposed Development is Accessed via 52 San Rafael North of Tano Road within T18N, R9E, Section 35, (Commission District 1)**

CHAIR HAMILTON: John, I think this is yours. John Lovato.

MR. LOVATO: Thank you, Madam Chair. Before I begin I'd like to clarify a few typos within the memo, the first one being on page 2, paragraphs 1 and 3, where it says 224,496 acres; in fact it should say 224.496 acres. And inadvertently, another typo that was added into the memo was for page 3, item B, conditional use permits. For whatever reason that was brought into the memo from a copy draft and is not

valid in this case.

CHAIR HAMILTON: Okay. That's very confusing. So item B is out altogether?

MR. LOVATO: Item B, conditional use – this is not a conditional use request. And that is on page 3.

CHAIR HAMILTON: Okay. I get it. And I apologize. What was the correction to the acreage?

MR. LOVATO: It is 224.496 acres is what it should read.

CHAIR HAMILTON: Oh. It's not 200,000 acres. I got it. Very good. I get it. Thank you for pointing that out. Please proceed.

MR. LOVATO: With that, Madam Chair, Commissioners, John Lovato, Building & Development Services once again.

Summary & history: On February 20, 2018, a permit was submitted to Santa Fe County to allow a 1,800 foot driveway to access a well on 224.496 acres. Santa Fe County staff worked with the applicant to insure all code requirements were met. At the time of the application, staff had concerns that 30 percent slope would be disturbed in creating this access to the well and buildable area. The plans indicated three separate disturbances all under a 1,000 square feet of 30 percent slope.

The applicant's agent along with staff met on site and walked the entire length of the proposed roadway/driveway. During the inspection, staff indicated to the agent that this appears to be set up for a future subdivision. The agent indicated to staff that this was strictly for access to the well and a future residence. On the engineer plan sets, the plan shows a driveway which ends at a well and buildable area. Furthermore, the well permit application indicates this application was for a residence. This application met code requirements and therefore an application was granted on April 25, 2018.

On February 4, 2019, a lot line adjustment of the 224.496-acre lot with a neighboring property was approved and recorded which created the 128.24-acre lot as it now exists. The application was made by the Lee A. Welsh, the Arthur L. Welsh survivors trust.

On April 10, 2020, the applicant submitted an application for a 17-lot subdivision. The request was for conceptual plan approval for a two-phase residential subdivision consisting of 17 lots and Preliminary and Final Subdivision plat approval for Phase 1 – 10 lots, on a total of 128.24 acres, and approval of an affordable housing agreement. The original application included variances for slope disturbance and construction on a ridgetop. The application was sent out to review agencies and recommendations of approval from all agencies were given with the exception of the Office of the State Engineer and Affordable Housing. The applicant submitted two additional Addenda to the request to the OSE which were reviewed, but the OSE did not approve the water availability as feasible. The applicant has revised the proposal to reduce the subdivision from 17 lots to 15 lots and redesigned the subdivision to eliminate the need for variances. Santa Fe County staff has reviewed the submittal and has determined no further variances are needed, and the applicant's submittal was deemed complete on February 3, 2022. Therefore, Western Ridge Investments LLC, applicant,

SFC CLERK RECORDED 04/13/2022

JenkinsGavin Inc. Agent, request approval for conceptual plan for a two-phase development and Preliminary and Final Subdivision plat approval for Phase 1 for a 15-lot subdivision on a total of 128.24 acres.

This application was reviewed for compliance with the applicable standards set forth in the SLDC as follows: sustainable design standards, access, fire protection, landscaping and buffering, lighting, signage, solid waste, parking and loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, operation and maintenance of common improvements, affordable housing.

Agency review: This case was reviewed by the following agencies: NMED – approval; Office of the State Engineer – negative opinion; SHPO – approval; County Public Works – approval; County Fire Marshal – approved with conditions; County Utilities – approved with conditions, soils and water – approved with conditions; Santa Fe Public Schools – no opinion; and County Affordable housing – approval.

Recommendation: The affordable housing agreement has been reviewed and approved by the Affordable housing administrator and Legal Department. Therefore staff recommends approval of the affordable housing agreement attached as Exhibit 7 as a separate document.

Building and Development Services staff reviewed has this project for compliance with pertinent SLDC requirements, and find that the facts presented support the applicant's request for conceptual plan approval for a two-phase, 15-lot residential subdivision and preliminary and final plat approval for Phase 1 on a total of 128.24 acres.

Therefore, Staff recommends approval of the Applicant's request subject to the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR HAMILTON: Yes. Thank you.

[The conditions are as follows:]

1. The final plat for Phase 1 shall expire 24 months after the final order is filed. Any time extensions shall be in conformance with the SLDC.
2. Compliance with applicable review comments from the following:
 - a. County Public Works
 - b. County Fire Marshal
 - c. County Utilities
 - d. County Open Space and Trails
 - e. County Affordable Housing
 - f. OSE
 - g. NMED
3. Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
4. Lot 8 shall be restricted to the buildable area as contained in the proposed subdivision layout.
5. All staff redlines and comments shall be addressed prior to plat recordation. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-

SFC CLERK RECORDED 04/13/2022

- site, this agreement shall be signed by the Administrator, recorded and referenced on the plat. Water restrictions and conservation covenants shall be filed in the County Clerk's office and referenced on the plat.
6. All homes shall be required to be equipped with an automatic sprinkler system to be approved by the Fire Marshall, this shall be noted on the plat, disclosure statement and private restrictive covenants.
 7. The Applicant shall provide a limit of disturbance plan for the roadway construction, shall fence all 30% slopes and shall call staff when grading work is occurring near the 30% slope areas to verify 30% slopes are not disturbed during construction.
 8. A financial guarantee shall be submitted for all off-site and on-site improvements, prior to Final Plat recordation..
 9. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
 10. Each individual lot is responsible for on-site drainage and detention from all development on that lot.
 11. No driveways or utilities to buildable areas shall disturb any 30% slope.
 12. All utilities shall be installed underground.
 13. All ridgetop areas shall be designated as no-build areas on the plat
 14. All dwellings shall require an approved automatic sprinkler system and vegetation management plan. This shall be noted on the plat, disclosure statement and restrictive covenants.
 15. A note shall be added to the plat and disclosure statement that if adequate water is not proven and provided for phase 2, that portion of the development shall not be platted.
 16. \$\$214,225.00. shall be paid for the alternative means of compliance for affordable housing requirements in phase 1, this amount shall be paid prior to recording the phase 1 plat.

MR. LOVATO: Thank you, Madam Chair, and I stand for any questions you may have.

CHAIR HAMILTON: Thank you, and we'll certainly get to questions, but once again, is the applicant's representative, would you like to make a statement or any presentation?

MS. JENKINS: Yes, thank you, Madam Chair and Commissioners. I do have a presentation. I am Jennifer Jenkins, with Jenkins Gavin. I can confirm that I am already sworn in. I was wondering, Madam Chair, with respect – I do have some consultants with me this evening. Would it be simpler to have everybody sworn in right now, so as they speak, we don't have to pause and do that.

CHAIR HAMILTON: That's a grand idea. Why don't we do that? We'll make the Clerk work all at once.

MS. JENKINS: Great. And I can make those introductions and I guess maybe, everybody, would it work, as they speak, when it becomes their turn, that they can just state their name and address at that time and confirm that they are sworn?

CHAIR HAMILTON: Yes.

SFC CLERK RECORDED 04/13/2022

MS. JENKINS: Great. So if we could have Oralynn Guerrerortiz, Jay Lazarus, Meghan Hodgins – do you swear legal counsel? Is that required or not?

CHAIR HAMILTON: I don't believe so. No, it's not.

MS. JENKINS: It's not. Great. So then if Oralynn and Jay and Meghan could unmute themselves and be sworn. Thank you.

MR. SHAFFER: Madam Chair, with this number, I'd be inclined to do them one at a time, especially since we're remote.

CHAIR HAMILTON: Okay. Thank you.

[Oralynn Guerrerortiz, Meghan Hodgins and Jay Lazarus were placed under oath.]

CHAIR HAMILTON: Jennifer, is that everybody?

MS. JENKINS: That's everyone. Thank you.

CHAIR HAMILTON: Thank you. If you want to do whatever, share your screen as needed and proceed that would be great.

MS. JENKINS: Wonderful. I'll go ahead and do that now. Thank you. So I am here on behalf of the Western Ridge Subdivision for a conceptual plan approval and Phase 1 preliminary and final plat applications. So I'm here this evening on behalf of Western Ridge Investments. I am the owner's representative, Jennifer Jenkins with JenkinsGavin. We are joined by Oralynn Guerrerortiz, our civil engineer on the project, traffic engineering services provided by Mike Gomez with Santa Fe Engineering, geohydrology by Jay Lazarus and Meghan Hodgins with Glorieta GeoScience, surveying locally by Rick Chatroop, and legal counsel Kyle Harwood with Egolf, Martinez and Harwood.

So this is the subject property. It is just a little over 128 acres. It is located – you can see right here, this is Tano Road, right at the bottom of the screen, and this is San Rafael Drive, most of which is a County road and it terminates in a cul-de-sac, and then there would be new roadway going into serve the property. And what you see off here to the right, this is the City of Santa Fe boundary and this is the Monte Sereno Subdivision. And going up to the north this kind of the edges of Casas de San Juan, which is the housing development adjacent to the Santa Fe Opera, and there are some kind of larger, undeveloped parcels that surround the property to the east and the north and off to the west.

So this is the zoning map, and as John mentioned the property has split zoning. So the northern 82 acres are rural residential, which permits one lot per ten acres, and the southern 46 acres in the darker yellow is residential fringe, which permits one lot per five acres. And it's an important distinction that this body may recall. Prior to the SLDC the County zoning for what it was at the time, was based upon a minimum lot size. So you either had to have a 2.5-acre lot, a five-acre lot, ten-acre lot, etc.

Under the SLDC that actually changes and the SLDC with the new zoning that was established created more of a density factor, because it really encourages clustering lots in order to preserve open spaces. So instead of saying residential fringe, every lot has to be a minimum of five acres, it's saying that you only are allowed one lot per five acres. So for example, if you had 20 acres and you were in residential fringe, you would be entitled to four lots. You could do four one-acre lots, and you could preserve the rest as open space, or you could do four five-acre lots and take up the entire 20-acre parcel. So I just think that's just an important distinction in terms of something that changed with the

adoption of the SLDC.

And then further to the south along the kind of Tano Road Corridor, we have residential estate, which is one lot per 2.5 acres, and then of course we have the City of Santa Fe jurisdiction of Monte Sereno to the east.

So I now have rotated the map to orient it for ease of viewing. So north is to the right and south is to the left, so this is San Rafael Drive and so Tano Road is off the page to the left here. And so as John mentioned, prior to moving forward with the subdivision we had to drill a well because we are required to analyze the well and present a water service availability report into a full geohydrologic analysis of the well. So in order to drill the well we had to build access, because we couldn't get to it otherwise. So we received a permit from Santa Fe County to build a driveway up to this point here, and this is where the new well was located. So our main access coming off the end of San Rafael.

We are proposing two phases. Our first phase would be these nine lots here and then with this first phase we would create a tenth lot that would basically be the remainder tract for the future phase 2. And so you can see the phase line here. So we have one main road that comes into serve Phase 1 and then we have one other roadway that comes down to serve Phase 2 which will be a total of six lots in phase 2 for a total of 15.

As John mentioned, there are no variances requested with this application. We are 100 percent compliant with all elements of the SLDC, and we've actually taken great pains to design this project to minimize disturbance and impacts on any steep sloped areas. As you can see in the white, we are required to identify buildable areas on each of the parcels, which you see here. None of these buildable areas touch any 30 percent slopes. So the site is actually quite developable if you design it correctly. And you can minimize disturbance for any sensitive drainage areas or steep slopes.

And so we are providing – you can see sort of in the hatched areas, that is that minimum 30 percent open space that the code requires that will be depicted on the plat. But everything you see in green here is going to remain undisturbed. It's very important to understand that from the concept of how much of this property is really going to be touched for the purposes of the subdivision.

So this shows Phase 1, so as we mentioned, we're creating this tenth lot here which will be the future Phase 2, so with this application we are only requesting to plat the first nine lots of the project.

So as we said, in total we have 128 acres. We have eight lots being created residential fringe zoning district. We have seven lots being created in the rural residential district. We are providing the plat will identify the minimum required 30 percent open space. We have a two-phased project with nine lots in the first phase and then six lots in the second phase. It's always important to think about and to look at neighborhood compatibility when any new project comes in the door. And so we assessed kind of the surrounding neighborhood along that kind of Tano Road Corridor adjacent to the property, and looking at what our minimum lot size and our maximum lot size and our average lot size relative to the neighborhood, as you can see, the minimum lot size in the neighborhood is 1.2 acres, compared to our minimum of 2.7. The maximum is 107 so there is one quite large residential lot nearby. And so you can see the overall average. We are almost two acres larger than the overall average of the lots in the area. So what we are proposing really is consistent with the neighborhood pattern.

So as I mentioned, we have identified our buildable areas, which will be a restriction on the plat. So we obviously, we have roadway construction. We have to build some drainage improvements in order to control stormwater. We have our actual building sites themselves and we were quite generous. We assumed every single lot was going to have 10,000 square feet of disturbance, which is quite significant. And so we wanted to understand how much of this property are we actually disturbing? So in Phase 1 we're disturbing 2.9 percent of the land area in Phase 1. In Phase 2 we're disturbing 2.5 percent. So overall, for the entire 128 acres, we're disturbing a little over five percent of the property.

Again, the County code encourages isolating development on the areas that are most easy to develop so we can leave the more sensitive areas, steeper areas, alone, and that is exactly what we have strived to achieve with this plan. As you can see here, we graphed it. Again, this was more internally for our own edification to really understand it in terms of the total land area in Phase 1 and what we are disturbing. The land area in Phase 2, what we are disturbing, and then looking at the total land area and what we are disturbing.

So also with respect to our neighborhood context, we actually, for the most part, lower in elevation than our most adjacent neighbors. So what you can see, our most adjacent neighbors here, this is basically the elevation of the finish floor of those homes. And then we looked at what is the elevation of our buildable areas that are identified. And ours range from under 7,000 feet in elevation, 6,980 up to 7,110. And you can see that everything adjacent to us is either at a similar elevation or is quite a bit higher. So everything is sloping down to the north here with respect to this site as it relates to its neighbors.

So we did conduct a traffic study for the project and there were three intersections that County staff asked us to assess. Tano Road and North Ridgeway Road, Tano Road and Camino de los Montoyas, and Tano Road and San Rafael Drive, which is the main access into the subdivision. The traffic counts were conducted prior to the COVID shutdown, and each of these intersections in the build conditions, after all of these homes are constructed and occupied, all of the intersections will operate at a level of service A. They operate at a level of service A today, and they will continue to operate at a level of service A in the future.

So with respect to the review from the Office of the State Engineer who is tasked with reviewing the water service availability report and the hydrology reports, on July 7, 2021 the Hydrology Bureau approved the water service availability and hydrology reports, confirming that we had demonstrated a 99-year water supply which is required by the SLDC. And there were a few items noted in the OSE's review, one of which was the current permit for the existing well for vacant property, it's listed as a two-household permit, which is very common for vacant property. The permit is approved as a three-acre-foot well – it's maximum permissible draw from the well is three acre-feet. But currently under the permit because the property is vacant it's listed as a two household well.

So the OSE commented, well, were those households metered? Well, the property is vacant, so of course the households aren't metered. But of course when the well infrastructure is extended and the waterlines are extended to the lots, each lot will be

metered, as is required.

There was also commentary regarding in 2020 that there was an over-diversion of the water use from the well that was inadvertent at the time. When we built the driveway to access the well site we needed to reseed and revegetate the disturbed areas adjacent to the driveway in accordance with County requirements. And so since we needed to reseed and revegetate we needed to irrigate those areas as well, and so it was a good opportunity for us to establish what is called historical beneficial use of the water rights that are appurtenant to the well. And so we had received guidance from the OSE in that regard and moved forward to a) we needed to irrigate anyway and to use that as an opportunity to establish the historical beneficial use.

As a well within the Aamodt Basin, as you may be aware, wells are entitled to a maximum of .7 acre-feet per year per household, and because we currently have a two-household permit, then that limitation was 1.4 acre-feet, but based upon the guidance we had received from the OSE we were working to establish historic beneficial use for three acre-feet. So that's where the over-diversion issue came up. And so this was brought to our attention, and we also have submitted a payback plan to the OSE which is the proper procedure. The OSE has approved our payback plan. We have not been running the well and so basically the well is resting, and with the fact that we're not using it is the payback. So that will be complete in this calendar year.

And so that has been essentially resolved and as long as we comply with the payback plan then that issue – we kind of close the book on that particular matter.

And lastly, as would be the standard process, once the subdivision plat is recorded we would submit that subdivision plat depicting those new legal lots of record to the OSE with a request to modify the permit in order to serve all nine lots in the subdivision in accordance with the three acre-foot water rights that are appurtenant to the well.

So we had – when we were irrigating at the property we received some complaints from nearby neighbors. There is an adjacent three-lot subdivision that has a shared well, and there were concerns that our irrigation activities were impacting their water supply. And we have been working closely with the OSE. We have been very transparent. We have provided additional information as requested by the OSE in order to understand what is really causing this and what is the issue?

And we offered to the neighborhood to help pay for testing of their well, because we really need to understand what is going on there. And so we tasked our hydrologist to do some research, because in order to assess this situation without understanding what's going on with the neighbors' well we really can't understand what's going on at all. So with that, I'm going to ask Jay Lazarus to unmute himself, if he could speak to, based upon the research that we conducted, what did we learn.

CHAIR HAMILTON: Thank you. And Jay, please remember to state your name, address, and that you're under oath.

[Previously sworn, Jay Lazarus testified as follows:]

JAY LAZARUS: Jay Lazarus with Glorieta GeoScience, 1723 Second Street, Santa Fe, New Mexico, and I'm aware that I'm under oath. Madam Chair, Commissioners, members of the public, first of all, I want to make it really clear that Meghan Hodgins sitting right next to me, Meghan did the water service availability report, hydrology report, that was accepted by the State Engineer and County if there's

SFC CLERK RECORDED 04/13/2022

any questions specifically regarding the WSAR, those will be directed to Meghan. And if any of them come to me I'll deflect them right over to Meghan.

I was asked to specifically look at the neighbors' well and the condition of the well. So what we've got here is a depiction of the neighbors' well at three different points in time. On the left side, as shown on the diagram is what we call the lithologic log. It shows the different sands and gravels and clays of the Tesuque Formation that the neighbors' well, RG 29369, was drilled into. If you look on the left side where we have the lithology, the rock types identified, you'll see about a 20-foot zone or so of blue. That is where the driller identified the production coming into the well.

If we go immediately to the right there, so this is a schematic of the well as completed. So its total depth was 605 feet with the perforation or screen from 560 feet to 600 feet. Now, this well was drilled in the fall of 1977, completed with thin wall steel casing and instead of using a well screen as was very common in those days, the driller perforated the casing. The only way that you can get water into a well is to have open space in the casing. The open spaces here were developed, were created with cutting torches. These are torch-cut slots. They're very similar to dozens of wells we've worked on this space for more than 40 years.

And so they used the cutting torch rather than the more expensive factor manufactured well screen. Now, torch-cuts are on the order of maybe an eighth of an inch or wider. They're irregular, and they allow sediment, silt, to enter a well, and they over time, they'll routinely close up with scale or rust. So if you look at the lithology on the left side next to the well completion, you'll see that the perforations in the well are from 560 to 600 feet, and the blue water producing one is above 500 feet. So when the well was first completed it was completed incorrectly and inefficiently because the screen is not located across from the water-bearing zone. The top of the torch cuts are 40 feet below the producing interval and it's a really inefficient well, literally from day one.

The initial production of the well in 1977 was estimated by the driller as 15 gallons a minute, originally equipped with a three horsepower, ten gallon a minute submersible pump. In 2009, Jen, if you can go to the middle column there. In 2009 the well was tested by a pump contractor and reported to make ten gallons a minute. Not uncommon to be less than the driller's estimate from their well development. And so it's important to note here, at the bottom of the well here, sort of the yellow or mustard color, represents sediment in the bottom of the well. So what happened was the pump contractor went to measure the total depth of the well and found that it had silted in between 1977 and 2009 with 29 feet of silt, 29 feet of sediment, which unfortunately for the well owners, blocks off 24 feet of the well screen, leaving only 16 feet of the original 40 feet open for the water to come in from the aquifer.

Between 2009 and 2016, when Jen's going over there, the pump contractor came back in 2016, measured the total depth again and found once again that the well had silted in higher up leaving only eight feet of well screen available for production. What we're seeing here, which is exacerbated by these torch-cut slots, is that the well was filling in at a rate of about one foot of sediment per year, all prior to the Western Ridge well being drilled and tested and brought into production.

So now it's likely that the well has continued to fill in since 2016 at this same rate and will likely continue filling in until all the perforations will be buried. So what we're

SFC CLERK RECORDED 04/13/2022

seeing here, unfortunately for the neighbors, is a result of poor well construction and loss of the ability of the well to be able to pull water in from the aquifer because the perforations are covered over by 30-some odd feet of fill, which is really unfortunate but that's how it is. Now, it's likely that any decreased well production is related to the progressive and continuing silting in of the well that has continued to block the perforations.

So the new pump, recent pump – once again it's a three horsepower, ten gallon a minute pump, each time it was replaced, was set at 520 feet in 2016, at the time leaving 40 feet of unusable water column below the pump. So a deeper pump set would access 40 more feet of water column in this well.

So for perspective, we've got three houses on the well right now, each of them hooked up to the well. One house with a storage tank, two wells without. If the peak demand for each house exceeds three gallons per minute per house the well can't keep up with that demand. So if someone is taking a shower and doing laundry in each of the three houses, the well can't keep up with that kind of demand.

Since 2016 when the pump contractor noticed that the available water column in the well was decreasing from the bottom up, water demand has increased, because of more houses being built, while the available production is decreased. So at this point in time, at a one foot per year sedimentation rate, the top of the screen is very close to being fully buried today. And I'll stand for any questions on the well construction. Thank you for your time.

CHAIR HAMILTON: Thanks very much. Jennifer, are we back to you?
Thank you.

MS. JENKINS: Yes, back to me. Thank you, Madam Chair. And I would – I'm actually going to stop sharing my screen right now and I would like to introduce Mike Marra, the applicant and owner of the property. He just wants to introduce himself and say a few words.

[Duly sworn, Mike Marra testified as follows:]

MIKE MARRA (via Webex): My name is Mike Marra. I live at 10411 Modesto Avenue NE, Albuquerque, New Mexico, 87122, and I do swear. Thank you. Good evening everybody. I appreciate – I know it's getting late and I know you all must be tired. I just wanted to introduce myself. I'm Mike Marra. My family owns the property that's being discussed today. My grandfather, who was a native New Mexican, who was actually born in Peña Blanca down the street, purchased this property, started purchasing this property back in the 1950s and our family has owned this land and paid property taxes for approximately 70 years now, so we've been around this for a long time. My grandfather Curly, was named a Santa Fe Living Treasure in 2003. He and my grandma never met a stranger. They were friends to everyone they met and I fondly remember coming up to their house; it's located on this property and hiking around and exploring all across the land as a kid.

The reason my grandparents purchased this property was for a long-term investment that would one day be a legacy for their children, their grandchildren and their great grandchildren. There are now four generations of our family from New Mexico. Our hope is that this property is now going to be developed in order to fulfill that legacy that my grandparents set out so many years ago. It's our intent to develop this property

SFC CLERK RECORDED 04/13/2022

into beautiful lots where others can build their dream homes on them and enjoy the incredible views, open spaces, and the many special things that Santa Fe has to offer.

Our team has worked really hard to try and bring you a project that is 100 percent compliant with the SLDC with no variances, and would greatly appreciate your support in approving our project tonight. Thank you for your time. I appreciate it.

CHAIR HAMILTON: Thanks so much, Mike. It was good meeting you. Jennifer, where are we going next?

MS. JENKINS: It's all back to you, Madam Chair.

CHAIR HAMILTON: Okay. Great. Before we go on to the public hearing aspect, Jay, you presented that graphic on the well over time. Would you mind emailing that to Vicki so that it can be part of the record?

MS. JENKINS: I'll be happy to. We can definitely send that over. That's not a problem.

CHAIR HAMILTON: Fabulous. Thank you so much. So at this point I'm going to open the public hearing portion of this. Is there anybody present on the Webex that is interested in speaking to this matter?

MR. FRESQUEZ: Madam Chair, it looks like we have Karl Sommer and Ben Woodbury and Robert Geller.

CHAIR HAMILTON: Great. Karl, would you mind unmuting and getting sworn in and then you can present your comments and we'll ball park it at four minutes unless there's a need for anything additional.

KARL SOMMER: Madam Chair, thank you very much. I'm here on behalf of Paul and Ashley Margetson who are with me here in my office. There's Paul, and there's Ashley. We appreciate the opportunity to speak. I may take a little more than four minutes. I will – if you would like, I'll go right to the heart of the matter.

CHAIR HAMILTON: Do we have to swear them in?

MR. SHAFFER: Madam Chair, Mr. Sommer does not need to be sworn in as an attorney. If his clients wish to offer testimony, then yes, they would be sworn in.

CHAIR HAMILTON: Okay. Great. Thank you. Sorry Karl. Continue.

MR. SOMMER: That's all right. We'll swear in Ashley.

[Ashley and Paul Margetson were placed under oath.]

MR. SOMMER: I'll just repeat, this case is about the over-development of a fragile piece of property that will likely not have the available water resource necessary to serve the residents that are going to live here and will have an adverse impact on the residents that already live around this property. I'm going to focus on that and then I'll move to a couple of other issues.

What is critical is in your packet, at page 154 – I don't know if you all have your packet there, but at page 154 is the Office of the State Engineer Hydrology Division or Bureau. And the scientist who did that report said something that was incredibly important. She said the following on page 154, and I'm going to quote it: Additionally, it should be pointed out that neither the report – now the report in this case, Commissioners, was the initial report for the 17 lots that had been previously proposed. So that report. It should be pointed out that neither that report nor the report addendum – the report addendum was the report for this development – neither one of those include the effects of proposed subdivision pumping on nearby wells. They did not analyze it.

The County provided the OSE with a draft memo regarding this topic in December 2020 stating that, "It is our opinion that the SLDC code does not require the impacts on nearby wells be considered when reviewing an application." That's the quote by the State Engineer's Office out of the draft memo. She says finally, Follow-up communications to the County regarding this memo had been finalized but had not been answered to date." So the OSE had questions about that statement and I'll tell you why they had questions about that statement. Neither the report nor the addendum analyzed the effects of the pumping of this well and the new well that they propose on existing wells.

The code says, in paragraph 7.13.8.6, it says the following: A hydraulic report shall provide a schedule of effects over the applicable time period from each proposed well. The schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of drought. The hydraulic report shall analyze the effect of pumping on existing wells. Predicted draw-down of each well shall be calculated in a conservative manner. That is right out of the code. That is a provision in the code that says their report should have, must have, is required to have done the analysis of the effect of the pumping on existing wells. It is not in the report. The State Engineer's Office noted it. That's critical to the report. It is critical to what people are experiencing in the area.

And finally, on page 158, the same hydrologist at the State Engineer's Office notes that GGI, that's Mr. Lazarus' firm, has presented both the model projections and observed rates of decline to estimating 99-year draw-down due to existing water rights. The information presented suggests that there would be sufficient water column in the proposed Western Ridge Subdivision based on the alternate method of calculating the lowest practical pumping limit. That alternate method is found in the code and it was not used initially for the analysis of this development. Another analysis was used.

She notes this: The Hydrology Bureau finds this acceptable but recognizes there is variability and uncertainty in these projects. Why is this important? Because the State Engineer is telling you that they don't read the code way this staff memo read the code. The code itself says that these effects should have been calculated on existing wells. It is not part of the analysis and that is at the heart of whether or not this property will for itself have enough water, as well as how will it affect adjoining property owners.

Let's talk a little bit about this well. This well is a second supplemental or redrilling of the original well. As you all know, this well is in the Aamodt Basin and you all went through a decade of Aamodt. You're probably sick of that name. However, what is important about that is that is a closed basin. That basin is closed by the State Engineer, and that means that all of the water that is available in that basin has been appropriated or permitted for appropriation, i.e., there is no new water to be had. In order for the second phase of this development to occur they have to find and transfer water rights to another well. That hasn't happened; I suppose that's why they're not requesting the Phase 2 development plan.

But their Phase 1, their report in the State Engineer notes does not calculate the effects on surrounding wells. That is a fatal flaw in this application. And it should not move forward until those effects have been calculated and determined. Why is it in the code? I'll tell you why it's in the code. Because you have the discretion to deny a

SFC CLERK RECORDED 04/13/2022

development that is going to adversely affect existing water users. That's why it must be analyzed. It hasn't been analyzed. I can tell you when they transfer water rights to this other well that they're going to drill they will have to do that calculation for the State Engineer's Office to make the transfer. But as a part of your code, they were required to do it for the initial well here, this well. It was not done.

I submit to you that for that reason alone this case should not be approved because it does not meet the criteria of the code and the State Engineer noted that it does not. They relied on a staff memo that if it says what it says in this page 154 from the hydrologist, is absolutely wrong. It contradicts the exact language that requires the analysis in the code. I said I would go to the heart of this matter. That is the heart of the problem with this development.

Now Ms. Jenkins and Ms. Guerrerortiz and all of the consultants working on this have done a good job of telling you this is a minimal disturbance. It is a minimal disturbance of very fragile ground. I'd like to tell you a little bit about the history of the permit. It's very odd that at the beginning of Mr. Lovato's staff memo he talked about the driveway permit. I don't know if any of you got the chance to go see the driveway that was built. It is a subdivision road. It is designed and it has been developed and has been finished as a subdivision road and it meets the standards of a subdivision road. That's why they had concerns about it.

Why is that important? Because if you're going to do a subdivision you have to do something that is critical, something that Mr. Marra indicated. This was a special piece of property. It is a special piece of property and they had to do an archaeological study. You don't have to do an archaeological study if you're going to do a driveway to a test well. You don't do an archaeological study. If you are going to do a subdivision you have to do an archaeological study. And they did an archaeological for this application after the road was built. That archaeological study finds, and you will see on there – it's on page 168 of your packet. If you look at it, that is the Department of Cultural Affairs Historic Preservation. What will you find there? There are significant archaeological sites on this property that need protection. And I bet you there were significant archaeological sites that existed before this subdivision road was placed there, but no analysis was done.

Why is that? They came in and staff suspected this is a subdivision road, guys. This doesn't look like a driveway. If they were going to do a subdivision they would have had to do an archaeological analysis. Who knows what was lost? Who knows what was lost? We will never know it. But it's put in black and white in front of you what happened in this case.

So I've pointed out two points to you that I think are critical to how you look at this application. There is nothing we can do, unfortunately, about the road that is there and what might have been lost archaeologically by what was done and the manner in which it was done. There is something you can do about the water and the code allows you. In fact the code requires you to make sure that the effect on existing owners is taken into consideration.

One last thing, and it's critical to thinking about this subdivision in terms of the water. As I told you, the Aamodt is a closed basin and as you all know there was a decades, decades, many decades long litigation over establishing rights in the basin. The well on this property was never used for decades and decades. A water right in the

Aamodt was going to be based on historic use, or if you were going to have a residence you would be allowed .7. These are all things that I'm sure you're familiar with. You have .7 acre-feet. So for decades, from the seventies to the present the well on this property had no historic use. And under the Aamodt lawsuit that would have meant they would have been stuck with 1.4 acre-feet for a domestic well, pre-moratorium or not. They would have been stuck with 1.4 acre-feet

But you know what they did? They ran out there and they pumped the hell out of it. And they over-diverted and they misused the water because their permit did not allow for what they did. They misused the amount of water and they misused the purpose of the water. And they got caught. And then they used that pumping to establish a historic use which was fictional. That says a lot about this development. I don't know that there's anything that can be done about it now because that's what they told the State Engineer's Office about historic use. That's what they probably established. But I'm bringing it to your attention to look at this development rather closely, because the history of the behavior on this development leaves a lot to be questioned.

And I'm going to turn it over now to Ashley Margetson as an owner to speak. Thank you for allowing me the time, Madam Chair.

[Previously sworn, Ashley Margetson testified as follows:]

ASHLEY MARGETSON (via Webex): My name is Ashley Margetson. I live at 29 Loma Serena, directly adjacent to the proposed Western Ridge development, and I realize I am under oath. I am always amazed when I wash my hands in someone else's bathroom. The water flows out so strong and powerful, not the soft, little trickle, like at my house. Or traveling, washing my hair in another normal shower, compared to my own weak one that takes five minutes to rinse your hair. I don't realize how real water pressure is until I feel it elsewhere, because at our house, on our well, it is so weak and low. You wash your face or brush your teeth under a trickle already.

I cannot imagine how it would be with more wells on this area of the aquifer. Just last week I was washing my hair and had it all lathered up and the water stopped and went half pressure just in the middle. It took me 15 minutes to get all the soap out of my hair. What if there were 15 more houses on our well. It would be a daily hardship on all of us who already live here, from outside developers who don't.

These particular developers have already broken many laws right in our area, enumerated so eloquently previously, and demonstrated that they have absolutely no interest in the needs and wants of the nearby existing owners. Total disregard. The slash/gash between the Geller and Watley properties is a sin. Their request to just keep on and build where they are trying to is selfish and hurtful to many established households. I hope these requests are denied. Thank you very much for listening.

MR. SOMMER: Madam Chair, I'll turn it briefly over to Mr. Margetson.

[Previously sworn, Paul Margetson testified as follows:]

PAUL MARGETSON (via Webex): Good evening. My name is Paul Margetson. I reside at 29 Loma Serena and I am under oath and I understand that. I agree to be under oath. What else am I supposed to say? Is that enough? Is that okay?

CHAIR HAMILTON: Yes.

MR. MARGETSON: Thank you, Madam Chair. I know all the neighbors in the neighborhood. Obviously Loma Serena is not San Rafael. I know very well all my

neighbors on San Rafael and I think you're going to hear from Mr. Geller in a moment. Fran [inaudible] Is sadly traveling and she is very much attuned with what is or what is not going on. I just want to say a few words. They came to me and said, Paul, you've been around quite a long time. Not as long as Mr. Marra and his family, of course and the Welsh family, but would you just sort of try and organize this or find Mr. Sommer here to represent us. And I said, well, okay, fine. Here I am.

What was my particular initial aggravation, and I'm sure Mr. Marra doesn't know anything about this so I mentioned it to Ms. Jenkins but maybe it was a year or 18 months ago when they started to drill the well. Then the road went in and nothing else happened. But at 2:00 one morning there was a racket going on, a hell of a noise going on, and I got out of bed and I went over to the site, and they're drilling this well at 2:00 in the morning. And I said, what are you doing? You're keeping me awake. And they said, well, we have to do it tonight or otherwise – that's all we can tell you. I went, well, that wasn't very kind of you to just – whoever the owner is to do that because it's inappropriate to establish some sort of neighborhood relationship. And I never got any mention back. I mentioned it to Ms. Jenkins. She in effect said, well, that's the way it was. What was [inaudible] about it, Ms. Jenkins said, well, Paul, we're not going to build these homes higher than 18 feet. I'm not sure if that's still in the game plan. And of course Mr. Geller and others came to me and said, Paul, we can't shower in the morning. You're going to hear from him momentarily. So I'm just kind of the neighborhood spokesperson, if you will, along with Mr. Sommer here and my wife. But we just want to make sure that all the rules and regulations are followed. So please don't make any shortcuts because they got off on a bad step.

I understand when they approved the road to go to the well, the road went past the well, considerably further than it should have done, and all sorts of things are happening right now that shouldn't have happened. Trees were taken down that I'm not sure they got approval for that because there's all sorts of landscaping rules and regulations and I'm just a humble hotelier who does not necessarily understand the rules and regulations of the Santa Fe County and the Commissioners. And thank you for your time. I think that just sort of summarizes what I have to say. Mr. Sommer, I think the water is a critical issue. I know we're on the same aquifer. I don't have as much issues with it as Mr. Geller and the others down there had, but it's still an issue I and I would be concerned that our aquifer would be sucked up. But I respect the right of Mr. Marra who owns the land to build some homes if he has that ability to do so. But we need to follow the rules and regulations, which I don't believe are being followed correctly, and that's all I have to say at this time. Thank you, Commissioners, for your time.

CHAIR HAMILTON: Thank you very much.

MR. SOMMER: Thank you, Madam Chair.

CHAIR HAMILTON: Thank you, Mr. Sommer. Daniel, do we have other people who are interested in speaking to this issue?

MR. FRESQUEZ: Madam Chair, yes. We have a few sign-ups on Webex. Would you like, before I mention the names, would you like me to re-start the timer?

CHAIR HAMILTON: Yes, please.

MR. FRESQUEZ: Okay. First we have Ben Woodbury.

BEN WOODBURY: I was going to suggest that John Leroux speak before

SFC CLERK RECORDED 04/13/2022

I did, and perhaps Rob Geller.

[Previously sworn, John Leroux testified as follows:]

JOHN LEROUX: My name's John Leroux. I live at 47 Loma Serena, and I realize I am under oath. I have two quick points. I could use the full four minutes but I'm going to not. One, to give you a little background. I just recently retired after 40+ years in the oil business and I've been around wells all my life. I've had a couple men who worked on the well in question that had the power point slide on. He had to come replace a pump for me. Those guys know what they're doing. I had fill on the bottom of my well as well. The first thing you do with that is run a bailer and clean it out. So I'm going to assume those perforations, those cut slots, are probably wide open this whole time even though there will be silt coming in. I don't know if they did that or not, but they did it on my well and that's standard practice in the business.

Number two, under the SLDC, I looked this one up, Section 7.13.8.9.3 requires information on well interference in the report. If there's nothing more telling than well interference is when you lose flow rates or pressures in an offset well when another well is either turned on or turned off. Clearly there's well bore interference. It's probably a fractured set up or a very high porosity between two wells. It is not just a homogenous, magic reservoir that moves to the mathematical models assumed.

Another think Glorieta did, used an older model, I forget the exact name. Oh, the Cooper Jacobs model. That was developed in 1946, assumes a complete homogenous isotropic, uniform thickness with infinite – no boundaries. Obviously not the case. The second model, I don't have anything in front of me, but it seemed to be multi-layer, might be the finite difference, finite element analysis, but it's stacked sections, the same basic kind of assumptions that don't apply. And we have direct level interference between the two and direct wellbore communication. With that I'm going to give my time to anyone else who'd like it or I will take your questions if the Commission has any for me.

CHAIR HAMILTON: Great. Thank you, Mr. Leroux. Ben, do you want to speak now? If you could unmute yourself and state your name, address and that you're under oath.

[Duly sworn, Ben Woodbury testified as follows:]

MR. WOODBURY: I am Ben Woodbury. I live at 93 Tano Norte, Santa Fe, New Mexico, 87506 and I am under oath. So I think I will begin. I want to just re-emphasize the extreme concern there is in terms of the whole issue of water. Karl Sommer did an excellent job in laying out those concerns. I particularly want to highlight the fact which he has pointed out that work done to date at OSE, does not address impact on the existing wells, and also the effects of the ongoing and deepening drought that we're facing. After all, we are in a period here that we have the worst drought in recorded history, going back over 1,200 years and there's little prospect at this time that that's going to improve. Clearly that's going to have an impact on the aquifer and I think it's absolutely essential that there be – that this issue be looked at in every detail with that.

I also want to highlight in terms of the road that was built in. It's already been pointed out that the road was overbuilt and clearly adversely affected the terrain in terms of a number of the cuts that were made. The efforts at landscaping provided disastrous. Not only unsuccessful but with an excessive use of the limited water available from the appropriate well.

All in all my feeling is that the plans as presented are not consistent with the SLDC and rather is detrimental to the health, safety and general welfare of the area. There are a number of submissions by the neighborhood that are in your packet. I've highlighted those to staff and I recommend that those be reviewed. I'm running out of time so I want to cut to my concluding statement.

I call upon the County Commission to withhold consideration of the preliminary and final approval for Phase 1 and conditional approval for Phase 2 of the proposed development. What is needed is a clearer understanding of the potential and apparently evident environmental impacts development has had and would have were it to be approved. To that end I require analysis of the impact of the proposed development of the property, the following studies and approvals should be reviewed, and in fact most of which should be done: a geotechnical study to explicitly assess the environmental impact of the project; the developer-constructed road on the site has already compromised the rugged terrain as I've already pointed out. In addition, the New Mexico Environmental Department Drinking Water Bureau should be involved and assess the potential impact or the actual impact of the quality of the water there.

A transportation impact analysis was done just prior to COVID. Things were already slowing down. There's been new development – Arbolitas, Las Estrellas have certainly provided added impact and should be addressed. A more in-depth archaeological survey should be done, and on that, to ensure that no further archaeology is adversely affected as appears to have been the case. And finally, an in-depth hydrology report should be completed again based upon the information that's now at hand.

The SLDC clearly reflects the County's determination to ensure a balanced development consistent with the environment and land upon which the county rests. Environmental conditions, in particular water access, are changing faster than anyone expected, or at least hoped for. Consequently, a strict interpretation of the SLDC guidelines is even more important than ever in order to achieve the goals, spirit, and intent of this document and related documents. More detailed analysis of the Western Ridge Investments project is essential to achieving this goal. Thank you, Commissioners and Madam Chair.

CHAIR HAMILTON: Thank you. Daniel do we have other people who have indicated a desire to speak on this matter?

ROBERT GELLER: Yes, I do. Robbie Geller.

CHAIR HAMILTON: Excellent. Would you please get sworn in and make your statement?

[Duly sworn, Rob Geller testified as follows:]

MR. GELLER (via Webex): Yes. My full name is Dr. Robert Geller. I live at 40 San Rafael Drive, Santa Fe, New Mexico, 87506. So I've listened again to everyone's presentation and I thought again, I agree Karl did a great job and I'm not a well person. I know very little about wells or codes, though I have tried to read the codes, but I am going to give somewhat of a different perspective here. I've been dealing with this very closely because my property actually borders the north and eastern side of this development. In fact it abuts the development and I'm also somewhat unique because I bought the land from Marra and Welsh, Lee Welsh, and I kind of have again, a different perspective because kind of these relationships.

I bought the property initially because I did have a lot of trust and confidence in Mike Marra and his uncle. I believed it when they told me, like Marra did here of how important the land was to his family and I believed the whole idea of their legacy. And I believed when he told me the concept of the development, how he was going to build a very high end development with a house with 10 to 15 acres, how everything was going to be protected, the land was going to be protected. And I believed them. And because I believed them I bought the property.

And unfortunately the reality is much different and I think Karl also talked about the reality of the development. And let me kind of tell you what my experience has been. This so-called well road, again, I don't understand how things get approved but it's hard for me to understand how a 30-foot wide road could be approved to a well. And this road cut right next to my property, and the way the road was built had absolutely no concern for the well or for the neighbors. It just kind of went through both my property, along my property, as well as my neighbor's property. And they cut the road right up to my line, so there was absolutely no leeway whatsoever on my property because they just kind of went in there with their diggers and just got rid of everything. They destroyed several of my trees. They cut down all the trees that were anywhere near the road without any consideration for the vegetation.

And now I am dealing with erosion on my own property because there's nothing to stop it. And they've done nothing to the road. So if you walk the road – the road is a scar on the land right now. They've done nothing to maintain it, and so when I hear Jenkins and Marra talk about the beauty of the land and how important it is for them, it's just hard for me to really deal with the reality of that road and how they handled that.

What was also important, when they got done with the road it was kind of fall and there was a big hump on the road and they never got rid of that. They didn't get rid of that hump, and so the water would drain from the road onto the cul-de-sac and my driveway comes right out on the cul-de-sac and I drive out and there would be ice. This was several years ago, and I showed pictures, I sent pictures of the ice to both Marra and Jenkins during the course of the winter because it was very dangerous to drive and skid on this cul-de-sac, and they did nothing about it. They said it wasn't due to it but it was clearly due to it, and then the following spring they got rid of the hump, finally, and the problem went away.

So, again, it's hard for me to understand when they talk about the love of the neighborhood and the love everyone. It's just not been the reality of those of us that have had to deal with them in this development. With this water, again, as you can see, I don't have as much hair as Ashley has so it doesn't take me as long to wash my hair, but I will tell you, they also promised when they built the road that Jennifer spent all this time showing me how they were going to do all this landscaping, how they were going to plant all these trees, and Marra assured me that this was going to be the entrance to their legacy and how beautiful it was going to be. Nothing has been done. There's been no vegetation done whatsoever and now it's been several years. What they tried to do was seed it with seed and the person who does my landscaping when they did this said there's no way this is going to take, just because of the slope of the road.

So what they did is they put some irrigation on both sides and they watered it constantly during the summer. Now, they watered it during the day. All of us know in

Santa Fe you don't water during the day for a lot of reasons. But they chose to water during the day. And that was when we all faced the consequences of no showers or no pressure in our kitchens. And we called them. We all called them. And it took them over three weeks before they changed the timing of the water.

So again, it just goes in to the reality of what the neighbors and the neighborhood has been dealing with with this development. And again, I know you guys have a tough job and I understand there's a need for housing and a need for development and all that, but at the same time there's also a need to protect those of us who have been living there, who love the area, and really we do need protection from this development, because even if the water issues get resolved, it's clear to most of us who have been dealing with this that neither the developer or the people that he's hired are going to really protect the land and the environment the way it needs to. And again, I appreciate your time and I'm sorry I went a little over. Thank you.

CHAIR HAMILTON: Thank you very much. Is there anybody else who wishes to speak to this matter?

MR. FRESQUEZ: Madam Chair, we have Brady Welsh.

CHAIR HAMILTON: Thank you. Brady, if you would unmute and be sworn in and make your statement.

[Duly sworn, Brady Welsh testified as follows:]

BRADY WELSH: Hi. Good evening. My name is Brady Welsh. I live at 2785 South Cook Street in Denver, Colorado, and I am under oath. Good evening, Madam Chair and Commissioners. I appreciate this opportunity to speak in favor of the Western Ridge Development taking a forward looking view of this project. I'm a representative of Santa Fe NM Land, LLC, and we own approximately 176 acres of property that borders the entire eastern boundary of the proposed subdivision, and our property looks directly at this proposed development.

We have reviewed the proposed plats and lot layouts and think that this development has been thoughtfully designed and will enhance all of the surrounding property values including our land. The revised proposal to 15 lots demonstrates a strong desire to provide a beneficial project to the community with very low density that incorporates over 30 percent open space, and a 5.4 percent disturbance that Ms. Jenkins mentioned in her intro proposal.

It appears to me that the proposed development is all within all rules and regulations. In my opinion, the dilapidated condition of a 45-year-old wells servicing nearby homes is not relevant to the subject property, as supported by the hydrology expert this evening. We are in support of this development and the approval of the proposed subdivision. That's it. Thank you. I yield back the balance of my time.

CHAIR HAMILTON: Thank you. Well said. Is there anybody else who wishes to speak to this matter?

MR. GELLER: I'm sorry, Chairperson. Can I just make a quick comment about that – the well issue? Because I own – I'm one-quarter owner of that well that seems to now be in question, and the other thing is I just want to make everyone aware that Mike Marra is also one-quarter owner of that well. And so all the work that's been done on the well, and everything in current history, he's been aware of because he's a part owner and so if there were any concerns with the other three owners had not been

aware of he would have been aware of it too.

So again, we never had any issues with water pressure besides the time when they were irrigating both sides at full power of their irrigation system during the summer heat. We'd never had a problem. So I just want to add that. Thank you.

CHAIR HAMILTON: Thank you very much. Is there anybody who's present who has not had a chance to speak who wishes to speak to this matter? Daniel, are you aware of anybody else who wishes to make a comment?

MR. FRESQUEZ: I don't see any indication of people who haven't spoken but I do see Jennifer Jenkins has her hand up.

CHAIR HAMILTON: Okay, well, I'm going to go ahead and close public comment and go to Jennifer Jenkins.

MS. JENKINS: Great. Thank you so much, Madam Chair and Commissioners. I would like to take this opportunity to clarify some things that were stated. It's really important that we're all operating off the same set of facts and I think that obviously needs to be the basis for our discussion this evening.

With respect to the memo from Santa Fe County Utilities to the OSE, that memo actually was finalized and I'm going to share that with you right now. I'm not going to read the whole thing to you, but it says here in the second to last paragraph, this memo is from John Dupuis, head of County Utilities, and John, obviously can speak directly to this. To be clear, it is our opinion that the SLDC does not require that impacts on existing wells be considered when reviewing an application except when evaluating the analysis with regard to the development's capacity to provide an adequate water supply.

So the thing about this that is interesting, what it says in the code, interestingly, is that when you do a geohydrologic analysis, the SLDC says you might need to look at neighboring wells to see if those wells could impact your ability to have a proper water supply; not the other way around. It's a very important point. The SLDC says the hydrologic analysis shall look at other neighboring wells and if those wells could impact your ability to provide the requisite water supply.

The geohydrologic analysis has been approved by the Office of the State Engineer. And I'm going to ask Meghan Hodgins just to speak to that. We do not want to – there's a lot of technical data that we could go into, but I think the point is is that our hydrologic analysis has been approved by the OSE and we've actually gone way above and beyond what the requirements would be with respect to analyzing this well at the request of the OSE.

So we've been utterly transparent and cooperative in an effort to demonstrate that we have a well that meets all the standards and we have gone to great lengths to understand what is happening with the neighbors' well as well. So with that I'm going to ask Meghan to chime in here on these points please. Thank you.

[Previously sworn, Meghan Hodgins testified as follows:]

MEGHAN HODGINS (via Webex): My name is Meghan Hodgins and I work for Glorieta GeoScience. The address is P.O. Box 5727, Santa Fe, New Mexico, 87502, and I am under oath. So one of the things to point out on what has been done so far with the study, we did a few different iterations, and I believe there may have been some confusion over previous reviews from the State Engineer that were negative in reference to the WSAR hydrology report, but the final review of the report from the

Hydrology Bureau of the State Engineer was written in July 2021 and provided a positive review accepting the [inaudible] that were used.

The model was set up to show all of the pumping in a very large area surrounding the Western Ridge Subdivision and the effects of all the other wells pumping on the Western Ridge well was calculated to be approximately 122 feet. So this is what is required by the SLDC to show that your well that will supply the subdivision has sufficient draw-down in it to be able to continue supplying for 99 years. This is how the model is set up for 99 years with all the surrounding wells and shows there is sufficient draw-down still available in that well after 99 years.

The analysis of effects from pumping the Western Ridge well on other existing wells is not required by the SLDC and the memo that was written by Utilities staff is an interpretation to clarify what is written in the SLDC. There is a line in there that's – I apologize – [inaudible], it does require interference calculation but what that is for is when you have more than one well that is supplying water in your subdivision. And in this case, Phase 1 is supplied by a single well and so interference is not an issue for Phase 1. When Phase 2 is added it will need to be reviewed, interference between those wells, and also the water rights application at that time will be evaluated by the State Engineer as a water rights application.

The Western Ridge current well is not a water rights application in that it is not transferring water rights. It was not evaluated as a water rights application.

I'm sorry if I needed to address this, but the issue with the well being completed in the middle of the night was unfortunate timing and that was because once a well is drilled all the way to total depth, the casing and the completion materials have to be put in to it immediately to prevent the well from collapsing, and then we'd have to continue to drill again. So overall, the point of that was one painful night to avoid another whole week of drilling, having to redrill the well if it collapsed. Or more than a week.

MS. JENKINS: Awesome. Thank you so much, Meghan. I really appreciate that. And I know, Commissioners, obviously Meghan and Jay are here to answer any additional questions that you may have, but I think what is most critical for this discussion is that the hydrology has been approved. The pumping effects with nearby wells was addressed. There's elements of this that are somewhat – a little bit concerning. When we are looking at this land area, our neighbors' property is the same land area. It's a continuation of the exact same land formations, the exact same fingers, the exact same drainages. There's nothing unique about this property relative to the property that is directly adjacent to us.

So it's a little bit disingenuous as somebody is sitting in their home on the exact same land formation that we are proposing homes, to say that, oh, but that land over there shouldn't be developed, when it's the exact same land. And that is concerning.

What you have before you this evening is a very simple, straightforward application. It is a 15-lot subdivision on 128 acres. A total of five percent of this land area may be developed. It likely won't even reach five percent. Five percent. It is 100 percent compliant with the SLDC. A hundred percent. Your staff is recommending approval. That is what is before you this evening. And again, we are happy to answer any questions. I know there's been a lot of commentary so I'm going to leave it there and I can call on any consultants if you have any specific items you would like to discuss.

Thank you very much.

CHAIR HAMILTON: Thank you. Very much appreciate everybody's comments.

MR. GELLER: Wait. Does somebody want to respond to that?

CHAIR HAMILTON: No. Excuse me. I don't even know who's talking, but no. I've closed public comment and we're at the point of asking questions. And before I open it up to the Commissioners, I wanted to ask John Dupuis, if you don't mind. There have been so many questions about what the requirements are and how they're interpreted, including the mention of the terminology "schedule of effects." And I wonder if you could reasonably briefly explain why the staff thinks the study, the information that was presented is compliance.

MR. DUPUIS: Madam Chair, I think it's best explained in the context of how we've reviewed subdivisions previously, and specifically trying to understand the impact on every adjacent well, not knowing the age and other aspects of them. That's nothing that we've previously reviewed, and it would take substantial more additional effort on our part because it's not something that we have ever anticipated accomplishing. And we rely heavily on the State Engineer's Office, the Hydrology Bureau, to provide some feedback to us regarding the hydrologic modeling. We don't even have software to visualize or evaluate the modeling that is provided. We strictly rely upon the State Engineer's Office.

All those are why I wrote this memo to help provide clarity on the review we need from the OSE because we can't accomplish it with the given resources we have. So it was very important to me to have clarity for the OSE for consistency sake, and for this one particular application as well. So the bigger question for me when I wrote the memo was how do we review all applications, and trying to ensure consistency with past, this, and future applications.

CHAIR HAMILTON: So based on the memo you wrote and your analysis, and whatever consulting you did with OSE, it appears that there's adequate water in this well to serve this community without negative impacts?

MR. DUPUIS: Except for the last statement that you added, with negative impacts, and then anything else, it is that the well proposed has a 99-year available water supply. And I would ask Meghan to speak more to the details, but she did mention with all other wells pumping. So it's with all other existing wells pumping through that entire period.

CHAIR HAMILTON: Okay.

MR. DUPUIS: Now, whether those wells are currently constructed in a manner to reach that supply is a completely different question that we do not evaluate.

CHAIR HAMILTON: Right. But regardless, that well was "pumping in the model" when the adequacy of supply was evaluated.

MR. DUPUIS: That's correct, Madam Chair.

CHAIR HAMILTON: Okay. I really appreciate that and I think I will open it up to questions from Commissioners and presumably if there are further water questions you may be available? I very much appreciate it. So does anybody have questions? Commissioner Hansen.

COMMISSIONER HANSEN: I'm having a really hard time with this

project. I don't feel like the information is adequate. I'm struggling with should I deny or table? Because I feel like I'm not getting all of the information that I need to make a good decision and I'm concerned about the statements that I have heard about them digging the well and saying it was for just a driveway, and then it was for a subdivision, and when I look at some of these pictures there's this huge big scar on the land, and I would like to know why there is such a big scar on the land. And that they pumped the well and pumped it and pumped it until – and then they got slapped on their hand by the OSE –

CHAIR HAMILTON: Is that actually – just for clarity, are you saying that's what you see as the facts presented or opinions presented?

COMMISSIONER HANSEN: Both. I think – I've been reading and looking at this and I feel like maybe we need to table it. Because I don't feel like I have enough information and I don't feel like I'm getting accurate information from everybody. I don't like the way that it was misrepresented, like they went – even the staff report –

COMMISSIONER HANSEN: Could you be specific about what you think was misrepresented?

COMMISSIONER HANSEN: By how the staff started and he went out there and the opening line is he went out there and he asked them, well, isn't this for a subdivision road, and they said no, this is just for the well. And then in reality it turns out it is for the subdivision road. And so there's just – there's a lot of things in this that don't make sense to me. So that's how I am interpreting this and I think maybe we possibly need more time.

COMMISSIONER HANSEN: If you can be specific about what you think information is missing. That's specifically why I asked John Dupuis to be specific about what the requirements were. I just think that if you propose that, I want to know – I think it's fair to ask what information you think is non-factual that we would be able to gather in the future. Because the SLDC is pretty clear. John Dupuis has interpreted it with regard to water, so I really feel like it's appropriate to require – there be some clarity and specifics about what is missing.

COMMISSIONER HANSEN: Okay. So how are they going to meter the water? They have three acre-feet, and to me, if you have three acre-feet and you get .25 acre-feet per house, that's 12 houses that you can build on this. And what I want to know, and I am concerned about this is they've already one time over-used the well and did all this landscaping, supposedly, and so now then how are they going to measure and meter the wells? And how are we going to know they're not doing that again. Those are concerns to me.

CHAIR HAMILTON: Ms. Jenkins, can you address the questions about three acre-feet and numbers of houses?

MS. JENKINS: Yes. Thank you, Madam Chair, Commissioner Hansen and Commissioners. So I'd be happy to address that. The well is currently metered today. We file quarterly reports. I can pull all of them up for you right now if you want to see them. One of the beauties of our virtual reality here. We file our quarterly well meter reading reports with the OSE. Every single home will also be metered, and with the requisite reporting to the OSE, so that is what I can share with you. And just to be clear, when we were irrigating for the revegetation that was installed we never went beyond

three acre-feet of water. Ever.

CHAIR HAMILTON: So can you address the mathematics of three acre-feet and a quarter acre-foot per house?

COMMISSIONER HANSEN: So why did you have to do a payback?

MS. JENKINS: Yes. Thank you for bringing that up. So right now, today, we have a permit for two households, because we haven't recorded a subdivision plat yet, so our current permit today is – this well has water rights appurtenant to the well for three acre-feet. So that is the three acre-foot well. The permit today is 1.4 acre-feet, because under the Aamodt regs each household gets .7 acre-feet; it's a two household permit. So those are two separate issues. We have the current well permit, which we will be amending once the plat is recorded, and then we have the water rights that are appurtenant to the well. Okay? So that's – so we have the 1.4 and the three.

We had received guidance from the OSE regarding the establishment of historic beneficial use that we needed to establish it for the full three acre-feet. That was the guidance that we received. We saw the opportunity to do that because we needed to irrigate where we had reseeded. And we irrigated, obviously with the intention to irrigate, and then in addition to that to establish the historic beneficial use. And then it was brought to our attention that because we had exceeded the 1.4 in the permit, acre-feet per year, that we had over-diverted.

Absolutely, we addressed it immediately with the OSE. We devised a payback plan. That well is resting. We are not pumping the well. We followed all those procedures to address that. And that was literally based upon – and I can have Kyle Harwood speak to that, if that would be helpful. I believe – and so if I'm not characterizing this correctly, Kyle, please unmute yourself and –

CHAIR HAMILTON: That might be very helpful.

MS. JENKINS: Yes, Kyle, why don't you speak to that, just to make sure. Because it's a little confusing and I just want to make sure everybody's really clear.

CHAIR HAMILTON: Yes. Thank you, Kyle.

KYLE HARWOOD (via Webex): Thank you, Madam Chair. I am an attorney so I don't think I need to be sworn in, Madam Clerk.

CHAIR HAMILTON: That's correct.

MR. HARWOOD: Thank you, Madam Chair. Yes, I think it's fair to say that Aamodt is one very confusing set of paperwork and there's a lot of work that's been done in recent years to try to navigate the overlay of County rules with the settlement agreement, and state statute, and essentially federal rules. That's created a very intricate level of regulations that needed to be navigated for a project such as this.

And so as Jennifer has very diplomatically presented it, I was part of the team that engaged with the State Engineer's Office on whether or not this HBU needs to be proven up and at what point. And so this was an honest mistake that we sought to exercise the well up to the three acre-feet per year in order to meet this historic beneficial use requirement and only after the fact, when we had a lot of discussions with the State Engineer's staff over what the appropriate limit was at that time.

I would like to just add one more sentence which is that there's been some references to the Aamodt settlement agreement and I think this County Commission may already know this but let me go ahead and address one issue that was raised earlier,

SFC CLERK RECORDED 04/13/2022

which is this permit has been fully recognized under the Aamodt settlement agreement. We have the page out of the appendices that recognized it. We have a federal court order with respect to this well, and the characterizations earlier that the basin is closed with respect to new appropriations, but this particular well and its three acre-foot volume is very explicitly recognized under that settlement agreement.

So hopefully I've been able to add a little more context to what Ms. Jenkins has already presented but I'm available for additional questions if that would be helpful. Thank you.

CHAIR HAMILTON: Thank you, Kyle.

MS. JENKINS: So everything – the well is currently properly metered. We are filing all of our quarterly reports. Each household will also be metered. And so we have the initial nine lots in Phase 1 will be served by the well and then three lots from Phase 2 in the future will also connect to this existing well. And when the time comes for Phase 2, and Mr. Sommer was correct; this is a closed basin. So if prior to drilling a new well to serve Phase 2 we have to acquire in-basin water rights and we have to move them to that location. And that is our obligation and responsibility. We won't even be brining an application to Santa Fe County until that is realized.

And that takes us – I would like to address really quick the driveway that was built to drill the well. So with respect to – as you know very well, with respect to the Santa Fe County process, we have to do geohydrology, and that all has to be done and submitted initially with your very first application. You have to demonstrate you have your water supply. Right? So we had to drill a well. There was no access to the well. So we engaged with Oralynn to design an access to this. And yes, was the long-term, big picture was – we weren't drilling a well for our health. We were drilling a well because we needed to do a hydrologic analysis to determine if we had a water supply that would support a future subdivision.

So I honestly don't remember the specifics of conversations with the County that are referenced with the staff report, but I characterize this as what it was. It was a driveway to get to a well, to get to a site in order to build a well. The driveway had to accommodate a drill rig. So this is not a 12-foot driveway for just a passenger vehicle. I was not presenting a subdivision application to the County at that time, so why am I going to characterize this as a subdivision road? That would have been incorrect of me to do that. We were very clear that this was a driveway and it was properly permitted and it was constructed in accordance with the permit.

And then we had to engage in the process of the hydrology and the test and everything else that came after that, and then we moved forward. Once we determined there was a proper water supply we were able to move forward with a subdivision application.

So with that, I'm happy to – I hope that did answer some of your questions, Commissioner Hansen. I'm happy to answer any additional ones. Thank you.

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

COMMISSIONER HANSEN: I see that Karl has his hand raised.

CHAIR HAMILTON: Karl spoke in public comment and if we have questions for him I believe that's correct. I'm happy to recognize him but Mr. Shaffer.

SFC CLERK RECORDED 04/13/2022

MR. SHAFFER: Madam Chair, I don't think that that would be out of order if you felt that he would have relevant information to share. But I also don't think it's inappropriate to allow others to continue asking their questions first.

CHAIR HAMILTON: Right. And that was my preference. Commissioner Hansen, are you yielding the floor or do you have more questions?

COMMISSIONER HANSEN: I'll yield the floor for now. I want to know if there's other comments from other Commissioners.

CHAIR HAMILTON: So are there other Commissioners that have questions? Commissioner Hughes.

COMMISSIONER HUGHES: Well, sort of. I think I have a lot of concerns, but since the water issue seems to be resolved, according to our staff, I don't see any reason not to go ahead with this. I am concerned about the fact that they don't seem to have been very good neighbors at the beginning but that's not a good enough reason to me to deny the request.

CHAIR HAMILTON: Thank you, Commissioner Hughes. Commissioner Hansen.

COMMISSIONER HANSEN: Does nobody else have any other comments?

CHAIR HAMILTON: They've been answered.

COMMISSIONER HANSEN: Okay. I'm not really satisfied but I'm not going to – I don't have confidence in this project by what has been presented to me tonight and what I have read. So I don't – I'll tell you, in the past, when I testify at City Planning Commissions and I'll go to the affordable housing part of this, I don't believe in fee in lieu. I don't believe in paying for it. Part of the reason I think we're short of housing is because people have the ability to pay for fee in lieu.

CHAIR HAMILTON: How is that relevant to this?

COMMISSIONER HANSEN: Aren't we supposed to approve an affordable housing plan?

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: They're paying money and not building an affordable house. And that's fee in lieu. I had no idea how the County had that kind of – nobody's usually brought that forward. In the past people had brought forward that they want to build affordable housing somewhere else. I remember that. But in general people build it in part of their subdivision. It is only one house; only one payment, but it is something that I don't support.

CHAIR HAMILTON: But it is –

COMMISSIONER HANSEN: I know, and I still don't support it. I don't support it at the City; I don't support it at the County. I'm consistent.

CHAIR HAMILTON: But it's not the regulation, is it?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: So I know there was a lot of concerns that have been brought up but at the end of the day, I think that the requester has met all of the requirements and staff has made the recommendation for approval. So I think we've had a lot of our concerns answered tonight and I don't really see a path – the only path

forward I see that makes sense to me is to move for approval with staff conditions.

CHAIR HAMILTON: Is that a motion?

COMMISSIONER ROYBAL: That's a motion.

CHAIR HAMILTON: So I have a motion. Do I have a second? Well, I'll second that. So I have a motion and a second. Is there any further discussion?

MR. SHAFFER: Madam Chair, I'm sorry to interrupt, but was it your intention to go back to Mr. Sommer after all the other comments were made?

CHAIR HAMILTON: Thank you. Under discussion, Mr. Sommer, my apologies.

MR. SOMMER: Thank you, Madam Chair. I will be brief, and it relates to the answers that you've got and I appreciate the opportunity to answer one of the questions that you raised specifically, Madam Chair. And that was you asked Mr. Dupuis why did he write the memo, and what he told you was I wrote the memo that said applicants don't have to do this because we don't have the technology or the staff to analyze it. We rely on the State Engineer. I understand that. That doesn't excuse somebody from complying with the code. The State Engineer's Office can analyze the effects on other wells. And if you all as Commissioners look at the section that we're dealing with, and that's 7.13.8.6, and Madam Chair, you having your background both as a scientist and as a County Commissioner are well versed in reading language. The plain language says they shall schedule the effects of existing wells. This is an existing well. They didn't schedule the effects of this existing well. The State Engineer said that. All right. So I won't belabor that point. But I'm asking you to read the code, not rely on why Mr. Dupuis doesn't want people to have to do this.

And then finally, related to this water right, this water right, the historic use for this water right of three acre-feet in the Aamodt lawsuit was based on a historic use that was illegal. They had a permit that did not allow them to pump three acre-feet for irrigation and that's what they did. That is not allowed under the law. Now, Mr. Harwood may be correct that they have an order. It's in the Aamodt lawsuit and it may not be subject to being challenged. But it may not be a legitimate establishment of a right to say that your historic use, which was illegal under the permit that you had, establishes your right. I'm just saying that that's something that you need to look at.

Anyway, thank you very much, Madam Chair, and I really appreciate the opportunity.

CHAIR HAMILTON: Thank you. So Meghan, do you want to speak to the question of the language in the SLDC that says schedule of other wells? It doesn't say schedule on other wells? Or Mr. Dupuis, do you wish to speak to that?

MS. HODGINS: I can speak to that.

CHAIR HAMILTON: Okay, we can go in sequence and get you both.

MS. HODGINS: I'm just trying to find the exact language to read it. I apologize.

MR. SOMMER: Meghan, it's 7.13.8.6.

MS. HODGINS: I have a [inaudible]. Okay, so the hydrologic report shall provide a schedule of effects over the applicable time period for each proposed well. The schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of drought. The hydrologic report shall analyze the effects of

SFC CLERK RECORDED 04/13/2022

pumping of existing wells. Predicted draw-down of each well shall be calculated in a conservative manner.

So what this is saying is that the pumping of all existing wells has to be taken into account for the draw-down that will occur at the subdivision well. So you're trying to show that the subdivision well has sufficient water column in available draw-down to be able to absorb the existing effects before you even start pumping that subdivision well. So it's – I agree; the language in here is confusing and this is why we went back and forth on this was to try to figure out firstly what it said, but the final interpretation is, what I have seen is that the effects of existing pumping need to be taken into account on your subdivision well to make sure that you have sufficient water to support your development.

The concern for the County is that the subdivision that you are developing has the water it needs for 99 years. So the concern is all the draw-down from all existing wells – and incidentally this includes, the way we ran it we included the City wells. We included wells that went all the way down to near – all the wells within the city, the southern parts of the city. We went all the way out to the City wells that are down by the river. So we included all of the wells that were in the area, not just the wells that are just surrounding the property, like the neighbors' wells in the neighborhood.

CHAIR HAMILTON: Yes. Thank you very much. Mr. Dupuis, do you want to add to that?

MR. DUPUIS: Madam Chair, I don't think there's much that I could add to that.

CHAIR HAMILTON: That's fine, because there were two things that as a scientist I see were important to add and to recognize, and one is that the effect of the adequacy of the supply and the effect of the proposed well is determined based on its impact on the aquifer with all the other wells functioning. That's what accounts for the relative effects. So we have a motion and a second. Are there further questions?

The motion passed by majority 4-1 voice vote with Commissioner Hansen casting the nay vote.

CHAIR HAMILTON: So that concludes this. I really appreciate everybody's time and consideration and everybody's inputs on all sides of this matter.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I would add my thanks to that as well.

11. MATTERS FROM THE COUNTY ATTORNEY

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed**

Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:

- 1. Dispute with Roadrunner Real Estate, LLC, Concerning Water Service Agreements**
- 2. In Re: National Prescription Opiate Litigation, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804**
- 3. Executive Management Personnel Matters**

CHAIR HAMILTON: Mr. Shaffer, will you kindly tell us what we would propose to go into executive session for. It appears that in either case we're going to need to potentially come back out for further action.

MR. SHAFFER: That is correct, Madam Chair. Executive session will be for the purposes of discussing limited personnel matters as allowed by Section 10-15-1 (H)(2) NMSA 1978, threatened of pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1 (H)(7) NMSA 1978 including one, dispute with Roadrunner Real Estate, LLC, concerning water service agreements; two, in re: national prescription opiate litigation, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804; and three, executive management personnel matters.

CHAIR HAMILTON: Thank you.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: So moved.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Could I please have a roll call?

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

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

[The Commission met in executive session from 9:25 to 9:55.]

SFC CLERK RECORDED 04/13/2022

CHAIR HAMILTON: Thank you. I would entertain a motion to come out of executive session.

COMMISSIONER HUGHES: So moved.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Thank you, and is it acceptable to note that the only things discussed were matters specified in the motion to go into session and no decisions were made?

COMMISSIONER HUGHES: That's part of the motion. Yes.

COMMISSIONER ROYBAL: And part of my second as well.

CHAIR HAMILTON: Excellent. So I have a motion and a second.

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

12. B. Settlement Agreement and Release of All Claims Between Roadrunner Real Estate, LLC and Santa Fe County

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion to approve settlement agreement and release of all claims between Roadrunner Real Estate, LLC and Santa Fe County.

COMMISSIONER HUGHES: Second.

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

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

12. C. County Utility Line Extension and Delivery Agreement Between Santa Fe County and Roadrunner Real Estate, LLC

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I'd like to make a motion to approve County Utility line extension and delivery agreement between Santa Fe County and Roadrunner Real Estate.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. If there's no discussion.

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

SFC CLERK RECORDED 04/13/2022

14. CONCLUDING BUSINESS

- A. Announcements**
- B. Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 9:58 p.m.



Approved by:



Anna Hamilton, Chair
Board of County Commissioners

ATTEST TO:



KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:


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

SFC CLERK RECORDED 04/13/2022