

Memorandum

To: Santa Fe Board of County Commissioners

From: Evelyn F. Valencia, Accountant Senior, Finance Division *EV*

Via: Teresa C. Martinez, Finance Division Director *JM*

Date: May 29, 2012

Re: *Acceptance of Resignation for Florenceruth Brown from the Lodger's Tax Advisory Board*

ISSUE:

The Santa Fe County Lodgers' Tax Advisory Board received a resignation on March 22, 2012, from Lodgers' Tax Advisory Board Member, Florenceruth Brown, from Santa Fe Skies RV Park, representing the Lodging Industry-Recreation, RV Parks.

BACKGROUND:

Ms. Brown submitted her letter of resignation during the March 22, 2012 meeting. At that time John Berkenfield requested the Board Members submit any names of candidates for nomination and appointment by the Board of County Commissioners.

RECOMMENDATION:

The Lodgers' Tax Advisory Board requests the acceptance of the resignation of Florenceruth Brown from Santa Fe Skies RV Park, representing the Lodging Industry-Recreation, RV Parks effective June 1, 2012.

Browncastle Ranch, Inc.

**dba Santa Fe Skies RV Park
dba Santa Fe Vacuum Excavation**

14 Browncastle Ranch
Santa Fe, NM 87508
www.santafeskiesrvpark.com

1-877-565-0451 Toll Free
505-473-5946
FAX (505) 471-9069
info@santafeskiesrvpark.com

March 22, 2012

John Berkenfield, Chair, and Members
Santa Fe County Lodgers' Tax Advisory Board

Evelyn Valencia, Santa Fe County Finance Dept.

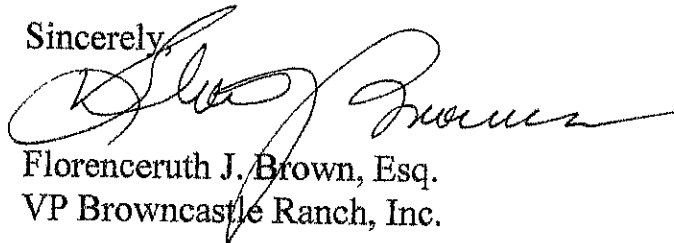
Dear John and Evelyn,

I hereby submit my formal resignation as a member of the LTAB. However, when I so advised Chairman John Berkenfield, he requested that I not make it effective until June 1, 2012, to give time for the board and the County Commission to act. Accordingly, I will do my best to attend the next few meetings to assure a quorum is present.

I now request that you consider my daughter-in-law, Karen S. Brown, who handles the advertising and rally side of our RV Park business, as my successor and that you will so recommend to the County Commission. She is known to you as she has attended several meetings with me. I have asked her to write up her resume and will forward it to you.

I have enjoyed my many years on the board and cherish you as my friends.

Sincerely,

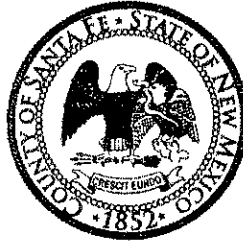


Florenceruth J. Brown, Esq.
VP Browncastle Ranch, Inc.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *May 3, 2012*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director* *pcL 5/11/12*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting May 29, 2012*

APPOINT MEMBERS TO THE SANTA FE COUNTY SOLID WASTE TASK FORCE.
(Public Works/Robert Martinez)

BACKGROUND AND SUMMARY:

The BCC adopted Resolution No. 2012-52 creating a Solid Waste Task Force at the April 10th BCC meeting. Staff has consulted with the respective Commissioners and is recommending the following appointments:

- Commission District I – Pete Romero
- Commission District II – John Lopez
- Commission District III – Walter Wait
- Commission District IV – Terry Smith
- Commission District V – Jay Gould

ACTION REQUESTED:

Staff recommends the aforementioned residents to the Solid Waste Task Force.

Memorandum

To: Santa Fe Board of County Commissioners

From: Evelyn F. Valencia, Accountant Senior, Finance Division E.V.

Via: Teresa C. Martinez, Finance Division Director *T.C.M.*

Date: May 29, 2012

Re: Acceptance of the Recommendation for the Vacancy Position on the Lodgers' Tax Advisory Board

ISSUE:

The Santa Fe County Lodgers' Tax Advisory Board is recommending Karen S. Brown to serve in the vacant position on the Lodgers' Tax Advisory Board.

BACKGROUND:

As per Ordinance No. 1999-10, Section 6A, the recommendation of the appointment will represent the lodging industry, specifically the Recreation/RV Parks which play an important role in the tourism industry as an alternative means of lodging facilities.

Karen Brown is the Office Manager of Santa Fe Skies RV Park and has extensive experience in marketing and advertising. Her knowledge of the RV Park business will be an asset to the Lodgers Tax Advisory Board with insight into the trends and growth of this market which brings in continuous Lodgers Tax revenue for Santa Fe County.

RECOMMENDATION:

The Lodgers' Tax Advisory Board requests the acceptance of the recommendation of Karen S. Brown to represent the Lodging Industry-Recreation/RV Parks.



EL RANCHO DE LAS GOLONDRINAS

A LIVING HISTORY MUSEUM

334 Los Pinos Road • Santa Fe, New Mexico 87507 • Phone (505) 471-2261 • Fax (505) 471-5623

April 20, 2012

Santa Fe County Board of Commissioners
c/o Evelyn Valencia
Santa Fe County Finance Division
142 West Palace Avenue
Santa Fe, NM 87501

Subject: Lodgers Tax Advisory Board

Dear Commissioners;

Florence Ruth Brown has served with distinction on the Santa Fe County Lodgers Tax Advisory Board (LTAB) for more than a decade. Ms. Brown, Vice President of Brown Castle Ranch Inc. (Santa Fe Skies RV Park) is also an attorney, and a prominent member of the Santa Fe community. We recently received her formal letter of resignation from the Lodgers Tax Advisory Board, which we reluctantly accepted.

The Board has been guided by the statutes and regulations as we considered a replacement for Ms. Brown, who also served as Vice-Chair of the Board. We are proposing that the Board of County Commissioners appoint Karen Brown to LTAB, effective immediately. Karen Brown is the Office Manager of Santa Fe Skies RV Park, with experience in marketing and advertising. Her participation on the LTAB will give us continued insights into the RV market, an important component of Lodgers Tax revenue for the county, and we feel confident that she will be an effective and active participant on the LTAB.

I ask that the BCC appoint Karen Brown to LTAB as expeditiously as possible to insure a full complement of Board members. Her full resume is available should you wish to see it.

Thank you very much for your attention to this matter.

Sincerely,

John A. Berkenfield
Chairman
Santa Fe County Lodgers Tax Advisory Board

cc: Teresa Martinez
Santa Fe county Director of Finance

Karen S. Brown

37 Browncastle Ranch Santa Fe, NM 87508
Cell: 505-670-5469: BrownMamabear@aol.com

Career Focus

Office Manager with 23 years of experience.

Summary of Skills

-
- | | |
|-------------------------------|----------------------|
| • Advertising | Marketing |
| • Accounts Payable/Receivable | Bank reconciliations |
| • Conflict resolution | Computer Proficient |
| • Complex problem solving | Customer Service |
| • Needs assessments | Statement Billings |
| • Event management | Weekly Payroll |

Accomplishments

Worked with a mom and pop business and brought them into the 21st century. Helped to build my own business. Raised three boys to manhood and managed their father for 32 years.

Experience

Owner/Manager
Santa Fe Skies RV Park –Santa Fe, NM
August 2000 to Current

Manage office for RV Park and Vacuum Excavation business. Advertising, dealing with trade publications and marketing. Coordinating rallies and groups, arranging room use and RV sites, making deals, and procuring tourist information for their use while they're here. Knowledge of computers, cash register, credit card machine, and other various office equipment. Responsible for payroll, light bookkeeping, invoicing, accounts payable/receivable, banking, registering customers, ordering merchandise, and maintenance.

Experience continued-

Office Manager

Capital Scrap Metals, Inc. -Santa Fe, NM

September 1989 to Current

Manage office for recycling center/auto parts yard. Knowledge of Quick Books, Microsoft Office Word, Excel, and Power Point. Responsible for office purchasing, human resources, payroll, and clerical operations. Processed autos, consulted with New Mexico Motor Vehicle Division, local and state police departments.

Education

Orion High School Orion, IL High School Diploma	graduated 1973
Black Hawk College Moline, IL General Studies	attended 1973-1974
New Mexico State University Las Cruces, NM Psychology Switched major to Home Economics Education	attended 1975-1976
Santa Fe Community College Santa Fe, NM General Studies Took various courses to try to finish my Associates degree, but raising my kids took priority. I have also taken some continuing education courses over the years.	attended off and on from 1981 to 2011

Professional Affiliations

Toastmasters

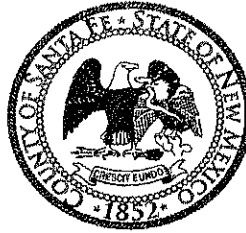
Interests

Dance, reading, sewing, and crafting.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

BOARD OF COUNTY COMMISSIONERS

CASE NO. S 08-5451
CIMARRON VILLAGE PHASE I
JOSEPH MILLER, APPLICANT
DANNY MARTINEZ, AGENT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on March 13, 2012, on the application of Joseph Miller (hereinafter referred to as "the Applicant") and Danny Martinez, (hereinafter referred to as the "Agent") for Preliminary and Final Plat and Development Plan Approval for phase 1 of the Cimarron Village Development to create 3 residential lots and one commercial lot on 10.04 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to conditions and makes the following findings of fact and conclusions of law:

1. The Applicant requests Preliminary and Final Plat and Development Plan Approval For Phase 1 of the Cimarron Village Development to create three residential lots and one commercial lot on 10.04 acres.
2. The property is located in the Eldorado Area, on the East Side of US 285, South of Camino Valle, within Section 9, Township 15 North, Range 10 East.

3. In support of the Application, the Applicant's Agent submitted a Development Plan Report including proof of legal lot of record and proof of ownership, a development plan set of drawings, and a survey plat.

4. On January 19, 2012, the County Development Review Committee recommended approval of the Application.

5. At the March 13, 2012 BCC meeting, the Applicant and his agent spoke. No members of the public were present to speak in favor of or in opposition to the Application.

6. Staff found the application complied with the County Land Development Code and recommended approval of the Application subject to 13 conditions.

7. The Application is in compliance with Article V, Sections 5.3 and 5.4 (Preliminary and Final Plat Procedures) and Article V, Section 7 (Development Plan Requirements) of the County Land Development Code, and is consistent with the US 285 South Highway Corridor Zoning District Ordinance.

8. Staff conditions 11 and 13 provided: that final placement of the fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation and that Automatic Fire Protection Sprinkler systems shall be required as per Final Subdivision Plat notes and 1997 Uniform Fire code. The Commission determined that these conditions were in conflict and that condition 13 should not be imposed.

9. Under the circumstances and given the evidence and testimony submitted during the hearing, the Application should be **APPROVED SUBJECT TO THE FOLLOWING STAFF CONDITIONS:**

- a. A note shall be placed in bold lettering on the plat that states all residential driveways shall be approved by Santa Fe County Public Works prior to any development.

- b. Development within the US 84-285 Highway Corridor shall comply with the district standards of the US 285 South Highway Corridor ordinance (Ordinance No. 2005-08). This shall be noted on the plat.
- c. A traffic study will be required with commercial development plan application once specific uses have been determined.
- d. Submit water budget and detailed demand analysis with a breakdown of potential future commercial uses for Phase I only prior to Commercial Development Plan approval.
- e. Residential water use will be restricted to 0.25 acre feet per year, per lot.
- f. Proposed Water Restrictive Covenants outlining conservation measures and stating the drilling and use of domestic wells is not permitted shall be submitted for review and approval and recorded with the Final Plat.
- g. Submission of final liquid waste disposal plan as required by Article VII, Section 2.6 of the SFC Land Development Code and compliance with NMED conditions prior to Commercial Development Plan approval.
- h. Correct language in Article IV, Section 2 of the Declaration of Covenants, Conditions and Restrictions to reflect a wastewater operator services for proposed wastewater treatment plant, not water operator.
- i. Address all red-line comments with corrected plans stamped by Engineer and Surveyor and submitted for review by the utilities department.
- j. Roadways and drives shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Final acceptance based upon the Fire Marshal's approval. All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing.
- k. Final placement of the fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation.
- l. No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.

WHEREFORE, the BCC hereby **APPROVES** the Application for Preliminary and Final Plat and Development Plan Approval for Phase 1 of the Cimarron Village Development to

create 3 residential lots and one commercial lot on 10.04 acres subject to the conditions provided in paragraph 9 above.

IT IS SO ORDERED:

This Order is approved by the Board of County Commissioners on this _____ day
of _____, 2012.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By _____
Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

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CHAIR STEFANICS: Thank you. Ms. Martinez, thank you very much for coming today and letting us know of your concerns and Commissioner Holian I'm sure will stay in touch.

COMMISSIONER HOLIAN: Yes. Thank you.

MS. MARTINEZ: Thank you very much. I do appreciate that and I think you guys definitely get the point that we're doing our due diligence to do our part and it would be such a huge opportunity missed if we are not able to get the \$1.5 million. Otherwise, the community, the association, would be completely without it and we would start from scratch. So I think that you guys have the essence of what I requested in a complicated manner, so I do appreciate that and I look forward to working with you guys and if we can start communications with that.

COMMISSIONER HOLIAN: Yes. I will be in contact and set up some meetings:

MS. MARTINEZ: Thank you so much, Madam Chair. I really appreciate your time. Thank you.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: And Ms. Martinez, thank you for the work you do with seniors also.

MS. MARTINEZ: Thank you. Thank you so much.

CHAIR STEFANICS: Thank you. Now, is there anyone else from the public? Commission, do you want to go to executive session or do you want to hear the land use case?

COMMISSIONER HOLIAN: Can we take a break?

CHAIR STEFANICS: Yes. We're going to take a break either way.

COMMISSIONER ANAYA: Was there other folks that were going to speak, public comment?

CHAIR STEFANICS: They're here for the land use case.

COMMISSIONER MAYFIELD: I would suggest we move into the land use case after break.

CHAIR STEFANICS: Okay. So let's take a five to seven minute break, come back and do the land use case, Growth Management Department, CDRC Case #S 08-5451, and then after that we will go to executive session. Thank you.

[The Commission recessed from 5:50 to 6:00.]

V. Public Hearings

A. Growth Management Department

1. CDRC Case # S 08-5451 Cimarron Village Phase I. Joseph Miller, Applicant, Danny Martinez, Agent, Request Preliminary and Final Plat and Development Plan Approval for Phase I of the Cimarron Village Development to Create Three Residential Lots and One Commercial Lot on 10.04 Acres. The Property is Located in the Eldorado Area, on the East Side of US 285, South of Camino

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Valle, within Section 9, Township 15 North, Range 10 East
(Commission District 4) Vicki Lucero, Case Manager

VICKI LUCERO (Growth Management Department): Thank you, Madam Chair. Joseph Miller, applicant, Danny Martinez, Agent, request preliminary and final plat and development plan approval for Phase I of the Cimarron Village Development to create three residential lots and one commercial lot on 10.04 acres. The property is located in the Eldorado Area, on the east side of US 285, South of Camino Valle, within Section 9, Township 15 North, Range 10 East, Commission District 4.

On January 19, 2012, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request. On January 12, 1993, the BCC granted approval of the creation of a village center commercial district and master plan zoning approval for a large-scale mixed-use development consisting of 34 lots.

On February 9, 2010, the BCC granted approval of a master plan amendment to bring the original master plan into compliance with the US 285 South Highway Corridor Zoning District Ordinance which was not in effect at the time of the original master plan approval. The amended master plan allowed a mixed-use development consisting of 34 commercial lots, three single-family residential lots, 20 live/work units, and 30 townhouse units for a total of 53 dwelling units on 81.69 acres.

The applicant is now requesting preliminary and final plat and development plan approval for Phase I which consists of three residential lots, each approximately 2.5 acres in size and one commercial lot of 2.53 acres.

This application was reviewed for access, water, fire protection, liquid and solid waste, terrain management, archeology and affordable housing.

Recommendation: This application is in accordance with Article V, Sections 5.3 and 5.4, Preliminary and Final Plat Procedures, and Article V, Section 7, Development Plan Requirements, of the County Land Development Code, and is consistent with the US 285 South Highway Corridor Zoning District Ordinance. Staff recommendation and the decision of the CDRC are to recommend preliminary and final plat and development plan approval for Phase I, subject to the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. A note shall be placed in bold lettering on the plat that states all residential driveways shall be approved by Santa Fe County Public Works prior to any development.
2. Development within the US 84-285 Highway Corridor shall comply with the district standards of the US 285 South Highway Corridor ordinance (Ordinance No. 2005-08). This shall be noted on the plat.
3. A traffic study will be required with commercial development plan application once specific uses have been determined.
4. Submit water budget and detailed demand analysis with a breakdown of potential future commercial uses for Phase I only prior to Commercial Development Plan approval.
5. Residential water use will be restricted to 0.25 acre-feet per year, per lot.

6. Proposed Water Restrictive Covenants outlining conservation measures and stating the drilling and use of domestic wells is not permitted shall be submitted for review and approval and recorded with the Final Plat.
7. Submission of final liquid waste disposal plan as required by Article VII, Section 2.6 of the SFC Land Development Code and compliance with NMED conditions prior to Commercial Development Plan approval.
8. Correct language in Article IV, Section 2 of the Declaration of Covenants, Conditions and Restrictions to reflect a wastewater operator services for proposed wastewater treatment plant, not water operator.
9. Address all red-line comments with corrected plans stamped by Engineer and Surveyor and submitted for review by the utilities department.
10. Roadways and drives shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Final acceptance based upon the Fire Marshal's approval. All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing.
11. Final placement of the fire hydrants shall be coordinated and approved by the Santa Fe County Fire Department prior to installation.
12. No building permits shall be granted until such time as the fire hydrants have been tested and approved by the Santa Fe County Fire Marshal.
13. Automatic Fire Protection Sprinkler systems shall be required as per Final Subdivision Plat notes and 1997 Uniform Fire code.

MS. LUCERO: Thank you. I stand for questions.

CHAIR STEFANICS: Are there any questions for staff before we move to the applicant?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. In our packet when the staff was asked to comment about the compatibility with our new Sustainable Growth Management Plan there was a comment about the commercial lot that said that it would provide a gateway to the historic Simpson Ranch. Do you know what they mean by that? Do they mean a trail or do they mean just in kind of a general sense?

MS. LUCERO: Madam Chair, Commissioner Holian, I believe it's in a general sense. At this point there is not a trail proposed on that particular property. So I think they were just speaking in a general sense.

COMMISSIONER HOLIAN: Okay. Thank you, Vicki.

CHAIR STEFANICS: Thank you. Was there another question for staff?

COMMISSIONER MAYFIELD: Madam Chair, just a general question from me, and Steve, if I'm asking something I shouldn't let me know, but they filed for general approval in 1993?

MS. LUCERO: Madam Chair, Commissioner Mayfield, yes. That was the original master plan when that was approved back in 1993, and that was prior to the 285

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Highway Corridor Ordinance coming into effect.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Thank you. Is the applicant here? Would you please come forward, state your name and address for the record. Please be sworn in. Mr. Miller, why don't you be sworn in at the same time, the two of you, if you have anything to say.

[Duly sworn, Danny Martinez testified as follows:]

DANNY MARTINEZ: Yes, my name is Danny Martinez. I'm the agent for Mr. Miller.

CHAIR STEFANICS: Okay. Do you have anything to add?

MR. MARTINEZ: Well, what I'd like to do is we've gone over the staff concerns or comments and the only thing that I notice in there is that existing fire hydrants and water meters currently serve this side of the property. There was a water line extension that took place by the water company five years ago and at that time they ran the water up Camino Valle. They actually installed two fire hydrants in there. So our plans reflect that those are existing conditions. It's a condition of approval but I just want to note that those are existing conditions out there.

CHAIR STEFANICS: Okay, so are you speaking about #11?

MR. MARTINEZ: Yes, ma'am.

CHAIR STEFANICS: So Ms. Lucero – but you're not saying, Mr. Martinez that there's five out there now?

MR. MARTINEZ: Madam Chair, yes. There is fire protection out there now.

CHAIR STEFANICS: Okay. So Ms. Lucero.

MS. LUCERO: Madam Chair, that condition actually came from the memo that we received from the Fire Marshal's office, so it's possible that they may require additional fire hydrants, but there was a condition that said final placing of fire hydrants shall be coordinated with the County Fire Department. So that was taken straight from them.

CHAIR STEFANICS: Is there anybody here from the Fire Department? I do not see –

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: On that point, I know we've asked Ms. Miller respectfully and Land Use staff does what Land Use staff can do but there's also permitting that happens through our Fire Marshal's staff, and we've asked that they be present in case there's questions that arise on issues like this, and I'm just going to make that request again please.

COMMISSIONER ANAYA: Ditto.

CHAIR STEFANICS: Thank you. This seems to be unclear then, whether or not the condition has been met or this is something additional.

MS. LUCERO: Madam Chair, that's correct. That would be something that the Fire Marshal would determine.

MR. MARTINEZ: Madam Chair, on behalf of the developer again, we can set up a meeting with them and we could actually have them meet us out there to show them the existing conditions. It's our understanding from the Eldorado Water Company that the fire hydrants are tested and they have been accepted and approved by the water company also.

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CHAIR STEFANICS: Well, I understand that, but they're read into the record and if we approve this request, the entire application with these conditions, then it could change things for you. So that's why we really should clarify it in advance. Steve, could you ask Katherine to get Chief Sperling or whoever on the phone? Thanks very much.

MS. LUCERO: Madam Chair, if I could, as part of the Fire Marshal's memo it does state that additional hydrants and or relocation or existing fire hydrants shown within the submittal packet may be required. So just –

CHAIR STEFANICS: I understand that and you're doing your best but we really have asked in the past to hear directly from Fire. So we'll see if they can get on the phone. So, Mr. Martinez, is there anything else you want to bring up before I go to the public?

MR. MARTINEZ: Madam Chair, that's pretty much all I have. Mr. Miller may have something.

CHAIR STEFANICS: Mr. Miller, do you want to add anything to this?

[Duly sworn, Joe Miller testified as follows:]

JOE MILLER: No, I really don't have anything to add to it. We do have – those fire hydrants are already in there. They're activated and they're ready, up and running. We also have fire hydrants at the south end of this for a total of five fire hydrants in this project already. But if there's anybody that's got any other questions I'd be glad to speak to them.

CHAIR STEFANICS: Thank you. We're going to try to get clarification on that item. Okay. So thanks. So we are going to the public hearing. Are there members of the audience who would like to speak for or against or have questions about this project? Nobody? You're just watching. Okay. Okay, this public hearing is now closed. We are back to the Commission's questions and comments. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, and you guys can just help educate me on some of these staff conditions, Madam Chair, Ms. Lucero. I'm reading the letter from the Eldorado Area Water and Sanitation District. I guess it's Exhibit A, maybe. It's right before Exhibit B. So help me out here. Mr. Miller is proposing to develop phase 1 of a bigger scale development that's been approved or hasn't been approved?

MS. LUCERO: Madam Chair, Commissioner Mayfield, it's received a master plan approval for the entire project.

COMMISSIONER MAYFIELD: So based on this letter that I see from the EAWSD they're saying that they have capacity of up to 20.25 acre-feet of water. Is that for the whole build-out, including this commercial property in phase 1?

MS. LUCERO: Madam Chair, Commissioner Mayfield, that's correct.

COMMISSIONER MAYFIELD: Okay. And then, going back to I guess staff conditions, under 5, residential water use will be .25 acre-feet. Is that based on County code? Is that based on your recommendations? Respectfully, if Mr. Miller has a letter authorizing 20.25 acre-feet, could he not use more at this time?

MS. LUCERO: Madam Chair, Commissioner Mayfield, it was based in part on the applicant's water budget. They proposed a quarter acre-foot per residential lot as part of their overall water budget for the development in order to stay within the 20.25 acre-feet.

COMMISSIONER MAYFIELD: Okay. So they can't exceed it right now with

these three residential properties. They're still confined to .25, and that might be based on County code too, right?

MS. LUCERO: Yes, it is based on County code as well.

COMMISSIONER MAYFIELD: And then what's the water usage for the commercial part of it?

MS. LUCERO: Madam Chair, Commissioner Mayfield, I don't have that in front of me at this point. They don't know what the commercial use will be. They'll have to submit a development plan request once they do have somebody that's wanting to purchase the property or move into the property, and at that point they'll submit a water budget which states how much water they'll be using for that specific development.

COMMISSIONER MAYFIELD: And do we have water restrictions for commercial use?

MS. LUCERO: We will. Once that's reviewed and they submit a water budget for that portion there will be water restrictions imposed on that lot.

COMMISSIONER MAYFIELD: But again, as long as they stay under the 20.25 they're –

MS. LUCERO: For the entire development, yes, that's correct.

COMMISSIONER MAYFIELD: For the entire development. Okay. And then I guess my question was going to be a couple – I guess Mr. Martinez pointed out as 11 and 12, and I know we're waiting on a Fire Marshal, but no building permits shall be granted until such time as the fire hydrants have been tested and approved. So I think what I'm hearing from the applicant is there are some fire hydrants there, just they may not be in the location of what 11 is saying where our Santa Fe County Fire Marshal wants them. Is that what the crux of this is about?

MS. LUCERO: Madam Chair, Commissioner Mayfield, that's correct. According to their memo they may require them to be relocated.

COMMISSIONER MAYFIELD: Okay. I'm just going to ask this. Who placed them where they're placed now?

MS. LUCERO: Madam Chair, Commissioner Mayfield, the applicant placed the hydrants where they're at, where they're currently located.

COMMISSIONER MAYFIELD: Okay. Thank you. That's all I had, Madam Chair.

CHAIR STEFANICS: So I thought I heard earlier on that same point that the Eldorado Water District placed the fire hydrants.

MS. LUCERO: Madam Chair, the Eldorado water system is serving the hydrants but I believe the applicant paid for the infrastructure to put those hydrants in.

CHAIR STEFANICS: The applicant paid for the infrastructure but the Eldorado water placed them?

MS. LUCERO: Madam Chair, perhaps the applicant can address that. I'm not totally certain on that.

CHAIR STEFANICS: Well, and then my next question on that is if our Fire Department decides it has to be moved, it's the Eldorado water that has to move them?

MS. LUCERO: Madam Chair, I believe that it would be the applicant's responsibility to move those hydrants.

CHAIR STEFANICS: Okay, so who wants to answer? Mr. Martinez or Mr. Miller?

MR. MILLER: I can answer that, Madam Chair. There are two – this is the first entrance to Eldorado, the opposite side going east, and there are five lots across there. And there are fire hydrants already spaced and each fire hydrant – each lot will be within 500 feet of a fire hydrant the way they're spaced now. It wasn't Eldorado Water that put them in; it was Eldorado Utilities. This was put in before Eldorado Water took over. This was done when it was Eldorado Utilities back in – I don't know. When was it? Probably 2005 or 2004 – somewhere in there.

CHAIR STEFANICS: Okay. Thank you. Questions. Yes.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Lucero, just to go over your condition 13 again, automatic fire protection, sprinkler systems shall be required. Is that in both – and I think, Mr. Miller, this question is for Ms. Lucero. Is that with both residential and commercial or is that just commercial?

MS. LUCERO: I'm sorry, Madam Chair, Commissioner Mayfield. Can you repeat the question?

COMMISSIONER MAYFIELD: It's 13, about the automatic fire protection sprinkler system, is that for both residential and commercial use?

MS. LUCERO: Madam Chair, Commissioner Mayfield, at this point it's for the residential lots. As I mentioned, when the commercial lot is ready to be developed they'll have to submit a development plan and at that time Fire will review the building plans for that development and the proposed uses. But more than likely they'll be required to put sprinklers in that building as well.

COMMISSIONER MAYFIELD: And just help me out here. Does the code say that we have to have automatic fire sprinkler systems in residential properties?

MS. LUCERO: Madam Chair, Commissioner Mayfield, I don't believe that it's for every property. It depends on whether it's in a wildland area and it depends a lot on the fire code as well.

COMMISSIONER MAYFIELD: So is this in a wildland area?

MS. LUCERO: I don't believe this is in a wildland area. Let me refer to Fire's memo and see if they have an explanation as to why they're requiring sprinklers.

COMMISSIONER MAYFIELD: Well, say there's final subdivision plat notes. I don't know what those plat notes are. Do you know what those plat notes are?

MS. LUCERO: They're just – what they're asking is for us to place this note on the final plat that gets recorded for these four lots stating that sprinkler systems will be required for all residences on those lots. So that's what their condition is, that we place this note on the plat that gets recorded so that any potential buyers are aware that sprinklers are required.

COMMISSIONER MAYFIELD: But again, we don't know if this is in a wildland area. Is this a new requirement we're doing for builders to put in fire sprinkler systems?

MS. LUCERO: Madam Chair, Commissioner Mayfield, I don't think it's required for all development.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Lucero, why are we

DRAFT

being subjective for some?

MS. LUCERO: Madam Chair, Commissioner Mayfield, like I said, that was a Fire Marshal condition so let me refer to their memo and see if there's an explanation.

COMMISSIONER MAYFIELD: Madam Chair, I'll just wait for the Fire Marshal. Thank you, Ms. Lucero.

CHAIR STEFANICS: Okay. Ms. Miller, were you able to get the Fire Department? Thank you. Commissioner Holian, you have the floor.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I have a few questions. First of all, I want to find out for the commercial development, are there certain restrictions on the kind of commercial developments that can be done in that area?

MS. LUCERO: Madam Chair, Commissioner Holian, it will need to be consistent with the uses that are allowed in the US 285 South Corridor Ordinance. So anything that's a permitted or allowable use will be, could be a potential use there.

COMMISSIONER HOLIAN: Okay. Thank you. I just wanted to get that on the record. The other thing that I wondered about is for the residences and the commercial development, will they ultimately hook into the wastewater treatment system that they talk about developing in here? Or will they always be on their own septic systems?

MS. LUCERO: Madam Chair, Commissioner Holian, I believe that the three residential lots will be on a septic system. The commercial lot will be required to hook into the wastewater treatment system once it's constructed.

COMMISSIONER HOLIAN: Will it initially be on its own septic? Or it won't actually be developed until they have the wastewater treatment system in place?

MS. LUCERO: Madam Chair, Commissioner Holian, that's correct. They won't be developing until the wastewater treatment is in.

COMMISSIONER HOLIAN: Okay. And then I actually have a question of our County Hydrologist. I just have to ask this because it sort of stood out in the packet. Why did John Longworth of the Office of the State Engineer issue a negative opinion on the ability of the Eldorado Water Utility to supply water in sufficient quantity for the whole subdivision? Was this a problem with the water use budget that was submitted for this project? Or is it a larger issue than that?

KAREN TORRES (County Hydrologist): Madam Chair, Commissioner Holian, it is an issue that has -- we're working on getting it resolved. The State Engineer's Office does not have sufficient information to do a complete review. It is upon the applicant to submit this information. We did have a meeting today that they were going to be submitting what is necessary. They need to understand what the well production is. They need to understand what the water rights situation is and though all that information is available in the public records it is really up to the developer to put together a cohesive package. I do believe that they had questions about the water budget, as I did in my memo, so requesting additional information on the commercial usage that's proposed, but as Vicki stated, they will have to get approval under a separate development permit, so we'll have the opportunity then to nail down the usage and understand what the water budget is.

There were other concerns that were brought up. We do think that they have been addressed on the County side and we do encourage the applicant to again work with the State Engineer to let them understand -- to actually give them the information they need and

DRAFT

understand that this water system is capable of serving this development.

COMMISSIONER HOLIAN: Okay. Thank you, Karen, and Madam Chair, Karen, also there is talk about the Eldorado Water & Sanitation District's application for an additional point of diversion, and they said that that was going to be considered in the near future. I just wondered what is the status of that right now.

MS. TORRES: Absolutely. They did drill an exploratory well and they have some decent production from that well, which we were very glad to hear. The application to put that well into their wellfield was protested. That protest has been not withdrawn but it has gone away, and so that application has been remanded back to the Water Rights Division for review. The backlog in the Water Rights Division is quite substantial, so it will probably be in excess of a year before they get final approval on that. The mechanism that the State has is if an issue comes up as far as a supply, which did happen this last summer. The Lamy wells were not producing very well so instead of going into emergency conservation or overpumping – not overpumping but stressing out there existing wells they sought an emergency authorization to use the well that's pending approval. They used about seven percent of their annual usage to use that well so it wasn't something that they absolutely needed in order to serve their existing customer base.

So that is – I believe when the water use and conservation issued their memorandum the application was still under protest and so that's the reason why they really weren't comfortable addressing that. And I do believe that with the additional information that the applicant is going to support, that the State Engineer should not have an issue with the availability.

COMMISSIONER HOLIAN: Thank you. Madam Chair, Karen, also, so you say it might take a whole year for them to really get that well permitted, so presumably if there's another drought this coming spring they could do the same thing, apply for an emergency permit to pump that well as well?

MS. TORRES: Absolutely. I did have a discussion with the Water District and they're really just seeing it as a bit of bridge to help them through. Their Lamy well does provide them a significant production to their system and so when that goes down they are a little bit stretched. But they still manage. They still do well.

COMMISSIONER HOLIAN: Thank you, Karen.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, maybe the Commission can help me, but I think reading the summary and what the Fire Marshal has done in this case I think I would like to see him here because I suggested that in the past. But I think that the County within the conditions has the mechanism to make sure that the hydrants are right if they're already in place and if they're not, to ask them to make them right. I think that's already contained in the memo. But that's just – whatever the pleasure of the Commission is. I'm okay going forward on this. I do have the same concern about Commissioner Mayfield and requiring sprinklers. This property is right off of 285. This is real close to the fire station. Ingress and egress is not going to be an issue. So I think I would suggest we remove that condition. Thank you.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

DRAFT

CHAIR STEFANICS: On this point, Ms. Lucero, let me clarify something. Is the fire sprinkler suppression system, is that for the commercial area? Or is that because people are in and out? Or is that –

MS. LUCERO: Madam Chair, we would assume that it's probably for the commercial, but the Fire Marshal didn't specify that in the memo.

COMMISSIONER ANAYA: Commercial I'm okay with.

CHAIR STEFANICS: So maybe we want to amend that, rather than taking it out, just to say commercial.

COMMISSIONER ANAYA: Yes, Madam Chair, whenever the Commission's ready I'd be ready to make a motion.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on that point, Madam Chair, Mr. Ross, what does the code say? If they do have fire – it's not a wildland area. If they have fire hydrants within 500 feet, 500 yards of each other, they don't need the fire sprinklers in residential?

MR. ROSS: That's right. That's right.

COMMISSIONER MAYFIELD: So this is contrary or asking more than even the code, correct?

MR. ROSS: Eleven and 13 seem to be contradictory.

CHAIR STEFANICS: Okay. Ms. Miller, did you indicate that you have something from the Fire Marshal?

MS. MILLER: Madam Chair, yes. It was third-hand because the Chief called the Fire Marshal but here's what he said. He did approve the plan as submitted by Joe Miller indicating where these fire hydrants exist, as long as they are actually 500 feet or less apart. So he was fine with the plan as submitted as long as that is 500 – if the actual location of them is 500 feet or less apart. So what I was thinking you could state is that placement of the fire hydrants as currently located, as long as they're 500 feet.

CHAIR STEFANICS: They're going to be coming back.

MS. MILLER: Okay.

CHAIR STEFANICS: So what I hear though from Mr. Ross is that perhaps, as Commissioner Anaya suggested, we eliminate #13.

MR. ROSS: Madam Chair, 11 and 13 are not consistent, so 13, it would make sense to eliminate it. It might also make sense to get Mr. Martinez up here and verify that the hydrants are 500 feet apart.

CHAIR STEFANICS: Mr. Martinez? We're all very interested in who close those fire hydrants are.

MR. MARTINEZ: Madam Chair, members of the Commission, when the water lines were installed the difference between the installation of both fire hydrants is less than 500 feet. They're both existing within the right-of-way of Camino Valle. As the water services are also existing, those are located within the easement within the property itself also. Yes, these hydrants were installed per Eldorado and the Fire Department's design recommendations. And I will note one thing. Lot 18, the well that Ms. Torres is talking about, is within the Cimarron Village Subdivision. This is a very high production well that I think Eldorado is just dying to get their hands on this water so they can feed their system. It's just a

DRAFT

process of elimination that's taking long at the State Engineer's Office. This is where we're at now.

CHAIR STEFANICS: Thank you for that. Other questions, comments?
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd move for approval with staff's condition excluding -- let me back up, Madam Chair. I'd move for approval of CDRC Case #S 08-5451 with all conditions excluding condition 13, Madam Chair.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Okay. There's a motion and a second. Further discussion?

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

CHAIR STEFANICS: Okay. You have a 4-0 approval. Congratulations. Thank you. So the public hearing on growth management is concluded.

~~XII. Matters From the County Attorney~~

~~A. Executive Session~~

~~1. Discussion of Pending or Threatened Litigation~~

~~2. Limited Personnel Issues~~

~~4. Discussions Preliminary to Collective Bargaining Negotiations~~

~~MR. ROSS: Madam Chair, we need a closed executive session to discuss pending or threatened litigation, limited personnel issues, and have some discussions preliminary to collective bargaining negotiations.~~

~~CHAIR STEFANICS: Thank you. Is there a motion from the Commission?~~

~~COMMISSIONER MAYFIELD: Madam Chair, I move we go into executive session pursuant to Mr. Ross' specifications.~~

~~CHAIR STEFANICS: Is there a second to that?~~

~~COMMISSIONER ANAYA: Yes.~~

~~The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2, 5, and 7) passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics, and Mayfield all voting in the affirmative.~~

~~CHAIR STEFANICS: And how long do you think we'll be, Steve?~~

~~MR. ROSS: Madam Chair, let's guess at 45 minutes.~~

~~[The Commission met in closed session from 6:30 to 8:35.]~~