

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
 (Public Hearing)
 March 12, 2002 - 4:00 p.m.

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 - B. Tabled or Withdrawn Items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
- VII. Matters of Public Concern – NON-ACTION ITEMS
- VIII. Matters from the Commission
- IX. Presentations
 - A. Presentation by the Planning Division/Land Use Department on Current and Projected Projects for 2002 Including: Costs of Community Planning; an Update On Existing Projects; and Requests From Several Communities For New Planning Processes
 - B. Presentation on the Joint County and City Engineering Feasibility Study on Water Supply Alternatives to Meet the Short-Term Water Demand Requirements for the Santa Fe Metro Area
- X. Administrative Items:
 - A. Committee Appointments:
 - 1. Appointment of Members to the Correctional Advisory Committee
- XI. Staff and Elected Officials Items:
 - A. Matters from the County Attorney, Steven Kopelman
 - 1. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - B. Matters from the County Manager, Estevan Lopez
 - 1. Request Authorization to Apply for \$450,000 in Grant Funding for Substance Abuse Prevention Services for Youth From the New Mexico State Department of Health
 - 2. Request Approval of Actual Travel Expense Reimbursement for the County Manager, Estevan Lopez and the Chairman of the County Commission, Paul Duran for a Trip to Washington, D.C.

Approved

W.H.D.

XII. Public Hearings:

- A. Ordinance No. 2002- An Ordinance Adopting a County Capital Outlay Gross Receipts Tax (First Public Hearing)**
- B. Land Use Department Items:**
1. **Ordinance No. 2002 - An Ordinance Amending Article XIII, Ordinance 1998-5, of the Land Development Code, Ordinance 1996-10, to Refine the Planning Process for the Development of Community Plans and Include Planning Elements as Outlined in the Santa Fe County Growth Management Plan, Resolution 1999-137. Judy McGowan (Second Public Hearing)**
 2. **Ordinance No. 2002 - An Ordinance Amending Ordinance 1996-10 Santa Fe County Land Development Code, Article III, Section 4.4.4c (Maximum Height for Commercial & Industrial Non-Residential Districts) and Article III, Section 6.3.4 (Maximum Height for Large Scale Residential Uses) for the Purpose of Clarification of Height Definitions. Charlie Gonzales (First Public Hearing)**
 3. *Approved w/ variance*
CDRC CASE #Z 01-5550- Eldorado Animal Clinic. Murt Byrne, Applicant, Jim Siebert, Agent Requests a Master Plan Amendment Approval for Expansion of an Existing Animal Clinic. The Property is Located East of US 285, North of Alma Drive Within the Bishop John Lamy Grant, Township 15 North, Range 10 East (Commission District 5). Wayne Dalton
 4. *Tabled*
CDRC CASE #V 01-5610 - Bryan and Karen George Variance. Bryan and Karen George, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 12.12 Acres into 3 Lots; One Lot Consisting of 7.12 Acres, and Two Lots Consisting of 2.5 Acres. The Property is Located at 22A San Marcos Road East, Within Section 11, Township 14 North, Range 8 East (Commission District 3) Wayne Dalton
 5. *Table*
LCDCR CASE #MIS 00-5812 - Vallecitos De Gracia. Vallecitos De Gracia, Jim Brown, Applicant, Jim Siebert, Agent, Request an Amendment to a Condition on a Preliminary Plat for Vallecitos De Garcia, a 16 Lot Subdivision on 42 Acres, Which Requires an All Weather Crossing Capable of Accommodating a 100 Year Storm. The Amendment Would Result in a Variance of Article V, Section 8.3.4 (Road Design) of the Land Development Code. The Property is Located Along County Road 54, Northwest of the Downs Racetrack, Within Sections 22, 27, and 28, Township 16 North, Range 8 East (Commission District 3). Wayne Dalton TABLED
 6. *Tabled*
CDRC CASE #V 01-5600 - Eleanor Gonzales, Ernest Romero, Lucille Duran, and Carlos Romero. Eleanor Gonzales, Ernest Romero, Lucille Duran, and Carlos Romero, Applicants, are Appealing the Land Use Administrator's Decision to Deny the Division of a 33.22 Acre Tract into 4 Lots by Means of a Family Transfer Which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. The Property is Located Off County Road 63 in Glorieta, Within Section 2, Township 15 North, Range 11 East (Commission District 5). Audrey Romero

- post 2022 to April 9*
7. CDRC CASE #A/V 01-5591 - Sharon Martinez. Sharon Martinez, Applicant, is Appealing the Land Use Administrator's Decision to Deny a 2 Lot Family Transfer Land Division of a 1.045 Acre Tract, Which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. The Property is Located Off County Road 84G in the Traditional Community of Nambe, Section 10, Township 19 North, Range 9 East (Commission District 1). Audrey Romero
8. EZ CASE #S 01-4680 - Tano Bonito Subdivision. Robert Fisher, Applicant, Design Enginuity, Agent, Request Preliminary and Final Development Plan and Plat Approval for a 6-Lot Residential Subdivision on 15.1 Acres. The Property is Located off Camino Ladera in the Fin Del Sendero Neighborhood, Within Section 4, Township 17 North, Range 9 East and Section 33, Township 18 North, Range 9 East (2-Mile EZ District - Commission District 1). Vicki Lucero
9. EZ CASE #MP 01-4261 - Tesuque Creek Subdivision. Ralph Brutsche, Applicant, Design Enginuity, Agent, Request Master Plat and Development Plan Approval for a 15-Lot Residential Subdivision and Lot Line Adjustment on 65.29 Acres. This Request also Includes: A Variance to Allow a Cul-De-Sac Length Greater Than 500 Feet; A Variance to Allow Disturbance of 30% Slopes or Greater for the Purpose of Road Construction; A Variance to Allow More than 50% of Structures to be Located on Slopes Greater Than 20%; A Variance to Replace Standard Concrete Curb and Gutter With Stone; and A Variance to Allow a Road Grade in Excess of 11% for 400 Linear Feet. The Property is Located off State Road 475 (Hyde Park Road), Within Sections 4, 5, 8, and 9, Township 17 North, Range 10 East (2 Mile EZ District - Commission District 1). Vicki Lucero
- table*
10. AFDRC CASE #A/V 01-5340 - Horacio Baca Appeal Variance. Horacio Baca, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow the Placement of a Second Dwelling Unit on .419 acres. The Property is Located at 2314 Caja De Oro Road, in the Traditional Community of Agua Fria, Within Section 31, Township 17 North, Range 9 East (Commission District 2). Wayne Dalton **TABLED**
- with owner*

XIII. ADJOURNMENT

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

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SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

March 12, 2002

- Paul Duran, Chairman [excused]
- Jack Sullivan, Vice Chairman
- Paul Campos
- Javier Gonzales
- Marcos Trujillo



1704.324 } ss

COUNTY OF SANTA FE
STATE OF NEW MEXICO

I hereby certify that this instrument was filed
for record on the 1 day of May A.D.
20 02 at 2:24 o'clock P.m
and was duly recorded in book 2120
page 445-594 of the records of
Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Rebecca Bustamante
Deputy

SANTA FE COUNTY

2120449

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

March 12, 2002

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:05 p.m. by Vice Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Jack Sullivan
Commissioner Marcos Trujillo
Commissioner Javier Gonzales
Commissioner Paul Campos

Members Absent:

Commissioner Paul Duran

IV. INVOCATION

An invocation was given by Ralph Jaramillo from the County Assessor's Office.

V. APPROVAL OF THE AGENDA

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

COMMISSIONER SULLIVAN: Estevan, you have agenda changes or amendments?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, first of all we had added a couple of items to the agenda after it had been posted and those were two items under XI. B. The first was Request authorization to apply for \$450,000 in grant funding for substance abuse prevention services for youth from the New Mexico State Department of Health. And the second item, Request approval of actual travel expense reimbursement for the County

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Manager, Estevan Lopez and Chairman of the County Commission, Paul Duran for a trip to Washington, D.C. We had added that on but we're now going to ask that that particular item be withdrawn. I've since learned that there is already a mechanism for approval of that administratively.

And then, in addition, on the agenda noted for tabling are, under Public Hearings, XII. B. 5, Vallecitos de Gracia and item 10. Horacio Baca Appeal/Variance. That item will have been tabled the third time and therefore pursuant to an earlier resolution would therefore result in a withdrawal of that case. Also today we've received a letter from Design Ingenuity regarding item XII. B. 9. Tesuque Creek Subdivision, requesting a tabling. That particular request came in after the deadline that you had set for automatic tablings, therefore the applicant is here to answer any questions that you might have regarding that tabling request. That is the agenda that we have for you today, Mr. Chairman.

COMMISSIONER SULLIVAN: Thank you, Estevan. On XI. B. 2, you'll give us just an update as to what that trip's about?

MR. LOPEZ: Mr. Chairman, I certainly can. When would you like for me to do that?

COMMISSIONER SULLIVAN: Let's get the agenda out of the way first. What's the pleasure of the Commission with regard to item 9. Tesuque Creek Subdivision. Is the applicant's representative here? Do you want to give us a reason for your tabling, Ms. Guerrerortiz?

ORALYNN GUERRERORTIZ: Good evening, Commissioners. I think probably in your packet you've got a stack of letters from neighborhoods, neighborhood members. We tried to meet with them last Wednesday. I can't explain what happened but David Schutz and I were waiting in a room for a little while and we were by ourselves. We're trying to reschedule. At this point we're hoping for maybe the 19th or 20th next week. And so we're asking for a delay to try to resolve things with the neighborhood. [Exhibit 1]

COMMISSIONER SULLIVAN: Any questions from the Commission for Ms. Guerrerortiz? What's the pleasure of the Commission on this tabling?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second.

COMMISSIONER SULLIVAN: We have a motion for approval of the agenda and a second, which includes the tabling of items 5, 9, and 10. Any further discussion? Those in favor say "aye." [Unanimous]

MR. LOPEZ: Mr. Chairman, for the record, I'd point out that item 10, this will be the third tabling and therefore is automatically withdrawn.

COMMISSIONER SULLIVAN: All right.

COMMISSIONER TRUJILLO: I have a question, Mr. Chairman. What happens if this case is withdrawn?

ROMAN ABEYTA (Land Use Administrator): Mr. Chairman, Commissioner Trujillo, yes, the applicant has the right to renotify. The problem is with his public notice, and so he'll have to renotice and then he can be put back on this agenda.

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COMMISSIONER TRUJILLO: So he has to start the process again.

MR. ABEYTA: He's got, Mr. Chairman, Commissioner Trujillo, he's got three months in which he can come back to the Board. If he does not within that three months then he'll have to hold off for a year. But he's aware of that.

COMMISSIONER TRUJILLO: Thank you, Roman.

MR. ABEYTA: Thank you.

VI. APPROVAL OF MINUTES: February 20, 2002

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner.

COMMISSIONER CAMPOS: As regard to the minutes for the February 20, 2002 meeting, page 74, second paragraph, which begins with "Chairman Duran." As to the vote, I think that's inaccurate. I didn't vote with it but I did vote against it, so I'm noting as voting for it and voting against it. So it has to be corrected to a negative vote. And same page, the very last paragraph, again beginning with "Chairman Duran." Opposed was Commissioners Sullivan and Duran. Instead of Duran, that was me. So I'd like that corrected.

COMMISSIONER SULLIVAN: Okay, and I have some—that was on page 74. Who voted against?

COMMISSIONER CAMPOS: On the first item, the top item or the bottom item?

COMMISSIONER SULLIVAN: On X. B. 3.

COMMISSIONER CAMPOS: On X. B. 3, I voted against it and the second paragraph on top has me voting for it and also against it.

COMMISSIONER SULLIVAN: Ah. Got it. And I have also some administrative corrections on several of the pages which weren't of the nature of votes but just some clerical changes, which I'll give to the recorder. With that in mind, is there a motion?

COMMISSIONER CAMPOS: Motion to approve the minutes of February 20, 2002 as amended.

COMMISSIONER TRUJILLO: Seconded, Mr. Chairman.

COMMISSIONER SULLIVAN: Those in favor say "aye." [Unanimous] Those opposed? Motion carries.

February 26, 2002

COMMISSIONER SULLIVAN: Are there any additions or corrections? I have two minor clerical corrections. Are there any others? Hearing none, what's the pleasure of the Commission?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER CAMPOS: As amended, second.

COMMISSIONER SULLIVAN: Moved and seconded for approval as

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amended. Any further discussion? Those in favor say "aye." [Unanimous] Those opposed? Motion carries.

VI. Matters of Public Concern - NON-ACTION ITEMS

COMMISSIONER SULLIVAN: Is there anyone in the public who would like to address the County Commission? Please come forward and state your name.

TAMARA LICHTENSTEIN: I'm Tamara Lichtenstein.

ELIZABETH HERNANDEZ: And I'm Elizabeth Hernandez.

MS. LICHTENSTEIN: We're here today about La Junta del Alamo, which is a very small road. It's a portion of the El Camino Real Trails Network. It intersects with Agua Fria. It's in the area of Agua Fria that's currently being worked on with the paving and utility project. We have made numerous phone calls, e-mails and letters regarding what has happened to La Junta del Alamo as a result of the project. Its entrance has been changed. It's been narrowed to a point where it's extremely dangerous for residents trying to make a right turn in. [Exhibit 2]

We have talked to the County Public Works Director. We have talked to the County Engineer. We have talked to crewmen. We have talked to contractors. We are at our wits' end because we haven't gotten this resolved and we've been complaining for months and we see that the road is going to be open for 10,000 trips a day very soon because the paving's almost completed. We're asking you to fix our road in a safe way. We've brought in a copy of the original plan, which was shown the public. This is not how the road has been done and I'd be happy to give that to you.

We've already delivered letters with copies of the plan here and I don't know if you've seen the letters. We have with us from the Land Use Department an aerial photograph from 1992, ten years ago, showing the existing pattern of public use of the road. It was changed because a neighboring non-resident landowner complained about it, complained to somebody at Public Works and it was changed at his request with no public hearing and no communication with the ten families that live on this little road.

At one point he was willing to donate a little piece of property to the County to move the road. We protested because the road is historic. It has been in this location and in this alignment for 300 years. We've been using it, all of us who live there, without any problem until the paving project. We are simply asking that you either authorize condemnation of a piece of property about the size of a pick-up truck so that the entrance can be widened back the way it's supposed to be, the way it always has been.

Or that you review the title claim of this property owner, because there are weaknesses in his chain of title and maybe you don't owe him anything. If you take a look at this map, this aerial photograph, you can see how we've been using the road for over ten years and how it was used before this property owner was even born. I don't know what you guys can do here tonight but we're very concerned about seeing the road opened to

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traffic before this gets resolved and it will cause residents to have to head into oncoming traffic on a very busy minor arterial road just to make their right turn into where they live. Please do something for us before the road opens.

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Tamara, so the issue is the intersection?

MS. LICHTENSTEIN: It's the intersection.

COMMISSIONER TRUJILLO: Right where it connects to Agua Fria.

That's the issue. It's too narrow?

MS. LICHTENSTEIN: They have made the opening too narrow. It used to be wide enough to accommodate curves and in fact the design that was shown the public from your own engineers accommodated the curve quite nicely. What we're left with is a very, very narrow driveway cut, which is hardly appropriate for a driveway, much less a public road. La Junta del Alamo is also known as County Road 61F and it is the intersection of these two branches of the Camino Real Trail Network.

So it's special to us for its historic alignment and it's special to us because we live on it. We want our children to be safe in our cars as we're trying to get in and out of there. This has gone on way too long. It's such a tiny little piece that we're talking about but it's all about safety. Not only for residents but for everybody traveling in a vehicle on Agua Fria who will be endangered every time we try to get in and out.

COMMISSIONER TRUJILLO: So ostensibly the County was encroaching on private property there at the intersection, right?

MS. LICHTENSTEIN: This is what the landowner claims. However, we would say that the public has adverse possession. The public has been using this in a historic way and we don't believe the property owner's claim.

COMMISSIONER TRUJILLO: Okay. Thank you.

MS. HERNANDEZ: And I just want to add that if we keep the road this way, if any of our houses, God forbid, so go on fire or anything like that, the Fire Department can't even turn in. We've already discussed this with the Fire Department, any ambulances that we might need. They're not going to be able to turn in there, because it's just way too narrow. As it is myself, I have to make a three-point turn just to be able to not it the fence from our neighbors. So we really need some help here.

COMMISSIONER TRUJILLO: A question for James, Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Why can't we just continue status quo at that intersection, from the basis of adverse possession?

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner Trujillo, it was brought to our attention at the time of the project that we would build the driveways to the right-of-way that we have. Probably in November of last year Mr. Alfredo Garcia brought it to our attention, or to Commissioner Gonzales' and Commissioner Paul Duran's about his driveway entrance and claimed he had a resurvey of

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his property. La Junta del Alamo is a 12-foot width all the way consistently up to Lopez Lane and right now, between mid-point it's blocked off because of traffic. Two cars don't fit through it anyway.

So the entrance was built to the right-of-way that we have there as right that Mr. Alfredo Garcia has on his survey. So we had to check with him prior and that's what he has a survey. And it's consistent with the 12 feet that goes all the way, with the exception on the west end to Lopez Lane, where it did open up. But the rest of the roadway is 12 feet and that's how we built it to his claim as his right-of-way.

COMMISSIONER TRUJILLO: Even though historically the intersection was wider?

MR. LUJAN: Well, prior to curb and gutter, there was a whole open area that people would turn and be able to go through. After the curb and gutter came about and he did his survey at that time, that's when we discovered, or he claims to that property. I don't know that I have the authority to build it any wider until I get direction from somebody.

COMMISSIONER TRUJILLO: How about the adverse possession, since the community has been using that road?

MR. LUJAN: I'm not quite certain on that issue.

COMMISSIONER TRUJILLO: What do you feel about the—

MR. LUJAN: I have driven myself out there and I've been able to make it. It's going to be difficult for quite a few people in driveways because of the curb and gutter. It's a different type of—now we have an urban section of roadway versus a rural section. You were able to make turns a lot easier and open. Right now we have curb and gutter and everything's defined. So it's going to be a little different for everybody.

I've made it in there with my Blazer. I've been going through there because as she spoke, it is true, we've been discussing it. I've discussed it with Chairman Duran and he was supposed to have brought it up at one point. It hasn't come up. There's quite a few driveways that are like that because of the curb and gutter. But that's the opening on driveways. That's the opening that they have currently at their property. Yes, it was wider and you could make wider turns because you didn't have curb and gutter. Now with curb and gutter it's a whole different situation and it's going to take some getting used to different driving patterns.

COMMISSIONER TRUJILLO: But even with curb and gutter, James, I think that if we define the intersection appropriately wider we would address a health and safety issue with the community. But what you're telling me is that we don't own the property even though the community has used it for however long.

MR. LUJAN: According to Alfredo Garcia, we do not own it, and it is consistent with the 12-foot opening, consistently with the rest of the roadway. So if there's other documentation that says it does open up at the Agua Fria, we could look into that as a County. But right now it is consistent with it and that's why, I guess they had it blocked off at one point because two-way traffic didn't fit through there anyway at midway point.

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I had a suggestion for them to make it one-way coming in from Lopez Lane and then coming out to Agua Fria.

Whatever direction I get or if we want to proceed with adverse possession, condemnation, that's something—

COMMISSIONER TRUJILLO: Is the owner receptive to selling it to the County?

MR. LUJAN: At one point he was. Like Ms. Lichtenstein said, he was going to give us a 25-foot opening to relocate the entrance. The community chose not to have it. He wanted to claim back his part because, La Junta del Alamo, he owns part of it, a little sliver that abuts Agua Fria and then his other acreage behind it.

So he was going to ask for that back and we were going to redesign the intersection for them at a 25-foot intersection. They chose not to have that. So we went back to the original place and I don't know where the man stands right now. I have not spoke with him recently. He said they would have to either go through condemnation or pay for the value that he asked.

COMMISSIONER SULLIVAN: Any further questions of James?

COMMISSIONER TRUJILLO: One for Steve on the adverse possession issue. Is that a viable option?

STEVE KOPELMAN (County Attorney): Mr. Chairman, Commissioner Trujillo, I'm starting to review some of the title work that Tamara provided to me and I think it's certainly something that we could look into. We may have a claim on that, the fact that the public has been using it and they've been using it to the extent that it's far wider than 12 feet. We haven't actually done any formal research on that but we could if that's the Commission's desire. If you'd like us to, we can do that.

COMMISSIONER TRUJILLO: And it would be a nominal area, a very small area at the intersection, right?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, that's my understanding. It's not a large area.

COMMISSIONER SULLIVAN: Commissioner Gonzales, did you have anything? It looks like what we should do is have some of your documents, give those to Mr. Lujan and to Mr. Kopelman, have them take a look at it. And then perhaps we can't take action on this. This is a public information item. Have them complete their research on it and come back and make a report to the Commission.

MS. LICHTENSTEIN: This document belongs to you guys. This is from your own Land Use Department. If I make a copy it costs me \$15. I have it here because I'd like to just show it to you. It shows—this is from ten years ago and we are only talking about the entrance; we're not talking about widening the whole road. I can show it to you now.

COMMISSIONER SULLIVAN: Sure. If you want to show it to us go ahead.

MS. LICHTENSTEIN: This triangle is about a fifth of an acre. It's this teeny tiny piece here. You can see where it's been driven on. This whole area here has been part of the intersection. We're not talking about taking over this fifth of an acre; we're talking about

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widening this 12-foot entrance to 25 feet just in the very first part of it, just right in here. This entire piece is his property. It goes all the way to Cerrillos Road. So the piece he's disputing is about the size of a pick-up truck at this entrance.

COMMISSIONER SULLIVAN: Okay. Are there any other questions from the Commission? If staff could take a look at that please and bring back a report, hopefully by our next meeting if possible. Are there any others in the audience who would like to address the County Commission?

VIII. Matters from the Commission

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Thank you, Mr. Chairman. A couple of issues I wanted to bring up. First one being to Mr. Roybal. Can you give a status on Paseo C de Baca? Can you tell us where we are in terms of this is the project of delivering, working with the community to deliver imported water into the area of Paseo C de Baca?

GARY ROYBAL (Utilities Director): Good afternoon, Mr. Chairman, Commissioners. Commissioner Gonzales, we are presently working on the design part of that project right now. Our anticipated date to let it out to bid is in March. Right now, in talking to Mr. Sayre, the design engineer, we're looking at the road cuts that are going to be necessary, or the alignment to get this in there. But the project is moving forward and as I mentioned, our schedule was to put it out in March.

COMMISSIONER GONZALES: Okay. If you get a chance, not that you have to present it to the Commission, but you could you prepare a memo to the Commissioners, just for me, specifically but I want to make sure everyone else gets a copy of it, giving me a timeline as being out to bid in March and then what happens after that, when we expect that people will actually be able to use the system, so we have an idea of what happens after March.

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, yes I can give you a timeline and a schedule. I think we already have one prepared and I will present that to the Commission.

COMMISSIONER GONZALES: Excellent. Thank you. You don't have to necessarily present it so that we don't take any time but if you just provide it to us that would be great. It could answer any questions.

MR. ROYBAL: I will take care of that.

COMMISSIONER GONZALES: Then the other is, Mr. Chairman, as you know, over the last couple years the Commission has worked to try and establish and foster greater relations with the Native American communities. And last year we received a grant from the McCune Foundation to promote relationships between County government and the Native American communities. Right now, the New Mexico Association of Counties, the executive director is wanting to embark in that area where they could work with the counties in

the region, in the northern part of the state to use this McCune money to again, further advance relations between the Native Americans and the counties in the north.

So there was a request that's come to us by the executive director, Sam Montoya who used to be the County Manager here, to see if the County would consider allowing the Association of Counties to use the McCune monies for a regional county effort and what I'd like to do is ask that the staff bring that back to the Commission for consideration to allow the Association of Counties to use the McCune money and allow Mr. Montoya to come forward and state exactly what it would go for. It would continue to be used for its intended purposes but I think he's asking to broaden it to allow for Rio Arriba County and Taos County, San Miguel County, all the regional counties in the area to actually receive the benefit from that money as well.

And so being that I haven't necessarily seen it on the list of priorities yet over here I thought that we could ask that that be put on an agenda item, maybe at the end of March and ask Mr. Montoya to appear before the Commission stating what his purpose would be and for a decision by us to either allow for the Association of Counties to use this money for a regional effort or make a decision at that point that we were just going to keep it in house and do it ourselves. But it may be something that we can ask the Association to do for us so that we don't have to spend some of our own resources having to do it.

COMMISSIONER SULLIVAN: This is the balance of the grant that was granted to the County?

COMMISSIONER GONZALES: Correct. It would be the balance.

COMMISSIONER SULLIVAN: How does the McCune Foundation feel about it?

COMMISSIONER GONZALES: I don't know. I'm assuming that Mr. Montoya has contacted them before he wrote the letter asking us. So I'm assuming that there's not a problem but clearly, in our own due diligence, if we decided to transfer them I'm sure that the administration was going to make sure that they're okay with that. But again, it may be an effort to allow the Association to provide this service and to continue this effort but to do it from a regional standpoint as opposed to just from our Santa Fe County standpoint.

COMMISSIONER TRUJILLO: I think that that would be a great idea because the issues that we're talking about permeate jurisdictional boundaries. We're talking about a regional issue here that all of us need to address together and I wouldn't have any problem in partnering with the Association of Counties and other local government entities to talk about this.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER SULLIVAN: Question for Commissioner Gonzales. How much money are you talking about?

COMMISSIONER GONZALES: I thought the balance was about \$30,000. Is that right? No? I don't know what the balance is.

MR. LOPEZ: Mr. Chairman, I don't have the number right on the top of my

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head. I can find out very quickly and give you that information before the meeting's over.

COMMISSIONER CAMPOS: Not today. We don't need it. I'd like to know.

COMMISSIONER GONZALES: I thought I'd heard Sam say some point in the past when I was talking that it was about \$30,000.

COMMISSIONER CAMPOS: So Commissioner, this money is now with Santa Fe County?

COMMISSIONER GONZALES: It's been awarded to Santa Fe County.

COMMISSIONER CAMPOS: So we can use it for this area. There's a lot of issues—I'm not sure what's on the agenda for this year with any of the Pueblos as far as meetings or issues raised. I don't have any idea what the County could use it for. I think Santa Fe County needs to think about what its needs are too.

COMMISSIONER GONZALES: Right.

COMMISSIONER CAMPOS: And then weigh them with the request from the Association.

COMMISSIONER GONZALES: And my point on that would be that rather than the County having to use our resources, because it's going to take staff resources to put on another summit and to continue the relations. Maybe that's something that the Association of Counties will agree to do for us in exchange for us going ahead and transferring the balance over so that they can take on some of that work for us and free up some of the staff so that they're not so much bogged down in that area. But that could be something that's worked out between Estevan and Samuel but I think at some point, Samuel wants to have us make a decision whether we want it to stay here or if we could transfer it to the Association and that's why I'd like to ask that it come before us for consideration.

COMMISSIONER TRUJILLO: And this is timely because after we finalize the agreement with the Native American community, they held elections in December so we have a whole new set of administrators out there that don't know what has happened as a result of the summits and the agreements and things like that. So this would be a good way to orientate everybody about what we're doing.

COMMISSIONER SULLIVAN: Did you have something else, Commissioner Campos?

COMMISSIONER CAMPOS: No. I just would like to see more information from the Association and from the County. What are our interests? What do we plan to do with the money?

COMMISSIONER GONZALES: Maybe we can ask the staff to meet with Mr. Montoya before the end of the month meeting and develop some type of common agenda with the price so we know exactly where that money would be going and we could present that to the Commissioners.

COMMISSIONER SULLIVAN: I think it might be a little more difficult to transfer the money to them but if we were to enter into some type of a joint powers agreement or some agreement to undertake a—

COMMISSIONER GONZALES: To get them to undertake some of the

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services.

COMMISSIONER SULLIVAN: Undertake some of the services, that might be a little more palatable.

COMMISSIONER GONZALES: Great. Thank you, Mr. Chairman. I think that is it.

COMMISSIONER SULLIVAN: Commissioner Trujillo, Matters from the Commission? Commissioner Campos?

COMMISSIONER CAMPOS: A couple of things. The County Business Park, I'd like to have an update in the near future, maybe in the next month or so. Another idea that we've been talking a lot about is the regional jail and it seems to me that we're going to need legislation and we need to start planning pretty quick and talking to the Association of Counties about whether they like the idea, whether it works for the state. And something we've been talking about for a long time and we really haven't gotten—I know there's a lot going on, but that's an important issue. I'd like to see if we could talk about that with the association also.

BECKY BUSTAMANTE (County Clerk): I'd just like to say, the Association of Counties is having a meeting this week in regard to regional—and I apologize but they had told me that they had invited you personally, Commissioner Campos, to that meeting. At least I thought the information had gotten to you because they are interested and they are having a meeting in Albuquerque and I'll get you all the information but I was assured that you had been given that information. But I'll make sure that you get it.

COMMISSIONER CAMPOS: I haven't heard anything about it but it's an important issue to us.

MS. BUSTAMANTE: Yes. And I'll make sure you get that information. The meeting's being held in Albuquerque.

COMMISSIONER CAMPOS: Thank you.

MR. LOPEZ: Mr. Chairman, on that issue, we have gotten notice of that meeting in Albuquerque and we were going to have a staff presence there. But we will make sure that we get copies of the information about that meeting to the Commissioners as well.

COMMISSIONER SULLIVAN: Anything more, Commissioner Campos? I just have a couple of items that I want to add under Matters from the Commission. First of all, how are we progressing on the request for proposals for the strategic road plan?

MR. LUJAN: Mr. Chairman, we have received proposals. We have narrowed it down to one firm that has applied and we restructured to look for the money again because there was some issues on that item so I need to bring it forward for direction as to where to get the funding for it. The road crews, after meeting today, we have done about—I would say we're probably about 80 percent complete in the portions that we can do. We are going to need, if we do decide to go with the consultant, we need to decide where I can get the money for that project.

COMMISSIONER SULLIVAN: Okay. So will you bring that back as an action item at the next meeting then?

MR. LUJAN: Yes, I will.

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COMMISSIONER GONZALES: Mr. Chairman, I'm also, and I indicated this to James that from the amount of money that we might have available for individual projects. I don't know what the status is, if we've already voted on where all that money is going to go, but I only knew about the \$20,000 that was going to be allocated—do I have any more money left?

MR. LUJAN: It was last meeting that they allocated the money.

COMMISSIONER SULLIVAN: I think you have some money left.

COMMISSIONER GONZALES: If I have money left, then what I'm saying is that I'd like that to be used as a resource. I'd offer that. I think what you're all calling for is very important. I think it needs to get down and if we're at the point now where it's just a matter a funding, then we need to utilize what we have so we can get this analysis in place and have some strategic plan as to how we're going to deal with 600 miles worth of roads and making them safe and prioritizing them and all those types of issues that Commissioner Sullivan has been saying. Let's get that plan in front of us.

MR. LUJAN: Also Mr. Chairman, you were going to allocate some from yours. Did yours all get used?

COMMISSIONER SULLIVAN: No, I still have some.

MR. LUJAN: I'll get with finance.

COMMISSIONER GONZALES: And I'll participate in that.

MR. LUJAN: And also the past County Manager was going to give us some at that time. But he's gone.

COMMISSIONER SULLIVAN: That's right. So that inures to the current County Manager. Okay, the second question I had—thank you, Commissioner Gonzales.

MR. LOPEZ: Mr. Chairman, could I ask for one bit of clarification then? So was there agreement that any remaining monies from—

COMMISSIONER SULLIVAN: No, not any remaining monies. We need to see what the budget he needs is and what the budget he has is.

MR. LOPEZ: Okay, but to the extent that—

COMMISSIONER SULLIVAN: We don't even know what the budget is for the proposal.

MR. LUJAN: The proposal came in at approximately \$18,500 if I'm correct. Less than \$20,000 for use. It was less than \$20,000 what it came in at.

MR. LOPEZ: We'll work it out.

COMMISSIONER SULLIVAN: Okay. I'm not committing—I think I can commit some. I think I have some left but I think it's only like \$10,000.

COMMISSIONER GONZALES: I'll definitely commit whatever so we can get this thing done. It's a great idea.

COMMISSIONER SULLIVAN: The other item that I had was as we get into the budgets, we're moving into the budget cycle now, I assume, for the coming year. I'd like to see some focus on Code enforcement, particularly land use Code enforcement. I think we've seen, certainly, for example some of the issues even in today's land use agenda and in the past,

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in drainage compliance and a number of issues, sewage compliance, septic tanks and things, that we often spend a great deal of time refining the conditions of our approvals and we only react when someone renders a complaint.

I think we need to be more pro-active in the Code enforcement. So I'd like, if we can to have some particular attention paid to the Code enforcement. Charlie Gonzales and his team does a great job and I just don't know that we have enough Charlie Gonzaleses around to go around. And I'd like to put an order in for three more please. So I'd like to focus on that if we can.

And then in a similar context, I think we need to begin to think about, and maybe there's already regulations in place that I'm not aware of but for more than the last year or so we've been dealing with residential wells, 72-12-1 wells, and we've been limiting residential water use to .25 acre-feet in subdivisions that are approved which is a prudent conservation measure that this Commission has adopted. And I'm beginning to wonder, once these records start coming in to our hydrologist, what are we going to do with them? What are we going to do if they exceed the .25 acre-feet? What are our next steps? Do we say, I can understand a person saying, well, this was a dry year and this was an unusual year and it won't happen next year. So do we average the usages? In one of the land use cases later on today there's an averaging of a five-year period for land uses.

I'm just beginning to wonder as we get these reports in, from both commercial and residential uses, and if they don't meet their water budgets, or if they don't meet the .25 limitations that we've set on them, then what's the next step that the staff or the County Commission takes? Do we have anything in place that addresses that?

MR. LOPEZ: Mr. Chairman, I don't believe that we do have a policy in place today. I know that previously when I was working with Katherine Yuhas, our County hydrologist, she had begun giving a considerable amount of thought as to how to really structure a database where whatever information comes in might become useful. But secondly, also, to set up some sort of an audit program so that we could actually follow through and perhaps get some enforcement on getting the information in. And then a totally separate area that we have to get to is the issue that you bring up. That is what do we do with the information once we actually collect some. So I think it's a policy that we probably have to work on developing and bring forward for your consideration.

COMMISSIONER SULLIVAN: I'd like to see us do that. Does the Commission have any thoughts on that? Any direction that they want to add?

COMMISSIONER GONZALES: I think we need to focus on how we're going to enforce some of these rules.

COMMISSIONER TRUJILLO: And if we're looking at water, we also need to look a liquid waste, the whole gamut of Code enforcement. And I'm wondering, how many staff do we have in our Code enforcement department? We've got Charlie Gonzales who's heading that department and—

MR. LOPEZ: And we have three other enforcement officers.

COMMISSIONER TRUJILLO: And we've got an area of about 2000 square

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miles that we need to cover. So you're right, Commissioner.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I think that that really hits at the crux of why we often are in the mode of being reactive as opposed to being pro-active, because we really rely on a lot of the citizens to be our eyes and ears out there and point to a lot of the problems. But clearly, we could use some more staff if we're going to be more aggressive on that front.

COMMISSIONER SULLIVAN: And I think we need to back you up with the necessary ordinances or regulations that give the staff whatever authority they need to handle that enforcement.

Okay, then the last item that I had was just something—if you could, Estevan or James, check. We had a request from a private subdivision out in the Eldorado/285 area asking us and actually complimenting the County on its road maintenance in the area and asking could they retain the County, could they contract with the County to maintain its roads. I know we can't perform services on a road, I mean with taxpayer dollars on a private road, but this request was can we contract to do that and I said, I don't know. I know we contract, for example, to manage private wastewater treatment plants on behalf of Rancho Viejo so it seemed like it might at least be worthwhile looking into. I don't want to put you on the—

MR. LUJAN: Mr. Chairman, I haven't see that request. Do you know who it was?

COMMISSIONER SULLIVAN: Yes, I'll give you the name and phone number here. I didn't necessarily want to get an answer. I just wanted to ask if you could look into it. They say we're doing a much better job than the private contractors and they want to hire us. So I thought we better take the compliments while we can get them. But seriously, our road crew does do a good job and after the snowstorms they've been out there as early as 8:00 in the morning and they're beating the private contractors by three to four hours in getting roads cleared. So that was the basis of this request.

Those are the issues I have. Are there any other Matters from the Commission?

IX. Presentations

- A. Presentation by the Planning Division Land Use Department on current projected projects for 2002, including costs of community planning, an update on existing projects and requests from several communities for new planning processes**

JACK KOLKMEYER (Planning Director): Thank you, Mr. Chairman. Good afternoon, Commissioners. As you may remember, we did this exercise last January a year ago and we spent almost an hour and a half on it and we got into a very lengthy and detailed discussion. And I think we can move through it a lot quicker this year as my staff and I have spent considerable time trying to structure this in a way that we can focus on some of the issues a little quicker.

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The packet that is in your binder, I've had to redo a number of pages on it, particularly regarding some of the financial information that was requested, so I gave you a completely new hand-out and if that's not a problem for all of you I would like to work off the hand-out I gave you rather than what's in your packet so we don't have to keep going back and forth as some of the corrections are noted. And I'd also like to let members of the public know that there's about fifty copies up here of what we'll be going over.

And where I want to end up in a few minutes from now is particularly to focus on requests that have come forward to us from the community of Pojoaque, Agua Fria, the SNACC area and the San Marcos area to become engaged with them in community planning. So I want to run you through what we've been doing, where we're at with a number or our project, give you some information on staffing and the costs of planning and then end up on some staff recommendations that we made this time. We've made some very specific recommendations about what we think we can and can't do with our budgetary and time constraints and engage in a dialogue with you and ask for your guidance on helping us to be able to move through this.

I also had discussions last week with a number of members from these communities who may be in the audience who asked if they could spend a couple moments addressing some of their issues with you as well.

I would like to start, however, by saying that one of the most important elements of community planning that we found over the years is basketball and I'd like to take just a brief second to congratulate St. Mike's on their championship and I think that says a lot for the communities in northern New Mexico. Also Capitol High School and Santa Fe Indian School for making it. And also to Commissioner Trujillo's son, Gabe, had a great year in Pojoaque. And now that we have our priorities straight—

I'm going to run through about the first 14 pages here fairly quickly, and I'd like to kind of get through all of it if I can unless there's a real urgent question, and hold the questions so we can engage in a focused discussion on that. The first page is just a reminder of what we've done so far, the plans and the ordinances that we've adopted and that includes plans and ordinances for Cerrillos, Madrid, Tesuque. We've adopted a plan for La Cienega, working on the ordinances. Same is for the Santa Fe Northwest Community plan, the SNACC area. In fact one of the requests that we have received is to do an ordinance for the SNACC area and I'll get to that towards the end. In San Pedro we've also adopted both a plan and an ordinance.

Pages 2 to 3 are just for your information so you are always aware of this relative to things that are going on in your districts, is a break-out of my staff and who's doing what, and what plans we're engaged in. And I think it will help you sometimes if a project comes up in your area to know which ones of us are actually working on it. But at the request of Commissioner Campos who asked for some specific fiscal and budgetary information, one of the things that I added to this so that you can see as we get into some of the problems that we're confronted with are the actual number of hours that each staff person works in a given 80-hour pay period.

And as you notice, next to each of our names there, we accrue an extraordinary amount

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of overtime. In fact probably more than any other division with the exception, probably of some of the issues that come up in Public Works. And what this translates to, given the staff that we have right now is all these overtime hours are night meetings. And it therefore becomes very difficult for us not only to attend a lot of night meetings, but also we can only accrue only a certain amount of overtime which we then cannot exceed that and have to take off actual work hours so we don't exceed the 45-hour overtime limitation.

With the limited staff then with a lot of overtime, we get into some problems with scheduling meetings and being able to attend all the meetings that we're required to. If you look at page four commensurate with that, I've prepared for you a kind of generic monthly schedule of all the meetings that we attend and you'll notice pretty quickly, well, number one that we don't attend meetings on Friday night. I managed to keep that in our purview. But if you look at that you start to see some of the things we've come up with with time constraints, one of them being really the only open night in which anyone from my staff is not attending a meeting right now are the second Thursday of any given month.

So as we start to talk about what we need to do in the future and how we can accommodate meeting some of the community needs, because again, bear in mind that these community meetings largely have to take place at night to accommodate working people in particular. So that sort of gives you an idea of one of the constraints that we have. As I mentioned—

COMMISSIONER TRUJILLO: Jack, excuse me, Mr. Chairman. What is the timeline? We have a calendar in front of us but what is the timeline for a lot of these initiatives that we've taken on?

MR. KOLKMEYER: In terms of when we'll complete them?

COMMISSIONER TRUJILLO: Of when we'll complete them. Are these going to be going on for—

MR. KOLKMEYER: I'm going to get to that when we come to some of the specific projects. I'll answer at least the major ones for you when we get to that.

COMMISSIONER TRUJILLO: Thank you.

MR. KOLKMEYER: Pages 5 through 7 then is a continuing budget breakdown of what we've spent contractually on all the community planning oriented projects that we've worked on, and again, at the request of Commissioner Campos, we've tried to expand this a little bit and include salaries. I was only able to really get back to all of last year's salaries that go into the community plans and I've included that, and I'll try to go all the way back to the beginning of each one of these projects as soon as I can get to that. But staff time increases the cost of doing—I guess the answer to that question about staff time is that staff time increases the cost of these community planning projects considerably. And you can see how that operates though a number of those projects right there.

And that includes everything that we're working on, including the ones that we've taken on just recently. On page 8 through 12 then is kind of the crux of the planning matter for us and in regards to the question that Commissioner Trujillo asked I will give you a brief overview of each one. I have some maps if we need to refresh our memories as to where all these are.

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And again, I've listed all the staff members and after each project I've listed the initials of each staff person so once again you can see who's working on which project. And a reminder here too that actually, we're one staff member short, don't forget because Alina Bokde who took over the open space and trails planning for us when Leslie Kunkle left was actually hired as a community planner, but a year ago, she had to shift over and take over the COLTPAC and open space planning.

And in fact it was at that point that we had started discussions with Pojoaque about doing a community plan, but because she had to shift over, that was the primary reason why we were not able to proceed at that point with the Pojoaque community plan because she was no longer available to take that project on. So having now lost Alina, who's gone elsewhere, we are once again only one planner short but one could probably argue that given the nature of some of the work that people would like for us to do, we're probably two short so Commissioner Sullivan, since you're pushing for lots more FTEs for us here today we should talk about that a little bit more because there's clearly some work assignments here that we'll need to go over.

But I'm going to run through the basic projects, not all of them. We have 50-some projects that we're engaged in. I'm not going to go over all of them but I'm just going to give you a brief update of the primary ones. The first one being the Arroyo Seco community plan. We've been working there a long time, about four or five years and we're rounding the bend on that. Between three and six months we'll have a draft plan which is primarily, turns out to be primarily a corridor plan for Arroyo Seco and we've really come a long way with them and worked real hard with the Arroyo Seco community.

The US 285 South Highway Corridor study, which is in the Eldorado area is also nearing completion. We've made amazing progress with that plan and we should have a draft prepared in about three months.

The Southwest Area Plan is the plan we've undertaken for the airport and Agua Fria Road under the leadership of the city Road under the leadership of the City of Santa Fe, Diane Quarles from the City of Santa Fe. We have a draft completed for that and that's going to be going through the adoption process, and that has a direct bearing on the community of Agua Fria, which I'll talk about in a moment. And that's turned out also to be a pretty amazing process and a really good plan and also has a relationship to the annexation strategy being proposed by the Regional Planning Authority.

The Simpson Ranch Contemporary Community plan, we're struggling with that one and after I guess eight or ten months, however long we've been doing that now, we're finally able—we've just let a request for proposals to do a community survey for that plan and the process has been going very well but it's been hard to finish up the mapping that we've needed to do for that project and get everybody in agreement with how to go forward with a community survey.

The Tres Arroyos or the Westside Community plan to the area east of the Municipal Recreation Area is—I'm not sure exactly where that one is. We're again active with the meetings in that area, a couple of meetings a month and working on a draft for that plan.

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Cuatro Villas, community water feasibility plan. I'm not sure of the timeline on that one either but there is work on a draft for that feasibility plan is my understanding.

The Airport Development District plan has really come a long way and that's taken four of us almost full time to work on that project and we'll have a draft ready in three months. Now we said that we would come back and try to have a draft last December. Obviously didn't make that but we're over, I think some of the basic hurdles for that plan and should be able to bring a draft of that plan forward to you in about three months.

Page 7 is primarily implementation phases of community planning efforts that have plans and/or ordinances with them. La Cienega, we're working on the ordinance. Madrid, we're working on implementation strategies. The Metro Area Highway Corridor Plan as you know is going before the EZA at that end of the month for the EZ, and then we need to come back and do the County portion for that. San Pedro we're working on open space/trails plan. Tesuque we're still deliberating on what will happen next as a result of their plan. We've been working very hard on refinements to the Community College District plan as most of you are aware. That will include not only refinements to the ordinance itself but also fiscal impact information and working on governance and other impacts and how we're going to manage them in the Community College District area.

Regional planning, we continue to be active with the Regional Planning Authority. We're working on a number of other ordinances and regulations for the County including affordable housing ordinance, continuing to work with the TDR program—I'm on page 10 and looking now at how TDRs might work for La Cienega. We were involved in the redistricting, your redistricting for your Commission districts, the 40-year water plan. We did quite a bit of work on Census 2000; it took a lot of our time. We've also been actively engaged in the local development review committee procedures which we're still deliberating and as we get more local development review committees as a result of community planning that becomes a very important issue.

Transportation planning. You were recently briefed on the commuter train project. We're moving along with that. We're involved in two regional transportation plans with the state, which are the RMIS phase 2, for the Los Alamos-Santa Fe area and also for the US 285 North, the Pojoaque to Española corridor, Hyde Park scenic byways, New Mexico 14-Turquoise Trail corridor, that planning is starting to wrap up. And we were also involved in the City of Santa Fe Airport master plan.

Open space planning have moved into the new Open Space Planning and Trails section and as you may know we now have a director for that program, Shelly Johnson, who I think is here somewhere, or was, and we're really excited about having her and getting COLTPAC back on track again and also then shifting over a number of the open space projects that we are responsible for into that section. We've also recently hired a project manager last week to assist her. So we're geared up and ready to go back to work on the open space portions of our planning.

Santa Fe River project, we continue to be active in as well as trails planning, and now that we have our own GIS planner, Beth Mills, who I believe you all know, who's done a

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really remarkable job for providing lots of new GIS mapping and information for the Land Use Department, particularly for open space, trails and land use planning.

And finally, just a listing of the meetings outside of the community meetings that we go to, a number of the other meetings that we attend including the RPO, the MPO, the Regional Planning Organization, the Metropolitan Planning Organization, GIS Tech team meetings, the Camino Real River Connection Committee, COLTPAC, which is our open space program, the RPA, BCC, EZA, CDRC meetings and also other local development review committee meetings.

And that brings me to the crux of the matter for us this afternoon. Given all that work, we are always asked to do new and more things and there are seven items that have been presented to us that I'd like to discuss briefly with you this afternoon. Four of them we think are givens. We don't have any way out. That's good one of them is the Code rewrite, for example and particularly Judy McGowan and myself will be involved in that. Once the Metro Area Highway Corridor Ordinance is passed by the EZA we need to get on to doing the County portion of that as quickly as possible. That again will be another project that my senior planner Judy McGowan and I will undertake.

The SNACC community, the Santa Fe Northwest Community plan, they completed their plan in '99 and a number of issues have come up since then. Originally, when we finished their plan and talked about going forward with an ordinance they were a little bit burned out as we all were at that point and we just sort of let things rest. There have been a number of things that have come up in the community since then, particularly about walls and fences used in some things and they, members of that community have requested that we now put together an ordinance to implement that plan and we believe that that's part of the deal when you do a plan you also get an ordinance and we believe that we should go forward and do that ordinance with them.

And the fourth given is there have been a number of discussions amongst all of us about the need for doing a County economic development fiscal impact study and more detailed planning. We believe that's an important function for the Planning Division of Land Use particularly as it relates to the Airport Development District and the Community College and we will take that on as a project and we'll be requesting monies from you in the next budget cycle to be able to undertake that.

The ones that present some different issues are requests from the Pojoaque Valley Community to undertake a community plan for their area and as I had mentioned earlier, we started meeting with them about a year and a half ago to start working with them to figure out what needed to be done in that community given traffic, land use issues, sewer and water issues, relationships with the neighboring Pueblos and a number of issues that have arisen in that area. Unfortunately, we had to stop that process because we absolutely had no one that could work on it at that point. But we think that given the directives of the Growth Management Plan, that Pojoaque is a high priority and that we should find some way to commence a community planning effort with them.

Since we are short-staffed, what I'm proposing for the moment our recommendation is

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that we begin preliminary meetings with them and talk about the planning boundaries, whether it's just the Pojoaque Valley or whether that should include Cuyamungue or other communities in that area, particularly what their relationship with Tesuque and Nambe Pueblo in particular would be and to start working on some preliminary things with them, request an FTE for this next fiscal year and actually then if we get the FTE, begin the complete planning process with them in August or the end of the summer or early fall with Pojoaque.

Otherwise, if we don't have another FTE, we'll be really hard pressed to be able to begin that with them unless we again, finish up some other projects. In this case it would probably be for us to finish up the work in Arroyo Seco and then take the staff to be able to work in Pojoaque.

The second request that we've gotten into a really intense dialogue the last month with Agua Fria. Particularly related to the issues of annexation that have come forth with the Regional Planning Authority and also with the completion of the Southwest Area plan. Because what happens is annexation would not include the traditional historic community of Agua Fria and yet there are a lot of issues in Agua Fria that that only pertains to the traditional historic community but many parts of the traditional community of Agua Fria are left out of that and theoretically therefore could be annexed. And there's a lot of concern and in fact consternation in the community about what their status is and how they should be planned for in the future.

In our dialogue with them, what we have suggested is let us go back all the way through the institutional memory of our planning efforts with Agua Fria, which really goes back to about the first planning efforts that started in 1972, review all the issues and review the elements of planning that were proposed or undertaken at that time, including things like the Arterial Road plan, the river planning that we're doing with them right now, the changes that occurred when the traditional historic community was created as compared to the traditional community status, and come up with some boundary recommendations and use that as a springboard for us to have a dialogue with the community, which is somewhat fractured among itself about the issues. But to use that as a springboard to ask the question what is Agua Fria and what does it need?

And we think that we can accomplish those things short of a full-bore community plan again and set the stage for a really good working relationship with them, and we can do that with the staff that we have right now. One of the recommendations that has been suggested from Agua Fria residents, and you'll need to help me with this is that they have suggested that in fact maybe we just jump to doing some ordinances for them without a community plan. For example, the creation of a rural protection ordinance.

Our theoretical philosophy has been ordinances come out of plans and we should do a plan first. Their argument among some of them has been well, we've done the Arterial Roads plan, we've done a lot of planning now on the river, we have had the Southwest Area plan will be completed. Shouldn't it be appropriate for us now to get on with writing some ordinances germane to Agua Fria? And I don't have an answer for that right now because I still think, we think, the Planning Division still believes that there are a number of boundary issues that we ought to go back and look at before we make any decisions about how far into the planning

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process that we want to jump.

The third community that has approached us has been residents from the San Marcos area. We're referring to them as the San Marcos Contemporary Community, with a request to do community planning in that area and that's the area along Route 14 and south of the Community College. It's a very large area, and the issues that have come up there have been large tracts of undeveloped land, what's going to happen to them? The potential for lots of commercial development in that area, and also the need for resource protection districts to have ordinances to protect them.

While we agree with the issues that they bring up, we believe that the way that things have worked out here right now, and with the planning that's going on for the Community College District in particular and some of it for the Airport Development District, we're not able to do a full-bore community plan with them at this moment. What we would suggest is that the open space and trails plan that we did that actually created COLTPAC and our open space planning program designate these resource protection areas which members of this community have repeatedly reminded us about.

In this case, given what I just said about Agua Fria, we actually have a plan that says, Go do something. In this case we think actually these ordinances could be written based on the open space and trails plan that we have. We would further suggest that now, since we have a new open space and trails section that is fully staffed for the moment, that it is that staff that should undertake that plan with the San Marcos area. And that then relieves me of having to assign additional staff members to a project that I wouldn't be able to undertake in that capacity in the moment but would allow them to go forward with an important element of what they have suggested to us.

I realize that might come at a time when the new open space director is just learning her way through all this, but it seems to me that it's an appropriate time that if we're going to do these open space plans to shift the ordinance writing and the implementation of them over to the appropriate staff people to do them. So this is record time compared to what I did last time, so that's my presentation. I stand for questions and again I remind you, Mr. Chairman, that I do believe that there are several members from these communities who have asked to address you.

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Jack, I understand that the community effort, the community planning in Cuarteles and Sombrillo has been put aside until completion of the mutual domestic water initiative. I conjecture that that goes line in line. It affects community planning, minimum lot sizes, things like that. Do you think that will be the same case, the Pojoaque Valley is facing the same issues of water contamination and ubiquitous wells, ubiquitous septic tanks and the valley is going to need a potable water source, sustainable potable water source at some time. Do you think that will impact the community planning process in the Pojoaque Valley?

MR. KOLKMEYER: Commissioner Trujillo, yes, definitely. In fact, when you look back, we haven't really stopped the planning effort in Cuarteles or Sombrillo either

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but because of the issues that came up about water and the opportunity to do a regional water planning effort through the Cuatro Villas project we felt was a really good way to address what were the major concerns of those people there at that time. We can come back, as you know, there's also traffic issues and some other land use issues but this seemed to be a really good way to do that.

By embarking on a planning effort in the Pojoaque Valley, including perhaps Cuyamungue, we think that's going to really flesh this issue out. To what extent do we really have to be concerned about water and wastewater issues? Because one of the critiques that we hear about plans—we get a lot of accolades for being out in the communities again, as you know, and our presence there is kind of unprecedented over the past five or six years. But one of the criticisms that we hear is, Well, we do these community plans and so many fingers start pointing at water and wastewater issues and is the community planning process going to be strong enough to be able to say, Look, we have problems with too many subdivisions. Or, We know that we need community sewer and water systems in these communities and how are we going to get them or they need to be upgraded.

And I think that's a valid criticism but unless we go through this process and have this information, we don't really know where we are so I think that by approaching Pojoaque this way and what the issues are there, that's going to help us with the diversion project, it's going to help us know where Pojoaque may fit in with Cuatro Villas and with that information then we may be able to do a little bit better with some of our land use planning.

COMMISSIONER TRUJILLO: And I take to heart what you said about partnering with San Ildefonso Pueblo, with Pojoaque Pueblo and with Nambe Pueblo because it's imperative that they participate in the process because if any community plan is going to succeed they're going to have to buy into it. As it stands right now, we as a local government cannot mandate development or control development on trust land. The Pojoaque Valley is surrounded by trust land. So it's imperative that they participate in the process, that they buy into the process and whatever plan we implement is congruent with both non-Native American and Native American needs.

MR. KOLKMEYER: And Commissioner Trujillo, I would add too also, it's really putting our money where our mouth is on both sides. Because if we just talk about things we don't really go very far. And we need to put some very specific things on the table that we can work on because if the Pueblos can stand to do something that is a benefit to their communities they will be engaged with us. The original Park 'n' Ride project that we did, the great success of that program was due almost entirely to finally getting the involvement of Pojoaque Pueblo. When they became involved, that project took off.

And they gained from that. They had a lot to gain from that and we were able to work it out with them but I think it's a continuing example if unless we ask, What is it that you need, and tell them what it is that we need in that relationship, we don't go anywhere. And we're really behind you on that one, particularly again as it relates to the Pojoaque Valley.

COMMISSIONER SULLIVAN: Estevan, let me try to get a timeline here now. We have a number of people whom I assume are here for several of the public hearings.

And I understand, Jack, you have a couple of people that want to add to your presentation also. We have a presentation here on the joint County/City engineering feasibility study. It looks like the other items won't take too long but we also have an executive session stuck in there today. Are we going to need an executive session today?

MR. LOPEZ: Mr. Chairman, I just spoke to the County Attorney a few minutes ago and I think we can forego the executive session.

COMMISSIONER SULLIVAN: Okay. That takes care of that item. What about the presentation on the City water? How long will that take?

MR. LOPEZ: Mr. Chairman, I believe about 20 minutes for the presentation and then whatever time you allot for questions.

COMMISSIONER SULLIVAN: Okay, Jack, can you get wrapped up? You had a couple of people that wanted to add some comments to your presentation?

MR. KOLKMEYER: Well, my wrap-up is are our staff recommendations okay with you and if we can resolve that, then I think we can just open it up to whatever community members are there. But it might be helpful for us to discuss that first so that anybody that wants to come up and speak could also address whatever conclusions we come to. And I've outline for you regarding Pojoaque, Agua Fria, and San Marcos what we think our strategy should be. My question to you is do you concur? Do you have any problems with that? Would you guide us in any other fashion?

COMMISSIONER TRUJILLO: I have an issue regarding the Pojoaque Valley plan. I think the staff started that here in 2000, right?

MR. KOLKMEYER: Yes sir.

COMMISSIONER TRUJILLO: Preliminarily meeting with the community, setting up subcommittees and essentially identifying issues and the like. That's been almost two years now and I'm getting calls from throughout the community wondering when that planning process is going to be resurrected. You state here that probably the full planning activities would commence by August 2002. I'd like to see us started on the planning process for the Pojoaque Valley sooner than that.

MR. KOLKMEYER: How about June, Commissioner?

COMMISSIONER TRUJILLO: In the next couple of months.

MR. KOLKMEYER: We can do that.

COMMISSIONER TRUJILLO: Okay.

MR. KOLKMEYER: But again, the only caution there is to get into a full-bore planning process with them, I need another planner.

COMMISSIONER TRUJILLO: But initially, we're going to talk about the preliminary—

MR. KOLKMEYER: Boundaries, the kinds of things that we've just discussed.
Yes.

COMMISSIONER TRUJILLO: And we need to get started with that in about two months.

MR. KOLKMEYER: Sure. We can do that.

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COMMISSIONER TRUJILLO: Okay.

COMMISSIONER SULLIVAN: I don't think we want to make any commitments to FTEs at this point in time. I think we'll do that during the budget session. But let's go ahead and hear from whoever you have.

COMMISSIONER GONZALES: Mr. Chairman, one more—

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: You may have addressed this point Jack, but to the communities that are willing to fiscally participate, meaning basically stepping up to the table and saying we'll raise the money to hire a planner/consultant, tell me again why this would be an issue or could it be something that we could encourage?

MR. KOLKMEYER: Commissioner Gonzales, it would really depend on what the issue was. I think in some cases we might be able to hire somebody to do like a community survey, for example, but we wouldn't have any problems with that. But we really feel, and particularly later on this evening you're going to talk about the Community Planning Ordinance again and some changes to that, we really believe that the planning staff has to be involved in the guiding of the process. And we wouldn't want to get too far out of synch with what we have to do according to the ordinance and what the community might undertake itself, because in some of those cases, as well intentioned as some communities might be, we don't want them to have to do work and then go back over it again. So there would be some things like a community survey that we could undertake, for example.

COMMISSIONER GONZALES: But you're opposed to basically communities hiring planning consultants to come in and assist them in the development of a community plan that could come back to you for review prior to coming forward to us.

MR. KOLKMEYER: For doing the whole community plan? Yes. We would prefer to work with them ourselves.

COMMISSIONER GONZALES: Even at a cost of making that community hold out until we can actually have the staff to assist them? Is there a—and you know the planning process better than I do but is there a danger in waiting two or three years until we can get to a community to actually have our staff engage with them? Is there a danger of letting the horse out of the barn or whatever prior to getting to that point?

MR. KOLKMEYER: Commissioner Gonzales, I would probably concur that yes, there might be. But again it would depend on what—in Tesuque, Tesuque hired their own planner, for example, as you may remember. What they did was a land use survey. Now something like that, that would be terrific because a land use survey is a land use survey. You determine what residential and commercial buildings are there. But when we get into talking about issues or strategies for planning and zoning, we believe that Land Use and Planning staff needs to be involved in those efforts.

So it would really depend on what, specifically the community might want to undertake because there would be some elements that could be done with consultants. But in terms of really discussing the planning and the zoning issues and those kinds of things which become regulatory, we believe that we need to be involved in those aspects.

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COMMISSIONER SULLIVAN: Let's go ahead and hear from whoever you have that would like to talk.

MR. KOLKMEYER: Is there anyone from the communities that we were talking about that wanted to address the Commission?

HUGH NAZOR: Mr. Chairman, gentlemen, I will try and be brief. I have three small pages here. First I'd like to thank Jack for mentioning that there might be some people who wanted to come up and tell you a few things before you approved or disapproved the whole approach and I want to make clear while we are seeking recognition of the San Marcos planning district or community, call it what you will; I don't care, we are not competing with or fighting Pojoaque. They've been standing in line a lot longer than we have.

We recognize the limited resources available to the planning office and hope the Commission will move decisively to provide the additional planners needed to allow the planning opportunities offered by the planning ordinance. This ordinance is the envy of all the counties in this state. While it's a highly successful undertaking for those planning areas already done, for those of us waiting in line it's like a tantalizing invitation to the County to a party that's not really being held.

The San Marcos Association formally requested assistance from Commissioner Gonzales and the planning office over a year ago. After some months, Commissioner Gonzales held a meeting with us and the planning staff, the long and short of it being what you heard tonight; they don't have the people. It was suggested, I think, by Commissioner Gonzales but maybe from some other source at the meeting, there were quite a few people there, that the might be some stopgap solutions, immediate ordinances or moratoria. As you've heard tonight it's now the thinking of the planning department, and I cannot disagree with them that ordinances should flow from fully conceived plans and that moratoria are not an effective way. First, they're not terribly legally enforceable on all occasions and certainly they raise a red flag to people planning to do anything that they say you should not do right away.

We did have one immediate concern that Jack addressed and that was the true protection of the resource protection areas as defined in the open land and trails plan of 2000. Work on that I'm glad to say is underway with the support of Jack and legal and enforcement and Shelly Johnson, the new person in the open lands and trails.

We looked to get an appointment by the Commission for our planning committee so that we might move with a legal status to seek grants in advance of any active planning. Until we have defined the area, and until we have an appointed planning committee, we have no status whatsoever. We cannot write grants for instance. We have received the formal approval of 1000 Friends of New Mexico to ask as our sponsoring agency in seeking grants. I am very hopeful that we would be able to obtain grants to either do part of the work as Jack said, such things as surveys, or by any means that you or Jack could conceive to help in the funding through his office of planning under his control.

We've been seeking by telephone, fax, letter, e-mail in and in person to have a minimum meeting for assistance in determining just the planning area. It's very hard for me to even go out and contact all of the people who should represent the various parts of what is a

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very large area when I have no time frame. I don't want to go out and stir up interest for something on which we might have to wait another year. We could cause damage by getting people excited to only have them drift away.

We have a potential planning committee of experienced and very capable people. There are a number of professional, trained, experienced planners ready to sit on our committee. There are at least four people willing to serve on the committee who have taken part on from one to three successful county plans in the past. Others of us have worked on various civic and corporate planning areas for many years. As mentioned, we intend to seek financial grants as well as possible planning assistance from educational institutions within the state who have expressed interest.

We, as I say, haven't moved to get representation from all areas for the reasons I mentioned. It's our desire to have a recognized district that closely responds to the Turquoise Trail fire district. There are some very minimal boundary alterations of the fire district because actually the fire district goes into the Community College plan and there are some other just boundary adjustment reasons, so as not to leave islands of uncovered areas for instance, as mentioned in the ordinance.

You might wonder with all of this resource and expertise why we have to wait. Well, Jack just told you. For a while I had an argument with that. After a couple of discussions with Jack I have come to understand and respect his position about wanting to be involved to the extent that he does in the planning efforts. I would hope that the County could find some ways in directing us in our grant writing efforts so that funds that we could raise might be used and still meet Jack's requirements.

The remaining problem is that we can't wait another year and still keep all the people we've already go committed. I'm not suggesting that we start planning actively in areas in which Jack would want to be involved, but to be recognized and have a designated committee so that we have a legal status to take the first baby steps would be greatly appreciated. As to the area needs, Jack did touch on them briefly, but let me say there are over 15,000 acres in the district currently in active planning as we speak. This is not something that may develop. These are acres for which plans are being made right now. While we do believe the great majority of these plans are creative and far better than average development projects in intent and design than we've seen in the past, they're lacking the necessary integration with the whole district.

The effects on transportation, school requirements, water use, fire prevention, open space and trails linkages, and the need for institutional and commercial facilities that would be keyed by these major developments underway concern the greater community and are beyond the focus of any of the individual projects. Additionally, there are many thousands of acres poised on the verge of active development. Owners are seeking water rights. Family members are considering the future upon the demise of current residents of some of these properties.

In our district, there is consideration for transfer of some 260 acre-feet of water into our district currently on Tom Turney's desk. And this is not within the planned areas. This is in the about-to-start to be planned areas of many more tens of thousands of acres. This is very

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real.

There are also hundreds of approved development lots that are going on the market. Most of these are up Goldmine Road. They're to the south end of our area. The move into Santa Fe County will fluctuate with economic conditions and with the retirement demographics of California, Texas and some eastern areas. While we've just passed through a slight recession, such immigration is expected to increase. There's general agreement on that by the 11-state area study that's being done by the University of Colorado.

The above-listed community needs will be greatly influenced by the sale of these lots in the southern part of our district. People who come out of Goldmine Road, come onto County Road 14 and they come up into Santa Fe. Nobody's going to be moving onto Goldmine Road to go work in Albuquerque. The San Marcos district lies between the planned or in-planning areas of the Simpson Ranch, Community College District, La Cienega/La Cieneguilla district, the San Pedro district, the I-25 corridor and the Madrid community. The traditional historic community of Cerrillos, which already has its own plan and from which we would have a number of members on our committee, would like within the San Marcos district.

In short, the San Marcos district would be the piece to fill in the planning puzzle in that part of the county. The other aspect of this fact is that our district cannot afford to remain unplanned when all around us are planned. The obvious result from that is to squeeze into our unplanned area those things not desired by the already planned and protected areas.

You're quite familiar with the water problems in a part of our district, the North Fork/South Fork/Silverado area. Hardly a meeting of yours goes by that something doesn't come up about subdivision there. Ever smaller lots, what amounts to spot zoning destabilizes neighborhood values, changes property values, threatens water, creates sewage problems. A local DRC created by the passage of a plan we feel would be a DRC much more closely aware of the local plans than the CDRC is able to do. The Turquoise Trail is a state and federal scenic byway, a major rural collector. It runs north and south through our district. It is the only major road in our district. According to federal guidelines, such byways deserve very special consideration and treatment about what is planned to be built along them. There should be a scenic byway corridor within the San Marcos district plan.

You heard tonight about a New Mexico 14 corridor plan. So did I. It was the first time I had heard of it. I'm on the board of the two community organizations in that area. There has not been any community involvement I'm aware of. There may have been. I could be wrong. Unsightly commercial sprawl already exist from the intersection of I-25 south to the County jail. Such facilities as have been built are necessary for the health of the community and the county, but they're certainly not appropriate to continue south along a national scenic byway. Future commercial development along the Turquoise Trail must be planned appropriately.

The San Marcos district has more open space and more trails and trails intersection than anywhere else in the County open land and trails plan.

COMMISSIONER SULLIVAN: Excuse me sir. Could you summarize for us and perhaps—are you in agreement with the direction that Jack has suggested which was that he

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start with the open space and trails plan staff and start in that direction. We need to move forward here. We're running out of time.

MR. NAZOR: As far as the one ordinance is concerned, yes, most certainly, Mr. Chairman. But what I'm getting at here is all of the development pressures that I've just outlined are in exactly the same district as your greatest concentration of open space recreational use in the county. The two are not exactly consistent with each other without some planning activity to make them meld well together. It can be done. I think it's fine, the open lands and trails plan is a fine plan and the first step there is to put an ordinance behind the resource protection zones. But the resource protection zones speak to a very small part of the open space that is in this and other districts.

There's constant pressure of gravel mining under Article XI of the Land Use Code. Most requests to date have been in that resource protection area and that is a place where the ordinance would be a big, big help. I think there are at least three planners more needed. I think what Jack outlined and what I know from my own area this is a terribly understaffed department. The overtime fees leviable upon development, which are legally able to be spent on planning, I think there are ways to recoup the cost of some of the additional staff that is definitely needed. We beseech the Board to fund the planning staff to a level necessary to do the work the planning ordinance calls for and in the meantime, please give us the very minimal assistance required to come before you for recognition as a district and of a planning committee. Thank you. Are there any questions?

COMMISSIONER SULLIVAN: Would you give us your name please for the record?

MR. NAZOR: The name is Hugh Nazor.

COMMISSIONER SULLIVAN: Any questions of Mr. Nazor?

COMMISSIONER GONZALES: Just that, I guess a question of Jack.

Understanding where Mr. Nazor is coming forward. The fact that you've got a community again ready to take some interim steps, understanding and bought into the direction that you've brought, is there a problem with officially designating the San Marcos community as being a planning community so that in fact they can go out and try and receive grants to assist in the planning process, rather than waiting? Some of these grant applications take six months to a year. I agree with Mr. Nazor that no one's going to seriously consider an entity that hasn't really been created yet without any clear mission in place. So does it jeopardize the process when, if the Commission were to entertain the request by the San Marcos community to create a planning committee now?

MR. KOLKMEYER: Commissioner Gonzales, I believe it does, because what it constitutes is a promise to them go with the full-bore community planning process. And the only thing I promise is a good time, and I haven't even had a good time with Mr. Nazor yet. But I would be very guarded about wanting to do that because then what it really does is it constitutes the first step of the community planning process. But what I would like to suggest—

COMMISSIONER GONZALES: Hold on. Let me just ask you to that point though. The Commission has already made that promise through adopting an ordinance that

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calls for community planning. That promise has already been made to communities around this county. So I think we're already there. And here's a community that's just basically responding to the promise that was made. Now, I understand your point in that the promise comes to the point of when we're actually going to get there. And there are a lot of unknowns between today and the point that you'll actually be able to dedicate staff resources to developing a community plan.

But if that's the only issue that's separating that community from being able to request a formal designation, then I think we can get around that. But in my mind, when I voted on the Community Planning Ordinance and we talked about this eight years ago, it was to make that promise to communities that we would empower them through the community planning process through self-determination develop land use policies that reflect the values and the attitudes of those communities.

MR. KOLKMEYER: Commissioner Gonzales, I would agree with you but they have to come forward and that planning committee has to be approved by the Commission.

And I don't—I would feel remiss about that happening and me not being able, as the Planning Director, to support it. I'd rather in this case see the community come forward with a community planning committee and we're all in agreement that now's the time to move forward and start. And again, as I've explained our situation here, I in good faith couldn't do that because I don't have the staff, I don't have the time to do that and what that would result in, in my opinion would be a poor quality effort on our part. And I don't want to give a poor quality effort. I want to be able to work with every community to the best of our ability.

And I think there are some other issues if I may. I think there's something that we could embark upon here. One is we still really need to look down and look at the boundaries. Mr. Nazor has invited me to do that with him. It's a huge area that he's talking about and I think we need to spend a couple of meetings looking at some of the boundary issues. In the boundary are some large property owners. I'm not sure that this committee has spoken with all these large property owners, like Rancho Viejo or the Thornton Ranch, for example. I'd like to bring them all to a table so that everybody's involved, because looking at the committee that has been structured, there isn't a representative—well, there is one. Warren Thompson? Is he on your committee, Hugh?

Then I'd want to make sure that the boundaries and committee are all representative of each other and really spend a little time on helping to structure the committee so there's real good representation of what the issues are. I think we could, after doing some of that work, particularly the boundary and really making sure that the committee is really solid and representative, that we could come back, probably at the end of the summer with a recommendation for this committee to move forward.

But it would just put us in a really difficult spot and I understand Mr. Nazor's issue with the funding but to me, I would view that as the greenlight to go ahead and I'm not ready staff-wise.

Now again, if during the budget process we get another staff person who could work on Pojoaque, I'm sure we could probably figure out that the first two projects might be Pojoaque and San Marcos. But right now, if you look at the list of the projects that my planning staff has

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and we lay one or two more on there, Paul Olafson is going to run out of the room screaming. He does that anyway. But I can't lose planners. I need to be very judicious about the quality of work and the quantity of work that we're undertaking.

I feel great empathy with what Mr. Nazor is requesting but I just have to again say we're stuck between a rock and a hard place.

COMMISSIONER GONZALES: Mr. Chairman, just to close because I know we've got to move on—

MR. KOLKMEYER: We did this last time.

COMMISSIONER GONZALES: You're stuck but I feel that the Commission is stuck also because that was a commitment that was made during the community planning process that we were going to allow for this. During that process we never said, Whenever we're ready for you. We said we want to engage in community planning. And so I know we can't solve that right now, but I also know that it's unfair for communities that are prepared to come forward who've got the energy and the excitement to say, We just can't do anything for you now; you're going to have to wait.

So somehow I just feel like throughout our creative minds we're going to be able to figure out how to get to that and I know we can't solve it tonight. Mr. Nazor's right. We were here a year ago and I was saying the same thing; we've got to figure it out. Here we are a year later and we still haven't figured it out. So I don't know what the answer is, Mr. Chairman, but I don't want the answer to be what it is right now, which is you're just going to have to wait until some undetermined point in the future before your community can come forward. Especially when some of the issues that Mr. Nazor has laid out are real and they're relevant to the community's identity, to the resources of a community, to how the community feels that they want to participate in the community planning process, those are all issues that can be a factor.

And I fully understand where you are and I don't want to push something on you, because I think quality is more important than quantity in getting them out and I appreciate that that's your standpoint because in the end, ten years from now, we want plans that work. We want communities who've been able to invest time in the plan that over a period of time will continue to reflect the values of their communities. And a lot of times when you go through a planning process where you just use a quick and dirty approach, that's not going to happen.

So I'm with you in that area but we just need to figure out how we allow communities to come forward and try to fulfill our promise. I know it wasn't your promise; it was something I feel personally committed to because Mr. Nazor is my constituent and it's something I said to him and everyone else out there, you do your part and we'll do ours. You commit to the time, you commit to bringing your community together, you commit to a long planning process, we'll do our part to provide the resources and here we are not being able to do that.

But we have done it other parts of the area. We just haven't been able to do it in this area.

MR. KOLKMEYER: Commissioner Gonzales, maybe what I'd like to suggest is that we invite Mr. Nazor to come back at a May Commission meeting with a proposal to

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create a planning committee, which would be the month before the adoption of the budget, and let's debate it vigorously at that point. Because that then gives us April and May to sit down and talk about some boundary issues, to maybe have a couple of meetings with property owners—

COMMISSIONER GONZALES: And give the Commission a chance to work through the budget.

MR. KOLKMEYER: And if you guys are generous with us we could then say we could commence in June. I think that's a compromise. That might give us a little time to still deliberate some things. But a May meeting I think would be really important because that would coincide with some of the budget issues that we need to deal with.

COMMISSIONER GONZALES: That's fair enough. We're going to have to resolve this during our budget cycle anyway because we need to manage the multiple needs of the County with the resources we have.

MR. NAZOR: If I may very briefly say that we would be delighted with that timetable. The next grant period is June and if we can resolve this in May, wonderful. The most important point is the level of staffing.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER SULLIVAN: Jack, could we sum up here now? I think we've taken an awful big bite of administrative time here and this is a public hearing Commission meeting, not an administrative meeting.

MR. KOLKMEYER: Mr. Chairman, we're finished.

COMMISSIONER SULLIVAN: Okay. Are there any other comments or questions from the Commission? For those of you who may be in the audience for a couple of items, let me repeat which items have been tabled in the event you may be here to hear those. Under the Land Use Department items, item 5, the Vallecitos de Gracia, item regarding the all-weather crossing was tabled. If there is anyone here that's interested in that item. Also item 9, which was the Tesuque Creek Subdivision has been tabled. The applicant came forward to the Commission, heard the applicant's request for tabling to meet with the residents at some future time and that's been tabled. Item 10, the Horacio Baca appeal/variance was also noticed as being tabled. That was the third tabling which constitutes a withdrawal of that particular item until they resubmit. So if there's anyone in the audience for those three items, those items have been tabled.

At this point let me ask, those who are in the audience, how many are here and would like to provide testimony on the County capital outlay gross receipts tax? Okay. Thank you. How many are here to provide testimony on land use items? Okay. Sounds about even. So we'll keep those in the order that they're in. What's the pleasure of the Commission on hearing the presentation on the feasibility study? Do we want to do that after the GRT ordinance?

COMMISSIONER GONZALES: How long will the study be?

COMMISSIONER SULLIVAN: He said it was going to be about 20 minutes plus questions.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to proceed with the presentation by CDM relative to the diversion project. I think it's important and I think they

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promised to be brief.

COMMISSIONER GONZALES: It seems that everyone may not have arrived for the 6:00 hearing anyway so it might be appropriate just to—

COMMISSIONER SULLIVAN: Keep moving. Is that okay?

IX. B. Presentation on the joint County and City engineering feasibility study on water supply alternatives to meet the short-term water demand requirements for the Santa Fe Metro area

MR. ROYBAL: Mr. Chairman, Commissioners, with me is Sue Morea and John Rehring from CDM and they'll be here to present the analysis that they did on the water alternatives to meet our short-term demands here in the Santa Fe Metro area.

JOHN REHRING: Mr. Chairman, Commissioners, we appreciate this opportunity to give you an update on where we are with the project for identifying the best way to get San Juan/Chama water into the city and county of Santa Fe. The goals of our evaluation primarily were to quickly address the existing drought year supply shortfalls and that entails providing drought relief at least until the longer term components of the system can be brought on line, which we've estimated to be at 2010 or beyond. So really, we're looking for something to get us through that period up until 2010.

As part of this we developed and screened options for diversion of the San Juan/Chama water and then I want to go over the recommendations for implementation with you. Briefly, imported water sources as defined in the context of this evaluation are anything that comes from either a new diversion along the banks of the Rio Grande or from the existing Buckman well field. It's outside of the Santa Fe Watershed, meaning the surface water and also the City wells. We did evaluate a number of different diversion technologies and we'll go through those here in just a moment.

Just to review though, the need for the project. This chart is split into normal conditions and drought conditions as projected for the year 2010. On the left hand side for the normal, on a peak day demand we expect about a 25 mgd combined city and county demand for water. Of that we can make it up with existing sources. However, imported water does need to make up about 10 mgd, 10 million gallons per day, of that demand. In a drought condition, we have reduced demands because of some of the conservation or emergency demand reductions that are put into place. However, the blue bar here represents the Santa Fe River and in an extreme case, in a drought year, that could go as low as zero for the peak day. In which case, the imported water demand, which is where we're looking to access with this new diversion, would go all the way up to 15 mgd.

So just to go through then some of the diversion options, and I'll be brief here because as you know we're limited on time. We looked at a number of different diversion types, consisting of direct diversions out of the river, a surface diversion, shallow groundwater options, and deep groundwater options. We looked at sites for these at various combinations of

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sites and those diversion options. Starting in the north along the Rio Grande at the San Ildefonso site where there's an ongoing demonstration diversion project, the horizontal collector well that the City and County are collaborating on with San Ildefonso Pueblo.

We also looked at the Buckman site, the Caja del Rio site and then moving south where we're downstream, looked at a direct diversion of Cochiti Lake site and then also a diversion site down at Peña Blanca. The combinations that I mentioned a minute ago, essentially, we screened through for what was really feasible given the topography and given the existing data that was available for those. Very quickly, we were able to screen out the Caja del Rio site and the Peña Blanca site because of a lack of access issues and also issues relating to existing data. Really those have not been investigated and it's not going to be a quick way to access San Juan/Chama water.

The criteria that we did use consisted of the following: adequacy of supply—

COMMISSIONER SULLIVAN: Excuse me. Can you go back one?

MR. REHRING: Sure. You want to go back one slide?

COMMISSIONER SULLIVAN: On the Peña Blanca site, my understanding on that site was that the access wasn't a problem.

MR. REHRING: Access was not the reason there, but there's not been the hydro-geological studies associated with that and compared to some of the others here, it was not as favorable.

COMMISSIONER SULLIVAN: Favorable in terms of the hydrogeologic or—

MR. REHRING: The hydrogeological and then also just the distance that would be required and the elevation difference.

COMMISSIONER SULLIVAN: Because one of the problems on San Ildefonso which was one that you didn't cross out is that we can't get a long-term commitment for access.

MR. REHRING: Right. And we'll talk about that in a moment.

COMMISSIONER SULLIVAN: It seems like it may be premature to cross out Peña Blanca until we determine whether we should get that hydrogeologic data.

MR. REHRING: Sure. And let me clarify, Mr. Chairman. These were screened out for the short term, okay? Any of these could be possible as part of the long-term system and that will be part of the next phase of evaluation, but really what we're looking for now is what's the quickest way, and based on that primary criterion, San Ildefonso site, Buckman site and Cochiti Lake site appeared to be the most feasible.

COMMISSIONER TRUJILLO: Mr. Chairman, what we're talking about here is diversion, diversion points. For example, the Buckman area, that's a diversion point into the Rio Grande and it's not the existing wells that serve the metropolitan area there, right?

MR. REHRING: Yes. The three different things we looked at were a direct diversion at Buckman. In fact I'll talk a little bit more about that. Shallow groundwater, which is similar to what's going on at San Ildefonso with the demonstration, and then deep groundwater which would be additional wells and we'll talk about each one of those in just a moment.

The other criteria that we looked at were: Is it implementable? What's the timing of

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that implementation? What are the water rights constraints associated with it? Can it be permitted in a timely fashion? Institutional issues, as you pointed out. And also making sure that it's compatible with future system components, that it doesn't foreclose anything else that we might want to do as part of a longer term system. Finally, we wanted to look at costs and make sure that it would be affordable for implementation purposes.

Baseline condition is essentially the existing deep wells, the eight Buckman deep wells that are out there that do draw upon San Juan/Chama water via the Rio Grande and also draw upon some groundwater. Essentially, this is something that's used for comparison against other options. However, we all recognize that the existing system does not meet demand and therefore is not a good alternative to move forward with. The deep groundwater, we estimated that to meet that 15 mgd peak demand that I presented in the slide a few slides back.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Is that, the peak demand, is that at current population levels or what did you take into account in terms of your projected population.

MR. REHRING: That was projected until the year 2010.

COMMISSIONER GONZALES: Okay. Thank you.

MR. REHRING: So to meet that 15 mgd peak demand in 2010, we would need seven additional deep groundwater wells in the vicinity of the Buckman well field to again pump into the Buckman pipeline. However, the existing Buckman pipeline capacity is only 8.9 mgd. And so to convey 15 mgd through that would require one of two things. Either upgrading it as we've assumed would be done under this option to convey—essentially that's more booster stations to provide the capacity increase from 8.9 to 15 mgd. The other option would be to parallel that pipeline into the city and county distribution system.

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: With the seven-year wells, have you taken into consideration the impact on the aquifer, the existing aquifer in the Pojoaque Valley and the Tesuque area? Has all of that—

MR. REHRING: Commissioner Trujillo, we did. We developed a regional groundwater model to analyze exactly that question and I do have a slide that's going to give you an overview of the impacts. Not only on stream depletions on the Rio Grande for the San Juan/Chama water but then also on the tributaries, the Pojoaque and the Tesuque.

COMMISSIONER GONZALES: Could I ask one more question?

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Or actually it may be a few more. But question, in 2010, what did you anticipate or project the population to be? What numbers did you use?

MR. REHRING: Commissioner Gonzales, those were provided to us by the County.

COMMISSIONER GONZALES: Okay. And then the system boundaries,

what would be the areas that would actually be served by the new system that will be in place? ²¹²⁰⁴⁸³

MR. REHRING: Commissioner Gonzales, those were based on the assumptions, essentially it's been estimated, the numbers that have been provided to us that the County demands in 2010 will be 1700 acre-feet per year. And so that's what we used.

COMMISSIONER GONZALES: But the boundaries will be the metro area as we know it? Basically the Extraterritorial Zone, urban boundary?

MR. LOPEZ: Mr. Chairman, the city's boundaries are roughly bounded by 599 and I-25, the urban area boundaries. Our service areas that we identify for use are basically what we discussed when we were discussing our 40-year water plan, that is our existing service area, into the La Cienega area and Eldorado.

COMMISSIONER GONZALES: So basically, everything that we're talking about here, just for the record to make sure that we all understand, is to serve the metro area. This is not a long-term plan for the southern part of the county and certainly not a long-term plan for north of Tesuque through to Española. Is that right?

MR. REHRING: That's correct. There is a separate study going on looking at the northern regional water demands and possible options there.

COMMISSIONER GONZALES: Thank you.

MR. REHRING: Using that model then that was developed specifically for this and to evaluate the impacts on the aquifer, we evaluated the impacts. But before we get to that, I wanted to point out where we've located the seven wells for the purposes at least of assuming something to base our evaluation on. And those were in the green locations here. You see the city boundaries here and then the existing Buckman well field up in the dark blue labels. The new wells that were proposed were evaluated using the model were located primarily near existing Buckman pipeline booster station number 2, and booster station 3. Those were located outside the existing Buckman well field, or the locations of existing wells primarily to make sure that we got the yield out of those that we needed.

Looking at the impacts then, the net depletions after the year 2000 on the Rio Grande mainstem, the Pojoaque and the Tesuque. And essentially what we found here is that while the aquifer could provide the needed yield, there is an ongoing impact to that aquifer and also as we get into later years, out towards 2060 on the right here, we run into a situation where there are not currently enough water rights holdings to offset those depletions to the tributaries.

Moving on to the Buckman shallow groundwater option, we looked at two technologies. One of those was an infiltration trench, the other was a series of horizontal wells.

COMMISSIONER SULLIVAN: Excuse me. So in summarizing that last slide, you're basically saying the deep wells alternative was not a viable one because of the depletion from the mainstem?

MR. REHRING: We screened it out. Yes we did. And I've got a few summary slides that I'll go through exactly what was retained and what was not.

COMMISSIONER SULLIVAN: Okay.

MR. REHRING: Looking at the Buckman shallow groundwater, essentially we did some analyses on the ability of this to produce the needed 15 mgd and neither one was able

to do that. And so it was screened from further analysis. Just to give you a sense though of where that was, this is the—the black line here is the existing Buckman Road as it terminates near the Rio Grande and we are looking at a series of either an infiltration trench or a series of horizontal wells near the terminus that would then hook into the Buckman pipeline.

The direct diversion at the Buckman site would consist of a screened intake on the Rio Grande serving the City, the County and Las Campanas. After the diversion then Las Campanas would have its own line to its own dedicated water treatment plant and also its raw water needs for irrigation. The other fork in the line would parallel the existing Buckman pipeline and go up to, essentially follow the same alignment up to a point where it goes to a new water treatment plant located at the MRC, the Municipal Recreation Complex. That was selected for a number of different reasons, primarily operational in nature.

In any case, we would have the screened intake near the end of Buckman Road, sand removal near the diversion, primarily to protect the pumps and the pipeline, pump it to the water treatment plant with a separate line and a separate water treatment plant for Las Campanas. This is able to meet the peak demand if we upgrade the Buckman pipeline booster stations, or as we assume in this case, parallel that Buckman pipeline, and City, County and Las Campanas are currently co-applicants for a Forest Service special use permit and the NEPA, which is the National Environmental Policy Act evaluation for environmental impacts associated with this project is now getting underway.

This again is located near the end of Buckman Road, the screened intake at the side of the river, fully contained on the east or south bank of the river hooking into the sedimentation facility located near the diversion and then with new booster stations and a new pipeline to the water treatment plant.

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Have you studied the long term sustainability of a diversion point here? What's the long-term availability, if you will, sustainability of water?

MR. REHRING: Commissioner Trujillo, this is, because this is directly diverting it from the Rio Grande and because it's San Juan/Chama contract water, which is specifically released to meet the demands of the contractors who are a party to the San Juan/Chama project, we believe that the water availability is there and that it is a reliable source.

COMMISSIONER GONZALES: Mr. Chairman, I was just going to say, to expand on that, we know that the contract is limited though. I think, or I gather where Commissioner Trujillo is coming from, there's enormous demands that are going to be placed on the Rio Grande River. If we build this \$60 million diversion point, or whatever it comes out to be, is it only going to be able to be used for the contracted amount? I know we've talked about trying to find additional water rights, but what is the reality that additional water rights are actually going to be able to be found or that the San Juan/Chama will be able to be extended so that it will be a true sustainable source so that 40, 50, 60 years down the road, when a

certain level of water rights have expired, with everything else that's going on, with the Rio Grande and the fight for water, have we brought that into our calculations in terms of availability?

MR. REHRING: Commissioner Gonzales, perhaps Gary can add something to that but it's my understanding that the City and County are currently working with the Bureau of Rec to try and make that contract go into perpetuity.

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, you are correct that the San Juan/Chama contract is up in 2016 and we are currently working with BOR to either extend that or do some type of a buy-out of that contract. In the meantime we're also in a procurement process of procuring water rights to be able to move them to the diversion project so that we can divert additional waters from that facility. As you know, the San Juan/Chama water as we use it it is released from Heron Dam down so the impact on the river would be if you would, a zero impact because whatever we take out would come in from Heron Dam and be released by BOR. In addition to that, any water rights that we can procure and set and transfer to this diversion point would also—

COMMISSIONER GONZALES: Specifically to that point though, any water rights? Are there any water rights out there that we can procure? Is it realistic for the community to expect that there's an endless amount of water rights, we just need to find them? Or is there a finite amount of water rights that are going to come down the Rio Grande and that's going to be it?

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, there's not an infinite number of water rights out there on the market. There are water rights on the market and the transferability of them is the issue. Can we transfer them and how much can be transferred? As you know, the Otowi Gauge is a demarcation point that defines how water rights can be transferred upstream and downstream of that point. We have procured water rights. Santa Fe County does have water rights and we will be in the process of transferring those to these facilities, either the Buckman wells or this diversion point once it gets permitted.

COMMISSIONER GONZALES: I just think in closing, Mr. Chairman, it's important when we talk about a long-term sustainable source of water that we don't expect the San Juan/Chama to be that long-term source, even if we do get it in perpetuity we know that it's not going to satisfy the demands of a growing population. So we're going to have to find additional water rights out there and when we go into that area, we're competing with 100 cities in New Mexico and 33 counties and lots of agricultural needs and Texas on top of all that. There's a big fight over the New Mexico water now. So I hope as we develop and when we talk about sustainability that they really are sustainable, that we are developing a sustainable plan that goes beyond, and it's realistic, and it goes beyond the San Juan/Chama allocation. And that we have a plan for how we're going to get there and this investment by the community is really going to pay off for our children and grandchildren because that's what we keep talking about, that this is an investment for the future. We don't want that investment to end 15 years from now or 20 years from now because all the allocation of water rights have been distributed or what's been available and we have not properly planned or proceeded to

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acquire those rights.

MR. ROYBAL: Mr. Chairman, Commissioner Gonzales, to that point that is our concern and that is how we manage our water system. We have an allocation ordinance that we cannot allocate more water than we have available and that is part of that sustainability issue that you bring up and that is a really critical point to our development, the water company.

COMMISSIONER TRUJILLO: And with the Raney project we developed some demographics on quality and sustainability. Have we done that at this diversion point? Again, the issue is we can have copious paper water rights but if we don't have the wet water to support it it doesn't do any good. So I want to know whether we've done a sustainability study at this diversion point like we've done with the Raney project.

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, a sustainability study, if I may, is that I believe initially we're looking at the San Juan/Chama water rights that would flow down the river up to 2016 and then we're working on extending that contract either in perpetuity or in some other extension. As for the other water rights that we're procuring, we will also look at the sustainability of those on a long-term basis once we transfer them there. The quality will be addressed by a water treatment plant that will be located at the MRC to treat the surface water that's coming out of that. I believe that is a parallel analysis that needs to be going on which we are undertaking individually as the County and the City, as governments. This project is mainly to look at the feasibility of putting in the diversion structure and the associated facilities. the procurement of the water supply itself is up to the governmental agencies or the parties that are participating in this venture, in this project.

COMMISSIONER SULLIVAN: And Gary, one other question, this presentation of course is on the alternatives to meet the short-term water demand requirements. But it doesn't mean we don't look at sustainability, obviously. My question is what do you define as short-term?

MR. ROYBAL: Mr. Chairman, short-term is to the year 2010. This project will meet our demand needs up to the year 2010. This is one phase into a long-term solution. We're also looking at San Ildefonso as part of the long-term solution to meet ongoing demands beyond 2010.

COMMISSIONER SULLIVAN: Because it seems that's awful short. Because if it takes two or three years to build the project, if this is the route we go, that already brings us to 2004 or 2005, and then we're only five years further down the line and jointly with the City we've expended \$60 to \$70 million. Are we really stopping at 2010? Is that really the short term?

MR. ROYBAL: Mr. Chairman, this diversion project will meet our demand to 2010. And as I mentioned, the long-term plan would be to incorporate San Ildefonso as part of that long-term solution to meet our demands beyond the year 2010.

COMMISSIONER SULLIVAN: And when you say "our demands" the primary demands are of course the City's demands, when you say our.

MR. ROYBAL: The City and County both.

COMMISSIONER SULLIVAN: But from a majority standpoint or a percentage

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standpoint, what we're working on here is to try to provide the metropolitan area water supply demands for 2010.

MR. ROYBAL: Mr. Chairman, that's correct. This is for the Santa Fe metro area as a whole.

COMMISSIONER SULLIVAN: Go ahead.

MR. REHRING: Mr. Chairman, Commissioners, just to build on that for a moment. This is really part of a phased approach, okay? This doesn't end at 2010. This is a part of the long-term system but it's the first phase and it's the one that we've already got the water rights and the access to. So the quickest way, what we're trying to do is get that first phase in as quickly as possible, specifically to access the San Juan/Chama water and then move on, as Gary pointed out, into the longer term planning.

Looking at the infrastructure just briefly, again, we start with the diversion. The City of Santa Fe is down here, the Rio Grande following through here, start with the diversion near the end of Buckman Road. A new pipeline going down to a treatment plant at the MRC. That then feeds a couple of locations from the water treatment plant, one to the southern part of the city and the county, feeding into the existing connection points and a new connection point for the County, and then the other going back up to the existing Buckman pipeline to feed into the northern parts of the distribution system.

Moving on to the San Ildefonso shallow groundwater, this consists of the horizontal collector well as is currently being demonstrated. Quality data from that demonstration is still being collected. The last round of that will be collected in June of this year. That data then will be used to determine whether a surface water treatment plant is needed or whether it can simply be chlorinated or disinfected and put into the distribution system. That in turn has significant cost implications, approximately \$37 million difference between water treatment plant or no water treatment plant.

As was pointed out a few moments ago, there are some significant institutional issues regarding long-term agreements and those have yet to be resolved. The infrastructure for this, if treatment is needed for the San Ildefonso consists of a very similar system as we just looked at for the Buckman direct diversion. We still have a parallel pipeline going down to a treatment plant at the MRC and then plumbing that into the distribution system, both in the south and back into the existing Buckman pipeline for distribution to the north.

The difference between this and the Buckman direct diversion, however is that besides the diversion technology itself, we have a pipeline from San Ildefonso along an existing easement that then hooks into the Buckman pipeline easement. If treatment is not needed, then we're able to combine the waters because the existing Buckman well field will be feeding the existing Buckman pipeline. That looks like treated water. It is treated water; it's potable water at that point. If treatment's not needed for the San Ildefonso diversion, then it also is potable, essentially after it's pulled out of the ground and chlorinated. And so we're able to then use the same pipeline albeit upgraded to 15 mgd capacity and then distribution again, into the south using new piping and into the north using the existing but upgraded Buckman pipeline.

We also looked at a diversion directly out of Cochiti Lake, which would consist of a

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submerged pipe and submersible pumps. Because we have a large reservoir there, we don't need sand or sediment removal at the point of diversion. Conventional water treatment plant for the surface water would be necessary and that again would be located at the MRC. As with San Ildefonso we haven't yet developed any institutional agreements. In this case they haven't really even been initiated.

There is significant infrastructure and it's difficult to get water from the Cochiti Lake site up into the City and County's distribution system. The best alignment we were able to come up with is essentially this horseshoe that then goes back up to the water treatment plant and that's based primarily on the topography of the area and existing available easements.

To summarize the costs and the recommendations. In general, options with the water treatment plant are more expensive than those without a water treatment plant. If the San Ildefonso is going to require a water treatment plant—and again, that's pending the data that's going to be coming to us in June of this year—if a water treatment plant is needed at San Ildefonso, then the Buckman direct diversion is slightly less costly than San Ildefonso and that's primarily because there's just a shorter amount of transmission pipe to get it into the city and county.

Cochiti Lake diversion and the seven supplemental Buckman deep wells were screened out. The Buckman direct diversion, on the other hand, the feasibility study has been completed and we're ready to move forward towards implementation. That one really is the closest to implementation. To look at the cost again, these are separated by the different options that we just reviewed, capital costs in the next column, O & M costs, operating and maintenance costs, expressed as the 20-year present value, and then the total present value, the sum of those first two columns.

We see that there are significant costs associated with the Buckman direct diversion. We've estimated that between treatment and conveyance, we're looking at \$62 million in capital. If we look at the ones that don't need treatment, they are less costly, such as the deep groundwater wells and the San Ildefonso shallow groundwater if it does not need treatment, however those were screened out for the reasons that we just discussed. Cochiti Lake diversion was screened out as it was the highest cost and really is not very far along with respect to institutional arrangements.

COMMISSIONER SULLIVAN: And does the Buckman cost assume with or without treatment?

MR. REHRING: Mr. Chairman, the Buckman direct diversion?

COMMISSIONER SULLIVAN: Yes.

MR. REHRING: That's with a water treatment plant.

COMMISSIONER SULLIVAN: With a water treatment plant.

MR. REHRING: Yes it is. The recommended approach then. We have short-term and long-term needs. The existing shortage requires that we do something as quickly as we can. And the best way that we found to access existing San Juan/Chama water is with the Buckman direct diversion. However, the long-term demands do require an additional source of supply for 2010 and beyond.

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This is a little more detailed map, but it shows again how the system might fit together in the future. The City here, the Rio Grande along here, the Buckman direct diversion and sedimentation facility would be here, feeding in a pipeline down to the water treatment plant at the MRC, and then being distributed to existing and new County connection points in the south, and the existing connection points up near the 10 million gallon tank in the north.

In the future, if San Ildefonso were to be moved forward as part of the longer term, we would hook that in from the diversion point up at San Ildefonso through a new pipeline using the alignment that we showed a few slides ago.

The next step then, really, what we're recommending is to pursue the Buckman direct diversion to meet the near-term demands. Again, as part of a longer-term system but again the quickest way to get the San Juan/Chama water. That consists of conducting the NEPA analyses and then moving into design and construction. We estimate that the first phase of the water treatment plant and all the conveyance could be online at the earliest in 2005, second phase, for full capacity in 2006. We also recommend that the San Ildefonso demonstration diversion be completed so that we understand better whether we need a water treatment plant there and the feasibility of rolling that into the long-term system.

Finally, we recommend continuing to aggressively pursue federal and state funding. As we all know, there are significant costs associated with this and City and County together have so far received about \$2.5 million in federal funds to support the development of these projects. And we all know that despite the aggressive conservation programs that are in place, the drought is very real here. We have had some successes in reducing per capita use by a 22 percent reduction in the system since 1995 and that puts Santa Fe at among the lowest in the west at 142 gallons per capita per day at present. There also have been some recently adopted additional landscaping and water conservation requirements and as was mentioned in one of the previous presentations, out of the County's .2 acre-foot requirement for new developments.

However, drought conditions are again imminent. Again, just this week, the City is proposing to move into Stage 2 drought restrictions and it's possible or even likely that Stage 3 will follow. Ultimately Stage 4 drought emergency could happen as early as this year, depending on the precipitation trends that we see. With that, we recognize that waiting until 2005 or 2006, there's a problem with that, and that we are going to have some water shortages between now and then. So we're recommending that the City and County pursue a short-term emergency action until the direct diversion from Buckman is available.

One of the ways that we found using the groundwater model was to essentially utilize the existing pipeline capacity to its maximum. There is a small amount of unused Buckman pipeline capacity right now, and what we're seeking to do is to drill additional wells to fill that Buckman pipeline capacity so that we can pump the full 8.9 mgd through that during peak demands. To evaluate the impacts of this on the aquifer, we again used the model and assumed pumping at the recent average of 5200 acre-feet per year up until 2003 when those wells could be implemented, and then 7930 acre-feet, similar to how the other diversions were sized from 2003 to 2010, at 7930 consists of the 2010 demand between the City and County for this imported water, and then backing off once the new diversion is in place down to 1000 acre-feet

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per year, and we modeled that out to 2060, recognizing that this was, assuming that that will be online till 2010 and then backing off.

That's a little bit of a conservative approach. Realistically, it probably would back off sooner than that when we got that direct diversion on line in approximately 2006. On of the critical path items for this is State Engineer approval of any additional wells. We did have a meeting with the State Engineer's Office and the State Engineer yesterday and were encouraged by the feedback that we received at that meeting.

Location of the four new wells, this is the graphic again from the seven new wells and again, we'd be looking for the four new wells to be in a similar area. Two would be located near Buckman booster station two, the other would be near Buckman booster station three. That provides easy access to the Buckman pipeline so that we can again fill the capacity of 8.9 mgd, using the new wells.

The model results then, looking at the impacts on the Rio Grande, this goes all the back to the beginning of pumping of the Buckman system in 1970. You see that as we move towards 2010, the impacts or the stream depletions on the Rio Grande and the tributaries are increasing, however, in 2010, when the model backed off back to 1000 acre-feet per year, we saw an instant drop in the depletions on the Rio Grande and the tailing off of the depletions on the tributaries.

That summarizes the presentation that we had for you. If there are additional questions, we'd be happy to answer those.

COMMISSIONER SULLIVAN: Let me understand this. Are these four wells then what they consider to be the supplemental wells?

MR. REHRING: That's correct. And so essentially, you'd have the existing Buckman well field of eight wells. The City is currently pursuing a replacement or a supplemental well for Buckman well five and these would be four additional supplemental wells.

COMMISSIONER SULLIVAN: These would be for the three—there's a total of eight Buckman wells, right?

MR. REHRING: Right now.

COMMISSIONER SULLIVAN: And three of them are out of service. Is that right?

MR. REHRING: There's rehabilitation work ongoing with those but the intent is together, all these wells operating would have the ability to meet that 8.9 mgd peak day.

COMMISSIONER SULLIVAN: But what I'm getting at is are these four new supplemental wells that you're talking about, does that go beyond the Buckman permitted capacity?

MR. REHRING: Beyond the—

COMMISSIONER SULLIVAN: Buckman wells permitted capacity.

MR. REHRING: No. The Buckman well field is permitted for 10,000 acre-feet per year, and so this would not be going beyond that.

COMMISSIONER SULLIVAN: So you're suggesting a supplemental solution,

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these additional supplemental wells, if they get approved by the State Engineer, they would come online before the surface diversion.

MR. REHRING: That's correct. What we'd be shooting to do is have those online for the summer of 2003.

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I understand that this is a short-term effort but outside of the metropolitan area, what are the water implications for the region, commensurate with this diversion point and the wells, since the wells are tapping into the Pojoaque Valley aquifer. They're using water to sustain the metropolitan area. How will the region or the surrounding areas benefit from such a project, long-term?

MR. REHRING: Mr. Chairman, Commissioner Trujillo, that was essentially reflected in that graph that showed the need to use these wells in the interim, but then back off as the other sources come online. The intent there is to stay within the existing water rights holdings on the Tesuque and the Pojoaque. And so we see quite a bit of recovery in the model, in the aquifer as soon as you're backing off to that 1000 acre-feet per year number. It's actually quite remarkable the recovery in the aquifer levels.

COMMISSIONER TRUJILLO: There are potable water needs outside of the metropolitan area. How will this diversion project address those needs in the Pojoaque Valley, in Eldorado, long-term? I understand that this is short-term, but long-term we need to be looking at that.

MR. REHRING: Mr. Chairman, Commissioner Trujillo, this is not yet been coupled with the northern regional study that's ongoing. That study has conceptually laid out some distribution systems where the Buckman pipeline may or may not be part of a regional distribution system. The other pipeline, the leg would go along Highway 285 and serving the communities along there. It would be a backbone pipeline as 285 heads towards the city.

MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, if I could just expand a little bit on that. This diversion project doesn't address the Pojoaque Valley in itself. There's the Aamodt case that's taking place right now that I believe, on a long-term basis will address that, the water issues in the Pojoaque Valley. And we have been in negotiations to look at that very scenario, how we get water or how will water be delivered within the Pojoaque Valley area. And part of it may include this in the long term, but on the short-term basis, that wasn't addressed in this project. But in regard to your other area, as to what it would do to wells in the aquifer, I believe that it's going to be able to allow the aquifer to recover, because this water will be imported and will be used within the metro area and will lessen the use of wells that are currently being used to provide domestic water to users.

COMMISSIONER TRUJILLO: My only concern is that if we're spending \$60 million in the metropolitan area or so, there are water quality needs outside of the metropolitan area, not only the Pojoaque Valley, but also Chimayo, La Puebla, Cuarteles, Eldorado and the like. So I think that we need to long term for the future. We need to plan on how we're going to address those needs.

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MR. ROYBAL: Mr. Chairman, Commissioner Trujillo, you're correct. And as part of our 40-year water plan we will be looking at that, at how do we go beyond the Santa Fe metro area and how do we help our surrounding communities that are not connected to the metro area.

COMMISSIONER TRUJILLO: Thank you, Gary.

COMMISSIONER SULLIVAN: Are there any additional questions?
Commissioner Campos? Commissioner Gonzales?

MR. ROYBAL: Mr. Chairman, if I may add one more thing. If you'd like, we can put this presentation on the website so that anybody can access it. If you like, we could work that so that people would have access to it.

COMMISSIONER SULLIVAN: Yes, I think we need to do that. Because you don't have any hand-outs with you.

MR. ROYBAL: No, we don't

COMMISSIONER SULLIVAN: Okay. That would be useful. And just for the record, what's the address for the County's website?

MR. LOPEZ: santafecounty.org.

COMMISSIONER SULLIVAN: santafecounty.org will get you there. Day after tomorrow.

X. Administrative Items

A. Committee appointments

1. Appointments of members to the Correctional Advisory Committee

GREG PARRISH (Correctional Manager): Mr. Chairman, Commissioners, what you have before you is a recommendation for appointments for the Corrections Advisory Committee. As you're aware, the Commissioners approved a resolution establishing a Corrections Advisory Committee and it was to be comprised of seven members from the community in different sectors. Subsequently, in January the County Manager's Office advertised the committee and eleven individuals expressed an interest in serving on that committee.

We established a working group to interview them and talk to them and from that evolved the recommendations that you will note on the memo that I prepared.

COMMISSIONER GONZALES: Mr. Chairman, move for approval.

COMMISSIONER SULLIVAN: Is there one—

MR. PARRISH: The only amendment to that is that the City is still evaluating their candidate and they're not ready to name a representative at this time. So we'd like to go forward with these six recommendations that we noted and then proceed. When the City's ready we'll come forward again with their recommendation.

COMMISSIONER GONZALES: Move for approval, Mr. Chairman.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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COMMISSIONER SULLIVAN: There's a motion and a second for approval of the six members outlined in the packet. Any further discussion?

COMMISSIONER GONZALES: Just one real quick point. So Greg, there's going to be a process for these six members to work and then a method for them to offer suggestions through you back to the Commission. So there will be at least some reporting back to the Commission over a period of time. Is that correct?

MR. PARRISH: Absolutely. There's a requirement in the resolution that they provide reports to you and advise you accordingly. I'll facilitate the committee and then pass on their recommendations and any ideas they may have.

COMMISSIONER GONZALES: Thank you.

COMMISSIONER SULLIVAN: Further discussion? Hearing none, all those in favor say "aye." [Unanimous] Those opposed? Motion carries. [Commissioner Campos was not present for this action.]

XI. B. Matters from the County Manager

1. Request authorization to apply for a \$450,000 grant funding for substance abuse prevention services for youth from the New Mexico State Department of Health

COMMISSIONER GONZALES: Mr. Chairman, I'd move for approval unless there's a need to go into a lot of detail on this.

COMMISSIONER SULLIVAN: Would you identify yourself please. Are there cogent items you need to bring up?

BETTY CARDENAS (CHDD): I'm Betty Cardenas. I work with CHDD, the Community Health and Development Division and we are just requesting that authorization.

COMMISSIONER SULLIVAN: Okay, we have a motion for approval. Is there a second?

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: There's a motion and a second. Is there further discussion or questions of the staff? Hearing none, all those in favor say "aye." [Unanimous] Those opposed? The Chairman votes aye. Motion carries. [Commissioner Campos was not present for this action.]

Thank you very much for your patience and your obvious conciseness. Something can be learned from that. I once attended a hearing with the State Engineer that went on for days and days and he told one of the participants, "If you don't know, you can say, 'I don't know.'"

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XI. B. Request approval of actual travel expense reimbursement for the County Manager, Estevan Lopez and Chairman of the County Commission, Paul Duran for a trip to Washington, D.C.

COMMISSIONER SULLIVAN: That item's been withdrawn but I did ask for an update from the County Manager regarding that item.

MR. LOPEZ: Mr. Chairman, the intent of the trip, we will be traveling to Washington, D.C. and those that will be traveling will be Gary Roybal, myself and Commission Chairman Paul Duran. The purpose of the trip is basically to go lobby with members from the City staff and elected officials, a joint effort for lobby for federal funds for our water diversion project. We intend to be in Washington for two nights, leaving Monday and returning on Wednesday evening. The total expected cost per person is \$920.

COMMISSIONER SULLIVAN: Thank you, Estevan. Any question of Estevan about this trip? It sounds like we're keeping on top of the congressional delegation so we don't lose any time on this matter.

Commissioner Campos has asked that we take a ten minute recess because he wants to be here when we start the hearing on the gross receipts tax. Is that okay with the Commission?

COMMISSIONER GONZALES: Can we start it promptly at quarter 'til, just in the interest of time?

COMMISSIONER SULLIVAN: A nine minute recess? We certainly can.

[The Commission recessed from 6:35 to 6:50.]

XI. PUBLIC HEARINGS:

A. Ordinance 2002-__ . An ordinance adopting a County capital outlay gross receipts tax (first public hearing)

MR. LOPEZ: Mr. Chairman, Commissioners, before we get into discussion of the actual GRT ordinance, I'd like to bring up the fact that we had published the second public hearing and adoption of this ordinance for a special meeting of next week, a week from today, March 19th. On that date, since then I've learned that two Commissioners, at least two Commissioners will not be present at that meeting, and this is a matter of significant importance to the County, therefore I would propose that the actual action on the ordinance be delayed until the 26th. If it's the wishes of the Commission, we can still hold the special meeting and hold a public hearing so that people have a chance to weigh in on the issue, but actual action, I would recommend that action on the final ordinance be delayed to the 26th.

COMMISSIONER TRUJILLO: Is that a regular meeting, on the 26th?

MR. LOPEZ: On the 26th, that is a regular meeting. That's correct.

COMMISSIONER SULLIVAN: I don't think we want to have public comment on the 19th and then just a decision on the 26th. I think people would want to be here when the decision is made and when all the Commissioners are here to hear their testimony. So it would seem prudent that we set the 26th then for the second public hearing and action.

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MR. LOPEZ: Mr. Chairman, I checked with the County Attorney earlier and I think that he said that if we specify the time and I think some ballpark, or excuse me, the date and some ballpark as to the time that it will be heard and so forth, and then we'll go ahead and publish that the meeting that had been scheduled for the 19th will not happen, and that we'll hold the second public hearing and action on the ordinance on the 26th. Is that the wishes of the Board?

COMMISSIONER SULLIVAN: Is that 5:00 p.m. on the 26th?

COMMISSIONER TRUJILLO: That's the administrative meeting, right?

COMMISSIONER SULLIVAN: Right.

MR. LOPEZ: That's correct.

COMMISSIONER SULLIVAN: So we should be able to get through our—

MR. LOPEZ: We have EZA at 6:00.

COMMISSIONER SULLIVAN: Oh, we have EZA at 6:00. An hour's not going to be enough. Can we start the hearing earlier?

MR. LOPEZ: We could start the hearing at 4:00 if you'd like on this issue.

COMMISSIONER SULLIVAN: I just want to be sure that people can be there. Is 4:00 okay?

COMMISSIONER CAMPOS: I don't think it's a good time. I think we need to wait until after 5:00. People get out of work and have an opportunity to come down here.

MR. LOPEZ: Mr. Chairman, Commissioner Campos, I would just remind you that if we were going to do it next week, the special meeting had been timed for between 3:00 and 5:00 so even at that, it would have been a bit of a problem.

COMMISSIONER CAMPOS: To me, 3:00 and 5:00 is not a good time for a public hearing, I don't think.

COMMISSIONER SULLIVAN: If we do start at 4:00 then perhaps we can get the people who can make it at 4:00 but then at least we have the 5:00 time slot open for those who can't make it. I'm just thinking from 5:00 to 6:00 is not going to be enough time to hear comments and have Commission debate as well. So if we set 4:00 as the time during that meeting—okay. Let's set that for 4:00 the 26th.

MR. LOPEZ: Mr. Chairman, our County Attorney advises me that we need a formal vote on that issue.

COMMISSIONER GONZALES: So moved, Mr. Chairman.

COMMISSIONER SULLIVAN: Motion.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: And a second. Is there further discussion on the meeting date and time for the second public hearing on the gross receipts County capital outlay gross receipts tax?

COMMISSIONER TRUJILLO: Which is the 26th at 4:00.

COMMISSIONER SULLIVAN: Right. Hearing none, all those in favor say "aye." [Unanimous] Those opposed? Motion is carried.

MR. LOPEZ: Mr. Chairman, for clarification, the meeting of the 19th will be

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canceled. Is that correct?

COMMISSIONER SULLIVAN: Correct. Again, the object is to be sure that when people are giving their testimony we have all five Commissioners here, not just to act on the ordinance but to hear the public testimony.

MR. LOPEZ: Mr. Chairman, then I'll give a very brief summary of the special election question that we're going to be putting before voters and then Mr. Kopelman will present the ordinance and will be available for questions and so forth.

Specifically, the County will be putting a special election on on April 9th to ask voters whether they would approve a special County capital outlay gross receipts tax of one-quarter of one percent, with three-quarters of the revenues collected through such a tax to be used on water and wastewater, roads and open space. The final quarter of revenues that are collected from that tax to be used on all other purposes as allowed by law, including the previously mentioned.

The question also specifies that there would be an annual audit of this fund and that there would be a public review process available. Just to summarize what exactly this means, if this vote is approved, it would add 25 cents to a \$100 purchase, basically any purchase made in the County. And the tax would be assessed everywhere in the county including within the incorporated area. We believe that the tax would generate approximately \$7.3 million per year and with that very general summary of the tax question, again the special election is on April 9th. I'll turn it over to Mr. Kopelman to talk about the ordinance that specifies some of the uses of that GRT.

MR. KOPELMAN: members of the Commission, members of the public, in 2001, the New Mexico State Legislature enacted Chapter 172, which is Section 7-20-e-21, which is called County Capital Outlay Gross Receipts Tax. This is a new tax that a municipality or a county can enact, subject to a referendum of the votes to approve it. There are only specified purposes for which this tax revenue can be used under state law. Three of the purposes are set forth in Section 4 of the proposed ordinance, Section 4.a, and this tracks the question, which is a. would be water/wastewater, Section b. is open space and Section c would be roads, streets or bridges.

The ordinance itself, the draft ordinance, Section 1 is enabling legislation. It pretty much sets forth what is being done in this ordinance. Section 3 has specific exemptions and those are statutory. Those are required by law. Section 4 of the draft ordinance sets forth how the revenues will be used generally. And again, that tracks the referendum question. Sections 5 and 6 really are the heart of the ordinance and Section 5 talks about specific projects and expenditures. I know that several of the Commissioners, several staff members have been out meeting with public and civic groups and one of the recurring themes that we've been hearing is that the public really wants to have more specificity as to how the gross receipts tax money is going to be used.

In addition, at the last hearing when the Commission addressed this issue, there was also consensus on the part of the Board of County Commissioners that we would bring back a draft ordinance that would specify uses of the tax revenue over a period of time. What Section

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5 provides is that during the first five years that revenues are collected under the ordinance, and remember that the revenue collection, if the referendum passes and the gross receipts tax is passed by the electorate, money will not be collected until beginning January 2003.

For the first five years the proposal in this ordinance would be that no less than 75 percent of the revenues generated shall be dedicated to water and wastewater projects. The ordinance also provides specifically that revenue generated would be used to help fund the following projects, and there's an enumerated list of projects and I'll read through them very quickly. a. the Buckman and/or alternate Rio Grande water diversion projects, b. is development of new wells and redrilling of existing wells in the Buckman area and in other parts of the county, c. is water and/or wastewater projects in La Cienega, Agua Fria, and Eldorado. Subsection d. provides for water and/or wastewater projects in north Santa Fe County. Subsection e. development of return flow, water recharge and/or aquifer storage and recovery projects. f. is the Santa Fe River trail project. Subsection g. the Santa Fe railtrail project. Subsection h. addresses improvement of existing COLTPAC open space projects, including signage, fencing, erosion control, improvements to trails and trailheads, parking and public facilities as appropriate, and Subsection i. addresses the railyard park improvements, including landscaping, trails, play areas and protection of the Acequia Madre.

Section 6 of the proposed ordinance deals with public review and audit.

COMMISSIONER TRUJILLO: Excuse me, Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Since we're talking about specificity, on item D. you say water and/or wastewater projects in northern Santa Fe County. Can we identify specifically the communities because we need to, this GRT needs to be sold to the community, and if we say Chimayo, the people from Chimayo will identify with the needs that exist there. If we say the Pojoaque Valley, same thing. If we say the Santa Cruz Valley, Arroyo Seco, Tesuque, they'll identify with the needs that exist there and we'll get support and that's what we want.

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, this again is just a preliminary draft and I think what you're addressing is certainly something that makes sense and I think that's what the Commission can do when you adopt the ordinance. And I think also there'll be public input also. So I'm sure that this section of the ordinance will go through some redrafting.

COMMISSIONER TRUJILLO: Thank you, Steve.

MR. KOPELMAN: Section 6 deals with public review and the idea here is that before any projects and expenditures are taken to the Board of County Commissioners for final action that there will be a public review process in addition to the public hearing before the Commission. The idea that's been put down here and again, it's certainly subject to public input and the Commission's final determination, but the idea is that for example on open space projects, that those would go to the COLTPAC committee, which already exists, the open space committee and then they would deliberate on it and make a recommendation to the Board of County Commissioners.

The same could be true with the water and wastewater projects. I think there's certainly the opportunity to put in and to elaborate a little more on the public review process for each type of expenditure. There's also a provision here that joint projects, joint City/County projects would also go through possibly a review of City and/or County officials together. So this is something that the Commission will make an ultimate determination on, but I think the framework is here to make sure that there is an open process, that the public gets input and that projects that are ultimately funded through these revenues are done so only after public scrutiny and public hearing and deliberation by the Commission and other committees.

Also, all expenditures under the ordinance would be subject to an annual, independent audit. Okay, the ordinance concludes with an effective date. There is a typo in the second line there. The word "either" should come out, the second word on the second line in Section 7. But again, the ordinance would really not take effect and the tax would not be collected until January 2003 and that's subject to the referendum being approved on April 9th by the voters.

COMMISSIONER SULLIVAN: Are there any questions of Steve? Oh, let me just make a clarification, Steve. You said that in the 75 percent allocation, you mentioned water and wastewater and open space and you didn't mention roads. I believe in the resolution we passed that roads was included and it's also included in Section 4a.

MR. KOPELMAN: Mr. Chairman, I'm sorry. The only line is Section 5 at this point was that no less than 75 percent of the revenues would be dedicated to water and wastewater, and again, that's something that the Commission would need to decide after hearing public testimony and deliberating on what percentages would be appropriate and again how much specificity would be appropriate under these circumstances.

COMMISSIONER SULLIVAN: Okay, but in the resolution that we passed and in the statement that's going to the public for them to vote on, I believe it says that 75 percent will be used for water, wastewater, roads and open space, in general terms, and that 25 percent will be used for other issues as permitted by law, in addition to the aforementioned 75 percent.

MR. KOPELMAN: Right. Section 4 lays that out. Section 5 only deals with specific projects and expenditures during the first five years.

COMMISSIONER SULLIVAN: Right. I understand and I've expressed my concern that the road problems in Santa Fe County won't wait for five years, so that we need to have some road issues there. But I think we can get into that debate as we hear the public input and see where that leads us.

MR. KOPELMAN: So Mr. Chairman, excuse me. I have a memo that you had done and one from Commissioner Campos and one from the County Clerk addressing suggested changes and I have copies that I can distribute when you feel that's appropriate.

COMMISSIONER GONZALES: Mr. Chairman, the only thing I would say on the issue of roads, I think it's important to understand and I support what the Chair is calling for that this isn't about the new construction of roads, it's about creating or establishing safer roads that exist today in the county and for anyone who's not traveled some of our County roads, you couldn't really fully understand the dire situation that exists on many of these roads

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that school buses use on a daily basis, that emergency vehicles use and so I think it's important that members of the public understand that this isn't about the construction of new roads, this is about improving the safety of existing County roads that are being used by members of the public, school buses and emergency vehicles. And I think it's important that we frame that getting this started so that there's not a feeling out there that the Commission is wanting to construct roads all over the county.

COMMISSIONER SULLIVAN: We have enough already to deal with and in fact we have more than enough and we need to catch up and I think that's a point well taken. Okay, then we'll open this for public hearing. This is the first public hearing regarding the County capital outlay gross receipts tax and as was indicated earlier, the second hearing will be on the 26th of this month beginning at 4:00 p.m. Whoever would like to speak please step forward to the podium and state your name.

MELISSA RIGG: Hi. Hello. My name's Melissa Rigg. I'm president of the League of Women Voters of Santa Fe County. Mr. Chairman, Commissioners, thank you for the opportunity to address you today on the proposed County GRT ordinance. [Exhibit 3] I would especially like to thank Commissioner Campos, Estevan Lopez and Katherine Miller for meeting with the League of Women Voters' board to discuss the proposal. As you know, a recent survey showed that water is Santa Feans' number one concern. To that end, the League feels that you, the County leadership, will have a better change of convincing voters to approve the proposed tax increase if you guarantee that the bulk of the funds will pay for water projects.

The League is also more likely to publicly support the ballot measure and to work for its passage if we believe that water related projects are your highest priority. We see a few shortcomings with the proposed ordinance as it is currently drafted. Please go to Section 4, dedication, then the Subsection a. It says that funds will be used for acquisition, construction or improvement of water, wastewater or solid waste systems or facilities and related facilities, etc. There's an unfortunate oversight here. Please refer to your copy of the ballot measure. It states that the funds will be used for, and I quote, "Enhancing and preserving the region's water resources, aquifers and watersheds through acquisition, construction and improvement of water supply and wastewater systems and facilities."

Absent in the proposed ordinance is any reference to acquiring water rights, although the ballot measure clearly states such acquisition as a primary purpose of the tax. I'm sure that this is inadvertent but it needs to be corrected. Now please go to Section 5. The first sentence is fine. After that we have problems with this section. In the second sentences is a clause that reads, "No less than 75 percent of the revenues generated hereunder shall be dedicated to water and wastewater projects." Amen. That's what we want. But the stuff that comes before the clause and the sentence after it, in our opinion have got to go. Moreover, we think that language should be added that clarifies that the 75 percent is of the total tax collected, not 75 percent of the 75 percent that's supposed to go for water, open space and roads.

Let's look at the sentence that follows. And I quote again, "Specifically, revenue generated during such five-year period shall be used to help fund the following projects." You've just told us that no less than 75 percent will be used for water and wastewater projects,

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but among the projects you list specifically are the Santa Fe Railtrail project and open space improvements. These are not water projects. We suggest that only projects a through e be listed as specific examples of water projects that the 75 percent will pay for. And while you're at it, you need to add a new letter f that says the revenue will also be used to acquire water rights. You forgot it again here. Let those other items on the current list be paid for with the remaining 25 percent of the total.

The final part of this section that concerns us is the reference to five years. It's made twice. We believe that limiting the time period to five years is very short-sighted. Instead, we propose wording such as "until needs are met." Then you can revisit the ordinance once our water problems are resolved. In case you wonder how we'd like to see Section 5, I've given you a copy with our proposed wording for this section only. I want to close by reiterating that we believe you have a better chance of convincing voters to approve this tax if they are assured that three-quarters of the revenues will pay for water projects. Our proposed changes, if approved, will have that guarantee. Thank you.

COMMISSIONER SULLIVAN: Any questions of Ms. Rigg? Thank you. Next.

COMMISSIONER TRUJILLO: Just one question.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: You're stating that the GRT bond would have a better chance of getting approved if water issues are significantly addressed. Have you pulsed the community? How do you know that that is the case?

MS. RIGG: When we put this together we were thinking of the current TAP water survey that surveyed a number of Santa Feans. The number one priority that came out was water. That's the concern they have. And when we talked about it among ourselves as the board, we all felt that because we're so interested in water projects, although we're also interested of course in open space and that's a big concern of the League's, that water is a big, big, big concern and that the more money you guys get to pay for water projects the better off we all are.

COMMISSIONER TRUJILLO: Okay.

COMMISSIONER SULLIVAN: And I think in general from what our discussion was previously, just as an aside, I think the Commission is on that line of thinking. When we put that 75 percent figure together, although we were talking about open space and talking about roads, and based on the poll that the Commission had taken, the top three issues were water—in this order—wastewater, then roads. And we realized too that we have a city constituency here and their biggest issue is certainly water. And in the Extraterritorial Zoning issues that we face it's water. So we hear what you're saying and what we're doing here is trying to get a refinement that gets that information out and your comments are certainly appreciated and those of the other League members.

MS. RIGG: Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: Next speaker please.

BARBARA JEFFEY: Mr. Commissioner, Chairman and Commissioners, I am Barbara Jeffey. I am a member of the County Road Advisory Committee and I am—our

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chairperson could not be here and he has written a letter for your attention. [Exhibit 4] This will be quite short and sweet. I think Commissioner Gonzales just said my little speech a few minutes ago because regarding roads, safety is always the foremost issue, as you all know very well. And we are indeed concerned with maintenance of existing roads, a lot of them dirt and gravel, some of course paved, and all of them, whether one or the other, seem to need attention of one sort or another, all the time.

COMMISSIONER SULLIVAN: Do you want to just read your letter into the record?

MS. JEFFEY: I would be happy to.

COMMISSIONER SULLIVAN: It's fairly short, if that helps.

MS. JEFFEY: I was going to summarize it but indeed I will read it. Our chairman, Robert Horning, who couldn't be here, has written the following: To the County Commissioners. Gentlemen: It is the responsibility of the Santa Fe County Road Advisory Committee to monitor the conditions of roads maintained by the County. The picture that we see is not pretty. Throughout much of the county, gravel and dirt roads quickly redevelop washboard surfaces after grading, especially during warm, dry weather. In mid-summer, the county road that serves my home develops two-inch deep corrugations less than eight hours after grading and it continues to deteriorate until the next grading. No reasonable level of maintenance could keep this road in satisfactory condition.

This road is not unique in the county. Miles of dirt and gravel roads particularly in the southeastern region become nearly impassible in wet weather. Under these conditions, maintenance becomes an emergency.

Many paved roads are also substandard. I've seen instances in which potholes on major paved county thoroughfares have had to wait a year for repair. Unfortunately, many of these roads are in such poor condition that only repaving will provide long lasting, durable surfaces. Meanwhile, vehicles continue to suffer damage that results directly from substandard county roads. Exhaust systems come loose, mufflers fall off, suspension and steering mechanisms require expensive repairs, dust chokes engine air intake filters, leading to reduced gasoline milage, dust that bypasses filters induces increased engine wear.

In short, Santa Fe County roads are in serious need of extensive upgrading. There are many tens of miles of dirt and gravel roads for which only paving will suffice. There are paved roads seriously in need of repair and/or rebuilding. I urge you to adjust priorities for funds to meet these County responsibilities. Signed, Robert Horning, our chairman of our Road Advisory Committee. And we strongly urge you to allocate, if you will enough, sufficient funds for maintaining these roads, these many roads in the county. And I thank you very much.

COMMISSIONER SULLIVAN: Thank you. Any questions? Next speaker please.

DEBRA FRY-LOVE: Good evening, Mr. Chairman, Commissioners. My name is Debra Fry-Love. I'm the state director for New Mexico for the Trust for Public Land. TPL is a national land conservation organization, so you've heard for advocates for water, and for roads, and I'm here to advocate for the open space portion of the gross receipts tax. As you

may know, our organization worked with the County closely on the 1998 and the 2000 bond measures which resulted in \$12 million and \$8 million for open space acquisition, which the voters overwhelmingly approved.

Since that time you've acquired a number of significant properties including archeological sites at Thornton Ranch, thousands of acres of park land in the Cerrillos Hills and historic farm land behind the santuario. We strongly support the Commission bringing forth to the voters the opportunity to increase this gross receipts tax, particularly because this money can be used to help upgrade existing open space projects. So the property tax increases that were passed in 1998 and 2000 did not allow for such things as signage, erosion control, trails, trailheads, parking and the County, I believe is in dire need of those services, particularly if you look at a property like Cerrillos Hills where the County has not allowed for public access because we haven't had the funding to help open that up. This money could be used to help open up existing open space properties in addition to acquiring additional properties.

So again, we're strongly supportive of this increase in the gross receipts tax but would like to echo what you've heard before, that we really need more specificity. While we applaud the County Attorney and the County Manager for writing this ordinance, we would suggest revisions, particularly in the first page where you're saying at least 75 percent could be used for water, wastewater, open space and roads, and 25 percent for other purposes. We understand this Commission's intent for the spending, but if you think about 20 years from now, a Commission could actually spend 100 percent of the funding on roads. So we would strongly urge you to be more specific and I'd like to propose that all the money go to open space, but given that we understand voters really want the majority of this funding to go to water, I would recommend 70 percent dedicated to water and wastewater projects, 25 percent to open space, and five percent for roads and other uses. Particularly, if we're not talking about developing new roads, just maintenance of roads, we believe that that should be sufficient funding for that purpose. So again, 70 percent for water, 25 percent for open space, and five for other uses.

We would also strongly encourage the County to work with the City on determining the water and open space priorities, given that a majority of the funding will be coming from city residents. So thank you very much.

COMMISSIONER SULLIVAN: Thank you. Next speaker please.

BRIAN LAPPE: My name is Brian Lappe. I live on County Road 55 or Goldmine Road, and I would like to thank the four residents that's left in the audience. If they'd stand up please, for supporting me on this. About five or six or seven went home. I am also a member of the Santa Fe County Road Advisory Board and I didn't properly do this right. Mr. Chairman and Commissioners, every second Wednesday of the month, of an evening, the board meets and we start scratching our head and we finally scratch our head and our butt to try to figure out in five years or ten years from now, which road we can maintain more.

Some of us give up our basecourse to another road that is in bad need of repair. Every year we go out and we inspect these roads. And some of them are really bad. They're terrible. Because there's not enough maintenance money for them and also not enough money to hire crews to do it. It's just the budget is not there, out of the general fund. It doesn't come.

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And I hear all about the different plans, planning community, like in Cerrillos, it's said as how the state and the County maintain the roads going in. Where's this money going to come from if it doesn't come from this fund? Also, I never hear about people dying on vacant land or starving to death of water, but you do hear about, and I'm sure the County Attorney hears about it the people that gets killed on these roads with poor maintenance. And we discuss that every second Wednesday of the month for the safety of the roads. And the school buses come first, the ambulances come first and the fire engine, just like down in Edgewood.

Now, my district is District 10. On 42 there's a lot traffic. On Goldmine Road there's 150 residents lives on Goldmine Road. This is not counting off the Y and so forth. And all the vacant land has to be improved out there within the next two years it should be at least 500 to 1000 residents out there driving that road. And so we appreciate all the consideration for improving the roads all over Santa Fe County for helping them out and repairing them and keeping them up to equal to other counties and where they're safe. Thank you very much.

COMMISSIONER SULLIVAN: Thank you sir. Next speaker.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. I live in the City of Santa Fe and I'm a county resident. I'd just like to state that we've got some rather expensive water ventures coming up. The San Juan/Chama water is estimated at between \$60 and \$100 million. That has nothing to do if we got into return flow credit and what the costs might be to that venture. Then in terms of the northern part of the county, some of the issues that we're dealing with in terms of water quality are going to be very, very expensive.

I also feel that it's very apparent that the San Juan/Chama water, once it's brought in, just brings the city into balance. It doesn't really give us anything extra, so it's very clear that we also need to go for additional water rights. I personally believe that the City and County should join together and cooperatively go out aggressively for more water rights together, leading to a regional water system and land use planning.

In terms of the ordinance, what I would suggest is the following. Well, there's another question that I want to ask before I get specifically to the ordinance. I think it's too bad that the question for the public to vote on was published prior to the public meetings on the ordinance itself. It seems to me that we should have written this statement after the public hearings, I mean ideally. Because some of us are suggesting amendments to the ordinance and some of our amendments might actually contradict what is going out before the public and we're giving the public a double message.

I actually want this to pass. I think it's crucial that it pass with water only getting more expensive and the San Juan/Chama costing as much as it does, we're going to need either matching funds or we might need to pay for the whole price tag and it can only come from something like a gross receipts tax. So I really want this to pass.

At any rate, you suggest in Section 4 that 75 percent of the revenue go to the following purposes. In the first line, I would add acquisition, construction, improvement, and regional management of water. Because I personally feel that that is the way we're going to have to deal with water in the future, and that's expensive. That perhaps might take place at the RPA, but water in the future is always going to be dealt with regionally. The federal government really

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doesn't think about the City of Santa Fe very much. Even the state. We have to think regionally. So I think that needs—and we need money to support that.

Then, I don't have the a.b. but the b. section, where we're dealing with acquisition of land for open space and parks and so forth, I feel that that section should go to the 25 percent area and move out of the 75 percent and I feel that actually the whole 75 percent should be for water issues, either allocation, acquisition of, or water quality. Because it's only going to get more expensive. And it will take this. Down the road, let's say 20 years from now, which is I think more realistic than 10 as we heard earlier, if we're out of this situation that we're in now, this ordinance could be amended at that time. But I think that if you actually dedicate the 75 percent to water you'll have a better chance of having this pass.

Then in the 25 percent, I would add the language, and it doesn't have to be this language, I guess. It's just this intent. Under that that any of the purposes set forth in the upper section above be a priority. Even the 25 percent needs to go, be added to the 75 percent, making it 100 percent if need be, because that is actually how serious water could be in the immediate future. So I would prioritize as a first priority, I would put water, even in the 25 percent and then after that I would say if monies allow, it could go to open space. And in terms of roads, I'm going to actually side on the other side. I believe that it's property tax that should pay for roads and that it should come out of the general fund whenever possible. So I would try to dedicate—and I also believe, with a large percentage of the vote coming from citizens of Santa Fe, you'll have a better—this has a better chance of passing if you use the 1/6 percent for open space and then actually in Section 5, I agree with what Melissa of the League of Women Voters said that beginning with, and I don't have the letters, so I can't refer to it, but beginning with the Santa Fe trail project, the Santa Fe rail project and those bottom four should come out of that category and go into the 25 percent category. And those are my comments.

COMMISSIONER SULLIVAN: Thank you. Next speaker please.

RITA HORTON: Mr. Chairman, Commissioners. I am Rita Horton. I represent almost the southern part of the county and I will gladly sidle up to the hog trough the way the other two did, as long as the southern part of the county gets their one-third share. I represent not only roads, country roads, I've driven those roads for 65 years. I've seen school buses turned over. I've watched a horrific accident. The 20th of December I was coming south on Broken Arrow Trail, which has the basecourse. I watched a car coming north on Broken Arrow trail. I watched a car coming from the west on Frost Road. The one from the south was on slicky road.

The County has done what it can but with no basecourse it can't go any further. There was a collision right in front of my eyes. That fancy little sportscar, I think it was a Mercedes, was T-boned by the big van. There was a fire. Fire trucks came from Bernalillo County, from Edgewood, from Stanley. Help came from everywhere, but the man was trapped inside. My daughter saw him turning the ignition key the wrong direction trying to turn off his motor, but the fire got everything. The evidence is there at Frost and Broken Arrow Trail.

I have driven those county roads for 65 years, through snow, ice. When I say snow, I mean deep snow. Snow that tractors would become mired in. The county roads were the first

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obligation of Santa Fe County in 1907 and 1909. That area was surveyed in 1907 and 1909. Roads were the first obligation of Santa Fe County. They were mandated to be 60 foot wide. In our area I made sure that Frost Road was 60 foot wide. Through Santa Fe County, Bernalillo County had to buy their easements, as many as three miles in Bernalillo County, three miles in Santa Fe County. Buying their road easements in Bernalillo County, they still paved ten years before we did. That three miles of Frost Road was paved with insufficient funds for insufficient oil and the County has been putting it together ever since, patch after patch after patch.

In 1979 we came to the County Commissioners seeking help for Frost Road, for 472 and Dinkle Road, County Road 8, County Road 16. I have those petitions. They've been at the top of my priority list ever since I started serving on the County Road Advisory, which was only a figment of one County Commissioner's imagination in December 1982, and I've served every year since. I know our roads. I know the roads all over the county. I've visited them. Many are too narrow. Few have basecourse. Few have even the foundation to put basecourse on.

Now the lady that wants 75 percent, if 25 percent goes to southern Santa Fe County for roads, and we need sewers. People don't see it today, but we need easements on every subdivision, every lot for sewer and get natural gas. We can get easements for electricity and telephone and water, but those other two are in the future. That's foresight planning, not hindsight. And I'm asking Bernalillo and Santa Fe and Tarrant counties to put sewer and natural gas easements on every subdivision approved. They need to be along road for easy access for repair. Those are vital.

Farsighted plans. And I'm a member of a farsighted team that has served southern Santa Fe County for over 50 years in every great endeavor from the Soil Conservation District to the creation of Central New Mexico Electric, through the creation of Entramosa Water. All of them big projects. Today, Entramosa Water covers 107 square miles. That's its market area. I sat here today and listened to all of the water market areas Santa Fe County is planning with a 40-year plan. Yet you hang us with a 100-year plan?

We need time to create water markets, to get that water changed from irrigated agriculture to commercial, domestic home sites. A town is coming. A city is coming that will equal Santa Fe or Edgewood, either one. But our hands are tied. We cannot change from irrigated agriculture with foresight planning to industry and other things to utilize that water and get its use cut in half. We need it.

On roads, the first priority of Santa Fe County is for roads, safe roads for the people to travel. They also, this trail system—delightful. In our area the women are trotting their dogs down the center of the road. There should be trails along county roads. There should be bicycle paths along the paved roads, being State Road 44 and State Road 472 and County Road Frost and County Road Dinkle. It's paved from 344 west to the county line. A little bit of it is paved; I think two miles is paved from 344 east and then we go down to 41 and they are slowing trying to pave one or two miles a year.

I talked with that road crew yesterday at County Road 25. They said we will probably get one and one-tenth mile paved this year. That was a 13-mile disaster area. When you run out

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of the pavement you're in the mud. The school buses, emergency vehicles, what else that travels there. You're in the mud. Other areas: How about Glorieta Mesa? We've traveled that one. It's an old road, in horrible condition.

Gentlemen, roads should be up there with water and if you don't think I know water, I do. I have pictures of 465 feet down showing water from the Sandias rising vertically to 417 feet before it goes over Angle Falls in the Estancia Basin. I know water. I know what I'm looking at. In 1974 Tom and Rita Horton created an innovatively funded water system. We had to teach the public that water is a cost of development. Twenty-five years later the state of New Mexico has come up with an innovatively funded manner to pay for water and sewer and telephone and electric and all those other services. Why can't we use some of the state's ideas to supplement some of the Santa Fe County grand ideas, but send one-third of it to my part of the county. Thank you.

COMMISSIONER SULLIVAN: Thank you, Ms. Horton. Next speaker please.

JERRY EASLEY: Mr. Chairman, Commissioners, my name is Jerry Easley. I'm president of the Santa Fe Chamber of Commerce. I'll be very brief. The business community doesn't often back a tax. We have a letter of support for you backing this tax, contingent upon passage of this ordinance. We believe that this ordinance meets the spirit of that requirement. I'll give a copy of the letter to the County Clerk to give to each of you. [Exhibit 5] Thank you.

COMMISSIONER SULLIVAN: Thank you, Mr. Easley. Next speaker please.

KIM UNGER: Mr. Chairman and Commissioners, my name is Kim Unger. I'm a resident of Santa Fe and president of the Santa Fe Area Homebuilders Association. I've prepared a letter for you review. I'd like to submit it after I read it. [Exhibit 6] Dear Commissioners, The Santa Fe Area Homebuilders Association supports the need for the ¼ of one percent gross receipts tax increase in concept. We must see more specific project and priority use of the revenues derived from this increase with more than the majority of the revenues going to support water projects, improvements and purchase of water rights to meet the needs of the growth of this region in the future.

I have tested the pulse, so to speak of a number of my members and people in Santa Fe and it seems fairly unanimous that a possible 70 percent to 75 percent being earmarked for water and sewer would not be unreasonable and I think certainly would get passed if this was put to vote. Thank you and we look forward to this being passed.

COMMISSIONER SULLIVAN: Thank you, sir. Next speaker please.

EDWARD BACA: Mr. Chairman, Commissioners, my name is Edward Baca. I'm also on the Road Advisory Committee. I represent Area 6, which is the Summit Hills, Seaton Village, Arroyo Hondo area and I support this bill but I think the division of it is a little wacky. I think roads, you need the roads to get to the water and open areas so I would suggest 25 percent for water, 25 percent for open space, 25 percent for roads and the other 25 percent, if it needs to go to water then so be it. But I think you need the roads to get to all this stuff. Thank you very much.

COMMISSIONER SULLIVAN: Thank you sir. Next speaker please.

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MICHAEL ANAYA: Mr. Chairman, members of the Commission, my name is Michael Anaya and I'm also a member of the Road Advisory Committee. I'm in Area 15 which is down there in the southern part by Rita Horton's area. And I'm going to keep it brief and short and I think we need more than just five percent for roads. Thank you very much.

COMMISSIONER SULLIVAN: Thank you, Mr. Anaya. That was short. Next speaker please.

JOHN BUCHSER: Mr. Chairman, Commissioners, my name is John Buchser. I've prepared a brief letter and some recommended changes. [Exhibit 7] I can distributed it now or after I read the letter at your preference.

COMMISSIONER SULLIVAN: Why don't you go ahead and read your letter.

MR. BUCHSER: Okay. Thank you. Sirs: Thank you for the opportunity to comment on the ordinance. A sustainable water supply is of the utmost concern to both the 48 percent of the county residents living within the city and also to the residents living in other areas of the county. Virtually none of the county has this security at the moment. We are steadily drawing down our groundwater supply.

Because of the urgency of the need for supply to meet demand, the Santa Fe group of the Sierra Club recommends that 100 percent of this tax for the next ten years go towards water delivery and treatment systems. This includes the first four points outlined in Section 5 of the ordinance.

We object to any of the tax being spent on aquifer storage. There is considerable risk of pollution of our precious groundwater. One groundwater contamination problem is, or at least to me wasn't immediately obvious and it hold considerable risk. From a given injection location, injected water will push against currently existing water and any existing small, concentrated pollutants in the watertable will spread to a much larger area. This spread won't be noticed until area wells begin to be contaminated. This risk, combined with potential for malfunctioning injection treatment equipment, human inattention, or worse still, terrorism, is very considerable. We should look at natural means to recharge our aquifer such as wetlands. It is dangerous for the County to invest in an immature technology of aquifer injection.

We also wish to point out that obtaining return flow credit is a very long-term and legally uncertain solution. It is unlikely to occur in this decade. Acquisition of water rights is clearly one of the major needs for this tax and must be specified as a use for these monies in a clearer fashion that it presently is specified. I have here a copy of the proposed changes and I will submit that to the Clerk.

And then in closing, water planning for the entire region needs to be in collaboration with the City and I'm pleased to see that that process has started. It is very important that we recognize water as a finite resource. We recommend that you explore ways to make best use of our water resources. Limiting growth to water availability is difficult politically. However, the existing residents and the existing economy must be paramount in your discussions. New development must be tied to available water. Thank you.

COMMISSIONER SULLIVAN: Thank you sir. If you'll make a copy of that available to the Clerk.

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MATTHEW MCQUEEN: Mr. Chairman, members of the Commission, my name is Matthew McQueen. I live within the City of Santa Fe. I am a COLTPAC member, although I am here tonight as a representative of the Santa Fe Watershed Association. I would like to emphasize what many of the speakers here tonight have said and that is the need for specificity in the allocation and the funding. I am of course in favor of more funding for open space and also the Santa Fe River Trail and other river-related projects. I would like to note that by improving the water delivery systems, we will indeed be enabling growth and perhaps even inducing growth and that open space funding is an appropriate mitigation measure to that growth.

As for specificity, I think the ordinance as written is fairly complex and may lead to some confusion. I note that in Section 5, the last sentence before the list of items to be funded states specifically revenue generated during such five-year period shall be used to help fund the following projects. I think some might interpret that as creating an exclusive list and I don't think that was the intent. I think some might interpret that as stating that all these projects would receive at least some funding and I don't think that was the intent.

I would also, finally, just like to note that I think the Commission faces somewhat of an uphill battle. I think many voters, the first time they really pay attention to this issue is when they get to the voting booth and read the question. The question as written is quite broad and really could allow 100 percent of the funding to go to any particular project, so I think it's very important that the Commission pass some version of this ordinance and publicize it widely prior to the election. Thank you.

COMMISSIONER SULLIVAN: Thank you, sir. Do you have a copy of your statement? No? Okay. Next speaker please.

MR. NAZOR: Hugh Nazor, speaking for the Cerrillos Hills Park Coalition. As with all prior speakers, I'm speaking in favor of this. I'd like to make one distinction that has only been made once before by prior speakers and then only in passing. While I agree with the general priority of water and then roads and then open space, etc. that is in general. Emergency funding or critical funding will always be available for critical items. Roads in bad need of repair and certainly water will always be funded. I have a personal belief that the great majority of water delivered through systems ought to be paid for by the people who receive it.

Water and sewer will never reach certain parts of the county. I'd say a majority, certainly not all the county benefits as a whole. But proportionally, not as these taxes are collected generally across the board. Also there's a big difference between general funding of roads, which as I say, will never be allowed to deteriorate beyond a certain point and the kind of non-critical items that most need dedicated funding and in that category falls open space. The County over the last two years has bought a lot of open space land and funded development of it virtually not at all, even the training of land stewards was done by the National Park Service and the Coalition.

Unless there is dedicated funding in a specified amount for open spaces, open spaces will suffer. The same cannot be said for what are perhaps greater ultimate needs of water and roads. So I hope you do consider greater specificity and I hope you treat dedicated funds

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appropriately by giving at least a quarter of what you raise here to open space. Thank you.

COMMISSIONER SULLIVAN: Thank you sir. Is there anyone else who would like to comment on the proposed County capital outlay gross receipts tax? Seeing none, we'll close the hearing. This is the first public hearing. The second public hearing will be on the 26th of March beginning at 4:00. We want to thank all of you for your very insightful comments and for your preparation, and for your courtesy in presenting your opinions. Are there any comments or questions by the Commission?

COMMISSIONER TRUJILLO: I have a question, I don't know if James is here.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: If James isn't here we can wait until the second public hearing.

COMMISSIONER SULLIVAN: Okay. I think I saw him step out.

XII. B. Land Use Department

1. **Ordinance No. 2002-3. An ordinance amending Article XIII, Ordinance 1998-5, of the Land Development Code, Ordinance 1996-10, to refine the planning process for the development of community plans and include planning elements as outlined in the Santa Fe County Growth Management Plan, Resolution 1999-137. Judy McGowan (second public hearing)**

JUDY MCGOWAN (Senior Planner): Thank you, Commissioner Sullivan. Mr. Chairman and Commissioners, this is the second public hearing. What you have in the packet is the original draft of the amendment plus three pages of proposed amendments that we submitted to you at the first public hearing, which are primarily editing. There is one substantive section in there, or major subsection, which would be that community plans after they were adopted would be reviewed every three years and would have a public hearing in the community and one before the Board of County Commissioners.

And I think the intent of that is to make sure that, it's just to see how community plans are working, whether they need to be amended and updated, whether the ordinances need to be amended and updated. Also what has just been submitted to you is a suggested addition that is coming from staff. [Exhibit 8] The question of which community plans this ordinance might apply to if it were to be adopted this evening has been an issue that planning staff and legal staff have been discussing. And the legal opinion seems to be that the ordinance will apply to any plan that has been authorized but is not yet completed as well as plans that are authorized and completed in the future. So we thought it wise to add a section on applicability.

What we are proposing is just a clear statement that this ordinance will apply and a second section which is a policy issue. We're recommending that there be a way for Commissioners to accept certain communities from discrete areas of the requirements for

community plans, since we are increasing those requirements. If there is a substantial conflict with work that has already been completed, or it would add a significant amount of work to plans already substantially completed. And I do—the plans that are already authorized and not yet completed are the Cuarteles and Sombrillo plans, which were authorized, and that plan is on hold, those plans are on hold basically. Those communities determined that the water system was their primary issues and they've put all their energies into that. So they would basically be starting almost from scratch to do a community plan.

El Valle del Arroyo Seco has started their plan in 1996. Was finally authorized in 1998 and is looking to complete the highway corridor section of that plan this year. They probably could comply with the ordinance but there may be sections which might be difficult and it seems like after all that time it would be hard to make them go back and redo sections.

Tres Arroyos, which was the westside planning area was authorized in 1999 and they actually have the beginnings, they have a draft of the plan. They have some major sections still to complete. One is their land use element and the other is design standards and they have also determined that getting a connecting trail from the Aldea development over to Caja del Rio is one of their goals and that's going to take quite a bit of on the ground work. They also probably can comply within the ordinance without too much difficulty.

The Simpson Ranch contemporary community plan is the final one that hasn't been authorized and they are at the state of, we have just let the RFP for doing a survey. So they haven't actually commenced work on the plan and could probably be in the new ordinance also. But that is our recommendation. I wanted to remind you again of a couple of things. One is that these amendments are being proposed to reflect the requirements and direction of the adopted Growth Management Plan and to improve and clarify the steps in the community planning process based on our experience with guiding and working with the communities who have actually pursued community planning. And to remind you that since some elements are increasing, it may take more time and resources to complete some of these plans.

I'd like to make a couple of comments based on the discussion that happened earlier this evening about community planning and the costs and not go into it but to remind you that since we are basing this ordinance on the Growth Management Plan, there are some sections in the Growth Management Plan that we need to keep in mind. Remember that the community planning program is not the only planning that will be going on and that the Growth Management Plan did not intend that the entire county be carved up into communities and that it all be done through the community planning process.

There is a whole section in the plan called the rural district that is intended to be those large vacant land areas that are outside of existing communities. And there is a whole recommendation for the type of zoning and the type of development that might happen in those areas. It was not intended that community plans carve up thousands of acres in vacant land and call that part of a community. And the rural district section of the Growth Management Plan is scheduled to be implemented with the rewriting of the Land Development Code in the next year or so. Just for your information to know that's what's going on.

And then also to point out that there's also a section which we're not proposing to

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amend in the ordinance now, Section 4.4, and this was always a difficult section. It's still in there. It's very broadly worded, but it's for critical planning areas and that was the section that was intended for the Board to be able to set priorities on what plans would go first or second or third or fifth. So that was also anticipated in the Growth Management Plan if not perhaps very well developed in terms of how you would set priorities. In other words, we anticipated that there probably would be more demand for plans that could be met immediately.

I don't believe we have received additional written comments from the public on this ordinance. I had one phone call, kind of saying Go for it. That they thought the ordinance was very well done and they could understand the process a lot better with the redraft. And I also do want to note that the ordinance, we did advertise for this public hearing in the north, south and central areas of the county in three different newspapers.

I have a reminder that the legal staff would like to make a couple of recommendations. One is that we remove the, I guess the cross references to the Growth Management Plan in the draft, the specific page numbers. And that also that if you choose to approve the ordinance tonight, staff is recommending that you hear public comment and if you choose to approve it, approve with the amendments we have recommended and also authorize us to make any, change any grammatical errors and make those corrections before we file the ordinance.

COMMISSIONER SULLIVAN: Questions from the Commission of Judy? Seeing none, this is a public hearing, those who'd like to speak either for or against this ordinance feel free to come forward. Don't fall over each other now. Okay. Seeing none, what's the pleasure of the Commission?

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I move for approval of the ordinance with the amendments. Is there anything else we need to include in the motion, Judy? I think you mentioned two or three things.

COMMISSIONER SULLIVAN: With the amendments and I think with the removal of the specific references to the Growth Management Plan and with the authorization to make minor grammatical changes.

COMMISSIONER TRUJILLO: Right. All of the above.

COMMISSIONER SULLIVAN: Oops. Another one. And what? Step up to the microphone please.

PAUL OLAFSON (Planner): Okay. I was just saying we have to renumber everything and to reformat.

COMMISSIONER SULLIVAN: Oh, and to renumber. Okay.

COMMISSIONER TRUJILLO: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: A quick question for Ms. McGowan. As far as fiscal impact and that kind of an assessment, any time you're doing a community plan or looking at sources of revenue for that particular area, is there some discussion here or is it not

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appropriate to put it here in this ordinance?

MS. MCGOWAN: I don't know if there—there isn't a direct use of those words, I don't believe. But I think it talks in numerous places about the County assisting and plans will be authorized partly based on the resources available, that that will be one of the elements that should be considered when plans are authorized. I should give the microphone to Paul. He also said that when you're being authorized or putting together your application for authorization, we ask the communities to deal with or make reference to, or offer what resources they can offer to the process.

COMMISSIONER CAMPOS: Okay. Thank you. No further questions.

The ordinance was approved by unanimous roll call vote with Commissioners Trujillo, Gonzales, Campos and Sullivan all voting in the affirmative.

XII. B. 2. Ordinance No. 2002-__ . An ordinance amending Ordinance 1996-10 Santa Fe County Land Development Code, (Maximum Height for Large Scale Residential Uses) for the purpose of clarification of height definitions (first public hearing)

CHARLIE GONZALES (Code Enforcement): Good evening, Commissioners. The Land Use Department is requesting to amend Article III, Section 4.4.4c and Article III, Section 6.3.4 of the Land Development Code for the purpose of deleting conflicting language, clarification of existing language, addition or adoption of new additional diagrams, sketches and clarification of the height definitions.

The existing sections of the ordinance as written are too general. Staff has had many interpretation disagreements with the public concerning height measurement procedures. These proposed modifications will simplify and clarify how these measurements are taken. The proposed language is shown in Exhibit C and the proposed new sketches and diagrams are shown in Exhibit D. The changes will not change the allowable heights under the ordinance.

The required action is the BCC should review the attached material and consider the recommendation of the CDRC, take action to approve, deny, approve with conditions or table for further analysis of the request.

Recommendation: On February 28, 2002, the CDRC recommended approval of the proposed ordinance. Staff requests that the BCC approve these modifications or changes as proposed. This amendment will be heard by the Board of County Commissioners again on April 9, 2002.

COMMISSIONER SULLIVAN: Thank you, Mr. Gonzales. Are there questions from the Board of Mr. Gonzales? Commissioner Trujillo.

COMMISSIONER TRUJILLO: We went into detail the last time when you talked about advertising for this hearing, right?

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clinics. He's built some 40 of them over the last 15 years and again, my big thing was this noise. I'm sensitive of my neighbors having complaints about noise and I don't think there ever have been any before and I think the new addition will be even more quiet. This builder went on to tell me that he has put kennels right in the middle of residential areas and with the new technology, they're basically soundproof.

My kennel will be 80 to 100 feet away from my property line, and again, I don't think that any noise could ever affect my neighbors. And if it would, I would deal with that.

COMMISSIONER SULLIVAN: Questions for Dr. Byrne.

COMMISSIONER CAMPOS: Mr. Chairman, a quick question.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: How close are the homes, any homes to your kennel?

DR. BYRNE: Mr. Commissioner, there is one home that is near my property line. I would assume it's about 100 feet from where the proposed kennel would be.

COMMISSIONER CAMPOS: Are there any lots in that area that could become residential?

DR. BYRNE: There is a lot to the north of me. It's a large lot. I'm probably again, the kennel is probably 60 or 80 feet away from that property line. It's not developed at this time.

COMMISSIONER CAMPOS: And you're not aware of any complaints being made since you've been open.

DR. BYRNE: At the CDRC meeting, some of my neighbors got up and talked about noise. Again, I can't believe that there's any noise from my kennel now. Last week I got a really happy lab, very happy and he was barking his head off and my colleagues were outside and they couldn't hear that. I can't believe that somebody 100 feet away could hear noise from kennel. And again, I come down to that kennel every night, or to my clinic every night and I've never heard noise coming from there.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: One question.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: With the noise abatement technology or design, how close does your nearest neighbor need to be in order to hear the noise? How effective is that for what distance, is you will?

DR. BYRNE: Commissioner, I'm not exactly sure on that. Again, the builder I talked to today said he had built several of these right in the middle of residential areas but I didn't get any numbers about how close somebody would have to be. Again, my nearest neighbor is 80 to 100 feet away. Again, I think my new kennel will be much quieter than the building I have now. I'm committed to that. I don't want to be a bad neighbor. I've been in this community and I think that our clinic has a record of serving

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parking in this vicinity right now.

We are in agreement with all conditions as stated with the exception of one condition. Let me read that to you. The applicant must install a fence on all sides of the property. This place is, this particular lot is located within the Ridges Subdivision and one of the covenants says that you can't construct fences along the perimeter of your property. So what happens is this places Dr. Byrne in a position of having to actually be in conflict with the covenants. The other letter that I passed out is letter from the 285 Coalition. Dr. Byrne did present his request to the Coalition and the Coalition is opposed to the fencing because it's not only in opposition to the covenants but also is inconsistent with the pattern of development in the area. So with that one exception we are in agreement with the conditions as stated by staff.

Dr. Byrne would like to say a few words and then there's some people that would like to speak in favor of the request itself. Thank you. Are there any questions before I—

COMMISSIONER SULLIVAN: As I recall, Jim, you might want to address this fencing issue, one of the comments made, I think by one of the members of the CDRC in the testimony to the CDRC was that they had driven by the property several times and had noticed animals running loose on the property and trespassing on other private property next door. Explain to me what this kennel is. Is this kennel all indoors or is it outdoors and fenced with chainlink?

MR. SIEBERT: Well, the kennel itself is entirely indoors. There will be a run but the run will be within a fence, chainlink fence.

COMMISSIONER SULLIVAN: What does that area look like on your drawing? I guess it's like an outside exercise area. Is that what you're talking about.

MR. SIEBERT: That's correct. At this time there's no specific location to the outdoor run area, the exercise area.

COMMISSIONER SULLIVAN: How big will it be?

MR. SIEBERT: I tell you, let me have Dr. Byrne answer some of those particular question.

COMMISSIONER SULLIVAN: Okay. Dr. Byrne. Excuse me. Are there any other questions of Jim from the Commission? No. Go ahead, Dr.

MURT BYRNE: I'm Murt Byrne, 13 Bonito Road.

[Duly sworn, Murt Byrne testified as follows:]

DR. BYRNE: Commissioners, thank you. The exercise pen would be about 10 by 30, I'm envisioning, covered in coyote fencing. And again, that would just be an area that we would take the dogs out to while we're cleaning our kennels and get them a little exercise. As far as dogs wondering on my property, maybe my dog, but he doesn't leave my property. I don't think there are any strays that I've ever been aware of. I would like to say in ten years we've never lost a dog. No one's ever escaped from our clinic.

Again, I'm not really sure why the fencing issue came up but I do feel it's an unnecessary proposal. I don't think that it would solve any problems. Another thing I'd like to address is the noise and today I talked to a builder who strictly builds veterinary

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of Mr. Dalton? No. Then would the applicant step forward and state your name and have the clerk swear you in.

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

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: What I'd like to do is add, provide you some supplemental information some of which may be in your packet, so it may be a little redundant here. Commissioners, we're here before you to address the issue of the expansion of the Eldorado Animal Clinic. Dr. Byrne and his associates have been in business for nine years and like any business the business has grown but the space has not grown with it. One of the issues, the reason he couldn't expand the business was due to the Eldorado moratorium. There was an amendment that permitted Dr. Byrne to increase this size of his building provided he didn't exceed his original annual water allotment.

So we're coming in under that provision. What you have in front of you is first of all a petition [Exhibit 9] that's been signed by residents of the Eldorado area. This clinic does serve the Eldorado area, asking that the County Commission approve the expansion to the building. The other document, there was a meeting that was held with the neighbors, this was after the CDRC meeting, regarding some of the concerns that they had and one of the principal concerns was the issue of noise associated with the kennels that are proposed as part of the expansion.

What Dr. Byrne asked the architect to do is take a look at what kinds of measures could be undertaken in order to mitigate the noise that might occur from the kennels, because the idea is that that would be available for boarding, because that was a request that he had had from several of his clients. And there's really kind of three measures that the architect discusses. One is the material of the building itself. The second is the placement of windows or any openings in the building, and the third is the approach to how you handle any protrusions that go through the building for mechanical equipment and special measures that have to be taken on that.

And what Dr. Byrne asked his architect to do is in the design process, to take a look at those measures and see how they could be incorporated into the design of the building in order to make it as sound proof as possible. To describe to you what is being proposed here, the area in brown is the existing building. It's approximately 2,000 square feet. The area in reddish tone or brick tone is approximately 3,500 square feet and the expansion will occur actually in two places. One, towards the US 285 sit here. The expansion is proposed for two things. One, it's going to provide, presently it's a straight façade. It will help break up that existing façade and it will allow for office uses on the correct side of the building. The back side of the building would be areas where there would be clinics, the areas for surgery on the animals and then back here would be an area for the kennels.

What would be added in addition would be a parking area that would be situated in this area here and some additional parking that would be located here. There is some

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exam and surgical rooms, a diagnostic area, a grooming facility, an 18-run kennel, and office space on 2.42 acres. The property is located east of US 285, north of Alma Drive within the Bishop John Lamy Grant, Township 15 North, Range 10 East (Commission District 5).

WAYNE DALTON (Review Specialist): Thank you, Mr. Chairman, Commissioners. On September 8, 1992, the Board of County Commissioners approved a 2,080-square-foot building for use as an animal clinic. The property is located in a Village Center Commercial District, which is located at US 285 and Alma Drive. The applicant is requesting a Master Plan amendment for expansion of the existing animal clinic to add 3,587 square feet of building to accommodate additional exam and surgical rooms, a diagnostic area, a grooming facility, an 18-run kennel, and office space.

Recommendation: Staff's position is that this application is in accordance with Article V, Section 5 of the County Land Development Code. Staff recommends approval of a Master Plan Amendment for expansion of an existing animal clinic to add 3,587 square feet of building. The decision of the CDRC was to recommend a master plan amendment subject to the following conditions. Mr. Chairman, may I enter those into the record?

COMMISSIONER SULLIVAN: You may.

[The conditions are as follows:]

1. The Master Plan will be recorded with the County Clerk's office.
2. Staff redlines will be addressed; original redlines will be returned with final plans.
3. Water use shall not exceed .3 acre-feet per year. Annual water readings shall be submitted to the County Hydrologist by January 31st of each year.
4. The applicant shall submit an updated liquid waste permit from the Environmental Department with Development Plan.
5. A Drainage and Grading Plan including drainage calculations shall be submitted and shall be approved by the Development Review Director.
6. The applicant shall comply with all Fire Marshal requirements. The applicant will request a final fire inspection prior to occupancy of the building.
7. The applicant shall submit a landscaping plan to be approved by staff.
8. All outside lighting on the property shall be shielded.
9. All improvements, including parking areas, fire protection, and retention ponding, will be in place prior to occupancy of the building.
10. The applicant must install a fence on all sides of the property.
11. The applicant must work with neighbors on the size of kennel.

[A letter of opposition is attached as Exhibit 11]

COMMISSIONER SULLIVAN: Anything more, Mr. Dalton?

MR. DALTON: That's it, Mr. Chairman.

COMMISSIONER SULLIVAN: Does the Commission have any questions

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MR. GONZALES: I'm sorry?

COMMISSIONER TRUJILLO: You haven't come before us?

MR. GONZALES: No, this is the first time, the first hearing.

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, you're correct.

When we did the authorization we talked about the effect. Right. And if I could just add to that that Exhibit D, there's a diagram that explains it and the ordinance itself, we're not changing the height of buildings, what we're doing is we're adding language to make it more clear for how we measure the height of buildings.

MR. GONZALES: One of the problems that we've had is when it comes to slopes the height is measured all the way around it. When you start coming to a property that has a slope on it you start getting, people have a tendency of getting that façade on the lower, on the downhill slope. You get a tendency of getting a higher façade there rather than keeping a consistent 24 or 36 height around the perimeter.

COMMISSIONER SULLIVAN: I only had one question for legal counsel or maybe someone else could answer it since they're gone. And that is do we need to coordinate this ordinance with the cell tower ordinance? And the reason I ask this is is that this is a later ordinance limiting structures to 36 feet of height in major community center districts and to 24 feet in height in neighborhood or local center districts. And the fact that that's a later ordinance, would that have any impact on the cell tower ordinance?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I believe the cell tower ordinance would stand on its own. If you're a cell tower application, the Code is going to kick you into that ordinance and so this section will not apply to cell tower applications. But we can, we'll take a look in between these public hearings, we'll take a look at the cell tower ordinance and make sure that indeed is the case, that it has its own height requirements.

COMMISSIONER SULLIVAN: Because unless I'm mistaken, there are provisions in the cell tower ordinance which allow cell towers to exceed 36 feet in height.

MR. ABEYTA: That's correct.

COMMISSIONER SULLIVAN: So, Mr. Kopelman—

MR. KOPELMAN: The cell tower ordinance is a stand-alone ordinance when it comes to issues like that.

COMMISSIONER SULLIVAN: Are there any other questions of Mr. Gonzales. Seeing none, this is a public hearing. Is there anyone in the audience who would like to speak for or against this ordinance? Seeing none, we'll close the public hearing, first public hearing.

- XII. B. 3. CDRC CASE #Z 01-5550 Eldorado Animal Clinic: Murt Byrne, applicant, Jim Siebert, agent, are requesting a master plan amendment for expansion of an existing animal clinic to add 3,587 square feet of building to accommodate additional**

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our community and we want to continue that.

COMMISSIONER SULLIVAN: Any other questions of Dr. Byrne? I had one or two. You're currently using .21 acre-feet and you master plan limitation is .3 acre-feet, and so as I understand from the report, the way you're going to handle that to account for the additional usage is by taking off-site your laundry, which you now have laundry facilities onsite. Is that the basic mechanism you're using to stay within the .3 acre-feet?

DR. BYRNE: Yes, Commissioner. We've already started that and I've really reduced my water consumption. We're using about 3,000 gallons a month now.

COMMISSIONER SULLIVAN: Okay. So where do you take your laundry to?

DR. BYRNE: A company comes and gets it. I'm not sure. They're out of Albuquerque.

COMMISSIONER SULLIVAN: So we're giving Albuquerque the—

DR. BYRNE: Yes, Commissioner.

COMMISSIONER SULLIVAN: The other question I had was a traffic impact analysis is mentioned in here. It's mentioned as Exhibit D doesn't include that so perhaps Jim could answer that. All my D says is where the project is located and that it contains 2.42 acres of land. This is about increasing the size by about 150 percent of the current facility so I assume there is some traffic impact.

MR. SIEBERT: There will be additional employees as a result and what was calculated was the trips resulting from those additional employees that was reviewed by the Highway Department and the Highway Department determined there was no impact that required any mitigating measures.

COMMISSIONER SULLIVAN: The entrance to the parking lot is not off 285. Is that correct?

MR. SIEBERT: No, it's off the cul-de-sac and so this is the cul-de-sac, actually from the roadway it parallels US 285 and the access takes place here.

COMMISSIONER SULLIVAN: And where's the entrance to the cul-de-sac? How do you get to the cul-de-sac?

MR. SIEBERT: Well, the entrance to the cul-de-sac is off a roadway from 285 and Alma Drive.

COMMISSIONER SULLIVAN: Is it south or your—

MR. SIEBERT: Yes, it's approximately, probably 1000 feet down to Alma Drive.

COMMISSIONER SULLIVAN: Okay. So you have to go through Alma Drive up to the cul-de-sac in order to get into the clinic?

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: Okay. That answers the questions I have. Any questions, Commissioner Gonzales? It's a public hearing. We'll take first those that would like to speak in opposition to the project. Come on forward please. State your name, address and have the Clerk swear you in.

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address and have the Clerk swear you in.

[Duly sworn, Elva Jonoubeh testified as follows:]

ELVA JONOUBEH: My name is Elva Jonoubeh and I live at 16 Chamiso Drive North, right next door to Dr. Byrne's clinic. First I would like to say that we did have a meeting that you asked us to have a meeting with Dr. Byrne. We had the meeting. It was very disappointing. We asked a number of questions to Dr. Byrne at the time about soundproofing his facility, what kind of soundproofing was he going to do. He could not give us an answer.

Secondly, you had asked at the last hearing that he make an appointment with me to talk about fencing between the properties. He never attempted to make any kind of phone call to me to talk about the fencing at all. There were some questions about the clean-up of the dogs and how he was going to take care of that. He said he was going to scoop every day and put it in the garbage and I would like to show you some pictures of what his garbage looks like right now.

These are pictures from my garage and my front yard. I also have pictures of his facility. This is my mailbox and my driveway and that is his facility. [inaudible] commercial properties next door to him and these are also pictures that I have some questions about his building altogether.

Some of the pictures you are seeing are his building facility that in our covenants, in our subdivision, his building is in our subdivision, in the Cimarron Subdivision. We share a cul-de-sac and he also, from my covenants of the Cimarron Covenants, there are no modular buildings allowed. His building is a modular building and you can see underneath the gap, the hole there. Another question that all of my neighbors had was his expansion, if it was also going to be modular, because the other buildings in the neighborhood, in the Cimarron Subdivision are all buildings that are built from the ground up. His is the only one that is a modular.

As far as his business creating more traffic, it does. There are a lot of people who go speeding through the street and the street is supposed to be maintained by Joe Miller and Dr. Byrne from what I understand. It's never really been maintained. There's weeds that grow taller than I am and there's fire hydrants there. You can't find the fire hydrants in the spring and in the summer and we in the Cimarron Subdivision have no control over what goes on right there in our subdivision. We think it's kind of unfair that we don't have a say-so in how this all became. I mean he's got this business here. He's going by covenants from the Ridges but he is not in the Ridges; he's in the Cimarron Subdivision.

We're asking you, we have nowhere else left to go. I mean this is my home next door. This is what I see when I go outside to his business. His business is coming closer to my home. I have horses. Other liabilities. People have walked on my property. Gone and pet my horses. I have young horses. They can kick you. They can kill you. I've had a small child go into my corral with my horses. I've had a number of strange people lurking in the bushes by my horse corral and scaring me. I don't know who they are. They're just there being, you know, feeding my horses or walking their dogs.

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They have no idea where the private property is. That's why I feel that there should be fencing around his property to stop people from coming over into my property and giving me a liability that I really don't want to have. I don't want to be responsible for someone getting hurt on my property and him not even knowing that it's happening. There's no way for him to know that it's happening. He's inside, and people are outside of his business.

I ask that you come to the site so you can see for yourself how dangerous it really can become for me and for other neighbors when the dogs are loose or whatever. People let them out of the car. People don't always put them on a leash as soon as they get out of the car. They let them run around, defecate on my property, they go all over the place. If you could come and you could see the site of where we're talking about, you would see the definite problems that the Cimarron Subdivision is really looking at right now, especially my home. I've spent my life building my home, having the things that I have just so I could have somebody there expanding and there's no privacy. There's nothing here for the residents. And that's really all I have to say about this whole thing.

COMMISSIONER SULLIVAN: Thank you. Any questions?

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: How far are you from the clinic?

MS. JONUBEH: There's a picture there with a mailbox. That is my driveway. We're probably, maybe half an acre next to him. Very close. I could hear conversations at his place, people outside. I could hear the conversations. I could hear what people are saying. I could hear, the sound carries there. It does. And if you would come to my house on one of his busy days and just sit in my garage or sit in my daughter's room, you would be able to hear everything that goes on over there. Dogs whelping, people talking, people's cars up and down. I mean he's going to have a parking lot that's going to be even closer to my house now. Car doors closing and opening, slamming doors. That type of thing also. There's a lot of noises that goes on there during the day.

And until now I have never complained about it but I feel that there should be some kind of wall or fencing to protect my property. To protect me and my family and anybody else who might be one of his customers wanders there the wrong day when a horse decides to kick them through the fence or something like that. I can't stop that from happening with people not being stopped before they get to that area of my property. That's about it.

COMMISSIONER SULLIVAN: Any other questions?

COMMISSIONER TRUJILLO: So would the fence or the wall address most of your concerns?

MS. JONUBEH: Yes, it would. It would really make my life simple. I would not have to see his garbage. On windy days his garbage blows right into my yard. I have bandages from animals that were used on top of my hay. I have a lot of things that just come into my yard. They blow in there from the wind or whatever. The garbage bag, a couple of weeks ago I saw, with people, I was out in front of my front yard and there

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was a garbage bag flew right across my whole house. It ended up probably half a mile away up in the Ridges. I'm sure that's where that bag ended up. There's nothing to contain anything. People, garbage, children, animals. There's nothing there to help me. I feel that if I had at least a fence or a wall that not only would it cut down some of the sound that might come there, it would also make it a lot safer for everyone.

COMMISSIONER SULLIVAN: Any questions? Okay, thank you very much. Next speaker please.

[Previously sworn, Ed Jonoubeh testified as follows:]

ED JONOUBEH: My name is Ed Jonoubeh. I live at 16 Chamiso Drive North. I one thing my wife failed to mention is she's the president of the homeowners association, so she does, she was on the phone the other night probably to about midnight talking to everybody and getting their input. That's probably where you got a lot of her input right now. But one thing I wanted to touch on, I respect Dr. Bryne, what he's doing for the community, but we feel, our sense is we worked hard for what we have and we hate to see it tarnished in any way.

Another point I'd like to bring up is, if I'm lot 16, he's lot 17, he is in my subdivision. It's like us saying we won't be part of Pecos. If you're in our subdivision you should go by our covenants. The fencing issue is our covenant say my property, which is five acres can be enclosed with some sort of ranch fencing or farm fencing or whatever. And what I recommended is if he's stating his covenants are not going to let him surround the perimeter of his property or put up fencing, put it up on my property line. That will basically ease that issue where you don't have to fight your covenants. But once again, I don't understand how my neighbor has a set of covenant from the set of Ridges who are up on the hill not surrounded by him.

Another thing is it's unfortunate that we share the cul-de-sac. When I purchased the property over six years ago, I had no inclination that that entrance to our property should have been on Chaparral which is the next block up, but the builder, thinking that he could split the lot thought he could build two houses on one lot screwed up basically. And I didn't know at the time that Dr. Byrne had an issue with us using his cul-de-sac. But we have all the right means now to go into that property by that road. But it's unfortunate we as neighbors need to find some way to get along, but at the same time come to some medium where my children are safe.

And it's true. There's people that walk on the property and come up straight to the horses. I have three great danes on the property and I have to basically secure them by, I tie them up basically. Sometimes, I'm not infallible, sometimes they are loose when I let them go sometimes, but a lot of time they are secured and restrained. But it is a safety issue. There's some people that don't take no for an answer. When you tell them it's private property, please respect that but over and over again it happens.

In the past I've had people walking right into my house asking for a doctor and Dr. Byrne has helped by putting up a sign pointing to the right house. That's how close we are. People actually confuse my house for the clinic and walk right in. But that doesn't happen

anymore because he has put up a sign. And the thing is, we can't put up a cul-de-sac for the children or use their bikes. I did it the other day but I have to be present, because there are people, all they're thinking about is dropping off the dog and they're probably doing anywhere from as little as 15 miles an hour to as high as maybe 30 or 35 miles and hour and they're braking right at the entrance to the clinic.

I might have to put up a square cement block on my property so my kids can ride a bike but that cul-de-sac, to me it's dangerous. But that's all we have to say. If you have any questions or—

COMMISSIONER SULLIVAN: Thank you, sir. I don't see any questions. Okay, those who'd like to speak in favor of the application, if you'll all stand up and have the Clerk swear you in.

[Duly sworn, Lois Lockwood testified as follows:]

LOIS LOCKWOOD: My name is Lois Lockwood.

COMMISSIONER SULLIVAN: Okay, just reminder for those of you who are speaking in favor of the issue, I'm glad to have you come up and state your support for the project. If you don't have anything in addition to add to what the previous speaker has said then please don't extemporize. Go ahead, Ms. Lockwood.

MS. LOCKWOOD: I'm speaking for the US 285 South Coalition. The members of the coalition are in favor of the expansion of the Eldorado Animal Clinic. Dr. Byrne presented his plan to the coalition on January 18th. Delegates from throughout the area including Cimarron were present. There were no objections to the plan. Dr. Byrne has worked closely with his neighbors and has signed covenants with the Ridges Subdivision.

The coalition objects to the condition that a fence be built on all sides of the property. It is not compatible with the concepts of the corridor plan, which is now in process. I hope the Commission will approve the expansion without the stipulation of the fencing. Thank you.

COMMISSIONER SULLIVAN: Thank you. Next speaker please.

[[Previously sworn, Arthur Eberil testified as follows:]

ARTHUR EBERIL: My name is Arthur Eberil. I live at 21 Bosque Loop. Thank you, Mr. Chairman, for letting me speak. I've been to Eldorado Clinic as a dog owner a number of times during my four-year residency and the place is typically bursting at the seams. There are three small exam rooms and there's always a long waiting long and I think that's a credit to the service that Dr. Byrne is rendering to the community but it also shows a need for this expansion to take place.

I know as a community member I probably represent the feelings of a lot of my neighbors in that if we have an emergency, an accident, we don't want to have to worry about taking a long trip to Santa Fe in order to get our dogs cared for or our cats cared for. So I think there's a real need.

Also, just to comment on some of the comments I've heard, I've been at Dr. Byrne's location a number of times around closing time and honestly, I've never seen any loiterers or any amount of garbage or lurkers in the bushes. It really doesn't appear to be a major eyesore to me in all the time that I've been going there.

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COMMISSIONER SULLIVAN: Thank you, sir. Next speaker please. If you'd like to speak, sir in the back. Just come up and sit on the front bench there and then we're kind of taking people off the front bench there.

[[Previously sworn, Raymond Betschik testified as follows:]]

RAYMOND BETSCHIK: My name is Raymond Betschik. I live at 22 Estambre Road in Eldorado. I've been in Eldorado for seven years. I'm a retired hospital administrator. I've certainly found the Eldorado Animal Clinic to be a very professional, well-run organization and they certainly are in need of more examining rooms with the way Eldorado has increased in population. Most of us as humans wouldn't want to be in such congested space.

I certainly would speak in favor of the kennel as well. I have not found an acceptable indoor kennel in Santa Fe County. I have to take my dog down to Albuquerque every time and ironically, which is an indoor kennel as well in Albuquerque is probably about five times as what Dr. Byrne is proposing and it's right smack in the middle of a residential area. And I can appreciate the concerns of neighbors. In an ideal world we wouldn't see any development on 285, but I personally would support a local businessman who lives in the community and wants to support the local community. Maybe ten years from now we'll find that having an animal hospital in our back yard is better than having a McDonald's parking lot in our backyard.

And finally on the issue of loose dogs, over the years I have been accosted by a great dane once or twice I'm not sure it belongs to, when I've been either taking or picking up my dog, in violation of the County ordinance on dogs. Thank you.

COMMISSIONER SULLIVAN: Thank you, sir. Next speaker please. Just stand up and state your name and address.

[Previously sworn, Joe Wesselkamper testified as follows:]]

JOE WESSELKAMPER: My name is Joe Wesselkamper, and Wesselkamper's the longest part of my remarks, I think. I'm at 15 Camino de Verdad. I also rent office space at 3 Chamiso Drive North which is the office complex which is just south of Dr. Byrne's facility. I would have to admit that the 3 Chamiso Drive North commercial facility is a very dog-friendly facility and I can think of six dogs that frequent that facility who, two of them being mine, who when, during the course of the day, open the door and let them go out into the area between 285 and the building. So in terms of dogs that are roaming, I would have to say, probably plead guilty to that because I have never seen any of the dogs that Dr. Byrne treats roam.

Also I would have to say while I certainly sympathize with people coming onto the property I don't know that it's a given conclusion that they come from Dr. Byrne's. I think there are many more people and many more cars parked at the commercial facility and people who may walk over to see the horses may just as well come from 3 Chamiso Drive North. I don't know. I have no idea where they come from. It's not something I've ever seen anyone do.

And lastly I would have to say that although I'm sure in some instances speeding is a problem but I happened to see the gentlemen out with his daughters on Monday evening,

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teaching his little girls to ride. They're cute as buttons and I slowed to a crawl just to make sure that your daughters didn't pull in front of me. You may remember it. I was in that black truck. That's my remarks. Thank you.

COMMISSIONER SULLIVAN: Thank you sir. Next speaker please..

[Previously sworn, Ed Gearhart testified as follows:]

ED GEARHART: Mr. Chairman, Commissioners, my name is Ed Gearhart and I live in Eldorado. I have taken my animals, I have two dogs and a cat, to Dr. Byrne for nearly seven years. I am for this project because of the excellent nature of Dr. Byrne's services. There is another kennel in the area, or was, and that was totally unsatisfactory when I went there so we asked Dr. Byrne if when we left town we could leave our animals with him and we have always received excellent service.

Personally, from what I've seen over the seven years, being there in the morning some times, afternoon, late afternoon, I've never seen it to be an unkempt place. I have never seen, the clients that bring their animals in, either off-leash or out of carriers. People are very respectful and move right along. So I hope you will approve this.

COMMISSIONER SULLIVAN: Thank you sir. Next speaker please.

[Previously sworn, Lee Keesling testified as follows:]

LEE KEESLING: Thank you for the opportunity. My name is Lee Keesling. I live at 73 Verano Loop in Eldorado. I've lived at that address for 18 years. I'm an old-timer in that area so I've seen a lot of development in the area and the first thing I remember there was the country store. It was the only development in that area. Dr. Byrne's development and some of the other businesses in that area now are the kinds of development I think that we want and the kinds of people we want operating businesses in that area because they can do so and Dr. Byrne has shown of having that business without causing a great intrusion in the area.

I understand people's concern that live right next door to businesses. I've done it myself. I don't understand, one issue that I don't understand is who came up with a fencing all the way around the lot and that doesn't seem to be a need. We have a need of a property owner right next to the lot, certainly not completely around the lot. I heard that. That doesn't make any sense to me. It seems the only reason for a fence is visual blocking and possibly stopping trespassing. I don't know who came up with that one. That was a thought.

In short, Dr. Byrne is a member of the community. He supports the community through some of his contributed efforts that he contributes and he's not in the habit of creating nuisances and I'm sure he'll work with you to resolve any problems. Thank you.

COMMISSIONER SULLIVAN: Thank you sir. Next speaker.

[Previously sworn, Jeff Welch testified as follows:]

JEFF WELCH : Jeff Welch. I live at 83 Encantado Loop in Eldorado. I wanted to address the covenants issue. I was the realtor that worked with Murt. I work with French and French. I worked with Murt when he bought the property back in '92. Joe Miller was the owner and he worked. We worked a long time, 16 months I think we worked trying to get through this process. And we were opposed by several groups. This was the time when the Agora was being planned and there were a lot of people opposing that also and I think that in

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retrospect, we're probably all glad that we live there now with the Agora.

The same way with Dr. Byrne's clinic. Part of the reason that Dr. Byrne's clinic was not part of the covenants of Cimarron was it was deliberately set aside from the covenants of Cimarron by Joe Miller, because his original plan was to use this for non-residential. And that was clear in the covenants—I don't have a copy because I didn't know we'd be addressing this, but on the first page of his covenants it says very specifically, that lot, which was a six-acre lot at the time, was set aside for non-residential use, which is why it was not put in the covenants of Cimarron Subdivision.

The reason that the other groups became involved, the 285 Coalition, the Ridges, they signed a pact attaching covenants to this property so that this development would be, say, more palatable to them in the future. And they also had things like a limited use list. So they said that Joe Miller's whole, let's say commercial enterprise up front would be limited to just offices and the veterinary clinic. They used that to eliminate things like retail so that they knew what would happen. That's why those covenants were attached and that's why Dr. Byrne is part of that covenant, but not part of Cimarron. It never really was.

And I wanted to let you guys know that, that there's a reason for that.

COMMISSIONER SULLIVAN: Thank you, sir. Anything else? Questions?
No? Next speaker please.

[Previously sworn, Mary Gill testified as follows:]

MARY GILL: Commissioners, I'm Mary Gill, a resident of the Ridges. At the suggestion of the president of the landowners association, I'm attending this meeting to state the association's policy with respect to the expansion of the Eldorado Animal Clinic. The Ridges' board and the architectural committee, to whom Dr. Byrne submitted his plans in January, they take no exception to the expansion of the clinic. In other words, they do not oppose it. Moreover, Dr. Byrne has honored an agreement and declaration of restrictive covenants referred to by the previous speaker that was drawn up in 1995 between the Ridges and Dr. Byrne as the owner of what we called the veterinary lot. I just wanted to go on the record so you know how people at the Ridges feel. Thank you.

COMMISSIONER SULLIVAN: Thank you, ma'am. Next speaker please.

[Previously sworn, Mark Mallory testified as follows:]

MARK MALLORY: Thank you, Mr. Chairman, Commissioners. I'll try and be very brief. My name is Mark Mallory and I appreciate the opportunity to offer some comments in support of this proposed expansion. I feel a certain compulsion to offer these comments if only because I've been waiting three hours to give these comments and I know the hour is getting late. I've been a resident of Eldorado since 1984. I was also formerly on the board of the Eldorado Community Improvement Association. We had to deal with a lot of development issues on that board as I know this Commission deals with on a regular basis.

I have seen a lot of development in Eldorado and in that area since 1984. Almost all has been for the good, certainly the community. I don't think there's anyone in the community now, despite the original opposition to the Agora development. I can imagine what it would be like living out there without that. There's always going to be some opposition to commercial

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development. What is important is to plan for that development and make certain that it's responsible.

I have, we have not been able to use veterinary services out in the Eldorado community until Dr. Byrne's office was opened and we have used it ever since. He's treated all of our animals, even entrusted him to put down one of our animals at one time. He is a very responsible businessman. A lot of planning has gone into this proposal. He's a good member of the community and I think he's offering an invaluable service to the community. He's also proposing to provide services that are not currently available in the community.

There's always going to be some opposition to any commercial development in the area. That's the one lesson I've certainly learned since living out there. And opposition is good. It makes you think about a project and maybe think about elements that can be improved upon. Dr. Byrne has attempted to address every concern that has been raised but it's a very small minority of that community, obviously, that has any opposition whatsoever to this proposal. For the greater good of the larger community, I do urge the Commission to give favorable review of this proposed expansion. Thank you.

COMMISSIONER SULLIVAN: Thank you, sir. Is there anyone else who would like to speak in favor of the project?

[Previously sworn, Mark Tartiff testified as follows:]

MARK TARTIFF: Good evening. My name is Mark Tartiff and I live at 19 Estambre Road out in Eldorado. I am in support of the veterinary clinic expansion with the kennels. I don't see the need for a fence all the way around the property. I support most of what I've heard here tonight in favor of the project. I would add that on a personal note, I've known Murt Byrne for 4 1/2 years and he's a man of his work in my experience, so if he says he's going to make sure that this is a facility that is consistent with how we're living out there, I trust him to do that and to make it happen. Thank you.

COMMISSIONER SULLIVAN: Thank you, sir. Is there anyone else?

[Previously sworn, Jonas Snyder testified as follows:]

JONAS SNYDER : My name is Jonas Snyder. I live at 30 Lucero in Eldorado. I've been a resident for about eight years and I wrote a whole page to read but we're not going to do that. There's one paragraph I'd like to read to the Commission. Talking about Dr. Byrne from a personal perspective, he's always been available to assist with the health and welfare of my family's animals. There have been times when Dr. Byrne has made the passing and the emergency health care of my animals a less painful situation. He's shown a lot of kindness and compassion.

I've seen Dr. Byrne provide free animal service to animals that were used for therapy at an at-risk residential treatment center and he did this for nothing. It was pro-bono to help the animal, to help the kids who returned for the animals, and for the betterment of the community. For that alone, for that alone, I think that I'm in favor. My neighbors are in favor and my whole family is in favor of this whole project.

COMMISSIONER SULLIVAN: Thank you sir.

[Previously sworn, Terry Murcier testified as follows:]

TERRY MURCIER: Good evening, Mr. Chairman and members of the Commission. I'm speaking in support of the expansion of the Eldorado Animal Clinic and I'm sorry, my name is Terry Murcier and I'm a resident of Eldorado. I've been a client at the clinic for five years and over this time, Murt and his staff have cared for six cats and three of our dogs so at times I feel like I'm not just a client but I'm a member of the family there.

I have trusted Murt with all our critters, so I trust that when he says it will be a quiet indoor clinic and no noise will leave the kennel that he means it. Dr. Byrne not only works in this community, he lives here too. He has run his business in a neighborly way throughout these years and I trust that he would never do anything to endanger the good relationship he has established with his clients. Thank you.

COMMISSIONER SULLIVAN: Thank you, ma'am. Is there anyone else that would like to address the Commission?

[Previously sworn, Marian Bentley testified as follows:]

MARIAN BENTLEY: My name is Marian Bentley. I live on Lucero Road in Eldorado. I've been there for 11 years. Prior to Murt moving out to his current location you had to take a dog all the way into Santa Fe and sometimes you'd get there too late. He has always provided compassionate, professional service. He has never gouged any of us. If he says he's going to have a soundproof thing, he is. And I urge you to pass this. Thank you.

COMMISSIONER SULLIVAN: Thank you, ma'am. Anyone else that would like to address the Commission? Come on forward.

[Duly sworn, James Landfier testified as follows:]

JAMES LANDFIER: My name is James Landfier and I am not against the enlargement or the construction project on this new facility, but I think you people owe it to the people who live within 100 feet to protect them to the best of your ability. All of these people here who speak in favor of this increase in size are in direct proportion to their distance from the animal clinic. There is no doubt that the doctor is an excellent veterinarian. And he has brought a service that has been needed. But if you were sitting within 100 feet of that facility then you probably might have a little more concern.

Those out in the Ridges, those out in Eldorado, we don't have a problem out there, we just know that we have a fine doctor. But due to a situation, and I think Joe, the developer is probably as guilty as anyone for carving this out and making it, bringing it under the subdivision rules of the Ridges. I think he's the one that has caused us a problem. But still, it's a situation. You've got a family sitting right on top of the animal clinic and somehow, and I think the doctor, I think he is favorable towards trying to work something out to protect these people and to reduce the noise.

I don't know whether there should be a wall or not. I don't know whether a wall should go all the way around the building, but I think something needs to be between these people and their home and the animal clinic. Thank you.

COMMISSIONER SULLIVAN: Thank you, sir. What was your address sir?

MR. LANDFIER: Five Chamisa Drive.

COMMISSIONER SULLIVAN: Thank you sir. Is there anyone else who

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would like to address the Commission?

[Previously sworn, David Alta testified as follows:]

DAVID ALTA: My name is David Alta. I live at 18-A Camino Mansador. Everybody said that Murt's been a great neighbor. He has. The concerns about the noise, he says he's going to address so I expect that he will. One possibility that hasn't been addressed is that he lower the number of kennels from 18 to say, cut it in half to 9 or 10. That might go a long way into mitigating the noise problems and showing once again that he's trying to work with the neighbors that are adjacent. Thank you.

COMMISSIONER SULLIVAN: Thank you sir. Anyone else? Okay, that closes the testimony. Jim, I've got a question. In the CDRC minutes there was testimony from Ms. Jonoubeh and the minutes were the applicant is willing to install a ranch fence to protect her property. This is not the same individual that just spoke at the beginning of this hearing, right?

MR. SIEBERT: What was the name in the minutes?

COMMISSIONER SULLIVAN: I think the pronunciation, the spelling is Jonoubeh.

MR. SIEBERT: Yes, it is.

COMMISSIONER SULLIVAN: It's the same person.

MR. SIEBERT: The same family.

COMMISSIONER SULLIVAN: So you've already indicated a willingness to put some type of a fence to protect their property. You just disagree with fencing around the entire property.

MR. SIEBERT: Yes.

COMMISSIONER SULLIVAN: I'm just reading from the minutes. Are the minutes correct?

MR. SIEBERT: Yes, that's correct.

COMMISSIONER SULLIVAN: Okay. So there is some fencing that could be done on this individual's property that would perhaps mitigate the trespassing.

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: And the applicant would be willing to do that?

MR. SIEBERT: Yes.

COMMISSIONER SULLIVAN: Okay. Then I have a question for Mr. Dalton.

MR. SIEBERT: Could I just maybe say a few quick things. Just as a historical account on this, when the master plan was originally approved, it actually described in the report that it would expand to the size that you see in front of you today. What happened is that the consultant forgot to put that on the phasing plan itself because of that, he had to go through this process. It's a new rezoning process in essence. If that was part of the phasing plan he wouldn't have been here at all.

And that occurred before any residential developments were ever constructed in this particular area. With regard to the number of kennels, there's a kind of an economic viability and Dr. Byrne really needs the number of kennels he has shown because you have to have

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personnel to maintain them and that has to be pretty consistent. And I think that the last thing is, Dr. Byrne has always been a good neighbor and intends to be a good neighbor in the future and resolve any issues that came up. I think a lot of this was a surprise to him when concerns came up. And he lives in Eldorado, he comes down there seven days a week to the clinic including at night to check on it. I think he's a very responsible individual.

COMMISSIONER SULLIVAN: One other question, Jim. One of the individuals asked, I guess it was the neighbor, whether this was going to be stick-built or a modular construction.

MR. SIEBERT: No, this will be stick-built and what will happen is—a lot of the neighbors were concerned with the design. I think they're not entirely familiar with the process. The actual architectural design comes with the development plan, not the master plan. And the architect is working on that. The idea is to integrate the design and actually make it more interesting by adding additional elements to the building.

COMMISSIONER SULLIVAN: Okay. Thank you. And I had one question for Mr. Dalton. The hydrologist, I guess, took a five-year average of water usages to come up with the usage because they seem to vary quite a bit. Are we comfortable with that process. We may have others come in. I'm thinking for example of the Agora as one. We may have others come in under re-use options and so forth. Is this the procedure that we're going to establish, that we think five-year averaging is how we do this?

MR. ABEYTA: Mr. Chairman, I think for this particular case, for this use, I should say, we are. But if we get a more intense use that's using more water to begin with we may want a longer period, like for example, seven years or ten years. So I would say, to answer your question, I think it may vary depending on the use that's requesting the expansion and what that specific use is, what they are using for water.

COMMISSIONER SULLIVAN: Seems like we need to develop some kind of a staff policy here because this comes under that amendment we made to the moratorium, which allows people to come in under previously approved water budgets and it seems like we need to have a consistent policy as to how we're going to analyze those budgets.

MR. ABEYTA: Mr. Chairman, I'll take that suggestion back to the hydrologist and I'm sure we can come up with something.

COMMISSIONER SULLIVAN: The recommendation of the CDRC was for fencing all the way around. Are you recommending approval with that recommendation?

MR. DALTON: Mr. Chairman, that condition was actually imposed by the CDRC because of the concerns of Mr. and Ms. Jonoubeh.

COMMISSIONER SULLIVAN: And what is the staff's—

MR. DALTON: Staff does recommend approval with that condition.

COMMISSIONER SULLIVAN: So staff's recommendation is with that condition.

MR. DALTON: Correct.

COMMISSIONER SULLIVAN: And could someone show me on the map where the Jonoubeh property would be if they were to just "install a ranch fence to protect the

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Jonoubeh property." Where is there property on that drawing?

MR. SIEBERT: The Jonoubeh property is all along this property line right here.

COMMISSIONER SULLIVAN: Their whole, all along that eastern boundary line. Okay. So if this Commission were to—they could of course obviously accept the CDRC recommendation or make a modification with regard to the fencing. If they did then on the east boundary line would be acceptable to the applicant? It would have to stop at the cul-de-sac, obviously. We don't want to drive over the fence in the cul-de-sac. That makes sense. Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Siebert, could you show us where the home is exactly? Where the house is?

MR. SIEBERT: I'm not sure, but there's a drainage that's platted on the property here, so I assume that the home would be—so I assume that the home is not built on that. The home would be, I think it's fairly close to the property boundary. So the home would be in this area here. It is approximately 140 feet from the edge of the expansion building to the line.

COMMISSIONER SULLIVAN: Other questions? Commissioner Gonzales.

COMMISSIONER GONZALES: Real quick, Mr. Chairman, going along your line of questioning. So the CDRC recommendation was to fence the entire property?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, that is correct.

COMMISSIONER GONZALES: And what the Chairman was asking of you, Jim I thought, I think was if your applicant was willing to just fence the side that separated the building and the neighbors' property and you said that you agreed to that? Is that correct?

MR. SIEBERT: Correct.

COMMISSIONER GONZALES: And to the neighbors—that's what you're asking? Great.

MS. JONOUBEH: And also to shield us from having to see the garbage.

COMMISSIONER GONZALES: Okay. Thank you.

COMMISSIONER SULLIVAN: I'm not quite sure everyone's recommendation of a ranch fence is maybe a little different. I don't know that a ranch fence would necessarily provide shielding if it's just a pole fence but it might provide trespass protection. Are there any other questions from the Commission?

COMMISSIONER CAMPOS: I have a question for Mr. Dalton.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: As far as screening the property, do you have any ideas, or Mr. Siebert, any ideas about screening to satisfy the concerns of the neighbors? Anything viable that would work?

MR. SIEBERT: Mr. Chairman, Commissioner Campos, I think that's an issue that we have to go back to final to do a development plan on this. Maybe, rather than me stand up and kind of throw something out at this time it's something that we can work out with the Jonoubehs as part of that process. There are some significant piñon trees, we'd like to save

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those where it's possible.

COMMISSIONER CAMPOS: I think some screening would be important and some protection. Something to look at at the next stage.

COMMISSIONER GONZALES: I don't know if we're ready to entertain a motion.

COMMISSIONER SULLIVAN: Go for it.

COMMISSIONER GONZALES: I'd like to move for approval of CDRC Case Z 01-5550 and modify the condition imposed by the CDRC to install a fence on all sides of the property and basically to modify that to state to install a fence along the property that separates the business from the neighbors, and state in that motion that that fence that sheilding needs to reflect protecting the neighbors from stray animals or animals that might get loose or garbage that might end up moving on to their property. So however you work that out, I think it's important at a minimum that the neighbors are protected from animals that may potentially get out of the cars loose and run onto their property and for whatever reason can hurt their children. I think that' really key that that be in place.

MR. SIEBERT: Commissioner Gonzales, just to clarify that issue. By neighbors, you're referring to the Jonoubehs?

COMMISSIONER GONZALES: That's correct.

MR. SIEBERT: Thank you.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: We have a motion and a second. Does staff understand the motion.

MR. ABEYTA: Mr. Chairman, yes, we do.

COMMISSIONER SULLIVAN: Okay. Any further discussion?

COMMISSIONER GONZALES: Just one more thing. And the issue I think, the guiding issue to the staff should be the health and safety of the neighbors. Now, however you chose to work out the visual and everything else, I think that should be left up to you guys to determine but for me, the primary concern is the health and safety of the neighbors in that fencing.

COMMISSIONER SULLIVAN: Okay, we have a motion and a second. All those in favor say "aye." [Unanimous] Motion carries.

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- XII. B. 4. CDRC CASE #A/V 01-5610 Bryan & Karen George Variance: Bryan & Karen George, applicants, request a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow a family transfer land division of 12.12 acres into three lots, one lot consisting of 7.12 acres and two consisting of 2.5 acres. The property is located at 22A San Marcos Road East, within Section 11, Township 14 North, Range 8 East (Commission District 3)**

MR. DALTON: There is currently one residence and a septic system on the property. The property is served by an onsite well, which serves the existing home. The applicants claim that 20 years ago they gave both their sons 2.5 acres of the property with hopes that they would be able to build on it in the future. The applicants state now that their sons are adults it is time to formalize this family transfer. The applicants' intention is to provide a safe and affordable way of living for their children and grandchildren.

Recommendation: Staff that the request for a variance be denied. The intent of the code is to set minimum lot size in this area at 50 acres. The decision of the CDRC was to recommend approval of the variance to allow a family transfer land division of 12.12 acres into three lots subject to the following conditions. Mr. Chairman, may I enter those into the record?

COMMISSIONER SULLIVAN: Go ahead.

[The conditions are as follows:]

1. Water use shall be restricted to a 0.25 acre-foot per year per lot. A water meter shall be installed for all lots. This shall be noted on the plat. Annual water meter readings shall be submitted to the County Hydrologist by January 31st of each year. Water restrictions shall be recorded in the County Clerk's office.
2. No further division of this land shall be permitted; all lots shall be divided equally. This shall be noted on the plat.
3. A plat of survey meeting all other County Code requirements shall be submitted to the Land Use Department for review and approval.
4. Failure to comply with all conditions shall result in administrative revocation of the variance.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner.

COMMISSIONER GONZALES: Wayne, has there been a geo-hydro that's been performed or at least a reconnaissance?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, no there has not.

COMMISSIONER GONZALES: So can a request for a family transfer lot split come forward without either of those?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, if they were

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meeting the lot size it could. Family transfers don't need a hydro if they meet the lot size.

COMMISSIONER GONZALES: So does this meet the lot size?

MR. ABEYTA: No, it does not and that's why the request includes a variance.

COMMISSIONER GONZALES: So is the variance for the lot size or is the variance for the lot size and not providing a geo-hydro report?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, if you get a variance to—they're both related. So the bottom line is it's a variance for the lot size requirements.

COMMISSIONER GONZALES: Which would mitigate needing to provide a geo-hydro.

MR. ABEYTA: Exactly.

COMMISSIONER SULLIVAN: I think there's also one difference, correct me if I'm wrong, in what the applicant has requested was a seven-acre lot and two 2.5-acre lots and the staff conditions are that all lots shall be divided equally. And you might explain again, Roman why that condition is that way.

MR. ABEYTA: Mr. Chairman, Commissioners, the condition was stated that way, actually, I'll let Wayne answer that.

MR. DALTON: Mr. Chairman, the condition is stated "All lots shall be created equal" because if the applicant does decide to do a—if this application is approved tonight and the applicant does conduct a geo-hydro, that seven-acre lot could then be split into two 2.5-acre tracts. So they could actually split it down.

COMMISSIONER SULLIVAN: Yet further.

COMMISSIONER TRUJILLO: Excuse me, Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: I don't know about that because it's in the same area that J.P. Garcia tried to split a lot into five lots.

MR. DALTON: Mr. Chairman, Commissioner Trujillo, it's about, I would say a mile, two miles south of that.

COMMISSIONER TRUJILLO: And when we talked about that case, we were looking at—because we disapproved it. We're looking at a development in that area from a regional standpoint, from a grand scheme. When the State Engineer came over here and said that there was a limited supply of water, even with Mr. Garcia's geo-hydrological study, it was still denied. So I guess I don't understand, because that was a concern that I had at that time, why we're even looking at this lot split without any sort of information, including the fact that the State Engineer said that there was a limited amount of water there, bottom line. Regardless.

COMMISSIONER SULLIVAN: I guess the only difference is that this is a family transfer. And that wasn't. But you're right. The same geo-hydro of the same basin. Correct.

COMMISSIONER TRUJILLO: The same aquifer.

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COMMISSIONER SULLIVAN: Am I right, Mr. Abeyta? This is a family transfer?

MR. ABEYTA: Mr. Chairman, that's correct. Plus this is also an appeal/variance. So we told the applicant that they couldn't do this. They appealed our decision to the CDRC and the CDRC granted the appeal and said we want to hear the variance. And so that's why it's before you.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner.

COMMISSIONER GONZALES: Was there some direction that was provided at the last meeting to the staff to come forward with some recommendations on how to deal with lot splits in this area? And has the staff begun to work on that and do you have any idea when you could bring some recommendations back?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, there was direction and staff is working on that. But that direction did not address variances, appeal/variances. The John Paul Garcia request did not include an appeal or a variance. It was a lot split with a hydro. And so what we would need is direction from the Commission on variances, these appeal/variances and whether or not you want us to bring these forward.

COMMISSIONER GONZALES: So the applicant owns 12 acres. If they were to prove through a geo-hydro that they had sufficient water they could legally take those 12 acres and subdivide it four times?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, yes, you can go all the way down to 2.5 acres per lot if you prove enough water.

COMMISSIONER GONZALES: Okay. I'd like to hold out my question to ask the applicant.

COMMISSIONER SULLIVAN: Any other questions of staff?

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner.

COMMISSIONER CAMPOS: Just a statement. I feel uncomfortable going forward with this case without geo-hydro information, especially in an area like this. These properties, these lots could be sold off to the market. People are put in a bad spot, they invest into their home, which is their major investment. It goes dry. This is a serious, I think there are some serious public policy questions. And I'm uncomfortable without, just saying, family transfer, we don't know if there's water. We don't even want to do a report.

If they do, they're likely to encounter the same problems that Mr. Garcia did a mile or two away and I'm just concerned about moving forward with too much more testimony in this case.

COMMISSIONER GONZALES: Mr. Chairman, the other thing I would say is that I think Commissioner Campos' concerns are valued. They're shared up here but I think it's only fair to the applicant that they've gone through this process, they've waited

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tonight to address the Commission, and that we ought to consider what the applicants' testimony is. And consider, before we make some type of decision, why they chose not to do a geo-hydro and allow for that process to take place in the interests of fairness to the whole public process.

COMMISSIONER CAMPOS: Sure, I'd like to hear it. We could do so briefly.

COMMISSIONER SULLIVAN: Okay. Can we hear from the applicant please.

[Duly sworn, Karen George testified as follows:]

KAREN GEORGE: Thank you gentlemen for taking the time to listen to this. We chose not to do the hydrological report because of the great expense. I did get the well records from our land. Of course we've lived there for 28 years. We have a very, very good well. What's the depth?

[Duly sworn, Bryan George testified as follows:]

BRYAN GEORGE: Our well is 68 feet deep. Has water standing at 44 feet. It pumps 15 gallons a minute. We could go to the expense of having a hydrological done on it but it wouldn't prove much more than that we have good water. We also have intimate knowledge of wells and neighbor wells because my dad was the one that built next to us within 300, 400 feet, we have another well that's 90 feet deep that produces 12 gallons a minutes.

MS. GEORGE: So we feel very confident of the well, the water capacity of there.

MR. GEORGE: And another one produces 25 gallons a minute so we do have water and [inaudible]

MS. GEORGE: Another reason why the lot size, the main reason why we're here is our land lies in a long triangular shape and our house now is right in the middle and where the two pieces are that we would like to give to our sons are where it's wider. It's just a natural split. That's the reason why it came to 7.5 and 2.5 each.

MR. GEORGE: No intentions of further split or to every sell it.

COMMISSIONER GONZALES: Mr. and Mrs. George, Mr. Chairman, are you familiar with the water problems that have been occurring in the north and south fork area?

MS. GEORGE: Yes, yes.

COMMISSIONER GONZALES: So you can imagine the concern that the Commissioners have. In an effort to try and protect not only your property and maybe hopefully your sons' future property but the need to quantify the water there is more important that ever. It's always important but now, you can imagine how difficult is it for Commissioners to basically just say well, based on what you're telling us that it's sufficient enough for us to go forward and grant these variances when you have a lot of your neighbors that probably wouldn't oppose the fact that you're passing the land onto your kids but would be concerned as to the amount of water that's available.

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I think there's an interest in always wanting to help and assist, the problem is for lack of quantifiable data and real data that actually proves what you're saying and I know how expensive these well logs are.

MS. GEORGE: We have the well logs. We're very confident of the water.

COMMISSIONER GONZALES: Have they been provided to Ms. Yuhas.

MS. GEORGE: Yes. And we brought those in. They're not the hydrological, of course. But they are—the well. And I have copies of them here.

COMMISSIONER GONZALES: But it doesn't state that she's actually done an analysis of your well water.

MR. GEORGE: She'd rather we do a hydrological report

MS. GEORGE: And that's why we came first to the committee, and they agreed to that and the only—

MR. GEORGE: My thinking is we have already given property to our kids by word of mouth 20 years ago. I would rather spend money to put a well on the property than to have somebody tell me that, Yes, it would be fine to do it.

COMMISSIONER GONZALES: I personally understand your situation but I think the hard thing is your neighbors or people around you may want to come in and do the same thing without proving up the water and that in the end could create a bad situation for everybody. I would just hope that you'd consider, and I know it's expensive but I hope you'd consider doing a geo-hydro or some type of independent report that can prove the fact that your sons will be able to have a good, strong, long-term source of water, which is what these reports do.

COMMISSIONER TRUJILLO: Mr. Chairman and Commissioner Gonzales, even with a quantifiable data, there's no guarantee that you'll be approved. We had the last time with J.P. Garcia, we had a hydrologist here tell us that there was enough water there to support that development and the State Engineer said that there wasn't. And this Commission denied that application. So if we're going to be consistent for one individual, if we're going to determine that there's no water for one individual then from a regional perspective, we need to do the same for everybody in that area. Ostensibly, that area is a dry basin and there's no water.

COMMISSIONER GONZALES: I would say, Mr. Chairman, Commissioner Trujillo, that the well log that was provided or the geo-hydro, while their hydrologist was saying it was sufficient, ours clearly said it wasn't. A well test in a different area, their property is a mile, a mile and half away. It could be in a formation that could determine that there is enough water. So I'm not prepared to say everyone in the North Fork, South Fork are prevented, we're doing a de facto moratorium on future subdivisions, because then I think we need to change the Code to stop that from happening.

But I think that hydrological reports do tell us a lot about what's in an area and could provide at least some assurances that there is a long-term source of water but the hydrology report that was provided for the Garcia property was, it was very poor water quality. I think that the well log showed that they were just producing a very little amount

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of water to support five lots, not two additional lots. I know we're concerned about this area but I don't want to say that we're just going to stop future subdivisions if people can prove up a good source of water, unless we bring in the entire area and revamp the entire Code for that area.

COMMISSIONER TRUJILLO: What I heard from the State Engineer is that from a regional standpoint, there is a limited amount of water in this area. So if we approve or disapprove one submittal, we have to be consistent and disapprove the other, because we can't approve one and not the other and if we have a hydrology report from one and a hydrology report from the other that says there's enough water but the State Engineer, what are we going to do? We have to be consistent.

MR. GEORGE: The proof is in the ground where the water is.

COMMISSIONER SULLIVAN: I think too, Mr.—

MS. GEORGE: And we've lived there for 28 years and I realize what you're saying because we have knowledge of people trying to get water in the South and North Forks. We're not in that area. We're closer to Cerrillos actually. Maybe three miles past on Highway 14. And yes, it's very touchy, even on the next road over, but I tell you, we feel very confident just judging by the three wells that are there and the wells that have been drilled around there.

COMMISSIONER GONZALES: So you're not in the North or South Fork subdivision?

MS. GEORGE: No, sir. No. We're—

MR. GEORGE: Way beyond.

COMMISSIONER SULLIVAN: Well, also those, and I'm not speaking against the need for a geo-hydro, but the differences in that case, which might benefit this applicant were that that geo-hydro was showing two gallons a minute. And if in fact you have 15 gallons a minute, the State Engineer's general recommendation is five gallons per minute per residence. Now that's one criteria. Another criteria is that you have to prove a 100-year supply. And that's done through a formula that the hydrologist applies in which the hydrologist is familiar with. You can't get those results from just looking at a well log. You have to do a pump test to determine the aquifer yield and the sustainability of the well for that.

So it may be that you would have that and it may be that you wouldn't but the case that we had that Commissioner Trujillo and Commissioner Gonzales are talking about was an extreme case of a large lot with only two gallons a minute for five lots. And that's what the State Engineer was adamant, or one of the things that they were adamant about. But there was a regional perspective to that. There were wells around that that were having severe decline. So I think as a part of the hydrologist's review, were you to go for a hydrologic investigation, the hydrologist would look at wells around you, not just on your property.

MS. GEORGE: That's what we provided.

COMMISSIONER SULLIVAN: And see what the declines, if any were.

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But bearing in mind, we're not hydrologists. So that we're not able to adequately, in my judgement at least, look at well logs as say that you have a 100-year supply there. I think that's the problem that Commissioner Gonzales and Commissioner Trujillo are getting at here. But we've kind of interrupted your presentation here. Go ahead and conclude your presentation if you would.

MR. GEORGE: The hydrologist is going to give his best estimation as to what it's going to be anyway and it's not going to be proven until there's a hole in the ground, regardless of whether this well over here or that one there—we've seen it half a mile, a mile away. Dry holes. But with our records. Mainly it was my dad. He was adamant about having good water. He picked out the spot there. This is why we live here. We don't live here because of anything but good water. That's why we're there. So, since I've already given the property to my kids, then I think if there is water they could utilize it. If there's not water, they won't utilize the property. At least for something that requires water.

COMMISSIONER SULLIVAN: Okay. Any other questions of the applicant?

COMMISSIONER GONZALES: I'd just say—thank you, Mr. Chairman—we'd love to help you but I think we need this geo-hydro. We need something. I know it's expensive but to come forward considering that there are many requests by people in the county who would love to have the route that you have now to come forward and ask for a simple subdivision of a lot without any type of credible, independent proof. And I know that you're coming forward with these well logs. It would really jeopardize a lot of the County's ability to manage our water resources. And I would just ask you to consider doing a geo-hydro. If you consider doing it, I'd ask the Commission to consider tabling this so you don't have to go through the process all over again, so at least there's a geo-hydro report that could come up with you that would show what you already know, which there is a long-term source of water, or at least some type of—well, I think the geo-hydro is just going to be needed.

I don't think the Commissioners are going to, regardless of how I feel or however we all feel to want to help you, can approve this without a geo-hydro report. Just because of what's happening in that area. It's a really bad area.

MS. GEORGE: But not exactly where we are.

COMMISSIONER GONZALES: I know. And that's the importance of—that's even more critical because we are denying people in the area based on hydrological reports. It becomes even more critical that anything that we do approve have the same standard that we're evaluating some of the other lot splits.

MR. GEORGE: If we had a geo-hydro we wouldn't be here because we could subdivide it.

COMMISSIONER GONZALES: I know.

MS. GEORGE: They had recommended that we put the meters and we agree with all of the other. It's just, the price of the geo-hydro would be much better spent

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putting it into a well. You know what it's like to live here and we'd like to see our sons be able utilize it. You can look at the records and see where we are. We feel very confident of it. We've lived there for 28 years and never had even on the dry years like we have now, low in the water pressure.

COMMISSIONER GONZALES: I believe you but again, there have been plenty of family variances that have come forward where we're requiring them to have something for us. And I know you have your well logs but I'm talking about some type of geo-hydro report.

COMMISSIONER SULLIVAN: Excuse me. Are you finished with your presentation?

MR. GEORGE: Pretty much. We of course were recommended for approval by the CDRC and there was stipulations, conditions and there's one that didn't quite work but we couldn't divide the lots equally. It has to be the 2.5/2.5/7.5 or seven.

COMMISSIONER SULLIVAN: Mr. Romero, are you with the applicant, or are you speaking in favor of or against the project?

[Duly sworn, the speaker testified as follows:]

[UNIDENTIFIED SPEAKER]: I just want to say that the County Hydrologist looked at it and the County Hydrologist, we didn't ask her for one but the indication was that it could support three dwellings, the well could. Fifteen gallons per minute, and this is out of the State Engineer Office. Would you be comfortable if we had the County Hydrologist write a letter?

COMMISSIONER GONZALES: Well, Mr. Montoya, she did, recommending that the variance not be approved. [Exhibit 13] We got that tonight. The only thing I don't know is if Ms. Yuhas actually looked at their well logs or if she just made a general comment because of what was happening in the area.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I don't know if she looked at the well logs or not, but the Code is clear that the well logs are not enough anyways. So even if she looked at them, she would still require the 48-hour pump test.

COMMISSIONER SULLIVAN: Okay, is there anyone in the audience who would like to speak in favor of in opposition to the project? Would you come forward please and be sworn in.

[Duly sworn, Chad Powell testified as follows:]

CHAD POWELL: Yes, my name is Chad Powell. I live at #45 Pueblo Road, which is in the same subdivision that the Georges are in. And we live in a subdivision that has a lot of empty lots, lots that haven't been moved into, or people live in at this time. My fear is that once they have one family transfer in the area it's going to open it up for everything else to be family transferred. I'm not exactly sure the legalities of this but it seems pretty simple. I've seen it happen in the South Fork area. I've seen in happen in the La Cienega area. I've seen areas devastated by these family land transfers.

I don't know that theirs—theirs is probably a legitimate situation but it opens it up for a lot of illegitimate situations. The water that we have in the area probably is supporting, enough

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to support the people that are on the land now and probably the lots that do exist. But if we start subdividing all the lots in family land transfers there's no guarantee that there's going to be enough water for any of us. I spent my life savings and bet on the covenants that I bought into and also the County supporting the fact that they were ten, twelve-acre lots out there. I'm hoping that that stands true and there is a protection of property and the covenants that I live by and that the Georges also, they live in the same subdivision I do and the covenants are agreed that there is one house per lot and that it won't be subdivided.

I'm just hoping that we can live up to these things. I don't know what will happen if everything out there gets subdivided into four lots. They're all ten and twelve-acre lots. They could be, I guess, subdivided down to 2.5-acre lots which would take 35 lots and turn them into 100 lots or more. So I'm hoping that all this in consideration that you all will deny this because I don't want, I don't think it would be right to have all the lots out there subdivided and there's a lot of empty lots and this would just open the door for this to happen. I guess that's really about all I have to say.

COMMISSIONER SULLIVAN: Thank you, sir. Next speaker.

[Duly sworn, Anthony Haas testified as follows:]

ANTHONY HAAS: My name is Anthony Haas. I live on 14 Pueblo Road, which is in the same subdivision as they do. My main concern is the covenants you have as one house per lot and they are ten and twelve-acre lots. I've been out there for 12 years and that's specifically one of the reasons I did move out there was because of the size of the lots and being able to not have neighbors right next to you. Like Chad said, the water probably would sustain a split of the land, but I think when you look at the covenants and then you look at all the lot that have not been developed on right now, you were talking about it yourself. If you say yes to them, well, they're in such a close area of proximity to the lots that aren't developed that the ones that aren't developed can piggy back on the same thing and this is immediate.

Most of these lots have County Road access. So unlike the family trusts where I think you have a three or a five-year waiting period before you can sell the land, if it's a County Road, they can do it immediately. So somebody could go in, buy the property, family trust separate it, and sell the property immediately.

COMMISSIONER GONZALES: But you understand that can happen right now regardless of what happens tonight. Unless your private covenants explicitly state—I know your covenants, you're stating they state—

MR. HAAS: They state one household, one family dwelling per lot.

COMMISSIONER GONZALES: Right. So if the Code allows for a lot to exist at 2.5 acres, which it does in this area with proof of sufficient water, then your covenant is still being met.

MR. HAAS: My covenant says you can't split the lot.

COMMISSIONER GONZALES: So your covenants don't allow for further subdivision of the land at all?

MR. HAAS: No. No. See, that's part of this whole thing. The covenants do not say you can split this land and make it anything. I have a 12.5-acre piece of property and I can't

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split it; that's what's in the covenants. So this family transfer or whatever, is trying, is basically going against our covenants. So when you're looking at that, all these lots that have not been developed, it opens the door for them.

COMMISSIONER GONZALES: So who enforces the covenants of your neighborhood?

MR. HAAS: Well, we sort of do ourselves, our association.

COMMISSIONER GONZALES: You have an association that enforces your covenants.

MR. HAAS: Yes. We've gone to court several times on certain covenants.

COMMISSIONER GONZALES: So on the plats, does it prevent, on your lot itself, does it prevent you from coming in? Are they platted where they're prevented from coming in for further subdivision.

MR. HAAS: It's a 1964 subdivision.

COMMISSIONER GONZALES: Oh.

COMMISSIONER SULLIVAN: I think this was brought up at the CDRC meeting and staff's comment was that the County of course can't enforce private covenants.

COMMISSIONER GONZALES: Right. Private covenants.

COMMISSIONER SULLIVAN: So we have to stick to the issue.

MR. HAAS: I was unable to make that particular meeting and I had mailed the letter but at the time, the information we got off your homepage showed Estevan Lopez as being in charge of the Land Use Department. So I didn't give a copy of my letter there, which is what I have mailed, hopefully to get to them in time, but nobody every received that particular letter. So I think Wayne gave you a copy now [Exhibit 12]. Because there was only one other letter that got there and there were several people that said they had mentioned the letters.

The main concern is the covenants and what this can open the door to, because like you're saying, you have all this land that is undeveloped that has access to the County. There's probably sufficient water. I have a good well myself. But when you set a precedent in allowing them to break the covenants then everybody that has a lot in my area is pretty much going to piggyback on the tail of that.

COMMISSIONER SULLIVAN: Thank you. Is there anyone else who'd like to speak in favor of or in opposition to the appeal?

COMMISSIONER GONZALES: I have a quick question of the attorney.

COMMISSIONER SULLIVAN: Sure. Commissioner Gonzales.

COMMISSIONER GONZALES: On the issue of private covenants, it's the responsibility of the homeowners associations to approve that? Or the County doesn't take those into consideration when looking at issues of subdivisions?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, County's policy is to follow the Code and review the Code and if there are private covenants that are more restrictive, it's the private property owners' responsibility to enforce those in a court of law. That's how they're generally enforced. So we generally don't look at those.

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COMMISSIONER GONZALES: I guess my question to the applicant then is, are you asking, do you understand that your private covenants prevent you from further subdivision?

MS. GEORGE: The covenants have not been followed for many years. There was a modular home brought in. It goes on and on. So far as we were concerned, the covenants are not, they are void as we know them now. But we were going with the County Land Use, you guys' ruling and it's been with the family lot split, we checked with that and that was all legal that way and that's why it all got approved.

I heard one of the neighbors say, had a concern about the County road. This land is not on the County Road. It is actually on Highway 14 and it's been approved already with the Highway Department and it's been addressing, it's got its addresses and it's been approved with the Highway Department as well for the driveway.

COMMISSIONER SULLIVAN: Any other comments from the Commission? What's the pleasure of the Commission?

COMMISSIONER GONZALES: Mr. Chairman, I'd like to move that we table this and give the applicant a period of 30 days to submit a geo-hydro report.

COMMISSIONER SULLIVAN: May be a bit short.

COMMISSIONER GONZALES: Sixty days?

COMMISSIONER SULLIVAN: Maybe 90.

COMMISSIONER GONZALES: Ninety days. To submit a geo-hydro report to the Commission in support of the subdivision. If they come forward within 90 days to do it then, to consider it. Then that should be allowed to come before this Commission for consideration in support of that and at that time, as Commissioner Trujillo had indicated, I think it's important that you understand that it's not necessarily a guarantee. But it at least gives you the choice of whether you want to prove up. If you choose not to then just notify the Land Use Department and they'll withdraw it and it would be basically in effect denied.

So I'd move that we table it for a period of 90 days and allow the applicants to come forward with a geo-hydro and at that point allow the Commission to consider the lot split. So that it wouldn't be a variance process any longer.

COMMISSIONER SULLIVAN: There's a motion before we get into questions and discussion—

COMMISSIONER GONZALES: Well, first of all. Hold on a second.

COMMISSIONER SULLIVAN: Well, I need to get a second.

COMMISSIONER GONZALES: Don't second it. I want to add something.

COMMISSIONER SULLIVAN: Commission discussion.

COMMISSIONER GONZALES: Let me just add something, Mr. Chairman, because I just thought about it. If they come in with a positive geo-hydro, then they're not even required to come before the Board and they would be able—if the geo-hydro is sufficient to the staff, then you'd be allowed to have your subdivision.

COMMISSIONER SULLIVAN: But if, on the other hand, if they come in with a geo-hydro—

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COMMISSIONER GONZALES: That does not support—

COMMISSIONER SULLIVAN: That our hydrologist didn't support, they still could come to the Board and appeal the hydrologist's decision. So the geo-hydro, as we have seen, can be interpreted many different ways. So I think you probably want to leave them that option but if the geo-hydro was positive then they would have the option for administrative review and approval.

COMMISSIONER GONZALES: I do that in the form of a motion.

COMMISSIONER SULLIVAN: Somehow that's in a motion.

COMMISSIONER GONZALES: I move to table it.

COMMISSIONER SULLIVAN: We have a move to table. It's not debatable. Is there a second?

COMMISSIONER TRUJILLO: Second.

COMMISSIONER SULLIVAN: There's a motion and a second. Those in favor of tabling the motion with the conditions specified by Commissioner Gonzales, 90-day period, say "aye." [Unanimous] Those opposed? Motion carries.

Thank you. Sorry for the late hour, but that's how they go.

- XII. B. 6. CDRC CASE #A/V 01-5600 Eleanor Gonzales Appeal/Variance: Eleanor Gonzales, Ernest Romero, Lucille Duran, and Carlos Romero, applicants, are appealing the Land Use Administrator's decision to deny the division of a 33.22-acre tract into four lots by means of a family transfer, which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located off County Road 63 in Glorieta, within Section 2, Township 15 North, Range 11 East (Commission District 5)**

AUDREY ROMERO (Review Specialist): Thank you, Mr. Chairman, Commissioners, On January 31, 2002, the County Development Review Committee, CDRC recommended approval of this request. The applicant is requesting a variance of the lot size requirements of the Land Development Code in order to allow 33.22 acres to be divided into four tracts. The property is located in the Homestead Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 160 acres per dwelling unit. The lot size may be reduced to 40 acres per dwelling unit if the applicant can demonstrate adequate water, and may be reduced to 20 acres for family transfer purposes.

There is currently one barn on the property. The property is served by one onsite hand-dug well. The applicants have provided copies of well records for wells on neighboring properties in hopes of providing evidence that there is enough water in the area to support this division. A well record for the existing well dug in the 1950s is not

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available. At the very minimum, a pump test would need to be submitted to the County Hydrologist to demonstrate water availability.

The property is accessed from County Road 63. The applicants are brothers and sisters and were deeded the property in November 12, 1996, by their parents. The applicants state that division of this land would allow them to build their own homes.

Recommendation: Staff recommends denial of the appeal, based on Article III, Section 10 of the Land Development Code, which states the minimum lot size in this area is 40 acres per dwelling unit or 20 acres for family transfer. Staff recommends that the request for a variance be denied. The intent of the code is to set minimum lot size in this area at 40 acres per dwelling unit or 20 acres for a family transfer. Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: Okay, are there any questions of the staff? I have a question of the staff. In the CDRC Case on this, Chairman Gallegos had a question and said that, "Responding to Chair Gallegos' question of whether the applicants understood the staff-recommended condition limiting the lots to one dwelling unit—" Excuse me. That's not the one. "Based on the testimony, Member Anaya moved to approve the variance with the staff-imposed conditions (1-3). Member Bassett seconded and the variance was approved by majority [3-2] voice vote as follows: Members Anaya, Bassett and Romero voting for and Members Dayton and Holian against." Who's Romero?

MS. A. ROMERO: I believe that's one of the applicants.

COMMISSIONER SULLIVAN: We don't let the applicants vote.

MS. ROMERO: No, of course not, Mr. Chairman, Commissioners. I'm trying to follow along where you are.

MR. ABEYTA: Mr. Chairman, I believe it's Member John Paul Romero, who's on the CDRC.

COMMISSIONER SULLIVAN: Who's on the CDRC. And then who is Chair Gallegos?

MR. ABEYTA: Mr. Chairman, I believe that Brian Gallegos. Louis Gonzales is the Chair, but Gallegos is a member of the CDRC. Maybe he was sitting in for the Chair in that. Maybe he's the vice chair. I don't know.

COMMISSIONER SULLIVAN: I don't see Mr. Gallegos voting. It says Members Anaya, Bassett and Romero voting for and Members Dayton and Holian against. I'm a little unclear as to who was voting on the CDRC here. Do we—

MR. ABEYTA: Mr. Chairman, the minutes aren't clear. They talk about Member Gallegos and then it talks about Chair Gonzales and then back to Chair Gallegos so I'm not clear. I don't know if Audrey remembers.

MS. A. ROMERO: Mr. Chairman, Commissioners, the chairperson for that day was Louie Gonzales.

COMMISSIONER SULLIVAN: And he didn't vote?

MR. ABEYTA: Mr. Chairman, it's my understanding that at the CDRC and EZC, the different committees the chair won't vote, or sometimes will choose not to

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vote unless it's the case of a tie.

COMMISSIONER SULLIVAN: But don't they come under the County rules, apply to all committees is that the Chair votes.

MR. ABEYTA: Mr. Chairman, they maybe do. I don't know what the rules say regarding the lower committees.

COMMISSIONER SULLIVAN: I just wanted to make sure that the reporting of the vote at the CDRC wasn't incorrect. I'm confused on the names but there was a vote in favor, a 3-2 vote in favor. Are we pretty comfortable that that's what happened?

MR. KOPELMAN: Mr. Chairman, I wasn't at this meeting so I'm really not able to tell you whether this vote was done appropriately. I assume it was. They have counsel at those meetings and so I presume that it was done appropriately but I can't verify that.

COMMISSIONER SULLIVAN: Well, I'm just asking because it says in response to the applicant's assertion that there was ample water on the property, Chair Gonzales said, "Without a geo-hydro report there is no way to prove that." This is reminiscent of what we just went through. So I would assume that Chair Gonzales, Gallegos, rather, would have voted against, if there were six people there, and then it would have been a 3-3 tie. I don't know.

MR. KOPELMAN: Mr. Chairman, you make a good point. I think that in any case, because it's a request for a variance, that would only be a recommendation to this Commission anyway, and so the Commission is going to have to vote on this independently. It wouldn't even be appealed from the CDRC. It's an appeal from the decision made by the Land Use Administrator. I guess it's an appeal/variance, right?

COMMISSIONER SULLIVAN: So we think for some reason the Chair didn't vote on this.

MR. KOPELMAN: We'll check into that but I'm not sure that it's even that material other than if you want to know exactly how they all-what their opinions and recommendations were.

COMMISSIONER SULLIVAN: I was just trying to get a feel for what the CDRC's recommendation was. Are there any other questions of staff? Is the applicant here? Would you please be sworn in by the Clerk?

[Duly sworn, Eleanor Gonzales testified as follows:]

ELEANOR GONZALES: My name is Eleanor Gonzales. I live at 292 Ojo de la Vaca.

[Duly sworn, Ernest Romero testified as follows:]

ERNEST ROMERO: My name's Ernest Romero. I live at 745 Riverside.

[Duly sworn, Carlos Romero testified as follows:]

CARLOS ROMERO: I'm Carlos Romero, 709 Dunlap.

COMMISSIONER SULLIVAN: Go ahead. State whatever you'd like in support of your application.

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MR. E. ROMERO: We came before the other Commission stating that we want to subdivide the property amongst the siblings. And like you all said, the hydrologist reports and everything and so forth, I advised the Commission that I myself, I work for the City, I cannot afford a hydrologist and if we subdivide the property I can take out a loan against that and put a well and have that test done my own way.

COMMISSIONER GONZALES: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I was just going to ask you, is there a community water system located in this area? Isn't there one there in Glorieta? Or is that—

MR. E. ROMERO: That's the Glorieta Conference that has their own system but the reports that I gave to Audrey, the wells in the area are producing 20 to 40 gallons a minute, depending on the site. There is water in the area. There is a hand-dug well there that's been there for a long time that's 25 feet when we hit water and it's dug down to 30 feet. That was supplying our livestock at that time.

COMMISSIONER GONZALES: Is there not a way that the four siblings can split the cost of a hydro?

MR. E. ROMERO: I have financial problems. My siblings have problems too and if we were to put a well, who would get stuck with that well on that property? Because according to the court decree that we have from our parents stating that we have to draw lots for that piece of property and so forth.

COMMISSIONER GONZALES: But if that's the only way to make sure that you guys get the property, what other—you couldn't do it? You'd have to stay with the one lot right now?

MR. E. ROMERO: If it couldn't be subdivided it would probably be sold and it would probably be sold to somebody with more money and put a development there.

[Duly sworn, Angel Romero testified as follows:]

ANGEL ROMERO: Actually, I have a comment on that. My name is Angel Romero. I am Ernest Romero's daughter. I live on 2284 Henry Lynch. The property cannot be sold out of the family due to a court order signed by Michael Vigil. If it is sold it must be sold all in one piece and if it is sold, it would probably be sold to somebody who would develop it into several lots for either renting or property. But at this point—

COMMISSIONER GONZALES: You know, can I just correct you on a point? Because you know, this property, where it's located, the Code doesn't allow for it to go lower than 40 acres—is that right?—20 acres for a family transfer. So whoever you would sell it to would not be allowed to develop it further. The consideration here for you is because your family and you're trying to figure out a way to keep it but—

MS. ANGEL ROMERO: My understanding from speaking with Michael Vigil, the judge, he said that that's probably what would happen. I'm not sure if that's true. But I'm coming to testify to you today to do this because I'm testifying on my dad's behalf. This land is going to be, his half is going to be for me. Last year I was diagnosed with multiple sclerosis. I do not know how long I'll be able to work and it wasn't my plans

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to be on that property; my plans were to buy a home but not knowing how long I would be able to be in the work force, that's not a good idea and to be able to go to a land that we already have would be ideal for me.

Right now I am renting space which is totally ridiculous when we have 33.22 acres sitting out there for how many years.

MR. E. ROMERO: It's probably been generations. It's been subdivided to other siblings amongst my father, grandfather, whatever. But it's still, family tracts are still there. Even less than 40 acres. There's five acres [inaudible]

MS. ANGEL ROMERO: So this whole property we're talking about, even the lots that are next to us, belong to distant cousins because this has been a big huge land and it's been in our family for generations and generations. But right now the ideal thing would be for us to be there because we are spending money that we don't need to be spending. The only money I do have is saved for a well, to dig a well if we are approved. We've been doing, trying to split the property since 1994 when we had to take it before district court to have it split up into four sections and divide it that way.

So it's been a long, long process and like I said, now that I was diagnosed I really would like to get there so I can settle and be comfortable knowing that me and my family are taken care of in the future.

COMMISSIONER GONZALES: So the court, Mr. Chairman, the court didn't create the four lots in their order?

MR. C. ROMERO: It's ordered.

COMMISSIONER GONZALES: The court ordered that the four lots be split?

MS. ANGEL ROMERO: Yes. The way it was drawn up by the attorneys at that point, the 33, and it reads—let me just find that area. It says, "The property to be surveyed into four separate parts and that Lucille Duran get one fourth of the property consisting of the arroyo and the other three parcels to go to the other three children, Ernest Romero, Eleanor Gonzales, Carlos Romero, will draw lots for who gets those particular parcels. So it needs to be, as a court order, that's the way it's supposed to be broken up.

COMMISSIONER GONZALES: Mr. Chairman, can we ask just for a couple minutes for this. Because I don't know. That brings an interesting twist into this if the court orders it. I would assume that the court supercedes the County in—

COMMISSIONER SULLIVAN: Well, I wouldn't think the court supercedes the County's Land Use Ordinance.

COMMISSIONER GONZALES: Really?

MS. ANGEL ROMERO: I had the same questions. I had to go to district court and find out and it just basically went around in circles. So that's why we're before you today.

COMMISSIONER SULLIVAN: Well, our counsel is taking a look at your order there and we'll see if we can get Commissioner Gonzales' question answered. Let's leave that issue aside for a moment about the court order and is there any other points that

you'd like to bring forward.

MS. ANGEL ROMERO: I can't speak on behalf of what the other parcels will be done with but—

MR. C. ROMERO: Regarding this property, I was not aware about the clause that it would have to be sold to other family members and this throws a big kink into what could happen with this land. Bottom line is a bank probably will not lend money to someone that has this property because how's the bank going to get their money back if they lend money against this property. If it was split.

And that's just put to the side. But right now, as it stands, we can't borrow anything against this land to build a house, to buy a house, whatever. It's in all four of our names. Now, as far as water. I mean, gosh, Glorieta Estates is our neighbor. They have 2.5-acre tracts all the way up to about 8-acre tracts. We have a neighbor within our property boundary with five-acre tracts. I don't know if you have a copy of the plats, whatnot. They were lucky enough to do this, I guess before these ordinances were made as far as homestead area or whatever you guys were calling it.

And I can honestly believe, and I know and I'm sure once you guys would see the property, we have ponderosas, piñons, heavily forested lands. Nowhere near the same shape that North Fork is in. There's literally another hand-dug well on the neighboring property that's probably about ten feet deep. I've never seen it go dry. Bottom line is, I don't hold out much hope for this division. This was kept in our family. My great grandmother homesteaded this land. It's passed on to my grandfather and his brothers and then trickled down to us.

One house, 32 acres, my God, I'd believe that maybe out in Madrid or out some place like that. You guys know what Glorieta looks like, I hope. It's beautiful out there. A lot of water and that's just my feeling. Like I say, I don't hold out much hope after hearing what happened with the other people before us but basically, we're going to have some useless land. We can't sell it outside the family so it's going to sit there vacant. Thank you.

COMMISSIONER SULLIVAN: Okay. Is there anyone else? Did you want to say anything?

MS. GONZALES: Just basically, just the same that what my brother said. There's Glorieta Estates there. There's other properties there that are five-acre tracts that they've subdivided probably before this. Like he basically said it's useless to us if we can't subdivide. We'll just end up selling it. We'd all have to sell it. The whole thing. That's what it comes down to.

COMMISSIONER SULLIVAN: Mr. Kopelman, did you have some insight no Commissioner Gonzales' question?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, maybe you could repeat—I was reading that—

COMMISSIONER SULLIVAN: It was about that document.

COMMISSIONER GONZALES: I wanted to know about the court order, if

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the court order in fact created the lots or if they ordered that the lots be created or what.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, it appears, it's somewhat ambiguous. What it says is that they moved the court for ex parte order granting leave to divide the subject property among the four heirs as tenants in common and then leaving it to them to specifically divide the property into four tracts. So it's not really—

COMMISSIONER GONZALES: Can the district court though create lots over the County?

MR. KOPELMAN: Well, we've encountered that situation on a few occasions and I think that it's somewhat unsettled because the issue has come up that the court, for example in a divorce petition orders a lot to be split, we've had problems because they create a dry lot where there's no well and there's no water. So I'd almost suggest that they go back to Michael Vigil and ask for more specificity but it doesn't appear to actually divide it. It directs them to do it. Seems to give them the authority to do it but it stops short of actually saying This order hereby creates four lots. It doesn't go that far.

COMMISSIONER SULLIVAN: Okay, are there any persons in the audience who would like to speak in favor, additional persons in favor of, or in opposition to this project? To this split? Seeing none, then what are the wishes of the Commission?

COMMISSIONER GONZALES: Mr. Chairman, just before I make my motion, just a message to the family again. I'd love to help but we need help from you, which means we need something to base some type of decision on. There are methods that the hydrologist has accepted, geo-hydro, and they've also accepted reconnaissance reports, which are modified geo-hydro reports which aren't as expensive as regular geo-hydros. I would encourage you to talk to them and see what options you have.

But what I'd like to do is the same thing, is to table this and grant 90 days for the—

MR. E. ROMERO: The thing is I can't afford to drill a well anywhere in that basin [inaudible]

COMMISSIONER GONZALES: Mr. Romero, do you know what the cost of—

MR. E. ROMERO: The cost, I sunk a dry hole in Glorieta Mesa. It cost me \$10,000.

COMMISSIONER GONZALES: It cost you \$10,000 to drill a dry hole?

MR. E. ROMERO: Six hundred feet, a dry hole [inaudible]

COMMISSIONER GONZALES: Do you know what a reconnaissance costs? It's nowhere near what a geo-hydro test is.

COMMISSIONER SULLIVAN: Okay, let's—we've got a motion—

COMMISSIONER GONZALES: The motion is to allow for 90 days to allow for the family to go back and figure out how they can provide some type of report, or get clarification from the judge. If the judge wants to order the split, I'm assuming the attorney said he can order the split and we'd have to consider it at that point, but allow this to come back in 90 days with some type of—

MR. KOPELMAN: This was just the motion that I saw. I found no order signed by the judge. I haven't seen any order signed by the judge though.

COMMISSIONER GONZALES: I would state for clarification if we determine that the order does in fact grant the lots, then I don't think that there's an issue before the Commission. Your lots will be granted, I'm assuming. So in an effort to move, we're going to give you some options. If that order actually creates the lots, and the attorneys determine that we don't have any jurisdiction on that order, then that order stands. You have 90 days to try and work it out as a family to come up with some type of independent report to bring to the Commission that shows that there's some type of water supply in your area, and you can come back to the Commission and ask for your variance at that point. But to grant a variance, to grant your splits now without any type of water report would completely blow up the Code in terms of how we deal with everybody else. It's a tough situation. I personally want to help. We just need to see something that shows where we can help.

MR. E. ROMERO: I personally think the order—

COMMISSIONER GONZALES: It will allow for them to look at it—

COMMISSIONER SULLIVAN: Okay, if I understand, let me see if I can summarize the motion here, Commissioner Gonzales. Your motion is to table with 90 days for the applicant to perform either a modified or a regular geo-hydro, or to get some legal clarification, which would be reviewed by the County Attorney and then reported back to the Commission for decision. Is that the essence of your motion?

COMMISSIONER GONZALES: That's the essence and that if the attorney though, determines that the court actually ordered it, then I'm not sure why it would be brought back.

COMMISSIONER SULLIVAN: Unless he felt it still felt it had to be brought back.

COMMISSIONER GONZALES: If that can't happen, I'm assuming that the courts can decide whatever they want.

COMMISSIONER SULLIVAN: We'll see what comes of that, but that's the direction to the staff as well as the option available for the applicant. It's a fairly complicated motion, but is there a second?

COMMISSIONER TRUJILLO: Second.

COMMISSIONER SULLIVAN: We have a second, a simple second. We have a motion and a second. Is there discussion by the Commission?

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, just a comment. I would doubt that the district court would have authority to tell a county to violate the Code and divide a piece of land that doesn't meet with the Code. If the courts are doing that I think it's up to us to challenge that?

COMMISSIONER GONZALES: You're going to challenge Michael Vigil?

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COMMISSIONER SULLIVAN: Further discussion?

COMMISSIONER GONZALES: If Judge Vigil is watching, it was Campos who said that?

COMMISSIONER SULLIVAN: Further discussion by the Commission? All those in favor of the motion say "aye." [Unanimous] Those opposed? Motion carries.

- XII. B. 7. CDRC CASE #A/V 02-5991. Sharon Martinez Appeal Variance. Sharon Martinez, applicant, is appealing the Land Use Administrator's decision to deny a two-lot family transfer land division of a 1.045-acre tract, which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located off County Road 84G in the traditional community of Nambe, within Section 10, Township 19 North, Range 9 East (Commission District 1)**

MS. ROMERO: On March 12, 2002 [sic] the County Development Review Committee, CDRC met and acted upon this case. The applicant is requesting a variance of the lot size requirements of the Land Development Code in order to allow a two-lot family transfer land division of a 1.045-acre tract. One lot would be .35 acres and the other lot would be .67 acres. The property is located in the traditional community of Nambe. Article III, Section 10 of the Land Development Code states that minimum lot size in this area is .75 acres per dwelling or .33 acres with community water and sewer.

The applicant states that the property needs to be divided so her sister, Cindy Lujan, can have her portion of the property and they can have property under their own names for inheritance purposes. There are currently two mobile homes on the property. The applicant is requesting the property be divided so the applicant can have ownership of two-thirds of the property with the remaining one-third going to her sister. The two homes are serviced by the same well.

On September 22, 1995, Sharon Salazar was issued a permit for placement of a mobile home. On April 24, 1997, Cindy Lujan was given approval from the County Development Review Committee for a variance of lot size to allow placement of a second home with the condition that the septic system be a vaulted system. On May 1, 1997, Cindy Lujan was issued a permit for placement of a second mobile home from the County upon proof of a septic permit from the Environment Department for a vaulted system. Due to the maintenance expense of a vaulted system, Ms. Lujan elected to install a conventional system with a leach field which was not approved by the Environment Department.

The applicants intend to seek updated septic permits from the Environment Department to allow both septic systems. The applicant states that both homes are accessed off a shared driveway.

Staff recommends denial of the appeal and variance based on Article III, Section 10 of

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the Land Development Code which states the minimum lot size in this area is .75 acres per dwelling. The decision of the CDRC was to deny the request for this variance. If the decision of the Board of County Commissioners is to approve, staff recommends conditions attached as Exhibit F. Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: We'll enter those conditions into the record.

[The conditions are as follows:]

1. The applicant must follow all other family transfer regulations.
2. Water use shall be restricted to 0.25 acre-feet per lot. Water restriction covenants shall be recorded with the plat. A water meter shall be installed for each lot.
3. No further division of this land shall be permitted, and this shall be noted on the plat.
4. Applicant must submit a shared well agreement with family transfer plat.
5. Existing driveway to serve the existing residences.
6. Applicant shall provide approved Environment Department permits for both septic systems prior to plat approval.

COMMISSIONER TRUJILLO: So, Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: So, what you've told us is there are two existing houses, mobile homes in that piece of land, right?

MS. ROMERO: Mr. Chairman, Commissioner Trujillo, that is correct.

COMMISSIONER TRUJILLO: And the essence of the request is to appropriate ownership for two siblings on a family transfer, right?

MS. ROMERO: Mr. Chairman, Commissioner Trujillo, that's correct. I think it was granted to them by their grandmother.

COMMISSIONER TRUJILLO: Can you tell me, in that area, what the—the minimum lot size is, in a traditional community is .75, $\frac{3}{4}$ of an acre, but in the immediate area that we're talking about, do you have a perspective of how the land has been divided or broken up? Because I remember about six months or a year ago, we approved, this Commission approved a family transfer on an existing mobile home of about a third of an acre. It had an existing well and a connected septic tank with a leach field. So in this immediate area I think that de facto, the lots are below the minimum $\frac{3}{4}$ of an acre in size.

In a traditional community that's not unique. It happens all the time.

MS. ROMERO: Mr. Chairman, Commissioner Trujillo, I'm not sure if I understand your question exactly but .75 is the minimum lot size in the traditional community. As far as anything being smaller than that, we do run into the issue of the Environment Department only allows one septic system for .75 acres.

COMMISSIONER TRUJILLO: That's correct.

MS. ROMERO: So they are limited by that.

COMMISSIONER TRUJILLO: But I thought, Roman, in the immediate area, there are de facto, there are lots below the .75 minimum lot size with septic tanks and leach fields. Is that correct? And they have gotten permits from the EID to that effect.

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, I would agree with you that there probably are and I know that the Environment Department, they have their own process for granting septic systems, such as if the lot was created prior to a certain date, they'll grant you a septic permit. And then they also have variance procedures for their septic tank permits. So I would agree that there probably are lots that are less than $\frac{3}{4}$ of an acre and that would have septic systems. But there's probably several different reasons why.

For example, one could be because those lots were created before the $\frac{3}{4}$ -acre minimum went into effect in 1981.

COMMISSIONER TRUJILLO: Thank you.

COMMISSIONER SULLIVAN: Are there any other questions of Audrey? If not, would the applicant come forward and be sworn in by the County Clerk please.

[Duly sworn, Sharon Martinez testified as follows:]

SHARON MARTINEZ: My name is Sharon Martinez. I live on County Road 84G.

[Duly sworn, Cindy Lujan testified as follows:]

CINDY LUJAN: My name is Cindy Lujan, County Road 84G, driveway 77.

COMMISSIONER SULLIVAN: Go right ahead. Just feel free to present anything that you feel would be of—

MS. MARTINEZ: I'm very nervous and very tired.

COMMISSIONER SULLIVAN: Take your time and present anything you feel would be of importance to the Commission to consider.

MS. MARTINEZ: I feel it's really important to do, to separate the land. Currently, it's all under my name. The one-third portion rightfully belongs to my sister and I feel it's really important that we take care of this now other than leave it for the future when our children have to deal with it. My sister is entitled to her portion and I want to give her what's rightfully hers.

MS. LUJAN: Basically, what she said. The same.

COMMISSIONER SULLIVAN: Are there any questions of the applicant? Is there anyone who would like to speak in favor or in opposition to the request for the family transfer? Hearing none, what's the wishes of the Commission?

COMMISSIONER TRUJILLO: Mr. Chairman, I move for approval of CDRC Case A/V 01-5591, Sharon Martinez, that that lot be split into two lots as a family transfer.

COMMISSIONER GONZALES: Second.

COMMISSIONER SULLIVAN: There's a motion and a second. Is there further discussion?

COMMISSIONER CAMPOS: The CDRC recommended against the variance. That's one of the few they've ever done that I remember.

COMMISSIONER TRUJILLO: No, they've done it before.

COMMISSIONER CAMPOS: Have they?

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COMMISSIONER TRUJILLO: It is at the discretion of the Commission to make the recommendation that they deem necessary.

COMMISSIONER CAMPOS: I understand.

COMMISSIONER SULLIVAN: Any further discussion? Those in favor of the motion say "aye." [Commissioners Trujillo and Gonzales voted with the motion.] Those opposed. [Commissioners Campos and Sullivan voted against.]

The motion is tied. That means we need to move this item to the next Commission meeting when we have a fifth member. So your request is neither approved nor denied and it will be taken up again at the next land use Commission meeting, which will be—do we have the date of that? April 9th. Same date of the election we have a meeting?

MR. KOPELMAN: Mr. Chairman, it appears so.

COMMISSIONER SULLIVAN: Okay. I'm sorry you've had to wait this long but that is the Commission's rules. So it will be taken up again on April 9th when the Commission has its fifth Commissioner here to break the tie. Thank you for your appearance.

XII. B. 8. EZ CASE # S 01-4680 Tano Bonito. Robert Fisher, applicant, Design Engenuity, agent, request preliminary and final development plan and plat approval for a 6-lot residential subdivision on 15.1 acres. The property is located off Camino Ladera in the Fin del Sendero neighborhood, within Section 4, Township 17 North, Range 9 East and Section 33, Township 18 N, Range 9 East, within the 2-Mile EZ District

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman. On February 21, 2002, the EZC met and acted on this case. The property is located within the Basin Fringe Hydrologic Zone where the minimum lot size is 12.5 acres with water restrictive covenants. With proven water the minimum lot size could go down to a minimum of 2.5 acres. The applicant has submitted a geohydrology report and is proposing lot sizes of 2.5 acres and greater.

This project was reviewed for access, water, fire protection, liquid and solid waste, terrain management, landscaping and open space, traffic and archeology.

Recommendation: This application is in accordance with the Extraterritorial Subdivision Regulations. Staff's recommendation and the decision of the EZC was to recommend preliminary and final development plan and plat approval for a 6-lot residential subdivision on 15.1 acres subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

COMMISSIONER SULLIVAN: Yes.

[The conditions are as follows:]

1. Development Plan & Plat with appropriate signatures must be recorded with the County Clerk's office.

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2. All redline comments must be addressed.
3. Water use is restricted to 0.25-acre foot per year per lot. Water restriction covenants must be recorded by the applicant with the Plat. Each lot must install a separate water meter and report water meter readings to the County Hydrologist annually by February 28th of each year.
4. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
5. All lots must share one well. A shared well agreement, approved by the County, must be executed prior to plan recordation. The plat must indicate shared well easements.
6. The well must be completed as shown in Figure 2 of the geohydrological report.
7. Road names and addresses must be approved by Rural Addressing.
8. Cul-de-sac and island within the cul-de-sac must be approved by the County Fire Marshal.
9. All utilities must be underground.
10. A detailed signage plan must be submitted for review and approval prior to final plat recordation.
11. The applicant must submit solid waste fees as required by the subdivision regulations.
12. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
13. The applicant must submit an engineer's cost estimate and financial guarantee for all required improvements (i.e., street and traffic signs, park amenities, 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 engineer that improvements have been completed according to the approved development plan.
14. 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
 - g) County Fire Marshal
 - h) County Public Works
 - i) County Archeologist

COMMISSIONER SULLIVAN: Are there questions of Ms. Lucero from the Commission? No? Would the applicant's agent then like to make a presentation?

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

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ORALYNN GUERRERORTIZ: I'm Orallynn Guerrerortiz with Design Enginuity, P.O. Box 2758, Santa Fe, New Mexico. Hopefully, it is one of your easier cases this evening, gentlemen. It's a six-long subdivision in the Fin del Sendero area. Thirty percent of the land is going to be set aside as open space. The lots will have a shared access and a shared well. They're restricted to a quarter acre water restriction. Alamo Creek passes through the property. It's commonly used as a walking path in that neighborhood and we've gone ahead and dedicated a public pedestrian easement.

The homes will have fire suppression systems. It seems that we have no opposition here tonight. I hope that's true. I've got some letters from some folks who are supporting the project that live adjacent to it. We have another gentleman who's in bed already that was going to come tonight but unfortunately he couldn't stay up so late. I'll stand for any questions. We agree to all conditions.

COMMISSIONER TRUJILLO: Mr. Chairman.

COMMISSIONER SULLIVAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Orallynn, did the property owner participate in the upgrade of Fin del Sendero, that road?

MS. GUERRERORTIZ: No, he did not. What he's done is contributed money to a local organization that wanted some money for preparing, doing some maintenance on the roads and he's agreed that if they can all get together and decide who's going to maintain those roads, he'd like to be a part of that, if they can come to some equitable agreements. It's for his benefit as well as the neighborhood.

COMMISSIONER TRUJILLO: This is right next to the Mariposa?

MS. GUERRERORTIZ: No, it's up the hill. It's up Fin del Sendero, at the very end, just as it turns to go towards Tano Road. So it's really at the corner, if you brought Tano Road and Fin del Sendero all the way up, he's at the corner.

COMMISSIONER TRUJILLO: Okay.

COMMISSIONER SULLIVAN: Orallynn, I have a question about paragraph 17 of your disclosure statement, under water availability, the last sentence. You say water use on each lot must be metered and metering results provided to the County of Santa Fe if and when asked.

MS. GUERRERORTIZ: That was standard language for years and I think they've actually now started to say, as of January 1st. I suspect I'll get a redline requesting that change. We have no problem modifying it.

COMMISSIONER SULLIVAN: I wouldn't want to give any lot owner the idea that this was a voluntary thing. The condition is that, I believe the results have to be submitted annually and on the 1st of January, isn't it?

MS. LUCERO: Mr. Chairman, actually there's a condition, condition number 3 on staff's and EZC's recommendation that requires them to submit reports on February 28th of each year. So we can change that in the disclosure statement.

COMMISSIONER SULLIVAN: I don't want the onus to be on the County to have to request those reports. Those should be submitted automatically to the County

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Hydrologist.

MS. LUCERO: We can change the disclosure to where it's consistent with that.

COMMISSIONER SULLIVAN: The other question I had is how far is this subdivision from a municipal water line?

MS. GUERRERORTIZ: Sir, well, Las Campanas of course has some water lines. La Mariposa doesn't. It's on the order of three or more miles. I don't have a clue, frankly, exactly. As the crow flies, I would guess probably about three miles.

COMMISSIONER SULLIVAN: So you feel we're not in an economical range—

MS. GUERRERORTIZ: Not for a six-lot subdivision, sir.

COMMISSIONER SULLIVAN: For a six-lot subdivision, since we couldn't even get a 1500-foot line, I guess we're not in an economic range, huh? Okay, moving right along. Further questions of Ms. Guerrerortiz? Seeing none, are there any persons in the audience who would like to speak in favor of or against the proposed, against the request of EZ Case 01-4680? Seeing none, what are the wishes of the Commission?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER SULLIVAN: There's a motion and a second on the floor. Is there discussion?

COMMISSIONER CAMPOS: With conditions?

COMMISSIONER GONZALES: With the conditions and the clarification that was made concerning the Chair's remarks.

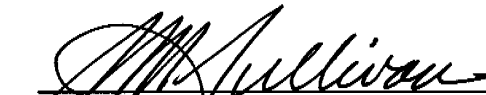
COMMISSIONER SULLIVAN: With the staff imposed conditions and the clarification on the disclosure statement. All those in favor of the motion say "aye."
[Unanimous] Those opposed say "no." Motion carries.

2120558

ADJOURNMENT

Vice Chairman Sullivan declared this meeting adjourned at approximately 10:38 p.m.

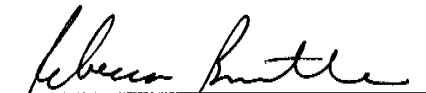
Approved by:

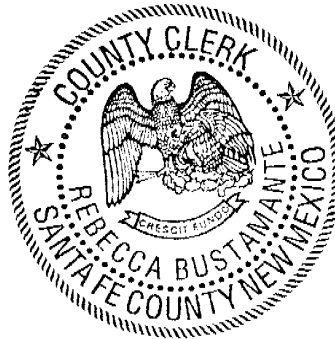

Board of County Commissioners
Jack Sullivan, Vice Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

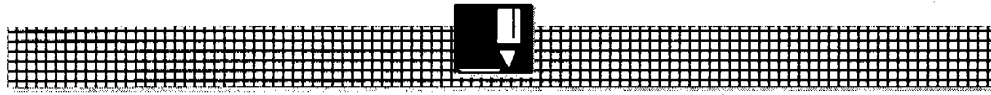
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

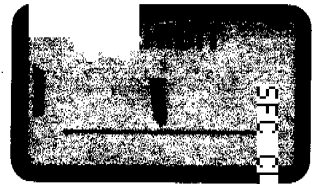


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) SS
I hereby certify that this instrument was filed
for record on the ____ day of ____ A.D.,
20 ____ at ____ o'clock ____ m
and was duly recorded in book ____
page ____ of the records of
Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Deputy

DESIGN ENGINUITY



P. O. Box 2758, Santa Fe, New Mexico 87504
(505) 989-3557 FAX (505) 989-4740
E-mail DESIGNENGINUITY@prodigy.net



SFC CLERK RECORDING 08/17/2004

March 12, 2002

2120559

Board of County Commissioners
Santa Fe County
Land Use Department
Santa Fe, New Mexico 87501

RE: Tesuque Creek Subdivision

Dear Commissioners,

The Tesuque Creek Subdivision is scheduled to be heard today by the BCC. At this time there is still some neighborhood concern with regards to previous work by the developer. We have tried to meet prior to the BCC meeting, but were unsuccessfully. We are now tentatively scheduled to meet with the neighbors on March 19. We therefore respectfully ask our project be tabled in order for us to have more time to discuss with the neighbors' their concerns

Sincerely,

Orallynn Guerrerortiz, PE

Agua Fria Village Association

Ramon Romero,
acting President

Ortencia Gonzalez,
Treasurer

Tamara Lichtenstein,
Secretary

Paul Duran,
Board Member

Santa Fe Board of County Commissioners
102 Grant Avenue
Santa Fe, NM 87501

March 5, 2002

2120560

RECORDER RECORDING 08/17/2004

Dear Commissioners,

On behalf of the Agua Fria Village Association, I am writing to express our concern regarding the recent reconstruction of the entrance to historic La Junta del Alamo Road from Agua Fria Road. What has been built does not conform to plans shown the public (a copy of that plan is attached to this letter).

La Junta del Alamo is a public road under Santa Fe County jurisdiction; it is coded as CR 61 F. It is also the small, northernmost surviving section of a branch of the historic Camino Real trail network known as El Camino del Alamo; its intersection with Agua Fria Road is the junction of these two sections of the historic network. Its use predates current property ownership of neighboring parcels. Nevertheless, according to County Public Works staff, the non-resident owner of a neighboring parcel has persuaded staff to redesign the intersection of La Junta del Alamo and Agua Fria. The redesign is narrower and less adequate than what existed prior to the Agua Fria road and utility project.

The intersection has historically been a "Y" shape. Not only has the entrance of La Junta del Alamo been narrowed, but the curved alignment which accommodated turning movements in and out has been replaced with a right-angle. The reconfiguration creates another angle at the intersection of La Junta del Alamo with the entrance to the neighbor's driveway; it appears, in fact, that the neighboring property owner has been given a driveway cut from Agua Fria in alignment with his driveway, while the public road has been attached at an angle to this driveway. (See attached sketch). The distance between the Agua Fria driveway cut and the neighboring property is so short that many vehicles attempting to enter the small public roadway cannot make the turn in a single forward movement.

As a result, drivers attempting the hairpin right turn movement from Agua Fria into La Junta del Alamo are faced with these choices: first, swing left into the lane of oncoming Agua Fria traffic to obtain sufficient turning radius; or swing partly into La Junta del Alamo, then back up into traffic to change vehicle orientation, then move forward again; or, enter the adjoining property owner's driveway, which is in a straight line from the intersection's driveway cut; or have the rear tires of one's vehicle climb the curb because the driveway cut is too narrow.

The original plan showed a bell-shaped opening approximately 25 feet wide, with curb, gutter and asphalt; the redesign is a simple driveway cut approximately half that width, with no curb, gutter or pavement-- it accommodates the neighboring property owner's tenants, but not those using the public roadway. Given that the large neighboring parcel has frontage on both Agua Fria and La Junta del Alamo, with simple wire fences around it, we don't understand why the public's historic use of the entrance must be secondary to the use of the neighboring property owner; it would require very little adjustment to his driveway alignment to create a safer intersection.

In fact, the original plan appears to show a separate driveway cut from Agua Fria for this property, to the east. That has not been built. Why? Another alignment, appearing on the plan to the west, was discarded because engineers wanted to use that to relocate the historic road-- this was not acceptable to us for historic and safety reasons. The original historic alignment, containing utilities, would have been converted to the neighboring private property and the original historic road entrance would have been converted entirely to the owner's private driveway. If engineers wish to minimize the number of driveway cuts onto Agua Fria, as we have been told by a County engineer, there remains frontage onto La Junta del Alamo for the affected property owner.

The negative effects of the current design impact not only the ten residences accessed from La Junta del Alamo, but potentially all traffic on Agua Fria Road itself. In normal circumstances this road carries over ten thousand vehicles per day. The potential for serious accidents, from rear-end collisions to head-on collisions involving vehicles attempting to exit Agua Fria into La Junta del Alamo, is of serious concern to us.

The public has been shown no plans for the redesign. We do not understand why the change was made without consideration for public safety. We want to know who authorized the change and if members of the BCC received all relevant information, or not.

We hereby request that the intersection be reconstructed to the original design or to a similar design which adequately accommodates the turning radius of vehicles eastbound on Agua Fria turning right into La Junta del Alamo. This design should conform with historic use of the road.

In addition, we want to know what the reconstruction will cost? Who will pay for the error? Residents of La Junta del Alamo alerted County staff and officials about the problem *before* contractors poured the driveway cut and *before* the Agua Fria roadway was paved, in an attempt to get it rectified at the design stage rather than see materials and labor wasted. We are concerned that project managers went ahead and wasted the public's money even *after* it was made clear that the historic and safety issues we'd raised had not been adequately addressed, and even *after* we'd received reassurances that they would be addressed.

As a result, we are very concerned about the accountability of project managers to our elected representatives and to the public these representatives serve. What can be done to avoid such problems in the future? What measures can be taken, in house, to improve accountability?

We await answers to these questions in due time, but most immediately we await correction of the La Junta del Alamo/Agua Fria intersection as quickly as possible. Just yesterday, as I drove behind one of my neighbors, I noticed that he was forced to swing into the oncoming lane on Agua Fria to turn into La Junta del Alamo. His vehicle isn't large. He has three children. This family's health, welfare and safety are put at risk every time they must make such a maneuver to get home. It is urgent that the problem be fixed *before* Agua Fria is reopened to commuter traffic.

Very truly yours,

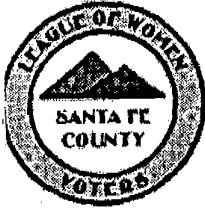
Copy - AFVA

Ramon Romero,
acting president for the Agua Fria Village
Association

cc: State Senator Nancy Rodriguez
Santa Fe County Attorney Kopelman
Santa Fe County Manager Lopez

2120562

- for aerial photo,
1992,
see Martha Gallegos
in Land Use
- ask for T17N, R9E,
Section 31
- see bottom southeast
portion
- note that the "triangle"
area of property has
lost grass due to
vehicles parking in the
area; note that the
public use of the
historic alignment is
well-established.



LEAGUE OF WOMEN VOTERS OF SANTA FE COUNTY

621 Old Santa Fe Trail, Suite 10 • Santa Fe, New Mexico 87501
Phone/Fax: (505) 982-9766 • email: lwvsfc@ix.netcom.com

March 12, 2002

2120563

Dear Commissioners:

Thank you for the opportunity to address you today on the proposed county GRT ordinance. I would especially like to thank Commissioner Campos, Estevan Lopez and Katherine Miller for meeting with the League of Women Voters' board to discuss the proposal.

As you know, a recent survey showed that water is Santa Feans' number one concern. To that end, the League feels that you, the county leadership, will have a better chance of convincing voters to approve the proposed tax increase if you guarantee that the bulk of the funds will pay for water projects.

The League is also more likely to publicly support the ballot measure and to work for its passage if we believe water-related projects are your highest priority.

We see a few shortcomings with the proposed ordinance as it is currently drafted.

Please go to Section 4. Dedication. Sub-subsection lowercase a says the funds will be used for "acquisition, construction or improvement of water, wastewater or solid waste systems or facilities and related facilities," etc.

There is an unfortunate oversight here. Please refer to your copy of the ballot measure. It states that the funds will be used for, and I quote, "enhancing and preserving the region's water resources, aquifers and watersheds through acquisition, construction and improvement of water supply and wastewater systems and facilities."

Absent in the proposed ordinance is any reference to acquiring water rights although the ballot measure clearly states such acquisitions as a primary purpose of the tax. I am sure this is inadvertent but it needs to be corrected.

Now please go to Section 5. The first sentence is fine. After that, we have problems with this section.

In the second sentence is a clause that reads, "no less than 75 percent of the revenues generated hereunder shall be dedicated to water and wastewater projects." Amen! That's what we want. But the stuff that comes before that clause and then the sentence after it in our opinion have got to go.

Moreover, we think that language should be added that clarifies that the 75 percent is of the total tax collected, not 75 percent of the 75 percent that's supposed to go to water, open space and roads.

Let's look at the sentence that follows: "Specifically, revenue generated during such five-year period shall be used to help fund the following projects." You've just told us that no less than 75 percent will be used for water and wastewater projects but among the projects you list specifically are the Santa Fe Rail Trail Project and open space improvements. These are NOT water projects. We suggest that only projects A through E be listed as specific examples of water projects that the 75 percent will pay for. And while you're at it, you need to add a new letter F that says the revenues will also be used to acquire water rights. You forgot it again here.

Let those other items on the current list be paid for with the remaining 25 percent of the total.

The final part of this section that concerns us is the reference to "five years." It's made twice. We believe that limiting the time period to five years is very shortsighted. Instead, we propose wording such as "until needs are met." Then you can revisit the ordinance once our water problems are resolved.

In case you wonder how we'd like to see Section 5, I have a copy with our proposed wording for this section only.

I want to close by reiterating that we believe you have a better chance of convincing voters to approve this tax if they are assured that three-quarters of the revenues will pay for water projects. Our proposed changes, if approved, have that guarantee.

Melissa Rigg, President
League of Women Voters of Santa Fe County

Section 5. Specific Projects and Expenditures. Expenditure of revenue generated hereunder shall be used for projects in Santa Fe County both within and outside the incorporated boundaries of the City of Santa Fe. Commencing in January 2003, no less than 75% of the total revenues generated hereunder shall be dedicated to water and wastewater projects until all needs are met. Specifically, revenue shall be used to help fund the following projects:

- A. The Buckman and/or Alternate Rio Grande Water Diversion Projects;
- B. Development of New Wells and Redrilling of Existing Wells in the Buckman Area and in other parts of the County;
- C. Water and/or Wastewater Projects in La Cienega, Agua Fria, and Eldorado;
- D. Water and/or Wastewater Projects in the North County;
- E. Development of Return Flow, Water Recharge, and/or Aquifer Storage and Recovery Projects;
- F. Acquisition of new water supplies.

P.O. Box 460
Tesuque, NM 87574
March 12, 2002

2120565

SEC. CLERK RECORDING 08/17/2004

Santa Fe County Commissioners
Santa Fe, NM

Gentlemen:


It is the responsibility of the Santa Fe County Road Advisory Committee to monitor the conditions of roads maintained by the county. The picture that we see is not pretty. Throughout much of the county, gravel and dirt roads quickly redevelop washboard surfaces after grading, especially during warm, dry weather. In mid-summer the county road that serves my home develops two-inch deep corrugations less than eight hours after grading; and it continues to deteriorate until the next grading. No reasonable level of maintenance could keep this road in satisfactory condition. This road is not unique in the County. Miles of dirt and gravel roads, particularly in the southeastern region, become nearly impassable in wet weather. Under these conditions, maintenance becomes an emergency.

Many paved roads are also substandard. I have seen instances in which potholes on major paved county thoroughfares have had to wait a year for repair. Unfortunately, many of these roads are in such poor condition that only repaving will provide long lasting, durable surfaces.

Meanwhile vehicles continue to suffer damage that results directly from substandard county roads. Exhaust systems come loose; mufflers fall off. Suspension and steering mechanisms require expensive repairs. Dust chokes engine air intake filters, leading to reduced gasoline mileage; dust that bypasses filters induces increased engine wear.

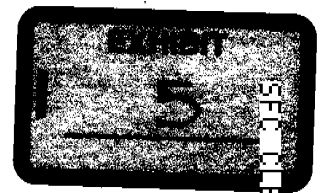
In short, Santa Fe County roads are in serious need of extensive upgrading. There are many tens of miles of dirt and gravel roads for which only paving will suffice. There are paved roads seriously in need of repair and/or rebuilding. I urge you to adjust priorities for funds to meet these County responsibilities.

Robert R. Horning


Chairman, Santa Fe County
Road Advisory Committee



SANTA FE COUNTY
CHAMBER OF COMMERCE



2120366

SHERIFF RECORDING 08/17/2004

March 12, 2002

Santa Fe County Commissioners
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Dear Commissioners:

Santa Fe County has proposed a ¼ % increase in gross receipts tax. This increase is dedicated to providing mid and long-term solutions to the city and county water needs through completion of the Buckman Diversion Project in cooperation with the city and Las Campanas, as well as through the securing of additional water rights to meet the needs of a growing region into the future.

Revenue generated by this tax increase will also be used for highway and other infrastructure improvements, as growth dictates, that will benefit both the city and the county.

The Santa Fe Chamber of Commerce supports the need for the ¼ % GRT increase requested by the county, contingent upon passage of an ordinance, prior to the election, specifying the above priorities, that will govern the county's usage of revenue derived from this increase.

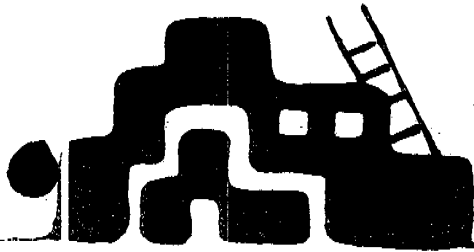
Sincerely,

Randy Randall
Chair of the Board

Jerry M. Easley
President and CEO

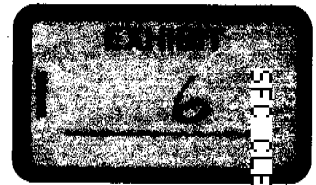
Phone: 505.988.3279
Fax: 505.984.2205

Post Office Box 1928
Santa Fe, New Mexico 87504
sfccoc@nm.net
www.santafechamber.com



*Santa Fe Area
Home Builders
Association*

2120567



1-877-982-1774 • (505) 982-1774 • FAX (505) 982-0238 • 411 St. Michael's Drive, #6A • Santa Fe, New Mexico 87505-76

SF-CLERK RECORDING 08/17/2004

March 11, 2002

*Santa Fe County Commissioners
102 Grant Avenue
Santa Fe, New Mexico 87504-0276*

Dear Commissioners:

The Santa Fe Home Builders Association supports the need for the one fourth of one percent (1/4 %) GRT increase in concept. We must see more specific project and priority use of the revenues derived from this increase with more than the majority of these revenues going to support WATER projects, improvements & water rights to meet the needs of a growing region into the future.

Sincerely,

*Kim Unger
President*

*Gary W. Ehlert
Executive Officer*



SIERRA
CLUB

FOUNDED 1892

Santa Fe Group - Rio Grande Chapter

621 Old Santa Fe Trail, Suite 10, Santa Fe, NM 87501 (505) 983-2703

223 N. Guadalupe #419
Santa Fe, NM 87501
March 12, 2002

2120568

Board of County Commissioners
Santa Fe, NM 87501

Sirs:

Thank you for the opportunity to comment on the ordinance detailing how the proposed gross receipts tax increase would be used if the voters support the tax on April 9.

A sustainable water supply is of utmost concern to both the 48% of the county residents living within the city and to the residents living in other areas of the county. Virtually none of the county has this security at present, and we are steadily drawing down our groundwater supply.

Because of the urgency of the need for supply to meet demand, the Santa Fe group of the Sierra Club recommends that 100% of this tax for the next 10 years go towards water delivery and treatment systems. This includes the first four points outlined in section 5 of the ordinance.

We object to any of the tax being spent on aquifer storage. There is considerable risk of pollution of our precious groundwater. One groundwater contamination problem is not immediately evident, but holds considerable risk. From an injection location, injected water will push against existing water. Any currently small, concentrated groundwater contaminants will then spread to larger areas. No means exists to identify these small areas of contamination unless contamination problems with existing wells are observed. The risk posed by malfunctioning injection treatment equipment, human inattention, or worse still, terrorism, is also considerable. Natural means exist to recharge the aquifer -- wetlands are a prime example. It is dangerous for the county to invest in an immature technology of aquifer injection.

We also wish to point out that obtaining return flow credit is a very long term, and legally uncertain solution. It is unlikely to occur in this decade.

Acquisition of water rights is clearly one of the needs for this tax, and must be clearly specified as a use for these monies.

I have submitted a copy of the proposed ordinance with the changes that we recommend noted.

Water planning for the entire region needs to be in collaboration with the City. It is very important that we all recognize that water is a finite resource. We recommend that the commissioners explore ways to make the best use of our water resources. Limiting growth to water availability is difficult politically. However, the existing residents and the existing economy must be paramount in your discussions. New development must be tied to available water.

Thank you for the opportunity to comment.

John R. Buchser, Water Issues Chair

SFC CLERK RECORDING 08/17/2004

Revisions
requested by Sierra Club

2120569

SFC CLERK RECORDING 08/17/2004

SANTA FE COUNTY ORDINANCE NO. 2002-__

**COUNTY CAPITAL OUTLAY
GROSS RECEIPTS TAX**

BE IT ORDAINED BY THE GOVERNING BODY OF
SANTA FE COUNTY:

Section 1. Imposition of Tax. There is imposed on any person engaging in business in Santa Fe County for the privilege of engaging in business in this County an excise tax equal to one-fourth of one percent (1/4%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this Ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "County Capital Outlay Gross Receipts Tax."

Section 2. General Provisions. This Ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. This Ordinance is subject to the requirements of the County Local Option Gross Receipts Tax Act.

Section 3. Specific Exemptions. No County Capital Outlay Gross Receipts Tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the county to another point outside the County; or
- B. direct broadcast satellite services.

Section 4. Dedication. Revenue from the County Capital Outlay Gross Receipts Tax will be used for the purposes listed as follows:

- 1) 75% of the revenue will be used for the purposes of:
acquisition of water rights,
acquisition, construction or improvement of water, wastewater or solid waste systems or facilities and related facilities, including water or sewer lines and storm sewers and other drainage improvements;

acquisition of land for open space, public parks or public recreational facilities and the design, acquisition, construction, improvement or equipping of parks and recreational facilities; and
construction, reconstruction or improvement of roads, streets or bridges, including acquisition of rights of way.

move

25% of the revenue will be used for any of the following purposes:

any of the purposes set forth in Section 4.A., above; and/or
any of the other purposes allowed by law and as set forth in NMSA §7-20E-21 (2001), as it now exists or as it may be amended.

Revisions

requested by Sierra Club

2120570

SFC CLERK RECORDING 08/17/2004

^{100%}
^{ten}
Section 5. Specific Projects and Expenditures. Expenditure of revenue generated hereunder shall be used for projects in Santa Fe County both within and outside the incorporated boundaries of the City of Santa Fe. During the first ~~five~~ years that revenues are collected hereunder, commencing in January 2003, no less than ~~75%~~ of the revenues generated hereunder shall be dedicated to water and wastewater projects. Specifically, revenue generated during such five year period shall be used to help fund the following projects:

The Buckman and/or Alternate Rio Grande Water Diversion Projects;

Development of New Wells and Redrilling of Existing Wells in the Buckman Area and in other parts of the County;

Water and/or Wastewater Projects in La Cienega, Agua Fria, and Eldorado;

Water and/or Wastewater Projects in the North County;

Development of Return Flow, Water Recharge, and/or ~~Aquifer Storage and Recovery Projects;~~

~~The Santa Fe River Trail Project;~~

~~The Santa Fe Rail Trail Project;~~

~~Improvement of Existing COLTPAC Open Space Projects Including Signage, Fencing, Erosion Control, Improvements to Trails and Trailheads, and Parking and Public Facilities as Appropriate; and~~

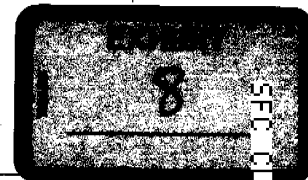
~~Rail Park Improvements Including Landscaping, Trails, Play Areas, and Protection of the Acequia Madre.~~

Section 6. Public Review and Audit. All expenditures under this Ordinance shall be subject to an annual independent audit. In addition, the County shall establish a public review process for making recommendations to the Board of County Commissioners concerning expenditures hereunder. This process shall require review of specific proposed projects by a committee appointed by the Board of County Commissioners and comprised of citizens from within the City of Santa Fe and from within the unincorporated area of Santa Fe County and, as appropriate, citizens from the City of Espanola and the Town of Edgewood. By example, the Roads Advisory Committee may review road projects, and COLTPAC may review open space and park projects. A committee comprised of County and City of Santa Fe officials and citizens will review any proposed projects will review any major project proposals that impact both the City of Santa Fe and the County.

Section 7. Effective Date. The effective date of the County Capital Outlay Gross Receipts Tax shall be either January 1, 2003, this date being the first imposition date allowed by law occurring after the expiration of three months from the date when the results of the election are certified to be in favor of the Ordinance's adoption and the adopted Ordinance is delivered or mailed to the Taxation and Revenue Department. The election date is April 9, 2002.

ADOPTED BY THE GOVERNING BODY OF SANTA FE COUNTY THIS 19th DAY OF MARCH 2002, TO BECOME EFFECTIVE THE 19th DAY OF APRIL, 2002, PROVIDED THAT THE GROSS RECEIPTS TAX IS APPROVED IN THE ELECTION ON APRIL 9, 2002.

**BOARD OF COUNTY COMMISSIONERS
SANTA FE COUNTY, NEW MEXICO**



Suggested Addition to the Proposed Amendments of the Community Planning Ordinance

Insert a new section and renumber subsequent sections:

2120571

1.2 Applicability:

This Ordinance shall apply to all community plans that have not been approved by the Board of County Commissioners as of the effective date of this Ordinance.

For all community plans that have been authorized, but have not yet been approved by the Board of County Commissioners, the Board may exempt a plan from individual, discreet requirements of this Ordinance where compliance with such requirements would:

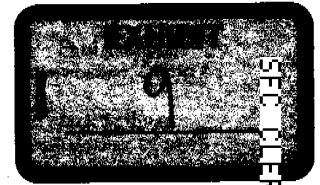
1. substantially conflict with work already completed, or;
2. add a significant amount of work to plans already substantially completed.

SFC CLERK RECORDING 08/17/2004

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Miguel M. Gonzales
Commissioner, District 3



Estevan R. Lopez
County Manager

Memorandum

To: Board of County Commissioners
From: Judy McGowan, Senior Planner *jm*
CC: Jack Kolkmeier, Planning Division Director
Roman Abeyta, Land Use Administrator
Date: 3/12/2002
Re: CDRC DASE # Z 01-5550 Eldorado Animal Clinic

At their February 18, 2002 meeting, the Planning Committee for the U.S. 285 South Highway Corridor requested that Planning Staff convey to the Board their concerns about the CDRC condition of approval that would require a perimeter fence around the property of the Eldorado Animal Clinic.

In the draft of the 285 South Highway Corridor Plan, the committee has specified that open style fencing consistent with the historic ranch style of the area be incorporated into the design standards for the Corridor. This would allow privacy walls that conform to the various covenants in force for properties in the Corridor, but would prohibit solid walls or fences along the perimeter of properties. Open style fencing, such as split rail or wire on posts, would be allowed on perimeter property lines.

2120573

US Highway 285 South Coalition
7 Avenida Vista Grande B7-176
Santa Fe, NM 87508-9919

February 21, 2002


Re: March 12, 2002, BCC Agenda Item: Expansion of Eldorado Animal Clinic

Dear Board of County Commissioners:

At the January 18, 2002 meeting of the US Highway South Coalition, Murt Byrne presented a plan for the expansion of the Eldorado Animal Clinic located northeast of the intersection of US Highway 285 South and Alma Drive. Delegates from subdivisions throughout the area including the adjacent subdivision of Cimarron were present. The presentation was well received and no objections or concerns were expressed. This is a well respected business in the community and it was generally understood that the proposed plan was in compliance with the planning efforts of the Corridor planning underway in terms of design standards.

The Coalition was surprised to learn that a resident of the Cimarron subdivision who had no objections at the presentation to the Coalition spoke against the proposed plan at the CDRC hearing and the CDRC subsequently imposed condition #10 requiring the installation of fencing on all sides of the property. At a February 20, 2002 meeting the Coalition unanimously voted to oppose this condition. The Animal Clinic was constructed in 1992 at a time when access to residential development was planned to be off of a road further east and not share access with the offices and clinic on Chamisa Drive North. The fencing condition places an unreasonable burden on the owner, is unwarranted and not in keeping with the original design of the commercial development for this area.

Respectfully,



RoseMarie Bagioni
Coalition Co-Chair

2120574

JAMES W. SIEBERT & ASSOCIATES, INC.
Planning Consultant
915 Mercer Street
Santa Fe, NM 87505

PHONE: (505) 983-5588 FAX: (505) 989-7313
jwsiebert@aol.com

TO: Wayne Dalton
Santa Fe County

LETTER OF TRANSMITTAL

DATE: March 7, 2002 JOB NAME: Eldorado Animal Clinic
REF: Petition of Support (15 pages)

QUANTITY

WE ARE ENCLOSING:	SHEETS	SETS	FOR:
<input type="checkbox"/> PRINTS	_____	_____	YOUR USE _____
<input type="checkbox"/> PLANS	_____	_____	YOUR APPROVAL _____
<input type="checkbox"/> DRAWINGS	_____	_____	YOUR RECORDS-FILES <input checked="" type="checkbox"/>
<input type="checkbox"/> REPORTS	_____	_____	REVIEW & COMMENT _____
<input type="checkbox"/> LETTER	_____	_____	AS PER YOUR REQUEST _____
<input checked="" type="checkbox"/> PETITION	<u>15</u>	_____	REV. & CORRECTIONS _____
			BIDS DUE: _____

NOTE: _____

COPY TO: _____ SIGNED: [Signature]

2120575

SFC CLERK RECORDING 08/17/2004

We, the undersigned, support the efforts of Dr. Byrne and the Eldorado Animal Clinic in its effort to expand the clinic and add a small indoor boarding kennel. The growth of Eldorado and the surrounding communities has resulted in the Eldorado Animal Clinic outgrowing its present facility, and a veterinarian-staffed kennel is desirable to many of the residents.

Name	Address	Phone
1. <u>Sue Anne Grahert</u>	<u>40 Monterey Rd</u>	<u>466-7948</u>
2. <u>Estu Roll</u>	<u>1 Rey de Reyes</u>	<u>466-2827</u>
3. <u>Christina Rotted</u>	<u>13 ESCUVA RD</u>	<u>466-3647</u>
4. <u>Dennis Kensil</u>	<u>635 CAMINITO DEL SOL</u>	<u>983-3293</u>
5. <u>Ann Moore</u>	<u>18 DULCE RD.</u>	<u>466-4858</u>
6. <u>Nauf. Zaminian</u>	<u>#9 Bonito Ct.</u>	<u>466-2397</u>
7. <u>Linda Rudenon</u>	<u>#8 Bonito Rd.</u>	<u>466-6928</u>
8. <u>Phil G. Bacc.</u>	<u>1117 VUELTA LAS ACEQUIAS</u>	<u>438-9345</u>
9. <u>Valerie S. Jones</u>	<u>14 Mission Rd</u>	<u>466-2032</u>
10. <u>Lou Ellen Crawford</u>	<u>13 Cam. Potrillo</u>	<u>466-7319</u>
11. <u>Kathleen M Jackson</u>	<u>49 Apache Plume Drive</u>	<u>982-2230</u>
12. <u>[Signature]</u>	<u>49 Apache Plume Dr.</u>	<u>982-2230</u>

2120576

SFC CLERK RECORDING 08/17/2004

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Name	Address	Phone
1. <u>DEANNE MCFANN</u>	<u>28 CUESTA RD</u>	<u>466-1511</u>
2. <u>Anna Foster</u>	<u>32 Moya Lp</u>	<u>466-1683</u>
3. <u>Betsy Pierce</u>	<u>95 Moya Rd.</u>	<u>466-2940</u>
4. <u>Alvonne Norman Carey</u>	<u>6 Demora Rd.</u>	<u>466-3903</u>
5. <u>KEN GILES</u>	<u>2 ESQUINA RD</u>	<u>466-4024</u>
6. <u>Kate Orthoff</u>	<u>13 Davela Rd.</u>	<u>466-1490</u>
7. <u>KERSTIN GUSTZEMAN</u>	<u>109 Calle Pacomita</u>	<u>988-4303</u>
8. <u>KENYA ORTEGA</u>	<u>32 JALISCO RD</u>	<u>466-3969</u>
9. <u>STEVEN CARY</u>	<u>11 PAN DE VIDA</u>	<u>466-6360</u>
10. <u>Patricia Morris</u>	<u>25 Encantado Loop</u>	<u>466-4664</u>
11. <u>Ulin Baugh</u>	<u>12 monte alto Pl</u>	<u>466-447</u>
12. <u>Judy Winnegar</u>	<u>6 Nido Lane</u>	<u>466-6563</u>

We, the undersigned, support the efforts of Dr. Byrne and the Eldorado Animal Clinic in its effort to expand the clinic and add a small indoor boarding kennel. The growth of Eldorado and the surrounding communities has resulted in the Eldorado Animal Clinic outgrowing its present facility, and a veterinarian-staffed kennel is desirable to many of the residents.

Name	Address	Phone
1. <u>DAVID & ELLEN SUGARMAN</u>	<u>69 CONDESA RD</u>	<u>505 466-3535</u>
2. <u>DeeAnne Wagner</u>	<u>817 BISHOP LAMMY RD</u>	<u>466-7200</u>
3. <u>Lara Updr</u>	<u>4224 Hooley Wolf Ln</u>	<u>466-7586</u>
4. <u>DIANE KENNEDY</u>	<u>15 Q UEDO RD</u>	<u>466-3037</u>
5. <u>Janise Koscielniak</u>	<u>46 Encantado Rd</u>	<u>690-9880</u>
6. <u>Miko Koscielniak</u>	<u>46 Encantado Rd</u>	<u>690-9880</u>
7. <u>Margaret Glase</u>	<u>59 Apache Ridge</u>	<u>466-3031</u>
8. <u>Janet Dougherty</u>	<u>34 Moya Loop</u>	<u>466-8918</u>
9. <u>Dennis Clay</u>	<u>75 Condesa Rd</u>	<u>466-4209</u>
10. <u>Kimberly A Scott Clay</u>	<u>75 Condesa Rd</u>	<u>466-4209</u>
11. <u>Lynn Snyder</u>	<u>30 Lucero Rd</u>	<u>466-8330</u>
12. <u>Jane Snyder</u>	<u>30 Lucero Rd</u>	<u>466-8330</u>

2120578

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Name	Address	Phone
1. <u>Judy Corbin</u>	<u>8 Descanso Rd</u> <u>Santa Fe, NM</u>	<u>466-4605</u>
2. <u>MARY STELLY</u>	<u>127 Camino Arco</u>	<u>466-3115</u>
3. _____	_____	_____
4. <u>Janet & Earl Betts</u>	<u>Red Cloud Ranch</u> <u>LAS VEGAS NM</u>	<u>425-1199</u>
5. <u>BARB JACKSON</u>	<u>6 JORNADA CT</u> <u>SANTA FE</u>	<u>466-4476</u>
6. <u>Annunzio Pasuzzi</u>	<u>107 Camino Cabo</u>	<u>466-2668</u>
7. <u>Annie DePaucke</u>	<u>7 Bluebell Ct</u> <u>12 87508</u>	<u>466-6457</u>
8. <u>Louann Sutherland</u>	<u>4636 Highway 41 Galisteo</u> <u>87540</u>	<u>466-4440</u>
9. <u>Eivy Porting</u>	<u>5 Isidro Rd.</u> <u>Santa Fe NM</u>	<u>466-4278</u>
10. <u>Sharon Pullen</u>	<u>4 Verano Ln</u>	<u>466-3885</u>
11. <u>Traci L. Hakim</u>	<u>13 Bonito Rd</u>	<u>466-4208</u>
12. <u>WARREN WATSON</u>	<u>E MOYA PLACE</u>	<u>466-8766</u>

2120579

SFC CLERK RECORDING 08/17/2004

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Name	Address	Phone
1. <u>Sandy Wallace</u>	<u>4 Monte Alto Lane</u>	<u>466-1230</u>
2. <u>Marilyn Sepler</u>	<u>3 Louches Loop</u>	<u>466-0717</u>
3. <u>Cathy Gordon</u>	<u>26 Apache Creek</u>	<u>466-2825</u>
4. <u>Ray Lyon</u>	<u>11 Jornada Loop</u>	<u>466-1750</u>
5. <u>Pat Mott</u>	<u>#7 Camino de Ventid</u>	<u>466-0451</u>
6. <u>Gerald Alifano</u>	<u>53 Avenida Las Nubes, S.F.</u>	<u>466-2720</u>
7. <u>J.F. Stampfer</u>	<u>7 Monte Alto Lane</u>	<u>466-3921</u>
8. <u>John Kohn</u>	<u>53 Vespero Loop 87508</u>	<u>466-3321</u>
9. <u>Bill Waldman</u>	<u>12 Immanuel 87508</u>	<u>466-7211</u>
10. <u>Charla Hawk-Lowenstein</u>	<u>28 Estambre Rd 87508</u>	<u>466-1540</u>
11. <u>Kim Richey</u>	<u></u>	<u>466-7522</u>
12. <u>Sophie Moyer</u>	<u>1556 Wilderness 6cJe</u>	<u>983-4164</u>

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Name	Address	Phone
1. <u>Inez Thomas</u>	<u>40 Likely Rd SF</u>	<u>474-0428</u>
2. <u>Christine Lawrence</u>	<u>33 Panderida St</u>	<u>466-4186</u>
3. <u>Ted & Lori Palmer</u>	<u>4 Herrada Way</u>	<u>466-3555</u>
4. <u>Pat Brown</u>	<u>45 Camino Cabo</u>	<u>466-0425</u>
5. <u>Mae [Signature]</u>	<u>53 Estancia Rd</u>	<u>466-4461</u>
6. <u>STEFANIE KYSER</u>	<u>28 MONTE ALTO RD</u>	<u>466-4555</u>
7. <u>Kathleen Russell</u>	<u>11075 Box 55 Galisteo</u>	<u>466-0661</u>
8. <u>KRISHIE KARSAN</u>	<u>36 Lime K'n Rd.</u>	<u>466-1103</u>
9. <u>Dana Slifer</u>	<u>7 Sandia Ln. SF</u>	<u>466-8703</u>
10. <u>Blayne Bardo</u>	<u>21 VERANO LOOP</u>	<u>466-4611</u>
11. <u>Michelle Le Newk</u>	<u>13 Rancho de Bosque S.</u>	<u>466-2606</u>
12. <u>Nancy Palmer</u>	<u>9 Encantado Loop</u>	<u>466-4870</u>

2120581

We, the undersigned, support the efforts of Dr. Byrne and the Eldorado Animal Clinic in its effort to expand the clinic and add a small indoor boarding kennel. The growth of Eldorado and the surrounding communities has resulted in the Eldorado Animal Clinic outgrowing its present facility, and a veterinarian-staffed kennel is desirable to many of the residents.

Name	Address	Phone
1. <u>Deborah Kelley</u>	<u>HC Box 75</u>	<u>466-1558</u>
2. <u>Charles A. Engle</u>	<u>P.O. Box 4434</u>	<u>424-3615</u>
3. <u>Brenden Engle</u>	<u>PO BOX 4434</u>	<u>424-3615</u>
4. <u>Maurice Zeck</u>	<u>46 AVENTURA</u>	<u>466-0852</u>
5. <u>Deidre Stratton</u>	<u>49 Zeno Rd</u>	<u>832-0897</u>
6. <u>Oliver Campbell</u>	<u>5 Cerrado Ct.</u>	<u>466-1080</u>
7. <u>Paul W. Smith</u>	<u>1 Sombra Ct.</u>	<u>466-7177</u>
8. <u>Georgia Weiskaupt</u>	<u>5 Verano Ln.</u>	<u>466-9789</u>
9. <u>Spink K. Anderson</u>	<u>8 Bonito Rd.</u>	<u>466-6928</u>
10. <u>Reguelina Garcia</u>	<u>20 Grego Rd.</u>	<u>466-9779</u>
11. <u>CES</u>	<u>13. Davela Rd</u>	<u>466-6490</u>
12. <u>[Signature]</u>	<u>2 Fox Lane Court</u>	<u>466-6967</u>

2120582

SFC CLERK RECORDING 08/17/2004

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Name	Address	Phone
1. <u>Sally Rynott</u>	<u>3 Camino Custodio</u>	<u>466-3667</u>
2. <u>Cynthia M. Leonard</u>	<u>3 Camino Custodio</u>	<u>466-3667</u>
3. <u>J. B. Bartlett</u>	<u>8 Camino de Verdad</u>	<u>466-4596</u>
4. <u>Joseph Raggio</u>	<u>3 Domingo Pl</u>	<u>466-1453</u>
5. <u>Elsie Raggio</u>	<u>3 Domingo Pl</u>	<u>466-1453</u>
6. <u>Linda Hill</u>	<u>Box 98 H.C. 75 Galisteo</u>	<u>466-4658</u>
7. <u>Katherine A. Delp</u>	<u>400 Cortez Pl. S.F. 87501</u>	<u>988-7669</u>
8. <u>Kathryn Abraham</u>	<u>5 Cuesta Ln</u>	<u>466-0582</u>
9. <u>Julie Holland</u>	<u>19 Mimosa Rd</u>	<u>466-4540</u>
10. <u>Jancia G. Jarama</u>	<u>8 VISTA GRANDE CIRCLE</u>	<u>466-0462</u>
11. <u>Kevin Sloan</u>	<u>118 Principe de Paz</u>	<u>466-2179</u>
12. <u>Lisa Moroz</u>	<u>6 Ortiz Lane</u>	<u>466-9856</u>

2120583

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Name	Address	Phone
1. <u>CHEMIL SHEPPARD</u>	<u>17 PECADO RD SFNM</u> 87508	<u>992-0052</u>
2. <u>Lynn + Mark Glaze</u>	<u>17 Chamisa Dr. South</u> S.F. N.M 87508	<u>466-3250</u>
3. <u>Lori Lumbert</u>	<u>7 Ave Vista Grande</u> #141 87508	<u>466-1584</u>
4. <u>Jeff Harnar</u>	<u>227 E Palace W1</u> 87501	<u>988-5019</u>
5. <u>Roni Rohr</u>	<u>13 Lucero Rd/87508</u>	<u>466 4316</u>
6. <u>Marilyn Lakowe</u>	<u>20 Agua Verde</u>	<u>466-1864</u>
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____

2120584

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Name	Address	Phone
1. <u>Billy VALENZUELA</u>	<u>2 LOBO LANE 87808</u>	<u>466-0606</u>
2. <u>Jennifer Browne</u>	<u>3 Ensenada Dr. SF</u> 87508	<u>466-4056</u>
3. <u>BETSY GITS</u>	<u>5 BALSACT. SF</u> ⁸⁷⁵⁰⁸	<u>466-8803</u>
4. <u>Ann Cooper</u>	<u>2911 Viaje Pavo Red SF</u> ⁸⁷⁵⁰⁵	<u>424-8990</u>
5. <u>Julie Tassel</u>	<u>3 Windstone</u>	<u>438-9766</u>
6. <u>Shenoa Leefeldt</u>	<u>36 Moya Loop</u> ⁸⁷⁵⁰⁸	<u>466-3792</u>
7. <u>Lisa Vesper</u>	<u>6 Moya Place</u> 87505	<u>466-2736</u>
8. <u>Bev Hughes</u>	<u>4 casa del oro way</u>	<u>466-0054</u>
9. <u>Nancy BD</u>	<u>17 Chusco Rd</u>	<u>474-4541</u>
10. <u>Tracy Mitchell</u>	<u>7 Altura Rd</u>	<u>466-1380</u>
11. <u>Janice Pruitt</u>	<u>11075 POY 104</u> ⁸⁷⁵⁴⁰	<u>466-1123</u>
12. <u>Mary Algama</u>	<u>8 Aventura Rd.</u>	<u>466-4310</u>

2120585

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Name	Address	Phone
1. VICTORIANO STON	Le Cerrado Dr	466-3045
2. YVONNE M. PIPKIN	7 RECAÑO ROAD	466-4241
3. LACY EAGE	90 AVENIDA DE AMISTAD	466-2542
4. LUCE SALAS	9 Tarro Rd	466-2751
5. J. Patrick Alarid	1 Encantado Court	466-2027
6. Lette Moloney	904 Old Las Vegas Hwy.	466-1094
7. GATHY PILNICK	13 El Capitanki Kami ⁸⁷⁵⁷⁰	466-1598
8. ANNY WEINSTEIN	12 BUEN PASTOR	466-6223
9. ARMED MARDEN	60 Encantado Loop	466-1226
10. D. Brittenham	33B Paseo del Pinar	983-5445
11. DIANE MCCARTHY	17 CERRADO LP	466-9601
12. _____	_____	_____

2120586

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Name	Address	Phone
1. <u>Julie Anne Overton</u>	<u>3 Bonito Rd</u>	<u>466-8800</u>
2. <u>Bob Nelson</u>	<u>515 SUNDIA ST</u>	<u>986-1148</u>
3. <u>Tom Harker</u>	<u>Eliego Place</u>	<u>466-3223</u>
4. <u>DMB</u> JE NEWMAN	<u>SCAGUAC</u>	<u>466-6748</u>
5. <u>[Signature]</u>	<u>SHERIDAN TERRACE</u>	<u>466-6162</u>
6. <u>Barbara Weintraub</u>	<u>20 Estambre Rd</u>	<u>466-9462</u>
7. <u>WIM LIGHTNER</u>	<u>7 MONTE ALTO CIRCLE</u>	<u>466 6076</u>
8. <u>HOWARD SHERMAN</u>	<u>23 Citruso Rd</u>	<u>466-4423</u>
9. <u>Debra Howlberg</u>	<u>30 Juerga Rd</u>	<u>466-3992</u>
10. <u>SUSAN MORRIS</u>	<u>67A Camby Rd 33, LAMY</u>	<u>466-2969</u>
11. <u>YVETTE LUJAN</u>	<u>816B OLD LAS VEGAS HWY</u>	<u>466-7690</u>
12. <u>TERRY LAWRENCE</u>	<u>116 VERANO LOOP</u>	<u>466-6344</u>

2120587

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Name	Address	Phone
1. <u>LYNN OLMBL</u>	<u>70 MONTE ADO</u> <u>SF, NM 87508</u>	<u>466-1427</u>
2. <u>Kim Spencer</u>	<u>13 Bonito Ct.</u> <u>SF, NM 87508</u>	<u>466-1917</u>
3. <u>John Benjamin</u>	<u>5 Via La Paeste</u> <u>Cealisco 82540</u>	<u>466-2111</u>
4. <u>J. D. [Signature]</u>	<u>3 Western Overlook</u> <u>Santa Fe, NM 87540</u>	<u>466-1241</u>
5. <u>Bryan Krumm</u>	<u>2905 Camino Del Bosque</u> <u>Santa Fe</u>	<u>473-3189</u>
6. <u>Emily Ann Haughey</u>	<u>853 CR 42 Lamy</u>	<u>466-1081</u>
7. <u>Payetta Colby</u>	<u>97 Maya Rd</u>	<u>466-1843</u>
8. <u>Jim Campbell</u>	<u>5 Conchas Ct</u>	<u>466-2527</u>
9. <u>Kay Swan</u>	<u>1 Abanico Rd.</u>	<u>986-1291</u>
10. <u>F. O. [Signature]</u>	<u>P.O. Box 7do Tenque</u>	<u>954-4665</u>
11. <u>Alice Phillips</u>	<u>2807 Plaza Rojo Ste</u>	<u>471-7197</u>
12. <u>Patricia Underwood</u>	<u>4 Verano Loop</u> <u>SF, NM</u> <u>87508</u>	<u>466-7625</u>

2120588

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Name	Address	Phone
1. <u>Margaret Sheasley</u>	<u>P.O. Box 77, Glorieta, 87535</u>	<u>757-3331</u>
2. <u>James H. Freeman</u>	<u>29 Camacha Rd. ⁸⁷⁵⁰⁸</u>	<u>466-3171</u>
3. <u>LISA SZIKLAS</u>	<u>14 CRESTA PEQUENO ⁸⁷⁵⁰⁵</u>	<u>466-0711</u>
4. <u>Walter Paul</u>	<u>5 Sombra Ct</u>	<u>466-7320</u>
5. <u>Nic Smith</u>	<u>63 CAMINO CASO</u>	<u>466-4895</u>
6. <u>Carla Hall</u>	<u>HC 75 Box 16, Galisteo</u>	<u>466-3375</u>
7. <u>George Gitzend</u>	<u>5 Herrada Ct, SF</u>	<u>466-0514</u>
8. <u>Lea Hansen</u>	<u>8 Antigua Ct</u>	<u>466-8815</u>
9. <u>Jennifer Alexander</u>	<u>RC 1 Box 419, Glorieta</u>	<u>757-2454</u>
10. <u>DAVE WILLIAMS</u>	<u>P.O. Box 702 ^{Los Alamos}</u>	<u>662-2443</u>
11. <u>Rebecca Jeffs</u>	<u>13 ENCHANTADO Loop ^{SF, 87508}</u>	<u>466-8208</u>
12. <u>Sandra Costick</u>	<u>34 Estrella ⁸⁷⁵⁰⁸</u>	<u>466-1376</u>

2120589

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Name	Address	Phone
1. <u>Carole Smith</u>	<u>69 Camino Valle</u>	<u>466-6675</u>
2. <u>Lisa Wilkes</u>	<u>55 Encantado Rd.</u>	<u>466-2844</u>
3. <u>Nancy Adams</u>	<u>2 Manzano Ln</u>	<u>466-7091</u>
4. <u>Leslie R. Gores</u>	<u>49 Dashed Rd</u>	<u>757-8752</u>
5. <u>Janet O'Neal</u>	<u>4 Cuesta Rd</u>	<u>466-4251</u>
6. <u>Wesleyfeldt</u>	<u>36 MOYA LP</u>	<u>466-3792</u>
7. <u>DAVE LEIFELDT</u>	<u>36 MOYA CT.</u>	<u>466-3792</u>
8. <u>Mary Raldin</u>	<u>8 MOYA LOOP</u>	<u>466-6767</u>
9. <u>Kelly Vanderpool</u>	<u>3 Bluebell Court</u>	<u>466-1581</u>
10. <u>Glean Vanderpool</u>	<u>3 Bluebell Ct</u>	<u>466-1581</u>
11. <u>Eileen King</u>	<u>22 RANCHOS CANONCITO</u>	<u>466-1552</u>
12. <u>Dorise Zerdai</u>	<u>7567 Kachina Way</u>	<u>478-8861</u>



Estevan Lopez
County Court House
102 Grant Avenue
Santa Fe, NM 87501

March 12, 2002

2120590

Re: **OPPOSITION** to the construction of a kennel in the residential area
of Cimarron

Ladies and Gentlemen:

I live at 46 Chaparral Drive, approximately 1 1/2 blocks from the Eldorado Animal Clinic. I have been informed through neighbors – not by any notice from the Animal Clinic – that they wish approval for the construction of a kennel!

I am absolutely **OPPOSED** to a kennel being built in my residential area!

- 1) I do not want the **noise pollution** created by dogs held together in a group. Their noise would create even further noise from the many dogs that are owned by residents.
- 2) This **unacceptable noise** would undoubtedly occur more at NIGHT. I do not want the peace of my neighborhood disturbed on a regular basis, day or night.
- 3) Even if a contact person were available 24 hrs. a day, I do not want to wake in the middle of the night and call them to quiet the dogs. Dogs in a kennel could hardly be quieted upon command.
- 4) The presence of a kennel **reduces the property value** of my home. Who would choose to live next to a kennel?

Isn't there a law in place against **noise-polluting businesses** in residential areas? This is not to be compared to the construction of a professional center with dentists and medical doctors.

The fact that I found this out by chance is very disturbing. Doesn't the Eldorado Animal Clinic by law have to notify me of this proposed construction? I've been told the FINAL approval is today. Shouldn't I have received official notice? This affects me and my neighborhood, but the Animal Clinic has not notified me.

Please **protect my rights** as a citizen who thought they chose to live in a residential area, which implies to me, peace and quiet.

Sincerely,

Joyce Robins
46 Chaparral Drive
Santa Fe, NM 87508

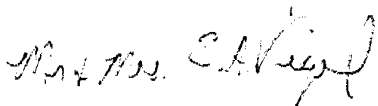
TO: Roman Abeyta
Land Use Administrator

Subject: CDRC CASE #A/V 01-5610

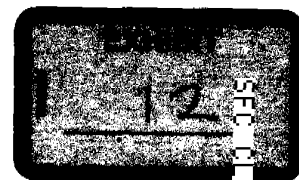
Date: January 25, 2002

With regards to the above case, we wish to submit an objection to the land division proposed by Bryan and Karen George. We feel the minimum acreage as set by the County in the Land Development Code is reasonable and to allow smaller lots would permit additional wells to be drilled thus taxing the existing water available.

Thank you,



Mr. And Mrs. Eloy A. Vigil
#30 San Marcos Rd. East



2120591

REC'D CLERK RECORDING 08/17/2004

Copy of letter Mailed 1-25-02

January 25, 2002

Wayne Dayton
Mr. Estevan Lopez

Land Use Administrator
Land Use Department
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87505

2120592

Re: AV 01-5610, Brian George Request to Subdivide Property

Dear Mr. Lopez:

We are property owners in the San Marcos Pueblo Ranches Subdivision Unit 1, which is located within the San Marcos Pueblo Grant Sections 1, 2 and 12, T 14 N, R 8 E, Santa Fe County. It has come to our attention that one of our neighbors has a request with your department to subdivide their property through a family land transfer.

We are strongly opposed to this proposed land transfer and subdivision of the lot into three parcels. We believe that allowing this division of property to happen will have a significant impact on the environment. The possibility of allowing two or more additional residences on this parcel of land will impact the water in the area through the possible addition of two more water wells in an area that has shallow water depths. Also, the environment will be further impacted by the addition of septic systems for these additional residences.

Our subdivision has covenants in place that specify that no more than one single family residences is allowed on any lot and that the lots are not to be subdivide from what is shown in the plat filed for record in the Office of the County in Plat book 9, page 104 as document No. 261,363. The San Marcos Pueblo Ranches Subdivision has not been fully built out; therefore, there are currently lots available to build upon if that is a reason for the family land transfer request. Furthermore, since there are currently several vacant lots by allowing one property owner to split their lot through a family land transfer, the county opens the door for several of the other lots within this area to be subdivide as well. Many property owners purchased land and built homes in this subdivision because of the covenants and the large lots in this area. If the county allows this request to subdivide, AV 015610, we believe the county will be destroying one of the qualities of our subdivision.

We strongly encourage the County Land Use Department to respect the covenants that are in effect for this subdivision and consider the remainder of the resident property owners within the subdivision by **denying** this request, **AV015610**, to subdivide for a family land transfer at the January 31, 2002 meeting.

Sincerely,

Anthony J. Haas

Tamara P. Haas

OVER

SFC CLERK RECORDING 08/17/2004

2120593

To : The County Land use Adm

Regarding: The Family Land Transfer of
Brian + Karen George
Case # A/B 01-5610

I would like to object to any division of
land beyond the 10 + 12 acre allowed
for the following reasons

- ① The impact on ground water in this area
- ② The impact of septic tanks + leach fields on the water in this area
- ③ By allowing this land transfer it opens the door for other divisions of land in this area
- ④ The land in this area was not designed for this much impact! allowing too many houses on too little land. The open space in this area is there for a reason. The land can't take this kind of development.
- ⑤ Brian + Karen George live in a legal subdivision that has covenances that don't allow any lot splits for any reasons with 1 family residence per lot.

Thank you for your time

Chad Powell

471-0457

#

45 Pueblo Road

SF Mill

87509

212059^A

SFC CLERK RECORDING 08/17/2004

P.S.

IF more people knew about this
I'm sure more people would
object

There is no place to park
+ READ the yellow application
posted on Hwy # 14



SFC DEERK RECORDING 08/17/2004

MEMORANDUM

TO: Wayne Dalton, Development Review Specialist II
FROM: Katherine Yuhas, County Hydrologist *KY*
DATE: March 12, 2002
RE: CDRC CASE A/V 01-5610 Bryan and Karen George Variance Appeal

2120594

The applicant's property is located in the same general area with the same variability of hydrogeologic conditions as John Paul Garcia's property. As was presented at the Board of County Commissioners meeting on February 12, 2002 this area has problems with decreasing well yield, a declining water table and wells going dry. It would not be prudent to grant a variance in this area given the information that is available to us.