



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

May 10, 2011

Virginia Vigil, Chair – District 2
Liz Stefanics, Vice Chair – District 5
Danny Mayfield – District 1
Robert Anaya – District 3
Kathy Holian – District 4

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

May 10, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the Assessor's Office led the Pledge of Allegiance and State Pledge. County Clerk Valerie Espinoza called roll which indicated the presence of a quorum as follows:

Members Present:

Commissioner Virginia Vigil, Chair
Commissioner Liz Stefanics Vice Chair
Commissioner Kathy Holian
Commissioner Robert Anaya
Commissioner Danny Mayfield

Members Excused:

[None]

V. INVOCATION

An invocation was given by Isiah Romero.

VI. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Yes, Madam Chair, that are a couple of items that are tabled that are not shown on your agenda as tabled. The first item is under Section XIV. A. on page 3, Growth Management Department, both items one and two are tabled. MFA has to approve the ordinance and they gave some change that did not get reviewed in time by our legal department, so we'll be tabling that. On item XIV C. 3, added an update on the Sustainable Land Development Code meetings – the schedule of the meetings. Item XIV 3, has been tabled, the CDRC case. And, also item 10 is still tabled.

CHAIR VIGIL: Okay. Are there any changes from the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: Oh, do you have a change?

COMMISSIONER MAYFIELD: No go ahead.

COMMISSIONER HOLIAN: I was going to move for approval.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, can I ask one question. As far as item 10, when this was brought to us some three months ago, there was a reason stated that there was some extra material maybe filed by both parties that staff needed to look at. I will be out of the office the first part of June and I don't know when this is coming back but is there any opportunity for that information when staff is ready to release that that I could have that and look at it please.

MS. MILLER: Madam Chair, Commissioner Mayfield, I think that everything now has been submitted so we can provide that information now. We have asked them to stop submitting and they have a cut off and both parties have agreed that they will not be submitting anymore so we can provide that to you.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the agenda as amended.

COMMISSIONER STEFANICS: Second.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR VIGIL: Are there any withdrawals? Hearing none, what is the pleasure?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the Consent Calendar.

CHAIR VIGIL: I have a motion.

COMMISSIONER STEFANICS: Second.

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

XIII. CONSENT CALENDAR

A. Final Order

1. **BCC Case # MIS 11-5040 William Becher Vacation of Easement.**
William Becher, Applicant, Requested Approval to Vacate a Platted twenty-five foot drainage easement located on Lot 10 of the Villa Escondida Subdivision. The property is located at 47 Calle Hacienda, within Section 23, Township 17 North, Range 8 East, (Commission District 2). Approved 5-0 Wayne Dalton
2. **CDRC Case # V 10-5530 Sturrock Variances.** James Sturrock,

Applicant, Requests approval of three variances of Article VII, Section 3 (Terrain Management) and Article III, Section 2.3 (Site Planning Standards For Residential Use) of the Land Development Code: 1) to Allow the Height of a Residence to Exceed 18' Feet and to Allow the Overall Height (From Highest Parapet to Lowest Natural or Finished Cut Grade) to Exceed 30 Feet; 2) To Allow Disturbance of Slopes of 30% and Greater; and 3) to Allow Disturbance of Rock Outcroppings. The Property is Located at 120 Camino del Canyon in Cundiyo, within Section 21, Township 20 North, Range 10 East (Commission District 1). Approved 5-0

B. Miscellaneous

- 1. Request Acceptance of Price Agreement #2011-0428-PW/TRV with Wagner for the Lease of Heavy Equipment for Santa Fe County (Public Works Department)**
- 2. Request Approval of an Award of Price Agreement #2011-0177-A MG/MS Stenography and Transcription Services to a Responsible Bidder, Wordswork, for County-Wide (Multiple Source Award) (County Manager's Office)**
- 3. Request Approval of an Award of Price Agreement #2011-0177-B MG/MS Stenography and Transcription Services to a Responsible Bidder, Jo Ann's Secretarial Services, for County-Wide (Multiple Source Award) (County Manager's Office)**
- 4. Resolution 2011-68 To Ratify Deputy County Manager's Signature of Amendment No. 1 of Memorandum of Agreement Between Santa Fe County and the NM Department of Health that Constitutes a Language Change and Budget Increase of \$83,519 for the United Way Project Launch Program. (Community Services/Health & Human Services)**

C. Budget Adjustments

- 1. Resolution No. 2011- 69 A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget the Available Balance for a Grant Awarded Through the New Mexico Department of Finance and Administration Local Government Division for the Santa Fe County Fairgrounds / \$25,171.12. (Community Services Department)**

VIII. APPROVAL OF MINUTES

A. Approval of April 12, 2011 BCC Minutes

CHAIR VIGIL: Are there any changes from any members of the Board?
Seeing none what is the pleasure.

COMMISSIONER STEFANICS: Madam Chair, I'll move for approval of the minutes of April 12, 2011.

COMMISSIONER HOLIAN: Second.

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

IX. SPECIAL PRESENTATIONS

A. Proclamation Recognizing Pojoaque Pueblo Boys and Girls Club Youth Marissa Martinez as New Mexico State Youth of the Year And David Neuman-Roper as Pojoaque Junior Youth of the Year

CHAIR VIGIL: cm, are your students here?

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and yes they are.

CHAIR VIGIL: Would you please step forward.

COMMISSIONER MAYFIELD: We also have the Director of our Pojoaque Boys and Girls Club, Mr. Don Christy and I'd like to recognize him.

Madam Chair, Commissioners, I'm very honored to present two proclamations to this board. One is a Youth of the Year award to Mr. David Neuman-Roper but I would like to read his proclamation.

Santa Fe County Proclamation: Whereas, the mission of the Pojoaque Pueblo Boys and Girls Club is to help youth develop sound character, leadership abilities and the willingness to give back to the community. And, whereas, the Pojoaque Boys and Girls Club believes that learning opportunities and academic achievement are integral elements of young people realizing their full potential. And, whereas, the Junior Youth of the Year Program recognizes those young individual who affect a difference in their lives and those of other club members and sets an example for other youth to follow. And, whereas, the Junior Youth of the Year selected for generously sharing their talent in the community, their high level of academic achievement and positive leadership skills. And, whereas, being named Youth of the Year is one of the highest honors a Boys and Girls Club member can receive. And, whereas, David Neuman-Roper was selected Junior Youth of the Year among his peer group. Now, therefore, be it resolved that we the Board of Santa Fe County Commissioners hereby recognize David Neuman-Roper for serving as a role model among his peer group and demonstrating excellence in academic achievement and community service.

CHAIR VIGIL: Very good. Please extend our congratulations to David. And I would move for approval of that proclamation.

COMMISSIONER STEFANICS: Second.

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

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And, we have a second proclamation today to honor Ms. Marissa Martinez who will be making a brief presentation to us in a few moments. Ms. Martinez has received the Pojoaque Boys and Girls Club Youth of the Year award. She has also received the State of New Mexico Youth of the Year award.

Santa Fe County proclamation: Whereas, the mission of the Pojoaque Boys and Girls Club is to help youth develop sound character, leadership abilities and the willingness to give back to the community. And, whereas, the

Pojoaque Boys and Girls Club believes that learning opportunities and academic achievement are integral elements to young people realizing their full potential. And, whereas, the Youth of the Year Program recognizes those young individual who affect a difference in their lives and those of other club members and sets an example for other youth to follow. And, whereas, the Youth of the Year selected for generously sharing their talents in the community, their high level of academic achievement and positive leadership skills. And, whereas, being named Youth of the Year is the highest honors a Boys and Girls Club member can receive. And, whereas, Marissa Martinez was selected – and there is a correction we need to make to this, Commissioners – And, whereas, Marissa Martinez was selected Youth of the Year among one of the largest groups from youth from all across the state and will vie for the honor of representing the State of New Mexico in regional youth of the year competition. Now, therefore, be it resolved that we the Board of Santa Fe County Commissioners hereby recognize Marissa Martinez for outstanding service to her family, school and community while inspiring other youth to strive for equal high level of achievement.

And with that, Madam Chair, I'd like to move for approval of this Santa Fe County proclamation.

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez needs to give a presentation at a national level as she will be competing a regional title and, again, I would like to see if she would present that to this Commission at this time.

CHAIR VIGIL: Please step forward and bring the mike a little closer to you.

MARISSA MARTINEZ: When I was eight years old I was blessed with the opportunity to become a member of the Pueblo of Pojoaque Boys and Girls Club. However, in 2005 I stopped going to the Club because I was trying to cope with the loss of my best friend and my true inspiration. I lost the one I needed to teach me about life. About making the right choices. To think with my mind but to feel with my heart and how to become a successful and independent woman. On February 16, 2005 two days after my 11th birthday my mother died from an illness she struggled with throughout my childhood. On that day I lost someone dear to me and life as I knew it changed forever. But I have learned that it is not what happens to us, it is what we do about it that makes us who we are. From this extremely painful experience I have gained the confidence to overcome any obstacles that may come my way.

My dad has instilled in me the determination to never let this life changing loss bring me down or keep me from doing anything but instead to use this experience to make me a stronger person and always do my very best just as my mother would expect.

I have taken my struggle and [inaudible] to be positive. I know now that I can help those kids who have similar situations, including those in my own community.

I live in Chimayo, New Mexico which is known for its famous chickens and chilies, its low-riders and its natural beauty. Unfortunately, it is also a community known for its high rate of drug abuse and drug overdoses. Regardless of this negative distinction I am proud of where I come from. I take pride in being a product of a small town.

My father has always told me to me, to become who we are meant to be we have to remember where we come from and how important it is to make a difference. The Club gives me many opportunities everyday to make a difference in the lives of others. As president of my Keystone Club there are many achievements to help such as taking our members to serve Thanksgiving lunch at our local soup kitchen. The club has become a part of my extended family, from the members who walk through its doors to the staff who have the expectations for me. I have gained a lifetime of memories and friends and I am proof that the Boys and Girls Club is living up to its mission to elevate its members to new heights through greater expectations for becoming who we are meant to be.

If my mom were here today I know she would appreciate that the club teaches me to go above and beyond. She would be proud that I really am making a difference for the lives of the kids around me just like they have made a difference in mine. Most importantly, the club teaches me to learn about life, about making the right choices, to think with my mind but to feel with my heart. With the club as a part of my family I will continue to learn and one day become that successful and independent woman. The young woman my mother would have wanted me to become. Thank you.

[Ms. Martinez received a standing ovation and the Commission presented her with a plaque and photos were taken.]

COMMISSIONER MAYFIELD: Madam Chair, just to follow up with Mr. Christy and the phenomenal job he does with the Pojoaque Boys and Girls Club. We are very honored with Ms. Martinez' recognition but this is the second year running for Don Christy and the Pojoaque Boys and Girls Club. Last year we were honored to have a statewide champion who also was a regional finalist, Ms. Tamara Johnson. She also received a partial scholarship to Marquette University where she is now attending. Thank you, Mr. Christy for the job you do.

CHAIR VIGIL: Thank you and keep up the great work over there. We hope to honor someone from Pojoaque every year.

Before I call on anyone I wanted to recognize someone in the audience who is here, Commissioner Jack Sullivan. Thank you for joining us. You can't get enough of us can you?

COMMISSIONER ANAYA: Madam Chair, I just wanted to tell you, Ms. Martinez, congratulations on a job well done. Excellent presentation and excellent speech delivery. I learned a few things from you while you were doing that. So, thank you very much and good luck to you.

X. MATTERS OF PUBLIC CONCERN—Non-Action Items

None were presented.

XI. MATTERS FROM THE COMMISSION

A. Proclamation To Honor The Town Of Madrid With The Restored Ballpark Grandstand

COMMISSIONER ANAYA: It brings me pleasure and honor, on behalf of the Town of Edgewood [sic] and all of the people who have worked on this park, staff, the prior Commission Commissioner Anaya and the prior Commission which included colleagues of mine sitting next to me and all of the people involved in the restoration – Representative Rhonda King, and many, many others.

Santa Fe County Proclamation honoring the Town of Madrid with the restored ballpark and grandstand. Whereas, Memorial Day is traditionally a day in Madrid for the season's opening baseball game between East Mountain Riff Raff and the Madrid Miners. And, whereas, this year will be the 29th year for the season's first annual baseball game and the completion of the replica baseball park grandstand. Whereas, the Oscar Huber Memorial Ballpark and Grandstand has been restored to its 1920s glory and is believed to have been the first electrically lit baseball park west of the Mississippi. Whereas, Santa Fe County, the townspeople of Madrid and the residents in surrounding areas are all very proud to see the completion of the new grandstand structure, the level of quality in its construction and the consideration given to the needs of the community, and, whereas, Santa Fe County would like to proclaim May 30, 2010, Memorial Day, as the inauguration day of the Grandstand by Santa Fe County to the Madrid Landowners Association. Whereas, Santa Fe County acknowledges and gives thanks to the Santa Fe County delegation and its staff and their hard work and dedication to the restoration of the baseball and grandstand in Madrid. Now, therefore, be it resolved, that we the Board of the Santa Fe County Commissioners hereby proclaim May 30th as Opening Day for the Madrid Ballpark replica grandstand of 1920 in Madrid, New Mexico.

Thank you, Madam Chair. I would move for approval of the proclamation.

COMMISSIONER STEFANICS: Second.

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

CHAIR VIGIL: I believe there is a day that it is going to be recognized. Did you state that and I'm sorry I didn't hear that.

COMMISSIONER ANAYA: Yes, Madam Chair, I believe we're going to have events on Memorial Day itself at the grandstand. And I think most of you, if not all of you will be present. I think we have anyone here from the Madrid Association but I think I would like to defer to Commissioner Stefanics for some comments given her work in the area.

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya and thank you Madam Chair. Having lived in Madrid for approximately 10 years I had the opportunity to meet some of the older families that came to live there and to work in the mines. The railroad brought in the homes that you see there and they had come from the

railroad town from around Grants, New Mexico. And, Madrid used to have a great light special at the holiday season in December, they still are doing that and I would welcome everybody to come down to the community not only for Memorial Day but also for the music festivals and for the holiday lighting. Thank you, Commissioner Anaya, for bringing this forward.

CHAIR VIGIL: Will this be presented at the ceremony?

COMMISSIONER ANAYA: Madam Chair, yes, we will present this at the ceremony. And I look forward to seeing everybody at the ceremony.

CHAIR VIGIL: Thank you very much.

B. A Proclamation to Recognize May 1st – May 31st as Pregnancy Awareness Month.

COMMISSIONER HOLIAN: Thank you, Madam Chair. The last BCC meeting we had a presentation on the important of reducing teen pregnancy in New Mexico and that was made by Sylvia Ruiz who is the New Mexico Teen Pregnancy Coalition Director. I hadn't realized until shortly before the last meeting that in fact May is teen pregnancy awareness month so I would like to correct that oversight. I will read the proclamation so that it can go into the record.

Santa Fe County proclamation recognizing May 1st through 31st as Teen Pregnancy Awareness Month. Whereas, the State of New Mexico recognizes teen pregnancy as a problem in need of a solution. And, whereas, New Mexico has the second highest teen birth rate in the nation with about 4,000 births to teens each year. And, whereas, preventing teen pregnancy is an effective way to improve overall child and family well being and in particular to reduce poverty and out of wedlock childbearing. And, whereas, teen pregnancy will strengthen New Mexico's children, families, communities, and economy. And, whereas, the Challenge 2005 initiative resulted in an 11 percent drop in teen pregnancies statewide, a decrease that will continue with increased teen pregnancy prevention and outreach education. And, whereas, the New Mexico Department of Health, Family Planning Program and the New Mexico Teen Pregnancy Coalition announced a new challenge, Challenge 2010, reduce the teen birthrate in New Mexico by 15 percent, 2006 through 2011. Now, therefore, be it resolved, that the Board of County Commissioners, hereby proclaims May 1st through May 31st 2011 as Teen Pregnancy Awareness Month.

I move for approval.

CHAIR VIGIL: I second it.

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

C. Proclamation In Honor Of Emergency Medical Services Week

CHAIR VIGIL: I'm going to turn this over to Mr. David Sperling. Mr. Sperling, please come forward. I just want – oh, it's not Mr. Sperling.

CAPTAIN HOLLAND: We have a wildland fire up in Glorieta and he's –

CHAIR VIGIL: Oh, do you want to say that on the record. It's probably a

piece of information we'd be interested in.

CAPTAIN HOLLAND: Yes. About an hour, an hour and a half ago, we got a call for what looked like about a three-acre fire. The last that I heard it was around Glorieta Mesa with 50-foot plane – and it was growing pretty fast so they're calling in state resources and helicopter and the City is mutual aiding with us. So he just got called out to make a call on that and I think it is related to that.

CHAIR VIGIL: Okay. And, thank you for informing us of that. If you could give us an update we'll be here throughout the day and into the evening to make sure everyone is okay.

I am pleased to bring forth this proclamation and have you here because it has to do with our first responders and what a time to recognize our first responders, we just had an emergency in our community with a fire and then having heard about this we really more than ever recognize the need and importance and significance that you contribute to our community.

So with that I will turn the proclamation over to you to read.

CAPTAIN HOLLAND: The Santa Fe County proclamation – whereas, the emergency medical services personnel have increasingly become the front line public servants in light of the horrendous incident of September 11, 2001 that forever changed the world. And, whereas, in recognition of their dedication and commitment to serving the citizens of New Mexico and providing lifesaving care 24 hours a day, 7 days a week, that directly affects the citizens of Santa Fe County. And, whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury related to traumatic injury, respiratory and cardiac arrest and other medical emergencies. And, whereas, emergency medical service providers have traditionally served as the safety net of our County's healthcare system. And, whereas, many physicians, nurses, firefighters and emergency medical technicians in Santa Fe County have devoted their lives to serving other. And, whereas, emergency service providers in Santa Fe County are volunteers and paid staff who have dedicated a tremendous amount of time and effort into upgrading their training and education to provide and improve emergency medical services to our citizens. And, whereas, the observance of Emergency Medical Services Week recognizes the accomplishments of all members of Emergency Medical Care Team, including emergency dispatchers, first responders, firefighters, law enforcement officers, emergency medical technicians and paramedics. Now, therefore, the Board of Santa Fe County Commissioners hereby proclaims the week of May 15th through May 21st 2011 as Emergency Medical Services Week throughout Santa Fe County and urges all citizens to recognize and honor all emergency medical service providers in Santa Fe County.

CHAIR VIGIL: Thank you very much. With that I move for approval.

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: We stand and applaud you. Thank you very much. Please, do keep us advised about the progress of that. David Sperling, do you have any report on the fire that has broken out? We have a concern because –

COMMISSIONER HOLIAN: Because we have a Commissioner who has land nearby.

ACTING CHIEF SPERLING: Madam Chair, Commissioners, the latest report that I have is that we have a wildland fire off County Road 51D and which is in the Canoncito/Ojo de la Vaca area. We have crews on the ground working this fire. Apparently it has gone from 3 acres to 14 acres here in short order so we're very much concerned and we're waiting for a helicopter from the US Forest Service and additional resources. As I get additional information on a good size up, I'll let you know if any evacuation orders come forward. Hopefully, they'll get a line around this in a quick order and this won't be an extended operation. But, again, I'll let you know as soon as I find out some more information.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. How are the winds out there?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Holian, they said 8 miles an hour presently but this is the time of day where if the winds are going to pick up it's going to be in the next couple of hours through the rest of the afternoon and evening. So we'll keep a real close eye on changing conditions.

COMMISSIONER HOLIAN: Thank you, Chief.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. And, Chief, I'm sorry did you say you do or don't know if there's any dwellings on this property so far?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Stefanics, there are no homes immediately threatened is what I've been told. However, calculations from the gentleman I just talked to said that Glorieta appears to be about 3 miles away across the mesa top so that would be the major concern at this point in time and then anything on top of a mesa in the path of this fire – apparently, it's right up on the edge of the mesa of Glorieta Mesa.

COMMISSIONER STEFANICS: Okay, thank you very much.

CHAIR VIGIL: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I very much appreciate you bringing forward the proclamation and I think the current situation on Rowe Mesa really emphasizes the importance and the need for sincere and constant appreciation of what emergency medical responders and all responders do on a daily basis for their work and peoples' time of intense distress and need and these people day in and day out serve the community in a big capacity and a volunteer capacity. I very much appreciate the proclamation and the work and while you're out there in the community and you see these individuals give them a thumbs-up, a pat on the back, a handshake – something for their dedication and work for the community. Thank you, Madam Chair.

CHAIR VIGIL: Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Do you have matters?

COMMISSIONER STEFANICS: Yes.

CHAIR VIGIL: Please.

COMMISSIONER STEFANICS: Thank you, Madam Chair and Commissioners. First of all I'd like to applaud the Santa Fe Community College for their grand opening of the Trades and Advanced Technology Center. It is our hope that this will be the next generation of professionals who are trained in alternative energy and trades in our community. They had a wonderful grand opening this last Friday afternoon. They had many vendors and they had a formal presentation on solar installations on individual homes.

The next item I have is that I did visit with our Health Policy and Planning Commission as well as Commissioner Mayfield this past Friday, May 6th and the intent was to discuss with the members of the HPPC some topics that could be reviewed or studied by that group. The group – I will in fact send this to all of the Commissioners and what I did was talk about the impact of health care reform or PPACA on counties and NACo has some information on that about the sole community provider fund, about other funding opportunities for the work of the county, accountability and transparency from the hospital, county health rankings, change of mental health services in the county that might be affecting our mental health jail incarceration, increased access to health care and what other counties are doing. We also discussed health offerings at the county senior centers. We discussed the problem of substance abuse and whether or not the HPPC could address that and Commissioner Mayfield, anything I'm missing that we threw out as ideas?

COMMISSIONER MAYFIELD: Just about expanding the Commission.

COMMISSIONER STEFANICS: We also talked about expanding the Commission for further representation but then the HPPC asked that the Commissioners help prioritize these topics for them to study. So I'm going to send you all this list and then perhaps you could just respond directly to Steve Shepherd about that and he can help identify that with the group. Thank you.

CHAIR VIGIL: On that subject, Commissioner Stefanics, I would just also ask staff to acquaint or reacquaint the Health Policy and Planning Commission with the Call to Action that does identify and that study was conducted by the HPPC because all of the items that you actually delineated are a part of that study and I think that will give some additional information to the new Commissioners and maybe you've already distributed that, Steve, because that really did give guidance for prioritization on that and I think I'm happy to provide what I think might be a priority but I think that because that study itself conducted surveys and all kinds of things.

Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you very much. A couple of items. I appreciate the communications and work from the manager and the staff. I have several things that I'll ask to be looked at and worked on and I appreciate Ms. Miller and staff that are looking into those and working on those. I'm not going to go into detail on all of them but I did have the privilege of attending the La Cienega Community Breakfast this last Saturday. I got there toward the end of it but I did have a good opportunity to visit with the president of the association and some of the other members of the community. I also had the privilege of being able to sit in on the La Cienega Acequia Association meeting, Ditch

Association meeting, that was held there at the community center. Madam Chair, Mr. Guerrerortiz and Mr. Ross and Ms. Miller maybe collectively – there were several questions associated with which wells the County is going to be putting on line and utilizing for our system as well as discussions about the retiring water rights in the Valle Vista area. Many concerns raised associated with those issues and I don't want to get into details about it today but I just want to bring forward that they've asked for presentation to be done for them and some information as to what's going to happen with our usage in our system and what our plans are and how those might affect downstream and I know there are long standing issues and discussions and even legal issues associated with it but I would ask that we follow up with them. I also had the privilege of attending the Chiefs Association meeting of all of the volunteer fire chiefs and I've had the opportunity of doing that several times previously and I learned much and appreciate all the work of the volunteer chiefs in Santa Fe County.

I want to send out kudos to the DWI team in Santa Fe County. I've been getting positive feedback by members of the community including my own children relative to the prevention work and initiatives that Frank Magourilos and Christina Gomez and others are doing in the schools to talk to kids relative to the prevention of drug and alcohol use. So I very much appreciate those efforts.

Santa Fe County Fair Board, I had the privilege of attending their meeting yesterday. They are in full gear preparing for the County fair. I want to send a thank you to all of the staff that have been physically doing work over there. The Public Works team, Madam Chair, Ms. Miller, Mr. Martinez, if you could pass on to those crews that have worked hard to do the paving, Mr. Gomez and his team and your team that did excellent work at the County fairgrounds along with Mr. Gutierrez, your team and others that have worked to procure goods and services to make sure that the fair is put on in a classy way as it always is. The Fair Board will be working closely. Mr. Gutierrez was also present there with Mr. Garcia providing feedback and information and is working closely with not only the Fair Board but the extension agents to make sure we have everything we need in place. So I very much appreciate, Ms. Miller your work, and the work of staff in that regard.

The last item that I have on my list today actually connects to an item we had in the budget hearing. Madam Chair, when I first discovered what I discovered I'll have to admit I was rather frustrated and even a little bit agitated at the moment that I heard what had transpired, but after I thought through lunch I thought I just need to come back to our colleagues and respectfully ask each of you to provide me more background but to provide some consideration on what I'm going to ask for. Last BCC meeting I brought up an elderly lady that was concerned about her transfer station fees and her permit. At the BCC meeting I asked staff, and Ms. Miller you weren't here, you were out, but I asked Ms. Ellis-Green and staff and said, you know, we have an individual that's concerned about the transfer station fee, they're single, they're a senior and could we look into considering lower permit for people in that situation. And staff said sure, we'll look into it and I hadn't heard anything from it and I hadn't expected to immediately hear. But today I discovered that the previous Commission made a determination to over the period of several years increase the transfer permit. I truthfully as an elected official and somebody that campaigned and you know Commissioner Anaya was my brother and I didn't know that this had take place and that there was a vote and it's my understanding that this was a tough discussion that the

Commission had and it's my understanding that it was a split vote was my understanding.

But what I'm going to respectfully ask, especially now in this budget process, is that we consider that increase. I just especially – and I know that the circumstances may have been different when the increase was considered over time but I just – I'm hopeful that we can as a Commission can have a good dialogue and discussion about it but I just don't think right now is the time to increase those rates. And I discovered that it was part of a longer term plan and not only was it going to increase this year but it was going to go up next year and then a subsequent year and I just have to say publicly that I just don't think now is the time for that type of increase and I would ask Ms. Miller and my fellow Commissioners and I'm going to look to you Madam Chair and Commissioner Holian and Commissioner Stefanics to help me understand the evolution of what took place there. But my last item is that we seriously consider not increasing those permit fees right now.

Madam Chair, I thank you for your consideration and the consideration of my fellow Commissioners.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and on Commissioner Anaya's point and also maybe a staff member can tell me isn't one of the provisions to allow seniors or income eligible folks to have a little bit of a break in those transfer fees, Mr. Gutierrez or Mr. Guerrerortiz?

MS. MILLER: Madam Chair, Commissioner Mayfield, it's \$5 for seniors deduction and \$10 for low income.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Mayfield, yes, that's correct. It's \$5 for seniors and \$10 for low income and people who meet both conditions it's \$10.

COMMISSIONER MAYFIELD: Madam Chair, Pego, is that for an annual permit or is that for a one-time use.

MR. GUERRERORTIZ: That's for an annual permit.

COMMISSIONER MAYFIELD: So it's \$5 for a senior.

MR. GUERRERORTIZ: Yes, and \$10 for low income folks. And those people who qualify for both get the \$10 because it's the higher of the two.

COMMISSIONER MAYFIELD: Okay and Madam Chair, Commissioners, I also share Commissioner Anaya's same concerns. Will you bring this back to us in the budget presentation that we will entertain on the 31st?

MR. GUERRERORTIZ: Madam Chair, Commissioner Mayfield, it is part of the budget and we will have the opportunity to discuss it yes.

COMMISSIONER STEFANICS: On this point, Madam Chair.

CHAIR VIGIL: Please.

COMMISSIONER STEFANICS: This is a passed ordinance so we're going to have to bring the ordinance back to the Commission not just as a part of the budget. So, the further discussion was that the enterprise fund and I don't know if Teresa is still here or Carole or someone but the enterprise fund for the solid waste was a few million dollars in deficit which then drove us to look at comparison of all surrounding counties and cities and what they charge and even without looking at the cities and the counties we were way below what everybody else was charging. So I would be happy to have a discussion of course but it

is an ordinance that would have to come back to us. It is not just part of the budget. It is a separate ordinance that we passed.

COMMISSIONER HOLIAN: Madam Chair.

COMMISSIONER ANAYA: mc, on this point.

CHAIR VIGIL: Yes, Commissioner Holian and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would also like to point out to people that there is a way that if they do not produce very much solid waste that they can save a lot of money because you can buy bag tags and you can buy five bag tags for \$5 and that's a big bag of trash and you can recycle for free. So if you are willing to go to a little bit of work to separate out your recyclables and that would be glass, plastic, newspaper, cardboard, and then you just have the rest of the trash in bags you can save a heck of a lot of money. I shouldn't be admitting this up here but my husband and I who go to the transfer station, I mean to the convenient station, we spend about \$25 a year. We don't buy a \$65 permit. Now I did that not because I don't want to give more money to the County which I kind of do but I'm already giving a whole bunch of my time for free – so it was more to prove that it was possible to do that and so I just think especially for elderly people I think that they probably don't produce that much trash and if we can just get this message out to people it would be way that they could save a lot of money.

Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any other items?

MS. MILLER: Madam Chair, could I just make one clarification. This year was \$55 for the permit, next year is \$75 and I think it goes to \$85 in the third year. That is by ordinance the reductions, the \$5 and \$10 discounts, is done by policy that you pass and implement. So the actual increases in the permit or done by ordinance so it's \$10 next year but after that was passed the Commission did come back for those two reductions in order to try and offset the overall cost.

MR. GUERRERORTIZ: Madam Chair, if I could add one more item. We also have a program to make people aware of what the advantages and benefits are and the reduction for low income people and for seniors are being publicized heavily in the convenient centers as well as on the website and in the press. We expect that more participation will be seen this year. We have close to 3,000 people who qualified or who came to us last year. We're trying to make it easier for them to be able to get these. You had requested that we look very closely at the sale of these permits at the satellite offices and we are doing that. We're trying to reach more people this way. Commissioner Stefanics pointed out – the reduction of the deficit and right now we a subsidy from the general fund into the solid waste services of about \$1.5 million so unless we tax or take from the general fund into the solid waste fund will allow for those funds to be used in other services that the county can provide as well.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya, is this on the same subject?

COMMISSIONER ANAYA: Same subject, yes.

CHAIR VIGIL: Okay.

COMMISSINOER ANAYA: Madam Chair and Commissioner Holian and Commissioner Stefanics and even Ms. Miller and Mr. Guerrerortiz your comments, I very

much appreciate those comments in the scheme of the overall public policy discussion I guess just to respond, Madam Chair, Commissioner Stefanics, one of the things that I firmly believe as a citizen not even as an elected official is that we all have taxes that we are imposed and that we pay. And I think what another municipality or county does I think it's good for review and analysis but I don't believe it should dictate whether we would consider a fee of higher or lower. When you look at a community in the rural parts of either southern or northern Santa Fe County and even eastern Santa Fe County in Commissioner Holian's district, or even your district for that matter, we all have rural areas what people pay and what they get from the government is different depending on what area that you live in. So I don't believe to equate what San Miguel does or another county does directly to us is always the most prudent way to analyze those fees. I think those people in rural areas may only get public safety, trash and roads and that's it and they're content with that and those taxes that they pay they pay in the expectation of some primary services. So, I understand the logic of the utilities division in trying to become an enterprise and to try and find alternate sources but I also really emphasize and respect with those community members that may only get these core services.

I would like to bring the ordinance forward for review and discussion and a very much respect and appreciate those prior conversations that occurred not only in last Commission but in the last two decades, but I do think it's a prudent topic and I do think it's appropriate for us to bring the ordinance forward and to have some more discussion on it. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and to echo Commissioner Anaya's point I would like to see that also, that ordinance to be brought back, hopefully before we do make a final budget approval in case there can be potential for some adjustment.

Mr. Guerrerortiz, is there any restriction as far as we just heard for the fire restrictions that the County has imposed, the fires that we are experiencing throughout our county, where folks have an opportunity to at least go the transfer station and drop off their brush without having to pay for that?

MR. GUERRERORTIZ: Madam Chair, Commissioner Mayfield, we are still discussing the way of doing that. We have entered the conversation with the SWMA board and the SWMA staff at this point so that we can look at what the possibilities are. One thing is to receive the waste in our transfer stations and the other thing is to dispose of that waste. If we do not take a look at that second step before we take the first one we may end up receiving a lot of waste that we can hardly afford to dispose of at \$3750 a ton.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Guerrerortiz, this is green waste I'm talking about as far as just the brush. I know that there is some expense with processing the green waste but this is not waste that will be dumped into the landfill at any expense to the County as far as price per ton that we pay. This is green waste that we can mulch and then residents can then return use somewhere else.

MR. GUERRERORTIZ: Madam Chair, cm, the brush that we're talking about is hardly recyclable and it would have to be taken to the landfill. They receive brush at

the landfill. Green waste and yard waste are two different things in the solid waste language. The green waste is branches and trees and dead trees that you bring to the transfer station. That could be mulched and recycled and right now we have a very high pile of recycle that we haven't been able to dispose of. We are in the process of removing that to lessen the possibility of fire at the transfer station as well. But the yard waste is hardly something that is clean to begin with quote on quote. It's no just yard waste. When people clean up their yards they bring in anything that they can find in the way along with the brush. So for that reason it has to be taken to the landfill and disposed of at the same rates that we have for any other type of waste. So that's what I was say, if we receive the waste and we don't have the means to dispose of it then we'll have another load that we have to deal with.

COMMISSIONER MAYFIELD: Mr. Guerrerortiz, second question. The fee that we are charging our residents to use our landfill, is 100 percent of that going back into the enterprise fund for solid waste?

MR. GUERRERORTIZ: The fees that we receive from the –
COMMISSIONER MAYFIELD: The \$65 punch ticket.

MR. GUERRERORTIZ: Yes, it goes to minimize the contribution from the general fund. And at this time as I said it's \$268,000 of \$1.8 million.

COMMISSIONER MAYFIELD: Two hundred and sixty-five?

MR. GUERRERORTIZ: Two hundred and sixty-eight thousand more or less.

COMMISSIONER MAYFIELD: And what this proposed – I guess it is not proposed \$10 increase, it has been done by ordinance – what are you anticipating new revenues to come in with that?

MR. GUERRERORTIZ: It will go up proportionately, \$10 on \$65 is approximately 1/6, 1/5 so about 20 percent more. So if we would have an additional \$40,000 or \$50,000 to come in. So we're talking about \$320,000 maybe \$330,000 for next year.

COMMISSIONER MAYFIELD: Proposed.

MR. GUERRERORTIZ: No, it's not proposed. It is part of the ordinance.

COMMISSIONER MAYFIELD: Correct. Madam Chair, Katherine, do you know what ordinance number that is, please? And if not, will we still have an opportunity to bring that back to this Commission before our budget meeting please?

MS. MILLER: Madam Chair, Commissioner Mayfield, I don't know that we can bring it back for a vote perspective because of the requirements for changing ordinances for public hearings, et cetera, that it would be then before we would do the interim budget. But I think it could be done before the final budget if the Commission wants to do that.

In other words, we might have to put the budget together for the 31st submit it one way of the other, and then we can make an adjustment if that changes.

COMMISSIONER MAYFIELD: And then, Madam Chair and Steve, just based on a couple of comments that were made; how then do we as this Commission be able to make some amendments to an ordinance? You were able to afford discounts for seniors, discounts for low-income; could there be other amendments that we propose to the current ordinance?

MS. MILLER: Madam Chair, Commissioner Mayfield, I believe in that particular ordinance there was a provision to allow for some of these types of low-income or senior discount through a policy. There was a provision. Most of them wouldn't have

something like that but I think it was something that the Commission considered that might be a possibility. Penny and I were talking that that was not done as an amendment to the ordinance because the ordinance allowed for certain discounts to be done by policy and sign off by the manager as directed by the Commission.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: And those policies that the Commission passed for the discount are they perpetual for this next fee increase? Are they time dated on them?

MS. MILLER: They are until they are withdrawn. They are effective until they are withdrawn. So when the Commission directed staff six or seven months ago to put those in place, staff brought forward a proposition/proposal of how to do that and the Commission approved that and then staff implemented that to the different discounts and how we would administer that.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay. Is there anything further on this? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I too am going to talk about fire danger and I didn't realize how close to home it was going to hit when I worked out what I was going to say. But in any event unless you just moved into this state recently you have to know that the fire danger we had this spring is probably the worst that we've had in many, many years. I wanted to first talk about a fire that occurred on a property that is at the intersection of the end of St. Francis Drive and Rabbit Road. That was a very dangerous fire because the property had several hundred cars on it. So it wasn't just a matter of controlling a wildfire in vegetation, it was a matter of dealing with cars that were exploding and tires that were exploding and I really want to say a big thank you to the Hondo Volunteer Fire Department and our Santa Fe Fire Department for putting that fire out. I actually went to a neighborhood meeting, it's the neighborhood that was right next to where the fire was and Fire Chief Tom Chilton gave an explanation of how they put that fire out and I thought it was kind of interesting because they cut fire breaks in kind of a V-shape so that they pinched off the fire at the front. And, what was really interesting was because of the exploding cars and exploding tires and so on, the smoke was so thick and black that they had use walkie-talkies because the people at the back of the fire couldn't see where the fire was actually heading but in an event they did manage to put it out and fortunately there were no buildings that were involved and none of the neighboring homes were burned.

I would also like to thank our land use department, Jack Kolkmeier, Wayne Dalton and Rick Lovato. Because they now have a plan for making this property more fire safe and the plan is to reduce the number of cars, screen them and most importantly do a terrain management plan to create defensible space around the cars so that this does not happen again. I just want to – unfortunately it looks like our fire chief is gone, although I guess I am glad about that – but in any event the County is very grateful to our fire department. They were very professional. They knew what they were doing. They really averted what could have been a truly bad situation.

And I also wanted to talk about another fire that just occurred off of Old Las Vegas Highway the day before last on Sunday. Now this occurred near a street amazingly enough

called Calle Peligroso, and I thought, hmm, that's an aptly named place for a fire. But, again, our fire department kept a bad situation from really getting out of hand. I went out there to see and there was acres of blackened earth but fortunately only two buildings were burned and nobody was hurt. No animals were injured and again they did an incredibly great job but I would have to say that district four, my district, is particularly vulnerable to fires. There are a lot of wildland urban interfaces. There are a lot of neighborhoods where there is one road in and one road out. So I think that in this year that we need to do a real extra effort to communicate with the public about how severe the fire danger is. One thing I was thinking of was perhaps on our website, and I've gotten some comments about this from people, but maybe on our front page we have a banner that is flashing red or something like that and says "fire danger high" and then maybe we can link to – I think that we have information out there about fire safety tips and so on and I know that our fire department has produced a number of information sheets about reducing fire danger both in the home and outside the home particularly in the urban wildlife land interface area and maybe we could link to some of that on our website. And I know that people throwing burning cigarettes out of a car is a really, really bad idea. We have an ordinance against that. I was wondering if we could put up some temporary signs particularly on Old Las Vegas Highway letting people know that if they do that there is a \$300 fine and possible jail time for doing something like that. I had heard that it's possible that the fire that occurred on Sunday was caused by a cigarette but I don't know that for sure. I've also heard that it had to do with a car misfiring or something like that. But in any event I think it would be really, really good to let people know that there would be consequences for throwing a cigarette outside of their car. And then the final thing is evacuation plans. When that fire occurred on Sunday a number of people in the Apache Ridge area got a call saying that there was a fire and it was informational only but it sort of confused them in the sense that they wondered if I am suppose to be doing something, am I suppose to be evacuating, am I suppose – and if so where should I go and so on. So I think I would like for some information to at least come to me about our evacuation plans so that I can inform my constituents about how we go about it. If there is a real evacuation will they be told where they should go? And there may be cases especially like on Apache Ridge Road if there's a fire that's going across the road where some people actually should shelter in place. So will they be told those things in the phone calls that are out there and it certainly is timely to look into these evacuation plans right now. Does anybody else have any other comments about that?

COMMISSIONER STEFANICS: On that point, Madam Chair. The one thing I think we should probably have a reminder about is how people on the County can sign up for Nixel and receive text on their telephones regarding these emergencies. If you are on it you might get one a day or one a week about people who are needing to be arrested, roadblocks, fires, et cetera. So that is one method and perhaps the Sheriff's Office could provide the information again at either this BCC at the next meeting or at least give it on the website. And I know that we every now and then we promote that but we haven't for a while. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, ditto the concerns and

perspectives brought up by Commissioner Holian and Commissioner Stefanics. I think the more information that we can put out there the better and the more information that we have Commissioners we can help put that out so I very much appreciate your comments that are very, very timely.

MS. MILLER: Madam Chair, I did want to comment that we actually do have on the website a banner on high fire days. We currently have a red banner that comes up on those days. I think that we have some links but we'll also go back through your suggestions and make sure that we add to what we're currently doing.

COMMISSIONER HOLIAN: And of course I would appreciate any information that you could give me about evacuation plans because then I would pass that on to my constituents because I have so many people who live in those kinds of areas so I would like to send out an email message. And I have to admit that I know we have evacuation plans and I need to know more about it myself.

On another emergency response issue, the week before last we handled a medical emergency at a meeting which was here in the Chambers. And first of all I really want to thank Kristine Mihelcic and Lisa Roybal. They helped call 911 and get the emergency personnel here and also before the emergency personnel came they really helped to stabilize the situation and I was very, very appreciative of that. And, also I would have to say that the emergency personnel, there were five of them, they got here very quickly and they were very professional. But what I had forgotten was that as a matter of fact we didn't have to call 911. There is a red phone over there in the Chambers and if you pick up the receiver you will immediately be patched through to the emergency communications center. Now, I had forgotten that and so I thought I would just remind everybody. Maybe you all knew but I thought I would just bring it up. And I wanted to ask Ken Martinez to come up if he wants to add anything.

KEN MARTINEZ (RECC MANAGER): Thank you, Madam Chair and Commissioners. I just wanted to reiterate what she said. We had about a year ago or a little more, we had a direct ring down line hooked up in the chambers that would automatically connect that phone directly to the 911 operators at the center and they would be able to dispatch resources over here for whatever we needed. Whether they be law enforcement or emergency medical services but had we remembered that that phone was here the other day when that happened all we would have had to do is pick it up, anybody could have picked that phone up. No dialing is necessary and it directly rings into the 911 center for response to the chambers. So that is a resource that – we'll probably pursue putting up a note or a sign or something to remind people that it is there so that not only County employees will know about it but also the public if anything happens while there's a meeting in progress so people will know to pick up that phone to get emergency response to the chambers.

If I may also comment on the notification system during the fire on Sunday. The reverse 911 system that our center has is utilized to notify people in the community if there is an emergency or an evacuation that's necessary. We've used it for gas leaks or fires or things of that nature to let people know what procedures to follow if they are to evacuate or what action to take. There are forms that we have for each specific incident that the dialogic system is used for. We are going to be upgrading that system within the next month or so and we will also be putting out for the public to subscribe to that service so we can also notify

them by cell phone, by text and things of that nature. So in the next month as it comes through and we install that system we'll be putting information out on the website on the RECC page so they can send off their information so they can subscribe for that service. Right now it's incident specific to what the procedures are for evacuation. If there is a shelter that is set up for the public to evacuate to we will notify them within that message. The phone call that went out to the people for the fire on Sunday just told them to get away from that area. We did not have an area for them to evacuate to rather we just wanted to get the message out to have them leave the area and then we let them know when it's safe, although most of them have left their houses so they don't get that second one. But we let them know that it is safe to go back to their houses. When we do get the possibility or the ability to get it out to cell phones and text messaging that will make that more efficient as well. But that 911, reverse 911 system is what we used on Sunday to let them know about that.

COMMISSIONER HOLIAN: Thank you very much, Mr. Martinez. I have one more thing and I'll make this quick. This is a good thing. On this coming Saturday, May 14th at 10 a.m. there is a trail opening at the Arroyo Hondo open space and I just have to say, and I'm probably prejudice, but I really feel that the Arroyo Hondo open space is a real jewel and the crown of our open space portfolio because it's really close to town, it has a really great parking lot, thanks to Scott Caseman it also has magnificent views and in addition it is educational. It turns out that when we took it over there were a number of dead pinon trees on the open space property and I think in conjunction with our Fire department the Open Space staff did five treatments of dead pinon trees. They put up signs describing the different ways they did those treatments and now you can sort of see after about six or seven years what it actually looks like and you can decide which one you want to do on your property. So I highly recommend coming to experiencing this little jewel of an open space area and again the – 1.5 miles of new trail has been constructed so now there's a total of 3 miles of trail there and the opening again is at 10 a.m. this coming Saturday. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I have a few items that I would like to discuss. First of all I want to thank Ron Pacheco and the Senior Services staff. Kathy and I apologize that I don't know Kathy's last name but Ron has been out there working in conjunction with the City, with the State and, again with our County staff of informing our seniors of the transition that will take place July 1st. All of the seniors have been very complimentary of our Santa Fe County staff. They look forward to working with our Santa Fe County staff and Ron I just want to thank you for what you're doing out there.

Also, I would like to comment and thank all staff who have got the Bennie Chavez Senior Center/Community Center back on line. I have many, many happy constituents out there now. They have made great improvements to that community center and I am very appreciative.

One question, and I've been receiving a few emails, one email, and I should have brought this up a little earlier was as far as our transfer station that we may be reducing or that there is some rumor out there that we're going to start limiting the days of operation out there. If staff can get back to me and let me know if that is happening at the northern centers I would appreciate that so I could respond to some of our community.

There is one issue that came up to me, a former Commissioner brought it to my attention, Mr. Martinez, Arroyo Jaconita, I think you all are working on I guess on just trying to improve the area for diversion all I'm going to ask, Mr. Martinez is there are some community members that are concerned that the diversion that we're doing is going to now be pushing the water into their backyards/frontyards and if you would have an opportunity maybe tomorrow or send I think it's Diego Martinez who is our engineer to go out there and discuss it with some of the community members I would appreciate that.

ROBERT MARTINEZ (Public Works Director): Madam Chair, Commissioner Mayfield, it is not a diversion. It is bank stabilization. It's a tire-bale structure that is being constructed through an NMED grant to protect the further erosion into the bank which is protecting the road. But I will get Diego Gomez – do you have a contact number? Can I get it from Juan?

COMMISSIONER MAYFIELD: Yes, it was former Commissioner Marcos Trujillo who called me but I was going to meet with him tomorrow. Again, there is some residents on the other side of that bank that are worried now that the water is going to kick over to their properties. I don't know if you all entertained that in your designs or not.

MR. MARTINEZ: Commissioner Mayfield, yes, we did. We also got this design approved by the US Army Corps of Engineer. So it was thought out.

COMMISSIONER MAYFIELD: I'm sure it was but maybe we just could tomorrow please, it's short notice, but I just got the call yesterday, if we could go out and meet with that community I would appreciate that.

MR. MARTINEZ: We will do that.

COMMISSIONER MAYFIELD: Thank you. Madam Chair and Commissioners, I had a recent meeting with a non-profit, the Food Depot, and I guess they pitched a proposal to me of wanting to work with them and also of letting me know that 20 plus non-profits work with them. My question is, is that I want to bring something forward to the Commission but I don't know what the policies and procedures are as far as how the County works with non-profits, what agreements we make and how we bring these proposals to the Commission and is there a written policy on this? How would I bring forward their request?

MS. MILLER: Madam Chair, Commissioner Mayfield, this is an issue that is really one that needs – it's really more of a constitutional issue as far as anti-donation and whether it's a service that the County needs provided and wants to pay for. The constitution and the whole anti-donation issue and this goes on at the state level, the county and city level – the issue with non-profits is that we can't make donations of county funds or taxpayer dollars to a non-profit to do a mission that they do by their own charter. When we have had contracts with entities non-profit for instance the Boys and Girls Club, they operate our centers within our housing areas so we have done RFPs and they bid and they provide services to our youth in the housing area. So that type of contract is something that is decided that that's to be budgeted for and an RFP and we go through the procurement process. We often get requests from non-profits to do different things and that was one of the issues with the Community Fund for instance being questionable as to whether these were just ways of making donations to non-profits or were we actually contracting for something that the County needed or wanted as a service.

So you have several layers of issues relative to non-profits. We can't just say we're going to give money to a non-profit. That violates the constitution with anti-donation and it violates the procurement code because whatever we would do we would still have to determine that it's a service that we need, that it's a service that the County wants and needs and then do procurement for that. If that entity happens to be the one that won the bid process then they would be contracted with to provide a service in return for a market rate compensation. So it happens two ways through budget process of being a needed service and then getting put into budget and then through the procurement process. So we don't send money to a particular non-profit.

COMMISSIONER STEFANICS: On this same point, Commissioner Mayfield, we have in the past when New Mexico State Legislature had funds, they often times appropriated funds to non-profits and the local governmental entity would be asked to accept the funds on those non-profits behalf. Usually they were capital funds and one of the things that happened here at Santa Fe County that affected that and I was on the Commission when we discussed that was the fact that we would get money for the development of a capital project but no money for ongoing keep or maintenance so our Commission actually passed a resolution at that time saying that and I can't remember the exact wording at all but it was something that the non-profits needed to participate in some kind of rent or fee that would go into a maintenance fund that would help keep up their particular building. So there are a couple of ways of looking at the question you're asking and one is whether it is operating a program or whether it is for capital and I think the Commission would just need to know further details about things. But as the County Manager indicated since we're at the budget process if it's anything around programmatic it needs to be brought up sooner rather than later.

COMMISSIONER MAYFIELD: Madam Chair, and specifically I don't think that they're asking for any dollar donations. They have a very worthy cause and I'm sure all non-profits are but they're out there trying to feed the hungry. What they're asking for us for consideration is to see if we have any potential land where they can build and receive again federal dollars for that build and be able to service. My understanding is that they have to have that land so many miles outside of our city which is over a populace of 50,000 people.

MS. MILLER: Madam Chair, Commissioner Mayfield, so were they looking for – because we may have an existing facility that we could lease to them. So we could look at that but maybe the best thing would be for me to meet with them and find out what they're looking for and whether there is something that we currently have that we can work with them, if there is land or a facility that we might be able to lease to them. That might be a real simple one and that also because the procurement code doesn't apply to real property as it does to other services and goods. That might be one option.

Additionally, we have done projects through CDBG for non-profits and gotten funding from the state to build the building as a community project and have some nominal lease fee for the service that they would provide to the community in exchange because it would be something that the Commission would want to provide. Those are the – if you're looking for something like that there are some things that we have done in the past that we might have some facilities that we might be able to – that are current lessees might be vacating so that's another possibility.

COMMISSIONER MAYFIELD: And I'm glad you brought that up. I've heard that Hands Across Cultures may be vacating a property.

MS. MILLER: Madam Chair, Commissioner Mayfield, that is one that we're in discussing with whether they would be continually a lease. So when you said that, that might be a potential property and that lease we lease from the State Land Office so we have a lease that is based on square footage and that's a potential property if they are leaving there.

COMMISSIONER MAYFIELD: Maybe you and I can meet at a little different time.

MS. MILLER: Okay.

COMMISSIONER MAYFIELD: But also, Katherine, is it possible and maybe we already have this information out there can I at least see what non-profits the County is in partnership with, what lease arrangements we have. I don't know how many. I know we approved a transfer of some money a little earlier on the consent agenda today which is for United Way which, again, is a great non-profit. But I would just like to know what non-profits that the County is working with and/or if we are the fiduciary folks for any of these non-profits.

MS. MILLER: Madam Chair, Commissioner Mayfield, I think we have a couple of different arrangements like United Way we are a pass through for a state grant and then some of these others we've actually gone in partnership to build the facility either through a CDBG grant or some other state grant and then they lease from us. We can get you the ones that under that arrangements. And then there are some we have contacted, done RFPs, and they've been the proponents that received the contract based on the procurement process. So there's all different categories and they might be on those particular ones bidding against for profits as well it just depends on who best meets the qualifications. I'll try to get you those in their different categories because they all have different reasons as to why we would have a relationship with them, whether it was to build the building because the money was appropriated to us or whether it was a service that we actually went out and tried to procure.

COMMISSIONER MAYFIELD: All right, thank you. And then just a couple of more. Madam Chair and Ms. Miller and Ken Martinez is here, thank you, Ken, for being here, we spoke about this. The *Rio Grande Sun* that I've read a few times and different reporters who I have communicated with, and I've have also communicated with the City of Espanola, with the County of Rio Arriba as far – and I brought this up a little earlier in our budget discussion today, Ms. Miller – as far as there was a funding agreement and we may have been part of a JPA where the Santa Fe County was providing some funds to the joint venture-ship in the northern part of Santa Fe County and the southern part of Rio Arriba County. A couple of concerns I have is just based on some of my conversations with Mayor Lucero, the new city manager, James Lujan, and also their communications director Marty Griego, I believe, and also listening to our former Chief Holden and also Mr. Martinez is that I think there's a little disconnect in communication as far as what is being provided. As I've been told, Mr. Martinez, that we are not – there is no public safety concerns as far as delivering our services if somebody dials 911. Espanola has brought to me a concern that a lot of the residents who live on a line and I don't think any of us arguably, even GIS has a problem, at mapping out that northern line or how it works but they are actually just dialing

out a seven digit number because they feel more comfortable with having emergency response come from the City of Española because they do believe it's a quicker response than getting routed through our 911 communications center. Mr. Martinez and I have talked about that and Ken I think some of the data you have may arguable dispute some of that information and I guess what I'm asking for Ms. Miller and Ken is that if we can have a response, a written response, to the points or the concerns that Rio Arriba County and the City of Española are bringing up just to show to that there is not a disconnect and that public safety is not in danger anywhere within our county but in this particular – in the northern part of the county.

MS. MILLER: Madam Chair, Commissioner Mayfield, we actually do have that written response and this is a draft of it. I was working with Ken and Steve and he wrote it about this issue because there are three separate issues that keep getting confused on this. One is the actually E911 dialing where does the call go when you dial 911 and it depends on whether you dial from a land line or whether you dial from a mobile phone. And then there is the response issue. Who is actually sent out to respond and we have mutual aid agreements of whoever is closest and there are communities that lie closer to Rio Arriba that we can respond to better with our responders, first responders, and then there are ones within Santa Fe County that Española can respond to. We have those mutual aid agreements and that is the way we operate on any boundary of the County whether it be the north, the southern part or the eastern part of the County. So, there's that issue and then there is the tax issue where is the revenue generated for our GRT and then where is property tax revenue or whatever generated for within the city limits or within Espanola. There are three very separate issues but they keep getting convoluted but we do believe and the Commission did have a JPA before because there was a condition where many of our calls did go to Espanola. That no longer happens except for whatever tower is hit but that happens mutually both ways. So we have a draft written response and we'll put that in the form of a letter that needs to go – because I've had these conversations as well. They have called DFA and E911 and we've had these discussions back and forth. But the Commission at the point where that central was no longer having calls routed to them from land lines then they are the same as every other center that we have mutual response from.

COMMISSIONER MAYFIELD: Thank you. And, Ms. Miller, is there a reason that say Espanola, the City of Espanola, Rio Arriba County does not participate with our RECC and they have their own independent one? Could they become partners with us say as the incorporated area of Edgewood? Is that a possibility? Is that not a possibility? And then also we've had discussions on maybe giving them a seat at our RPA table and the Pueblos also a seat; is that also a possibility? Is that not a possibility?

MS. MILLER: Madam Chair, Commissioner Mayfield, I would say it's a possibility but then their centers serves also quite a few other communities to the north and it would be whether all of those communities wanted to create even one larger regional center. I don't think that they would want to split all of those up.

Some of it is driven by the way that the State law is and DFA rule how funding is provided from the state and you need to regionalize and have joint centers in order to get the funding from the state for the equipment and lines. So it would not preclude us from getting that money and whatever they get or if they were to join our dispatch if they so wanted to. I

just don't know. You've got a lot of other entities besides just the City of Española and Rio Arriba County as members of that particular dispatch center, so everybody up there would probably have to want to join into one large one.

They wouldn't be physically precluded from it. It would probably be more political as to whether they wanted to have one super large regional one.

COMMISSIONER MAYFIELD: Thank you. And then when we have some time maybe we can go up there and make a presentation showing these are the services that Santa Fe County is providing in that area and just for clarification, thank you.

MS. MILLER: Yes.

COMMISSIONER MAYFIELD: Madam Chair, last point is basically we have spoke about this but I've been getting emails on this and I've spoke to Mr. Ross about this as far of some of our Commission agreements and one in particular with Pojoaque Pueblo. Steve, do you know when that – I think we spoke about this three months ago –

STEVE ROSS (County Attorney): Madam Chair, Commissioner Mayfield, no that agreement is probably 95 percent ready to be circulated to the outside parties which would be the Pueblo of Tesuque and the Pueblo of Pojoaque. It's taken a little bit of time to get the Sheriff's input on the proposed agreement but we think we're 95 percent ready. We'll send it out in the next couple of days. I think I sent you a copy. Oh, okay, I'll make sure you get a copy. We need to make sure we have your comments as well.

COMMISSIONER MAYFIELD: Okay, thank you. And that will also include the BIA?

MR. ROSS: It will not include the BIA as a signatory unless you want to. That would probably be way more complex, that's the federal government.

COMMISSIONER MAYFIELD: We don't currently have that with the BIA?

MR. ROSS: No, we don't. No, and we don't cross Commission them either.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I also would like to see, Mr. Ross, those agreements because whatever agreements we have with any one entity will definitely and could definitely impact other areas that would enter into similar agreements so when that draft is ready I would like to see a copy of it too to keep in tune with what's happening up there and to make sure we have parity in what we're doing, thanks.

COMMISSIONER MAYFIELD: Madam Chair, thank you.

CHAIR VIGIL: Thank you. I believe that's all under matters of the Commission.

XIII. Appointments/Reappointments/Resignations

A. Elected Official Appointment to Serve as Board Member on the New Mexico Association of Counties Workers' Compensation Pool Board

CHAIR VIGIL: Are there any nominations?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I nominate Commissioner Anaya to serve as a board member on the New Mexico Association of Counties Workers' Compensation Pool

Board.

COMMISSIONER MAYFIELD: I second that nomination, Madam Chair.

CHAIR VIGIL: We have a motion and a nomination. Any other nominations? Okay, then we're ready to vote.

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

CHAIR VIGIL: That's a unanimous vote and Commissioner Anaya, congratulations.

COMMISSIONER MAYFIELD: Madam Chair, was that a short straw nomination? I'm kidding. I will be honored to help. Thank you, Madam Chair.

CHAIR VIGIL: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I would also like to congratulate and thank Commissioner Stefanics for is our County appointee to serve on the New Mexico Association of County Board. She is a very tough opponent so congratulations, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, thank you very much, Commissioner. And, thank you to those who took an interest in voting. And, thank you to Commissioner Mayfield for also running for that office. I understand it changes every two years, Valerie, and so we want to get as many people as possible involved in the New Mexico Association of Counties, so thank you very much.

XIV. STAFF AND ELECTED OFFICIALS' ITEMS

B. Community Services Department

1. Request Approval of Award Agreement #2011-0139-CSD/MS to the Lowest Responsible Bidder, Lockwood Construction Company, for the Construction of the Western Regional Headquarters – Rancho Viejo Fire Station in the Amount Of \$2,660,200.00, Exclusive of New Mexico Gross Receipts Tax (Community Services Department/Fire)

ACTING CHIEF SPERLING: Thank you, Madam Chair and members of the Commission. We are asking your authorization to award an agreement to Lockwood today for the construction of Rancho Viejo Western Regional Main Station in the amount of \$2,660,200. This station has been in the plan for a number of years including in our five0 year plan and it will consolidate our La Cienega volunteers and our career staff at 60 and headquarter station off of Highway 14 into one station serving the La Cienega, Turquoise Trail, Agua Fria and Madrid fire districts as well as mutual aid to Hondo and the City of Santa Fe.

For this bid we received 10 bids and we were pleased that Lockwood was the low bidder. We've worked with Lockwood before and they have done a fine job. I'll stand for any questions.

CHAIR VIGIL: Questions, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, what is the time line for this

particular project since this is the second go around?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Stefanics, once the award – the notice to proceed is provided to Lockwood they have nine months to complete the contract.

COMMISSIONER STEFANICS: Thank you and Madam Chair, when you're ready I'll make a motion.

CHAIR VIGIL: Are there any other questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and this is the same matter and Chief Sperling I don't know if you can answer this question. But at one time there were questions I guess surrounding material that was on somebody's property and if they were going to move forward. Do you have any insight on that that you can provide to me?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Mayfield, as far as I know all of those questions associated with the original contract have been resolved and we are prepared to move forward.

COMMISSIONER MAYFIELD: Is this the same site with different contractors?

ACTING CHIEF SPERLING: This is the same site. A different general contractor.

COMMISSIONER MAYFIELD: Were the initial contractors, I guess, put out by a loss of money, loss of revenue?

ACTING CHIEF SPERLING: Commissioner Mayfield, I think through the process over the last several months the County has resolved all of those issues with the previous contractor and again as far as I know we are prepared to move forward. Mr. Ross may have something further on that issue.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, I don't want to incite any law suits but we're clear of any potential law suits?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, we're good. We're ready to go.

COMMISSIONER MAYFIELD: And, Madam Chair, and whoever can answer this, where is this money coming from?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Mayfield, the money comes from a general obligation bond from 2009 specific to this project, and then some cash balances from the Fire Department.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any further questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, relative to the station and to future planning in the budget that we just had some early discussions on this morning do we have discussion in there on other fire stations for the coming budget cycle?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Anaya, this will be our major project for the upcoming fiscal year although we have had some discussions about trying to put the funding in place to initiate the Edgewood Fire Station as well but those discussions have been preliminary thus far.

CHAIR VIGIL: Okay, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I would for approval of the award agreement to the lowest responsible bidder Lockwood Construction Company for the construction of the Western Regional Headquarters Rancho Viejo Fire Station in the amount of \$2,660,200.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: I have a motion and a second. Are there any further questions or discussion?

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

2. Request A Waiver From Section 1 of Ordinance No. 2010-8 to Purchase a Water Tender for the Stanley Fire District and a Fire Engine for the Turquoise Trail Fire District for a Combined Total Amount of \$595,830 Utilizing The Houston-Galveston Area Council (HGAC) Cooperative Purchase Agreement. (Community Services Department/Fire)

ACTING CHIEF SPERLING: Thank you, Madam Chair. The Fire Department requests that the Board approval a waiver from Section one of Ordinance 2010-8 in order to allow us to purchase these two fire trucks utilizing the Houston-Galveston area council purchasing agreement, HGAC agreement. The HGAC is a governmental purchasing agreement that was instituted to reduce the burden of procurement on local governments and has been approved by the State of New Mexico procurement department for use by New Mexico counties. We have utilized this purchasing agreement in the past to make similar apparatus purchases. Specific to these two purchases we have identified a need in our five-year plan to purchase a fire engine for the Turquoise Trail Fire District and a water tender for the Stanley District. The tender is a 2,200-gallon Pierce Contender and will replace Stanley District's 1975 tender at a cost of \$217,956. The fire engine for Turquoise Trail is a class A Rosenbougher that will replace the Turquoise Trail District 1974 engine at a cost of \$377,874 for a total combined cost of \$595,830.

Funding for these capital outlays is available at a State Fire Fund, Fire District Impact fees allocated to each district and a separate grant allocation to the Stanley District of \$100,000 from the State of New Mexico.

I should let you know the design of these vehicles were carefully managed by the Department's apparatus committee. This volunteer and career member committee spent many hours over the last year conducting research and designing vehicles that we consider safe, durable, cost effective and will provide some consistency with our existing fleet. This consistency, we believe, provides a great benefit in managing our service budget repairs and training for staff on these vehicles. We believe these fire trucks will meet the needs of Santa Fe County Fire Department and the County for many years to come.

I'll answer any questions.

CHAIR VIGIL: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: I have a motion and a second. Any discussion?
Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, I will support this but why do we need a waiver from Section 1 Ordinance 2010-8?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Mayfield, from what I understand, if we're doing a purchase on an agreement over \$100,000 we need a waiver from the Board in order to proceed.

COMMISSIONER MAYFIELD: Okay.

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

3. Request Approval of an Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking and Other Ignition Sources.

ACTING CHIEF SPERLING: Madam Chair, members of the Commission, this is a renewal of the Ordinance we passed the emergency ordinance we passed 30 days ago prohibiting open burning in all areas of Santa Fe County including camp fires, open burning of vegetation and rubbish, smoking within County parks and campgrounds or wildland areas except within an enclosed vehicle or building. Littering on public roadways with ignited smoking materials, use of off road vehicles and motorbikes within County parks, campgrounds and wildland areas and the issuance of licenses or permits for open burning.

This emergency ordinance will take effect immediately continuing what we are currently doing for the next 30 days. Wildland conditions have obviously not changed. We have not had any moisture and conditions throughout Santa Fe County right now are rated at very high to extreme.

CHAIR VIGIL: Anything else, Mr. Sperling?

ACTING CHIEF SPERLING: That's it, Madam Chair.

CHAIR VIGIL: Okay, I do have a question. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Before I support this which I will of course, I wanted to pursue besides the \$300 isn't there some restitution measure somewhere like when somebody can be found to be the cause of a wildfire that there be some restitution claimed.

ACTING CHIEF SPERLING: Madam Chair, Commissioner Stefanics, you're correct there is a provision where if a wildland fire starts on your property through actions that you have taken and it extends into somebody else's property you can found responsible for those damages to your neighbor's property.

COMMISSIONER STEFANICS: Well, I'm talking, Madam Chair, even broader than that. If somebody was found to throw a cigarette out the car window and a call was put in that they had done that so that they might be fined, and then that cigarette then started a fire, couldn't that person be prosecuted?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Stefanics, I believe that's correct. They could be prosecuted.

COMMISSIONER STEFANICS: Does that need to be included in our County Ordinance or are we dependent upon state law for that? Steve? Did you catch that?

MR. ROSS: Madam Chair, Commissioner Stefanics, no we were looking at something else.

COMMISSIONER STEFANICS: Somebody who is the cause of a fire; restitution? Does that need to be put into our County ordinance or is there state law that covers that?

MR. ROSS: There is not state law as far as I am aware requires restitution. It could come up in the context of a criminal prosecution where restitution is required.

COMMISSIONER STEFANICS: So, if we don't put it into our County Ordinance, Madam Chair, we wouldn't be pursuing anything like that, any restitution?

MR. ROSS: Right. I think that is fair to say. And what we could put in the ordinance is fairly limited anyway by our statutes. What a court could order under terms of criminal restitution would be greater than what we could put in the ordinance itself.

COMMISSIONER STEFANICS: Madam Chair, I am just wondering if we need to then reference state statute or criminal prosecution under allowed laws or something. I mean, I think our \$300 fine is not substantive to really make people pay attention to the fact that we're in a serious problem and that it could go further.

MR. ROSS: That's our limit of authority under state law. So maybe we could add a clause in the sentence that says "plus other restitution for damages caused by a violation of this ordinance ordered by the court," or something along those lines.

COMMISSIONER STEFANICS: So, Madam Chair, I hope that when we get ready for a motion that that can be amended in. Thank you.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I agree with that by the way, the tougher we can make it the better. Chief Sperling, first of all any late news on the Ojo de la Vaca fire?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Holian, the latest news I got which was about half an hour ago is that they're turning over command of this incident to the US Forest Service. It was estimated at 15 to 20 acres burning in pinon, juniper and ponderosa mostly on flat ground, so that's a good thing. They said there was some cloud cover, the winds are variable but at about 5 miles an hour, and that's good. They do have a lot of resources up there as well as a helicopter. So they are doing everything that they can to get a line around this fire and contain it. That's the latest that I have received.

COMMISSIONER HOLIAN: That sounds like good news. I have a question about chain sawing. Just in your experience how common is it for fires especially in dry conditions like this to be caused by somebody chain sawing?

ACTING CHIEF SPERLING: Madam Chair, Commissioner, in my experience it is rare. I know when the US Forest Services places restrictions they often require that people who use chain saws have a spark arresting muffler or they ban the use of chain saws all together. But in our experience around the County, chain saws have not been a problem.

COMMISSIONER HOLIAN: Okay, thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would approval relative to additional language and I would defer to the attorney for additional language. What would you suggest, Steve?

MR. ROSS: Madam Chair, Commissioner Anaya, I think I would suggest under this third paragraph, the third numbered paragraph there it says, "any individual, firm, partnership, or other entity found violating this ordinance shall be punished by imprisonment up to 90 days or fines not to exceed \$300 or the both plus restitution ordered by the Court for damage caused during a violation of this Ordinance."

CHAIR VIGIL: Madam Chair, so moved with the amended language as stated by the County Attorney.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Any other questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Chief Sperling, are fire works somewhere in A to G?

ACTING CHIEF SPERLING: Madam Chair, Commissioner Mayfield, yes, they are.

COMMISSIONER MAYFIELD: Under what bullet?

ACTING CHIEF SPERLING: If we will be coming through with another renewal of this ordinance in 30 days it is likely at that time we would also include a resolution specific to the sale of fireworks coming up prior to the 4th of July.

COMMISSIONER MAYFIELD: But right now as it stands where does fireworks fall under open burning?

ACTING CHIEF SPERLING: Open burning.

COMMISSIONER MAYFIELD: Okay, thank you.

CHAIR VIGIL: If there are no further questions –

COMMISSIONER STEFANICS: Madam Chair, here is a question. This says open burning of vegetation or rubbish. This does not say open burning that would include fire works.

ACTING CHIEF SPERLING: Madam Chair, Commissioner Stefanics, open fires of any kind, open burning.

COMMISSIONER STEFANICS: Well, when somebody throws down one of those poppers; that's not an open fire is it? I'm a little concerned that this might not be as inclusive as –

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, to my motion I would add an H. Fireworks.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER HOLIAN: Second.

MR. ROSS: Madam Chair, Commissioner Anaya, there is actually state statute on fireworks. You can't ban them more than 30 days prior to July 4th so that one would have to be a separate ordinance that we would adopt in a few weeks.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, if that's the case then don't we do it anyway. Based on what I'm hearing from Chief Sperling we just can't explicitly put it in there but if someone is lighting fire works they could fall under the

provisions of this particular ban?

MR. ROSS: Madam Chair, Commissioner Anaya, under state law they shouldn't really. We have to do that separate second document and it is limited in time, like I said. So we couldn't go out and prosecute someone tomorrow for fireworks violation for example.

COMMISSIONER ANAYA: Madam Chair, I would go ahead and withdraw that based on state law.

CHAIR VIGIL: Okay, are there any other questions? There still is a motion on the floor with an amendment and a second.

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

C. Matters From The County Manager

1. Appointment of a Nominee for Legislative Representative District 43 Vacancy

MS. MILLER: Madam Chair, Penny is going to present the applicants that we got for nomination.

CHAIR VIGIL: Thank you. Penny, please proceed.

MS. ELLIS-GREEN: Thank you, Madam Chair, Commissioners. The County needs to put forward a name as a nomination for the Legislative District 43 vacancy. The nominee must reside in District 43 and that is comprised of precincts in Santa Fe County, Los Alamos County and Sandoval County. We received two letters of interest. Staff has verified that both applicants live within District 43 and have conducted background checks. The two applicants are Jose Varela Lopez, he resides in precinct 12 in Santa Fe County and Stephanie Richards who resides in precinct 6 of Los Alamos County.

CHAIR VIGIL: Thank you, Penny.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I thank you for allowing me to speak.

CHAIR VIGIL: You're welcome.

COMMISSIONER ANAYA: District 43 encompasses I believe mostly District 3 of the Commission district. As a Commissioner I have received numerous calls speaking in good favor associated with this particular appointment on both candidates. I received numerous calls and comments associated with these individuals on their service to their community and service to people in general and their associated business that they do within their respective areas.

I'm not going to make a motion yet. I would like to make a motion. But I am going to listen to all of the comments of my colleagues – attentively listen to all the comments of my colleagues but I will say that this particular decision I will say where I'm leaning. And I'm going to say where I'm leaning not based on political ideology but based on the feedback I received from constituents in and around District 3 and specific constituents and the leadership of the Village of La Cienega. In addition to those comments that I have heard

from many parties including the Village of La Cienega, I myself have had the opportunity of working directly with Mr. Jose Varela Lopez. I had the opportunity of working with him for a brief time when I was a staff person at Santa Fe County when he was asked to step up and fulfill an unexpired term of a former County Commissioner, Commissioner Gonzales, and was very impressed his leadership skills, by his community building skills and his willingness to look beyond anything partisan whatsoever. I also respected him as an individual who tried to do things in the interest of the community. And so I fully respect Ms. Richards and her efforts. The other thing the other reason I'm leaning in the direction of Mr. Lopez is because I believe as a Santa Fe County Commission in Santa Fe County that it seems to make sense to me that the purpose be someone who resides in Santa Fe County and that has not only the knowledge of Santa Fe County but of the district and region. So that's where I am leaning but I want to hear the comments of my colleagues and respectfully will listen attentively but those are my thoughts for now, Madam Chair.

CHAIR VIGIL: Yes, thank you. Any other Commissioners wanting to weigh in at this point in time in any way, shape or form either with comments or a motion?

COMMISSIONER MAYFIELD: Madam Chair, I guess I again think it's appropriate that we recognize the service of State Representative Jeannette Wallace. She did a phenomenal job for our County and for the state and I just really appreciate her service.

Madam Chair, and this question is for Penny, is there any information from the Governor's Office of a date certain that they want to nominations to go forward?

MS. MILLER: Madam Chair, Commissioner Mayfield, I actually spoke to the Chief of Staff a few weeks ago and he indicated although he didn't give a specific dead line but that they were anticipating having a nominations from the County be mid-May because I believe the other two counties are also making their nominations this week or within the next week or so. So they have indicated that they expected that they would get the nominations by mid-May so I just informed them that it would probably be on our May 10th meeting to try to accommodate that time frame.

They also indicated that they have liked the practice of honoring the party of the person who has vacated the seat. And that was pretty much the only indication that they had given me.

COMMISSIONER ANAYA: Madam Chair, on that point.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that particular point I think that as I received feedback and actually communicated directly with Ms. Richards, respectfully, and Mr. Lopez, respectfully, the thought in my mind amongst many discussions that thought crossed my mind that potentially the Governor would seek to think about selecting someone from her party. But the more conversation that I've had associated with the issue on the particular appointment, on all honesty and respect the less I think about party and the more I think about the community in particular in Santa Fe County and District 3 and the individual. And I would just elaborate that I live and participate in a family that has republican ideology and democratic ideology. I have cousins, and uncles and aunts that are democrats and cousins and uncles and aunts that are republican but I think at the end of the day one thing that rings true in my family and I think throughout the community is that at

some point I think it's always beneficial to look at the individual and what might the individual do collectively to do things in the interest of the community. Which I have no doubt that Ms. Richards would do that but in thinking of that I think was probably not one of the first things on my list of consideration but probably one of the last things as far as their ideology and party.

MS. MILLER: Madam Chair, may I make a clarification. It was not a indication by any means that the Governor indicated that she – number one, I did not speak to the Governor – that she would be selecting someone from her party. The conversation was that under the Richardson administration one of the things that they admired of their selection process was honoring what the electorate had elected within their district. That was the only conversation so please don't misconstrue that that there was a statement that that was definitive. It was something that was a process that previously happened that they felt was a way of honoring what the previous electorate had done within their district. That's it and no any indication otherwise.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I am an avid supporter of Stephanie Richards. Stephanie was a candidate against Representative Jeannette Wallace in the last election and for those individuals who run for office they know it's a lot of work and you have to talk to people of all parties and appeal to all interests. The election was very close and so that's why my support goes to Stephanie Richards.

CHAIR VIGIL: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Penny or Katherine, we had a very short window I believe when we put out our press release so say it was a five day window or four day window, and we have two great applicants who are vying for this position. Did we receive any resumes after the closing date of applications that we requested?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, no we didn't. We did receive a third resume but he did not reside in District 43. So we called her and let her know that and so she withdrew at that point.

COMMISSIONER MAYFIELD: Okay, thank you.

CHAIR VIGIL: Commissioner Anaya and then, oh, I'll go to Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, we do have two excellent candidates to represent this legislative district. But realistically I think that Governor Martinez will choose a republican because the previous occupant of that seat was a republican. But beyond that, I believe that Mr. Varela Lopez has been an outstanding member of our community. I know his work through serving on the CDRC with him and I know that he's done a lot of volunteer work for our community. He cares about our community and he really truly understands Santa Fe County. So I will be supporting Mr. Varela Lopez.

CHAIR VIGIL: Okay, any other – Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, with the utmost respect for both candidates I would move that we select Jose Varela Lopez to be the name submitted to

Governor Susana Martinez for consideration.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Okay, I have a motion and a second. Before we take a vote I am going to make a preliminary comment that I think is required. I need to disclose and I think that is the minimum requirement that I need to do, that my salary comes from contract work helping the New Mexico Legislature. Whoever gets appointed for this position and I remind the public in general that we just make a recommendation to the Governor. She will have a recommendation from two other counties and from the three recommendations she will make the appointment. The appointment will last through the next election which is in 2012. But I think it's important that I disclose that I in fact whoever does get appointed I will be working with them.

With that in I do want to underscore that I don't think that would affect my independent judgment or my ability to make an appointment. I think we have two fine candidates and I have to say that I would be moving forward probably supporting Jose Varela Lopez because I do believe, although this is not necessarily stated in the statute, but I believe that policy wise with regard to why the statute allows for a tri-county representation for an appointee or a nominee for these counties is that it gives each county the opportunity to make an independent evaluation for whom they think would represent their county, that district, with the best interest in mind. So it's really hard for me personally not to support Mr. Varela Lopez because in fact, I have worked with him. He has been a Commissioner. He's worked at the legislature and the things that he cares about are things that are very important to northern New Mexico.

Having said that, I have to also say that I think Stephanie is a dynamite candidate and she's probably going to run a heck of a race and we'll – and because she was so close to being elected last time is very likely to push that agenda forward for herself. I also do believe, and I have been told from the legislative contacts that I have, that the policy is going to remain the same as it was under a democratic governor and I think Ms. Miller referenced this earlier, if there's a republican who needs to be replaced the Governor will honor that party. However, I think Jose Varela Lopez does not necessarily represent a party. He represents issues. He represents issues that are important to Santa Fe County.

So, with that I guess we're ready to take a vote on this. We have a motion and discussion; is there further discussion?

COMMISSIONER MAYFIELD: Madam Chair, I've had the opportunity and privilege of working with Mr. Varela Lopez and I just want to thank him for all of the services he does provide for this community. I've also had an opportunity to review Ms. Richard's application and I have had discussions with both potential individuals seeking this nomination. Ms. Former Representative Jeannette Wallace also brought a very strong educational background to the table as far as her advocacy. Ms. Richards also brings that element to the table as far as being a teacher in my district, the Pojoaque School District. And with that said, and respect to both candidates I would like to place the name of Stephanie Richard into the nomination for also a representative for District 43.

CHAIR VIGIL: I do have a motion on the floor. Let me just in all fairness to both candidates would there be a second to that?

COMMISSIONER STEFANICS: I would second that. I actually, this can't

be a substitute motion I don't think.

CHAIR VIGIL: I have two motions on the floor and I have to vote on them according to the way that they were presented. The first motion was to give the name of Jose Varela Lopez to the Governor for nomination to Legislative District 43. I have a second on that. All those in favor signify by saying aye.

The motion passed by majority [3-2] voice vote with Commissioners Anaya, Holian and Vigil voting for and Commissioners Commissioner Stefanics and Commissioner Mayfield voting against.

CHAIR VIGIL: I have a second vote and in all fairness requesting that Stephanie Richards name be submitted to the Governor for Legislative District 43. All those in favor –

COMMISSIONER STEFANICS: Madam Chair, point of order. I think you've taken a vote.

CHAIR VIGIL: I know but what I said before that is –

COMMISSIONER STEFANICS: That is not within parliamentary procedure. You've taken a vote, the majority has voted for that candidate.

CHAIR VIGIL: Okay.

COMMISSIONER STEFANICS: And the nay vote –

CHAIR VIGIL: I was hoping to give you an opportunity to get it on the record of who you were supporting. Of course, it's narratively on there so that will be fine. I thought maybe the vote would satisfy you a little more. But we do have a majority vote here.

Then we do have a nominee and congratulations to Jose Varela Lopez, you are Santa Fe County's nominee for District 43 and thank you for being here.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Just a closing comment, I would ask to allow for Mr. Lopez to say maybe a couple of words. But I think – as I said, I respect Ms. Richards and I respect my fellow Commissioners but I guess I would like to say that I think that this vote that the Commission just took does demonstrate the willingness of this Commission to analyze people overall on merits that they would offer to the citizens of the community and I guess I'm asking Governor Martinez for you to seriously consider our appointment on its merits and on the willingness of Mr. Lopez to serve the entire district and serve the entire community. So, thank you, Madam Chair.

CHAIR VIGIL: Thank you.

JOSE VARELA LOPEZ: Madam Chair, Commissioners, thank you very much for agreeing to send my name onto Governor Martinez as your nominee from Santa Fe County. I do very much appreciate the discussion that you had and I agree with Commissioner Anaya that when I was here on the Commission for those few short months and the following work that I for the County on behalf of the citizens, that I never really saw myself as a republican per se, it was just people trying to do the best that they could for Santa Fe County. And should I be honored by receiving the appointment to District 43 seat I will

continue doing that on behalf of everybody in Santa Fe County, the parts of Sandoval County and Los Alamos County that are within that district as I have always done. So I thank you very much.

CHAIR VIGIL: Thank you.

MS. MILLER: Madam Chair, may I suggest a change and that Jack does his presentation first.

CHAIR VIGIL: Sure.

3. Update On Sustainable Land Development Code Community Meetings (Growth Management)

MR. KOLKMEYER: Thank you, Katherine. Thank you, Madam Chair. I'm going to be very fast if you'll allow me to approach the bench for just a second, I'll give you a quick handout and we'll go through this very quickly.

Thank you, Madam Chair, I'm Jack Kolkmeier the Land Use Administrator and Director of the Growth Management Department. As Katherine said I'm going to be very brief because as you know Robert Griego and Mr. David Gold and I have made two presentations to you before about pretty much the philosophy and content of what we'll be doing for the public input process which starts next Wednesday, not tomorrow, but next Wednesday at the Edgewood Middle School. We're very excited. We're getting a lot of really good feedback from your constituents are really excited and looking forward to working with us. We'll have four meetings over the next two weeks. Then we'll have our first meeting with you on June 21st. I believe that date was set up. You have a brief handout on one side the side opposite the sheet with the County logo on it, is what's on the website right now. So we've really started to put everything up on the website and again we're finding a lot of communication from people in the County. We're just trying to explain again the philosophy and the content and how to use the database that we'll be establishing on the web and it will be a really great way for all of you to stay in touch with what's happening without having to go to all these meetings yourself. Of course, we hope that you will try to attend some of them with us because as I said we think that they're going to be very informative. So check the website we'll be updating it on a regular basis and that's some of the information on that.

On the other side of the handout is what the agenda will be for the first series of meetings and they're basically four easy parts. One is just an introduction to each group on what the code is all about and why we're updating it and what that means. And, secondly, there will be discussion on how people will be able to be involved both at the meetings and also through the supporting technology on the website. The third piece of our meetings will be a discussion on the concept decision points that we've spoken to you about already the CDPs. We're going to have hopefully a really good and open discussion about the issues that we need to look at; the CDPs associated with the Code rewrite. And then finally with each of the groups for this first tier we're going to go over in depth two CDPs. We're going to talk about home-based businesses and community planning. So that's what the agenda will be for the next four meetings. And, that's it for the moment. We really look forward to getting started. It's taken a while but we're ready to go and we've gotten a lot of support from the

community and staff and from all of you as well and we thank you for that.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Kolkmeier, I appreciate the agenda, the information on the web page, the scheduling of the meetings, the accommodation of time, the accommodation of space very much. The people in southern Santa Fe County in Galisteo and I think throughout the County are looking forward to the opportunity to continue to be engaged in the process.

One request that I have and I'll ask you if you could follow up but I'll ask because we're broadcast is that I'll ask the Secretary of Department of Transportation, the district engineer for District 5 to allow us the utilization of their message boards, their electronic message boards that have been very helpful to put out public notice for meetings. Transportation is very much a part of the discussion within in our plan as well as our Code discussions and uses of the Code affect state routes and transportation issues. So I would ask the Secretary of Department of Transportation and district engineer, Miguel Gabaldon for their support in utilizing those – if you could help me and together we can put a formal request into him and I think it will be a nice additional item of information that we can put on the State right-of-ways as to when these meetings are. I think it will really help to demonstrate our willingness to see them at the meeting at also just let people know.

MR. KOLKMEYER: Commissioner Anaya, thank you. In fact, signage for these meetings has been our afternoon problem so this is very timely. We'll take you up on that and tomorrow I'll be in touch with you.

CHAIR VIGIL: Any other questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I should have brought this up under matters I guess, but it does go with the Code. I've disclosed this to Ms. Miller and also to Jack. One constituent who happens to be my father in-law, Arsenio Trujillo, has had some concerns with permitting in our Land Use Department. But I also have received numerous calls from other individuals. And, Jack, I am assuming that we will have a strong discussion as far as our permitting fees, as far as our building fees.

One other communication that came to me recently and this ties into our budget that we spoke about this morning, is that the County sits on an application on a permit for months on end and it's costing us huge dollars. Whereas, whatever your decision is and how it rolls up to this Commission is how it rolls up to this Commission on approval on denial but folks are asking, hey, can you streamline that process and why do we have to be in your review department for eight, nine, ten a year to try and get a permit out of your department.

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, we generally turn the permits around in 30 to 60 days only if there's not a problem. Many of the constituents and some of the ones that are your constituents, they have problems with their applications and when somebody comes to us with a problem in their application we have to resolve those problems. For example, the issue with fees. Now, there is a problem there and we've communicated about this and it was decided at staff level anyway that the best way to deal with that is to deal with all the fees at one time rather than to go and start to change them right now, especially since we're doing the Code.

But the criticism that we take forever to do permits I just don't find that to be entirely

accurate. It will take a long time if there's a problem. If there's a variance or if there is some issue and that's unfortunate and we try to deal with those as expediently as we can also. But generally I think we turn around permits pretty quickly unless there's a problem.

COMMISSIONER MAYFIELD: Madam Chair, and Jack, I'll advocate for your department and I want you to know that. Can you guys prepare for me, I guess, not even a sampling but a matrix of, again, if you're expediting it – and I'm going to call it expediting permits within 30 days great. If there are some for variance issues or for requests that have to go back to the applicant one, two, three, four times over can you let me know the longest permits without, Steve, I don't want to violate anything that could come to this Commission.

So I'm just asking procedurally and not for the specifics of any permit that is in your department. But can you tell me how many you have that – and I'm going to throw out the term – stagnant and maybe waiting for information from the applicant. Can you also let me know how many times it went back to that, to an applicant for additional information and respectfully maybe it's not just one back. And, again, it could be error on the applicant but why it's not just going to the applicant one time, saying, hey, provide us with x, y, and z. But some applicants are coming to me and saying, Look, Danny, we get it sent back to us and they say give us x. We comply with x and then we get it sent back to us and they say give us y. We send back y and then now they're asking for z.

Jack, respecting your department and what you all do, there may or may not be truth to that and that's why I would just ask if you all could provide me some sort of summary without putting me in a position where I'm looking at a case that could be brought forward to me as far as the timelines on permitting and where I think it does tail into our budget – I mean if this County is looking at recurring as we spoke about additional fees for our general fund then it would behoove us to expedite these applicants or these permits as long as they're in compliance with our Code and the law and just get them moving so that we could foster some economic development in this County.

And that's something that I would ask for. And, also, one thing that came to me, and Jack we spoke about this, was a tag line for a miscellaneous charge. And they said, look we have [inaudible] we'll pay the miscellaneous charge but can somebody just please explain to me what a miscellaneous charge is and just don't charge me the \$250 or \$350 because you guys don't know what else to charge me so you're just bumping me into a fee that you're trying to take from me. I would like an explanation of what miscellaneous charges are in detail.

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, I gave that in writing to one of your constituents exactly what it meant. So I would be happy to do it in more detail if you'd like. And, regarding your other point, would a six month period – projects over the last six months would that work for you? Because a good example is that UDV for example. That's now almost two years. But every time we ask for y and they bring back y and y2, and y3 and the information that need sometimes to really resolve a case is very complicated. And in most of the cases where projects get hung up is we don't have the information that allows us to make an adequate decision. But I'll be happy to do six month; will that work for you? That will give you kind of a look at what happened over the last six month.

COMMISSIONER MAYFIELD: Well actually it won't take six months to

bring it to us. You're going to give us --

MR. KOLKMEYER: No, I'm going to give you a six month snapshot, if that would help.

COMMISSIONER MAYFIELD: Well, but, in fact, to that how many applicant requests or permit requests have we had over the last six months? Have we had more say two years ago, three years ago? I don't know if they've tailed off as far as permit requests from your department. I don't know what's gone through the department. And the -- and again, I've disclosed this and I'll disclose it again and I won't take any action on it because I don't think it's coming to me -- but the letter that you sent to my constituent who was my father in-law, I read the letter. The letter basically says a) there is a miscellaneous fee we think it should be -- and I'll give the letter to the manager and to yourself -- but I really don't believe that letter offers an explanation of what that miscellaneous fee charge is. It's just like this is where we think this development permit would fit into and this is why we're going to charge it to you. And I think even through their own admission in that letter that it was basically stated, we don't know where to put this fee and this is as close as we can get to charging you for this miscellaneous fee.

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, Mr. Ross has a copy of the letter and approved the letter also. And, in fact, what the letter stated was that we think he shouldn't have even gone through that process that way. It would have saved him money and there was another way to have done it. I think if you would want to sit down and discuss that with us that would be fine.

COMMISSIONER MAYFIELD: Jack, look I don't want to bother you with anything, and I don't think I am, am if I am, I will recuse myself from anything. But that being said, when an applicant comes into our -- and if we think that an applicant really has no business in land use why don't we tell it to the applicant that, look you're giving us money for not reason. Go downstairs, go somewhere else, record it where it needs to be recorded but it almost looks like we may be taking money from an individual when arguable we don't need to be taking money from that individual if we could offer them the guidance or direction to just go and file this somewhere else. You do not have to file it for me -- and one question that came up was that we are requiring and I don't know if this was spelled out or not, but as far as if an individual wants a development, wants to get her plat recorded with us, that Land Use is saying draw us a fictitious building on the plat knowing that they may very well never ever build on that piece of property but they're being told to file something that shows where there could be a permanent structure on a future date and some of these individuals just really want -- are acquiring some of this land to use it for agricultural purposes.

MR. KOLKMEYER: Madam Chair, with all due respect, this was to be an update on SLDC and I would prefer if we wanted to discuss this that we could do it at another time, because your constituent was given options. And, he was not asked to show a house. He was asked to show a buildable area which we require of everybody. We can't approve plats if they don't have a buildable area on them. That was all that was being asked of him.

I would be more than happy to sit down and resolve this with you the best way that we can.

COMMISSIONER MAYFIELD: I appreciate that and maybe that's something I look to at this Land Use Development Code, why do we ask folks for a buildable

area if their intent and, again, we don't know what intent is, but I will trust what an individual's intent is walking into our door. If they're saying we want to use our property strictly for agricultural purposes, if you want to know where I park my tractor, I'll tell you where I park my tractor but if you want me to cut in a road and you want me to show you where potentially where I'm going to put in a building when I have zero intent of every putting a structure on this piece of property.

MR. KOLKMEYER: Madam Chair, it is not designated for agricultural use. It is residential. That's why that decision was made to go that way. If it was to be agricultural then he would have an agricultural exemption and he did not for this property. Again, I really want to discuss this at –

CHAIR VIGIL: Let me intervene here. It sounds like maybe you can meet with further questions. Maybe there does need to be a one-on-one. Could you just finish the Sustainable Land Development Plan presentation that you have because the whole issue of permitting and things of that are a whole separate issue.

MR. KOLKMEYER: Madam Chair, I finished before this question. So I'm through.

CHAIR VIGIL: Okay. Are there any questions on the presentation for the SLD plan?

COMMISSIONER ANAYA: Madam Chair, just relative to the Code and the plan and even Commissioner Mayfield's comments I think I can equate it to the way I used to feel when I would go to the Motor Vehicle Department. I used to feel when you were going to the Motor Vehicle Department that you prepared yourself for the impending no or you can't. I think that over time and a credit to MVD, I think over time that has improved and I just went there the other day and even after all of these years I still had that feeling walking in the door that there was going to be a lady behind the glass or a man and they were going to tell me no and make me get ten more papers and it's going to cost me.

So I think when you're dealing with your own business and the community is dealing with a business there is a level of anxiety that comes with it. And I think that in the Sustainable Land Use Code that this very item is not going to be something and I know in all of the years that you've been here and doing your job has ever gone away nor will it go away when you and I are long gone from the County.

So I actually think this item is a good discussion item that could be part of the Code and part of the planning discussion process to vet things and make sure that – I mean, I think a lot of times it's not even so much that somebody can't do something or it's that they don't have the clear understanding of a lot of the parameters and then that leads to anxiety and other frustration.

I actually respect both perspectives. I respect fully what Commissioner Mayfield is saying and the frustration that that individual had and also your perspective. But I think it's a good time for us to have this discussion. I've had contractors that have approached me through the company and even now saying that they had individual frustrations and I think a lot of it when you start peeling the onion were merely misunderstandings and miscommunications. Maybe we can, there is always room for improvement and I think that this process might be an opportunity in those decisions points to actually have that discussion and maybe allow some of the public to really vet and let us know where their frustrated so

that we can collectively work toward solutions. So I think both the dialogue and the concerns are merited both ways and I think we can use it as something to build on.

CHAIR VIGIL: And, certainly, Jack, through our own process the concept decision point process this could come forward, and it should come forward especially from the community who has the concerns. And that's the focus of these hearings. So I think we're all on the same page with regard with how we need to resolve some of these issues.

MR. KOLKMEYER: Madam Chair, exactly. And I think the points you made Commissioner Anaya, we want the people to direct us this time because in reference to Commissioner Mayfield we can streamline the process and make it more effective. That's what we want to do and that's the point of what we're going to do in the next six months so we look forward to all of your constituents. Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Before we go on to the manager's report on the procurement, I just wanted to let you know that there is another Nixel message that a fire was caused by a vehicle in the La Cienega area and to please limit your travel on Paseo Cde Baca Road. So those of you who do have phones I would encourage you to sign up on Nixel so you can be aware of what is going on in our community. Thank you.

CHAIR VIGIL: Thank you. Thank you, Jack.

C. 2. Presentation of RFP and County Contract Processes

MS. MILLER: This item was one that was actually requested by Commissioner Mayfield previously and we just had it on some agendas but we ran out of time. I think we have time to go through this process. So we've brought Corky, he has an overall presentation of how our procurement process goes for the different types of contracts and contract amendments. And also he has the procurement staff with him. Corky and Steve Ross also was involved in putting the presentation together so from a legal perspective and how legal review in insuring that we follow the procurement code and our procurement ordinance and other policies. Any questions you would have for either Steve or Corky or other staff.

CHAIR VIGIL: Please proceed, Corky. How much time do you think you're going to need? I'm trying to allocate executive session with our land use and we've been here since 9 o'clock this morning.

CORKY OJINAGA (Procurement Manager): Say twenty minutes at the most.

CHAIR VIGIL: Okay, thank you.

MR. OJINAGA: Madam Chair, Commissioners, we have a brief presentation on the RFP and contract process with is a presentation with Steve Ross. At this time though I would like to introduce the staff, the purchasing staff. First I'd like to start off with Jeffrey Trujillo our ASD director and our three senior procurement seniors Maria Sanchez, Pam Lindstam, and Tila Rendon Varela, and our Sean Trujillo and Socorro Salazar.

With that, I'll turn it over to Steve for the first slide.

MR. ROSS: All right, like Mr. Ojinaga said the purchasing contract process is a collaboration between purchasing and legal. I don't know if anyone has ever noticed but on

the back of a purchase order form is fine print. The purchase order itself is actually a contract and there are two different forms, one for goods and one for services. So when you get a purchase order in the mail if you're buying goods and services from the County you're actually executing a contract with the County and there's a separate kind of contract which is a separate written contract which is often executed in the case of construction projects, services contracts, some types of goods contracts and those are prepared in my office in consultation with the purchasing department.

This next slide is the governing laws concerning procurement of course. This is the rule book and this is just a portion of the rule book. It's a very complex pattern of laws, both common laws and statutes – the New Mexico State Procurement Code which has been here in this state since around 1977 and it has been amended a number of times. This is the rules of the road for procurement. It's a document that both Corky and myself have extremely well-worn copies of our procurement code. It is something that we turn to all of the time.

A number of specialized statutes arise with reference to construction projects and some of those are listed here. The little Miller Act, that's the act that requires the deposit of performance and payment bonds if a contractor is undertaking a contract on behalf of the County. And also provides government land with lien protection. The public works contracting statutes including the subcontractors fair practices act this is the act that requires contractors to disclose persons that they propose to subcontract with, and imposes a procedure on them changing one sub for another after they've gotten a bid from the County.

The Public Works Minimum Wage Act, that's the wage rate determination that establishes a floor for wages on county construction projects and of course the Public Works Mediation Act which requires mediation as the first step in dispute resolution for any construction contract. Then of course the State act that applies to services. If we have the need of services, professional services or otherwise we're required to discuss our needs with New Mexico Abilities and see if they can provide those services through handicapped persons.

And, then of course we've got resolution 2006-60 which is the resolution that imposed internal county procurement policies. This is the document that fills in the blanks of the procurement code does not help us with. Our particular policies are modeled very closely to those of the State of New Mexico. And then our recent Ordinance 2010-8 which among other things reduced on a temporary basis our ability to purchase from other government contracts and imposed other protections on the procurement process.

So with that I'll turn it over to Corky and he can talk about the process.

MR. OJINAGA: So we'll just go through some responsibilities of the purchasing staff and next to our purchase requisitions and legal contract requests forms that are in strict conformance with New Mexico's Procurement Code and Purchasing Regulation and Policies. This would include solicitation requirements, such as campaign contributions and disclosure forms, subcontractors listings and licensure. We also conduct competitive solicitations as required for materials, tangible personal properties, services and construction in order to meet our code and also to provide transparency to Santa Fe County constituents. We place solicitations on our external website.

Some of our general rules with procurement of services, construction or items with tangible personal properties not exceeded \$5,000 can be done by issuing a purchase order

based on the best obtainable price. That would be for good such as office supplies, auto parts and also for services that provide labor for example painting or cleaning services. Also tangible personal property services and construction threshold between \$5,000 and \$20,000 requires three written quotes. Professional services, threshold of \$5,000 to \$50,000 requires three written quotes. All construction projects must be on a contract and any purchases above the threshold must be purchased through competitive bidding.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I apologize; I don't have the hard copy. I can save my questions for the end if you guys can provide me with the hard copy. But a quick question on written quotes. How are we soliciting those written quotes? Do we have individual departments going out there and looking for three individual vendors they want to use? Are they sealed? Are they public? How are those choices being made for anything that we are asking for professional services for between \$5,000 and \$50,000?

MR. OJINAGA: Under small purchases, it's considered small purchases; each department can get their own quotes. If they need assistance we can provide them with vendors' names. But as long as we get the three quotes, that meets the requirement.

COMMISSIONER MAYFIELD: So an individual department can go and talk to three people and say look we're doing this project and provide us a written quote we have -- are we saying how much money we have to spend?

MR. OJINAGA: No, we don't give out any kind of threshold amounts on that. We'll just take the lowest quote and we'll award it to that vendor.

COMMISSIONER MAYFIELD: And how are we assuring that we're getting the lowest quote based on the request? How do we know that somebody is saying this person bid \$40,000 for this and this person \$42,000 and if you guys come in at \$39,000 it's going to be yours?

MR. OJINAGA: What we try to do, Commissioners, if we have a project say a construction project that is going to be under the \$20,000 threshold that we just need to get quotes on, we will ask all three vendors to meet us at the site at the same time so that they get the same scope of work and then they'll go back and draft up their quote for us.

COMMISSIONER MAYFIELD: Corky, what if it's between \$20,000 and \$50,000?

MR. OJINAGA: It's also three quotes if it's a professional service. If it's just a service then it has -- it can't be over \$20,000.

COMMISSIONER MAYFIELD: And, I guess, Corky and I guess Katherine stepped out, but is that standard protocol for every department that they will go and ask for vendors to meet them. They will bid on it and those three individuals will send back and I don't know if it's sealed or not but they'll send back their quote for --

MR. OJINAGA: Madam Chair, Commissioners, no, each department can go ahead and do that at this point. We've been talking about having the departments send it directly to us so that we can take care of the actually quotes itself in purchasing.

COMMISSIONER MAYFIELD: But there is no mechanism in place to make sure that this is what x contractor bid?

MR. OJINAGA: Just the quotes. What ever the lowest price would be the

selection for the vendor.

COMMISSIONER STEFANICS: On this point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I believe we asked for this to be centralized last year and the questions that Commissioner Mayfield are asking indicates to me that they haven't been and our County Manager our Assistant County Manager are not, Teresa is in the back, but I think that I recognize that his is a new Commission but the direction given last year was that these functions all get centralized and so I do not hear that this is happening.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would like to and especially with the previous Commission so I can understand each of your individual perspectives but I think that decentralizing or centralizing everything isn't necessarily the answer. I think a common process that everybody follows and a protocol. I'm going to use the meeting at the Chiefs Association the other day as an example. The fire districts, each of them – they had a long discussion by the way, in fact I appreciate the work of staff and I think it may have been at the direction of the Commission last year and some of the purchasing discussions that you had because the fire administrator that handles the purchasing and works with your office did a presentation to the Chiefs Association that you guys had given them specific information on and I sat through the entire procurement presentation and frankly, Madam Chair, Commissioner Stefanics, and Commissioner Mayfield and Commissioner Holian, I was very impressed with the level of information and detail associated with the requisitions and the purchase order and going to my point though on not centralizing everything. Your staff, Mr. Ojinaga, understands purchasing and the purchasing process. However, your staff is not an expert in the acquisition of in their case fire equipment and the specific gear that they utilize all the time. And I fully respect your staff and support them but the fire department with your process is who I would rather see getting their quotes on their purchasing and following your process and you providing linkage to the purchase. But I would rather have the fire people in that circumstance handling those purchases.

And I think if you go department by department you'll find different levels of expertise based on the direct work that they're working in all the time. So I would like to have more conversations with both and all Commissioners, but I think there are merits and advantages and disadvantages both ways, but I think what I saw was a collective process to work toward good purchasing and shared responsibility instead of maybe unilateral responsibility in one place. So I think for me, and I'm one Commissioner and I am a new Commissioner, but I like the fact that there is shared responsibility and not just unilateral responsibility.

Thank you, Madam Chair.

CHAIR VIGIL: Okay. Corky, please proceed.

MR. OJINAGA: Okay, this is the general process for initiating a purchase which is not the same for initiating a contract. Purchase requisition initiates a purchase for goods and services within the respected thresholds. Legal contract, a request for usage, an IFQ, OR RFP for a contract.

If services can be secured solicitation departments must submit a legal contract request form and purchasing will review and verify budget, assign contract number and complete a cover sheet and send to legal review for contract execution.

Amendments, I think Steve wants to talk a little bit about amendments.

MR. ROSS: All right. Amendments are changes to the original underlying contract or purchase order. So for example if you have a one year contract and it can be amended for an additional year that would be an amendment. You'd amend the term of the contract. Sometimes the same thing would happen, you'd extend the term but because the contractor is going to be working for an additional year you'd also increase the compensation by amendment. Amendments are handled just like the underlying contract or purchase order and they like the underlying contract are subject to all the rules that were listed at the beginning of this presentation.

This is a little schematic of how – sometimes this process appears like a black box to people in the County and this is a sketch of how it works. You can see over on the left there the department needs something, they submit something to purchasing to get that something. If they're getting professional services for example they will submit a contract legal form to purchasing and so then the process begins with purchasing and ends at purchasing. Now, what happens in the middle is the whole procurement process. So let's say take something through this really quickly. Let's suppose somebody wants a psychologist to do work at Corrections. They'd submit a contract legal form to purchasing. Purchasing would look at it and determine what needs to happen with respect to the procurement code based on that request. So if the procurement qualifies as a small purchase, Purchasing would direct the request up to the top and there would be a contract for a small purchase drafted up, reviewed by the department to make sure it's right and it comes back to us for legal signature and on to the Manager or to this body for signature of the contractor. It's a little bit more complicated if you want buy a 15 police cars. You put in your requisition to purchasing department and they would decide because of the size of that purchase that it needs to have a competitive bidding process associated with it, so it would go off to the right. They would prepare the solicitation that would once again be reviewed by in this case the Sheriff's Office to make sure that the police cars have the right capabilities. It would come to us very quickly and then return – and then we'd look at the contract and boiler plate and return it to purchasing and they'd advertise the solicitation in the newspaper, set a date for receipt of bids, and receive the bids and reward the bids to the lowest bidder and probably put it on the agenda here for final approval from this body. Then there would be a contract that would be prepared in my office upon request of purchasing. We'd sign it and get it to the right body for signature. Essentially the process begins with purchasing because purchasing needs to figure out what type of procurement is required. Purchasing consults with legal in two places during the process. We'll prepare documents for them and support them as much as we can and then when the final product is determined and purchasing takes care of that.

We'll go on to the final slide, I think that's page 9, on no not quite. The second to the last slide. This is the binder slide that we also include in presentations like this. In fact, the first statement is included in every bid and IFB, and RFP that the County issues by law. We're required to inform bidders that it's a misdemeanor to violate the Procurement Code. There are also potential criminal violations inherent in procurement through the Public

Corrections Statute and actually County ordinances now. The second bullet point we've discussed this a lot in connection to the ethics ordinance that it's unlawful for a public employee to have a financial interest in procurement. In other words, if they own a car dealership and they're also a county employee they cannot participate in the procurement of cars for obvious reason. This is another statement that is included in every bid and RFP that the County issues, the campaign contribution disclosures within two of procurement. And, finally, it should be obvious that it is unlawful to receive kickback, bribes or gratuities as a result of procurement.

If we move on to now the final slide, and I think that's yours Corky.

MR. OJINAGA: Okay, and this is that once the contract is executed, legal must enter the contract into the database, purchasing must notify the vendors, obtain all required information and process the purchase order. The department's responsibility would be to process the invoice for work or the product received and insure payments are made within 30 days of acceptance and monitor the expiration date of contracts. And that's it.

CHAIR VIGIL: Any questions. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm learning things when I go out in the field and going back to the discussion that I had with the Chiefs Association group, an item came up that I know has been an item that has come up even when I was an employee at Santa Fe County, but the \$20,000 maximum per vendor, Mr. Ojinaga, I know that we need to adhere to the requirements of our procurement code and state procurement as well I believe that we're linked to that as well. Are there ways which I know we tie to at the Housing Authority sometimes, that if we're going to buy chain saws and we end up spending \$30,000 on chain saws for example, I know what seems to occurring throughout the County is that the Fire Department buys the allotment of chain saws from a vendor for \$20,000 for example then Public Works can't buy any more chain saws because the fire department purchased them all for lack of an example, that's the simple example that comes to mind.

So what I would just ask is as we're developing our agreements going forward into a new fiscal year, the more of that that we can roll into an overall larger bidding process to where we don't run into that logjam I think the better off that we are. And I know that it's an ongoing issue but I wanted to hear your feedback specifically on that issue because it has come up at two meetings now. It's not something that everybody understands what the requirements are but I think there are ways with preplanning that we might be able to bid out some of those items as more of a County so that we don't run into those jams with vendors. Do you have any comments on that particular item?

MR. OJINAGA: Madam Chair, Commissioner Anaya, yes. I think the first thing would be is that there is a \$20,000 threshold for that fiscal year. So you are current if we use up one vendor that's the end of that vendor for that portion of that project. One of the things that I have been talking with legal about is if we can recognize these as a different project and not just one particular project if we can separate it into separate projects that we would have a \$20,000 threshold on each of those projects. An example would be if it was your example of applying for the Fire Department and it would be a particular project and they would use a threshold again for a new project for another department.

COMMISSIONER ANAYA: Madam Chair, I would like some more discussion and you've got a pro with the manager, that was her forte was procurement so I

know she knows the law and how it works. But maybe on some of those purchases if all of the departments can get together on what those items are and we can do a purchase up front and we're not – then we can even avoid the whole \$20,000 issue and we can get to the core of what those overall issues are and bidding them collectively instead of department by department. So, Madam Chair, Ms. Miller, I'd like to hear your feedback because that's your background as well.

MS. MILLER: Madam Chair, Commissioner Anaya, I think you've kind of touched on it as well, is that in this process that they do in the budget and I'm trying to find out also across the County, I think everyone has [inaudible] capital staff or their equipment staff very vertically within the department instead of us looking as Commissioner Stefanics said it what about an overall County repair and replacement type schedule and then we could probably see it a little better to really what is all this stuff that is out there. And how often could we do [inaudible] for all departments. We do have – it would have to be set at the time that it was needed. We can't really do, I think it's a danger for us to have too much inventory – because of potential theft or it just kind of disappears for whatever reason. So we can balance those larger buys also with potential to do inventory control. But I think there is some – on some of these items where we've been doing them individually and even Corky and I were talking about some of these open ended POs, I don't think we get the best price by having constant open PO at a retail place. I don't think that suits us well either. I think they are assessing our needs a little better for the year which helps us save a lot of money and streamline the procurement. I think you have a good suggestion to look at that.

CHAIR VIGIL: Are there any further – Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just a couple, Madam Chair. And to follow up to Commissioner Stefanics and also Commissioner Anaya, and I guess where I'm a little hung up is on the request for quotes. Understanding our procurement threshold is \$50,000 we can go out there and do business with a legal entity under \$50,000 but I do appreciate what both my colleagues have indicated. We do need the expertise from the individual department but I think it behooves us to have that filtered or run through procurement department just for the fact that you all are familiar with the laws and you are all familiar with if x vendor says hey, these guys shopped out my bid and somebody solicited a lower bid. That's what worries me. I'm not saying that it's done. And I don't believe it's being done but I think that affords this Commission some protection in the long run and I know there has to be speed to market and maybe that's why that threshold moved from \$30,000 to \$50,000 but that's something I would like you all to consider looking at please.

Also, and I believe it might be in a formal ordinance that this Commission passed, not this Commission but the prior Commission, but as far as the piggy backing of contracts. If we have vendors on vendor lists that we continually use if that threshold ever exceeds the \$50,000 say for as Commissioner Anaya mentioned we go and use one vendor to purchase \$45,000 worth of chain saws and then we need to do one more purchase for another chain saw; does that exceed that threshold of \$50,000 or does that exceed because it's an individual purchase?

MR. OJINAGA: Madam Chair, Commissioner, no it doesn't apply to any contracts that we have or that we piggyback off of. There is no threshold amount.

COMMISSIONER MAYFIELD: Okay, and then, Madam Chair, and Mr.

Ross, and then you mentioned, there was a presentation as far as the amendments to contracts, can you all provide to me, I guess, a scenario of how many contracts we have amended for what dollar amount and for what duration of time. Because one of my thoughts and I've brought this up at some of our former joint meetings that we have with the BDD and even with this County, is that if we scope out a project and we scope it out for x dollar amount and we scope it out for x amount of time, understanding that there could be cost overruns, understanding that there may be weather elements that take that project out a little longer, but my thought is that when the individual who initially bid on that contract, they were bidder on it as it scoped out and for that duration of time and if we are continually throwing an amendment on the backend of it, to me it doesn't seem like it was ever fair for those individuals who bid on it or for those individuals who chose not to bid on it because one, they figured they weren't making enough money on it and they didn't have the time to do it. And that was just something that I have been looking at. It just seems that – and maybe we don't do a lot of contract amendments but I have seen them and that's just something that I would like to see how many the County has.

MR. ROSS: Madam Chair, Commissioner Mayfield, we keep a detailed database and we can run all the amendments. I think you'll find they run the gamut. But the most common is the term extension for services and compensation increase that sometimes goes along with that. I think you'll find when you start looking at that, that the RFP had been particular for services doesn't say how much it's going to be but it does have a proposed term. And of course the length of time you can put out a contract depends on a number of factors not the least of which is the size of the contract by law. Certain contracts and those contracts I think are over \$200,000 can extend up to eight years. But we don't do that here because we have the new ordinance that limits things to two years. Typically, before that ordinance was adopted the term was four years and what you would see is a department allocating basically the first year of money to the contract initially by requisition and then the contract would be written for that not to exceed that amount and then if the department comes up with more money next year then the contract would be amended to bump it up a little bit.

But in terms of the people bidding on the contract to begin with, the vendors, all the potential vendors, they don't know how much the contract in most cases is going to be for. They just know that they're contracted for whatever – legal services, psychologist to handle services at the jail or what have you. And that the contract is going to be limited to two or four years or whatever it is. That's all they know. Sometimes they ask, how much do you have? But generally we don't tell them how much we've got.

MS. MILLER: Madam Chair, Commissioner Mayfield, I want to add to that because there are different ones like Steve was explaining. We may have a contract for different medical services at the jail. Some of the definitive amount based on what we're saying, like be there this many hours every week, and we know what they're going to charge per hour and we can total that for the year and then that would be extended – an option to extend the contract if performance is good into the next year for the same type of services and maybe there is a CPI adjustment or maybe not. Then there's legal services where it might be a little more open ended with an hourly rate and it's to work on say water rights acquisitions and if we bind that thing in the way of water rights that year we may spend nothing on it or if we happen to have a budget to do that because it's part of a bond we might use them more.

And then there's other ones like the audit. Typically you go out for a contract and the State Auditor sets the rules for that and you can do a three year contract but you only engage them for a year at a time and then exercise the option sometime before the end of the first year as to whether you want to use them again for the second year. So we would do an RFP that says we want a bid for each year but we don't exercise the option for the second until right before that second year and the budget is established for it. So we do a lot of contract amendment extensions in the June, July timeframe once the budget is established knowing that we can then go into the next year for that type of service. So it just depends on the type of service and then there might be a contract for a specific project that we think is going to take 10 months and reality is it takes 15 months because of delays that weren't anticipated when the original scope was set forward. It might not be any increase in money it's just a delay that didn't require any additional cost and we might extend it for that four or five months. And that would just be a time extension all within the purview of the original solicitation. Most of them have to have that ability to make those kinds of extensions when the RFP is done. If that is not clarified or was not within the original scope usually within 10 to 20 percent of the original contract, then you're looking at a potential procurement violation because you've gone and doubled say it's like doing a bid for a building and you add a whole other building. You can't do that. That would be out of the scope of the original RFP or bid and would be protestable and probably we would lose on something like that. So it really does depend on the type of service you're procuring to the type of RFP you put out and how you ask for the pricing and whether it was more than open ended on that project or a continuous service and then we extend it based on performance and need and budget.

CHAIR VIGIL: It is now 5:15 and we're going to go into our executive session. We have eight cases ahead of us under Land Use. If there are some compelling questions that have come about I encourage Commissioners to visit with either Corky or Katherine on that.

Thank you very much. Thank you Procurement staff. Thank you for the work you do and Corky thank you for the presentation.

D. Matters From The County

1. Executive Session

- a. Discussion of Pending or Threatened Litigation**
- b. Limited Personnel Issues**
- c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**
- d. Collective Bargaining**
- e. Contract Negotiations**

MR. ROSS: Madam Chair, we need to go into closed executive session to discuss pending or threatened litigation, limited personnel issues, and collective bargaining strategies.

CHAIR VIGIL: Do I have a motion with –

COMMISSIONER STEFANICS: Madam Chair, I'd like to add on there

acquisitions as well.

CHAIR VIGIL: Okay. Is there a motion that would include A, B, C, and D.

COMMISSIONER MAYFIELD: Madam Chair, I'm sorry, Steve, are we going in for litigation or potential litigation?

MR. ROSS: Yes.

Commissioner Stefanics moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above. Commissioner Holian seconded the motion which passed upon unanimous roll call vote with Commissioners Vigil, Anaya, Holian, Stefanics, and Mayfield all voting in the affirmative.

[The Commission met in closed session from 5:15 – 6:30]

Commission Holian moved to return to open session stating the only items discussed were those mentioned in the motion. Her motion was seconded by Commissioner Anaya and passed by unanimous [4-0] voice vote. [Commissioner Mayfield was not present for this action.]

XV. PUBLIC HEARINGS

A. Growth Management Department

- 1. BCC Case # MIS 11-5130 Supper Club at Real Food Nation Restaurant License. Supper Club at Real Food Nation, Applicant, requests approval of a Restaurant Liquor License to serve beer and wine with meals. The subject property is located at 624 Old Las Vegas Highway, within Section 4, Township 15 North and Range 10 East (Commission District 4)**

JOSE LARRAÑAGA (Commercial Development Case Manager): Thank you, Madam Chair. The Applicant requests approval of a Restaurant Liquor License. The Supper Club at Real Food Nation will not have a bar, however, they intend to serve beer and wine with meals. The issuance of a Restaurant Liquor License will not increase the intensity of the restaurant as there is not any proposed expansion of the existing site.

The property is acknowledged by the county as a legal non-conforming commercial property for restaurant and/or food service use. An Administrative Development Plan for the Station Café & Restaurant, was approved and recorded with conditions in 2008. The restaurant consists of 1,256 square feet of dining area, 500 square feet for the commercial kitchen and 62 square feet of office space for a total of 1,818 square feet.

Ordinance No. 2005-08, US 285 South Highway Corridor Zoning District, designates this site as Neighborhood Mixed Use, which allows for beer and wine to be served in a restaurant as a permitted use. The zoning on this site allows a restaurant to serve beer and wine with meals.

The State Alcohol and Gaming Division granted preliminary approval of this request

in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a Restaurant Liquor License at this location.

Recommendation: Staff has reviewed this application and has found the facts presented support this application: the U.S. 285 South Highway Corridor Zoning District designates this site as a Neighborhood Mixed Use which allows for beer and wine to be served in a restaurant as a permitted use; the Applicant's request complies with Ordinance No. 2005-08 and the Santa Fe County Land Development Code; the Applicant has met the State of New Mexico requirements for noticing, distance from schools and churches; therefore Staff recommends approval of the Applicant's request. Madam Chair, I stand for any questions.

CHAIR VIGIL: Any questions? What's the pleasure of the Board.

COMMISSIONER STEFANICS: Is this a public hearing?

CHAIR VIGIL: This is a public hearing. Did anyone want to address us on this subject? Seeing none, what's the pleasure of the Board unless you all have questions.

COMMISSIONER HOLIAN: Madam Chair, I move for approval of BCC Case #MIS 11-5130, Supper Club at Real Food Nation restaurant license.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: I have a motion and second.

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

- XV. A. 2. **BCC Case # MIS 11-5120 Mike's Fine Wine & Spirits Liquor License. Mike's Fine Wine & Spirits, Applicant, requests approval of a transfer of ownership and location of State Liquor License # 0271. The subject property is located at 218 Camino La Tierra, within Sections 7 & 8, Township 17 North, Range 9 East (Commission District 2)**

MR. LARRAÑAGA: Thank you, Madam Chair. The Applicant requests approval of a transfer of ownership and location of State Liquor License # 0271. State Liquor License # 0271 is a full dispenser license. The Applicant is proposing the sale of package liquor only.

On March 27, 2001, the Extraterritorial Zoning Authority approved a Master Plan Amendment for Las Campanas Town Center. A component of the approval was to allow the sale of liquor on the site. A friendly amendment was made regarding restricting the sale of liquor to certain hours. The amendment was removed and staff was directed to work with the Applicant to develop appropriate hours of operation

The Applicant's letter of intent proposes the hours of operation to be 9:00 am to 8:00 pm Monday thru Saturday and 12:00 Noon to 6:00 pm on Sundays. Staff considers these hours reasonable for package liquor sales and in compliance with the intent of the EZA. In the event that the liquor license is utilized for a restaurant in the future an analyses of the

hours of operation shall be considered prior to the issuance of a business license.

Staff is currently processing an interior remodel and business license for this site. The area in which this business will occupy, within the existing structure, is approximately 1,769 square feet. The parking and access is adequate for the proposed use.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a transfer of ownership and location.

Recommendation: Staff has reviewed this application and has found the facts presented support this application: the Applicant is proposing the sale of package liquor only at this site; the EZA approved the sale of liquor on this site as a component of the Master Plan Amendment; the hours of operation for package liquor sales are in compliance with the intent of the EZA; the Applicant has met the State of New Mexico requirements for noticing, distance from schools and churches; therefore staff recommends approval of the Applicant's request. Madam Chair, I stand for any questions.

CHAIR VIGIL: Are there any questions for Mr. Larrañaga? Is the applicant here? Just wondering if you were here. I don't think there are any conditions of approval. It's pretty standard. But this is a public hearing. Does anyone in the audience care to address the Board on this? Mr. Larrañaga, I have a question. Are there any other commercial sites close to this? Commercial businesses rather than sites.

MR. LARRAÑAGA: Madam Chair, what's on the site is a real estate office but it was a master plan amendment called out for gas station, restaurant, grocery store, on the final development plan.

CHAIR VIGIL: Okay. What's the pleasure of the Board?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of BCC Case #MIS 11-5120, Mike's Fine Wine and Spirits Liquor License.

CHAIR VIGIL: I have a motion.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: I have a second.

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

XV. A. 4. **BCC CASE # MIS 05-5502 Hacienda del Alamo Master Plan Extension and Final Order. Resolution of the Final Order regarding the request made by Gaynl Keefe, Applicant, Jim Siebert, Agent, for a two-year time extension of a previously approved Master Plan for Hacienda del Alamo. The property is located within the Agua Fria Traditional Historic Community, at 4884 La Junta del Alamo, within Section 31, Township 17 North, Range 9 East (Commission District 2)**

MR. LARRAÑAGA: Thank you, Madam Chair. On January 11, 2011, the Board of County Commissioners granted approval of a two-year time extension of a previously approved Master Plan for Hacienda Del Alamo subject to review by the Agua Fria Village Association. The motion included a reconsideration of the approval should there be any concerns or issues by the Agua Fria Village Association.

On March 7, 2011, the Agent and the Applicant presented the Application for a two-year time extension of a previously approved Master Plan for Hacienda del Alamo at a public meeting held by the Agua Fria Village Association.

A letter, dated March 15, 2011, from the Agua Fria Village Association was received by the County Manager. The letter acknowledged the presentation by the Agent and the Applicant of the extension of the Master Plan for Hacienda del Alamo, requested the action to be taken by the BCC and affirmed a formal protest of the extension based on the density of the development. The Agua Fria Village Association stated Resolution 2006-116, Agua Fria Community Plan prohibits such development densities as proposed by BCC Case # MIS 05-5502.

Staff has reviewed the letter from the Agua Fria Village Association and has determined the grounds of the protest to be irrelevant to the request being considered – that of the Master Plan Extension. The protest is based on Resolution 2006-116. A resolution does not amend or create ordinance in which density requirements are depicted. A density variance was granted by the BCC five years ago which cannot be affected by the request for the extension.

On February 14, 2006, the Board of County Commissioners granted approval for Master Plan Zoning, to allow a mix of residential development and low impact commercial use on 2.19 acres. The approval included a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow seven dwellings on the property.

On October 11, 2006, a Final Order, for Case # Z 05-5500 Haciendas del Alamo, was recorded in the office of the County Clerk. The Order recorded the findings of the BCC for this case. Included in the findings was the approval of a variance to allow seven dwelling units on 2.19 acres.

The 2.19-acre site was short .12 acres of the density requirements set forth in Article III, Section 10.3.3. The density allowed within the Traditional Community with community water service and community sewer service is .33 acres per dwelling. The density was granted, by the BCC, with the provision of connection to community water and sewer system, therefore the variance was permitted as a minimal easing of the code.

Article III, Section 10.3.3, Traditional Communities states: The minimum lot size in

traditional communities shall be .75 acres, except as follows: 0.33 acres or 14,000 square feet, where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

Article II Section 3 of the County Code states that "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This section goes on to state "A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety."

Article II, Section 3.2, Variation or Modification states: "In no case shall any variation or modification be more than a minimum easing of the requirements."

Article II, Section 3.3 Granting Variances and Modifications states: "In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified."

Article III, Section 4.2.1.d.2 states: "Proposed mixed-use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsections 4.2.3 and 4.1."

Article V, Section 5.2.1.b states: "A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval."

Article V, Section 5.2.7.b states: "Master Plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer."

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: mixed-use developments are allowed to locate anywhere in the county; the Master Plan is comprehensive in establishing the scope of the project; the application meets code criteria to allow a two-year extension of the Master Plan; a variance of Article III, Section 10 of the Code to allow seven dwellings on the property was granted by the BCC; the density was granted with the provision of connection to community water and sewer system; the variance was permitted as a minimal easing of the code; the basis of the protest, submitted by the Agua Fria Village Association, is not relevant to the proposed Master Plan Extension.

Staff's review of the Applicant's request has established findings that this Application meets the criteria set forth in Article V, Section 5.2.4 Master Plan Approval, and Article V, Section 5.2.7 Expiration of Master Plan of the Land Development Code. Staff recommends approval of the Final Order to allow a two-year time extension for the Master Plan Zoning for Hacienda del Alamo. Madam Chair, I stand for any questions.

CHAIR VIGIL: Any questions?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I have a question for Shelley, I guess. Is this in a FEMA floodplain?

SHELLEY COBAU (Building & Development Services Manager): Madam Chair, Commissioner Holian, no, it is not. The FEMA floodplain is limited pretty tightly on the Santa Fe River and this is on the other side of Agua Fria.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: Okay. The water approval, is that through the water association?

MR. LARRAÑAGA: Madam Chair, yes. The history on this is they did have an approval letter from Agua Fria Village Association or the Agua Fria Water to hook up to water when they first got approved and they were just shy the .12 acres to have seven units and that was the density. But yes, the approval was with Agua Fria Water and I believe City sewer.

CHAIR VIGIL: Okay. This is a public hearing. Is there anyone from the public that would like to address the public on this. Mr. Mee, would you like to? Is there anyone else?

[Duly sworn, William Mee testified as follows:]

WILLIAM MEE: William Mee, 2073 Camino Samuel Montoya, the Agua Fria Village Association president. Madam Chair, Commissioners, I do thank you for reconsidering this particular case and putting it on the agenda. This came out of our March 7th Agua Fria Village Association meeting where the applicant did present to us and our members were sort of concerned that the seven dwelling units, although that in itself would require a density variance. Also the fact that some of them were going to be second story units and also that they were over 3,000 square feet. So we felt that that overall density of development really didn't fit into our community plan and that was the basis of our protest.

I spoke with Mr. Jose Larrañaga, the case planner and he explained to me that the variance was approved and it does run with the life of the property. Our action really didn't influence that decision that was made previously. So in a sense we have really no basis at this time to protest the case, but we really felt that we just needed to make a point that it didn't fit in with the community plan densities, so that's why I'm here before you tonight. And I thank you for your attention.

CHAIR VIGIL: Thank you. Again, is there anyone else that would like to address the Commission on this? Is anyone in the audience in favor? Any opposed, besides what we just heard, and I see another hand for opposition. Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Steve or Jack, if we allow this extension and knowing we're going through the code development of our new master plan, will these plans be grandfathered in? Or there will be new provisions of the new code if it passed, changes, will they have to comply with those new provisions?

MR. ROSS: Madam Chair, Commissioner Mayfield, all those decisions have to be made in connection with – those are very important decisions that have to be made when the new code is adopted, what the new code applies to, and they haven't been made yet.

But you're right. All these types, all these classifications will have to be analyzed and you'll have to made decisions about whether master plans persist, whether preliminary plats persist, whether final development plans that have not been built out persist under the new code. All those decisions have yet to be made but they will have to be made.

COMMISSIONER MAYFIELD: Madam Chair and Steve, so again, these folks will have to comply with the new plan? There will be no grandfathering of this case or any other case that we have currently in front or coming in front of us.

MR. ROSS: Well, I guess what I'm saying is we really don't know, because we don't know what the code is going to say about that topic. You guys will have to be the ones to decide that after a lot of public input and a lot of discussion, I'm sure. So I mean it's possible this could be grandfathered if the new code so provides.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: On that point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Steve, related to Commissioner Mayfield's question, is it the date of application that an entity is under the code or is it when they come before us, under which code is in place?

MR. ROSS: It's really neither; it's what the new code provides.

COMMISSIONER STEFANICS: So if someone, and this kind of goes back to, Madam Chair, Commissioner Mayfield's comments from earlier in the day, if somebody applies for something this summer and it just moves along and moves along and moves along and they don't really get to the CDRC or the BCC until next year some time, you're indicating that they would not necessarily be grandfathered in.

MR. ROSS: Correct. Yes. That's something the new code would have to address. They might be or they might not be. That's a decision that you all will have to make when we adopt the code. It's really the last decision you make. When we get the code all developed you then decide who it applies to and when it applies. There's arguments on both sides.

COMMISSIONER STEFANICS: Thank you very much.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Anaya, then Commissioner Holian.

COMMISSIONER ANAYA: Madam Chair, just a sequence of events. I guess in 2006 there was a discussion associated with the master plan. It went to the Agua Fria community, came to the County Commission. The County Commission approved the master plan and then we, just a couple months ago approved a two-year time extension and the request was to potentially reconsider that. Is that an accurate reflection of what's taken place?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, yes. The motion from this Board was for the applicant to go to the Agua Fria Village Association for a review of their request of the two-year time extension of the master plan and they did that, yes.

COMMISSIONER ANAYA: So Madam Chair, if I could ask the applicant a question.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer, Santa Fe.

COMMISSIONER ANAYA: Madam Chair, Mr. Siebert, the primary reason

for the request for extension, does it deal with the economics of the climate we're in? What was the primary reason for the extension?

MR. SIEBERT: Actually it's two. One is obviously the current economic situation, the lack of demand for housing. The second has to do with the issue of water. We've been working on that issue since we got master plan approval. We've been working both through the Agua Fria Water Association, and the issue there is there's actually water rights on the property. Gaynl Keefe has hired a hydrologist to present that to the State Engineer to verify those water rights. And the other thing is it became known to us at a certain point that Gaynl Keefe, if she couldn't get those water rights approved by the State Engineer would actually have to go out and buy water rights. It's difficult to buy water rights in the Santa Fe Basin.

The other issue in water is there is a city water line that goes right along Lopez Lane which they could connect into. The problem there is that there is no – whereas everywhere else within the presumptive city limits you can tie onto city water; there's absolutely no issue. Within the Village of Agua Fria there is no such policy and the City has been talking about working with the County to develop that policy but to date that has not happened.

COMMISSIONER ANAYA: Madam Chair, Mr. Siebert, was the perspective of the Agua Fria Village Association the same in 2006 as it is now?

MR. SIEBERT: I don't believe so. At that time they had the Agua Fria Development Review Committee which was comprised of obviously people from Agua Fria Village. And as I recall we didn't have formal opposition from the Agua Fria Village Association at that time. We had a favorable recommendation from the Agua Fria Development Review Committee to the County Commission.

COMMISSIONER ANAYA: Madam Chair, thank you. I have no more questions.

CHAIR VIGIL: Mr. Siebert, while you're there, does the master plan include affordable housing?

MR. SIEBERT: It does.

CHAIR VIGIL: I'm sorry. I don't have a copy of it. And what is the proposed affordable housing?

MR. SIEBERT: Madam Chair, it's been a while since I looked at it. As I recall it's at least one unit and I'm not sure if it's maybe more than that. It's 16 percent and I think the way it worked out to be one-point-something units and we agreed to provide one unit on site and pay the difference of the remaining unit.

CHAIR VIGIL: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Mr. Siebert, when is your best guess as to when this development might occur if we were to grant an extension? It sounds like there's still quite a few problems to work out and it might be a couple of years before those problems are worked out.

MR. SIEBERT: Madam Chair, Commissioner Holian, you're absolutely correct. We can't guarantee that we can resolve these problems in the next two years. We continue to work at them. The next step would be to go to a preliminary development plan, and we would hope that we could resolve two things – resolve the water issue in that time, and secondly, hopefully the housing market would pick up in that time.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I think, Madam Chair, Commissioner Holian's question is a good question and I think my feeling is to probably support a time frame to extend based on staff's review and recommendation. But also, I think going forward, not only this case but other cases that continually re-up the extensions over time, I think that's something that I think I would have some concern over, not only for this but for other cases. Just based on the previous action and direction that the Commission has taken I think I'll defer to your thoughts, Commissioner Vigil, but I think I have an idea where I'm headed.

CHAIR VIGIL: I actually had made the recommendation that this case go to the Agua Fria Village Association based on the fact that the development review committee no longer existed. This village association is well organized to review these kinds of cases. However, I guess the underlying question for me is what you're representing to us is there has been no change in density as it was originally proposed before the development review committee. Is that accurate?

MR. SIEBERT: Madam Chair, that's correct.

CHAIR VIGIL: Okay. So my intent was to make sure that that did not occur and that the residents had an opportunity to evaluate that and to make their recommendation as to whether or not the extension should occur. I think we'd be really treading on the developer's rights if we looked at this from a density perspective when it's just really requesting an extension to a master plan. So I don't think we have any choice in this matter but to approve the request of the two-year extension. So I would motion for that.

COMMISSIONER ANAYA: Second.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to make a comment. It doesn't sound like this project is going to go forward any time soon and since the Agua Fria Village Association does have some concerns about it I would like to at least encourage the developers to work with them to see if there are some changes that could be made to the master plan to make it more palatable. It doesn't sound to me like the Agua Fria Village Association is against this, per se, it's just that they have some concerns about the heights of buildings and things like that. So I would encourage the developers to actually work with the Agua Fria Village Association and then they can probably come up with a design that everybody would be able to live with.

CHAIR VIGIL: I consider that a friendly amendment and I would say, request the developers meet with the Agua Fria Village Association to look at alternative designs, see if there is a design that is palatable and negotiable between you and the Village Association. You have two years to do that in and I think that can be done then. I'm not real familiar with the acreage you have but I know that designs can be impacted not to adversely impact communities or neighborhoods, so I would consider that a friendly amendment and make it a request if you'd be willing to. Is there a second to the friendly amendment?

COMMISSIONER ANAYA: Yes, Madam Chair. I would accept that as long as it doesn't affect the primarily allotments that were already approved as far as densities on the point you made.

CHAIR VIGIL: So the motion would be we approve the two-year extension

and request that visit with the Agua Fria Village Association to look at alternative densities and gain some input, not necessarily alternative densities but alternative designs. Okay. Any other comments?

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

- XV. A. 5. CDRC CASE # V 11-5010 Bernie Romero Variance. Bernie Romero, Applicant, requests a variance of Article V, Section 8.1.3 (Legal Access) of the Land Development Code to allow an access easement of less than twenty feet (20') in width. The property is located at 11 Caminito Santerra, off County Road 67A, within the Traditional Community of Canada de Los Alamos, within Section 27, Township 16 North, Range 10 East, (Commission District 4)**

WAYNE DALTON (Building & Development Services Supervisor): Thank you, Madam Chair, Commissioners. On April 12, 2011, the BCC met and acted on this case. The decision of the BCC was to table this case in order for staff and the Fire Marshal to meet with the Applicant to determine whether there are other options regarding fire protection due to the access issue.

On April 29, 2011, staff and the Fire Marshal met with the Applicant and determined that if the variance is approved there will be other fire protection requirements that the Applicant must comply with. These improvements will include a turnaround on the property, a water storage tank, sprinkler system, a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed structures on the property. However, staff and the Fire Marshal still recommend that the variance be denied based on the access, which exceeds 11 percent and is less than 20 feet in width.

Madam Chair, Chief Sperling and Buster Patty are here to answer any questions you have regarding the access and additional fire protection requirements.

CHAIR VIGIL: Okay. Are there any questions for staff in particular?

Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate, because I know we had discussion on this, all the Commissioners. I appreciate that staff had the meeting. I guess what I'm confused about is that staff is still not recommending supporting it. Given the context of the discussions that happened with the Fire Marshal and the alternative recommendations. Is it solely based on – why isn't staff supporting it now given what you went to to get us to this point?

MR. DALTON: Madam Chair, Commissioner Anaya, staff is still recommending denial based on the access issue. The access is still less than 20 feet in width and the grade is exceeding 11 percent. That is a code requirement, that the grade can't exceed 11 percent and it has to be a 20-foot driving surface. That is why staff is recommending denial.

COMMISSIONER ANAYA: Madam Chair, an I think I'd like to ask the chief a few questions of the Fire Department.

CHAIR VIGIL: Okay. Mr. Sperling, are you here? Or Buster Patty. Mr. Patty.

COMMISSIONER ANAYA: I saw the Chief. Was he just there or was it just me? Oh, there he is. Either one of you.

BUSTER PATTY (Fire Marshal): Madam Chair, Commissioners, we did go out and we had a look at the road to see if there's any alternative ways to help him. The road that's in question and grade is over 11 percent is actually 20 percent grade. We can get in there but in inclement weather it will create a problem with both fire equipment access and emergency response, because of the steepness of the grade. It is very narrow; it's a one-way road going in and out of that place. If you do decide to grant this we will have some other options that we can do. We can do the water storage. The water storage doesn't do us a lot of good if we can't get equipment into it and if we have inclement weather like I say with the snow on that thing we may not be able to get down that road. If we do we may not be able to get out.

We have an access that comes out onto the Canada de los Alamos Road that's just very abrupt up at the top, so we have to make a right or a left hand turn immediately. If we stop the equipment, in slicker weather we'd never be able to get going again and we'd be liable to block that road for any other piece of apparatus going in there. That's why we based our decision on that.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, thank you, Mr. Patty for being here, first of all. I understand what you said and we had some discussion about this at the last meeting, and I think that overall throughout Santa Fe County we are always trying with your help and the help of the rest of the staff to improve the situation of access, emergency access, but I think the other thing that I think we – I know I asked staff to consider as we're looking at cases is the reality associated with the placement of lots and even existing lots, that there are places within Santa Fe County that we know are far worse situations than this but yet we do our best and you do your best as the Fire Department to access those. And I respect your comments but I also respect those individuals out there that are in these tough situations that are trying to provide property to their family, trying to provide opportunities to live for members of the community.

And so I would continually appreciate additional options being pursued when they are potentially viable that can help balance protection and fire safety with individual people that are trying to get lots and better themselves as well. So thank you, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Patty, I did a lot of door-to-door out there when I was running for office, and it seems to me that there are a lot of properties in that situation, right in the Village of Canada de los Alamos, isn't that correct? That are extremely difficult to get into?

MR. PATTY: That is correct. There's lots of driveways out there that don't meet the code. This is the basis, that it just doesn't meet the code and it's brought here so that you can make a decision on it. If you do make a decision to approve it then the code does allow us to ask for some optional things, which would be sprinklering or some water storage and turnarounds to be able to get the equipment turned around.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Patty. And I have a question for staff too. Is a guesthouse allowed on that property?

MS. COBAU: Madam Chair, Commissioner Holian, we look at guesthouses as accessory structures, so right now, Mr. Romero has a piece of property with a home on it. If he's granted this variance he wants to do a land division. So he would not be allowed to put a guesthouse on that property after it were divided because it would be an accessory structure without a main residence.

COMMISSIONER HOLIAN: Well, let's say he didn't divide the property and he just – say he wanted to put an extra guesthouse on his property. Would he be allowed to do that?

MR. DALTON: Madam Chair, Commissioner Holian, the applicant does have the density for a guesthouse on the property.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. This question is for fire. Can you describe for me the effectiveness of a water sprinkler system in containing a fire in and around the house?

MR. PATTY: Yes, Madam Chair and Commissioners. Sprinkler systems that are required in a house, when required, is an SPB-13D system. It is a small system. It's normally a ten-minute system. It's for life safety purposes. It's not necessarily designed to save the house. It's to buy time to let the people evacuate the house and to get out safely. Life safety is the number one priority here.

COMMISSIONER STEFANICS: So, Madam Chair, the fire suppression system would not in fact keep a fire from spreading across the property into other properties.

MR. PATTY: It's hard to say. It might. Most of the time a suppression system in a house like that will stop a fire. Insurance companies also know this. There's a lot of the water supply that is based on the insurance companies to be able to even insure a home in an area like this. With the sprinkler system, that is the best way and most viable way for them to even get insurance on this home. The sprinkling would be one of the minimum requirements that we would have for this house and probably one of the most feasible things he can do.

COMMISSIONER STEFANICS: Well, Madam Chair, the reason I'm asking this question is, being in fire season, if we are concerned about what's going on right now and the spreading of wildfires this would be a concern that it would not really suppress.

The second item I really want to ask I guess is to staff, and this – I know I've brought this up before. This is a philosophical issue. When somebody has a piece of property and they don't – the property does not conform to what we would like for it to in terms of code, in terms of grade, etc., what have been some of the other options that we have put forward to applicants coming forward?

MS. COBAU: Madam Chair, Commissioner Stefanics, philosophically, if someone has a legal lot of record we make every effort to allow them to develop on their property. If this were a legal lot of record with challenged access without a house on it variances are granted based on non-self-inflicted conditions that are non-topographic in nature. So this might well be one that staff would recommend approval of because the applicant would have no other choice. However, the applicant has beneficial use of this

property; there's already a home on it. He just to do a land division and create another lot. So the beneficial use of the property is already there.

COMMISSIONER STEFANICS: So, Madam Chair, from what I'm hearing, if this property – it's a variance for an access easement. That's all.

MS. COBAU: Madam Chair, Commissioner Stefanics, that's correct. He has the density to do a family transfer land division on his property. However, he doesn't have adequate access to access the new lot. So that's why he needs a variance. Because the current access does not meet code standards.

COMMISSIONER STEFANICS: So, Madam Chair, if we provided the variance for the access, and the owner sells the property in five years, and someone new comes forward to do something with this land. We would make accommodations for that person? These are philosophical questions.

MS. COBAU: At that point it would be a legal lot of record, Commissioner Stefanics, so they would have a right to develop on it if it were a legal lot of record. Once the lot is created, in the creation of the lot we would require they show buildable area, they would have access granted by variance, so it would be a developable lot.

COMMISSIONER STEFANICS: Well, Madam Chair, my comment is that, right or wrong, throughout the entire county we have non-conforming properties and we hear these cases a lot, and every time someone comes in front of us and their neighbors or their community has been allowed to do something that they're not allowed to do they really see it as discrimination against them, even though we have a code that we're trying to uphold. So we recognize, or I recognize that it's very hard on these individuals to hear a yes or a no, especially their neighbors, because if it goes against the neighbors they're not happy and if it goes against the property owner, they're pretty unhappy. So I just wanted to put out that we have many of these around the entire county. Thank you.

CHAIR VIGIL: Question, Shelley, while you're there, then I'll turn it over to you, Commissioner Anaya. Since they have full beneficial use, is there another access road that could be identified or would the terrain prevent that?

MS. COBAU: The terrain prevents, precludes any additional secondary type of access. There's I guess been discussion with their neighbor to get the 20-foot easement widened. I don't know if there's been any cash offered to the neighbor for the cash that they want to have in addition to what they already have. I don't know what the details of their negotiations with their neighbor are. Maybe Wayne can address that.

MR. DALTON: Madam Chair, this is the only access to this property.

CHAIR VIGIL: And the terrain prevents any other possible access? Would you state that?

MR. DALTON: It's very difficult, yes.

CHAIR VIGIL: Okay. Commissioner Anaya. And we still have to have a public hearing on this, by the way.

COMMISSIONER ANAYA: Thank you, Madam Chair. I think that the last point is probably the point that is the most frustrating I think for the property owner. The property owner's property meets the size requirements associated with needing the separation of lot requirements to actually do a transfer and it's a matter of whoever the neighbors are not wanting to give five more feet. And that the request that we had as a Commission was to seek

alternate measures beyond the 15-foot requirement that would help mitigate an emergency situation. And I think that's what you've done and what you've talked about.

I think, Madam Chair, Commissioner Stefanics, relative to your comment, I think you're spot-on with your remarks and I think as we go through the code process right now that we may want to have discussions and be a little more explicit about potential options that we would look at or that staff would look at instead of an either yes or no recommendation from staff so that within the code we build in provisions where staff could actually utilize that code to come up with alternative methods if there wasn't the appropriate ingress or egress or whatever the deficiency might be, but that there would be built in options for staff to consider rather than just it's either yes or now. Thank you, Madam Chair.

CHAIR VIGIL: Okay. This is a public hearing. Is there anyone here that would like to address the public, and before I do, Commissioner Mayfield, what is your question?

COMMISSIONER MAYFIELD: Thank you. Madam Chair and staff, the applicant's home and including all of the surrounding homes, and I count at least four, five, maybe six, seven – were any of these homes granted a variance for the existing easement that they are all sharing to get into the property?

MR. DALTON: Madam Chair, Commissioner Mayfield, I'm not aware of any variances that were approved in this area, for access.

COMMISSIONER MAYFIELD: Madam Chair and Wayne, when did the code go into place that required the 20-foot easement on the road?

MR. DALTON: Madam Chair, Commissioner Mayfield, that would be 1996-10, so 1996.

COMMISSIONER MAYFIELD: So arguably, all these homes were built prior to 1996.

MR. DALTON: Madam Chair, Commissioner Mayfield, I couldn't answer that question. The homes in the area look older but there are also some newer homes in the area.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Dalton, do we have the applicant here?

MR. DALTON: Yes, he is here.

COMMISSIONER MAYFIELD: Was his primary home constructed prior to 1996 or post-96? So, Madam Chair, if his home was constructed post-96 did he receive a variance to build that home back there?

MR. DALTON: Madam Chair, Commissioner Mayfield, it is a legal lot of record. He was allowed to build a home on that property, and I have no record in our system of a variance being approved for that home.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay. This is a public hearing. Anyone from the public that would like to address the Commission on this please step forward. Okay, seeing no one, any further questions? Commissioner Holian, please proceed.

COMMISSIONER HOLIAN: I feel that actually if we put on the conditions that were recommended by our Fire Marshal that we will actually make that area slightly safer. For one thing there will be turnaround on the property. There will be a water storage tank. I do recognize that in bad weather that it will be difficult for fire or emergency vehicles to get up that driveway but then that's probably true for almost all the other driveways in that

area. So therefore I would like to move for approval of CDRC Case #V 11-5010, Bernie Romero Variance, with the following conditions: That there be a turnaround constructed on the property, a water storage tank, and let me just ask Mr. Patty – is 10,000 gallons appropriate?

MR. PATTY: Madam Chair, Commissioner Holian, a 10,000-gallon tank for each dwelling. There's one existing there now that is not the one we're looking at. So it would be one 10,000-gallon storage tank and a sprinkler system and a turnaround.

COMMISSIONER HOLIAN: Okay. And also a condition for the sprinkler system. Also a vegetation management plan, and compliance with the Urban Wild Land Interface Code for building materials for any proposed dwelling. So I would like to put all those conditions on the variance.

CHAIR VIGIL: I have a motion.

COMMISSIONER ANAYA: I second, Madam Chair.

CHAIR VIGIL: And a second. Further discussion?

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

- XV. A. 6. CDRC CASE # V 10-5240 Ronald Crawford Variance. Ronald Crawford, Applicant, Jim Siebert, Agent, request a variance of Article III, Section 10 Lot Size Requirements of the Land Development Code to allow a lot line adjustment to reduce Tract A-2 to 2.507 acres and increase Tract A-1 by 4.01 acres for a total of 10.90 acres. The property is located at 17 Roy Crawford Lane, within Section 17, Township 16 North, Range 10 East (Commission District 4)**

MR. LARRAÑAGA: Thank you, Madam Chair. On October 21, 2010, the County Development Review Committee met and acted on this case. The recommendation of the CDRC was to deny the Applicant's request in conformance with staff's recommendation. The Applicant requests a variance of Article III, Section 10, Lot Size Requirements of the Land Development Code to allow a 6.526-acre parcel to be reduced to 2.5 acres. The Applicant is proposing a lot line adjustment between Tract A-1 and Tract A-2. The lot line adjustment would increase the acreage on Tract A-1 to 10.90 acres and decrease the acreage on Tract A-2 to 2.5 acres.

The Applicant states he must sell his mother's home located on Tract A-2 but wishes to retain as much of the family property as possible. The lot line adjustment would also allow for his driveway, which is within Tract A-2, to be platted entirely on his property. The property is located within the Metro Mountain Hydrologic Zone where the maximum allowable lot size is 20 acres with .25 acre-feet water restrictions and can be reduced to five acres with community water. Both Tract A-1 and Tract A-2 are below the maximum allowable lot size permissible by the Land Development Code.

Article II Section 3 of the code states that "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would

result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the code, the applicant may submit a written request for a variance.” This section goes on to state, “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the code would be nullified.”

Recommendation: Staff has reviewed this application and has found the facts presented not to support this application: staff’s analysis of the Applicant’s interpretation of the variance criteria does not justify the approval of this application; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow Tract A-2 to be reduced further below the density requirements allowed by the code, the purpose of the code would be nullified; the Applicant has not justified a hardship which is contemplated by the code. The variance requested by the Applicant is not considered a minimal easing of the requirements of the code therefore staff recommends denial of the Applicant’s request. Madam Chair, I stand for any questions.

CHAIR VIGIL: Are there any questions of staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. How long has the owner and mother had this property?
1981, or is that the other property?

MR. LARRAÑAGA: Madam Chair, let me find the – since the 1950s, Madam Chair, Commissioner Stefanics.

COMMISSIONER STEFANICS: Since the 1950s.

MR. LARRAÑAGA: They’ve owned the property.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: I assume the applicant is here and Mr. Siebert, you’re here on behalf of the applicant?

MR. SIEBERT: Madam Chair, Commissioners, that’s correct.

CHAIR VIGIL: Do you have a presentation you’d also like to give.

MR. SIEBERT: I do.

CHAIR VIGIL: Okay. Please proceed.

MR. SIEBERT: Madam Chair, I was previously sworn. Madam Chair, Commissioners, what I’d like to do is begin with a little history on this property. In terms of the ownership that was brought up, Mr. Crawford’s father, Roy Crawford, bought the property in the late 1950s. Mr. Crawford built the house in 1960. Then Ron Crawford, who is the son, built his house in 1986. So there’s been 50 years of continuous ownership of this land by the same family.

One thing we did on the board in front of you is an evaluation of lots within a mile radius of this particular property. This property, the Crawford property sits here. So we went to a mile radius and using the GIS information took a look at how many lots were either 2.5 acres or less in size within that one-mile radius. And what we came up with is that there’s 111 lots that are actually equal to or less than 2.5 acres in size. Now a lot of these lots are just like the Crawford’s; they’re historic lots. And what I’d like to do is provide you a handout. [Exhibit 1] Actually, some of this information may be already in the packet but rather than dig through your packet we felt it would be handier to do it this way.

SEC CLERK RECORDED 05/03/2011

CHAIR VIGIL: If you would just leave them with Commissioner Stefanics and she'll pass them down. Thank you, Mr. Siebert.

MR. SIEBERT: The first exhibit is an aerial photograph and the heavy black line is the Crawford property, and then it shows the other properties that are immediately surrounding it. And if you take a look at it there is a significant number of properties that are in fact even below 2.5 acres in size. There was a letter of protest from the property immediately to the south, to the bottom. It was a Mr. Kormanik. The interesting thing about that is it's 7.17 acres, but if you notice there's two building sites on that. One is a house and a guesthouse. Under the code a guesthouse is considered the same as a dwelling unit. So the density on that would actually be around one dwelling unit for 3.8 acres.

The next thing we have in the packet is letters of support for this request, and these are people that are actually within that same aerial photograph, that have written the letters of support. And then at the very end, what I've done is shown you how this 2.5-acre lot sits within the bigger property. And the point here is that you can see there's a driveway that splits off and goes up to Ron Crawford's property and then one up to what was his mother's property.

What he would like to do is be able to keep that line on the other side of his road. The reason being he wants control of the road and also he didn't see a buyer of that land. It isn't his intent to sell the property. There's a substantial amount of repairs that have to be made to the house and he's really not in financial condition to make all the necessary repairs.

The other thing I'd like to do is talk about the criteria associated with a variance. In terms of hardship, I think there is an issue of it's difficult to sell any property in this town currently and I think the larger the tract the higher the price point and the more difficult it is to sell the property and that's one of the reasons he's asking for a smaller lot. The other reason is that he wants to keep the driveway on his property and maintain control over the driveway and separate the two driveways from each other.

There is an issue of a minimal easing of the code. I think what we've done, both with this map and the aerial photos is show you that there are several lots of 2.5 acres or less in size. This is not an uncommon situation for this particular area. And I think the most poignant part of this is that these are two existing dwelling units. There is no increase in intensity of use that results from this particular request. I think the other element of it is that there is a – one of the issues is is it injurious to the health and safety and welfare of the public? And it certainly isn't.

These are houses that have existed for 40, 50 years and I think that what – he's willing to add conditions which in fact would probably improve the situation and what the conditions that the Crawfords are willing to add to this request are three conditions. One is that he would agree to limit the water use on each of the lots. They are historic wells and they currently have three acre-feet. They are granted three acre-feet by the State Engineer's permit. There would be no further division of the land, and that would be placed on the plat, and he would work with the Fire Marshal if requested. If the Fire Marshal felt it appropriate to determine if there would be a need for a turnaround on the property. And with that I will answer any questions you may have.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Siebert, has the

owner considered a joint use conservation easement. It sounds like that would solve his problem without having to do a lot line adjustment.

MR. SIEBERT: Madam Chair, Commissioner Holian, in fact he did look into that, but the problem with a conservation easement in dealing with a conservation trust is that you have to find somebody who's willing to – a non-profit entity willing to accept responsibility for management of that conservation easement. In this particular case it's an isolated area. It's not connected to the national forest, it doesn't have a trail system through it. We would probably find it highly unlikely that a conservation trust would be willing to accept that responsibility.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: Further questions? This is a public hearing. Is there anyone in the audience that would like to address the Commission on this subject, please step forward. Come to the podium, state your name and address and be sworn in for the record.

[Duly sworn, James Alley testified as follows:]

JAMES ALLEY: My name is James Alley. I live at 29 Jericho Lane. I'm appearing for myself and on behalf of my neighbor. Madam Chair, Commissioners, I have to say that the Crawford's have been in this area longer than I have and I've been there 45 years, it will be 46 years that my wife and I have lived there, since I came to Santa Fe in 1965. Mr. Crawford's father was a friend of mine and he did a nice job of trying to keep the area rural residential and he didn't want anything to go below five acres. I'm not here to object to that.

By the way, I'm speaking on behalf of my wife and myself. We own the land that adjoins Mr. Crawford on the east side along with Darryl Lindbergh, Darryl and Katherine Lindbergh, who own land also on the east side. Darryl Lindbergh couldn't be here tonight because he does Tuesday night at the opera on our local FM radio station and he couldn't be here. But he authorized him to speak for him. We have no objection to what our neighbor, Mr. Crawford is proposing. We don't mind if he wants to do this lot line adjustment and the lot goes down to 2.5 acres instead, and the other goes up to ten. The only concern and the thing we really like is this condition but we'd like to beef it up a little bit. We like the condition that says no further division of land will be allowed. This restriction would be placed on the plat. That's fine. But I'm concerned about this new County code that Mr. Ross and his people are cooking up and what's going to happen there and I don't want the new County code to negate this 10 acres-plus that Mr. Crawford is being left with so that he then will be able to say, oh, well, now we're going to have five-acre minimum lots in this area, which is something I'm going to actually be advocating towards, that we have a minimum lot size of five acres, but I don't want to come up here and find out that Mr. Crawford wants to split his ten-acre lot into two five-acre lots. So I want this no further subdivision of the land – the restriction would be placed on the plat. I would also like if counsel for the County would approve to have it say that this restriction is also made for the benefit of the neighboring landowners. That would enable us to be able to enforce that restriction in perpetuity so that – the County's not going to go out there and enforce this. They have too many other things to do, so it's really the neighbors that enforce these things.

So if you would beef up a little more legally so that it runs with the land and it's for the benefit of the neighboring landowners, we're all in favor of what Mr. Crawford wants to do. So that's all I have to say. I thank you for your time.

CHAIR VIGIL: Thank you, Madam Chair.

MR. ALLEY: Any questions?

CHAIR VIGIL: Any questions? This continues to be a public hearing. Is there anyone else that would like to address the Commission on this? Okay, seeing none.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'll move for approval with the conditions that the applicant has put on himself.

CHAIR VIGIL: Okay. That would include .25 acre-feet of water use per unit, and I believe there's one unit there now. Is that correct, Mr. Siebert? There's two. No further division of the land. Steve, do you want to address whether that runs in perpetuity when it's filed with the plat?

MR. ROSS: Well, Madam Chair, yes, of course it does. It will be of record.

COMMISSIONER ANAYA: I second, Madam Chair.

CHAIR VIGIL: Okay. And then it's that they also work with the Fire Marshal on the impositions or requirements. Is that the ones you're including, Commissioner Mayfield? Okay. We have a motion with the additional conditions and the conditions by staff. Any further discussion?

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

XV. A. 7. BCC CASE # MIS 11-5140 Rezoning of Polk Property. Polk Rodeo Properties, Ltd. Co., Applicant, Jim Siebert, Agent, requests that the Board of County Commissioners clarify that a future Application to the City of Santa Fe for the rezoning of .63 acres of a 1.88-acre parcel from Rural Residential (RR) to General Commercial (C-2) will not constitute a violation of the Settlement Agreement and Mutual Release of All Claims between the City of Santa Fe, Santa Fe County and Las Soleras, dated May, 2008. The property is located at 2910 Richards Avenue at the southwest corner of Rodeo Road and Richards Avenue within Area 12 of the Presumptive City Limits, within Section 8, Township 16 North, Range 9 East (Commission District 5)

CHAIR VIGIL: Mr. Larrañaga.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Is this the case that I requested come back to us so that if any of the community surrounding the property would have the chance to take care of it, because we were just going to move it along?

CHAIR VIGIL: Yes, I believe it was. So do you have an update on that, also in your presentation, Mr. Larrañaga?

COMMISSIONER STEFANICS: Thank you.

MR. LARRAÑAGA: Madam Chair, basically it's the same information that you had last time. It just wasn't noticed as a public hearing and it came forward to you as a public hearing. So all the information in your report is basically what Mr. Ross had presented

to you at the last – when it was tabled to come forward. I'd be happy to read the report if you like.

COMMISSIONER STEFANICS: So, Madam Chair, I was basically looking to see if neighbors were going to oppose this or not.

MR. LARRAÑAGA: Madam Chair, I did not receive any negative comments, or positive – any comments on this case. And it was properly noticed. The property was posted, it came out in the *New Mexican* and certified letters were mailed to the adjoiners.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, just for the record, if this is approved, the applicant will still need to comply with any City provisions that they have.

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Please proceed with any update.

MR. LARRAÑAGA: Madam Chair, I really don't have any updates but I'd be happy to read the report.

CHAIR VIGIL: What is staff's recommendation?

MR. LARRAÑAGA: Approval.

CHAIR VIGIL: Okay. Are there any questions? Is the applicant here? Okay, Mr. Siebert.

MR. SIEBERT: Madam Chair, my name's Jim Siebert. I was previously sworn. I have a presentation but I know you've been here a long time tonight. Let me say that I have talked to Dr. Higgins who is president of the Town and Country Neighborhood Association, Subdivision Association and we've discussed this in length. He had some comments. I think we've addressed those comments that he had. And with that I'll answer any questions that you may have.

CHAIR VIGIL: Any questions? This is a public hearing. Is anybody out there wanting to address the Commission on this. Please step forward, state your name and address and be sworn in for the record.

[Duly sworn, Rudy Lujan testified as follows:]

RUDY LUJAN: My name is Rudy Lujan. I reside at 2931 Calle Vera Cruz, Santa Fe, New Mexico, that's on Block 3, Lot 16 of the Town and Country Subdivision where this request is being requested I guess. My concern is that we – first of all I just want to say I did not know that Dr. Higgins was the person to talk to about these things. We've never had a meeting with him. I just wanted to say that we are concerned about further development down there in that subdivision. It's a division that – it's rural, with a rural setting. There's about 49 lots with an average size of an acre and a half or acre and a quarter rather.

There's little monitoring from the County on businesses and one that comes to mind is across from my home, is a septic tank business that has a home occupation license but the owners of the lot live in North Carolina, so I don't know. I have brought this before to the County staff and nothing happens. Police action – police monitoring also within the subdivision is nil and I'm concerned about some of the stop signs, one in particular in front of my house. There's nobody stops there. I some times wonder why it is there. And most of all

we're concerned also about the business that this lot engages in. It's a gasoline concern. If this is granted it's going to increase the business probably and we're concerned about the gasoline emissions to our water quality. That's all. Thank you, Madam Chair.

CHAIR VIGIL: Thank you very much. Is there anyone else out there that would like to address the Commission on this? Seeing none, I have a question but I'll defer to Commissioner Stefanics or any one of our staff. If I understand this issue correctly, what we're actually taking action on is the City's Rural Residential Ordinance. They are actually asking us if in fact, if they approve this commercial development it will violate the settlement agreement as it relates to the Rural Residential Ordinance. Is that correct? That's how narrow the issue is?

MR. ROSS: Yes.

CHAIR VIGIL: Okay. So this is in a commercial area. So the precursor to this is that this area does get annexed? Is that correct?

MR. LARRAÑAGA: Madam Chair, that's correct.

CHAIR VIGIL: Has it been annexed?

MR. LARRAÑAGA: No, Madam Chair.

CHAIR VIGIL: Okay. And how close is it to the first residential property?

MR. LARRAÑAGA: Madam Chair, well, residential property – Madam Chair, Mr. Siebert has an aerial that will show the closest residential property.

CHAIR VIGIL: Is that – there's an arroyo between the commercial node and the residential property. Is this north of the arroyo or south?

MR. SIEBERT: Madam Chair, Commissioners, let me describe this to you. Tract, Lot 1 of Block 1 is all of this, and it has this dog-leg that goes out to Rodeo Road. Originally, where you see this kind of brown here and the red line here, that was also part of this lot, so it did have more frontage at one time. When they widened Richards Avenue they took that portion of the land here. So the one you were talking about, how does this relate to the arroyo? The arroyo goes right through here. What we're requesting or will request of the City is that this point from here up, which would be .63 acres, would be annexed as Zone C-2, which is the same zoning that's immediately contiguous with the property. You might ask, the deal is with the City is that they can't, when they adopt a zoning district they cannot cross – it has to be the same as a lot line. So they can't just willy-nilly draw a line here, which I think they're more than willing to do, make this C-2 and make this rural residential.

The problem is is that the applicant at the time really would not have been able to accomplish a lot split, and the reason I can tell you this is I worked on a lot split in the Extraterritorial area. It was delayed for a year and a half and the reason was it was a jurisdictional thing. The County didn't want to claim it; the City didn't want to claim it. So it wouldn't be possible to do a lot split in the time that the City was developing the presumptive city limits ordinances.

So it's a simple request. All they're asking to do is extend the C-2 from the existing C-2, which Polk Oil owns in this area, over to the right-of-way on Richards Avenue. This property probably was always intended to be more commercial in nature, because if you take a look at the covenants, what the covenants say is that all the properties would be residential, would have to have residential development with no commercial development. Lot 1, Block 1 was excluded from those covenants. So we feel that there really is no impact in terms of

the neighbors. This property here, the remainder of the property will remain as rural residential.

CHAIR VIGIL: So in fact the answer to my question is it is north of the arroyo and it is next to commercial property. And you aren't asking about the C-2 zoning; you'll be asking the City about that. You're just asking – or the City has asked you to ask us if we're in agreement with allowing this to be excepted from the rural residential requirements.

MR. SIEBERT: That's exactly the case. We got as far as the City Attorney and the City Attorney looked at and said, well, we have a potential issue here. Why don't you go back and get some commitment from the County.

CHAIR VIGIL: Okay. Thank you very much. Did I ask if anybody else would like to address the Commission? Is there? This is a public hearing. If you'd like to please step forward and state your name and address and be sworn in for the record.

[Duly sworn, Romolo U. Martinez testified as follows:]

ROMOLO U. MARTINEZ: My name is Romolo U. Martinez. I live at 805 Allendale, and I own the property just south, adjacent to the one being considered here. And it is located on that annexation number 12, which I would like Mr. Siebert to explain the status of that parcel, number 12. I'll show it on the map since he made it easy for me to look at it and I explained to you where I'm at, just south of his property. I'm looking right here. My property is right here. His property's here. He mentioned the arroyo and [inaudible] it goes here from north to south to the end of the paved area, right here, and I think it's Padmore Avenue. That's my house here. That's my concern. My concern is that Area 12, which is mentioned in his proposal has – I understand there was something in the *Journal* this morning concerning that property. I don't know.

But the City and the County are working together on this particular proposal, annexation or whatever they call it. And [inaudible] if Mr. Polk's property is included here for commercial property it would be very nice if my property would be considered in the future. What steps do I have to take in order to get this to become a reality? Right now, I know for a fact that there are some business areas in here that are commercial, even though they're supposed to be residential. We have some areas that – I don't know if they're doctors or whatever. They have different types of businesses there – and there is apparently, just like the City of Santa Fe they have that phone deal, never enforce it. The County doesn't enforce it's commercial areas there either.

If they're going to have rules and regulations everybody should be followed, allowed to do whatever they want. But cited. I haven't heard of a case here where anybody has been cited on anything. Who's running the show? The County or the City or the State? I have no idea. But I have no objection to Mr. Siebert's proposal today. In the future it might benefit me. I don't know. And that's my position. Except I'd like for him to explain the Area #12 annexation, the status of it at this point.

CHAIR VIGIL: You may be able to summarize that, Mr. Ross.

MR. ROSS: Madam Chair, yes. Area #12 is one of the many areas that were included on the map that accompanied the settlement agreement. It's just a way of identifying different areas in the county and placing them on maps and this particular area is really the Town and County Subdivision. So that area, plus Area #1, which is up near Calle Nopal were both slated for annexation according to the schedule. I don't remember where they are on the

schedule. But they were also required to have this rural residential zoning that Mr. Siebert was talking about to preserve the general character of the area for I believe 20 years. So this gentleman can of course work with the City just like the applicants have to achieve the uses he wants on his property. It would require an application and all that and he'd have to change the zoning. Or he might want to wait until it's annexed; it might be easier, because he might have to go through this process.

CHAIR VIGIL: And what phase of annexation is Area #12 in?

MR. ROSS: I think it's the last phase.

CHAIR VIGIL: And that's schedule 2014?

MR. ROSS: 2013, I think.

CHAIR VIGIL: 2013.

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Steve, I may have read the same article but if the City Council decides to change their mind on these annexation phases, what impact would that have on this Commission if we moved forward on this?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't think it would affect this particular action tonight. I think that the fact that the City referred this to us in the first place is a positive sign because they're concerned that they not inadvertently violate the settlement agreement. I think what the discussions have been, certainly the discussions between lawyers have been, were that they are uncomfortable with the current schedule and the like to talk to us about revising it. Because they're concerned about not having services available, like say, when the big annexation comes, Airport Road area. So they're concerned about fire and police being available when that annexation occurs. So they may be coming and talking to us about delaying that, but I've not heard that they're interested in not annexing in those areas.

COMMISSIONER MAYFIELD: And Madam Chair and Steve, this gentleman indicated there may be a doctor's office or something going on in some of those residences, that would be afforded under our current rules for a home occupational business or no?

MR. ROSS: I guess you'd have to look at the specific situation. Shelley, do you know about that?

MS. COBAU: Madam Chair, Commissioner Mayfield, under the County home occupation requirements you can have a business like a chiropractor's office as long as you don't have more than six appointments per day.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Would that be a home occupancy business license?

MS. COBAU: That's correct, Madam Chair.

COMMISSIONER MAYFIELD: That's all I had. Thank you.

CHAIR VIGIL: Okay. Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm sorry sir, I didn't – what was your name again.

MR. MARTINEZ: Romolo U. Martinez.

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COMMISSIONER ANAYA: Mr. Martinez. I appreciate your comments and we've had several discussions in the few months I've been on the Commission and I still have some of the same questions that you're raising associated with the annexation issue. I still get comments from my constituents down Airport Road that are very similar to what you've stated today, so I respect what you're saying and I think that – I know we've had some discussions, and I know that there's been – I've had some discussions with Councilors, Councilor Dominguez in particular, but I think there's something we need to do further as far as more discussions with the City for clarity, because Mutt Nelson Road is another example.

It's my understanding, and correct me if I'm wrong, staff, that in the presumptive area of annexation that we're giving up the responsibility of land use issues but working in partnership with them on land use issues. So it's a gray area at best. And so I think that your concerns are not unusual but are common with what I'm hearing. And I don't know. We keep bringing it up and we keep having discussions but I think we need to do something further to bring more clarity for those individuals within those areas that are coming up sooner, and if we need to get our governing bodies together. I've said this on other issues but I'll say it again, I think we need to do it because we're kind of, it seems to me, in kind of a no-man's land, territory, even though we have a settlement agreement. So I'd like to hear from Mr. Kolkmeier on the issue.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, there's a lot of parts to it, but one of the things that the County is continuing to take as aggressive position as we can is code enforcement. And as you know, we had a meeting with the City and they told us they wanted to do a joint – this was two months ago – a joint effort and nothing happened, so we took our own initiative and we've been issuing notice of violations on Mutt Nelson Road, for example. Now, we issued a notice of violation and if they go to court I believe the City has to be involved in that court case too. So we're kind of still going around in a circle but the issue, at least from the code enforcement perspective is that we feel an obligation to continue to look into those cases and we'll continue to do that.

COMMISSIONER ANAYA: Madam Chair, Mr. Kolkmeier, do you feel that – what do we need to do? What do we as policy makers need to do? Do you feel like you're waiting on us? On the City policy makers and the Commission? What do we need to do to get to the bottom of the issues that are sticking points and have a progression to have some resolution so we're able to address community members like Mr. Martinez here and others?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, you mean specifically in terms of annexation, not so much in code enforcement? That was the other thing that you brought up. We have agreements. I don't know. I think maybe I'd have to defer to Steve Ross a little bit on that. We have the agreements. We also – I kind of hate to bring this up but we do have the RPA and that was the actual assignment given to the RPA six years ago. And perhaps that needs to be a channel to bring these discussions up again. Short of that I would suggest that it probably has to be government to government policy maker concurrence on some of these things again. It's a real tough situation that we're in right now.

COMMISSIONER ANAYA: So Madam Chair, Commissioners and Mr. Ross, what are our next steps? What do we need to do to phase in what we're going to phase in and actually apply some action steps to where we need to be associated with the annexation? What do we need to do?

MR. ROSS: Well, what we're working on right now is there's a supplemental water/sewer/trash agreement that we're working on right now with the City. After that is the law enforcement and fire agreement, which is according to the settlement agreement there is going to be a ramping up and ramping down of law enforcement and fire by the City and the County as areas are taken over for annexation. And the contours of that agreement were established several years ago but it's never been written down. The City Attorney's office is taking that piece and my office is taking the water/sewer/trash piece. But the schedule is still established in the underlying agreement and while I've heard they would like a year delay on the schedule I haven't seen anything official on that.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, the first item, or am I mistaken, the first item is land use determination? That's the first item? Land use decisions in the presumptive area of annexation. Because this item that we're hearing today has to do with the settlement agreement associated with the land use action, so it's the land use component supposed to be already transferred to the City and they have all full responsibility on the one hand, but on the other hand we still have areas that we're still doing some code issues.

But I guess to go straight to the point, is the agreement that we have in place, did it already turn over full control of all land use decisions to the City?

MR. ROSS: Yes. The zoning and land use decisions are turned over to the City and by the Extraterritorial Land Use Authority, they passed an ordinance. All of the land use zoning decisions are now in the hands of the City of Santa Fe and being decided by the City. What the – the one area that is an exception from what I just said is the area of code enforcement. In other word, nuisance issues. And we've kept them because there's no provision in Article XIV of the City code for that stuff. So the County is enforcing nuisance issues in the presumptive city limits. All other decisions are being made by the City. And that's by ordinance. So that's very well established.

CHAIR VIGIL: Okay. Can we create a focus for this particular issue. It sort of is blossoming into larger issues. I just want to make a few comments with regard to this. The Rural Residential Ordinance was enacted and I was an active supporter of it and most of the folks in Town and Country were active supporters of it. Their concern was that without the rural protection ordinance there was – they might be required to cap their wells, they wouldn't be able to have the rural residential lifestyle that they actually wanted. Of all the areas in Santa Fe County the folks that are in the Town and Country area were really strong proponents of this.

So I find it rather interesting that even though this is a Rural Residential Ordinance enacted by the City, I guess it was incorporated into the agreement and that's why they're asking us if we think it would violate the agreement. My concern is that, yes, it would violate the agreement from my perspective and the issue would be if in fact we would say it didn't, and this particular strip of property was not in violation of the rural protection ordinance, then what happens when Mr. Martinez wants to come forward in 2013 and get a commercial zoning, go to the City and do that. When in fact our decision to night will be if it will set a precedent, it will set a huge precedent and you as being contiguous to this particular property would have that precedent in your favor.

So the problem I see with this is that if we were to deny it, if we were to say yes, City, we think this does violate the agreement – Steve, I would just ask for some help here with

regard to that – what would that mean? The applicant still has the right to go before the City and request annexation. And the other point I need to make, Steve, and this isn't the time to think about it is if we start allowing this what we're doing is defeating the purposes of the annexation agreement, which in fact was stop the piecemeal annexation. Let us know what we can predict for our county residents and for their future. So that we entered into this agreement after years and years of disagreement with annexation and how it was occurring in the area I represent, which is a traditional historic village which has felt totally surrounded by commercial development, much to their dismay.

So the question would be, if we do deny this, what difference will it make, I guess.

MR. ROSS: Well, Madam Chair, the City Attorney has already indicated to Mr. Siebert that they don't want to go forward if the County expresses the opinion that this particular zoning, if granted, would violate the settlement agreement. So I think that if we say no to this request and tell the City that we're of the opinion that this would violate the settlement agreement, then I don't think he goes forward with the City.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I move that we deny rezoning of Polk property.

CHAIR VIGIL: Okay. There's a motion. I will second it. Is there any further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, under discussion. It seemed to me that if you could put that exhibit up, I got a little confused, but it seems to me that the area north of the arroyo makes logical sense to be commercial. It doesn't make as much sense to me based on what I've heard from the rural agreement that was agreed upon closer to the residential on the other side of the arroyo. Is that something, Madam Chair, Commissioner Stefanics, that you would consider associated with the property.

COMMISSIONER STEFANICS: No, Madam Chair, Commissioner, we're talking about the entire area, and in order to protect the rural residential that is the basis of my motion.

COMMISSIONER ANAYA: Is that only one parcel, both sides of the arroyo, Mr. Siebert? Is it one lot, both sides, or is it two lots?

MR. SIEBERT: It's all one lot. And what the application to the City [inaudible] is three-fold and would incorporate the existing lot. This lot is an existing lot and this one would become a remainder lot [inaudible] rezoning to C-2.

COMMISSIONER ANAYA: So, Madam Chair, your application with the City would request two commercial lots?

MR. SIEBERT: One, of .63 acres.

COMMISSIONER ANAYA: I thought you said earlier that you wanted commercial on the other side of the arroyo as well.

MR. SIEBERT: No. We only want commercial for the immediate area contiguous to commercial land.

COMMISSIONER ANAYA: There's a motion and a second but I actually see, if it's just that lot right next to the commercial, I think that makes sense.

CHAIR VIGIL: Mr. Siebert, before you sit down, what prevents your client

from not waiting until this area gets annexed to go before the City for a C-2 zoning.

MR. SIEBERT: Well, I think the issue would still remain though, wouldn't it? Whether the issue is rural residential zoning and even if it is annexed.

CHAIR VIGIL: But you wouldn't need to come to us. Then the City would be deciding on their own ordinance.

MR. SIEBERT: I don't believe so.

CHAIR VIGIL: What do you think, Steve?

MR. ROSS: Madam Chair, I think the problem still exists because the agreement is for 20 years, so the City would still be concerned whether their rezoning would violate the provisions of the settlement agreement that discuss the rural character of the area. So I don't think the problem goes away with annexation.

CHAIR VIGIL: Okay, thank you. Thank you, Mr. Ross. We have a motion to deny the request for approving, agreeing that the rural residential protection ordinance would not violate the agreement and it's been seconded.

The motion passed by majority [3-2] voice vote with Commissioners Stefanics, Holian and Vigil voting in favor and Commissioners Anaya and Mayfield voting against.

- XV. A. 8. **BCC CASE # MIS 02-5053 Sonterra Master Plan Extension. Great Western Investors (Richard Montoya), applicant, Scott Hoeft, agent, request an extension of a previously approved master plan for a mixed-use development (residential, commercial, community) in a village zone consisting of 520 residential units and 29,117 square feet of commercial space on 245 acres. The property is located off Vista del Monte east of Valle Lindo Subdivision within the Community College District, within Section 30, Township 16 North, Range 9 East (Commission District 5)**

VICKI LUCERO (Residential Development Case Manager): Thank you, Madam Chair. On August 26, 2002, the BCC granted master plan approval for the referenced development. On February 28, 2006, the BCC granted approval of a water service agreement for use of the Santa Fe county water system. On April 10, 2007, the BCC granted a two-year time extension of the Sonterra master plan which expired on August 26, 2009

On September 8, 2009, the BCC granted another two-year time extension of the Sonterra master plan which will expire on August 26, 2011.

The applicant's agent has submitted a request for a third two-year time extension of the master plan, stating that due to current market conditions and limited demand for residential lots, the owners of the property are requesting additional time in order for the residential market to rebound. At that stage they will proceed with preliminary plat and/or development plan.

The County Land Development Code specifies that master plan approvals shall be considered valid for a period of five years from the date of approval by the BCC. Master plan approvals may be renewed and extended for additional two-year periods by the BCC at the

request of the developer. Progress in the planning or development of the project approved in the master plan shall constitute an automatic renewal of the master plan approval, progress is defined as the approval of preliminary or final plats or development plans for any phase of the project.

Recommendation: Staff considers the master plan to be an integral part of the Community College District objectives relevant to road connections and a district trail connection between the State Land Office, Rancho Viejo and Turquoise Trail, and the master plan also includes a designated elementary school site and a five-acre community park. Staff recommends approval of a two-year extension until August 26, 2013 subject to the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. Compliance with the conditions of the approved master plan.
2. Submit affordable housing plan in conformance with current requirements.
3. Compliance with review comments from the following:
 - a) County Open Space, Parks & Trails Division.
4. Preliminary and Final Development plan must conform with the new Sustainable Land Development Code and the new Sustainable Growth Management Plan.

CHAIR VIGIL: Are there any questions of staff? Seeing none, is the applicant here? Mr. Hoeft, are you here on behalf of the applicant?

[Duly sworn, Scott Hoeft testified as follows:]

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

CHAIR VIGIL: Is there anything you'd like to add?

MR. HOEFT: I concur with staff recommendations and I will stand for questions.

CHAIR VIGIL: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Hoeft, do you really think that your client is going to be able to move forward in the next two years with this? There have been quite a few extensions.

MR. HOEFT: They're trying. The thing is the nature of the family has changed with time. Dick, Sr. passed away several years ago and he was the driving force of the development side of the equation and now the parcel is owned by several family members – Charlotte Montoya, Dickie, Jr., John, and they're also getting up in age. They're actively seeking a development partner to develop the land, so it's feasible, Commissioner Holian.

COMMISSIONER HOLIAN: And Mr. Hoeft, is the water situation worked out with this particular development?

MR. HOEFT: Yes. A portion of it is. They've transferred 35 acre-feet to the Santa Fe County and they have a water service agreement with the County for Phase I of the development.

COMMISSIONER HOLIAN: And where would the wastewater go?

MR. HOEFT: We were looking at two options at the time. One was Rancho Viejo, the second was the Valle Lindo plant, which I'm uncertain of the status at this stage.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Hoeft.

CHAIR VIGIL: Further questions? Seeing none, this is a public hearing. Is

there anyone in the audience that would like to address the Commission on this item? Please step forward, state your name and address and be sworn in for the record.

ADRIENE SIMPSON: My name is Adriene Simpson. I live at 15 Las Caballeros in Vista Ocaso. I was actually here for the La Pradera meeting, but given this is another subdivision in the same area of our neighborhood, I'd just like to voice my concerns that I would like some assurance that the new code that's being developed will apply to this subdivision also, even if the master plan is extended. And issues of density are a major concern.

CHAIR VIGIL: I think one of the ruling regulations in this area is the Community College District Ordinance and I'm not sure that our code will supercede that but it's one of the highest protected areas in the county in terms of what's required for development. Steve, how will the Sustainable Land Development Plan affect approved master plans that are in the Community College District.

MR. ROSS: Madam Chair, it's like I said before. We don't know. If you take as a guide what happened with the Extraterritorial Zone, we did not exempt master plans. The new rules in the ELUA/SPPaZO Ordinance applied to master plan developments. They did not apply to preliminary plats and final plats. That's where the ELUA drew the line and this body might do something similar, it might do something different, but it's totally on our radar screen, this issue.

CHAIR VIGIL: Okay. Is this SDL-1? SDL-2? SDL-3? Do we know?

MR. ROSS: This is SDL-1.

CHAIR VIGIL: Okay. So it's an urbanized area. The Community College Ordinance would be applicable.

MR. ROSS: Yes.

CHAIR VIGIL: I guess the best way to answer you at this point in time is what I said earlier. You are under the protection of an ordinance. It's called the Community College Ordinance. What the outcome will be once the new Sustainable Land Development Plan is identified is yet unknown at this point in time but we are starting a public hearing process with regard to that and we're asking the public who have any particular concerns to come forth so that we can address how we draft the code with regard to that. So there's plenty of opportunity for your concerns to be addressed with that.

MS. SIMPSON: Thank you, Madam Chair. Based on that, I and some of my neighbors would be opposed to extending this master plan in hopes that we could develop something with a lesser density and based on the history of Oshara now and the questionable success of the village commercial elements of the Community College District Plan there may be a better idea out there.

CHAIR VIGIL: Okay. Thank you for your statements. Anyone else? Any one else from the public? It will be closed. Did you want to address anything, Mr. Hoeft?

MR. HOEFT: Just quickly, I'd like to comment on the design of the project. I feel that the Community College District Plan is an intelligent design and what the County is seeking to proceed with in time, the project is 244 acres. Half of the project is open space, so you've got 122 of that developable. You've got four different kinds of housing, the types within the project. You do have a small commercial area and you've got about 122 acres of open space on that site. Thank you.

CHAIR VIGIL: Thank you.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I am moving for the extension for the previously approved master plan, and I'd like to just comment that since it is only an extension, and it is in the Community College District, which is identified for projects of this nature.

COMMISSIONER HOLIAN: Second. And I would like to make the comment that this is one of the projects that I think is a model for the kind of development that we do want to do in the future in Santa Fe County and so even though it's been extended a number of times I think that this is a good kind of development.

COMMISSIONER STEFANICS: With the conditions.

COMMISSIONER HOLIAN: Yes. With conditions. I agree.

CHAIR VIGIL: Okay. There's a motion with conditions and it's been seconded. Any further discussion? Commissioner Anaya and Commissioner Mayfield?

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

- XV. A. 9. **BCC CASE # MIS 02-4325 La Pradera Master Plat Authorization.** Gardner Associates LLC and La Pradera Associates LLC (Alexis Girard), Applicants, request authorization to proceed with a Master Plat for the creation of 22 residential (live/work) lots on approximately 2.27 acres within the existing La Pradera Subdivision (Phase I), which is located within the Community College District. The property is located west of Richards Avenue between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5) [*Exhibit 2: Opposition Letters*]

VICKI LUCERO (Residential Development Case Manager): Thank you, Madam Chair. On January 28, 2003, the EZA granted Master Plan Approval for a mixed-use development, La Pradera, consisting of 80 residential units and 16,335 square feet of commercial space on 69.2 acres. On March 9, 2004, the BCC granted Final Plat and Development Plan approval for the mixed-use subdivision. On June 30, 2005, the EZA granted approval of a Master Plan amendment to the previously approved La Pradera, Phase I, mixed-use subdivision to allow an expansion of an additional 158 residential lots, Phases 2-6, on 94 ± acres.

On January 31, 2006 the BCC granted Preliminary Plat and Development Plan approval for Phases II through VI and final approval for Phases II and III consisting of 97 lots. On July 10, 2007, the BCC granted final plat and development plan approval for phases 4 thru 6 of the La Pradera which consisted of 60 lots on 28.4 acres.

The Applicants have submitted an application for a Master Plan Amendment for the La Pradera Subdivision in order to create an additional 37 residential lots. Twenty-seven of the proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases II-VI. The Applicant states that these smaller lot sizes

are dictated by the significant changes to our economy and the market demand for entry-level housing. The other ten proposed lots will be combined with 12 previously approved units from Phase I to create a village concept which will have the potential of being live/work units, and will be replacing the previously approved 32,667 square foot commercial area.

For clarification, at this time the BCC is not taking action on the Master Plan Amendment which will later determine the zoning and density of the project. The BCC is being asked to make a decision as to whether or not the applicants may proceed with the development under the Master Plat process as defined in the County Land Development Code which would not require that a specific lot layout be defined prior to plat recordation and would grant administrative authority to create lot boundaries once buyers are identified or home construction is complete.

Article V, Section 5.6.1 of the Code states, "In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer."

Before seeking Master Plat approval, the developer must file a petition with the Board requesting that it be permitted to obtain approval pursuant to this section. If the Board approves the petition, the Application will be reviewed by the CDRC and the Board for Preliminary and Final Plat approval which will then be referred to as the Master Plat.

The Applicants are requesting authorization to proceed with a Master Plat for 10 of the proposed lots and 12 of the previously approved residential lots/units in Phase I for a total of 22 master planned lots. The Applicants state that the reason for the request to proceed under a Master Plat is that by creating a village concept with relatively small building footprints, lot-lines cannot be pre-determined. The ultimate lot lines will be very irregular and cannot be identified and finalized until after home construction is complete.

Recommendation: Staff has reviewed this Application and has found the following facts to support this submittal: authorization of the Master Plat shall delegate authority to the Land Use Administrator to approve plat amendments establishing new lots; the CDRC and BCC shall establish development standards applicable to the subdivision as authorized by the Code; the CDRC and BCC may approve both the Preliminary and Final Plat which will be known and designated as a Master Plat.

Staff has established findings that this Application is in compliance with Article V, Section 5.6, Administrative Approval of Lot Layout. Staff recommends approval of the Applicant's petition to obtain Master Plat Authorization to create 22 lots on 2.27 acres. And again, Madam Chair, I just wanted to reiterate because it can be somewhat confusing, that tonight the BCC will only be asking as to whether or not the applicants can proceed with their request under the master plat guidelines, so it's basically a procedural request at this point. If the BCC says yes, you can proceed in that fashion then the master plan amendment will go back to the CDRC for recommendation and come back to the BCC for approval at a later date, at which time that's when the BCC will say yes or no to the increase in density.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Could you explain a little bit

about the – I'm confused about the administrative approval and the CDRC and the BCC? Because I think there's some concern that we're going to lose touch with the plans that are going to happen in this community. So I'd like to understand and I'd like the audience to understand what does administrative approval mean and what will be coming in front of us finally before anything would get approved.

MS. LUCERO: Madam Chair, Commissioner Stefanics, the applicants are requesting to have administrative approval of these 22 lots around the village area that they're proposing. But before we even get to that the applicants will need to request a master plan amendment and preliminary and final subdivision plat approval in order to be able to increase the density. That application will come before the CDRC and the Board within the next two or three months. If that gets approved then what that means for the purposes of these 22 master planned lots is that as the applicants obtain buyers for the lots then all that will be required is that they go back to the Land Use Administrator to create those 22 lots. So that will be the administrative process.

COMMISSIONER STEFANICS: So after tonight, if this were approved, the next step would be for the developers to do what?

MS. LUCERO: To proceed with their request for master plan amendment.

COMMISSIONER STEFANICS: To?

MS. LUCERO: To the CDRC and then ultimately to the Board of County Commissioners. So there'll be an opportunity for two more public hearings before anything is finalized.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: But to underscore that, the 22 lot split division would not come to us. That would be identified by administrative approval?

MS. LUCERO: Madam Chair, that's correct. The 22 lots that they're requesting would be the maximum number of lots that could be created but those 22 lots, they would come through the administrative process to create those lots.

CHAIR VIGIL: Okay. So when those lots got approval from the administrative process, or not, whatever, the outcome would be it would still go to the CDRC. The CDRC can approve or deny that?

MS. LUCERO: Madam Chair, the CDRC and the Board would have an opportunity to see the master plan amendment, which is the next step. So that would be when you would actually be deciding as to whether or not you're going to allow this project to increase the density, which includes the master plan lots and then additional lots that they're proposing to create. And if the Board approves that then the lot creation of the 22 lots will be administrative, so it won't come back to the BCC or the CDRC.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Could you give us an example of some other development or project that has 22 lots on 2.27 acres? So that we have a point of comparison.

MS. LUCERO: Madam Chair, Commissioner Stefanics, it would have to be one of the projects within the Community College District because that's the only area that would allow densities of this magnitude.

COMMISSIONER STEFANICS: So Madam Chair, I'm asking does Rancho

Viejo have a section that has 22 lots on 2.27 acres?

MS. LUCERO: Madam Chair, Commissioner Stefanics, I can't answer that with total confidence. I don't know if Jack or Shelley might have some insight to that.

COMMISSIONER STEFANICS: I think, Madam Chair, I'm asking this because we need some perspective on the size of the land and number of lots in comparison to something else we've seen.

SHELLEY COBAU (building & Development Manager): Madam Chair, the Village Center at Rancho Viejo has very, very tight densities. They have townhomes, small lots, cluster housing. Lots may be 8,000 square feet in size, many of them.

COMMISSIONER STEFANICS: So many of those are town homes or homes with connecting walls.

MS. COBAU: That's correct.

COMMISSIONER STEFANICS: Thank you.

CHAIR VIGIL: Is another development Aldea that might fit into that category?

MS. COBAU: Madam Chair, that's correct. Aldea has a mixture of housing – townhomes, live/work units, single-family homes on very small lots.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So Vicki, when this master plat comes before the CDRC and the BCC my understanding is they will be considering just the density; they will not actually see the lot lines. Is that correct?

MS. LUCERO: Madam Chair, Commissioner Holian, they won't see the lot lines for the 22 proposed master plat lots. There's a proposal for additional lots as part of the master plan amendment, so you will see some lots that are actually laid out but not these 22. They're just going to be designated as an area where 22 future lots will be created.

COMMISSIONER HOLIAN: So we would see the actual outline of where the 22 lots will be but not the interior lot lines. Is that correct?

COMMISSIONER STEFANICS: Not the interior lot lines. That's correct.

COMMISSIONER HOLIAN: Okay. Thank you, Vicki.

CHAIR VIGIL: Okay. Any other questions for staff? Is the applicant here? Is there anything the applicant would like to add?

[Duly sworn, Alexis Girard testified as follows:]

ALEXIS GIRARD: Alexis Girard. Madam Chair and Commissioners, thank you for hearing us this evening. We're doing this in several parts. I'm going to go through a few of the items and then my partners and some consultants will speak as well. First of all I would just like to say that there is a lot of misinformation going around and so hopefully through this presentation we will let you know that we are good stewards of this development and we have worked very hard to make it a livable, viable community that we hope will thrive. So thank you for your consideration.

Phase I La Pradera approvals provide for already 11 condos or live/work units. It also provides for 32,667 square feet of commercial area, of which up to 16,335 square feet may be residential. So when you're considering this master plat there's already – there's an outline of where the development can occur and what we're proposing. And it's more of a trade-off of

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the commercial to add additional residential. We wish to create a small, residential village at the heart of La Pradera in place of the commercial zoning currently in place. We would have no condos or multi-family dwellings, nor would we have attached housing; these would all be detached. We would speak to the original commercial idea in that these homes would have separate entrances for home office application.

Because of the nature of the village design these units will be small and closely integrated. We have a good idea of the product that we want to market but we want the flexibility to allow buyers to make design changes, for example, to add a room or to move a patio. Though we know the maximum number of homes that will be developed we do not know their final configuration, thus we want to have the flexibility to finalize lot lines after the homes have their finalized design and are sited. This is possible under the master plat provisions of the County Land Development Code, Section 5.6. We do not want the condo regime with in the La Pradera Homeowners Association because there's a double dues that's created in that instance and we're trying to prevent that from happening.

Some of this is repeating, so I'm sorry. We would convert the 11 approved condos to single-family detached units. We will establish discrete signed covenants to the live/work aspect. There will be two-story homes. We will work with surrounding homeowners to site homes with respect to view corridors as much as possible. There is one neighbor here tonight who is concerned about a lot, Lot 35, next to his being used for 2.5 units rather than the original one unit that was designated for that lot when he first purchased it. We've agreed to work with him and have that remain a single-family lot.

The revised La Pradera traffic impact analysis shows that there will be no significant impact on surrounding roadways. We are not seeking any variances through this request. We are zoned for what we are proposing to do. Next, I would like to have Vahid speak to the village concept.

[Duly sworn, Vahid Mojarrab testified as follows:]

VAHID MOJARRAB: Vahid Mojarrab, 926 Shoofly, 87505. Thank you, Madam Chair, Commissioners, again, this proposal has two sections on this master plan. One is the village area that we are proposing that would have ambiguous lot lines the staff was describing to you, and the other portion of it is the 27 additional lots in phases II through VI, which we are actually achieving through the lot line adjustment. So I just want to emphasize the open space calculation that was proposed originally on this master plan is still the same. We are not encroaching or taking away any open space through this master plan amendment.

So on the left-hand side of the board you see the approved existing master plan which includes this commercial area over here and lots 33 and 69. And as we described before, this illustration includes also the Lot 35, which we're taking out of the equation, so it's a little bit deceiving, but it shows the concept of the village area which we are trying to promote more of the home occupation. We have discovered most of our clients are small users, maybe take tutorial math or music and they just need a small space to run their business and they don't need a big commercial space. So we're just providing more of that flavor of residential that they would have a separate entry to their units with a guest parking so they don't have to have a secondary commercial space to support their income.

And this is resembling much of what you see on the East Side, the compound area which is condensed but all the open spaces contribute to the other ones so that's why we

didn't want to put any lot lines or hard lines on these tracts at the moment to preserve some of that flexibility for our buyers and think about a little bit more carefully on how we're going to place some of these units and how they're going to play with each other, both in the sense of the open space and in the view corridors.

So I don't know if you have any questions, but I'm just going to describe this area and pass it along to John McCarthy.

CHAIR VIGIL: Mr. McCarthy, please proceed.

[Duly sworn, John McCarthy testified as follows:]

JOHN MCCARTHY: I'm John McCarthy. I reside at 825 Allendale. I'm a member of the development entity. Although the specific action requested tonight is very narrow in terms of which procedural process we follow I feel it's very necessary to clear the air on certain issues and inferences so that not only the Commission but our homeowners and neighbors can make value judgments and decisions based on the correct facts.

The predominant theme of most of the letters and comments that have been submitted to you and to staff and mentioned to us in our meeting with the homeowners concern density. And this map here in front of you right now shows the La Pradera phase I through VI. This is Phase I. This is where the commercial master plan request is located, and our neighbors to the south here in Vista Ocaso, you can see perhaps the lot line showing their 2.5 to 5-acre lots that they have. In the process of our original Phase II through VI master plan amendment we negotiated with our neighbors here, the Vista Ocaso neighbors for a buffer which in this case along this area is 125 feet as measured from the center of Dinosaur Trail up to the building structure, and in this area which is Phase II we provided a 175-foot setback and a little less in this area here.

So having used up our land in that fashion we made a decision as the development team to go ahead and supersize these lots on the southern tier that interface with the buffer and Vista Ocaso. And what I mean by supersize is that our standard lot is about 7,500 square feet on average. It's a 75-foot frontage which allows us to do a two- and in some cases three-car garage. So with this current situation the predominant area that we're affecting or requesting to affect lot line adjustments is in this area that we refer to as our estate lots. So mostly the lot line adjustments take lots that in some cases are 13,500 square feet, plus or minus, and reduce those overall to approximately 7,000 to 7,500 square feet, which is very close to our average, standard lot throughout Phases II through VI.

So there's been a lot of concern that increased density means really, really small lots and therefore will further devalue the lots and the homes in addition to what's happened because of our economics.

So just to clarify the situation that in Phase II through VI, through these lot line adjustments we'll end up with 27 additional lots which are scattered through Phases CC through VI. Now, Phases II and III have been completed. Phases IV, V and VI have not. So out of the 27 requested increased lots that's not going to happen immediately. It will probably be over the next four years that those lots will actually be built. Currently we have enough inventory to last in Phases II and III for the next 2 ½ years.

So the other concern that's been expressed is that because we've changed these lots to 7,000 or 7,500 square feet we will down-size the size of our homes and correspondingly add a negative impact on existing homeowners. The fact of the matter is in Phase I most of those

lots are very, very large lots and as I said, the average lot in Phase II through VI is 7,600 square feet.

So the 27 lots in Phase II through VI will have a minimal impact in any event because we can build the same house on a 15,000 square foot lot that we can on one of these standard lots. So the market's the one that tells us what size home to build. Now, we have always, even with our affordable homes, built homes with two-car garages so that the streetscape shows very well and there's not much differentiation between an affordable home and a market rate home. As a matter of fact we build market rate homes and allow the buyers to go ahead and force their own financing and supplement from the different agencies in town. But in many cases it's difficult to tell the difference between a market rate house and an affordable house.

So these houses that we are building now range from \$239,000 to \$425,000 and this is well within the current range of the existing market. So there is – I'd like to take the opportunity at this time as well so that we can have everyone share the same information, the same correct information in their respective decision making processes. So of particular concern was some of the letters that we and the staff and you as Commissioners have received and it may be that you have not had time to review those letters, but I'd like to hit a few of the high points because we take this extremely seriously and we don't want our neighbors to get any further upset because they have the incorrect information.

So there's one letter that we received from one of our homeowners, Matthew Cooke, that has been referred to in other letters two or three times. And his letter is dated April 28th, and our concern is that there is a lot of inferred points made and actually non sequiturs or out of context comments made that are, in our opinion, not only in some cases incorrect but at the very least very misleading. And if you had those package of letters in your package I will quickly highlight some corrections for the benefit of the Commission, staff and our homeowners and neighbors. But in his letter dated April 28th there is the first paragraph refers to water treatment issues in terms of reclaimed water and I'd like to just point out that there was a third amendment to our declaration of protective covenants filed in May of 2010, which was not even a lateral move by the developer but was based on a vote by the homeowners of which we participated, and that document was recorded May 6, 2010 in the County records.

He also states that we chose to delay the development of affordable housing against the Commission's desire. That's an incorrect statement. The discussion had to do with Jack Sullivan, a Commissioner the time, asking us to hold off the development of the 11 condos until we proved up our water budget, which we have done. Again, the next paragraph talks about us not meeting four of our requirements. There are only four conditions that "have not been met" and states there is no mention of their lack of compliance. Actually, those four issues were conditions of approval and findings of fact that we had to provide a water service agreement, which we did. We had to correct the redlines, which we did. We had to demonstrate that we had our discharge permit, which we got, and provide a financial guarantee.

These were all conditions contained in the findings of fact without which we couldn't have recorded the subdivision. But the innuendo here is that we don't do what we say we're going to do and that we've misled people and that's not the case.

The next paragraph, the applicants were unable to implement the reclaimed water plant, etc. That's addressed again in the third amendment and the first page here it also says that there's a concern that the applicants may continue to violate the covenants in terms of minimum square footage of floor space. We have an affidavit signed by the late Jane Petchesky that quantifies that the 1500 square feet includes heated and unheated square footage and that this is a private covenant that is being conformed to and again, this is an inference that we don't carry out our plans.

There's also a lot of out of context documents in this 25-page letter that has to do with water availability assessment and statements from the State Engineer, the Office of the State Engineer, issuing a negative opinion. Well, the State Engineer issues a negative opinion on every subdivision in the city or the county because his position is the City and the County do not have a demonstrable 100-year water plan. So this is taken out of context and out of meaning to say or imply that La Pradera has not followed the correct County procedures in terms of this water budget. As a matter of fact La Pradera has more than adequate water service agreements. The original water service agreement came out of the Duran Consent Decree to do this subdivision twice over. But again, the inference is that we do not.

There's another page here, it's an extract out of a recorded document, 2004, that has to do with water user restrictions and Mr. Cooke states that in effect we're not in compliance when in fact we're doing much better. We have a .13 recorded and we're actually doing somewhere around .11 acre-feet per year based on existing three-year historical data. So we also had a letter from Marcella Wiard, one of our homeowners. She was concerned about changes to lot sizes or changes from commercial to residential. So what wasn't stressed in our Phase I approval discussion is that we were obligated to build 32,667 square feet of commercial of which – and this is our recorded Phase I plat – of which half, 50 percent, could be residential. We were also approved at the same time for 11 condo units and there's an inference or a mistaken take that live/work equals affordable housing, and one of our homeowners is concerned about that. I believe that is Marcella.

That's not the case. The condos were not live/work. We already met our affordable requirement in Phase I or have identified other lots that have to be built still, but not the condos. So all through this also many of our homeowners are fearful that we're doing this – making this master plan amendment request irresponsibly and because we are blatantly greedy developers. Now, I jokingly refer to myself as a greedy developer because those words are hyphenated anyway; you can't be a developer without being greedy. But I'm certainly not blatant and the fact that we're providing lots that are essentially the same size as our standard lots should be applauded. We are actually building homes right now. We're going vertical. We're adding jobs, and we're taking care, as Alexis stated, being the stewards of this project.

Now, one of our other homeowners, Crow Rising, is concerned about 50 percent open space. We not only have maintained the 50 percent we're actually a little bit in excess of that. She was concerned that her yard would be equipped with landscaping. We only contributed or sold the lot. We weren't the builder and we made no promises. So I want Crow Rising, if she's here to know that if representations were made she needs to go back to the builder to meet those. And here Crow Rising states that the common thread is that the developers of La Pradera say one thing and do another. That's not the case and this is why I wanted to make these corrections because it really isn't fair to the homeowners nor to us to base a lot of these

secondary letters on a flawed first letter from Mr. Cooke.

When we developed the first phases we did have Advantage Asphalt contracting with us. They got permission to have a yard for the equipment. We have recently had them clean it up and what's left behind is clean dirt. We're going to be using some of it. Some of it is standing by to be recycled, broken pieces of asphalt and concrete. It certainly is a mountain but it's not trash hidden in the corner. So I respect these comments but again, you can appreciate why I want our homeowners and you, Commissioners, to hear our position as well.

CHAIR VIGIL: I have a question for you, Mr. McCarthy. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. It could be Mr. McCarthy or maybe even staff. I'm looking at the summary right now and it says Gardner Associates, La Pradera, Applicants, request master plat for 22 residential units live/work lots on 2.27 acres. I've heard the applicant and I've heard staff refer to 8,000 square feet. I've heard you refer to 7,000 square feet but I guess – help me understand. It doesn't equate as far as lot size. I'm not at this point even making any determination. It's more about 4,500 square feet per lot to equate to 22 lots for 2.27 acres. So clarify that for me.

MR. MCCARTHY: Madam Chair, Commissioner Anaya, there's two separate sets of information and you're going to the heart of the matter. What we're asking the Commission to approve tonight is to modify the existing zoning in this area here, Phase I which is already approve for 32,667 square feet of commercial with half of it being residential and 11 condos on three lots. All we're asking for is permission to use the master plat process to complete that development. This is already approved. Those lots would be roughly 4,000 square feet on average, plus or minus. The balance of the request, which will be heard later, is for the modification of lot lines in Phases II through VI, which are here, by reducing these estate lots which I mentioned are on the southern tier and creating 27 other lots here that have an average close to the 7,600 square foot average that we already have when you take all of the lots we have and remove the estate lots. So you find out what the standard size is. And the reason for the explanation of that is to allay the fears of our homeowners that we're coming in with some very, very tiny lots or substantially different than what we already have and are building upon.

COMMISSIONER ANAYA: Madam Chair, just to staff. To put 22 lots on 2.27, acres, it's going to be about 4500 square foot lots. Is that specifically what's requested? Because we heard 7,000, we heard 8,000, and I'm not even saying I'm against or for that, I'm just saying I want to be clear. Commissioner Stefanics asked at the beginning, equate an example of what it looks like, but to put 22 lots on 2.27 acres is 4,500 square foot lots. Am I missing something associated with that?

MS. COBAU: Madam Chair, Commissioner Anaya, it's almost 4,600 square feet. It's 4,594.6 square foot average lot size when you do that math. So you're correct. And the example I was giving was just in Rancho Viejo. I wasn't referring to a specific development.

COMMISSIONER ANAYA: I just want to make sure we're all on the same page. Then I guess my next question is, so we're talking about 4,500 and change square foot lots on this request and we're talking about what's the price point on these lots, suggested?

MR. MCCARTHY: Our price point on these lots really, it's just difficult to

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answer because what we're doing –

COMMISSIONER ANAYA: A range.

MR. MCCARTHY: Well, may I, Madam Chair, Commissioner Anaya, what we're looking at is a completed package, but a range of these lots would probably be somewhere in the \$85,000 range. So all of these lots, as Vahid has laid them out as they could be detached. They'll be two story. But because they'll be oddly shaped you can't impose a grid upon them at this time.

COMMISSIONER ANAYA: But you, Madam Chair, Mr. McCarthy, you're going to sell lots and houses together, correct?

MR. MCCARTHY: Yes.

COMMISSIONER ANAYA: What's the range on a built-out lot? Low side, high side?

MR. MCCARTHY: Well, Madam Chair, Commissioner Anaya, right now our experience is from \$239,900 to \$425,000. We're hoping that these lots will be in the mid-range of the \$239,000 to \$425,000. They'll be good quality homes.

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, thank you.

CHAIR VIGIL: Okay. Mr. McCarthy, who will be giving the next part of your presentation?

MR. MCCARTHY: I would like to pass the mike to Oralynn to touch a few issues on wastewater and water in general.

CHAIR VIGIL: Okay. Are you done?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Oralynn Guerrerortiz with Design Ingenuity, and my address is P.O. Box 2758 here in Santa Fe, New Mexico. I'm just going to talk a little bit about the wastewater system. La Pradera's all six phases are going to be served or are served by the La Pradera reclamation facility, which is an advanced tertiary treatment plant. It treats nitrogen, reduces that and recirculates that and it is in 100 percent compliance and always has been with the State. We're actually going through our five-year renewal period at this point. There was a suggestion that the ED is unaware of who our operator is. Our operator is Leonard Quintana. He's a level 4 wastewater operator. He's excellent. Actually, he used to be an employee here at the County years ago; we were lucky enough to have him.

The project is not just a simple septic tank. There was – there is a filtration and disinfection system as part of the plant but the filtration and disinfection system served water that flowed to commodes, for toilet flushing, and it was decided to turn off the commode and toilet flushing facilities. They were never really in demand. Every house had to be plumbed so it had the possibility of having potable water or reclaimed water in a toilet and very few people actually wanted to use the reclaimed water in the toilet, so that system was actually shut down completely. The filtration and disinfection is not used. Reclaimed water is used at La Pradera for the irrigation of common areas, like it's down at Rancho Viejo. As a result La Pradera actually I think has the lowest water use of any project in the county and I'd love the County to verify this. The most recent year there were 51 lots that were served by the County and we're at .117 acre-feet per year. So I think this has always been a model of a low water using project. I'm very proud of that aspect of it.

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There was issues raised about odors associated with the treatment plant. Fortunately, the treatment plant through different maintenance operations odors are escaping, when you're washing down things, when you're cleaning things, you do get odor issues. And other times I'm not even sure where the odor is coming from. Often when I'm there I can't smell it. I guess I'm hitting it at the wrong time. But nevertheless, I'm sure there are odors at times. We're also working regularly to find out what problems existing and trying to rectify them. We have actually two parallel plants out at La Pradera. That's because the second phase will build another plant that has a lot of capacity and we're going to bring that second plant on line just so we can take the first plant down which has been in service for a number of years now, about five years, and do a thorough checkup on it and look at it a little more carefully on the inside to see where some of our sources of odors are.

Other than that, if you have any other questions, if anybody raises any other questions with regard to wastewater, I'd love to be able to answer them. Thank you.

CHAIR VIGIL: Thank you. Next person. Who will be presenting, if there are? Are there any other further presenters?

MR. MCCARTHY: Madam Chair, there's quite a few other issues. I'd just like to mention a couple. This is in direct response to our Vista Ocaso neighbor Lisa Burns, who has written two letters. But I wanted to address her concern about her groundwater and cisterns. We are on the County water line which is wheeling water from the City, so we do not have a direct impact on her groundwater. In addition she was concerned about our drain field. Our drain field, if I may, Lisa's home is located right here. The wastewater treatment plant is located right here, and the drain field is located up here. So we are – this is a 200-foot scale, so we are substantially quite a ways away from her property and our drain field should not have any impact at all on her property.

In addition, in her second letter there's some misstatements, actually incorrect, and if I may again I believe that many of the obvious reasons to oppose the master plan amendment have already been presented by Matthew Cooke in his opposition filed April 2011. So here we go again working off of bad informational base. And there were three items – violation of the water restrictive covenants of .16. Orallynn has testified to .117; violation of the 1500 square foot minimum per household. Please remember that was Jane Petchesky affidavit that cleared that up; and violation of the availability of reclaimed water for irrigation purposes. That was addressed in the third amendment to the restrictive covenants.

In addition, in this letter from Ms. Burns states that we're not providing solar homes. We never said we would. The inference is we didn't do what we said we were going to do and a further paragraph says evidence when compiled will show that this has not been in compliance since Mr. Summers, the previous building of the system and operator was replaced in 2008. A quick check of the NMED metrics will show that we have always been in compliance and still are.

COMMISSIONER STEFANICS: At this point, we have all these letters and I think what we were offering to do, and as the vice chair I'm taking over right now, but what we were offering you to do is to offer any information you wanted to before we moved to any other comments, since we are in a public hearing. And is there anything else you want to summarize, not rebuttal to the statements, but anything you want to summarize about the project or the development before we go to other comments?

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MR. MCCARTHY: Madam Vice Chair, Commissioners, yes. In closing, we're not asking for any variances. We're zoned for this use. We're not adding any roads. There's no significant impact from traffic, according to our engineer's report, and we're already zoned for the Phase I use. We're just asking for a procedural approval and direction.

COMMISSIONER STEFANICS: Thank you very much. We're going to move to other comments from the audience, then we'll go to questions and comments from the Board of County Commissioners. If you have any comments to make would you please move over and just line up and we'll take one right after the other, and if we don't move pretty quickly we'll be here till midnight. So if you have anything to say, pro or con, we'd love to hear from you, but please move over to my right, your left and up to the podium. We need you, anybody who is going to speak stand forward and you will all be sworn in at once. So anybody who is going to speak at all please come over so that you can be administered the oath one time. And thank you. We're happy to hear from all of you but please, as she indicated state your name and your address for the record and we'd love to hear from you.

[Duly sworn, Ernie Zapata testified as follows:]

ERNIE ZAPATA: Yes. My name is Ernie Zapata. I reside at 721 Don Felix.

COMMISSIONER STEFANICS: And I should explain. It's been a long evening so people are coming and going to the restroom and making phone calls to their families, but everybody is listening; everybody is paying attention. So please bear with us. So go right ahead.

MR. ZAPATA: Just comments. I'm in the real estate business and I know the developers personally. I've seen what they can do and have done for the public interest as far as providing residences to people that are looking at buying. There's been a few inferences as far as – a few comments as far as stewards of the state. You yourselves as far as the Commission is concerned should be stewards of the state but the land, on behalf of the public of course.

There's been some presentations tonight as far as variances are concerned, some of them being extensions on developments and obviously for the simple points of the economy doesn't allow for any kind of throw the money at it, start quoting it so we can provide housing for people. This county basically lives on tax revenue that is built off of homes that are built. What these types of development do, these people are basically making changes to the development that are going to create a higher density and an affordable price point that can basically for people that are interested for that type of price point. The fact of the matter is it's not only going to be doing that it's also going to be providing jobs. As you all know, people are looking for jobs – construction workers, landscapers, electricians.

So the fact of the matter is that this is in the interest of the whole community as a whole for tax revenue, for jobs as far as the community is concerned. They're not asking for any changes to the development itself. They're basically making a change as far as the complexion of the development itself that is going to make more affordable homes for the community. So other than that I hope you vote in favor of the changes and I appreciate your listening to me.

COMMISSIONER STEFANICS: Next speaker please. There were several people that were sworn in so let's keep going.

[Previously sworn, Rosalie Calhoun testified as follows:]

ROSALIE CALHOUN: Hi. My name is Rosalie Calhoun and I live at 5 Camino Sabanero. I am also in favor of the changes. I think it's much better for us to not have condos. I've been in communities where you have two accountants, two everything and it does bring up the cost of your monthly assessment. Also I like the change of it being all residential with some work space, as opposed to being commercial and the economy now, with the larger lots in place II through VI, those homes or those lots could have sat for a long time. Right across the street, Oshara has declared bankruptcy as of today or yesterday. I have been in situations where bankruptcy has been declared in other states and I've seen the residences plummet to a low from either the bank taking over or other owners taking over of going down to one third of the value from the original sales. So I think that these changes are needed for this community to continue being successful and I want the developer to stay there and not be put out of business and I don't want this to become another bankrupt community. I think that it is one of the most beautiful developments in the county. Thank you.

COMMISSIONER STEFANICS: Thank you very much. Next person please.

[Previously sworn, Lisa Burns testified as follows:]

LISA BURNS: I'm Lisa Burns. I live at #11 Las Caballeras in Santa Fe, New Mexico. I'm sort of taken aback because John McCarthy has already torn apart my letter and you guys have already read it as well. But I do want to say that I did speak with Robert George at the Environmental Department yesterday on the telephone. He was not able to tell me who the operator is of the system. He said that he would look into it; he wasn't sure. I ride my horse past that system, a lot. It smells, a lot. It's not just the, whatever, the effluent is that they're watering their – as Orallynn said and she also acknowledged that there are issues with the system, and I smell it all the time. There's the land that Jane Petchesky has donated to the conservation easement is where I ride my horse which is right along the arroyo. It is on a 100-year flood plain on the Arroyo Hondo. There's an aquifer. You can't tell me that that's not an issue with a wastewater treatment plant the size they want to do here. It's a scary situation.

And yes, I am concerned about my water and my groundwater. I think everybody should be concerned because of the smell. Now, Robert George told me, I asked him specifically if the smell is an indication that there could be something wrong with the system. He said, well, an intermittent smell may not but if it's consistent then it is. And it is consistent. I've been snooping in your little wastewater treatment plant, a lot. There are some serious issues. There's a bid stink going on over there and I don't know why they want to cover it up and I don't know why they want to bring on more homes on line when there's some very serious problems with the system and a lot of the other residents here who live in La Pradera can attest to that. And if I'm right will you raise your hand? [A number of people in the audience raised their hands.] That's all I have to say.

COMMISSIONER STEFANICS: Thank you very much. Next person please.

[Previously sworn, Kimberly Gonzales testified as follows:]

KIMBERLY GONZALES: Madam Chair, Commissioners, I'm Kimberly Gonzales and I reside at 50 La Pradera, and if I may I'd like to present you guys with pictures of some of the problems that we've experienced in our residence. [Exhibit 3] What I'm showing you here is what Advantage Asphalt had created in our open space which is now full of debris, not dirt or clean dirt as Mr. McCarthy referenced, and for months there would be chain link fence around that as well as porta-potties and there were actually dump trucks in

and out of our subdivision between the hours of 9:30 and 10:00 pm at night, of which I did call the County Sheriff Department because I thought that something was fishy about dump trucks going to that area in the middle of the night.

We have several problems, actually, in La Pradera. One of our biggest problems was break-ins, , which occurred frequently and affected many of my neighbors and at the last HOA meeting I recall there was [inaudible] event letting the homeowners know that we were going to have a gated community. And there was a problem because our Vista Ocasa neighbors if we closed down Dinosaur Trail, or Old Dinosaur Trail, rather, to put these gates up to try and reduce the crime rate inside of our subdivision. So we were presented with a different map showing us different entry levels within the subdivision that wouldn't affect our neighbors from Vista Ocasa from crossing through the subdivision. That didn't happen. We never got our gates. We pay homeowner association dues every month for a gated community that was promised at the last HOA meeting that never happened.

My home was also built with a recycled water plumbing in my home and I cannot use that because the effluent water treatment does not work. That was one of the main reasons that I bought in La Pradera was for the open space, the balance with nature and the effluent water treatment system. Sunday night my sons and I were driving home about 9:00 in the evening and they asked what that smell was. The smell was the effluent water treatment system and the wastewater treatment system from the Dinosaur Trail and the Rudy Rodriguez area, which is Phase II, actually Phase VI through IV which they're wanting to add more units to.

If you go by Phases I and II, I actually feel very sorry for our neighbor how lives there because that area where Lisa rides her horse does smell. And he put a play set together for his children and they are never out there because they cannot tolerate the smell.

I'm here asking you guys as our Commissioners to please do something about this because I do not want other people coming and investing into a subdivision that is not working for the current residents. Thank you.

CHAIR VIGIL: Thank you, Kimberly. Next speaker.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield. Do you have a question for –

COMMISSIONER MAYFIELD: Ms. Gonzales. Ms. Gonzales, when were these pictures taken?

MS. GONZALES: Two days ago.

COMMISSIONER MAYFIELD: Thank you.

[Previously sworn, Adriene Simpson testified as follows:]

ADRIENE SIMPSON: Madam Chair, my name is Adriene Simpson. I've already –

CHAIR VIGIL: You've been sworn. Thank you, Adriene.

MS. SIMPSON: Wow. This started out really concise and now it's grown. I'll try and summarize it best I can. Density is one of our issues and I don't think there's ever been a County code that allowed unlimited density like the Community College District Plan does. And there are some good aspects and attributes of the plan and I don't believe the current development is going by that plan. It wasn't their problem of solar homes, it was the Community College District Plan that promised sustainable development with solar homes,

water reclamation facilities. It's all in every page of the plan, practically.

So just because you have an oversupply of water it doesn't mean that you're supposed to use it, according to this plan. And I would really like to see the math that comes up with the .11 acre-feet a year. That's almost less than 40,000 gallons and I monitor my own water use and I go over it and I'm as frugal as can be. My trees have been there for over 20 years and they're still only ten feet tall. So I really would like to see the math and the data supporting those figures.

As far as the marketability, I don't see the reason to increase the inventory of these small lots. There's already a glut of inventory in La Pradera. By his own admission he says there's two years' worth there. Not to mention Rancho Viejo has also got extensive inventory. These lots are sitting vacant and it's just a huge, gigantic dirt patch out there. We're surrounded by that on the south side and La Pradera's dirt patch is on the north side. So we're just subjected to constant dust storms and tumbleweeds rolling by, not to mention I think there's some concern about the neighboring area. The neighboring areas are not part of this higher density. We're aptly named Dinosaur Trail because we're rural residential, I guess, which is becoming a dinosaur. So again, the density is a question.

As far as the marketability, Mr. McCarthy stated at the Genoveva Chavez meeting that we had that the price points aren't going to drop on these lots. So I don't see how the smaller lot size is going to help with the marketability. And we delivered fliers yesterday in the wind and I hadn't personally seen a lot of the houses in Phase I close up until that time and I have to say there is a marked difference between the market rate homes that are existing out there in Phase I and the affordable homes that are being built now which have no – they're nowhere near the ones that have already been built. There's no comparison at all.

Anyway, as far as the wastewater plant goes I spoke with Mr. Summers and he was dismayed that he was still listed as the operator on the State documents and was going to correct that immediately, since it's been two years since he's been involved with it, since he was locked out of the system when he raised concerns when they wanted to put Phases II through VI on the existing plant. I don't know what those concerns were based on but I'm sure they can be investigated as there's already an acknowledged problem with the plant, and he stated that it was questionable about the second plant that's coming on line, whether it's being operated properly. Anyway, there's a lot of environmental questions here that need to be addressed before any sort of density increase is agreed to.

I must mention we spent countless hours and time and effort to come to agreement in 2006 in this master plan and the number of lots that were already on it. And that's apparently going out the window. It leaves me concerned – what are the decisions of this Board worth if they can be just thrown out the window in another few years? How can we make the decisions binding? Finally, I understand that there has to be some room for change because in the residential – changing the commercial to residential, I don't think that's a bad change. The density, of course, is outlandish and the price of the lots. I don't think it's realistic given the failure of Oshara and the questionable success of the one out in Rancho Viejo.

So I just don't think that the applicant applying for a rubber stamp from Mr. Kolkmeier on any of these issues is prudent. So I'd like to oppose that and any changes should come before the Board. And the lot lines that are already zoned in the commercial development area, those that already have lot lines zoned in there. They may in total be zoned

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commercial but it's not zoned for 22 units. That hasn't been approved by anybody, but they're suggesting that Mr. Kolkmeier can rubberstamp it and approve it without you seeing. So those are my concerns.

CHAIR VIGIL: Thank you very much, Adrian. Let me just do some time management here. Is there any – who else would like to address the Commission? Let me see a show of hands. Sir, would you please come up as you are coming up, and could I see the remainder of the show of hands? Six of you. Okay. Please state your name.

[Previously sworn, Ken Gand testified as follows:]

KEN GAND: My name is Ken Gand. We live at 97 Bosquecillo.

CHAIR VIGIL: Please proceed.

MR. GAND: Our lot size is 10,400 square feet. On that, according to the 4,000, you would be putting 2.5 houses on that lot. They said 1500 square feet, heated and unheated. The average size garage is about 500 square feet, which means the house, the heated area, is going to be about 1,000, possibly less or maybe a little more. That density is going to bring more traffic, smaller lots and squeeze us all in. That is not why we moved to La Pradera. As the signs all said, 50 percent open space. This is a small community. They're not making it a small community anymore. Thank you. I'm very much against the density.

CHAIR VIGIL: Thank you, Mr. Gand. Appreciate your testimony. Whoever would like to come up. There are six people interested in speaking. The only thing I would ask without giving you a time limitation is just not to repeat the testimony that we've already heard.

[Previously sworn, Marcella Wiard testified as follows:]

MARCELLA WIARD: I'm Marcella Wiard and I live at 703 Bosquecillos in Santa Fe, La Pradera. And I'd just like to clarify that when we purchased our home, we were in the first phase and there is a market rate house and there's a very big difference in what our house looks like and the second and third phases look like. They are entirely smaller. And I'm concerned also about the density but what I would like to address is when we purchased our lot we were told that there were 11 condos that were going to be built and seven commercial buildings only. Period. No live/work. I never heard that term before. I work for BT Homes. We presented La Pradera to a lot of the buyers who were out here and homeowners who are here today. We never were using that terminology. And I'm very concerned about the live/work proposal.

CHAIR VIGIL: Thank you, Marcella. Appreciate your testimony. Next.

[Previously sworn, Ron Gallegos testified as follows:]

RON GALLEGOS: Ron Gallegos, Old Dinosaur Trail. I know you don't want to hear the same thing but I just want to quickly reiterate because I think it is important there is a clear delineation between the homes they are building now and what another home is. He stated that Advantage Asphalt had taken down their yard. There is in fact still a portion of their yard in place, so that is not entirely true. I'm sure he's trying to move away from commercial out of the goodness of his heart but just because he feels he can't sell the commercial and that's within his right.

I am concerned that my property, actually bordering La Pradera, I actually never received notice of this until I saw a notice on the mailboxes and that's of big concern to me. Another thing is with his surrounding neighbors and keeping in mind the neighbors that are

around him they're all 2.5 up to 10-acre lots. My home is on 2.5 acres; there's one residence, it's 2.5 acres. Just a few feet away he wants to put 22 on a smaller lot than I have. He's saying the traffic engineer said there was no impact but that is a considerable amount of more people and a considerable amount of more traffic.

The Commission's approval, when this originally was done, it was under a harsh light from Vista Ocaso and the surrounding neighborhoods that these were conditions of approval. And to go away from that is to go away from original acceptance of this, that being the water as well. I just wanted – it was a hard-fought agreement and I just would like them to stick to the agreement. That's all I have to say.

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

[Previously sworn, Michael Bartlett testified as follows:]

MICHAEL BARTLETT: My name is Michael Bartlett. I'm at 23 Churchill Road. I live next door to La Pradera Subdivision. From my back window I see homes that remain unfinished and lots that remain empty, the casualties of the downturn in the housing market. Rather than waiting out the downturn La Pradera is asking to make changes to what has already been approved. I'd like to present the following facts. La Pradera has already received approval to build twice the density. When I look at La Pradera and I look at Oshara I see a lot of emptiness. This whole idea of a work/study, work/live situation doesn't seem to have any bearing on the market. As Oshara now just went bankrupt that's another indication of it.

I have 2.5 acres. I'm an adjoining property. A few years ago I asked for a variance for having my existing guesthouse approved. It was denied. I was told it was too much – too many people, too high density for my property. And yet here we're going to try and fit 22 properties on 2.2 acres, less acreage than I have. And in addition to the people who live there, since it is live/work there are going to be people that are coming in and out as business, so there is going to be a lot of traffic that's going to be influencing it.

These are our neighbors. Most of us have lived there five, ten or even more years who love the rural feel of the area. These developers come in every time making this promise and that promise and when they don't get what they seek they come to you asking for changes which harm our neighborhoods. We lose. Our roads are crowded and no one pays to improve them. The beautiful vistas are now being crowded with homes, many of which are empty. When is the insanity going to stop? We'd like you to help protect us all. La Pradera made the plan they did and they have to deal with the consequences, just like I have to deal with my variance getting denied. The reality is that La Pradera is an approved master plan and it is a plan that should remain in effect. Making smaller, lower quality units make some quick sales but the La Pradera developers have shown that their interest is not in making the property better for its owners and neighbors but simply make sales. The electronic gates are still not in place among many other improvements. I ask the Commissioners to keep the master plan intact and to vote no on this ordinance.

CHAIR VIGIL: I'm going to take just a few minutes.

[The Commission recessed from 9:40 to 9:50.]

CHAIR VIGIL: We can proceed at this point in time. Please state your name and continue with your testimony.

[Previously sworn, Tom Gillentine testified as follows:]

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TOM GILLENLINE: My name is Tom Gillentine. I live at 2256 Calle Cacique and my family and I own five residential lots immediately to the east of La Pradera. I am very definitely opposed to this density. We've talked a lot about square feet tonight but ten units per acre is apartment house density, out here in our nice rural subdivision which Jane Petchesky would in no way approve of. [Applause]

CHAIR VIGIL: Please hold your order. Everyone's testimony needs to be heard. Are you done, Mr. Gillentine?

MR. GILLENLINE: Yes.

CHAIR VIGIL: Thank you very much. Next.

[Previously sworn, Craig Tyler testified as follows:]

CRAIG TYLER: My name is Craig Tyler. I live at 83 La Pradera. The comment I want to make here is that in a market downturn it's harder to sell properties. We all understand that. We're all impacted by it. I suggest as painful when it happens the price will rebound. If we allow them to do what they're proposing it will never come back. What I mean by that is their changes are permanent. So if I may show, using their graphs, this is the original plan, this is what they're changing it to. I think devaluing the neighborhood is pretty obvious. I guess I'll just conclude by saying I'm encourage by the words "protection of property" on the wall behind you and ask for your protection.

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

[Previously sworn, Matthew Cooke testified as follows:]

MATTHEW COOKE: Thank you, Madam Chair. Matthew Cooke, 85 La Pradera. I just have three brief points of consideration. I do have 15 signatures opposing this request as was well as some of the other homeowners. [Exhibit 4] I will submit those for the record please. Also, I'd like to point out that the lot 35 that the applicant has offered to not absorb for the development of the 22 units has not been factored into this 4,500 square foot number. And lastly, based on the recommendation this evening for the developers to work with the village authority in Case #MIS 05-5502, I would like to point out that the La Pradera homeowners are presently unable to vote on issues which affect our communities via the La Pradera Homeowners Association. The La Pradera Homeowners Association is run by the board of directors, Alexis, Girard, John McCarthy and Bob Trujillo and they are the only members with voting rights.

Our only recourse to oppose the propositions of our developers is via these hearings in front of the BCC. Approval of this authoritative request will strip that recourse from La Pradera homeowners. Please consider these facts in your decision. Thank you.

CHAIR VIGIL: Thank you very much, Mr. Cooke. Is that it? Is there anyone else that would like to address the Commission? Okay, Mr. McCarthy or Ms. Guerrerortiz?

MS. GUERRERORTIZ: Thank you, Madam Chair. I just want to make some statements on some things that were brought up. Robert George is the director of the Groundwater Bureau. I don't know how many groundwater discharge permits there are but the fact that he doesn't know who our operator is is not surprising to me. I think that our permit writer is actually on maternity leave currently. It's Melanie Sanchez so she would be best to ask.

The wastewater treatment plant is not in the 100-year floodplain. That's not allowed under any rules in the County or in the State and ours is not in the 100-year floodplain. There

was a 50-foot setback originally but actually the floodplain has shrunk in that area with some more detailed study recently so it's probably a much larger setback but I haven't measured it.

And with regards to water use in La Pradera, they are really low. Karen Torres has got that information available. She sent it to me in Excel and anybody can get it; it's part of the public record. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Guerrerortiz, has anybody or has the Environment Department looked at your wastewater treatment plant and heard some comments from the public that there are some concerns with smell, maybe leaching? Do you have those results you could present to us?

MS. GUERRERORTIZ: The treatment plant has had site visits a few times by the Environment Department since it was constructed and put into use. I have no knowledge of any problems the department's ever raised with me or raised to the owners of the plant. I agree that there are some concerns out there, things that we need to address, some improvements we need to make and we're moving forward with those. But the Environment Department considers the plant in 100 percent compliance.

COMMISSIONER MAYFIELD: Madam Chair, on your comments there, if you are proposing to increase density and you're already indicating there are some improvements or some adjustments you need to make, are you going to have those adjustments brought to us before you increase this density? Are you going to address those concerns you all currently have right now?

MS. GUERRERORTIZ: The changes that we propose to make at the plant are actually in front of the Environment Department currently. And then I'm still trying to figure out causes of things. So why we're moving, we've got two parallel plants there. We're taking the first plant that was a smaller plant out of service and going to bring the larger second plant into service and then look at the first plant a little more carefully to see if we can make some design changes to make some improvements with it. So we have any idea we'll make design changes on that first plant.

The other changes that we're doing are related more to the pumping facilities associated with getting the effluent to the different open space areas for irrigation.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. On that note, so what are the permits or what are you asking the Environment Department to do? To change from one plant to a second plant?

MS. GUERRERORTIZ: No, the second plant has already been approved. What's in front of the department is a renewal, it's the five-year renewal that's the standard practice with the Groundwater Bureau. But as part of that we have been looking at some modifications with regards to the pumping facilities. And also just to integrate the plants better, because we've always tried to set up the plants so that if one had to get shut down the other one could come into play so we have backup systems, and we're basically increasing those backup systems now. That's our intention.

COMMISSIONER MAYFIELD: And if these density changes go through your current existing plants will be able to accommodate?

MS. GUERRERORTIZ: Yes. Our current plant has the capacity of 40,000 gallons per day. We actually could serve a lot more homes than what we have in La Pradera.

And including if we could add another 50 and we'd still have more than enough capacity in that plant. It was over-designed.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Mr. McCarthy, did you want to address the Commission?

MR. MCCARTHY: Yes, I had several closing comments. One is addressed to Ron Gallegos. Ron, the fence that's still up; you're correct. That's Joe Boyden's yard. He's doing construction now, but Advantage has taken all of their fences out. So we'll probably remove that fence as well, but you're correct, but it wasn't Advantage's fence. I don't know why you weren't noticed. We'll follow up on that with our addressing. We apologize for that.

And then in terms of the traffic impact, I'd like to invite the audience and Commissioners' attention to the fact that in Phase I, our existing approvals were for 11 condos, so by definition, if you multiply 11 times 1500 square feet you'd get, if my math is correct, 16,500 square feet, and we also were approved for 32,667 square feet of commercial, of which half could be residential. So that's about 49,000 square feet that's currently approved. And if you take 21 lots – and Matthew brought the correct point up that by eliminating Lot 35 we'd have 21 units in the layout, times 1500, we're looking at 31,500 square feet.

So when you look at the change from the existing approval to what we're proposing, it's just going from 49,000 down to 31,500, it's easier to understand the statement that we don't have negative traffic impact. So I stand for questions from the Commission, and thank you to the audience and the Commission.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. McCarthy, were you able to look at these photos? Was a copy provided to you?

MR. MCCARTHY: No, sir, but I'm out there every day and I know that there is a pile of debris, that it's construction debris. There's some asphalt and there's some broken concrete as well as two piles, pretty high piles of dirt.

COMMISSIONER MAYFIELD: Mr. McCarthy, is this on development property? Is this on a construction company's property?

MR. MCCARTHY: No, sir. Where that's located is – this phase here was never built. It's approved but it wasn't built. The yard in question is right down here in the southwest corner and one of our neighbors asked us to remove it which we then did, but this is an unrecorded phase, so it's not in open space or anything, it's just undeveloped land at this point.

COMMISSIONER MAYFIELD: Mr. McCarthy, and I asked our recorder, but wasn't it your testimony a little earlier that this is just fill dirt and it's all clean?

MR. MCCARTHY: What I had testified – when we had originally started this development there was a mound of dirt here that was about 35 feet high. We moved that over here and so there's now – and that's been reduced somewhat. So there's a large mound of dirt at this location. There's another mound of dirt here that's clean fill, and then in front of that there's the two stacks of concrete, broken concrete and asphalt right here in this location. And Advantage is in the process of removing that as well. So it takes a while to ship that out but they're moving it.

Excuse me, Madam Chair, Commissioner, if I may say so, this was an allowed use

that while these phases were being built it was used as a marshalling yard and since we're not doing any construction right now it does need to be moved.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. McCarthy, how long has this debris been sitting there if you have not been doing any construction out there?

MR. MCCARTHY: Well, the large pile has been sitting there since we moved the large pile from here over to here. It's been sitting there for a number of years, probably since 06, 07.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any further questions? And I do believe there's no one else in the public that wants to address us so unless someone would – please step forward.

[Duly sworn, Trish Trujillo testified as follows:]

TRISH TRUJILLO: The only thing I wanted to address is that I don't have a personal interest in this development other than a business relationship. From the very beginning I've been the escrow officer closing a lot of these transactions. And a lot of the changes that are taking place that I wanted to bring up have to do with our economy. A lot of the changes in the structure of homes that are being built are being changed to accommodate what can be sold in this economy. And I'm actually getting ready to close 14 home transactions, maybe not \$400,000, \$600,000 or \$800,000 homes but a \$250,000 home that could house your child, my child and your employees.

And that's something that I want you to consider is that changes are taking place and my number one – we're living in an economy where my number one client right now are banks. I'm closing short sales, bank-owned property. But they're working to try to accommodate homes for the average working person like you and me and our children. I've got four children here and one of my biggest things is keeping them here, and this development is working to accommodate that with what we're living with today. That's all I wanted to say.

CHAIR VIGIL: Thank you, Ms. Trujillo.

COMMISSIONER STEFANICS: Madam Chair, is the public hearing over?

CHAIR VIGIL: That's what I'm trying to determine. Please step forward and state your name.

[Duly sworn, Kay Gillentine Britt testified as follows:]

KAY GILLENTINE BRITT: My name is Kay Gillentine Britt and I will be very brief. Ms. Trujillo wants to speak to the emotional side of this with the economy and everything and I would just like to say that I do not live in La Pradera. I grew up on the land east of La Pradera. I rode my horse through that country before Rancho Viejo was there, when it was still the Jarrett Ranch. And I've seen a lot of changes to that countryside over the years and I grew up knowing Gene and Jane Petchesky my whole life. And yes, it's changing and I know that we need some new homes for people. My children do not live here anymore. They've gone back – they live in the Midwest right now.

However, there's got to be some space left for those of us who appreciate the beauty of this land and the open space is diminishing day by day here. I know that the Petchesky's left their ranch as open space. I know that my father has tried to, for whatever reason, we don't own our ranch any more but it's been developed. There's 2.5-acre lots there. I don't want it to be any smaller than that. I like to be able to see the mountains. I like to be able to

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go and see the countryside and for the people who are able to ride their horses through there, that was what that land, that we wanted it to be and that's what I would like for it to stay as much as possible, and that's all I would like to say. Thank you very much.

CHAIR VIGIL: Thank you, Ms. Britt. Anyone else? Seeing no others, this public hearing is closed and I'll turn it over to the Commissioners. Commissioner Mayfield and then Commissioner Stefanics and then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair. Just for the record, Steve, I don't know how many emails I received regarding this. I believe that some of them have been forwarded to us but I just printed up two or three as I went through my email now. So we can have all those placed in the record please. Thank you.

MR. ROSS: Madam Chair, Commissioner Mayfield, we'll do that.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, just as a quip, for all the emails we received we might all have to recuse ourselves from making a decision about this. I want to make a series of comments. First, Jack, could you talk about the Community College District. This, La Pradera is in the Community College District. Correct?

JACK KOLKMEYER (Land Use Administrator): Madam Chair, Commissioner Stefanics, yes. You want me to expand on that a little bit?

COMMISSIONER STEFANICS: Yes. Madam Chair, Jack, could you please describe some of the purposes of purchases of land or development within the Community College District.

MR. KOLKMEYER: Sure, I'd be happy to, because it seems like this is sort of a crux of the issue here and what I will say probably won't make some of you happy but it might make others of you happy. But the idea of the Community College District was a mixture of everything – small houses, large houses, people with a lot of money, people with no money. The idea was that you could have apartments next to large lots, and it was configured in such a way that these developments would be built around community centers. La Pradera was designated as one on the Community College District maps. And that meant that those areas would be mixed use, mixing commercial, residential. Fifty percent open space was mandatory for everybody. That's a lot of open space compared to what's happening in other parts of Santa Fe County.

So the all the things on the plus side, plus trails. You have the best trail system in the Community College District in the county. It connects to the rail line. Excuse me, sir. Please excuse me for a moment.

CHAIR VIGIL: Sir, you will have to step back we have a deputy waiting in the back. You will need to step back and allow for staff to make their statements. You've been given your opportunity. Please allow us.

MR. KOLKMEYER: So with the 13 village centers spread all throughout the 18,000 acres of the Community College District it was expected that the developments would occur around those village centers. Two years after we did the Community College District, however, we did a fiscal impact study. I don't believe any of you – Commissioner Vigil, I believe you may have known about some of that. And the consultant at that point told us we had too many village centers, that we should reduce it from 13 to 7. And one of the ones that was not appropriate was in the La Pradera area, because there was concern that because of the

existing neighborhoods there, Vista Ocaso, the other one that's over there, and the other areas around Dinosaur Trail, that the mix wasn't going to work that way.

Now, what we've seen in a period of about two or three-year segments after that period of time, every one of the developers came in and asked for large amounts of commercial. I think Oshara asked for something like three million square feet of commercial. And then slowly but surely all the developers said, no, we can't do the commercial. We want residential. So ironically, we were turning back to the very things that our consultants told us in 2001, that you're going to have to go through some kind of a period of readjustment in the Community College District, because you weren't going to be able to get the commercial to satisfy the residential because the residential wasn't there. So it's one of these conundrums that we constantly find ourselves in.

So it seems to me now, ten years later, we probably didn't go back and do the adjustments the way that we should have, readjusted the village centers on the map from 13 to 7, which maybe would have solved some of this problem that we're facing here today. But it seems to me right now, as the Land Use Administrator, because what's being asked for is a technique that gets my approval and even if you do that, you have to grant me the ability to be able to do that. Even if you do it's still got to go back to the CDRC and the Board again.

So the issue is, if there's to be a readjustment it makes sense right now. What is it? And it seems like one of the adjustments is there has to be some kind of rearrangement of the types of residential that should be included in La Pradera. So whether this is right or if it's wrong, I'm not sure. We're all able to grasp what the all components of that decision are right now, but one thing bothers me as the Land Use Administrator and that is the problem with the wastewater.

COMMISSIONER STEFANICS: Okay. Well, this has gone past my question and I really appreciate your putting out the concept for people to get to. The reason I'm asking the general question, Madam Chair, and I was using this analogy earlier with my colleagues, when people move to the country lots of times they don't know what they're getting into. When people move and buy some place, lots of times they don't know what they have bought into in terms of what has been approved for the plans of the community. And I think that some people who move into a high density area that's already established know. Other people who move into things that are considered urban sprawl don't know that some day it might be very dense around them. And I think that some people aren't intimately involved in every detail of the Community College District. So I think that's the problem for some of the people involved in this.

I think that there's an issue with when a developer or purchaser of land makes that investment under our code, under the plans they have the right to do things. But I'm also hearing a variety of concerns that have not been addressed by people who live in the existing community. So when the County Commission approves things they are approving things to be done according to certain standards, and I am hearing tonight that maybe not all of those standards are addressed or are in place. Whether or not there was development and then problems occurred. It might have happened. Or whether there were problems from the beginning; I don't know. But I think we have some disconnect about moving ahead with future plans when people in the community are very concerned about what they have now.

So I wanted to just put out there's a variety of issues that have come up tonight and I

just wanted to verbalize some of mine while I listen to the rest of my colleagues. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. I believe Commissioner Anaya you were next.

COMMISSIONER ANAYA: Madam Chair, Commissioners, staff, I'm going to go back to some basic questions just so I can make sure I'm in the right place. Madam Chair, staff, tell me exactly how many total lots prior to this request to modify the plan, how many total lots have already been approved?

CHAIR VIGIL: Ms. Lucero can give us that answer.

MS. LUCERO: Madam Chair, Commissioner Anaya, I'm just trying to do the math here and add these up. I believe it was 238 lots.

COMMISSIONER ANAYA: So Madam Chair, Ms. Lucero, this request, the existing approval is 238 lots, plus a commercial lot?

MS. LUCERO: Madam Chair, Commissioner Anaya, the commercial lot was included in that total number of lots.

COMMISSIONER ANAYA: Okay. Of that 238 how many are commercial lots?

MS. LUCERO: I believe there was – well, they were approved for I believe there were four commercial lots with a total of 32,000 square feet of commercial space.

COMMISSIONER ANAYA: Does this request that logistically would have to go through CDRC and back here before it would go forward, does this request take away all four of those commercial lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, what it basically does is it converts those four lots into a village concept where there's going to be live/work units. So that would be the form of commercial that would exist within those lots.

COMMISSIONER ANAYA: Okay. So aside from the live/work terminology, total lots, 238, of which four of those are commercial. In this new proposal, the total lots would go up 11? 238 to 249 total?

MS. LUCERO: Madam Chair, Commissioner Anaya, as part of the math of this request tonight, which is for the – to allow, well 21 now, 21 lots, so out of those 21, I believe that there would be ten new lots? Ten new lots. So ten additional lots.

COMMISSIONER ANAYA: Okay. So I'm just going to put some perspective on this. We're talking about a total master plan that's been approved, combined commercial and residential of a total of 238 lots. The entire discussion we've had tonight and the concerns raised, the advocates and the people raising concerns, we're talking about a net deviation of ten lots out of 238 to 248. Is that right?

MS. LUCERO: Madam Chair, Commissioner Anaya, the ten lots that are being proposed, those ten lots are part of the master plan authorization that's requested tonight. In addition to those, as you'll see in a few months when they come forward with the master plan amendment application, there's also an additional 27 lots that will be proposed.

COMMISSIONER ANAYA: Okay, so that's what I'm getting at. So when I'm looking at this 22 number in my book here what I understand that to be is that they already had 11 of those approved, and that there's an additional 11 that they're asking for in this request. Is that accurate?

MS. LUCERO: That's correct.

COMMISSIONER ANAYA: Okay. So we had 238, and tonight's action, if it's allowed to go forward would raise it ten lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, it would just allow them – all tonight's action is going to do – but it won't actually approve the additional lots. I just want to make sure we're clear.

COMMISSIONER ANAYA: So tell me, what did you say about 27 lots? I'm looking at all the lots, trying to make sure I'm completely clear. What I understand that to be is we're going from 238 to 248 with this proposed action to take it through the process. That's it.

MS. LUCERO: Madam Chair, Commissioner Anaya, for tonight's request, that's correct.

COMMISSIONER ANAYA: But what you're telling me is in addition to those ten lots they're going to come in with 27 additional lots, on top of what that is, to take it up another 27 lots?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's what they're proposing as part of their master plan. So in total it will be the 238 original lots, plus 37 more. For a total of 273 lots.

COMMISSIONER ANAYA: Okay. So of the – just a logistical question. Then why in your summary when you tell me – and I'm not picking on you. I'm just trying to understand the logic in the framework of the recommendations and the information I have. Then why on the issue do you give me the issue as 22 lots at the top and then in the back you restate that again and you say, recommendation, and you refer back to the 22 but there's no reference to the additional. So I guess what I'm getting at is if you bring it up in the issue and then you – what's the recommendation of staff and then you bring the 22 up? I think I'm understanding that of those 22, 11 were existing and 10 are new based on the deviation of one that I heard over here about a Lot 35 or whatever that was.

You're also saying that you're going to bring back another item to hear that's going to go through the CDRC and the Commission again? Or is that additional number of lots you said that's going to be part of the proposal that's going to go to CDRC and back to us? Are you following me?

MS. LUCERO: Madam Chair, Commissioner Anaya, I think so. Let me if I can just kind of clarify. The reason that we're only bringing up the 22 lots right now is because that's the only part of the subdivision that they want to have a master plat for. Those 22 lots are the ones that they want to be able to create administratively ultimately. The remainder of the lots, the additional 27 lots, those will actually be platted through the master plan amendment process.

COMMISSIONER ANAYA: So that's not tonight at all.

MS. LUCERO: That's not tonight at all. So all we're considering tonight is a master plat to allow them to proceed under the master plat guidelines for these 22 lots.

COMMISSIONER ANAYA: Okay. So Madam Chair, Ms. Lucero, along those lines and now that we're focused in on only tonight, only talking about 22 lots, we're really only talking about 10 more lots in addition to what they've already received approvals for.

MS. LUCERO: That's correct.

COMMISSIONER ANAYA: Ten lots in the scheme of 238 plus ten.

MS. LUCERO: Correct.

COMMISSIONER ANAYA: Okay. That being said, this is a question for the applicant, and I don't care who wants to answer it. The thing I heard, and I agree with Commissioner Stefanics' separation of issues. I can tell you that I completely agree with her comments relative to things that maybe aren't what they should be relative to sewer or relative to cleanup. I think that's a separate issue. I think that's a responsibility of all of you to work with the community that you already have residents in to mitigate those issues and to make it right. Just to put it blunt. I think that's not the issue that we're hearing tonight, but that is very much an issue that we've been discussing as a Commission in recent meetings that it's not only our obligation and responsibility as elected officials to make approvals or vote and take action in accordance to recommendations from staff and feedback from the public and even those applicants. It is our obligation to make sure that those people that are fulfilling those build-outs are doing so in a way that's in accordance with the conditions and specs and regs and all that stuff. So I think I agree with Commissioner Stefanics. I think those concerns need to be addressed and those are separate issues.

Speaking specifically to the density issue, which I heard over and over and over again, which is going to come up as part of the process at CDRC and then back probably as discussion items at the Board of County Commissioners, I would presume. You're probably going to have the same groups of people who are going to raise those concerns relative to density. Does the applicant have additional space to augment the size of that 2.27-acre piece of land higher? Is that possible?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, not if we maintain the 50 percent open space.

COMMISSIONER ANAYA: Madam Chair, and I kind of was thinking ahead to that that might be something that would come up. I thought that. And I guess I would go back to our Land Use Administrator as a question. Because I heard what you said and I heard your follow-up. Part of my thought process when some of the communication was going on was we go through a process and prior Commissions – I can't speak to every single detail and aspect, nor would I pretend I could, to what those Commissioners were faced with when they were making those determinations. What I know is that they were bombarded with a lot of information and a lot of different aspects and the Commission at the time I think took an aggressive step to do something that was fairly progressive in nature and took the County to a different place. And I think some might say, well, maybe it was a bad place or maybe they don't agree with the place they took it to, and I respect that, but I think overall when you look at affordability and other, trails and things that you mentioned, that it does bring forth options that weren't prevalent in other developments and a process that wasn't prevalent in other developments.

So I guess my question back to you is you said, and I think I agree with it, that there's adjustments that we have to make. Do you feel the same way about those adjustments associated with commercial? Would you apply that same logic to utilize potentially part of open space to raise the density up a little bit to be more consistent with – maybe not more consistent but more prevalent with surrounding areas? I mean is that even something that you think is rational along the same thought process that you brought up?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, the point to what I was trying to make about the adjustment was in fact the adjustment, what they're trying to do to adjust from commercial, which no longer really works the way that it was originally intended to be something else. So I think we have to take that into consideration, because if it's then going to be something else then it's probably going to be some other kind of residential. Because the commercial is really difficult there. We have lots of commercial on Turquoise Trail. Some is happening in Rancho Viejo. But it doesn't appear at this point after ten years that we're going to – that adjustment about having about appropriate commercial is going to work.

Where we're going to hold the line as staff is we're not going to go below 50 percent open space. We're not going to do it. That was the agreement that we made with everybody that lived out there and we're going to stick to that as your staff. So, however a developer wants to come in and accommodate that is probably going to have to be through them, if they want to rearrange commercial to some other kind of residential, our thinking would probably be then they're going to have to figure out how to rearrange the residential and the density to make it work within the 50 percent open space.

Because if we give away the 50 percent open space – and we did that 12 years ago. That was a key element to the Community College District. Several people have gotten up here and said we're losing open space. That was the whole point of this to try to get dense areas where we could have a wide variety of housing for people who were rich, poor, young or old could live in a more community-type situation but certain things were really important. In fact that's where the whole affordable housing ordinance started was with the 15 percent open space where we got affordable housing at that particular rate.

But we don't think we can jeopardize the 50 percent open space.

COMMISSIONER ANAYA: Madam Chair, I just want to be clear. I don't think I said I wanted to walk away from 50 percent but I think what I heard from a lot of people in the audience and otherwise was if it wasn't exactly 50 percent I don't think it would undermine the whole integrity of the Community College District. I'm just going to leave my comment at that and I'd like to hear what some of the other Commissioners have to say. I think that there's a process in place. I think that may be something that as you made the comment about adjustments, maybe that's an adjustment we need to look at, but that the process, if we're talking not about the 27, Ms. Lucero, that potentially would be coming in. We're not talking about that. We're just talking about 22 and a deviation of not 11 but actually 10, based on the one coming off the table. I think the process at the CDRC as well as BCC and maybe some more thought and more interaction with not only these developers but the other developers and the other community members in the Community College District might be warranted if it's in the interest of the entire community as a whole. So those are my thoughts, Madam Chair.

CHAIR VIGIL: Thank you. I will turn it over to you. May I just make a couple of comments? I'd like to remind our colleagues that we're also dealing with an issue in the Community College District that places the burden on the County with regard to a wastewater treatment plant and that's Oshara. Now, Oshara, we did hear testimony and we knew coming down the line that it was in financial trouble. It was going bankrupt and part of the reason why I think it did is nobody anticipated the economic downturn. We actually don't have any

policies in place to deal with economic downturns, and we know that this community does not want to be put in the same place that we're having to deal with Oshara right now because those people who own property there are between a rock and a hard place. They don't know what's going to happen to their wastewater treatment plant. Their homeowners association has gone defunct. There's nobody there taking on any kind of a leadership role to make that community happen. So all of a sudden the issues that they're having difficulty with have been brought to the County and we're asked to rescue them from a lot of the issues that were created because of the economic downturn, because there was nothing to assist this development in creating a [inaudible]

I wanted to make that statement. And then I had to ask you, Jack. One of the issues that I didn't hear you address when Commissioner Stefanics asked the question about highlighting the Community College District is that live/work spaces were imposed in that district, and if I'm to understand correctly that actually exists in commercial developments themselves, like the Turquoise Trail Industrial Park. It's one of those concepts that has been a part of integrated community mixed-use plans. Correct?

MR. KOLKMEYER: Madam Chair, that's correct. It's been used from the beginning. Now, maybe it hasn't been used in the context of La Pradera and the subdivision in the development that's going on there, but that was a term that was used early on in the development of the Community College District, yes.

CHAIR VIGIL: I just want to also state, my understanding because through all the development review processes that we've gone through, the live/work space is actually less of a traffic impact because the folks that live and work there stay there and there is the traffic coming and going. At least that's what I recall from the Galisteo property.

MR. KOLKMEYER: Madam Chair, that's correct. In the traffic studies that we've done in Rancho Viejo and with Oshara show less trips per day for live/work. That's correct.

CHAIR VIGIL: Okay. And one other thing that I also want to just put out there with regard to the concerns of the community is you also don't want this development to go under, because if they do you really don't know what's going to come up if this development goes under because what they're requesting, I think, is an attempt to assist them in moving forward with this development in a way that would assist you in keeping that development somewhat vibrant at least. There were, I'm sure you heard and I heard testimony, that there were commitments and promises made. The Commission can't address those. The only thing that we can address is what's in compliance and what can be in compliance with the code.

Another question I have for Vicki is why the master plat – can this be done through preliminary?

MS. LUCERO: Madam Chair, these lots could be created through a preliminary and final normal plat procedure, however, because as the applicant stated that they weren't certain who the buyer – how the homes were going to be designed they wanted the flexibility to be able to create the lot layout and lot configurations as the homes were built. So that's the reason for the master plat process.

CHAIR VIGIL: Okay. Does the developer agree with that or did you have another reason for going through the master plat process?

MR. MCCARTHY: Madam Chair, Commissioners, we have a specific vision for a village with trails and interaction possibilities throughout the village. So we're going to have some very, very odd-shaped structures, number one, if we were to build the whole thing at one time. Number two, we want individual buyers to have the flexibility to tailor their home occupation spaces to fit their needs. So that's going to change the footprint. So we would like to be able to come in and superimpose that jigsaw type of lot line configuration pretty close to the final stages of development and if I may add one thing, please recall in this Phase I that we're dropping the commercial. So when we talk about ten lots or eleven lots in addition to the eleven condos, that's in lieu of the commercial, which already had a 50 percent residential allowance in there.

CHAIR VIGIL: Okay. Thank you, Mr. McCarthy. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and whoever can answer this. Is there any covenants or restrictions that currently prevent live/work space in the homes that are out there?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, almost by definition for Phase I approval it states that we have this 32,667 of which 50 percent may be residential. It in an indirect way defines a live/work kind of structure even though that may not have been the original intent, that's effectively what it is. But to directly answer your question, we do not have any kind of home occupation zoning unless it's in the matrix that the Community College District allows, and I don't think that's the case, nor do we have the equivalent of the City's RAC zoning, I think recreational arts and crafts zoning. But no, we don't.

And as a matter of fact, when we talk about live/work units, we're really talking about single-family residential, and I think Vahid addressed this – single-family residential where a music teacher or a tutor or someone else could invite their students into their home, effectively, and legally conduct business, and I think I heard staff mention as long as there weren't more than six visits a day kind of thing that it would fit within some other zoning category. But no, we do not have a specific zoning category for this.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. McCarthy, perhaps you can help me again. Your last comment about 50 percent of the commercial was for 50 percent residential – say that again and tell me what that equates to in units.

MR. MCCARTHY: Well, 50 percent would be 16,335, so if you divide that by 1500 you're going to have at least 11 units anyway. That's on the 50 percent of what's already approved. In other words, 50 percent of the 32,667 commercial, divided by two gives you 16,000, divide that by the minimum of 1500 square foot units and we're effectively not asking for an increment in terms of approved space. It's the conversion of using the already existing commercial of that commercial to flexible residential use.

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, in Phase I, how much of the commercial are you converting? How many of those four lots in just Phase I are you converting to residential?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, we're suggesting

that we do away with all of the commercial and for the sake of the technical description of the commercial includes the condos. But we're doing away with all of the commercial, not just the 50 percent share that's allowed. So we would be going again with my prior comment, from 49,000 approved square feet down to 31,500 or so square feet.

CHAIR VIGIL: Any further questions? Seeing none, what's the pleasure of the Commission?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I will move to deny the applicant's request for the master plat.

CHAIR VIGIL: Okay. I have a motion to deny. Is there a second? Motion dies for lack of a second. Is there another alternative motion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, given my last couple sequencing of questioning, keeping in mind the two issues are separate between the existing property owners that I think have issues that I think need to be addressed and I think we all need to learn more what those are, and then taking into consideration the question associated with the total – basically with what you said and I guess I wish that would have been said at the beginning and maybe you said it and I missed it. But the whole discussion here and concern revolves around density as I hear it from the residents.

I'm going to make a motion to approve the process going forward which encumbers going back to CDRC and coming back to the Commission. But I'm also going to ask as part of the motion to do that that staff in coordination with the applicant as well as the feedback you already heard from community members relative to the density aspect of the units themselves, that that discussion take place and that staff consider that as what potential alternates do you have as you go through the process because otherwise, you're going to have these same folks that are going to go to CDRC again and they're going to come back here again and I think the interest is to try and figure out is there any balance or compromise associated with some of those concerns. So I'm going to move for approval that it continue forward, given that the conversion is from commercial and it's a net increase on this one of ten lots total, but that there be some internal County efforts, applicant efforts to incorporate or have discussion on options that potentially raise the density I guess is what I'm hearing. But I would move that.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER HOLIAN: Madam Chair, I'll second it and I would like to add an amendment that there be meetings between the developers and the residents. I just see a lot of problems with regard to the dumping we saw, with regard to the wastewater treatment plant, with regard to many things that were promised and were not followed through on. So if I were to – this will come back to both the CDRC and the BCC and I would not go, I would not approve it I would not go forward with it any more unless I really see a good faith effort on the part of the developers to work with the community to address those problems, and there are problems.

I would also like to say something to the community. I think that what we're seeing

here is something that's happening across the United States. I think that the way that we are developing, the way that we envision ourselves as developing in America is changing. It's changing because of a lot of things that are out of our control. One if it is the cost of energy. One of it is the cost of land. The kind of development that we've done, that we've worshiped, the 2.5-acre lot, when you think about it it's the way of destroying the most amount of land that we can. And a lot of people talk about 2.5-acre lots and that's open space, but it's not. That 2.5-acre lot is served by all kinds of infrastructure. It's served by roads. It's served by electric lines, and it's a way of actually destroying the most amount of environment that we can.

So I think that we have to relook at the way we develop in this country. We have to do what I think is envision more in the Community College District, which is that we defer with dense development and then we set aside a certain amount of open space that will preserve the environment. So I think that this is a hard lesson for Americans to learn because we have always had, we have always seen ourselves as having an unlimited amount of land and so we should be able to develop however we want. But in the long run we have now eaten up a lot of the land in Santa Fe County and if we really want to preserve the open space that we love, the character that we love about this county, then we're going to have to rethink how we develop. Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would accept the friendly amendment for discussion. I think in the Community College District it was put together, centered around that methodology of more dense, cluster-type development throughout that district, but I guess where I might differ a little with some of the comments would be that there are segments within Santa Fe County that that's not the way of life associated with the residents in some parts of the county. So I accept the amendment but I think there are areas of the county that don't see that same need for cluster development. So I do accept the amendment though.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, we had earlier discussion about I guess a neighboring property, Oshara Village, and I know this body has also discussed maybe a performance bond being put up by our developers, so if in case or if in fact this development does go belly up, how do we make sure that the residents aren't holding the bag with the infrastructure that's there. Is there any type of guarantees from the development community that there are some assurances provided to this community? One, we spoke about the wastewater system, that if something goes awry, they're not going to be left holding the bag with that wastewater system, or somebody's going to be coming to this County saying, take it over. We cannot manage it anymore and we need the County to bail us out. And I don't know if that's been discussed. I know we've – or at least I believe I've discussed that there might be some performance requirements on some of our developers in the future. Steve, is there anything in place right now?

MR. ROSS: Madam Chair, Commissioner Mayfield, we're just trying to review what's in place right. In the ordinance there is performance bonding required. It

wasn't in place in Oshara because it had already been developed, but there are requirements in the code and they certainly can be beefed up in the rewrite. We'll pay close attention to that.

COMMISSIONER MAYFIELD: Would they apply to this development?

MR. ROSS: I believe the bonds have already been released because the improvements have been completed.

COMMISSIONER MAYFIELD: Could we put that as a condition if they're asking to increase the density in this area?

MR. ROSS: Commissioner, when they come in for the subsequent development platting and plans, if there are improvements, say, upgrades or increases in the capacity, those would have to be bonded.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and the other Commissioners brought this up. My thoughts to the development community, going back and working with the residents that you currently have is one, I believe you should have environmental certification on your wastewater treatment center, especially if you're proposing to increase density. Two, testimony that was provided to us and pictures that were provided to us, there is an eyesore out there of some serious debris. I would say at least 100 yards, maybe, from what I saw in the picture. I would think that just as a good gesture you all would have that stuff immediately removed and hopefully not place any more in those lots. That's all I have to say. Thank you.

CHAIR VIGIL: Okay. We're going to take a vote on this. I just want to clarify. This really just is a motion to approve a process. It isn't a motion to approve a final product. This process should be able, and I like the amendment that Commissioner Holian provided, this process should be able to provide a design and the opportunity for the residents in the area, and I did hear the testimony today that there is a desire and there is a statement of confidence that there has been good stewardship on this and if it's the case that stewardship should consider so that communication with the residents and the neighbors will continue. I think once we approve this process we still have a lot of hoops to go through, just because this process has been approved doesn't mean this density is going to be approved. So it gets really confusing to those of us who are here making decisions saying why are there so many people here that don't really like it?

But the fact of the matter is we don't know what we like right now, because we're not taking action on any particular product. So with that I'm going to go ahead unless there's any more comments. All those in favor of the amended motion please say so by saying aye.

The motion passed by majority [3-2] voice vote with Commissioners Anaya, Holian and Vigil voting in favor and Commissioners Mayfield and Stefanics voting against.

CHAIR VIGIL: I hope that by the time this comes to us that we'll have a better idea of what this is going to look like, and we'll have a better understanding from the neighbors in the area that they clearly understand your intent to be good stewards. Thank you.

XVI. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 10:50 p.m.



ATTEST TO:
Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

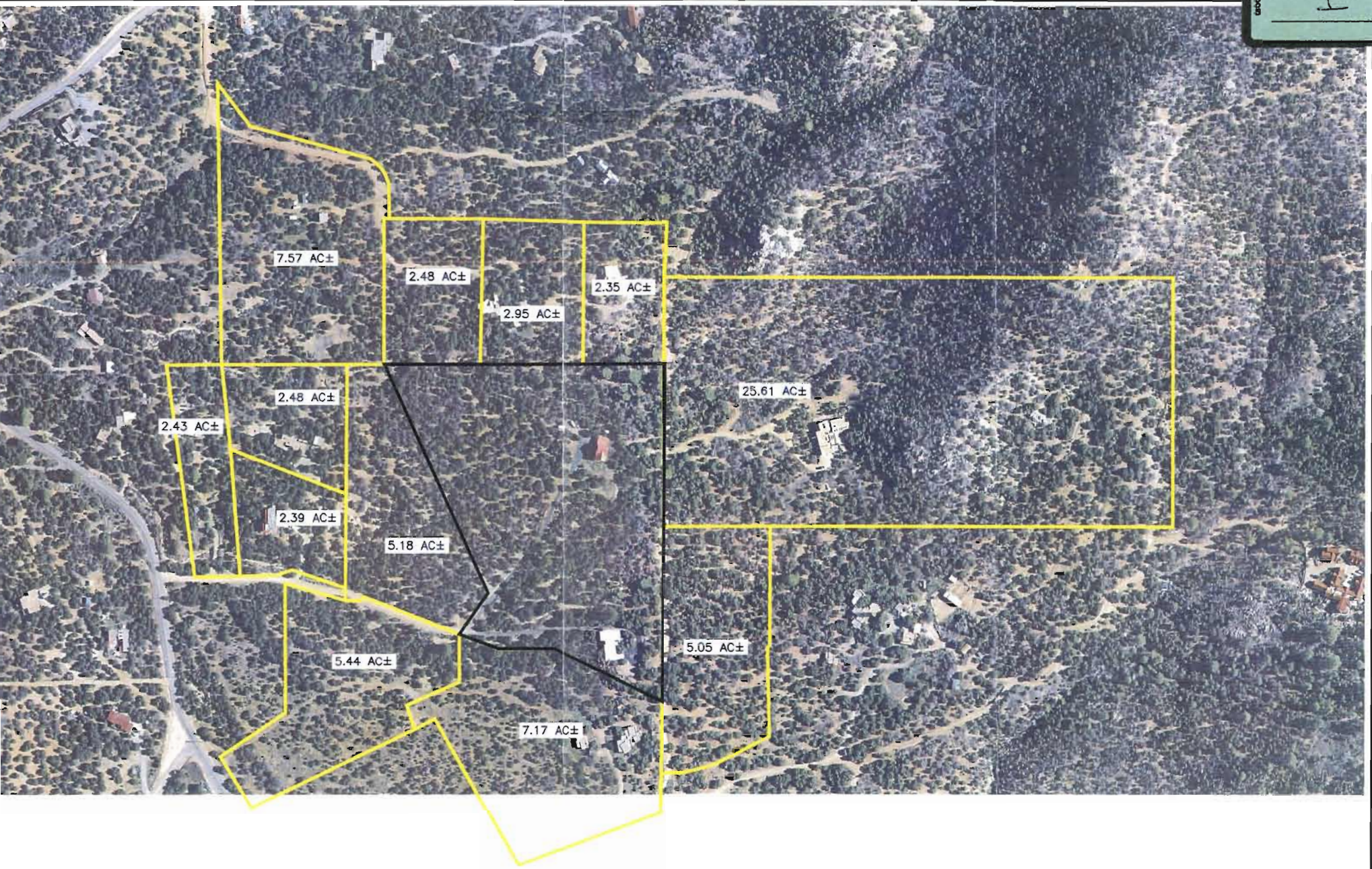
Approved by:



Virginia Vigil

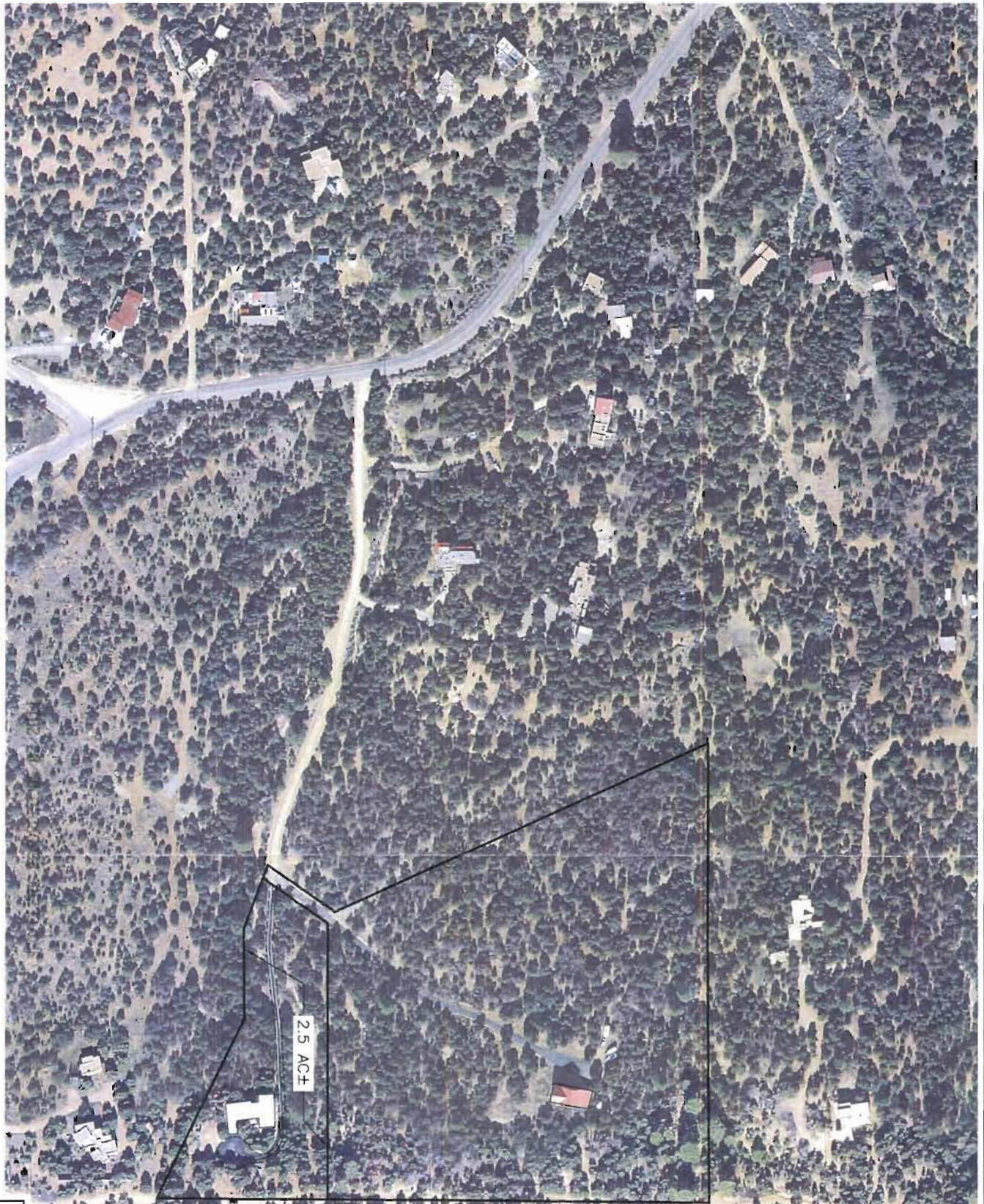
Board of County Commissioners
Virginia Vigil, Chairwoman

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

SFC CLERK RECORDED 05/13/2011



JAMES W. SIEBERT <small>AND ASSOCIATES, INC.</small> 915 MERCER STREET • SPRING PE NEW MEXICO 87505 (505) 983-5588  FAX (505) 983-7313	CRAWFORD	SCALE: 1" = 300'	DATE MAY 2011	NORTH 
	ADJOINING LOTS	DRAWN BY: PST/HF	CHECKED BY: JWS	SHEET
		REVISED 00/00/00	FILE NAME 0000 0000 0000	P-1
		WORKED ON: 00/00/00		



2.5 AC±

JAMES W. SIEBERT
AND ASSOCIATES, INC.
915 WINDSOR STREET • SANTA FE, NEW MEXICO 87505
(505) 833-5308 FAX (505) 899-2314



CR
2.5

Gordon Marts
7A Roy Crawford Ln.
Santa Fe, NM 87505

May 6, 2011

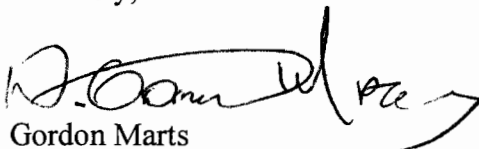
To Whom It May Concern:

This letter is in support of a lot line variance request by Mr. Ron Crawford regarding lots A-1 and A-2, both of which belong to Mr. Crawford. Mr. Crawford is my neighbor and I have known him and his family for many years.

I am aware that this lot line adjustment will not increase density or intensity of use. Specifically, it is my understanding there will be no increase in water use and no increase in egress or ingress to either tracts A-1 or A-2.

I am in support this lot line variance.

Sincerely,


Gordon Marts

Clifford and Katherine Johnson
34 Grey Fox Rd.
Santa Fe, NM 87505

May 6, 2011

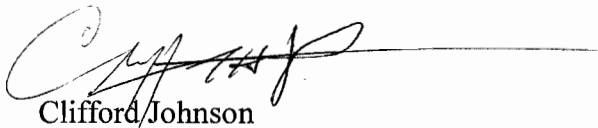
To Whom It May Concern:

This letter is in support of a lot line variance request by Mr. Ron Crawford regarding lots A-1 and A-2, both of which belong to Mr. Crawford. Lot A-1 adjoins our property and we are in support of this lot being increased in size to 10.9 acres.

We are aware that this lot line adjustment will not increase density or intensity of use. Specifically, it is our understanding there will be no increase in water use and no increase in egress or ingress to either tracts A-1 or A-2.

We are in support of this lot line variance.

Sincerely,



Clifford Johnson

Katherine Johnson



Mike and Carla Pope
7B Roy Crawford Ln.
Santa Fe, NM 87505

May 6, 2011

To Whom It May Concern:

This letter is in support of a lot line variance request by Mr. Ron Crawford regarding lots A-1 and A-2, both of which belong to Mr. Crawford. Mr. Crawford is our neighbor and we have known him and his family for many years.

We are aware that this lot line adjustment will not increase density or intensity of use. Specifically, it is our understanding there will be no increase in water use and no increase in egress or ingress to either tracts A-1 or A-2.

We support this lot line variance.

Sincerely,



Mike Pope



Carla Pope

May 5 2011

Honorable County Commissioner;
Ref: BCC CASE # MIS 02-4325 La Pradera Master Plat Authorization

My name is Lisa Burns, I live in Vista Ocaso, adjacent to La Pradera. I oppose the amendment of La Pradera Master Plan for phase 1, the addition of 22 homes on 2.27 acres. I also oppose the addition of 27 more homes on phases 2-6, planned in the near future. This increase of residential density and the removal of commercial units will impact the value of all of the neighboring properties. The economy has impacted all homeowners. This increase of density is not appropriate for this development, and all of the adjacent neighborhoods. The neighboring Vista Ocaso and Churchill Estates are developed with much lower density. The density of the development and Master Plans should not be subject to the downfall of the economy. The impact of the economy is affecting all of us enough already. Santa Fe County and the all developers need to consider our futures, as well as the general aesthetic values, home values and the balance with nature of our landscape.

There have been negotiations between La Pradera, and other property owners, various agreements from 2003 to 2005. Agreements were reached and densities, open spaces, trails and commercial spaces were agreed upon. It is not fair to all of us for the developers to change all of the previous agreements, and impact the existing homeowners. How many times do we need to negotiate for the same properties? How many times do we need to fight the same fight? All the developers need to do is wait for a few years, and amend the master plans, with new county commissioners in office, and hope previous and new homeowners are not aware.

What is the point of having all of the previous agreements?

The existing waste water systems of La Pradera omit a horrible smell. I have great concerns of the impact on the ground water of this area. I have a well and I am very close to La Pradera's 1st waste water treatment location. The impact of adding 22 more residential units to this system and 27 more units to the 2nd treatment system are of great concern to me. We were told these systems would not stink, and they do. I invite you all to come smell for yourselves. La Pradera built homes not even 30 feet from the 1st wastewater treatment location. I can't imagine what those poor people must have to deal with, not ever being able to open their windows.

For the past 3-4 years Advantage Asphalt has been running their business illegally from a residential area. La Pradera has allowed them to use some of their property for storing heavy equipment, and has allowed Advantage asphalt to dump thousands of tons of asphalt trash. There are literally mountains of trash materials still there. Over the past couple of months Advantage has finally vacated the premises, but the mountains of trash still exists. Our neighborhood paid to pave (Old) Dinosaur trail. Advantage Asphalt used our road with all of their heavy equipment and tore it up for years. This is the kind of neighbor, La Pradera, & John McCarthy has been. They have absolutely no regard for any of us.

I am also very concerned about the water situation. My well went dry in 2006. I had to re drill and go another 200 feet deeper. Santa Fe County has many wells that they plan to bring on line and use for more development. My well maybe one of hundreds that will go dry in the coming years if we don't conserve water. La Pradera was supposed to be "water conscious". I am told that the promise of using reclaimed water for commodes and landscape has been scrapped by La Pradera. The cisterns in phases 2-6 are cheap barrels from Home Depot that blow over with the wind. This is not the water conscious system La Pradera promised in 2004.

It is my hope that Santa Fe County and the developers of La Pradera take into consideration all of these impacts on the existing homeowners. If insight, regard, and vision for our neighborhoods and landscape remains an integrated part of development, we will all benefit in the future. When the economy turns around, we can still have some pride and value in our homes.

Sincerely,
Lisa Burns
11 Las Caballeras
Santa Fe, New Mexico 87508
505-438-6068

-----Original Message-----

From: Tyler, Craig [mailto:craigtyler2@gmail.com]

Sent: Sunday, May 08, 2011 4:11 PM

To: Rita B. Maes; Liz Stefanics; Julia Valdez; Tina Salazar; Daniel Mayfield; Juan R. Rios; Virginia Vigil; Kathy S. Holian; Christopher M. Barela; Robert A. Anaya

Subject: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

Honorable Commissioners -

I was told that an email to each of you was an appropriate way to contact you, and I hope I was told correctly. If not, I sincerely apologize. Either way, rest assured that I won't make a habit of it.

I will keep my comments about the proposed changes to the La Pradera Master Plat brief.

The developers who control our HOA are trying to redraw our subdivision to increase its density, toward a larger number of smaller homes. This way, they can more readily sell land/homes in the depressed economy. They are fully aware (from a recent meeting) that nearly all of the residents of La Pradera are against this change, but the interests of the homeowners do not affect the plans of the "homeowners' association."

My objection, and that of the vast majority of my neighbors, is simple: The economic downturn does not give the developers the right to recover their losses at our expense, by de-valuing our existing property values and making the neighborhood less appealing. Unlike the market downturn, which is hopefully temporary, the effects of their proposed changes would be permanent. We all decided to buy here based on the plat and the developers should not be able to simply change it to our clear and permanent detriment. I am sympathetic that the developers have been impacted by the downturn, as we all have, but it is not the homeowners' responsibility to bail them out.

Thank you so much for your consideration.

Craig and Christina Tyler
83 La Pradera
Santa Fe

Vicki Lucero

From: Venessa Chavez [vjmchavez@yahoo.com]
Sent: Monday, May 09, 2011 4:06 PM
To: Vicki Lucero
Subject: Fw: BCC case#MIS 02-4325 La Pradera Master Plat Authorization.

RE: BCC Case# MIS 02-4325 La Pradera Master Plat Authorization

Dear Development Review Case Manager,

La Pradera is submitting an application for a Master Plan Amendment to create an additional 37 residential lots in the La Pradera Subdivision located off of Dinosaur Trail. Twenty Seven (27) of the proposed lots will be created by creating 22 lots on 2.27 acres in Phase 1, and reducing existing lot sizes in phases 2-6 of the development. Their case is: smaller lot sizes are dictated by significant changes to the economy and the demand for affordable entry-level housing.

As a homeowner in the La Pradera community, I am outraged at the lack of developer interests of the existing home owners who invested in this community and the blatant motivation of greed on behalf of the developers.

La Pradera was originally created and marketed as an upper-market community with large lots, and abundant open space as well as being a "green", environmentally friendly community. **Besides accomodating the minimum low-income housing requirements, La Prader was never intended nor marketed as being considered a low-income community. As such, many of the homes that were built in Phase 1 of the development were built and sold as \$400,000 - \$600,000(+) homes.**

Obviously, due to the economy and poor housing market, all of the homeowners have already experienced a significant decrease in the market value of their homes. By reducing lot sizes which would severely increase the density of the development, thus reducing home sizes and decreasing home prices - it would dramatically effect the value (both in terms of price and non-economic value of the community) of the existing homes both in and around the La Pradera community.

I firmly beleive that the Developers, in this case, are acting purely out of blaten5 GREED and disregard of the interests of the Subdivision as a whole, as well as the neighboring communities, and Santa Fe County residential planning. As County Commissioners I ask that you disallow this proposal which would de-value this subdivision and community as a whole, and ONLY serve to profit the developer's pocket books!!

Sincerely,

Venesa & Ray Chavez
28 Camino Sabanero
Santa Fe, NM 87508

REC'D CLERK RECORDED 05/09/2011

From: Marcella Wiard [mailto:marcellawiard@gmail.com]

Sent: Monday, May 09, 2011 12:31 PM

To: Rita B. Maes; Liz Stefanics; Julia Valdez; Tina Salazar; Daniel Mayfield; Juan R. Rios; Virginia Vigil; Kathy S. Holian; Christopher M. Barela; Robert A. Anaya

Subject: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

Dear Honorable Commissioner,

La Pradera is submitting an application for a Master Plan Amendment to create an additional 37 residential lots. 27 of the proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some over sized lots in phases 2-6. and creating 22 lots on 2.27 acres in phase 1. Their case is: smaller lot sizes are dictated by significant changes to the economy and the demand for affordable entry-level housing.

As a homeowner in the first phase, we strongly oppose any changes to lot sizes or changes from commercial to residential. Everyone who bought into this development from the beginning did so due to the larger lot sizes and restrictions. We do not want our property or our development devalued due to this developer needing to recoup some losses experienced due to the the economy crisis ALL of us have experienced. Our homes are NOT at the same value they were when we built and our faith in this development has been compromised due to the actions and lack of communication with us, the homeowners, with regard to John McCarthy and his Board. We do not want to live in a "Centex" or "Nava Ade" type of development with huge density thru out the additional phases. His proposal DIRECTLY IMPACTS our investment and the whole La Pradera community as well as our neighbors, Vista Ocaso. We do not want to increase the amount of most affordable housing in our development to any more than what is currently required. If you wish to have "live work" housing, then head over to Oshara Village and complete that development's vision as they were "Master Planned" as a live/work community, La Pradera was NOT.

I urge you all to consider the residents and community with respect to any changes within La Pradera.

I thank you for your time and consideration in this matter.

Sincerely,

Marcella & Ted Wiard
73 Bosquecillo
Santa Fe, NM 87508
La Pradera Homeowners

From: crow rising [mailto:miscbyrd@gmail.com]

Sent: Monday, May 09, 2011 3:32 PM

To: Rita B. Maes; Liz Stefanics; Julia Valdez; Tina Salazar; Daniel Mayfield; Juan R. Rios; Virginia Vigil; Kathy S. Holian; Christopher M. Barela; Robert A. Anaya

Subject: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

Greetings Honorable Commissioners,

My name is Crow Rising, I am a homeowner in La Pradera. I am against the Master Plan Amendment for La Pradera.

I bought my home in August of 2009 and since that time nothing has been as it said it would be. For example, I bought in this area because of the 50% open space plan, and the gray water irrigation. I was also told we would have our yard equipped with some drought resistant landscaping. As you may or may not know the gray water plan was never put into effect and instead they installed water pumps to preexisting housing and water spigots to the newer homes. Great, I have convenience but what impact is that having in our extremely drought affected climate? Also the rain barrels that are set up for the house are fantastic but not set up to actually be used they are so low to the ground it almost impossible to attach a hose to many of them. On the landscaping tip, my neighbor got 3 pinons and three rocks--that was it, she was the only one. The reason for my detailing of these things may seem unrelated to issue at hand, but they are not. The common thread is that the developers of La Pradera say one thing and do another. Their proposal to build more and in smaller spaces is just another example of that.

Last week I had the chance to get out and go for a run. I decided to go a different route than normal. On my run I was shocked to see an enormous mountain of trash hidden in the corner of my development. It was easily taller than my house, asphalt, concrete, metal and what have you. It was a disgrace! What was it doing here I wondered, where did it come from and why hadn't it been dealt with!? Then there was the smell, an awful odor imminating from what I can onyl assume was the greywater area? I dont' know all I know is that it was very close to someone's home and I wondered how on earth they pit up with that.

I am worried about my property values. I am worried about my neighbors' property values. The economy has hit us all with varying degrees of gusto, but it has hit us all just the same. I take care of my house and the area around here. I want the people with the money and the agenda to do the same. I stand in solidarity with those opposed to the La Pradera Master Plan Ammendment.

Thank you for time.

Sincerely,

Crow B Rising
La Pradera Home Owner

505 603 3139

Lisa Cacari Stone & Roberta L. Duran, La Pradera Home Owners



20 Camino Sabanero • Santa Fe, New Mexico 87508 • Phone: 467-8056 • Cell: 690-4404 or 670-6097
E-Mail: lcacaristo@aol.com and laberta@aol.com

May 10, 2011

Board of County Commissioners
c/o County Land Use Administrator
P.O. Box 276
Santa Fe, New Mexico 87504-0276
Re: Opposition to BCC Case # MIS 02-4325

Dear Commissioners:

We oppose the authorization of the “applicants” requests (Gardener Associates LLC and La Pradera Associates LLC) to proceed with the La Pradera Master Plat Authorization (BCC Case # MIS 02-4325). We are asking you to please deny their request and table any future requests pending an independent economic and environmental impact analysis of the proposed changes on the residents of La Pradera, nearby sub-divisions and Santa Fe County.

As you are aware, the “applicants” have submitted an amendment to a master plan for the conversion of commercial space to add 10 additional live/work units in Phase I and an addition of 27 more residential lots in Phases II-VI within the existing La Pradera Subdivision. Unfortunately, the May 10th memo and recommendation to support the applicants request from your Development Review Team (Ms. Lucero), reflects a narrow interpretation of land development codes and omits important facts outlining the negative consequences the “applicants” changes may have on our communities. These proposed changes do not reflect the pressing and “real life” circumstances of our communities. Rather, they are unilateral decisions made by developers without regard to the long-term sustainability of the collective public interests.

As we have observed from other subdivisions, the higher density and volume of homes lowers the market value of real estate and increases the demand on water way above the available supply. Please see the Exhibit E and letter from Mr. Cook which includes a litany of facts illustrating the irresponsible actions of the developers. For instance, in 2006, the Office of the State Engineer issued a negative opinion that the developer’s previous proposals did not satisfy water conservation requirements and violated county regulations. Additionally, since 2004, the developer has repeatedly abused existing covenants and broken promises made to the BCC and public under oath. Why would the BCC or La Pradera residents trust any proposals without further investigation given the history of developer’s actions and lack of stewardship of our scarce water and land?

Finally, please be aware that the residents of La Pradera have had very short notice to organize a consolidated response to the developers proposed changes. While we met on April 25th and April 27th, we have not had enough time to prioritize festering water and development issues, identify viable strategic actions, and review complicated County and HoA covenants and codes governing our actions. **However, we are confident that an objective impact analysis is needed to inform responsible county decisions and support La Pradera residents and the developers in resolving conflict and finding mutually beneficial common ground for long-term sustainability.**

Sincerely,

Roberta Duran

REC'D CLK REC'D REC'D 06/03/2011

Vicki Lucero

From: MulaChulaSF@aol.com
Sent: Tuesday, May 10, 2011 10:41 AM
To: Vicki Lucero
Cc: nmelc@nmelc.org; MulaChulaSF@aol.com; gabron@aol.com; mskim08@gmail.com
Subject: Vicki Lucero Development Review /La Pradera

May 9, 2011

Re: BCC case#MIS 02-4325 La Pradera Master Plat Authorization.

Honorable Commissioners,

I am writing in opposition to approve a master plan amendment for the applicants.

I believe that many of the obvious reasons have already been presented by Matthew Cook in his opposition filed in April 2011. Those being:

1. Violations of the water restrictive covenants of .16 acre foot per household.
2. Violation of the 1500 square foot minimum per household.
3. Violation of the availability of reclaimed water for irrigation purposes.

The existing development has fallen short of the visionary plans laid out in the Community College Development Plan which called for a sustainable development featuring solar homes, water conservation measures and diversity. Now, in Phases 2-6, the developers are seeking to move even farther away from those attributes by eliminating the diversity in the size of lots and homes, building undersized homes that have no solar features and turning off the reclaimed water facility.

But, I believe the darkest cloud on the horizon is the condition of the wastewater treatment facility. The operation of the current facility is an environmental disaster in the making. I believe the County did not fulfill their fiduciary duty to make sure the original master plans were engineered correctly by Patricio and Oralinda Guerrerro-Ortiz, of Design Ingenuity, nor did they monitor the operations of the plant to confirm they were in compliance with state regulations. The NMED does not even have the correct information in regard to who the current operator is. By their own admission, they are aware that the

REC'D CLERK RECORDED 05/03/2011

operator listed, Link Summers, is no longer affiliated with the system and has not been since November 2008. Robert George, of the NMED, could not identify the current operator.

Evidence, when compiled, will show that the system has not been in compliance since Mr. Summers was replaced in 2008. The wastewater treatment facility is not operating as it was originally designed. In fact, many of the components involving filters and disinfection were disabled by operators who were not familiar with the systems and how to operate it. This is no doubt where the resulting smell is coming from that several of the residents have been complaining about. I also believe the evidence, when compiled, will reveal the original master plan was presented with an insufficient drainage field in regard to the absorption field area required by the State of two square feet per gallon. The current state of operations of the facility has reduced it to a giant septic tank. There is no "water treatment" occurring at all.

I am sure the EPA would be interested in the current state of affairs as it happens to sit less than 100 feet from a major water way, the Arroyo Hondo, and in the vicinity of several private wells. This is the facility the applicants are proposing to add another 50+ users.

The applicants have explained that the reclaimed water system had to be disabled because the residents were using the water for other than subsurface irrigation. I ask why the houses were outfitted with exterior spigots accessing the reclaimed water if they prohibited to use them? Rancho Viejo, who has a similar system, was not designed this way.

Another issue is the large waste material dump that Advantage Asphalt created while it was using approx. 2 acres right in the middle of the subdivision for their equipment yard. I don't believe that's the type of commercial development the CCDP had in mind for the middle of a residential area.

If the Board chooses to ignore the blatant disregard for state and federal regulations in regard to the environmental issues associated with this development, in addition to the non-compliance with the original conditional permit the County issued, and delegate authority to the Land Use Administrator to

rubber stamp any plan changes, we are prepared to take this to an Environmental Attorney.

Lisa Burns
11 Las Caballeras
Santa Fe, NM 87508

SFC CLERK RECORDED 06/03/2011

Vicki Lucero

From: Kimberly Gonzales [mskim08@gmail.com]
Sent: Tuesday, May 10, 2011 1:42 PM
To: Vicki Lucero; mulachulasf@aol.com
Subject: Reference: BCC CASE # MIS 02-4325 La Pradera Master Plat Authorization
Attachments: SF County market.pdf

Good afternoon Ms. Lucero,

I write you as a concerned resident of the La Pradera subdivision in Santa Fe County. As you are aware of the master plan amendment being brought to the BCC meeting tomorrow, I write in **OPPOSITION** of this amendment for the following reasons:

1. I reside at 50 La Pradera 87508 and the addition of 22 homes on 2.27 acres along with the addition of 27 homes to phases 2-6 in the near future will impact the value of my home and neighboring properties by decreasing the value rather than increasing.
2. This amendment could also impact La Pradera's Open Space covenant as more units are added if the county does not consider County Roads as "open space".
3. The residents continue to face challenges such as the existing waste water systems and ground water system at La Pradera. If anyone from the county would care to go out to the site we can prove how badly this system is and how our effluent water system does not work of which residents constructed homes to accommodate, all at the cost of homeowners, not developers.
4. Since I have resided in La Pradera the developers have allowed Advantage Asphalt to create a dumping site in our "open spaces" and our HOA dues paid for them to provide landscaping and maintenance? Again, if you were to go out La Pradera you can clearly see that this DID NOT HAPPEN!
5. La Pradera HOA Board has made several promises during meetings of which are only held yearly or upon an amendment and DO NOT FOLLOW THROUGH with those promises. In 2010 we were promised and shown where gates were to be installed to help decrease the break ins and traffic problems we were experiencing. To this day, we have NO GATES.
6. As the HOA board of La Pradera states that the amendment for smaller lot sizes are dictated by the significant changes to our economy and the market demand for entry level housing, please take into account that according to the Santa Fe Association of Realtors Board President, Jo Anne Vigil Coppler, "it's going to be a very, very, long time, if ever" for those waiting for the Santa Fe real estate market to come back showing that there isn't much of a demand for entry level housing. Santa Fe county single family home numbers show at the end of FY10 4Q that the sales slowed and the counties decline was about 16%. The median sales price in Santa Fe County was \$420,000 which was an increase compare to 4Q last year, that's a 20% increase which predicts a flat year for 2011.
7. Another concern is the water for our subdivision. Through much research of a neighbor (Matthew Cooke) reports show that being that we are in a dry region and the fact that our subdivision's main water source is from the San Juan/Chama watershed, if negotiations with the City's does not go through isn't the current permit set to expire in 2016? If so how does the County/La Pradera HOA plan on providing water for everyone including all new amendments to the masterplat?

Where exactly is the demand? from the market or the developers?

REC'D - CLERK RECORDED 6/6/11 2:11

Hopefully the BCC can do what's best for the residents of La Pradera.

Kimberly C. Gonzales
50 La Pradera
Santa Fe, NM 87508

SANTA FE NEW MEXICAN.com

Housing market still flat in Santa Fe County

Sales on par with last year; home inventory down 14 percent

By Bruce Krasnow | The New Mexican

4/13/2011

JoAnne Vigil Coppler has a short refrain for those waiting for the Santa Fe real-estate market to come back before trying to sell a house.

"It's going to be a very, very long time, if ever," said Coppler, Santa Fe Association of Realtors board president, who on Wednesday released sales data for the first quarter of 2011.

The data show the market slogging along with about the same number of home sales closed as last year, and a countywide median price of \$355,000 for a single-family sale — a 2.7 percent decline from a year ago.

But the biggest surprise is the smaller inventory of homes on the market, a 14 percent drop from 2010. Some of this represents fewer foreclosures, which RealtyTrac reported this morning. It also could indicate the reluctance of longtime owners to sell at today's market price.

"Sellers may be choosing to rent rather than put their houses up for sale in the competitive market," Coppler said.

The lower inventory also has to do with a less mobile society, said veteran agent Lois Sury. "People aren't moving for jobs, and those who need to sell a home to buy another can't."

That may be one reason many of the home-mortgage applicants coming into Santa Fe banks are first-time buyers, said Pam Trujillo, a lender with Community Bank in Santa Fe. Though paperwork and underwriting are tougher than ever, new buyers can go forward with a clean offer that is not contingent on a home sale.

"A lot more local people are looking to buy," Trujillo said. "(For) those without a house to sell, there are less complications."

With regard to foreclosures, Santa Fe's lower numbers follow the rest of the U.S., which shows all foreclosure activities from default notices to auctions to bank sales are down from a year ago. The total foreclosure activity in Santa Fe at the end of March was the lowest since the first quarter of 2009 — and down 26 percent from December.

Highlights of the first quarter:

- There were 113 closed single-family home sales in the city, with a median price of \$282,000 — a drop of 11.2 percent from a year ago.

- There were 96 closed sales in the unincorporated area, with a median price of \$430,000 — an increase of 10.9 percent.
- There were 57 condo and townhouse sales in the quarter, with a median price of \$255,000 — an 8.9 percent decline.

Contact Bruce Krasnow at 986-3034 or brucek@sfnewmexican.com.

Vicki Lucero

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50 La Pradera
Santa Fe, NM 87508

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Contact Bruce Krasnow at 986-3034 or brucek@sfnewmexican.com.

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Housing market 'still in recovery mode'

By Bob Quick | The New Mexican
Posted: 1/19/2011, 11:13
PM Mountain time

Home sales in Santa Fe city and county dropped about 27 percent in the fourth quarter of 2010, leading JoAnne Vigil Coppler, president of the Santa Fe Association of Realtors, to remark that real-estate sales in Santa Fe "are still in a recovery mode. Who knows? We may be here awhile. ... We're not going back to the 2005-2006 sales level any time soon."

Coppler spoke at a recent quarterly meeting of the Santa Fe Association of Realtors, an event attended by real-estate sales people, a banker, a city planning official, local media and others.

Coppler also noted that single-family home sales slowed in the fourth quarter of 2010 more so than in the last quarter of 2009. But, she said, "Condominium and townhome sales showed a modest increase, perhaps the first signs of the return of the second-home market."

The data indicate sales of condos and townhomes came to 76 in the fourth quarter of 2010, compared with 60 in the final quarter of 2009.

Sales of single-family homes in the city in the final quarter of 2010 came in at 114, compared with 143 for the same period in 2009. That's a decline of about 25 percent.

In the county, 113 homes were sold in the last quarter of 2010, compared to 131 for the same period in 2009. That's a decline of about 16 percent.

As it has been in recent quarters, the median sales price for a city home was weak in the last three months of 2010 compared with the same period in 2009. The price was down from \$329,500 to \$297,000 — an 11 percent decrease.

But in Santa Fe County, the median sales price in the fourth quarter of 2010 was \$420,000, compared with \$350,000 for the fourth quarter last year. That's a 20 percent increase.

Would-be buyers are spending more time looking at houses and agents are reporting more listings — both signs of renewed buyer interest in Santa Fe, Coppler said.

Patrick Thomas, an agent with Rancho Viejo Realty, said the sluggish market is also because out-

of-state buyers, who make up 60 percent of the buyers at Rancho Viejo, aren't moving to Santa Fe as frequently as they used to.

"They're waiting to sell their homes," Thomas said.

Looking ahead, Santa Fe real-estate blogger Alan Ball adds, "Almost none of the predictions calls for a banner year in 2011."

"We look realistically at a flat year for sales, possibly ranging upward to increases of 5 percent above this year. A 5 percent increase would be an accelerating recovery... and that against very strong headwinds."

Also speaking at the meeting was Leroy Baca of Century Bank, who pointed out that rates on mortgages were less than 5 percent for a 30-year loan. That compares with an average rate of 8.7 percent over the last 30 years.

Baca said the problem with getting a loan these days, both for the bank and the borrower, is that "we have to document everything."

Reed Liming of the city's Long-Range Planning Division said new home construction in the city was at 184 in 2010, compared with 180 in 2009, which represented a 40-year low.

In the unincorporated area, the

number of new homes built dropped from 130 in 2009 to 70 last year, Liming said.

Contact Bob Quick at
bobquick@sfnewmexican.com.

QUARTERLY HOME SALES IN SANTA FE CITY AND COUNTY

	2008	2009	2010
1st	241	177	205
2nd	240	214	227
3rd	305	275	232
4th	237	274	227
Total:	1023	940	891

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New Mexican

Vicki Lucero

From: Shelly Cobau
Sent: Tuesday, May 10, 2011 3:46 PM
To: Vicki Lucero
Subject: FW: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

Shelley Cobau
Building and Development Services Manager
505.986.6223

From: Liz Stefanics
Sent: Tuesday, May 10, 2011 3:20 PM
To: Shelly Cobau
Subject: FW: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

Thanks,

Liz Stefanics

Julia Valdez - Constituent Services Liaison

From: laarmijo@comcast.net [mailto:laarmijo@comcast.net]
Sent: Tuesday, May 10, 2011 10:55 AM
To: Rita B. Maes; Liz Stefanics; Julia Valdez; Tina Salazar; Daniel Mayfield; Juan R. Rios; Virginia Vigil; Kathy S. Holian; Christopher M. Barela; Robert A. Anaya
Subject: BCC case#MIS 02-4325 La Pradera Master Plat Authorization

Honorable Commissioners,

As residents of La Pradera sub-division, we are opposing the proposed amendments made by the developers Gardener Associates LLC and La Pradera Associates LLC. Please Consider our opposition of this case.

Thank you,

Lawrence and Andrea Armijo
Homeowners/Residents of La Pradera
93 Bosquecillo and lot 59 & 60
Santa Fe, New Mexico 87508

505-690-9574

SFC CLERK RECORDED 08/03/2011

2
190 Davis




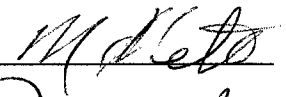
We, the undersigned, owners of homes and/or property in La Pradera, unequivocally request the approval of the re-zoning of our sub-division (BCC CASE # MIS 02-4325 La Pradera), for the following reasons:

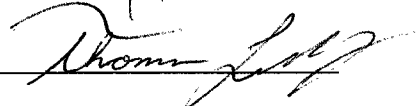
- complete disregard by the management company, aka "Home Owner's Association", (La Pradera Associates LLC) of the intentions of the Santa Fe County's County College District Plan and Jane Petchovsky's vision (sustainability, preserving open space, parks and paths)
- existing build out of homes by the management company less than 1500 sq ft in refute of the warranty deed (which requires that all residences be +1500 sq ft, La Pradera home and/or property owners demand that the existing homes less than 1500 sq ft be built in accordance with the warranty deed; complying additions to be constructed)
- complete failure by the management company to provide reclaimed water as per the covenants of the "Home Owner's Association"
- complete failure by the management company to provide gated access as promised to homeowners and furthermore failure to complete any promised action, failure to communicate
- complete failure by the management company to get a positive opinion from the OSE regarding water supply and no plans to either provide water or be sustainable beyond Dec. 31, 2016.
- should such re-zoning pass; correction of all real estate marketing verbiage of lots and/or properties which make statements regarding nature, open space, volleyball court, walkways, bike paths, playground, vistas, views, etc.

DJR → *[Signature]* Craig + Christine Tyler 83 La Pradera
~~MATTHEW + N. KKI COOKE 85 LA PRADERA~~
[Signature] Jeffrey Pester + Kaul Pester 79 La Pradera
[Signature] Chien Ying Lee 54 La Pradera
[Signature] KATHRYN COTAN 58 LA PRADERA
[Signature] Alanus Chiu 58 LA PRADERA
[Signature] Jeremy Mraz 24 Camino Sabana
[Signature] Toby MacL... 19 Camino Sabana

We, the undersigned, homeowners in La Pradera, oppose BCC
CASE # MIS 02-4325 La Pradera.

KEN GRAND 97 BOSQUECILLO 

MANUEL NETO 97 Bosquecillo 

Tom Ludzia 52 La Pradera 

Ray Chavez 28 Camino Sabunero 