

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Public Hearing)
January 8, 2002 - 4:00 p.m.

2081082

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes (November 27, 2001, December 11 & December 18, 2001)
- VII. Election of Commission Chairman
- VIII. Presentations and Awards:
 - A. Presentation by the Land Use Department for Employee of the Quarter: Judy McGowan
- IX. Consent Calendar
 - A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:
 1. CDRC CASE #MIS 98-5557 - Sunrise Springs Liquor License (Approved)
 2. CDRC CASE #MIS 96-5241 - Associated Asphalt Time Extension (Approved)
 3. CDRC CASE #Z 01-5370 - Santa Fe Animal Shelter (Approved)
 4. EZ CASE #S 96-4341 - Aldea De Santa Fe (Formerly Frijoles Village) (Approved)
 5. EZ CASE #S 01-4110 - The Estancias at Las Campanas (Approved)
 - B. Resolution No. 2002 - A Resolution Requesting a Transfer from the General Fund (101) to the EMS Fund (232) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002 (Finance Department)
 - C. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder, IFB #22-18 for the Pueblo Garcia/Valle Vista Subdivision Water System Extension Improvements Project (Utilities Division)

Approved
Approved w/changes
Approved w/typos

Approved

Approved

Approved

gonzales
Dumont
Sullivan
Carpas
Alente
Carpas
Dumont
Sullivan
gonzales

X. Administrative Items:

A. Committee Expirations/Resignations/Vacancies:

B. Committee Appointments:

1. Appointments to the Extraterritorial Zoning Authority
2. Appointments to the Santa Fe Solid Waste Management Agency Board of Directors
3. Appointments to the Regional Planning Authority

XI. Staff and Elected Officials Items:

A. Community and Health Development Department

1. Request Approval of FY-2003 Sole Community Provider County Contribution for Espanola, Holy Cross, Los Alamos and St. Vincent Hospitals
2. Request Approval of Amendment Number Three to the Memorandum of Agreement Between St. Vincent Hospital and Santa Fe County

B. Land Use Department

1. CDRC CASE #V 01-5270 – Lynn Frost Variance. Lynn Frost, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow for the Placement of a Second Home on 5-Acres. The Property is Located at 27 Camino Azul, within Section 35, Township 15 North, Range 8 East (Commission District 3). Wayne Dalton. For Deliberation Only
2. EZ CASE #DL 01-4070 – Tom and Kathy Sedillo. Tom and Kathy Sedillo, Request Plat Approval to Divide 4.98 Acres into Two Tracts. The Tracts will be Known as Lot 1-A (2.4916 Acres), and Lot 1-B (2.4916 acres). The Described Property is Located Off Calle Estevan, within Pinon Hills Subdivision, Section 25, Township 17 North, Range 8 East (2 Mile EZ District). Audrey Romero. For Deliberation Only. TABLED

C. Matters from the County Attorney, Steven Kopelman

1. Resolution No. 2002 – A Resolution Amending Resolution 1999-98 to Expand the Service Area of Comcast Cablevision, Inc. (Successor to Mickelson Media, Inc.) to Include the Unincorporated Area of Santa Fe County and to Increase the Franchise Fees Payable to Santa Fe County TABLED
2. Elect Voting Representatives for the NMAC Multiline and Worker's Compensation General Membership Meetings
3. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights
 - c. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations

D. Matters from the County Manager, Estevan Lopez

1. Resolution No. 2002 ² A Resolution Restating and Amending Resolution No. 2001-35 Supporting the Santa Fe Regional Juvenile Justice Board's Initiatives

E. Matters of Public Concern - NON-ACTION ITEMS

F. Matters from the Commission

XII. Public Hearings

A. Land Use Department Items:

- 1. Request Modification of Conditions of Approval for CDRC CASE #97-5480 GDP Mobile Homes Sales Lot. Roman Abeyta
- 2. Ordinance No. 2002 - An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 4, Madrid Traditional Community Zoning District. (Second Public Hearing) Robert Griego
- 3. Ordinance No. 2002 - An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 5, San Pedro Contemporary Community Zoning District. (Second Public Hearing) Paul Olafson
- 4. CDRC CASE #MIS 01-5402 - Avanti Master Plan Time Extension. Interstate Investments and Dietz Creditors, Applicants, Brad Hays, Agent, Request Approval for a 24 Month Extension to the Expiration Date of a Master Plan for Commercial Uses on 10.3 Acres (Avanti Business Park Lots 4-A and 4-B), which was Approved in 1983. The Property is Located East of the Frontage Road, within Section 26, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green
- 5. CDRC CASE #Z 01-5380 - Montano Master Plan. Victor and Viola Montano, Applicants, Jim Siebert, Agent, Request Master Plan Approval for a Cement Plant, Light Industrial, Retail Commercial and Office Uses on 5.6 Acres. The Property is Located at the Southwest Corner of the Intersection of 599 and CR56, within Section 10, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green
- 6. CDRC CASE #MIS 01-4630 - Santo Nino de Felipe Time Extension. Ray and Yolanda Reynolds, Applicants, Jim Siebert, Agent, Request Approval to Allow for a 12 Month Extension to the Expiration Date of the Final Plat for the Santo Nino de Felipe Subdivision, Located within Sections 6 & 7, Township 16 North, Range 9 East (2-Mile EZ District). Vicki Lucero
- 7. CDRC CASE #APP 01-5351 - Garcia Subdivision Appeal. John Maruska, Applicant, is Appealing the County Development Review Committee's Decision to Uphold the Land Use Administrator's Decision to Allow a Summary Review Subdivision to Divide 12.6 Acres into 5 Lots for John Paul & Veronica Garcia. The Subject Property is Located on Shenandoah Road in the North Fork Area, within Section 25, Township 15 North, Range 8 East (Commission District 3). Wayne Dalton
- 8. CDRC CASE #V 01-5460 - 4-H Club Welcome Sign Variance. Jana Gallegos, Applicant, Requests a Variance of Article VIII, Section 7.15 a. (Off-Site Advertising or Billboards) of the Land Development Code to Allow a Welcome Sign for the 4-H Youth Organization. The Property is Located off Highway 285 at 18c Camino Amansador Road, within Section 16, Township 15 North, Range 10 East (Commission District 5). Wayne Dalton

Approved

3-2

Approved

Approved 5-0

EZ

Tabled

4-1-1 moved approved

Tabled

9. CDRC CASE #A/V 01-5510 – Benny Zamora Variance. Benny Zamora, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 1.4 Acres. The Property is Located at 05 Taylor Loop, within Section 5, Township 15 North, Range 8 East (Commission District 3). Wayne Dalton **TABLED**

Tabled

10. AFDRC CASE #A/V 01-5340 – Horacio Baca Variance. Horacio Baca, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow the Placement of a Second Home on 0.419 Acres. The Property is Located in the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East (Commission District 2). Wayne Dalton

XIII. ADJOURNMENT

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

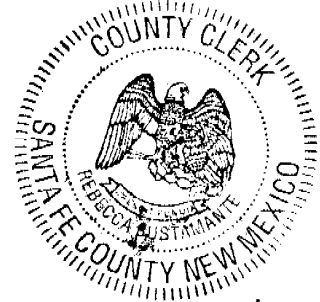
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SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 8, 2002

Paul Duran, Chairman
Jack Sullivan, Vice Chairman
Paul Campos
Javier Gonzales
Marcos Trujillo



1195.664
COUNTY OF SANTA FE } ss
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 5 DAY OF Mar A.D.
20 02 AT 8:04 O'CLOCK 9 M
AND WAS DULY RECORDED IN BOOK 2881
PAGE 082 - 207 OF THE RECORDS OF
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Marcella Salazar
DEPUTY

SANTA FE COUNTY
REGULAR MEETING

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BOARD OF COUNTY COMMISSIONERS

January 8, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:155 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, roll was called and indicated the presence of a quorum as follows:

Members Present:

- Commissioner Paul Duran, Chairman
- Commissioner Marcos Trujillo
- Commissioner Javier Gonzales
- Commissioner Paul Campos
- Commissioner Jack Sullivan

Members Absent:

None

IV. INVOCATION

An invocation was given by Subdivision Engineer Tom Dominguez.

V. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**

CHAIRMAN DURAN: Are there any amendments?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, Commissioners, Happy New Year. No, there are no amendments today on this agenda. There are a number of tabled items, however. The tabled items are as follows: Under XI. B. 2 is tabled, XI. C. 1 is tabled. And XII. A. 9 is tabled. In addition, today we've received letters regarding tabling

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XII. A. 7. We received letters from both the appellant and the original applicant requesting that this item be table to allow further time to try and resolve some issues. So those are the tablings.

CHAIRMAN DURAN: Okay, are there any other amendments or changes to the agenda? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VI. APPROVAL OF MINUTES: November 27, 2001

CHAIRMAN DURAN: Are there any amendments or changes to those minutes?

COMMISSIONER TRUJILLO: If not, Mr. Chairman, I move for approval of the November 27, 2001 minutes.

CHAIRMAN DURAN: There's a motion. I'll second that. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

December 11, 2001

CHAIRMAN DURAN: Any changes to those minutes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just had one amendment that I gave to the recorder. Just a small item. It was on page 12.

CHAIRMAN DURAN: Okay. That's acceptable to the Board? Okay, is there a motion to approve?

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

CHAIRMAN DURAN: Is there a second? I'll second that.

CHAIRMAN DURAN: Those in favor signify by saying "aye."
[Unanimous] Opposed? Motion carries. [Commissioners Gonzales and Trujillo abstained from this voted, not having attended the meeting in question.]

December 18, 2001

CHAIRMAN DURAN: Any changes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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COMMISSIONER SULLIVAN: I had three minor basically typographical changes which I gave to the recorder.

CHAIRMAN DURAN: Okay. Let the record reflect that. Is there a motion to approve?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VII. ELECTION OF COMMISSION CHAIRMAN

CHAIRMAN DURAN: I guess we'll open it up for some nominations. Commissioner Gonzales.

COMMISSIONER GONZALES: I'd ask that the Chair respectfully continue serving in the capacity. I think you've done a great job. So I'd move, at this time I'd like to recommend you, or nominate you to continue to serve the Board of County Commissioners.

CHAIRMAN DURAN: Thank you.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Thank you very much. What's next? Is there any other nominations?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't have any other nominations. I also think the Chair has done an excellent job this year. It's been a pleasure working with you and all the Commissioners this year. And I would certainly support the Commission in your continuing on if you want to serve. I would suggest that we consider that the advantages of rotating the Chair around. I think that provides a difference of views and of procedure and a different face to the community and it probably reflects well the equal opportunity make-up of our county. So I feel that that's a better way to handle the chairmanships regardless of who is nominated, but if that's not the desire of the majority, nonetheless I would certainly support you in another year, Mr. Chairman.

CHAIRMAN DURAN: Thank you. Okay, so there's a nomination. I will accept the nomination. So do you want to make a motion to appoint me as Chairman?

COMMISSIONER GONZALES: So moved. Moved to approve the nomination.

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Those in favor signify by saying "aye."
[Unanimous] Opposed? Motion carries.

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COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Yes.

COMMISSIONER GONZALES: In accordance also, I believe, with the rules we have to elect a vice chair and I'd like to nominate Commissioner Jack Sullivan so when the new round of chairs comes forward we can strive to meet Commissioner Sullivan's goals of creating more participation amongst the Commissioners.

COMMISSIONER TRUJILLO: I second that motion.

CHAIRMAN DURAN: I would just like to say, as the Chairman, I think that being the Chair is not only an honor but it's a privilege and I don't think that it's a right that we have just because we were elected as Commissioners. But—and that's pretty much why we changed it last year. And I guess as long as the chair is representative of the majority of the Commission, I think that that's what the Chair should be about and the Chair should also strive to build consensus amongst the Commissioners. So with that, just to give you some information on why we changed it. I think that it's a privilege and an honor, not a right.

So those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

CHAIRMAN DURAN: Thank you very much gentlemen. I promise I'll do a good job for you.

VII. PRESENTATIONS AND AWARDS

A. Presentation by the Land Use Department for Employee of the Quarter: Judy McGowan

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioners, good afternoon. Happy New Year. Thank you. Actually, Judy's not going to make the presentation; I am because it's an award to honor Judy and I'd like to ask her to come up for a moment. It's a privilege and an honor for me to announce that Judy McGowan has been selected the Santa Fe County Employee of the Quarter for January 2002. Judy has been an employee at that County for 16 years. I jokingly said this was a retirement award. You've got a couple more to go yet.

Judy started working here in 1986. She began as an associate planner, now is the senior planner in the Planning Division. Judy's worked on every major planning and land use project in the county and metro region in recent history and some of the work that she's done includes work on the Mountain Special Review District, the Arterial Roads Task Force Plan, the Terrain Management Ordinance, the Metro Area Highway Corridor Plan, County Growth Management Plan, the Community College District Plan, the Tesuque Community Plan, the US 285 Highway Corridor Plan and much of the original open space and trails planning was led by Judy and took us up to the creation of the bond

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program and the open space program, and of course that's just a smattering of the projects that Judy's worked on. The list is pretty enormous when you look at it all.

Judy's work is always highly professional and innovative and she's earned the respect of many individuals and community groups throughout the county. Projects that Judy has been the principal contributor to have won awards from the American Society of Landscape Architects and the New Mexico Chapter of the American Planning Association. In fact in June of 2000, two projects in which Judy was the principal planner were recognized by the New Mexico Chapter of the APA, innovations in land use planning for the Growth Management Plan, and innovations in facility planning for the Arterial Roads Plan.

Having myself been in the planning profession here for 25 years, I've had the opportunity to work with many planners. Judy is clearly, in my opinion, one of the best in the state and given the innovation and creativity of the work that we've accomplished over the past couple years in the County, I would say Judy is one of the best in the country. The qualities that put her at that level—I have to wait for the applause. There's a number of qualities that I believe put her on this level. One is an amazing attention to detail. Judy helps not only with the plans that we create but also with the ordinances to support them, and when it comes to ordinance preparation, Judy's probably one of the best that we have here in the County, and you know how difficult that is.

And we always miss something so just the fact that it takes such an amazing amount of concentration and attention to detail is really a major contribution that Judy makes. Judy takes on difficult tasks, whether she likes it or not, not only willingly but also with enthusiasm, educating herself about the issues as she moves through the process and her understanding and implementation of GIS and Arcview, for example, exemplify the level to which Judy is willing to commit herself.

Judy is an important part of our institutional memory. We all know how many employees come and go through the County and it's really extremely important to us that we have people here that can remember further back than a year ago for whatever reason. And it's vital to how we, as problem-solvers, have an ability to create plans and ordinances that realistically reflect the context and the evolution of the County and I think Judy is exemplary in that regard.

Working with groups, Judy has, as we all know, developed a very direct approach. Judy's learned to handle this directness in a very positive and affirmative manner, which allows us to move our projects with more clarity and in fact some times more speed through complicated projects that we face.

And finally I think it should be acknowledged that Judy has a very creative side that sometimes we forget. She has become a first-rate photographer and many of the beautiful photographs that grace the cover and the contents of our plans are in fact the work of Judy McGowan. So it is with great respect that I announce and congratulate County Planner Judy McGowan as the Santa Fe County Employee of the Quarter.

COMMISSIONER TRUJILLO: Congratulations, Judy.

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CHAIRMAN DURAN: Congratulations. Good work.

COMMISSIONER GONZALES: Well done. Speech.

JUDY MCGOWAN (Senior Planner): It began to sound like a eulogy there for a minute. I was concerned. Thank you very much. I really appreciate the recognition and all the flowery words that Jack said. I enjoy working for Santa Fe County most of the time and most of the time it's extremely interesting and challenging. And I appreciate the opportunity to have some autonomy to propose things and go forward with things too. That's a real special situation for a planner, especially. Thank you.

CHAIRMAN DURAN: Thank you, Judy. I know you've always had Santa Fe County in your heart and I appreciate that. All of us do.

VIII. CONSENT CALENDAR

A. Request adoption of findings of fact and conclusions of law for the following land use cases:

- 1. CDRC Case #MIS 98-5557. Sunrise Springs Liquor License (approved)**
- 2. CDRC Case #MIS 96-5241. Associated Asphalt time extension (approved)**
- 3. CDRC Case #Z 01-5370. Santa Fe Animal Shelter (approved)**
- 4. EZ Case # 96-4341. Aldea de Santa Fe (formerly Frijoles Village) (approved)**
- 5. EZ Case #S 01-4110. The Estancias at Las Campanas (approved)**

COMMISSIONER GONZALES: I have just a quick question on the findings of fact. If I was not present at the meeting where the Commission approved the cases but I've read the findings of fact is it appropriate for me to vote or just to go ahead and abstain?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Gonzales, you've read the minutes. I think if you feel comfortable voting you have the right to do that.

COMMISSIONER GONZALES: What makes for a better record? I think this is all part of creating a strong, good record. Is that right?

MR. KOPELMAN: Mr. Chairman, Commissioner, that's correct if we do have a litigation case on it. But again, these matters already were voted upon by the Commission and so this is really just approving the form of order and I think again that if you feel comfortable that you're conversant with the matter I think it's appropriate for you to vote.

CHAIRMAN DURAN: Are there any of these cases that the Commission, any of the Commissioners would like to isolate for discussion? Otherwise, we'll go for blanket approval of the Consent Calendar, A. 1 through 5.

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COMMISSIONER TRUJILLO: I move for blanket approval of the findings of fact and conclusions of law for these cases, one through five.

CHAIRMAN DURAN: That would be IX. A. 1 through five. I second that. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action]

IX. B. Resolution No. 2002-01. A resolution requesting a transfer from the general fund (101) to the EMS fund (232) to budget fiscal year 2001 cash balance for expenditure in fiscal year 2002

CHAIRMAN DURAN: Any questions of the Finance Department? If not, what's the pleasure of the Board? I make a motion to approve Resolution No. 2002-01.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

IX. C. Request authorization to accept and award a price agreement to the lowest responsive bidder, IFB #22-18 for the Pueblo Garcia/Valle Vista Subdivision water system extension improvements project

CHAIRMAN DURAN: Any questions of the Utilities Division?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Doug, perhaps you could fill us in on what this is for and my question following that is are we doing the billing for the Valle Vista system and are we going to continue to do that?

DOUG SAYRE (Utilities Director): Thank you, Mr. Chairman, Commissioner Sullivan. Number one, the reason for this connection is to come off of the County system into the Pueblo Garcia system and connect that per the contract that was developed with Pueblo Garcia on that system. He put in an internal system that he presently has a well on and we had a requirement to go ahead and connect on it at a future date. And also we wanted to connect that system into the Valle Vista system so it all works as one integral system throughout. That was the reason for it. So we can take water either way, either from the Valle Vista system that can be pumped into this all throughout the Valle Vista into the Pueblo Garcia or vice versa. We can furnish water from the County system into this system so it becomes integrated without plans for the overall system use.

What was the second question, Jack?

COMMISSIONER SULLIVAN: Are we handling the billing for these two

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systems?

MR. SAYRE: Okay. Presently, on the Valle Vista system we are handling the billing. That started back in August. Actually September I should say. We took it over on August 28. We started billing Valle Vista on the first part of September, doing that on a regular basis, both water and sewer. On the Pueblo Garcia system, because he was still independent from us until we made the connection, we haven't started to bill him for water but we have started billing him for wastewater because his system comes into the Valle Vista wastewater system.

COMMISSIONER SULLIVAN: Are these two, Mr. Chairman, Mr. Sayre, are these two subdivisions side by side?

MR. SAYRE: Yes. Just to give you a location Valle Vista is somewhat I guess southwest of the Allsups on State Road 14 and the Pueblo Garcia is southeast of the Valle Vista system, more towards, closer to Allsups and the intersection.

COMMISSIONER SULLIVAN: On the other side of the road?

MR. SAYRE: No.

COMMISSIONER SULLIVAN: Same side?

MR. SAYRE: Same side of the road.

COMMISSIONER SULLIVAN: Okay. The question, Mr. Chairman, I'm trying to get at is in looking at our long range water plan, our 40-year plan, I recall that our intent was that Santa Fe County would provide water supply and transmission mains with the intent that we sell water and distribute water on a master metering basis. Are we going to be, as more and more subdivisions come on line and we provide more and more water service to these subdivisions, which we should, which I'm very much in favor of, are we going to begin to take over the billing functions in the same fashion that the City does? Or are we going to try to keep away from that and keep that with private entities?

MR. SAYRE: Mr. Chairman, Commissioner Sullivan, I'd say it would be on a case by case basis. In this one, I think it was contemplated by the contract that we would take over at a point in time when we connected to it, the billing and the operation of the Pueblo Garcia system. Also the Valle Vista, because of the contract, we took, that function was by contract we would take that over. Some other areas I think we may look at the system and decide to just master meter it, such as in some cases like some mobile homes we may just try to master meter and provide water to them but not take over the billing of say an older mobile home area.

Similar perhaps, if we connect onto the lower La Cienega system I think we may just master meter that and consider that they would continue to just bill their customers and we would just bill the association for water.

I think what it comes down to in a lot of cases, I don't know whether we want to look at the economic requirement of taking over systems and upgrading them to say, municipal standards. But we try to evaluate that before we take them over if it seems reasonable to do that.

COMMISSIONER SULLIVAN: I think this is what we need to be careful

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of because as soon as we undertake and expand our billing we may be going down the same road as the City has found itself in where we're dealing with substandard systems, substandard meters, service lines and liability associated with that. And I can see, the question perhaps we'll discuss at a later date, and your input on it of course is needed is where do we move with that in the future? I can think of some other big ones. Rancho Viejo as one, Eldorado as another, that could be coming up in the future. Do we want to be in the business of municipal water service, customer service as opposed to master metering.

MR. SAYRE: Mr. Chairman and Commissioner. I think that's reasonable. We try to do a due diligence assessment on each one of these before we take them over. With Rancho Viejo, I think by contract we're required, we're doing that presently. We have something like 300 customers out there presently. I guess it's anticipated that we may have up to 600 under the present contract. But we are billing those people and getting revenue from that one. In some of these other larger systems like Eldorado or say some other system maybe in the northern part of the county, I think we'll have to look at due diligence and whether that's reasonable to take that system over or not and whether it's beneficial to the County.

But we'll certainly provide that information to you before we consider that.

COMMISSIONER SULLIVAN: Well, that's what I think we need to get from the Utilities Department is a policy on this because we're obviously going down the road of doing that. We have several hundred customers now and are we going to keep doing that? Are we going to keep providing all individual billings for Rancho Viejo and for all the subdivisions that want us to do that that don't have an active association. And ultimately other large areas, perhaps such as Eldorado. Or are we going to stop at this point and say, No, we only want to provide master metering.

We're getting to a point where we need to make a decision, are we going to be in the individual water business or not? And we've already got our toe in the water to an extent. But I think the Commission needs to be aware of what that entails and many municipalities of course are going to private water companies that do this billing. Do we want to continue building up our staff in-house to do this with the necessary personnel, maintenance personnel to your staff. Or do we want to stop doing this? Or do want to privatize it? I think we're now at this point and this one just brought it up. I don't mean to harp on this particular contract; it's a relatively straightforward one.

But I'm concerned, Mr. Chairman and members of the Commission that we don't have a strategy here for how we're going—are we just going to move like the City of Santa Fe and keep getting water hook-ups on and develop a water department that has billing problems or doesn't have building problems hopefully, or are we going to stick to the philosophy of we provide master metering and we require other entities to do that? I don't have the answer for that but I think we could get it pretty quickly.

MR. SAYRE: I appreciate your consideration here. I think that's one of the things that we'll take under directive that that's what the Utilities Department needs to

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look at this aspect long-range, whether we need to get into the full customer service or try to continue the master metering situation with as many of these as we can. I appreciate your comment.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Mr. Chairman, will the service area for the utility be in and around the City of Santa Fe? Is that the focus that we're looking at in our 40-year plan? I conjecture that inherent in the 40-year plan the County has to respect the autonomy of existing water utility systems—La Puebla, Chimayo, for example. Eldorado. I don't think that by any stretch of the imagination we'd be looking at Santa Fe County taking over all of these systems at any time. So my question is will the service area for the utility company remain in and around the City of Santa Fe?

MR. SAYRE: Mr. Chairman and Commissioner Trujillo, I guess my view on this in the future, what I see is that it will not just remain immediately around Santa Fe. We will probably expand it to include such areas south as La Cienega. But without trying to forcefully take over anything, if people want to remain independent, then we will try to master meter into them if they desire to take water from the County and we can work out an equitable program for that.

Up north, I think it's contemplated that there's a possibility that there could be more or less of a wholesale entity known as the Santa Fe County Water Company that would provide water to different entities in the north. That's a distinct possibility and I think we need to be prepared for that. But in the future, that's a distinct possibility. But in any of these I don't think we're trying to come in and take over any entity. We're trying to just, if we can go by and they would like us to try to work out to provide water and we can work out the water rights situation, then that will be accomplished in that pattern. Whatever entity it is or whatever organization that we can try to work that way.

COMMISSIONER TRUJILLO: And we're doing that with Las Cuatro Villas. They're in northern Santa Fe County, in a mutual domestic sort of set-up.

MR. SAYRE: That's kind of looking at a regional system but if another, if the County develops some kind of regional system that we could connect into that, that they still handle that entity or area, we would look at trying to master meter water into them, if the water rights transfer situation could be worked out in the course of the master metering.

COMMISSIONER TRUJILLO: We could do that for the Pojoaque Valley too.

MR. SAYRE: Yes. And I guess that's my envisionment is that somewhat we're wholesaling water to entities if they so desire in the future. That's of course in accordance with all contracts and various resolutions that are worked out with the Commission and various entities. Thank you. Were there any other questions?

CHAIRMAN DURAN: Any other questions of Doug? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman, of

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item IX. C.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

Thank you, Doug.

IX. ADMINISTRATIVE ITEMS

A. Committee expirations, resignations, vacancies

B. Committee appointments

1. Appointments to the Extraterritorial Zoning Authority

CHAIRMAN DURAN: I guess there's nothing under A, Estevan?

MR. LOPEZ: Mr. Chairman, no, there are no expirations, resignations or vacancies.

CHAIRMAN DURAN: Okay, then B, committee appointments, appointments to the Extraterritorial Zoning Authority. Do you make those appointments, Estevan?

MR. LOPEZ: Mr. Chairman, I believe the Board does.

CHAIRMAN DURAN: Okay. All those who want to be on the Extraterritorial Zoning Authority raise your hand.

COMMISSIONER TRUJILLO: I nominate Commissioner Duran.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Well, I'll sit on the EZA.

COMMISSIONER TRUJILLO: Who sits on the EZA now?

CHAIRMAN DURAN: Javier, myself and Jack.

COMMISSIONER TRUJILLO: And Commissioner Campos and I are on the RPA. And you're on the RPA. Commissioner Gonzales was on the RPA, right?

COMMISSIONER GONZALES: I guess, Mr. Chairman, that it's been difficult—I enjoy serving on the EZA. It's been very difficult because of travel commitments and I've missed a few meetings, but I enjoy serving there. I enjoy being involved in the regional aspects and if we could keep this commitment where if I can't make it we have the alternates making it, then I'd like to stay at least somewhat involved this last year that I am here at least in the regional planning process.

CHAIRMAN DURAN: That's two.

COMMISSIONER CAMPOS: I would second that. Jack, do you want to be on it?

COMMISSIONER SULLIVAN: I think it's been a worthwhile experience for me. Commissioner Campos, if you're really interested in serving on it—

COMMISSIONER CAMPOS: I could be a substitute.

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COMMISSIONER GONZALES: Great. If you could be the substitute it would be helpful

CHAIRMAN DURAN: Okay, so the three then would be Commissioner Gonzales, Commissioner Sullivan, and myself, with Commissioner Campos being the substitute or alternate. Okay. I'll submit that as a motion.

COMMISSIONER GONZALES: Seconded

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

X. B. 2. Appointments to the Santa Fe Solid Waste Management Board of Directors

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I would like to stay on as a member of that board.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

COMMISSIONER SULLIVAN: I'm in on that also.

CHAIRMAN DURAN: You want to stay on it?

COMMISSIONER SULLIVAN: That's fine. We have three, unless either Commissioner Sullivan or Commissioner Trujillo would like to. I was always under the impression that the newcomers got that job and I'm just wondering when we're not newcomers any more.

COMMISSIONER GONZALES: Next year at this time.

COMMISSIONER CAMPOS: I think we can take the "R" off our foreheads. We're no longer rookies, Jack.

CHAIRMAN DURAN: Congratulations for living through one year. Okay, I'll stay on it also.

CHAIRMAN DURAN: Move for approval.

COMMISSIONER SULLIVAN: Second.

COMMISSIONER CAMPOS: Any substitutes?

COMMISSIONER TRUJILLO: I could be a substitute member for Solid Waste.

CHAIRMAN DURAN: Correct me if I'm wrong, Steve, but doesn't the new rule that we adopted allow any of the Commissioners to be an alternate?

MR. KOPELMAN: Mr. Chairman, members of the Commission, that's correct. Usually, there's a first alternate and a second alternate. That's how it's decided so that Commissioner Trujillo would be the first one to be called and if he couldn't make it then you could call Commissioner Gonzales.

CHAIRMAN DURAN: Okay.

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CHAIRMAN DURAN: Those in favor signify by saying "aye."
[Unanimous] Opposed? Motion carries.

X. B. 3. Appointments to the Regional Planning Authority

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to stay on the RPA.

COMMISSIONER TRUJILLO: I've been, Mr. Chairman, on the Regional Planning Authority for a year and I think with the transition, this is my last year on the Commission, I think and I feel that it would be more beneficial that Commissioner Sullivan be appointed to the RPA because of the regional aspects of cooperation and planning between the City and the County. If he accepts that nomination it would be my honor to nominate Commissioner Sullivan to the RPA.

COMMISSIONER SULLIVAN: I'll accept, if you—you've had good attendance and good participation in the RPA.

COMMISSIONER TRUJILLO: I think that it's your call. I pass the baton.

CHAIRMAN DURAN: So I guess that leaves—how many have to be on the RPA? Four? What if only two want to be on it?

MR. KOPELMAN: Mr. Chairman, if only two want to be on it you have to appoint the other two.

CHAIRMAN DURAN: Okay, I'll appoint myself and Commissioner Gonzales. Is that okay? That's one out of three.

COMMISSIONER GONZALES: Sure. Can I make the Clerk stand in for us when we need to? She'd be a great member. She's looking for more meetings, right?

CHAIRMAN DURAN: Those in favor of the appointments, signify by saying "aye." [Unanimous] Opposed? Motion carries.

X. STAFF AND ELECTED OFFICIALS ITEMS

A. Community and Health Development Department

1. Request approval of FY-2003 sole community provider County contributions for Española, Holy Cross, Los Alamos and St. Vincent Hospitals

STEVE SHEPHERD (Indigent Fund Director): Mr. Chairman, Commissioners, we're coming to you at this time to recommend the following amounts for sole community providers to the following hospitals: Española Hospital, \$372,300; Holy Cross Hospital, \$20,700; Los Alamos Medical Center, \$41,685; and St. Vincent Hospital, \$13,198,615. I'd be happy to stand for any questions.

COMMISSIONER TRUJILLO: How were the numbers derived, Steve, Mr. Chairman?

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MR. SHEPHERD: Mr. Chairman, Commissioner Trujillo, the numbers are come up with this way: The base projection for, or the base amount for 2002, plus the supplemental, which was small last year for 2002, are taken and an inflation factor is added to it of approximately 4 percent. That will be determined by the state some time in February or March, as will our exact match percentage.

COMMISSIONER TRUJILLO: So these numbers reflect a four percent increase from last year's allocation.

MR. SHEPHERD: That's correct. One special case, Española Hospital did request \$450,000. We know that they're not going to get that and are recommending the amount plus the four percent increase.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: Any other questions of Steve? What's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

XI. A. 2. Request approval of amendment number three to the memorandum of agreement between St. Vincent Hospital and Santa Fe County

MR. SHEPHERD: Mr. Chairman, Commissioners, right now and I apologize that we did not get this negotiated in a manner that had this available for the packets. We did just get it negotiated the beginning of last week. This is amendment three to the memorandum of agreement with St. Vincent Hospital. The agreement essentially stays the same. We have not added or subtracted any work items. We did change the numbers a little bit to where existing County expenditures were increased by approximately \$156,000.

CHAIRMAN DURAN: Excuse me, Steve. Before you go any further, I'm going to ask Commissioner Sullivan, since you're the one that has the amendment, are you okay with this late date? We haven't had any chance to review it.

COMMISSIONER SULLIVAN: Not really, Mr. Chairman. Now sometimes we run into federal time problems here and I guess that's what you're going to tell us about now.

MR. SHEPHERD: Mr. Chairman, Commissioner Sullivan, I am. It's not a federal but a state timeline problem. The deadline for submission by the hospital to the state is January 15th. For the sole community letters. We could postpone the MOA to a later Commission meeting if you'd be comfortable doing that.

CHAIRMAN DURAN: Steve.

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MR. KOPELMAN: Mr. Chairman, members of the Commission, it's my understanding that there's no changes to this document from the previous year other than the amounts. And I think it is important if we can get this approved so that they don't have to request an extension. I think that, again, there's not a rewrite of the contract or anything. It's virtually the identical contract that's already been approved, and the amendments are just the amounts.

CHAIRMAN DURAN: Which amounts are those, Steve, do you know? Which ones changed? What's the difference in the change and the reason for them?

MR. SHEPHERD: Mr. Chairman, the difference is approximately \$156,077 on the top amount. The actual numbers that did change are EMS medical services went up approximately \$7,000. E-911 addressing went down \$50,000. Maternal and Child Health stayed the same. Ineligible inmate care is \$129,000. PARA Senior Transit stayed the same, and we did request a large increase in the indigent primary care funding which we're spending a lot of money on from County funds. That increase is approximately \$246,000.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Steve, help me out. This MOU is the MOU that was entered into between St. Vincent's and Santa Fe County to step outside of the normal course of delivering indigent care and providing more health care services to the community.

MR. SHEPHERD: That's correct.

COMMISSIONER GONZALES: So of all the things that were outlined in this MOU, what percentage of those issues have been executed and what's still remaining? And the other question is, you're saying that the costs are going up for the County? Are we having to put more money in out of our general fund into meeting the delivery of these services? Or where's the \$156,000 coming from?

MR. SHEPHERD: Mr. Chairman, Commissioner Gonzales, essentially what we're trying to do is the funds that we're paying for the sole community dollars to the state, we're trying to essentially recoup those and recoup our expenditures that we're making so that we've got funds to do this again next year. Approximately right now we're spending about \$375,000 towards primary care in the community out of our indigent fund.

As for the MOA projects and programs themselves, we've had some considerable success with our programs with the school, with our clinic care outreach. Two items that we have not expended a lot of money but are making progress on are our mobile health care unit and the Santa Fe County Care Network or the Care Connection as it's now called.

COMMISSIONER GONZALES: Are we collecting data? Do we have a benchmark of where we started prior to spending this money in this outreach? Is there a process in place to gather data based on how much service we've provided and what impact

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we've had on the community based on this money so that future Commissions when they're trying to make this decision can gather some data that reflect the work that's going on right now?

MR. SHEPHERD: Mr. Chairman, Commissioner Gonzales, yes, we do. We do issue a quarterly report from the MOA implementation team and the hospital has collected more detailed data, especially on the schools program and on the clinic health care support program. There's some more detailed information. We should have the next quarterly report to you within the next month. We owe you one from last month when there wasn't an Indigent Fund meeting as well.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN DURAN: Any other questions of Steve?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: If there are, as Mr. Kopelman says, no changes other than the dollar amounts then I'm comfortable with moving forward with it. I did look through it. I wanted to be sure that the citizen participation part of it was in there and it still is, although I haven't seen any quarterly reports out of it, which you just mentioned.

MR. SHEPHERD: We do owe you a quarterly report that was due last month. And we were planning on presenting it at the next Indigent Fund meeting.

COMMISSIONER SULLIVAN: Okay. With that said, Mr. Chairman, I would move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

XI. B. Land Use Department

- 1. CDRC CASE # A/V 01-5270. Lynn Frost Variance: Lynn Frost, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for the placement of a second home on 5 acres. The property is located at 27 Camino Azul, within Section 35, Township 15 North, Range 8 East (for deliberation only)**

CHAIRMAN DURAN: Do we usually get into the land use cases after six? Steve.

MR. KOPELMAN: Mr. Chairman, this was one that we already held the public hearing and the vote was two to two, so this is for deliberation only.

COMMISSIONER TRUJILLO: Who wasn't here?

MR. KOPELMAN: I believe Commissioner Gonzales wasn't present.

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CHAIRMAN DURAN: Okay. Sounds good. The public hearings start at 6:00, is that correct? Okay. Then we'll move forward on this. Do you want to get us up to speed on this, Wayne?

WAYNE DALTON (Review Specialist): Thank you, Mr. Chairman. The Board of County Commissioners heard this case on November 13, 2001. The decision of the Board was tied two votes to approve and two votes to deny. Under Commission rules of order the application is automatically tabled until the next meeting. This case is now coming before the Board for deliberation and vote only. Thank you.

CHAIRMAN DURAN: Okay, Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Dalton, can you tell me where this is located? Where Camino Azul is?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, this is located off of Highway 14.

COMMISSIONER GONZALES: Where by?

MR. DALTON: It's a little past the North Fork/South Fork area. It's about half a mile past the North Fork/South Fork area.

CHAIRMAN DURAN: Wayne, can you give us a little bit more information. It's a little foggy. Who were the two, wasn't it Commissioner Trujillo and myself that voted in favor of it?

MR. DALTON: That's correct. Yourself and Commissioner Trujillo voted for it and Commissioner Sullivan and Commissioner Campos voted against.

COMMISSIONER GONZALES: This is an area where there's a 12-acre minimum lot size?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, it's actually a 50-acre minimum lot size unless the applicant proves adequate water and then it can be reduced to 12.5 acres.

COMMISSIONER GONZALES: And I apologize for asking. I didn't see that in here. Was there a hydrology report?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, no there was not. The applicant was requesting a second home for her elderly parents. She wants to move her elderly parents on the property so she can take care of them. There's an existing home on the property. The property is served by a well and there's an existing septic system on the property.

CHAIRMAN DURAN: So we approved it with a temporary permit for two years?

MR. DALTON: That's one of the conditions of approval, Mr. Chairman.

CHAIRMAN DURAN: And it's restricted to .25 acre-feet of water. A mobile home will not be placed on a permanent foundation. No additional permanent structures to be erected onsite to support either dwelling. The existing driveway will serve the proposed residence. Failure to comply with any of the conditions shall result in administrative revocation of the variance. And I think we put the two-year limit on there

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so that in two years if she's still taking care of her mother or her parents or things have changed that we would have the opportunity to review that. Is that correct?

MR. DALTON: Mr. Chairman, that's correct.

COMMISSIONER GONZALES: Okay.

CHAIRMAN DURAN: Do you need—

COMMISSIONER GONZALES: No. There is a two-year—so it's a temporary permit.

CHAIRMAN DURAN: Right.

COMMISSIONER GONZALES: So the permit's only valid while her parents are living with her. And it's restricted only to the parents.

MR. DALTON: Mr. Chairman, Commissioner Gonzales, it's a two-year temporary permit to be approved for consecutive two-year periods. So once the two years is up she can come in and she has to prove to staff that the hardship still exists and then we can approve it for two more years.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I have a question for Mr. Dalton. What is our enforcement mechanism? What authority or how regular are we about checking on these cases that are temporary?

MR. DALTON: Mr. Chairman, Commissioner Campos, we do put these in a file and we do check the calendar. There is a file for temporary permits issued from the Board.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: It's called the honor system.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one clarification. I don't think the conditions require that the applicant's parents live in the home. I think it's a two-year approval—

CHAIRMAN DURAN: If you look at number one it says the applicant at that time must prove that the hardship still exists.

COMMISSIONER SULLIVAN: After two years. If a temporary permit will be issued for a period of two years to be approved for consecutive two-year periods. No where in the conditions—I think there was some discussion—that this was limited to the applicant's mother. I would like to clarify that it's not. The applicant has any use of that mobile home that they want during the two-year period.

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, these are just recommended conditions.

COMMISSIONER GONZALES: I think the point of this, the point of a variance as stated in the application is that her father was diagnosed with prostate cancer so there is a need to have him in a close environment. This is also in an area where the

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minimum lot size is 50 acres and there is no geo-hydro, so I think that the hardship needs to be [inaudible] and that the permit should be tied to her ability to care for those parents and that we shouldn't [inaudible] so I'd ask for the Commission for consideration under item one. If it can't be and if it's not [inaudible] but I think that the permit should be tied to her ability to care for them and she should be able to continue to care for them as long as they need caring for.

If she can prove that every two years then I think that that would be okay but there are lots of different hardships that come up. My concern is that in an area where the minimum lot size is 50 acres, 12.5 with geo-hydro, we're approving this without a geo-hydro, but it's for an important use. Then I think that it should be tied to her caring for her parents. I don't know how we would do that. I don't know what kind of language we could use for item one, where we say a temporary permit would be issued for a period of two years to be approved for consecutive two-year periods by staff. The permit will be valid as long as they're being cared for, there is care being delivered to the parents of the applicant. Is that appropriate language?

MR. KOPELMAN: Mr. Chairman, Commissioner, I heard the language. I think there are issues about the legality of these types of variances. So I just raise that issue. If that's your intention, I think that the language you put forward does accomplish that.

COMMISSIONER GONZALES: I would ask that language to be inserted, that it be only temporary and for a time that's in accordance with their needs and care for the parents. That any time moves her parents off-site [inaudible] I put that in the form of a motion.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Okay, so this motion is to approve—

COMMISSIONER GONZALES: Approve the variance.

CHAIRMAN DURAN: Okay. Those in favor signify by saying "aye."
[Commissioners Gonzales, Trujillo and Duran voted with the motion.] Opposed?
[Commissioners Sullivan and Campos voted against.] Motion carries.

The Chair would like to recognize Senator Roman Maes who is in the audience. Thank you for joining us. It's a pleasure to see you. Happy New Year.

XI. C. Matters from the County Attorney

2. Elect voting representatives for the NMAC Multiline and Workers' Compensation general membership meetings

MR. KOPELMAN: Thank you, Mr. Chairman. The first matter I have is for the Commission to elect voting representatives to the New Mexico Association of Counties Multiline and Workers' Compensation general membership meetings. The individual that gets

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selected to these positions has to be the same person who sits on the Multiline Board and the Workers' Compensation Board. That's a by-law requirement from the Association of Counties.

And all this is it's really one meeting a year where the general member votes on members of the Board of Directors and other items that are brought forward by the pool boards. So right now, currently, I'm the representative on the Multiline Board and Rebecca Bustamante, the County Clerk is on the Workers' Compensation Board. So unless you want to switch either one of us, we would have to be the appointed members to vote at the general membership meeting.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Santa Fe County is in a very good position here with our Clerk on her way to becoming president of the association and being able to sit on these boards. I don't know if the Board knows that at last week's Multiline meeting, Steve Kopelman, because of his knowledge and understanding was able to get the insurance boards to give back to Santa Fe County over \$110,000. I don't know what the exact amount was but I've never seen that in the seven years I've been here. And in fact, we were always worried about having to pay more money as a result of the amount of lawsuits and everything else that was going on at the County.

I think that was, from what I understand that there was a provision by the pool or the pool was going to move for them to keep us flat and the status quo would be the same and Steve stepped in and argued rightly that the County should be rewarded for the fact that the last five years we've done really well with being able to manage our risk and therefore we going to receive this check back. So I think things are going well. The Clerk is representing us well. The attorney is doing well and I would hope that we would continue with their membership. So I'd move that the Clerk, Rebecca Bustamante and Steven Kopelman, the County Attorney continue to serve in their individual capacities in the insurance pools.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: And that is that Steve gets to the voting member at the yearly meeting. Does that cover it?

MR. KOPELMAN: Mr. Chairman, it would be that Rebecca would be the voting member on the Workers' Comp general membership, and then I would also be voting member for the Multiline general membership.

CHAIRMAN DURAN: Okay. Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

COMMISSIONER GONZALES: And thank you, Steve, for bringing home the bacon. Thank you, Becky for what you do.

CHAIRMAN DURAN: So you're going to be the president? Well good. Let us know if we can help you out.

How about if we go into executive session just before, since we're a little ahead of time, just before the public hearing session? Is that okay? We'll go through Matters from the County Manager, Matters of Public Concern and Matters from the Commission, and then we'll go into

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executive session.

XI. D. Matters from the County Manager

1. Resolution No. 2002-02. A resolution restating and amending Resolution No. 2001-35, supporting the Santa Fe Regional Juvenile Justice Board's initiative

MR. LOPEZ: Mr. Chairman, this resolution, as the title states, simply amends and restates Resolution 2001-35. The only changes to that are in the title itself. The title of Resolution 2001-35 read as follows: A resolution supporting the Santa Fe Regional Juvenile Justice Board's initiative to implement a juvenile justice continuum model of services to reduce juvenile delinquency and to proclaim the County of Santa Fe as a Community that Cares County. That and the very final paragraph have been added as a new paragraph. This would allow that the Santa Fe County Correctional Services Manager, or the Santa Fe County Director of DWI programs shall serve on the Regional Juvenile Justice Board in the absence of the appointed Santa Fe County Commissioner or his alternate.

So the intent of this is just to make sure that the County does have representation at these board meetings.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: I'll second that. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

XI. E. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there in the public that would like to address the Commission concerning any matter? Please step forward and state your name for the record.

STEVE WARSHAWER: My name is Steve Warshawer, Mr. Chairman and Commissioners. And I'm coming to bring to your attention a question arising out of the implementation of the Transfer of Development Rights Ordinance. By way of background, I've been following the progress towards creating the Transfer of Development Rights Ordinance. It's been probably five or six years since the staff first brought Rick Pruetz into Santa Fe to present it to us, transfer of development rights as a method for creating voluntary open space and voluntary management of the development process.

We recently, I don't know exactly when it was passed but you have all approved and we've begun to work with this transfer of development rights as it relates to the highway corridor. I am working with a couple of landowners in the highway corridor area and as we've begun to work with the ordinance as it's currently written, and some of the rules that have been created to help administer that ordinance we've come across a problem which is what I'd like to

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bring to your attention for your consideration.

This particular property is on the intersection of Rabbit Road, Puesta del Sol and Old Pecos Trail. And what we have is a 30, originally a 30-acre piece of property which lost something like 25 percent of its acreage to the construction of I-25 back in the mid-seventies. With the creation of the corridor and the creation of the setback zones, the mandatory setbacks, the desired setbacks and some voluntary open space areas, what we have is a landowner who has a potential wealth of development rights to transfer, but then the question comes up, how can they utilize those development rights so that some of the desired setback, the desired open space areas don't get developed.

So in dialogue with landowners and with staff, we've come to understand the ordinance and how it could be implemented, we've come up with idea of using a portion of their land as a receiving area and in so doing, making certain that the desired open areas were preserved. And structurally, this looks like a proposal worth following, and of course it would come to you in much greater detail at the point that we can bring it into full presentable form. But we quickly encountered a specific problem, which is what I'd like you to think about.

I understand that the definition of sending areas has been structured so that—I'm sorry, the definition of receiving areas has been structured so that in order for receiving areas to be created, City or County water and City sewer must be present. And what that combination of situations creates, or combination of rules creates is a situation where no small projects, which is outside of the service area, could be formed into a receiving area. And what my interest and I believe that of most of the landowners in that particular area would be is of course to preserve open space along the corridor as the Corridor Plan supposes, but to also develop some fairly immediate applications for the transfer of development rights.

We don't really see a way to do that without being able to create our own receiving areas. And in the current situation where all of those services have to be provided and where services are not being extended to new areas, we're pretty much stopped from even moving forward to present a proposal to you. So what I'm asking you to consider is some set of circumstances in which a project area could come forward with a plan to provide its own services for waste management and for water delivery. And part of the reason that I think that has merit is that some small projects where this possibility exists could show some innovative and really creative ways of solving this problem and achieve our goals of clustering development in one location and maximizing open space preservation adjacent to it.

I had planned to bring a map in, but the map didn't turn out looking very good so I'm not going to bother you at this time. But I wanted to give just a general statement to you as to what the problem is. Did that come through adequately in this description and is there anything that I'm misunderstanding and where would I go from here in asking you to consider reviewing the set of decisions that currently shape this situation.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I appreciate your coming forward and in fact the ingenuity and the creativeness that you're trying to establish to preserve some of these open spaces. From what I understand, the Land Use Department shares your concerns and

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understands this to be a barrier in the progression. From what I understand, Mr. Chairman, the Land Use staff is actually going to present a proposal for consideration to the Commission that would in fact amend the ordinance to create more flexibility and allow for these types of occurrences to take place. In what form it comes, I don't know. I encourage you to talk to Jack Kolkmeier and Judy McGowan. I'm assuming they're going to be the ones who are drafting whatever amendments are going to be coming forward.

It will be a regular amendment to an ordinance that the Commission approved the authorization of it, and at that point you'll get to see the language and make sure it addresses your problem. But I think it goes directly to the issue of community water and sewer and the fact that where it doesn't exist, the barriers that it creates.

MR. WARSHAWER: I think the key point in making the transfer of development rights program work and begin to start to have an impact is that it have enough flexibility that it can begin small. It can begin with little steps. I think that if some of these little steps are taken and are consistent with the larger planning goals of the County, that will begin to inspire possibilities that will reach further and in fact the transfer of development rights tool, as a voluntary tool, has tremendous power to help us preserve open space at minimum cost to the County. So I just hate to see us get stopped and right now, it seems like we are. That's from a public perspective and the perspective of being not a landowner that's directly affected but in essence, representing landowners who are, I wanted to bring that forward from the public.

COMMISSIONER GONZALES: I think the Land Use staff completely concurs with you and something should be coming forth for consideration before the Commission.

MR. WARSHAWER: Then you'll probably be seeing me again soon. Thank you.

COMMISSIONER TRUJILLO: I agree. I think in order to implement a program countywide, you need to do something along the lines of what you're talking about. From an altruistic standpoint the benefit of the TDR program is only limited in and around the City of Santa Fe where there is utilities. You go up north or you go to the south, you can't implement a program there because there are no service areas. So I agree with this and I look forward to seeing what staff comes up with in bringing some suggestions as to how to make it versatile enough to help us move forward in implementing this transfer of development rights.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would express some strong reservations about that concept, and concerns. I think that the idea of the TDR program is to trade off open space for more dense development. I think what you're suggesting—obviously I haven't seen any specific proposal and I don't want to color my comments against it but just to say in general, that what you're suggesting promotes sprawl. The intent of the program is to take areas that can accommodate more dense development and leave other areas that we hope development will bypass and remain as open space, and trade off for higher density.

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If we move that out to the county, outside the serving utilities then we defeat that purpose I think. I think if you have a parcel, separate from the TDR program, you can come in and say, as any developer does, here is a parcel of so many acres of land. We plan to have so much open space. We plan to have a denser development over here. We plan to take advantage of density bonuses, which the County already has for urban type development and put in a community water system and a community sewer system to make up that bonus.

So all of that already exists in the current ordinance. If at the same time, you want to make more money for the TDR program and still do that, I think that's double dipping. So I would express strong concern in using that as a mechanism to get around County ordinances that have limitations in them built in, water limitations being an important one of them, in certain hydrological areas of the county. And that's the reason the water and sewer stipulation is there. I would go first to many receiving areas which were discussed in detail and outlined and see if you could do that. Putting a receiving area in your own parcel seems to be robbing Peter to pay Paul.

Again, not having look at the specific proposal I'm somewhat at a disadvantage here. But I think we should really be careful in the way we utilize the TDR program as an end-around.

CHAIRMAN DURAN: Well, rather than think the worst of your proposal, and rather than sit here and debate it, why don't we just meet with the Land Use Department. When it comes forward for us to consider, we can debate the issue then.

MR. WARSHAWER: I agree with you and only considering Commissioner Sullivan perhaps without intending to is already casting a certain light on the idea, I would just offer the thought that perhaps the liability of the transfer of development rights program in minimizing sprawl is not to be measured only by its impact on those two specific services. I think that I would enjoy presenting this to you directly outside of this process. I wouldn't think it useful or appropriate to take up this group's time in something this theoretical in nature. But I do think that your criteria for assessing the creation of sprawl may be worth evaluating more on a case by case basis and a little bit less globally, based specifically on those two particular services.

So I would offer to present it to you for your consideration for that reason. And I do agree that the merits of any particular proposal will be taken up through Land Use and through the appropriate statutes that relate to it.

COMMISSIONER SULLIVAN: Well, let me just—because we've got two proponents here already to your proposal but let me just ask you a question. Can this property not be developed without the use of TDRs?

MR. WARSHAWER: Oh, it definitely could be. However, the best way to develop it from a purely profit standpoint would be to take the desired open space areas and utilize them first.

COMMISSIONER SULLIVAN: The land is developable, but through TDRs and through an exception to the TDRs which excludes municipal sewer and water, it could be developed more profitably.

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MR. WARSHAWER: Not more profitably necessarily.

CHAIRMAN DURAN: Excuse me sir, Commissioner Sullivan, with all respect, we're going to stop this discussion. We'll debate it when it comes before us and we have some information.

COMMISSIONER SULLIVAN: Well, it's apparently also a staff proposal for an ordinance change here based on this and that of course would apply to all properties. I'd certainly like to take a look at that ordinance. Because we debated the TDR program in miniscule depth, great depth and miniscule detail and I think it's got some very strong components to it that we need to seriously consider before we revise it on a global basis and I hope that whether you want to have a work session, or how you want to do that, I'm just extremely concerned that we're going to open this up to a different mechanism than it is now.

CHAIRMAN DURAN: Why don't you meet with staff and we'll give you direction on what the appropriate method, process that you need to undertake in order to get that, your concerns before the Commission to be heard properly. Thank you.

This is still Matters of Public Concern. Is there anyone else out there that would like to address the Commission concerning any matter?

XI. F. Matters from the Commission

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, just a request to the staff to bring back for the Commission's consideration to expand the La Cienega Development Review Committee. The Commissioners remember that during the proposal of the La Cienega plan there was a lot of complaints and concern from area people that the upper part of La Cienega wasn't being represented on the La Cienega Development Review Committee. So there was discussion at the time that we expand it by two members. So I'd like to ask the staff to bring that back for consideration before the Commission. I know that's coming at the same time that we're considering the consolidation which I am fully opposed to and hope that we don't consolidate these community committees. But if you could do that.

And the other thing, Mr. Chairman, there are some young individuals here tonight who are here for a case that's number eight under public hearings. Is there any opportunity—it's the 4-H Club Welcome sign variance and they're members of, young children from the 4-H Club that are here. Is there any chance we could move that to the top of the land use items? Or does it get too complicated?

CHAIRMAN DURAN: It's okay with me.

COMMISSIONER GONZALES: So they can go home.

CHAIRMAN DURAN: It's okay with you? So we'll move it.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Is there any other? Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Abeyta. What is the status of

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the issue relating to land development review committee consolidation? We heard that months ago and we haven't heard from Land Use in a long time on that issue.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that item will be before the Commission in February.

COMMISSIONER CAMPOS: And one question since you're up here. The cell towers. The new cell tower ordinance that was adopted last year. How many cases have been considered? What's going on with the ordinance as far as—

MR. ABEYTA: Mr. Chairman, Commissioner Campos, Tom has indicated that we have three in the process right now. We have three applications under the new ordinance.

COMMISSIONER CAMPOS: For administrative approval? How does it seem to be working so far?

TOM DOMINGUEZ (Subdivision Engineer): Mr. Chairman, Commissioner Campos, it appears that it's working quite well. The initial one that we met with was on La Bajada Mesa. It was one that came in and requested to be right on the rim. It was two installations, at I believe 32. We went out and did a site inspection with story poles with the applicant. We made a recommendation to them that that would require an additional permit. We requested that they move it back, a setback, I believe of 150 feet away from the mesa, that they might possibly only need one and to be within the 36 foot, they ran all their tests. It was at 35 feet. We drove around and it's hardly visible at all, which would then put it through the administrative process. But it was a much cleaner installation. And they were willing to go to those depths for administrative approval.

COMMISSIONER CAMPOS: One thing I'd like to suggest, Mr. Dominguez is perhaps quarterly, that the Board receive some report as to what kind of cases are pending administratively, being considered, approved. Just so we can have some idea. And the second issue is that there was going to be some follow-up to that ordinance this year, some enhancement, some better detailed information. Is that happening yet?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Campos, Commissioners, the follow-up that we have recommended that we be bringing this year was going to be the desired and encouraged and discouraged locations and we're in the process of GPSing some areas. We mentioned that we would have a site visit with those interested and we're not at that point yet but we are working on that.

COMMISSIONER CAMPOS: Good. Thank you.

MR. DOMINGUEZ: You're welcome.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have two items, Mr. Chairman. Well, one, let me compliment the tradesmen and those who worked on our new Commission layout here. It's certainly a professional job done and high quality of craftsmanship and we have some better PA facilities and video facilities as a result. And I certainly want to compliment the staff and those who worked on that. I can now see who's down at the end of the line there. It's quite a benefit.

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CHAIRMAN DURAN: Quite a shock.

COMMISSIONER SULLIVAN: Quite a shock, yes. And the second item is, and I've talked to James Lujan about this and would like to encourage the staff to move more rapidly on it, is the putting out a request for proposals or doing whatever is necessary to move us on our roads and transportation strategic plan. That seems to be going either nowhere or somewhere very slowly. And I've encouraged us to keep our eye on the ball there and see if we can move that out of the staff and into the RFP process so we can begin to get a handle on our road planning and also in being able to get funds to do that. Those are the two items I had, Mr. Chairman.

CHAIRMAN DURAN: I just have one. Estevan, do you think for the next meeting you could find out what the status of the Eldorado Utility is? Just for my own information, I'd just like to know, my understanding is they're trying to sell that utility and I just had a thought that—I think that utility has a major impact on our long-range water goals for the community of Eldorado, and if we could get an update on where they are on that.

MR. LOPEZ: Mr. Chairman, I have some information that I could share with you at this time if you'd like, specifically, the Eldorado Utility has filed before the Public Regulation Commission to sell, the owners have filed to sell the utility. It requires the Regulation Commission's approval before they can do that. That's a case that we anticipate is going to take a number of months. We just filed a motion to intervene in that case so that we can be kept apprised as to all of what's going on with that and take a position if we feel it's necessary.

CHAIRMAN DURAN: That's good. Because you know we have opposed their claim to the amount of water rights—to their claim of the actual water rights that they actually have. I think that any new owner of that system is going to need to be made aware of that.

MR. LOPEZ: Mr. Chairman, we agree.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lopez, is there a prospective purchaser right now that's been named? Do we know who is moving on this?

MR. LOPEZ: Mr. Chairman, there is. There is actually an application that has been filed before the PRC that contains that application, that information. The name escapes me at the moment, however. Mr. Kopelman tells me it's Utilities, Inc. of New Mexico. That's the prospective purchaser.

COMMISSIONER CAMPOS: Do you know who they're connected with? If it's a small company, a large company, a subsidiary?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, we're getting all the information together, but apparently, they're a subsidiary of a company, I believe, from Ohio. And we're also told, we haven't confirmed this, that the Ohio company is maybe a target of an acquisition of a company from, I believe it's Denmark, but I'm not 100 percent sure. So we're trying to gather all the information and we'll have a lot more for you at the next meeting.

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COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, question for Estevan. Is Santa Fe County now officially categorized as a Class A County?

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I believe it's not yet. Not officially.

COMMISSIONER TRUJILLO: Do you know, do you have any idea when that will happen?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, I believe we've looked into that and I believe under the statute we wouldn't actually be formally classified until January of 2003, but we're double-checking that to confirm that that's the case.

COMMISSIONER TRUJILLO: And that's the result of the 2000 Census?

MR. KOPELMAN: That's correct, Mr. Chairman, Commissioner Trujillo.

CHAIRMAN DURAN: Okay. Commissioner Gonzales.

COMMISSIONER GONZALES: If you could just make sure, for some time we've been trying to move on the water line extension down Paseo C de Baca. I haven't really seen a progress report on that. So at the end of the month for our administrative meeting, can you present before the Board, just in writing, that's okay, a timeline as to how we see this progressing and when we think that we'll actually have that extension in and in a manner that we can communicate to the community out there.

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, we'll get that.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Okay. Anything else?

- XI. C. 3. Executive session**
- a. Discussion of pending or threatened litigation**
 - b. Discussion of possible purchase, acquisition or disposal of real property or water rights**
 - c. Discussion of bargaining strategy preliminary to collective bargaining negotiations**

Commissioner Gonzales moved to go into executive session pursuant to NMSA Section 10-15-1 (1) to discuss the matters delineated above. Commissioner Trujillo seconded the motion which passed upon unanimous roll call vote with Chairman Duran and Commissioners Campos, Trujillo, Gonzales and Sullivan all voting in the affirmative.

[The Commission met in executive session from 5:40 to 6:25.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Trujillo seconded. The motion passed by unanimous voice vote.

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MR. ABEYTA: Mr. Chairman, members of the Commission, before we get started, we just discovered in the Land Use Department that item XII. A. 10, AFDR Case #A/V 01-5340, that case is going to have to be tabled due to improper public notification. That will not be heard this evening.

CHAIRMAN DURAN: Have you notified the applicants?

MR. ABEYTA: We spoke with the applicant and the applicant let us know that they didn't send the proper mailings out so we told them we'd table.

CHAIRMAN DURAN: Okay. So 9 and 10 are tabled, right? Seven?

MR. KOPELMAN: Excuse me, Mr. Chairman, you probably should just take a formal action on tabling that matter.

COMMISSIONER GONZALES: So moved.

CHAIRMAN DURAN: Move to table. Is there a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

XI. PUBLIC HEARINGS

A. Land Use Department items

8. **CDRC CASE # V 01-5460. 4-H Club Welcome Sign Variance. Jana Gallegos, applicant, is requesting a variance of Article VIII, Section 7.15a (Off-site advertising or billboards) of the Land Development Code to allow a welcome sign for the 4-H Youth Organization. The property is located off Highway 285 at 18-C Camino Amansador Road, within Section 16, Township 15 North, Range 10 East**

MR. DALTON: Thank you, Mr. Chairman. The welcome sign for the 4-H Club Youth Organization serves three primary purposes. One, simply to welcome travelers, local and visitors, to Santa Fe County. Two, to inform local residents that Santa Fe County has an active 4-H program. Three, give credit to local youth who are involved in the community in a positive manner.

The sign is approximately ten feet in height and eight feet long, mounted on two metal poles. Currently the sign is in violation of the County Land Development Code which prohibits off-site advertising. Article VIII, Section 7.15a states that advertising on any sign shall pertain only to a business, industry or activity conducted on or within the premises on which such sign is erected or maintained.

Recommendation: Staff's position is that this application is not in accordance with Article VIII, Section 7.15a of the Land Development Code and in granting this variance the purpose to prohibit off-site advertising would be violated. Staff recommends denial of

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the variance. The decision of the CDRC was to recommend approval of the variance to allow a welcome sign for the 4-H Club Youth Organization. Thank you.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER TRUJILLO: Yes. How long has the sign been there?
Or is there any sign there at all?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, there is a sign, an existing sign. The sign's been there for I think a couple years.

COMMISSIONER TRUJILLO: The same dimensions?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, I believe that's correct.

COMMISSIONER TRUJILLO: So it's already there.

MR. DALTON: Yes.

COMMISSIONER TRUJILLO: With the same dimensions that don't comply with the Code.

MR. DALTON: That's correct.

COMMISSIONER TRUJILLO: For two years. Okay.

CHAIRMAN DURAN: Any other questions of staff? Okay, is the applicant here?

[Duly sworn, Jana Gallegos testified as follows:]

JANA GALLEGOS: My name is Jana Gallegos.

CHAIRMAN DURAN: Do you have anything to add for the record?

MS. GALLEGOS: I would like to give a brief chronology of the events that led to the Ghostriders Club being out of the ordinance for this sign. Approximately four years ago our club was presented with a suggestion to build a sign which was similar to signs at the entrance of other counties throughout the state. The idea was discussed and the club did have a representative contact someone with the County, however, this was apparently two, three administrations ago, so that person is no longer available. We were told that the only requirement was that if the sign resided in the right-of-way, that it was necessary for it to be break-away. If it was on private property outside of that right-of-way, we would simply be requested to keep it in good condition, keep it maintained and so forth.

So from then it's actually been a little more than a year and a half ago, the club members prepared the equipment and cut it, welded it, painted it, set up the sign and the sign has actually been in place for approximately eight months and then we were notified that we were out of compliance. So since that time we have been working with folks here at the County and the Land Use office trying to resolve this.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I'm not sure if you can answer this question or maybe Mr. Torres can help. How many children are in the 4-H program in Santa Fe County?

MS. GALLEGOS: I believe approximately 350.

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COMMISSIONER GONZALES: Three hundred and fifty? And how many belong to the Ghostriders 4-H?

MS. GALLEGOS: At this time we have approximately 20 in our individual club.

COMMISSIONER GONZALES: So is this set up to attract children from the Eldorado region, basically, or from the southern region?

MS. GALLEGOS: One of the intentions of sign, no, but I have had parents, people interested in involving their kids with the program contact me because of the name on the sign.

COMMISSIONER GONZALES: The majority of the children, the 20 or so children are from the Eldorado community?

MS. GALLEGOS: Some of them, yes.

COMMISSIONER GONZALES: So this is basically a way to show pride in 4-H and promote it.

MS. GALLEGOS: It was. We were asked previously the reasoning behind selecting the location. It is currently on private property and it is the private property of parents of a current 4-H member.

COMMISSIONER GONZALES: And your 4-H members are responsible for maintaining the sign.

MS. GALLEGOS: Yes.

COMMISSIONER GONZALES: And this goes in accordance basically with what they do on an annual basis, the teaching of the 4-H philosophy about responsibility and participation in community and things of that nature.

MS. GALLEGOS: That's right.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN DURAN: Any questions of the applicant?

COMMISSIONER CAMPOS: Quick question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: How vital is this sign to the organization? To the existence, to the viability, to new membership?

MS. GALLEGOS: Honestly, I'd have to say it's not an integral part of the program. It was a project that was completed by the members, ranging anywhere from, I believe my youngest member is six, up to 18. It was simply a community service project that was the intent, to be a community service project.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions of the applicant?

COMMISSIONER TRUJILLO: Mr. Chairman, I think that this to me is a no-brainer. I think if we have monolithic signs promoting casinos, I don't see any reason why we shouldn't have a sign promoting the youth in the Santa Fe County without any further discussion. And I understand we have to go through the process. I'm in favor of continuing with the status quo on this sign.

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CHAIRMAN DURAN: Okay. This is a public hearing. Is there anyone out there that would like to speak for or against this issue? Please step forward, state your name for the record and let the recorder swear you in.

[Duly sworn, Kathy Pilnock testified as follows:]

KATHY PILNOCK: My name is Kathy Pilnock. I live at 13 El Capitan Lane in Lamy, New Mexico. I've been asked to come tonight and speak for the 285 Coalition. The chairman and the co-chairman can't make it tonight. I also spoke at the CDRC meeting. The main concerns that the coalition has with this sign is—it's not really with the sign itself because the sign is lovely and it's for a worthy cause. Our concerns are one, that it would lead to a proliferation of numerous signs for many organizations. And one of the things that the people in that area don't care for a lot are for signs.

The other thing is the location of this sign. There is a highway corridor planning project in the area and one of the things we actually want to do with this plan is we want to put welcome signs but we want to put them at the beginnings of the corridor to welcome people and let them know that they've reached an area of special significance. At least that's the way we think of it. I don't really want to speak against the 4-H sign because it might be interpreted as speaking against 4-H, which I certainly don't want to do, but I just would like to ask is that if we could possibly find an alternative location for the sign that would be at one end or the other of the corridor, if we're able to pass the hat for the money for the legal advertising and those kinds of things. If we're able to find a cooperative landowner, I think what we'd like to do is work with 4-H so that we can put the sign in the location that might make the people in that area feel a little bit better about it.

I think that because the sign went up first and then the yellow signs for the development went up, and I think because a person at the County told the 4-H that they could put up the sign and then probably the next thing they knew was that the County is going to take them to court for having a sign up, I think that the situation maybe led to a little bit of antagonism, but I'd like for us all to get over that antagonism and maybe just cooperate and work together. So I guess what I would ask is if the applicant would, for the record, just give their word that if a possibility of moving their sign comes up in the future that we could all cooperate together to move it to another location. Thank you.

CHAIRMAN DURAN: Anyone else out there like to address the Commission? Please step forward and state your name for the record, address and let the recorder swear you in.

[Duly sworn, Jack Yonker testified as follows:]

JACK YONKER: My name is Jack Yonker, 18 Camino Amansador, Santa Fe, New Mexico. I'm the property owner where the sign is erected. I know that ignorance is no excuse for the law but when we erected the sign I think that no one had any idea that we were in violation of anything. My children have been participants in 4-H their entire youth period here in Santa Fe and it's been a wonderful experience for them. One of the requirements of being a 4-H member is community service and different clubs in the 4-H

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program approach their community service project in different ways, from doing volunteer work at the animal shelter, some take presents to the hospital. It just so happens that other 4-H clubs in different counties have very favorable responses about making the welcome signs that welcome people to the community from the 4-H members.

So the kids in our 4-H club all worked very hard and they all had the impression that they were doing a good thing for the community by constructing this sign. And other 4-H members as they travel through our communities have certainly commented about the sign and how nice they thought it was seeing that type of thing. As we travel with our 4-H-ers to competitions throughout the state to other counties that have 4-H clubs welcoming people to their areas of the state. We like to see those type of things.

I think the dimensions that were given to you about the sign are a little misleading. The sign itself is not ten feet tall. The top of the sign is ten feet tall because the bottom is way down in the ditch, but the sign itself is only about four feet high. It's not the whole ten feet tall sign. The sign is very unobtrusive. Several of my neighbors, when I approached them to see if they had any complaints about the sign or any misgivings, the sign had been there for a year and when I approached them they said, "What sign?" They weren't even aware that the sign was there. In reality, probably the only people that notice the sign are other 4-H-ers that have been involved in the same type of projects.

But it was not done with any intention of being illegal or in any way to go against the grain of the community. The kids really had only the best intentions and it was a real worthwhile project for them to erect the sign and they felt very proud of it when they completed the project. And so the property is right next door to commercial property. There's a vet clinic right next door. The vet clinic has a sign saying Eldorado Vet Clinic. So it's certainly not like it's the only sign in the world in that part of the country. So I just wanted to let you know that the kids feel that they're important and so we hope you take that into consideration when you make your decision. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else out there like to address the Commission. Please step forward. State your name and address for the record and let the recorder swear you in please.

[Duly sworn, Patrick Torres testified as follows:]

PATRICK TORRES: My name is Patrick Torres, 3229 Rodeo Road, Santa Fe. Mr. Chairman, members of the Board of County Commission, my name is Patrick Torres. I'm the Santa Fe County Extension Agent and program director. And I'd like to keep my comments brief but obviously I would be here in support of the sign. The reason for that is 4-H is the program, it is the largest youth program in this nation. It does a lot of good for the youth. Not only does it teach them life skills but it also teaches them about citizenship and leadership. A couple of characteristics that are important for the youth today.

Of course the sign that was constructed and put up by the Ghostriders 4-H Club was done with the very best of intentions. It's nice to see that youth are doing something positive. They're not out marking up walls with graffiti. They're doing it in a constructive manner. And furthermore it gives them self-esteem, something that a lot of youth today lack. Therefore

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I certainly hope that you all consider this in supporting the youth with the placement of the sign. As I mentioned, it was done with the best of intentions and hopefully, I'd love to see some of these type of signs in every direction coming in to Santa Fe, because again, it informs people that 4-H is alive in Santa Fe County and it is welcoming people. People are being accepted here, to visit our fine county. So with that, I appreciate your time.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else out there that would like to address the Commission?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I'd like to go ahead and move for approval of the variance in CDRC Case 01-5460. I think as Commissioner Trujillo indicated, this is something, not any type of advertisement for commercial activity. This is advertisement for youth activity and to the degree that this Commission can stand before it, I think that's great. I would encourage and ask that the 4-H, if given the opportunity and can find more community project locations, if the Commission approves this, along the corridor that might be more suitable that you would look towards that. But I don't want you to have to go through the cost and expenses of having to do that at this point but I think that to be able to comply with some of the community desires and some of the design requirements that they're wanting for the corridor down the road, when you see a new project come up that might be something worthy of working on. I'd like to move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I want to reiterate too the benefit of the 4-H and I'm glad to see them advertised because I think in many cases it's a too well kept secret. The County supports that program very heavily. Because of this issue, I discussed the matter with the State Highway and Transportation Department, the District 5 traffic engineer and asked him what suggestions he might have to work with this group and make the issue compatible with both the state and the County requirements. I understand the problem with the County's requirements here is that it's not the sign itself but that the sign has to be in association with some commercial and onsite venture and it's not. So it's not associated with anything like the veterinary clinic next door to it.

What the district traffic engineer said is this type of sign is permissible on the state highway right-of-way. They do it in a number of cases for the Rotarians, Kiwanis Club, and specific entities such as that. They have a certain size requirement and you have to have the official logo of your organization on the sign and it has to be approved by the Highway Department. And probably, as indicated, it has to be on break-away posts, which are not that much more expensive than regular posts.

So I would encourage the 4-H group, the Ghostriders, to take on a specific project, a

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project in conflict resolution and look at alternatives, and there are alternatives that are available which includes putting the sign in actually a more visible place on the highway right-of-way, provided it meets the Highway requirements. And it would indicate to those coming in perhaps both directions to the Eldorado area, the Simpson Ranch area that this area of Santa Fe County supports this kind of youth activity. So I thought that was interesting. And if it is done, as it is in other parts of the state, why shouldn't we do it here as well?

So I would hope that we would carry this forward and look at the options with the Highway Department, perhaps take up a collection if that is necessary, and if there is a good location that is compatible with the corridor plan, to place the sign as legally permitted in the state right-of-way, and get a lot more visibility than where it is right now. I've driven by many times and of course you only see it coming one direction. You don't see it coming southbound, you only see it going northbound. So that would be my suggestion. I would support Commissioner Gonzales and would ask that the 4-H look into this as an alternative.

CHAIRMAN DURAN: Any other comments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Dalton. Does the ordinance allow us to differentiate between a commercial venture and a non-commercial, charitable or public venture?

MR. DALTON: Mr. Chairman, Commissioner Campos, all signs in Santa Fe County, whether there on public or private property are regulated.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, no. The ordinance does not differentiate between whether it's a public or a private venture.

COMMISSIONER CAMPOS: Mr. Chairman, this is an exception to a law that you're asking for and there's really no justification for it. I think the testimony has been that it's not vital to the organization. It's simply we're here or let's promote 4-h, which is a great club. But still, you're not in compliance with the law. So you're asking us really to just turn away. I don't think that's right for the 4-H. I don't think it's a good example for the 4-H as a public organization. I think if there is going to be a change, change the ordinance. If you don't like it, open it up to anyone who wants to put up a sign.

Granting variances is the wrong way to go. And I don't think the 4-H should be sponsoring it because it's not a lawful thing. They're asking for special consideration and that's not right. There's no justification except that they're a popular organization and likely to get a variance tonight. Thank you.

CHAIRMAN DURAN: I think what's unfair is for you to characterize 4-H as asking us to break the law for them. And since there's no further discussion—

COMMISSIONER SULLIVAN: Mr. Chairman, one other question. Would it be—since there does seem to be some indication that the 4-H Club is willing to look at alternative locations as has been recommended, would there be any use to put, say, a one-year time limit on the variance to see what they could work out during that period?

CHAIRMAN DURAN: Is that part of your motion?

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COMMISSIONER SULLIVAN: It's not part of his motion, I'm just throwing that out as a possibility.

COMMISSIONER GONZALES: I would just, I guess I'd be a little concerned about it. I think there is an expression on their part to look, but I think that confining it to one year I'd be concerned that if at the end of one year, they haven't raised the money or they haven't developed another project, or they're working on something else, they might be in jeopardy of losing the sign, so I think we should take the 4-H for their word, that they're going to work with the community and as Commissioner Sullivan has appropriately indicated, there are lots of opportunities to move that sign into areas where it can really accomplish, it seems like, the goals of the youth out there, at least the Ghostriders. So I'd just be concerned about, Commissioner Sullivan, in case they just don't get around to it but I think we need to take them for their word and ask them to go ahead and do that when they get the appropriate means and the time to do it.

CHAIRMAN DURAN: Those in favor signify by saying "aye."
[Commissioners Gonzales, Trujillo, Duran and Sullivan voted aye.] Opposed?
[Commissioner Campos voted nay.] Motion carries.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Before we go on, a point of personal privilege.

CHAIRMAN DURAN: Sure.

COMMISSIONER GONZALES: Two points. One is I just wanted for the Commission's benefit, recognize my nephews and nieces, Rico and Cisco and Mariah. They're all back there and they're 4-H-ers. So they lobbied really hard for this sign.

CHAIRMAN DURAN: Good job.

COMMISSIONER GONZALES: I want to also say hello to my daughter Cameron. She's at home taking a break from Veggie Tales to actually watch us tonight. So hi, Cameron. Daddy loves you very much. That's one of the benefits of public television; I think it's great. And before we move on to the next case, which is going to center around GDP mobile home sales lot, I wanted to recognize Mr. Gallegos and thank him for an act that he performed in our community. There was a mobile home that burned down in the La Cienega area and Mr. Gallegos, through his business, he's been in business in the La Cienega community for seven years, eight years. Has employed people from La Cienega and came through and actually provided a home to the families who lost their home. And I think that that speaks volumes for the type of businessman he is. So before we move into the case, Mr. Gallegos, I wanted to make sure that this Commission understood your act of commitment to the community and the type of businessman that you are in that community and being the representative of that area I wanted to thank you personally because I know it had a profound impact on those families and certainly in times of need, it's important that we can rely on our community businesses to help and you stepped up without anyone asking. So thank you for that and hopefully we have more businesses in this town that will do the same thing so you should

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be commended for it. So thank you.

CHAIRMAN DURAN: I'd like to commend you also.

XII. A. Request modification of conditions of approval for CDRC Case #97-5480, GDP mobile home sales lot

MR. ABEYTA: Thank you, Mr. Chairman, members of the Commission. On November 10, 2001, the BCC granted master plan, preliminary and final development plan approval for this mobile home sales lot. A condition of the approval stated if uses on this property changed from a mobile home sales lot, the applicant will return to the CDRC for development plan approval and must prove at the time that all Code requirements for the new use can be met. This shall be noted on the master plan alongside the use list.

The follow up letter with conditions of approval is attached as Exhibit A. A prospective purchaser is requesting to locate a contractor's yard on this property. The property owner is requesting that the application be reviewed administratively. The Land Use Administrator does not object to reviewing less intense uses administratively.

Required action: The BCC may amend the original condition of approval to allow a less intense use to be reviewed administratively. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Any questions of staff? Thank you, Roman. Is the applicant here? Would you like to—please state your name and address for the record. If you'd like to add to the record please do so.

[Duly sworn, Carlos Gallegos, Jr. testified as follows:]

CARLOS GALLEGOS, JR.: Carlos Gallegos, Jr. 02 Taylor Road, Santa Fe, New Mexico, 87505. Chairman Duran, Board of County Commissioners, I am currently the owner of the property and it is under contract for sale. It is for a lesser use. It is currently zoned for a mobile home dealership and I'm asking the Board to consider modifying the original approval to include a paving company business. The property is currently, has a fence around the whole location. It has a sales office and it will cut down drastically on the amount of cars that will be going to this property and it's a paving company and the company usually goes out and gets estimates out in the field. So traffic will be tremendously reduced on that particular piece of road.

And with that I just ask for the passage of our request. Thank you, Mr. Chairman.

COMMISSIONER TRUJILLO: Mr. Gallegos, Mr. Chairman, question for you. Are there—is any equipment going to be situated in that property or material or anything like that or is the property solely going to be used for, if you will, offices, sales offices, and from there they go out into the field and give their estimate and do site visits and whatever.

MR. GALLEGOS: Chairman Duran, Commissioner Trujillo, from my understanding there is going to be some equipment that will be stored on the property and the prospective purchaser is here and I'll let him comment as to more of what's happening

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with the business. But from my understanding, there will be very few people going to the sales center or to the office, actually. It won't be a sales center anymore. It will be an office for the company and from my understanding they will go out and give the bids to prospective customers.

COMMISSIONER TRUJILLO: They won't have any material there. Maybe some equipment but no materials.

MR. GALLEGOS: No materials. No sir. Just some equipment, a few trucks, a few paving trucks and water trucks and things of that nature.

CHAIRMAN DURAN: Roman, do you have a site plan? And how far off the highway is the proposed new use?

COMMISSIONER GONZALES: I think it's at the area of the frontage road entrance off of 599 that goes back to Channel 11. You know where that—

CHAIRMAN DURAN: Right.

COMMISSIONER GONZALES: So as you get on the frontage road and you take that curve, the mobile home dealership sits right there. And there's currently a sign and lots of activity going on there right now. So it's on the frontage road. It's off I-25. It's off 599. It's on a frontage road that's off of 599, but it sits at the curve. It doesn't even get to the point where the frontage road goes parallel with I-25.

CHAIRMAN DURAN: It's not in the highway corridor?

COMMISSIONER GONZALES: I don't know. I don't know if it's in the highway corridor, but this was already, the zoning on this occurred prior to the highway corridor and it sounds kind of like the applicant is asking for—

MR. GALLEGOS: Mr. Chairman, Commissioner Gonzales, the sign will also be coming down. It's an illuminated sign that's kind of like in V-form. It is currently illuminated. That will be coming down. So there will no longer be a sign that will be visible from the freeway as well.

MR. ABEYTA: Mr. Chairman, members of the Commission, if I might just make one clarification. The purpose—what the applicant is requesting and what staff is supporting is for us to review a change of use administratively. So there still needs to be an application made, full submittals. If at that time we find that it isn't less intense, we'll make them go back to CDRC. All they're requesting this evening is that if it is—is that we can look at that. We can look at things like the traffic, the proposed uses, the existing improvements on the property. And then if we find that this is indeed a less intense use, then we'll review that change of use administratively, which is currently allowed by Code.

So you're not approving the relocation this evening. All you're doing is allowing us to take a look at that administratively.

CHAIRMAN DURAN: And if you did that Roman, would you, would staff be required to impose highway corridor standards?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, we would recommend that it come into compliance as much as possible with the highway corridor, but because this property has been previously zoned, it would be grandfathered in from any

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highway corridor standards that are adopted.

CHAIRMAN DURAN: And staff has determined that the proposed use is less intense than what was approved?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, our initial review, the information we have, we've determined that so far, but we still need to do a thorough review and that's what we're asking your authorization for this evening. Give us the authorization to make that review. If we find that it is less intense, then we'd allow the change of use. If we find that it's of the same intensity or more, we would make them go back through to the CDRC for that change. So what we're asking for is the opportunity to make that determination.

CHAIRMAN DURAN: Okay. Any questions of staff or the applicant?

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Abeyta, is there a notice issue? We're going to go back and redo it with notice and everything?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, yes, they will be required to do the public notice and the notice to adjoining property owners. Just to get to this point this evening, we tabled them last month so that we could put a public notice sign on the property for just this one request.

COMMISSIONER CAMPOS: So do you favor this request as far as allowing the administrative approval in the future? Do you think it's a good idea?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it's currently allowed by Code right now. It does allow change of uses. It's my understanding after reviewing the minutes from the original case that there were several questions regarding what type—the property was unimproved at the time when they made this original request. There were questions regarding what type of water use they were going to use, whether it was going to be a well or County water. Since then, there's been several improvements to the property. They're on the County water system.

I did a site visit with Tom Dominguez, the Development Review Division Director and the property is in good shape, in good condition. So we support at least letting us look at it to see whether or not it fits in.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: So, Roman, there's nothing on the property right now?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, there are still mobile homes. There's an existing mobile home sales lot there.

CHAIRMAN DURAN: So that would be—

MR. ABEYTA: That would be replaced with this. And I thought I heard—there is a sign on the property now that's very visible from I-25 and from what I hear this evening, if we could get that sign down, that would be a good addition or improvement to the highway corridor, the scenic corridor in that area.

CHAIRMAN DURAN: I just have a question for the applicant, maybe the person that's going to be using it. So the property is somewhat visible—I guess my only

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concern is that the contractor's yard doesn't turn into a yard that you store all kinds of junk and stuff.

[Duly sworn, Andy Sena testified as follows:]

ANDY SENA: Yes, well, currently, we don't really have a lot of equipment right now. We rent equipment because we don't have a place to park it. The equipment we do have we park on job sites. So I would probably say around 50 percent of the time, most of the equipment is going to be on job sites. Only during the winter time, rain days, stuff like that, we might have equipment on the property. But there probably is—right now we only have two company trucks. We have two small bobtails. I mean we're not a big company.

We do a lot of work. We've been in business for nine years. We just need a piece of property. And currently right now there's cedar fence on the east side and the west side, well, the east side and the south side of the property right now that's pretty much all of it is almost covered. There's only about maybe I would say 50 feet at the front entrance that's actually frontage road that's not covered but half of it already has trees on it. So as far as seeing the equipment and stuff like that, you'd actually have to go into the office building area to see it.

CHAIRMAN DURAN: But you're not going to be using it as a location to store building materials?

MR. SENA: No. We don't crush our material. We don't store any material. We buy all our material from other asphalt plants and stuff like that so we don't ever store anything.

CHAIRMAN DURAN: Okay. Thank you, Mr. Sena. Any other questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of questions I guess first for Roman. I see a number of conditions that are in the November 12, 1998 approval, one of which is design standards set by the Highway Corridor Committee prior to recording final development plan if these standards are set by January 15, 1999. So there was at least some anticipation that the highway corridor standards might be in force in time for this particular development. Is there a problem, or would there be a problem with the tract complying with the highway corridor standards?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I don't believe there would be but we would have to take a look at their actual submittals. But just from speaking to them and the testimony given this evening and the improvements that are already on the property I don't believe there would be because even under the Highway Corridor Plan this is still recognized as a commercial district and those commercial standards, there are special standards for commercial districts in the Highway Corridor Plan.

COMMISSIONER SULLIVAN: If that doesn't appear to present a problem that would certainly be one condition that I would suggest that the Commission consider to the

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approval. Another condition, there seems to be an issue about materials storage on the site, so that would seem to be a condition that we would want complied with. And I would add to that, no processing of aggregates or asphalt either.

And then the other question I had is there are 14 conditions in the approval back in November of 1998, will these conditions still apply, recognizing that some of them have to do with a mobile home lot, but other conditions such as utilities being underground and screening of the dumpster and things of that sort. What happens to the status of these conditions? Do they completely go off the record and then you generate new ones or how does that work?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, any use that locates in this property would be subject to the original conditions of approval, and then more conditions that staff would add.

COMMISSIONER SULLIVAN: Okay, because one of the conditions is if the use changes on the lot, the applicant will return to the CDRC for development plan approval, which they obviously have done.

MR. ABEYTA: Mr. Chairman, that's what we're discussing this evening. That's what they're asking for is relief from that condition or a modification of that condition.

COMMISSIONER SULLIVAN: Not to have to go to the CDRC?

MR. ABEYTA: Not to go to the CDRC.

COMMISSIONER SULLIVAN: To do it administratively.

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: I understand. But all of the other 14 conditions will continue to apply, and if the Commission were to grant this, it's not a land use application per se, it's just a variance from that one condition. But it could be done with those conditions that I just outlined.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's right. That's exactly what staff would do. We would refer back to these minutes, the minute of this evening's meeting and we would apply those conditions also and any other we'd find during the review.

COMMISSIONER SULLIVAN: When you do an administrative analysis like this, that curved section of that frontage road is beginning to get pretty busy. We just approved another subdivision out there with the TDR program and has a traffic analysis been done? Or will there be one?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we would require that the applicant get an updated access permit from the State Highway Department. Whether or not the Highway Department would require an updated traffic analysis is up to them.

COMMISSIONER SULLIVAN: Was there one done in the original approval?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes, there was.

COMMISSIONER SULLIVAN: And that was probably before that recent subdivision that's out there next to Valle Linda, right?

MR. ABEYTA: Yes, that's correct.

COMMISSIONER SULLIVAN: Or not Valle Linda--

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MR. ABEYTA: Valle Vista.

COMMISSIONER SULLIVAN: Valle Vista. So this came before Valle Vista. That whole area is kind of filling up now. Those are my questions, Mr. Chairman.

CHAIRMAN DURAN: Is this in a commercial node?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, yes it is. Within a major center district.

CHAIRMAN DURAN: Okay.

MR. ABEYTA: Mr. Chairman, Commissioner Duran, the intersection that the district begins at is 599 and I-25. That's the qualifying intersection where the district comes out of. So that's where the node's at.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Quick question for Mr. Abeyta. Will they have to comply with the highway corridor standards.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, we don't have highway corridor standards adopted right now.

COMMISSIONER CAMPOS: Just the plan.

MR. ABEYTA: Just the plan. We would apply as much of that as we can to them. I don't think that they would run into anything that they really couldn't comply with because, again, they're in a recognized commercial district, even by the highway corridor standards.

COMMISSIONER CAMPOS: My thinking is that because it's such a radical change. I mean, maybe it is a lesser use but we do have this plan, the Highway Corridor Plan. I would suggest that the applicant seriously consider complying with all those requirements.

CHAIRMAN DURAN: Well, condition 14 basically says that.

COMMISSIONER CAMPOS: No ordinance has been adopted, Mr. Chairman. They have a plan without an ordinance. How far along are we on the ordinance?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I believe that ordinance is coming forward to the EZA in February and the BCC in March, so we're pretty close.

COMMISSIONER GONZALES: Mr. Chairman, all they're asking here is for the ability to administratively review a lesser intense use. That's it. If it's not a lesser intense use, they're going to have to go through the whole notification requirements. If their neighbors don't like what's being proposed they have the ability to appeal this. If the Land Use Department thinks that what they're proposing based on traffic analysis and everything else that they submit, that it's not lesser intense, they're going to have to come in and do a rezoning. At that point, they would be required to comply with the highway corridor. Or, we can say, No, you can't go to a lesser intense use. Keep the mobile home sales up where there's a lot of activity going in with traffic. Keep the sign up where you can see it from the road and you've got a worse situation.

It seems to me what they're wanting to do is minimize the use and minimize the amount

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of traffic activity that's occurring there. We don't know if that will happen or not yet, but at the very least, let's erase some bureaucracy from this and allow the Land Use Administrator, who's very capable in determining this after ten years to be able to determine whether it's less use. If it is, they'll administratively do it. If the community likes it or doesn't like it they'll be able to appeal it up to us. So I'm not sure why we're spending so much time trying to figure out what's going to be in there because the Land Use Administrator hasn't seen everything. So I think what's before us is should be give him the authority, should be change a condition here that allows for him to administratively review a less use, and be able to make a determination on that. So I'm not understanding why we're spending so much time on this.

COMMISSIONER CAMPOS: Is there a motion?

COMMISSIONER GONZALES: Well, I think we need the public hearing and then I'm ready to move on a motion.

COMMISSIONER CAMPOS: Do we need a public hearing on this?

CHAIRMAN DURAN: Are there any other questions? This is a public hearing. Is there anyone out there that would like to address the Commission concerning this application?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I move to modify the condition of approval of CDRC Case 97-5480 and grant the Land Use Administrator administrative approval to determine the change of use if that use is less intensive than has currently been zoned.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: For discussion: Would you mind, would you consider this a friendly amendment or addition to your motion that the applicant and staff try to impose as many of the highway corridor requirements as possible, considering the use that's being proposed, when they sit down and make the determination.

COMMISSIONER GONZALES: I think that's appropriate, assuming that it doesn't create a barrier where they determine that it's better to keep the mobile home dealership up than to go to a less intense use.

CHAIRMAN DURAN: I understand that.

COMMISSIONER GONZALES: Because there's no obligation for Mr. Gallegos to change his zoning right now, which could fall outside of the design standards of the Highway Corridor Plan. So if we make it a requirement and Mr. Sena can't meet the highway standard requirements then Mr. Gallegos would just keep his mobile home sales up and running—

CHAIRMAN DURAN: Well, just for instance, there's a 17-foot high requirement in the highway corridor—

COMMISSIONER GONZALES: I accept a friendly amendment that they direct the administrator to move them as closely to the highway corridor as possible. As long as it's less intensive, right? If it's more intensive and they're asking for a zoning change it's a different story. Then they're going to have to comply I think with what's ever in place when

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they ask for a zoning change.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would ask the maker also to include the conditions that there be, or directions to staff that the conditions in administrative review include no material storage and no processing of aggregates or asphalt.

COMMISSIONER GONZALES: I think that's appropriate. Absolutely. I think we understand that.

CHAIRMAN DURAN: So the applicant agrees with that? Okay, any other questions? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Thank you very much and thanks again for helping out your neighbor.

XII. A. 2. Ordinance No. 2002-1. An Ordinance amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to add a new Section 4, Madrid Traditional Community Zoning District

CHAIRMAN DURAN: How do you want to handle this meeting. We don't need to go through the whole ordinance or community plan again. I think what I'd like to do is ask you to tell us which parts of this plan are controversial, that you've had some people object to, and any amendments that you might be proposing.

ROBERT GRIEGO (Planner): Mr. Chairman, I can do that briefly. There are a few amendments that I'd like to go over.

CHAIRMAN DURAN: Okay.

MR. GRIEGO: This is the second of two required public hearings. The first public hearing was on December 11, 2001. At that hearing there was no opposition to the plan. I wanted to direct you to some minor amendments to the ordinance which I'd like to walk through with you. These amendments replace amendments that were in Attachment 1 of your packet. [Exhibit 1] I'd like to direct your attention to these amendments at this time.

Section 4.1, Purpose and Intent of the Madrid Community Plan and Madrid Traditional Community Zoning District. On the last sentence of the first paragraph, it would be amended to read: *This ordinance may be amended from time to time.*

Section 4.2, Location of District and Boundaries, that would be amended to read as follows: *Section 4.2.1, The Madrid Community Planning area and the Madrid Traditional Community Zoning District consists of all lands designated by County Resolution 2000-119. The following maps are hereby adopted and incorporated into this section: Map A, Madrid Traditional Community Zoning District Ma, which was distributed to you; Map B would be the Madrid Tradition Community Planning Area Map; Map C would be the Madrid Traditional Community Zoning District Plat Survey; and Attachment 1, Description of the Madrid*

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Traditional Community Zoning District Boundary, which amends the Traditional Zoning District as part of the Santa Fe County General Plan in 1980. And Map D is the Madrid Green Belt Map.

CHAIRMAN DURAN: Okay. Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Were these amendments made available and published in a timely basis, made available to the public and the press?

MR. GRIEGO: These maps were made for clarification purposes. There were minor adjustments that were made through the Land Use Administrator. The language on them is just slightly altered.

COMMISSIONER SULLIVAN: I'm talking about primarily the amendments that are new from the amendments that are in our packet. Those have to be published in an ordinance with the same requirements as any ordinance. That's my understanding unless legal has a different slant on it. My question is were these timely published?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, these were produced, they were basically done today. We—there was some maps that we changed. We didn't change the content of the maps. The maps were created to clarify.

COMMISSIONER SULLIVAN: I understand, but I'm talking about the amendments, the amendments, the written amendments that are different from the amendments here. This is an ordinance, not a plan, not a master plan. And the ordinance requirement is that an ordinance be at a minimum published 24 hours before we act on it. My question is, was this material published 24 hours in advance of this hearing?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, no this information was not published prior to this meeting.

COMMISSIONER SULLIVAN: So perhaps we can get some guidance from legal on this. I think Roman is—

CHAIRMAN DURAN: What if we adopted this plan without your amendments and then have you come forward. If it turns out that the amendments weren't properly noticed and at the next meeting you could meet that notice requirement. If we adopted it without your amendments, would it drastically change the plan?

MR. GRIEGO: Mr. Chairman, no. It would not drastically change the plan and I'd like to defer to legal for that.

MR. KOPELMAN: Mr. Chairman, members of the Commission, there is absolutely no legal issue or notice issue about the proposed amendments here. I think the notice is broad enough and we're talking about adopting a brand new ordinance, so I don't see any issue at all. Certainly the Commission has the discretion to table and to bring it back but it's certainly not necessary from a legal standpoint.

COMMISSIONER SULLIVAN: Correct me if I'm wrong. Don't we have a requirement by resolution that materials be made available to the public? This is a public issue, 24 hours in advance, they have to be either published in the paper or thumb-tacked to the wall.

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MR. KOPELMAN: Mr. Chairman, Commissioner, again, you have the discretion to table it. From a legal standpoint this is an ordinance and ordinances are amended. You can make any amendments you want on the floor. You can disregard the proposal from staff. But we're in the public hearing process and again, I don't see any legal bar to that. I think with the material that we're talking about, at least my understanding was that you have to provide, there needs to be something in the packet at that point, but again, you can disregard the amendments. It's your prerogative.

COMMISSIONER SULLIVAN: Well, we certainly don't want to disregard them if staff is recommending them and obviously they feel they're important, but we also want the public to have that information as well, well enough in advance that they can review it as well as ourselves.

MR. KOPELMAN: Like I said, Mr. Chairman, Commissioner Sullivan, it's certainly within your prerogative to put it off for another meeting. All I'm saying is that from a legal standpoint, it's not mandated that you can't adopt it. That's all I'm saying.

CHAIRMAN DURAN: We could this evening make drastic changes to this and adopt it as amended. Right? Without giving notice.

MR. KOPELMAN: Mr. Chairman, as long it's within the purview of adopting the general ordinance for this particular community. You can make numerous changes. Yes, that's correct.

CHAIRMAN DURAN: Well, I have one question in the line of your questioning. Did the boundaries change at all?

MR. GRIEGO: Mr. Chairman, no. The boundaries did not change at all.

CHAIRMAN DURAN: So the amendments are pretty minimal. I mean, they're nothing. Except for they're a matter of clarification, it seems to me.

MR. GRIEGO: They're a matter of clarification and we also added a new Map D. I didn't get a chance to go through the rest of the amendments which are minor, but on the green belt, we created a map which shows the green belt, and that would be Map D, the Madrid Green Belt. It's a clarification point to state where the green belt is in Madrid.

CHAIRMAN DURAN: Has the green belt area been of public record? The area?

MR. GRIEGO: Previous to this meeting, we did not have a map for it.

CHAIRMAN DURAN: Did you have a description for it?

MR. GRIEGO: But it is well known. It is known in the community but we did not have a map for it.

CHAIRMAN DURAN: How was it well known?

MR. GRIEGO: The community of Madrid is well aware of their green belt.

CHAIRMAN DURAN: Okay. Any other questions? Okay, this is a public hearing, and I'm going to ask, is there anyone out there opposed to this project? Anybody in favor of it? Okay. Come on up and if you have something to add to the record please come forward and state your name for the record.

MR. GRIEGO: Mr. Chairman, I'd like to go through the final minor changes

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on here for the record if possible. Section 4.7, Commercial Uses. It would be amended to read *Mixed-use businesses and commercial uses within the planning area shall be permitted only on property that is directly adjacent to New Mexico State Highway 14.* So within the planning area would be added in that.

Section 4.10, Wastewater Restrictions, *New businesses must provide proof of adequate restroom facilities before business licenses will be granted.* And that will replace permits because we don't do permits.

Section 4.12, Greenbelt Traffic Restrictions, *All motorized vehicular traffic in the green belt area as identified in Map D...* Those are the amendments that we had.

CHAIRMAN DURAN: Didn't it say in 4.7, before you added "within the planning area" mixed-use businesses and commercial uses—

MR. GRIEGO: It didn't say "within the planning area." That was the addition. It just said mixed-use businesses and commercial uses shall be permitted only on property. We added "within the planning area" for a clarification point.

CHAIRMAN DURAN: Any questions? Thank you. Okay those that want to speak in favor of the plan, please step forward. Commissioner?

COMMISSIONER GONZALES: I was just going to say, if appropriate, can we make sure that those that are speaking in favor go directly to the amendments as opposed to revisiting the issues that were brought up during the first public hearing so we stay focused on the issue.

[Duly sworn, Gavin Strathdee testified as follows:]

GAVIN STRATHDEE: Gavin Strathdee, 2857 State Highway 14, Madrid. Mr. Chairman, members of the Commission, you've asked that we speak directly to the amendments that are proposed tonight. I was not familiar with them but as I've observed them, they make no substantial changes to what the community has approved. It appears to me that it's just the addition to maps that weren't present at the last public hearing when we applied for adoption of this ordinance.

CHAIRMAN DURAN: So you're in favor of the amendments?

MR. STRATHDEE: Correct. And I would urge the Commission to approve the ordinance as it proposed with its amendments. The community is in support of this.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? If not, what's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval of Ordinance No. 2002-1.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER GONZALES: For clarification, with the amendments as presented this evening by the staff.

CHAIRMAN DURAN: Okay. There's a motion and a second. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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COMMISSIONER SULLIVAN: Question on one of the new maps that's presented for the first time this evening, and this may have been partially in the old plan as well, but in Map A, there's the Madrid Traditional Community Zoning District which extends both to the north and south further than the Village of Madrid traditional community boundary from the Santa Fe County 1980 general plan. Could you tell me what's the genesis of that? Why did the community feel that it was necessary to change those or expand those boundaries?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, the boundaries were changed through the community planning effort, through Santa Fe County Resolution No. 2000-119. So the Board passed it at that time.

COMMISSIONER SULLIVAN: So the feeling of the community was that they wanted to extend it out further along Route 14 and then also to the north beyond the ballpark. Is that the feeling?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, it's my understanding that the boundaries were changed to fit the original townsite.

COMMISSIONER SULLIVAN: Okay. To fit the original Madrid townsite. Okay, thank you.

The ordinance was approved upon unanimous roll call vote with Commissioners Gonzales, Trujillo, Sullivan, Campos and Duran all voting in favor.

CHAIRMAN DURAN: Thank you very much. Thanks for all your hard work and I'm glad we were able to put something together that will guide you in the future.

XII. A. 3. Ordinance No. 2002-2. An Ordinance amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to add a new Section 5, San Pedro Contemporary Community Zoning District

PAUL OLAFSON (Planner): Mr. Chairman and Commissioners, I'm Paul Olafson, staff planner. I'll be presenting the San Pedro Ordinance for the second hearing tonight. Again, this is the second hearing. There's a few amendments I'd like to go through and staff is recommending approval of the ordinance with the attached amendments.

First of all, I'd like to go through amendments that were attached with your packet. On page 1, there's an amendment that basically strikes the vision statement that was discussed at the first public hearing and further discussion it was decided it wasn't really an ordinance element and could be removed.

Next, also on page 1, we slightly altered some language there to help clarify the intent of the statement in the zoning element. The new language would read *Onsite geo-hydrological well tests demonstrates an adequate hundred year supply of water for additional lots smaller than forty acres per dwelling unit*. And that's the new language and the struck-out language

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above it is what would be removed. And that's simply a clarification point to make the statement more clear.

Next, on page three, we've inserted the word "substantial" twice under the Home Business and Residential Use, Section 5.4.1.1.

Next, on page 4, there's another amendment and this is again a clarification point on 5.4.2, Home Business Square Footage. Total area used is inserted there so the total area used for a home business and related activities shall not exceed, and then replacing "cover a maximum of 1000." And that's again a clarification point.

And again on page 4, item 5.4.3, Home Business Screening, we've inserted at the bottom there, this is again resulting from some of the discussion in the first hearing, *All screening shall comply with Code requirements.*

Those are the amendments presented in the packets. Also, you've just been handed out a second sheet, [Exhibit 2] And this is very similar to the Madrid again, it's just amending the titles of the maps and then presenting these two final maps. They are different in appearance from the original maps, but they're the exact same content. So the content has not changed. The title and some of the colors have changed. And that's the amendment for this handout. The Contemporary Community Zoning District and Planning Area would be Map A and Map B would be Ridgetops in San Pedro Contemporary Community. And also attached with this is a written description of the planning area boundary and that's simply a description of the area so in case the computer maps were ever lost or there was every any kind of issue the people would be able to also identify this boundary area without the maps present.

CHAIRMAN DURAN: Paul, I have a question. 5.3 and 5.3.1, have been deleted?

MR. OLAFSON: Where? I have to go back—

CHAIRMAN DURAN: In our packet, second page.

MR. OLAFSON: Yes, that is correct.

CHAIRMAN DURAN: Then it starts out at 5.4. What's 5.3?

MR. OLAFSON: If the amendments are approved we would reformat the ordinance and the numbering would change. But until that point it just gets too confusing to try to go back and forth.

CHAIRMAN DURAN: So the vision statement was deleted entirely? It doesn't show up anywhere else in the ordinance?

MR. OLAFSON: That's correct.

CHAIRMAN DURAN: Okay. Any questions of staff?

MR. OLAFSON: There's a few more things I'd like to present if I may. I also handed out to you tonight a series of letters and I just wanted to make sure we covered those. Beginning with the letter from Martha Hill and William Baker and going through there are several letters and these letters are speaking in support of the plan. I'd like to direct your attention though to the last letter in that stapled packet of letters, and these were submitted after the packets were produced so that's why they're being handed out tonight.

And this is a letter from a Mr. Robert Gibbens and I'm not sure if he's here tonight but

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he had asked me to speak to this issue directly. He does support the ordinance and the plan that it emanated from, but he also wanted to just have it on record that he has a small sand and gravel lease or operation, intermittent sand and gravel operation and he and I spoke on the phone. He wanted to have this entered into the record. And it's on the western edge of the planning area. And again, the ordinance proposes no mining, which I think you'll recall from the first hearing a point of discussion and Mr. Gibbens just wanted to enter into the record that he does have an existing claim and an intermittent business running there.

CHAIRMAN DURAN: How does this plan affect his property and his business?

MR. OLAFSON: It's a bit complicated in that he's on federal land and it's a federal lease, but he would be grandfathered in, I believe, after a discussion with the attorney. That he's an existing use; he would be grandfathered in and his interest in presenting this letter was to just clarify that point that he is an existing use and a grandfathered use. And the ordinance would be in effect for new operations from this point forward, or from the point of the ordinance being in effect forward.

CHAIRMAN DURAN: On his property?

MR. OLAFSON: Within the planning area.

CHAIRMAN DURAN: But what about his property? His property is exempt from this plan, correct?

MR. OLAFSON: No. Well, it's federal property and if he has a claim on it and it gets turned over to be private property, then the plan and the ordinance would be in effect for it. Right now it's federal land and we as a County don't have jurisdiction over federal land, but anticipating in the future that his claim would be granted. That was his interest in making this issue stated tonight. I'm not sure if I'm stating that very clearly.

MR. ABEYTA: Mr. Chairman, even if it becomes private property, it would be grandfathered in at that time. It would be a legal non-conforming use.

CHAIRMAN DURAN: And the community is aware of that Paul?

MR. OLAFSON: To my knowledge, yes. I believe it's a very small operation. I actually called one community member, contact person, and they were not even aware that there was a gravel operation there, so I think it's a very small-scale, intermittent operation. And it's below the Heartbreak Hill, they call it. The 344 before it rises up into the community area.

And finally, I just wanted to also note that there was a letter from Terry Shelton that I received late this afternoon. That is the last piece of paper. It's a single, stand-alone piece of paper. It's a brief e-mail, and Mr. Shelton states that he does support the plan and he has attended many of the planning meetings. However, on item 5.11.1, within the ordinance, that's on page 7 of the ordinance, it requires that septic systems be located at least 200 feet from an existing well and Mr. Shelton would like it to revert back to 100 feet, which is existing County Code.

And I did discuss this with the County Hydrologist this afternoon as well and her comments were that a 200-foot buffer is better than 100-foot, particularly considering the

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geology and the landscape of the area.

And finally, Mr. Shelton would propose moving it from 200 feet to 100 feet and staff, based on the plan and the process as well as the hydrologist's opinion would recommending keeping it remaining at 200 feet.

And finally, there was a letter here from Herbert Stoltenberg that I was just presented with, that I believe was just handed out to you all as well, and I have not had a chance to read it but I believe Mr. Stoltenberg is here to discuss it. And that's the end of my presentation. I would stand for any questions. I believe there will be some comment as well.

CHAIRMAN DURAN: I have a question for Roman. So if—how would the 200 foot separation of well and septic affect existing uses?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, it would not. The existing uses would be grandfathered in also.

CHAIRMAN DURAN: Any questions of staff? Thank you, Paul.

MR. OLAFSON: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Okay, it's a public hearing. Are there people out there that would like to address the Commission either for or against the plan? How many for? And how many against? Let's hear the ones against first. Please step forward. Let the recorder swear you in and state your name and address for the record.

[Duly sworn, Frank Baca testified as follows:]

FRANK BACA: My name is Frank Baca. I live at 122 Los Ranchos Road Northwest, Albuquerque, New Mexico. Mr. Chairman, members of the Commission, at the initial hearing concerning draft Ordinance No. 2002-2, we voiced strong opposition to paragraph 5.7 which outline mining restrictions. A reason for doing so was the belief that we were being discriminated against by preventing us from mining a substantial source of industrial grade garnet while certain of our neighbors were permitted to continue their mining operations, some being on BLM land and others—and our belief is that some mining is performed on partial or privately owned land.

Also, there's an effort on the part of the San Pedro Neighborhood Association to prevent us from subdividing a portion of our land. Realizing that if both efforts were to succeed, we would be deprived of the viable use of our property. Thank you, Mr. Chairman and members of the Commission.

CHAIRMAN DURAN: Mr. Baca, you were here at the last meeting and voiced your concern about this. You don't have a mining operation taking place right now?

MR. BACA: Not at the present.

CHAIRMAN DURAN: Your property was the one that did have one a long time ago?

MR. BACA: Yes, this mine has been in existence for at least 200 years.

CHAIRMAN DURAN: But at that last meeting, you also stated that your desire was not to have a mining, to have mining on that property but rather to have the right to be able to subdivide it.

MR. BACA: Yes sir. That is very true.

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CHAIRMAN DURAN: And in your statement you said—what did you say about not being able to develop your property?

MR. BACA: Well, I understand that there's going to a strong opposition from the San Pedro Neighborhood Association.

CHAIRMAN DURAN: Are you familiar with the densities that are allowed right now?

MR. BACA: No sir. I have never studied them yet.

CHAIRMAN DURAN: Roman, are the densities that are allowed right now going to be changed by this ordinance?

MR. ABEYTA: Mr. Chairman, they are not. It's just going to be made more clear as to the hydrological requirements that you have to meet to get those densities.

CHAIRMAN DURAN: So today, Mr. Baca could subdivide his property without really having to prove, go through an extensive process of proving water. This new ordinance would require that he perform a geo-hydro?

MR. ABEYTA: Mr. Chairman, he would still have to do that today but the Code isn't as clear. This would make the Code more clear than what it is today. Under what our hydrologist currently requires, it would be the same thing.

CHAIRMAN DURAN: Okay. So as long as you comply with the Code and you have water there, I don't think—we have a Code. You'd have to comply with the Code and I think that we are obligated to ensure that the Code is enforced.

MR. BACA: Yes, I would comply.

CHAIRMAN DURAN: Okay.

MR. BACA: Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

HERBERT STOLTENBERG: My name is Herbert Stoltenberg. I live at 1209-B Highway 344, Stanley, New Mexico. I have written a letter to the Commissioners in order to put my comments on the record in writing and also to supply the Commissioners with copies of two maps and also citations to a number of legal decisions.

I have several objections to the plan as proposed. My first objection is to the boundaries of the plan. The first map that I have attached in my letter is a color enlargement of the BLM Surface Management status map which shows BLM land in yellow and state land in blue. On this map I have shown two parcels that are owned by myself and my family members. One is the Lang parcel in Section 2 and the other is what I call the Stoltenberg parcel, 80 acres in Section 25. Mrs. Lang and her husband own legal title to the 20 acres in Section 2 and I have a security interest in the land. Mrs. Lang wrote to the Commissioners a month ago and objected to her parcel and even the easterly half of Section 2 being included within the boundaries of the plan on the ground that that area is removed from the main part of the community that's involved here. It's down on the flats. The post office address is Stanley, New Mexico and we never considered ourselves a part of San Pedro or the San Pedro community.

When she wrote to you, the Commissioners, she received a letter back from Alina

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Bokde, the planner, who said that in order to remove the east half of Section 2 from the plan, that would result in an impermissible peninsula and that that would contravene the underlying enabling ordinance. She didn't understand that so she wrote a long letter back to Ms. Bokde and never received an answer. The east half of Section 2 is still within the boundaries of the plan as presently proposed.

I also own the 80 acres in Section 5. If you look at the last map attached to my letter there was an initial boundary which included a portion of our 80 acres which was irregular. I wrote to the Commissioners and objected to that being included and suggested that it was improper to draw the boundary that way. I understand that the Commissioners then excluded that area from the plan but that the CDRC later reinstated it and now it's in the plan, within the boundaries of the plan. It's interesting to note that the only thing that results in either of these parcels or either of the areas involved are not peninsulas only by reason of including BLM land and state land. And neither BLM land nor the state land being a proper subject, a legitimate subject of the plan. The County has no jurisdiction on BLM land and I cited a case in here which would clearly provide that federal statutes pre-empt any local ordinances on federal land.

Therefore I—and furthermore, if we would exclude the state land in blue and the BLM land in yellow in Section 24, both the eastern part of Section 2 and the area in Section 25 in which our 80 acres is located would become clearly peninsulas that are very prominent peninsulas. Therefore I ask that the east part of Section 2, the east half of Section 2 and all of Section 25 be excluded from the plan. I wonder why, as a matter of inquiry, why the planners or the promoters of the plan desired to include all of the tremendous amount of BLM land if the County and their plan will have no jurisdiction over that land. I find that very interesting.

The second major part of my objection is the absolute prohibition of mining of any kind. The preamble to the plan makes some interesting statements. It says, in the vision statement, it uses words like preserves the "rural qualities of our mountain community" and "preserve our unique environment" and "honor the history and heritage of the community." As I think almost everyone knows who has ever visited the area or knows about the area, the history and heritage of the community is mining, as Mr. Baca has stated. For 200 years the San Pedro mine has been in operation and according to Bulletin 81 by the New Mexico Bureau of Mines, there are miles of workings and that the property contains a belt of garnet tactite that runs about one and a half miles along the western side of the mountain. So much for history and heritage.

In addition to what Mr. Baca has said, I would say that regardless of his present intentions, he should not be absolutely prohibited from developing the garnet or any other minerals on his property which I understand consists of about 320 acres. And I maintain that the absolute prohibition in the proposed plan is in violation of Article V of the United States Constitution. Prior to 1987, my understanding of the law was that even where there was a denial of use of land by zoning or land use that such denial was not compensable in damages. The only remedy being a suit to invalidate the ordinance.

But in 1987, the case of *First English and Evangelical Lutheran Church of Glendale v. County of Los Angeles* which I have cited, changed that and held that a taking, a denial which

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amounts to a taking under the Fifth Amendment is compensable and as I state in my notes under that case, the court held that the church was entitled to compensation. I cite several other cases, *Nolan v. California Coastal Commission*, *Lucas v. South Carolina*, *Sydem v. Tahoe Regional*.

It's interesting that earlier, I heard discussions about transfer of development rights. My reading of the Sydem case is that transfer of development rights are not compensation, will not be considered compensation where use of the land is denied. Your counsel might read that case and advise you in that regard.

The last case—these are all US Supreme Court cases, the last Supreme Court case is *Palazolo v. Rhode Island*, which was decided only this year and my notes on each of them indicate the issues involved. The very interesting case that is practically identical to the case here is *Whitney v. United States*, 1991, 9-26, Federal Second, 11-69, where the US Circuit Court in Wyoming affirmed a \$60 million damage award against the United States where coal mining was flatly prohibited by the United States Surface Mining and Control Act. I suggest that the County take a very, very close look at these cases. Your counsel might advise you that the absolute prohibition, regardless what Mr. Baca says his present intentions are, might very well come back to the County in an inverse condemnation suit with substantial damages.

My last objection is the prohibition of ridgetop development, which I believe is also a prohibition that can amount to a taking in violation of the Fifth Amendment and that my cases that I have cited would apply equally there. That is all that I had.

CHAIRMAN DURAN: Mr. Stoltenberg, I have a question. If you were to be excluded from the plan, what are you plans, what are the long-range plans for the Lang parcel and for yours?

MR. STOLTENBERG: The Lang parcel is a 20-acre parcel. It has a house on it but there are no future plans to do anything further with that. The 80-acre parcel is a parcel that my brother and I acquired when we were mining silica sand in Section 23 for about nine years and Max Chavez is presently mining that and we took the profits from the mining venture and acquired that 80 acres for investment. We have no present plans to develop it, in fact there are no plans to develop it. We will probably sell it some day in the future.

One interesting aspect of the proposed plan is the suggestion in the plan that landowners cooperate with the community in permitting access over their land to BLM land which is now, for the main part, landlocked from public access. Our 80 acres is a prime place, a prime avenue of access to an old road that leads directly into BLM land and I suspect that one of the reasons for including our land in Section 25 was with the hopes that maybe there would be an easement over our land to the BLM in the rear. Interestingly, the Nolan case that I have cited, held that conditioning a building permit on the landowner giving an easement to beach access is an unconstitutional taking and that condition was denied. So the Nolan case has decided the question of requirement of access.

CHAIRMAN DURAN: Do you plan on doing any mining any property in the future? Whether you're in our out of the plan?

MR. STOLTENBERG: Not presently, no. There's nothing on the 80 acres or the 20 acres that would justify any mining activity.

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CHAIRMAN DURAN: Okay. Is there anyone else out there that would like to address the Commission that is opposed to the plan? You're opposed to the plan, sir. Well, why don't you come before we go into the transition here to those in favor of it. Please state your name for the record and let the Clerk swear you in.

[Duly sworn, Dr. Jerry Simmons testified as follows:]

DR. JERRY SIMMONS: I'm Dr. Jerry Simmons. Address: 1463-A State Road 344. Not being able to attend the last hearing, and you received an e-mail from me, which I assume all of you have read. Mr. Chairman and Commissioners, I'd just like to express some appreciation for your work with the community and Mr. Olafson, he and I have communicated frequently. I like to go to the source when I hear rumors so I know what I'm talking about. So I commend the neighborhood community for their plan, their efforts and what they have done. It is very commendable. It takes a lot of time, a lot of work, a lot of patience and Mr. Olafson as well, for their work.

And I have a few concerns that I would like to address. My family has been in the area since 1900. Our five families have been raised there, going five generations, working in the area, working with the families, knowing the families and everything. Therefore I approached this in the sense of looking at it as two philosophies that are kind of at conflict here. One was an old philosophy saying that you lived off the land, mining and farming and ranching. We were on the farming and ranching end of it, owning much of the land in the area. And mining was always a part of it. And therefore we've always had this mutual working relationship, mining and farming together.

But on the same hand, as the community has changed and changed for a philosophy more of one that is a bedroom community, one where people are salaried, including myself at this point, appreciate the serenity and the quietness that we have there and do not want it to be disturbed. Therefore I understand completely the issues of water quality, air quality, etc. like this. But my points I felt were important that I wanted to be recorded so that the San Pedro neighborhood community, as all of the others have the records to review the notes and think about them as this. Communication. Paul and I, as we communicated via e-mail back and forth, talked about this. I wanted to be clear about the issues on this.

The first thing that I have is communication with everyone within the group and I make a recommendation to the community planners themselves that they establish a community relations individual to inform people, to bridge gaps, and whatever, for the area. And that's just me and as I've seen over the years working with the people.

And the other thing is is the setting of boundaries which is very important to me. It has been an issue for years. I don't need to go to history but in the 1880s the issue got so intense that there was a Fort San Pedro, which very few people know about, where fifty armed men, mined or went into the mine, kept at bay 200 other men who were working in the mine because of the issue of setting boundaries. Do you think it's not an issue? In the early 1990s, the San Pedro community or neighborhood was planning on using the San Pedro Cemetery, the old cemetery. Issues came again. It is there. It is not dead. And therefore communication is one thing that is very important. Everyone has to be notified and working together with this.

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As far as the setting of boundaries, I myself took the seat and testimony in court against pillaging of the land and taking the land and destroying that and actually called at one point State Police where off to the south of us there was somebody that just moved in and started removing trees. I have taken an active issue in that. And therefore I don't think even Mr. Baca would intend to destroy surface land, intend to do that in the area. But the setting of boundaries is very important here and I think that living off the land was how he was raised, as I was in the past in my family, and I actually see that Mr. Baca could enhance the area with—and I think they would have to sit at a round table, the community themselves and talk with Mr. Baca come to proposal or bring proposals and then come to agreement on that there are things that could be done that would remove certain things in the community that are eyesores on Mr. Baca's land that would be require mining permits and whatever, or some element of it that would actually enhance the beauty of the area in respect, the slag dump that is there, which I have mixed feelings on that because of its historicity, but could be used and also the removal of white rock waste that will never grow rock. It's high up on the mountain, not the slag pile that's being reclaimed. Not the pile that's been reclaimed but a white waste rock area, which could be removed, reseeded, redone, whatever, and make the community prettier. I'm sure Mr. Baca would agree with that in that sense but it would require him to be able to talk and be able to do and remove material as such.

And so I see some enhancement here and communication is the number one thing and I see as the number one need in the area immediately communication between the Bacas and the San Pedro Neighborhood Association. The second thing, then I see in the future is I see a community where we set up as a community, where we have community relations where people are informed as to what's going on. Because I know the Youth Camp, who is also a part of this, whether they're here tonight also but there are some plans there and there will be issues there which they will have to come, they will have to come together and talk about this.

So I am promoting this. I find myself opposed in some areas to the plan and am for it and commend them for it in all. So with that I just want to again thank you, all right? And for your patience and your time at this late hour of the evening and for the work that has been done and for the Bacas who are very community-oriented people, helpful people, and that we need to work together. Bottom line. Thank you.

COMMISSIONER SULLIVAN: Thank you, sir. Are there those out in the audience that would like to speak against, or rather in favor of the proposal? Could you come forward please and be sworn in.

[Duly sworn, Beth German testified as follows:]

BETH GERMAN: My name is Beth German and I live at 1368 Highway 344. This is the eighth public hearing on this issue. For the record I do want to point out this is the hearing on the ordinance and not the plan and many of the issues that are currently being addressed have been already decided in the plan. I do support the plan as San Pedro Neighborhood Association president for six years. I can state that the neighborhood association supports the plan and the vast majority of the residents support the plan to my knowledge. The only people who have voiced opposition to the ordinance are those who are here today. There

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may be some others who have communicated with you but I am not aware of them.

I do want to address some of the concerns raised by Mr. Stoltenberg and Mr. Baca. With regard to the Stoltenberg property I would like to point out that at the first public hearing on the actual plan this Commission debated whether to exclude the Stoltenberg property because of a letter he had sent to you requesting to be excluded. And Land Use staff recommended that the property not be excluded and explained that the property is located at the top of one of the roads in our community, that road being Snowy Owl and there are many private residences along that road. Staff explained that that would create a peninsula and they recommended that the property remain included in the plan. The Commission agreed with staff and agreed to keep the Stoltenberg property within the plan.

I'm a little confused. Mr. Stoltenberg objected to the prohibition on mining, although he did advise Commissioner Duran, I believe, that he did not actually intend to mine the property. So I believe that that is a moot point. But I do want to stress that the plan has been adopted and it did include the Stoltenberg property. Mr. Stoltenberg mentioned that thought his Fifth Amendment rights were being violated. I disagree. The Fifth Amendment states that life, liberty or property will not be denied without due process and we have clearly had due process in this situation.

Similarly, the plan has been adopted and the plan clearly states that mining will not be allowed in the community. This Commission has been extremely supportive of our community in the past. The Santa Fe County Commission actually brought the law suit against the previous owner of Mr. Baca's property and in that law suit it was established that there would not be mining on that very property. Similarly, this Commission supported the community when we protested a proposed gravel operation to be conducted by San Pedro Rock on BLM land, and again the Commission went to court to uphold their decision to regulate the mining and the impact on the community, the Commission having acknowledged they could not prohibit mining on BLM land and the court agreed with the Santa Fe County Commission and ruled that the Commission did have the right to regulate the impact of the mine within the community.

In the cases cited by Mr. Stoltenberg, in particular, the California Coastal, were particularly addressed in that law suit when the court, I believe it was two years ago, maybe three, held that the County could regulate the impact and the health and safety although it could not prohibit the BLM's mining. So you have one case that the County can prohibit the mining and you have one case establishing that the County can regulate the impact of mining on public land. The reason the BLM land was included in the planning area, it's my understanding, first, the area goes from ridgetop to ridgetop, so it makes geographic sense. There is private land interspersed in there and although the County could not prohibit certain activities on public land it can regulate the impact. So we ask the BLM land in the county's boundaries, or the community boundary be kept as they were when the plan was adopted.

To address Mr. Simmons' comments about communication. The San Pedro residents certainly are in favor of communication. We have met with Mr. Baca and his attorneys. We have asked what he intends to do with the property and the answer was "I don't know." To

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our knowledge there are no current plans or pending plans with regard to subdivision but we certainly acknowledge that he has the right to subdivide in accordance with the Code as it exists now or potentially in the future under the ordinances and I believe it's been clarified that the ordinances do not significantly change the subdivision rules. But I do want to clarify, we're not trying to say that Mr. Baca can't subdivide his property. It would be a waste of our time and that's not our position.

Those are the primary issues I wanted to respond to that were raised in objections. I believe this process started in 1995 and '96. It's come a very long way. I believe there are several other people here from San Pedro who support the plan over the course of the last several years you've met a lot of us. We do hope that you will finally now, or will now adopt the ordinance so our plan will be finalized. We realize we have some work to do, some programs we want to continue to work on but those, I don't think need to be addressed specifically in the ordinance.

In our plans for the future, we need to continue exploring the open space issues. As indicated in the plan, we will work with the County open space planner in an effort to either obtain COLTPAC funds or come up with some way to address that. I understand Alina Bokde with whom we've spoken several times has now left the County. Is there a current open space planner for the County?

CHAIRMAN DURAN: Next month.

MS. GERMAN: Okay. So we can't do that right now but it's certainly an issue of importance to us. We do want to stress that the plan in preserving our quiet rural community does allow for a lot of visual open space and there are certain areas of public access. We'd certainly like to have more. I don't know if it's realistic to expect people to donate their property but that is an area we want to work on.

I think the ordinances as currently written do adequately and appropriately implement the plan previously adopted and we ask the Commission to adopt these ordinances.

CHAIRMAN DURAN: Thank you very much. Next speaker please. Okay, what's the pleasure of the Board? Mr. Stoltenberg, you've already spoken. I'm sorry. I'll give you two minutes. Please come to the podium so we can hear you please.

MR. STOLTENBERG: Number one, Ms. German said the case against San Pedro Mining Company prohibited them from mining. It did not. The case involved pre-emption of County ordinance by state law and also grandfathering. It did not rule that, there was no holding that mining was prohibited. Secondly, the Granite Rock case clearly held that where the zoning provision is among the land use versus environmental then there is absolutely no—then the federal laws absolutely pre-empt state and local laws. In this case, the absolute prohibition of mining amounts to land use and not simply environmental, so Ms. German does not understand the Granite Rock case.

Thirdly, the Locus case and other cases hold that even people who subsequently take title to land after the zoning ordinance is enacted can sue for inverse condemnation based on the takings. So I could buy Mr. Baca's property and desire to mine and be prohibited and file an inverse condemnation suit. There are some points of law you may wish to address. Thank

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you.

CHAIRMAN DURAN: Thank you, sir. What's the pleasure of the Board?

MR. OLAFSON: Mr. Chairman, if I may just make two quick points of clarification. One is on the maps that were handed out tonight, I just wanted to clarify that this map has been moved slightly to the left side. This is something I just forgot to give in my presentation. It's still completely on BLM lands or federal lands and the only reason for this movement was just for ease of mapping and that it followed the section lines, and previously it followed the mountain top here, the ridgetop and so it was moved slightly to the west simply for mapping purposes and it does impact any private property. To make that clear.

And secondly, to just clarify some of the statements about mining, I did meet with someone from the mines bureau or the Minerals and Mining and one, on Mr. Baca's property there was a statement made about—and I did communicate with the Baca's as well about possibly removing the slag heap and then tonight was the first I heard of the white rock material. That would be permissible, depending on the type of use Mr. Baca wanted to put that rock to. If he wanted to remove the slag and use it for basecourse or some other kind of construction material there would not be a mining requirement. It would not impact that operation.

If he wanted to take that slag and try and process it for some other mineral or et cetera, then he might have to take a minimal mining permit, according to the state. Either way, the County would want to work with him and the state just to ensure that the slag heap was removed, that there was not traffic issues, there wasn't dust, etc. Just to clarify that he'd be prohibited through this.

CHAIRMAN DURAN: Thank you, Paul. What's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Let me just state that this community for some time has been going through this process. The point of a community plan is to be able to have some type of self-determination as to what their future may be and what their community is going to look like. For some time, while this at one time just as Cerrillos was a mining area, it really is now very much in its entirety a residential community. I just don't see where there is an area of mining that would be beneficial to the community at least in this area. So I think that we should support the work that the community has done and I'd ask the Commission—I'd like to approve this so I'd like to move for approval of Ordinance No. 2002-2, with the amendments as presented by the staff and once again, state that this community has acted for some time to develop this plan, something that I think is supported almost entirely by the community with some exceptions.

This is the point of a community plan; it's all about self-determination and I think they've met those goals and we ought to support that.

CHAIRMAN DURAN: Is that a motion to approve?

COMMISSIONER GONZALES: That's a motion to approve.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I just have a question for Mr. Olafson. Mr. Olafson, I've been concerned about the open space and the trails. It seems that it's been left out of the discussion. It's put back to some point in the indefinite future and I'm concerned about that. How do you plan to approach that if this is approved? Nothing's been done since we approved the plan, not much discussion I don't think. What guarantees do we have that you are going to do something about open space and trails and the implication financially if we have to go in there and condemn land, how much is it going to cost us?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, to answer the first part of your question, at the, I believe first hearing, the staff was directed, or I believe at the title and general summary hearing to move forward with these ordinances staff was directed to proceed with doing open space planning in the community and to this date we have developed a survey tool and I believe I've spoken with a couple of Commission that we have developed this survey tool. We're ready to send it out and begin that process in the community. And it's tied in part to—Ms. Bokde left the County and she was our principle open space planner and it's hard to coordinate with the program in the sense that we'd like to wait till the new person has come on.

However, we have developed this tool in the interim time and we're prepared to send it out now, at the beginning, now, at this period. And I believe that to answer that question most directly, we are moving forward with open space planning for the community. The second part of your question was about easements, access, again, the County open space program is a completely voluntary program and condemnation is not a part of the process that I am aware of, nor is it intended to be a part of the process. It's intended to be a voluntary process with landowners and with communities and they're planning for where open space should be, how it should be and how the thing should be managed over time.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, can I add a little bit to that briefly?

COMMISSIONER CAMPOS: Sure. Just a little bit.

COMMISSIONER GONZALES: Just a little bit is that really, the San Pedro community, to understand is to know that a large part of that community is already settled. There's a lot of residences in place. And I think the challenge that the staff has is how you create an open space and trail network through lots of private property. That can't be done necessarily through an ordinance where we establish that without the community itself going and working that through. I think in future subdivisions it will be coming through under this plan. I think there's going to be a conscious effort to make sure that through whatever subdivisions are coming forward that there is some type of open space and some type of trails network.

The only other thing that I would remind the Commissioners is that we have not placed

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such a strong emphasis on open space and trails to this degree in any of the other community plans. We know it's important. We know it's a part of it, but even tonight, under the Madrid plan, there was no discussion about open space and trails. Under the Tesuque plan, no discussion about open space and trails and it seems that under the San Pedro community that all we keep bringing up is open space and trails as being the cornerstone of that plan. And it really—well, it's important and it's part of the values that we have here at the County. It shouldn't be the only thing that we're looking at and it shouldn't be the only thing we're concerned.

So I think we need to treat them like we treat every other community that comes forward and this plan is in accordance with the values of the County. If there's an open space and trails component but it's difficult where you already have a settled area, especially when you have a lot of private property owners. I think the community is committed to that. I think they want to see trails. And when you go out there, it feels like you are in a lot of open space. There's not a lot of dense environments there. But I would just ask the Commissioners to treat this community plan the way we've treated all the others and know that the underlying value of open space and trails is in place and not really trying to derail—not that I'm suggesting that you are, but try and create a barrier that would stop the progression of the plan just because of open space and trails.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Is there an ordinance requirement that we consider beforehand trails and open space?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, in the County's Growth Management Plan it does outline that community planning should address trails and open space. And I believe in the community plan we have addressed it and the method of addressing it was by saying let's do a community-wide survey. Let's not go towards condemnation and demanding or imposing trails upon people. Let's do an open and public process and get public involvement, get people encouraged and enthused about it and work through it that way. And that is a part of the plan and that goes back to the survey I was discussing earlier or mentioning earlier. That that element of the plan is being brought forward and open space planning is happening and will continue to happen.

COMMISSIONER CAMPOS: It just seems to me, Mr. Olafson, that doing it after the ordinance is adopted will result in nothing happening. That's my impression. It should be done up front. Doing it this way doesn't make sense. That's for discussion.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul and Commissioner Gonzales, I think the Madrid and other plans have been different. For example, with regard to open space, in the Madrid plan they have an area designated as the Madrid greenbelt. It's mapped. It's there. It's a part of the ordinance that we've just adopted tonight. So I think the Madrid ordinance

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was responsive to those requirements of the general plan. Back on December 11, Helen Crotty, the president of the San Pedro Neighborhood Association wrote us all asking us on the e-mail to support the plan because people had been working on it for so long.

I wrote her back and I thanked her for her hard work on the plan and in my response I said my primary concern as I have said previously is that the plan does not yet contain all the elements required by our general plan and related ordinances. The major omission at present is an open space and trails plan, which the approved master plan said would be completed in a year. I understand that surveys regarding that may go out in January. Apparently they haven't gone out yet. For this reason I believe it is premature to adopt the plan as an ordinance until the general plan and ordinance requirements for a community plan are met. That was last month.

I think we're still in the same situation and I think that the plan is certainly headed in the right direction. I think there are issues of access which were brought up about the road going through private land, which are important. Access to BLM parcels issues should be resolved as a part of the plan, whether that parcel is in or out, nonetheless, that is an access point. So my feeling echoes that of Commissioner Campos that we're moving there, getting there, we have some neighborhood concerns, which we always have in a plan. We have some neighborhood direction, but we for some reason, in my judgement aren't quite there yet. Thank you, Mr. Chairman.

COMMISSIONER GONZALES: Mr. Chairman, I would just say in closing—and I appreciate Commissioner Sullivan's push for this because I think that we all always have stated the importance of open space and trails. I think that's a cornerstone of any community plan. But we've always stated from the beginning that we can't take a cookie-cutter approach. What's good for one community or what's working in one community is not going to work in another. San Pedro, it has many of the same roots as Madrid. The terrain and the density is nowhere near what we see in Madrid where Madrid, when you go down the main street it's like being down a city. When you're in San Pedro you have lots that are spread over hundreds of acres. So it's a different scenario.

I'd be concerned about holding up parts of this ordinance that can quickly solve some of the problems that the community is facing just because they have not been able to work it out with private property owners, how the trails are going to work or where the open space is going to take place. So there are some quick fixes that this ordinance is proposing that we ought to do and I would be opposed to holding back this ordinance until they fully can meet some of the goals that Commissioner Sullivan is talking about. And I think it's wholly appropriate that we keep the fire turned up and that we stay working with community to meet those objectives and that we don't turn our back to this.

Communities all across this county are very different and they have a very different approach to how they're going to address a lot of the values that we're asking them to address. That's the point of community planning, so that they themselves can come together and meet those values based on how they believe their community to be. Not so much how we believe that community to be but as they do. So I think San Pedro's done that and I think we ought to

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move forward with this.

CHAIRMAN DURAN: I just have one quick question for Roman. As development occurs out there in the county, whether it's San Pedro or anywhere else, don't we have in our Code a requirement that certain amounts, 30 percent of the property be set aside for open space?

MR. ABEYTA: Mr. Chairman, we have that requirement in the EZ, in the two-mile. For subdivisions out in the county, there is a park requirement and you can put in trails to meet that park requirement.

CHAIRMAN DURAN: Why don't you try to bring something forward for us to consider outside the EZ so that—I think for us to hold off on this plan until the community can go out and find out what owners are willing to dedicate what parcels or what part, for open space, it's going to take them forever. But if we have it in the development review process, that there's a certain percentage that has to be set aside for open space like we do at the EZ we can at least chip away a little bit at the desire to have some open space set aside as development occurs out there.

MR. ABEYTA: We'll do that, Mr. Chairman.

CHAIRMAN DURAN: Okay, roll call.

The ordinance was approved by majority roll call vote with Commissioners Gonzales, Trujillo and Duran voting in favor, Commissioner Sullivan voting against, and Commissioner Campos abstaining.

MR. OLAFSON: Mr. Chairman, if I might indulge a moment. I would like to congratulate the community, all the community members, both pro and con, for participating in this process and giving us the debate and the interest and input that makes this process possible, and for creating a good and solid ordinance and plan. I'd also like to thank you all for your patience in working through this with us and I'd also like to thank all the County staff for their tremendous support and work in getting all this together. And that's not only the Planning staff, it's also GIS and development review and all the people that we work with. Thank you again and congratulations to the community for accomplishing this plan and ordinance. Thank you.

CHAIRMAN DURAN: Thank you, Paul, and thank you for helping us all organize the whole thing.

- XII. A. 4. CDRC Case #MIS 01-5402. Avanti Master Plan Time Extension. Interstate Investment and Dietz Creditors, applicants, Brad Hays, agent, request approval for a 24-month extension to the expiration date of a master plan for commercial uses on 10.3 acres (Avanti Business Park, Lots 4-A and 4-B) which was approved in 1983. The property is located east of the frontage road within Section 26,**

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Township 16 North, Range 8 East

PENNY ELLIS-GREEN (Review Specialist): Thank you, Mr. Chairman, Commissioners. The Avanti Business Park was granted zoning approval in 1983. Two lots were built out in 1986 and 1987. The subject property, which is Lots 4-A and 4-B were created by a lot split in 1992. The CDRC has determined that the Avanti Master Plan is valid. The Code states that master plans are valid for a period of five years from the date of approval, and upon request by the subdivider a master plan may be extended for up to two additional years by the Board.

The CDRC determined that the business park zoning is due to expire February, 2002. The applicant states that the project was held up from 1995 until 2000 because the owners were working with the County water utility for water connections.

Recommendation: Staff recommends approval of the two-year extension of time to the master plan and plat subject to the following condition:

1. The development plan shall meet the highway corridor design standards.

CHAIRMAN DURAN: Okay, any questions of Penny?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Penny, is this in the Community College District or right on the border of it?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, no it is not. It's off of the frontage road just south of Channel 11.

COMMISSIONER GONZALES: So it's near the subdivision that was approved for TDR, the Parker property and Channel 11, I believe.

CHAIRMAN DURAN: Here's the site plan.

COMMISSIONER SULLIVAN: Yes, I saw that and I didn't understand that. This is the site plan I'm looking at. It's got an arrow east of 14. Am I reading that wrong?

CHAIRMAN DURAN: Channel 11 is on CR 56.

COMMISSIONER SULLIVAN: Oh, okay. I was looking at an arrow. There's an arrow there that's a blow-up for Valle Vista. I see what that is. I thought it was east of 14. But I see an artistic X there. Okay. So it's over once again on that frontage road. So this is the site that was approved for the TDR subdivision. Is that what Commissioner Gonzales said?

CHAIRMAN DURAN: Close to it.

COMMISSIONER GONZALES: I think it's adjacent to that property.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: Actually, Channel 11 was part of this Avanti Park proposal a long time ago, wasn't it?

MS. ELLIS-GREEN: Mr. Chairman, that's correct. That's one of the two lots that developed. Channel 11 was the northern lot that developed and then the Shalom Ministry

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developed the southern portion of this property.

COMMISSIONER SULLIVAN: My question, another question was what does Mr. Hays mean in his letter where he said that the property couldn't be developed because of the uncertainty of the zoning status. The status was settled by unanimous vote of the CDRC on October 25, 2001. What did the CDRC settle?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, because the zoning was approved in 1983, it was the Land Use Administrator's determination that this zoning had expired. The applicant went through to the CDRC, appealed that decision and the CDRC determined that the master plan was still valid.

COMMISSIONER SULLIVAN: Is that their determination or that's their recommendation to the Commission?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, the CDRC has final authority on appeals unless that decision is appealed on.

COMMISSIONER SULLIVAN: Okay. So they determined that the master plan was valid. And what was the uncertainty of the zoning between 1983 and 2001?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, I'm not sure that they were uncertain of the zoning. The entire time between '83 and '91, I believe that the applicant understood that they did have the zoning, and later on in the nineties it was the Land Use Administrator's position that they did not and at that point they went through the appeal process. The applicant has also stated that they were waiting for a number of years working with the County utility to get water extension to this property.

COMMISSIONER SULLIVAN: Okay, let me be clear. Nothing was done to the property, although it had been zoned in 1983, so nothing was done for 18 years, but there was a master plan in place.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, there was a master plan in place and two of the lots were built out, in 1986 and 1987, Channel 11 and Shalom were both built out. Another portion of the property was then zoned under a different master plan. That was the Santa Fe Metro Center and a portion of that is the area where the TDR subdivision was approved.

COMMISSIONER SULLIVAN: I guess what I'm trying to get at, I'm not sure I understand it from the packet is, it seems to me that once, we've been regularly granting extensions but it seems that particularly in this case where we're getting close to 20 years that if we grant extensions it should be clear that it's not grandfathering, that the applicant must comply with the now current regulations of Santa Fe County. Are we okay on that or does the granting of this extension then grandfather the property so that they do not have to comply with current County regulations?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, if you granted this application it would give the applicant another two years to submit a development plan. That development plan would have to meet current Code requirements and would have to be reviewed by the CDRC.

COMMISSIONER SULLIVAN: So why is an extension needed at all? Just to

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avoid the master plan stage?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, yes. I guess to extend the length of the master plan because at this point the applicant wouldn't have enough time to submit and get approval for a development plan before the master plan expired.

COMMISSIONER SULLIVAN: And the master plan is still pertinent to what the applicant feels they want to do?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, it was granted approval for a major center commercial district with the uses that the applicant still wants to do.

COMMISSIONER SULLIVAN: It's within the corridor district that allows commercial, similar to the other project we had this evening.

MS. ELLIS-GREEN: The highway corridor plan does not designate this area as commercial.

COMMISSIONER SULLIVAN: Oh. So that's why they're going back for the master plan.

MS. ELLIS-GREEN: That would be one of the reasons.

COMMISSIONER SULLIVAN: So that they can avoid being under the Highway Corridor Plan.

MS. ELLIS-GREEN: The Highway Corridor Plan does exempt existing master plans.

COMMISSIONER SULLIVAN: Ah. Okay. So although we're saying a requirement of approval is the Highway Corridor Plan, what in fact we're doing is allowing commercial outside the commercially designated area in the Highway Corridor Plan if this goes forward.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, that would be correct, but we would require that they meet the design standards from the Highway Corridor Plan for that area.

COMMISSIONER SULLIVAN: I understand. But the zoning, or the node designation is outside that.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: I think, if I could, the zoning is in place and they're asking for an extension of that. It's different from what you're trying to bring up. It's not within a commercial node but it has been master planned for this commercial use prior to the adoption of the Highway Corridor Plan.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the master plan in 1983 was approved before we even had commercial districts.

CHAIRMAN DURAN: Right. Before we even had the node concept?

MS. ELLIS-GREEN: Correct. They came in in 1989.

CHAIRMAN DURAN: I think that this is a situation that you're going to find we're going to be dealing with in the next several months on several properties in the corridor that have received planning, master plan approval prior to the Highway Corridor Plan. And I

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think that for us to think that we can just do away with the commercial node concept without giving the people who own that property some consideration based on entitlement they have based on what they were given prior to the adoption of the ordinances of the Highway Corridor Plan, I think we'd be fooling ourselves.

We really need to find a way of ensuring that people's property rights are protected but by the same token we need to make sure that the plan that's being proposed is appropriate for the area. And I think that if you look at the Avanti Master Plan that it is an appropriate use provided that they comply with the Highway Corridor Plan, which they would have to do. Correct?

MS. ELLIS-GREEN: That's correct. The design standards.

COMMISSIONER SULLIVAN: But they can't comply with the Highway Corridor Plan because if they would, the Highway Corridor Plan wouldn't permit this commercial development.

CHAIRMAN DURAN: It already has a commercial approval.

COMMISSIONER SULLIVAN: No, it has a master plan.

CHAIRMAN DURAN: It has a master plan approval for a commercial use.

COMMISSIONER SULLIVAN: It has a master plan. It doesn't even have a preliminary development plan. And it took 18 years to get to that.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, this property does have a zoning, which sets the commercial use. During the appeals process, there were a number of issues that were raised, so just to run through them really quickly, the approval was in 1983. Two lots built out in 1986 and 1987. The master plan requirements and time frames weren't even established in the Code until 1987. So at that point it would set an expiration date of April, 1992. After that, the Land Use Administrator did approve a plat and the plat will automatically extend a master plan.

In 1994, the appellants filed for bankruptcy. That wasn't dismissed until 1997. When there's bankruptcy, I understand that the bankruptcy told the time frame for a master plan. So these things were presented to the CDRC when they appealed the Land Use Administrator's decision and based on all of these issues, the CDRC determined that the master plan was valid and is due to expire February 2002. So at that point, the applicant came forward to apply for this time extension.

COMMISSIONER SULLIVAN: Was that a unanimous verdict on the part of the CDRC?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, I believe it was. Yes.

CHAIRMAN DURAN: Any other questions of Penny? Okay, is the applicant here? Would you please state your name for the record and let the Clerk swear you in.

[Duly sworn, Albert Dietz testified as follows:]

ALBERT DIETZ: My name is Albert Dietz. My residence is 10032 Wright Road, Gueydon, Louisiana, 70542. Mr. Chairman, Commissioners, first to address some of the concerns raised by Commissioner Sullivan. The uncertainty—let me preface this by saying

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that tonight, I'm speaking for both applicants, the Dietz Creditors Committee, LLC, and the Interstate Investments, Limited. That corporation is a family corporation owned by my wife and me and our children. And both applicants are supporting the staff recommendation and both applicants have agreed to the condition imposed by the staff.

The uncertainty with regard to our ability to go forward really began in the summer of 2000, because at that time the water was finally brought close enough to the property to permit development and we were still within the period that has been explained to the Commission. And we made two sales in the summer of 2000 and both sales required that we present evidence that the zoning was in place. And we sought that confirmation from staff and the staff decided that the zoning had expired; it was not in place.

So in October of 2000, we wrote a letter explaining our position and the reasons why we felt that the zoning was still in place and the staff, we did not convince them. So in the summer of 2001, the staff said our final decision is that the zoning has expired. At that point we appealed to the CDRC and in October 2001, the CDRC unanimously said the zoning still is in place and the master plan is in force. I believe at that point, the staff elected to appeal that decision and that appeal was not dismissed until last month.

So from the summer—of course we lost both of the sales that we had. One of the sales, incidentally was to an entity who has since bought other land and has sought approval and obtained approval from the development review staff. So the reason the zoning was uncertain is that we could not go forward with the sales that we had because the County took the position that the zoning was not in place from the summer of 2000 actually until December of 2001. And our zoning time expires now in February, next month and we don't have time to obtain two more sales and make all the applications and get them going by next month. And that's our reason for the request for the two-year extension.

And again, to repeat what I said, both applicants support staff recommendations. Both applicants agree to the condition imposed.

COMMISSIONER SULLIVAN: Mr. Chairman, Mr. Dietz, you said staff appealed the decision. Who did the staff appeal the decision of the CDRC to?

MR. DIETZ: It was my understanding they appealed to this Board, but the appeal was scheduled to be heard tonight, as well as the request for an extension, but the appeal was dismissed last month by the staff.

COMMISSIONER SULLIVAN: Okay. So they decided not to proceed with—

MR. DIETZ: That's my understanding.

COMMISSIONER SULLIVAN: I see. And what are you planning to do with the property.

MR. DIETZ: Well, as was explained to the Commission, the only two buildings on that property out there, I made both of those sales and I'm proud of both buildings. I think that's the kind of thing that Santa Fe County ought to see. People who will buy and build buildings of that quality, like TV 11 and like Shalom Ministries. And it's been my pattern in Santa Fe for 30 years to try to support quality development. My wife and I bought two old adobe buildings next to Vanessi's right after it was built and we built the Water

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Street Inn and the Old Santa Fe Association gave us their award for excellence in design.

So that's the kind of thing we have done here. For years, I was director of economic development for the state, and I brought into New Mexico companies like Intel and Epicon and Johnson and Johnson and tried my best to bring in quality users and quality residents in the state. That's what we will do with this property. We have reviewed the Highway Corridor Plan and we have no problem at all in developing the business park in complete conformity to those standards.

To answer your question specifically, I have no idea who we can approach to buy it. because we just don't know that at this point.

COMMISSIONER SULLIVAN: Brevity is the sole of wit. Thank you for summarizing. Thank you, Mr. Chairman. That answers my question.

CHAIRMAN DURAN: Okay. This is a public hearing. Is there anyone out there who is for or against this proposal? If not, what's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman, I'd move for approval of CDRC Case #MIS 01-5402.

CHAIRMAN DURAN: I second that. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

XII. A. 5. CDRC CASE # Z 01-5380. Montano Master Plan. Victor and Viola Montano, applicants, Jim Siebert, agent, request master plan approval for a cement plant, light industrial, retail commercial and office uses on 5.6 acres. The property is located at the southwest corner of the intersection of State Road 599 and County Road 6, within Section 10, Township 16 North, Range 8 East

MS. ELLIS-GREEN: Thank you, Mr. Chairman, Commissioners. The applicant is requesting master plan approval for a cement plant with sand and gravel storage and warehouse, office and industrial uses on lot 1, and warehouse, industrial and manufacturing on lot 2, and warehouse, light industrial, retail/office uses on lots 3 and 4. The applicant proposes four phases to this development. The subject property is located within an existing major center commercial district at the intersection of Airport Road and State Road 599. The property is also located within the Redevelopment District designated in the Highway Corridor Plan, and within the Airport Development District. The proposed uses conform to the allowable uses within these districts.

The decision of the CDRC was to recommend approval for the request for master plan zoning subject to the following 17 conditions.

[The conditions are as follows:]

1. All redline comments will be addressed. Original redlines will be returned.
2. The applicant shall submit a drainage and grading plan with the preliminary

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- development plan for each phase.
3. The applicant shall submit a detailed parking budget with the preliminary development plan for each phase. The number of spaces shall be determined by the occupancy and use of the building.
 4. All water lines shall be 8" minimum.
 5. There shall be no retail use within the LDN3 Zone.
 6. All structures and outside storage, including but not limited to sand and gravel piles, shall be set back 50 feet from the CR 56 right-of-way.
 7. The outside storage area shall be screened on all sides by a six-foot to eight-foot high stucco or stone wall. Outside storage shall not exceed the height of the wall.
 8. All utilities shall be underground. This shall be noted on the master plan.
 9. All conditions of the sewer and water availability letters shall be complied with.
 10. All buildings will be sprinklered.
 11. All lighting must be shielded. The applicant shall provide cut-sheets and lighting analysis for outside lighting with the preliminary development plan submittal.
 12. The applicant shall submit a landscape plan meeting Code requirements with the preliminary development plan for each phase.
 13. Driveway access shall be approved by Public Works.
 14. The master plan will be recorded with the County Clerk's Office.
 15. The applicant shall submit an archeological report at preliminary development plan stage.
 16. Compliance with the applicable review comments from the following:
 - a. State Engineer's Office
 - b. State Environment Department
 - c. State Highway Department
 - d. County Fire Marshal
 - e. County Public Works
 - f. Development Review Division Director
 17. The applicant shall participate with the Airport Development District Planning Committee.

And staff also recommends one further condition to read:
 18. The applicant shall submit an air quality permit for the cement plant with the development plan submittal.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Penny, this is adjacent to a vacant parcel of land, I believe, and also to the junkyard. How does it sit in relation to the Airport Noise Zone?

MS. ELLIS-GREEN: Mr. Chairman, that is included in your Exhibit E. I

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think the fifth or sixth diagram. I think about the sixth diagram shows the Airport Noise Zones. A portion of it, where lot 1 and a portion of lot 2 will be in LVN3 and the remainder would be in LDN2. So LDN3 would not be able to have any retail uses.

COMMISSIONER SULLIVAN: I'm not finding E. Can you help me with that? A portion is in three and portion is in two. And what are the three and two restrictions again?

MS. ELLIS-GREEN: LDN3 is not allowed to have retail sales, but it can have commercial, warehouse, industrial type uses. And so can two.

COMMISSIONER SULLIVAN: Okay, so the cement factory could occur in either zone, two or three?

MS. ELLIS-GREEN: That's correct. And it's proposed in three.

COMMISSIONER SULLIVAN: Is there any possibility that the emissions from the cement factory, since this is directly in line with runway 20 from the airport, would cause problems for planes landing or taking off from runway 20?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, I have spoken to the airport manager and he didn't raise that as a concern.

COMMISSIONER SULLIVAN: He didn't raise it. He didn't feel that that was an issue.

MS. ELLIS-GREEN: That's correct. His concern was more of the height of the structure, and he wanted to know what the elevation of the property was compared to the elevation of the runway. Once we discussed that, he agreed that the 35, 36 foot that they're proposing, which is the permitted height in this area, would not affect the airport use.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions of staff? Penny, have you had any conversation with the applicant relative to their existing operation and what their plan—they operate a batch plant at the existing operation on Agua Fria, is that correct?

MS. ELLIS-GREEN: That's correct.

CHAIRMAN DURAN: And if they were to gain approval for this batch plant, do they plan to maintain a batch plant operation at the current location?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant stated at the CDRC meeting that they were intending to phase out the concrete plant at Agua Fria and then rezone for another use at that location.

CHAIRMAN DURAN: What does "phase out" mean?

MS. ELLIS-GREEN: Mr. Chairman, I believe the applicant could further address his time frame. But my understanding was that he was intending to move the plant from the Agua Fria location to this location.

CHAIRMAN DURAN: Okay. Thank you, Penny. Is the applicant here?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Mr. Chairman, my name's Jim Siebert. My address is 915 Mercer, Santa Fe, and I'm representing Victor Montano and his family in this request. Let

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me begin by giving you a little more detailed explanation of the location.

CHAIRMAN DURAN: Jim, the applicant is not opposed to any of staff's recommendations?

MR. SIEBERT: He's in agreement with all conditions as stated by staff. To give you an idea of the location, this is Aviation Drive here, County Road 56 sits here. There's a vacant tract of land between this property and County Road 56. What happened is actually Mr. Montano bought a portion of the wrecking yard and then removed the old vehicles from it so it's presently—the area within the green is now a vacant tract of land. There is the beginning of a rise, a fairly significant rise that begins kind of right at the boundary of this property, the southern boundary. And the cement plant would be located at the very bottom of that rise so it would actually be silhouetted against the hill and would not be visible because of the ridge here. It would not be that visible—a cut section from 599.

In terms of the—you can see the end of the runway here. This belongs to the City of Santa Fe. It's their present sludge disposal area where they trench it into the ground. The LDN3 zone which we discussed is the area where retail sales is not permitted. It has to be a warehouse, kind of industrial type activity, it's the area outlined in yellow. That's right here. The area where retail would be permitted would be outside in the LDN2 noise zone.

In terms of the uses themselves, the first phase would consist of Mr. Montano's sand and gravel operation and maintenance buildings. The cement plant would be located here. Maintenance and office would be here and then manufacturing, he also has a manufacturing facility for septic tanks or other manufacturing facilities would occur in this area. Lot 2 would have to be a warehouse, industrial, manufacturing district as well, since it's within the LDN3. And then these two lots could be for either retail, office, warehouse or light manufacturing.

CHAIRMAN DURAN: That's the proposed use?

MR. SIEBERT: Those are the proposed uses for the property. That's correct. The one thing I'd like to point out is that this is a—the total project, the size of the project is a very expensive project. Mr. Montano expects to do this over several years in terms of establishing the new facilities and then phasing over from Agua Fria to the new facilities. Especially in regard to his present business, I'd hoped that the committee would take into account the fact that Mr. Montano has been at this location, doing this kind of business for 34 years. He has presently 30 employees and some of these employees have been members of his workforce for over 20 years. I'll answer any questions you may have and Victor Montano is here to answer any questions you may have and also there are some people that would like to speak to the project.

CHAIRMAN DURAN: Any questions of Mr. Siebert?

COMMISSIONER GONZALES: A quick question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Mr. Siebert, and I think I spoke to Mr.

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Montano briefly about this, but could you tell me about—and once again I apologize if I missed what you'd already stated, what the future plans of the current site will be.

MR. SIEBERT: Well, just to specify what the current site is used for, there is a cement batch plant at the current location. There is a sand and gravel operation where he hauls sand and gravel to sites and then there is a septic tank construction, a concrete septic tank construction fabrication onsite as well and then he has maintenance facilities. What would happen, he would first move the cement plant, or not move the cement plant, but construct a new cement plant.

COMMISSIONER GONZALES: That's the batch plant.

MR. SIEBERT: That's the batch plant. And then after that's done, the present plant would be decommissioned and used only in cases where the new plant would break down and he would need to use the old plant on emergency basis. The sand and gravel operation where they're using the big trucks to haul it off, that would be relocated to the new facility. The retail, in terms of small pick-ups and landscape material and gravel material, that kind of thing used mainly for landscaping, would continue at the other site.

COMMISSIONER GONZALES: The other site, the Agua Fria site?

MR. SIEBERT: The Agua Fria site.

CHAIRMAN DURAN: Say that again, that last part.

MR. SIEBERT: That the retail component, small scale retail component would remain at the Agua Fria site. And then the septic tank would probably remain at that site for right now, I don't think we're sure of the time frame, but the idea is that eventually, that would be relocated as well. But the problem is that it's a very expensive operation and will take several years to accomplish it at the new site.

COMMISSIONER GONZALES: So the batch plant will only be used in case of an emergency.

MR. SIEBERT: Correct.

COMMISSIONER GONZALES: I'm assuming that's when the larger plant goes down. How often, does Mr. Montano currently have an emergency back-up system?

MR. SIEBERT: No, and it's been a problem in the past. He's been in the middle of—for example, they handled the Home Depot pour and in the middle of the pour, the plant broke down. So it has been a problem.

COMMISSIONER GONZALES: So is there—how often would you anticipate that the new plant would be breaking down throughout the year where this site would be used for more batch processing? Do you have an estimate? For how many days is it usually down for?

MR. SIEBERT: Mr. Montano would like to speak to that directly.

[Duly sworn, Victor Montano testified as follows:]

VICTOR MONTANO: I'm Victor Montano, 2300 Brother Luke. Mr. Chairman, Commissioners, on this issue about the plant breaking down, seems like we got problems maybe every other week, not critical but enough where we might have to go and go

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down the road and a lot of the times we'll go down the road to LaFarge. See if he'll help us out and load trucks so we can finish a pour. But I say on the average about five times a month or something like that.

COMMISSIONER GONZALES: That you all have a breakdown?

MR. MONTANO: And sometimes something will break down and we can fix it in an hour or so but other times it will break down where we'll have to have a part shipped in overnight from the manufacturer.

COMMISSIONER GONZALES: How much activity, Mr. Montano, currently does your septic tank business generate in terms of traffic?

MR. MONTANO: That's a very small operation. There's only two trucks that deliver that and that department has slowed down a lot because of the water issue and other things. Another thing, that business is like an 8 to 5 business. It's not very noisy or anything.

COMMISSIONER GONZALES: So the current uses on the Agua Fria property, the use that generates the most intensity would be your batch plant, right?

MR. MONTANO: It would be the cement manufacturing.

COMMISSIONER GONZALES: The cement manufacturing. And that's from the standpoint of noise and the standpoint of people driving into the site, trucks coming in and coming out. Is that right?

MR. MONTANO: That's probably 75 percent of the traffic and the noise.

COMMISSIONER GONZALES: So by moving to this site, right off the top, about 75 percent of the intensity that's being used on the site is going to be moved.

MR. MONTANO: Yes. I think the village will be very happy on that.

COMMISSIONER GONZALES: Okay. And then in terms of the retail, you'd indicated that at some point you want to move the retail entirely to the new site or are you going to want to keep both sites open for retail?

MR. MONTANO: Well, I'm facing a problem. This property is six acres, the one that we're going in for zoning for. And right now I'm using ten acres. So—

COMMISSIONER GONZALES: You might not have the room at the new site.

MR. MONTANO: I might not. I've got to figure out whether I can get everything in there.

COMMISSIONER GONZALES: So is it your intent ever to restart up a new batch plant full time at the Agua Fria property ever, or you will always just use that in terms of an emergency?

MR. MONTANO: Just in emergency, because I'm getting to that stage where I'm pretty much ready to retire and this project is for my kids, down at the airport. I think in a few years we want to come in and see what's the best use for the property and use that as my retirement.

COMMISSIONER GONZALES: Is that property currently zoned for anything else other than this type of use right now? Are there other commercial uses? There's probably just this, right, because it's grandfathered in?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, do you mean

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the Agua Fria property?

COMMISSIONER GONZALES: The Agua Fria property.

MS. ELLIS-GREEN: It's a legal non-conforming use so it doesn't have zoning on the property.

COMMISSIONER GONZALES: So the only use that would be allowed for Mr. Montano is the batch plant and the retail and everything else.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: Thank you, Mr. Montano.

CHAIRMAN DURAN: I have a couple questions. So then, Mr. Montano, when I heard you say that the concrete batch plant would still remain on Agua Fria on an emergency basis, there's really no way of removing that batch plant use entirely from the site.

MR. MONTANO: We would need some time on that, for that removal of the plant. We're looking at maybe four or five years.

CHAIRMAN DURAN: To remove the batch plant.

MR. MONTANO: To remove it all together. The thing is that once we move to Airport Road where at least we can start batching from the Airport Road, that will save a lot of headaches for the neighborhood. Right now we work on Saturdays. This plant will be working on Saturdays. If anything, if we were to use this plant it would be probably in the middle of the day for say four hours or whatever, just to get the other one going. It's not feasible to run two plants, run the one in Agua Fria and the one on Airport. It doesn't justify to run two plants.

CHAIRMAN DURAN: Do you currently have limits of operation, hours of operation on Agua Fria?

MR. MONTANO: We try and limit our hours from six to five. And Saturdays we try and make a deadline of 12:00. We usually reserve Saturdays for our customers in case they get in a bind or something.

CHAIRMAN DURAN: Okay. Steve, we're not in any litigation with Mr. Montano, are we at this point?

MR. KOPELMAN: Mr. Chairman, no we're not.

CHAIRMAN DURAN: Okay. Good. Any other questions of the applicant? Staff? It's a public hearing. Is there anyone out there for or against this project? Please step forward and state your name for the record. Is there anyone else in favor? Against? Sir, are you in favor or against? Okay, please distribute whatever you need to distribute.

[Duly sworn, Steve Howell testified as follows:]

STEVE HOWELL: My name is Steve Howell. I could give you a route number for an address but it would be easier to tell you I am a family-owned property across the street from the salvage yard you all had in discussion a few minutes ago. The letter explains our view of the concrete batch plant and we think it would have a detrimental effect on the overall area. The people I've talked to on the Airport Development Committee are not overall in favor of it either.

We think that this whole situation should be tabled for about six months so we can study

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and find out exactly what's going to happen out there.

CHAIRMAN DURAN: Okay. Do you have anything else to say sir?

MR. HOWELL: No sir.

CHAIRMAN DURAN: Okay. Thank you very much. Next speaker please.

[Duly sworn, Doug Oddersberg testified as follows:]

DOUG OTTERSBERG: Mr. Chairman, Commissioners, I'm Doug Oddersberg. I live at 3956 Agua Fria. We operate the Village Manufactured Home Community, home to about 42 families, directly adjacent to the current property on Agua Fria, about one-third northeast property line. We're in favor of you granting their request to relocate, to put their batch plant out on Airport Road. When my residents don't like something, I'm the first one to hear about it. And the issue of their current operations is not something that I'm brought on a daily basis. Occasionally they complain about the dusting, but that's about it. So we would just like to ask your support of allowing them to move and also being a business person I recognize that they're spending a lot of money and they be given the time they need to relocate as necessary. Thank you.

CHAIRMAN DURAN: Olivia Tsotse never calls you?

MR. OTTERSBERG: Never calls. They like me. We cleaned that park up.

CHAIRMAN DURAN: You're lucky.

[Duly sworn, Reynold Hernandez testified as follows:]

REYNOLD HERNANDEZ: How are you doing, Commissioners? I think you should grant them what Mr. Montano is asking for because of the fact that he's been there a long time. I live right across the plant, right across the street. I've lived there all my life and he has always helped the community as far as concrete help. His truck drivers even get down and help you pour mud or whatever you need for people around the neighborhood. I don't think he's ever been a problem although some people moving from back east and over night they want to change the world and the community. I think what we need to do here is concentrate on the people that live here and have lived here all their lives. The man wants to retire pretty soon. Hopefully, when I get a little older, I'll have the same opportunity to do the same thing with what I've worked for all my life.

And I think by holding him back would be a hardship, it would be creating a hardship for him and at the same time I don't think it would be servicing the community's real needs as far as concrete itself. That's the heart of a home. The harder it gets—we're over here talking about affordable homes and everything else and we're going to have to start shifting stuff from out of the city, period. And it's never going to come across. So I just want you to take it into consideration and grant him what he needs. Thank you.

[Previously sworn, Frank Romero testified as follows:]

FRANK ROMERO: My name is Frank Romero, 3951 Agua Fria. I've lived in the community of Agua Fria all my life, directly across from Montanos. I've never ever experienced anything where his batch plant has actually caused any kind of animosity or problems in the community except for certain parties which are not here present to defend themselves so we'll leave it at that. But I feel that by giving Mr. Montano the opportunity to

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move to Airport Road will alleviate a lot of some of the truck traffic, which is being alleviated now by Rufina.

We're trying to give this guy a chance to move so he can do for his family the way others have done in the community. So I'm hoping that you consider his permit so he can continue to make a living as well as his children.

COMMISSIONER GONZALES: Mr. Romero, can you just tell me real quick the difference between your business and the line of business Mr. Montano is in as it relates to the septic industry.

MR. ROMERO: My part of the business is I do mostly pumping. He manufactures the tanks which is very—

COMMISSIONER GONZALES: Oh, the tanks that actually go into the—

MR. ROMERO: Yes, he manufactures the tanks and there's machinery involved, actually. It's nothing but a concrete pourer. So there's no real problems with that.

COMMISSIONER GONZALES: Thank you.

MR. ROMERO: Thank you very much.

CHAIRMAN DURAN: Thank you sir.

[Previously sworn, Gene Leyba testified as follows:]

GENE LEYBA: My name is Gene Leyba and I live at 2110 Paseo Mel Senaida, which is right adjacent to San Isidro Church. I've known Mr. Montano for many years. He used to be my neighbor further up the street and when I moved down to the village, I never experienced problems with his operation. I think his business has been very successful. Like Mr. Montano mentioned, he does want to retire and leave the operation to his kids for the future. Again I can say I would recommend very strongly approval of this project, which would be great for the neighbors since it's been a traffic congestion out there right now and I think once he has relocated that would take care of the problem. So I would recommend to the Commission for approval of this project. Thank you.

CHAIRMAN DURAN: Thank you, sir.

[Previously sworn, Robert A. Rotuno testified as follows:]

ROBERT A. ROTUNO: My name is Robert A. Rotuno. I live right on the corner of Agua Fria and Lopez. I've known Mr. Montano all my life, probably most of my life. I've seen him come up the hard way. He's a hard work. He's done everything the hard way, worked long for his father for a lot of years. His father helped him in his business and I'd appreciate it if you granted him what he wants to do and I'm sure he hasn't gotten these gray hairs for nothing and I'm sure it's for the benefit of the community and the people of Santa Fe and Agua Fria and the County. He's a wonderful guy. He's always had a big heart. The whole family has. His dad was the same way. So that's all I've got to say. This guy, he's a good person. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else out there?

[Previously sworn, Patricia Gallegos testified as follows:]

PATRICIA GALLEGOS: My name is Patricia Gallegos and I reside at 2110 Paseo Mel Senaida. There are a couple of things that I would like to say about Mr. Montano

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and that is I've resided in the Village of Agua Fria for 30 years-plus and I have never seen or experienced any problem with his business as it exists now. And I would think that he would continue to perform his operation in the same manner at his other location.

As far as the traffic impact is concerned, I live right on the street and every morning I get to see the people crawl by on their way to work or school or whatever. I never see or hardly ever see any of his trucks during the peak traffic hours so Mr. Montano is astute enough to work with the traffic conditions getting his trucks in and out of there either very earlier or later on in the afternoon. He's a good businessman. He takes consideration of the community and I think he does deserve to have his new plan approved.

I'm confused and I don't quite understand why or what impact the existing business should have on the approval of this new business. Mr. Montano has indicated that he does plan to move much of his business down to the other location but I guess for example Pozas moved from Airport Road to Alameda—not off Airport Road, Siler—and they didn't have to close their Siler location to open a place on Alameda. They didn't have to close their Alameda business to open a business on Cerrillos Road. And I don't think that it's fair to require that Mr. Montano close his old business in order to open up a new business. There might be some restrictions on what he may be able to continue to do but I don't think that this phasing out completely should be a requirement, simply because he has worked hard, he has been successful, he is capable of his new venture and I really think that it would be good to work with him and allow him to pursue his future for himself and for his family and not hold him back because we're so concerned that he might use his old cement batch plant once or twice a week in case of an emergency.

I don't think it would be fair to him and I'm not real sure if I understand why that requirement [inaudible]. Thank you.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? If not, what's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I want to go ahead and move for approval of CDRC Case #Z 01-5380.

CHAIRMAN DURAN: I'll second that motion.

COMMISSIONER GONZALES: Actually, I agree with the last speaker's comments in terms of I think that Mr. Montano shouldn't be penalized. He did find another location that is suitable for this. I guess I didn't see in here though—is there a requirement that the existing batch plant only be used for emergency uses?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, no there is not.

COMMISSIONER GONZALES: Okay, then I'm fine with that. I appreciate the fact that he'll only use it for emergency uses but I don't think there should be a time period for that or the retail should be phased out. I've represented portions of Agua Fria for the last seven years, understanding there have been problems but the problems are just—it seems like they've been solved and Mr. Montano has been working with the community quite a bit so I

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think he should be allowed to continue to have a presence in that community for as long as he can generate the business to deliver. So I leave it at that.

MS. ELLIS-GREEN: Mr. Chairman, could I clarify, is that with staff's conditions as presented?

COMMISSIONER GONZALES: Yes.

CHAIRMAN DURAN: Yes.

MS. ELLIS-GREEN: One through 17 and then number 18 which I added earlier.

CHAIRMAN DURAN: What was 18?

MS. ELLIS-GREEN: Eighteen was that the applicant shall submit an Air Quality permit for the cement plant with the development plan submittal.

COMMISSIONER GONZALES: Mr. Montano's in favor of it.

CHAIRMAN DURAN: Okay, any other questions?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Penny, question, Mr. Howell in his letter indicated that it was his understanding that the batch plant would exceed 100 feet, the silo and your testimony was, I believe that it would not exceed 35 feet. Is that—I just wanted to clarify that.

MS. ELLIS-GREEN: Commissioner Sullivan, the elevations show just under 36 feet. So approximately 35 feet in height. Allowable height in that area is 36 feet.

COMMISSIONER SULLIVAN: And Mr. Montano, is that the height that you need for your plant or will you be coming in for a variance of the height of the silo?

MR. MONTANO: We're working hard to have the manufacturer build us a plant to stay within that height. I think we can manage that but it would be nice if we could get a variance.

COMMISSIONER SULLIVAN: Because if you don't, you may have a terrorist attack on your silo, landing on runway 20.

MR. MONTANO: The biggest problem with having a plant of this profile is you have different augers and augers create a lot of problems. So this is where the other plant will come in as an emergency plant. Augers get jammed and they can create a lot of problems. Augers are the ones that dig the dry cement up to the weigh scale.

COMMISSIONER SULLIVAN: But if—I have a concern, and we do this all the time. Things get approved and then they come back and get reapproved via variances, but I have a concern here that we have a serious safety problem, a potential one, if we do begin to go beyond the height limitations in the Airport District. So I'm hoping that you can do a plant that can stay within that height limitation.

MR. MONTANO: I think in general, the manufacturer is going to work something for us where we can stay within those heights.

COMMISSIONER SULLIVAN: Thank you, sir.

CHAIRMAN DURAN: Mr. Montano, I've been very critical of your project

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in the past. I am convinced now that you probably will do a great job and I know that after testimony and hearing your neighbors talk about what a good neighbor you have been, I'm convinced that you'll do the community right when it comes time to deal with them.

MR. MONTANO: Thank you. And Happy New Year.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

[The Commission recessed from 9:30 to 9:35.]

XII. A. 6. EZ Case #MIS 01-4630. Santo Niño de Felipe Time Extension. Ray and Yolanda Reynolds, applicants, Jim Siebert, agent, request approval to allow for a 12-month extension to the expiration date of the final plat for the Santo Niño de Felipe Subdivision, located within Section 6 and 7, Township 16 North, Range 9 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman. Ray and Yolanda Reynolds, applicants, Jim Siebert, agent, request approval to allow for a 12-month extension to the expiration date of the final plat for the Santo Niño de Felipe Subdivision on 7.83 acres, which was approved on August 8, 2000. The property is located off Airport Road, within Sections 6 and 7, Township 16 North, Range 8 East, Two-mile EZ District.

On August 8, 2000, final plat approval was granted for this project which consists of a 20-lot residential subdivision. The BCC staff report and follow-up letter are attached in Exhibits B and C. Section 3.3.5.c.9 of the Extraterritorial Subdivision Regulations states that the final plat will be recorded within 18 months of the date of final plat approval of the Board. Otherwise, such approval shall become null and void unless an extension of time is applied for in writing by the subdivider and granted by the Board of County Commissioners for good cause shown. The final plat is due to expire on February 8, 2002.

The applicant states that the Southwest Master Plan Initiative is commencing the final hearings on the plat recommendations. The applicant would like the opportunity to review the impacts that the adoption of the plan will have on his project and therefore he is requesting an extension.

Recommendation: Section 3.3.5.c.9 of the Extraterritorial Subdivision Regulations allows an extension of time for final plat approvals to be granted by the Board. Staff recommends approval of the one-year extension of time to the final plat approval, subject to the following condition:

1. Existing conditions of approval will be complied with.

COMMISSIONER CAMPOS: Mr. Chairman.

2081167

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Move for approval of the EZ Case 01-4630 with the condition.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Is there anyone out there that wants to speak for or against this project? Okay, let the record show that no one's here.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I do have a question. The request to extend, they already have a plat with 20 lots on it in a fairly mundane subdivision layout. Is there something they expect to enhance this project as a result of the Airport Corridor study, or what do they think might occur that might change this project?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, if I may, I can let the applicant address that question.

[Previously sworn, Mr. Siebert testified as follows:]

MR. SIEBERT: Mr. Chairman and Commissioner Sullivan, after we actually had the plat approved, there was a rezoning that took place to the north of this that zoned it for office uses. So now, this project, which is residential, sandwiched between an office use to the north and a retail use to the south, the one thing that the Southwest Area Plan has recommended for this area is more commercial type uses, especially live-work type uses. So one possibility would be to take this mundane subdivision and turn it into, instead of a residential, purely residential, turn it into a live-work. But that would not be—we couldn't do that until the present Southwest Area Plan has been adopted and for a long time, I think we thought it would never come to fruition but actually, they're in their final hearing process now.

COMMISSIONER SULLIVAN: Is that being done by the City and the County, that plan?

MR. SIEBERT: Correct. Yes.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Jim, just one quick question. The City has agreed to provide you water?

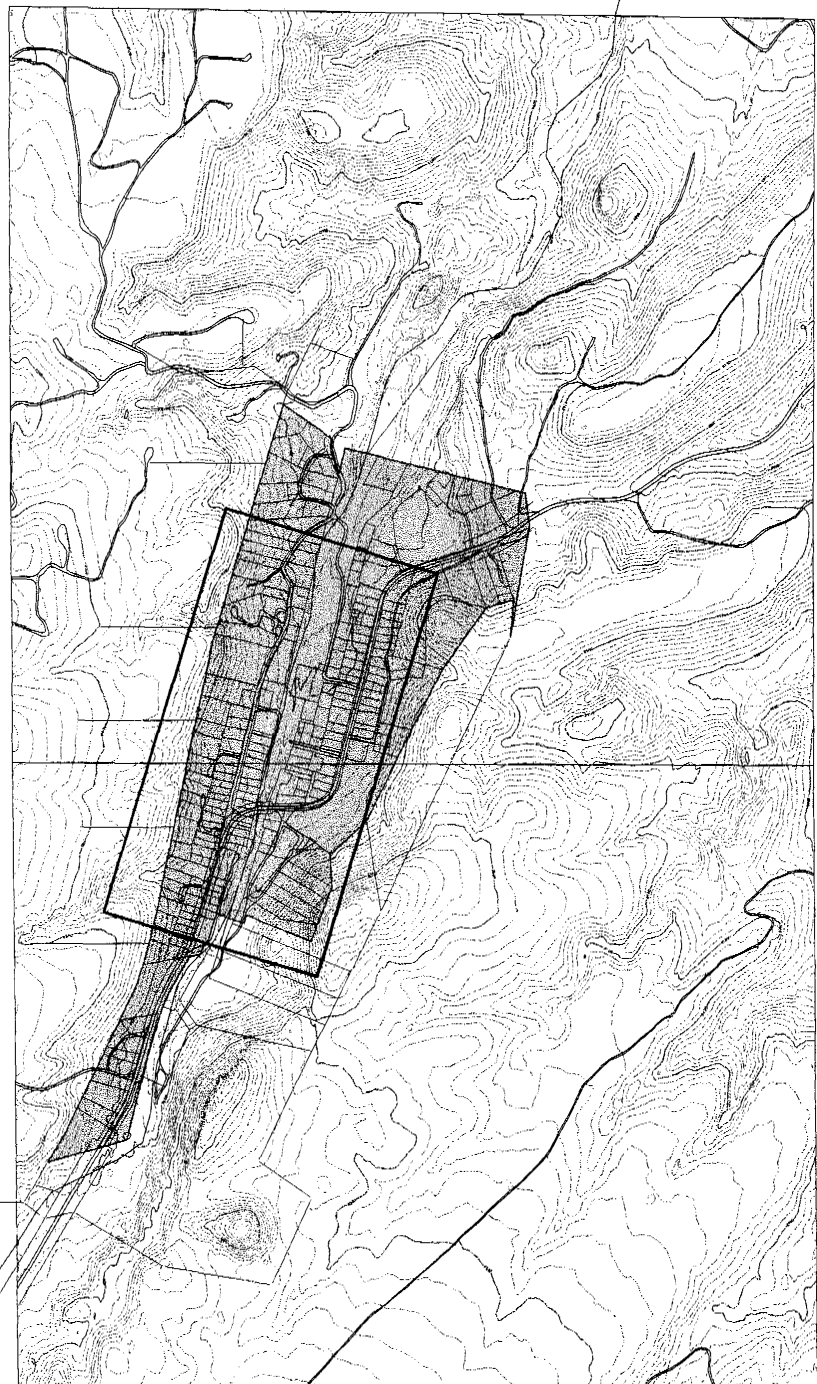
MR. SIEBERT: Yes, they have. They've already submitted their water and sewer availability statements.

CHAIRMAN DURAN: Okay, good. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]







Map A: Madrid Traditional Community Zoning District

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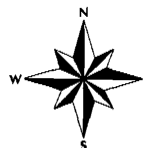
SFC CLERK RECORDING 08/17/2004



LEGEND

-  Madrid Traditional Community Zoning District — as adopted September 12, 2000 by Santa Fe County Resolution No. 2000-119
-  Village of Madrid Traditional Community Boundary from Santa Fe County 1980 General Plan
-  Parcel Boundaries (Southwest Mountain Surveys, Inc.)
-  Edge of Roads (1992 Orthophotography)
-  Main Arroyo
-  Projected Section Lines

Contour Interval 10 feet



REDUCED TO SCALE



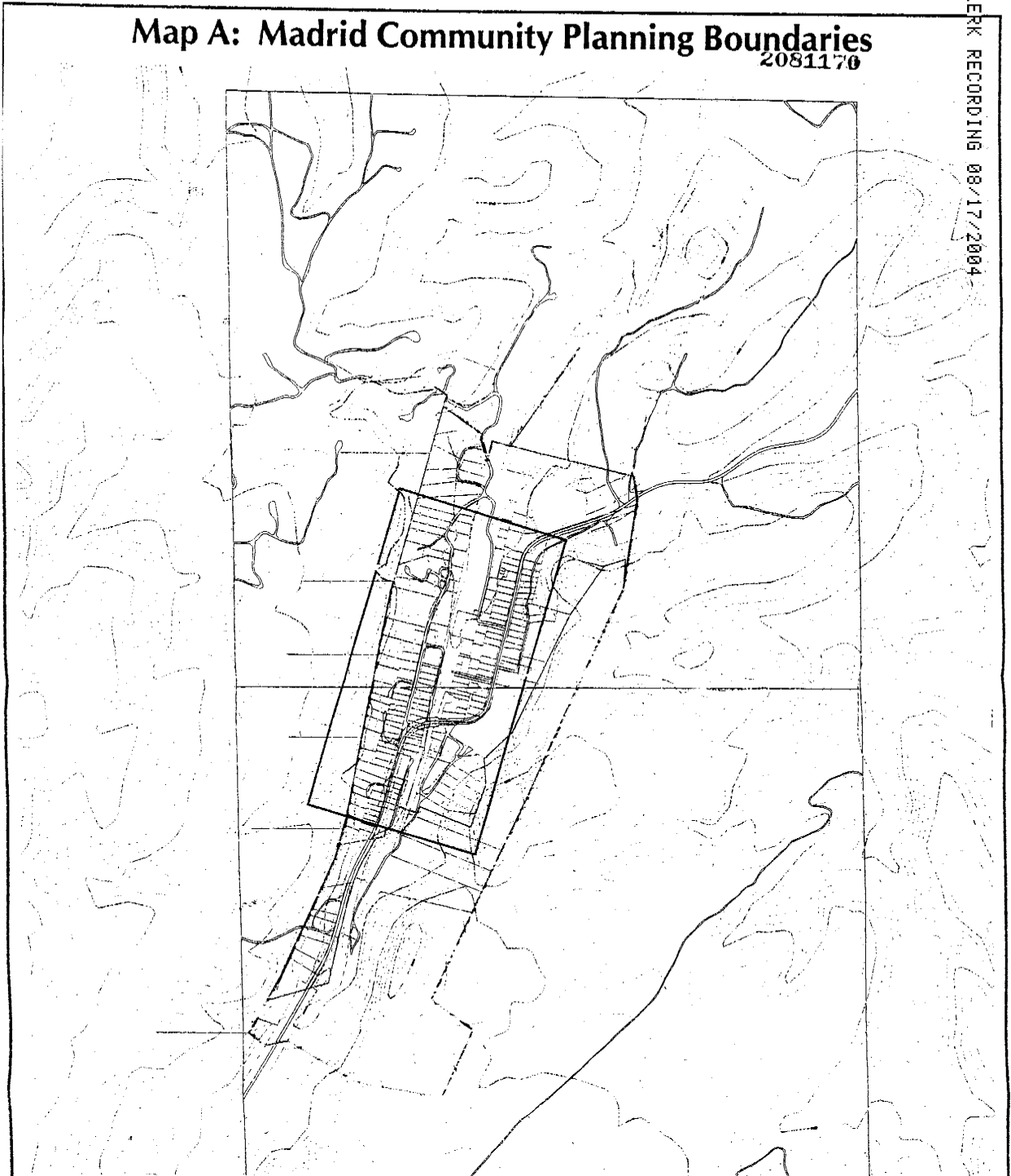
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January 08

Map A: Madrid Community Planning Boundaries

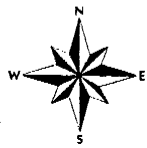
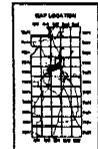
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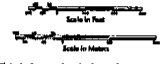
LEGEND

-  Village of Madrid Community Planning Boundary as adopted September 12, 2000 by Santa Fe County Resolution No. 2000-119
-  Village of Madrid Traditional Community Zoning District as adopted September 12, 2000 by Santa Fe County Resolution No. 2000-119
-  Village of Madrid Traditional Community Boundary from Santa Fe County 1980 General Plan
-  Parcel Boundaries (Southwest Mountain Surveys, Inc.)
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-  Projected Section Lines

Contour Interval 20 feet



REDUCED TO SCALE



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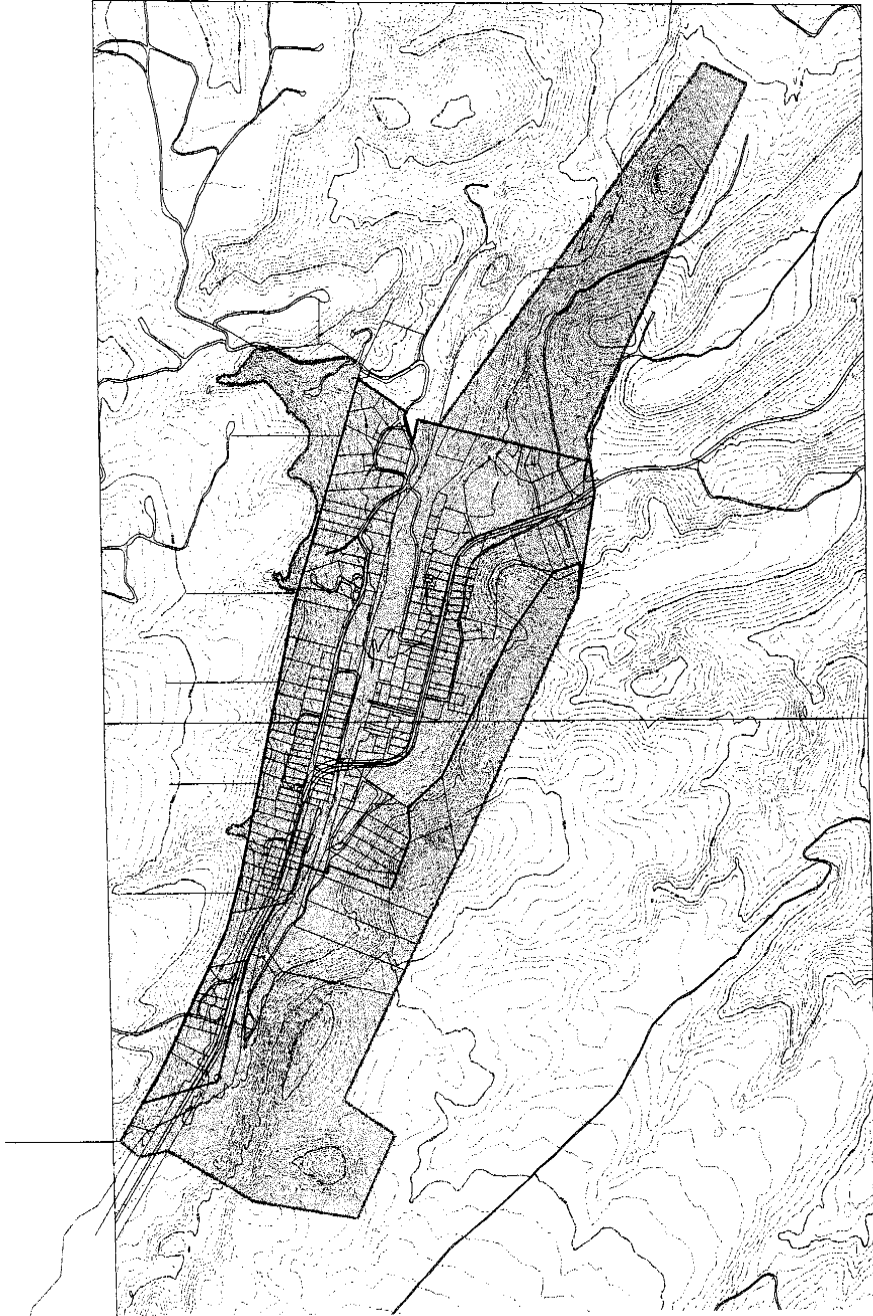
November 15, 2001

E-S







Map B: Madrid Traditional Community Planning Area Boundary

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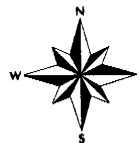
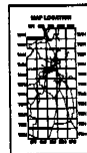
SEC. CLERK RECORDING 08/17/2004



LEGEND

- | | | | |
|---|---|---|---------------------------------------|
|  | Madrid Traditional Community Planning Area Boundary -- as adopted September 12, 2000 by Santa Fe County Resolution No. 2000-119 |  | Edge of Roads (1992 Orthophotography) |
|  | Madrid Traditional Community Zoning District -- as adopted September 12, 2000 by Santa Fe County Resolution No. 2000-119 |  | Main Arroyo |
|  | Parcel Boundaries (Southwest Mountain Surveys, Inc.) |  | Projected Section Lines |

Contour Interval 10 feet



Scale 1:2000
REDUCED COPY NOT TO SCALE



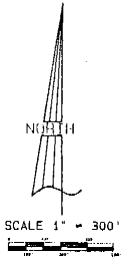
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January 08, 2002

TRADITIONAL COMMUNITY OF MADRID
LYING WITHIN PROJECTED SECTIONS 25 & 36 OF T.14 N., R.07 E.
MADRID, SANTA FE COUNTY, NEW MEXICO.

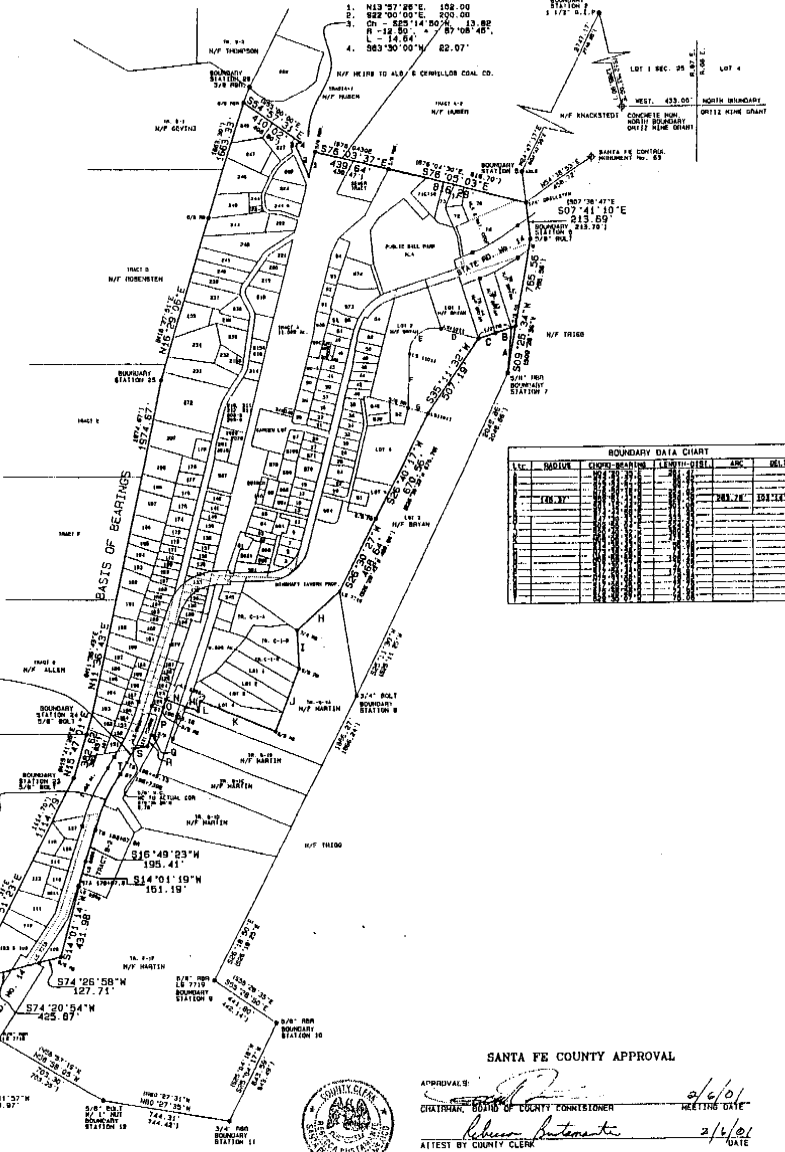
2081173



- LEGEND:
- BOUNDARY SURVEY INSTRUMENT AS INDICATED
 - CALCULATED CORNER
 - SURVEY MONUMENTS, PAULI
 - CALC. EDGE OF ANY R/W

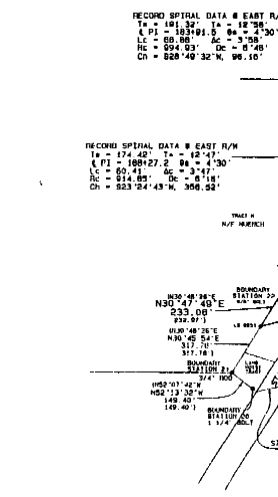
PLATS REFERENCED FOR COMPILATION OF THIS PLAT

1. "EXISTING AND BOUNDARY INSTRUMENTS OF MADRID, SANTA FE COUNTY, NEW MEXICO, BY J. J. MADRISON AND J. J. MADRISON AND J. J. MADRISON, CIVIL ENGINEERS, DATED 1975, FILED AT THE SANTA FE COUNTY CLERK'S OFFICE IN PLAT BOOK 217, PAGE 655, SHOWING THE BOUNDARIES OF THE TRACTS OF LAND DESCRIBED IN SAID INSTRUMENTS."
2. "BOUNDARY SURVEY MAP OF MADRID TRACTS, PARCELS 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000."



BOUNDARY DATA CHART

LINE	BEARING	CHORD BEARING	LENGTH (FEET)	AREA (SQ. FT.)	REMARKS
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2	S 82° 00' 00" E	82° 00' 00"	200.00		
3	S 15° 14' 00" E	15° 14' 00"	100.00		
4	S 78° 08' 45" E	78° 08' 45"	100.00		
5	S 263° 30' 00" W	263° 30' 00"	82.07		



SANTA FE COUNTY APPROVAL

APPROVALS: _____ DATE: 8/16/04

CITIZEN, CLERK OF COUNTY COMMISSIONER

ATTEST BY COUNTY CLERK: _____ DATE: 2/1/04

LAND USE ADMINISTRATOR: _____ DATE: 2/15/04



SURVEYOR'S CERTIFICATE

I, N. J. MORRISON, CLERK OF COUNTY COMMISSIONER, DO HEREBY CERTIFY THAT THIS PLAT AND THE BOUNDARIES THEREON ARE ACCURATE AND CORRECT AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS OF NEW MEXICO AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, SANTA FE COUNTY, NEW MEXICO, AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS FOR A BOUNDARY SURVEY, AS SET FORTH IN THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, SANTA FE COUNTY, NEW MEXICO, AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS FOR A BOUNDARY SURVEY, AS SET FORTH IN THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, SANTA FE COUNTY, NEW MEXICO, AND THAT THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OF LANDS.

N. J. MORRISON N.M.P.S. NO. 4099

COUNTY OF SANTA FE
STATE OF NEW MEXICO

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 16th DAY OF AUGUST, 2004, AND HAS BEEN RECORDED IN PLAT BOOK _____ OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF OFFICE, HICKOX BUSINESS CENTER, COUNTY CLERK, SANTA FE COUNTY, N.M.

DEPOT

SOUTHWEST MOUNTAIN SURVEYS

1114 HICKOX ST., SANTA FE, N.M. 87501

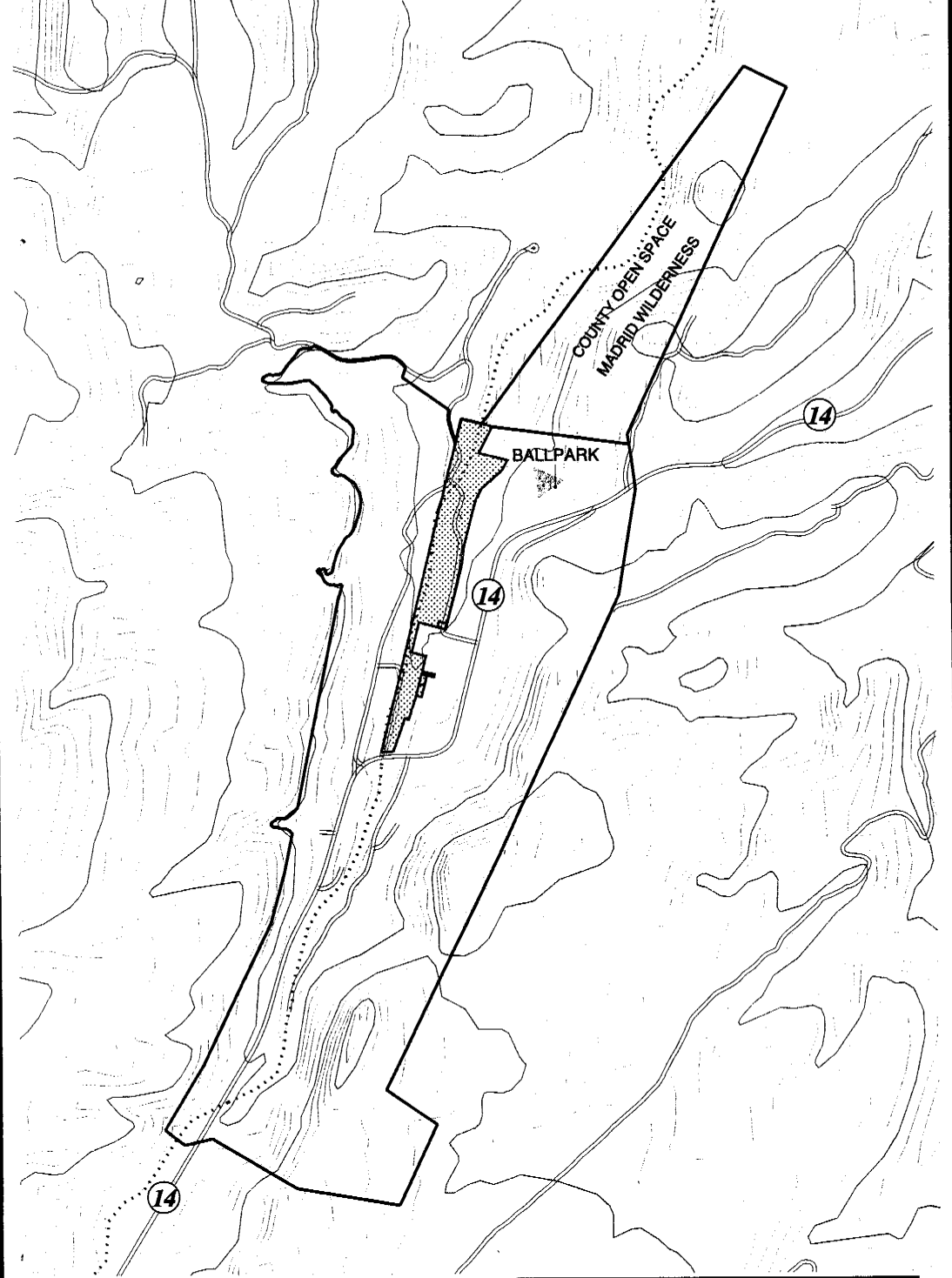
(505) 988-8428 FAX (505) 988-2413

DATE: JULY 06, 1998 PROJECT NO. C-77BSFC

MAP D: Madrid Greenbelt


2081174

SFC CLERK RECORDING 08/17/2004




Legend

 Madrid Traditional Community Planning Area Boundary— as adopted September 12, 2000 by Santa Fe County Resolution 2000-119

 Greenbelt

 Roads

 Arroyo

Scale 1 inch = 1,000 feet

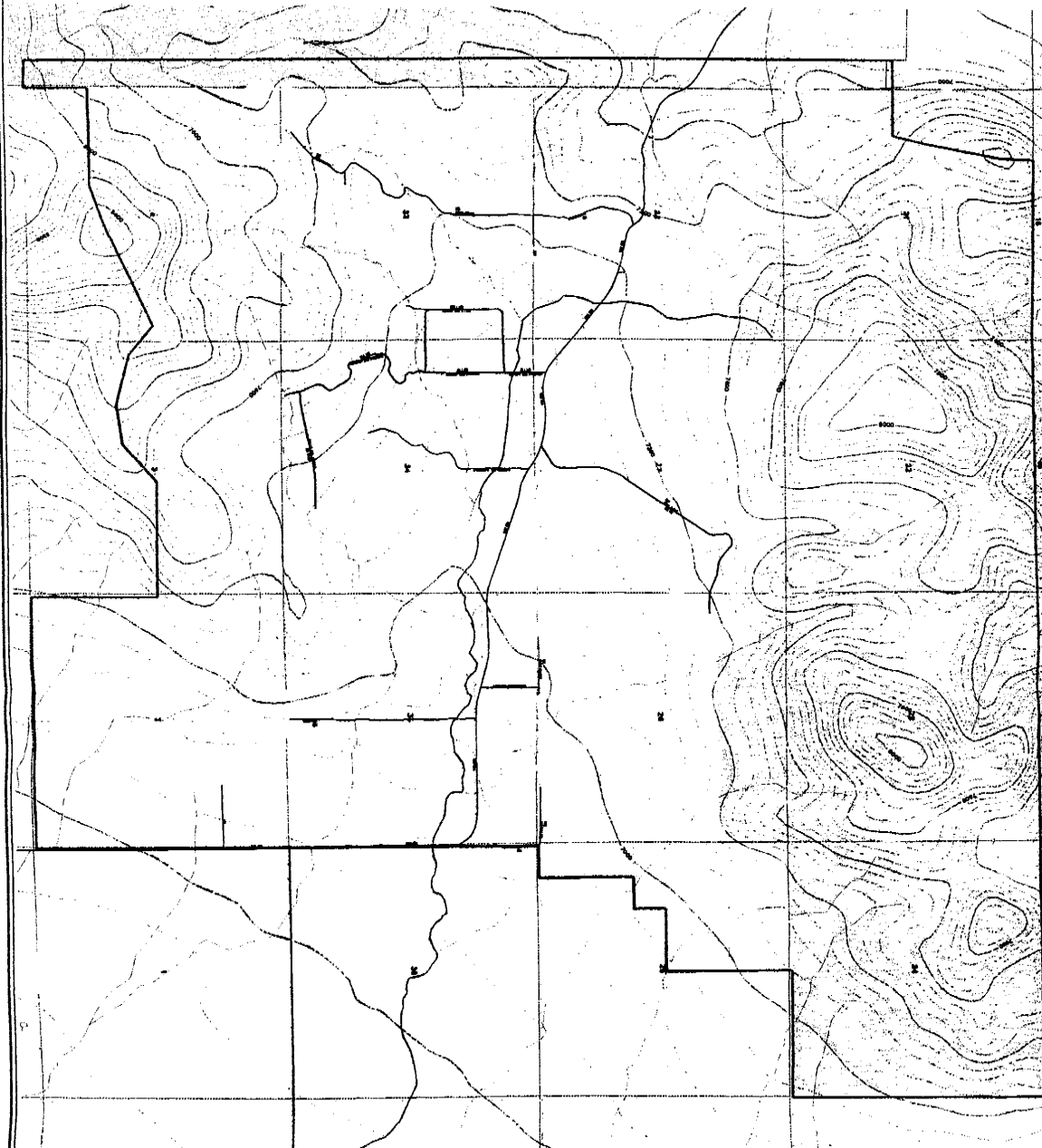
Contour Interval = 20 feet

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Map of Pedro Contemporary Community Zoning District and Planning Area

2081175



LEGEND

- Proposed San Pedro Community Planning Boundary
- Parcel Boundary
- EXISTING STREETS
- FISS Section Lines and Grant Boundaries
- Major Streams and Arroyos
- Other Streams and Arroyos
- County Maintained Roads
- Roads Maintained by Other Entities
- DM-2-Track
- Dikeways (where available)
- TLM/Lands
- State Lands
- Land Grants



Scale: 1:12,000
 REDUCED COPY - NOT TO SCALE
 1 inch represents 3000 feet



Contour Interval: 50 feet

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November 14, 2001

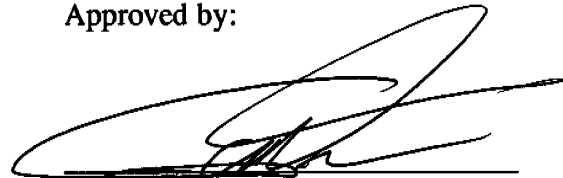
6-10

2081168

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 9:40 p.m.

Approved by:



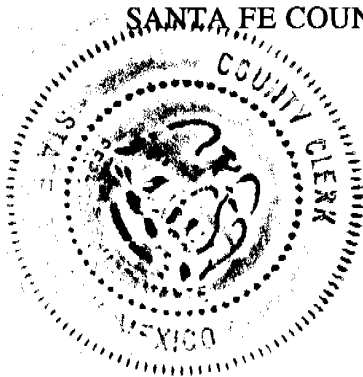
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



2081177

SFC CLERK RECORDING 08/17/2004

Subject: Hearing on San Pedro Community Plan Ordance

Date: Mon, 7 Jan 2002 21:27:30 -0700

From: "Bill Baker" <Bill.Baker@prodigy.net>

To: "Paul Duran" <pdduran@ix.netcom.com>, "Javier Gonzales" <javier@qwest.net>, "Paul Campos" <pcampos@co.santa-fe.nm.us>

"Mark P. Trujillo" <mptrujillo@world.att.net>, "Jack Sullivan" <jsullivan@co.santa-fe.us>

CC: "Paul Olafson" <polafson@co.santa-fe.nm.us>

January 7, 2002

Dear Santa Fe County Commissioners,

We are sending this e-mail in support of the San Pedro Community Plan Ordinance. We are unable to attend the January 8, 2002 hearing in person. During the three and a half years that we have lived in the beautiful San Pedro neighborhood we have attended numerous meetings locally and in Santa Fe for development and approval of the San Pedro Neighborhood Plan. This ordinance represents the culmination of the best planning efforts by the San Pedro residents and the Santa Fe County Land Development Staff. We feel strongly the San Pedro Community Plan Ordinance must be approved at your January 8, 2002 meeting. It is unfortunate the ordinance was not approved a year ago to maximize the quality of life in the San Pedro neighborhood; unfortunately, some subdivisions have been started in the neighborhood that should have been covered by this ordinance.

We are aware of Commissioner Sullivan's concerns over open space and trails. This is an issue that we too want to see addressed, but not at the expense of delaying approval of the present San Pedro Community Plan Ordinance. Open space and trails along with unforeseen issues can be tackled once we have an approved baseline plan for development and activities in the San Pedro Community. We strongly urge you to vote for the presently proposed ordinance.

Sincerely,

Martha L. Hill
William L. Baker

68 Camino Del Corazon
Sandia Park, NM 87047-9653

(505) 286-9698

Subject: San Pedro Neighborhood Plan

Date: Tue, 8 Jan 2002 12:38:51 -0700

From: "Douglas, Sally C" <scdougl@sandia.gov>

To: "javier@qwest.net" <javier@qwest.net>

CC: "polafson@co.santa-fe.nm.us" <polafson@co.santa-fe.nm.us>

2081178

I am unable to attend tonight's meeting on the San Pedro Neighborhood Plan. I have lived in the San Pedro area since 1977 and encourage approval of this Plan. The Plan has been agreed upon by the San Pedro residents, who recognize the importance of maintaining the rural nature of our neighborhood. Please support the San Pedro Neighborhood Plan to help ensure that the wishes of the residents are enacted. Thank you for your consideration of this matter.

Sally Douglas

Team Supervisor, 1700 ESS&H Coordinator, Sandia National Laboratories

Residence:

51 Camino del Corazon (1 1/2 miles from "Heartbreak Hill" in San Pedro area)

Sandia Park, NM 87047

(505)844-0568 (days)

Pager: 540-3826

SFC CLERK RECORDING 08/17/2004

2081179

SFC CLERK RECORDING 08/17/2004

Santa Fe County Commission
County Commissioners
P. O. Box 276
Santa Fe, N. M. 87054-0276

1/5/01

Commissioner-- (copy to Paul Olafson, Land Use Department/Planning Division.)

Subject: The San Pedro Neighborhood Community Plan Ordinance.

Due to health reasons I am unable to personally voice our concerns with regard to these important hearings, as to the future sustainability of this community of responsible, tax paying citizens. It is my hope and prayer that you will give serious thought to my concerns, as expressed in this letter.

But first, a sincere word of appreciation for the interest and time that the Planning Staff has invested in our collective efforts, to preserve and protect that which means so much to each of the long-term residents. As current members of the Commission, you may not be as aware of the past efforts expended by our community, together with the exceptional comprehension manifested by past Commissioners in understanding our particular needs. Personally, I appreciate and value that positive attitude that remains on record. Our community remains both vigilant and committed to care for this beautiful area. Please support this purpose!

As a water researcher, I realize that our very existence depends upon the sustainability of our limited resource. A few hardy souls may be able to haul water, even for their families very restricted needs. Most would not put up with that repeated chore. Many would not be physically able to live under those circumstances. Property values would greatly depreciate, as some would be required to leave, making their homes less likely to be purchased. Wells do dry up!

These highly fractured elevations are punched with many dry holes, clear evidence that a limited population is imperative. San Pedro Mountain is especially at risk! Tunnels, shafts and stopes have created hundreds of miles of real and potential detriment to our environment. That must remain as a sad legacy of the past. Future disturbance must be prevented. We no longer live in the era of the 1872 Mining Act. The wealth has been taken, the destruction has been left. This is 2002! Then, the land was all but vacant, with the risky promises of "Manifest Destiny" luring the would-be rich to seek an illusive dream. Now, our "Land of Enchantment" is asking good people to live here, raise their families and put down roots. This is 2002, not 1872.

The viability of this area is in the hands of some good people. Please keep that in mind. Don't risk the beauty of this rural setting by succumbing to the greed of investors, or the few that would still rape these mountains. This area is fragile. Living here since 1976 has made me aware of the problems. These steeply sloping elevations suffer irrecoverable damage, once they are destabilized. Please honor our collective commitment to keep it a quiet, rural community.

Respectfully,

Stanley Waldron, Mabel Waldron, David Waldron
Stanley, Mabel and David Waldron.

Subject: San Pedro Community Plan

Date: Thu, 03 Jan 2002 20:36:37 -0800

From: cota315 <cota315@swcp.com>

To: pdduran@ix.netcom.com, javier@qwest.net, pcampos@co.santa-fe.nm.us,
mptrujillo@world.att.net, jsullivan@co.santa-fe.nm.us, polafson@co.santa-fe.nm.us

Dear Commissioner,

At the upcoming hearing on Jan. 8, I urge you to support the San Pedro Community and adopt our plan as part of the Santa Fe County Growth Management Plan. As you know, we have put a lot of work and thought into it, and I think it truly represents the community and is a sound and workable plan.

I would also like to clarify a statement made at the last hearing by Mr. DuPuy, who I believe is the manager of Mr. Frank Baca's land (formerly the San Pedro Mine). The gentleman stated that there was already opposition to Mr. Baca's residential development of the land.

This is not quite accurate, as Mr. Baca (to my knowledge) has never presented any sort of plan regarding residential development, and members of the community can only speculate as to what his intentions are. These speculations may be based on his application for 90 acre-feet of water for such development. A development of such size would indeed have a major impact on the neighborhood, and the San Pedro Neighborhood Association is indeed objecting to this water rights application.

While I think it is clear that he would garner very little support for such a large-scale subdivision, folks I have spoken with were much more receptive to what they consider an appropriate level of division. I think all of us would rather see a few houses up there than another mine!

Personally speaking,
Bob Clancy
11 B Blue Crow
Sandia Park, NM
87047

2081181

SFC CLERK RECORDING 08/17/2004

Subject: Re: San Pedro Community Plan

Date: Mon, 07 Jan 2002 10:27:54 -0700

From: Coyote <CoyoteCall@spinn.net>

Organization: Spirit Earth Path

To: javier@quest.net, pdduran@ix.netcom.com, pcampos@co.santa-fe.nm.us,
mptrujillo@world.att.net, jsullivan@co.santa-fe.nm.us, polafson@co.santa-fe.nm.us

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2081182

Subject: San Pedro Community Plan Ordinance

Date: Mon, 7 Jan 2002 18:23:58 EST

From: Maryal222@aol.com

To: Javier@qwest.net, pdduran@ix.netcom.com, pcampos@co.santa-fe.nm.us,
mptrujillo@world.att.net, jsullivan@co.sante-fe.nm.us

CC: polafson@co.santa-fe.nm.us

Dear Commissioners:

Thank you again for your careful consideration of the San Pedro Community Plan and Ordinance. I would like to emphasize the importance of passing the Ordinance to almost the entire community. We moved here because we liked the rural nature of our neighborhood and think the plan and ordinance are necessary to keep it that way.

Thank you again for your time.
Lee and Mary Lindsey
1567 SR 344
Sandia Park, NM 87047

2081183

SFC CLERK RECORDING 08/17/2004

Subject: Copies of letters

Date: Mon, 7 Jan 2002 19:16:33 EST

From: JHCrotty@cs.com

To: polafson@co.santa-fe.nm.us

Dear Commissioner Sullivan:

Thank you for your reply to my previous message urging your favorable vote on the San Pedro Community plan.

In discussions with San Pedro neighborhood residents, I find no objection to provision for open space and trails as a requirement for new subdivisions within the community. We are very much concerned, however, that presently undeveloped land in the area could be utilized for dense subdivisions or mining operations unless our community plan is enacted. We do not wish to deprive landowners of their just property rights, but we are concerned with the possibility of wells going dry with the additional use of water that intense development might bring about. As our plan states, our major concern is to keep the essentially rural character of our neighborhood intact.

Again, on behalf of the residents of the San Pedro Community, I urge your favorable vote at the January 8 hearing.

Sincerely yours,

Helen K. Crotty, President
San Pedro Neighborhood Association, Inc.

In a message dated 12/11/2001 10:14:19 AM Mountain Standard Time, jssantafe@earthlink.net writes:

>> Thank you for your note and for your hard work on the San Pedro Community Plan. My primary concern, as I have said previously, is that the plan does not yet contain all the elements required by our General Plan and related ordinances. The major omission at present is an open space and trails plan which the approved master plan said would be completed in a year. I understand that surveys regarding that may go out in January. For this reason, I believe it is premature to adopt the plan as an ordinance until the General Plan and ordinance requirements for a community plan are met. >>

Dear Commissioner Gonzales:

The residents of the San Pedro community have worked many years to formulate the Contemporary Community Plan, and we strongly support it. We urge your favorable vote at the hearing on January 8.

Thank you for your weekly notepad, which is very informative. And thank you also for your correction of the location of this San Pedro community in your district in southern Santa Fe County.

Sincerely yours,

Helen K. Crotty, President
San Pedro Neighborhood Association

Dear Commissioner Campos:

The residents of the San Pedro community have worked many years to formulate the Contemporary Community Plan, and we strongly support it. We urge your favorable vote at the hearing on January 8.

2081184

Subject: San Pedro Community Plan Hearing Jan. 8, 2002

Date: Tue, 08 Jan 2002 10:25:48 -0500

From: jeffbrodyusa@netscape.net (Jeff Brody)

To: polafson@co.santa-fe.nm.us

Dear Mr. Olafson,

Since I am unable to attend this evening's hearing, I am writing to express my strong desire that this plan be approved by the commission. I understand that there may be some question about our planning for open space. I want to suggest that I have no problem with putting in our plan a statement requiring future developers to include planning for open space in their development, if this would expedite the commission's approval of the plan. If the commission wants to hold us to some deadline by which we will draft such a statement, I also think this would be fine. Basically, if this is the only stumbling block, I would support doing what we need to to get the plan passed, especially since there seem to be possible developments in the area that are being considered.

Thank you for taking the time to read this letter and for your support.

Linda Brody

Your favorite stores, helpful shopping tools and great gift ideas. Experience the convenience of buying online with Shop@Netscape! <http://shopnow.netscape.com/>

Get your own FREE, personal Netscape Mail account today at <http://webmail.netscape.com/>

Jan. 7, 2002

2081185

Paul Olafson
SantaFe County
Land Use Dept.

Dear Mr. Olafson;

This is to inform Santa Fe County that I have a small INtermittant sand and gravel operation in the Northeast corner of section 29 located at the West boundary of the San Pedro Contemporary Community Zoning District.

I have been here with a federal lease from the B.L.M. for over four years. The previous two occupants had similar use back to 1955.

I do not use (heartbreak hill) section of Highway 344 commercial purposes since I am on the eXtreme Western edge of the proposed zoning district.

The State Engineers Office informed me that I am not in the same water basin as the part of San Pedro where the other residences are located. This could be helpfull as I have a large water tank at the well which could fill firetrucks if there is ever a forest fire in the area.

I support the objectives of the San Pedro Cntemporary Zoning District.

Robert Gibbens

~~Robert Gibbens~~

P.O. Box II54
Sandia Park N.M. 87047

Subject: Fw: San Pedro Community Plan

Date: Tue, 8 Jan 2002 15:09:51 -0700

From: "howlingbearltd" <howlingbearltd@qwest.net>

To: "Paul Olafson" <polafson@co.santa-fe.nm.us>

2081186

----- Original Message -----

From: "howlingbearltd" <howlingbearltd@qwest.net>

To: <jsullivan@co.santa-fe.nm.us>

Cc: "Jack sullivan" <jsullivan@co.santa-fe.nm.us>

Sent: Tuesday, January 08, 2002 2:23 PM

Subject: San Pedro Community Plan

- > I just wanted to say that I am for the plan however, I would like to see the
- > part about the 200ft. between the septic tank and leach field taken out.
- > This part of the system closed and I feel this only adds cost an nothing
- > else. We appreciate your thoughts and help with this before it is passed.
- > Thanks Terry & Bobbi Shelton
- >

SFC CLERK RECORDING 08/17/2004

2081187

SFC CLERK RECORDING 08/17/2004

Subject: Hearing on San Pedro Community Plan Ordinance

Date: Mon, 7 Jan 2002 21:27:30 -0700

From: "Bill Baker" <Bill.Baker@prodigy.net>

To: "Paul Duran" <ppeduran@ix.netcom.com>, "Javier Gonzales" <javier@qwest.net>,
"Paul Campos" <pcampos@co.santa-fe.nm.us>,
"Mark P. Trujillo" <mptrujillo@world.att.net>, "Jack Sullivan" <jsullivan@co.santa-fe.us>

"Mark P. Trujillo" <mptrujillo@world.att.net>, "Jack Sullivan" <jsullivan@co.santa-fe.us>

CC: "Paul Olafson" <polafson@co.santa-fe.nm.us>

January 7, 2002

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Sincerely,

Martha L. Hill
William L. Baker

68 Camino Del Corazon
Sandia Park, NM 87047-9653

(505) 286-9698

2081188

Subject: San Pedro Neighborhood Plan

Date: Tue, 8 Jan 2002 12:38:51 -0700

From: "Douglas, Sally C" <scdoug@sandia.gov>

To: "javier@qwest.net" <javier@qwest.net>

CC: "polafson@co.santa-fe.nm.us" <polafson@co.santa-fe.nm.us>

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Sally Douglas

Team Supervisor, 1700 ESS&H Coordinator, Sandia National Laboratories

Residence:

51 Camino del Corazon (1 1/2 miles from "Heartbreak Hill" in San Pedro area)

Sandia Park, NM 87047

(505)844-0568 (days)

Pager: 540-3826

SFC CLERK RECORDING 08/17/2004

2081189

Santa Fe County Commission
County Commissioners
P. O. Box 276
Santa Fe, N. M. 87054-0276

1/5/01

Commissioner-- (copy to Paul Olafson, Land Use Department/Planning Division.)

Subject: The San Pedro Neighborhood Community Plan Ordinance.

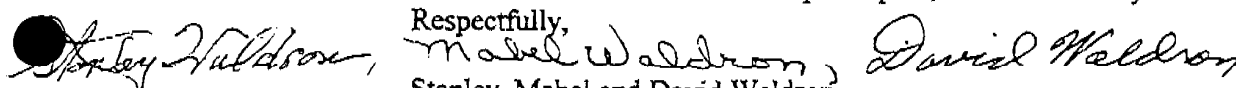
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2081190

SFC CLERK RECORDING 08/17/2004

Subject: San Pedro Community Plan

Date: Thu, 03 Jan 2002 20:36:37 -0800

From: cota315 <cota315@swcp.com>

To: pdduran@ix.netcom.com, javier@qwest.net, pcampos@co.santa-fe.nm.us,
mptrujillo@world.att.net, jsullivan@co.santa-fe.nm.us, polafson@co.santa-fe.nm.us

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Personally speaking,
Bob Clancy
11 B Blue Crow
Sandia Park, NM
87047

Re: San Pedro Community Plan

2081191

Subject: Re: San Pedro Community Plan

Date: Mon, 07 Jan 2002 10:27:54 -0700

From: Coyote <CoyoteCall@spinn.net>

Organization: Spirit Earth Path

To: javier@quest.net, pdduran@ix.netcom.com, pcampos@co.santa-fe.nm.us,
mptrujillo@world.att.net, jsullivan@co.santa-fe.nm.us, polafson@co.santa-fe.nm.us

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Subject: San Pedro Community Plan Ordinance

Date: Mon, 7 Jan 2002 18:23:58 EST

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To: Javier@qwest.net, pdduran@ix.netcom.com, pcampos@co.santa-fe.nm.us,
mptrujillo@world.att.net, jsullivan@co.sante-fe.nm.us

CC: polafson@co.santa-fe.nm.us

2081192

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Sandia Park, NM 87047

Subject: Copies of letters

Date: Mon, 7 Jan 2002 19:16:33 EST

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2081193

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Subject: San Pedro Community Plan Hearing Jan. 8, 2002

Date: Tue, 08 Jan 2002 10:25:48 -0500

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To: polafson@co.santa-fe.nm.us

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Linda Brody
--

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Get your own FREE, personal Netscape Mail account today at <http://webmail.netscape.com/>

Jan. 7, 2002

Paul Olafson
SantaFe County
Land Use Dept.

2081196

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I support the objectives of the San Pedro Cnntemporary Zoning District.

Robert Gibbens



P.O. Box 1154
Sandia Park N.M. 87047

SFC CLERK RECORDING 08/17/2004

Subject: Fw: San Pedro Community Plan

Date: Tue, 8 Jan 2002 15:09:51 -0700

From: "howlingbearltd" <howlingbearltd@qwest.net>

To: "Paul Olafson" <polafson@co.santa-fe.nm.us>

2081197

----- Original Message -----

From: "howlingbearltd" <howlingbearltd@qwest.net>

To: <jsullivan@co.santa-fe.nm.us>

Cc: "Jack sullivan" <jsullivan@co.santa-fe.nm.us>

Sent: Tuesday, January 08, 2002 2:23 PM

Subject: San Pedro Community Plan

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> part about the 200ft. between the septic tank and leach field taken out.
> This part of the system closed and I feel this only adds cost an nothing
> else. We appreciate your thoughts and help with this before it is passed.
> Thanks Terry & Bobbi Shelton
>

SFC CLERK RECORDING 08/17/2004

Amendments to the proposed Ordinance codifying policies outlined in the Madrid Community Plan.

Note: new language appears in **bold and underline** and replaced language appears as ~~strikethrough~~.

4.1 Purpose and Intent of the Madrid Community Plan and Madrid Traditional Community Zoning District

The standards and regulations set forth for this Planning Area are intended to implement the purposes, intent, planned land use goals and strategies of the Madrid Community Plan, Resolution 2000-119, adopted and approved by the Board of County Commissioners on September 12th, 2000, pursuant to the Community Planning Process set forth in Article XIII of the Code (Ordinance 1998-5). This Ordinance shall apply to all development arising after the adoption thereof and development not legally in existence at the time of adoption of this Ordinance. Any development that does not have master plan approval at the time of adoption of this Ordinance shall comply with this ordinance. This ~~Plan and standards~~ **Ordinance** may be amended from time to time.

~~4.2 Location of District and Boundaries~~

~~4.2.1 The Madrid Community Planning Area and the Madrid Traditional Community Zoning District consist of all lands designated by County Resolution 2000-119. The following maps are hereby adopted and incorporated into this Section:~~

- ~~a. Madrid Community Planning Area Map~~
- ~~b. Madrid Community Zoning District Map and Attachment 1: Description of the Madrid Traditional Community Zoning District Boundary, which amends the Traditional Community Zoning District as adopted as part of the Santa Fe County General Plan (1980).~~

4.2 Location of District and Boundaries

4.2.1 The Madrid Community Planning Area and the Madrid Traditional Community Zoning District consist of all lands designated by County Resolution 2000-119. The following maps are hereby adopted and incorporated into this Section:

- a. Madrid Traditional Community Zoning District Map
- b. Madrid Traditional Community Planning Area Map
- c. Madrid Traditional Community Zoning District Plat Survey and Attachment 1: Description of the Madrid Traditional Community Zoning District Boundary, which amends the Traditional Community Zoning District as adopted as part of the Santa Fe County General Plan (1980).
- d. Madrid Greenbelt Map

2081199

4.7 Commercial Uses

Mixed-use businesses and commercial uses within the Planning Area shall be permitted only on property that is directly adjacent to New Mexico State Highway 14 and within the Planning Area. Commercial development shall conform to Article III, Section 4 of the Code and all requirements of this ordinance.

4.10 Wastewater Restrictions

New businesses must provide proof of adequate restroom facilities before business ~~permits~~ licenses will be granted. The intent is to ensure that commercial establishments have adequate restroom facilities to serve demand generated by their business activities. Facilities may include on-site restroom(s), portable facilities, shared facilities with another establishment or other types of facilities which meet applicable public restroom facility standards.

4.12 Greenbelt Traffic Restrictions

All motorized vehicular traffic in the greenbelt area as identified on attached Map D shall be prohibited with the exception of traffic on existing road easements and uses such as emergency purposes and water cooperative maintenance.

2081200

SFC CLERK RECORDING 08/17/2004

Madrid Traditional Community Planning Area
Boundary Description

Beginning at the ¼" drillstem located 458.72 feet S 54° 38' 53" W of Santa Fe County Control Monument No. 63,

S 07°41'10" E a distance of 213.70' to 5/8" bolt, Boundary Station 6,

S 09°26'34" W a distance of 765.56', to 5/8" RBR, Boundary Station 7,

S 25°11'30" W a distance of 2048.86', to ¾" bolt, Boundary Station 8,

S 26°18'50" W a distance of 1866.27', to 5/8" RBR, Boundary Station 9,

S 55°28'50" E a distance of 441.80', to 5/8" RBR, Boundary Station 10,

S 25°04'18" W a distance of 643.59', to ¾" RBR, Boundary Station 11,

N 80°27'35" W a distance of 744.31', to 5/8" bolt, Boundary Station 12,

N 58°58'05" W a distance of 703.30', to 5/8" RBR,

S 77°41'57" W a distance of 203.97', to a 1 1/2" bolt, Boundary Station 20,

N 52°13'32" W a distance of 149.40', to a ¾" rod, Boundary Station 21,

N 30°45'54" E a distance of 317.76',

N 30°47'49" E a distance of 233.08', to a 5/8" bolt, Boundary Station 22,

N 25°51'23" E a distance of 1114.79', to a 5/8" bolt, Boundary Station 23,

N 15°47'01" E a distance of 382.62', to a 5/8 " bolt, Boundary Station 24,

Along the 6,100' contour line a distance of approximately 417.20',

N 11°36'43"E a distance of 1628.36',

Generally Northwest along the 6100' contour line a distance of approximately 2882' until the intersection with the road,

Generally East along the road a distance of 709.14' to 5/8" RBR, Boundary Station 26,

S 16°29'06"W a distance of 75.70', to a 5/8" RBR,

2081201

S 54°57'31"E a distance of 410.02',

S 63°30'00"W a distance of 22.07',

S 25°13'50"W a distance of 13.82',

S 22°00'00" E a distance of 200',

N 13°57'26"E a distance of 152',

S 76°03'37" E a distance of 154.58',

N 36°21'01"W a distance of 3176',

S 63°55'19" E a distance of 344.16', to a 1 1/2" G.I.P.,

S 24°47'17"W a distance of 2747.17' to an axle,

S 07°36'39"E a distance of 177.78' to the 1/4" drillstem, or point of origin.

San Pedro Contemporary Community
Boundary Description

2081202

Beginning at the Northwest Corner of Section 21, T12N R7E, and continuing East along the North boundary of Sections 21, 22, 23, and 24 to the Northeast Corner of Section 24, T12N R7E.

South along the East boundary of Sections 24 to the Southeast Corner of Section 24.

West along the southern boundary of section 24 to the South Quarter Corner of Section 24.

South to the center of Section 25, T12N R7E,

West to the NE Corner of NE1/4,NW1/4,SW1/4 of Section 25,

South to the SE corner of NE1/4,NW1/4,SW1/4 of Section 25,

West to the SW corner of NE1/4,NW1/4,SW1/4 of Section 25,

South to the South Boundary of Section 25,

West to the SW corner of Section 25,

South along the East boundary of Section 35 T12NR7E, and Section 2 T11N R7E to the Southeast Corner of Section 2 T11N R7E,

West along the South boundary of Section 2 to the Southwest Corner of Section 2,

North along the West boundary of Section 2 to the West Quarter Corner of Section 2,

West to the center of Section 3, T11N R7E,

Generally Southwest along the ridgeline to the high point of elevation at 7852 feet,

Generally West and then Northwest along the ridgeline to the point of highest elevation closest to the East Quarter Corner of Section 4 T11N R7E,

Generally Southwest along the ridgeline to the high point of elevation at 8599 feet, continuing generally Southwest along the ridgeline to approximately the Northeast Corner of the SW1/4,SW1/4 of Section 4 T11N R7E,

West along the boundary of the SW1/4 of the SW1/4 of Section 4 to the West boundary of Section 4,

South along the West boundary of Section 4 to the SW corner of Section 4,

2081203

West along the South boundary of Section 5 T11N R7E to the San Pedro Grant Line,

North along the San Pedro Grant Line to the intersection with the boundary of the S1/2 of Section 20, T12N R7E,

East along the boundary of the S1/2 of Section 20 to the intersection with the West boundary of Section 21, T12N R7E,

North along the West boundary of Section 21 to the NW corner of Section 21, T12N R7E.

2081204

SFC CLERK RECORDING 08/17/2004

Amendments to the proposed Ordinance codifying policies outlined in the San Pedro Contemporary Community Plan.

*Note: new language appears in **bold and underline** while replaced language appears as ~~strikethrough~~*

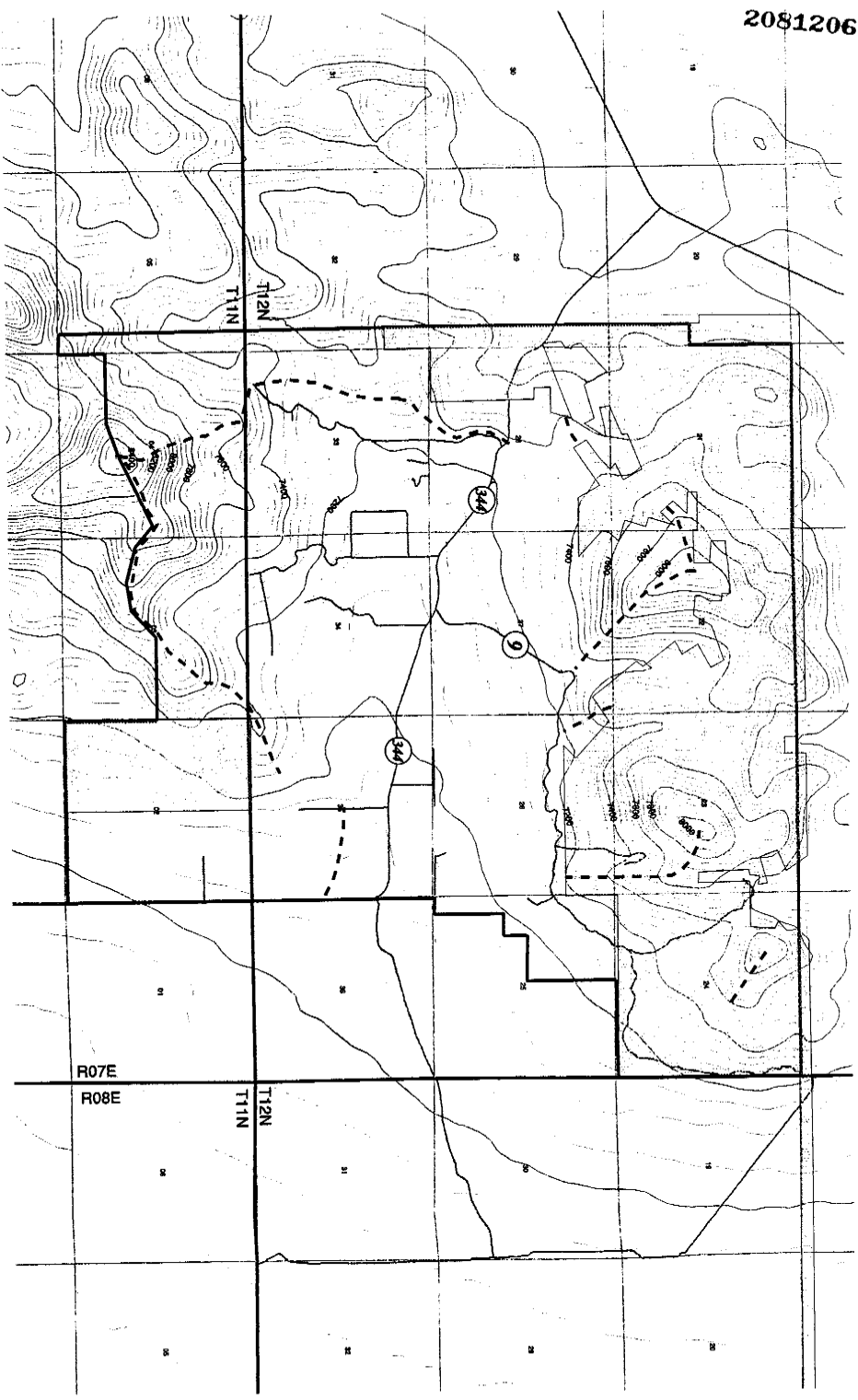
Page 1:

5.2 Location of Planning Area and Boundaries

- 5.2.1 The San Pedro Contemporary Community Zoning District consists of all lands designated by County Resolution 2001-51. The following maps are hereby adopted and incorporated into this section.
- a. San Pedro **Contemporary Community Zoning District and Planning Area**
~~Community Planning District and Planning Area~~ Map
 - b. **Ridgetops in San Pedro Contemporary Community** ~~San Pedro Community Ridgetop~~
~~Map~~ (Note: This map is included for informational purposes only and ridgetops shall be determined based on the Ridgetop definition included with this ordinance).

2081206

Map B: Ridgetops in San Pedro Contemporary Community



Legend

RIDGETOPS
 (Ridgetops shall be determined based on the ridgetop definition in the ordinance. Map ridgetops are included for informational purposes only.)

 San Pedro Contemporary Community Zoning District and Planning Area (Designated by County Resolution 2001-51)

 BLM Land

 State Land



Scale 1:40,000

Contour Interval-50 Feet

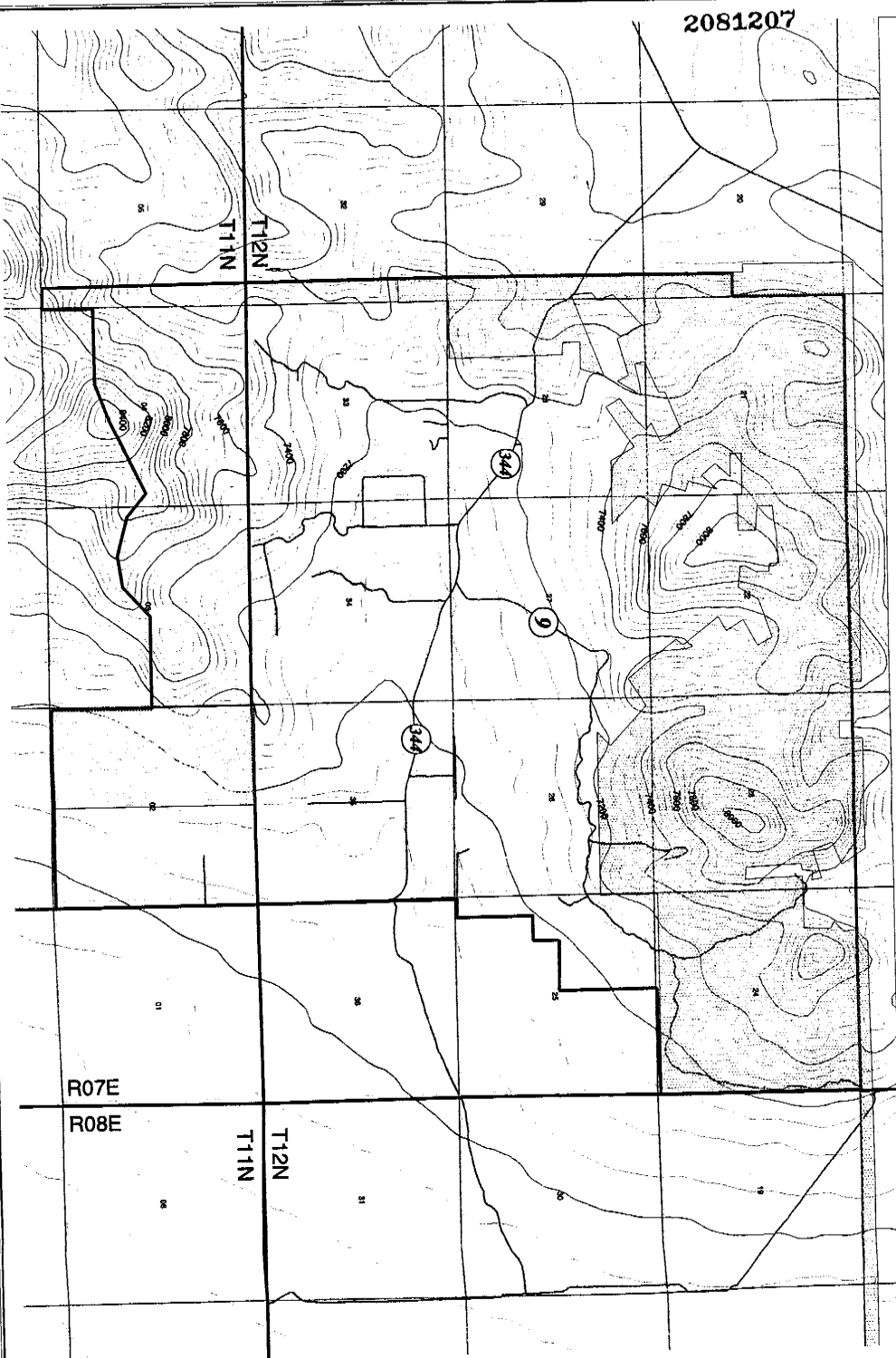
This information is for reference only. Santa Fe County assumes no liability for errors or omissions. The user of this data assumes all responsibility for the accuracy of the information.







January 8, 2002


Map A: San Pedro Contemporary Community Zoning District and Planning Area

2081207




Legend

-  San Pedro Contemporary Community Zoning District and Planning Area (Designated by County Resolution 2001-51)
-  Roads
-  BLM Land
-  State Land

 N

Scale 1:40,000
Contour Interval = 50 Feet

This information is for reference only. It is not intended to be used as a legal document. Users are encouraged to verify the data with the local authority having jurisdiction.



January 8, 2002