



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

**April 13, 2021**

1.     **A.**     This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Henry Roybal.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for video and audio meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

**B.     Roll Call**

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

**Members Present:**

Commissioner Henry Roybal, Chair  
Commissioner Anna Hamilton, Vice Chair  
Commissioner Rudy Garcia  
Commissioner Anna Hansen  
Commissioner Hank Hughes

**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 Roybal and the Moment of Reflection by Barbara Herrera of the Public Works Department.

The Chair asked for a moment of silence for his brother, Randy Roybal, his brother, who passed away April 6<sup>th</sup>, and Commissioner Hansen requested a moment of silence for Reese Fullerton, Jr., and Mark Basham, former County Probate Judge.

SFC CLERK RECORDED 05/13/2021

**1. F. Approval of Agenda**

CHAIR ROYBAL: Are there any changes to the agenda that we need to note? Manager Miller.

KATHERINE MILLER (County Manager): Yes, Mr. Chair, we do have some amendments to the agenda. Under Opening Business, 1. G, we have some retirees and we added one that didn't want us to make a big fuss but we're going to anyway, and that would be adding Vicente Archuleta, to the recognitions.

Under the Consent Agenda, item 3.C, that item is withdrawn. Also under item 4, Miscellaneous Action, item 4. A was withdrawn, and 4. B also needs to be withdrawn. Originally, the packet material was updated but we need to withdraw that item.

And those are the only changes to the agenda, Mr. Chair.

CHAIR ROYBAL: Are there any other changes or requests from the Board? And if not, what's the motion?

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I move to approve the agenda as amended.

CHAIR ROYBAL: Okay.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton and a second from Commissioner Garcia. I'm going to go to a roll call vote.

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

**G. Recognition of Santa Fe County Retirees**

CHAIR ROYBAL: Of course this is going to be bitter sweet. It's going to be bitter for the County but it may be sweet for the retirees and possibly a little bit bitter as well sometimes. So Manager Miller.

MANAGER MILLER: Thank you, Mr. Chair, Commissioners. We have a few people who have either retired already or they have submitted their notification that they will be retiring in the next month or so, and these are employees who have been at the County a long time. So we wanted to make sure that – one of them, actually two of them have probably spent their whole public service career at the County. But I wanted to make sure that we did recognize them. Two of them are from Public Works and Gary Giron, the Public Works Director sends his apologies for not being here today. I didn't want to interrupt during the moment of silence but he too had a loss in his family so please keep him in your prayers. But he sends his regrets that he was unable to make it today to recognize two of his employees that are retiring.

**Robert Sandoval**

MANAGER MILLER: One of those is Robert Sandoval, better known to us as Ron Sandoval, and I don't know if Daniel, you can open that .pdf, but I'm going to go ahead and read this. Public Works would like to commend Ron Sandoval for his 17+ years with Santa Fe County and would like to congratulate him on his retirement. Mr. Sandoval began his employment at Santa Fe County on September 2, 2003 as a project

manager and he was then promoted to project manager II and will be retiring as project manager III. Mr. Sandoval worked on many projects while employed at Santa Fe County. He was responsible for overseeing the following projects from start to finish: the Ken and Patti Adam Senior Center, the Youth Shelter and Family Services Administrative Building, the Nancy Rodriguez Community Center, the Hondo #2 Fire Station and the Eastern Regional Fire Station, the Glorieta Fire Station #2, the Max Coll Corridor Community Center, the Agua Fria Fire Training Tower, and numerous other projects.

In addition to new construction Mr. Sandoval oversaw many facility upgrades and special projects. So we'd just like to recognize Ron, thank him for his service. He will be missed. If you haven't had the opportunity to work with Ron, he's really a pleasure to work with and we wish him the best in his retirement and congratulations, Ron.

CHAIR ROYBAL: Thank you, Manager Miller. Ron, if you're here, would you like to address the Commission, sir?

COMMISSIONER GARCIA: Mr. Chair, if I could, before Ron speaks?

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Just knowing Ron for many, many years as a project manager, as the guy that was stubborn. However, he actually got things done. One of the things before being hired at the County as a project manager he was actually very instrumental in [inaudible] all the way from Diego Street, all the way down [inaudible] to living up there in Pojoaque, he worked with the DA's office. Ron you did a great job. You did an awesome job and you moved project. I just want to congratulate you Ron. I deal with your granddaughter, who is 17, 18 now and I just want to say, Ron, great job and we're going to miss you because you did a good job in project management. Thank you, Ron for serving the community and appreciate you, Ron. [inaudible] Appreciate you worked for Santa Fe County, Ron. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Do we have any other comments from Commissioners. Since we started with Commissioners I want to go ahead and thank Ron for his 17+ years of service to the County and the projects that were done were just huge. These were huge projects that were accomplished and things we can provide better service to our constituents. So we thank you for your service, sir. Ron, if you're here, would you like to address the Commission?

MANAGER MILLER: Mr. Chair, I see Barbara and Ryan and I can tell there's other people in the room. Is Ron with you guys in the room.

BARBARA HERRERA (Public Works): No, Manager. We tried to get a hold of him but I'm not sure if he was able to connect on the phone or not.

MANAGER MILLER: Okay. How about Alan? He is he with you guys?

RYAN WARD (Public Works): Yes. Alan is here.

MANAGER MILLER: So Mr. Chair, because I believe Ron has actually already retired, so I think he's probably off enjoying himself. Let's hope.

CHAIR ROYBAL: Hopefully on a beach somewhere. Commissioner Hansen, I thought I might have caught a glimpse of you picking up your hand. Did you have a comment?

COMMISSIONER HANSEN: Thank you, Mr. Chair. No. I just want to say congratulations to everyone on their retirement. Alan, for his 35 years, Ron for his 17 and of course Vicente, but I will wait and say something later. So thank you, Mr. Chair.

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COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Okay, Commissioner Garcia. Go ahead. Just really quick, Alan Vigil. I met him in 1994. [inaudible] He's done a lot for Santa Fe County. You know that Alan. This is interesting. Whenever we had a two-hour delay and he lived in Glorieta – I don't know if he still lives in Glorieta – we had a two-hour delay. Alan was still there at 7:30 in the morning. He used to work for Gil Chavez. Alan has been with the County probably longer than Ron Madrid the [inaudible]. But Alan, congratulations and I'm happy for you, but it's kind of sad to lose his institutional knowledge, Santa Fe County, but great job. And thank you for what you do for your services for National Guard and all the other things you do, Alan, and I appreciate you. Thank you for what you do and congratulations, Alan. Well deserved. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And I think let's get through Alan's and then Vicente's and then we can make comments on the end. That might be a little bit more efficient. Manager Miller.

**Alan Vigil**

MANAGER MILLER: Thank you, Mr. Chair. Alan is – I'm going to have to look into this but it wouldn't surprise me if he is our longest serving employee. Most certainly one of our most enthusiastic and longest continuing serving employees. Alan Vigil has been with Santa Fe County for 35+ years and Public Works wants to congratulate him on his retirement. He began his employment with Santa Fe County on August 30, 1985. During Mr. Vigil's time with Santa Fe County he worked in numerous positions. He was a field supervisor for traffic engineering, a code enforcement coordinator for Solid Waste, code enforcement for Land Use and was also a deputy sheriff.

Mr. Vigil retired effective March 31<sup>st</sup> as a work zone coordinator and Alan's done an excellent job, has always taken pride in his work and was always willing to assist when needed, and I have to say, he's also one of the most enthusiastic employees I've ever met. I always enjoy when I run into Alan over at Public Works. Just super positive and optimistic and we also enjoy the benefit of Alan being one of our caretakers on one of our County properties. So congratulations, Alan. Thank you so much and we wish you the best in your retirement. I was like, no, you can't be retiring when I saw it. I truly thought Alan would never retire; he's outlasted all of us. But congratulations, Alan, and thank you for all of your dedication to Santa Fe County.

CHAIR ROYBAL: Thank you, Manager Miller. Alan, would you like to say a few words, sir?

ALAN VIGIL (Public Works): I would just like to thank all of you for the blessings you have bestowed upon me. And all the people that I've worked with, especially those ones that have died. Their memories are always with me. But my service comes from god. He gives me what I need to carry on. And I thank all of you. Commissioner Garcia, it was a joy working with you at the Land Use Administration. Thank you. Thank all of you and may god bless you. And I am going to enjoy my retirement, but I'm still working with these guys. Thank you.

CHAIR ROYBAL: There was somebody else that asked to talk.

RICHARD CHANG (Public Works): This is Richard Chang. I'm the Road Maintenance Superintendent for Santa Fe County and I've worked with Alan for 24+ years. We're losing a lot of knowledge and somebody that I don't think will ever be replaced by somebody as dedicated as Alan. Alan will come in weekends, nights, holidays. I was always able to count on Alan, and I won't be able to fill his shoes. And I just wanted to thank him for everything he's done for the County.

CHAIR ROYBAL: Thank you, Mr. Chang.

KEN JOHNSON (Undersheriff): Mr. Chair.

CHAIR ROYBAL: Go ahead, Mr. Johnson.

UNDERSHERIFF JOHNSON: I just want to say congratulations to Alan. I met Alan when I was a rookie back in the early nineties. I couldn't have met a nicer, dedicated employees to Santa Fe County and I just want to wish him the best and congratulations on your retirement. You deserve it. Enjoy.

CHAIR ROYBAL: Thank you, Mr. Johnson. Commissioner Garcia.

COMMISSIONER GARCIA: Sorry, Mr. Chair, if I spoke a little out of line earlier. As the Undersheriff said, dedicated to the government, to Santa Fe County. Alan, great job. Awesome, and loyal. Loyal, dedicated to Santa Fe County for so many years. Alan, you know, you used to work for Gil Chavez. We all worked for Gil Chavez. He was the Land Use Director in 190, 1991, before the ex-Mayor, Commissioner Javier and that whole entire staff. But Alan – as the Undersheriff said and I will tell you this, because the taxpayer says, you are dedicate and loyal to the taxpayer of Santa Fe County and I remember the last time I saw you was when we had that big, huge flood in La Cienega about a year and a half ago. Great job, Alan. Enjoy yourself, my friend. Have a great time and we appreciate your services to local government. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. If there's anybody else that would like to speak just state your name. Okay, hearing none –

RYAN WARD (Public Works): Chair Roybal, I wanted to say one thing.

CHAIR ROYBAL: Go ahead, Ryan.

MR. WARD: On Alan's retirement – we were really grateful. I know everybody that works around him as the Manager said, has seen his enthusiastic nature and it really does speak volumes, but from Public Works' standpoint and I know from the County's standpoint this will be a huge void for us to fill. He was an integral part of our safety on projects. All the things that we do in Public Works, to some aspect, he's been involved with and the safety of others. So that's something that will definitely missed and we really appreciate Alan's service.

COMMISSIONER GARCIA: Mr. Chair, if I may, once again. Ryan, thank you for that. Alan, you can relate to this. One time I remember there was a huge snowstorm and Gilbert Chavez, he used to be the zoning director, and Alan was from Pecos, Glorieta, and he was there at 7:30, and everybody else got there 8:30, 9:00, and Gil Chavez said, how come you're not here yet? He said, well get up earlier next time. We're all like, well, Gil, there's actually like a snowstorm out there. Get up earlier. But Alan, once again, thank you for your services for the government as well as the military and what you've done. Thank you, Alan. Congratulations.

MR. VIGIL: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other

Commissioners. I also just want to thank Alan for his dedicated service. Just all the statements that are said here today and everybody speaking on your behalf, it's a real tribute and a true legacy of leadership. I do also remember Alan when I used to work at the County and he was with code enforcement I believe at the time, 26 years ago. I think Mark Lujan was also in code enforcement at that time. But it's just a real honor and it's a huge loss as far as institutional knowledge and everything you take with you but I just want to say congratulations and it's time to do what you want to do instead of what you have to do I guess you'd say. But just enjoy your retirement, sir, and we're really fortunate to have had you as one of our employees. Thank you, sir.

MR. VIGIL: Thank you.

CHAIR ROYBAL: Manager Miller, if we could go to our last, Mr. Vicente Archuleta. I know I've dealt with him quite a bit with Land Use and what a great employee as well. Manager Miller.

**Vicente Archuleta**

MANAGER MILLER: Thank you, Mr. Chair. So we weren't really able to do – this is very frustrating that we're doing all these things not in person and we had even thought it'd be nice to do some power points showing some of the work that these gentlemen have done over the years especially projects and we said we could put up pictures of all the plats with all the red marks that Vicente has put on them because he has reviewed thousands of plats for the County over his time with the County.

He was employed – Vicente Archuleta has been employed with Santa Fe County in Growth Management for 23 years. He was hired in May of 1998 to work at the permit desk and approximately two years later he moved into the development review section handling land division cases, and then public hearing cases such as subdivisions, variances and appeals. He worked his way up through the division to become the development review team leader in 2012 and he's held that position ever since.

Vicente has assisted and trained other staff members and provided oversight of their work and provided them with direction and assistance in decision making. He also reviews the large, complex subdivision cases and various other land use cases that are presented at public hearings. Vicente has extensive knowledge of the platting and subdivision process which we will miss greatly when he retires. He's been a major asset to the Growth Management Department, Building & Development Services Division and the entire County during his 23 years. He will be greatly missed by all of us. I know many of you have worked with him, so it's bitter-sweet with all three of these gentlemen that we're very happy for their retirement, happy to see Vicente meet this milestone in his life but very sad to see him leave as a member of our team. Congratulations, Vicente. The management and all of your coworkers wish you the best of luck in your retirement. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Katherine, and what another great employee. I know Vicente has always led and had such a work ethic that is unbelievable and so I know – I think his son moved right next to me, just a few houses down as well. So Vicente, congratulations, sir and thank you for all your dedicated service. All together, with all three retires we're losing over 70 years of institutional knowledge and just experience. So it's something that we're really happy and want to congratulate

everybody, but we're definitely going to miss you all. Other Commissioners, Commissioner Garcia.

COMMISSIONER GARCIA: Yes, Mr. Chair, thank you. Very well said. Vicente, the Archuleta Family, they live in my district. I've know – went to school with his brother and you know, Vicente, you've always helped out the local community as into what you've done for the zoning department and congratulations, Vicente. I could sit here and talk about you all day long but congratulations and I appreciate what you did for the government and congratulations. I'm proud of you. Very, very, very well done. And we have about three more people that are probably going to leave the zoning part, but Vicente, you know that. Congratulations, Vicente, I'm happy and proud of you. Thank you for helping out the local community and everybody else. Appreciate the Archuleta Family. Thank you, Vicente. Congratulations, my friend. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Other Commissioners? Commissioner Hughes.

COMMISSIONER HUGHES: Just wanted to congratulate these three gentlemen. I'm sorry I didn't get to know you at the County but maybe I'll see you out fishing some day. Just wish them the best and thank them for their service to the County over all these many years. Thank you.

CHAIR ROYBAL: Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Vicente and Alan and Ron for all of your dedication to Santa Fe County. I will miss not seeing your face around the Land Use Department, Vicente. I'm sure you will be happily retired, along with Alan. I hope you don't get too shocked by not having to come into work every day after 35 years, but I'm sure you have plenty of plans to keep you entertained. And to Ron, thank you all for your work to the County and to the public. Much appreciated. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Any other Commissioners? Okay. Thank you guys and congratulations. I just want to say congratulations once again to all our retirees and thank you for the service that you provided to our constituents.

## **2. Approval of Minutes: March 9, 2021**

CHAIR ROYBAL: Were there any changes or updates? Commissioner Hansen, did you have anything?

COMMISSIONER HANSEN: Yes. I have changes to the minutes that I will get to the stenographer, and with that I would like to move to approve with changes.

CHAIR ROYBAL: Okay. We have a motion from Commissioner Hansen with some changes that she'll be submitting to the stenographer.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: And we have a second from Commissioner Hamilton. I'm going to go to a roll call vote.

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

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**3. CONSENT AGENDA**

- A. Resolution No. 2021-033, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) in the Amount of \$38,740 (Finance Division/Yvonne S. Herrera)**
- B. Resolution No. 2021-034, a Resolution Authorizing the Disposition of Fixed Assets Worth More Than \$5000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera)**
- C. Ratification of NM State Board of Finance Modifications to Lease Agreement No. 2021-0160-CSD/BT Between Santa Fe County and Santa Fe Recovery Center, Inc. for Lease of Premises at 2052 Galisteo Street. (Public Works/Scott Kaseman) **WITHDRAWN****

CHAIR ROYBAL: Are there any items on the Consent Agenda that Commissioners would like to pull or have questions on or get some additional information? If not, what's the pleasure of the Board.

COMMISSIONER GARCIA: Mr. Chair, if there's nothing else, move for approval.

CHAIR ROYBAL: So we have a motion from Commissioner Garcia.

COMMISSIONER HUGHES: I'll second.

CHAIR ROYBAL: And a second from Commissioner Hughes.

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

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

CHAIR ROYBAL: Okay. Thank you, Madam Clerk, and I just want to state for the record so that it's clear, the Consent Agenda was for 3. A and 3. B, as was stated earlier by Manager Miller. 3. C was removed or withdrawn from this agenda.

**4. MISCELLANEOUS ACTION ITEMS**

- A. Item Withdrawn**
- B. Request Approval of Lease Agreement No. 2021-0177-CSD/BT Between Santa Fe County and Behavioral Health Services Inc., dba New Mexico Solutions, Inc. for Lease of Premises Located at 2052 Galisteo. Approval of the Lease Agreement No 2021-0177-CSD/BT is Contingent Upon Final Approval by the State Board of Finance **WITHDRAWN****
- C. Request: 1) Approval of Amendment No. 4 to Agreement No. 2017-0196-PW/KE Between Santa Fe County and Iron Mountain Extending the Term One Additional Year and Increasing the Compensation an Additional \$76,500 for a Not to Exceed Contract Sum of \$361,500, Exclusive of NMGR, to Provide Record Storage and Management Services; and 2) Delegate Signature Authorization to the County Manager to Sign the Purchase Order**

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CHAIR ROYBAL: From the Purchasing Division we have Mr. Bill Taylor, and then we will also have from our Attorney's Office, Ms. Rachel Brown if there are any other questions. Mr. Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. Good afternoon, Commissioners. We've entered into this agreement with Iron Mountain for record management and retainage and storage of all of our County documents since 2017 and prior to that as well, but this new agreement we've entered into is a result of competitive sealed proposal. And what this amendment does of course as was mentioned and indicated by the Chair is it extends the term for an additional year. It adds – increases the compensation an additional \$76,500. It also revises the pricing schedule which was allowed in the original agreement for annual increases to the services provided by Iron Mountain. With that, Mr. Chair, I'll stand for any questions regarding the amendment and the agreement.

CHAIR ROYBAL: Okay. Thank you, Mr. Taylor. Do we have any questions from the Board?

COMMISSIONER GARCIA: Mr. Chair, if there's no questions, move for approval.

CHAIR ROYBAL: So we have a motion from Commissioner Garcia. Do I hear a second?

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: And a second from Commissioner Hughes. I'm going to go to a roll call vote.

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

## **5. MATTERS OF PUBLIC CONCERN**

CHAIR ROYBAL: This is Matters of Public Concern. Do we have anybody from the public? Tessa, how many people do we have from the public to speak on Matters of Public Concern? Seven?

TESSA JO MASCARENAS (Operations Manager): Mr. Chair, I've not received any sign-ups for public comments. However, there are some for Public Hearings.

CHAIR ROYBAL: If you would like to address the Commission please unmute yourself and state your name for the record. And if you're on the phone you'll need to hit star 6. Is that correct, Tessa?

MS. MASCARENAS: Yes, sir.

CHAIR ROYBAL: So if you're on the phone you can hit star 6 to unmute yourself and on the computer of course you just have to hit unmute. So if there's anybody from the public that would like to address the Commission please unmute yourself and state your name for the record. Okay, hearing none, I'm going to close item 5, Matters of Public Concern.

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**6. MATTERS FROM THE COUNTY MANAGER**

**A. COVID-19 Updates**

MANAGER MILLER: Thank you, Mr. Chair. Good afternoon, Board. On our COVID updates, as you're probably aware, Santa Fe County remained in the turquoise for continued opening of retail and restaurant establishments. In order for the county to remain in turquoise we must continue to have a case rate of less than or equal to eight cases per 100,000, and a positivity rate of less than or equal to five percent, and we have maintained that now. Additionally, since last Wednesday the Department of Health is no longer reporting positive cases on Saturdays and Sundays so when you see a number like 17 or 18 yesterday, that is the accumulation of Saturday, Sunday and Monday results. I just wanted to make you aware of that which kept us at an average of about six per day for the last week.

The percent of residents who have been partially vaccinated is 51.8 percent. The percent of residents fully vaccinated is 32.5 percent. And the percent of registered residents in Santa Fe County is 67.1 percent.

Also, the County is partnering with Long-Term Services Department, Albertson's, and the Town of Edgewood and others to host two more vaccination events. One is on April 14<sup>th</sup> and the other is on April 23<sup>rd</sup>. The April 14<sup>th</sup> event will be held in Edgewood and initially I think it was going to feature the Johnson & Johnson vaccine but it going to actually feature the Moderna vaccination. And the second event will be held in Santa Fe, at the Santa Fe County Fairgrounds. That will feature 1,000 shots. The one in Edgewood will feature 500 shots and then 28 days later we'll have to schedule the second shot. CSD and Fire staff will be manning the events and the City of Santa Fe will be included on our April 23<sup>rd</sup> event.

The Santa Fe County vaccination van, which our former mobile health van will be present and that has been – a lot of work has been done on that van to make it bright red and very responsive to be able to go out and provide vaccinations in rural areas as well.

The public awareness campaign that we have for the pandemic, we distributed 2,500 "I got the shot" stickers. So they're little round stickers that look very much like "I voted" so we're providing those at the vaccination sites and a lot of people are excited to put those on. It says I got the shot and it shows a little syringe and needle for getting your vaccination. We're printing more of these by the City and Christus St. Vincent and others at the vaccination location.

We're also distributing another rack card that features tips of what to do after you have been vaccinated that we'll be handing out and materials in all of these public awareness campaigns are in English and in Spanish.

Also just some quick updates on CONNECT. To date now we have 3,273 self-initiated assistance requests through our CONNECT hub and 25,500 grocery boxes. 4,800 were delivered to homebound individuals and our healthcare assistance program navigators assisted 21 new individuals last week and followed up with another 72.

The American Rescue Plan, as it's called – ARP is what you might hear it referred to, we are continuing to meet with the City staff to work out details on how we can jointly go forward and support CONNECT and other services. We still don't have Treasury guidelines on the funding so until we actually receive those we really won't be

able to establish what the parameters of the use of those funds are but we continue to attend meetings. For instance, we attended a meeting with Senator Lujan and a member of the White House staff last week through New Mexico Counties trying to make sure that we had the most recent information that's being provided of what's in the rescue plan and what our residents will be able to access so I'll have more information on that later in the week when we have our budget study session.

Also, our crisis center, the construction is complete and we're awaiting final approval from the Fire Marshal. We're also working on the leases for that facility for New Mexico Solutions on the crisis side and we have some changes we need to make to the two leases there were on the Board packet material. That's why they were withdrawn but we hope to get that done in a timely fashion and get that back on a future agenda. So those are my COVID-related updates.

Also, just a note. I'm sure you've heard but the CDC and USFDA, Food and Drug Administration, are recommending that the United States pause the use of Johnson & Johnson COVID-19 vaccine due to six reported cases in the US of a rare and severe type of blood clot. The six reported cases were among more than 6.8 million doses that had been administered of the J&J vaccine, but in an abundance of caution FDA recommended suspension of that so like I said, that's what we were going to utilize for the two shot clinics but the pharmacies are going to use Moderna. I checked with Martin earlier today to make sure we were still able to move forward with our clinics and we are.

That's all I have on COVID-related issues. Does anybody have any questions on that before I go on to other miscellaneous updates?

CHAIR ROYBAL: Do any of the Commissioners have questions? Looks like we're good to move on to the next one, Katherine. Thank you.

#### **6. B. Miscellaneous Updates**

MANAGER MILLER: Thank you, Mr. Chair. I don't have a lot of other updates but I did want to note for the Board that the National Public Safety Telecommunicator Week, which would be our dispatchers, is April 11<sup>th</sup> through April 17<sup>th</sup>. So every year, the second week of April is dedicated to honoring the men and women who serve their communities as public safety telecommunicators. This was first conceived by Patricia Anderson of the Contra Costa County, California Sheriff's Office in 1981. This recognition was observed only at that agency for three years and then members of the Virginia and North Carolina chapters of the Association of Public Safety Communications Officials or APSCO took note and became involved by the mid-1980s to make it a bigger recognition.

By the early 1990s the National APSCO organization convinced Congress of the need for a formal proclamation. Representative Edward J. Markey, a Democrat of Massachusetts introduced what became House Joint Resolution 24 to create National Public Safety Telecommunicator Week. According to congressional procedure it was introduced twice more in 1993 and 1994, and then became permanent without the need for a yearly introduction. And so just a little history of how that came about that this week is our dispatchers' national recognition week and we'd like to take the opportunity to honor and thank all of our local Santa Fe 91 operators for their hard work and

dedication and continued service to the citizens of Santa Fe County. So thank you to our dispatchers.

CHAIR ROYBAL: Thank you, Manager Miller and I think a lot of times dispatchers are underappreciated but they are the ones that get the ambulance, the police that you need. They're basically our first – they're the first ones that get the call to coordinate what needs to happen and a lot of times they're, I think, underappreciated. People don't realize that it took somebody to dispatch authorities or fire, ambulance, whatever you need. People forget that. So I just want to also thank our dispatchers for their hard work, because I know it's a very stressful job – long hours. So we all appreciate you guys. Thank you so much.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I'm going to bring it up as well. Our dispatchers, thank you for what you all do because whenever you call – Commissioner Hamilton knows this; she's a firefighter. Whenever you call that dispatch office for whatever happens in our community those individuals are the first ones that are dispatching things out there, so thank you for what you all do. Totally. But thank you. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other comments from Commissioners? Back to you, Manager Miller.

MANAGER MILLER: Thank you, Mr. Chair. And then I had one other update and I don't know if Clerk Clark is going to bring this up under Other Elected Officials' Items but we were discussing the selection of the congressional election canvas board meeting and Madam Clerk, I don't know if you want to talk about it or if you want to bring it up under Matters from the Clerk or Other Elected Officials but I know you were looking at combining it with our regular BCC day on June 8<sup>th</sup>.

KATHARINE CLARK (County Clerk): Yes. Either way. I'm open to either.

MANAGER MILLER: Since I brought it up I just wanted to make sure we didn't miss it. That was all.

CLERK CLARK: I think what Manager Miller is talking about is we were hoping to be able to present the results of the canvass from the June 1<sup>st</sup> election. We are required to present to the BCC and get approval and there was some discussion about presenting it during our regular meeting, which would be June 8<sup>th</sup> or very quickly afterward having a special meeting. And I think that was something that hasn't been approved but was up for discussion.

CHAIR ROYBAL: Okay. Go ahead, Manager Miller.

MANAGER MILLER: So Mr. Chair, we'll just make sure that we work with the Clerk and the Board to make sure we get sufficient time to do that if we can do it on the date of June 8<sup>th</sup>. We'd have to do it as a preliminary meeting or as part of the meeting. We'll make sure we coordinate that with the Board and the Clerk.

CHAIR ROYBAL: Okay. Thank you for thinking about that and making it as really effective and efficient. That was a great idea, so thank you.

MANAGER MILLER: And Mr. Chair, that's all I have as far as miscellaneous updates and then what I was going to do real quickly, I'll do E and F right

now so that then you can go into the discussion with Hvtce Miller on the final legislative actions.

**6. E. FY22 Budget Preparation**  
**F. Strategic Planning Updates**

MANAGER MILLER: All I wanted to say about the FY22 budget prep, we're working to have some materials ready for discussion at the budget study session on Friday. I don't know that it will take the entire three hours that we have blocked out for it but we definitely have time to discuss a lot of things. As I said earlier, one of our challenges is that we do not have federal guidance from the US Treasury on the funding that we would be receiving directly, so all we know is that there are a few things that it cannot be used for that is most definitely written in the legislation, in the act. That is it can't be used to help shore up pension funds and make them more solvent, and it cannot be used for lobbying efforts.

I had attended a meeting with NACo officials that had essentially indicated that it would be available for those things that were similar to what the CARES Act funding was utilized for, which was public safety salaries and then as well as community assistance, some broadband infrastructure and similar – water and wastewater infrastructure and we were able to use some for public safety salaries. We used some for business grants and PPE, COVID-related expenditures for safe work environments, as well as the CONNECT program and rental and housing assistance and utility bills.

Now, the current bill though has assistance for all of those things and we are working to make sure that as soon as that funding is available through any federal or state agency to push that information out. And so on Friday we will have some information for all of you related to that but I think it's doubtful that we will have the specifics of what we can and cannot do in its entirety with the allocation that we'll receive directly out of that bill. It just hasn't come down from the federal government yet. But we will have plenty of discussion on what we're estimating and why we're estimating – what we're estimating on the revenues, what we have in the way of requested expenditures, some discussion on fixed assets, compensation packages, healthcare, and then those priorities that came out of the strategic planning process, some recommendations.

We will not have – what we won't have is an updated strategic plan to put in front of you. There was quite a bit of dialogue and a lot of note taking by the liaisons in all breakout sessions, so what we are working to do is get that all compiled into one place and provide some summary information to the Board, and then also provide probably another study session but not in breakout groups but really to kind of compile everything that came out of the two days that we met last week and show you the recommendations that came out of that process. And then put forward a revised strategic plan to the Board, hopefully in a parallel process of the budget.

A lot of the things that came out of the strategic planning were that we have some legwork to do before we actually put a lot of money into the budget for some of the initiatives. Let's just take affordable housing, for instance. We talked about how we need to do the affordable housing plan update and some of those things before we actually appropriate money to a particular type of project that we don't even have the ability to do

because it's not in our affordable housing plan.

But what also came out of it are some things that we can do. We can put some focus of our budget and our Human Resources, our time, into moving things forward that are of high priority of the BCC. So I think you'll see that playing out as we do the budget study sessions as well.

I don't think I have anything else. I don't have any power point or anything like that because we'll have information on Friday relative to the budget and what that's stacking up like. I stand for any questions before go to the legislative update from Hvtce in the chambers.

CHAIR ROYBAL: Okay. Do the Commissioners have any questions?  
Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just a quick question. Manager Miller, can you remind us the dates of the budget study sessions? I got a little confused about those.

MANAGER MILLER: So the first one is this Friday, April 16<sup>th</sup> at 9:00 am. So we have it from 9:00 to 12:00. I don't think it will take three hours but that's all up to how many questions the Board has and whether we have all that information for you. But I just don't see it at the moment being – the slides I've been working with Yvonne on are not – there's not that much material to last for three hours.

Then the second one was on April 30<sup>th</sup>, and we have it from 1:00 to 4:00.

COMMISSIONER HUGHES: Okay. Thank you. I'll put those on my calendar now so that I'm able to be there.

MANAGER MILLER: You should have received an invite. If not we'll forward that to you.

COMMISSIONER HUGHES: Well, I got an invite for the first one. I'm not sure I got one for the second one. That's where I was confused.

CHAIR ROYBAL: Manager Miller, my brother's services will be on Friday from 8:30 to probably noon-ish. So I won't be able to attend.

MANAGER MILLER: Okay, Mr. Chair. I'm sorry that that's a conflict. Maybe you and I could set up a time where we could go over the materials. So that you're brought up to date.

CHAIR ROYBAL: That will be fine. Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: Thank you, Mr. Chair, Manager Miller.  
Will we be going over and giving feedback about the strategic plan at the budget session?

MANAGER MILLER: Mr. Chair, Commissioner Hansen, that was not on the agenda but we could do that. I can't take any action on it because I haven't noticed it for that but certainly if the Board wants to provide any feedback. We were going to set up a separate meeting. I'm trying to keep the two separate. The strategic plan helps guide us for the budget recommendations but it's not a budget document and it just gets a little confusing, so I've been trying to keep the separate even though getting it updated because the Board wanted it updated and I thought it would be best to get it updated prior to the completion of the budget.

CHAIR ROYBAL: Okay. And then I just wanted to –

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Go ahead.

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COMMISSIONER HANSEN: I found the strategic planning session limiting. And I know we're in this very difficult situation having to do it on line. So I was frustrated by it and so I felt like a lot of things were not really able to be expressed and everything was kind of rushed. And it was a little short compared to the last time and of course the last time we were able to do it in person which made a tremendous amount of difference. So if it's supposed to inform the budget and we're left with what happened the last two days that didn't really help me to make decisions about the budget because it was limiting. So I hope that we will have a bigger discussion about the strategic planning and ways to approach it that would be more beneficial. Thank you.

MANAGER MILLER: So Mr. Chair, Commissioner Hansen, I just saw that we weren't done and I said we'd have another session, and I also indicated when we – before we even went into Friday's all of that was just getting information just like we did the previous time when we did the strategic plan. It was basically like getting a bunch of budget information on a board. All of that needs to be compiled into one document and not in a completed form for you to vote on but to come back and have further discussion.

So I don't consider us anywhere near done. I can't do it all before I'm statutorily required to get a budget in. It's just not possible. We're going to have six Board meetings this month alone and all I can do is the best that we're doing and that is to try to get as much information from the Board as to your priorities and show you were that's reflected in the budget. This budget doesn't have room for a lot of growth anyway. We're still in a contracted economic environment, so being able to fund a bunch of new initiatives is not likely to be all that feasible. Most of the rescue plan money is likely going to be needed in order to close the gap between revenues where they were in fiscal year 19 and 20 to where they were this year and 2022 unless we want to cut out programs we already have or staffing that we already have.

Because what I'm finding is that basically revenue estimates for where I think we'll end up are not sufficient to actually cover where we have been. So there's not a lot of room for major growth in the County budget but certainly there is an ability to take what came out of those meetings and things that all of the Commissioners said were priorities and shift some of our focus to moving forward in those areas. And I think that you'll see that that comes out in the next strategic planning session as well as ultimately. In a new strategic plan. I'm not going to say every single thing that was brought up will be put into the strategic plan; it's not very strategic if it looks like that. But certainly – the other thing I want to point out is that the budget does not have capital projects. I want to remind the Commission that we did the capital budget last July and that's where we allocated funding from projects that was left over to projects that were short-funded where we redirected funding, where we budgeted capital outlay and other capital funds as well as \$20 million worth of general obligation.

So we're not in a capital project budget mode, and we're not bringing forward, and we never do, our capital project budget at the same time that we do our operating budget. So where there were requests in the strategic planning for capital projects, that's not going to pop up in the strategic plan or the budget anyway. It wouldn't. So if there were requests to have different centers or whatever, those are going to come up in our capital planning process. But we've already allocated all funds that were available for the next two years for capital projects. That's what was done last summer.



So I hope that helps kind of sort of explains where we are with the operating budget, the strategic plan, and the capital project process.

COMMISSIONER HANSEN: Do you have any other questions or comments, Commissioner Hansen?

COMMISSIONER HANSEN: No. Thank you, Mr. Chair. Thank you, Manager Miller.

COMMISSIONER HANSEN: Okay, any other comments or questions? I did want to ask you, Manager Miller, you included the strategic plan updates, right? And so we're done with that item as well?

MANAGER MILLER: Yes, Mr. Chair, and that is that I don't have anything – a document completed where we have all of the comments that happened in the breakout sessions. The next piece is all the notes and all the comments that were in the five breakout groups. We want to put all of those onto one bigger document that everybody can see what comments were made by everybody, and then work to start to sort through what the proposed amendments to the strategic plan will be. And we would need another strategic planning meeting with the Board separate from the budget meetings. As soon as we have that document we'll share it with the whole Board but what we'll need to do is then schedule another strategic planning meeting. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Manager Miller and thank you for the great updates and all the information and most definitely all the hard work. Thank you.

**6. C. First Session of the 55<sup>th</sup> Legislature: Potential Action to Express Support for or Opposition to Legislation that Was Passed and Has Been Sent to the Governor for Final Approval**

CHAIR ROYBAL: We have Mr. Hvtce Miller and I have to say, Mr. Miller, I like your virtual background, sir.

HVTCE MILLER (County Manager's Office): Good afternoon, Mr. Chair, Commissioners. I was in the building last week and I got this picture and I thought it would be good to use.

COMMISSIONER GARCIA: Mr. Chair, really quick if I may. How come Hvtce gets to sit in the chambers and we can't even sit in the chambers. I'm a little bit jealous.

CHAIR ROYBAL: Special privileges.

COMMISSIONER GARCIA: I guess. I'm a little jealous. I was there today and it looks good. But just a little jealous.

MR. MILLER: You'll be here soon. So I was looking at BoardDocs and it does appear that the different reports are on there but I don't think that's a problem. It's not too complicated. There's the special session report but the first one I was going to go over is titled the top 4/13/21 Santa Fe County Legislative Report, and next I was going to go over the House Bill 285 capital outlay projects, and then lastly it would be the report titled 4/13/21 Santa Fe County Legislative Report: Special Session.

So up now on the screen is the first report that I'm going to go over. There's not much change since when we reported last. When we reported last we were letting you

know the different items that had cleared both houses in the legislature and were on their way to the governor to be signed. Subsequently, since then I had provided the Commission updates via email. Last week most of the items which the Commission was supporting had already received a signature and those are still here. The way that they're listed on the next pages from page 2 through page 18 is that they're listed there not in numerical order but in the order that they were signed into law. So the ones that the Commission had supported with resolutions did pass and they were signed and I'm just going to list them and if there's any particular questions you can let me know. And those were House Bill 15, Sustainable Building Tax Credit; House Bill 51, Environmental Database Act; House Bill 57, Proscribed Burning; House Bill 89 Healthy Soil Tax Refund Contribution Option; House Bill 245, Utility Distribution System Hardening; House Bill 291, Tax Changes; Senate Bill 8, which eliminates no stricter than air hazardous waste; Senate Bill 27, Preservation of Housing; Senate Bill 32, Wildlife Conservation and Public Safety Act; Senate Bill 84, Community Solar Act; Senate Bill 112, Sustainable Economy Task Force; and Senate Bill 121, which was the State Transportation Bonds.

And on the final pages of that particular report, on page 19 are the bills that were vetoed. There's 12 items there. And on page 20 is the start of the list which were pocket vetoed, which means the governor didn't take any action, therefore they just failed to be authorized because no action was taken. Those are six different items and those are on page 20 and 21.

So like I had mentioned there were no other changes there than when we last reported other than they have been signed, they've been chaptered and they're in law now. So if there's any question on this first particular report I can take them now.

CHAIR ROYBAL: Okay. Are there any questions from Commissioners?

COMMISSIONER HANSEN: So, Hvtce, her time has expired, correct?

MR. MILLER: Mr. Chair, Commissioner Hansen, that's correct for the 60-day session. The time ran out on Friday the 9<sup>th</sup> for her to act on any legislation.

COMMISSIONER HANSEN: Thank you. That's what I thought. Okay.

CHAIR ROYBAL: Okay, Commissioner Garcia, I can't see you, Commissioner Garcia so I'm going to go to you real quick to make sure I don't miss you.

COMMISSIONER GARCIA: I'm okay, Mr. Chair. Thank you.

CHAIR ROYBAL: Thank you, sir. Go ahead, Mr. Miller.

MR. MILLER: Mr. Chair, the second item, I was going to go over the House Bill 285 items. That's the capital outlay projects. I also sent an update to the Commission last week informing you that this bill was signed and that none of the Santa Fe County-managed projects did receive a veto. So all the items there that were requested and going to be managed by Santa Fe County have remained intact. There were some within the county – there was one state museum and several tribal government projects but nothing once again that is a Santa Fe County-managed project. So everything is intact there.

Just one particular point to make is that projects that are funded through general fund can receive the funding sooner than if they're from the severance tax bonds because those are tied to the sales of bonds and that happens later in the year, so it's usually around the fall that the County would get agreements for those particular projects, and we

would be able to start using the funding for severance tax bond projects. So just that particular note on the capital outlay budget.

**6. D. First Special Session of the 55<sup>th</sup> Legislature: Potential Action to Express Support for or Opposition to Legislation that Was Passed and Has Been Sent to the Governor for Final Approval**

MR. MILLER: And finally, I'd like to go to the last report that was provided to you and that's the one titled 4/13/21: Santa Fe County Legislative Report, Special Session. This concluded with the passage of the recreational cannabis bill being passed and also included with that was the expungement of certain criminal records. And so House Bill 2 is the particular bill that contained the elements which legalize recreational cannabis use by adults. With this report I have the particular items listed in the bill that this piece of legislation allows. Some of the key elements are that the legalization is for adults 21 and older and persons can have up to two ounces of cannabis. And as far as home cultivation a person can have up to six mature plants and that goes up to 12 mature plants per household.

The actual large retail sales, like an actual recreational cannabis selling store would not likely open up until next year around April of 2022 and the elements related to home cultivation will take place sooner than the April 2022 date. Also, as far as taxes, cannabis purchases will include a 12 percent excise taxes on top of the state's regular eight percent sales tax, and that excise tax will start increasing in the year 2025, and it would go up by one percent until the excise tax reaches 18 percent.

As far as local options for counties and cities, local governments cannot ban cannabis businesses entirely, however, municipalities can use their local zoning authority to limit the number of retailers or their distance for schools, daycares and other cannabis businesses. Some of the key points related to local governments in the special session House Bill 2, and briefly going over Senate Bill 2, the expungement bill, what the expungement bill does is stipulates that those with past convictions for offenses may under this act, will be expunged, and it also applies to particular persons that may be currently incarcerated as well. So they may be eligible for dismissal of their sentence if they are currently incarcerated.

Based upon the governor's comments, yesterday, Monday, during the signing ceremony she informed that there was potentially 150,000 New Mexico residents eligible for automatic expungement and that was according to information from the Department of Public Safety. But she also noted that not everybody will be eligible for expungement and they had to be – of those 150,000 cases, those have to be reviewed further. And as far as people incarcerated, the governor said that 100 people in state prisons are eligible for review and could be released early if they meet the expungement requirements.

So that's the overview of the two bills related to cannabis legalization that was passed and also signed into law just yesterday, and they're related to the special session.

So those are the three items that I had to report on related to legislative matters and if you have any questions I'll be happy to answer them now.

CHAIR ROYBAL: Thank you, Mr. Miller. Does anybody have any questions? Commissioner Hughes.

COMMISSIONER HUGHES: I don't have any questions I just want to thank Hvtce for a very good report. It's very helpful to get all this information in one place. So thank you.

MR. MILLER: You're welcome.

CHAIR ROYBAL: Couldn't agree with you more, Commissioner Hughes. Great job, Hvtce. We really appreciate it, sir. Any other comments from Commissioners? Okay, seeing none, we'll move on.

**7. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS**

**D. Request Approval of a Proclamation Proclaiming April 22, 2021, as "Earth Day"**

CHAIR ROYBAL: I have a request. We're going to move item D to the beginning of Matters from County Commissioners and Other Elected Officials. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Mr. Chair. This is a proclamation for April 22, 2021 for Earth Day. It is really hard to believe that we have been in lockdown for an entire year and that we were not able to celebrate Earth Day last year. I am so grateful that this year we have at least figured out how to make it a more COVID-safe event and get people out into the county to be able to participate. I know that Jacqueline and County Management and Public Works and Sustainability staff are available to talk about some of the things that they are going to be doing so at some point after I read the proclamation I want them to be able to talk about some of the really important things that we're going to be able to do over the next five weeks, planting trees, and so on.

I've been celebrating Earth Day for over 50 years and to me it is clearly one of the most important days on the entire calendar. I think it is a sacred and holy day for us to remember how important the earth is and that we need to remember that every day, that it is not just once a day, especially as we are facing the climate emergency and facing so many environmental disasters. People are suffering from the COVID, which is also part of the climate. So I am going to read the proclamation then say a few more words and then I'm going to ask Public Works, Growth Management and Sustainability staff to share some of the exciting things that we have planned for you during the Earth Day celebration over the next five weeks.

Santa Fe County proclaims April 22, 2021 as Earth Day.

Whereas, the first Earth Day was celebrated on April 22, 1970 in the United States and is commemorated annually to celebrate the beauty of our planet, recommit to the actions that promote a healthy environment and to maintain a peaceful, just and sustainable world; and

Whereas, all people of this earth, no matter their race, gender, age, income, sexual orientation, or national origin have the right to a health environment; and

Whereas, humankind is facing tremendous global challenges affecting every community including the degradation of the ecosystems, mass extinction of species, and global and local climate changes; and

Whereas, Santa Fe County and our citizen organizations and businesses have shown dedicated leadership on environmental concerns by addressing issues such as energy production and use, greenhouse gas emission reduction, transportation, water conservation, farmland conservation, urban forests and habitat protection, waste prevention, environmental equity; and

Whereas, Santa Fe County Board of County Commissioners approved Resolution No. 2020-22 on February 25, 2020, which acknowledges April 22, 2020 as the fiftieth anniversary of Earth Day and requests that the County staff carry out and cultivate climate action in celebration of this anniversary to include planting events in each County district; and

Whereas, Santa Fe County 2020 Earth Day planting event was canceled due to the COVID-19 pandemic and staff has reconvened this year and are organizing the Earth Day 2021: Restore our Earth planting event to include planting of drought tolerant pollinator plants and native trees in each county district over five Saturdays starting this Saturday, April 17<sup>th</sup>; and

Whereas, we acknowledge that to meet the goals of Earth Day to raise awareness, trigger positive actions to protect our environment, and help guide local decision making, the Board will provide leadership, employ the expertise and talents of our community, engage the hearts and minds of our citizens.

Now therefore be it resolved that we, the Board of County Commissioners of Santa Fe County do hereby proclaim the 22<sup>nd</sup> of April 2021 as Earth Day.

With that, Mr. Chair, would you like a motion now or would you like to have County staff talk about our plans over the next five weeks?

CHAIR ROYBAL: I think it would be good to have staff go ahead and speak but I do want to come back to you for the motion.

COMMISSIONER HANSEN: Okay. Thank you. So I do see that I believe Public Works is here and I hope Jacqueline Beam, who I want to congratulate as our Sustainability Manager. I believe she's present.

JACQUELINE BEAM (Sustainability): Mr. Chair and Commissioner Hansen, I am present. Thank you. I have a presentation, I don't know if it's available to share but I can share the screen also. Mr. Chair and Commissioners, it has indeed been an exciting couple of months trying to pull all of this together. We were very saddened when this was canceled last year and we are looking at celebrating this year with a theme every year. There is a theme for Earth Day and this year the theme is restoration. And so in keeping with what the plan was last year we have chosen five sites in each of the districts.

The first site, the event is coming up this Saturday, April 17<sup>th</sup>, and we will be planting along the river bed in the Tesuque Rio and a lot of the plants that are going in here will really be fundamentally helpful for erosion control, and then also offer some really lovely wildlife habitat and pollinator-friendly plants. As you can see we have peachleaf willow trees going in and golden currents and blue false indigo and chokecherry and silver buffalo berry and they're all recommended plants for this riparian area. We have plenty of volunteers coming but we definitely could use some more and so we encourage anyone who is listening in from the outside to register on line on our sites for this event.

For the next event we're looking at April 24<sup>th</sup> and that is the Santa Fe River at San

Isidro Crossing and we will be focusing on both entrances to the trailheads. So in front of Romero Park, also at the Caja de Oro Grant Road and then also the Santa Fe River at San Isidro Crossing site, and moving towards the center. We probably won't make it all the way; that's a mile-long stretch, but we have quite a bit planned for that area, and the Watershed Association is doing a great job at helping us to design and put in all of the right plants that need to be at this location. And that's also from 9:00 to 5:00. Again, registration for volunteers is welcome.

The Hondo Fire Station which is District 2. That is May 1<sup>st</sup> from 9:00 to 1:00 and that's a morning event, and we are looking at – it's already been cleaned up. It looks beautiful and ready to plant, and we'll be putting in Apache plume, Parry agave and some apricot trees. We thought it would be nice for the volunteers to have some edibles there. So we won't be planting a whole lot but it will be enough to spruce up the area and also provide some erosion control and some pollination there as well.

Edgewood Senior Center, and I have to tell you we're probably getting the most robust volunteer enthusiasm from this site and that's because this has already been a site that's been farmed and there's an active gardening club there, and we're going to be putting in Apache plume and Parry agave and also a grove of apricots.

And the last site is Max Coll. That's May 15<sup>th</sup> and that's in Eldorado. This site, one of the challenges as well as Hondo has been gophers, and so we do have a plan for gophers for those who are concerned about that, and we'll also be putting in pollinators and Parry agave and apricot groves.

And we have a lot of other plants that we wanted to add to the mix but this was what we were able to get and what was available as far as native species were concerned, and then also just in the amount of time. And so we can always look at future possibilities and continue this project as we go. That's all we have so far. Thank you.

CHAIR ROYBAL: Great. Commissioner Hansen, did you have somebody else that was going to speak as well?

COMMISSIONER HANSEN: I think if there is nobody else from Public Works that wants to say anything – I wasn't sure. I knew Jacqueline was going to give a short presentation and I want to thank her for all her hard work on organizing this event. She is a little understaffed. She needs another person in her division but I'm sure that will happen soon enough. I also really want to thank Daniel for videotaping everybody and being so agreeable to going out and making this effort to engage in everybody's district. All the Commissioners, of course, and all the liaisons. And of course my own liaison, Sara, for all the work that she has done on this. And then I also want to thank the Santa Fe Watershed because they have been really an avid and active part of working with the Sustainability Division.

And with that I would like to make a motion to approve the proclamation proclaiming April 22, 2021 and I'll wait for a second.

COMMISSIONER HUGHES: Second.

COMMISSIONER HANSEN: Thank you, Commissioner Hughes. And then I also need to ask all the Commissioners to please, if you could go to the County building, 100 Catron, and sign the proclamation, possibly tomorrow, that would be really great so we can get it out into the world. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen. So we have a

motion and a second. And I also want to thank Jacqueline for all of her hard work and also Ambra Baca and all of the liaisons who have done a great job, as they do all the time. Staff and our liaisons are at the forefront in meeting with our constituents and working with them and I can't thank them enough for all their hard work because they do a really great job as all of our County staff does. So very proud of the organization on this Earth Day. I know it's been around since I was a year old so I don't remember it quite then but I do remember it in my teenage years. So I really appreciate it and it's something that I'm glad to see is still going strong. So thank you for that, Commissioner Hansen.

MS. BEAM: Mr. Chair and Commissioners, I do feel like it's really important to state that there's no way any of this could have happened without all of the help that has miraculously just appeared. Everyone's just really reached across departments and pulled together and it kind of makes me weepy, but it's been really beautiful. So thank you.

CHAIR ROYBAL: Thank you, Jacqueline. You're absolutely right and that's a leadership quality to recognize everybody else that's helped with this endeavor that we've taken on and it's really come out great. So we do have a motion and a second, so I'm going to go to a roll call vote.

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

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

CHAIR ROYBAL: I'm going to go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair, and of course, thank you everybody for all your work. So we've all had a number of very busy weeks, I think since our last Board meeting. On Monday I was invited to an intergovernmental group through NACo, through the EELU as part of the leadership on the 30 by 30 Resolution that is being supported by the Biden administration. Then in the afternoon, the Mountain Pac held a webinar on the 30 by 30 and the basic principles. The basic principles, there are five: supporting local initiatives, work towards more equitable and inclusive vision for nature conservancy, sovereignty of tribal nations and indigenous communities, support private land conservation, and be guided by science.

They were really good interactions at the NACo. We had US Game and Fish and we had the USDA and the Department of Interior. So it was a good group of people to listen to in how they're approaching the 30 by 30. I shared our resolution that Commissioner Hughes and I had brought forward and the Board supported unanimously, so I want to thank you for that. And it seems like we have been in meetings the last couple of weeks non-stop.

There's also the ICLEI Race to Zero that I am participating in that we have been a member of for a number of years, who help us with our greenhouse gas emissions, figuring that out. So myself and Jacqueline attended a meeting with ICLEI which is a national organization that works on helping staff and others to develop greenhouse gas

reduction and many other issues.

And I also want to thank everybody for recognizing Earth Day but also I wanted to recognize that today is my father's – would be 117 year old and he was an immigrant for Denmark, and I just want to give him a shout-out because obviously I would be here without him. He was a World War II veteran and he was my hero and a really inspiring man for living through the Great Depression, World War II, the Great Recession and the falling of Wall Street and many other things that he experienced in his life in Denmark as a young child also. So I just wanted to mention him and thank you for allowing me to do that. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and happy birthday to your father. Okay, I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just really quickly wanted to thank the Public Works Department and particularly Ryan Ward for attending a meeting with some of the residents of the Cerrado Loop area in District 5 to talk about the paving of their road. It had become a rather contentious issue and I think by rather calmly explaining what was going to happen and what was going on we managed to diffuse people's feelings even though not everybody was happy about what was going on. Some people didn't want the road paved; some people wanted the road paved. It's pretty obvious the road's going to be paved. But we were able to explain the process to people and Ryan really helped with that and also I've heard that the crews working on the road have been very polite at answering people's questions and very helpful out there. So please pass my thanks on to them. I go over there about once a week to look at the progress. I haven't been over yet this week but I'll go over and see how they're doing, but that's all for today. Thank you, Mr. Chair.

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

COMMISSIONER HAMILTON: No, I don't have anything today. Thanks very much.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, and just as an update once again, we are doing the Earth Day community event. It's going to be a good experience and it looks like District 1 is up first so we're doing ours this Saturday I believe and so it's going to be a good time. I invite anybody that wants to come. I know some people that have volunteered and signed up already but we want to see if we can get even more to come out. So thank you. Commissioner Garcia. Okay, once more, Commissioner Garcia.

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

CHAIR ROYBAL: I know we have our esteemed Clerk, Ms. Katharine Clark, and then I'll see if there's any other elected officials. Clerk Clark.

CLERK CLARK: Yes Mr. Chair. I think I'll save all my commentary for the item – that's the big looming issue is the election.

CHAIR ROYBAL: Okay. Sounds good. Thank you. Are there any other



elected officials that would like to make comments today? I know I can see Treasurer Manzanares. Okay hearing none, I'm going to move on.

**7. C. Presentation on the Upcoming Special Election for the Vacant Congressional District One Seat**

CLERK CLARK: Thank you, Mr. Chair. Good afternoon, everyone. I just wanted to update about the congressional – the special election that's going to be happening June 1<sup>st</sup>. This is a very rapid, get it together kind of election and actually I just got approval for my polling places about two hours ago. So it's a just under the wire kind of election that we're going to conducting down in Edgewood.

So we have five precincts down in congressional district one and they're all in Cedar Grove and Edgewood. So it's about 4,200 registered voters. Only about 3,200 people participated in the 2020 election and our polling place, absentee and early vote have all been designed to make it as easy as possible for those voters to vote.

So we have designated the Edgewood Administrative Building, which is in the 2019 County Commission proclamation. It is the polling place for those precincts. We are going to designate that an election administrative annex and we're going to conduct the entire election out of that annex. I have a memorandum of understanding with the Town of Edgewood and so instead of having voting up here in the Clerk's Office, I've just gotten approval from the Secretary of State, we're going to conduct that early period of early absentee down at the Edgewood Municipal Building to make it as easy as possible for people to be able to vote.

We also wanted to make sure that ballot curing was at this location so if people want to drop their ballot there will be a drop box available, but also if they forget to sign or for some reason the last four digits of their Social Security number doesn't match within our voter file, instead of having to drive all the up to Santa Fe they'll be able to have Clerk staff during voting hours on hand to be able to cure their ballot.

We also will be having same day voter registration. That's something new in 2021 in statute. We don't know if we'll have election day same day voter registration. We're waiting for a statewide committee to meet and decide whether or not we'll have election day, but my plan is to offer same day voter registration and all times as long as the polls are open.

So these are the times. So essentially, voting starts May 4<sup>th</sup> and May 4<sup>th</sup> through May 15<sup>th</sup>, 8:00 to 5:00; we will be doing both same day voter registration, as well as what's called early absentee, but for the purposes of understanding it's just early voting. Normally, during a bigger election with more precincts and more polling places we'd call that expanded early voting between Saturday, May 15<sup>th</sup> and Saturday May 29<sup>th</sup>, but Saturdays we'll be open 10:00 am to 6:00 pm, and Tuesday through Friday, noon to 8:00 pm. And those are the exact same hours we normally run so hopefully we'll have less confusion.

Absentee ballots can be requested now and up until the 18<sup>th</sup> and we don't expect a lot of absentee ballots but if you do request an absentee ballot make sure you request it before the 18<sup>th</sup> so we can get it out to you in time, and feel free to drop it off at the Edgewood Municipal Building because there will be a drop box there for you. And that's

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all I had. Does anyone have any questions?

CHAIR ROYBAL: Do we have questions for Clerk Clark? I guess not. Thank you, Clerk Clark. I appreciate it and thank you for the update. Great job.

CLERK CLARK: So we're going to have all of that information on our website and a special notice of absentee and early voting just to cross our t's and dot the i's but since the approval just came through we're still working on that little proclamation. Thank you.

CHAIR ROYBAL: Perfect. Thank you.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: I apologize for bringing this up late but I want to just recognize Hvtce and thank him for all the work that he did at the legislative session, and also especially on the community solar, which is something that we have worked on for many, many years and to get that passed was a huge accomplishment. And I'm sorry I didn't thank him earlier but I want to thank him for all his hard work. So thank you, Hvtce. I appreciate you and your work and all the information you have shared with us. Thank you, Mr. Chair.

CHAIR ROYBAL: Absolutely. Thank you, Commissioner Hansen, and I think I couldn't agree with you more. Great job, Mr. Miller. We really appreciate all your hard work.

**8. 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 Public Hearing(s) on the Agenda, 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. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Concerning AFSCME 1413, AFSCME 1413M, IAFF Local 4366, NMCP SO-RECC, and NMCP SO-Deputy Sheriff's Association**

CHAIR ROYBAL: I'm going to go to Attorney Shaffer.

GREG SHAFFER (County Attorney): Thank you, Mr. Chair and Commissioners. For this evening's executive session we'll be discussing bargaining strategy preliminary to collective bargaining negotiations concerning the following

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collective bargaining units: AFSCME 1413, AFSCME 1413M, IAFF Local 4366, NMCP SO-RECC, and NMCP SO-Deputy Sheriff's Association, and this will be pursuant to Section 10-15-1 (H)(5) NMSA 1978.

CHAIR ROYBAL: Okay. Thank you, Attorney Shaffer. So can I get a motion to go into executive session for the items that have been summarized and described by our County Attorney?

COMMISSIONER HANSEN: Mr. Chair, I so move.

CHAIR ROYBAL: There's a motion. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Hamilton. Madam Clerk, can we get a roll call?

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2, 3, 5, 6, 7, and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:**

Commissioner Garcia	Not Present
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

COMMISSIONER HANSEN: Mr. Chair, I just see Hvtce there and I just wanted to say thank you to him now that he's on the screen and recognize him again for his work. Thank you.

[The Commission met in executive session from 4:00 to 5:48.]

CHAIR ROYBAL: Could I get a motion to come out of executive session?

COMMISSIONER HANSEN: So moved. I move that we come out of executive session and nothing was talked about other than what was on the agenda and what the County Attorney advised us to go into executive session for.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion and a second. I'm going to go to a roll call vote.

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

9. PUBLIC HEARINGS

- A. **CASE # 21-5060 Randy Lowrance Vacation of Easement. Randy Lowrance, Applicant, Requests Approval to Vacate a Platted 10-foot Wide Private Drainage Easement and Create a New 10-foot Wide Private Drainage Easement on One Lot Totaling 2.197 acres. The Property is Zoned Planned Development District (PDD) within the Las Campanas de Santa Fe Estates III, Unit 2 Subdivision. The Property is Located at 6 Windridge Circle, Within Section 12, Township 17 North, Range 8 East (Commission District 2)**

MIKE ROMERO (Case Manager): Thank you, Mr. Chair. The subject lot was created on March 19, 1993, through the Las Campanas De Santa Fe Estates III, Unit 1 and Unit 2 Subdivision Plat, as indicated in plat book 245 page 024-028. Lot 443 is vacant and is recognized as a legal lot of record.

The Applicant has submitted an application requesting to vacate a platted 10-foot wide private drainage easement that runs through the Applicant's property, northwest from Clubhouse Drive to the southwest towards Windridge Circle. Included with the Applicant's request is to create a new 10-foot wide drainage easement that runs northwest from Clubhouse Drive to the southwest running through the Applicant's property.

The Applicant has stated, "In trying to sell this lot last year it was brought to my attention by the potential buyer that the drainage easement running down the middle of the lot as shown on the recorded plat, made the lot no longer desirable. I was unaware of this easement and hired Scott McGee, registered civil engineer, to evaluate the drainage and he determined that the easement as shown was incorrect". The Applicant and his engineer have both asserted that the drainage doesn't flow northwest to the southwest through the middle of the Applicant's property, but, it runs across the northern end of the lot, which is an existing arroyo that carries discharge from an existing culvert from Clubhouse Drive into an existing platted 40-foot drainage easement on the Applicant's property.

Staff has reviewed Mr. McGee's letter plus the aerial photographs of the lot and has verified that there are no signs of significant water flow in the drainage easement that is to be vacated. In addition, staff conducted a site visit and concurs that there is no significant flow that runs northwest from Clubhouse Drive to the southwest towards Windridge Circle as described in the approved survey plat.

Because of the natural water flow, the Applicant is requesting to vacate a private 10-foot wide drainage easement and create a new 10-foot wide drainage easement on the lot to follow the existing natural water flow. The Applicant's engineer states, "The interior easement covers an area that has insignificant flow which will not impact neighboring properties." Staff reviewed the engineer's non-concentrated surface flow calculations and agrees with the data provided by Mr. McGee.

The process for completely or partially vacating a final plat is set out in Section 5.11.2 of the Sustainable Land Development Code and NMSA 1978, Section 47-6-7. As described in the statute, a complete or partial vacation of a plat needs to have an

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acknowledged statement by the landowner declaring the plat wholly or partially vacated. To be effective, the Board of County Commissioners must approve the acknowledged statement, which is then recorded. The County Clerk then marks the final plat "Vacated" or "Partially Vacated," as appropriate.

The applicant has signed the attached acknowledged statement indicating a portion of the original plat will be vacated. Immediately following recordation of this Applicant's acknowledged statement, the Applicant will record a new plat dedicating the new drainage easement to replace the original dedicated drainage easement.

Recommendation: Based upon Staffs' review of aerial photographs, Applicant's engineer's letter, calculation confirmation, and observations during the site visit, Staff supports the vacation of the platted 10-foot wide private drainage easement and the creation of a new 10-foot wide private drainage easement on one lot totaling 2.197-acres, subject to the following conditions. May I enter these into the record?

CHAIR ROYBAL: Yes, you can, sir.

[The condition is as follows:]

1. Immediately following recordation of the Acknowledgment Statement, the property owner will record a new plat dedicating a new easement to replace the vacated dedicated easement but relocated to confirm to the actual location of the flow path of the existing arroyo on the property.

MR. ROMERO: Thank you, Mr. Chair. I stand for any questions.

CHAIR ROYBAL: Okay. Do we have any questions from the Commission? Okay, seeing none, first of all, thank you for that description and presentation. If there's not any questions from the Board, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Do we need to take public comment?

COMMISSIONER HANSEN: Mr. Chair, I believe we need to take public comment.

MR. SHAFFER: Mr. Chair, also this is a public hearing and it's an administrative adjudicatory matter so it would be appropriate to hear from the applicant first at this time before going to the actual public hearing. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Shaffer. So I'm going to go to Randy Lowrance. Mr. Lowrance, do you have any additional comments?

RANDY LOWRANCE: I really have no comments. Mr. Romero spelled out exactly the case. It was a recent design that had the culvert under Clubhouse Drive.[inaudible] It got installed diagonally, which changed the direction of the water flow and that's why the natural drainage changed over 20 years.

CHAIR ROYBAL: Thank you, Mr. Lowrance. Tessa, I'm going to go to public comment. Do we have anybody that is signed up relative to this case number?

MS. MASCARENAS: Yes, Mr. Chair. We have Chip Munday, the GM of Las Campanas.

CHIP MUNDAY: Yes, Mr. Chair. Do I need to be sworn in?

CHAIR ROYBAL: Yes, you do.

[Duly sworn, Chip Munday testified as follows:]

MR. MUNDAY: My name is Chip Munday. My address is 23 Avenida de

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Mercedes. I am also the general manager of Las Campanas Master Association.

CHAIR ROYBAL: Okay, Mr. Munday, please proceed.

MR. MUNDAY: Thank you very much. I just wanted to express the master association's support for this application. It was reviewed by our Design Review Committee and it was supported consistently with the evidence that was presented already regarding that the existing drainage easement was in the wrong location and this relocation would put it in the correct location. Thank you.

CHAIR ROYBAL: Thank you, Mr. Munday. I'm going to go also to anybody else in the public. I believe Mr. Munday was the only one who was signed up before to actually speak on this item, but if you're in the public and you'd like to make comments relative to this item, please unmute yourself and state your name for the record. Also, if you're on a call-in on a phone you need to hit star 6.

Okay, so hearing that we do not have anybody else from the public that would like to speak to this item, I'm going to go to Commissioners.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: I'm going to go to Commissioner Hansen first.

COMMISSIONER HANSEN: Thank you. I would like to make a motion to approve the vacated plat of a 10-foot wide drainage easement and create a new 10-foot wide private drainage easement on one lot totaling 2.197 acres.

COMMISSIONER HAMILTON: Second.

COMMISSIONER HANSEN: Is there anything else from staff that we need to include in this motion?

VICKI LUCERO (Building & Development Services): Mr. Chair, Commissioner Hansen, there was one staff recommendation that was being recommended.

COMMISSIONER HANSEN: Okay, so we include staff conditions?

MR. ROMERO: Yes.

COMMISSIONER HANSEN: Okay, I include staff conditions.

COMMISSIONER HAMILTON: My second does as well.

CHAIR ROYBAL: Okay, thank you Ms. Lucero. So we have a motion from Commissioner Hansen, a second from Commissioner Hamilton. I'm going to go to a roll call vote.

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

9. B. **CASE #16-5280 Oshara Conceptual Plan Amendment. G.E. Richards Property, LLC, Applicant, Santa Fe Global Partners/Arroyo Hondo de Santa Fe, Jenkins Gavin, Inc., Agent, Request Conceptual Plan Approval to Amend the Previously Approved Oshara Subdivision (735 Dwelling Units on 470.62 Acres) in Order to Reduce the Estimated Commercial Square-Footage in Future Phases from 1,321,000 Square-Feet to 303,330 Square-Feet, Eliminate the Employment Center Zone in Phase 2, Eliminate the Institutional Campus Zone, Increase the Number of Dwelling Units to 855 from 735, Reorganize the Phasing Plan from Six Phases to Five, to Have**

**Five Sub-Phases in Phase 2 (to Create a Nine (9) Phase Development), and to Amend the Proposed Source of Sewer Service. 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 ROYBAL: The Case Manager is Nathan Manzanares. Mr. Manzanares.

NATHAN MANZANARES (Case Manager): Thank you, Mr. Chair. I'd like to begin on giving a brief history on this project, Mr. Chair.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Hold on just a moment. I believe Commissioner Hansen would like to make a comment. Go ahead, Commissioner.

COMMISSIONER HANSEN: Thank you. I want to state for the record for full transparency that from 2004 to 2009 I worked as a consultant for [inaudible] but I do believe that I can make a fair and impartial decision on this hearing, but I wanted to state that for the record.

CHAIR ROYBAL: Thank you, Commissioner Hansen, for being transparent. Go ahead, Mr. Manzanares.

MR. MANZANARES: Thank you, Mr. Chair. History: On April 30, 2002, the EZA granted Master Plan approval for a mixed-use development formerly known as "Oshara Ranch." The development consisted of 735 residential units and million square feet of commercial space and 246 acres of open space, parks, and plaza areas which was to be developed in six phases.

On October 28, 2004, the EZA granted a master plan amendment to the previously approved Oshara Ranch in order to change the original phasing granted for the project.

On January 11, 2005, the Board of County Commissioners granted Preliminary and final plat and development plan approval for Phase-1 of the Oshara Development which consisted of 175 residential lots and mixed-use development lots on 65.31 acres.

On October 26, 2017 the Applicant presented the request for a conceptual plan amendment before the SLDC Hearing Officer. The decision of the Hearing Officer was to recommend approval of the Applicant's requests as seen in Exhibit 7.

On December 21, 2017 the Applicant presented before the Santa Fe County Planning Commission. The decision of the Planning Commission was to recommend approval of the Applicant's proposed amendment as well as to change Condition 12 to state: "The buffer between the Oshara Village Zone and the Arroyo Hondo West subdivision shall be a no-build area within the 200-foot required buffer." See Exhibit 9.

On October 13, 2020, after the Planning Commission Hearing on December 21, 2017, the Applicant negotiated with Santa Fe County Staff, and came to terms for a Utility Line Extension Agreement, which was approved by the BCC on October 13, 2020. See Exhibit 10.

On January 13, 2021, after a lengthy period of inactivity caused by delays in the Northeast Connector and Southeast Connector projects, the Applicant resubmitted the

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application and requested to proceed forward with the amendments presented in 2017, which included amending the existing conceptual plan for Oshara, a 470-acre area in the Santa Fe County Community College District, the CCD. The first phase of the existing conceptual plan (known as Oshara Village) has already begun construction. The proposed conceptual plan amendment will change the locations and types of CCD zones, the amount of residential dwellings, the commercial space allotment, and the phasing schedule for the remaining undeveloped portion of Oshara. Because the plan configuration is being modified, roads, trails, open space acreage and locations will be modified accordingly.

Because the number, type and distribution of dwellings is being modified, the Affordable Housing Plan is also being modified accordingly.

Staff has determined that, based on the Applicant finalizing the required Line Extension Agreement, and due to the delay in construction of the NE & SE Connector which is set to begin commencement in 2021, the Applicant has shown that they have been waiting-on the County to start commencement of the NE & SE Connector since the project was put on hold in 2017. Therefore, Staff has determined that this case is well-taken, meets the requirements set forth in the SLDC for a conceptual plan amendment, and should be presented to the Board for consideration.

Due to the proposal meeting the requirements set forth in Chapter 6 by the applicant providing updated studies, reports and assessments, as well as satisfying the SLDC design standards referenced in Chapter 7, in addition to complying with the planned development and CCD's zoning requirements in Chapter 8, and lastly agreeing to comply with the affordable housing agreement set forth in Chapter 13 staff recommends and determines that this case meets the requirements set forth in the SLDC for conceptual plan amendment and recommends approval of the subject request in accordance with the approval conditions imposed by the Planning Commission on December 21, 2017 in addition to the updated approval conditions from staff as of April 13, 2021.

The updated approval conditions from staff as of April 13, 2021 are based on the updated information provided by the applicant and reflect the changes when the proposal was last heard on December 21, 2017. All required approval conditions for the project are hereby set forth in the staff report as approval conditions 1 through 28 with the proposal to amend conditions 12 and 23.

To conclude, on December 21, 2017 the Planning Commission recommended approval of the applicant's request for conceptual plan amendment and in accordance with staff's original recommendations as stated in Exhibit 9, the Planning Commission proposed an amendment to condition 12 to state: "The buffer between the Oshara Village and the Arroyo Hondo West Subdivision shall be a no-build area within the 200-foot buffer."

Mr. Chair, may I enter the approval conditions 1 through 28 as stated in the staff report, with proposed amendments to condition 12 to be written verbatim as recommended and stated above by the Planning Commission during the 2017 meeting? Mr. Chair, may I also propose an amendment to condition 23 to state: "An amendment to Appendix F, Map 3 of the SLDC will be required prior to the recordation of the proposed amended conceptual plan"?

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CHAIR ROYBAL: Yes, sir.

[The conditions are as follows:]

1. The Applicant shall be responsible for all construction costs associated with the construction of the trail associated with the Northeast Connector from the Rail Trail to the start of the County Northeast Connector project per the Northeast Connector layout and cross section.
2. The Applicant shall be responsible for all design and construction costs associated with the construction of all roundabouts along the Northeast and Southeast Connectors connecting to the subject property which the State and County are not designing and constructing.
3. The Applicant shall provide an amended Ready, Willing, and Able letter prior to Conceptual Plan recordation.
4. The Applicant shall submit a cultural resource report to be approved by SHPO for archaeological sites LA 116025, LA 191, LA 179789 and LA 133102 prior to Conceptual Plan recordation. All requirements of SHPO shall be complied with prior to Preliminary Plat approval.
5. The Applicant shall address lighting as required by Chapter 7, Section 7.8 with the Preliminary Plat application.
6. The Applicant shall address signage as required by Chapter 7, Section 7.9 with the Preliminary Plat application.
7. A Water Allocation shall be approved by the BCC prior to Preliminary Plat approval.
8. The Applicant shall submit an application for Preliminary Plat approval after the final design of the NE and SE Connectors have been finalized.
9. The Applicant shall only submit an application for Final Plat approval after the NE and SE Connectors are under construction.
10. The Applicant can only record a Final Plat after the NE and SE Connectors are approved and open for public use.
11. A detailed Engineered Grading and Drainage Plan shall be submitted with Preliminary Plat, which must include drainage calculations, ponding locations, pond sizing and details that ensures storm-water runoff will flow into proposed retention pond areas.
12. The buffer area between the Oshara Village Zone and the Arroyo Hondo West buffer shall be limited to one-dwelling per-acre within the 200-foot buffer. [Previous Amended Approval Condition Recommended by the Planning Commission on December 21, 2017.]

Additional approval conditions:

13. The Applicant shall identify and maintain a "200-Foot No Build Buffer" from the Arroyo Hondo West subdivision. The 200-Foot No Build Buffer area shall be recorded on the Conceptual Plan, Preliminary Plat, Final Plat and included in the CCD Land Use and Zoning Map Amendment proposed by the Applicant. [Updated by SFC Planning Dept. for Clarity Purposes]
14. Construction of all roundabouts along the Northeast and Southeast Connectors must be to edge of R-O-W, Applicant must also

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- designate/dedicate applicable access easements, and R-O-W easements required to ensure accurate build-out of the Northeast and Southeast Connectors prior to receiving Preliminary or Final Plat approval.
15. No Single Family Residences may be built until the NE and SE Connectors are approved and open for public use.
  16. An Updated Traffic Impact Analysis (TIA) must be submitted with the Preliminary Plat approval and approved by Santa Fe County and NMDOT prior to the Applicant receiving Preliminary and Final Plat Approval.
  17. No applications for Preliminary and Final Plat for future phases will be accepted until all required affordable housing units from previously approved phases have been built-out and offered for sale.
  18. 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.
  19. Streambed and Bank Stabilization must be designed by a New Mexico Professional Engineer in order to reduce the required 75-foot setback set forth in the SLDC.
  20. The Applicant must evaluate and correct the current intersection designs to eliminate any offset intersections.
  21. The Applicant shall provide an easement and build-out an emergency access connection for Arroyo Hondo de Santa Fe, which will terminate at their eastern property line, in accordance with Public Works Review Comments.
  22. An Affordable Housing Agreement must be submitted with the Preliminary Plat Application and approved by the BCC with the Final Plat. Affordable Units in remaining phases shall be integrated throughout the development and not clustered into one area.
  23. The Applicant shall seek and obtain approval of an amendment to Appendix F Map 3, The Community College District Land Use Zoning Map prior to submitting an application for Preliminary and Final Plat approval.
  24. Applicant shall record the conceptual plan amendment with the Santa Fe County Clerk's Office in accordance with Chapter 4, Section 4.9.9.9.
  25. Applicant shall address all redline comments from Staff and Review Agencies, redlines must be returned and approved by Staff prior to submittal for Preliminary Plat.
  26. Applicant shall provide a contract from a licensed solid waste disposal service with the preliminary Plat application.
  27. All associated utilities serving the development must be underground.
  28. Applicant shall dedicate required Right-of-Way (ROW) easements designated by Santa Fe County Public Works for the NE and SE Connector prior to Final Plat approval of Phase-2.

MR. MANZANARES: Thank you, Mr. Chair. I now stand for any questions at this time.

CHAIR ROYBAL: Okay. I'm going to go ahead and go to the applicant, Ms. Jenkins.

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JENNIFER JENKINS: Thank you, Chairman. Good evening.

[Duly sworn, Jennifer Jenkins testified as follows:]

MS. JENKINS: Jennifer Jenkins, 130 Grant Avenue, Suite 1010, Santa Fe. Good evening, Chairman, Commissioners. I am Jennifer Jenkins with JenkinsGavin. I am here this evening on behalf of the applicant in request for the conceptual plan amendment for Oshara Village that Nathan just very clearly described, and I have a brief presentation, if I may be permitted to share my screen, and then we will be happy to stand for questions.

To start, I would like to introduce Robert Garlow with Santa Fe Global Partners who will be the developer of the property and he just has a couple of reports he would like to share.

ROBERT GARLOW: Hello. I'm Bob Garlow. I have lived in Santa Fe for many years and actually worked on the first phase –

MR. SHAFFER: Mr. Chair, I'm sorry to interrupt but the applicant, Mr. Garlow, should also be sworn in as well. Thank you, Mr. Chair.

[Duly sworn, Robert Garlow testified as follows:]

MR. GARLOW: Bob Garlow, 7485 Fairway Drive, Miami Lakes, Florida. As I said, I've lived in Santa Fe for many years. I relocated to Florida to do some projects but we've been working on this one for eight years with the owner and we've now come to the time when we look forward to the approval that will allow us to build some hopefully very nice homes for the community. I've worked with many people in the community and we have a wonderful team led by Lorn Tryk, led by Jennifer Jenkins, Tom Fitzgerald and others, and Jennifer will introduce those folks to you. But I'm here for any questions and I wanted to make sure that this is hopefully the first day of an opportunity to work together on properties in Santa Fe and to work towards the sustainable aspects of the community. We're completely committed to that going forward. Thank you.

MS. JENKINS: Okay. Thank you very much. So with that I am going to share my screen really quick. Okay, so as I mentioned previously, I'm here this evening on behalf of the property owner, G.E. Richards Property, LLC, and then of course Mr. Garlow who represents Santa Fe Global Partners who will be the developer of the project, and also Lorn Tryk of Lorn Tryk Architects is the planner and designer of the project. Sayre Engineering was involved in the utility layout, and we are also joined by Chris Graeser and Matthew McQueen from Graeser and McQueen.

So this is the subject property. This is the master plan area for Oshara Village. You can see Phase 1 here in the bottom left-hand corner which is on the residential side, reaching substantial completion, which is fantastic. Phase 1 really suffered quite a bit through the recession in terms of just their timing was somewhat unfortunate, but coming out of the recession we've all seen a lot of activity, and interestingly, a lot of affordable housing. Phase 1 is actually exceeding their affordable housing requirement. There's been a lot of collaboration with some of our local, non-profit affordable housing providers including Homewise, the Housing Trust, as well as Habitat for Humanity. So that's been kind of a really nice bonus.

And this is on the west side of the project, is Richards Avenue. We have I-25 to the north, and then of course to the south is the Santa Fe Community College.

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So zooming in a little bit, the balance of Oshara Village is comprised of two tracts totaling about 386 acres, and again this is Phase 1, so the application before you is only requesting to amend the master plan as it relates to these undeveloped tracts.

So Nathan touched on this a little bit but this is some of the background of Oshara that we all are familiar with and has been moving through a variety of processes over the years, and the entire master plan area for Oshara Village comprises over 470 acres within the Community College District. The master plan was originally approved in 2002 and amended in 2004. Overall, it includes 735 homes and over 1.3 million square feet of commercial space to be constructed in five phases.

The plat for Phase 1 was approved in 2004 and there have been some subsequent amendments to that plat just to reconfigure lot layouts and things of that nature, and then fast-forward to 2017, the Santa Fe County Planning Commission recommended approval of this application that is before you this evening. So what we did at that point is we hit the pause button in order to work very closely with Santa Fe County Utilities to resolve the water and the sewer, the design and how that was going to work and executed actually a utility line extension agreement that this body approved last October. And so we got that approved and so then we were able to pivot, kind of reactivate the application and bring the application before you this evening.

So this is the Community College District zoning map and this is our legend here. There are a lot of different kind of subdistricts within the Community College District with different types of zones, whether it be village zones, employment centers, media districts, institutional campuses, things of that nature that incorporate the entire district. And you can see Oshara here at kind of the north extent of the district adjacent to I-25.

So as was stated and is covered in your staff report, the main purpose of this amendment is to reduce the commercial square footage and increase the unit count and change some of those subdistrict zoning designations within this area, and this is really a function of our current market conditions. I think that we all can agree that Santa Fe needs housing so this is somewhat of a housing-centric plan, but also includes 300,000 square feet of mixed use and commercial type uses, because the Community College District is a mixed-use zoning designation. So that is really an important factor to the overall concept and approach behind the district. So we are obviously still honoring that, but as we can see, some of the commercial areas in Phase 1 have not developed at the pace that had been hoped or desired, and so we're trying to make sure we're providing adequate commercial square footage to really create that vibrant, dynamic walkable community that we all are looking to establish in the Community College District while not creating too much that the market cannot absorb.

So what you see here on the left is zooming into the Community College District zoning map based upon the existing conditions for the conceptual plan. So over here on the east side of the project you can see the blue area is designated as an institutional campus, and then the pink area is designated as an employment center, and then the yellow areas are village zones which allow for residential as well as other types of mixed use. And again, based upon market conditions we feel that it is important in order to move this project forward that we make some adjustments.

So this is what we're proposing. As you can see, we're really converting to a village zone and eliminating the employment center and institutional campus, so we can

again provide housing for the community while again allowing for kind of a vibrant mix of uses in the community.

So this is the phasing plan. You can see right here, here's Phase 1 which is the current Oshara community, and then we start at our northeast corner and kind of work our way clockwise through the property. So this would be Phase 2, then we would cross the Arroyo Hondo and into Phase 3, and then we start moving west and kind of that area sandwiched between the existing Oshara community south of the arroyo would be Phase 4, and then back on the other side of the arroyo to complete Phase 5.

So this kind of gives a better sense of how the transportation network is working within all of Oshara. What you can see here in blue, this is the proposed northeast connector, which is basically going to be an improvement to Rabbit Road that will continue along I-25 to Richards, creating a new intersection here as this would connect into Dinosaur Trail, and this is the southeast connector that will head all the way down to Avenida del Sur, south of the Community College, and these roadways will be our access points into this community. As you probably saw in your staff report this project cannot move forward, we cannot even move forward with our subdivision plat application for our first phase until these – I believe until the project design is complete for these roadways. This is a significant County investment in the Community College District, which is the county's primary growth area and these improvements are important as far as making sure that the roadway network can accommodate any increase in traffic.

So zooming in on the program a little bit, as you can see here, we're proposing 855 dwelling units, which is a slight increase from around 750 dwelling units previously contemplated. We are reducing the commercial square footage down to 300,000 square feet, and of course we are providing the minimum of 50 percent open space that is required in the Community College District ordinance.

So one of the key reasons, and it took us a couple of years to finalize the utility line extension agreement with Santa Fe County is this project, the balance of Oshara Village, is going to fund and construct a three-mile sewer line extension that is going to connect out to the County sewer infrastructure off of Highway 14. This is a significant public improvement that is being funded by this private developer that is a really key component to this primary growth area as far as the County's ability to provide services. As you are probably aware there are three private wastewater treatment facilities currently in the Community College District. There is one in Oshara Village. There is one that serves Rancho Viejo, and there is another one that serves La Pradera. These private systems are not really the most sustainable way to address our wastewater treatment needs.

So with this significant improvement here, this is an opportunity for Phase 1 to connect into this system and decommission their plant. This is also an opportunity for Pradera to do the same. Long-term maintenance of these plants by these homeowners association has proven to be problematic over time, and so this is a really important, significant expansion of the County's wastewater system.

So I would like to speak to the buffer. So I'm going to walk you through how the Community College District plan, ordinance, and the SLDC, how they treat this Arroyo Hondo West buffer area. There had seemed to be some confusion as I was reviewing the previous record on this. It's actually not confusing at all. So this is from the Community

College District zoning map and you can see this hatched area here is what is referred to as the Arroyo Hondo West buffer, and that is identified as a fringe zone. So as I mentioned previously, within the CCD we have this variety of zones – village zones, employment centers, institutional, and we also have fringe zones. And there are different types of fringe zones.

If you'll notice here, this is an excerpt directly from the map there's fringe zones that are certain types of hillsides and areas with certain types of vegetation, but one of the categories of fringe zones are buffer areas. And then they define them here. So you can see buffer area #4 is this buffer area along the east side of Oshara Village. Okay? So that is a very important distinction, and we can come back to this map if that feels necessary.

So prior to the Community College District ordinance being adopted there was a Community College District plan. So when there are these types of planning efforts for any types of subdistrict the plan come first. So basically, like with the SLCD, first there was the Sustainable Growth Management Plan, which was a significant planning effort, but then became codified by the Sustainable Land Development Code. So very similar with the Community College District. It started with a plan and then it became the Community College District ordinance, which was then kind of adopted wholesale and incorporated into the SLDC when the S:DC was adopted in 2016.

So we start at the beginning. This is where the Community College District began was with this plan, and the plan states and defines buffers as areas of open space for land use and density transition. So some buffers are open space; some buffers aren't. It depends on the buffer. And so it says our land use and density transition that separate or transition between existing residential neighborhoods and future village development areas. So we have a defined term of what a buffer is.

So then we move forward into the Community College District ordinance as well as also incorporated into the SLDC, and there are some restrictions on how buffer areas can be developed. And it says they shall not be permitted to include new community centers, which is one of those subdistricts I referenced, and they are not permitted to have new neighborhood centers. Okay? So those are the only two zoning subdistricts that are prohibited within buffer areas. And you might recall, and I can even – if you look here, the blue institutional area that's on the current zoning map goes all the way to our east property boundary. It doesn't stop at the edge of the buffer. It goes all the way because institutional campuses are permissible uses within buffer areas.

And lastly, there's one other restriction that says the density in buffer areas, residential density, is one dwelling per acre, or in the instance of clustered residential development, which is what this project is, clustered residential development is limited to four dwellings per acre. So that is the limit, that is the extent of the restrictions within the Arroyo Hondo West buffer.

So these are the code sections that speak to the prohibition of new community centers and neighborhood centers, that they must be located outside of required buffer areas, which we are fully compliant with. And this speaks to that land use and density transition, which is completely appropriate to have a reasonable transition from existing neighborhoods into the village zones in the Community College District.

So as mentioned previously, buffer areas are defined as a fringe zone and the fringe zone comes with its own dimensional standards. So all of the subdistricts have

their own dimensional standards, whether it be how tall can the building be? What's the permissible density? What are the permissible uses? And what are the setbacks, and things of that nature.

So in the fringe zone, as I mentioned, the density is one dwelling per acre unless you're a clustered project, it's four dwellings per acre. The maximum height is 20 feet. There's no minimum setback, and the maximum lot coverage is 50 percent. So this is the code framework and basis in which we're operating. These are the standards that were first started out being established in the Community College District plan and then were further refined as we moved into the Community College District ordinance.

So to recap that, so the Arroyo Hondo West buffer was never intended as a no-build area, but rather an area with use and density restrictions. In the staff report that went to the Planning Commission staff recommended that 200 feet, kind of the first 200 feet of the buffer, should be limited to one dwelling per acre. Then when the Planning Commission heard the case there was a motion on the table to approve the conceptual plan amendment, then there was a friendly amendment to require that instead of that 200 feet being limited to one dwelling per acre that the 200 feet would be a no-build area. So since the motion was already on the floor and there was a friendly amendment, there was no opportunity for the applicant to ask questions, to present options. There was no discussion that was available to the applicant at that point because the public hearing was closed.

However, we fully recognize the concern that was expressed by some of our most adjacent neighbors regarding their kind of development pattern kind of as it relates to our development pattern and wanting to have some buffer against that, which we completely understand and appreciate. So this is the plan as submitted. This would be Phase 2 or our first phase moving forward, and if we were to create a 200-foot no-build area here, that's a lot of 28 homes. And with the significant infrastructure improvements that this project is going to be responsible for, including three miles of public sewer line, in addition to the affordable housing that this project, 15 percent in accordance with ordinance will provide. And based upon the housing needs in this community, and we are required to have a minimum of 3 ½ dwellings per acre. Right now we're at 3.6 dwellings per acre. And based upon the terrain, it's not like we can just take those 28 houses and plop them somewhere else easily.

And so we – the 200-foot buffer is an incredible impact on this project, an incredible negative impact. But we went back and we took a really hard look at what was possible here. And so what we would like to propose is a compromise between what staff originally proposed, which was one dwelling per acre within 200 feet, and what the Planning Commission proposed, which was a 200-foot no-build area. As an alternative what we would propose is a 100-foot open space, no-build area along the east boundary, and these are the most adjacent neighbors to the east that we are working to ameliorate any perceived impact from this project, and within this 200 feet – so this redline here is the 200 feet, it is limited to one dwelling per acre. So we're accomplishing what staff originally requested, which was limit in this 200 feet, limit it to one dwelling per acre, and then we are offering a 100-foot no-build area.

And based upon what I walked you through just previously, this goes so far above and beyond what the code and the plan requires or contemplates. And we feel that this is

a fair and reasonable compromise. And so we would ask for the Commission's support of this compromise, because we feel like this is honestly a win-win situation. We feel that this addresses the concerns that were previously expressed by the neighbors, and we also believe that this honors what staff was originally seeking to achieve, and again, and this again is so far above and beyond what the code actually requires.

As you can see here, this home is 240 feet from our nearest home, and this home is closer to its neighbors than it is to us. So the impact of this is not going to be greater than the impact from their existing neighbors. And as you can see here with this residence here, they are 380 feet from the nearest residence. So again, we feel that this really accomplishes what was being requested as far as some additional buffer.

So again, our proposal is a 100-foot no-build zone, one dwelling per acre in 200 feet, and of course as stated, there are no residences in Oshara that are going to be any closer to our neighbors than they are to each other. So with that, I thank you for your attention and I'd be happy to stand for any questions.

CHAIR ROYBAL: Thank you very much for your presentation. This is a public meeting so I'm going to go to the public. Is there anybody that signed up to speak on this item, Ms. Mascarenas?

MS. MASCARENAS: No, Mr. Chair. There's not at this point.

CHAIR ROYBAL: Okay. So I'm going to ask, is there anybody from the public that is here to speak in favor or in opposition of this case, 16-5280? If there is, please unmute yourself and state your name for the record, and if you've called in, you'll have to hit star 6 to unmute yourself. Once again, I'd like to ask, is there anybody from the public that would like to speak in support or in opposition to this case?

MS. MASCARENAS: Mr. Chair, it appears we have three raised hands at this point.

CHAIR ROYBAL: Can you take their names, Tessa, and then we will call them individually. So we have three, I'm going to go ahead and allow three minutes.

MS. MASCARENAS: Looks like we have four now. First up will be Roger Carson.

CHAIR ROYBAL: Before we get started I just want to just ask that we don't be repetitive on issues or concerns. If we can state new concerns and if everything that you have concerns with has already been stated you can just say that you're either in support or opposition based on these concerns. That would be appreciated, just so we can help expedite. Thank you. Go ahead, Mr. Carson. You need to be sworn in first.

[Duly sworn, Roger Carson testified as follows:]

ROGER CARSON: My name is Roger Carson. My address is 305 Pinos Verdes. Hi, Commissioners and staff. Thank you for the opportunity to speak at this hearing. I am speaking in favor of this proposal. I am a 30-year resident of Santa Fe. I'm a real estate broker in town and I am president of the Santa Fe Association of Realtors. As a practicing real estate broker I can tell you the demand for housing is absolutely unbelievable. The type of demand we're seeing is in every section of the market and what we're seeing is that there's not enough diversity in our housing for people, and when you have such demand on housing it displaces people.

In traditional neighborhoods where maybe it's more convenient for our workforce, those people are getting pushed out of their homes by out of state buyers that



are just buying anything they can get and renovating it. So it's really almost a tragic time in our housing market because we just don't have enough. So this proposal here today really brings important housing to Santa Fe and also disperses the development that we're seeing on the southeast part of town and kind of moves some development to the southern part of town where we can hopefully mitigate some of the development issues that arise from adding more house.

So I am speaking as a private citizen. I am speaking in favor of this proposal and I think it's long overdue, and the quality of the planners and the work that's gone into it is really exception. So that's really all I have to say and I will yield back my time. Thank you.

CHAIR ROYBAL: Thank you, Mr. Carson. We appreciate your statement. And also I just want to state for the record, just to remind everybody that these are public hearings and just to remind everybody that you need to be sworn in and state your name and address for the record. Thank you, again, Mr. Carson. Can we have our next speaker, Ms. Mascarenas?

MS. MASCARENAS: Our next speaker is Peter Murphy.

PETER MURPHY: Hello. My name is Peter Murphy.

[Duly sworn, Peter Murphy testified as follows:]

MR. MURPHY: My address is 50 Oshara Boulevard. Thank you.

Obviously, I live in Oshara Boulevard and I have a live-work unit there. I'm also on the board of Oshara Village, the mutual domestic, as well as the homeowner association boards, and we've discussed this project quite some time. We have other board members who aren't here as well. We support it and some of the reasons for that are we are really looking forward to having the northeast and southwest [sic] connectors built. That will reduce traffic and it will also reduce our road repair budgets inside our village, and increase pedestrian safety.

For the wastewater infrastructure, we really look forward to that as well. We'd like the County to take that over for us. We believe it has a positive environmental impact, so that's one of the things that this project would bring to us as well.

And lastly, we have 12 commercial properties located in Oshara Village. Six of them are along Richards Ave. and the other six are actually on the east side of Willow Back. Only one has been built and that's been the Pantry Dos, which has done tremendously well. We believe that this project would allow some of the owners of the commercial properties to build based on the increased and other homes that homeowners would be able to travel throughout village via bicycle or on foot. And I'll yield back the rest of my time to the Board.

CHAIR ROYBAL: Thank you, Mr. Murphy. We appreciate your statements.

MS. MASCARENAS: Mr. Chair, our next speaker will be Karen B. Hall.

[Duly sworn, Karen B. Hall testified as follows:]

KAREN B. HALL: My name is Karen Hall. I live in the Santiago Subdivision at #8 Calle Jacinta. I'm the secretary of the subdivision and we have had a flurry of activity regarding this meeting. We have presented letters from almost all of our members and we have worried about, number one, the buffer zone, as we have attended and I have attended the meetings since October 26, 2017 and heard that we were going to

have 200 feet but now maybe we're not. I appreciate Ms. Jennifer's proposal but I still – and we, 20 others, still would like more than 100 feet in the buffer zone.

We also are worried about traffic and the noise from another area which is as close as she said, as my closest neighbor. The lights, etc., that come from 855 houses – I can't even imagine it. We came here 20 years ago, my husband and I, and love this open area and the dark sky. With 855 more houses what is the sky going to look like, I ask myself.

We would like to have a wall separating, or to designate this new area, separating them from us. And planted with trees in the buffer zone, so it's not just a desert. Lighting, traffic, all these things are worrisome to us who have been here for about 35 years, actually. That is my opinion. Thank you for listening, Commissioners. I'll sign off.

MS. MASCARENAS: Thank you, Ms. Hall.

CHAIR ROYBAL: Thank you for your comments, Ms. Hall. We were told there were 13 more names that were submitted for public comment on this item so originally when I gave the three minutes I was under the assumption it was only three or four, so the rest of the speakers I'm going to have to limit to two minutes because we still have two other items that we have to go to. And then just there again, most of the speakers have been talking within two minutes as it is. So if we can just try not to be repetitive and we'll go ahead and start with that other list. Tessa, if you could call our next speaker and just another reminder that you need to state your name and address for the record and also be sworn in.

MS. MASCARENAS: Absolutely. Thank you, Mr. Chair. Our next speaker is Jane Mitchell.

JANE MITCHELL: Good evening, Commissioners and staff. We are lot #16.

[Duly sworn, Jane Mitchell testified as follows:]

MS. MITCHELL: 14 Calle Jacinta, and that's lot #16. Our property, #16, shares 430 feet with the boundary of Oshara. I believe you have a map in your packet as well as the 20 letters from our subdivision. The proposed housing within the buffer zone is very close to our property and the idea that this can be built up to 14 feet, or sorry, 20 feet, is of great concern. So we are asking that an eight-foot wall separate our property from Oshara and we were very pleased in 2018 when the Commissioners voted in favor of retaining it completely clear, a 200-foot buffer zone. This is of great concern to reduce this.

The subdivision is 35 years old, well established, and we all moved here because of the big spaces and tranquility of our subdivision, and the idea that this would have a density of 855 housing is totally different from our way of life and it would certainly impact us. There are 22 houses in our expanded subdivision and Oshara is totally different. There will be noise and the bright sky. This is all of great concern to us. So we do urge that the Commissioners retain our initial proposal of a buffer zone and retain our – build a wall between us and keep our way of life. Thank you, Commissioners for your consideration.

CHAIR ROYBAL: Thank you for your comments.

MS. MASCARENAS: Mr. Chair, our next speaker is Mark Brown.

MARK BROWN: Mark Brown, 2912 Las Cruces Street, Albuquerque nm

[Duly sworn, Mark Brown testified as follows:]

MR. BROWN: I'll keep it very short. I'm a property owner of Oshara Village and currently building my home. Mr. Murphy pretty much replicated my feelings. I am in favor. So I'm going to keep it short and that's what I've got for you, but I am in favor of this development. Thank you very much.

CHAIR ROYBAL: Thank you, Mr. Brown. Can we have our next speaker, Tessa?

MS. MASCARENAS: Yes, Mr. Chair. Beth Detweiler.

[Duly sworn, Beth Detweiler testified as follows:]

BETH DETWEILER: 11 Craftsman Road in Oshara Village, Santa Fe County. I know that other people will speak to how this development benefits Oshara Village in a number of ways but I wanted to speak to something different and that is that we recognize that we need neighbors. This pandemic has shown us convincingly that no man is an island. Even Superman didn't stay in his fortress of solitude forever. We need the support of our neighbors and neighboring communities to come together to celebrate and mourn, build and grow, instead of fearing new neighbors as strangers I want to share in their success. We all are lifted up when the Community College District develops sustainably.

I'd also like to say that I am hoping that you will not vote as the Commissioners. I respectfully ask you not to reduce the number of homes that this builder needs to build to pay for extremely expensive infrastructure, and at the end of the day when this development is completed it's only fair that he have sold enough homes to repay his investors who fund that infrastructure, and to have an income for himself. I'd like to ask you to do what is right and to be the leaders that your constituents have asked you to be. I respect and support you all so much and I'm asking you to lead us forward into the 21<sup>st</sup> century by voting to approve this project as it is proposed. That's it. Thank you.

CHAIR ROYBAL: Thank you for your comments, Ms. Detweiler.

MS. MASCARENAS: Mr. Chair, next up would be Robert Detweiler.

[Duly sworn, Robert Detweiler testified as follows:]

ROBERT DETWEILER: I'm speaking in favor of this project for all of the reasons that have been spoken to this evening. Regarding the dark sky Oshara Village where I live, it has the Dark Sky Ordinance and there's a lot of light to the west of our community over on Cerrillos Road South but our community remains quite dark and it's very livable. I hope the new community will be just as livable.

I'm on the board of the Oshara Mutual Wastewater Association and our board is in favor of joining up with the County. Our wastewater treatment plant is 15 years old and it's beginning to show the wear and tear that happens in such situations. A lot of parts need to be replaced every year. We've had to make replacements, and we think it's best to decommission that plant and go with the County.

I would like to quote a letter that I received. A copy I received, that was sent to the County Commissioners from one of our commercial property owners. This is from Michael Singley, Pantry Dos. "As a business owner in Oshara Village the improvements that are being proposed with the new subdivision are very appealing. Connecting to the County wastewater system would be valuable to our community. It would be a benefit to residential owners and commercial owners and this would allow for more commercial lots to be developed and tied into the County service."

So I wanted to just say that Mr. Singley speaks for me and for a lot of the others in our community. Thank you.

CHAIR ROYBAL: Thank you, Mr. Detweiler.

MS. MASCARENAS: Mr. Chair, our next speaker is Lynne Keller.

LYNNE KELLER: Hi, my name is Lynne Keller.

[Duly sworn, Lynne Keller testified as follows:]

MS. KELLER: 16 Willowback Road in Santa Fe. Thank you. I'm a resident of Oshara, a fairly recent resident and certainly everywhere that I've lived has watched a lot of growth happening. I primarily come from the west coast and that's the norm. And I love the concept of being able to grow in a really order, conscious, conscientious manner. One of our concerns, being my neighbors and myself, is the sustainability of our wastewater plant. As several have said, it's getting a few miles under its belt, and our concern about the connectors is of utmost importance for the safety of our community. And to move all these incoming people in our community. I am totally in support as are many of our neighbors. We chit-chat as we're walking around the neighborhood. So I'm sincerely hoping that this will be accepted and we can move forward. Thank you.

CHAIR ROYBAL: Thank you, Ms. Keller. Can we get our next speaker?

MS. MASCARENAS: Cathy Bartlett. Cathy Bartlett? Just reminder, if any of our speakers are calling in via telephone, you'll have to hit star 6 to unmute yourself. Cathy Bartlett? All right, if you'd like me to move on, if that's okay.

CHAIR ROYBAL: Let's go ahead and go to our next speaker and then we can circle back around to Ms. Bartlett. Thank you.

MS. MASCARENAS: Susie Keif.

SUSIE KIEF: Hello.

[Duly sworn, Susie Keif testified as follows:]

MS. KIEF: 38 Oshara Boulevard, Santa Fe.

CHAIR ROYBAL: Go ahead, Susie.

MS. KIEF: I am just a bit concerned about the commercial space being reduced. One of the reasons I moved to Oshara Village was the prospect of the whole walk, live-work type community, and I see that being reduced to just another residential area, subdivision. And I'm kind of disturbed by that. So that's one thing.

The other thing that I was wondering is what is the price point of the homes that will be in the neighboring Oshara communities?

CHAIR ROYBAL: We can have that answer for you at the end if you'd like to finish.

MS. KIEF: All right. That's fine. I did want to make my comment about the commercial space, because that was so important to me. I understand and I support the new sewer connection and the less reliance on a proprietary system and I'm happy about that. But I am concerned about the commercial, just to give voice about that. That's it.

CHAIR ROYBAL: Thank you, Ms. Keif. Can we answer that question for Ms. Keif right away?

MS. JENKINS: Yes, Chair Roybal. I'd be happy to answer the question regarding the price point of the homes. So there will be 15 percent affordable housing

that will be provided in accordance with County regulations, but the market rate home will be priced between \$300,000 to around \$600,000 will be the range, because there's a variety of housing types that are proposed.

MS. KIEF: What housing types will be there?

MS. JENKINS: There will be detached housing. There will be attached housing, are primarily what is proposed. And a little bit of multi-family as well.

CHAIR ROYBAL: Okay. Can we go on to our next speaker, please?

MS. MASCARENAS: Absolutely. Our next speaker is Eddie Greco.

MS. DETWEILER: If I could interrupt. I've already been sworn in, but I did put on the list people who had been hoping to be able to speak a number of names. So if somebody does not respond they probably have decided to submit their support by email to Nathan Manzanares, which I know Ed and Larry did.

CHAIR ROYBAL: Thank you. Can we get our next speaker, Tessa?

MS. MASCARENAS: Absolutely. Our next speaker is Craig Snowden. Okay. Our next speaker after that is Heather Nash. One more time, Heather Nash. All right. Our next speaker will be Sara Miller.

SARA MILLER: Yes, hi. I live at 46 Oshara Boulevard.

[Duly sworn, Sara Miller testified as follows:]

MS. MILLER: I just wanted to say that basically that I do support the project. I live in one of the live-work spaces on Oshara Boulevard as well. Like Peter had mentioned, he was on this. I would like to see more commercial as Susie Kief had said, but I totally think that we need this new development, we need the additional housing and the extension to the sewer line is going to greatly enhance everything down in the south side of town which really we need to have some more focus on. I'll cut it real short and that's all I wanted to say is I am in support of the entire project, although I would like to see more commercial.

CHAIR ROYBAL: Thank you, Ms. Miller.

MS. MILLER: You're welcome. Thank you.

MS. MASCARENAS: Our next speaker: Carly Neufelt. Carly Neufelt. All right. Patricia Nesh. How about Ezra Leyba? Ezra Leyba? Michael Singley. Michael Singley? Dan O'Friel. Dan O'Friel? Aaron Borrego.

AARON BORREGO: I thank you for the time today. I just wanted to speak in support of this development.

[Duly sworn, Aaron Borrego testified as follows:]

MR. BORREGO: 37 Old Santa Fe Way. Yes I just wanted to take a minute to speak in support of this development. I was born and raised in Santa Fe. My family's been here for a long time and it's detrimental to us locals to see everybody flocking to Rio Rancho and Albuquerque because of the cost of housing here. I think – I implore all the councilors to just take into consideration the needs of many rather than the opposition of the few who might speak against this project just because of the severe lack of housing in Santa Fe right now and the exploding costs of housing. Thank you for your time and I appreciate your hearing me.

CHAIR ROYBAL: Thank you, Mr. Borrego. Can we have our next speaker?

MS. MASCARENAS: Mr. Chair, that was the last on our list, so if I may,

I'll just run through those who weren't here the first time I called on them. Cathy Bartlett, Ed Greco, Craig Snowden, Heather Nash.

LISA ARMIJO: This is Lisa Armijo. I was skipped over.

MS. MASCARENAS: Oh, okay. Go ahead, Ms. Armijo.

[Duly sworn, Lisa Armijo testified as follows:]

MS. ARMIJO: 12 Calle Jacinta. I live in Santiago Subdivision and I am also adjacent to Mr. Richard's project. I'm on lot 70 next door to the Mitchells on lot 12. I do have a lot of concerns. My father's been here about 40 years. I've been here 34 years and we are a very quite country community, which we'd like to maintain and we know this is going to be a dramatic difference for us when this project evolved. I too with my neighbors would like to concur about the 200-foot buffer zone. I'm very concerned about the increase of traffic on Rabbit Road. I'm concerned about funding for a firehouse, and I'd like to know where the water supply is coming from, being that we're in a drought. Everyone here in our subdivision is on wells, so I'm concerned that wherever you're pulling your water from may end up droughting us.

CHAIR ROYBAL: Was that it for your comments, Ms. Armijo?  
Or did you have other comments?

MS. ARMIJO: Well, I had other comments but I'd love to hear where the water supply is coming from.

CHAIR ROYBAL: I know you had a question.

MS. ARMIJO: Who can I get to answer these questions, even outside of the meeting?

CHAIR ROYBAL: We can get with you individually but we can probably tell you where they're tying in. Ms. Jenkins, do you have an answer relative to that question? But your time is running out. That's why I was asking if you had any other comments?

MS. ARMIJO: No, those were my concerns. Thank you.

MS. JENKINS: Thank you, Chair Roybal, Commissioners. We are connecting to the Santa Fe County water system. There is existing infrastructure serving Oshara Village Phase 1 that we will be connecting with.

CHAIR ROYBAL: Okay. Thank you. Can we get our next speaker?

MS. MASCARENAS: Yes. Just to conclude the list, Carly Neufelt, Patricia Nesh, Ezra Leyba, Michael Singley, Dan O'Friel. That completes our list, Mr. Chair.

CHAIR ROYBAL: Okay. Once again, I'd just like to ask, is there anybody else in the public that would like to speak relative to this item. If you can unmute yourself and state your name for the record. Okay, I'm going to close the public comment. I'm going to go to Commissioners. I'm going to go to – I believe the Commissioners of this district are Commissioner Hughes. I'll go to you first.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I have a couple questions for Ms. Jenkins, just related to some of the concerns that were expressed. Could you respond to the idea of the eight-foot wall, the lighting and the trees in the buffer zone? Have you thought of any of those and how are you addressing those?

MS. JENKINS: Thank you, Chair Roybal and Commissioner Hughes and Commissioners. So we absolutely – the opening space buffer area adjacent on the east

side will be vegetated. There are opportunities to preserve some existing vegetation and it will be supplemented with trees. We want it to be a beautiful area as well. And lighting – Santa Fe County has a very strict lighting ordinance. All exterior fixtures must be shielded, 100 percent shielded, full cutoff and down-lit. So we will be in full compliance, and we are not proposing at this point any significant street lighting. So the lighting is really going to be limited to lighting that is associated with individual dwellings, porch lighting or something of that nature. So we feel that the lighting, again, the County's ordinance really addresses that pretty significantly.

COMMISSIONER HUGHES: Thank you.

MS. JENKINS: And also with respect to the wall, we are not in favor of a wall along that property boundary, but what I can tell you is that each of the homes individually has their own private courtyard walls. So that creates privacy not only for our residents but it also enforces and preserves privacy for our neighbors to the east. But we do not feel like the sense of community and the sense of for us connectivity, and we're going to have a trail system that we would like that to be accessible to our neighbors. And if there's a wall that really limits that level of accessibility. And walls sometimes attract some negative influence, whether it – around tagging or something of that nature. And so we do not feel in this instance that a wall is required, is necessary, or frankly, we do not feel it's appropriate.

COMMISSIONER HUGHES: Thank you. Thank you. Could you also just address what's being done about traffic on Rabbit Road, because I'm sure that Rabbit Road will have an increase in traffic.

MS. JENKINS: Yes, thank you. The traffic study that we did prepare did demonstrate that Rabbit Road will continue to operate acceptably, and the key thing about Rabbit Road that it's essentially being rebuilt as part of the northeast connector and southeast connector project. And so that is a County project and the whole intention of this is to support the County's primary growth area. So the design for Rabbit Road, there were several traffic studies that have been done that Santa Fe County commissioned in terms of arriving at the proper design parameters for these public improvements. So the northeast connector and the southeast connector are both being designed with the development of the Community College District in mind.

COMMISSIONER HUGHES: Thank you. And I just want to say that I think this is a very important project. I appreciate the very thoughtful design, the open space, the cluster, the walkability and of course we all know that we need a lot more housing in Santa Fe. We have so many people who commute here from Espanola and Rio Rancho who would probably much rather live here. It would be much better for the environment if people lived here. So my last question is – and you already addressed this, but what would the impact be of having a 200-foot buffer? Would that put the project in jeopardy? Or what would happen?

MS. JENKINS: So it does actually put the project in jeopardy on a couple of points. Twenty-eight homes is not insignificant when we look at the economic realities of this project. And secondly, we actually have an obligation per the County code and the Community College District that we have to have a minimum of 3 ½ dwellings per acre. We're at 3.6 right now. And again, as I mentioned before, there is a fair amount of terrain in this area. This is not just a big, flat prairie where we can just pick up units and relocate

them at will. Our design has been incredibly intentional to work with the terrain. We call this a terrain-based model, so we can preserve our open space and leave as much of it as undisturbed as possible in its natural condition, and accommodating trail connections there. You could walk out of the back door of almost every home in this project and get to a trail.

And so there's been so much thought that has gone into this in terms of creating a sustainable, walkable community, and this is a significant loss. And we don't want to get – I think that as policymakers, I think the Commission understands that decisions are made, and then to get into the mode of constantly kind of second guessing decisions. There was a Community College District plan that the buffer thing was addressed. There were multiple public hearings and public outreach around this Community College District plan. Again, there was a whole other very intense public project that went into the creation of the Community College District ordinance. This buffer question has been addressed and the direction that the ordinance went was to say there are certain uses and densities that aren't appropriate in these buffers. It was very intentional.

If the ordinance contemplated no-build zones they would have said it should be a no-build zone, but that's not what it says. So we believe our proposed compromise is fair and rational and goes so far beyond what the code even requires. I could stand here and say we just want the opportunity to comply with the code as written, but we're not saying that. We're saying we recognize the concern of our neighbors, so we have gone beyond what staff even suggested or required originally and created what we believe is fair and it's a win-win. It allows this project to maintain its economic viability while also creating a significant open space buffer for our neighbors.

COMMISSIONER HUGHES: Thank you, Ms. Jenkins and thank you, Mr. Chair. Those are all my questions. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. And I just want to recognize that we do have Representative McQueen here today, so thank you for being here, sir.

MATTHEW MCQUEEN: Thank you, Mr. Chair. I'm here in a professional capacity.

CHAIR ROYBAL: Thank you, sir. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I actually also just wanted to express some of the things that Commissioner Hughes expressed in terms of the thoughtful design and the need for housing, and actually, frankly, I think the proposed compromise is very, very thoughtful and generous. Does that also mimic the number of houses that you can construct in a way that's of financial – of major concern?

MS. JENKINS: Thank you, Chair Roybal, Commissioner Hamilton and Commissioners. We were able to jig things around a little bit. That's a technical term.

COMMISSIONER HAMILTON: That's a technical term.

MS. JENKINS: It does result in a loss of four homes. It is a loss of four, which is way more manageable than 28. So we can make that work.

COMMISSIONER HAMILTON: So actually I think that is a very fair compromise. [inaudible] I was wondering if Mr. McQueen has anything to contribute, that you'd like to comment on.

MR. MCQUEEN: Mr. Chair, Commissioner Hamilton, thank you for the



opportunity. I have worked in a professional capacity on this project for a long time. Ms. Jenkins gave you the history. And before that I did work on the Oshara Village project. So I think this is residential development where there's supposed to be residential development, and so I think this is a good project.

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

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Okay, I'm going to go to other Commissioners. Those were the Commissioners where the project does reside in their district. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Jennifer and thank you, everyone from Oshara Village for your support of this project that is extremely important to me. I have a few questions. Santa Fe County have passed a protection of pollinators resolution. And your neighbors in Rancho Viejo have adopted the pollinator resolution and their homeowners association. And so they are adopting that to plant pollinators in their open space and in their areas. And I want to make sure that that is something you will take into consideration as you move forward.

MS. JENKINS: Yes, thank you Commissioner Hansen. Absolutely.

COMMISSIONER HANSEN: I know that there is some milkweed out there and I hope that that won't be destroyed. But our Sustainable Division will be happy to share a list of pollinator landscaping plants that you can use.

Next, I am a little concerned about the loss of the commercial property. I do understand the need for housing but getting rid of one million square feet of commercial – I wanted to make sure that the areas for the school were still there. There's still land for the schools and maybe even possible land for a middle school. I know that – I believe there is land – I'm hoping there is land still for an elementary school.

MS. JENKINS: Thank you, Commissioner Hansen, Chair Roybal. So there is – the school site is still there and terms of how that is developed that is really going to be up for the public schools and their planning in terms of are they looking at – because often times they construct actually community schools that go through 8<sup>th</sup> grade. So it's kindergarten through 8<sup>th</sup>, and so that seems to the direction that the public schools are going as opposed to doing standalone middle schools. So I think that with respect to the school site I think it's likely we may be looking at a community school.

COMMISSIONER HANSEN: Okay. Then one of the great things that just happened in the legislature was the community solar bill was passed, so I am wondering if you are considering community solar for some of your affordable units that are being built in the community, so that they will have a lower utility rate.

MS. JENKINS: We are considering all sustainable measures. This is getting through to the conceptual plan amendment so we can move forward into that level of design, has been our priority. And so there are a lot of different options that are on the table. And so we look forward to coming back to the Commission with our preliminary subdivision plat application for our initial phase where we will have – those elements will be resolved and we can speak to them with more specificity. But all options are on the table.

COMMISSIONER HANSEN: Okay. That is good to hear. And then my last question is broadband. So I know that all the wires will be put underground, so when you are putting in the underground wires will you at least be putting in a conduit for

broadband? And making sure the residents – by the elimination of the commercial space and the fact that people are working from home more, I think it is really important that we consider and make sure that people have access to broadband.

MS. JENKINS: Yes.

COMMISSIONER HANSEN: Okay. And I am concerned about the Dark Sky Ordinance and I'm happy to hear that. I'm not particularly in favor of a wall. I do know that the houses will be built so therefore that will create their own buffer and I think that is a good idea. I'm trying to look through my notes. Anyhow, I am disappointed that you reducing the commercial space to such a large extent, but I also know that the need for affordable housing and the need for housing is also extremely important. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. A couple of things. Main thing, very well job, how you presented it Ms. Jenkins. Very well for you also, did a great job. Mr. Graeser and Mr. McQueen, thank you for being involved in the projects in this area. Appreciate that and what you all do for the community. One of the other things is Mr. Borrego, Aaron Borrego, I've known that guy since he was a little guy, and I hope your grandpa, Placido Borrego is doing very well. That's a gentleman that actually probably, what? 90 years old and he still does a lot of stuff for the community and that's one gentleman that's, like I said, 90 years old and he still hooks bales of hay. Very strong man. Very strong man.

In regards to the CCD, SLDC, that's what the County actually approved developments in this area for growth in those areas and so that's what we approved. We approved that for those areas. Also another thing is in regards to the three-mile sewer line, as we all know, we have a lot of money invested in the Quill plant and if this developer is actually is going to build and help out the Quill plant for the three-mile sewer plant that's what we want in the SLDC area. And so I appreciate the developer coming forward and saying, yes, we're actually going to build a sewer line to the Quill plant.

In regards to the northeast southeast connector, I know the County has had some challenges in constructing that roadway, and we actually have individuals on staff these days who actually worked on that, and I'm proud that that individual is working for the County now because he has a lot of knowledge as into the design of that northeast southeast connector. So yes, that has to get built and has to get done and it's going to get done. The County's had some challenges with the Highway Department and so on and so forth on that northeast southeast connector.

In regarding to Oshara, this is interesting – Oshara, I was there this weekend for a barbecue for Oshara in Oshara. Beautiful subdivision. Beautiful growth area in Oshara. I was there. Commissioner Hansen, you know. You were part of this development back in the days before the 2009 market challenge. But I was there this weekend at Oshara and it's a beautiful subdivision.

In regards to the schools, I know how the school board works. So in regards to, Ms. Jenkins as into having this site for the school boards as into how the schools can accept it, will accept it and yes, we actually need that because especially with the

immigrant population in that area as well as the individuals coming from Central America that our President Biden is dealing with. It's going to be a challenge for our schools to get some more property and build a school. That's a topic subject. But yes, we need more schools for our students because now we have pre-K and as school board leaders, where are we going to put them at? That's another challenge as into the facilities, where are we going to put them at?

Well taken, Chapter 6. A. You alluded to it. Understood. I understand it. And in regards to the 100-foot setback, is that part of staff's recommendation, that we're okay with the 100-foot setback? Yes or no, Nathan, if you could please answer that from Ms. Jenkins, please. And with that, Mr. Chair, I don't have any additional questions and with all due respect to Commissioner Hughes, this is in his district. And once again, the SLDC is where the County Commission approved growth for that area. And so Nathan, if you can actually answer me the 100-foot setback, is that part of staff's questions? And that's all I have, Mr. Chair. Thank you.

MR. MANZANARES: Mr. Chair, Commissioner Garcia, the 100-foot setback is new to staff. We just learned about that today at today's meetings. We were going with the original amended condition approved by the Planning Commission in 2017. So any amendment to that condition would have to be done by the Board and we would also need an additional amendment to condition 13 to be in accordance with the 100-foot setback and proposed acreage per DU.

MS. LUCERO: Mr. Chair, Commissioner Garcia, if I can just add to that. So originally staff was recommending kind of a transitional buffer area with one dwelling unit per acre within that buffer zone. So that was staff's original conditions and the Planning Commission amended it to state that it be a no-build area.

CHAIR ROYBAL: Thank you, Ms. Lucero, Mr. Manzanares. Are there any other questions? It looked like I saw Jennifer Jenkins' hand up but I also see Commissioner Hamilton. Commissioner Hamilton.

COMMISSIONER HAMILTON: Well, if Ms. Jenkins wanted to say something because I would like to make a motion.

CHAIR ROYBAL: I'm going to go back to Ms. Jenkins.

MS. JENKINS: It's okay. I can yield the floor. Thank you very much. Are you sure? So I'd like to make a motion to approve this with the revised proposed compromise that Ms. Jenkins suggested with a 100-foot buffer.

CHAIR ROYBAL: So we have a motion from Commissioner Hamilton. I'm going to go to Commissioner Hughes as he is the other Commissioner that this project resides in his district.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I think the village is in my district but I think the buffer zone is in Commissioner Hamilton's district. So it's appropriate for her to make the motion about the buffer zone if I'm correct on my map reading.

COMMISSIONER HAMILTON: If you would like me to yield so you can make the motion I would respectfully do that.

COMMISSIONER HUGHES: No, I think it's – I like your motion. I would just amend it slightly to say that the 100-foot buffer zone will be planted with drought tolerant vegetation, if that's an acceptable addition to your motion.

COMMISSIONER HAMILTON: Respectfully, Ms. Jenkins, is that in the plan?

MS. JENKINS: Yes, thank you, Commissioner Hamilton, Commissioner Hughes. That is acceptable. Thank you.

COMMISSIONER HAMILTON: Okay, so I accept that as a friendly amendment to my motion. Are you seconding it?

COMMISSIONER HUGHES: Then I'm seconding it, yes.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Okay so we have a compromise of the 100-foot setback and also that we have drought-resistant foliage planted within that area as well. So with that motion and second I'm going to go to a roll call vote.

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

COMMISSIONER GARCIA: Mr. Chair, my fellow Commissioners, yes and thank you for the developer for working with the community, so my vote is yes as well. Thank you.

CHAIR ROYBAL: Thank you very much for everybody's comments tonight and also for the developer working with the community, and also I'd like to thank staff for their hard work.

COMMISSIONER HANSEN: Mr. Chair, I have one more question. I think there were a number of other conditions that staff had that need to be included, so am I correct, Vicki, that you need a motion on all the other conditions, to accept staff's conditions?

MS. LUCERO: Mr. Chair, Commissioner Hansen, I think – and Commissioner Hamilton can correct me if I'm wrong, but I think the motion did include all of staff's conditions with the revisions, although I did want to mention that condition #13, being that the BCC accepted the 100-foot buffer that condition needs to be amended as well to state that the buffer area should be recorded on the conceptual plan, preliminary plat and final plat.

COMMISSIONER HAMILTON: Yes. Clearly 13 would have to be amended.

CHAIR ROYBAL: So the motion was made for that buffer. Correct, Commissioner Hamilton?

COMMISSIONER HAMILTON: That's correct. To revise 13 to what was proposed during the meeting by Ms. Jenkins.

CHAIR ROYBAL: Okay. I believe it was handled correctly. Attorney Shaffer, is that correct?

MR. SHAFFER: Mr. Chair, yes. That's what I understood the motion – the maker and the seconder to be saying is that they move to approve with staff conditions as modified and with the additional caveat that the 100-foot no-build area include drought tolerant vegetation.

CHAIR ROYBAL: Okay. Thank you, Attorney Shaffer. Commissioner Hansen, are you okay with that?

COMMISSIONER HANSEN: I am.

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CHAIR ROYBAL: Okay. So once again, thank you.

9. C. **(1) Case No. 10-5366 - St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2. Vegas Verdes, LLC, Applicant, JenkinsGavin, Inc., Agent, Request Preliminary Plat Approval for Phases 1-4, Which Consists of 22 Lots, and Final Plat Approval of Phase 1, Consisting of Four Lots, and Phase 2, Consisting of Eight Lots, on 68.94 Acres, of the St. Francis South Mixed-Use Subdivision. The Applicant is Also Requesting the Removal of a Previously Imposed Condition by the Board of County Commissioners on the Preliminary and Final Plat Extension, Which Required a New Conceptual Plan Application to be Submitted if the Final Plat for Phase 1 Was Not Recorded Prior to its Expiration. The Property is Located at 199 Rabbit Road, via St. Francis Drive, Within Section 11, Township 16 North, Range 9 East, SDA-1 (Commission District 4); and (2) Consideration and Potential Action on Affordable Housing Agreement if Preliminary and Final Plat Approval is Granted After Public Hearing**

CHAIR ROYBAL: The case manager is Mr. Vicente Archuleta and I also want to say congratulations on your retirement, Vicente.

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. I'm going to give a little bit of a history. On September 16, 2010, the County Development Review Committee recommended approval of a request for master plan zoning for a mixed-use subdivision consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 square feet of structures at full build out.

On December 14, 2010, the Board of County Commissioners approved the master plan zoning for the mixed-use subdivision consisting of 22 lots on 69 acres. On January 14, 2014, the BCC approved a request for master plat authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres.

On March 21, 2017, the Santa Fe County Hearing Officer recommended approval of a variance request to reduce the width of the right-of-way for the loop road within the subdivision to 70 feet.

On May 18, 2017, the Santa Fe County Planning Commission approved the variance request to reduce the right-of-way width of the internal road to 70 feet.

On July 11, 2017 the Board of County Commissioners approved preliminary plat for Phases I-IV and final plat for Phase I and Phase II.

On September 13, 2017 the Final Order was recorded under Instrument #1836040 in the Santa Fe County Clerk's Office.

On August 13, 2019, the Board of County Commissioners approved a Time Extension of the previous Preliminary Plat approval for Phases 1-4, consisting of 22 lots, and final plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots, on 68.94 acres, which would expire on September 13, 2020.

On October 10, 2019, the Final Order was recorded under Instrument #1899034 in the Santa Fe County Clerk's office. The Final Plat was not recorded. Therefore, the

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project expired.

The master plan which was approved in 2010 was approved as a mixed-use subdivision with a commercial, community service and residential component. At the time the BCC approved the master plan in 2010, non-residential uses were not allowed in this area, unless it was part of a mixed-use development.

Under the Santa Fe County Sustainable Land Development Code the St. Francis South development was designated as an existing Planned Development District. Per Chapter 8, Section 8.10.10.2 the St. Francis South development shall be developed in accordance with, and governed by and restricted to the densities, uses and conditions identified on the approved master plan, plat or development plan. Therefore, an amended master plan/conceptual plan is not required.

Applicant now is re-submitting a request for approval of the preliminary plat approval for Phases 1-4, which consists of 22 lots and final plat approval of Phase 1, consisting of four lots and Phase 2, consisting of eight lots, which was approved by the BCC in the previous application.

The Applicant is also requesting the removal of a previously imposed condition by the BCC on the Preliminary and Final Plat Extension, which required a new conceptual plan application to be submitted if the final plat for Phase 1 was not recorded prior to its expiration.

Summary: The Applicant has re-submitted the same Application that was approved in 2017 with the exception of an additional request for the removal of a previously imposed condition by the BCC on the preliminary and final plat extension, which required a new conceptual plan application to be submitted if the final plat for Phase 1 was not recorded prior to its expiration.

The prior application was which was approved by the BCC on July 11, 2017 for on 68.94 acres of the St. Francis South Subdivision. The Applicant is also requesting the removal of the condition on the preliminary and final plat extension, which required a new conceptual plan application to be submitted if the final plat for Phase 1 was not recorded prior to its expiration.

The site for the developoment is located in SDA-1 within a Planned Development District in the Santa Fe County Sustainable Land Development Code, which requires residential uses and allows commercial, retail, recreational, community and employment uses.

The application was reviewed for compliance with the applicable standards set forth in the SLDC as follows: environmental impact report, adequate public facilities and services assesement, water service availability report, traffic impact assessment, access and road design standards, fire protection, landscaping and buffering, lighting, signs, 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, and affordable housing.

Commissioners, in regards to water, in preparing for tonight's public hearing it was discovered that the County utility line extension and service agreement included in your packet automatically terminated with the previously approved final plat for Phase 1 was not timely recorded. Section 5.8.4.5.2 of the SLDC provides that for subdivisions connecting to the County, public, or publicly regulated water or wastewater system, a

water delivery agreement or a wastewater collection agreement, which shall include provisions governing any required water or wastewater line extension shall be entered into at or prior to final plat approval by the Board.

The County Utility Director would support entering into a new utility line extension and service agreement with certain modifications. Accordingly, under these unique circumstances, County staff would recommend that the BCC condition its approval on a new utility line extension and service agreement being entered into by June 15, 2020 and prior to the Board's adoption of its final order. Since the adoption of the final order rather than tonight's vote constitutes final plat approval this would comply with Section 5.8.4.5.2 of the SLDC.

Conversely, if a utility line extension and service agreement is not timely entered into then the application would be denied for failure to comply with Section 5.8.4.5.2.

**Removal of the Condition:** This application includes a request for the removal of a previously imposed condition by the BCC, which required a new conceptual plan application to be submitted if the final plat for Phase 1 was not recorded prior to its expiration.

Upon review of the SLDC, this condition is not in accordance with the SLDC as the development is listed in Section 8.10.10.9, this section allows the development to be built out in accordance with and governed by the approved master plan. A new conceptual plan would only be required if there is a change or expansion from what the approved master plan shows. Therefore, Staff recommends the removal of this condition.

**Recommendation:** Building and Development Services staff reviewed this project for compliance with conditions of the preliminary and final plat approval and for compliance with pertinent SLDC requirements, and find that the facts presented support the Applicant's request for preliminary plat approval for Phases 1-4, which consists of 22 lots and final plat approval of Phase 1 consisting of four lots, and Phase 2 consisting of eight lots, and the Applicant's request for the removal of a previously imposed condition by the BCC on the preliminary and final plat extension, which required a new conceptual plan application to be submitted if the final plat for Phase 1 was not recorded prior to its expiration and (2) Consideration and potential action on affordable housing agreement if preliminary and final plat approval is granted after public hearing meets the requirement of the SLDC.

Therefore, Staff recommends approval of the Applicant's request subject to the conditions as listed in the staff report with the following amendments. May I enter those conditions into the record, and then I will read the amendments?

CHAIR ROYBAL: Yes, you can.

[The conditions are as follows:]

1. The preliminary plat for all phases shall expire 24 months after the final order is filed. Filing of a final plat shall extend the expiration of the preliminary plat for 36 months for the next phase per section 5.7.12 of the SLDC. The final plat for Phases 1 and 2 shall expire 24 months after the final order is filed. Any time extensions shall be in conformance with the SLDC.

2. In order to comply with the mixed use requirement of this development, residential or community services uses will be required in each phase of the development.
3. Compliance with applicable review comments from the following:
  - a. NMDOT
  - b. County Public Works
  - c. County Fire Marshal
  - d. County Utilities
  - e. County Planning Division
  - f. County Open Space and Trails
  - g. County Affordable Housing
4. Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
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-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. Phase 1 is restricted to 3.04 AF and Phase 2 is restricted to 3.23.
6. Any increase in the water budget will require an amendment to the Water Service Agreement, the Water Covenants and the final Plat.
7. A financial guarantee shall be submitted for all off-site and on-site improvements, prior to Final Plat recordation.
8. Compliance with conditions of the Original Master Plan as follows:
  - a) A Traffic Impact Analysis (TIA) will be required with future Phases 1, 2 3 and 4 to ensure that off-site improvements are addressed for the development;
  - b) Future TIA shall address St Francis Drive/Old Galisteo Road concerns regarding the feasibility of a signal light or roundabout; and
  - c) The Applicant shall provide turnarounds with a driving surface of a minimum of 120' diameter at all dead ends servicing internal lots.
9. The two proposed street lights located at each of the entrances shall not exceed 25 feet in height.
10. Access permit for the roundabout at the western access in Phase 1 must be obtained from NMDOT prior to plat recordation. A second permit for the eastern access point will be required at the time warranted.
11. Applicant shall be required to plat 38-foot internal easements with a 120 foot radius cul-de-sac turnaround as per the original Master Plan.
12. Access from Synergy Loop through shared driveways or internal cul-de-sac roads shall align directly across from each driveway and must be shown on the plat of survey.



13. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
14. If multiple lots are purchased by one owner/developer and lots are consolidated, the Land Use Administrator is authorized to approve the lot consolidation and vacation of easements through an administrative plat approval.
15. A TIA is required with the submittal for each subdivision phase as well as the time of development for each lot. The TIA shall include existing development and approvals to analyze the cumulative effect within the entire development and analyze all existing traffic on Rabbit Road to determine when intersection improvements are warranted.
16. The Applicant shall be responsible for all design and construction costs associated with the two intersection connections with Rabbit Road.
17. The Applicant is responsible for improvements to Rabbit Road from the intersection with St. Francis Drive to the railroad crossing to the west of their property as part of this Final Plat approval, to be constructed with phase 1.
18. A 25-foot buffer with a no-less than six foot screening is required for the western bounday along residential uses. A proposal for screening shall be submitted prior to plat recordation and the cost of screening must be submitted with the financial guarantee.
19. The Trail along Rabbit Road shall be constructed with Phase 1.
20. ~~A minimum of 10% open space shall be designated on each individual lot. This shall be noted on the recorded plat under the Special Building Permit Conditions.~~
21. Each individulal lot is responsible for on site drainage and detention from all development on that lot.
22. The District will require additional traffic analyses for subsequent contiguous development. The property owner should contact the District Five Traffic Section as site development expands.
23. The Roundabout and Trail maintenance must be included in the Operation and Maintenance Agreement. [See amendment below.]
24. Additional Bores within the subdivision to determine soils for internal roads and for building foundations will be required prior to Final Plat Recordation.
25. A new utility line extension and service agreement shall be entered into by June 15, 2021 and prior to the Board's adopton of its final order on the application. [Added at staff report.]

MR. ARCHULETA: Thank you, Mr. Chair. The following amendments are what are going to e the amendments: removal of condition #20; the developer has satisfied the requirement for 30 percent open space in phases 1 and 2, and staff recommends a modification to condition #23 to state: "Maintenance of onsite roads and trails must be included in the operations and maintenance agreement. The roundabout and all offsite road improvements shall be accepted by NMDOT for maintenance."

And staff would like to add condition #25. A new utility line extension and service agreement shall be entered into by June 15, 2021 and prior to the Board's adoption of its final order on the application.

Thank you, Mr. Chair. I stand for questions.

CHAIR ROYBAL: Thank you, Vicente. Do we have questions from the Board?

COMMISSIONER HAMILTON: Respectfully, Mr. Chair, can we hear from the applicant as well?

CHAIR ROYBAL: Yes. I'm going to go to the applicant first and I just wanted to mention that this is in District 4 so I'll go to that Commissioner first. So can we hear from the applicant, Ms. Jenkins?

MS. JENKINS: Yes. Thank you, Chair Roybal, Commissioners. Hello again. I believe that I'm still sworn. Thank you. So good evening. I'm Jennifer Jenkins again. I'm still with JenkinsGavin. I'm here this evening on behalf of Vegas Verdes, LLC in request for subdivision plat approval for the St. Francis South project. I will once again share my screen. So I'll just go over this really quickly. I think Vicente covered this really thoroughly. The request before you this evening is for a preliminary subdivision plat approval for all four phases of the project comprising 22 lots, and a final plat approval for the first two phases comprising 12 lots. And as Vicente mentioned also, we had a plat approval previously in 2017. Then we came into the Board and requested a one-year term extension which was approved and at that time a new condition was added by the Board stating that if you don't record this plat you need to come back with a new conceptual plan.

And so as Vicente stated today, staff determined that that is actually inconsistent with the SLDC because this project has an approved master plan that is the basis for the Planned Development District zoning that was assigned to this property when the SLDC was adopted. Basically, the SLDC kind of adopts that master plan wholesale. The master plan really serves as the guide for our zoning, what we're permitted to do with the property. So staff determined that that condition was inconsistent with the SLDC and that's why we're asking that to be removed this evening.

So again, as background, the BCC approved the master plan for a large-scale mixed-use project on this property back in 2010 and as we mentioned, we had a plat approval in 2017 and after significant efforts, not only on our part but on the part of your staff who did an amazing job, we ran into some challenges with the DOT regarding the roundabout that we are constructing in Phase 1 of the project as far as getting that approval memorialized and after a concerted effort we were not able to get the plat approved prior to its expiration, after a lot of effort and work. And so we are here, essentially with the exact same request that was already approved in 2017.

So this is the subject property. It's about 68 acres, and it is located at the southwest corner of Interstate 25 and St. Francis Drive. So this is St. Francis here where it dead-ends into Rabbit Road. This is Rabbit Road heading out to the Community College District, which we just spent quite a bit of time talking about, and then this is railroad tracks and the Rail Trail here, and then of course the I-25 interchange with St. Francis.

This is the master plan that was approved in 2010. Our design is essentially – it's

identical to the master plan that was already approved so we are very consistent with what was previously approved. The lot layout and lot lines are a little bit different but we still have the loop road that connects into Rabbit Road in two locations, which in this design for improvements in Rabbit Road have been approved by the Department of Transportation this time, which is fantastic.

So as part of the master plan there were a list of permissible uses. We were designated at that time as a large-scale mixed-use project, and these are the types of uses that are permissible. And obviously, as a mixed-use project we have an obligation to incorporate residential into the development that could be multi-family, senior housing, could be live-work – all types of housing is permissible in the projects. Educational uses are permissible, government services, medical, public accommodations – whether it be a conference center or hotel, certain neighborhood service establishments, of course offices, including medical type offices, and light industrial type uses. And you can see kind of miscellaneous different types of studios, veterinarian clinics, greenhouses, things of that nature.

So this is the site plan currently as contemplated, and as I mentioned, we are doing fairly significant improvements to Rabbit Road, which is sort of going to dovetail with the County's northeast connector project. This is our first phase here in our southwest corner. A condition that was imposed in 2017 is that we do construct a roundabout at this intersection at our first phase, which we are doing, and this is our west entry so as our initial phase so we'll be building the initial part of this loop road to serve phases 1 and 2, and then as we move forward with phase 3 we will complete construction of the loop road which will intersection with Rabbit Road here, and this is a limited access intersection that will allow right turns in. It will allow right turns out. And it will allow left turns in. It will not allow left turns out heading towards St. Francis. That would require people to utilize the roundabout to head east towards St. Francis, and that's just because of the proximity. A left turn out is not considered a safe turning movement due to its proximity to St. Francis, so that's why the roundabout is such a great improvement in this location.

And you can see we have cul-de-sacs that are proposed to serve the lots that don't have direct frontage on the loop road. And also as Vicente said we are providing 30 percent open space. We have a 100-foot open space, which is an open space no-build area, all along our north boundary, our west boundary, and our boundary along Rabbit Road, and then it narrows up to 50 feet along St. Francis Drive.

Previously Vicente mentioned that we did get a variance for the right-of-way width for our internal loop road with our last plat submittal, but we did not bring that variance request forward as part of this plat submittal. So there is no variance request as part of this application. So this will be a 120-foot access easement as required by the SLDC.

So this is the phasing plan. You can see our first four lots here on the west side, and then we have Phase 2 kind of in what we call kind of the donut hole in the interior of the loop road. We have Phase 3 to the north and we have Phase 4 to the east.

So this is, just kind of zooming in on the improvements that will be constructed to Rabbit Road. Our first phase is in this area here, obviously with the roundabout and all of those associated improvements. And then when we move forward on the second phase of

the improvements with the connection of the east end of the loop road we will have our new left turn lane and our new right turn lane and new median improvements in Rabbit Road.

So this shows the section of Rabbit Road. So we have sidewalk. We have a landscape buffer. We have a bike lane and then we have the travel lane and then we have the median. So with that, I do have a couple of comments regarding a couple of conditions of approval as proposed by staff, and the first one I would like to speak to is condition #2. Condition #2 states that in order to comply with the mixed-use requirement of this development residential or community service uses will be required in each phase of the development. We are not in agreement with this condition because it is inconsistent with our approved master plan and it is inconsistent with the SLDC. We already saw earlier this evening that staff and us as the applicant are requesting removal of a condition because it is inconsistent with the SLDC, so we shouldn't be imposing conditions that are inconsistent with the SLDC and our approved master plan, which is essentially our primary zoning document that governs use of the property.

This is a mixed-use project. Absolutely we are required to have a residential element. There is an affordable housing agreement in your packet that lays out how the affordable housing is to be implemented as part of this project. That is a contractual agreement with Santa Fe County that requires this affordable housing contribution from us. And this project is significant in scope and it is driven by the market. We can't make something happen if the timing is not right. We absolutely could have residential in our first phase but we might not have residential in our first phase. With a project of this scope and this economic impact we need to be able to be nimble. We have to be able to respond meaningfully to market conditions. And we absolutely recognize that residential is part of this. It's been part of it from the beginning and in no way are we looking to get out from under that requirement. We just need to be able to move forward developing this project in accordance with our master plan and in accordance with the SLDC. And I would be happy to answer any additional questions about that as we move toward deliberation.

Condition #18 references the fact that in the SLDC, when you have a non-residential use adjacent to existing residential uses you have to provide a 25-foot landscape buffer and you also have to provide some sort of screening that is six feet tall, whether that be landscaping or fencing or something of that nature. So staff is referring to this area on our west side. We do have a couple of residential neighbors here. We have a 100-foot open space buffer here, and staff is asking us to build screening as part of the infrastructure when we're doing roads and utilities. However, let's say lot 1 develops with a residential project then the screening wouldn't even be required.

So what we are asking for, just a very minor modification to condition #18 that says, yes, we recognize that screening is required per the SLDC, but the screening should be constructed at the time these lots are developed, so the screening can respond to what is the particular project, what is the architectural design of that project, what's the use of that project, because if we go in and build screening here and then we end up with residential development on the west side then the screening wouldn't have been required. So all we're asking in #18 is that condition be modified that screening shall be provided on the west boundary in accordance with the SLDC, and we're happy to agree to that. We

are aware of the requirement. It just does not seem appropriate to require it to be developed prior to lot development.

And I believe lastly is condition #19, which speaks to a trail along Rabbit Road shall be constructed in Phase 1. So originally in this sort of 100-foot open space buffer adjacent to Wagon Road we were originally proposing a trail here that would connect to the rail trail. When the Department of Transportation was reviewing our design for the roundabout and the improvements to Rabbit Road, because Rabbit Road is still under the jurisdiction of the Department of Transportation. They asked us to – originally, a sidewalk was not proposed as part of that section. They asked us to incorporate a sidewalk. And we said, you know, we're already doing a trail, and we tried to convince them. We thought maybe the trail was a better option but they insisted on incorporating a sidewalk.

So we have a bike lane and a sidewalk along Rabbit Road which serves that multimodal purpose. So when we submitted this application to Santa Fe County it did not include the trail along the open space because we accommodating pedestrians and cyclists within the Rabbit Road improvements.

And so I would ask for condition #19 to be removed and again, I'd be happy to ask – because again, the submittal that is before the County right now does not include a trail in that area.

So with that I complete my presentation and thank you for your attention and I'd be happy to stand for any additional questions. Thank you.

CHAIR ROYBAL: Thank you, Ms. Jenkins. So this is a public hearing, so I'm going to go to the public. Tessa Jo, how many people from the public do we have signed up to speak on this item?

MS. MASCARENAS: I do not have any for this item, Mr. Chair.

CHAIR ROYBAL: Okay, so I'm going to ask is there anybody in the public that would like to address the Commission in opposition or support of this case number? If there is if you could unmute yourself. If you're a call-in on the phone it's star 6 and if you actually are joining with a laptop or an iPad you just have to hit the unmute. So is there anybody from the public? Just please state your name. Okay, I want to ask once again, is there anybody from the public that would like to speak on this Case #10-5366? Okay, hearing none, I'm going to close public comment and I'm going to go to Commissioners. I'm going to go to Commissioner Hamilton since this is her district I'll go to her first and then I'll go to Commissioner Hansen after.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I actually don't have any questions and frankly, I don't have any problem with the requests that were made for the small modifications to the applicant's requirements. I think the rationale was for 2, 18, and 19. I think the rationale was quite reasonable. Mr. Archuleta or Vicki, if you have any issues could you express them about some of those changes. Vicki, I see you wanted to say something. I'd like to hear your input at this point.

MS. LUCERO: Mr. Chair, Commissioner Hamilton, I would like to address the conditions that the applicant or the agent pointed out. In regards to condition #2, the master plan which was approved in 2010 was approved as a mixed-use subdivision. It was approved under the 1996 Land Development Code and at that time non-residential uses were not allowed within this location or in this area. So that they got

their master plan approved for mixed use was to have a residential component as part of that master plan. So in order to comply with the master plan and with the rationale for their master plan approval, we would recommend that they did have a non-residential component as part of each phase to ensure that if future phases do not get developed that we did in fact get the residential component that was required of a mixed-use development at that time.

In regards to condition #18, what we would like to see actually is consistency. The developer has not identified or designated the residential lots at this time. If they choose to do so I think we can amend that condition, but what we would like to see is – we don't want to see a gap. We don't want to see one lot come in and do a stucco wall, the next lot come in and do a separate, a brick wall, and just various types of developments. We want to see consistency throughout. As far as the buffer zone goes, if the development would like to come in and design and locate the wall now so that it would be consistent on each lot then that is something we could consider. Otherwise we believe that that condition should remain as stated there.

As far as condition #19, I agree with the applicant, they did modify their request so staff would have an issue in modifying that condition to state that the sidewalk/trail along Rabbit Road shall be constructed with Phase 1. Basically, the sidewalk serves the same purpose as the trail so we're not going to require them to do an additional trail besides the sidewalk.

So with that, Mr. Chair and Commissioners, I would stand for any other questions.

COMMISSIONER HAMILTON: Okay. I'm not sure what to ask. Between 2 and 18, Ms. Jenkins, do you have some other thoughts, because somehow there's something that I'm not getting two and two to add up to four here.

MS. JENKINS: Thank you, Commissioner Hamilton, Chair Roybal and Commissioners. So with respect to #18, with respect to the screening, we would be happy to agree to consistency. So for example, let's say the lot at the southwest corner develops in a non-residential fashion that requires screening of some sort, and then the next lot to the north develops, if they also are required to have screening then that would have to be consistent with what was proposed. So I would be happy with a condition that could actually be placed on the subdivision plat that where screening is required by the SLDC on the west boundary, because those are the only residential uses that we're adjacent to, that that screening shall be consistent in materials, height, design – something of that nature. I totally agree. I do not disagree with Ms. Lucero at all that an aesthetic and design consistency would be important and we'd be happy to agree to that, and we would like the opportunity for that design and that to be implemented as part of lot development.

COMMISSIONER HAMILTON: And do I have it correct that the screening is not required to separate if there are residences built there from the outside residences? It's only required if it's commercial developed there to screen from the pre-existing residential?

MS. JENKINS: Yes. That is correct.

COMMISSIONER HAMILTON: That's outside of the development area?

MS. JENKINS: Yes, that is correct, Commissioner Hamilton.

COMMISSIONER HAMILTON: Ms. Lucero, would that address the

department's concerns?

MS. LUCERO: Mr. Chair, Commissioner Hamilton, I think that does address some of our concerns. Initially, I think because this is required as part of the subdivision that that screening requirement should be imposed on the actual developer but if it's the desire of the Board to have that as a condition that it be developed consistently as each lot comes in then I think that that would be fine.

COMMISSIONER HAMILTON: I just wanted to get the questions on the table. I'll yield time now to other Commissioners who might have questions.

MS. JENKINS: If I may, Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, please.

MS. JENKINS: You asked about condition #2?

COMMISSIONER HAMILTON: Yes, yes, please.

MS. JENKINS: So I think the key thing to remember here, I think, yes, we have a mixed-use requirement obligation. It's part of our master plan. We have no room to get out from underneath that. It's part of the project. It has always been part of the project. But it has never been a contemplated requirement that there be a residential component in every phase. Ever. And that is a very significant concern in terms of maintaining viability as this project moves forward. I could have one townhome project or one live-work project, or I could have one senior housing project. Any of those projects in and of themselves satisfies my mixed-use requirement.

Half of this project could be developed as residential and we all know that there's a lot of demand for residential right now. Right? So we need to be nimble and we need the flexibility. We have a very extensive permissible use list but one residential project checks the box where we would be fully compliant with our designation as a large-scale mixed use project. And that is the critical piece to be understood here.

COMMISSIONER GARCIA: Mr. Chair, just on that note.

COMMISSIONER HAMILTON: Do you have anything further to say, because frankly, I obviously personally can't speak to what was intended at the beginning, but it certainly sounds reasonable if there's mixed use across the whole thing, that imposing a phase by phase requirement would be more than what was originally intended.

MS. LUCERO: Mr. Chair, Commissioner Hamilton, I don't think that there was ever set amount of residential that was required as part of this application. The intention was to have a mixed-use development so that there was a residential component. Our concern is that these two phases get developed without that and then the next phase of development for whatever reason doesn't come in and we never get our true mixed-use development, and it turns out to be nothing but non-residential uses. So that's what our main concern is.

COMMISSIONER HAMILTON: I understand. Ms. Jenkins, can you make a comment about that?

MS. JENKINS: Nobody can predict the future. There is a certain amount with any project, anticipating that a future phase could be delayed or something of that nature. But this project is going to be governed by this master plan forever. We planned it, it is identified in the SLDC as a planned development district based upon this master plan. We are called out. This master plan runs with the land. So if my client doesn't

develop Phase 3, somebody's going to develop Phase 3. It's not going to be vacant forever. It's an interstate, at an interchange. Then we're going to have all the new improvements to the northeast connector. This is not going to remain empty.

And so when we get to a point, if somebody's coming in with the fourth phase, to plat the fourth phase and there has been no residential development in the first three phases – which I think is highly unlikely – then the County is absolutely in a position to say, what's your residential element? You have to have a residential component in Phase 4. Right? That is absolutely appropriate leverage for the County to insist upon in order to ensure the property is in development accords with its master plan.

So this master plan's not going anywhere. And if somebody want to come in and try to change it, they're in front of this body to do so. And so require it in every single phase, it's an unreasonable burden to say, oh, we've got to just invent some residential project where we have no desire, we have nobody who wants to come in and build senior housing or nobody who wants to come in and build [inaudible] but I guess we're going to have to figure it out, because we've got to do in every phase. And so that is not a reasonable way for a project of this scope to be developed and respond meaningfully to the market.

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

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: I know Commissioner Garcia had a comment relative to one of the points that you made.

COMMISSIONER HANSEN: I had my hand up since the beginning.

CHAIR ROYBAL: I'll go ahead and go to you, Commissioner Hansen. Commissioner Garcia, will you just hold on to that? It would be a little bit easier if I could see you when you have your hand up, if we could try and do that. But I'll go ahead and go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Ms. Jenkins and Vicki, for your comments. So you have been working with DOT and they have approved the roundabout, the sidewalk, the bike lane all along there. So that will be – that improvement from the railroad tracks to the intersection of St. Francis. What will happen with the intersection of St. Francis and Rabbit Road?

MS. JENKINS: Thank you, Commissioner Hansen, Chair Roybal and Commissioners. So at this time there are no improvements proposed at the intersection of St. Francis Drive and Rabbit Road. Our traffic study indicates that it will continue to operate at acceptable levels of service. And so through the review from Santa Fe County Public Works as well as the DOT review there are no required improvements to that intersection at this time.

COMMISSIONER HANSEN: That's unfortunate. Then with the utility line, what is happening – would you repeat what is happening with the new utility line? Are you still depending on City connection?

MS. JENKINS: Yes, thank you, Commissioner Hansen. We are connecting – since there are no County facilities in this vicinity we received approval quite a few years ago to connect to the City's wastewater and water infrastructure on the other side of I-25 within the Rodeo Business Park, and that is still the plan.



COMMISSIONER HANSEN: So then what does it mean that if you don't get a new conceptual plan?

MS. JENKINS: Commissioner Hansen and Chair Roybal and Commissioners, so we have an existing master plan which under the current code is referred to as a conceptual plan. And that master plan was essentially adopted as the basis for our planned development district zoning. So when the SLDC zoning map was adopted the County looked countywide at the existing approved master plans, and those projects – like Bishop's Lodge is an example. An existing approved master plan – there really wasn't a zoning category that fit perfectly with what was proposed there, so the County took a variety – I'm not sure. I think there's like ten of them, maybe Vicki could correct me. I think there's around ten or twelve existing master plans that the County said, we're creating planned development district zoning for these master plans and development of these projects will continue into the future to be done in accordance with their existing, value master plans. So that is our situation with St. Francis South as well as a handful of other projects in the county.

So when the time extension for the previous plat approval was approved a new condition of approval was added by the Board that says if this plat expires you need to come back with a new conceptual plan. And then after further research and review, Ms. Ellis-Green reached out to me as we were coming in with this new subdivision application, she said, now I've looked at the code and that is because we're a PD, based upon this valid master plan, she goes I do not believe that a new conceptual plan would be required in accordance with the SLDC so she recommended, she goes why don't we just request that that condition be removed when we come in with the new subdivision plat.

COMMISSIONER HANSEN: Thank you for that explanation. And there was an addition condition, #25. Would you repeat that Vicki or Vicente?

MS. LUCERO: Mr. Chair, Commissioner Hansen, condition #25 shall read: A new utility line extension and serviced agreement shall be entered into by June 15, 2021 and prior to the Board's adoption of its final order on this application.

COMMISSIONER HANSEN: Okay. I'm good with that. Now, I want to go back to this residential issue, because I have mixed feelings both ways about this, Ms. Jenkins. One, we are in a desperate need for residential components and residential and affordable housing. How much affordable housing will you be building in this development?

MS. JENKINS: Thank you, Commissioner Hansen. So that is a really interesting question. So right now all that we are is a 22-lot mixed-use subdivision. As far as how these individual lots are to be developed is going to be – that development will be governed by our master plan in terms of what's permissible. But our effort now is create the parcels so we can market them and bring users to the project and build the infrastructure. It's very difficult to market these parcels without roads and access and utilities and all that. So getting the infrastructure built is the first step and the priority.

As a 22-lot subdivision the County code says at 22 lots you have an eight percent affordable housing requirement. So for us that would be two lots would be developed with affordable homes. So that is what our affordable housing agreement says because we're a 22-lot subdivision, so two of those lots would have to be constructed with

affordable homes. Now, we fully anticipate there will be significantly more affordable housing than that because we are going – there could be a residential subdivision. There could be townhomes. There could be live-work. There could be all types of different housing types, and those projects in and of themselves are going to be subject to the County's affordable housing regulations.

So we just don't know what those projects are today. So this is something that's going to be evolving over time. At a bare minimum we have, based on our 22 lots, we have a two home requirement in accordance with the code that is memorialized in our affordable housing agreement that's in your packet. But as these projects develop, we're saying, hey, we're doing this really cool townhome compound over here and it's going to have some live-work in there, and then we will develop a new affordable housing agreement with Santa Fe County for that particular project to comply with the ordinance.

COMMISSIONER HANSEN: So I can't imagine you're going to give up a huge lot and put one affordable housing unit on it.

MS. JENKINS: No, of course not.

COMMISSIONER HANSEN: That does not make sense. So how many homes can you have on each of these lots?

MS. JENKINS: So the base zoning in the planned development district is one dwelling per acre. That's what the PD district permits.

COMMISSIONER HANSEN: And you have 68 acres.

MS. JENKINS: Correct.

COMMISSIONER HANSEN: So what is your commercial going to look like?

MS. JENKINS: It's going to be a variety of things. We've been in dialogue – right now we're in dialogue with some significant medical users who have a beautiful kind of campus in mind for a portion of the property and so that we think is going to be our initial step forward as far as the initial commercial development.

COMMISSIONER HANSEN: Okay, and I'm going to remind you about the protection of pollinators and I'm also going to remind you about the community solar or making yourself so a sustainable development is not just possible.

MS. JENKINS: Yes. Thank you. Yes, absolutely. All those elements are again to be incorporated as we move forward with vertical development.

COMMISSIONER HANSEN: Okay. Thank you for answering those questions. I don't have any really suggestions for you, Commissioner Hamilton, at the moment. I do agree with the consistency on #18, that the screening be consistent. The residential on #2, considering that they have one acre for residential per dwelling, so we could have only basically 22 residential lots. We could only have 22 – there's 22 lots, right?

MS. JENKINS: That is correct.

COMMISSIONER HANSEN: So we could end up with only 22 houses if we followed this, in order to comply with the mixed-use requirement in this development, residential or community services uses will be required in each phase of the development. So you can't have any more than one house per acre.

MS. JENKINS: That's in accordance with the code. That is the maximum permissible density under the code. The based density is one dwelling per acre. If you

acquired TDRs or transfers of development rights the density can be increased from there.

COMMISSIONER HANSEN: Okay. Are you looking at getting TDRs?

MS. JENKINS: We have been following that program very, very closely and a lot of communications with the Planning Department around the TDR bank and tracking this very closely. I think TDRs are a possibility for this project. Based upon the current ordinance I don't think that the economics of the TDR program, as far as the numbers that we've run, it doesn't really work. I know the County is considering some potential amendments to the program, which we would be happy to participate in and support that effort any way we can as people in the private sector who have to implement this, so that is a possibility. But under the current regulations it's difficult to make that [inaudible].

COMMISSIONER HANSEN: Okay. I will leave it there for the moment. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Garcia.

COMMISSIONER GARCIA: No, I don't have any questions. Thank you, Mr. Chair. Oh, just one – I just want to make a point. I know Vicente, you're there listening as the Chairman said, congratulations, really quick, Vicente, great job. But other than that, Mr. Chair, I don't have no questions. Thank you.

CHAIR ROYBAL: Thank you Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just wondered if there's a way to compromise on #2, which I'm sure nobody will like this idea but I'll throw it out there anyway, because I think we went to get things moving along. What if we just required residential in Phase 1. In other words we just change rather than saying each phase has to have residential, what if we just said the first phase to be developed had to have residential? Whether that would work with staff and the developer.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Go ahead.

COMMISSIONER HANSEN: So I understand your idea but considering that they are only required to have one house, so to speak, per lot, and they have 22 lots, if we put that kind of requirement on them that would mean they could build one house and have fulfilled the requirement, and that doesn't really work for me because I would really like to see a senior living situation here. They could even do a multi-use complex here. That seems like a very limiting position to put ourselves in.

COMMISSIONER HUGHES: Yes, I understand that. I'm envisioning a senior housing development as well, not just one house. But they could put one house in each phase and then we'd get four houses, so that's not very many either. I guess I would ask Vicki if there's any compromise on #2 or if we should just stick with #2 the way it's written.

MS. LUCERO: Mr. Chair, Commissioner Hughes, as I mentioned before, our main concern is that there is a residential component to the development. Does it necessarily have to happen in each phase? Not necessarily. That wasn't a requirement of the master plan that there be residential in each phase, but we do want to just make sure

that we do get our residential component in in the event that future phases are not built out or don't get built out for 20 years..

COMMISSIONER HUGHES: Right. So is there a way to reword #2 so it says what you just said? Or does #2 say what you said already?

MS. LUCERO: Well, I think that if the Board would like to change that I wouldn't disagree with the requirement for residential in Phase 1. I understand that you don't want to have them do just one dwelling unit so if the Board wants to modify that condition to have some – to say something like multi-family residential – that would be up to the Board. The code doesn't really address how much residential has to be implemented as part of a mixed-use development.

COMMISSIONER HUGHES: Ms. Jenkins wants to respond, I think.

CHAIR ROYBAL: And also Commissioner Hamilton had her hand up.

MS. JENKINS: Commissioner Hamilton, you obviously should go first.

COMMISSIONER HANSEN: No, this time you should go first.

MS. JENKINS: Thank you, Chairman and Commissioners. So the thing we have to be cautious about, especially with a project of this scope, and the level of investment involved is getting overly prescriptive, and then we get into a situation where it kind of handicaps a project in terms of how it can move forward. The whole intent of this project was to be an economic driver for Santa Fe County. And we really want to fulfill that and we are only on the cusp finally, fulfilling that after a lot of years and a lot of effort, not only on our part but on the part of Santa Fe County. And as I mentioned before, a condition that says that there has to be a residential component and Phase 4 cannot move forward unless there is – if there has not previously been a residential component in the previous phases Phase 4 cannot move forward until, as part of that platting of Phase 4 you say, here's my residential project. So that can be memorialized on the plat for Phase 4. That is an appropriate condition and where the County can ensure that the master plan is implemented in accordance with the terms of that plan.

So we believe that that is an appropriate condition, to try to get us to like check the box on the residential right way? It could happen. I'm not saying it won't. But again, to become overly prescriptive it really handicaps our efforts.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: It's really interesting. We need both things in Santa Fe County. When we talk about it, even right down to strategic planning. We need more economic development that's appropriate and beneficial economic development consistent with our communities. We need more housing. And then very, very typically, Santa Fe County gets in our own way for both of those things. So we have this very large residential development we just approved previously that is almost right next door. And frankly, we spent a good amount of time with this the first year I was a Commissioner talking about what would go here and all these compromises, and approved it back then. And I frankly think that was fine and I feel like many of the kinds of – we covered many beneficial constraints on development that cover our conceptual concerns, right? Open space requirements, low-income or affordable housing requirements. And those are in the master plan. And so I just am having a problem – and

all of those things were well conceived and they're being adhered to. So frankly I'm having a problem putting additional conditions because we're afraid the other conditions – well, suppose they're not met? But they're in the master plan.

So I would like to make a motion to approve this, eliminating recommendation #2, because I believe that's covered in the original master plan; modifying #18 so that it addresses consistency of the screening, the wall, so that they are consistent; and eliminating #19, because everybody agrees on that. And of course that would include #25 because that has expired and that's fine. So there's my motion.

MS. JENKINS: If I may, Commissioner Hamilton, my apologies. Just a point of clarification on condition #18, with respect to the screening. The consistency is great but we have asked that the screening be constructed at the time of lot development, but there be a note on the plat that the screening must be consistent in design.

COMMISSIONER HAMILTON: Yes. That is what you had suggested and I accept that clarification.

MS. JENKINS: Great. Thank you so much.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hamilton, and I will second in support of the Commissioners of that district.

COMMISSIONER HAMILTON: Thank you, Mr. Chair.

CHAIR ROYBAL: So we have a motion and a second. I'm going to go to a roll call vote.

**The motion passed by unanimous [5-0] roll call vote. [See Page 87 for further clarification of motion.]**

9. D. **Case # 20-5071 Las Campanas Master Association Appeal. Las Campanas Master Association and Verizon Wireless, Applicants, are Appealing the Planning Commission's Decision to Deny a Variance that Would Allow a Stealth Wireless Communication Facility to be Constructed 70 Feet in Height. The Proposed Stealth Cell Tower Will Be Located on Parcel 5, Which Comprises 7.62 Acres of the Las Campanas Planned Development District. The Site is Located at 366 Las Campanas Drive Within T17N, R8E, Section 15, SDA-2 (Commission District 2)**

GABRIEL BUSTOS (Case Manager): Thank you, Mr. Chair. On November 12, 2020, Case # 20-5070, Las Campanas Master Association Conceptual Plan Amendment and Height Variance was presented before the Santa Fe County Hearing Officer. Members from the public spoke in support of the application and testified that cell phone service in this area of Santa Fe County is inadequate. A majority of the members of the public who testified at the hearing expressed their concern for the health and safety of residents due to not being able to connect with first responders in the case of an emergency. No members of the public spoke in opposition of the proposal. The Hearing Officer recommended approval of both the height variance and conceptual plan amendment subject to the conditions recommended by County staff.

On January 21, 2021 Verizon Wireless and Las Campanas Master Association

presented an application before the Santa Fe County Planning Commission, requesting approval of an amendment to the previously approved master plan to allow a stealth communications tower as an allowed use on parcel 5 of the Las Campanas Planned Development District. The applicants also requested a variance of Section 10.17.8.1 of the SLDC to allow the stealth communications tower to be 70 feet in height which exceeds the height limit of 27 feet, 48 with TDR's) allowed in a PD zoning district. The Planning Commission made a motion passed by majority voice vote to approve the conceptual plan amendment and deny the variance request to allow the stealth communications tower to be 70 feet in height but rather 48 with the acquirement of TDR's.

On February 9, 2021, the applicants went before the Board of County Commissioners, requesting to amend the Las Campanas De Santa Fe Conceptual Plan to allow a stealth communications tower as an allowed use on parcel 5 of the Las Campanas Planned Development District. This request was well taken and was approved by the Board of County Commissioners.

The Applicant is now requesting that the Santa Fe County Board of County Commissioners overturn the Planning Commission's decision to deny a variance which would allow the proposed stealth communications tower to be constructed 70 feet in height which exceeds the height limit of 27 feet, 48 with TDR's, allowed in a PD zoning district. Although the SLDC defines bell towers as stealth communication facilities, the proposed tower at 70 feet in height would be contrary to the word stealth regardless of the design of the tower. The maximum height allowed in any planned development district is 27 feet or 48 feet with TDRs, which is a reasonable increase and much taller than any surrounding buildings.

The applicant has addressed the variance criteria and staff has responded to their comments.

Staff has established findings that the request for a stealth tower 70 feet in height does not meet code regulations for maximum height in a PD, therefore, staff does not support the variance request.

Recommendation: Staff recommends denial of the request for a variance of Section 10.17.8.1 of the SLDC to allow the stealth communications tower to be 70 feet in height. The maximum height allowed in a PD is 27 feet or 48 feet with the transfer of development rights. The Applicant has implied that they could achieve coverage and capacity with multiple towers that meet SLDC requirements.

If the decision of the Santa Fe County Board of Commissioners is to allow the appeal and therefore approve the variance request, staff recommends the following conditions be imposed. Mr. Chair, may I enter the following conditions into the record?

CHAIR ROYBAL: Yes, you may.

[The conditions are as follows:]

1. The applicant shall transfer the appropriate amount of development rights to exceed the 27 foot height requirement
2. The variance shall apply only to the proposed stealth facility

MR. BUSTOS: And I now stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Bustos. Do we have the applicant?

ROBERT KIELY: Yes, we do.

CHAIR ROYBAL: Okay, can you state your name for the record and your address and you'll need to be sworn in, sir.

MR. KIELY: Certainly. My name is Robert Kiely, and my address is 10 Blue Sky Circle in Santa Fe County.

[Duly sworn, Robert Kiely testified as follows:]

MR. KIELY: Thank you very much. My name, as I mentioned is Robert Kiely. I chair the Las Campanas Cellular Committee. I also happen to be the president of the board of directors of the Las Campanas Owners Association. Also joining us is Amy McKenzie of Black and Veatch, and she's representing Verizon Wireless as a co-applicant.

I'll give you a little background if you don't mind and then Amy will provide the details of what we're asking for, and then we'll have some closing remarks. And by the way, this is a joint application between Las Campanas Owners Association as well as Verizon Wireless but the application is fully supported by the Club at Las Campanas, which is a separate legal entity and they're part of our committee.

First, I'd like to thank the Board of County Commissioners and staff for approving the application to change the 1992 Las Campanas conceptual plan to allow a stealth cell tower as an approved use. We're very much appreciative of that and you got a lot of kudos in our community, both from owners as well as people who work here for granting that change to the old 1992 conceptual plan.

But the reason that we're here tonight is that we want to appeal the decision of the Planning Commission which was a 4-2 vote to limit the proposed cell tower that we proposed at 70 feet. They wanted to limit it to 48 feet with TDRs. So if left standing, this 48-foot requirement – and I'll talk about how we got to these numbers, but it would reduce the coverage by between 50 and 55 percent, and it would also cause a second carrier that we've been trying to get on the tower, AT&T to completely discharge themselves from the project. They would not go as a second tier on a 48-foot carrier. And in fact it could just put the entire project in jeopardy because we still have to spend the same amount for a 48-foot versus a 70-foot tower and your coverage is less than half, then wireless companies tend to steer away from those sorts of projects.

So I'm sure that the folks that were – the Commissioners that were on the meeting that we had with the BCC back in February recall that Las Campanas, unfortunately, has terrible, really abysmal service from the cellular carriers. We have dropped calls. We have dead spots. We have low or no data throughput. In many areas there's just no coverage whatsoever. So basically we formed a committee among Club and owners and we decided to look at this situation to see how we could get it remedied.

But before we went out and started talking to AT&T and Verizon and T-Mobile and all these people, we decided the best thing to do was to poll not only the residents of Las Campanas but also all the surrounding communities to see what their thoughts are on cellular service. We polled Aldea, Camino del Rey, Colinas Verdes, Los Suenos, Rancho de los Ninos, Sonrisa, a whole bunch of different neighboring communities and we got 158 responses back from neighboring communities and we got about 401 from Las Campanas. And found out some basic information, like 69 percent of the customers in this area use Verizon, 22 percent use AT&T, but we also found out that nearly everyone

has coverage issues, dropped calls, slow data, dead spots – all the bad stuff that's associated with poor cellular service.

We also found out that it's not only just a convenience issue or a work at home issue, but many, many people are concerned with security and with safety and with communication with the medical and EMT people. And so we also found out, amazingly, that a supermajority were in favor of a cell tower to take care of this issue. So we had really good support for this initial polling of the community members.

So with this mandate we went out and started talking to the cellular carriers and we had some requirements around what we wanted to do. We wanted to have the maximum coverage for Las Campanas, the surrounding communities, the trails, the equestrian trails, the roadways, but we wanted to keep the tower at the absolute minimum height to provide that maximum coverage. We wanted to protect people's sight lines and we didn't want to have an ugly tower. So along those same lines we had a requirement that the tower comply with the southwestern architecture that makes Santa Fe Santa Fe.

So we wanted to have a stealth design, preferably in the form of a bell tower. And so we talked to multiple carriers and we finally came to the conclusion that Verizon was the right carrier for us to work with on the primary basis. One, because they had the most customers in the area. Two, they had a great, creative southwest design, and third Verizon is really, really easy to work with.

So we actually looked at 11 different locations around Las Campanas. I personally went out to these locations. In some cases we had the AT&T consultant. Other cases we had Verizon people. And we also took a look at a multi-tower type of an arrangement where we'd have multiple smaller towers. And we discarded that because it's really not a workable way of doing this. One, when you build a cellular network there are cells, cells of coverage. And when you have cells that are close together they interfere with one another. So what you have to do is tune down the power from these various cells, which basically actually reduces the coverage of the area. So there's this technical issue that we would have with multiple towers around the area, not to mention of course multiple towers would affect more sidelines.

Another issue is you have to have a fiber cable and electric out to each particular tower and when you do that you run into problems with cable cuts, especially in a place like Las Campanas which is primarily residential. So if someone puts in an irrigation and they cut your fiber optic cable you're probably going to be out of service for a very long time. And that's another issue around it, since it's primarily residential we just wouldn't have nice spots to put multiple towers. Also, if you have a short tower then it's only for one carrier, because a second carrier won't want to go really low on a short tower. So that means you have to have multiple towers for carrier A, then you have to have multiple towers for carrier B, and pretty soon you have towers mushrooming up along the whole neighborhood, and that's really not where we want to go, especially since early in the process County staff advised us that it's desirable to have co-locatable towers and we tried to keep that in mind.

And finally, AT&T had an experience that we investigated in the Scottsdale area where they put up multiple stealth towers in the area and all those problems I just mentioned came to bear. They had multiple cable cuts. They had outages that were difficult to take care of. They had to use a lot of electricity because they had to run power



out to all these different locations. And in fact, the person who led that effort for AT&T was terminated from his responsibility. Then Verizon came in, and guess what. They put up one tower, covered the whole area. They had very few breakdowns so it all turned out pretty well.

So we discarded the idea of multiple towers and I just want to make sure that everybody's aware that we didn't just throw it away initially. We actually really did look into it and we just ran into too many technical and logistical issues that it didn't make sense for us.

So what we finally ended up doing was settling on a location that's right next to the Las Campanas Owners Association administration building and maintenance facility. Why? There's already power there. There's already fiber optic cable there. There's a parking lot so we don't have to tear up any more land, and there's also a security system there. And the nice thing about it was, and I'll explain this in a moment, it was a great place to have one location that gives great, 100 percent coverage to the neighborhood.

So how do you decide on the height of a tower. And this is how it's done these days. The various cellular companies send out an engineering team to the physical location and they have drones. And the drones go up to certain levels and they do visual imaging. They wouldn't tell me which frequencies or which spectrum that they used. Part of it I'm sure is physical but they probably have other ones because it's very proprietary and it's their company's and they want to protect that. But in any case, they go to different levels, they do imaging. They take that and it takes imaging of the topology and it's unique to every place that you put a cell tower. And so they take that data back and they've developed these very sophisticated and proprietary software systems where they plug that data into the software system and they develop coverage maps.

So they can take a look at it at a certain height and say this is only going to be 50 percent coverage. This will be 100 percent coverage. If you go higher than that, you're still at 100 percent coverage so there's no reason to go higher. So the height that they settled in on was 70 feet. The rule of thumb in that particular area is for every ten feet that you reduce that 70 feet you lose about 25 percent of your coverage. So going from a 70-foot tower down to a 48-foot tower, if you do the math, that's losing about 55 percent of your coverage from that particular tower. So that's a very important consideration.

So if you don't mind, Amy, could you share your screen that shows the physical location that we're proposing for the tower because I'd like to point this out to staff as well as to the Commissioners. If you look at the bottom left you can see the letters DD, that's where the BDD is, the water treatment plant. There you go; right there. That is about 450 yards from the tower, where it says tower. And if you look at the road that comes in from the south, is Caja del Rio, and there's Las Campanas Drive that winds all the way around. There's the HOA building which is immediately adjacent to the tower.

To the west is the Camino Real Trail. That's a beautiful trail that the federal government along with the County put in. I hike that trail all the time. I can tell you with personal experience the coverage there is really bad. If you twist an ankle and you can't walk you're in deep trouble because you're not going to be able to use your cell phone to call for help.

There are three lines of power lines that go north and south. Those poles are anywhere from 50 to over 102 feet. I've been out and measured a number of them myself, and so those are behind the tower, not that far behind the tower. And it's unfortunate in the lower left corner where it says BDD, the BDD level above sea level is 6,532 feet. If we put the tower next to the HOA the top of the tower will be 6,503 feet. So the top of the tower will actually be lower than that 10 million gallon water tank at the water treatment plant.

So what we're proposing to put up is actually lower than the adjacent building, which is about 450 feet away. And it's lower than the power lines that are behind the building which are up to 100 feet. So it's really an ideal location because as you look out to the right you can see Las Campanas and the golf course, the land slopes up, so people who have homes there – and by the way, the closest home to that tower is about 900 yards, so that's over a half of a mile. So people who have homes there would be looking down on the tower. So with the hills that are on the other side of the Camino Real Trail, the tower would not impinge on their sight lines. They'd be looking down on it and the tower would have an outline against the hills from those homes.

Now if you get close to the tower then that's a different story. In any case, it's really an ideal location because it doesn't impinge on people's sight lines and it's lower than adjacent structures, and it provides 100 percent coverage if we can get up to that 70 feet. Amy could you please go on to I think it's that second photograph that shows the Las Campanas Owners Association building from the street?

So this is from the street in front of the owners association building, and we want to put the tower just slightly to the left of the building, and Amy will have some specific photographs, photo-sims of that. But what you can see behind it is a 92-foot power line power, double-pole, and that's one of three separate sets of parallel power lines. So what we're proposing to go up is going to be 22 feet lower than that power line that's already there, as well as 29 feet lower than the BDD water tank. So we really don't think that it's a really big impact on sight lines compared to what's already there. And just for the fun of it, Amy, if you could go to that other photograph that I sent.

This is a cell tower that's on West Alameda Street in Agua Fria here in Santa Fe County. This tower is 283 feet high, according to the FCC documentation for that specific tower. And I took this photograph myself. If you look, it's surrounded by residential area. So what we're asking for is a quarter of the height of this existing tower. It's right on the other side of 599 from Las Campanas. So one of the Planning Commissioners said he didn't like tall towers. Well, this is a tall tower. What we're proposing is certainly not a tall tower. Thank you very much. Amy. I'll continue with the rest of this.

So as kind of a recap, we met with the Technical Advisory Committee of the County back in April of 2020. We held a pre-application meeting in July of 2020. There were 114 attendees. There were zero complaints about the tower. We submitted the application to the County on July 27<sup>th</sup> of last year. Three and a half months later they set us up for the Hearing Officer meeting on November 12<sup>th</sup>. At the Hearing Officer meeting there were ten members of the public that testified. All members testified in favor; zero members of the public testified against. And most of the people said that there were issues around safety and security, and that's why they want to have the tower.

Now, as Mr. Bustos mentioned, the Hearing Officer ruled in favor of the variance, and I'm just going to read this real briefly. "The joint applicants' statement in support of the variance together with the evidence submitted at the public hearing demonstrate that the hardship criteria in Section 4.9.7.4.2 is met. The applicants' response to the hardship criteria addressing the adequacy of the current height restriction of 27 feet to provide a reliable and sustainable network. Therefore, evidence submitted at the public hearing demonstrate that the existing cell phone service in the Las Campanas area results in dropped calls and loss of service, risk in health and safety of the area residents and visitors, as well as inefficiencies in daily life. Additionally, uncontroverted evidence submitted at the public hearing established that compliance with existing height limitation of 27 feet will not materially improve service and a 70-foot height request is necessary to provide adequate service in the vicinity of Las Campanas."

And in conclusion the Hearing Officer states: "The variance application meets the requirement of the SLDC applicable to a height variance for the proposed stealth wireless communication facility and should be approved." But then he added, "The Hearing Officer recommends the application be approved subject to the conditions recommended by the County staff." So the Hearing Officer is attorney Richard Virtue, which I'm sure the Commissioners know. He clearly stated that the applicant meets the requirements for a 70-foot tower. But then staff took that last statement, "subject to the conditions recommended by County staff" and came in and said, oh, well our recommendation, our condition is that you can only go to 27 feet or 48 feet with transferable development rights.

And to pretty much everybody who saw that presentation we couldn't quite understand the discrepancy between what the Hearing Officer plainly said, which should be granted a 70-foot tower height, versus the condition that the staff decided to apply, which was a 27-foot limitation or 48 feet with development rights.

So we really think that when staff pulled the zoning table from Section 8.19 that states 27 feet and 48 feet with development rights as a maximum height of an edifice in the county, it really is the incorrect section to apply. Because there's an applicable part of the SLDC which deals specifically with telecommunications. It's Section 10.17, Wireless Communication Facilities. And it states directly, "Section 10.17 shall apply to the installation, construction, modification or operation of any wireless communication facility located within the unincorporated areas of the county." And it lists standards. And it states, "The overall height of a proposed stealth wireless communication facility shall be limited to that which is allowed within the zoning district in which the facility is located and which is consistent with the surrounding community."

And if you look at the table that has the zoning districts, 10.3, that gives the height of the zoning district, the height is 60 feet. It's not 27 feet. It's not 48 feet with development rights. It's 60 feet in a planned development. It's the last one on the list. But it does go on to say, "However, in no case may the overall height of a stealth facility exceed 50 feet." So there's really no requirement anywhere in 10.17 that deals with a cell tower that says that there has to be TDRs. It does not exist and we think that the staff misapplied the requirement for TDRS because the SLDC is very clear that 10.17 applies to cell towers.

So we respectfully submit that the 27-foot limitation and 48-foot TDRs is really not applicable and rather the code limits the stealth tower to 50 feet, and our appeal, to be clear, is we want to have a 70-foot tower with no staff requirements of these TDRs, because they're not applicable according to 10.17.

So going forward, the Planning Commission Webex was on the 21<sup>st</sup> of January. Numerous people testified for the 70-foot tower; nobody testified against it. The Commission voted 4-2 to limit the tower to the 48-foot with TDRs. What they said was, "The Commissioners are not convinced that extraordinary exceptional situations or conditions of the property exist such that the strict application of the SLDC would result in peculiar and exceptional practical difficulties or exceptional and undue hardship to the applicant."

Well, frankly, I'm here to tell you that this strict application does imply and does restrict us unduly. The County's received over 400 letters in support specifically of a 70-foot cell tower. Mainly from Las Campanas residents but also from people who work here, people also from the local neighboring communities. We've received five against the tower. So there's overwhelming support for the tower. So people use their cell phones at home, not just for work. If you're working at home and your cell phone doesn't work your livelihood is affected. And that's an undue restriction.

And even more importantly people depend on their cell phones for safety and medical reasons. Here in Santa Fe County the average age is 47 years but in Las Campanas the average age is 68 years, so subsequently people require better communications or more communications with medical providers. And within those 400 letters are many, many letters that address medical situations. Here's one from a woman who wrote that her husband suffered a major cardiac event. He had to have open heart surgery and had a pacemaker and defibrillator installed, and the transmitter from this communicates with his medical provider via – guess what – cell phone. And he's also supposed to start to walk around so that he can build back his heart muscle, and without having cell coverage, he can't communicate with his cardiologist; he can't communicate with the hospital, and when he walks around there's no communication whatsoever. So it's a huge imposition for him to not have this.

Here's another one from a person who wrote that her daughter visited during a school break, and she took a walk around the neighborhood – this was in February in the cold – and she started to get lost because all the homes looked the same. I think our Design Review people won't agree with that but that's another story. And then once the winter sun started going down she didn't know where she was. She tried to call. She couldn't get a cell phone signal and of course with our dark skies out here she walked around, couldn't even find any houses with lights on and she tried to call 911 and she tried to call her family. Her family figured out she'd been gone for several hours. Finally she went into a home that was open, that had lights on, and they called her family and she was five miles away from where she started. Why? Because she didn't have a cell phone.

All this would have been alleviated if we had cell phone coverage. And here's another one, and this is really interesting. You might know this particular person because she's been involved with the water board for a long time. She basically had this strange situation and I fully understand it because I had a long career in telecommunications. But several years ago I was involved in a situation where a member of Las Campanas

collapsed next to me outdoors. This is Ginny Selvin. Some of you may know her; she's a great person. We called 911 immediately and the person answering the 911 line did not know where Las Campanas was. Well, guess why. Her cell phone was pinging Los Alamos because that was the best line of sight. So at the Los Alamos 911 center they had no idea where Las Campanas was and they had a lot of trouble getting through to somebody to get some medical service for this person. Fortunately the person was actually okay.

And then there's another one. I kind of brought it up last time but I'm going to mention it again. This is from a gentleman who is an active member of the Santa Fe Search and Rescue Team. And he says that he must have immediate cell phone service to support the search and rescue missions, most of which are life and death situations that require immediate team response. So this was the end of last year. He wrote this: So far this year I've had 139 missions personally, and he's missed a number of the urgent response notifications because they tried to contact him, and guess what. His cell phone doesn't work because there's no coverage.

So you don't even think about things like that but emergency responders need to have cell phone coverage so they can get out and help people like me who walk the trails and might get themselves into trouble. And by the way, AT&T has the capability of what's called FirstNet. FirstNet was designed by the federal government after the attacks of 911 and essentially what they found out in New York City was the Port Authority couldn't communicate with the fire department, they couldn't communicate with New Jersey State Police, they couldn't communicate with the police department. So they set up a national network for emergency responders and they have specific wavelengths that they can use for emergency responders – sheriffs, police, EMTs, etc.

AT&T has this capability. If we have a cell tower of 70 feet I'm pretty sure I can AT&T on that tower and that will provide that very important FirstNet capability here in this area. It's my understanding it's going into other parts of Santa Fe County but right now we have absolutely no access to that. So that's a very important issue.

So going back to this situation about the applicant and the hardship. This isn't just an applicant. Our applicant is an association of roughly 2,000 people who own lots and homes out here, and they depend on this service and not only here in Las Campanas but in neighboring neighborhoods. We also have about 80 new homes under construction or also major remodels, which means at any given time during the week there are between 480 and 800 workers that are in the construction trades that are in Las Campanas. Many of them are younger, they live throughout the Santa Fe County area. They live in multi-generational homes. So their only communication with their family in this time of COVID is through their cell phone when they're here in Las Campanas for an eight- or nine-hour, ten-hour workday. So without this service basically their lifeline is cut. They have no way to communicate and their family has no way to communicate with them, and that's not to mention communicating with suppliers and other people who need to go to job sites.

There are also about 150 or more Las Campanas Club members and a number of them are women who work in the restaurant and when the restaurant closes it's dark and they're driving back to their homes in various parts of the county, and if they don't have

cell service, I don't even want to think about the bad things that can happen if your car breaks down. I just don't even want to go there. But you can understand that.

The owners association has roughly 50 employees who use cell phones when they're traveling through the whole development and without the coverage they can't do that. And so by limiting the height to 48 feet, again, we're reducing the amount of coverage by 50 percent or 55 percent and we're also eliminating AT&T.

So just kind of summarizing this request, as you all know, the SLDC I think very wisely gives you the Board of County Commissioners the latitude to grant variances based on three criteria. One, where the request is not contrary to the public interest. Clearly, the proposed cell tower will provide services, both to residents, to neighboring communities, to workers, etc., first responders, as I mentioned. So it's in the public interest to grant this waiver or grant this variance request for a 70-foot tower.

The second requirement for a variance to be granted is: where due to extraordinary and exceptional situations or conditions in the property the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. As I mentioned, these are 2,000 people who own this land and they depend on their service for convenience, for work, for health, for security, for safety. So the strict application of the code resulting in a 50 percent reduction of coverage would be an undue hardship. How can we say, okay, you people who happen to live in this area with a 48-foot tower, you get service, but you other people, you don't get service, because it's going to be 48 feet because that's what the code says. And really code doesn't say that; it says 50 feet because it's in Section 10.17. But in any case, clearly the requirements are met to grant the variance for number two.

And number three, so that the spirit of the SLDC is observed and substantial justice is done. Well, the code encourages accommodating the growing need for wireless service in Section 10.17.2.5, and it also encourages coordination between wireless carriers in 10.17.2.6. So by having a 70-foot tower, one, we're helping to provide the service that the County encourages. Secondly we're encouraging cooperation between AT&T and Verizon to be on the same tower. So by moving the height to the 48 feet, it just doesn't provide that service and it would be unjust to people to not get that service because of the limitation of the height.

So with that, I'd like to turn the presentation over to Amy who's going to talk specifically about what the tower is going to look like and I think it's going to be the nicest looking tower in Santa Fe County, I guarantee you, and she can also talk specifically about some of the things that we're doing with the tower. And if you don't mind I'll just come back to me for a moment afterwards to summarize a few things. Amy.

[Duly sworn, Amy McKenzie testified as follows:]

AMY MCKENZIE: I'm at 422 Live Oak Court NE, Albuquerque, New Mexico. Thanks. I won't go into the things that Robert already went into. This is a unique situation for Verizon because we are coming in as a co-applicant. The way that the relationship is going to work, we have a lease with Las Campanas Master Association to provide service on the tower. Verizon's plan is to build the tower and ownership will actually be with Las Campanas. So Las Campanas as an owner has the rights to lease space on the tower. So we would, at the end of all of this, we would be a mere tenant on the tower and Las Campanas can market the second location, assuming it's a tall enough

tower to a second provider. So just so you understand how the relationship works. But we had to enter into this as kind of a co-applicant situation so that we could get the conceptual plan changed to allow wireless towers in the PD because it again, as Robert explained, that wasn't part of the provision when the master plan was done back in the nineties. So that's how we got here.

We did understand after looking at, again, all of the possibilities of locating this site, we really did look into the SLDC. We looked into the requirements for Verizon, for their customers, and we looked at what could we provide for the good of the county, not just the good of Verizon's customers, not just the good of Las Campanas, but the good of Santa Fe County.

And what we found was that a single stealth site met the needs of the Master Association, because they wanted something that looked nice. Not everybody wants a self-support tower or a monopole or a faux tree in their yard, so we came up with a very nice Santa Fe style design, and while I'm speaking I will go ahead and grab that for you.

So this is what in the field is considered a faux bell tower. Again, this is a design that shows a 70-foot section. The top section where you can see a little window, that would be where Verizon's antennas would go, and we're talking about a 70-foot structure, but our antennas would be centerlined, so they'd be at roughly 65 as a centerline, 64 as a centerline. And then this middle section right here would be where the second provider would be able to go. Our equipment and any second carrier would be behind this CMU wall and so hidden from anybody's view. So this is what they would see.

These are photo simulations and this is the north elevation, so on the left without the tower and on the right is where you would see the proposed 70-foot tower. This is the east elevation looking down at the homeowners association, without the tower on the left and with the 70-foot tower on the right. And then the last viewpoint is the southeast elevation looking northwest. Again, here is the homeowners association and this is what the view would be with the 70-foot structure.

So again, we looked at the different height elevations. We looked at the 27. We looked at the 48. We looked at the 70. The 27 didn't work at all. The only coverage that it would provide would essentially be right around the homeowners association. Anything that you went – 70 feet is the optimal and the minimum that would provide the maximum coverage and capacity.

So – and again, I say 70 feet, but again, our centerline is really like 64, so you have to figure it's the centerline of the antenna. So the antennas are not at 70 feet; they're actually at about 64. So when you say 48 we're really like at 43. And 27, we would be at like 22. So that's just the tip of the structure is when we're talking about 70 or 48 or 27.

So again, any time, as Robert explained earlier, every time we decrease the height we decrease the coverage and the capacity because the tower has to be able to see to the other side, and as you all know, in that particular area of Santa Fe County, very hilly, lots of dips and the line of sight is not clean. There's a lot of clutter with the topography that dictates the need for a taller structure for communications. We appreciate the fact that everything out there is really nice and low, so again, the mitigating that we did for that was to keep it with the Santa Fe style structure so that it really flowed with the design of the homeowners association. It matched the colors. It really blends in very nicely.

And again, with also doing it at 70 feet, it does allow for a second carrier to come on, which would then reduce the need for tower proliferation in Santa Fe County, because again, I'm only representing Verizon Wireless. I have no interest – no offense – in what AT&T or T-Mobile does. They can go fight their own fight. But as a decent person, a decent citizen I do want to make sure that I am doing right by siting in Santa Fe County. And again, fewer towers with more opportunities seems like the best thing to put forward as opposed to saying, yes, well, good luck, AT&T getting your own tower. We are trying to be good community citizens in Santa Fe County and if that means sharing the tower then great. We prefer co-location when we can as well because it's just the right thing to do for siting.

And again, we appreciate the fact that the Planning Commission did approve 48 with TDRs. I have nothing to do with TDRs as a carrier, so that burden would be on Las Campanas, which Robert already addressed. The burden that we face is that 48 feet does not provide adequate coverage to the customers and the users in that particular section of Santa Fe County. And it's kind of like saying, hey, we're opening a grocery store. You don't have a grocery store. We're so excited you're going to have a grocery store. We build the grocery store and then we only fill it up halfway. It's like, what the heck? I got really excited and you're not carrying all the food that we assumed you would.

So it's a very expensive venture building infrastructure and building towers and providing service and Verizon takes great pride in providing quality. And that's expensive. That's to be expected. We all expect that when we purchase some kind of service whether it's Comcast or Verizon or whatever. You want good service and so to spend that kind of money and then only get 50 percent, 60 percent service or coverage or capacity is really disheartening and I think it would very much upset folks in Santa Fe County. And I know my client is not real excited about that. And I appreciate the fact that staff has said you can build more than one tower. Well, yes, potentially. But it's not always – how do I put it? I don't know when that next tower would come. There's budget, there's priorities, there's funding. It's money and it's a business and I couldn't say to Santa Fe County or to Las Campanas, yes, great. We'll build this one and in a year from now we'll work on number two. I don't know when number two would ever be viable or if it would ever even come.

And as you know, as Robert was saying earlier, he's been trying to get wireless service in this part of the county for, what? ten years? Is that about right? So I can appreciate the fact that this is a difficult decision. There's a lot of weight to the pros and cons of this, but I just ask you to think about the good points to this: it's one structure that can get two carriers on it; it takes care of the majority of the customers in that part of Santa Fe County, not only in Las Campanas but other folks that are using that including our emergency responders; it minimizes the need for tower proliferation, additional towers; it's a nice looking design, and the only folks that are really going to see that tower are the folks driving up and down Las Campanas Drive. The average homeowner is not going to see the tower at all.

So I appreciate the time and the attention that the staff and the Commissioners have afforded us, and we just really would like this opportunity for the Commissioners to look at the weight of this and the benefits of this, because right now you have nothing, or maybe not nothing, but very, very poor service, and this is an opportunity to remedy that



very quickly and in a large scale at a small cost, the cost being that additional height. That's all I have and I appreciate your attention and your time and I stand for any questions.

CHAIR ROYBAL: Thank you, Ms. McKenzie and all of the Commissioners here and pretty much most of the audience has been here at least for the last eight hours, so Mr. Kiely, if we could try and wrap it up because we still have public comment that's going to take another 30 or 40 minutes probably, so if we can wrap it up I'd appreciate that. Thank you.

MR. KIELY: Thank you, Mr. Chair. All I want to say is that we just sincerely hope that we will convey to you some community support for this endeavor and as Amy mentioned, there is a small cost but really, the risk to you as Commissioners is non-existent because it's the right thing to do, it has the support of the community, and it's going to take care of a lot of problems out there, and we just hope that you will see it the way that we've been trying to portray it and go ahead and vote for this variance. So I'll just leave it at that. I don't know how you folks can stay on here since 2:00 this afternoon, so I commend you for your sheer fortitude. But thank you very, very much, and I'll just stop talking there. Thank you.

COMMISSIONER GARCIA: Mr. Chair, just really quick.

CHAIR ROYBAL: Commissioner Garcia, we have to go to public comment before we go to Commissioners.

COMMISSIONER GARCIA: I appreciate you bringing it forward, the gentleman that just spoke. Very well said and you, Mr. Chair. You're running this meeting. The next individuals that talk, can we not repeat what the gentleman has said.

COMMISSIONER HAMILTON: Point of order, please. I think the Chair just requested we go to public comment first and he's running the meeting.

COMMISSIONER GARCIA: That's fine. I'll sit here for the next three more hours. If we have to sit here for the next three more hours I'm fine with that. But thank you. Very well said, sir, and just, Mr. Chair, I will follow your lead. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. So what I was going to say is just so that we can be cognizant of everybody's time tonight I'm going to go ahead and allot two minutes per individual that would like to speak, but I am going to ask that we not be repetitive, because we don't want to hear the same thing over and over. We'll understand your point and if somebody has already brought that point forward, what I'd like for an individual that wants to speak in opposition or in support is just to say I agree with the statements that were made and I'm supporting this. And if you have additional information that you feel is relevant that you would like to share with the Board, then go ahead and share that. But if we could just be cognizant of that because it is getting late. So I'm going to go ahead and set it at two minutes, and Tessa Jo, how many people do you have to speak tonight?

MS. MASCARENAS: We have 12 at this point.

CHAIR ROYBAL: Okay, so we've got 12. Is there anybody – can we read off all those names and see if there's anybody that's not mentioned, if you would like to unmute and state your name for the record. And if you're a call-in it's star 6. So if you can just read off all the names that we have that will speak tonight.

MS. MASCARENAS: Absolutely. We have Al Antonez, Chip Munday, John Flynn, Knight Seavey, Stan Weiner, Howie Alpern, Ryan Weiss, Will Pruell, Joe Brooks, Jan Watson, Duffy Kincheloe, Bonnie Brock.

CHAIR ROYBAL: Okay, if your name was not mentioned, please unmute yourself and if you're a call-in hit star 6 and just state your name for the record.

STEVE DAVIS: I'm Steve Davis. I would like to speak.

RACHEL RIPPKE: I'm Rachel Rippke, and I would like to talk as well.

TIM CARLSON: I'm Tim Carlson. I'd like to speak also.

MS. MASCARENAS: Is there anyone else who would like to speak?

CHAIR ROYBAL: Okay, so that's the amount of speakers that we'll have tonight. Does that come to 15? Tessa, is that correct?

MS. MASCARENAS: Yes, sir.

CHAIR ROYBAL: So if we could have our first speaker, and I just want to remind everybody, this is public comment and you need to be sworn in and provide your address. So if we can have our first speaker, Tessa.

MS. MASCARENAS: Our first speaker is Al Antonez.

[Duly sworn, Al Antonez testified as follows:]

AL ANTONEZ: Good evening. Our address is 8 Avenida Herrera, Santa Fe, 87506. Thank you for taking the time to consider this matter. My name is Al Antonez, and I'm also the general manager of the Club at Las Campanas. I previously forwarded information and photos to Vicki Lucero and Gabriel Bustos to highlight the proposed cell tower's location in the event staff members have not yet had the opportunity to visit the proposed site. I hope the staff was able to share that information with you at the appropriate time.

The proposed 70-foot cell tower is a critically needed infrastructure to facilitate communication, education and commerce. We are unable to communicate with our staff and their families and in the case of emergency we lose precious time trying to get to a land line to call for help. No one could have predicted the future reliance on cell service when the Las Campanas community began. Since that time a large number of cell towers, many over 200 feet have been erected in Santa Fe County to serve our citizens. Unfortunately, due to the topography between those towers and the Club's location cell coverage is extremely limited to non-existent where we live and work. Also, within clear sight of the proposed cell tower location 34 PNM transmission poles, some 79 feet tall and others 106 feet tall dot the landscape.

Our staff is also unable to access technology that would permit irrigation cycles to be shortened and thereby further reducing water consumption, which is a key component of our sustainability program. The Club has the only Audubon certified sanctuary golf courses in New Mexico. As we continue to work with the United States Golf Association and New Mexico State University on research, having access to reliable cell service will further our conservation efforts. The lack of cell service is primarily a life safety issue. The ability of the county's emergency services to be reached and to reach out to our citizens. This project is located on private property, requires no funding from the County and will improve and save lives.

New Mexico's governor and our president are pushing hard to modernize our state and national infrastructure. Senator Martin Heinrich and Senator Ben Ray Lujan

have set a goal of 100 percent connectivity for New Mexico. Santa Fe County, while adopting infrastructure needs to help our community. I strongly urge you to grant approval of this 70-foot tower. Thank you.

CHAIR ROYBAL: Thank you, Mr. Antonez.

MS. MASCARENAS: Our next speaker is Chip Munday.

MR. MUNDAY: I will tell you that in looking at this I won't repeat things have already been eloquently said, but one of the things in my experience as general manager of the Las Campanas Master Association, but I have served in this capacity in other community around the country. One of the things, in times of disaster, whether it be in my experience hurricanes or wildland fires, one of the things that is always available is cell service, because cell towers, typically when other utilities are cut, they have their own power generation which keeps them active. If we had a fire, god forbid, one of the things that happens, we learned in California and other places, is that they cut the power so transformers don't blow up when they get approached by fire. This is not just a convenience or a minor safety issue. This is a major safety issue, not just for Las Campanas but for the entirety of this part of Santa Fe County.

What we can't have is putting lives at risk by not providing what has essentially come to be an expected form of communication throughout the country. Las Campanas has somewhat of a stereotype applied to it, but I want to tell you one thing that Las Campanas doesn't need to be applauded for is their providing land where the County can't provide it to allow for something like this, which can provide for the safety of its citizens and Las Campanas is doing that in providing this location for this cell tower. I strongly encourage, as a resident of the Roybal Subdivision at 23 Avenida de Mercedes, just south of Las Campanas on Caja del Rio, that this is important not just to Las Campanas but to all of us that live around this community. Thank you.

CHAIR ROYBAL: Thank you, Mr. Munday. Appreciate your statements. Can we go to our next speaker, Tessa?

MS. MASCARENAS: John Flynn.

JOHN FLYNN: My name is John Flynn. I've at 4 West Arrowhead Circle in Santa Fe County and I swear that the testimony I'm about to give is the truth. I currently serve as the vice president of the homeowners association. I previously served as the president for a short period of time, and I'm the chairman of the Community Affairs Committee here in Las Campanas and I can assure you that in those capacities I have talked to many, many residents of Las Campanas and to a person they all enthusiastically support the request that we're making here tonight for all the reasons that were so eloquent set forth by Mr. Kiely.

CHAIR ROYBAL: Thank you, Mr. Flynn. We appreciate your comments. Can we get our next speaker, Tessa?

MS. MASCARENAS: Knight Seavey.

KNIGHT SEAVEY: Yes, my name is Knight Seavey.

[Duly sworn, Knight Seavey testified as follows:]

MR. SEAVEY: My address is 6 Camino Media Noche, Santa Fe, 87506. I've been working with the Design Review Committee now for several years. I represent the developers and the partners in a number of activities within the confines of Las Campanas, and I've been a licensed architect in the State of New Mexico for 39 years.

The issues touched upon I will not revisit. They've been echoed loud and clear. I do see this as a variance test at the end of the day and the three points that Robert illuminated have clearly been met. I can tell you that the developer is fully behind this effort and truly, it is a rare day when the community interests, the HOA interests, and the developer's interest are pointing all in the same direction. This is clearly one of those events.

As an architect my paramount concern is always life safety, health and welfare. I cannot think of a case in my career where there has been an argument as compelling to support that thought. I will leave it there. Thank you.

CHAIR ROYBAL: Thank you for your comments, sir. Tessa, can we have our next speaker.

MS. MASCARENAS: Stan Weiner.

[Duly sworn, Stan Weiner testified as follows:]

STAN WEINER: I reside at 40 Paseo las Terrazas in Las Campanas.

Thank you for the time. I am a retired partner in a major law firm and I spent most of my career defending litigation or trying to prevent it. And it's from that perspective, which is different from what we've heard that I'm speaking with you. I am greatly concerned as a taxpayer that the County could be exposed to potential litigation if, god forbid, the Commissioners decided not to grant this variance and people having that opportunity to have the safety of the cell service as outlined that it did not happen. People who come into Las Campanas – workers, contractors, vendors, plus residents who have health and safety concerns, medical emergencies. If, god forbid, something happened and they couldn't get medical service in a timely basis I'm concerned that this County could be the subject of litigation, particularly with the recent House Bill 4 and the expansion of liability, the granting of additional remedies, including mandatory attorney's fees.

So from that perspective try to minimize the cost to the County and as a taxpayer is what I'm asking the Commissioners to consider. Thank you.

CHAIR ROYBAL: Thank you, Mr. Weiner. We appreciate it. Can we have our next speaker?

MS. MASCARENAS: Howie Alpern.

HOWARD ALPERN: Good evening, Mr. Chair, Commissioners. I'm Howard Alpern. I swear to tell the truth. I live at 45 Mi Gusto, Santa Fe, New Mexico. I've read the staff's response to the application for variance which was submitted today. It's wrong on the facts. It's wrong on the law. It states, although a wireless communication facility would be beneficial to residents and business in the area of Las Campanas PD, as well as first responders, the proposed tower at 70 feet does not meet the requirements of the SLDC.

Well, we know that. That's why we're requesting a variance. What's a variance? A variance is the fact or quality of being different, by virtue, or inconsistent. In other words, different from the 27 feet. Black's Law Dictionary defines variance as an official dispensation from a rule or regulation. In other words, your staff is saying don't grant the variance because the code says the tower needs to be smaller. Well, that's why we're asking for a variance, and we meet all the requirements for a variance. Your staff says while the co-location of wireless communication equipment is encouraged in the SLDC the 27-foot height limit is a requirement. Well, guys, it's a requirement – well, first of all

it probably isn't, but if it is, it's a requirement unless a variance is granted, and that's what we're asking you to bring is a variance.

When you put something as complex as the code together you're going to have to know that things won't be the best things for the people. You need to vote for what's best for the people and that would be by granting this variance. Thank you.

CHAIR ROYBAL: Thank you, Mr. Alpern. Appreciate it. Next speaker, please.

MS. MASCARENAS: Brian Weiss. If Mr. Weiss is calling in via phone you'll have to select star 6 to unmute. One more time. Brian Weiss. Okay, Will Prull. Will Prull? How about Joe Brooks? Joe Brooks?

[Duly sworn, Joe Brooks testified as follows:]

JOE BROOKS: The federal 911 program provides a grant for funding support for state and local efforts to deliver possible 911 services. The Santa Fe Regional Emergency Communication service adopts and accepts funding for this. We demand that the tower that we have suggested at 70 feet [inaudible] and be accepted [inaudible] this variance.

CHAIR ROYBAL: Thank you. Is that it, Mr. Brooks? Did you have additional comments, sir?

MR. BROOKS: No.

CHAIR ROYBAL: Thank you, sir. We appreciate your comments. Tessa, can we have our next speaker?

MS. MASCARENAS: Jan Watson.

JAN WATSON: This is Jan Watson. I swear that I will be telling the truth. My address is 7 West Avenida Sebastian. Good evening, Commissioners and staff. I appreciate this opportunity to speak to you directly, especially knowing that this has already been a very long day for you. Several weeks ago, who is in assisted living under hospice care fell and injured herself. When her caregiver found her on the floor moaning in pain they immediately reached out to me via text and phone call. They tried repeatedly over the next four hours but couldn't reach me because the text messages didn't go through, and the calls kept getting dropped before they got connected. It wasn't until I left home and started driving into town that all of the text messages and calls started pinging my phone. Yes. Four hours later and only because I drove a mere three miles closer to Santa Fe proper. Of course by then my mother had already been admitted to the ER and taken by ambulance and luckily it was nothing life threatening.

But what if it had been? You can't imagine how terrifying it is to have a health emergency out here and not be able to get a cell signal to call for help. What I can tell you is that on a really good day I'm lucky to have one bar of reception for roughly three quarters of the day, but no reception at all for the rest of the day. On a bad day, or actually more like a typical day, it's just the reverse and I have no coverage at all. So it's not just me. It's all of the service providers that come into the community. They're just as hamstrung as I am. It's not just the residents. It's UPS, it's FedEx, the postal service, delivery drivers, construction workers, emergency responders, search and rescue teams, landscapers, and on and on and on. We all suffer from the same lack of cell service. Please help us by approving this.

CHAIR ROYBAL: Thank you, Ms. Watson. Thank you for your comments. Tessa Jo, can we have our next speaker?

MS. MASCARENAS: Duffy Kincheloe.

DUFFY KINCHELOE: Duffy Kincheloe, 5531 Lobello, Dallas, Texas. I had a home in Las Campanas. I'll be brief.

[Duly sworn, Duffy Kincheloe testified as follows:]

MR. KINCHELOE: Very similar to the last caller, I experienced what could have been a very serious emergency situation with a family member on a walk this past September. My sister-in-law fell; she could not get up. I could not use my cell service and I had to run back to our house to get a land line. Unfortunately, since I have two bad knees that ended up being a very fast walk. The story ended up being good. She spent five days in Santa Fe Hospital, two weeks in rehabilitation but she was okay. But I knew then and there that we had a very, very serious problem with cell coverage. So I support this initiative and agree wholeheartedly that it's in the best interest of not only just the general daily life of the community, but also for the health and safety, and I will stop there.

CHAIR ROYBAL: Thank you, Mr. Kincheloe. We appreciate your comments, sir. Tessa, can we have our next speaker?

MS. MASCARENAS: Bonnie Brock. Bonnie Brock?

CHAIR ROYBAL: Go ahead, ma'am if you could be sworn in and provide your address.

BONNIE BROCK: 18 Tecolote Circle, and I yield my time to anyone who would like to speak. My subject's already been covered. Thank you.

CHAIR ROYBAL: Thank you, Ms. Brock. Can we get our next speaker, please?

MS. MASCARENAS: Steve Davis. Steve Davis.

STEVE DAVIS: Good evening.

MR. DAVIS: My name is Steve Davis. I'm a 16-year resident of 17 Thundercloud Road, and I have not been sworn in.

[Duly sworn, Steve Davis testified as follows:]

MR. DAVIS: I would echo what Ms. Watson said in so many different ways. I would add one personal note. We had an incident here at our household where I took a fall, broke seven ribs and a neck and without cell service available my wife had to go outside to look for a connection. Was cut off a couple of times but finally managed to get through and the story has a happy ending but I think it illustrates the importance of cell service for protecting the basic health of the residents of Las Campanas and the surrounding areas that will be affected by this new cell tower should it be approved. It is fundamental. It is very important, and I think at the end of the day the first job of government, is it not, to provide safety for its citizens. So I would just add to what Ms. Watson and others have said this evening and strongly encourage the Commissioners and staff to look at the facts which were gathered well and presented well and speak for themselves, and approve this variance for the 70-foot tower. Thank you very much.

CHAIR ROYBAL: Thank you, Mr. Davis, for your comments. Tessa, can we have our next speaker?

MS. MASCARENAS: Rachel Rippie.

[Duly sworn, Rachel Rippie testified as follows:]

RACHEL RIPPIE: I am actually calling from 940 East Old Elm in Lake Forest, Illinois, so I'm an hour later of where you are, and I have a home at 1 Camino de Colores in Las Campanas. My perspective is mildly unique. I would see the tower. I would love to see the tower every day. I think it's a wonderful idea. I think it's a beautiful design and I don't think that there's any reason why we shouldn't have such a useful, beautiful building on our property. Thank you for your time.

CHAIR ROYBAL: Thank you, Ms. Rippie. We really appreciate your comments. Can we get our next speaker?

MS. MASCARENAS: Tim Carlson.

TIM CARLSON: Good evening, Mr. Chair and honorable Commissioners. My name is Tim Carlson. I swear the testimony I give will be truthful. I live at 8 Madrella Circle, Santa Fe County. I agree and support this variance, and ask that you please approve Case #20-5071. Thank you. I'm done.

CHAIR ROYBAL: Thank you, Mr. Carlson. We appreciate that. Tessa, unless I'm wrong, is that our last speaker?

MS. MASCARENAS: Yes, it is. Is there anybody else who would wish to give testimony on this item? That concludes our public testimony, Mr. Chair.

CHAIR ROYBAL: Okay, so I'm going to go ahead and close public comment. And I'm going to go to Commissioner Hansen who is the Commissioner in this district.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I would like to make a motion to overturn the Planning Commission's decision and remove the TDRs and approve Case #20-5071, and I'd place no conditions on this motion.

COMMISSIONER HAMILTON: Second.

COMMISSIONER HUGHES: And I second it.

CHAIR ROYBAL: We have multiple seconds. We have seconds from Commissioner Hughes and Commissioner Hamilton, and I'll second it as well. I'm going to go to a roll call vote.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I totally understand the whole broadband and the emergency and the cell service and I understand. I appreciate everyone who's spoken tonight and I just have a hard time with this because why not go to 100-foot. Why 70? Why not 50? And so that's the question that I have that I dealt with many, many years ago with the carriers for cell service. So don't get me wrong. I understand the whole emergency stuff, and speaking with some of my constituents in my area it's a little bit hard for me to vote for it, so I vote no.

COMMISSIONER HANSEN: I wanted to say a few words. I really feel that this is incredibly important for my constituents and for the constituents in that entire area, and it is for the health and public safety that this is being done and we absolutely need this. So thank you very much. And thank you everybody for being here. I am grateful to all of your taking all of the time and congratulations, Robert, on being president. I look forward to seeing your next week. Thank you.

**The motion passed by majority [4-1] roll call vote with Commissioner Garcia casting the vote against.**

SFC CLERK RECORDED 05/13/2021

9. C. **(1) Case No. 10-5366 – St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2. (2) Consideration and Potential Action on Affordable Housing Agreement if Preliminary and Final Plat Approval is Granted After Public Hearing**

MR. SHAFFER: Mr. Chair, I'm sorry to interrupt and I'm sorry to add to the length of the meeting but before we adjourn for this evening, on the agenda, item #9. C. 2 was consideration and potential action on the affordable housing agreement for the St. Francis South preliminary plat, and I don't believe that we technically addressed that item after we concluded the public hearing. And so I just respectfully as that we go back to that item. I don't know if the Board desires any input from staff on it, but it would just be consideration of the affordable housing agreement which again, does not require a public hearing.

CHAIR ROYBAL: Thank you, Mr. Shaffer. I'm going to go to the motioner and the seconder and if the stenographer can refresh my memory.

COMMISSIONER HAMILTON: I believe I made that motion. I don't know what I missed, but Greg, I'm not clear what the issue is.

MR. SHAFFER: Sure. If the maker and the seconder all intended to include that, that's fine. But it's not with the request for approval of preliminary plat and final plat. Instead, there is a separate item which is the consideration and potential action on the affordable housing agreement. If the preliminary and final plat approval is granted after public hearing. And so if you intended your motion to encompass the affordable housing agreement as well, that's fine, as long as we clarify that for the record. But I didn't recall hearing that in your motion or in the second. So that's the issue. It's the affordable housing agreement, as opposed to the preliminary and final plat.

COMMISSIONER HAMILTON: I'm just trying to refresh my memory about what the issue with the affordable housing –

MANAGER MILLER: Vicki, maybe you could explain the affordable housing agreement.

COMMISSIONER GARCIA: Mr. Chair, also on that note, [inaudible] we've been here for a while today. I appreciate my colleagues and staff. Is the consultant still around in regards to whether they agree to this affordable housing agreement or not? Do we need to have them here, Greg, or not?

MR. SHAFFER: Mr. Chair, Commissioner Garcia, the applicant has signed the agreement, so I don't think there's any doubt about their acceptance of it. So in the version of the agreement that's in your packet, it has been signed by the applicants. So they are in agreement with the affordable housing agreement and staff recommends it as well. So I don't think it's an issue so much as to clarify the record to make sure that the Board approved it so that it can be executed by the Chair.

COMMISSIONER HAMILTON: So yes, please, with the clarification that that was intended to be included in my motion.

CHAIR ROYBAL: Okay. That is also part of my second. So with that being said, Greg, we still need to do a roll call vote, correct?



COMMISSIONER HANSEN: Excuse me. As I look over this, I remember seeing that there is one thing that has a problem. It says that Anna T. Hamilton is the Chair of the Board of County Commissioners. So that is going to have to be changed in this affordable housing agreement. And I meant to bring that up. I'm sorry.

COMMISSIONER HAMILTON: Is that copy from when we did – good catch. I never even noticed that.

MR. SHAFFER: It may well be, and we can change that in the execution copy. But that is a good catch.

CHAIR ROYBAL: Okay. So we have a motion from Commissioner Hamilton and a second from Commissioner Roybal. I'm going to go to a roll call vote.

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

CHAIR ROYBAL: Is that it, Attorney Shaffer?

MR. SHAFFER: Yes. Thank you, Mr. Chair and thank you, Commissioners for your indulgence of that cleanup. Thank you.

**10. CONCLUDING BUSINESS**

**A. Announcements**

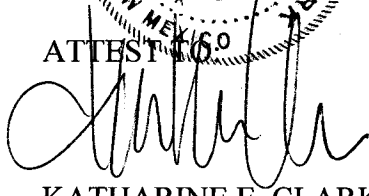
COMMISSIONER GARCIA: Mr. Chair, I understand the whole complexity of the previous case regarding the cell tower. I get it. I understand. I know about broadband [inaudible] That's a hard decision for me and I respect my colleagues and everybody that spoke and dialed in and called in. So I just wanted to put that for the record as into that was a hard decision for me and a hard choice for me. So I just wanted to bring that forward and I respect my colleagues and everybody that spoke. So I just wanted to put that on the record. Thank you, Mr. Chair.

**10. B. Adjournment**

Chair Roybal declared this meeting adjourned at 10:17 p.m.



ATTEST


  
KATHARINE E. CLARK  
SANTA FE COUNTY CLERK

Approved by:

  
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Board of County Commissioners  
Henry Roybal, Chair

SFC CLERK RECORDED 05/13/2021

Respectfully submitted:

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

SFC CLERK RECORDED 05/13/2021