

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 87

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SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 9, 2004

- Paul Campos, Chairman
- Michael D. Anaya
- Jack Sullivan
- Paul D. Duran
- Harry B. Montoya

SFC CLERK RECORDED 04/19/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING

(Public Hearing)

March 9, 2004 - 3:00 pm

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 - B. Tabled or Withdrawn Items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
 - A. February 10, 2004 - *approved with corrections*
- VII. Matters of Public Concern -NON-ACTION ITEMS *Carolyn Siegstad + Roy McKay*
- VIII. Matters from the Commission
 - approved* A. Resolution No. 2004³³ A Resolution Urging Santa Fe County Residents to Participate in "National TV Turnoff Week" on April 19 - 25, 2004
 - B. Reconsideration of the Proposed Water Service Agreement between Santa Fe County and Suerte del Sur TABLED
 - approved* C. Resolution No. 2004³⁴ A Resolution Instructing Staff to Work Towards Creation of a Santa Fe Water and Wastewater Authority
 - D. Discussion and Possible Action on Santa Fe County's Water Management Policies
- IX. Presentations
 - A. Presentation on Upcoming Labor Negotiations
- X. Committee Appointments/Reappointments/Resignations
- XI. Consent Calendar
 - approved* A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-45 Printing and Mailing of the 2004 Notice of Valuation Forms (Assessor's Office)
 - B. Approval of FY 2004 Amendment to the MOA between Santa Fe County and St. Vincent Hospital (Community, Health & Development Department) TABLED
 - approved* C. Request Authorization to Enter into a Professional Services Agreement with the Highest Rated Offeror in Response to RFP #24-35 Evaluator for Home for Good Project, Community and Family Services Inc. \$28,300 (Community, Health & Development Department)
 - approved* D. Request Authorization to Enter into a Professional Services Agreement with the Highest Rated Offeror in Response to RFP #24-37 Community Training and

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Supervision for Home for Good Project, Life Link Training Institute \$20,461
(Community, Health & Development Department)

E. Request Authorization to Accept and Award a Construction Agreement to the
Lowest Responsive Bidder for IFB #24-34 Arroyo Seco Teen Center Phase II,
\$177,579 (Project & Facilities Management Department) TABLED

F. Request Approval of Amendment #1 to the Following Multiple Source Price
Agreements for Construction Materials for Santa Fe County:

- Approved* ↓
1. #23-0146-PW with Espanola Mercantile Co.
 2. #23-0147-PW with Moriarty Concrete
 3. #2300148-PW with LaFarge Southwest, Inc.
 4. #23-0149-PW with Santa Fe Aggregate, LLC
 5. #23-0150-PW with Contech Construction Products, Inc.
 6. #23-0151-PW with J-H Supply, Inc. (Public Works Department)

XII. Staff and Elected Officials' Items

A. Administrative Services Department

Approved 1. Request Approval for a Fifteen (15) Day Extension of Military Leave for
Employees on Active Military Duty

B. Community, Health & Development Department

Approved Approval of Request for a 1.0 Full Time Employee (FTE) for the Care
Connection Facility Manager

Approved 2. Resolution No. 2004²⁵A Resolution Adjusting the Budget for the DWI
Detoxification Grant #04-X-I-G-27 Supporting a Full Time Employee for
the Care Connection

C. Project & Facilities Management Department

1. Request Approval of a Memorandum of Agreement Between the County
of Santa Fe and the City of Santa Fe for the Expenditure of Funds for
Regional Trails and Open Space Projects Funded by the Gross Receipts
Tax for Joint Regional Projects TABLED

2. Request Approval of a Memorandum of Agreement Between the County
of Santa Fe and the City of Santa Fe for the Expenditure of Funds for the
Santa Fe River Trail Project Funded by the Gross Receipts Tax for Joint
Regional Projects TABLED

D. Public Works Department

1. Request Authorization to Accept and Award a Professional Services
Agreement #24-0181-PW as a Sole Source Procurement for the Redesign
of the Agua Fria Phase III Water, Sanitary Sewer, Drainage and Paving
Improvements Project TABLED

E. Utilities Department

1. Request Approval of Memorandum of Agreement between Pueblo of
Pojoaque and Santa Fe County for the Expenditure of Funds (\$60,000)
for Phase III of the Pojoaque Regional Wastewater Facility Planning
Study Funded by the Gross Receipts Tax for Joint Regional Projects
TABLED

2. Request Approval of the Expansion of the Santa Fe County Utility Service
Area TABLED

F. Matters from the County Manager

G. Matters from the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

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- b. Limited Personnel Issues
- c. Acquisition or Disposal of Real Property
- d. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
- e. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations

XIII. Public Hearings

A. Land Use Department

1. **Ordinance No. 2004 – An Ordinance Amending Ordinance No. 1996-16, of the Santa Fe County Land Development Code (Ordinance No. 1996-10) to Amend the Village of Agua Fria Traditional Historic Community Boundary and Traditional Community Zoning District Map. Robert Griego (First Public Hearing)**
2. **CDRC CASE #DP 03-5970 – Charles Romero Development Plan. Charles Romero Applicant, Requests Approval for Master Plan, Preliminary and Final Development Plan Approval within a Designated Commercial District to Allow the Storage and Transport of Manufactured Homes on a 1.15 Acre Tract. The Property is Located at the Intersection of US 84-285 and Santa Fe County Road 88, within Section 18, Township 20 North, Range 9 East (Commission District 1). Dominic Gonzales TABLED**
3. **CDRC CASE #V 03-5880 – Eldorado Community Sign Variance. Eldorado Community Improvement Association (Frank Schober), Applicant, Request a Variance of Article VIII, Section 7.15a (Off Site Advertising or Billboards) of the Land Development Code to Allow a 4' – Foot by 6' – Foot Sign for the ECIA. The Property is Located at the Intersection of Avenida Vista Grande, and US 285, within Section 9, Township 15 North, Range 10 East (Commission District 5). Dominic Gonzales**
4. **CDRC CASE # DP 04-5010 – Challenge New Mexico. Challenge New Mexico, Applicant, Courtney Mathey, Agent, Request Master Plan, Preliminary, and Final Development Plan Approval for a Riding Facility that Includes a 2,000 Sq. Ft. Hay Barn, and an 800 Sq. Ft. Riding Center. The Property is Located at 100 B Caja Del Rio Adjacent to the New Santa Fe Animal Shelter, within Section 36, Township 17 North, Range 8 East (Commission District 4). Jan Daniels TABLED**
5. **TDRC CASE # Z/DP 03-5800 – Glenn and Sandy Green Development Plan. Glen and Sandy Green, Applicants, Request Master Plan Zoning, Preliminary and Final Development Plan Approval for an Art Gallery in an Existing 1,165 Square Foot Heated Guest House on 0.751 Acres. The Property is Located at 136 Tesuque Village Road, Which is Off State Road 22 in the Traditional Community of Tesuque, within Section 25, Township 18 North, Range 9 East (Commission District 1). Vicente Archuleta**
6. **CCDRC CASE #Z/DP 00-5302 – Sandia Vista Commercial Property. Sonny Otero, Applicant, Michael Bodelson, Agent, Request a Master Plan Amendment with Preliminary and Final Development Plan Approval for Six Additional Warehouse Buildings Ranging in Size from Approximately 8,000 Sq. Ft. to 10,800 Sq. Ft. for Commercial and Light Industrial Uses and Storage on 5.4 Acres. This Request Also Includes Multiple Variances**

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which Would Allow the Applicant to Utilize an On-Site Well and Septic System Rather than a Public Water and Community Wastewater System; to Exceed 30% Lot Coverage; to Reduce the Amount of Open Space Below 50%; and to Reduce the Parking Below what is Required by County Code. The Property is Located Off of State Road 14, North of the Intersection of NM 599 and SR 14 within the Community College District, within Section 25, Township 16 North, Range 8 East (Commission District 5). Vicki Lucero TABLED

7. **EZ CASE # S 02-4321** – La Pradera Subdivision. Gardner Associates LLC. (Alexis Girard), Applicant, Design Enginuity, Agent, Request Final Plat and Development Plan Approval for a Mixed Use Subdivision Consisting of 69 Lots with 80 Dwelling Units and 32,667 Sq. Ft. of commercial Area on 69.2 Acres. The Property is Located West of Richards Avenue Between I-25 and the Arroyo Hondo within the Community College District, within Section 17, Township 16 North, Range 9 East (Commission District 5). Vicki Lucero
8. **CDRC CASE # DP 03-5910** – Valley Bible Baptist. Valley Bible Baptist Church, Applicant, Pete Zamora, Agent Request Master Plan Zoning, Preliminary and Final Development Plan Approval for an Expansion to an Existing Church Facility which will Include a 13,664 Square Foot Building, with a 4,529 Sq. Ft. Balcony, a Two-Story Classroom, Floor Consisting of 5,258 Square Feet, and a Multi-Purpose Room Consisting of 12,821 Square Feet. This Request Also Includes a Variance of Article III Section 2.3.6b of the Land Development Code to Allow the Proposed Church Addition to be 30' Feet in Height and a Steeple to be Constructed at 46' Feet. The Property is Located at 56 Arroyo Seco Circle within Section 18, Township 20 North, Range 9 East (Commission District 1). Dominic Gonzales

XIV. 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 COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 9, 2004

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:10 p.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledges of Allegiance to the United States and New Mexico, roll was called and indicated the presence of a quorum as follows:

Members Present:

Commissioner Paul Campos, Chairman
Commissioner Mike Anaya
Commissioner Jack Sullivan
Commissioner Paul Duran
Commissioner Harry Montoya

Members Absent:

[None]

IV. Invocation

An invocation was given by Father Mark from the St. Francis Cathedral.

V. Approval of the Agenda

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

CHAIRMAN CAMPOS: Mr. Gonzalez, any amendments?

GERALD GONZALEZ (County Manager): Mr. Chair, we have some changes to the original agenda, two items to add. These are under Matters from the Commission and we've added items C, a resolution instructing staff to work toward creation of a Santa Fe water and wastewater authority, and D, discussion of possible action on Santa Fe County's water management policies. And then we have a number of tablings, and I'll go through this. Under Section VIII, Matters from the Commission, item number B is tabled. That's the Suerte del Sur

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issue. Under the Consent Calendar, Section XI, items B and E have been tabled. Under Section XII, Staff and Elected Officials' items, we have tablings for item C.1, C.2, D.1 and E.1 and E.2. Otherwise the agenda is as originally published, Mr. Chair. Subject to of course any changes that the Commission may make.

CHAIRMAN CAMPOS: Commissioners, any changes, discussion of the agenda.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER ANAYA: What about the public hearings? Do we get to that later?

MR. GONZALEZ: I'm sorry. Thank you for the reminder, Commissioner Anaya. Under Public Hearings, Section XIII, we also have tablings for items A.2, A.4, and A.6.

CHAIRMAN CAMPOS: Any other comments?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I thought that A.6 had been brought up the requisite number of times and it was withdrawn.

CHAIRMAN CAMPOS: You're talking about the -

COMMISSIONER SULLIVAN: Sandia Vista Commercial. After three tablings it's supposed to be withdrawn.

CHAIRMAN CAMPOS: That's XIII. A. 6, right?

COMMISSIONER SULLIVAN: Correct.

CHAIRMAN CAMPOS: I think they republished that. Is that right, Mr. Abeyta?

ROMAN ABEYTA (Land Use Administrator): Mr. Chair, that's correct. They were withdrawn. They had to do all the new publication. They did do that. So they were put back on the agenda. But they're still missing information so we have requested that they be tabled and they've agreed.

COMMISSIONER SULLIVAN: So this is the first tabling of the second publication. Is that correct?

MR. ABEYTA: Yes, that's correct.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: Okay, is there a motion to approve the amended agenda presented today by staff. So moved. Is there a second?

COMMISSIONER SULLIVAN: Second.

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

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VI. Approval of Minutes
A. February 10, 2004

CHAIRMAN CAMPOS: Any comments from staff?

MR. GONZALEZ: Not at this time.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had some typographical corrections that I gave to the recorder. If you could incorporate those into the motion I'd appreciate it.

COMMISSIONER MONTOYA: Mr. Chair, as did I.

CHAIRMAN CAMPOS: We have changes proposed, typographical changes by Commissioner Sullivan and Montoya. So is there a motion to approve the minutes as amended?

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

The motion to approve the February 10th minutes as amended passed by unanimous [5-0] voice vote.

VII. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN CAMPOS: Anybody in the public that has an issue that they would like to bring to the attention of the Commission, please come forward.

CAROLYN SIGSTEDT: Good afternoon. I would like to address, even though it was tabled, because I will be out of town the end of the month and I have concerns about the proposed water agreement between Santa Fe County and Suerte.

CHAIRMAN CAMPOS: Will you please state your name.

MS. SIGSTEDT: My name is Carolyn Sigstedt and I live in downtown Santa Fe, New Mexico. Our region is at the crossroads. It has to make its choice between whether we grow according to market demand, considered the business as usual alternative, or to grow, assigning growth priority areas in accordance with up to date regional policies and principles and the 40-year County master plan.

We of the community, through the Regional Planning Authority, deliberately and painstakingly adopted the latter version, but I'm afraid that while we profess to follow the higher way, our practice at present is not confirming our profession. And what I'd like to say regarding Suerte is to quote John Edwards, my personal favorite, "Not so fast, County Commissioners." I think we have an opportunity here to do something right. We're going into a new phase of development where special interests potentially are bringing water rights to us, which could develop a water system that would be the beginning of a regional water system. And you know that I am in support of that as much as you are, and you know that I know that the future for Santa Fe and the periphery around the city of Santa Fe, if we're not to choke the

entire city with sprawl needs to get on to community wells and wastewater systems.

We know that that is the highest and best route. As elected officials, you need, and the City Council as well, needs, we all need to educate the public about this new way of doing things to protect our water and the aquifer. People don't understand that and so feel threatened by these community wells. I actually even feel threatened by this well the way it is designed, and I feel nervous about this well by the lack of, and I hate to be critical, but the lack of study you've done on this issue, either in terms of the staff, the lawyer, as I read the minutes last week, and also the Commissioners.

This is a huge thing that we're about to begin and it sets a precedent for how we go about the future in an area that has a lot of pressures on it. The area around the city of Santa Fe. So we want to do it right. Now, the highest and best way to do it right, in my opinion, is not the easiest, and that is to go back to the table and work with the City Council. And when the City Council has something like the likes of this development and other such deep-pocketed, gated communities, which are kind of large communities, which are the only communities that can afford to go through the costs of transfer or development rights. So this is kind of the way things are done, if we allow it to be market-driven. And I'm saying we don't.

At the Regional Planning Authority you all have done very good work where Diane gave you three alternatives for growth. One was restricted growth, which we would look like Aspen. The second was what I mentioned here. Planned growth using policies and principals to guide that growth, connecting it to water and all times. That's what we want to do. And then the last alternative is market-driven, business as usual, just whoever brings the money and the water gets to do whatever they want. And I say let's just pause for a minute. You're running the County. You're responsible for our future. You have the common good over everyone in mind, not just special interest and deep pockets.

So if we were to work with the City Council, how would that look? Now, the City Council at one point was almost going to come down here in force with some sort of resolution to say you can't do this. We'll battle you and so forth. I think they probably decided against that. But in other words, they're nervous about this. And sometimes we need a log in our eye to get the picture. So this is the log that we all have and the City now understands that the City cannot protect the city without protecting the larger area. And so the City cannot protect itself without looking at the County and the County is dependent on the City as well. And actually, I think in the future, with some of the legislation that you've tried to take, or the bill that you tried to take to legislation, will be offering in the long term community wells that will serve not only the county but certain segments of the city in hard times. So you will have something to offer the City. You are not backed against the wall. You don't have to do this. In fact you're in a very, very, very good negotiating position.

So first, I would negotiate with the City to in fact wheel or have a wholesale water agreement that would allow you your 500 acre-feet. If I don't have the numbers right, I don't get to go to executive sessions. And then to allow you to maybe park your 600 acre-feet for water rights that you would want to buy at their diversion site or at the Buckman wells. You wouldn't be able to use it, I don't think, unless our County Hydrologist did some work and I

was going to do that for you, except that I'm not a very good mathematician. But it's all public record. You can go down to the Buckman well log and what you're hearing from the City Councilors is that they are in fact pumping those Buckman wells to capacity. Now, some of you don't believe that. Well, if you don't believe it, just go and look it up in the log. It's all right there. And that's what I would have liked to have been able to do, had I been better in math. But I decided to leave that to - I thought I could get it all wrong.

So, then you have this Regional Planning Authority and you have a County master plan of 40 years that talks about clustered development. It talks about - you have a County plan that talks about clustered development, it talks about harvesting. You went down to a quarter acre-foot, but you see if we're going to be talking about harvesting, and then we're going to be talking about wastewater systems, which these communities should have, rather than septic tanks, which we want to get them off, we can have graywater, aside from harvesting, that can be used outside. So my feeling is you should use your legislation and make it tighter and people in these new areas, with harvesting and wastewater should use less than a quarter foot.

They should have clustered - and this is all stuff that you can talk with the City about. In other words, the City should be a player here. They're not your enemy. Or they shouldn't be. The other thing is that this development should be clustered. Right now, they're talking about this development being on , what? 600 and some acres. Again, I'm not all that linear, but some of these homes would have guest homes on an acre or maybe five acres. Well, that's the old way of doing business in Santa Fe. That's sprawl. That's exactly what we don't want to happen on the periphery of Santa Fe. If this development, if you can't negotiate with the City, or if you can negotiate with the City and still want to work with this development, and I'm not proposing that you don't work with the development, I'm just saying you don't sell the farm and all the cows in the barn.

There's a way to structure it where you really win and you're really in control. Because you're the only one that is enabling this county to happen. The reason, their water rights come from southern New Mexico and if you're going to bring water rights up from southern New Mexico up to northern New Mexico, the only way you can do this is to bring them to the Rio Grande and you have to use water from the Rio Grande. In other words, the fact that you're tying this as conjunctive use to your Rio Grande water, San Juan/Chama diversion, is the only reason in my opinion the State Engineer will look at this for a 100-year plan, which the County should also look towards.

There's so much more that I want to say. The other thing that you should know is the 45 acres that they're wanting to transfer, and this is - when I read the minutes of your last meeting, nobody understood what you were talking about because I read those minutes over and over again and I still didn't understand what you were talking about. And then I asked a few staff people and they didn't know the answer. The 45 acres that they're trying to transfer is for phase 1 out of five phases. And the other thing that you should know, in their documents they quote a 1000 acre-foot commercial well, well, at the State Engineer's Office, they say thousand acre-foot commercial wells are exceptional wells. The average commercial well is 300 and 400 acre-feet.

Now if they're bringing in this kind of water, 40 acres for their first phase, which is just 50 or 60 units, this is insulting to our entire region. And I'm saying you are in control and have to take control and ultimately I would direct your staff to pulling this from the CDRC meeting tomorrow. You haven't done the homework and you need to do the homework, and this is an opportunity for you to gain power. This isn't a lost cause. This is actually a gift if you look at it originally, creatively.

And the other think that I would recommend is that we need to develop for any staff that leaves the County Commission, a conflict of interest clause for the future, and that's just to even protect staff people as well as the reputation of the County. Thank you for your time. I gave Paul even more points that I hope he shares with you and I won't be at your meeting but I do hope that the CDRC meeting tomorrow is pulled. Thank you.

CHAIRMAN CAMPOS: Thank you. Sir.

ROY MCKEAG: My name is Roy McKeag. I live in Piñon Hills, on Calle Enrique. Commissioners, I have the same problem this lady does. I'm not going to be here later in the month. My concerns are a little more humble than hers. I'm just worried about my water well. The Santa Fe County Land Development Code bases lot size on having enough groundwater in storage for a 100-year supply without recharge. In the Basin Zone, which is what Suerte del Sol [sic] is located in, the water that the County Code says is beneath that land is .1 acre-foot per year. And of course you all use that standard when you're granting water supplies to individuals that come before you. You limit lot size to 2.5 acres, provided that the person meters their water well and only draws out a quarter acre-foot a year.

Well, I understand that Suerte del Sol is a 660-acre subdivision, and if it were developed using that standard of .1 acre-foot per acre per year, the allowable water could be drawn out of that ground beneath that subdivision would be 66 acre-feet a year. My concern is that according to the transcript of your meeting of December 16th last year, it seems that with the County participation as a water supplier to this subdivision, that the County would pump at least 20 percent more out of that groundwater than that 66 acre-feet per year. In other words, you'd pump 82 at least.

And then there was some mention of the 600 acre-feet that you're looking for for the County water supply system that would be possible to take out of that well agreement, out of those two proposed wells, or at least one proposed well, in that subdivision. And that 600 acre-feet a year really makes the neighbors in that subdivision nervous about their wells. That's my concern and I would ask that if you proceed with that proposed well agreement that you only pump 66 acre-feet a year out of that subdivision so that you don't mine the groundwater any faster than what the County Development Code allows. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Anyone else?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I'd like to comment on that. Right now, this is not a done-deal. In order for us, personally for me to go forward, I need information. I'm not an expert on water and I don't know what's underground. So the way I look at it is, we've got

to give it to the State Engineer. There's people that came for an application to drill a well. In order for us to act on it, personally, I've got to know what is under there and if it's going to affect the wells in that area, then I have a problem with it. But how do I know that. So that's why we're going to the State Engineer to give us their personal and expert opinion on that. Thank you, Mr. Chair.

VIII. Matters from the Commission

A. Resolution No. 2004-33. A Resolution Urging Santa Fe County Residents to Participate in "National TV Turnoff Week" on April 19 - 25, 2004

COMMISSIONER ANAYA: Who has this? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, if I could read the resolution?

CHAIRMAN CAMPOS: We need to be brief because we need to go into executive session about 4:30.

COMMISSIONER ANAYA: Okay. The Santa Fe County Health and Policy Planning Commission, at their regular meeting on March 11, 2004, [sic] the Santa Fe County Health and Policy Planning Commission urged the Santa Fe County Board of County Commissioners to support the participation of the Santa Fe County residents in the National TV Turn-Off Week. We did this last year, and it is from April 19th through the 25th. So I'm asking the Commission to support the Nation TV Turn-Off Week.

CHAIRMAN CAMPOS: Okay, is there a motion?

COMMISSIONER MONTROYA: Mr. Chair, move for approval.

CHAIRMAN CAMPOS: Okay, is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Okay, Resolution 2004-33. Any discussion?

The motion to approve Resolution 2004-33 passed by unanimous [5-0] voice vote.

VIII. B. Resolution No. 2004-34. A Resolution Instructing Staff to Work Towards Creation of a Santa Fe Water and Wastewater Authority

MR. GONZALEZ: Thank you, Mr. Chair, members of the Commission. This resolution basically follows the discussion that we'd had at the previous meeting about moving forward following the legislative session and the flurry of activity related to creating a Santa Fe County water and wastewater authority, a regional authority dealing with water and wastewater. So the resolution that's in you packets reflects the discussion that was had then and also during the course of the legislative session. And basically it does instruct staff to go out to do their outreach with the surrounding local governmental entities, the City of Santa Fe, City of

Española, Rio Arriba County, the Pueblos and any other interested parties for the purpose of beginning to formulate the concept and perhaps design of a regional water and wastewater authority.

CHAIRMAN CAMPOS: Commissioners, any comment?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I would urge that we do support this. I think this is something that is totally along the lines of the legislation that we attempted to have passed this past legislation session. There's just a few, on the bottom of the first page, just some typographical corrections that need to be made on that, with the small Roman numerals. But I think other than that, certainly the intent that we have here is totally congruent with what we were doing previously in the last legislative session. I think the important thing that this states is that we're working with the state, the federal government, our congressional delegation and I'd like to welcome Pablo Sedillo who's here from Senator Bingaman's office. Hello, Pablo. Thank you for being here. As well as the cities of Española, Edgewood and Santa Fe, and the Native American Pueblos. I think this probably wasn't as clear in the legislation that we had and I think that's where the City of Santa Fe kind of blew a rod in terms of what was going on with that particular legislation.

So I think what we have here, certainly there is no hidden agenda. It's pretty straightforward and I would just urge that we support this resolution.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I don't know - I don't have anything in my packet. I don't have any paperwork. I don't know what he's talking about. I'd like to see a copy of it before I -

MR. GONZALEZ: Those were distributed earlier but that one may have not made it into your box. I have a copy.

CHAIRMAN CAMPOS: Okay, do we want to move on to the next item and come back once we all have copies?

COMMISSIONER DURAN: I don't have one.

CHAIRMAN CAMPOS: It was distributed earlier. I know I saw it. I thought it was Commissioner Montoya's resolution.

COMMISSIONER MONTOYA: Mine was in my box.

CHAIRMAN CAMPOS: Gentlemen, do you want to proceed?

COMMISSIONER ANAYA: Mr. Chair, I agree with what you've got in here, as long as we include the southern part and the northern part and keep everybody - Now are we going to, Gerald, are we going to get a committee together? Are we going to get people from - How are we going to do this?

MR. GONZALEZ: Mr. Chair, members of the Commission, I think we're passing out some extra copies for anyone who may not have received their copy. Basically, we're directing staff to go out and initiate the contacts and to hold discussions with those

parties. Those discussions would be the basis for coming back, bringing their thoughts back to the Commission in order to further on down the road talk about what the shape of a regional water and wastewater authority would look like. So we'd seek their input talking about what kind of governance, which sort of governing board or commission would be in charge of the operations of the authority, how far the authority's jurisdiction would extend, how each of those governmental entities would participate in the authority, but also insuring that in terms of dealing with water it was done on a regional basis.

So that would all come back to the Commission at a later date, and this is basically step one, leading to step two, which would be more involved discussions with those entities about how to actually shape it.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just want to add, we did discuss this a little bit at the last meeting and I think it's a very good synopsis of where we need to go and direction for the staff and to broaden the net that we want to cast and include everyone in the discussion and in the dialogue and move towards those goals that we set forward in House Bill 397, Senate Bill 446. So I certainly support this resolution.

CHAIRMAN CAMPOS: Is there a motion to approve Resolution 2004-34?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

The motion to approve Resolution 2004-34 passed by unanimous [5-0] voice vote.

VIII. D. Discussion and Possible Action on Santa Fe County's Water Management Policies

COMMISSIONER DURAN: Thank you, Mr. Chair. I asked staff to put this on as an agenda item because I think that the County has reached a point where we need to make a decision as to how we want to proceed relative to developing a water system and I think we can do that independent of the City. I think the problem in the past is that the City has the need and an obligation to a different group of constituents and because of that they are, I think, I don't know if it's unable, but it's difficult for them to understand the County's needs. That's where we get hung up on trying to negotiate some kind of wheeling agreement or come together on a water policy is that the conflict exists and their responsibilities and the goals that they are pursuing to take care of that responsibility and the same thing applies to us.

The other thing that's come up is every time we talk about a production well or a point of diversion, we get accused of letting development drive that issue. When Rancho Viejo several years ago came forward with a request for us to consider using their well as a point of diversion, we took a lot of criticism for that. And I think that it's time that we get the public involved in this process. I think that we need to have some public comment and have special

meetings similar to what we did when we adopted the general plan. That took us years to develop and it was a plan that the community bought into.

My idea, and we've talked about this in the last four or five years, is to develop a water system that would be comprised of several points of diversion. Lately, it's become evident that the City is not going to work with us on allowing us to transfer water rights to the Buckman wells. I'm not even sure if that aquifer would allow us to do that or if the State Engineer would agree to something like that, but I think we need to spread the impairment issue across the board throughout the whole county. That would be by developing four points of diversion, that would spread the impairment out, if any, across the whole county. And develop a water system independent of the City's system, try and get them to agree to extend the 500 acre-feet that they have allocated to us, to give that to us in perpetuity, and then work together on the Rio Grande-Chama diversion project. And that's what we need to work with together with the City to go to Washington and try and get more money to fund that project, and then independently work on managing that resource out in the county, because we have a responsibility to the citizens of the county, whereas the City has a responsibility to the citizens within the city limits.

But I think that all this needs to be planned and developed through a number of public meetings and get the public involved so that we can develop a plan that incorporates their concerns and I think the impairment issue is something we need to consider, and I think there's ways of doing it. But without having some public meetings and having the State Engineer and having professionals advise us on this, we're going to continue to get blasted for considering production wells in areas where county residents rely on the aquifer to provide them water. I think we need some expert advice, we need to get the public involved and we need to move cautiously in our desire to develop a water system.

I think that House Bill 397 really didn't take into consideration the five-mile planning area that we've been working on with the City. I think it dealt with issues up north and issues down in the south, but I don't think it really factored in all the needs and concerns of the planning area that we've been working on through the Regional Planning Authority. I think if we can focus our water system under this plan, to focus on that growth area, that we would get the public to buy into it, get the City to agree with us that this is how we should manage that resource, and we can go to Washington unified and the fact that we do agree on the Rio Grande diversion project. Because right now, we're not in agreement. We're still discussing the wheeling agreement that we presented to them several months ago that has too many elements to it that I think it's impossible for the City to deal with.

So my suggestion is to ask the Commission to ask staff to try and put together a series of public meetings that we all would attend and come out with a plan - I'm sorry, not come out with a plan, but put in writing what our plan has been over the last seven years and that is to develop a water system so that we can transfer water rights to it, manage the resource, and provide water to those areas that we have agreed, that we've developed under our growth management plan.

So if I was able to articulate my thought there, I'd like for the Commission to work with me in getting staff to put together some public meetings, hearings and get the community

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involved in developing this system that would include the La Suerte well, the Hagerman well, the well that we're going to be drilling out in the Airport Development District, and the Rancho Viejo well.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Wouldn't that be included in the resolution we just passed, to go out and get people and work on what you just talked about? Or is this completely different?

COMMISSIONER DURAN: Well, it might, but I think what I'm trying to say is that I think it's time that we changed our wheeling agreement efforts with the City, that we change our negotiations with the City, that we try to understand that they have conflict in trying to work with us on allowing us to transfer rights to the Buckman well, to provide us more water, because they are at a point, I think, where they can't - they have been unable to ascertain how much wet water they really have to provide for new growth. And that's how they look at what we do here at the County. They think that we are out there approving growth without any regard to that resource. We need the State Engineer involved with us in making some decisions here. I think this House Bill 397 and the previous resolution does well for areas outside the five-mile but the concerns that the City has had over the last several years is in that planning area, which is in the five-mile.

I think that that needs to be separate from the other issues in House Bill 397.

COMMISSIONER ANAYA: So would this be an EZ water authority board? Or an EZ something?

COMMISSIONER DURAN: I'm looking at it as a way of getting off the dime in negotiating with the City on our water needs and getting the community involved in that process, so that they understand that what we're trying to do is create some production, or develop some production wells that would be an integral part to our water system, taking into consideration their concern about impairment. And I don't think that this House Bill 397 does that. I think that we need to allow the community to get more involved so that when we make the decisions to enter into negotiations with the development community and we don't have to pay for these wells that it's done so in a way that the community has bought into it and agrees with the process.

CHAIRMAN CAMPOS: May I suggest something?

COMMISSIONER DURAN: Sure.

CHAIRMAN CAMPOS: I think the resolution dovetails with what you're talking about. I think if Mr. Gonzalez can come up with a time table as to how we can proceed and have the input and the discussions with the experts in the different communities and entities. I think that would satisfy everything. I think it all works together, what you're saying.

COMMISSIONER DURAN: I think that if it fits into House Bill 397 then I'm okay with that. As long we move forward with that resolution and that bill.

CHAIRMAN CAMPOS: I don't think House Bill 397 excludes the EZ, the five miles. I think it's planned for the entire county. So I don't think that there's an exclusionary

idea there. I think the conflict is that the City would like to have all these customers at some time.

COMMISSIONER DURAN: Well, something needs to happen soon though, Mr. Chair, because we're being asked to go to Washington to support our community's efforts to get funds to build the Rio Grande diversion. And we need to go there unified in our request. And I don't think we're there right now.

CHAIRMAN CAMPOS: We're not.

COMMISSIONER DURAN: And I just think that if we took some of these elements out of the wheeling agreement that we've been negotiating and which we're going to discuss in executive session, if we took some elements out of that and presented them something a little bit more palatable for them, which allowed them to maintain their, live up to their responsibilities to their customers, that we might get a little bit further in reaching some consensus on how we can go to Washington together and truly say that we're in agreement with each other, that the San Juan/Chama diversion is a critical part to our community's regional efforts and focus on that.

CHAIRMAN CAMPOS: We have to also talk about the management and how the diversion project and the related system is going to be managed and I don't think we've broached that discussion with the City. I'm not sure that they're ready or willing at this point to do so. That's something we need to discuss. Commissioner Sullivan, did you have a comment?

COMMISSIONER SULLIVAN: I would just add, I think that there is a lot of what Commissioner Duran is saying built into that resolution. One suggestion that I would offer is one that Gerald made in his notes to us recently that we undertake a countywide study and I think that's what you're getting at is to look at what our options are. And we have several, and certainly the Buckman wells is only one and that could be an offset situation and not a direct diversion situation. And that wouldn't conflict with the City's 10,000 acre-foot limitation on the Buckman wells. So there were several studies done under the old Metropolitan Water Board, and I sat in on a presentation just a week ago to the local chapter of the New Mexico Society of Professional Engineers, and the City is moving forward with some regional, long-term water planning independent of the County.

Our staff is aware of what's going on but in terms of at the decision making level, there's no interaction that I'm aware of that's been going forward with regard to that. So the City is moving forward and looking at regional sources of supply on the long-term basis without the County being involved in that whatsoever. So we need to, we're at a juncture, I think that if the City wants to continue to do that on a policy basis, then they leave us no alternative but to do the same thing for the residents of the county.

If they want to set up an administrative mechanism where we participate in that decision making, not just as sideliners but as a predetermined group that has equal policy say in the outcome, then that's the other, and that's effective moving towards a true regional water system. So far this hasn't been the message that we've gotten from the City. But the first steps of this regardless, I think, are to go into those reports, if necessary, retain another firm to update them and independently look at where we should be searching for water. We can take

advantage of the work the City's already done. We want to be sure that it doesn't impair existing users. We have other alternatives to look at, such as large re-use projects that we need to have some further information on, projects that would be specific to our area.

So I think this is the kind of direction that we need to give to our staff and as a part of that we need to come to some agreement with the City on the wheeling agreement. So far it's just been used as a political tool for the election. The City election is over now and I'm hopeful that we can move it beyond that. I think, Mr. Chair and Commissioner Duran, my feeling is that the staff does have the direction that you're indicating, that we need to either set up a joint regional system with the City and to date that hasn't seemed to have been the City's desire. If that is not their desire then we have no other alternative but to move forward and set up a long-term regional system with conjunctive uses that may well be additional diversion points and other wells.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Just a last couple words. You all are aware that even when Estevan Lopez was the manager, and before that he was the Utility Director, we had always talked about developing several points of diversion. We talked about the Hagerman well; we put that under contract to consider that as a place to transfer rights and actually use as a production well, and the La Cienega people came out against that. We talked about the Rancho Viejo well and the capacity of that well and its ability to produce water was substantial and the minute we started talking about that, the people in the State Road 14 area came out against that.

Then we talked about the Airport Development District one, which is on our Public Works site and the difficulty with that was that the State Engineer was going to do their own test well on State land. But I understand that recently, he has allowed us to do a test well there. So that could be another point of diversion. And now, in the last year or so, the La Suerte well has come forward as a possible production well and now the neighbors in that area are opposed to it. So all I'm trying to do is get all this information put together in one place so that the community can participate in that discussion and that we can make some decisions that the community agrees with, taking into consideration the big picture here and that is to develop a water system where we can provide water, manage that resource properly, manage the growth that we have planned under our growth management plan, but more importantly it's to get the community to buy into it.

CHAIRMAN CAMPOS: The last two words.

COMMISSIONER DURAN: Thank you very much.

COMMISSIONER SULLIVAN: Mr. Chair, let me add two more words. Last week I attended a three-hour meeting out in Agua Fria at the fire station regarding this La Suerte well. I was encouraged, not speaking specifically about the development but about the public input that came as a result of that. There were over 100 people at that meeting and I think what Commissioner Duran is saying is that we need to engage the public more in these issues. And this is the first one that's come up under the new policy of having water at the

master plan stage before we move past the master plan.

There were people who were just opposed to a well that might, they felt, impair their wells, but there were other people there who presented some very interesting solutions and ideas. For example, one was an impairment fund, a 40-year impairment fund, that if there were to be any impairment, that a fund would be set up that I would assume the County or someone would administer that would deal with that. I got to thinking about that and I said, where have we seen that or heard of that before? And after a while it finally came to me that that's one of the important principles of the proposed Aamodt settlement is an impairment fund, to do just that very thing.

So others have thought about that, three years worth of attorneys and here this individual brought it up himself and we didn't even have to pay him. So it was a good meeting in that regard, and I think that the people there got a background on what our long-range water plans are. They didn't convince them that this was a good development but some issues were brought up like that. There are four subdivisions around there, which were going to go forward and be like this subdivision, large lots and individual wells and so forth, and the prior County Commission, I assume during your term, Commissioner Duran, moved forward and had those subdivisions served by the County water system. So there were four subdivisions there that could have directly impaired those wells, but in fact the County moved forward and all of those are tied into the County water system.

So the County has been, on a long-term basis, looking after what's happening out there. And I think that that dialogue – I was encouraged by that dialogue. I'd like to see continue. I thought it was useful and I think that we can – again, not specifically talking about this particular development but talking about that process, we can set that tone and it won't satisfy everyone, but we will get our program out to the County residents and they'll begin to see where we're going.

CHAIRMAN CAMPOS: What I'm going to suggest is that Mr. Gonzalez come back to us in the next 30 days with a time table as to how we're going to move forward with the resolution and the discussion that Commissioner Duran just brought up. Is that something you can do?

MR. GONZALEZ: I'd be glad to do that and take all the comments here and try to incorporate them in sort of a proposal for how to move forward.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER DURAN: Mr. Chair – You let Carolyn Sigstedt talk for 30 minutes, let me speak for a few minutes, please. I'm almost through. Thank you, Mr. Chair. I think the ultimate goal in this regional water authority and in developing a water, a utility out there in the county is to get everyone eventually off the wells so that we can manage that aquifer, so that we can manage that resource. And I think that developing a system with four or five or how many it takes production wells, helps us get there. And I'm happy that you all are in agreement with me.

CHAIRMAN CAMPOS: Any other items for discussion? Let me just say that at 4:30 we'd like to go to executive session and at 6:00 we have public hearings, so let's try to

move on. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I just want to report some happenings. I received an e-mail and probably the majority of you did also that the governor signed Senate Bill 88 and House Bill 376, which were the new and expanded County gross receipts tax authority. That's Senate Bill 88 and House Bill 376, the small counties assistance fix. So that was good news coming out of the Roundhouse in terms of particularly Senate Bill 88, which I know Susan Lucero who is next door listening, is hopefully going to be happy I know, the majority of us should and how we're going to work that.

The other thing is that the National Association of Counties had their mid-winter legislative conference. We were, Commissioner Anaya and I participated in that, and as part of the Human Service and Education Steering Committee that I participate on, a resolution was passed that would request full funding in the No Child Left Behind Act. We had the opportunity to visit with Senator Bingaman's staff and Congressman Udall's staff, and they also support this as well in terms of full funding that particular act, which President Bush to date has just provide lip service and no funding for, in terms of really providing assistance for education.

The other item for your information, Commissioners, is that on March 26th, the New Mexico Association of Counties is having the commissioner affiliate meeting. That affiliate meeting will be in Albuquerque again. That's Friday, March 26th from ten to noon, for all County Commissioners.

And then I just wanted to pass on some information that I received from the National Association of Counties regarding some upcoming smoke-free county challenge and Cover the Uninsured Week which is coming up and maybe we could take a look at providing resolutions. [Exhibit 1] Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, a little follow-up on Commissioner Montoya on the National Association of Counties which I attended this last February along with Commissioner Montoya. I was appointed to the Agricultural and Rural Affairs Steering Committee. We passed a resolution in support of the National Farm Animal Identification and Tracking System. With the recent outbreak of mad cow disease in Washington State, it is clear that we must have a national animal ID tracking system. A highly contagious disease such as foot and mouth could have huge effects on livestock prices. However, if we have the ability to track and trace and quarantine these animals, we could limit their danger. So we've passed that resolution.

We also, Commissioner Montoya mentioned that we met with Congressman Udall's staff, Michael Collins and United States Senator Jeff Bingaman's staff, Daniel Albert, and we talked to him about this, asking him if the delegation could support this farm animal identification tracking system. And we also talked to them about some affordable housing issues, community health issues from Santa Fe County, the mobile health care van, the youth development facility, and Home for Good. The Santa Fe County staff is going to be meeting with the congressional staff here monthly.

Mr. Chair, I'd also like to recognize some new employees to Santa Fe County. Public

Works Department is Kenny Trujillo. From PFMD, Scott Rivers, from the Assessor's, William McGran. From the Sheriff, Gerald Lovato. And Corrections is Bertha Baca and Chris Sanchez. Welcome to Santa Fe County and Mr. Chair, thank you.

CHAIRMAN CAMPOS: Thank you, sir. Anybody else? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. A couple of brief items. Number one, I'd like to ask Gerald and Steve Ross if the staff would put together some language for either a resolution or an ordinance, whichever you think is more appropriate, regarding exempt employee contracts referencing employment with entities that they may have regulated during their employ with Santa Fe County. I think we need to get this issue out and set some policy with regard to that. That's come up here recently with regard to the water department.

Secondly, at our last meeting, there was some discussion regarding the water conservation ordinance that the County has and I believe the chairman asked for the staff to look into whether those water restrictions applied in the two-mile zone, whether that was considered zoning or whether that was considered a development permit issue that our regulations would apply there. Have we made any progress on that?

MR. GONZALEZ: Other than internal staff discussions, not to this point, Mr. Chair. We'll have to bring that back. But we have had some peripheral staff discussions about that issue and the other issues that were discussed also with respect to the well monitoring, the metering and so forth.

COMMISSIONER SULLIVAN: I think that's an important issue. We need to decide if it needs to be brought to the EZ or whether it can be enforced in the two-mile zone or not. So I'd like either to continue to pursue that if you would. Another item I wanted to bring to the public's attention was that the Vista Grande Library in the Eldorado area is having a dedication ceremony this Friday, March 12, 2004, starting at 2:30 pm. They have a new addition to that library, which the County has participated in as you know, and there is also a new children's room called the Irene S. Peck Children's Room, named after Ms. Peck, who is the mother of Jim Peck, who is a former president of the library board and a very active supporter and donor to the Vista Grande Library. So you're all, and any of the public and any of the Commission of course is invited to attend that dedication ceremony.

And then finally, we learned this weekend that one of our representatives, Max Coll, is retiring at the age of 71 and he has been for Santa Fe County just a tremendous resource in helping the County with programs such as our senior centers and community centers and library and road programs and other funding that he has helped the County get and been very supportive of County issues. So we're sorry to see him leave but I personally wish him well. Many of his constituents are my constituents in District 5 and I certainly, and I'm sure the Commission wishes him well in his retirement and we look forward to working with whoever the new representative will be, but we certainly want to acknowledge him as being a real partner for Santa Fe County. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Commissioner Montoya, you have

one more item?

COMMISSIONER DURAN: I just have one more. I got a call from the person that was the successful bidder in the County economic development park. And because we have been negotiating or discussing possibly entering into a lease with Whirling Rainbow Productions the effort to plan that park has been put on the back burner. I don't think that was a Commission decision, so I would like for the Commission to give that some thought and give staff direction on how we want to proceed with this. My thought is that independent of whether or not we work something out with Whirling Rainbow Productions, the balance of that park and how this entity works within the planning process or the long-range goals for that park need to be decided. And if we put the RFP out, have a successful bidder, my thought is that we need to give staff direction to move forward with that, knowing that we may negotiate something with these people, with this company, Whirling Rainbow. What do you all think?

CHAIRMAN CAMPOS: I would like to have some input from staff.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Duran, I'd like to see the Whirling Rainbow continue and that the - what did you call the people that were -

COMMISSIONER DURAN: Well, the successful bidder on that RFP.

COMMISSIONER ANAYA: On the planning of the park?

COMMISSIONER DURAN: Right.

COMMISSIONER ANAYA: That they work together, or not really work together, well, work together so that we can come up - there's still another how many acres left that we need to develop. This shouldn't stop them. They should work together and we should make this whole business park a whole.

COMMISSIONER DURAN: Right. I guess what I'm saying is I think staff has had the thought, correct me if I'm wrong, Gerald, but my understanding is that staff has not hired the successful bidder since Whirling Rainbow has come on board as a potential lessee. And my thought is that I think they go together. I think we work with Whirling Rainbow and we plan the balance of the park. Or even we have to plan the park.

COMMISSIONER ANAYA: I agree with you.

CHAIRMAN CAMPOS: My initial gut reaction would be I disagree. I think this is such a big project, Whirling Rainbow, is that it changes the dynamic out there. If staff is hesitating and looking at this from a different perspective because of that opportunity I would be hesitant too. I might save us some money. Eventually we may have to do a much smaller park.

COMMISSIONER DURAN: We have 80 acres out there. Whirling Rainbow is going to take 25 of them. What are you going to do with the other part?

CHAIRMAN CAMPOS: I think I would like to have input from staff on that.

COMMISSIONER DURAN: Well, that's what I'm asking you. You made the decision without staff's input.

CHAIRMAN CAMPOS: I just told you what my gut reaction if I had to say something right now that would be it.

COMMISSIONER DURAN: I think that the planning process has to take place, whether Whirling Rainbow comes forward or not. It would be wonderful if they came on board

but I think that the planning process needs to start. We've already waited eight years for it.

COMMISSIONER ANAYA: Mr. Chair, I agree. I think that we should just move forward. Go with the RFP, include Whirling Rainbows buildings and let's work around them and make it work.

CHAIRMAN CAMPOS: Comment from Mr. Gonzalez?

MR. GONZALEZ: Mr. Chair, members of the Commission, I think the hesitation on staff's part was because the initial Whirling Rainbow proposal was for a total of approximately 42 of the 65 acres that we actually have out there. So because that was taking 2/3 of that, I think the concern on staff's side was that if we started up the contract too quickly and this became the dominant feature of the park that we might prematurely get into the planning phase and wouldn't be making the most efficient use of the money in the contract. But I think if the desire of the Commission is to move forward with both at the same time we can do that, recognizing of course that what we're going to be working with is roughly about one-third of the remainder of the park for development purposes.

Our thought had been at the staff level, because this is going to shape the park, why not bring on the contractor to complete the development once we know what it's going to look like.

COMMISSIONER DURAN: The last e-mail I got said they wanted 25 acres. I got that e-mail today.

MR. GONZALEZ: I'd be glad to take that into account. I don't have any problem with moving forward with the contractor. All I'm saying is that's the reason why staff had hesitated.

COMMISSIONER ANAYA: Mr. Chair. Okay, now that changes my opinion. If they're going to use the majority of the park, then I don't see hiring the, going out with the RFP to do the rest of the 20 acres. Now, if they're going to do 20 acres and then there's another 40 acres left, then I see us working together with them. But if there's only going to be 20 acres left, then I don't see that. Do you see where I'm coming from, Gerald?

MR. GONZALEZ: Sure. And on the staff side, we just wanted to make sure that we used the money in the best way that we can for the County.

COMMISSIONER ANAYA: Okay.

CHAIRMAN CAMPOS: We could be wasting \$50,000. If we're patient for another couple of weeks, I think this will play itself out.

COMMISSIONER DURAN: Okay, I'll back off.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Just to chime in on that, I did meet with Ms. Johnson last Thursday. The acreage that she presented to me was 30 acres that she wanted and it seems to change from 42 to 25 to 30 and the financing of course was still an issue which we'll be discussing as we move forward. I do think we can hold off for a couple of weeks until this issue goes one way or the other. But even if it were to go forward, I think we ought to consider perhaps amending the contract, but the question is, if there's 35 acres left, what do you do with the rest of the property? How does Whirling Rainbow, if that does go forward, fit

into the rest of the property? Do they take the property in the front? Do they take the property in the back? I understand that they're talking about the property in the back because that has a slope that their higher building wouldn't be visually such a problem. So maybe we would have parcels in the front that might be more commercially viable for the front. So that could work. So I see the role of this economic person. It may change and the scope of that contract may change if Whirling Rainbow gets off the ground. But I think ultimately we're still going to need someone to work with Whirling Rainbow as it moves forward and at that same time, plan the rest of the business park.

COMMISSIONER DURAN: Well, Mr. Chair, would you mind asking staff to at least contact the successful bidder of that RFP and let them know what's happening. The information that I get is they have no idea why. I think it would just be a matter of courtesy to let them know what we're involved in. And just let them know.

CHAIRMAN CAMPOS: I think that would be appropriate, Mr. Gonzalez.

MR. GONZALEZ: I think that wouldn't be a problem to just go ahead and move forward with the award and just indicate to them what the status is that we want to just make sure the dust settles before we actually have them wade into the project. That's fine.

CHAIRMAN CAMPOS: So if you award, can you amend later?

MR. GONZALEZ: We can do an amendment. We're allowed to amend it and if it looks like the shape of the project has changed I think we can do that in a way that works. That was the only -

COMMISSIONER DURAN: I didn't mean award it. All I really wanted was for them to be made aware of what we're dealing with.

CHAIRMAN CAMPOS: Just a call from you saying, This is the situation. This is why we have not awarded. It may be a few weeks before we do so.

MR. GONZALEZ: I'd be glad to do that. That's no problem at all.

COMMISSIONER DURAN: Thank you, Mr. Chair. I don't have anything else.

COMMISSIONER MONTOYA: Mr. Chair, just quickly. On March 30th I will be en route to Washington, DC to participate in a Senate hearing on the 31st, so I will not be at the Commission meeting on the 30th. I just wanted to inform you all of that.

COMMISSIONER DURAN: Who's going to be your replacement?

COMMISSIONER MONTOYA: I'll give you my proxy.

COMMISSIONER DURAN: All right. You heard it.

COMMISSIONER MONTOYA: Then, Commissioners, something I forgot to mention, the Pojoaque Elkettes and the Pojoaque Elks are going to be playing in the semi-finals of the state tournament and I just want to wish them the best and hope they will bring back a couple of state championships to the Pojoaque Valley.

IX. Presentations

A. Presentation on Upcoming Labor Negotiations

JEREMY GARCIA (Deputy Sheriff): Thank you, Mr. Chair. My name is Jeremy Garcia. I am the current president of the Santa Fe County Deputy Sheriffs Association.

CHAIRMAN CAMPOS: How long do you think your presentation will take?

MR. GARCIA: Probably going to take about ten minutes.

CHAIRMAN CAMPOS: I've read your presentation. I know that it comes down to some conclusions.

MR. GARCIA: Right.

CHAIRMAN CAMPOS: Can you do it in about five?

MR. GARCIA: Yes.

CHAIRMAN CAMPOS: Because I think I understand what your conclusions are and I think we've had this discussion before last year. I understand what the problem is.

MR. GARCIA: Yes, it all comes down to the basic history of I guess what's happened with the Sheriff's Department over the last few administrations. It all started with Sheriff Benjie Montano, Sheriff Ray Sisneros and then currently, under Sheriff Greg Solano who kind of inherited this problem. The problem, I've given a packet to all the Commissioners. I've met with some of you guys and I would like the opportunity to try to meet with the others if you have some questions about the presentation the Deputy Sheriffs Association has.

Basically, it all comes down to deputies leaving. This has been a constant and continuing problem with the Sheriff's Department. Ever since the Sheriff's Department started or going back to Sheriff Benjie Montano we've had this problem. A recent survey showed that we've had just about 70 people leave over the last decade. That's a tremendous number. That duplicates the entire department twice over just about. Leading on to other facts, the fact is there and it's quite clear, if you look into other salaries with other comparable departments, we're on a lower side. We're just about the lowest paid, going into region-wide, regionally, we're the lowest paid law enforcement department.

We checked around with Rio Arriba, with a few other agencies and we're actually lower than they are in some conclusions. As far as that problem brings to the history of the department, right now, deputies who don't become supervisors, they go up to the rank of Deputy II. We have five Deputy IIs, who have over ten years of experience with the County right now. That's a low number. That means that there's five deputies out there who we consider our most experienced people. Only five people out of all the deputies. The rest of the people that have been here who are longer than ten years are supervisors, which has probably been the reason we've been successful as an agency.

Moving on further, we've only had six people in the history of the Sheriff's Department to even retire from this agency. Six people. That's not a high number considering other local agencies, the Santa Fe Police Department. They've probably had six people retire in the last few years. So these people are leaving. It's clear that there are people who are leaving every year. And I know we come up here every year, like you mentioned before. This has been the

same song and dance that's being presented the last few years. The problem is the history continues. It continues and now you, as a Commission have a vital opportunity to go ahead and try to bring a close to this chapter, this history.

Sheriff Solano has been wonderful up to this point. He's backed us on this and he would like to continue doing this so we can bring the Sheriff's Department into the new century. So we can bring it up to date. So we can keep people employed by the Santa Fe County Sheriff's County, not just lose people. In 2003 to 2004, I'd say we've lost - there have been four deputies that I've counted that have left the department for other agencies. Two of them have gone to the Santa Fe Police Department. One of them has gone recently to the Los Alamos County Police Department, and one of them went to the Corporation Commission to become a special agent there.

But these four people, it's going to continue happening unless we do something. Our lowest paid people, \$14.89 an hour, they're still there. There's 13 of them right now that are getting paid \$14.89 an hour. Comparable, they can leave to other agencies and take quite a big jump. Sheriff Solano needs to be competitive and in order for the department to thrive, we need to be competitive with other agencies. That's all we're asking for. I would challenge you as Commissioners to basically just keep yourself informed with this upcoming negotiations. Negotiations with the County start tomorrow. We're really actually optimistic about it. We have a lot of confidence in the people that the County has chosen to negotiate, that we're going to be negotiating with. We think that they have the same vision for the department as we do. We would just ask you guys to basically keep yourselves informed about what's going on with the progress in negotiations.

With that in mind, I think that we can come to a clear - and maybe close that history, that chapter with the Sheriff's Department. Because those numbers are frightening. To think that we're losing people and we can't compete. We can't hire other people. The problem that we have is - our last deputy who left, Edward Chavez, he had just about nine years of experience with the department, we probably sent him to every training class that you can think of. Right now, all that training is being used up in Los Alamos. For us to hire another Edward Chavez, we can't do it with the salaries we pay. There is no way we can hire another Edward Chavez.

CHAIRMAN CAMPOS: Mr. Garcia though, you have to recognize that there has been a lot of progress made in the last three years, with benefits and salaries and our attempt to deal with that issue. That's what we've been dealing with for three years, and there's been a tremendous amount of progress. That has to be noted also.

MR. GARCIA: Right. We do note that and we appreciate that, Mr. Chair. We do know that you guys have gone out of your way to go ahead and do that. And we do know that the pie is small. Santa Fe County, there's a lot of other stuff that is going on right now. Water rights, obviously, the first part of the meeting had to do with nothing but that. We understand that there's other sections of this pie. The problem that we're having is again, we're just continually seeing people leaving. Part of the problem is as our salaries go up, surrounding agencies, in order to compete, they go up. The problem is is we've never caught up with them.

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I understand that we may never do that. But we do need to be competitive with these other agencies so we can keep our people and if not just keep them, bring some other experienced people back into our agency so we can have that experience. It's important in this line of work. I don't know if you have any other questions for me. If not, really that's about it. I just wanted to bring you – like I said, it was going to be real brief. I just wanted to bring these points to your light.

CHAIRMAN CAMPOS: Thank you, Mr. Garcia.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Mr. Garcia, thanks for bringing the presentation forward. This is good. I know that this was a problem when I first got into the County Commission and I'd like to see, Helen, when you guys sit down and negotiate, really talk about this. This is a serious issue because there's only been five people that have retired in the last ten years from the Sheriff's Department. That's not a good number. I think people should come to Santa Fe County and stick around and not leave. I think we need to at least pay them what our neighbors are getting paid so that we're not losing those professionals. And I know Edward Chavez. Very good sheriff and it was sad to see him leave. So I definitely want to see you guys try to come up with something that will work so we won't lose these fine deputies. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you. Thank you, Mr. Garcia.

MR. GARCIA: Thank you. And again, we do want to thank you for the progress that we have made. We do understand that the Commission went out of their way at the last negotiation to come up with a better pay plan for us and we appreciate that fact. We do understand it continues and that's why we're here today. Thank you.

XI. Consent Calendar

- A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #24-45 Printing and Mailing of the 2004 Notice of Valuation Forms (Assessor's Office)**
- C. Request Authorization to Enter into a Professional Services Agreement with the Highest Rated Offeror in Response to RFP #24-35 Evaluator for Home for Good Project, Community and Family Services Inc. \$28,300 (Community, Health & Development Department)**
- D. Request Authorization to Enter into a Professional Services Agreement with the Highest Rated Offeror in Response to RFP #24-37 Community Training and Supervision for Home for Good Project, Life Link Training Institute \$20,461 (Community, Health & Development Department)**

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F. Request Approval of Amendment #1 to the Following Multiple Source Price Agreements for Construction Materials for Santa Fe County:

1. #23-0146-PW with Española Mercantile Co.
2. #23-0147-PW with Moriarty Concrete
3. #2300148-PW with LaFarge Southwest, Inc.
4. #23-0149-PW with Santa Fe Aggregate, LLC
5. #23-0150-PW with Contech Construction Products, Inc.
6. #23-0151-PW with J-H Supply, Inc. (Public Works Department)

CHAIRMAN CAMPOS: Is there a motion to approve the Consent Calendar?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve the Consent Calendar passed by unanimous [5-0] voice vote.

XII. Staff and Elected Officials' Items

A. Administrative Services Department

1. **Request Approval for a Fifteen (15) Day Extension of Military Leave for Employees on Active Military Duty**

CHAIRMAN CAMPOS: Do we need any discussion on that?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Just had one question. I got a call from a lady whose husband is on this leave and Helen, your memorandum indicates there's one employee that is currently serving and would be affected by this, and she seemed to think there were more than that that still hadn't come back from service overseas. Is one correct?

HELEN QUINTANA (Personnel Director): No, Mr. Chair, Commissioner Sullivan, there are actually three employees in active service right now.

COMMISSIONER SULLIVAN: Okay. I just wanted to be sure the Commission was aware of that. Thank you, Mr. Chair.

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

XII. B. Community, Health & Development Department

- 1. Approval of Request for a 1.0 Full Time Employee (FTE) for the CARE Connection Facility Manager**
- 2. Resolution No. 2004-35. A Resolution Adjusting the Budget for the DWI Detoxification Grant #04-X-I-G-27 Supporting a Full Time Employee for the CARE Connection**

CHAIRMAN CAMPOS: Mr. Anaya, are items 1 and 2 connected?

MR. ANAYA: Mr. Chair, Commissioners, yes.

CHAIRMAN CAMPOS: We need to be brief. I don't know if there are any problems here.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Are there any questions? Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Is there discussion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: This is for another FTE and my question, I guess to staff is why is this not coming up during the budget process as opposed to separate from the budget process? Gerald, or Robert?

MR. ANAYA: Mr. Chair, Commissioner Sullivan, throughout the process of the CARE Connection over the last four years now we've had discussions and brought forth to the Commission that it was our desire to bring forward a position to the Commission when we felt it was appropriate given the workload and requirements of the CARE Connection screening assessment piece as well as sobering center piece, so this request is pursuant to other recommendations that we've brought to this Commission that have brought us to this point. And so I would stand for any additional questions.

COMMISSIONER SULLIVAN: Gerald, did you want to comment on this? Why wouldn't these FTE requests from forward during the budget process? We're just now going into the budget process, are we not?

MR. GONZALEZ: We're just beginning the budget process for fiscal year 2005. But I think that we have not anticipated them at the time that the budget for the current fiscal year was formulated. That was in part because if you recall, that was the period where we were in the process of acquiring the old magistrate building and things were still kind of in flux. So it wasn't clear to us exactly where we were headed for with the budget, this portion of the budget at that time.

COMMISSIONER SULLIVAN: I just wanted to point out that in the memorandum from the staff it says plans are in motion for phase 2 detoxification center of the CARE Connection. This is an item I brought up at the last meeting and I'm not going to rehash it again this time but I just wanted the Commission to know that I have asked the staff to put

that on the agenda for our administrative meeting at the end of the month for a report on where we are on the detoxification center because it sounds like it's kind of up in the air and we may need to bring it down to the table.

MR. GONZALEZ: I think there's some useful information that we can bring back to the Commission at that time for the discussion. Thank you, Mr. Chair, Commissioner Sullivan.

The motion to approve the request for an FTE passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

COMMISSIONER ANAYA: Move for approval of XII. B. 2.

COMMISSIONER MONTOYA: Second.

The motion to approve Resolution 2004-35 passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XII. F. Matters from the County Manager

MR. GONZALEZ: Mr. Chair, members of the Commission, just a couple of quick items before we move on to Matters from the County Attorney. The trip to DC that was referred to by Commissioner Montoya in conjunction with the proposed settlement of Aamodt and as I understand it, things have developed rather quickly with respect to the appropriation for funding for that settlement and there's a requirement to have testimony presented before the Senate Water and Conservation Committee. The mark-up of that bill will then take place right on the heels of the presentation of that ceremony. As I understand it, there were specific slots that were assigned for participants in the Aamodt settlement to present that testimony.

Since Commissioner Montoya's district is the one that really encompasses the Aamodt settlement that's why the suggestion was made that he be the person to present the testimony at that time on behalf of the County. So that's what that trip is. And then I just wanted to remind the Commissioners that we're at the point where it's time to do the semi-annual adult facility inspection because we do have to do a semi-annual report to the court that reflects that the Commissioners have in fact physically inspected the adult facility. That's all I have, Mr. Chair.

CHAIRMAN CAMPOS: Thank you.

XII. G. Matters from the County Attorney

1. Executive Session

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

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

CHAIRMAN CAMPOS: We have public hearings starting at 6:00. Is that right, Mr. Gonzalez?

MR. GONZALEZ: That's correct, and before we get there, I just wanted to flag for the Commission that we have had a belated request with respect to the last item also, item number 8, that that be tabled. So assuming tabling, we now have a total of four items for the land use portion of this meeting.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Is it going to take that long in executive session?

CHAIRMAN CAMPOS: I understand it may be lengthy. I talked to Mr. Ross. It may be very detailed.

COMMISSIONER ANAYA: Okay. Thank you.

[The Commission met in executive session from 4:35 to 6:35.]

Commissioner Anaya moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The motion passed by unanimous [5-0] voice vote.

XIII. Public Hearings

A. Land Use Department

- 1. Ordinance No. 2004-__ . An Ordinance Amending Ordinance No. 1996-16, of the Santa Fe County Land Development Code (Ordinance No. 1996-10) to Amend the Village of Agua Fria**

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**Traditional Historic Community Boundary and Traditional
Community Zoning District Map. Robert Griego (First Public
Hearing) [Slide Show attached as Exhibit 2]**

ROBERT GRIEGO (Planner): Mr. Chair, Commissioners, this is the first of two required public hearings for the proposed traditional historic community boundary amendment and traditional community zoning district boundary amendment. For this public hearing I will present a brief history of the THC, the process and proposed amendments.

CHAIRMAN CAMPOS: Mr. Griego, could you also at some point address why we're doing this and what the public interest is involved?

MR. GRIEGO: Yes, Mr. Chair. That would be the process that's going to be involved. The map is Exhibit A and that's a part of your packet. There's also this larger map over here and there's some maps in back for the public if the public would like to look at some maps. At the conclusion of my presentation, we'll have a GIS map on the screen and I will be able to entertain any questions from the Board.

In regard to the history of the traditional historic community, Ordinance 1995-8 declared the Village of Agua Fria to be traditional historic community. Under state law, the Board of County Commissioners in the county of the petitioning village or community may declare by ordinance that a village or community is a traditional historic community upon petition by 25 percent or more of the registered qualified electors of the territory requesting the designation. The traditional historic community designation accomplishes two main purposes. Any village or community that is declared a traditional historic community shall be excluded from the Extraterritorial Zone and Extraterritorial Zoning Authority and shall be subject to the zoning jurisdiction of the County. A traditional historic community may be annexed by a municipality only by petition of a majority of the registered qualified electors of the territory within the traditional historic community proposed to be annexed.

The original traditional historic community boundaries were amended through Ordinance 1996-16. The boundary was originally from the city limits on the east to the 599, all the way to Airport Road and Cerrillos Road to the south of the boundary. In 1996 they were amended to the Santa Fe River to the north, to Lopez Lane and properties adjacent to the city to Las Acequias Subdivision on the western boundary, Rufina Street on the southern boundary, and Henry Lynch on the east. There were properties north of the Santa Fe River which were also included as part of the traditional historic community.

As far as the planning process, the Agua Fria Planning Committee was established by the Board. They were authorized to initiate a planning process to prepare a community plan consistent with the Community Planning Ordinance, and the initial planning boundaries were identified as the Agua Fria traditional historic community boundary. The ordinance, 2002-3 authorizes the boundary to be amended through the planning process. One of the initial issues of the Agua Fria community was the boundary issues. So the Village of Agua Fria Planning Committee established a boundary subcommittee to look at some of this, to review the issues regarding that. They reviewed the THC boundary history and they identified issues, including

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the 1996 boundary amendment excluded public land identified by community members as part of the Village of Agua Fria.

They also identified map errors and they identified that no boundary description or survey was created through the boundary amendment. The Village of Agua Fria boundary subcommittee proposed THC changes to include public land adjacent to the traditional historic community, to correct map errors and to provide a written description of the traditional historic community boundary and to avoid overlapping jurisdictions with the City. That was one of the issues, that there was overlapping jurisdictions with the traditional historic community and the city of Santa Fe, which we'll get into a little bit later.

As far as the Agua Fria traditional historic community amendment process, the boundary subcommittee made recommendations to the planning committee. The planning committee reached a consensus in regard to the proposed changes. The community was notified of the proposed changes and the community meeting was held earlier this year. The community was in approval and reached consensus on that as well. The Agua Fria Development Review Committee unanimously recommend approval February 12th and the next step in the amendment process is the two public hearings before this Board.

The specific proposed boundary amendments include the following: The inclusion of Agua Fria Community Park, the inclusion of El Cemeterio de Agua Fria, the inclusion of public land adjacent to the THC, including the San Ysidro River Park and public land adjacent to Santa Fe River that the County has purchased, and also land that is currently under the jurisdiction of the Bureau of Land Management. There are also corrections to the map that the community is proposing to adjust the boundary to coincide with updated parcel. When the boundary was originally made the parcel data was off and so we've corrected some of that parcel data and we'd like to adjust the boundary to coincide with that. Also to adjust the boundary to avoid overlapping jurisdictions with the City of Santa Fe along both Rufina and Henry Lynch Road.

Finally, the Agua Fria Community zoning district map, the traditional community zoning districts were created as part of the 1980 general plan. The Agua Fria traditional community zoning district map is overlaid on the traditional historic community map and we've also identified errors where it overlaps with the city of Santa Fe and it overlaps with the Extraterritorial Zoning Authority. The proposed amendment would be to adjust the Agua Fria traditional community zoning district map to coincide with Santa Fe County's jurisdiction.

Finally, I guess if we could get the map on the screen, GIS coordinators back there working on that. I'll stand for questions from the Board as he's pulling that up. So what you see on the screen there is the proposed amended boundaries including the properties that I spoke of. To the western boundary there, the far west is the BLM property. The County's community park is adjacent to that and the cemetery is the most northwestern piece there. The Santa Fe River is outlined in blue on that map and the property would include, the amendment would include the adjustments along there.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Robert, you said that you had an approval before the Agua Fria Community Association?

MR. GRIEGO: Mr. Chair, Commissioner Anaya, the Agua Fria Planning Committee, reached consensus to propose these boundaries. The Agua Fria Planning Committee, established by the Board.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN CAMPOS: A question. The Henry Lynch Road extension, what additional properties are you adding at that site?

MR. GRIEGO: Mr. Chair, we're not adding any properties along Henry Lynch. All we're doing, along Henry Lynch Road, the boundary was along Henry Lynch and actually the boundary overlapped with the City of Santa Fe. The City of Santa Fe owns – you can see the gray area there, the City of Santa Fe has jurisdiction – the gray area is the City of Santa Fe boundary. Adjacent to that, the City has right-of-way, so we are adjusting the boundary to move it to the edge of the City's right-of-way, so we don't overlap with the City's boundaries. So we're not adding any properties, we're only adjusting our boundaries to coincide with the City of Santa Fe's boundary.

CHAIRMAN CAMPOS: Why are you adding the BLM land?

MR. GRIEGO: Yes, Mr. Chair. The planning committee wanted to bring in the public land that was adjacent to the village that was originally part of the traditional historic community. So we met with BLM staff and at this point we have not received any opposition to that plan but the reason was that the community wanted to be able to plan for the entire river. The County would have – right now, the Agua Fria traditional historic community, the river would be entirely within the traditional historic community.

CHAIRMAN CAMPOS: And they want to control the planning on the Santa Fe River?

MR. GRIEGO: The Santa Fe River is important to the village so that is a planning element that the community is interested in planning for. For instance, the planning committee has applied with the County – the planning committee initiated a scenic byways grant for that stretch of the river in order to plan, to create a plan for the river.

CHAIRMAN CAMPOS: Did the County lose any jurisdiction to the traditional historic community?

MR. GRIEGO: No, this proposal would put the property that was now outside of the County's jurisdiction into the County's jurisdiction. If the property is currently in the Extraterritorial Zoning Authority, this proposal would bring those properties into the County's jurisdiction.

CHAIRMAN CAMPOS: Is there competition between the County's jurisdiction and the traditional village's jurisdiction?

MR. GRIEGO: I'm sorry, Mr. Chair, I'm not sure that I'm following you. This proposal is from the planning committee, which is established by this Board to plan for the community planning area in accordance with the County's growth management plan and the County's community planning ordinance, so it's under the jurisdiction of the County.

CHAIRMAN CAMPOS: Okay. Any other questions? Commissioner Sullivan

COMMISSIONER SULLIVAN: Robert, in the map that's in our packet as Exhibit A, it doesn't look like the map in the presentation here. Maybe you can explain it to me. The brown shaded area, is that the existing community boundary?

MR. GRIEGO: Are you talking about the map that's in your packet? It's the same as this map right here and if you don't mind, I'll step over to this map.

COMMISSIONER SULLIVAN: Right. I'm seeing, if you look - okay, tell me what -

MR. GRIEGO: The brown area is the traditional historic community boundary.

COMMISSIONER SULLIVAN: Okay, and then the red outline which is not shaded is where you plan to expand it to.

MR. GRIEGO: That is correct, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay.

MR. GRIEGO: Additionally, if we could get the traditional community zoning district.

COMMISSIONER SULLIVAN: You can go back to that one that was just on the slide. That helps me, because that shows the existing one and then it shows in pink shaded the additions that you're making. So now I understand that that long finger that you're adding out there, what's the purpose of that?

MR. GRIEGO: Mr. Chair, Commissioner Sullivan, the Agua Fria traditional historic community, when the boundaries were shrunk from 1995 to 1996, the language in the ordinance allowed property owners outside of but contiguous to the boundaries to request inclusion into the traditional historic community. That property owner requested inclusion into the traditional historic community. And so that's the long finger that you see there, that's what that is.

COMMISSIONER SULLIVAN: That's all one property owner?

MR. GRIEGO: It's all one property owner. It's a long, skinny lot.

COMMISSIONER SULLIVAN: And do we feel that's in the best interest of the planning process to have that big long finger going all the way out to - is that West Alameda out there? We feel that's a good planning concept?

MR. GRIEGO: Mr. Chair, Commissioner Sullivan, it's a long, skinny lot and the issue there though is that the Board approved that lot to be included into the THC. So the committee looked at that and recognized that that was a part of the THC because the Board approved it as such.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: When did the Board approve - I'm looking at this map here and the dark color is what we approved years ago as the traditional boundaries. I don't understand what you just said.

MR. GRIEGO: I guess I can read from the ordinance and then maybe that will

help.

COMMISSIONER DURAN: Before you do that, in the traditional community, you can have $\frac{3}{4}$ acre lots. Is that the reason for this individual wanting that long piece? It doesn't make sense to me to let a long, skinny piece be included in the traditional community just because they want – what planning principles have you applied to recommending that that's something we should consider?

MR. GRIEGO: Mr. Chair, Commissioner, I'd like to first clarify a couple things. The traditional community zoning district is the one that contains three-quarter acre zoning. The traditional historic community only designates that and takes it out of the Extraterritorial Zoning Authority and places it in County jurisdiction. The County jurisdiction does not have – the traditional community zoning district, if you look on the map, there is the area that is hatched. Maybe we could just show that by itself. The traditional historic community zoning district is the area there in blue on you screen. The traditional historic community, maybe we can put that on, would be that entire area. So the red area does not convey zoning; it is only a designation.

COMMISSIONER DURAN: So the zoning stays the same only in the first map? That map, right? Three-quarter acre lots are allowed in that particular area.

MR. GRIEGO: That is the traditional community zoning district. That is correct.

COMMISSIONER DURAN: So we've got the answer to that question. The other question I have is what planning principles have you applied to allowing that little sliver or land to be included in the planning area?

MR. GRIEGO: Mr. Chair, Commissioners, the Board of County Commissioners allowed that property to come into the traditional historic community.

COMMISSIONER DURAN: When did we do that? Does it show up on that map there?

MR. GRIEGO: It shows up not in brown. And I just want to – maybe I can talk a little bit about that process again. In 1995 when the boundaries were larger, the boundaries shrunk in 1996 and at that time, the ordinance, 1996-16 stated, "Owners of property outside of but contiguous to the boundaries in the traditional historic community may request inclusion into the traditional historic community." Mr. Montoya, the owner of that property came to the Board and requested inclusion. The Board granted him that inclusion into the traditional historic community. So that's what the map reflects.

COMMISSIONER DURAN: So there were no planning principles applied. It was at the request of the property owner.

MR. GRIEGO: Yes, that is correct, at the request of the property owner and approval of the Board.

COMMISSIONER DURAN: Okay.

CHAIRMAN CAMPOS: Any other questions? Public hearing. Anyone in the public like to comment on the proposed amendment? Okay, no one coming forward. The public hearing is closed. This is the first. We'll have a second when, Mr. Griego? Thirty days?

MR. GRIEGO: If there's a - we would put it on the April 13th schedule.

COMMISSIONER DURAN: Mr. Chair, I just want to - Mr. Griego, could you just help me, could you find out from the property owner why - to what advantage it is to him to have it included? I'm having a hard time figuring out how a small little sliver of land like that - I'm having a hard time understanding why they wouldn't want to have that included in the traditional area. And for purposes of planning this community, how can we plan some 100-foot piece of land out there. I need some help getting my head around that if you can help me. You can do that at the next meeting.

MR. GRIEGO: I can get it at the next meeting. I just wanted to bring up again the language that allowed the property owner to come in -

COMMISSIONER DURAN: That wasn't my question. I'm just trying to find out why they would want to do that.

MR. GRIEGO: Well, other properties, through the community planning meetings we've identified other property owners who want to come in and reasons for that include them not wanting to be annexed by the City of Santa Fe. This designation does prevent them from being annexed by the City of Santa Fe.

COMMISSIONER DURAN: And that in your opinion, in the Planning Department's opinion is good enough reason to not allow them to have - that's a good enough reason to do it that way?

MR. GRIEGO: From a planning perspective, Mr. Chair, Commissioner Duran, it might be a good idea to include a little bit of a larger area. Maybe to have the northern boundary as West Alameda. However, right now the planning committee was only looking at bringing the public land back into the traditional historic community.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Thank you, Mr. Griego.

- XIII. A. 3. CDRC CASE #V 03-5880 - Eldorado Community Sign Variance. Eldorado Community Improvement Association (Frank Schober), Applicant, Request a Variance of Article VIII, Section 7.15a (Off Site Advertising or Billboards) of the Land Development Code to Allow a 4' by 6' Sign for the ECIA. The Property is Located at the Intersection of Avenida Vista Grande, and US 285, within Section 9, Township 15 North, Range 10 East (Commission District 5)**

DOMINIC GONZALES (Review Specialist): Thank you, Mr. Chair, Commissioners. My name is Dominic Gonzales, Development Review Specialist for the Santa Fe County Land Use Department. The Eldorado Community Improvement Association, Frank Schober, applicant, request a variance of Article VIII, Section 7.15a (Off-Site Advertising or Billboards) of the Land Development Code to allow a sign to advertise

information for the Eldorado Association Improvement Association.

On December 10, 2003, the CDRC met and acted upon this case. The decision of the CDRC was to recommend approval to allow a sign to advertise information for the Eldorado Community Improvement Association. The applicant is requesting a variance for an off-site business sign in order to advertise community information for the ECIA. The sign area is approximately 24 square feet, four feet by six feet, and is mounted on two wooded poles at a height of five feet on a ten-foot setback from the property line.

On December 10, 2003, the CDRC recommended approval to allow a sign to advertise information for the Eldorado Community Improvement Association with the condition that surrounding homeowner associations can utilize the sign for community purposes. Staff considers the requested variance to permit an off-site sign is reasonable for community purpose. Staff recommends approval of the variance.

CHAIRMAN CAMPOS: Mr. Gonzales, is there something in the statute for variance requirements that exempts community purpose explicitly? Or is that a staff policy division?

MR. ABEYTA: Mr. Chair, there is nothing in the ordinance, and we didn't think that the request was unreasonable. The sign section of the Code is outdated; it doesn't address community signs so we thought that we would be able to support the request for the variance.

CHAIRMAN CAMPOS: The ordinance itself doesn't allow that exception, correct?

MR. ABEYTA: That's correct.

CHAIRMAN CAMPOS: You're making a policy determination and you're recommending based on your policy.

MR. ABEYTA: We're making a recommendation because we think it's unreasonable to not allow a community to have a sign there. The more appropriate procedure would be to amend the sign section of the Code but this came before that so we brought it forward with a positive recommendation.

CHAIRMAN CAMPOS: Okay. Any questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Roman, on Exhibit F, you've got that diagram, and then on the bottom it says, election sign placement area. What is that?

MR. ABEYTA: Mr. Chair, on Exhibit F, I don't know what that is. This is what they submitted to us, what the applicant submitted to us as part of their proposal. I'm not sure that that is. Maybe Dominic knows what it is.

MR. GONZALES: Mr. Chair, it was my understanding that the Highway Department designated that certain area of right-of-way for the placement of election signs during elections and just allowing them there during election time. No other signs -

COMMISSIONER ANAYA: So we can put signs up there when we run for office.

MR. GONZALES: Mr. Chair, Commissioner Anaya, that's correct.

COMMISSIONER DURAN: Do you want me to make a note there for you, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Make a note of it.

COMMISSIONER ANAYA: We can put them there? Okay. Thank you.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On that same exhibit, what does the note mean, Sign to be addressed in condition number 1. I couldn't find a condition number 1.

MR. GONZALES: Mr. Chair, Commissioner Sullivan, condition number 1 was a CDRC condition. It because there was a survey made, I believe in 1984 or so. At that time the surveyor noticed a sign that was out there so he noted it on the plat. We did conduct a site visit to confirm that the sign was removed and it was removed. So that's no longer an issue with us.

COMMISSIONER SULLIVAN: Okay, so that sign is gone and they're proposing to replace it with the one where it says potential location of sign?

MR. GONZALES: Mr. Chair, Commissioner Sullivan, that sign is no longer there and the potential sign is where they're going to put the new one.

COMMISSIONER SULLIVAN: Right. The larger one. Because we did address an issue like this a while back when the 4-H Club wanted to put a sign out off the highway right-of-way but along the highway advising of the 4-H meetings. My recollection is that that was approved as a community sign, a community benefit. So what we're dealing with here in Exhibit F is just the sign that says Potential location of sign.

MR. GONZALES: Mr. Chair, that's correct. That's where they intend to put the sign.

COMMISSIONER SULLIVAN: That's where they intend to put it. Okay. Thank you.

CHAIRMAN CAMPOS: Okay, is the applicant here? Sir, would you step up.

FRANK SCHOBER: My name is Frank Schober. I am the secretary of the Eldorado Community Improvement Association and I'm here to answer you questions.

CHAIRMAN CAMPOS: You basically made the application, staff has granted what you've asked for.

MR. SCHOBER: That's correct.

CHAIRMAN CAMPOS: Any other statements you'd like to make?

MR. SCHOBER: Well, the sign will do some things beside say what meetings are occurring. We also hope that it can be used for community improvement in terms of slowing down traffic and getting better traffic behavior in that area, saving water, talking about fire danger, those kinds of things when it's not being used to advertise community meetings of various sorts. So it's a marquee type sign where the letters will change. It's not going to lighted. It's very much in the Santa Fe tradition, if you can say

that, of signs because it will fit with the architecture of the community.

CHAIRMAN CAMPOS: Are there any alternative means to communicate to the public, to the expected audience?

MR. SCHOBBER: Well, we publish a newsletter. You mean other means of telling people what's going on?

CHAIRMAN CAMPOS: Other than getting a variance for this sign?

MR. SCHOBBER: No, I don't think it will result in clutter of any sort in terms of being the only one on that road, other than the traffic signs. There is, as I think the Commissioners know, a ten percent factor that never gets the word no matter what you do in terms of putting out the word. It would just be one more means of trying to reduce that percentage, letting people know what's going on.

CHAIRMAN CAMPOS: Okay. Questions for Mr. Ross, our County Attorney. Mr. Abeyta is suggesting, I think that we amend the sign ordinance to allow for community signs. Can we do that? Treat community signs different from private signs and not get into legal problems?

MR. ROSS: Mr. Chair, I think I'd have to look at that in detail. There are first amendment considerations that attach to signs so where this could be rolled forward as a possible amendment, I would want to look at that in detail.

CHAIRMAN CAMPOS: Because I do have a question about that. And the other question is you're setting a precedent and you may not like what happens later. The more variances we grant the more people are coming in to ask for variances and this was designed to protect the community but you may just get more. Commissioner Duran, you had a question?

COMMISSIONER DURAN: Yes. I think this is a reasonable easing of the Code. So I move for approval. Have we had the public comment?

CHAIRMAN CAMPOS: Yes.

COMMISSIONER DURAN: I move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: There are no conditions, right?

MR. GONZALES: Mr. Chair, the condition was that it be also allowed for the other homeowners associations be allowed to use the sign also.

CHAIRMAN CAMPOS: Okay. There are no lights on the sign. That's a condition?

MR. GONZALES: Mr. Chair, that's correct.

CHAIRMAN CAMPOS: And it's restricted to relevant information about the community.

COMMISSIONER DURAN: My motion is with all recommendations by staff.

CHAIRMAN CAMPOS: Okay. Second?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I think that the location of this sign would only benefit the people that turn down Avenida Vista Grande. If you were to rethink it and maybe put it before the entrances then you would capture all the residents.

MR. SCHOBBER: The shopping center is really well used by the whole community. I think in terms of people slowing down, it would be less likely to slow down on 285 and more likely to slow down, it's just before the shopping center. Placement I think would be very good for getting the largest number of people.

COMMISSIONER ANAYA: Okay. Just thought I'd throw it out.

CHAIRMAN CAMPOS: One last thing I forgot to do is ask if there was anybody out there in the public who was opposed to this variance request. Okay, no one having indicated their opposition, there's a motion, a second.

The motion to allow the variance in CDRC Case #V 03-5880 passed by unanimous [5-0] voice vote.

- XIII. A. 5. **TDRS CASE # Z/DP 03-5800 – Glenn and Sandy Green Development Plan. Glen and Sandy Green, Applicants, Request Master Plan Zoning, Preliminary and Final Development Plan Approval for an Art Gallery in an Existing 1,165 Square Foot Heated Guest House on 0.751 Acres. The Property is Located at 136 Tesuque Village Road, Which is Off State Road 22 in the Traditional Community of Tesuque, within Section 25, Township 18 North, Range 9 East (Commission District 1)**

VICENTE ARCHULETA (Review Specialist): Thank you, Mr. Chair. My name is Vicente Archuleta. I'm a Development Review Specialist with Santa Fe County Land Use.

Glen and Sandy Green, applicants, request master plan zoning approval with preliminary and final development plan approval for an art gallery in an existing 1,165 square foot guest house on .751 acres. On February 19, 2004, the Tesuque Development Review Committee recommended approval subject to staff conditions. The applicant is requesting to utilize an existing 1,165 square foot guest house for the purpose of a commercial art gallery. No structural alterations or additions to the building are proposed. The lot size is .751 acres, more or less, and is located in the traditional village of Tesuque.

Ordinance No. 2000-13, Section 3.5.2 states Commercial uses must meet all rural character performance guidelines set forth in Section 3.3.1 of this ordinance. The proposal as outline below complies with guidelines of Section 3.3.1. The application was reviewed for the following: existing development, adjacent properties, access and parking, terrain management, water, liquid and solid waste, fire protection, landscaping, signage and lighting.

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Recommendation: Staff's position is that this application is in accordance with Article V, Section 5, Master Plan Procedures, and Article III, Section 4.4, Development Plan Procedures, and Article XIII, Section 3, Tesuque Community Planning District, of the County Land Development Code. Staff recommends approval of the master plan zoning and preliminary and final development plan approval for an art gallery in an existing 1,165 square foot structure on .751 acres subject to the following conditions. May I enter those into the record?

CHAIRMAN CAMPOS: They'll be entered.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Highway Department
 - e) County Hydrologist
 - f) Development Review Director/Technical Review
 - g) County Fire Marshal
 - h) County Public Works (Access Permit)
2. The master plan/development plan shall be recorded with the County Clerk's office.
3. All staff redlines will be addressed, original redlines will be returned with final plans.
4. Water use shall not exceed .25-acre feet per year. Annual water meter readings shall be submitted to the County Hydrologist by December 31st of each year. Water restrictive covenants shall be recorded with the master plan/development plan.
5. The applicant shall comply with all Fire Marshal requirements. The applicant shall request a final fire inspection prior to occupancy of the building.
6. Existing emergency access gate off of Bishop's Lodge Road shall be a minimum fourteen feet in width, shall be clearly identified, and have a Knox device installed.
7. Existing access road shall conform with minimum road standards.
8. The applicant shall submit a landscaping plan as required by Staff. If existing landscaping is not in conformance with standards, additional landscaping may be required.
9. All outside lighting on the property shall be shielded. The applicant shall submit cut-sheets for all outside lighting fixtures.
10. All improvements, including parking areas, fire protection and retention ponding, shall be in place prior to occupancy of the building. The applicant shall submit a schedule of compliance projecting time period for completion of site improvements; obtain Business Registration prior to opening business.
11. The applicant shall pay a fire review fee in the amount of \$100 in accordance with Santa Fe County Resolution No. 2001-114, prior to the recordation of Development Plan and/or prior to the issuance of any permits or licenses.

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12. The applicant must provide a hard surface for handicap parking and access to building as per NMCID building regulations.
13. The applicant must obtain a septic system permit from NMED prior to Master Plan/Development Plan recordation.
14. All lighting, signage and landscaping shall conform to County Code requirements.
15. The applicant should make a good-faith effort to investigate and install an alternative for water retention to mitigate a breeding ground for mosquitoes.

CHAIRMAN CAMPOS: Any questions for Mr. Archuleta? Is the applicant here?

ERIC ENFIELD: Hi. My name is Eric Enfield with Architectural Alliance at 612 Old Santa Fe Trail, Santa Fe, New Mexico.

CHAIRMAN CAMPOS: Sir, do you agree with the conditions 1 through 15.
[Duly sworn, Eric Enfield testified as follows:]

MR. ENFIELD: Yes, I was just pointing out to Vicente that I have 1 through 14, so I'd just like to know what 15 is. Oh, that was from the TDRC meeting which we agreed to do. Yes, I agree to those.

CHAIRMAN CAMPOS: Okay.

MR. ENFIELD: I'd also like to state that since the TDRC meeting, they had requested that I proceed to get a permit immediately to replace the existing cess pool with a septic tank and I have that now. So I just wanted to let you guys know that between the time of the TDRC meeting and this meeting I did get the permit for the septic system, which my clients intend to install immediately.

CHAIRMAN CAMPOS: Okay. Thank you.

MR. ENFIELD: And I'm open for any questions if you have any specific questions.

CHAIRMAN CAMPOS: Questions of the applicant? Thank you. Public hearing. Anybody in the public want to comment, say anything about this case? Okay, nobody having come forward, the public hearing is closed.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to move for approval of TDRC Case Z /DP 03-5800.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: All conditions, 1 through 15?

COMMISSIONER MONTOYA: All conditions.

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: Discussion?

The motion to approve TDRC Case Z /DP 03-5800 passed by unanimous [5-0] voice vote.

MR. ENFIELD: Thank you very much.
CHAIRMAN CAMPOS: Thank you.

- XIII. A. 7. EZ CASE # S 02-4321 – La Pradera Subdivision. Gardner Associates LLC. (Alexis Girard), applicant, Design Enginuity, agent, request final plat and development plan approval for a mixed use subdivision consisting of 69 lots with 80 dwelling units and 32,667 sq. ft. of commercial area on 69.2 acres. The property is located west of Richards Avenue between I-25 and the Arroyo Hondo within the Community College District, within Section 17, Township 16 North, Range 9 East (Commission District 5)**

VICKI LUCERO (Review Specialist): Thank you, Mr. Chair. My name is Vicki Lucero and I'm the Development Review Supervisor for the Land Use Department.

On January 28, 2003, the EZA granted master plan approval for a mixed-use development. On December 11, 2003, the EZC met and recommended approval of this request. This request for final plat and development plan consists of the following: a fringe zone, neighborhood zone and neighborhood center, with 63 single family homes, three duplexes, 11 live-work units, 16,335 square feet of commercial space, 39 acres of open space with three neighborhood parks totaling 3.1 acres. The proposed 80 dwelling units will include 12 affordable housing units, which will be integrated within all residential types.

Recommendation: The proposed water budget of .34 acre-feet per year for the commercial development is only sufficient for low water use businesses such as offices. There is nothing in the disclosure statement, covenants or on the plat that will limit these types of commercial uses. The decision of the EZC was to recommend approval of this request subject to the conditions as listed below. The County Hydrologist has reviewed the water budget and recommends that no less than .16 acre-feet per dwelling feet be allocated. The applicant is in agreement with this recommendation. Therefore staff changed condition number 19 to reflect the water allocation of .16 acre-feet per unit instead of .156 as recommended by the EZC. Mr. Chair, may I enter the conditions of approval into the record?

CHAIRMAN CAMPOS: Conditions 1 through 29?

MS. LUCERO: 1 through 29, Mr. Chair, and Vicente just handed out two additional conditions that staff is recommending.

1. Water service shall be provided by Santa Fe County Water Utility in accordance with all applicable ordinance, rules and procedures.
2. The retention ponds shall be relocated or separated from the neighborhood parks.
3. All redline comments must be addressed.

4. Final development plan and plat with appropriate signatures must be recorded with the County Clerk.
5. The grading and drainage plan must be signed and sealed by a Professional Engineer.
6. Road names and addresses must be approved by Rural Addressing.
7. Water restrictions, final homeowner's documents, and disclosure statement are subject to approval by staff.
8. All utilities must be underground.
9. A detailed signage plan must be submitted for review and approval prior to final plat recordation.
10. The applicant must submit solid waste fees as required by the subdivision regulations.
11. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
12. The applicant must submit an engineer's cost estimate and financial guarantee for all required improvements (i.e. road construction, street and traffic signs, fire protection, etc.). A schedule of compliance projecting time period for completion of improvements must be included. Upon completion, the applicant must submit a certification by a registered professional engineer that improvements have been completed according to the approved development plan.
13. Compliance with applicable review comments from the following:
 - a) State Engineer's Office
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Highway Department
 - e) County Hydrologist
 - f) Development Review Director
 - g) County Fire Marshal
 - h) County Public Works
 - i) County Technical Review Division
 - j) State Historic Preservation Office
14. The following note must be put on the plat:
Permits for building construction will not be issued until required improvements for roads, drainage, and fire protection have been completed as required by staff.
15. The developer shall pay a fire review fee in accordance with Santa Fe County Resolution No. 2003-47, prior to the recordation of the Plat/Development Plan.
16. The applicant shall participate in a CCD wide infrastructure Extension Policy for infrastructure improvements, operations and maintenance.
17. Gardner Assoc. LLC and Emerald Alliance, Inc. shall submit an agreement regarding proportionate reimbursement for road improvements to Dinosaur Trail that were done by Emerald Alliance, Inc. at such time as provided by the County.

18. Approved discharge permit from the Environment Department shall be submitted with final development plan and plat application.
19. Commercial uses shall be limited to low water use businesses as approved by the County Hydrologist. This shall be noted on the plat and in the disclosure statement. Water budget shall provide a minimum of 0.16 acre-feet per residential unit.
20. The applicant must submit an affordable housing agreement in conformance with Community College District Ordinance with final plat application.
21. Consent from property owners must be submitted for easement regarding realignment of Dinosaur Trail for extension to Richards Ave and realignment of Dinosaur Trail for extension to Rancho Viejo Blvd.
22. Dinosaur Trail shall be improved from the proposed subdivision to the existing asphalt pavement on the west in conformance with minimum standards for a basecourse road surface, or to the point where the road has not been improved with a basecourse road surface meeting minimum standards.
23. Centralized neighborhood park shall have at least .25 acres of property that is not within the drainage pond, and shall have adequate toddler play facilities.
24. Minimum standards must be maintained for village trail extending off district trail on east side of property. Basecourse surface may be from edge of flood fringe.
25. Road section for village street shall include on-street parking on both sides of the street, and shall be extended to three sides of the plaza site.
26. Standards for village trail along off-site portion of Dinosaur Trail shall be maintained (10 foot wide with 2 inches of asphalt over 4 inches of compacted basecourse) or suitable material for bike riding.
27. The plaza within the neighborhood center shall be a minimum of .33 acre.
28. The applicant shall provide base flood elevations for limits of the 100-year flood zone, and note that finished floor elevation shall be at least one foot above base flood elevation.
29. Building envelopes for the fringe zone lots shall be defined for the purpose of minimizing disturbance of natural slope and vegetation.
30. The applicant shall submit a development agreement addressing the proposed back-up water supply plan with restriction of sale and development of the 11 condo units.
31. A letter to serve and assignment of allocation of water for the La Pradera property shall be submitted prior to plat recordation as required by the County Utilities Department.

CHAIRMAN CAMPOS: Conditions 1 through 31 are entered of record.

MS. LUCERO: And, Mr. Chair, if I could just draw your attention to condition number 17 regarding an agreement between Gardner Properties and Emerald Alliance. I did receive a letter from the attorneys representing Emerald Alliance and it appears that they've worked out an agreement. [Exhibit 3] So the applicants have addressed condition number 17.

CHAIRMAN CAMPOS: Does it have to do with road width or easement rights

or -

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MS. LUCERO: Mr. Chair, it has to do – Emerald Alliance came in for a land division about a year ago and they were required to do some improvements and basically, this is just a reimbursement for the improvements that they've done to the road.

CHAIRMAN CAMPOS: Okay. Thank you. Any questions of Ms. Lucero. Is the representative of Gardner Associates present?

ROSANNA VAZQUEZ: Good evening, Commissioners. My name is Rosanna Vazquez and I am one of the consultants working on this project. We have here before you to answer some questions and to do the presentation Orallynn Guerrerortiz, who is the engineer on this project. She will be going through the specific details of the plan, as well as the water budget, how we arrived at our water budget, and presenting all the meter data from the County records that support our water budget. I will be briefly discussing the project, the goals and how this project meets the principles of the College District.

Behind me, I would like to introduce the principals to you. We have Mr. Bobby Lee Trujillo, Mr. John McCarthy, and Ms. Alexis Girard, who are the principals and owners of La Pradera Subdivision. I believe it's in the County plan and in the Community College District Plan that the goal of the College District was to promote growth in a graceful manner, promote growth that would be in harmony with the existing neighborhoods there and to grow in a way that you could connect infrastructure to transit, connect communities and people together in a way that people could live and work in an area that was close by, so that they didn't need to get into their vehicle and travel long distances.

With that, the result of that was the College District Plan and the area which is known as La Pradera Subdivision. We have before you, Commissioners, a development that is like no other in the College District and like no other in the county itself. It is an 80-lot subdivision. It has neighborhood parks. It's got some community centers. It's got an orchard. It's got play fields. It has trails that connect to the open space. It is one of the few developments in the College District, as will be demonstrated by Orallynn that promote all of the concepts of the Community College District and those concepts are real simple and I think Jack Kolkmeier referred to them as the four C's and the S, which was compact development, central mixed-use places, connections through trails, open space and roads, community building areas, and the key one was sustainability.

This project will use very, very little water, as is demonstrated through the water budget. It will promote the use of graywater and water reuse through a very, very specifically designed system for it. The water budget includes the use of graywater for landscaping. It includes it for toilet flushing. What isn't included in the water budget and what you should keep in mind when you're analyzing the numbers, is the water harvesting ordinance that was passed by all of you last year that requires cisterns and catchment of rainwater. That's not included in the water budget.

With that I will introduce Ms. Orallynn Guerrerortiz who will discuss our project and our water budget and our allocation request as is set out. I've got several documents to put into the record which I will do after the presentation. Thank you.

CHAIRMAN CAMPOS: Question for Mr. Ross. Does anyone have to be

sworn in in this presentation? Okay, that's fine. Thank you.

ORALYNN GUERRORTIZ: Good evening, Commissioners. I'm.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

MS. GUERRERORTIZ: I'm with Design Enignuity at P.O. Box 2758 here in Santa Fe, New Mexico. Commissioners, as an engineer, this is the most innovative project I've ever worked on. It's extremely exciting and I'm very proud to present it to you today. The project is located south of I-25, about a half a mile west of Richards Avenue in the Community College District. It's a total of of 69 acres. We have a total of 69 lots, and there are a total of 80 dwelling units. It's a mixture. It has three duplex lots, two duplexes on each of them, 11 condominiums and 63 single family homes. There are three neighborhood parks, one with a sand volleyball court, one with a frisbee golf course, another one with a tot's sandbox and also an orchard.

There are trails crisscrossing the project, extending all the way to Richard's Avenue. There's a total of 56 percent open space, a total of 39 acres. Fifteen percent of the housing is affordable and it's mixed through the duplexes, single family, and the condominiums. There's a plaza in the center. The plaza will be a mixture of the condominiums, which will be live work units and commercial development. There's one archeological site that we'll protect and make sure that no one touches it.

More interesting things, though, associated with this project is the wastewater treatment system. It's an innovative system. It's used as tertiary treatment. It will treat the water to a quality that we can re-use it for landscape irrigation and also for toilet flushing on this project. There will be no outdoor spigots on this project using potable water. All outdoor water use will be reclaimed water or will come from cisterns. The treatment plant is an advanced system. It will be connected to a telephone system, so that the operator can constantly monitor the treatment plant, 24/7. If there is a problem with the treatment plant, an alarm goes off, the operator is notified. So it will constantly be monitored. We have very large buffers around the project. This falls within the Highway Corridor Zone. We have a 265-foot no-development buffer along here, 100-foot along here. In this area there's about 300 feet.

There's a flood zone, the Arroyo Hondo flood zone down in this area. There's a 50-foot setback from the 100-year flood plain. Portions of this area are within the 500-year flood plain. These houses and the roads have all been raised two to four feet above the predicted flood elevations as determined by FEMA.

The project, the goal was not just to meet the Code, and I think you'll see that throughout this project and how it's been designed. We're going beyond the Code in that we're trying to retain as much stormwater as possible on this project and infiltrate it, recharge it locally. There will be a very large ponding area in this area. No water will escape that pond unless we have stormwater flows greater than a 25-year storm. We have areas where we're in essence damming water and sending down into infiltration areas. The water will be moving very slowly, one percent grade, with the goal of infiltrating as much water as possible. We have 240 percent more water detention than is required by Code.

In addition the developers are investigating and intend to use something called the Key-

line system. Key-lining is an innovative technology. It doesn't seem that unusual but what it is is you in essence make little channels parallel to the contours, so as the water is coming down a hill, it stops and goes into the channel and moves off and infiltrates and stays there, rather than continuing down a hill. The process has been found to capture water, result in improving the local vegetation, the native habitat for the animals and throughout the open space we'll be instituting key-lining ideas.

In addition, there will be street trees along all of this area. I think there's a total of 107 street trees planned, and there'll be portions where - in this area there's noise coming off the highway. It's kind of a bowl. There will be sound barriers, vegetative sound barriers grown in that area. All street trees, the sound barriers will be fed with the reclaimed water. We will not be using any potable water.

The project will have all paved roads. It meets every County ordinance; there's absolutely no variance request associated with this project. Offsite, we have existing problems in this area and the developers are going to solve those problems. One of them is to the west. The existing intersection of Dinosaur Trail and State Road 14 is too close to another intersection between Rancho Viejo and State Road 14. We were lucky enough to negotiate easements with Rancho Viejo, and also [inaudible] and we are going to realign Dinosaur Trail so it no longer will intersect with State Road 14. We'll be building a new paved road. The new road will intersect at Rancho Viejo Boulevard at Bisbee Court, which is an existing intersection. This is what the State Highway Department has requested. Also, Richards Avenue, the Oshara project intends to put a new intersection in about 900 feet south of where the existing intersection is with Dinosaur Trail. Therefore we spoke with Ms. Jane Petchesky who is gracefully here tonight, and also Mr. Gillentine and were able to get easements from both so that we can - actually, it's mostly on Jane Petchesky's property. It is on Jane Petchesky's property, excuse me.

We're going to move the existing intersection 900 feet south to a safer location. And that will serve also for future development in that area. We've been asked and have agreed to put in decel lanes on Richards Avenue for a decel onto Dinosaur Trail, and a left turn bay on the northbound turning into Dinosaur Trail.

We are putting in cisterns in every single building that will supplement the reclaimed water that will be used for outdoor landscaping. The critical issue in most discussions on this project has centered around water. I'll discuss that a little bit. The intention is that no potable water will be used outdoors and no evaporative cooling will be allowed. And toilets will be flushed with reclaimed water. The water budget has been examined in four different manners by the consultants working on this project. The first one was done at the master plan stage and it used an additive approach. It used the State Engineer's guidelines on assumptions on how many flushes occur a day, how many minutes people take showers, how many dishwashing cycles occur in a home. As a result of doing an additive approach, assuming no landscaping and no toilet flushing, it came out to a .2 acre-feet per dwelling unit, half of what is standard in our County, .25. [sic]

This water budget was approved by the State Engineer's Office. When I got involved I

looked at the water budget that was done previously and I wanted to examine it a different way. I had heard through the grapevine that Rancho Viejo, during the water restriction period had water use of .15, so I decided that it should also be examined by, starting with .15 and subtracting out toilet flushing because we wouldn't have toilets using potable water. As a result, the water budget that we submitted was a .13 acre-feet per dwelling unit. When this was examined by Stephen Wust, your County Hydrologist he had some concerns. [Exhibit 3] In his household, they don't flush the toilet as often as in my household but I have kids.

I should state also that this water budget of .13 was approved by the State Engineer's Office. So then we evaluated it again and this time we started with a more common number that we've all heard from Rancho Viejo, .18 acre-feet per year. That's a more typical year pre-water restriction. We also only assumed three flushes a year [sic] and we took some water off for evaporative coolers. It turns out I only assumed about 600 gallons a year use for an evaporative cooler but I've since learned that the State Engineer's analysis that a 1700 square foot home in our community in Santa Fe, for three people and eight-foot ceilings, uses closer to 6,000 gallons a year to serve the evaporative coolers. Rancho Viejo, 80 percent of the homes have evaporative coolers.

So this is probably too high because I didn't assume enough for the evaporative coolers. We were lucky enough in December of this year though to actually get hard data. Steve Wust had said repeatedly he'd like to see some hard data. Well, that became available. The County water data became available and what we found with the Rancho Viejo data was that there is a definite trend. In the winter months, the water use is low, and in the summer months, it peaks, directly related to irrigation of outdoor landscaping and related to evaporative coolers. So we examined the three months of the year in winter, which probably most represents the La Pradera case, because we don't have evaporative coolers and we don't have outdoor landscaping using any potable water.

So we took those three months and we averaged them, and lo and behold we came out with .127 acre-feet. Repeatedly, the numbers kept coming out at about .13, whether we did an additive approach, a subtractive approach, or whether we used County meter data. So I've feeling very comfortable, frankly, that it's realistic in our community. If you don't have outdoor landscaping, if you don't use toilets that are being flushed with potable water, and if you don't have evaporative coolers, you can expect a family to live on .127 acre-feet per year. Easily.

Now you've got to recognize, this County meter data still assumes some outdoor watering in winter. I don't know about your household but in my household we don't stop watering in winter. We still water in winter because we're not going to have our piñons die. We also flush our toilets and so do they in Rancho Viejo. So this number still has some outdoor water use and it still has toilet flushing, which we will not have in La Pradera. I still believe that .3 is a high value for the La Pradera case. Your County Hydrologist has recommended a higher number. He has suggested that .16 acre-feet per dwelling unit is more appropriate and maybe when we prove many years from now that we can actually meet .13 or lower he's willing to consider going down.

But he's recommending something that has a little more of a safety cushion in it. He's recommending .16 for a total water allocation of 13.1 acre-feet. We agree to this number. We're hoping that today you'll consider giving us a water allocation of 13.14. We are asking though that you set the water restrictions for the homes at .13 because we think our community can do it. We think we've designed something that our community can meet. We'd like to be able to push the limit on this and actually create a new development that sets a new standard.

CHAIRMAN CAMPOS: Hold on. Any questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Oralynn, could you tell me a little bit more about the outdoor hydrants? You said you weren't going to have any outdoor hydrants.

MS. GUERRERORTIZ: Outdoor spigots. We will have outdoor spigots associated with cisterns. We will have subsurface irrigation done with reclaimed water. You can use you drips, which will be connected to reclaimed water lines. There will be reclaimed water pumped throughout the development. Every home will have a connection to it going to their homes, to the toilets and also to places where they can connect their drip system. Then they'll be required to have cisterns which could have outdoor spigots associated but it will be prohibited, any potable water outdoor spigots.

COMMISSIONER ANAYA: So the reclaimed water will be for flushing of the toilets and irrigation. Period.

MS. GUERRERORTIZ: Correct, sir.

COMMISSIONER ANAYA: And tell me about what kind of street trees?

MS. GUERRERORTIZ: Well, actually I don't have that memorized. I've got to look in my notes. A gentleman named Sam Sutton was kind enough to help us with that, and he laid out a laundry list of trees. They're a mixture of shade and evergreens. And I need a magnifying glass to read them, unfortunately. They're right there.

MS. VAZQUEZ: Box elder, Arizona alder, Arizona sycamore, New Mexico locust and native [inaudible] Do you want to know what the orchard will be?

COMMISSIONER ANAYA: Yes.

MS. VAZQUEZ: The orchard is going to be apples, Manchurian apricots, native palms, [inaudible], black cherry and choke cherry.

COMMISSIONER ANAYA: And all those will be on reclaimed water too?

MS. GUERRERORTIZ: Yes. Every single one of them.

COMMISSIONER ANAYA: Okay. Tell me about the intersection on State Road 14. What do you plan on doing? Where are you talking about? Do you have a map on that where you can point to?

MS. GUERRERORTIZ: I do, in the plans, and I can show it to you here. Sir, currently, Dinosaur Trail and Rancho Viejo Boulevard are separated probably by 800 or 900 feet. That's too close. It's not safe. So the existing Dinosaur Trail is actually going to be removed. This goes on to State Road 14. This is east and this is west. And we're going to build this new road. It's about 1100 feet long total. This is Rancho Viejo Boulevard. This is Bisbee

Court, which is that new business park right here. That's the entrance to their business park, so we're going to line up with that.

COMMISSIONER ANAYA: So 14 is right here.

MS. GUERRERORTIZ: State Road 14 is up here.

COMMISSIONER ANAYA: Okay.

MS. GUERRERORTIZ: And Rancho Viejo is intending to put a traffic signal right there. It's frankly what the State Transportation would like to have us put in.

COMMISSIONER ANAYA: Okay, and who is going to enforce the evaporative coolers?

MS. GUERRERORTIZ: I'll turn that over to Rosanna.

COMMISSIONER ANAYA: And how are you going to cool those units? Or you're not? A/C. Okay. And who's going to enforce the evaporative coolers?

MS. VAZQUEZ: The covenants that were submitted, Commissioner, state that there cannot be any evaporative coolers. There will be probably a condition in the water restrictive covenants limiting, prohibiting the use of evaporative coolers as well. So it can be enforced in two different ways. It can be enforced through the covenants, which can be enforced by anybody within the subdivision, and it can be enforced through the water restrictive covenants that will be filed with the subdivision plat.

COMMISSIONER ANAYA: And then the association would enforce them?

MS. VAZQUEZ: It can be the association or any neighbor within that development.

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

CHAIRMAN CAMPOS: Quick question. How are you going to cool the houses again?

MS. VAZQUEZ: A/C.

CHAIRMAN CAMPOS: Refrigerated air?

MS. VAZQUEZ: Refrigerated air, yes.

CHAIRMAN CAMPOS: Isn't there some study that shows that uses more water to generate all that electricity at some point in some place?

MS. VAZQUEZ: I'll let Oralynn answer that one.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya had a question.

COMMISSIONER MONTOYA: Mr. Chair, regarding the recreation areas that were pointed out, are those going to be dirt? Grass?

MS. GUERRERORTIZ: Thank you, Commissioner Montoya. This area is going to be a combination of orchard, probably with dirt underneath it. This will be all grass fields here. This would all be grass except in the volleyball court. Hopefully, there won't be any grass growing there. This park is going to be left in a much more natural condition. It's heavily, or it's fairly densely covered with trees and shrubs now and the intention was a frisbee golf course there, although we might supplement the native grasses there.

COMMISSIONER MONTOYA: Okay. So those will all be irrigated with reclaimed water?

MS. GUERRERORTIZ: Exactly. With all reclaimed water.

COMMISSIONER MONTOYA: And then how many units are going to be affordable housing?

MS. VAZQUEZ: The Community College District Ordinance requires 15 percent to be affordable housing, so we have 11 units within the development that will be considered – 12 units. It was like 11.5 so I guess we had to round up. Twelve units. Yes, we rounded up.

COMMISSIONER MONTOYA: Okay. Thank you.

MS. VAZQUEZ: And we have submitted to the Housing Director a draft contract for review for the affordable housing component. Oralynn mentioned as she was speaking a man by the name of Sam Sutton and I want to talk a little bit about some of the neighborhood meetings that took place, some of the meetings with staff and covenants that we drafted.

CHAIRMAN CAMPOS: Hold on one second. Mr. Abeyta, as far as affordable housing, do we still have an ordinance that might increase the 15 percent amount? Is that still in your office?

MR. ABEYTA: Mr. Chair, we're currently looking at the Community College District Ordinance and how we can extend that 15 percent or increase it to include other types of housing, because right now it's just homes on fee-simple lots. But there is a movement to try to increase that number.

CHAIRMAN CAMPOS: We've talked about that for a long time. When is it coming up?

MR. ABEYTA: Mr. Chair, hopefully we can bring something before the Board by the end of this year, but we have been working with Robert Anaya to come up with standards.

CHAIRMAN CAMPOS: Okay, Ms. Vazquez, what's the extent of your presentation?

MS. VAZQUEZ: I just have a few more points.

CHAIRMAN CAMPOS: How many speakers do you have, or a few more points or—

MS. VAZQUEZ: Oralynn and I were the only two speakers on behalf of the applicants.

COMMISSIONER DURAN: I just wanted to ask about the affordable housing. Is the City the same thing? Isn't the City at 15 percent?

MR. ABEYTA: Mr. Chair, Commissioner Duran, the City varies. They have their own HOP program, and I don't think there's a set number of 15 percent. It probably averages 15 percent but I'm not familiar enough –

COMMISSIONER DURAN: And we've talked about increasing that 15 percent? Is that what we've talked about, that Commissioner Campos just mentioned?

MR. ABEYTA: Mr. Chair, yes. We've talked about that in the Community College District and then extending it to other types of units, like condominium units, rental

units, apartments, things like that. Because right now it just applies to fee-simple lots.

COMMISSIONER DURAN: But right now the Code is 15.

MR. ABEYTA: The Code is 15 for the Community College District.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: And I think there was a condition placed on a lot of Community College District plans that said if the ordinance changed they would conform. Is that right?

MR. ABEYTA: Mr. Chair, yes. The master plans that were approved, there were conditions that were added that they need to comply with future changes to that section.

COMMISSIONER DURAN: At final plan.

MR. ABEYTA: Yes. If their preliminary and final came in and there were amendments, they would be subject to complying with those amendments.

COMMISSIONER DURAN: But the preliminary and final wouldn't be held up for - I'm just trying to be fair on this.

MR. ABEYTA: Right. No, they wouldn't be held up, but if they came in after amendments were done, then they would have to amend the master plan to comply with the amendments.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The question, back on the water budget discussion, the .16 that was recommended by the County Hydrologist that's included in the conditions, number 19, then that - I just want to be sure that we're on the same page. That includes - that does not include the 20 percent lost as an accounting factor that's used by the Utilities Department. Is that your understanding?

MS. VAZQUEZ: Mr. Chair, Commissioners, that's correct. What the 20 percent includes is a safety cushion. Dr. Wust was a little concerned, was not comfortable with just three years of data so he added a safety cushion.

COMMISSIONER SULLIVAN: Right. I read his memo which says he recommends an uncertainty factor. Okay, so we just want to be clear that that doesn't include that. Now, in the calculations, looking at these winter months, which would have some watering but essentially not any watering and using that as your base line. So is what you're basing it on then is that - the assumption is that there would be, in this subdivision, no additional water use, potable water use in the summer than there would be by comparison in the winter, in the winter in Rancho Viejo.

MS. VAZQUEZ: That is correct, Mr. Chair, Commissioner Sullivan.

COMMISSIONER SULLIVAN: So in the summer, people wouldn't take more showers, they wouldn't wash their face more, they wouldn't wash their hands more or anything like that. They would be using the same amount of potable water that they used in the winter.

MS. VAZQUEZ: Mr. Chair, Commissioners, whether they take more showers I think is demonstrated in the numbers. And if you take a look at the numbers on restriction years and non-restricted years they go up significantly. This green line right here that you see,

and you have this in your packet, is the .16 that's recommended by the County Hydrologist, that far exceeds any number in the winter months, actually exceed the fall numbers, both for restrictive years and non-restricted years.

COMMISSIONER SULLIVAN: My question was not that the .16 is above those lines because I think we agree that it is as the Hydrologist has recommended for a safety factor or a contingency factor, but the three months that you used in the winter, so you're assuming that water usage in the summer, potable water usage, in this subdivision, will be the same as potable water usage in the winter.

MS. GUERRERORTIZ: That's correct, sir. We could go in circles on this. We did, actually, with the County Hydrologist a little bit. I do agree. People do take more, I think do take more showers in the summer and I also think I do a lot more laundry in the winter. So there's some balancing going on. That's just a fact of life. And how to make those balances work is very hard to do. We're very grateful we do have some hard data, though. That gives us an idea of what's happening.

COMMISSIONER SULLIVAN: Okay. Thank you. The issue, Ms. Guerrerortiz, that you brought up on the flood plain, in looking at your maps, those units that will be in the flood plain, and I counted about seven of them there, that you indicate will be raised up and the road will be raised up and so forth, how sure are we of that flood plain? It's fairly flat out there. There's been a great deal of development in that area. How confident – do we have any new studies that indicate that that's a pretty reliable boundary for the flood plain?

MS. GUERRERORTIZ: It's been my experience that in general, FEMA tends to be very conservative in their analysis. They did this many years ago, prior to a lot of development that's occurred upstream. But there is a very incised channel where the Arroyo Hondo is. In general, for example, the elevation here is about, call it 13. Actually, I don't have my notes right in front of me so I think it was 13, 10 and it's down to 6300 even over here. We put every single home in this area at least two feet to four feet above predicted 100-year elevation.

You're right. This is a fairly flat area through here, and that's why we went through that direction. The flood plain actually gets as wide as 700 feet. And a 700-foot width, six inches of increase in elevation of the water surface is about 350 cubic feet of additional water going through. It's not going to have the velocity that we'll have in the Arroyo Hondo during a flood. We'd probably have anywhere from 12 to 15 feet per second, but on the flatter area it will be going much slower, probably three to four feet per second, or even less in a shallower area. That's about 1400 cfs if it raises an additional six inches. So you've got two feet to go. It's got to go up incredibly dramatically, I think beyond anything that's reasonable to think of as far as the total quantity of water coming down to make it to the floor level of the homes.

COMMISSIONER SULLIVAN: What happens – there's seven homes directly to the east here in the subdivision to the east along Churchill Road, when you raise up the elevations there, which were formerly in the flood plain and could accommodate that water, what happens? Is that going to back up?

MS. GUERRERORTIZ: You're talking about a back-water effect, sir.

COMMISSIONER SULLIVAN: Some type of a back-up into those units on the east.

MS. GUERRERORTIZ: Well, luckily, there's a fairly significant rise right about where you and your neighbors live that occurs right in this area and that's why in fact the flood zone kicks out over in here in the flatter area. These homes are very well above any flood zone. There will be no back-water effect in that area.

COMMISSIONER SULLIVAN: Okay, so it's your analysis then that if there were, which eventually, according to FEMA there will be, floodwaters in the vicinity of these seven homes -

MS. GUERRERORTIZ: There's potential for shallow flooding.

COMMISSIONER SULLIVAN: That they would not - that none of the homes in the adjacent subdivisions to the east would be affected.

MS. GUERRERORTIZ: That's correct. Neither homes in this subdivision, nor the roads to them will be affected. They'll all be above the water surface -

COMMISSIONER SULLIVAN: So when you have this back-water effect, since the other homes are beyond the 500-year level on the adjacent subdivision, when you have this back-water effect, where does the water go?

MS. GUERRERORTIZ: Back-water - are you asking about when you bring in extra dirt?

COMMISSIONER SULLIVAN: You're raising up the elevation of the flood plain to accommodate these homes -

MS. GUERRERORTIZ: There is a back-water effect.

COMMISSIONER SULLIVAN: You're constricting the floodway, and then my question is, where does that additional water, where does it go?

MS. GUERRERORTIZ: It does back up. It just doesn't back up very far, considering that we've got a fairly significant - well, for the most part three to four percent slope coming down this direction. So when you have a back-water effect, it dwindles out fairly quickly as you move to the east. And it won't leave the property.

COMMISSIONER SULLIVAN: Okay. Let me ask another question if I can. The staff report indicates that the commercial units or the commercial areas will not have any low water restrictions on them. That's what the staff report says. And then in your report, on page 9, you indicate that there won't be any restrictions on the commercial in terms of water use. You've projected, I know, a number. So I just wonder, which one of those statements is correct.

MS. VAZQUEZ: Mr. Chair, Commissioners, the covenants actually address that issue, that were drafted and submitted with this report. The only allowable uses for the commercial area will be low water users such as office space. And that is addressed in the covenants.

COMMISSIONER SULLIVAN: Okay, so the staff report would be in error on that condition then, because they indicated that there was no restriction on the commercial uses.

MS. VAZQUEZ: Mr. Chair, Commissioner, also the disclosure statement will

also state the specific water restrictions for the residential units as well as the commercial units.

COMMISSIONER SULLIVAN: Okay. And if the subdivision residents go over .16 acre-feet, if that's the number the Commission is comfortable with, who then enforces and what do they do?

MS. VAZQUEZ: Mr. Chair, Commissioners, again, there's two ways to enforce a water restriction. One is through the covenants, which would be the neighbors could enforce it, the homeowners association could enforce it. Secondly, the County could also enforce it. So there's two different mechanisms. We don't believe that we're going to build above .16, but to give some comfort to staff and to the Commissioners, because this issue was raised, we did take a look at what it was that we could do to provide an additional safety factor beyond the 20 percent that was allocated by your Hydrologist. I'm going to submit as part of the record, a letter that I drafted dated March 1st agreeing to the conditions of approval as stated with certain conditions.

COMMISSIONER SULLIVAN: I think that's already in the packet, Ms. Vazquez.

MS. VAZQUEZ: I'm not sure if the enclosures were attached to the packet, Commissioner, so I wanted to make sure that the entire packet was submitted.

COMMISSIONER SULLIVAN: They were in mine, anyway.

MS. VAZQUEZ: This letter basically gives you a plan for how we want to deal with the concern on banking.

COMMISSIONER SULLIVAN: Before we get to banking, my question was the alternatives then, if these units are all built out, is that either the residents need to take legal action one against the other to enforce the covenants, because the County, as we know, does not enforce covenants, or the County must patrol and must enforce these covenants. Are those the two alternatives?

MS. VAZQUEZ: Well, your County analysis I'd like to explain, because it's not completely correct. What the County can do is two things. They can enforce the water restrictive covenant that will be recorded with the County. They can do that. But the second thing that it can do and it already does, Commissioner Sullivan, is when you come in for a building permit for a home, you have to get a letter from the Utility Department that says, We can serve you and this water budget, where this house is, can meet the water that you need. If you don't have enough water in that water budget because 50 percent of the homes have gone over, then that building, that home, will not be given the okay from the Utility Director or the Utility Department.

COMMISSIONER SULLIVAN: Okay, so what you're saying is that if half the houses are built out, and let's say they're all using .25 acre-feet based on the Utility records, then the Utility Department needs to coordinate with the Land Use Department and say, Red Flag. We can only issue a reduced number of permits here because they're going over their allocation. Is that what you're proposing?

MS. VAZQUEZ: Mr. Chair, that is being done right now. That is already being done as we speak. I submitted a building permit for a commercial development two weeks ago.

That commercial building permit had to get approval from the Utility Department to make sure there was sufficient water rights under that water service agreement for this development. We were not issued a building permit from the Land Use Department until the Utility Director or the Acting Utility Director gave us a letter saying there's sufficient water in that water service agreement to serve this development. It is being done now.

COMMISSIONER SULLIVAN: Okay. So you then and your clients would not sue the County if that happened? In other words, you're looking at ultimately developing 80 units here. If the individuals out there used more than .16 and the Utility Department said based on your water allocation, you can only support 70 units, then you wouldn't seek to take any action against the County for enforcing that water restriction. Is that what you're getting at?

MS. VAZQUEZ: Mr. Chair, Commissioner, we wouldn't be able to. We've got a water use restriction on each lot that will be recorded with the Clerk's Office and will be covenanted. We would not be able to take action against the County at that point.

COMMISSIONER SULLIVAN: But that's with each lot.

MS. VAZQUEZ: We have also a total water budget that would be approved.

COMMISSIONER SULLIVAN: You have a total water budget. Okay. So my question is that, notwithstanding if your homes went over that total water budget, you would testify here that you would hold the County harmless from not being able to develop out the total 80 units.

MS. VAZQUEZ: We would have to be in compliance with the conditions of approval on this development which include an approved water budget and the water restrictive covenants. Yes, sir.

COMMISSIONER SULLIVAN: I'm not quite sure that answered my question, but you would not look to the County to let you develop out the remainder of those units. Is that correct? If you were over the total water budget.

MS. VAZQUEZ: Mr. Chair, Commissioner, we couldn't.

COMMISSIONER SULLIVAN: My question is, I understand your opinion that you couldn't. My question is, as representing the clients, would you?

MS. VAZQUEZ: We would not.

COMMISSIONER SULLIVAN: You wouldn't. Okay, that makes it very clear. We just answered the questions that way. Okay, so we have a safety valve, as it were here, that if the numbers don't add up to what everybody's computed, and we don't have actual numbers here on this development. And I can tell you everyone in the adjacent subdivision has swamp coolers, so getting people to live without swamp coolers is going to be a little difficult and getting them to use A/C units, which have a tremendous electrical usage is going to be difficult. But notwithstanding that, we have that back-up.

What you propose in this letter, which was in the packet, having to do with holding up on the construction of 11 of the condo units, is that what you were about to get at?

MS. VAZQUEZ: I was going to Mr. Chair, Commissioner.

COMMISSIONER SULLIVAN: Okay, go ahead. I have a question about that but could you go ahead and explain that to us?

MS. VAZQUEZ: Of course. Gladly. The letter that I gave to you discusses essentially what our entire water plan is. And what it was is that we would agree to a .16 water allocation which included 20 percent cushion already added to it, and we would also agree to the following. We would agree to withhold building of the eleven condo units in this subdivision, reducing the density down to 69 units for a period of time until the Land Use Department felt comfortable that they had sufficient data to demonstrate that we met our water budget. What that does is two things. It gives you a reserve of 1.76 acre-feet from the condo units that will not be built as back-up in case somebody goes over. Adding that to the 20 percent number that Dr. Wust put in as an approved water budget, gives you approximately four acre-feet of reserve water, a safety cushion for the County to feel comfortable that if there's a problem with the water budget we've got sufficient water to cover somebody going over.

In addition, I did some research on some of the resolutions that the Commission has passed in the last few years, and you have an additional basis. You have an additional way to deal with developers who are trying to put together a subdivision that uses less water. 1999-41 is a water rights allocation policy that was put in by this Commission, and what it does is it allows you and the Utility Department that if we go over water budget, you can take a look at whether or not we can do something about it – transfer water rights to you, pay a fine that's commensurate with the ordinance that you've all passed. But it gives you also a further way to deal with the issue of going over budget, for example.

So you have a safety cushion in this development of approximately four acre-feet. That doesn't include the water harvesting that we're doing and required to do, the rain catchment that we're required to do. It doesn't include any of the toilet flushes because that was not put into the final calculation on the .16. And I think if you take a look at that and you take a look at the hard data, Rancho Viejo's numbers for those, you'll be looking at a .21 acre-foot water savings for most of those months.

So the savings we hope to show you over the next few years is great. And that's why we agree to withhold construction of the eleven condo units until the County Commission and the Land Use Department is comfortable that our water budget works.

COMMISSIONER SULLIVAN: Mr. Chair and Ms. Vazquez, then my question about that eleven units was – and I guess my initial reaction is that, given the uncertainties of the flood situation, that I think if you were going to withhold any units, I'd personally rather see them withheld in the floodplain area than I would in the higher grounds, as those are more apt to be damaged and cause some damage to the adjacent property owners. But of those eleven units that you're proposing, those condo units, I noticed that four of those are the affordable housing units, and that those four happened to be the least expensive, the zero to sixty. So if we do bank those eleven units, until they come back onto line we've lost our most affordable units. Did I analyze that correctly?

MS. VAZQUEZ: Mr. Chair, Commissioner, actually that's incorrect. And it is because if we withhold the eleven condo units, we are in essence doing a phased project. So, in essence, the Community College District rules that would apply to

affordable housing would have to be phased. So we would phase our affordable housing units. We would, in the 69 units that will be built, put all the affordable housing that's commensurate with that. When we receive the okay from the Land Use Department that our water budget had been met, we would then continue constructing the remainder of the affordable housing units.

COMMISSIONER SULLIVAN: I guess I understand that if everything is built out and if people don't go over their water budget. But it's been our policy in the Community College District that each phase should have its commensurate level of fifteen percent affordable housing, five percent in the zero to sixty range, five percent in the sixty to eighty percent of median income, and five percent eighty and above. In your outline on page twelve of your affordable housing, your income Range One units, those are the inexpensive ones, totals four condos. So you won't have any low income - not income, but low-cost affordable housing available to lower income until you build those eleven units. Is that correct? I'm looking at page twelve of the applicant's report.

MS. VAZQUEZ: If you'll look at page twelve, the chart that you're looking at also has under income range two two-duplex units.

COMMISSIONER SULLIVAN: Right.

MS. VAZQUEZ: And we would be able to substitute the duplex units for the condos under income Range One.

COMMISSIONER SULLIVAN: Okay, but that's not your current proposal. Your current proposal is that you'll take out the condo units, and what you're saying is that you would make some changes to that.

MS. VAZQUEZ: Mr. Chair, Commissioner, our current proposal was to reduce the eleven for density purposes. With respect to affordable housing, we've always agreed that we will meet the requirements. I'm just proposing to you how we would do it. We would make the zero to sixty percent range affordable housing units the duplex units that are set out under income Range Two. And that would solve the problem.

COMMISSIONER SULLIVAN: Your current proposal that the eleven units are all the condo units. And those condo units include four. But you're saying that you would switch that around with the duplex units?

MS. VAZQUEZ: The final development plan that was submitted back in September, sir, did have that. Because our water budget at the time was submitted in a different way.

COMMISSIONER SULLIVAN: Okay, but what's submitted here? I mean, correct me if I'm wrong. Have I read this incorrectly?

MS. VAZQUEZ: Mr. Chair, Commissioner, I believe we've addressed the issue. We will agree to create in the duplex units as the affordable housing units in the zero to sixty percent range.

COMMISSIONER SULLIVAN: Okay. And how does it sound instead of with working with some of those homes that are in the floodplain and putting those at the far end of the project instead of the condo units?

MS. VAZQUEZ: Mr. Chair, Commissioners, that would be very difficult for this development to do, and I can tell you why. First of all, from a marketing perspective, when developers come in to do a construction of this size they're looking for a certain number of units to develop. Sam Peck Homes, BT Homes, those types of developers who would be looked at a project like this want a minimum number. We're at that minimum number right now.

Secondly, one thing that we didn't go into, but it is important in this development, is the off-site improvement costs on this development are bigger than most other developments that you've seen. And as Orallynn explained, we're doing major repairs to Dinosaur Trail. We're re-aligning it on both ends. The costs of off-site improvements are approximately \$832,000.

CHAIRMAN CAMPOS: Hold on a minute. Is that responsive to your question?

COMMISSIONER SULLIVAN: Not really. Maybe I didn't make myself clear. And I understand the

off-site improvements are expensive, but of course with 80 units at \$125,000 a lot, you've got a \$10 million income. So I think my question was not eliminating them completely. My question was utilizing those thirteen or so units, and particularly the seven of which are in the floodplain, as your last phase. Not eliminating them from the project.

MS. VAZQUEZ: Mr. Chair, Commission, I believe I was trying to answer your question. It does become a question of cost and marketability.

COMMISSIONER SULLIVAN: Okay, so the developer wants to have a certain number of lots. But if you're taking out eleven lots anyway, what would be the difference where you're taking the eleven lots out?

MS. VAZQUEZ: It's not eleven lots, it's eleven units. And there is a distinction. Because people who come in to want to do this type of development will do all of the single-family dwelling units, with some duplexes. They won't do a combination of single-family dwelling units and condos. If this is going to be developed, it's going to be developed under two separate agreements with two different types of builders. A group will do the condos and the commercial space, and somebody else will do the residential. So that is why we made the distinction the way we did with the condo units.

COMMISSIONER SULLIVAN: Well, I guess I kind of lost that. I mean, a building is a building. But you're saying two different types of developers will do this, and you're giving less emphasis on the condos at the outset. Is that what you're saying?

MS. VAZQUEZ: No, I'm saying it's just two different types of buildings. There's condo units that will be probably sold to a different type of developer.

COMMISSIONER SULLIVAN: And that'll go on at the same time?

MS. VAZQUEZ: Yes. And that will be reserved for a period of time until the County feels comfortable.

COMMISSIONER SULLIVAN: Okay. But you don't plan to do the condos before you plan to do the housing or vice versa? Or do you plan to do the condos later, is

that from a marketing standpoint?

MS. VAZQUEZ: No, we decided that the condos and giving them up would be a way to do a reserve factor for this Commission to feel comfortable with the water budget that we believe we could meet. We did it so that we would be able to promote a water system that used graywater in landscaping and toilet flushing, and also make this Commission comfortable with making a decision of promoting a subdivision that was greener than most subdivisions that you see in this county.

COMMISSIONER SULLIVAN: Let me ask a question about Dinosaur Trail.

COMMISSIONER DURAN: Commissioner Sullivan, can I ask just one question.

COMMISSIONER SULLIVAN: Sure.

COMMISSIONER DURAN: Just one question. Are all these affordable units going to be built if they withhold the eleven units? If they withhold the eleven units - they're suggesting they hold back eleven units to protect -

COMMISSIONER SULLIVAN: To protect the water.

COMMISSIONER DURAN: The water. But the big question for me is are all the affordable units going to be built? Or are some of those affordable units in those eleven units there going to be held back?

COMMISSIONER SULLIVAN: I think you'd better ask the applicant.

MS. VAZQUEZ: Some of those affordable units, Commissioner Duran, are within those units that will be reserved.

COMMISSIONER DURAN: And how many?

MS. VAZQUEZ: It appears that four of them are.

COMMISSIONER DURAN: Okay, that's what I thought. Thank you. Thank you, Commissioner.

COMMISSIONER SULLIVAN: Okay. You talked some about the road access to the west, and we didn't mention anything to the east other than the connection with the proposed development across Richards Avenue. Who will maintain Dinosaur Trail?

MS. VAZQUEZ: There is a conditional dedication on Dinosaur Trail.

COMMISSIONER SULLIVAN: What is a conditional dedication?

MS. VAZQUEZ: It's how this County requires us to do dedications of County roads. We conditionally dedicate it on the plat. It's not accepted by the County until it meets County road specs, and it is built to County standards.

COMMISSIONER SULLIVAN: Okay. That would be the portion within your development. Then what about the portion from the development to Richards Avenue? Who will maintain that?

MS. VAZQUEZ: The entire Dinosaur Trail will be dedicated to the County, because it will be entirely redone from our development all the way to Richard's Avenue.

COMMISSIONER SULLIVAN: Okay. So it'll be dedicated to the County.

And the County needs then to accept that for maintenance purposes. So it needs to meet the County standards?

MS. VAZQUEZ: Mr. Chair, Commissioner, that is correct. And it has to meet the County standards, and it will be inspected once constructed, and then dedicated to the County fully and accepted by this Commission.

COMMISSIONER SULLIVAN: Okay. Now, that land from the east edge of your property to Richards Avenue doesn't belong to the applicant. So do you have agreements with the owners of that land, who I think are Mr. Gillentine and Ms. Petchesky, that they will turn that road over to the County.

MS. VAZQUEZ: Mr. Chair, Commissioner, I was going to during my presentation as I continued, submit to you letters from every single property owner giving us easement for the creation of Dinosaur Trail for dedication to the County.

COMMISSIONER SULLIVAN: Okay. So they will agree to have that dedicated. Then the width that I see on Dinosaur Trail seems to vary in your submittal. The right-of-way width. In the area fronting on your development to the north, I see that it has a right-of-way of fifty feet. And again, correct me if I'm wrong on these, just chime in. It has a right-of-way width of fifty feet. Then from the eastern edge of your development to Richards Avenue, it has a right-of-way width of forty feet. Of course, that end will have more traffic than yours, because that end of Dinosaur includes the traffic that comes into the Churchill Road Subdivision as well as whatever other subdivisions may develop out there. So we seem to be backwards on that. It seems, if anything, the right-of-way should be wider at the areas where there's more traffic.

MS. GUERRERORTIZ: On the Petchesky Ranch Property - Jane Petchesky's here and I'm sure she can help address this - but the intention is for a fifty foot access easement through there.

COMMISSIONER SULLIVAN: What do you mean by "access easement"? What does that mean?

MS. GUERRERORTIZ: It's a fifty-foot access and utility easement that's being granted.

COMMISSIONER SULLIVAN: And that includes the trail that you're putting in?

MS. GUERRERORTIZ: That's correct.

COMMISSIONER SULLIVAN: And the trail will be paved, right?

MS. GUERRERORTIZ: The discussions have gone back and forth on the material that the trail would be made out of. How it was left with the EZC was that it would meet the Public Works Department's requirements.

COMMISSIONER SULLIVAN: It says four inches of asphalt in here. Is that not the case?

MS. GUERRERORTIZ: No, it's not the case. It does not say four inches of asphalt. It never did. It said I think six inches - it had four inches of basecourse. But at the EZC, a condition was set that the material be changed. And the Public Works

Department's Dan Rydburg had spoken to me about a material that Taos County had been using on their bike path. And so we left it that it was either going to be asphalt or this new material, because he says it's got lower maintenance and he's recommending it. So we were going to investigate it further with him. So we left it up in the air. It's either asphalt or this newer material.

COMMISSIONER SULLIVAN: So basically we have a forty-foot width where the road is, and then we have a ten-foot area where the trail will be.

MS. GUERRERORTIZ: That's true on the Gillentine property, sir. But on Jane Petchesky's it's fifty feet and the path will be within that fifty feet.

COMMISSIONER SULLIVAN: Will be within the fifty feet.

MS. GUERRERORTIZ: And then the Gillentine property, there was a little more flexibility, as I understand the easement being granted so that their path can meander a little more away from the road.

COMMISSIONER SULLIVAN: Right. So, but in terms of ever increasing the width of that road, we're constrained of course from the north side by the highway right-of-way, the I-25, and now on the south side by this forty feet plus the trail. And then we really don't have much opportunity to widen that road. And I guess my concern is if fifty feet is the necessary right-of-way just for the road, and correct me again if I'm wrong, because the trail is outside that fifty-foot right of way in front of La Pradera, then it seems we should be doing the same thing or better on the east portion.

And what gets me to thinking that is that the right-of-way on Churchill Road is sixty feet. And that was what the County required on Churchill, and Churchill is a dead-end road with a cul-de-sac and serves maybe fifteen homes. So it seemed to me that we'd want to at least match the right-of-way that the County required on Churchill, wouldn't we?

MS. GUERRERORTIZ: Sir, I can't imagine why Churchill was required to be sixty feet. County Code should have recommended no greater than fifty feet. So I have no idea why Churchill was sixty.

COMMISSIONER SULLIVAN: Well, it is. And so we're - it doesn't seem to be excessive. I think, and again, correct me if I'm wrong, on the other end, on the Route 14 side as you go down past the dinosaur installation place, I think the right-of-way there appears to be more than one hundred feet.

COMMISSIONER DURAN: Mr. Commissioner -

COMMISSIONER SULLIVAN: Go on. I yield.

COMMISSIONER DURAN: The fifty-foot easements, fifty or sixty-foot easements, have no bearing on the driving surface. The driving surface is never fifty or sixty feet. They're always thirty - they're not even 38 feet. So I don't understand - I know you're concerned about this, but why don't you focus on something that makes a difference? The driving surface is never fifty feet.

COMMISSIONER SULLIVAN: Well, I'm not talking about the driving surface. And that's a good point. But this road already is a main thoroughfare from Route

14 over to Richards Avenue, because there's no frontage road. The cars come through there every day. And we're going to be required at some point, the County is, to widen this road. Because they're only proposing a 22-foot driving surface, and the traffic is eventually going to require that. And we can't go to the north. In fact, the highway is elevated to the north. So we have constraints there with ditches and back slopes. So if we're ever going to widen Dinosaur Trail in order to provide that extra width that'll be needed, and the extra shoulders, we're not going to have the right-of-way to do it.

COMMISSIONER DURAN: Well, what's your solution?

COMMISSIONER SULLIVAN: Well, my solution would be to increase the right-of-way widths to sixty feet.

COMMISSIONER DURAN: But the Code doesn't even require sixty feet. Show me in the Code that it requires sixty feet. The Code requires fifty feet.

COMMISSIONER SULLIVAN: Well, we don't even have fifty.

CHAIRMAN CAMPOS: Let's stop, and let's ask Mr. Abeyta.

COMMISSIONER DURAN: Well, ask him.

MR. ABEYTA: Mr. Chair, I don't know why the Public Works Department required sixty feet. But the Code varies on right-of-way, depending on what's required for the road. But for a typical road with two driving lanes, the Code doesn't require more than fifty feet. But again, that's just giving two driving lanes. If you include other things such as a parking area, a biking lane, a trail, then the right-of-way obviously gets a lot wider. But typically it's fifty feet.

CHAIRMAN CAMPOS: Do you have a trail? A road plus a trail?

MR. ABEYTA: This proposal has just a road and then a trail outside of the right-of-way, I believe.

MS. GUERRERORTIZ: It's both. Partly inside the right-of-way and partly adjacent.

COMMISSIONER SULLIVAN: But the right-of-way is only 40 feet. So at a minimum it would seem that we would want to make it compatible with the right-of-way that the applicant is using in front of their own property, which is 50 feet, as opposed to the forty. That's my point. I think we need to standardize along the width of Dinosaur Trail. If the County's okay with that and if we need to widen it in the future we'll have to come in and buy property.

COMMISSIONER DURAN: Is it possible to get it to 50 feet, based on the property owners?

MS. GUERRERORTIZ: Well, we in essence do have a total of 50 feet for the whole length. There's a portion where we would prefer, in an ideal world, not have a bike trail right against a road. So the way we negotiated with Mr. Gillentine who was very kind in this, is we got ten feet separated so that we could have a meandering bike path not right adjacent to the road. That, I think is a more ideal situation. And I will say that in the Community College Plan, this road was not seen as a major road, so the long term ideas on it is that you'll never need more than two lanes. And we've designed it and met all the

requirements on that road and met every standard on it.

COMMISSIONER SULLIVAN: I think Mr. Chair and Commissioners, if it has to be four lanes in the future, that's not the applicant's responsibility. It's already a major thoroughfare between the Community College and Route 14. But I think at a minimum, 50 feet is what is being proposed on their own site and what we need, not counting the trail, no matter how it may meander, that's my personal view. Let me just ask one other question. Sorry for taking so long, but this is in my district and people have asked questions about it. In Mr. Rydberg's memorandum of November 20th, he recommends contributing, that the applicant contribute to a future signal at the intersection of Richards Avenue and Dinosaur Trail. I don't see that in the conditions. What's the status of that?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, condition number 13 requires compliance with the recommendations from the County Public Works Department.

COMMISSIONER SULLIVAN: Okay so that, there will be some - obviously, they don't need the signal right now but they will in the future. So there'll be some amount of money set aside that the staff feels is adequate and appropriate for this particular subdivision to contribute towards that signalized intersection.

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, yes. If that's what the Public Works Department wants then they will have to comply with that.

COMMISSIONER SULLIVAN: Okay. That was in his memorandum so I assume that's what he wants. On the same issue about the conditions, I noticed that same condition 13 indicates compliance with the State Highway Department or I assume now it would read the New Mexico Department of Transportation. I noticed that one of their conditions was that the flood analysis did not meet their guidelines, that they require a 50-year retention and the applicant is proposing a 25-year retention. So how do we resolve that. Do we just simply then require the applicant to provide the 50-year retention?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, yes, either that or they would have to go back to the Department of Transportation, work that out and get us a new letter from the Department of Transportation stating that they're okay with what's been proposed.

COMMISSIONER SULLIVAN: Okay. And I understand that things have been taken care of with Emerald Alliance and I was wondering then on condition 17 if we could just add that "as such time as provided by the County prior to plat recordation." So we would understand we have the verbal, but I don't see any letters from their attorney, who was at the EZC. So it would seem like it would be good to have that satisfied by the time we reach plat recordation. Because that was a condition that was put by the EZC.

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, we could add that language. I did receive a letter today from the attorney for Emerald Alliance. So whether we add the language or not, it's been met.

MS. VAZQUEZ: Mr. Chair, Commissioner, the agreement with Emerald Alliance does state that we'll pay them prior to plat recordation.

COMMISSIONER SULLIVAN: Okay, so if we put that in that won't hurt anybody's feelings.

MS. VAZQUEZ: Do you have a copy of that for the record somewhere?

MR. ABEYTA: I don't know. Vicki probably does.

COMMISSIONER SULLIVAN: And I just wanted to clarify, in some of the documents, I don't see anything mentioned about the wastewater treatment system, other than constructed wetlands. But I understand that was the old process, that we're now talking about an advanced trickling filter with additional storage and treatment. Is that correct?

MS. VAZQUEZ: Mr. Chair, Commissioner, I believe you're looking at the master plan submittal on that, what was submitted at master plan. The development plan submittal submitted by Design Enginuity did have a wastewater treatment plan.

COMMISSIONER SULLIVAN: Okay.

MS. VAZQUEZ: The plans outline it as well.

COMMISSIONER SULLIVAN: Condition 22 talks about what you're going to do on Dinosaur Trail west of the subdivision, that you're going to put some gravel down there, some basecourse. There's no condition that addresses what you're going to do east, but my understanding is what you're going to do east from looking at your drawings is that you're going to basecourse and pave that to four inches of asphalt paving. Is that correct?

MS. VAZQUEZ: Mr. Chair, Commissioner, we will comply with the guidelines for basecourse, yes. From the County Public Works. And paving.

COMMISSIONER SULLIVAN: Okay, now I read four inches. Is that what you're proposing?

MS. VAZQUEZ: That's correct?

COMMISSIONER SULLIVAN: Okay, so we've got that on the record, that it will be four inches. Okay. There was no indication of the conditions as to what that would be and I just wanted to be sure it was clarified. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya?

COMMISSIONER MONTOYA: Mr. Chair, Ms. Vazquez, regarding the requirement of .16, condition number 19, correct me if I'm wrong, but did I hear Ms. Guerrerortiz say that we were looking at .13?

MS. VAZQUEZ: That is correct. We want a water restrictive covenant placed on each of these homes that will be recorded with the Clerk's office at a .13. We have accepted the water budget of .16.

COMMISSIONER MONTOYA: Oh, you have.

MS. VAZQUEZ: We have.

COMMISSIONER MONTOYA: So you're in agreement with this condition?

MS. VAZQUEZ: We are, Commissioner.

COMMISSIONER MONTOYA: Okay.

MS. VAZQUEZ: We just want to push the water use even more. We want

to push people to use less water, and we believe that by putting a .13 water restriction we will push them to use less water.

COMMISSIONER MONTOYA: Okay. And then for staff, Ms. Lucero, regarding the information that you gave us today from the Office of State Engineer, what would you conclude in terms of their final analysis, which was: "Consequently, this office is compelled at the current time to issue a negative opinion of the water supply availability for this development."

MS. LUCERO: Mr. Chair, Commissioner Montoya, are you referencing what type of condition we would impose as far as that memo goes?

COMMISSIONER MONTOYA: Yes, would there be a recommended condition or – what would be staff recommendation?

MS. LUCERO: Mr. Chair, Commissioner Montoya, there is a condition, I believe it's condition number 13, that requires compliance with review comments from the State Engineer's Office. So any additional requirements from the State Engineer the applicants would be required to comply with.

COMMISSIONER MONTOYA: Okay, so that would include today's correspondence.

MS. LUCERO: That's correct.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, my question is about the affordable housing. It seems like we're always pushing back affordable housing, and some developers are always saving that for the last. I think that it's important that we maybe build those units in the first 69 units. And I'd like to see that. How do you feel about that?

MS. VAZQUEZ: Mr. Chair, Commissioner, we will build what's required in that first phase of the 69 units. So I believe that's – I gave the plan back to Oralynn. But I think it's –

COMMISSIONER ANAYA: Seven.

MS. VAZQUEZ: No, it's ten units.

COMMISSIONER ANAYA: Ten?

MS. VAZQUEZ: Yes.

COMMISSIONER ANAYA: Okay, so I was hearing earlier that there was going to be four. How many units total?

MS. VAZQUEZ: There's a total of twelve units, Commissioner.

COMMISSIONER ANAYA: Okay. So I was hearing that four units would be part of the eleven units that would be held off?

MS. VAZQUEZ: Mr. Chair, Commissioner, what Commissioner Sullivan said is that four of the affordable housing units are within those condo units that we would agree to hold off on building. But what I said to him was that we would agree to build the required affordable housing units within the 69 units. So that would be a total of ten out of the twelve units that we needed to build.

COMMISSIONER ANAYA: Okay.

MS. VAZQUEZ: This is essentially now, because we're holding off one those condo units, a phased project. And so the rules for affordable housing on phased projects are a little different.

COMMISSIONER ANAYA: So you would build the last two if we were to give you approval, if you were underneath the water budget, you would build those last two when you do the eleven units?

MS. VAZQUEZ: Mr. Chair, Commissioner, that is correct. We would build the last two when we met our water budget and we could go forward with the construction of the condo unit.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN CAMPOS: Okay, if there is no objection -

COMMISSIONER DURAN: Sir? Can I ask a question?

CHAIRMAN CAMPOS: You have a question.

COMMISSIONER DURAN: Why won't you build all of them?

MS. VAZQUEZ: Why won't we build the entire twelve units?

COMMISSIONER DURAN: All the affordable units.

MS. VAZQUEZ: Within the 69 units? Because the requirement right now is the fifteen percent affordable. Because the zero to sixty percent range and the size of the housing meets with the condo units that we were constructing. Because it made sense to us to put some affordable housing units in the neighborhood center closer to some office space and potential jobs.

COMMISSIONER DURAN: But you really wouldn't have a problem if we required that you build all twelve immediately, would you?

MS. VAZQUEZ: If we were required to build the twelve units, that would increase the ordinance requirement of fifteen percent to seventeen percent of affordable housing units.

COMMISSIONER DURAN: Well, there's no requirement right now to give you .13 acre-feet either.

MS. VAZQUEZ: That is correct, Commissioner. There is no requirement. But we believe we've met the burden by establishing the evidence through the meter data for Rancho Viejo.

COMMISSIONER DURAN: Well, I think it's all about give and take. I think that building all twelve of them is a reasonable request to ask of you. Because the affordable housing always gets shortchanged.

COMMISSIONER ANAYA: I agree.

CHAIRMAN CAMPOS: Okay.

MS. VAZQUEZ: Mr. Chair, Commissioners, I -

CHAIRMAN CAMPOS: Can we hold on for a minute? If there's no objection from the Commission, I'd like to move to public hearing.

COMMISSIONER DURAN: That would be a good idea.

CHAIRMAN CAMPOS: Okay. Any objection? Let's go to public hearing. Anybody in the public want to address the Commission on this particular application? Nobody?

COMMISSIONER ANAYA: One person.

CHAIRMAN CAMPOS: Come on up.

[Duly sworn, Allen Hoffman testified as follows:]

ALLEN HOFFMAN: My name is Allen Hoffman, and I live at 122 Coyote Ridge Road. I could point out initially that I own no portion of this and I am not here as an owner. But I am here in my capacity as a community founder, as I believe I'm an environmentalist, and as a father. I want to try to express to you that what you're doing here today is far more important than just approving or disapproving one community.

I do a radio show on KSFR on environmental issues, and we have had environmentalists, experts, and the public commenting. And the one issue that comes up over and over again is the only hope for the future of Santa Fe County for my children and their children is the concept of water re-use. I would like to point out that the proposal that has been made here today is revolutionary as far as Santa Fe County is concerned. It is the first time that any developer has proposed to build not only a single water system, but a second water system at enormous cost to treat the water, to filter the water, to disinfect the water, and to send it back to each home.

Now, I think this is crucially important for us to remember, because as a town founder and as a community builder, which I do, if we do not honor the people for doing the right thing, people will not do the right thing. The right thing for the future of my children is to take this concept of water re-use, which has never been done before, and to prove two things. Number one, to prove that it works, and number two, to prove that this body will honor people and will encourage people to do this. So I will make this - I will vow right now that if you can provide them an incentive, a reason to spend this extra money, to build this revolutionary system, then the next time, if there ever is a next time, or I create another community, I will also use this technology.

And I think that it is fair to say that all the other people who are developers are watching this hearing very carefully. Because if they are going to spend this extra money and take this extra risk, they need to make it financially feasible. So if I were in your place, which of course I am not, but if I was, I would look at such a noble effort as this and say, Well, maybe we will take the risk, and instead of going at .16, we'll make it .15 or even .14, which is still more than their projection of .13 or .136, however you read that data. I think that is crucially important. I think there are lots of community builders and developers out there that if they felt that the County Commission would honor these efforts, that they would do the same. And quite frankly, someday I would like to see this be the law, for every developer to have to re-use water.

Now, I could go into great detail why this is such a revolutionary system that they're proposing. It's called a partial closed loop. The water that goes through the toilets is permanently returned. It is no less than revolutionary. And even at .16 - well, at .13,

you're taking about a forty percent, over a forty percent savings on annual water use. That almost doubles the amount of our children that can stay and live in this community.

I'll close just by saying one thing. When Cris Moore cast the vote that approved the Aldea community, a community that I helped create, one of his constituents came up to him and said, I voted for you because you were anti-growth, and now you cast a vote that approved a community. And Cris Moore looked at this man and said, If we oppose all development, only bad development will survive.

You can speak to the development community here in Santa Fe right now and say, We're willing to support this revolutionary way of approaching our water problems. And especially if we're going to start looking at wells, production wells. As the source of water for the future, conservation will be absolutely crucial. Please, make the effort. Give these folks a little extra help in making this project financially feasible, and the rest of us who are in this business will follow suit. Thank you.

CHAIRMAN CAMPOS: Thank you. Anybody else?

[Duly sworn, Lynn Canning testified as follows:]

LYNN CANNING: Hello Commissioners. My name is Lynn Canning and I'm with the Santa Fe Land Use Resource Center. And I swear to tell the truth, the whole truth, and nothing but the truth. And generally we don't speak either in favor of or in opposition to particular developments. And so I'm going to speak as the person who has spent years with many of you working on a Regional Planning Authority plan for this area.

And I guess I would like to say that my understanding of this project is that it does in fact attempt to bring together a number, if not all, of the criteria that the Regional Planning Authority is putting forward as the criteria by which we wish to direct development in the future for this community. In terms of water, in terms of affordable housing, in terms of economic development, in terms of desired development patterns, it seems to be something that attempts to bring all those together.

And so I can't be as eloquent as the previous speaker about this, and again, to me it's not so much being in favor of a particular development or opposed to others. But I know that this community needs affordable housing, and I'm grateful that you've stressed that this evening. I know that this community needs projects that will take care of our precious water resource and spread it as far as it goes. I know that this community needs jobs. And I know that Commissioner Sullivan has in fact said just permitting commercial zoning isn't going to create those jobs. But having them as part of a development, and a well done development, obviously is going to make a difference. And I know that we've all agreed that desired development patterns is also important.

So I guess I would just like to say that we've been on this road for planning for this area for a long time. The County's been on this road with the Community College District. It does happen to fall in that district. I don't feel as though it should be approved just because it does. But it also falls in the area and within the criteria that the Regional Planning Authority is putting forth. And I would hope that you would - what our dream always was, Commissioner Duran, I think was to bring our vision of land use planning and

linking land use and water together with growth management that brought the elements that as a community we need to move into the future together. And to do that in the Regional Planning Authority so that when you have your permit and development review hats on, you've also got the regional plan in mind. And I'm just asking you to keep those things in mind this evening when you look at this. Thank you very much.

CHAIRMAN CAMPOS: Thank you. Anybody else? Okay, public hearing is closed. Any additional comments?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: I've known Mr. Hoffman for a long time, and I know that the last ten years he's spent working on projects that are community-minded. And I really believe that the future of this community relative to the development community - the future of the development community, developers in this community, is to bring forward socially responsible developments. I see that this represents that. It meets our Code, the Code that we approved developing the community college district. And the innovative way that they are going to recycle this water also I think represents socially responsible development. And I would like to make a motion to approve the project with all of the recommendations. And I know that Commissioner Sullivan had several that I would be willing to attach as friendly amendments, except for the fifty-foot road one. But if you insist, I would suggest that if you wanted that fifty-foot road to be continuous, that we make that a condition. And if the applicant cannot come forward with signed agreements for that widening, that they come back and we discuss it again, or that -

COMMISSIONER SULLIVAN: That's fine.

COMMISSIONER DURAN: Okay.

COMMISSIONER MONTROYA: Is that the 31 condition?

COMMISSIONER DURAN: Yes.

COMMISSIONER MONTROYA: Second.

COMMISSIONER DURAN: Did you have other amendments, Commissioner Sullivan?

COMMISSIONER SULLIVAN: Not too many. Just to clarify on the right-of-way, that the condition would be fifty feet of right-of-way both within the boundary of the subdivision as well as east of the subdivision to Richards, excluding the trail, which would be outside that.

COMMISSIONER DURAN: But I want to condition that.

COMMISSIONER SULLIVAN: I'm getting to that.

COMMISSIONER DURAN: Okay.

COMMISSIONER SULLIVAN: And that if the applicant cannot achieve that through agreements with the owner -

COMMISSIONER DURAN: Or if it becomes cost-prohibitive.

COMMISSIONER SULLIVAN: Or if it becomes cost-prohibitive, then that issue will come back for re-analysis by the Commission.

COMMISSIONER DURAN: In master plan and final.

COMMISSIONER SULLIVAN: Well, they're at final now.

COMMISSIONER DURAN: Oh. What's your next level?

MS. VAZQUEZ: We're at final, Commissioner.

COMMISSIONER DURAN: Oh, you're done? Okay. Well then, within thirty days.

COMMISSIONER SULLIVAN: Within thirty days of the notification from the applicant that they can't achieve this agreement. How's that?

COMMISSIONER DURAN: I would say thirty days from today.

COMMISSIONER SULLIVAN: Well, they've got to have time to work it out.

COMMISSIONER DURAN: How much time would you need to try and work that out with your neighbors?

MS. VAZQUEZ: Let me understand the condition. You're looking for fifty feet of right-of-way from the boundary of the property line east to Richards?

COMMISSIONER SULLIVAN: Correct. As well as in front of the property. But that's already shown on your drawings.

MS. VAZQUEZ: Right. Not including the trail?

COMMISSIONER SULLIVAN: Not including the trail, correct. Which is also the way it's shown on your drawings in front of the property. When I say in front, I mean along the boundary of the property.

COMMISSIONER DURAN: That it conforms with what is on your property.

MS. VAZQUEZ: The reason that we got the forty feet, Commissioner Duran, on certain places is because that's what we agreed to with some of the neighbors. And when we went to Public Works, it was acceptable. We'd have to go back to them. We would be willing to go back to them, we would be willing to talk to them about doing that.

COMMISSIONER DURAN: They're both here, are they not?

MS. VAZQUEZ: Hold on just a minute.

COMMISSIONER SULLIVAN: Why don't you just go ask them?

COMMISSIONER DURAN: Then we can deal with it right now.

COMMISSIONER SULLIVAN: Then we can deal with it now. And then -

MS. VAZQUEZ: Go ahead. Because Orallynn will deal with that issue, and I can finish this.

COMMISSIONER SULLIVAN: I think I had the clarifications about the signal. That I think was taken care of. And on 17, on the agreement with Emerald Alliance, would just be prior to plat recordation. That seems to have been taken care of, but I'd like to memorialize that. And I would like, as I indicated previously, to add an amendment which you brought forward, Commissioner Duran, which is that the affordable housing be built in the first phase.

COMMISSIONER DURAN: Right.

COMMISSIONER SULLIVAN: As amendment 32, as condition 32. And I would also ask for consideration that the withheld units be those in the floodplain as opposed to the other units further up on the property. Does that cause you a problem?

COMMISSIONER DURAN: I don't understand the infrastructure reasons why -

COMMISSIONER SULLIVAN: It seems like it would be cheaper to build them, everything within that road network at the upper end anyway. I'm just concerned that we are building in the floodplain.

COMMISSIONER DURAN: Does that create problems?

MS. GUERRERORTIZ: Yes it would, sir. The Fire Marshal likes loop roads. I'm sure he'll want that road created. We're going to have to build it. I as an engineer would want it built. At that point we're putting all the infrastructure in for the homes, and we'd have in essence a road that wouldn't be used but would have all the infrastructure.

COMMISSIONER DURAN: How long are you - what's the build-out on the project? Anticipated build-out?

MS. GUERRERORTIZ: We anticipate it to be fairly quick. I think it'll be completely built out in a couple of years.

COMMISSIONER DURAN: And how long are you asking to hold back those eleven units until proof is given to us?

MS. GUERRERORTIZ: We've actually left that up to the staff. It's basically related to however much data they need to feel comfortable. We hope it's within two to three years, but that's actually under the staff's jurisdiction. But frankly, sir, Commissioner Sullivan and I don't agree. I don't see this as a flood hazard. I don't develop homes that will be in a hazard zone. These homes will be perfectly safe, and we do want them developed all at the same time.

COMMISSIONER SULLIVAN: Arroyo Hondo's the second largest arroyo in Santa Fe next to the Arroyo Chamiso, and it's unpredictable. And if we ever get rain around here, which I'll be glad to see, I think we're going to be surprised at what it does, given the development that's occurred upstream since these reports were there. If there's some way that we can word this, I think they already have a looped road, if the issue is a looped road. I believe that's already there. But it just seems logical to me that the units that are the most problematic be the ones that be held back in the second phase.

COMMISSIONER DURAN: So you said a two year build-out?

MS. GUERRERORTIZ: Yes, sir.

COMMISSIONER DURAN: That's forty houses a year, right?

MS. GUERRERORTIZ: Yes, sir. Oh, I'm sorry. So it's 35 a year.

MS. VAZQUEZ: About 35 a year.

MS. GUERRERORTIZ: Sir, I would venture to say that we're talking about the 500-year floodplain. We're talking about an area that potentially might get flooded once in 500 years. The probability is once every 500 years it's going to happen. Holding

back a few years isn't going to make a difference. If we held back 500 years we might see a result, but I think that's not a reasonable request at this point. And we're meeting Code. County code allows development in a 500-year floodplain.

COMMISSIONER DURAN: Okay. I think that my motion then, I'm sorry Commissioner Sullivan, is not with the holding back of those units, the holding back units being the floodplain units. I think that they're going to be able to prove that this technology works. This is the first time I've seen it. So my motion would be for everything that you attached to it excluding that.

COMMISSIONER SULLIVAN: Okay. Let me just make one other clarification or question, while we're in the discussion phase. This was something that the staff brought up. The conditions or the covenants allow 400 square feet of non-native irrigated landscaping per unit. And the Community College District Ordinance doesn't allow any non-native landscape materials. What was the need for the 400 feet? It seems like we could save some more water if we didn't allow 400 feet of Kentucky blue grass on each of these units.

MS. VAZQUEZ: Mr. Chair, Commissioner, actually the covenants prohibit non-native turf. What you're referring to is the State Engineer letter. And the State Engineer letter was concerned about the non-native turf issue. It was, I believe, there was an error in the plan submittal that we did send a letter to the State Engineer and we did cover it in the covenant that the only grass that's allowed would be native turf.

COMMISSIONER SULLIVAN: Okay. But the covenants that I read indicated a maximum of 400 square feet of non-native turf. That was written right in the covenants that are in the book here.

MS. VAZQUEZ: That's an error, sir.

COMMISSIONER SULLIVAN: You're indicating that that's an error.

MS. VAZQUEZ: Yes.

COMMISSIONER DURAN: So you'll change that?

MS. VAZQUEZ: We would agree to -

COMMISSIONER SULLIVAN: You would change that so there'll be non-native -

MS. VAZQUEZ: It's a College District Ordinance requirement.

COMMISSIONER SULLIVAN: Well, that's what I thought. And that's why -

MS. VAZQUEZ: Yes, it is.

COMMISSIONER SULLIVAN: It was brought up by the State Engineer, but I did still see it in these covenants that you submitted.

COMMISSIONER DURAN: Okay, that's my motion.

CHAIRMAN CAMPOS: Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chair, I just want to say a couple things. This is a unique development in Santa Fe County. It's the first of it's kind because of the double plumbing. I know a couple years ago we talked about it, and now we're seeing it.

And I think that is good for Santa Fe County. We're implementing the water harvesting in this development, wastewater treatment plant, the re-use of water. We're bringing economic development back to Santa Fe County. And the affordable housing, which is very important to me – and I'm glad to see the Commissioners agree with me on bringing those twelve units up right away. It's got the park, the plaza, open space and trails, and all that to me is very important in a subdivision. So Mr. Chair, with that, thank you.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya?

COMMISSIONER MONTOYA: Mr. Chair, Steven, Dr. Wust or Doug, what is the time that we are going to request of the applicant in terms of the collection of data? Is it stated in there somewhere? I probably missed it.

STEPHEN WUST (County Hydrologist): Mr. Chair, Commissioner Montoya, Steven Wust, County Hydrologist. I was telling you, it's in my letter, but basically what we talked about was two to three years of data. And the reason we've left it a little vague is that it would really depend on the data that come in. In other words, if there's a wide range and we're getting a variability and we're still seeing changes summer to winter, we'd want more data to prove it out. But if it's a nice narrow range and it's showing that it's coming in at a pretty consistent level, then we could accept it in a reduced amount of time. And so it isn't definite to say exactly.

The other reason would be how many units. If building slows down and there's only twenty units in the next year, that's probably not enough units to say there's a year's worth of data. So we tried to leave it a little vague in order to accommodate the future variability on how many houses would be in the data set and what the range of the data would be.

COMMISSIONER MONTOYA: So Mr. Chair, Stephen, would that have possibly been in your letter of March 1st?

MS. VAZQUEZ: EZC packet, the letter that was submitted, it was dated December 5, 2003. I only have the first page of it in my records, but it did have a time frame of two to three years and his rationale was basically that depending on how much data came in – it was submitted as part of the record.

COMMISSIONER DURAN: I think three years is too long.

DR. WUST: Mr. Chair, it says here if they collect a minimum of three years of water use data with a sufficient number of units, but as I expressed, that's been updated and it could change, depending on the data spread and the number of units.

COMMISSIONER DURAN: Wouldn't they have the option to come forward if they have the data sooner? They could always come in and ask, or they could come back and say we need more time.

MS. VAZQUEZ: I believe that was why the condition was written the way it was.

COMMISSIONER DURAN: That's the beauty of life; things change.

CHAIRMAN CAMPOS: That's right. Weather cycles. We have to wait for the weather cycles to show us. And what they do in fact per unit.

COMMISSIONER DURAN: I understand. Okay. Any other comments or questions.

COMMISSIONER MONTOYA: Mr. Chair, is that letter then part of the record?

MS. VAZQUEZ: Mr. Chair, Commissioner, it is part of the record because it was submitted in the EZC packet. I do have a copy if you'd like me to add it as an additional part of the record.

COMMISSIONER DURAN: So are we saying two years?

COMMISSIONER MONTOYA: Until sufficient build-out.

COMMISSIONER SULLIVAN: That's what we did for Rancho Viejo.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER SULLIVAN: Excuse me, Mr. Chair, Commissioners, is that a condition we want to add on, 32, based on three years of data?

COMMISSIONER MONTOYA: If that's okay with the maker of the motion.

COMMISSIONER DURAN: That's fine with me.

MS. VAZQUEZ: Excuse me, Mr. Chair, Commissioner, what was the result of the water issue?

COMMISSIONER DURAN: The letter that you submitted is part of the record and that's a condition.

COMMISSIONER MONTOYA: Right. It was submitted.

CHAIRMAN CAMPOS: By the way, did you have any discussions about right-of-way?

MS. VAZQUEZ: I did. I just quickly wanted to say the College District standards requires a 50-foot right-of-way, but it also gives you flexibility to divide it up. Give you 40 feet for the road and ten feet for the trails. And the reason they do that is they wanted to give people some flexibility in the design of the road and in the design of the trail and we have met that standard throughout this development and I just wanted to point that out for the record. Also, the last thing is that in dealing with the neighbors, this subdivision was really created through neighborhood effort. The neighbors wanted it, a meandering trail.

CHAIRMAN CAMPOS: The question is, you talked then about acquiring 50 feet. That's the question.

MS. VAZQUEZ: Mr. Gillentine would not agree at this time to give us the 50 feet of right-of-way.

COMMISSIONER DURAN: Then I withdraw it as a motion, as a condition, and accept your 40 feet with a meandering trail.

MS. VAZQUEZ: Thank you, Commissioner.

CHAIRMAN CAMPOS: Secunder?

COMMISSIONER MONTOYA: Fine.

CHAIRMAN CAMPOS: You accept that?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: What's the - what do you anticipate the sale price will be for these lots?

MS. VAZQUEZ: Mr. Chair, Commissioners, hold on.

COMMISSIONER DURAN: What does that have to do with anything?

CHAIRMAN CAMPOS: Just curious.

COMMISSIONER DURAN: You have a buyer here for one.

CHAIRMAN CAMPOS: No, no.

COMMISSIONER DURAN: It just went up \$20,000 based on all these conditions.

COMMISSIONER SULLIVAN: Mr. Chair, while they're talking, can I make a comment?

CHAIRMAN CAMPOS: Sure.

MS. VAZQUEZ: Mr. Chair, Commissioners, I don't believe my principals can answer that at this point.

COMMISSIONER SULLIVAN: I can answer it for you. I can tell you what they're selling for in that area. Mr. Chair, I think that this project has a lot of favorable components to it. I think it's a serious mistake not to have adequate right-of-way in a development. I think if we've set a standard that says that we can have this constricted right-of-way it's going to come back to haunt us and the taxpayers of Santa Fe County are going to have to pay someone to widen that right-of-way to make it safe and to carry the amount of traffic that this project is going to generate. I've come to that conclusion in discussing it with people, myself included, who live in the vicinity of the project. So I just want to make that clear, that there's a great deal of factors that make us feel that this is a good project and we hope that everything that's promised comes to be when the homes are built, but I think that we have not adequately addressed the traffic situation. If forty feet of right-of-way was adequate, the developers would have saved money and had 40 feet of right-of-way on the boundaries of their own property. So clearly, the engineer doesn't feel that it's adequate or she would have designed a 40-foot row on their property.

So I just want to make myself clear. Thank you.

CHAIRMAN CAMPOS: And Commissioner Duran, I would urge you to consider the 50-foot. I think as things change, usage changes, the County's going to have to pay for this.

COMMISSIONER DURAN: It's 40 feet and then there's still a trail for the bike, correct?

MS. VAZQUEZ: That's correct.

COMMISSIONER DURAN: And the trail for the bike is not in that 40 feet.

MS. VAZQUEZ: That is correct, Commissioner.

COMMISSIONER DURAN: Thank you. My motion stands.


The motion to approve EZ Case #S 02-4321 passed by majority [4-1] voice vote,

with Commissioner Sullivan voting against.

ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 8:55 p.m.

Approved by:



Board of County Commissioners
Paul Campos, Chairman

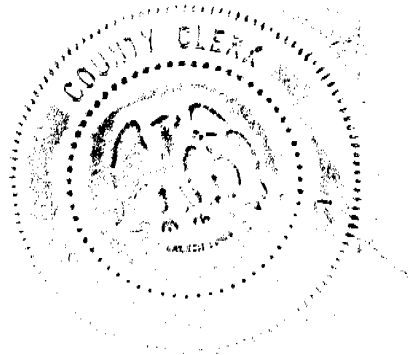
Respectfully submitted:


Karen Farrell, Commission Reporter

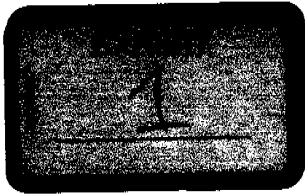
ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 04/19/2004



Village of Agua Fria

Proposed Traditional Historic Community (THC)
Boundary Amendment

9 March 2004 Santa Fe Board of County Commissioners First Public Hearing

**Village of Agua Fria THC
Boundary Amendment
Presentation**

- ✓ Brief History
- ✓ Process
- ✓ Proposed Amendments

**Village of Agua Fria THC
History**

- ✓ Ordinance 1995-8 Declared Agua Fria a
Traditional Historic Community (THC) Under
State Law
 - ◆ Community Petitioned to BCC to be Declared a
THC
- ✓ Ordinance 1996-16 Amended Boundary
 - ◆ Reduced THC Boundary
 - ◆ Allowed Property Owners Contiguous to Boundary
to Request Inclusion into THC

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**Village of Agua Fria
Planning Process**

- ✓ Agua Fria Planning Committee Established by the BCC by Resolution on June 10, 2004
- ✓ Authorized to Initiate a Planning Process
 - Prepare Community Plan consistent with Community Planning Ordinance 2002-3 and County Growth Management Plan
- ✓ Initial Planning Boundaries Identified as Agua Fria THC Boundary
 - Ordinance 2002-3 Authorizes Boundary to be Amended Through Planning Process

**Village of Agua Fria
Boundary Subcommittee**

- ✓ Reviewed THC Boundary History and Identified Issues
 - 1996 THC Boundary Amendment Excluded Public Land Identified by Community Members as Part of the Village of Agua Fria
 - Identified Map Errors
 - No Boundary Description or Survey

**Village of Agua Fria
Boundary Subcommittee**

- ✓ Proposed THC Changes
 - Include Public Land Adjacent to THC
 - Correct Map Errors
 - Provide Written Description of THC Boundary
 - Avoid Overlapping Jurisdiction With City

Agua Fria THC Amendment Process

- ✓ Boundary Subcommittee Recommendation
- ✓ Planning Committee Consensus
- ✓ Community Notification
- ✓ Community Meeting
- ✓ Agua Fria Development Review Committee Unanimously Recommended Approval
- ✓ Two Public Hearings (BCC)

Village of Agua Fria THC Proposed Boundary Amendments

- ✓ Inclusion of Agua Fria Community Park
- ✓ Inclusion of El Cementerio de Agua Fria
- ✓ Inclusion of Public Land Adjacent to THC
 - San Ysidro River Park
 - Public land adjacent to Santa Fe River
- ✓ Corrections to Map
 - Update Parcel Data and Adjust Boundary to Coincide
 - Adjust Boundary to Avoid Overlapping Jurisdiction with City of Santa Fe along Rufina and Henry Lynch Road

Agua Fria Traditional Community Zoning District Map

- ✓ Traditional Community Zoning Districts Created as Part of 1980 General Plan
- ✓ Agua Fria Traditional Community Zoning District Map Errors
 - Overlaps City of Santa Fe

**Agua Fria Traditional
Community Zoning District**

- ✓ Proposed Amendment
- Adjust Agua Fria Traditional Community Zoning District Map to Coincide With Santa Fe County Jurisdiction

**Proposed Agua Fria THC
Boundary Map**

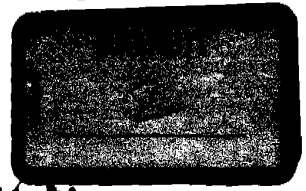
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CASSUTT, HAYS & FRIEDMAN, P.A.

ATTORNEYS AT LAW

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FAX (505) 992-8378
E-MAIL ch@chlaw.com

* Also admitted in California
** Also admitted in New York

Via Facsimile

March 8, 2004

Roman Abeyta
Land Use Administrator
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

**Re: EZ Case # S 02-4321 - La Pradera Subdivision/Gardner Associates, LLC
Preliminary and Final Plat and Development Plan Approval
BCC Hearing March 9, 2004**

Dear Roman:

I wanted to let you know that Gardner Associates, LLC and Emerald Alliance, Inc. have reached agreement on Gardner's proportionate reimbursement for the road improvements to Dinosaur Trail that were done by Emerald. This should satisfy of Condition of Approval No. 17 to the referenced case, as adopted by the Santa Fe County Extraterritorial Zoning Commission on December 11, 2003.

Please do not hesitate to contact me if you have any comments or questions on the above.

Sincerely,

John P. Hays

cc: Vickie Lucero, County Land Use Staff
Alan Auslander
Linda Tigges
John McCarthy
Rosanna Vazquez, Esq.

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P. 3

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P. 2

AGREEMENT

This Agreement is entered into as of the 5th day of March, 2003 by and between GARDNER ASSOCIATES, LLC, a New Mexico limited liability company ("Gardner"), and EMERALD ALLIANCE, INC., a Nevada corporation ("Emerald"). The parties agree as follows:

1. Gardner shall pay Emerald the sum of \$15,000.00 as Gardner's proportionate reimbursement for the road improvements to Dinosaur Trail that were done by Emerald.
2. Gardner shall pay this amount to Emerald upon the recording of the subdivision plat for the La Pradera Subdivision in the records of Santa Fe County, New Mexico. Gardner shall notify Emerald when this subdivision plat has been recorded, and shall pay Emerald the amount set forth above within three (3) business days of the recording of the subdivision plat.
3. This Agreement is entered into between the parties in satisfaction of Condition of Approval No. 17 to EZ Case S 02-4321, La Pradera Subdivision, as adopted by the Santa Fe County Extraterritorial Zoning Commission on December 11, 2003. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns, including, but not limited to, any party in whom Gardner conveys, transfers or assigns any or all of its development rights to the La Pradera Subdivision.
4. In the event of any action, suit or proceeding arising from or based on this Agreement brought by either party against the other party to this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party its reasonable attorneys' fees, any gross receipts tax thereon, and legal costs and expenses incurred in connection therewith, including attorneys' fees and costs incurred on appeal and in the collection of any judgment.

IN WITNESS WHEREOF, the parties hereto have made this Agreement as of the year and date first written above.

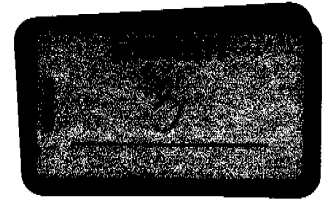
GARDNER ASSOCIATES, LLC

EMERALD ALLIANCE, INC.

By: [Signature]
 Name: John J. McCarthy
 Title: MANAGING MEMBER
GARDNER ASSOCIATES, LLC
AND, A LICENSED
NEW MEXICO REAL ESTATE
BROKER
3/5/04

By: [Signature]
 Alan Auslander
 Vice-President

SFC CLERK RECORDED 04/19/2004



UTILITIES DEPARTMENT

5 December 2003

TO: Vicki Lucero, Land Use Department
FROM: Stephen Wust, County Hydrologist *SRW*
RE: EZ Case #S 02-4321 La Pradera Prelim & Final

I have reviewed the water budgets for the above referenced application. One budget was included with the Final Development Plan, another was submitted on 3 December 2003 to Land Use and Utilities.

In general, I have reservations about the methodology used in developing the proposed water use. "Subtracting" water use from Rancho Viejo metered values cannot document the uses or conservation measures that went into those values. For example, if Rancho Viejo residents reduced their water use by reducing their evaporative cooler use, then subtracting this use would not be valid.

The water budget contained within the Final Development Plan uses the Rancho Viejo values from a year in which utility restrictions were in place. This is not a reasonable starting point from which to subtract uses.

The revised water budget submitted separately starts from the non-restriction year Rancho Viejo values. However, there is no documentation to support the amounts of water subtracted from this starting point. For example, the budget estimates the number of evaporative coolers, then assumes number of days and hours of use. There is no documentation or study to support these assumptions. Similar undocumented assumptions are made regarding the amount of outdoor watering.

With these uncertainties, the only viable approach is to use those studies for which there is metered data, or utilize an additive approach to calculate total water use by summing individual uses from all fixtures and appliances.

Rancho Viejo used metered data, and derived an average of 0.18 acre-feet per year per household during a non-restriction year. Using information provided by Tessera and an additive methodology, I derived a total of approximately 0.18 acre-feet per year per household.

Therefore, the best conclusion is that subdivision that use water conservation methods in building will realize a water budget of 0.18 acre-feet per year per household. Adding 10% for uncertainties gives 0.2 acre-feet per household as an appropriate value to assign to the water budget. Interestingly, if the latest value from La Pradera, 0.156 acre-feet per year per dwelling, is taken with a 20%

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uncertainty factor (due to the greater uncertainty in their methodology), the result is 0.198 acre-feet per year per dwelling, equivalent to the other calculations.

Another issue for the total water budget affects La Pradera specifically. They have presented no definitive measures to ensure the limited commercial water use they propose. The Final Development Plan simply states that limited water will be available, therefore certain businesses will not wish to move in. However, there is no covenants or procedures to prevent such businesses from locating in the subdivision and using excessive water, particularly later as new businesses move into existing space. La Pradera suggests that it will be the County's responsibility to enforce water restrictions or limit permits, but this is not a valid proposal for a developer to ensure proper water use. If the developer wishes to rely on the County to meet the water budget, then the County could do so by requiring 0.25 acre-feet of water per dwelling be allocated, with an equivalent amount to the commercial spaces.

At this time, with the information available from existing and other proposed subdivisions, I recommend that no less than 0.2 acre-feet of water per lot be allocated. This is strictly from a water budget perspective: policies, code requirements, and the needs of the Utilities Department may modify that figure. It would be reasonable to suggest to the developer that, if they collect a minimum of three years of water use data from a sufficient number of units, along with their own restrictions in place that will ensure that such reduced usage will continue, that at that time they can apply to the County to extend their development, either as residential or commercial units, using the water savings. The usage report should be subject to approval by the County Hydrologist.

If you have any questions, please call me at 992-9876 or email at swust.

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